

ST ANTONY'S INTERNATIONAL REVIEW

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LETTER FROM OUR MANAGING EDITOR

Oxford, March 2021

Dear Reader,

Thank you for picking up this issue of *St Antony's International Review*. Throughout this edition of our journal, we explore a theme which gains newfound relevance time and again. As novel challenges continue to arise in our ever-changing world, the salience of protests and social movements serve to remind us that society is not simply what we make of it—it is what we make it. The articles, interviews, and book reviews in these pages serve to remind us, moreover, of what a truly global endeavour it is to shape the future. As you read the compelling research of our brilliant article contributors, reflect on the experiences shared by our interviewees, and dive into a fascinating collection of book reviews which question existing global orders through a variety of disciplinary and geographic lenses, it is clear that no effort to affect change is isolated. The work of progress serves to connect us all through a common drive to push for a brighter and freer future, regardless of the specific realities which dictate our methods and goals.

I am certain that you will enjoy each article and review, regardless of your particular research interests or areas of study. Reading through each piece as we prepared for publication, I was blown away by the passion, rigour, and dedication to scholarly progress that underscored each contribution to this issue. It has been a pleasure to work with each of our authors in bringing their work to publication.

The respective introductions for Theme Section, General Section, and Book Reviews brilliantly lay out the importance and diversity of the pieces published therein. I figure it is best to not step on the toes of our tireless Editors by rehashing their own polished and thoughtful introductions—what good would that do? What I would like to do with the remainder of my space, instead, is to pause and reflect on the unprecedented year that had brought us all to the publication of this issue.

As 16.2 went to print, we passed the one-year anniversary of first lockdowns and initial panics. We have all, by necessity, adapted to a new 'normal' over the course of the past year. Yet each of us is likely still plagued by the worry and doubt that accompanies living in perpetual uncertainty. The world of academia has suffered uniquely. With libraries shuttered and lively seminar sessions moved to a more muted digital format, with fieldwork plans cancelled and exam schedules upended, contributors, editors, and reviewers alike are feeling myriad unique strains for which we could not have been prepared. I was lucky enough to be able to meet each member of STAIR's Editorial Board face-to-face in early Michaelmas Term, but often think of how many members have never met each other. It saddens me that we weren't able to gather together and celebrate the holiday season at a local pub, or applaud our

hard work at a 16.2 issue launch event this past month. And, frankly, chairing weekly Board meetings via Microsoft Teams is not half as enjoyable as eating dinner in hall together before settling down at a conference table on a Monday evening to discuss respective sections' progress updates.

Despite all the lapsed internet connections, 'Oops, you're muted!' moments, and the varied time zones which we have collectively juggled this past year, I could not be more grateful for each and every member of the Board who has worked overtime to make this a wonderful year and an even better team. You have all put in so much effort. Yes, into the journal by handling its multitudinous tasks with grace and efficiency. But, more importantly, into shaking off the discomfort of Covid-era connections. Through the stories you share and the jokes you tell, alongside the positivity with which you approach each meeting and task, you have made me feel so proud to work with you. Thank you for all that you do, and all that you are.

To conclude, I would like to briefly return to the theme of this issue, which I believe aligns well with the current circumstances of our times. As we see through the brave protestors and change-makers highlighted here, so we have also seen tremendous acts of courage by everyone weathering this global pandemic. From healthcare and other frontline workers to all those who strive daily to make life a little brighter and easier for their loved ones, difficulty of situation often serves to bolster principle and to sharpen resolve. As we have all witnessed throughout this difficult year, the path towards kindness and courage becomes easily illuminated when needed. I hope that the pieces in this issue inspire us all to keep moving forward and affecting positive change, however we can.

Wishing you all health and happiness,

Sasha Diouk
Managing Editor

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David Saveliev

I. Theme Section - Revolution, Retrenchment, or Reform? Social Movements in a Changing Political World

Major social movements eventually fade into the landscape not because they have diminished but because they have become a permanent part of our perceptions and experience.

-Freda Adler

Taking the form of protesters, advocates, politicians, guardians, organisers, lobbyists, and social representatives, the political phenomenon of social movements in the 21st century can hardly be overstated. In spite of the COVID-19 pandemic, which brought most of the world—and everyday life—to a standstill, social movements have pressed on, garnering even more support. With virtually most of the world watching, we have witnessed the global rise of the ‘Black Lives Matter’ movement for racial equality; protests against the Polish abortion ban and against the rigged election in Belarus; Mi’kmaq (Indigenous) protests to protect their fishing rights in ‘so-called’ Nova Scotia; Nigerian protests against police brutality; protests against the electoral coup in Myanmar; as well as worldwide anti-lockdown protests, among others. The Capital Riots in America showed the world the tenuous link between democratic stability and its usurpation by mass force. Societal paralysis has not stymied the potential for mass mobilisation or mass demonstrations; indeed, the most recent global crises has encouraged civil society to further re-evaluate the status quo and push for desired change. Moreover, it renders a thorough and diverse exploration of the actors, institutions, and power dynamics

that implicate the success, endurance, or failure of social movements—and the outcomes of revolution, retrenchment, or reform.

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Protests to 'End SARS' and police brutality in Nigeria, 2020 (credit: Human Rights Watch)



Supporters of Mi'kmaq protests for the recognition of their constitutional treaty rights to fish out of the commercial Canadian fishing season (credit: CTV News)



Polish protests against the abortion ban (credit: Forbes, 2020)

Social movements are a form of political participation. Fully defining political participation is no easy task, as it can be reasonably argued to encompass a number of things. While traditional measures focus on voting behavior, membership in voluntary organisations, or participation in protest politics, the term might also expand to include informal group membership or virtual participation. In so doing, it becomes clear just how narrow a picture of political participation the existing literature provides. Social movements exhibit the same features, and are not restricted to a particular national domain. Similarly, one might ask why political participation and social movements are important. Kubik and Linch appear to think the normative implications clear: political participation can be thought of as ‘a collective demand for the enactment or preservation of a particular vision of justice.’ Surely this is part of the explanation for participation in itself: a normative commitment to identifying and solving collective action problems.

‘What factors enhance or inhibit social movement effectiveness when challenging the state?’ This question is at the intersection of ideational, agentic, and institutional explanations. Some scholars find stronger evidence in the institutional explanations, while others argue that ideas and agency matter more. On the institutional side, scholars of the political process model such as Kitschelt (1986), Tarrow (1998) and McAdam, McCarthy, and Zald (1996) look for effects of exogenous factors which affect the capacity of and conditions under which social movements operate, such as regime type; a social movement’s access to resources; or the state’s repressive capacity. However, there is also criticism of explanations which seem to overemphasise these

institutional explanations and leave little room for the power of ideas and the agents which spread them.

Foundationally, the theoretical explanations for political participation are vast. Almond and Verba might say that this is part and parcel to a 'participant' civic culture. They identify three ideal types of civic culture—parochial, subject, and participant—and argue that democratic consolidation depends on a mixture of all three types. As societies transition from primarily parochial or subject, adding democratic participant features, a stabilising cycle of intense political mobilisation followed by prolonged periods of 'normal' politics with minimal civilian participation would lead to democratic consolidation. This is somewhat related to theories which assert that citizens act when there is a mismatch between their preferences about collective action problems and current policies surrounding those problems, mobilising voters and other forms of civic engagement. This can be in the form of a grievance or deprivation, where participation (and especially protest) would increase as the gap between citizen expectations and perception of the current state of affairs increases. Participation can also be seen as a function of self-interest and the particular costs associated with participation for a given individual. Political participation should, then, be higher in individuals whose cost to participate is lower, meaning that wealthier, well-connected, more educated, urban individuals in wealthier countries would participate more.

Almond and Verba's (1963) hypothesis that the parochial, subject and participant culture would fuse together to establish a pattern of 'normal politics' of low citizen participation punctuated by spurts of high levels of participation has not materialised as imagined. Grievance hypotheses and individuals' rational models, predicting political participation as a function of individual resources, yield similarly murky results. Perhaps participation is a story that can be better told from two perspectives: it can be the story of exit, and the story of voice, to use Hirschman's terminology. Global similarities are present through the story of exit: through disillusionment, distrust, or perhaps even the freedom not to participate. The story of voice, however, is moderated by opportunity structures and mobilising networks.

Two types of opportunity structures are particularly relevant: regime type and hegemony. Regime type clearly has implications for the constraints on political participation as well as the pathways available to citizens. Following Tilly, protest levels are likely to be highest when conditions are semi-democratic—open enough to allow for protest without severe consequences, but difficult enough to enact desired changes through the most formal democratic process (of voting, for example) to warrant extra-electoral participation. Hegemony matters in that it constrains the options available to publics and politicians alike. Jan Kubik and Amy Linch (2013) argue that conceptions of justice lead to

different levels of mobilisation working within the constraints of external and/or hegemonic structures. Essentially, ‘contextual “opportunity structures” critically moderate the relationship between material conditions and individual inclination to protest.’ While certainly not exhaustive, these are some of the most prominent approaches taken to political participation.



Recent protests in Myanmar against the military coup and seizure of political power (credit: The Associated Press, 2021)

It is against this background, and in the current context, that we have the pleasure to present original and important scholarship on social movements for the St. Antony’s International Review (STAIR) 16.2 issue. This edition of STAIR features interdisciplinary contributions aiming to further our understanding of social movements as powerful actors for change, as well as their functioning within the broader social, political, and economic arena.

More specifically, this issue addresses the following broad analytical themes:

- I. *Structural and agential dynamics within social movements*, which asks, ‘Whose voice, and through what means?’
- II. *Power and resistance*, which asks, ‘How do social movements interact within the political system?’ and,
- III. *Issue salience in social movements*, which asks, ‘When, and through what means, have social movements “moved” society?’

Within these thematic areas, as we will elaborate below, authors have investigated the internal dynamics of social movements: the key

players involved, their strategies and instruments used, and their evolution over time; how social movements interact with and operate within existing political systems; and the social and political discourse on pressing issues brought to the fore by activists

Theme 1: Whose voice, and through what means? Structural and agential dynamics within social movements

This section unmasks the internal dynamics of social movements; the key players involved, their strategies and instruments used, and their evolution over time. It asks, 'In what ways have new technologies shaped the internal character and strategies of social movements?' 'What mechanisms, moreover, lead to the emergence of global movements, and how are they sustained internally?' Additionally, this section invites consideration of how identity intersects with structures of power and authority within the movement. Particularly, it considers which groups are (in)visible; whose voices are most influential; and how socio-political structures relate to the prominence of particular types of leaders. Also addressed is the question of how leadership shapes the trajectory of social movements.

In 'Intellectual undercurrents in post-handover Hong Kong: Evidence from cultural elites,' authors Fei Yan and Nora Y. Chen identify a growing political awareness and sense of nativism in cultural elites, charting their varied participation in local social movements through extensive interviews. They demonstrate how these elites grow to feel 'responsible for protecting the core values of the region and for influencing the next generation of residents, thus reinforcing the formation of local identity movements in Hong Kong.'

Hannah Delahunty's article, 'I wanted to fight a war: A feminist perspective on structure and agency in women's terrorist activity in post-war Europe' examines the increase in female participation in Western European terrorist groups during the second wave of feminism in the 1970s, with a particular focus on women's involvement in the Irish Republican Army (IRA) in Northern Ireland. Delahunty presents a cogent analysis of the interplay between society gender norms during this context and how the participants themselves conceived of their involvement. Importantly, the article's deconstruction of the structure-agency binary reveals key nuances within this dynamic, demonstrating that both the evolution of structural gender norms *and* women's own political beliefs can explain the sudden increase in active female terrorist engagement.

In an effort to further investigate the significance of structural aspects of social movements, Cindy Hader's article '#BreakIsolation: Translocal solidarities and the necessity of rural-urban alliances in challenging the politics of immobility' investigates the case of monthly

protests held by a translocal group of activists, students, as well as former camp residents in front of a first reception centre for asylum seekers in Germany. Based on original ethnographic research, Hader demonstrates the crucial function of reliable urban-rural alliances to maintain the functioning of social movements in inhospitable contexts.

The importance of ideology within social movements is emphasised by Oscar Fabian Soto and Clint Terrell in their article, 'Can the panthers still save us? Street actions, non-profit factions and the non-movement against state violence.' The authors provide a critique of the current push for reform of the criminal justice system in the United States, which they describe as insufficient and merely symbolic. Instead, they argue for systemic change by showing that contemporary movements do not address the fundamental causes of the problems they seek to resolve. They attribute this failure to the movements' own lack of a revolutionary program, as well as their infiltration by NGOs and nonprofits that try to substitute reformist propaganda and policies that continue to perpetuate the original system.

Olena Shumska's article, 'The Ukrainian far right after Euromaidan: Understanding membership in the right sector and the National Corps' expands on the importance of ideology and furthers her empirical exploration by investigating the organisational aspects of social movements. Specifically, Shumska investigates aspects of membership within two far-right 'movement parties' in Ukrainian politics, both of which emerged from social movements prior to entering the arena of party competition. Presenting original research on the basis of interviews she conducted with party members, Shumska offers a salient exploration of the organisation and ideological aspects of membership within each party. In doing so, Shumska foregrounds the agentic aspect of social movements and the entrepreneurial skills leaders hone to enter the political arena, delineating amongst different types of activists within each movement party and each party's recruitment process. Overall, the article presents an original and illuminating inside view into how 'disparate groupings and activists' can converge into coherent parties through the entrepreneurial work of key individuals.



The 'National Corps' far right party in Ukraine celebrates Defender of Ukraine Day in Kyiv (credit: Atlantic Council, 2016)

Theme 2: Power and resistance: how social movements interact within the political system

This section explores how social movements interact with and operate within existing political systems. Do they actively try to engage existing structures in an effort to move them in the 'right' direction, or do they circumvent institutions and instead mobilise public support to pressure political institutions to change? Similarly, do institutions open up to social movements and collaborate with them, or do they try to thwart extra-institutional influences and preserve their own control over agenda-setting? Are social movements more apt at targeting broader audiences, or does their route to success require them to first engage with a niche target audience?

This issue features multiple articles investigating the relationship between social movements and the law. In 'Towards a more inclusive society: The future of LGBT rights in Japan,' Keisuke Mark Abe analyzes the development—or lack thereof—of LGBT rights in Japan through case law. Glenn Patmore, in 'Free speech and social movements: Demonstration by occupation in a democracy,' analyzes the impact of First Amendment case law on social movements in the United States, taking the case of the Occupy movements. Specifically, the article highlights 'the opportunities for those movements—and the limits on them—to bring about social change through free speech litigation.' Finally, Narasimhan, in 'Being seen by the state: Dalit Muslims in the law,' investigates the ways in which laws interact with minority identity in their demands for greater legal recognition.

Lundell, in ‘The power of vulnerability: A case study of direct action within the Swedish extra-parliamentary left’ conducts ethnographic fieldwork to identify how extra-parliamentary political movements operate within the context of national political party systems. In particular, the author finds that ‘bodily vulnerability’ strengthens the argument of the activists as state-sanctioned police violence is used and observed. This, it is found, is the most dangerous aspect of the extra-parliamentary left in Sweden. Another article looks at the interplay between local social movements and international structures. In ‘Countering neoliberalisation by harnessing the local state? The role of social movements in municipalist campaigns,’ Emilia Arpini, Grace Brown, and Laura Stegemann identify how municipalist campaigns work both with and within state structures while simultaneously acting “in, against, and beyond” neoliberal state structures.’

Focusing on the potential influence of social movements, Bogdana Sybikowska’s article, ‘The Euromaidan social movement: How to grasp political opportunities’ examines the origins of Euromaidan’s mobilisation, as well as the political opportunities that arose in consequence and the factors contributing to its success. Euromaidan, as an example of grievances-based social movement mobilisation which engages numerous stakeholders across multiple levels as well as with a revived and self-organised civil society, managed to exploit the weaknesses of a closed system with few political opportunities and little legitimacy in order to create multiple political opportunities.



An Occupy Wall Street demonstration on March 15, 2012. (credit: Sunset Parkerpix)

Theme 3: When social movements have ‘moved’ society: issue salience in social movements

Social movements’ advocacy brings to the forefront of social, but also political, discourse some of the most pressing issues facing the

world. In the context of common outsourcing of important tasks to distinct social movements, the issues they must face vary substantially. Little doubt remains that social movements can bring about actual change: they tackle issues such as Indigenous land rights; climate change; gender inequality and violence; national independence; and capitalist exploitation. Accordingly, this section provides an opportunity for an in-depth exploration or comparison of specific social movements: their strategies, goals, and achievements.

Investigating the top-down peace processes in Colombia in 2016, Shauna Gillooly's article, 'Who's an expert? Leveraging trauma as expertise in peacebuilding movements' investigates the impact that the peace agreement has had on informal, pre-existing agreements within local communities which have already been secured between a variety of armed actors. In so doing, Gillooly unmasks the duality of impacts that social movement may have—both intended and unintended, positive and negative.

Frederike Brockhoven's article, 'Knocking on the door: Muslim leaders' tactics in the quest for mosques in Italy' examines the case of a Muslim community in Italy. The author's central argument is that Muslim leaders are employing tactics in pursuit of a *lieu propre*—a place of one's own—which encompasses reinterpreting existing rules, alliance formation, and lobbying. Interestingly, Brockhoven sheds light on less-expected practices, such as displays of submissive attitudes, and warns that they should not be interpreted as passive acceptance of hegemonic structures, but rather a form of 'ethical protest' through reconfiguration of Islamic principles.



Citizens celebrate the Colombian Peace process, 2016 (credit: Justice for Colombia.org)

In keeping with our goals of centralising and highlighting the importance of protest movements as catalysts for lasting change, we have selected three individuals who we feel embody the importance of both engaging in, and reflecting on, questions of ‘revolution, retrenchment, or reform’: Nathan Law of the longstanding Hong Kong protests, Sviatlana Tsikhanouskaya from the Belarusian democracy movement, and Noam Chomsky. Though vastly different in their backgrounds, lived experiences, and relationships with their respective social movements, all have dedicated themselves to working towards a future which will be better and brighter because of the movements that we are seeing today—and, indeed, because of the movements of the past which have paved the way for those of the present.

We asked our three interviewees questions about the specific movements and research with which they have been involved, hoping to peel back the many complex layers of civic engagement and begin to understand the motivations, frustrations, and pivotal moments which are central to a successful movement. Additionally, we posed questions on issues which hold larger relevance to the future of protest overall: How the Covid-19 pandemic has affected—and will continue to affect—the focus and nature of protest movements; the role of students and universities in fighting for change and reform; the dangers which sentiments and groups on the fringes of the far-right pose for our political future; issues stemming from conspiracies surrounding left-wing groups such as Antifa and other entities; and a critical question of advice for the activists of our future: Where are they to go from here? Who are they to *be* from here?

The insights and takeaways in these interviews will provide readers with a great deal to reflect upon. In writing this portion of the introduction, we spent a good period of time trying to brainstorm key themes within each interview that we could highlight here. For example, Sviatlana Tsikhanouskaya spoke about how Belarusian politicians’ patriarchal conceptions of gender ended up being a boon to the movement—her gender meant that they underestimated her and the movement, whereas the Belarusian people certainly did not. Nathan Law spoke of the difficulties posed when protestors run up against a vast and powerful authoritarian system. What is the best course of action for protestors working within a system that does not respect, indeed condemns, the movement’s yearning for democracy? He explained how, in the face of oppression from the Chinese state, the Hong Kong movement continued to seek legitimacy not only through international recognition of their cause, but also within its own decentralised and flexible ethos centred around the call to ‘Be Water’. Dr. Chomsky sketched a line of change and development in social movements stretching back to the mid-twentieth century. Without the groundwork laid by these

movements and the heightened sense of awareness and consciousness they created, we could not have seen the level of popular pressure which has brought such support to movements such as Black Lives Matter.

Each of our interviewees did discuss critical themes unique to their own contexts and experiences, and did highlight a number of powerful ideas which we may have quoted here in order to demonstrate the uniqueness of each case and cause. Yet, what truly struck us at the end of our brainstorming session in search for this handful of key ideas, was just how much overlap existed between all of our conversations. This spoke to us above any search for uniqueness which we could use to differentiate the Belarusian cause from the Hong Kong protests and from the ongoing US civil rights movements. In the spirit of the social movements we are centralising through this issue, *unity of cause* is the most important element we wish to bring to readers' attention through these interviews. There is a common thread of determination, one also of passion and justice and conviction, which rang clearly through all of our interviewees' answers regardless of which region of the world they were discussing or which movements they were championing. Calls for global solidarity, for activists to shape and adapt their messages around the entrenched power system within which they are operating, for youth to never underestimate their capacity to effect change—these were topics touched upon by each of our interviewees, demonstrating a universality in purpose which strings together revolutions across the globe.

Above all, our interviews demonstrate that social movements and the ideas behind them seek to bring people and ideas together, rather than distinguish our differences. We hope you enjoy reading these articles and these interviews, and that you too are struck by the remarkably clear commonalities present in all these authors and activists who are focussing on, and calling for, change.

Notes

1 This is to acknowledge that 'Nova Scotia' is the settler colonial term for *Mi'kma'ki*, the traditional territory of the Mi'kmaq Indigenous people, ancestral land which has not been ceded to the Canadian settler state.

2 Jan Kubik and Amy Linch, *Post-Communism from Within: Social Justice, Mobilization and Hegemony* (New York, NY: NYU Press, 2013), 7.

3 Andrew Yeo, "Ideas and Institutions in Contentious Politics: Anti-U.S. base Movements in Ecuador and Italy," *Comparative Politics* 42, no. 4 (2010): 435.

4 Herbert P. Kitschelt, "Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies," *British Journal of Political Science* 16, no. 1 (1986): 57–85; Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 2nd ed, Cambridge Studies in Comparative

- Politics (Cambridge: Cambridge University Press, 1998); Doug McAdam, John D. McCarthy, and Mayer N. Zald, eds. *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, Cambridge Studies in Comparative Politics (Cambridge: Cambridge University Press, 1996).
- 5 Jeff Goodwin and James M. Jasper, eds., *Rethinking Social Movements: Structure, Meaning, and Emotion* (Lanham, MD: Rowman and Littlefield, 2003).
- 6 Gabriel Almond and Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (Princeton, NJ: Princeton University Press, 1963).
- 7 Ted Robert Gurr, *Why Men Rebel* (Princeton, NJ: Princeton University Press, 1971).
- 8 Almond and Verba, *The Civic Culture*.
- 9 Larry M. Bartels and Nancy Bermeo, *Mass Politics in Tough Times: Opinions, Votes and Protest in the Great Recession* (Oxford: Oxford University Press, 2014).
- 10 Albert O. Hirschman, *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations and States* (Cambridge, MA: Harvard University Press, 1970).
- 11 Charles Tilly, *From Mobilization to Revolution* (Reading, MA: Addison-Wesley, 1978).
- 12 Thomas Kurer, Silja Häusermann, Bruno Wüest and Matthias Enggist, "Economic grievances and political protest," *European Journal of Political Research* 58, no. 3 (2019)



BLM rally near the Lincoln Memorial (credit: David Saveliev)

2020 was a year of unprecedented social change. Tear gas poisoned the air, cities burned, activists were tortured, and the gears of history turned at an unprecedented speed. Amid the COVID-19 pandemic, protests raged on from Minsk to Minneapolis. For my section, I aim to present a picture of these historic protests.

I talked to Nathan Law, the youngest lawmaker in Hong Kong and a protest leader who currently lives in exile in London. I also interviewed Sviatlana Tsikhanouskaya, who is a Belarusian protest leader. She was allegedly elected president in 2020 but had to flee Belarus out of fear of repressions. Finally, I talked to Noam Chomsky, a controversial American academic. He is not only one of the most widely cited scholars alive but is perhaps one of the most influential activists in modern American history.

These three interviews allow readers to take a deep dive into some of the most important revolutionary movements of 2020: Hong Kong and Belarus pro-democracy protests as well as the flurry of protest movements in the US.

This is by no definition an exhaustive list. Out of consideration for space, I had to leave out the historic protests in Iraq, India, Chile and many others. Furthermore, as a journalist and photographer, I have covered the 2020 protests on the ground in Hong Kong, Belarus and Washington, so these are the protests I am best positioned to talk about. I encourage anyone interested in protest politics to engage in their own research and develop a deeper understanding of revolutionary movements that goes beyond what is presented in my section.

Finally, I want to thank our Managing Editor, Sasha Diouk, who transcribed the Zoom interviews, helped me to contact the interviewees, assisted in preparing the questions, and supported me endlessly along the way. I am thankful to Bonnie Jin at Johns Hopkins University for preparing me for my interview with Mr Law. I also extend my gratitude to Maria Serova for translating the interview with Ms Tsikhanouskaya, and the entire STAIR team for doing their job through the challenges of the pandemic

- David Saveliev , Book Reviews and Interviews Editor for 16.2 issue

III. General Section

In addition to the fascinating set of articles presented throughout its Theme Section, STAIR also presents a General Section in each issue, which since the journal's inception has been proud to showcase a cross-disciplinary array of scholarship broadly themed on current issues in international affairs. This section of our current edition includes contributions by both seasoned and emerging scholars at Oxford and other universities in the UK and abroad. Our two excellent articles within this issue derive from considerably different disciplinary backgrounds and topics, yet find commonalities in their treatment of state violence and its myriad political consequences.

The first article, authored by Ifigenia Moumtzi, centres on the concept of totalitarianism, its controversial appeal, and the role that it plays in contemporary politics. She argues that the concept has cycled through multiple stages of reconfiguration since its emergence in the twentieth century. Drawing on the historical and political context of its usage, she examines the contested understanding of totalitarianism and the discursive construction of a dichotomy between “evil” totalitarianism and “good” liberal democracy, which she argues serves to reinforce the ideological status quo and allows radical political ideas to be dismissed without engagement. She concludes that while the separation between totalitarianism and democracy is not so stark as the dominant discourse contends, the oft-discredited totalitarianism theory has its uses in understanding where these overlaps exist and how totalitarian history informs the present.

In our second contribution, Charlotte Newton writes about the impact of civil war on gender politics and women's role in Rwanda's transitional period after the brutal civil war. Using the framework of intersectionality, she analyses the convergence between the ethnicity, class, and gender in the legacy of genocide in Rwanda. She shows that although Rwanda's post-war political environment has led to increased representation for women, Rwandan women's lived experiences continue to be dominated by patriarchal, ethnically discriminatory and class-based social norms within an authoritarian system. Warning against the

simplicity of glass ceiling narratives, she argues instead that women's role in transitional societies must be understood within the context of their countries rather than by importing Western conceptions of feminist milestones.

IV. Book Reviews

2020 has been a year of extraordinary hardship and change. Change, and more specifically social change, is what our superb assortment of book reviews is tackling. I would like to first note the incredible talent and dedication of the entire STAIR team that managed to do their absolute best in this extraordinary time to put together this issue. Thank you to you all.

The reviews selected for this issue cover a wide range of topical subjects. Maria Puolakkainen discusses the ongoing evolution of activism in Latin America with a review of *Beyond Civil Society: Activism, Participation, and Protest in Latin America*, edited by Sonia E. Alvarez, Jeffrey W. Rubin, Millie Thayer, Gianpaolo Baiocchi and Agustín Laó-Montes, which focuses on the implications of the concepts 'lo permitido' and 'lo no permitido'—permissible and non-permissible forms of social change. Samuel Piccolo then reviews Robert Nichols' *Theft is Property!*, which examines the dilemma of Indigenous communities whose lands have been historically stolen and repossessed. What, if any, are their courses for redress? Engy Moussa reviews Alex Vitale's *The End of Policing*, which critically engages with the myriad issues facing contemporary law enforcement practices in the United States. Finally, Helen Kosci's review of Virginia Eubanks' *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor* confronts issues of racial profiling in data science. Without further ado, on behalf of myself and the STAIR team, I welcome you to enjoy them.

THEME SECTION

INTELLECTUAL UNDERCURRENTS IN POST-HANDOVER HONG KONG: EVIDENCE FROM CULTURAL ELITES

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Abstract

Hong Kong's nascent localist movement has been widely acknowledged as an identity movement, but the intellectual dimensions of this movement remain under researched. This lacuna in the research is all the more striking, given that social movement literature recognises cultural elites to be influential social players who exert significant influence on the state and on mass actors. This paper examines how intellectual undercurrents in Hong Kong—specifically, those articulated by cultural elites—have informed social movements in the city since its handover. The paper draws on in-depth field interviews conducted between 2006 and 2012 with key cultural elites in Hong Kong from eight subject areas. We identify four themes in the sociopolitical attitudes and value orientations of these cultural elites—structural confusion, democratising communities, radicalising social movement, and localist ideologies—and show how they provided intellectual momentum that fuelled localist movements in Hong Kong. We chart the ways in which cultural elites gradually develop a strong sense of political awareness and nativism, actively take part in local social movements, come to see themselves as responsible for protecting the core values of the region and for influencing the next generation of residents, thus reinforcing the formation of local identity movements in Hong Kong.

Introduction

Hong Kong is undergoing major political change. In recent years, a growing wave of localist movements has spread throughout the city, advocating for the preservation of Hong Kong's political autonomy and its cultural distinctiveness from mainland China.¹ Many citizens—especially of the younger generation—deeply concerned about Beijing's attempt to rework the 'One Country, Two Systems' framework in

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the name of national security, flooded the streets to protect the city's independence in 2019.

The sociopolitical discontent expressed by this nascent localist movement has been widely acknowledged as an identity movement, a process whereby Hongkongers are beginning to prioritise a local Hong Kong identity over a national Chinese identity. In particular, the 2014 Umbrella movement merged the ideology of localism with an emotional call for liberal democratic values, universal suffrage, and the right to self-determination.² The transformation of localism from a social to a political movement suggests both the widening identity gap between Hong Kong and China, and the emergent rationalism of Hongkongers in defending their home as a city-state.³

Figure 1 shows the proportion of respondents who identified themselves as 'Hongkonger' or as 'Chinese' during the period from 1997 to 2017, based on the ethnic identity survey conducted by the Public Opinion Programme at the University of Hong Kong.⁴ From 2003 to 2008, the number of people self-identifying as 'Chinese' exceeded those who identified as 'Hongkonger'. Since 2008, however, the percentage self-identifying as 'Hongkonger' has increased, while the percentage self-identifying as 'Chinese' has decreased, dropping to its lowest level after Hong Kong's return to China

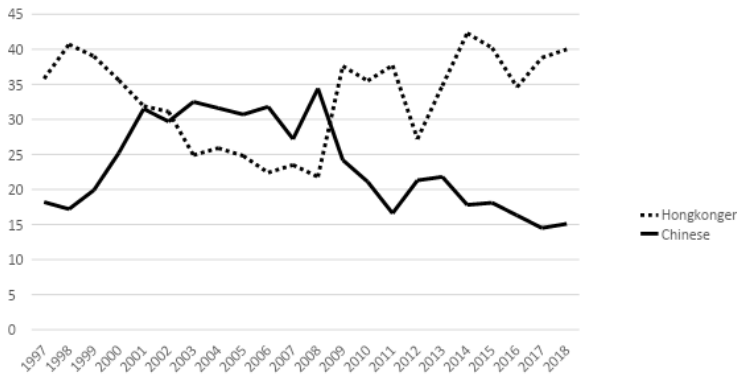


Figure 1: Identity indices of Hong Kong People, 1997-2017 (source: Public Opinion Programme at the University of Hong Kong)

The direct and enduring confrontation between the civil society of Hong Kong and mainland China has long been a subject of interest for scholars in China studies, social movement studies, and the study of identity politics. Such conflicts, however, have a long history, with their intellectual momentum often originating in Hong Kong's initial post-handover decades, then being exacerbated by the outbreak of the Umbrella movement in 2014, and the anti-extradition law protests in

Thus far, few scholars have examined the intellectual undercurrents shaping social movements in Hong Kong since the handover. More specifically, how have social movements in Hong Kong evolved over time to ultimately become defined by localist identity politics? What are the intellectual momentums that account for the social movement of Hong Kong in recent years?

To fill this research gap, we traced the process of Hong Kong citizens' identity formation and the awakening of local consciousness from the perspective of cultural elites before the onset of the 2014 Umbrella movement. In particular, we conducted in-depth field interviews with key cultural elites in Hong Kong from eight expertise areas between 2006 and 2012. By examining the value orientations and sociopolitical attitudes among local cultural elites, we have identified four themes that characterise these intellectual undercurrents and their potential public impact on younger followers: structural confusion; democratising communities; radicalising social movement; and localist ideologies. We also establish the existence of such intellectual undercurrents prior to the outbreak of a series of localist movements in Hong Kong. We argue that these undercurrents have their roots in the immediate post-handover decades but have extended their influence forward to contemporary social movements today. Following the handover, cultural elites became increasingly disillusioned with the ineptitude of local authorities and the political erosion of civic liberty. When they started to participate in the preservation of the city's autonomy and local culture through their cultural works, cultural elites became powerful mobilisers, reinforcing the formation of local identity, and ultimately, shaping the identity movement in Hong Kong.

Identity-building in Hong Kong

Hong Kong has never been the centre of its own subjectivity; its history, culture, and identity have always been defined by its hybrid identity of Chineseness and Britishness.⁵ According to academic and politician Anthony Cheung Bing-leung, the identity of Hong Kong is a mixture of 'Chinese self' and 'Western self'. In fact, the conflict of identity is how individuals perceive the values and behaviour cultivated from the Chinese and the West; the 'Hong Kong identity' is the interaction between and the interconnection of localisation, pan-nationalisation, and internationalisation.⁶

During the colonial period, the British did not see Hongkongers as British. Those holding 'Hong Kong believer' status (which later became Hong Kong permanent residency) were issued a British Overseas Territories Citizen passport, which excluded holders from full British citizenship. And while China did not accept the legitimacy of British

sovereignty in Hong Kong, it did not treat Hongkongers as full-fledged Chinese citizens, as exemplified by the creation of the Home Return Permit (Hui Xiang Ka). Hongkongers have thus always claimed their citizenry—and their identity—as unique.

As its economy took off in the 1980s, Hong Kong saw a corresponding rise in its soft power—accomplishments in music, television programs, filmmaking, local foods, and cultural and political freedom—unparalleled in other Chinese-ruled territories. With this projection of cultural power came a sense of cultural superiority. In the final years under British rule, the confirmation of ‘One Country, Two Systems’, the creation of the Hong Kong SAR passport, and Hong Kong’s ability to maintain important aspects of its society—including taxation, rule of law, and currency—validated Hong Kong’s differentiation from China and made material Hong Kong’s independent self-identification.⁷

The mass protest during the 1989 Tiananmen Square demonstrations was a key moment for Hong Kong’s identity, affirming that its guiding socio-political values—freedom of speech, freedom to assemble and to protest—were shared by the people of China. Of equal moment during this period, however, was Hong Kong’s realisation that China’s resistance to those values was unbending.⁸ The dire prospects for Hong Kong’s post-1997 fate was galvanising; almost two hundred organisations and more than a thousand community activists held a public rally to establish the Joint Committee on the Promotion of Democratic Government, which developed into the pro-democracy party in Hong Kong.⁹ Management of political risk became the dominant concern, as Leung Sai-wing (1993) argued:

People in Hong Kong could no longer escape from the ubiquitous, noisy, and haunting messages of the issue of Hong Kong’s future, the construction of Daya Bay nuclear power plant, the drafting of Basic Law, the exodus of migrants, the debate on political reforms, and the outcry for democracy in the June 4th Incident. Consistently, each event involved the conflict of interests between Hong Kong people and the Beijing regime and each saw local interest succumb to the interest of the Chinese government.¹⁰

In a series of surveys conducted before 1997, Timothy Ka-ying Wong (1996) found that liberalism had served as a foundation of Hong Kong identity, which is partially built on universalism. His study found that over 60 percent of the Hong Kong people believed that freedom and human rights were more important than state and nation; more than 35 percent agreed that Tibetans, Taiwanese, and Hong Kong people themselves had the right to self-determination; and about 40 percent indicated that if conditions permitted, they would consider leaving Hong Kong. More importantly, the liberal consciousness of Hong Kong people

was found to be closely related to their ethnic identity and national identity. Those who valued freedom and human rights and who supported self-determination were more likely to identify with Hong Kong and less with China.¹¹

As 1997 approached, the younger generation, who did not experience the poverty of China, grew up in an environment of anxiety, concerned about China's human rights issues, poor education, corruption, and so forth. They were no longer satisfied with the old definition of Hong Kong and sought to rebuild and redefine what it meant to be a Hongkonger. They no longer believed in the so-called lion rock spirit (*shizishan jingshen*) or the apolitical nature of being a Hongkonger.¹² They wanted to take matters into their own hands. In general, they began to rethink the logic that had long guided the development of Hong Kong. Protests against redevelopment in the city reflected their resistance against its branding as an economic and financial centre, and their support for redefining it as a home that deserved preservation of its unique local history and culture. They believed that in contrast to the older generation that did not share the same sense of Hong Kong roots, they could choose a lifestyle that fit them.¹³

After the handover in 1997, events such as the Hong Kong July 1 march opposing Basic Law Article 23 were seen as major victories against the Communist Party. Such actions stirred emotions that would be seen in later civic protests—such as that held in opposition to the demolition of the Queen's Pier in 2007—and were vital to identity building in Hong Kong.¹⁴

Meanwhile, as China projected itself as an international country that could compete with other major global powers, younger Hongkongers judged China against an international standard, demanding, 'Where is its democracy? Where is its low pollution? Where is its freedom of speech?'¹⁵ The younger generation sees society as a tool for prosperity. They value democracy as a protection against communism. This utilitarian mindset is somehow paradoxical, as young Hongkongers believe that the government is responsible for maintaining stability and prosperity, but they oppose the idea of constraining the government's powers.¹⁶ According to Lau Siu-Kai (2017), the differences between Hong Kong and Chinese identity is not in their essence, but simply a matter of degree. Lau saw two possible outcomes of the development of Hong Kong identity. 'One Country, Two Systems' itself would continue to reinforce the differences, and Lau Siu-Kai foresaw the difficulties of integration. He also discussed the possibility of the disappearance of the Hong Kong identity, but he considered it unlikely.¹⁷

As the younger generation in Hong Kong has gradually prioritised a Hong Kong identity over a national Chinese identity, localist sentiment in Hong Kong has been rapidly rising. In 2011, Chinese studies scholar Horace Chin Wan-kan, better known by his pen name, Chin Wan,

published *On the Hong Kong City-State*, which was hailed as the founding literature of localism.¹⁸ As Chin argues, the path of development for Hong Kong and China should be completely separate. The idea that ‘a democratic China would lead to a democratic Hong Kong’ is outdated, despite its functions before the handover. Instead, Hong Kong could simply develop its autonomy without the need to look north.¹⁹

Since then, several city-wide mass movements blossomed in the city with tens of thousands of protestors championing for greater autonomy and protection against growing social and political influence from mainland China. For example, in 2014, a series of sit-in street protests coalesced into the Umbrella Movement and the total number of protesters on the streets swelled to eighty thousand, at times considerably exceeding a hundred thousand.²⁰ In summer 2019, millions of Hong Kong citizens took to the streets to oppose a controversial extradition bill that would allow the Hong Kong authorities to extradite its citizens to mainland China. The initially peaceful protests eventually deteriorated into violent clashes between anti-government protesters and the police, creating the largest and most violent massive protests in decades.²¹ However, with the roaring number of protests on the streets of Hong Kong in recent years, the qualitative intellectual undercurrents should be further documented.

Data and methodology

From a review of the identity-building process in Hong Kong, we can clearly see that local cultural elites such as Chin Wan play a vital role in inspiring local identity among younger generations in Hong Kong. Cultural elites possess expertise and professional qualities that earn them not only prestigious social status and public influence, but also consultative or advisory roles to the state.²² Essentially, they have expertise and professional titles, and exert significant influence on communications and negotiations between the state and the mass actors involved. In this sense, cultural elites are more than influential social players. They assume a mediating role that is semi-societal and semi-governmental.²³

Between 2006 and 2012, we conducted semi-structured in-depth field interviews with key cultural elites in Hong Kong. We approached a total of twelve local cultural elites through snowball sampling from eight subject areas: drama, literature, poetry, comics, music, independent publishing, civic media, and independent academia. These cultural elites represent the key cultural and intellectual fields in Hong Kong—media, academia, literature studies, performing arts, and creative industries—and thus have a high public impact on younger followers through their works in Hong Kong. Such examples include a comic artist who had drawn many Hong Kong scenes through her comic series and one of her famous

graphic novels had won the best-seller prize among young generations, or a local cult band that had released five albums since 2008 with tens of thousands of local fans.

Each interview lasted more than one hour and was conducted in Cantonese. We asked about their current views on Hong Kong affairs; how they interacted with their readers/fans; how they influenced their readers/fans; what they found to be the biggest challenge in publishing their works in Hong Kong; whether they preferred to stay in Hong Kong or go to the mainland to extend their career; how they viewed the current situation in Hong Kong; how they viewed/rated the younger generation in Hong Kong; what their expectations were for the younger generation; and what their long-term plans were for their own career development. We also asked additional questions based on the interviewees’ responses and questions pertaining to each interviewee’s specific knowledge area. Basic demographic information of these twelve interviewees is listed in Table 1. All participants are anonymised in this paper.

NAME	GENDER	EXPERTISE AREA	MOVING UP NORTH OR STAYING IN HONG KONG
HKCE01	Male	music	Staying in Hong Kong
HKCE02	Female	literature	Staying in Hong Kong
HKCE03	Male	independent academia	Staying in Hong Kong
HKCE04	Female	literature	Staying in Hong Kong
HKCE05	Male	literature	Moving up to mainland
HKCE06	Female	drama	Staying in Hong Kong
HKCE07	Female	comics	Staying in Hong Kong
HKCE08	Male	independent academia	Staying in Hong Kong
HKCE09	Male	independent publishing	Staying in Hong Kong
HKCE10	Male	civic media	Staying in Hong Kong
HKCE11	Female	civic media	Staying in Hong Kong
HKCE12	Male	poetry	Staying in Hong Kong

Table 1: Demographics of the interviewees

In general, we found cultural elites in Hong Kong to be disappointed with the current situation of Hong Kong and hoping to see changes. Their response has been to express their disaffection in their works, to use culture works as a medium for protest and to affect change. Because of the mutual influence between cultural elites and the young generations in Hong Kong, we believe interviewing cultural elites provides us with a wealth of first-hand information and can help us find the axis of the development of youth identity in Hong Kong.

Essentially, cultural elites widely believe that Hong Kong's younger generations are different from previous generations in terms of their personal status, their visions for society, their future, and their views on participation in social movements. Such transformations are rooted in the changes of Hong Kong society's structural conditions and embodied in the values held by the young people, particularly the rise of political awareness and nativism.

Structural confusion

Personal experience is often inseparable from changes in the underlying social structure. For Hong Kong's youth, two layers of structural confusion stand out. The first comes from the contrast in economic power between Hong Kong and mainland China. The younger generations grew up after Hong Kong's return to China, when Hong Kong's economy declined while the mainland's flourished. They had neither life experience of nor strong feelings toward British Hong Kong. This generation of Hongkongers sees the fruits of economic reforms in the mainland, and are more exposed to mainlanders and mainland cultural works.

However, the economic rise of the mainland has also created anxiety among Hongkongers about the scramble for Hong Kong's resources by mainland residents. One interviewee said that Hong Kong is becoming steadily less confident:

Hong Kong, as I know it, has become unconfident, or even worse, self-pitying. Pregnant women from mainland China who come to Hong Kong to give birth and grab hospital beds in Hong Kong, mainland mothers who come to Hong Kong to buy milk powder snap up milk sources for Hong Kong babies, mainland students who come to Hong Kong for school occupy the enrollment and employment slots of local students. ... For the endlessly debated public issues in recent years, I have not seen many rational policy discussions based on facts, or far-sighted criticism and reflection. Instead, public opinion, including the mainstream media, is always labeling and discriminating against

other groups, waving a flag of populism, which is disappointing. I have been watching Hong Kong degrade from an open, inclusive, and confident city into one of fear and anger, cowering in the face of powerful external forces and becoming exclusive because of self-preservation.²⁴

Another layer of structural confusion comes from the rigid mechanisms for social mobility in Hong Kong, where the paths to success for the older generations no longer work for the younger. Individual effort and educational background no longer bear on future success:

They [young people] no longer believe in the past success formula—people in the last generation or my generation study hard, work hard to climb the upward-moving social ladder. However, young people nowadays do not think such a ladder even exists. Even if it does exist, he or she does not want to abide by climbing the ladder. They think that it is impossible to reach the top because a monopoly of gap patterns has been formed.²⁵

Cultural elites frequently mention the two major problems of high housing prices and low income. One interviewee noted, ‘Those born in the 1980s think that no matter how hard they work, they still cannot afford it because of the housing bubble created by the last generation and real estate agencies.’²⁶ In 2016, the median income of Hong Kong’s youth was lower than it was in 1996, while home prices more than quintupled. According to the General Household Survey conducted by the Census and Statistics Department of Hong Kong, Hongkongers with a bachelor’s degree in each of the three five-year cohorts born between 1970 and 1994 (ages twenty to twenty-four, twenty-five to twenty-nine, and thirty to thirty-four) had lower incomes than their previous cohort in 2014 prices).²⁷ One study found that younger generations in Hong Kong had both lower starting salaries and slower-growing incomes than older generations who started a career in the 1980s and 1990s.²⁸ Unlike the previous generation who had already bought properties and had vested interests, Hong Kong’s young people have a strong desire to change their city and can no longer tolerate the status quo. Structural confusion leads to reflection on the social structure:

[This] is a collective issue: And young people in Hong Kong will think, personal experience is an issue of the social structure. I want to seek change. It’s not that I could get ahead or be taken seriously, but that the whole society needs to change. So, I think the cohort born in the 1980s sees problems with a more macro view and has a broader vision in taking actions.²⁹

Like elites in other professions in Hong Kong, cultural elites face a choice between moving north and staying in Hong Kong. However, the current generation of cultural elites generally prefers to stay in Hong Kong in an effort to democratise the local communities. 'Those who expand space in the mainland belong to the previous generation, not ours.'³⁰ As Table 1 shows, among twelve interviewees, only one explicitly chose to work in the mainland. On the other hand, with the honeymoon over for Hong Kong and the mainland, they no longer find the mainland so attractive. 'Today, we do not have a great impression of the mainland compared to a few years ago... All the bizarre news and events in mainland completely eliminated any of our remaining yearning or desire for the mainland.'³¹ Furthermore, they think there is no room for their generation of Hongkongers to grow, and they are not needed. One interviewee told us, 'I don't want to see the mainland as solely a market, and calculate potential profit simply from a financial perspective. What I care about is whether they need me.'³²

On the other hand, they think Hong Kong is more closely linked to their career and pursuits. Local elements of Hong Kong provided the soil for their creation: 'I feel that I am an authentic, local Hongkongese. A lot of my work is related to Hong Kong. Hong Kong is my home, my soil for creativity, so I never thought about leaving Hong Kong.'³³

Meanwhile, Hong Kong is seen as where their duty lies, because 'to me, I prefer Hong Kong, and there are many things I can do here,' and they do not want to be alienated from Hong Kong.³⁴ As one interviewee said, 'Hong Kong is where I was born. I have lived in this place for so many years. If living here is disheartening, then there's no reason to live anywhere else. In these years, I gradually realised that each bit of time I spend here would change this city.'³⁵

Another interviewee expressed a similar point, emphasising the potential contributions to the 'local' construction: 'I hope to fully devote myself to life in Hong Kong, to study history, and to participate in the reality, committing myself to the "local" construction.'³⁶

Cultural elites are particularly concerned about the regression of Hong Kong localness through the vicissitudes of time. They think Hong Kong culture has become 'more and more mainstream that ambitiously aims to build something world-class while neglecting its local facet. The government doesn't seem to care about local culture either.'³⁷ In summarising the time in which he lives, one cultural elite said, 'The era we live in is tendentiously sad. The "HongKongness" that we have kept stressing has been demonstrated and written by fewer and fewer people. We as a generation cannot fail to change it because this is a city where we live and which we love.'³⁸

Through publishing, media, writing, painting, and music, these

individuals document and retain Hongkongness in 'old buildings, streets, and life stories.' While remembering some of the collective memories that have disappeared, they view this age as 'a rare opportunity for the local media to record a big era, and to participate in the discussion of the new culture in Hong Kong' and to spread these values to the public.³⁹

Radicalising social movement

Cultural elites in Hong Kong generally take a stance of radical resistance in their value orientation, and they tend to take real action. They champion the value of social movements and believe that 'social movement is the foothold of the unarmed citizens to intervene in politics.'⁴⁰ In their view, contemporary Hong Kong society is changing rapidly and has become unprecedentedly politicised and polarised. They believe such a society is 'dragging everyone back to their own camp, and fiercely tearing off each other. This is not what a healthy society should look like. Living in such a polarised society, everyone would feel uncomfortable.'⁴¹ This group cares deeply about the present and future of Hong Kong and hopes to bring about new ideas and changes to the society by participating in social movements: 'In Hong Kong, we think we are close to an era when the world could be moved.'⁴² 'As I become increasingly ambitious, I hope to participate in a movement, and through this movement, to bring about some new perspectives, which would be so significant and influential that the entire society would change because of this movement.'⁴³

Moreover, they believe that the window of opportunity of radicalising social movement has arrived:

To me, 2047 is never a landmark date. Now is just a future without any time limit. In this limitless future, what I can participate in is what direction Hong Kong could take and what changes Hong Kong could make.⁴⁴ I must admit that I share the uneasiness of the entire society, but also feel the excitement. That is because the depression that had saturated society in the past years has gradually subdued. To use Lu Xun's metaphor of the room with metal bars, people are beginning to wake up, and the temperature in the room is increasing. This is undoubtedly a powerful motivator for us to think about the future.⁴⁵

Cultural elites see involvement in public issues as their duty and an integral part of their creative work, and creative work as a way to participate in social movements and influence the next generation of Hongkongers.

One interviewee mentioned that 'in today's Hong Kong, if you want to engage in cultural creativity, it means that you must participate in social activities.'⁴⁶ 'Political movement must accompany cultural

movement.¹⁴⁷ Cultural elites in Hong Kong are clearly aware of the impact on younger generations of participation in social movements and think that there is an ‘accumulation of the degree/force of involvement’ that can ‘let the awareness of participation influence the later generations, so that they can also become aware of their responsibilities to change our society.’¹⁴⁸ As one interviewee reflected, ‘In the current environment in Hong Kong, what we sometimes need is not a solution to a problem, but a new way of thinking. The direct impact of social movement is to educate a city and a generation of people.’¹⁴⁹

Some of the cultural elites showed stronger resistance in their works and deeds, demanding social and political changes, hoping that Hong Kong can give play to its ‘comparative advantage’ in the political system and freedom of speech. A play writer recalled that ‘initially, I was talking about the stories of my brother. And then, I started to talk about Tung Chee-hwa, the first chief executive of Hong Kong, expressing my furor at politics. The part about social issues has been kept in my script. However, in recent years, I realised that I cannot separate this part.’¹⁵⁰

Another person in the music industry described music as a medium of protest: ‘One’s life has to involve politics,’ and music is a gentle and graceful form of protest. Music can rebel against the establishment and ‘help the oppressed and the poor to speak out’. There is a line in his song that asks Donald Tsang, the second chief executive of Hong Kong, ‘When will you be fired?’ ‘Music is a good medium for fighting and expressing your own voice, so I started working on composing music. My favorite line from AMK, a band I loved when I was a child: “If one wants to fight against a system, music is a great channel.”’¹⁵¹

As for cultural elites’ involvement in social movements in recent years, one interviewee concluded:

There is a tradition not to participate in social movements in Hong Kong. Hong Kong people are usually pragmatic and reserved. This fixed pattern and people’s perception toward social movements are mutually enhancing for a long time. However, starting in 2005, cultural experts and intellectuals began to join together, gathering everyone to have meetings, which began the study of movement theories and strategy design.¹⁵²

Against this backdrop, the cultural elite and the younger generations share anxiety, confusion, and even pessimism about Hong Kong’s future. ‘The feeling of anxiety has permeated Hong Kong’s entire society to the extent that I even thought that it was the deep/underlying structure of the Hong Kong culture.’¹⁵³ ‘The game has become more and more complicated. Many of the forces outside Hong Kong are beyond our control, so it is very hard for us to predict the future.’¹⁵⁴ One interviewee said pessimistically, ‘I don’t have much hope for Hong Kong in the future.

Hong Kong is mainly for living, and beyond that, I don't have many expectations for this society. You know it will continue to decline, and you won't see any improvement.⁵⁵

Precisely because of this, young people in Hong Kong who have reached their limit of tolerance have begun 'really taking action.'⁵⁶ Cultural elites highly value this, as one interviewee stated: 'The young people in Hong Kong today have greater participation in politics than any previous generation. Thus, there are many horizontal connections/links among these young people. You can see many artists participating in various social activities nowadays.'⁵⁷

Cultural elites observe that younger generations of Hongkongers are more politically engaged and motivated to seek change than any other generation:

This generation has no other choice. Can Hong Kong people still act like before, and immigrate in large numbers when things are not good? People born in the 1980s and the 1990s, how can they have this ability? Whether good or bad, this is a home where they were born, grew up, and need to safeguard. They must take responsibility for this place and their future. Precisely because Hong Kong is home, they must try everything they can to reflect, to criticise, to protect, and to fight.⁵⁸

The historical orientation of Hong Kong's youth has intensified their concern about the fate of Hong Kong:

To me, 1997 is not a very important year, so I won't emphasise it. However, for those who were a decade older than me, they experienced 4th June 1989 and 1997. For those two decades older than me, they experienced the China-British negotiation in the 1980s. They must have an even stronger feeling, believing that 'we are the generation of transition; we are constrained by a specific year or time, which has become an inescapable reference point of life.' However, to me and those who are younger, we do not have 1997 or 2047. We only have our existing city and its future. I think that in terms of time scale, the younger generation does not have such strong ambition as that of the older generation.⁵⁹

Another interviewee echoed a similar point:

Starting from my generation, people can finally think of Hong Kong as home and take roots here. However, this 'taking root' is not an emotional acknowledgment, but an inescapable form of existence. I almost feel that I was born to be a Hongkongese. Even though I might not be proud or ashamed of Hong Kong, this inescapable sense

Localist ideologies

The most unique thing about the young generation is the rise of localism as an aspect of their identity. Growing up in 'an era of the disappearing Hongkongese,'⁶¹ young people in Hong Kong have not been assimilated by the mainland. Instead, they think Hong Kong can have its own developmental logic after discovering the differences between the mainland and Hong Kong. They hope to retain the uniqueness of Hong Kong, and they think about changes. As one interviewed cultural elite pointed out:

What makes this generation special is that on the one hand, they love Hong Kong with a strong emphasis on localness. But on the other hand, their love contains an urgent desire to change Hong Kong, and this change would be very radical and fundamental. Because this change would be built on their understanding of 'what is Hong Kong', and they want to propose a completely different answer. They love Hong Kong, and they are a generation that grew up under Hong Kong localism.⁶²

Another interviewee echoed this argument:

The young generation of Hong Kong, no matter what profession they are in, are more willing to devote themselves to social issues and have a stronger sense of responsibility. Compared to their peers in the mainland, these young people in Hong Kong are more willing to reflect upon what is going on in society and make small changes through their professions.⁶³

There is also fear and anxiety in this kind of introspection, as Hong Kong's young generation does not want to 'be submerged by the 1.3 billion people [in mainland China]' and are 'afraid that Hong Kong is no longer Hong Kong, and we would lose our uniqueness.'⁶⁴ In the face of such forces and emotions, local awareness thus awakens in Hong Kong's youth, for whom it is a medium of resistance. With their mastery of social media, the young generation has become the backbone of mobilisation in social movements. Recalling the protest against city redevelopment projects in 2010, an interviewee described the case of a high school girl's having played an essential part in local mobilisation:

It is a very traditional village, where people who came out to fight were all men in their fifties, who are village representatives in the

traditional sense. But there was a time when they had dinner with us, and there was a high school girl who was a pillar of the movement. We later learned that she was the administrator of the village Facebook. She gave people a sense of power transfer, as such a young person, so long as she has the skills that adults do not have, would be able to mobilise.⁶⁵

Another interviewee thinks that Hong Kong's local awareness has been constructed in a series of conservation movements in recent years:

We asked ourselves, 'Why did we rush in?' and we began to justify our actions. We rushed into the Star Ferry Pier, but it was going to be torn down soon. After that, I thought, 'Do we part our ways or move to Queen's Pier?' We didn't have a clear plan of action back then, but we only had one choice: to go to Queen's Pier. It was after we went there that we began to gradually think about why we fight to preserve this place. So the notion of collective memory and local values were constructed later, it was not a preexisting one.⁶⁶

The most superficial expression of nativism is the mining of indigenous elements and the symbolisation of the distinction between Hong Kong and the mainland. One interviewee expressed her expectations:

I see that more and more people treat Hong Kong as a home where they are rooted. They began to look for the history of the city, protect every relic of memory, and conduct research and discussion for this city that is full of stories but short of narratives. In this context, 'The Wake of Nativism' is the most valuable change that has happened in this city. . . . People in Hong Kong, especially the young generation, generally do not like China. Some dislike the Communist Party, some are surprised at the absurdity of China's social problems, some hate the mainland's interference with Hong Kong's political affairs, some are worried about the economic or cultural invasion of the mainland, some resent mainlanders coming to Hong Kong to plunder resources, and some people hate everything of the mainland. As a result, it is very easy for the entire Hong Kong society to unify all sorts of different anxieties using grand symbols of 'China' or 'mainland'. This creates deeper anxiety in Hong Kong. We all know what problems stem from 'China', but when we try to tease them out, we find that these problems are not that simple. What is more, different opinions are being formed in Hong Kong, and these opinions could be elevated to the solutions to our problems at any moment. People of different positions are forming different camps, gradually developing into another wave of ideological struggle.⁶⁷

A deeper level of Hong Kong localism involves adherence to Hong Kong's core values and city culture, as well as concerns about Hong Kong's future. The expression of Hong Kong's core values in the political realm lies in the democratic system and the 'One Country, Two Systems' policy. Interviewees believe that there are no inherent disagreements among Hongkongers on this issue: 'You can democratise sooner or later, but there is no difference in your understanding of democratisation. There is no conflict between the enemy and us, to begin with.'⁶⁸ It is precisely because these core values, Hongkongers cannot stand the outright rejection of the 'One Country, Two Systems' spirit:

People who live in a place should respect the core value of this place. At least, you should respect the principle/spirit of 'One Country, Two Systems'. I think this is a basic quality. Nowadays, many people from the mainland basically deny the existence of this system. They think that Deng Xiaoping made a wrong concession. If they keep holding such views, it is very difficult for us to continue the debate.⁶⁹

In terms of political views, Hong Kong's younger generations are split from the city's original political spectrum. As one interviewee pointed out:

They [younger generation] are separate from the mainstream democrats. Because the democrats are mainstream, they have a distaste for those who do not actively demand universal suffrage. However, young people nowadays are nothing like this. It is not that the young generation does not want universal suffrage. They just know that more things need to be done. They have no understanding of what the mainstream democrats are doing, so they do not think that they should become part of the mainstream democrats' agenda/discussion topics. Several years later, the mainstream democrats are still stalled at their original place and have no idea how to move forward.⁷⁰

Another interviewee expressed a similar opinion on the Hong Kong youth's view on the mainstream democrats:

For the generation in the 1980s, their life choice is over whether or not to join a meeting. Like those pan-democratic people, they all came out in the 1980s and 1990s. They were house members for twenty years, and they only have an agenda, which is universal suffrage. They have some great missions, such as how Hongkongese rule Hong Kong, the June 4th cause of democracy, all of which are very big things. However, small things seem to be out of their reach or sight. They do not see the ongoing things/events as very relevant or important to

Discussion and conclusion

In this paper, we examined how the intellectual undercurrents of Hong Kong since the post-handover decades echo the outbreak of significant social movements in the city from the perspective of cultural elites. As Hong Kong's young people have prioritised a Hong Kong identity over a national Chinese identity and formed identity movements in recent years, the influence of local cultural elites and the strands of intellectual momentum they established in the post-handover period has become increasingly evident. Specifically, we find that cultural elites gradually developed a strong sense of political awareness and nativism, embodying the values of self-determination, civic resistance, and liberal consciousness well before the outbreak of the Umbrella movement in 2014. In action, cultural elites greatly cherish the local elements and are particularly enthusiastic to retain the uniqueness of Hong Kong in their works. They actively take part in local social movements, and see their participation as a responsibility to protect the core values of Hong Kong and to influence the next generation of Hongkongers. Meanwhile, cultural elites are influential social players who exert a significant public influence on the cultural cognitive and value beliefs of young Hongkongers, thus reinforcing the formation of local identity and eventually an identity movement in Hong Kong.

As an international city adjacent to mainland China, where global capital, practices, and values meet with the capital, cultural protocols, and the 'sharp power' of a rising China,⁷² Hong Kong serves as an excellent case study to examine how the 'China factor' greatly impacts the democratisation, civic disobedience, and identity politics in Asia. Recent international controversies and instabilities surrounding Hong Kong further show its prominent place in geopolitics and international relations. It is thus all the more important to understand how intellectual elites in this region have revitalised a commitment to local politics in times of crises and stoked even greater public resistance to the dominant control of China.

There are still several limitations that deserve further improvement in the present analysis. First, the whole interview process spanned six years between 2006 and 2012, and we only conducted one interview with each respondent. The ideal pattern would be to conduct two rounds of interviews with each respondent to measure changes in attitude over time. Second, we interviewed local cultural elites only and analysed their views toward the younger generation in Hong Kong. Though we believe that interviewing cultural elites provided us with a unique perspective to understand identity politics in Hong Kong's young people, the voices of Hong Kong's young people themselves were

absent from our inquiry. Nonetheless, this study contributes to our understanding of the ongoing political contest in Hong Kong, offering a new research angle on how local identity is bred and has evolved in a dynamic and interactive process.

Notes

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- 2 Laikwan Pang, *The Appearing Demos: Hong Kong During and after the Umbrella Movement* (Ann Arbor, MI: University of Michigan Press, 2020); Francis L. F. Lee and Joseph M. Chan, *Media and Protest Logics in the Digital Era: The Umbrella Movement in Hong Kong* (New York: Oxford University Press, 2018).
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- 10 Leung Sai-wing, "The 'China Factor' in the 1991 Legislative Council Election: The June 4th Incident and Anti-communist China Syndrome," in *Hong Kong*

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30 Interview with HKCE09.

31 Interview with HKCE03.

32 Interview with HKCE09.

33 Interview with HKCE01.

34 Interview with HKCE02.

35 Interview with HKCE10.

36 Interview with HKCE11.

37 Interview with HKCE09.

38 Interview with HKCE09.

39 Interview with HKCE11.

40 Interview with HKCE10.

41 Interview with HKCE08.

42 Interview with HKCE02.

43 Interview with HKCE10.

44 Interview with HKCE02.

45 Interview with HKCE04.

46 Interview with HKCE05.

47 Interview with HKCE11.

48 Interview with HKCE09.

49 Interview with HKCE12.

- 50 Interview with HKCE06.
- 51 Interview with HKCE01.
- 52 Interview with HKCE12.
- 53 Interview with HKCE03.
- 54 Interview with HKCE08.
- 55 Interview with HKCE07.
- 56 Interview with HKCE10.
- 57 Interview with HKCE05.
- 58 Interview with HKCE11.
- 59 Interview with HKCE10.
- 60 Interview with HKCE03.
- 61 Interview with HKCE07.
- 62 Interview with HKCE05.
- 63 Interview with HKCE05.
- 64 Interview with HKCE05.
- 65 Interview with HKCE10.
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‘I WANTED TO FIGHT A WAR’: A FEMINIST PERSPECTIVE ON STRUCTURE AND AGENCY IN WOMEN’S TERRORIST ACTIVITY IN POST-WAR EUROPE

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Abstract

The increase in active female participation in Western European terrorist groups at the turn of the 1970s, which also saw the birth of the second-wave feminist movement and rapidly evolving societal gender norms, prompts an exploration of the potential link between the two. Women’s involvement in political violence has not been ignored by academic research—however, explanations tend to focus on highly gendered reasons for women’s involvement, thereby denying female terrorists’ agency whilst also ignoring the broader socio-political evolutions that may affect their increased presence within politically violent movements. This study attempts to redress this imbalance by paying attention both to the influence of societal gender norms and to what female terrorists have to say about their own engagement. Social movement theory is especially relevant for exploring questions surrounding membership, leadership, ideology, and how they affect gender within terrorist organisations, as it enables a tri-level approach to political violence which incorporates macro-, meso- and micro-levels of analyses. Employing a feminist approach to research, this paper investigates the reasons for women’s active involvement in the Irish Republican Army (Northern Ireland). It is argued that the structural influence of evolving societal gender norms on terrorist organisations’ and leaders’ behaviour, *as well as* women’s own political beliefs can explain the sudden increase in active female terrorist engagement. The importance of deconstructing the structure/agent binary when explaining agents’ behaviour, a core tenet of feminist approaches to research, is thus reaffirmed.

Introduction

Academic interest in female terrorists has increased since the beginning of the twenty-first century, with ever more scholars criticising the overwhelming focus in scholarship on male terrorists and attempting

Hannah Delahunty, “‘I wanted to fight a war’: A feminist perspective on structure and agency in women’s terrorist activity in post-war Europe,” *St Antony’s International Review* 16. no. 2 (2021): pp. 43–68

to demystify and explain the taboo phenomenon of women's violence.¹ Yet, asking 'why' women specifically become terrorists and 'what' motivates them contributes to reinforcing gendered myths surrounding women's violence by essentialising female terrorists and implicitly setting them apart from their male counterparts.² This article presents an attempt to contribute to the growing academic conversation surrounding female agency and political violence, borrowing from social movement theory to analyse the macro-, meso-, and micro-levels at which women's agency in political violence can be both expressed and constrained. Social movement theory enables us to transcend the gendered structure/agent binary and rather analyse how they interact at various levels to constrain women's choice, as argued by Hirschmann with her concept of 'relational autonomy'.³ It specifically looks at the interaction between societal gender norms, organisational leadership and strategy, and women's individual social, economic, and political motivations in shaping women's participation in political violence through a case study of the Irish Republican Army (IRA) in Northern Ireland.

Studying the discrepancy between male and female participation in terrorist organisations provides an interesting pathway to critically assess female agency in political violence. This imbalance in participation between genders becomes all the more puzzling when we look at the case of twentieth-century European terrorism, which saw an increased presence and visibility of women in combatant and leadership roles within terrorist organisations from the 1970s.⁴ Was anything about this particular context, such as the emergence of the second-wave feminist movement, linked to this increase? This paper investigates the relationship between the liberalisation of gender norms at the societal level and the increasing numbers of women taking up non-traditional roles (as assigned to their gender) within terrorist groups. I argue that the observed increase in women's participation in combatant and leadership roles in terrorist organisations in the 1970s can in part be explained by the turning point in broader social norms around women in leadership that occurred at the turn of the decade. These macro-level transformations affected terrorist organisations' values and strategy regarding women's roles within these movements (the meso-level).

This paper starts with an explanation and justification for the feminist approach that it employs. A brief overview of existing research on women's terrorist involvement follows, in order to contextualise my study and argument. I then develop my two central hypotheses, primarily based on Norris and Inglehart's research on societal gender norms, and outline the methods used to investigate these hypotheses. This is followed by my case study of Northern Ireland and the IRA, which enables me to lay out my main findings regarding gender norms and women's agency in political violence. I find that the increase in female combatants from the 1970s corresponds with a shift in societal gender norms that appear

to trickle down to the organisational level (although precise causal mechanisms remain unclear), thus enabling increased women's armed participation. These structural factors interact with women's individual socio-political motivation for joining terrorist groups, which are also reaffirmed by an analysis of female IRA combatants' testimonies on their involvement. In the ensuing discussion, some additional research on the Red Army Faction (RAF) in the Federal Republic of Germany is introduced and enables a critical discussion of these findings. The conclusion reaffirms the relevance of social movement theory for studying terrorism as well as the necessity for a feminist approach to the question of women's agency.

A feminist approach to the study of women in political violence: Conceptualising agency

A feminist approach will form the methodological framework of this study. This means a commitment to recentring women's experiences in the study of international security and to analysing phenomena in international security through the lens of gender, paying particular attention to the gender narratives that are deployed and the effect these may have on women's agency in international politics.⁵ Indeed, according to Gentry and Sjöberg, depictions of female terrorists in mainstream scholarship confine them to a combination of three narratives: the mother, the monster, and the whore.⁶ For example, it is argued that they engaged in terrorism because their (male) lover was a terrorist, or because they believed in making the world a better place for their children.⁷ These gendered representations are also reflected in media coverage of women terrorists, where they are often described as hysterical women with a strong Oedipus complex, or even as mythical, beautiful, sexual women warriors.⁸ Female terrorists are often homogeneously categorised on the basis of a number of supposedly inherent qualities, like their ability to be mothers to the group and their craving for companionship as a primary motivator. Yet, they are also said to have 'male characteristics';⁹ this is symptomatic of how research on women terrorists often describes women's involvement in violence along gendered terms, whilst simultaneously rejecting the possibility that violent women can fit the traditional understanding of what is feminine. A feminist approach to this question would therefore aim to deconstruct essentialisations of both women and men, using women's testimonies and lived experience to ground its knowledge, rather than stereotyped characteristics.

In more recent scholarship, attempts to shine a light on women's agency in political violence whilst investigating women's specific motivations for joining terrorist organisations have often fallen flat. Amusan et al. mention the importance of structural grievances for terrorists' motivations, which are akin to socio-political motivations,

yet their depictions of women's motivations remain focused on personal reasons, such as the loss of a loved one.¹⁰ Similarly, Ngono and Duri, whilst professing to focus on women as agents in terrorist activities, constantly define their engagement in relation to their role as wives and mothers—female terrorists are not constructed as political beings.¹¹ At times, the reinforcing of gender binaries in academic analysis is even less subtle: Bodziany and Netzcuk-Gwoździewicz's central argument is 'that the participation of women in terrorist groups in most cases is the result of trauma, personal problems, and incapacitation by terrorist organisations, which is the result of women's vulnerability to manipulation and physical coercion.'¹² They do not at any moment in their argument conceive that women may, just like most terrorists, have been politically motivated to commit acts of violence; they are stripped of free will and reduced to being the instruments of male agency.¹³ Even in studies on groups like the RAF, that were co-founded by women and whose political pamphlets and strategy were written by women, women are not spared this disempowering treatment. Indeed, Gonzalez-Perez argues that women's importance in the RAF was overstated:

The purportedly star-crossed love between the RAF's early leaders, Baader and Meinhof, and their ensuing suicides in prison has undoubtedly contributed to the inflated reports of women's leadership in the RAF. Yet despite the presence of Meinhof in a nominal leadership role, her position stemmed from her romantic relationship with Baader rather than any independent terrorist credentials.¹⁴

This is a clear example of the whore narrative surrounding female terrorists, where Ulrike Meinhof's role as leader, political strategist, and combatant within the RAF is reduced to the erroneous claim of a romantic relationship with her co-leader, Andreas Baader.

Conceptualising agency

These failings in existing research around female terrorists highlight the intricacies of discussions on female agency. Too often female agency is conceptualised as a 'theory of the self' whereby highlighting female terrorists as (free) actors in terrorism (through action-based theories of agency), without a critical interrogation of the narratives that frame their action (and supposed reasons for action), is deemed enough to be empowering research. In contrast, poststructural feminists emphasise the importance of viewing agency as an 'effect of the operations of discourse-power through which subjects are produced'; in their view, agency cannot, therefore, be separated from its context, and subjects are positioned within a discursive structure that shapes their ability to be perceived as agents.¹⁵

Agency is, nonetheless, an imperfect concept. Although this paper focuses on women transcending traditional gender roles and therefore on female terrorists in combat and leadership roles, this is not to de-legitimise the actions of those women who operate in support roles nor to claim those women are victims rather than agents. This would run counter to a feminist approach to research, and Auchter points to the dangers of 'appealing to patriarchal discourses which emphasise the significance of the concept of agency in the attainment of political legitimacy.'¹⁶ Indeed, recent research has shown that women constantly straddle the divide between victim and agent in relation to terrorism.¹⁷ It is, therefore, essential to avoid the presumption that certain characteristics are associated with clearly defined categories, such as women, agent, or terrorist, especially when, like in the case of agency, these characteristics are masculinised at the expense of traits traditionally associated with femininity, such as interdependence and human emotion.¹⁸

Overview of existing research: Structure, agency, and the relevance of social movement theory to the study of gender and terrorism

Existing research on explanations and enablers for terrorist involvement points to the importance of structural factors in influencing individuals' decision to engage in political violence. These can be broadly split into three categories, which at times overlap: recruitment dynamics, such as a group's willingness to include certain people (e.g. women), which can be influenced by strategic need and ideology;¹⁹ personal networks, through which individuals' can gain access to terrorist groups or where may lie a precipitating factor, such as the desire for revenge for the loss of a loved one;²⁰ and socio-economic context, such as individuals' socio-economic background or their opportunities (or not) for alternative forms of political engagement (e.g. level of democracy and/or gender equality in a society).²¹

Research on structural factors for terrorism, therefore, suggest that political motivations are rarely sufficient to engage in political violence, as social networks, group recruitment dynamics, and lack of alternative channels for protest play an important enabling role.²² This brings us back to Hirschmann's (feminist) concept of 'relational autonomy' and the view that 'an actor's agency is both wholly decisional and wholly socially constrained';²³ female terrorists make their own decisions, but 'they do so within the social, political and economic constraints of their relationships with other people, states and nations.'²⁴

Explanations relating to group ideology and strategy present attempts to identify structural barriers to women's involvement, but only a few analyses look at these structural barriers on a larger, societal

scale, and look at how these might trickle down to the group level. Gentry argues that understanding a movement's historical and social context is where social movement theory is useful to analyse questions of membership, leadership, ideology, and gender in violent political organisations:²⁵

By studying the membership and leadership of a new social movement on the micro-level, one can trace the development of certain individuals as leaders or radical members in the movement to membership and leadership of the politically violent organisation. *At the same time, an understanding of how social gender norms affected women members is valuable towards uncovering the role of women.*²⁶

A tri-level analysis of these questions is, therefore, particularly useful to understanding how ideology and leadership affect women's place in the group hierarchy, whether they are recruited from broader social movement networks differently from men, whether they have a different identity within the group as men, and for contextualising female terrorists' political beliefs within the group's ideologically oriented goals.²⁷

Regarding the macro-level, Schaftenaar finds a negative relationship between levels of gender equality in a society and violent conflict onset, arguing that individuals more supportive of gender equality are more likely to have peaceful attitudes, and that gender equality favours mass mobilisation, thus reducing the need for violent tactics in conflict.²⁸ However, these findings contradict the fact that terrorist (and thus violent) groups can have gender-inclusive ideologies.²⁹ In a recent article analysing a global sample of over 200 rebel organisations active between 1979 and 2009, Thomas and Wood find that, in practice, higher levels of gender equality in society have a positive impact on the presence of female combatants in rebel organisations.³⁰ The argument I present builds on their observation; by undertaking a time-variate analysis and identifying the beginning of the 1970s as a turning point in terms of gender norms and women's active involvement in terrorist groups, I hope to reinforce the argument that societal gender norms regarding women's legitimacy in leadership roles contribute to increased participation of women in combatant and leadership roles in terrorist organisations.

The intersection of societal gender norms and political motivations in women's terrorist involvement

The influence of societal gender norms on women's terrorist activity

This argument can be examined by testing two complementary hypotheses. The central hypothesis to my argument revolves around

opportunity structures for women's engagement at the group (meso-) level, and the extent to which these are influenced by gender norms in society at large. Cross-national research by Inglehart and Norris on the influence of political culture in determining women's accession to political leadership serves as the basis for developing this hypothesis.³¹ Indeed, resting on their previous finding that gender has a significant effect on traditional political participation, civic and protest activism, they investigate the specific factors that affect this gender gap in the case of political leadership. Using survey and aggregate evidence, they compare how far political culture is systematically related to the advancement of women in elected office in a range of agrarian, industrial, and post-industrial societies. They find that there 'appears to be a simple relationship between egalitarian attitudes toward women leaders and the proportion of women elected to the lower house of national parliament.'³² Once controls are introduced, political culture emerges as the only significant explanatory factor for the gender gap in political leadership, with structural and institutional barriers playing a less important role.³³

Inglehart and Norris's findings are central to developing a hypothesis on the influence of societal gender norms on the acceptance of women in combatant and leadership (i.e., non-traditional) roles by terrorist groups. This is because terrorism, which is widely acknowledged as being inherently political in nature, is a form of political participation, however controversial it is as a strategy;^{34;35} indeed, multiple scholars have argued that there is a link between social movements and terrorism as forms of contentious politics and of collective action.³⁶ We can thus expect that progressive societal gender norms will have a positive impact on women's active engagement in terrorism, due to increased opportunities at the group level.³⁷ There are two main mechanisms that drive this. Firstly, social norms affect individuals' attitudes and what is perceived to be 'normal behaviour'; thus, if positive attitudes to gender equality are widespread in a society, we can assume that it is more likely that individuals in terrorist groups will hold these attitudes too, and act in accordance with them. Secondly, terrorist groups may act in accordance with widespread gender norms in order to gain popular support, or at least mitigate opposition.³⁸ Therefore,

H1: Women actively engage in terrorism when there is an opportunity to do so (on the group's behalf). This opportunity becomes more likely if societal norms approving of women in leadership/holding more responsibility become more widespread.

The obvious challenge that comes to mind when considering these mechanisms is the radical nature of terrorism; can we assume that a phenomenon that is clearly in opposition with mainstream forms of political participation would deem it important to respect societal

(gender) norms? This hypothesis provides the opportunity to explore the extent to which norms trickle down, and whether terrorism occurs in a normless space.

The centrality of women's agency in explaining female terrorism

This first hypothesis, however, cannot function alone; terrorist organisations can try and make themselves as attractive to women as possible, if women—like men—do not *want* to join out of belief in the group's (political) aims, they will most probably not join.^{39,40} The second hypothesis therefore emphasises women terrorists as political agents. As mentioned above, it has been argued that a variety of reasons can encourage women to get actively involved in terrorism, from revenge to helping loved ones. Although these motives may play a part in female terrorist activity, a focus on agency would challenge existing narratives about women terrorists that exceptionalise their violence and encourage us to view women's actions independently of the relationships they are embroiled in, liberating women from their traditional position as lovers and carers, and foregrounding them as political beings.⁴¹ Therefore,

H2: Women actively engage in terrorism because their beliefs are aligned with those of terrorist organisations.

In other words, I expect that, similarly to men, women get involved because their political beliefs correspond to the terrorist group's ideology;⁴² this includes agreement over the appropriate strategy (here, violence) to achieve their aims.

Methods

The IRA and the RAF

To test my two hypotheses, I undertake a case study of a Western European organisation active in the second half of the twentieth century: the IRA. I supplement this research with additional research on the West German RAF (focusing on H1), which enables me to critically discuss my findings. I choose to study these two groups as they operated at the same time (although the IRA started long before the RAF) between the late-1960s and the late-1990s, in similar Western democracies. Moreover, both included women in combat and leadership roles (although to different extents), by which is meant that they carried out attacks (such as bombings, assassinations, kidnappings, hijackings, shootings) and in certain cases, were involved in devising the group's general strategy. There is, however, a significant difference between both organisations that is worth mentioning: the RAF was a left-wing, anti-

imperialist group of Marxist inspiration, while the IRA was primarily an ethno-nationalist group seeking a united, independent Ireland, with Catholicism an important part of its identity. Given previous findings that group ideology and religiosity have an influence on women's involvement and roles within terrorist organisations, this difference will be taken into account in my subsequent analysis.⁴³ Finally, the fragmentation of the IRA also poses some challenges. For the purpose of this research, the IRA group under analysis after the 1969 split is the Provisional IRA (PIRA), as it was the most involved in violence; any reference to the IRA after 1969 therefore refers to the Provisionals. Two satellite organisations are also discussed at points in the analysis: its female auxiliary wing, Cumann na mBan (although only those in active roles within the IRA are considered in the data on female participation; this does not include all of Cumann na mBan), and the Provisional Sinn Féin, the IRA's political wing.⁴⁴

Understanding the evolution and impact of societal gender norms on female terrorism

In order to test H1, I analyse the variation over time in the number of women holding active roles within the IRA and compare this to the broader prevalence in Northern Ireland of the norm according to which women should hold leadership positions (in public life), as well as the evolution of the group's stance on increasing women's involvement. I use proxy data to assess the prevalence and evolution of the aforementioned norm in Northern Ireland, analysing census data on female labour force participation (especially looking at their level of professional responsibility) from 1961, 1966, 1971 and 1981. I complement this with results from two Eurobarometer attitude surveys on gender equality from 1975 and 1978, specifically regarding questions on women in politics, as they provide some insight into the evolution of the norm over time; however, these present some limitations as the UK data is not disaggregated to observe potential regional differences for Northern Ireland. In order to compensate for this, I analyse religious influence (using Eurobarometer data on church attendance) in both Northern Ireland and Great Britain between 1975 and 1980, in order to establish whether there was any variation between both societies. Indeed, Inglehart and Norris find a negative relationship between the influence of religious institutions on society and the prevalence of progressive gender norms (which is especially salient for Catholic institutions).⁴⁵ In order to strengthen my evaluation of the presence of the norm, I cross-analyse this statistical data with evolutions in legislation pertaining to gender equality in both societies, as this increases the chances of the potential biases present in both techniques cancelling each other out.⁴⁶ I end my analysis of normative evolution at the beginning of the 1980s (so as to get a full picture of the 1970s), as my argument relates to the relevance

of the 1970s as a turning point.

To assess the evolution of group stances on gender equality within their organisation, I undertake process-tracing in order to trace the causal mechanisms that would confirm my hypotheses. To do this, I look at (mostly female) members' testimonies of their experience of gender (in)equality within these organisations, as well as documents (such as pamphlets and interviews, but also internal documents such as personal correspondence between members) originating from the organisations themselves which provide insight into their ideology and also their corresponding practice (as well as the tensions between the two that may exist). The availability of primary sources varies between both organisations; therefore, I also rely on secondary academic accounts of the IRA's ideology and organisation, and for data on the numerical evolution of women in combat and leadership roles within both organisations.

Assessing women's individual motivations

To test H2 (for the IRA only), I analyse personal writings, recordings and media interviews of women terrorists, complementing this where needed with existing (interview-based) academic research. Through process-tracing, I look for references to women's motives for joining a terrorist organisation and establish whether these are aligned with the group's aims and beliefs (as set out in the PIRA's constitution). The analysis of first-hand testimonies enables women's actual experiences to become the main material upon which this part of the research is based, thus recentring them in the study of IR and limiting the prevalence of stereotypes and essentialisations in explanations for their involvement.

Findings: The Irish Republican Army

Norms in Northern Ireland

Overall, figures relating to female labour force participation in Northern Ireland indicate a normative evolution regarding women holding more responsibility in public life between the 1960s and 1980s, with the start of the 1970s seeming to mark a leap forward (although positive attitudes towards feminism and gender equality appear to decline nearer the end of the decade). The female to male labour force participation ratio increased between 1961 and 1981, thereby changing the face of the workplace in Northern Ireland.⁴⁷ This change is even more visible when we look at the evolution of the degree of responsibility women were granted. The proportion of working women in managerial and supervising positions nearly tripled between 1961 and 1981, with the quickest evolution taking place between 1971 and 1981.⁴⁸ This appears confirmed by the legal reforms towards increased

gender equality that took place in the UK as of 1970 (starting with the Equal Pay Act) and were especially frequent from 1975 (for example with the Sex Discrimination Order and the Employment Protection Act, shortly followed by the implementation of the Equal Opportunities Commission in 1976).⁴⁹ It is important to note that the UK's accession to the European Communities in 1973 had a tangible impact on married women's employment opportunities.⁵⁰

Attitudes towards gender equality also evolved: 62 percent of the British (including Northern Irish) population in 1975 perceived the change in women's status over the previous ten to fifteen years as positive, 57.5 percent held positive attitudes towards feminism that year, and even more (68.5 percent) believed that men and women should play the same role in politics;⁵¹ however, positive popular attitudes towards gender equality and feminism had significantly declined in number by 1978.⁵² Although the nature of the available data makes it difficult to assess the extent of acceptance of women in politics in Northern Ireland, it seems possible to assume that Northern Irish attitudes remained more conservative, in light of data on religious influence and the less significant influence of the Northern Irish women's movement.⁵³ Indeed, between 1975 and 1980, although overall church attendance was decreasing slightly, it was consistently much higher in Northern Ireland (at times nearly twice as high amongst Catholics) than in mainland Britain.⁵⁴ This is especially relevant as we can expect Catholics to be the demographic group from which the IRA would most be trying to gather support and from which its members would be stemming most.

Women in the IRA

Was this evolution in gender norms reflected in the IRA's stance towards recruiting women? Before 1968, women were often confined to support roles as part of the Republican women's auxiliary organisation, Cumann na mBan, which provided the armed Volunteers with logistical support, but did not engage in front line activities.⁵⁵ They were denied full participation and recognition within the movement, in part due to the movement's deeply conservative ideology and leadership in the 1940s and 1950s.⁵⁶ Despite the IRA's shift towards a more left-wing discourse under the leadership of Cathal Goulding from 1962, women were still not accepted as IRA volunteers, remaining confined to support roles.⁵⁷

The first event suggesting a change in attitudes towards women's participation came in 1968, when Goulding attempted to disband Cumann na mBan and accept reliable female Volunteers in the IRA (although given Cumann na mBan's support activities, the nature of the role envisaged for these female Volunteers was not clear).⁵⁸ In the wake of the 1969 IRA split, women were formally allowed to join the Provisional branch from September 1970;⁵⁹ the 1970s thus appear to be

a turning point in terms of female recruitment as well as in terms of societal gender norms. Gill and Horgan estimate that women constituted 5.1 percent of active PIRA members between 1970 and 1976—although these numbers indicate that full equality within the IRA was far from being achieved, they represent an important evolution nonetheless.⁶⁰ However, female recruitment may reflect a need for women as part of a group's tactics (for example, there is evidence that female terrorists often 'raise less suspicion due to their gender', which is a loophole exploited by violent political organisations⁶¹), and may not be a reflection of contemporaneous social norms; we therefore need to look at the mechanisms informing H1.

Women carried out most explosive attacks in the early 1970s, and were mainly recruited from areas of high operational need, such as Belfast, Derry and mainland England, at a time where many men were being jailed or killed.⁶² Given women's ability to hide bombs in prams and the belief that they were less vulnerable to searches than men, it could therefore be deduced that their recruitment was purely tactical.⁶³ However, if this was the case, we would not necessarily expect to see equal treatment of men and women within PIRA; yet, MacStiofain, the organisation's chief of staff at the time, later wrote:

Some of the best shots I ever knew were women. So were the best intelligence officers in Belfast. From [the early 1970s] women were admitted on the basis of full equality with men.⁶⁴

This gender equality is confirmed by former female Volunteers too;⁶⁵ Dieter Reinisch interviewed a woman who admitted to having achieved the rank of quartermaster in the PIRA, and Mairéad Farrell, one of the PIRA's most notorious female members, agreed: 'you got doing what the lads did but it depended to what extent you were committed, not measured by what sex you were';⁶⁶ she later became a commanding officer.⁶⁷ It must be mentioned that reports of gender equality within the PIRA were not unanimous, and women were still overwhelmingly kept in support roles.⁶⁸ However, in 1993, one female Volunteer pointed out that:

It is important to realise that we live in a sexist society and therefore it would be unrealistic to assume that some of those sexist attitudes which permeate such a society would not overspill to a movement such as ours. [...] I have never been in any situation whereby my gender has dictated my status within the movement. I'm not suggesting that has not happened on occasions to different individuals, but I believe the IRA are one of the most progressive volunteer armies where the issue of women's equality is concerned.⁶⁹

Her assessment of societal sexism (which was also an issue in the 1970s) reminds us that these conflicting accounts reflect the state of society: progressing towards greater equality, but not fully equal (as shown by the aforementioned norm assessment); according to my hypothesis, it is to be expected that the situation within the IRA would be the same.

Furthermore, higher female recruitment in areas of operational need does not necessarily *only* reflect strategic considerations. Sixty percent of all female Volunteers between 1970 and 1976 came from County Antrim, where the Belfast Brigade, under the leadership of a young Gerry Adams, recruited women outside of Cumann na mBan membership.⁷⁰ In a later interview, Mairéad Keane, the leader of Sinn Féin's Women's Department (which was established in response to criticism of the absence of women in the Republican movement), highlighted Adams's continuing commitment to 'mak[ing] sure that women were on the platform' and involving women in the struggle.⁷¹ We can thus reasonably presume that women's greater participation in the Belfast Brigade was also a reflection of norms regarding women in leadership integrated by Adams. Moreover, after an analysis of IRA visuals, Loken concludes that the organisation believed involving women (including in their visual materials, where their role was even at times glorified compared to the reality) would improve public opinion of their cause, indicating another way in which evolving societal gender norms may have affected the group's behaviour.⁷²

However, although it subsequently increased again, Gill and Horgan found a marked decrease in female participation between 1976 and 1980, which fell to 2.9 percent of Volunteers.⁷³ This challenges my first hypothesis insofar as this decrease is often attributed to the simultaneous internal reorganisation of PIRA, which shifted to a cellular (rather than an army) structure, focusing on Volunteer secrecy and discipline rather than on quantity.⁷⁴ Given the assumption that women were recruited for tactical reasons, it is argued that this reorganisation decreased the frontline need for women.⁷⁵ A 1977 Staff report indicated that the PIRA leadership intended to dissolve Cumann na mBan, incorporating its best elements into the Army;⁷⁶ however, Cumann na mBan operated in a support role, and this policy move does not say a lot about the organisation's stance on women in combat roles, other than that they were still accepted. Moreover, Eurobarometer survey data outlined above indicates a sharp decline in positive perceptions of gender equality and feminism during the same period of time, although the absence of proof for any causal mechanisms means this cannot be considered to be more than a correlation at this point.⁷⁷ In light of the subsequent increase in female participation in combat roles, I therefore do not draw any definite conclusions from the link between this drop and gender norms; continuing this analysis for later decades may enable a better assessment of this decrease in participation by further exploring

the validity of my hypothesis.

My research therefore confirms that the start of the 1970s was a turning point both in terms of gender norms in Northern Ireland, but also in terms of active female participation in the IRA. It suggests that women's participation in combat and leadership roles in terrorist groups is more likely when opportunities at the group level, which are affected by societal gender norms, emerge. A decrease in female participation in combat roles at the end of the decade could challenge this finding; however, I found no conclusive evidence suggesting which causal mechanisms were at play. I now move on to testing H2: women actively engage in terrorism because their political beliefs are aligned with those of terrorist organisations

Women's motives for joining

Former female IRA Volunteers' testimonies reveal that the reason most cited for their involvement was a commitment to fight against oppression of their community in Northern Ireland (and for the formation of a united Ireland), and the belief that this was best achieved through violence. This echoes the PIRA's objectives: it was an 'overtly nationalist movement seeking the removal of British rule from Northern Ireland', and its constitution committed it to 'guard[ing]', 'honour[ing]', and 'uphold[ing] the sovereignty and unity of the Republic of Ireland', 'support[ing] the establishment of an Irish Socialist Republic based on the 1916 Proclamation', and to 'support[ing] the establishment of, and uphold[ing] of, a lawful government in sole and absolute control of the Republic'. This was to be achieved through a strategy of 'Brits out': the withdrawal of British military presence in Northern Ireland through a campaign of terrorism.⁷⁸

Published testimonies are far and few between for those engaged in the 1970s—individuals' openness on the topic only truly increased in the late 1990s, after the signature of the Good Friday Agreement. However, it is still possible to outline a picture of women's motives for involvement. Mairéad Farrell is quoted here, emphasising her opposition to British 'occupation':

I suppose I've always believed we had a legitimate right to take up arms and defend ourselves against the Brits' occupation. I wouldn't have got involved if I hadn't believed that.⁷⁹

I am oppressed as a woman, and I'm also oppressed as an Irish person. We can only end our oppression as women if we end the oppression of our nation as a whole. I hope I am still alive when the British are driven out.⁸⁰

Similarly, Rose Dugdale, a British woman studying in Manchester who was radicalised after going to Belfast with some other student activists, points to the necessity for violence to end 'British imperialis[m]':

If reason would end the wrong England is doing in Ireland, it would have ended 800 years ago. If you recognise that wrong, and are determined to put it right, you have to face the terrible fact that only armed struggle will work.⁸¹

There was no question that you needed to do everything you could to support that cause, to free the Northern Irish people from their stranglehold which was the British imperialist relationship.⁸²

I remember thinking that, you know, if you are involved in this, you need to accept the possibility that at the end of the day you may have to kill people.⁸³

Women Volunteers also emphasised the salience of their principles in shaping their engagement:

We are prepared to fast to the death, if necessary, but our love for justice and our country will live forever.⁸⁴

I have no regrets. I joined young but I knew the risks involved. I had thought long and hard. It wasn't an emotional reaction to something that happened to my family or me. It was a question of fulfilling the beliefs I still hold.⁸⁵

The belief in violence as the way to put these principles into action also made the IRA attractive to some women:

I wanted to fight a war. I wanted to take an active part in it, do the same thing men did... My own experiences led me to the decision that the structure of Cumann na mBan, as important as it was, you know, also Cumann na mBan and the [Irish Republican] Army didn't play an equal role.⁸⁶

H2 therefore seems confirmed, thus reaffirming the importance of paying attention to agency when analysing women's reasons for involvement in terrorism.

Discussion

In the case of the IRA, therefore, my argument seems confirmed: the observed increase in women's participation in combatant

and leadership roles in the 1970s can be partly explained by the turning point in social values around women in leadership that occurred at the turn of the decade. However, as mentioned above and as indicated by my findings, this is only one of many explanations for women's involvement; for example, the argument that more women were recruited for strategic reasons also found some support.

Confronting my findings with the structural conditions for female involvement in the Red Army Faction

Indeed, my findings for the RAF, a third of whose members were women, paint a different picture.⁸⁷ An analysis of documents published by the group, including pamphlets, show that it was very much committed to defending women's issues, such as equal pay and the double workload. For example, RAF pamphlets and members state that:

The 'revolutionary transition demands' that proletarian organisations have expressed the country all over, such as [...] equal pay for men and women and foreign workers [...] are worthless as trade union economics as long as we do not simultaneously answer the question of how we will break the political, military and propaganda pressure that will aggressively stand in the way of these demands, were they to be raised as part of mass-scale class struggle.⁸⁸

We believe that we must achieve political cooperation [...] with the part of the proletariat which obtains no gratification in this society for letting itself be exploited. That means the families with many children, that means the women who have both household and children yet also have to go and work in the factory.⁸⁹

Moreover, RAF members boasted the group's flat hierarchical structure throughout the trials they faced in the 1970s and 1980s;⁹⁰ this is confirmed by the numerous internal strategic plans and proposals that were written by female members.⁹¹ Yet the fact that the group had a gender equal structure and addressed women's issues at the same time as normative societal evolution towards greater acceptance of women in leadership does not necessarily mean that the two are related. In the case of the RAF, this seems better explained by its Marxist ideology and commitment to 'urban guerrilla', which are what they always referred to as a justification for their ideological programme and structural organisation.⁹² In the RAF case, therefore, the explanation for above-average female participation in combat and leadership seems to lie first and foremost in the (left-wing) nature of its ideology, echoing existing research.⁹³

Nevertheless, the use of a social movement theory framework to analyse female terrorists enables a deconstruction of the structure/agent binary and a foregrounding of women's political agency as terrorists. Not only does it serve as a reminder that terrorism is an inherently political endeavour and that terrorist organisations are often linked to social movements, but studying terrorist organisations and their members within a social movement framework also reminds us of the role that societal, familial, and organisational structures may have on individual behaviour.⁹⁴ Previous scholarship on female terrorists often reduced their involvement to manipulation by loved ones, implying that women had no will or reason of their own to commit acts of political violence. Yet, Della Porta points out that, just like members of social movements, terrorists of all genders are highly likely to get involved through personal relationships, be they friends, lovers or family—yet that does not put into question their political motivations.⁹⁵ Indeed, interviews of active female IRA members highlight that growing up in strongly Republican families, or in areas where discrimination against Catholics was particularly visible, motivated them to get involved.⁹⁶ However, whereas Reinisch sets these reasons clearly apart from belief in Republican goals, these testimonies explicitly reveal that these women also believed in IRA aims;⁹⁷ this is a clear example of the role played by social networks in political violence, and how women's political agency can be constrained and encouraged by a variety of external factors, as argued by Sjöberg and Gentry.⁹⁸

Future research on female terrorism should, therefore, harness the merits of social movement approaches in order to better understand the multidimensionality of women's involvement in political violence. Recent publications by Wood⁹⁹ and Israelsen,¹⁰⁰ that look especially at the group level as a space where the constraints of the macro-level (societal gender norms) play out, are encouraging in this regard. However, too often still, the focus is placed solely on structural and external factors to women's involvement, attempting to provide absolute explanations for women's political violence (often at the risk of essentialising female terrorists as inherently different from male terrorists), without analysing the way structural conditions at the macro- and meso-level interact with women's agency. The difficulty of obtaining primary data (especially through interviews) with female terrorists is an obvious challenge to this goal; although this paper shows that analysis is nonetheless possible, primary data would undoubtedly enable a more thorough investigation of the key mechanisms that inform the imbrication of structure and agency. In the meantime, researchers should not use this lack of data as a reason to sidestep the issue of agency altogether, or else, any attempt at

Conclusion

A feminist, tri-level approach to analysing women's involvement in political violence, guided by social movement theory, paints a nuanced picture of women's agency in terrorism. Observing how societal gender norms (the macro-level) affect organisations' stances towards women in combat and leadership roles (the meso-level), and how these constraints and enablers interact with women's political motivations (the micro-level), supports Sjöberg and Gentry's reliance on Hirschmann's concept of 'relational autonomy' when analysing women's agency.¹⁰¹ My case study of the IRA in the 1960s and 1970s shows that the number of female Volunteers increased as gender norms in Northern Ireland evolved, and process-tracing shows that this heightened female involvement in combat can be linked to a normative evolution on behalf of group leaders, who internalise evolving gender norms and seek to appeal to their supporters by playing to them too. However, importantly, my findings for both the IRA and the RAF highlight that this is not the only structural factor explaining increased female involvement, with women being recruited for strategic and ideological reasons as well. Overall, my findings echo Thomas and Wood's large-N study, which finds that gender equality impacts the presence of female combatants in armed rebel organisations, but that the influence of the control variable for left-wing ideology (but not for secessionist conflicts) is significant too.¹⁰² By undertaking an in-depth time-variate analysis of the IRA (alongside an analysis of the RAF), I achieve similar results. This points to the necessity to continue investigating the role of broader societal contexts when trying to understand terrorist involvement. My findings, therefore, invite a reassessment of arguments concerning ethno-nationalist movements' tendency to accept women only in traditional gender roles;¹⁰³ future research examining these movements in interaction with broader societal gender norms may provide a more nuanced view. Moreover, greater availability of proxy data for gender norms (especially prior to 1970) and undertaking interviews with former terrorists (in order to mitigate the potential bias in information taken from Republican publications) would enable to more definitely confirm my findings, as would an expansion of my study to more groups over a longer period of time (so as to better grasp longer-term trends that may enable a more definitive investigation of the key mechanisms at play).

In order to understand women's agency in political violence as a (constrained) choice, rather than as the result of a set of structural factors, I also look at female terrorists' testimonies outlining their support for the political goals of their organisation, thus reaffirming violent women as political beings rather than sexually deviant or motivated by

their supposed motherly nature.¹⁰⁴ This approach confirms the need for feminist approaches to IR research that go beyond the deeply gendered structure/agency dichotomy when studying actors in political violence, in order to free the subjects of our analysis from gendered categorisations and essentialisations that hamper the achievement of true equality. Indeed, per Sjoberg and Gentry, 'so long as women are seen as less capable compared to men at anything, the male/female dichotomy is reified and remains salient.'¹⁰⁵ Moreover, an understanding of women's terrorist activity that is based on essentialist characteristics of womanhood, focusing on women's emotional reasons for involvement rather than their political motivations, 'effectively separates their action from men's and misses any underlying motives', thus 'hamper[ing] our ability to understand women's violence as a real threat to security'. Feminist approaches that resituate women as legitimate agents in international security are therefore essential to effective counterterrorism policy.¹⁰⁶

Notes

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- 2 Caron E. Gentry and Laura Sjoberg, *Beyond Mothers, Monsters, Whores: Thinking About Women's Violence in Global Politics* (London: Zed Books, 2015), 47.
- 3 *Ibid.*, 43.
- 4 Leonard Weinberg and William Eubank, "Women's Involvement in Terrorism," *Gender Issues* 28, no. 1 (2011); see also Jamille Bigio and Rachel Vogelstein, *Women and Terrorism: Hidden Threats, Forgotten Partners*, (Washington, D.C.: Council on Foreign Relations, 2019); Alexis L. Henshaw, "Where Women Rebel," *International Feminist Journal of Politics* 18, no. 1 (2016).
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#BREAKISOLATION: TRANSLOCAL SOLIDARITIES AND THE NECESSITY OF RURAL-URBAN ALLIANCES IN CHALLENGING THE POLITICS OF IMMOBILITY

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Abstract

The socio-political landscape of the European Union has changed dramatically in the aftermath of 2015's migratory movements—commonly referred to as the 'summer of migration'.¹ As the ideology of nationalism regained mainstream popularity, policies of immobilisation became the official mode of a contemporary border regime that produced sites of forced immobility all over Europe: in camps, in churches, in deportation custody, and in abandoned factory buildings on the borderlands of the closed western Balkan route. This article elaborates on monthly protests held in front of one of these peripheral migratory settings: a first reception centre for asylum seekers in rural northeast Germany. Drawing on theoretical and empirical research, it sketches a multidimensional approach to solidarity and invites an understanding of its spatialities as heterotopic spaces of opposition, arguing that reliable rural-urban alliances are necessary not only to maintain social and political movements in areas with a weak civil society but also to encourage feelings of locality and agency. Moreover, it discusses the extent to which translocal spaces, founded on grassroots practices of solidarity, challenge the mechanisms of the camp—boundaries, exclusion and isolation—and exemplify strategies of everyday anti-racism in rural areas.

Point of departure

'Ours is a migratory species. Humans have always moved', yet we are violently divided into those who can easily pass through spaces, places and time zones—self-declared 'travellers', 'expatriates' and 'cosmopolitans'—and those who struggle to cross borders, fences, walls, and seas—so-called 'migrants' and 'refugees'.² While the notion of 'mobility is foundational to modern Western conceptions of freedom', the everyday realities of local, national and subnational border regimes

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reveal that mobility is a concept intrinsically tied to massive economic and social inequalities.³ “There are new places and technologies that enhance the mobility of some people and places and heighten the immobility of others, especially as they try to cross borders.”⁴ The struggles of transnational migrants shine a light on the unjust distribution of global wealth and on unequal access to education, fair working conditions and safe living environments. At the same time, they highlight the judicial ambivalence towards border crossing. According to Seyla Benhabib, ‘migratory movements are sites of imperfect justice in that they bring into play the individual right to freedom of movement, the universal right to hospitality and the right of collectives to self-government.’⁵

The socio-political landscape of the European Union has changed dramatically in the aftermath of 2015’s ‘summer of migration’, when ‘more than 911,000 refugees and migrants had arrived on European shores since the year began and some 3,500 lives had been lost during the journey.’⁶ The ideology of nationalism and authoritarian leadership regained mainstream popularity, and right-wing parties entered parliaments (such as the *Alternative für Deutschland* (AFD) in Germany’s 2017 federal election), grew in influence and power (in countries such as Italy, Hungary and France), and joined coalitions with conservative, neoliberal parties (such as the *Freiheitliche Partei Österreichs* (FPÖ) in Austria from 2017 through 2019).

Accompanied by intensive efforts to secure borders, this post-2015 nationalist backlash ‘can be read as an abandonment of a humanitarian governance model of migration management encouraged through the EU over the last decades.’⁷ In terms of the Common European Asylum System ..., it was associated with a quickly shifting focus ‘towards border control ... a toolbox emerged with policy suggestions ranging from the closure of the Balkan corridor, through the temporary reintroduction of border controls ..., to the EU-Turkey Statement of March 2016 and the application of the hotspot approach in Greece.’⁸ After the transnational agreement between Europe and Turkey, the long-term physical immobilisation of migrants was no longer an unwanted side effect of an overstrained asylum system but rather an official aspect of Europe’s border regime. In other words, the EU-Turkey Statement marks a turn towards a politics of immobility, with its disastrous physical, mental, social, and political implications.

However, sites of forced immobility exist all over Europe: in churches, in sanctuaries, in first reception centres, in deportation custody, and in abandoned factory buildings on the borderlands of the closed western Balkan route. Most commonly existing on the outskirts of cities and in rural areas, these encampments illustrate the nation-state’s inability to deal with alterity: ‘When we speak of difference, we speak of relationships, and therefore proximity relations that are conceived and perceived, and inserted in a twofold space-time order: near and distant.

Separation and segregation break this relationship. They constitute a totalitarian order.⁹

In this article, I describe the monthly gatherings (German: *Mahnwache*) held in front of one of these peripheral migratory settings: Nostorf/Horst, a first reception centre for asylum seekers in rural northeast Germany. Under the political slogan of 'break isolation', a translocal collective of activists, students, People of Colour (PoC), and former residents creates spaces for shared activities and provides counselling and legal advice.¹⁰ These rallies have taken place in a small parking lot by the camp entrance every last Sunday of the month since December 2017.

In the context of thoughts on solidarity and its spatialities, I argue that reliable rural-urban alliances are necessary not only to maintain political movements in areas with a weak civil society but also to encourage feelings of belonging, locality and agency. Furthermore, I discuss the extent to which these emerging translocal spaces challenge the politics of immobility enforced by the camp's mechanisms: the state's monopoly on knowledge and information and the residents' lack of representation. Finally, I question how the repossessed space in front of the camp contests the impermeability of its institutional boundary and exemplifies the tactics and struggles of anti-racist activism in rural areas.

Contested fields and methodological challenges

This study is part of a multi-sited ethnography that employs qualitative research methods (such as dialogues, narrative interviews and participant observation) to explore the dynamics of translocal solidarities in three place-specific settings: refugee camps, church communities and squats. Re-entering these contested fields since 2015 inevitably led to 'all sorts of cross-cutting and contradictory personal commitments' as I variously played the role of social worker, researcher, activist, solidarian, and friend.¹¹ After working in first reception centres from 2015 through 2017, I attended 16 gatherings from 2018 through 2020 (partly as organiser, partly as researcher), conducted 12 narrative interviews with organisers, former residents and PoC-activists, and engaged in many on-site informal dialogues. To analyse the material, I apply close reading techniques and the context-based approach of thick description.

While the process of re-positioning requires constant reflection on hierarchies and dependencies, it also leads to encounters that potentially promote a more equal exchange of ideas and encourage 'participatory research ... as well as grounded approaches, where the questions and methods are clarified during research with participants, instead of dictating research questions that are important only for researchers.'¹²

Research does not objectively reflect upon existing discourses,

despite the fact that the assumption of a 'universal God-like invisible researcher' is already deeply rooted in Westernised epistemologies.¹³ Research itself is interwoven in hegemonic power structures and diverging interests, it is crucial to acknowledge that 'the truth we [as researchers] produce is entangled in many other "truths" as well as things other than the "truth", conditioned by ongoing violent realities of colonialism and statelessness.'¹⁴ Consequently, recurring phases of consultation, confirmation and renegotiation (whenever possible) with the study's participants have crucially informed the writing process and its conclusions. Illustrating the ongoing effort to question the colonial heritage of ethnographic research, this analysis is not 'of' or 'about' the subject of study, but of the problems that they face in their decolonial struggles, and their contributions for decolonial social change.¹⁵ Therefore, my methodological approach aims to 're-position those who have been objects of research into questioners, critics, theorists, knowers, and communicators.'¹⁶

Solidarity in the making: Sketching a multidimensional approach

In *Contingency, Irony and Solidarity*, Richard Rorty views solidarity as a distinct sign of 'moral progress' that is 'not thought of as recognition of a core self, the human essence, in all human beings [but] as the ability to see more and more traditional differences ... as unimportant when compared with similarities with respect to pain and humiliation ... the ability to think of people wildly different from ourselves as included in the range of "us."¹⁷ This approach expands the possibility of solidarity between members of divergent groups while yet perpetuating dualistic conceptions of *us* and *them*, ignoring our ever-present mutual entanglements.

Rorty shows that solidarity exists not in a vacuum but is articulated as a (collective) response to experiences of discrimination, inequality and oppression. In these settings of shared struggle, confrontation with the other becomes inevitable: 'Man is human only to the extent to which he tries to impose himself on another man in order to be recognised by him ... His human worth and reality depend on this other and on his recognition by the other.'¹⁸ In our relationship with the other, Emmanuel Lévinas locates 'the very core of the subject.'¹⁹ Eschewing the totalitarian ontology of traditional moral-philosophical thinking, he identifies the double axis of 'presence and absence, identity and alterity ... "as the ultimate relationship in Being."²⁰ For Lévinas, this 'Being is a radically interdependent condition, a condition made possible only because of my responsibility to the "other."²¹

A number of social movement theories combine solidarity with the constitution of subjectivity, focusing on the idea of performativity

and, therefore, the process of defining (collective) identities and feelings of belonging through acts of solidarity: 'Subject identities are formed through material practice ... By *acting* in solidarity citizens, workers, and illegalised migrants intervene in the dialectical process of subject formation.'²² Especially when the consequences of austerity politics, labour exploitation and border regimes overlap, (pro)migrant solidarities aim to go 'beyond the empathetic view and contribute to shaping a common struggle with the goal of overcoming labour and border divisions.'²³

Showing and *expressing* solidarity must, at least partly, be considered as acts of reassurance, helping us to navigate and position ourselves in a world that perpetuates exploitation and inequality through its systems (nation-state, patriarchy, capitalism, neoliberalism) instead of abolishing them. The emotional dimension of these oppositions has long been underestimated, however, valued below rationality and excluded from the political realm. Audrey Lorde recognised the indispensable role of emotions in the common fight against oppression: 'My response to racism is anger ... Women responding to racism means women responding to anger, the anger of exclusion, of unquestioned privilege, of racial distortions, of silence, ill-use, stereotyping, defensiveness, misnaming, and co-opting.'²⁴

Referring to Antonio Gramsci's thoughts on the potential of alliances between industrial workers and oppressed peasantry in fascist Italy, David Featherstone separates solidarity from its moral reading (considering it as 'given' and 'organic').²⁵ Instead, he emphasises the significance of collective action: 'To understand the role of solidarity in shaping and transforming political relations it is necessary to assert the importance of place-based political activity.'²⁶ Alliances tend to 'emerge as a response to a concrete situation or conflict' and are, therefore, crucial in establishing and nourishing a sense of trust and collective consciousness.²⁷ 'Solidarity can be forged through political activity, rather than pre-existing it.'²⁸

Solidarity and its practices are not inscribed in existing places but challenge and re-write spatial meanings by opening up diverse scopes and trajectories in the *in-between*. These spaces become essential to exercising and reinforcing solidarity: 'Hope and solidarity require the building of relationships that assure protestors that their views are shared ... These relationships—and all social relationships—are fundamentally, inextricably spatial.'²⁹

Spatialities of solidarity: Other space *and* space of the Other

Our understanding of solidarity keeps pushing boundaries as it is intrinsically formed by an ongoing, and at times ambivalent and contradictory, discussion about us, the other and our mutual

entanglements. How can we approach its spatialities? Spaces of solidarity tend to emerge around places of disjunction and rupture: along national borderlands (such as the *Calais Jungle* in France), at thresholds (of camps and prisons), and in grey areas between legal protest, moral obligation and lawbreaking (such as the sanctuary movement). By revealing the ambiguity of boundaries, solidarity practices potentially reshape sites of segregation and exclusion, creating intersections and contact zones as 'social spaces where cultures meet, clash and grapple with each other, often in contexts of highly asymmetrical relations of power.'³⁰

Embedded in existing structures and networks of localities, spaces of solidarity must be recognised in their contextuality: 'We are in an epoch in which space is given to us in the form of relations between emplacements.'³¹ Within this 'relational conception'³² Michel Foucault locates his idea of heterotopias—*other places*—as 'real places ... that are written into the institution of society itself, and that are sort of counter-emplacements ... in which ... all the other real emplacements that can be found within culture, are simultaneously represented, contested and inverted.'³³ Differentiated from utopias, as 'fundamentally unreal spaces',³⁴ heterotopias are exclusions sewn into the social fabric of *everydayness*, concrete sites that differ from *normal* and *common* places, yet tightly interwoven with all remaining space and its meaning. Diverse examples such as the garden, theatre, cemetery, and brothel illustrate that 'heterotopian sites do not sit in isolation as reservoirs of freedom ... or resistance; they coexist, combine and connect.'³⁵

Within this analytical framework, heterotopias are revealed as 'aporetic spaces that ... represent something about the society in which they reside through the way in which they incorporate and stage the ... contradictions that this society produces but is unable to resolve.'³⁶ While this perspective must, at least partly, be read as a conceptual method of grasping social and political formations from the margins—society defines itself through its exclusions—Foucault's topological approach remains sketchy, vague and too focused on fixed locations to capture the performativity of solidarity's practices.

Henri Lefebvre offers a more concrete discussion of heterotopy in the context of urban transformative space as he 'envisages heterotopias in a more critical register, rooting them in a sense of political and historical deviance from social norm.'³⁷ Thus, the *normal* place (every place heterotopia is distinguished from *and* incorporated in), which remains conceptually blurry and non-specific with Foucault, becomes tangible in Lefebvre's time-space triad of isotopy, heterotopy and utopia: 'An isotopy is a place (topos) and everything that surrounds it (neighborhood, immediate environment) ... everything that makes a place the *same* place.'³⁸ In other words, sameness is created through a collection of socially accepted practices, institutionalised procedures and concrete purposes that are exercised at distinct locations—hotels,

shopping centres, hospitals, prisons, camps—making these places the same places: *commonplace*.

Alongside this ‘very place’ Lefebvre locates ‘a *different* place, an *other* place, ... It’s *heterotopy*: a difference that marks it by situating (situating itself) with respect to the initial place. This difference can extend from a highly marked contrast all the way to conflict.’³⁹ That his heterotopy is a *lived* space, produced by the other’s diverging, opposing and even banned practices, can be seen in the heterotopian archetype: commercial areas of exchange on the outskirts of the political city in the fourteenth century. Following Lefebvre, those sites, ‘initially confined to suspicious individuals, to ‘strangers’, ... become *functionally* integrated into the life of the city ... Like the people who are responsible for and inhabit them, these places are ... excluded from the political city.’⁴⁰

The relation between isotopy and heterotopy—radically open, fluid, interchangeable—reveals another significant aspect of Lefebvre’s conceptualisation of the heterotopian: ‘Anomic groups construct heterotopic spaces, which are eventually reclaimed by the dominant praxis’ and, as a result, become the social norm.⁴¹ In contrast to Foucault, who insists ‘on utopia as fiction, as literary blueprint ... [and thereby] expels all the realised utopias ... from his discussion’,⁴² Lefebvre senses the indispensability of utopian thought in the constant struggle for self-determination through practices of habiting; ‘the u-topic in this sense has nothing in common with an abstract imaginary. It is real. It is the very heart of the real, the urban reality that can’t exist without this ferment.’⁴³

Camp spaces: Biopolitical control and migrant agency

In this article, I describe Nostorf/Horst, a first reception centre for refugees in a peripheral area of the predominantly rural Mecklenburg-Western Pomerania (MWP) province in northeast Germany. The camp began operating in April 1993 as a so-called emergency solution in the aftermath of the xenophobic riots of August 22 through August 26, 1992 in the Lichtenhagen district of Rostock. This racist tumult, during which the previous first reception centre was burnt down, led to the radical strengthening of asylum- and migration-related legislation in 1992–1993 that called for relocating asylum seekers to camps outside urban areas. Formerly used as barracks for the National People’s Army (during the era of the German Democratic Republic), the Nostorf/Horst first reception centre can house 600 residents today.

The relocation of asylum seekers from Rostock to remote areas ceded urban public spaces to a violent, openly xenophobic mob and was a disastrous political statement that justified racist discrimination in the eastern parts of the newly reunified Germany. Exclusion and segregation are completely inadequate strategies for addressing xenophobic and

racist attitudes, however, as they strengthen a political culture of anti-democratic tendencies: 'Whether the rightist narratives gain traction and populists win political support depends also on the number of migrants who actually live in a country ... That can be seen in German [provinces] with a high proportion of migrants, such as Hamburg, Bremen and North-Rhine-Westphalia. People there are much less likely to vote for right-wing-parties than in [provinces] with fewer migrants.'⁴⁴ MWP exemplifies this phenomenon; with a distribution quota of only 1.9% (based on the Königstein key, a nationwide system of distributing asylum seekers), the province has the third-smallest quota in Germany, accommodating 5,960 refugees in 2016.⁴⁵ In the same year, the right-wing AFD entered the provincial parliament for the first time and became the second-strongest party with 20.8% of all votes.⁴⁶

Ever since the radical strengthening of refugee and immigration law, migrants have fought for more rights and political recognition, but physical and social segregation in secluded camps remains the status quo of Germany's biopolitical migration management, perpetuating the xenophobia of the 1990s. Hence, first reception centres and their mechanisms—social isolation, extensive surveillance, formal and informal sanctions, exclusion from the legal system, deportations—constitute normal, accepted and supposedly inevitable places (in Lefebvre's term, isotopies) and prime examples of the spatial fragmentation of everyday geographies. For Giorgio Agamben, the camp must be recognised as a 'permanent state of exception' woven into the fabric of our political and social norm.⁴⁷ 'This will lead us to regard the camp not as a historical fact and an anomaly belonging to the past ... but in some way as the hidden matrix and nomos of the political space in which we are still living.'⁴⁸

While numerous accounts 'draw on the Agambenian tradition that views spaces of contained mobility ... as sites where biopolitical control is exercised',⁴⁹ more recent studies on camps indicate that detention facilities must be understood as 'both spaces where migrant agency is mobilised and where biopolitical control is exercised.'⁵⁰ Romola Sanyal's study on refugee camps in Beirut and Calcutta describes refugee spaces as 'not just potent political symbols but also strategic tools for negotiations.'⁵¹ In urban settings, they potentially function as 'the site from which new ... citizenships emerge that may lay claims to national citizenship ... or to alternate visions of life, community and rights. As with the fragmented spaces of cities, perhaps refugee camps too can offer possibilities for elaborating livelihoods and politics that do not conform to normative frameworks.'⁵²

However, camp spaces remain 'quintessential geographies of the modern.'⁵³ In Lefebvre's time-space triad, common places *necessitate* heterotopy as 'the other place, place of the other, simultaneously excluded and interwoven.'⁵⁴ With this in mind, the monthly rallies at Nostorf/Horst must be explored as counter-emplacements that transform the

neutral spaces of the camp's direct surroundings—driveway, parking area, forest—into heterotopic sites of opposition, resistance and solidarity.

At the threshold: Negotiating alliances and challenging boundaries

Sunday, January 26, 2020. 12:30 p.m.: It's freezing cold. No snow. It seems deathly quiet today. Just a few kids behind the fence—I can barely hear them. (Any deportations recently?) The parking area is still blocked. (Why? No construction site.) ... 1 p.m.: The first cars are arriving. I have a short chat with Rebecca: she seems relieved as the ride was better organised this time—more translators are participating (Russian, Farsi, Arabic) ... Setting up the gathering has become routine: a music box next to the kitchen, legal advice far from donations, benches around the corner. A few residents are joining. (The camp seems empty today.) ... 2:10 p.m.: An Announcement, the official start.⁵⁵

Initiated in December 2017 by Pro Bleiberecht (PBR), a grassroots solidarity group from MWP, the first gatherings comprised a few local activists who distributed flyers near the camp entrance to contact residents: 'I remember it pretty vividly; we were just a couple of people with a small information booth ... It started raining and we left before anyone realised that we had even been there.'⁵⁶ Camp management immediately sought to ban regular meetings, and PBR members were obliged to fight in court for their right to assembly. Today, the rallies take place in the parking area near the camp's fence, providing spaces for medical consultation and legal advice as well as shared social activities, such as cooking and discussions. Attended by approximately 100 participants monthly, the gatherings are organised by a translocal collective of former residents, PoC, activists, and students from cities in three provinces. The participants include representatives of the law clinic initiative of Rostock in MWP (legal advice), the No Border Academy of Luneburg in Lower Saxony (communal cooking), the refugee council from Hamburg as a city-province (legal advice) as well as local volunteers and physicians from smaller towns in the region.

The emergence of regular demonstrations must be understood against the background of civil society and its peculiarities in MWP. One participant is frustrated with official organisations, such as the refugee council: 'They distance themselves from any kind of political activism or critical statements ... Why? Because they are afraid to lose their so-called 'privileges'. What about their state contacts? What about the money from the ministry? They need to secure the status quo.'⁵⁷ While refugee councils are funded by the state to provide information on the asylum procedure, their political stances and concrete actions vary

widely from province to province. In MWP, the refugee council is known for its critical stance on the camp but also as a white, privileged, political actor. Activists particularly criticise its entanglements with the state and the lack of representation by PoC and their struggles: ‘Why do they call themselves a “refugee council” if they don’t even employ migrants? Refugees themselves started this discussion ... there is no substitute for their perspectives.’⁵⁸

The predominantly white, conservative and middle-class realities of rural eastern Germany turn alliance-building into a balancing act between radical political claims and humanitarian aid. The debate about the German term *Lager* (meaning ‘camp’, in contrast to the institutionalised versions *Einrichtung* and *Unterkunft*) exemplifies this struggle. While urban-based activists deliberately use the term to emphasise the global phenomenon of displacement and, therefore, the importance of a transnational movement, many less radical volunteers in rural environments are troubled by its semantic proximity to *Konzentrationslager* (concentration camp). An activist from MWP explains: ‘We met a woman in the countryside, and she organises almost everything on her own. She favoured the term *Lager* but could not use it because of its off-putting effects on potential supporters—supporters that she needs.’⁵⁹

Therefore, the slogan ‘break isolation’—which criticises the damaging effects of exclusion while implying a fundamental demand to abolish the camps—highlights the importance of a common political claim broad enough to build translocal coalitions: ‘The heterogeneity of political actors can only converge in a complex social composition if they manage to identify the diverse oppressive effects of the dominant order.’⁶⁰ Upholding alliances in an area with a weak, less radical civil society requires negotiations, a genuine step outside the leftist bubble and a commitment to learning because ‘*learning solidarity* presupposes and enhances the *doing ...* of solidarity, The *process* of learning solidarity presupposes and enhances the *content* of solidarity, and vice versa.’⁶¹

Hence, the formats and strategies of camp activism in Nostorf/Horst have changed over time. Alongside Hamburg’s refugee council, PoC activists used fewer, louder protests to draw critical attention to the isolated camp in the late 1990s. However, today’s translocal collective, with PBR starting the rallies in 2017 and supporters from Rostock and Luneburg participating in 2018 and 2019, undermines the state’s exclusion policies with *regular* appearances and acts of community building between residents and non-residents. Merging conflicting interests and ideas is a collective challenge that organisers address in transregional assemblies (approximately twice annually), well aware that ‘hierarchies are a general problem of organisations—especially if the same people have been involved for a long time.’⁶²

Still, for two main reasons, reliable rural-urban alliances play

a significant role in creating spaces of opposition. First, translocal collectives challenge how local authorities organise areas of responsibility along territorial lines and administrative districts. As one organiser from Luneburg says, 'I know it's not our province, and we have similar problems in Lower Saxony, but we live only half an hour away, and the situation here is unbearable. So, yes, it does concern us, too.'⁶³ The involvement of urban political actors in peripheral struggles is a thorn in the flesh of bureaucracy as it opposes governmental strategies of controlling people's relations, ties and bonds based on location and residence status. Camp activism aims to overcome the state-controlled notion of exclusive solidarity and challenges the division into potential citizens (asylum seekers who have good prospects of permanent residency) and illegalised migrants (those whose requests were denied and who are threatened with deportation). As Fazila Bhimji argues regarding Germany's *Willkommenskultur* (welcome culture) of 2015, volunteers 'did not experience any conflicts with the German police, and they expressed solidarity primarily with refugees who had the right to stay in Germany ... These middle-class volunteers conformed largely to liberal values and ... they did not explicitly confront the state and the asylum laws.'⁶⁴

Second, local knowledge and free capacities are brought together productively when rural-urban relations are maintained. Typically, rural activist structures are relatively consistent and less subject to ongoing change. Therefore, networks extend far into the past and remember decades of place-specific struggles, political manoeuvres and shifting institutional landscapes: 'Local knowledge is substantially about producing reliably local subjects as well as about producing reliably local neighbourhoods within which such subjects can be recognised and organised.'⁶⁵ However, insufficient infrastructure and small numbers of participants result in an absence of spontaneity, interaction and, therefore, the benefits of the *snowball effect*, which keep social and political movements operating and growing in urban environments. An organiser who lives on the island of Rügen succinctly describes this phenomenon: 'Over here, you've got to pick one project and cling to it—no matter what.'⁶⁶ During the gatherings, the necessity of rural-urban relations becomes tangible; while (former) residents and local activists provide place-specific information on the actions of authorities, (in) formal changes and living conditions, urban initiatives support the protest by providing materials (such as kitchen equipment, tables, food and clothes), sharing judicial expertise and publicising the issue over their extensive networks.

By turning the camp's parking area into a space for information exchange and community-building, activists and inhabitants reinforce a sense of shared responsibility not only for each other but also to oppose inhumane and authoritarian policies.⁶⁷ A former resident says, 'Sometimes, I even forget about myself. I forget about my problems and

my trouble because of the others ... I could have said, "Well, it's not my responsibility. Go and see a social worker." I mean, it's their job ... But no.⁷⁶⁸ Hence, spaces of belonging, personal impact and direct participation—that is, *spaces of locality*—are essential to cultivating agency, especially in and around the camp as an artificial place that remains disconnected from its inhabitants' lives, needs and biographies.

Residents participate in the gatherings for various reasons: legal questions, the need to escape the monotony of camp life, the wish to share information on unjust procedures, or the desire to express frustration. Roughly two months after the German parliament extended the duration of stay to over 18 months for residents whose asylum applications were denied (*Geordnete-Rückkehr-Gesetz*; June 7, 2019), a resident describes the tense atmosphere and rising anger in the camp: 'Sometimes, I feel like they just want to keep us here until we kill each other.'⁷⁶⁹ Later that day, the same person, who attends the gatherings regularly, tells me how a social worker's statement indicated he was unintelligent because of his ethnicity. He shares the experience of everyday racialisation in the camp: 'Back in Afghanistan, I read Goethe, Fichte, Schleiermacher ... I met Jürgen Habermas at the university in Kabul; he signed my book. And here they want to tell me how to use a facial cream!? It's fucking ridiculous.'⁷⁷⁰ Sara Ahmed, who analyses the political dimension of emotion, cites Audrey Lorde when pointing out that anger incorporates the vision of an alternative reality—more equal, more just—and that 'the transformation of anger into silence is a turning away from the future.'⁷⁷¹ In other words, 'anger ... moves us by moving us outwards: while it creates an object, it also is not simply directed against an object, but becomes a response to the word, as such.'⁷⁷² The gathering at the camp's threshold opposes the dominant discourse by providing the space to formulate demands and regain the right to articulate anger, especially for those who are allowed only gratitude or victimhood, sadness and despair.

Nevertheless, the dilemmas of privilege and hierarchy are evident in a diverse collective of participants and organisers from inside and outside the camp, with and without residence permits. In the prospect of punishment, this struggle becomes clear: 'Once, we entered the camp with one of the residents and it caused him huge anxiety regarding internal repression. We had to promise him not to distribute any more flyers in front of the camp that day.'⁷⁷³ The uneven impact of repression exemplifies the ambivalence of visibility and invisibility; while activists fought for the right to hold gatherings directly in front of the camp, many residents raised concerns of being seen as some camp workers kept an eagle eye on the rallies.⁷⁷⁴ To address this conflict, assemblies between organisers and residents were initiated in a nearby parish hall but, due to its lack of capacity, only one was held.

Still, the repossessed space in front of the camp serves as a starting point for challenging camp mechanisms that are shaped firstly

by the state's monopoly on knowledge and information and secondly by the residents' lack of representation. Following the new German government's coalition agreement of 2018, asylum seekers and migrants were granted independent counselling on their asylum procedures in all the country's provinces. Because the Federal Office for Migration and Refugees is in charge of providing this legal advice—the same state agency that handles asylum applications and makes final decisions—consultations are biased and far from independent. Consequently, many residents sign papers and submit to return procedures without being fully informed of their legal opportunities. For that reason, students from the law clinic initiative use the gatherings to provide individual support and unbiased legal counselling, an essential step towards democratising access to the asylum-related information and abolishing the state's monopoly on knowledge and, consequently, power.

Nevertheless, the dominant discourse of the camps as adequate, inevitable facilities for regulating migratory movement stubbornly persists, specifically in peripheral areas. Critical media coverage appears to be rare, and, consequently, the plethora of articles offer inadequate representations, replicating statements of so-called 'experts'—camp directors, ministers, state secretaries—without offering the perspectives of former and current residents. Social media plays a significant role in countering omnipresent narratives: besides using messaging services to maintain communication between participants inside and outside the camp, PBR runs a website with articles on upcoming projects, relevant court decisions and camp realities. To spread the residents' perspectives and counter the allegations of mainstream media and public authorities, organisers use platforms such as Facebook, Twitter and Instagram. As one organiser explains, 'When it comes to the camp, we can talk only about specific excerpts from reality. But the important question is "Whose excerpts do we look at?"'⁷⁵ Especially during the COVID-19 pandemic and its strict lockdown regulations, media coverage and official statements are half a world away from the camp residents' actual experiences. Hence, overcoming structural invisibility is crucial to revealing unlawful practices, such as a lack of medical treatment and the impossibility of social distancing. In the context of the pandemic, countering government misinformation through online activism and digital alliance-building can be understood as a transnational strategy adopted by various social movements: 'A network of civil society groups from the Balkans created an initiative ... to counter misinformation across the region. And 50 media and public advocacy groups in Mexico have created a joint Twitter campaign to spread accurate public health information about the COVID-19 response.'⁷⁶

Altogether, the camp is neither an isolated place nor a closed system, *per se*, but is forcibly constructed as such by state policies, local authorities and their beneficiaries. The self-organised spaces at the

camp's threshold exemplify how 'spaces of displacement can be used as meaningful sites of politics and citizenship. These processes of claim-making may be messy and incomplete, but they mark sites within which voice and agency can be recovered.'⁷⁷ Although activists and organisers are not allowed inside the camp, its institutional boundaries prove to be permeable: information, knowledge, relationships, and feelings of belonging pass fences and walls, creating a shared sense of solidarity that transcends the boundaries of a single location.

Particularly in rural areas, where racial discrimination is endemic and mass mobilisation almost impossible, the focus must be on sustainable forms of everyday anti-racist strategies: 'Anti-racism ... should not be conflated simply with dramatic acts of mass revolt. The everyday songs, jokes and conversations employed by subject peoples across the world to mock and criticise their colonial and/or racial masters can also represent forms of engagement with racism.'⁷⁸ The modes of anti-racist, anti-authoritarian and anti-oppressive struggles are multifaceted and not limited to the frames of organised movements. Rather, they are constantly articulated in localised and historicised environments, reshaping our everyday practices by 'utilising what is available and discovering new spaces within which to make oneself heard, seen, felt and realised.'⁷⁹

Concluding reflections: A struggle for alterity?

The nation-state's answer to migratory movements ranges from the strengthening of migration-related legislation to rigid border closing and violent immobilisation policies. Within this revival of nationalist ideology, experiences of strandedness and limbo become clearer symptoms of the phenomenon of migration than physical movement itself. The politics of immobility increasingly fragment our spatial realities, aiming to fracture a shared human experience through categories such as citizen, migrant and asylum seeker. Social and political movements must develop spatial tactics that challenge these authoritarian impulses and understand solidarity as never *just there* but, rather, always *in the making* as an ongoing, ever-changing process forged through collective experiences of struggle against unjust systems.

In peripheral areas, reliable translocal alliances, primarily resulting from rural-urban relations, are needed to create a countervailing power that can exert pressure on state authority and its exclusionary policies. In this sense, rural-urban relations can be 'understood as flows—of material goods and labour, of knowledge and information, and of ideas and cultural practices' if a common (political) claim can be identified and the importance of local knowledge is respected.⁸⁰ The dilemmas of privilege become especially evident in a diverse collective of participants and organisers from inside and outside the camp, with and without experiences of racial discrimination, with and without political agendas,

and with and without residence permits. Finding a middle ground between providing help, supporting self-determination and exercising politics from below requires an ongoing process of negotiation, rather than achieving a specific result.

The regular gatherings at the threshold of a secluded first reception centre show that the camp's boundaries must be challenged and can be overcome and that even small movements can generate enough strength to rewrite relations of proximity and distance. While locally situated, spaces of solidarity unfold their heterotopic characteristics by transcending their spatialities and exemplifying imagined alternatives in which we 'seek to encourage recognition of the radical interdependence of being that flows from our responsibility to the other ... giving rise to a different figuration of politics, one in which its purpose is the struggle for—or *on behalf of*—alterity, and not a struggle to efface, erase, or eradicate alterity.'⁸¹

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CAN THE PANTHERS STILL SAVE US? STREET ACTIONS, NON-PROFIT FACTIONS AND THE NON-MOVEMENT AGAINST STATE VIOLENCE

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Abstract

In the United States, corporations and the global elite have adopted “systemic change” as their slogan, a mere symbolic reform pushed forth to adopt policies that will continue to oppress poor working-class communities. The current upheavals and social movements, we notice, lack revolutionary theory, political education, and critique of global capitalism, specifically in their fight against the criminal justice system. Instead, the majority of social movements focus on reform – a change within the system itself rather than changing the entirety of the system as a whole. There are only a handful of non-profits or NGOs throughout the United States committed to systemic change. Therefore, the two points we attempt to argue in this paper is that the movements in the United States against super-policing and hyper-incarceration do not address their root causes, which connect their repression with global capitalism. In addition to this, both fail to do this, in part because they have no revolutionary ideology or program, which often, if not entirely, critiques capitalism as the root cause of policing and hyper-incarceration. Second is that the non-profits and NGOs enter the scene, and the global elite, with massive funding packages, try to substitute reformist propaganda and policies that continue to perpetuate the system of capitalism for mass mobilisation and systemic change. What we are connecting here is that NGOs, financed by corporate foundations, are the ones that propagate reformist ideologies and push forward the reformist agenda of the global elite, which does nothing to change the inequalities around the world. The purpose of this paper is to look at two current US movements and their efforts against the criminal justice system. Finally, the paper analyses the lack of revolutionary pedagogy and revolutionary systemic praxis in oppositional organising circles, bringing it back to the Black Panther Party's most critical class ideologies.

There are decades where nothing happens; and there are weeks where decades happen.

-Vladimir Lenin

Around the globe, we continue to see major systemic upheavals, from the continued revolution in Haiti to massive protests in Chile, Ecuador, Bolivia, and the women's march in Mexico. The root causes of these upheavals are all linked to the crisis of global capitalism that has continued to wreak havoc on humanity. In the United States, massive anti-racist protests have taken over the streets demanding racial justice for the murder of George Floyd, Breonna Taylor, Ahmaud Arbery, Tony McDane, Rayshard Brooks, and Oluwatoyin Salau, among others. Widespread protests in 50 States have encountered massive, militarised police repression with the US military and federal agents who are abducting protestors in unmarked vehicles. All this backed by the former United States President. Additionally, the Covid-19 virus has infected and killed millions of people worldwide. The pandemic's rising numbers and the inability to control the spread are pushing us further into a catastrophic global economic recession. Our current global conditions are, we believe, symptomatic of the neoliberal social order which, according to David Harvey, is 'a political project carried out by the corporate capitalist class as they felt intensely threatened both politically and economically towards the end of the 1960s into the 1970s.'¹ But this global project does not have any more capital reserves to contain the coming global financial chaos, and has now unleashed a massive repressive project against poor communities.² The massive overaccumulation, an excess of capital, owned by the global elite has brought misery and grotesque inequalities across the globe. Global capitalism, a system that by nature continues to produce overaccumulation and *surplus humanity*,³ has developed many different systems of social control against poor working-class communities, including hyper-incarceration,⁴ hyper-policing and repression.

As statistical data now shows, the levels of global social inequality and economic polarisation are currently at unprecedented levels. In 2016, the richest one percent of humanity controlled over half of the world's wealth and twenty percent controlled over ninety-five percent of that wealth, while the remaining eighty percent had to share less than five percent.⁵ Those who suffer from these inequalities are the global workforce. According to the International Labor Organization, more than 1.5 billion workers or about fifty percent of the global workforce are 'vulnerable' workers, a category that includes informal, flexible, part-time, contract, migrant, and itinerant workers.⁶ The ILO reported that, in the late 20th century, one-third of the global labour force remained

unemployed and underemployed.⁷ Capitalism, and in this case global capitalism, kills hundreds of thousands of human beings worldwide. In 2016, more than 5,000 workers died as a result of hazardous working conditions⁸ and, in 2017, more than 2.3 million workers died as a result of occupational accidents or work-related diseases.⁹ Predictably, brown and black racialised groups are overrepresented in these figures, not because of racial discrimination, *per se*, but because they are overrepresented in the most hazardous occupations.¹⁰ The only way out of this crisis is a revolutionary program that reverses global inequalities through a redistribution of wealth, in addition to a new system that pushes power downwards to the most vulnerable populations.

Here, we wish to draw attention to the contradictory impulses within the current movement: the tension between reform and revolution. We argue that the suppression of revolutionary theory or ‘a crisis of political education,’ as stated by Robin Kelley, in the contemporary push for political change in academia, activism, and the societal sphere, are responsible for transforming innumerable uprisings from potentially revolutionary movements into sentimental and inconsequential moments.¹¹ Movements that lack political and revolutionary agendas are often co-opted and funded by the global elite and NGOs, which pose no threat to the current system. Two examples of stalled social movements seeking to address ‘repressive captivity’ are those primarily focusing on police violence and hyper-incarceration.¹² Both of these movements have long legacies. Still, particularly within the last decade, radical events have produced significant uprisings that have failed to gain any real political traction or generate revolutionary social change in the United States. The two main points we are arguing here are: (1) The movement in the United States against policing, police violence, and hyper-incarceration has not gained any political traction; and (2) When the movements do push for revolutionary change and political education, they are often pushed out to the margins, or else become co-opted into a more passive movement which poses no threat to the system.

Movements that have been pushed to the margins include immigrant rights movements. While this movement called for racial justice and immigration reform, immigrants coming from Mexico, Latin America and Central America continue to suffer from the repressive tactics of the United States. U.S. Republicans under the Trump Administration continued to push hardline conservative ideologies and policies that targeted specific groups. For example, on 7 May 2017 the US Department of Justice, backed by Trump’s White House, implemented a ‘zero tolerance’ policy targeting undocumented immigrants to discourage migration into the United States.¹³ This policy has received major criticism, as recordings have captured the cries of children detained and being held in cages. In addition, during Trump’s Administration he terminated nearly 320,000 Temporary Protected Statuses (TPS)

designated for Salvadorian, Honduran, and Haitian asylum seekers.¹⁴ TPS is a temporary status given to eligible people from certain countries who currently reside in the United States. The status is granted to people from countries currently affected by armed conflict and natural disaster.

Of course, we do not wish to generalise by saying all the social movements today fail to hold any revolutionary consciousness, revolutionary praxis, and anti-capitalist agenda. While we agree that there are organisations and social movements which exhibit anti-capitalistic analysis, class consciousness, revolutionary consciousness, and which are fighting for immigrant rights, we argue that this has not translated down to the masses, which continue to suffer from oppressive systems of social control and policies that criminalise poor populations, such as those referenced above. Critical Resistance, the leading radical organisation in the fight against the criminal justice system and the prison industrial complex, is a prime example of an organisation fighting for decades against capitalism, racism, sexism, and other forms of oppression. Marxists, such as Ruth Wilson Gilmore and Angela Davis, have for decades centred anti-capitalist frameworks in the fight against the criminal justice system and the prison industrial complex.¹⁵ But an argument can be made that current movements, such as the organisation Black Lives Matter (BLM), have not set forth a programme that offers a real threat to the global capitalist social order. In fact, there has been political division between BLM chapters and BLM Global network on the basis of co-optation and loss of political agenda.¹⁶ This is not to say that activists, organisations, and academics have until today been quiet in the fight against the criminal justice system and global capitalism. On the contrary, we argue that there are certain types of social justice discourses that tend to be amplified over others because they are more palatable for the institution of philanthropist surveillance, also known as the non-profit industrial and professionalisation complex, which for so many years has immobilised revolutionary-based movements.

We agree that contemporary movements have brought different demands, from abolishing the police to defunding the military, as well as an upheaval of the entire criminal justice system. We want to make it clear that we are not opposed to this. Nor are we questioning the courageous activism and movements which have disrupted the system as a whole. However, these efforts have heretofore done little to change the dominance of global capitalism. We must see anti-racist struggle and anti-capitalist struggle in relationship to one another. Race and class are not separate, but rather are inextricably interwoven together in the larger totality of the American socio-political reality. Keeanga-Yamahtta Taylor's work, *From #BlackLivesMatter to Black Liberation*, precisely highlights the relationship between anti-racist movements and class-struggles. She states, '...racism, capitalism, and class rule have always been tangled.'¹⁷ Stuart Hall echoes this sentiment by stating, "Race is the

principal modality in which members of that class “lived,” experience, make sense of and thus *come to a consciousness* of their structured subordination.¹⁸ Finally, the Red Nation movement, which identifies as Indigenous Marxist, has integrated an anti-racist analysis to an anti-capitalist Marxist framework. But why haven’t these frameworks trickled down to the masses to create a mass transnational movement against global capitalism?

We want to make it clear that, at the core of any political education curriculum on the criminal justice system and the prison industrial complex, policing, criminalisation, and hyper incarceration must be seen as byproducts of capitalism. In other words, their main purpose is protecting the private property of the super-rich and corporations.¹⁹ The movements against policing, police violence, and hyper-incarceration, therefore, both fail to address these issues, in part because they fail to spread revolutionary ideological agendas to the masses. It is not our intent to blame the movements, but rather highlight the detrimental effects of massive funding pools pushed downward by the global elite to tame any revolutionary praxis from below. Such efforts include accepting some of the leadership from these social movements into the ranks of the middle and upper classes. This is highlighted extensively by *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex* book. Edited by INCITE!, the book engages directly with the relationship between the non-profit industrial complex, the co-optation of radical goals and thinkers, and the expansion of the carceral state.²⁰ As the non-profits or NGOs come onto the scene, most are subdued and co-opted by corporate elites that substitute mass mobilisation with passive and mild reforms. Reforms are often, if not always, no threat to the current system. The connection we are highlighting here is that NGOs and non-profits, financed by corporate foundations, are precisely those organisations that propagate reformist ideologies and push forward a reformist agenda that is no threat to the system of global capitalism. Instead of abolishing the system as a whole, there is a continuation of the oppressive mechanisms of the criminal justice system and the prison industrial complex.²¹ On the other hand, many people who choose to work in the non-profit sector envision a more radical transformation of society, but either lack political education themselves or end up working for organisations that are explicitly at odds with revolutionary praxis.

What follows is a very brief description of reform/co-optation versus abolition/revolutionary theory and systemic change. Following this description is an analysis of two contemporary events that have produced uprisings and massive mobilisations, but have deteriorated into networks that perpetuate the status quo, on the one hand, and push for mild reforms on the other. First, we will examine the 2013 California Prisoner Hunger Strike against long-term solitary confinement, which gained widespread support on the streets and simultaneously produced

substantial prison reforms and a plethora of ineffectual non-profit organisations. Next, we will examine the murder of Mike Brown and George Floyd. Mike Brown, an unarmed black teenager, was murdered by the Ferguson, Missouri police officer Darren Wilson, a tragic event which sparked the Hands Up, Don't Shoot movement and then into the Black Lives Matter organisation. The other is the murder of George Floyd by a Minneapolis police officer named Derek Chauvin, which sparked mass protests in all fifty states of the United States. While the murder of Mike Brown and George Floyd has generated much more street energy than the California Hunger Strikes and has produced a litany of mild reforms, both movements failed to gain their initially-desired political or revolutionary traction. In large part, these partial achievements come due to the absence of revolutionary politics, decades of Red Scare propaganda, and significant corporate funding pushed downwards to tame these movements. We do recognise that there has been massive legislative and political changes (i.e., defunding and dismantling of police departments, eradicating gang injunctions in some areas of California, and stopping the building of new prison facilities), but these changes have not brought any systemic change to the oppressive system of global capitalism.²² It is not our intention to discredit these movements, but rather to show their limitations and offer insights for improvement in a way that can bring about more substantive change. The following section will address some of the tensions between reformism and abolition.

Reform/cooptation vs abolition/Revolutionary social change

Why is the language of abolition, revolution, and class struggle absent from today's social movements? As Robinson argues, this is due, in part, to the betrayal of the intellectual.²³ The mass social movements that began in the 1960s and continued to the 1970s and beyond have shown us that revolution, abolition, and radical social systemic change are not in the agenda of the global elites, but full of reformist ideologies funded by corporations. The dismantling of social programs and the growing dominance of the right-wing agenda in the United States political system has been made possible, at least in part, by the successful repression of the civil rights and liberation movements of the 1960s and 1970s. Through mechanisms like police violence, on one part, and hyper-incarceration on the other, the cooptation mechanism continues to repress poor communities who do not fit into the status quo. Members from oppressive groups and former members that identified as radicals joined the ranks of academia and professionalisation. These new intellectuals then become the new petty bourgeoisie, whose former revolutionary class struggles fade away into reformist arguments that perpetuate the capitalist state.

Thus, since the 1960s, forms of inclusion like 'multiculturalism,'

'diversity,' and postmodern identity politics paradigms have become engulfed in higher academia and activist circles. These small examples of reform and equitable integration were no threat in the 1970s, and still pose no threat to the current system of capitalism. Of course, the global elite have embraced these ideologies as a way of incorporating people from 'radical' organisations into non-threatening inclusion, equality, and diversity propaganda. As would be, this propaganda has neglected any anti-colonial, anti-imperialist, and anti-capitalist rhetoric. Furthermore, it has expanded the global elites' wealth, while also 'diversifying' the top one percent. Thus, postmodern identity-based politics, funded by corporations and the global ruling class, pushed away and silenced any revolutionary politics in the 1970s. Any type of revolutionary social change, whether ethnic, racial, or sexual forms of oppression, must be amplified by workers' struggles all across the globe that target capitalism as the root of the reproduction of race, racism, and other forms of inequality.

We can see the verge of massive co-optation processes of current movements today. Senior members of the Democratic Congressional and Senate leadership, part of the global elite, even knelt for eight minutes and forty-six seconds to pay homage to the death of George Floyd at the US Capital in June 2020. The new direction of global corporations and the global elite's call against systemic racism and for social justice is dangerous, to say the least. The newfound interest in anti-racist rhetoric, massive funding for 'racial justice,' and reforming of the criminal justice by corporations is symbolic of their newfound interest in co-opting Black Lives Matter, hyper-incarceration, and anti-policing movements currently taking place in the United States. Amazon, Bank of America, Facebook, Google, Home Depot, Nike, Walt Disney Company, Warner Bros, the National Basketball Association, and Verizon are already welcoming language critical of systemic racism. Fighting for racial justice is their new mantra. CEOs of these major corporations whose donations have embraced policing, hyper-incarceration, social inequality, and racial injustices for decades are indeed attempting to commodify these movements into passive groups. Instead of embracing a mild reform from corporate elites, which history has shown leads to continued and intensified repression, social control, and oppression, we must instead fight for the total abolition of global capitalism, influenced by revolutionary social theory and political education.

As anti-racist protests continue to engulf one of the world's strongest and wealthiest nations, there is a complete absence of truly substantive to systemic change. We argue that abolition of prisons, of policing, and the implementation of anti-imperialist and anti-colonial agendas and revolutionary social theory should be at the forefront of these movements. The current wave of mass protests in the United States should not be reduced only to black and brown murder rates, or to

racism itself, but must be tied historically to the consequences of global capitalism and to the class struggles inherent within this system. These include global pandemics, overpopulation, systemic racism, and the vast underemployment rates across the globe. The same organisations and political agents of the corporate world that in recent decades have praised capitalist globalisation, and their by-products—which include super-policing, hyper-incarceration, and racist systems—have now come to embrace anti-racist protests. This embrace seeks to push for mild reform to weaken and destabilise demands for revolutionary social change, similar to the situation that occurred in the 1970s. We now continue this analysis by asking what we can take from the Black Panthers Party, which became the biggest revolutionary threat in the United States in the 1960s, in order to guide us through this moment?

Fred Hampton, the charismatic leader of the Black Panther Party, stated, 'We never negated the fact that there was racism in America, but we said that the byproduct, what comes off capitalism, happens to be racism.'²⁴ Hampton, the leader of the Chicago chapter, who was assassinated by the FBI and Chicago Police in 1969, then goes on to argue: 'Capitalism comes first, and next is racism. That when they brought slaves over here, it was to make money. The idea came that we want to make money, then the slaves came to make that money. That means, through historical fact, that racism had to come from capitalism. It had to be capitalism first, and racism was a byproduct of that.'²⁵ George Jackson, a captive revolutionary that was shot and killed inside San Quentin State Prison on August 21, 1971 shortly before the Attica Prison uprising—the biggest prison rebellion to date—echoed this sentiment by stating, 'It is the system that must be crushed, for it continues to manufacture new and deeper contradictions of both class and race. Once it is destroyed, we may be able to address the problems of racism at an even more basic level. But we must also combat racism while we are in the process of destroying the system...Racism is a fundamental characteristic of monopoly capital.'²⁶ We understand that the rhetoric of Hampton and Jackson have been complicated a great deal in the past decades by scholars. Nevertheless, this anti-capitalist sentiment pushed forth by Fred Hampton and George Jackson seems to be completely absent from current social movements.

Angela Davis, a communist and a Black Panther, continues to highlight the importance of not divorcing capitalism and racism,²⁷ mainly because of non-profit organisations' ability to squash any revolutionary praxis. On a macro scale, the solutions are not to reform law enforcement, the prison system, or the criminal justice system, all contributors to hyper-incarceration, but rather to generate alternatives to punishment. Reforming these systems will only reinforce a larger system that, under capitalism, intends to protect the private property of the rich and powerful from the poor and dispossessed through

criminalisation, stigmatisation, and marginalisation.²⁸ As we will see with the following case studies, movements that do not push political education, revolutionary social theory, and revolutionary praxis may fall into the co-optation mechanisms of the ruling groups.

Hungering for revolution: From Pelican Bay to Ferguson and the immobilisation of social change

The California prisoner hunger strikes of 2011 and 2013 represent a historic moment of counter-hegemonic sentiment in the U.S. and demonstrate the necessity for a revitalisation of revolutionary politics, theory, and praxis in grassroots organising circles. The conditions that sparked the hunger strikes were the California Department of Corrections and 'Rehabilitation's' (CDCr)²⁹ criteria for gang validation which enabled the state to keep so-called gang members in solitary confinement indefinitely. Sitawa Jamaa, Todd Ashker, Arturo Castellanos, and Antonio Guillen, also known as the 'Short Corridor Collective,' had all been in solitary confinement for more than a decade, with others being isolated for more than twenty or thirty years.³⁰ They were documented as being each other's enemies based on their race and gang affiliations, but after two unsuccessful hunger strikes in 2011 and 2012, they issued the 'Agreement to End Hostilities' statement.³¹ This marked the beginning of a sixty-day hunger strike in which more than thirty-thousand people in California State Prisons and county jails participated. The hunger strikes quickly gained the attention of street activists, earned a five-minute segment on MSNBC, and resulted in the Supreme Court Case *Ashker v. California* after gaining the attention of the United Nations.³²

It should be duly noted that the Short Corridor Collective had its own political education program and that their hunger strikes were modeled after the teachings of Bobby Sands and the Irish Republican Army. Not only were the hunger strikes successful in gaining international attention, demonstrating their potential as a vehicle for a revolutionary movement, but they also served as my own introduction to the world of political organising. By the time of the hunger strikes in 2013, I (Clint Terrell) had been out of prison for three years, attending community college, and preparing to transfer to a four-year university. I had previously served a three-year prison term in California of which most of my time was spent in administrative segregation units (ASU) and security housing units (SHU).³³ I first learned about the hunger strikes from Steven Czifra, whom I knew from prison, and who was now a student at the University of California, Berkeley. On a visit of mine to the Berkeley campus, Czifra familiarised me with the 'Agreement to End Hostilities.' Czifra was involved with several prison abolitionist organisations in the Bay Area. He was at the forefront of public demonstrations in support of the hunger strikers' demands, and he was helping to develop a formerly-

incarcerated student organisation now known as Underground Scholars. I knew that the likelihood of the 'Agreement to End Hostilities' to unite prisoners across racial lines into a political force was idealistic, but I also knew that CDCr could not be allowed to continue terrorising prisoners with an arbitrary gang validation criterion. I decided to organise a similar student organisation to raise awareness about the hunger strikes at the community college I was attending, but at this point I still did not have a clear conception of the difference between reform, abolition, or revolution. In other words, political education was still missing from my college experience.

The fervor around the hunger strikes in the streets and on college campuses was exhilarating, and it was at this time that I became familiar with the antagonistic discourses of reform, abolition, and revolution. As the student organisations that I was working with deliberated how to make the most effective interventions, there were essentially two different strategies that fractioned the groups. One strategy was to work with community organisers and to use resources available to students in order to make interventions outside the university, such as holding demonstrations and rallying support from people with incarcerated family members throughout California. The other faction sought to build up a safety net for soon-to-be released prisoners by creating a center on campus that would be solely staffed by formerly incarcerated students. The latter strategy proved to be more economically viable, and it is through this model that we can identify a common pitfall of grassroots organising. Rather than tapping into the fervour of the hunger strikes to build up a political party, the 'movement' against solitary confinement quickly degenerated into a network of non-profit ventures centered around a culture of redemption and exceptionalism.³⁵

Robin Kelley, as stated above, calls this the 'crisis of political education,' wherein movements, activists and, in larger part, academia lack political education or revolutionary thought. As someone who spent well over a year-and-a-half in solitary confinement, I was committed to helping some of my old acquaintances get re-integrated into the general population where they would have access to more rehabilitative programs, college courses, and opportunities to better themselves. On the other hand, I had an elementary understanding that the direction the movement was heading would not do anything to disrupt business as usual within the monstrous institution that is CDCr. To be sure, many of these non-profits are seen in a favourable light by incarcerated and formerly incarcerated people and they provide valuable services for people who lack access to resources through more conventional means, but they also allow the state to regroup and strategise the next round of punitive measures. For example, some hunger strikers such as Todd Ashker have voiced concern for CDCr's tactics of exporting rehabilitative programs from general population prisons to protected custody prisons,

as many of the hunger strikers have been released back into general population in the aftermath of the *Ashker v. California* victory.³⁶

Non-profit organisations addressing prisoner rights are not an entirely new development, and calls for prison abolition from activists and public intellectuals have been present since at least the 1970s. Prior to the hunger strikes, there was a plethora of abolitionist scholarship by notable scholars and activists such as Angela Davis and Ruth Wilson Gilmore. Davis's *Are Prisons Obsolete* and Gilmore's *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalising California* contain holistic explanations for the contemporary status of the U.S. prison regime and sophisticated strategies for stopping the construction of new prisons and replacing them with more humane models of justice.³⁷ For example, Gilmore cautions against conspiracy theories about racial cleansing vis-à-vis the War on Drugs as an explanation for prison expansion. Instead, she employs Marx's theory of surplus populations which he develops in his chapter on "So-Called Primitive Accumulation" in *Capital Vol. 1*. Marx tells the story of Scottish Highlanders being driven off their farmlands and forced into the industrial seaport towns with the excess labor being driven back to the Highlands and rehired for a wage while there remained another demographic that was not able to obtain factory jobs or to be rehired on the lands that they once partially owned. This latter demographic became a surplus population who mostly became beggars and vagrants who were criminalised and brutalised. Gilmore demonstrates how this history is constantly repeating itself under capital, with special attention paid to the Great Depression, when Okies were driven to California from the Midwest to compete with the existing Mestizo population for agricultural work, thereby creating a new surplus population. According to Gilmore, the criminalisation of Okies and Mestizos overburdened the small jail systems of Central California, and it is from here that we can trace the phenomenon of prison expansion in the Western US.³⁸ Where Gilmore gives us the framework for understanding the contemporary prison regime and strategies for resisting it, Davis provides us with alternatives to incarceration through her concept of restorative justice.

Likewise, organisations such as All of Us or None, Legal Services for Prisoners with Children, and Critical Resistance were on the scene for decades prior to the hunger strikes, but were largely unknown to anyone outside of small activist and intellectual circles.³⁹ When the hunger strikes made international headlines in 2013, a number of criminal justice reform organisations sprang up almost overnight. Nonprofits such as Anti-Recidivism Coalition, established in 2013, and Just Leadership USA (JLUSA), established in 2014, have grown into multimillion-dollar organisations. Anti-Recidivism Coalition claims that its purpose to 'empower' formerly incarcerated people and 'create safer communities,' whereas JLUSA states that its mission is to cut

the national prison population in half by 2030, advanced by the social media hashtag #halfby2030.⁴⁰ While these are noble liberal causes, they represent a break from more critical activists and intellectuals who have been organising against the US prison system since at least the late 1970s. Whether the people who lead these organizations merely lack a political education themselves, or they are in conscious opposition to it because it is conducive to their funding objectives, they are not offering substantive challenges to the prison regime and global capitalism and they may, in fact, be prolonging the problem.

The marginalisation of more critical prison abolitionist activists and intellectuals can be traced through the elevation of multimillion-dollar criminal justice reform non-profits but, on the other hand, the hunger strikes did give life to the organic development of several street organisations. For instance, California Families to Abolish Solitary Confinement, as well as a number of formerly incarcerated student organisations, coalesced around the shared experience of having loved ones stuck in the bowels of the most expansive prison system on earth.⁴¹ The organic development of the latter organisations portrays the potential of an incident like the hunger strikes to be a vehicle for a revolutionary movement through its ability to assemble a multitude of people. There are currently 2.3 million people in US prisons, with another 3.4 million on probation or parole.⁴² These approximately 6 million people have millions of mothers, fathers, wives, husbands, siblings, and extended family members who are tired of seeing their loved ones brutalised by the state. Even in my inchoate state of political consciousness, I saw the potential for a mass mobilisation against a repressive regime. What I saw instead was an influx of philanthropic monetary support, a dissolution of street energy, and the social elevation of a handful of formerly incarcerated individuals, myself included, into the ranks of academia, non-profit bureaucratic positions, and public employment.

The professional direction that the movement against 'mass incarceration' took is not only the result of a lack of revolutionary theory, or political education, but also the presence and popularisation of a particular kind of education. Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* came out in 2010 and immediately became a *New York Times Bestseller*. In Alexander's first chapter, she notes that, 'Department of Defense funds increased from \$33 million to \$142 million between 1981 and 1984' while 'anti-drug funds to the Department of Education decreased from \$14 million to \$3 million.'⁴³ Unlike Gilmore, whose *Golden Gulag* was published 3 years earlier, Alexander's book provides no real critique of global capital and perpetuates the race-reductionist explanations that Gilmore cautions against. Yes, black and brown communities are disproportionately affected by the criminal justice system but, if we reduce the criminal justice system to little more than a racial problem, we are perpetuating

the system of global capitalism. The same year that Alexander's book hit the *New York Times Bestsellers* list, Governor of California Arnold Schwarzenegger, in his State of the State speech, stated, 'What does it say about our state—any state—that focuses more on prison uniforms than caps and gowns? It is simply not healthy.' In 2014, California passed Senate Bill 863 which allocated \$500 million in bond money to remedy overcrowding in county jails which incentivised education programs for incarcerated individuals.⁴⁴ Ironically, SB863 immediately led to the construction of five new county jails that were deemed 'program facilities' in a state which already had one-hundred and ten county jails, but only fifty-eight counties.⁴⁵ This development was praised by many prison reform advocates centered around rehabilitation and reentry programs for incarcerated and formerly incarcerated individuals. The idea that academic scholarship can influence the political sphere of public discourse and consequently inform political praxis is evidenced by the reformist shift of anti-prison activism in the early 2010s. This reformist shift directly coincides with the marginalisation of scholars and activists such as Davis and Gilmore, whose critical work has never been featured on the *New York Times Bestsellers* list, and the popularisation of such scholars as Alexander. While Alexander herself can occasionally be seen taking more critical stances, as can be seen in her interview with Keeanga-Yamahtta Taylor and Haymarket Books (2017) where she briefly mentions how a socialist program might begin to address 'mass-incarceration' and in comparison to her race reductionist book *The New Jim Crow*, she is not consistent and we can see the importance of maintaining a stronghold on critical abolitionist language to dissuade conservative opportunists from appropriating our struggles and deploying revisionist reforms.

The marginalisation of critical and revolutionary voices within the political sphere of public discourse erodes the concept of political education which leads to the stonewalling of political movements and the dissolution of revolutionary energy. We can see an example of this with the landmark Supreme Court case *Ashker v. California*. As the case reached a settlement in 2015, calls for abolition and chants such as 'End Solitary Confinement!' and 'Free All Political Prisoners!' began to be replaced by slogans such as 'Education Not Incarceration!' and 'Schools Not Prisons!' To be fair, *Ashker v. California* was somewhat successful in ending the decades-long era of draconian solitary confinement with hundreds of validated 'prison gang associates' being immediately released from solitary along with the majority of the signatories of the 'Agreement to End Hostilities'.⁴⁶ Todd Ashker, a leading prisoner within the Agreement to End Hostilities movement, and plaintiff of the Supreme Court case, and Sitawa Jamaa, a leading black prisoner, were not released from solitary confinement. However, the settlement did give some reprieve to activists on the streets.⁴⁷ On the other hand, the rhetorical shift towards education as a remedy for incarceration coincided with a wave of popular

academic scholarship centered around recidivism and reintegration, and no real push for abolition, which was bolstered by the developing culture of redemption and exceptionalism of formerly incarcerated college students.⁴⁸

The movement against police brutality, spearheaded by the social media hashtag #BlackLivesMatter, followed a similar trajectory as the movement against solitary confinement—albeit on a much larger scale—but which also correlates with the absence of revolutionary thought in public discourse. In 2014, one year after the California prison hunger strikes, and while *Ashker v. California* was still being litigated, Ferguson, Missouri police officer Darren Wilson shot and killed Mike Brown, an unarmed black teenager. A turbulent uprising ensued after Brown's mother set up a memorial where Mike Brown was shot and an officer allowed his police dog to urinate on it, angering a crowd who had gathered to mourn the passing.⁴⁹ 'Hands Up Don't Shoot' quickly became the rallying cry of the uprisings as Dorian Johnson, a witness to the shooting, claimed that Brown had his hands raised in the air and cried, 'Don't shoot!' as officer Wilson opened fire.⁵⁰

Civil unrest ensued for months in Ferguson, even as it was met with brutal military suppression from local police and the National Guard. While there were a handful of local Ferguson activists making demands for tangible resources to be funneled into the Ferguson community, along with calls to prosecute killer cops, the Hands Up Don't Shoot chant began to be drowned out by the slogan Black Lives Matter. Where local Ferguson organisers saw the need to connect the issue of police violence to poverty in the Ferguson community, Black Lives Matter activists were initially concerned with police reform and policy changes, as is evidenced in their 10-point manifesto presented in 'Campaign Zero'.⁵¹

Similar to Alexander, Black Lives Matter has also begun to take a more critical stance by re-centering the discourse of defunding police around a redistribution of wealth, for which they have falsely been accused of being a 'Marxist organisation' by far-right wing and anti-Semitic conspiracy theorists. On the other hand, with the launch of Black Lives Matter Global Network, there has been an exodus from the organisation known as 'Black Lives Matter 10.' Black Lives Matter 10 has expressed their frustration with Black Lives Matter Global Network's lack of transparency with how funding from major donors is being distributed, as well as with how decision-making on certain initiatives have priority within the larger organisation's agenda.⁵² Regardless of which direction these organisations ultimately take, the discordance for a path forward in fighting state violence underscores the influence that public discourse has on activists' strategies and the importance of maintaining critical and explicit abolitionist language in our critiques of police terror and global capitalism.

The recurrence of contemporary social movements losing their

street momentum and failure to bring about real structural change is largely due to a lack of strategy and exclusive rhetorical advancements which is consistent with a lack of engagement with revolutionary thought and political education. It should be duly noted that both the fights against solitary confinement/prison expansion and police brutality have come to be contextualised as anti-racist struggles. To be sure, and we agree, that there is no shortage of data to demonstrate how incarceration and police brutality disproportionately impact people of color. Yet, as Zaid Jilani points out, 95% of police killings in 2015 occurred in neighborhoods with incomes under \$100,000 and the median family income in neighborhoods where police killed people was \$52,907.⁵³ Predictably, studies have shown that the majority of people incarcerated in the U.S. come from impoverished backgrounds. According to a 2018 Brookings Institution study, only 13% of incarcerated men and women earned more than \$15,000 prior to incarceration and only 55% reported any income at all after a year of being released.⁵⁴ We can see a common thread here that unites anti-racist grievances with workers' struggles, a detail that is all too often missing from the political sphere of public discourse, and something that needs to be revitalized in order to work towards a general strike with a holistic agenda which, by default, addresses both issues of police violence and hyper-incarceration.

Many local Ferguson activists understood the relationship between police killings and poverty, which sought to create a massive public political education platform in an effort to control the media narrative about the root causes of police violence and strategies to oppose it. For example, the organisation Hands Up Don't Shoot, aptly named after Brown's last words, sought to build a political movement that would train people how to be self-sufficient in an economy that has systematically excluded them, while adequately redirecting public funds back into the Ferguson community.⁵⁵ In fact, very little of the local conversation was focused on police reform itself, and one of their primary strategies was to eradicate what they saw as the 'black mis-leadership class' from the Democratic Party through an information campaign that would be spearheaded by their own media platforms. In other words, a revitalisation of political education at the highest levels of public discourse.⁵⁶

The local Ferguson activists' strategies of taking control of the media narrative to politically educate the Ferguson community, as well as to develop strategies for reclaiming their city, put them at odds with many Black Lives Matter organisers who were mostly not from the area. One such Ferguson activist who was outspoken against Black Lives Matter was Darren Seals. Seals was an employee at Wentzville General Motors Assembly Center and a self-educated activist who engaged critically with the teachings of Malcolm X, Fred Hampton, Assata Shakur, and other black radical thinkers. In an article titled, 'Meet Darren Seals. Then tell me black

death is not a business,' scholar and journalist Sarah Kendzior recounts Seals' confrontation with Black Lives Matter activist DeRay McKesson. Seals confronted McKesson about not being from Ferguson and using the Black Lives Matter platform to raise money in Mike Brown's name. McKesson himself is actually from Baltimore, Maryland and a number of other Black Lives Matter organisers traveled to Ferguson from as far away as Chicago, Illinois, Washington D.C., and Los Angeles, California.⁵⁷ Seals was suspicious of Black Lives Matter's fundraising efforts and the ways in which they seemed to be taking control of the narrative in the mainstream media. This of course, was in direct opposition to Seals' and other Ferguson activist's political education initiatives.

Black Lives Matter has gone on to become a multimillion-dollar organisation while extrajudicial police killings of poor Black, White, Brown, and Indigenous people have gone on largely uninterrupted since police brutality has become part of a national public conversation.⁵⁸ Furthermore, many Black Lives Matter activists stand in direct opposition to the type of political education advocated by Seals and other Ferguson activists. For example, Melina Abdullah, former chair of the Pan-African Studies Department at California State University Los Angeles and co-founder of the Los Angeles Black Lives Matter chapter introduced Ron 'Maulana' Karenga as one of her principal mentors at the 50th anniversary of Pan-African Studies. Karenga was a co-founder of the Us organisation which was often at odds with the Black Panther Party. In addition, Karenga himself was implicated in the murders of Panther members Alprentice 'Bunchy' Carter and John Huggins.⁵⁹ Sadly, the rift between Black Lives Matter organisers and local Ferguson activists seems to be reproducing some of these old antagonisms.

For example, when confronted by Seals, McKesson laughed, and Seals slapped him across the face with an open palm.⁶⁰ This action was criticised by activists across the board, but Seals went on to post a document titled, 'Bending the Arc from Interest to Investment' to his public Facebook page which seemingly promises millions of dollars to Black Lives Matter with a large portion of money being devoted to 'training, professional development, coaching, and organisational development.'⁶¹ The document was found on the Association for Black Foundations Executives website and listed donors from such foundations including Soros Open Society, Emerson, and Monsanto. Lest we perpetuate right-wing, anti-Semitic conspiracy theories about George Soros funding the radical left, it is important to note that many scholars have been sounding the alarm about the absorption of organic street movements by philanthropic non-profit ventures. Dylan Rodriguez, in his article 'The Political Logic of the Non-Profit Industrial Complex,' explains how placatory social justice organisations are legitimised by private foundation money while former and potential revolutionaries are criminalised.⁶² He goes on to suggest that private financial groups such

as the Mellon, Ford, and Soros foundations exist to 'contain and surveil public political discourse.' Considering the containment and surveillance of public political discourse, it is also important to note that the legitimisation of placid social justice organisations and criminalisation of revolutionaries simultaneously coincides with an erasure of revolutionary theory.

In line with Rodriguez's theory about how the elevation of placatory social justice organisations coincide with the criminalisation, or sometimes disappearance of potential revolutionaries, Seal was found shot and burned to death in his car in a St. Louis parking lot one month after he posted the 'Bending the Arc from Interest to Investment' document to his Facebook page. There is no evidence to suggest that Seal's death is related to his posting of the document, and his murder has still not been solved, but his voice was nonetheless silenced during a critical moment of the Ferguson and Black Lives Matter divergence. Thus, we must be wary of newfound monetary contributions by global elites and corporations as it is highly possible that some organisations may be co-opted and welcomed into the ranks of the upper class. Today, with the murder of George Floyd, it seems that we are heading into the same direction, as major corporations funnel money downward to combat 'racial justice' issues, without changing the system itself demonstrating the importance of revolutionary theory at the level of public discourse and political education at this moment in time.

Dylan goes on to point out in his article that while many social justice non-profits may be funded by liberal foundations such as Mellon, Ford, and Soros, they are increasingly staffed by Black Indigenous People of Color (BIPOC).⁶³ Unfortunately, many of the people who work in these establishments are as ideologically at odds with revolutionary thought as the white liberals who fund them. The disidentification with revolutionary theory by many BIPOC intellectuals and activists is in large part due to the elevation of racial nationalism as an accepted model of opposition to 'systemic white supremacy.' There is a popular myth, especially within the realm of academia, that 'the left' is racist because its insistence on centering class struggle does not do enough to explain systemic white supremacy.

Systemic white supremacy itself is nothing more than the historical development of bourgeoisie nationalism once explained by V.I. Lenin in his essay, 'On the National Question.' Lenin's critique is dated and there have been many more well-known intellectuals to explicate the national question at length from anarchist intellectuals such as Mikhail Bakunin's *God and the State* to more contemporary scholars such as Cedric Robinson's *Black Marxism: The Making of the Black Radical Tradition*. Yet, Lenin's essay is indicative of the range of intellectuals to make a critique of nationalism and is who the Black Panther Party drew on heavily to develop their critiques of Black cultural nationalism. Lenin states,

'For the complete victory of commodity production, the bourgeoisie must capture the home market, and there must be politically united territories whose populations speak a single language, with all obstacles to the development of that language and its consolidation in literature removed.'⁶⁴ While many contemporary intellectuals may call Lenin and others of various leftist and Marxist traditions 'class reductionists,' the Black Panther Party was able to draw on these seemingly archaic theories to develop a sophisticated strategy for fighting systemic white supremacy/bourgeoisie nationalism and state violence through working-class internationalism, or 'inter-communalism' which is anti-racist by definition.

The erasure of revolutionary theory from public political discourse and the elevation of racial nationalism in reaction to systemic white supremacy is explained as 'Black Power nostalgia' by Cedric Johnson in his article, 'The Panthers Can't Save Us Now.' Johnson suggests that the legacy of the Black Panthers is a distorted version of black nationalism and he calls for a revitalisation of 'anti-capitalist politics situated in class experiences.'⁶⁵ While Johnson acknowledges the inaccuracy of remembering the Black Panthers as black nationalists, he neglects the nuts-and-bolts of the Black Panthers Party's actual politics. The Black Panthers exuded a philosophy of 'inter-communalism' which they developed from their interpretation of Marxist-Leninism. In Huey P. Newton's collection of speeches and essays, *To Die for the People*, he states:

In 1966, we called our Party a Black Nationalist Party. We called ourselves Black Nationalists because we thought that nationhood was the answer. Shortly after that we decided that what was really needed was revolutionary nationalism, that is, nationalism plus socialism. After analyzing conditions a little more, we found that it was impractical and even contradictory. Therefore, we went to a higher level of consciousness.⁶⁶

Newton goes on to describe the contradictions of all forms of nationalism and argues that nations have been eroded by U.S. imperialism, or as he calls it empire, and that, 'these transformations and phenomena require us to call ourselves "intercommunalists" *because nations have been transformed into communities of the world*.'⁶⁷ Newton's analysis reflects a rigorous engagement with revolutionary theory which is largely missing within the contemporary political sphere of public discourse. What we have instead is organic outrage at conditions created by our current economic model without an analysis, as if police violence, hyper-incarceration, homelessness, and extreme wealth inequality exists in a vacuum. It needs to be understood that police murders, hyper-incarceration, homelessness, addiction and every other social ill that

continues to be spearheaded by the non-profit industrial complex are symptoms of extreme wealth inequality fueled by global capitalism.

There are hundreds, if not thousands, of non-profit organisations throughout the U.S. committed to systemic change. These organisations are representative of trends in social justice discourses and many well-meaning liberals commonly mistake social trends with social movements. But are these social movements? Movements entail mobilisation. So, what keeps social justice trends around police brutality and mass incarceration from turning into movements? It is not for a lack of numbers or support as there are nearly six million angry people either incarcerated or under some form of state supervision and locked out of conventional means of living in the U.S. The problem is that many people do not know where to start and non-profit centers present themselves as oppositional infrastructure when the majority of us remain abandoned to the streets and prison system. There is a common misconception that movements require funding, yet many social movements start with small scale demonstrations organised by self-sustaining autonomous organisations. This pitfall is largely due to a lack of political education for well-meaning actors and a systemic erasure of revolutionary thought.

Conclusion

We got a lot of answers for those people. First of all, we say primarily that the priority of this struggle is class. That Marx, and Lenin, and Che Guevara and Mao Tse-Tung and anybody else that has ever said or knew or practiced anything about revolution, always said that revolution is a class struggle. It was one class—the oppressed—those other class—the oppressor. And it's got to be a universal fact. Those that don't admit to that are those that don't want to get involved in a revolution, because they know that as long as they're dealing with a race thing, they'll never be involved in a revolution. They can talk about numbers; they can hang you up in many, many ways, but as soon as you start talking about class, then you got to start talking about some guns. And that's what the Party had to do.⁶⁸

-Fred Hampton, *It's a Class Struggle Goddamit!*

The preceding discussion has outlined two different movements that have produced much-needed uprisings but have come short in providing any revolutionary change. We argued that the lack of revolutionary theory, revolutionary praxis, and the lack of political education have contributed to the uprisings becoming networks, rather than having any revolutionary threat to the system of capitalism. Both the prison hunger strikes and the mobilisation for racial justice have produced enormous policy change that benefits the greater good, but yet comes short of any revolutionary, systemic change needed to provide

liberation for all.

It is not our intention in this paper to endorse the specific Marxist-Leninist brand of the Black Panther Party, but rather to offer some clarity for what Johnson calls a revitalisation of 'anti-capitalist politics situated in class experiences.' Whether it is Marxist-Leninism, Maoism, Anarchism/Libertarian or Revolutionary Socialism, there needs to be a revitalisation of leftist coalition building which unapologetically corresponds to contemporary anti-racist mobilisations. Quite simply, in an age of pandemics, people need cures. Aside from the epidemiological crisis we are currently facing on a global scale, we all also suffer from a perpetual pandemic of global capitalism. The only cure for this scourge is revolutionary socialism, which can only be achieved with a critical analysis of capitalism within the political sphere of public discourse. To quote one of Hampton's famous last speeches:

We got to face some facts. That the masses are poor, that the masses belong to what you call the lower class, and when I talk about the masses, I'm talking about the white masses, I'm talking about the black masses, and the brown masses, and the yellow masses, too. We've got to face the fact that some people say you fight fire best with fire, but we say you put fire out best with water. We say you don't fight racism with racism. We're gonna fight racism with solidarity. We say you don't fight capitalism with no black capitalism; you fight capitalism with socialism.⁶⁹

Of course, socialism is an equally frightful word to anti-racist liberals and racist conservatives alike, and while we do not have time to outline a holistic socialist program, we can take the time to explain what socialism is not. Socialism is not an authoritarian state-controlled economy, it is not the welfare capitalism of the democratic socialist countries of Northern Europe lauded by the likes of Bernie Sanders or Alexandria Ocasio-Cortez, and it is not 'for white people.' Socialism is merely a tried and true model of organising people into a stateless, classless society in which the industries of the world are democratically managed by the people who work in them; a world in which the rock quarries and lumber yards are controlled by stone masons and carpenters. Contrary to popular belief we aim to cut out the middleman, that is, the bureaucratic buffer between people who are forced to work for a living and those profiting off of their labor which is upheld by the military, police, and prison system. Socialism is the overthrow of all existing property relations, and the dismantling of institutions that uphold them. 'Anything less than this is reform', said George Jackson.⁷⁰

As Fred Hampton once said in a speech delivered at Northern Illinois University in November 1969, 'We don't need no culture except a revolutionary culture. What we mean by that is a culture that will

set you free.’⁷¹ The Black Panther party pushed forth a revolution, a transformation of the whole society, to be achieved by combining Black, Brown, White workers and the poor proletariats in opposition to the capitalist empire. The criminal justice system, including police violence and hyper-incarceration, as we see it today has become increasingly ensconced in the economic, political and ideological life of the United States. Thus, the criminal justice system is much more than the sum of all the jails and prisons in this country. It is a set of symbiotic relationships among correctional communities, the labor market, transnational corporations, media conglomerates, laws and policies and the global political economy. This article has shown the current movements against police violence and hyper-incarceration lack a real critique of global capitalism, as well as revolutionary social theory and a political education system which, in turn, presents a challenge if we truly want any sort of systemic change. The lack of revolutionary theory, as we have highlighted above, does not push for any systemic change, but pushes for mild reforms that contribute to the perpetuation of the global capitalist status quo.

An abolitionist and revolutionary social movement approach involves imagining a constellation of alternative strategies and institutions, with the ultimate goal of abolishing the prison system, hyper-incarceration, and hierarchical systems of inequality. These constellations must be centered in a continued revolutionary socialist ideology that fights for social justice, systemic change, and emancipation from global capitalism for all. This entails developing alternative frameworks for social justice, systemic change, and restorative justice instead of punishment, and disposability. In addition, dissemination of the material wealth fetishisation and the abolition of private property that allows global capitalism to prosper. It is critical to center de-incarceration, de-militarisation, anti-imperialism and anti-colonial strategies to develop alternative systems to imprisonment, punishment, super-policing, and abolishing the whole criminal justice system. Such an approach would include the de-militarisation of schools, police, and dismantling the military; revamping the healthcare system to provide affordable health care for all; meaningful and rewarding employment that does away with the exploitative reserve army of labor; revitalising public educational systems and providing free education for all; and, perhaps a system without the criminal justice system. As these massive upheavals continue, it has become clear that abolishing the criminal justice system ultimately involves a broader struggle against global capitalism backed by revolutionary theory, revolutionary praxis, and political education. All of these are the original premises of revolutionary political thinkers before us. In the end, we must push for an abolition and systemic change from the whole system of global capitalism. This social transformation is a genuine revolutionary rallying cry.

Notes

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THE UKRAINIAN FAR RIGHT AFTER EUROMAIDAN: UNDERSTANDING MEMBERSHIP IN THE RIGHT SECTOR AND THE NATIONAL CORPS

Olena Shumska
Small Arms Survey

Abstract

Two far-right parties – the Right Sector (Pravyi Sektor) and the National Corps – emerged in the aftermath of recent political events in Ukraine. Both of them played an important role in shaping public discourse and engendered a lot of controversy both at home and abroad through their radical rhetoric and controversial acts. The attention of the general public remains focused on the parties' ideologies, limiting the analysis to only programmatic aspects of party ideology which unjustly oversimplifies the situation. Notwithstanding the radical element, both parties are associated with exceptional mobilisation capacity and organisational peculiarities that lie at the root of their genesis. Whilst there is an emerging scholarly enquiry into the origins and electoral performance of the far right, the aspects of membership remain largely under-researched. The paper will use the concept of a 'movement party' as 'the coalition of political activists who emanate from social movements and try to apply the organisational and strategic practices of social movements in the arena of party competition' (Kitschelt 2006) as a point of departure, for it captures the essence of the Right Sector and the National Corps. Both of them emerged from social movements – the Azov movement and the Right Sector movement – and are currently transitioning from one mode of collective political interest articulation to another. Moreover, it also allows us to explore membership through the juxtaposition of ideological and organisational aspects. The findings rely on 24 semi-structured interviews with the representatives of both the Right Sector and the National Corps conducted throughout author's fieldwork in Kyiv and Odesa throughout September 2018 – April 2019 as well as a variety of party documents and other sources that substantiate the interview findings.

Two far-right parties – the Right Sector (*Pravyi Sektor*) and the National Corps – emerged in the aftermath of recent political events in Ukraine.¹ Both played an important role in shaping public discourse and engendered a great deal of controversy through their radical rhetoric and controversial acts. The attention of the general public remains focused on the parties' ideologies, limiting the analysis to only programmatic aspects of party ideology and unjustly oversimplifying the situation. Notwithstanding the radical element, both parties are associated with exceptional mobilisation capacity and organisational peculiarities that lie at the root of their genesis. Whilst there is an emerging scholarly enquiry into the origins and electoral performance of the far right, the aspects of membership remain largely under-researched.

This paper will explain what constitutes membership in the Ukrainian far right by looking at the cases of the Right Sector and the National Corps and studying their origins, activists, recruitment process, and leadership.² This paper begins with a discussion of the emergence of the two movements, as well as their subsequent organisational transformation. It then identifies four groups of activists — 'old nationalists', 'Ultras', 'ATO veterans', and 'new joiners' — and considers motivations for each group. It proceeds to discuss the process of recruitment, with a particular focus on the role of ideology and ideological tests. The final section explains how absence of a recruitment strategy led the Right Sector and the National Corps to develop different types of leadership.

The paper will use the concept of a 'movement party', defined as 'the coalition of political activists who emanate from social movements and try to apply the organisational and strategic practices of social movements in the arena of party competition', as a point of departure, as it captures the essence of the Right Sector and the National Corps.³ Both of them emerged from social movements — the Azov movement and the Right Sector movement — and are currently transitioning from one mode of collective political interest articulation to another. Moreover, it also allows us to explore membership through the juxtaposition of ideological and organisational aspects. The findings rely on twenty-four semi-structured interviews with the representatives of both the Right Sector and the National Corps, conducted throughout the author's fieldwork in Kyiv and Odesa throughout September 2018–April 2019, as well as a variety of party documents and other sources that substantiate the interview findings.

The Right Sector Movement

It is hard to pinpoint the exact date that marked the establishment of the Right Sector. The general public first heard of the group in January 2014 following the clashes on Hrushevskiyi Street, which were provoked by the Dictatorship Laws that sought to suppress the Euromaidan protest by restricting freedom of speech and freedom of assembly. This is when the Right Sector 'stood out as a united front and took responsibility for the ongoing violence.'⁴ However, the movement came into being in the first days of the protests: such mobilisation was the product of the social interaction necessitated by the situation which arose during the Euromaidan. The problem that the nationalistic forces encountered was that the mainstream protestors were reluctant to embrace their more violent tactics before mid-January.⁵ This reluctance is hardly surprising since, in the early days of the protest, triggered by the failure to sign the Association Agreement with the EU, these mainstream protestors advocated a 'European future for Ukraine'⁶ and aspired to keep the protest as peaceful as possible. In these circumstances, disparate far-right nationalists that had been perceived as violent and marginalised were willing to embrace anti-regime rhetoric from day one and had to unite in order to increase their visibility.

In his interview with the author, Andrii Tarasenko, the current leader of the Right Sector and one of the leaders of the Stepan Bandera All-Ukrainian Organisation 'Tryzub' at the time, underscored:

We saw that there is a number of nationalist organisations, just like ours that stood for the same thing that we did. This is how we came up with the idea to unite during the Euromaidan to jointly communicate our position. On the very first day, we created a Facebook group called 'The Right Sector Campaign on the Euromaidan'. So we did not plan for any organisation or party. It was a union of nationalist structures that were present at the time to achieve a common goal.⁷

Tarasenko's account corroborates extant findings that the Euromaidan provided social space for the interaction of an 'ad hoc union of radical right activists' and 'some football hooligans'.⁸ Such interaction helped them to establish what the idea of Ukrainian nationalism meant under given circumstances. In practice, this entailed putting an end to Viktor Yanukovich's regime and, if necessary, using force to attain this goal. Their mobilisation capacity was further bolstered by the confrontation with *Berkut* — the special police forces that resorted to acts of violence with the aim of suppressing the protest and saving Yanukovich's regime. While there are competing explanations as to the

origins of the movement's name, it was famously used to indicate the position that the radical nationalists occupied on the Euromaidan when attacking *Berkut*.

By mid-January 2014, the Right Sector became a widely recognisable political force associated with a violent confrontation with *Berkut*. On 1 December 2013, the protestors occupied the Trade Unions Building in central Kyiv, and its top floor became the Right Sector headquarters.⁹ The newly created force possessed 'a unique combination of resources'¹⁰ and united members of the following nationalist organisations: the Stepan Bandera All-Ukrainian Organisation '*Tryzub*'; the Ukrainian National Assembly-Ukrainian Self-Defence; the White Hammer; and the Carpathian Sich, alongside smaller groups and individual activists.

The Stepan Bandera All-Ukrainian Organisation '*Tryzub*' was the largest and most influential organisation among those listed above. In fact, it initiated the creation of the Right Sector, and provided the main cadres for the Right Sector movement. For example, Dmytro Yarosh, who had been the leader of '*Tryzub*' since 2005, later became the leader and the symbol of both the Right Sector and the Ukrainian far right. This popularity earned him a status of '*providnyk*'—literally translated as 'the leading one'—among other members of the movements. Notably, five out of seven present members of *Provid*—a collective leadership organ of the party—come from '*Tryzub*'.¹¹

It should be clarified that *Tryzub* was founded in 1993 as an order-type organisation by the former members of the Organisation of Ukrainian Nationalists (OUN), a far-right Ukrainian nationalist movement established in 1929 which was active throughout the Second World War. The OUN is often used as the epitome of the fight of the Ukrainian nationalists. The members of *Tryzub* openly declared that their mission was to continue the fight of the extremely controversial figure of Stepan Bandera, the leader of OUN, and they were committed to military and radical methods, thus inhibiting the possibility of popular support.¹²

Another sizeable political force that joined the Right Sector was the Ukrainian National Assembly-Ukrainian People's Self-Defence (UNA-UNSO). The UNA was founded in 1990 in Lviv and registered as a party in 1994.¹³ UNSO, the paramilitary wing of this political organisation, was founded by returnees from Afghanistan.¹⁴ Notably, UNSO members fought in the Moldovan and Georgian conflicts in the early 1990s and in Chechnya in the mid-1990s.¹⁵ Moreover, it was the UNA party structure that the Right Sector inherited when it became a political party. On 22 March 2014, the UNA party conference decided to change the party's name to the Right Sector, elect Dmytro Yarosh as its leader, and designate new members of *Provid*.¹⁶

Apart from '*Tryzub*' and the UNA-UNSO, the White Hammer ('*Bilyi Molot*') and the Carpathian Sich were also the founding

organisations of the Right Sector. The White Hammer was a small organisation functioning only in Kyiv, which claimed to have been created to combat illicit gaming and distribution of alcoholic beverages and narcotics.¹⁷ However, they were often described by the media as a group of radical youngsters.¹⁸ Due to the controversies that arose around the activities associated with the White Hammer, the Right Sector declared that it had nothing to do with the group even before Yanukovych was ousted.¹⁹ As far as the Carpathian Sich is concerned, it was a small radical organisation active in Zakarpattia, a culturally and historically distinct area in Ukraine.²⁰ On 5 February 2014, this group was designated as the sole representative of the Right Sector in Zakarpatska Oblast and was also entrusted with the task of building up the representation and image of the Right Sector in the region.²¹

The case of the Carpathian Sich is indicative of the policy that the leadership of the Right Sector was pursuing to respond to its increasing support as well as to ensure successful administration of the newly created movement. According to Andrii Tarasenko, the idea was to appoint the most trusted nationalist groupings as the representatives of the Right Sector in the regions.²² Despite occasional accusations of lawlessness, the Carpathian Sich provides a success story of such allocation. However, the situation was more controversial in the regions where no real nationalist force was present. Moreover, the speed at which the political situation was developing in the country rendered it difficult to provide necessary checks into the credibility of whomever claimed to represent the nationalist force in the region.

Yet, the misconduct of the entrusted outsiders was not the only problem that the Right Sector faced. Confronted with an entangled political situation, sizeable membership, and lack of experience in politics, the 'movement party' fell victim to internal conflict, as there were irreconcilable differences as to what its place within Ukraine's political landscape should be. To make matters worse, the leadership and membership that constituted the very core of the party left. The Ukrainian National Assembly (UNA), which had previously provided all of its organisational structure to the Right Sector, disengaged itself from the movement in December 2014.²³ Similarly, on 28 December 2015 the party's icon, Dmytro Yarosh, announced that he was leaving the Right Sector in order to create a new political force, claiming that the movement had already outlived itself.²⁴ The ways in which this has affected organisational and membership aspects of the Right Sector will be addressed in the following sections.

The Azov Movement

The political party 'The National Corps' was created on 14 October 2016, yet the political movement dates back much further in time.

The core of the Azov movement comes from the 'Patriot of Ukraine'—another nationalist order-type organisation that was registered as a civic organisation in Kharkiv in 2006.²⁵ Patriot of Ukraine emerged as the consequence of the refusal of the radical wing of the Social-National Party of Ukraine (SNPU) to accept its re-organisation from a far-right into a mainstream nationalist party called the All-Ukrainian Union 'Svoboda' in 2004.²⁶ Patriot of Ukraine had been the youth wing of SNPU. Andrii Biletskyi ran the Patriot of Ukraine since its foundation and until his arrest in connection with the alleged attack on Serhii Kolesnyk in 2011. However, this was not the only controversy involving the Patriot of Ukraine during Yanukovych's presidency. Not only was the party headquarters raided,²⁷ but some of its leaders were arrested, while others had to go underground. Therefore, by the beginning of 2014, the operation of the organisation was limited.

The creation of 'The Black Corps' signalled a new stage for the Patriot of Ukraine. It appeared in response to the inability of the weak Ukrainian government to counter the Russian invasion of Crimea and Russia-backed separatist movements in Eastern Ukraine. On the night of 14 and 15 March, the so-called 'battle on Rymarska Street' took place in Kharkiv. The members of the Patriot of Ukraine tried to protect their organisation's headquarters against the attack of pro-Russian forces as well as to oppose attempts to create a separatist Kharkiv People's Republic.²⁸ Following this event, Andrii Biletskyi, who was freed in the aftermath of Yanukovych's ouster and the adoption of legislation on political prisoners,²⁹ started forming a new military corps. In contrast to the label 'little green man' that was used to refer to the Russian forces in Crimea to accentuate the fact that they were dressed in a military uniform, Biletskyi-led nationalists chose to go by 'the black men'. The group itself was called the Black Corps. From an organisational perspective, it functioned similarly to a partisan group.

The political and military situation in Ukraine, coupled with the government's lack of both proper administration and sufficient resources, further exacerbated the need for military volunteers. In these circumstances, the core members of the Black Corps transformed into the so-called Azov Battalion in May 2014. At first, it operated under the authority of the patrol militia until it was reassigned to the National Guard in November 2014. Nevertheless, as the military conflict kept unfolding, volunteer battalions became the second most trusted group in Ukraine.³⁰ This was accompanied by a drastic increase in the size of the Azov Battalion, which transformed into the Azov Regiment in September of the same year.³¹

In light of this popularity, the veterans of the Azov Battalion of the National Guard that fought in the Anti-Terror Operation (ATO)³² in Eastern Ukraine united with members of the Civic Corps 'Azov'. The latter was founded in spring 2015 for two main purposes: to provide

assistance to servicemen involved in the ATO, and to ensure the cultural and educational support of Ukrainian nationalism. All in all, apart from organising the central headquarters in Kyiv, the party created regional centres in twenty-one out of twenty-four oblasts as well as several affiliated organisations in a short period of time.³³ Andrii Biletskyi, the former first commander of the Azov Battalion, became the party's leader.

It should be noted the author's description of the two 'movement parties' separately and in chronological order does not imply either that both movements developed independently of each other; that the Right Sector was absent from Eastern Ukraine; or else that the National Corps did not take part in the Euromaidan Revolution.³⁴ On the contrary, the Patriot of Ukraine was also one of the constituting forces within the Right Sector in its early days. Moreover, in early 2014, Andrii Biletskyi headed the Right Sector-East, which was the first attempt by the Right Sector to create a military wing;³⁵ and Mykola Kravchenko, the deputy head of the party, was also in charge of the Kharkiv division of the Right Sector at the beginning of 2014.³⁶

In sum, both the Right Sector and the National Corps have evolved from an alliance of disparate groupings into 'party movements' encompassing political, civic, military, cultural and youth dimensions with an increasingly significant number of supporters.³⁷ Unfortunately, obtaining any verifiable information as to the number of their adherents is difficult. Firstly, it is conditioned by the plurality of forms of engagement and multiplicity of institutions as well as the overlap between them. Secondly, there are significant shifts in membership over time that are not always linear. For example, the departure of Dmytro Yarosh from the Right Sector to launch a new organisation triggered a significant loss of membership. Moreover, the numbers of supporters at the dawn of both movements remains the subject of speculation, as the adversity of the circumstances in which both movements originated dictated the primacy of action over organisational and administrative matters.

The raw estimates found both in the media³⁸ and in academic works suggest that each movement comprises up to 10,000 adherents.³⁹ Andrii Tarasenko stated that he was unable to provide any specific numbers other than that there are several thousand people in the movement, while there are far fewer party members.⁴⁰ As far as the National Corps is concerned, Rodion Kudriashov, who ran the party headquarters at the time and is now the deputy head of the party, asserted that there are 700 members of the political party, 5200 activists without party membership, and 180,000 supporters⁴¹ overall in 2018.⁴²

Types of activists

This section explores the motives as well as the subsequent role within 'movement parties' for each of the four groups of activists

identified by the author. It should be noted that 'activist' is used as an umbrella term to refer to all individuals that are engaged with either movement and does not refer to a particular type of organisational affiliation.

Old Nationalists

As has been outlined above, both 'movement parties' evolved from several groupings and organisations that were created well before the Euromaidan and the conflict in Eastern Ukraine. Moreover, they both had a core organisation that de facto took on the leading role within the movement: the Stepan Bandera All-Ukrainian Organisation '*Tryzub*' for the Right Sector, and the Patriot of Ukraine for the National Corps. These 'old nationalists' seem to enjoy a privileged position within the movement. According to Mykola Kravchenko, 'Individuals who were in the Patriot of Ukraine enjoy credibility in our organisation, as they earned it through their own history.'⁴³ An illustrative example is that of Ihor Mykhailenko, who used to be among the leaders of the Patriot of Ukraine, then became a deputy commander of the Azov Battalion and currently heads the *Natsionalni Druzhyny* (National Militia).⁴⁴

The situation is more intricate with the Right Sector, as it has undergone several institutional perturbations due to the contested power-sharing arrangements and the inability of groupings to give up their original identity for the sake of the movement. Without a doubt, 'old nationalists' are valued for their experience, but there seems to be an attempt to disengage from old identity markers for the sake of a shared goal. According to the head of the Lviv headquarters of the Right Sector: 'Different people would come, with a different past. Some were members of various organisations, some were not. But it does not matter, as they are all fighters of the Right Sector now.'⁴⁵

Motivation among these activists seems to be self-explanatory. Following years of inability to modernise and reach out to wider audiences, recent political events gave impetus to the reinvigoration of ultranationalism.⁴⁶ According to Tetiana Soinkina, who commenced her activism with nationalist organisations well before the Euromaidan, 'Our environment, meaning all my acquaintances made throughout the years, understood that such a moment would come sooner or later. Therefore, it was not even a question if we should unite or not.'⁴⁷ The role of the 'old nationalists' is highly intellectual, as they are charged with ideological and policy aspects of work.

A subgroup within the 'old nationalists' group could be singled out to delineate members who joined the nationalist organisations during the Euromaidan, and now have almost completely blended together with the individuals who had been part of nationalist movements prior to the Euromaidan. Obviously, this subgroup is better represented in the Right

Sector. Their initial motivation for joining seems to be congruent with the wider ambition of the Euromaidan protests, such as the end of the Yanukovych regime. Their subsequent decision to stay within the 'party movement' was shaped by the symbiosis of the general rise in national self-awareness and the positive image of the 'movement party'.

Ultras

The Ultras were present in both the Euromaidan and in the ATO zone. Hence, there is an overlap between them and 'old nationalists', as well as 'ATO veterans.' Nevertheless, it provides analytical clarity to separate 'Ultras' as a distinct category, as they were often associated with the most active part of the clashes between the protestors and *Berkut* at the Euromaidan.⁴⁸ Furthermore, not all members of the Ultras movement joined the protests or took part in the armed conflict. Similarly, not all of the Ultras who fought in the ATO did so as part of the divisions associated with either the Azov or the Right Sector movement. Yet, in both 'movement parties,' Ultras constitute a significant and visible proportion.

The culture of football hooligans has always been frowned upon in Ukraine, for they are considered to be socially marginal elements. Despite the lack of formalised affiliation or management, Ultras groups succeed in organising activities that require a great deal of preparation, coordination, and a significant degree of discipline.⁴⁹ Notably, the Ultras 'possessed the skills and experience in violence' which made the group 'prepared to engage in confrontations with the riot police.'⁵⁰ Not only did the Ultras take part in violent confrontations with *Berkut* on the Euromaidan in Kyiv, but they also took on a prominent role in the use of force against separatist movements in other regions. For example, the football fans of FC 'Metalist Kharkiv' and FC 'Dnipro' supported the March of Unity that took place in Kharkiv on 27 April 2014.⁵¹ Likewise, the participation of the football fans of FC 'Chornomorets Odesa' and FC 'Metalist Kharkiv' was central to the escalation of violence during the tragic events that took place on 2 May 2014 in Odesa and led to the fire that took over the Trade Union building.⁵²

A contributing factor to the success of the Ultras in both the Euromaidan Revolution and the conflict in the East was that they proved able to overcome rivalry with each other. On 22 February 2014, after Viktor Yanukovych fled Kyiv, the Ultras announced an indefinite truce. The purpose of this truce was to put an end to inter-club antagonisms since the situation in Ukrainian society necessitated that 'our interaction should be based on the principle that we are, first and foremost, Ukrainians. Mutual understanding, trust, and group solidarity should come first.'⁵³

The motivation for the Ultras group is very similar to that of

'old nationalists': for them, the roles of Euromaidan and the conflict in Eastern Ukraine were similar in that it created a space for their activity and further mobilisation. While in most Western European countries, the Ultras express a class struggle, in Eastern Europe the central role is given to the 'patriotic cult of the nation understood as an ethnic community'.⁵⁴ Denys Kotenko, a football fan of FC 'Dnipro' and head of Dnipro headquarters, endorsed this premise: 'The Maidan's impact on nationalism is how it affected the general population. The Maidan made nationalist ideas spread. As far as football fans are concerned, they always favoured right nationalist ideas.'⁵⁵

It is hard to estimate the precise proportion of Ultras in both 'movement parties', because such information is not publicly available. It seems to be that the role of the Ultras is more pronounced in the National Corps, given that the majority of the current leaders came out of this subculture. It is also clear that Ultras together with 'old nationalists' enjoy a privileged position within the hierarchy. For example, the speaker of the National Corps in Odesa invokes the appointment of Oleksandr Drozdov, a former Ultras member who also participated in the conflict in Eastern Ukraine and 'went through the Battle of Mariupol' as his reason for joining.⁵⁶

ATO veterans

First of all, it should be noted that the category of 'ATO veterans' overlaps with 'old nationalists' and 'Ultras', as these two groups made up the core of the volunteer battalions in Eastern Ukraine. However, for the purposes of this subsection, 'ATO veterans' will be used to signify those who joined the movements but have not been previously involved with either nationalists or radical organisations. Moreover, the majority of 'ATO veterans' were members of the volunteer battalions associated with either the Azov or the Right Sector movement.

Before explaining the motivation of 'ATO veterans', it is important to understand why they joined volunteer battalions in the first place. In 2014, the attractiveness of the volunteer battalions was conditioned by the symbiosis of the realisation of the need to fight back Russian aggression, combined with the low level of trust in the military strength of the Ukrainian state. After Crimea's annexation, the perception of the military threat posed by Russia created a sense of insecurity among the citizens and fostered their mobilisation. The common threat explains why it was mostly the citizens of Central and Eastern Ukraine⁵⁷ who joined the battalions: they were afraid that the separatism might spread deeper in the territory of Ukraine.

Additionally, as has been revealed by multiple interviewees, the additional appeal of volunteer battalions was the lack of bureaucracy inherent in the enlistment procedure with the Armed Forces of Ukraine.

This includes formal contractual requirements and the need to prove one's physical fitness. Individuals suffering from chronic illness or other non-life-threatening disease would prefer volunteer battalions to avoid red tape or even the payment of the bribe necessary to be recognised as fit. Therefore, the ease of joining the enlistment facilitated further membership: 'Several lads and I got into my car and drove to the base of the Right Sector. We told them we wanted to fight and they replied, "Please come and join us." That was it.'⁵⁸ To enlist with the Azov Battalion, one was simply required to appear at the educational and mobilisation centre by the Maidan Square with a passport and personal belongings.⁵⁹

With the end of the active phase of the armed conflict came recognition of the necessity to extend their activities into the civic and political domain: 'The overwhelming majority of veterans-volunteers kept in touch, were in favour of civic participation, and had the similar ideological position.'⁶⁰ At first, this activity was centred around the civic organisation 'The Civic Corps "Azov"' that initially was preoccupied with providing humanitarian assistance to the fighters in the volunteer battalions: 'Upon the return to civic life, veterans joined the Civic Corps "Azov" and headed its representations in their hometowns.'⁶¹ However, the curtailment of military activity, coupled with the perceived slow speed of reform in Ukraine, brought about admission of the necessity to take mobilisation to another level: 'It is impossible to do everything on the street, we have to come to power.'⁶²

New Joiners

'New joiners' is a term used here to capture the group of current supporters of the two 'movement parties' who were neither previously involved in nationalist movements, nor took part in the Euromaidan or ATO. Very young activists in the 16-21 age range dominate this subgroup. In spite of the fact that they did not have a chance to participate in the recent political events by virtue of their young age, they claim to support the democratic change that occurred since 2014.⁶³ Admittedly, some of the 'new joiners' are of an older age, but those are the exception rather than the rule. For example, a 44-year-old activist with the *Natsionalni Druzhyny* in Kyiv revealed that he is the oldest person he knows of within the organisation. Notably, he was the only person among all the interviewees whose motivation for joining and attitude towards nationalism diverged: 'It is hard to say what Ukrainian nationalism is. ... I am much more tolerant than most of the other members. ... The main goal of my activity is to reduce the level of corruption in our country.'⁶⁴

As far as young activists are concerned, the overwhelming majority are registered as party sympathisers (*prykhyl'nyky*) or activists (*aktyvisty*). Their main function within the movement is to ensure the

party's visibility, as they are in charge of manning agitation tents, as well as carrying flags and banners at rallies. Their primary motivation is to influence the political development and processes in Ukraine. However, there is another aspect to it, which other categories of participants do not mention—self-development. 'There are other things that our party can offer apart from nationalist ideology. For instance, self-development. ... I enjoy changing the country but also myself.'⁶⁵

A sense of community, as a non-material benefit of membership, is a significant contributing factor to the resonance of the 'movement party' with youth, as is it gives them the feeling of *dvyzh*—a youth slang word that is a shortened form of 'dvizhenie' (literally translated from Russian: 'movement' or 'action') and stands for any sort of enjoyable recreational and socially active engagement.⁶⁶ For example, a 17-year old agitator from Kyiv in talking about his motivation and genuineness of his nationalist sentiment presents himself in opposition to those who joined for the sake of '*dvyzh*': 'You will encounter a lot of people who came here just for *dvyzh*, for the community. In contrast, I am here because of the idea, because I want to change the country.'⁶⁷

The internal hierarchical order of these four groups of activists within a 'movement party' can be explained through Duverger's model built around the concentric circles of participation.⁶⁸ 'Militants' are represented by both 'old nationalists' and 'Ultras'. While their degree of involvement is similar, 'old nationalists' are mostly entrusted with ideological and political tasks, and 'Ultras'—with administrative and operational tasks. 'Members' is the most divergent group represented by the majority of ATO veterans, the older generation of 'new joiners' as well as individual activists and some of the lower-profile 'old nationalists' and 'Ultras'. Finally, 'supporters' coincide with young 'new joiners'.

Process of recruitment

This section discusses the ways in which both 'movement parties' encourage the participation of new members. It is critical to distinguish between the process of recruitment as it was done at different stages of the development of the 'movement party'. Therefore, of particular interest is the process of recruitment that is currently underway and which is primarily targeted at reaching wider audiences.

Previously, there were not any formalised campaigns aimed at attracting new members. Presently, as parties' funds are rather limited, there is not much presence in the printed press, on television, or on the radio. The absence of a formalised procedure of recruitment does not mean that there is no work underway to attract new members. Given the ideological nature of these 'movement parties', ideological work constitutes part and parcel of recruitment, and ideology follows an activist or a party member every step of the way within the 'movement

party'. Nevertheless, it is reasonable to distinguish two main stages of ideological work that are tied to the process of recruitment: 1) propaganda aimed at attracting attention and sparking interest of a prospective member; 2) ideological indoctrination at the early stages of joining the 'party movement'.

As far as propaganda is concerned, it takes place from tents bearing the party symbols that are strategically located in populated parts of the city. Notably, one of the agitators of the National Corps in Kyiv offered an interesting insight into the approach that the party has towards engagements of new members: 'We divide people into three groups. 1 – Those who know something about us and support us. 2 – Those who know something and do not support us. 3 – Those who know nothing about us. We focus on the third group. Our task is to make them interested in our activity.'⁶⁹

Individuals that show interest receive an invitation to fill in the 'Sympathiser Form' (*anketa prykhylnyka*). This can be done either at the tent or online.⁷⁰ These forms require only basic demographic information.⁷¹ This is the loosest form of an organisational affiliation that does not involve any obligations. The individual will subscribe to a newsletter that will notify them about all activities of the 'movement party', most notably rallies, and will have the right to decide whether to participate or not.

The second stage of an organisational affiliation is the role of an 'activist'. It imposes certain obligations on an individual that include their presence at rallies in a systematic fashion, as well as involvement in agitative work. Consequently, 'movement parties' invest significant resources in its adherents at the level of an 'activist'.

This fact can first be witnessed in the selection process. Prospective activists have to successfully pass an interview with one of the seniors in the 'movement party' hierarchy. For example, according to one of the company commanders at the *Natsionalni Druzhyny*: 'I talk with them. But not with everyone, only those who do not have acquaintances who are already part of our movement. If somebody joins and tells their friends, and these friends also want to join, then the individual comes together with them to the meeting ... and they join at once.'⁷²

Similarly, for Right Sector, the head of the Right Youth revealed that, 'When people come and tell me that they want to join, my first question is why do you want to join. ... Most people say they want to fight for Ukraine.'⁷³ Still, the process seems to be rather informal and serves the sole purpose of testing the participants' motivations: 'There is only one criterion – ideology. If the individual decides that they are ready and want to participate, they come and say that they want to be a member. That is it.'⁷⁴

Secondly, it is witnessed in ideological training. For the Azov movement, all activists, who are mostly represented by young 'new

joiners', have to go through Activist School. The school takes place in different geographical locations and usually involves two full days of training. Noting that the main idea of these schools is to offer ideological education, the participants gain knowledge from the history of Ukraine, history of political thought, history and theory of Ukrainian nationalism, the cult of fighting, and the history of the Azov movement, in addition to receiving some physical training. The participants are also expected to sit a test and, upon successful completion, obtain a certificate.^{75; 76; 77}

As activists move up the hierarchy in the Azov Movement to become a *desiatnyk*, they are invited to go through the Leadership School of Akson and Khoma, named after deceased members of the Azov Battalion. This involves seven days of training that teach how to organise the work of manpower. The role of a *desiatnyk* is equated with that of a junior officer in support of the fight of the movement, and all future *desiatnyks* receive a special Handbook of a Junior Officer.⁷⁸

Notably, ideological training is seen as an experience which should be conceived of as a constant process rather than a one-time pass/fail system. According to Eduard Yurchenko, the National Corp's ideologist, 'Ideological training takes place at all levels, starting with activists and going all the way up to ideology specialists. Everyone has to study ideology to a certain extent. ... Lectures often take place in different cities ... Training can last from intensive *vyshkil* [field training] that lasts several weeks to a short two- to three-day course.'⁷⁹

There do not seem to be any similar institutionalised schools issuing certificates within the Right Sector movement. The training primarily takes the form of a *vyshkil*, a type of field training aimed at strengthening physical, military, and spiritual capabilities. Such *vyshkils* are organised throughout Ukraine in remote, nature-oriented locations, such as forests, river valleys, or mountainous areas.^{80; 81; 82; 83} Most probably, the Right Sector inherited this form of scout training for youth from *Tryzub*.⁸⁴ The Right Sector also offers historical and cultural aspects of their ideological work. These elements can be traced through news communications featuring lectures on the topic of Ukrainian nationalism on their website and social media pages.

The evidence from the case of the two Ukrainian 'movements' supports the claim in the comparative literature that ideological parties are predicted to 'limit full membership to acolytes who have demonstrated their commitment to the ideology, and who are expected to work towards achieving ideologically defined aims.'⁸⁵ Even though there is no formalised procedure for ejecting members, this does not mean that party members or movement activists will not be ejected if they fail to pass ideological tests.

The Right Sector movement provides more examples of ejection, as its inability to conduct any sort of screening of prospective members during the rapid increase in membership at the Euromaidan resulted

in the admission of many activists who subsequently failed to pass ideological tests. According to Andrii Tarasenko, 'The process was very chaotic. There was no organisational structure ... People joined in very large numbers. There was no time or opportunity to check anyone. A person would come, show their passport so that we could see they held Ukrainian citizenship. They would tell us that they wanted to fight—so we would admit them.'⁸⁶

Consequently, there is now an attempt to account for the past failures through the introduction of a more rigorous process of screening. The head of Lviv headquarters shared that 'We first have to see the individual and conduct an interview. Then [we] check their past, see what they did before. We have to check if they were ever involved in any anti-Ukrainian or anti-national formations or organisations ... Different people have come to the Right Sector over these five years.'⁸⁷ However, it might be too late to take this measure, as not only is membership hardly increasing at present, but also an unselective process of admission led to many already deciding to profit from the positive image of the Right Sector, consequently ruining its reputation.

One such example is the case of Zaporizhzhia, an industrial city in Eastern Ukraine. The group that came to represent the Right Sector engaged in controversial activities, such as disrupting the operation of Zaporizhstal, Ukraine's fourth-largest steelmaker. While the activists claimed that the problem with the factory was that it was causing environmental concerns, it soon turned out that the newly appointed leaders in the region were abusing the Right Sector brand to pursue personal interest.⁸⁸ The situation was dealt with shortly after, as the central administration of the Right Sector agreed to dissolve its representation in Zaporizhzhia. Nevertheless, this inflicted damage upon the movement's credibility.

It should be noted that allegations regarding the involvement of the National Corps in similar semi-criminal or criminal activities are not uncommon.⁸⁹ Nevertheless, the same ideological requirements, as well as the treatment of ejection, apply: 'If you are doing something, and it does not comply with our organisation, you should either revisit your beliefs or part. This depends on the person.'⁹⁰ Notably, the issue that the National Corps is dealing with is the failure of the young 'new joiners' to prove the strength of their ideological beliefs. According to Eduard Yurchenko, the party's ideologist, 'If people who join us didn't like something, it is most often because they have only superficially understood ideology ... This is especially true of very young people, who came just for the sake of *dvyz*.'⁹¹ While this could possibly cause a large turnover among the activists, as well as impact electoral support of those who are usually in charge of the agitation, the cost of ejection of such activists is relatively low.

Higher costs are borne when ideological differences occur higher

up in the hierarchy—these could also come from former members. A perfect illustration is the conflict involving Serhii Filimonov and Nazarii Kravchenko—the former head of Kyiv headquarters and the former deputy head of the party, respectively—regarding their support of Serhii Sternenko, a former member of the Right Sector prosecuted in several contentious criminal cases.⁹² Interestingly, Nazarii Kravchenko sparked additional controversy by allegedly disclosing the schemes employed by the National Corps to transfer identified funds to its financial accounts.⁹³

Leadership

Despite the undeniable similarity of organisational structure, the role of the leader in the Azov movement and the Right Sector movement is different. This section discusses how the role of the leader is formalised and how the leader is perceived by the activists and party members in both ‘movement parties.’

From strong leader to multiple leaders

Dmytro Yarosh, the former head of the Stepan Bandera All-Ukrainian Organisation ‘*Tryzub*’, became the undeniable leader of the Right Sector and the symbol of the Ukrainian far right. He kept the name of ‘*providnyk*’ that he enjoyed in ‘*Tryzub*’, and started building up the Right Sector all across Ukraine. However, the internal party conflict escalated to such an extent that he had to leave the movement. On 28 December 2015, he announced that he was departing from the Right Sector to create a new political force. Shortly after his departure, Yarosh created a new movement called ‘DIYA’; if translated literally, its name means ‘action’. In this new organisation, Yarosh continues to enjoy the very same status of ‘*providnyk*’. Interestingly, the wider Ukrainian audience still associates him with the Right Sector, which can be partially rationalised by the fact that the coverage of the Ukrainian far right mostly focuses on the use of force, not on internal reconfiguration, and the Ukrainian far right often lacks funds that would allow them to reach wider audiences.

In the meantime, the Right Sector experienced severe membership losses and faced the task of reorganising its internal structure. In order to avoid previous mistakes that had led to an unreasonable strengthening of the leader, it decided to abandon the word of ‘*providnyk*’ altogether, which later came to have negative connotations within the movement. Instead, the entire movement was built around *Provid* (literally: the lead), a collective organ consisting of five representatives elected on a biennial basis. Moreover, the entire party hierarchy was rethought in a way that would make party leaders easily substitutable. This strategy was borrowed from the OUN-UPA underground tactics: it allowed for the movement to keep its fight even in the event of the absence of the

leader. According to the current head of *Provid*, Andrii Tarasenko, ‘... We realised that the fact that one person can make any decision and change the movement as they please constitutes a serious problem. ... Therefore, we worked out such an internal system that will function regardless of the personality [in charge]. If anything happens to me, my deputy will take charge. And that will change nothing. ... Anyone can take charge.’⁹⁴

The departure of Yarosh is identified by the Right Sector’s current members as a purification of the movement from those who did not meet the party’s ideological standards. In her interview to the author, Tetiana Soikina, the head of Odesa headquarters noted that ‘... after Yarosh’s departure, many people were filtered out, people who were holding us back a bit, people who came with their mercantile interests.’⁹⁵ In the same vein, Taras Bobanych, the head of Lviv headquarters stated that, ‘Yarosh’s departure brought positive change. People who were careerists, people who aspired to make profits, left our organisation. Only those who were motivated stayed.’⁹⁶ This also illustrates another dynamic that Yarosh’s departure brought about: severe loss in membership. Andrii Tarasenko admitted that after he took charge as the head of *Provid*, his primary task was to stabilise the situation.⁹⁷

Notably, the members of the Azov movement seem to have the opposite opinion and associate Yarosh’s departure with the end of the Right Sector movement. ‘The leader is gone, and debris is all that is left of it’, lamented a young agitator when he was asked to explain why he chose the Azov movement over the Right Sector.⁹⁸ A similar observation is made by a member of the ideology team: ‘As a result of poor cadre policy of the Right Sector in 2014, the wrong people came to power in many oblasts, which led to the destruction of it as a nationalist organisation. ... They engaged in activities that had nothing to do with nationalism.’⁹⁹ Without a doubt, these are very natural reactions to the perturbations in a competing organisation. However, the fact that the problem of leadership and engagement in illicit practices is vocalised by both sides upholds the proposition about the salience of these issues.

Strong leader

Andrii Biletskyi, the leader of the National Corps, did not have a chance to take part in the Euromaidan Revolution. He was released only on 24 February 2014 by the order of *Verkhovna Rada* No 793-VII ‘On the Release of Political Prisoners’ together with 22 other individuals.¹⁰⁰ Those were mostly nationalists and radicals arrested in controversial cases opened during President Viktor Yanukovich’s term.¹⁰¹ Furthermore, the list was extended to include 42 individuals that received full amnesty according to the amendment made to the Law ‘On Application of Amnesty in Ukraine’¹⁰² regarding full rehabilitation of political prisoners. Importantly, under these regulations, two other members of the Patriot

of Ukraine were released—Ihor Mykhailenko and Vitalii Kniazheskyi. In 2011, all three were sentenced to imprisonment under the so-called ‘case of the protectors of Rymarska’ in connection with the attack on Serhii Kolesnyk at the central headquarters of the Patriot of Ukraine in Kharkiv. Shortly afterwards, all three took an active part in the creation of the Azov Battalion.

In the National Corps there is a consensus with regard to the centrality of the role of the leader. This comes time and again through eulogistic assessments of Andrii Biletskyi from party members and activists at all levels: ‘He is the person who started all this. Without him, there would be no Azov movement.’¹⁰³; ‘There would be no party without its leader. ... I think it is good when the best representative of the movement becomes its leader and everyone else follows him, as they are certain he will lead them in the right direction.’¹⁰⁴; ‘He inspires us and gives the reason to move forward.’¹⁰⁵; ‘None of this would have existed without Andrii Biletskyi.’¹⁰⁶; and ‘Our leader is the main driver of our organisation.’¹⁰⁷

The perceived role that the Azov Battalion played during the early days of the Anti-Terror Operation in Eastern Ukraine gives Biletskyi legitimacy in the same way it does to ‘older nationalists’ and ‘Ultras’. For example, the head of Kyiv headquarters, ATO veteran and Ultras, stated that, ‘I trust Andrii Biletskyi because he is the person who was by my side during the Battle of Illovaisk ... He is the one who unites all of us. He is the person who gives us hope and visualises our future.’¹⁰⁸ This leadership style has been transposed onto political activity outside of the conflict zone. For example, according to one of ‘new joiners’, ‘There are leaders that will take a stone and will carry it along with everybody else and leaders that will climb on top and tell you where to carry him. It is very important that our leader is with us.’¹⁰⁹ While there is limited evidence of how Biletskyi perceives his role, party documents use the word ‘leader’ to refer to him.

Conclusion

This paper has demonstrated that both the Right Sector and the National Corps originated as a result of an impromptu association of disparate groupings and activists. Consequently, both ‘movement parties’ should be conceived of as organisationally malleable: they incorporated and excluded individual members as well as groups of members as they developed. Moreover, they comprise similar groups of activists—‘old nationalists’, ‘Ultras’, ‘ATO veterans’, and ‘new joiners’. While each group has its own genesis and role within the ‘movement parties’, they all converge in their ideological aspirations.

To become part of the movement, members have to prove the sincerity of their ideological sentiments and must continue to

do so throughout their time with the movement. ‘Old nationalists’, ‘Ultras’, and ‘ATO veterans’ have already passed their tests through the participation in the events at the Euromaidan and in Eastern Ukraine, while formal ideological and physical training constitutes a similar test for the ‘new joiners’. Failure to do so results in ejection. At the same time, the case of the Right Sector demonstrates that the Maidan legacy turned out to be an insufficient test, as the brand of the ‘movement party’ was severely damaged and resulted in a split. This made the ‘movement party’ rethink its recruitment process as well as its leadership organs. Finally, ideological tests apply to regular activists as well as to party elite. This is palpable through the perception of the role of Andrii Biletskyi, who is recognised as being the most capable of exhibiting allegiance to the cause.

All in all, this paper has analysed the role that party members and activists play in far-right ‘movement parties.’ Without a doubt, future research grounded in more representative and qualifiable data spanning over a longer period of time would be beneficial to a more nuanced understanding of the motivations for the members of the far right. Additionally, anthropological work could assist in studying the mechanics of the functioning of the far-right organisations. Not only would such findings provide a deeper insight into the case of Ukraine, but they could also give a point of departure for the inquiry into the far right across Eastern Europe, as well as shed light on the process of radicalisation in societies affected by conflict. Yet, unfortunately, the challenges associated with data collection remain.

Notes

1 Identification of both ‘movement parties’ on the ideological spectrum is outside of the scope of this paper. Hence, the author believes that the term ‘the far right’ best aligns with the purpose of this study, for it is the maximum ‘ideological’ category that makes it suitable to use with regard to multiple groupings across time and space.

2 While the All-Ukrainian Union ‘*Svoboda*’ is often treated together with the Right Sector and the National Corps both in the literature and in public discourse, the author believes that studying it from the same analytical standpoint would be inaccurate. Firstly, its emergence was not caused by recent political events. Secondly, unlike the other two, it experienced several electoral breakthroughs: in the 2009 regional elections in Ternopil'ska Oblast and in the 2012 parliamentary elections. Finally, the very emergence of the Right Sector during the Euromaidan Revolution can be partially explained by the fact that ‘*Svoboda* and its leader Oleh Tiahnybok discouraged disruptive language or actions’ (Olga Onuch and Gwendolyn Sasse, “The Maidan in Movement: Diversity and the Cycles of Protest,” in *The Ukraine Conflict. Security, Identity and*

Politics in the Wider Europe, eds. Derek Averre and Katarzyna Wolczuk (London and New York: Routledge, 2018), 22.

3 Herbert Kitschelt “Movement Parties,” in *Handbook of Party Politics*, eds. Richard Katz and William Crotty (Thousand Oaks: SAGE Publications, 2018), 278–290. Importantly, Kitschelt recognises that institutional implications of transfer from a movement to a party depend on the nature of the movement ideology and, therefore, are different for left-libertarian and right-wing movement parties.

4 William Jay Risch, “What the far right does not tell us about the Maidan,” *Kritika: Explorations in Russian and Eurasian History* 16, no. 1 (2015): 138.

5 See Serhiy Kudelia, “When Numbers Are Not Enough: The Strategic Use of Violence in Ukraine’s 2014 Revolution,” *Comparative Politics* 50, no. 4 (2018), 501–521, and Volodymyr Ishchenko, “Far right participation in the Ukrainian Maidan protests: an attempt of systemic estimation,” *European Politics and Society* 17, no. 4 (2016): 453–472.

6 Olga Onuch, “Who Were the Protestors?,” *Journal of Democracy* 25, no. 3 (2014): 46.

7 Interview with Andrii Tarasenko, head of political party, Right Sector, Kyiv, 20 September 2018.

8 Vyacheslav Likhachev, “The ‘Right Sector’ and Others: The Behaviour and Role of Radical Nationalists in the Ukrainian Political Crisis of Late 2013 – Early 2014,” *Communist and Post-Communist Studies* 48, no. 2–3 (2015): 263.

9 Anton Shekhovtsov and Andreas Umland, “The Maidan and Beyond: Ukraine’s Radical Right,” *Journal of Democracy* 25, no. 3 (2014): 58–63.

10 Volodymyr Ishchenko, “Insufficiently Diverse: The Problem of Nonviolent Leverage and Radicalization of Ukraine’s Maidan Uprising, 2013–2014,” *Journal of Eurasian Studies* 11, no. 2 (2020): 207.

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12 Tryzub, “About Organisation,” accessed August 16, 2020, <http://banderivets.org.ua/pro-organizatsiyu.html>.

13 UNA-UNSO, “History,” accessed August 16, 2020, <http://unso.in.ua/uk/org/history>.

14 Anton Shekhovtsov and Andreas Umland, “Ultraright Party Politics in Post-Soviet Ukraine and the Puzzle of the Electoral Marginalism of Ukrainian Ultranationalists in 1994–2009,” *Russian Politics & Law* 51, no. 5 (2013): 33–58.

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16 Zaxid.Net, “The Right Sector Became a Party and Chose Yarosh as Its Head”, March 22, 2014, accessed August 16, 2020, https://zaxid.net/praviy_sektor_

17 White Hammer, accessed August 16, 2020, <http://bilymolot.in.ua/>.

18 Irina Kuteleva-Kovalenko, "Far-Right Organisation White Hammer Announced That Their Co-Ordinator Horanin Was Kidnapped," *NV.UA*, February 21, 2017, accessed August 16, 2020, <https://nv.ua/ukr/ukraine/events/pravoradikalna-organizatsija-bilij-molot-zajavila-pro-vikradennja-svogo-koordinatora-goranina-686219.html>.

19 TSN.UA, "The 'Right Sector' Separated Itself from the 'RPS' with their tents on the Maidan," February 20, 2016, accessed August 16, 2020, <https://tsn.ua/politika/praviy-sektor-vidmezhuvasya-vid-rps-z-yih-nametami-namaydani-595614.html>.

20 Carpathian Sich, "About Us" via *Internet Archive - The Wayback Machine*, accessed August 16, 2020, <https://web.archive.org/web/20190319111411/https://karpatskasich.com/pro-nas>.

21 Zakarpattia Online, "Carpathian Sich and Oleksandr Sachko Were Designate to Represent 'The Right Sector' in Zakarpattia," February 5, 2014, accessed August 16, 2020, <https://zakarpattia.net.ua/News/119653-Predstavliaty-Praviy-sektor-na-Zakarpatti-pryznacheno-Karpatsku-Sich-i-Oleksandra-Sachka>.

22 Interview with Andrii Tarasenko.

23 UNA-UNSO, "Official Statement by UNSO Command," December 28, 2014, accessed August 16, 2020, <http://unso.in.ua/uk/new/unso-vyhodyt-na-novyy-riven-svogo-rozvytku>.

24 BBC, "Dmytro Yarosh is Leaving 'The Right Sector,'" December 28, 2015, accessed August 16, 2020, https://www.bbc.com/ukrainian/politics/2015/12/151228_yarosh_leaves_right_sector.

25 Mariana Pietsukh, "War and Peace Among Ukrainian Nationalists," *Ukrainska Pravda*, March 27, 2017, accessed August 16, 2020, <https://www.pravda.com.ua/articles/2017/03/27/7139384/>.

26 Svoboda, "History," accessed August 16, 2020, <https://svoboda.org.ua/party/history/>.

27 Tyzhden.ua, "The Patriot of Ukraine claims an armed attack on their office in Kharkiv. 11 individuals detained," December 30, 2011, accessed August 16, 2020, <https://tyzhden.ua/News/38826>.

28 Notably, the attack was led by the pro-Russian vigilante group called Stronghold ('*Oplot*'). Following the failure to establish the Kharkiv People's Republic, the members of this group fled to the Donetsk People's Republic (DNR) and joined pro-Russian separatists. See National Corps, "Defence of Rymarska is the First Battle of the Russo-Ukrainian War. That Day We Saved Kharkiv," March 14, 2018, accessed August 16, 2020, <https://nationalcorps.org/oborona-rimarsko-pershij-bj-rosjskoukransko-vjni-cogo-dnja-mi-vdstojali-harkiv/> and Frontline Documentary, season 2014, episode 13, "The Battle For Ukraine", produced by James Jones aired May 27, 2014, on PBS, <https://www>.

pbs.org/wgbh/frontline/film/battle-for-ukraine/.

29 Verkhovna Rada of Ukraine, Law of Ukraine “On Amendments to the Law of Ukraine ‘On application of Amnesty in Ukraine’ Regarding Rehabilitation of Political Prisoners”, No 792-VII, February 27, 2014, <https://zakon.rada.gov.ua/laws/show/792-18#Text>.

30 Montana Hunter, “Crowdsourced War: The Political and Military Implications of Ukraine’s Volunteer Battalions 2014–2015,” *Journal of Military and Strategic Studies* 18, no. 3 (2018): 78–124.

31 Azov Regiment, accessed August 16, 2020, <https://azov.org.ua/>.

32 The Anti-Terror Operation (ATO) was renamed the Joint Force Operation (JFO) in April 2018. However, for consistency purposes, ‘the Anti-Terror Operation (ATO)’ is used throughout this paper to refer to the military conflict in Eastern Ukraine at different stages of its development, as well as to any related concepts, such as ATO veterans.

33 National Corps, “Contacts,” accessed August 16, 2020, <https://nationalcorps.org/contacts/>.

34 It should be noted that there are certain ideological differences between these two ‘movement parties’ that were observed by the author during their fieldwork. The National Corps is different from the Right Sector in that it is more willing to tone down the nationalist message in its rhetoric. Despite the deep-seated stereotype that Ukrainian far-right nationalists come from Western Ukraine, there are individuals in both ‘movement parties’ that come from Eastern Ukraine. Yet, the National Corps has bigger support base in Eastern Ukraine; besides, its position on the language question is also more flexible, as their members, the majority of whom are Russian speaking, do not treat the language as the threshold for inclusion in the organisation.

35 Tyzhden.ua, “The ‘Right Sector’ Started Forming Division ‘East,’” March 12, 2014, accessed August 16, 2020, <https://tyzhden.ua/News/104652>.

36 O. Stadnik-Stefurak, “14 March 2014 – Ukraine Protected Kharkiv,” Censor. Net, March 14, 2018, accessed August 16, 2020, https://censor.net.ua/ua/resonance/3055537/14_berezhnya_2014_ukrayina_vidstoyala_harkiv.

37 This discussion should come with the recognition of the multiple records of the attacks by both the Right Sector and the National Corps on the members of Roma communities. See, for example, Christopher Miller, “With Axes and Hammers, Far-Right Vigilantes Destroy Another Romany Camp in Kyiv,” *RadioFreeEurope/RadioLiberty*, June 8, 2018, accessed February 21, 2021, <https://www.rferl.org/a/ukraine-far-right-vigilantes-destroy-another-romany-camp-in-kyiv/29280336.html>, and Human Rights Watch, “Ukraine: Fatal Attack on Roma Settlement,” June 26, 2018, accessed February 21, 2021, <https://www.hrw.org/news/2018/06/26/ukraine-fatal-attack-roma-settlement>.

38 BBC News Ukraine, “The Right Sector: How Many Battalions Does Yarosh Have?,” July 14, 2015, accessed August 16, 2020, https://www.bbc.com/ukrainian/politics/2015/07/150714_right_sector_now_vc.

- 39 Ukrainska Pravda, "Zigzags of National Policy: How 'National Corps' Works and What It Stands For," November 23, 2018 via *Internet Archive - The Wayback Machine*, accessed August 16, 2020, <https://web.archive.org/web/20181124135231/https://vybory.pravda.com.ua/articles/2018/11/23/7149790/>.
- 40 Interview with Andrii Tarasenko.
- 41 These are also referred to as 'sympathisers'.
- 42 Interview with Rodion Kudriashov, head of central headquarters, National Corps, Kyiv, September 24, 2018.
- 43 Interview with Mykola Kravchenko, deputy head of political party, National Corps, Kyiv, September 27, 2018.
- 44 *Natsionalni Druzhyny*, "Leaders," accessed December 1, 2020, <https://ndrugua.org/leaders/>.
- 45 Interview with Taras Bobanych, head of Lviv headquarters, Right Sector, by phone, April 10, 2019.
- 46 Shekhovtsov and Umland, "Ultraright Party Politics".
- 47 Interview with Tetiana Soikina, head of Odesa headquarters, Right Sector, Odesa, January 4, 2019.
- 48 TSN.UA, "Ultras 'Dynamo' Supported Euromaidan and Called 'Berkut' Bastards," December 13, 2013, accessed August 16, 2020, <https://tsn.ua/ru/prosport/ultras-dinamo-podderzhali-evromaydan-i-nazvali-berkut-urodami-339246.html>.
- 49 Robbert Woltering "Unusual Suspects: 'Ultras' as Political Actors in the Egyptian Revolutions," *Arab Studies Quarterly* 35, no. 3 (2013): 291–292.
50. Ishchenko, "Insufficiently Diverse", 207.
- 51 BBC News Ukraine, "In Kharkiv, Ultras Fought off the Attack of Separatists," YouTube video, April 28, 2014, <https://www.youtube.com/watch?v=580F-OpUWac> and IPress.UA, "The Ultras March for United Ukraine in Kharkiv Did Ended with Fights", April 27, 2014, accessed August 16, 2020, https://ipress.ua/news/u_harkovi_marsh_ultras_za_iedynu_ukrainu_ne_obiyshlos_bez_biyok_foto_61754.html.
- 52 Dumskaia, "The Odesa Tragedy: Detailed Chronology of Events on 2 May 2014," April 21, 2015, <https://dumskaia.net/news/odesskaya-tragediya-detalnaya-hronologiya-sobyti-045836/>.
- 53 Ultras, "Ukrainian Ultras Announce Truce", February 22, 2014, accessed August 16, 2020, <http://ultras.org.ua/01372.html>.
- 54 Radosław Kossakowski, Tomasz Szlendak and Dominik Antonowicz, "Polish Ultras in the Post-Socialist Transformation," *Sport in Society: Cultures, Commerce, Media, Politics* 21, no. 6 (2018): 855.
- 55 Interview with Denys Kotenko, head of Dnipro headquarters, National Corps, Kyiv, October 4, 2018.

- 56 Interview with the speaker of political party No 1 in Odesa, National Corps, Odesa, December 29, 2018.
- 57 See, for example, Huseyn Aliyev, "When Neighbourhood Goes to War. Exploring the Effects of Belonging on Violent Mobilization in Ukraine," *Eurasian Geography and Economics* 62, no. 1 (2021): 21–45.
- 58 Interview with Oleh Kuzko, head of the central headquarters of DUK, Right Sector, Kyiv, September 25, 2018.
- 59 Andriy Biletsky, "If We Lose Mariupol, We Will Lose Ukraine Too," *IPress.UA*, August 31, 2014, accessed August 16, 2020, https://ipress.ua/news/yakshcho_vtratymo_mariupol_to_vtratymo_kontrol_i_nad_ukrainoyu_zvernennya_komandira_azovu_82783.html.
- 60 Interview with Mykola Kravchenko, deputy head of political party, National Corps, Kyiv, September 27, 2018.
- 61 Interview with a company commander of *Natsionalni Druzhyny* No 1 in Kyiv, National Corps, Kyiv, October 1, 2018.
- 62 Ibid.
- 63 While the far right and democracy are traditionally perceived as mutually exclusive, recent scholarship urges to go beyond the simplistic opposition between the two. See, for example, Cas Mudde, *On Extremism and Democracy in Europe* (London: Routledge, 2016). Moreover, National Corps' rhetoric in support of the democratic change in Ukraine is also grounded in the perception that the failure by the incumbents to deliver on the promise of democratic reform constitutes a betrayal of the Euromaidan legacy.
- 64 Interview with a company commander of *Natsionalni Druzhyny* No 2 in Kyiv, National Corps, Kyiv, October 1, 2018.
- 65 Interview with Anastasiia, agitator and political party member in Kharkiv, National Corps, Kyiv, October 2, 2018.
- 66 Notably, a healthy lifestyle is intrinsic to the culture of both 'movement parties'; yet, it plays a bigger role in the National Corps. Not only are the use of drugs and the consumption of alcoholic beverages strictly forbidden, but physical fitness and exercising together are strongly encouraged. The most brilliant example is the premises of the former factory 'ATEK' in Kyiv. Moreover, the National Corps is sponsoring other free gyms. See, for example, National Corps, "New gym from the National Corps in Krasnopillia," YouTube video, June 21, 2018, <https://youtu.be/MnjcFp4oZIE>, and National Corps "Andrii Biletskyi, the Leader of the National Corps, Opens a New Social Gym", YouTube video, December 19, 2019, <https://youtu.be/JAWAAIvNYIE>.
- 67 Interview with Oleksandr, agitator in Kyiv, National Corps, Kyiv, September 22, 2018.
- 68 Maurice Duverger, *Political Parties: Their Organisation and Activity in the Modern State* (London; New York: Methuen; Wiley, 1954), 90–91.
- 69 Interview with Oleksandr.

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- 71 National Corps, Sympathiser Form via *Internet Archive - The Wayback Machine*, accessed August 16, 2020, <https://web.archive.org/web/20181205154611/http://nationalcorps.org/anketa>.
- 72 Interview with a company commander of *Natsionalni Druzhyny* No 1 in Kyiv.
- 73 Interview with Emil, Right Youth head in Kyiv, Right Sector, Kyiv, October 5, 2018.
- 74 Interview with Oleksandr Syneok, head of Kyiv headquarters of the *Natsionalni Druzhyny*, National Corps, Kyiv, October 1, 2018.
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TOWARDS A MORE INCLUSIVE SOCIETY: THE FUTURE OF LGBT RIGHTS IN JAPAN

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Abstract

Unlike in many countries around the world, discussion about same-sex marriage has just begun in Japan. In 2019, thirteen same-sex couples in various parts of Japan simultaneously filed constitutional lawsuits in the district courts of Tokyo, Osaka, Nagoya, and Sapporo. They argue that the Japanese Parliament has been negligent in failing to provide the necessary legislation for same-sex marriage, which, according to them, violates the Equality Clause of the Constitution. These cases present the first opportunity for the Japanese judiciary to address constitutional claims of discrimination based on sexual orientation.

Depending on one's perspective, the surrounding circumstances can be seen as either a boon or a disadvantage. Recent Japanese Supreme Court cases concerning gender and illegitimacy discrimination seem to indicate that the justices are increasingly looking beyond national boundaries to inform their decisions. Most of the justices currently on the bench appear to hold the view that the Court should not hesitate to intervene when the rights of minority group members are at risk. Furthermore, as an increasing number of people have crossed borders to come to Japan, often accompanied by same-sex spouses, the Ministry of Justice has revised its position and directed immigration officers across Japan to grant visas automatically to same-sex spouses of foreign nationals with valid residential status.

On the other hand, there is no precedent that relates directly to the issue of same-sex marriage, for the Japanese Supreme Court has never adjudicated on a case about discrimination against gays and lesbians, although there have been a few court judgments ruling in favor of transgender people over private companies. While Japan does not impose criminal sanctions on same-sex relationships, it still lacks any statute prohibiting discrimination based on sexual orientation. It is true that a number of cities including Osaka and Sapporo have recently started issuing "partnership certificates" to same-sex couples; however, their wordings are different from place to place and their legal significance has yet to be established.

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Will Japan recognise same-sex marriage in the near future? What about sexual orientation discrimination in schools, public accommodation, employment, and housing? Combining insights from international human rights law and Japanese constitutional law, the author will explore the answers to these and other questions and forecast the future of LGBT rights in Japan.

Introduction

Compared with many progressively-oriented nations, Japan has so far been slow to accept LGBT individuals as equally deserving of respect and recognition in society and under the law. However, there has been some notable progress in the legal field, as lawyers and legislators across the country have made various efforts to guarantee LGBT rights. Yet, when reflecting on the jumble of current Japanese laws related to sexual minorities, one may find the basic strategy of Marie Kondo, an organising expert who advises people on how to declutter their homes, quite useful: she says that one must first discard those things that have outlived their purpose.¹ Perhaps Article 24 of the Constitution of Japan, which declares that '[m]arriage shall be based only on the mutual consent of both sexes',² falls into this category, as it has already fulfilled its role of dismantling the prewar patriarchal system, under which the 'head' of the household, typically the father, had retained a veto over the marriage of his children who had had to receive his formal consent.³ It was not intended to be a provision to prohibit same-sex marriage just because the marriage was not based on the consent of 'both' sexes.

Although Japanese society may appear to be relatively tolerant, or at least not hostile, towards sexual minorities at first glance, this image does not reflect reality, as evidenced by the suicide of a male law student on campus after being revealed to be gay by one of his classmates in 2015.⁴ The university had failed to take any action such as transferring him to another class, despite his report to the harassment consultation office. An anti-discrimination statute or ordinance would certainly have obligated the university to take countermeasures to prevent the recurrence of harassment and further damage to the victim. In fact, the city of Kunitachi, where this university is located, prohibited the act of outing, or disclosing, someone's sexual orientation or gender identity without the person's consent by its ordinance in 2018, apparently out of the determination not to let such a tragedy happen again.

Admittedly, sexual behaviour between people of the same sex has not been a criminal offence in Japan for most of the country's history. Japan criminalised sodomy for the first time in 1872, most likely under the influence of Western legal culture,⁵ but the stipulated penalty for sodomy was imprisonment for up to ninety days.⁶ After only

ten years, that statute was repealed in 1882. However, this does not mean that there has been no stigma attached to same-sex relations. Like many jurisdictions around the world, where there exists some form of discrimination against LGBT people even after the abolition of sodomy statutes, Japan needs to make more progress in terms of eradicating anti-LGBT biases in society.⁷

This article first introduces developments in Japanese case law and statutory law as they relate to the rights of LGBT people. It then considers some of the efforts made by local governments to recognise same-sex couples or protect LGBT individuals, such as partnership certificates issued by some prefectures and municipalities and anti-discrimination ordinances enacted by various local level government bodies. Following the discussion about the implications of two recent lawsuits of importance, both of which were brought by LGBT plaintiffs, it concludes with a suggestion that, although the current Japanese law is still largely characterised by traditional family models, activists and advocates aiming to secure equal rights for LGBT people appear to stand a fair chance of succeeding in achieving reform through litigation and legislation.

Japan Association for the Lesbian & Gay Movement v. Tokyo Metropolis: A point of departure

The first Japanese court case involving the rights of LGBT people was *Japan Association for the Lesbian & Gay Movement v. Tokyo Metropolis*, decided by the Tokyo District Court, and then by the Tokyo Appellate Court in 1994 and 1997 respectively.⁸ The plaintiff was a gay rights organisation established in 1986. In 1990, it tried to make a reservation for several rooms at the Metropolitan Youth Activity Centre, which is a retreat and conference centre located in the suburbs of Tokyo and operated by the Tokyo Metropolitan Government. The Metropolitan Youth Activity Centre includes accommodation, conference facilities, and a gymnasium; each of its sleeping areas, consisting of tatami mats and futons, has space for a group of five or more. The organisation members wanted to stay overnight in those sleeping areas and also to use the conference rooms to hold study meetings on LGBT rights. However, their application was turned down immediately because of an unusual application of a governmental policy.

The reason for the rejection, according to the Metropolitan Government, was because of its policy that people of different genders could not be accommodated in the same room. The Metropolitan Government was offering accommodation facilities at an affordable price at the centre due to it being an institute to be used for educational purposes, and the possibility that sexual intimacy could occur was unacceptable. Since there was a possibility for such intimacy among

these organisation members even though it was a predominantly male group, they had to be accommodated separately, but since there were no single rooms at the Metropolitan Youth Activity Centre, these members actually could not be accommodated.

The Japan Association for the Lesbian & Gay Movement⁹ sued Tokyo Metropolis citing the Local Autonomy Act, which provides that a local government must not deny a resident the use and enjoyment of public facilities without a justifiable reason.¹⁰ The plaintiff won the case in the district court as well as in the appellate court. The district court judgment, rendered in 1994, is notable in that it was the first Japanese judicial decision to use the term 'sexual orientation.' The court pointed out that the American Psychiatric Association had removed homosexuality from the classification of mental disorders in 1973. It also stated that the de facto deprivation of the organisation members' right to use the Metropolitan Youth Activity Centre was unlawful on account of the Local Autonomy Act and possibly violated the constitutional provisions guaranteeing freedom of expression¹¹ and the right to education,¹² in light of the fact that there was no specific evidence demonstrating that there had been a possibility that the members might actually engage in sexual activities at the Metropolitan Youth Activity Centre.

The appellate court affirmed the decision, with an even stronger admonition to the Metropolitan Government. It repudiated the Metropolitan Government's rejection of the booking request as 'extremely unreasonable,' explaining that the mechanical application of a rule designed for heterosexual people would lead to the total denial of lesbian and gay people's right to make use of the Metropolitan Youth Activity Centre. It also pointed out that the Metropolitan Government's decision lacked balance, considering that the Metropolitan Youth Activity Centre had, in the past, actually made exceptions and accommodated people of different genders in the same room when people with disabilities needed assistance. Critically, the court said that, 'Whatever may be the level of understanding of lesbian and gay people among the general public', at minimum public officials performing governmental duties must carefully take into consideration, and fully defend, the rights and interests of minorities including lesbian and gay people.

That was a decision made in 1997. Since Tokyo Metropolis did not appeal to the Supreme Court, this intermediate appellate court's decision was not only final but has also become the de facto precedent for all future cases on governmental discrimination at the local level, based on sexual orientation. This is because it is actually the only case to this day where the Japanese judiciary adjudicated on the issue of governmental discrimination on the basis of sexual orientation, although there have been some developments in the law with respect to issues concerning transgender people.

Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder: Confirming traditional family models?

It appears that, in many countries, the rights of LGB people have been increasingly better protected in recent years, whereas those of transgender people have not. However, in Japan, the situation is the opposite. Homophobia¹³ seems to be stronger than transphobia in Japan, according to leading academic commentators.¹⁴ This is most likely due to traditional family models with distinctive roles for men and women, which are still very strong in Japanese society;¹⁵ models to which many transgender people can actually adapt themselves, as opposed to other types of sexual minorities.¹⁶

In 2003, the Japanese Parliament enacted the Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder (hence referred to as ASCHGSPGID),¹⁷ establishing a procedure for changing the legal gender recorded in the family registry. Under this new law, a person with gender identity disorder needs to apply for a judgment of the Family Court. The requirements to be met are: first, the applicant is not less than twenty years of age; second, he or she is not currently married; third, he or she does not have any minor child; fourth, he or she does not have reproductive organs or his or her reproductive organs have permanently lost function; and fifth, he or she has a body which appears to have parts that resemble the genitalia of those of the opposite gender.¹⁸ But if the legislative purpose is to make lives easier for those with gender identity disorder, it is quite illogical to demand that the applicant be unmarried and without minor children at the time of application, because it is not inconceivable for a person to come to realise that his or her gender identity is different from that recorded at birth during his or her marriage or child-rearing years. The statute seems to provide ways to change one's legal gender only when doing so does not interfere with the image of a traditional family.

A related question is what kind of protection the law provides when a person suffers discrimination following the change of his or her legal gender. There have been a few lower-court judgments ruling in favour of transgender people over private companies. In one case, the dismissal of a transgender employee due to their transition from male to female was considered to be an abuse of rights on the part of the employer and declared null and void.¹⁹ In another, a golf club refused to allow a transgender person, legally a woman as of the date of application, to join. There was no other reason for the refusal aside from the fact that the applicant had undergone a gender reassignment surgery, and the golf club itself made this point explicit, emphasising that other club members would feel uncomfortable. This denial of membership was considered to be a wrongful act, or tort, and the plaintiff's claim for pain and suffering

was sustained.²⁰ The golf club was ordered to pay damages of one million Japanese yen.

One important development in this field is the Japanese Supreme Court decision in 2013, which applied the presumption of paternity where the wife of a transgender person, who had previously been a female but now identifies himself as a male, conceived a baby using the sperm of a third-party donor.²¹ The majority opinion, though brief, succinctly points out that a person who obtained a judgment of the Family Court converting his or her legal gender pursuant to the ASCHGSPGID is deemed to be of that gender in law for all purposes. From this it follows that, if one's new legal gender is male, he is by definition able to marry a woman, and that the child delivered by his wife is presumed to be his, for the presumption of paternity is one of the key features of marriage. The exceptions to this general rule are recognised, according to the majority, only under limited circumstances, such as where the couple has been physically separated to the extent that the essence of the marital relationship has been lost. Justice Kiuchi—who had been an attorney in private practice specialising in family law matters before coming to the bench—joined the majority, but also wrote a concurring opinion, maintaining that applying the presumption of paternity in this case would serve the best interests of the child, since it meant that the transgender husband would be financially responsible for the support of the child. Given that this husband's circumstances are indistinguishable from those of husbands who agree to artificial insemination of their wives with donor sperm, the Court's conclusion appears logical and reasonable.

On the other hand, in 2019, the Supreme Court held that it was not unconstitutional for the ASCHGSPGID to require the nonexistence of functioning reproductive organs when prescribing the procedure for gender change.²² Accordingly, a transgender person in Japan usually needs to undergo a gender reassignment surgery in order to effectuate the change of legal gender. These cases, along with the ASCHGSPGID which sets forth strict requirements for the change of legal gender, seem to indicate that the reason the current Japanese law is fairly accommodating to transgender people is because they typically conform to traditional family models once they start living in their new gender.

Being unable to conform to such orthodox models, it is then of little wonder that the law has not been very friendly to LGB individuals in Japan. After Italy adopted a civil union law in 2016 in response to the decision of the European Court of Human Rights in *Oliari & Others v. Italy*,²³ in which the Court held that the Italian government violated Article 8 of the European Convention on Human Rights (the right to respect for private and family life)²⁴ by not providing same-sex couples with a specific legal framework for the recognition and protection of their unions, Japan is the only country in the Group of Seven that does

Endeavours at the local level: Partnership certificates and anti-discrimination ordinances

Japan has not recognised same-sex marriage legally. It still lacks any statute prohibiting discrimination based on sexual orientation at the national level. Recently, however, some positive changes have been taking place at the local level. In 2015, the wards of Shibuya and Setagaya became the first two municipalities in Japan to issue partnership certificates to same-sex couples.²⁵ Like the boroughs that make up Greater London, Shibuya and Setagaya are two of the twenty-three wards located in the centre of Tokyo Metropolis. A number of local governmental entities across Japan followed their innovative move, and as of this writing, two prefectures, namely Ibaraki and Osaka, and fifty-five municipalities, including major cities such as Sapporo, Fukuoka, Chiba, and Yokohama, have ordinances or executive orders based on which they are already granting partnership certificates to same-sex couples. These certificates do not carry any legal force, but they are intended to officially recognise that the couples have long-term commitments similar to those in marriage. As such, landlords, hospitals, banks, insurance companies, and other service providers are encouraged to make efforts to treat a person's registered same-sex partner as his or her family member. One could call these certificates advisory rather than binding in nature, although this is not to say that advisory ordinances and executive orders are unusual or ineffective in Japan.

With respect to the prohibition of discrimination against sexual minorities,²⁶ the ward of Bunkyo and the city of Tama, both of which are in Tokyo Metropolis, attracted widespread media attention in 2013, when they enacted ordinances banning discrimination based on sexual orientation and gender identity. The former legislated for provisions incorporating a more expansive definition of "gender," which includes sexual orientation and gender identity, whereas the latter specifically enumerated sexual orientation and gender identity alongside gender as forbidden grounds for discrimination. The wards of Setagaya and Toshima followed the former approach when they amended their anti-discrimination ordinances thereafter. In 2018, the Tokyo Metropolitan Assembly passed the Human Rights Ordinance with a provision explicitly prohibiting discrimination on the basis of sexual orientation and gender identity – this was the first anti-discrimination legislation of its kind enacted at the prefectural level.²⁷ Ibaraki Prefecture, situated to the northeast of Tokyo, amended one of its existing anti-discrimination ordinances the following year to cover discrimination based on sexual orientation and gender identity, becoming the second prefectural government to do so.

None of these local ordinances carries penalties, however. One of the most ambitious examples so far is the ordinance of the ward of Setagaya, based on which a grievance committee has been created as a consultative body to the mayor. A person who believes that he or she has suffered discrimination based on prohibited grounds such as sexual orientation or gender identity, as well as gender, nationality, or ethnicity, can file a complaint with the grievance committee, which is composed of up to three members selected by the mayor from among experts knowledgeable about gender equality and multicultural coexistence. Although there have been only two complaints since the establishment of the grievance committee in 2018,²⁸ one of them,²⁹ which was filed in 2019, involved a claim of discrimination on the basis of sexual orientation: it alleged that the ward of Setagaya was treating its officials with same-sex partners differently from those with different-sex partners in that only the latter were entitled to wedding leave, family care leave, and bereavement leave, regardless of being married legally or cohabiting. Following the grievance committee's recommendation, the ward of Setagaya extended these leaves to its officials cohabiting with their same-sex partners.

Concluding observations: Towards the legal recognition of same-sex partners

The remainder of this article will introduce two recent lawsuits involving same-sex couples and make some brief concluding observations on the outlook of reforms to Japanese LGBT law. On Valentine's Day 2019, thirteen same-sex couples in various parts of Japan filed constitutional lawsuits in the district courts of Tokyo, Osaka, Nagoya, and Sapporo.³⁰ They argue that Parliament has been extremely negligent in failing to provide the necessary legislation for same-sex marriage, which, according to them, violates Articles 13 (the right to the pursuit of happiness), 14 (equality under the law), and 24 (the freedom to marry) of the Constitution. They are seeking damages citing the State Redress Act, which stipulates that the government must compensate citizens for damages caused by an intentional act or negligence of a public officer in the performance of his or her duties.³¹ The government is defending itself by asserting that the Constitution did not anticipate the possibility of same-sex marriage. It is doubtful whether this historical argument can justify the complete absence of any national legal framework recognising same-sex relations.

The other case, which was not so widely reported but nevertheless is of great significance, is a case in which a gay Taiwanese man was seeking the cancellation of a deportation order. He entered Japan in 1992, met his partner, a Japanese man, in 1993, and started living with him shortly thereafter. The Taiwanese man's visa expired in 1994. The authorities

discovered that he was overstaying in 2016, and a deportation order was issued against him. It is true that he was remaining illegally in Japan, but he and his partner had been cohabiting peacefully for more than twenty years without causing any disturbances. If he were female, he could have married his partner, and then he would most likely have been allowed to stay in Japan indefinitely, because it is customary for the Japanese Ministry of Justice to give special permission for residence to the spouse of a Japanese national. This is why the plaintiff challenged the constitutionality of the deportation order made against him in light of Article 14 of the Constitution, claiming that this was a form of gender discrimination. After a few years of litigation, the Ministry of Justice suddenly, without explanation, gave him special permission for residence in 2019. It is unclear at this point whether this will become a consistent practice applicable for all the foreign same-sex partners of Japanese nationals living in Japan; naturally, however, the plaintiff dropped the case and held a press conference declaring victory. His attorney, Yasushi Nagano, said that to the best of his knowledge, it was 'the first case in which a non-Japanese person was granted special permission to stay in Japan in consideration of a relationship with a Japanese partner of the same sex.'³²

All of these patchwork attempts and solutions bring to light the challenges Japanese law faces today. For example, it is deeply ironic that the reason the above-mentioned Taiwanese plaintiff came to Japan in the 1990s was because he imagined that Japan would be a more comfortable place for a gay person to live. One can certainly feel sympathy for him because the Japanese Parliament has done nothing for same-sex couples, probably out of ignorance or inertia, whereas Taiwan has recently become the first country or region in Asia to recognise same-sex marriage.³³

Thus, much work remains to be done to modernise Japan's complex rules and practices with respect to LGBT rights. But there are promising signs. First, the wind seems to be changing in the judiciary. Judging from its recent decisions invalidating statutes that were discriminatory against women and illegitimate children, the Japanese Supreme Court these days seems to be paying more attention to international trends, including the recommendations made by international bodies such as the UN Human Rights Committee and the Committee on the Elimination of Discrimination against Women, when deciding on important constitutional issues.³⁴ Also, most Supreme Court Justices currently on the bench seem to have internalised the concept of the judiciary as a defender of minorities who lack sufficient numbers to seek representation through elected legislators to address their political concerns. They seem to be more active in checking unconstitutional practices, and more prepared to intervene when the rights of minority group members are at risk, as compared to most of their predecessors. It is not unthinkable that the Supreme Court will undertake the role of the

defender of sexual minorities when the issue in question concerns same-sex marriage, because the judiciary is considered to be the final arbiter of disputes where a violation of human rights is implicated. This may well be the case in light of recent decisions from other jurisdictions such as *Halpern v. Canada* (holding that the dignity of persons in same-sex relationships is violated by the exclusion of same-sex couples from the institution of marriage)³⁵ and *Obergefell v. Hodges* (holding that the right to marry is a fundamental right inherent in the liberty of the person, and that couples of the same-sex may not be deprived of that right and that liberty).³⁶

Second, more and more members of the Japanese Parliament are expressing their openness, or in some cases even ambition, to amending the relevant law so that same-sex couples can perform marriage like different-sex couples. It was one of the issues in the Upper House election in 2019: a number of major political parties, including the Constitutional Democratic Party, the largest opposition party, put legalisation of same-sex marriage in their campaign promises, probably for the first time in Japanese political history.³⁷ Many of them increased their number of seats. While the ruling Liberal Democratic Party denies the necessity for reform to make same-sex marriage possible, quite a few legislators within the party seem to be ready to support such a reform. Komeito, the smaller coalition partner of the LDP, is discussing the issue with an eye towards introducing either same-sex marriage or civil partnership as well.

Having said that, it cannot be denied that a significant number of ultraconservative legislators are still active in the LDP, advocating for traditional family values; they are even opposed to the proposal for revision of the mandatory common surname rule for married couples, in which husband and wife must take the same surname, specified in one of the provisions in the Japanese Civil Code.³⁸ They had also been vehemently rejecting the idea of extending equal inheritance rights to illegitimate children until the Supreme Court finally invalidated the discriminatory treatment in 2013.³⁹

A positive point is that even those traditionalistic politicians, despite their apparent nostalgia for families of the past, seem to feel obliged to comply with the Supreme Court decisions. It is hoped that all members of Parliament, whether by their own will or as instructed from on high, will eventually reconsider their positions on same-sex marriage, so that the lives of present and future generations, including not only LGBT individuals but also their immediate and extended family members and friends, will not be restricted by outdated laws and regulations.

- 1 Marie Kondo, *The Life-Changing Magic of Tidying*, trans. Cathy Hirano (London: Vermilion, 2014), 71.
- 2 Article 24, Section 1, of the Constitution of Japan provides that '[m]arriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.' The text of this constitution is available at: https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html.
- 3 'Consent of the head of the household, enforced through the family registry by requiring an imprint of his or her registered seal on registry forms, was a prerequisite to effect changes in legal relationships within the extended family.' John Owen Haley, *The Spirit of Japanese Law* (Athens, GA: University of Georgia Press, 1998), 125.
- 4 Shibun Nagayasu, "Sexual Minorities in Japan: The Myth of Tolerance," *Nippon.com*, October 21, 2016, <https://www.nippon.com/en/currents/d00253/>.
- 5 For an alternative explanation, see Furukawa Makoto, "The Changing Nature of Sexuality: The Three Codes Framing Homosexuality in Modern Japan," *U.S.-Japan Women's Journal*, English Supplement, 7 (1994): 110 (translated by Angus Lockyer) (suggesting that the idea of penalising sodomy was introduced to Japan from China via the influence of scholars in Kumamoto in Kyushu, where there was flourishing research on Chinese law, including the Ch'ing code under which sodomy was a criminal offence),
- 6 Sodomy was made a crime by a special statute enacted in 1872. It was not included in the list of criminal offences specified in the Penal Code, which was drawn up in 1880 and took effect in 1882.
- 7 E.g., Chaka L. Bachmann and Becca Gooch, "LGBT in Britain: Hate Crime and Discrimination," *Stonewall*, 2017.
- 8 Judgment of March 30, 1994, Tokyo Chiho Saibansho [Tokyo District Court], No. Heisei-3-Wa-1557; Judgment of September 16, 1997, Tokyo Koto Saibansho [Tokyo Appellate Court], No. Heisei-6-Ne-1580, unofficial translation available at: <http://www.icj.org/wp-content/uploads/1997/09/In-re-Futyu-Hotel-Tokyo-High-Court-Civil-4th-Division-Japan.pdf>.
- 9 This organisation is known by its nickname 'Occur'.
- 10 Article 244, Sections 2 and 3, Local Autonomy Act, Law No. 67 of 1947.
- 11 Article 21, Constitution of Japan.
- 12 Article 26, Constitution of Japan.
- 13 Homophobia can be defined as 'fear and hatred of those who love and sexually desire those of the same sex'. Warren J. Blumenfeld, "Homophobia and Anti-Semitism: Making the Links," in *Overcoming Heterosexism and Homophobia: Strategies That Work*, ed. James T. Sears and Walter L. Williams, (New York, NY: Columbia University Press, 1997), 135.

- 14 E.g., Yoshiaki Sato, “Where Are You Going, Snail? Legal Recognition of Same-Sex Relationships in Japan,” in *The Asian Yearbook of Human Rights and Humanitarian Law, Volume 3*, eds. Javaid Rehman, Ayesha Shahid, and Steve Foster (Leiden: Brill-Nijhoff, 2019), 248.
- 15 The ‘labor force participation rate for women drops when women reach their 30s, and rises up again when women reach their 40s (the so-called “M-curve”)’. Yojiro Shibata, “Development and Problems of the Equal Employment Opportunity Law,” in *Gender & Law in Japan*, eds. Miyoko Tsujimura and Emi Yano (Sendai: Tohoku University Press, 2007), 173.
- 16 “The moral norm of “proper marriage” as the only acceptable lifestyle lingers, making it difficult even for de facto heterosexual relationships and remaining unmarried to be recognised as alternatives.’ Yoshio Sugimoto, *An Introduction to Japanese Society*, Second Edition (Port Melbourne, VIC: Cambridge University Press, 2003), 266.
- 17 Law No. 111 of 2003, http://www.japaneselawtranslation.go.jp/law/detail_main?re=01&vm=04&id=2542.
- 18 Article 3, Section 1, ASCHGSPGID.
- 19 Judgment of June 20, 2002, Tokyo Chiho Saibansho [Tokyo District Court], 830 Rodohanrei 13.
- 20 Judgment of July 1, 2015, Tokyo Koto Saibansho [Tokyo Appellate Court], No. Heisei-26-Ne-5258.
- 21 Judgment of December 10, 2013, Saiko Saibansho [Supreme Court], 67-9 Minshu 1847, https://www.courts.go.jp/app/hanrei_en/detail?id=1212.
- 22 Judgment of January 23, 2019, Saiko Saibansho [Supreme Court], No. Heisei-30-Ku-269, https://www.courts.go.jp/app/hanrei_en/detail?id=1634. The plaintiff in this case told a news conference that he thought ‘the ruling could lead to a next step’, noting that two justices had said in a joint concurring opinion that, while the law requiring surgical removal of reproductive glands in order to effectuate gender change might not violate the constitution, ‘doubts’ were undeniably emerging. Mari Yamaguchi, “Japan Court Upholds Sterilization to Register Gender Change,” AP News, January 26, 2019, <https://apnews.com/article/9ef16f52e9b94b9a838b17a63c6c1e8d>.
- 23 [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-156265%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-156265%22]}).
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31 Article 1, Section 1, State Redress Act, Law No. 125 of 1947, <http://www.japaneselawtranslation.go.jp/law/detail/?id=1933&vm=04&re=02>.

32 Magdalena Osumi, "Justice Ministry Overturns Deportation Order for Gay Taiwanese Man without Visa," *Japan Times*, March 22, 2019, <https://www.japantimes.co.jp/news/2019/03/22/national/justice-ministry-overturns-deportation-order-gay-taiwanese-man-without-visa/>. On a different but related note, there is at least one reported case, prior to this case, of an asylum seeker granted permission to stay in Japan because of the threat of persecution due to the person's sexuality. "In First, Japan Granted Refugee Status in 2018 to Foreign National Who Feared Persecution Due to Sexual Orientation," *Japan Times*, July 3, 2019, <https://www.japantimes.co.jp/news/2019/07/03/national/first-time-japan-2018-granted-refugee-status-foreign-national-feared-persecution-due-homosexuality/>.

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36 576 U.S. 644 (2015), https://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf.

37 Olivier Fabre and Rachel Savage, "Election of Gay Lawmaker in Japan Spurs Hopes for Same-Sex Marriage," Reuters, July 23, 2019, <https://www.reuters.com/article/us-japan-lgbt-election/election-of-gay-lawmaker-in-japan-spurs-hopes-for-same-sex-marriage-idUSKCN1UI1XU>.

38 Article 750 of the Japanese Civil Code, Law No. 89 of 1896, http://www.japaneselawtranslation.go.jp/law/detail_main?re=2&vm=04&id=2058, provides that '[a] husband and wife shall adopt the surname of the husband or wife in accordance with that which is decided at the time of marriage.'

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FREE SPEECH AND SOCIAL MOVEMENTS—DEMONSTRATION BY OCCUPATION IN A DEMOCRACY

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Abstract

Protest by occupation of public spaces has been a feature of 21st century activism around the world. The Occupy movement, ‘Arab Spring’, Occupy Central in Hong Kong and the Sunflower movement in Taiwan have sparked popular interest in such demonstrations. However, there has been relatively little legal analysis of American occupation-based protests and the role of social movements in a democracy. The article takes the Occupy movement as its case study, examining intermediate court Occupy cases to show how political expression is limited by the US Supreme Court’s free speech principles. It argues that First Amendment free speech principles are ill-suited to protecting the protest activities characteristic of contemporary social movements, and should be revised.

The article is interdisciplinary, drawing on the work of well-known social scientist Charles Tilly. It is presented in three parts. The first explains Tilly’s theory of a social movement, then focusses on the intersection between social movement campaigns and the right to free speech. The second part analyses the definitions of freedom of speech developed by the US Supreme Court, relying on Tilly’s work to show that the definitions do not fully recognise the expressive nature of social movements. The failure of the intermediate court Occupy cases can be explained by the courts’ inability to appreciate the significance of occupation-based protest, due to their reliance on the Supreme Court doctrine. The third part contends that Supreme Court principles need to be revised to fully recognise the contribution of the social movement to American public discourse.

The article contributes to the journal theme by providing a nuanced analysis of the role of today’s social movements as agents of change. It highlights the opportunities for those movements—and the limits on them—to bring about social change through free speech litigation.

Protest by occupation of public spaces has been a feature of 21st century activism around the world. The Occupy movement, ‘Arab Spring’, Occupy Central in Hong Kong, and the Sunflower movement in Taiwan have sparked interest in such demonstrations. One prominent group expressing its views through public protest has been the global Occupy movement, which was a response to the 2008 Global Financial Crisis and evolved into a global protest against income inequality.¹ The movement began with Occupy Wall Street in September 2011. Distinctively, it conducted its protest by occupying public spaces with tents and sleeping in them overnight. As a result of action by state authorities to remove or limit these occupations, the movement was involved in litigation in the United States from 2011 to 2016.² The courts ultimately ruled against Occupy in almost all cases. My analysis takes the Occupy movement’s US litigation as a case study and examines how the definitions of ‘free speech’ under the First Amendment can either limit or facilitate political expression in public places. My contention is that First Amendment principles are ill-suited to recognise the activities characteristic of contemporary social movements and should be revised by the US Supreme Court.

The article is cross-disciplinary, drawing primarily on the work of political scientist, historian and sociologist Charles Tilly. It is presented in three parts: The first explains Tilly’s theory of social movements, then focuses on the intersection between social movement campaigns and the right to free speech. The second part analyses the definitions of freedom of speech developed by the Supreme Court, relying on Tilly’s work to show that the definitions do not fully recognise the expressive nature of social movements. The failure of the intermediate court Occupy cases can be explained by the courts’ inability to appreciate the significance of occupation-based protest, due to their reliance on Supreme Court doctrine. The third part contends that Supreme Court principles need to be revised to fully recognise the expressive nature of the social movement and its contribution to American public discourse.

There has been relatively little cross-disciplinary doctrinal analysis of social movements in relation to the First Amendment. This article seeks to add to that literature. It highlights the opportunities for social movements—and the limits on them—to bring about social change through free speech litigation.

Social movements

At the beginning of the 21st century, there emerged a new theory of social movements. In 2001, Charles Tilly, with his colleagues Doug McAdam and Sidney Tarrow, published *Dynamics of Contention*,³

a book that focussed on popular contention—‘the making of political claims.’⁴ The book examined the relations underpinning various forms of contention, from social movements and revolutions to strike waves and nationalism.⁵

Tilly refined his theories in his two subsequent books, *Social Movements* and *Regimes and Repertoires*.⁶ His work continues to influence social movement literature.⁷ Tilly provides a narrow definition of the modern social movement, which he distinguishes from broader terms, such as ‘the worldwide environmental movement.’⁸ He defines ‘social movements’ as a distinct form of public politics: not so much a group as a campaign.⁹ They have three elements: campaign, repertoires, and WUNC displays.¹⁰ A ‘campaign’ is ‘a sustained, organized public effort making collective claims on target authorities.’¹¹ ‘Repertoires’ are the ways in which people act together in pursuit of common interests. They include establishing special purpose associations and coalitions, public meetings, ‘solemn processions, vigils, rallies, demonstrations, petition drives, statements to and in public media, and pamphleteering.’¹² WUNC, an unusual acronym, refers to displays of worthiness, unity, numbers and commitment.¹³ Tilly provides a concise description of each sub-element:¹⁴

Worthiness: sober demeanor; neat clothing; presence of clergy, dignitaries, and mothers with children;

Unity: matching badges, headbands, banners, or costumes; marching in ranks; singing and chanting;

Numbers: headcounts, signatures on petitions, messages from constituents, filling streets;

Commitment: braving bad weather; visible participation by the old and handicapped; resistance to repression; ostentatious sacrifice, subscription, and/or benefaction.

It is the connection of WUNC displays to the campaign and the repertoire that creates the distinctiveness of a ‘social movement.’¹⁵ That is, groups of people campaigning through the social movement repertoire perform displays as to the worthiness of the cause; the unity of those involved; the significance of the number of people; and the fact that many people are committed or willing to suffer hardship to promote the cause.¹⁶

The Occupy movement fulfils the three conditions of a social movement. Its campaign, in calling attention to disparities in wealth and power, kindled an international discourse about the role of government in meeting the needs of ordinary citizens.¹⁷ Its slogan encapsulated the point—‘We are the 99%’—and the government is responding only to the 1%. Occupy utilised social movement repertoires, primarily public meetings and demonstrations. But it also developed its own repertoire

of occupation by encampment, by maintaining a continuous presence of tents and tarpaulins, as well as cooking and bathroom facilities, in public parks and streets. WUNC displays were also present: demonstrators were willing to camp out overnight to exhibit their commitment. While the numbers were relatively small by the standards of mass demonstrations, the presence of demonstrators and their tents and tarpaulins made their point. Camping overnight was an act of solidarity which demonstrated the unity of the cause, as well as being an expression of resistance to, and withdrawal from, the status quo of contemporary American political and economic life.¹⁸ The conduct of the protest displayed worthiness because of some good relations with police. Overall, the Occupy movement was a social movement which conducted its campaign particularly through its repertoire of occupying public spaces.

Tilly's account situates social movements within their legal, social and political context. Social movements are contentious in the sense that there is 'a collective making of claims that, if realized, would conflict with someone else's interests', and they are political 'in the sense that governments of one sort or another figure somehow in the claim making.'¹⁹ While 'protest, violence and political conflict ... regularly transect the zone of social movement activity',²⁰ state prohibitions on violent behaviour generally channel dissent into social movements and institutionalised politics,²¹ and indeed most social movements work within existing power structures by appealing to parliament and the people to change the law or society.²² These forms of collective action often bring about change in the long run, because they involve coordinated efforts to influence the 'national structure of power.'²³

There is a powerful dynamic between representative legislatures and social movements—social movements and systems of institutional politics are mutually constitutive.²⁴ This is most evident during elections. Governments must pass legislation to implement programs and policies by negotiating with elected representatives. Incumbent and aspiring politicians vying for popular support interact with social movements as either friends or foes, potentially affecting the development of programs and policies, and the outcomes of future elections. Conversely, elections provide 'incentives and opportunities' for social movements to assert their claims, creating an ebb and flow for social movements as participants in politics.²⁵ The dynamic spans the political spectrum, since social movements may include both conservative (right-leaning) and progressive (left-leaning) groups.²⁶ The Occupy movement initially refrained from participating in these institutionalised systems of politics.²⁷ However, the emergence of Occupy in 2011 seems to have influenced the Obama Administration to adopt 'a more populist line in the presidential campaign in 2012.'²⁸

As Tilly observes, social movements thrive where 'state-guaranteed political rights of speech, association and assembly are

protected.’²⁹ Legal rights to associate protect special purpose associations, greatly facilitating their making of claims. Freedom of speech matters ‘centrally to the public making of claims in all its social movement forms: the meeting, the demonstration, the pamphlet, the media message, and all the rest.’³⁰ Freedom of speech permits activists to criticise rulers and propose their own political programs, policies, and political transformations. The right to assemble permits citizens to express their ‘shared demands.’³¹

Tilly adopts an instrumental form of analysis. Constitutional rights, especially freedom of speech, are a means to an end of protecting political claim-making. However, that analysis does not necessarily recognise that a social movement’s campaign, repertoires and WUNC displays are expressive. The extent to which the legal right of freedom of expression recognises those forms affects the exercise of those rights. As Michael McCann says:

[S]ocial movements often employ a wide range of tactics ... but they are far more prone to rely on communicative strategies of information disclosure and media campaigns as well as disruptive symbolic tactics such as protests, marches, strikes, and the like that halt or upset ongoing social practices.³²

Of course, these symbolic tactics are also forms of communication, so the scope of the legal freedom is crucial to the participation of social movements in public politics.

Tilly briefly makes reference to courts and litigation.³³ However, his work does not engage with how rights are interpreted or protected by the courts. Indeed, ‘only a small number of sociologists have taken the step of examining social movement activism in the judicial realm.’³⁴ Historical and contemporary social movements have relied on the courts to gain rights or to have their legal claims recognised.³⁵ Occupy demonstrators went to the courts to prevent state authorities from removing their protests from public places. If freedom of speech is restricted by the courts, protests may be brought to an end.³⁶ Ultimately, this is what occurred with the Occupy movement.

Freedom of speech and expressive conduct

In the US, the First Amendment guarantee of freedom of speech³⁷ extends beyond ‘written or spoken words.’³⁸ After all, conduct may be ‘sufficiently imbued with elements of communication’,³⁹ and symbolic conduct has been an ‘effective way of communicating ideas’ through the ages.⁴⁰ The Supreme Court refers to these mediums of expression as ‘expressive conduct’. The doctrine raises the ‘ubiquitous but often invisible’ question of coverage; that is, as Fred Schauer explains, ‘what

acts or what forms of behavior ... implicate the idea of freedom of speech at the outset.⁴¹ Kathleen Sullivan and Noah Feldman have also remarked that '[a] pervasive problem in the symbolic conduct cases is when to find the First Amendment triggered at all.'⁴²

Not surprisingly, the 'expressive conduct' doctrine has its limits and critics: litigation lawyer and essayist Sarah Kunstler maintains that in the Occupy cases, the courts did not attribute 'significant symbolic value to occupation-style protests,'⁴³ suggesting that this is a key reason why the protests failed. The significance attributed to a symbol or an expressive activity is dependent upon the Court's definitions of 'expressive conduct'. As we will see, these are inadequate to recognise the activities characteristic of contemporary social movements. Given the expressive content of all the elements of a social movement, using Tilly's definition, to what extent are social movements encompassed by the current definitions of 'expressive conduct'? Relying on Tilly's analysis, I hope to offer some new insights into the limitations of the expressive conduct doctrine.⁴⁴

The test for expressive conduct was developed in the 1974 Supreme Court decision of *Spence v. Washington* ('*Spence*').⁴⁵ Spence was a college student who displayed his American flag upside down, with a peace symbol affixed to it, from a window outside his second-floor apartment. The aim of his act was to associate the American flag with peace at the time of America's invasion of Cambodia and the National Guard's shooting of unarmed students at Kent State University. The Supreme Court held that his conduct was protected speech and that his prosecution under a Washington DC 'improper use of flag' statute was unconstitutional.⁴⁶

The Court maintained, however, that not all conduct intended to convey an idea can be labelled speech.⁴⁷ Rather, conduct must be 'sufficiently imbued with elements of communication' to be protected as expressive conduct.⁴⁸ In particular, conduct was expressive where, first, the intent of the conduct is to convey a particular message; and, second, where there is a great likelihood that the message will be understood by those who view it, given the surrounding circumstances.⁴⁹

While the test is easy to state, it is not easy to apply. The Court found that Spence intended to convey a 'particularized message,'⁵⁰ He communicated through his use of the upside down flag and the superimposed peace symbol, which they described as a 'pointed expression of anguish.'⁵¹ This is not particularly specific. It also found that there was a great likelihood that his message would be understood. They maintained that, in the context, the 'great majority of citizens' would not 'miss the drift of appellant's point at the time that he made it.'⁵²

In sum, Spence succeeded because the Court applied the test liberally. Alternatively, and perhaps more convincingly, he won because

the Court recognised the symbolism—the use of, in this case, the US flag to represent ideas—of his protest. As the Court said, ‘the context may give meaning to the symbol’, and there could be little doubt that Spence communicated through the symbolism of the flag.⁵³

The *Spence* test’s requirements—for an intent to communicate a particular message and its likelihood of being understood by others—limit the forms of action protected by the US Constitution. The *Spence* test contrasts with Tilly’s view of social movement activity, which uses a broader concept of expressive conduct and speech. In Tilly’s analysis, communication is not only an idea or a specified message, nor is it a transfer of information per se. Rather, it can include a performative act and/or a display of values. While the Court allowed that the use of the flag constituted a display of values, neither the performative nature of Spence’s act nor the display of his values is an element of the test.

The definition of ‘expressive conduct’ adopted in *Spence* was qualified in the later Supreme Court decision of *Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston* (*Hurley*).⁵⁴ In this case, the Veterans Council, a private group, organised an annual St Patrick’s Day parade in Boston. The Irish-American Gay, Lesbian and Bisexual Group of Boston (‘GLIB’) wanted to take part under its own banner, to express its members’ pride in ‘their Irish heritage as openly gay, lesbian, and bisexual individuals.’⁵⁵ While gay and lesbian people were not excluded from marching with other approved groups in the parade, the Veterans Council refused to allow GLIB to march as a unit in the parade under the GLIB banner, because of the group’s values and its message.

GLIB succeeded at the Massachusetts State Court, which applied an antidiscrimination law that prohibited discrimination on the basis of sexual orientation. The Veterans Council successfully appealed to the Supreme Court.

The Court considered whether a ‘particularized message’ was required for a parade to be expressive conduct. It maintained that:

[A] ... succinctly articulable message is not a condition of constitutional protection, which if confined to expressions conveying a ‘particularized message,’ cf. *Spence v. Washington* ... would never reach the unquestionably shielded painting of Jackson Pollock, music of Arnold Schönberg, or Jabberwocky verse of Lewis Carroll.⁵⁶

Not surprisingly, the Supreme Court in *Hurley* rejected an argument that a parade was not expressive according to the *Spence* test. There was no constitutional requirement that the message be specific or articulate, because the First Amendment encompasses not only written or spoken words but also symbolic communication.⁵⁷ The Court referred to the parade itself as a distinct ‘form of expression’⁵⁸ and to the bystanders’ understanding of the communication.⁵⁹

The Court observed of a parade:

Real “parades are public dramas of social relations, and in them performers define who can be a social actor and what subjects and ideas are available for communication and consideration.” S. Davis, *Parades and Power: Street Theatre in Nineteenth-Century Philadelphia* 6 (1986). ... Hence, we use the word “parade” to indicate marchers who are making some sort of collective point, not just to each other but to bystanders along the way ... Parades are thus a form of expression, not just motion, and the inherent expressiveness of marching to make a point explains our cases involving protest marches.⁶⁰

The Court noted that groups express themselves through marching in streets, making collective claims and engaging in public performances. Thus, the Court in *Hurley* interpreted freedom of speech as capable of protecting a march,⁶¹ thereby recognising at least some elements of a social movement. Similarly, the Occupy demonstrations were a form of expression in and of themselves, owing to their verbal and non-verbal communication of their political messages. Even though the *Spence* test was qualified in *Hurley*, it was one of the orthodox tests in intermediate and appellate court Occupy decisions.⁶² None of the Occupy cases referred to *Hurley*. Neither *Hurley* nor *Spence* has been expressly overruled by the Supreme Court.

More recently, several members of the Supreme Court have reconsidered the definition of ‘expressive conduct’ by referring to *Hurley*. In *Masterpiece Cakeshop Ltd v. Colorado Civil Rights Commission* (*‘Masterpiece Cake’*), Jack Phillips, a baker who was opposed to same-sex marriage, was willing to sell readymade baked goods to same-sex couples, but not to design and bake them a custom wedding cake.⁶³

The *Colorado Anti-Discrimination Act* prohibited businesses discriminating on the grounds of sexual orientation in the provision of goods and services.⁶⁴ The Colorado Civil Rights Commission (*‘Commission’*) found that Phillips’ refusal to offer custom-made wedding cakes to same-sex couples when he would have done so for opposite-sex couples was conduct amounting to discrimination.⁶⁵ The Commission required Phillips to sell custom-made wedding cakes to same-sex couples.⁶⁶

On appeal, the Supreme Court, in an opinion delivered by Justice Kennedy, found in favour of Phillips on the ground that the Commission had breached his constitutional right to free exercise of religion, a separate right protected by the First Amendment, because members of the Commission expressed animus towards religion.⁶⁷ Additionally, Justice Thomas found that Phillips’ right to free speech was infringed.⁶⁸ Justice Ginsburg (in dissent) was critical of Thomas’s opinion.⁶⁹ Thomas

To determine whether conduct is sufficiently expressive, the Court asks whether it was “intended to be communicative” and, “in context, would reasonably be understood by the viewer to be communicative.” *Clark v. Community for Creative Non-Violence*, 468 U. S. 288, 294 (1984). But a “particularized message” is not required ... *Hurley*, 515 U. S., at 569.⁷⁰

Thomas rejected a ‘particularized message’ as a condition for the constitutional protection of speech, as explained in *Hurley*. While Thomas did not expressly advert to Phillips’ intention to communicate, he maintained that Phillips saw a wedding cake as inherently communicative, signifying that ‘a wedding has occurred, a marriage has begun, and the couple should be celebrated.’⁷¹ The Judge also asserted that the communicative nature of a wedding cake would be understood by viewers:

If an average person walked into a room and saw a white, multi-tiered cake, he would immediately know that he had stumbled upon a wedding. The cake is “so standardised and inevitable a part of getting married that few ever think to question it.” Charsley, *Interpretation and Custom: The Case of the Wedding Cake*, 22 *Man* 93, 95 (1987).

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Ginsburg briefly disagreed with Thomas over whether wedding cakes were expressive.⁷³ She also accepted that conduct, to be expressive, must be reasonably understood by an observer.⁷⁴ However, she was sceptical about whether a wedding cake conveys a message, or can be understood as conveying a message, and cited a lack of evidence on this point:

Phillips submitted no evidence showing that an objective observer understands a wedding cake to convey a message, much less that the observer understands the message to be the baker’s, rather than the marrying couple’s. Indeed, some in the wedding industry could not explain what message, or whose, a wedding cake conveys ... And Phillips points to no case in which this Court has suggested the provision of a baked good might be expressive conduct. Cf ... *Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, Inc.*, 515 U. S. 557, 568–579 (1995) (citing previous cases recognizing parades to be expressive).⁷⁵

Thomas responded to Ginsburg by noting that the submission of evidence that conduct communicates a message is not a requirement supported by Supreme Court caselaw. Nor did it matter that both the couple

and the baker of the cake communicated a message.⁷⁶ He emphasised the importance of symbolism as a form of expressive conduct. For Thomas, '[t]he use of [Phillips'] artistic talents to create a well-recognized symbol that celebrates the beginning of a marriage clearly communicates a message.'⁷⁷ Moreover, he explained that this message is self-evident to others, and by reference to previously mentioned secondary source texts in the field.⁷⁸ The nub of the disagreement between the judges was over whether a wedding cake was a symbol or was expressive. Ginsburg focussed on whether or not a message was conveyed by the cake; Thomas emphasised that the symbol of the cake was the message. The exchange highlights the difficulties with and contestation over the application of a message test.

There remains one further problem with the Supreme Court's definition of 'expressive conduct' that arises from *Clark v. Community for Creative Non-Violence* ('*Clark*'). *Clark* concerned an occupation protest in Lafayette Park and the Washington Mall. The Park Service granted a renewable permit for a symbolic tent city to protest the plight of the homeless, but prohibited camping and sleeping in the tents. The Community for Creative Non-Violence which was granted the permit challenged the constitutional validity of the camping ban. The Court upheld the ban on camping as valid, so the petitioner, the Park Service, won the case.⁷⁹

Justice White delivered the opinion of the Court, which relied on the expressive conduct test mentioned by Justice Thomas earlier.⁸⁰ The Court then merely assumed, without deciding, that sleeping in a tent in Lafayette Park and the Washington Mall to protest the treatment of the homeless was expressive conduct.⁸¹ Even so, the Court intimated that expressive conduct may be restricted if it facilitates protests rather than expresses the message of the protest.⁸² The *Clark* decision was widely cited by the courts during the Occupy litigation. The 'assuming without deciding' that occurred in *Clark* was a presumption relied upon in Occupy cases, including in Oklahoma,⁸³ New Haven⁸⁴ and Minneapolis.⁸⁵ For example, in *Occupy Minneapolis v. County of Hennepin*, Justice Kyle observed that: '[w]hile some courts have questioned whether sleeping in public is in fact expressive activity ... most courts assume that to be the case.'⁸⁶

Similarly, little attention was given to whether the conduct was expressive in Occupy New York⁸⁷ and Occupy Rochester.⁸⁸ In *Miller-Jacobson v. City of Rochester*, Justice Frazee held that '[s]ustained camping, even if in furtherance of free speech, is clearly not an intended use of the Park and such activity could constitute an unlawful alienation.'⁸⁹ She only briefly addressed the issue of the protest's classification as a form of expression.

In Occupy Tucson⁹⁰ and Occupy Augusta,⁹¹ the courts cast doubt over whether occupation-based protests were expressive by relying on

the *Clark* distinction between facilitating and expressing. For instance, in *Freeman v. Morris*, Justice Torresen said of Occupy Augusta's case:

The Clark Court recognized that parts of the camping activities could be seen as facilitative rather than expressive activity ... Whether camping and sleeping constitutes expressive conduct in this case is a close call, but the Court finds that the Plaintiffs have met their burden of establishing that they are likely to succeed in their claim that their round-the-clock occupation with its attendant overnight camping is expressive conduct protected by the First Amendment.⁹²

Overall, the *Clark* decision was principally used to doubt, to avoid, or to assume that occupation-based protests were expressive.⁹³ The presumption of assuming without deciding has also been applied in contexts other than occupation protests.⁹⁴

Reliance on the presumption of 'assuming without deciding' supports Kunstler's contention that the significance of the symbolism of the occupation protest was not recognised in the intermediate and appellate courts.⁹⁵ In *Clark*, Justice Marshall, dissenting, detailed the shortcomings of the application of the presumption by the majority, noting that the Court avoided close attention to the reality of the expression of the protest and inadequately investigated the nature and context of the symbolic expression.⁹⁶ The presumption diminishes consideration of the right of symbolic speech.⁹⁷ Commentators have highlighted the adverse consequences of an inadequate definition of 'expressive conduct.' Laurie Magid describes 'assuming without deciding' as the 'fails anyway' approach, which allows 'a court to bypass the initial inquiry of whether the act is expressive' by assuming that it is speech and then declining to protect it.⁹⁸ James McGoldrick argues that '[t]he courts will simply assume that speech is involved to move the case forward to an inadequate analysis of free speech, resulting in ever-weakening precedents regarding the protection of free speech rights.'⁹⁹ In the *Masterpiece Cake* case, the methodology adopted by Thomas and referred to by Ginsburg to recognise expressive conduct involves symbolic activity, precedent, evidence, or recognised secondary sources. This more comprehensive form of analysis needs to be done not just in Occupy cases but in all expressive conduct cases. It has the virtue of giving consideration to the nature of the conduct and its context. In sum, the presumption and associated arguments mean that courts are neither adequately considering the nature of expression nor fully appreciating the significance of the activities of a social movement, particularly in cases of demonstration by occupation.

While the Supreme Court's presumption in *Clark* is problematic, *Clark* does offer a potential resolution to the problem of the application of the *Spence* test to social movements. It is worth pausing while addressing

this issue to reflect on Thomas's treatment of the earlier Supreme Court decisions, as he adopted the test of expressive conduct used in *Clark*, not *Spence*. In *Spence*, the Court looked for conduct with an 'intent to convey a particularized message',¹⁰⁰ whereas in *Clark* the Court adopted the less stringent definition of 'conduct that is intended to be communicative'.¹⁰¹ *Clark* also differs from *Spence* in that it is the communication of the conduct that must be understood, rather than the specific message.

The *Clark* test invokes a broader connotation of speech, or of conduct that would qualify as speech, than the *Spence* test. The broader definition of 'expressive conduct' in *Clark*, which considers whether or not the message delivered by conduct is intended to be communicative and in the context is reasonably understood as such, is well suited to recognising the activities characteristic of social movements.¹⁰²

Moreover, Thomas's adoption of *Hurley* in the *Masterpiece Cake* decision, removing the requirement of a particularised or articulate message, enables the court to embrace Tilly's elements of a social movement: campaign, repertoire and WUNC displays. While the courts may not adopt Tilly's terms per se, it would not be difficult for them to recognise the communicative content of Tilly's test as a campaign in the form of a political claim, repertoires focusing on a public performance, and WUNC as a display of values.

In the case of an encampment, the political claims of the group may transcend or be embedded within the occupation. The 'expressive repertoire' of occupation may be a public performance to make a point.¹⁰³ The display of values may include the unity and commitment of the occupiers to the cause. Nevertheless, the question remains: to what extent has the communicative content of Tilly's definition of a social movement been recognised in First Amendment principles?

Recognition of social movements by the courts

As we have seen, social movements participate in a democracy by campaigning in public places. This allows citizens to inform others about government policies and laws, to criticise government policies and deliberate over issues.¹⁰⁴ These forms of political communication are part of democratic public discourse. We have considered how definitions and presumptions of free speech under the First Amendment either limit or facilitate political expression by social movements, in particular through occupation of public places. We now consider the extent to which the case law has recognised the elements of Tilly's definition of a social movement.

In short, the courts have implicitly recognised all three elements. The campaign of a social movement, through its political claims, involves speech. As noted earlier, the Supreme Court has recognised 'written or spoken words',¹⁰⁵ which include chants, songs, slogans, speeches,

and written signs and leaflets, as expression. Over time, the Supreme Court has accepted various examples of social movement repertoires as expressive conduct. As Kunstler notes, 'the protections of the First Amendment have expanded to include conduct that has come to be viewed as expressive, including demonstrating,¹⁰⁶ marching,¹⁰⁷ leafleting,¹⁰⁸ picketing,¹⁰⁹ wearing armbands,¹¹⁰ and attaching a peace symbol to an American flag.'¹¹¹ Kunstler's analysis indicates the degree to which the understanding of 'expressive conduct' in judicial decisions has expanded to embrace some social movement repertoire items.

The courts in the cases studied did not have a formal way of assessing the WUNC displays; they are not easily fitted into the analysis prompted by the *Spence* test. However, this does not mean that courts have not referred to elements of Tilly's social movement definition in applying the test. Courts have mentioned WUNC forms of behaviour, but without acknowledging their relevance to social movement activity. Judge Winmill, in the *Watters v. Otter* ('Occupy Boise') case, referred to the commitment element of Occupy Boise actions.¹¹² Winmill maintained that the act of sleeping overnight was a form of political commitment and sacrifice amounting to expressive conduct.¹¹³ We also see recognition of Tilly's displays of unity (including signing) and displays of numbers (filling streets and, presumably, parks) in the demonstration by occupation in *Clark* and the Occupy cases. Nevertheless, some elements of WUNC displays, especially worthiness and numbers, raise complex issues for a court attempting to recognise expressive conduct. Displays of numbers are a form of expression, but they can inconvenience others. The courts' analysis of worthiness differs from Tilly's. The Supreme Court regards conduct as worthy of First Amendment protection if it is expressive. By contrast, Tilly's reference to worthiness seems to refer to conduct deserving of respect; without a more precise definition, its application is somewhat unclear. In sum, the WUNC displays as expressive conduct are not denied, but they are not encapsulated within the *Spence* message test.

Moreover, the significance of social movements in a democracy has not been explicitly acknowledged. The term 'social movement' was introduced into the scholarly literature on popular political struggles by German sociologist Lorenz von Stein in 1850.¹¹⁴ It is now a recognised term. Social movements, in their modern form, have been present in public politics in the US since the 18th century,¹¹⁵ and contributed greatly to the democratic transformation that took place after the American Revolution.¹¹⁶ Examples abound. The feminist movement campaigned in the 20th century to grant the franchise to American women; the Civil Rights movement campaigned for equality by taking their message to the parks and streets. Social movements have continued to influence American public discourse, with some more recent examples being the Black Lives Matter movement, the Women's March in 2017, the Tea

Party, protests against abortion clinics, and protests against the funerals of deceased soldiers in public rights of way.

As noted earlier, the relationship between social movements and representative democracy is important. Until recently, the links between these movements and institutional politics have not been widely recognised in the social movement and political science scholarship, especially in relation to elections.¹¹⁷ Tilly's pioneering work has contributed to explaining these links.¹¹⁸ Significantly, the term 'social movement' did not appear in any of the judgments in the Occupy cases studied. The absence of recognition of a social movement in the case law and the limited nature of the *Spence* test ought not hinder the development of principles that protect social movements. Acknowledging social movements and their history would not bind courts, but could inform their choices and give them meaning.¹¹⁹ The courts could better recognise the significance of social movements if they referred to them not only as words and expressive conduct, but as integrated political campaigns—with their political claims, performances and displays of values—emphasising their communicative content, and as campaigns contributing to public political discourse.

Future litigation offers opportunities for the protection of social movements as a distinct form of expression. According to 'populist constitutionalism', law is made 'on both sides of the courthouse door.'¹²⁰ That is, the creation of law is not just for judges, litigators or public officials; it is for everyone.¹²¹ Over the 20th century, activists have been successful in persuading the Supreme Court to extend the First Amendment's protection to symbolic expression used collectively, such as in assemblies and processions. This expansion of First Amendment protection illustrates the capacity for individuals and groups to challenge and transform dominant norms—there has been a shift from understanding free speech as a purely individual activity to a view that is more accepting of collective action. First Amendment litigation can, in future, better allow for expression by social movements in public places.

Conclusion

As freedom of speech is closely connected to democratic decision making and public political discourse, the time has come for the courts to fully recognise a social movement as a distinct form of expression. First Amendment principles such as the *Spence* test are ill-suited to recognise the activities characteristic of contemporary social movements. The Supreme Court should adopt the broader definition of 'expressive conduct' in *Clark*, which considers whether or not the message delivered by conduct is intended to be communicative and in the context is reasonably understood as such. This test is apt to recognise the activities characteristic of social movements.¹²² Explicit recognition of a

social movement as communicative means the court would pay greater attention to the nature of the expression when determining if the First Amendment covers their activities. This should include consideration of symbolic activity, precedent, evidence, or recognised secondary sources, a methodology adopted by Justice Thomas and referred to by Justice Ginsburg in the *Masterpiece Cake* case. No longer would the courts in hard cases rely on the presumption of assuming without deciding that a political protest is expressive, which has led to an inadequate investigation of the nature and context of symbolic speech.

Would revised ‘expressive conduct’ First Amendment principles, as explained, have made a difference to the outcome in many Occupy cases? At the least, they might have addressed Kunstler’s criticism that appellate courts hadn’t recognised the significance of occupation-based protest. More significantly, Justice Thomas’s judgment in the *Masterpiece Cake* case has begun a significant academic conversation about the meaning of ‘expressive conduct.’¹²³ Revised First Amendment principles might lead to the recognition of social movements as a distinct form of expression in US freedom of speech case law, and in so doing, remedy systemic problems with the expressive conduct doctrine.

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Notes

1 Kerric Harvey, “Occupy Movement” in *Encyclopedia of Social Media and Politics*, ed. Kerric Harvey (Thousand Oaks: Sage Publications, 2014), 904.

2 The search of intermediate appellate state and federal cases initiated by the Occupy movement or by the state seeking preliminary injunctions regarding the protest activity raised 30 relevant results on Westlaw. Not all cases were analysed. Eleven Occupy cases were chosen and examined, with litigation beginning with *Occupy Columbia v. Haley*, 866 F Supp 2d 545 (D SC, 2011) and ending with *Cooper v. City of Tucson* (D Ariz, CV-12-00208-TUC-DCB, 30 September 2016). The aim of the case selection was not to gain a representative account from a cross-section of the cases involving occupation protests.

Rather, it was to explain problems with the Supreme Court definitions and presumptions regarding expression.

3 Doug McAdam, Sidney Tarrow and Charles Tilly, *Dynamics of Contention* (Cambridge: Cambridge University Press, 2001).

4 Sarah Maddison and Sean Scalmer, *Activist Wisdom: Practical Knowledge and Creative Tension in Social Movements* (Sydney: University of New South Wales Press, 2006), 26; Doug McAdam, Sidney Tarrow and Charles Tilly, *Dynamics of Contention* (Cambridge: Cambridge University Press, 2001), 7.

5 McAdam, Tarrow and Tilly, *Dynamics of Contention*, 4, 269; Sarah Maddison and Sean Scalmer, *Activist Wisdom: Practical Knowledge and Creative Tension in Social Movements* (Sydney: University of New South Wales Press, 2006), 24–5.

6 Charles Tilly, *Social Movements* (Boulder: Paradigm Publishers, 2004); Charles Tilly, *Regimes and Repertoires* (Chicago: University of Chicago Press, 2006).

7 See, e.g., *Social Movement Studies*; Brian Doherty, Graeme Hayes and Christopher Rootes, “Social Movement Studies in Britain: No Longer the Poor Relation?” in *Social Movement Studies in Europe: The State of the Art*, eds. Olivier Fillieule and Guya Accornero (New York: Berghahn Books, 2016), 191–3; Donatella della Porta, “Social Movements” in *International Encyclopedia of Political Science*, eds. Bertrand Badie, Dirk Berg-Schlosser and Leonardo Morlino (Thousand Oaks: Sage Publications, 2011), 2432.

8 Charles Tilly, *Social Movements* (Boulder: Paradigm Publishers, 2004), 6.

9 *Ibid.*, 4, 6, 7.

10 *Ibid.*, 3–4. See also Tilly, *Regimes and Repertoires*, 183–6.

11 Tilly, *Social Movements*, 3.

12 *Ibid.*

13 *Ibid.*, 4.

14 *Ibid.*

15 *Ibid.*, 5.

16 *Ibid.*, 4, 7.

17 Harvey, “Occupy Movement,” 904.

18 Saul Newman, *Postanarchism* (London: Polity, 2016), 28, 57.

19 Tilly, *Social Movements*, 3.

20 *Ibid.*, 8.

21 *Ibid.*, 13; Charles Tilly, *Regimes and Repertoires* (University of Chicago Press, 2006) 58.

22 Charles Tilly, *Popular Contention in Great Britain, 1758–1834* (Cambridge, MA.: Harvard University Press, 1995), 46.

23 *Ibid.*

24 Tilly, *Social Movements*, 140; Doug McAdam and Sidney Tarrow, “Social Movements and Elections: Toward a Broader Understanding of the Political

Context of Contention,” in *The Future of Social Movement Research: Dynamics, Mechanisms, and Processes*, eds. Jacqueliën van Stekelenburg, Conny Roggeband and Bert Klandermans (Minneapolis: University of Minnesota Press, 2013), 325–6.

25 Tilly, *Social Movements*, 140; McAdam and Tarrow, “Social Movements and Elections: Toward a Broader Understanding of the Political Context of Contention,” 326.

26 Michael McCann, “Law and Social Movements: Contemporary Perspectives,” *Annual Review of Law and Social Science* 2 (2006): 17; Charles Tilly, *Social Movements* (Boulder: Paradigm Publishers, 2004), 31.

27 McAdam and Tarrow, “Social Movements and Elections,” 325–46; Harvey, “Occupy Movement,” 904.

28 McAdam and Tarrow, “Social Movements and Elections,” 331; Harvey, “Occupy Movement,” 904.

29 Tilly, *Regimes and Repertoires*, 58, 191–2; Tilly, *Social Movements*, 127–8.

30 Tilly, *Social Movements*, 54–5.

31 Ibid., 55. For a further discussion of freedom of speech, association and assembly as critical protest rights, see, e.g., Timothy Zick, “Parades, Picketing and Demonstrations,” in *The Oxford Handbook of Freedom of Speech*, eds. Adrienne Stone and Frederick Schauer (Oxford: Oxford University Press, forthcoming 2021), on file with author.

32 Michael McCann, “Law and Social Movements: Contemporary Perspectives” (2006) 2 *Annual Review of Law and Social Science* 24.

33 Charles Tilly, *Social Movements* (Paradigm Publishers, 2004) 54–5.

34 Steven A. Boutcher and Holly J. McCammon, “Social Movements and Litigation,” in *The Wiley Blackwell Companion to Social Movements*, eds. David A. Snow et al., 2nd ed. (John Wiley & Sons, 2019), 306.

35 Ibid.

36 For discussion of social movement litigation, see Michael McCann, *Taking Reform Seriously: Perspectives on Public Interest Liberalism* (Ithaca, NY: Cornell University Press, 1986), 250–1; Helena Silverstein, *Unleashing Rights* (Ann Arbor, MI: University of Michigan Press, 1996), 143, 157–8.

37 The First Amendment to the *United States Constitution* provides that ‘Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances’. The First Amendment applies to the States through the Fourteenth Amendment: see *Edwards v. South Carolina*, 372 US 229, 235 (1963).

38 *West Virginia Board of Education v. Barnette*, 319 US 624, 632 (1943); *Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston*, 515 US 557, 569 (1991) (‘Hurley’).

39 While ‘conduct’ is not expressly referred to in the First Amendment, the United States Supreme Court has implied from the text that conduct which conveys a message is a form of speech afforded First Amendment protection: *Texas v. Johnson*, 491 US 397, 404 (1989), quoting *Spence v. Washington*, 418 US 405, 409 (1974) (‘*Spence*’).

40 *West Virginia State Board of Education v. Barnette*, 319 US 624, 632 (1943).

41 Frederick Schauer, “What is ‘Speech’? The Question of Coverage,” in *The Oxford Handbook of Freedom of Speech*, eds. Adrienne Stone and Frederick Schauer (Oxford: Oxford University Press, forthcoming 2021). The question of coverage has been considered a gap in the literature. See Amanda Shanor, “First Amendment Coverage,” *New York University Law Review* 93, no. 2: 318: ‘Largely ignored is the often-dispositive threshold question of whether activities are “covered” by the First Amendment at all.’

42 Kathleen M. Sullivan and Noah Feldman, *Constitutional Law*, 19th ed. (St. Paul, MN: Foundation Press, 2016), 1176.

43 Sarah Kunstler, “The Right to Occupy: Occupy Wall Street and the First Amendment,” *Fordham Urban Law Journal* 39, no. 4 (2012): 989, 1014. Her comment is germane since she was a member of the Mass Defense Committee of the National Lawyers Guild New York City Chapter, which has coordinated the criminal representation of people arrested at Occupy Wall Street protests in New York City.

44 The article’s focus on the expressive conduct doctrine means that other First Amendment principles are not principally addressed, such as the public forum and reasonable time, manner and place doctrines. Similarly, related scholarship on issues such as access to place is not covered: see, e.g., Timothy Zick, *Speech Out of Doors: Preserving First Amendment Liberties in Public Places* (Cambridge: Cambridge University Press, 2008), 7.

45 *Spence* (n 39).

46 *Ibid.*, 409–10 (per curiam).

47 *Ibid.*

48 *Ibid.*

49 *Ibid.*

50 *Ibid.*, 411.

51 *Ibid.*, 410.

52 *Ibid.*

53 *Ibid.*

54 *Hurley* (n. 38).

55 *Ibid.*, 561 (Souter J for the Court).

56 *Ibid.*, 569.

57 *Ibid.*

58 *Ibid.*, 568.

59 Ibid.

60 Ibid.

61 The Court's explanation of how *Hurley* qualifies *Spence* is not particularly clear. The qualification may refer to different categories of speech, such as expressive association, inherent forms of communication or expressive conduct. Significantly, in *Masterpiece Cakeshop Ltd v. Colorado Civil Rights Commission*, 138 S Ct 1719 (2018) ('*Masterpiece Cake*'), Thomas noted that '[t]he parade in *Hurley* was an example of what this Court has termed "expressive conduct": at 1741.

62 See, e.g., *Occupy Minneapolis v. County of Hennepin*, 866 F Supp 2d 1062, 1068 (Minn DC, 2011) (Kyle J); *Mitchell v. City of New Haven*, 854 F Supp 2d 238, 246–7 (D Conn, 2012) (Kravitz J); *Occupy Boston v. City of Boston* (Mass, Civ No 11-4152-G, 7 December 2011) (McIntyre J).

63 *Masterpiece Cake* (n 61) 1723 (Kennedy J for the Court).

64 *Colorado Anti-Discrimination Act*, Colo Rev Stat § 24–34–601(2)(a) (2017).

65 *Masterpiece Cake* (n 61) 1723 (Kennedy J for the Court).

66 Ibid.

67 Ibid., 1736–7.

68 Ibid., 1740.

69 See, e.g., Ibid., 1748–9.

70 Ibid., 1742.

71 Ibid., 1743. Interestingly, Thomas does not refer to the Supreme Court *Rumsfeld* principle of conduct as 'inherently expressive.' Rather, he mentions the Colorado Court of Appeal's reliance on *Rumsfeld* only to criticise the decision of that Court. Neither does Ginsberg refer to the *Rumsfeld* test. Nevertheless, as discussed in the text, Thomas says that Phillips' conduct clearly conveys a message. See *Rumsfeld v. Forum for Academic & Institutional Rights, Inc* 547 US 47, 66 (2006).

72 *Masterpiece Cake* (n 61) 1743.

73 Ibid., 1748 fn 1.

74 Ibid., citing *Clark v Community for Creative Non-Violence*, 468 US 288 (1984) ('*Clark*') referred to by Thomas above.

75 Ibid.

76 Ibid., 1743 fn 3.

77 Ibid., 1743.

78 Ibid.

79 *Clark* (n 74) 289 (White J for the Court).

80 Ibid., 294, cited in *Masterpiece Cake* (n 61) 1742.

81 *Clark* (n 74) 293 (White J for the Court).

82 Ibid., 296.

83 “The Court assumes in this case, like the Supreme Court did in *Clark*, that overnight sleeping in connection with a political protest to call attention to, inter alia, homelessness, is expressive conduct protected by the First Amendment’: *Isbell v. City of Oklahoma City* (D Okla, Civ No 11-1423-D, 12 December 2011).

84 “[T]he tents which Occupy members have erected and inhabited, and even the act of sleeping in those tents, are themselves forms of expression—as the Supreme Court, in a related context, has assumed without deciding, and as courts throughout the country, faced with Occupy protests in their own cities, have repeatedly found in recent months’: *Mitchell v. City of New Haven*, 854 F Supp 2d 238, 246 (D Conn, 2012) (Kravitz J). Even so, Justice Kravitz did adopt a more contextual approach than the analysis in some other Occupy cases.

85 *Occupy Minneapolis v. County of Hennepin*, 866 F Supp 2d 1062 (Minn DC, 2011) (Kyle J).

86 *Ibid.*, 1068–9.

87 The Court accepted that Occupy communicated its message through its method of protest, recognising that ‘Occupy Wall Street brought attention to the increasing disparity of wealth and power in the United States, largely because of the unorthodox tactic of occupying the subject public space on a 24-hour basis, and constructing an encampment there’: *Waller v. City of New York*, 933 NYS 2d 541, 554 (Stallman J). Yet the court barely mentioned the plaintiffs’ First Amendment rights, noting that ‘[t]he Court is mindful of movants’ First Amendment rights of freedom of speech and peaceable assembly’: at *ibid*.

88 *Miller-Jacobson v. City of Rochester*, 941 NYS 2d 475 (2012) (Frazee J).

89 *Ibid.*, 479.

90 ‘*Clark*, 468 US at 296 (noting that while sleeping had “an expressive element”, it was evident that “its major value ... would be facilitative”) ... Even if overnight occupancy in the park, sleepless or otherwise, is expressive conduct’: *Cooper v. City of Tucson* (D Ariz, CV 12-208 TUC DCB, 24 February 2014) (Bury J).

91 *Freeman v. Morris* (D Me, No 11-cv-00452-NT, 12 December 2011) (Torresen J).

92 *Ibid.*

93 Despite the *Clark* decision, some of the intermediate appellate Occupy cases did go on to consider further whether the various elements of an encampment—including, tents, structures, sleeping, and cooking facilities—were or were not expressive. For example, in *Occupy New Haven*, relying on a contextual approach, the Court held that the encampment itself expressed a message: ‘One would have to have lived in a bubble for the past year to accept Defendants’ claim that Occupy’s tents “could simply mean that the plaintiffs enjoy camping”. ... The Occupy movement, in New Haven as elsewhere, aims to exemplify its message: to express the desire that the economically disenfranchised become more central to American public life by literally placing

the economically disenfranchised in the center of America's public spaces': *Mitchell v. City of New Haven*, 854 F Supp 2d 238, 247 (D Conn, 2012) (Kravitz J). Nonetheless, the Court noted that 'Defendants need not deny the obvious political expressivity of this act in order to argue that reasonable limits on acts like this "may still be necessary and appropriate": at *ibid*. For some further discussion of reasonable limits, please see below n 97.

94 In *United States v. O'Brien*, 391 US 367 (1968), a case about the burning of a registration certificate for compulsory military service, the Court found that 'even on the assumption that the alleged communicative element in O'Brien's conduct is sufficient to bring into play the First Amendment, it does not necessarily follow that the destruction of a registration certificate is constitutionally protected activity': at 376 (Warren CJ for the Court). See also Laurie Magid, "First Amendment Protection of Ambiguous Conduct," *Columbia Law Review* 84, no. 2 (1984): 467, 473, 499–500.

95 To some extent, the brief treatment of expressive conduct in these cases might be explained by the expedited hearing required of injunctive relief to prevent authorities removing tents and structures in violation of the First Amendment. However, the adoption of the presumption of assuming without deciding might also be explained by the difficulties of applying the *Spence* test.

96 *Clark* (n 74) 302 (Marshall J dissenting).

97 Once the court establishes that conduct is expressive, it will consider if it can be justifiably limited. As the Court in *Clark* explained, '[e]xpression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, or manner restrictions ... restrictions of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information': *ibid.*, 293 (White J for the Court). This doctrine raises challenging questions about the justifications for restricting an encampment: See, e.g., Juliet Dee, "Dreams of Sleeping in Public Spaces: The Occupy Wall Street Movement and Sleep as Symbolic Speech," *First Amendment Studies* 49, no. 2 (2015): 126, who discusses whether or not permits for an occupation are constitutional, and if they should be applied for by a protest group. Given the focus of this article on the expressive conduct doctrine, these issues are beyond the article's scope. Nevertheless, there is a critical intersection between the meaning of expression and its justifiable limitation, because the presumption of assuming without deciding 'denatures' the right and makes it 'all too easy' to identify a countervailing government interest, such as preservation of a park, public health and public access, which serves to justify a reasonable time, place, or manner regulation: *Clark* (n 74) 307 (Marshall J, dissenting). The presumption also makes it relatively easy to claim that conduct is expressive, but ultimately means that less attention is paid to the conduct's symbolic nature, which is necessary to properly weigh the state's interests in justifying a time, place or manner restriction.

- 98 Laurie Magid, "First Amendment Protection of Ambiguous Conduct," *Columbia Law Review* 84, no. 2 (1984): 467, 473, 499–500.
- 99 James McGoldrick, "Symbolic Speech: A Message from Mind to Mind," *Oklahoma Law Review* 61, no. 1 (2008): 1, 8.
- 100 *Spence* (n 39) 410–11 (per curiam).
- 101 *Clark* (n 74) 294 (White J for the Court).
- 102 Interestingly, Justice Thomas omits in his quotation of *Clark* the words 'message ... delivered by conduct', and emphasises that it is the conduct that is intended to be communicative. Nevertheless, he does adopt the message test in his analysis.
- 103 See Timothy Zick, "Parades, Picketing and Demonstrations," in *The Oxford Handbook of Freedom of Speech*, eds. Adrienne Stone and Frederick Schauer (Oxford: Oxford University Press, forthcoming 2021), 13.
- 104 For a discussion of the public discourse theory of democracy, see James Weinstein, "Participatory Democracy as the Central Value in American Free Speech Doctrine," *Virginia Law Review* 97, no. 3 (2011): 491, 493–7; Robert Post, "Participatory Democracy and Free Speech," *Virginia Law Review* 97, no. 3 (2011): 477, 483. See also James Weinstein's response to other criticisms of his thesis: James Weinstein, "Participatory Democracy as the Basis of American Free Speech Doctrine: A Reply," *Virginia Law Review* 97, no. 3 (2011): 633, 636–43.
- 105 *West Virginia Board of Education v. Barnette*, 319 US 624, 632 (1943); *Hurley* (n 38) 569 (Souter J for the Court).
- 106 *Edwards v. South Carolina*, 372 US 229 (1963).
- 107 *Shuttlesworth v. City of Birmingham*, 394 US 147 (1969).
- 108 *Schneider v. Town of Irvington*, 308 US 147 (1939).
- 109 *Thornhill v. Alabama*, 310 US 88 (1940).
- 110 *Tinker v. Des Moines School District*, 393 US 503 (1969).
- 111 *Spence* (n 39); Sarah Kunstler, "The Right to Occupy: Occupy Wall Street and the First Amendment," *Fordham Urban Law Journal* 39, no. 4 (2012): 989, 992 (citations in original).
- 112 854 F Supp 2d 823 (D Idaho, 2012).
- 113 *Ibid.*, 830.
- 114 The term was first recognised in a German book, the title of which translates to 'History of the French Social Movement from 1789 to the Present': Lorenz von Stein, *Geschichte der sozialen Bewegung in Frankreich von 1789 bis auf unsere Tage* (Georg Olms, 1959 [O Wigand]). See also Tilly, *Social Movements*, 5.
- 115 Tilly, *Social Movements*, ch. 2.
- 116 See generally *ibid.*
- 117 See Doug McAdam and Sidney Tarrow, "Social Movements and Elections: Toward a Broader Understanding of the Political Context of Contention," in

The Future of Social Movement Research: Dynamics, Mechanisms, and Processes, eds. Jacquélien van Stekelenburg, Conny Roggeband and Bert Klandermans (Minneapolis: University of Minnesota Press, 2013).

118 Ibid., 325–6.

119 Reva B. Siegel, “Text in Contest: Gender and the Constitution from a Social Movement Perspective,” *University of Pennsylvania Law Review*, 150 (2001): 297, 343.

120 Ibid., 314.

121 Katherine G. Young, *Constituting Economic and Social Rights* (Oxford: Oxford University Press, 2014), 234.

122 For a discussion of communication as a test of free speech, see Frederick Schauer, “What is ‘Speech’? The Question of Coverage” in *The Oxford Handbook of Freedom of Speech*, eds. Adrienne Stone and Frederick Schauer (Oxford: Oxford University Press, forthcoming 2021).

123 See, eg, Chris Chung, “Baking a Cake: How to Draw the Line between Protected Expressive Conduct and Something You Do,” *Notre Dame Journal of Law, Ethics and Public Policy* 32, no. 1 (2018): 377; Nancy J. Whitmore, “Extending the Roberts Court’s Affirmation of Individual Expressive Rights to the First Amendment Claim in Masterpiece Cakeshop,” *Elon Law Review* 12, no. 1 (2020): 105.

BEING DALIT, BEING MUSLIM: CASTE, RELIGION, AND THE STATE IN INDIA

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Abstract

Lower-caste Muslim mobilisation has become an important political force since the 1990s, particularly in parts of north India. Parties such as the All-India Backward Muslim Morcha and the Pasmanda Muslim Mahaz (Marginalised Muslim Front) that emerged in Bihar in this period can be located within the broader context of post-Mandal caste mobilisation as well as a longer history of lower-caste Muslim politics dating back to the early twentieth century. Since their emergence four decades ago, the Morcha and the Mahaz have had chequered trajectories marked by considerable political differences, and both parties have been criticised for their limited ideas of reform. Yet, they are insistent on the importance of one demand: the extension of constitutional protections to Dalit (Untouchable) Muslims, who are currently excluded from the ambit of India's affirmative action provisions. This state of affairs is commonly attributed to a Presidential Order of 1950, which extends constitutional protections for Dalits, or Scheduled Castes in state parlance, only to those who identify as Hindus or Sikhs.

Based on a close reading of early twentieth-century political debates on the question of rights and representation for minorities and Dalits, I will suggest that the religion-specific conception of the Dalit subject has a more complicated genealogy than previously understood. In particular, I will argue that the colonial-era delineation of minorities on the basis of, *inter alia*, religion and caste, posed a distinct problem for the representation of diverse interests within minority communities because these ways of defining minorities were understood to be mutually exclusive. In doing so, it becomes possible for us to rethink the means by which Dalit Muslims came to be written out of the law and thereby understand the discursive premises of their demand to be seen by the state.

Introduction

When the Constitution of India came into force in January 1950,

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it marked the commencement of a political project that would shape the course of India's postcolonial life in important ways. Among other things, the Constitution inaugurated an expansive regime of rights and protections for minorities, Scheduled Castes (SCs), and Scheduled Tribes (STs). These were essentially legal categories through which minority religious and linguistic groups, Dalits, and Adivasis (Indigenous peoples) became intelligible to the Indian state after Independence. Within the framework of the Constitution, these groups were seen as agents of specific kinds of claims or embodiments of particular forms of deprivation, and the Indian state was vested with special obligations towards them as part of the constitutional commitment to, and aspiration towards, justice and equality. The Constitution's tendency towards recognising group identities as the terrain for resolving questions of rights and representation, while also buttressing liberal democratic institutions, was not a novel contribution of the Constituent Assembly, shaped as it was by the trajectory of representative institutions under colonial rule from the late nineteenth century.¹ This is important because it foregrounds the political and material stakes attached to state categories of identification for Indians, significant numbers of whom shaped the political framework within which these questions arose in the colonial period. Additionally, it also compels us to understand the invisibilisation of Dalit Muslims and Christians beyond the narrow context of Constitution-making, as I will later demonstrate.

In addition to the obligations promised at the time of the Constitution's enactment, further, provisions were also included for their potential extension to other 'Socially and Educationally Backward Classes' by means of a presidential order under Article 340.² Following this provision, the first attempt to assess the nature and numbers of backward classes was made in 1953 when the Indian government appointed a Backward Classes Commission under the chairmanship of Kaka Kalelkar. The tenure of the Commission proved controversial, and the government rejected its report when it was submitted in 1955.³ The second attempt to address the question of entitlements and protections for backward classes came in 1978 with the appointment of the Mandal Commission. This Commission submitted its report in 1980, although the decision to implement its recommendation of reserving 27% of all central government jobs for Other Backward Classes (OBCs) came only in 1990. The announcement of the government's decision sparked numerous protests because it meant that the combined reservations set out for SCs, STs, and OBCs would prevent upper-caste Hindus from competing for nearly 50% of central government jobs.⁴ Several parts of the country witnessed widespread political mobilisation by students, activist groups, political parties, and the press, both in support of and in opposition to the government's decision. It is in this context that the All-India Backward Muslim Morcha, the Pasmanda Muslim Mahaz, and

other similar organisations emerged, seeking to articulate the politics of caste within Muslim communities.⁵

The implementation of the Mandal Commission report had important consequences for Muslims because it named eighty-two Muslim groups in the OBC category, effectively classifying as backward nearly 8.4% of the 11.2% of the total Indian population that was Muslim.⁶ In the context of an increasingly ascendant Hindu Right and fears of rising majoritarianism in the aftermath of the Babri Masjid demolition in Ayodhya in December 1992, the All India Backward Muslim Morcha was founded in Bihar in 1994 by Ejaz Ali as an umbrella front for organising around substantive issues of caste hierarchy within Muslim communities. In an interview, Ali explains the driving impulse behind the galvanisation of lower-caste Muslim politics as follows:

The way the traditional Muslim leaders reacted to the Babri Masjid issue made me think that there was an urgent need for the [sic.] Dalit Muslims to come up with their own leaders, championing bread-and-butter concerns rather than emotional and symbolic issues. I do not say that the Babri issue was not important, but I do insist that it was not the primary issue for us...All along, however, the traditional Muslim leadership has been championing merely symbolic issues, be it the cause of Urdu, the minority character of the Aligarh Muslim University, Muslim Personal Law or the Babri Masjid. What we are calling for is a new leadership that has a new sense of the priorities of the community, which, for the Dalit Muslims, are primarily the real, this-worldly issues of sheer physical survival.⁷

In other words, the establishment of the Morcha came as a response to the communally polarised political landscape within which minority communities and their elites were operating, often at the expense of addressing this-worldly issues of material inequality. This does not imply a rejection of the relevance of religion, since the Morcha - like other similar organisations - is insistent on the particularly emancipatory possibilities inherent in Islam for lower-castes and Dalits, but rather a reconfiguration of the category of religion in materially-grounded ways that bring attention to sharp differences of caste and class within and across religious communities. In doing so, the Morcha calls into question the precedence given to the category of religion as a basis for defining identities and, by extension, the construction of politics along religious lines. Indeed, the Morcha's critique of the traditional Muslim political leadership for glossing over the material reality of internal inequalities within the community came into stark relief in 1998 with the publication of *Muslim Agenda 99* by several Muslim organisations, such as the All India Muslim Personal Law Board, Jamat-e-Islami Hind, All India Milli Council and Jamiat Ulema-e-Hind, all of whom argued that Muslims on

the whole were socially, economically, and educationally backward, and therefore deserved reservations at the national level.⁸ This provided the immediate impetus for the establishment of the Pasmanda (a word of Persian origin that translates to 'those who have fallen behind' or 'oppressed') Muslim Mahaz, which published *Pasmanda Agenda* 99 and argued that the provision of reservations for Muslims as a whole would only benefit upper-caste Muslims who were outside the ambit of affirmative action provisions that their OBC counterparts had benefitted from as a result of the Mandal Commission recommendations.⁹ Equally importantly, the Pasmanda Muslim Mahaz was founded as a result of a split within the All India Backward Muslim Morcha on the question of whether it was appropriate to include Sheikhs in the category of OBCs as the Bihar government had done in 1998.¹⁰

Despite their understandable focus on issues of state recognition in a period defined by the 'Mandalisation of politics' and their indirect, if co-opted, imprint in Bihar's electoral politics (Ejaz Ali and Ali Anwar are members of the Janata Dal (United) and have been elected as MPs), both the Morcha and the Mahaz have continued to remain an important presence in the context of lower-caste Muslim assertion. The Morcha, for instance, has branches in several states such as Uttar Pradesh, West Bengal, Rajasthan, Madhya Pradesh, and Delhi, besides having joint programmes with Christian groups that, among other things, are advocating for SC status for Dalit Christians. Within Bihar, the Morcha was responsible for passing a resolution in the state Legislative Assembly in July 2000 that sought SC status for Dalit Muslims and was passed on to the President for approval. It has also been successful in the introduction of a bill in the Lok Sabha (the lower house of the Indian parliament) that made a similar demand, although both these initiatives have not yielded any change.¹¹

Similarly, the Mahaz, has functioned as a broad front of lower-caste and Dalit Muslim organisations from Uttar Pradesh, Jharkhand, West Bengal, and Delhi, although much like the Morcha, its main political base continues to be in Bihar. Since the publication of *Masawat ki Jung* (The Struggle for Equality) in 2001 by its founder Ali Anwar and through its journal *Pasmanda ki Awaaz* (The Voice of the Oppressed), the Mahaz has sought to articulate a broad-ranging political discourse of and by Pasmanda people, a category that is imagined to include not just the majority of Muslims, but of all social groups in India who are lower-caste or Dalit. In doing so, the Mahaz not only seeks to advance a coherent critique of the elite nature of Muslim political and religious leadership but also to forefront the role of upper-caste hegemony in fuelling communal violence at the expense of lower-caste and Dalit lives. For instance, Ali Anwar writes:

We see that the politics of communalism, fuelled by both Hindu

and Muslim elites, is aimed at dividing us, making us fight among ourselves, so that the elites continue to rule over us as they have been doing for centuries. This is why we in the Mahaz have been seeking to steer our people from emotional politics to politics centered [sic.] on issues of survival and daily existence and social justice, and for this we have been working with non-Muslim Dalit and Backward Caste movements and groups to struggle jointly for our rights and to oppose the politics of communalism fuelled by Hindu and Muslim 'upper' caste elites.¹²

The emphasis on caste and its materiality rather than religious identity as the main axis of oppression in Indian society has become a well-known aspect of lower-caste and Dalit critiques of communal politics.¹³ Several scholars have, much like the Mahaz, not just critiqued communal politics and its attendant violence, but have actually attributed the rationale of its existence to the marginalisation of lower-caste and Dalit lives by elite upper-castes, a critique perhaps best summarised by Dilip Menon:

The inner violence within Hinduism explains to a considerable extent the violence directed outwards against Muslims once we concede that the former is historically prior. The question needs to be: how has the deployment of violence against an internal Other (defined primarily in terms of inherent inequality), the dalit [sic.], come to be transformed at certain conjunctures into one of aggression against an external Other (defined primarily in terms of inherent difference), the Muslim? Is communalism a deflection of the central issue of violence and inegalitarianism within Hindu society?¹⁴

Yet the Mahaz's polemic introduces a wholly different problématique to this understanding of caste and communal violence because the internal Other and the external Other are enmeshed in the person of the Dalit Muslim. The word 'enmeshed' is key here because it implies something other than a simple conflation of caste and religion into a form of double burden. This is because the inherent inequality and inherent difference that cohere around Dalit Muslims multiply the possibilities of othering in a context where their Dalit-ness and Muslim-ness are each called into question even as these identities together shape their experience of marginalisation and violence. To be unequal and different, in other words, is to be one or the other but never both at the same time since, as Ali Anwar observes, any attempt by Dalit Muslims to assert their identity is considered divisive at best and 'un-Islamic' or 'anti-Islamic' at worst by upper-caste Muslim religious and political leadership;¹⁵ Conversely, Dalit Muslims' claim to Dalit identity is also rendered suspect because of the juridical and popular assumption that

caste is coterminous with Hinduism and cannot exist outside of it. In Marc Galanter's view, the refusal of the state and the courts to recognise caste outside Hinduism implies that 'the "caste" to which the court is addressing itself is not in the sense of a person bound by a body of social ties, but caste in the sense of a body of persons which occupies a given space in the ritual order of Hinduism'.¹⁶

Seen in this light, the emphasis that the Morcha, the Mahaz, and other Dalit Muslim organisations place on the materiality of caste is not simply a polemical device directed at the tendency of communal politics to detract from the real oppression of caste, but rather a more fundamental attempt to render the identity of Dalit Muslims politically salient in the face of its multiple erasures. Therefore, in many ways, the difficulty that Dalit Muslims face in visibilising their identity comes from the tendency to conflate caste with Hinduism, and to theorise caste and religion as related categories so that even if caste is understood to exist outside Hinduism in practice, its existence continues to be explained in terms of the sanction it derives, or not, from religious doctrine. This speaks to an important theoretical incoherence in our understanding of caste that impedes historical approaches to the existence of caste within Islam which, in turn, is key to understanding the invisibilisation of Dalit Muslims in the law.

Caste in Islam

Pahle the ham nim-julāhe
 Bād merā ho gae darzi
 Ulat pulat ke sayyad ho gae
 Yah Allāh ki marzi

First, I was a half weaver
 Then, I became a tailor
 Somehow, I turned into a Syed
 This is Allah's will¹⁷

The question of how caste within Muslim communities is to be understood is not merely a political issue since it reflects a long-standing theoretical preoccupation in the growing body of scholarly work, whether within history, anthropology, or political science, on the existence and form of caste hierarchies among Muslims. This is clearly evident in this popular Hindi-Urdu verse, usually cited to deny the existence of caste within Islam, which sees caste as an occupation-based fluid identity somewhat akin to class rather than a fixed aspect of one's personhood. The weaver (*julaha*), the tailor (*darzi*), and the Syed (a descendant of the Prophet) represent an ascending order of social hierarchy and the ease with which the narrator is able to assume these different identities as a

result of Allah's will (i.e., chance) is taken to reflect an absence of caste hierarchy in Islam. Indeed, Islam's doctrinal commitment to equality has complicated attempts to understand the lived experience of caste within Muslim communities, as has the absence of theoretical consensus on whether caste is to be viewed in structural-functional terms commensurable with other forms of social stratification such as class and race or in symbolic-religious terms that locate its existence within the specific context of Hinduism.¹⁸

Broadly speaking, caste among Indian Muslims is understood to operate through the categories of Ashraf, Ajlaf, and Arzal, which represent a descending hierarchy of caste. Each of these categories has multiple genealogies in colonial sociology as well as a range of Islamic and secular texts and together, they roughly refer to upper-caste, lower-caste, and Dalit Muslim groups, respectively. Evidently, these categories bear some resemblance to the varna system of caste hierarchy within Hinduism i.e., *Dwijas* (twice-born or those at the top of the caste hierarchy), non-Brahmin Shudras, and Untouchable Dalits, but because of the absence of doctrinal or any other definitive source that delineates their meaning, these terms have not always communicated a clear idea of which groups they refer to. The term Ashraf, for instance, which is the plural noun of *sharif* (meaning 'eminent' or 'exalted' in Arabic) and refers to Muslim castes or kinship groups that claim foreign ancestry. The category of Ashraf is usually taken to include groups such as Syeds, Sheikhs, Mirzas, Pathans, and others who trace their familial roots outside India, whether that be in Central Asia, Iran, the Arab world, or elsewhere, while Ajlaf refers to backward Muslims, mostly upper-caste converts, whose ancestry and social location is firmly Indian in character.

It must be noted that this is a necessarily oversimplified description; not only is there immense differentiation within these categories, but these cannot be taken to accurately capture the nature of social stratification among Indian Muslims, whether in the colonial or postcolonial periods.¹⁹ Nonetheless, in colonial sociology, these categories entered censuses and ethnographic accounts as terms for describing the internal hierarchy of caste-like patrilineal Muslim groups. Furthermore, several records from the period attempted to enumerate and describe these groups by taking recourse to characteristic 'essences.' Additionally, although the category of Arzal, which is the plural noun of 'razil' meaning 'those of low origin', is often taken to indicate Dalit Muslim castes.²⁰ The term was nebulously defined in the colonial period, and was even the subject of a famous legal case in the United Provinces (present-day Uttar Pradesh) in the late 1930s. Briefly summarised, a Syed *zamindar* in Gorakhpur filed a suit against an Ansari *julaha* who refused to pay the *ghardwari* tax, or house rent, that was collected from razil families in the region. The entire case of the plaintiff rested on the argument that razil families such as that of the defendant owed customary dues to the local

zamindar under the provisions of an 1860 revenue settlement. The *razil* status of Ansari *julahas* soon became the sole focus of the case, and the eventual judgement dismissed the plaintiff's claims because of lack of sufficient evidence that *julahas* were indeed *razil*.²¹

It is precisely because of the instability of caste categories, as evident in this case, that a considerable body of work within disciplinary history and anthropology since the 1970s has increasingly placed more emphasis on materialist interpretations of caste that are attentive to specificities of historical time and place and their influence on the nature, form, and relevance of caste lifeworlds rather than structuralist studies in the Dumontian tradition that understand caste through ahistorical categories or principles such as purity-pollution. This has meant, firstly, that the study of caste among Muslims has moved away from looking towards a Dumontian understanding of caste within Hinduism as a reference point, as some of the earliest work on the subject tended to do.²² Secondly, caste within Indian Islam is no longer understood solely in terms of the existence of defining features, such as occupational identity and endogamy, but rather in terms of its relevance and influence in shaping social, economic, and political relations of power within Muslim communities at any given historical time and place. In other words, the absence of clarity over whether Ansari *julahas* in the colonial United Provinces could be classified as *razil* is less important than the fact that *razil* as a category had social and political salience which allowed zamindars to claim customary dues if they were able to prove the *razil* status of *julahas*. Therefore, although caste among Indian Muslims has often been seen to operate through the categories of *Ashraf*, *Ajlaf*, and *Arzal*, the lived experience of caste among Muslims is necessarily understood to be diverse and regionally varied.

Being seen by the state

The focus on materiality in conceptualising caste is not a theoretical development alone but speaks to the importance of Dalit Muslim demands for state recognition as SCs in a context where such recognition is vital in order to seek redress for the 'this-worldly' material deprivations of caste. The inclusion of Dalit Muslims (and Christians) in the list of SCs will mean that they have access to affirmative action provisions in education and employment which, as the founders of the *Morcha* and the *Mahaz* have argued, is a paramount concern for survival and daily existence. Additionally, state recognition for Dalit Muslims will bring them within the ambit of the Scheduled Castes and Tribes (Prevention of Atrocities) Act of 1989, legislation which institutes an extensive array of punitive punishments for acts of atrocity committed against Dalits and Adivasis. Therefore, while state recognition of any social group is a vexed question, it is particularly crucial in the case of

Dalit Muslims since the demand to being seen by the state is tied to much larger questions of justice and equal citizenship in postcolonial India.

Given the importance of this question, it is odd that the invisibilisation of Dalit Muslims in the law has not been historicised as a substantial issue of inquiry in its own right. The exclusion of Muslims and Christians from the category of SC is often attributed to a Presidential Order of 1950 which states that 'no person who professes a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste' without any further analysis or contextualisation, both in the literature on Dalit Muslim politics and by Dalit Muslim organisations themselves.²³ Elsewhere, the question is addressed in passing or even absent in studies of caste politics in twentieth-century India. For example, in her work on caste from the eighteenth century to the postcolonial period, Susan Bayly attributes the religion-specific conception of SCs to Nehruvian secularism and the prevalent understanding of caste as a form of disability specific to Hinduism without connecting it to political debates on the representation of SCs (or Depressed Classes, as they were known in colonial sociology) and minorities in the period leading up to Independence.²⁴

Even more surprisingly, Anupama Rao's richly theorised work on the construction of Dalit political subjecthood in late colonial India repeatedly emphasises the significance of Ambedkar's efforts to position Dalits as a non-Hindu minority (as opposed to being stigmatised Hindus), but does not deal with the religion-specific conception of Dalits as an issue at all.²⁵ Still others such as Laura Dudley-Jenkins and Rowena Robinson have addressed this question, although with specific reference to Dalit Christians, and with very different analytical emphases. Dudley-Jenkins, for example, has shown how the governance regime regulating religious freedom in late colonial and postcolonial India precluded Muslims and Christians from being recognised as SCs because of an overwhelming preoccupation with the agency and sincerity of religious converts and an overemphasis on the religious nature of caste as opposed to its material and cultural aspects.²⁶ Robinson's analysis of the Constituent Assembly debates shows how representatives of minority communities prioritised religious and cultural rights (including rights related to education) over political and economic rights because, in her view, they valued full and equal citizenship and did not want to be in a relationship of patronage and dependence with the state by making claims to reservations and other provisions that could theoretically be altered or removed at any time.²⁷ These studies, while immensely valuable, present only a partial view of the question at hand because of their emphasis on a particular set of debates (those surrounding religious conversion, in the case of Dudley-Jenkins) or sources (the Constituent Assembly debates, in the case of Robinson). It is therefore imperative to consider the broader political terrain within which the question of representation of SCs and

minorities evolved in order to fully understand the means by which Dalit Muslims and Christians came to be written out of the law.

The influence of colonial instruments of knowledge-production in shaping caste identities through multilateral processes of contestation and negotiation between the colonial state and its subjects is well known in historiography.²⁸ While it is important to not overstate the role of colonial knowledge-production in the formation of caste identities, which were equally influenced by broader economic and political shifts of the nineteenth century, caste certainly became an important site of political mobilisation and competition because of the discursive and institutional frameworks of colonial rule.²⁹ This, in my view, is immensely important because even if caste identities existed and evolved outside the sphere of influence of colonial rule to a considerable extent, the means by which they became legible to the colonial state often carried over into the legal and institutional regimes of the postcolonial Indian state. The career of religious and caste groupings, and the related categories of majority and minority that became the dominant basis on which questions of representation were worked out, is therefore central to the invisibilisation of Dalit Muslims in postcolonial India.

When the census was first introduced in the 1860s, it only included religious groups. By the early years of the twentieth century, the colonial state began to incorporate the varna system into its practices of enumeration, and the category of Depressed Classes was first introduced in the 1911 census to identify Untouchable castes at the all-India level.³⁰ In this period, the census was beginning to become an important terrain of politics given that the groups and categories it enumerated directly shaped the composition of representative institutions of government that the colonial state in India was slowly expanding from the late nineteenth century. Existing hierarchies and links between different group identities underwent a shift because the introduction of constituencies and electorates that came with representative institutions tied group identities to a territorial and electoral math that was unlike anything in the historical experience of the subcontinent.³¹ The import of numerical representation was felt almost immediately when it emerged that Untouchable castes accounted for almost 16-24% of the subcontinent's population. Census officials' efforts to emphasise the separate identity of the Depressed Classes created tremendous anxiety for Hindus, who demanded that they be enumerated as Hindus rather than a separate social group.³² The tendency to emphasise a standardised identity for a group with a view towards increasing numbers was not unusual for the period since different forms of representation, whether that be weightage (representation in a government institution in excess of the demographic proportion of a group), reserved seats, separate electorates, or any combination of these, were directly determined by the population of a social group within a given area and within the

subcontinent generally. From the beginning of the twentieth century, then, group identities which had hitherto been shaped by a combination of complex factors such as historical, social, economic, cultural, linguistic, and geographical ties were now shaped by the categories of majority and minority, defined largely with reference to the numerical principle of representation ushered in by colonial institutions of government.

In his intellectual history of Muslim nationalism, Faisal Devji devotes a chapter to 'the problem with numbers' and shows how Muslim political leaders from Sir Syed Ahmed Khan to Jinnah and the Muslim League, which claimed to be the main representative body for Muslims in the subcontinent in the twentieth century, resisted the identification of Muslims as a minority. Whether it was Sir Syed's preoccupation with uniting Hindus and Muslims on the basis of rank and regional identity, or the insistence of the League that the categories of majority and minority be constructed with reference to specific regions and their demographic configurations rather than a pan-subcontinental framework of reference, it was clear that Muslim nationalism sought to redefine the categories of majority and minority in non-religious ways. As Devji notes:

...those who were recognized by the colonial state to "represent" the "Muslim community" had begun to worry about the purely numerical, rather than, say, theological, sense in which both this community and its representation had come to be defined within a colonial sociology of knowledge...For Jinnah, then, Muslim politics in British India was not based on religious sentiments or claims but rather the opposite. For in fact Muslims were both too numerous, and since the Morley-Minto Reforms of 1909, were also too distinct a group constitutionally to exist merely as a religious community. This was particularly so because Muslims, while being a numerical minority in the subcontinent as a whole, were also a majority in large parts of it and thus existed as an indubitably political entity in their own right and not simply a religious one.³³

What is interesting here, from the point of view of lower-caste and Dalit Muslim politics, is the influence that the trajectory of Muslim nationalism had on non-Brahmin and Dalit mobilisation in the early twentieth century. As Devji shows, the category of caste not only triangulated the religious binary within which Hindu-Muslim relations had become enmeshed since 1857 but also disrupted it. This is because Dalit or lower-caste conversion to Islam could potentially diminish the number of Hindus and threaten their status as a majority community, while simultaneously strengthening the position of Muslims, thereby demonstrating 'how fragile the categories of majority and minority really were.'³⁴

Perhaps the most incisive account of the means by which

Dalits were able to mould these fragile categories in order to resignify a stigmatised religious identity within Hinduism into a powerful political identity outside Hinduism is provided by Anupama Rao, who shows how B.R. Ambedkar, the eminent Dalit leader and thinker, worked within the logic of liberal democratic thought to position Dalits as a political minority in the eyes of the state. She argues that in order to make Dalits legible as a group deserving of legal entitlements and protections, Ambedkar laid claim to a universal right to politics and argued that Dalits were not degraded Hindus but rather a group whose lives were shaped by social marginalisation, civic exclusion, and material deprivation, and therefore could be seen as having a 'class interest that could be revealed as a political interest'.³⁵ The debt that Dalit politics owed to Muslim nationalism is clear, as is the inherent tension involved in reformulating the category of minority, which was primarily conceived in religious terms in the eyes of the colonial state and the Indian National Congress. Rao summarises this tension thus:

The Depressed Classes were unlike Muslims, he [Ambedkar] argued, because they shared a set of social and economic disabilities as a group. Defining Dalits as a class that suffered material deprivation meant they constituted a minority in political terms, not a constituency united by primordial ties of community. Ambedkar also underscored the difference between the political interests of the Depressed Classes and Muslims. Muslims were a politicised community recognised by Hindus. Untouchables were unrecognised as political subjects and therefore also lacked social recognition...Dalits represented an altogether different principle of minority.³⁶

Devji and Rao's accounts make it clear that both Muslim nationalism and Dalit politics attempted to rework the primarily religious basis on which the categories of majority and minority were conceived in the colonial period. Jinnah and other Muslim political leaders attempted to assert the distinct political status of Muslims based on their historical presence and influence in the Indian political landscape and thereby define Muslims as a constitutional entity rather than a religious minority. In a somewhat similar manner, Ambedkar attempted to define Dalits as unique political subjects who were non-Hindu and deserving of legal entitlements and protections because of historical and material deprivation. In other words, the Dalit demand was not for inclusion within Hinduism and was not even directed at Hindus (even in the case of temple entry movements, the argument for Dalit access to temples was made in terms of their political right to access public places, as Rao shows) since Dalits, led by Ambedkar, were keener on acquiring political legibility as oppressed subjects in relation to the state.

Despite this, however, both these political movements failed

to de-religionise the categories of majority and minority within which they were operating. The inability of Muslims to escape the religious identity and minority status that they were accorded was in evidence from the time of the Khilafat movement, which became an important Congress agenda under Gandhi's stewardship, and attempted to bring India's Hindus and Muslims together in the demand for the restitution of the Ottoman Caliphate in the wake of British defeat. As Devji notes, Jinnah's weariness towards the Khilafat and the Congress stemmed from the fact that Muslims were primarily construed as a religious group and their allegiance to the cause of the Caliphate was assumed to be self-evident in the imagination of Gandhi and the Congress.³⁷ In the negotiations surrounding political representation for minorities through successive measures such as the Morley-Minto reforms (1909) which granted Muslims weightage, the Montagu-Chelmsford reforms (1919) which introduced separate electorates, the Round Table Conferences (1930-32), and the Government of India Act (1935), Muslims were seen as a religious minority despite the attempts of Jinnah and others to articulate a different vision of how political communities in India should be constructed. Even lower-caste Muslim organisations in the early twentieth century which deliberately attempted to identify themselves in terms of caste and class were unable to evade the primarily religious identity to which they were consigned. For instance, in a letter to Jinnah dated 14 December 1939, Nehru responded to the League's demand for being recognised as the 'authoritative and representative organisation of the Mussalmans of India' by saying:

There are as you know, a large number of Muslims in the Congress, who have been and are our closest colleagues. There are Muslim organisations like the Jamiat-ul-Ulema, the All-India Shia Conference, the Majlis-i-Ahrar, the All-India Momin Conference, etc...[that] have adopted the same political platform as we have done in the Congress...I am afraid, therefore, that if your desire is that we should consider the League as the sole organisation representing the Muslims to the exclusion of all others, we are wholly unable to accede to it.³⁸

Many of the organisations that Nehru mentioned were in fact opposed to the Muslim League on ideological grounds, and all of them were part of the All India Azad Muslim Conference which opposed the League's demand for Pakistan. The All India Momin Conference, for example, was an important association formed in 1926 in Bihar as a political platform for Ansari julahas. It was, in many ways, a precursor to the Pasmada Muslim Mahaz and opposed the Muslim League resolutely, even contesting against the League in the 1937 provincial assembly elections.³⁹ Yet, the fact that Nehru used the names of these organisations to question the League's claim to represent all Indian

Muslims, despite their ideological opposition to the League, and their attempts to assert other sectarian, caste, or class identities points to a narrowing political field in which any mobilisation by Muslims was perceived, first and foremost, as being Muslim in character.

Dalits did not fare much better in their endeavour to be seen as a political minority outside Hinduism. The expansion of Depressed Classes representation began from the Montagu-Chelmsford reforms which made provisions for the nomination of members of Depressed Classes. The Simon Commission of 1928 which was sent from Britain to assess the effectiveness of constitutional reforms and recommend further measures submitted a report which endorsed the continuation of separate electorates and also proposed reserved seats in the legislatures for Depressed Classes. The Round Table Conferences which followed from the report of the Simon Commission were an important political landmark since it brought together the Congress, the Muslim League, Ambedkar, and other representatives of minority groups to decide on a constitutional arrangement for the future. The three conferences ended without any agreement between the parties, not least because Gandhi acceded to the Muslim demand for separate electorates but refused to do so for the Depressed Classes, saying in a speech to the minorities committee on 13 November 1931:

I would like to repeat what I have said before, that while the Congress will always accept any solution that may be acceptable to the Hindus, the Mohammedans and the Sikhs, the Congress will be no party to special reservation or special electorates for any other minorities...I can understand the claims advanced by other minorities, but the claims advanced on behalf of the untouchables, that to me is the "unkindest cut of all"...It [separate electorates] will create a division in Hinduism which I cannot possibly look forward to with any satisfaction whatsoever. I do not mind untouchables, if they so desire, being converted to Islam or Christianity...but I cannot possibly tolerate what is in store for Hinduism if there are two divisions set forth in the villages.⁴⁰

The demand of separate electorates for Depressed Classes, which Gandhi forcefully called the 'unkindest cut of all' reveals something important. Dalits were definitively imagined as being part of the body politic of Hinduism by the Congress and certainly by Gandhi, so much so that the assertion of their separate identity outside Hinduism was seen as more threatening than their conversion to Islam or Christianity. Even if Gandhi's rhetoric on conversion in this speech is taken with a grain of salt since (as Dudley-Jenkins shows) religious conversion certainly played an important role in the restriction of affirmative action provisions for Dalit Muslims and Christians, it is clear that the question

of Dalit political subjecthood outside Hinduism threatened the idea and existence of the Hindu community in a fundamental way even outside the political math of majorities and minorities. Despite Gandhi's opposition, the colonial government unilaterally implemented a Communal Award in 1932 which extended separate electorates to Depressed Classes and other minorities. Gandhi went on a famous 'fast unto death' to protest this, and Ambedkar was compelled to capitulate to the overwhelming pressure, eventually signing the Poona Pact and conceding the demand for separate electorates in exchange for reserved seats.

Whether this was because of enormous public pressure or the threat of violence against Dalits in the event of Gandhi's death, the Pact, as Devji notes, was 'probably the most serious defeat of a tentative politics that might have demolished the categories of majority as well as minority.'⁴¹ The important point here, in my view, is that the failure of the Poona Pact implied not the foreclosure of the categories of majority and minority, but rather, an end to the possibility of defining these categories in political ways. The recognition of the separate status of Muslims, Sikhs, and Christians but not that of the Depressed Classes created a conceptual separation between minority rights defined by religion and minority rights defined by claims to a historically and materially deprived political subjecthood. This is not to say that groups defined in terms of other social and economic criteria such as language and income were and are not recognised, but rather to foreground the fact that the most enduring form of minority rights that would be carried over into postcolonial India were those defined on the basis of religion.⁴²

A few years after the Poona Pact, Ambedkar announced his decision to leave Hinduism in a famous speech at a conference in Yeola in October 1935. His unequivocal resolution to convert caused considerable anxiety about a mass conversion by Untouchables to Islam or Christianity and also led to a debate on the question of rights for SC converts to other religions. While the controversy surrounding Ambedkar's decision to convert was obviously connected to the fragility of the categories of majority and minority, it was also connected to the question of how caste boundaries were to be drawn with respect to religion. In response to statements by Congress politicians that SCs would lose the privileges they had been accorded under the amended Communal Award if they left Hinduism, Ambedkar argued in an interview to the *Times of India* on 24 July 1936:

...religion has nothing to do with the political adjustments contemplated in the Communal Award, the Poona Pact and the Government of India Act of 1935...It is only in regard to the Muslim Community that the political classification follows the religious grouping. Within the general constituency itself, there is no commonness of religious faith serving as the basis of the enjoyment

of the political rights conferred on those who come under that electoral category...The original classification of "Depressed Classes" has now been changed into "Scheduled Castes" and it refers only to a branch of a community, viewed socially and economically, not from the religious standpoint. Assuming for argument's sake that there is an element of religion in these classification [sic.], renunciation of religion or declaration of loss or lack of faith in a set of tenets does not militate against the enjoyment of any attendant political right...It may be a different matter if a member of the Depressed Classes gave up Hinduism and actually embraced another religion, say, Islam or Christianity. Then, and only after such conversion, will he come under the political group assigned to the adherents of such a religion; then and then only can he be compelled to forfeit the rights attaching to the membership of the Hindu Community.⁴³

To Ambedkar's mind then, the term 'Scheduled Castes' was not defined on religious lines at all, and yet, he argued that in the event of conversion to Islam or Christianity, Dalits should acquire the political rights accorded to those communities. Clearly, this conception of SCs sees them as structurally similar to the general constituency in that both are not defined by any religious criteria but the fact that the general constituency did not include minorities such as Muslims and Christians who were separate representation meant that, by extension, the category of SCs did not include them, either. This formulation is understandable in light of the fact that Ambedkar was dealing with the question of electoral representation rather than constitutional protections such as affirmative action, and it would have made little sense to include Dalit Muslims and Christians both in the reserved seats set out for SCs and in the separate electorates set out for minorities. Nonetheless, the basic contours of this idea of SCs, whose interests were assumed to be different and separate from those of religiously-defined minorities, would carry over into postcolonial India. Despite Ambedkar's reluctant assent to the Poona Pact therefore, the conceptual separation it created between the categories of Depressed Classes and religious minorities was lasting.

With the coming of the Second World War a few years later and India's unwilling participation in it, the question of dominion status and minority rights, especially with regard to Muslims, became a fraught one. The Muslim League's Lahore Resolution of 1940 set in motion the developments leading to the eventual creation of Pakistan and the next most important moment where the question of rights and representation for Scheduled Castes and minorities was raised was in the Constituent Assembly debates. As Rowena Robinson's account shows, caste was never brought up by representatives of religious minorities, with the notable exception of Sikh leaders who were persistent in their demand for inclusion of Dalit Sikh castes in the SC list.⁴⁴ Based on a reading of

the deliberations surrounding political representation from the 1910s, it is clear that this is because minority rights and protections for SCs had become separate concerns by the time the Constituent Assembly gathered. As Devji notes, the nature of entitlements and protections that were conceived for minorities and SCs had diverged so that '[minority status] was left for Muslims in independent India, with Dalits breaking their colonial history by avoiding the category altogether, and their former rivals degenerating into a merely religious and thus politically disempowered group.'⁴⁵

In particular, the creation of Pakistan and the Partition that accompanied it significantly shaped the discourse surrounding minority rights in the Constituent Assembly. While religious and linguistic minorities were recognised and religious and cultural freedoms granted to them, their political and economic rights were restricted significantly, partly because of changes in the nature of political actors involved in constitutional deliberations, and partly because of a change in attitude towards the question of minority rights. With the coming of Partition, the Muslim League fell into disarray and many representatives who had pushed for strong political safeguards for minorities moved to Pakistan. Not only did this mean that there were fewer minority spokesmen in the Assembly than before, but also that the Congress was no longer constrained by the Muslim League with regard to its approach towards the minority question.⁴⁶ Further, the creation of Pakistan had served as a useful bargaining chip for the Muslim nationalist movement in its demands for minority rights, but once Pakistan became real, minority representatives found themselves in a much weaker bargaining position. Several representatives who were part of the Advisory Committee on Minorities in the Assembly, for example, were weary of antagonising the more militant Hindu Congressmen at the expense of the few rights and protections they had otherwise been granted, and revoked their earlier position on political safeguards for minorities.⁴⁷ By 1949, Muslim and Christian representatives had rejected reservation of seats in the legislature and representation in the administrative services for minorities even as these provisions were instituted for SCs. This was, in large part, possible because of a broader shift in attitudes towards minorities since, as Rochana Bajpai argues, the experience of the nationalist movement and the creation of Pakistan had created a 'normative vocabulary' in which political safeguards for minorities were seen as illegitimate.⁴⁸

It is this political disempowerment of minorities, in my view, that affected the related but separate question of protections for SCs. In the colonial period, Dalit Muslims and Christians were theoretically under the ambit of political rights granted to minorities while the category of SCs was interpreted to include only Hindus, as Ambedkar's approach to the issue shows. When it came to the period of the Constituent Assembly, however, one part of this arrangement remained while the other aspects

changed. The category of SCs was still interpreted to include only Hindus, but with the attenuation of political and economic rights for minorities, Dalit Muslims and Christians effectively lost access to the protections that may have been accrued to them as minorities while also being excluded from protections instituted for their Hindu counterparts. The consequences of the category of minority being defined in religious ways continue to remain an important aspect of lower-caste and Dalit Muslim mobilisation in the late twentieth century. As Ali Anwar observes:

Now the time is ripe for Pasmanda Muslims to craft their own identity. The identity of Pasmanda Muslims was hitherto obscured in the name of minority. Now we fear the word minority and feel that it is a fake word. In the name of minority, either someone terrorizes us or someone snatches away our rights. In real terms we are the majority (bahun [sic.]) in this country...There is a bond of pain between Pasmanda-Dalit Muslims and the Pasmanda-Dalit sections of other religions. This bond of pain is the supreme bond.⁴⁹

Seen in this light, lower-caste and Dalit Muslim critiques of the category of religion are more than just a critique of the construction of politics along religious lines. They represent a fundamental attempt to rework the categories of majority and minority within which religious identities and communities have come to be encoded in the political life of India. Recognising the political logic (of minorities and majorities) that undergirds the construction of religious and caste categories is therefore instrumental to any attempt, theoretical or political, that seeks to reconfigure the structure of those categories to more emancipatory ends.

Conclusion

The emergence of the All India Backward Muslim Morcha and the Pasmanda Muslim Mahaz in the 1990s points to the complicated ways in which Dalit political subjecthood has evolved in postcolonial India. By formulating an expansive critique of the category of religion as well as by emphasising the materiality of caste, lower-caste and Dalit Muslim movements have unsettled the existing terrain of politics. Not only have they questioned the communally polarised political landscape within which elites of various religious communities operate, but they have also opened up new possibilities for political solidarities between lower-castes and Dalits across religious lines. The invisibilisation of Dalit Muslims in the law, which has been a central focus of the Morcha and the Mahaz, has never been historicised within the trajectory of political developments leading up to Independence. A close reading of the historical record of this period shows that Dalit Muslims and Christians

were written out of the law because of the way in which the categories of majority and minority were constructed. While Muslims were seen as a religious minority despite the attempts of Muslim leaders to evade this identification, Dalits were seen as being essentially Hindu despite Ambedkar's efforts to position them as a non-Hindu political minority. At the time of Constitution making, the political and economic rights of minorities were constrained while Dalits were still constructed as Hindu, leading to the invisibilisation of Dalit Muslims and Christians whose location at the interstices of religious and caste lifeworlds was rendered invisible in the eyes of the state.

Notes

1 Rochana Bajpai, *Debating Difference: Group Rights and Liberal Democracy in India* (New Delhi: Oxford University Press, 2011), 31–69.

2 The question of whether these classes were to be identified on the basis of caste or class—i.e., economic criteria like income and land ownership or a combination of these and other factors—was a contentious issue well before Independence. The Constitution is therefore silent on how these groups are to be defined. This has important implications for state recognition of caste within minority communities, especially Muslims, as I will show. See Marc Galanter, “Who Are the Other Backward Classes?: An Introduction to a Constitutional Puzzle,” *Economic and Political Weekly* 13, no. 43/44 (1978): 1812–1828 for a genealogy of the category of Other Backward Classes from 1910s to the post-colonial period.

3 Gail Omvedt, *Reinventing Revolution: New Social Movements and the Socialist Tradition in India* (New York: M.E. Sharpe, 1993), 70.

4 Omvedt, *Reinventing Revolution*, 69.

5 To be sure, several other parties and organisations such as the All India Majlis-e-Ittahadul Muslimeen (AIMIM) and the All India Muslim Majlis-e-Mushawarat (AIMMM) have addressed the issue of caste hierarchy among Muslims and have also called for Muslims to be included in the list of SCs. See Rochana Bajpai and Adnan Farooqui, “Non-extremist Outbidding: Muslim Leadership in Majoritarian India,” *Nationalism and Ethnic Politics* 24, no. 3 (2018): 286; Laura Dudley-Jenkins, *Religious Freedom and Mass Conversion in India* (Philadelphia: University of Pennsylvania Press, 2019), 174–177. Nonetheless, the Morcha, the Mahaz, and other parties are distinct because they draw their membership from lower Muslim castes and have articulated a consistent critique of the elite character of Muslim leadership represented by parties like AIMIM and AIMMM and their focus on community rather than caste as the main axis of political organising.

6 Laura Dudley-Jenkins, “Becoming Backward: Preferential Policies and Religious Minorities in India,” *Commonwealth and Comparative Politics* 39, no. 2

7 Interview with Ejaz Ali quoted in Yoginder Sikand, "A New Indian Muslim Agenda: The Dalit Muslims and the All India Backward Muslim Morcha," *Journal of Muslim Minority Affairs* 21, no. 2 (2001): 289.

8 Arshad Alam, "Challenging the Ashrafs: The Politics of the Pasmada Muslim Mahaz," *Journal of Muslim Minority Affairs* 29, no. 2 (2009): 179.

9 Alam, "Challenging the Ashrafs," 172.

10 In the view of Ali Anwar and others who went on to form the Mahaz, Sheikhs constituted an Ashraf caste, and supporting the state government's decision to define them as backward effectively meant a dilution of the rationale behind reservations and indeed, of the problem of caste among Muslims. See Khalid Anis Ansari, "Pluralism, civil society, and subaltern counterpublics: Reflecting on Contemporary Challenges in India through the case study of the Pasmada Movement," Pluralism Working Paper (2011): 26.

11 Sikand, "A New Indian Muslim Agenda," 289, 291, 296.

12 Interview of Ali Anwar in Yoginder Sikand, "Voice of the Oppressed: Empowering Dalit Muslims," *Communalism Combat*, November, 2005, accessed August 10, 2020, <https://www.sabrang.com/cc/archive/2005/nov05/dalit1.html>

13 See Anand Teltumbde, ed., *Hindutva and Dalits: Perspectives for Understanding Communal Praxis* (New Delhi: SAGE Samya, 2020), revised edition.

14 Dilip Menon, *Introduction to The Blindness of Insight: Essays on Caste in Modern India* (Chennai: Navayana, 2006), x.

15 Sikand, "Voice of the Oppressed: Empowering Dalit Muslims."

16 Marc Galanter, *Competing Equalities: The Indian Experience with Compensatory Discrimination* (Berkeley: University of California Press, 1984), 147.

17 Ali Anwar, Masawat Ki Jung, trans. Mohammad Imran Ali and Zakia Jowher (Delhi: Indian Social Institute, 2005), 10.

18 Charles Lindholm, "Paradigms of Society: A Critique of Theories of Caste among Indian Muslims," *European Journal of Sociology* 26, no. 1 (1985): 131–141.

19 Imtiaz Ahmad, "The Ashraf-Ajlaf Dichotomy in Muslim Social Structure in India," *Indian Economic and Social History Review* 3, no. 3 (1966): 268–278.

20 Khalid Anis Ansari, "Rethinking the Pasmada Movement," *Economic and Political Weekly* 44, no. 13 (2009): 8.

21 Santosh Kumar Rai, "Social histories of exclusion and moments of resistance: The case of Muslim Julaha weavers in colonial United Provinces," *Indian Economic and Social History Review* 55, no. 4 (2018): 562–570.

22 See, for example, the first major scholarly work on caste among Muslims in the postcolonial period. Ghaus Ansari, *Muslim Caste in Uttar Pradesh: A Study of Culture Contact* (Lucknow: Ethnographic and Folk Culture Society, 1960). See also Imtiaz Ahmad, ed., *Caste and Social Stratification among Muslims in India*

(New Delhi: Manohar Publications, 1971).

23 Sikand, "A New Indian Muslim Agenda," 290. See also Sikand, "Voice of the Oppressed: Empowering Dalit Muslims."

24 Susan Bayly, *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age* (Cambridge: Cambridge University Press, 1999), 207.

25 Anupama Rao, *The Caste Question: Dalits and the Politics of Modern India* (Berkeley: University of California Press, 2009).

26 Dudley-Jenkins, *Religious Freedom*, 158–179.

27 Rowena Robinson, "Minority Rights versus Caste Claims: Indian Christians and Predicaments of Law," *Economic and Political Weekly* 49, no. 14 (2014): 82–91.

28 Nicholas Dirks, *Castes of mind: Colonialism and the making of modern India* (Princeton, Princeton University Press, 2001), 43–60; Bernard Cohn, "The Census, Social Structure, and Objectification in South Asia," in *Caste in History*, ed. Ishita Banerjee-Dube (New Delhi: Oxford University Press, 2010)

29 Bayly, *Caste, Society and Politics in India*, 187–232.

30 Rao, *The Caste Question*, 131.

31 Arjun Appadurai, "Number in the Colonial Imagination," in *Orientalism and the Post-Colonial Predicament*, ed. Carol Breckenridge and Peter van der Veer (Philadelphia: University of Pennsylvania Press, 1993).

32 Rao, *The Caste Question*, 133.

33 Faisal Devji, *Muslim Zion: Pakistan as a Political Idea* (London: Hurst, 2013), 51, 83.

34 Devji, *Muslim Zion*, 166–168.

35 Rao, *The Caste Question*, 133.

36 Rao, *The Caste Question*, 135–136.

37 Devji, *Muslim Zion*, 81–85.

38 Khurshid Yusufi, ed., *Speeches, Statements and Messages of the Quaid-e-Azam*, vol. 2 (Lahore: Bazm-e-Iqbal, 1996), 1092.

39 Santosh Kumar Rai, "Muslim Weavers' Politics in Early 20th Century Northern India: Locating an Identity," *Economic and Political Weekly* 47, no. 15 (2012): 61–70.

40 Mohandas Karamchand Gandhi, "Speech at Minorities Committee Meeting (13-11-1931)," in *The Collected Works of Mahatma Gandhi* (New Delhi: The Publications Division, Ministry of Information and Broadcasting, Government of India, 1971), 296–298

41 Devji, *Muslim Zion*, 171–72.

42 Bajpai, *Debating Difference*, 32.

43 Hari Narake et al., eds., *Dr. Babasaheb Ambedkar: Writings and Speeches*, vol. 17, part 1 (New Delhi: Ministry of Social Justice and Empowerment,

Government of India, 1982), 247.

44 Robinson, "Minority Rights versus Caste Claims," 84.

45 Devji, *Muslim Zion*, 198–99.

46 Steven Wilkinson, *Votes and Violence: Electoral Competition and Ethnic Riots in India* (Cambridge: Cambridge University Press, 2004), 110.

47 Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Bombay: Oxford University Press, 1972), 151.

48 Bajpai, *Debating Difference*, 67.

49 Khalid Anis Ansari, "Pluralism," 29.

THE POWER OF VULNERABILITY: A CASE STUDY OF DIRECT ACTION WITH THE SWEDISH EXTRA-PARLIAMENTARY LEFT

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Abstract

This article, based on a case study of direct action within the Swedish extra-parliamentary left, offers an investigation of political resistance as an embodied activity heavily associated with bodily vulnerability. In doing so, the article challenges the description of the extra-parliamentary left as a ‘violent extremist environment,’ offered by Swedish state authorities. The case study draws upon ethnographic field work, carried out through a combination of focus groups and in-depth interviews with activists from a range of groups within the Swedish extra-parliamentary left. The activists’ embodied experiences of participating in direct action are analysed through the theories of Barbara Sutton, Sara Ahmed, and Judith Butler. This analysis suggests that putting one’s own body at risk, as the activists do when making themselves targets of state-sanctioned police violence, strengthens the argument of the activists, their incentives to further resistance, as well as the relationships within the movement. The community building and care practices called upon by this exposure to police violence are suggested to be among the most dangerous features of the extra-parliamentary left.

Introduction

‘If you are going to an anti-fascist protest and the cops are worked up, you know it’s probably going to be violent,’ Iris says, faced towards me and three of her fellow activists.¹ ‘That’s tough, but at least I’m prepared for it. It’s much worse when you think “we should just hold a small banner, we should just share some flyers, it’s no big deal”... and then *chaos* emerges!’ We are gathered in Annelie’s living room, listening to Iris sharing her experience of direct action. I am invited as a researcher, while Iris, Annelie, Audre, and Louise are representatives of the multifaceted movement typically referred to in terms of the autonomous, the radical or—as in this article—the extra-parliamentary left.^{2;3;4}

In Sweden, the extra-parliamentary left is identified as one of three ‘extremist environments’ by state authorities.^{5;6} The movement

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is grouped together with neo-Nazism and Jihadism under the label 'violent extremism,' based on the assumption that the members of these environments share one conviction: that the social system needs to be changed through violent and illegal measures.⁷ In the 2019 annual report of the Swedish Security Service (Swedish: *Säkerhetspolisen*, abbreviated SÄPO), 'violent left-wing extremism' is described as a threat against the democratic order and associated with the use of systematic violence, weapons, and explosives.⁸

As Iris explains above, and as this article suggests, involvement in the extra-parliamentary left is more associated with activists being *exposed* to violence than with activists being violent *themselves*. Likewise, several leading Swedish academics have objected to the portrayal of direct action—which historically has been part of the struggle for democracy—as 'violent extremism.'^{9,10} This article suggests that activists who show up together to oppose state policy are dangerous towards liberal democracy, but not because they use violence.

The article is based on focus groups and in-depth interviews with activists from within the Swedish extra-parliamentary left, which are analysed through three strands of feminist thought on embodiment and resistance. The methods and theories used are presented in the section following the introduction. Next follows the analysis, which is summarised in the concluding section. Before presenting the case study, the article begins with a short introduction to social movements, direct action, and contentious politics, after which it questions the lack of bodies in social movement research.

Direct action and 'the streets' as sites of contention

Social movements—unlike organisations, political parties, or associations—do not consist of registered members, but of participants in the activities of the movements.¹¹ Therefore, I would argue, participating in a social movement is already in itself an activity which involves the whole body. Furthermore, participants in social movements are distinguished from other political actors by their use of protests as a primary method for political advocacy. Thus, 'social movement politics is still to a large extent "politics in the streets."¹² While many former social movements have been transformed into professional organisations,^{13,14} the extra-parliamentary left keeps the practice of 'politics in the streets' alive.¹⁵

The extra-parliamentary left is a network of groups loosely tied together by shared tactics and goals.¹⁶ Groups within this movement usually have a non-hierarchical internal structure and may be purposefully short-lived.¹⁷ As their goal is structural change they work outside the framework of institutionalised politics and do not rely on mainstream forms of communication.¹⁸ Accordingly, it is not meaningful

or even possible to define the extra-parliamentary left by outlining which groups constitute this movement. Rather, the extra-parliamentary left is defined by the radical left-wing ideology made visible in the practice of its participants.^{19;20} While believing that social justice is possible and desirable, activists within the extra-parliamentary left do not expect institutional or parliamentary powers to bring this about.²¹ Instead, activists of the extra-parliamentary left take matters into their own hands through direct action—which is the focal point of this article.²²

Direct action is a form of collective action, which does not ask for change to happen in the future, but rather intervenes in the present in order to bring about the desired change.²³ In order to highlight the conflicting interests of the actors and their opponents, direct action can also be described as a form of *contentious politics*.²⁴ My argument in this article is that the temporary contentions which arise in the streets when direct action is practiced mirror an ongoing contention about why some lives are protected by the state, while others' are perceived, by the same, as disposable.²⁵ 'The streets' become a metaphor for any possible place for direct action, and are therefore described as *sites of contention*—or, sites where the people-state relationship of modern liberal democracy becomes visible.

The absence of bodies in social movement research

While previous research on social movements and political resistance has tended to focus on the cognitive—and later on the emotional—aspects of collective action, the aim of this article is to highlight, as well as to investigate, the physical or bodily aspects of participation in direct action.^{26;27}

The idea of a binary division between intellect and body is based not only on the understanding of one as the opposite of the other, but also of the former as superior to the latter.^{28;29;30} When researchers at 'the emotional turn' started to show interest in the role played by emotions in social movements, emotions were interpreted as stemming from cognitive, rather than bodily, processes in order to counteract a tendency to read social movement participants as 'irrational'.³¹ This over-emphasis on the rationality of emotions meant that focus was not shifted from the cognitive aspects of collective action, for which reason there is still a lack of research on the role of the physical body in social movements.^{32;33;34;35} This article aims to bring this body back into social movement research by exploring in what ways the activists' bodies are involved in, and affected by, direct action.

Thus, the aim of this article is twofold. On the one hand, it aims to initiate a broader understanding of the extra-parliamentary left, based on the assumption that there is something more to the activities of this movement than violence. On the other hand, the aim is to highlight

the agency of the body in social movements and collective action, using the extra-parliamentary left as an example of a movement in which the embodied aspects of making resistance become highly visible.

The case study

The article emerges from qualitative research on direct action within the Swedish extra-parliamentary left, conducted in 2019 through ethnographic interviews with activists from independent groups within this movement.³⁶ During the research process, I conducted two focus group interviews^{37,38} and five in-depth interviews^{39,40} with a total of thirteen activists. The seven interviews ranged from 80–140 minutes, giving me a rich and comprehensive body of material with which to work.

The first focus group, which consisted of Annelie, Iris, Audre, and Louise, will be referred to as The Anarchists, as they chose to self-identify. The second focus group, which will be referred to as The Animal Rights Activists, consisted of Maria, Rikki, Stina, and Lina. In addition to these focus group interviews, I interviewed Sasha, Elisabeth, Leo, Emma, and Anders individually on different occasions.⁴¹ The thirteen participants were active in different groups within the extra-parliamentary left, in five of the larger cities in Sweden. Their ages ranged from twenty to fifty, and they had experiences of direct action on issues such as refugee rights, anti-fascism, squatting, labour unionism, anti-militarism, animal rights, climate justice, feminism, and LGBTQ+ rights. The research behind this article thus captures experiences shared by activists of different generations, living in different geographical areas and working on different, but overlapping, issues.

The names I use when I refer to the participating activists are all pseudonyms, chosen by themselves or by me. I have translated the quotations from the interviews from Swedish to English, as well as edited them slightly for readability. Italics are used to indicate where the participants put emphasis during the interviews.

Research methods

While the extra-parliamentary left is not easy to access from the outside, the ethnographic approach of this case study enabled me to use my own experiences and contacts from within this movement to gain access to interviewees and to earn their trust.^{42,43,44} I contacted the activists through chain-referral, starting with activists I had met at protests and asking them to refer me to other activists.⁴⁵ Inspired by the framework of participatory action research, I maintained contact with all of the interviewed activists during the research process in order to receive their feedback on my empirical analysis.^{46,47,48}

Doing research on bodily involvement in direct action requires

methods which can help produce knowledge from lived experience. Participant observation, as well as street phenomenology, were considered at an early stage of the research process.^{49;50} I chose interviewing as a way to comprehend the participants' own narratives on past events, getting a thick description of their overall experience of direct action.⁵¹ It would, however, be beneficial to combine interviewing with other ethnographic methods in future projects on this matter, as this would provide more perspectives on the activities studied and give opportunity for both the researcher(s) and the participants to involve their bodies in the research process to a greater extent.

The in-depth interview, which is a formal conversation in which the researcher addresses open-ended questions to the participant, gives an opportunity for deep exploration of individual experiences on the research subject.^{52;53;54} This approach does, however, isolate the participants from their social context and gives researchers a disproportionate power to impose their own framework of meaning upon the participants and their narratives.^{55;56} For this reason, I combined in-depth interviewing with two focus group interviews in which participants were interviewed together in groups of four. The participants in each group all knew each other beforehand and had experience of participating in direct action together.⁵⁷

All interviews were held at locations chosen by the participating activists, semi-structured by a thematic interview guide, and recorded.^{58;59} The semi-structured design of the interviews meant that my questions were open-ended and the conversation followed the narratives of the participants.⁶⁰ During the focus group interviews, I acted more as an observer than as an active participant in the conversation.^{61;62} This setting made it possible for the participants to introduce themes which were not already identified and presented to them by me as a researcher.⁶³ The participants also helped deepen and challenge each others' narratives by sharing different perspectives on collective experiences, asking each other follow-up questions, and building upon each others' statements—creating a more rich and challenging narrative compared to the individual interviews.

The recordings from the interviews were transcribed⁶⁴ and thereafter analysed through an interpretative phenomenological analysis.⁶⁵ This method of analysis could be considered a form of thematic analysis,⁶⁶ but differs from similar methods by centring on how the participants themselves interpret their lives and experiences.⁶⁷ In order to acknowledge the epistemological and ethical advantages of the focus group method discussed above, I began the formal analysis by focusing exclusively on the material from the focus group interviews.

Through careful readings, the material was divided into sub-themes which were grouped together into four thematic clusters or main themes.⁶⁸ Two of these themes—to resist and to be part of a movement—

clearly corresponded to my research questions and were introduced by me in all interviews. The two last themes—*facing repression* and *power and resistance within the movement*—were addressed by the participants themselves and could be identified through close readings of the material. The material from the in-depth interviews was later thematised in accordance with the themes identified through this process.

Theoretical framework

The themes identified were further explored through a theoretical framework encompassing three strands of feminist thought on embodiment and resistance. Barbara Sutton's notion of embodied resistance as both 'giving' and 'risk-taking' helped explore bodily experiences of resistance as something more than mere confrontation with an opponent. The violence experienced by activists when engaging in direct action was explored through Sara Ahmed's queer phenomenology, which helped conceptualise embodied resistance as deviation from the normality of liberal democracy. Lastly, Judith Butler's 'plural performativity' enabled an exploration of what happens when bodies act together in assembly and deepened the understanding of the bodily vulnerability already highlighted in the works of Sutton and Ahmed.

This paper refers to this framework as *embodied resistance*,⁶⁹ not just in order to address a specific form of resistance, but to offer a specific understanding of resistance. Through this framework, resistance is understood as something that engages, invests, and departs not only from the physical body, but from the whole body—including flesh, emotions, and cognitive functions. Below, the three strands of feminist thought are conceptualised as *putting the body at stake*, *deviating from normativity*, and *coming together*.

Putting the body at stake

Barbara Sutton develops her theory on embodied resistance through an empirical case study of women's embodied experiences of oppression and resistance in early 21st century Argentina—a nation affected by economic crisis as well as intensified mobilisation of social movements.⁷⁰ Sutton, herself born and raised in Argentina, shows how neo-liberal politics affect female bodies, but also how the women resist this political paradigm with the same bodies.

Sutton builds her theory upon the Latin American expression *poner el cuerpo*, which is used to describe a certain way of using the body. As she informs us, the expression 'poner el cuerpo' is not easily translated into English:

Literally, this phrase means, 'to put the body,' which does not quite

translate from Argentine Spanish to English. The notion of *poner el cuerpo* has some overlaps with 'to put the body on the line' and to 'give the body,' but, as it will be shown later, it transcends both notions. With respect to political agency, *poner el cuerpo* means not just to talk, think, or desire, but to be really present and involved; to put the whole (embodied) being into action, to be committed to a social cause, and to assume the bodily risks, work, and demands of such a commitment. *Poner el cuerpo* is part of the vocabulary of resistance in Argentina and implies the importance of our material bodies in the transformation of social relations and history.⁷¹

Since 'poner el cuerpo' refers to both risk-taking and giving, I suggest it could be translated to 'putting the body at stake'. This expression, and the translation of it, helps deepen the understanding of the embodied aspects of making resistance. It does not only describe the bodily actions performed by the activists but also how the resistance is incorporated in the bodies of the activists who—as will be outlined further on—make resistance by simply showing up. Hence, except for being performed by bodies, the embodied resistance also expresses needs rooted in the materiality of the bodies performing it.⁷²

Deviating from normativity

Feminist phenomenology has been developed in order to emphasise the impossibility of deriving 'universal' human knowledge from individual experience, since social structures create different living conditions for different groups of people.^{73,74} Sara Ahmed's 'queer phenomenology', which is inspired by Maurice Merleau-Ponty's idea of the body as a starting point from which the world evolves,⁷⁵ is centred on the experience of deviating from the heteronormative standard of society.⁷⁶

'Orientation'—as in sexual orientation—is central to this phenomenological approach.⁷⁷ Orientations are, according to Ahmed, imposed by spaces in order to orientate bodies in the 'right' directions.⁷⁸ Ahmed uses the metaphor of 'straight lines' to describe how public spaces are shaped by, and therefore impose an orientation towards, heteronormativity.⁷⁹ When queer bodies appear in such a space, they disturb the order of the space and are therefore forced back in line with the orientation given by the space—with violence, if needed.⁸⁰ Thus, the relationship between bodies and spaces creates normativity. In this article, liberal democracy is understood as a straight line from which the participating activists are deviating by indulging themselves in direct action. By appearing in the streets, they disrupt public order and are therefore forced back in line by state authorities.

According to Ahmed, deviation has the potential to make

visible what has disappeared from the view of the general public.⁸¹ By deviating from the ‘straight lines’ of society, the participating activists show that there is something to deviate from.⁸² I will propose that the activists’ deviation from the order of liberal democracy makes the limits of this political system, as well as the violence needed to keep its order, visible. As will be suggested, the violence by which the people are being governed, becomes visible for the interviewed activists when they turn to the streets, but they also take their politics to the streets in order to make this violence visible to others.

Coming together

When Judith Butler presented her now well-known theory that gender is performative, it took its point of departure from the phenomenological perspective of Merleau-Ponty and Simone de Beauvoir.⁸³ The term ‘performativity’ was originally coined by J. L. Austin and initially aimed solely at describing a speech act which causes something to happen, or occur, in the very moment it is uttered.⁸⁴ Butler, who (rightly or wrongly) has been criticised for focusing too much on the power of language to constitute material reality,⁸⁵ has in recent years made what has been called a ‘phenomenological turn’,⁸⁶ and thus has begun to take a more explicit interest in the overlap between linguistic and bodily performativity.

In her performative theory of assembly,⁸⁷ Butler describes public gatherings as an opposition towards the idea that a political demand has to be written or verbalised: ‘the bodies assembled “say” we are not disposable, even if they stand silently’.⁸⁸ Likewise, the bodies of the interviewed activists seem to be read as more dangerous than the activists perceive themselves to be, suggesting that resistance does not have to be more spectacular than bodies gathering in public spaces.⁸⁹

Informed by Michel Foucault’s and Giorgio Agamben’s notion of biopower and biopolitics,⁹⁰ Judith Butler’s plural performativity revolves around the idea of ‘precarity’ as an experience with potential to create alliances between groups of people who have little more than this precarity in common.⁹¹ Butler refers to ‘precariousness’ as a politically induced-condition which renders certain social groups more exposed to insecure living conditions—such as poverty, illness, and violence—than others.⁹² In doing so, Butler turns away from identity as a starting point for common struggle.⁹³ In this article, *vulnerability*—both the vulnerability of other beings and of the activists themselves—is considered to be that starting point.

Three limbs of embodied resistance

Through the research and analysis process described above,

I identified three ‘limbs’ of embodied resistance. These three limbs—*spatial disobedience*, *bodily vulnerability*, and *becoming a body of bodies*—give shape to the analysis and are recognised as essential elements of the interviewed activists’ embodied experiences of direct action. When describing these experiences, I concentrate on three major ‘streets,’ or sites of contention, which are either highlighted by the interviewed activists themselves or reoccurring in several of the interviews.

The first site of contention is the streets outside of industrial slaughterhouses, where activists go in order to observe animal transports and to connect with the animals during their last moments in life. The second is public streets and squares where neo-Nazi organisations have been given permission to demonstrate by state authorities, and where anti-fascist counter-demonstrations are organised to stop them. The third site of contention is the streets outside of state detention centres, where activists organise blockades in order to prohibit the deportation of people who have migrated to Sweden.

Spatial disobedience

When the interviewed activists describe their experiences of direct action, many of the events they recall seem to be all about showing up and appearing at a site of contention. According to the activists, embodied resistance does not have to be more spectacular than standing, walking, or sitting in the ‘wrong’ place. In the first part of the analysis, I will explore this *spatial disobedience* and how the activists become affected when they show up in places where they are not welcome.

Sometimes, the ‘wrong’ place is a physical space behind a locked door or surrounded by a fence—as in Elisabeth’s experience of liberating animals, or Sasha’s experience of anti-militarist action. More often, the ‘wrong’ place is temporal, and given by the circumstances.⁹⁴ A street outside an industrial slaughterhouse or a state detention centre is just a street, free for anyone to roam, until the activists show up to protest or, rather, until the police show up to say that the activists need to leave the site.

Showing up and appearing is fundamental to the vigils which The Animal Rights Activists organise outside slaughterhouses on a regular basis. According to Maria, these vigils fulfil three purposes:

First of all, it is a way of putting pressure on the slaughterhouse, to show them that we *will* show up, and we will *continue to* show up, and we will watch what is happening here. Secondly, it’s also a way of getting in touch with the animals and being there for them for a short while before they die. In the other part of the manifestation, we stand with signs along the road, or wherever, in order to draw attention to the cause from people who drive or walk past. It’s like saying “It’s here!

In other words, the material bodies of the activists, appearing outside the slaughterhouse, show that there is resistance towards the meat industry—in a different way than a petition would. By appearing at this place of oppression, the bodies of the activists ‘say’ without the use of words,⁹⁵ ‘We know what is happening here and we do not accept it.’ As will be explored further in the following section, resisting bodies appearing out of place are read as dangerous because they challenge the logic of governing bodies.⁹⁶ By showing up in the ‘wrong’ place, the resisting bodies bring to mind what a multitude of bodies can actually do when being disobedient towards public order.⁹⁷

By appearing outside the slaughterhouse, the activists get to see the human-animal oppression with their own eyes, which makes it possible for them to bear witness to what they have seen. To see and to tell of what one has seen seems to be central to both focus groups’ narratives on direct action. Lina and the other Animal Rights Activists state that animals are ‘hidden away’ from society in order to ensure the possibility of their continued exploitation. The Anarchists say the same about the detention centres, where migrants who do not cooperate with state authorities can be locked up to await deportation.

According to Emma, Anders, and The Anarchists, what happens at the detention centres only becomes visible for those who are forced to stay there and for those who voluntarily go there to protest. To them, the fact that people, with little or no opportunity to make their own voices heard, are hidden away in the outskirts of society emphasises the necessity for activists to go there and to tell others about what they have seen. This highlights, I would argue, that the embodied resistance is not only about using the body to make resistance, but also about how this body is impacted by the resistance. By involving their whole bodies in the resistance,⁹⁸ not only their hands but also their eyes, the activists get to take part in a reality that they otherwise would not have had access to.

By appearing at a site of oppression, the activists are also able to support the ones who suffer from the oppression in question. Both The Animal Rights Activists’ vigils outside slaughterhouses and The Anarchists’ participation in blockades outside detention centres can be understood as *proxy resistance*—resistance being made against a kind of oppression which the activists are not themselves directly affected by.⁹⁹ ‘I saw things in the system which I had thought of before, but which had not yet sunk into my body,’ Leo tells me when speaking about what happened the first time he participated in a blockade at a detention centre. By putting himself ‘in a space where the violence takes place, and objecting to it,’ he received an embodied understanding of the unjust system he was already protesting.

As some forms of protests have been normalised as part of a democratic society,¹⁰⁰ direct action is still perceived as a threat towards liberal democracy in Sweden.¹⁰¹ When showing up out of place, the activists participating in this study disturb public order by deviating from the 'straight lines' of liberal democracy.¹⁰² By appearing in the streets outside a slaughterhouse or a detention centre, they transform a site of oppression into a site of contention.

They also make visible what has disappeared out of sight of the general public¹⁰³ — namely that while the state protects some lives, others are made disposable.¹⁰⁴ After having seen this with their own eyes, the interviewed activists develop a new point of departure from which they view society.¹⁰⁵ From this point forward, the activists are not only protesting against oppression but also against state policy. By appearing in the 'wrong' place, the activists become affected by the oppression they are resisting, and their proxy resistance is turned into a struggle for everyone's right to live liveable lives—as well as their own.

Bodily vulnerability

State-sanctioned police violence turns out to be a central element of the interviewed activists' experiences of direct action. The level of police violence which they experience when showing up at sites of contention indicates that they are indeed appearing in the 'wrong' place. By continuing to show up, they are literally *putting their body at stake*.¹⁰⁶ In this section, I will explore how police repression affects the interviewed activists and how their message is affected by the bodily vulnerability that this violence unveils.

When protesting against what are described as legal actions—deporting people out of the country, treating animals as goods, allowing neo-Nazi organisations to demonstrate—the interviewed activists are met with violence of a very explicit nature. During our interviews, one activist recalls being beaten up with batons while standing still with a banner, another being bitten by a police dog when sitting still on the ground and refusing to move when a police officer told them to do so. One of the interviewed activists tells me about having not only her clothes torn apart, but also her underwear ripped, as she was dragged in opposite directions by different police officers. One of the interviewed activists has been hit by a police car, another sustained a fracture as a consequence of police violence.

Putting one's body in the 'wrong' place thus involves exposing the body to the potential danger which is associated with embodied resistance.¹⁰⁷ To expose bodily vulnerability in this way could be understood as putting weight behind one's demands. It could also be understood as a way of exposing what is at stake—it is this body (or a body like this one, when it comes to proxy resistance) which is affected

by the issue the activists are protesting against.

Almost every one of the interviewed activists expressed that they were surprised by the level of violence they were met with while engaging in seemingly non-threatening activities such as standing, sitting, or walking in what turned out to be the ‘wrong’ place. ‘I have told some of them, quite frankly,’ Annelie says, ‘who do you think we are? We have no weapons, we aren’t educated, many of us are young bloody girls without muscles—what do you think we can do?’ What is interesting here is that the police seem to perceive not only large crowds, but also smaller groups of ‘young bloody girls without muscles,’ as such a great threat against public order that they consider it justified to enforce violence.

Leo tells me about his first experience of being subjected to such severe police violence that he had to receive professional health care for his injuries:

It took a while before it sank in, that things like this can happen. But once it had done so, there was no turning back. I’m a thinker and intellectually curious. I can change... but this experience settled into my body in a way that made it impossible to see a way back to a life without activism.

-Leo

Many of the interviewed activists can, in the same way as Leo, recall a certain event which, in retrospect, appears to be a point of no return, at which they decided to continue being disobedient towards state policy. The activists who were old enough to participate in the mobilisations against the 2009 United Nations Climate Change Conference, commonly known as the Copenhagen Summit or COP15, speak about these events as such a turning point. Others speak in a similar way about the mobilisations against the neo-Nazi marches organised yearly in Salem, a town south of Stockholm, at the beginning of the century. These events were special in the way that many of the interviewed activists experienced police violence for the first time during them. Elisabeth tells me that her first experience of direct action and police violence have shaped much of her view on state policy:

It’s obvious that the law and the police force defend the interests of the majority, and when you put yourself on the side of the oppressed, you get into trouble. Then you are no longer part of the group whose interests are to be protected. I have heard many others say this before, but since I myself have experienced it, I can verify it.

-Elisabeth

To experience, and to witness, police violence seems to

strengthen the interviewed activists' conviction that there is a need for resistance towards the system that legitimises this repression. The interviewed activists' first experience of police repression seems to become a point from which they turn their attention towards the violence upon which liberal democracy resides.¹⁰⁸ By persisting to appear in the 'wrong' place, the activists expose what has disappeared out of sight of the general public.¹⁰⁹ Enduring repression can therefore serve as a way of illustrating both the conflict between collective demands and state policy, as well as the state's treatment of bodies that do not adhere to the 'straight lines' of liberal democracy.¹¹⁰ Direct action thus reveals the amount of violence needed to maintain the system against which the interviewed activists are protesting.

By condemning violence practised by 'left-wing extremists' but still using this same method to discipline people targeted as such, state authorities disclose the paradox upon which they act: since direct action is framed as violent, whether it contains elements of violence or not, it should be fought off with violent methods. When an activist is beaten up by a police officer for protesting against the deportation of another human being, both the activist and the migrant are made disposable in the name of liberal democracy. Hence, direct action exposes the logic of the monopoly of violence, but it also reveals that politics is all about bodies and their survival.

Having experienced, endured, and survived police violence seems to make the interviewed activists aware of their strengths and less afraid of future violence. Furthermore, their desire to stand up for themselves and their fellow activists seems to add to their original struggle. The interviewed activists thus claim not only the right of humans and non-human animals to live — and to live good lives — but also their own right to protest against what they consider to be wrong.¹¹¹ The bodily vulnerability exposed when the activists are subjected to police violence therefore seems to strengthen the activists, as well as their will for continued resistance.

Becoming a body of bodies

The majority of the interviewed activists express that they experience a certain bond to other activists after having participated in direct action and endured police violence together. In this last section of the analysis, I will explore these relationships and how they give shape to the extra-parliamentary left. Social movements have been described as informal networks held together by a shared opponent and a distinct collective identity.¹¹² Here, the informal networks of the extra-parliamentary left will instead be illustrated as a *body of bodies*, held together by shared embodied experiences.

Both The Anarchists and The Animal Rights Activists highlight

a need for solid and reliable relationships in order to be able to resist together, but they also claim that engaging in direct action together creates such relationships. The activists participating in this study report that going through tough experiences together, such as sharing the pain of seeing animals being transported to the slaughterhouse or migrants being transported to the airport, tie them together. 'It's like... how can I put it... *serious*, what we do together,' Rikki, one of The Animal Rights Activists, explains, and continues: 'it's life and death.' Louise, one of The Anarchists, expresses something similar:

You have to trust your comrades—and you have to do it quickly. You end up in damn weird situations... violent, dangerous, *wonderful* situations together. It's really something special about those relationships, I think.

-Louise

By showing up at a site of contention, and therefore witnessing the oppression experienced by others, as well as exposing themselves to police violence, the activists participating in this study make themselves vulnerable. Leo and Elisabeth emphasise that this vulnerability, when shared, creates special bonds between activists. Sometimes, this feeling of connectedness between activists emerges at the very moment they are protesting together. Emma describes a feeling of being united with activists she does not already know, while participating in an anti-fascist counter demonstration:

Well, to be part of a human chain, or to stand together, seeing peers and comrades all around you, and to see—regardless if it's an older lady, or a young mother, or a student, or someone in black bloc—that there is such a determination in their eyes and in their body language... It's like their eyes are saying '*¡No pasarán!*'¹¹³ It's like setting a massive collective boundary. And we do this together even if we sometimes are completely different—some may vote, some may be anarchists, some may be representatives for the Green party, dear me! But to stand there together with people who are very different from you, that's glorious.

-Emma

By coming together, the bodies of the protestors seem to join each other in what Emma recalls as a 'massive collective boundary': united, not by their shared identity, but by their shared position and body language. Iris goes even further by claiming that she sometimes experiences this embodied connectedness to individual activists among others in a protest, based on their specific body language:

Even if you haven't formed a support group—when things start to happen, it's like I can see in some people, who I'm not already familiar with, that they have a certain awareness or gaze. If the cops try to do something, you will notice how some people start moving... It's like you become a network within the protest, without one person having said, 'Shall we form a group?', because you share those experiences. And I know that if something happens, they will come to my aid immediately!

-Iris

According to Iris, activists who share her experience of being exposed to police violence, move their bodies in a certain way and have adopted a certain gaze. It seems like the experience has created an embodied awareness which is communicated to, and recognised by, others who share the same experience. The gaze plays an important part in both Iris' and Emma's narratives, and seems to be a method of communication between activists in situations where it is not possible, or advisable, to use words—Emma goes as far as speaking about eyes saying slogans.

Shared embodied experiences among activists who show up at the same site, communicated through body language, seem to create a sense of connectedness and trust among the activists. According to Iris, she knows the other activists will come to her aid if needed, based on what their bodies tell her about their experiences. What Iris refers to as 'a network within the protest,' resembles what Butler calls 'bodies in alliance'—an alliance which is not reducible to a collection of individuals but is based upon the relationships between its participants—here established through silent communication between activists.¹¹⁴

Since this alliance is something else, something more, than a gathering of people sharing an intellectual stance, I would like to suggest that the community of resistance that emerges when bodies appear together at a site of contention, and communicate with each other without using words, could be understood as a *collective body*,^{115,116} a *social body*,¹¹⁷ or a *body of bodies*. Imagining the extra-parliamentary left as a body of bodies highlights two aspects that seem crucial for the continuation of a movement like this, namely *community* and *care*.

For many of the interviewed activists, community and care are in fact fundamental to why they stay in the movement and to how they cope. Together, they mention care practices such as eating dinner or having movie nights together after a big event. As Rikki explains, there is usually both a need to debrief what has just happened, but also a need to focus on something else, something positive. To wait outside jail when someone has been arrested, to attend trials when fellow activists are being prosecuted, or to raise money to pay someone else's fines are other ways of taking care of each other that are mentioned during the

According to Elisabeth, the comfort and care which activists show each other, during and after participation in direct action, creates intimate relationships between them that resemble family ties. In other words, at the same time as the experience of vulnerability itself seems to tie the activists together, this vulnerability also calls for building community and taking care of one another—practices that tie the activists together even more. By strengthening the connections between activists, the ‘body of bodies’ becomes more resilient to police violence, making it more prepared for further disobedience. The community-building and care practices carried out by activists within the extra-parliamentary left thus seem to make the movement even more dangerous.

Concluding remarks

The aim of this article has been to initiate a broader understanding of the extra-parliamentary left, based on the assumption that there is something more to this movement than ‘violent left wing-extremism’, as defined by Swedish state authorities. By interviewing thirteen activists from different groups within the Swedish extra-parliamentary left and analysing these interviews through three strands of feminist thought on embodiment and resistance, I have offered another reading of this movement and why it is perceived as dangerous. The activists expose the logic of liberal democracy by appearing in the ‘wrong’ place, turning these places into sites of contention, and making themselves targets for state-sanctioned police violence. I have also suggested that the activists are able to be persistent in their spatial disobedience by becoming a *body of bodies* who care about one another in the face of this violence. Therefore, I am proposing that the power of the extra-parliamentary left is not violence, but vulnerability.

While the participating activists emphasise care and community as fundamental to their engagement in the extra-parliamentary left, they also stress that this is not a priority for everyone within the movement. In doing so, they make a distinction between themselves and the activists which they pejoratively refer to as ‘the macho left’ or ‘the antifa dudes’. They argue that these activists, participating in the most spectacular and confrontational protests, become ‘poster boys’ for the extra-parliamentary left without participating in the community-building and care work needed to keep the movement alive. When Swedish state authorities refer to the members of the extra-parliamentary left as ‘violent extremists’ they seem to reproduce an image of the typical member being a violent ‘antifa dude’. This article, and the research behind it, suggests a more complex reality. The gendered aspects of these findings offer an area for further exploration.

The second aim of this article has been to highlight the agency

of the body in social movements and collective action, using the extra-parliamentary left as an example of a movement in which the embodied aspects of making resistance become highly visible. By developing and adopting a theoretical framework on *embodied resistance* I have addressed not a specific form, but a specific understanding, of resistance. Through this theoretical framework I have identified three 'limbs' of embodied resistance: *spatial disobedience*, *bodily vulnerability*, and becoming a *body of bodies*.

By exploring the relationship between resisting bodies and three sites of contention, I have portrayed *spatial disobedience*—activists showing up in the 'wrong' place—as a fundamental part of direct action. By appearing in a place where they are not welcome, the activists report having experienced an exposure to an oppression hidden away from the general public. This experience made activists oriented towards an understanding of liberal democracy as protecting some bodies, but certainly not all.

As the interviewed activists showed up at sites of contention, their bodies became targets of state-sanctioned police violence. By deviating from the normality of liberal democracy, the activists found themselves perceived as a threat against public order and thus targets of disciplinary violence. This implies that the *bodily vulnerability* exposed by direct action and police violence strengthens the argument of the activists and their incentives to further resistance, as well as the relationships within the movement.

I have highlighted this *bodily vulnerability*, as well as the interconnectedness between activists that appears when it becomes visible and shared, by suggesting that a social movement invested in embodied resistance could be depicted as a *body of bodies*. Describing the extra-parliamentary left in this way emphasises two aspects that are crucial for the continuation of a movement like this, namely community and care. The interviewed activists reacted to police violence by building a stronger community and by taking care of each other. This ultimately stands out as one of the biggest threats towards state policy and public order—the love and loyalty upon which the extra-parliamentary left builds resilience.

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Notes

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COUNTERING NEOLIBERALISATION BY HARNESSING THE LOCAL STATE? THE ROLE OF SOCIAL MOVEMENTS IN MUNICIPALIST CAMPAIGNS. A COMPARATIVE STUDY OF ARGENTINA, GERMANY AND THE USA

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Abstract

The emergent 'new municipalism' movement aims to contest the effects of neoliberalisation across different towns, cities, and communities across the world. Through locally situated activism and citizens' initiatives, the movement critically engages with local commons, economic democracy, state transformation and democratic ownership. Simultaneously, recent years have also seen the emergence of (re)municipalisation: the process of localities and communities bringing formerly privatised assets and services back into public ownership with more than 1,400 cases since the early 2000s. To highlight the varied character of municipalism, this article seeks to describe and compare three different experiences with (re) municipalisation in Argentina, Germany and the United States: *Ciudad Futura*, a movement active in the city of Rosario and its dairy cooperative; *Westfalen Weser*, an intermunicipal utility company in the rural region of East Westphalia; and social movement campaigns in the city of Boulder, Colorado, pushing for the municipalisation the city's energy grid. It identifies protagonist actors and explores the degree to which civil society and state agencies are engaged in promoting municipalist local politics. Specifically, it explores how municipalist campaigns are working 'in, against, and beyond' neoliberal state structures, institutions, and agencies, and to what extent they differ with regard to the possibilities and limitations of social movements' and citizens' active engagement in (re)municipalisation processes. Our findings suggest that most of the activities described are working in the state, either driven within and from state agencies or by activists trying to engage with (and transform) existing state structures.

Since the 1970s, there has been a global push towards the privatisation of social infrastructure and public service provision, whereby market-oriented forms of governance have displaced previously-operating welfare regimes.¹ Scholars such as Peck and Theodore² understand this phenomenon as a process of *neoliberalisation*: 'A moving matrix of articulations' as an 'ongoing state of contested reconstruction' across 'multiple sites, struggles, situations and settings'.³ This paper is situated within the contestation and struggle around neoliberalisation and focuses on the growing 'new municipalist' movement and its interlinkages with (re)municipalisation.

(Re)municipalisation refers to the process of cities taking 'formerly privatised assets, infrastructure and services back into public ownership'.⁴ Since 2000, more than 2,400 cities in fifty-eight countries have brought essential services back into public control.⁵ Several (re)municipalisations have been initiated and/or accompanied by 'contentious collective action'⁶ in the form of local activism via street and social media campaigns, referendums, petitions, and engagement with diverse political mechanisms.

Simultaneously, the 'new municipalist' movement champions a progressive, bottom-up approach to local governance. It comprises social movements and citizens' initiatives that contest the effects of neoliberalisation on their towns, cities and communities and seek to engage critically with 'the public spaces of the municipal state'.⁷ Through a politics of proximity, new municipalist movements seek to 'democratise' institutions such that decision-making and power are distributed outwards.⁸ Across the varied landscapes of neoliberalisation and its contestation, Cumbers and Paul regard (re)municipalisation as an 'actually existing' form of municipalism. To understand this phenomenon thus requires being attentive to diverse mundane municipalisms that take place 'on the ground' and to their situatedness within particular times and spaces of local governance.⁹

Understanding municipalism requires a focus on the involvement of civil society, social movements, local politicians, political parties, and government agencies within their own contexts. While some municipalist movements focus on functioning outside of the state as alternatives, reclaiming the notion of 'autogestion' or self-governance, other municipalist projects seek to develop new forms of governance within state institutions or government agencies, such as running for local office in city elections. In other instances, we can see local governments conducting (re)municipalisation as cross-partisan projects, at times fostering co-owned service provision between the local state, civil society groups and/or unions.¹⁰

Given that background, this paper aims to highlight the varied

character of municipalism through a comparative case analysis of three (re)municipalisation processes.¹¹ To do this, we will draw on local press reports, meeting documentations, radio interviews, and website and social media content relating to involved cities, movements, and organisations. The three cases to be compared are the new municipalist platform Ciudad Futura (Future City) in Rosario, Argentina; the City of Boulder's attempt to municipalise local energy provision in Colorado, USA; and the (re)municipalisation of energy corporation E.ON's shares through an intermunicipal utility company in rural East Westphalia, Germany. To grasp the degree of citizens' involvement in these processes, the article is guided by the question: 'To what extent do local processes of (re)municipalisation counter neoliberalisation, and how do they express through strategies going in, against and beyond the state?'

The paper is structured as follows: First, a theoretical overview develops an understanding of municipalism 'in, against, and beyond' the state. Second, the three cases are introduced with a brief overview which specifically focuses on the actors involved in each example. Thirdly, we compare how these cases can be seen to work 'in, against and beyond' the neoliberal state, respectively. The conclusion will reflect on what our comparison contributes to the literature on new municipalism, and what directions emerge for further research.

Municipalism 'in, against, and beyond' the state

For social movements throughout the twentieth and twenty-first centuries, the extent to which they should attempt to engage with the state is a contested issue. Different schools of thought advocate either for a seizing of the state through revolution, an engagement with the state to reform, or in some instances a refusal to engage at all, instead placing efforts and energies in building autonomous experiences. In understanding how social movements at the municipal level can work 'in, against and beyond' the state, the work of Jessop¹² and Holloway¹³ is useful. Both scholars conceptualise the state as being shaped by social relations, with Jessop stating that there 'can be no adequate theory of the state without a theory of society' and Holloway arguing against the 'fetishisation of the state' and instead for a recognition that it is embedded 'as just one node in a web of social relations'.¹⁴

For Jessop,¹⁵ understanding the state as being shaped by social relations offers a great deal of clarity by which we may understand social movements' engagement with it. State institutions can be configured as 'dynamic sites of struggle and contestation' due to the way that 'struggle within and outside of the state can shape its form and function'.¹⁶ This tallies with new municipalist social movements, for whom the ultimate goal is not about winning power through local elections and then enacting progressive policies, but instead about

'coordinating and manipulating' the institutions that already exist while building new ones.¹⁷ Russell stresses that as progressive policy outcomes could 'hypothetically be implemented by a traditional social-democratic party,'¹⁸ for new municipalists, progressive policies should be seen as 'positive symptoms of a political project that is not *fundamentally* about the policies themselves ... but about the construction of new 'forms of organisation' of everyday activities.'¹⁹ Aiming to 'make power emerge' outside institutional settings, while transforming and shaping them from within, municipalist movements can be seen to pursue transformative politics in, against and beyond the state.²⁰ Jessop's 'strategic selectivity' in which the state form both represents and continuously modifies subject and class relations is important for the specific courses of action taken by municipalist movements.²¹ State institutions strategically privilege 'some actors, some identities, some strategies, some spatial and temporal horizons, some actions over others.'²² This is important for the success of shaping and transforming institutional settings from within, and for transforming local balances of forces profoundly and sustainably.²³

However, Holloway would disagree. For him, the ultimate mistake of social movements has been their underestimation of 'the degree of integration of the state into the network of capitalist social relations.'²⁴ This integration does not mean that the state can be shaped by struggles, but rather that it will temper emancipatory ideals as social movements and revolutionaries become shaped by the state. Thus, Holloway argues, the focus of leftist movements should be about what he terms 'cracking', intervening in the broader collection of social relations out of which the state emerges, rather than seeking to seize or influence state power.²⁵

Understanding the degree to which the state is integrated into the network of capitalist social relations is especially important when considering how neoliberalism is configured at the local level. While neoliberalism is globally hegemonic, it is not a homogenous and homogenising juggernaut but instead 'takes different forms in different places and times' in an uneven process that Peck and Theodore argue is better understood as 'neoliberalisation.'²⁶ They define neoliberalisation as a 'restructuring ethos, proactive [...] in form and programmatically transformative in scope and ambition, and as a result in an ongoing state of contested reconstruction.'²⁷ Cities and urban spaces are crucial to this reconstruction, with Theodore arguing that it has largely been through the 'politico-institutional reorganisation of urban economies that the ideological hegemony of neoliberalism has been achieved.'²⁸ In this way, it can be said that neoliberalisation has reshaped the strategic selectivity of local state apparatuses.

That the local and urban scale 'is pivotal to neoliberalism's mutations and trajectories' is recognised by new municipalist social movements, many of which emerged in opposition to the social and

welfare retrenchment of austerity, and which seek to challenge and reverse neoliberal economic development – which is largely focused on extractive property speculation and land values.²⁹ However, once in office, some of the social movements have been limited by the nature of the neoliberal local state, in ways which resonate with Holloway. This has been the case with the new municipalist citizen platforms that won electoral power in Spain, who were to some extent restricted from expanding investment in urban infrastructure or implementing policies to reverse austerity. Nationally-imposed restrictions on the replacement of public sector employees meant that the municipal workforce could not be expanded, and thus that the (re)municipalisation of larger services was rendered ‘de facto impossible.’³⁰

Both Jessop and Holloway offer pertinent insights for thinking about how social movements can work in, against and beyond the local state (Table 1). Most municipal movements seek to engage in some way with the institutions of the local state, and all municipalities are ultimately concerned with issues of power. With this in mind, understanding how municipalist campaigns can shape the state, but also can concurrently limit transformation, is particularly salient for municipalist movements.

TERM	DEFINITION
The neoliberal state	The hegemonic network of social relations between governmental actors, with legislative, jurisdicative, executive power.
In	Working within the frame of the state, using tools such as referenda, proposing bills, court appeals or council votes and ballots.
Against	Contesting the hegemonic reproduction of the social relations that form the neoliberal state and building alternative politics outside of capitalist social relations and institutional settings.
Beyond	Reimagining the state beyond its administrative scales and legal borders, towards an intermunicipal network of spaces beyond given antagonisms, and constructing a public governance oriented at the commons.

Table 1: Analytical concepts

Russell states that, ‘to argue for a municipalist politics is to argue for place-based strategies that transform our relationship to our territories and how they are currently governed.’³¹ In the following

sections, examples of municipalist campaigns in Germany, Argentina and the USA will be examined to assess the areas in which each of these movements can be seen to have worked in, against and beyond local state institutions, and whether they have been able to transform their territories by countering neoliberalisation.

Moving ‘in, against, and beyond’ the state: Municipalism in Rosario, Boulder and East Westphalia

The following section depicts the process of (re)municipalisation within the context of these three places, in order to reflect on the degree to which they counter neoliberalisation ‘in, against and beyond’ the state. Ciudad Futura (Future City) is a municipalist movement which has been active in Rosario, Argentina, for more than a decade, promoting grassroots solutions to food access and distribution, which are crucial issues in the contexts of the economic crisis and the ongoing pandemic. In the region of East Westphalia, Germany, the (re)municipalisation of utility company Westfalen Weser was both the result of unfulfilled expectations connected to privatised service provision, as well as a corporate strategy shift of the private company itself. Finally, in Colorado USA, the City of Boulder Council has been engaged in a lengthy battle to ‘democratise, decentralise and decarbonise power’ in the city through a municipalisation of energy provision, currently provided by Xcel Energy.

Ciudad Futura and its dairy cooperative: A municipalist movement in Rosario, Argentina

Rosario is one of the most populated and dense Argentinian cities. On the west bank of the Paraná River, the city is located in a strategic position for the commercial network developed by the Southern Common Market (MERCOSUR) trade area in South America and is promoted as a ‘global city’ for developing into an agro-industrial centre of the region. Further, it has a wide and consolidated network of urban socio-political associations and organisations working in its neighbourhoods. Towards the end of the 1990s and then in the 2000s, a wide range of alternative economic practices emerged in Rosario, shaped by a network of collective forms of organisation and resistance ‘from below.’ These included food cooperatives managed by unemployed workers, community vegetable gardens, factory take-overs, and bartering clubs where decisions were taken horizontally at assemblies.³² All over the country, these new social movements were characterised by innovative, decentralised, horizontal, and non-hierarchical methods of organisation and direct-action tactics. They promoted forms of participation based on community management of vital resources and social assistance programmes.³³

The Ciudad Futura movement was created in 2013 with the

aim of creating a party movement able to take part in local elections. Two years later, the party garnered 16 percent of the votes in municipal elections, and the candidates Caren Tepp, Juan Monteverde, and Pedro Salinas became local councillors.³⁴ Being a party movement, that is, an organisation that aims to achieve institutional representation within the state and simultaneously challenge existing power by non-institutional means makes Ciudad Futura a significant case study for understanding the state dynamics of the 'in, against and beyond' concept.³⁵

Their history dates back a decade. Ciudad Futura is the result of a fusion between two smaller local movements, GIROS, which stands for *Grupo Independiente de Rosarinos Organizados Solidariamente* (Independent Group of Rosarinos Solidarily Organised) and *Movimiento 26 de Junio* (Movement of the 26th of June). The former was created in 2005, when a group of young university students decided to start an activist campaign in the neighbourhood of Nuevo Alberdi, in the northwest of the city. In that moment, as Tepp remembers, they met Luisa, a neighbour who invited the group to her house. There, they began laying the foundation of the movement.³⁶

Nuevo Alberdi then became the epicentre of a land dispute. A group of private real estate investors planned to build a series of gated communities, known as *barrios privados* (private neighbourhoods) for the upper class, including amenities such as tennis courts, a rowing club, and private schools.³⁷ By 2007, the existing neighbours, as Tepp states, were threatened to leave their houses.³⁸ Most of the people lived below minimum wage and survived through farming activities and brick production.³⁹ It was then when the movement started a campaign against the eviction of the inhabitants, expressing their opposition through protests on the streets, protest camps next to the city hall, neighbourhood assemblies, meetings with council officials and submission of claims to local courts.⁴⁰ In 2010, the movement drove a successful initiative for a city ordinance to ban the construction of gated communities from the city. The campaign was called *Ya basta!* (Enough!). The activists identified the real estate market and related business sectors as the hegemonic group of the city, allied with the Socialist Party-led local government, which for them was promoting these neoliberal forms of land appropriation. GIROS mobilised against them as a counter-hegemonic alternative for a different city. They challenged the idea that such real estate projects would have a 'spill-over effect' on urban development, stating that it would not be beneficial for the rest of the population, and claimed that land should be for the people. For them, land is not a product that can be sold, but a source of livelihood and a proper way of life.⁴¹ That experience helped them define their activism as a 'resistance' both against land privatisation in the periphery of the city centre⁴² and against the state for promoting investments based on private sector interests.⁴³

Moreover, this social movement created new forms of

organisation in the neighbourhood that allow us to think about engagement not only as acting against existing institutions and neoliberal governance, but beyond them. Ciudad Futura defines these new ways of organising as alternative forms of governance of the commons by civil society, with the aim of transcending neoliberal forms of appropriation. They call them 'prefigurative projects' rooted in the territory. After discussing the idea that simply being 'against' was not a strong enough positioning for their political project, they decided it was best to update their repertoires of action and create new forms of social organisation based on the principle of autonomy.⁴⁴ Their most established 'prefigurative project' is a dairy farm and factory called *La Resistencia*. It is located in Nuevo Alberdi, too, on the site disputed by real estate firms in a lengthy litigation process on ownership, which is still in process.⁴⁵ *La Resistencia's* creation cannot be defined as a state-led (re)municipalisation, but rather as a municipalisation project where a social movement opposes privatisation through a cooperative led and managed by their workers and activists. The cooperative produces milk, cheese and *dulce de leche*, a traditional South American sweet made of milk. By 2013, they were producing a thousand litres of milk per day.⁴⁶ By starting their activist experience through a dispute over land ownership, they were able to identify the importance of using those resources to produce food for the needs of people, instead of expelling residents for real estate speculation. They bought some required equipment through a subsidy given by the national government to small-scale companies and made their production grow.⁴⁷

This project has a strategic role in a country such as Argentina, where high prices and inflation rates make it difficult for a wide majority to access food. In recent years, Ciudad Futura's activists have claimed that this problem is aggravated by supermarkets, hypermarkets and shopping malls taking the place of traditional small shops and small-scale neighbourhood retail. These large companies control sales and distribution, and therefore drive up prices. *La Resistencia* aims to function as a 'solidarity economy', based on not-for-profit production and distribution of goods. Their model is to produce and develop a direct link with consumers, with the aim of delivering cheaper and higher-quality products directly to people.⁴⁸ For that reason, they first created a webpage called *Misión Anti Inflación* where groups of neighbours can buy food and cleaning products directly from *La Resistencia* and other workers' cooperatives from Rosario.⁴⁹ They have recently opened a small shop called *La Lactería*, where they sell products from *La Resistencia* and COTAR, another local cooperative.⁵⁰

By 2013, as outlined above, they decided to create their own political party to contest power within institutional settings. Tepp explains that '[Ciudad Futura] was born as the political project of social movements... We understood that it was necessary not only to

condemn the existing city model, but also to have the courage to build a political alternative and offer a different city model.⁵¹ They assert that this movement does not have 'a naïve or paternalistic view regarding the state, but neither do they assume a monolithic understanding that denies any possibility of having political influence in it.'⁵² Ciudad Futura and La Resistencia argue that the state is needed to intervene in the economy with a public and progressive vision.⁵³ They make the call for partnerships between social movements, communities, workers, and the state to strengthen counter-hegemonic prefigurative practices,⁵⁴ and for the commons to be socially (and not privately) managed.⁵⁵ Accordingly, they recently started a campaign to create a public food company to adequately distribute goods to the people and solve the crisis through cooperation networks between local producers and social movements.⁵⁶

Finally, Ciudad Futura participates in a wider global network of municipalist social movements called 'Fearless Cities', which has held annual summits since 2017.⁵⁷ For Tepp, 'one thing that unites all the [Fearless] cities, is that we fight for positions *in* the state ... but we no longer think that the power is only located *in* the state ... we understood that the municipal state as an instrument does not make sense if we cannot empower the people.'⁵⁸ A question remains open regarding the scope of transformations that can be achieved through the local state in Argentina, where public spending at the local level has been historically low, making it difficult to plan and implement policies without support from the national or the provincial government.⁵⁹

East Westphalia, Germany: Remunicipalising a regional utility company

In Germany, public service provision (*Daseinsvorsorge*) is a decentralised sovereign state task. It is anchored in the constitution of the Federal Republic through the social state principle, the principle of democracy, the rule of law, and the principle of municipal autonomy. These principles require the municipal state to organise the provision of the vital means for life, existence, and development in a democratic, just, and economically efficient way. Throughout the last century, these services have been directly provided through a unit of the municipal administration or (most commonly) through a municipal company subject to private law (called *Stadtwerke*) where the municipality holds all, or the majority of, shares.⁶⁰ In the wake of the neoliberalisation of European economic discourse and practice in the 1980s, and especially in the 1990s, municipal decision-makers increasingly privatised the provision of resources such as energy, water, transport, and waste management. Through a combination of a comparably powerful public welfare ethos and a strong constitutional entrenchment of basic service provision, these were predominantly formal privatisations, and conducted in the form of public private partnerships (PPPs).⁶¹ These partnerships *de jure*

implied that corporate decision-making must remain subject to public control and to democratically defined objectives of public value, such as the co-financing of community institutions, securing employment and labour standards, or implementing environmental policies.⁶² Expectations that PPPs would tap private sector capital and expertise to alleviate increasingly stressed municipal budgets failed in practice. The reorientation of municipal services to generate de facto shareholder value came at the expense of local governments and citizens: (trans)national corporations were better situated to enter contractual (re)negotiations and manoeuvre disputes in opaque legal foundations.⁶³ Municipalities were legally responsible for service provisioning and maintained the risk of increased service provision costs and consumer tariffs, declining working conditions, and public investments into the quality of service provision.⁶⁴

However, since around 2000, there has been a strong trend towards (re)municipalising local basic service provisions.⁶⁵ Initiated and driven by social movements and citizens' initiatives, cities like Stuttgart and Hamburg have remunicipalised their local energy infrastructure. Rostock and Berlin have de-privatised their water companies, and smaller municipalities such as Wolfhagen⁶⁶, Solingen⁶⁷, or Osnabrück⁶⁸ are also examples for local struggles and municipalist action towards public ownership.⁶⁹ With 400 (re)municipalisations, however, it would be too quick to proclaim that the German municipalist experience is marked by resistance and social movements 'in, against and beyond' the state only. In half of the cases, municipal governments took the opportunity of expiring contracts to take back concessions and shares of municipal companies. In twenty-eight of all cases, the initiative came from the private company themselves, when they were looking to sell their shares.⁷⁰ With the case of E.ON Westfalen Weser AG from 2013, this paper integrates the corporate sale of shares as arguably the weakest form of (re)municipalisation for comparison. This case is, furthermore, interesting as an example of a remunicipalisation in a rural area with a historically lower degree of progressive social movements. Simultaneously, the East Westphalian municipalities are characterised by a wide spectrum of voluntary citizens' engagement, where people manage and participate in the organisation of local sports, culture, or child and youth-work, amongst others. This raises the question for the role of municipalist citizens' initiatives in the (re)municipalisation of public services in East Westphalia.

In response to an abrupt national withdrawal from nuclear power after the Fukushima crisis,⁷¹ energy giant E.ON grouped with RWE and Vattenfall and entered a lawsuit against the German government's decision to stepwise dismantle its nuclear power infrastructure. While the private actors lost this trial, they succeeded in securing financial compensation. To further balance corporate debts,⁷² E.ON began a

strategic disinvestment from municipal utilities and sought opportunities to remunicipalise its shares in municipal service companies.⁷³ For ten years, E.ON had operated the energy company E.ON Westfalen Weser in the territory of thirty-seven municipalities in South Westphalia, East Westphalia and Lower Saxony. Together, these municipalities held thirty-seven per cent of shares of E.ON Westfalen Weser.⁷⁴ Upon E.ON's intent to sell its shares in 2012, the mayors of the towns of Herford and Paderborn initiated a debate about options for taking the utility back into public hands. This was realised through a consortium of forty-eight regional municipalities becoming shareholders of the new *Westfalen Weser Energie GmbH*.⁷⁵ The decision was facilitated by external auditor assessments, such as in the municipality of Porta Westfalica.⁷⁶ The decision was further advantaged by political developments steering the German energy market towards renewables, part of which provided a propitious climate for locally managed energy utilities.⁷⁷

Throughout the first seven years of operation, the intermunicipal energy operation of Westfalen Weser has seen positive results. It operates 31,500 kilometres of power lines, 4,000 kilometres of gas pipeline, supplies district heat and drinking water to 60 other regional municipalities contracting Westfalen Weser, and employs around 1,000 people. Renewable energy contributes 51% to its energy mix, and this amount is planned to be increased through participation in wind energy projects, as well as through expanding the number of regional electric charging stations from 80 to 120.⁷⁸ In 2019, Westfalen Weser generated revenues of €877 million, paid €40 million in dividends to its 56 municipal shareholders, invested €500,000 into projects of regional voluntary citizens' engagement (*Ehrenamt*), and actively supported different regional and interregional research projects.⁷⁹ Beyond that, the company looked into expanding its (inter)municipal economic activities in collaboration with different regional municipalities in the water and gas sector, planning to establish smaller local subsidiaries.⁸⁰ In addition, the company participated in countrywide intermunicipal networks that foster common objectives, such as energy efficiency, through research and knowledge exchange.⁸¹

The Paderborn-based Independent Citizens Initiative (*Freie Bürgerinitiative*) had campaigned for municipal ownership of basic service provision throughout the last decade. In 2003, it campaigned against the privatisation of Westfalen Weser and initiated a referendum based on 15,000 votes. In 2009 the initiative campaigned for (re)municipalisation through a public petition collecting 7,000 votes.⁸² This effort was rejected by Paderborn's City Council in 2010, claiming that the petition lacked a clear account of the costs of (re)municipalisation as well as a detailed market analysis. The decision was furthermore supported by a district administrative Court ruling.⁸³ Aside from this, the Independent Citizens Initiative competes in municipal elections. Its ten-point agenda is oriented

towards the implementation of ecological, social and administrative objectives, such as the energy transition or the digitalisation of the public sector, with a focus on balanced municipal budgets and addressing the different needs of local citizens.⁸⁴ Another citizens' initiative is *Gaspreise runter e.V.* (Gas Prices Down), whose campaigns targeted E.ON's price policy and demanded transparent clarification on the origins of user tariffs increases.⁸⁵ After (re)municipalisation, the initiative protested against the poor transparency of price policies again, this time targeting the municipalities. Whereas the initiative entered a longer process of litigation with E.ON, the municipal company directly addressed the initiative's leader for clarification.⁸⁶

The rejected efforts of the Citizens Initiative against privatisation, and the activities of the protest movement *Gaspreise runter e.V.*, illustrate the neoliberalisation of the municipal public in two ways. First, it highlights the neoliberalisation of the democratic process of the municipal state as the legal guarantor of basic services. A council's political majority decision to remunicipalise is subject, in the latter instance, to an externally commissioned cost-benefit analysis.⁸⁷ Neoliberal governance discourse has permeated the administrative and legal landscape of Germany, and this conditions the possibilities for citizens to actively steer municipal service provision and influence decisions regarding ownership. The developments on the German energy market favoured by national legislation motivated E.ON to opt out of municipal energy provision in East Westphalia. Despite the public outreach and political impact of the initiative, the (re)municipalisation was in the end the result of market dynamics 'from above.' Second, the gas price initiative supports the point of a neoliberal municipal public sector from a different angle: its engagement is characterised by a form of protest, which finally, rather than working 'against' and 'beyond' the neoliberal state, limits itself to increased user fees. Thus, this protest does not resist or contest the logic of capital. On the contrary, it subscribes to a neoliberal understanding of costs and benefits, as well as to its maxim of price competition. Moreover, it accepts the citizen as a mere consumer, thus seeking to improve a passive position in municipal service provision as such. It does not envision an active citizen role working for basic service provision against and beyond the state through, for example, building broader political resistance or commoning as community-based service provisioning structures.

In this context, the German (re)municipalisation trend does not entail a counter-hegemonic municipalism against or beyond, but rather in and through a neoliberal state. It is important to consider that at the local level – such as within city councils – a strong municipalist narrative informs decisions to both (re)anchor economic activity and surplus within the region, as well as to maintain local democratic control over wider political strategies, especially in the field of energy.⁸⁸ Hence,

in this context, the German (re)municipalisation trend does not entail a counter-hegemonic municipalism against or beyond, but rather in and through a neoliberal state. It is important to consider that at the local level – such as within city councils – a strong municipalist narrative informs decisions to both (re)anchor economic activity and surplus within the region, as well as to maintain local democratic control over wider political strategies, especially in the field of energy.⁸⁸ Hence, (re) municipalisation in Germany is not predominantly accompanied by new municipalist social movements but rather articulates a form of conservative municipalism that builds on a public ethos stemming from a cross-partisan conviction that basic service provision is a public task, and from the principle of municipal autonomy. This facilitates the (re) municipalisation of public utilities that moves municipal public services closer to local citizens and benefits synergies between service utilities and regional projects. In the wider picture, however, this case underlines how the neoliberalisation of social (thus state) relations has created strong limitations in two principal ways. On the one hand, the effect of these relations manifests in legal boundaries that limit the interference of social movements within the state. Second, these relations create boundaries to the form and goal of resistance and protest, and to the very formation of progressive municipalism against and beyond the state.

Boulder, Colorado: An energy municipalisation in progress in the USA

The USA has a federal system of government, meaning that authority and jurisdiction is divided between national, state, and local governments. Since the end of the 20th century, the power of the states in relation to the federal government has increased. This is due to a trend towards the decentralisation of government which has seen the rescaling of the functions of the state ‘with subnational governments assuming greater roles in economic growth and redistribution’ and limited government and austerity-oriented policies becoming more pronounced.⁸⁹ Indeed, while power is decentralised from the federal to state level, local governments are restricted in their power. Despite there being around 20,000 municipal governments in the USA responsible for delivering most local services, they are only able to exercise powers that are granted to them by states, with a state holding the ability to redefine the authority and scope of local government as it deems fit.⁹⁰ For example, forty-six out of fifty states restrict the capacity of local governments to raise taxes.⁹¹ However, despite the restrictions placed on local governments in the USA, it remains a somewhat surprising epicentre of the (re)municipalisation trend. The Transnational Institute estimates that there have been at least 230 examples of (re)municipalisation across the States, in sectors such as energy, water and telecommunications, amongst others.⁹²

The case focus for this section will be the energy sector and Boulder, Colorado's experience of municipalisation. The strategic selectivity of the local state is particularly interesting in this case, particularly when analysing along the lines of the 'in, against and beyond' concept. One reason for this is due to the state of Colorado's relationship to municipal governance. The Taxpayer Bill of Rights (TABOR) has been in place in Colorado since 1992, which limits the amount of revenue the State of Colorado can retain and spend.⁹³ TABOR applies to all local governments in Colorado and is 'associated with an unrelenting trend towards public-sector shrinkage.'⁹⁴ This is best conceptualised when looking at the 'libertarian localism' of Colorado Springs, which has a reputation as the capital of the United States' Christian right-wing. Here, residents banded together to push for street-level austerity, adopting a 'brown out strategy' in which the local government turned off all streetlights and residents could pay for reconnection on a street-by-street basis. This differs from the experience of street-level austerity measures in other cities in the US, which do not usually reflect the will of the people in this way, but are imposed from above.⁹⁵ Peck describes this 'bold experiment in 'do-it-yourself' government' as being close 'to the neoliberal ideal of a night watchman state.'⁹⁶ Though Colorado Springs is a separate city to Boulder, it is important to note the dramatic differences that exist within the state in terms of social movements' relationship to local government and views on how government should operate.

Another reason why Boulder is an interesting case to analyse is because it is an example of a municipalisation still in process. In fact, Boulder's attempt to bring their energy provision into municipal ownership dates back to at least 2003, when the Boulder Renewable Energy and Energy Efficiency (BREEE) Working Group developed a Climate Action Plan which outlined an emissions-reductions path which included municipalising the electric utility.⁹⁷ In 2010, Boulder City Council decided not to renew the franchise agreement they had with their energy provider, Xcel Energy. Since then, they have been in a lengthy battle that has involved costly and time-consuming negotiation and litigation.⁹⁸

The organising of local social movements has been central to this battle. Numerous citizens' groups have been involved with the process over the last decade, with nearly 200 citizens volunteering to push for municipalisation. These groups include BREEE; Boulder Climate Action Network (BCAN); RenewablesYES, who were directly campaigning for a ballot vote which provided \$1.9 million annually to fund exploration of a municipal electric utility and authorised the City Council to approve municipal purchase of the local electric utility; Clean Energy Action, who will be discussed in more detail shortly; New Era Colorado; the Boulder chapter of the Sierra Club; and Boulder Energy Future. Many of these groups came together as part of a 'citizens' coalition' under the banner

of 'Empower Our Future' in 2013 to defeat a ballot initiative from Xcel Energy to block the municipalisation.⁹⁹

The work of active citizens in this way has had many clear results. As well as winning ballot votes for the last decade to continue progressing the municipalisation, Boulder was the first city in the country to implement a carbon tax in the USA, which was first approved in 2006 and then reapproved by eighty-two percent of voters in 2011. Furthermore, in a ballot to decide whether the City should provide \$1.9 million annually to explore the potential of municipalisation, volunteers crowdfunded a video and advertising campaign, eventually winning the ballot despite being outspent ten to one by Xcel Energy.¹⁰⁰ This is particularly interesting within the context of a state like Colorado, which has tended towards fiscal conservatism among the populace. However, the vast majority of activism that has taken place is situated firmly within the state.

In fact, in a systematic review of news articles, activist blogs and websites, as well as the City of Boulder's website, there is minimal evidence of groups aiming to work against the state. Interestingly, the language employed by many of these groups hints towards going 'beyond' the state: activists talk of a 'David and Goliath campaign,' positioning the movement as 'fighting back' against corporate power, 'lawyers and lobbyists'.¹⁰¹ This can be seen to have shifted narratives within the state, with the City of Boulder focusing not only on carbon and green energy transition, but also emphasising the community-ownership aspect through a central aim of the Local Power project being to 'democratise, decarbonise and decentralise electricity in Boulder.'¹⁰²

The other example of social movement actors involved with the Boulder municipalisation seeking to work beyond the state is with Clean Energy Action, a grassroots-funded non-profit based in Boulder. Throughout the municipalisation campaign, Clean Energy Action ran monthly education events independent of the City's efforts, which brought together experts from the field and local citizen groups to discuss the options for municipal ownership in Boulder. These events ranged from a debate with the League of Women Voters; a community discussion with the Colorado Association of Municipal Utilities (CAMU); and events discussing lessons from local power initiatives around the world.¹⁰³ Just as Barcelona en Comú had public assemblies ahead of the elections in Spain, the type of organising from Clean Energy Action, outside of the confines of state apparatus and institutions, were similar. However, the two movements fundamentally differ in an important way. As mentioned in the introduction, for new municipalist movements, a key issue is about making power emerge outside of state institutions in a way which removes power from the state and puts it into the hands of citizens. While Clean Energy Action sought to empower Boulder citizens with knowledge of municipalisation, it cannot be said that they were

seeking to foment power outside of the institutions of the local state because, ultimately, they were concerned with getting citizens to vote in ballots to establish the electric utility within the local state.

However, while numerous citizens' groups and social movements have been active over the last decade in Boulder in pushing for municipalisation within the state, the movement could soon come to an end. This is because the City of Boulder and Xcel Energy have reached a settlement which could see Xcel be granted another twenty-year franchise agreement. A key element of this franchise agreement is the right for Boulder to resume municipalisation efforts at five-year intervals, and in 2023, 2025 and 2028 if Xcel Energy fails to meet specified emission targets. The proposed agreement also 'preserves Boulder's ability to create a local electric utility in the future by reducing future potential litigation.'¹⁰⁴ In a press release announcing the settlement, the Boulder Mayor Sam Weaver stated that the result was 'the culmination of decades of community-led activism to build an energy future that's better for our planet and our community,' thanking Xcel Energy for 'their willingness to grow and improve as a company.'¹⁰⁵ This proposal will be put to voters in a ballot in November 2020. While groups such as Empower Our Future are still promoting voting 'no' on this ballot, a counter movement has emerged calling on voters to 'End the Muni' by voting in favour of the agreement in order to advance carbon reduction targets more quickly. Losing this ballot could be seen as a real blow to (re)municipalisation efforts in the States.

The reason why another group of activists has emerged wanting to 'End the Muni' and 'redirect all funds to real carbon reduction in an equitable and immediate fashion'¹⁰⁶ is because Boulder has had to spend much of the last decade (and many millions of dollars) engaged in lengthy litigation processes with Xcel Energy, a corporation with far more cash at its disposal to fight these legal battles, as well as a court system weighing in its favour. For example, in 2015, Boulder District Court Judge Judith LaBuda affirmed a Colorado Public Utilities Commission (PUC) ruling that would require the city to seek permission from the PUC before exercising its constitutional right to acquire portions of the electric system currently owned by Xcel Energy. Similarly, a buyout option which was floated by Xcel would have seen Boulder pay more than \$100 million more 'than Xcel would ever get if Boulder remained a captive customer.' Xcel also pushed to retain twenty-five percent of its revenues from Boulder to continue for ten years after Boulder took over. This would have cost Boulder \$40 million a year, on top of all the costs associated with actually running the municipal utility.¹⁰⁷

This tallies with what Janoshka and Mota describe as the 'legal-administrative limitations' imposed by the strategic selectivity of the local state.¹⁰⁸ In other words, this is the legal framework which underpins the neoliberal political economy and is diametrically opposed to the

aims of progressive municipal movements across the world, in turn preventing the scope of change under neoliberal forms of governance. Fundamentally, then, despite working within the state, it can be argued that in the case of Boulder, municipalisation cannot be seen as countering the neoliberal state due to the wider framework of neoliberal legality that structures all decision-making in the USA.

Comparison: Countering neoliberalisation 'in, against, and beyond'?

The exploration of three different processes of (re) municipalisation have pointed out the varied character of municipalism as a counter-neoliberal movement 'in, against and beyond' the state. In Rosario, East Westphalia, and Boulder, initiatives and movements have been working within the state. The analyses have shown the different ways in which municipalist activities have unfolded.

The process of remunicipalisation in East Westphalia, Germany, has taken place entirely within the relational framework of the neoliberal state. Citizens' initiatives have formed to contest privatisation, but ultimately failed at complex legal boundaries and administrative requirements. In Paderborn, the citizens' initiative has continued its work through successful participation in council elections. A similar conclusion can be drawn from Boulder, Colorado. Although this case involved a significantly larger amount of social movement activity and citizen engagement, much of this was to encourage voting on ballots held by the City of Boulder, thereby working in the existing framework of the state rather than working against or beyond it. While local activism can be seen as important in encouraging and somewhat forcing the local municipality and private energy provider to engage with environmental issues, the neoliberal state ultimately poses an administrative barrier to more progressive outcomes. The gas-price movement in East Westphalia furthermore underlines the neoliberal framework of municipalist contestation. Their discourse fosters the position of citizens as passive consumers, as the price scheme of local utilities represents the main target of protest. This positions municipalism clearly within the predominant framework of basic service provision and makes no attempt to construct provisioning against or beyond the neoliberal model. While transregional cooperation amongst municipal basic service providers in Germany has increased, intermunicipal and interregional cooperation is spearheaded by municipal companies with minimal involvement of local citizens' initiatives. The cases of East Westphalia and Boulder are two different examples of municipalism that does not counter neoliberalisation, but remains subject to it. Accompanied by differing degrees of citizens' engagement, decisions were finally led by state and corporate actors.

Rosario, in contrast, shows clear attempts to go beyond and

against the state, where local processes of neoliberalisation are more actively challenged. Activists in Rosario have sought to harness the state for progressive means in a way which correlates with the work of Jessop. However perhaps even more important, for considering how movements go beyond and against the local state, Ciudad Futura did not solely focus on gaining power in state institutions. Instead, the construction of new forms of organisation of everyday activities occurred, with the work of Movimiento GIROS and Movimiento 26 de Junio and the establishment of La Resistencia. This supports Russell's argument that the new forms of organisation should take precedence over simply gaining electoral power and implementing progressive policies. In Rosario, we can see a significantly more active contestation of state decisions where protest against local real estate projects has not only successfully prevented these respective projects but has simultaneously created a strong activist community and a solid pathway for future projects. With its dairy cooperative, Ciudad Futura has also managed to set up municipal structures that move beyond state structures. It actively fosters forms of engagement between workers and producers, activists and local citizens. The litigation process against La Resistencia will show whether state agencies on different levels will support activists and citizens in their accomplishments in the litigation process.

Conclusion

Through an analysis of three different experiences with municipal political projects, this paper interrogates the extent to which (re)municipalisation can be seen to counter processes of neoliberalisation at the local level by working 'in, against and beyond' the state. By analysing social movements' involvement in each of our case study areas, a diverse picture emerges. While all municipalist movements have been influenced by the neoliberal state's strategic selectivity, their intended outcomes have been impacted to differing degrees. In Argentina, the strategies pursued by the social movement have directly sought to counter the neoliberal state. They have adopted the new municipalist principle of seeking to deploy power within and outside of state institutions. However, these strategies have not been without limitations. A deeper engagement of the state itself in support of de-privatisation and the organisation of the municipal public is yet to be seen. The examples of (re)municipalisation in Germany and the US have given little space for de-privatisation initiatives working against or beyond a neoliberal state. This is because the strategic selectivity of the local neoliberal state is diametrically opposed to the aims of progressive municipal movements across the world, in turn preventing the scope of change under neoliberal forms of governance. In both Germany and the US, citizens' movements accompany and critically engage with aspects of (re)municipalisation through collecting

signatures and protesting specific local projects, rather than seeking to reform and replace local neoliberal state structures in the long run. This is notable in the case of Boulder, where more far-reaching demands for greater accountability and a democratisation and decentralisation of power have succumbed to aims that focus solely on carbon reduction and climate policies. In East Westphalia, (re)municipalisation does not entail a progressive new municipalism. Re-anchoring the utility in the region, as well as intermunicipal cooperation towards public ownership has produced an effect, but not the motivation for (re)municipalisation. Rather, the case is exemplary for de-privatisation as a top-down economic project, enabled by market dynamics on the national scale. Rather than being rooted in citizens' initiatives, here municipalism is advanced as a project of neoliberal and political elites.

Although the tempering of citizens' demands in Boulder lent weight to Holloway's argument that engagement with the state is the ultimate mistake of social movements, the findings of this paper advance an understanding of municipal activism more closely aligned with Jessop. While two of the three municipalist cases discussed in this paper do not move against or beyond the state, they have altered the form and function of the state. While examples of (re)municipalisation like Boulder and East Westphalia may not lead to outcomes as progressive as those in Rosario, the process still opens up space for 'different and more citizen-engaged forms of democratic public organisation [that] can be articulated and fought for.'¹⁰⁹ Moreover, exploring and comparing different experiences of 'actually existing municipalism' as Cumbers and Paul argue in their work helps to depart from macro perspectives on the outcomes of projects like (re)municipalisation and to differentiate perspectives on the outcomes of counter-hegemonic contestation.¹¹⁰

In this sense, this comparative analysis provides a basis for understanding municipalist movements and (re)municipalisations in different institutional and geographical settings. It contributes to a perspective on social movements that acknowledges the varied political and cultural landscapes which impact how citizens move towards preserving and creating public value in their communities. These conclusions are of strategic value for municipalist movements and progressive parties keen to progress democratic ownership and deeper citizen engagement. Through working towards place-based approaches that consider the spatial dynamics of social movements in the study of their role in countering global neoliberalisation, this paper represents an entrance point for empirical research being undertaken at the University of Glasgow as part of a global project analysing (re)municipalisation and the post-neoliberal turn. Finally, it motivates more in-depth place-based research to engage more profoundly with the varied spaces where municipalism unfolds.

Notes

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19 This can be seen in the case of *Barcelona en Comú* (Barcelona in Common) (*BComú*), the municipalist citizens platform who came to power in Barcelona in 2015. Configured from a group of activists including Ada Colau, a former housing activist who would become the city's first female Mayor, *BComú* crowdsourced their manifesto and code of ethics through public meetings in neighbourhoods across the city. Once they had won the municipal elections, *BComú* introduced *Decidim Barcelona* – an open-source platform for citizens to co-create the municipal action plan for the city, which was supplemented with over 400 in-person meetings. However, it is important to note that Barcelona is a city with a long history of participation, including institutional forms. For instance, in 1984, the city implemented a map for district decentralisation, and participation regulations (consultations and citizen councils) have been in place since 2002. In order to 'respond to the needs of each era', *BComú* established the municipal Department of Participation, which is undertaking a 'systematic rethinking of the "meaning" of participation, looking to move away from meaningless "consultations" and towards methods for active empowerment'. For references, see endnote number 18.

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THE EUROMAIDAN SOCIAL MOVEMENT: HOW TO GRASP POLITICAL OPPORTUNITIES

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Abstract

This paper examines the Euromaidan social movement: the drivers behind its mobilisation, as well as the political opportunities and determinants of its success, defined as, 'An achievement of a change within, or of the existing system.' Massive collective dissatisfaction with a government's decision not to sign the Association Treaty in 2013 was a fundamental, but not the only, factor mobilising the social movement. As the linkage between the authorities and society have started to fade, representative democracy has evolved into the only possible form of control over political power, gradually transforming itself into direct democracy expressed through social movements. The Euromaidan serves as a perfect example of a mobilisation of collective potential that has been triggered by the erosion of legitimacy of Ukrainian authorities. In this article, I also refer to grievances-based social movement mobilisation, as this can help more thoroughly explore a human factor behind the mobilisation. The aim of this paper is to analyse the Euromaidan social movement based on political process theory to explain the factors behind its mobilisation, political opportunities, and its success. The literature that the research is based on includes, but is not limited to, the works of Tilly, Zimmerman, McAdam, and others. The analysis depicts a situation wherein numerous stakeholders across multiple levels are engaged. Particularly interesting is the civil society aspect of the movement. The Euromaidan gave a positive impulse to the development of a free and trustworthy civil society in Ukraine with unprecedented self-organisation demonstrated at the beginning of the social movement. The important part of this analysis is an examination of the system's and other pro-system forces' response. The set of responses available to the government, according to Ekkart Zimmerman, includes denial; acceptance of the problem; or ignorance. The strategy used by the government shapes and implicates the political outcomes produced, or else not produced, by the movement. In a system which was quite closed and offered a very limited number of political opportunities, Euromaidan managed to exploit its vulnerabilities and the lack of legitimacy to create multiple political opportunities.

Introduction

Social movements, being vivid examples of a mobilisation of collective potential, are quite complex to analyse, with multiple actors often involved pursuing distinct agendas. Like a tropical depression it can swiftly evolve into a storm and the impact it might exert depends on multiple factors. Such a comparison despite its illustrative character might still not be accurate enough when it comes to social movements. Social movement is not that chaotic and disordered in its nature as a natural hazard, contrariwise, it goes through identifiable life cycles and its outcomes can be predicted and analysed. The aim of this paper is to analyse the Euromaidan by using political process theory to explain the factors behind its mobilisation, political opportunities, and successes, defined as, 'An achievement of a change within an existing political system.' In the article, I also refer to grievances-based social movement mobilisation, as it can help to more thoroughly explore a human factor behind mobilisation. Nonetheless, a principal assumption of the article is that, while grievances may be a factor in a collective mobilisation, the existent political opportunity exerts more impact on the emergence, development and success of the movement. Political opportunity is a central concept in my research. In addition, I use a causal model presented by Ekkart Zimmermann, wherein social movement challenges are on the left; political outcomes are on the far right, and in between one finds system responses.¹ All the elements of the model are codependent and the next element is influenced by the previous.

I specifically focus on a broad examination of factors behind the mobilisation of a social movement and existing political opportunities. Based on analyses of the factors it is possible to determine successes of the movement. My main hypothesis is: if a movement is able to mobilise itself, grasp and exploit political opportunities if there are any, then it is able to achieve an alteration in or of the existing system that can be defined as a success. System responses, identified by Zimmermann as important factors that shape political outcomes, influence the ability of the movement to take advantage of political opportunities. The Euromaidan social movement serves as an ideal case study through which it is possible to investigate and verify the above hypothesis and reach a conclusion as to the relevance of this assumption for other social movements. I structure the article by splitting it into three main sections, through which I reflect on the life cycles of the movement—mainly mobilisation, political opportunities and system responses—ultimately concluding on the lack or presence of political outcomes introduced by the movement. In order to properly analyse the Euromaidan, it is necessary to first define the goals, available and used resources, and selected strategies.² This paper examines the drivers behind the mobilisation

of Euromaidan in 2013, and, based on political opportunities grasped, ultimately concludes on the success of the movement, understood as a change forced upon an existing system.

Mobilisation

The dramatic events that took place at the end of 2013 and the beginning of 2014 were consolidated into the history of Ukraine under the name 'Euromaidan' and later 'The Revolution of Dignity'. Protests, at first peaceful, began after the Ukrainian government announced the cessation of its chartered course towards European integration. The international community was startled when the protests took a violent turn after police brutally broke up the Independence Square protests on the 30th of November, 2013. On November 21st one and a half thousand people descended upon Independence Square to protest against the fact that pro-Russian President Viktor Yanukovich had refused to sign a hard-fought and much-desired document for over fifty percent of the population: the Ukraine–European Union Association Agreement.³ The protests began as peaceful demonstrations with basic demands for fundamental freedoms and true democracy in various aspects of public life. They turned into violent clashes in less than three months, leading to significant transformations not only in Ukraine, but in larger Europe.

Mobilisation of a social movement is generally driven by the presence of massive and substantial cumulative dissatisfaction.⁴ In order to properly assess the political opportunity for Euromaidan, the essence of Ukrainian society's discontent must first be analysed. Mass collective dissatisfaction with a system's decision to not sign the Association Treaty was a fundamental, but not the only, factor mobilising the Euromaidan. As the linkage between the authorities and society has started to fade, representative democracy has evolved into the only possible form of control over political power, gradually transforming itself into direct democracy expressed through the Euromaidan. The political crisis in Ukraine was only an outward expression of the deep systemic crisis that the state, which has not been properly reformed since the collapse of the USSR, was experiencing 22 years after it gained independence.⁵ Moreover, due to its geopolitical position Ukrainians have experienced a so-called 'geopolitical identity crisis' since gaining independence, specifically in regard to their foreign policy direction. During the presidency of Leonid Kuchma (1994–2004) a 'multi-vector' policy was declared, which meant a policy of cooperation with all regional powers. Ukrainian foreign policy strategy which sought a more intense cooperation with the European Union was based on two fundamental documents: the Partnership and Cooperation Agreement between Ukraine and the European Union, and the Strategy and Programme of Ukraine's integration to the EU.⁶ In 1997, a Charter on a Distinctive Partnership between the North Atlantic

Treaty Organization and Ukraine was signed.⁷ At the same time, in 2004, Ukraine, together with Belarus, Kazakhstan and Russia, ratified a treaty envisaging a Single Economic Space that called for common regulation of economies and free movement of goods, services, capital and labour.⁸ The fluctuations in Ukrainian foreign policy reflected a civilisational divide within the country itself, which was socio-culturally split into Western and Eastern factions. The westward orientation of Ukrainian policy, focused on integration with Europe, was not positively regarded by Russia, which perceived it as a potential threat to its security. Throughout its centuries-long history, Ukraine has been a part of both Western and Eastern geopolitical regions, yet never fully belonging to either, and always significantly influenced both European and Eurasian political processes.⁹

Ukraine in 2013, under the presidency of Yanukovych, was not reminiscent of a representative democracy. Most of the top-level posts in the government were occupied by Yanukovych allies from the Donbas, all of whom were loyal to the President. Yanukovych struggled to enhance his political authority through undemocratic means, leading corrupt institutions in the country, and prosecuting his main political opponents. Censorship and the suppression of public communication were common. Non-market means of competition prevailed.¹⁰ According to a survey conducted by the Ukrainian Centre for Public Opinion Research, around 38% of the population defines an attempt to take over and consolidate the power by the President *pro tempore* to be the reason for a mobilisation of the Euromaidan. Among other reasons, one may find wealth and power accumulation by oligarchs (24%), worsening of the economic situation (28%) and profound corruption.¹¹ All these factors led to the accumulation of protest sentiment that triggered a socio-political explosion: the Revolution of Dignity.¹²

It is also worth noting that public resistance was bolstered by the extremely critical attitude of the population towards the government and the policy it pursued. The level of distrust towards political institutions was extremely high. According to a nationwide poll of citizens conducted by Kyiv International Institute of Sociology in July 2012, less than a third (27%) of Ukraine's citizens felt they could trust state institutions.¹³ When comparing the dynamics of distrust towards President Yanukovich and his successors, it is visible how abruptly and quickly Ukrainians started losing their faith in the president as being a representative of the country and the government as a whole.¹⁴ Trusting attitudes can be used to reach conclusions on the legitimacy of political authority, and thus the evidence suggests that what one could observe in 2012 was clearly its erosion. The erosion of authority's legitimacy is perceived by many researchers as a factor that leads to a collective protest.¹⁵

A weak state of civil society was another key reason for collective mobilisation, as there were neither legal, nor otherwise

efficient, mechanisms of democratic influence on the government to protect the rights, freedoms, and dignity of citizens, and to implement a real path to European integration in Ukraine. The literature on collective action, social movements, and protest activity finds that grievances are perceived by many scholars to be the main driver of social mobilisation.¹⁶ Grievances, defined as, 'feelings of inequality or injustice experienced by a group or a person', accumulate over time. Whenever there is no direct link between a group feeling illegitimately marginalised, and the existing political establishment, collective action becomes more probable.¹⁷

Civil society institutions act as a guarantor of the inviolability of citizens' rights, give them confidence in their own strength, cross-cut inequalities and serve as a support in their probable confrontation with the state. Strong and vibrant civil society institutions systematise, streamline, and regulate people's protests and demands. These institutions protect the interests of a particular group in its confrontation with other interest groups.¹⁸

In post-Soviet Ukraine, the tradition of formal self-organisation of a society outside of state structures was not well-established.¹⁹ Civil society organisations that emerged in late 1980s, stimulated by Western aid, achieved their goal of founding an independent Ukraine and did not have a further defined agenda to pursue.²⁰

According to Salamon and Anheier, there are five crucial features that civil society organisations share: they are organised; private; nonprofit; self-governing; and voluntary.²¹ Considering this, I define civil society as, 'an ability of society to voluntary self-organisation which asserts itself not only via formal and institutionalised means, but may also be constituted through informal coalitions and groups, and has a nonprofit character'. Fukuyama stresses that a primary characteristic of civil society 'is an instantiated informal norm that promotes cooperation between individuals', therefore disregarding the informal/formal division.²² I also deliberately neglect the divide for the purpose of this research and assess the state of civil society as a whole prior to the social movement, based on the four determinants: structure; environment; values; and impact.

In 2001, according to the Centre for Innovation and Development, there were more than 30,000 registered public organisations in Ukraine.²³ However, less than a third of these organisations were identified as active. The share of the adult population that belonged to public organisations was in the range of only 12–17 percent. A lack of faith in civil society institutions and the agenda they pursue on behalf of ordinary citizens, as well as people's disbelief in the effectiveness of public influence on important political decisions, was a lingering ghost from Soviet era. More than a third of respondents were hesitant to give a clear answer regarding their trust/distrust towards charitable foundations, public associations and unions, and only 13–25 percent definitively trusted

such organisations.²⁴ The fact that the activity of Ukrainian civil society organisations, due to financial dependency, was influenced by donors only added up to this distrust. Former Ukrainian president Leonid Kuchma used the fact that NGOs are mostly funded by Western countries to discredit their work during his presidency.

Being an imaginary entity rather than a real one, civil society was almost non-existent as a real formation with a real, significant impact on public life. Civil society during the rule of Yanukovych and his Party of the Regions was not united and did not perceive themselves as being so. Their representatives were not regarded as active defenders of their interests. Activists did not feel themselves as being a community. Civil society did not have a strong organisational basis in Ukraine at that time, neither did it have real objectives to pursue. Numerous non-profit organisations, being quite small, mostly lobbied for their own interests.²⁵ A majority of the population focused primarily on its own private affairs. In these terms, the Revolution of Dignity brought about a considerable change. The mobilisation of the Euromaidan was a game changer, and civil society became palpable.

A first glimpse at this future metamorphosis occurred first during the Orange Revolution, the outcome of which created a favourable environment for a development of civil society. Democratic transformations, such as freedom of associations, peaceful assembly, relative media freedom and fair elections, were positive changes that allowed civil society organisations to pursue their activity.²⁶ Meanwhile, political disunity of the elites, weak democratic institutions and a post-Soviet bureaucracy were the hardships that adversely affected civil society development in the long run. A distrust of the population towards civil society organisations grew stronger.²⁷ But the further course of events in the political life of Ukraine at the end of 2013 showed that outrage at the actions of the authorities could again flare up through grassroots political activity.

Essentially, the scope of socio-political changes in Ukraine in late 2013 to early 2014 was an example of an unprecedented state of collective mobilisation, a potential that has been in hibernation. This was not only due to the significance of the problem regarding geopolitical choice posed by the ruling elite of Ukraine via the EU Association question, but critically: the essence of the political regime built up by Yanukovych in addition to violation of citizens' ability to exercise their rights and freedoms, as well as the attitude of the ruling elite and law enforcement agencies to certain forms of civil resistance. In this regard, a notable feature of the Euromaidan was the self-organisation of volunteers and activists, and consequently the absence of party symbols at the beginning of the social movement. Activists needed to self-organise in order to use their potential. As a result of this organising, a civil society not controlled by the government, one which had a precise understanding of their goals,

began to emerge.

The Revolution of Dignity and the activities of non-profit organisations have positively changed the prominence of civil society in Ukraine; increased its role in policy decision-making; and significantly strengthened the respect and trust of citizens in civil society structures. The activity of volunteers in times of crisis demonstrated the great potential of civic activism, as well as the inner sense of self-identification as a common Ukrainian people. The Euromaidan was a catalyst for the development of a non-controlled and trustworthy civil society in Ukraine with an unprecedented self-organisation first demonstrated at the beginning of the social movement. This new trend reflected a profound desire of citizens to actively shape and influence political directions in their country. The level of trust in civil society organisations has increased almost three times from 13% to 37% from 2014 to 2017, according to the annual monitoring conducted by the Institute of Sociology of the National Academy of Sciences.²⁸

Among the main shortcomings of civil society showcased by the Maidan, experts note the lack of a developed methodology in interactions between civil society and the political elites; the lack of a thought-out program for the transformation of society; the de facto absence of trade unions; the lack of stable structural links between organisations; the lack of serious work of civil society to reduce the socio-cultural divide between the East and West of Ukraine; and a weak connection of public organisations and population, unable to negotiate.²⁹ Civil society is a primary component in democracy building. The problem of social mobilisation in the form of civic engagement is becoming more urgent, as it involves changes in the structural relations within the society. This is especially visible in countries where the totalitarian legacy is being reformed. The development of civil society in Ukraine can be a solution to many socio-political problems of the state. When assessing a change brought about by the Revolution of Dignity, it is critical to note that, despite some successes on the part of development and approval of the 'Strategy for Facilitating the Development of Civil Society in Ukraine for 2016–2020', there is still unceasing pressure exerted on activists and numerous violent attacks instigated against activists which have not been followed by further proper investigation.³⁰

Political opportunity

Socio-political movements that attempt to achieve changes in the collective behaviour of citizens, first and foremost need to look for an opening in the political structure that would allow for the movement to carry protest activities and materialise their demands into a real political program. In the literature this concept is known as a 'window of opportunity'.³¹ These political opportunities, being a signal to social

and political actors encouraging or discouraging them to mobilise their internal resources, depend solely on the outside environment, specifically on an institutional setting which is either open or closed.³² Accumulated grievances can only lead to protest activity if there is an opening in a structure in the form of a political opportunity. Being a part of a more general political process theory, the concept explains what factors determine a success of a social movement.

When a system experiences vulnerability that have their roots in an erosion of legitimacy, the structure opens up, discharging a repressive network that withheld people from demanding its revision. In this regard, it is extremely important to reflect on the dimensions of political opportunity that identify it. McAdam singles out the following determinants: the explicit degree to which the system is open or closed; the stability of the elite arrangements that typically support the authority; strong elite allies; and the state's ability and inclination towards suppression.³³ In addition to these, Jenkins identifies the following factor—a broad shift in public opinion.³⁴ Eisinger primarily focuses on the 'openness' of a system as the key factor in opportunity.³⁵

In 2010 Yanukovych launched a process of power concentration, building up a closed organisation consisting of individuals loyal to him. This transformed a budding institutional democracy into a regime with authoritarian tendencies that benefitted from a 'power vertical', a hierarchical model of governance. The president, who mostly appointed 'Donbas people' for main positions in the government, was even accused of 'regional cronyism'.³⁶ This caused inequalities wherein one group was illegitimately privileged which served as a source for grievances experienced by those not privileged. The system was almost impossible to enter for non-loyal politicians at the time. Furthermore, Yanukovych established his own oligarchic clan that, in a tradition reminiscent of the Sicilian Mafia, was known as 'The Family'. The closest political and business allies of Viktor Yanukovych and his son Oleksandr controlled the prosecutor's office, law enforcement agencies and courts. This allowed for raids and illegal seizure of property and resulted in an establishment of a 'business empire'.³⁷

For many years, Ukraine has been facing a deep structural challenge, being often referred to as a country run by oligarchs. These hyper-wealthy individuals formed an elite class with their own ideas of doing business that often prevailed over those who were looking to build an equitable and transparent political system. The strengthening of 'The Family', which was getting more powerful at the oligarchs' expense, was not appreciated by these elites. Yanukovych started losing his support. Another determinant identified by McAdams—a system's inclination for a repression—can be evaluated in the context of the forceful violent dispersal of the protesters in Independence Square on November 30, 2013. As of the night of November 30, when violent breaking up of a

gathering occurred, approximately four hundred protesters—mostly students—remained on the square. At least seventy-nine people were injured as a result of police actions that included beating protesters with truncheons and using tear gas.³⁸ The action became widely known and condemned by a large part of society, including human rights activists. The events of November 30 were a turning point in the Ukrainian protests of late 2013, shifting their focus from ‘pro-European’ to ‘anti-government’, as well as contributing to an enormous shift in scale. According to research prepared by the Ukrainian Centre for Public Opinion, 55 percent of Ukrainians believe that the forceful breakup of the protests on November 30 was the factor that definitively mobilized people.³⁹ Due to a broad shift in public opinion and the general erosion of government’s legitimacy, a system started to open up despite the will of authorities.

The system’s response

The Ukrainian people, mobilized by their discontent with the direction in which their country was going, pose a challenge to the system which forces it to react. The response of the system—the Ukrainian state—allows us to gauge how far the social movement is from its desired outcome. Typically, the set of responses available to the system can be categorized into two basic groups: denial, or else, acceptance of the problem. There is, however, a third available option being to ignore the problem. This third option sees the authority choosing indifference as a response, thereby placing the issue lower on the hierarchy of concern.⁴⁰ The number of available options increases with the level of perceived legitimacy of an authority. Broadly legitimate governments will have more open responses to choose from. In order to analyse the way the government chooses strategy and tactical measures, the categories of actors that comprise the system response should be named. These include, but are not limited to, the government; political parties; media; and the population at large. The smaller the set of actors, the less political opportunities are available.⁴¹

Denial would mean a criminalisation of social movement representatives and a use of force against the protesters. In this situation, the government, threatened by a social movement, would rely on repressive strategies to resolve the issue. Each political regime has a contextually specific understanding of the target groups against which repression should be used. At the same time, each regime has contextually formed ideas about the most acceptable interest groups, the activities of which should be galvanized in every possible way. The greater the threat posed by the social movement to the political elites and the regime, the more resolutely and ruthlessly the elites will use repression.

According to Worchel, a combination of (1) disappointment and

dissatisfaction with the absence of real channels to impact the system; (2) failed protests; and (3) a persistence of existing inequity leads to the erosion of an authority's legitimacy. During this stage, a 'violence potential' is developed, which is followed by suppressive measures against the protesters implemented by the authority, which is summarily threatened.⁴² Recourse to repression is a sign of a closed system, and the more closed it becomes, the stronger and more frequent the repression will be.

Charles Tilly proposes a broad definition of repression, referring to it as an action 'which raises the contender's cost of collective action.'⁴³ Based on a broad definition that encompasses many different techniques for complicating mobilisation, Jennifer Earl proposed a classification of types of repression based on (1) the distinction between subjects of repression; (2) the nature of the repressive action; and (3) society's awareness of the use of repression.⁴⁴

Thus, national governments, local elites, and private actors can repress or be repressed. Each of them can use either coercion or channelling. For instance, they might manipulate social behavior through a variety of techniques. If coercion involves the use of force, channelling implies a use of milder forms aimed at complication of mobilisation, such as legal restrictions or reducing the benefits from participation.⁴⁵

Repressions against Euromaidan protesters took various forms: the use of force to disperse protests; excessive and illegal use of force; pressure on activists; attempts to impose censorship on the media; and suspension of information.

In the Winter of 2013, when a great deal of the population of Ukraine was actively participating in the movement, the Ministry of Education began arranging numerous unforeseen inspections, checking for the presence (or lack thereof) of students and teachers during class hours in classrooms. Professors who were not present were assumed to be taking part in the protests and were therefore in danger of losing their jobs. No one directly implied that students would be punished for participation in the protests, though the implication was heavy. Auditors claimed that they controlled the educational process, and in particular students' presence during the classes, but it was clear that 'absenteeism' could cause problems for students, including expulsion from universities.⁴⁶ That is, while the government did not declare participation in the protests to be undesirable, it secretly tried to make such participation too costly for potential participants.

Dozens of people were injured as a result of the forceful dispersion of protesters on 1, 10 and 11 December. Protesters were regularly illegally detained, kidnapped, and tortured. Criminal and administrative proceedings were framed up and, according to the data presented by Kharkiv Human Rights Protection Group, at least several hundred people were imprisoned. According to statistics, for the period

of November 2013 to February 2014, sixty-six protesters were killed with firearms in contrast to thirteen law enforcement officers. All deaths of militiamen occurred in the period from 18–21 February inclusive. In total, about 1,700 protesters and about one thousand law enforcement officers were recognized as victims in various criminal proceedings.⁴⁷ Yet these numbers might not be accurate, because a large number of protesters were simply too afraid to go to hospitals after suffering from police actions according to lawyer Yevhenia Zakrevska.⁴⁸ There was a risk that they could be taken from the hospitals to the courts and then immediately transferred to pre-trial detention centres.

The government introduced numerous measures of censorship, limiting the freedom of the press, and using controlled media to discredit protesters and the goals they pursued. Reporters Without Borders and the International Association for the Protection of Freedom of Speech have expressed their concerns over the amount of censorship in Ukrainian media.⁴⁹ There were at least twenty-two instances of attacks on Ukrainian and foreign journalists in Kyiv by Berkut special forces in just one day. LIGA.Net news agency compiled a list of attacked reporters which included forty victims.⁵⁰ Not all of them attended a medical facility, and the violence was not officially documented. Journalists were reportedly beaten by Berkut special forces in grey camouflage uniforms. They tried to continue filming Berkut's actions, and despite them wearing high visibility vests with inscription 'Press' and showing the police officers their IDs, they were still attacked several times with batons and kicking. Mass media representatives experienced physical abuse and Berkut fighters ran up to journalists laying on the ground, proceeding to beat them until they bled. In addition, the security forces smashed all journalists' professional equipment—including cameras, camera flashes, and mobile phones—in an organised manner and in groups. Journalists claimed that they tried to explain that they were members of the press, but in response received even more aggression.

The system's response in the form of repression provided an impulse for more active engagement and even stronger disapproval. Thus, political outcomes of the movement were more drastic than anyone could predict at the beginning. The concept of political outcomes is central in the political opportunity theory that aims to predict and define the interaction of incumbents and social movement representatives. The aforementioned theory explains how the system and the external world beyond it is affected by social movements, thus measuring social change. This change is defined as the political outcome and success of the movement.⁵¹ Zimmerman identifies a number of criteria based on which success or failure of a social movement can be measured. Structure of the goal plays a crucial role in an evaluation of a movement's likelihood to succeed. Reconcilable objectives—that can be adapted in the course of negotiations with the prevailing system, and according to concessions

it is ready to make—may result in a non-zero-sum conflict structure.⁵² The authority would be more likely to open up for changes. Contrarily, this would be much more troublesome in authoritarian systems with a ‘power vertical’, making any negotiations impossible regardless of the reconcilability of the initial goal. It is extremely important to articulate political demands clearly, but also to defend them step by step, competently, in order to achieve one’s set goal.

Among the initial appeals of the Euromaidan, there were none that demanded an immediate resignation of President Yanukovych. Right at the dawn of the protests, Euromaidan representatives formed their demands that included repealing the decision to suspend preparations for signing the Association Agreement with the EU; the resignation of the Azarov government for betrayal of national interests;⁵³ and the adoption of required laws that would facilitate European integration by the Parliament.⁵⁴ Since the beginning of December 2013, the main demand put forward by the Euromaidan was a restoration of the 2004 version of the Constitution of Ukraine, that implied a weakening of the president’s and transformation of Ukraine into a parliamentary republic.⁵⁵ The 2004 constitutional reforms were repealed in 2010 soon after Viktor Yanukovych was elected as a president of Ukraine.

Only three weeks after the start of the Euromaidan, and after several attempts of forceful dispersal, Yanukovych came to the roundtable for the first time with the opposition, but negotiations were not successful.⁵⁶ Yanukovych did not want to agree on any appeals presented. His resignation became inevitable and was demanded by protesters as a result of the violence exerted on them by the government.

Zimmerman singles out an economic bargaining, or organisation power, as an important aspect that precipitates a positive outcome of a social movement. Voting resources and organisational efficacy join with previous determinants to place a primary focus on the managerial aspect of social movements. After the presidential election, the Ukrainian opposition seemed rather disordered, fragmented, and apparently stunned by the speed of change. In this regard, having powerful allies is essential, even if the support is only formally declared. It gives the movement legitimacy, which is essential when the government chooses denial as its response. The Euromaidan received considerable support from the international community. Private meetings with the representatives of opposition leaders were held in the United States and Europe.⁵⁷ The European Union condemned the decision by the Ukrainian authorities to withdraw from signing the Association Agreement and condemned the violence exerted by the security forces in a resolution adopted by the European Parliament on 12 December 2013.⁵⁸ The understanding that the Revolution of Dignity will have a regional or even a global impact was profound and prevailing, even at these early stages.

Noticeably, apart from institutional changes that occurred in

the system as a result of social movement, sociologists identify a change in political consciousness, and this change is one of the most visible in the context of the Euromaidan and European values promoted by the movement. Noteworthy is the rise of civil society, specifically in the areas affected by the conflict in the east of Ukraine; intensification of civic activity overall; development of skills; and development of technologies of self-organisation and management.

In the context of the Revolution of Dignity, it is worth remembering that the initial outcome of the social movement—either victory or defeat—can influence the movement itself, changing its core and agenda. Changes achieved can still be reversible. However, when measuring success by change or lack of change as a result of protest activity, the defeat of President Yanukovych⁵⁹ and signing of the Association Agreement in 2014 does indeed signal a definitive victory on some level.⁶⁰

In the literature, there does not yet exist a solidified opinion regarding the overarching political and economic changes in Ukraine as a result of the Euromaidan, as the process is still ongoing. Many argue that the economy is still under the control of the oligarchs, and that non-economic mechanisms are extremely tangible.⁶¹ The policy continues to be opaque; corruption is still endemic; and the rule of law still does not always apply. Ukraine is rated as 'partly free' by Freedom House's 'Freedom in the World' 2020 report.⁶² Noticeably, this result was affected by Russian occupation and military support of armed separatists in the eastern Donbas area.

Overall, driven by corruption and the lack of democracy and transparency both in private and public sectors, the Euromaidan led to significant transformations in Ukraine. The erosion of legitimacy of Ukrainian authorities can be considered the mobilising factor that triggered the protests. Civil society, previously non-existent as an independent institution, evolved during the first stages of the social movement due to collective mobilisation. The Revolution of Dignity has positively changed the prominence and standing of civil society in Ukraine and increased its role in policy decision-making. During the first years of the post-revolutionary period, civil society organisations performed a number of functions traditionally reserved for the state, due to the state's weak position—which was further aggravated by the economic crisis and Russia's military intervention. In the system which was quite closed and offered a very limited number of political opportunities, the Euromaidan managed to exploit the system's vulnerabilities and lack of legitimacy to open it up, creating multiple political opportunities. The system decided to deny the issue, responding to it with ruthless repressions against social movement representatives. Recourse to repression is a sign of a closed system. The system's response in the form of repression provided an impulse for more active engagement and stronger disapproval on

the part of civil society, making political outcomes of the movement even more intense. In an authoritarian system with a built-up 'vertical of power', it was impossible to achieve non-zero-sum outcomes for Euromaidan and authorities. Therefore, demands posed by the protesters become even more irreconcilable. The Euromaidan and the ideas behind it were supported by numerous Western countries and politicians, providing it with more legitimacy. Processes of collective action ensure transformation of the social order, thus the costs of demobilisation of this collective movement can be quite high. For Ukraine, the occupation of part of its territory; the aggravation of an already difficult economic situation; and the war in the East are the costs that the country still bears. Ultimately, the Euromaidan social movement brought about a great deal of change, thus achieving a success explained using political process theory.

As already mentioned, any social movement goes through identifiable life cycles, all of which lead to either alterations in or of the existing system, which I defined as either a potential success or a potential failure. Euromaidan managed to go through mobilisation; exploit a political opportunity; open a closed system; and manage a system's response in the form of repression. As a result, the movement achieved a change, which could be measured by its political outcomes, and that could serve as a field for future research. The model can be applicable to any social movement to explore its success or failure, in the form of change or lack thereof. Moreover, each of the life cycles can be investigated in more detail to find further interrelations between variables.

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WHO'S AN EXPERT? LEVERAGING TRAUMA AS EXPERTISE IN PEACEBUILDING MOVEMENT

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Abstract

This article examines the ways in which underlying conceptions about the 'local' and the 'global' impact processes of peace negotiations and peace movements. I use evidence from the 2016 peace negotiations, and the subsequent implementation of the accords between the Colombian government and the left-wing guerrilla group, The Revolutionary Armed Forces of Colombia (FARC). In this article, I analyse the impact that an international, top down, elite, and formalised peace agreement has had on local, informal, and contextually specific agreements that communities in some of the most conflict-afflicted parts of the national territory already had in place with a variety of armed actors.

Firstly, I interrogate the assumptions and the construction of perceptions of the 'local' versus the global and informal versus formal. I discuss how communities and movements utilise transnational solidarity networks to achieve their goals in light of these dichotomies. This interrogation problematises the construction of knowledge as to who is viewed as an 'expert' regarding contexts of violence, as well as negotiating and organising in the face of those contexts. Following this interrogation, I analyse how local organisations and actors have both successfully negotiated for themselves the label of 'expert' in the eyes of international and national elites through sharing their experiences with violence, and how this success is implicitly tied to recognition and support for their causes.

Introduction

In 2016, the Colombian government and the leftist guerrilla group the Revolutionary Armed Forces of Colombia (FARC), signed a peace accord, signalling an end to a 54-year-long civil conflict. This peace accord was long-awaited and praised by the international community but was met with significant resistance from certain factions within the country. Four years into the implementation process, all of the shortcomings surrounding government ability or political will to see this

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peace accord implemented are on display.

While this article begins with the story of the 2016 peace accords, it actually stretches back much farther than that. I focus on the ways in which larger constructions of the production of knowledge, and who is deemed an 'expert' in organising and negotiating in contexts of violence, are recognised as such within the international peacebuilding community. I argue that being recognised as an expert is vital for subnational peace organisers, as that recognition is tied to material support and advocacy for their specific community from the international community. This article begins with an interrogation of the inherent division between global/local and expert/non-expert, and the very real implications those divisions have for how and if subnational peace movements and communities receive support from the international peacebuilding community, as well as the international community as a whole. I argue that these divisions, partially upheld by Euro-American academic traditions which continue to dominate much of the discourse, force local 'experts' to publicise traumatic stories in order to be defined as 'expert enough' in the eyes of the international community and receive support for their causes and communities.

To make this argument, I use the case of Colombia as a frame. The 2016 peace accords are just the latest in a long history of peace deals and attempted peace deals between the Colombian government and a variety of non-state armed actors. Throughout this context of start-and-stop peacebuilding, there are local communities that are experts in negotiating and organising in contexts of violence and threats from these non-state armed actors as well as their own state forces. To further illustrate this concept of the construction of expertise and how it influences support for specific communities, I use the following two cases: the international humanitarian space Puente Nayero located in the Pacific port city of Buenaventura, and the case of a national organisation, the Association for Displaced Afro-Colombians (AFRODES).

These two cases illustrate a spectrum of 'success' in their construction of international expertise through the public sharing of different types of violence and trauma, and the subsequent support they received from the international peacebuilding community. These cases are informed by over 70 semi-structured interviews with community leaders, national and international elites (i.e., members of Colombian Congress, government agencies like the Presidential Advisory for Consolidation and Stabilisation, the United Nations Mission to Colombia), as well as members of international peacebuilding and advocacy organisations, such as the United States Institute for Peace, the Washington Office on Latin America, as well as German, Swedish, and Spanish aid agencies which took place either in person or via media platforms like Skype or Zoom between 2017 and 2020.

The binary of the local and the global, and the assumptions and stereotypes associated with each, have important implications for policy-making. While more recent critical scholarship deconstructs this binary, many dated assumptions about these two divisions still hold. In this section, I briefly describe the transformation of this binary through the work of critical scholars, and touch on the implications that a different way of thinking about the 'local' and the 'global' may have.

European and American traditions of modern scholarship, founded in concert with the prevailing colonial, racist, and imperial school of thought at the time, initially contributed to the creation of this binary, and most significantly the stereotypes that go along with it. The local was discovered, and explored, with their traditions often observed and recorded by first gentleman explorers and later by anthropologists. They were labelled as 'barbaric,' 'uncivilised,' 'savage,' and could only be rescued from their ways through their intellectual development into the civilised world by the white man.¹ This way of thinking directly derives from colonisation and empire, where the benevolent, civilised, white mother empire rescues the poor, savage, backwards black or brown colonies from themselves. The 'global,' or 'international,' is associated with the recorders of the local, the observers and saviours of the racialised Other; cosmopolitan, worldly, educated (in the Eurocentric sense of the word), and of course, white.² Thus, our academic traditions inherently placed a hierarchical value on knowledge that the 'local' and the 'global' produced, the implications of which continue into our current moment.³ The 'global,' as a cosmopolitan source, is to be venerated as an expert, even in the absence of any experience interacting with local communities and their knowledge. The local, the Indigenous was/is regarded as a lesser producer of knowledge: good for observation but not for the production and creation of their own stories and knowledge.

More recently within the Euro-American academic tradition, there have been calls to reverse our understanding of the 'local' and the 'global,' and to encourage more pluralistic thought which places the local as an equal and valuable source of knowledge in its own right. In particular, the field of critical global studies has sought to complicate binaries such as the local versus the global and rethink our conceptualisation of the two. Darian-Smith and McCarty describe this reconceptualisation in the following way: '[the] local and the global are mutually constitutive, creating and recreating each other across conceptual fields in a constant dynamic.'⁴ This conceptualisation of the global and the local goes deeper than a transnational economic focus on globalisation, where initial mainstream conversations in the Euro-American academic traditions began.⁵ Darian-Smith and McCarty argue that this conceptualisation is a 'global turn,' one which requires serious reconsiderations of the academy

as we know it.⁶ No longer are the divisions between the international, national, and local—with a central focus on the unit of the nation-state—sufficient to analyse the problems which we face today. A global perspective requires that we recognise that the local and the global exist in the same geopolitical and analytical space together, and, like this article, it transcends the notion of the nation-state to address our present moment.⁷ This requires a decentring of Western conceptualisations of history that inform a dominant understanding of an international world order, and the harmful intellectual traditions that often stem from such parochial conceptualisations.⁸

While this critical reconceptualisation of the local/global binary is important and long overdue, these perspectives are slow to infiltrate mainstream academia as well as development and policy circles. Time and time again, we continue to see harmful policy solutions offered and implemented with little to no serious consideration for the populations they might impact or are designed to help.⁹ Unfortunately, this continues to be particularly prevalent in many international non-governmental organisations, which are often donor-driven by rich Western donors and as a result are often hindered in their ability to provide truly necessary aid.¹⁰ In this article, I discuss some of the ways that the harmful stereotypes perpetrated by thinking of the local and global as a binary, as opposed to a mutually constitutive continuum have, very real impacts on populations which international members of the peacebuilding community are trying to help. In order to overcome these stereotypes, local leaders have to prove their expertise by recounting their traumas or experiences with violence.

The politics of expertise

The construction of expertise, and who gets to speak for who as an expert, is tied closely to how the local/global binary continues to have harmful implications in spite of critical intellectual traditions in the academy. The production of knowledge and the construction of expertise does not happen in a neutral vacuum—it is informed and influenced by a variety of factors. The concept of expertise, particularly scientific or academic expertise, is also very Western, organised within a system that demarcates non-Western cosmovisions as different and not fitting within it. In his 2013 book, Turner discusses expertise in the following way:

Knowledge is distributed; different people know different things. This distribution is difficult to conceptualise and so is 'knowledge.' Some knowledge is relatively fungible and easy to distribute widely. But expertise is a particular kind of knowledge, and one that is either difficult to attain or inaccessible to others. So expert knowledge

is a type of knowledge that is especially resistant to changes in the distribution of knowledge. Because scientific expertise is especially difficult to obtain, and relatively stable, it often serves as a proxy in our thinking about knowledge in society for all expertise as, similarly, expert knowledge serves as a proxy for all knowledge.¹¹

In particular, I focus on this phrase: ‘...expertise is a particular kind of knowledge, and one that is either difficult to attain or inaccessible to others.’¹² The inaccessibility of knowledge, constructed within a Western conceptualisation of education and knowledge, precludes those who know and understand non-Western knowledges from participating as experts, even in the development of strategies or policies which directly speak to their knowledge or experiences.

In psychology, specifically via cognitive science, we see a particular discussion about achieving expertise:

Expertise (as we are defining it) is a long-term developmental and adaptive process, resulting from rich instrumental experiences in the world and extensive and deliberate practice and feedback. (A current challenge for pertinent education and training is whether and how this experiential process, and the opportunity it provides for practice and feedback, can be compacted or accelerated, Hoffman et al., 2014). However, the kinds of experiences, practice, and feedback that are necessary depend on the characteristics of the task environment, and how individuals adapt to those characteristics within the constraints of their cognitive limitations.¹³

Previous studies in cognitive sciences, psychology, and political psychology all point to expertise as transitioning from concrete to more abstract thought.¹⁴ Being able to draw patterns from large amounts of information and utilise them to decipher new material or events is key to this process. Expertise is consensually defined as elite, peak, or exceptionally high levels of performance on a particular task or within a given domain.¹⁵ Others describe expertise as the highest stage of the phenomenological model of skill acquisition.¹⁶

Faulkner, Fleck, and Williams discuss the ways in which expertise means different things to different groups of people, and the social and economic implications those differences have.¹⁷ But the definition of expertise itself, and the process through which one arrives at being designated an ‘expert’, similarly to the local/global binary, was developed within a Western logic and still does not have much space for different types of knowledge to be held up as legitimate.¹⁸ For example, Nobel Peace Prize winner Rigoberta Menchú was deemed a liar by Western academic David Stoll for her use of *testimonio* in her autobiographical works.¹⁹ *Testimonio* is a traditional method of oral history in Latin American

and Indigenous intellectual traditions, often told as a collective truth: 'Presented at times as memoirs, oral histories, qualitative vignettes, prose, song lyrics, or spoken word, the *testimonio* has the unique characteristic of being a political and *conscienticised* reflection that is often spoken.'²⁰ It should not necessarily be taken as an exact experience of the speaker, but rather a reflection of a collective experience that is intentional and political. Some of the ways expertise is produced in this logic is through shared 'esoteric languages' which experts arrive at through processes such as higher education and the socialisation processes which take place within them (e.g., the organisation of disciplines and the organising of empirical tools to investigate within those same disciplines).

Expertise is used as a way to leverage authority and has important implications for governance.²¹ Who can claim expertise, and who believes or recognises individuals as an expert or a producer of knowledge, creates opportunities for some while creating another barrier of entry for others. The field of peacebuilding as a whole is no exception to this. Being seen as an expert in peacebuilding is constructed along similar lines: those who have degrees from primarily Western universities in disciplines such as international relations, political science, or international development, to name a few, are seen as those who are well-prepared to enter the field. These degrees are often accompanied by student internships with international organisations or development firms, preparing students to position themselves well for future employment. Eventually, experience with organisations such as the United Nations, even with particular UN peacekeeping missions, positions individuals as being international experts. This facilitates easy transfer from one conflict or transitional zone to another within such global governance institutions, regardless of whether an individual has experience living in or working in a particular country context.²²

The construction of expertise in peacebuilding movements

Drawing on two different cases of local communities within Colombia, I illustrate the idea of the construction of expertise in action, as well as the subsequent implications which such construction has had for these communities to receive support and recognition from the international peacebuilding community movement—support that is often vital to the continuance of their own local movements. Within these contexts, I define 'success' as being whether these communities were able to convince international networks to support their communities' particular peacebuilding or security needs, and if they were able to retain that support over time. I begin with the national organisation AFRODES, describing the ways in which founder Marino Córdoba leveraged his personal trauma for international support. I then turn to a community which has received more limited international recognition and support,

Puente Nayero in Buenaventura, which leveraged community trauma for the support they did receive.

AFRODES was founded in 1999 in response to the surge of forced displacement of Afro-Colombians from their ancestral lands, primarily driven by rising paramilitary violence. The mission of the organisation is twofold: to fight for the rights of a 'dignified existence' for displaced Afro-Colombians during the 'transitory condition of displacement,' and to fight for the necessary conditions for them to return to their territory.²³ AFRODES is a national organisation, with headquarters in Bogotá and representatives throughout the country, primarily focused in the Colombian Pacific and Northwest Caribbean coasts, where the majority of the Afro-Colombian population is located, and where disproportionate levels of displacement have taken place. While Afro-Colombians only make up around 30% of Colombia's total population, they comprise up to 25% of the displaced population in Colombia.²⁴ Up to 80% of the total Afro-Colombian population have been directly impacted by the armed conflict. This disproportionate level of victimisation in comparison to the percentage of the nation's population is in part due to the fact that Afro-Colombian ancestral lands are rich in natural resources.²⁵

Ley 70 (Law 70), established with the revision of the Colombian Constitution in 1991, finally gave Afro-Colombian and Indigenous communities legal control over their ancestral lands, and the valuable natural resources that are part of that land.²⁶ This meant that, in legal terms, any sort of project on ancestral lands was required to get the approval of that community, even if that project was going to be conducted by the Colombian government. This held huge implications for extractive industries such as oil drilling and fracking, mining, as well as other projects such as hydro-electric dams—Afro-Colombian and Indigenous lands are rich with natural and strategic resources such as oil deposits, gold and emerald mines. These lands are also significant for providing access to Pacific ports, and for favourable environmental conditions for growing coca.^{27;28} Technically, the Colombian government, along with multi-national and foreign companies, cannot embark on land purchases or developing projects without the community's permission. However, this law has been subject to loopholes, and both foreign, multinational companies, and the Colombian government, have taken advantage of them.²⁹

Companies in the corporate sector are not the only ones who find this ancestral land and its resources so appealing. Significant levels of displacement in Colombia's Pacific region are primarily due to armed groups fighting over territory and exploiting the natural resources of the region to bankroll their organisations.³⁰ This includes both left-wing guerrillas such as FARC and the National Liberation Army (ELN), as well as right-wing paramilitary organisations. Many communities have been victimised numerous times as territory changes hands: at times

the communities and their natural resources are controlled by FARC; a few months later, FARC loses that territory to a paramilitary group, which subsequently takes over.^{31;32} This cycle of violence and exploitation by multiple armed actors, including Colombian state forces, has led to massive Afro-Colombian displacement which continues to the present day.

AFRODES' construction of expertise and transnational solidarity

Drawing upon my interviews with AFRODES members, participant observation at AFRODES events and meetings, and the public biography and work of Marino Córdoba, AFRODES's founder and current president, I discuss how this organisation obtained support from the international community which enabled them to leverage the Colombian government into some concessions for their community.

Marino Córdoba has long fought for the recognition of rights for his community in Riosucio, a town in the northwest of Colombia where he was born.³³ Specifically, Marino fought for the recognition of territorial rights for Afro-Colombian communities that were eventually covered by *Ley 70*. Shortly after the Colombian government recognised the first collective land titles that Afro-Colombian communities in the region had submitted as a part of *Ley 70* in 1996, which was in part organised by Marino, a joint operation between paramilitary groups and the Colombian army known as Operation Genesis was conducted in the region. This operation began an intensive process of persecution, assassination, and expulsion of Afro-Colombians from their territory, with their ancestral lands taken back by paramilitary groups for the development of economic projects. The purpose of this operation can be contextualised in the following ways: Firstly, the success of *Ley 70* in providing the community of Riosucio with an avenue to contest illegal land seizures and to have their claims to their ancestral land protected under the constitution was a threat to large landowners who historically dominated Colombian land holdings. Secondly, there was now the chance that those same land holders, in deals with multinational corporations or the government, would not be able to access the valuable natural resources available near Riosucio. Marino, facing death threats, hid in the jungle for weeks, and eventually found his way to Bogotá. In 1999, Marino founded AFRODES to bring the struggle of displaced Afro-Colombians throughout the country to the forefront of national conversations. However, this brought more visibility to his work. Following several assassination attempts in the early 2000s, Marino was given political asylum in the United State thanks to the support of members of the Black Caucus in the United States Congress.³⁴

During his time in the United States, Marino continued to lobby and work with members of the Black Caucus to block financial aid to palm

oil projects controlled by paramilitary groups in his region; to designate economic assistance to ethnic communities; and to block aid to members of the Colombian military responsible for human rights violations.³⁵ In 2012, under continued threat, Marino returned to Colombia. At first, the Colombian government would not assign him protection, but after several threats and an attack, the US intervened to ask that he be assigned protection, which was subsequently afforded to him.³⁶ Since his return to Colombia, Marino and fellow AFRODES board members have been part of the construction and negotiations of the 'Ethnic Chapter' of the 2016 Peace Accords.³⁷ And, in 2019, he was a finalist for the Martin Ennals Award, which is considered the Nobel Prize of human rights work.³⁸

In large part through Marino's work, AFRODES has maintained a close relationship with the Black Caucus, as well as with other members of Congress. He and AFRODES have been internationally recognised, which has in turn increased his leverage in the national arena with a Colombian government that is slow to act on issues of human rights, particularly in predominantly Afro-Colombian regions of the country. In an interview I conducted with the director of the Agency of Territorial Renovation,³⁹ I asked if he felt that partnerships between the national government and local communities would change the sense of abandonment by the government that many citizens felt in the Pacific region. His response was the following: 'Now don't get me wrong, I think it will change that [attitude] in some parts of the country, but not there. Those people don't have the right attitude towards their own empowerment. They just don't have the culture for it.'⁴⁰ The language of the director is a thinly veiled reference to the racialised Other in Afro-Colombian peacebuilding networks.

In this case, the public sharing of Marino's and his fellow activist's personal experiences of trauma and violence has successfully convinced the international peacebuilding community of their expertise, but they still face staunch apathy from parts of the Colombian national government.⁴¹ In contrast, an Afro-descendent organiser from Valle del Cauca told me: '[The government representatives] come in with their big SUVs, or worse, helicopters. They come for one meeting, or a photo op, and then leave. Then they pretend like it is some big mystery why these things can't be solved, instead of asking us—the people who have been organising on the ground and trying to fix things for years, with no support from them.'⁴² In spite of Marino and his fellow activists' traumatic stories—stories which they recount time and time again in public settings in order to legitimate themselves as experts within these contexts of violence⁴³—racist attitudes about a backwards, racialised Other continue to pervade the Colombian state's attitude toward peacebuilding in Afro-Colombian communities, as is well established in the literature on relationships between the state and Afro communities.⁴⁴

In this section, I discuss the history of Puente Nayero and the city of Buenaventura, and the ways in which community leaders mobilised around a particular event to garner international support for the creation of Colombia's first urban Humanitarian Zone. This second case lies in the middle of the spectrum of 'success', in that movement leaders were successful in receiving some support from the international peacebuilding community, primarily through the Catholic Church, but that international support waned over time.

Puente Nayero is a street in the Pacific port city of Buenaventura, a part of a neighborhood known as La Playita. The street is named Puente Nayero because it was first settled by displaced persons who came to the ocean from the Naya River area in the late 1960s. This identity was further solidified in 2001, when a new group of people from the Naya region came to Buenaventura following a massacre by paramilitary groups in their former community.⁴⁵ Puente Nayero became known for artisanal fishing from the rich Pacific waters that the stilt wood houses of the community are built upon.⁴⁶ The Pacific port city of Buenaventura is an important one for Colombia: approximately 60% of the country's legal total trade passes through the port, drawing billions of dollars a year.⁴⁷ Buenaventura also sees an unknown amount of illegal products pass through its port every year, as it is an important venue for narcotrafficking groups to move drugs, primarily cocaine, out of Colombia and into Central America, where it eventually reaches the primary market in the United States.⁴⁸ Because of its strategic importance, the people of Buenaventura, a largely Afro-Colombian demographic, have experienced extreme levels of violence in Colombia's armed conflict—mostly beginning in 2000, when stand-offs between FARC and paramilitary groups began to increase.⁴⁹

In particular, paramilitary groups took control of the urban part of Buenaventura, including Puente Nayero, and used a variety of techniques to terrorise the population. This back-and-forth between guerrilla and paramilitary groups is directly related to the ability to move product out of the port of Buenaventura. As a result of these earlier struggles, the urban part of the city is now divided up by invisible borders, as smaller narcotrafficking/paramilitary groups have carved up the urban space into spheres of influence.

Leveraging community trauma for international support

It was one of these episodes of violence which created the impetus for community leaders in Puente Nayero to mobilise and create Colombia's first urban Humanitarian Space. A paramilitary group established a *casa de pique* in Puente Nayero. *Casa de pique* translates to 'slaughterhouse.' The paramilitary would torture one person, primarily

through dismemberment, in the casa de pique, but it served as a warning to the whole community. Houses in Buenaventura are constructed of wood, so the entire street or neighbourhood would hear the sounds of torture all day and night. Similar to lynchings of Black Americans by white mobs, casas de pique serve as a way to psychologically terrorise and control an entire community.^{50;51}

In response to these actions, community leaders in Puente Nayero mobilised to push all armed actors out of the street and create the first ever urban Humanitarian Space. To first clarify their goals and figure out how to make the humanitarian space a possibility, they consulted with leaders from rural humanitarian spaces nearby, such as *Espacios Humanitarios del Naya* and *Zonas Humanitaria de Curvaradó y Jiguamiandó*, with which some of the community had direct ties.⁵² Following establishment within the community itself, leaders reached outside of the community to garner support. In particular, this support came from the Catholic Church via the advocacy of Bishop of Buenaventura, Héctor Epalza Quintero. Bishop Quintero successfully lobbied *La Comisión Intereclesial de Justicia y Paz* of the Catholic Church (Intereclesiastical Commission for Peace and Justice) and, on 13 April 2014, the *Espacio Humanitario del Puente Nayero* was officially created, the armed groups were expelled from the street, and the community took apart the house that had previously been the casa de pique.⁵³

Of course, the armed groups did not simply leave quietly. The first response to the humanitarian space by paramilitary groups was the torture and assassination of a sixteen-year-old boy less than 100 meters away from the entrance of the new humanitarian space. This was interpreted as a direct threat against the community for going against the rules that the paramilitary groups had established in the urban center of Buenaventura.⁵⁴ The community, with support from the Intereclesiastical Commission, Christian Aid, and solidarity network *Comunidades Construyendo Paz en Colombia* (Communities Building Peace in Colombia-CONPAZ), lobbied the Colombian government to get military and police personnel assigned to the humanitarian space as threats against the space and community leaders continued throughout 2014 and 2015.

The case of Puente Nayero is interesting in that, via the Catholic Church, the community was successful in obtaining some powerful international support, but it was very difficult to convince their own government that they required some sort of aid. 'We need the presence of the public forces so that the armed groups don't come back.'⁵⁵ Eventually, primarily through the lobbying of the Catholic Church, local authorities agreed to provide Puente Nayero with members of the armed forces to protect the community against the continued threats of paramilitary groups.⁵⁶ By 2017, the community was a relatively well-established fortress in the violence that continues to impact the urban center of Buenaventura as a whole.

In contrast to the case of AFRODES where, through the mobilisation of stories of trauma of particular persons there was successful recognition and support from parts of the international community, in the case of Puente Nayero the traumatic story of a community, leveraged primarily through the outrage expressed over the *casa de pique*, created opportunities for international support which was used to pressure the national and local government authorities to provide necessary aid. According to J, a social leader in Puente Nayero, threats against the community are ongoing, and international support and the leverage it provided with the Colombian government has waned:

I am a social leader, a human rights defender. Originally, we were about twenty-five leaders. Now there's seven or eight of us. The rest have left, some have been killed. We are all afraid. The paramilitaries intimidate you, scare you. Mostly I receive death threats face-to-face, like the last time in March (2018) when I was in a bus going to the market and a stranger approached me, saying he knew where I lived and that we, the leaders, are being killed because we stick our noses into things...They are over by the bridge, in the alley downtown—the Urabeños or other paramilitary groups, informants. If I cross that bridge, they will take me for sure. They chopped off the head of an old man just for selling street food without permission. We didn't have anyone defending us, so I became a leader to fight against the suffering of my community. We are vulnerable people, very poor, with very few resources. Around here, almost everyone is displaced, and almost everyone is Afro-Colombian, who can't afford to buy land, so we have to build our houses on poles in the water. But we are also a very proud neighborhood.⁵⁷

J's testimony shows the very real threats that Puente Nayero and its leaders continue to face, particularly as international support wavered and became less interested in the community following its successful establishment in 2016 and 2017. While the case of the establishment of Puente Nayero is a success, the community there still faces huge obstacles, including the loss of interest by the international peacebuilding community, as they continue to be threatened by paramilitary groups and narcotraffickers.

Who's an expert? Legitimizing leaders

These processes required reaching around an apathetic state in order to receive some support. In both cases, some members of the international community recognised the expertise that community leaders had on violence through their lived experiences and provided different forms of aid. In Puente Nayero, the process of becoming a

'community leader' is sometimes a generational one, since organising within the community has been going on for so long. The first generation of leaders, now in their sixties and seventies, are passing down techniques, strategies, and warnings to the new generations, who are in their twenties and thirties.⁵⁸

In the case of both AFRODES and Puente Nayero, community leaders leveraged either personal or community trauma to create support for themselves from the international community in light of a Colombian state that was at best apathetic, or at worst actively perpetrating violence against them. For Córdoba, this meant moving to the United States due to risk of assassination attempts, learning English, and reframing his experiences in the language of international human rights to garner wider support from members of US Congress.⁵⁹ This support came from members of US Congress arguing and voting against no-strings-attached military aid to the Colombian military, and requiring that the military make certain human rights thresholds before US aid will be distributed. These stipulations, in part, came from the lobbying of AFRODES. In Puente Nayero, this meant sharing the community story over and over again until they found those who were willing to help and reframing to match that. '[The organisations which support the community] weren't the first people we talked to. We had been trying to share this for years and years, honestly. The government didn't listen, so we did what we could on our own, and eventually got in touch with some international donors through the church.'⁶⁰

Conclusion

In this article, I interrogated the ways in which local peacebuilders leverage their experiences and stories of trauma to convince sectors of the international peacebuilding community or other sources of international aid that they are the experts in organising and negotiating within contexts of continued violence. To do this, I drew from two cases within the Colombian peacebuilding context; the national organisation AFRODES and the first urban humanitarian space in Colombia, Puente Nayero, Buenaventura. I theorised how AFRODES founder Marino Córdoba, as well as other senior members of AFRODES, leverage their personal experiences in order to successfully lobby support from the international community in order to pressure the Colombian government to be more proactive about the threats that their communities face in light of disproportionate Afro-Colombian victimisation throughout the course of the Colombian armed conflict. Similarly, the community leaders of Puente Nayero leveraged their community trauma, particularly via the *casa de pique* in their community, in order to receive support from the international peacebuilding community.

I argue that in both cases, a prevailing division between the local

and the global means that local peacebuilders often have no other option than to leverage their personal stories of trauma to ‘prove’ their expertise to the international community and get support for their causes and communities. This is in part perpetrated by Euro-American academic traditions, which in spite of critical studies, are complicit in continuing the colonial and racial undertones which belay this division and the politics of the construction of expertise, as international development and aid organisations who make up a part of the international peacebuilding community are slow to accept non-Western, non-Eurocentric ways of knowing and being.

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KNOCKING ON THE DOOR: MUSLIM LEADERS' TACTICS IN THE QUEST FOR MOSQUES IN ITALY

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Abstract

Mosques have often served a symbolic function in debates on the presence of Muslims in the European public sphere. In Italy, these debates have grown increasingly hostile since the start of the 21st century. In the current Italian context, which is characterised by a diffusion of Islamophobic narratives in politics and media, a lack of national legal frameworks on the right to construct a mosque, and a historical precedent of mosque projects that have escalated into national controversies, requests to build a mosque are a contentious matter. As a result, only five purpose-built mosques can be found across the entire country. In this hostile socio-political context, Muslim community leaders and citizens across Italy's regions are working together in the pursuit of a purpose-built mosque in their town or city. However, as the weaker actors within the constellation of power groups, Muslim leaders have limited options. Based on insights from Michel De Certeau's 'The Practice of Everyday Life', this article argues that Muslim leaders in Italy are employing tactics in their pursuit of a *lieu propre*, a place of one's own. These include a clever reinterpretation of the rules, the formation of tactical alliances with individuals in places of power, lobbying officials, but also displaying a seemingly submissive attitude that risks being interpreted as passive acceptance of hegemonic structures. Rather than passivity, this submissive stance should be interpreted as silent resistance, an 'ethical protest', through a reconfiguration of Islamic principles.

Introduction

Despite Islam being Italy's second largest religion, the presence of Muslim citizens remains a contested topic. Economic insecurities, pluralisation of a relatively homogeneous society, secularisation of a previously Catholic nation, and an unprecedented immigration influx are just a few of the ongoing transformative developments in Italy. Within this context, Islam plays 'a central role in Italian society, where it represents - as a discursive substitute - the challenge of cultural and

Frederike Brockhoven, "Knocking on the Door: Muslim Leaders' Tactics in the Quest for Mosques in Italy," *St Antony's International Review* 16. no. 2 (2021): pp. 289-311

religious pluralism' and the ultimate Other that the country needs to defend itself against.¹ In this debate, mosques are no longer simply places for prayer but are vested with new meaning: they represent the Muslim presence in the public sphere.² This is not unique to Italy; the visibility of this new type of architectural structure in Europe, with its minarets rising in a landscape traditionally dominated by bell towers, has been a source of heated debate across Europe.^{3;4;5} In Italy however, opposition to mosques has been more successful in preventing their construction than in most other European countries: despite the fact that nearly 5% of the Italian population is Muslim, there are currently only five purpose-built mosques in the entire country.⁶

As the Muslim community grows and a large second generation of Italian Muslims matures, a movement is developing that strives to carve out a space for Muslims in Italian society. Through Islamic associations, shops that cater to Muslims' needs, and events that bring the community together and promote dialogue with other Italians, Muslims are seeking to demonstrate that they are a sizeable and legitimate part of Italian society that is here to stay. For them, a symbol of this desired acceptance and legitimacy are mosques, which have therefore become an important goal or achievement for the community. This growing movement has a number of elected and organically emerged leaders, who together guide the discourse among Muslims, exchange experiences, and unofficially develop tactics in pursuit of their goals. After exploring the current socio-political and legal state of affairs of Muslims in Italy, this article explores Muslim leaders' tactics in the pursuit of constructing a purpose-built mosque, analysing the actions available to those surrounded by more powerful and often hostile actors.

Italians, Muslims and mosques

Muslim presence in Italy

Apart from the fact that Sicily was an Islamic Emirate from 831 to 1091 AD, the presence of Muslims in Italy is a comparatively recent phenomenon being the product of immigration. Italy shifted from being a country of emigrants to a country of immigrants only from the 1970s onwards. The first migrants came from Tunisia, Morocco and Senegal, but during the early 1990s the flow of immigrants intensified, with migrants coming from an increasing number of countries. According to the census of December 2019, immigrants made up 8.8% of the Italian population,⁷ whilst in 2016 a European-wide demographic study approximated that 4.8% of Italians were Muslim.⁸ This is a lower percentage than the European average (4.9%)⁹, but enough to make Islam Italy's second largest religion after Catholicism.¹⁰ Although the vast majority of Italy's Muslims belong to the Sunni denomination, there is no ethnic group

that dominates the Muslim population. Muslims in Italy come from North Africa, Sub-Saharan Africa, South Asia, and the Balkans, without one nationality being a significant majority.¹¹ Converts also constitute a significant group within Italy's Muslim community; it is estimated that there are around 100,000 Italians who have converted to Islam.¹²

Immigrants came to Italy seeking jobs and found these in the more industrial and prosperous northern region of the country. Over a quarter of Italy's Muslims therefore live in Lombardy (25.8%), followed by 12.8% in Emilia Romagna and 10% in Veneto.¹³ This is reflected in how the almost 800 *musallayat* (prayer rooms) are spread across the country: between 100 and 130 in Lombardy, Emilia Romagna, and Veneto, compared to only a handful in regions where the percentage of Muslim inhabitants is low.¹⁴ Prayer rooms are often called 'mosques' by its users and other citizens, although in most cases they are simply converted garages, basements and warehouses.¹⁵ For the sake of clarity, I will only call 'mosques' those structures that are purpose-built and have distinct features of Islamic architecture on the outside, such as a dome and minaret.¹⁶ Of this type of purpose-built structure, there are currently only five in all of Italy: in Ravenna, Forlì, Rome, Colle di Val d'Elsa, and Segrate. For comparison, in 2010 there were over 100 purpose-built and architecturally distinctive mosques in the Netherlands, and around 200 in France.¹⁷

Mosque controversies

The first time that plans to construct a mosque escalated to national debate was in 2000, in a small town in Lombardy called Lodi. Events in Lodi have become paradigmatic, as conflicts that took place after this case follow a similar pattern and position themselves in relation to it.¹⁸ Starting with Lodi, mosque controversies have seen the dominant involvement of Catholic Church representatives, local and national media and local politicians, the latter usually from right-wing populist party *Lega (Nord)*, who have been the flag-bearers for anti-Muslim campaigns.¹⁹ These actors form an unofficial alliance aimed at thwarting nascent mosque construction plans. Interestingly, they are not entirely separate entities: Church representatives make political statements and influence policy, politicians use Catholic rhetoric to justify Islamophobic reasoning, and various local media outlets have connections to religious and political bodies.^{20;21} A salient absence of voices from the local population, especially the Muslim community, characterised these debates.

Mosque controversies in Italy since 2000 show more commonalities: often, when local politicians or media become aware of plans to build a mosque, a campaign is launched by this hegemonic alliance of Church, politics, and media. This is often in the context of

a local electoral campaign, where anti-mosque and anti-Islam slogans with a 'clash of civilisations - style' rhetoric are used to attract voters. Another common characteristic is the 'objective' complaints that existing *musallayat* are breaking safety and sanitary rules, which is used as a justification for objecting to plans for a larger structure.²² Many conflicts have a congruent result: the polemics commonly lead to the cancellation or complete bureaucratic standstill of mosque plans.^{23;24}

Policies and legal parameters governing Muslims' presence

Initial legislative initiatives dealing with immigration and religious pluralism were made ad hoc from the 1970s onwards. Over the years, governments produced contradictory laws depending on the current political majority. As a result, Italy lacks a model of integration or pluralism.²⁵ Moreover, Italy's restrictive citizenship legislation based on the concept of a community of shared traditions constituted by descent (established after the unification in 1861) has never been changed. Italy adheres to a particularly strict *jus sanguinis* policy, meaning immigrants and their children (even when born on Italian soil) do not easily acquire citizenship.²⁶ Therefore, around half of Italy's Muslims do not enjoy the same rights and opportunities as other Italians, such as voting rights or employment by the state, and have a less legitimate claim on public space.²⁷

What further complicates Muslims' presence and claims on public space is the fact that Islam is not a legally recognised religion in Italy. Although the Italian Constitution of 1948 separates religion and state and guarantees freedom of religion, the Catholic Church still enjoys a privileged status. Article 7 of the Italian Constitution declares: "The State and the Catholic Church are independent and sovereign, each within its own sphere. Their relations are regulated by the Lateran pacts. Amendments to such Pacts which are accepted by both parties shall not require the procedure of constitutional amendments."²⁸ The state regulates relations with religious minorities present in Italy through *intese* (agreements). Article 8 of the Constitution states: "All religious denominations are equally free before the law. Denominations other than Catholicism have the right to self-organisation according to their own statutes, provided these do not conflict with Italian law. Their relations with the State are regulated by law, based on agreements [*intese*] with their respective representatives."²⁹

All major, and many minor, religious denominations settled in Italy have signed an *intesa* with the government; among them are the Jewish communities, the Lutheran Church, Buddhists, Hindus, and the Evangelical Church.³⁰ The *intesa* gives a religious group the right to places of worship, religious education in schools, separate space in cemeteries, religious support in prisons and hospitals, and recognition of religious

marriages and holidays.³¹ Since there is no *intesa* between the state and Islam, the Muslim community enjoys none of these rights. Since the 1990s, various Muslim associations have applied and lobbied for an *intesa*, but none have been successful. At face value, the main issue seems to be the requirement of a representative: unlike the Catholic Church, the Muslim community lacks a hierarchical structure and distinctive leadership.³² In fact, different theological approaches are fundamental to the religion. Appointing a single leader who can represent over 1.6 million Italian Muslims has therefore proven to be impossible thus far. Muslim associations are in competition with one another, attempting to prove why they are the legitimate representative; one has the most members, the other enjoys the oldest relations with the government, and yet another prides itself for having the cleanest political track record.³³ The ongoing quarrel between various Islamic associations became heated again in June 2020, when the president of the Islamic Cultural Centre of Italy called out the president of UCOII (Union of the Islamic Communities and Organisations of Italy) for implicitly claiming that his organisation was recognised by the state.³⁴

However, the common narrative that a lack of unity in the Muslim community is the only reason for the absence of an *intesa*, is simplistic. In the current political climate, with dominant and vociferous right-wing political parties, the political will to openly embrace the country's Muslims has been absent. While these parties generally promote xenophobic and anti-immigration narratives, there seems to be a particular focus on Muslims as the ultimate Other and threat.^{35;36} Since the *intesa* requires approval by the Ministry of Interior and parliament, the majority of both these institutions must hold a favourable opinion of official relations with the Muslim community. In recent times, this level of political goodwill has been lacking. However, some progress has been made: in 2017 a 'National Pact for Italian Islam' was signed by Interior Minister Minniti and around ten Muslim associations, stating clearly for the first time that an *intesa* for Islam was possible.³⁷ While this pact does not grant the Muslim community the same rights as others, it is a step in the direction of recognition and legitimacy.

On the regional level, legal changes concerning Muslims and mosques have at times taken on a more sinister character. In 2015, Lombardy, whose Regional Assembly was dominated by the right-wing *Lega*, enacted amendments to the Regional Law that regulates planning of religious buildings (RL 2/2015).³⁸ While not explicitly discussing mosques, the law was widely perceived as an 'anti-mosque' law as it requires an agreement between the representative body of a religious denomination and the municipalities before permission for the construction of a religious building can be obtained. Through various rules, the law granted excessive discretion to the municipality. This would allow Islamophobic sentiment in the community to block religious

groups' request for the construction of place of worship. Moreover, the law required new places of worship to fit in the architectural style and landscape of Lombardy – which was read as targeting specifically minarets. However, in 2016 the Italian Constitutional Court nullified the law, as it was deemed unconstitutional and exceeded the power attributed to the region. In 2016, the Veneto region also approved an 'anti-mosque' law (n.12/2016).³⁹ It stipulated a number of norms, granting the region and municipalities the power to establish criteria for buildings from all religious groups. Additionally, the law stipulated that Italian must be spoken at all times in religious buildings, except during strictly ritual activities. Again, the Constitutional Court rejected the law.⁴⁰ While these anti-mosque laws were nullified, they demonstrate the deep-seated Islamophobia within the governmental bodies of the two regions where most Muslims currently live.

Methodology

Research for this article primarily took place between September 2017 and July 2018, during which I was based in Bologna, Italy. The findings are predominantly based on participant-observation and semi-structured interviews, as well as photographs and written materials such as newspaper clippings and Whatsapp group chats. As a Muslim myself, building relationships with interlocutors was facilitated by our common beliefs and a shared understanding of symbols, rituals and language. Participant observation was carried out mostly in the context of *jummah* (Friday) prayers, religious festivities, *Giovani Musulmani d'Italia* (Young Muslims of Italy) meetings, and gatherings with other Muslims. Word about me travelled fast through regional networks, and I was often approached by people keen to get acquainted and help with the research. Partaking in community events and establishing friendships inevitably created a tension between the role of community member and researcher. I attempted to mitigate this by openly sharing details about the research from the outset.

Field sites

Although this research started in Bologna, it quickly became apparent that networks of Muslim students and community leaders were linked across towns and cities, with both frequently travelling to other cities for events, education, and socialising. Moreover, due to the national dimension of the mosque debate, local developments cannot be approached as locally contained but must be seen in relation to each other. This led to a natural progression to multiple-site research, as the geographical confines of the city Bologna would have been an artificial and limiting boundary of the research. Therefore, fieldwork

was conducted in Bologna, Ravenna, Forlì, Sesto San Giovanni (a city, but *de facto* suburb of Milan), Castelfranco Emilia, and Rome. Apart from Rome, all sites were located in Lombardy and Emilia-Romagna, the two regions with the largest Muslim populations, where therefore the desire for mosques is greatest. Muslim communities in these cities were in various stages of constructing a proper mosque, with purpose-built mosques recently opened in the peripheries of Ravenna (2013) and Forlì (2017). The Islamic Cultural Centre and Mosque of Rome provided an interesting contrast with the other locations, as this mosque opened its doors in 1995 - a period marked by a relatively positive stance towards Muslims in Italy.

Interviews

Semi-structured interviews were mostly held with Muslim leaders, whereas conversations with other (Muslim) citizens took the form of casual chats. I use 'leaders' to describe those individuals who have been elected for a role as mosque or community representative through a Muslim association. However, whilst not focusing on them specifically in this research, I must also acknowledge a plethora of unofficial leaders, ranging from students to entrepreneurs to full-time mothers, whose initiatives shaped discourses within the Muslim community and beyond. The focus on leaders developed organically as research progressed, as Muslim leaders arguably constitute a group within themselves, linked through informal networks. The interviews with community leaders lasted between 60 and 120 minutes, were conducted in Italian, and were guided by questions that covered topics such as the process of establishing places of worship, experiences and obstacles of Muslims in Italy, and relations with local authorities, other Muslim groups, and other religious groups.

The official Muslim community leaders I interviewed were all male and aged between 30 and 60 years old. All had non-Italian roots, though some were born in Italy. They all identified as Sunni, which reflects both the vast majority of Muslims in Italy and the religious affiliation of Italy's most visible Muslim associations.⁴¹ Most interviewed community leaders were members of UCOII, the largest Islamic association in Italy, as nearly all purpose-built mosques in Italy are affiliated with this organisation.⁴² This, however, is a potential limitation to the research, as leaders' insights on participation in Italian society and religious justifications for their actions may be influenced by their particular religious and political affiliations. For example, the significantly smaller and less politically active Shia community may have tactics that differ from those described by these Sunni community leaders.⁴³ Apart from my religious identity, age and gender also influenced the interactions with this specific group of interlocutors. As most were older men, and I

am a young woman, the community leaders often initially struck a more lecturing or paternalistic tone and were thus less open to sharing honest experiences and vulnerabilities. It was usually later in the conversation, through reciprocal exposure, that interviewees moved beyond the official, overly optimistic narratives and shared the bleaker reality of interactions between the Muslim community and other power groups in Italian society.⁴⁴

Interviewees also included two priests from Bologna, to clarify the Church's role in mosque controversies and to explore the issue from the position of the Catholic Church, which enjoys a hegemonic position not only in religious but also in political matters.^{45,46} While ethnographic examples are taken predominantly from interviews with Muslim leaders, insights from many conversations with citizens and other actors are implicit in the analysis.

Tactics in the space of the Other

In existing literature on mosque controversies in Italy thus far, let alone in Italian media, the Muslim community and leadership has been portrayed as passive or even absent from the debate.^{47,48} Whilst Italian clergy, media, and notably politicians' polemical opinions on Muslims in the Italian public sphere are heard,⁴⁹ academics frequently describe the Islamic community as a 'leaderless community'.⁵⁰ However, minimal representation in media and political processes does not necessarily indicate passivity or lack of agency. Rather, the agency of the 'invisible others' who do not have 'a clear position in the social field' can be discovered between the structures and narratives created by those in power.⁵¹

In 'The Practice of Everyday Life', Michel de Certeau concerns himself with the 'consumers' of hegemonic structures - those who speak with the vocabulary of established languages and move around a terrain organised by foreign powers.⁵² Those who consume are often mistakenly perceived as passive, while in fact their consumption can alternatively be analysed as a 'silent production.' For example, the reader of a book or a newspaper, rather than being a passive consumer, is constantly interpreting what he reads. The wanderings of his eyes, underlining, his memory and forgetting of what is written, makes him an 'unrecognised producer.' Similarly, a pedestrian in the city walks through an environment created by urban planners who have envisioned a certain use of the space. But as the walker moves across the street, he forms his own trajectory in the labyrinth of possibilities and prohibitions. By describing ways in which consumers act with 'artisan-like inventiveness', as bricoleurs, De Certeau illustrates how the 'consumers', the weak, tactically manipulate an environment created by the powerful.⁵³

De Certeau thus creates a distinction between *strategies* and

tactics. Strategies are actions by those in power, which serve to sustain power relations. What is central to a strategy is that it has its own place, a '*lieu propre*', a space delineated from its environment, like an independent institution, autonomous city or system, which then serves as a basis for forming relationships with the world outside this place. Tactics, on the other hand, are 'a calculated action determined by the absence of a proper locus.'⁵⁴ They are 'the art of the weak', a 'last resort' for those that do not have power and their own place in these battles and games.⁵⁵ Tactics take advantage of opportunities, and thus must be mobile in order to seize the right moment to make use of the cracks in the surveillance of the powerful.⁵⁶ In short, 'tactics are determined by the *absence of power* just as a strategy is organised by the postulation of power'; the former depends on time while the latter depends on place.

De Certeau's theory on the resistance of the weak against the powerful rests on a Gramscian interpretation of hegemony. Gramsci's fluid and flexible use of the concept of hegemony explores the various forms of inequality that are produced and reproduced between groups in society. This flux of power structures makes for what Akhil Gupta and James Ferguson call a 'war of position'⁵⁷, in which tactics can be interpreted as a form of 'trench warfare'.⁵⁸

This approach to analysing relations between those with power and those without constitutes a fruitful basis for an evaluation of Muslim communities' actions in their struggle for mosques. However, it is important to note that this theoretical framework does not imply a binary structure with a hegemonic alliance of politicians, Church, media and Italian citizens on one side, and Muslim communities on the other. Ilan Kapoor points out that the agency of the weak, in this case the Muslim communities, is situated not outside of but within the 'master discourse', not only within the societal structures but also discursive structures of those in power.⁵⁹ This has implications for the type of resistance possible, as direct opposition to dominant power is 'more liable to cancellation or even reappropriation by the dominant' and therefore, countering a hegemonic narrative must be done 'tangentially' from within.⁶⁰ But it also implies an 'unavoidable collusion and complicity' between the powerful and powerless.⁶¹ Resistances to a particular strategy are never innocent of outside power, and thus risk being appropriated and slipping from resistance to one strategy of power into complicity with another.⁶²

Knocking on the door: Tactics towards a mosque

One's 'own place', as defined by De Certeau, is not necessarily a physical space but can constitute any type of demarcation from other entities and the environment, such as a business, institution, or language; it is simply a place of one's own power and will in a world ruled by the Other. To have a literal and figurative place in Italian society was

an important subject in conversations of Muslims I interacted with. Due to the Islamic significance of mosques as a place where the community comes together to worship, and the societal importance of mosques as a symbol of Muslim presence in the public sphere, Muslim communities in Italy predominantly focused their efforts of establishing their own, appropriable place on the construction of a mosque. The many existing *musallayat* in converted garages, basements and shops cannot be said to constitute a *lieu propre*, since they are hardly visible from outside and are opened and closed depending on the whims of public servants. Previous paragraphs have outlined the obstacles in the process of building a purpose-built mosque, as the Italian state has no adequate legal framework that guarantees the legal right for Muslim communities to create a space of their own, whilst powerful actors that have succeeded in strategically delimiting their own place openly oppose the establishment of Muslim places of worship. In this context of a 'battle between the strong and the weak', which actions remain possible for the latter?⁶³

In the following paragraphs, I will discuss some of the 'tactics' that Muslim communities and their leaders have employed in Ravenna, Forlì, Sesto San Giovanni, Bologna and Castelfranco Emilia in their quest for a purpose-built mosque. These range from concrete actions to narratives and attitudes, yet all play on and with a terrain imposed on them and organised by a 'foreign' power. Due to the close communication between Muslim community leaders, there were distinguishable patterns in the tactics employed, which I will identify below as 'building between the lines', 'tactical alliances' and 'agreeable neighbours'.

Building between the lines

The mosque of Forlì is described in existing literature as a purpose-built mosque but is in fact not built from scratch. The Muslim community acquired the plot of land in the city's periphery in 2000 when the 80m² *musalla* in the city centre no longer provided sufficient space. The land had an already existing agricultural warehouse on it, which the municipality decided could not be removed to make space for a new mosque. The municipality also contested the planned minaret and dome. This decision was most likely influenced by protests from local right-wing politicians, who, according to Rafiq, a representative of the mosque, 'argued that the mosque is a place where terrorists are created.'⁶⁴ Rafiq described the inventive ways in which the community dealt with the strict ruling:

We opened this mosque which looks a little different because we were not allowed to build a minaret on the warehouse. So, we just made adjustments and created a metal structure because we weren't allowed to build on it, you get me? [...] So these walls were already here, we

only made adjustments. It's all plasterboards. These pillars are fake, made of gypsum.

Despite the restrictive rulings of the municipality, the building has the clear architectural markers of a mosque, such as a dome, minaret and dome-shaped doors (figure I). Inside, there are two ablution areas and a carpeted hall with a section for women, a wooden *mihrab* and pillars and a dome made of plaster (figure II). For an unknowing visitor, it would be hard to tell that this building was not constructed *ex novo*. The metal structure fashioned around the existing warehouse allowed the community to obey the rules, as the metal shapes do not count as 'building', thus avoiding the project being shut down by the municipality, while creating what they believed to be necessary architectural features of a mosque. A 'place of their own power and will' was thus created by a cunning interpretation of the rules - a 'misreading' of the master discourse that ultimately overturned the dominant authority.⁶⁵



Figure I: The back of the mosque of Forlì, with metal dome and minaret visible (credit: author)



Figure II: Inside the mosque of Forlì with plasterboard dome and pillars (credit: author)

Tactical alliances

Although the Muslim community of Forlì was ultimately successful in subverting the strategies of the municipality, in some other cities decisions by powerful actors have resulted in a stalemate of pending mosque proposals. Abderrahman, a representative of a temporary *musalla* in Sesto San Giovanni on the terrain where a mosque is supposed to be built, described how local elections have seen the rise of right-wing political parties that strategically used the mosque-project in their campaign:

This is a multicultural city, a city home to many identities, and it has always been this way until the change in the municipal administration, when the centre-right coalition took over the city [...]. They won the elections and their election campaign was against the mosque, against this project that we have here. [...] The electoral campaign was the start of a strong, one could even say aggressive, dissemination of an image [of the city] that excludes the mosque.

Furthermore, this right-wing coalition accused the Islamic community of being in arrears and demanded immediate payment of over €400,000. They also used the late payment as a reason to prohibit

construction of the proposed mosque and cultural centre.⁶⁶

Similarly, during an election campaign in Castelfranco Emilia, the municipal branch of *Lega Nord* put up posters with an unabashedly Islamophobic message (figure III). This message was further disseminated by local media who, according to Emad, a representative of the Islamic Cultural Association of Castelfranco Emilia, publicly asked questions about the finances of the building and discursively linked the mosque with news on terrorist attacks perpetrated by Muslims in Europe. With the appearance of a party that strongly opposes visible Muslim presence in the public sphere, the process of building a mosque has come to an abrupt stop in both cities. These situations demonstrate that, in the absence of a legal framework that stipulates the right to construct a mosque, requests were dealt with locally on an *ad hoc* basis, leaving the power in the hands of local politicians and other influential actors.⁶⁷ Realising that they were at the mercy of various powerful actors when it came to establishing their own place, it became extremely important for Muslim leaders to invest significant amounts of time and energy in creating diplomatic relationships with these individuals and organisations.

This tactic was proven successful in Ravenna and Forlì: Politicians, the mayor, public servants, local media, representatives of the Catholic Church and, to a lesser degree, the Jewish community as well as the police played a pivotal role in the establishment of mosques in these cities. Rafiq described the importance of his connections when *Lega Nord* attempted to halt the building process:

Alhamdulillah the Church spoke well of us, they said 'Look, we know these people, we have checked and saw what they're doing' and *Alhamdulillah* also the Jewish community spoke highly of us. People in the municipality were also good friends and they said that 'if there's democracy in Italy it's only right that the Muslims get their own place of worship'. [...] We also had good relations with the police, the council... And this gives you a great advantage.

In Ravenna as well, personal relationships proved to be of vital importance in the realisation of the mosque project. Mohammed, a representative of the mosque in Ravenna, explained that thanks to ongoing meetings since 1998, the mayor had understood that the Muslim community was 'open, moderate and believing in dialogue' and thus had thought to himself 'Well, why wouldn't I give them this opportunity?' With the approval of both the mayor and a popular Cardinal, the Muslim community had enough supporters to counter far-right demonstrators.



Figure III: Poster by Lega Nord from Castelfranco Emilia. It reads: 'IS THIS THE FUTURE YOU WANT?' Someone wants our Big Square [Piazza Grande] to look like this. WE DON'T!!!' (credit: given by citizen from Castelfranco Emilia)

Given the pivotal role that tactical connections played in the construction of mosques in Ravenna and Forlì, it is unsurprising that mosque leaders from other cities attempted to forge similar alliances. In Bologna, conflicts surrounding a potential mosque project in 2007 had led to years of antagonism between the municipality and local Church on one hand, and the Muslim community on the other. Understanding that without these actors on their side the Muslim community would never be able to realise their plans, the organisation CIB (*Comunità Islamica di Bologna*) was set up, with the aim of 'reconnecting with the city, the Church, the Jewish community [...], to create more favourable conditions for the establishment of a mosque in the near future.'⁶⁸ In Bologna, Castelfranco Emilia and Sesto San Giovanni, a significant number of events were organised in collaboration with parishes and the municipality for the wider public to 'make sure that everyone feels that the Muslim community is an integral part of the city and that the city responds to our needs' (figure IV).

Through these various experiences of attempted place-making, Muslim leaders thus acknowledged that they were moving in the space of the Other, and therefore had to tactically insinuate themselves into the Other's place. Engaging with the more powerful Other was necessary to create favourable conditions, opportunities, that could lead to the establishment of a *lieu propre* in the future.



Figure IV: Iftaar, breaking of the fast during Ramadan, in the city centre of Bologna on 10 June 2018, organised by the *Comunità Islamica di Bologna (CIB)* and the municipality, open for both Muslim and non-Muslim citizens (credit: Maryam Toumi, used with permission)

Friendly neighbours

In the abovementioned relationships as well as during engagement with wider society, the Muslim community and their leaders adopted a seemingly submissive attitude. Although frequently subjected to marginalisation and mistreatment, their discourses were often marked by a deferential acceptance of whatever other power groups in Italian society desired or expected. Rather than standing up for themselves, Muslim leaders and members of the community chose to ‘keep a low profile’, to remain ‘calm, responsible and collaborative’, and to be ‘welcoming and smiling, as these things count for those who don’t know Islam.’⁶⁹ This submissive stance was framed as the desire to be a ‘good neighbour’. Being a good neighbour to other Italian citizens meant accepting uncomfortable circumstances completely, so to not be ‘an inconvenience to the citizens, to the neighbours.’ It also meant going to great lengths to demonstrate being a dedicated citizen, for example by voluntarily cleaning rubbish around the city (Figure V).



Figure V: Muslim volunteers in Castelfranco Emilia clean up rubbish 'because if they see us clean the ditches of the city, we are clearly having a positive impact on the city' (credit: given by a Muslim resident of Castelfranco Emilia)

Rather than interpreting it as a passive acceptance of societal discourses of the 'deserving migrant'⁷⁰, this narrative could also be regarded as a tactical subverting of the 'master discourse.'⁷¹ De Certeau's account of 'the Spanish "success" in imposing their own culture on the Indigenous Indians invites one to see submissive attitudes in a different light. De Certeau writes:

Submissive, even consenting to their subjection, the Indians nevertheless made of the rituals, representations and laws imposed on them something quite different from what their conquerors had in mind; they subverted them not by rejecting or altering them, but by using them with respect to ends and references foreign to the system they had no choice to accept.⁷²

At closer inspection, the submissive actions and discourses of Muslim communities were framed as part of a broader Islamic discourse in which submissive behaviours were not something imposed on them, but a choice. Being a 'good neighbour' was not formulated as the result of a weak position, but as an agential decision to act in accordance with Islamic teachings and become a better Muslim. After sharing his satisfaction with the remote location of the mosque of Forlì as this allowed them not to 'disturb the neighbours', Rafiq explained:

We are following a religion that says we need to behave well in front

of our neighbours. *Especially* with our neighbours, said the Prophet...
 [...]. So, we are obliged to treat others well, it's Islam that says this,
 not me. [...] This is why for us Muslims, behaviour is very important.

Similarly, Abderrahman from Sesto San Giovanni concluded: 'Islam teaches us to be aware of the wellbeing of the community, of everyone, and to love your neighbours. If you don't love your neighbours, it means you don't love God.'⁷³ Muslim leaders and citizens thus reconfigured Islamic traditions through foreign vocabularies, merging Islamic teachings and Italian societal norms to create a framework in which the hardship they faced made them better Muslims. In this framework, being a 'friendly neighbour', even when treated disrespectfully, would ultimately be rewarded with a figurative and literal place in Italian society. The intended outcome of this tactic is thus twofold: compliance with societal narratives by adopting a submissive attitude would lead to acceptance by society and thus to the establishment of a mosque, whilst the internalised narrative based on Islamic values constituted an internal, 'ethical protest' that subverted the position of weakness by transforming it into an empowered choice.⁷⁴

Betting on time

The outcome of these tactical alliances and behaviours being located in the future, time was central to the discourse on prospective mosques. 'Italy needs time' and 'it takes some time' were common remarks when Muslim leaders discussed the establishment of a *lieu propre*. In the absence of a place, time was the variable they depended on: tactical moves were placed on a temporal path that stretched towards a better future where Muslims were fully accepted Italian citizens with their own place in society.⁷⁵ Abderrahman explained the necessary combination of tactical actions and patient waiting through a metaphor:

We need to wait. We are knocking on the door. If the door opens, we are happy. If it doesn't open, we wait a bit, and knock again. Hopefully, it opens. If it doesn't, we must wait again. We knock again, and so forth. We give them all the time they need.

The belief that tactical actions ('knocking on the door') and patiently waiting would ultimately lead to the establishment of a mosque is an integral part of the Islamic framework: verses 53:39 and 53:40 of the Qur'an ('That man can have nothing what he strives for; that the fruit of his striving will soon come in sight') were repeatedly invoked or paraphrased to support the belief that the Muslim community would reap what they had sown. Interlocutors seemed to ignore the possibility that the political landscape would change again, which, as past

experiences demonstrated, could mean losing all that had been built up so far. Although tactics were often presented as a position of strength, with a lack of physical locus, and thus dependency on time, there came a vulnerability that Muslim leaders could not overcome.

The tactical manoeuvres and attitudes thus demonstrate an oscillating dynamic between weakness and strength in Muslim leaders' attempts to navigate the hostile socio-political environment in their struggle to establish a mosque. Although a restrictive societal discourse prescribed submissive attitudes and behaviours, Muslim leaders succeeded in transforming these into agentive and tactical actions. It is a silent resistance that is left for the weak. But without a position of power, defined by a *lieu propre*, Muslim communities remain in the space of the Other, always vulnerable to the other's whims.⁷⁶

Conclusion

While existing literature has often labelled the Italian Muslim community as a 'leaderless community', this is far from true. A growing movement of loosely connected community leaders, their spouses, imams, and young Muslims born and raised in Italy are investing significant time and effort to carve out a space in Italian society for more than 1.6 million Muslims currently residing in Italy. This is not without difficulty, as with a growing presence and visibility in the public sphere comes increased resistance from various actors who believe that Italy has no space for Muslim citizens. This process is also complicated by the dynamics between various Muslim organisations. Notably, the discussion of who is, or will become, the legitimate representative of Italian Islam, and who is therefore allowed to sign an *intesa* with the state on behalf of all Muslims in Italy. Granted, the legal process for the *intesa*, which requires one representative for a religious denomination, is not fitting for a non-hierarchical and diversified religion such as Islam. But quarrels and competition within the Muslim leadership certainly do not facilitate the process towards recognition. Unity within the community will lead to improved coordination, an image of professionalism, and more focus on the bigger picture – which may help in obtaining the coveted *intesa*.

Muslim leaders acknowledged that the Muslim community is in a relatively early stage of becoming part of the Italian social fabric, especially in comparison with countries such as the UK, Germany and France. But regardless of the hardships they faced at present, all interlocutors expressed hope for the future. They were positive that, with the coming of age of the first generation of born and bred Italian Muslims, being Italian and Muslim would become a normalised identity and mosques would be an accepted feature of Italian city skylines. Indeed, a shift is expected as the current leadership passes the baton to a new generation of Italian-born Muslims. Not only do they perfectly

understand the language, culture, and political systems of the country their parents migrated to, making navigating political and legal processes significantly easier, but they also seem less apprehensive to claim their rights. In Bologna, Muslim university students held heated discussions in their group chat about the unacceptable absence of a prayer space in their university, and how to change this. A large number of participants argued that a physical space for worship was not something they had to earn or ask for; it was their right.

Another example of a new generation of Italian Muslims bravely claiming space for themselves is the opening of *Hijab Paradise*, proudly the first apparel store for Muslim women in Italy. Future research could explore the different narratives that this younger generation espouses, and the different approaches that they may adopt in the quest for purpose-built mosques. However, despite the hope that the next generation engenders, the hostile political and complex legal reality will likely complicate mosque construction processes in the years to come. Parties that promote anti-immigration and Islamophobic narratives still have a significant support base, particularly in the north of Italy. These actors will do their utmost to obstruct the legal changes that Muslim communities in Italy hope for. The hostile political climate will undoubtedly influence integration processes at the local level and could prevent the inclusion of Muslims in the Italian national imagination, despite ongoing efforts.

Alongside national political developments, the future of the Italian Muslim community also lies partially in the hands of Muslim leadership itself. Muslim leaders' tactics explored in this article focus on silently resisting the hegemonic discourse that foreclosed the construction of mosques in Northern Italian cities but did not openly oppose narratives that portrayed Muslims as second-class citizens. Moreover, the community leadership accepted spatial marginalisation as a condition for establishing a mosque, with the result that all mosques in Italy are located in the periphery of their respective cities. In short, other objectives that would advance the acceptance of Muslims in Italian society were sacrificed in the quest of establishing a mosque. These include visibility in the public sphere by having a mosque in the urban centre rather than the periphery, and the diffusion of a narrative that portrays Muslims as citizens with equal rights, regardless of their contributions to society. At this stage, these 'sacrifices' were arguably necessary, as a more assertive attitude from Muslim leaders could have resulted in a backlash from opponents. However, as more mosques open their doors and the Muslim community grows, leaders will have to adapt their actions to continue resisting marginalisation and exclusion. In the 'eternally incomplete nature of hegemony', it is easy to slip from resisting one strategy of power into complacency with another.⁷⁷ If Muslim leaders fail to resist narratives of exclusion, they could ironically help maintain

the status quo and strengthen the marginalised position of Muslims.⁷⁸ Only by continuing to utilise their tactical mobility to subvert evolving strategies of power, will Muslim leaders be able to advance the acceptance of Muslims in Italian society.⁷⁹

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INTERVIEWS

HONG KONG PRO-DEMOCRACY PROTESTS: REVOLUTION DEFEATED

Nathan Law
Hong Kong Activist



Nathan Law at the US Capitol (credit: Senator Todd Young)

Let's start in Hong Kong. The rebellious country within a country has been challenging the central Chinese government throughout its tumultuous history. In 2014, the Umbrella Revolution, led in large part by student activists, erupted against perceived Beijing overreach. Also in 2014, Nathan Law, one of the brightest student leaders in Hong Kong, emerged onto the stage. In the aftermath of the protests, he became the youngest elected official in Hong Kong, and was later briefly arrested. Mr. Law then played a significant role in Hong Kong's other historic uprising: the pro-democracy protests of 2019-2020. In 2020, shortly after Mr. Law fled abroad, the Chinese Communist Party successfully tightened its grip over Hong Kong with a new national security law.

The Hong Kong police finally crushed the protests in late 2020 amid Coronavirus restrictions. *Ceteris paribus*, Mr. Law will never return

to Hong Kong a free man. His allies are jailed, and Beijing is poised to only increase its control over Hong Kong.

I talked with Mr. Law over Zoom. The interview has been edited for clarity and brevity. The publication of this interview does not mean an endorsement of Mr. Law's views and ideas.



Protesters fly one of the most popular protest flags where "Liberate Hong Kong - Revolution of Our Times" is repeated in English and Chinese. January 2020, Hong Kong (credit: David Saveliev)

STAIR: What led you to radicalise and risk having to abandon your home for a lifetime of exile?

Nathan Law (NL): I grew up in a family that didn't talk about politics, and I didn't know anything about it until the day when Liu Xiabobo (*Chinese activist and political prisoner - DS*) got his Nobel Peace Prize in 2010.

I was studying at a pro-Beijing school, so the principal denounced him, saying that he was bad for the country, that he is doing bad things. I was very curious, and I Googled and learned a lot about Liu's advocacy work such as the liberal movement in China, and the demand for democracy. Soon I learned much more about Hong Kong's human rights problems and the position of democracy.

So, I think that opened up a gateway for me to understand the society. By the time I got into university, I decided to run for the leadership of the student body because I thought: 'I'm in university, I'm at least half an intellectual and I should be more aware of what's happening in society and to be involved and participate.'

"I THOUGHT THAT IT WAS JUST A ONE-YEAR THING."

I thought that it was just a one-year thing, because you finish your term in one year and then you step off and you become just an ordinary student for the rest of your academic career. But in the first year of my activism in 2014, I encountered the Umbrella Movement, and so I was put under the spotlight and became a so-called “student leader” in a massive movement. It really pushed me to embark upon full-time activism.

STAIR: While on the topic of leaders, the 2019-20 protests purposely didn’t have clear leadership and pursued the tactic of “being water” meaning high decentralisation and group autonomy. What do you think about the tactics of decentralisation?

NL: I think that the decentralised tactics are important. They are actually crucial in making the protests more successful and more unpredictable, and it’s actually a lesson learned from the previous few years of protest movements in Hong Kong. In 2014, the tactics that the government adopted were that they waited out the movement, waited for internal conflicts and waited for the movement to internally split and cause societal support to fade. This way, they could crack down on the movement without using much obvious violence.

I, and many of the other leaders, were prosecuted by the government. We paid a clear price for our leading role by being thrown in jail. So, in 2019, people realised that if you have a clear leader, the leader will easily be targeted, and this will result in the government cracking down on the movement, and if you have a clear organisational structure and clear leadership, your actions are more predictable.

“WHEN LEADERS THINK OF STRATEGIES AND ACTIONS, IT’S ALWAYS BEST IF WE CAN UTILISE THE WISDOM OF THE PEOPLE INSTEAD OF RELYING ON A HANDFUL OF BRAINS WITHIN AN ORGANISATION.”

The diversity and strategies of the protest movement will be limited by the political belief of certain groups of people and, of course, leaders. When leaders think of strategies and actions, it’s always best if we can utilise the wisdom of the people instead of relying on a handful of brains within an organisation. So, there are actually a lot of benefits coming out of a decentralised movement, and I think that is exactly why the movement in Hong Kong became so prominent and so massive.



Hong Kong protesters wore masks long before the pandemic out of fear of facial recognition (credit: David Saveliev)

STAIR: What do you think about the influence of the protests on the world?

NL: I do not want to be too overconfident, or else exaggerate the role that the Hong Kong protests played. I do believe there have been many protests that are much more inspiring in a certain sense than the ones in Hong Kong. But I do think it represents a strong spirit of decentralisation and, if we use the motto of the protests, which is “Be Water”—it’s formless, it’s flexible—and adopt different strategies according to different situations, we will find success. It’s also a movement that relies very heavily not only on social media, but on online forums where people brainstorm strategies and action items, and they get into discussions on these forums. People form small groups, and they discuss strategies, tactics, and the role they play on protest sites. I think that really shows how sophisticated and tech-savvy Hong Kong people are, that they are able to achieve connectivity within a very decentralised form of communication.

I think that kind of understanding of it is genuinely something very revolutionary coming out from the movement, and it’s not the practice of a few so-called prominent faces like us leaders: it’s the practice of the people, it’s collective wisdom, and I’m thrilled to see it evolve and become something that actually impacts a lot of people.

“[REVOLUTIONARY PRACTICES ARE] NOT THE PRACTICE OF A FEW SO-CALLED PROMINENT FACES LIKE US LEADERS: IT’S THE PRACTICE OF THE PEOPLE, IT’S COLLECTIVE WISDOM, AND I’M THRILLED TO SEE IT

A lot of people approach me, no matter whether they are—in Thailand, in Myanmar, some other Southeast Asian countries—and they talk a great deal about the Hong Kong protests, which were actually their inspiration for their own movements.

STAIR: And vice versa, what protest movements or leaders inspired you?

NL: I can hardly say that I’m inspired by a single movement, because I understand that the contexts of different movements are so different. But one thing that I really learned is actually on a personal level, how those human rights leaders, even though they are facing much more difficult situations than I, have the persistence to go on, whether it’s through decades of jail time or other hardships. Gandhi, for instance. And when you read through the Civil Rights movement in the States you learn about how Dr. King was arrested and imprisoned many different times. These things make me wonder about how you really have to build up your mentality and the strength of your mind so that you can overcome all these difficulties. And reading stories from these individuals, it really helps you to have a dialogue with them and strengthen your mind so that you can tolerate maybe a bit more adversity in your own position. That’s something I’ve really been impacted by, especially when I was in jail and I went through the autobiographies of other activists. You gain some power by it, by learning their stories.

STAIR: But despite Hong Kong protesters being hailed around the world as high tech heroes with supreme organisational tactics, the movement was crushed within two years. What is your “autopsy”?

NL: Throughout the whole movement, there were already tens of thousands of people being arrested, several thousands of people going through trials, a couple hundred being locked in jail for years. I think the first and foremost reason why we arrived at this stage is simply that the state is far too powerful. Even though we have drawn a lot of attention, and pressure was put to the largest authoritarian regime on the planet right now, they remain far too powerful, and have absorbed all those pressures.

However, even though we could not attain the final goal of having democracy and liberalisation, at least we can see that we have also achieved certain goals like isolating the Chinese Communist Party internationally. We have succeeded in bringing about a lot of perceptual change about the nature of the Chinese Communist Party, about the nature of the one-party dictatorship, and we are building up more

conviction for fighting back autocracy in the long term. To be honest, the impact of the movement has already exceeded my expectations. I never thought that there could be 1 million or 2 million people marching down the streets in months-long protests with very aggressive and violent reactions from the police. It's very surreal, the scenes we saw on TV: petrol bombs flying over university campuses, people filling out the major avenues of Hong Kong. We were watching them implement protest strategies that we could have never imagined.



A woman honouring a mural to youths who died during the protests as the police are approaching her (credit: David Saveliev)

STAIR: In your opinion, what are the things that you think the West is doing wrong and right in its struggle with China?

NL: When the US started to see China as its greatest threat, it made the right step from the very first move. Change in policies, especially diplomatic policies, always comes with a perceptual change and an ideological shift, and I think that the US has gone through that shift quite smoothly, strategically positioning China as their greatest enemy, not only on national security but also to the rule-based global order.

I think that there should be a global alliance, to organise the agenda and efforts to counter the rise of authoritarianism. If you read reports, they say that 2020 is the first year since 2001 that authoritarian institutions are greater in number than democratic institutions around the world. Democratic institutions are backsliding and have been for decades. Similarly, the democratic world has not been able to navigate a way out to solve this problem.

Of course, there are many factors affecting it — the US has

played a role in the declining legitimacy of democracy by committing many wrong decisions in the realm of warfare and other geopolitical decisions in recent years, but I think also one of the major reasons is the misjudgement about China. The assumption was that a political openness would come alongside its economic growth. Reality shows, however, that the trend is going in an exact opposite way — the more economically powerful the Chinese communist region is, the more authoritarian it becomes. The autocracy therefore becomes more sophisticated, and it permeates into peoples' lives. That misjudgement, and its accompanying peaceful engagement policy, really affected the rise of authoritarian regimes.

"I [...] BELIEVE IT IS IMPORTANT THAT WE [...] SEE DEMOCRACY [RETREATING] AS A GLOBAL PROBLEM, LIKE THE CLIMATE EMERGENCY OR PUBLIC HEALTH."

I therefore believe it is important that we recognise that mistake, amend it, and be sure that we see democracy as a global problem, like the climate emergency or public health. Think of it as having a charter, wherein you have a goal setting of decreasing global temperatures by a certain number of degrees within a specified number of years. We can also have something similar when thinking of how to safeguard the status of global democracy, and to avoid the legitimacy of democracy being contaminated by rhetoric from authoritarian regimes and ensure that governments are held responsible for their actions. This is certainly something that we should work on globally.

STAIR: Something that received criticism internationally in relation to Hong Kong protestors were the groups of the so-called "front-liners"—people who were fighting with the police and engaging in violent confrontations with the police. What is your personal view on the role of violence in the Hong Kong protests, and the role of violence in protest movements in general?

NL: Myself, as a nonviolence practitioner, I believe that nonviolent protest methods are the best way to hamper the legitimacy of the autocratic government in power, and to really move people towards a more resistant mentality. Yet, under many circumstances, even though you are a nonviolence practitioner, you are still under no position to condemn violence, especially when it is used to protect fellow protesters.

"YET, UNDER MANY CIRCUMSTANCES, EVEN THOUGH YOU ARE A NONVIOLENCE PRACTITIONER, YOU ARE STILL UNDER NO POSITION TO CONDEMN VIOLENCE, ESPECIALLY WHEN IT IS USED TO PROTECT FELLOW PROTESTERS."

If you look at many scenes of so-called violence, of people throwing petrol bombs on the ground to create a firewall to block the onward march of the police, you see that some of them were—when the police were firing—trying to disturb them by using these violent tactics. I am not endorsing these tactics outright but, if you put yourself into the shoes of these individuals, they were witnessing a divergence in terms of the use of force. They were seeing people injured on a daily basis, and the seeming impunity that the police enjoyed even though they were using force disproportionately and hurting everyone.

You realise that the emergence of the need for using violence as a deterrence method is actually quite normal, especially when you look back at the data. None of the police force are being held accountable, not even for shooting the protestors who did not have any weapons, who were barehanded — shooting them in the chest, or for torturing people in front of a recording camera. They were not receiving any punishment, any investigation, and some of them were even rewarded to be promoted for getting certain orders from the government.

Now you understand why violence emerged. And the best way to stop them is not by saying, “You are not allowed to use violence.” I believe that most of the people who were using violence understand they should not do it in a technical sense, but they were left no choice. The best way to stop them is truly to stop the impunity of the police force and to hold them accountable, to ensure that those who have committed misdeeds go through the process of investigation and relevant punishment.

We must signal that these people will be punished when they do something wrong, that the legitimate rights of people are being protected so one does not have to resort to violence to have their voices heard. Unfortunately, this is not the reality. When it comes to the discussion of violence, there are many layers in the discussion and for me, it’s so difficult to parse through these layers in the Hong Kong context. We must seek to understand why people choose violence, the context of the violence, and the recourse in how to resolve it instead of simply saying, “It’s all bad.”

STAIR: Carrying on with discussions of controversy, what is your view on Hong Kong nationalism, particularly the phenomenon of right-wing nationalism such as the Youngspiration Party and the Civil Passion Party? How warranted do you believe the fears of Chinese mainlanders are when they assume that Hong Kongers aren’t just fighting because they aim to achieve democracy, but rather because they don’t like China and Chinese people?



Police officer brandishing his pepper spray at the press (credit: David Saveliev)

NL: So-called “Hong Kong nationalism”, or the crafting of a Hong Kong identity, doesn’t necessarily need to be based on a hatred towards the Chinese as an ethnicity or as a group of people. It definitely has certain elements of countering the narrative from China and the concept of “loving China equals loving your political party.” There must be an element of resistance to being assimilated into the Chinese Communist Party’s rhetoric. Furthermore, Hong Kong identity has always been there — there is a root of this identity and its growth. I really don’t wish to define Hong Kong identity as necessarily involving any kind of hatred towards the Chinese people, even though there are certain signs of that in some circles.

I do not think that this is the dominant understanding of the uniqueness of Hong Kong and the way in which we understand ourselves. I think there are many differences which are founded not on emotionally disliking the people of mainland China, but rather are based on the narrative brought out by the Chinese Communist Party. We encourage diversity, we embrace freedom, we preserve democracy, and these are the things that are not valued in mainland China. This is the reason that many Hong Kong people felt the need to really separate their identity from those in mainland China, especially those identities crafted by the Chinese Communist Party, because innately there is something different when we think of the culture in between these two places.

STAIR: What is, in your opinion, the role that academia played in the 2019-2020 protests, as the Umbrella Revolution was very student-driven to a large extent? What about the most recent protests?

NL: Of course, we all see our faces on websites and on the front lines, but it's much more inclusive in terms of the participation of every sector across the community, across age groups and structure of the society. In particular, I believe there is much more diverse participation. But when it comes to professors and students, they are all there. And especially when you see the battlefields in various universities, they became very important battlegrounds. I mean, that was quite symbolic of the whole movement.

STAIR: What role do you think the Covid-19 pandemic played in stifling the protests or else ramping up dissent against the government?

NL: It really hurt our movement quite badly. Hong Kong people were very cautious about the pandemic, and they were the first people who wore their masks, who adopted all these hygiene protocols. And it really presents a conflict of whether we should publicly gather, or whether we should follow the protocols of pandemic prevention. That is certainly already a small conflict. The large-scale conflict would be the government abusing the power from these emergency states and ensuring that they could ban all the gatherings or arrest social activists in the name of public health. In actuality, they were serving their political agenda, trying to crack down on dissenting public gatherings.

You can see how, after the pandemic, there have not been any public gatherings in Hong Kong anymore — because the government will simply arrest people in the name of preserving public health, and this same government will retain that power even though the emergency state fades, and that is how authoritarian regimes expand their power and take control of society, bit by bit. This is the more worrying scene that we are expecting after the pandemic comes to a close.

STAIR: Any advice for young activists who are maybe finding themselves in your shoes right now?

NL: I come from a very humble background. My father was a construction worker, my mother was a street cleaner. I lived in government-subsidised housing for my entire life, so I don't think that background is something that blocks you from really being involved in movements. The key thing is, you need to resonate with the people, you need to understand them, you need to be humble. And you need to really see things through the lens of ordinary people, instead of thinking that you are more knowledgeable, you are more well-thought, that you have more intellectual capacity. Through thinking in this way, you become a level above them.

"I DON'T THINK THAT BACKGROUND IS SOMETHING THAT BLOCKS

YOU FROM REALLY BEING INVOLVED IN MOVEMENTS. THE KEY THING IS, YOU NEED TO RESONATE WITH THE PEOPLE, YOU NEED TO UNDERSTAND THEM, YOU NEED TO BE HUMBLE.”

I can tell that many people have good faith and really inspiring ideas, but they just are reluctant to be humble and to see themselves resonating with ordinary people. I think that is very important, that there is something that you have to unlearn when you come up with an idea. When you have seen that so many people are so inactive about the ideas that you are processing, you start grumbling, and you start thinking that they are doing bad things and you are the one doing good things. I think that is something you have to unlearn and try to understand more about your society and become more aware of what you're doing.



(credit: David Saveliev)

PROTESTS IN BELARUS: REVOLUTION BLOSSOMING

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Sviatlana Tsikhanouskaya
Belarusian Politician and Activist



Sviatlana Tsikhanouskaya at a meeting with the Dutch Minister of Foreign Affairs (credit: Ministry of Foreign Affairs of Netherlands)

Belarus, a small East European nation landlocked between Russia, Poland, Ukraine and Lithuania is often branded “Europe’s last dictatorship.” President Alexander Lukashenko ruled Belarus with an iron fist since 1994 and shows no desire to step down. Under Lukashenko, Belarus has been a notoriously stable dictatorship with almost no protest movements or opposition parties. This all changed after a presidential election in early 2020. Multiple opposition politicians intended to run, and several were thrown in jail. Activist Sergei Tsikhanousky was amongst the leaders arrested, but his wife, Sviatlana Tsikhanouskaya, ran in his place. She united the opposition behind her and, according to independent polls, won the presidency. Official results showed an overwhelming Lukashenko victory, sparking protests on a scale unprecedented in Belarus.

After a wave of violence and arrests initiated by Lukashenko, Ms. Tsikhanouskaya was forced into exile in the EU, from where she

coordinates Belarusian opposition and negotiates with world leaders as the chief representative of Belarusian protesters. Similar to Mr. Law, Ms. Tsikhanouskaya is unlikely to come back to Belarus a free woman unless a drastic regime change occurs. For this interview I communicated with Ms. Tsikhanouskaya over email. The interview is translated from Russian and was edited for clarity and brevity. The publication of this interview does not mean an endorsement of Ms. Tsikhanouskaya's views and ideas.



Protests in Minsk in September of 2020. The ancient red-white flag of the Great Duchy of Lithuania came to symbolise the protest movement (credit: David Saveliev)

STAIR: COVID was an integral part of 2020. How did it influence the Belarusian protest movement?

Sviatlana Tsikhanouskaya (ST): Coronavirus did significantly influence the development of the protest movement. First of all, the people were angered by the disrespect and disregard that Lukashenko has expressed towards the victims of the pandemic. Not only did he not take any measures to help the people and ensure the safety of medical workers, but he was offending everyone from the TV screens by suggesting that they self-medicate with vodka and tractors. Such an attitude was the straw that broke the camel's back.

Another major influence was the way in which people have joined forces and self-organised to help the medical workers and stop the spread of the virus. They, by themselves, organised the production of protective equipment and its supply to the frontline workers, brought hot meals to the hospitals, and expressed their admiration and gratitude. Such solidarity and selfless mutual aid, that is now admired all over the world, has already manifested itself in Belarus.

Additionally, the continuous misinformation by the official media and absence of real data regarding COVID cases and deaths has led to the people completely relying on independent resources for information. In particular, Telegram channels have become widespread among people as resources of timely and adequate information.

STAIR: What are your predictions about the future of the movement and its international influence?

ST: Predictions are a thankless job. I cannot give an exact date of our future victory against the current regime, as such a victory depends on a multitude of factors: the economic landscape in Belarus and also globally; the mood of the officials who still support but are already beginning to doubt the regime; the spirit among the protesters; the actions of the international community; the pandemic; even the weather — everything has a role. And luck. And the mistakes of the regime.

One thing I can confidently say is that it is impossible to impede the future. Lukashenko's regime has become obsolete and has no prospects, it is the past that has to go. And it will go.

STAIR: What, in your opinion, were the main successes and setbacks of the movement so far?

ST: The main success is the realisation of the Belarusian people that we are responsible for our future. Each one of us. We have accepted this responsibility and we have begun to act on it. Solidarity, unity, and dignity — these are the main successes.

"THE MAIN SUCCESS IS THE REALISATION OF THE BELARUSIAN PEOPLE THAT WE ARE RESPONSIBLE FOR OUR FUTURE."

STAIR: Belarus, a historically patriarchal society, has seen a deluge of women activists in 2020, with three main opposition leaders being female. Have you encountered any setbacks as a female leader and activist in a traditionally male-dominated society?

ST: You know, we were acting in the circumstances we found ourselves in. It is even possible that me being a woman has played to my advantage. Lukashenko and the regime view women with a lot of disregard, so they underestimated me and the other women. Because of this, they made many mistakes — of course, they on purpose allowed me to be registered as a presidential candidate in lieu of all the strong male competitors, thinking this will help them. But the Belarusian people have decided otherwise. This is evidence of the fact that Lukashenko's regime has long been thinking about and evaluating many things differently from how

they are seen by the Belarussian population.



Women's March in Minsk (credit: David Saveliev)

STAIR: As Belarussian protests were ongoing, Russian protest movements were also ramping up. In early 2021 the organisers of mass protests in Moscow talked openly about being inspired by Belarus. Do you see any parallels between the events in Belarus and what is now happening in Russia?

ST: These are different situations. Our country is experiencing a political crisis, based on the fact that Lukashenko lost the election, lost the people's support, but does not want to leave office. This is angering the majority of people. Our country is experiencing a destruction of human rights, torture, violence. Armed bands in balaclavas are operating on the streets (without any identifiers!) capturing the people, torturing them, and taking them away somewhere.

These bands are the state's security forces, so the government is acting towards its people as if it were an occupational administration. Tens of thousands of Belarussians have gone through arrests and beatings, over a thousand became political prisoners with long sentences.

The crisis is growing in all spheres, affecting the economy, medicine, demographics — all aspects of life. Small and medium enterprises are closing, many companies are exiting the country, in particular within the IT industry, as they need to move large workshops and equipment. A lot of activists are leaving the country too, fleeing the terror and the persecution.



Injured Russian protester during Navalny protests in Moscow in January 2021 (credit: David Saveliev)

STAIR: What must the West do to help advance democracy in Belarus and other countries, and is enough being done now?

ST: We are grateful for the support we are receiving from the global community. Lukashenko is not being acknowledged by the West, which is currently imposing sanctions against the regime, pressuring its supporters and supporting the protesters. However, such an appalling situation calls for quicker, tougher action.

Sanctions need to be introduced in much more significant amounts. The reasons for some oligarchs benefitting from the regime having excluded them need to be investigated. We hope that President Biden will keep up his promise to find and freeze the accounts and assets of Lukashenko and his cronies.

“SANCTIONS NEED TO BE INTRODUCED IN MUCH MORE SIGNIFICANT AMOUNTS. THE REASONS FOR SOME OLIGARCHS BENEFITTING FROM THE REGIME HAVING EXCLUDED THEM NEED TO BE INVESTIGATED.”

Additionally, it is crucial to make it clear that any deals made with the illegitimate regime will not be acknowledged by the global community. Alongside this, help needs to be given to the Belarusian civil community, to human rights activists, and to independent media.

STAIR: You went into self-exile in the EU and received immense support from the Baltic states, who have a tense relationship with the Kremlin.

Belarus is strategically and culturally tied to Russia and many Belarusians position themselves as pro-Russian. How do you approach the perception of yourself as a pro-EU and anti-Russia politician because of your ties to Western leaders?

ST: I will reiterate that our crisis is not tied to geopolitical issues, it is an internal political crisis based on illegitimate seizure of power by Lukashenko. The citizens want to determine their future by themselves, through fair election of new governing bodies. We want to be friends and allies with all countries. We are ready to cooperate with anyone who respects the sovereignty of the Republic of Belarus and the will of its people. Our priority is the interests of Belarusian citizens. This precisely is what we are guided by in any of our contacts with politicians and organisations.

STAIR: The protests were hailed as “The Telegram Revolution.” Similar to the protests in Hong Kong, social media played a defining role in organising, especially the secure messaging app Telegram. How do you feel about the internet and the media’s role in the movement?

ST: Every input is important. Telegram channels have already been the sources of information from the beginning of the pandemic to coordinate great numbers of people. It is the new technology, the internet, the spread of alternative media and communication networks that gives the people a possibility to escape the influence of propaganda, to join forces and start acting. And now it is impossible to stop us. The people’s opinion will have to be reckoned with.

STAIR: Despite the protests, Lukashenko shows no sign of giving in. By the end of 2020/the beginning of 2021, the street protests have drastically diminished. What is your strategy to reignite the Belarusian prodemocratic movement?

ST: Our strategy is to continually increase pressure on the regime in all aspects: political, economic, moral and psychological. Every Belarusian must find somewhere to apply his powers to diminish the regime’s resources, each day, while increasing the resources of the protesters — to finally achieve a tipping point in the power disbalance. The pressure must come from within the country as well as from outside it.

*“THE PRESSURE MUST COME FROM WITHIN THE COUNTRY AS WELL
AS FROM OUTSIDE IT.”*

Italian strikes (*a tactic aimed at slowing down functions of an enterprise by workers who are still technically at work - DS*), covert actions,

posting leaflets, making graffiti, changing the minds of the officials and their families—any peaceful initiatives and nonviolent courses of pressure are welcomed. Anything that strengthens us and weakens them.

The regime's resources are shrinking with each day, which we can see from the economic indicators, information leaks from the officials, from fake images in the official media—Lukashenko is only resisting because he has nowhere to go. He understands, however, that his time is up. He is frantically looking for an exit, but there is no saving face for him anymore. He will have to leave.

"LUKASHENKO IS ONLY RESISTING BECAUSE HE HAS NOWHERE TO GO."

And he understands this now, this is why he acts with such cruelty. We see two-year sentences for female journalists who are simply doing their job, five years for a 17-year-old with epilepsy who has been beaten up each day of his "investigation", ten years for a friend of a murdered peaceful citizen, with the murdered being found guilty while the murderer was acting as a witness in the case! This is absurd! These are the fates of living people! This is why all of us—Belarusians, and civil citizens of other countries—are responsible for putting an end to this as soon as possible!



A stand-off between Lukashenko's security forces and inhabitants of a small Minsk neighbourhood (credit: David Saveliev)

STAIR: What advice might you give to young protesters everywhere?

ST: I will not take upon myself the role of an adviser regarding situations

about which I do not have a comprehensive understanding. I will only say that the modern society must have avenues of civilised resolution to arising challenges. There must be honest and transparent elections, putting people in power who have been entrusted by the country. And these people must understand their responsibility towards the country. There must be a just court of law, where any disputes can be solved. There must also be independent press that can shed light on the situation should something go wrong. If this is not present, then it must be fought for.



Protest in Minsk (credit: David Saveliev)

BLACK LIVES MATTER, ANTIFA, BERNIE 2020 AND RIGHT-WING EXTREMISM IN THE UNITED STATES: REVOLUTION, RE- TRENCHMENT AND REFORM

Noam Chomsky
American Linguist and Activist



Noam Chomsky speaking in support of the Occupy Movement in Toronto in 2011 (credit: Andrew Rusk)

This section is markedly different from the two above. While Hong Kong and Belarus had protests with clear demands and somewhat visible leaders, the US experienced a multitude of intricately connected movements throughout the year.

Senator Bernie Sanders' presidential campaign, billed as a revolutionary political shift to the left, gathered significant support before failing to the combined might of the Democratic establishment in the early months of the year.

On May 25, a Minneapolis police officer murdered an unarmed black man named George Floyd in plain sight. Caught on video, the killing sparked mass protests for racial justice on the scale unseen in the US since the 1960s. The protests echoed around the world: for instance,

Noam Chomsky, "Interview with Noam Chomsky," *St Antony's International Review* 16. no. 2 (2021): pp. 331-342

in Oxford they prompted the success of the Rhodes Must Fall movement.

Along with the BLM protests, radicals on both extremes of the political spectrum experienced an unprecedented rise in numbers and influence. Anarchist communes were founded in several cities throughout 2020, while right wing dissent culminated in the US Capitol storming on 6 January 2021. Street battles between anti-fascist groups and their opponents such as the Proud Boys or police forces went on for months. In several cities, the military was deployed and protesters were snatched into unmarked vans by federal police.

It was difficult to find a specific American leader to represent all this turmoil. The street protests learned the lessons of Hong Kong and defied any centralised leadership. Thus, I decided to talk to an academic with decades of experience in radical politics.

Often called “the father of modern linguistics,” Noam Chomsky has been an indispensable figure in American academia and activism. He rose to national attention protesting the Vietnam War, for which he was arrested multiple times and put on Richard Nixon’s list of personal enemies. He remained a staunch left-wing activist while continuing his research and becoming one of the most cited living scholars. The anarchist academic routinely attracts both international fame and condemnation and is undoubtedly one of the most influential thinkers of our century. I talked to Dr. Chomsky over Zoom. The interview was edited for clarity and brevity. The publication of this interview does not mean an endorsement of Dr. Chomsky’s views and ideas.

STAIR: I want us to talk about the George Floyd protests and the Antifa movement in the US. In 2017, I believe you said that Antifa is the biggest gift to the far-right in the United States, and I wonder if you still hold that opinion.

NC: It is a wonderful gift to the far-right, even when it doesn’t exist. It’s constantly flaunted as a justification for right-wing violence and disruption, this idea that, “We can blame it on Antifa.” So, as a symbol, it’s perfect for the far-right: it achieves nothing except exacerbating tensions and conflicts when it appears.

You can understand the sentiment behind it. But it is a destructive tendency, almost suicidal, and very destructive to the goals which movements outline as wanting to achieve. And there are fringe elements of the left which do undertake such initiatives. That’s an old story, it goes back to the 19th century.



*The socialist Revolution Now group burns an American flag in Washington, D.C. July 2020
(credit: David Saveliev)*

As for the Black Lives Matter movement, that's a very remarkable phenomenon. The Floyd murder, the protests—often spontaneous—were extraordinary in scale, in solidarity, and in popular support. They actually have the popular support of about two-thirds of the American population, which is astonishing for a social movement.

“AS A SYMBOL, [ANTIFA] IS PERFECT FOR THE FAR-RIGHT: IT ACHIEVES NOTHING EXCEPT EXACERBATING TENSIONS AND CONFLICTS WHEN IT APPEARS.”

If you go back to, say, Martin Luther King, at the peak of his popularity he didn't come anywhere near that—not even close. And of course, he ended up very unpopular; he sometimes had a disapproval rating higher than Trump because his popularity in the North shifted when he moved from attacking racist Alabama sheriffs—“That's okay, we applaud that”—to the North to deal with racism there. And his popularity plummeted. When he was assassinated, it was quite low.

The Black Lives Matter movement, which is in a much stronger position because it has enormous popular support, didn't happen in an instant. It is the result of plenty of quiet activists mobilising over many years, which has changed consciousness to quite a large extent. Interestingly, the Black Lives Matter support has declined to pretty much what it had been before the Floyd murder—which was still extremely

high. Part of the reason why it declined, which is quite interesting, is the slogan that came out calling to “defund the police.”

Now, “defund the police” has had a very sensible interpretation, which could even get the support of a lot of police if you listen to Bernie Sanders, Alexandria Ocasio-Cortez, Black Lives Matter founding spokespersons. They have a very sensible version of “defund the police.” They say, remove the police from functions where it doesn’t belong. Ocasio-Cortez, when she was asked, “What do you mean by ‘defund the police?’” She went on to say, if trained people find some kid with an overdose, they won’t throw him in jail, they’ll do something to try to help him. Now that’s “defund the police.” Police should not be involved in domestic disputes, overdoses, and other things that belong to the service of the community. Let’s remove police from functions where they don’t belong and turn that over to community service and have better police training and even higher pay. That’s “defund the police.”

The right wing picked up on that and said, “Oh, ‘defund the police’ means take everyone out of your community and let rapists and murderers come in.” Well, not a lot of people want that, including the black population, but the propaganda succeeded, much like with Antifa. If you give the right wing the slightest opening, they will run with it, and they have a huge media system—a lot of ways of riling people up over their grievances and fears. So, it’s dangerous.

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If you’re a serious activist, then you pay attention to these things. You shape your work so as not to offer the right wing the opportunities to be disruptive and corrosive. It’s a difficult matter, when you’re working at the left end of a system of power without access to the major institutions. You have to be careful, but that’s nothing new. Activism has known that forever. But, going back to Black Lives Matter, this is a remarkable and lasting social movement. One of the things that it did was go back to the Civil Rights Movement. If you go back to 1963, the March on Washington, it had two elements, one of which was suppressed: The first was voting rights for Blacks in the South, that was okay. The other one was how to deal with poverty, oppression, questions of Black and White social issues—people didn’t want to hear that one. It wasn’t the kind of message that Northern liberals wanted to hear. Now it’s been picked up again by the Black Lives Matter movement.



A stand-off between protesters and police and the National Guard in front of the White House (credit: David Saveliev)

STAIR: I want to pick up on what you said about the way in which the right perceives left-leaning movements. If you listen to Fox News, there is this impression that there is a renaissance of the American left. You have Bernie Sanders, you have Alexandria Ocasio-Cortez, Black Lives Matter protests, etc. For you, as someone who has been a left-wing activist throughout your lifetime, what do you think about this? Does it have any inkling of truth to it?

NC: Take the Sanders movement. It broke with over a century of American political history. The fact of the matter is, in the United States, you can predict the outcome of an election with remarkable precision with only one variable—campaign spending. There is very extensive, persuasive work on this, particularly by political scientist Thomas Ferguson and his colleagues. He analysed many Congressional elections and found very close predictability. This shows that the things which truly influence elections are bought—and we know whom they are bought by. Sanders broke with this. He had no support from rich donors, no corporate support, and none of the standard sources of economic support. They despised him and undermined him in every possible way. He practically won the election, and the only reason he was stopped was by machinations at the Democratic Committee Party offices. But he did end up becoming, in 2016, the most popular political figure in the country. Nothing like this has ever happened, and he brought with him lots of others.

“[USA] IS A COUNTRY THAT HAS BEEN SUBJECTED TO SEVENTY YEARS

Now when Sanders describes himself as a socialist, I think that's a tactical error. You have to recognise the country that he's in—this is a country that has been subjected to seventy years of intensive indoctrination and propaganda, which has turned the word "socialist" into a curse word. It's the only country in the world I know, outside of dictatorships, where you can't say, "I'm a socialist." If you say it in any other country, it's like saying, "I'm a Democrat." People might not like it, but they won't go crazy. In the United States, that's impossible. Now, if you look at Sanders' programmes, they're moderate—at most, moderate social-democratic. In fact, a correspondent for the Financial Times, as a quasi-joke, said that if Sanders was from Germany, he could run on the Christian Democratic ticket. Look at what he's calling for: take universal healthcare. Have you ever heard of that anywhere? Free higher education, too. These are all over the world, but they're considered very radical positions in the United States. But he's broken barriers and has have moved things towards the moderately social-democratic side, and that's important. A lot turns on that.

And things have changed in other ways. About a year ago, the New York Times ran a series called "1619," which centred around the long history of the 400 years of torture and violence and the vicious oppression of the African American population. It did get a lot of criticism from some historians because of some facts it had gotten wrong. The point is that it was a very important development that couldn't have happened a few years ago. Those are parts of the changes in consciousness and understanding which are brought about by activist social movements, to a large extent. And, if you look at the number of people—mostly young people—involved in activism today, there are several parallels to the 1960s. It's not coordinated, and there are a lot of internal problems. A lot of it is disrupted and undermined by extremist, irrational versions of sensible policies, so-called identity politics. It makes sense, there are real issues. But they can be taken to an extreme where they are totally disruptive—where people are afraid to say something on the chance that they say something that offends someone. And it gets to the point where you undermine your own goals. It's possible to take sensible, significant proposals and turn them into something destructive. And it does undermine social movements from the inside, along with the attacks that they face from the outside.



Bernie Sanders speaks at Johns Hopkins University in 2016 (credit: David Saveliev)

STAIR: I want to circle back to Bernie Sanders. You are saying that students can do a lot of things, that they are already at the forefront of all these movements. Sanders' support base was in large part made up of millennials and other young people. There are even polls which claim that almost a half of young Americans believe that socialism is better than capitalism. In an American context, that is truly mind-blowing. Why do you think that Sanders' campaign failed if it had that kind of support?

NC: When people say they prefer socialism, what they mean is, "I prefer universal healthcare, I prefer anti-racist movements." What they prefer is mild social democracy. Nobody's talking about socialism in any traditional sense. The term has been almost eviscerated of meaning. But the Sanders campaign, first of all, was an astonishing success. Like I said, it's broken with a hundred years of political history. It's placed not only him, but his whole movement, in a very important place in the political system. Sanders himself has a very important position in Congress now, also having an influence on people around him who are working for the Progressive Caucus, which never existed before. So, it's an enormous success.

Now, why didn't it win the nomination in 2020? Well, that's a subtle matter. We don't have very detailed information, but there's some—from exit polls, and other such sources. It looks as though Sanders, in the Democratic primaries, lost two big constituencies: one of them being women, and the other being African Americans. Now, if you look at the data on exit polls, these two groups tended to approve of Sanders' programmes, but felt that he could not bring together a broad

enough coalition to get rid of the Trump malignancy, which was a top issue. If that's the reason, it's rather understandable—it's likely true that he wouldn't have been able to bring together a broad constituency as Biden could have, and if the top objective is "get rid of Trump before he destroys everything," then yes, this was a sensible move. We can't be certain that's true, but I think it's a plausible interpretation of the data we have.

"THEY ALL STARTED RUNNING FOR THE EXIT: MITCH MCCONNELL AND THE REST OF THEM STARTED CRITICISING TRUMP. BUT THEY DIDN'T RUN VERY FAR. BECAUSE, WHEN THEY GOT TO THE EXITS, THEY SAW THESE RAGING MOBS, WHO HAPPENED TO BE IN TRUMP'S POCKET."

Of course, the Democratic centrists, the Clinton-ite, neoliberal, Blair-style Democrats, were strongly against Sanders. They want to keep their donor-oriented and Wall Street-oriented movement of affluent professionals. And you could also see a struggle happening in the [Trump Administration]. The split among Republicans was dramatic. The donors, after January 6, said "We've had enough. We've got to get rid of this guy, we're not going to tolerate him any longer." And it was very striking to see in the Senate, which is where they depend on campaign funding. They all started running for the exit: Mitch McConnell and the rest of them started criticising Trump. But they didn't run very far. Because, when they got to the exits, they saw these raging mobs, who happened to be in Trump's pocket. Trump has the voting base. The moderate Republicans are trying to both follow the donor base, and not get eaten up by the crowd. So, they're split, and it's not too clear which way they will go. There's a split among the Democrats, too: between the Clinton-ites—neoliberal, Wall Street-oriented affluent professional types—and the progressive base. It's not a large majority, but it's substantial. Substantial enough to put Sanders in an influential position and bring young Congresspeople to affect policy.

STAIR: Speaking of raging mobs, what is your take on the rise of neofascist, neo-Nazi organisations in the United States? There is the mainstream liberal view, which is that these people are just plain evil. But I wonder if you think that there are some class undertones to these movements. People like the Proud Boys, for instance—are they, in some ways, a disenchanted working class that doesn't really have the kind of leader that they need?

NC: There have been some pretty careful studies about, for example, the Trump voters. They tend to be moderately affluent. They're certainly not all the poor, not the working class. Many are rural and less educated. You

travel through the more rural towns of the United States, and you see that they have every right to be disenchanted. The houses are empty, the stores are boarded up, the banks closed. The places they were producing for, the manufacturers, they have moved out. The young people are leaving. In short, traditional life is being undermined. Rich farmers are doing okay—they get massive subsidies. But the overwhelming majority of farmers have suffered just the way the working class has.

“WHEN YOU HAVE SERIOUS ECONOMIC PROBLEMS, IT OPENS THE TERRAIN FOR DEMAGOGUES WHO CAN SAY, ‘I’M YOUR SAVIOUR, FOLLOW ME. I’LL STAB YOU IN THE BACK WITH ONE HAND ONE DAY BUT, IN THE MEANTIME, FOLLOW ME AND I’LL SAVE YOU FROM THESE DEMONS THAT ARE ATTACKING YOU—LIKE IMMIGRANTS, AND MINORITIES, AND SO ON.”

So, there are reasons for the disenchantment. And when you have serious economic problems, it opens the terrain for demagogues who can say, “I’m your saviour, follow me. I’ll stab you in the back with one hand one day but, in the meantime, follow me and I’ll save you from these demons that are attacking you—like immigrants, and minorities, and so on.” Reagan honed this message into a high art. It started with Nixon and his Southern strategy, and now Trump is in on the game. Others do it as well. It’s familiar. And it does attract people who have reasons for being disenchanted.

That aside, we have to recognise that white supremacy runs very deep in the United States. Trump has been a genius at tapping into all of the poisons that are right below the surface of American society, white supremacy and racism among them. Xenophobia is another. Not a novel move, but he’s doing it very well. So, you’ve got a combination of poisonous currents and disenchantment as a result of policies that all come together, and you get these pathological symptoms.

STAIR: You are famous for coining this idea of “manufacturing consent.” Do you think that the effect of the present times—the pandemic, the waves of protest worldwide—will make manufacturing consent harder in the future? In other words, do you feel that the neoliberal zeitgeist has a chance of falling apart in response to these current crises?

NC: The work on manufacturing consent is about an effort to control that goes back centuries. You can even look back to the first English Revolution’s attempts to control the rabble, to ensure that they don’t get out of control. It goes on and on, and never ends. It’s gotten much worse with corporate propaganda. There is an idea espoused by some that technocrats must run everything, because of course they know what to do. There are all kinds of techniques and methods used to control.



A Proud Boy at a rally in Washington, D.C. (credit: David Saveliev)

But a separate question is, “Do they control?” And actually, we didn’t look into that. To some extent, it’s much harder to estimate. But whether the control works is in your hands. There are going to be people who try to control you, you can be sure of that. But whether you accept it is up to you. It’s very much like class war. Yes, those who own the place are going to be fighting a constant, relentless, vigorous class war. That doesn’t mean it has to succeed. You can resist it. You can find your own modes of direction and communication. You can press the institutions to become more responsive.

I mentioned the New York Times series on African American history. That didn’t come from a religious conversion on the part of the corporate owners and advertisers. It came from constant, popular pressure which changed the general level of awareness, consciousness, and concern among the journalists as well as other people. They’re human beings, they’re part of the general society. In many ways, the media is more open to these kinds of pressures than in the past, because of the civilising effect of activism over the last fifty-plus years. It’s changed the way that people think about things. It’s pretty dramatic, in fact.

“THERE WILL BE MORE EFFORTS TO MANUFACTURE CONSENT, AND MORE WAYS OF RESISTING.”

If you want to see how dramatic it is, just take a look at the United States in the 1960s. There were anti-miscegenation laws which were so extreme that even the Nazis wouldn’t pick them up. Anti-sodomy laws were in place until this century. In England, the British government

basically murdered one of the greatest mathematicians of the twentieth century, the war hero Alan Turing, with their anti-sodomy hysteria. Women didn't have the rights of peers, literally, until 1975. All of this has changed, lots of things have changed. These are different countries with different mentalities. Lots of victories have been won. But there have been very harsh reversions. The neoliberal attack is part of the business counter-reaction to these changes. But yes, there will be more efforts to manufacture consent, and more ways of resisting.

STAIR: What is your view on the future of student activism in the United States? Is there a significant role that students or university faculty can play in the future? And what role have they played in the protests of the past few years, such as in the Black Lives Matter movement and the Sanders movement?

NC: If you look over a long stretch, very commonly students have been in the forefront of activist movements. There's a reason for that. Students are at a time in their lives when they are the freest, the most privileged. They're at the period of their lives when they're outside of parental control, and not yet in a situation when they have to enter the workforce and put food on the table—so they have a degree of privilege and freedom. They can use that to think, to learn, to get together with others to act—sometimes for good, sometimes not. But it's something that has been an opening for lots of activism.

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Now, that activism can be on campus, but it can quickly lead off campus. One of the things that's happened in the last forty years of the neoliberal assault on the population is to impose a sort of a business model on colleges and universities. An idea of, "Let's be as frugal as we can, and make sure there's no expenses just because they lead to better work and better lives and so on—that's irrelevant. What we have to do is keep expenses down. So, instead of hiring faculty, let's hire graduate students or adjuncts who are temporary, part of the gig economy. Who don't have any rights, can be low-paid and thrown out the next semester, and so on."

One of the efforts on campuses now is to unionise. Unionise graduate students, unionise adjuncts, and bring them together with faculty. A common effort at the university where I am based, the University of Arizona—which is a state university, very underfunded—is now, for the first time, a union that brings together faculty and students

and staff. Now, that links to the outside world right away, because unions must work in solidarity together. In the United States, the business classes work hard to ensure that you can't have solidarity among unions. So, standard techniques of union activism are barred in the United States. But, nevertheless, solidarity is possible. The students fighting for the rights of working people on campus spreads quickly towards joining activities to revive the labour movement which, as in England, has been battered by the neoliberal assault.

Reagan and Thatcher knew exactly what they were doing when they launched the campaign by attacking the unions. You have to make sure that working people don't have a way to defend themselves against the programmes of handing everything over to the rich and the powerful, which is exactly what has happened in the last forty years. It's pretty amazing when you look at the statistics. In the United States, the Economic Policy Institute—which is one of the main monitors of these issues—just published a chart in which they correlated union membership with inequality. As union membership goes down, inequality goes down, and conversely. Almost in a straight line. So attacking and destroying unions is a very smart move for those who are waging the relentless class war from the top. Reagan and Thatcher were symbols of this, but it goes well beyond them. Building unions up is going to be incredibly important if we want any substantial social change. And this can combine with activism in the universities.

I think there's plenty that students can do. What's rather striking is the environmental movement. That's a movement for survival, survival of the species. It's not a joke. It's the most important issue we face. Who is at the forefront? Young people. Extinction Rebellion, the Sunrise Movement, Global Climate Strike, and so on. These are young people that can work in the universities, too! Now, programmes in universities don't affect the bottom line of ExxonMobil, but they are important. And not just symbolically—they are contagious, and others will follow.



BLM rally at the Lincoln Memorial (credit: David Saveliev)

REVISITING THE USE OF THE TERM 'TOTALITARIANISM' IN CONTEMPORARY POLITICS

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Abstract

What is totalitarianism? Can a contextual definition encompass its political usage? The definition of the concept has been configured and re-configured throughout the twentieth century. Our understanding of totalitarianism depends on political and historical context. In liberal democracies, the concept of totalitarianism has been used as a political tool to oppose enemies and formulate an ideological binary of 'good' and 'evil'. Contrasting liberal democracy with totalitarian ideologies has halted criticisms about the former. I suggest that the concept of totalitarianism, despite its controversial usage in political discourse, is significant for two reasons: First, because it enshrines its historical value in our collective memory through theorising about ultimate power in politics; and second, because it elucidates problems in liberal or illiberal democracies that have totalitarian elements.

Introduction

In this essay, I will discuss the concept of totalitarianism. First, I will define totalitarianism based on Arendt's work *The Origins of Totalitarianism* because it focuses on the mechanisms of totalitarianism regimes, facilitating academic discussion on the nature of power, its forms, and its dangers. I will critically discuss the reappearance of the concept in contemporary politics and its relationship with Arendt's work. I will also explore academic work that categorises religious fundamentalism and Islamism as 'totalitarian' and suggest that the term is used as a rhetorical tool in political discourse. Based on Žižek, I will argue that the concept of totalitarianism has been used to absolve the West and discredit criticism of liberal democracy. I will explore the advantages of totalitarianism theory for political and historical scholarship and argue that the concept should be approached with caution. I will conclude that: first, even though totalitarianism has hindered constructive criticism of liberal democracy,

it is an important element of political analysis and important part of our collective memory; and second, Arendt's comprehensive work on totalitarianism can shed light on contemporary politics and give caution about the development of current extremist movements and parties with totalitarian elements.

Defining totalitarianism

There have been many scholarly attempts to define totalitarianism. However, due to the historical associations and current political usage of the term, a shared understanding of the concept is still lacking.¹ Hannah Arendt's work is an academic compass towards approaching totalitarianism by identifying the mechanisms of Nazi Germany and Stalinist USSR. In the third part of *The Origins of Totalitarianism* (1973), she analyses how these regimes' organisation and propaganda interact with the masses and shape a totalitarian state. As Canovan² points out, Arendt does not attempt to equate the two ideologies: recognising their striking differences, she tries to explain why the two regimes committed similar crimes and used similar coercive methods. She identifies that totalitarian propaganda is instrumental for and inextricably linked to state organisation; it attracts the masses merely by demonstrating a perfectly functioning organisation and promotes the party's ideology regardless of its validity (e.g., the pseudo-science of Aryanism as the ultimate genetic form of humans). The party's ideology is each individual's concern (as a member of the party) and a means to self-definition.

For example, Anti-Semitism was an essential ideological feature of the Nazi Party—every single member had to consider it as a personal issue and be an anti-Semite. The great leader is merely a cogwheel of the totalitarian system and the personification of a mass movement.³ However, this has raised attention in academic discussions, as many scholars believe the success of totalitarianism depends on a charismatic leader whose illegitimacy demonstrates his ideology, such as Caesar, Napoleon, and Mussolini.⁴ Aron's account on totalitarianism substantially summarises the main mechanics of a totalitarian state. He defines that totalitarian regimes have a monopolistic party; an official ideology of the state; a monopoly in propaganda; a merging of economic and professional life into the state; and excessive control that results in political and ideological terrorism.⁵ Similar to Arendt, he highlights the state's total control over the masses in the name of an ideology. Even though other regime types such as dictatorships have committed atrocities against its citizens (e.g., Pinochet in Chile), both aforementioned analyses aim at elucidating that—unlike dictatorships and authoritarian regimes—totalitarianism ontologically transforms societies into unprecedented ultimate evil. Academic literature on totalitarianism differentiates

Totalitarianism revisited

Recent academic discussion on totalitarianism suggests that the concept is more complex and that its definition is flexible depending on the context. Many political movements and regimes have totalitarian elements without resembling the traditional totalitarian points observed in Nazism and Stalinism. Many scholars draw parallels between totalitarian systems and democratic power structures to criticise forms of liberal democratic government such as, for example, the theory of inverted totalitarianism in the US.⁶ Other academic work focuses on the development of totalitarian regimes that survived throughout time; for example, McEachern argues that North Korea is a post-totalitarian government, as it diffuses power to institutions even though authority is centralised.⁷ This development of totalitarianism theory follows Arendt's and Aron's methodological approach on identifying totalitarian mechanisms. Nevertheless, other work on totalitarianism theory focuses on the ideological similarities of Nazism and Stalinism to political movements (instead of the mechanisms of totalitarian regimes) arguably for their political usage. Cold War discourse on totalitarianism attempted to redefine anti-communism as anti-totalitarianism, which shows that totalitarianism has been used as a rhetorical tool in politics.⁸ Naming opponents of the West as 'totalitarian' has been a rhetorical strategy for a binary understanding of global politics as 'good' and 'evil'.⁹ This strategy is intimately linked to contrasting liberal democracy with a threatening 'other'.¹⁰

The most recent controversial reappearance of totalitarianism theory is preceded by the rise of religious Islamic fundamentalism. Jackson supports that recent totalitarian movements aim at the ontological and holistic success of their revolutionary ideology without focusing on organising a totalitarian state.¹¹ Their public appeal is not founded on the success of the movement but rather on the aspiration for fundamental change (even though they are not in power). After revisiting totalitarianism merely as an absolute and coercive ideology (without the elements related to the state), many scholars focused on identifying similar ideological foundations between Nazism, Communism and current political movements.

As Brooks points out,¹² the concept of totalitarianism reappeared profoundly in discourses related to politics and Islam: President Bush deplored the terrorists' 'totalitarian ideology', and Condoleezza Rice named Iran a 'totalitarian state.' Many scholars argue that Islamism and religious fundamentalism are a new form of totalitarianism—scholars identify similarities between the totalitarian ideology of Nazism, Communism and radical Islam: 'At its core, the so-called "War against

Terror” is a struggle of ideas, and in this sense it is very comparable to the challenge of National Socialism and Communism... Like National Socialism and Communism, radical Islamism addresses the “oppressed”, seducing them with a radical (and radically simple) explanation of world history, in which their liberation becomes the final goal of the process of history.¹³ A controversial point of Bale suggests that Islamism can hardly encompass democratic values.¹⁴ He recognises that individual Islamists may adopt more pluralistic views (similar as Marxist-Leninists who transformed into Euro-communists and social democrats) and some Islamist movements have denounced their connections with terrorism; however, he supports that political Islamist values are radical at their core. Nevertheless, as Grieder argues, categorising Nazism, Stalinism and Islamism as totalitarian ideologies is fundamentally different from casting them as totalitarian for their institutional mechanisms.¹⁵

Such comparisons may also be viewed as a Western oversimplification of a very rich and diverse religious and political culture, part of which may include extremist elements. An aspect which must be taken into consideration is that, on the one hand, leaders in totalitarian regimes were obeyed from masses almost as if they were religious entities. Nevertheless, their authority and political purpose never received a spiritual and religious dimension. On the other hand, the boundaries between political and religious authority in non-liberal theocracies are obscure, as masses follow their leader for political, existential, and after-life reasons. Discourses on totalitarian ideologies often point to similarities between regimes and movements at the expense of differences. The comparison of totalitarian ideologies is founded on an inductive and oversimplified interpretation of those ideologies, whilst proving that the opposite intrinsically requires a plethora of historical and theoretical arguments, as the two ideologies compared have significant differences. Instead of focusing on the accuracy of the similarities between Nazism, Stalinism and Islamism, we should question the purpose and the implications (e.g., Islamophobia) of these recent scholarly attempts.

The misuses of the term ‘totalitarianism’

Totalitarianism has been used in political discourse to discharge liberal democracy from radical criticism. Žižek supports the idea that the discourse on totalitarianism is a means to discredit the emancipatory projects of reformists. The argument that all radical politics devolve into totalitarianism relieves people from engaging critically with the issues of liberal thinking.¹⁶ Totalitarianism is used as a rhetorical tool to ‘legitimise’ the liberal democratic hegemony, with radical criticism towards social and political issues in liberal democracies being immediately discredited as totalitarian. In that way, totalitarianism

becomes the antithesis of liberal democracy and liberal thinking. The implication of this philosophical antithesis is that the 'liberal democratic hegemony' is allowed to commit any political and social falsities so long as they are not as evil as totalitarianism.¹⁷ Totalitarianism has been conceptualised as a panacea for the failings of liberal democracy—by demonising its totalitarian enemies, the Western world absolves itself from the imperial violence and oppression it commits.¹⁸ For example, in the liberal democratic fight against radical Islam (e.g., the War on Terror), highlighting the totalitarian elements in Islamic organisations in the Middle East absolved the US' controversial means to forcefully export its liberal democratic ideation to the Middle East.

The emphasis on religious fundamentalism as the ultimate evil was arguably a political alibi, with the true purpose for military operations in the Middle East being to promote liberal democratic values, and this in turn allowed for politicised Islamophobia in foreign and domestic affairs. There are evident double standards in regard to criticisms towards the US and Islamism when one takes into consideration cases of human rights abuses in Guantanamo Bay and the torture in Abu Ghraib prisons, respectively. Those inhumane practices were enabled on the basis that they were assumed to be less evil than totalitarian Islam. Mentioning totalitarianism has often been a rhetorical manipulation for affirming the benevolence of Western liberal democracies and Othering its 'evil' opponents. Liberal democracy's controversial projects are merely presented as the lesser of two evils when compared to the totalitarian 'Other'.

In defense of totalitarianism theory

Despite Žižek's criticism, we should not dismiss the value of totalitarianism in political theory and historical analysis due to its primary use as a rhetorical tool. Totalitarianism theory has effectively described political systems and is a useful tool for historical and political analysis. Totalitarianism is crucial for political theory to encompass the nature and forms of power. Analysing the mechanisms that totalitarian regimes use to exert power over its citizens is part of a broader political and sociological discussion.¹⁹ Cases such as state control and coercion, excessive bureaucracy, manipulation in the name of an ideological purpose, state monopolies over welfare and education are recurring issues in contemporary politics, such as, for example, when discussing China's social credit system.²⁰ Totalitarianism's value for historical research has been contested because of the politically-biased interpretation of many complex events. Approaching the history of totalitarianism with caution is important, as various forces influencing historical research (e.g., collective memory and politics) hinder any neutral scholarship. However, this does not imply that the concept of totalitarianism can

be abandoned—the destruction of civil society; the elimination of the public sphere; the homogenisation of individuals into masses; and excessive state coercion exist now within the dark pages of 20th-century history but were very real and destructive phenomena. The ‘public use of history’ is looking into the past to understand the present.²¹ Even though the concept has been used as a rhetorical tool to shape public opinion, totalitarianism theory is useful for understanding absolute power and its traumatic impact on our collective memory.

Relevance of Arendt today

There are still lessons to be learned about contemporary politics from Arendt’s comprehensive account. Instead of using totalitarianism as a term that dissolves constructive political discussion, it can shed light on problems within liberal and illiberal democracies alike, as well as elucidating patterns within flawed transfers of power. The fundamental assumptions regarding the behaviour of masses and leaders during and in the aftermath of totalitarian regimes can be adapted to the needs of current political analyses of contemporary governments and parties that have totalitarian tendencies. In the era of post-truth politics and ‘alternative facts’, populations have systematically been isolated from diverse sources of information. Media repression and systematic media bias can be understood as a nuanced form of propaganda; for example, this could elucidate issues of press freedom in Turkey. Problems such as, but not limited to, state media, censorship, and fake news are alarmingly relevant to contemporary populist rhetoric that has emerged in several countries around the world.

Within a similar framework of propaganda and systematic discrimination against minorities, political parties such as the recently outlawed Golden Dawn and Jobbik deploy anti-Semitic rhetoric (e.g., Holocaust denialism) to mobilise populations towards extremism. Another case in point could be understanding violence as a contrasting force of power, wherein the first emerges when the latter dissolves. The failure of a ruling government to peacefully hand over control to another government (for example, during the US Capitol riot on January 6, 2021) demonstrates the emergence of violence as a result of the absence of power. The inability of democratic and totalitarian regimes to change power with stable and civil forces has become an increasingly prevalent issue. There are numerous ways to use Arendt’s theory to understand totalitarian mechanisms in contemporary politics without satisfying Žižek’s concern that the term ‘totalitarianism’ has been used to absolve criticisms against liberal democracies.

Perhaps we should be more aware of and inquisitive about totalitarian elements that exist in current political discourse, instead of merely naming a movement or a government as ‘totalitarian’ for political

convenience. The importance of totalitarian scholarship is founded on the reappearance of similar nuanced elements in contemporary politics rather than merely in its nominative value. Arendt's comprehensive work on totalitarianism, if understood and employed critically, is an insight into and a caution for the development of contemporary politics.

Conclusion

The reappearance of totalitarianism theory is far from Arendt's account on totalitarian mechanisms for an ontological transformation of society. During the Cold War and after the rise of religious fundamentalism and Islamism, the concept of totalitarianism has been used to divide the West with the demonised Other. In this way, the label of 'totalitarian' absolved controversial policies introduced in liberal democracies on the premise of fighting this evil totalitarian enemy. Radical politics are often discredited as totalitarian, based solely on the idea that they pose a threat to the liberal democratic hegemony. Even though the concept has been misused, totalitarianism theory is an intrinsic part of political and historical analysis, firstly as an analytical tool to explore different forms of power, and secondly as a lens of our collective memory through which we may come to better understand the present. Most importantly, totalitarianism theory can elucidate political analysis of contemporary regimes and movements which have totalitarian elements, despite them being considered heretofore as liberal or illiberal democracies.

Notes

- 1 Jeffrey Brooks, "Totalitarianism Revisited," *The Review of Politics* 68, no. 2 (2006): 318.
- 2 Margaret Canovan, "Arendt's Theory of Totalitarianism," in *The Cambridge Companion to Hannah Arendt*, ed. Dana Villa (Cambridge: Cambridge University Press, 2006), 25–26.
- 3 Hannah Arendt, *The Origins of Totalitarianism*, (London: Penguin, 2017), 339–442.
- 4 Margaret Canovan, "The Leader and the Masses: Hannah Arendt on Totalitarianism and Dictatorship," in *Dictatorship in History and Theory: Bonapartism, Caesarism, and Totalitarianism*, ed. Peter Baehr and Melvin Richter (Cambridge: Cambridge University Press, 2004), 243–246.
- 5 Raymond Aron, *Democracy and Totalitarianism*, (London: Weidenfeld and Nicolson, 1968), 193–4.
- 6 Sheldon Wolin, *Democracy Incorporated: Managed Democracy and the Specter of Inverted Totalitarianism* (Princeton: Princeton University Press, 2008), 15–16.
- 7 Patrick McEachern, *Inside the Red Box: North Korea's Post-Totalitarian Politics*

(New York: Columbia University Press, 2010), 30–38.

8 Enzo Traverso, *The New Faces of Fascism: Populism and the Far Right* (London: Verso, 2019), 141–3.

9 Brooks, “Totalitarianism Revisited,” 319.

10 Slavoj Žižek, *Did Somebody Say Totalitarianism?: Five Interventions in the (Mis)Use of a Nation* (London: Verso, 2001), 1–6.

11 Paul Jackson, “Totalitarianism in the Twentieth Century and Beyond,” *Open Democracy*, August 27, 2019, <https://www.opendemocracy.net/en/countering-radical-right/totalitarianism-twentieth-century-and-beyond/>.

12 Brooks, “Totalitarianism Revisited,” 319.

13 Hendrik Hansen and Peter Kainz, “Radical Islamism and Totalitarian Ideology: A Comparison of Sayyid Qutb’s Islamism with Marxism and National Socialism,” *Totalitarian Movements and Political Religions* 8, no. 1 (2007): 71–72.

14 Jeffrey M. Bale, “Islamism and Totalitarianism,” *Totalitarian Movements and Political Religions* 10, no. 2 (2009): 73–96.

15 Peter Grieder, “In Defense of Totalitarianism Theory as a Tool of Historical Scholarship,” *Totalitarian Movements and Political Religions* 8, no. 3–4 (2007): 572–575.

16 Sabah A. Salih, Review of *Did Somebody Say Totalitarianism? Five Interventions in the (Mis)use of a Notion*, *World Literature Today* 76, no. 2 (2002): 252.

17 Žižek, *Did Somebody Say Totalitarianism?*, 237–240.

18 Traverso, *The New Faces of Fascism*, 91–92.

19 Traverso, *The New Faces of Fascism*, 180–183.

20 Grieder, “In Defense of Totalitarianism Theory as a Tool of Historical Scholarship,” 584.

21 Traverso, *The New Faces of Fascism*, 180–183.

WHO IS TRULY EMPOWERED? EXPLORING THE SIGNIFICANCE OF FEMALE POLITICAL REPRESENTATION IN POST-CIVIL WAR RWANDA

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Abstract

Rwandan politics, since the end of the civil war (1990-1994), has been the subject of studies worldwide. With a 64% female parliament, it leads the way in numbers and is seen as model for gender inclusivity. However, recent studies focusing the concept of gender inclusivity both in politics and that of equality in wider society suggest that the two concepts are not inherently linked. Human rights watchdogs and academics studying the social and political fabric of the country have commented on the fact that Rwanda is still notably patriarchal, and that the benefits of increased female representation in the higher echelons of politics have not translated into the everyday lives of most Rwandan women. To better explain this phenomenon, this research takes Kimberlé Williams Crenshaw's social and political theory of intersectionality to place emphasis on the importance of ethnicity and class in explaining the disparities in social and economic resources for certain women in the country. This study also analyses the legacy of the civil war and genocide, and how collective societal trauma reshaped identities and made them intrinsically political. In this sense, Rwanda presents an interesting case study for the role of women in the post-conflict process. Ultimately, this study argues, alongside studies from scholars such as Burnet (2008) and Ndahinda (2019), that any commentary on female representation should adopt a quantitative and qualitative approach. Whilst numbers matter, the impact of political power in Rwanda is still contingent on perceptions of traditional gender norms, as well as ethnic and class loyalties.

Introduction

There has been substantial literature on the impact of civil war on gender politics and on the subsequent role of women during a transitional period following collective societal trauma. Rwanda presents an interesting case study in this regard due to Rwandan women's heavy involvement in the peacemaking process and the process of reshaping

Rwandan politics and society after the 1990–1994 civil war. Whilst the post-civil war political reforms ushered in an era of substantial female representation in Parliament, this should be analysed through the framework of intersectionality. This, in large part, involves analysing how ethnicity and class play a critical part in the political make-up of the country. The significance of greater female representation in politics in furthering the democratic process is arguably contingent on these additional factors, which in turn limit the extent to which representation equals a specific focus on women's issues. In this sense, there is the question of whether women's representation in the top echelons of politics has a real-life impact on the everyday lives of ordinary Rwandan women. In fact, Rwandan scholar Justine Uvuza notes the lack of any society-wide psychological shift in the perception of gender norms post-genocide, suggesting that the factors accounting for increased female representation in the country's politics were more practical in nature rather than ideological.¹ Burnett adds to this by arguing that, while women may have increased representation, existing political power in Rwanda still operates within the framework of a patriarchal, authoritarian, and unequal system.² This article analyses these arguments, referencing the legacy of genocide and ethno-cultural characteristics within Rwandan society.

Intersectionality in this study is understood as the idea that 'social identities cannot be studied independently of one another nor separately from the societal processes that maintain inequality.'³ Previous literature has severely underestimated its value as a theoretical framework outside of the Western context. African American women are often the subjects of the theory of intersectionality, which has led to reservations about its usefulness 'as an analytical tool in addressing other marginalised communities and other manifestations of social power.'⁴ However, Hancock broadens the field of intersectionality to include a wider range of sociological and political research, and explain how we conceive of processes of marginalisation amongst certain social groups.⁵ This study takes this even further, employing intersectionality as a methodology in the context of Rwanda, as it believes this framework can be more widely adopted in political science to understand how systems of privilege develop in countries such as Rwanda which have recently undergone a nearly complete restructuring of their political systems. It also allows for a greater focus on the manifestation of power, challenging the homogeneity of gender as it is perceived in discussions pertaining to political representation. It places the concept of increased female representation in Rwanda within the wider sociocultural and sociohistorical context. In this sense, intersectionality allows for a better analysis of female representation in Rwandan politics post-genocide and civil war by focusing on the connection between ethnicity, class, and gender in identity formation, rather than isolating gender.

Furthermore, Hankivsky and Dhamoon suggest that histories of structural violence, such as civil war, disrupt the stability of group identities due to the manner in which ‘intersecting processes of identity formation construct the political realm and are produced as political.’⁶ This study looks into how identities, such as ethnicity, are explicitly rejected in the political process yet continue to be influential in wider Rwandan society, in turn impacting perceptions of female representation amongst different social strata. The legacy of the conflict between ethnicities in Rwanda has meant that ethnicity is incredibly important to political representation in the country post-civil war, which in turn negates any notion that increased female representation means that all Rwandan women have increased representation. Ultimately, this study argues that long-standing ethnocultural divides, as both a relic of the colonial period and exacerbated by the civil war, are more pertinent to better understanding the significance of female representation in Rwandan politics, on both a national and local level.

This study shall be divided into four sections. The first investigates the factors which arguably explain the increase in the number of women in the higher echelons of politics, also drawing from preexisting research into the effects of civil war and genocide, and the role of women in peacemaking processes. The second is a historical analysis of how the civil war in Rwanda has impacted perceptions of different ethnic groups’ roles and how this influences political behaviours, which in turn challenges the false binary between victim and perpetrator regarding gender roles during the conflict. This study then goes on to analyse the effectiveness of increased women’s representation in legislative processes and how this translates into the everyday lives of women from different ethnic and class groups in the country. Lastly, this analysis will be compounded through comparison with other countries with similar political and social structures, in particular, patriarchal values and increasing authoritarian practices which handicap women from disadvantaged social and ethnic groups. This, coupled with the theoretical framework of intersectionality, will offer a more comprehensive analysis of how we should interpret Rwanda’s status as having one of the highest percentages of women’s representation globally.

What accounted for women’s greater representation in politics following the civil war in Rwanda?

The literature on the effects of the Rwandan civil war, and more specifically its aftermath, on women’s political representation and overall increase in gender equality points to several factors as possible explanations. Firstly, the empirical evidence shows—perhaps obviously—that societies recovering from the trauma of civil war are often more predisposed to reinvent themselves ‘through the writing of

new constitutions and peace agreements' and subsequently implement a set of new rules of governance. During these periods of instability and renewal, the new incumbents in government seek to 'create new institutions and practices rather than reform old ones', thus 'making it easier to adopt more radical measures.'⁷ Rwandan women, following the civil war, were 'mobilized as genocide survivors' and 'have had great success advocating for women's inclusion in domestic and international policy debates.'⁸ This included, amongst other measures, an increase in quotas for female representation in the Rwandan parliament. In fact, the legislation following the Rwandan civil war is evidence of this desire to reshape politics in the country, with the 2003 Constitution ushering in a quota of 30 percent female Parliament members.⁹ Since the 2018 elections, women now make up 64 percent of the Parliament, which reflects a continued effort in the country to include more women in the democratic process.

Mona Tajali further supports this argument, suggesting that postconflict reconstruction efforts present a unique opportunity to women to demand representation, tying gender issues to the democratisation process. Tajali also argues that most of the literature on quota adoptions credit domestic women's movements as 'initial and primary actors.'¹⁰ These domestic influences should also be coupled with the desire to elicit aid from international institutions. For instance, external actors aim to instil democratic institutions in countries going through changes as a consequence of war. After the 1995 UN World Conference on Women in Beijing, 'Women's rights activists were better positioned to involve themselves in peace talks, constitution-making exercises, new electoral commissions, and truth and reconciliation processes.'¹¹ Hence, following the end of the Rwandan civil war, we observe efforts to instil significant and meaningful change in the political system by both internal and external actors which, to a large extent, account for the significant increase in women's representation in parliament.

Another important factor explaining the high percentage of female representation in the Rwandan parliament is the drastic change in the demographic makeup of the population. In the wake of the civil war, women made up 80 percent of Rwanda's surviving population, and 'out of tragedy, necessity, and pragmatism they stepped in to fill the leadership void.'¹² This demographic imbalance made the promotion of women's political, social, and economic participation in Rwanda a precondition for effectively rebuilding the state. The impact of this demographic disparity has, however, proven to be unclear; it is of little significance—according to Hughes and Tripp—who found in their wider study on gender and civil war that, 'the ratio of men to women declines, women's political representation increases, but the effect is only marginally significant.'¹³ In this sense, the effect of the gender divide is not immediately evident, and that there is no linear correlation between the decline of males in

the population and the rising proportion of women in politics. However, historically speaking, once conflict subsided, women traditionally were 'excluded from the peacemaking process, limiting their incorporation into transitional legislative bodies and newly formed governments.'¹⁴ From this, it can be suggested that Rwanda was an outlier, considering women's involvement in the peace process in the aftermath of the civil war.

A third important factor in women's increased role in politics following civil war is the perception of culpability. Indeed, 'Because women are perceived, rightly or wrongly, as having had less of a hand in creating conflict, civil war can create political legitimacy for women.'¹⁵ Empirically speaking, during the reconstruction process in Rwanda, only around 1–5 percent of the 120,000 facing charges of war crimes in Rwanda have been women.¹⁶ Thus, it is suggested that in postconflict societies, 'If women outnumber men in the pool of possible candidates, women may simply be better able to compete for political power,' as they are perceived to be more the victims of the violence rather than the perpetrators. In other words, women are also potentially more electable than men following a conflict such as the Rwandan Civil War if they are seen as the peacekeepers, or at least as contributing to an end to the violence. Ultimately, shifts in gender perception in the wake of such a violent societal upheaval are inherently political, and translate into greater women's representation in parliament.

Ethnicity and the legacy of the civil war

When discussing the topic of representation in Rwandan parliamentary politics, it is essential to reference the intersection of gender and ethnicity, and how these classifications are shaped and influenced by the 1994 genocide. For instance, in the wake of the civil war, there has been a concerted and deliberate effort by the Rwandan Patriotic Front (RPF) to unify ethnic groups within the country. This has the aim of distancing current hierarchical structures from the previous genocidal ideology. In fact, the month of October marks a political campaign for 'unity and reconciliation' in Rwanda. Fidèle Ndayisaba, the Executive Secretary of the National Unity and Reconciliation Commission (NURC), claims that the campaign serves as a reminder for 'our collective obligation to uphold and promote unity and reconciliation.'¹⁷ From this, there is a clear objective to face issues of ethnic discrimination borne from a violent genocide. Official government policy also seeks to remove the distinction of ethnicity from public life, which in turn seeks to homogenise Rwandans, ostensibly in an effort to create more equality.

Furthermore, Rwandan academic Mukwiza Ndahinda discusses this erasure of ethnicity in Rwandan politics following the genocide, juxtaposing this with an emphasis on strong gender representation. In

Rwanda, diminishing ethnic differences meant breaking away 'from the colonial legacy of institutionalised racial/tribal/ethnic divisions along the Hutu, Tutsi and Twa identities,'¹⁸ which in turn meant building a more cohesive and unified Rwandan society. These ideas can be traced back to the armed struggle of the RPF, whose narrative is one of promoting unity and reconciliation following on from the civil war. Ndahinda further equates this policy to erasing ethnicity as a distinct identity marker in politics: 'Once in power, the RPF-led government outlawed uses of the Hutu, Tutsi and Twa identities in the public spheres or for political ends.'¹⁹ However, Theoneste Rutagengwa, an activist from Rwanda, argues that whilst policies in Rwanda are ostensibly designed to appease ethnic divisions, ethnicity still 'lies in the hearts and minds' of Rwandans, and is the most prominent marker of identity.²⁰ Any observations regarding female representation in the country's political system, he believes, should be viewed through this lens first and foremost. Hence, the influence of ethnicity on representation in parliamentary politics post-civil war, whilst not explicitly acknowledged, continues to be important in Rwanda.

Donna J. Maier also cites examples of women who were in positions of leadership before and during the time of the genocide to analyse the aforementioned alternative role of women as perpetrators. One notable example includes Agnes Ntamabyariro, Minister of Justice during the 1994 genocide, who led a militia and drew up lists of Tutsi to be killed.²¹ Emphasising this political agency amongst Rwandan women, particularly those in positions of power, allows for a more comprehensive analysis of their motivations, and a deeper understanding of how gender as an identity marker cannot be isolated from discrimination based on ethnicity and class structures. For example, African Rights claimed that 'women were directly involved in state-sponsored violence that targeted Tutsis in educational establishments and the civil service in 1973.'²² From this, it can be argued that ethnicity is a longstanding identity marker for Rwandans, and the attitudes and societal role undertaken by women are more determined by ethnicity than along purely gendered lines.

In addition to this, a study into postwar perceptions of political representation amongst Rwandan women showed that 'the within-ethnicity correlation of political representation movements is higher than its within-gender correlation, indicating that perceived political representation is driven by ethnic interpretations, not gendered ones.'²³ This is coupled with Sharlach's observation that, in 1994, a Rwandan woman's loyalty was more with her ethnic grouping than along gendered lines.²⁴ This highlights how, despite Rwanda's efforts to promote 'Rwandicity' in lieu of distinct ethnic identities, Rwandans are still more preoccupied by representation within ethnic groups than along gendered lines. Perception also appears to be aligned with reality. For example, in the years 1996–2016, 48% of the female ministers and Secretaries of

State were Tutsis.²⁵ This calls into question the extent to which women in Rwanda are represented, due to the fact that a minority ethnicity makes up a majority of parliamentarians in the country. Certainly, these surveys and commentaries from observers of Rwandan parliamentary politics underscore the importance of including ethnicity in any research into perceptions of representation in the country. It also supports Hankivsky and Dhamoon's argument that histories of structural violence have an impact on the way in which identities are formed.²⁶ In this case, ethnic divisions resulted in ethnicity becoming a key identity marker influencing political behaviors which takes priority over loyalties to a particular gender.

Does increased representation lead to effective legislation on women's issues?

Women's representation on the national political stage can only be of any worth to the advancement of gender equality if it is also followed by significant legislative changes which enshrine and protect women's rights under the law. In this sense, it is important to look at how female legislators have used their positions for the advancement of women's rights in Rwanda. The research into women's input once they have gained footing in politics has shown, among the sub-Saharan African examples, that women have added certain issues, such as HIV/AIDS and property rights, into the policy agenda, yet 'there is little evidence to suggest that increased women's representation has altered policy outcomes.'²⁷ This perhaps is an overly harsh criticism of the work of women in politics, certainly in the case of Rwanda, where significant strides have been made to bring women's issues to the forefront of politics. For example, since women have come into political power in post-civil war Rwanda, they now have the right to own land and property and, when they get married, they have the option to pool their assets with their husband or can instead choose to keep them separate.²⁸ Furthermore, UN Women have pinpointed key legal reforms aided by women parliamentarians; more specifically, a revision of the Civil Code, which now stipulates 'equal inheritance and succession rights between men and women, as well as the elimination of any form of discrimination in the laws that govern political parties and politicians'. In addition to this, the representatives in Parliament 'initiated labour laws on equal pay and ending gender based violence, harassment and discrimination at work, equal rights to land, and preventing and punishing gender-based violence and violence against children.'²⁹ This paints an altogether different picture, in which female representatives in the Rwandan parliament are actively contributing to the advancement of women's rights, and thus are making political and social gains in their country.

However, this suggests that *de jure* inclusion both in the

political arena and in the peace-making process are often assumed to be sufficient in securing fundamental and lasting change in women's lives.³⁰ Certainly, within the context of post-civil war Rwanda, there are two main flaws with drawing this conclusion. Firstly, these efforts to both include and empower women in the wake of violence presupposes 'the internal homogeneity of "women" as a category' which 'fails to account for the role of membership in different ethnic, racial, sexual, and class groups.'³¹ Secondly, it is simply not enough to have inclusion on the political stage and legal rights, as such approaches fail to tackle or dismantle the 'underlying systems of oppression that perpetuate women's subordination.'³² Both of these criticisms ultimately imply the gap between legal rights and the political frameworks set in place, and the reality of everyday life for women in Rwanda. In fact, in the specific case of Rwanda, the ethnic conflicts in the region between the Tutsis and the Hutus have resulted in a disparity between the social standing and legal protections of particular groups of women pertaining to a particular sector of Rwandan society.

Indeed, as a result of the social structures which exist in Rwanda, resources and justice for the women affected by war have been unequally reallocated. Berry argues that this simplified narrative of 'the violence—that of the "evil Hutu" against the innocent Tutsi"—has affected the distribution of aid and other resources in the decades since the violence.'³³ For example, funding for domestic organisations, such as Avega-Agahozo (for widows) and the Association of Student Genocide Survivors, provided by UK-based Survivor Fund to support the 'survivors' of the Rwandan genocide with resources such as medical care, school fees and trauma counseling.³⁴ However, only Tutsi women who were married to Tutsi men could be considered 'survivors' and 'genocide widows', and thus creating more narrow and homogenised victim identities. This ethnicisation of the victims and perpetrators of the violence has impacted the Hutu women, who are implicitly excluded from much of the reparations process. Furthermore, a direct consequence of international funds being allocated to Tutsi-led 'survivor' or 'widow' organisations meant that Hutu women do not get the same platform, and that these Tutsi-led organisations were better placed to "ascend the economic ladder, enter public spaces, and fill new political vacancies.'³⁵ In this sense, it can be argued that, while increased political representation has brought forth advancements in women's issues in the form of increased legal protections and property rights, the ethnic divides and existing class hierarchies act as an irrefutable barrier to genuine gender equality for all women in postwar Rwanda.

According to Hancock's interpretation of intersectionality, in order to effectively analyse the current political situation in Rwanda with reference to gender, there undoubtedly needs to be an engagement with the underlying power structures.³⁶ Consequently, any research into

women's political participation in post-genocide Rwanda 'cannot ignore the state's authoritarian nature and its frequent violations of basic human and civil rights.'³⁷ Certainly, when analysing the events of 2017, a World Human Rights Report found that during the presidential elections that year, opposing candidates to the RPF—such as Diane Rwigara—and local activists experienced intimidation, threats, and unlawful arrests.³⁸ Thus, discussions about female political participation in post-genocide Rwanda should not assume that 'increased participation by women will lead to greater gender equality and a "better", more peaceful society', due to the fact that these changes 'have not necessarily increased the political power of women or led to more egalitarian notions of citizenship.'³⁹ This lack of genuine political pluralism, combined with the more authoritarian nature of Rwandan politics, has severely limited the ability of female politicians to truly exert political power.

Without negating the significant strides made towards gender equality under the law, many of the aforementioned achievements enhancing women's rights and their interests occurred before the implementation of gender quotas in 2003, advancements which also included the classification of rape or sexual torture 'as among the most serious crimes in the genocide statute.'⁴⁰ As political pluralism and democratic practices are increasingly threatened under President Kagame's leadership, female MPs are more often than not beholden to 'the RPF political party than to those who elect them' and, as a result, tend to support 'legislative proposals emerging from the executive and avoid tackling issues perceived as contentious.'⁴¹ This increasing authoritarianism, coupled with the previously mentioned ethnic discrimination, undermines claims that Rwanda can be seen as an example to follow, and questions the importance placed on policies implemented by women parliamentarians in the country.

How does Rwanda compare to other countries with similar societal and political structures?

In fact, Rwanda is not an outlier — there are multiple examples of deeply unequal countries which also have registered high proportions of female leadership. Bolivia is a prime example, ranking second in the world in terms of female representation in its parliament.⁴² However, it is similar to Rwanda in that its unequal partitioning of economic resources and social influence is not based solely on gender, but also on the social strata and ethnic group to which an individual belongs. Much like the aforementioned positionality of Hutu women in Rwandan society, Indigenous women in Bolivia are placed at a disadvantage in their own society in terms of access to job opportunities, and are also disproportionately affected by issues of domestic violence and lack of access to adequate health care.⁴³ The situation of women in Rwanda

both depends on their ethnicity—a relic from the civil war conflict—and their position in the social hierarchy. In other words, ‘the emergence of an educated stratum of women at the top in business and politics does not mean that the position of the great majority of Rwandan women has improved.’⁴⁴ In addition to this, women in Rwanda are more likely to live in poverty and are also underrepresented in salaried employment, and the continued adherence to traditional gender roles also means that those women who can afford support in childcare do not carry the same burden as those women in the lower echelons of Rwandan society.⁴⁵ Therefore, from a gender equality standpoint, Rwanda can only be considered an example to follow should this translate to emancipation for women from all walks of life. It demonstrates that in those countries with higher female political representation, we cannot separate gender from other identity markers such as class and ethnicity.

Following from this point, it has also been claimed that the ‘significant strides in gender equality at the top end of Rwandan society also meets with entrenched patriarchal attitudes that reflect a more traditional society.’⁴⁶ To take this point further, the role of women’s organisations was arguably dependent on the priorities of government, which has in this essay been established as authoritarian. Such organisations were ‘successful insofar as they were prepared to toe the party line.’⁴⁷ Moreover, President Kagame’s portrayal as a dominant, authoritative leader is very much within the framework of a strongman military leader, portraying archetypal masculine traits deemed necessary to be an effective leader of a country.⁴⁸ In this sense, patriarchal norms still present an irrefutable barrier to the true political power of women in Rwanda, which reflects ultimately how legislation and increased parliamentary representation have failed to shift societal attitudes towards gender roles and norms.

Furthermore, studies have found that semi-authoritarian regimes with gender quotas and high female representation use these measures to gain legitimacy. For example, Lorch and Bunk claim that these measures do not indicate an advancement in women’s rights, *per se*, but rather reveal the ‘desire of respective non-democratic regimes to realise other political objectives, such as maintaining power’, and subsequently, ‘women friendly policies can be used by authoritarian regimes to boost their performance-related legitimacy.’⁴⁹ Cross-national studies into other countries, such as Algeria and Mozambique, have also shown similar patterns, wherein women ascend to certain high-profile political positions in order to give the illusion of a more democratic process, yet ultimately these positions are held by women who help prop up the dominant male leadership at the top. In this sense, it would be an exaggeration to conflate representation for women in the higher echelons of Rwandan politics with an overall picture of gender equality for women on the ground in wider society.

Conclusion

On the one hand, the effect of the civil war, which led to the almost complete restructuring of the political system in the country, has been monumental in giving women representation in politics both on a national and local level. Indeed, many have pointed to the impact of female policy makers and the broader implications of legislative changes and constitutional changes which have been introduced in the wake of the civil war and the subsequent peacemaking process, in which women and their organisations were heavily involved. In terms of numbers, proponents of Rwanda as an ideal example of gender equality also point to the fact that, in terms of women's representation in Parliament, the sub-Saharan country outperforms all other developed nations with similar political systems in place. However, on the other hand, these arguments are flawed, and work on the assumption that women's representation at the top levels of politics have positive implications for all women within that society. Empirical evidence and similar studies on political systems in other countries, such as Bolivia, have shown that this is in fact not the case. While women are heavily prevalent in politics, they still operate within a patriarchal, authoritarian one-party system, one that is also criticised for human rights violations, and that mainly pays lip service to women's issues.

A focus on intersectionality is key to understanding the social, political, and economic standing of women in modern-day Rwanda. It is essential to acknowledge that ethnicity and class continue to play a major role in the allocation of resources, status, and opportunities for Rwandan women. More specifically, the representation of Tutsi women as 'survivors' of the civil war violence has meant that Hutu women are at a disadvantage in Rwandan society, and do not receive the same social, economic, and political benefits. Furthermore, Rwandan women have held positions of authority before, during, and in the aftermath of the genocide, and their ability to exercise power was inherently linked to their ethnicity. Certainly, in the case of Rwanda, gender roles should be seen as more nuanced than merely half of a simplistic equation juxtaposing male perpetrators of violence with female survivors. This has significant implications for how female representation should be perceived in Rwanda, especially due to the fact that Rwandan women appear to value representation more along ethnic lines than gendered ones.

Ultimately, by adopting the theoretical framework of intersectionality, this study has shown that, whilst the legacy of genocide is an important influence on the development of gender roles and political representation for women, it does not exist in a vacuum. Patriarchal values continue to be dominant in Rwandan society irrespective of political quotas and power structures, exacerbated by the increasing

authoritarian nature of Kagame's presidency and the dynamics within the Rwandan Patriotic Front. Pre-genocide Rwanda and the era of independence also helped to shape the roles that Rwandan women played as politicians and citizens. As argued above, they held a notable influence even before the civil war, which helped to stand them in good stead for seizing the initiative in the remaking of Rwandan society post-1994. Ultimately, while leaders—such as Kagame—continue to whitewash their semi-authoritarian practices with superficial gender quotas, then the focus shall remain diverted from the systemic and ingrained societal limitations and ethnic hierarchies, which continue to obstruct true equality and limit the significance of female representation in Rwanda.

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BOOK REVIEWS

SONIA E. ALVAREZ, JEFFREY W. RUBIN, MILLIE THAYER,
GIANPAOLO BAIOCCHI AND AGUSTÍN LAÓ-MONTES (EDS.)

BEYOND CIVIL SOCIETY: ACTIVISM, PARTICIPATION, AND PROTEST IN LATIN AMERICA.

DUKE UNIVERSITY PRESS, 2017.

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Beyond Civil Society: Activism, Participation, and Protest is a rich anthology that examines and reflects on the genealogy, current state, and transformative power of activism in twenty-first century Latin America. The work examines the evolution and character of civil action at a curious time where confrontational uncivic protest is becoming more visible, yet civic participation is also proliferating in formal governmental and non-governmental arenas under the guise of a neoliberal 'Civil Society Agenda.'

Edited by a group of political scientists, sociologists, and cultural anthropologists, the seventeen chapters offer a wide range of interdisciplinary perspectives on an impressive geographic coverage of social movements and civic action from semi-rural Brazil to rural Northern Peru, urban Bolivia, Argentina, Colombia, and struggles on the border of Uruguay and Argentina. Its vivid and detailed accounts of potent collective action illuminate micro- and meso-level political processes while challenging the dominant constructs that delineate the literature on civil society in the social sciences. It is required reading for political scientists, sociologists, anthropologists, and economists alike hoping to access a human face of the consequences of Latin American political economies of the onset of radical neoliberalism.

The key framework introduced by Sonia Alvarez and colleagues delineates non-electoral citizen participation into two categories, '*lo permitido*' and '*lo no permitido*', permissible and non-permissible forms of social change. The authors introduce '*lo permitido*' as the product of a hegemonic neoliberal shift in political economy thinking and practice, which transferred the burden of social services and vertical accountability from the state towards civil society and the so-called Third Sector of non-governmental organisations. This 'civic action' is described as civil participation in government-sanctioned, formal arenas of power

and politics, where 'permissible citizens' lay claim to a set of rights and resources by participating in women's ministries, state agencies dedicated to Black and Indigenous affairs, participatory health councils, and the like. Venues and opportunities for 'civic' activism have more often been colonised in Latin America by mestizo, Euro-descendant middle- and upper classes (12).

'Lo no permitido' is the prohibited, unauthorised, and intolerable activism whose relationship to dominant constellations of power is more antagonistic. While venues and forms of protest are not the most central distinctions within this conceptual binary, examples of 'uncivic' protest include land occupations, road blockages, bridge obstructions, and flash actions such as *escraches* in Argentina and kiss-ins of Chilean students (16). Unauthorised action also takes place in institutionalised settings, as Benjamin Junge discusses in his chapter: making class-based claims in institutionalised Participatory Budgeting in Porto Alegre (Brazil) is authorised, while making race- or gender-based demands are not. The binary of the authorised and unauthorised is puzzling, given that recent decades have witnessed both the increased visibility of confrontational collective action, as well as a proliferation of civic participation through the third sector and governmental programmes across Latin America.

The edited volume interrogates this binary in the literature, arguing that most movements straddle these two categories and have meaningfully extended the parameters of conventional social activism beyond reductionist types in recent years (333). Furthermore, the authors contend that these two forms of social change work best 'in concert or in productive tension' (4). The work offers a plethora of diverse examples from different points on the spectrum of collective change and the causes treated range from feminism and women's movements (Chapters 6, 8, and 11) to Afro-Colombian autonomy (Chapter 5 and 10), grassroots community leaders (Chapter 4) and participatory governance (Chapter 1 and 3) to indigenous coca leaf growers (Chapter 15), extractivism (Chapter 9), and environmental concerns (Chapter 7).

Hegemonic, liberal social science views civic participation in governmental institutions as exclusively democratising, and unruly political action as inherently threatening to democracy (3). Opposing scholars recognise little value in 'civilised' participation and affirm that meaningful reform, where democratic outcomes are achieved only in 'uncivic' activist spaces. The volume skilfully challenges this binary debate, offering illuminating examples of how civic actions can fail due to co-option from below (Chapter 3), and how political openings may occur in the arenas of dominant institutions (Chapter 5).

Perhaps due to its heterogeneous use of different levels of analysis, from the transnational, the federal, and through to the municipality-level, the context in which these popular movements are discussed leaves some big ideas insufficiently treated. Firstly, a weighty

elephant in the room is a debate on the genuine inertia of change from below and the robust structures that silence the volume of collective voices in Latin America. The authors conclude that activist gains have been significant, yet simultaneously partial and unstable, citing budgetary accountability, unemployment subsidies, pensions, and race- and gender-sensitive policies (333). At the same time, there is little juxtaposition with the seemingly obvious forces that deter and constrain the successes of these civic projects.

The forces of 'neoliberalism', its governmental and economic faces, as well as the manifestations of political opening are addressed as ostensibly exogenous forces not constructed by the political climate these movements populate and strive to shape. It is certainly irrefutable that hegemonic foreign forces have been key drivers in the onset of the neoliberal era in Latin America, but the importance of their alliances with domestic elites is left largely untreated. In the chapters on violent social struggle in Bolivia (Chapter 15), and the triumphs of Brazilian feminists (Chapter 8), we are offered telling accounts of the transformative power of change from below, where the interests of sustained political and economic elites are genuinely challenged. However, the work would do well to explicitly point fingers at some of the tightest bottlenecks for social change and incorporation, such as the levels of extreme inequality and tax evasion, lack of diversification in industrial structures, and the unfavourable dependencies on international export and import markets. Disregarding the domestic burden also overlooks important changes in Latin American development practice, from the state-led era to the debt crises of the 1980s and their resulting vulnerabilities, to foreign influence.

Secondly, the examination of 'neoliberalism' as a cause of social malaise and economic grievances is at times disappointingly superficial. Numerous chapters refer to the 'crises caused by neoliberalism', its 'devastating consequences', and how it weakened democratic institutions and left people 'impoverished and unemployed' (144), with insufficient reference to the policies themselves that had these effects. So-called neoliberal reforms constituted an extensive laundry list of very different policies across the continent, some of which I argue were inevitable, such as the fiscal strictness needed to overcome the currency crises of the 1980s. Others, such as the mass privatisation of industries and overhauls of public services and the welfare state, were much more myopic and harmful.

In his genealogy of Afro-Colombian social movements, Kiran Asher also focuses on the restraints imposed by neoliberal policies in Colombia in the 1990s and 2000s without paying sufficient attention to the significance of the internal civil conflict and its effects on inclusion and state capacity to respond to the demands of subaltern groups (Chapter 10). As a result, the volume exhibits a kind of analytical discomfort with

the mixed types of neoliberal economic reforms and their varied effects in different Latin American states. Time and time again, scholars grapple with the treatment of this highly diverse and multiplicitous region as a unified whole, while balancing regional specificities. This is an area where the volume could have been more careful to the national-level dynamics that underpin common regional trends, particularly that of neoliberalism in Latin America.

However, the contributors are delightfully nuanced in their treatment of twenty-first century 'Pink Tide' politics, illuminating the nature of arenas of 'neoliberal multiculturalism' that continued to open up despite an impression of an era of radical left-wing social change. The discussion of neoliberal multiculturalism, which depends on a 'minimal recognition of cultural rights while rejecting the more radical demands of subaltern groups', permeates most of the chapters and convincingly explains the climate in which more subversive collection action is taking place. The 'too little, too late' nature of political opening for race-, gender- and class-based causes alerts readers to the urgency of the causes the described movements champion.

Readers of this volume are left with a hunger to make sense of the state of civil society in Latin America today. With rapid swings of the political pendulum from centrist to right-wing governments and back again filling our news feeds, and the devastating effects of the pandemic for the many across the continent, one cannot but wonder the kinds of social forces that yet to come and the spaces they will be allowed to occupy.

ROBERT NICHOLS.

*THEFT IS PROPERTY! DISPOSSESSION AND
CRITICAL THEORY.*

DUKE UNIVERSITY PRESS, 2019.

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Robert Nichols begins *Theft is Property!* by explaining the dilemma in which Indigenous movements often find themselves. These movements put forward two positions: One, that colonised lands have been stolen from them; and two, that land cannot (and should not) be possessed by a person or a group of people (6). These movements then come under fire for supposedly having contradictory principles, for critics ask how land can be stolen if it was never owned in the first place. Nichols' answer, meticulously argued, is that colonial dispossession has operated in such a way that ownership was ascribed to Indigenous peoples only after their land had been taken away. He calls this concept 'recursive dispossession.' Over the course of four well-researched chapters, Nichols interweaves Marxist, critical, Indigenous, and radical Black theory to explain how recursive dispossession works.

First, Nichols draws historical parallels between the intra-European land seizures during the transition from feudalism to capitalism, and the colonial seizures of Indigenous territories in North America and New Zealand (Almost exclusively, Nichols' focus is Anglo colonialism). Next, he outlines Marx's analysis of capitalist land seizure in Europe. Third, Nichols argues that Indigenous thinkers have long proffered their own critique of land dispossession. Finally, Nichols argues that both of these theories of land dispossession have substantial similarities to the theories of bodily dispossession that appear in radical Black theory.

Nichols concludes on something of a positive note. He observes that in New Zealand, parts of the land have been codified in law as having personhood, codifications that approximate Indigenous Maori understandings. This sort of project, he hopes, provides a model of how our relationship with the land could be rethought in a manner other than the extractive-ownership one that has been dominant for centuries. Nichols challenges scholars to look to Indigenous thought, outside of the Western tradition, for these alternatives.

Before assessing the success of Nichols' book, I must say that he very clearly envisions it as a contribution to the field of critical theory. He understands this to be a field of study that seeks human emancipation in circumstances of domination and oppression, without looking for a

universal normative system (10-11). The book is highly effective within this scope. Nichols laments that critical theorists have failed to adequately address Indigenous concerns because they have simply applied their own language to these struggles. To improve on these failures, Nichols treats Indigenous thought as if it is 'always already voicing a mode of critique' (13).

In doing this, however, some limitations to Nichols' scope appear. Foremost is his treatment of 'Indigeneity' as something entirely formed in resistance to colonialism. Nichols is right to explain that, prior to colonialism and even early on in its historical progress, Indigenous nations did not see themselves in unity with each other and have only done so in resistance to colonialism. But this is only half the story. While 'Indigeneity' was surely formed in part by a shared resistance, it was also shaped at least equally as much by shared cultural, spiritual, and philosophical practises and beliefs. Nichols seems to suggest that such 'thick' markers of identity are only pertinent now for individual Indigenous nations. But nearly all Indigenous thinkers place at least as much emphasis on these shared positive (cultural, spiritual, etc.) elements—with roots in pre-colonial practices—of their identity as they do shared negative (resistance to colonialism) ones.

This leads Nichols to treat Indigenous thought as simply another form of critical theory, albeit one forged in a different fire. Indeed, he appears to use the terms 'Indigenous thought,' 'Indigenous critique,' and 'Indigenous critical theory' interchangeably throughout the book. This is a questionable assumption. While Indigenous thought has certainly been greatly affected by colonialism, its roots stretch back prior to colonialism, and understanding it as a critique seems to underplay its fundamentals. At its core, contemporary Indigenous thought might be better understood as a comprehensive paradigm that characterises a way of life—or more accurately the paradigm synthesises what is common to a family of ways of life. Critical theory, meanwhile, can never provide guidance for a way of life; by definition, it is always secondary to such comprehensive theories.

Nichols' treatment of Indigenous thought as a critical theory means that he focusses on Indigenous resistance at the expense of discussing the actual positive substance of Indigenous thought. This is most apparent on the subject of land ownership. Early in the book, he quotes Indigenous thinker Patricia Monture-Angus, who explains that, for Indigenous peoples, ownership means acting with responsibility for the land, not doing whatever one wishes with it. Nichols' epigraph comes from Leanne Simpson's work, and Simpson writes that Indigenous possession of land involves deep ethical commitments to all that inhabit it.

Nichols' reluctance to engage with these thick parts of Indigenous thought may be a result of his commitment to discussing land conflict in

political terms, rather than in ontological ones. But the material from Couture and Simpson makes clear an ontological conflict between their ideas and those of the Western mainstream, without which the political conflict would be far less pronounced. Nichols praises the practise of giving legal personhood to parts of the land in New Zealand, and we are left with the impression that this, too, is more politically significant than it is ontologically.

But is this the right way to think of it? Might not substantial ontological shifts be necessary to clear the path for such a political change? New Zealand has a far higher population percentage of Indigenous people than either Canada or the United States, and in New Zealand there could already be enough ontological support for such laws to make them politically feasible. I hazard a guess that the vast majority of non-Indigenous people, especially in North America, cannot even conceive of how elements of the landscape could be 'persons.'

Before we can think about making such changes, then, we must first think about what these changes would mean. In order to understand elements of the landscape as being 'persons,' what would have to be true about the world? What sort of philosophy of nature, very different to the predominant one in Western society now, would explain this? I am not saying that such a new philosophy of nature is incorrect because it diverges from the current Western consensus. If anything, environmental damage in the past several centuries indicates that we in the West are getting something terribly wrong. Rather, I am saying that such a new philosophy needs to have a thick, positive vision of how the world is constituted and, if political change is to occur, many people will have to be shown a new positive vision and be somewhat convinced by it. Nichols provides glimpses of the vision Indigenous thinkers have, and these glimpses alone are enough to convince us that we ought to take a closer look to see more. It falls upon us to do this if we are serious about not only hearing what Indigenous people are saying, but also meaningfully considering whether these visions might correct or replace some of our own.

ALEX VITALE

THE END OF POLICING

VERSO BOOKS, 2017

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To protect the state or to protect the people? To ensure public safety or to advance elitist economic and political interests? These concerns, among others, are at the core of ongoing debates about the nature and function of contemporary policing. Engaging with these issues, Alex Vitale's book *The End of Policing* offers an in-depth analysis and critique of the practices of policing in the United States today. Using a multidisciplinary approach, the book seeks to scrutinise contemporary practices of policing in the US by tracing their origins, persistent limitations and serious inadequacy to address widespread and entrenched social problems. Such limitations and inadequacies often result in further escalation instead of actual containment and resolution of these issues. Going beyond generic criticism, Vitale argues that the multifaceted dysfunctionality of policing in the US is ultimately grounded in a problematic mindset, shaped by entrenched racial biases and social discrimination against people of colour and the marginalised. In addition, a disconnect between the political-bureaucratic system and socio-historical realities on the one hand, and the adopted policies and pursued reforms on the other hand, further this issue.

Divided into ten rich, diverse and complementary chapters, *The End of Policing* starts with an insightful introduction that problematises the subject of policing, interrogates common misconceptions, and provides a solid case for the ongoing limits of police reform in the US. Looking internally first, Vitale contests the effectiveness of police reform that increasingly emphasises more training and professionalisation, as such measures 'fail to directly address how the very nature of policing and the legal system served to maintain and exacerbate racial inequality.' Even cultural sensitivity training devised to reduce racial and ethnic biases have borne little fruit due to institutional pressures and entrenched prejudices. Chapter 2 further elaborates on this theme by historicising and contextualising the establishment of different police forces across the US. Taking different forms—privatised forces, urban, local, metropolitan, etc.—they were all, in one way or another, a tool in the hands of the state and the rich to protect and perpetuate a system of exploitation and social discrimination that favoured the powerful few. Being at the core of US historical, social, and economic development, slavery and social struggles for equality of multiple forms were integral

to how the police forces originated and developed ever since, culminating into a force whose practices and mindset are largely guided and influenced by racial and social discrimination.

Having established that 'the police exist primarily as a system for managing and even producing inequality by suppressing social movements and tightly managing the behaviours of poor and non-white people,' Vitale dedicates the rest of his book to exploring eight social problems that turned into police problems as a result of a political crisis wherein political leaders at all levels and in both parties 'have embraced a neoconservative politics that sees all social problems as police problems.' These social problems encompass misbehaving youth at schools, mental illness, homelessness, sex work, illegal drug use, street gangs, border patrol and social discontent and mobilisation. Providing ample evidence, Vitale demonstrates how the criminalisation of each of these social problems has by no means solved them. If anything, policing has led to occasional escalation, and has thereby generated new problems and further cemented the root causes of these problems.

For example, the criminalisation of sex work, as described in Chapter 6, has done more harm than good, with commercial sex remaining a highly active industry and increasingly widespread. Policing sex work has amplified the marginalisation and subjugation of vulnerable members of the society, particularly women, who are often coerced into this business and who find the criminal system—as it currently deals with sex workers—extremely threatening and dehumanising. Criminalising sex work has equally involved considerable police corruption amid a wider scope of illegal activities carried out by members of the underground economy. Similarly, the criminalising and policing of drug users, explored in Chapter 7, has opened a wide door for unchecked criminalisation of a large segment of society motivated by racial discrimination, targeted marginalisation, and economic and political interests as witnessed in President Nixon's use of the phrase 'the war on drugs' as a political campaign strategy. Moreover, the ongoing war on drugs has severely damaged the integrity and conduct of the police. It has allowed them to become increasingly involved in nefarious activities such as: multifaceted corruption; bribes; stealing from suspects; and taking part in the black market by selling confiscated drugs. Alongside these behaviours, the 'war on drugs' has led to constant and unchecked breaches of privacy, and perpetual subjugation of people of colour, the poor, and the weak.

Seeing the limitations of policing—not to mention the significant harm—in addressing each of these social problems, Vitale strongly advocates substituting criminalisation and policing with non-coercive solutions and measures. These include redirecting resources from the criminal justice system and policing toward community centres and youth jobs to reduce juvenile violence; creating economic opportunities for the poor and the disadvantaged; and building 'the capacity of communities

to solve problems on their own or in true partnership with government.’ While each chapter concludes by reiterating and reinforcing the same conclusion—ending the policing and criminalisation of the social problems discussed—each chapter equally features tailored solutions to the problem at hand. For instance, while arguing for legalising drug use and ending drug policing, Vitale promotes adopting different harm-reduction strategies including supervised injection and needle exchange, as well as investing in public education and public health messaging.

Overall, the book does an excellent job at presenting the limitations and harm introduced when policing is used to address social problems. Meanwhile, the problems attached to the police itself remain unresolved. Put differently, empowering marginalised communities, gradually addressing their needs, using more inclusive non-punitive solutions with misbehaving adolescents, improving the quality of life for the poor so they won’t turn to drug dealing or sex work—all these measures ought to decrease the police involvement in people’s social and private life. Furthermore, they would improve the image of police among different segments of the community, as they would no longer perceive and experience the police as a repressive and threatening force, but rather as just another state institution built to maintain public safety with as little force as possible. However, the prospect to end policing, as advocated for in the book, carries two serious weaknesses: First, it overlooks the problematic mindset embraced by a significant number of policemen which, as mentioned above, is shaped by racial biases and a warrior mentality enforced by the militarised training they receive. Thus, even if policing social problems could be brought to an end, police practices in other areas, including crime control, would remain problematic.

Secondly, Vitale’s argument undermines the severe lack of political will to address social problems through social means. This is partially attributed to the pressure placed on politicians from public security forces and other interest groups including the private security industry, for whom increasing policing translates into better training and equipment, increased budget and more social power. Concurrently, politics remains the realm of the fortunate and powerful, with little space for the marginalised and disadvantaged. Adding to this the entrenched reality of widespread racial biases and social disparities across the American population, the political will at all levels to genuinely invest in improving social services and the life quality of the marginalised and disadvantaged is largely weak. Eventually, it is not about ending policing and providing more services, but about how to achieve this social and structural change when the system is highly biased, politicised and racialised. The discrepancy between the mentality of the political elite and the true needs and demands of marginalised communities is what lies at the heart of all the problems presented in this book—to which

policing, criminalisation and incarceration are currently presented and promoted as the only answers. Until the top tier of society, those who run politics and control resources, (1) experience a paradigm shift and (2) address racial biases, favouritism and economic interests, it is unlikely that a community, bottom-up approach to address social issues will endure. Either such a structure will lack the necessary resources, or else it will face tremendous opposition from political factions and police units whose growth and empowerment is dependent on adopting repressive and punitive solutions instead of social and communal ones.

To conclude, *The End of Policing* is a timely and valuable contribution toward comprehending the complex nature and practice of contemporary policing in the US and beyond. Putting aside the major issues obstructing the end of policing altogether, the book makes a compelling case for the urgent need to address social problems with less policing and more social, non-punitive solutions. Moreover, the rich and accessible nature of the book makes it appealing to specialists and non-specialists alike. With Vitale's use of clear and simple language, elaborate presentation of the cases, close analysis of the subject, and a continuous flow of abundant evidence, this book is for all to read.

AUTOMATING INEQUALITY: HOW HIGH-TECH TOOLS PROFILE, POLICE AND PUNISH THE POOR.

ST. MARTIN'S PRESS, 2018.

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Virginia Eubanks' book *Automating Inequality* draws attention to the way in which data-based tools are used – and abused – in public services. By exploring the role of data-collection in the Welfare System, the Coordinated Entry System, and the AFST predictive model, Eubanks examines the ways in which vulnerable people are targeted by these tools of 'digital poverty management' (2018:20) and a hierarchy of need is endorsed. Her central message in the text is twofold: First, she exposes the problematic ways that these systems collect data from lower-class citizens and categorises them, accordingly, trapping them in a digital cycle of poverty. Second, she argues that this establishes a *narrative of austerity* by which public services propagate a triage-type solution as the *only* possible solution for inequality. This occurs, she argues, when public services are given the godly power of acting as a 'moral thermometer' in deciding who deserves help and who does not.¹ This, subsequently, results in a stratified hierarchy of need that she argues is completely political and unnecessary as anyone in *need* deserves help.

I believe that Eubanks' message can be boiled down into 2 central themes:

The first theme that Eubanks explores is the growing prevalence of 'digital poorhouses' – the invisible institutions made up of algorithms and statistical models that score and rank individuals on the basis of class, race, gender, and status (2018:21). Much like systems of social stratification described by Weber or Bourdieu, contemporary forms of social classification are often reinforced and exacerbated by algorithmic techniques that collect of large volumes of personal data.² The inescapable digital shadow which follows people around that she describes is much like the 'ubercapital' described by Fourcade & Healy (2017).³ In Bourdieu's framework (1986) of stratification, people accumulate intangible forms of symbolic capital from their social position and social trajectory.⁴ Fourcade & Healy's *ubercapital*, an amalgamation of one's digital records including measures of financial position, race, gender, social network, behavioural habits, and past & present positions in the workplace, also becomes a means by which people are systematically categorised and matched with differentiated opportunities. Fourcade and Healy call the

process of exploiting data for social categorisation ‘capitalising on the habitus.’

In Eubanks’ book, she demonstrates through troubling personal examples the effects that these classifying algorithms have on real lives. For instance, Eubanks provides the chilling example of a woman in Indiana, who was being treated for ovarian cancer at the local hospital and who was unable to make a pre-arranged monthly telephone appointment with public services. As a result of her failure to meet a single telephone appointment, all her food stamps and benefits were cancelled, and she struggled to find any agency willing to help her afterwards. One inaction, in other words, was coded into her digital footprint and it had severe repercussions. Be it the elimination of vital healthcare benefits in the Indiana Case (2018:75-83), or else the looming threat of losing your children as a result of the flawed Allegheny Family Screening Tool (AFST) (2018:150-158), digital poorhouses are nothing short of prisons as the personal data they collect and store keeps some people captive in vicious cycles of poverty.

Another problem with the digital poorhouses is that the algorithms do not collect information equally from everyone – the data embedded in the system is discriminatory and encourages targeted data collection. Take the case of the previously mentioned AFST model: a predictive model that collects information from prisons, public schools, mental health agencies and use of public services, to predict which children in Allegheny County, Pennsylvania might be victims of abuse and neglect (2018:155-158). If you are a poor parent, who needs mental health support, sends your children to a public school, has a criminal record, or has ever applied for public services offered by the state, a moral judgement is made about your quality as a parent and ability to raise a child. Sociologists are aware that with African American citizens arrested at a higher rate than white Americans, criminal records and arrest histories become proxies for relying on race to judge one’s quality of parenting. Predictive policing algorithms are guilty of doing the same thing. Similarly, sending children to public schools and using public services become proxies for being a member of the lower-class. Since the model’s predictive ability is deeply shaped by the data inputted, if the data reinforces current inequalities, algorithms will only act as conduits for inequality. This is precisely why Eubanks calls them ‘digital tools of oppression’; they do not remove frontline bias as they claim to do, they simply embed it in a system that makes it harder to address.

The larger theme that emerges from this is one of power and its unfortunate uneven distribution. It is clear in all of Eubanks’ examples that there exists a power inequality that separates those who create the algorithms from those whose lives are most likely to be affected by the outputs of this technology. This power inequality creates an uneven distribution of algorithmic harms. This is what sociologists in the 1990s

coined the 'digital divide': the separation of those with digital capital from those who lack requisite digital capital.⁵ We see this separation between those who have the power or ability to acquire resources required for creating and operationalising influential digital technologies and those who are excluded from this process and are most vulnerable to algorithmic harm.

Eubanks concludes that the problem does not lie in flawed intentions, but in the implications (Eubanks, 2019). This is where I must disagree. Focusing on the implications implies that this is an issue that can be fixed with better algorithms or an enhanced approach. But what if these aren't broken systems at all? What if they are working exactly how they are meant to? Could these technologies be part of a larger system of oppression and stratification? This was the part of the text I found to be contradictory. In attempting to fix the problematic implications mentioned above, Eubanks offers the solution of designing less harmful technology. However, she later claims that real solutions are 'much deeper than tinkering and tech' (Eubanks, 2019), with which I would agree. Perhaps a better solution within the realm of algorithms would have been to diversify and democratise the creation process, as an effort to encourage public engagement in the process. Thus, if any element of her book were slightly unclear, it would be the contradictory and narrow nature of the conclusions and solutions she offers.

Eubanks' book does an excellent job of exposing the moral judgement that is embedded into these types of data-based tools and algorithms as they produce a stratified hierarchy of need. She rightfully exposes the algorithms for what they really are: machines for producing rationalisation that helps us convince ourselves that only those most deserving get help. She removes the cloak of meritocracy under which these systems lie, whereby they pretend to offer everyone what they deserve. But who decides who deserves housing? It is a basic human right, after all. How can we justify 58,000 people being homeless and displaced in LA, and 30,000 of them in the Coordinated Entry System still receiving zero funding because an algorithm deemed them to be *less* in need? Were those 30,000 any *less* deserving of housing? Through her use of real-life examples, Eubanks touches on a much broader issue of politics in data science: the management of the digital poor as a means of escaping our shared responsibility for eradicating poverty. The fundamental danger of the digital poorhouse is that it sets an arbitrary limit on the scope and magnitude of our responsibility to help and demands that we think small – accepting inequality as a *sine qua non* of meritocratic society. This book has the power to inspire future policymakers to think big, because our world demands it. As Eubanks so brilliantly said herself: 'If we outsource all moral responsibility to care for each other to computers, we have no one to blame but ourselves.'

Notes

- 1 Eubanks, Virginia. October 16th, 2019. "Public Talk by Virginia Eubanks: Automating Inequality: How High-tech Tools Profile, Police and Punish the Poor". Queen's University, Kingston.
- 2 Weber, Max. 1922. *Wirtschaft und Gesellschaft*, Tübingen: J. C. B. Mohr, now published as *Economy and Society*, ed. by Guenther Roth and Claus Wittich, Vol. 3, New York: Bedminster Press, 1968.
- 3 Fourcade, Marion and Kieran Healy. 2017. "Seeing Like a Market." *Socio Economic Review* 15(1):9-29.
- 4 Bourdieu, Pierre. 1984. *Distinction: A Social Critique of the Judgement of Taste*. Cambridge: Harvard University Press.
- 5 DiMaggio, Paul & Hargittai, Eszter. (2001). "From the 'Digital Divide' to 'Digital Inequality': Studying Internet Use as Penetration Increases", Working Paper No. 15, Center for Arts and Cultural Policy Studies, Woodrow Wilson School, Princeton University. Retrieved May 31, 2009.