

LEVIATHAN

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For ours and many past generations, the question of individual and community freedom and choice has been at the forefront. From the looming existential threat of climate change to the globalising force of neoliberal capitalism, it often seems that agency is confined to the government or corporate realms. For this issue of Leviathan, we asked our contributors to focus on the concept of agency itself to highlight the complex ways in which grassroots organisations, nationalist states, individuals moving through the powerful current of social media algorithms, and people caught between forces of oppression—to name a few examples—negotiate agency today.

Gabriel Gomez interrogates the approaches in Costa Rica to climate change, arguing for a future that puts indigenous land rights above profit and on a level with environmentalism. Seungcheol Lee dissects the South Korean state's increasing presence in the lives of its citizens since the onset of the COVID-19 pandemic. Over in North America, Quinn Farr analyses the extent to which the United States Supreme Court is becoming politically polarised and its wide-ranging effects on the American rule of law. Meghan Gauld focuses on American influence abroad, questioning the assumptions of superiority underlying US foreign policy in recent decades. Syeda Mahmood details the activism and hardships of the Khwajasira community in India. Focusing on the role of the state, Jack Liddall compares nationalist causes in Punjab and Tamil Nadu and their differing relationships with democracy in India. Over to Africa, Harvey Graham argues that the South African COVID-19 vaccine distribution program could be a blueprint for the rest of the world. With the reality of Brexit slowly coming to fruition, Jasmine Thompson proposes a way forward for Ireland with identity as a focal point. Mouna Chatt outlines the conflicting position of Muslim women in Denmark, underscoring their agency amidst repression. On a global scale, the rise of right-wing extremism as propelled by social media and algorithms is traced by Natasha Prentice.

This issue is brought to you by a team of students at the University of Edinburgh who are themselves from a variety of backgrounds. We are proud of our hard work through the COVID-19 pandemic and beyond.

On a personal note, our entire Executive Committee graduated in the spring of 2022 and will thus be moving on from Leviathan. For all of us, working on this journal was an incredibly gratifying experience; it challenged us intellectually and brought together an amazing community. We have made lifelong friends and a product we are proud of.

We hope you enjoy reading this, Volume 12 Issue 2 of Leviathan. We sincerely enjoyed making it.



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Vaccine Apartheid¹: How South Africa can Set a Precedent for Future Crisis Response

HARVEY GRAHAM analyzes South Africa's COVID response and its potential to set a trend of increased self-sufficiency within the African continent.

Since the introduction of the first COVID-19 vaccines in late 2020, there has been an enormous discrepancy in their distribution around the globe. To date, more than 10.9 billion doses have been produced (Bloomberg 2022), yet only a fraction of this output has made its way to the less wealthy countries in Africa, South Asia, and Latin America. As soon as the pandemic hit, wealthy nations were quick to forego commitments of international unilateralism and philanthropy, instead opting for an ‘every man for himself’ or a ‘pirating’ approach (McCann 2020, 162). However, it has ‘not simply [been] “me first”, but “me first, second, third and fourth”’ in terms of vaccine hoarding by wealthy nations (Dearden 2021). This bifurcation has been worsened by pharmaceutical companies refusing to waive intellectual property (IP) laws for these vaccines and implementing prices that ensure a substantial profit margin (Economist 2021). This hoarding has created an opportunity for countries in Africa and the Global South, headed by South Africa, to collaborate and create their own vaccine production facilities. Setting a precedent of multilateral, independent crisis response, this has the potential to be a defining moment not just for COVID-19 recovery, but also for the norms of international cooperation in and around Africa for the next decade (Adhanom 2020).

The first doses of the COVID-19 vaccine began rolling out in the United Kingdom (UK) at the end of 2020. There have been 210 vaccines administered per 100 people globally, which has been hailed as a

great achievement (Bloomberg 2022). Unfortunately, this achievement has been overshadowed by the low number of vaccines administered in poorer countries. African countries have administered in the range of zero to 55 vaccines per 100 people, with the Democratic Republic of the Congo giving only one dose per 100 people (Bloomberg 2022). Furthermore, nineteen countries in Africa have been unable to fully vaccinate more than five percent of their population so far (WHO Africa 2022). This begs the question: why, after one and a half years, does such a disparity exist? With companies such as Moderna and Pfizer producing the vaccines as a business endeavour to generate large revenues and increase stock prices, while the free market is responsible for the rapid development of COVID-19 vaccines, the system should be more dynamic and equitable in the case of global health emergencies. The ‘marketisation’ of the pandemic is a zero-sum game, with profit coming at the expense of human life (Bajaj et al. 2022). Médecins Sans Frontières (MSF) describes how ‘[t]he current monopoly-based pharmaceutical research and development system fails to develop, produce and distribute life-saving tools in the interests of public health... Medical tools are often allocated not based on public health needs, but on the ability to pay high prices’ (MSF 2020).

There are protocols in place to waive IP laws in the case of international health emergencies, though to the bemusement of Tedros Adhanom—head of the World Health Organisation (WHO)—they have not been invoked for COVID-19 (Cohen 2021).

This is due to governments’ reluctance to lose the

³ ¹The term ‘apartheid’ is used here to echo its use in many of the sources cited in the article (see Bajaj et al. 2022; Dearden 2021; Gupta 2021; Ramaphosa 2022).



The US delivering more than 5,660 million Pfizer COVID-19 vaccine doses to South Africa in July of 2021.

Image: US Department of State | WikiCommons

revenues that domestic pharmaceutical companies are receiving from vaccine sales, with the UK and many European Union members having all blocked motions to waive IP laws in the case of COVID-19 vaccines (Bajaj et al. 2022). The power of pharmaceutical lobbying is also worth considering, as their influence is deep within the legislatures of many higher income countries (Torbati and O'Connell 2021). A stark reminder of the unequal distribution of vaccines is the reality that healthy, low risk citizens of wealthy nations have received their third COVID-19 vaccine before high-risk health workers in poorer countries have had theirs. There have been efforts to bridge the gap, as the WHO set up COVAX (COVID-19 Vaccines Global Access) in collaboration with Gavi to distribute the vaccine equitably with an ambitious target of giving two billion doses by the end of the year (Gupta 2022). The Biden administration has pledged an additional 500 million doses, taking the United States' (US) donations to one-point-one billion (Dearden 2021). Other wealthy nations have also set donation targets and have been partially fulfilling them. While these donations are important and will

save lives, they are not tackling the root causes of why poorer countries, particularly those in Africa, have been unable to procure vaccines independently.

The Problems of Philanthropy

Donations of COVID-19 vaccines from wealthy countries are useful and reduce the fatality rates of those most in need. However, the practice of vaccine donations follows a long tradition of limited efforts in Africa that promote a reliance on Western aid and proliferate the isolation and ineffectual crisis response capabilities of the aid recipients. The WHO's aim to vaccinate 70 percent of the population will not be reached by wealthy countries donating vaccines (Bajaj et al. 2022). This is especially likely considering that 'the majority of vaccine donations have not included syringes, diluent, or freight costs' (Gupta 2022). There is also a cynical aspect to vaccine donations as a form of 'health diplomacy initiatives' from leading powers to secure preferential treatment or privileges in the recipient countries (Esteves and Van Staden 2020). This trend is not a new phenomenon: issues

with crucial drug supply were abundant during the HIV/AIDS pandemic and H1N1 virus (Swine Flu) outbreak, and those who were in the greatest need were unable to secure available drugs for as long as ten years after they were discovered (Cohen 2021). Underpinning these failures is a negative feedback loop in which African nations do not have the capabilities to deal with crises due to a legacy of exploitation and corruption that leaves them reliant on external aid. This does not just apply to diseases, as the same can be said for conflicts, famine, and extreme weather. For many in wealthy countries, the way to deal with such life-threatening scenarios is through donations to relief organisations that can prevent large scale loss of life. While this is highly commendable, such responses detract from more substantial changes that could be made to the systems that allow for life-threatening crises to emerge. Philanthropic aid can also fail to hold those responsible to account, whether that be through corruption and negligence at the local level, or the failings of the capitalist system on a global scale. Another issue is that philanthropy usually requires qualifications. The crisis must be judged severe enough and the recipients worthy enough of aid in order for it to be sent (Gomberg 2002, 36). This system of aid therefore fails on many levels: the aid itself is often inadequate, the motivation can be dubious, and the problems persist—or are potentially worsened—as key response infrastructure is not developed.

Why Agency is the Key to Eradicating ‘Vaccine Apartheid’

Now there is an opportunity to establish a model of agency that can immediately limit the effects of COVID-19 in Africa and provide a precedent for responses to future crises. South Africa has put itself forward as the nation to lead Sub-Saharan Africa, and to an extent the global South, in this endeavour. Having led the immediate responses to the pandemic, South Africa is demonstrating its ability and desire to implement systems that will enable increased

self-sufficiency on the continent. Systems that will be key for the case of COVID-19 include the successful implementation of the WHO’s mRNA hub in South Africa and the nation’s recent pioneering of awareness for fast action and cooperation by using its position as chair of the African Union (AU) to lead the COVID-19 response on the continent. At the beginning of the pandemic, the AU set up the Taskforce for Novel Coronavirus (AFTCOR) well before any multilateral responses in other regions or even the first case in Africa (Gruzd et al. 2020, 2). The Ebola crisis in West Africa showed the precarious state of African healthcare systems, the need to support local structures, the need to cooperate within the region, and the benefits of acting quickly and decisively. South Africa has taken a leading role in attempting to limit the devastation caused by COVID-19 and avoid repeating the mistakes of previous outbreaks. It has called for the freezing of debt repayments, implemented special COVID-19 envoys from G20 nations, created new departments to monitor the economic impacts of the pandemic, and set up funds to assist those most in need (Gruzd et al. 2020, 8).

“Philanthropic aid can also fail to hold those responsible to account, whether that be through corruption and negligence at the local level, or the failings of the capitalist system on a global scale.”

However, establishing systems of prevention and self-sufficiency for the future remains vital. The mRNA hub will provide the ability to produce mRNA vaccines based on the Pfizer and Moderna shots, for distribution around the continent with six partnering countries (WHO 2022)—as currently, only one percent of the vaccines used in Africa are produced there (Beaumont 2022). The mRNA hub will ensure the continent has the production capacity that is essential for equitable vaccine rollout, therefore limiting both the threat to life and the

economic devastation of the pandemic (WHO 2022). Through this, African countries can set a precedent of using production techniques to build the tools to solve problems, rather than relying on Western aid. This provides an opportunity for the aid model to be changed in a meaningful way, as wealthy nations need to give expertise and resources, rather than the donation of vaccines, to promote self-sufficiency. This change could be accelerated by the passage of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) waiver which would allow a greater flow of information from large pharmaceutical companies to projects such as the mRNA hub, saving time, money, and resources (Bajaj et al. 2022). Yet, despite US support for the TRIPS waiver, there has been opposition from many wealthy nations, and it is unlikely that it will be able to surmount these objections for some time. This clearly reinforces the message that wealthy nations are only willing to help if it is in their best interests. Therefore, it is even more important for African nations to develop independence and agency in their crisis responses.

The South African president Cyril Ramaphosa has stressed the need for African collaboration in the economic sector too, pushing for the implementation of the African Free Trade Area (Ramaphosa 2021). This will only serve to strengthen the capabilities and bargaining power that member states have. Wealthier nations have failed to view the pandemic in Africa both as a risk to their own public health (through the emergence of variants) and as an enormous economic liability. It has been speculated that this is one of the greatest investment opportunities of the century, with an effective COVID-19 response in Africa saving trillions of dollars globally (Ramaphosa 2021).

What has been made clear by the pandemic is the fragility of many systems in African nations to cope with extraordinary challenges. The response from the rest of the world, most notably Western nations, has been a stark reminder that cooperation and international aid are subject to the convenience of the current status quo. With the climate crisis set

to wreak havoc in many areas within Africa, and future pandemics becoming increasingly likely, this reminder must be acknowledged and acted upon. The implications of not doing so and continuing the international crisis response model would be disastrous and could lead to enormous loss of life or even the complete failure of already fragile states. For South Africa to lead a self-sufficient vaccine rollout, therefore, has tremendous potential and is an objective that the international system ought to put its whole weight behind.

This article has been edited by Madelaine Deutsch (Africa Editor) and Olivia Billard (Chief Regional Editor), copy edited by Nicola Crowe, Sukanya Choudhury, Harriet Steele, and Ariane Branigan (Chief Copy Editor), peer reviewed by Sinan Bekka and Julia Rolim (Chief Peer Reviewer), checked and approved by the following executives: Veronica Greer (Editor-in-Chief), Sofia Farouk (Deputy Editor-in-Chief), and Lia Weinseiss (Secretary/Treasurer), and produced by Anastassia Kolchanov (Chief of Production).

Bibliography

- Adhanom, Tedros.** 2020. "Why Vaccine Nationalism Halts Efforts to Halt the Pandemic". *The Economist*. 8 September 2020. Available at: <https://www.economist.com/by-invitation/2020/09/08/tedros-adhanom-on-why-vaccine-nationalism-harms-efforts-to-halt-the-pandemic>.
- Bajaj, Simar Singh, Lwando Maki, and Fatima Stanford.** 2022. "Vaccine Apartheid: Global Cooperation and Equity". *The Lancet*, 399(10334): 1452-1453. Available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(22\)00328-2/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(22)00328-2/fulltext).
- Beaumont, Peter.** 2022. "Six African Countries to Begin Making mRNA Vaccines as Part of WHO Scheme". *The Guardian*. 18 February 2022. Available at: <https://www.theguardian.com/society/2022/feb/18/six-african-countries-to-begin-making-mrna-vaccines-as-part-of-who-scheme>.
- Bloomberg.** 2022. "More than 10.9 Billion Covid Shots Given: COVID-19 Tracker". 3 May 2022. Available at: <https://www.bloomberg.com/graphics/covid-vaccine-tracker-global-distribution/>.
- Cohen, Jon.** 2021. "'I'm still feeling that we're failing':

- Exasperated WHO leader speaks out about vaccine inequity”. *Science*. 18 June 2021. Available at: <https://www.science.org/content/article/i-m-still-feeling-we-re-failing-exasperated-who-leader-speaks-out-about-vaccine>.
- Da Silva, Ricardo**. 2021. “Theories of Justice Applied to the Pandemic: The Case of Vaccine Distribution.” *Revista Portuguesa de Filosofia*, 77(2/3): 643-656.
- Dearden, Nick**. 2021. “Vaccine Apartheid, The Global South Fights Back”. *Al Jazeera*. 30 September 2021. Available at: <https://www.aljazeera.com/opinions/2021/9/30/vaccine-apartheid-the-global-south-fights-back>.
- Economist**. 2021. “The Triumph of the Oxford-AstraZeneca Vaccine”. *The Economist*. 16 December 2021. Available at: <https://www.economist.com/britain/2021/12/16/the-triumph-of-the-oxford-astrazeneca-vaccine>.
- Esteves, Paulo and Cobus Van Staden**. 2020. “US and Chinese COVID-19 Health Outreach to Africa and Latin America: A Comparison.” *South African Institute of International Affairs*, Policy Insights 98 (November). Available at: <https://www.jstor.org/stable/resrep29595>.
- Georgieva, Kristalina, Tedros Adhanom Ghebreyesus, David Malpass, and Ngozi Okonjo-Iweala**. 2021. “A New Commitment for Vaccine Equity and Defeating the Pandemic”. *World Health Organization*. June 2021. Available at: <https://www.who.int/news-room/commentaries/detail/a-new-commitment-for-vaccine-equity-and-defeating-the-pandemic>.
- Gomberg, Paul**. 2002. “The Fallacy of Philanthropy”. *Canadian Journal of Philosophy*, 32(1): 29-65.
- Gonsalves, Gregory**. 2021. “Sharing the Vaccine is Just the First Step”. *The Nation*. 17 May 2021. Available at: <https://www.thenation.com/article/world/sharing-covid-vaccine-trips-waiver/>.
- Gruzd, Steven, Isabel Bosman, And Nhlakanipho Macmillan Zikalala**. 2020. “Regions Apart: How South Africa and Nigeria Responded to COVID-19.” *South African Institute of International Affairs*, Occasional Paper 314. Available at: <https://www.jstor.org/stable/resrep28259>.
- Gupta, Anuradha**. 2022. “COVAX Can Still End COVID-19 Vaccine Apartheid”. *Nature Human Behaviour*, 6: 175.
- Haque, Zubiada**. 2021. “Vaccine Inequality May Undermine the Booster Program” *The BMJ*, 375.
- McCann, Gerard, Chrispin Matenga, and Ciarán Cannon**. 2020. “COVID-19 and Global Inequality.” COVID-19 in the Global South: Impacts and Responses. 1st ed. 161–72. *Bristol University Press*, Bristol.
- Médicins Sans Frontières (MSF)**. 2020. “MSF Briefing on Agenda Item: COVID-19”, 73rd World Health Assembly. 18 May 2020. Available at: <https://msfaccess.org/sites/default/files/2020-05/WHA73-Briefing-18May2020.pdf>.
- Ramaphosa, Cyril**. 2021. “Cyril Ramaphosa Says the World Must End Vaccine Apartheid”. *The Economist: The World Ahead 2022*. 8 November 2021. Available at: <https://www.economist.com/the-world-ahead/2021/11/08/cyril-ramaphosa-says-the-world-must-end-vaccine-apartheid>.
- Torbati, Yeganeh and Jonathan O’Connell**. 2021. “Pharmaceutical Industry Likely to Shatter its Lobbying Record as it Works to Shape Democrats Spending Bill”. *Washington Post*. 5 November 2021. Available at: <https://www.washingtonpost.com/business/2021/11/05/pharmaceutical-industry-drug-price-lobbying/>.
- World Health Organization (WHO)**. 2022. “South Africa’s mRNA Hub Progress is Foundation for Self-Reliance”. 11 February 2022. Available at: <https://www.who.int/news/item/11-02-2022-south-africa-s-mrna-hub-progress-is-foundation-for-self-reliance>.
- WHO Africa**. 2022. “Africa Needs to Ramp Up COVID-19 Vaccination Six-Fold”. 3 February 2022. Available at: <https://www.afro.who.int/news/africa-needs-ramp-covid-19-vaccination-six-fold>.

Managing Ethnic Diversity and Substate Nationalism in the World's Largest Democracy

JACK LIDDALL compares the examples of nationalist movements in Punjab and Tamil Nadu to reveal complex relationships with the Indian state.

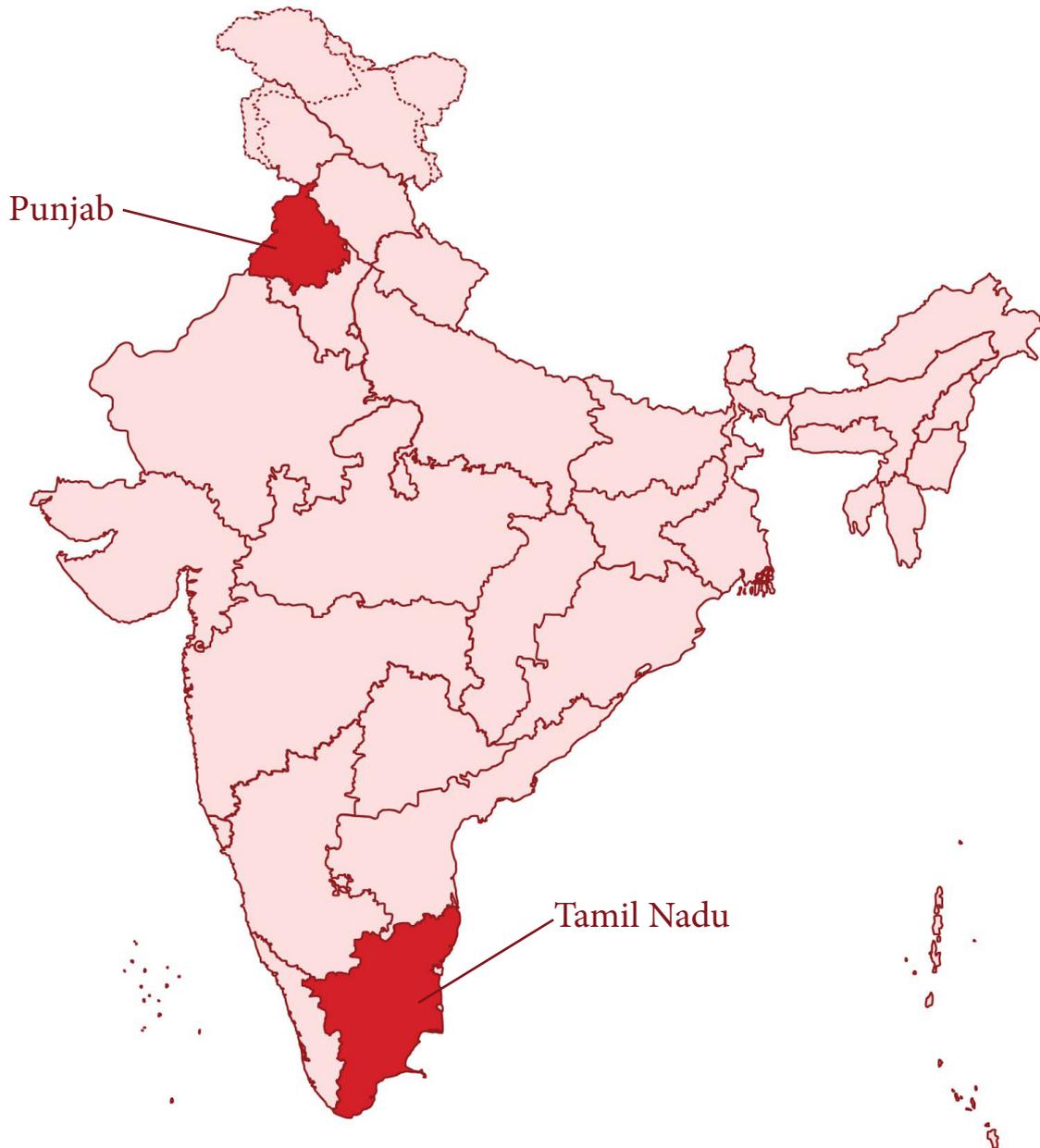
India is incredibly ethnically diverse in terms of language, religion, caste and tribe (Swenden 2012, 614). Indian federalism, designed after extreme post-independence violence, prioritises a strong Centre: the post-independence regime sought to prevent the disintegration of India owing to such regional diversity. Indeed, within its states and union territories, people often feel more connected to, and 'nationalistic' about, their region, language, culture, or history. It is in this context that we often find citizens claiming agency for themselves and for their regional communities within the wider Indian polity, seeking to secure greater self-rule or a greater regional influence over the national Indian state.

This article will critically compare the Indian state's ('Centre') management of ethnic diversity in Punjab and Tamil Nadu (TN), paying particular attention to the decades in which both experienced nationalist and even secessionist movements. To do so, the concepts of 'self-rule' and 'shared rule' are used as comparative indices (Elazar 1987, 5). Following an overview of the literature on federalism and defining terms, this article overviews the Punjabi and Tamilian contexts. The working hypothesis is that where self-rule and shared rule are stronger, ethnic conflict is less likely to follow. Overall, in Punjab, ethnic diversity has been managed by weak self-rule and shared rule, whilst in TN, the opposite is more generally true.

Theories of Territorial Management

Ethnic conflict management theories can be placed on a spectrum from 'integrationist' to 'accommodationist' approaches (McGarry et al. 2008, 44). Both approaches posit that a state should reject 'coercive assimilation' and implement a degree of federalism—that is, more than one level of government in which various powers may be devolved or divided amongst a state's constituent units (Ibid, 45; Swenden 2016, 491-492).

Accommodationists advocate multinational federalism where substate territories are coterminous with ethnic boundaries and endorse constitutionally entrenched division of powers (McGarry et al. 2008, 47-48; Ibid, 492). Perhaps the purest form of accommodationist management of ethnic diversity is ethno-federalism, in which at least one constituent unit of a state is associated with one ethnic group (Adeney 2017, 126-129; Bakke 2009, 291). The ethno-federalist framework overlaps considerably with Stepan et al. (2011, 7-8)'s theories in their conceptualisation of 'state-nations': there is recognition of more than one cultural identity and a federal organisation based on ethno-cultural cleavages. Conversely, integrationists such as Snyder (2000, 327), Cornell (2002, 246-247), Bunce and Watts (2005, 12), and Roeder (2009, 208), have each argued that ethno-federations are unworkable because they threaten a state's integrity by inculcating feelings of separateness and providing minorities with institutional apparatus to secede.



The locations of Punjab and Tamil Nadu on a map of the states and union territories of India.

*Map by Saravask & KCVelaga | WikiCommons
Edited by Anastassia Kolchanov*

Crucially, Bakke (2009) and Adeney (2017) argue that the success of ethno-federalism is wholly dependent on central government approaches (Adeney 2017, 126-129; Swenden 2012, 624) and the context in which it is implemented (Bakke 2009, 291). Indeed, this article examines the degree of self-rule and shared rule afforded to Punjab and TN and its effect on ethno-federalism's success. In his seminal work, Elazar (1979) characterised federalism as a 'combination of self-rule and shared rule,' with self-rule referring to the autonomy a region has over its own territory and shared rule to the influence regions have over decisions taken at the federal level (Elazar 1979, 3-5; 1987, 5). The

working hypothesis is that management strategies which undermine self-rule and shared rule foment ethnic tensions.

Case Studies

In Punjab, 80 percent of the population speaks Punjabi and 60 percent are Sikh, in a majority Hindu India (Adeney 2017, 134; Bakke 2009, 296-297). In post-independence Punjab, the Shiromani Akali Dal (SAD) party led a Sikh nationalist movement demanding greater decision-making autonomy, as stated in its 1973 Anandpur Sahib Resolution (ASR) (Leaf 1985, 477-78). Following interventionism

and militarism under Congress central governments, the movement grew increasingly secessionist and Punjab found itself in a state of insurgency between 1984 and 1993 (Adeney 2017, 139; Singh 1993, 94). Over 250,000 security personnel were mobilised, and 30,000 individuals died (Singh and Kim 2018, 433).

In TN, 84 percent of the population speak Tamil and 90 percent are Hindu (Adeney 2017, 135). Post-independence, the Dravidian movement, largely driven by linguistic nationalism, culminated in calls for a separate nation in which Tamil non-Brahmins (lower castes) would be a majority (Ibid, 117-118; Swenden 2016). Yet, the Dravida Munnetra Kazhagam (DMK) (comparable to Punjab's SAD) has since been labelled a 'centric-regional' party, becoming well-integrated into the wider Indian political system without major conflict after coming into regional power (Koab and Hussain 2016, 119; Kohli 1997, 18).

These narratives raise the question: why have Punjab and TN had such contrasting experiences of the Indian ethno-federalist project?

Self-Rule

As Bakke (2009, 292) and Hechter (2000, 143) posit, if a region has decision-making competence over areas that are important to them (e.g. education and language), then it can feel recognised and contain separatism. Heightened ethnic tensions began in Punjab with the shift to a centralising impetus under the 1970s and 80s Congress administrations, downgrading self-rule. The ASR is compelling evidence that central intervention in Punjab was not only a regular occurrence but a key grievance (one left unaddressed, unlike Tamil grievances, which were placated by electoral alliances and linguistic concessions, as explored presently). The ASR's first resolution asserts that 'it has become imperative that the Indian Constitutional infra-structure should be given a real federal shape by redefining the central and state relations...[India needs] the progressive decentralisation of powers' (Singh Bal 1985, 15). This indicates how the Centre's overriding ethnic

management strategy was an imposition—a strategy which proved repugnant for Sikh elites and their political following. A further demand of the ASR was that the Centre 'bring a parity between the prices of the agricultural produce and that of the industrial raw materials so that the discrimination against such states which lack these materials may be removed' (Singh Bal 1985, 12).

Again, demonstrating Sikh objections to centralisation of decision-making, this resolution highlights the specific grievances as related to the Centre's imposition of unpopular agricultural policies, e.g. land reform placing a seven-hectare limit on farms (Leaf 1985, 477). The Centre's response in managing these SAD demands was to condemn calls for greater autonomy. In the Indian government's White Paper on The Punjab Agitation in the 1980s, it responded to ASR demands by asserting that the propositions it contains 'are at total variance with the basic concept of the unity and the integrity of the nation...These cannot be accepted even as a basis for discussion' (Government of India 1984, 17).

This government response demonstrates the Centre's unwillingness to protect regional autonomy or even engage in a consultative negotiation with SAD on the understanding that changes could be made to the current Centre-state relationship. Similarly, the White Paper asserts that '[t]he people of India do not accept the proposition that India is a multi-national society' (Ibid). This contrasts



The Shiromani Akali Dal (SAD) party flag in English.

revealingly with the 1986 letter written by SAD leader Harchand Longowal, pleading for regional autonomy, that ‘India is a multi-lingual, multi-religious and multi-national land’ (cited in Chadha 1986, 7).

The central approach would only intensify as the 1980s progressed, following the imposition of ‘President’s Rule,’ where state government was suspended altogether. It is important to acknowledge, however, Punjab’s particularly bloody secessionist movement. In 1984, Prime Minister Indira Gandhi ordered central security forces to storm Punjab’s sacred Golden Temple in what was called Operation Blue Star. This led to the assassination of Indira Gandhi by her Sikh bodyguards and further riots in 1984 (Adeney 2017, 139). The Punjabi secessionist movement is a critical intervening factor in the ongoing relationship between regional and central power.

Overall, the Centre’s approach clearly aligns with the anti-accommodationist rhetoric which can be placed on O’Leary et al’s (2008) spectrum as rejecting state-nation policies. It dismantles Stepan et al. (2011, 7-8)’s peace-reserving precondition in which there are ‘multiple but complementary identities,’ demonstrating the Centre’s indifference for Punjabi autonomy.

In TN, nationalists were accommodated much more effectively. Whilst the DMK and its splinters developed separatist demands, these were all but abandoned following the 1971 state elections (Koab and Hussain 2016, 126). Indira Gandhi’s Congress accepted a minority of the seats in the assembly, on the condition that Congress took the seats in federal elections (Ibid). This gave DMK the power and leverage to maintain and demand further self-rule, unlike the SAD in Punjab who continually faced not just impositions from the central government, but also, as we shall see, impositions from President’s Rule (Ibid).

Moreover, the Centre often accepted the linguistic demands of the Dravidian movement. When DMK encouraged followers to burn the national flag of India in August 1955 in response to the announcement that Hindi was to become the official national language, the President announced that Hindi would not be imposed in the South (Ibid). Similarly, when DMK launched a protest against the President’s announced intention in 1959 to make Hindi an official language, the Centre’s Home Minister denied that was the case (Ibid). Upon conceding that Tamil was ‘co-equal’ to Hindi and English, ethnic conflict subsided (Kohli 1997, 20). Instances of President’s Rule also provide a fruitful



Dravida Munnetra Kazhagam (DMK) party flags in Madurai, Tamil Nadu

Image: McKay Savage | WikiCommons

comparative index between Punjab and TN. Punjab has seen a disproportionate level of President's Rule, topping the list for the number of days a state or union territory has spent under Article 356 (Adeney 2007, 116). In TN, there too have been impositions of President's Rule, but to a lesser extent: 1,137 days, compared to Punjab's 3,518 (Ibid).

In TN too, however, there are some exceptions to note. The Liberation Tigers of Tamil Eelam, fighting for Hindu Tamilian independence in northern Sri Lanka, majorly influenced TN's politics. Rajiv Gandhi (former Prime Minister and Indira Gandhi's son) was assassinated by those directly involved with Tamilian nationalists in Sri Lanka (Gupta 2019). Whilst a policy of self-rule has been more clearly pursued overall in TN, the specific histories of both Punjab and TN are important to remember in understanding when and how more integrationist policies have been implemented.

Thus, whilst the Punjab's SAD was drafting the ASR in 1973 after the degradation of self-rule, the DMK and its ilk had already dropped its secessionist demands upon feeling that the Centre had provided it with enough opportunity to remain distinct and autonomous within the current Indian territorial arrangements.

Shared Rule

Cederman et al. (2015) theorise that ethno-federations can preserve peace 'but not if they institutionalise majoritarian forms of government [at the Centre],' indicating the conflict-reducing potential of power-sharing with ethnic minorities (Cederman et al. 2015, 362). In Punjab, Sikh nationalists often felt alienated from central power. Demonstrating this most acutely is the manner in which Rajiv Gandhi's government reneged on its promises in the 1984 Rajiv-Longowal Accord, which made concessions to Sikh demands (Singh 1993, 94). Yet this apparent divergence from the centralising strategy was short-lived. From 1986 to 1987, the transfer of land from neighbouring Haryana

to Punjab was suspended, President's Rule was declared, river water supply to Punjab was reduced (while Haryana doubled its supply) and an All-India Sikh Gurdwaras Bill was never introduced (Ibid).

It is telling that the number of terrorist killings in Punjab, which was reported as 275 in 1984 by *India Today*, decreased to 64 in 1985 following the agreement of the Accord, but spiked to 620 in 1986 after the Accord was nullified (Bobb 1987, 10; Mudgal 1988, 17). This demonstrates the significance of shared rule, as ethnic tensions decreased when Sikh nationalists thought a negotiated agreement was going to be implemented. This accommodationist Accord, an example of Stepan et al. (2011)'s 'state-nation' policies (recognising 'collective and individual rights') was undermined, with Rajiv Gandhi describing all Sikh autonomist activities as 'very specifically an attack on the integrity and unity of India' at a 1986 National Integration Council meeting (Government of India 1989, 32). It represented the abandonment of what could have been the building of shared rule apparatus. Indeed, Patiala's Sikh missionary organisation released a series admonishing the Centre for dishonouring the Accord, illustrating the perception of many Sikhs that any inroads for influence at the Centre had been dismantled by broken promises. '[Following military interventions] then came the so-called "healing touch" that culminated in July 1985 in the "Punjab Accord" ... but the Accord goes phut' (Guru Nanak Dev Mission Series 1985, 1). The 'healing touch' would have been the Centre proving its ability to share power, to consult regional actors and implement co-decided agreements; yet shared rule proved weak.

Contrastingly, in TN, the Dravidian movement dropped its secessionist impetus as Tamil nationalist political parties gained access to power, even at the Centre itself. In the 1971 parliamentary elections, Indira Gandhi's Congress accepted a minority of the seats in the state legislature in an arrangement with the DMK, giving the DMK significantly more leverage to influence central decisions, unlike the

SAD in Punjab who continually faced President's Rule (Koab and Hussain 2016, 126). Similarly, in 1984, an All-India Anna Dravida Munnetra Kazhagam (AIADMK) Congress coalition won 53 percent of the votes and 78 percent of assembly seats (Stepan et al. 2011, 133). In terms of cabinet representation, from 1952 to 1989, only three parties held ministerial portfolios—Congress, the Janata Party and the AIADMK (Ziegfeld 2012, 76). It is significant that the only regionalist party to hold a Centre position in this period was a Dravidian party: two ministers in the albeit short-lived Janata Party government in the 1970s (Ibid). Overall, while Sikh nationalism became secessionist in response to federal interventionism, the Centre co-opted Tamil nationalist interests, linking to Stepan et al's 'ideal type' of a state-nation where autonomist/secessionist parties can govern in federal units and are 'coalitionable' at the Centre (Stepan et al. 2011, 8).

However, it is easy to over-emphasise the autonomy and shared rule given to TN and to mischaracterise it as a wholly intentional, centrally-sanctioned development. The Indian North-South divide has seen the Centre engage more actively, socially, economically, and politically, with Northern states (Sharma 2018). Indeed, just as many Prime Ministers and Presidents have come from Punjab (one of each) compared to the entirety of Southern India. This has perhaps seen TN develop a de facto autonomy from the Centre.

A Changing Picture?

The Centre's management of ethnic diversity has changed but some continuities prevail. The Centre has included regionalist parties more in forming government, as India has seen the pluralisation of the party system. From 1991 to 1999, regional parties' vote share increased from 26 percent to 46 percent (Ziegfeld 2012, 69), boosting incentives for central politicians to pander to regional actors (to the SAD and Dravidian parties' benefit). From 2004 to 2006,

the DMK not only came to control the state but was the third-largest party in the central Congress-led alliance (Stepan et al. 2011, 136). Since 1997, a SAD-Bharatiya Janata Party (BJP) alliance has dominated Punjab and SAD participated in the BJP-led central governments from 1998 to 2002, becoming a 'centric-regional' party like Dravidian parties (Singh and Kim 2018, 437; Stepan et al. 2011, 98). Previously low levels of shared rule appear to have augmented.

However, this apparently increasing accommodationist nature must be qualified. The 2014 national elections challenged the sustained coalition phase of the party system, as the BJP won an outright majority (282 of 543 seats in the lower chamber, increasing to 303 in 2019), whilst Congress obtained less than 20 percent of the vote (Schakel, Sharma and Swenden 2019, 332). This highlights the contingency of party politics as a mechanism for ensuring accommodationist strategies for managing ethnic diversity. The BJP, a Hindu nationalist party, emphasises a unitary concept of the nation centered on Hinduism (Adeney and Bhattacharyya 2018, 420; Swenden, 2016, 510-11), perhaps threatening cultural pluralism. However, the BJP majority party system is not as territorially even as the 1952 to 1989 Congress-dominated party system(s), performing exceptionally well in Hindi-belt states but poorly in the South (Schakel, Sharma and Swenden 2019, 333-4). In 2014, the BJP won 208 seats in just eight states and won just one seat in both Punjab and TN respectively (Ibid).

Thus, the future of regionalist parties (i.e., DMK and SAD) is still very much to be written: the undoubted shift to a new dominant party system which could exclude them is tempered with evidence that regionalist parties' resistance remains the potential key to BJP decline.

Conclusion

In Punjab, where self-rule was weak and where federal-level co-decision was sub-par, ethnic conflict

ensued. In TN, where policy concessions were made and power-sharing arrangements consolidated, ethnic conflict was avoided. More widely, these findings support the scholarship which marks ethno-federalism as neither intrinsically effective nor ineffective, but instead asks: ‘what are the conditions under which federalism can help contain separatist conflicts?’ (Bakke 2009, 292). Ethno-federalism is what a state makes of it.

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Bibliography

- Adeney, Katharine.** 2007. *Federalism and Ethnic Conflict Regulation in India and Pakistan*. Basingstoke: Palgrave-Macmillan.
- Adeney, Katharine.** 2017. “Does Ethnofederalism Explain the Success of Indian Federalism?” *India Review*, 16(1): 125-148.
- Adeney, Katharine and Harihar Bhattacharyya.** 2018. “Current Challenges to Multinational Federalism in India”. *Regional and Federal Studies*, 28(4): 409-425.
- Bakke, Kristin M.** 2009. “State, Society and Separatism in Punjab”. *Regional and Federal Studies*, 19(2): 291-308.
- Bobb, Dilip.** 1987. “Slaughter of 74 Innocent Bus Passengers in Punjab and Haryana Raises Spectre of Terrorism”. *India Today* 10. Last updated 2 January 2014. Available at: <https://www.indiatoday.in/magazine/cover-story/story/19870731-slaughter-of-74-innocent-bus-passengers-in-punjab-and-haryana-raises-spectre-of-terrorism-799135-1987-07-31>.
- Bunce, Valerie and Stephen Watts.** 2005. “Managing Diversity and Sustaining Democracy: Ethnofederal versus Unitary States in the Postsocialist World”. *The National Council for Eurasian and East European Research*, 1-42. Available at: https://www.ucis.pitt.edu/nceeer/2005_819-03g_Bunce2.pdf.
- Cederman, Lars-Erik, et al.** 2015. “Territorial Autonomy in the Shadow of Conflict: Too Little, Too Late?”. *American Political Science Review*, 109(2): 354-370.
- Chadha, Sardar.** 1986. “The Nucleus of Punjab Crisis is Political: New Awakening on Punjab is Called for”. *The Spokesman Weekly*, 35(34): 6-9.
- Cornell, Svante E.** 2002. “Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective”. *World Politics*, 54(2): 245-276.
- Elazar, Daniel.** 1979. *Self Rule/Shared Rule: Federal Solutions to the Middle East Conflict*. London: Turtledove Publishing.
- Elazar, Daniel.** 1987. *Exploring Federalism*. Tuscaloosa: University of Alabama Press.
- Government of India.** 1984. *White Paper on the Punjab Agitation*. New Delhi: Government of India Press.
- Gupta, Shekhar.** 2019. “28 Years After Rajiv Gandhi’s Death, a Look Back at the LTTE-Lanka Nexus that Killed Him” *The Print*. 21 May 2019. Available at: <https://theprint.in/opinion/28-years-after-rajiv-gandhis-death-a-look-back-at-the-ltte-lanka-nexus-that-killed-him/238366/>.
- Guru Nanak Dev Mission Series.** 1985. *The Accord Goes Phut*. Patiala.
- Hechter, Michael.** 2000. *Containing Nationalism*. New York: Oxford University Press.
- Koab, Rizwan Ullah and Dr. Mahboob Hussain.** 2016. “Challenges of Separatism in East Pakistan and Tamil Nadu: Comparative Appraisal of Political Leadership”. *South Asian Studies*, 31(1): 117-135.
- Kohli, Atul.** 1997. “Can Democracies Accommodate Ethnic Nationalism? Rise and Decline of Self-Determination Movements in India”. *Journal of Asian Studies*, 56(2): 325-344.
- Leaf, Murray.** 1985. “The Punjab Crisis”. *Asian Survey*, 25(5): 475-498.
- McGarry, John, Brendan O’Leary, and Richard Simeon.** 2008. “Integration or Accommodation? The Enduring Debate in Conflict Regulation” in *Constitutional Design for Divided Societies: Integration or Accommodation?* Edited by Sujit Choudhry. Oxford: Oxford University Press: 44-77.
- Ministry of Information and Broadcasting, Government of India.** 1989. *Rajiv Gandhi: Selected Speeches and Writings. Volume II*. New Delhi.
- Mudgal, Vipul.** 1988. “What is Needed is Winning the Hearts of the People: J.F. Ribeiro”. *India Today*. Last updated 6 December 2013. Available at: <https://www.indiatoday.in/magazine/indiascope/story/19880215-what-is-needed-is-winning-the-hearts-of-the-people-j.f.-ribeiro-796940-1988-02-15>.
- Roeder, Philip G.** 2009. “Ethnofederalism and the Mismanagement of Conflicting Nationalisms”. *Regional and Federal Studies*, 19(2): 203-219.
- Schakel, Arjan H., Chanchal Kumar Sharma, and Wilfried Swenden.** 2019. “India After the 2014 General Elections: BJP Dominance and the Crisis of the Third-Party System”. *Regional and Federal Studies*, 29(2): 329-354.
- Sharma, Mihir.** 2018. “India’s North-South Divide Is Major Political Problem” *Bloomberg*. [accessed 7 April 2022]. Available at: <https://www.bloombergquint.com/opinion/india-s-north-south-divide-is-major-political-problem>.

- Singh Bal, Baldev.** 1985. *Anandpur Sahib Resolution*. Indian Council for Sikh Affairs. Available at: <http://www.panjabdigilib.org/webuser/searches/downloadPdf.jsp?file=PL-000811.pdf>.
- Singh, Gurharpal.** 1993. *Ethnic Conflict in India: A Case-Study of Punjab*. London: Palgrave.
- Singh, Gurharpal and Heewon Kim.** 2018. "The Limits of India's Ethno-Linguistic Federation: Understanding the Demise of Sikh Nationalism". *Regional and Federal Studies*, 48(4): 427-445.
- Snyder, Jack.** 2000. *From Voting to Violence: Democratisation and Nationalist Conflict*. New York: Norton.
- Stepan, Alfred, Juan J. Linz, and Yogendra Yadav.** 2011. *Crafting State-Nations: India and Other Multinational Democracies*. Baltimore: John Hopkins University Press.
- Swenden, Wilfried.** 2012. "Review Article: The Territorial and Non-Territorial Management of Ethnic Diversity in South Asia". *Regional and Federal Studies*, 22(5): 613-631.
- Swenden, Wilfried.** 2016. "Centre-State Bargaining and Territorial Accommodation: Evidence from India". *Swiss Political Science Review*, 22(4): 491-515.
- Ziegfeld, Adam.** 2012. "Coalition Government and Party System Change: Explaining the Rise of Regional Political Parties in India". *Comparative Politics*, 45(1): 69-87.

A Social Autopsy of Pakistan's Gendered Colonial Legacy

SYEDA TAYYABA MAHMOOD analyses the issues faced by Pakistan's Khwajasira community and their barriers to equal treatment as citizens.



Activists in Lahore stand outside the Press Club to protest against the violation of trans rights in Pakistan

Image: RedMiNote | WikiCommons

Pakistan's familiarity with gender-based violence is reflected in the 2021 Gender Inequality Index, in which it is ranked 153rd out of 156 countries (Iqbal 2021). The frequency of these events undeniably affects Pakistani citizens' quality of life—especially those on the margins. Through the consideration of recent cases of gender-based violence and discrimination toward the Khwajasira community in Pakistan, this article explores the ways in which they negotiate and struggle for agency.

The word Khwajasira is a direct translation for 'the caretaker of the house' and encapsulates queer folk, transgender, intersex, non-binary, and gender-fluid people (Moiz and Gaewalla 2021, 59). In focusing on cases of discrimination and stereotypes, this article aims to highlight the lived experiences

and complex negotiations for agency the Khwajasira community may face.

Women and non-binary people in Pakistani society have consistently been represented as highly sexualised and deviant (Dixit 2021). This understanding suggests that gender and sexuality must be controlled to protect these individuals and onlookers from their own undoing. Thus, the onus is on the object of society's lustful desires and stigma: women and non-binary people. As Dixit (2021) commented, 'they either praise them to high heaven or throw them in the mud'. This applies to women and Khwajasiras, who are sought after by men to fulfil their sexual desires while being targeted and brutalised by those same hands.

Meanwhile, the Khwajasira community strives

to prove their right to be part of society as equal citizens while facing backlash and violence. The situation is slowly improving through various grassroots movements and key pieces of legislation, but it is nonetheless vital to understand why and how such deeply problematic sentiments have developed into a treacherous situation for women and Khwajasiras.

The Impact of Colonialism on the Khwajasira Community

The Khwajasira community is rooted in the colonial legacy of South Asia that Pakistan inherited, and is faced with the constant threat of social erasure. Despite being a highly respected and revered community in pre-modern and pre-colonial South Asia, colonialism on the Indian subcontinent restructured the discourse on the Khwajasira body ‘as the... gendered risk to national strength [to] be “extirpated”’ (Moiz and Gaewalla 2021, 59). The British colonists considered the peculiar gender-fluid nature of the ‘ungovernable’ Indians to be ‘criminal’ as they represented an anomaly—to maintain power, the colonists withheld what was left of the Khwajasira community’s agency (Moiz and Gaewalla 2021). The moral panic created by the sheer existence of this once highly revered community lingers in present-day Pakistan; the deeply rooted colonial mentalities have embedded themselves within Pakistan’s social fabric even decades after independence.

Part of the colonial project was to take agency and power from natives to make them more submissive, docile, and easily governed. This meant imposing the bio-medical gender binary—backed by a eugenic model of supremacy—onto the queer community, leading to criminalisation (Moiz and Gaewalla 2021). During this process colonial doctors studied the Khwajasira bodies, deeming them ‘abnormal’ and pointing to them as evidence of ‘Indian and Muslim society’s sexual depravity’ (Moiz and Gaewalla 2021, 61). During

these medical examinations, the doctors labelled the Khwajasiras as ‘eunuchs,’ which further fueled discrimination and increased surveillance (Moiz and Gaewalla, 2021).

The colonial project’s tools to discriminate against the Khwajasira community are further outlined in the British India 1871 Census, which relied on rigidly codified demarcations between genders. Appadurai (1993) compared the surveys conducted by pre-modern dynasties with that of the 1871 census of British India and noted that the latter was far more interested in the identification of population categories to fit rigidly defined British classifications. By 1907, the Northwest Province (NWP) in British India elaborated on the 1873 policy decreeing that: ‘the eunuchs lead an immoral life...all eunuchs who dance and sing in public dressed in female attire should be registered under the Act’ (Hinchy 2019, 165). We see the echo of such sentiments in present-day Pakistani society as well, as these mentalities were carried forward and exacerbated by stark social class divisions and extremist religious ideologies. Communities thus faced discrimination, violence, persecution, and harassment curated by the reverberance of colonialism (Moiz and Gaewalla 2021).

Navigating Queer Bodies and Religiosity in Pakistan

There have been repeated attempts to keep the Khwajasira community outside the confines of Islam and Mosques. A community which once held a respected station in Mughal courts can now be found begging on the streets. Often they are referred to with derogatory terms such as hijra, which is derived from the Arabic word Hijrah, or ‘migration’ (Britannica 2020). In the Islamic context, this word is used to refer to Prophet Muhammad’s journey from Mecca to Medina to escape persecution in 622 CE (Ibid). In pre-colonial India, the term hijras referred to vocalists and performers who appeared in both Hindu and Muslim courts.

They were also regarded as ‘agents of fertility’ and were invited to make appearances in household birth celebrations and even weddings to bestow blessings in return for payment (Bearak 2016). Indigenous communities continue to hold the Khwajasira community in high regard and they remain a well-integrated part of society in more rural areas; this reflects how religion and religious beliefs vary in interpretation and practice in urban and rural areas.

A common argument used to demonise this community stems from an interpretation of the Quran and Bible story of Prophet Lot and the annihilation of a village of people who engaged in homosexuality (Hendricks 2010). Other more inclusive and critical interpretations of the parable infer that in actuality, the people in the village had been perpetrating mass rape, which alters the message altogether and alludes to the demonisation of the community as immoral and sexually deviant (Hendricks 2010). Within the branch of Islam, Sufism, there are examples of saints in Pakistan such as Shah Hussain who display a love outside of the heterosexual norm. Shah Hussain saw the love between him and his beloved, a Brahmin Hindu boy, as appreciation of the divine’s creation which therefore strengthened his connection with the divine itself (Warraich 2016). Despite these and other examples of an inclusive Islam, extremist religious circles continue to portray Islam as a cisgender-heterosexual affair in Pakistan, with men mainly acting as the gatekeepers of religion.

The state has recognised Khwajasira as citizens; it is thus the inability to decolonise ideology that truly creates hurdles for the community to exercise this agency granted by the state in the form of legal citizenship.

The State’s Involvement in Curating Agency

After years of petitioning and strife on the part of Khwajasira activists, Pakistan’s parliament passed the landmark Transgender Persons Protection of Rights Act of 2018. Through this key piece of legislation, Khwajasira activists have been able to assert their status as citizens of the country — a

notion that has historically been challenged due to colonial discourses.

“The state has recognised Khwajasira as citizens; it is thus the inability to decolonise ideology that truly creates hurdles for the community to exercise this agency granted by the state in the form of legal citizenship.”

Khwajasira activists have maintained their positionality through the popularisation of Sufi Muslim queer philosophies and indigenous gender-sexuality orders, entrenched through the state’s legislative system. Through their ongoing struggle, the community has been able to subvert the liberal account that ‘the nation states require a de-Islamised and secularised discourse, devoid of subjectivity and spirituality, to further the cause of human rights (Moiz and Gaewalla 2021, 60). A part of their struggle has been to demystify the Khwajasira community’s status as the ‘Other’ which exists outside of the norm of the Islamic Republic of Pakistan and to refute the argument that their existence is grounded in a Western Liberal agenda. They have continued to exist as a part of Pakistani society despite living under constant threat and violence; their indigenous identities and observance of cultural practices that the British colonists tried to erase only reinforce their Pakistani identity.

As Shaikh (2018) detailed, the 2009 Supreme Court ruling which granted the Khwajasira community national identity cards was a step towards their acceptance and tolerance as citizens of the country. These individuals can now use their national identity cards to apply for jobs and passports. For members of the community who are practising Muslims, this milestone piece of legislation permits them to perform the obligatory practice of Hajj in Saudi Arabia, where approximately 40 to 50 members of the community are sent annually (Kanso 2018). Despite Saudi Arabia criminalising

homosexuality, the community is now able to perform their pilgrimage with the legal safety net given by the Pakistani state. Pakistan's 2009 ruling undoubtedly represented a step towards tolerance for the Khwajasira community, but even this victory was complex as it used colonial language in calling the community 'eunuchs' (Shaikh 2018).

Activism for Social Change

The Khwajasira identity as concretely Pakistani complicates the state's refusal to recognise the role that gender and sexuality has played in forming the social fabric of Pakistan. The state presents a highly romanticised image of effeminate bodies which enforces gender stereotypes as the norm, further propagating the notion that the refusal to adhere to this socially constructed norm is 'anti-Pakistani' and immoral. Moiz and Gaewalla (2021, 64) present a compelling social commentary regarding the feminisation of the Khwajasira community as 'dysfunctional men,' as such narratives posit a 'social map...that the state, whether colonial or nation, wants to assert its supremacy over because it obtains its legitimacy and security by controlling it.' A cookie-cutter model which forces people into certain boxes that are easier for the state to police, surveil, and control fails to recognise that this suppression, othering, and denial of identity further fuels resistance.

Some organisations, such as the Gender Interactive Alliance, help to promote the visibility of the community and fight for their rights. The organisation has planned and participated in various events such as World's AIDS day, public protests, and training programmes (Khan 2014). Most recently, the community's protests received a great deal of traction following a brutal gang-rape of prominent community members, perpetrated by a group of Beelas—a term used to describe an ethnic group of mostly Afghan immigrants who are violent to the Khwajasira community and other trans-feminine bodies ("Khwaja Siras" 2021). The protestors demanded that citizens be made aware of and reject

colonial imperialist teaching which has deeply impacted how the Khwajasira community is treated in contemporary Pakistan ("Khwaja Siras" 2021). They also demanded that Beelas be recognised as a violent group, as well as asserting the right for the Khwajasira community to access education, affordable healthcare, inclusive and well-informed legislation, employment opportunities, and the right to dignity and protection (Ibid).

Conclusion

Religion, or rather the use of religion as a political tool, plays a pivotal role in Pakistani society. The ways in which private and public spheres have become interconnected exhasurbated divisions. This article is in no way meant to critique religion itself—rather, it is meant to raise questions regarding how divisions are deepened, oppression is inflicted, and harmful status quos are maintained. Activist and grassroots movements in Pakistan aim to subvert the nation-states' gender binary and patriarchal structure in the hopes of a more accepting and equitable social existence. The Khwajasira activists have time and again worked within the system and sought protection from the government, standing as a testament to how the community has honed its national identity.

The change Pakistan requires is ideological and systemic. The ongoing effort of communities on the ground must be highlighted, as they have proved to bring about fruitful outcomes. Much in the way of gender and identity equality must be actively sought, both legally and culturally.

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Bibliography

“**Khwaja Siras Demand Safety, Dignity**”. *The Express Tribune*. 25 September 2021. Available at: <https://tribune.com.pk/story/2321845/khwaja-siras-demand-safety-dignity>.

Appadurai, Arjun. 1993. “Number in the Colonial Imagination.” In *Orientalism and the Post-Colonial Predicament: Perspectives on South Asia*, edited by Carol A Breckenridge and Peter van der Veer. 314-343. Philadelphia: University of Pennsylvania Press.

Bearak, Max. 2021. “Why Terms like ‘Transgender’ Don’t Work for India’s ‘Third-Gender’ Communities.” *The Washington Post*. 1 December 2021. Available at: <https://www.washingtonpost.com/news/worldviews/wp/2016/04/23/why-terms-like-transgender-dont-work-for-indias-third-gender-communities/>

Dixit, Kritika. 2021. “Recontextualizing Ismat Chughtai: Feminist Debates and Negotiating Identity”. *Catharsis*. 25 February 2021. Available at: <https://www.catharsismagazine.com/post/recontextualizing-ismat-chughtai-feminist-debates-and-negotiating-identity>.

Encyclopedia Britannica. “Hijrah.” 12 May 2020. Available at: <https://www.britannica.com/event/Hijrah-Islam>.

Hendricks, Muhsin. 2010. “Islamic Texts: A Source for Acceptance of Queer Individuals into Mainstream Muslim Society”. *Equal Rights Review*, 5(2010): 31-51.

Hinchy, Jessica. 2019. “Governing Gender and Sexuality in Colonial India: The Hijra, C.1850- 1900”. Cambridge, UK: Cambridge University Press.

Iqbal, Nasir. 2021. “How to Address the Gender Gap in Pakistan?” *Pakistan Institute of Development Economics*. 3 November 2021. Available at: <https://pide.org.pk/research/how-to-address-the-gender-gap-in-pakistan/#:~:text=According%20to%20the%20%E2%80%9CGlobal%20Gender,Asia%2C%20only%20better%20than%20Afghanistan>.

Kanso, Heba. 2018. “Pakistan’s first transgender scouts compete to attend Hajj in Mecca.” *Reuters*. 23 February 2018. Available at: [www.reuters.com/article/us-pakistan-haj-transgender/pakistans-first-transgender-scouts-compete-to-](http://www.reuters.com/article/us-pakistan-haj-transgender/pakistans-first-transgender-scouts-compete-to-attend-haj-in-mecca-idUSKCN1G704G)

[attend-haj-in-mecca-idUSKCN1G704G](https://www.reuters.com/article/us-pakistan-haj-transgender/pakistans-first-transgender-scouts-compete-to-attend-haj-in-mecca-idUSKCN1G704G).

Khan, Faris A. 2014. “Khwaja Sira: ‘Transgender’ Activism and Transnationality in Pakistan.” In *South Asia in the World: An Introduction*. Edited by Susan Snow Wadley, 170–184. Routledge.

Moiz, Muhammad and Firdous Gaewalla. 2021. “ASSERTING INDIGENOUS CITIZENSHIP THROUGH POST-SECULARITY: A QUEER ANALYSIS OF PAKISTAN’S TRANSGENDER LEGISLATIVE REFORM.” *SZABIST Law Journal*, 70(2): 59–70. Available at: <https://docs.szabist.edu.pk/websites/pdf/law/6AssertingIndigenousCitizenshipthroughPost-Secularity.pdf>.

Warraich, Sameer Shafi. 2018. “‘Love Needs No Guidance’: How Shah Hussain and Madhu Laal Defied Social Norms Past and Present.” *Dawn News*. 24 April 2018. Available at: <https://www.dawn.com/news/1403596>.

Overlooked Individual Agency in South Korea: Power of the Covidist State?

SEUNGCHEOL LEE outlines the increased role of the South Korean state since the onset of the COVID-19 pandemic and the balance of interventionism and democracy.



Homemade mask production site in Busan, South Korea (March, 2020)

Image: Busan Metropolitan City | WikiCommons

In March 2020, South Korea received positive appraisal for its successful containment of the COVID-19 pandemic. While more than 47 countries postponed their elections, the nation managed to bring 51 million people to the polling stations in the following month (Youngmi Kim 2020). However, this successful preservation of electoral rights may have come at the expense of individual agency, with the state's already formidable power expanding even more during the pandemic. It is thus imperative to question this amplified state power in the post-pandemic era.

Since the beginning of the COVID-19 pandemic

the State has become even more economically involved. Like many other countries in the pandemic, South Korean government intervention increased while austerity declined. Such policy reforms were interpreted as depoliticised, disconnected from sociopolitical surroundings due to the unprecedented nature of the pandemic (Hani Kim 2020, 1). Economists' efforts to reinvigorate the pre-2008 growth model via increased government interventions in the wake of the COVID-19 pandemic became a growing trend (Ibid). The 'Covidist state,' a reinvigorated interventionist state with the augmented use of health surveillance, has

emerged through a shift in political agency in one of the forefront democracies in Asia (Ibid).

The South Korean government was able to establish societal control without much social resistance by declaring a ‘public health crisis’ at the onset of the pandemic (You 2020). Whilst this move allowed for decisive action, it came at the cost of distorting the balance of agency between the individual and the state; large gatherings were restricted as a result of the virus’s extremely contagious nature (Freedom House 2021). This was more than a mere legal restraint. Unlike in the past, the state could now address indirect and latent grounds in addition to direct and tangible ones to regulate individual agency. Accordingly, the Moon Jae-in government—who, ironically, was inaugurated after candlelight rallies calling to impeach his predecessor—imposed extensive restrictions on substantial political gatherings and ‘banned more than 100 planned demonstrations, many of which were also meant to protest his policies’ (Freedom House 2021). The COVID-19 pandemic is undoubtedly an unprecedented health security crisis that requires unprecedented measures; nevertheless, if such exceptionality becomes normalised, it is possible that a new governance paradigm will cement in democracies including South Korea (“COVID-19: How Democracies Have Fared Compared With Authoritarian Regimes” 2022). Is this exceptionality temporary, or can the balance between individual and state agency be restored?

From a different angle, the ubiquity of information technologies (IT) has encouraged democracies to utilise ‘popular technologies’ for state use. As a nation equipped with a powerful IT industry, South Korea landed in the international spotlight for its widespread practice of digital tracking of confirmed patients and close contacts (Zastrow 2020). After the outbreak of MERS-CoV in 2015, the conservative Park Geun-hye government was heavily criticised by the public for delayed testing, failure to identify and

isolate confirmed patients, and the lack of risk communication to the public (Hani Kim 2020, 3). In response, the Park government bolstered its capacity to respond to future disease outbreaks. Specifically, the Ministry of Health and Welfare systematically reformed the integrated pandemic response manual and reorganised testing and quarantine protocol (Lewis & Mayer 2020, 1-2). The new organisational chart enabled transparent collaboration, the sharing of information among central and regional administrative units, and aggressive mass-testing which reached 15,000 to 20,000 tests a day (Lewis & Mayer 2020, 2). The National Assembly passed the Infectious Disease Control and Prevention Act (IDCPA) in 2016 so that the government could collect and share personal data for the ‘sole purpose of prevention and control of infectious diseases’ (“Infectious Disease” 2022). The world was startled when South Korea identified and traced nearly 60,000 individuals from a cluster of infections in Itaewon nightclub district in May 2020 as an interim measure (Scott & Park 2021). Behind the scenes, however, the military and police in Seoul’s contact tracing work were pulling ‘credit card records, cell phone location data, and CCTV records’ (Ibid). Surprisingly, the South Korean public initially accepted the government’s justifications for their digital tracking practice via new and relatively untried procedures (Shin 2020).

Digital contact tracing is exceptionally unique to South Korea. Unlike the United Kingdom and the United States, South Korean authorities can acquire the financial and locational data of individuals with no consent necessary (Shin 2020). Along with the IDCPA, the 2015 Personal Information Protection Act (PIPA) authorised such a mandate by the state (“Personal Information” 2020). This was possible in South Korea partly because the country had a significantly high rate of cashless transactions (Aslam 2020). The PIPA was amended later in 2020 as the National Human Rights Commission of Korea officially called the law unconstitutional and submitted a

written opinion against it. The Commission was primarily concerned with how the government's social distancing measures required individuals to register their mobile phone numbers by providing their real names and resident registration numbers without court orders (Aslam 2020; Shin 2020, 111). Nevertheless, the exceptionality of the COVID-19 pandemic allowed the state to take advantage of the legislation designated to protect personal data and relinquish individual agency. The IDCPA continues to categorise private information which is eligible to be collected by different government branches as merely 'any important information about national health' ("Infectious Disease" 2022). Essentially, the methods used to collect and aggregate information require further scrutiny and tailoring to re-establish the demarcation between individual and state agency in the post-pandemic era.

“Essentially, the methods used to collect and aggregate information require further scrutiny and tailoring to re-establish the demarcation between individual and state agency in the post-pandemic era.”

Fortunately, the prospects are not overly grim. As the South Korean public has experienced numerous democratic ups and downs, and citizen activism has been long established as a cornerstone of the nation's democracy (Pak & Park 2019, 5-6). This political sensitivity erected bottom-up democratic institutionalism in South Korea and often played a substantive role in retaining the country's balance of agency between the individual and the state. Subsequently, civil society actors in South Korea have greatly contributed to governance and public policy, acting to mediate power between the state and the citizens (Cai et al. 2021). Although the pandemic forced nearly 70 percent of civil societies to reduce or shut down their programs, many quickly revived their efforts in helping marginalised communities (Cai et al. 2021, 123). For instance,

the Volunteer Center in Jeju played a significant role in disseminating information to combat the virus and providing administrative support at airports (Cai et al. 2021, 125). Civil societies in South Korea have not only increased collaborative partnerships with local governments, but they have also shared epidemiological survey information with the central government (Cai et al. 2021, 125-6). Most prominently, the Community Chest of Korea highlighted its balancing roles by dispatching meeting groups in collaboration with the Ministry of Health and Welfare to regularly 'share the details of assistance programs' to the public and effectively allocate aid (Cai et al. 2021, 126). The high level of civil society involvement in governance is evidence that the South Korean government values the input of multiple actors and sectors of society (Jeong & Kim 2021). Against this backdrop, South Korea is still a vibrant democracy which possesses its own rebalancing measures.

Despite the civil sector's active performance, the country has been witnessing a noticeable underutilisation of democratic institutions to address present issues (Pak & Park 2019, 5). Based on Article 49 of the IDCPA, the ban on gatherings is still one of the most frequently used administrative public health measures by the South Korean government (Lee & Kim 2021). The judicial branch is largely ineffective in adjudicating this challenge, worrying that ruling against the ban would promote another surge in confirmed COVID-19 cases (Al Jazeera 2020). While initially tolerated by the public due to the exceptionality of the public health crisis, the restriction of constitutional rights is increasingly garnering dissatisfaction. The number of legal disputes between individuals and the government during the last few months of 2021 reflects this shifting attitude (Al Jazeera 2020). In June 2021, the Dongbu Detention Center in Seoul filed a damage suit against the government's severely disappointing COVID-19 containment efforts during the prolonged pandemic circumstances (Jun 2022). Another case was when the Moon government redirected public criticism towards conservative churches by publicly

labelling them as ‘major outbreak sites’ (Greitens 2020, E180). Aggravating an already polarised relationship between the public and conservative churches, the government responses to public dissatisfaction raised concerns about engorged state agencies misdirecting their power (Greitens 2020; Shin 2020, 110).

In sum, these instances of public dissatisfaction with state power point to a complicated future of individual agency in South Korea. While the nation’s current COVID-19 prevention measures seem well-coordinated within its rigorous medical system, the government has transformed the augmented use of health surveillance technology into an acceptable policy custom (Greitens 2020, E186). Subsequently, the extended use of popular technology has altered the government’s perception of civil liberties, privacy, and individual agency in a democracy (Greitens 2020). Recent studies suggest that contemporary autocratisation is gradual, yet difficult to reverse (Lührmann & Rooney 2020, 8). To make matters worse, experts worry that tech-driven changes following the pandemic will accelerate the process as people’s relationships with IT will only deepen with the corresponding increased reliance on digital connections (Anderson et al. 2021). Signs of excessive incumbent takeover or state agency in one of the forefront democracies in Asia is, therefore, concerning. Whether present democratic institutions in South Korea will remain intact and successfully mediate this balance in the post-pandemic world is in dire need of further study.

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Bibliography

- Anderson, Janna, Lee Rainie, and Emily A. Vogels.** 2021. “Experts Say the ‘New Normal’ in 2025 Will Be Far More Tech-Driven, Presenting More Big Challenges.” *Pew Research Center: Internet, Science & Tech.* 18 February 2021. Available at: <https://www.pewresearch.org/internet/2021/02/18/experts-say-the-new-normal-in-2025-will-be-far-more-tech-driven-presenting-more-big-challenges/>.
- Al Jazeera.** 2020. “Anti-Gov’t Protests in Seoul despite Increasing Coronavirus Risk.” *Al Jazeera: Coronavirus Pandemic News.* 15 August 2020. Available at: <https://www.aljazeera.com/news/2020/8/15/anti-govt-protests-in-seoul-despite-increasing-coronavirus-risk>.
- Cai, Qihai, Aya Okada, Bok Gyo Jeong, and Sung-Ju Kim.** 2021. “Civil Society Responses to the COVID-19 Pandemic: A Comparative Study of China, Japan, and South Korea.” *China Review*, 21(1): 107–38.
- “COVID-19: How Democracies Have Fared Compared With Authoritarian Regimes.”** 2022. *The Conversation.* [Accessed 1 September 2022]. Available at: <https://theconversation.com/covid-19-how-democracies-have-fared-compared-with-authoritarian-regimes-165415>.
- Greitens, Sheena Chestnut.** 2020. “Surveillance, Security, and Liberal Democracy in the Post-COVID World.” *International Organization*, 74(S1): E169-E190.
- “Infectious Disease Control and Prevention Act (IDCPA).”** 2022. *Korea Law Translation Center.* [accessed 15 March 2022]. Available at: https://elaw.klri.re.kr/kor_service/lawView.do?hseq=40184&lang=ENG.
- Jeong, Bok Gyo, and Sung-Ju Kim.** 2021. “The Government and Civil Society Collaboration against Covid-19 in South Korea: A Single or Multiple Actor Play?” *Nonprofit Policy Forum*, 12(1): 165–87.
- Jun, Ji-hye.** 2021. “Detention Center Inmates Sue Government over Infection.” *Korea Times.* [accessed 7 January 2021]. Available at: https://www.koreatimes.co.kr/www/nation/2021/01/119_302122.html.
- Kim, Hani.** 2020. “The Sociopolitical Context of the COVID-19 Response in South Korea.” *BMJ Global Health*, 5(5): 1-4. Available at: <https://gh.bmj.com/content/5/5/e002714/>.
- Kim, Youngmi.** 2020. “Democracy, Elections and Pandemics: How South Korea Ran Parliamentary Elections during the COVID-19 Crisis.” *Globalcit: EUI Global Citizenship Observatory.* 7 October 2020. Available at: <https://globalcit.eu/democracy-elections-and-pandemics-how-south-korea-ran-parliamentary-elections-during-the-covid-19-crisis/>.
- Lewis, Nancy Davis, and Jonathan D. Mayer.** 2020. “Challenges and Responses to COVID-19: Experience from Asia.” *East-West Center.* 10 July 2020. Available at: <http://www.jstor.org/stable/resrep25511>.
- Lührmann, Anna, and Bryan Rooney.** 2020. “Autocratization by Decree: States of Emergency and Democratic Decline.” *V-Dem Working Paper 85*, 2nd Edition. Available at: https://www.v-dem.net/media/publications/wp_85.pdf.

- Park, Paul, and Pak, Jung H.** 2019. "Liberal democracy in South Korea." *Brookings Institution Reports*. February 2019. [accessed 23 August 2022]. Available at: <https://www.brookings.edu/research/liberal-democracy-in-south-korea/>
- "Personal Information Protection Act (General Law)." 2022.** *Personal Data Protection Laws in Korea*. [accessed 15 March 2022]. Available at: https://www.privacy.go.kr/eng/laws_view.do?nttId=8186&imgNo=3.
- Scott, Dylan, and Jun Michael Park.** 2021. "South Korea's Covid-19 Success Story Started with Failure." *Vox*. 19 April 2021. Available at: <https://www.vox.com/22380161/south-korea-covid-19-coronavirus-pandemic-contact-tracing-testing>.
- Shin, Gi-Wook.** 2020. "South Korea's Democratic Decay." *Johns Hopkins University Press: Journal of Democracy*, 31(3): 100–114.
- "South Korea: Freedom in the World 2021 Country Report."** 2021. *Freedom House*. [accessed 20 April 2022]. Available at: <https://freedomhouse.org/country/south-korea/freedom-world/2021>.
- You, Jongeun.** "Lessons From South Korea's Covid-19 Policy Response." *The American Review of Public Administration* 50, no. 6–7 (August 2020): 801–8. <https://doi.org/10.1177/0275074020943708>.
- Zastrow, Mark.** 2020. "South Korea Is Reporting Intimate Details of Covid-19 Cases: Has It Helped?" *Nature*. March 18, 2020. Available at: <https://www.nature.com/articles/d41586-020-00740-y/>.

Muslim Women in Denmark: Existing in the Third Space

MOUNA CHATT highlights the conflicting experiences of agency and repression that Muslim women face in Denmark



Muslim women sitting on the beach in Amager Strandpark, Copenhagen.

Image: Jens Cederskjold | Wikimedia

Over the past four decades, Denmark has seen an increase in the number of Muslim immigrants (Razack 2004). Like the rest of Western Europe, the debate accompanying this has been inherently gendered and Orientalist essentialising the Middle Eastern, North African, and Asian societies as ‘uncivilised’ while rendering European societies as superior (Said 1978). These sentiments have permeated Danish public and political discourse, giving rise to Islamophobic attitudes and effectively restraining Muslim women’s agency (Charsley and Liversage 2015). Throughout this essay, Davies’ (1991) definition of agency will be utilised, understanding it as the capacity to construct and

enact one’s own identity, liberties, and political existence, particularly in relation to the ways in which Muslim women’s agency in Denmark is restricted by contemporary political discourse.

This article will first explore how Muslim women have been infantilised and reduced to victims of ‘Muslim patriarchy’ in Danish political discourse. From there, it will shed a light on how Muslim women have simultaneously been constructed as agents of those perceived threats. The Muslim woman’s body is therefore viewed as a paradox in the Danish socio-political context: both a victim and a threat. Finally, this article will examine how contemporary political branches of Islamism that serve as a countermovement to Danish Orientalist

sentiments also restrict Muslim women's agency by disallowing them political existence. Danish Muslim women exist in a 'third space,' wherein two opposite poles intersect to deny them their agency (Bhabha 1990, 220).

Muslim as a Category of Analysis

Prior to engaging in analysis, it is necessary to shed light on the term 'Muslim'—and whether 'muslim-ness' should be considered a stronger category of analysis (akin to the terminology for analysing black-ness). The term 'Muslim' has been criticised for being a rudimentary and unnuanced category, as it potentially reduces people of multiple races, ethnicities, and socioeconomic classes to simply being Muslim (Brubaker 2013; Khan 1998). While the risks of homogenising the experiences of Danish Muslim women are vital to acknowledge, it remains necessary for our purposes to engage analytically with 'Muslim' as a category due to the anti-Muslim sentiment that dominates Danish political discourse (Hassani 2022). In effect, it would be impossible to conceptualise the mechanisms of Islamophobia, as well as its effects on Muslim women's agency, without using 'Muslim' as an analytical category.

Islam and Denmark

The notion that there is a natural clash of cultures between the 'West' and Islam has dominated European political and public discourse for decades (Razack 2004). Muslims have been, and continue to be, essentialised in the West as a group adhering to pre-modern values—having no respect for, or commitment to, basic human rights, women, or democracy (Razack 2004). These narratives are products of colonial Orientalist discourse that fabricates the perception of Muslim societies as 'backwards' and implies a superiority of Western society (Said 1978). In Denmark, Islam has been described in political contexts as antithetical to

arbitrary 'Danish values,' such as democracy and women's rights (Andreassen and Siim 2010). These Orientalist perceptions portray Islam an innately misogynistic religion, which is inherently in conflict with the constructed narrative of Western Europe as the 'defender' and 'promoter' of women's rights and liberties (Bilge 2010). The discourse surrounding Islam and Muslims in Denmark has therefore been gendered from its very beginning.

Muslim Women: Passive, Oppressed, and in Need of 'Saving'?

Muslim women, and particularly veiled Muslim women, have come to symbolise Islam's 'incompatibility' with modern Danish values (Andreassen and Siim 2010). In Danish political discourse, Muslim women are generally portrayed as inherently passive and oppressed objects, possessing limited to no agency. This perception has evoked the notion that Muslim women must be 'saved' from the presumed disempowerment and perils of Muslim culture and misogynistic Muslim men (Razack 2004). In Denmark, this has particularly been evident within integration policies that feature debates about veiling. While Denmark's integration policies have historically been underpinned by theories of assimilation, its adherence to Nordic welfare regimes have generally endowed it with a liberal perception of veiling (Andreassen and Siim 2010). In essence, Denmark has traditionally embraced the idea that people should be able to dress themselves and express their religious beliefs as they wish. Nevertheless, following France's ban of veiling in public institutions in 2004, the far-right Danish People's Party initiated Denmark's first parliamentary debate about veiling, proposing to follow in France's footsteps (Andreassen and Siim 2007; Abdelgadir and Vasiliki 2020). Louise Frevert, spokesperson of the party, described Muslim veiling as 'an expression of gendered force' and a 'signal of [Islam as] a male dominated instrument' (Andreassen and Siim 2010, 18). While a majority

of the parties in the Danish Parliament did not endorse the banning of the veil in public institutions, all parties agreed that Islam is inherently sexist and misogynistic (Andreassen and Siim 2010). Moreover, the majority of the parties agreed that veiling can be seen as a symbol of women's general oppression in Islam (Andreassen and Siim 2010). Although the policy to ban all veiling in public institutions never passed, full-face veils such as the niqab or burqa were banned in public in 2018, following similar arguments (Zempi 2019).

The majority of the [Danish political] parties agreed that veiling can be seen as a symbol of women's general oppression in Islam (Andreassen and Siim 2010).

The portrayal of Muslim veiling in Denmark as inherently oppressive for Muslim women reflects the colonial vision of 'white men saving brown women from brown men' (Spivak 1994, 92). In effect, Orientalism has historically fueled the idea of Europeans as civilised saviors that must, and will, 'liberate' Muslim women from dangerous Muslim men (Said 1978; Khan 1998). Thus, the political discourse surrounding veiling illustrates an attempt by the Danish state to colonise the body and agency of Muslim women, effectively robbing them of their own articulation of what veiling means. As such, Muslim women's capacity to express their own identity and religiosity has effectively been stripped from them. This is particularly the case for veiling, as it serves as an expression of agency for Muslim women in and of itself. Mernissi (1987) points out that, beyond being a religion, Islam also serves as tool used by Muslims to empower themselves in the face of obstacles. Thus, veiling is not only an act of religious piety or modesty for Danish Muslim women, but it also can act as an expression of identity and source of strength (Chapman 2015; Abu-Lughod 2002). Veiling as a way of asserting agency subverts mainstream notions of

Western liberal feminism, through which agency is understood as secularised and distinct from religious adherence (Nyhagen 2019). Due to this difference in understanding, Danish secularisation remains at odds with Islamic feminism.

The Paradox of the Muslim Woman's Body

In Danish political and public discourse, Muslim women are not only portrayed as victims of Islam's apparent misogyny; they are also constructed as agents of the 'threats' accompanying Islam. Accordingly, the Muslim woman's body becomes a paradoxical entity, unifying two contrasting points of misinterpretation. For example, whilst the ban of full-face veiling in 2018 was partly based on arguments of gender equality and preventing women's oppression, it was also established upon the idea of the Muslim full-face veil as a representation of the alleged terrorist threat Denmark is under (Zempi, 2019). Notably, no recent terrorist attacks have been carried out in Denmark by individuals bearing a Muslim full-face veil (McDonald 2018). Rashid (2016) argues that the construction of Muslim women as 'veiled threats' reflects how Muslim women's agency in Europe is limited. In public and in political discourse, Muslim women can only embody identities of either a victim or a threat, neither of which is an empowering position. White middle-class women, in contrast, are still oppressed by patriarchal structures, but they can define and shift between different parts of their identities with ease (Rashid, 2016). It is due to their specific positionality that Muslim women in Denmark are denied their agency.

What makes this phenomenon even more noteworthy is that it stands in contrast to Denmark's claims to liberate Muslim women from the denial of agency and liberties by reproducing a similar negation of agency. As the essentialisation of Muslim women as victims or threats in Denmark weakens their ability to define their own sociopolitical identity, it highlights the irony through which these

claims operate.

Muslim Women in the ‘Third Space’

In opposition to the colonial Orientalist discourse that has constructed these narratives of Danish Muslim women, Islamism has emerged as an anti-colonial and anti-Orientalist movement (Khan, 1998). In its contemporary form, Islamism denotes a religious ideology based on selective interpretations of ancient Islamic scripture (Mozaffari 2007). Its core objective is to spread Islamic might globally by all and any means necessary (Mozaffari 2007). Thus, Islamism does not reject violence or coercion. Yet, similarly to the gendered political interpretation of Islam by the Danish, politicised Islamism also centers its politics around women and exerts social, political, and sexual control over them (Khan 1998; Moghadam 1991). For example, in political Islamism, women’s primary role is building and sustaining a healthy family to help the spread of Islam globally (Hatem 2002). Furthermore, Islamist social roles of men and women differ, in the sense that women are relegated to the private sphere while men are endowed a social, political, and economic presence in the public sphere (Badran 2013).

As such, Danish Muslim women find themselves negotiating their identities and existence between two opposite nodes of oppression, or what Bhabha (1990) refers to as the ‘third space.’ On one hand, the Orientalist discourse of saving Danish Muslim women positions them in the political landscape and gives them a political presence—this presence, however, is inherently negative, oppressive, and dangerous (Khan 1998). On the other hand, Islamist movements address Muslim women’s needs through Islamic scripture and aim to find solutions that align with them—and yet, they strictly define roles for women and do not respect their sociopolitical existence or sexual desires (Khan 1998). As such, whilst the two poles stand in opposition to one another, they both arrive at the same endpoint. They both reinforce the oppression of Muslim women, and

therefore effectively rob them of their agency. The third space presents itself as a space of contradiction and complicates the topic of Muslim women’s agency, as the limitations at play are at once inflicted by colonial Orientalist visions seen through Danish political discourse and by Islamism.

Conclusion

Ultimately, the agency of Muslim women in Denmark is restricted by Danish political discourse that reflects colonial Orientalism and renders Muslim women’s bodies paradoxical entities. In effect, Muslim women are viewed simultaneously as both victims of Muslim patriarchy and also as agents of the alleged threats Islam poses to Western Europe. They are simultaneously depicted as passive objects in need of saving by ‘civilised’ Europeans, and as potential terror threats. Whilst political Islamism has emerged as a response to the colonial Orientalist discourse regarding Islam in Europe, it too serves to oppress Muslim women in Denmark by disallowing them a political existence. As such, Muslim women in Denmark exist in a third space, wherein opposing nodes of oppression intersect to disallow Muslim women their autonomy. This is problematic and dangerous, as it renders Danish Muslim women second-class citizens that cannot act with subjecthood in a democratic society. More thorough analyses of the third space Muslim women find themselves in (in Denmark and elsewhere) can help shed a light onto their lived experiences. Thus, extending academic analysis of how Muslim women’s agency is limited is crucial to understanding the dynamics of neo-colonial Orientalism at play in Denmark and beyond.

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Bibliography

- Abdelgadir, Aala and Fouka Vasiliki.** 2020. "Political Secularism and Muslim Integration in the West: Assessing the Effects of the French Headscarf Ban." *The American Political Science Review*, 114(3): 707-723.
- Abu-Lughod, Lila.** 2002. "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others." *American Anthropologist*, 104(3): 783-790.
- Andreassen, Rikke and Birte Siim.** 2010. "Debatter og reguleringer af muslimske tørklæde - populisme of symboler." *Politik*, 13(4): 15-24.
- Badran, Margot.** 2013. "Political Islam and Gender". *The Oxford Handbook of Islam and Politics*, edited by Esposito, John L. and Emad El-Din Shahin, 112-121. New York: Oxford University Press.
- Bhabha, Homi.** 1990. "The Third Space." *Identity: Community, Culture, Difference*, edited by Rutherford, Jonathan, 207-221. London: Lawrence & Wishart.
- Bilge, Sirma.** 2010. "Beyond Subordination vs. Resistance: An Intersectional Approach to the Agency of Veiled Muslim Women." *Journal of Intercultural Studies*, 31(1): 9-28.
- Brubaker, Rogers.** 2013. "Categories of Analysis and Categories of Practice: A Note on the Study of Muslims in European Countries of Immigration." *Ethnic and Racial Studies*, 36(1): 1-8.
- Chapman, Madeleine.** 2015. "Feminist Dilemmas and the Agency of Veiled Muslim Women: Analysing Identities and Social Representations." *European Journal of Women's Studies*, 23(3): 237-250.
- Charsley, Katharine and Anika Liversage.** 2015. "Silenced Husbands: Muslim Marriage Migration and Masculinity." *Men and Masculinities*, 18(4): 489-508.
- Davies, Bronwyn.** 1991. "The Concept of Agency: A Feminist Poststructuralist Analysis." *Social Analysis: The International Journal of Anthropology*, 30: 42-53.
- Ghanem, Christina Yasmin.** 2017. "Providing a Gender Perspective to Integration in Western Europe. Muslim Women's Agency between Multicultural and Assimilationist Policies." *Peace Human Rights Governance*, 1(3): 307-331.
- Hassani, Amani.** 2022. "Navigating Racialised Spaces: Young Muslims Negotiating a Middle-Class Position in Denmark." *Nordic Journal of Social Research*, 13(1): 67-79.
- Hatem, Mervat.** 2002. "Gender and Islamism in the 1990s." *Middle East Report*, (222): 44-47.
- Khan, Shahnaz.** 1998. "Muslim Women: Negotiations in the Third Space." *The University of Chicago Press Journals*, 23(2): 463-494.
- McDonald, Kareem P. A.** 2018. "Denmark's Recent 'Burqa Ban' – Unnecessary, Counterproductive, and Hypocritical." *Cornerstone Forum, Religious Freedom Institute*. [accessed 25 August 2022]. Available at: <https://religiousfreedominstitute.org/denmarks-recent-burqa-ban-unnecessary-counterproductive-and-hypocritical/>.
- Mernissi, Fatima.** 1987. *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society*. Bloomington: Indiana University Press.
- Mozaffari, Mehdi.** 2007. "What is Islamism? History and Definition of a Concept." *Totalitarian Movements and Political Religions*, 8(1): 17-33.
- Nyhagen, Line.** 2019. "Contestations of Feminism, Secularism and Religion in the West: The Discursive Othering of Religious and Secular Women." *Nordic Journal of Religion and Society*, 32(1): 4-21.
- Rashid, Naaz.** 2016. *Veiled Threats: Representing 'the Muslim Woman' in UK Public Policy Discourses*. Bristol: Policy Press.
- Razack, Sherene.** 2004. "Imperilled Muslim Women, Dangerous Muslim Men and Civilised Europeans: Legal and Social Responses to Forced Marriages." *Feminist Legal Studies*, 12(2): 129-174.
- Said, Edward.** 1978. *Orientalism: Western Conceptions of the Orient*. 4th ed. London: Penguin Books.
- Spivak, Gayatri.** 1994. "Can the Subaltern Speak?" In *Colonial Discourse and Post-Colonial Theory: A Reader*. Edited by Williams, Patrick and Laura Chrisman. London: Routledge.
- Zempi, Irene.** 2019. "Veiled Muslim Women's Views on Law Banning the Wearing of the Niqab (Face Veil) in Public." *Ethnic and Racial Studies*, 42(15): 2585-2602.

New Decade, New Approach, New Ireland

JASMINE MAEDBH THOMPSON argues for an identity-focused approach to determining Ireland's future.



Brexit protest at Stormont House in October 2018

Image: Sinn Féin | Wikicommons

It is far from controversial to assert that the Brexit referendum of 2016 was deeply contested, most significantly post-result. Whilst Brexit was controversial, as a second Scottish independence referendum will also inevitably be, neither has the potential to ignite a resurgence in conflict. A future referendum about national determination in Northern Ireland would, however, create such potential due to its history of ethnic and political violence. The May elections are expected to return an Irish nationalist majority for the first time in the history of the

Northern Irish Assembly (RTÉ News 2022)¹. In this context, it is crucial to consider the means by which a substantive and robust proposal can be made that reconciles unionist concerns, both in terms of identity and state institutions, with the right to national determination. This text argues that contemporary efforts have not sufficiently included identity elements when considering the issues that need to be reconciled prior to a referendum.

Two lessons for academics can be drawn from the mistakes of the Brexit referendum. Firstly, the

United Kingdom is in deep danger of destabilisation and disentanglement. Devolution, the revival of four distinct cultural nations evidenced by the United Kingdom's exit from the European Union (EU), is often understood to be a symptom of English nationalism (Esler 2021). In this light, it has stoked a new wave of discourse surrounding Scotland and Northern Ireland choosing independence or to unify with the South respectively. Within this context, it is essential to consider how Irish unification might happen. The Good Friday Agreement (GFA) makes provisions for a future 'border poll,' with the Secretary of State for Northern Ireland morally and legally obligated to call for one should public opinion shift (Garry et al. 2021, 444). However, the GFA contains little guidance for how this shift in public opinion might be determined, leaving the decision to hold a referendum subject to the political whims of the presiding Westminster government. Whether due to reluctance based upon a lack of knowledge, fears of exacerbating tensions or, perhaps most commonly, a misplaced sense of 'closure' borne from the 1998 Agreement, literature on future unification has been rare and often limited in substance. Based upon prior work and the new wave of academic study and public literature on a 'New Ireland,' this text maintains an identity-based focus, critiquing its absence in emerging scholarship that advocates for institutional provisions without laying sufficient groundwork for cultural reconciliation and recognition. It argues that if we are to strive towards a United Kingdom based upon shared values, respect for differing identity elements, and a minimisation of potential violence as guiding principles, we must re-evaluate the content of these identities and, as academics, encourage the state to support and incentivise the display of traditions not rooted in antagonism.

It is critical to understand Irish and British identities present in (but not exclusively restricted to) Ireland as mutually and relatively constructed. For example, in a political capacity, 'Britishness' is conceived differently differently in Ireland than it

might in Great Britain (just as it would be different in Scotland, England, or Wales). Orange parades and other distinct cultural artefacts are alien to those identifying as British in London or Cardiff (Bryan, 2000). Within the context of a unified Ireland, the question becomes: does British identity in the North depend on the Union? If yes, it is impossible to include it within a unified state. If not, then the inclusion of British identity in a unified Ireland becomes possible. Conversely, if Britishness is to be recognised and integrated into a unified Ireland structure, it must be transitional in nature and should move towards a definition that is more rooted in cultural heritage than in a constitutional position. However, this reorientation of Britishness presents a number of difficulties. While shedding all elements unique to Ireland is not necessary to achieve such a British identity, much Northern Irish historical and cultural identity is deeply entangled in a resistance to Catholicism and Irish culture generally.

Todd (2021) outlines a conception of Britishness that is distinctly asymmetric in nature. She asserts that Ulster Britishness is state-focused, not only in its conception of 'a Protestant state for a Protestant people,' but also in its expectation of a certain set of values among its people in terms of religiosity and other traditional values (Todd 2021, 57). She contrasts this with Irish identity, which she understands to be malleable, dynamic, and people-led. Even in putting aside the exceptions to this rule, Todd seems too focused on Northern Ireland itself, failing to consider the institutionalisation of Irish culture, which is understood to be deeply embedded in traditional Catholicism in the south. In this light, it is perhaps more prudent and accurate to extrapolate this dichotomy to a hegemonic-minority identity distinction, rendering unionist concerns of cultural minimisation justified. One may consider, as Todd does, that 'Irishness' does not need to undergo the same process of re-evaluation and re-conceptualisation, given that it is already understood as loyalty to a more nebulous and abstract 'idea' or sense of nationhood than to a currently existing



Sinn Féinn protest against a hard border at Stormont House in 2017

Image: Sinn Féin | Wikicommons

state. In this light, it would not go through the same ‘shock’ that Ulster Unionism would, in the case of a united Ireland.

Despite this, should the result of the elections be in favour of unification, Irish nationalism and similar elements must be careful not to provoke hostility nor give indication of triumphalism. In the contemporary political context, Sinn Féin, an Irish Republican party, has been careful to readjust its policy to focus on more bread-and-butter issues such as housing (Evershed and Murphy 2021). However, should they gain dominance in both the North and South, this will open the party up to more tensions as they have the capacity to flex new political muscle. Thus, questions of emotion and perception will become more salient. Of course, Todd (2021) notes the inherent oppositional nature present in each identity. Due to this, goals of the collective recognition and presence of both elements of the traditional dichotomy seem idealistic and potentially more harmful than beneficial (Todd 2021, 55). Expanding on this, in the long term, it will be necessary to create not only an institutional framework but a

robust focus on cultural knowledge and social integration to allow for a re-conceptualisation of identity outside of opposition, a direct relational focus, or mutual contingency. Similarly, decisions must be made both with the awareness of current intercommunity role and identity conception, and an intent to minimise antagonistic elements. The immediate question here is how this policy can be implemented tangibly. Concerns of contested public space post-Agreement have inspired some cases where murals or cultural goods are amended to alleviate tensions, for example, moving from the glorification of paramilitaries to commemorations of Martin Luther, the Belfast Blitz, or VE Day (Kehoe and Dunne 2021, 10). Notably, these elements are not apolitical, neutral, or shying away from social issues. Instead, they maintain identity, or elements of exclusivity, whilst shifting it away from antagonism in its structuring. In this way, re-contextualisation allows for the expression of identity without allowing it to dominate the public space.

Having established the nature of identity conception on the island, it is now possible to assess

potential constitutional proposals. The current wave of research on this topic began around 2020, amid the cultural zeitgeist of the restoration of Stormont through the ‘New Decade, New Approach’ Agreement, and, eventually, the COVID-19 pandemic. With the reorientation towards a potential border poll, new focuses aim to test the elements that may shift public opinion and decrease the risk of violence. Prior focus groups betrayed a more robust anti-unification sentiment in unionism and resistance was articulated through the zero-sum dichotomy of British defeat and Irish triumphalism (Todd 2021).

By contrast, Garry et al.’s (2020) research indicates a more civic sense of national identification, with the reasoning for pro-unification views or at least open-mindedness being based upon economic concerns, a desire for movement away from hostility and antagonism, and Brexit. In a ‘one-day citizens assembly,’ attendees were offered presentations and discussions based on two frameworks of unification: full integration versus a devolved system whereby Stormont remains as a functioning body within a Dublin-led state (Garry et al. 2020, 434). The researchers found that opinions, particularly in unionist respondents, shifted from the latter framework into the former as the day went on (Garry et al. 2020). Whilst this did not substantively translate into a visible increase in support for a united Ireland overall, it is clear that focus group engagement made a high proportion of participants aware, seemingly for the first time, that there could be a range of potential frameworks and that specific policy decisions and measures can be a lot more flexible than is often suggested by political leaders in the region. Additionally, EU membership was perceived as a strong advantage of Irish unity, a fact that elucidates the rising salience of the debate as well as the recognition that a re-entering of EU economic frameworks and cultural investment may go some way towards finding a middle ground. Furthermore, the functioning of institutions is important for citizens who are undoubtedly influenced by the failure of Stormont as a legislative

body and exercise in power-sharing (O’Carroll 2022).

This article has considered a multitude of elements that must be reconciled in academia and guaranteed in legislative provision moving forward. Not only has it outlined specific necessary provisions, but it has advocated for a new paradigm in research. Cross-disciplinary frameworks are crucial as exclusively quantitative, political science-focused pieces using quantitative data obscure the identity elements present at a conscious or subconscious level in different communities, and which inform their fears and uncertainties. Whilst inevitably contested and hard to reconcile with narratives held by communities, historical context must be utilised to inform state organisation of cultural events, commemorative occasions, and national holidays. Similarly, a sustained focus at the individual and community level is necessary to elucidate elements in need of active legislation or intellectual investment before a poll can be committed to. Of course, the arguably more isolated environment of a focus group cannot be extended smoothly into a referendum campaign. Misinformation, high tensions, and political action represent some of the additional variables that may be present in this context, a recognition that may be made in any polity but enhanced in the context of an ethnically divided community with legacies of violence. One may view this as the very reason why a sustained, people-led process of investigation and referendum construction is so critical. Informed and holistic frameworks limit any misguided assumptions of political will and limit provocative community figures from misrepresenting discourse or provisional models on offer to voters. These frameworks oblige citizens to take responsibility for reconciliation, encouraging a re-evaluation of one’s own identities, their constituent elements and those of other people. In terms of future study, Garry et al. (2020) suggests that this research must be replicated and continued in the South and in a number of capacities. This could be a new project that assists

legislators and political figures in framing the parameters of future referenda and ensuring a framework that, if implemented, can inform re-evaluations and policy decisions to come.

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RTÉ News. 2022. “RTÉ News Poll suggests Sinn Féin on Course to Be NI’S Largest Party” *RTÉ*. 9 April 2022. Available at: <https://www.rte.ie/news/ni-election-2022/2022/0404/1290214-sinn-fein-widens-gap/>.

Todd, Jennifer. 2021. “Unionism, Identity and Irish Unity: Paradigms, Problems and Paradoxes.” *Irish Studies in International Affairs*, 32(2): 53-77.

Bibliography

- Bryan, Dominic.** 2000. *Orange Parades: The Politics of Ritual, Tradition and Control*. First Edition. London: Pluto Press.
- Cox, W. Harvey.** 1985. “Who Wants a United Ireland?” *Government and Opposition*, 20(1): 29-47.
- Esler, Gavin.** 2021. *How Britain Ends: English Nationalism and the Rebirth of Four Nations*. First Edition. London: Head of Zeus.
- Evershed, Jonathan., and Mary C. Murphy.** 2021. “‘An bhfuil ár lá tagtha?’ Sinn Féin, Special Status and the Politics of Brexit.” *The British Journal of Politics and International Relations*, 24(2): 243-258.
- Garry, John, Brendan O’Leary, John Coakley, James Pow and Lisa Whitten.** 2020. “Public Attitudes to Different Possible Models of a United Ireland: Evidence From a Citizen’s Assembly in Northern Ireland.” *Irish Political Studies*, 35(3): 422-450
- Harvey, Colin.** 2020. “A New and United Ireland?” *International Association of Constitutional Law Blog*. 5 March 2020. Available at: <https://blog-iacl-aicd.org/irish-unification/2020/3/5/a-new-and-united-ireland>.
- Kehoe, Pierce and Luke Dunne.** 2021. “Muralling and Reconciliation in Northern Ireland: The Complex Role of Public Art in Peace Processes.” *Contested Histories* VI. [accessed 19 August 2022]. Available at: <https://contestedhistories.org/wp-content/uploads/Paper-VI-Muralling-and-Reconciliation-in-Northern-Ireland.pdf>.
- O’Connell, Lisa.** 2022. “‘It’s a bit of a circus’: the Northern Irish voters tired of polarised politics.” *The Guardian*. 1 May 2022. Available at: <https://www.theguardian.com/uk-news/2022/may/01/its-a-bit-of-a-circus-the-northern-irish-voters-tired-of-polarised-politics>.

Costa Rica: A Sustainability Success Story or an Incomplete Approach?

GABRIEL GOMEZ assesses the Costa Rican approaches to addressing climate change, arguing for indigenous land rights to be taken into account.

As the effects of climate change shift from future threats to present realities, governments, academics, and activists find themselves in deep discussion about the best ways to prevent the irreversible damage our planet faces (“Climate Change” 2022, 20). Finding solutions to the environmental crisis, however, is a challenging task. These policies often have wider economic and social implications that surpass environmental aspects, intersecting green policy with traditional politics.

In the case of Costa Rica, the government has taken wide-reaching steps to reduce carbon emissions by embarking on a decarbonisation plan which aims for zero emissions by 2050 (“National Decarbonization Plan” 2019). The ambition of Costa Rica’s green policies has been reinforced by the country’s adoption of Sustainable Development (SD) as its economic model in the early 1990s (Miranda, Porras, and Moreno 2004). SD aims to meet the needs of all generations—both present and future—balancing economic growth with environmental policy (“World Commission” 1987). The policies have undoubtedly produced positive results, particularly through reforestation efforts. A deeper analysis of the methods used to reach these objectives, however, reveals inherent social inequalities. By approaching this issue through an environmental lens, this article identifies those disadvantaged communities, assessing the extent to which these SD policies have been truly transformative toward Costa Rican society.

A History of Costa Rica’s Sustainable Development

The beginning of Costa Rica’s legislative emphasis on environmental protection coincided with green movements seen in other countries during the 1970s (Yeo 2020). Early pushes for reform came from environmental activists who argued that human activity had to take natural preservation as its greatest priority (Herrera-Rodríguez 2013). Environmental exploitation through mining and other raw material extraction was already an established practice in Costa Rica; consequently, these activists compromised and adapted, creating national parks. In accounting for both economic development and environmental sustainability, this strategy mirrored tenets of SD a decade before its conception (Dresner 2009).

While environmental protection of national parks promoted ecosystem preservation, disagreements over land agreements between indigenous peoples and environmentalists contributed to social tensions that remain unresolved decades later (Herrera-Rodríguez 2013, 202). For some Costa Rican indigenous communities, the relationship with the land remains a key aspect of their daily lives. For some, its obstruction or disruption amounts to ‘losing a culture and a lifeway...in this way, land rights violations against indigenous peoples are a form of ethnocide’ (Anderson 2015, 10). As this essential aspect of life was taken away from indigenous peoples, the success of SD came at the price of indigenous agency. Furthermore, these

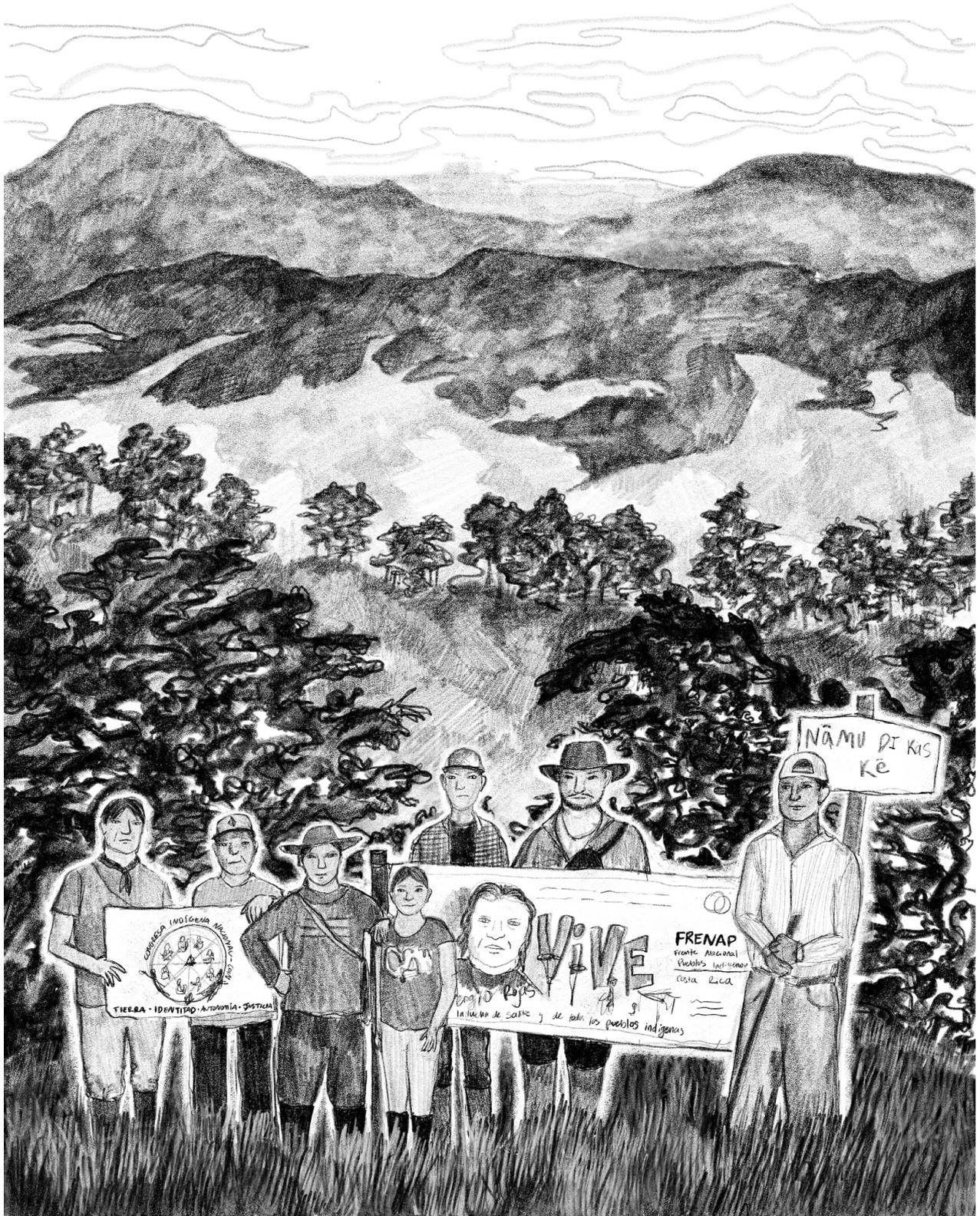


Illustration by Anastassia Kolchanov

reforms would lay the foundations for Costa Rica’s ecotourism industry, a major draw for a sector that employs ten percent of the national population (“Cuenta Satélite de Turismo” 2019; 2020). The tradeoff between infringement of indigenous rights and increasing tourism through the creation of national parks was cemented in Costa Rican SD policy.

Carbon Trading within Carbon Markets: From the International to the Local

The perception of national parks as a sustainable endeavour contrasts with the reality of indigenous people’s decreased agency. Similarly, carbon markets, which have been put forward as another lucrative and transformative approach to tackling

the climate crisis, present issues with laws regarding unequal access to knowledge and outcomes.

Carbon markets take different forms and can be implemented on different scales, but their fundamental principle is allowing entities that emit large amounts of CO² to invest in specific, sustainable projects to avoid fines—and conversely allow subjects with few emissions to sell and trade their unused emission allowance to others (Dresner 2009). In this way, assuming that the projects achieve the goals as intended, companies and states can theoretically maintain, if not increase, their individual emissions so long as they invest in carbon markets accordingly. Iterations of these ideas are called Clean Development Mechanisms (CDMs), which allow states to implement an ‘emission-reduction project’ in developing countries to meet their own emission-reduction targets (“Clean Development” 2022).

Costa Rica is a vocal supporter of these projects and encourages states which may be struggling to meet their emissions targets to invest in the country through CDM projects including hydroelectric, wind, and biomass-oriented developments (Pratt, Rivera, and Sancho 2010). The government has also gone further by implementing carbon markets on a local scale through policies such as Payments for Environmental Services (PES). These policies aim to provide ‘financial recognition by the State... to the owners of forests and forest plantations...that directly affect the protection and improvement of the environment’ (“Payment of Environmental Services” 2018). Praised by supporters of a market-based, green-growth approach for incorporating ecosystem services to the market, PES has been credited with supporting Costa Rica’s deforestation trend reversal in conjunction with international carbon markets (Brenes, et al. 2016). Such a dramatic metamorphosis of the natural environment reinforces the capacity of a developed, multi-level market structure to have positive outcomes on the environment and should be praised.

However, major criticism of carbon markets

tends to centre around the question of agency. As with SD in the case of Costa Rica, vulnerable groups are asked to sacrifice agency for the benefit of the privileged. The Costa Rican government has often been at odds with Indigenous communities regarding the impact of environmental policies on land rights (Anderson 2015). Jose Carlos Morales, a Bribri tribe member and former United Nations representative for indigenous communities, believes that ‘overall, Costa Rica is a happy and law-abiding country, but that does not apply to indigenous groups’ (Anderson 2015, 7). Stripping indigenous communities of land rights negatively impacts their economic self-determination and safety; it impedes their ability to live within their communities and practise their traditions without relying on the very institutions that brought about their displacement.

Additionally, when these programmes have tried to integrate indigenous communities into the carbon markets, conflicting ontological understandings of nature create friction in the process (Wallbott and Florian-Rivero 2018, 511). The Bribri tribe, for example, believes that each aspect of the forest (both tangible and intangible) serves a specific purpose that must be addressed without monetary compensation. As such, ‘the PES approach—with the notion of services as a foreign term—has not been easily comprehensible for these respective tribes.’ (Wallbott and Florian-Rivero 2018, 511). This fundamentally different understanding is at odds with indigenous ‘integration’ into the carbon markets (Wallbott and Florian-Rivero 2018, 511). These occasionally opposing views between indigenous groups and government actors compromises the viability and moral validity of adapting a system seemingly opposed to indigenous values, instead of reforming policy with indigenous voices and values at its heart. This deficit in understanding, a pattern also noticed in non-indigenous circles such as farmers reforesting their lands (Miranda, Porras and Moreno 2004, 25), brings into question the true beneficiaries of the carbon market system in Costa Rica and raises concerns about the

continued exploitation of vulnerable and low-income communities under the guise of ‘sustainability.’

Additionally, Costa Rica’s environmental policies, particularly regarding carbon trading and markets, follow a neoliberal trend in the manner in which they affect communities. They reinforce the existing national and international power hierarchy with low-income, indigenous, and rural communities at the bottom. As the power in question comes from the understanding of the carbon market system, access to this knowledge serves to separate the powerful from the non. Moreover, the impact of these disparities goes further than inequality of knowledge, as it also impacts the financial security, land security, and agency of vulnerable communities in a transition promoted globally as a ‘living Eden’ (“Costa Rica: ‘The Living Eden’” 2019).

Alternative Values and Priorities: Environmental Justice

Because SD should be understood as intrinsically tied to neoliberal, profit-driven ideas, alternative views should ideally place emphasis not on economic growth, but instead on natural preservation and justice (Herrera-Rodríguez 2013, 200). While the field of sustainability discourse is rich in diversity and perspective, for the purposes previously outlined, environmental justice (EJ) presents a strategy not only driven by the necessary action needed to meet scientifically set targets, but one that also holds the ethical targets that a globalised society built on exploitation and inequality should strive to mend.

While SD acknowledges this exploitation to an extent, EJ’s focus is on the understanding of environmental impacts as a social problem. This focuses the agenda on social issues often ignored, tolerated, or exacerbated by SD—most notably, injustices against indigenous communities. From the establishment of the National Parks to the planning of hydroelectric projects, indigenous lands have been sacrificed under the guise of a profitable and

convenient transition (Anderson 2015). Unlike SD, EJ recognises the moral and social concerns that must be resolved in order to create a more sustainable future.

While the social failures of SD in Costa Rica raise concerns over idolising the state’s transition, EJ movements have the potential to make environmentally significant changes across the Global South—which has faced a pattern of environmental exploitation and repressed agency (Harris 2013, 314)—while avoiding the profit-driven SD policies that reinforce inequalities. Thus, indigenous communities can adopt EJ in a ‘broad, integrated, and pluralistic discourse of justice’ (Schlosberg and Carruthers 2010, 12). In doing so, they can propagate ideas that challenge the status quo through a different moral framework that calls into question the desirability of the system that is promoted by powerful actors. Empowering marginalised communities and promoting agency over profit may be the first step in a new, just way of discussing societal transitions in Costa Rica and abroad.

What can we learn?

Agency and inclusivity are key lenses through which we can determine how Costa Rica must improve its environmental policies. Under the current SD approach, marginalised individuals remain excluded from the system, and its neoliberal foundations continue to be at odds with indigenous communities’ concerns. Thus, further efforts must be made to empower indigenous and other marginalised communities when developing policy to ensure a just transformation not only of the environment and the economy, but also of society. Furthermore, spatial considerations must be better addressed in environmental policies; in particular, the various understandings of the relationship between nature and society must be addressed to challenge the current divisive paradigms. Some efforts, such as ongoing projects aimed at changing

the relationship of the urban and natural spaces at local and community levels, are promising. One initiative in a suburb of San Jose promotes green spaces and encourages residents to grow their own plants while incorporating green ideas into aspects of social life (Comin and Cuvillier 2021; Greenfield 2020). Bringing ideas such as this together could empower indigenous groups and build discussions that incorporate their ideas as an alternative to SD.

Overall, Costa Rica must be understood as a country in transition to a just environmental status quo. While transformative changes to society are being attempted, neoliberal forces should not be underestimated in their drive for profit. Moreover, as stated by Costa Rica's Climate Change Department Head, 'Costa Rica is not meant to be a model for everyone' (Salazar 2014). Nonetheless, it can serve as a lesson for the globe. It is important to learn from the mistakes of the 'green tinted glasses approach,' and actually transform our systems rather than merely the ways that we choose to see them.

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Bibliography

Anderson, Michelle. 2015. "Indigenous Land Rights in Costa Rica: The Gendered Experience." *Southern Methodist University, Collection of Engaged Learning*. 66: 1-19.

Brenes, Esteban, Francisco Alpizar, Róger Madrigal-Ballestero, and Juherm Kim. 2016. "Bridging the Policy and Investment Gap for Payment for Ecosystem Services: Learning from the Costa Rican Experience and Roads Ahead". *Technical Report*. Seoul: The Global Green

Growth Institute. Available at: https://www.researchgate.net/publication/311535670_Bridging_the_Policy_and_Investment_Gap_for_Payment_for_Ecosystem_Services_Learning_from_the_Costa_Rican_Experience_and_Roads_Ahead.

"Climate Change 2022: Impacts, Adaptation, and Vulnerability: A Summary for Policymakers." 2022. IPCC. [accessed 30 August 2022]. Available at: <https://www.ipcc.ch/report/ar6/wg2/>.

Comin, Matthieu, and Laurence Cuvillier. 2021. "Le Costa Rica, Champion du Climate." *France 24*. 29 October 2021. Available at: <https://www.france24.com/en/tv-shows/reporters/20211029-costa-rica-a-climate-success-story>.

"Costa Rica: the 'Living Eden' Designing a Template for a Cleaner, Carbon-Free World." 2019. United Nations Environmental Programme. 20 September 2019. Available at: <https://www.unep.org/news-and-stories/story/costa-rica-living-eden-designing-template-cleaner-carbon-free-world>.

"Cuenta Satélite de Turismo." 2019. Instituto Costarricense de Turismo. [accessed 20 August 2022]. Available at: <https://www.bccr.fi.cr/indicadores-economicos/cuenta-sat%C3%A9lite-de-turismo>.

"DIRECCIÓN DE PLANEAMIENTO Y DESARROLLO TURÍSTICO." 2020. *Instituto Costarricense de Turismo*. 30 August 2022. Available at: <https://www.ict.go.cr/es/informacion-institucional/direcci%C3%B3n-de-planeamiento-y-desarrollo-tur%C3%ADstico.html>.

Dresner, Simon. 2009. *The Principles of Sustainability*. London: Taylor & Francis Group.

Greenfield, Patrick. 2020. "'Sweet City': the Costa Rica Suburb that Gave Citizenship to Bees, Plants and Trees." *The Guardian*. 29 April 2020. Available at: <https://www.theguardian.com/environment/2020/apr/29/sweet-city-the-costa-rica-suburb-that-gave-citizenship-to-bees-plants-and-trees-aoe>.

Harris, Paul G. 2013. *Routledge Handbook on Environmental Politics*. Hoboken: Taylor and Francis.

Herrera-Rodríguez, Mauricio. 2013. "Sustainable Development in Costa Rica: A Geographic Critique." *Journal of Latin American Geography*, 12(2): 193-219.

Miranda, Miriam, Ina Porrás, and Mary Luz Moreno. 2004. "The Social Impacts of Carbon Markets in Costa Rica: A Case Study of the Huetar-Norte Region". *International Institute for Environment and Development: Environmental Economics Programme*. London.

"National Decarbonization Plan: Long-Term Low Greenhouse Gas Emission Development Strategies." 2019. Costa Rica Bicentennial Government. United Nations Framework Convention on Climate Change. Available at: <https://unfccc.int/sites/default/files/resource/NationalDecarbonizationPlan.pdf>.

"Payment of Environmental Services." 2018. *Fonafifo*. [accessed 30 August 2022]. Available at: <http://www.fonafifo.go.cr/en/servicios/pago-de-servicios-ambientales/>

Pratt, Lawrence, Luis Rivera, and Francisco Sancho. 2010. "Options for Mitigation of Greenhouse Gas Emissions in

Costa Rica: Towards Carbon Neutrality in 2021”. Study, NEEDS Project – National Economic, Environment and Development Study for Climate Change.

“Report of the World Commission on the Environment and Development: Our Common Future.” 1987. *Brundtland Commission. United Nations.* [accessed 30 August 2022]. Available at: <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>.

Salazar, Milagros. 2014. “Costa Rica Aims For Carbon Neutrality With Payments For Ecosystem Services”. *Ecosystem Marketplace.* 27 January 2014. Available at: <https://www.ecosystemmarketplace.com/articles/costa-rica-aims-for-carbon-neutrality-with-payments-for-ecosystem-services/>.

Schlosberg, David, and David Carruthers. 2010. “Indigenous Struggles, Environmental Justice, and Community Capabilities.” *Global Environmental Politics*, 10(24): 12-35.

“The Clean Development Mechanism”. 2022. *United Nations Framework Convention on Climate Change.* [accessed 30 August 2022]. Available at: <https://unfccc.int/process-and-meetings/the-kyoto-protocol/mechanisms-under-the-kyoto-protocol/the-clean-development-mechanism>.

Wallbott, Linda and Elena M. Florian-Rivero. 2018. “Forests, Rights and Development in Costa Rica: a Political Ecology Perspective on Indigenous Peoples’ *Engagement in REDD+.*” *Conflict, Security & Development*, 18(6): 493-519.

Yeo, Sophie. 2020. “How the Largest Environmental Movement in History was Born”. *BBC.* 22 April 2020. Available at: <https://www.bbc.com/future/article/20200420-earth-day-2020-how-an-environmental-movement-was-born>.

The Weakening of the American Rule of Law as a Product of Political Polarisation in Supreme Court Selections

QUINN FARR analyses the trajectory of the increasingly polarised United States Supreme Court.

It has been the duty of Congress to confirm federal legal officials to the United States Supreme Court since the origin of the United States' institutional framework (Constitution, [2022], article II). Yet, despite longstanding precedent, political influence on judicial bodies has heightened since the start of the millennium. As partisan tensions rise in the aftermath of the January 6 insurrection in 2021, the importance of an independent judiciary—both in perception and in reality—has never been more important for American institutional legitimacy.

The ability to choose and confirm Supreme Court justices is divided between the executive and legislative branches, respectively. However, as politics becomes more polarised, the mixture of safeguarding processes has become irreconcilable. In principle, the choice of Supreme Court nominations represents the highest degree of judicial excellence and, crucially, not political pudence (American Bar Association). The other two branches of the United States government have for the past few decades shown institutional impotence. As a result, politics has diffused into the procedural safeguards, making the Supreme Court the new forum to deliberate political questions such as healthcare, abortion, immigration, and voting rights (Bobellion 2022). Proper procedure for judicial appointments and

decorous appointment hearings have noticeably degenerated. To explore the consequences of heightened politicisation of the Supreme Court, it is necessary to consider why an independent judiciary is necessary and how the deteriorated safeguards around this have destabilised democracy.

The Separation of Powers: An Apolitical Judiciary as a Necessary Feature of Democracy

As the primary guardian of the rule of law in the United States, the judiciary has the role of reviewing government decisions and legislation passed by Congress to ensure it aligns with the US Constitution. Fundamentally, it serves to mediate between other branches of government to interpret and delineate what the law is. Within US judicial philosophy, two interpretive movements dominate the liberal/conservative political divide: living constitutionalism and originalism, respectively (Solum 2019). Originalism adheres to strict textual interpretation, where legal rules are to be interpreted as originally written (Solum 2019). Interpretations not intended in the original rule cannot be extended to accommodate particular bereaved parties in a dispute (Calabresi [2022]). Rather, it is the duty of the legislature to enact further rules that correct or negate the original. This means, for example,



Illustration by Anastassia Kolchanov

that when the Supreme Court interprets protections laid out in the Constitution that did not originally include specific groups, they cannot overextend their interpretation to include those groups as society progresses. To originalists, it is up to Congress to enact a statute or constitutional amendment that extends the remit of the original protection. In contrast, living constitutionalism maintains that rules set out in the Constitution can, in effect, be modernised by judges within the contemporary context. The Constitution is considered a living document that can evolve and adapt to accommodate the modern moment (Coan 2017). For liberals who consider minority rights to be a core feature of their political platform, living constitutionalism matches societal progressivism. Conservatives, hesitant of judicial activism, seek to keep the Supreme Court insulated from modern developments, thus enjoying the limited historical approach that originalism offers (Vermeule 2020). Whilst these philosophies have political associations and preferences, it is vital that the originalist/living constitutionalist debate ultimately remains separate from political ideologies so the law produced by any political majority can be interpreted impartially.

It is therefore of the utmost importance that the judiciary remains apolitical, both in substance and appearance. When political parties begin to characterise appointments and decisions of the Supreme Court as a polarised, political process, it brings the integrity of the judiciary into the erratic political arena. Subsequently, the judiciary loses its stability as a mediator, and the electorate loses trust in its ability to make decisions fairly. Without any branch that is reliable and impartial, the foundations of democracy are destabilised.

Setting Up Politicisation: the Promise to an Electorate

Choosing a candidate for the Supreme Court is at the discretion of the President (US Constitution, art. II). While historically unproblematic, the recent

deficiencies of party politics have made it more difficult for particular agendas to make it through the legislative branch. If the President seeks to resolve issues in the court, this will be reflected in the candidates they choose. The issues at stake, however, are the primary wedge issues that make the legislative branch inefficient. Guaranteeing certain Supreme Court nominations to settle these wedge issues is a recent campaign tactic to increase voter turnout (Ax 2018). Indirectly, using Supreme Court nominations to motivate voters to turn out on partisan issues such as healthcare, abortion, immigration, and voting rights poses a direct threat to the appearance of judicial independence by failing to insulate judicial appointments from popular choice, which is a prerequisite for democratic legitimacy.

The vacancy generated by one Supreme Court Justice is filled by the appointment of another. In recent decades, ‘timing’ retirements in certain Presidential administrations has also contributed to the politicisation of the Supreme Court. This is seen, for example, with the pressuring of Justice Ruth Bader-Ginsberg to retire by former President Barack Obama. Retrospectively, Justice Ginsberg has been assigned blame for failing to retire under a Democrat President. Subsequently, individuals on the Supreme Court are losing their insulation as permanent members on the bench by being subjected to political responsibility to leave at the will of the executive (Dominus, Savage, and Charlie 2020). Coordinating with executive administrations makes retirement a book-ended process which fails to insulate the Supreme Court as an independent branch of government.

Reducing Apolitical Protection: the Removing of Confirmation Safeguards to Avoid Consensus

In the process of becoming a Justice, candidates selected by the President for the Supreme Court are confirmed and scrutinised by the Legislative branch, particularly the Senate Judiciary Committee. Before

a vote is held in the Senate, the Senate Judiciary Committee publicly interrogates candidates on their background, past associations, and legal commentary in televised hearings (Supreme Court Appointment Process 2021). Effectively, the hearings serve as a final opportunity for politicians to comment on complex legal and policy issues before the Supreme Court and to make particular efforts to delegitimise candidates chosen from the opposite party. In tandem with heightened political tensions, the public nature of these hearings has made the judicial confirmation process a forum for politicising the Supreme Court. Typically, Supreme Court candidates are not meant to comment on policy, so this public hearing presents a tricky situation for candidates. The nominating party's partisan associations can place the burden on the candidate to prove their impartiality. Furthermore, the nominating party often 'hard-ball' and 'soft-ball' Supreme Court candidates by the party that nominated them. In the questioning during the confirmation of Justice Amy Coney Barrett, Senator John Kennedy (R-LA) opened his remarks by rephrasing Senator Kamala Harris' (D-CA) (the current Vice President) questions into a series of rapid-fire confirmatory questions: 'Judge, let's try to answer some of Senator Harris' accusations: are you a racist...you're sure? ... Are you against clean air, bright water? ... Do you support science?' (Kennedy 2020). Redirecting legitimate concerns over Barrett's judicial record by the (then-minority) Democrats as easily dismissible straw man arguments made it easier to gain conservative support while losing liberal trust in Barrett's answers. This manoeuvre deployed by the majority party makes it difficult for candidates to be properly scrutinised.

The problematic nature of partisan scrutiny has been compounded over recent decades by reforms to judicial appointment procedure. After a candidate has been scrutinised by the Committee, the nomination is confirmed by a vote in the Senate (Supreme Court Appointment Process 2021). This process has not always been polarised, as plenty of Supreme Court candidates have been confirmed as Justices with

large Senate majorities. For example, as recently as 2010, Justice Elena Kagan was confirmed to the bench with a 63-37 majority in the Senate (Supreme Court Appointment Process 2021). The precedent of Senate consensus originates from a procedural threshold of 60 votes with the additional threat of a filibuster; judicial nominations in previous political eras needed bipartisan legitimacy to be confirmed (Flegenheimer 2017). The heightened polarisation in the Senate in recent decades, however, has weakened the need for any consensus, as political parties have amended the rules to judicial appointment. In a November 2017 vote, the 60-vote threshold and judicial filibuster were removed so that the executive's choices for all federal judicial appointments could be pushed through without consensus (Flegenheimer 2017). This proved devastating for Senate Democrats (who were the minority party); it was not foreseeable to either party at the time that, during the Trump administration, three Supreme Court seats would become available for nomination, which could be pushed through the Senate by a simple 51-vote majority. The legitimacy of these nominations was questioned publicly: Justice Neil Gorsuch's seat (confirmed in 2017) was originally supposed to go to Merrick Garland, Brett Kavanaugh had a nebulous FBI probe into sexual assault allegations, and Amy Coney Barrett was confirmed merely weeks from a federal presidential election (Kar, Bradley, and Mazzone 2016; Kelly 2021; Fandos 2020). Due to the amendments to the rules, however, nominations can be pushed through with simple majorities and little scrutiny. As a product, the legitimacy of confirming Supreme Court justices has become increasingly politically aligned, making long-term independence unsustainable.

Aftermath

In the epilogue of heightened political tensions and lower confirmatory standards, the legitimacy of new Supreme Court officials is jeopardised for both conservatives and liberals. It is plausible,

however, that with periods of adjustment, political controversy over Justices will subside (Little 2020). Nonetheless, it is apparent that the lowering of safeguards correspondingly sent the substantive product that Justices produce, landmark decisions on constitutional rights and government powers, in a downward spiral. Lower standards, by nature, are producing judicial officials who in their qualifications are markedly political yet are admitted to the Bench as a political manoeuvre (Talbot 2022).

The procedural protections have not yet improved; in fact, there is extensive public discourse over the continuing reformulation of appointment procedures so more legal officials under political administrations can be pushed through. As the incoming justice Judge Ketanji Brown Jackson is being confirmed this spring,¹ it is notable, especially to liberals, that her admission to the court will not impact the conservative 6-3 majority. Subsequently, there are questions about expanding membership on the Court and placing term limits (Kapur 2021). These efforts may appear to be in good faith, but in reality, they reflect the shifting standards that are following the appointments of the most important judicial officials in the country.

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Bibliography

Ax, Joseph. 2018. "Exclusive: Vacant Supreme Court Seat Will Likely Influence U.S. Election Turnout, Poll Shows." *Reuters*. 29 June 2018. Available at: <https://www.reuters.com/article/us-usa-court-poll-exclusive/exclusive-vacant-supreme-court-seat-will-likely-influence-u-s-election->

[turnout-poll-shows-idUSKBN1JP393](https://www.reuters.com/article/us-usa-court-poll-exclusive/exclusive-vacant-supreme-court-seat-will-likely-influence-u-s-election-).

Bobelian, Michael. 2022. "Fixing Congress Will Go a Long Way in Resolving Many of the Problems Ailing the Supreme Court." *Forbes*. 25 January 2022. Available at: <https://www.forbes.com/sites/michaelbobelian/2022/01/25/fixing-congress-will-go-a-long-way-in-resolving-many-of-the-problems-ailing-the-supreme-court/?sh=723206d01348>.

Calabresi, Steven. "On Originalism in Constitutional Interpretation." *National Constitution Center*. [accessed 22 August 2022]. Available at: <https://constitutioncenter.org/interactive-constitution/white-papers/on-originalism-in-constitutional-interpretation>.

Coan, Andrew. 2017. "Living Constitutional Theory." *Duke Law Journal*. 66: 99-115. Available at: <https://dlj.law.duke.edu/2017/06/living-constitutional-theory/>.

Dominus, Susan, and Charlie Savage. 2020. "The Quiet 2013 Lunch That Could Have Altered Supreme Court History." *The New York Times*. 25 September 2020. U.S. Available at: <https://www.nytimes.com/2020/09/25/us/politics/rbg-retirement-obama.html>.

Fandos, Nicholas. 2020. "Senate Confirms Barrett, Delivering for Trump and Reshaping the Court." *The New York Times*. 27 October 2020. Available at: <https://www.nytimes.com/2020/10/26/us/politics/senate-confirms-barrett.html>.

Flegenhimer, Matt. 2017. "Senate Republicans Deploy 'Nuclear Option' to Clear Path for Gorsuch." *The New York Times*. 6 April 2017. Available at: <https://www.nytimes.com/2017/04/06/us/politics/neil-gorsuch-supreme-court-senate.html>.

Kapur, Sahil. 2021. "Democrats to Introduce Legislation to Expand Supreme Court from 9 to 13 Justices." *NBC News*. 14 April 2021. Available at: <https://www.nbcnews.com/politics/supreme-court/democrats-introduce-bill-expand-supreme-court-9-13-justices-n1264132>.

Kar, Robin Bradley and Jason Mazzone. 2016. "The Garland Affair: What History and the Constitution Really Say about President Obama's Powers to Appoint a Replacement for Justice Scalia." *NYU Law Review*, 91: 53-114.

Kelly, Kate. 2021. "Details on F.B.I. Inquiry into Kavanaugh Draw Fire from Democrats." *The New York Times*. 22 July 2021. Available at: <https://www.nytimes.com/2021/07/22/us/politics/kavanaugh-fbi-investigation.html>.

Little, Becky. 2020. "Controversial Supreme Court Nominations through History." *History.com*. 13 October 2020. Available at: <https://www.history.com/news/supreme-court-nominations-controversy>.

"Sen. John Kennedy Questions Supreme Court Nominee Amy Coney Barrett." 2020. *PBS NewsHour*. YouTube video. 14 October 2020. Available at: <https://www.youtube.com/watch?v=4qAGICKKHL4>.

Solum, Lawrence B. 2019. "Originalism versus Living Constitutionalism: The Conceptual Structure of the Great Debate." *Northwestern University Law Review*, 113(6): 1243-1296. Available at: <https://doi.org/10.2139/ssrn.3324264>.

¹Associate Justice Ketanji Brown Jackson was successfully confirmed to the US Supreme Court between writing and publication of this issue.

- “Supreme Court Appointment Process: Senate Debate and Confirmation Vote.”** *Congressional Research Service*. 22 February 2021. Available at: <https://crsreports.congress.gov/product/pdf/R/R44234/10>.
- “Supreme Court Evaluation Process.”** *American Bar Association*. [accessed 22 August 2022]. Available at: https://www.americanbar.org/groups/committees/federal_judiciary/ratings/supreme-court-evaluation-process/.
- Talbot, Margaret.** 2022. “Amy Coney Barrett’s Long Game.” *The New Yorker*. 4 February 2022. Available at: <https://www.newyorker.com/magazine/2022/02/14/amy-coney-barretts-long-game>.
- “U.S. Senate: U.S. Senate Roll Call Vote 111th Congress - 2nd Session.”** *United States Senate*. 5 August 2010. Available at: https://www.senate.gov/legislative/LIS/roll_call_votes/vote1112/vote_111_2_00229.htm.
- Vermeule, Adrian.** 2020. “Beyond Originalism.” *The Atlantic*. 31 March 2020. Available at: <https://www.theatlantic.com/ideas/archive/2020/03/common-good-constitutionalism/609037/>.

The False Promise of American Exceptionalism and the Failure of US Foreign Policy

MEGAN GAULD draws from US foreign interventions in Iraq and Vietnam to call the cultural assumption of American exceptionalism into question.



Image: National Archives Catalog | Wikimedia

President Ronald Reagan saluting at the United States Military Academy at West Point during Brigade Review of The Corps of Cadets, October, 1987

In 1999, when asked why most other countries disagree with American policy in Iraq, United States Secretary of State Madeleine Albright said, ‘it is because we are American, we are the indispensable nation, we stand tall—we see further into the future’ (Maynes 1999, 517). This statement eloquently demonstrates the myth of American exceptionalism. The agency of the United States in the affairs of other states is assumed both to exist and to be desirable. The hubris inherent in this position is demonstrated by the historical record of American military intervention in Vietnam and Iraq (Brown 2003, 11). This article will first discuss the tenets of the exceptionalist claim, then tackle its assumption of moral superiority. It will then examine the implications of losing this assumption and the practicality of military force without it. These examinations are done through the lenses of US military interventions in Vietnam and Iraq.

The American exceptionalist myth is normative, and it comes with practical implications. The normative claim is that America is morally and politically superior to other countries because of its values, political system,

and history of democracy (Ceaser 2012, 5). The practical claim is that this normative superiority gives the United States a global mandate to police the world as it sees fit (Rhodes 2021, 71). Both assumptions underlie American foreign policy; crucially, both are, to a significant extent, false. The failure in Vietnam showed this during the Cold War, while the failure in Iraq shows that it holds true in the post-Cold War era.

The claim of moral superiority is erroneous—democracy neither started nor ended with the United States (Manela 2007, 219). American values, namely those in the preamble to the Declaration of Independence regarding liberty, justice, and equality, are in no way uniquely American. Furthermore, they are arguably upheld more authentically elsewhere (Huntington 1966, 406). America's history is not largely different, and is certainly no more honourable, than the histories of various post-colonial nations in Latin America, Africa, and the Caribbean (Manela, 2007). In such a diverse international system, it can hardly be claimed that there is such a thing as the moral superiority of one country over another. Thus, for our purposes, American superiority can better be understood in its practical capacity. The United States is one of the wealthiest nations in the world, and its military is the strongest (“GDP By Country” 2017). It is this strength that underlies the United States' status as a superpower—not the supremacy of American values, democratic institutions, or history.

The falsity of the normative claim has important implications. Prior uses of military force imposing American values and institutions without considering whether this is a viable task has had calamitous consequences for other countries, and its civilians (Brown 2003, 6-7). There is a long list of countries whose experience of American intervention has done extensive damage without meaningful change (Lowenthal 1991, 243). Despite the superiority of conventional American forces, a multitude of complications emerge when troops are tasked with a counter-insurgency mission involving both combat and state-building functions. Such challenges become evident when observing the American experience in both Vietnam and Iraq.

The war in Vietnam was an unmitigated disaster for everyone involved: for Vietnamese civilians in particular, but also for the American army and government. Vietnamese deaths have been estimated at 882,000 in one study and one-to-three-million in another (Hirschman et al. 1995, 9; Lewy 1992, 450). The United States was directly involved in the war from the late 1950s to the early 1970's, and it violently shattered Americans' impression of their military's invincibility (Menand, 2018). It gave a generation of Americans the impression that their country was an imperialist and militaristic power (Ibid). So rattled were American military leaders, politicians, and the public that their collective new aversion to overseas military engagements was labelled 'Vietnam syndrome' (Ibid).

Similarly, in Iraq, the challenges of the military's goals and the military's suitability to achieve them were ignored. Two years after US withdrawal from Iraq in 2011, the ISIS insurgency escalated into a war which lasted until 2017 (Hamasaheed, 2020). At times, ISIS held substantial portions of Iraq's territory, including about 90 percent of Al Anbar Governorate by 2015 (Ibid). Though the conclusion of the war in 2017 left the Iraqi government in control, the country has endured state corruption, a deteriorating economy, and the loss of thousands of civilians in American air strikes (Ibid). Approximately 461,000 civilians were killed between 2003 and 2011 (Hagopian et al. 2013, 10).

The staggering costs of war and occupation in both Vietnam and Iraq gave little opportunity for progress towards democracy or liberalism in these places (Okimoto 2019, 179). The prolonged combat and attempted state-building of the counterinsurgency found limited success. The combat portion failed in Vietnam and took thousands of American soldiers with it (Menand 2018). It succeeded in Iraq in the sense that ISIS was eventually defeated and the American-backed government was restored (Hamasaheed 2020). However, the weakness of that government and the institutions that were built throughout the counterinsurgency as part of the state-building campaign testify to the challenges

faced. Similarly in Vietnam, the weakness of the American-backed government in South Vietnam and the military's inability to consolidate it precluded the establishment of sustainable democracy or of any liberal values at all (Lewy 1992, 318).

The state-building portions of these counterinsurgencies both failed for a reason. The goal of this part of counterinsurgency is winning 'hearts and minds' (a phrase coined in the Vietnam War) and using that trust to build institutions that foster democracy (i.e., state-building) (Gompert et al. 2008, 8). State-building is therefore an inherent, if often-forgotten, part of counterinsurgency (Ibid). Combat is intrinsically counterproductive, even antagonistic, to winning the hearts and minds that are necessary for counterinsurgency to become robust state-building. According to Goran Peic (2021, 1031), foreign military force often begets hostility among the locals, and this hostility often becomes armed insurgency. The problem with military intervention is that it is both foreign and militaristic. As it is, foreign involvement in the internal affairs of a state has historically resulted in distrust among locals (Ibid). An insurmountable advantage held by the Viet Cong was that they had grassroots backing whereas the South Vietnamese government was seen as illegitimate because it was propped up by the United States (Menand 2018). A similar phenomenon occurred in Iraq, where the American presence itself provoked the hostility of many Iraqis (Hagopian et al. 2013, 3). The very nature of military intervention as being both militaristic and foreign is difficult to reconcile with many of the goals of counterinsurgency.

"The very nature of military intervention as being both militaristic and foreign is difficult to reconcile with many of the goals of counterinsurgency."

A risk-averse, combat-oriented, prejudicial culture afflicts the US military, making it unsuited

for counterinsurgency on both the systemic and individual levels. For example, modern American warfare and its precipitous use of targeted drone strikes means thousands of civilians get caught in the crossfire (Walsh 2015, 507). This is not just a tragic part of modern warfare but is rather a specific tenet of the American war strategy. The US military offloads the staggering risk of asymmetric warfare, the use of unfamiliar strategies by local militias fighting conventional forces to offset their military inferiority, onto civilians (Smith 2008, 147). Indiscriminate civilian death in American interventions is not a flaw in the way the US military wages war but a feature of it. This fact influences locals' view of the occupying force, damaging the counterinsurgency campaign and state-building efforts.

These issues permeate the American military from the structural to the individual level. One former service member, Ian Fishback, worked in Iraq as a team leader in the Special Forces during the counterinsurgency campaign (Lam 2017). He encountered an overall lack of will to complete the operations that make a counterinsurgency successful, such as meeting with local Sheiks and other religious and political leaders (Ibid). More combat-heavy missions, on the other hand, were popular among commanders and their forces despite their insignificance to the overall mission (Ibid). Fishback said that many of his compatriots exhibited a mentality that would place them more aptly in an action movie than in a counterinsurgency campaign (Ibid). An attitude placing productive conversations with civilians second to more 'exciting' combat missions is another barrier to the success of military counterinsurgency operations.

United States military culture poses more of a large-scale problem than a general preference for action-heavy missions on an individual level does. Another notable systematic defect in the American military that raises questions about its suitability for intervention in other countries is racism. The Vietnam War was fought at a time of overwhelming

racial strife in the United States, which was reflected in systemic racism in the army throughout the war (Lucks 2014, 2). Assuming that the organisation has over time departed from such prejudices is a mistake. The Associated Press collected testimony from enlistees and officers in all branches that testify to a deeply rooted culture of racism (Stafford 2021). Beyond the organisational inefficiency such prejudice undoubtedly engenders, it is worth asking about the place of a military with such embedded racism in the rebuilding of nations that are predominantly black and brown. State-building is surely doomed to fail if the organisation undertaking it denies the humanity of the people for whom the state is being rebuilt.

The size of the United States' defence budget, which is five percent over the global average of military expenditure versus total government expenditure, means that military intervention is almost always a viable solution (De Luce and Grammar 2018). The moral support found in the claims of American exceptionalism reinforce the decision to resort to military force. However, contrary to those claims, American values and institutions are neither inherently superior nor universally implementable. The deployment of the military to impose them, therefore, is often in vain. These fallacies in American thinking about foreign policy exaggerate the United States' agency in the domestic affairs of other states. Realistically, America's ability to impose American norms and values is limited. Conventional militaries are intrinsically unsuitable for the work of counterinsurgency. Denying this truth has led to the militarisation of American foreign policy in a manner that presents force as the solution to a multitude of problems. This approach to foreign policy has caused devastating and enduring damage across the world and at home.

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Bibliography

- Brown, Seyom.** 2003. *The Illusion of Control: Force and Foreign Policy in the Twenty-First Century*. Washington, DC: Brookings Institution Press.
- Ceaser, James.** 2012. "The Origins and Character of American Exceptionalism." *American Political Thought*, 1(1): 3-28.
- De Luce, Dan and Robbie Grammar.** 2018. "State Department, USAID Face Drastic Budget Cut." *Foreign Policy*. 12 February 2018. Available at: <https://foreignpolicy.com/2018/02/12/state-department-usaid-face-drastic-budget-cut-congress-military-generals-admirals-warn-against-slashing-diplomacy-budget/>.
- "GDP By Country."** 2017. *Worldometer*. [accessed 24 March 2022]. Available at: <https://www.worldometers.info/gdp/gdp-by-country/>.
- Gompert, David et al.** 2008. *War by Other Means—Building Complete and Balanced Capabilities for Counterinsurgency*. Rand Corporation, National Security Research Division. Available at: <https://www.rand.org/pubs/monographs/MG595z2.html>.
- Hagopian, Amy, et al.** 2013. "Mortality in Iraq Associated with the 2003-2011 War and Occupation: Findings from a National Cluster Sample Survey by the University Collaborative Iraq Mortality Study." *PLOS medicine*, 10(10): e1001533-e1001533.
- Hamasaeed, Sarhang and Nada Garrett.** 2020. "Iraq Timeline: Since the 2003 War." *United States Institute of Peace*. 29 May 2020. Available at: <https://www.usip.org/iraq-timeline-2003-war>.
- Hirschman, Charles, Samuel Preston, and Vu Manh Loi.** 1995. "Vietnamese Casualties During the American War: A New Estimate." *Population and Development Review*, 21(4): 783-812.
- Huntington, Samuel.** 1966. "Political Modernization: America vs. Europe." *World Politics*, 18(3): 378-414.
- Lam, Barry.** 2017. "Soldier Philosophers Part 2: The Morality of War." *Slate Magazine: Hi-Phi Nation* (podcast). 7 February 2017. Available at: <https://podcasts.apple.com/us/podcast/soldier-philosophers-part-2-the-morality-of-war/id1190204515?i=1000380897052>.

- Lewy, Guenter.** 1992. *America in Vietnam*. Oxford: Oxford University Press.
- Lowenthal, Abraham.** 1991. *Exporting Democracy: the United States and Latin America*. Baltimore: Johns Hopkins University Press.
- Lucks, Daniel.** 2014. *Selma to Saigon: The Civil Rights Movement and the Vietnam War*. Lexington: University Press of Kentucky.
- Manela, Erez.** 2007. *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism*. Oxford: Oxford University Press.
- Maynes, Charles.** 1999. "US Unilateralism and Its Dangers." *Review of International Studies*, 25(3): 515-518.
- Menand, Louis.** 2018. "What Went Wrong in Vietnam." *The New Yorker*. 19 February 2018. Available at: <https://www.newyorker.com/magazine/2018/02/26/what-went-wrong-in-vietnam>.
- Okimoto, Keiichiro.** 2019. "The Vietnam War and the Development of International Humanitarian Law." In *Asia-Pacific Perspectives on International Humanitarian Law*, edited by Suzannah Linton, Tim McCormack and Sandesh Sivakumaran, 156-179. Cambridge: Cambridge University Press.
- Peic, Goran.** 2021. "Divide and Co-Opt: Private Agendas, Tribal Groups, and Militia Formation in Counterinsurgency Wars." *Studies in Conflict and Terrorism*, 44(12): 1022-1049.
- Rhodes, Ben.** 2021. *After the Fall*. New York: Penguin Random House.
- Smith, Thomas.** 2008. "Protecting Civilians...or Soldiers? Humanitarian Law and the Economy of Risk in Iraq." *International Studies Perspectives*, 9(2): 144-164.
- Stafford, Kat.** 2021. "Deep-rooted racism, discrimination permeate US military." *Associated Press*. 27 May 2021. Available at: <https://apnews.com/article/us-military-racism-discrimination-4e840e0acc7ef07fd635a312d9375413>.
- Walsh, James.** 2015. "Precision Weapons, Civilian Casualties, and Support for the Use of Force: Precision Weapons." *Political Psychology*, 36(5): 507-523.

How Does Right-Wing Radicalisation Take Place Online?

***NATASHA PRENTICE** connects the algorithms that shape our social media experiences with the growing trend of right-wing extremism.*

In 2018, right-wing radicalisation overtook Islamist extremism to become the most common referral to the Prevent Anti-Terror programme in the UK (The Home Office 2019). Since 2016, four far-right groups were also added to the United Kingdom government's list of prescribed terrorist organisations: National Action, Sonnenkrieg Division, Atomwaffen Division, and The Base (Proscribed Terrorist Groups or Organisations 2021). Over the past decade in the United States, 75 percent of the domestic extremist-related killings have been attributed to the extreme right (The Anti-Defamation League 2021). Neil Basu (2021) points out that this can partially be attributed to the fact that individuals are increasingly radicalised online and through social media.

This paper will be split into three sections. The first section discusses filter bubbles and their role in the radicalisation process, using YouTube as a case study. The second section focuses on the website 4chan, exploring the role that anonymity plays in radicalisation. The final section discusses potential solutions for online radicalisation and explores who is responsible for stopping the spread of these ideologies. This article argues that filter bubbles and anonymity limit our agency online, leading to an increased risk of radicalisation.

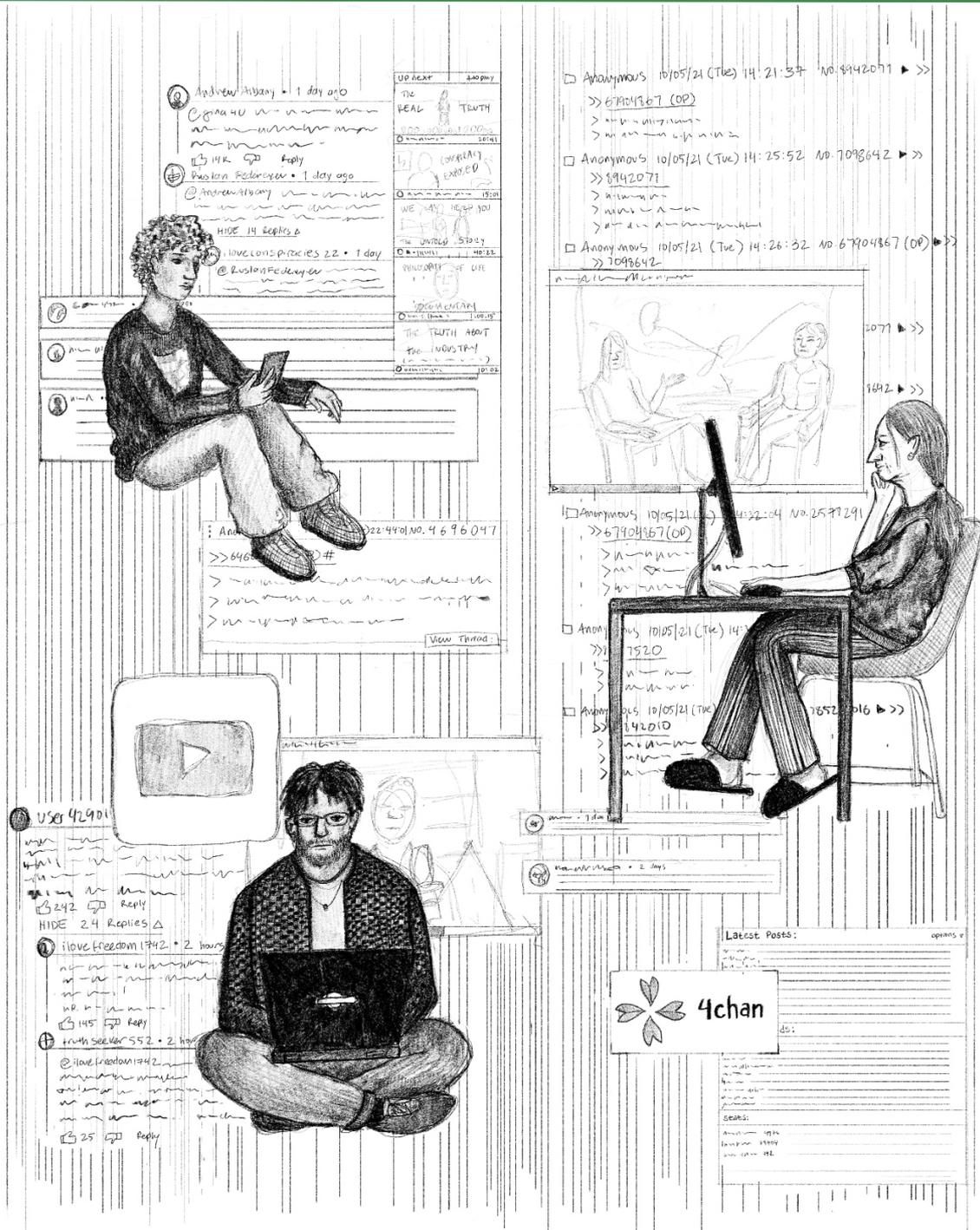
The extreme right will be understood as a broad ideology, with both reactionary and revolutionary justifications for violence. They are exclusionist and favour hierarchy, seeking an 'idealised future that favours a specific group' (National Consortium for the Study of and Response to Terrorism 2018).

Often this group is white, male, Christian, or in other ways representing a historically powerful demographic. I will follow Youngblood's (2020, 2) definition of radicalisation as 'a process in which individuals are destabilised over time by several environmental factors, exposed to extremist ideology, and subsequently reinforced by members of their community.' Increasingly, and in the case of this article, that community is online.

Part I: Filter Bubbles

The term 'filter bubble' is widely traced back to Eli Pariser's 2011 book *The Filter Bubble: What The Internet Is Hiding From You*. The book opens with an anecdote about the British Petroleum oil spill, when Pariser asked two of his friends to search 'BP' online. One saw updates on the oil spill, the other saw investment advertisements for the company. He goes on to theorise that this is due to the algorithmic personalisation used by search engines (Pariser 2011). The filter bubble is not curated directly by the user; rather it is the algorithmically produced result of data from their searches, likes, and comments (Sumpter 2018). In the context of radicalisation, this means that users who stumble upon radical content will automatically see similar content that reinforces radical beliefs (Wolfowicz, Weisburd and Hasisi, 2021). This content pipeline can lead to a 'digital drift' towards crime and radicalisation (Goldsmith and Brewer 2015). However, while there is some evidence suggesting that explicitly searching for radical content on some platforms will lead to similar content being suggested, this is not the case

Illustration: Anastassia Kolchanov



for all platforms (Whittaker et al. 2021).

The YouTube algorithm gained mainstream media attention when The New York Times published an interview with YouTube’s chief product officer Neal Mohan, in which he denied YouTube having any interest in promoting extremist content and argued that balancing free speech with user safety was difficult on such a vast site (Roose 2019). YouTube is the second most visited site on the internet, with two billion users a month. One study of over 80,000 people showed that 27 percent used YouTube for news (Newman et al. 2020). The

algorithm has learnt over time what content will keep people engaged, and in some cases, this leads it to recommend extreme content (Bryant 2020).

While it may not be YouTube’s intention to promote radical content, the algorithm’s design has an impact: many far-right extremists cite YouTube recommendations as having played a key role in their radicalisation (Bryant 2020). A recent study aimed to examine whether users systematically gravitated toward more extreme content and if the algorithm was contributing to this drive (Ribeiro et al. 2019). The study examined three communities:

the ‘intellectual dark web’ (IDW)—academics and media personalities who often discuss controversial topics; the ‘Alt-lite’—right-wing individuals who differentiate themselves from the alt-right through their commitment to civic-nationalism; and the alt-right. The study found that the groups of users commenting on these videos overlapped, as users who initially only commented on milder (less extreme) videos migrated to more extreme content over time. When a manual check of 900 random comments was carried out (300 from each community), only five were identified as criticism of the videos. This uncritical exposure reveals some level of radicalisation due to the platform.

The study showed that YouTube frequently suggests IDW content and alt-lite content. Furthermore, while the simulation did not show any alt-right video recommendations, it did suggest alt-right channels. The analysis of YouTube recommendations did not account for personalisation, revealing a default pathway to extremist content (Ribeiro et al. 2019). While this study does not definitively prove that YouTube’s algorithm causes far-right radicalisation, it does show a concerning pattern. Combining data from actual users and tracking their comments over time, does show a trend of radicalisation; this, paired with the simulations, shows that there is a pathway to extreme content on the site.

Part II: 4chan – Anonymity

4chan is an anonymous image board which was initially created in 2003 for the purpose of sharing Japanese culture and anime (Dewey 2014). Since its creation, it has become known for transgressive humour and minimal moderation. Users are anonymous by default and threads are presented in order of most popular to least popular. One of the most prominent boards is ‘/pol/’ or ‘politically incorrect’. On /pol/ there is a strong consensus towards extreme right-wing ideology such as white supremacy, anti-Semitism, and misogyny—

the far-right is seen as the only credible source of information and trust in mainstream media is extremely low to non-existent (Elley 2021).

Anonymity is central to 4chan, especially on boards such as /pol/ where users post extreme content. The anonymity provided by 4chan can be described as ‘approved anonymity’ (following Horsman 2016)—and while users are anonymous to one another, if they post illegal content, the site will disclose their IP to the police and ban the user.

Anonymity can give users a false sense of agency; when they adopt a group ideology and believe they are part of a community, they may be emboldened to act. In the context of right-wing radicalisation, this could lead to aggression both on and offline. Protection through anonymity leads to disinhibition, deindividuation (a loss of sense of self and social norms), and depersonalisation (Reagle 2015). This often manifests through online aggression, taking the form of ‘raids’ on other sites or bullying other users (Sparby 2017). Anonymity also plays a role in the far-right rhetoric of 4chan, especially on /pol/. Users feel they do not need to conform to social norms such as political correctness (which is the explicit purpose of /pol/). Furthermore, depersonalisation may lead people to adopt the group ideology as their own. Other users cannot trace posts back to their offline identity, so users are free to discuss ideas of white supremacy, ethno-states, and outright Nazism freely (Elley 2021).

The anonymity of 4chan also poses issues for those wishing to study it, as no credible demographic studies exist. While 4chan claims that the site is 70 percent male, mostly aged between eighteen to 34 with a college education, this cannot be confirmed (4chan 2021). Other than anonymity, another potential pitfall of studying 4chan is the culture of satire, which makes it difficult to determine the users’ true beliefs. While the studies cited are robust and appear to understand this, any academic attempt to analyse 4chan and draw solid conclusions is prone to this pitfall.

Part III: Potential Solutions and Conclusion

Online radicalisation is a prominent issue in the age of the internet, with some arguing that social media companies do not take enough responsibility for the content on their platforms (Basu 2021), while others propose that individuals should take action to combat the far right. Moore and Roberts (2021), coming from an anarchist background with an emphasis on community and individual intervention as opposed to state measures, argue for a multi-pronged approach that includes ‘de-platforming,’ counter speech, and deradicalising individuals to re-radicalise them to left-wing ideology.

The first strategy they discuss—deplatforming— involves getting content removed from sites. They point out that social media sites are run for profit, and by threatening this profit (boycotting sites with extremist content), sites will remove extremist content (Moore and Roberts 2021, 200). The second approach they discuss is deradicalising and re-radicalising: they point out that social isolation makes people susceptible to far-right ideology and that individuals should recognise susceptible people, making interventions early on if possible. They see deradicalisation as a form of treatment that is supplemented later with re-radicalisation, which pushes users towards leftism (Moore and Roberts 2021, 196). Another tool they promote is the idea of counterspeech: going into far-right spaces online and posting leftist content (Moore and Roberts 2021, 201). They highlight an example in Twitter’s recent update that prompts users to rethink their slur-filled posts (Moore and Roberts 2021). Moore and Roberts pose interesting ideas which, if implemented in conjunction with technological solutions, could have a significant impact on online radicalisation. However, these ideas would need to be implemented en masse, which might prove difficult.

A more centralised approach to preventing right-wing radicalisation online is another option. Alfano et al. (2018) suggest that to understand and combat radicalisation online, we must distinguish

the different types of ‘technological seduction’ that lead to it. The authors define ‘top-down seduction’ as website design that nudges the user into certain actions by convincing the user that the site structure mirrors the user’s thought process when navigating the choice architecture of the site (Alfano et al. 2018). ‘Bottom-up seduction,’ in contrast, uses location and data—both from the user and from users classed as similar to them—to personalise results. YouTube is therefore an example of successful bottom-up seduction (Alfonso et al. 2018).

For top-down seduction, Alfano et al. (2018) recommend guidelines for news websites that focus on functionality. They point to the standards set out by the International Organization for Standardization, where compliance is voluntary, but the benefits of compliance make it advisable for users to comply (Alano et al. 2018). With regards to bottom-up seduction, they point to the imposition of a ‘time out period for users to reduce path dependence and make users who search radical content reflect on this (Alfano et al. 2018, 305). For example, YouTube now directs users that search ISIS content to videos that question their methods (Holley 2017). However, while these adaptations are simple for large, well-funded companies to implement, smaller companies may struggle. Alfano et al. (2018) suggest tax-funded, open-source algorithms that reflect best practices as one way to help smaller companies and ensure compliance. Both of these solutions aim to give the user the tools to regain their agency that has been diluted through seduction.

While the concept of different types of seduction which lead people to radicalisation is useful, the suggested solutions are questionable. Large companies such as Facebook can struggle to ensure users comply with their terms of service and ensuring compliance on the whole internet seems like an impossible task, especially when many sites are likely to resist. Furthermore, who would set these standards and values that would be built into the internet? Implementing these solutions would take a global effort and cooperation from all sides.

To conclude, both suggested solutions are extremely different from one another. While one offers a ground-up decentralised effort to regulate right-wing radicalisation on the internet, the other calls for a very centralised approach. Although both offer valuable insight and have useful elements, they both seem unrealistic for different reasons. This highlights that there is not one simple solution to the problem of online radicalisation. Due to this and the fact that an increasing number of people have access to the internet—especially in the aftermath of the pandemic—research into online radicalisation is shown to be of particular importance.

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Bibliography

- Alfano, Mark. et al.** 2018. “Technological Seduction and Self-Radicalization”. *Journal of the American Philosophical Association*, 4(3): 298-322.
- Basu, Neil.** 2021. “Learning Lessons from Countering Terrorism: the UK Experience 2017–2020”. *Cambridge Journal of Evidence-Based Policing*, 5: 134-145.
- Bryant, Lauren Valentino.** 2020. “The YouTube Algorithm and the Alt-Right Filter Bubble”. *Open Information Science*, 4: 85–90.
- Dewey, Caitilin.** 2014. “Absolutely everything you need to know to understand 4chan, the internet’s own boogeyman.” *The Washington Post*. 25 September 2014. Available at: <https://www.washingtonpost.com/news/the-intersect/wp/2014/09/25/absolutely-everything-you-need-to-know-to-understand-4chan-the-internets-own-boogeyman/>.
- Elley, Ben.** 2021. “‘The Rebirth of the West Begins with You!’—Self-Improvement as Radicalisation on 4chan”. *Humanities & Social Sciences Communications*, 8(1): 1–10.
- Goldsmith, Andrew and Russell Brewer.** 2015. “Digital Drift and the Criminal Interaction Order”. *Theoretical Criminology*, 19(1): 112–130.
- “Proscribed Terrorist Groups or Organisations”** 2021. Government of the United Kingdom. GOV.UK. 26 November 2021. Available at: <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2/proscribed-terrorist-groups-or-organisations-accessible-version>.
- Holley, Peter.** 2017. “YouTube is Tricking People Who Search for ISIS Videos”. *The Washington Post*. 24 July 2017. Available at: <https://www.washingtonpost.com/news/innovations/wp/2017/07/24/youtube-is-tricking-people-who-search-for-isis-videos/>.
- Horsman, Graeme.** 2016. “The Challenges Surrounding the Regulation of Anonymous Communication Provision in the United Kingdom”. *Computers & Security*, 56: 151-162.
- Moore, Sam and Roberts, Alex.** 2021. *The Post-Internet Far Right*. London: Freedom Press. Available at: <https://issuu.com/dogsectionpress/docs/postinternetfarright>.
- National Consortium for the Study of and Response to Terrorism.** 2018. “PIRUS - Frequently Asked Questions.” National Consortium for the Study of Terrorism and Responses to Terrorism. [accessed August 19 2022]. Available at: <https://www.start.umd.edu/pirus-frequently-asked-questions#q7>.
- Newman, Nic, Fletcher, R., Schulz, A., Andi, S., and Nielsen, R.** 2020. *Reuters Institute Digital News Report, 2020*. [accessed August 19 2022]. Available at: <http://www.digitalnewsreport.org/survey/2020/overview-key-findings-2020/>.
- Ofcom.** 2021. “Adults’ Media Use and Attitudes 2021: Interactive Report”. Ofcom. [accessed August 19 2022]. Available at: <https://www.ofcom.org.uk/research-and-data/media-literacy-research/adults/adults-media-use-and-attitudes/interactive-tool-2021>.
- Pariser, Eli.** 2011. “Beware Online ‘Filter Bubbles’”. *Ted Talks*. March 2011. [accessed August 19 2022]. Available at: https://www.ted.com/talks/eli_pariser_beware_online_filter_bubbles.
- Pariser, Eli.** 2011. *The Filter Bubble: What the Internet is Hiding From You*. London: Penguin Books.
- Reagle, Joseph. M.** 2015. *Reading the Comments: Likers, Haters, and Manipulators at the Bottom of the Web*. Cambridge, Massachusetts: MIT Press.
- Ribeiro, Manoel Horta. et al.** 2019. “Auditing Radicalization Pathways on YouTube”. *Association for Computing Machinery*. 27 January 2020. Available at: <https://dl.acm.org/doi/abs/10.1145/3351095.3372879>.
- Roose, Kevin.** 2019. “YouTube’s Product Chief on Online Radicalization and Algorithmic Rabbit Holes”. *The New York Times*. 29 March 2019. Available at: <https://www.nytimes.com/2019/03/29/technology/youtube-online-extremism.html>.
- Solsman, Joan.** 2018. “Ever Get Caught in an Unexpected Hourlong YouTube Binge? Thank YouTube AI For That”. *CNET*. 10 January 2018. Available at: <https://www.cnet.com/>

news/youtube-ces-2018-neal-mohan/.

Sparby, Erika. M. 2017. "Digital Social Media and Aggression: Memetic Rhetoric in 4chan's Collective Identity". *Computers and Composition*, 45: 85–97.

Sumpter, David. 2018. *Outnumbered: From Facebook and Google to Fake News and Filter-Bubbles: the Algorithms that Control Our Lives*. London: Bloomsbury.

The Anti-Defamation League. 2021. "Murder And Extremism in the United States in 2020". *ADL*. 3 May 2022. Available at: <https://www.adl.org/murder-and-extremism-2020>.

Wolfowicz, Michael, Daniel Weisburd, and Badi Hasisi. 2021. "Examining the Interactive Effects of the Filter Bubble and the Echo Chamber on Radicalization". *Journal of Experimental Criminology*. Available at: <https://doi.org/10.1007/s11292-021-09471-0>.

Youngblood, Mason. 2020. "Extremist Ideology as a Complex Contagion: the Spread of Far-Right Radicalization in the United States Between 2005 and 2017". *Humanities and Social Sciences Communications*, 7(1): 1-10.

4chan. 2022. "Advertise." *4chan.org*. [accessed August 19 2022]. Available at: <http://www.4chan.org/advertise> .

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