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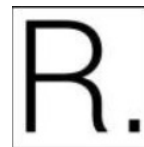
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We are proud to introduce Leviathan's second issue of this year: Atonement.

History, including that of the past several decades, is a box filled with tragedy. For many, these collective tragedies form the cornerstone of national identity; they all demand recognition and satisfaction. In this issue, writers have explored how nations and peoples have dealt with, or failed to address, the wrongs that bind us together. Writers discuss the difficulties of atoning for past wrongs as well as how current turmoil is often fed by unaddressed grievances.

In a piece that strikes at the heart of atonement, Angus Leung explores the difficulties necessarily associated with nation-states apologizing on behalf of individual wrongdoers. Basing his essay on the successes and failures of real state apologies, Leung looks at how the process of reconciliation can be disrupted by individual victims and perpetrators ignoring the official line and rejecting the opportunity for atonement. In our Latin America section, Sofia Caal looks at practical and cultural barriers to reconciliation in Guatemala. Caal details the recent trial of Jose Efraim Rios Montt, former president of Guatemala, for genocide against the Maya Ixil and other indigenous peoples. Highlighting the rampant racism and discrimination faced by the prosecutors during the trial, Caal calls attention to the societal barriers that can prevent recognition of past crimes and true reconciliation.

Conor MacLennan looks at the extent to which the divisions and harms of the past continue to affect the present. MacLennan examines at the legacy of colonial rule in Liberia and how the divisions and prejudices it engendered continue to impact Liberian politics, even though the Americo-Liberians themselves have largely

emigrated. Jacob Milburn explores the ways in which atonement processes often overlook certain issues, particular sexual and gender-based violence. In his look at UN-sponsored reconciliation in Timor Este, Milburn details how institutions have consistently overlooked cases of rape and sexual violence during conflict, denying justice to victims.

In our Europe and Russia section, Guy Stewart discusses the deleterious effects of ignoring or covering up national tragedies in his article on recognition and non-recognition of Francoist crimes during and after the Spanish Civil War. Stewart details how these unaddressed wrongs are bringing old tensions to the surface of Spanish politics now that the Socialist government has decided to face the country's dictatorial past. When unaddressed, past injustices often have echoes in present practices; Rob Bazaral describes how a legacy of discrimination against Haitians is replicated in the modern Dominican Republic through abusive and exploitative labor practices on bateyes. Through a series of interviews, Bazaral lets batey workers speak to their own experiences and frustrations about working in a country that fails to acknowledge or address its legacy of discrimination and abuse.

We hope that this issue will spark and contribute to interesting discussions about forgiveness, redress, and mercy in modern politics. We are also proud to sponsor Retrospect, the University of Edinburgh's History, Classics and Archaeology Magazine. The Executive Committee hopes you enjoy this issue; may it inspire many interesting discussions. Sincere thanks to the entire team of Leviathan that made this issue a possibility, all of our writers, and the publishing and political community in Edinburgh.

The Tables Were Silent and the Cards Untouched: Liberian History and the Ghost of Colonialism

CONOR MACLENNAN recounts the history of the Liberian nation and the failure to atone for the abuses committed in the name of colonial ideology, even after the deposition of the Americo-Liberian ruling class:

Colonisation has formally ended, yet postcolonial states may continue to be stung by the ghost of their former master's whip, through neo-colonialism or continuations of the old imperial structures. Liberia is a unique example of a country which was founded specifically as an alternative to colonial abuses. Founded by African American settlers sent from the United States to establish an independent black republic, Liberia quickly became a colonial state dominated by the same logic as the other Western colonial holdings. This legacy of colonialism continues to dominate Liberian society today, even though the ruling class it was created for effectively no longer exists.

Liberia, as an idea, began in the minds of white abolitionists who, instead of atoning for slavery through societal inclusion of African Americans, sought to banish them to a colonial outpost in Africa. Many advocates of expatriation were concerned that, 'liberated, property-less black men and women would become a burden on society,' after emancipation in the Northern states. Additional support would eventually come from some Southern landowners who wished to preserve racist American institutions through the removal of free African Americans, and thus any political influence they may have. For a significant portion of colonisation advocates, the project was never about atonement, only preserving institutionalised power. For them, colonisation was a cynical political solution designed to halt the political influence of free people of colour, and an open statement that white and black Americans could never co-exist equally.

Eventually, in 1816, the American Colonisation Society (ACS) was founded by private investors and would soon begin sending colonists – mostly Southern freedmen – to the Grain Coast of West Africa. Very few free African Americans or former slaves being conditionally released would actually move to Liberia. The colonisation movement always remained a fringe position in America. Despite the intentions of the ACS to resettle all of the three million African Americans residing in the US at the time, the total number of emigrés never exceeded several thousand. Large swathes of those who did emigrate would die from overwhelmingly hostile conditions; 20 percent of new settlers passed away in their first year. The new Liberian identity would begin as a tiny handful of coastal settlers surrounded by a geography and culture they did not understand.

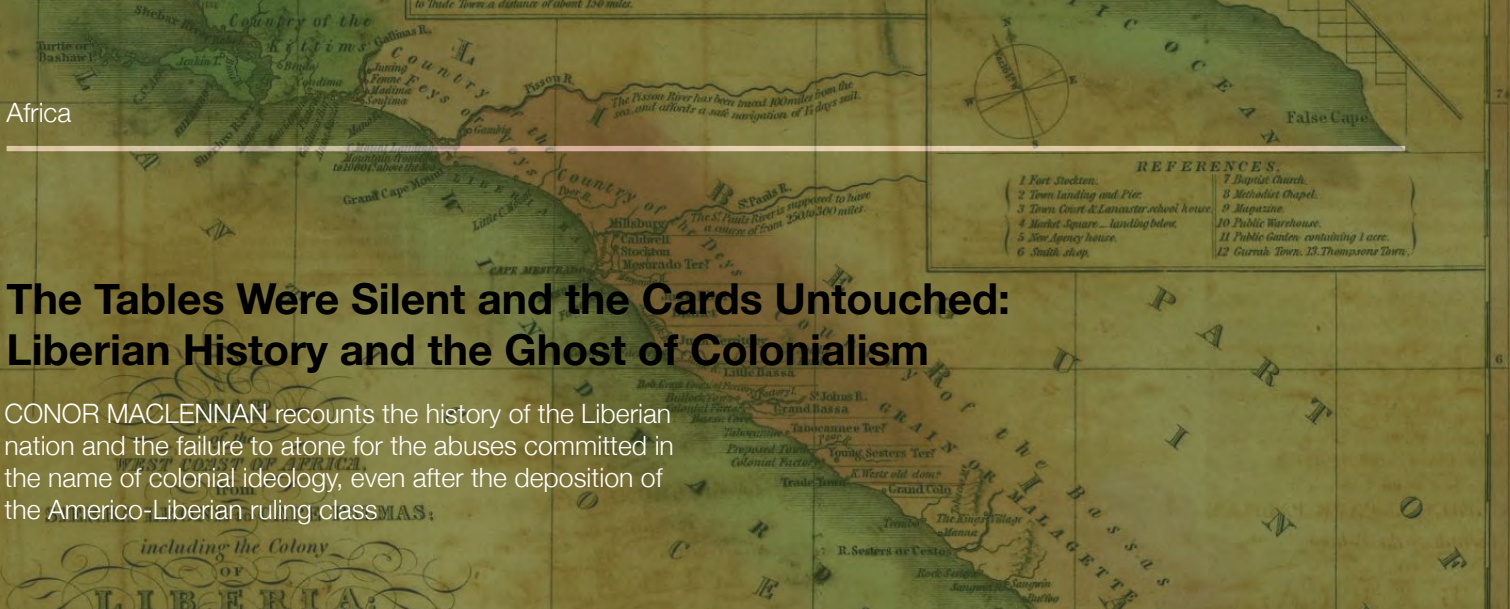
Eventually, the settler elite would gain enough influence over their own affairs from the ACS to form an independent Republic of Liberia in 1847, although settlers would continue to arrive for several more decades. The new republic suffered battles between colonists and native Africans, along with differences of

language, social organisation, and belief systems. The democracy of the state was essentially oligarchic, controlled by an elite class of landowning merchants, and subject only to male landowning settlers. Despite Liberia being a promise of a free black society, it almost immediately fell back on the colonising logic that was used to exploit Africans for centuries.

These oligarchs would eventually consolidate into the True Whig Party (TWP), which ruled the country as an unofficial one-party state from 1878 until 1980. During this period, settler-native relations changed from an isolationist policy to one of indirect rule, inspired by British imperial policy and the encroachment of foreign colonial powers on the 'Liberian' hinterland. This was facilitated by the creation of paramount chieftaincies, which over time derived their power more and more from presidential appointment and the military than any popular legitimacy from their own tribes. The chiefs were responsible for the collection of taxes from the native population, and the army were called in to brutally deal with all who refused to pay. Thus, membership of the Liberian state, allegedly built upon liberty for Africans, was extended to most of the country by force.

Exploitation of indigenous Liberians would soon extend far beyond simple taxation without representation and to the imposition of autocratic local leaders. In the 1920s, to save the economy from bankruptcy, the government leased rubber-producing land cheaply to Firestone Natural Rubber Company and other private investors. In addition to the mass forced transfer of land from the native population to a foreign company, the Liberian state pressed thousands of natives into becoming labourers for Firestone. Many were otherwise coerced into becoming labourers, by means such as the introduction of a hut tax for the hinterland. This proved extremely difficult to pay in a region that possessed little in the way of a cash-based economy. In less than a century, the nation ostensibly created for freed slaves had recreated the institution of slavery, which Liberia's existence was supposed to atone for.

As the economy improved, the gap between settlers and natives would lessen somewhat. The native franchise was greatly expanded from the 1930s to the 1960s, although political control still lay very much in the hands of Monrovia and the TWP. For example, elections in native territory would often be organised to field only a single, TWP candidate. This economic fortune did not last through the 1970s, however, and the True Whig Government would eventually be toppled by a military coup lead by Samuel Doe in 1980, which converted to civilian



government in 1983. The Doe regime proved highly unpopular, and led to Charles Taylor's rebellion of 1989 and the subsequent Liberian Civil Wars, which lasted from 1989 until 2003.

During the conflicts, large swathes of the Americo-Liberian, or Congo, population, as they are often known, would emigrate back to the United States. Having never comprised more than 4 percent of the population, their influence had been utterly shattered. While the True Whig Party still exists, it lacks seats in both the Senate and House of Representatives. Liberia is now a functioning multiparty democracy, with the UN declaring the 2017 elections 'free and fair'. Without the settler ruling class to dominate them, it would seem that the new Liberia may finally be a true union of equals, having finally atoned for nearly two hundred years of colonial rule. However, despite several regime changes and the total collapse of Americo-Liberian hegemony, Liberia is still dominated by colonial classifications and institutions which are often alien to the needs of the native population. For instance, while the term 'native' could be used interchangeably with 'indigenous', this does not exactly reflect the ways in which Liberians use the term. Being 'native' in Liberia is a set of cultural and institutional practices, which are held in contrast to 'civilised practices'. Regardless of ethnic origin, at least in theory, a civilised Liberian is one who performs activities such as attending church, has wage employment, and who is fluent in English. A 'native' associates themselves less with the nation-state and more their own tribal groupings, typically in rural villages, they take part in subsistence farming, and adhere to tribal customs.

While much of the violence seen in Monrovia during the Civil Wars was perceived by Western observers as 'ancient tribal hatreds', much of it was actually carried out by natives towards 'civilised' Liberians in their own group for supposed breaches of tribal custom. This distinction is a reflection of the ruling ideology of the now-deposed settler hegemony, which saw itself as, 'an outpost of Christianity, democracy and Euro-American capitalism on the 'Dark Continent.' Thus, the native-civilised divide, as much as it existed during the colonial intrusion of the 19th Century, essentially consisted of a small but concentrated group of modern settlements surrounded by various tribal villages. Bridging this divide has been something that was extremely difficult for post-TWP Liberian leaders, particularly those of both coups.

This was especially true of Samuel Doe, a young master sergeant with limited education. Doe's rule began with his self-proclamation as the 'liberator of the nation', and a general air of indigenous populism. However, during his rule, he became increasingly paranoid and desperate to be considered civilised, for example, demanding to be referred to as 'Dr. Doe' because of an honorary doctorate received from the University of South Korea. Despite his proclamation of a new national holiday, Redemption Day, and the rewriting of the colonial Constitution of 1848, Doe's paranoia would eventually cause an emulation of the old order. The last days of the Doe government were staffed almost exclusively with Doe's obscure native group, the Krahn, and he was deeply fearful of other groups taking power. His failed attempts to appear 'civilised' merely reinforced the hierarchies his rule was supposed to atone for.

Post-conflict 'civilised' Liberia is still a place where Anglo-American culture is highly-prized and native African culture is frowned upon. According to pan-Africanist journalist

Aaron Sleh, Western surnames are looked upon with a higher level of prestige, leading to many Anglicising their names to appear more civilised. African cultural products are treated with disdain even when they reach cultural prestige in the West, such as with Cameroonian jazz musician Manu Dibango. Civilised Liberians have even been known to go as far as affecting American accents as, 'a mark of education, sophistication and good breeding.' Even where they are not descended from the settler elite, to be civilised in Liberia is to carry on settler elitism in their absence.

The civilised-native dynamic does not simply apply to individual prejudices or interpretations of symbols or culture, but instead actively drives land and local government policy, which remains essentially colonial. In order for aboriginal groups to be granted ownership of their land by the state, they are required to prove themselves sufficiently 'civilised'. It should be noted that many of these groups do not conceive of land ownership as a bought-and-sold commodity, but instead as conferred through lineage. However, in Liberia, 'all undeeded land is public land, including land occupied by 'aboriginal' people.' While aboriginal Liberians are currently allotted a certain amount of land determined as adequate for subsistence by the state, this can theoretically be removed at any time by change in state policy. Native peoples who have worked the same land for longer than the Liberian state has existed can still be evicted on a whim by the Monrovia elite.

Furthermore, the transition to democracy has failed to change and atone for the TWP-created system of colonial tribal governance. While some chiefs at local levels are often elected somewhat democratically, all are subject to state approval and are officially appointed by the state. The higher levels of tribal administration, the District Chiefs and Paramount Chiefs, are not only almost entirely beholden to the state, but are also an artificially constructed category of state administration. This apparatus was first created during the occupation of the Liberian interior and was an emulation of indirect rule by the British Empire. In return for loyalty to the state, chiefs were given a huge degree of power over their subjects, including turning a blind eye to slavery. This served to greatly limit native institutions which would have been able to present a more popular challenge to chiefly power, such as the Poro or Sande secret societies. Even after the Civil Wars, a World Bank report found that arbitrary fines or sentences of forced labour by elders were a serious cause of frustration for young rural Liberians. Overall, the incursion of the nation-state into rural Liberia has made it less, rather than more, democratic.

In conclusion, the nation-state of Liberia is a prime example of a state founded on repeated failures to atone for past crimes. The nation itself was supposedly founded to provide freedom for enslaved Africans from colonialism, yet the project operated under the colonial logic of races being unable to equally mix. The African American settlers themselves became entrenched in colonial discourses of civilisation and then enslaved and colonised themselves. Not even forty years of non-settler rule, two devastating civil wars, and the total destruction of Americo-Liberian hegemony has been able to wipe out the colonial structures the nation was built upon, both within laws and within hearts. The hierarchy remains despite the departure of its ruling class, leading one to wonder for whom it exists for nowadays.

Peace Negotiation with The Taliban and Ambiguous Future for The Afghan Women

LIAQAT ALI HASSANZADAH analyses Afghan women's achievements and ambiguous future in the context of peace negotiations with the Taliban

When Dennis Wholey, an American television show host, asked Hamduallah Mohib, the former Afghan Ambassador to the United States, 'what [would] surprise us?' about Afghanistan, Mohib answered, 'there are more women in parliament than you have in the Congress [...] and four cabinet ministers are women.'¹ World Bank data corroborates Mohib's statement; 28 percent of the parliamentarians in Afghanistan are women, compared to 19 percent in the US.² However, we must question whether these numbers correlate with a positive quality of life for Afghan women. I argue that under no circumstances is this the case, and that the quality of life for Afghan women is incomparable when contrasted to that of women in the US. Although some Afghan women have made great achievements following the collapse of the Taliban regime, the majority of women in Afghanistan have a long way to go towards achieving justice. Furthermore, future peace deals with the Taliban may put women's rights at risk.

First, this essay briefly explains the situation of Afghan women before and under the Taliban regime; a regime I argue is extremist and imposed a false interpretation of Islam, enforcing overly-strict rules of Sharia-Law and banning women from public life and education. Second, I explore the post-Taliban era and the relative improvements it brought for Afghan women in the political, social, and educational spheres. This era was also marked by increased support from international communities. Third, I question the ambiguous future for Afghan women in the wake of peace talks with Taliban insurgent leaders. Finally, I evaluate the current situation for women in Afghanistan, and recommend that women are given a more significant role in the Taliban peace talks and the future of the country more

broadly.

Before the conquering drum of the Taliban overtook Afghanistan's southern province of Kandahar in 1994, women were already marginalised in a conservative, male-dominated society under the control of tribal warlords.³ The Soviet invasion of Afghanistan in 1979, the devastating civil war which followed, and the resultant control of the country by the Taliban regime not only led to gross violations of human rights, but also traumatised and victimised the women and children caught in the crossfires of war.⁴ The Taliban regime took control of the area and implemented a strict and extremist form of religious government. Men were forced to grow their beards, as shaving facial hair was declared a taboo for which men were punished with public lashes.⁵ Almost all education for girls and women was prohibited, and women were banned from being in public if they were not in the company of a close male relative.⁶ These strict and discriminative conditions were disastrous and placed an existential threat on women's autonomy. Hence, the collapse of the Taliban regime in 2001 and establishment of a new government signified a new phase for Afghan society, especially for women

After the Taliban were ousted from power in 2001, a new government supported by the US and its allies was established under the leadership of Hamid Karzai.⁷ This new government raised hopes and created new opportunities. Women who were previously banned from public spheres and prohibited from education under the notorious Taliban regime could now return to work and school. With the aid of the US and international communities, 'schools opened, and women have had the chance to participate in society without wearing burqas [and to] get involved in politics and social activ-

ities.'⁸ The elimination of the Taliban regime signified the start of a new chapter in the history of Afghanistan for its female population.

Women in urban centres were granted basic freedom of movement, no longer required to be accompanied by a male companion. Opportunities for education and jobs for girls and women were also created.⁹ The Karzai regime formally constitutionalised women's rights in 2003. This constitutional reform conferred voting rights to women and the Afghan government adopted a law of prohibiting discrimination against women in 2009.¹⁰ International support for domestic reform played an important role in this societal and political shift towards enhancing women's rights. According to Sadaat, since the beginning of the invasion in 2001 to oust the Taliban, the US spent an estimated \$1.5 billion on improving women's lives in Afghanistan.¹¹ This foreign aid has been important for the promotion of female quality of life in Afghanistan. However, the effectiveness of these endeavours is questionable.

Despite the endeavours of the Afghan government, and its international supporters, to improve the situation for women, there are still huge shortcomings in women's equality in Afghanistan. To this day, Afghan society remains male-dominated, and discrimination against women consists of, but is not limited to, domestic violence, vulgar conduct, workplace sexual abuse, forced marriage, and rape.¹² Further challenges include lack of access to high-quality education, primary healthcare, and feminine hygiene products, especially in the more rural parts of the country.¹³ Despite some progress, these hidden dangers and the cultural code of Afghan conservative society, while not the same in every part of the country, still makes Afghanistan 'the most dangerous country for women', according to an international poll conducted by Reuters.¹⁴ This situation is exacerbated by societal-imposed paternalistic attitudes which make it difficult for women to be free to make their own decisions. Women are often seen as dependent on men, therefore belonging to the inside, private, domestic world.¹⁵ If

women want to explore the outside world or make ambitious decisions, they usually need permission from their father, or whoever else is in charge of the family.¹⁶ The person in charge has to hear a justification for the woman's absence from home, and consider protections from the potential harms posed by the insecurity which she may experience in the public sphere. Notwithstanding, this particular practice is limited to particularly conservative and religious communities,¹⁷ and should not be generalised as the situation for all women and families.

In recent years, many young women and girls have joined the Afghan National Defence and Security Forces (ANDSF).¹⁸ The number of girls and women at universities and higher education institutions has also increased.¹⁹ The modern age of online communication in conjunction with the birth of a free press means that Afghan women have found places to voice their opinions and speak out about the challenges they face. In 2015, the television station known as 'Zan' was established. Zan is run by women to mirror the challenges faced by women and also teaches journalism to women.²⁰ Nasrin Nawa, the director of news programming for Zan TV expressed that, 'we want women to have an active role in politics and society [...] we want to prove [women] have the power to take control and change their lives if they want.'²¹ Afghan women are also starting to play a more active role in the public sphere of society more generally. Both the Afghan ambassador to the US, and Adela Raz, who was recently appointed as permanent representative of Afghanistan to the United Nations, are women.²² On top of this, Sima Samar, the Chairperson of the Afghanistan Independent Human Rights Commission, has been appointed by the UN Secretary-General to a high-level advisory board on conflict mediation.²³ Here, we see that, despite the challenges that Afghan women continue to grapple with, there have been numerous developments in the status and progression of some women in the political sphere. This progress is the result of almost two decades of effort and sacrifice. These

values ought to be preserved and further promoted. Right now, we are at the stage of peace negotiations with the Taliban in which a political settlement is being sought for years-long conflict that Afghanistan has experienced. Therefore, we must ask whether women's rights are being taken as seriously as they should be during these discussions. These peace negotiation efforts with the Taliban have created doubt and ambiguity around what the future looks like for Afghan women.

Almost two decades of the US' 'War on Terror' has not brought the conflict with the Taliban to an end. Military action has not been very effective, nor has it resulted in better security or stability for the region.²⁴ A political settlement would be the ultimate solution to the conflict. Talks between US and Afghan officials have never been as serious as they are now.²⁵ Last year, hopes for a future of peace increased when the Afghan government and the Taliban announced a truce for the three days following Ramadan.²⁶ Last month, Zalmay Khalilzad, the Trump administration's special envoy for Afghan peace, held negotiations lasting six days with the Taliban in Qatar. The Taliban wants the US military to pull out of Afghanistan and cease communications with the Afghan government.²⁷ The Taliban is also undermining the agency of the Afghan government by refusing to negotiate face-to-face with them.²⁸ In theory, everyone has the shared goal of peace. However the question remains as to what cost will peace incur. Considering the radical doctrine of the Taliban and their oppressive history of mistreating women, peace with them could endanger the position of women in the country unless a strong commitment to women's rights and freedoms is agreed upon and guaranteed by powerful international actors. I argue that the positive changes towards freedom and progress that Afghan women are starting to enjoy are increasingly precarious, and that a greater effort must be made to preserve and protect them for the future.

A lack of transparency and the notable absence of the Afghan government has characterised the peace

negotiations and raises serious concerns about whether women's rights will be preserved in the years to come. Today, Afghan women have agency and access to information; they are actively involved in their communities through education, sport, small businesses, music, and politics, and they are looking forward to even greater achievements in the future. According to Rahima Jami, the head of the Afghan Women's Network: 'We don't want a peace that will make the situation worse for women's rights compared to now.'²⁹ Therefore, it is the responsibility of the Afghan government and the international communities involved in negotiations to protect the rights of women. In particular, it is the US government's responsibility to protect the values and freedoms they have invested in for so long. It is also the responsibility of Afghan women to guard their future against any possible deal that endangers their rights and freedoms.

Before the regime, women were victims of war and violence during the civil war and were marginalised in a male-dominated society. During the regime, women and girls were subjugated; banned from public spheres and from accessing basic rights such as education. In contrast, the post-Taliban state created an environment in which women progressed. Women's civil and political rights were constitutionalised, and they gained the right to vote, appear in public, and articulate their own voice. Women are now in a better political position than ever before, working in public office, and engaging in high official ranks within the government. However, countless challenges still exist. Women continue to be victims of domestic violence and sexual abuse, and in the more rural areas they still lack universal access to education. Afghan women are resilient in the face of continuing challenges and hope still exists for future reform. I would argue that male-lead peace negotiations with Taliban leaders should raise serious concerns about the future of Afghan women. Their freedom, achievements and progress will be at stake if not guaranteed by credible international actors and the Afghan gov-

ernment. I recommend that it is everyone's shared responsibility to preserve the freedom and achievements which have been made in recent years, and to safeguard the rights of women in Afghanistan for the future.

Gender and Transitional Justice in Timor-Leste

JACOB MILBURN analyses the transitional justice process in post-conflict Timor Leste and explains why transitional justice mechanisms largely failed to facilitate atonement and deliver justice for victims of sexual and gender-based violence

From 1975 to 1999, the small east Asian nation of Timor-Leste was subject to a brutal military occupation by Indonesia. During this period, the Indonesian military and allied militias committed extensive human rights abuses, including torture, genocide, and extensive sexual and gender-based violence (SGBV).¹ These included reproductive rights violations such as forced contraception, as well as sexual harassment, rape, and forced prostitution.² After the conflict ended in 1999, the United Nations stepped in and established an interim governing body, the UN Transitional Administration in East Timor (UNTAET), which was tasked with keeping the peace, rebuilding the country's institutions, and delivering justice for crimes that had been committed during the conflict.³ To deliver justice most effectively in a post-conflict environment that lacked formal judicial institutions, it established a transitional justice system known as the 'serious crimes process'.⁴

Under this system, there were two transitional justice mechanisms (TJMs) which were designed to work together. Crimes deemed more serious were handled by a TJM established within newly reconstructed formal judicial institutions, an internationalised hybrid tribunal called the Special Panels for Serious Crimes of the Dili District Court.⁵ This tribunal was composed of international and Timorese judges and applied both international and Indonesian domestic law.⁶ It had jurisdiction to prosecute all crimes named in the Rome Statute of the International Criminal Court, specifically crimes against humanity, genocide, war crimes, torture, murder, and sexual offenses.⁷ Crimes considered less serious, meaning any not named in the Rome Statute, were to be handled by a secondary TJM, called the Community Reconciliation Procedures (CRPs), which operated within the informal, traditional justice systems at the local level.⁸ This program was overseen by the Timorese Commission for Reception, Truth and Reconciliation (CAVR).⁹ Ultimately the two TJMs did deliver justice for some victims, but with regard to SGBV, not much was done beyond recognising the existence of SGBV rhetorically. They failed to facilitate atonement for the harm suffered by victims of SGBV and largely failed to deliver justice for these crimes.¹⁰ This article will investigate the question of why the TJMs failed to facilitate atonement and deliver justice for victims of SGBV. Drawing upon feminist approaches, it will be argued that gender hierarchies

within institutions and social structures are primarily to blame for this outcome.¹¹

Feminist theorists have posited that in order to understand the gendered nature of war, and the gendered nature of post-conflict outcomes, it is necessary to understand how gender operates in social structures and institutions in a society before, during, and after conflict.¹² In Timor-Leste, as in other societies, social structures are profoundly gendered, and the public sphere, consisting of the formal economy and political institutions, is a predominantly male space.¹³ This familiar situation of men being overrepresented is the result of entrenched gender hierarchies; value systems which privilege that which is constituted as masculine above that which is constituted as feminine.¹⁴ Definitions of what is masculine and what is feminine may vary over time within a single gender hierarchy or across gender hierarchies, but the common effect that such hierarchies have is that they devalue those who exhibit or are seen to exhibit whichever characteristics or behaviors are constituted as feminine.¹⁵

In Timor-Leste, especially in rural areas where most Timorese women live, the gender hierarchies are produced and reproduced by patriarchal traditions, which reinforce certain characteristics and roles as normal for women and men and privilege the characteristics and roles defined as male above those defined as female.¹⁶ This gender hierarchy empirically produces male dominated institutions since it limits women's economic and educational opportunities.¹⁷ It also leaves women vulnerable to unchecked gender-based violence, since it privileges the experiences of men.¹⁸ Specifically, because the male-dominated informal justice systems tend to listen to and believe men, and either ignore or disbelieve women, the severity of SGBV is played down and in effect, normalised, within Timorese society.¹⁹ Overall, this creates an environment that is permissive to SGBV, which in the context of the conflict, set the stage for SGBV to be almost entirely ignored by monitoring organisations that already viewed it as a marginal issue during wartime.²⁰

Gender hierarchies within the organisations which monitored and reported on human rights violations committed during the conflict in Timor-Leste, including Amnesty International and CAVR, the Timorese-led truth commission, contributed to the failure to prosecute SGBV post-conflict. Amnesty and CAVR, as well as a Timorese women's rights NGO known as FOKUPERS, were all involved in extensive data collection efforts during and after the conflict, attempting to document the human rights violations which occurred during the conflict period. Among other things, they collected data on the non-fatal human rights violations committed in the conflict, including detention, torture, and SGBV.²¹

There are many discrepancies between the datasets produced by the three organisations, which are compared side by side in the Chega Report published by CAVR. However, the differences between the proportion of non-fatal violence recorded as sexually-based are perhaps the most striking. While the FOKUPERS dataset says that 18.4 percent of non-fatal violence was sexu-

ally-based, the CAVR and Amnesty datasets put this figure at just 1.4 percent and 1 percent respectively.²² The Chega Report suggests that these inconsistencies may be related to the fact that CAVR, Amnesty, and FOKUPERS were examining different periods of conflict.²³ However, the report also cautions that there was 'substantial underreporting' of all forms of non-fatal violence in the conflict, and that SGBV was likely especially underreported because of the stigmatisation and fear of retribution that disincentivize victims of SGBV from coming forward.²⁴ Overall, it is fair to say that Amnesty and CAVR likely chronically underreported SGBV in the conflict.

From a feminist standpoint, this underreporting can be explained as a product of gender hierarchies within these organisations. That is, organisations pay more attention to certain nonfatal harms – such as torture and killings – because these are constituted as public and less attention to harms constituted as private – such as sexual violence.²⁵ These gender hierarchies are directly linked to the failure to prosecute SGBV post-conflict because they influence the ways in which data is collected, consequently producing datasets which suggest that SGBV is a negligible aspect of conflict. This in turn sends the message to TJMs, who rely on such data as an authoritative source of information on the conflict, that SGBV exists, but due to under-reporting is seen as small scale and therefore a low priority issue.²⁶

The gender hierarchies within the interim UN administration that governed Timor-Leste in the immediate aftermath of the conflict resulted in SGBV being so marginalised in the legal system that many perpetrators of SGBV escaped prosecution altogether.²⁷ As mentioned previously, the UNTAET administration created a 'serious crimes process' for transitional justice, in which crimes named in the Rome Statute of the ICC were handled by the Special Panels For Serious Crimes of the Dili District Court, while those involving non-Rome Statute crimes, were handled through CRPs.²⁸ Perpetrators of crimes which fell under the ju-

isdiction of the tribunal, including perpetrators of SGBV, were by excluded by law from participating in the CRPs, thus the responsibility for prosecuting sexual offenses fell solely on the tribunal.²⁹

However, the prosecution strategy of the tribunal did not prioritise SGBV, and the panels prosecuted very few cases of SGBV in practice.³⁰ This created an 'impunity gap' between the formal and informal TJMs, since perpetrators of SGBV could not legally participate in the CRPs, yet were such a low priority for the tribunal that very few were prosecuted by it.³¹ At a glance, this impunity gap may seem like an unexpected outcome, given that the UN made strong rhetorical commitments to addressing SGBV before and during the Timorese peace process.³² However, when viewing the case through a feminist lens, the reason for the outcome becomes clear.

As Barnes explains, although there was a rhetorical commitment to addressing SGBV at the top of the UN, within the institutions there was still an entrenched gender hierarchy. This led to resistance to the changes being promised in the rhetoric, to the point where pushes to address SGBV led to internal resistance against the proposed changes and a fallback to old practices.³³ This dynamic could be seen in the UNTAET period in Timor-Leste, as the administration's rhetorical advocacy of gender mainstreaming was not matched by its actions, with the administration empirically paying so little attention to SGBV in the legal system that it allowed most perpetrators of SGBV to escape prosecution altogether.³⁴

Even when the UNTAET tribunal did occasionally prosecute cases of SGBV, the gender hierarchies within the institutions produced judgments that generally did not deliver justice for victims or provide an opportunity for atonement. Of the few special panel judgements on SGBV, most reflected an understanding of SGBV as a private, individual act, de-contextualised from the wider conflict.³⁵ The only case in which the panels handed down a conviction for rape, for instance, was when the defendant was convicted for rape as an 'or-

dinary crime' under the Indonesian Penal Code, rather than as a war crime. This was despite the fact that he was a former militia commander and that the victim was abducted during the conflict.³⁶

Although another panel judgment did recognise rape as a war crime, most portrayed SGBV as an isolated act.³⁷ These judgements provided no opportunity for atonement, because they portrayed SGBV as a crime with individual perpetrators and victims, unlike other war crimes, such as torture and killings, which were seen as part of larger patterns of violence.³⁸ This distinction is key because portraying an act of violence as part of a larger pattern implies that society as a whole must atone for them, since they bear some amount of collective responsibility for the crimes.³⁹ Portraying SGBV as a private phenomenon implies that there is no responsibility beyond a single perpetrator, or group of perpetrators, and creates a false impression of SGBV as a series of isolated crimes perpetrated by a few abhorrent individuals rather than a phenomenon that societal norms have normalised and that society as a whole needs to atone for.⁴⁰ Given that SGBV was already recognised as a war crime under international law when UNTAET established the special panels, and that UNTAET had rhetorically committed to delivering justice for SGBV, the fact that the tribunal prosecuted SGBV this way may seem unexpected.⁴¹ However, from a feminist perspective, it is simply another example of the empirical effect of an institutionalised gender hierarchy.⁴² Specifically, this outcome shows that although promises to address SGBV were bundled into the UN's rhetoric on transitional justice, most officials within the administration, and within the tribunal specifically, seemed to lack a commitment to following through on this promise.⁴³ Empirically, this disconnect resulted in the tribunal sticking to the transitional justice norms of largely ignoring SGBV and, when occasionally addressing it, primarily treating it as a private crime.⁴⁴

Overall, gender hierarchies within social structures and institutions

are the primary reason that transitional justice mechanisms in Timor-Leste failed to deliver justice for victims of SGBV. The normalisation of SGBV within Timorese society created an environment that is, has been, and continues to be permissive to SGBV. During the conflict, monitoring organisations acknowledged SGBV, but significantly underreported it because they conceptualised it as a private crime and devoted far less attention to it than other wartime crimes. After the conflict, UNTAET promised to deliver justice for gender-based violence, but in practice failed to do so because it continued to privilege other war crimes above SGBV in its transitional justice mechanisms. Ultimately, these gender hierarchies marginalised victims of sexual and gender based violence in the legal system, resulting in most perpetrators escaping prosecution and most victims being denied justice.

Caste: A Graded Inequality and Exclusion

NIHARIKA PANDYA argues that untouchability and caste-based discrimination still plagues India, and analyses the ways in which it is practised

From caste-specific matrimonial advertisements to caste-segregated lifts and housing colonies, the casteist idea of 'untouchability' is imbued within Indian society. 'Untouchability' denotes the oppression imposed generation after generation on large sections of the Indian population. To quote Ambedkar, 'the Untouchables can claim none of the advantages of an un-free social order and are left to bear all the disadvantages of a free social order'. Before independence, ideas of untouchability gripped India. Today it takes a subtler form than it did before independence, but 'Untouchables', who comprise 17 percent of the population, still face daily contact-based discrimination. Untouchability stems from notions of purity and impurity, which manifest themselves in society through cultural processes such as marriages, the sharing of food, and religious practices. Before delving into deeper questions of casteism and untouchability, caste needs to be defined first. While caste is not only a Hindu concept, it is inextricably bound to Hinduism. Hindu scriptures are full of statements constructing and defending the caste system within the religious order. The hierarchical varna system divides Hindus into four varnas: the Brahmins, or priests, at the top; followed by Kshatriyas, or warriors; Vaishyas, or merchants; and Shudra, or workers; and finally, the 'Untouchables' rank at the very bottom, below the workers.

Hinduism runs as a thread through the garland of institutions which are preserved by 'upper' caste members of civil society in India. In Ambedkar's words, 'caste is a system of graded inequality in which castes are arranged according to an ascending scale of reverence and a descending scale of contempt.' Caste-based discrimination manifests itself in making material resources inaccessible to lower castes, with the burden

being borne especially by Untouchables. Following the 1955 Abolition of Untouchability Act, practicing untouchability became a punishable offence. However, outlawing untouchability in the public sphere did not signify its annihilation in the private sphere. Caste, and the discrimination that comes along with it, has been culturised, and is now legitimised as cultural difference or as social distinction. Casteist slurs have been normalised in everyday language, with words like *chamar*, *bhangi*, *mahar*, *harijan*, *ghaati*, and *paraiah* becoming commonplace. Each of these refer to lower castes in a derogatory sense, usually with the connotations of being dirty, polluted, or impure. While the Supreme Court has banned the use of some of these words, they are still a part of everyday life. These lower castes have reclaimed their struggle in using the word *Dalit*, meaning broken, to refer to themselves as a community. I will now outline the key ways in which untouchability is practiced in India.

First, matrimonial websites are notorious for casteist discrimination. Marriage is an important means by which caste boundaries are maintained. The idea of honour—*izzat*—is imposed on women, who are seen as objects which uphold family honour. For instance, upper caste women face pressure to marry an appropriate partner, which essentially means they have to marry a fellow upper-caste person. As a result, there is widespread social persecution of inter-caste love and matrimony. Most matrimonial websites allow caste discrimination by filtration. Brahmin-exclusive matrimonial websites also exist. This filtering mechanism is a clear manifestation of caste prejudices and is actively exclusionary towards lower castes. While 'caste no bar' advertisements add up to at least half the matrimonial classifieds in newspapers, most such listings still mention caste, ostensibly in the hope of finding one of their own. Worse, many feel 'caste no bar' candidates have shortcomings or lacunae. People believe marrying within their own caste will maintain family values and purity. For those looking to break out of the pattern, it is an uphill battle for family and societal approval. Many children choose to obey their family's wishes in order to avoid the social conflict of marrying out of their caste.

*'He was like a cup
with a crack running
through it.
Its handle broken
and ready to singe
lips that sip, fingers that
hold.'*

*'Away, wretched Dalit,' the
boss yelled one day,
throwing him out.
Every face in the office now
bears a crack!
-Gulzar*

Second, untouchability manifests itself in domestic spaces. Upper caste people often require lower caste people to carry their own utensils, lest they make their utensils 'impure'. A study on this concluded that 8,591 of the 22,932 upper caste households, or 37 percent, explicitly or implicitly admitted to practising untouchability in one form or another. However, this is not limited to sharing utensils. Upper caste households will not allow their lower caste domestic workers to use their furniture or to make use of in-house seating. They require their lower caste workers to sit on the floor, and sometimes forbid them from using shared lifts. Upper caste housing colonies even have separate toilets and quarters for domestic labour, and systematically exclude them from using spaces for upper caste people. This refusal to share public spaces is an explicitly normalised act of untouchability. Outside of the domestic, Dalits endure segregation in housing, schooling,

and other public spaces. There are reports of Dalit students being made to clean toilets in underfunded public schools because of their caste status. Until recently, in Uthapuram village, caste Hindus had built a 600-metre electrified long wall to prevent Dalits from entering common areas frequented by caste Hindus at night. Crimes against Dalits are rampant, with Dalits being abused and harmed for doing things that are considered appropriate only for upper caste Hindus.

Third, Dalits face manifold discrimination in villages: they cannot wear shoes in higher caste streets, they must drink from separate receptacles, they are not allowed to wear clothes below the knee or above the waist and Untouchable women were historically barred from wearing blouses. They often still cannot cycle through high caste areas, use the drinking water wells frequented by higher castes, or sit on benches in the common areas of the village. Khap Panchayats, which are essentially quasi-judicial bodies that pronounce judgements in villages, pronounce judgements based on traditions and customs. These Khap Panchayats play a big role in maintaining caste order and untouchability in villages. Khap Panchayats often turn a blind eye to abuse meted out to young couples marrying outside of their caste. Either that, or they actively punish such couples. Khap Panchayats are notorious for maintaining patriarchal, casteist, and ableist social structures within villages.

Fourth, given how untouchability is tied with the notion of purity, sanitation jobs are often left to lower caste communities, who are trapped in jobs considered too dirty for upper caste people. Sanitation workers' lives are marred by meagre wages, low job security, and a lack of protective gear, along with the burden of caste. A worker involved in sanitation is never from the 'upper' castes – instead, many Dalits are still trapped doing work that was assigned to them during feudal times: clearing human waste. While the Prohibition of Manual Scavenging Act aims to protect the dignity of those involved in this profession, manual scavenging still exists across India as a hereditary, caste-based occupation, carried out in dangerous environments, leading to hundreds of deaths every year. The workplaces have no toilets or places to rest. 31 percent of workers face health problems such as malaria, paralysis and tuberculo-

sis. Hence, the fact that Dalits perform 'dirty' work is often used as justification for excluding them from schools, water sources, and other employment. Casteist economic exclusion in the workplace is a wider theme. While active discrimination is not allowed in work places, employers can guess at an applicant's caste background and discriminate accordingly. The empirical results show that caste diversity is lacking in the Indian corporate sector: nearly 65 percent of the Indian corporate board members are upper caste.

Fifth, casteism manifests itself in gendered violence. A refusal to touch is not the only way to practice untouchability, which also takes the form of a display of power to discipline those who revolt against hierarchy. Degrading interactions with upper castes are routinised in the lives of Dalit women. This is apparent in the numerous accounts of rapes of Dalit women by upper caste Hindus. The rape cases of Phoolan Devi and of Bhanwari Devi show the imprisonment of untouchability and how it is normalised and defended in India. Phoolan Devi was raped and murdered by upper caste men in 2001. Her case is particularly notable in her life as a dacoit. Even as a woman fighting against social oppression, she could never make up for the vulnerability of being lower caste. Bhanwari Devi was raped at the behest of upper caste men who she had antagonised by trying to prevent an infant marriage from taking place. In her fight for justice afterwards, she was targeted by powerful men, and even the BJP, for bringing a bad name to her state. Rape therefore re-inscribes and re-imprisons Dalit bodies within the caste-untouchability complex, such that they remain scared and stigmatised bodies bearing the marks of a humiliation that is not recognised publicly without meeting great resistance.

Some of the upper caste elite believe that India is heading towards becoming a casteless society. It is considered enough progress that the Abolition of Untouchability Law exists. These contentions come from people speaking from places of power and privilege, highlighting the void in public conscience concerning Dalit struggles. To have distance from the issue of caste is a mark of privilege. In caste-stratified Indian society the real behaviour of upper castes vis-à-vis the 'lower' castes align with the ideals laid out in ancient Brahmanical texts which

continue to be regarded as sacred. These texts continue to provide validation despite their deviance from the constitutional ideal of equality because these people, including castes at the bottom of the scale, would regard themselves as upholding 'tradition.' These upper-caste elites contend that caste is an important Hindu institution that merely needs reform. However, reform is impossible. A corrupt system cannot be changed from within, it needs to be annihilated, along with the mentality that motivates it. This oppressive system cannot be made into a new system centred around the division of labour. To quote Audre Lorde: 'The master's tools will never dismantle the master's house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change.'

A privileged section of society also argues that the caste-based reservation system for admittance to public institutions ought to be done away with. They claim that it was intended to be phased away, and the time has come to embrace a new India and leave behind caste. Unsurprisingly, these people rarely take issue with casteist discrimination, and are unaffected by it in the first place. Upper caste Hindus believe allocation of public institution spots needs to be based on 'merit.' However, this problematic stance still assumes greater merit of upper castes over lower castes. It is important for upper caste Hindus to acknowledge and inform themselves about the struggles that lower caste people face and remove casteism from their language and minds. India will not move forward if most of its population is systematically oppressed and excluded from homes, workplaces, and public institutions. Ambedkar was right in saying, 'the outcaste is a by-product of the caste system. There will be outcastes as long as there are castes. Nothing can emancipate the outcaste except the destruction of the caste system.' There exists a vacuum in public morality when it comes to the mistreatment of Dalits. Virtue has become caste-ridden and morality has become caste-bound. There is no sympathy for the deserving. There is no appreciation of the meritorious. There is no charity to the needy. Caste has destroyed the sense of public charity. Caste has made public opinion impossible. Caste has killed public spirit. It needs to change.

Can Professional Football be a Site for the Atonement of Racism?

LOCHLANN ATACK argues that since professional football is already highly politicised, and since it is extremely popular, it can be politicised to atone for racism by sending strong messages to racist fans; but for this to happen a major governing body's stance must be improved

The actions of eleven people over the course of 90 minutes can determine the mood of thousands, even millions of others. If one person kicks a ball into a goal to win a match, the fans of that person's team will be delighted. If that same person instead kicks that same ball in that same match a metre to the left so that the ball does not go into the goal, the fans of that person's team will not feel differently. More concretely, a 'combined 3.572 billion viewers – more than half of the global population aged four and over,' watched the FIFA World Cup last summer.¹ That's compared to the few hundred players involved in competing in the competition. In 2016, in the U.S. – one of the few countries where football is not the most popular sport – 2.9 million people still watched the Union of European Football Associations (UEFA) Champions League Final.² The English Premier League recently sold television rights for its matches from 2016-2019 with a total value of \$13 billion.³ Stadia around the world are regularly filled with tens of thousands of fans.⁴ All to watch two teams of eleven people play football for 90 minutes. This extremely asymmetric relationship between player and fan gives the former immense power over the latter. Two recent incidents in professional men's European football highlight how this relationship is highly politicised,⁵ and that it has the potential to be politicised with the aim of atoning for acts of racism.

Before exploring this specific form of politicisation in football, however, it is reasonable to ask whether football can be politicised at all. A number of examples seem to clearly illustrate how, in the contemporary world at least, football is highly politicised. For a start, consider the following series of events, recalled by David Runciman:

'...the Qataris bought the club and invested hundreds of millions into it (including the £200 million it cost to buy Neymar, the world's most expensive player). Qatar also bought the TV rights to France's Ligue 1 games for more than

£500 million a year, and Qatar Airways ordered fifty A320 planes made by Airbus at Toulouse. The value of that deal alone for the French economy was in the region of £15 billion.'⁶

As it happened, 2010 was also the year that FIFA was voting on which country would host the 2022 World Cup, and unsurprisingly, the chosen country was Qatar.⁷

Then there is the President of China, Xi Jinping. President Xi is reported a desire for China, 'to qualify for the World Cup, to host the event and, finally, one day to win it.'⁸ This was clearly not a passing remark. The sport is now part of the national curriculum, a high-level governmental working group has been established, and investment has been poured into the fledgling Chinese Super League to attract international stars.⁹ As William Wan points out, President Xi's fixation on improving China's footballing culture is a geopolitical chess-move. Since China's cultural presence in the West struggles to match its economic dominance, President Xi seems to view Chinese success in football as an effective way to rectify this.¹⁰

Consider FC Barcelona, which has a history of defining itself as 'FC Catalonia' – most starkly as a response to General Franco's dictatorship of Spain in the mid-twentieth century.¹¹ The Catalan flag is ubiquitous throughout the club.¹² The captain's armband, for example, is composed of the red and yellow stripes of the flag.¹³ As recently as 2017, the club made headlines for choosing to play a league match behind closed doors in protest of the Spanish government's reaction to the most recent Catalan independence poll.¹⁴

These examples clearly establish that professional football in the modern age is highly politicised, in more or less explicit ways. More specifically, each example shows how professional football can be politicised for particular ends, from the economic to the nationalistic. Given this, there is no obvious reason why foot-

ball cannot be politicised with the end of atoning for universally recognised ethical wrongs. In fact, given that governing bodies of professional football in effect control resources that have vast symbolic influence, and the fact that football is already politicised, such bodies have an obligation to politicise football for such 'ethical' purposes. Indeed, they might argue that they already do this. The rhetoric of UEFA certainly promotes the existence of this obligation with its RESPECT campaign¹⁵. As UEFA President Michel Platini said just five years ago, 'The very fact that it has such a huge public following means that football has a duty to convey values that can help make society more tolerant of diversity. It has to set an example.'¹⁶ However, as two examples of racism in professional European football show, UEFA's present stance is far too naïve and, as a result, is inadequate as a serious example of 'ethical politicisation'.

The first incident highlights that there are disciplinary structures in place, but the strength of

such measures is dependent upon their adherence by officials of the game. The Kalidou Koulibaly incident occurred in late December last year in a Serie A match against Inter Milan in Italy. During the match, Inter Milan fans began racist chants directed at Koulibaly, who was born in France to Senegalese parents.¹⁷ The stadium announcer made multiple announcements during the match, attempting to stop the chanting. Despite this, the chanting continued, as did the match.

Subsequently, Koulibaly, who is a very highly regarded defender known for his composure, became

increasingly aggravated, and made an uncharacteristically rash tackle later on in the match, which saw him sent off.¹⁸ After the match, Koulibaly's manager, Carlo Ancelotti, expressed his support for his player, as well as his disdain for the way the incident was handled.¹⁹ Ancelotti was subsequently vindicated by both the World Players' Union and UEFA, who released a joint statement condemning the racist chanting.²⁰ While applauding the Italian football body's decision to force Inter Milan to play their next two matches behind closed doors, the statement ex-



pressed concern with, 'what appears on the surface to be a failure to respect the widely-recognised three-step anti-racism protocol.'²¹

While the first step – making an instructive announcement – was adhered to, the second – whereby if the racist actions continue, the match is to be temporarily paused – was not. As a result, the referee, in effect, acted as if the racist chanting had stopped, when any observers, even watching on television, were still aware of the continual drone of monkey noises made by Inter fans.²²

The second incident highlights the nebulousness and ubiquity of racism in football. The Raheem Sterling incident occurred in early December last year in a Premier League match against Chelsea in England. When approaching the side line to retrieve the ball for a throw-in, television footage clearly showed a small group in the crowd nearby communicating aggressively towards Sterling, who was born in Jamaica but who moved to England when he was five years old.²³ Though inaudible, the consensus is that the group, and one man in particular, clearly seemed to be shouting vulgar and racist abuse at the player. Sterling, without breaking stride, picked up the ball and walked back towards the pitch. The outcome of the episode was universal praise for how Sterling dealt with the situation, as well as universal condemnation of the identified Chelsea supporters, four of whom were banned from the club, pending further investigation by the Metropolitan Police.²⁴ Given the media attention of the incident, Colin Wing, the most prominent of the banned fans, claims that he lost his job because of the incident.²⁵

Taken together, these incidents create a puzzle for the advancement of 'ethical politicisation' in professional football. Article fourteen of UEFA's Disciplinary Regulations covers 'racism, other discriminatory conduct and propaganda' in six subsections.²⁶ It states that if, 'one or more of a member association or club's supporters [...] insults the human dignity of a person or group of persons on whatever grounds, including skin colour, race, religion or ethnic origin [...] the member association or club responsible is punished with a minimum of a partial stadium closure.'²⁷ 'second offense' results in, 'one match played behind closed doors and a fine of € 50,000,' and, 'any subsequent offence is punished with more than one match behind closed doors, a stadium closure, the forfeiting of a match, the deduction of points and/or disqualification from the competition.'²⁸

Article sixteen states that while, 'host clubs and national associations are responsible for order and

security both inside and around the stadium before, during and after matches,' they are subject to disciplining from UEFA if they can be proven to be negligent with disciplining, inter alia, 'the use of gestures, words, objects or any other means to transmit a provocative message that is not fit for a sports event, particularly provocative messages that are of a political, ideological, religious or offensive nature.'²⁹

At first glance, these regulations might appear appropriate; But the two above incidents highlight how inadequately they combat racism. Firstly, for official regulations that are meant to regulate all spectators of professional European football,

they are strikingly vague: each article is about half of an A4 page in standard font size. Secondly, they seem incoherent. On the one hand, the UEFA delegates have a responsibility to respond appropriately to any incidents, but since the minimum response is a partial stadium closure, there is a clear conflict of interest since it is essentially in a club's financial interest to maximise capacity of their stadium. UEFA regulations further disincentivise clubs from consistent disciplining of racist behaviour by demanding actions that are increasingly financially detrimental. While racist acts like chanting, as in the Koulibaly case, are impossible for clubs to ignore, acts highlighted by the Sterling case remind us that countless racist acts by individuals will go unnoticed unless they happen to be picked up by television cameras.

A racist conversation between a couple of fans, conversations before or after matches, even isolated shouts of racial slurs are all completely unimpeded by UEFA regulations, and are unlikely to be seriously monitored by individual clubs. In fairness to UEFA, it is difficult to see how such racist acts could be regulated. Installing cameras to constantly monitor fans during matches, while unquestionably effective in picking out individual racist acts, is a non-starter; if not due to financial reasons, then due to charges that political correctness is turning stadia into a draconian, panoptic Big Brother.

However, the fact that there is not a ready solution to this issue does not detract from UEFA's naiveté, and consequent hypocrisy in taking an official stance against racism. As the incoherence of its regulations for anti-racist behaviour of fans shows, such a stance is superficial. In this sense, UEFA trivialises the issue of racism in football. While the strictness of UEFA's disciplinary measures is appropriate for enabling serious action in protest of racism, for example cancelling matches or preventing fans from watching them, it has a track record of disciplining players who refuse to play matches because of receiving racist abuse, such as Sulley Muntari in 2017.³⁰ Thus, UEFA does nothing to seriously advance the 'ethical politicisation' of football and prevents it from becoming a site of atonement for racism. We should expect more from one of the most influential governing bodies of the world's most popular sports.

A Very German Affliction

OSCAR BARCLAY-BINNING exposes the historical and psychological roots of the German response to the refugee crisis

‘There is no German identity without Auschwitz’, declared Joachim Gauck in 2015, halfway through his term as German President.¹ As this essay will argue, the truth of these words has been tested by the vociferous and polarised reaction to Chancellor Merkel’s decision to open Germany’s borders to as many Syrian refugees as could make the journey.² Her government’s unsuccessful management of this process, and the resulting surge in support for the far-right, impose the following question:³ when most of Europe settled for caution, why did Germany choose to be bold? This article contends that the answer lies with their sense of national shame surrounding the Holocaust, which compels a powerful minority of Germans to put charity ahead of national interest.

The foundations of this guilt were laid with a series of posters put up by American soldiers across Germany in 1945. These displayed images of viciously murdered Jews with the words ‘These atrocities: your fault!’ above them in German.⁴ British forces aired radio broadcasts in West Germany to reinforce this same message.⁵ Thousands of teachers formerly associated with the Nazi Party in the Soviet-controlled East were dismissed, along with every single lawyer.⁶ If anything, the Soviet occupation did more than the Allies to vilify the Third Reich by sending a new generation of children on mandatory tours of extermination camps.⁷

A book written by the German-Swiss scholar Karl Jaspers in 1947 argues that every German is responsible for part of a collective ‘political guilt’ for the Holocaust.⁸ He writes, ‘it clearly makes sense to hold all citizens of a country liable for the results of actions taken by their state.’⁹ To Jaspers, states that violate human rights cannot then appeal to these rights upon their defeat.¹⁰ However, he holds the Germans and Allies to different standards of conduct, despite maintaining that any violation of human rights on principle is reason enough to refuse the transgressor recognition of their own rights.¹¹ By this facile logic, both Germany and the USSR

would be implicated (for the Holocaust and millions of rapes, 12 respectively), but nothing is said about how Soviets must atone for their crimes.¹³ If we accept this odd thesis for a moment, then the only difference in the position of the USSR and Germany is that one defeated the other. In attempting to explain collective guilt in purely moral terms, Jaspers has instead shown that it resembles the warped logic of emotional abuse: rationalising and justifying the situation so that the individual, who has not necessarily done anything wrong, accepts that they deserve their treatment and adapts their behaviour accordingly.¹⁴ This is not to say Germans should not learn from the monstrous crimes committed by their country under National Socialism, but the intensity of the guilt was amplified by the Allies into something inorganic and ultimately corrosive.

This guilt-ridden outlook is still shared by influential elements of German society, but not by the majority. In 2012, the acclaimed author Bernhard Schlink spoke of ‘Germanness’ as a ‘huge burden.’¹⁵ According to Schlink, many Germans affluent enough to travel attempt to, ‘melt into,’ the cultures of their host countries or identify as simply ‘European.’¹⁶

Moreover, when Berlin officials agreed in 2005 to memorialise the city’s inhabitants who were raped and murdered by the Red Army, they were criticised for distorting the, ‘question of guilt and responsibility for the war.’¹⁷ A Spiegel journalist reporting on this scandal concurrently expressed satisfaction that his adolescent son is mockingly greeted with ‘Heil Hitler’ by his British peers, as he believes this will stop the boy from, ‘escaping history.’¹⁸ However, this intense collective guilt is not actually felt by the average citizen. As of 2015, 58 percent of the population wanted to draw a line under the Holocaust and focus on contemporary issues.¹⁹ Some, formerly confined to the fringes, bitterly decry the treatment of German history as ‘rotten.’²⁰

The ongoing relevance of German guilt

is best seen through the German response to the refugee crisis. In order to understand this, it is necessary to explain the situation which faced Merkel in 2015. In May, months before her decision to open the borders, German police were no longer capable of taking every refugee’s fingerprints.²¹ By July, several states had ruled out an EU-wide solution to the influx of people.²² A leaked government memo indicates that by August, Berlin recognised that Syrians had no intention of leaving Europe.²³ The German border agency announced that, with the number of arrivals in the hundreds of thousands,²⁴ they were incapable of determining everyone’s identities, effectively opening the gates to anybody who could pass themselves off as Syrian.²⁵ Sensing a loophole, the next day Serbian police discovered thousands of discarded passports.²⁶ Following this debacle, classified reports predicted arrival numbers of up to 1.5 million by the end of the year rather than the public figure of 800,000, and foresaw an unbearable strain on the state’s resources.²⁷

The refugees themselves understood the problem: an Afghani man told *The Guardian*, ‘Angela Merkel invited us. But now that we’re here, there’s no sense of order.’²⁸ When Hungary began bussing refugees through Austria, the head of the German Federal Police intended to seal the border as tightly as possible.²⁹ This would not have been unprecedented, as only six months earlier the border was temporarily closed during rioting in Hamburg.³⁰ Instead, on 4 September, he was overruled by Merkel and the way remained open.³¹

Merkel’s decision and its reasons were a far cry from her usual appeals for sobriety and moderation.³² It is quite telling, for instance, that her mind was made up days after the highly-publicised death of the refugee child Alan Kurdi.³³ While Hungary built a wall, Merkel uncharacteristically made ‘Wir schaffen das,’ or ‘We can do it,’ her now infamous mantra.³⁴ Germans saw their Chancellor take on a more emotive, stereotypically maternal role than they were used to.³⁵ Senior government offi-

cials told Merkel stories of volunteers asking how they were to cope with the inflow and received only rebukes in response.³⁶ To one of her most ambitious, hard-line finance ministers³⁷ she said, ‘Those who bear the responsibility of being in government [...] have to provide the people with answers and solutions.’³⁸

The Chancellor was certainly under a huge amount of pressure from the other side of the argument. Prior to Merkel’s pivot in September 2015, the media and opposition parties often referenced the ‘moral imperatives resulting from the Holocaust,’ in order to pressure the government into adopting a progressive refugee policy.³⁹ Moreover, the Chancellor was truly horrified at being compared to the Nazis during the Greek Debt Crisis.⁴⁰ Merkel dismisses all psychological explanations for the far-right and has no sympathy for it at all;⁴¹ according to somebody who has known the Chancellor a long time, the comparison, ‘really did get to her.’⁴² In contrast, the reaction of the international elite to her generosity in 2015 was to proclaim her a hero. She was ‘feted’ at the UN General Assembly,⁴³ and even Bono pitched in, declaring that Merkel had shown, ‘the kind of leadership we haven’t seen on the international stage for a long, long time.’⁴⁴

This negative and positive reinforcement had a remarkable effect on the Chancellor. The famously inscrutable woman began shocking observers with statements like, ‘if Germany can’t show a friendly face in an emergency situation, then it’s not my country.’⁴⁵ When asked by a journalist how it feels to be the face of a friendly Germany, she answered, ‘if you look at our history, that is something of tremendous value.’⁴⁶ Breaking with the past in this way is evidently extremely important to Merkel. Upon finding herself in a position to do so in a climate as public as the refugee crisis, her political style softened, and her actions took on unprecedented vigour.⁴⁷ This was a unique opportunity to transform Germany’s image and potentially atone for the Third Reich. On the

other hand, it is not difficult to imagine the comparisons some would have made had she instead closed the border and dispatched squads of men in uniform to the border to prepare for the worst.

Of course, it would have been impossible for the Chancellor to make such a controversial decision had she and mainstream Germany been of totally different minds. In 2017, Open Migration identified five groupings of opinion on the refugee issue. A combined 35 percent of the population opposed resettling refugees in Germany, while the remaining 55 percent were in favour to varying degrees.⁴⁸ Of this 55 percent, 22 percent were ‘liberal cosmopolitans,’ who are overwhelmingly positive about immigration and tended to occupy urban centres.⁴⁹ 20 percent were ‘economic pragmatists,’ generally wealthier than the average Germans, and the third pro-refugee bloc represented ‘humanitarian sceptics.’⁵⁰ These ‘sceptics’ were highly educated voters, though many were relatively poor, and they tended to be over 60 years old.⁵¹ As the post-war generation, this group views accepting refugees as a moral obligation,⁵² but it is important to note that their support for the sceptic and pragmatist blocs was contingent on the process being temporary.⁵³ Although migration was not a campaign issue,⁵⁴ the parties that enthusiastically supported opening the borders in the 2018 election won a combined 91.2 percent of seats.⁵⁵ The remaining 8.8 percent went to the conservative CSU.⁵⁶ However, as the Bavarian sister to Merkel’s CDU and therefore in a perpetual de-facto coalition with this larger, more moderate relative, the CSU is quite limited in terms of national influence.⁵⁷

What this meant was that when the refugee crisis arrived in 2015, the 35 percent of the population who opposed Merkel’s approach on this crucial issue had minimal representation at the political level. With the support of the Bundestag, and the full awareness that the refugees had no intention of going home,⁵⁸ the Chancellor decided to open the German borders. Given how little migration as an issue featured

in the election prior to the outbreak of the refugee crisis,⁵⁹ it is difficult to see what mandate there was to take such a radical step. This was initially supported by 55 percent of the public, including those older voters concerned with Germany’s moral obligations,⁶⁰ but over half of this support hinged on the situation being temporary.⁶¹ The Chancellor, being privy to her own government’s memos, had no reason to believe it would be.⁶² With Merkel as its figurehead,⁶³ the German political class exposed their country to a situation they knew it was unable to properly cope with,⁶⁴ and refused to be transparent about the scale of the crisis.⁶⁵ Dissenters, like the CSU leader Horst Seehofer, were actively ignored or shut out of the decision-making process by the Chancellor.⁶⁶

As a result of the ensuing disarray, the main parties of the centre are at their lowest ebb, and the far-right has entered the Bundestag for the first time in the post-war era.⁶⁷ The average German is fairly liberal, and certainly a humanitarian,⁶⁸ but they were all unprepared for their leaders to foist upon them a crisis borne of their own burdened conscience.⁶⁹ The absolutism of Merkel’s approach to the refugee crisis feeds into a false dichotomy of either all or nothing, polarising the discourse and lending credibility to a style of politics which, for better or worse, threatens to pull Europe in a radically new direction.⁷⁰ If there is to be anything salvaged from this situation, it will be proof that President Gauck was wrong. If Germans are to strike a necessary balance between defending their national interests and conducting a humanitarian foreign policy, it is clear they must settle on a national identity which does not forget the legacy of the Third Reich but is no longer ruled by it. Most Germans do endorse this vision⁷¹ but it remains to be seen whether the problems of this decade will provide the impetus needed to make it a reality.

Spain's Unspoken Truth: The Permanence of Fascist Corpses

GUY STEWART argues that Francoist politics and oppression have continued to live on in Spain.

Marcel Mauri's assertion that, 'supporting self-determination is also supporting democracy in Spain,' is a pertinent analysis of Spain's deep-rooted political controversies.¹ Mauri, a member of *Omnium Cultural*, a Catalan political and cultural association, made this statement in reference to the infamous independence referendum that remains at the forefront of Spanish politics despite taking place almost two years ago.² While other members of the European Union battle with the nascent success of populism, the Spanish reality of far-right ideologies and political oppression has been the norm since the commencement of Francisco Franco's dictatorship in 1939. The Catalan issue certainly reared its head in world news recently in 2017, but this represents merely one erupting symptom of the social-political climate that has been present in Spain for some time now. Denial, silence, and an unwillingness to combat political contention have allowed for the persistence of fascist Francoist ideology and of the trauma which was caused by Franco's violent and perennial dictatorship. Sufficient atonement for this tainted period is yet to be acknowledged, let alone enacted, by Spain in the 21st Century.

The nature of Franco's politics is widely contested, and many question whether it can be labelled as fascist in the first place.³ Arguably, fascism is the most appropriate descriptor, though it must be acknowledged that many aspects of the *Caudillo's* regime were not in-line with other instances of fascism in Europe, such as Hitler and Mussolini.⁴ Specifically, the institutional makeup of the regime was not based on a single leading fascist government.⁵ Most policy came directly from Franco and his military rule, while the Catholic Church had control over education.⁶ However, it is argued that denoting it as 'Francoism', rather than fascism, is problematic, reflecting many of the self-inflating propaganda schemes employed by the regime in order to legitimise Franco's rule.⁷ Furthermore, Franco's brutal authoritarianism,

which compromised individual liberty, is akin to other fascist dictatorships.

During his rule, the 'Spanish lifestyle acquired signs of a collective nightmare,' where, 'no one trusted his neighbour [...], ensuring a retreat into the domestic sphere, breaking down social solidarities.'⁸ The regime's tight grip on society was an important foundation of the social atmosphere which remained well after Franco's death. Not only was violence monopolised by the state, evident in the brutality of the military and police, but so too public memory was monopolised and dictated by the state propaganda apparatus.⁹ With an aim of manipulating public memory, Franco repressed the trauma and remembrance of his victims, as well as any subjectivity in the accounts of the role the government played during the Spanish Civil War;¹⁰ He denied the public an opportunity for bereavement and closure.

The end of Franco's dictatorship is what sets it apart from others, and is key to understanding why his sins have not been atoned for. While most authoritarian dictatorships burnout or self-destruct, the Spanish paradigm is different. Franco's regime, which lasted for almost 40 years, underwent self-reform and self-motivated transformation.¹¹ This meant that the new model could not be constructed against Francoists, as they were themselves playing an intrinsic role within the government's transition.¹² Such tension and fear of reliving the instability of the 1930s was rife, and thus all political decisions being made were aimed at reducing the potential for any conflict. The most obvious example was the 'Pact of Forgetting' and 'Pact of Silence', political agreements that effectively launched the country into a state of denial.¹³ It was decided that atonement for victims of the dictatorship would have been too controversial. As such, national silence meant no opportunity to mourn publicly or symbolically denounce the regime.¹⁴

If we consider that the regime manipulated public memory, can the 'Pact of Si-

lence' be an understandable resolution? It is doubtful; Franco may have been able to censor expression of memory and trauma, but it very much endured on the individual level. This is most vivid in the Catalan culture of the '1970s generation'. The literary construction of the Catalan identity allowed for the processing of the collective trauma experienced by the Catalan community through a collective memory.¹⁵ But the 'Pact of Silence' meant that these attitudes were not reflected politically and the Catalan appetite for justice was denied through the formal guise of the Amnesty Law of 1977, which gave impunity to those who committed crimes against humanity in the name of Franco.¹⁶

Until 2007, Spain saw a succession of governments that feared 'opening old wounds', and so propagated an environment devoid of atonement.¹⁷ When the socialist party PSOE proposed a bill that instigated the creation of the Historical Memory Law in 2007, it seemed that the period of silence and repression was over.¹⁸ Unfortunately, the law is what many would refer to these days as a 'virtue signal'. Although it did include pension schemes for victims of the Spanish Civil War and Franco's regime, it was marred by the narrative of avoiding 'opening old wounds', instead focusing on revealing truths without the intention of serving justice.¹⁹

This narrative of an unwillingness to face past horrors and recognise the need for justice permeates many of the attempts to atone for Franco's oppression. The Historical Memory Law admitted that Francoist symbolism and memory had been unjustly allowed to remain public.²⁰ Statues of the 'Caudillo' were finally removed, like the seven-metre bronze equine statue in Madrid.²¹ Still, however, this shred of atonement was shrouded in fear of causing distress, as it was removed in the early hours of the morning and not publicised until after the fact.²² This did not prevent fascist groups from protesting by projecting an image of the dictator near where

the statue had stood,²³ effectively permitting a victory of Franco's memory.

Franco's own corpse lays untouched in his mausoleum at Valle de los Caídos and, though Sánchez's current government has promised its removal,²⁴ it has been yet another opportunity for Franco supporters to prove that fascist sympathy is alive and kicking. The promise motivated thousands of protestors to gather at the Valley chanting 'Don't touch the Valley' and other fascist rhetoric.²⁵ Sympathy for Franco runs deeper than even these large-scale protests suggest; a 2008 study from the Spanish Centre for Sociological Research found that nearly 60 percent of respondents believed that Franco did 'both good and bad things' for the country.²⁶ Any legal attempts to atone for the dictatorship's atrocities have also met controversy. Judge Baltasar Garzón was suspended from judicial activity for investigating Francoist war crimes in 2010, following a lawsuit launched by the conservative union *Manos Limpias*, which cited the unconscionable Amnesty Law.²⁷

Thus, it is hardly surprising that a society that has not atoned for past crimes, and as such has not had the chance to learn from them, is now witnessing a resurgence in fascist politics. Since Mariano Rajoy, Spain's former Prime Minister from 2011 to 2018 and member of the People's Party, was ousted by a vote of no confidence following a corruption scandal, the People's Party is now under the leadership of Pablo Casado.²⁸ Casado has not shied away from controversy, having publicly engaged in revisionist history, claiming that, 'we didn't colonise [...] what we did was achieve a greater Spain.'²⁹ The shift to the far right in such a major party is as worrying as the development of smaller far-right groups. The Vox Party in Andalucía has also seen successes, in a region that has historically been predominantly socialist, with its regional leader, Francisco Serrano, having spoken of women being, 'too unattractive to be gang-raped.'³⁰ Parties such as Vox achieving victories will only push

popular parties further to the right in a battle for power. This is evident in recent policy reforms that have further marginalised minority groups, like the removal of funding for 'non-health-based surgeries'; rhetoric used to disguise a transphobic distrust towards gender reassignment surgeries.³¹ Prominent right-wing personality David Duke of the Ku Klux Klan has said he is, 'thrilled by [the success] of Vox and prospects of the 'reconquista,' while academics like Berta Barbet of the Autonomous University of Barcelona believe that such vehemently right-wing attitudes have always been present but are only now being politically articulated.³² Once again these opinions confirm that Spain's inability to atone for, or process, the horrors of Franco's dictatorship has allowed for the endurance of his politics.

There is hope yet, and it is the Catalan community that has shown particular defiance to the rise in fascist ideology. The independence referendum of 2017, orchestrated by Carles Puigdemont, resulted in 92 percent support for full autonomy.³³ It was deemed illegal as it contradicted the Spanish Democratic Constitution of 1978, which states the, 'indissoluble unity of the Spanish nation.'³⁴ However, Rajoy's government displayed equally questionable behaviour, launching cyber-attacks and the closure of polling stations through physical force.³⁵ The authoritarian nature of the Spanish government's reaction to the referendum is highly reminiscent of Franco's violent rule and the brutality of 'Los Grises', his regime's police force. The attempted repression of the vote was also accompanied by police brutality, with 893 Catalan voters seeking medical attention.³⁶ But it was the conviction displayed by Maria Molina that captured the media's attention. Appearing on front pages with a bloodied face, it was revealed that despite being aggressively attacked by Spanish police, she returned later in the day to vote at another polling station. She represented some 43 percent of the Catalan

population who made it through the chaos to exercise their right to vote against Spanish repression of political freedom.³⁷

There is an argument that Puigdemont knew Rajoy's government had the ability to overrule the referendum, thus he may have assumed its failure before the vote even took place.³⁸ Regardless, it was an opportunity to reveal the willingness of the Spanish government to repress the Catalan identity, exposing the permanence of Francoist attitudes. While the politicians implicated in the vote, such as Puigdemont, remain behind bars as political prisoners,³⁹ their battle is being fought in Spanish courtrooms and in the streets. In the heart of Barcelona, the 200,000 people who protested for their ability to exercise self-determination is what spurred Marcel Mauri to make his statement reaffirming that Spanish democracy is in a fragile state.⁴⁰ Disregarding arguments for Catalan independence, the revisionist political reactions of the Spanish government confirm that Spain is far from atoning for Franco's damaging rule.

The Catalan people's act of self-determination is a perfect example of policy that should have been permitted in the process of democratisation after Franco's dictatorship. Atonement has not taken the appropriate shape in Spain because of the decision to silence victims of the regime, and the attempts to minimise Francoism only upsetting a political group that should have long been resigned to the dust instead of actively denouncing it. The passing of time and repression of reality has not healed the deep wounds of over 40 years ago.⁴¹ Arguably, if Spanish society is to see successful unity both politically and nationally, the 'transition' needs to be rethought. Proper atonement would see justice for Franco's crimes and public denunciation of the poor decisions made prior to his death.

Genocide in Guatemala: is there a way for conciliation?

SOFIA CAAL argues that in light of the inherent racism and elitism that divides Guatemalan society, as evidenced by the trial of former president, Ríos Montt, Guatemala is not ready to face the truth of the genocide of 1982

In 2013, the highly contentious trial of the former Guatemalan de facto president, General José Efraín Ríos Montt, was not only the first of its kind, but brought the deeply embedded divisions present within Guatemalan society to the forefront of the region's political discourse. By recognising that a genocide had indeed taken place during Ríos Montt's rule in 1982-83, the trial and the subsequent conviction were lauded by the international community. At home, the reaction was considerably more mixed. The trial was the culmination of years of work by the Maya Ixil indigenous community and their collaborators, and it meant that the crimes committed against this community during the years of the conflict had finally been recognised. However, the business elite, the military, and the government itself in Guatemala worried that the results of the trial could set off a domino effect of convictions against the political elite, given their role as collaborators during the armed conflict. As such, they did everything possible to obstruct the trial and launched a smear campaign against anyone directly involved. The verdict was effectively annulled only ten days later.

Beyond its immediate implications, the trial brought to light the racial and class divisions that continue to define the Guatemalan socio-political context. It is such divisions which have continuously prevented the Mayan community from achieving justice for the crimes committed against them by the Guatemalan government throughout the armed conflict in the 1980s. It might appear evident why the financial elite and the government fought vehemently against the trial and verdict. However, the reasons why Guatemalan society as a whole became equally torn about the trial is less obvious. It is therefore worth focusing on the causes behind this reaction and what implications these might have on the possibilities of the Mayan community ever getting justice.

The Guatemalan armed conflict (1960-96) is generally understood to have begun as a result of the Central Intelligence Agency (CIA)-backed coup in 1954 against socialist president Jacobo Arbenz. Like other armed conflicts in Latin America, it was fought between the state and guerrilla forces, with the latter taking on different names throughout the years. Throughout this period, the government and the military engaged in increasingly escalated counterinsurgency operations, initially staging mass disappearances. This culminated in systematic killings and rapes through a 'scorched earth' policy under the presidency of Ríos Montt, particularly aimed at the indigenous populations of the northwestern Ixil region. The conflict came to an end in 1996 with the signing of peace accords. That same year, the Law of National Reconciliation was passed by the Congress, granting impunity to participants in the war, yet explicitly excluding the crimes of genocide, torture, and crimes against humanity. In 1999, the Commission for Historical Clarification (CEH), sponsored by the UN, found that throughout the conflict, 200,000 people had been killed, 45,000 forcibly 'disappeared,' and over a million displaced. Most significantly, the CEH concluded that genocide had indeed been committed against the Mayan popula-

tions of the northwestern regions, specifically during the regime of Ríos Montt in 1982-83.

However, only two months after the presentation of the CEH report, a national referendum intending to ratify the 1996 peace accords failed, fundamentally limiting reforms and granting further immunity to members of the government and the military. Over the years there have been several organised efforts towards bringing some of the culprits to justice, yet these initiatives have only achieved limited success. It is within such circumstances that Ríos Montt's trial, and his eventual conviction for the crimes of genocide and crimes against humanity, represented a historical victory for indigenous rights and marked the, 'first time a former head of state was prosecuted in a domestic court for the crime of genocide.' This was in spite of numerous attempts at obstruction by his legal team and a smear campaign launched by former members of the military through the Foundation Against Terrorism (FCT), as well as the business elite represented through the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF), in addition to prominent politicians and scholars. However, the continued efforts by the opposition eventually succeeded, and only ten days after the verdict had been handed down, The Constitutional Court (CC) nullified part of the proceedings and effectively vetoed the verdict. While the trial was returned to the earlier proceedings, it continued to encounter multiple obstacles. These emerged legally, but also by Ríos Montt being diagnosed with dementia and becoming unable to attend the proceedings. No conviction was achieved before his death on 1 April 2018.

The Ríos Montt trial reveals the multi-layered obstacles that the Mayan population of Guatemala continues to encounter when it comes to achieving recognition and justice for the crimes committed against them. Most evidently, racism continues to be deeply embedded within Guatemalan society. This is primarily a legacy from the Spanish colonial period. Its ramifications are observable not only in the context of the genocide, but in the low representation and unequal treatment of Mayans in governmental organisation and society itself, and even throughout the trial proceedings.

During the armed conflict, the Government's counterinsurgency strategies relied on the characterisation of the Mayan population as 'the internal enemy'. This discourse was easily established amongst a society in which the indigenous populations and cultures have historically been considered inferior. By framing the Mayan populations as an 'Indian threat', the state was able to pursue its radical counterinsurgency campaign with 'social impunity'; that is, with the knowledge that its actions would not encounter any active opposition from the powerful members of Guatemalan society. The military also made a point of using natural elements and names in their operations that were symbolically important to Mayan culture. For example, the military operation carried out in the region of Quiché was named 'Operation Xibalba', which means 'hell' in K'iche, the language of that particular Mayan group. By doing this, indigenous culture was instrumentally used against the Maya themselves in order to intensify the impact of the violence.

Even within contemporary Guatemalan society, racism continues to be salient. At the governmental level, the state institutions in charge of human rights and indigenous rights — Procuraduría de los Derechos Humanos (PDH) and Defensoría de los Derechos de los Pueblos Indígenas (DDPI), respectively — are severely underfunded. Moreover, despite claiming to

promote multiculturalism, Mayans only represent a small percentage of the workers in PDH and many of the mixed ladino functionaries remain untrained in indigenous rights issues.

The racial dynamics in Guatemala are further complicated by the spectrum of self-identification and the divisions between criollos (Guatemalans of direct White/European descent), ladinos (of mixed Mayan and White/European descent), and Mayans. In addition, ladinos who tend to emphasise their European blood also frequently make distinctions among themselves depending on skin colour, financial status, and associated factors such as education and cultural pastimes. The impact of these racial distinctions is well illustrated by the fact that during the first days of the Ríos Montt trial, the restrooms in the Supreme Court were locked and the Mayan witnesses were directed to use portable toilets placed outside the building. After complaints of discrimination the practice was officially ceased, however, one of the scholars at the court observed that the bathrooms remained locked several times after that.

Regional differences also affect the dynamics within the Mayan community and perception of the genocide. Indeed, during the conflict, the army actively recruited officers from the Eastern part of the country, where ladinos form the majority of the population and the Mayan groups have experienced forced assimilation, leading them to largely discard their Mayan culture and traditions. Furthermore, Guatemalans (whether Maya or Ladino) who were not directly affected by the mass killings do not always accept the fact that genocide occurred. Some Ladinos go so far as to believe that the armed conflict and the guerrillas were invented by the army in order to both control and eliminate the Maya populations. Mayans, for their part, tend to refer to a 'larger history of oppression' by the Spanish, ladinos, and Americans, and thus for them the instances of large-scale violence do not particularly stand out.

Such perspectives might appear unrealistic for a country as small as Guatemala, but they might be partly explained through two main factors. First, the eastern region is home to most of the farms and lands (fincas) of the business elite that have historically exploited and oppressed the Mayan population in this region, and this explains the Mayan assimilation towards a more ladino culture. It is precisely this business elite, as represented by CACIF, which has continuously denied the genocide out of fear that its recognition could result in future convictions for its own members. Second, as previously mentioned, violence is incredibly common in everyday Guatemala, which for many makes the idea of collective violence harder to grasp: 'violence is something that happens and has happened since anyone can remember: memories of horrific events are not informed by events specific to a war, but are instead part of a larger continuum of ethnic tensions and inevitable historical conflicts.'

Nevertheless, even attempts to build a complete picture of the socio-political circumstances in Guatemala, such as this, inevitably fall short. As shown already, framing the tensions surrounding the genocide as a purely racial conflict overlooks the fact that many Mayans also refuse to believe that a genocide did happen, and some have even one-sidedly accepted apologies on behalf of the entire Mayan community. Indeed, even those from the Ixil region, where the genocide took place, struggle to reconcile with the idea that the very military who sought to destroy them also placed some of them in 'model villages' and allowed them to continue living a limited life.

The very concept of reconciliation is one that is flawed in the

context of a Guatemala which has never even achieved conciliation. It is interesting to observe that the Guatemalan government has never truly offered any justification for the massacres, instead branding them as 'excesses' that occurred within the circumstances of the armed conflict. The Guatemalan state, led by its elite, seems set on emphasising a narrative of multiculturalism, one that frames the killings as sacrifices for the nation and that erases race. This narrative conveniently allows the state and the elite to leave behind the idea of genocide and to maintain the hierarchical status quo without addressing racial divisions.

As for the implications of Ríos Montt's trial, scholarship has remained divided. On the one hand, some have argued that the success of the smear campaign and pressure by CACIF and FCT in reverting the trial to before the verdict represents a 'terrible rollback' for human rights and the goal of justice for the victims of genocide in Guatemala. However, others remain hopeful. The trial allowed victims of the violence during the conflict to testify, empowering them by giving them a voice. This is important not only for personal reconciliation, but also because participating in a judicial proceeding is an assertion of their right to citizenship, particularly in the context of a crime that actively sought to deprive them of that right. Moreover, even though the verdict was effectively annulled due to external pressure and obstructive methods, its original success showed that the prosecution office (MP) is capable of carrying out an effective investigation, and that the judicial branch is, albeit slowly, gaining a position where it is able to pursue crimes against humanity more effectively. Finally, the initial conviction shows that, despite setbacks, there is potential in Guatemala to bring such crimes to justice. However, as long as the aforementioned societal and hierarchical divisions remain, Guatemala may not achieve this success in the near future.

Who is the Real Victim of the US-Mexico Bilateral Relationship? / Mexico: US's Political Piñata

MARCO ANTONIO GARCIA MENDEZ analyzes the historical and cultural relationship between Mexico and the US, and the implications of its notable imbalances

The Mexico-USA bilateral relationship is known for its intense history, complex multiculturalism, and a status quo marked by both harmony and tension. It can be tempting to judge the content of history based on the accepted norms of cultural and political power, as sometimes showcased by Hollywood – especially when it comes to Mexico. For Mexicans, there is a perspective that is not difficult to find within their Republic and which is radically different than the American one: The United States has been a difficult neighbor, almost always overbearing and rarely cooperative. Despite repeated American political and military attacks towards its southern neighbor, Mexico's continuing commitment to resolve problems of the bilateral relationship diplomatically and peacefully has raised the question of whether the USA owes its southern neighbor atonement. It is impossible to answer such a question without properly contextualizing the historical and economical bilateral relationship these two nations share.

The imbalances of the historical relationship between the two

nations can be clearly discerned in The Mexican-American War of the 1840s. This war left a historical trauma amongst Mexicans that still has a visible scar after almost 200 years of building a bilateral relationship. To the dismay of Mexicans, and to the surprise of the international community, the current American president tore that scar wide open again. President Donald Trump's unsparing rhetoric and actions during his administration towards Mexico and Mexicans alike have led many in the United States and his political base to misconstrue the realities of his country's bond with Mexico. This could arguably lead to a point where his rhetoric threatens to undermine 200 years of relative peace between the two nations, a period which very few countries in the world can claim. Since the election of President Trump, political figures in Mexico have raised the possibility of a change in attitude towards the United States due to the renewal of historical grievances.

Mexico lost more than half its territory in a war waged by the United States during the 1840s. It is important to remember that Mexico was arguably the first victim of a modernised American imperialism, which many nations claim to be more recent victims of. Indeed, the conflict between Mexico and the United States had all the characteristics of a war fueled by imperialistic idiosyncrasies and propaganda. The United States, tied to the idea of 'Manifest Destiny', carried out an attack against Mexico when the latter refused to sell or cede the northern territories of Mexico at that time. Ironically, what President Trump and his base dread is exactly what happened to Mexicans just two centuries earlier: Mexico had allowed massive American immigration into its northern states up to the point where immigrants – paraphrasing Trump – literally 'took over' the place.

Portrayals of an extremely unbalanced bilateral relationship with Mexico – where the United States is the injured party – are fueled by President Trump and his supporters by passionately decrying the damages performed by Mexico upon their nation. In the eyes of much of the wider political community, however, these are simply contradictions of history and of political realities. It is important to 'reconquer' the facts to demonstrate the political magnitude and contemporary impact of the Mexican-American War. The war was launched and promoted by President James K. Polk, who deemed Mexicans 'inferior'. Such ideas have unfortunately continued into contemporary discourse, represented in Trump's frequent attacks on Mexican immigrants in the United States. Over 13,000 American soldiers died in the war – the number of Mexican deaths was much greater both in absolute and relative terms. To add insult to injury, Mexico – with its capital, customs stations, and ports occupied by American soldiers – was forced to sign the Treaty of Guadalupe Hidalgo in 1848, giving up over half its territory. The size of the lost territory should not be underestimated; in terms of scale, 24 European countries (including the United Kingdom and Germany) fit inside the lost Mexican territory. The war was so traumatic that it became the basis of the Mexican national anthem. It also launched a firm sentiment of nationalism across the republic, which is still felt today when talking about the US-Mexico relationship.

Interestingly, upon closer observation it is evident that it is not only Mexicans who hold some degree of indignation over the Mexican American War. It is surprising to observe American historical figures condemning the incident as well. It was Ulysses S. Grant, then a young army officer during the war, who wrote in this memoirs: 'I do not think there was ever a more wicked war

than the one waged by the United States on Mexico.' He maintained that the bitterness and bloodshed that came with the Civil War was God's punishment for America's sins. Many important American figures agreed with Grant – Abraham Lincoln labeled Polk's supporters, 'a band of murderers and demons from hell,' that were, 'permitted to kill men, women and children.'

It is also worth noting that subsequent American interests in the region arguably postponed democracy in Mexico for about 90 years. After the Mexican-American War, Mexico was remarkably conciliatory – they supported the Union in the American Civil War and welcomed American investment to the point where US investment in Mexico was greater than all of the other investor countries combined. What followed was a landmark in Mexican history: the ascension of the country's first democratically elected president, Francisco I. Madero, to the US's displeasure. Madero's policies threatened American business interests, and he and American ambassador Henry Lane Wilson frequently locked horns. Wilson stated on one occasion that, during a joint press conference, Madero reproachfully told the ambassador, 'George Washington is sitting right there beside you listening to every word that you say.' One official in Washington described Wilson's conduct: 'Dearing says Mexico needs a good punch and so I think it's right to soak in a good dose.' This sentiment is somewhat bizarrely echoed by the Trump administration and its rhetoric surrounding the relationship with Mexico, who in his eyes, owes the US some sort of atonement.

Ambassador Wilson helped orchestrate the coup that resulted in the assassination of Madero and his vice president, which nosedived the country into another phase of the Mexican Revolution. The United States' intervention continued throughout the conflict. President Wilson ordered the backing of the opponents of President Huerta, the mastermind behind Madero's assassination. This order resulted in the landing of American soldiers in April of 1914 in Mexico, of whom 90 were killed or wounded. American warships retaliated disproportionately by bombing the city of Veracruz, resulting in the deaths of hundreds of civilians. Democracy in Mexico became a dream ever more distant.

The lack of resentment from Mexico after these two serious grievances is quite remarkable. Mexico cooperated with President Franklin Roosevelt on his Good Neighbor Policy, declared war on the Axis powers during the Second World War, and attracted many American artists, writers and businessmen across the years. However, many experts still question how directly Mexico should respond when dealing with the United States. As Enrique Krauze put it, 'how much of the historic prosperity of the United States of America stems from the development of territories originally inhabited by Mexicans and ripped away from Mexico through an invasion and a war of territorial conquest?'

By contrast, Mexico and the United States are now intertwined in virtually every sense. Since the North American Free Trade Agreement (NAFTA) came into force, bilateral trade has increased 556 percent (over a billion dollars' worth of trade every day). The largest population of Americans living abroad reside in Mexico – and vice versa – and the day to day relationship with Mexico creates over 6 million jobs in the United States. Unfortunately, the Trump Administration appears discontent with the current balance of relations with Mexico. While perhaps not directly equal, Mexico's economic and diplomatic position has grown far beyond its vulnerable position in 1846. Simply put, what Trump fails to see is that Mexico is not that defenseless

An American Miscalculation

MEGHAN GAULD explores the American decision to enter Iraq and the peril that ensued for the Iraqi people due to miscalculations by the Bush Administration—particularly the lack of state-building put into place following the invasion

The traditional role of Middle Eastern countries in the context of US foreign policy can be characterised as pawns—they are manipulated to further American interests. Iraq proves an unfortunate example of the deadly consequences that this strategy can have. The invasion of Iraq was built on an unsteady foundation laid out by the Bush administration with the foremost justification being an accusation that Saddam Hussein had violated United Nations resolutions on nuclear weapons. This accusation – later proved false – allowed the administration to move into Iraq with an agenda based on spreading neoconservative values based on free market principles. This paper will argue that the United States did not push a legitimate humanitarian justification for invading Iraq, and therefore had no right to be there in the first place. In tandem with this issue is the lack of planning in terms of state rebuilding following the conflict, which left a power vacuum for insurgents to exploit. Sectarian tension spiked and the nation spiralled into violence and disorganisation.

The actual rebuilding process, fraught with error, ended in 2011 when former President Barack Obama pulled American troops out. In the years that followed, the Islamic State of Iraq and Syria (ISIS) captured major Iraqi cities and wreaked havoc on an already weary populace. The history of relations between the US and Iraq is one of disregard on the part of the former for the safety and well-being of citizens of the latter. A foreign policy that blindly follows American interests at the expense of an entire nation is an unsustainable one. The United States has long enjoyed a largely parasitic relationship with Iraq, and the latter deserves recompense for its suffering.

American intervention in 2003 was unpopular in the international community from the very beginning. The United Nations Secretary-General Kofi Annan said in a 2004 interview that, '[the invasion of Iraq] is not in conformity with the UN Charter, from our point of view, and from the Charter point of view it was illegal.' This position is unsurprising, considering the unilateral and preventative character of the war. Bush and his administration justified the invasion in terms of preventing further threats; the goal was to depose the Iraqi dictator Saddam Hussein and eradicate the weapons of mass destruction he allegedly already had and was developing. The evidence for this accusation came from reports of various intelligence sources, but in the aftermath of the invasion no weapons of mass destruction (WMDs) were discovered. The Iraq Survey Group, commissioned by the US government, reported that, 'Saddam Hussein ended the nuclear program in 1991. ISG found no evidence to suggest concerted efforts to restart the programme.' Ultimately, the underlying motivation for the US-led invasion of Iraq came from neoconservatives, who operate with a Western-centric attitude and disdain for anything they conceive as un-American, such as radical political thought and communism. Neoconservatives advocate for homogeneous democracy and free markets throughout the world, regardless of existing political structures and culture. They view states such as Iraq under Hussein as

distinctly threatening to the US and their values. In the wake of the September 11 terrorist attacks, and especially because the Bush administration successfully implied Iraqi responsibility for them, neoconservatives found their belief system validated. The September 11 attacks were used as an excuse for the United States to dispose of a government they viewed as threatening to their way of life, and to expand US economic power in the process. In the context of Iraq, this meant invading to secure American values in a country that operated under distinctly different conditions than did the US, and which could only be hurt by a largely ignorant and unprepared occupying force operating within its borders.

Iraq, under Saddam Hussein, suffered through more than twenty years of oppression, bloodshed, and war. Hussein ruled violently, as a dictator with a penchant for aggression against neighbouring states and the silencing of any political opponents. So naturally, when American troops first arrived to depose the notorious dictator, hope grew among the citizens he had for so long oppressed. Iraqis thought the invading troops would deliver a freer, more democratic Iraq and they welcomed the possibility of democracy. But their openness to change proved irrelevant, as it became clear the United States brought with them no plan for rebuilding, and a woefully insufficient knowledge of Iraq and its culture. The situation devolved rapidly into one of volatility and chaos as vandalism, looting, sectarian tension, and insurgencies rose quickly, soon overwhelming the country and its population.

The death toll for Iraqis comes to about 205,191 people, with 1.3 million internally displaced and more than 1.4 million refugees, much of which can be attributed to American ignorance. The invading forces, and the officials leading them, lacked fundamental knowledge regarding the divisions among Iraq's people. The belatedly established Coalition Provisional Authority (CPA) began by disbanding the Baathist party, removing members from their high-ranking positions, and subsequently dissolved the entire government of Iraq. The consequences of these actions turned out to be disastrous. Rather than simply having to fix the already functioning government, American troops now faced the task of rebuilding the entire government from nothing. Meanwhile, the disbanding of the Baathist party meant the entirety of the country's educated workforce (doctors, lawyers, professors, politicians, etc.) were forced to flee. Many were often inactive in the party but were forced to join because party membership was a requirement for advancing in their field. The CPA, therefore, left Iraq without a government or infrastructure, while simultaneously forcing those who could potentially assist in rebuilding out of the country.

The harrowing accounts of life in post-invasion Iraq provide excruciatingly detailed snapshots of the flaws in the occupation. In a statement to *The Independent*, a young woman living in Baghdad throughout the invasion said, 'When the sirens started, all the family would gather in one room, waiting for death.' Citizens throughout the country endured similar circumstances; many lives were taken both by insurgents and by Americans. The administration behind the occupying forces fully neglected the safety of Iraqi civilians, instead blatantly endangering them by stressing sectarian tension and basing the new Iraq on religious and other divisions. xvii Journalist Muntazer al-Zaidi adequately summed up the prominent sentiments of Iraqis in the months following the deadly invasion: 'We,' he writes, 'used

to be a nation in which the Arab would share with the Turkman and the Kurd and the Assyrian and the Sabeen and the Yazid his daily bread. And the Shia would pray with the Sunni in one line. And the Muslim would celebrate with the Christian the birth-day of Christ'. In a country with such sharply divided sects of people, Iraq nonetheless found a degree of stability in the years leading up to the invasion. But the handling of the aftermath forced recently hidden tensions back out. A Guardian article in 2014 explored the case of a family driven from their home neighbourhood of Ghazaliyeh. They considered their journey back a suicide mission as they were a Shia family, leaving them no longer safe in their own home following the invasion in the country. Iraq, once a nation of Iraqis, turned into a nation of Sunnis, Shias, Arabs, Kurds, and Christians.

Throughout the war, the United States eviscerated Iraq's infrastructure, forced the majority of its workforce with a higher education to flee the country, emboldened insurgents, and brought sectarian divisions to the forefront of the country's mind as this paper has demonstrated. But, perhaps more importantly, the invasion was not prepared for a sustainable peace following the conflict. The destruction left in the wake of American troops lives on through the existence of the Islamic State of Iraq and Syria. With the 2003 invasion, the lives of Iraqi civilians were radically changed. Many hoped this change was for the better; they had visions of a free and democratic Iraq and thought this was what the Americans were delivering. But now, some miss the days of Saddam Hussein. His methods of oppression and violence will always be ingrained in the history of Iraq. But so will the stability, however tenuous, which existed along with his reign.

This injustice burns in the minds of all Iraqis who can remember life before their country was torn apart by foreign intervention. They are justifiably angry; their way of life was destroyed, their children murdered, wives kidnapped, husbands forced to flee. Years have passed and the country still suffers from violence and instability. And the United States has yet to learn its lesson, as American officials continue to use Iraq as a stepping stone on their quest to satisfy US interests. American troops in Baghdad, requested at the behest of the government, still remain despite the growing distaste for their presence among Iraqi officials. President Trump has even been quoted proposing that they stay in order to use Iraq as a means of re-entering Syria.

Thus, American interests continue to be the sole force behind policy towards Iraq. The historic lack of concern for Iraqi well-being and for the long-term viability of the country shows no signs of being overturned. The Trump administration recently cut spending on global aid and proposed changes to the immigration system, aiming to make it harder for refugees to enter the country. With an Executive Order, Trump attempted to bypass the Constitution to temporarily bar the entry of any Iraqi nationals into the United States. Both actions indicate a cruel disregard for the lives ruined by actions of the American government and their direct consequences.

The United States must be cognizant of the massive role it played in destabilising Iraq, a role still deeply affecting the country some sixteen years later. Refugees should not be turned away and aid cannot be cut, not just because of the humanitarian implications, but also because it was actions of the United States which forced people to seek refuge elsewhere, and which

led to such widespread destitution as to necessitate foreign aid. Lately, the mantra in the United States has been to cry 'America first' whenever confronted with the thought of an outside world in need. But this isolating phase has no place in 2019 in a country with as much economic and military power as the United States. Not when it precludes any intentions of helping countries such as Iraq, whose dire circumstances can be traced directly to the reckless pursuit of American interests. The White House and Congress have been putting America first for some time now, and the results of this can be seen clearly in Iraq. Abandoning the country now, after sixteen years of instability, violence, and failed attempts at instituting Western ideals, would be a mistake. The US must acknowledge their role in Iraq's history, and keep this in mind the next time the United Nations calls for aid funding. Some Americans may cling to this isolating notion of 'America first', but, for the rest of the country, it is time to move towards a future prioritising humanity first.

Israeli Settlement Policy and the upcoming defining election

ANTONIO DAU presents a profile on the history of the Israeli settlement policy and how the 2019 Israeli elections will be a defining moment for the future of both the policy, and possible atonement for Palestinian people

Since the 1967 Six Day War, the debate over the future situation in the Occupied Territories has become a central issue in Israeli politics.^{1,2} More recently, in December 2018, the Israeli Prime Minister, Benjamin Netanyahu, announced general elections, which will take place in April 2019.³ The main candidates are the incumbent Prime Minister; leader of the Likud party; and Benny Gantz; former Chief of General Staff who recently founded a new party called Israeli Resilience.⁴ Interestingly, the candidates have different opinions on what the settlement situation will look like in the future, and this could have a massive impact on the result of the elections⁵. In fact, although economic, religious, and social matters play an important role in Israeli society, the issue which seems to matter most in the upcoming general elections is the opposing parties' position on the Arab-Israeli conflict and the future of the settlements in the West Bank.⁶

The first settlements were established following the 1967 war; as a consequence, Israel occupied the West Bank and Gaza, which were previously under Jordanian and Egyptian control, respectively.⁷ The importance of this war was at the time considerable, since it allowed Israel to incorporate East Jerusalem into their borders and proclaim the Holy City as their undivided capital.⁸ It also allowed them to use the new territories of the West Bank and Gaza to safeguard against infringement on their borders, in particular along the Jordan River Valley.⁹ However, the settlement policy of Israel did not start in 1967. The Zionist movement has historically been split into two camps: the so-called 'minimalist' Zionists, who stress the necessity to secure and reinforce the Jewish state, and the 'maximalists', who seek the enlargement of Israeli borders with the ultimate goal of re-establishing the 'Promised Land' — the Greater Israel described in the Hebrew Bible,¹⁰ and which was referred to as, 'a sign that

God was fulfilling his ancient promises to the Jewish people,¹¹ during the 1967 War.

The first Israeli settlement strategy was led by the maximalists, and became known as the 'Allon Plan'.¹² Yigal Allon, who at the time was the Minister of Defence, stated the reasoning behind his plan and the policies developed by the government in an essay published in 1976 in *Foreign Affairs*.¹³ He cited Israel's right to live in security and peace with all its neighbours and, therefore, the need to exploit, 'to the utmost its military potential,' in order to deter and contain any possible threat.¹⁴ With this in mind, Israel began the construction of two belts of settlements, one from the Dead Sea, in the southern area of the West Bank, to the northern border with Israel; and the second starting from the Jerusalem-Jericho Road and connecting with the first belt through the Jordan Valley.¹⁵ Consequently, the Palestinians were surrounded by Israeli borders and cut off from contact with the Hashemite Kingdom of Jordan.¹⁶ Between 1967 and 1977 around 4,500 Israelis moved to 36 settlements located in the West Bank and Gaza.¹⁷ However, within the Israeli Labour Party there were different positions on how to best utilise their power in these new regions. The then-Prime Minister Levi Eshkol and other officials believed that Israel should have held the territories as ransom in exchange for a peace agreement, while others, such as eventual Prime Minister Golda Meir, were more inflexible and aimed at preserving the post-1967 borders for the foreseeable future.¹⁸

In 1974, a Zionist maximalist movement called Gush Emunim broke away from the Labour Party and made a significant impact on the settlement debate still prominent between government policy makers.¹⁹ The group's aim was the Israeli control and sovereignty over the territories occupied since 1967, rejecting any withdrawal and disengagement.²⁰ Their ideology is based on the theological motivation to re-establish the fabled Greater Israel.²¹ Gush Emunim's ideology was shared by the Likud Party,²² which won the elections in 1977, breaking the Labour Party's hegemony which had existed since the establishment of the State of Israel.²³ The Likud Party hold firmly to a policy of territorial expansion, whose ideology is based on the idea of a Greater Israel ruled by a Jewish-majority government,²⁴ an idea formed out of a desire to recreate Biblical Israel.²⁵

Therefore, according to the Likud Party, the State of Israel has the right to claim its sovereignty over Judea, Samaria, and the Gaza Strip.²⁶ During the fifteen years of Likud hegemony, the settlement policy was further institutionalised and also financed by Zionist organizations such as the Jewish Agency (JA) and the World Zionist Organization (WZO).²⁷ This expansion in the party led to the project finally becoming what Tenenbaum and Eiran define as a 'state-sponsored project' that encouraged Israelis to move to the new settlements through financial incentives.²⁸ Notably, between 1984 and 1990, the number of West Bank settlers increased from 35,000 to more than 78,000.²⁹

One of the defining moments in the history of the Palestinian-Israeli conflict is the Declaration of Principle (DoP), also known as the Oslo Agreement, and its subsequent failure and aftermath. During their 1992 ministerial campaign, Labour's candidate, Yitzhak Rabin, promised that, 'if elected he would try to reach an agreement on Palestinian autonomy within six to nine months.'³⁰ In fact, it seemed that Israelis at the time were ready to finally achieve a historic peace agreement with the Palestinians. In this regard, prominent historian Avi Shlaim affirmed

that during the 1992 elections, Israelis voted a, 'referendum on the peace issue,'³¹ supporting the installation of an agreement such as the DoP. Once the DoP was signed, Israel agreed to withdraw from Jericho and Gaza within four months.³² Instead, however, the number of settlements increased, with the number of West Bank settlers growing from 78,000 to 200,000.³³ In 1995 Yitzhak Rabin was assassinated in Tel Aviv, and his aspirational ideas of the Arab-Israeli conflict finally dissipated.³⁴ The following 1996 elections represented a political 'earthquake' in Israel.³⁵ While the opinion polls showing Simon Peres, one of the signatories on the Oslo Agreement and leader of the Labour party, in the lead originally, his opponent, Benjamin Netanyahu of the Likud Party, ultimately became Prime Minister. This unexpected outcome can be largely seen as a consequence of the Hamas suicide bombings in February 1996, which shifted the public's opinion toward a stronger position on security which was promised by Netanyahu, who was considered to be more capable of defeating this terrorist threat.³⁶


Netanyahu's policy towards the settlements reflect Likud's general position, which is based on the claim that the land belongs to the Jewish people by divine right.³⁷ During the political campaign in 1996, Netanyahu affirmed that, 'he will not turn back what has been accomplished,' and he further stated his intention, 'to renew the expansion of settlements on occupied Arab lands,'³⁸ affirming in a speech he made post-election at a small settlement of 959 residents, that, 'we will be here permanently forever.'³⁹

Since Netanyahu's original election to power, the 21st Century has seen very differing policy changes depending on which party wielded greater power in the legislature. In 2005, Likud Prime Minister Ariel Sharon carried out the so-called Israeli plan of 'unilateral disengagement' from the Gaza Strip and North Samaria. This plan was implemented in order to improve Israel's security and international status in the absence of peace negotiations with the Palestinians, and more than 9,000 Israelis living in the 25 settlements were removed.⁴⁰ However, in 2009 Netanyahu was again elected as Prime Minister, and subsequently called the Israeli Settlement policy and the building of new housing in the West Bank, 'inevitable.'⁴¹

The upcoming elections will be a key moment on the issue of settlement policy. At the end of 2018, Netanyahu announced a further expansion of the settlements in the West Bank, just as his emerging political rival, Benny Gantz, founded the new Israel Resilience Party.⁴² The latter announced that if elected he will withdraw from the West Bank, following the 2005 model of Gaza disengagement.⁴³ It is true that the settlements have represented and still represent the main obstacle to the realisation of a peace agreement between Israel and Palestine. Today, according to the report published by the European External Action Service (EEAS), around 600,000 Israeli settlers are still living in, '143 locations in the West Bank.'⁴⁴ According to the latest opinion poll taken in February 2019, Netanyahu could face a real election contest after almost a decade of hegemony.⁴⁵ However, it is still too early to outline a final outcome of the elections. The indictments against Netanyahu made recently also place further questioning on his ability to win the next election. The 2019 elections will certainly be a defining moment in Israeli settlement policy and the wider conflict between Israel and the Palestinian people.

The Tragedy of the Bateyes


ROB BAZARAL details the exploitation of Haitian sugar labourers in the Dominican Republic and how it can be resolved.

A photograph of a worker in a white long-sleeved shirt, a light-colored cap, and yellow gloves, harvesting sugarcane in a field. The worker is seen from the side, reaching into the tall stalks. The background is a clear blue sky. The foreground is filled with cut sugarcane stalks.

There is a necessity for atonement in many regions of the Caribbean, yet often the question of who is to atone is more difficult to determine than actually solving these tragic situations. A government cannot be blamed for trying to thrive in the neoliberal world they have been all but forced to participate in, yet there are so many cases where the people of their nations suffer greatly as their government attempts to develop the nation. This familiar story is revisited with the complicated situation of the Haitian immigrants suffering in the bateyes (sugar plantations) of the Dominican Republic; these places all but abandoned by the government while their workers toil for wealthy companies. Many are complicit in the problems occurring in the Dominican Republic, but the three primary actors that have simultaneously contributed to them are: the sugar companies who have set up these practices, the government which allows quasi-slavery to occur, and the multitude of elite countries who have created the larger neoliberal system that encourages this all to occur.

The island of Hispaniola is where Haiti and the Dominican Republic (the DR) lie, and, while neither country is particularly wealthy, the DR has endured the better share of luck throughout history. While the French ruled Haiti – decimating the nation through plantation labour – the Spanish ruled the DR until the newly-independent Haiti briefly took over the country. The Dominican people only notably fought for their independence during Haiti's brief reign, not Spain's. Despite Spanish rule lasting much longer, the DR Independence Day celebrates the end of Haiti's 22-year reign of Hispaniola. Bitterness endures as people have never seemed to forget. Racism towards the Haitians endures to this day, largely due to their darker skin colour and Creole, considered a dirty language by some in the DR who speak pure Spanish.

And yet, Haiti has notably endured far worse catastrophes than its neighbour in recent history. Plantations and resource harvesting along with governments that have never had the resources to deal with environmental protection have caused massive deforestation of the island to the point where one can notably see the difference between the lush green and barren emptiness dividing the island. This has forced many to move to the cities, where corruption and crime are rampant, and little political stability has endured due to being located at possibly the worst geographic position for a population, lying right on a fault line that causes devastating earthquakes and frequent



natural disasters. It is truly a vicious cycle as these disasters cripple the nation, leaving it with no money to build proper infrastructure or for population movements. The infrastructure is left again to be consistently destroyed when these disasters inevitably occur.

Where has all this left the Haitian people? Many find work anywhere they can and in the late 20th Century many accepted job offers from the growing Dominican sugar industry to temporarily work on plantations in the DR during the harvest. They get told that they would live in barracks half the year, harvesting at a fair rate and would be able to return frequently. Upon arrival, many find housing already in decay, soon learning that there is no plan to return them home, nor to make them Dominican citizens. This program has endured for decades, with more workers still occasionally sneaking to the border to be brought there, never to return to Haiti, and to work for rates of \$2/metric ton of sugar cane, cut in communities the Dominican government refuses to acknowledge or support.

The bateyes tend to be characterised with a few distinctive features that immediately strike visitors and volunteers. The batey of Monte Coca, situated about an hour away from the nearest major city of Santo Domingo and a fifteen-minute drive down a trash-littered gravel road from the nearest Dominican town, is a typical example of the conditions endured by residents. There is no hospital in the general vicinity, no general store, or anything outside of the vast fields which, until recently, had been overseen by armed guards on duty to make sure no one attempted entry into the 'real' DR. Anything that provided support to the community was built on donations of major organizations like the Peace Corps, which sought to do the job the government refused to do: providing health centres, proper homes for families, and even simple measures, such as plastering cement for floors in existing areas to prevent people from tracking faeces onto the ground and developing dysentery or other such diseases.

Children were vital to the sustenance of the community, as working in the fields quickly wears out your body and many of the men die or are at least physically unable to work by their 40s. A local of Monte Coca, Carlos, who was later employed by a volunteer group, described a story where at the age of twelve his father did not come home from the fields one day. After two days of searching, they found him lying amongst the cane, barely alive, and blinded after collapsing of exhaustion onto his

hatchet. Carlos took his place a day later and had his own child at the age of sixteen, so, as he said, 'someone would be there to find him when he didn't come home.' By the age of eighteen, he had suffered a heart attack of his own in the field.

Carlos's story was that of so many in Monte Coca: aged so much as to look closer to 40 than the age of 21, and yet was endlessly hopeful that the community would grow and strengthen. The industry is truly a trap for many. The government needs the money from the companies, who profit by paying pennies to their workers, with most of the major businesses participating in this form, such as Central Romana. However, the worst offender that has come under fire in recent years for quasi-slavery is the Grupo Vicini, one of the biggest organizations and the prime subject of a 2007 documentary on this matter: *The Price of Sugar*. They are not the only perpetrators of these crimes, but their long history of wealth and power in the DR has allowed them to commit some of the most grievous offences in the region. One such instance includes trying to expel a pastor in a batey who was trying to unite and enhance community values in the area. Although most of these practices have been discontinued as the situation becomes more visible to the general public, what remains is a community of immigrants left without support from the government, with little pay, no true country of their own, and without the ability to enter other Dominican communities. Dominican racism towards Haitians continues – they are seen as black compared to the slightly more fair-skinned Dominicans – and there is no pity towards the batey workers, who are seen as stealing Dominican jobs.

Furthermore, much of the racism towards them is greatly extenuated by the regime of Rafael Trujillo in the 1930s-1960s, who hated Haitians and promoted discrimination, including ordering a massacre that slaughtered 25,000 Haitians that were found outside the plantations. He staged what is commonly known as the Parsley Massacre, calling it a retaliation against supposed Haitian marauders, and ordered his army to massacre them with machetes to make it seem like rural violence rather than an organised attack. Very few mass graves have ever been identified. Haitians fled back to the nation over Massacre River (named for yet another previous massacre) and the border was then marked clear with blood. Trujillo was later pressured by the US and Mexico to repay for this, despite never admitting he ordered it, and gave communities today's equivalent of nine

Climate Policy as Anticolonialism

JORDAN DOWD makes a case for the Green New Deal as a step towards decolonization of the global south

million dollars under the condition they never re-enter. While Haitians have largely heeded this warning, as their nation experiences disaster again and again, they have little choice. Dominicans still fear a Haitian takeover of their jobs; a Dominican driver staying in a village likened the situation to the tension occurring now between Americans and Mexican immigrants.

The Dominican government may not sanction this discrimination anymore, but it certainly does not fight it. With no maintenance or supplies going to the bateyes, all the government does is attempt to prevent the workers from leaking out – many workers have begun to do this, due to tiring conditions and closing plantations by many sugar companies. The most I saw of any government body in the bateyes was on the outskirts of the road leading into the batey, as men in uniform casually wielded assault rifles while checking to make sure we were not harbouring any of the workers. The government would rather focus on tourist areas instead; popular destinations like Santo Domingo and Punta Cana, two cities that seem otherworldly and impossibly maintained compared to the bateyes. Santo Domingo provides a history and a region that many want to visit (and it certainly does not hurt that government officials live there), while Punta Cana was bought decades ago by American resorts like Club Med that have turned the DR into a place most associate with tourism. Ironically, Punta Cana was only purchased for its cheap land and actually has one of the least pristine beaches on the island. Yet it is the location the government chooses to pour their money into, in return for tourist dollars. Some Dominican children noted their dream of either learning English to work in one of these resorts or playing baseball in one of the many training facilities in the DR and making it to the US; these are truly the most fruitful escapes for those born

It is a scientifically uncontroversial claim, and has been so since at least the 1980s, that the burning of hydrocarbon fossil fuels, together with deforestation, has increased the atmospheric concentration of carbon dioxide (CO₂) by more than 35 percent compared to pre-industrial levels, causing intensive global warming and ocean acidification. Just a handful of major economic powers, namely the United States and the larger economies of Europe and Asia, are responsible for the majority of these emissions. Overwhelming evidence has demonstrated that ocean acidification and global warming are actively causing ecological collapse in marine and terrestrial biomes, reducing agricultural productivity in food-insecure regions, creating freshwater shortages, worsening droughts, permanently inundating coastal lands, and exacerbating floods and cyclones. These problems predominantly affect the poorest communities in post-colonial countries in the global South, which are the same countries which benefited the least from the carbon-fuelled economic growth of the world's imperialist powers during the 20th century. Even within the major imperialist powers, indigenous peoples have been displaced in the tens or hundreds of thousands from their land to allow fossil-fuel extraction, from the Nenets of Siberia to the Sioux of South Dakota. Today, the leading environmentalist social movements are inextricably connected to broader anti-colonialist and left-wing political activism. Popular demand is rising, especially in the United States, for a pivot away from minimalist regulation and incentive-based policy responses towards a more drastic interventionist and spending-intensive environmental policy, best exemplified by the growing push by the populist left of the Democratic Party for a 'Green New Deal'.

The three largest historical carbon emitters – the USA, the European Union

(EU), and China – have taken markedly contrasting approaches to slowing global warming. China and the EU demonstrate different actively interventionist policy models, whereas the United States has taken almost no centralised action to reduce its own emissions. The USA, containing about 4 percent of the world's human population, has been responsible for 30 percent of all cumulative carbon emissions in the modern era. The member states of the European Union, at about 7 percent of global population, are responsible for another 27 percent of historical emissions, and China, a historically low-emitter before the 1980s, has grown in the last three decades to produce 30 percent of current annual emissions (to the United States' 14 percent and the EU's 10 percent) and is now the world's largest CO₂ polluter. Per-capita, the United States remains one of the most grossly disproportionate emitters.

Meanwhile, EU member states such as Germany, France, and the UK exemplify the abilities and limitations of regulation and subsidy-based policy solutions. The current EU members have reduced their emissions modestly, by about 22 percent since 1990, due to de-industrialisation, stricter emissions regulations, and state subsidisation of renewable energy infrastructure construction. Additionally, all EU members have committed to further reductions in upcoming decades by regulating corporate emissions standards and subsidising the private development of green energy generation. The European Energy Agency and numerous environmental organisations agree that these market-regulatory approaches alone are inadequate to achieve UN emissions targets in upcoming decades, but the current policy schema represents a consensus between liberals and social-democrats that at least some intervention ought to promote less pollution-heavy energy sources and corporate practices.

In China, intensive industrialisation

and rising pollution have driven equally intensive centralised state responses. The Chinese government has invested enormous sums of money into state infrastructure projects to increase renewable energy production (particularly with massive hydroelectric projects, which often have their own associated ecological problems), and as a direct result the rate of emissions increase has declined drastically since the 2008 economic recession. Consequently, carbon emissions are much more weakly linked to overall economic growth than they were previously, and overall emissions are projected to begin decreasing by the 2030s. By second-derivative rate-of-change, China's cost-intensive overhaul of state-owned energy infrastructure has been an example of an effective policy model to make overall economic activity less carbon-intensive. China's model of state-led large-scale investment, and the European model of corporate regulation and tax subsidisation, have both amounted to cost-effective - if sometimes insufficiently ambitious - policy responses to these countries' own role in causing global warming, with demonstrably positive results.

The United States, in contrast to the other leading carbon emitters, has been exceptionally intransigent in implementing any serious measures to reduce its own emissions, and has refused to participate in even symbolic exercises of non-binding target-setting, let alone any kind of regulatory crackdown or direct public investment in green infrastructure. As a result, the USA's overall CO₂ emissions have increased in recent decades, even as emissions in most European countries are decreasing. Due to energy demand, American emissions are projected to increase even further in the coming years, even as cars become more fuel-efficient and the private sector invests more heavily into wind, solar, and hydroelectric power. In the early 2000s, the Democratic Party, reacting to grassroots shifts in voter opinion and electoral threats from Green Party 'spoiler' candidates, adopted a core slate of policies to lower emissions, focused primarily on incentivising market solutions by corporate actors to cut their own emissions; the key environ-

mental platform item for this generation of Democratic Party liberals was a cap-and-trade emissions market, by which companies would be allotted emissions quotas, and could sell off their surplus quota space each year to other companies, with the intent of gradually lowering total emissions quotas and forcing high-emitting companies into compliance through fines or the sheer cost of buying carbon credits.

Other proposals recommended by environmentalists and policy analysts, including state construction of energy infrastructure, subsidisation of private-sector technology development, and early 'Green New Deal' proposals, failed to gain traction among Democratic lawmakers. When Democrats briefly controlled the House of Representatives, Senate, and Presidency under Barack Obama from 2009-2010, the Party mismanaged its way into one of its greatest domestic policy defeats with the American Clean Energy and Security Act of 2009. It provided almost no funding or resource allocations for any programs except for cap-and-trade and died in the Democrat-controlled Senate after narrowly passing in the House, due to defections by conservative Democrats beholden to donors in the coal, natural gas, and petroleum industries.

After the defeat of the bill, Democrats did not propose any other major climate-change legislation, and lost control of the House of Representatives, vital to introducing any legislation, from the 2010 election to the 2018 election. For the Obama administration and most high-ranking Democrats, cap-and-trade remained essentially the sole item on the policy agenda in reducing global warming, and its prioritisation was postponed indefinitely after the defeat of the Clean Energy and Security Act. During the Obama years, the United States did not make meaningful progress towards compliance with the nonbinding recommendations made by the Kyoto Protocol or the 2015 Paris Accords. In its eight years in government, the Obama administration arguably did not achieve even a single major policy advancement or legislative victory against carbon dioxide emissions.

In recent months, in the wake of damning and high-profile reports on the failure of UN climate treaties to set sufficiently-ambitious emissions targets, repeated failures by countries to reach their already-unambitious targets, and major natural disasters aggravated by climate change, a new set of policy proposals has become popular among wide swathes of the electorate, not just the Democratic Party's left flank. Several different 'Green New Deal' working papers came about as a result; the most prominent is that written by freshman Representative (and self-described Democratic Socialist) Alexandria Ocasio-Cortez, which she published in November 2018 just days after winning election to Congress. Ocasio-Cortez then went on to participate in an occupation of the office of Democratic Party congressional leader and Speaker of the House Nancy Pelosi, one of the key proponents of the doomed cap-and-trade program, in protest of the Democratic Party leadership's ineffective advocacy for climate reforms.

Ocasio-Cortez's 'Green New Deal' proposal, like the original New Deal before it, is in part a Keynesian-style spending bill: its provisions include direct public investment in constructing large-scale new wind, solar, and hydroelectric power generation capacities, public subsidisation of technological improvements including carbon capture and higher-efficiency solar arrays, a 'Federal Jobs Guarantee' with above-minimum-wage, well-protected employment on 'Green New Deal' infrastructure projects for all jobseekers, as well as strong regulatory crackdowns on corporate emissions and a significant reduction in permitted fossil fuel extraction from federally-administered lands and marine holdings.

In contrast to the essentially market-based and incentive-driven Democratic climate platform of the Obama years, the 'Green New Deal' proposals effectively amount to social democratic state interventionism, partly inspired by policy models already in place in Europe and Asia. They are also strongly influenced by the specific policies advocated by Ocasio-Cortez's organisa-

tional backers, including the Democratic Socialists of America (DSA), the Justice Democrats, Our Revolution PACs, the Sunrise Movement environmentalist grassroots organisation, and the Green Party of the United States, the lattermost of which was one of the world's first political organisations to propose its own 'Green New Deal' around the time of the 2009 Clean Energy and Security Act. The 'Green New Deal' marks a fundamental shift within the Democratic Party from market-based neoliberal climate policies to explicitly social-democratic and welfare-based policies.

Among the Democratic Party's political elite, reactions have been varied to the 'Green New Deal' working paper. Nancy Pelosi has repeatedly criticised the resolution as a 'dream' and 'impracticable', and derided Ocasio-Cortez and her platform as, 'not the future of the Democratic Party,' ranking Senator Dianne Feinstein said that the 'Green New Deal' is, 'not going to happen in ten years,' and most of the Party leadership has either criticised the proposals or remained conspicuously silent with their non-endorsement. Major billionaire Democratic donors, like Bill Gates and possible presidential candidate Howard Schultz, have directly said that the party should return to its policies from before the 'Green New Deal', and none of the older established party-affiliated PACs have adopted the 'Green New Deal' into their platforms or contributed money towards lobbying for the legislation.

In contrast, Massachusetts Senator Ed Markey, the most prominent sponsor of the 2009 Clean Energy and Security Act, has been a vocal supporter of the 'Green New Deal', and nearly every congressional Democrat affiliated with the DSA, Justice Democrats, or Bernie Sanders' PAC, Our Revolution, including Sanders himself, supports the resolution. Besides Sanders, other left-wing presidential candidates, like Elizabeth Warren and Tulsi Gabbard, the latter of which is only on the domestic-policy Party left, and even the comparatively-centrist Kamala Harris, Joe Biden, and Cory Booker have all endorsed some version of the 'Green New Deal'. However, Amy Klobuchar, who is explicitly positioning herself as a centrist alternative to the other candidates, has drawn media attention for speaking against the legislation.

Public opinion polling strongly indicates that anti-Green New Deal Democratic congressmen are grossly out-of-touch with their electorates. Multiple large-sample polls from independent academic research institutions all indicate that over 90 percent of registered Democrats, over 80 percent of unaffiliated voters, and even over 60 percent of registered Republicans support the 'Green New Deal', with support highest among lower-income voters in both rural and urban areas. No signature Democratic Party policy proposal has attracted such bipartisan populist support in decades. A 'Green New Deal' is electorally viable, and alongside socialised healthcare, represents the social-democratic political left's best chance in generations to make significant electoral inroads towards control of American domestic policymaking.

In the United States, the general public has moved leftward ahead of the political establishment time and time again on crucial reformist causes, from the abolition of slavery, to worker-protection laws, to the New Deal, to socialised healthcare. Given this long political history, it is unsurprising that the 'Green New Deal' proposals have deep cross-partisan popularity, and it is equally unsurprising that the Democratic Party's elected representatives have largely failed to adopt effective climate policies which are popular among their own members. The decades-long failure of Democrats in power to embrace substantive and effective climate-change policy is symptomatic of the party's broader unwillingness, particularly since the Reagan era, to support anti-colonialist, anti-imperialist, and anti-poverty policy measures which require any kind of robust government spending and regulatory restrictions on corporate activity; even when these policies are repeatedly demonstrated to be well-liked by the electorate.

The 'Green New Deal' proposals are the product of years of grassroots-level environmentalist agitation, which in the United States and internationally has been heavily driven by indigenous movements and the broader socialist political left, which today have managed to secure enough seats within the Democratic Party — usually by primarying incumbent centrist Democrats — to form a small but influential minority faction in the House of Representatives. The machinery

and leadership of the Democratic Party, from its donor-class, to its congressional leadership, to the Democratic National Committee, have aggressively tried to undermine the policy proposals of the social-democratic environmentalist left, just as the Democratic Party leadership has undermined most other socialist-adjacent grassroots movements in its history, even when those movements' most prominent public advocates have included populist elected officials within their own party.

Weak neoliberal climate policy actively perpetuates economic colonialism and re-victimising populations which have already been artificially impoverished by centuries of Western imperialism. In the global South, the legacy of colonialism is trillions of dollars of permanent economic losses and tens or hundreds of millions of civilian deaths, all justified in the name of seizing wealth for the most privileged citizens of colonialist powers. Over the next century, economic damages due to global warming will again mount to trillions of dollars for the same countries, there will again be untold deaths due to violence and natural disaster, and again the same core group of imperialist powers will have economically profited immensely off the human suffering of the people in the world's poorest regions.

In order for the United States to begin to have genuinely mutually-beneficial relationships with the post-colonial countries of the global South, it must embrace robust climate policies, driven not by the private sector but by the spending-intensive direct intervention of the state; more laissez-faire policy solutions have already demonstrated their sheer inadequacy. The 'Green New Deal' is the first credible policy step towards anti-colonialism and actual environmentalism that the Democratic Party has seriously attempted in generations; by reducing the continuing negative impact of American economic growth on the living conditions of colonised peoples, the American left can steer policy toward the economic reconstruction of the regions most affected by global warming and ocean acidification. These policies will improve global political stability and security, they will reduce global poverty over the long-term, and they will economically benefit the vast majority of American citizens.

Germany's atonement was successful – but is it exemplary?

LISA GMEREK explores Germany's atonement process after the Second World War and its replicability in other national contexts

After committing serious crimes, states need to rehabilitate in order to find their way back into the international community. Germany's atonement process is frequently considered a particularly successful example of this.¹ Germany, once led by a totalitarian Nazi regime which inflicted harm on millions of people, is a strong defender of human rights and European values today.² This German history is an interesting and important case that can help us understand the possibilities and limitations of atonement. Moreover, it might serve as a model; can and should Germany's atonement process be replicated by other states?

After World War II, the respective powers of the allied-occupied zones (the United Kingdom, France, the United States, and the Soviet Union) made sure Germany would atone for its crimes. In cases of forced atonement, one can wonder whether the intentions of the atoning states are intrinsic or instrumental. However, having ulterior motives, such as wanting to enter into economic relations with other states or have access to financial aid, does not necessarily mean forced atonement will have a negative impact. It is difficult to avoid such motives, as a demand for genuine atonement implies the prospect of genuine improvement to diplomatic and economic relationships. Forced atonement can therefore give positive incentives which catalyse the process, and might lead to a more genuine form of atonement later on. In Germany, it can be said that the official process of atonement began before the real change in people's minds occurred. Officially, the state was forced to repent after their defeat, for example through reparations and payments of compensation.³ Civil society, however, needed more time to come to the realisation that atonement was essential.

Immediately after the war, the Allies removed all swastikas and other signs of the Nazi regime from German government.⁴ That was right and necessary, but primarily symbolic. Similarly, the Nuremberg trials were important to hold individual officials accountable for their actions. However, as they were not aimed at the whole population, their reach was limited. The main problem was fundamentally changing people's ideology: the National Socialist German Workers' Party (NSDAP) had 9.5 million members, and millions more supported the regime.⁵ This was addressed through education, which became the most important means to replace Nazi ideology with democratic values. A self-critical approach to the crimes under the Nazi regime was integrated in the school curriculum, and concentration camps and other important sites were turned into museums for educational purposes.⁶

Implementing this change in the education system enables states to self-impose rehabilitation in a sustainable way, and it helped Germany to actively shape the process of its atonement. Although this change was initially imposed, it helped to create the framework which enabled Germany to enforce atonement by itself and advocate for it internationally today. The German example shows that education as a mechanism for rehabilita-

tion can be exported internationally, irrespective of national contexts. The importance of a correct and self-critical representation of national history in education can for example be seen in the outrage that occurred in Chinese and Korean society when history textbooks in Japan, which downplayed Japan's role and responsibility during the Second World War, were approved by the Ministry of Education.⁷ The magnitude of protests which followed, expressed through, for example, attacks on the Japanese embassy in Beijing, showed that Japan's neighbouring countries considered education to be vital for atonement.⁸

The education reforms of the post-war period brought about a change of thought and perspective in German society. The atonement process continued after the state regained its sovereignty. There is a strong emphasis on sustainability, which points to the indefinite timespan of rehabilitation: a German term which can be translated as describing the idea of atonement is 'Vergangenheitsaufarbeitung', literally meaning 'processing the past', with an emphasis on 'aufarbeitung', or 'process', which represents ongoing rehabilitation, remembrance and prevention of the horrible past. It was consciously chosen over the term 'bewältigung' which would have instead indicated that the history of Germany in the Second World War was merely a trauma that Germany was trying to get rid of in order to restore the status quo from before the war.⁹ This is not the case: Germany will always be known as the cause of two world wars, and that knowledge is not a bad thing. It has contributed to Germany's self-criticism and emphasis on rationality.¹⁰ Its efforts today go beyond the prohibition in criminal law of signs of the Nazi regime.¹¹ For example, irrespective of the party in power, remembrance events and campaigns relating to atonement are organised frequently.¹² It appears to be working, because today, nationalism and patriotism are widely opposed in Germany because of the stigma attached to them.¹³ As a consequence, there is no incentive to whitewash mistakes for the sake of maintaining a nationalistic and euphemistic image. Of course, the younger generations of Germans do not have any more to do with the crimes during the Nazi regime than my fellow students from other countries. Still, we have to accept our history as part of our common identity. The association of Germany with the Nazi regime is still present today, and the goal should not be to get rid of it, but to use it to educate on xenophobia and hatred.

In addition to its domestic efforts, Germany practices *Vergangenheitsaufarbeitung* abroad. Germany holds itself and other countries accountable for their actions in the past and in the present. It considers itself responsible for preventing similar crimes from happening again, which is why it speaks out consistently against anti-Semitism, both internationally and domestically.¹⁴ Its own atonement process thus appears to have helped to create a sense of responsibility for the international community. For example, when chancellor Merkel visited Japan in 2015, she indicated in a speech that Japan should deal with its wartime conduct instead of watering down the official apology from 1995 to its former enemies.¹⁵

This sense of responsibility extends beyond the totalitarian era; Germany has sought to atone for its colonial mistakes as well. Recently, items of cultural value that were taken from Namibia during its colonisation by the German Empire were returned and an official apology was offered.¹⁶ However, Germany denied the demand for financial compensation for the crimes

committed under the German Empire 100 years ago.¹⁷ This begs the question of what Germany deems to be a reasonable scope of atonement; there appear to be limits to its scope. A third example of an international atonement effort is the Goethe Institute, which promotes German culture, language and values in countries around the world. This institute is publicly funded and runs different atonement projects. For example, a panel for both Jewish and non-Jewish people who fled from Nazi Germany to Turkey in the Second World War.¹⁸

While such projects are helpful and should be supported, it is also clear that Germany's atonement process was not ideal and therefore not fully exemplary. For example, the need to prosecute wartime criminals is a component of atonement which should be incorporated in all atonement processes. In Germany, some Nazis got away without prosecution and even remained in positions of power during the post-war period.¹⁹ Other countries should be careful not to make the same mistake. Furthermore, it is important to keep in mind that some elements of atonement are dependent on context. For example, Japan and Germany and their respective relationships with their neighbouring countries differ greatly. While Germany and Western Europe now have a friendly relationship, there is still tension between Japan and its neighbours, for example, North and South Korea.²⁰ Japan's official apologies to its former enemies are not accepted in the same way that Germany's gestures were accepted.²¹ Moreover, these apologies are not supported by the entirety of Japanese society either, in part because they seem to fail in improving the situation in East Asia.²² As a result of this, the country has seen an increase of nationalist tendencies.²³ This situation is often claimed to be a result of Japan's struggle to atone in a timely manner, and its contradicting statements of apology made over the years since the end of the war.²⁴

Unfortunately, over the past five years, the post-war effects of atonement seem to have weakened in German society. It seems it has become more acceptable to make inappropriate statements about the Holocaust and Germany's responsibility for it.²⁵ Xenophobia is on the rise, especially since the refugee crisis in 2015.²⁶ This shows that atonement cannot completely prevent ideologies from reappearing. What it can do, however, is give the silent majority a voice to speak up and stand against such ideologies. In Germany, Alternative für Deutschland (AfD), a populist and xenophobic right-wing party that is against accepting refugees and glorifies the Nazi regime,²⁷ has gained popularity in the last few years.²⁸ The difference is that this time both politicians and civil society are publically protesting against this tendency.²⁹ While this is a sign of hope, it does not make up for the fact that the effectiveness of atonement seems to change over time. Furthermore, now that there are barely any contemporary witnesses of the Holocaust left amongst us,³⁰ there is now the potential for people to forget or ignore it more frequently.

Some elements of Germany's atonement process, such as political re-education and the prosecution of war criminals are universally applicable and show that forced atonement can be successful. As a result of its own process, Germany is now an international advocate for atonement. Other aspects of atonement are, however, more complex and context-dependent. As for the future, it is yet to be seen whether atonement processes can stand the test of time. Are they likely to fade? And if so, what can be done to prevent this from happening?

National Apologies: The Challenge of Collective Acceptance and Collective Change

ANGUS LEUNG explores the fundamental difficulties of national apologies to achieve atonement due to both their public and surrogate nature

We live in an age of apologies.¹ A ubiquitous part of our lives, the particular workings of an apology often go unnoticed as they are constantly taken for granted. In recent years however, people seem to have experienced a resurgence of interest whenever a public apology is given.² This provides opportunities to gain insight into the intricacies of this phenomenon and illuminates the ways in which 'atonement' is achieved.

As a social act, apologies are unique in their speech-act dimension. Apologies as utterances convey social meanings: mainly regret and a sense of shame.³ A simple reading of apologies would be concerned with what some scholars have labeled 'ordinary' apologies, namely personal and interpersonal apologies.⁴ A unique form of apology, however, is a national apology. Defined as an apology, 'made on behalf of and directed to identifiable communities [...] for past wrongdoings',⁵ national apologies contrast sharply with other forms of apologies. Firstly, because of their public dimension, and secondly, because of their 'surrogate' nature; national apologies involve a sovereign state expressing regret on behalf of a community towards another community. Despite these dimensions, which set them apart from other apologies, national apologies and their complications have been neglected in the literature of the field of International Relations, necessitating an interest in examining how they should be understood.⁶

To provide a full account of how national apologies function, it is important to first understand how apologies work. First and foremost, apologies are perpetrator-driven processes, as, 'without repentance there is no reconciliation.'⁷ Through the perpetrator making an initial step in reaching out, they display repentance in asking for forgiveness, whereas victims are given the chance to relieve themselves of vindication and resentment.⁸ The content of said repentance is ultimately concerned with the disparity of moral statuses between victims and perpetrators: through conducting an act that wrongs the victims, perpetrators assert that the victims are merely instruments to the perpetrators' ulterior goals. This contravenes the Kantian mantra of seeing individuals as means to themselves, instead of an end.⁹

In national public apologies, then, the act of apologising also carries an aspect of moral affirmation. Perpetrators acknowledge their moral errors in diminishing the victims' worth and dignity, and publicly recognise their personhood and establish equality between the two parties through the apology.¹⁰ To apologise is therefore to allow both perpetrators and victims to engage in a process of transforming their moral status – asserting that they are equals, instead of perpetrators having a superior claim that allows them to instrumentalise their victims.

While much apology literature has agreed with the model set above, it has been pointed out that this is the case for ordinary apologies; but what has been overlooked in public apologies is the role of victim acceptance. In ordinary apologies, such as interpersonal ones, victims are presented with the possibility to, 'accept, refuse or ignore the apology.'¹¹ This has been

sometimes described as 'victim's prerogative', where, 'the victim of a wrongdoing is entitled to set the terms for forgiving the wrongdoer [...] since victims have privileged epistemic access to the damage caused.'¹² In public apologies, however, the lack of a specific addressee makes it difficult for a community to decide on the terms of the apology itself, and if victims want to accept the apology at all. This is a decision ultimately reserved to each of them individually, as there is no inherent right for perpetrators to be forgiven following a sincere apology, contrary to what some have suggested in the past.¹³

As a result of the ambiguity surrounding the addressees of national apologies, the inability for individuals to respond can actively undermine the very autonomy that the apology is attempting to re-establish for the victims.¹⁴ This also presents a problem for national apologies: it relies heavily on the force of the speech being given and its rhetorical devices instead of relying on persuasion and acceptance. Its illocutionary, rhetoric-based nature makes national apologies extremely susceptible to political manipulations, in that states can simply assume that an apology is accepted without actually ascertaining it, and that the state is already to 'move on' from its history.¹⁵

Moreover, apologies are also not necessarily effective in and of themselves.¹⁶ What is equally significant across all kinds of apologies is the commitment towards change. Apologies are forward-looking, thus containing a promise that there will be a change in future behaviours.¹⁷ National apologies hence bestow a commitment that demands the public to reframe their understandings about a certain past injustice.¹⁸ National apologies, then, also possess a signalling effect, in that they require the communities that the state is apologising on behalf of to act and be introspective of their past and to be critical of the effects and harms that stemmed from those wrongful acts.¹⁹ However, this becomes a challenge due to the 'surrogate' nature of national apologies. With a sovereign state attempting to claim collective responsibility on behalf of its citizens and implying a promise to effect change in attitude and behaviour, it bypasses the fact that such change is predicated on the actions of each individual. Even if the state has a sincere vision in delivering a national apology by expressing guilt over a collective misdemeanour, it does not necessarily follow that individual perpetrators are willing to apologise on a personal level.²⁰ This discrepancy between the collective guilt claimed by the state and the guilt felt by the individuals may hinder change from being effected, thereby reducing the effectiveness of the national apology.

To illustrate this point, consider Espindola's case of the apology offered over the existence of German secret police informers under the German Democratic Republic's regime.²¹ During that period, informers were recruited with the goal of finding dissidents to turn in to the government, resulting in a panoptic state where citizens are subjected to constant, covert surveillance.²² Following the Republic's collapse, the newly unified German state attempted to take steps to offer a national apology through concrete policies.²³ These included the establishment of record offices that provide information on the informers' identities and a requirement to screen public employees for their involvement in previous informer activities.²⁴ It is therefore sufficiently clear that national steps were taken to express disapproval over the previous actions of a certain group, as well as signalling a desire for change and guilt over its usage of informers in the past. The German state has thus effectively apologised, to the extent

that it acknowledges a past wrong on behalf of all informers. Its desire to achieve reconciliation by having informers apologise independently, however, fell rather short. On an individual level, it was reported that exposed informers, when confronted by victims of their actions, were unwilling to express any remorse over their actions, with some continually justifying the decisions that they have made.²⁵

While one could wonder whether the exposure of informers' identities was a form of victor's justice, or whether the policies taken by unified Germany were appropriate, it is important to remember that Espindola's case study aims at demonstrating problems that resulted from a discrepancy between state guilt and individual acknowledgment of such guilt.²⁶ By actively denying fault and denying the collective responsibility that the national apology intended at expressing, members of the perpetrating community are essentially undercutting the force of the apology, hindering change from being realised – a promise made the state by way of issuing its apology. This therefore presents the second challenge that national apologies face: the fact that they are 'surrogate' in nature, means that a commitment to behavioural change cannot be fully guaranteed, as it is dependent on the perpetrators' individual mentality, over which the state has no control.

In closing, national apologies lead to obstacles in their goal of achieving reconciliation due to the ambiguity of their addressors and addressees.²⁷ Over the years, national apologies have often been seen as insincere, and merely instrumental as tools that perpetuate 'moving forward' rhetoric in post-conflict or post-atrocity societies.²⁸ Despite those claims, it is argued that the problem with national apologies more fundamentally lies in both their public and surrogate natures. Its publicity leads to a lack of focus on individual victims. Even though they attempt to restore agency and moral autonomy to them, the implicit irrefutability of a national apology, as well as its presumption of acceptance and forgiveness, undermine exactly this goal. On the other hand, apologies are only as effective as its ability to bring real change. The case of German informers' unwillingness to apologise, despite the state's expression of remorse, denotes another problem of states attempting to claim collective responsibility: the desire to confer normative duties onto individual perpetrators by demanding their acknowledgment of guilt and shame may not always be realised. This greatly weakens attempts to reconcile societal cleavages between perpetrators and victims and undermines the state's credibility in offering what seems like a hollow promise.

While it has been shown that sincere, national apologies, when adhering to a fundamental set of normative criteria can yield certain benefits, this paper sought to show there are theoretical problems that are deeply rooted in the nature of national apologies.²⁹ National apologies are premised on the 'collective' as a starting point; and the forgoing of individuality, an element present in ordinary apologies, necessarily leads to ambiguities in signalling the acceptance of repentance on the part of perpetrators, as well as forgiveness on the part of victims. This very difference that separates ordinary and public apologies therefore calls for further examinations regarding the efficacy of national apologies and public apologies at large, in order to facilitate more effective attempts in securing reconciliation, rather than disrupting efforts for a state to truly come to terms with its past in a post-conflict state.



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We are excited to announce our next and final theme for this academic year, 'Gender'. Writers for this issue are encouraged to consider the notion of gender from a critical and socio-political perspective and to investigate notions of gender within a greater political context.

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