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The Journal

On Politics is a peer-reviewed academic journal published by the University of Victoria Undergraduates of Political Science. It aims to encourage and facilitate undergraduate scholarship by providing students and recent graduates with a unique opportunity to have their work published in a formal medium. The editors of this journal are drawn from the undergraduate student body.

Submissions are welcomed from students during our call for papers each semester. *On Politics* strives to publish writing from a variety of theoretical perspectives, both intra- and interdisciplinary, with a particular focus in uplifting marginalized voices and to showcase emerging undergraduate scholars at the University of Victoria. Although published articles are typically found within the realm of political science, we welcome political work from all fields of study.

We especially encourage students from adjacent disciplines to submit, acknowledging the existence of a vast body of political work that crosses beyond the disciplinary boundaries of academia.

Table of Contents

A statement of solidarity and action on combating systemic racism from our undergraduate academic community

September 3rd, 2020

Academic spaces have historically been white-centered, patriarchal, and ableist. This bias continues to be reflected in the silence and tokenistic gestures of our academic institutions, and what they actually do to BIPOC bodies and the citizens of the Global South, their ways of knowing, and their cultures. The events of 2020 have uncovered the exploitation that underpins our society in ways that would be irresponsible for us to ignore.

While we recognize the inherent limitations of academic spaces, we refuse to stay passive as voices are systemically silenced within our own system. We commit to using our influence as publishers of student work to privilege BIPOC perspectives.

As we embark on this intentional anti-racist work on the unceded territories of the Lekwungen and WSÁNEĆ peoples, we commit to action as allies and conspirators in the fight against a deeply unequal status quo and to unlearning the harmful practices that we have internalized by living in these systems.

This year, we pledge to:

- Reject literature submissions that can be weaponized against marginalized voices.
- Actively seek and promote BIPOC leadership within our own organizations.
- Hire and properly compensate BIPOC persons whenever possible in our work.
- Publish and encourage the production of papers with diverse perspectives from outside the Western canon and the colonial narratives of the status quo.

We hope that this letter inspires and encourages diversity within our journals—not only in content and perspective but also in leadership. We ask you to walk with us and hold us accountable to the anti-racist and decolonial work to which we are committing.

Contributors

Sophia Anderson is a fourth-year at UVic, pursuing an honours History degree with a Political Science minor. She has lived in Victoria, BC on unceded WSÁNEĆ territory her entire life. Sophia's specific research focus is on Middle Eastern history and politics. She will be graduating and starting a Master's in Middle Eastern History at the University of St. Andrews in the fall.

Sarah Atkinson is in her fifth and final year of a Bachelor of Arts in Political Science. She's passionate about international relations, Latin American politics, and human rights. Outside of Zoom calls, Sarah can be found rock climbing, hiking, and camping on the west coast.

Kiegan Barron is a third-year honours political science and history student interested in European politics and twentieth century European history – particularly German history. He is currently working on the early stages of his honours political science thesis, which will explore the connection between meritocracy and populism in a Western European context.

Elizabeth Brown is in her final year at the University of Victoria studying political science with a particular focus on ecology and environmental studies. Her research interests include climate and conservation policy, environmental racism, and Indigenous land stewardship, though coursework on American politics has also sparked her interest.

Giulia Gagliano is is a fourth-year Honors Political Science student with a minor in Gender Studies. Her primary research interests are theories of nationalism, Orientalism, and the structures of unequal power, particularly on the axes of gender, race, and sexuality. As a recipient of the Jamie Cassels Undergraduate Research Award and the J. Alan Baker Memorial Scholarship, she recently completed an honors thesis that explored the intersectional Othering processes mobilized against migrants by nationalist parties in Italy.

James Mager is a fourth-year undergraduate student focusing on political science and environmental studies. His major interests include political theory, analytic philosophy, and law. Outside of school you can find him on his bike or near the ocean. He cannot stop talking about climate change.

Kisha (Q) Roxas is a 3rd year Honours Political Science and Gender Studies student. Their research interests include Filipinx diaspora and identity, postcolonial and settler-colonial studies, and queer and gender theory. They are in the beginning stages of planning their honours thesis and hope to explore themes similar to the ones included in this article such as Filipinx diasporic identity, the effects of colonization contributing to trans-exclusive discourse, and decolonial Filipinx futurisms.

Editors

Sage Blumstengel is passionate about environmental and Indigenous politics, and is coming to the end of her undergrad with a double major in environmental studies and political science. She is looking forward to editing some really amazing papers this year, as well as working with some awesome people!

Kayla Brent is a third-year student majoring in Geography with a minor in Journalism and Publishing. She is interested in food systems, investigating the socio-economic impacts of current approaches to sustainability, and how globalization has impacted local resiliency. She just recently joined the Editorial Team for OnPol and is looking forward to producing the Spring volume alongside an incredible team of student writers and editors.

Keiran Ellis is a third-year student majoring in Political Science with a minor in Philosophy. Her areas of study include international relations, international law, critical race theory, and applied ethics. She was also published in Vol. 14 of the OnPol publication. Keiran looks forward to working with all of the wonderful and talented staff at OnPol to create a noteworthy second issue of Vol. 14!

Dorothy Hodgins is in her fifth year at UVIC pursuing a double major in Environmental Studies and Political Science and minoring in Indigenous Studies. Passionate about intersectional climate justice, she enjoys directing her academic knowledge towards volunteer initiatives in the community.

Lily Jones is a fourth-year Political Science student with a minor in Global Development Studies. Lily's primary interests are in exploring structures of oppression and theories of injustice. Lily is currently writing her honors thesis on how stigma interacts with legislation governing prostitute autonomy.

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Rowan Zouboules is a fifth-year Political Science Student and policy nerd with publication credits in Global Public Health Journal and Health and Social Care in the Community. They previously worked as a research assistant for the University of Toronto's Factor-Inwentash Faculty of Social Work, and for the Workers' Safety and Compensation Commission of the Northwest Territories and Nunavut. Rowan brings academic knowledge in publishing, research methods, copy-editing, and literary critique to support students in their writing.

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Saiyah Aujla is a first-year political science student. Her interests are currently in international relations and political theory. She's stoked to be part of the team this year and can't wait to showcase some awesome papers.

Malanya Gaudet is a first-year political science student that's excited to work with On Politics's amazing editorial team this year!

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Michael John Lo is in his third year of studies in Political Science and a minor in Journalism. He is interested in exploring non-statecentric visions of transnational solidarity and the relationship between political socialization and media. He is grateful for the opportunity to foster academic community during this critical moment of intersection. When there isn't a pandemic, he's in involved in a bit of everything that happens on campus.

Acknowledgements

Editorial Team & Acknowledgements

Foreword

Dear Reader,

Despite these tenuous pandemic times, I am pleased to introduce a first-class collection of papers that examine the revolution(s) of our times, both global and local. This is the product of countless hours of effort from my wonderful editorial team and the volunteer readers from the University of Victoria and Canadian International Council — Victoria Branch, and of course, the contributors of this issue.

This edition focuses on examining the politics of coexistence in our transnational world. We begin with returning contributor James Mager with his examination of BC's Bill 41 and Canada's strength of commitment towards Indigenous peoples, showing the potential and pitfalls of this groundbreaking legislation. Next, Kiegan Barron tackles integration and statehood, using the complex minority relations of Moldova and Transnistria as examples. Giulia Gagliano analyzes the discursive logics and the nationalist narratives currently unfolding in Italy, and how such narratives are being mobilized by political and media actors to create anti-immigrant sentiment. Continuing this, Sarah Atkinson focuses on the securitization of transnational migration patterns in the United States, and discusses the implications regarding the growing political polarization in this matter. Our discussion on the United States is further built on by Elizabeth Brown's paper discussing the ongoing debate on felon disenfranchisement and citizenship rights. Our last two papers move beyond the state and explicitly focus on the transnational: Sophia Anderson examines the 2011 housing protest coalition in Israel and how it decentered the state. Finally, Kisha Roxas closes out this issue with an analysis of Babaylan sex and gender discourse within the diaspora of the Philippines, a thoughtful reminder that we carry many under-questioned normative assumptions in our epistemologies.

This issue also marks a full year of my time as Editor-in-Chief at On Politics. Throughout my time, I've always asked myself how I could continue to challenge and push the boundaries of what constitutes the responsibilities of an undergraduate student journal. How can I best encourage a diversity of perspectives? What does building an equitable academic community look like? When will we finally stop using old cover designs made back in 2006?

In retrospect, I'm happy to say that I've made some progress. Balancing the duties of an editor with building new initiatives is not an easy task, but I've established a few things that I hope will last beyond my tenure: a partnership with CIC Victoria, first-year editorial assistants, anti-racism initiatives, and a commitment to broadening beyond the traditional scope of what we constitute as political science.

The partnership between CIC Victoria and the journal is an important intergenerational link of knowledge building, and I look forward to seeing it strengthened over the years. I would like to thank Dr. Chris Kilford and Paul Seguna for the collaborative and encouraging energy that they have brought to the journal.

Quoting the words of one of my predecessors: "I would like to thank everyone who was involved in the process; without you, my job would have been a whole lot harder."

While I may no longer have the honour of building a journal with you — don't hesitate to reach out, even if years down the line. We all have a part to play in this unfolding world, and the load gets a little easier when we walk together.

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Michael John Lo

Editor-in-Chief, Vol. 14

On Politics

University of Victoria

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Indigenous Rights and Canadian Wrongs

British Columbia's Bill 41 and the United Nations

Declaration on the Rights of Indigenous Peoples

James Mager

Abstract: British Columbia's Bill 41 — 2019: Declaration on the Rights of Indigenous Peoples Act represents the first provincial attempt at implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). While a laudable legislative achievement, the passage of Bill 41 is juxtaposed against past and present settler-colonialism in Canada. This essay explores Bill 41 by looking at Canada's historical relationship to UNDRIP, the potential for implementation at the provincial level, and the roadblocks that may lay ahead.

On November 26, 2019, British Columbia (BC) became the first Canadian province to formally commit to implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP or the Declaration). With the support and approval of Indigenous leaders like Grand Chief Ed John and First Nations Summit's Cheryl Casimer, the BC government passed Bill 41 - 2019: *Declaration on the Rights of Indigenous Peoples Act.*[1] Less than three months later, the BC division of the Royal Canadian Mounted Police (RCMP) raided a checkpoint on Wet'suwet'en territory, arresting six Indigenous land defenders while enforcing an injunction pertaining to the Coastal GasLink extraction project.[2] Despite the ostensible separation between the legislative branch of government and the BC RCMP, the temporal proximity of the bill's passage and the raids represent an inauspicious foundation for UNDRIP in BC. This paper examines Bill 41 and the prospect of implementing UNDRIP on the provincial level. Despite the legal and legislative difficulties of implementation and Canada's settler-colonial history, Bill 41/UNDRIP holds immense potential if the BC government respects the Declaration's foundational tenets vis-à-vis Indigenous peoples' inherent rights.

A Brief History of UNDRIP

Canada's ratification of UNDRIP in 2015 was the culmination of a decades-long diplomatic battle by Indigenous leaders, scholars, and activists. Since the early 1900s, Indigenous leaders have engaged with the international community seeking formal recognition of their rights.[3] Indigenous leaders gained traction in international fora through the "politics of embarrassment,"[4] shaming Canada by showcasing to the global community its settler-colonial practices. Indigenous leaders in Canada

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[1] Kung, Eugene. 2019. "Bill 41: A New Law to Uphold Indigenous Rights in BC." *West Coast Environmental Law*.

[2] Bellrichard, Chanetelle, and Yvonne Brand. 2020. "6 Arrested at Wet'suwet'en Anti-Pipeline Camp." *CBC News*, February 6.

[3] Lackenbauer, Whitney P., and Andrew F. Cooper. 2007. "The Achilles Heel of Canadian International Citizenship: Indigenous Diplomacies and State Responses." *Canadian Foreign Policy Journal* 13 (3): 99–119.

[4] ibid, 107.

were instrumental in uniting "the common experience" of Indigenous Peoples around the world,[5] contributing to notions of "Indigenous Globalism" and the "Fourth World." The latter two concepts pertained to a shared but differentiated experience of Indigeneity.[6]

With the creation of the World Council of Indigenous People in 1975, there was finally a "forum both for the collective Indigenous voice and a site for the assertion of Canadian leadership."[7] The establishment of the Working Group on Indigenous Populations at the United Nations Economic and Social Council in 1982, followed thereafter by the International Year of Indigenous Peoples, laid the foundation for future international cooperation.[8] However, Canada's oppositional behaviour towards the Declaration was continuous from drafting until ratification.

Contention emerged during the 1992 Vienna conference over the term "'peoples' rather than 'people' or 'populations',"" as the use of peoples, "opened up the prospect of unqualified acceptance of self-determination" in accordance with the Universal Declaration of Human Rights.[9] Fear mongering over territorial secession and Indigenous self-determination was a standard tactic for Canadian representatives, and efforts to undermine the legal liability of the agreement were common.[10] Despite Canada's obstinacy, collective Indigenous diplomacy would ultimately prevail. However, it would still require years of negotiation, a change in government, and the publication of the Truth and Reconciliation Commission report before Canada officially adopted the Declaration without qualification at the international level.[11]

UNDRIP and Bill 41

UNDRIP recognizes "the urgent need to respect and promote the inherent rights of indigenous peoples…especially their rights to

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[5] ibid, 103.

[6] Beier, J. Marshall. 2007. "Inter-National Affairs: Indigeneity, Globality and the Canadian State." *Canadian Foreign Policy Journal* 13 (3): 121–31. Page 121

[7] Lackenbauer & Cooper 2007, 103.

[8] Lackenbauer & Cooper 2007, 107.

[9] ibid, 108.

[10] ibid, 110.

[11] Lightfoot, Sheryl. 2019. "Using Legislation to Implement the UN Declaration on the Rights of Indigenous Peoples." Essay. In *Braiding Legal Orders: Implementing the United Nations Declaration on the Rights of Indigenous Peoples*, 151–169. Page 21

their lands, territories and resources."[12] The Declaration addresses, *inter alia,* self-determination and self-governance (articles 3 and 4), resource conservation (article 29), and title and land dispossession (articles 8, 10, 26). Underwriting many other articles is the notion of "free, prior and informed consent" which argues for Indigenous consultation on matters relating to individual and collective wellbeing. But UNDRIP is a non-binding international agreement requiring signatories to uphold their commitment through domestic law.

BC's Bill 41 represents the first effort at implementation on the provincial level. Its purpose is to "ensure the laws of British Columbia are consistent with [UNDRIP]"[13] and to "implement an action plan to achieve the objectives of the Declaration."[14] Bill 41 affirms that "all measures necessary" must be taken "in consultation and cooperation with the Indigenous peoples in British Columbia,"[15] to ensure that the articles of the Declaration are met; however, the definition of "all measures" is not explicitly stated. The bill prioritizes transparency through a recurring reporting process undertaken annually in "consultation and cooperation with the Indigenous peoples in British Columbia,"[16] and broadens the definition of Indigenous governing bodies to include, for example, hereditary governments and collectives comprised of multiple Nations that may form agreements with the province.[17]

Implementation at the Provincial Level

Implementation of UNDRIP on the provincial level in Canada is complex, yet promising. Article 91(24) of the Constitution Act, 1867, covers federal legislative authority regarding "Indians, and Lands reserved for the Indians."[18] The legislative relationship between the federal government and Indigenous peoples can be an impasse to negotiation

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[12] UN General Assembly. 2007. *United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly*, 2 October 2007, A/RES/61/295. Page 3.

[13] *Declaration on the Rights of Indigenous Peoples Act,* SBC 2019, c 44. s 3.

[14] ibid, s 4(1).

[15] ibid, s 4(2).

[16] ibid, s 5(2).

[17] Tansowny, Corrine. 2020. "An UNDRIP in the Bucket? The Potential Impact of BC's Adoption of the United Nations Declaration on the Rights of Indigenous People." *McGill Journal of Sustainable Development Law*.

[18] *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

at the provincial level; however, Bill 41 may close this legislative gap, as many articles of UNDRIP relate specifically to provincial purview in the Canadian context — e.g. labour laws (article 17), education (article 14), health programmes (article 23). This implies responsibility at the provincial level.[19]

Furthermore, Bill 41 stands to bolster and perhaps improve existing legislation and judicial precedent. Section 35(1) of the Constitution Act, 1982 states, "the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."[20] As ruled in *Delgamuukw v. Attorney General of British Columbia* (1997) and later affirmed in *Tsilhqot'in Nation v. British Columbia* (2014), Aboriginal title in much of BC has never been extinguished.[21] According to Anishinaabe/Ojibwe scholar John Borrows, this implies that BC land title leans "in the favour of First Nations."[22] In practice, the tendency to view Indigenous rights through an "originalist" lens—focusing on "the moment of contact and not at the later moment of the Crown's assertion of sovereignty"[23]—often disregards the contemporary relationship Indigenous peoples have with their land. UNDRIP instead emphasizes a "living" jurisprudence, making clear that "Indigenous rights need not be rooted in historic claims."[24]

The Declaration also challenges the Canadian conception of Aboriginal rights. According to legal scholar Ryan Beaton, current legislation grants rights *to* Indigenous people *from* the Canadian constitution.[25] Section 35 of the Constitution Act, 1982, places the burden on "rights holders to seek redress in the courts when the Crown infringes their rights in a manner that…cannot be justified."[26] The Crown has an

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[19] Wilkins, Kerry. 2019. "Strategizing UNDRIP Implementations." Essay. In *Braiding Legal Orders: Implementing the United Nations Declaration on the Rights of Indigenous Peoples*, 151–169. Page 128.

[20] *Constitution Act, 1982.*

[21] Borrows, John. 2017. "Challenging Historical Frameworks: Aboriginal Rights, The Trickster, and Originalism." *Canadian Historical Review* 98 (1): 114–35. doi:10.3138/chr.98.1.borrows. Page 128.

[22] ibid, 121.

[23] ibid, 130.

[24] ibid, 115.

[25] Beaton, Ryan. 2018. "Articles 27 and 46(2): UNDRIP Signposts Pointing Beyond the Justifiable- Infringement Morass of Section 35." In *UNDRIP Implementation: More Reflections on the Braiding of International, Domestic and Indigenous Laws (Centre for International Governance Innovation 2018).* Page 112.

[26] ibid, 112.

obligation to engage "Aboriginal and treaty rights holders," but no further than when the Crown "satisfies *itself*."[27] This puts the legal, social, and financial burden on Indigenous communities wishing to protest a section 35 violation. UNDRIP, in both spirit and text, inverts this process by calling on the state to recognize, *a priori*, the inherent rights of Indigenous peoples.[28] This has led oppositional voices to claim that UNDRIP grants an Indigenous veto over any and all projects; however, this claim is disputable. According to lawyer Eugene Kung, the Declaration recognizes that "the consenting party has self-determination to make an informed decision about a matter affecting them," not that Indigenous peoples have unilateral decision-making capabilities.[29]

Article 46: Self-Determination and Sovereignty

There are, however, notable concerns surrounding the Declaration. Bill 41 acknowledges and affirms all articles of UNDRIP, some of which may undercut the most important facets of Indigenous self-determination including the right of title. Article 46(1) of UNDRIP states,

> "Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging **any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.**"[30]

If interpreted broadly article 46(1) could disqualify any action that is perceived to threaten Canadian sovereignty (e.g. myriad expressions of self-determination). One would be naïve not to consider this a possibility given the historical relationship between Indigenous people and the Canadian government. Anishinaabe educator Hayden King adopts this skeptical position, stating that UNDRIP's potential for Indigenous self-

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[27] ibid, 117.

[28] ibid, 114.

[29] Kung 2019.

[30] UN General Assembly 2007.

determination is "tempered by the reality that the exercise of this agency is ultimately 'permitted' — or not — by the states in which they reside."[31] Regardless of interpretation, article 46(1) is a reminder of who has the last word on sovereignty in the Westphalian tradition: the state.

There are more hopeful perspectives on UNDRIP's implementation, predicated on the notion that "soft law cannot be simply dismissed as non-law."[32] Although UNDRIP is non-binding, a declaration is considered by the UN to relate "to matters of major and lasting importance where maximum compliance is expected."[33] Thus Canada's ratification of UNDRIP and BC's commitment to implementation should not be seen as mere performance and spectacle, but a legally consequential decision.

Conclusion: Indigenous Rights or Canadian Wrongs?

The contrast of Bill 41/UNDRIP and the ongoing conflict on Wet'suwet'en territory is one example of the glaring and disheartening hypocrisy that exists within Canada; however, this is an insufficient reason for dismissing the progress being made towards redressing Canadian settler-colonialism. Change is possible if UNDRIP's commitment to Indigenous peoples' rights are respected and elected officials are held to account — two main principles of Bill 41. Land dispossession and resource extraction are ongoing expressions of settler-colonialism, but Bill 41 provides a roadmap to properly rectify these injustices through the recognition of title, self-determination, and treaty adherence. The legal and legislative complexities highlighted in this essay should be seen only as an impediment, not an impasse, that can be surmounted by political will and public scrutiny. The legal and political achievements of Indigenous peoples, from the earliest acts of international diplomacy to the contemporary moment, are proof of Bill 41's potential.

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[31] King, Hayden. 2019. "UNDRIP's Fundamental Flaw." *OpenCanada*. https://www.open-canada.org/features/undrips-fundamental-flaw/.

[32] Barelli quoted in Gunn, Brenda L. 2019. "Overcoming Obstacles To Implementing The Un Declaration On The Rights Of Indigenous Peoples In Canada." Essay. In *Braiding Legal Orders: Implementing the United Nations Declaration on the Rights of Indigenous Peoples*, 121–32. Page 31.

[33] ibid, 32.

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Beyond the Traditional Nation State

The Complex Case of Moldova, Transnistria, and

their Domestic Minorities

Kiegan Barron

Abstract: Moldova and Transnistria have a peculiar relationship. Moldova is recognized as an independent state by most all other countries. Transnistria, on the other hand, lacks this formal recognition of sovereignty but functions as an independent country in every other way. This odd but fascinating relationship between the two autonomous political units is worthy of its own study. However, this relationship becomes even more interesting when analyzing their minority relations. Both Moldova and Transnistria have their own minority populations. But as Transnistria is not technically an independent state, Transnistrians are therefore considered a minority within Moldova. To do justice to the inherent complexities, the thesis of this paper is twofold: first, it will argue that both Moldova and Transnistria have been relatively successful at integrating their own minority populations. Secondly, it will argue that Moldova and Transnistria have largely been unable to integrate with each other, a phenomenon attributable to their differing political development and threats of unification with other countries.

Introduction

Moldova has a significant minority population. Similarly, the de facto independent state within Moldova's internationally recognized borders, Transnistria, also has notable minorities. However, as Transnistria is not officially independent from Moldova, its Russian-influenced population is, therefore, considered a minority *in* Moldova. This situation has led to complex minority politics in and between the two political units. Both Moldova and Transnistria have put significant measures in place to ease tensions with their domestic minorities.[1] However, notable strains still exist between Moldova and Transnistria themselves. This phenomenon leads me to ask: why have Moldova and Transnistria been unable to improve relations with each other, despite success in easing tensions with their domestic minorities? Given the multilayered nature of this question, a nuanced approach is required to examine it accurately. Therefore, in this paper, I will be arguing two points. First, I will establish that Transnistria and Moldova have, indeed, been relatively successful at integrating their domestic minorities, despite some differences in their approaches. Secondly, I will argue that the two autonomous political units have been unable to integrate with each other due to their differing political development and threats of unification with other countries. To demonstrate these two arguments, I will first explain the historical context surrounding Moldova, its minorities, and Transnistria's split. Then, I will examine both of their methods of dealing with their domestic minorities, first focusing on Moldova's treatment of the Gagauz, and then analyzing Transnistria's policies towards its three notable linguistic groups. Afterwards, a challenge to the first part of my thesis will be addressed. I will then comparatively examine the similarities and differences between Transnistria and Moldova's methods of dealing with their domestic minorities, before exploring their relations with each other.

Background

Moldova's history can be summarized in one word – subjugation. Until 1812, the Ottoman Empire controlled the region that is now modern-day Moldova.[2] Due to a war with Russia that same year, it was

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[1] When I talk about domestic minorities in this paper, I am referring to either minorities within Moldova's borders, excluding Transnistria, or minorities within Transnistria's self-declared borders.

[2] Bernado Venturi, "Civil Society Organizations and Conflict Resolution: Moldova-Transnistria." *International Journal on World Peace* 28 (2), (2011) 8.

subsequently overtaken by the Russian Empire.[3] The end of World War One resulted in unification with Romania, which was promptly followed by Soviet annexation in 1940.[4] This background is relevant because, upon declaring independence in 1990, Moldova had no experience of independent statehood.[5] Moreover, the legacy of being conquered by different empires resulted in ethnic and linguistic diversity in the now-independent Republic of Moldova. The Romanian-speaking majority now comprises about 65 percent of the population, with Ukrainians making up 22 percent and Russians constituting around 13 percent.[6] Crucially, the legacy of Ottoman domination also resulted in a significant Turkic minority, called the Gagauz, living in the country.[7] As this last group has had the most notable tensions with the Moldovan state, excluding the Transnistrians, I will, therefore, focus on the Gagauz when looking at Moldova's treatment of its minorities.

However, an explanation of Moldova's history would not be complete without examining Transnistria. Historically, Moldova's Russian-speaking minority was ignored or actively suppressed. An example of this suppression can be seen in a 1989 law that made it mandatory for the Latin alphabet to be used in schools, thus resulting in Cyrillic being banned.[8] This law, in particular, sparked tensions between Russian and Romanian speakers who were already at odds. None of this was helped by rumours in the early 1990s of Moldova's potential unification with Romania.[9] All these tensions resulted in a civil war upon the breakup of the Soviet Union (USSR) between the now-self-declared independent state of Transnistria and the rest of Moldova, which ended in a 1992 peace treaty.[10] Transnistria now functions as an independent state in every way, lacking only the external recognition from other countries that would make it officially sovereign.[11] Like Moldova, Transnistria

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[3] Venturi, "Civil Society Organizations and Conflict Resolution: Moldova-Transnistria.", 8.

[4] Ibid

[5] William Crowther, "Moldova, Transnistria and the PCRM's Turn to the West", *East European Quarterly* 41, no. 3 (2007), 274.

[6] Crowther, "Moldova, Transnistria and the PCRM's Turn to the West", 274.

[7] Ibid

[8] William Alejandro Sanchez, "The 'Frozen' Southeast: How the Moldova-Transnistria Question Has Become a European Geo-Security Issue," *The Journal of Slavic Military Studies* 22, no. 2 (2009), 157.

[9] Sanchez, "The 'Frozen' Southeast: How the Moldova-Transnistria Question Has Become a European Geo-Security Issue", 157.

[10] Sanchez, "The 'Frozen' Southeast: How the Moldova-Transnistria Question Has Become a European Geo-Security Issue", 158.

[11] Ibid; For instance, Transnistria has its own government, parliament, military, currency,

is ethnically and linguistically diverse, with no one group of people forming a majority. The largest minorities are Moldovans, Russians, and Ukrainians, although Russian is the most prominent language.[12] Thus, the important takeaway from this section is that Moldova and Transnistria both have diverse populations. Both governments have, therefore, made accommodations to these populations to ensure tensions do not boil over.

Moldova and the Gagauz

About 126 000 Gagauzians live in Moldova, making up roughly 3 to 5 percent of the population.[13] Due to settling in Moldova hundreds of years ago, the Gagauz view it as a quasi-homeland.[14] They are Orthodox Christians and are generally considered the most "Russified" group in Moldova, excluding the Transnistrians.[15] For instance, a 1989 Soviet census reported around 72 percent of Gagauzians spoke Russian as a second language.[16] Notably, the Gagauz have been historically disadvantaged in Moldovan society, similarly to other Russian-influenced groups. This disparity could be seen coming into the twentieth century with an illiteracy rate of about 90 percent for the general Gagauzian population, including almost 100 percent of Gagauzian women.[17] Even by the time the Soviet Union fell, massive disparities still existed. For instance, only 107 Gagauzians were studying at Chisinau State University in the early 1990s.[18] All this resulted in separatist feelings, which the Moldovan government heavily discouraged.[19] To the uninitiated, this situation may seem like one that would lead to conflict, like what happened with Transnistria. However, the outcome has been very different.

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coat of arms, national anthem, and countless other elements that one normally associates with a sovereign state.

[12] Alexander Osipov and Hanna Vasilevich, "Transnistrian Nation-Building: A Case of Effective Diversity Policies?" *Nationalities Papers* 47, no. 6 (2019), 986.

[13] Charles King, "Minorities Policy in the Post-Soviet Republics: The Case of the Gagauzi," *Ethnic and Racial Studies* 20, no. 4 (1997), 740.

[14] King, "Minorities Policy in the Post-Soviet Republics: The Case of the Gagauzi", 740.

[15] King, "Minorities Policy in the Post-Soviet Republics: The Case of the Gagauzi," 741.

[16] Ibid

[17] Oleh Protsyk and Ion Osoian, "Ethnic or multi-ethnic parties? Party competition and legislative recruitment in Moldova", *European Centre for Minority Issues*. ECMI Working Paper (47), 2010, 17.

[18] King, "Minorities Policy in the Post-Soviet Republics: The Case of the Gagauzi," 742.

[19] Ibid

For instance, the Moldovan government introduced measures to appease Gagauzian separatists, indicating their radically different approach when compared to Transnistria. One example of this difference in action includes state-funding of Gagauzian newspapers and universities.[20] Moreover, by the middle of the 1993-1994 academic year, forty-four non-Gagauzian universities had introduced Gagauzian as an optional language.[21] The Constitution of 1994 also made key provisions. For instance, it declared the region known as "Gagauzia" an autonomous republic, giving it control over taxation and education, and included a provision allowing Gagauzia to declare independence if the rest of Moldova unified with Romania.[22] However, perhaps the most important measure taken to appease Gagauzian separatists was Moldova's forging of strong diplomatic ties with Turkey in the early 1990s. Considering the Gagauz's Turkic ancestry, these ties had enormous symbolic *and* tangible importance. For instance, it showed Moldova's willingness to provide cultural accommodations to the Gagauz, with Ankara and Chisinau now jointly funding Gagauzian cultural opportunities.[23] Cultural events and education have since become regulated in the education system; as of 2016, Gagauzia, its people, and its history are mandatory subjects in Moldovan state schools.[24] Therefore, while helping to lessen historical tensions, such education policies have also allowed for further recognition of Gagauzia's distinct nature.

To analyze the effectiveness of these policies, we may find it useful to look to the popularity of the mainstream political parties. Generally, while Gagauzian nationalist parties have played a role in Moldovan politics, most Gagauzians have voted for the dominant Moldovan parties. For instance, the voting base for the Communist Party between 2001 and 2010, the largest party in Moldovan politics at that time, was about 8 percent Gagauz, despite them only making up 3 to 5 percent of the population.[25] Moreover, 4 percent of the Social Democratic and Centre parties' electorate was Gagauz as well.[26] These

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[20] King, "Minorities Policy in the Post-Soviet Republics: The Case of the Gagauzi," 742.

[21] King, "Minorities Policy in the Post-Soviet Republics: The Case of the Gagauzi," 745.

[22] Protsyk and Osoian, "Ethnic or multi-ethnic parties? Party competition and legislative recruitment in Moldova", 15.

[23] King, "Minorities Policy in the Post-Soviet Republics: The Case of the Gagauzi," 747.

[24] United Nations Human Rights Council, "Report of the Special Rapporteur on Minority Issues on Her Mission to the Republic of Moldova," (2017), 9.

[25] Protsyk and Osoian, "Ethnic or multi-ethnic parties? Party competition and legislative recruitment in Moldova", 9.

[26] Ibid

electoral statistics imply that the measures taken by the Moldovan government to accommodate the Gagauz have worked, as they have not felt the need to create their own representative institutions. Instead, they vote proportionately and sometimes disproportionally for the already established political parties. This contentment with the Moldovan state can be seen further by the lack of significant Gagauz independence movements since initial tensions in the early 1990s.[27] All this indicates that the Moldovan government has successfully curbed tensions with the Gagauz and has even integrated them into the mainstream political system.

Transnistria And Its Minorities

As previously mentioned, Transnistria contains no majority population. Russians and Moldovans make up about 29 percent of the population, while Ukrainians constitute about 22 percent, with their linguistic preferences falling along these ethnic lines.[28] Due to these linguistic barriers, it is reasonable to assume that forming a cohesive and non-prejudicial society would be difficult. The Transnistrian government has recognized these potential challenges from the outset and has introduced considerable measures to address them. For instance, in the 1992 Constitution, Article One guaranteed Transnistrian citizens "linguistic sovereignty".[29] This freedom was made clearer in a 1994 amendment that assured citizens the right to use their language of birth.[30] The Constitution also emphasizes linguistic diversity. For instance, it is constitutionally mandated that all Transnistrians learn a second language.[31] Therefore, despite Transnistrian state schools primarily being instructed in Russian, they must offer classes in the two other prominent languages.[32]

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[27] Kamil Całus, "Gagauzia: Growing Separatism in Moldova?" *OSW Centre for Eastern Studies*, (2018), 7.

[28] Osipov and Vasilevic, "Transnistrian Nation-Building: A Case of Effective Diversity Policies?", 986.

[29] Osipov and Vasilevic, "Transnistrian Nation-Building: A Case of Effective Diversity Policies?", 987.

[30] Girogio Comai and Bernardo Venturi, "Language and Education Laws in Multi-Ethnic de Facto States: The Cases of Abkhazia and Transnistria", *Nationalities Papers*, 43, no. 6 (2015), 890.

[31] Comai and Venturi, "Language and Education Laws in Multi-Ethnic de Facto States: The Cases of Abkhazia and Transnistria.", 891.

[32] Comai and Venturi, "Language and Education Laws in Multi-Ethnic de Facto States: The Cases of Abkhazia and Transnistria.", 892.

Regarding more general cultural differences, the Transnistrian government has made significant efforts to lessen potential tensions by putting on many state-run cultural events.[33] Such events are conducted to introduce people to different cultures, thus lessening fears of unfamiliar ideas and cultures.

In terms of linguistic understanding, Transnistria has seen notable advances. For instance, 57 to 58 percent of the population speaks Romanian as a second language.[34] Moreover, the percentage of Ukrainian speakers increased from 3 percent in 2001 to 30 percent by 2010.[35] It is difficult to find a direct link between the government's cultural initiatives and decreased tensions, but there are some possible indicators. Most notably, a 2006 referendum with almost 80 percent turnout revealed that 98 percent of Transnistrians approved of independence from Moldova and the current incarnation of the Transnistrian state.[36] This statistic is remarkable, especially considering that almost a third of the population self-identifies as Moldovan. Therefore, despite different languages, cultural traditions, and even different national identities, this contentment with the Transnistrian state has not been affected. If rampant discrimination and prejudice due to different cultural backgrounds were common, it is unlikely that this level of contentment would be present. Therefore, I can say with relative confidence that efforts by the Transnistrian government to lessen potential tensions between Moldovans, Russians, and Ukrainians have been successful.

Before moving on to my analysis that will look at Moldova and Transnistria's relations with each other, it is important to first make some caveats to the first part of my thesis. While I have described a rosy picture of the treatment of the Gagauz in modern-day Moldova and the many minorities in Transnistria, there are still notable challenges. For instance, in a report conducted by the United Nations Human Rights Council (UNHRC) in 2016, several problems were found in the linguistic management of Gagauzia. One example included key medical documents only being made available in Romanian.[37] Transnistria faced similar challenges, with the Russian language still dominating most aspects of

[33] Osipov and Vasilevic, "Transnistrian Nation-Building: A Case of Effective Diversity Policies?", 993.

[34] Comai and Venturi, "Language and Education Laws in Multi-Ethnic de Facto States: The Cases of Abkhazia and Transnistria.", 891.

[35] Ibid

[36] Osipov and Vasilevic, "Transnistrian Nation-Building: A Case of Effective Diversity Policies?", 991.

[37] United Nations Human Rights Council, "Report of the Special Rapporteur on Minority Issues on Her Mission to the Republic of Moldova," (2017), 10.

Beyond the Traditional Nation State

society.[38] These concerns are all worthwhile and valid. However, in the report, these issues are mentioned in the context of both governments trying to eliminate said issues.[39] In other words, they are problems *despite* governmental efforts rather than *due* to a lack of effort. While this does not mean such problems are unimportant, or that actions taken by both governments have been perfect, it does indicate that progress is being made.

Analysis

Before I look at Moldova and Transnistria's relations with each other, it is necessary to compare their policies towards their domestic minorities. Both the Moldovan and Transnistrian constitutions contain sections that explicitly deal with the treatment of minorities. Moreover, there have been similar efforts towards linguistic comprehension, with Moldovans and Transnistrians being familiarized with minority languages through state-run education. Transnistria and Moldova have also encouraged cultural and historical understandings. However, Moldova has done so in a more formal, educational setting, as seen by Gagauzia being a mandatory subject in Moldovan schools.[40] While such policies have also been put in place by the Transnistrian government, they have also set up more informal cultural events, like music festivals or art exhibits related to a particular minority.[41] When cultural events have been established in Moldova, they have been done in conjunction with Turkey, which highlights another difference between Moldova and Transnistria. Strong formal ties have been made with Turkey to help appease the Gagauz. However, while this has occurred with Russia and Transnistria, thus appealing to the Russian minority, the same cannot be said for ties with the rest of Moldova, or Ukraine.[42] Moreover, as will be discussed later, Transnistria's Russian ties are much more foundational than Moldovan and Turkish relations.

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[38] United Nations Human Rights Council, "Report of the Special Rapporteur on Minority Issues on Her Mission to the Republic of Moldova," (2017), 18.

[39] Ibid

[40] United Nations Human Rights Council, "Report of the Special Rapporteur on Minority Issues on Her Mission to the Republic of Moldova," (2017), 9.

[41] Osipov and Vasilevic, "Transnistrian Nation-Building: A Case of Effective Diversity Policies?", 991.

[42] Frank Jacobs, "Transnistrian Time-Slip," The New York Times (The New York Times, May 22, 2012)

Despite these differences, both Moldova and Transnistria have been relatively successful in dealing with their minority populations, as was demonstrated in the previous section. Thus, out of this comparison comes the question: why have Moldova and Transnistria been unable to improve relations with each other, despite success with their own minorities? This fact is even more interesting given the nature of these minorities. As previously mentioned, the Gagauz are heavily Russian influenced. Yet, Moldova has successfully integrated them while failing to do the same with the similarly Russian-oriented Transnistrians. Reasons as to why this failed integration has occurred will be the focus of the rest of the paper.

Moldova and Transnistria's very different political development is a large reason why tensions remain high. The roots of these specific divisions started with the civil war. The war in itself partially explains why Moldova has been able to make amends with the Gagauz but not with Transnistria, as a violent conflict on that scale often heightens polarization.[43] Moreover, the war cemented Moldova and Transnistria as two separate political units, which has allowed them both to develop politically in fundamentally different ways. Furthermore, Moldova's democratic development has led to tensions with Transnistria. The country is by no means a perfect democracy, officially classified as flawed by the World Bank.[44] However, this also means that there has been a genuine effort to implement democratic norms and institutions. Transnistria, on the other hand, has maintained the authoritarian system of the Soviet Union.[45] The preservation of the Soviet system is related to their reasons for splitting in the first place, which was not just linguistic, but also due to continued loyalty towards the USSR.[46] Specific instances of Moldova's democratic development, most notably the elections of 2001 and 2005, have caused legitimacy challenges to the Transnistrian regime.[47] Moreover, when Ukraine underwent its Orange Revolution in late 2004, resulting in democratic challenges to its government, this gave Moldova even more

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[43] Reasons as to why civil war happened with Transnistria and not with Gagauzia are plentiful and worthwhile to explore. But given the scope of this paper, I do not have the time to explore them thoroughly.

[44] "Moldova," World Bank, accessed March 22, 2020.

[45] Osipov and Vasilevic, "Transnistrian Nation-Building: A Case of Effective Diversity Policies?" 991.

[46] Ibid

[47] Oleh Protsyk, "Moldova's Dilemmas in Democratizing and Reintegrating Transnistria," *Problems of Post-Communism* 53, no. 4 (2006), 30.

leverage to pressure Transnistria.[48] However, Transnistrians continue to have an aversion to democracy.[49] Moldova and Transnistria have not faced these sorts of challenges when dealing with their domestic minorities, as tensions have been over cultural and linguistic differences rather than political systems. Therefore, issues of differing and opposed political development have not been sources of division, whereas they are foundational issues for Moldovan and Transnistrian relations.

The second reason for these divisions can be attributed to fears of unification with other countries. As previously described, one of the main reasons for Transnistria's split from Moldova in the early 1990s was over fears of unification with Romania. These worries persist to this day. However, to accomplish their de facto independence, Transnistria also became closely tied with a foreign actor – unsurprisingly, Russia. The seeds of this alliance were planted with the fourteenth Russian army fighting for Transnistria during the civil war.[50] This alliance has since expanded, with Russia and Transnistria signing numerous joint declarations and friendship agreements over the past thirty years.[51] However, perhaps most decisive in cementing tensions between Moldova and Transnistria was Russia's invasion of Crimea in 2014. Since then, there has been considerable fear from the Moldovan government that Russia would attempt a similar annexation of Transnistria.[52] Transnistrians themselves have done little to dissuade these fears. For instance, as previously mentioned, a 2006 referendum revealed that 98 percent of Transnistrians were open to future integration with Russia.[53]

Worries about foreign actors have cemented the divide between Moldova and Transnistria, as both fear unification or annexation with or by Russia and Romania, respectively.[54] Concessions to both countries' domestic minorities have been made without any fears of unification with another country and have not implied fundamental changes to their current political system. For instance, as previously mentioned, gestures were

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[48] Protsyk and Osoian, "Ethnic or multi-ethnic parties? Party competition and legislative recruitment in Moldova", 18-19.

[49] Ibid

[50] Jacobs, "Transnistrian Time-Slip," *The New York Times.*

[51] Protsyk, "Moldova's Dilemmas in Democratizing and Reintegrating Transnistria,", 32.

[52] Thorbjorn Jagland, "Bring Moldova Back from the Brink," (The New York Times, August 10, 2015).

[53] Osipov and Vasilevic, "Transnistrian Nation-Building: A Case of Effective Diversity Policies?" 991.

[54] Jagland, "Bring Moldova Back from the Brink,".

made towards Turkey regarding the Gagauz, but these were more along the lines of formal diplomatic ties and cultural exchanges, normal interactions between states and nothing that would indicate unification. All this is indicative of the problems with having a functionally independent state that is still officially part of another country. Transnistria operating on the international stage differently than Moldova, while still technically being part of Moldova, would understandably cause tensions not easily solved by traditional methods of minority integration. Overall, however, when these differing foreign ties are combined with the polarized development of Moldova and Transnistria's political system, it is even easier to see how deepening divisions between Transnistria and Moldova occurred - resulting in challenges not seen in their domestic minority relations.

Conclusion

Despite making substantial efforts to ease tensions with their domestic minorities, Moldova and Transnistria still face enormous challenges with their diplomatic relations. Both have made strives with their domestic populations through education, linguistic understanding, and cultural events. However, the development of different political systems and opposing foreign ties has prevented similar improvements *between* Transnistria and Moldova. One question needs to be considered regarding takeaways from this analysis: are there any strategies used for Moldova and Transnistria's domestic minorities that could be applied to improving relations *between* Moldova and Transnistria? There is reason to think that linguistic education would help ease tensions, as one of the reasons for Transnistria's declaration of independence was due to fears of losing the right to speak Russian. Cultural events could maybe have a similar de-escalating effect. However, the most obvious example is the provision in the Moldovan Constitution that allows for Gagauzia to declare independence in the event of unification with Romania. The possibility of a similar provision for Transnistria has been floated in the past.[55] Despite this, it would do little to solve the problem of Russian aggression, therefore, limiting its effectiveness. The problem of different political systems remains as well. Regardless, overall, this analysis has shown that success in one instance of minority integration does not mean success in another. This notion is particularly true when one of those minorities, as

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[55] Venturi, "Civil Society Organizations and Conflict Resolution: Moldova-Transnistria.", 9.

is the case with Transnistria, operates as an independent state – leading to challenges that may not be present with domestic minorities. Therefore, the specific circumstances must always be considered to assess if policies to appease one group will ease tensions with another.

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The Imagined Community, Symbolic Cultural Boundaries, and the Other

Discursive Activations of Anti-immigrant Sentiment by

Political Parties and the Media in Italy

Giulia Gagliano

Abstract: Italy, like many other European countries, is at a crossroads with its quickly changing socio-cultural demographic landscape and simultaneously heightening nationalist anti-immigrant sentiment that is lighting up the nation. This paper analyzes the concepts of the imagined national community, symbolic boundaries, and the Other in the context of Italian anti-immigrant hostility and moral panic. By examining the discursive logics mobilized by political and media actors against migrants, I identify the discourses that are employed to negatively construct migrant presence in the community, such as that of criminality, amorality, and cultural incompatibility. I argue that such narratives are rooted in the legacies of Italy's constructions of its own national symbolic boundaries and their identification of the national Self in opposition to the undesirable Other.

In the past decade, countries across Europe have witnessed the rise of anti-immigrant sentiment within their populations. Many European national communities have been confronted with a clash between their traditional nationalist imaginations and the realities of the changing socio-cultural demographic as many nations transition from being countries of emigration into those of immigration. The changing face of European communities is particularly evident in the case of Italy. As one of the countries most vulnerable to the migrant crisis of 2015, Italy is witnessing the politicization of issues surrounding migration and immigrant presence, which has heightened to the forefront of national public concern. Anti-immigrant sentiments are particularly acute among the local Italian population, with antagonism amplified by the threat that the immigrant Other is perceived to pose to the national community.

Taking into consideration past studies that have revealed anti-immigrant sentiment as characterized by a multifaceted logic encompassing social, political, and economic processes rather than merely immigrant presence, this paper explores the rise of anti-immigrant anxieties by analyzing the discursive notions of imagined community, symbolic boundaries, and the Other in relation to the Italian political community. This paper argues that the rise of anti-immigrant sentiment in Italy is propelled by the politicization of immigrant presence enacted by political actors and mass media; and that said actors have further activated public anxiety through nationalistic narratives of the encroaching alien Other who "threatens" the Italian imagined community and its symbolic cultural boundaries. First, I will provide a theoretical overview of the concepts of the imagined community, symbolic cultural boundaries, and the imagined Self/Other. The following section will explore the evolution of Italy's national political community, with particular attention given to its transition to a country of immigration and its ramifications on anti-immigrant sentiment. After said examination, I will analyze how political actors and the media discursively construct incoming immigrants as an unfamiliar, dangerous Other that threatens the native Italian political community by breaching the imagined cultural boundaries of nationhood.

The Imagined Community, Symbolic Cultural Boundaries, and the Other

The nation rests on imagined and invented attachments between the members of a given community that foster a sense of collective identity. It is configured in a way that denies social differences,

heightening the feeling of belonging to a homogenous national community that is constructed to appear and feel primordial.[1][2] Nationalism scholar Benedict Anderson conceptualizes the nation as "an imagined political community — and imagined as both inherently limited and sovereign", underlying the inventive processes of creating a national community that is limited to only members of the identified in-group.[3] Therefore, the construction of the national community is referred to as 'imagined' since it works to naturalize the collective abstract attachments that unify members within a nation.

The "imagined" quality of the nation also denotes the abstract and symbolic dimension of the collective attachments as cultural and moral boundaries that become signifiers of the imagined community. A nation within a set territory is not only defined by physical borders but also by exclusionary symbolic boundaries operating according to the logic of a nation's assumed cultural distinctiveness and homogeneity.[4] The national impulse to deny social difference within a nation works to simultaneously define the national community in opposition to the imagined outsider Other, who is often articulated in respect to ethnic, cultural, or racial differences.[5] Therefore, the imagined community can only be maintained using an inherently and necessarily exclusionary logic towards those that are incompatible with the national imagination. Such exclusionary scripts naturally result in positioning immigrants as the Other, due to their identity being perceived as incompatible with the national identity and its cultural dimensions.[6] As a result of the symbolic connotations of 'alien', 'dangerous', and 'unknown' are attached to the immigrant, the national Self imagines the nation as the "measure of the good life which 'they' [immigrants] are threatening to undermine [...] because 'they' are foreigners and culturally 'different'" and thus infringe upon

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[1] Manuela Caiani and Patricia Kröll, "Nationalism and Populism in Radical Right Discourses in Italy and Germany," *Javnost - the Public* 24, no. 4 (2017): 338.

[2] Erick Castellanos, "The Symbolic Construction of Community in Italy: Provincialism and Nationalism," *Ethnology* 49, no. 1 (2010): 66.

[3] Benedict Richard O.'Gorman Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 2006), 6, Fulcrum.

[4] Verena Stolcke, "Talking Culture: New Boundaries, New Rhetorics of Exclusion in Europe," *Current Anthropology* 36, no. 1 (1995): 3.

[5] Caiani and Kröll, "Nationalism and Populism in Radical Right Discourses in Italy and Germany," 338.

[6] Nazareno Panichella and Maurizio Ambrosini, "Between Fears, Contacts and Family Dynamics: The Anti-Immigrant Attitudes in Italy," *Journal of International Migration and Integration* 19, no. 2 (2018): 393.

the cultural and moral boundaries that define the imagined community.[7] Thus, the nation is imagined in accordance to exclusionary scripts that are constructed and embedded in the symbolic contours of a community, such as the distinctiveness of its cultural and moral boundaries.

Italy's Political Community and its Quickly Changing Face

Italy has a tradition of fragmented and weak national cohesion, which has led to a dependence on external forces such as the government, political actors, and media to foster a sense of collective identity and symbolic boundaries by mobilizing imaginaries of cultural and ethnic cohesion. Italy's history as an imagined national political community is one that is fraught with inconsistency as a result of the much stronger pull of regionalism over that of nationalism. The tradition of *campanilismo*, originating from the symbolic idea that attachments to localities extend for as far as their town's landmark *campanile* (bell tower) is still physically visible to the eye, is indicative of the limited and divided Italian identity as a cohesive nation. [8] The absence of a strong collective national cohesion spurred by cultural and social homogeneity in favour of localized attachments has resulted in the Italian state government becoming the primary unifying signifier for the national experience.[9] The strong localized attachments and the resultant transposal of national signification to the state enterprise is of particular note in light of the contentious policies of national inclusion. An example of this is Italy's citizenship code of 1992, which limited opportunities for non-EU immigrants to gain Italian citizenship while simultaneously privileging second generation descendents of Italian emigrants with permissions to request Italian citizenship.[10] The state adoption of ethonationalist policies that are based on the principles of *jus sanguini* (national inclusion determined through "blood"), paired with the localized and limited kinship that defines Italian communities, reveals an exclusionary mentality in which inclusion to the national community is contingent on categories of race, ethnicity, and culture.[11] Therefore, although national inclusion is dictated

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[7] Stolcke, "Talking Culture: New Boundaries, New Rhetorics of Exclusion in Europe," 3.

[8] Castellanos, "The Symbolic Construction of Community in Italy: Provincialism and Nationalism," 62.

[9] Castellanos, "The Symbolic Construction of Community in Italy: Provincialism and Nationalism," 77.

[10] Maurizio Ambrosini, "Immigration in Italy: Between Economic Acceptance and Political Rejection," *Journal of International Migration and Integration* 14, no. 1 (2013): 178.

[11] Ambrosini, "Immigration in Italy: Between Economic Acceptance and Political Rejec-

by the state's processes of legal citizenship, said logic is simultaneously intertwined with ethno-cultural nationalist logics.[12] Consequently, the lack of a historically strong national cohesion contributes to a heightened expectation and necessity for the state to validate and determine the collective national identity. The scarce collective national identity in turn has led to the drawing of imaginary symbolic boundaries founded in notions of national ethnic and cultural distinctiveness.

The imagined identity of the Italian community, however, appeared threatened by migrant presence as the country underwent a transformative shift from a country of emigration to one of immigration. Following the country's longstanding history as a country of emigration, Italy quickly became a country that accepted large numbers of foreign immigrant workers who sought to participate in the European labour market. Both public institutions and civil society were slow in the acceptance of such changing demographics, with the state reluctant to implement policies of social rights and protections for immigrants.[13] Such an attitude is reflective of the resistance against the integration of immigrants into the Italian national community, since reservations against foreign immigrants were fueled by the intent to defend and protect the "sense of community or national good".[14] Indeed, as evidenced in the principle of *jus sanguini* adopted by the Italian state, the Italian political community rejected foreign immigrants on the basis of their perceived threat towards the ethnic and cultural integrity of Italy. Despite the quickly changing demographic of the country, there is resistance to aligning the national imagination with the reality of a multiethnic and multicultural society that includes different cultural expressions and experiences.

The rejection of foreign migrants from the imagined community intensified during the migrant crisis of 2015 when Italy received hundreds of thousands of refugees who crossed the Mediterranean to escape conflict. Due to its geographic positioning and exposure to Mediterranean migrant routes, the Italian government was responsible for responding to the disproportionate migrant influx. Consequently, the government was confronted with a state of unpreparedness not only infrastructurally but

tion," 179. ; Jean Beaman, "Citizenship as Cultural: Towards a Theory of Cultural Citizenship," *Sociology Compass* 10, no. 10 (2016): 849.

[12] Caiani and Kröll, "Nationalism and Populism in Radical Right Discourses in Italy and Germany," 336-338.

[13] Ambrosini, "Immigration in Italy: Between Economic Acceptance and Political Rejection," 176-177.

[14] Panichella and Ambrosini, "Between Fears, Contacts and Family Dynamics: The Anti-Immigrant Attitudes in Italy," 393.

also economically and politically due to various challenges following the Great Recession of 2008.[15] The contentious political and social crises that ensued were characterized by a sense of national emergency and insecurity, with "heightened conflict over cultural and religious diversity" and questions of inclusion.[16]

What was previously latent xenophobic sentiments against ethnic minorities amassed into a considerable backlash against the prospect of a multicultural Italy, due to the migrant influx being perceived as threatening to erode the symbolic boundaries of the "dominant culture" within the nation.[17] Consequently, such anxieties embedded in the nationalist panics of breached symbolic boundaries and altered imaginations of the national Self contributed to national public concern "portraying Italy as on the brink of collapse, and its traditions and way of life on the verge of demise".[18] Therefore, despite the longstanding history of regional, cultural and social fragmentation, the Italian nation quickly found itself embedded in a discourse of the precarious status of the unique Italian identity as a result of the encroaching outsider Other.

The Exclusionary Nationalist Rhetoric of Political Parties

Italian anti-immigrant parties have strategically mobilized the nationalist notion of the threatening Other to foster disproportionate fears and rejections of incoming foreign immigrants. Through the use of emotionally charged language embedded in ideas of nationhood, security, and boundaries, political parties such as the nationalist right-wing Lega Nord (the Northern League) foster exclusionary sentiments directed towards migrants. The party has amplified, heightened, and capitalized on the disproportionate anxieties surrounding the migrant influx that Italy has witnessed by espousing and circulating xenophobic and exclusionary narratives.[19]

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[15] Pietro Castelli Gattinara, "The 'Refugee Crisis' in Italy as a Crisis of Legitimacy," *Contemporary Italian Politics* 9, no. 3 (2017): 319.

[16] Castelli Gattinara, "The 'Refugee Crisis' in Italy as a Crisis of Legitimacy." 319-320.

[17] Panichella and Ambrosini, "Between Fears, Contacts and Family Dynamics: The Anti-Immigrant Attitudes in Italy."; Castelli Gattinara, "The 'Refugee Crisis' in Italy as a Crisis of Legitimacy," 326.

[18] Castelli Gattinara, "The 'Refugee Crisis' in Italy as a Crisis of Legitimacy," 327.

[19] Gabriele Abbondanza and Francesco Bailo, "The Electoral Payoff of Immigration Flows for Anti-Immigration Parties: The Case of Italy's Lega Nord," *European Political Science* 17, no. 3 (2018): 381.

The politicization of migrant presence through the rhetoric propagated by anti-immigrant parties is embedded in nationalist notions that discursively construct the Italian people in opposition to the encroaching foreign immigrants. Such language is sourced from the symbolic logics of nationalism that configure 'the people' of the nation against the immigrant Others.[20] For instance, Matteo Salvini, leader of the Lega Nord, dramatically frames the trend of immigration by using the language of national community, security, and cultural and moral boundaries through phrases such as the following: "the continent is losing its values, it is lacking in security, it is losing its identity and has no pride any more".[21] In addition to painting the increasing cultural diversity as a dangerous phenomenon brought about by the alien Other, the employment of such narratives triggers the nationalist ideas of conflict, security, and protection of imagined symbolic boundaries that positions migration as a type of "culture war".[22] Indeed, Salvini goes so far as to make the forceful statement: "if you want to live in peace, you have to prepare for war". [23] The rhetorical scripts employed by anti-immigrant parties strategically mobilize nationalistic language that imagines the Italian nation as aggressively defensive against the encroaching Other that threatens to disrupt and erode the moral, cultural, and social cohesion of the national community. Indeed, the nationalist rhetoric politically mobilizes and discursively constructs "migrant populations and refugees as aliens who infiltrate Europe to corrode its social and cultural fabric".[24] Such imaginaries trigger anxiety and fear in the Italian public because they signal an infraction against their symbolic national boundaries that underlie the collective identity and community.

Anti-immigrant parties such as the Lega Nord strategically problematize and politicize the influx of migrants through the employment of nationalistic scripts, such as cultural homogeneity and protection of the community, in a way that activates anti-immigrant anxieties within the population.[25] Through the promulgation of pledges such as "no more

[20] Anna Cento Bull, "Addressing Contradictory Needs: The Lega Nord and Italian Immigration Policy," *Patterns of Prejudice* 44, no. 5 (2010): 412.

[21] Sertan Akbaba, "Re-Narrating Europe in the Face of Populism: An Analysis of the Anti-Immigration Discourse of Populist Party Leaders," *Insight Turkey* 20, no. 3 (2018): 9.

[22] Akbaba, "Re-Narrating Europe in the Face of Populism: An Analysis of the Anti-Immigration Discourse of Populist Party Leaders," 9.

[23] Akbaba, "Re-Narrating Europe in the Face of Populism: An Analysis of the Anti-Immigration Discourse of Populist Party Leaders," 11.

[24] Castelli Gattinara, "The 'Refugee Crisis' in Italy as a Crisis of Legitimacy," 322.

[25] Hajo G. Boomgaarden and Rens Vliegenthart, "Explaining the Rise of Anti-Immigrant Parties: The Role of News Media Content," *Electoral Studies* 26, no. 2 (2007): 407.

clandestine immigrants on the doorstep", the Lega Nord's electoral victories represent their ability to persuade Italians of the necessity to protect the nation through the restrictions of migrant rights, such as preventing the building of Muslim worship spaces, and preserving "certain social rights for Italians alone". [26] Such rhetoric is embedded in the implicit notion that Italians are incompatible with alternative religious and cultural backgrounds, and thus must embody specific qualities in order to be considered as someone that is able to join and benefit from the Italian national community. Therefore, the party both shapes and maintains the Italian imagined community by defining the boundaries of cultural and moral homogeneity of the nation as ones that must exclude the culturally different, and thus the threatening, immigrant Other.

Politicization and Imagination through Media Coverage

The media's selective portrayal of migration and migrant populations in Italy contributes to politicizing the influx of migrants in a way that activates anti-immigrant nationalist anxieties as well. Studies have found that higher news media coverage about migrants is causally linked to an increased support for anti-immigrant parties due to the news signalling the salience of migration as a public concern.[27] Increased coverage in the news generates heightened national awareness of migration issues and thus leads to a process of politicization in the public's mind.[28] Moreover, studies have found that significant news media attention covering immigration issues fostered a public perception of a threat being posed to the nation's symbolic cultural boundaries, thus fuelling anti-immigrant sentiment.[29] Consequently, media coverage alone has the capacity to generate anti-immigrant anxieties through its inherent ability to circulate and signal relevant political concerns, thus problematizing certain concerns and narratives over others.

However, the manner in which mass media addresses and frames issues of migration contributes to reifying the notions of the threatening

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[26] Ambrosini, "Immigration in Italy: Between Economic Acceptance and Political Rejection," 181.

[27] Boomgaarden and Vliegenthart, "Explaining the Rise of Anti-Immigrant Parties: The Role of News Media Content," 404-407.

[28] Boomgaarden and Vliegenthart, "Explaining the Rise of Anti-Immigrant Parties: The Role of News Media Content," 404-407.

[29] Boomgaarden and Vliegenthart, "Explaining the Rise of Anti-Immigrant Parties: The Role of News Media Content," 413.

Other.[30] In line with the nationalist rhetoric espoused by anti-immigrant parties, the news media in Italy is responsible for depicting incoming migrants as dangerous, criminal, and threatening to the Italian community. Indeed, the Italian media has been found to overreport the instances of crime enacted by foreign migrants in a way that is disproportionate to the violence perpetrated by local Italians. In a similar fashion, current affairs broadcasts have a tendency to feature vocal advocates of anti-immigration policies who practice fearmongering by emphasizing topics such as Islamic extremism.[31] Newspapers also communicate the strains and anxieties the growing population of incoming immigrants have on local Italians, highlighting their seeming incompatibility within the community. [32] By spotlighting the stereotype of the danger and criminality of immigrant aliens, the media perpetuates and reifies a xenophobic and warped reality of the presence of migrants in Italy.[33] Therefore, such content deliberately exploits concepts such as security, cultural and moral boundaries, and the alien Other to problematize migration and construct immigrant presence according to the exclusionary logic of the discourse of nationalism.

The nationalist ideas surrounding immigrants circulated in the media discursively contribute to Italians fearing their nation is under threat as a result of the changing face of the national community. In fact, studies have found that Italians perceive themselves to be living in a very dangerous country due to the increasing presence of immigrants, rather than other sources of concern such as organized crime.[34] Such disproportionate concerns about the presence of migrants in Italy are rooted in anxieties surrounding the fundamental sense that immigrants are an Other, outside and foreign to the Italian community, and their presence infringes the imagined symbolic boundaries upholding the nation.

Indeed, the extent to which anti-immigrant sentiments in Italy are discursively activated is evidenced through the fact that once the contacts to migrants are no longer abstract and solely mediated through the nationalistic imaginations perpetrated through the media, anti-

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[30] Panichella and Ambrosini, "Between Fears, Contacts and Family Dynamics: The Anti-Immigrant Attitudes in Italy," 395.

[31] Panichella and Ambrosini, "Between Fears, Contacts and Family Dynamics: The Anti-Immigrant Attitudes in Italy," 396.

[32] Castelli Gattinara, "The 'Refugee Crisis' in Italy as a Crisis of Legitimacy," 324.

[33] Panichella and Ambrosini, "Between Fears, Contacts and Family Dynamics: The Anti-Immigrant Attitudes in Italy," 396.

[34] Ambrosini, "Immigration in Italy: Between Economic Acceptance and Political Rejection," 180.

immigrant sentiment has been found to decrease.[35] The way in which foreign migrants are imagined in the Italian national community as the threatening Other "has paved the way for a collective moral panic, where public anxieties have become widespread and allowed exclusionary actors, as well as mainstream political parties and the mass media, to perform the role of entrepreneurs of fear".[36] Therefore, the way in which the media discursively constructs and imagines the presence of the immigrant in Italy as a dangerous alien Other contributes to anti-immigrant sentiments, since it activates anxieties about the violation and erosion of the cultural boundaries that define the Italian national Self.

Conclusion

Nationalistic narratives are foundational in the phenomenon of the rising vitriolic anti-immigrant sentiments expressed in Italy, especially following the migrant crisis of 2015. The anxieties and fears felt towards incoming foreign immigrants are embedded in nationalist logics of the imagined community, the Other, and national boundaries (physical, cultural, and moral) that are discursively activated through the politicization and problematization enacted by various public actors such as political parties and mass media. The aforementioned actors discursively construct and imagine immigrants as the alien, destabilizing, and dangerous Others, and thus migration as a socio-political phenomenon that threatens to erode and undermine the moral and cultural boundaries foundational to the Italian imagined community. The employment of nationalist discourses that are inherently designed to be exclusionary inevitably leads to a xenophobic rejection of immigrants and the prospects of a culturally and ethnically diverse society in Italy.

The analyses of such discursive nationalist reactions and significations for the alien Other versus the national Self are especially pertinent due to the inevitably increasing ethnic, religious, and cultural diversity that many European countries such as Italy are being confronted with. The contemporary global reality is becoming increasingly marked with intensified, diversified, facilitated, and normalized international and transnational migration. Defined by diversified populations and patterns of migration driven by a variety of causes such as socio-political turbulences, technological developments, and globalized and integrated

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[35] Panichella and Ambrosini, "Between Fears, Contacts and Family Dynamics: The Anti-Immigrant Attitudes in Italy," 407.

[36] Castelli Gattinara, "The 'Refugee Crisis' in Italy as a Crisis of Legitimacy," 327.

economies, the management of national borders has gained an increased relevance.[37] This paper illustrates the activation of such symbolic borders in the face of increased perceived infractions of national boundaries and the negative effects that such nationalism can have in creating an antagonistic xenophobic community. Attention to such processes of discursive politicization and mobilization of national sentiments is crucial, as said processes lie at the heart of hostile nationalist resistance developed towards immigrants who are systemically Othered, who will only continue to be an ever-present part of the national reality of Italy and other European countries into the future.

<div style="text-align: right">Imagined Community, Cultural Boundaries & the Other</div>

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[37] Harald Bauder, *Migration Borders Freedom* (London: Routledge, 2016), 4-5, Taylor & Francis Group.

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Constructing the American Migrant Crisis

Securitization amidst Polarization

Sarah Atkinson

Abstract: Using the Copenhagen School's (1998) securitization framework and Scott Watson's (2009) amendments, this paper demonstrates how Donald Trump used securitizing language to construct a national crisis, emanating from the southern border of the United States, that resisted saliency in a starkly polarized political climate. Key facilitating factors, including the frame resonance of xenophobic attitudes towards Mexican migrants and the institutionalization of migrant securitization throughout US history, caused his rhetoric to resonate with the far-right. However, political opposition and public opinion polls showed significant audience rejection of Trump's securitization efforts. The conclusion notes consequences of migrant securitization and prospects for the Biden administration.

"Yes, many who come across the [US-Mexico] border are workers. But among them are people coming to kill you and me and your children."

- Congressman Tom Tancredo (R-Colorado), February 2006[1]

"We do have a crisis at our border. It is one of morality."
- Congresswoman Rashida Tlaib (D-Michigan), July 2019[2]

In the United States (US), populism and polarization have revived the debate surrounding an alleged 'migrant crisis.' During his presidency, Donald Trump used securitizing language to construct a national crisis emanating from the southern US border which resisted saliency in a starkly polarized political climate. This paper examines the episodic securitization acts advanced by Trump, facilitating conditions that caused his rhetoric to resonate with the far right, and ultimately, his failure to completely sway public opinion. Using the Copenhagen School's securitization framework,[3] and Scott Watson's amendments,[4] this paper shows how the media and political opposition impacted the efficacy of Trump's securitization initiatives. Furthermore, key facilitating conditions are examined, including frame resonance of xenophobic attitudes towards Mexican migrants and the institutionalization of migrant securitization throughout US history. Finally, the conclusion discusses implications of securitizing migrants and considers prospects for the Biden administration.

Securitization Theory

In 1998, the Copenhagen School (CS), including scholars Barry Buzan, Ole Wæver, and Jaap de Wilde, proposed a framework for the process of securitization. According to the CS, securitization occurs when an audience accepts an issue as security relevant, therefore beyond the

[1] Quoted in Joseph Nevins, "The Ideological Roots of the Illegal as Threat and the Boundary as Protector," in *Operation Gatekeeper and Beyond: The War on "Illegals" and the Remaking of the U.S.-Mexico Boundary*, 2nd ed. (New York: Routledge, 2010). Page 119.
[2] Quote from C-SPAN, "Conditions at Immigration Detention Facilities," Video, 3:19:48, July 10, 2019.
[3] Barry Buzan, Ole Wæver, and Jaap de Wilde, "Chapter 2," *Security: A New Framework for Analysis.* Boulder: Lynne Rienner, 1998
[4] Scott D. Watson, "Migration and Securitization," in *The Securitization of Humanitarian Migration: Digging Moats and Sinking Boats*. Vol. 74; (New York: Routledge, 2009).

scope of the political realm and the rules governing it.[5] A securitizing move occurs when a securitizing actor frames an issue as an existential threat and deserving of an extraordinary response.[6] For an issue to be successfully securitized, the securitizing actor must persuade their audience to accept their viewpoint.[7] The salience of a securitizing speech act depends on three facilitating conditions, according to the CS: the adherence of the speech act with the grammar of security; the authority possessed by the securitizing actor; and the qualities of the alleged threat.[8] Should the audience accept the claim, the securitizing actor is then permitted to breach political norms in responding to the constructed crisis. However, securitization will be unsuccessful if the audience does not consider the issue as existential.

Watson makes essential contributions to the CS framework, which are important to threat construction and endorsement by an audience in a polarized political context. He notes three key actors that influence the securitization process: the media, the political opposition, and the judiciary.[9] According to Watson, the media shapes societal understandings of 'us' and 'others' and, in Western democracies, is often dominated by the views of political elites.[10] Both the media and political opposition can amplify the voice of a securitizing actor, refute securitizing claims, and/or advance their own securitizing claims.[11] The judiciary can also influence public opinion by confirming or denying the legality of securitizing acts.[12] As will be shown, the social and political capital of these actors is especially important in a populist leader's attempt to persuade a polarized audience to accept a perceived threat as legitimate.

Securitization in the Trump Era

Donald Trump embodies the securitizing actor criteria outlined by the CS. During his tenure as US president, Trump was one of the most powerful actors in global politics. He is a long-standing multi-billionaire,

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[5] Buzan et al., "Chapter 2."

[6] Ibid, 24.

[7] Ibid, 25.

[8] Ibid, 33.

[9] Ibid, 21.

[10] Ibid.

[11] Ibid, 22.

[12] Ibid, 23.

with far reaching networks of business connections, making him one of the most renowned economic and political elites worldwide. Further, he achieved fame and celebrity status even before his presidency, through his television and movie features and cameos. Therefore, Trump's speech acts have enormous reach—especially given his frequent use of and large following on Twitter. As of December 2020, he controlled the 6th most followed Twitter account with 88.7 million followers.[13]

His securitizing speech acts are innumerable, but several key snapshots showcase the securitizing narrative he constructed throughout his candidacy and presidency. In his 2015 presidential election campaign announcement, immigration at the southern US border was one of the first agenda items addressed. He said of Mexican migrants: "They're bringing drugs. They're bringing crime. They're rapists."[14] Trump continued to reinforce this stereotype of the Mexican migrant well into his election to office and presidency, promising the construction of a new, more heavily reinforced wall along the US-Mexico border.

During his *Address to the Nation on the Crisis at the Border* in January 2019, Trump portrayed the southern border as a gateway for drugs and immigrants that represented an existential threat to the American people: "More Americans will die from drugs this year than were killed in the entire Vietnam War."[15] By forging a link between the casualties of drugs and war, he invoked a sense of supreme emergency. He also stated: "In the last two years, [Immigration and Customs Enforcement Agency] officers made 266,000 arrests of aliens with criminal records, including those charged or convicted of 100,000 assaults, 30,000 sex crimes, and 4,000 violent killings. Over the years, thousands of Americans have been brutally killed by those who illegally entered our country, and thousands more lives will be lost if we don't act right now."[16] Trump's emphasis on these jarring statistics demonstrated a concerted effort to associate migrants with violent crime and illicit drugs. The immediate call to action expressed in existential terms was an attempt to convince the public to allow extraordinary action.

In February 2019, these speech acts culminated in Trump's *Presidential Proclamation on Declaring a National Emergency*

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[13] On January 8, 2021, Trump was suspended by Twitter following the 2021 storming of the United States Capitol.

[14] Quoted in "Donald Trump's Presidential Announcement Speech," *Time*, June 16, 2015.

[15] Quoted in Dana Farrington, "Transcript: Trump's Address on Border Security And Democratic Response," NPR, January 9, 2019, para. 7.

[16] Ibid, para. 8.

Concerning the Southern Border of the United States, effectively circumventing Congress's decision not to fund the construction of a border wall.[17] As an act outside the bounds of normal political conventions, Trump's declaration constituted a securitizing act. So, the question remains, did the public grant the President permission to proceed in this manner? Certainly, Congress did not. An investigation of facilitating factors (the media, the political opposition, and the features of the issue) and public opinion will determine whether securitization ultimately occurred.

The media

In any society, the mass media play a crucial role in the circulation of information. In a democracy, it is furthermore understood that the mass media have a responsibility to inform the public of relevant and recent events, remain objective, cover multiple perspectives of an issue, and provide a space for debate and dialogue. However, in the case of populist leadership, messaging in the mass media can be skewed. Trump's catchy rhetoric and Tweets were attention grabbing and supplied the media with frequent, entertaining content despite being littered with disinformation.

As Fleuriet and Castellano argue, "'the border' is the primary discursive frame to talk about immigration and national security" in the United States.[18] They explain that, in the media, the concept-metaphor of 'the border' is invoked when discussing immigration policy—particularly in the context of the southern US border.[19] The majority of Americans do not live at the border and do not witness quotidian life in the borderlands; therefore, the media exercises a high degree of influence in constructing the image of 'the border' in the American consciousness. This is evidenced by the discrepancy in opinion between borderlands and interior residents

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[17] National Security and Defence, February 15, 2019.

[18] Jill K. Fleuriet and Mari Castellano, "Media, Place-Making, and Concept-Metaphors: The US-Mexico Border during the Rise of Donald Trump," *Media, Culture & Society* 42, no. 6 (2020): 881.

[19] Ibid

on the topic of migration and immigrants; Americans residing in southern border states are more likely than residents of interior and northern states to view immigrants as strengthening American society (65% vs. 57%) and as benefiting the country with hard work and skills (67% vs 58%).[20]

In their media analysis of the shifting frames of 'the border' during Trump's rise to power, Fleuriet and Castellano found that "Trump's campaign employed the concept-metaphor of 'the border' strategically, consciously crafting the US-Mexico border imaginary to generate fear through a blending of national security concerns, xenophobia towards Mexicans, criminalization of immigration, and an idea of the border as porous."[21] However, while the media was dominated by the centrality of the border to national security during Trump's campaign, there was a small but pertinent shift in local media frames. In 2016-2017, counterframes referencing binational social, environmental, and economic linkages between the US and Mexico emerged out of border communities.[22] New understandings of the issue were presented in terms of the region, landscapes, and communities that faced complex challenges regarding additional wall construction.[23]

Fleuriet and Castellano's analysis indicates that Trump's framing of the border as a lawless and insecure place resulted in a stronger theme of border securitization and militarization in the media. However, some borderland locales resisted this misrepresentation of the borderlands, focusing instead on the ruptures and potential insecurity produced by placing physical barriers within a highly economically and socially integrated region. Therefore, the media was able to provide a platform for alternative viewpoints which contradicted Trump's portrayal of the border. For the most part though, Trump's rhetoric had a high degree of saliency within the media, amplifying his securitization speech acts especially in populations abstracted from the borderlands.

The political opposition and desecuritization

The political opposition, namely the Democratic Party, represents a spectrum of migrant desecuritization efforts. House Speaker Nancy Pelosi and Senate minority leader Chuck Schumer's response to the

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[20] Diana Orcés, "When Asked About Immigration, Americans Living at Southern Border Offer Surprising Response," PRRI, April 9, 2020.

[21] Fleuriet & Castellano, 890.

[22] Ibid, 887-889.

[23] Ibid, 888.

President's *Address to the Nation* in January 2019 aimed to keep border security within, rather than beyond, the realm of politics. Notably, President Trump and the Democrats agreed that border security was a pertinent issue, underlining bipartisan agreement on the threat of transnational crime. Crucially, Pelosi and Schumer focused on securitizing the objects—rather than the subjects—that they considered actual threats to America's national security: "We all agree we need to secure our borders, while honoring our values … The fact is: the women and children at the border are not a security threat, they are a humanitarian challenge … President Trump… must stop manufacturing a crisis…"[24] Thus, Pelosi emphasized the victimization of migrants at the border but did not frame them as criminals or an existential threat to the nation. Schumer added: "Democrats and the President both want stronger border security. However, we sharply disagree with the President about the most effective way to do it … We can secure our border without an expensive, ineffective wall. And we can welcome legal immigrants and refugees without compromising safety and security."[25]

Further to the left on the polarized US political spectrum stands social democrat and member of Congress Alexandria Ocasio-Cortez. The media paid particular attention to the drama unfolding between Ocasio-Cortez and Trump, both of whom were fiery and uncensored in their rhetoric and used social media to rally their political bases. During the Trump presidency, the two represented the stark polarization within the state apparatus.

On June 17, 2019, Ocasio-Cortez sparked controversy with a Tweet stating: "This administration has established concentration camps on the southern border of the United States for immigrants, where they are being brutalized with dehumanizing conditions and dying."[26] By drawing parallels between the conditions in US border detention facilities and Nazi concentration camps, Ocasio-Cortez challenged the dominant frame construing Americans as victims of the 'migrant crisis.' The tweet relates the persecution of oppressed minorities during the Holocaust with that of migrants at the US-Mexico border, underscoring the insecurity produced by Trump's attempted securitization of migrants.

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[24] Nancy Pelosi quoted in Dana Farrington, "Transcript: Trump's Address On Border Security And Democratic Response," NPR, January 9, 2019, para. 39-41.

[25] Chuck Schumer quoted in Dana Farrington, "Transcript: Trump's Address On Border Security And Democratic Response," NPR, January 9, 2019, para. 47-52.

[26] Ocasio-Cortez, Twitter post, June 18, 2019.

The speech acts of American Democrats reveal an effort to desecuritize migrants and so, in the case of the 'migrant crisis,' they represent desecuritizing actors. While Pelosi and Schumer toe the party line, advocating for border security that more effectively targets transnational crime, Ocasio-Cortez vehemently pushes for the dissolution of the Department of Homeland Security altogether. Determining if these desecuritization arguments by the political opposition were more persuasive than Trump's securitizing speech acts requires a look to public opinion and consideration of other facilitating factors.

Public Opinion on the US-Mexico Border and Immigration

According to a 2019 Pew Research Center survey, 65% of Americans felt that the Trump administration was mishandling the situation at the Southern US border.[27] An overwhelming majority of Americans (86%) said it was important to increase the number of judges hearing asylum cases, indicating that Americans were unhappy with the number of migrants awaiting trial.[28] Likewise, there was resounding support (82%) for providing safe and sanitary facilities for migrants.[29] The survey also indicated that most Americans (69%) believe that illegal migrants are not more likely than documented US citizens to commit serious crimes.[30] Therefore, a significant rupture existed between public opinion and the securitization acts of the Trump administration, suggesting a failed attempt at migrant securitization.

Interestingly, the study also found that about as many Americans agree with the Democratic Party (40%) on illegal immigration as the Republican Party (39%); 19% said they do not align with either party's stance.[31] This confirms what another study found earlier in 2019: Democrats and Republicans have never been so polarized on the issue of immigration.[32] Hence, there is no clear indication of an overwhelming majority of the American public supporting or opposing migrant securitization. It is evident, however, that there are two defined and starkly divided camps.

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[27] "Public's Priorities for U.S. Asylum Policy: More Judges for Cases, Safe Conditions for Migrants," Pew Research Center, August 12, 2019.

[28] Ibid.

[29] Ibid.

[30] Ibid.

[31] Ibid.

[32] Bradley Jones, "Majority of Americans Continue to Say Immigrants Strengthen the U.S.," Pew Research Center, July 27, 2020.

This polarized political context presents a challenge to the application of the CS framework which suggests that an issue can only be fully securitized once it has been accepted by the public. Although public opinion polls suggest that the majority of the American public is not content with Trump's handling of the situation at the border, his words and actions found a support base in the far-right as well as smaller pockets along the political spectrum. For further insight on how migration has been accepted as a legitimate threat by a significant portion of American society, the remainder of this analysis will assess two facilitating factors: recurring frames and institutionalization of migrant securitization.

Facilitating Factors: Recurring Frames & the Institutionalization of Migrant Securitization

The CS securitization framework asserts that facilitating factors can aid or hinder a securitizing speech act. In the case of Trump's securitization of migrants, I put forth that there are two key facilitating factors: recurring historical frames and the institutionalized nature of migrant securitization in the American context. Over the past several decades, efforts to securitize Mexican migrants have recurred, taking different forms and justified with economic, territorial and racial rationales. As we will see, these sentiments are primarily based in nativist attitudes that remain deeply entrenched in arguments to securitize migration today. Over time, each of these rationales has contributed to the institutionalization of migrant securitization.

Economic frame

To begin, it is important to grapple with the economic element of migrant securitization. Nevins examines how anti-foreigner sentiment has been linked to labour organization throughout the 19th and 20th centuries. He states: "whereas labor has at times favoured strong immigration restriction, capital has largely championed an 'open door.'"[33]. In times when the US economy has flourished, the American capitalist class has invited immigration programs. An example of such an initiative was the Bracero Program, which ran from 1942 to 1964 and facilitated the admittance of agricultural labourers from Mexico. This program was ideal for American business owners who, in employing Mexican migrants, did

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[33] Joseph Nevins, "The Ideological Roots of the Illegal as Threat and the Boundary as Protector," in *Operation Gatekeeper and Beyond: The War on "Illegals" and the Remaking of the U.S.-Mexico Boundary*, 2nd ed. (New York: Routledge, 2010), 122.

not have to adhere to the higher labour standards expected by American labourers. However, when the economy went into recession or depression, migrants were the primary scapegoat, considered to be straining the country's resources.[34] Raids and mass deportations of migrants ensued to placate American labourers who feared migrants had saturated the workforce, taking 'American jobs' and burdening public services. Operation Wetback (1956) is just one example of efforts to expel Mexican immigrants due to a perceived threat to the American economy.[35]

Territorial sovereignty frame

The influx of migrants from Mexico has also been interpreted as a threat to American territorial sovereignty. In a discussion over immigration policy in the late 1920s, Harry H. Laughlin, a *eugenics advisor* to the House Immigration and Naturalization Committee, said that the volume of Mexicans migrating to US territory was so excessive, it would "almost reverse the essential consequences of the Mexican War."[36] Laughlin hereby inferred that an increase of Mexicans in the United States constitutes a threat to the country's territorial boundaries—not to mention the fact that the House requiring a eugenics advisor indicates the racist rationales behind immigration policies during this time period.

In the 1990s, several initiatives to reinforce the border and regulate migration occurred in the American South: Operation Hold the Line in El Paso (1993); Operation Gatekeeper in San Diego (1994); Operation Safeguard in central Arizona (1995); and Operation Rio Grande in South Rio Grande Valley (1998). Simply the names of these operations evoke a sense of impending invasion. In California, Operation Gatekeeper and Proposition 187 (also known as the Save Our State Initiative) were ballot initiatives that sought to regulate immigration and exclude undocumented immigrants from using public services. These initiatives had the support of several influential individuals, including then-Governor Pete Wilson and several anti-migrant groups. In her letter to the *New York Times*, Linda Hayes, Southern California media director for Proposition 187, said:

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[34] Joseph Nevins, "The Ideological Roots of the Illegal as Threat and the Boundary as Protector," in *Operation Gatekeeper and Beyond: The War on "Illegals" and the Remaking of the U.S.-Mexico Boundary*, 2nd ed. (New York: Routledge, 2010).

[35] Ibid.

[36] Quoted in Nevins, 131.

By flooding the state with 2 million illegal aliens to date, and increasing that figure each of the following 10 years, Mexicans in California would number 15 million to 20 million by 2004. During those 10 years about 5 million to 8 million Californians would have emigrated to other states. If these trends continued, a Mexico-controlled California could vote to establish Spanish as the sole language of California, 10 million more English-speaking Californians could flee, and there could be a statewide vote to leave the Union and annex California to Mexico.[37]

Thus, the migration of Mexicans to the US was constructed as an existential challenge to the sovereignty of border states, as well as American 'culture,' languages, and freedoms. This 'invasion' rhetoric was frequently employed and circulated by the media, Nevins points out, contributing to anti-Mexican hysteria.[38] In effect, the American public was willing to accept the securitization of migrants, and Proposition 187 was passed into law. Notably, the Supreme Court overturned the law, claiming that it was an overstep on the constitutional jurisdiction of federal authorities.

Racial frame

Underpinning both the economic and territorial sovereignty threat constructions is the racial frame. Nevins highlights the strong notion of nativism that has marked US immigration policy and securitization efforts, defined as not only anti-immigrant sentiment, but as "opposition to socio-cultural difference [that] involved rejection of internal 'minorities'—who allegedly threaten, in this case, the American way of life—as well as of 'foreigners.'"[39] Migrants have frequently been construed as a threat to the 'pure American race' and Anglo-culture. From 1910-1920, *The Reader's Guide* listed 19 articles on the 'Mexican Problem;' from 1920-1930 this increased to 51 articles, which focused on Mexican "crime rates, state of housing, low wages, low rates of literacy, and disease."[40] Immigration

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[37] Quoted in Joseph Nevins, "Producing the Crisis: The Emergence of Operation Gatekeeper" in *Operation Gatekeeper and Beyond: The War on "Illegals" and the Remaking of the U.S.-Mexico Boundary*. 2nd ed. New York: Routledge, 2010: 93.

[38] Joseph Nevins, "The Ideological Roots of the Illegal as Threat and the Boundary as Protector" in *Operation Gatekeeper and Beyond: The War on "Illegals" and the Remaking of the U.S.-Mexico Boundary*. 2nd ed. New York: Routledge, 2010: 142.

[39] Ibid, 122.

[40] Ibid, 131.

policy from the early 20th century justified the exclusion of migrants based on race. Quota systems and head taxes gave preference to migrants from European origins. Immigration policy, then, was explicitly racist, and acted as a mechanism for maintaining the 'purity' of the American 'nation.' The frame of Mexican migrants as racially inferior has clearly continued to inform popular perspectives on who constitutes the 'ideal' immigrant. President Trump's remark about "shithole countries"[41] was one such example, expressing a preference for immigrants from predominantly white European countries, such as Norway, over those from African and Latin American countries.

Taken together, the economic, territorial, and racial elements of the immigration question have been long standing factors in American imagining of the 'ideal' immigrant and highlight a deeply rooted desire to protect a white, 'civilized,' Anglo-culture. These persistent tropes have made Trump's nationalist rhetoric resonate with some audiences, across the political spectrum but particularly the far-right, who have internalized nativist sentiments. Although not discussed in-depth here, this implicitly suggests that Trump's migrant securitization efforts have depended upon and occurred alongside a discursive construction of the American 'nation.'

Institutionalization of the Mexican body as a national security threat

As these frames about the threat of the migrant have been reiterated throughout American history, immigration policy has shifted and expanded alongside them. McCann and Boateng examine the convergence of systems of national security, criminal justice, international affairs, and immigration throughout the 20th and early 21st centuries.[42] They note how immigration policies and programs have fluctuated with the degree of xenophobia in American society.[43] The War on Drugs (1971–present) and the War on Terror (2001–present) have been accompanied by legislation amalgamating criminal law and immigration systems, ultimately expanding the capabilities of intelligence services.[44]

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[41] Quoted in Eli Watkins and Abby Phillip, "Trump Decries Immigrants from 'Shithole Countries' Coming to US," CNN, January 12, 2018.

[42] Wesley S. McCann and Francis D. Boateng, *National Security and Policy in America: Immigrants, Crime, and the Securitization of the Border* (New York, NY: Routledge, 2020), 77.

[43] Ibid, 136.

[44] See McCann and Boateng, especially "Securitization in the Age of Expansion (1945-1991)" and "The Post Cold War Era (1991-present)".

The migrant experience became increasingly criminalized, and migrants themselves were categorized either as 'legal' or 'illegal.' There was also a move away from overtly discriminatory migration legislation towards more legalistic frameworks.[45] Rights-based immigration policies established in the 1960s were rolled back, and violations of immigration law came under the purview of criminal rather than civil law.[46] Sandoval-Garcia agrees with this evaluation, stating that "law enforcement has become the de facto policy in migration."[47] In essence, legislation and immigration enforcement agencies have been established at times when anti-foreigner sentiment—equating migrants with intruders, criminals, terrorists, and threats to national security more generally—has peaked. Over time, this has culminated in institutionalized securitization of the migrant, which uses a legal framework to criminalize migrants and then advance technological capabilities to track and deport them .

Consequences and Implications

Based on this analysis, Trump's *Declaration of a National Emergency at the US-Mexico Border* constitutes the latest episode in a longstanding history of migrant securitization in the US. This renewed push for migrant securitization is staunchly supported by Trump's right-wing political base, especially given the frame resonance of the economic, territorial, and racial threat constructs historically attributed to the Mexican migrant. However, Trump's episodic securitization efforts have not been endorsed by a clear majority of the American public which indicates that this has been a failed instance of securitization. This outcome can be attributed to the political opposition's efforts to desecuritize migrants by exposing the inhumane treatment of people detained at the border. Nonetheless, the othering and criminalization of the migrant has been an ongoing project throughout US history to the extent that it is institutionalized, perpetually reinforcing the idea of the migrant as a threat to national security.

There are several consequences of this kind of securitization project. Sandoval-Garcia notes the paradox that occurs when migration

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[45] Ibid, 82.

[46] Ibid.

[47] Carlos Sandoval-García, "'Death Drop by Drop neither Hurts nor Angers Official Circles': The Securitization of Migrations," in *Exclusion and Forced Migration in Central America: No More Walls*. (Cham: Palgrave Macmillan, 2017), 59.

control increases: "conditions are created which allow organized crime to extort, and at times end the lives of, those who attempt to reach the United States."[48] As migration channels narrow, the safety of migrants is compromised; from 1998 to 2019, over 7,800 migrants died in the Southwest sectors of the Southern US border.[49]

Furthermore, legal categorization of the migrant creates an exclusionary regime, reinforcing conditions for further marginalization. According to de Genova: "discursive formations that uphold and propagate the notion of migration 'illegality' persistently serve as veritable conditions of possibility for the larger sociopolitical procedures that generate and sustain this 'illegality.'"[50] Migrants crossing the border without authorization are automatically criminalized. This serves to reinforce the stereotype of migrants as criminals. It also provides justification for the mistreatment of migrants and their subordination as second-class members of society.

Moreover, treating migrants as a security threat denies an investigation into the root causes of migration. US foreign policy and hegemony have been essential in creating the conditions that prompt large migration flows, intervening in and destabilizing other countries under the justification of the Wars on Drugs and Terror.[51] Similarly, intervention and neocolonialism have bred the conditions for the emergence of actors like Al-Qaeda.[52] In light of these analyses, it becomes clear that the underlying conditions prompting migrants from south of the border to seek livelihoods in the US deserve further analysis. In the Golden Triangle countries, the US has intervened often to the detriment of political stability and security. To understand the root causes of (in)security in the Americas requires an analysis of US hegemony and intervention in the region.

Future Considerations

Three developments will have an impact on migrant securitization in the US. The first is the COVID-19 pandemic. While mostly unacknowledged before, the volume of migrant workers in essential

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[48] Ibid, 43.

[49] U.S. Customs and Border Protection, "U.S. Border Patrol Fiscal Year Southwest Border Sector Deaths (FY 1998 - FY 2019)," Department of Homeland Security, 2019.

[50] Nicholas De Genova, "Spectacles of Migrant 'illegality': The Scene of Exclusion, the Obscene of Inclusion," *Ethnic and Racial Studies* 36, no. 7 (2013): 1181.

[51] McCann & Boateng, *National Security and Policy in America.*

[52] Tarak Barkawi, and Mark Laffey, "The Postcolonial Moment in Security Studies," *Review of International Studies* 32, no. 2 (2006): 329-352.

services positions has come to light. Unauthorized immigrants comprise nearly a quarter of America's food industries workforce (production, processing, retail, and distribution).[53] As Americans become increasingly aware of the vulnerable yet essential roles of migrants in the economy during a public emergency, this may alter their negative preconceptions about migrants. That said, the volume of migrants seeking asylum in the US is likely to increase in the coming years, as countries of the Global South face stalling economies due to or exacerbated by the current pandemic. Bearing in mind that periods of economic hardship have historically triggered an increase in anti-migrant sentiment, this trend is something to be wary of in the years ahead.

Secondly, the Movement for Black Lives campaign brought attention to and elevated the voices of persons identifying as Black, Indigenous, and peoples of colour. It also prompted criticisms of state security structures—the police in particular. Mass media and social media have been crucial for this movement. Extensive coverage of protests and police brutality against Black people have thrust the desecuritization debate into the mainstream. A broader public acknowledgement of systemic racism within security apparatuses may prompt a more critical review of immigration institutions and policies.

Finally, the recent election of President Joseph Biden and Vice-President Kamala Harris represents a change of course for immigration policy. *The Biden Plan for Securing Our Values as a Nation of Immigrants* advocates for reform of the immigration system, reversing Trump's border security policies, and addressing the root causes of migration.[54] Also of significance is the newly appointed Secretary of the Department of Homeland Security, Alejandro Mayorkas. Mayorkas is the first immigrant and Hispanic American in history to head the Department. Nonetheless, the road ahead will be a difficult one to navigate. Trump left behind more than 400 executive actions aimed at stricter immigration control which Republicans, border patrol officials, and bureaucrats will defend.[55] In a highly polarized political environment, efforts to desecuritize may prove just as difficult to achieve as efforts to securitize.

[53] Jens Manuel Krogstad, Mark Hugo Lopez, and Jeffrey Passel, "Most Americans Say Immigrants Mainly Fill Jobs US Citizens Don't Want," Pew Research Center, August 26, 2020

[54] *The Biden Plan for Securing Our Values as a Nation of Immigrants*, Biden Harris website, 2021, https://joebiden.com/immigration/

[55] Miroff, Nick, and Maria Sacchetti, "Biden Plans to Spurn Trump Immigration Restrictions, but Risk of New Border Crisis Looms," *Washington Post*, December 2, 2020.

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Felon Disenfranchisement and Citizenship Rights in the United States

Elizabeth Brown

Abstract: This paper discusses the evolution of felon disenfranchisement in the United States as well as its implications for the nation as a whole. First, the history of felon disenfranchisement in the United States is explored, with a particular focus on the deliberate disenfranchisement of Black Americans. The continued disenfranchisement of felons has the capacity to compromise the ability of marginalized communities to exert political influence, reduce the citizenship rights of current and former felons, and brings into question the United States' status as a modern liberal democracy. This paper argues that the continued disenfranchisement, particularly of Black Americans, who have been previously convicted of a felony demonstrates the United States' inability to be classified as a liberal democracy as it removes the fundamental citizenship rights that should be awarded to all citizens of the state.

Introduction

Felon disenfranchisement in the United States has been a continuous issue limiting the citizenship rights of Americans since the implementation of the constitution. The United States is a global leader in incarceration, with rates 5-8 times higher than comparable liberal democratic nations like Germany, the UK, and Canada,[1] meaning that its disenfranchisement laws affect far more individuals than other nations with similar laws. This disparity in incarceration rates sets the United States apart from other nations, both in respect to the sheer number of incarcerated individuals, and in the rights that those incarcerated peoples or former felons have. For example, nearly half of all European countries allow all incarcerated people to vote, wheras some US states disenfranchise felons for life.[2] Canada, one of the most comparable nations to the United States due to a shared "'common law heritage… and a commitment to universal adult suffrage'" also does not permit the disenfranchisement of felons.[3] Through the *Sauvé v. Canada* trial the Canadian Supreme Court ruled that "denial of the right to vote on the basis of attributed moral unworthiness is inconsistent with the respect for the dignity of every person that lies at the heart of Canadian democracy."[4] This stands in stark opposition to the position of most US State that immediately disenfranchise individuals upon felony conviction. The fact that other nations comparable to the United States refrain from disenfranchising its felons sets the United States apart, making its felon disenfranchisement laws an exceptional circumstance among nations described as liberal democracies.

Gradually, states have been lifting the strict regulations that automatically revoked the voting privileges of felons for life; however, significant obstacles to obtaining enfranchisement remain for both incarcerated peoples and those who have completed the terms of their sentence. In this paper, the barriers to achieving enfranchisement for former felons will be discussed in relation to their prevention of political representation for Black communities, the inequality of citizenship rights awarded to former felons, as well as the effect of felon disenfranchisement

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[1] American Civil Liberties Union. *Out of Step with the World: An Analysis of Felony Dise franchisement in the U.S. and Other Democracies*. (New York, NY: American Civil Liberties Union, 2006), 3.

[2] Ibid., 4.

[3] Courtney Artzner, "Check Marks the Spot: Evaluating the Fundamental Right to Vote and Felon Disenfranchisement in the United States and Canada," *Southwestern Journal of Law and Trade in the Americas* 13, no. 2 (2007): 434.

[4] Sauvé v. Canada (Chief Electoral Officer), 3 S.C.R. 519 (SCC 2002), 522.

on the validity of the broader American liberal democratic state. I argue that the practice of felon disenfranchisement violates the basic principles of individual choice, self-determination, and equality of citizenship upon which the modern American liberal-democratic state is allegedly constructed. Thus, the continued disenfranchisement of felons operates to disenfranchise Black Americans, and revert Black Americans to an inferior level of citizenship. This means that the United States is in fact not a liberal democracy due to its systemic oppression and subordination of Black Americans to inferior citizenship status that has been pervasive from Constitution since its inception.

History of Felon Disenfranchisement in the United States

In order to investigate the implications of felon disenfranchisement in the United States we must first explore the origins of the disenfranchisement of Black peoples, specifically through felony convictions. Originally, the United States Constitution did not guarantee voting rights to any specific group of citizens, leaving all decisions surrounding enfranchisement to the discretion of the states. This allowed individual states to include or exclude any group of people from the franchise, including enslaved peoples. At the time of the Constitution's implementation, only 5 of the 13 states prohibited slavery, meaning that approximately 4 million Black Americans were enslaved in the southern states.[5] During this time slave patrols, groups of white volunteers who were encouraged to use vigilante tactics to return escaped enslaved peoples to their owners, arose as the origins of the modern American policing system. These patrols aimed to "control a 'dangerous underclass' that included African Americans, immigrants, and the poor,"[6] creating a strong imbalance of power between White and Black Americans. As such, the origin of the American policing system serves as an example of the racist institutions that have disproportionately criminalized Black Americans from the beginning.

The disproportionate criminalization of African Americans was also used as a means of returning them to slavery after the Thirteenth Amendment was introduced to the American constitution. The Constitution states that: "neither slavery nor involuntary servitude,

[5] Theodore Lowi, Benjamin Ginsberg, Kenneth Shepsle, and Stephen Ansolabehere, *American Government: Power and Purpose 15th ed.* (New York: W.W. Norton &. Company, 2019), 149.

[6] Connie Hassett-Walker, "The racist roots of American policing: From slave patrols to traffic stops," *The Conversation*, last modified June 2, 2020, https://theconversation.com/the-racist-roots-of-american-policing-from-slave-patrols-to-traffic-stops-112816.

except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States,"[7] meaning that those convicted of felonies could be legally used for slave labour. A southern white preacher who, when speaking of the Thirteenth Amendment in 1866, was quoted as saying: "we must now make a code that will subject many crimes to the penalty of involuntary servitude, and so reduce the Negroes under such penalty again to practical slavery."[8] As such, the criminalization of Black Americans served the purpose of disenfranchisement to return Black Americans to conditions of slavery.

Disenfranchisement for petty crimes consequently began spreading rapidly throughout the 1870s and 1880s, as some states changed their laws to change misdemeanor property crimes to felonies, while other states amended their constitutions to include larceny as a disenfranchising offence. These efforts increased the incarceration rates of Black Americans, thus revoking their right to participate in the democratic process.

The high criminalization of Black Americans led Colonel Samuel Young, a member of the Jeffersonians of New York, to put forward a campaign to disenfranchise Black peoples in 1821, stating that: "the minds of blacks are not competent to vote…look to your jails and penitentiaries. By whom are they filled? By the very race it is now proposed to clothe with the power of deciding upon your political rights."[9] This statement reflects the hypocritical and cyclic nature of the disenfranchisement campaigns targeting Black Americans. Black Americans were disproportionately criminalized and incarcerated and were therefore deemed unfit to vote because of said incarceration rates.

The disenfranchisement of Black peoples is deeply engrained in the United States' foundation, and remains pervasive as is seen in similarly motivated campaigns such as Reagan's War on Drugs. The War on Drugs served to criminalize Black Americans for drug-related offenses, with African Americans comprising 80-90 percent of those incarcerated for drug-related offenses in some states although studies have shown that people of all races participate in the selling and consumption of illegal drugs at very similar rates.[10]

[7] Dennis Childs, *Slaves of the State: Black Incarceration from the Chain Gang to the Penitentiary,* (Minneapolis: University of Minnesota Press, 2015), 64.

[8] Ibid., 65.

[9] Jeff Manza and Christopher Uggen, *Locked Out: Felon Disenfranchisement and American Democracy* (Oxford: Oxford University Press, 2006), 42.

[10] Michelle Alexander, "The War on Drugs and the New Jim Crow," *Race, Poverty, and the*

The pervasiveness of deliberate persecution and criminalization of Black Americans demonstrates the systemic racism embedded in the United States' criminal justice system. As of 2020 approximately 5.2 million Americans have been disenfranchised due to felony convictions, with 1.3 million of those being Black Americans.[11] For perspective, it was reported in 2018 that Black Americans constituted 33% of the United States' prison population while making up only 12% of all adults in the nation.[12] As such, the disenfranchisement of Black Americans due to felony convictions remains a persistent issue due to the upholding of institutions and policies that have aimed to subordinate Black Americans since Constitution's implementation.

Consequences of Felon Disenfranchisement

Limitation of Political Representation for Black Communities

In addition to the removal of voting rights, felon disenfranchisement has profound effects on the communities of those who have been disenfranchised. In Florida, the nation's leading state in felon disenfranchisement with 1.1 million individuals disenfranchised due to felony convictions,[13] a strong correlation has been found between communities with large numbers of Returning Citizens (citizens re-entering society post-incarceration),[14] class, and racial composition.[15] Low-income communities that are significantly economically disadvantaged are often communities of colour, with Black communities having comparatively poor socio-economic conditions and higher proportions of Returning Citizens.[16] These communities therefore have higher numbers of disenfranchised citizens, meaning that there are fewer individuals

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Environment 17, no. 1 (2007): , 76.

[11] Christopher Uggen, Ryan Larson, Sarah Shannon, and Arleth Pulido-Nava, *Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction,* (Washington, DC, The Sentencing Project, 2020), 15, https://www.sentencingproject.org/wp-content/up-loads/2020/10/Locked-Out-2020.pdf.

[12] John Gramlich, *Black Imprisonment Rate in the U.S. has Fallen by a Third Since 2006,* (Washington: Pew Research Center, 2020).

[13] Uggen, Larson, Shannon, and Pulido-Nava, *Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction,* 4.

[14] Advancement Project, *Democracy Disappeared: How Florida Silences the Black Vote through Felony Disenfranchisement,* (Washington: Advancement Project, 2018), 21.

[15] Ibid., 21.

[16] Ibid., 22.

making political decisions for their constituency than higher-income or less racialized communities. Thus, the Returning Citizens, who are disproportionately Black, are excluded from the democratic process, resulting in both their under and misrepresentation.

This exclusion from political participation and representation is exacerbated by a unique feature of American democracy: the inclusion of policy decisions regarding criminal justice reforms on ballot initiatives and referenda.[17] The disenfranchisement of incarcerated peoples and former felons prevents them from participating in the referenda and ballot initiatives that determine the future of their socio-political rights. In other words, none of the individuals given the power to make decisions regarding the political and social futures of former felons will have been incarcerated themselves; and thus, will not be able to accurately represent the needs and interests of felons. We can then understand that by removing a felon's right to vote, disenfranchisement efforts effectively stagnate felons' socio-political status, forcing them into a permanent position as an inferior member of American society.

The Advancement Project, an NGO with the mission of working against structural racism in the United States, found that predominantly Black neighbourhoods suffered from lower educational attainment, lower median incomes, higher rates of child poverty, and higher unemployment rates than other neighbourhoods as well as higher rates of Returning Citizens.[18] It was also discovered that a Black American child was less likely to be raised by both parents in 2010 than they were during slavery due to the mass incarceration of Black American men.[19] This extends the effects of the mass incarceration of Black Americans beyond the felons themselves, and puts undue strain on families and communities.

The disproportionate incidence of socio-economic distress in Black neighbourhoods is directly linked to the large proportion of Returning Citizens, as Black communities are being prevented from influencing political decisions through felon disenfranchisement. Without a fully eligible voting-age population these already disadvantaged communities are limited in their ability to use the political system to

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[17] National Research Council, Division of Behavioral and Social Sciences and Education, Committee on Law and Justice, and Committee on Causes and Consequences of High Rates of Incarceration, *The Growth of Incarceration in the United States: Exploring Causes and Consequences,* 104.

[18] Advancement Project, *Democracy Disappeared: How Florida Silences the Black Vote through Felony Disenfranchisement,* 37-42.

[19] Alexander, "The War on Drugs and the New Jim Crow," 75.

overcome systemic inequalities and injustices.[20] This is aptly summarized by the Advancement Project, who note that: "when large numbers of community members are not permitted to vote, entire constituencies may go unrepresented in the democratic institutions that govern them."[21] Therefore the revocation of voting rights for former felons not only affects the former felons themselves, but has the potential to undermine the democratic influence of entire communities. This extends the punishment for a given crime beyond the individual who committed the crime, punishing entire Black communities by diluting their democratic representation.

Inequality of Citizenship Rights for American Felons

The disenfranchisement of felons affects not only the broader political representation of racialized communities, but also serves to revoke the fundamental citizenship rights of individuals with felony convictions. According to the United States Constitution's Article IV and Fourteenth Amendment, the right to vote is both a privilege and guaranteed right for all citizens of the United States.[22] Along with this, the Fourteenth Amendment further dictates that "no state shall make or enforce any law abridging the privileges or immunities of citizens of the United States."[23] Even though voting in public elections is a mandated right of American citizens that is protected under the Fourteenth Amendment, felons are exempt from these protections, and are automatically disenfranchised upon their conviction in all states but two: Maine and Vermont.[24] This means that a total of 5.2 million Americans were disenfranchised by felony convictions as of 2020, comprising 2.3% of the voting age population.[25] Disenfranchisement laws are still up to the discretion of individual states and therefore vary in their severity. 11 states disenfranchise felons for the duration of their prison term, probation, and some or all of their post-sentence, while 16 states re-enfranchise felons after they have completed all terms of their sentence, including parole and probation.[26] The remainder of states disenfranchise felons either for their

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[20] Ibid., 45.

[21] Ibid., 45.

[22] Richard Sobel, *Citizenship as Foundation of Rights: Meaning for America,* (Cambridge: Cambridge Univeristy Press, 2016), 39.

[23] Kurt Lash, *The Fourteenth Amendment and the Privileges and Immunities of American Citizenship,* (Cambridge: Cambridge University Press, 2014), 1.

[24] Uggen, Larson, Shannon, and Pulido-Nava, *Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction,* 4.

[25] Ibid., 4.

[26] Ibid., 5.

prison term only, or during prison and parole.[27] Keeping the franchise extended to felons, as is the case in Maine and Vermont, is a highly exceptional circumstance in the United States. 43% of disenfranchised Americans are post-sentence and living back in their communities, unable to fully exercise their rights as American citizens. In this sense, felony convictions make felons lesser citizens than those who have never been incarcerated as felons are being denied their citizenship right to vote.

Article 25(b) of the International Covenant on Civil and Political Rights (ICCPR) states that all citizens of United Nations member states have the right and opportunity "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage… guaranteeing the free expression of the will of the electors."[28] The ICCPR requires that any disenfranchisement efforts made by governments must be both "objective and reasonable,"[29] or that "the suspension of rights be 'proportionate' to the offense and sentence."[30] Lifetime disenfranchisement of felons as was previously the case in Florida has been found in violation of Article 25 of the ICCPR according to a 2006 review of the United States' laws.[31] Though Florida has since amended its laws through Constitutional Amendment 4, the vast majority of former felons remain disenfranchised for life due to their court fines, creating an electorate that is in violation of the international agreement constituted by the ICCPR. This limitation of citizenship rights is therefore not only contrary to the United States' own citizenship guidelines, but to international human rights agreements as well.

Consequences of Felon Disenfranchisement for the United States as a Modern Liberal Democracy

The final, and arguably most important implication of felon disenfranchisement is its contradiction of the liberal democratic ideals on which the United States claims to be constructed. As noted by Behrens et al., the Supreme Court declared in the 1964 Reynolds v. Sims case that "citizenship and the right to vote are truly 'the essence of a democratic

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[27] Ibid., 5.

[28] United Nations, *International Covenant on Civil and Political Rights,* (New York: United Nation Human Rights, 1966), 13.

[29] The Sentencing Project, *Democracy Imprisoned: A Review of the Prevalence and Impact of Felony Disenfranchisement Laws in the United States,* (Washington: The Sentencing Project, 2013), 4.

[30] Ibid., 4.

[31] Ibid., 4.

society,'"[32] and as such, denying the right to vote to certain groups of citizens compromises the United States' democracy. The United States is generally classified as a liberal democracy, meaning that it is a political society based on the importance of individual choice and the power of citizens to voice their political opinions.[33] This makes the right to vote and the equality of citizens central to the political ideology upon which the nation established itself.

Although the right to vote has been recently extended to individuals who have completed all terms of their sentence in states such as Florida and Iowa, those convicted of murder or a felony sexual offense remain permanently disenfranchised due to their crimes.[34] As noted by Schaal, for the disenfranchisement of felons to be compatible with the liberal-democratic idea of citizenship "it must be demonstrated that felons, for some reason are unequal to other citizens in a way that justifies their political freedom and justifies their exclusion from the franchise."[35] While felons have participated in activities that deviate from society's established laws, they have not proven to be less deserving of the rights that accompany citizenship as they do not have citizenship revoked upon conviction. An argument in favour of felon disenfranchisement has been proposed by political philosopher Andrew Altman, who suggests that the citizens of a democracy have the collective right to "define the distinctive political identity of their community."[36] While this may seem a logical argument against re-enfranchising felons and ex-felons, the United States has defined the political identity of its democracy through the Constitution. Therefore the disenfranchisement of felons is in direct contradiction with the rights of citizenship as outlined by the United States Constitution's

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[32] Angela Behrens, Christopher Uggen, and Jeff Manza, "Ballot Manipulation and the "Menace of Negro Domination": Racial Threat and Felon Disenfranchisement in the United States, 1850–2002," *The American Journal of Sociology*, 109, no. 3 (2003): 560, https://doi.org/10.1086/378647.

[33] Jason Schaal, "The Consistency of Felon Disenfranchisement with Citizenship Theory," *Harvard Blackletter Law Journal,* 22 (2006): 68.

[34] Ballotpedia, "Florida Amendment 4, Voting Rights Restoration for Felons Initiative (2018).″; Office of the Governor of Iowa, "Gov. Reynolds signs Executive Order to restore voting rights of felons who have completed their sentence."

[35] Schaal, "The Consistency of Felon Disenfranchisement with Citizenship Theory," 74.

[36] Andrew Altman, "Democratic Self-Determination and the Disenfranchisement of Felons," *Journal of Applied Philosophy* 22, no. 3 (2005): 263.

Article IV and Amendment 14.[37] The right to vote is a fundamental right of citizens of the United States and every citizen, including those who have been convicted of any crime, should be permitted participation in this central pillar of modern liberal democratic states.

Conclusion

The pervasive, institutionalized racism present in America's historical foundation, has resulted in the long history of felon disenfranchisement that targets Black Americans through mass incarceration efforts. These efforts began at America's inception with slave patrols and continue to modern day with campaigns such as Reagan's War on Drugs. The continued disenfranchisement of current and former felons is indicative of a deep-rooted issue with the United States' liberal democratic ideology, and leads to the conclusion that the United States is not, and has never been a true liberal democracy. Since the implementation of the United States' Constitution there has been an inequality of citizenship between White and Black Americans, which is not only exemplified by, but perpetuated through the mass incarceration and criminalization of Black Americans. The United States' history progressed from outright slavery, to slave patrols aiming to control the Black population, to policies that disproportionately incarcerated Black Americans, relegating Black Americans to inferior levels of citizenship. Citizens with felony convictions are not only having their fundamental citizenship right compromised, but entire communities are being prevented from properly accessing the opportunities provided by the democratic process. This continues the United States' judicial system's racist legacy that aims to subordinate and enslave the Black population.

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[37] Richard Sobel, *Citizenship as Foundation of Rights: Meaning for America,* (Cambridge: Cambridge Univeristy Press, 2016), 39.

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The 2011 Israeli Housing Protests: the Occupation of Public Space & the Decentered State

Sophia Anderson

Abstract: In 2011, a live-in protest was held on Rothschild Boulevard in Tel Aviv, Israel, to protest against drastically rising housing prices in Israel and the occupied territories. The broad coalition of support this protest garnered was a reflection of the historical saliency of the housing issue for a variety of groups living in Israel. Using Warren Magnussen's theory on the decentred state, and Margaret Kohn's populist view of the public, I argue that the 2011 Israeli housing protests represent a conscious decentering of the Israeli state through the formation of such a diverse coalition, which included Zionist Jews, Palestinian Israelis, and others.

In July 2011, massive protests erupted in Israel, bringing thousands of people to the streets of Tel Aviv, and later to other cities both within and beyond the Israeli state. These demonstrations were in response to the increased cost of living, particularly with regards to housing, which had dramatically grown during the six years preceding the protests. As the protests gained momentum and spread outside of Tel Aviv, a diverse coalition formed around the movement, including Israelis from various political and economic backgrounds, Palestinians, and even notable political leaders such as the mayors of Tel Aviv and Jerusalem. The creation of this heterogeneous alliance demonstrated the pervasive nature of the housing crisis, which had negatively impacted most of the citizens of Israel. The pertinence of exacerbated housing costs to both Zionist Jews and Palestinian Israelis can be especially emphasized to depict the scope of this coalition and how its construction reflected the decentering of the Israeli state from the initial demands and tactics employed by this movement. Throughout this paper, Warren Magnussen's 1997 article, "Globalization, Movements and the Decentred State" and Margaret Kohn's 2013 piece, "Privatization and Protest: Occupy Wall Street, Occupy Toronto, and the Occupation of Public Space in a Democracy," will be used to explore how the protests, in their initial form, saw a decentering of the Israeli state from the movement's narrative. This was accomplished by the creation of a large coalition around the issue of housing rights, which transcended boundaries of state-perpetuated, ethnic, economic, and political conflicts. Citizens who had been historically ignored by the Israeli government, notably Palestinian Israelis, were vital to the initial success of these protests, which served to subvert the role of the state in this dispute.

In the 1990s and early 2000s, housing prices had reached an historic low in Israel. However, between 2006 and 2011, the market worsened and housing prices rose dramatically, especially in Tel Aviv.[1] The initial protest was started by Daphne Leef, a 25 year-old film director who was evicted from her apartment in Tel Aviv due to renovations, and could not afford to find another apartment in the same district.[2] Leef posted on Facebook on July 6th, 2011 that she would be tenting in Habima Square, an upscale part of Tel Aviv, in order to draw attention to the increasing lack of affordable housing.[3] The live-in protest was set to

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[1] Sebastian Schipper, "Towards a 'Post-Neoliberal' Mode of Housing Regulation? The Israeli Social Protest of Summer 2011," *International Journal of Urban and Regional Research* 39, no. 6 (November 2015): 1140.

[2] Nathan Marom, "Activising Space: The Spatial Politics of the 2011 Protest Movement in Israel," *Urban Studies* 50, no. 13 (October 2013): 2829.

[3] Ibid.

begin on Thursday, July 14th. Leef's Facebook post garnered significant attention on social media, and even in mainstream media. Consequently, the day before the protest was scheduled to begin, Tel Aviv police cordoned off Habima Square, forcing Leef and her fellow protestors to relocate. They instead occupied Rothschild Boulevard, which was just across from the Square.[4] The location was intentionally selected to emphasize the differences in housing based on economic status in Israel — Rothschild Boulevard had been an elite part of Tel Aviv since the city's foundation in 1909.[5] The disparities between the living conditions of the protestors, situated in tents, and the elite of Tel Aviv were displayed in stark, visible contrast at this location. Just two months later, a similar tactic would be used in New York, where the famous Occupy Wall Street protest began.[6] On the night of July 14th, approximately 200 people showed up to Rothschild Boulevard, but throughout the summer the protests grew. The camp on Rothschild expanded to encompass four blocks within Tel Aviv, while other camps were established in Jerusalem, Haifa, Rishon-Lezion, and elsewhere in Israel. In addition, five camps were created by Israelis abroad, in London, Berlin and the United States.[7]

As the movement proceeded to expand, a diverse coalition arose in support of the protests. In her 2013 article "Surprising Alliances for Dwelling and Citizenships: Palestinian-Israeli Participation in the Mass Housing Protests of Summer 2011," Yael Allweil suggests that the housing crisis was an effective catalyst for mobilizing diverse populations within Israel due to the historical connotations the "housing project" had for certain demographics. In particular, she points to Zionists and Palestinian Arabs in the context of the Arab-Israeli conflict, dating back to the first *aliyah* of Labour Zionists in the 19th century. For Zionists, permanent housing represented the success of the nation-building project, which Jews had dreamed of for millennia following the diaspora. Allwiel argues that part of the Zionist housing project involved "associating national home with individual housing," connecting each individual Israeli to the nation-building project that was effectively achieved in 1948 with the Israeli victory in the 1948 Arab-Israeli War, and the subsequent unilateral

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[4] Ibid.

[5] Ibid., 2830.

[6] Margaret Kohn, "Privatization and Protest: Occupy Wall Street, Occupy Toronto, and the Occupation of Public Space in a Democracy," *Perspectives on Politics* 11, no. 1 (March 2013): 99.

[7] Yael Allweil, "Surprising Alliances for Dwelling and Citizenships: Palestinian-Israeli Participation in the Mass Housing Protests of Summer 2011," *International Journal of Islamic Architecture* 2, no. 1 (2013): 43.

declaration of the state of Israel.[8] By using housing as the central narrative in the 2011 protests, Jewish Israelis were able to draw upon the citizen-state contract to argue that the Israeli government had failed to fulfill its basic duty of providing Zionist Jews with a place to live in their historical homeland.[9]

However, the ability of the protests to draw support from Palestinian Israelis contradicted historical understandings of housing within the context of the Arab-Israeli conflict stemming back to the creation of the state of Israel. The physical location of a Palestinian person's home in 1948 and 1949 determined which state they would inhabit after the First Arab-Israeli War. During the *nakba*, the Zionist housing project actively worked against Palestinians, violently evicting an estimated 750,000 people from their homes in order to make way for Jewish Israelis.[10] This process depopulated hundreds of villages and towns, many of which were repopulated in subsequent years by European Jews.[11] Palestinians who left Israel and the occupied territories during the *nakba* came under Jordanian and Egyptian rule, as those two states occupied the West Bank and the Gaza Strip, respectively.[12] Palestinians who remained in Israel became what Yael Allweil describes as an "enemy citizenry," who were violently oppressed under military rule by the Israeli state for two decades after its establishment.[13] Therefore, the housing question in Israel and the occupied territories was a salient topic for both Israeli Jews and Palestinian Israelis for vastly different, but deeply connected, reasons.

Initially, Palestinians expressed reluctance to join or support the housing protests, arguing that any solution designed to appease the largely Ashkenazi Jewish protestors would come at the expense of Palestinian Israeli citizens, as state-perpetrated housing solutions had

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[8] Ibid., 44-45.

[9] The social contract, which I call here the citizen-state contract to emphasize the reciprocal agreement between the citizens and state of Israel that was being called into question in 2011, is a theory that emerged from European Enlightenment theorists such as John Locke. The theory argues that when a state fails to satisfy its citizens basic rights, the citizens can withdraw their obligation to participate in the social contract that upholds a state or society, and resort to means of protest or violence to regain their rights. In any iteration of the social contract around the globe housing rights are salient, but in the Israeli-Palestinian conflict they have particular deep ties that were emphasized by those participating in the 2011 housing protests.

[10] Martin Bunton, *The Palestinian-Israeli Conflict: A Very Short Introduction*. Oxford: Oxford University Press (2013): 56.

[11] Allweil, "Surprising Alliances for Dwelling and Citizenships," 47.

[12] Bunton, *The Palestinian-Israeli Conflict*, 58.

[13] Allweil, "Surprising Alliances for Dwelling and Citizenships," 48.

for the past six decades.[14] However, there were several factors that led to the active participation of Palestinian Israelis in the housing protests. The perceived similarities between the contemporary tent camps and Palestinian refugee camps in the wake of the 1948 war — in particular, the use of the tent as a symbol of protest — as well as the rhetoric used by the protestors regarding "a right to the homeland via a right to dwell in one's place of birth," were incredibly relevant for many Palestinian Israelis.[15] Emblematic of Palestinian involvement in the protests was a tent set up in the Rothschild Boulevard camp, which displayed a sign reading 'Tent Number 1948', referring to the *nakba* and the First Arab-Israeli War.[16] This tent existed alongside others which bore banners that protested the Israeli state's "failure to house discharged Israeli Defence Force soldiers."[17] However, the Palestinian involvement in the protests extended beyond the several tents they had erected in larger Jewish-Israeli dominated camps. Explicitly Arab camps were established in Jaffa, Qalansuwa, Lydda, Nazareth, Umm Al Fahim, and elsewhere.[18] Although fewer in number than the camps founded by Jewish Israelis, the Palestinian camps were well-populated and retained many of the same characteristics as the majority-Jewish camps, which was emblematic of their shared commitment to the housing protest.[19] Consequently, Palestinian involvement in the 2011 housing protests defied previous Zionist approaches to housing, which had emphasized the social contract between Jewish Israelis and the Israeli state, and sustained the marginalization of Palestinian citizens living in Israel.

The tent camps that flourished throughout the summer of 2011 represented a decentralization of the Israeli state within the protest movement for several reasons. Although the Jewish Israeli founders of the movement, including Daphne Leef, were explicit in their appeals to the citizen-state contract that the Israeli state had broken by allowing housing prices to incessantly increase, they also rejected the state's approach to the issue. The protestors accomplished this by dismissing the framework of occupation and refusing to comment on the Israeli-Palestinian conflict, as well as by avoiding having their movement labelled

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[14] Ibid.

[15] Ibid., 48-49.

[16] Yael Allweil, "The tent: The uncanny architecture of agonism for Israel-Palestine, 1910-2011," *Urban Studies* 55, no. 2 (2018): 318. Accessed through SAGE.

[17] Ibid.

[18] Allweil, "Surprising Alliances for Dwelling and Citizenships," 52.

[19] Ibid.

as politically "left" or "right" wing.[20] The inclusion of Palestinian Israelis in the protests meant that the movement was actively working against the Zionist housing narrative that had been perpetrated by the Israeli state for decades. By decentering the prevailing narrative of the Israeli state in their operations, the protestors began to decentre the state from their demands, relinquishing claim to the citizen-state contract, which only existed between the government and Jewish citizens. By including citizens who were marginalized by the Israeli state in their protest narrative, the movement explicitly showed that the state's approach to this crisis could not satisfy all of the demands being made by the broad coalition of protestors.

This inclusion of citizens who are neglected by the state also raises questions pertaining to the "social order", which is perpetuated and upheld by the state.[21] As Magnussen remarks: by questioning the social order in a state, the domain of that state is called into question, expanding the field of politics beyond the state.[22] By including internally marginalized citizens in the housing protests, Leef and her fellow organizers were actively engaging in the decentralization of the Israeli state, despite initially basing their protest on the citizen-state contract. In addition, the microcosmic nature of the tent camps, which became largely self-sustaining, represent the state-decentralizing force of urbanism that Magnussen discusses in his article.[23] He states that the idea of urbanism decentres any state, as citizens of the world live in a global city that is distinguished from the state, and calls into question the previously defined boundaries of the state's jurisdiction.[24] While the tent camps were not global and all-encompassing in the way that global cities are, many of their characteristics reflect this idea described by Magnussen. Although the tent camps were occupied by several distinct factions of Israeli society, they shared several similarities and effectively represented an urbanist microcosm of society. Such similarities included distinctive domed silver tents, nighttime entertainment, and the provision of community support in all of the camps, which allowed them to be self-sufficient regardless of whether they were located in Tel Aviv or elsewhere. Additionally, the deliberate foundation of these tent camps within established cities, as

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[20] Schipper, "Towards a 'Post-Neoliberal' Mode of Housing Regulation?", 1142.

[21] Warren Magnussen, "Globalization, Movements and the Decentred State," in *Organizing Dissent: Contemporary Social Movements in Theory and Practice, Second Edition* ed. William Carroll. Toronto, University of Toronto Press (1997): 103.

[22] Ibid., 104.

[23] Magnussen, "Globalization, Movements and the Decentred State," 110.

[24] Ibid.

opposed to rural areas, demonstrates the significance of urbanism to 21st century protest movements.[25] As previously discussed, such positioning emphasizes the difference between the housing available to the elites and the inhabitants of the tent camps. The Israeli housing protests called into question the boundaries of the Israeli state through the demographic composition of the coalition, as well as through the creation of analogous protest camps throughout the country, reflecting Warren Magnussen's theory of urbanism.

Margaret Kohn's populist view of the public suggests that, in the context of the Occupy Wall Street protests in New York and Toronto, the public was reclaiming a space they already owned rather than illegally privatizing public space, as was argued by numerous courts in legal cases surrounding the Occupy movement.[26] The same argument can be applied to the Israeli housing protests, as the occupation of public space by a diverse coalition of individuals, including marginalized citizens, criticizes the private ownership of land and housing opportunities. Such occupation emphasizes the disparities between the privileged few who restrict housing opportunities for the diverse, underprivileged greater populace that made up the protest movement. In Kohn's view of the public, it is this larger group that is already in possession of the public land, as the more accurate representation of "the public."[27] The occupation was accomplished by erecting tent camps in wealthy areas such as Rothschild Boulevard, which served to reclaim the land for the collective while emphasizing the vast differences in the quality of available housing.[28] By being inclusive of the various groups inhabiting Israeli territory, the protestors represented the Israeli state's citizenry more accurately than Israel's legislative body, the Knesset, where Arab parties are perpetually excluded from the governing coalition.[29] The occupation of public spaces in Israel during the 2011 protests can therefore be seen as a legitimate reclamation of public land because it was perpetrated by members of both groups inhabiting the state's territory, who each have longstanding historical claims to the land.[30]

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[25] Magnussen, "Globalization, Movements and the Decentred State," 110.

[26] Kohn, "Privatization and Protest," 100.

[27] Ibid., 99-102.

[28] Kohn, "Privatization and Protest," 99-102.

[29] Ibid., 103.

[30] As Kohn mentions in her article, one of the criticisms directed towards the North American leaders of the Occupy Wall Street movement was that their reclamation of the land in the name of the public was erasing the history and ownership of Indigenous peoples over the land. The involvement of both Palestinians and Israelis in the 2011 housing crisis absolves the protestors of this issue and emphasizes the uniqueness of the broad coalition the housing issue managed to garner. Kohn, "Privatization and Protest," 107.

While demands from the protestors in the tent camps became increasingly radical and anti-state, the coalition supporting the movement continued to expand and in fact served to impede the decentralized state narrative.[31] Although, the tent camps had initially rejected the support and aid of government figures — at one point going as far as pelting the mayor of Tel Aviv with cold water when he tried to visit Rothschild Boulevard — they eventually were forced to accept the solutions being offered by state representatives.[32] In August 2011, Prime Minister Benjamin Netanyahu set up the Trajtenberg Committee, headed by Professor Manuel Trajtenberg, former chairman of the National Economic Council, to address the demands of the protestors.[33] The recommendations of the Committee primarily served to address the demands of the middle-class Jewish Israelis who initially organized the protest and still, few of the Committee's recommendations were ever implemented into law[34] This led Daphne Leef and her fellow organizers to attempt to reignite the protests in the summer of 2012. Upon doing so, they were arrested by Tel Aviv police, and were consequently unsuccessful in restarting the protest movement. Although the government's response to the housing protests did not meet the demands of the protestors, and the recommendations of the Trajtenberg Committee produced few tangible outcomes, the 2011 Israeli housing protests were initially based upon the public occupation of space, decentralizing the dominant narrative of the Israeli state, and developing a broad coalition of support to sustain the tent camps.

The fact that the entire protest movement was originally predicated on making certain demands of the Israeli government — by asking them to uphold the citizen-state contract and provide affordable housing for its citizens — is a significant argument against framing the 2011 Israeli housing protests as a movement which seeks to decenter the state. However, by rejecting exclusive narratives perpetuated by the Israeli state in order to broaden their coalition, Leef and the other leaders of the housing protests relinquished their claim to the state-centric approach and empowered the participation of marginalized groups in their movement, including Palestinian Israelis, Mizrahi Jews, and migrant workers.[35] This

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[31] Marom, "Activising Space: The Spatial Politics of the 2011 Protest Movement in Israel," 2833-2834.

[32] Ibid., 2829.

[33] Ranit Nahum-Halevy, Zvi Zrahiya and Adi Dovrat-Meseritz. "Trajtenberg Committee Getting Down to Work." *Haaretz* (8 August 2011).

[34] Avi Bar-Eli, Meirav Arlosoroff and Ora Coren. "Despite PM's promises, most Trajtenberg recommendations never became law." *The Marker - Haaretz* (15 August 2011).

[35] Schipper, "Towards a 'Post-Neoliberal' Mode of Housing Regulation?" 1142.

rejection of the state-centric narrative is encompassed by a quote from one of the protest organizers, Stav Shafir: "We are not asking to change the prime minister. We are asking to change the system."[36] Although this was one of the only obvious criticisms of the broader system articulated by the housing protest organizers, the actions and existence of the initial tent camps represented both Warren Magnussen's theory on the decentralization of the state and Margaret Kohn's theory about the occupation of public space by the public.

Ultimately, the occupation of Rothschild Boulevard in Tel Aviv, along with many other tent camps throughout Israel and beyond, represents an inclusive attempt to mobilize diverse factions of Israeli society to better respond to growing issues of inequality. Although it was unlikely the original intention of Daphne Leef, the lead organizer of the first tent camp in Tel Aviv, the protest grew to represent a decentering of the Israeli state from the housing narrative, at least initially. The inclusion of Palestinian Israelis, Mizrahi Jews, migrant workers, and citizens on both sides of the political spectrum, redirected the narrative away from a reliance on the state-citizen contract to provide housing, and towards a more inclusive approach that was capable of benefitting Israeli society as a whole. The occupation of public space for protest, in particular, elite spaces that provided a stark contrast between the living conditions of various people in the same state, in particular between the elite Jewish citizens of the Israeli state and marginalized individuals included within the broad coalition of protestors. Although these narratives faltered as the protests gained recognition from the media and Prime Minister Benjamin Netanyahu's government, they were nonetheless prevalent in the early stages of the movement. The broad coalition that defined the early stages of the 2011 Israeli housing protests represented a rejection of traditional Zionist narratives surrounding the Israeli citizen-state contract, as well as a more comprehensive understanding of a populist public in a state where land occupation and ownership have longstanding saliency for all groups involved.

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[36] Isabel Kershner, "Protests Grow in Israel, With 250,000 Marching," *The New York Times* (6 August, 2011).

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Essential But Not Essentialized

An Analysis of Sex and Gender Within Diasporic Filipinx/a/o Babaylan Discourse

Kisha Roxas

Abstract: In recent years *babaylan* have become a figure of decolonization and indigenization for diasporic Filipinx/a/o. *Babaylan* were, in simplest terms, healers, shamans, and medicine people, who had a prominent societal status during the pre-colonial era on the Philippine archipelago. However, Spanish Catholics eliminated this social standing during the colonial period and imposed a new sex-gender system with a lasting legacy: the introduction of a gender binary, biological gender essentialism, gender roles, and uneven gender relations. Using a queer gender lens, I analyze the legacy and normalization of this Hispano-Catholic sex-gender system as an unquestioned set of assumptions within the discourse of diasporic *Babaylan* Studies. I suggest future academic inquiries should employ greater attention to gender diversity in *Babaylan* Studies discourse as part of an intersectional, decolonial praxis.

Introduction

Accessing Philippine ancestral knowledge that has been lost due to colonization is a formidable challenge both within and outside of academia, as the same legacy of colonization directly influences the ontological and hegemonic assumptions within Filipino culture. Beginning in 1521, the Spanish violently transplanted Catholicism to the archipelago known now as the Philippines and imposed a system of hegemonic ideological tools during the 'civilizing' mission that remained long after the Spanish colonial period ended in 1898. These tools included the normalization and institutionalization of the Hispano-Catholic sex-gender system, namely the introduction of a gender binary, biological gender essentialism, gender roles, and uneven gender relations. This paper considers how these hegemonic tools are being replicated today even within decolonial or feminist spheres: I will analyze the academic and contemporary discourse on *babaylan*, a class of precolonial healers and shamans on the Philippine archipelago almost completely eliminated during the Spanish colonizing mission. Using a queer-gender[1] perspective I argue the narratives of *Babaylan* Studies within the diaspora have been produced with underlying, underexamined assumptions of biological gender.

It becomes evident through an examination of the existing literature that *Babaylan* Studies have been largely taken up by women who relate to *babaylan* through dominant perceptions of 'womanhood', using 'female' synonymously with 'woman.' While some academic work acknowledges the imposition of the colonial sex-gender system, it has largely gone unquestioned. English itself has gone unquestioned as the hegemonic language of scholarship, and in the case of cross-cultural translation, it imposes cultural and linguistic limitations on research. For example, pre-colonial constructions of 'woman' may be incongruent with contemporary notions of 'woman' in English, both in translation and cultural understanding, as is the case in *Babaylan* Studies and women-only networks in the diaspora. These normative assumptions of gender ascribed unto *babaylan* within academia and women-only communities have resulted in academic and community discourses primarily headed

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[1] I use "queer" and "gender" to signify not merely a critical lens on sexual preference and gender, respectively. Rather, I use it as an anti-normative lens that acknowledges the social construction and institutional discipline of sex, sexuality, and gender that normalize and institutionalize the gender binary, compulsive heteronormativity, and sex organs that match the ideals posited by Western/colonial sex-gender congruence.

by cisgendered Filipina scholars and women and that may be inaccessible to Trans and/or Gender Nonconforming (TGNC) individuals. By using a queer gender lens to address some of these underexamined assumptions on sex and gender, I hope to complement the ongoing *babaylan* discourse and encourage gender-variant inclusivity in academic and social communities centered around *babaylan*.

I begin by examining contemporary works and projects from the 1990s and onwards that have centered *babaylan*, celebrating various forms of decolonization, indigenization, and connection. I then identify the differences between *babaylan*'s pre-colonial modes of living and imposed Spanish colonial systems, focusing on gender relations, *babaylan*-specific constructions of gender, and attitudes towards sexuality. I delineate the weapons of hegemonic power used to eliminate *babaylan* and re-gender the Peoples of the Archipelago, and review the ways that the resulting sex-gender system has been reified within Filipino culture and thus, within *babaylan* discourse. I argue using a queer-gendered perspective that the normative assumptions of the sex-gender system within *babaylan* studies have gone largely undetected, and a discourse inclusive of TGNC Filipinx/a/o within *babaylan* studies is necessary to work towards a more liberatory praxis.

As the aims of this paper are to contest underlying assumptions of the gender binary, I intentionally use the term Filipinx/a/o to both include TGNC identities and avoid misrepresenting Filipina/o people who do not identify with the "x." Filipinx/a/o acknowledges TGNC individuals can also identify as Filipina/o. As Karen B. Hanna suggests, its use is limited to written forms, but it is nonetheless a strong identifier for youth online and elsewhere.[2]

Babaylan in the Diaspora

Connection to *babaylan* takes different forms and is a collective journey as much as it is an individual one. Since the 1990s, the *babaylan* have been travelling the world through the minds of diaspora. Dominant writings on *babaylan* describe them as pre-colonial healers, priestesses, mediums, medicine people, bonesetters, and shamans, among many other skills.[3] Depending on the region where they lived and worked, they were also called *bailan*, *catooran*, *mamumuhat*, *diwatero*, *catalonan*,

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[2] Karen B. Hanna, "A Call for Healing: Transphobia, Homophobia, and Historical Trauma in Filipina/o/x American Activist Organizations," *Hypatia* 32, no. 3 (June 2017): 697.

[3] Virgil Mayor Apostol, *Way of the Ancient Healer: Sacred Teachings from the Philippine Ancestral Traditions* (Berkeley, North Atlantic Books, 2010): 14-15.

Essential But Not Essentialized

katalonan, maaram, mombaki, babalian, *alopogan*, and *dorarakit* among other names.[4.] They were mainly women, sometimes men who dressed like women either temporarily or more long-term,[5] and even described as gender nonconforming (GNC). *Babaylan* practiced animism which was "matrifocal," meaning that feminine (women, men dressed as women, or GNC) individuals held an elevated position in society as spiritual authorities.[6] As such, many women have found spiritual connection with *babaylan* as we can observe in the demographic of *babaylan* groups like the Centre for Babaylan Studies (CfBS)[7] who have hosted international conferences and symposiums[8], published books[9], and even began a podcast since its inception,[10] or Babaylan-Europe, a solidarity group for Overseas Filipino Workers and women.[11] Since some *babaylan* lived outside the Spanish colonial grasp in areas such as the mountains, caves, or forests,[12,13] their tradition remains alive but lacks the social influence it once had. Thus, many contemporary works have focussed on the revitalization and protection of their sacred knowledges in the forms of performance and arts, traditional tattooing known as *batok*,[14] spirituality and alternative

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[4] Hanna, "A Call for Healing," 705; Katrin de Guia, "An Ancient Reed of Wholeness – The Babaylan," In *Babaylan: Filipinos and the Call of the Indigenous,* ed. Leny Mendoza Strobel (Santa Rosa: Center for Babaylan Studies, 2010): 75.

[5] Carolyn Brewer, *Holy Confrontation: Religion, Gender and Sexuality in the Philippines, 1521-1685* (Manila: Carolyn Brewer and the Institute of Women's Studies, St. Scholastica's College, 2001): 244.

[6] Brewer, *Holy Confrontations,* 242-3.

[7] Center for Babaylan Studies, "CfBS Founders," centerforbabaylanstudies.org, Center for Babaylan Studies, accessed Dec. 6, 2020, https://www.centerforbabaylanstudies.org/founders-and-elders.

[8] Center for Babaylan Studies, "Past Conferences and Symposiums," centerforbabaylanstudies.org, Center for Babaylan Studies, accessed Dec. 6, 2020, https://www.centerforbabaylanstudies.org/past-conferences-symposiums.

[9] Center for Babaylan Studies, "Publications," centerforbabaylanstudies.org, Center for Babaylan Studies, accessed Dec. 6, 2020, https://www.centerforbabaylanstudies.org/publications.

[10] Center for Babaylan Studies, "Kultivating Kapwa," centerforbabaylanstudies.org, Center for Babaylan Studies, accessed Dec. 6, 2020, https://www.centerforbabaylanstudies.org/podcast.

[11] Babaylan The Philippine Women's Network in Europe, "Who We Are," Babaylan-Europe, accessed Dec. 6, 2020, https://www.babaylan-europe.com/who-we-are/; Babaylan Europe is a self-identified women's network. See https://www.babaylan-europe.com/who-we-are/.

[12] Brewer, *Holy Confrontations,* 327.

[13] Elizabeth Uy Eviota, *The Political Economy of Gender: Women and the Sexual Division of Labour in the Philippines* (London, Zed Books, 1992): 45.

[14] Hand-tapped tattoos that are given through ceremony. See the work of Kalinga traditional

forms of healing such as *hilot*,[15] and activism. Though important and formidable steps toward decolonization and Filipinx/a/o indigenization of knowledge, a queer gender analysis identifies underexamined assumptions of gender interspersed throughout these academic works that threaten their accessibility.

Pre-Colonial Archipelago

At the time of Spanish colonization, queer sexualities, varied and egalitarian gender relations, and bodily autonomy were widely practiced by the Peoples of Archipelago. Pre-colonial modes of living varied throughout the Archipelago but were mainly kinship-based systems that survived off of subsistence-based farming.[16] While women took on the brunt of reproductive tasks in the household,[17] gender relations were mainly communal and symmetrical.[18,19] Women were not dependent on men's productive labour, controlled their own personal finances, had some authority "of the conjugal purse," and could even inherit and make use of land without their husbands' consent[20]– though the concept of land capitalist 'ownership' did not yet exist.[21]

When Spain first made contact with the Archipelago in 1521, marriage was used as a tool of the kinship system and a means to gather wealth.[22] Marriage was usually monogamous but both polygyny[23] and polyandry[24] were practiced and recorded in colonial texts. Divorce was socially acceptable, although fines for adultery sometimes fell more heavily on women.[25] Chastity and virginity were unimportant, and so

tattooer Whang-Od who people travel worldwide to see. Also see Lane Wilcken and other Indigenous *batok* tattooers in America with larger populations of Filipinx/a/o.

[15] A form of traditional Filipino healing that resembles massage but includes energy manipulation and healing.

[16] Eviota, *The Political Economy of Gender*, 33.

[17] Ibid, 34.

[18] Brewer, *Holy Confrontations*, 51.

[19] Eviota writes that some groups in contact with Islam had some forms of hierarchy.

[20] Eviota, *The Political Economy of Gender*, 35.

[21] Ibid, 33. Eviota writes that land was not privatised but was administered by "use-right".

[22] Ibid, 34-35.

[23] Ibid, 35.

[24] Brewer, *Holy Confrontations*, 35.

[25] Eviota, *The Political Economy of Gender*, 35.

both men and women could partake in pre-marital sex as they wished.[26] Once married, however, men gained control of women's sexual activity.[27] There is debate regarding this, as some scholars argue adultery was both common and accepted during the pre-colonial period.[28]

Although men had sexual and political privileges, women held some privilege in the realms of production and spirituality.[29] While Brewer argues that pre-colonial Philippine gender relations were symmetrical, Eviota points to the imbalances of male domination, however conceding that "male dominance may have been normative, but it was neither extensive nor systemic."[30] Women chose how many babies they wanted to have, and birth control took the form of abortion and infanticide for population control under a subsistence economy.[31] Sexuality and lust were viewed as natural instincts on the Archipelago, made evident by the practice of sexual procedures and the use of genital accessories to enhance pleasure.[32,33] Non-procreative sex was widely practiced, much to the grimace of Spanish missionaries at this time. What Spanish colonists describe as "fowle sin of Sodomie"[34] was observed of both men and women. There is even an account of male shamans marrying and having "carnal knowledge"[35] of other men, aligning with what could be considered queer sexual preferences and experience in the contemporary context.

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[26] Ibid, 35.

[27] Ibid, 36.

[28] Brewer, *Holy Confrontations*, 51.

[29] Eviota, *The Political Economy of Gender*, 37.

[30] Ibid, 37.

[31] Ibid, 35-36.

[32] Brewer, *Holy Confrontations*, 47.

[33] Jay Israel De Leon, "Penis Piercing and the Status of Women in Pre-colonial Visayan Societies," medium.com, Medium, accessed Feb 14, 2021, https://medium.com/@dyeydeleon/penis-piercing-and-the-status-of-women-in-pre-colonial-visayan-societies-4702a5db7d02. De Leon argues that the use of the *sacra* –including the decision to get pierced despite the pain, the manipulation of the device for women's benefit during intercourse, and men continuing to wear the pins post-intercourse– speaks to the prominence of women in pre-colonial Visayas.

[34] Brewer, *Holy Confrontations*, 236. Brewer quotes Francis Pretty in Richard Hakluyt's *The Principal Navigations Voyages Traffiques & Discoveries of the English Nation* (1904).

[35] Ibid, 236. Brewer cites the Manila Manuscript, page 430.

Spanish Colonization: Catholicism, Gender Binary, Patriarchy, and Re-gendering

Though there is extensive academic scholarship on Spanish colonial expansion in the archipelago, I focus on the changes specific to the sex-gender system to argue Hispano-Catholicism's introduction of the 'good' versus 'bad' women binary, the gender binary, and patriarchy were weapons used to eliminate *babaylan* and egalitarian gender relations.

The Spanish 'civilizing' mission required the complete reformation of gender relations, attitudes toward and expressions of sexuality, a new social construction of gender, the introduction of patriarchy, and class stratification. The re-gendering of women meant a complete reconstruction of pre-colonial category of 'woman.' Putting women into Hispano-Catholicism's binaries necessarily meant implementing a sex-gender system where 'woman' became a rigid, unchanging, and biologically determined category.[36] Additionally, the implementation of a two sex, two-gender myth (female/woman/feminine, male/man/masculine) under patriarchy has resulted in the "privileging of man or male in an oppositional dyad over" female or woman.[37] The masculinization of culture necessitated an entire reformation of Indigenous women's sexual behaviour[38] through use of "psychological coercion" as a way to maintain a system that favoured men.[39] The process had two steps: 1) the destruction of any systems that stood in the way of Catholicism, including love stories and poetry that supported egalitarian gender relations,[40] and 2) the missionary's introduction of the 'Truth' through hegemonic tools[41] based off of "Judaeo/Christian ideals."[42]

The moral construction of the good and bad Indigenous woman involved the introduction of the Virgin Mary as a model and, thus, the virgin-whore dichotomy. The fact that The Virgin Mary was a woman of special spiritual prowess contributed to the successful implementation of approved roles for women, such as the obedient daughter and the

Essential But Not Essentialized

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[36] Ibid, 34.

[37] Rosemarie Tong, "Feminist thought in transition: Never a dull moment," *Social Science Journal* 44, no. 1 (December 2019): 31. https://doi.org/10.1016/j.soscij.2006.12.003. Tong quotes Hélène Cixous.

[38] Brewer, *Holy Confrontations*, 52.

[39] Ibid, 72-73.

[40] Ibid, 68.

[41] Ibid, 77.

[42] Ibid, 73.

subservient wife; the importance of matrilineal lineage was a relatable value to Indigenous women.[43] However, the idolization of a virgin figure also emerged alongside the degradation of non-virgins, non-monogamous marriage, and non-procreative sex.[44] Modeled after Mary and Jesus, women found belonging in colonial society only after conforming to the role of the 'good' Catholic mother.[45] Virginity, a concept unconceived in pre-colonial society, was now the signifier of a woman's worth in colonial society.[46] Eventually, femininity was defined through domesticity.[47] Jesuits in the Visayas for example, taught women to endure long-term suffering and never voice complaint, like good Christian women should.[48] This was done in an attempt to rid the 'savage' culture of divorce.[49] The introduction of binary morality not only meant the subordination of women to men but also the naturalization of an dichotomous, biologically determined category of woman which has remained dominant until today.

During the Spanish colonial period, men benefitted from various double standards. The so called bad women of the good versus bad binary became mistresses, concubines, and a means of sexual release that men needed to satisfy their natural needs.[50] Men could escape the grasp of savagery and the devil while women could not; Indigenous men could redeem themselves by separating from what the Spanish deemed feminine, such as cutting off their long hair,[51] whereas women who were viewed as inherently inferior and an easy target for the devil,[52] could not separate themselves from femininity.

The imposition of Catholicism's sex-gender system was a long-term project that faced resistance from animism and *babaylan*. However, eventually even *babaylan* became a male-dominated position.[53] The missionaries effeminized animism and *babaylan* tradition and so male *babaylan* were forced to behave like 'real' men by discarding their

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[43] Ibid, 78.

[44] Ibid, 78.

[45] Eviota, *The Political Economy of Gender*, 40.

[46] Ibid *Gender*, 22.

[47] Brewer, *Holy Confrontations*, 264.

[48] Ibid, 264.

[49] Ibid, 264. Brewer cites a translation by Repetti from Jesuit colonial texts from 1607-9.

[50] Eviota, *The Political Economy of Gender*, 24.

[51] Brewer, *Holy Confrontations*, 258.

[52] Heinrich Kramer and Jakob Sprenger, *Malleus Maleficarum*, trans. Rev. Montague Summers (New York: Benjamin Bloom, Inc., 1928): pt. 1, q. 6.

[53] Brewer, *Holy Confrontations*, 242. Brewer cites a colonial text that describes all male babaylan on the island of Negros in the late 19th/early 20th century.

femininity and gender nonconformity.[54] Catholic missionaries introduced patriarchy through the indoctrination of young male elites who were raised in various religious and educational institutions.[55] Additionally, these young boys were used as spies to betray *catalonan* (*babaylan*).[56] Older *babaylan* men, too, betrayed their shaman wives by becoming witnesses for Spanish inquisitors.[57] The use of young boys to advance Catholicism was directly inverse to *babaylan*'s spiritual hierarchy, and this tactic undermined the prominence of old women who were the traditional carriers of spiritual prowess.[58] Women resistant to this change and women *babaylan* were cast away to the periphery and hid in forests and caves.[59] By the end of the 16th century, women could not survive off their means of production and reproduction and were forced into prostitution[60] and vagrancy.[61] The European connotations of 'witch' and 'prostitute' as symbols of sterility and non-procreative sex[62] laid the foundation for Spain's colonial witch hunt of the *babaylan*.

Spain formally colonized the Philippines from 1521-1898. As a result of the Spanish-American war, the Philippines was colonized by the United States of America in 1899 for almost 50 years, and later was occupied by Japan during World War II. American cultural hegemony reinforced and intensified what Spanish colonizers introduced. American colonizers introduced the labelling terms and dichotomy between homosexuality and heterosexuality, named the former as perversion in law and practice, and "conflated gender and sexuality."[63] Additionally, they institutionalized and normalized American constructions of sexuality and gender through the implementation of English as a language of academic

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[54] Ibid, 244.

[55] Ibid, 325. Brewer cites the Bolinao Manuscript that describes the Augustinian Recollects that began indoctrinating young boys of the native elite in Bolinao.

[56] Ibid, 324-5; 354.

[57] Ibid, 237. Brewer cites the Bolinao Manuscript ff. 7b, 8b, 10a-14a, 17a-18a.

[58] Ibid, 326.

[59] Ibid, 327.

[60] The term 'sex work' has replaced 'prostitution' in contemporary usage and reference, and the latter is outdated and inappropriate. My use of the word here is in an attempt to maintain historical accuracy of the process that women faced in the Early Modern Period.

[61] Eviota, *The Political Economy of Gender*, 40.

[62] Silvia Federici, *Caliban and the Witch: Women, the Body and Primitive Accumulation* (Brooklyn: Autonomedia, 2004): 197.

[63] Hanna, "A Call for Healing," 705. Hanna cites Garcia (2008).

Essential But Not Essentialized

instruction.[64] These changes demonstrate that the sex-gender system, patriarchy, homophobia, transphobia, and compulsive heteronormativity have had time to naturalize and transform throughout various colonialisms.[65]

Babaylan as Woman: Contemporary Academic and Community *Babaylan* Discourses

An intentional shift towards an inclusive gendered lens and away from a narrowly focused cisgendered women lens in *Babaylan* Studies allows us to epistemologically question our assumptions of what constitutes a woman, delineate culturally contingent constructions of 'woman,' and identify the power dynamics of 'woman' in relation to other genders.[66] English limits us to the "terms *man/woman* (denoting sex and/or gender), *male/female* (denoting only biological sex), and *masculine/feminine* (denoting only gender)."[67] Brewer observes these are not distinctions made clear on the Philippine archipelago.[68] Brewer's cognizance of English's limitations and the dominating sex-gender congruence system assist her in recognizing her research's limits as well as preventing, or at least acknowledging, Western projections of sex-gender congruence onto pre-colonial Philippine notions of gender. However, the power of discursive knowledge production is also revealed through the

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[64]   J. Neil Garcia, *Philippine Gay Culture Binabae to Bakla Silahis to MSM* (Quezon City: University of the Philippines Press, 2008): 167. Hanna, "A Call for Healing," 705 cites Garcia (2008).

[65] Kiel Ramos Suarez, "Sakít O Salà?: The (Post)colonial Medicalization of the Filipino Homosexual, 1916–1976" (master's thesis, Central European University, 2017). Under American colonial rule and the medicalization of the Philippines, Filipinos underwent intense physical scrutiny and physical analysis. As a result of American colonial influence, sexuality and gender variance were pathologized.

[66] Brewer, *Holy Confrontations*, xxii.

[67] Peter Jackson, "Kathoey >< Gay >< Man: The Historical Emergence of Gay Male Identity in Thailand," in *Sites of Desire/Economies of Pleasure: Sexualities in Asia and the Pacific,* eds. Lenore Manderson and Margaret Jolly (Chicago: University of Chicago Press, 1997): 167-8. Brewer directly quotes and cites Jackson on page xxii.

[68] Brewer, *Holy Confrontations*, xxii-xxiii. Brewer writes in an endnote on xxxvi-xxxvii that medical interventionism through genital alteration surgeries and/or hormonal treatment for bodies with ambiguous genitalia are administered to conform to the social constructions of the sex-gender system in the 'west'.

power of interpretation. As written texts on babaylan are scant, historical accounts are up to scholars to interpret.[69] It follows to ask, who are the dissenting voices in the academic study *babaylan*? How do people take up, interpret, and organize under the unifying figure of *babaylan*?

The *babaylan* discourse in the diaspora has been mainly led by visionary women and has often been grounded in spirituality, indigenization and decolonization. I focus on diaspora *babaylan* discourse because as discussed earlier, English itself is a hegemonic tool and the sex-gender system is reified through its use. Many Filipinx/a/o in the Philippines speak English, however, much of the discourse on *babaylan* as a means of indigenizing, decolonizing, and/or organizing is taken up by diaspora in relation to their individual degrees of separation from the Philippines. *Babaylan* Studies are, of course, not always grounded in 'womanhood' but are also interdisciplinary to include spiritual and religious studies, Indigeneity and decolonization, postcolonial studies, healing and medicine, feminist studies, and so on. Many writers, scholars, and Filipinx/a/o people recognize the long-term effects and remnants of colonization, or hegemonic tools, within Filipino culture. These include but are not limited to the domination of Catholicism, patriarchy, and lost or restricted access to historical culture. However, mention of the sex-gender system in academia has been scarce. When gender does come up, there is a lack of conscious usage of value-laden terms denoting notions of biological sex and gender. For example, Strobel explains how *babaylan* are mainly women and that the "female gender" was privileged in the spiritual domain.[70] The use of the words 'female gender' has three implications. The first is that since she has not prefaced the Western sex-gender congruence model, nor its implications on English interpretations of *babaylan*, she has, perhaps unknowingly, projected essentialized gender on to *babaylan*. Additionally, though it is true that both women and men –again denoting sex and/or gender— were babaylan, her wording ignores the presence of TGNC identities, which leads to the second implication; males were also *babaylan*.[71] Even if they were masculine in every other part of their life, the spiritual was their domain, too, when they gender-crossed to a nonconformist[72] (feminine) gender identification. Brewer

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[69] Ibid, 352.

[70] Leny Mendoza Strobel, "Introduction," in *Babaylan: Filipinos and the Call of the Indigenous,* ed. Leny Mendoza Strobel (Santa Rosa: Center for Babaylan Studies, 2010): 2.

[71] Males meaning those who had genitalia that corresponds to western notions of sex-gender congruence.

[72] Nonconformist meaning a gender identifier that does not correspond to western or colonial notions of gender identity.

concludes that *femininity* was the key to "spiritual prowess."[73] It would be therefore more accurate then to replace "female gender" with "femininity." The third implication is broader: women have related to babaylan through their womanhood, their Filipina bodies, through their shared Sacred Femininity with one another and with *babaylan*.[74] The lack of recognition of the sex-gender system, followed by the usage of sex and gender as equivalent terms (woman/female, *babaylan* are women, thus female) in a well-known *babaylan* book by a prominent co-founder of CfBS, a nucleus of *babaylan* knowledge in the diaspora, has led to the reification of normative sex-gender assumptions within the discourse at large.

Manalansan writes on how gender and migration studies with focus on Filipina migrant domestic workers have primarily featured heterosexual, married women while neglecting, for the most part, "gay and straight men and single women."[75] This has led to "naturalized and normalized conceptions of motherhood, domesticity, childcare, and reproduction"[76] within the literature. He also points to the inseparability of 'motherhood' with biological and reproductive features within the literature which perpetuates normative conceptions of parenthood, nuclear family, and maternalism.[77]

In a similar way, I draw attention to the privileging of cisgender women who are forming the discourse of *babaylan* within the diaspora. The example of "female gender" is representative of a greater discourse within *Babaylan* Studies and groups that privilege cisgender bodies defined through their relation to both the reproductive capabilities attached to 'female' and the concept of woman. Whereas Manalansan highlights underlying assumptions within the migration discourse through the *focus* on specific bodies with specific attributes, I similarly highlight parts of the *babaylan* discourse with underlying assumptions on gender, however, I argue it is a symptom of the discourse being constructed *in direct relation to* the contributors' womanhood.[78] Indeed, groups formed around *babaylan*

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[73] Brewer, *Holy Confrontations*, 244.

[74] For example, every contributing author in Leny Mendoza Strobel's book *Babaylan: Filipinos and the Call of the Indigenous* are women and/or femmes, either self-identified or implied through descriptions in the introduction as she/her. Of course, she/her pronouns do not necessarily mean 'woman' nor 'cisgender'.

[75] Martin F. Manalansan IV, "Queer Intersections: Sexuality and Gender in Migration Studies," *International Migration Review* 40, no. 1 (Spring 2006): 237.

[76] Ibid, 238.

[77] Ibid, 241.

[78] In Leny Mendoza Strobel's *Babaylan: Filipinos and the Call of the Indigenous,* and even beyond this book, topics on *babaylan* include strong focuses on 'womanhood' such as

are women-focussed and women-specific.[79] The lack of mainstream focus within the diaspora on TGNC identities, either as contributors or figures of discursive study within *babaylan* studies, or as potential members of *babaylan* communities, is likely a result of the sex-gender system that has privileged strictly cisgender identities.

There are, of course, some texts that acknowledge the limitations of the Western sex-gender system, including those discussed above. However, the most gender-sensitive of these texts, in my opinion, is written by a non-Filipinx/a/o.[80] My purpose in writing this was not to diminish the contributions of visionary women, nor discourage ciswomen in connecting with *babaylan* through their own personal womanhood. I do, however, hope *Babaylan* Studies and *babaylan*-centred communities acknowledge and challenge assumptions of gender, and even the limitations of English itself. I encourage the inclusion of more TGNC Filipinx/a/o as direct contributors to the academic study of *babaylan*, as valid reflections of *babaylan*, and as welcome members in community groups.

Towards TGNC-Inclusivity and Decolonial Futures

The knowledge buried by colonization, the knowledge we are dedicating our spiritual and academic pursuits to uncover is inherently transcribed within the bodies and spirit of TGNC Filipinx/a/o. As a Queer, Non-Binary Ibanag, Ilokano, and Tagalog person, I find refuge and deep connection to *babaylan* and see their[81] energy reflected within my Queer, TGNC kin. Despite the insidious presence of hegemonic Western culture and its ingrained homophobia and transphobia, TGNC are still here. Our existence alone is revolutionary; our joy and liberation are *babaylan*'s wildest dreams. TGNC bodies house traditional knowledges of leadership, spirituality, healing, and otherworldly secrets that our ancestors whispered to us through our bloodlines. Exclusion of TGNC in the discourse or more widely, knowingly or unknowingly, is an act of keeping pre-colonial

women's or female bodies, allegories of the womb and umbilical cord to the motherland, using the pronouns she/her to refer to *babaylan* men and women.

[79] For example, the Babaylan Europe Network.

[80] Carolyn Brewer, *Holy Confrontations*.

[81] This connotes the plurality of genders and is a direct pushback to popular writings that refer to *babaylan* in their totality with simply she/her pronouns.

Essential But Not Essentialized

knowledges buried. The inclusion, celebration, and normalization of TGNC Filipinx/a/o not only allow us to access to pre-colonial knowledge that lives within us, benefitting all of us, but is a necessity for meaningful Filipinx/a/o decolonization movements.

Conclusion

The process of indigenization and decolonization for Filipinx/a/o people involves certain challenges as we attempt to access knowledge that multiple colonialisms have buried. As demonstrated, a queer gender analysis identifies normative gender assumptions scattered throughout dominant *babaylan* writings. Decolonial scholars, feminists, and Filipinx/a/o communities should remain open to new ways of conceptualizing *babaylan* and gender and be intentional in dismantling gender essentialist binaries. Scholars should be cognizant of the limitations of English as the hegemonic language of academia when dealing with transnational, intercultural translations. Body-centric narratives in *Babaylan* Studies are not necessarily discouraged but would benefit from conscious usage of language and critical reflection on which bodies dominate and (re) produce *babaylan* discourse. Doing so would invite TGNC inclusivity into intellectual, discursive, and academic spaces. In order for *Babaylan* Studies to maintain a decolonial premise, TGNC-inclusivity must be a priority. Moving forward, integrating intersectional feminist and decolonial praxes *and* practices is the only meaningful path to liberatory Filipinx/a/o futures.

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