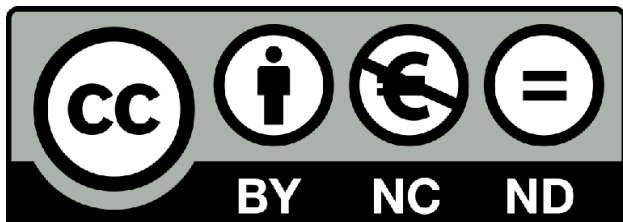


FLUX

International Relations Review

Volume XIII • Issue II





This work is licensed under a
Creative Commons Attribution-NonCommercialNoDerivatives 4.0 International License.

Flux operates out of Montréal, located on the traditional territory of the Kanien'keha:ka, a place which has long served as a site of meeting and exchange amongst nations. The Kanien'keha:ka are the keepers of the Eastern Door of the Haudenosaunee Confederacy. In writing about political science and international relations we strive to incorporate diverse voices and bear in mind the forces, including (neo) colonialism, which have shaped the way we understand international relations. We encourage all readers to inform themselves on and actively resist, in the diverse forms that resistance can take, (neo) colonialism in Canada and abroad.

TABLE OF CONTENTS

Foreword 7

**A Trust-Compromising Shift Towards Autocracy in Singapore:
The Foreign Interference (Countermeasures) Act of 2021**
Mathis Roy Vigne (National University of Singapore) 9

How Economic Downturns Have Sealed the Political Fate of Argentina
Augustin Bilaine (McGill University) 17

**Legacies of the Cold War Historical Consciousness Of
Black American Civil Rights Organizers**
Taylor Tang (University of British Columbia) 27

Incarcerating the Innocent: Inside Canada’s Immigration Detention Centres
Ava Torkaman (McGill University) 37

How the Use of Torture Changed American Foreign Policy Realities
Jiven Lal (Simon Fraser University) 47

‘Women, Life, Freedom’: The Politicization of the Hijab in Iran
Amanda Leloup (McGill University) 57

Quebec and Scotland’s Sovereignty Referendums: A Comparative Analysis
Katrina Froese (University of Calgary) 69

**Comparing the European Union’s Sanctions Against Russia in 2014 vs. 2022:
Energy Dependence as a Tool of Political Divergence**
Jacqueline Pelayo (University of British Columbia) 79

EDITOR-IN-CHIEF

Graydon Davidson

MANAGING EDITOR

Rory Daly

DIRECTOR OF PEER REVIEWERS

Claudia George

DIRECTOR OF COMMUNICATIONS

Marie-Chantal Plouffe

DIRECTOR OF INTERNAL AFFAIRS

Adam Menikefs

SENIOR EDITORS

Sophia Khiavi

Emily Matuska

Stevan Vujicic

Justin Weir

JUNIOR EDITORS

Tito Almeida

Zach Brousseau

Anna Hayes

Gaya Karalasingam

Elena Lee

Madalena Monteiro

Susie Strachan

Eren Togan

GRAPHIC DESIGNERS

Natasha Artokun

Soraya Ghassemlou

Lauren Hicken

LAYOUT EDITOR

Wendy Lin

PODCAST EDITOR

Anyssa Boyer

PODCAST FOUND AT:

<https://anchor.fm/flux-international->

COPY EDITORS

Lydia Angel-Fox

Olivia Barnaby

Louisa Carron

Sophie Fraser

Lucy Jeong

Caitlyn Mulligan

Adele Ottenwaelter

Katie Pallett-Wiesel

Claire Rhea

Anya Zaretsky

PEER REVIEWERS

Sarah Aaron

Emma Beilouny

Nathan Devereaux

Noème Fages

Berengere Fouquerey

Michael Goldberg

Avery Haley-Lock

Rosie Inwald

Jennah Kalaaji

Maiya Karsan

Sophia Khiavi

Ryan Kim

Tala MacDonald

Killian Magdelaine

Stephanie Munn

Sabrina Nelson

Priscilla Perfetti

Luke Picciola

Theodore Talalla

Eden Wilson

Jack Zimakas

FOREWORD

Welcome to the second issue for Volume 13 of Flux: International Relations Review! Once again, our devoted team here at Flux—from writers and editors, to graphic designers and peer reviewers, to executive directors—has worked tirelessly to create an insightful collage of youth scholarship on contemporary world issues.

Volume XIII, Issue II contains eight original essays written by undergraduates from universities across Canada, as well as Flux's first article from an Asian university. Within Flux's broad theme of international affairs, these pieces of scholarship touch on political issues in many corners of the globe from the disciplinary perspectives of political science, history, and economics. To start, Mathis Roy Vigne explores the increasingly prevalent problem of digital censorship in "A Trust-Compromising Shift Towards Autocracy in Singapore: The Foreign Interference (Countermeasures) Act of 2021"—which Mathis wrote while studying in Singapore. Second, Augustin Bilaine examines how Argentina's long history of economic turmoil has weakened its democratic culture in "How Economic Downturns Have Sealed the Political Fate of Argentina". Next, Taylor Tang analyzes how ideological polarization in Cold War-America created a predicament for Black civil rights organizers in "Legacies of the Cold War Historical Consciousness Of Black American Civil Rights Organizers". Then, Ava Torkaman sheds light on human rights concerns stemming from Canada's treatment of asylum seekers in "Incarcerating the Innocent: Inside Canada's Immigration Detention Centres". In "How the Use of Torture Changed American Foreign Policy Realities", Jiven Lal shows how negative global perceptions of the United States' use of torture during the global War on Terror became a barrier to Washington's foreign policy objectives. In "'Women, Life, Freedom': The Politicization of the Hijab in Iran", Amanda Leloup examines how the hijab has become a political tool in post-1979 Iran, especially for those protesting the death of Mahsa Amini at the hands of state authorities last fall. Then, Katrina Froese demonstrates the differences between the sovereignty referendums held in Quebec in 1995 and Scotland in 2014 in "Quebec and Scotland's Sovereignty Referendums: A Comparative Analysis". Finally, Jacqueline Pelayo conducts a comparative analysis of EU sanctions against Russia after its 2014 annexation of Crimea and its full-scale invasion last February in "Comparing the European Union's Sanctions Against Russia in 2014 vs. 2022: Energy Dependence as a Tool of Political Divergence".

I would like to congratulate each of these writers and their editors for what they have achieved in this issue. As always, special thanks goes to our graphic designers Soraya, Lauren, and Natasha and our layout editor, Wendy, who are responsible for this publication's visual appeal.

I am proud and grateful to be finishing my tenure as Editor-in-Chief of Flux with the release of this professional, dynamic issue. I look forward to seeing the journal continue to grow in years to come. Thank you for reading and enjoy!

Best,

Graydon Davidson

Editor-in-Chief of Flux: International Relations Review 2022-2023.



A Trust-Compromising Shift Towards Autocracy in Singapore: The Foreign Interference (Countermeasures) Act of 2021

Mathis Roy Vigne, National University of Singapore

Edited by Stevan Vujicic and Zach Brousseau

ABSTRACT

Amid the increasingly prevalent challenge of modern information warfare, Singapore passed a controversial law empowering its government to censure anyone or anything believed to have ties with foreign entities. The broad scope of the legislation has raised fears among many Singaporeans regarding their freedoms of expression and political contestation, especially given our world's thorough interconnectedness. Understanding critics' worries, however, requires an investigation into Singapore's history and political culture of periodic authoritarian episodes in the name of uninhibited economic prosperity.

Introduction

In the era of Cambridge Analytica and attempted Russian hacks of US presidential elections, Singapore has grown increasingly concerned with information warfare. With ninety percent of its population owning a smartphone, the island city-state off the southern tip of the Malay Peninsula rightfully fears malicious foreign efforts to sway public opinion and subvert its popular sovereignty (Digital Influence Lab 2020). The country maintains a self-labeled democracy in which ideological debates and free and fair elections are an ironclad guarantee. Nevertheless, the ruling People's Action Party (PAP) presently holds the record for the longest uninterrupted governance of any party in the world, having continuously been in power since 1959. These past few election cycles, a slow but steady shift away from the PAP has resulted in the greatest-ever opposition in Parliament. With only eleven dissenting members, however, no movement can fathom dislodging the one-party rule. In this context, growing Chinese influence poses a more immediate threat to Singapore's stability and the PAP's supremacy, which the PAP-led government formally addressed with the Foreign Interference (Countermeasures) Act (FICA) of 2021. In the eyes of many, FICA goes far beyond shielding the city-state from information warfare, for it empowers the ruling party to silence and suppress its growing share of dissidents without any guarantee of democratic accountability.

Broad Wording for Boundless Scope

Under FICA, the Minister of Home Affairs

is granted complete discretion to seize or remove online content and the data of persons or entities with "suspected or believed" ties to a foreign principal (Ministry of Home Affairs (a) 2021; Ministry of Home Affairs (b) 2021). Whereas "suspicion" implies factual grounds to act in Singapore's collective interest, "belief" is an inherently subjective concept easily biased by authorities' political views, individual experiences, and careerist ambitions. The Minister of Home Affairs' new ability to censure, suppress, or imprison without having to produce factual evidence was deemed an unprecedented assault on Singaporeans' fundamental freedoms by human rights advocates, who called on the government to repeal the law to preserve popular sovereignty with mechanisms of political accountability (Human Rights Watch 2021). In the era of interconnected trade and information, virtually all journalists, activists, and thinkers have ties to foreign entities, which, no matter how faint, could form the basis for false accusation and prosecution. In addition, opposition politicians now designated 'Politically Significant Persons' can be subject to constant monitoring, granting the PAP yet another legal tool to undermine dissidents and tighten its grip on the island republic's highest offices (Min Ang & Abu Baker 2021; Ang & Zhang 2021).

Like any political system, democracy is not immune to unpredictable events for which exceptional measures can become necessary. Democratic states' constitutions conventionally lay out a set of exceptional emergency powers to consolidate the executive branch's ability to promptly tackle crises. Nevertheless,

these constitutions typically stipulate the circumstances and definite time frame in which these powers can be invoked. Following the 2015 Paris Terrorist Attacks, for example, then-French President François Hollande could have been granted “exceptional powers” by Parliament for sixty days as part of a nationwide state of emergency to facilitate the manhunt of perpetrators (Conseil Constitutionnel, n.d.). Martial Law is another, more commonly known example of emergency powers that prescribe the temporary suspension of civil liberties in times of war (Killam 1989, 44-47). Singapore’s FICA, however, incorporates no clear conditions nor limitations for its extensive authority. For the measure’s provisions to be used, the Minister of Home Affairs does not require factual proof or legitimate motive, but simply to “think there is foreign involvement” in an information campaign (Ministry of Home Affairs (b) 2021). Since FICA is not contingent on parliamentary approval, temporality, or accountability, it makes for a permanent state of emergency for Singaporeans.

The Undermining of Singaporean Institutions

Notwithstanding any future misuse of FICA, the law has already wobbled Singapore’s democratic bedrock, exposing cracks in the regime. Following a mere ten hours of debate, no expert auditing, and no judicial review, Parliament formally enacted FICA on October 4, 2021—without any opposition support (Min Ang & Abu Baker 2021). According to the ruling majority, FICA needed not be debated; its urgency and provisions had already been

considered during “extensive discussion as part of the Select Committee on Deliberate Online Falsehoods”—albeit none of these exchanges took place after the bill’s introduction (Ministry of Home Affairs (b) 2021). On the contrary, FICA’s passage significantly undermined the platform on which the primary opposition group in Parliament, the Workers’ Party (WP), was elected: “denying the PAP a blank check” (Tham 2020). Indeed, the WP was sent to Parliament not to entrave the PAP but to force the government to refine and explain its policies as part of public parliamentary debate. FICA’s final draft, however, was left virtually unchanged from the PAP’s initially proposed text, a profound rebuke of the very meaning of Singapore’s opposition and its mandate that ignored the need for minimal consensus on such a crucial topic (Ang & Zhang 2021). Furthermore, the public was kept widely uninformed until after the law’s formal promulgation (Min Ang & Abu Baker 2021). As the voices of both the parliamentary opposition and the wider public were essentially silenced, FICA denotes an apparent retraction of democracy.

In addition to tarnishing the legislative branch’s legitimacy, FICA flouts the integrity of Singapore’s judiciary and, through it, its constitution. An outlier among Singaporean legislation, FICA cannot be subjected to judicial review, for legal disputes would undermine “national interests and security, and bilateral relations” (Ministry of Home Affairs (b) 2021). Instead, the law instituted an “independent tribunal headed by a Supreme Court judge” which was overseen by the

Ministry of Home Affairs to audit contentions over its use (Ministry of Home Affairs (b) 2021). This provision effectively elevated Cabinet to legislative supremacy while limiting the purview of the Court of Appeal, the nation's highest court. Regardless of the Ministry of Home Affairs' supremacy on potential disputes, 'Politically Significant Persons' are not allowed to use the independent tribunal to request a FICA utilization review (Ministry of Home Affairs (a) 2021). As such, the government is free to act without accountability. By establishing an institutional blurriness between the Singaporean government and the judiciary, FICA legitimizes the scholarly debate on the true nature of the city state's political system whose self-label of 'democracy' is contested. Indeed, elected leaders who cannot be held accountable essentially operate within an electoral autocracy.

The Role of Singaporean 'Survival Politics'

Although strategically located on the Strait of Malacca, Singapore is sometimes described as a "landlocked [ethnically-Chinese] state in a sea of Malays" (Singh 2021). Albeit simplistic, this analogy is helpful to understanding the city-state's traditional emphasis on 'survival politics'. Combined with the island's restrictive territory and lack of natural resources—which forces it to import electricity from as far as Australia—Singaporeans live under the projected dread of an eternally-looming foreign menace: "The threat of terror is real. Be prepared and safeguard our way of life", reads a pamphlet for SGSecure, a government-sourced alert mobile app. Depicting graphic

imagery, the document contributes to normalizing the alleged omnipresent threat of violence in Singaporean society. This unique mindset may help to explain complacency with FICA, especially as the law was largely absent from public discourse. For fear of legal persecution due to the statute's tacit impunity, dissenting opinions toward FICA now enjoy little space in society (Pannett 2021). Referred to as a "human rights disaster", FICA is the most conspicuous attack yet on the freedom of speech in Singapore (Human Rights Watch 2021). The less democratically-engaged the population becomes, the easier it is for the PAP to advance its strategic narratives.

Ubiquitously instilled through socialization, this narrative of national survival has previously justified 'whatever-it-takes' policies and controversial high-stakes decisions. On the night of February 2nd, 1963, over a hundred prominent figureheads of Singapore's political and organizational spheres were detained without trial because they were deemed immediate threats to the nation's security and promising destiny ("Special Branch Mounts Operation Coldstore" 2011). Dubbed 'Operation Coldstore', the mass arrests resulted in the complete extinction of Singapore's communist wing through the precise targeting of the movement's key members (Ping Tjin 2013). The Lion City's political landscape found itself utterly simplified, allowing for more than half a century of PAP rule without meaningful opposition (Han 2018). In spite of the unprecedented circumstances, provisions, and ramifications of Operation Coldstore, the collective memory of this turning point in

Singapore's history was widely forgotten (Han 2018). Instead, large sections of the public appear to be complacent with the pervasive official portrayal of a 'paramount islandwide cleansing of integrity-threatening detractors' (Han 2018). Whereas qualifying Singaporeans as gullible would be unfair, the narrative of national survival undoubtedly led to the operation's unquestioned legacy.

Since 2018, a revisionist wave surrounding the candid objectives of Operation Coldstore has shed new light on potential government maneuvers. Akin to a whistleblower, Dr. Thum Ping Tjin argues that no communist represented a threat to Singapore's national security in 1963 (Yahya 2018). Instead, he draws attention to contemporary opinion polls predicting a communist victory in the then-upcoming general elections, which would have ended Lee Kuan Yew's rocky tenure as prime minister (Ping Tjin 2013). Altogether, Dr. Thum's findings identify a covert political motive behind a proclaimed 'security' operation (Yahya 2018). Sparking outrage among the PAP leadership, the university researcher was probed extensively during a special hearing of the Select Committee on Deliberate Online Falsehoods. Emerging as a public event of national profile, the incident was a long-awaited public reminder of the significance of Operation Coldstore (Yahya 2018). Nonetheless, public consensus on how to perceive and remember the event remains limited. If indeed it was a political coup, Operation Coldstore enabled the tacit silencing of the electorate's voice and the willful deception of the population, thus exposing FICA as a conspicuous ramification

of Operation Coldstore for the government to subvert public opinion in its favor.

Threats to Privacy & the Business Community

In the 21st century, those who control 'Big Data' exert immense power. The UK firm Cambridge Analytica's dissemination of targeted misinformation on behalf of the 2016 Trump Presidential Campaign using data provided by Facebook revealed the impact of foreign interference in the age of digital globalization. Data can be used by foreign principals, but it can also serve domestic actors. With the ability to seize and analyze the records of any data mining company present in Singapore, the government can now incisively link the intimate values of the electorate with their pre-election policy.

In this context, FICA's boundless scope and applicability to private citizens constitutes a major threat to personal privacy, a right which Singaporeans grant weighty importance. The value ascribed to personal privacy is exemplified by events that transpired in 2021, in which the revelation that TraceTogether (Singapore's official COVID-19 contact-tracing application) data was made available to police investigations. This spurred massive outcry and served to erode trust in the PAP. It is important to note, however, that many political analysts explain the PAP's 68 years of uninterrupted governance as performance-based legitimacy. Singaporeans are confident that, given the PAP's track record, the party is best equipped to maintain economic growth and social order (Morgenbesser 2016, 205-231). In other words,

the party's favour with the electorate is solely based on its public perception and trust. With faith in the PAP already eroding following the events of Trace Together, FICA could substantially accelerate this trend. Had FICA received adequate journalistic coverage, it would have surely provoked the same clamor as the TraceTogether scandal (Pannett 2021). Thus, the measure is susceptible to becoming a liability for a PAP already questioning the waning clarity of its mandate.

Dreading the seizure of their valuable data, many in the business community, including behemoths like Meta Inc., have expressed concern over FICA's broad wording, which could lead to their inadvertent subjugation (Tan & Ong 2021). Others are wary that their licit lobbying efforts with the Singaporean government might be misinterpreted as foreign interference (Tan & Ong 2021). Indeed, over half of corporations present in the city-state are owned by foreign entities, the most prominent of which strive to maintain cordial ties with their home governments (Accounting and Corporate Regulatory Authority, 2022). As evidenced by the US–China trade war or Russia's global isolation following its unprovoked invasion of Ukraine, firms can be involuntarily weaponized amid international tensions. In any case, FICA might deter corporations from moving capital to Singapore or doing business there altogether, as 'operational risk management' costs might dwarf the benefits of committing to the Lion City. Despite overtaking the US as the world's most competitive economy (Charlton 2019), Singapore remains a relatively negligible small-scale market of fewer than six million

consumers. If these firms ever decide to leave, the resulting economic downturn will unequivocally deprive the PAP of its most compelling electoral appeal.

Conclusion

Recent events have proven information warfare to be unprecedentedly important. From Brexit to the 2016 US presidential election, the spread of misinformation has become an essential tool to skew political outcomes away from natural destiny. In the midst of fierce competition for global leadership, governments have reportedly engaged in wide-ranging efforts to influence foreign states' internal affairs. As restated during Prime Minister Lee Hsien Loong's trip to Washington, D.C., to discuss Russia's invasion of Ukraine, "Singapore is a staunch supporter of [...] the sovereignty, political independence, and territorial integrity of all countries—big and small". The Foreign Interference (Countermeasures) Act 2021 was ostensibly crafted to achieve that end.

Nonetheless, the scope of the measure is unbound. Superseding judicial review, FICA essentially condones the supreme unaccountability of Singapore's government. While the arbitrary suspension of civil liberties is worrisome in any country, these anxieties are especially pronounced in Singapore given its illiberal history. Assuming the 1963 Operation Coldstore was a deliberate scapegoating of 'communists' to prevent their victory in the upcoming general elections, FICA would essentially sanction its modern reenactment. While the People's Action Party may justify FICA's extensive powers as necessary for

stability and national security, such democratic backsliding has the potential to be destructive to Singapore's current standing as a successful, efficient, and globalized nation-state.

Bibliography

- Ang, Hwee Min, and Jalelah Abu Baker. "WP Questions Speed At Which Foreign Interference Bill Was Tabled, Says Public Should Have Been Consulted". Channel News Asia, 2021. <https://www.channelnewsasia.com/singapore/foreign-interference-bill-fica-wp-concerns-public-consultation-2221036>.
- Ang, Matthias, and Jane Zhang. "Shanmugam Accepts Some Of Workers' Party's Proposed Amendments To Foreign Interference Bill, Rejects Most". Mothership SG, 2021. <https://mothership.sg/2021/10/shanmugam-workers-party-fica-amendments/>.
- Charlton, Emma. "Singapore Crowned World's Most Open and Competitive Economy." World Economic Forum, October 11, 2019. <https://www.weforum.org/agenda/2019/10/competitiveness-economy-best-top-first-singapore-secret-consistency/>.
- Conseil Constitutionnel. "Quel Pouvoir Donne L'article 16 De La Constitution Au Président De La République?", n.d.
- Digital Influence Lab. "Singapore Digital Marketing Statistics 2020", 2020. <https://digitalinfluencelab.com/singapore-digital-marketing-statistics-2020/>.
- Han, Kirsten. "Operation Coldstore: Singapore'S Struggle To Confront History". The Interpreter, 2018. <https://www.lowyinstitute.org/the-interpreter/operation-coldstore-singapore-struggles-confront-history>.
- Human Rights Watch. "Singapore: Withdraw Foreign Interference (Countermeasures) Bill". 2021. <https://www.hrw.org/news/2021/10/13/singapore-withdraw-foreign-interference-countermeasures-bill>.
- Killam, E. W. "Martial Law In Times Of Civil Disorder". Law And Order 37, no. 9 (1989): 44-47.
- Ministry of Home Affairs (a). "Summary Factsheet On The Foreign Interference (Countermeasures) Act". Reprint, Singapore, 2021.
- Ministry of Home Affairs (b). "Understanding Foreign In-
- terference (Countermeasures) Act (FICA)", 2021.
- Morgenbesser, Lee. "The Autocratic Mandate: Elections, Legitimacy And Regime Stability In Singapore". The Pacific Review 30, no. 2 (2016): 205-231. doi:10.1080/09512748.2016.1201134.
- Pannett, Rachel. "Singapore Passes 'Most Powerful' Foreign Interference Law Amid Fears Of Ever-Shrinking Space For Dissent". The Washington Post, 2021. <https://www.washingtonpost.com/world/2021/10/05/singapore-fica-foreign-interference-law/>.
- Ping Tjin, Thum. "The Fundamental Issue Is Anti-Colonialism, Not Merger". Reprint, Asia Research Institute, 2013.
- Singh, Bilveer. Understanding Singapore Politics. 2nd ed. Reprint, Singapore: World Scientific, 2021.
- "Special Branch Mounts Operation Coldstore". History SG, 2011. <https://eresources.nlb.gov.sg/history/events/79b177e2-4d1f-4692-9a95-d2be1510495b>.
- Tan, Eugene, and Benjamin Ong. "The New Law On Foreign Interference: What's Next For Businesses?". Business Times, 2021. <https://www.businesstimes.com.sg/opinion/the-new-law-on-foreign-interference-whats-next-for-businesses>.
- Tham, Yuen-C. "20 Words & Phrases That Defined 2020: Blank Cheque". The Straits Times, 2020. <https://www.straitstimes.com/singapore/politics/20-words-phrases-that-defined-2020-blank-cheque>.
- Yahya, Yasmine. "Select Committee On Fake News: Thum Ping Tjin Lied About Credentials, Admitted To Flawed Research". The Straits Times, 2018. <https://www.straitstimes.com/politics/select-committee-on-fake-news-historian-pj-thum-lied-about-credentials-admitted-to-flawed>.



How Economic Downturns Have Sealed the Political Fate of Argentina

Augustin Bilaine, McGill University

Edited by Emily Matuska and Tito Almeida

ABSTRACT

Increasingly pervasive populist and authoritarian movements have led to growing concern about the potential impact of economic policies in undermining democratic movements. Indeed, some studies suggest that economic downturns may be associated with rising authoritarian tendencies, particularly when the latter have already been implemented in the past. In this paper, I will use Argentina as a case study to examine the relationship between economic policies and authoritarian rule. I have determined that there are three broad periods of political rule. The first period is the Peronist populist regime which implemented state-interventionist policies. The next period is the military Junta which put in place neoliberal economic policies. And the third period, following the end of the military regime, has been marked by a return of democratic institutions which have been plagued by economic instability. Overall, this paper displays that the crisis of democratic representation in Argentina is not the cause of rising authoritarianism and populism but rather the result of a history of authoritarianism and populism. Argentina's history has made it so that democratic rule is seen as incompatible with political stability and economic growth, thereby impeding any political system which wishes to represent the interests of the Argentinian people properly.

Introduction

In the early 1900s, Argentina was considered one of the most developed countries in the world. It had a booming export-oriented agricultural sector, strong labour and political rights for its population, and was the destination for many European immigrants seeking greater economic opportunities (Rodríguez 2001). However, since its first attempt to democratize in the 1940s under Juan Peron, Argentina has failed to create the necessary institutions to foster democracy. In fact, the state of contemporary Argentinian democracy can be traced back to the institutional system set up by Juan Peron's administration and later perpetuated by the military Junta—a government led by military leaders (Rodríguez 2001). Moreover, Argentina's economic downturns have been used as a justification for the authoritarian consolidation of power. This is a typical example of Path Dependency, which stipulates that previous political and economic decisions place a country down a specific, inevitable path of development (Munck 2001). In the case of Argentina, the institutions it has inherited from the rule of Juan Peron have pushed it to favour a strongman and a charismatic leader which veers towards populist rule. Populism can be defined as anti-elite politics; it is a political ideology based on the perceived interests of ordinary people as opposed to those of a privileged elite (Leaman 1999).

Another political movement that is essential to understand when analyzing the political economy of Argentina is the authoritarianism which characterized the military Junta rule that endured between 1976 and 1983 (Rodríguez

2001). The Junta came to power in a period of soaring inflation through justifications of political stability and economic growth above democratic representation.

These three periods display how contemporary Argentina has struggled to establish democratic institutions, ultimately falling prey to rising authoritarianism and populism. The political and economic institutions constructed during Argentina's Peronist period have forever shaped the political regime of Argentina. In this essay, I will argue that the political culture of Juan Peron's regime had lasting effects on Argentinian politics and led to a coup d'état by the military, who feared economic turmoil due to the political instability. Indeed, the economic downturns Argentina has faced have been used to justify governments enforcing increasingly polarizing policies (Munck 2001). As such, the political pendulum swung more violently as dissatisfaction with one mode of rule often led to widespread support for its opposite. As a consequence, modern Argentina's institutions chip at democratic ideals little by little and veer towards anti-democratic populism with authoritarian tendencies.

The Failures of Import-Substitution-Industrialization

The history of Argentina cannot be properly understood without acknowledging the impacts of the implementation of Import Substitution Industrialization (ISI). ISI can be defined as a mode of economic development wherein the state will impose trade barriers such as tariffs and import quotas whilst also subsidizing local production of manufactured goods (Cantam-

utto and Ozarow 2016). ISI is often criticized for creating inefficiencies because national producers face less competition. Furthermore, subsidizing local production tends to be costly and, therefore, unsustainable in the long run. The history of ISI is intertwined with that of Juan Peron, a charismatic military leader who rose to power in 1946 with the support of the Labor party and the army (Wylde 2011). Juan Peron founded the political movement known as Peronism, which blended the traditional Argentinian charismatic strongman with leftist populist ideologies, mixing populist and authoritarian thought (Wylde 2011, 440). Juan Peron specifically catered to the working class by expanding labour rights, expanding welfare benefits, and subsidizing local industry to the detriment of agricultural elites, also known as *caudillos*, who had previously exerted strong levels of influence over Argentina. *Caudillos* date back to the era of colonialism in Argentina (16th-19th Century); they are small-scale bosses who used force to extract as much wealth as possible from the land at the detriment of long-term structural growth, economic equity, or inequality (Rodríguez 2001). Peronism significantly weakened the once-fundamental agricultural oligarchy by favoring the industrial sector over export-oriented agriculture (Munck 2001, 69). Furthermore, the initial successes of ISI and the favorable international context of the post-World War II recovery enabled Juan Peron to fund increased social protections, reinforcing his political patronage amongst the urban working classes (Wylde 2011, 446). The political and economic institutions set up by the Peronist government have had great conse-

quences on the political class of Argentina as they have been instrumentalized by democratic and authoritarian leaders alike as a way to mobilize the masses.

However, as the failures of ISI led to increased economic hardships, Juan Peron started to slowly increase authoritarian measures such as tight labour control. The industrial alliances of the Peronist government created a powerful new social agent instrumentalized by the regime: the unionized working class (Munck 2001, 71). This was done through the creation of the General Directorate of Labor and Direct Social Action, which were governmental organizations that controlled all aspects of union politics and used organized labour for the regime's own political gain (Munck 2001). This is a particularly poignant example of corporatism which is a system where the state organizes the lower stratas of society into vertical state structures, enabling the state apparatus to control organized labour directly (Rodríguez 2001). By organizing relations between the state and society, Juan Peron was able to use these structures to channel workers' political activity (Rodríguez 2001, 87).

This democratic backsliding can be seen as a shift to a *dictablanda*, a relatively gentler form of authoritarianism, where civil society is allowed to organize, and the regime tolerates certain dissenters. Peronism had led to periods of inflation, which quickly erased the previous increases in income. Consequently, as poverty increased and workers went on strike, the regime increasingly shifted to authoritarianism in order to retain power (Rodríguez 2001). The Peronist *dictablanda* allowed the regime to

crack down on members of civil society who claimed that ISI was failing them (Leaman, 1999). Despite these measures, Juan Peron's legitimacy as a nationalist-populist became increasingly questioned as the economic situation worsened in Argentina.

The growing crisis resulted in a military overthrow of Peron in 1955, and the following 20 years of Argentinian politics were rife with instability as the economic crisis significantly escalated. As the nation faced an economic decline, political leaders looked for an alternative to ISI and eventually landed on neoliberalism (Wylde 2011, 439). Neoliberalism can be defined as a mandate for economic liberalization through government deregulation of the market. It aims to encourage efficiency by promoting competition and industry privatization (Munck 2001). Neoliberalism directly opposes ISI as it calls for less state spending and privatization to enable the private sector to thrive unfettered. As such, the previously privileged industrial sectors became increasingly challenged as neoliberal economic policies started to question the legacy of Peronism and, by extension, Argentina's political regime. The increased economic turmoil ultimately culminated in the military coup of 1976 wherein the army decided that it was in the nation's best interest to bring back stability as a way to attract investors and restore the past economic prosperity of Argentina (Munck 2001).

An Authoritarian Reaction To Economic Turmoils

The military Junta came to power with two main goals: bringing back order in the post-Per-

onist political landscape and re-establishing economic stability. Initially, the military government poised itself as a transitory government that would re-establish stability before new elections could be held but it ended up destroying all semblance of democracy in the country. As such, the regime shifted from a relatively softer dictatorship, *dictablanda*, to a more repressive *dictadura*. A *dictadura* can be defined as an authoritarian government that represses organized labour, does not tolerate dissent amongst civil society or the press, and puts citizens under constant risk of arrest (Rodríguez 2001). Despite this repressive and authoritarian rule, the military Junta demarcated itself by being a strong advocate for market liberalization particularly in the favorable global context of neoliberal globalization (Munck 2001, 69). Moreover, the global push for neoliberalism was also accentuated as the military Junta in Argentina closely collaborated with Augusto Pinochet's regime in Chile, whose economic policies were directly linked to the school of thought of the Chicago Boys—a group of Chilean economists who studied at the University of Chicago, bringing neoliberal ideas to Chile (neoliberal economic thought is often referred to as the 'Chicago School') (Graham and Masson 2003). The Chicago Boys represented economic theories that perpetuated the idea that governments should refrain from regulating the market wherever possible (Graham and Masson 2003). It should be noted that the neoliberal policies which were originally proposed by Milton Friedman, a mentor of the Chicago Boys, served as an economic tool to promote American capitalism in the global fight against

communism (Cantamutto and Ozarow 2016). Similarly, the economic ideals perpetuated by the Argentine military regime also played an important political role in discrediting the previous policies of ISI. Indeed, the military rule of Argentina defeated the previously powerful labour movements, which Juan Peron had instrumentalized as a means to maintain power. This not only liberalized the economy but also crushed the base of the political left (Munck 2001).

Thus, the economic decisions taken under the military regime left the quasi-totality of the production of goods in the hands of private agents. In spite of this, the 1980s brought about a region-wide debt crisis as the various military dictatorships supported by the US needed to borrow more money to “finance their market reforms” (Cantamutto and Ozarow 2016, 126). Once more, the US aided the authoritarian regime of Argentina to stay afloat. However, this foreign intervention forever tied the Argentine government to international financial institutions (IFI) such as the International Monetary Fund (IMF) at the detriment of its national sovereignty. The loans taken out under the military Junta still have decisive impacts on the Argentinian government as they are not to be canceled even in the case of a regime change (Graham and Masson 2003). Indeed, the new IMF loans were taken out in the global context of the Washington Consensus, a set of neoliberal policies imposed by financial institutions as a prerequisite for new loans (Cantamutto and Ozarow 2016, 124). An example of such policies would be the reduction of trade barriers to encourage exports of raw materials abroad

in an attempt to allow Argentina to gain an inflow of foreign currencies. However, this led to long-lasting consequences as the restrictions imposed by the IFIs upon Argentina forced the government to become increasingly extractive concerning the productive output of the country. As a result, IFIs forced the nation down a development path set on short-term growth (Munck 2001). This is because extractive institutions enrich the political elite through short-term growth at the detriment of sustainable long-term growth. This extractive cycle of government that Argentina fell into is inherently related to the theory of path dependency. In the case of Argentina, the decisions taken by the military Junta worked as a self-fulfilling prophecy. By tying the nation to extractive institutions and international financial institutions, Argentina became stripped of its national sovereignty over its financial sector, rendering it vulnerable to global economic shocks (Graham and Masson 2003).

As the markets liberalized, the regime increasingly stripped the civil society groups of their freedoms; organized labour was disbanded as it was considered a point of entry for communist infiltrators (Leaman 1999, 103). It is also important to note that the neoliberal measures taken by the military regime were highly unpopular amongst both the working and middle classes. In a similar vein to Juan Peron, the regime repressed popular protests (Rodríguez 2001). This is a poignant example of how the economic context which faced Argentina led to increased authoritarianism as the government was forced to make increasingly unpopular decisions as it attempted to solve its financial

issues. Furthermore, by ridding the nation of its regulatory powers, the military Junta and Catholic church profited by expanding their political influence and financial holdings. Indeed, the wealthiest classes of Argentina overlapped with the ones closest to the military leaders and these elite classes captured most of the gains from privatization since they increased their profit margins as a result of the lower taxes and regulations. Nonetheless, the increasingly corrupt nation of Argentina started facing a crisis of legitimacy as it was unable to pay off its IMF loans. As the nation had allowed for financial deregulation in order to facilitate international trade, the initial capital inflows quickly became net outflows of currency (Cantamutto and Ozarow 2016, 136). This led to a financial crisis which, once more, culminated in the fall of the Argentinian government in 1983 (Graham and Masson 2003).

The Return of Democratic Institutions

Having failed to keep its promise to bring back the golden days of the Argentinian economy, the military Junta then stayed in power and organized democratic elections that brought the social democrat Raul Alfonsin to power in 1983. Indeed, like much of Latin America, democratization in Argentina took place during a period of “profound economic restructuring aimed at marketization, privatization, and free trade” (Welzel 2018, 133). The return of democratic elections in Argentina saw the rise of various political parties representing the interests of the people across the political spectrum. However, the seven years of military rule scarred Argentinian society; the neoliberal shock therapy led

to the return of Argentina’s agro-export industries led by the caudillos (Graham et Masson 2003). Caudillos are essential in understanding the political patronage system established in post-Junta Argentina. Once more, we see that the democratic institutions of Argentina are still heavily impacted by the remnants of its authoritarian past. Both of the main parties of Argentina, the social democratic “Radical Civic Union” party, and the federal Peronist “Justicialist” party, partook in political patronage as a way to gain and maintain power (Leaman 1999). On the one hand, the Radical Civic Union party of Raul Alfonsin had the support of the caudillos as he campaigned on maintaining limits to the influence of the unions. On the other hand, the Justicialist party attempted to bring back the previously popular ideas of Peronism and campaigned on the nostalgia of Argentina’s lost economic might (Rodríguez 2001). These ideas can be summarized in the political movement of populist liberalism wherein the elites constructed discourse combining neoliberal ideals with old populist ideas, glorifying national transformation, and pushing economic efficiency over proper political representation (Leaman 1999, 99). Therefore, despite returning to a democratic status, the nation of Argentina did not shift towards popular representation but instead maintained a hyper-personalized system that encouraged strongman politics. The political discourse in Argentina glorified having a top-down approach to economic and political guidelines, essentially stifling bottom-up democratic participation.

During the 1970s, the military Junta regime contracted millions of dollars in foreign debt and

mismanaged state spending, leaving the nation in economic turmoil and forcing Raul Alfonsín to reschedule debt payments and discuss debt relief (Rodríguez 2001, 80). In exchange for restructuring Argentina's public debt, the World Bank and IMF demanded that the government devalue its currency, freeze public sector wages, and reduce social programs (Cantamutto and Ozarow 2016, 131). Once again, we see that the economic decisions taken by the previous political regime have long-lasting impacts. Having lost its legitimacy on the international level, the Argentinian government was forced to obey the demands of the IFIs to the detriment of its own people. In a bid to reduce the inflation caused by the peso's devaluation, the Radical Civil Union party attempted to freeze both prices and wages (Munck 2001, 76). Despite this, inflation worsened and brought back the traumatic memories of the failures of ISI, leading to popular uprisings. However, these protests further plunged the country into chaos as investors considered Argentina unstable and too risky to invest in.

As the situation worsened, the people of Argentina decided to shift away from the Radical Civil Union party and instead brought Carlos Menem to power in 1989, who represented the Peronist party (Leaman 1999, 114). Menem strongly emphasized leadership above the institutions of the nation, downplaying the other branches of government and slowly sliding the nation back into a dictablanda. Moreover, Menem was a caudillo and appealed to the poor with a populist promise whilst also collaborating with strong economic interests. Menem further deteriorated the democratic representa-

tion of his government by proposing economic policies that were opposite to the ones he campaigned on (Rodríguez 2001, 80). It is important to note that the tactics used by the military Junta, such as disbanding unions, were perpetuated by the Argentinian political class even after the democratic transition of power. This is just one example of how, despite shifting towards democratic institutions, Argentina's authoritarian political culture still wields a great amount of influence (Welzel et al. 2018). As a result, regardless of its shift towards more democratic institutions, economic turmoil as well as the political history of Argentina limit it from achieving a proper democratic transition.

The populist ideals pushed by Menem also allowed him to govern by decrees, ultimately dismantling the very Peronist structure of the economy on which he had campaigned and reinforcing Argentina's ties with other neoliberal leaders such as Ronald Reagan and Margaret Thatcher. Due to favorable global economic conditions and the aid of his newfound allies, Menem was able to provide economic stability to the nation despite high levels of corruption and public debt (Munck 2001, 72). This allowed the middle class to grow and rebuild its savings as consumer confidence was high and a multitude of international actors invested in Argentina. This is important because a middle class is essential for a democracy to flourish; it enables the people to be listened to and, as a result, forces the political class to properly represent the interests of the people (Welzel 2018). However, the economic turmoils and political history of Argentina have repeatedly pulled the nation into authoritarianism as the institutions

of the nation maintain a bias towards populist and strong-man politics. In addition, through each parties' hyper-focalization on economic policy, the general political debate of the 1990s between the "Radical Civic Union" party and "Justicialist" party lacked ideological divisions, and both political parties pushed economic liberalism above all else, leaving political differences aside (Leaman 1999). This is yet another example of how the economic policies taken by Argentina's government have led to a rise in populism and, by extension, a fall in democratic representation.

However, the Menem era's political and economic stability all came toppling down when financial institutions started demanding debt repayments. Once again, Argentina was plunged into an economic slump and forced to obey international institutions. Menem was forced to devalue the currency and dismantle part of the social safety net in an attempt to regain legitimacy in the eyes of the IFIs (Wylde 2011, 437). In spite of these measures, Argentina faced its worst economic crisis in 2001. Unable to account for the failures of the economic policies of its past governments, the political class unloaded the burden onto the general population by raising taxes and cutting government services (Munck 2001). The consequences were disastrous, with the average citizen "losing nearly three-quarters of their savings" (Munck 2001, 76). As the political class was forced to listen to IFIs, it lost its legitimacy in the eyes of the people. Once more, the government's economic failures had decisive impacts on the political situation of Argentina. As Argentinians increasingly see the political class

as illegitimate they turn to alternative modes of political mobilization such as neighborhood assemblies. Indeed, the once sizable middle class united with the working class as it lost all prospects for social mobility. In turn, civil society stepped in to compensate for the lack of government intervention. In order to organize food distributions, the working and middle classes organized neighborhood assemblies, creating a new collective identity and enabling a political awakening (Rodríguez 2001, 84). However, this grassroots approach to democratic representation would not have been possible without the repeated failures of authoritarianism and populism in their attempts to quell the economic turmoils of Argentina.

Conclusion

Argentina has faced challenges in establishing democratic institutions due to a history of Peronist government populism, military rule, and economic turmoil. This history has created an environment that not only hinders the transition to democracy but also perpetuates a cycle of repeating past events. As a result, even when the nation does shift towards democratic institutions, as the consequence of profound economic restructuring, the political culture which has been instituted in the minds of the ruling class encourages the leaders to veer towards populist rhetoric and favour economic results over ideology. This, in turn, discourages Argentinians as they fail to see the political class as legitimate and instead turn to alternative modes of representation, such as democratic neighborhood assemblies.

As such, the crisis of democratic represen-

tation in Argentina is not the cause of rising authoritarianism and populism but rather the result of a history of authoritarianism and populism. This history has made it so that democratic rule is seen as incompatible with political stability and economic growth, thereby impeding any political system which wishes to represent the interests of the Argentine people properly. To resolve this issue, the Argentinian government must provide its population with long-term structural sustainable economic development all while reinforcing and recognizing local democratic initiatives as legitimate.

mo under Néstor Kirchner, 2003–2007”. *Bulletin of Latin American Research* 30 (4): 436-52. <https://doi.org/10.1111/j.1470-9856.2011.00527.x>.

Bibliography

- Cantamutto, Francisco J., et Daniel Ozarow. 2016. “Serial Players, Serial Losers? The Political Economy of Argentina’s Public Debt”. *Economy and Society* 45 (1): 123-47.
- Graham, Carol, et Paul Masson. 2003. “Between Politics and Economics: The IMF and Argentina”. *Current History*, février 2003.
- Leaman, David E. 1999. “Populist Liberalism as Dominant Ideology: Competing Ideas and Democracy in Post-Authoritarian Argentina, 1989–1995”. *Studies in Comparative International Development* 34 (3): 98-118. <https://doi.org/10.1007/BF02687629>.
- Munck, Ronaldo. 2001. « Argentina, or the Political Economy of Collapse ». *International Journal of Political Economy* 31 (3): 67-88. <https://doi.org/10.1080/08911916.2001.11042862>.
- Rodríguez, Gonzalo M. 2001. “Crisis, Social Explosion, and Three Moments of Breaking with Representative Democracy in Argentina”. *International Journal of Political Economy* 31 (1): 79-88. <https://doi.org/10.1080/08911916.2001.11042857>.
- Welzel, Christian, Christian W. Haerpfer, Patrick Bernhagen, et Ronald F. Inglehart. 2018. *Democratization*. Oxford University Press.
- Wylde, Christopher. 2011. “State, Society and Markets in Argentina: The Political Economy of Neodesarrollis-



Legacies of the Cold War Historical Consciousness Of Black American Civil Rights Organizers

Taylor Tang, University of British Columbia

Edited by Emily Matuska and Eren Togan

ABSTRACT

Black American civil rights organizers were frequently forced to align with either liberal democracy or communism due to the bipolar Cold War order. During this period, any critiques of the US system were vulnerable to being disingenuously associated with communist rhetoric, which were then met with extreme scrutiny. This fraught environment required activists to adapt their strategies to carefully and covertly align with communist groups, as in the case of the Black Panther Party (BPP); or, on the other hand, to appeal to liberal democratic institutions, as in the case of the National Negro Congress (NNC). This choice resulted in drastically different historical legacies of these two activist groups. The BPP's successful utilization of communist rhetoric has left a lasting imprint on the modern consciousness of civil rights activism, while the NNC's failed appeals to liberal democracy resulted in them fading from popular memory.

Introduction

In her seminal 1988 essay, critical literary theorist Gayatri Spivak poses her titular question: “can the subaltern speak?” referring to the ways in which the Other is silenced through the narrow epistemology of colonialism (Morris 2010, 40). She asks the reader to consider whether ‘subaltern’ groups, namely those nations who were and are victims of colonialism and imperialism, can express themselves in opposition to dominant historical narratives. When telling the histories of marginalized peoples, the question of historical memory and legacy is of particular interest: historians must ask themselves which voices and consciousnesses are remembered (Morris 2010, 40). For Black US civil rights advocates in the latter half of the 20th century, mobilizing a historical consciousness and legacy for their movements presented a unique challenge due to the nature of the bipolar Cold War order. The political necessity of being either ‘for’ or ‘against’ communism or liberal democracy, as espoused by the USSR and the US respectively, limited the ways in which US civil rights advocates could define themselves. Furthermore, activists were limited by who they could conceivably ally with without suffering severe political repercussions, forcing them to make binary choices in complex situations.

The human rights struggle of the Cold War became an ideological battlefield between the American “empire of liberty” and the Soviet “empire of justice”—a division which further constrained the Black equality movement (Westad 2005, 8, 39). Narratively, there were striking similarities between the structural in-

equalities experienced by Black Americans in the southern Dixie states and inequalities experienced by other marginalized groups—particularly in Poland and the Baltic states—under the USSR’s totalitarian regime. Various oppressive apparatuses expressed through fraudulent trials and executions, prison conditions that violated human rights standards, state espionage, and a general culture of terror, characterized the experience of marginalized groups in both countries (Borstelmann 2001, 3). However, despite these similarities, the hold of McCarthyism in the US forced activist groups such as the Black Panther Party (BPP) and the National Negro Congress (NNC) to tread extremely carefully, lest they become labelled as dangerously subversive. For most Black civil rights organizations, the aim was not deliberately to demonstrate the failures of the American liberal democratic paradigm as a whole, but instead to highlight and fight against the disenfranchisement and oppression of Black citizens. Campaigns for Black equality were required to be made with the aim of reforming American democracy and never to challenge or question it, which severely narrowed the “sphere of civil rights politics” (Dudziak 2011, 11). Any narrative which undermined American posturing as the apparent leader of the free world represented a challenge to Washington’s credibility and therefore its geopolitical power. Subsequently, any political activism which appeared to challenge the power of the US was silenced (Anderson 1996, 561).

Given this particular context, the question becomes: how did the geopolitical context of the Cold War during the late 1940s-1960s de-

termine the success of Black civil rights movements within the US? The Black Panther Party (BPP) found success by appealing to international anti-imperialist movements. Their activism was predicated upon adopting communism to varying degrees, and it was inspired by the communist underpinnings of other anti-colonial mobilizations occurring at the time—in Algeria and Tunisia, Cuba, and Ghana, to name only a few. Contrarily, the National Negro Congress experienced less success due to their limited national and labour-focused approach, as well as their unsuccessful targeted appeals to the American liberal-democratic framework and liberal institutions such as the United Nations (UN).

This essay will first analyze the ways in which the BPP successfully mobilized communist rhetoric to become active on the world stage, as demonstrated by their activism during the Vietnam War. Within the scope of this essay, success is defined as the organization's prominence in popular history and memory that stands in the collective consciousness to this day. Secondly, this essay will provide an analysis of the NNC's comparative failure by discussing the ways in which the NNC mobilized on the national scale before eventually attempting to mobilize through the liberal-democratic organization that is the UN, which resulted in the NNC being labeled a communist threat.

The Black Panther Party: Communist Internationalism

The Black Panther Party successfully mobilized the theory and language of communism in order to ally themselves with global anti-im-

perialist and subaltern movements. In doing so, they associated themselves with temporally powerful activism and solidarity, resulting in their strong historical legacy. There is no doubt that the Panthers were significantly influenced by communist rhetoric and ideology during their active years. Beyond communist American thinkers such as Malcolm X, Marxism and Maoism were omniscient in the actions and values of the Party. The key factor that allowed them to escape a formal “communist” label was that they did not identify themselves as dogmatic Marxists, instead referring to themselves as “dialectical materialists” (Bloom & Martin 2013, 311). Huey Newton, a founder of the BPP, described their Marxism as simply a belief in the validity of its mode of thought, rather than any particular love of Marx himself (Bloom & Martin 2013, 311).

However vague Newton makes the association seem, the fact remains that Marxist theory was deeply embedded in the BPP, with foundational documents such as the Ten Point Programme referring directly to Marxist concepts such as the “means of production” (Newton 1980, 83). Marxist vocabulary was even used to reform the Ten Points, and in 1969 Point 3 was altered from “We want an end to the robbery by the white man of our Black Community” to “We want an end to the robbery by the capitalist of our Black Community” (Bloom & Martin 2013, 312, emphasis added). Maoist philosophy was also mobilized, particularly with the rise of Masai Hewitt within the Party, an educator personally fascinated by Mao's Little Red Book—the iconic document of the Chinese Cultural Revolution, which described Mao's commu-

nist philosophy (Bloom & Martin 2013, 311). Co-founders Bobby Seale and Huey Newton even sold copies of the *Little Red Book* to students on the University of California's Berkeley campus at a profit of 70¢ apiece, which they used to arm members of the Party (Harris 2001, 413). The BPP also published essays on the spread of drug addiction—an issue which disproportionately affected Black communities at the time—calling it a tool of capitalist oppression (Tabor 1970, 2). In addition, Angela Davis, a prominent voice in the Party, frequently spoke on the globalization of capital and the subsequent exclusion of Black people from the ability to accumulate capital (Bhatia 2016). Suffice it to say that there are copious examples of the BPP's mobilization of communist rhetoric throughout the history of their advocacy. It is this unique interpretation and reinterpretation by each individual Panther chapter that allowed them to uphold anti-imperialist and essentially communist activism on the world stage. This mutable quality of their communist ideology allowed them to align themselves with internationally oppressed and subaltern groups.

One case in which the Panthers' activism was particularly prominent on the international stage was in their response to the Vietnam War, which took place from 1955-1975 and lasted over twenty years. In this response, their specific focus on self-determination—the right to assume statehood and independence—can be understood as a reaction to the US cultural milieu, which made socio-economic rights notably difficult to obtain for black people. On the Cold War's ideological battlefield, socio-economic rights became associated with commu-

nism, making them antithetical to the American vision of liberal democracy. Black leadership in America could “only envision” the emergence of civil rights movements and not actualize the fuller realization of a human rights paradigm (Anderson 2003, 7). This contextualizes why the BPP was so motivated to ally themselves with the Vietnamese people. Ostensibly, the Vietnam War was a conflict between North and South Vietnam, later extending into Laos and Cambodia. In reality, it was a proxy war orchestrated by the US against its Cold War rivals, the USSR and China, each to advance their own “global [...] strategic and political interests without the need to intervene by [their] own forces” (Bar-Siman-Tov 1984, 263). The US had been blundering through Vietnam for some time by the late 60s, having also provided funding and personnel support for French war efforts during the first Indochina War, and had continued supporting Vietnam after the formal French departure in 1955 (Lowe 1998, 140).

Communist guerilla forces were active and powerful in Vietnam by 1961, as was the BPP in an entirely different part of the world (Lowe 1998, 72). The 1968 Hemispheric Conference to End the War in Vietnam, which took place in Canada, drew a huge attendance, including a BPP delegation led by Bobby Seale (Bloom & Martin 2013, 309). His speech called the Vietnamese people heroes, argued for the universal liberation of the ‘third world’—including African Americans in the US—and explicitly said that self-determination was a core right of oppressed peoples. The parallels between African-Americans and the Vietnamese during the war were striking: the violence experienced by

African Americans from the occupying army that was, and is, the US police was compared to the occupation of Vietnam by the US military. It was certainly an apt comparison as police brutality against African Americans took shape as a violent imposition in their sociocultural spaces, which from an outside perspective felt remarkably similar to a military occupation (Bloom & Martin 2013, 310). For the Panthers, the failed manifestation of the right to self-determination in Vietnam mirrored the ways in which American democracy failed Black Americans by denying them the right to equal political participation and representation in segregated states (Du Bois and the NAACP 1947, 10). The narrative propagated by this alliance—that the US was internationally stymying processes of self-determination and, therefore, human rights—created exceptionally strong associations between the two oppressed groups, beyond any sort of superficiality but instead one of foundational, intrinsic ideological similarities. By appealing to the communist Vietnamese fighters, the Black Panther Party successfully and deliberately mobilized communist rhetoric and allied itself with the historical consciousness of the international, subaltern communist movement.

How To Kill A “Communist”: The NNC, US, and UN

In stark contrast to the Panthers, the legacy of the National Negro Congress (NNC) has been “banished” from popular memory; with the sad reality being that an organization which formerly commanded significant organizing power within the labour movement has now been largely erased from the historical con-

sciousness of the Black civil rights movement (Gellman 2012, 3). At its peak, the NNC boasted 75 council chapters scattered around the country. Much like the Black Panther Party, the NNC believed in the need for a radical restructuring of American values: they feared the rise of fascism and believed that the global structure of capitalism was at odds with the protection of human rights, including the right to self-determination (Gellman 2012, 3). The NNC founded itself on a slightly different theoretical and ideological basis than the BPP. While the BPP denied explicit communist associations but clearly drew on communist theory and ideas to launch their activism onto the world stage, the NNC became a Black “vanguard of the Popular Front,” a broad coalition based on labour alliances of American radicals, referencing the Leninist concept of the working class political party that would lead the socialist revolution (Gellman 2012, 2). At the forefront of the industrial labour movement, the NNC was certainly upholding the Marxian ideal of a working-class revolution through various forms of militant activism, drawing on historical labour union tactics, including pickets and boycotts (Gellman 2012, 2).

Unfortunately, many of these tactics proved ineffective in the face of global capitalism. The boundaries of established institutions in the American South were impervious to attempts to challenge labour exploitation, such as tobacco strikes and boycotts, both of which suffered from a simple lack of participants (Gellman 2012, 65-67). The perpetrators of this labour inequality, who thought of themselves as “welfare capitalists,” remained largely unaffected

by the local mobilizing power of the NNC. The lack of uptake by the community can be partially explained through the fact that the NNC's tactics challenged the "middle-class respectability" that many activists clung to at the time, calling upon respectable groups such as housewives to take up the mantle of organizing sessions, reports, and "scrapbooks" (Lightfoot 1937). The anti-fascism of the Popular Front remained essential to the NNC; they relied upon it to draw links between fascism on the world stage, including the galvanizing event of Italy's second invasion of Ethiopia in 1935 (Vaughn-Roberson 2018, 5). However, they did not specifically advocate for the international anti-imperialist movements, instead focusing on national advocacy for working class justice, which they believed would eventually be a force to "fight the oppression of colonial nations throughout the world," thus limiting their organizing to the national stage (The Baltimore Afro-American 1936).

There was one interesting attempt from the NNC to mobilize through the international community, which was their ill-fated efforts to garner UN support against the US. In 1946, the NNC presented a petition to the UN General Assembly. The petition laid out the rationale through which they believed the UN had the authority to "end the oppression of the American Negro", and took as a premise that African-Americans were oppressed (Anderson 1996, 545). Not even responding to the contents of the petition, UN officials replied by asking the NNC to prove that the "rights of African Americans were indeed being violated" (Anderson 1996, 546). They then made it clear to

the NNC that according to the UN charter, they had little authority to even receive petitions from non-governmental organizations, much less to interfere in what they termed "domestic affairs" (Anderson 1996, 546). Due to the context of the Cold War, namely the anti-communist hysteria that made it impossible and dangerous to even give the appearance of challenging the US, the NNC was unable to respond to the UN and 'prove' that African-Americans were being oppressed (Anderson 1996, 548). The UN's message was blunt and clear: they were unwilling—and perhaps unable—to interfere with US sovereignty. For the NNC, this response was a dismal disappointment, as they had subscribed to the opposite pole's vision of sovereignty and human rights: that, in the wake of the Holocaust, asserted that the international community cannot fully trust local sovereignty, requiring a global standard of human rights (Borstelmann 2001, 3).

This petition proved to be disastrous strategically, raising alarms in Washington. The FBI considered it a treasonous act and an attempt to distract attention away from Cold War efforts, particularly at the time, the American effort to bring democracy to Greece (Anderson 1996, 548). Other liberal-democratic establishment-aligned actors, such as the National Association for the Advancement of Colored People (NAACP)—who were firmly and publicly against communism given their alliance with the US federal government—began to denounce the NNC as well, with NAACP executive secretary Walter White calling the organization "problematic" (Anderson 1996, 546). Even labour unions, who were crucial

to the values and activism of the NNC, began to withdraw their support in favour of other organizations following the failure of the UN petition. The tense climate of the Cold War led to the NNC developing a reputation as a 'communist problem,' despite their continual focus on labour relations, without necessarily any direct association with communist rhetoric. By attempting to appeal to the UN, a purportedly neutral international institution in lieu of subaltern and deliberately radical groups, the NNC fatally overestimated its ability to ally with liberal-democratic actors. This error drew too much negative attention to the NNC, and it was permanently branded as a communist and, therefore, anti-American group.

Conclusion: Legacies or Lack Thereof

Apparent allegiance to communism became a key factor in determining the memorialization and historical legacy of these two groups. Within the broader international context of the Cold War, the BPP's ability to ally with international communist and anti-imperialist groups cemented it firmly outside of the historiographical and epistemic influence of nationalistic US forces, which sought to protect their own legacy and the reputation of liberal democracy. On the other hand, the NNC, which focused on labour organizing tactics and remained on the national scale, attempted to ally itself with liberal-democratic institutions which favoured the US, resulting in them being labeled subversive enemies of American democracy and wiping them from the historical consciousness of the Black civil rights movement. While figures such as Malcolm X and Angela Davis are

still recognized as prominent voices and thinkers of their time, the names of NNC organizers such as John P. Davis and James Ford have faded from the American consciousness. These occurrences and narratives are not merely historical happenstance: they reflect the real geopolitical power relations of the Cold War and its legacies which carry into today's world.

Bibliography

- Anderson, Carol. 2003. *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955*. Cambridge: Cambridge University Press.
- Anderson, Carol. 1996. "From Hope to Disillusion: African Americans, the United Nations, and the Struggle for Human Rights, 1944-1947." *Diplomatic History* 20, no.4: 531-563. <https://doi.org/10.1111/j.1467-7709.1996.tb00205.x>.
- Bar-Siman-Tov, Yaacov. 1984. "The Strategy of War by Proxy." *Cooperation and Conflict* 19, no.4: 263-273. <https://doi.org/10.1177/0010836784019004001>.
- Bhatia, Sidharth. 2016. "The Global Left Will Fail Unless it Understands the Feminisation of the Workforce: Angela Davis." *The Wire*, December 15, accessed March 13 2022. DATE ACCESSED??? <https://thewire.in/gender/global-left-understanding-feminisation-of-workforce-angela-davis>.
- Bloom, Joshua and Waldo E. Martin. 2013. *Black Against Empire: The History and Politics of the Black Panther Party*. Berkeley: University of California Press.
- Borstelmann, Thomas. 2001; 2003; 2009. *The Cold War and the Color Line: American Race Relations in the Global Arena*. Cambridge, MA: Harvard University Press.
- Du Bois, W.E.B and National Association for the Advancement of Colored People (NAACP). 1947. "An Appeal to the World! A Statement on the Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress." New York:

NAACP.

- Dudziak, Mary L. 2011. *Cold War Civil Rights: Race and the Image of American Democracy*. Princeton, NJ: Princeton University Press.
- Gellman, Erik S. 2012. *Death Blow to Jim Crow: The National Negro Congress and the Rise of Militant Civil Rights*. Chapel Hill: University of North Carolina Press.
- Harris, Jessica C. 2001. "Revolutionary Black Nationalism: The Black Panther Party." *The Journal of Negro History* 86, no.3.
- Lightfoot, Margaret. 1937. "Housewives Meet National Negro Congress." *Chicago Defender*, November 6.
- Lowe, Peter. 1998. *The Vietnam War*. New York: Macmillan Press.
- Morris, Rosalind C. 2010. *Can the Subaltern Speak?: Reflections on the History of an Idea*. Edited by Rosalind C. Morris. New York: Columbia University Press.
- "National Congress Group To Attack Philly Jim Crow: Local ..." 1936. *The Baltimore Afro-American*, Jan 4.
- Newton, P. Huey. 1980. "War Against The Panthers: A Study Of Repression In America." Ph.D. diss., University of California Santa Cruz.
- Tabor, Michael Cetewayo. 1970. "Capitalism + Dope = Genocide." *Black Panthers*, New York.
- Vaughn-Roberson, Clayton. 2018. "Grassroots Anti-Fascism: Ethiopia and the Transnational Origins of the National Negro Congress in Philadelphia, 1935–1936." *American Communist History* 17, no.1: 1–10. <https://doi.org/10.1080/14743892.2018.1426824>.
- Westad, Odd Arne. 2005. *The Global Cold War: Third World Interventions and the Making of our Times*. Cambridge, UK; New York: Cambridge University Press.



Incarcerating the Innocent: Inside Canada's Immigration Detention Centres

Ava Torkaman, McGill University

Edited by Justin Weir and Gaya Karalasingam

ABSTRACT

Canada, widely perceived as a renowned leader in immigration, has become subject to condemnation from international and human rights organizations for its use of immigration holding centres, where migrants are detained by the Canadian Border Services Agency (CBSA). Using both academic sources and recounts by those who experienced detention, this paper examines the actions of the CBSA and argues that they, and the Canadian state as a whole, are perpetuating legal violence towards migrants and asylum seekers. These findings highlight the pressing need to end the regular use of migrant detention in Canada and support arguments made by human rights organizations for community-based alternatives.

Introduction

In the past twenty years, Canada has intensified border security through tightening immigration regulations and the introduction of the Canadian Border Services Agency in 2003 (Mountz 2020, 173). Once regarded as a pioneer in immigration and refugee resettlement, the expansion of Canada's immigration system has transformed the country into a violator of human rights law, receiving condemnation by the United Nations and other international organizations. As a result, it has not only become increasingly difficult for migrants and asylum seekers to enter Canada legally, but they also face harsh consequences once they arrive. In some cases, this includes forcible stationing in an immigration detention centre or a provincial prison (Amnesty International 2021).

Canada is among several other Western nations that have begun intensifying border security. The United Kingdom, Australia, and the United States are all examples of countries that have implemented legal violence into immigration processes. Migrants are often treated as lawbreakers, with accounts of being handcuffed and shackled, despite not having committed any crimes (Amnesty International 2021). The public is unaware of these experiences, and Canada continues to be regarded as a leader in refugee resettlement and immigration (Mountz 2020, 170).

This paper seeks to highlight the legal violence that emerges through Canada's policies regarding the immigration process. It argues that the intensification of border security and the introduction of detention centres have begun treating innocent migrants, asylum seekers,

and refugees like felons. This questions the validity of Canada's claim that they are an 'immigrant welcoming' country, as there are evident contradictions to this notion. It will also explain the detrimental effects of Canada's detention system on those who must endure it, and how Canada's actions violate international human rights laws. First, I will outline the broader intensification of immigration procedures in the Global North. Next, I will provide an overview of Canada's detention centres and explain the detrimental effects Canada's actions have on migrants. Finally, I will highlight the international condemnation Canada has received regarding its detention centres.

Global Intensification of Border Security

Migrant paths to the Global North have increasingly become more difficult amidst border security initiatives taken by countries (Mountz 2020, 9). Although there are no explicit laws against the number of people who can make refugee/asylum claims in these countries, limiting avenues for immigration increases the risk of statelessness and unauthorized entry (Mountz 2020, 9). Countries that have historically been home to many migrants — including Canada, the United States, Australia, and the United Kingdom — have intensified border security in recent years. This includes the cross-border sharing of intelligence and data on people seeking asylum or refugee status, and the adoption of other states' border security policies (Mountz 2020, 11). The increasing security efforts can be linked to the rise of migrants who lacked authorization in the 1990s and terror attacks in the early 2000s — especially 9/11 (Mountz 2020,

11).

Following 9/11 and throughout the Chrétien, Martin, and Harper governments, Canada introduced several measures that intensified its immigration process. The Immigration and Refugee Protection Act (2002), the Multiple Border Strategy between Canada and the U.S. (2003), the Safe Third Country Agreement (2004), and Protection Canada's Immigration System Act (2012) have all been formative developments that have structurally altered the immigration process in Canada (Mountz 2020, 168-171). The Canadian Border Services Agency was established in 2003, detaining border enforcement from Citizenship and Immigration Canada (Mountz 2020, 173). These policies allowed for the introduction of detention centres, stricter visa requirements, and limited options for entry into Canada (Mountz 2020, 173). It follows a broader theme of Global North countries tightening immigration policies, and can be partially understood as a symptom of the ways in which migrants and immigrants have been portrayed in the media.

Media coverage has played a key role in intensifying these events and securitizing immigration. Boat arrivals in Global North countries were documented in a manner that heightened anxiety towards migrants by leveraging citizens' fears toward 'unknown groups' entering their countries. Following the increase in European refugees, the media commonly depicted them as "a tidal wave of desperate people fleeing poverty and warfare at home trying to enter the elusive European El Dorado" (Colombo 2017, 162-163). Using terms such as 'flooding,' 'undocumented,' and 'irregular arrivals,'

the media can deepen preconceived notions that the West holds towards migrants, legitimizing their perception as an invasive species that needs to be stopped (Mountz 2020, 189; Colombo 2017, 163). These directly apply to how immigrants and migrants are perceived by the Global North, and how these countries justify their border security and perpetuation of legal violence.

Overview of Canada's Detention Centres

The Immigration and Refugee Protection Act (IRPA), enacted in 2002, allows for the detention of migrants (Ward 2019, 567). As per federal guidelines, the Canadian Border Services Agency (CBSA) can detain migrants and asylum seekers if: "(i) a person's identity has not been established; (ii) a person has been deemed unlikely for an examination, admissibility hearing [otherwise known as 'flight risk']; and (iii) someone is deemed a threat to public safety or inadmissible on security grounds" (Furman 2016, 196-197). Most migrants are detained on the grounds of being a 'flight-risk,' with less than six percent of detainees being perceived as a risk to the public (Furman 2016, 197). Although IRPA and Canada's Immigration and Refugee Protection Regulations outline that only "non-citizen permanent residents" and "foreign nationals" can be detained, detention centres have included children as well (Ward 2019, 563-564). It is difficult to assess how many children have been detained due to the CBSA's refusal to disclose numbers in facilities outside of the Toronto Immigration Holding Centre (Ward 2019, 562). Children are not directly given detention orders

themselves; rather, they accompany their parents, who have chosen to bring their children with them rather than put them in provincial child protective services and be separated (Furman 2016, 195). This means that even children who are Canadian citizens can be placed in detention if their parent is foreign-born and not a Canadian citizen (Ward 2019, 564).

During the 2019-2020 fiscal year, the CBSA detained 8,825 migrants (Amnesty International 2021). Around two-thirds of detainees were held in Immigration Holding Centers (IHC), and approximately 2,000 were sent to provincial jails (Amnesty International 2021). The IHCs operate similarly to medium-security prisons — they are surrounded by fences and include guard protection (Furman 2016, 195). During the pandemic, the number of those incarcerated in provincial jails increased exponentially because the CBSA held roughly half of the detainees in prisons as a result of COVID-19 restrictions in the IHCs (Amnesty International 2021). In prisons, migrants face dangerous conditions, and many have reported witnessing or being subject to violence during their detention time (Amnesty International 2021).

During detention, migrants must adhere to rigid schedules and surveillance and experience a lack of stimulation (Furman 2016, 199). Detention centres use handcuffs, shackles, prisoner suits, and solitary confinement as measures of control over detainees (Hasiloglu 2022). A report from the Red Cross concluded that the conditions of both prisons and IHCs were poor, highlighting “inadequate support for children and people suffering from mental health issues

and inadequate space for all” (Mountz 2020, 187).

The Canadian government does not have a maximum detention time for migrants and immigrants; the average length of detention was 13.9 days, yet there have been many cases of people spending months in detention centres (Hasiloglu 2022). Amnesty International found that over 300 detainees were held for over a year in 2016 (Amnesty International 2021). The most extended period for detention was eleven years; — the detainee in question suffered from mental health conditions and was even put in solitary confinement during this time (Amnesty International 2021). Canada is one of the few Global North countries that has not set a maximum detention time — human rights groups have criticized this policy, because it allows for indefinite detention without trial.

In 2018, the CBSA implemented the Alternatives to Detention (ATD) Program, following the National Immigration Detention Framework in 2016 (Gidaris 2020, 1). The ATD program aims to “provide risk-based, nationally consistent programming to individuals deemed suitable for release from detention” (Gidaris 2020, 1). These alternative programs include electronic monitoring (i.e., ankle monitors) and voice reporting (Gidaris 2020, 2). While these implementations are a step forward from incarcerating innocent people, they remain coercive and controlling measures. These methods are proposed as alternatives that promote freedom and autonomy for migrants awaiting immigration hearings, but they enforce immense surveillance on detainees. Specifically, with electronic monitoring, migrants are physically

restricted in their homes rather than detention centres.

Canadian Border Security's Effects on Migrants and Children

Canada's immigration system and detention centres have had an adverse effect on migrants. Many stories from those who endured the process are incredibly concerning, further questioning the ethicality of such practice. Sixteen people have died in detention centres in the past twenty-two years, and many have experienced lasting psychological impacts (Jung 2022; Amnesty International 2021). Those who have experienced Canadian detention centres recount the intensification or emergence of depression, anxiety, post-traumatic stress disorder, and suicidal ideation (Amnesty International 2021; Ward 2019, 566). Many migrants have experienced traumatic events before entering Canada, including rape, physical assault, and torture. To then be placed in detention exacerbates the effects of previous distressing experiences, and invokes past trauma (Furman 2016, 196). Given that most detainees do not understand why they are incarcerated — seeing that they did not commit any crimes — the detention experience can be exceedingly harmful. While these psychological effects are more prevalent in migrants detained for prolonged periods, studies have found that those detained for shorter periods also develop long-lasting mental health problems (Gidaris 2020, 3). The lack of agency given to migrants further perpetuates their frustration and anger in detention.

Children are one of the most impacted groups by the immigration detention system.

They are aware that they are in detention, question why they are detained, and worry about their future (Furman 2016, 205). Children who have experienced detention are reported to experience an increase in severe social isolation, developmental delay, reduced academic performance, and a deterioration of physical and mental health (Ward 2019, 568). These feelings can also increase hostility, sleep disturbances, and a loss of appetite among detained children (Ward 2019, 569). The effects attributed to detained children are due to the experience of detention and the family separation that comes with it. Many children are separated from either one or both parents in detention. These children were reported to worry incessantly about the absent parent, often asking about the segregated parent (Furman 2016, 201). One child was described as refusing meals in detention, asking the food to be given to their separated father (Furman 2016, 201). Moreover, children who were not detained but separated from incarcerated parents were also adversely affected; these children are reported to experience social difficulties, challenges in school, and increased attachment to parent-like figures, such as teachers (Furman 2016, 204).

Following detention, migrants have also faced problems when integrating into communities. Release from detention is followed by several other barriers, including language and culture blocks, finding housing and employment, and financial challenges (Gidaris 2020, 5). If instructed to wear electronic monitoring devices, migrants must navigate these everyday challenges alongside “feelings of embarrassment, social isolation, and humiliation ampli-

fied by wearing EM devices in private and public spaces” (Gidaris 2020, 5). ATD programs make it so that the detention system’s frustration, humiliation, and overall adverse effects follow migrants outside the physical realm of a detention centre. It signifies that migrants continue to be surveyed by authority forces even in their communities.

International Condemnation of the Canadian Detention System

Due to its detention centre system, Canada has been subject to international condemnation by human rights organizations and the United Nations. Canada’s continued perpetuation of legal violence through detention centres violates (i) the Universal Declaration of Human Rights, (ii) the International Covenant on Economic, Social, and Cultural Rights, (iii) the Convention of the Rights of a Child, and (iv) United Nations Declaration of the High-Level Dialogue on International Migration and Development (Ward 2019, 566). Detaining children is illegal under international law, particularly the Convention on the Rights of a Child, which explains that all legislative and administrative matters, including children, should include the child’s best interest (Ward 2019, 564). The Canadian Council for Refugees has expressed that placing children in detention is not in the child’s best interest, and Canada should enforce legal measures to prohibit the act (Ward 2019, 574). Both the United Nations Committee on the Rights of the Child and the Canadian Council for Refugees have condemned Canada’s actions, specifically their “illegal and unethical treatment of persons in immigration detention, both adults and

children” (Ward 2019, 566). These views have further been supported by the End Immigration Detention Network, and the Global Detention Project, based on the adverse psychological effects detention has on detainees, the wrongful criminalization of immigrants, and the traumatic conditions in detention facilities and prisons (Gidaris 2020, 10).

Canada has also received criticism based on its decision not to have a limit for detention. The United Nations Human Rights Commission has been vocal about opposing Canada’s decision. It states that Canada must set a reasonable time limit for how long someone can be in detention (Hill & Malik 2022).

There is no reason why these migrants are sent to detention centres or provincial jails on such a large scale (Amnesty International 2021). Migrants are treated like criminals, despite not having committed any crimes. It is essential to highlight that the immigration system is meant to be an administrative procedure. Migrants face detention for administrative purposes, yet are incarcerated and face prison-like conditions, including solitary confinement (Amnesty International 2021). This punitive treatment is, therefore, a form of legal violence — the Canadian government and CBSA exert power and punish migrants under the pretense of ‘administrative’ procedures. Migrants and children of migrants are being discriminated against because of qualities out of their control, including immigration status and country of origin (Ward 2019, 568).

Human rights groups have also been vocal about finding solutions to detainment. During the pandemic, the CBSA released an unprece-

dented number of detainees, highlighting that it is possible to have an immigration system that does not involve detention (Amnesty International 2021). During the pandemic, detainees dropped to 1,600 in IHCs, with many being sent into the community under certain conditions while awaiting immigration status (Bureau 2022). In 2022, British Columbia and Nova Scotia terminated their contracts with the CBSA regarding incarcerating migrants in provincial jails, proving that alternative motions can be taken (Bureau 2022).

Alternatives are possible — they worked during the pandemic. Community-based options are favoured by human rights advocates rather than detention, especially considering the massive cost of detention centres and prisons (Hasiloglu 2022). Human rights groups have called for ‘rights-affirming’ alternatives that allow migrants agency and freedom while they await their immigration status (Jung 2022). Instead of funding incarceration, that money could be allocated to education, language classes, mental health support, daycare, retraining initiatives, and legal fees for migrants (Hasiloglu 2022).

A more comprehensive understanding is also needed of the invisible form of violence perpetuated by the media regarding how both authorities and the public view migrants and asylum seekers. The way these groups are depicted — often using keywords and dramatic headlines to instil fear and concern — allows for the normalization of detention centres and legal violence against immigrant groups (Mountz 2020, 189).

Conclusion

Although characterized as an administrative procedure, Canada’s immigration system has developed into a human rights violation, perpetrating legal violence against migrants. Not only are migrants and immigrants detained and treated as prisoners, but there is also no legal limit to how long Canada can detain someone. Migrants, including children, experience increased anxiety, depression, and suicidal ideation after having experienced detention. This is due to the poor quality of life in IHCs and prisons, separation from family members, lack of agency and autonomy, and the overall frustration as to the reason for their detention. Canada has been the recipient of condemnation and criticism by international organizations, including the United Nations, for their violations of international human rights law.

Canada is not the only Global North country to have intensified their immigration process; the United States, Australia, and the United Kingdom have all enacted more aggressive border security in recent years. This results from the increased number of migrants, terrorist attacks, and the negative portrayal of migrants and immigrants in the media. However, this does not excuse their actions. Immigration securitization in Global North countries is inappropriate, given that migrants are not violating laws, but are treated as incarcerated members. Alternatives are possible; intense immigration security is only a recent phenomenon. Instead of detention centres, opting for community-based alternatives that do not restrict and punish migrants is seen as

a more equitable option for this administrative procedure.

Bibliography

- Amnesty International. 2021. “‘I Didn’t Feel Like a Human in There.’” Human Rights Watch, June. <https://www.hrw.org/report/2021/06/17/i-didnt-feel-human-there/immigration-detention-canada-and-its-impact-mental>.
- Bureau, Brigitte. 2022. “Ontario, Quebec Still Keeping Migrant-Detention Contract with CBSA.” CBC News. September 28, 2022. <https://www.cbc.ca/news/canada/ottawa/immigration-prison-migrant-newcomer-cbsa-contract-1.6597152>.
- Colombo, Monica. 2018. “The Representation of the ‘European Refugee Crisis’ in Italy: Domopolitics, Securitization, and Humanitarian Communication in Political and Media Discourses.” *Journal of Immigrant & Refugee Studies* 16 (1–2): 161–78. <https://doi.org/10.1080/15562948.2017.1317896>.
- Constantine, Gidaris. 2020. “Rethinking Confinement through Canada’s Alternatives to Detention Program.” *Incarceration* 1 (1): 14. <https://doi.org/10.1177/2632666320936436>.
- Furman, Rich, Douglas Epps, and Greg Lamphear. 2016. *Detaining the Immigrant Other: Global and Transnational Issues*. New York, United States: Oxford University Press, Incorporated. <http://ebookcentral.proquest.com/lib/mcgill/detail.action?docID=4413904>.
- Hasiloglu, Serra. 2022. “Immigration Detention in Canada and Why It Should Be Abolished.” *The Upstream Journal*. October 3, 2022. <https://upstreamjournal.org/immigration-detention/>.
- Hill, Brian, and Mikail Malik. 2022. “Canada Can Jail Asylum Seekers Indefinitely — but Now There’s a Movement to Change That.” *Global News*. October 14, 2022. <https://globalnews.ca/news/9196862/immigration-detention-canada-asylum-seekers-suicide/>.
- Jung, Christina. 2022. “Human Rights Groups Call for End to ‘horrid System’ That Allows CBSA to Lock up Immigrants in Provincial Jails.” CBC News. June 6, 2022. <https://www.cbc.ca/news/canada/british-columbia/bc-ends-immigration-detention-1.6475541>.
- Mountz, Alison. 2020. *The Death of Asylum: Hidden Geographies of the Enforcement Archipelago*. Minneapolis: University of Minnesota Press. <https://muse.jhu.edu/pub/23/monograph/book/77519>.
- Ward, Tyler Dickens, and Dennis Raphael. 2019. “Canada’s Detention of Children in Immigration Holding Centres: Human Rights Violation, Threat to Health and Reflection of Canada’s Problematic Political Economy.” *International Journal of Children’s Rights* 27 (3): 562–80.



How the Use of Torture Changed American Foreign Policy Realities

Jiven Lal, Simon Fraser University

Edited by Sophia Khiavi and Madalena Monteiro

ABSTRACT

On September 11, 2001, the United States experienced the deadliest terrorist attack in human history. The events of that day inflicted a devastating emotional toll on Americans, changed international perceptions of terrorism, and raised questions about America's foreign policy and role in the world. Despite the longstanding public opposition to torture based on norms derived from American liberalism (including a general concern for civil liberties and rights of the accused), widespread acceptance of the use of torture emerged in the aftermath of 9/11 (Mayer & Armor 2012). This research paper attempts to examine the complex relationship between state-sanctioned torture and foreign policy, specifically asking: how did the United States' use of torture in the aftermath of 9/11 impact the politico-strategic realities of American foreign policy? This article offers an overview of America's torture policies and subsequently explores their unintended impacts. The analysis finds that the impacts observed from America's use of torture post-9/11 decreased the feasibility of counterterrorism policies, alienated traditional allies, and weakened the influence of American soft power around the globe. The article concludes with a discussion of implications and presents an argument against torture for realists that does not depend on human rights.

Overview of US Torture Policies

Through a secret memorandum issued on September 17, 2001, the Bush administration granted the Central Intelligence Agency (CIA) the authority to capture and detain suspected enemy combatants in the War on Terror. The program, officially called ‘Rendition, Detention, and Interrogation’, involved the disappearance, extrajudicial detention, and torture of foreign individuals at CIA black sites—a complex network of overseas detention centres, including Guantánamo Bay (Schmidt & Sikkink 2018). In May 2002, the Bush administration worked directly with John Yoo, the Deputy Assistant Attorney General for the Office of Legal Counsel, to develop legal justifications for policies pertaining to the War on Terror. Several top-secret documents authored and signed by Yoo under this directive are widely known today as the “Torture Memos” (Bybee 2002). These memos legalized a number of mental and physical torture methods as legitimate ‘enhanced interrogation’ techniques. These techniques included waterboarding, sleep deprivation, cramped confinement, boxed confinement with insects, and stress positions which forced individuals to maintain painful stances over an extended period of time (Bybee 2002).

‘Enhanced interrogation’ regularly exceeded what was officially sanctioned in the ‘Torture Memos’. The most infamous report available on such proceedings surfaced in 2004, revealing torture conducted by the US Army and CIA at Abu Ghraib prison in Iraq. Reports by international NGOs exposed evidence of torture techniques including the deprivation of food, drink, and medical care, exposure to

extreme heat and cold, sexual humiliation, and medically unnecessary rectal feeding (Amnesty International 2004). Despite the Bush administration’s claims that these occurrences were “exceptions” rather than “a pattern or practice”, subsequent leaked internal documents confirmed the administration’s policy positions supporting the de facto acceptance of torture (Amnesty International 2004). The Abu Ghraib scandal widely publicized American torture policies to domestic and international audiences, thus resulting in a partisan split within the United States, with Democrats largely opposing the policies (Mayer & Armor 2012, 441). On January 22, 2009, days after his inauguration, President Barack Obama declared that the enhanced interrogation techniques of the Bush era constituted torture, and immediately prohibited their use through Executive Order 13491 (The White House 2009). For nearly a decade, however, torture played a central role in the American response to 9/11.

Impacts on Counterterrorism Policies

The initial authorization of torture by the Bush administration was motivated by the expectation that enhanced interrogation techniques would provide information to prevent further terrorist attacks against the United States (Bybee 2002). However, declassified reports released in 2014 show that the CIA’s use of torture was not an effective means of acquiring accurate intelligence or procuring cooperation from detainees (United States Senate Select Committee on Intelligence 2014). This section contends that America’s use of torture impacted its foreign policy by decreasing the

feasibility of counterterrorism policies, which aimed to destroy terrorist organizations and hamper their abilities to conduct terror attacks.

The initial reports of torture—particularly the graphic images released from Abu Ghraib in 2004—provided anti-American extremists with a powerful recruiting incentive (Johnson et al. 2016). A State Department report leaked in the spring of 2006 found that torture committed against detainees at Guantánamo Bay and Abu Ghraib was the single most motivating factor for foreign jihadists to join insurgents in Afghanistan and Iraq (Johnson et al. 2016, 123). A Saudi government document, leaked in 2009, reported that in the days immediately following the Abu Ghraib photo release, over 250 Saudis attempted to join extremist groups overseas (Johnson et al. 2016, 123). Although their numbers never constituted a majority of fighters, the determination of these highly-motivated foreign fighters had an outsized impact on American security forces. According to government reports, over 90 percent of suicide bombings against American troops between 2003-2005 were conducted by these foreign fighters (Johnson et al. 2016, 124). As such, torture may be considered “an aggravating factor for terrorist violence”, which made American counterterrorism objectives of destroying terrorist organizations in Afghanistan and Iraq increasingly difficult (Morris 2019).

In addition to increasing the number of anti-American fighters, revelations of American torture reduced the likelihood of American forces achieving cooperation from local populations. A fundamental aspect of American foreign policy in Iraq and Afghanistan was centred

around local communities cooperating with the American military rather than extremists. The support of local populations was not only beneficial for morale, but also provided troops with crucial on-the-ground intelligence, which was required to effectively identify and target legitimate threats (Johnson et al. 2016, 125). The revelations of torture resulted in significant political consequences for the United States, particularly in Iraq. Upon the release of the Abu Ghraib photos, Iraqi support for the American military intervention to overthrow the government of Saddam Hussain nosedived from 63 percent to only 9 percent (Hamm 2007). While American and Iraqi narratives to justify the intervention were initially constructed around the liberation of oppressed people and the spread of democracy, the widespread knowledge of torture overwhelmed these perceptions and solidified America’s reputation as a “hated occupier” in the region (Hamm 2007).

Such changing perceptions extended far beyond the populations of Afghanistan and Iraq, which were directly exposed to large-scale conflict with American troops. Reports of American torture, which largely targeted and victimized Muslims, sparked outrage in Muslim communities around the world and significantly hampered American foreign intelligence capabilities throughout the Middle East and North Africa (Morris 2019, 195). This shift represented a significant blow to one of Washington’s major goals around counterinsurgency and counterterrorism: destroying terrorist organizations by denying them local support. Formerly US-friendly groups, such as the Kurds, a distinct ethnic group which had been important

American allies in the 1991 Gulf War, became increasingly hesitant to provide logistical and intelligence support to the Americans. For these groups, the use of torture by American forces resulted in a new moral ambiguity, contradicting their previously held beliefs that only one side of the conflict failed to follow standards concerning the humane treatment of captives (Johnson et al. 2016, 124).

Today, the negative impacts of torture on American foreign policy goals are recognized by those who supported and oversaw systematic torture operations. In a 2013 interview, Stanley McChrystal, former Commanding General of the Joint Special Operations Command in Iraq, claimed that the torture revelations “hurt [America] more than anything else in the war in Iraq” (McChrystal & Rose 2013). He claimed that as the war dragged on, jihadists increasingly cited torture as their primary motivation for entering the conflict. He describes a shift in perspective: “it was proof [that] everything they thought bad about the Americans was true” (McChrystal & Rose 2013). American torture provided anti-American groups with a tool that inspired more extremists to enter the conflict and reduced support and intelligence from local populations. Ultimately, the US produced the opposite of its intended effect, significantly hampering foreign policy goals concerning counterinsurgency and counterterrorism in the Middle East and North Africa.

Alienation of Traditional Allies

Following WWII, American foreign policy increasingly adopted a framework that emphasised the importance of international coopera-

tion in conflict. This is best exemplified by the invocation of NATO’s Article 5 in the aftermath of 9/11, which specified that an attack on one member was an attack on all, triggering the responsibility of collective defence (Council on Foreign Relations 2022). Troops from 27 coalition countries directly supported America’s War on Terror, and others provided intelligence and engaged in “counterterrorism cooperation” (Council on Foreign Relations 2022). Despite this initial support, reports of American-led torture increasingly alienated traditional allies and undermined cooperation between NATO members.

While the longstanding norm of opposition to torture quickly withered among the American public, the same cannot be said for the citizens and governments of America’s allies (Banham 2016, 914). Inter-ally relations were particularly impacted when citizens of allied states were subjected to torture while in American custody. This was demonstrated by the United Kingdom’s reaction to nine of its citizens being detained and tortured at Guantánamo Bay between 2004 to 2005. Following threats by the United Kingdom to reduce military and political support to the United States, the individuals were repatriated; however, this was not done before an increase in international public outrage over the use of torture (Banham 2016, 917).

The international community’s outrage was so significant that it delayed and inhibited the troop deployments of multiple allied states, weakening American foreign policy objectives by delaying critical counterterrorism efforts. In the case of the Netherlands, strong public op-

position to torture delayed parliamentary approval for the deployment of Dutch troops to Afghanistan by over three years (Johnson et al. 2016, 125). The Dutch only deployed troops after Washington provided explicit assurances against the use of torture on detainees (Johnson et al. 2016, 125). Some of America's closest allies, which had provided support in the War on Terror from the very beginning, also limited support due to domestic concerns over torture. At a military conference in 2005, a joint statement from military lawyers representing Canada, Australia, New Zealand, and the United Kingdom declared that if torture persisted, cooperation "across the range of military, intelligence, and law enforcement activities in the war on terror would continue to decline" (Johnson et al. 2016, 125). Internationally, public opposition to American torture made the continued support of American efforts abroad politically damaging for politicians in allied nations.

Possibly the most jarring examples of impacts on cooperation occurred regarding the detainment and custody of suspected terrorists and enemy combatants. Despite pledges from high-ranking American politicians to allies stating that detainees would be treated humanely, foreign intelligence reports consistently documented instances of American torture. In 2005, the United Kingdom's House of Commons Foreign Affairs Committee released a report stating that "the UK can no longer rely on US assurances that it does not use torture, and we recommend that the [UK] government does not rely on such assurances in the future" (Keating 2014, 73). The subsequent strategic shift of alienated allies resulted in coalition forces not

turning over detainees to the American military for fear that they would be charged with aiding and abetting torture (Johnson et al. 2016, 125). In instances where coalition forces captured an enemy combatant but did not have the adequate facilities to detain them, combatants were released rather than being transferred to American custody (Keating 2014, 73). The distrust and subsequent alienation of traditional allies resulted in potential threats returning to the battlefield, undermining American military and stability objectives.

When extremists accused of providing support to terrorist networks and plotting against the US were captured by traditional allies in their own countries, concerns about torture prevented extraditions that would have otherwise been routine. Spain, Italy, Finland, France, and the Netherlands all denied extradition requests on the grounds that legal guarantees against torture made by the United States had been violated (Keating 2014, 73). The impacts of America's torture policies on extradition requests have remained consequential to this day. In recent years, multiple traditional American allies, including the UK and the Netherlands, have denied extradition requests on the grounds that international law "prohibits the extradition of torture victims to countries that played a role in abuse" (Reuters Staff 2015). While the torture in question occurred nearly two decades ago, these individuals are granted indefinite protection from facing legal proceedings in the United States, regardless of the strength of evidence against them. America's torture policies damaged its relations with its allies as well as its ability to successfully extradite suspects, ul-

timately reducing American intelligence gathering capabilities.

Weakening of American Soft Power

While the importance of soft power in foreign policy is not a uniquely American reality, there is a general agreement among scholars that no other modern state has as effectively used soft power resources to steer international norms and institutions (Nye 2004, 257). Since 1945, the United States has used its hegemonic status and soft power legitimacy as primary tools in instances where it considers the promotion of democracy, human rights, and international law to align with its interests (Keating 2014, 80). The use of torture both distanced the United States from international standards and severely impacted its legitimacy and ability to pressure others into adhering to these norms (Sundstrom 2006).

In response to accusations made by the United States of non-compliance with human rights and democratic standards, states with historically poorer human rights records have been quick to point out American hypocrisy when the state's internal affairs were put on the agenda. For instance, in an attempt to counter American criticisms over reported corruption in a Zimbabwean by-election, government officials claimed that "the United States had lost the moral rights to judge others" following the newly reported torture allegations (Keating 2014, 73). In subsequent years, countries including China, India, Iran, Russia, Syria, and North Korea rebuffed condemnations and undermined American diplomacy by citing America's history of torture (Schmidt & Sik-

kink 2018). This dynamic has allowed chronic human rights abusers to justify their actions as simply something that all states do, by crafting discourses that attempt to normalize their use of torture, while simultaneously undermining US soft power (Keating 2014, 76).

Not only did the reputational hit and decline of American soft power prevent future progress; it also undermined significant existing foreign policy developments built from reputational diplomacy. In the mid 2000s, American officials increasingly saw Syria's personalist dictator Bashar al Assad as "more democratic and reform-minded than his father", who had died in 2000 following nearly thirty years of dictatorial rule (Johnson et al. 2016, 131). While American diplomatic maneuvering in Syria initially resulted in significant progress towards respect for human rights and international law in the country, America's torture policies seriously damaged its credibility and diplomatic effectiveness in the region (Johnson et al. 2016, 131). The fallout and perceived decline of American diplomatic legitimacy resulted in an emboldened Assad who, to this day, continues to undermine American foreign policy objectives in the Middle East.

One of the long-term consequences of the use of torture is that American adversaries have been able to continually cite hypocrisy and a lack of accountability as a means of delegitimizing the actions of the US. This has become an especially common strategy used by America's latest strategic rival, China, which continues to highlight the record of American torture through its state media agency Xinhua (Huaxia 2022). The agency argues that the United States

justifies its own use of torture as a “necessary evil”, while condemning it in other countries as “barbaric” (Sundstrom 2006, 441). Xinhua’s stories about American torture are published in English, in addition to its standard Mandarin; this linguistic choice highlights that the stories are designed for both domestic and international consumption, allowing Xinhua to cultivate a general distrust towards the US and weaponize anti-American sentiment globally (Hamm 2007, 260). By highlighting the US’ wrongdoings, China is able to raise its own comparative international standing by delegitimizing the US, weakening its soft power, and subsequently reducing its diplomatic effectiveness (Nye 2004, 258). Torture ultimately resulted in the US becoming less influential and less secure, not only undermining key foreign policy objectives relating to counterterrorism, but also the promotion of American policies and values (Johnson et al. 2016, 127).

Implications

Through an examination of the complex relationship between state-sanctioned torture and foreign policy, this article argues that the use of torture impacted American foreign policy by decreasing the feasibility of counterterrorism policies, alienating traditional allies, and weakening the influence of American soft power around the globe. These conclusions serve as prime examples of the complexities of foreign policy. Unintended consequences can have significant lasting implications that shape global outcomes, especially when concerning hegemonic powers. Despite a robust literature and official government reports arguing that torture

is not an effective strategic tool for gathering reliable intelligence, public opinion polls shows that nearly 50 percent of Americans continue to support its use in the fight against terror (Mayer & Armor 2012, 440-441). Prominent politicians continue to promote torture in domestic and foreign cases as an important and essential tool in the fight against terrorism. When asked about waterboarding in 2016, then-presidential candidate Donald Trump expressed strong support, claiming “I don’t think it’s tough enough” (Johnson et al. 2016, 132). Trump’s statement highlights an unfortunate reality: for many Americans, torture is not viewed as an intelligence gathering tool, but rather as a tool of revenge to satisfy an angry and fearful public (Mayer & Armor 2012, 445). From this perspective, the brutality and ineffectiveness of torture does not deter its proponents because brutality is the goal and intelligence gathering is of secondary concern. To effectively sway this group, a new perspective is required, one with an argument grounded in the pragmatic considerations of realpolitik rather than abstract moral principles and values. While also being immoral and ineffective, torture is a strategically costly endeavor with major drawbacks that undermine American foreign policy objectives.

Bibliography

- Amnesty International. “USA: Pattern of brutality and cruelty -- war crimes at Abu Ghraib.” Press Releases. Last modified June 8, 2004. <https://www.amnesty.org/en/wp-content/uploads/2021/09/amr510772004en.pdf>.
- Bybee, Jay S. Jay S. Bybee to John Rizzo, memorandum, “Interrogation of al Qaeda Operative,.” August 1, 2002. U.S Department of Justice Office of Legal Counsel.

- https://www.justice.gov/sites/default/files/olc/legacy/2010/08/05/memo-bybee2002.pdf.
- Banham, Cynthia. "The torture of citizens after 9/11: liberal democracies, civil society and the domestic context." *The International Journal of Human Rights* 20, no. 7 (2016): 914-934. DOI: 10.1080/13642987.2016.1192539.
- Council on Foreign Relations. "How 9/11 Reshaped Foreign Policy." *Timelines*. Accessed November 22, 2022. <https://www.cfr.org/timeline/how-911-re-shaped-foreign-policy>.
- Hamm, Mark S. "'High crimes and misdemeanors': George W. Bush and the sins of Abu Ghraib." *Crime Media Culture* 3, no.3 (2007): 259-284. DOI: 10.1177/1741659007082466.
- Huaxia. "China slams U.S. for prisoner abuse at "black sites." *Xinhua*, April 9, 2022. <https://english.news.cn/20220409/f4c7ea0e43ad4cc4be74ea1c8de3d8bd/c.html>.
- Johnson, Douglas A., Alberto Mora, and Averell Schmidt. "The Strategic Costs of Torture: How "Enhanced Interrogation" Hurt America." *Foreign Affairs* 95, no.5 (2016): 121-132. <https://www.jstor.org/stable/43946963>.
- Keating, Vincent C. *US Human Rights Conduct and International Legitimacy: The Constrained Hegemony of George W. Bush*. New York: Palgrave Macmillan, 2014.
- Mayer, Jeremy D., and David J. Armor. "Support for torture over time: Interrogating the American public about coercive tactics." *The Social Science Journal* 49, no.4 (2012): 439-446. <http://dx.doi.org/10.1016/j.socij.2012.10.001>.
- McChrystal, Stanley, and Gideon Rose. "Generation Kill: A Conversation with Stanley McChrystal." *Foreign Affairs* 92, no. 2 (2013): 2-8. <https://www.jstor.org/stable/23527451>.
- Morris, Charlotte. "To what extent has U.S. foreign policy contributed to an increase in religious inspired terrorism since 1945?" *Journal of Global Faultlines* 6, no.2 (2019): 186-203. DOI: 10.13169/jglobfaul.6.2.0186.
- Nye, Joseph S. "Soft Power and American Foreign Policy." *Political Science Quarterly* 119, no. 2 (2004): 255-270. DOI: 10.2307/20202345.
- Reuters Staff. "Dutch court blocks extradition to U.S. over torture concerns." *Reuters*, January 20, 2015. <https://www.reuters.com/article/cnews-us-dutch-usa-extradition/idCAKBN0KT16R20150120>.
- Schmidt, Averell, and Kathryn Sikkink. "Partners in Crime: An Empirical Evaluation of the CIA Rendition, Detention, and Interrogation Program." *Perspectives on Politics* 16, no. 4 (2018): 1014-1033. doi:10.1017/S1537592717004224.
- Sundstrom, Ronald. "Torture and Legitimacy." *Peace Review: A Journal of Social Justice* 18 no. 4 (2006): 439-446. <https://doi.org/10.1080/10402650601030260>.
- United States Senate Select Committee on Intelligence. "Committee Study of the Central Intelligence Agency's Detention and Interrogation Program." December 9, 2014. <https://www.intelligence.senate.gov/sites/default/files/publications/CRPT113s rpt288.pdf>.
- White House [The]. "Executive Order 13491 of January 22, 2009, Ensuring Lawful Interrogations." *Executive Orders*. (2009). <https://obamawhitehouse.archives.gov/the-press-office/ensuring-lawful-interrogations>.



‘Women, Life, Freedom’: The Politicization of the Hijab in Iran

Amanda Leloup, McGill University

Edited by Justin Weir and Elena Lee

ABSTRACT

Following mass protests of Mahsa Amini’s killing by the Iranian Morality Police, global news coverage shifted to Iran. This paper looks at the current mass movement from a socio-historical perspective, specifically focusing on the role of veiling. It distinguishes between the politicization and the institutionalization of the veil, arguing that veiling in Iran is inherently political and has been used as a form of protest. Recently, however, the Iranian state has transformed it into a tool for social control of women, thus institutionalizing it. The paper traces the evolving role of veiling. It begins prior to the Iranian Revolution, when veiling was banned and perceived as a tool of empowerment, then moves on to the Iranian Revolution of 1979, where it became mandatory, and laws oppressing women’s freedoms became increasingly apparent. During the 2009 Green Movement, the image of women in society was profoundly altered and showed an attempted reconciliation between Islam and democracy. The current movement in Iran is a result of decades of policing women’s wear and violent repression by the government, and its goal is to transform the scope of religious influence by limiting it to the private sphere.

Introduction

“I will not let this story end in silence. I will spread this news throughout Iran and will pursue my complaint.” These are the words Mahsa Jina Amini’s brother, Zhina Amini, pronounced to the National Council of Resistance of Iran Women’s Committee on September 16, 2022 (NCRI Women Committee 2022). Mahsa Jina Amini died on September 16, 2022, after being arrested by the Morality Policy for wearing ‘inappropriate attire’ in public. Her hijab did not cover her hair adequately, according to the Morality Police, and she did not represent a ‘proper’ Muslim woman. Her family insists she was beaten to death, but the police claims she suffered from a heart attack. Her tragic death caused an uproar amongst the Iranian population, translating into a mass protest: men and women took to the streets, burned their hijabs, cut their hair, and challenged the fundamental politico-religious values on which the Islamic Republic of Iran is based. The Iranian regime violently oppressed the protests, and over sixteen thousand protestors have since been arrested. The mandatory veiling of Muslim women has been used as a form of both political and social control since the 1979 Islamic Revolution, but the politicization of the veil commenced even before.

This paper will argue that rendering the veil legally mandatory after the Islamic Revolution of 1979 increased the gendering of Iranian women’s identity by limiting it to a stereotypical role and focusing on veiled women as the symbol of the ideal Islamic society. In the context of this paper, gendering refers to the process of socialization of women’s identi-

ty by having their gender transcend everything they are, how they live and how they are perceived. Further, the Green Movement of 2009 served as a sign of discontentment from the Iranian population by confronting the imposed sociopolitical structures of increased control of women and harsh limits on freedom of speech and freedom of the press. The current movement in Iran is the result of decades of policing and institutionalizing women’s wear, and aims to transform the scope of religious influence by limiting it to the private sphere. Veiling remains an individual and personal choice, and while politicizing it was, and is, an integral part of the women’s movement in Iran, institutionalizing it has removed the individual value of the act, utilizing it as a means of social control.

In order to examine the effects of the Islamic Revolution and the Green Movement on the politicization of the hijab, I will first offer historical context through an examination of the politico-religious system in Iran. Next, I will evaluate the role of the Islamic Revolution as a trigger for using mandatory veiling as an instrument of oppression. The Green Movement of 2009 originated as a response to the increased oppression, demanding regime changes and challenging basic perceptions of women’s role in society. Lastly, I will draw parallels between the current feminist movement in Iran and the role of veiling in Iranian state identity. This demonstrates that veiling remains an inalienable individual choice, but its instrumentalization has balanced between being used as a tool of empowerment and a tool of oppression, and the role of the veil itself is widely discussed between Muslim scholars.

Contextualization

To understand how the arrest of an individual veiled woman became amplified into a mass civil movement, we must examine why women in Iran began protesting against the veil, challenging the foundations of the Iranian theological regime. Iran today is an Islamic theocracy headed by a Supreme Leader, combined with a parliamentary system consisting of an elected President and parliament. Theologically, it follows the theory of Velayat-e Faqih, also referred to as the unelected Rule of the Jurists, a theory establishing the rule of a country by Islamic Jurists as well as a Guardian Council. Jurists are not elected — rather, the Council consists of six appointed jurists and six nominated by the parliament, and are placed above the elected parliament in the hierarchy of power. These jurists decide whether the laws passed by parliament conform to a strict interpretation of Shari'a, the Islamic religious law (Mir-Hosseini 2017, 216). Meanwhile, the words of the Supreme Leader of Iran are considered equally legitimate with the Qur'an within the Velayat-e Faqih system. He can thus issue and repeal legislation if he perceives that it may conflict with state interests and religious obligations (Al-Sayed al-Sayyad & al-Bawi 2020, 7). Therefore, the Supreme Leader holds supreme power in the Iranian state, superseding all other forms of authority. The current supreme leader is Ayatollah Khamenei, who has been in power since 1989.

The Shi'a branch of Islam draws its political legitimacy from governments embracing certain values and norms derived from religious texts (Sayyed al-Sayyad & Alwadi 2021,

7). Ziba Mir-Hosseini (2017) distinguishes between rights — haqq — and honour — namus — in Islam. Namus is understood to be a core value within Iranian society and is rarely questioned, and it is tightly linked to the sexual integrity of girls. Since their namus is in their bodies, it is perceived to be a boy's duty to protect the namus of their female relatives. A way of preserving this namus would thus be through mandatory veiling and covering from the male gaze when in public, or limited rights to divorce and child custody (Mir-Hosseini 2017, 219). This view on women was especially enforced post-revolution, from 1979 onward.

The Islamic Revolution of 1978-79

The Islamic Revolution of 1978 to 1979 plays a crucial role in understanding how and when the politicization of the hijab in modern-day Iran originated. It triggered decades of increasing oppression of women through Shari'a law and by rendering veiling mandatory for women in public. The institutional politicization of veiling was based on the claims of protecting the namus, and had the effect of increasingly gendering Iranian women's identity, which resulted in the first feminist movement against the regime.

From 1978 to 1979, Ayatollah Ruhollah Khomeini was the spiritual leader of the social movement that overthrew Western-aligned Shah Pahlavi. In the years prior to the revolution, nationalism emerged in the region; in Iran, this nationalism was expressed through the promotion of Islamic values and the 'ideal' Muslim. For women, emerging values included veiling and dressing modestly (Al-Sayed al-

Sayyad & al-Bawi 2020, 5-6). Four anti-Shah protestors set Cinema Rex in Abadan on fire as a protest against the monarchy, killing over 350 people, triggering widespread protests against the Shah and marking the beginning of The Islamic Revolution (Abbas 2017, 716). After the 1953 coup d'Etat, the Shah had become closely tied with the United States and the Western Bloc and largely imposed the Western will through an increasingly authoritarian ruling. The 1963 White Revolution, a vast series of reforms which sought to redistribute wealth and boost economic growth, led to Ayatollah Khomeini's arrest due to his widespread support and encouragement of the protest. He fled and took exile first in Najaf, Iraq, and later in Iran. He gradually increased his opposition to the Shah for over fourteen years by promoting his version of Shi'a Islam and the Islamic-democratic narrative in the media (Tabaar 2018, 61-86). In October 1977, tensions escalated between Ayatollah Khomeini and the Shah following their contradictory views of the role of Islam and the political future of Iran, leading protests to become a campaign of civil resistance and paralyzing the country. By January 1979, the Shah had left Iran, and the government invited Ayatollah Khomeini back to Iran, whereupon he turned the former monarchy into an Islamic Republic based on his principles (Abrahamian 2009, 163).

The first politicization of the hijab had already begun in 1936 when Shah Reza Pahlavi banned women from veiling in public — they risked getting it pulled off their heads if they did (New York Times 2022). However, the laws concerning the hijab became stricter after

the Islamic Revolution (Al-Sayed al-Sayyad & al-Bawi 2020, 5). During the Shah's rule and in the years leading up to the revolution, women increasingly wore some kind of veil, notably chadors, as a symbol of resistance to the Westernization policies and the discourse it pushed on women, as well as in protest to the 1936 prohibition: "wearing the veil represented a particular moral stance — morality defined positively by Islamic law or negatively by opposition to the immorality of the Shah's regime and the West in general" (Betteridge 2021, 110). Hence, for Iranian women, veiling was not only a religious matter but also a deliberate political statement, which women used to represent themselves (Al-Sayed al-Sayyad & al-Bawi 2020, 9). Thus, there is an important distinction between women politicizing veiling through their free will and using it as a political statement, and the institutional politicization that occurred later. Although the monarchy decreasingly enforced the law prohibiting veiling before the Revolution, it can be argued that, to a certain extent, there was a social pressure to wear it due to its political importance in rejecting Western values.

Before Ayatollah Khomeini came to power, he had deliberately kept his statements regarding women's issues vague — it allowed for more women to follow his words since he ensured that the largest number possible of women could self-identity with his sayings. Nevertheless, for many religious leaders, modest clothes were integral to the definition of Muslim women. It was only when Ayatollah Khomeini came to power that he took a firm stance on gender roles and the place of wom-

en in society through numerous policies and statements in public speeches. When wearing a veil in public spaces first became mandatory on March 7, 1979, thousands of women protested against it in the street on the following day, International Women's Day. Women protesting for their free choice of veiling was the first protest against the Islamic government, occurring only a handful of days after they came to power. Consequently, the clerics temporarily reversed the obligation, showing that governments can choose to hear and cede to the demands of feminist movements, but it is a conscious choice whether they choose to do so or not. However, the Iranian regime slowly started to reintroduce the obligation in various public spaces — for instance, in administrative buildings, then on public squares, and later in universities. Eventually, wearing it became mandatory for all girls and women over the age of nine in all public areas (Al-Sayed al-Sayyad & al-Bawi 2020, 5).

Mandatory veiling was not the only restriction on women's rights and freedoms following the revolution. A long series of restrictive laws were gradually put in place — women were banned from working as judges, the age for legal marriage was lowered to thirteen years old, and they were forbidden access to numerous higher education fields (Fazaeli 2016, 76). Mandatory veiling led to university environments being perceived as safer, thus increasing women's access to higher education and parallelly resulting in incredible backlash for the regime as a result of increased education levels. When attending universities and achieving higher levels of education, Iranian women also

gradually became more aware of societal issues as well as the irrationality of mandatory veiling, thus participating in the growing discontent of the regime and the institutionalization of their personal decisions (New York Times 2022). The 1979 revolution resulted in a new, gendered identity for Iranians, and the continuously stricter laws on religious grounds resulted in rising discontent with the regime.

The 2009 Green Movement

Increasing gender awareness and claims for secularization resulted in the Green Movement, the biggest civil movement in Iran since the Islamic Revolution. Gender was placed at the center of the debate and demands for reforming the regime, showing alternative sides to womanhood and challenging basic assumptions on which the culture of veiling is based.

In the 1980s and 1990s, gender debates and the 'woman question' increasingly dominated the international discourse, and new religious thinking of Islam emerged as a result. It offered new interpretations of Islam and its reconciliation with modernity by separating religion from the state as well as rethinking women's place within society. This discourse was highly appealing to the women and youth becoming increasingly dissatisfied with the current state's policies (Mir-Hosseini 2017, 221). Although there were some protests against the religious regime and for women's rights during the 1990s, the 2000s emerged with an increasing restriction of rights, notably in the form of stringent censorship laws on freedom of speech and freedom of the press (Tabaar 2018, 228). As a consequence, tensions escalated between con-

servatives and reformists. The conservatives sought to maintain the current regime, while the reformists harshly criticized the Velayat-e Faqih system (Tabaar 2018, 230). In the early 2000s, reformists took control of local councils and Majles, the Islamic Consultative Assembly, claiming “the end of patriarchy” and increasingly orienting the discourse towards women’s place in society and veiling (Tabaar 2018, 230). By promoting free media and presenting an alternative view on current political events, they engaged the youth by increasing their political awareness and exposing the corruption of the regime in place (Tabaar 2018, 229).

In parallel, Supreme Leader Khamenei wished to create a balance between the conservative right and the ‘principlist’ ultraconservative right by removing the reformists and continuing to promote Iran’s rising status in the region. The national presidential elections would be the key to implementing this (Tabaar 2018, 237). Nevertheless, popular discontent continued to grow among the people by virtue of the reformists’ power in the Majles, exposing corruption in the media, and the opposition between reformists and conservatives grew stronger. Theocracy was perceived to be incompatible with democracy due to its institutionalization and politicization of religion, and the Iranian population wanted change — a fact that became apparent throughout the 2009 elections.

The June 2009 elections opposed conservative Mahmoud Ahmadinejad with reformists Mir Hossein Moussavi and Mehdi Karroubi, two former politicians and leaders of the Green Movement. On election day, the fear of election

rigging was prominent, and conservative media reported Ahmadinejad as the winner while it was still possible to cast a vote. The media announced that he had won, obtaining approximately two-thirds of the total votes, which only participated in the increasing suspicions (Tabaar 2018, 240). In response, millions of peaceful protesters took to the streets with the slogan ‘Where is my vote?’, demanding the ballots be recounted and Ahmadinejad be removed from the presidency. The demonstration on June 15, 2009 was Iran’s largest since the Islamic Revolution of 1979, illustrating the extent to which public discontent with the regime was prominent (Mir-Hosseini 2017, 227).

Ziba Mir-Hosseini (2017) analyzed the Green Movement and the 2009 elections and found four key moments that profoundly affected Iran’s power structures and the image of women presented to the Iranian population. First, the elections affected the nature of women’s political participation. Before the 2009 elections, Mohammad Khatami, president from 1997 to 2005, assembled both secular and religious women through promises of improving women’s condition within society, and the same solidarity was translated into the Green Movement. Secondly, Zahra Rahnava appeared on the side of reformist candidate Mir-Hossein Mousavi as an equal partner and intellectual to her husband. It was the first time a woman was seen in higher levels of politics in Iran, and she openly supported women’s and human rights (Mir-Hosseini 2017, 229). She participated in visualizing women outside of a traditional role and as an equal to her husband, being a symbol of empowerment and a role model for many

Iranian women. Thirdly, around the same time, letters from the wives of imprisoned reformist head figures were published online — they described in great detail how the wives longed for their husbands to return home, demanding equal rights and free speech. Like with Zahra Rahnavaard, they showed a different image of womanhood, which was not common in Iran, demonstrating emotional dimension and deferring from the image of a pure, chaste wife, thus breaking stereotypes and narratives pushed by the government, notably that of *namus*. Lastly, there were horrific revelations of rape and sexual abuse of both men and women detained in Iranian prisons. The abusive detention practices profoundly disrupted the governmental discourse built around the culture of veiling, justified as a way of protecting women and keeping society safe as a whole (Mir-Hosseini 2017, 230).

More generally, these four events confronted Iranian sociopolitical structures because they challenged women's roles and positions within society by empowering key figures or showing alternatives to traditional roles. They also challenged the assumptions on which the culture of veiling is based by proving women's sole role is not to serve men and stay quiet and chaste, protecting their *namus* by giving up their *haqq*. The Green Movement originated as a confrontation to the instrumental use of Shari'a to justify authoritarian rule and violations of human rights and democratic principles (Mir-Hosseini 2017, 233). Furthermore, it proved to the Iranian government that public discontent existed, was visible, and they could not act with impunity without backlash. The legitimacy and the

credibility of the Islamic Republic were shaken to its core — fundamental principles such as the vision of the role of women in society and the government's religious authority were challenged.

The Current Feminist Movement in Iran

Currently, one of the main focuses of Iranian elites is to preserve Islamic culture as a result of the 1979 revolution, with a particular importance given to the veiling of women as the symbol of Muslim society. This represents an intricate overlap of social norms and religious issues, where wearing a veil has shifted from a religious ritual to a political right.

The veiling of women is a fundamental issue in state identity and is equally employed as a way to promote political and religious legitimacy. Multiple clerics warning against the decline of Islam as a result of women refusing to wear the hijab accentuates the gravity of the issue (Al-Sayed al-Sayyad & al-Bawi 2020, 13-16). As a result, mandatory veiling is depicted as essential in order to preserve Islam.

On the other hand, scholars such as Mohammed al-Sayed al-Sayyad argue that it is hypocritical to justify the necessity of intervention from the state regarding veiling since the Qur'an is ambiguous on the subject. Ayatollah Kamal Hayadri perceives the hijab's validity as depending on how much (not) wearing it draws attention to the person wearing it, and Ayatollah Hossein Montazeri argues there is no style for the hijab, thus indirectly criticizing the extent to which the Iranian government is policing the Iranian population (Al-Sayed al-Sayyad & al-Bawi 2020, 14). The academics all agree on

the need for women to veil, although it should be a private matter and thus not up for the government to decide nor impose on its population. They are not against women veiling but against the institutional politicization of the matter.

Tehran violently oppressing a social movement challenging the regime and anyone who criticizes it is not a new nor unseen phenomenon. Between 2003 and 2013, over 30 thousand people were imprisoned for speaking out against the Iranian regime. This represents grave human rights violations, including violations of freedoms of speech, conscience and peaceful assembly (Al-Sayed al-Sayyad & al-Bawi 2020, 9). The Iranian regime has a history of arbitrarily arresting opponents of the government and shutting down critiques harshly and quickly.

Furthermore, it is important to underline that the current social movement in Iran is not aiming to disregard the use of the veil completely. On the contrary, each woman has an individual relationship with the veil and reasons for wearing it, let it be imposed or voluntarily, and the government's involvement in said relationship has not been tolerated well. Rather, the movement's goal is to transform the religious order in place to inhibit it from imposing its rules in both the private and the public sphere and transform the regime's perception of free speech. Although some scholars analyzing the current social movement perceive the hijab as solely being an oppressive item that cannot lead to women's emancipation, this essay argues that in no case should veiling be institutionally politicized. The hijab has the importance the individual wearer gives to it — this was seen

prior to the Islamic Revolution, when wearing it was a form of individual empowerment and resistance to a Westernised society, and today, taking it off is an act of resistance to the religious authority in place. French activist Camille Etienne reflects on the forms of civil rebellion by disobeying laws in place in order to promote revolution: “you must understand that as citizens, when there are laws that are unjust, then we must disobey them” (FranceTV 2022). By making a distinction between what is legal and what is legitimate, she underlines the importance of civil disobedience in pushing for political reforms and societal progress, which is exactly the method employed by Iranian women in the fight for their rights.

The scope of the people involved in the current social movement in Iran is a key distinction from past movements. Although the slogan is “Women, Life, Freedom”, it is not solely women who are involved. Men joining a women's liberation movement underlines the deep-rooted critiques of the movement for the regime in place and underlines the discontent with the political and religious order (Laacher 2022). Furthermore, a student-protester from Tehran explains in an interview with French *Le Monde* that in previous movements, primarily younger people protested. Nonetheless, protesters now originate from all social classes and ages, ranging from parents with their children to students to older people (Golshiri & Zerrouky 2022). The number of people protesting leads the current movement to be considered civil unrest and maybe the beginning of a revolution.

Conclusion

To conclude, the Islamic Revolution and the Green Movement were caused by and, in return, perpetuated the politicization of the veil for women in Iran. Although the ban on veiling in 1936 marked the beginning of the politicization of the veil, it acted as a symbol of resistance against Western influence until it became mandatory in public spaces as a result of the Islamic Revolution in 1979. It based its religious and political legitimacy upon a projection of the 'ideal' woman, limiting their role and place in society. Wearing the veil was no longer a sign of resistance or empowerment, but a sign of oppression. The Green Movement initially emerged in 2009 as a response to election rigging, but it quickly transformed into the biggest civil movement since the Revolution, confronting sociopolitical structures and norms that had been put in place. The current movement in Iran is a result of decades of policing women's wear and violent repression by the government, and the goal is to transform the scope of religious influence by limiting it to the private sphere. Women taking off their veils and burning them on the street come after years of repression and limited individuality — they are tired of being used as a political instrument for the Iranian regime. As demonstrated throughout the paper, mandatory or prohibition of veiling has been used with various political goals in mind, completely undermining the original purpose and individual connection of wearing it, which is connecting and strengthening their relationship with their God by following His wishes. The current movement in Iran underlines a crucial duality between the public

and the private sphere as well as feminism and Islam, all tied together in a gendered political process undermining Iranian women's basic human rights of individual freedom of choice.

Bibliography

- Abrahamian, Ervand. "Mass Protests in the Islamic Revolution, 1977-79." In *Civil Resistance and Power Politics: The Experience of Non-violent Action from Gandhi to the Present*, 162-178. Oxford: OUP Oxford, 2009.
- al-Sayed al-Sayyad, Mohammed, and Ruba Al-Bla-wi. *Study: the Hijab and Politics in Iran*. Rasanah: International Institute for Iranian Studies, 2020. <https://rasanah-iiis.org/english/wp-content/uploads/sites/2/2020/11/The-Hijab-and-Politics-in-Iran.pdf>.
- Amanat, Abbas. "The Making of the Islamic Revolution." In *Iran: A Modern History*, 703-742. New Haven: Yale University Press, 2017.
- Betteridge, Anne H. "To Veil or Not to Veil: A Matter of Protest or Policy." In *Women And Revolution In Iran*, 1st ed., 109-128. London: Routledge, 2021.
- "C Ce Soir Climat: L'écologie Doit-elle être Radicale ?" France TV. November 11, 2021. <https://www.france.tv/france-5/c-ce-soir/c-ce-soir-saison-3/4227841-emission-du-mardi-1-novembre-2022.html>.
- Fazaeli, Roja. "Women's rights in Islam: an Iranian case study." In *Islamic Feminisms: Rights and Interpretations Across Generations in Iran*, 73-109. Oxfordshire: Routledge, 2016.
- Golshiri, Ghazal, and Madjid Zerrouky. "En Iran, La Colère Grandit Après La Mort De Mahsa Amini, Devenue Le Symbole De La Brutalité Du Régime." *Le Monde.fr*. Last modified September 21, 2022. https://www.lemonde.fr/international/article/2022/09/21/en-iran-la-colere-grandit-apres-la-mort-de-mahsa-amini-devenue-le-symbole-de-la-brutalite-du-regime_6142484_3210.html.
- Laacher, Smaïn. "Smaïn Laacher : « En Iran, La Critique Radicale De L'ordre Religieux Tente De Redéfinir La Question De L'égalité Entre Les Deux Sexes Dans Tous Les Espaces De La Société »." *Le Monde.fr*. Last modified November 2, 2022. <https://www.lemonde.fr/>

idees/article/2022/11/02/smain-laacher-en-iran-la-critique-radicale-de-l-ordre-religieux-tente-de-redefinir-la-question-de-l-egalite-entre-les-deux-sexes-dans-tous-les-espaces-de-la-societe_6148148_3232.html.

Mir-Hosseini, Ziba. "Religious Modernists and the "Woman Question"." In *Twenty Years of Islamic Revolution: Political and Social Transition in Iran since 1979*, 74-95. Syracuse: Syracuse University Press, 2002.

Mir-Hosseini, Ziba. "Islam, Gender, and Democracy in Iran." In *Islam, Gender, and Democracy in Comparative Perspective*, 211-236. New York: Oxford University Press, 2017.

New York Times. "Unveiled and Rising Up: How Protests in Iran Cut to the Heart of National Identity." *The Indian Express*. Last modified October 6, 2022. <https://indianexpress.com/article/explained/explained-global/iran-hijab-protests-explained-8193157/>.

Sayyed al-Sayyad, Mohammed, and Sulaiman Alwadai. "Study: Shiite Political Theology and the Crisis of Legitimacy in Iran." *Rasanah: International Institute for Iranian Studies*. Accessed October, 2022. <https://rasanah-iiis.org/english/wp-content/uploads/sites/2/2021/11/Shiite-Political-Theology-and-the-Crisis-of-Legitimacy-in-Iran.pdf>.

Tabaar, Mohammad A. "Media, Religion and the Green Movement." In *Religious Statecraft: The Politics of Islam in Iran*, 227-255. New York: Columbia University Press, 2018.

Tabaar, Mohammad A. "The 'Islamic' Revolution." In *Religious Statecraft: The Politics of Islam in Iran*, 60-88. New York: Columbia University Press, 2018.

"Zahra Amini Goes into Coma 2 Hours After Arrest." NCRI Women Committee. Last modified September 15, 2022. <https://women.ncr-iran.org/2022/09/15/zahra-amini-goes-into-coma/>.



Québec and Scotland's Sovereignty Referendums: A Comparative Analysis

Katrina Froese, University of Calgary

Edited by Stevan Vujicic and Susie Strachan

ABSTRACT

This paper examines and compares the sovereignty referendums held in Quebec in 1995 and Scotland in 2014. Both referendums could be considered unsuccessful, as they yielded majorities to remain within Canada and the United Kingdom respectively. I identify the explanatory variables for each result as well as provide a brief discussion on the impact of identity within each nation. I argue that Quebec voters opted to remain as a result of the unresolved status of the Quebec-Canada relationship in the event the referendum yielded a clear mandate to separate. I proceed to argue that in Scotland, the value placed on membership within the European Union was sufficient to persuade Scottish voters to remain in the United Kingdom in order to retain this membership.

Introduction

An important indicator that a state is democratic is the way its people may seek political mobilization through the use of the referendum. Referendums, as exercises in direct democracy, are consultations with the voting public about important public policy issues (Pammett 2001; Qvortrup 2018). Evidence of direct democracy in action can be first traced back to ancient Greece, where in fourth century BC Athenians who attended the meetings of the general assembly passed decrees via a majority of the vote (Qvortrup 2018). However, it would not be until the 16th century in France when this political institution resembled anything like the present day referendum, and not until the era of the French Revolution where the link between self-determination and referendum was to be more formally established (Qvortrup 2018). In his influential work, scholar Johannes Mattern writes in regards to the referendum or ‘plebiscite’:

The people are the state and the nation; the people are sovereign. They have a right to decide by popular vote, all matters affecting the state and the nation. A people held by force under the sovereignty of any state are not in reality part of that state as a nation. The French Revolution proclaimed the dogma that we now term self-determination [...] it prescribed as the mode of expression of this self-determination [to be] the plebiscite (Mattern 1920).

While separatist referendums throughout history have been official or unofficial and successful or unsuccessful, voter turnout for this type of plebiscite is significantly higher than general election votes, at an average of

79% (Qvortrup 2013). Separatist referendums therefore demonstrate the application of direct democracy through the will of the people. These ‘sovereign people’, as defined by Mattern (1920), evidently agree on the notion of self-determination when the question of separation arises within a state.

The focus of this paper will be a comparison of two sub-state sovereignty referendums, held in Quebec in 1995 and Scotland in 2014, which categorically demonstrate the application of direct democracy. Belanger et. al (2018) argue that a comparative look at these two specific cases justifies itself easily, as both can be characterized as nations with distinct institutions and traditions that exist within the framework of a larger, multilevel state. Both societies have experienced the rise of modern nationalist movements in the time period following WWII, which saw widespread international decolonization, particularly in countries that had been former French or English colonies (Mendez & Germann 2018; Belanger et al 2018). This argument accurately describes the situation in Quebec, in which the former French colony wanted to separate from an Anglo-dominated Canada. The decolonization hypothesis could also be applied to the separatist movement in Scotland, where Scots began to reject England’s consolidation of power and central executive authority in the United Kingdom.

Evidently, both of these sovereignty movements and subsequent referendums were unsuccessful, as voters opted to remain within their national, or federal, governing body. As such, this paper will analyze why these two distinct nations each saw a majority of voters decide to

remain within their respective states. In Quebec, the separatist movement failed as a result of provincial premier Jacques Parizeau's low popularity in addition to perceived uncertainties surrounding the future of Quebec if the referendum were to be successful. In Scotland, however, central causes for the failed referendum are due to the country's desire to remain a member of the EU, as well as fears that Scotland would not constitute a viable state on its own without the help of the greater United Kingdom's economic and political institutions. In accordance with contemporary analysis, the primary drivers of both failed referendums include voter anxiety surrounding the unknown economic consequences that would result due to removal from the existing political and socio-economic institutions in Canada and the UK (Clarke & Kornberg 1996; Fox and Dubonnet 1999; Bieri 2014; Chikhoun 2015). However, the key distinction between the two cases lies in the fact that Scotland was afraid of the consequences of leaving the European Union, whereas Quebec was dissuaded by its contentious relationship with Canada and the risk that this relationship would sour further during talks of sovereignty and ultimately leave the province to fall by the wayside.

The Case of Quebec

The province of Quebec has voted on the question of separation twice since Canadian confederation. The period of the 1960s in Quebec saw the emergence of a 'Quiet Revolution' in which Quebec developed into a confident, assertive province insistent on greater governmental powers in order to protect its language

and culture (Clarke 1996). Regional cleavages based on these sociocultural and linguistic particularisms nurtured the growth of Quebecois nationalism, and radical voices in turn demanded a sovereign state (Clarke 1996). Despite growing nationalist sentiment, the 1980 separatist referendum produced a 'non' result, with Pammett and Leduc (2001) identifying a belief in the "Canadian political community", reluctance in engaging in major institutional change, as well as a simple effect for the country of Canada as reasons for this result. Pammett and Leduc (2001) further argue that the widely held respect and high approval of Canadian federalist prime minister Pierre Trudeau had an effect on the result as well. While provincial premier Rene Lévesque, leader of the 'oui' campaign, was at the height of his popularity, Trudeau also maintained a high degree of support in the province. As the two key leaders of both sides of the campaign, their coinciding popularity likely blunted any potential dramatic effects that either might have had in affecting voter outcome (Pammett & Leduc 2001).

In response to the increasing popularity of Quebec separatism in the fifteen years since the first failed referendum, Quebec's provincial government decided to call a second referendum in 1995 (Pammett & Leduc 2011). Jacques Parizeau, the 1994 Parti Quebecois leader and newly elected premier, aimed to convince voters that sovereignty would not cost Quebecers the socio-economic benefits that they believed came with membership within the Canadian political system (Clarke & Kornberg 1996). The second sovereignty referendum in Quebec was held on October 30th, 1995 and, as put by po-

litical scientist Harold D. Clarke (1996), failed by a “proverbial eyelash”. When Quebec asked its voters if they “agreed that Quebec should become a sovereign nation after having made a formal offer to Canada for a new economic and political partnership”, 93.5% of eligible voters turned out at the polls. 50.6% of valid votes were ‘non’ and 49.4% were ‘oui’ (Clarke 1996). It was the narrowest of majorities, but nevertheless one that prevented the materialization of a sovereign Quebec.

Scholars suggest that in the case of referendums, long and short term factors are important in explaining the individual behaviour of voters (Pammett & LeDuc 2001). While basic social cleavages can impact which side of the cause the voter will find themselves on, they decline in explanatory power when combined with long and short term attitudinal factors of the movement (Pammett & LeDuc 2001). Short term factors in the 1995 Quebec result included the perceived support of parties and leaders involved in the referendum. The low level of popularity of premier Jacques Parizeau has demonstrably contributed to the underwhelming ‘oui’ support on voting day (Fox & Dubonnet 1999). Parizeau was widely perceived to be an ineffective leader and even ceded his role as head of the separatist movement to Bloc Quebecois leader Lucien Bouchard in an attempt to gain support that he himself had not been able to achieve (Fox & Dubonnet 1999; Pammett & LeDuc 2001). Polling data among voters proved that if Parizeau’s support had been as great as René Lévesque’s in 1980, then the sovereigntists would have secured enough extra votes for the referendum to have narrowly passed

(Clarke & Kornberg 1996).

Long term factors affecting voters attitudes towards the separatist movement involved the uncertainty of the relationship between a sovereign Quebec and Canada, as Quebecers were assured that the province would become a sovereign nation even in the result that talks regarding the proposed new political and economic relationship fell through after the one year time limit expired (Pammett & LeDuc 2001). Support for the sovereigntists had grown tremendously as voting day drew nearer, driving federal politicians to break their strategy of silence and appeal directly to separatists in Quebec. Prime minister Jean Chrétien gave an emotional speech in parliament where he declared that he would not allow Canada to be “shattered by a narrow majority on an ambiguous question” and pleaded to Quebecers on national television to “not take the fatal step of destroying Canada” (Clarke & Kornberg 1996). Finance minister Paul Martin forcefully declared that Canada would not enter into economic partnership with a sovereign Quebec, which would be treated as foreign post-separation (Clarke & Kornberg 1996). In the last weekend before the referendum, thousands of Canadians participated in a massive rally in Montreal to demonstrate the depth of their affect for a united Canada. While sovereignty was indeed a popular concept among Quebecers, 63% of respondents in a survey declared that they were either very or somewhat favourably disposed to sovereignty combined with a continuing association with Canada (Clarke & Kornberg 1996). Since this did not appear to be possible according to top federal officials, it appears as though enough of

Quebecers backed out of their ‘oui’ support at the crucial time of the vote to instead support a Canada united. 46% of voters polled were in support of outright independence, which seemed at the time to be the only probable outcome if the referendum had been successful (Clarke & Kornberg 1996).

The Case of Scotland

Nearly two decades later, the people of Scotland were given their own opportunity to choose whether or not they wanted to remain a part of the United Kingdom. This referendum was different from Quebec’s as it was arranged by the Scottish government in conjunction with the national government of the UK. Its outcome was to be a legally binding, decisive expression of the views of the people in Scotland, and a result that everyone was to respect (Tierney 2013; Bieri 2014). On September 18, 2014, 84.6% of Scots turned out to answer the question ‘Should Scotland be an independent country?’ and 55.3% answered ‘no’ (Chikhoun 2015).

The separatist sentiment in Scotland was first mobilized in the interwar years, with the forming of Scotland’s Scottish National Party (SNP) in 1934 (Duclos 2020). The SNP, an ideologically coherent, left-wing party, would eventually form a majority government within Scotland’s national government and use this majority result as a claim to legitimize the desire to hold a separatist referendum (Bieri 2014; Duclos 2020). The notion of Scottish independence grew stronger at the advent of the 21st century, when key actors in the movement began to promote distinct identities and empha-

size differences between Scottish and English societies, serving to further legitimize claims for self-determination (Bieri 2014). The economic crisis in Europe also fanned the desire for autonomy, as the movement believed that independence would bring Scotland certain advantages in the global political economy (Bieri 2014).

The question remains of why more than half of Scottish voters on that September day voted to remain in the United Kingdom. Arguably the most significant reason was the crucial question of whether a newly independent Scotland would be able to retain EU membership or be forced to submit a new application (Bieri 2014). Never before had a part of an EU member state broken away while simultaneously seeking to remain within the EU (Tierney 2013). The EU commission president at the time said that a new application would indeed be required, and the Spanish prime minister, who had been dealing with separatist sentiment within his own country, publicly stated that a country that separated from an EU member would remain outside of the EU

(Chikhoun 2015). The commission president concurred that it would be difficult, if not impossible, to get the approval of all 28 member states, as Spain itself was so publicly against sub-state separation (Chikhoun 2015).

General fears that Scotland would not constitute a viable state also prevailed among the Scottish people, and this great uncertainty of the economic future of Scotland likely dissuaded voters from risking it all to become independent (Chikhoun 2015). Fears that their lives would change in a negative way by being

forced to leave the EU, as well as having to find a new currency, likely contributed to the majority ‘no’ result (Chikoun 2015). The Scottish independence movement dreamt of a future in which a sovereign Scotland employed a Scandinavian style welfare state with an alternative model to the Westminster system of government (Bieri 2018; Chikhoun 2015). However, the opposition was weary that Scotland would not be able to finance this type of state on its own, arguing that partnership with the UK was the best way for Scotland to prosper (Chikoun 2015). In fact, scholar Chris Kostov asserts that in modern times, the dominant form of political nationalism in Scotland was in truth unionist and not separatist (Duclos 2020). In the Scottish context, unionist nationalism means that political actors do not wish to challenge the legitimacy of an Anglo-Scottish union, but instead want to improve its quality. This is accomplished by defending Scotland’s place as a partner to England “equal in dignity”, while still remaining within the UK’s existing institutional framework (Duclos 2020). Ultimately, the demands for independence served as leverage for the Scottish leaders to apply pressure on the central government in London (Bieri 2018). The promise of additional taxation powers, jurisdictions, and autonomy rights for Scotland, secured by the SNP, served to further diminish support for sovereignty among the voting Scots (Bieri 2018). It is likely that these political gains for the Scottish people, combined with the risk of losing EU membership, and the socioeconomic security that comes with being a member of an economic hegemon, convinced the people of Scotland to remain united.

National Identity and Multiculturalism Scotland and Quebec

While the debate over Quebec’s political status has been near the forefront of Canadian politics for decades, the same cannot be said for the Scottish question in UK politics (Belanger et al. 2018). National identity remains a major dimension within independence movements with special regards to diversity and language, and both the SNP and Quebec separatist parties have strongly emphasized immigration and integration in their party manifestos (Belanger et al. 2018). However, each have taken different stances with regard to this integration. The SNP emphasizes the need to recognize and accommodate the cultural and religious diversity that migrants bring to Scotland, whereas the Parti Quebecois has placed more emphasis on the need for migrants to assimilate to a secular society mainstream in Quebec, learn French, and adopt Quebecois values in order to be successfully integrated into its community (Belanger et al. 2018). Whereas Gaelic is spoken by less than 1% of the population and is seen as a peripheral issue in Scotland, the French language is regarded as a cornerstone of Quebec identity, and fears of francophones becoming a minority in their own province have, in part, driven the more assimilationist approach to Quebec culture (Belanger et al. 2018). The sovereignty question in Quebec was a much more polarizing issue among voting Quebecers partly because Canada’s multiculturalist approach was a core grievance among nationalists (Belanger et al. 2018). The ‘yes’/‘no’ margin in the Scotland referendum was noticeably wider than Quebec’s, and at the time Scotland and the rest

of the UK shared a more similar position on the matter of multiculturalism (Belanger et al. 2018). It appears as though diversity and cultural integration was less central of a concern for the independence movement in Scotland when compared to Quebec.

Conclusion

Ultimately, the key factor for both failed referendums can be understood as the uncertainty of what the future might have held for an independent Scotland or an independent Quebec. Scottish sovereigntists imagined a socialist centric state where EU membership is valued. However, the people of Scotland had the cognizance to recognize that as a small population, they would not have had the resources to independently achieve the type of socio-economic welfare state that they envisioned in the event of independence. Quebecers on the other hand very narrowly opted to remain a part of Canada. This was because the alleged economic and political partnership that Parizeau was proposing had not actually been formally arranged with the Canadian federal leadership. In fact, just two weeks prior to the vote, Paul Martin announced that one million jobs would be jeopardized in the event that the referendum yielded a 'oui' result (Fox & Dubonnet 1999). These fears of economic turmoil combined with general distrust and dislike for premier Parizeau stirred enough uncertainty among Quebecers for them to just barely reject independence, seemingly putting the issue to rest. Scotland and Quebec remain two cases in which distinct cultural nations exist within a broader economic and political territory. At

different points in history, both questioned their role and relationship as members of a diverse state, and considered the idea of forging a path where they could be the arbiters of their own future. In the end, both opted to remain.

Bibliography

- Bélanger, Éric, Richard Nadeau, Alisa Henderson, and Even Hepburn. (2018). *The National Question and electoral Politics in Quebec and Scotland*. McGill-Queen's University Press.
- Bieri, Matthias. (2014). Separatism in the EU. In *Eidgenössische Technische Hochschule Zurich*, Sep 2014.
- Chikhoun, Laurent. (2015). "The Scottish Independence Referendum Result: A Question of Interdependence." *The Liverpool Law Review*, 36 (3): 203–210. <https://doi.org/10.1007/s10991-015-9172-9>
- Clarke, Harold D., Matthew Goodwin and Paul Whiteley. (2019). *Brexit: Why Britain Voted to Leave the European Union*. Cambridge University Press.
- Clarke, Harold D. and Allan Kornberg. (1996). "Choosing Canada? The 1995 Quebec Sovereignty Referendum." *PS, Political Science & Politics*, 29 (4): 676–682. <https://doi.org/10.2307/420791>
- Fox, Andersen J. and Joseph Dubonnet. (1999). "The Polls and the 1995 Quebec Referendum." *Canadian Journal of Sociology*, 24 (3): 411–424. <https://doi.org/10.2307/3341396>
- Duclos, Nathalie. (2020). The Scottish independence movement in the 21st century. In *Separatism and Regionalism in Modern Europe*, edited by Chris Kostov, 225–248. Logos Verlag Berlin.
- Mattern, Johannes. (1920). *The Employment of the Plebiscite in the Determination of Sovereignty* (No. 3). Johns Hopkins Press.
- Mendez, Fernando and Micha Germann. (2018). "Contested Sovereignty: Mapping Referendums on Sovereignty over Time and Space." *British Journal of Political Science*, 48 (1): 141–165. <https://doi.org/10.1017/S0007123415000563>
- Pammett, Jon H. and Lawrence LeDuc. (2001). "Sovereignty, Leadership and Voting in the Quebec Referendums." *Electoral Studies*, 20 (2): 265–280. <https://doi.org/10.1017/S0261809901000056>

org/10.1016/S0261-3794(00)00018-4

Tierney, Stephen. (2013). *Legal Issues Surrounding the Referendum on Independence for Scotland*. University of Edinburgh.

Qvortrup, Matt. (2018). The history of referendums and direct democracy. In *The Routledge Handbook to Referendums and Direct Democracy*, edited by Laurence Morel and Matt Qvortrup, 11-26. Routledge. <https://doi.org/10.4324/9780203713181-2>

Qvortrup, Matt. (2013). "The 'Neverendum'?: A History of Referendums and Independence." *Political Insight* (Political Studies Association of the United Kingdom), 4 (2): 4–7. <https://doi.org/10.1111/2041-9066.12013>



Comparing the European Union's Sanctions Against Russia in 2014 vs. 2022: Energy Dependence as a Tool of Political Divergence

Jacqueline Pelayo, University of British Columbia

Edited by Sophia Khiavi and Anna Hayes

ABSTRACT

The Russia-Ukraine War, stemming from the illegal annexation of Crimea in 2014, encountered a turning point on February 24, 2022, when Russia launched a full-scale invasion of Ukraine. This paper conducts a comparative analysis of the economic sanctions imposed by the European Union (EU) against Russia in 2014 and 2022 and shows that energy dependence in Europe is a heavy influence on EU-Russian policy. The evidence suggests that, following 2014, EU countries prioritized their economic interests over human rights interests and continued to expand energy imports from Russia, disregarding Ukrainian sovereignty and failing to implement comprehensive sanctions. This was partly due to the fact that energy dependence was a tool for political divergence within the EU. In contrast, the traditional warfare in 2022 was seen as a disruption to the international order, leading the EU to impose harsh, punitive sanctions. These actions came at a cost as its reliance on Russian energy caused an EU energy crisis. Nonetheless, a silver lining in EU energy policy emerges as the region halts Russian manipulation, ensures energy security, and accelerates the transition to renewable energy sources.

Introduction

An undiversified and unreliable pool of energy resources bears extreme risk to exogenous variables, exemplified by the current case in the European Union (EU). Since Russia's illegal annexation of Crimea in 2014, scholars have argued that the trade of oil and gas energy is a tenet pillar of EU-Russia relations, and they have thus questioned Russia's reliability as an energy partner (Siddi 2022). After ignoring experts' warnings to diversify its energy suppliers, the EU now faces a massive energy crisis. This paper seeks to fill a gap in the literature on the EU's inconsistent response between 2014 and 2022 by answering the following questions: how did the EU's response to the 2014 illegal annexation of Crimea differ from its response after February 24th, 2022? And how did energy dependence influence these reactions?

This paper suggests that the EU's response to the 2014 crisis was weak, and economic sanctions were largely symbolic in nature. European countries failed to coordinate strong, comprehensive sanctions against Russia and instead focused on expanding trade relations, particularly in the energy sector. In contrast, Russia's full-scale invasion of Ukraine in 2022 prompted the EU to overcome its reliance on Russian energy and agree to harsh, isolating economic sanctions against Russia.

Literature Review on 2014-2022/of EU's Different Reactions in 2014 and 2022

EU-Russia relations have received vast scholarship attention since 2014, especially with regards to energy relations. Siddi (2022) argues that academic publications have tended

to lean toward the pessimistic side, noting that energy supply has been a tenet of their economic relationship and that 2014 marked the beginning of a long-term regional crisis. The author compared works on EU-Russia relations between 2014 and 2021. Cross and Karolewski's book, *European-Russian Power Relations in Turbulent Times*, claimed that the EU had adapted to Russia's increasing boldness since the early 2010s. This coincided with van Bergeijk's (2022) argument regarding the EU's failure to establish a firm stance in response to Russia's illegal annexation of Crimea in 2014. Van Bergeijk argues that, since 2014, the EU lost its credibility to impose smart, comprehensive, and broad-based sanctions that would have a significant impact on the Russian economy—at least to a point that it would stop the Kremlin from continuing to pursue its geopolitical goals. Both Siddi (2022) and van Bergeijk (2022) concur in the notion that, following 2014, Putin's government increased its political resiliency and became more autocratic whereas the EU lost credibility in imposing comprehensive sanctions.

Thane Gustafson's book, *The Bridge: Natural Gas in a Redivided Europe*, discusses how Russia became Europe's largest and most competitive gas supplier. Siddi concludes that energy trade is the most vital economic facet of EU-Russia relations, and among all the politically-sensitive energy sources, gas remained the primary one. Prisecaru's (2022) analysis argues that the eurozone's lack of diversification in the energy supply is deeply grounded in the EU's liberalization of energy markets in 1996. This movement granted private companies the

authority to procure and secure energy for their respective nations. These companies, driven by economic incentives, disproportionately leaned towards cheap Russian energy prices, thereby subordinating supply diversification and energy security for the EU.

Prior to the 2022 invasion, Johanneson and Clowes (2020) examined the economic and business causes of the Russia-Ukraine War in 2014. Because Russia is highly dependent on exporting gas to Europe through Ukraine, the Kremlin would lose privileged access to its energy deposits and pipeline system if Ukraine joined the EU. Therefore, Russia's aggression towards Ukraine was grounded in the threats it perceived to the security of its energy market. Although this prediction of Russian motives was not shared by other scholars (e.g., Snyder, Gardels, Rutland, and Tsygankov), it does allude to the importance of Russia's energy market, the interconnected relationship with different spheres of European affairs, and how it shapes the Kremlin's geopolitical and military targets.

Post Russia's full-scale invasion of Ukraine in 2022, scholars, such as Prisecaru, Osička, and Černoch, discussed the collateral effects of the invasion on the EU's energy insecurity. Prisecaru (2022) argued that the Russia-Ukraine War revealed the eurozone's strong reliance on Russian fossil fuel imports. Prisecaru called for the EU to overhaul its energy security strategies. They should distance themselves from Russian imports and decrease the use of fossil fuels altogether. Likewise, Osička and Černoch (2022) examined the silver lining of the 2022 EU energy crisis. Their article

analyzed how Russia weaponized its gas supplies to Europe. Although this caused an energy crisis across the continent, the EU could seize the moment to transition to renewable energy sources. Nonetheless, these authors warn that the EU must be careful and strategic to prevent a social fallout (i.e., an unintended negative consequence that arises from a political decision), given that energy price spikes impact household and business operations. Overall, within the academic community, there appears to be a gap in the analysis and comparison of the EU's different reactions to Russian aggression in both 2014 and 2022, as well as in the examination of the underlying reasons and consequences behind them.

The EU's Response to Russian Aggression Between 2014 and 2021

After Russia's illegal annexation of Crimea, Germany immediately rose to become a pivotal player in the agenda-setting and decision-making process towards EU sanctions against Russia. This came about for two reasons. Firstly, Germany has the largest economy in Europe, which gives it significant influence in the EU. Secondly, Germany was more reliant on Russian energy suppliers, compared to the EU average. In 2014, Russian sources accounted for 39% of Germany's oil imports and 36% of its natural gas imports (Fuchs 2014). Additionally, Germany is the EU country that expanded most of its energy trade relations with Russia between 2014 and 2021 due to its investment in the construction of Nord Stream 2, a new \$11 billion undersea gas pipeline through the Baltic Sea (BBC News 2022). This high stakes

investment, paired with Germany's gas imports from Russia peaking at 55% in imports in 2021, signified Germany's high degree of vulnerability toward Russian energy exports (BBC News 2022).

The EU's initial response to the illegal annexation of Crimea in 2014 was primarily spearheaded by Germany's chancellor Angela Merkel (Kundnani & Pond 2015). Merkel, who is fluent in Russian, engaged in direct talks with President Putin during the crisis, requesting that he pull back from Ukraine. Once the issue reached higher-level discussions in the European Council, Germany initially resisted the idea of sanctions and lobbied for the EU to engage in diplomatic talks with the Kremlin.

Notably, in 2014, Germany already had direct energy trade relations with Russia via the Nord Stream 1 gas pipeline inaugurated in 2011 while the Nord Stream AG expansion project (i.e., Nord Stream 2 pipeline) was under evaluation (European Commission 2022). Nord Stream 2, a route from Russia to northern Germany via the Baltic Sea, signified a supply of secure and relatively inexpensive gas to Germany and other European countries that already received a supply from Nord Stream 1 (Siddi 2022). Critics argued that Merkel responded mildly to Moscow due to the perceived influence of a German pro-Russian business lobby during the decision-making process at the European Council (Kundnani & Pond 2015).

The official European Union response in 2014 was not much different from the interests of Germany. The critical tone of the political discourse that the EU released was, to a certain extent, incongruent with its actions.

On March 1, 2014, the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, stated, "I call on all sides to decrease the tensions immediately [...]. The unity, sovereignty and territorial integrity of Ukraine must be respected at all times and by all sides. Any violation of these principles is unacceptable" (EEAS 2014,1). This statement implies that the EU was deeply concerned about Ukraine's sovereignty and Russia's "unacceptable" behaviour and that it would not hesitate to take strong, punitive measures against Russia. Nonetheless, the EU's actions expressed the contrary. After the illegal annexation of Crimea in 2014, scholars argued that the EU's response was weak, naive, and inefficient (van Bergeijk 2022; Siddi 2022).

During the pseudo-referendum for Russia's annexation of Crimea (i.e., an illegitimate and widely controversial referendum held by Russia to justify the annexation of the region into the Russian Federation), the EU imposed targeted sanctions, also known as smart sanctions, in the form of travel restrictions and by freezing the assets of 151 individuals and thirty-seven (Aleksashenko 2016). However, studies have demonstrated that financially hitting oligarchs and officials through targeted sanctions has an insignificant effect on altering Putin's political and military decisions (van Bergeijk 2022). Targeted sanctions (e.g., asset freezes, travel bans) mainly impose costs on specific individuals or sectors and thus, have minimal impact on the broader economy. Conversely, comprehensive sanctions (e.g., restrictions on imports and exports, limitations to financial transactions) have a more widespread

effect as they have a broader impact on the receiving country's political economy. They affect multiple economic sectors, access to goods and services, and overall economic stability. The EU's 2014 sanction packages against Russia, mostly in the form of travel bans and asset freezes, were merely targeted sanctions, instead of comprehensive sanctions.

Van Bergeijk (2022) argues that all sanctions have a low success rate: comprehensive sanctions have a 66% failure rate and targeted sanctions have an 80% to 90% failure rate. This refers to the percentage of cases where sanctions did not achieve their intended objectives. Although the failure rate for comprehensive sanctions is still high, they are comparatively more effective than targeted sanctions. Arguably, countries that implement targeted sanctions are aware of the low repercussions that they have on the sending and receiving countries. Therefore, they are predominantly symbolic.

Furthermore, the EU's 2014 economic sanctions against Russia did not target Russia's primary source of foreign currency income: energy exports. A boycott of Russia's energy exports would have severe repercussions on Russia's economy; however, the EU did not choose to pursue this because it would also harm itself. Russian gas pipelines beside Nord Stream 1, such as Yamal, Turk Stream, and Blue Stream, supplied 23% of European gas consumption in 2014 (Kirby 2014). European politicians and the media expressed awareness that negative relations with Russia would impact their supply of Russian energy. In a March 2014 press conference, Polish then-Prime Minister

Donald Tusk expressed, "Germany's dependence on Russian gas may effectively decrease Europe's sovereignty. I have no doubts about that" (Reuters Staff 2014, 4). Therefore, European reliance on Russian energy influenced EU politicians in the decision-making process. In fact, the energy dependence between Russia and many European countries created challenges for the EU in reaching a collective decision on economic sanctions against Russia (Adérito 2022).

Put simply, the EU's 2014 targeted sanctions against Russia were an easy way out for the EU to avoid experiencing a fallout with Russian energy supplies. This knowingly un-harmful course of action was delivered in conjunction with a symbolic message: a statement to the international community that the EU condemned Russia's actions against international law. At the same time, the EU's response also overlooked the sovereignty of Ukraine by downplaying the significance of the breach of territory within the country. A major contributing factor to this is Ukraine's location and historical ties with the Soviet Union, which made the international community view it as part of Russia's sphere of influence (Valenza 2022). Eventually, this allowed the EU to continue its energy trade relations with Russia throughout the latter half of the 2010s.

In actuality, Russia's aggression in Crimea and Donbas in 2014 did not prevent European countries from continuing to pursue further energy trade relations with Russia. The EU failed to recognize that the more it increased energy trade relations with Russia, the more its bargaining power decreased. This left European

countries in vulnerable positions when it came to energy security, and essentially, European countries that relied highly on Russian energy imports were left at the mercy of the Kremlin's directives in energy policy.

The EU's response to Russia's illegal annexation of Crimea in 2014 has been criticized for its weakness. In particular, critics argue that it highlighted Europe's vulnerability to Russia and the EU's inability to properly organize comprehensive sanctions (van Bergeijk 2022). It lost its reputation as a credible and threatening organization able to penalize a country that commits illegal actions using comprehensive sanctions (van Bergeijk 2022). On February 24, 2022, the EU's past failure to deter Russian expansionism and prevent European reliance on Russian energy was emphasized with Russia's invasion of Ukraine and the emergence of the EU energy crisis (Adérito 2022).

The EU's Response to Russian Aggression in 2022

Russia's full-scale military invasion of Ukraine began on February 24, 2022, and signified that traditional warfare was happening within an EU-bordering country. The perceived threat to the EU was considerably higher compared to the Crimean Crisis of 2014 due to the geographical proximity of war, resulting in heightened, real-time security concerns for Ukraine's European neighbours. Due to existing Russian energy dependence posing a large threat to the European economy, the 2022 Russian invasion of Ukraine became a multi-issue affair for the EU. European countries had con-

tinued to develop their energy trade relations with Russia between 2014 and 2021, such that by 2021, EU countries imported a total of 155 billion cubic metres of Russian natural gas, summing up to 45% of the EU's total gas imports (IEA 2022a).

Unlike in 2014, the EU's critical political discourse regarding Russia's invasion of Ukraine did match its actions. On February 24, 2022, the High Representative of the Union for Foreign Affairs and Security Policy, Josep Borrel, stated, "The European Union will respond in the strongest possible terms" (EEAS 2022, 3). This time, the EU committed to implementing the most punitive series of sanctions in its history, and thus far, it has carried through by blocking access to key technologies and markets. Similar to 2014, travel restrictions were imposed, and assets were frozen, but to a much larger extent—totalling 205 entities and 1473 individuals (European Council 2023).

Particularly, comprehensive trade sanctions were implemented across different sectors. Import and export bans limited much of the trade flow between Russia and European countries. Import bans include restrictions on crude oil, refined petroleum products, coal, steel, gold, cement, wood, paper, plastics, seafood, liquor, cigarettes, and cosmetics. Export bans include cutting-edge technology, some transportation equipment, certain oil refining goods, energy industry equipment, aviation and space industry goods, maritime navigation goods, dual-use goods, luxury goods, and firearms (European Council 2023). These punitive measures against Russia have been far more effective than those in 2014, considering that

the Kremlin's decisions have caused Russian citizens to be confronted with daunting levels of unemployment, inflation, expensive credit costs, travel bans, capital controls, food crises, and shortage of goods—all of which have contributed to civilian anti-war demonstrations and protests. As of November 2022, more than 19,000 Russian protesters have been detained due to widespread disapproval of the war (Kara-Murza 2022), highlighting the immense economic turmoil that the Kremlin's actions have brought upon the nation.

Bans on Russian media outlets and sanctions on transport are other measures the EU has employed. The EU banned Russian and Belarusian road transportation into the EU to disrupt road trade and to restrict Russia's capacity to obtain goods. All types of Russian carriers are banned from flying over EU airspace, and the EU has closed its ports to over 2,800 Russian vessels (European Council 2023). The EU executed financial sanctions as well, banning the Society for Worldwide Interbank Financial Telecommunications (SWIFT) from ten Russian and four Belarusian banks, which targets their ability to access secure and efficient communication among global financial institutions (e.g., access foreign currency or transfer assets abroad). This magnifies the impact of economic sanctions because it damages business operations and oligarchs' assets (van Bergeijk 2022).

To date, the energy sector has suffered the greatest impact in EU-Russia trade relations. In May 2022, the EU agreed on a compromised deal to ban up to 90% of oil imports from Russia by the end of 2022 (European Council 2023). Likewise, in December 2022, a price

cap on Russian crude oil was set to \$60 per barrel, notably after it surpassed \$100 per barrel that year, and in February 2023, the EU banned refined petroleum products after discovering a loophole in EU sanctions that allowed for ongoing imports of refined Russian oil (European Council 2023). However, Russian gas remains untouched as of February 2023, and no sanctions on this energy source have been agreed upon. This is because Europe heavily relies on Russian gas to sustain operations in both households and industry, considering that Russia supplied 40% of the EU's total gas consumption in 2021 (IEA 2022a). Additionally, banning the import of gas is politically sensitive in nations that are highly vulnerable to fluctuations in the supply of Russian gas. However, the amount of gas currently supplied by Russia to the EU is reportedly negligible (BBC News 2022). During the first ten months of 2022, pipeline-based Russian gas supply decreased over 55%, dropping 80 billion cubic metres compared to levels observed in 2021 (IEA 2022b), and Russian gas imports in early 2023 sit above 10% compared to 2021 levels. Overall, the evidence has demonstrated a noteworthy reduction in the inflow of oil and gas imports subsequent to Russia's invasion of Ukraine.

This steep decline in Russian gas imports is less of a consequence of EU actions but rather a consequence of the decisions of the Kremlin to weaponize its gas supplies. Osička and Černoch (2022) claim that "Russia has made natural gas what renewable energy used to be: unreliable and expensive" (1). Arguably, Putin is using energy blackmail as a strategy to meet its geopolitical goals during the war: by plum-

meting Europe into an energy (and economic) crisis, it would weaken the West in order to break and decrease support for Ukraine. The EU is facing an energy shortage and economic crisis because of its reliance on Russian energy supplies and Putin's weaponization of its energy sources, which can be observed by an 8% inflation rate in 2022 and an expected 7% in 2023 in the eurozone (OECD 2022). As a result of this crisis, EU countries are scrambling to fill their energy supply from alternative sources.

Although the EU accomplished meeting its energy supply goals for the 2022-2023 winter season, the real challenge for full independence lies in the 2023-2024 season (IEA 2022b). This creates tensions among civilians and politicians; however, Osička and Černoch (2022) argue that the energy crisis brings optimism and opportunities for the EU's future in terms of energy sources. It is predicted that in the short-term, the EU will shift away from Russian manipulation and decrease their trade dependence on the Russian Federation. In the medium-run, European countries will diversify their energy suppliers, thus increasing their energy security. Finally, in the long-term, the EU energy crisis will be a strong lesson for Europe to accelerate their transition from fossil fuels to renewable energy sources, which is essential to mitigating climate change and reducing greenhouse gas emissions. While diversifying gas supply in the short-term may seem a challenge for the EU, the benefits of transitioning to cleaner energy sources will ultimately benefit the national security of European countries (IEA 2022a).

Nonetheless, Osička and Černoch (2022) also warn that the EU must be extreme-

ly coordinated in its response. Failure to do so may result in a social crisis characterized by civil unrest and protests, eventually leading to a political crisis marked by anti-EU sentiments. This, in turn, could trigger a legitimacy crisis, resulting in a loss of public trust and confidence, and ultimately, the risk of European fragmentation. The International Monetary Fund writes, "the energy crisis poses an immense challenge that no European state can navigate alone" (Zettermeyer et al. 2022, 8). This demonstrates the enormous risk that Europe bears if EU nations do not coordinate their response.

Considering the EU's 2014 response, February 24, 2022 marked a turning point for Brussel's approach to Moscow. The soft and symbolic approach to Russia since 2014 only emboldened Russia by making it more resilient, autocratic, and powerful, while the EU grew more vulnerable to and reliant on Russian energy supplies. Nonetheless, following Russia's invasion of Ukraine in 2022, the EU started implementing more restrictive measures to penalize Russia for its actions, as discussed in this section.

Conclusion

The evidence contained in this paper demonstrates that the EU's response to Russia's illegal annexation of Crimea in 2014 is significantly different from its response to Russia's invasion of Ukraine on February 24th, 2022. This comparative analysis of sanctions validates that the EU did not act decisively in 2014 and gave the illegal annexation of Crimea little importance, which can be partially attributed to Germany's influence as it stood to benefit from

such actions. The role of energy dependence as a tool for political divergence within the EU was highlighted by the EU's failure to collectively agree upon comprehensive sanctions that would deter Russia from continuing to pursue its geopolitical goals. The weak, targeted sanctions that were imposed following Russia's 2014 violations were merely symbolic and did not change the course of the Russia-Ukraine War. At the same time, the EU's response overlooked the sovereignty of Ukraine by belittling the breach of international law in Crimea, and EU countries continued to strengthen energy trade relations with Russia, particularly with the construction of the Nord Stream 2 gas pipeline.

The fostering of EU-Russian energy relations enabled Russia to weaponize its energy supplies against European countries in reaction to the stronger EU sanctions after February 24th, 2022. Overall, energy dependence played a large factor in determining the response of the EU; however, Russia's full-scale invasion of Ukraine was a turning point for Brussel's approach to Moscow. The European Union overcame its hesitancy to wean off Russian energy dependence and implemented strong, comprehensive sanctions against Russia. The 2022 EU sanctions against Russia differ significantly from those imposed in 2014, as the Kremlin's invasion of Ukraine not only posed a threat to the international order but also jeopardized the security of European countries. This concern was further intensified due to Ukraine's political alignment with the EU, as it favoured closer ties with the EU over Russia. Despite the challenge that the EU faces in the short-term to re-

duce its dependence on Russian energy sources, there is a silver lining to this predicament, as the transition to cleaner energy sources and increased energy security is expected to provide long-term benefits to the eurozone.

Bibliography

Adérito, Vicente. 2022. "Why Europe slept? The failure to prevent the war in Ukraine." European Leadership Network. May. Accessed 16 December 2022. <https://www.europeanleadershipnetwork.org/commentary/why-europe-slept-the-failure-to-prevent-the-war-in-ukraine/>

Aleksashenko, Sergey. 2016. "Why and how was Russia sanctioned?" Evaluating Western Sanctions on Russia. Atlantic Council. <http://www.jstor.org/stable/resrep03689.4>.

BBC News. 2022. "Nord Stream 1: How Russia is cutting gas supplies to Europe." BBC News. 29 September. Accessed 16 December 2022. <https://www.bbc.com/news/world-europe-60131520>

EEAS. 2014. "Statement by EU High Representative Catherine Ashton on the developments in Ukraine's Crimea." European Union External Action Service (EEAS). March. Accessed 16 December 2022. https://www.eeas.europa.eu/_en

EEAS. 2022. "Russia's aggression against Ukraine: Press statement by high representative/vice-president Josep Borrell." European Union External Action Service (EEAS). 24 February. Accessed 16 December 2022. https://www.eeas.europa.eu/eeas/russias-aggression-against-ukraine-press-statement-high-representativevice-president-josep_en

European Commission. 2022. "EU trade relations with Russia." European Commission. Accessed 16 December 2022. https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/russia_en

European Council. 2022. "EU sanctions against Russia explained." Council of the European Union. Accessed 16 December 2022. <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/sanctions-against-russia-explained/>

Fuchs, Richard. 2014. "Germany's energy dilemma." Deutsche Welle. 29 March. Accessed 11 March 2023. <https://www.dw.com/en/germanys-russian-energy-dilemma/a-17529685>

IEA. 2022a. "How Europe can cut natural gas imports from Russia significantly within a year - news." International Energy Agency. 1 March. Accessed 16 December 2022. <https://www.iea.org/news/how-europe-can-cut-natural-gas-imports-from-russia-significantly-within-a-year>

———. 2022b. "Never too early to prepare for next winter – analysis." IEA. November. Accessed 11 March 2023. <https://www.iea.org/reports/never-too-early-to-prepare-for-next-winter>

Johannesson, Jokull, and Clowes, David. 2020. "Energy Resources and Markets – Perspectives on the Russia–Ukraine War." *European Review*, 30(1), 4–23. <https://doi.org/10.1017/s1062798720001040>

Kara-Murza, Evgenia. 2022. "Wife of jailed Russian Opposition Leader accepts UN Watch Human Rights Award, reads letter from prison." UN Watch. 18 November. Accessed 11 March 2023. <https://unwatch.org/wife-of-jailed-russian-opposition-leader-accepts-un-watch-human-rights-award-reads-letter-from-prison/>

Kirby, Paul. 2014. "Russia's gas fight with Ukraine." BBC News. 31 October. Accessed 16 December 2022. <https://www.bbc.com/news/world-europe-29521564>

Kundnani, Hans, & Pond, Elizabeth. 2015. "Germany's Real Role in the Ukraine Crisis: Caught Between East and West." *Foreign Affairs*, 94(2), 173–177. <http://www.jstor.org/stable/24483496>

OECD. 2022. *OECD Economic Outlook*, 2022(2). <https://doi.org/10.1787/f6da2159-en>

Osička, Jan, and Černoch, Filip. 2022. "European energy politics after Ukraine: The road ahead." *Energy Research & Social Science*, 91, 102757. <https://doi.org/10.1016/j.erss.2022.102757>

Prince, Todd. 2022. "'I'm in shock': Russians brace for hardship as putin's war on Ukraine plunges economy into crisis." *RadioFreeEurope/RadioLiberty*. 2 March. Accessed 16 December 2022. <https://www.rferl.org/a/russia-economic-shock-hardship-ukraine-invasion/31732913.html>

Prisecaru, Petre. 2022. "The war in ukraine and the overhaul of EU energy security." *Global Economic Ob-*

server, 10(1), 16-25. <https://www.proquest.com/scholarly-journals/war-ukraine-overhaul-eu-energy-security/docview/2678518982/se-2>

Reuters Staff. 2014. "Germany's dependence on Russian gas poses risks for Europe - Polish PM." Reuters. 10 March. Accessed 16 December 2022. <https://www.reuters.com/article/poland-germany-ukraine-idUSL6N-0M71JA20140310>

Siddi, Marco. 2022. "The partnership that failed: EU-Russia relations and the war in Ukraine." *Journal of European Integration*, 44(6), 893–898. <https://doi.org/10.1080/07036337.2022.2109651>

Valenza, Domenico. 2022. "Russia's cultural diplomacy in the post-Soviet space: The making of "one people."" *Eurasian Geography and Economics*, 1–32. <https://doi.org/10.1080/15387216.2022.2025880>

van Bergeijk, Peter A. G. 2022. "Sanctions against the Russian War on Ukraine: Lessons from history and current prospects." *Journal of World Trade*, 56(Issue 4), 571–586. <https://doi.org/10.54648/trad2022023>

Zettelmeyer, J., Tagliapietra, S., Zachmann, G., & Heussaff, C. 2022. "Beating the European Energy Crisis." IMF. December. Accessed 16 December 2022. <https://www.imf.org/en/Publications/fandd/issues/2022/12/beating-the-european-energy-crisis-Zettelmeyer>



IRSAM

IRSAM Inc. - The International Relations Students' Association of McGill
3480 Rue McTavish, Suite 410, Montréal, Quebec, H3A 1X9, Canada
www.irsam.ca | www.facebook.com/IRSAMinc