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Editorial

Alex Calder and Lisa Risch

In its fourth year, *The Elphinstone Review* continues to showcase the diversity of perspectives and talent of the University of Aberdeen's undergraduate students. We worked with a team of skilled editors to review and edit a large volume of submissions, and were able to give students an opportunity to gain valuable experience in both editing and academia. All submissions were of a high quality and we regret that we were not able to publish more beyond the pages of the journal. Thank you to all students for their hard work which present the rigour and originality of undergraduate thought at the University of Aberdeen.

This year's volume would not have been possible without the administrative assistance of Isabel Seidel or the financial support from the Development Trust Student Experience Fund. We would also like to thank Dianne Alves for her assistance with the *Elphinstone* throughout the years and for helping us to form this year's volume. Thanks also to Dr Timothy Baker and Dr Luca Moretti for being available as academic advisors.

Our editorial board has been invaluable to the journal, and their contribution to this volume has been commendable. Publishing this edition has not been without its challenges, but we were able to work as a team to overcome any issues. The editors have reviewed submissions and edited individual pieces to allow each student's work to be presented at its best – without them, the journal would not have been possible.

As Head Editors, we have tried to widen the scope of the journal. This meant further establishing the journal's social media presence and

establishing a Twitter account (@elphinreview) as well as further building the Facebook page (@elphinstonereview). We have also, for the first time, welcomed submissions from the Sciences and included articles that bridge the gap between Humanities and Sciences.

We hope you enjoy reading through these essays as much as we have enjoyed editing and working with student authors to compile *The Elphinstone Review*. We can say with confidence that what follows is an interdisciplinary collection of high quality undergraduate essays covering a range of controversial and intriguing themes. Should you be an undergraduate student stumbling across this text, we hope the essays can inspire your academic study at the University of Aberdeen, and would encourage you to submit your own work to next year's edition.

***Nostalgia for the Light*: Patricio Guzmán's Challenge to the Stereotypical Representation of Science**

Petra Hanáčková

For decades, Patricio Guzmán has devoted his career to the documentation of the history of Chile, focusing on important moments such as the coup d'état of 1973 in the trilogy *The Battle of Chile* (1975-1979), the presidency of Salvador Allende in the film of the same name (2004), and *Nostalgia for the Light* (2010). In *Nostalgia for the Light*, Guzmán interviews scientists working in the Atacama Desert and the survivors of Augusto Pinochet's terror. This essay will propose that *Nostalgia for the Light* challenges the stereotypical representation of science by positioning scientists and objects of science in relation to Chilean politics and its people. Such a portrayal contrasts with the mainstream concept of science with a capital 'S' that is detached from the world beyond the laboratory. Guzmán uses a filmic form to depict scientific objects as objects of aesthetic pleasure, without diminishing their importance for science. Furthermore, Guzmán's role in making connections between national history and scientific study will be examined.

In an interview with Michael Fox, Patricio Guzmán says that ‘[a] country without a documentary is like a family without a photo album’.¹ *Nostalgia for the Light* (subsequently referred to as *Nostalgia*) tells the story of Chilean women searching for the remains of the victims of Augusto Pinochet’s regime in the Atacama Desert, while simultaneously investigating the scientific activities carried out in the desert. The film is different from Guzmán’s previous feature films as it focuses upon science: namely, astronomy, archaeology and history. This focus contrasts with his established preoccupation with describing historical events. In *Nostalgia*, Guzmán takes an interdisciplinary approach to depicting the consequences of Pinochet’s cruelties and their influence on contemporary Chile. He conducts interviews with the scientific community working in the Atacama Desert. These dialogues are shot through a subjective lens, leading Patrick Blaine to call the piece ‘a self-referential film’.² *Nostalgia* presents the way in which the director’s and other Chileans’ passion for astronomy offers a view of astronomy as

¹ Michael Fox, ‘Nostalgia, Memory, and Revolution: An Interview with Patricio Guzmán’, Available on Youtube (19 December 2011):

<<https://www.youtube.com/watch?v=4gYm4asc8ug>>.

² Patrick Blaine, ‘Representing Absences in the Postdictatorial Documentary Cinema of Patricio Guzmán’, *Latin American Perspectives*, 40 (2013), 114-130, 127.

democratic, in contrast to the stereotype of ‘the ivory tower’.³ Matteo Merzagora defines ‘the ivory tower’ as ‘[featuring] a clear separation between the scientist and the rest of society, which is signified by the isolated setting of the laboratory’ (43). In other words, the scientist’s local separation detaches them from other people. *Nostalgia* challenges the image of working in ‘the ivory tower’ by presenting parallels between scientists and the relatives of the victims of Pinochet’s regime, which is achieved by including an example of a person who is both a trauma survivor and a scientist. We can reflect upon the relationship between scientific objects of study and their anthropomorphic connotations as means of challenging stereotypical portrayals of science. *Nostalgia* offers a concept of science that is imbued with affect, and that can be represented without compromising either scientific facts or the aesthetics of filmmaking. Ultimately, Guzmán presents aesthetic sensibility as well as scientific facts through filmic juxtaposition.

Nostalgia challenges the concept of ‘the ivory tower’ of scientific study by contrasting the facilities of the international community of

³ Matteo Merzagora, ‘Reflecting Imaginaries: Science and Society in the Movies’, in *The Scientific Imagery in Visual Culture*, ed. by Anneke Smelik (Göttingen: V&R Unipress, 2010), 39-49, 42.

astronomers in the Atacama Desert with the film's take on an old telescope. The film often depicts the astronomic observatories spread in the solitude of the Atacama Desert, and their colour even reminds one of ivory. It also pays attention to the interior of the observatories and the high-tech telescopes that they contain, thus manifesting the abundance of capital needed to buy the necessary equipment for research (see Figure 1.1). Arguably, these sequences serve as the point of contrast for a different idea of science, namely astronomy, of Guzmán's childhood.



1.1, 1.2 Screen captures from *Nostalgia* (dir. Patricio Guzmán, 2010)

The opening sequence foregrounds Guzmán's personal relationship with astronomy. It begins with a close-up of a brown floor with rails on it; after a few seconds, a construction on wheels enters the frame. What follows is a succession of mostly static close-ups, depicting various working parts of this construction. Eventually, we can see the entire body of the construction, revealed to be a telescope, in a travelling

shot. This shot is arguably the 'punctum' of the sequence, or the element that draws attention because of the human touch it contains (see Figure 1.2).⁴ In contrast with the static cinematography of the beginning of the sequence, the camera in the last shot travels: it enters the cupola, frames the body of the telescope, and pauses for a moment. The spectator becomes aware of the human presence behind the camera, which is the director's presence. Furthermore, it emphasises the material reality of accessing this object of science, since the act of stepping in to look at a specific instrument is essential to getting access to the sight that it offers.

The sequence generates an affective image of astronomy by employing what Bill Nichols terms 'the poetic mode' of documentary.⁵ He defines it as presenting 'the possibility of alternative forms of knowledge to the straightforward transfer of information. [...] This mode stresses mood, tone and affect'.⁶ In other words, this approach is more attentive to depicting Guzmán's feelings about the telescope than to

⁴ Roland Barthes, *Camera Lucida: Reflections on Photography*, trans. by Richard Howard (London: Vintage Books, 1993), 27.

⁵ Bill Nichols, 'How Can We Differentiate among Documentaries? Categories, Models, and the Expository and Poetic Modes of Documentary Film', in *Introduction to Documentary* (Bloomington: Indiana University Press, 2010), 142-171, 162: <<https://ebookcentral.proquest.com/lib/abdn/detail.action?docID=4420859>>.

⁶ Nichols, 162.

mediating factual evidence. The diegetic sound of the telescope, the noise of the wheels on the rails, precedes the appearance of the sound's source in the frame. This sound creates the impression of the past, since modern instruments run more smoothly because they do not utilise archaic rails or wheels (as we are shown in the scenes depicting the interior of modern observatories). Additionally, the colours of the *mise-en-scène* – gold, brown, and copper – evoke the vintage period of the production of astronomic equipment that contrasts with contemporary technological equipment. The close-ups that conceal the entirety of the telescope create a mysterious atmosphere: unless the spectators are astronomers or enthusiasts in astronomy, they do not know what they are gazing at. The film seems to be telling us that there is no difference between the layman's and the scientist's view of the telescope, as they are both presented with a subjective perspective towards it. However, the scene does not compromise factual evidence because a telescope will remain a telescope. *Nostalgia* shows the possibility of depicting the dual presence of aesthetic sensibility and scientific facts.

The end of the opening sequence, which focuses on Guzmán's childhood, is marked by the appearance of stardust, a matter that connects

scientific findings and aesthetics. A medium shot, framing a house with a tree in front of it, is diluted by stardust floating in the air (see Figure 1.3). Nora Szegvari observes that, in this instance, 'Guzmán's visual poetry underscores the major enigma of the film. Startlingly, both stars and human bones contain the very same calcium'.⁷ Guzmán emphasises how our existence is linked to the existence of celestial bodies. Shohini Chaudhuri remarks that the film 'uses its imagery and metaphors to juxtapose otherwise disparate regions of the past: to summon us to remember and make connections between different violent histories'.⁸ What Szegvari calls 'enigma' connects with Chaudhuri's observation about the intricate ways in which the film makes us aware of how different past moments relate to each other. *Nostalgia* achieves this through 'visual poetry', which, with its atmospheric connotation, renders the scientific observation about calcium visible and more comprehensible. Here, the power of juxtaposition characteristic of cinema illustrates an abstract scientific concept in material terms. It uses

⁷ Nora Szegvari, 'Collecting Stardust: Matter, Memory, and Trauma in Patricio Guzmán's *Nostalgia for the Light*', *Graduate Theses and Dissertations* (University of South Florida, 2013) 1-96, 24: <<http://scholarcommons.usf.edu/etd/4589/>>.

⁸ Chaudhuri, 17.

matter (stardust) to demonstrate the interconnectedness of time spans positioned beyond our experiential knowledge.



1.3 Screen capture
from *Nostalgia* (dir.
Patricio Guzmán,
2010)

Through the juxtaposition of the personal and the scientific, *Nostalgia* demonstrates the significance that astronomy can have in someone's life. Guzmán's voiceover in the opening scene refers to the director's childhood as 'the time of personal and national innocence', when 'the Presidents of the Republic walked unescorted through the streets'.⁹ He narrates how much he enjoyed astronomy as a boy when he still lived in Chile, and subsequently astronomy reminds him of a specific historical period. His point of view contrasts with the depiction of 'the ivory tower' that is detached and, thus, seemingly removed from any historical context. However, the film also shows the extent to which astronomy associates with the personal. Guzmán points out the fact that

⁹ Blaine, 128.

many astronomy enthusiasts live in Chile, which is exemplified by the presentation of his own passion for the discipline. His perspective imbues the science with a historical and deeply personal significance.

Guzmán's personal take on astronomy embraces the accounts of other Chileans who are passionate about astronomy and whose lifestyles contrast with that of the scientific community. The community has the privilege to work undisturbed by the world beyond the laboratory, which echoes with the seclusion of 'the ivory tower'. One of the astronomers interviewed by Guzmán, Gaspar Galaz, admits that the only physical disturbance they experience is excessive heat in the Atacama Desert. This contrasts with *Nostalgia*'s portrayal of the passion for astronomy as an integral means of protecting one's mental health within the hostile environment of a prison. For instance, one of the former prisoners of Chacabuco, the infamous concentration camp from Pinochet's era, tells Guzmán in an interview that looking at the stars helped him to retain his freedom while being imprisoned and that, in fact, there was an entire group of prisoners who observed the sky to escape the reality of the camp. One could argue that they observed the sky for the aesthetics of star gazing, but the activity became a necessity and daily routine for them in

the same way as it is for scientists in ‘the ivory tower’. However, the film situates astronomy beyond confined walls, thereby challenging the stereotypical representation of science.

The film challenges the monopoly of science with a capital ‘S’ (i.e. the science of ‘the ivory tower’) by highlighting the experience of former political prisoners. Science with a capital ‘S’ has political implications. As Guzmán points out in Fox’s interview, astronomy is significant ‘[b]ecause the discoveries that will be made observing the cosmos are going to change our lives. Dark matter probably has a type of energy that we need’.¹⁰ However, the film shows the political dimensions of the former prisoners’ passion for astronomy too. Following a former prisoner walking in Chacabuco, who recalls his imprisonment, the voiceover informs us that, back then, ‘[t]he military banned the astronomy lessons. They were convinced that the prisoners could escape guided by the constellations’. Brad Epps comments upon the way science is a concept that can be redefined subjectively: ‘Science, knowledge and learning of all things high and hard, stars and stones, can be riddled with feeling, with unsuspected, unfathomable and intense *senses* of attachment

¹⁰ Fox, ‘Interview with Guzmán’.

and implication’.¹¹ *Nostalgia* depicts the practice of science that reaches beyond the stereotype of ‘the ivory tower’ by presenting it with Epps’s ‘[sense] of attachment’ in terms of memories and political contexts. The poetic juxtapositions of the film prove that it is possible to present scientific facts through a personal lens without compromising those facts.

While *Nostalgia* examines the materiality of the scientific laboratory and equipment, it challenges the stereotypical image of the scientist working in such an environment as well. According to Christopher Frayling, it is the Frankenstein stereotype of the scientist who is ‘mad, bad and dangerous’ that comes to one’s mind when thinking about science.¹² Frayling argues that ‘the public’s view of science is shaped more by film and television and newspaper headlines than by anything else’.¹³ In the film, the astronomer Gaspar plays a crucial role in challenging the stereotype because he is not merely a representation of a scientist, but actually is one in reality. His ability and willingness to

¹¹ Brad Epps, ‘The Unbearable Lightness of Bones: Memory, Emotion, and Pedagogy in Patricio Guzmán’s *Chile, La Memoria Obstinada* and *Nostalgia De La Luz*’, *Journal of Latin American Studies* (2016), 1-20, 3: <<https://doi.org/10.1080/13569325.2016.1229661>>.

¹² Christopher Frayling, *Mad, Bad and Dangerous?: The Scientist and the Cinema* (London: Reaktion, 2005), 47.

¹³ Frayling, 44.

explain his object of study to a layman in a simple manner and in non-scientific terms challenge the stereotypical representation of a ‘mad bad and dangerous’ scientist. This happens when he points out in an interview with Guzmán that:

the world of science today tends to separate science from religion. And yet the fundamental questions pondered by man are of a religious origin and motive. [...] It’s a matter of discovering the origins of mankind, of our planet, the solar system. [...] [T]hese questions about our origins we astronomers try to answer.

By reflecting upon the practices of today’s scientific community and associating science with religion, Gaspar demonstrates that he is able to think beyond the conventions of ‘Scientists’ with a capital ‘S’. *Nostalgia*’s focus on Galaz, who repeatedly figures in its interviews and meets with the locals in the Atacama Desert, helps to position the scientist outside their laboratory and therefore redefine the idea of a scientist as a self-absorbed individual who pays attention to research only.

The film undermines the detachment of the scientific community from the political struggle taking place beyond their laboratory. Arguably, achieving this has been Guzmán’s motivation in making the film, as he admits that the discovery of the observatories upon his return

to Chile inspired him to make *Nostalgia*.¹⁴ The director’s preoccupation with Pinochet’s purge makes him draw attention to the scientists working in the Atacama Desert, as their work bears the legacy of complicity. As Joshua Tan writes, since the ‘coup d’état was considered a matter of “local politics” by many of the foreign observatories, [they] tried to make no political waves in order to keep their special statuses’.¹⁵ However, Tan continues, ‘Pinochet used the same geographies as where the observatories are located to help cover up his crimes against humanity’.¹⁶ *Nostalgia* challenges the legacy of complicity when, in one of the interviews that Guzmán conducts, the scientist Gaspar makes parallels between his research and the search of the Chilean women. He empathises with the women’s search for the bodies of ‘desaparecidos (missing political detainees)’, who represent ‘one of the most sensitive themes in South American memory’.¹⁷ His comparison is one of *Nostalgia*’s presentations of what Schohini Shaudhuri labels as ‘parallels

¹⁴ Fox, ‘Interview with Guzmán’.

¹⁵ Joshua Tan, ‘On Chilean Astronomy and Observatory Conflicts’, in *John Asher Johnson* (27 May 2015): <<http://mahalonotrash.blogspot.co.uk/2015/05/on-chilean-astronomy-and-observatory.html>>.

¹⁶ Tan, ‘On Chilean Astronomy and Observatory Conflicts’.

¹⁷ Antonio Traverso and Tomás Crowder-Taraborrelli, ‘Political Documentary Cinema in the Southern Cone’, *Latin American Perspectives*, 40 (2013), 5-22, 14: <<http://journals.sagepub.com/doi/pdf/10.1177/0094582X12465599>>.

between the searches of astronomers and archaeologists looking for clues to the past and the searches of relatives for the disappeared'.¹⁸ The examination of the past is a theme recurring throughout the film and about which we are informed by Gaspar in an interview: the fact that due to the speed of light, all information that astronomers receive belongs to the past, and, therefore, astronomers look into the past. Gaspar also criticises the fact that society values science much more than it values the painful work of the women, and explains his inability to imagine himself looking for his close ones in the vastness of the Atacama Desert. His words echo with the proclamation of Violeta, one of the women searching for the bodies, that she and other women like her are considered 'the leprosy of Chile'.

Nostalgia captures the authentic reflections of a scientist who exercises their ability to assume social responsibility. As Guzmán mentions in an interview with Nicolas Rapold, '[he] never actually push[es] [the interviewees] to say anything. They talk for themselves. [...]

¹⁸ Shohini Chaudhuri, 'The Art of Disappearance: Remembering Political Violence in Argentina and Chile', in *Cinema of the Dark Side: Atrocity and the Ethics of Film Spectatorship*, (Edinburgh: Edinburgh Scholarship Online, 2015), 1-25, 14: <<https://doi.org/10.3366/edinburgh/9780748642632.001.0001>>.

The astronomer was the one who compared his work with the women's'.¹⁹ Gaspar is aware of the imbalance in society's respect for his work and for the amateur forensics of the women. He legitimises the women's investigation of the crimes committed by Pinochet and acknowledges the local struggle taking place just outside his workplace. His stance demonstrates that science always depends on its material background and context. The idea of the scientist in 'the ivory tower' proposes that they do make discoveries for humankind, but their isolation keeps them away from their physical background. However, Gaspar's reflections and the end of *Nostalgia* figuratively break through this wall of 'the ivory tower'. This happens in the scene where Gaspar, alongside Violeta and Victoria (another woman searching for human remains in the desert), meet in an observatory. They observe stars, enjoy themselves and, importantly, co-exist in one space and time. The laymen's presence in an astronomic observatory, where they are accompanied by the scientist Gaspar, and the ability to share their experience with him demonstrates how *Nostalgia*'s portrayal of science is considerate towards

¹⁹ Nicolas Rapold, 'Heaven and Earth', *Film Comment*, 47 (2011), 48-49, 48: <https://search.proquest.com/docview/862387808?rfr_id=info%3Axri%2Fsid%3Aprimomo>.

the laymen's interests and concerns, since Gaspar is aware of the women's fates and agrees to figure in a film tackling the Chilean past.

Another scientist who assumes the responsibility for their physical background is Valentina, whose parents are among the *desaparecidos* and who works as an astronomer herself. She was raised by her grandparents after her parents were abducted by the military. Blaine observes that '[Valentina] finds comfort in knowing that her children have not been directly touched by the horrors of state terrorism'.²⁰ He labels her story as having 'a hint of narrative recovery'.²¹ Blaine's interpretation infers that it represents the continuation of the story of Chile, because the woman is able to have her own family while coming to terms with the horrors that she lived through.²² Violeta says that '[a]stronomy has always helped [her] to give another dimension to the pain, to the absence, to the loss'. In her case, science is therapeutic and charged with emotions, rather than a detached pursuit for knowledge.

²⁰ Blaine, 128.

²¹ Blaine, 128.

²² Blaine, 128.

The involvement of Gaspar and Valentina in the debate on Chilean traumatic history transforms the perspective of the scientist as 'mad, bad and dangerous' and necessarily isolated. The portrait that we are shown tackles the question of the responsibility of the scientist who is privileged (e.g. has expensive equipment at their disposal) and appreciated by society. As these scientists encounter trauma, or come from a background marked by trauma, they demonstrate their ability to feel empathy and pay their respect. Thus, they imbue the search for *desaparecidos* with dignity. The process of reconciliation between science and Chilean history occurs thanks to Guzmán's art of filmmaking. He comments on the ability of Gaspar to 'speak to us, who know nothing of their subjects, with poetry and metaphors'.²³ The same could apply to Guzmán himself, who presents his film to an international audience that probably has not experienced these traumatic events and is not likely to be familiar with Chilean history or science. However, he is able to find interviewees who are good at explaining their occupations, and to direct

²³ Chris Darke, 'Desert of the Disappeared: Patricio Guzmán on Nostalgia for the Light', in *BFI* (19 February 2015): <<http://www.bfi.org.uk/news-opinion/sight-sound-magazine/interviews/desert-disappeared-patricio-guzman-nostalgia-light>>.

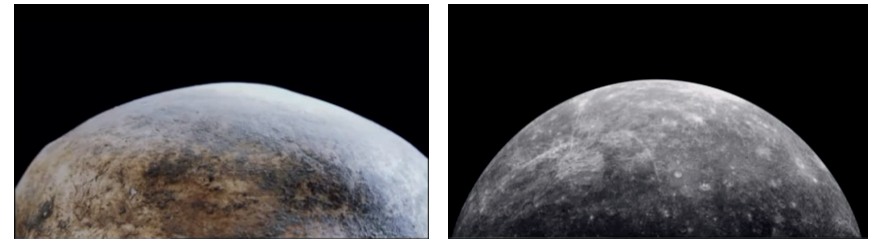
the film in such a way that indeed belongs to the realm of ‘poetry and metaphors’.²⁴

Nostalgia also focuses on the scientific objects of study by offering an anthropomorphic view of them and, thus, an affective one. For instance, the moon has always been an object upon which people projected their desires. In film history, one can think of Georges Méliès’ *Le Voyage dans la Lune* (1902) as an example of the desire to travel to the moon and of the projection of human qualities upon the moon, famously portrayed in a montage of the image of the moon and a person’s face in it (see Figure 1.4). *Nostalgia* also gives the celestial body a privileged position, given that a full sixth of the opening sequence depicts the moon. Its image also appears after the interview that foregrounds one of the main theses of *Nostalgia*: the fact that calcium found in the universe is of the same origin as the one in our bones.



1.4 Screen capture from *A Trip to the Moon* (dir. Georges Méliès, 2011[1902])

²⁴ Darke.



1.5, 1.6 Screen captures from *Nostalgia* (dir. Patricio Guzmán, 2010)

The link between humans and the moon further reinforces Guzmán’s anthropomorphic representation of it, since we now know that we are made of the same matter. Upon presenting this scientific fact, *Nostalgia* generates more parallels between the anthropomorphism of the moon and other objects of scientific study. Blaine highlights the sequence ‘in which black-and-white shots of the moon are followed by an extreme close-up of a human skull that bears a striking resemblance to the pockmarked celestial body’ (see Figures 1.5, 1.6).²⁵ As Nora Szegvari remarks, the film depicts space ‘as if the realms of the human and the celestial were one and the same’.²⁶ By drawing a visual as well as scientific parallel between the moon and the skull, through their perceptible juxtaposition and emphasising the role of calcium in forming

²⁵ Blaine, 127.

²⁶ Szegvari, 10.

both, the film highlights the interconnectedness between cinema and science. Both spheres are interested in ways of looking at the world and are driven by human desire. We are able to employ telescopes because people were interested in inventing them to see their objects of desire, such as the moon, from a closer perspective. Furthermore, *Nostalgia*'s focus on the skull and the moon echoes with the cause of scientists. Both find an interest in these objects, because they provide information about the past. Remarkably, Guzmán, who is not a scientist himself, is able to represent this connection.

Ryan Bowles and Rahul Mukherjee point out the film's connection of the desire to observe with the purpose of experiencing aesthetic pleasure:

[W]hile [*Nostalgia*] is in many ways about documentary evidence, it is able to be as attentive to the poetics of suffering as it is to the technoscientific 'facts' about the universe – the telescopic imagery, use of the camera at multiple scales, sound effects, and the documentary voice-over all work to demystify and re-enchant both the outer space and the landscape of Atacama.²⁷

²⁷ Ryan Bowles and Rahul Mukherjee, 'Documentary and Space', *Media Field Journal*, 3 (2011), 1-13, 2.

'Demystifying' and 're-enchanting' the universe and the desert involve representing both spaces in a clear and comprehensible way that does not compromise the fascination that the spectator can find while looking at them. *Nostalgia* achieves this clarity through the representation of objects accompanied by scientific explanations of them: for example, the explanation of calcium's origin in the Big Bang. The shots of the moon juxtaposed with a skull that provide a visual explanation of calcium's presence are depicted in an aesthetically pleasing and intricate way. The framing of the shots shows both objects only partially, and it takes some time to realise what we are looking at. The fascination of the spectator stems from the originality of juxtapositions and cinematography that find their source of inspiration in a scientific finding: the link between humans and the universe they observe.

The anthropomorphic perspective of the moon extends to the entirety of the Atacama Desert. The place is portrayed as an archive of objects of scientific study. For example, *Nostalgia* shows rock-carvings from Pre-Columbian shepherds, the concentration camp Chacabuco from the Pinochet era, and bodies preserved by the salt of the desert or high-tech observatories on-screen. The interviews with scientists who study those archives demonstrate that the Atacama Desert is desired, for

instance, by archaeologists and historians in the same way as the moon is by astronomers. For example, Lautaro Núñez, an archaeologist, talks in an interview with Guzmán about excavating the desert in order to find mass graves. Furthermore, Blaine points out that ‘[t]he Atacama Desert [...] is often compared to the surface of the moon’.²⁸ Similar to the celestial body, the desert has been a place sought after by the scientific community. The voiceover at the very start of the film points out the scientists’ desire to reside there because ‘science fell in love with [the] Chilean sky. A group of astronomers found they could touch the stars in the Atacama Desert’.

In addition to the scientific desire associated with the desert, the film expounds the relationship between the scientists and laymen (the women looking for the bodies of their close ones in the Atacama Desert) by showing the way their interests overlap. These women also crave the space because it contains the bodies of their loved ones, and we are shown that their search is being aided by science. For instance, Núñez mentions that the women discovered a spot in the desert with scattered pieces of bones. The archaeologists knew how to decipher the distribution of the

²⁸ Blaine, 127.

sand and discovered a mass grave. However, they advanced in their research only thanks to the everyday labour of the local women. At the same time, Violeta expresses her wish to utilise the telescopes from the observatories to search through the sand of the Atacama Desert. She is aware of the means that science has at its disposal and how it could help support her cause.

One could argue that *Nostalgia* highlights the common cause of science and trauma survivors in Chile: a conviction towards uncovering its traumatic past. Violeta says that she will go on searching for as long as she can. Lautaro’s concerns echo with hers as he points out the importance of getting to know Chile’s past in order to ensure a better future. The pursuit of science is portrayed as stemming from empathy and emotional connection. Since both the scientists and the women are focused on the Atacama Desert, the film proposes the dependence of searching on the physical background of those who search. In other words, they study objects, not abstract concepts that could be discussed at any location. Tony Rayns critiques *Nostalgia* as ‘[offering] a very decent account of the last gasps of the movement protesting against Pinochet's atrocities. Worth doing, skilfully engineered, beautiful in a

sub-Herzog way, but essentially moribund'.²⁹ But this neglects the vitality which it contributes to the process of coming to terms with the past and ensuring that future generations are informed about their cultural heritage. It could be argued that portraying the liaisons between the respected community of scientists and the ostracised women of Chile enrich the search for the consequences of Pinochet's regime with esteem and respect. After all, despite the film's undermining of the stereotypical image of the scientist and science with a capital 'S', the scientific sphere still enjoys a lot of social prestige due to its mainstream representations. However, whatever cause they support will gain more attention, too, and one should not forget that *Nostalgia* is not Guzmán's last film about the relationship between science and Chilean history. In fact, Guzmán made another film about Chile's violent past, *The Pearl Button* (2015), that focuses on the role of the water cycle in covering up Pinochet's crimes. As the director states in an interview with Chris Darke, both *Nostalgia* and *The Pearl Button* are likely to become a part of a trilogy. This intent foregrounds the special relationship between science and Chilean history.

²⁹ Tony Rayns, 'Nostalgia for the Light', *Sight and Sound*, 22 (2012), 64-66, 66: <<http://search.ebscohost.com/login.aspx?direct=true&db=vth&AN=78094210&site=ehost-live>>.

Pinochet's repressive regime engraved trauma in the psyche of the people of Chile by murdering its political opponents. Until now, the victims have not ceased to mourn their dead and call for justice. *Nostalgia* finds alliance with the scientific community in the Atacama Desert to draw attention to the crimes committed and to show that the investigation still goes on. In the process, the film undermines the concept of science with a capital 'S' by showing how democratic and personal scientific disciplines can be: especially in the Atacama Desert that lures not just scientists but also ordinary people into engaging with astronomy. Thus, the film questions Merzagora's concept of 'the ivory tower' and the scientist inside it. The scientists in the film not only speak in poetic language, they equally show their consideration for the harm done by the Chilean dictator. *Nostalgia* finally shows us how the anthropomorphism of the moon, as well as the Atacama Desert, connects the lens of the scientist, the layman, and the director through emotional investment in their occupations. *Nostalgia* reminds us of the material world that science depends on, as Guzmán's film proves the possibility of cinema to engage with scientific facts in an aesthetic way without diminishing the importance of either approach.

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Legal Advice in Investigations: An Analysis of the Scottish Interpretation

Amelia Howison

In the landmark case of *Cadder v HMA*, the UK Supreme Court held that the way in which suspects were detained in Scotland contravened the European Convention on Human Rights. In order to ensure compatibility with the Convention, subsequent legal developments now provide detained suspects with the right to legal advice in investigations before further questioning can take place. Whilst the right is designed to protect individuals from the risk of providing incriminating evidence against themselves, the trigger of the right in Scotland is seemingly mechanical, by focusing on custody rather than necessity in relation to the prospect of self-incrimination. The Scottish approach to ascertaining the stage to inform an individual of their right should be more considerate of the intentions underpinning the legislation. A broader interpretation like that of the European Court be preferable to appreciate the unique circumstances in different investigations. But where Strasbourg has not addressed a specific matter, the national courts should not refrain from progressing the law. The Scottish courts should ensure that the law surrounding the right to legal advice develops in a way that takes account of the underlying objectives.

The European Court of Human Rights case of *Salduz v Turkey* has had a widespread impact on citizens in Member States in terms of their legal rights.¹ It was held that the applicant's inability to seek legal advice during investigations constituted violations of Article 6(3), the right to legal assistance, in conjunction with Article 6(1) – the right to a fair trial.² The outcome was that 'access to a lawyer should be provided from the first interrogation of a suspect by the police, unless it is demonstrated in the light of the particular circumstances of each case that there are compelling reasons to restrict this right'.³ In Scotland, the case was a catalyst for change after years of resistance to allowing suspects to have access to legal advice during police interviews. Given the unanimous decision of the Grand Chamber, providing 'a formidable reason' to follow it, the landmark case of *Cadder v Her Majesty's Advocate* implemented the right in Scotland.⁴ However, although it similarly required the suspect to be informed prior to further questioning, the interpretation of when the

¹ *Salduz v Turkey* (2008) 49 EHRR 421.

² European Convention on Human Rights ('ECHR') 6(3).

³ *Salduz v Turkey* (2008) 49 EHRR 421, 55.

⁴ Rosalind English, 'Case Comment: Cadder – Presence of a Lawyer at Police Interview Required by Strasbourg Rights of Defence', <<https://ukhumanrightsblog.com/2010/10/28/presence-of-a-lawyer-at-police-interview-required-by-strasbourg-rights-of-defence/>>; *Cadder v Her Majesty's Advocate* [2010] UKSC 43.

right arises was narrower than that in *Salduz*. In *Cadder*, rather than the 'first interrogation', the Supreme Court used the point of 'detention' as a flag.⁵ Whilst in Scotland this is the point at which a suspect should be informed, the implications of triggering the right simply on the basis of custodial status are insufficient.

Strasbourg Jurisprudence

In keeping up with Strasbourg case law, *Salduz v Turkey* has been applied in Scotland in the case of *Cadder*, thus affording citizens the right to consult a lawyer from the point of detention during a police investigation.⁶ Upon the ruling of *Cadder*, the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010 was passed in the form of emergency legislation, albeit controversially.⁷ To follow, section 32(2) of the Criminal Justice (Scotland) Act 2016, coming into force in January 2017, provides individuals with 'the right to have a solicitor present while being interviewed by a constable about an offence which the constable has reasonable grounds to suspect the person of

⁵ *Cadder*, 20.

⁶ Fiona Leverick, 'The Right to Legal Assistance During Detention', *Edinburgh Law Review*, 15:3 (2011), 352-80, 378.

⁷ Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010.

committing'.⁸ Whilst the Supreme Court in the UK has sought to clarify ambiguities left behind by *Cadder* in subsequent cases, its power to do so is perhaps limited given that it is not for the domestic court to extend the scope of this right to legal consultation beyond the parameters of Strasbourg jurisprudence.⁹

Hence, in the context of Scots law, identifying the appropriate stage at which to inform a suspect of their right has to take into account the stance of the Strasbourg court.¹⁰ Yet, *Cadder* and *Salduz* do not provide a clear picture on the triggering of the right in cases where a suspect may be entitled to seek legal advice but does not happen to fit the seemingly typical picture of being in custody at a police station, where they would otherwise be informed prior to questioning. Whilst the interpretation of the Supreme Court in the 'sons of *Cadder*' cases aid one's understanding of the appropriate stage to announce the right, it has become clear that the superiority of Strasbourg jurisprudence is somewhat holding back the development of the law, as domestic courts

⁸ Criminal Justice (Scotland) Act 2016, 32(2).

⁹ The Supreme Court of the United Kingdom, *Press Summary: Ambrose v Harris (Procurator Fiscal, Oban) (Scotland); Her Majesty's Advocate v G (Scotland); Her Majesty's Advocate v M (Scotland) (2011) UKSC 43* (2011) <<https://www.supremecourt.uk/cases/docs/uksc-2011-0101-press-summary.pdf>>.

¹⁰ *R (Ullah) v Special Adjudicator* [2004] UKHL 26, para 20 *per* Lord Bingham of Cornhill.

do not wish to go beyond Strasbourg. This essay will consider the implications of this within the context of *Cadder's* interpretation of *Salduz*.

Justifying the Right

In order to ascertain the appropriate stage to inform the individual of their right, it is important to first establish the justifications for informing a suspect of their right prior to police questioning as opposed to some point during the police investigation (which was previously allowed for, by the manipulation of the point of charge).¹¹ This right is based on a more fundamental right – the right against self-incrimination.¹² The most recent interpretation of the privilege against self-incrimination was provided by Lord Hope in *Ambrose v Harris*: 'A person [...] is free to speak to the police and can provide them with self-incriminating answers if he is willing to do this, and his answers will be admissible if they are truly voluntary'.¹³

¹¹ Peter Duff, 'Chalmers To Cadder: Full Circle On Police Interrogation?', *Edinburgh Law Review* 19 (2015), 186-209, 194.

¹² Pamela Ferguson, 'Repercussions of the Cadder Case: The ECHR's Fair Trial Provisions and Scottish Criminal Procedure', *Criminal Law Review*, 10 (2011), 743-757, 744.

¹³ *Ambrose v Harris* [2011] UKSC 43, 56.

The right to legal advice during police questioning, therefore, derives from the recognition that suspects are in need of protection, and solicitors are the appropriate means of delivering this. Given that the whole process can hinge on pre-trial proceedings, and suspects are immediately on the back foot due to difficulty deciphering complex legal language, the ECtHR concluded that ‘particular vulnerability [of suspects] can only be properly compensated for by the assistance of a lawyer whose task it is, among other things, to help to ensure respect the right of an accused not to incriminate oneself’.¹⁴

The apparent attempt to preserve a confession-inducing framework in Scotland, illustrated by the work of the Thomson Committee, demonstrates how the absence of legal advice during police interviews undermines the privilege against self-incrimination, as it leaves suspects exposed to a potentially intimidating procedure. The key role of the lawyer is, therefore, to protect the privilege by preventing involuntary confessions arising from the coercion of police officers. However, the fact that the privilege against self-incrimination is not

¹⁴ *Salduz v Turkey* (2008) 49 EHRR 421, 54.

deemed to be an absolute right means that where an individual’s confession is given willingly, it is allowed.¹⁵

The importance of having legal advice from the point of detention could be illustrated in many ways; nonetheless, its value has been established and the point of focus is the stage at which to inform of the right, prior to detention. The justifications, however, become relevant in ensuring this stage fulfils the protection against self-incrimination, where appropriate, in order for the right to be effective. Despite that, pinpointing the moment when the privilege requires protection through legal advice can become more complex in having to distinguish between a witness and a suspect.

Triggering the Right: Suspicion

The distinction between a witness and a suspect is critical to understanding the appropriate point to inform the suspect of their right. Yet, as Lord Carloway asserts, the ‘line between who is a witness and who is a suspect is not always a clear one’.¹⁶ A witness is simply a person

¹⁵ *Murray v United Kingdom* [1996] 22 EHRR 29, 47.

¹⁶ The Carloway Review, *Report and Recommendations*, (2011), <<http://www.gov.scot/resource/Doc/925/0122808.pdf>>.

that the police do not or are yet to reasonably suspect they committed the crime in hand.¹⁷ The police can put questions to the witness; however, the individual is not required to answer them, nor are the police under any obligation to inform the individual that they can contact a solicitor. A suspect, on the other hand, is a person whom the police have reasonable grounds to suspect has committed the crime in question, and are thus authorised to detain them for further questioning.¹⁸

Regardless of whether the police intend to interview the suspect, upon detention the right arises.¹⁹ Nevertheless, in terms of the privilege against self-incrimination, where does this leave witnesses unaware of their right to consult a lawyer and thus vulnerable to the prospect of providing an incriminating statement? At this stage, incriminating statements tend to be admissible as they are more likely to be given willingly, but upon such an admission, their status alters to that of a suspect. Whilst assigning an individual, the label of a witness or a suspect may not always be straightforward, where suspicion has crystallised on an individual, thus making them a suspect, their legal rights kick in.²⁰ This

¹⁷ Criminal Procedure (Scotland) Act 1995, 13.

¹⁸ Criminal Procedure (Scotland) Act 1995, 13.

¹⁹ The Carloway Review, *Report and Recommendations*, 6.2.15.

²⁰ *Chalmers v HM Advocate* [1954] J.C. 66.

is arguably when the right should be informed, however, *Cadder* qualifies this suspicion with detention.²¹ Yet, suspicion and detention are not always necessarily intertwined.

Triggering the Right: Custody

In *Salduz*, it was found that the right arises upon ‘the first interrogation of a suspect by the police’.²² In addition to the drawbacks of the simplistic witness/suspect distinction, the trigger becomes more ambiguous given the difficulty in establishing what ‘the first interrogation’ constitutes. Similarly, in *Cadder* it was stated that ‘a person who is detained has access to advice from a lawyer before he is subjected to police questioning’.²³ This is a narrower view of *Salduz* and the meaning of ‘detention’ in Scots law is recognised where an individual is taken into police custody for questioning, but without being arrested.²⁴ Nevertheless, as *Cadder*’s foundation, it is important to consider the broader view of ‘the first interrogation’ in *Salduz*.

²¹ The Carloway Review, *Report and Recommendations*, 6.2.46.

²² *Salduz v Turkey* (2008) 49 EHRR 421, 55.

²³ *Cadder v Her Majesty’s Advocate* [2010] UKSC 43, 48.

²⁴ Criminal Procedure (Scotland) Act 1995, 14.

The ‘sons of *Cadder*’ cases of *HM Advocate v G*, *Ambrose v Harris* and *HM Advocate v M* illustrate that in Scotland, ‘the first interrogation of a suspect by the police’ does not necessarily have to be taken at face value like in *Salduz*, where the right appeared to concern questioning in custody at a police station.²⁵ In all three cases, the incriminating statements in question came about during police questioning prior to being interviewed at the police station. In the case of *HM Advocate v G*, the handcuffing of the individual concerned constituted ‘a significant curtailment of his freedom of action’ and effectively equated to custody.²⁶ Thus, the concept of custody need not be simplistic and can extend to all forms, de jure and de facto – *G* should have been informed of his right to legal advice upon handcuffing, as the circumstances were sufficiently coercive to put him at risk of self-incrimination. From this case, it is clear that ascertaining the stage at which to inform a suspect of their right to legal advice should arise on a significant restriction of their freedom imposed by the police, of course once suspicion has crystallised on reasonable grounds.

²⁵ *Ambrose v Harris*; *Her Majesty's Advocate v G* (Scotland); *Her Majesty's Advocate v M* (Scotland) (2011) UKSC 43; Robert M. White, ‘Sins of the Father? The “Sons of Cadder”’, *Criminal Law Review*, 5 (2012), 357-68, 359.

²⁶ *Ambrose v Harris* (2011) UKSC 43, 71.

With regards to an individual who becomes a suspect but is questioned in the absence of custody and legal advice, the fear of domestic courts going further than Strasbourg leads to them holding onto the notion of custody. In the cases of *Ambrose* and *M*, both the accused were ‘charged’ for the purposes of Article 6.²⁷ Both cases satisfied the reasonable grounds for suspicion requirement; however, although this suspicion was evidently being investigated, the individuals were not taken into custody nor were they advised as to their right to consult a lawyer. The evidence was not deemed inadmissible on the premise that they did not have access to a lawyer, emphasising the perceived role of custody in identifying when to inform suspects of their right.

Provided by Section 32(2) of the 2016 Act, the right applies to those in police custody or individuals who voluntarily attend either a police station or alternative premises with the intention of being interviewed by an officer and, as established, where a ‘significant curtailment’ of freedom occurred.²⁸ Therefore, in the absence of custody, to argue the incriminating evidence is inadmissible simply by arguing that the suspect had not been informed of their right does not appear to be

²⁷ White, 360.

²⁸ Criminal Justice (Scotland) Act 2016, 32(1)(a)(b).

enough, even though the suspect may be at risk of self-incrimination. For this would be to go beyond Strasbourg jurisprudence, despite the broader approach of when the right is triggered in *Salduz*.

According to the decisions of the UK Supreme Court, it therefore appears that custody currently holds the key to identifying the stage to inform of the right in Scotland. Yet, this seems too simplistic an approach taking into account the varying circumstances between cases, and also the fact that not all individuals whom the police have reasonable grounds to suspect have committed a crime are investigated further in custody. *Salduz*'s approach, albeit broad, that the right arises upon 'the first interrogation of a suspect by the police', is arguably more considerate of the admissions in question rather than being specifically concerned with a restriction of freedom. The focus should be whether the advice of a solicitor during questioning is necessary in order to constitute a fair trial, in light of the privilege against self-incrimination. Furthermore, with regards to domestic courts refraining from deciding on matters that Strasbourg is yet to address, Lord Kerr argued it would be wrong to shelter behind this concept as a reason for not progressing the law.²⁹ To

²⁹ *Ambrose v Harris* [2011] UKSC 43, 128.

gain a more informed idea of Scots law in regard to this right, it is important to consider the development of legislation within the country as well as in other EU Member States.

Scotland & Other Jurisdictions

The requirement to inform suspects of their right prior to questioning is a reflection of Due Process values in Scotland and thus a movement away from the Crime Control ideals illustrated in the Thomson Committee's intentions and the resulting legislation.³⁰ Section 15 of the Criminal Procedure (Scotland) Act 1995, derived from the committee's recommendation to prohibit a suspect's access to a solicitor during police questioning was ultimately designed to encourage incriminating admissions.³¹ This subtle means of promoting confessions reaffirms that there is a direct link between self-incrimination and an absence of legal advice.

Whilst *Cadder* represents a move back to Due Process values in recognising that the right to legal advice is necessary to protect a

³⁰ Duff, 205.

³¹ Dimitrios Giannouloupoulos, "North of the Border and across the Channel": Custodial Legal Assistance Reforms in Scotland and France', *Criminal Law Review*, 5 (2013), 369-84, 371.

suspect's right to a fair trial, the current mechanical triggering of the right – i.e. by identifying with custody rather than detecting where it is necessary during questioning – does not allow the right to be fully effective. It does not allow for the purpose of the legal advice in pre-trial proceedings where suspicion has crystallised but the suspect has not been detained. Admittedly, finite legal resources and the practicality of getting a solicitor to the suspect could ultimately undermine the delivery of this. However, in theory and in the context of Article 6, an individual should have access to legal consultation where failure to do so would impact their right to a fair trial.

The fact that it has taken Scotland more than 25 years to provide similar rights to detained suspects in the rest of the UK emphasises the extent of its resistance prior to *Salduz*.³² The case of *Her Majesty's Advocate v McLean* shows how other safeguards, such as corroboration, were promoted as an alternative to the right to legal consultation during questioning in the past.³³ However, the decision was later overturned on

³² John Scott, 'Detention without Access to a Lawyer Ends in Scotland', *The Guardian* (2010), <<https://www.theguardian.com/law/2010/oct/27/detention-without-access-lawyer-scotland-ends>>.

³³ *Her Majesty's Advocate v McLean* (2009) HCJAC 9; *Cadder v Her Majesty's Advocate* (2010) UKSC 43, 50.

the conclusion that these safeguards were 'commendable' but failed to address the issue of self-incrimination.³⁴ But in spite of the fact that Scotland lagged behind the rest of the UK, it was not alone in its resistance to the right, illustrated by France and Belgium's opposition before *Salduz*. Given that the right is longer established in England, perhaps it is not unreasonable to consider that the terms upon which the right arises might serve as an example to Scotland, particularly since the Scottish emergency legislation has been rushed and controversial. Having said that, the right in England similarly appears to hinge on custody.

As provided for by Section 58(1) of the Police and Criminal Evidence Act 1984, a 'person arrested and held in custody in a police station or other premises shall be entitled, if he so requests, to consult a solicitor privately at any time'.³⁵ The individual should be informed of their right upon arrest and prior to questioning at the police station.³⁶ Given Lord Carloway's assessment that – since the enforcement of the 2010 Act – there is no real distinction between detention and arrest in Scotland, the trigger in Scotland (detention) and the trigger in England

³⁴ *Cadder v Her Majesty's Advocate* (2010) UKSC 43,50.

³⁵ Police and Criminal Evidence Act 1984, 58(1).

³⁶ GOV.UK, 'Being Arrested: Your Rights', <<https://www.gov.uk/arrested-your-rights/legal-advice-at-the-police-station>>.

(arrest) consequently both appear to give rise to the right on the same grounds.³⁷ The narrowing of *Salduz*'s 'first interrogation' in *Cadder* may arguably add more clarity as to when an individual should be informed of their right. Yet, in the case of Scotland, more attention should be drawn to the underlying reasons behind *Salduz*. Despite that its legislation predates the *Salduz* case, it is also recommended that the same considerations are made in England.

Having been critical of the approach in Scotland in assessing how access to the right can be improved, its reception of *Salduz* is in some ways commendable when compared with that of other countries. Austria, Denmark, Germany and Ireland are countries where access to a lawyer does not arise immediately upon arrest.³⁸ This is the case, despite the clear intention in *Salduz*, that an individual should know their right by this point. This lack of full compliance with Strasbourg jurisprudence perhaps justifies engaging with Lord Kerr's opinion.³⁹ Rather than refraining from developing the right through fear of overstepping European law, the

³⁷ The Carloway Review, *Consultation Document*, (2011) para 2.1, 12. <<http://www.gov.scot/resource/Doc/925/0122808.pdf>>.

³⁸ Jean Flamme, Kenneth Gallant, Mikhail Wladimiroff, Caroline Morgan, Taru Spronken, Gert Vermeulen, *Defence Rights: International and European Developments* (Antwerp: Maklu 2012), 100.

³⁹ *Ambrose v Harris* (2011) UKSC 43, 128.

domestic courts should resolve issues affecting Convention rights even where Strasbourg has not set out a clear opinion on the matter.

The case of *Zaichenko v Russia* does not appear to suggest that the right distinctly arises from arrest and questioning in custody.⁴⁰ This provides good reason to allow domestic courts more discretion in ascertaining where the presence of a solicitor is necessary to prevent a suspect from risking self-incrimination and thus the point when they should be informed of their right. Lord Carloway acknowledged that the circumstances of the case should determine whether the privilege against self-incrimination has been undermined, thus highlighting the need for a broader approach.⁴¹

In terms of Scots law, the right arises when 'suspicion crystallises and the suspect is detained and interviewed' and thus the suspect should be informed at this stage.⁴² Conversely, with regards to when the right *should* arise in order to properly fulfil the Convention rights and the

⁴⁰ *Zaichenko v Russia* (2010) (no. 39600/02); The Supreme Court of the United Kingdom, *Press Summary: Ambrose v Harris (Procurator Fiscal, Oban) (Scotland); Her Majesty's Advocate v G (Scotland); Her Majesty's Advocate v M (Scotland) (2011) UKSC 43*, (2011), <<https://www.supremecourt.uk/cases/docs/uksc-2011-0101-press-summary.pdf>>.

⁴¹ The Carloway Review, *Report and Recommendations*, 6.2.44.

⁴² The Carloway Review, *Report and Recommendations*, 6.2.46.

privilege against self-incrimination, the individual should be informed upon becoming a suspect and where failure to do so would contravene Article 6. This conclusion is based on the fact that suspicion and detention do not always go hand in hand. The approach to informing an individual of their right in Scotland should be broadened in order to appreciate the differing circumstances in each case.

Although recognising that the domestic courts should not go beyond Strasbourg jurisprudence, where Strasbourg has not addressed the matter in question, it seems appropriate for the domestic courts to come to decisions to ensure the law develops in a way that protects the rights of its citizens. To achieve this, the domestic courts should seek a better understanding of the rationale that ‘underpin[s] the development of particular jurisprudential influences coming from Strasbourg’: a goal that all EU Member States should strive for.⁴³

⁴³ Dimitrios Giannouloupoulos, ‘Strasbourg Jurisprudence, Law Reform and Comparative Law: A Tale of the Right to Custodial Legal Assistance in Five Countries’, *Human Rights Law Review*, 16 (2016), 103-29, 128.

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MacKinnon vs. Porn in the Court of the Twenty-First Century

Johanna Kauppi

At the height of the Feminist Porn Wars, an American activist and scholar, Catharine MacKinnon, opposed pornography as harmful to women and facilitating violence against them. Criticising pornography as a form of sex discrimination, she put forward a postulate that pornography should be regulated by civil law and, eventually, prohibited. Though the Porn Wars are technically behind us, the question of pornography has a tendency to polarise both the contemporary feminist movement and public opinion. This essay discusses the relevance of MacKinnon's standpoint in the social and cultural context of the twenty-first century. It addresses an issue of sexualisation of Western culture and examines different lines of argument provided by contemporary scholars. The paper argues that MacKinnon's perspective remains quintessential, as pornography becomes ever more prevalent in both the public and the private sphere.

Pornography has been a hotly debated topic in feminist circles for many decades, and the so-called Feminist Porn/Sex Wars during the 1970s and 1980s saw the birth of two distinct factions: the anti- pornography

activists and the sex-positive ones.¹ The anti-pornography side represented a part of a new school of radical feminism, which perceived heterosexuality as ‘an institution and ideology that created and maintained male supremacy’.² Robin Morgan summed up the view of feminist opponents of pornography as follows: ‘pornography is the theory, rape is the practice’.³ It referred to the standpoint of many radical feminists who argued that consumption of pornography was strictly associated with a rise in sexual violence against women and gender discrimination. Sex-positive feminists, on the other hand, took a more liberal stance and criticised feminist opponents of pornography for simplifying the issue of violence against women and promoting conservative views of sex. They also argued that a ban on pornography would ultimately lead to a repression of female sexuality, as women would be further limited in what tools they had for exploring their sexuality.⁴ In the early 1990s, following years of heated debate, one of

¹ Rebecca Plante, *Sexualities in Context: A Social Perspective* (London: Routledge, 2015); Rosalind Gill, ‘The Sexualisation of Culture?’, *Social and Personality Psychology Compass*, 6:7 (2012), 483–498.

² Carolyn Bronstein, *Battling Pornography: The American Feminist Anti-Pornography Movement, 1976–1986* (Cambridge: Cambridge University Press, 2011), 1-2.

³ Robin Morgan ‘Theory and Practice: Pornography and Rape’, in *Going Too Far: the Personal Chronicle of a Feminist*, ed. by Robin Morgan (New York: Vintage Books, 1978), 163–169.

⁴ Bronstein, 244.

the most fervent anti-porn activists, Catharine MacKinnon, argued that ‘pornography makes the world a pornographic place’ and called for a ban of pornography.⁵ This essay will explore the relevance of MacKinnon’s statement in the twenty-first century with reference to contemporary scholars studying pornography. The first section will delve into the socio-political context of MacKinnon’s quote. The second section will deal with the current cultural context and how it differs from that of MacKinnon. The third section will examine the complexity of argument reflected in contemporary sociological studies on this matter. The final section will consider the difficulties of studying pornography consumption and its effects. It is worth emphasising that although pornography covers a huge range of representations and niches, this essay will focus on mainstream cis-heterosexual pornography, as MacKinnon was concerned with pornography in terms of such gender relations.⁶ The paper will also focus primarily on men’s consumption of pornography, though it should be acknowledged that people of all gender identities can be involved in the consumption of pornographic materials.

⁵ Catharine MacKinnon, *Only Words* (Cambridge: Harvard University Press, 1996), 22, 25.

⁶ Cis comes from the word cisgender and refers to people who identify with the gender they were assigned at birth.

MacKinnon's statement comes from her book *Only Words* which was published in 1993. In this work, she puts forward a contentious argument that the First Amendment of the United States Constitution, which assures the Freedom of Religion, Speech, and the Press, has been used by the US legal system to allow for active intimidation and discrimination of women.⁷ This consequently breaks the Fourteenth Amendment of the Rights of Citizenship, which promises equal protection of all citizens.⁸ As MacKinnon argues, the protection of pornography as free speech reduces it to mere words and erases the real abuse that women suffer, both in the making of pornography and outwith it.⁹ Attempting to reframe the legal debate on pornography, MacKinnon, along with Andrea Dworkin, developed a proposal for 'a law against pornography that defines it as graphic, sexually explicit materials that subordinate women through pictures or words'. In its entirety, the quote reads:

Pornography makes the world a pornographic place through its making and use, establishing what women are said to exist as, are

⁷ NCCS, 'The Bill of Rights: Amendments 1-10', *National Centre for Constitutional Studies* <<https://nccs.net/online-resources/us-constitution/amendments-to-the-us-constitution/the-bill-of-rights-amendments-1-10>>.

⁸ NCCS, 'Amendment 14', <<https://nccs.net/online-resources/us-constitution/amendments-to-the-us-constitution/amendments-11-27/amendment-14-rights-of-citizenship>>.

⁹ MacKinnon, 9-11.

seen as, are treated as, constructing the social reality of what a woman is and can be in terms of what can be done to her, and what a man is in terms of doing it.¹⁰

In other words, pornography creates a social reality in which women are defined by what men can do to them, and men are defined by what they can do to women. This understanding of pornography sees men's abuse and violation of women as an inherent part of its production and use, which shapes the aforementioned social reality.¹¹ As such, pornography is more than a vehicle for the *idea* of subordination and discrimination of women: it is a harmful act of discrimination towards women.¹²

In support of her stance, MacKinnon points to empirical evidence from the 1980s that details how women are affected by misogyny through acts of sexual violence.¹³ These figures show that 38 per cent of women were molested as children and 24 per cent were raped within marriage; 85 per cent of women working outside the home were sexually harassed in the workplace at some point; and nearly half of women were the victim of rape or attempted rape.¹⁴ It is easy to see why anyone would want to

¹⁰ MacKinnon, 22.

¹¹ MacKinnon, 15.

¹² MacKinnon, 10-12, 15.

¹³ MacKinnon, 7.

¹⁴ Diana Russell, *The Secret Trauma* (New York: Basic Books, 1986) and *Rape in Marriage* (Bloomington: Indiana University Press, 1990); United States Merit

find a cause for this violence and then implement legal changes to target that cause. MacKinnon, though not saying that pornography is the sole cause, clearly sees it as one of the underlying ones. However, as I will explore further on in this essay, MacKinnon's view that pornography contributes to these problems might ignore the complexities of how sexual violence and misogyny are perpetrated in our society. It might also over-simplify how attitudes and behaviour are affected by pornography.

Almost two decades into the twenty-first century, a lot has changed since MacKinnon spoke of banning pornography for the sake of assuring women's right to equal protection. Primarily, the arrival and rise of the internet has made the social landscape vastly different from the one MacKinnon was operating in; so much so that banning pornography, though still difficult in the 1990s, would be near impossible today. Despite the fact that estimating the amount of pornography available on the internet is not an easy task, a combination of some research methods (such as an analysis of the one billion most visited websites in the past few years, an analysis of web searches between July 2009 and July 2010,

Protection Board, *Sexual Harassment of Federal Workers: Is It a Problem?* (1981) and *Sexual Harassment of Federal Workers: An Update* (1988); Majority Staff of U.S. Senate Judiciary Committee, *Violence against Women: A Week in the Life of America* (1992).

and interviews with staff at prominent search engines), used by Ogi Ogas and Sai Gaddam, allowed for assessing that between 4 and 15 per cent of all online material was pornographic in nature.¹⁵ Moreover, anyone with an internet connection can access and spread pornographic material, be it commercial or homemade. Additionally, Western societies are increasingly more sexually open, and a feminist discourse among common people seems to lean more towards sex-positive ideologies. Since many changes have taken place in Western culture, one might feel tempted to dismiss MacKinnon's argument as irrelevant in contemporary feminist discussions about pornography. However, these societal transformations might have made it relevant in new ways.

In recent decades, social scientists have observed a 'sexualisation of culture', which Rosalind Gill describes as 'the growing sense of Western societies as saturated by sexual representations and discourses, and in which pornography has become increasingly influential and porous, permeating "mainstream" contemporary culture'.¹⁶ It seems evident that magazines, advertisements, movies, television shows, music

¹⁵ Ogi Ogas and Sai Gaddam, *A Billion Wicked Thoughts* (New York: Dutton, 2011).

¹⁶ Rosalind Gill, 'The Sexualisation of Culture?', *Social and Personality Psychology Compass*, 6:7 (2012), 483-498, 483-484.

(both lyrics and music videos), and other media all use sex to sell their products.¹⁷ There is also a rising number of cosmetic plastic surgery, such as labiaplasty (where parts of the inner labia are removed for a smaller appearance, often for aesthetic reasons), vaginal rejuvenation (which is supposed to tighten the vagina with the use of lasers), breast implants, and penis enlargement, that appears to mimic the physical ideals found in mainstream pornography.¹⁸ Studies have also shown some trends of partial or complete removal of pubic hair among younger generations, which is also common in mainstream pornography.¹⁹ Should these trends be counted into a potential pornographic world? Opinions may vary, but I would argue that they should, not necessarily because of a causal relationship, but because the correlation appears strong enough to not be mere coincidence.

¹⁷ Plante, 242.

¹⁸ John Miklos and Robert. D. Moore, 'Labiaplasty of the Labia Minora: Patients' Indications for Pursuing Surgery', *Journal of Sexual Medicine*, 5:6 (2008), 1492–1495; David Veale et al, 'Psychological Characteristics and Motivation of Women Seeking Labiaplasty', *Psychological Medicine*, 44 (2014), 555–566; Anand Singh and others, 'Laser Vaginal Rejuvenation: Not Ready for Prime Time', *International Urogynecology Journal*, 26:2 (2015), 163–164; Plante, 242.

¹⁹ Debra Herbenick et al, 'Pubic Hair Removal among Women in the United States: Prevalence, Methods, and Characteristics', *Journal of Sexual Medicine*, 7:10 (2010), 3325.

A number of studies explores how pornography affects the attitudes and behaviours of individual. To summarise their findings: although contemporary scholars agree that pornography is 'widely consumed by men' and that misogynist pornography exists, they disagree on how characteristic the misogynist content of pornography is at large and what kind of engagement men have with the pornography they consume. Some scholars take an outright positive stance in the debate on pornography.²⁰ For example, according to Brian McNair, pornography is both transgressive and liberating for men and women alike, and the sexual openness of our society (in which pornography plays an important part) has a direct, positive impact on women's rights.²¹ The argument put forward is that the 'more pornography which exists in a given society, and the more open and diverse is its sexual culture in general, the more established – hegemonic, if you will – feminism and all it stands for in the field of women's rights will be'.²² McNair suggests that this trend can be illustrated by a comparison of sex-liberal states, such as the

²⁰ Aleksandra Antevska and Nicola Gavey, 'Out of Sight and Out of Mind: Detachment and Men's Consumption of Male Sexual Dominance and Female Sexual Submission', *Men and Masculinities*, 18:5 (2015), 606.

²¹ Brian McNair, *Striptease Culture: Sex, Media and the Democratization of Desire* (London: Routledge, 2002) and *Porno? Chic!: How Pornography Changed the World and Made It a Better Place* (London: Routledge, 2013).

²² McNair, *Striptease Culture*, 55.

Scandinavian ones and the Netherlands, to strictly censored Muslim countries.²³ He also asserts that there has been a democratisation of desire that allows for people to participate in sexual culture without any negative social consequences, which also leads to a more progressive society.²⁴ However, one could argue that this stance is ideologically supported by capitalist and patriarchal systems. As the internet pornography business in the US is estimated to be worth \$2.5 billion, maintaining the pornography industry and continued objectification of women seem to be somewhat justified by the interest of those who count on economic profit.²⁵

There are also outspoken anti-pornography scholars, such as Gail Dines and Robert Jensen, who follow the same line as MacKinnon and maintain that pornography constitutes and inspires real harm to women. For example, Jensen asserts that pornography ‘demands that men abandon empathy’.²⁶ And Dines claims that it is ‘fantastical thinking’ that men could masturbate to pornography and not have the misogyny affect

²³ McNair, *Striptease Culture*, 55.

²⁴ McNair, *Striptease Culture*, 11.

²⁵ Plante, 253.

²⁶ Robert Jensen, ‘Pornography is What the End of the World Looks Like’, in *Everyday Pornography*, ed. by Karen Boyle (London: Routledge, 2010), 105–13, 112.

them.²⁷ A common critique of this stance is associated with a lack of scientific evidence confirming this state of affair. For this reason, Weitzer criticises Jensen for making grand claims about men’s lack of empathy for the women in pornographic films without providing any proof of this being the case.²⁸ Similarly, he accuses Dines of basing most of her claims on anecdotal evidence.²⁹

Other critics of anti-pornography scholarship claim that no causal link between violent pornography and violent sex crimes can be proven, not even in cases where perpetrators of violent sex crimes have had pornographic materials in their possession which mimic their crimes. It is argued that it cannot be determined whether the pornography caused their ‘aberrant behaviours’ or whether their predisposition to such behaviour led them to seek out content reflecting their violent desires.³⁰ Moreover, some studies, which did not find any link between porn consumption and negative attitudes towards women, indicate instead that other social factors (such as age, gender, political leaning, level of

²⁷ Gail Dines, *Pornland: How Porn Has Hijacked Our Sexuality* (Boston: Beacon Press, 2010), 78.

²⁸ Ronald Weitzer, ‘Review Essay: Pornography’s Effects: The Need for Solid Evidence’, *Violence Against Women*, 17:5 (2011), 666–75, 667.

²⁹ Weitzer, 670.

³⁰ McNair, *Porno?*, 81.

education, etc.) show a greater significance.³¹ In a similar vein, Plante notes that issues of sexual violence, rape, misogyny, etc. are far more complex than what can be revealed by studying porn consumption alone.³² These issues are part of the larger social structure of patriarchy and have been present for thousands of years. The banning of pornography would not signal the end of these issues, nor did the advent of pornography cause them.

However, this does not mean that we can dismiss MacKinnon as completely irrelevant in the twenty-first century. Even if some studies have revealed no causal relationship between pornography and increased sexism towards women, other research has demonstrated otherwise. A recent study of 84 male university students showed that ‘inadvertent exposure to [...] sexual online pop-up commercials, coupled with feelings of anonymity, could increase participants’ sexist attitudes toward women.’³³ If this study indicates a larger trend, the increased prevalence and acceptance of pornographic imagery in our culture could lead to an

³¹ Alan McKee, ‘The Relationship Between Attitudes Towards Women, Consumption of Pornography, and Other Demographic Variables in a Survey of 1,023 Consumers of Pornography’, *International Journal of Sexual Health*, 19:1 (2007), 31-45, 31.

³² Plante, 246.

³³ Jae Woong Shim and Bryant M. Paul, ‘The Role of Anonymity in the Effects of Inadvertent Exposure to Online Pornography among Young Adult Males’, *Social Behavior and Personality: An International Journal*, 42:5 (2014), 823-834, 823.

increasingly sexist culture: just as MacKinnon was concerned about. Findings of another study, which examined attitudes towards pornography among New Zealand men, demonstrate that there was a general ‘detachment from any ethical considerations or recognition of its gender politics’ in relation to the pornography that participants consumed, and that a majority of them were unused to thinking about pornography in a critical fashion.³⁴ This goes against what previous studies had shown, such as those by Rachel Thomson as well as Thomas Johansson and Nils Hammarén, where participants expressed some moral ambivalence towards what they were watching.³⁵ In contrast, the majority of participants in the New Zealand research did not show any ‘qualms of conscience’ in relation to the misogynist imagery (such as aggression towards the female performer, ejaculation onto the woman’s face, use of abusive language and gendered slurs, and general violent behaviour even in non-BDSM contexts) present in mainstream pornography.³⁶ This could

³⁴ Antevska and Gavey, 623.

³⁵ Thomson, Rachel, ‘“It Was the Way We Were Watching It”: Young Men Negotiate Pornography’, in *Consuming Cultures: Power and Resistance*, ed. by Jeff Hearn and Sasha Roseneil (Houndmills: Macmillan Press, 1999), 178-98; Thomas Johansson and Nils Hammarén, ‘Hegemonic Masculinity and Pornography: Young People’s Attitudes Toward and Relations to Pornography’, *The Journal of Men’s Studies*, 15:1 (2007), 57–70.

³⁶ Antevska and Gavey, 624.

suggest that the normalisation of pornography has increased in recent years and misogyny in mainstream pornography has been accepted.³⁷ With these two studies in mind, MacKinnon's statement that 'pornography makes the world a pornographic place' might be more relevant now than it was even a decade ago.

Despite attempts at studying pornography to reach some clarity in its effects on people's attitudes and behaviours (and, in turn, society at large), the results have been varied and inconclusive. In view of this, one must be careful to draw causal relationships in either direction when it comes to pornography and its effects, as the effects of pornography are unlikely to fall neatly into one category of either positive or negative. Even scholarly opinions will be affected by a multitude of biases and attitudes, where their stances on a range of other things (such as how libertarian they are or how positive they are about the media) will affect their stance on the debate about pornography.³⁸ Furthermore, as the consumption of pornography becomes more entwined with the sexual experience of the average person (e.g. more people being exposed to pornography at younger ages and general acceptance of consuming porn

³⁷ Antevska and Gavey, 624.

³⁸ Gill, 487.

increases), it gets harder to untangle its effects on social life. Plante draws a comparison with the debate on whether the video game 'Grand Theft Auto' affects people negatively, explaining how it is easier to measure whether people start committing the crimes they play out in the game than it is to measure the effects pornography has on people's sexual behaviours as most people will be sexually active at some point in their lives whereas most people will not commit a serious felony.³⁹ It is also important to note that people will have been socialised in a patriarchal society regardless of their exposure to pornography, and men with existing negative attitudes towards women might view pornography differently from men who lack those negative attitudes.⁴⁰ Furthermore, since sex is still considered a personal affair, people will be keen to protect their own sexual behaviours as acceptable and unproblematic. As Antevska and Gavey remark, neoliberal values of individual privacy, freedom, and expression might shield men's consumption of pornography from social critique.⁴¹ Thus, it appears that our society has come further in terms of its acceptance and

³⁹ Plante, 248.

⁴⁰ Plante, 246.

⁴¹ Antevska and Gavey, 623.

normalisation of pornography than what our collective ability to critically discuss and reflect on pornography has come.

As Gill affirms, current discussions on pornography, whilst still often divided into binaries, do not fit neatly into the dichotomy between pro-sex and anti-porn that MacKinnon took part in.⁴² Nevertheless, MacKinnon's claim that pornography makes the world a pornographic place remains relevant in the twenty-first century: not because a ban on pornography would necessarily signal the end of patriarchal oppression of women, but because it is part of a still ongoing debate on pornography, its influence on society, and its effects on social relations. However, our society has changed since MacKinnon wrote *Only Words*, and as such our application of this statement as it might relate to our current societal situation must also change. Instead of posing it as a black-and-white assertion, we may use it to question our own assumptions about porn consumption, especially if we become more accepting of pornography as a taken-for-granted part of our society.

⁴² Gill, 486.

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The Wretched of the Earth – A Review

Georgina Rolfe

The *Wretched of the Earth* posits a distinctly Marxist framework for understanding colonialism, depicting decolonisation as a radically transformative process as opposed to an event. This is a major component of the success achieved by Frantz Fanon's work, despite terminological ambiguities and generalisations made at the expense of human agency. The implicit circular relationship between the colonised and the coloniser shapes the roles of individuals and therefore the wider process. Contrastingly, Fanon's notion of power and voice is an explicitly linear understanding of something being constantly re-negotiated. The exact mechanisms of these transfers are more elusive; it is easy to grasp the notion of change but not the precise mechanisms of changing. It remains difficult to grasp precisely why the power is renegotiated thus. Despite the ambiguity and lack of resolution that permeates the work throughout, *The Wretched of the Earth* resonates with contrasting moments of harsh clarity and piercing observation.

In *The Wretched of the Earth* (1965), Frantz Fanon posits and explores several major narratives within the decolonisation process, including the use of violence and spontaneity, the development of national

consciousness and culture, and, finally, the psychological effects that this process has on individuals. At times, this results in ambiguity within Fanon's metanarrative, leaving space for interpretation that contrasts against moments of sharp, resonating clarity.

Fanon explicitly constructs a Marxist perspective, critical of decolonisation. This most obviously manifests in his tone and language, showing distaste for the middle and upper classes, and appealing to the people to take ownership of the decolonisation process. The use of Marxist terminology is particularly prominent, including extensive use of 'proletariat', 'bourgeoisie' and 'lumpenproletariat'. Fanon deliberately distinguishes between evocation of people and of lumpenproletariat. When he refers to 'people', he is trying to capture not just the proletariat but also the lumpenproletariat who will help achieve decolonisation.¹ The lumpenproletariat have an increasingly significant role in the on-going decolonisation process, particularly ensuring that the desired aspirations of the process are delivered. Unfortunately, Fanon does not give a precise definition of how he intends this term to be interpreted (definitions are lacking for any of the Marxist vocabulary deployed). It is, however, a

¹ Frantz Fanon, *Les Damnés de la Terre*, trans. Constance Farrington (London: Penguin Books: 1965), 88. [Subsequent references given in brackets in the text.]

Marxist word to refer to those (usually the lowest orders of society) with non-revolutionary tendencies and indifference to the advancement of society. Fanon is distasteful of their lack of political views, at one point calling them 'a horde of rats', threatening both the Marxist aim of revolution and Fanon's desire to see colonialisation end (103). He does, however, recognise their capacity for 'militant and decisive action' that will forward the decolonisation process *if* the nationalist party leaders can engage with them (103). This opens potential for the lumpenproletariat even if they are characterised as those with no desire to have a voice. Upon occasion, however, Fanon appears inconsistent with orthodox Marxism; there is the implicit suggestion that the national leaders alone (i.e. a vanguardist approach) are insufficient to fully realise the aspirations of the decolonisation process. Despite the terminological ambiguity, the Marxist language and tone immediately frame Fanon's work within a distinctively Marxist perspective.

This Marxist perspective definitely has merits. It frames and elucidates the power imbalances of the colonised country, as well as providing comparison between the colonised and coloniser nations. Though not explicitly stated, it also evokes parallels between the communist struggle and decolonisation, notably between class-

consciousness and national consciousness. Particularly intriguing are the parallels alluded to between the decolonisation process and the historical process that leads to a communist revolution (27). Positing decolonisation as a process is central to Fanon's depiction of decolonisation, moving it away from a singular event to a political and cultural process that the nation undergoes to achieve decolonisation. However, the treatment of human agency within the framework is problematic. Despite his hyper-awareness of individual agency that must unite the proletariat at grass-root level to achieve decolonisation (most prominent in the chapter describing mental illnesses of patients he has encountered), Fanon decouples individuals from agency – labels such as coloniser and native are predetermined roles to carry out. It is a very faceless, anonymous account of the decolonisation process that allows Fanon to frame it within the larger structures of society, culture, and economy. The compromise is Fanon making sweeping generalisations. The Marxist framework deposited in *The Wretched of the Earth* has distinct merit and is a major component of the success of Fanon's work but requires compromises of generalisations at the expense of human agency.

In true Marxist fashion, Fanon evokes a dichotomy with the West, advocating a break from colonised nations (soon to be decolonised

nations) being a 'caricature' of the West. Instead, their energy should be turned inwards and upwards to create their own, improved society (254). Yet, until decolonisation is achieved everything, the very bodies and ideas of the colonisers, are superior, even notions assumed as basic in the West, such as the political party imported from the 'mother country', where the 'grandeur and scope' of the colonised culture originates (241). This dichotomy of the West applies to individuals as much as to the nation. Fanon describes how the natives are considered unconsciously opposed to Cartesian mind-body dualism, a central tenant of Western society, especially in institutions like medicine (241). The superior attitude the coloniser harbours is distressing from a modern perspective, where equality of all humans and cultures is commonly promoted and diversity should be valued. Such deterministic views of superiority and, more importantly to Fanon, inferiority are something that contemporary perspectives try to avoid at both macro and individual levels. To create similarities between the West and the colonised nations would encourage what is already a tendency to follow Western development. Despite this distasteful aspect, the juxtaposition actually strengthens his final, rousing proclamation for the decolonised nations to rise above their oppressors. As such, it is logical and supportive of his ultimate message to maintain

a juxtaposition between the West and the colonised nation, however distasteful to contemporary readers.

It is explicit throughout the work that decolonisation is a process, similar to Marx's depiction of economic development being a historical process. Fanon is therefore constantly grasping to identify and convey the shifts this process is predicated on. There are numerous and very complex changes that Fanon describes and evaluates, muddled by inclusion of incorrect pathways for a nation to decolonise. One relatively simple example is the notion that there must be 'a rapid step' from a purely national consciousness, particularly one defined by the coloniser or by juxtaposition with the West, to a 'political and social consciousness', which has the full support of the people to tackle issues such as illiteracy and lack of democratic processes (163-164). This can then be built into nationalism, grounded in the political and social engagement of the people. The specifics of this change in the nation's consciousness are explored but still appear somewhat diluted and haphazard. For Fanon here, it is enough to grasp a multiplicity of changes in actors, practises, the narrative, and discourses they negotiate and renegotiated as necessary to successfully undergo decolonisation. The exact mechanisms of these transfers are more elusive; it is easy to grasp the notion of change but not

the precise mechanisms changing. This leaves ambiguity in the work and particularly space for interpretation – this review representing only one such interpretation.

Nonetheless, I have tried to elucidate some of the wider narratives of change, tracking and evaluating their development. One prominent narrative throughout the work is the tension between the means and the end, that is, the decolonisation process and decolonisation itself, particularly the aims of a decolonised state. Tension arises particularly in Fanon's justification of violence as a tool to achieve decolonisation, where he posits that countries that have achieved independence peacefully do not successfully decolonialise but simply replace those in power with natives. Fanon assumes this is because that nation has not been transformed through the decolonisation process. It is only through this transformation that the nation can fulfil its potential by learning from, yet developing differently to, and hopefully transcending from, the Western powers. This is not necessarily problematic until we return to the main proponent of Fanon's argument for violence. Because the colonial system was created and sustained through violence, the only way it can meaningfully change is also through violence, which is the only language that the coloniser understands. It appears that throughout

the decolonisation process the use of violence is justified in order to decolonialise. But once decolonisation is achieved violence ceases to be justified, it being a key component of Western power that must be transcended. This is somewhat problematic. Furthermore, it is also worth noting that there is no reason to suppose the coloniser will suddenly understand a language of non-violence even after the achievement of decolonisation, having not undergone the transformation of the decolonisation process that the colonised experience. This also illuminates a prominent example of constant change within the decolonisation process, characterising both the piercing account and analysis and the contradictions arising from such a constantly shifting society, of which violence is one example. This contradiction in Fanon's justification of using violence opens up space for interpretation and creates tension within the work, whilst adding depth to the depiction of decolonisation and its ramifications as a radically transformative process.

The relationship between urban and rural spaces furthers the notion of decolonisation as a radical transformative process. Fanon proposes a shift from perceiving rural areas of decolonising nations suspiciously to seeing them as integral to the achievement and maintenance of decolonisation, similar to the lumpenproletariat. They are

originally treated suspiciously because of the coloniser's control and maintenance of the traditional tribal practises (87). The town dwellers composing many nationalist parties must see past this in order to understand that the rural populous, despite their maintenance of traditional cultures, are dedicated to their nation (101). Their importance in the decolonisation process is further substantiated when Fanon, perhaps contradictory to his Marxist stance, claims that it is vital the rural populous remain engaged with the newly decolonised nation and, as such, meaning that the new administrative and political system must be as decentralised as possible (149). Here again notions of anarchism as opposed to Marxism creep in. This potentially subtle political shift adds to both the incredibly complex multifaceted process and highlights that whilst Fanon's work is hailed as a Marxist analysis, it is not an exclusively orthodox one.

The change in rural perceptions relates to a wider narrative within *The Wretched of the Earth*: that of who (individuals or groups) has a voice before, during, and after the decolonisation process. The ultimate transfer of voice is the colonised country achieving independence and thus control of itself. Voice is here used to dictate the ability to create meaningful (political) change through being listened to. However, the

process is not as linear as this summary indicates: there are many different groups who serve or hamper the decolonisation process, with those who have a voice being varied and fluctuating. In keeping with his Marxist perspective, Fanon often splits these groups into the bourgeoisie and the proletariat. We see transition of voice – and the benefiter of these transitions – most obviously in Fanon’s depiction of the nationalist party once it succeeds in gaining power. He describes the nationalist party as transitioning from the speakers of the people to a means of ‘private advancement’ that panders to the bourgeoisie, behaving ‘like common sergeant-majors’, becoming an opaque rather than translucent mediatory between the people and the government (138, 147). The people’s voice is being reduced to the same extent as that of the colonisers, despite them originally spearheading the voice of the people. This does not mean there are no opportunities created throughout the transformative process: engagement of those with a voice (and therefore power) with the traditionally voiceless is a powerful example of such. Fanon particularly advocates a voice for the socially marginalised (for example maids and prostitutes), within the decolonisation process, even if it is a temporary or precarious one.

He then makes a further distinction between the coloniser bourgeoisie and the native bourgeoisie, the latter often framed as opposed to the values of decolonisation, having benefited and exploited fellow natives in pandering to the colonisers. Yet, they are also still inferior to the ‘mother country’ bourgeoisie despite their aspirations and moral compromises (120). This moral compromise derives from the native bourgeoisie having a capacity for voice by defusing intellectual and technical skills to the people to further decolonisation but instead choosing to be a ‘traditional bourgeoisie [...] which is stupidly, contemptibly, cynically bourgeoisie’ (121). This is perhaps an overstatement – natives only directly having cultural impact not political power or voice. This notion of power and voice is an explicitly linear understanding of something being constantly re-negotiated. Some of the challenges and opportunities have been summarised here, yet it remains difficult to grasp precisely *why* the power is renegotiated thus. This lack of explanation does not derive clarity from the decolonisation process.

The cumulative effect of narratives discussed, including changes in political power through violence and voice particularly, constitute the decolonisation process and its ramifications, creating a constantly shifting society. These narratives allow a firmer grasp of how the overall

process ideally operates. However, they still leave much room for interpretation within the text, with the precise mechanisms on which such radical, and sometimes non-radical, transformations are predicated on remaining ambiguous. This can be beneficial though. Fanon makes sweeping, generalist claims that give structure and form to the decolonisation process. Such ambiguity creates space for real, lived accounts to operate and flourish without breaking an unnecessarily constrictive account. Therefore, as a reader, the ambiguity is somewhat challenging, but as a framework for the process being described it is one of Fanon's strengths.

Throughout *The Wretched of the Earth*, Fanon implicitly places the coloniser and the native within a circular dialectical process of creation and re-creation. They are co-dependent in their existence: the role of the native and the coloniser will cease to be when the decolonisation process is complete. This also applies to the national level; the role of a colonised country ceases to be when the country achieves its independence. This understanding of the interaction between these two agents is implicit throughout the text, yet it is central to understanding how Fanon frames the *direct* contact between the coloniser and the native throughout the decolonisation process. One of the mediators of direct

contact between the coloniser and the native is language, something Fanon highlights when he discusses the importance of using everyday language to express the supposed complexities of government to ensure that the people engage (152). Language is just one way the colonised and coloniser have the potential power to re-create their (and therefore the other's) role by redefining themselves, by breaking down stereotypes for example. A simple expression of this is the breaking down of the notion that the colonised are uneducated, forcing the colonisers to avow themselves less superior. Language frames all direct encounters between the coloniser and the colonised, manifesting between events.

During the decolonisation process, there are not only events, but events that are meaningful actions. Martyrdom, as an expression of symbolic violence, is an example of such. Fanon upholds the notion that those who openly defy the colonial regime become heroes, perhaps by running rings around the police, killing several policemen before being killed themselves or committing suicide to avoid forced collaboration (54). Simultaneously, traditional historic figures of rebellion become rediscovered (54). Such actions create and re-create their relationship; the coloniser goes from enhancing the nation to oppressing the people. Acts of defiance re-create the role of each. Equally, heroes cannot exist in an

equal world: the revolutionaries who helped achieve decolonisation are afterwards left to 'take the empty title of citizen' (137). This forces renegotiation in the absence of labels, after the process completes. The implicit circular relationship between the colonised and the coloniser shapes the roles of individuals and therefore the wider process. It, like much of Fanon's work, is also incredibly multifaceted and complex, constructed of many smaller changes and processes, which cannot be adequately captured here.

The implicit circular creation process renders a shared and renegotiated power in creating and re-creating the other. This seems at odds with the linear power imbalance discussed so far, where the colonised gradually and eventually achieves total reclamation of the coloniser's power to achieve decolonisation. This linear power emphasised by the writing and recording of history – what are the facts, what becomes folklore and what is forgotten – has always been firmly in the power of the colonisers (177). Despite this, there are two different power processes occurring throughout the decolonisation process: linear and circular. Fanon does not adequately address this tension. This adds to the ambiguity and the lack of resolution that permeates the work

throughout, which is juxtaposed to moments of harsh clarity and piercing observation.

The Wretched of the Earth is a fascinating work that frames decolonisation as a process, rather than as a singular event, which deeply enriches the understanding of colonised nations and their struggle for decolonisation. It does, however, create a constantly shifting narrative that Fanon struggles to convey. Fanon's attempt to create a conceptual framework for decolonisation struggles with the tension between the explicit framework he is engaging with, such as a linear power imbalance, and implicit themes, such as a circular renegotiation of coloniser and colonised. Though subject to much criticism, his Marxist perspective (and deviance from orthodox Marxism) allows for a unique insight into the decolonisation process. Despite its extensive scope for ambiguity and interpretation, as well as critique of Marxism as a perspective for elucidating decolonisation, *The Wretched of the Earth* remains both an illuminating and instructive piece of literature.

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‘Migration is Natural and Courses through the Blood of All Life on Earth’:¹ Ethnography as a Means of Understanding Central American Migration

Juliette Schroeder

This article argues that the ethnographic methods of anthropology are essential tools for the analysis of migration, as they help sharing individuals’ stories. By focusing on the Central American migration flows, it shows the stark contrast between the never-ending dangers of the migrants’ journey and the social stigma they are subjected to once they reach their destination. In describing the perils people face travelling north, it analyses how migrants’ vulnerability is constructed and enhanced by geopolitical structures operating at all levels. By looking at the United States immigration policies and public attitude towards migrants, it shows that prejudices and othering play a key role in people’s perception of the issue. It suggests that by bringing to the forefront detailed ethnographic accounts of individuals’ journeys, the emotional and empathetic bond between human beings can be restored, and the global practices allowing for such blatant inequalities can be recognised and addressed.

¹ JessXSnow, *Migration is a Natural Right* (Amplifier Foundation Poster, 2017).

Migration is inherently human. Movement through the world is the very basis of our experience: exploration and colonialism shaped the greater part of recorded history, what we know as our lives today would be nothing if not for the migration of our ancestors. This is true on many levels. There is no single instance in which a major event cannot be attributed to mobility. If movement is so integral to our story, why, then, is it so wrought with stigma? Is there a factor that identifies a fundamentally adverse difference between migration for the purpose of exploration and that of necessity? Societies are frightful of new people, and, in recent times, the integration of these new groups has been drawn up to the main stage in a particularly unsavoury manner. Why do we see this common disposition arising and how can these experiences be documented when they exist en masse? To fully understand the reality of migration, ethnography is indispensable. Migrants are more than the simple statistics they are often reduced to. This is the role of anthropology: to give voice to the individual expression of the migratory phenomenon that persists in global society. This paper will focus on the vulnerability of Central American migrants and explain how an emic perspective humanises a phenomenon that isolates a transient and already at-risk population.

Gangs, Drugs, and Blood: A Dangerous Road

With migration comes the potential for risk and danger. Migrants from Central America, in particular, are exposed to threats upon their lives in varying degrees. Violence runs rampant on the journey north, and social issues confirm this experience: exploitation, in the form of ransoms, human trafficking, sexual abuse, and drug smuggling, amongst others; physical injury as a result of dangerous travel methods, illness, or improper healthcare; and emotional hardships are only the beginning.² Kidnappings in Mexico alone have increased by 800% from 2001 to 2014.³ Stories about migrants who have been held captive and sold for ransom are all too prevalent. News reports citing the brutal captivity of migrants by gangs are staggering, not only in frequency, but also in numbers: reports too often tell of incidents involving more than one hundred migrants. Gangs are not held accountable for these displays of power and terror, as citizens automatically are valued less when they are labelled as migrants: they become a disposable commodity. Ransoms are

² Wendy Vogt, 'Crossing Mexico: Structural Violence and the Commodification of Undocumented Central American Migrants', *American Ethnologist*, 40:4 (2013), 764-780; Maria Cristina Garcia, *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada* (Berkeley: University of California Press, 2006).

³ Christopher Woody, 'Mexico is Facing a Deadly Central American Migrant Crisis', *Business Insider* (2015), <<http://uk.businessinsider.com/mexico-is-facing-a-central-americans-migrant-crisis-2015-6?r=US&IR=T>>.

paid through Western Union, but the ramifications of this on a moral level are blatantly ignored by the corporation. ‘Activists in Mexico have condemned Western Union for its complicity in the kidnappings of migrants, as people who must pay ransoms in exchange for the release of loved ones are often asked to send money orders through Western Union’.⁴ This exploitation of human beings extends beyond criminal actors and bleeds into the structural social order. ‘Mexican police were often implicated in human rights abuses’: this gross misuse of authority is not an isolated incident and is overlooked by both local and state governments.⁵

Globalisation, income disparity, and gang violence are just some of the factors that contribute to the need to migrate.⁶ However, these forms of structural violence are best brought to light through the narratives of the individuals making the journey.⁷ Not only is migration caused by fundamentally problematic institutions, but the abuses suffered by migrants are amplified by subsequent institutional practises. It is

⁴ Vogt, 775.

⁵ Garcia, 123.

⁶ Teresita Rocha-Jimenez, Kimberley Brouwer, Jay Silverman, Sonia Morales-Miranda, and Shira Golderberg, ‘Migration, Violence, and Safety among Migrant Sex Workers: A Qualitative Study in two Guatemalan Communities’, *Culture, Health, and Sexuality*, 18:9 (2016), 965-979.

⁷ Vogt, 768.

assumed by many North Americans that migrants seeking refuge are coming to richer countries to find new work, however, this is increasingly not the case: ‘In Tapachula, the largest city near the Guatemalan border, shelters which once served transient migrants hoping to find work in the US are now full of frightened asylum seekers’.⁸ The hostility of the region grows and governments in the northern triangle are not acting against the groups that are capitalising on local vulnerability.

A Geopolitical Snare

The Central American migrant experience is unique in that the community is not taking refuge from an outwardly oppressive *government* but rather an oppressive overarching *system*. Migrants are not exclusively fleeing a dangerous event, but an environment that is flawed on multiple levels:

The flexibility that migrant labour provides to agribusiness – the migrants’ convenient willingness to show up when needed and disappear at the end of the season – is grounded in a substrate of torn muscles, alcoholism, tuberculosis, and heat stroke. It is not incidental that [Northern multinational] corporations have long-held status as ‘legal persons’ in the United States, enjoying

⁸ Nina Lakhani, ‘Central America’s Rampant Violence Fuels an Invisible Refugee Crisis’, *The Guardian* (2016), <<https://www.theguardian.com/world/2016/oct/13/central-america-violence-refugee-crisis-gangs-murder>>.

extraordinary rights to influence political policy through financial contributions to politicians while their immigrant employees are nonpersons.⁹

Systematic devaluation ignores the humanity of these individuals, thus commodifying them, as Vogt argues. Migrants are treated as nothing more than objects of value to someone along the line of trade. Human trafficking persists, with the government fully aware, and with no hindrance to its growth.¹⁰ People are held captive and exploited by gangs (in the manner of forced labour, sexual abuse, monetary gain, and occasionally simple displays of power). Central American migrant societies suffer this piercing disinterest, now existing on local, national, and corporate levels. The exploitation extends beyond the journey itself: ‘Many companies today would doubtless go bankrupt if the United States summarily deported undocumented workers, which, with a population estimated at more than 12 million, is an unimaginable undertaking’.¹¹ This profiteering would slip under the rug if not for a commitment to

⁹ Sandy Smith-Nononi, ‘The Illegal and the Dead: Are Mexicans Renewable Energy?’, *Medical Anthropology: Cross Cultural Studies in Health and Illness*, 30:5 (2011), 454-474, 465.

¹⁰ Vogt, 775.

¹¹ Smith-Nononi, 463.

documentation; the ethnographic voice creates a platform for migrant narratives, preventing these serious flaws to be wholly ignored.

Honduras, Guatemala, and El Salvador make up what is known as the northern triangle, a region plagued by violence and hostility from which many seek an escape. The prevalence of gangs and corruption is not without historical validation:

During the 1980s, the three countries known as the northern triangle were blighted by vicious civil wars between US-backed military dictatorships and leftist guerrilla groups. But even after ceasefires were agreed, peace never came to the region as unresolved inequalities and amnesties which let war criminals escape justice fuelled a new wave of violence and corruption.¹²

Brutality, as a result of gang activity and state aggression, left over 8000 people dead in Honduras just last year.¹³ These statistics are overlooked by the public until they are placed on the mainstage through storytelling and participant observation, anthropology’s key methods. Only after the public is made aware of these horrors can the issue begin to be resolved.

¹² Lakhani.

¹³ Lakhani.

Send Me Your Poor, Your Huddled Masses

Why does persecution bite the heels of mobile communities long after the journey is over? How can it be justified to allow for the adoption of these stigmas that persist today? Refugees, in all forms, are largely considered ‘undesirables’.¹⁴ So much of the modern perception of migrants in North America is focused on a sense of otherness, and migrants are immediately labelled as a threat to stability, influence, and the integrity of the nation.¹⁵

It is easier to turn a blind eye to issues that seem insurmountable, and for many North Americans this is exactly the case. By not allowing the free movement of the Central American migrant community, North Americans are participating in the stigmatisation of those people that are fleeing extreme conditions. Any potential for political and social change is ultimately hindered by the collective demand for stigmatisation:

Often it is the fear of violence and concerns for individual and collective safety that fuel economic demands. Such processes not only reflect but also depend on dehumanising state, legal, and social practices that construct migrants as unwanted criminals and racialized and gendered others.¹⁶

¹⁴ Garcia, 128.

¹⁵ Judith Freidenberg and Jorge Durand, ‘How Do We Talk About Migration? Voices from the United States and Mexico: An Introduction’, *Practicing Anthropology*, 38:1 (2016), 7-10, 7.

¹⁶ Vogt, 765.

It is thereby easier to assign a negative connotation to migrants themselves. However, the retelling of these migrant narratives is a weapon against the refusal to recognise an enormous problem that stretches across economic, political, and social boundaries. The power of the experience extends far beyond that of a headline shouting from a newspaper: it is the impact of the story that carries the true potential to connect people. These stories, when brought to the attention of the general public, affect the perception of migration on a personal level and can impact state and international policy regarding the movement of people.

International policy often relies on the protection of borders, and thus the issue of border security is becoming ever more contemporary. Political theory suggests that, in order to maintain legitimacy and power, the state must show strength against others, and in the United States these others are often ‘illegal aliens’. This rhetoric capitalises on the subsequent collective fear and misunderstanding to further state agenda. Migration policy for entry into the United States is impossibly intricate, numerically limited, and requires great amounts of time. The first five categories immigrants are classified under favour the privileged, not the fearful

risking their lives to cross the border. The overall numerical limit for permanent employment-based immigrants is 140,000 per year. This number includes the immigrants plus their eligible spouses and minor unmarried children, meaning the actual number of employment-based immigrants is less than 140,000 each year. The 140,000 visas are divided into five preference categories.¹⁷ The preferences for visa allocation are as follows:

Tier One: Persons of extraordinary ability in the arts, science, education, business, or athletics; outstanding professors and researchers, multinational executives and managers

Tier Two: Members of the profession holding advanced degrees or persons of exceptional abilities in the arts, science, or business

Tier Three: Skilled workers with at least two years of training or experience, professionals with college degrees, or ‘other’ workers for unskilled labour that is not temporary or seasonal

Tier Four: Certain ‘Special Immigrants’ including religious workers, employees of US Foreign Service Posts, former US Government employees and other classes of aliens.

Tier Five: Persons who will invest \$500,000 to \$1 million in a job-creating enterprise that employs at least 10 full-time US workers.¹⁸

¹⁷ American Immigration Council, *How the United States Immigration System Works* (2016), <<https://www.americanimmigrationcouncil.org/research/how-united-states-immigration-system-works>>.

¹⁸ American Immigration Council.

As the guidelines show, immigration policy favours those who have had the opportunity to succeed in their lives; however, this is not the case for most people who migrate north. Central Americans flee economic oppression, domestic violence, gang violence, structural devaluation, and low quality of life. As part of its policies, the United States also allocates a certain number of migrant visas to refugees from each geographic region each year. In 2016, the Latin American allotment for this was 3000, yet the people fleeing violence in the region number an estimated 80,000.¹⁹ The system is clearly not equipped for the large influx of migrants fleeing the northern triangle, so it is not uncommon for people to abandon hope that they are able to proceed with this transition legally.²⁰ Border security poses further danger to migrants. The United States border budget skyrocketed from \$5.9 billion to \$12 billion in the last twelve years, and tactics have become increasingly combative.²¹

¹⁹ American Immigration Council and Lakhani.

²⁰ Lakhani.

²¹ US Department of Homeland Security, *Budget* (2005), <<https://www.dhs.gov/dhs-budget-brief-fiscal-year-2005>> and <<https://www.dhs.gov/news/2017/05/15/fact-sheet-fiscal-year-2017-budget-0>>.

Bringing Emotions to the Table

Sex trade, human trafficking, hostages, and abuse: these are all trigger words, and they are often employed in order to communicate the severity of the Central American migrant crisis. However, there are only so many news stories one can hear before it all becomes white noise:

As we now face our melted-down capital markets, and we expand our moral compass to consider the limits of globalized resources and energy, there is a strong urge to turn inward and work on lifestyle changes. The bodies of exhausted workers do not fit well in those small utopias that we invent.²²

Here, the role of ethnographic narrative becomes integral. The power of the story too is often forgotten amongst briefings and instantaneous information streams. However, even in this fast-paced world it is necessary to look beyond superficial events and consider the lives of people we hardly know.²³ This becomes possible through powerful, raw storytelling, which is employed through interviews and the author's own experiences.

[The immigration authorities] took us as if we were dogs [...] they took us to a [detention] centre, where they had all the migrants, and held us for 18 days [...] some officers told us 'if you give us 1000Q and have sex with us, we'll release you [...]

²² Smith-Nononi, 471.

²³ John Monaghan and Peter Just, *Social and Cultural Anthropology: A Very Short Introduction* (Oxford: Oxford University Press, 1991), 21.

we told them that we preferred to be detained than do that with them. [We said,] 'you are officers, you should be more respectful'. (Ana, 36 years old, born in Nicaragua).²⁴

Ana's story would be lost, a drop in the sea, if not for Rocha-Jimenez's work in the region. Without the interviews, and insider experience, the narratives of these migrants become detached from reality, the faces attached to these stories become blurred, and we are more inclined to ignore the lives of people we cannot find a way to feel for. Ethnographies combat this and evoke a bond between the audience and the migrants themselves through emotionally charged phrases such as 'I was afraid they were going to kill me', opening pathways for deeper connections and the desire to act.²⁵ This call upon the audience is largely ineffective without the empathetic connection: people are not inclined to place a high value on the lives of others if they do not feel tied to them. Common rhetoric encourages this blindness and fuels cries of 'go back to where you came from', but for the migrants themselves going home is not an option. Conversation surrounding the 'migrant crisis' is heavily slanted toward the amplification of perceived issues that are often blown far out

²⁴ Rocha-Jimenez et al, 973.

²⁵ Vogt, 769.

of proportion. During his election campaign, Donald Trump called for aggressive border security, which a great portion of the American demos rallied behind: ‘This election is our last chance to secure the border, stop illegal immigration, and reform our laws to make your life better’.²⁶ This language implies that the quality of life of any given US American is significantly reduced by the presence of Central American migrants. This logic is only a small facet of the greater image of migration that the people of the United States cling to. Negating these stigmas requires far more than impactful headlines and calls to produce emotional, while still factually relevant, rhetoric.

The moral reach of individuals is hindered by a lack of understanding and a desire to ignore what makes us uncomfortable. It is impossible for the experiences of the Central American migrant communities to be ignored if they are remembered by those who have the power to notice and share. As it stands, the most powerful instrument we may employ to combat this tragedy is that of an internal perspective. This tool allows for the

²⁶ Donald Trump, *Immigration Speech* (2016), <<https://edition.cnn.com/2016/08/31/politics/donald-trump-immigration-speech/index.html>>.

development of an understanding of the underlying problems that accompany mobility, including the structural issues at every political level, and it can help transform headlines about body counts into faces that articulate the systematic devaluation of some members of our society.

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The Use and Influence of the Term 'Jihad'

Joy Martins

This article explores the concept of jihad and the discrepancy between the way it was originally used in classical Islam and the way it is interpreted in today's Western political contexts. In classical Islam, jihad is a struggle in the context of daily life. It can be divided into inner and outer jihad, the former consisting of personal spirituality and the latter of a person's relationship with their surroundings. Recent extremism and the Western media have, however, used the term in contexts that have shifted its connotative meaning. This has resulted in Islamophobia in the West that has served to ostracise the Islamic world from the Western-led international community.

In Western contexts, and particularly in non-Muslim ones, the word *jihad* carries immensely negative connotations. Its understanding often carries ideas of violence and religious fundamentalism, quickly associated with extremist groups. Moreover, among Muslims themselves there is disagreement on the nuances and categories associated with the concept: 'Muslims for at least a millennium have disagreed about the meaning of

jihad'.¹ The basic lexical meaning of the word jihad is 'a struggle or striving', but in practice, it has come to mean anything between moral self-improvement and the violence of war.²

'In the debates over Islam taking place today, no principle is invoked more often than Jihad'.³ Jihad is seen by some as the core principle of radical Islamism and it is often used as a means to promote an anti-Islamic narrative that seeks to argue that Islam is inherently violent and threatening to 'western values, interests and societies'.⁴ However, jihad is mostly interpreted by Muslims themselves as 'peace, inward-directed, and the basis of the true meaning of Islam which, they say, is peace'.⁵ Moreover, jihad is often translated as 'holy war'. This is false, as Rudolph Peters argues:

[L]iterature on Jihad is for the greater part devoted to Jihad in the sense of struggle, of fighting. However, almost all of these writings lay stress on the fact that the word Jihad has a much wider semantic content. They point out that it is derived from

¹ Apologetics Index, 'Jihad: The Concept of Holy War in Islam', <<http://www.apologeticsindex.org/6549-jihad-holy-war>>.

² John Esposito (ed.), 'Jihad', *The Oxford Dictionary of Islam*.

³ Michael Bonner, *Jihad in Islamic History: Doctrines and Practice* (New Jersey: Princeton University Press, 2006), 1.

⁴ *ComRes Survey: Islamic Caliphate Survey* <http://www.comresglobal.com/wp-content/uploads/2016/05/Ahmadi-Muslims_Perceptions-of-the-Caliphate.pdf>; Edwin Bakker, *Jihadi Terrorists in Europe: Their Characteristics and the Circumstances in which they Joined the Jihad: An Exploratory Study* (Den Haag: Netherlands Institute of International Relations Clingendael, 2006), 1.

⁵ Bonner, 1.

the verb djahada, exerting oneself or striving, and this has a friendlier connotation than the word qital (fighting). The latter notion necessarily entails killing and bloodshed, whereas Jihad, meaning exerting oneself for some praiseworthy aim, does not. Therefore, the translation of Jihad by 'Holy War' is considered to be incorrect and resented.⁶

This ongoing debate about the core meaning of jihad, for both Muslims and non-Muslims, is what makes its analysis not only religiously significant, but politically and socially as well.

This variety of interpretations suggests that the concept of jihad might have shifted away from its original meaning. This article will analyse jihad in its original symbolic and religious significance and demonstrate how the word jihad and its underlying concept has evolved away from its Qur'anic meaning. Following this, the article will look at the social implications of the changing use of the term on attitudes towards Muslim communities. In doing so, this essay seeks to demonstrate why and how jihad has been appropriated in ways that today have led to increasing Islamophobia and anti-Muslim sentiments in Western contexts.

⁶ Rudolph Peters, *Islam and Colonialism: The Doctrine of Jihad in Modern History* (Hague: Mouton Publishers, 1979), 118.

Jihad in the Classical Islamic Context

Let us first examine the different variations of jihad mentioned in key Islamic texts and by influential Muslims through history. According to the classical Muslim schema, jihad has two categories: the inner jihad and outer jihad: ‘The inner is the jihad of the soul, the passion, the nature, and Satan [...] The outer is the jihad of the infidels who resist Him and his Messenger [Muhammad]’.⁷

Outer (minor) jihad defends Islam against outside aggression, like they did in the Crusades: ‘In the time of the Crusades, the invasion of the Christian knights triggered a defensive *jihad*’.⁸ Inner (major) jihad represents the inner spiritual struggle to seek for self-improvement. Another form of distinction is offered by Al-Raghib al-Asfahani, an eleventh-century Islamic and Arabic literary scholar, who states that ‘Jihad is of three types: striving against the apparent enemy; striving against the Devil; and striving against the ego’.⁹ Another, by Ibn al-Qayyim, a better-known Sunni imam from the fourteenth century, who

⁷ David Cook, *Understanding Jihad* (California: University of California Press, 2015), 45.

⁸ Loretta Napoleoni, ‘Modern Jihad: The Islamist Crusade’, *Sais Review*, 23:2 (2003), 53-69, 54.

⁹ Surkheel Sharif, *Jihad al-Nafs: The Greater Struggle* (London: Jawziyyah Institute, 2006) 1.

was an important Islamic expert on law and theology, similarly states that jihad has four forms: ‘Jihad against one’s ego; against Satan; against the disbelievers; and against the hypocrites’.¹⁰

While jihad has been categorised differently throughout history, these varied distinctions can be integrated in the following five-part schema. This schema allows for a clear distinction of the different forms of jihad, and clearly demonstrates both the lexical and intentional elements of jihad in a Qur’anic context:

1. *Jihad ul-nafs*, which means inner jihad, is moral self-improvement by following rules of Islam and fighting your own forbidden desires and thoughts;
2. *Jihad bi’l-ilm*, which means a struggle for knowledge, which is to better yourself and the society through education;
3. *Jihad bi’l-amal*, which refers to a struggle through hard work;
4. *Jihad bi’l-maal*, which is financial jihad, is done by donating to charity or improving the lives of your family or community with donations;
5. *Jihad bi’l-qitaal*, which literally means by using the sword. This form of jihad is meant to be used only as the last possible resort.

While the Qur’an and the Hadiths do refer to *jihad bi’l-qitaal* multiple times, Sherman Jackson observes that the Qur’anic injunction to fight was ‘clearly connected with the very specific necessity of preserving the

¹⁰ Sharif, 1.

physical integrity of the Muslim community at a time and place when fighting, sometimes pre-emptively, sometimes defensively, was understood to be the only way to do so'.¹¹

Moreover, while the Qur'anic orders to fight appear as injunctions to a holy war, i.e. fighting due to a difference in faith,¹² Jackson writes that '[t]his is simply because the only people Muhammad and the early Muslims had to fear were non-Muslims'.¹³ However, the Qur'an and the Hadiths demonstrate an invitation for Muslims to shift to an inner jihad once the outer jihad has been achieved:

[T]he Prophet Mohammed told his followers returning from a military campaign: 'This day we have returned from the minor Jihad to the major Jihad,' which he said meant returning from armed battle to the peaceful battle for self-control and betterment.¹⁴

From this, we can deduce that militarised jihad is only one form of jihad according to the five-part schema, and part of the minor jihad according to the binary distinction; this form of jihad is to be used only as a last

¹¹ Sherman Jackson, 'Jihad and the Modern World', *Journal of Islamic Law and Culture*, 7:1 (2007), 1-26, 14.

¹² Qur'an 9.3, 5, 29, 73.

¹³ Jackson, 14.

¹⁴ Muhammad Kabbani and Seraj Hendricks, 'Jihad: A Misunderstood Concept from Islam – What Jihad is, and is not', 1-11, 10, <<http://islamicsharicouncil.org/understanding-islam/legal-rulings/5-Jihad-amisunderstood-concept-from-islam.html?start=9>>.

possible resort and in a context of self-defence. The Islamic Supreme Council of America highlights this in the following statement:

Military action is therefore only one means of jihad, and is very rare [...]. In case military action appears necessary, not everyone can declare jihad. The religious military campaign has to be declared by a proper authority, advised by scholars, who say the religion and people are under threat and violence is imperative to defend them.¹⁵

Furthermore, even within outer jihad, a distinction needs to be made between defensive and offensive jihad. The former is for the purpose of defending oneself against an invasion or attack, which is a right recognised by Article 51 in the United Nations Charter.¹⁶ The latter is the act of attacking another group or entity without just cause and without the need for self-defence. The history of Al-Qaeda encompasses both types of jihad. In Afghanistan, during the Soviet invasion, Al-Qaeda acted in self-defence (defensive jihad).¹⁷ Later on, Al-Qaeda developed into an offensive jihad through its military attacks on both civilian and military

¹⁵ Kabbani and Hendricks, 10.

¹⁶ United Nations, *Charter of the United Nations*, Chapter VII, Article 51, <<http://www.un.org/en/sections/un-charter/chapter-vii/>>.

¹⁷ Denise Baken and Ioannis Mantzikos, *Al-Qaeda: The Transformation of Terrorism in the Middle East and North Africa* (California: ABC-CLIO, 2015), 19.

targets all over the world. The significance of noting this distinction is highlighted by Fawaz Gerges:

While al Qa'eda's 'jihad' is clearly regarded by most Arabs and Muslims as terrorism, Palestinian, Lebanese, and Iraqi groups that employ violence in the service of what is seen as resistance to foreign occupation are considered legitimate. Muslims still regard the defence of besieged or occupied territories as honourable examples of jihad. It is not the violence per se that is the issue. Rather, the question is, What is the justification for taking up arms?¹⁸

While the distinction between the two forms of outer jihad is contextual and subjective, at the root of defensive jihad there is a 'theological emphasis on justness, as embodied in the Quran: "Do not slay the soul sanctified by God except for just cause" (6.151). Defending the faith-based community against external aggression is considered a just cause par excellence'.¹⁹ By contrast, in contemporary interpretations, offensive jihad is only 'waged under the leadership of the caliph [...] by truces and various reciprocal agreements between the Islamic state and non-Muslim government, such as guaranteed freedom of worship for Muslim minorities'.²⁰

¹⁸ Fawaz Gerges, 'Reclaiming Jihad', *The National*, 19 June 2008, <<https://www.thenational.ae/reclaiming-jihad-1.228668>>.

¹⁹ Quintan Wiktorowicz and John Kaltner, 'Killing in the Name of Islam: Al-Qaeda's Justification for September 11', *Middle East Policy*, 10:2 (2003), 76-92, 84.

²⁰ Wiktorowicz and Kaltner, 83.

The Misappropriation of Jihad

As the previous section demonstrates, mainstream Islam has a nuanced understanding of jihad, which comprises multiple dimensions. This is neatly summarised by the Council on American-Islamic Relations, which refers to jihad as a 'central and broad Islamic concept that includes the struggle to improve the quality of life in society, struggle in the battlefield for self-defence or fighting against tyranny or oppression'.²¹

The nature of jihad — its scope and means — has evolved since the days of the Prophet, often reflecting political realities. During the Prophet's days, jihad was a call to put everything a person could into the service of Islam, and that included use of force in self-defence. With few exceptions, the spiritual dimension was the predominant aspect of jihad's meaning at that later time.²² Despite this, the current Western, non-Islamic narrative 'transforms Jihad into a kind of shorthand for the atavistic politics of retribalization, balkanization, fanaticism, and

²¹ Douglas E. Streusand, 'What Does Jihad Mean?', *The Middle East Quarterly*, 4:3 (1997), 9-17, <<https://www.meforum.org/articles/other/what-does-jihad-mean>>.

²² M. Cherif Bassiouni, 'Evolving Approaches to Jihad: From Self-defence to Revolutionary and Regime-Change Political Violence', *Chicago Journal of International Law*, 8:1 (2007), 118-146, 120.

tyrannical paternalism — a largely pathological orientation associated with violence, intolerance, and little respect for human life’.²³

The events of 9/11 have been one of the biggest catalysts for this misconception of jihad and for the association of terrorism with Islam. Thomas Hegghammer observes that ‘[t]he Western tendency to conflate the two has been a major source of communication problems between the West and the Muslim world since the terrorist attacks of September 11, 2001’.²⁴ After the terrorist attacks, ‘Jihad became a synonym for the terms “holy war” and “terrorists” in the West’.²⁵ This has resulted in the violent stereotype assigned to Muslims: ‘[R]epresentations of Muslims in the British media are persistently negative, unfair and discriminatory and have subsequently contributed to establishing a climate of fear or a moral panic [...]. The media spotlight on Muslims and Islam is evident across the globe’.²⁶ Additionally, ‘[m]edia portrayals of Muslims, Arabs, and people from Middle East,

²³ Roxanne Euben, ‘Killing (for) Politics: Jihad, Martyrdom, and Political Action’, *Political Theory*, 30:1 (2002), 53-94, 6.

²⁴ Thomas Hegghammer, ‘The Rise of Muslim Foreign Fighters: Islam and the Globalization of Jihad’, *International Security*, 35:3 (2010), 53-94, 90.

²⁵ Silverman, ‘Just War, Jihad, and Terrorism: A Comparison of Western and Islamic Norms for the Use of Political Violence’, *Journal of Church and State*, 44:1 (2002), 73-92, 78.

²⁶ Katy Sian et al, ‘Framing Racism and Intolerance: Public Issues and Denunciations: The Media and Muslims in the UK’, *TOLERACE:CES* (2011), 229-272, 230.

[...] are largely represented as violent, evil terrorists across American media outlets’.²⁷

There is an ‘ongoing prominence of news reports and discussion about militant groups and even leaders of nation states threatening or claiming to engage in ‘holy war’, which has reinforced the association of the term jihad with violence and, by extension, of Muslims with violence.’²⁸ In reality, while some Muslims do see jihad as the ‘de facto sixth pillar’ of Islam (in addition to faith, prayer, giving, fasting and pilgrimage), it is through the lens of inner jihad, which emphasises ‘efforts to be a good Muslim or believer, as well as working to inform people about the faith of Islam’.²⁹

Unfortunately, those Western narratives, which monolithically associate Islam with violent jihad, create a political and social climate that puts Muslims at a disadvantage through the emergence of a new wave of racism towards Muslims.

²⁷ Muniba Saleem et al, ‘Exposure to Muslims in Media and Support for Public Policies Harming Muslims’, *Communication Research*, 44:6 (2017), 842-869, 843.

²⁸ Reuven Firestone, *Jihad: The Origin of Holy War in Islam* (New York: Oxford University Press, 1999), 4.

²⁹ Shmuel Bar, ‘Jihad Ideology in Light of Contemporary Fatwas’, *Research Monographs on the Muslim World*, 1:1 (2006), 1-19, 9.
<https://www.hudson.org/content/researchattachments/attachment/1382/20060906_s_bar_jihad.pdf>; Kabbani and Hendricks.

Jihad has been assumed to have a number of connotations, extending from spiritual struggle or personal endeavours of moral rejuvenation to the practice of some kind of self-defence, be it individually or collectively, and culminating in a coordinate effort to spread the word of God by all means. However, it is clearly restricted in its new contemporary context to a particular type of practice, which is the intention of committing acts of violence as its most obvious sense.³⁰

The Effect of the Deviant Portrayal of Jihad on Muslim Communities

‘Jihad in concept and practice has been appropriated and distorted by Muslim extremists’.³¹ This, in turn, has been interpreted by the West ‘in terms of destruction and suffering inflicted by religious fanatics on civilian populations. It is seen as a pure and simple expression of violent impulses born of religious conviction’.³² There are ‘growing concerns about the threat of the spread of “jihad”’, which shows the impact this misappropriation has had on the political climate and social relationships

³⁰ Youssef Choueiri, *Islamic Fundamentalism: The Story of Islamist Movements* (London: Continuum International Publishing Group, 2010), 224.

³¹ Michael G. Knapp, ‘The Concept and Practice of Jihad in Islam’, *Carlisle Barracks*, 33:1 (2003), 82-94, 82.

³² Riaz Hassan, ‘The Jihad and the West Part 1’, *YaleGlobal Online*, <<https://yaleglobal.yale.edu/content/jihad-and-west-part-i>>.

between Muslims and non-Muslims in the West.³³ The increasing Islamophobic rhetoric and the violent portrayals of Islam have created a far-reaching fear of Islam in non-Muslim majority countries and migration away from Muslim majority countries. It has also played into the formation of the harmful ethnic stereotyping of Muslims that ties them to organised crime and radicalisation. There is a ‘clear influence of politics and polemics in discussions of such a controversial topic as holy war in Islam’.³⁴ After 9/11, this has led to a variety of anti-Muslim policies and political trends:

One of the major failures of American policy in the region is the tendency to lump together al Qa’eda with Hamas, Hizbollah, the Turkish PKK and various insurgent groups in Iraq. This lack of differentiation not only makes analysis more difficult, but results in policies that lack nuance and are seen by the Arab and Muslim world as naive and often disingenuous.³⁵

Moreover, 9/11 enabled the media to shape up stereotypes associated with political terrorism especially in the United States. Indeed, ‘the association

³³ Irhan Omar, ‘Keeping Shari’a and Reclaiming Jihad’, *Political Theology*, 12:5 (2011), 707-712, 707.

³⁴ Firestone, 4.

³⁵ Gerges.

between terrorism and Muslims/Arabs is so strong that terrorism cues implicitly activate anti-Muslim and anti-Arab bias'.³⁶

There is an ongoing movement to take back jihad from extremists. Muslims are trying to reshape these alternative conceptions of the term by sharing their own forms of jihad, which are more in line with the fivefold Islamic schema discussed earlier. This includes forms such as environmentally sustainable living or volunteering in local charities. The website myjihad.org is a platform where Muslims all over the world can share their own interpretations and actions that are jihad. Similarly, the hashtag #myJihad has trended on Twitter as a means for users to share the Qu'ranic meaning of the term with the world, such as showing solidarity or taking care of their families.

'The concept of Jihad has been hijacked by many political and religious groups over the ages in a bid to justify various forms of violence'.³⁷ Due to some Muslims adapting the outer (minor) Jihad as a form of Islamic struggle, which is then misconstrued by the Western-led international media, Islam is portrayed and perceived as a 'mother lode of bad ideas',

³⁶ Saleem et al, 843.

³⁷ Kabbani and Hendricks.

in the words of the infamously anti-Muslim author Sam Harris.³⁸ The exaggeration of violence in the name of Islam, and the media bias due to which 'attacks by Muslims receive significantly more coverage than attacks by non-Muslims', increases fear and anxiety in the West.³⁹

Jihad has become one of the most misunderstood doctrines of Islam. To many Muslims, Jihad is the answer to all their sufferings, but to non-Muslims it is [sic] perhaps become the primary reason to dread Muslims.⁴⁰

By openly calling these acts of terror 'jihad', the media first promulgate the dangerous assumption of terrorism being a solely Muslim act and second ingrain the idea that jihad is inherently violent and aggressive. Certain Islamic groups have misappropriated the concept of jihad, which in turn has been adopted by Western media without a more in-depth understanding of the wider interpretation of jihad. This is due to immense misconceptions of the Qur'anic meaning of jihad.

³⁸ Sam Harris, 'Can Liberalism be Saved from Itself?', *Sam Harris*, <<https://samharris.org/can-liberalism-be-saved-from-itself/>>.

³⁹ Erin Kearns et al, 'Why Do Some Terrorist Attacks Receive More Media Attention Than Others?', *Justice Quarterly*, 18, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2928138>.

⁴⁰ Shehzad Saleem, 'The Misunderstood Doctrine of Jihad', *Al-Mawrid* (2002), <<http://www.al-mawrid.org/index.php/articles/view/the-misunderstood-doctrine-of-jihad>>.

The new connotations that the term carries in a Western context are violent and thus differ from the term's significance to the average Muslim. 'The pigeonholing of both the term and its range of meanings does a disservice and often leads to a misunderstanding of Islamic behaviour'.⁴¹ The misappropriation of the term has led to widespread demonization of Islam and is a semantic transformation that has had 'particularly radical consequences for the Muslims of Europe'.⁴² There is a need to advocate for the multidimensional significance and meaning of jihad, and to divert it from its present implications through education. By doing this, it will be possible to undermine both the offensive violence of extremists and the xenophobic attitudes fuelled by the rising Islamophobic narrative.

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⁴¹ Silverman, 78.

⁴² Mahmood Mamdani, 'Whither Political Islam? Understanding Modern Jihad', *Foreign Affairs*, 84.1 (2005), 98-155, 153.

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United Nations, *Charter of the United Nations*, Chapter VII, Article 51, <<http://www.un.org/en/sections/un-charter/chapter-vii/>>.

Wiktorowicz, Quintan and John Kaltner, 'Killing in the Name of Islam: Al-Qaeda's Justification for September 11', *Middle East Policy*, 10:2 (2003), 76-92.

Common wisdom states that musical memories are special when compared to other types of memories, such as autobiographical memory or semantic memory. This is due to musical memory being retained for longer than memories of events or facts. However, this is merely a perceptual error, as experiments show that music does not seem to be stored more efficiently than any other type of memories. Psychological theories, such as the cohort theory, are not able to offer an explanation as to why there seems to be a noticeable difference in recognition and retention of music over long periods, mainly due to music being more abstract than language which does not allow for it to be as easily integrated into the theory as linguistic information. Additionally, there is significant evidence that music is stored in a different area than was suspected. Traditionally, musical memory was believed to be stored in the temporal lobe. If that were the case, however, musical memory should be among the first types of memories to degrade in patients of Alzheimer's Disease (AD), as the temporal lobe experiences tissue atrophy in early stages of the disease. This is not documented, however, and it was shown that even though these areas exhibit the same levels of the amyloid- β biomarker, they do not decay until the very late stages of AD, preserving musical memory for longer. Musical memories might therefore not be inherently special but rather processed and stored differently than other types of memories.

It is commonly recognised that musical memories are special, and music is often used as a mnemonic device.¹ It is also widely accepted by the public that memory for music never fades, as people report recalling a song or its lyrics over several decades without the need for repeated practice.² Research seems to support this theory, as music is capable of triggering music-evoked autobiographical memories (MEAMs) which have been reported as more vivid by participants.³ However, it has also been found that there are similarities between linguistic and musical knowledge which suggests that music is not just more effective, but rather that it is remembered in an entirely different way compared to other modes of recollection such as semantic, visual, or lexical memory.⁴ Additionally, research shows that there is reason to assume that the anatomy of the brain might influence long-term musical memory retrieval, especially when considering cases of bilateral temporal lesions or the progression of Alzheimer's disease. Therefore, it needs to be asked

¹ Matthew Schulkind, 'Is Memory for Music Special?', *Annals of the New York Academy of Sciences*, 1169:1 (2009), 216-224, 220.

² Schulkind, 216.

³ Amy Belfi, Brett Karlan, and Daniel Tranel, 'Music Evokes Vivid Biographical Memories', *Memory*, 24:7 (2015), 979-989, 979.

⁴ Schulkind, 223.

to what extent musical memory really differs from other forms of memory and what the mechanisms behind these differences are.

Music and Memory Recall

In their experiments, Amy M. Belfi, Brett Karlan, and Daniel Tranel have shown that MEAMs are experienced much more vividly and contain more internal details (details that concern the memory directly, e.g. events, times, places, emotions, and happenings) than memories that have been evoked by facial stimuli, which in turn contain more external details.⁵ However, they argue that the reason for this is that participants often connect their memories with semantic knowledge about the person whose face evoked these memories.⁶ Another example of music's effects is its beneficial influence on memory recall in patients suffering from dementia. It has been shown that patients were able to recall information much better if music was played in the background as opposed to 'normal' ambient noise.⁷ For this to take effect, it was not of importance whether the music was familiar or not. Simply playing it while the patient

⁵ Belfi, Karlan, and Tranel, 985.

⁶ Belfi, Karlan, and Tranel, 985.

⁷ Schulkind, 219.

performed the retrieval task was enough to influence the outcome positively.⁸ This effect is also observable in category fluency tasks, in which the participants need to give examples for a given category.⁹ The participants were able to give more examples in the musical condition than they could in the quiet condition, but the effect was only small.¹⁰ Despite this, the beneficial effect of music on the category fluency task was present in both healthy older adults and patients suffering from dementia.¹¹ Furthermore, it has been found that there is a difference in sexes. While there was no difference in condition, a difference was identified between men and women in the number of MEAMs and the way they were described.¹² Women can recall more memories than men and use more words when describing them. It is hypothesised that this is due to different retrieval strategies and the way memories are formed and stored which also influences their vividness.¹³ However, the measured interactions between sex and condition were too small to be statistically significant.

⁸ Schulkind, 219.

⁹ Schulkind, 219.

¹⁰ Schulkind, 219.

¹¹ Schulkind, 219.

¹² Belfi, Karlan, and Tranel, 981.

¹³ Belfi, Karlan, and Tranel, 981.

Memory Theories and Their Applicability to Musical Memory

When compared to semantic memory, musical memory seems to be unique in the respect that it appears to be possible to recall melodies or song lyrics even after decades have passed. While it was disproved that musical memory does not decay *at all* after long retention periods, there is still no sufficient explanation as to why musical memory is different from other forms of memory, as neither cultural change (the wider availability of music in everyday life) nor technological innovation (easier access to music) seems to have an influence on its decay or retention.¹⁴ A more rewarding approach to this problem might be a consideration of the applicability of established memory theories and tests to musical memories. One such theory is Marslen-Wilson's cohort theory, which suggests that words that begin with a certain set of letters are stored in cohorts and each subsequent new letter eliminates all candidates but one.¹⁵ It can therefore be argued that a similar strategy might be employed in a musical context. The applicability of this model to melodic recollection was studied, and it was shown that just a few notes

¹⁴ Schulkind, 219.

¹⁵ Schulkind, 221.

were necessary for participants to recognise a melody if it was familiar.¹⁶ Due to difficulties of clearly defining a musical cohort, further experimentation was performed and attempts were made to further test this theory; however, the obtained erroneous data did not match perfectly in the dimensions of pitch contour (up and down pattern of pitch between notes), pitch interval (size of interval between successive notes), rhythm, and metre (the weak and strong accentuation in a measure) with the target melody, which made interpretation of the data very difficult for the researcher, as it was not clear whether they are consistent with the suggested cohort theory or not.¹⁷ This is confounded by the low number of notes that each melody contained, which made it likely that two random melodies might be quite similar in their musical dimensions, causing a higher amount of recognition errors.¹⁸ Overall, it does not seem that music is remembered better than any other kind of stimuli, but rather that it is a completely different process in comparison to linguistic information as it is a meaningful but abstract stimulus, in the sense that it does not require concrete symbols; where language would require the use

¹⁶ Schulkind, 221.

¹⁷ Schulkind, 221.

¹⁸ Schulkind, 221.

of proper syntax and correct use of words, music does not need to rely on these restrictions.¹⁹ The line between nonsensical musical stimuli and stimuli that have a concrete meaning is blurred and not as clear cut as in linguistic stimuli. However, similarities can be identified between musical and linguistic memory. Both music and language are temporally restricted, meaning they have fixed temporal elements which can be used to convey meaning and structure. These features are mainly pauses – as pauses are used to mark the end of a phrase or sentence – and rhythm.²⁰ While the temporal restrictions of music are greater than those of speech, the similarities are very clear when poetry is considered. Poetry combines both the rhythm and the pauses which gives it a much more music-like structure compared to simple prose.²¹ This might mean that poetry is stored in a similar fashion to music. This is clear evidence that musical memories are not special when compared to other types of memory, but that there is a completely different process that underlies their storage.

¹⁹ Schulkind, 221.

²⁰ Schulkind, 221.

²¹ Schulkind, 221.

Music and Alzheimer's Disease

While a psychological explanation might help with understanding the way musical memory works, a physiological investigation might explain better why musical memory is still preserved in patients suffering from Alzheimer's disease (AD). Recent research suggests that this preservation might be caused by AD's particular progression.²² Researchers argue that the areas which are involved in decoding musical information – the caudal anterior cingulate gyrus and the ventral pre-supplementary motor area (pre-SMA) – exhibit lower levels of grey matter atrophy while exhibiting insignificantly lower levels of the AD biomarker amyloid- β , indicating that these areas are still in an early stage of degeneration.²³ Since these areas are only affected in the very late stages of AD, musical memory is preserved for longer than other cognitive functions.²⁴ This hypothesis is supported by case studies of bilateral lesion of the temporal lobes – which have usually been associated with musical memory – and the preservation of long-term musical memory in AD patients, especially since the temporal lobes are

²² Jörn-Henrik Jacobson et al, 'Why Musical Memory can be Preserved in Advanced Alzheimer's Disease', *Brain*, 138:8 (2015), 2438-2450, 2440.

²³ Jacobsen et al, 2446.

²⁴ Jacobsen et al, 2448.

affected very early.²⁵ This explains why melodies can be retrieved over longer retention intervals than linguistic information such as lyrics, since Broca's area and Wernicke's area – areas that are concerned with producing and understanding language – are located near the temporal lobes which experience atrophy in early stages of AD. Jacobsen et al argue that the temporal lobes play a primary role in explicit musical memory – the type of memory that stores factual information and experiences – whereas the pre-SMA and the caudal anterior cingulate gyrus might be involved in musical retrieval – recollection of the musical material itself – which might also involve musical skills such as playing an instrument.²⁶

Musical memory seems to be very distinct from other types of memory such as linguistic, visual, and semantic memory. It was shown that the capability of music to evoke autobiographical memories is weaker than famous faces, as the faces triggered more autobiographical memories in participants than the musical cue. However, the MEAMs were reported as being much more vivid and more detailed than those triggered by the

²⁵ Jacobsen et al, 2439 and 2448.

²⁶ Jacobsen et al, 2447.

visual stimulus. This might be explained by the emotions that are triggered by the music, as music can be perceived as sad, happy, etc. The validity of this explanation, however, warrants a complete study and is beyond the scope of this article. According to Marslen-Wilson's cohort theory, musical memory also shares some features with linguistic memory, as both are affected by temporal constraints. On the other hand, the cohort theory is not entirely applicable to musical memory and data interpretation is difficult at best. Research on AD patients has shown that musical memory is stored in places that have never been considered to be involved. The late-stage atrophy of the caudal anterior cingulate gyrus and the pre-SMA might contribute to the long-term retention of musical memories in AD patients. It can therefore be concluded that musical memories might not be special in and of themselves, but rather gain distinction from other forms of memory through the brain's anatomy and its neural processes, as well as its connections to other cognitive tasks.

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The 2nd Century Silver Coin Hoards at Birnie: A Glimpse into the Contrasting Worldviews of the Roman Empire and the Native People of Iron Age Northeast Scotland

Deborah Curtis

People living in Iron Age northeast Scotland in the second century AD would likely have had contrasting worldviews to those of the military arm of the Roman Empire. The giving of silver coins to people outside the Empire has largely been interpreted as the Romans 'buying peace' from native leaders. This paper will outline some of the known prehistoric activity in the Moray region of northeast Scotland and will summarise salient evidence from recent excavations at Birnie, which is revealed to have been a significant, well-connected centre of metal-working and craft production. Native Iron Age people in northeast Scotland lived within a non-monetary society, resulting in the dominant interpretation of hoards as having been buried for safekeeping. A modern, Western, numismatic interpretation of coin hoards in this particular context is regarded as inappropriate and anachronistic, however, with archaeological evidence more strongly supporting the notion of ritual action. It is suggested that the burial of the hoards fits the broader pattern of purposive deposition and religious action at Birnie, thereby lending weight to an interpretation of votive offerings to chthonic gods. The worldview of the Iron Age recipients of the silver coins is contrasted with that

of the producer and giver of the gift, with specific reference to ethnographic examples of non-monetary societies. Few coin hoards in Scotland have been excavated to modern standards, and several key areas for further research are highlighted. It is concluded that the discovery of two silver denarii coin hoards at Birnie offers archaeologists a unique opportunity to examine a period of interaction between these disparate cultures and gain a more nuanced insight into their contrasting worldviews.

The worldviews of people within the Roman Empire and those of native people in Iron Age northeast Scotland are likely to have been very different, with concomitant contrasting understandings of wealth, status, and power. Investigation of Roman silver denarii hoards beyond the frontier of the Empire offers an opportunity to examine interaction between these disparate cultures.¹ The archaeological record has many examples of poorly recorded Roman coin hoards, thus modern investigation in Scotland is vital for detailed information about their context.² The recent unique discovery of two Roman coin hoards within the non-monetary Iron Age settlement at Birnie provides an insight into

¹ Fraser Hunter, 'The Lure of Silver: Denarius Hoards and Relations Across the Frontier', in *Understanding Roman Frontiers: A Celebration for Professor Bill Hanson*, ed. David Breeze, Rebecca Jones, and Ioana Oltean (Edinburgh: Birlinn, 2015), 251-269, 251.

² Hunter, 251.

the worldview of the indigenous community at Birnie, their interactions with Rome, how they might have used and understood the silver denarii, and implications for how we might gain a more holistic understanding of the development of this site.³

A later prehistoric settlement was identified in Birnie through aerial photography.⁴ But it was the metal detection of Roman coins that was the catalyst for large scale excavation led by Dr Fraser Hunter of the National Museum of Scotland from 1998 to 2011.⁵ The site is situated on a well-drained sandy terrace above the River Lossie in Moray, in a landscape with known, similar, later prehistoric activity such as the Iron Age settlements at Clarkly Hill 12km to the northwest and at Tulloch Wood 12km to the southwest.⁶ Prehistoric activity in the area is attested by the many stone tools found in the locality, such as ground stone axes and hammer stones in Urquart 1.5km north of Birnie and a huge

³ Ian Armit and Ian Ralston, 'The Iron Age', in *Scotland After the Ice Age: Environment, Archaeology and History 8000BC-AD1000*, ed. Kevin Edwards and Ian Ralston (Edinburgh: Edinburgh University Press, 2003), 169-193, 182; Fraser Hunter, *Beyond the Edge of the Empire: Caledonians, Picts and Romans* (Rosemarkie: Groam House Museum, 2007), 27.

⁴ Barry Jones, Ian Keillar, and Keith Maude, 'The Moray Aerial Survey: Discovering the Prehistoric and Protohistoric Landscape', in *Moray: Province and People*, ed. W.D.H. Sellar (Edinburgh: The Scottish Society for Northern Studies, 1993), 47-74.

⁵ Hunter, 'Lure of Silver', 255.

⁶ Hunter, *Edge of Empire*, 27; CANMORE 332463; CANMORE 15784.

collection of arrowheads, scrapers and flint flakes at Drainie 1.5km to the west.⁷ These collections were made in the nineteenth century, however, and lack precise recording of find spots. As a result, their context is uncertain.

Prehistoric activity at Birnie itself is evident from scattered Mesolithic, Neolithic and Bronze Age finds, with the earliest settlement dating from the late Bronze Age and into the Iron Age.⁸ Excavation revealed an unenclosed Iron Age settlement (Fig. 1), densely occupied between 200BC-250AD.⁹ The sixteen roundhouses vary hugely in size from 6m up to 20m in diameter, perhaps reflecting their non-contemporaneity, differing functions and styles through time, or reflecting hierarchy.¹⁰ A scattered hoard of 320 Roman silver denarii with the most recent coin dated to AD196 was discovered and then a second,

⁷ CANMORE 16551; CANMORE 16513.

⁸ Fraser Hunter, 'Digging Birnie, 1998-2009: The Story (So Far) of an Iron Age Power Centre', *Beakers, Bones and Birnie* (Elgin Museum, 2009), 6.

⁹ Dennis Harding, *The Iron Age in Northern Britain: Celts and Romans, Natives and Invaders* (Abingdon: Routledge, 2004), 101; Hunter, 'Lure of Silver', 255.

¹⁰ Richard Hingley, 'Society in Scotland from 700BC to AD200', *Proceedings of the Society of Antiquaries of Scotland*, 122 (1992), 7-53, 15; Hunter, 'Digging Birnie', 7.

intact hoard of 310 silver denarii with the latest date of AD193, buried less than 10 metres away within the settlement of roundhouses (Fig. 3).¹¹

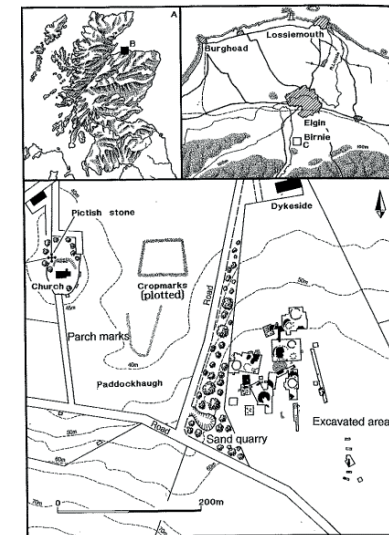


Fig. 1. Location of the excavation site at Birnie, Moray, Scotland, ©Alan Braby.¹²

This unique discovery of two coin hoards was interpreted as bribery by the Roman Army, in order to encourage the natives to keep the peace beyond the frontier.¹³ Few coin hoards have been recorded to modern standards in the archaeological record, with Hunter citing only twenty three of fifty eight of the known Roman coin hoards north of Hadrian's

¹¹ Fraser Hunter, 'Silver for the Barbarians: Interpreting Denarii Hoards in North Britain and Beyond', in *Roman Finds: Context and Theory*, ed. Richard Hingley and Steven Willis (Oxford: Oxbow, 2007), 214-224, 214.

¹² Hunter, *Edge of the Empire*, 28.

¹³ Fraser Hunter, 'Excavations at Birnie, Moray 2001', *National Museum of Scotland* (2002), 25; Hunter, 'Digging Birnie', 11.

Wall to AD250 (Fig. 2).¹⁴ A difficulty in interpreting these hoards is that twenty of the fifty eight are of unknown context due to their discovery centuries before modern archaeological techniques.¹⁵ The Birnie coin hoard is one of three confirmed within Iron Age settlements, with the other two at Kirkton in Fife and Clarkly Hill.¹⁶



Fig. 2. Distribution of gold and silver coin hoards north of Hadrian's Wall to AD250, excluding those connected with Roman sites.¹⁷

There is evidence for craft specialisation at Birnie stretching back into the Bronze Age, and for Iron Age activity including iron-smelting,

¹⁴ Hunter, *Edge of Empire*, Appendix; Hunter, 'Lure of Silver', 265.

¹⁵ Hunter, 'Lure of Silver', 265.

¹⁶ Hunter, 'Lure of Silver', 265.

¹⁷ Hunter, *Edge of Empire*, 25.

blacksmithing, bronze-casting, pottery production and leather working, indicating that this was an important community that manufactured goods, even though it may have been assumed to be a 'low status, unenclosed site'.¹⁸ It has been said that the importance of iron-working during the British Iron Age lies in its 'dual association with transformative power, both creative and destructive', with processes sharing commonalities with those of crop cultivation in agriculture and the cycle of procreation and fertility.¹⁹ The settlement at Birnie had specific zones for metal working, which can be interpreted in different ways: as a practical division of space; as reflecting a restricted activity due to its dangerous spiritual potency, to be kept at arm's length yet within the bounds of the settlement; or as only for particular people to practice, such as in some African communities.²⁰

It is thought that a key display of status during the Iron Age was the ability to exchange goods between long-distance contacts,

¹⁸ Hingley, 33; Hunter, *Edge of Empire*, 32; Hunter, 'Lure of Silver', 255 and 259.

¹⁹ Melanie Giles, 'Making Metal and Forging Relations: Ironworking in the British Iron Age', *Oxford Journal of Archaeology*, 26:4 (2007), 395-413, 395-396; Richard Bradley, *A Geography of Offerings: Deposits of Valuables in the Landscapes of Ancient Europe* (Oxford: Oxbow Books, 2017), 118; Giles, 401-402; Hingley, 23.

²⁰ Bradley, 118; Giles, 399 and 401-402; Fraser Hunter, 'Excavations at Birnie, Moray 2006', *National Museum of Scotland*, (2007), 1.

demonstrating social prowess with other powerful leaders.²¹ At Birnie, long-distance contacts are evident in finds of jewellery made from cannel coal sourced from Brora in Sutherland across the Moray Firth, and fragments of horse harness imported from further south hint at the likely high status of the community.²² The wide range of exotic items such as a fragment of a gold torc, an amber bead, a glass ball, and the famous bronze ‘Birnie Budgie’ serve to underline the importance of this settlement as a ‘power-broker’ in this area during the Roman Iron Age.²³

Excavation of another Roman coin hoard at the Iron Age settlement at Clarkly Hill 12km from Birnie revealed a similarly well-connected locus of status and power with evidence of craft and metal working.²⁴ This short distance between two important Iron Age settlements may support the theory of each being an independent political centre presided over by a local leader.²⁵ Clarkly Hill shows many similarities to the settlement at Birnie, with its roots reaching into the

²¹ Giles, 407; Hingley, 22.

²² Harding, 193; Hunter, *Edge of Empire*, 32.

²³ Fraser Hunter, ‘Roman and Native in Scotland: New Approaches’, *Journal of Roman Archaeology*, 14 (2001), 289-307, 292; Hunter, ‘Digging Birnie’, 9-10.

²⁴ Hunter ‘Excavations at Clarkly Hill, Rosemarkie, Moray 2011 Interim Report’, *National Museum of Scotland* (2012 and 2013); Hunter, ‘Lure of Silver’, 255.

²⁵ Hunter, ‘Lure of Silver’, 259.

Bronze Age and similarly well preserved.²⁶ Roman brooches and a silver denarii hoard were found within the settlement, but unusually there were bronze coins too, perhaps indicating a second hoard as these are rarely found together.²⁷

The presence of Roman coin hoards in northeast Scotland, such as those at Birnie and Clarkly Hill, is probably best interpreted as the Roman policy of paying subsidies to powerful local communities or the ‘buying of peace’ from natives in an attempt to control the area outside the frontier between 160-230AD (Fig 2).²⁸ The dates of coin hoards in the northeast suggest a possible deliberate targeting of the area from the Forth to the Moray Firth, and, indeed, at Birnie the dates of the coins of two hoards suggest two separate payments over a period of time during the Severan campaigns in the early third century.²⁹

There are many theories as to the effect of Rome on the native Iron Age inhabitants of Scotland with little consensus between them. Theories range from a nativist perspective suggesting minimal impact to Rome representing a positive opportunity to obtain luxury goods with

²⁶ Hunter, ‘Lure of Silver’, 255.

²⁷ Hunter, ‘Lure of Silver’, 255.

²⁸ Hunter, *Edge of Empire*, 24; Hunter, ‘Lure of Silver’, 259 and 261.

²⁹ Hunter, *Edge of Empire*, 23; Hunter, ‘Lure of Silver’, 261.

concomitant power, status and prestige within local communities.³⁰ Others suggest that these foreign goods brought about changes within Iron Age society and that the demand for this *exotica* was ‘socially disruptive’ when the supply dried up.³¹ This is perhaps evidenced archaeologically in the decline of some settlements in the third and fourth centuries such as Birnie, whereas others like Clarkly Hill continue and others, such as Burghead, begin to develop into centres of power and influence.³² The emergence of the Picts in the late third and fourth centuries as an amalgamation of smaller, disparate local Iron Age groups as a result of this disruption remains a possible theory.³³

The Roman artefacts found on native Iron Age sites further north in this region demonstrate a higher degree of selectivity and a choice range of quality items.³⁴ There appears to be a focus on items that could be assimilated usefully and easily into the native Iron Age expression of status, such as decorative metalwork connected with either feasting or personal adornment, and high-quality items such as Samian Ware,

³⁰ Hunter, *Edge of Empire*, 2-3.

³¹ Hunter, *Edge of Empire*, 2; Hunter, ‘Lure of Silver’, 264.

³² Hunter, *Edge of Empire*, 2; Hunter, ‘Lure of Silver’, 264.

³³ Hunter, *Edge of Empire*, 45-46.

³⁴ Hunter, ‘Roman and Native’, 298; Hunter, *Edge of Empire*, 10-11 and 18.

brooches and glass, with a corresponding lack of functional items such as scythes or querns stones.³⁵ At Birnie, finds within the Iron Age settlement include blue glass from a first-century glass vessel, pottery and several different types of colourful Roman brooches, similar to others found nearby in the Moray region at Stonewells, Lochhill and Charlestown, Burghead.³⁶ It could be noted, however, that silver coins do not appear to fit so easily into the non-monetary Iron Age society, either as items associated with feasting or as personal adornment, which raises questions as to why these indigenous communities viewed these novel items as desirable. There seems to be a nascent general preference for silver, but at the time of the coin hoards at Birnie there is no evidence of the re-use of Roman silver, so while it may have been seen as an exotic, new and prestige metal it was not used as a raw material.³⁷

The traditional interpretation of coin hoards found in Scotland was to understand them as ‘safekeeping’, hidden at particular times of stress within a community.³⁸ However, this is arguably an inappropriately

³⁵ Harding, 192; Hunter, ‘Roman and Native’, 299; Hunter, *Edge of Empire*, 15; Hunter, ‘Lure of Silver’, 264.

³⁶ Hunter, *Edge of Empire*, 65-69.

³⁷ Hunter, ‘Lure of Silver’, 263.

³⁸ Hunter, ‘Lure of Silver’, 258.

numismatic interpretation of hoards, owing to the emphasis of monetary value.³⁹ It is suggested here that the term ‘hoard’ itself is an anachronistic concept for indigenous communities who did not use coinage and may have viewed ‘wealth’ very differently, as many non-monetary societies did.⁴⁰ However, the location of the coin hoard at Birnie may give some weight to the notion of safekeeping, in that it was deposited in an accessible, open area within the settlement adjacent to the roundhouses, with post ‘markers’ signalling its position.⁴¹ It could be argued that the settlement’s location near the river Lossie suggests a pragmatic rather than a votive setting, compared to that at Clarkly Hill which was deposited at a more liminal location next to the now-drained Roseisle Loch.⁴²

Aitchison supports the possibility of coin hoards as votive offerings, and there is a broader pattern of interpreting deposited artefacts near wetlands or liminal places as a ritual act.⁴³ Coins have been discovered in other regions in ritually significant boundaries such as

³⁹ N. B. Aitchison, ‘Roman Wealth, Native Ritual: Coin Hoards Within and Beyond Roman Britain’, *World Archaeology*, 202:2 (1988), 270-84, 271.

⁴⁰ Bradley, 1; Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies*, (Connecticut: Martino Publishing, 1954).

⁴¹ Hunter, ‘Lure of Silver’, 258.

⁴² Hunter, ‘Lure of Silver’, 255.

⁴³ Hunter, ‘Lure of Silver’, 258 and 263.

ditches at Carronbridge, Dumfriesshire, which might suggest that coins were seen as powerful and appropriate for ritual acts.⁴⁴

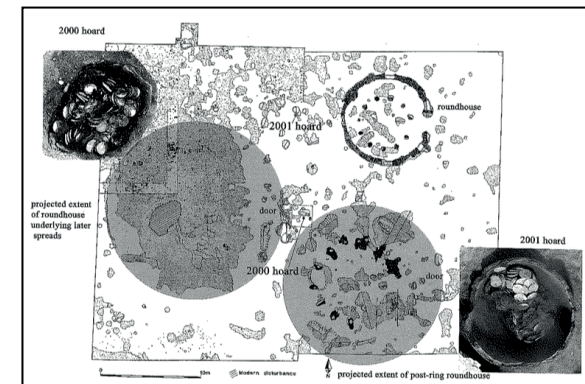


Fig. 3. Detail of the Birnie settlement, showing the location of the two silver denarii hoards adjacent to the Later Prehistoric roundhouses, ©Alan

Roman material has also been found in ritual deposits within Sculptor’s Cave at Covesea, on the coast 15km north of Birnie, including rings, pins, Iron Age pottery, amber beads, Roman pottery, and Roman coins used as ornaments.⁴⁵ The cave appears to have been the focus for ritual activity in both the Bronze Age and the Roman Iron Age.⁴⁶ Perhaps this underlines the importance of ritual activity for Iron Age communities

⁴⁴ Hunter, ‘Roman and Native’, 301.

⁴⁵ CANMORE 16278; Hunter, ‘Roman and Native’, 297.

⁴⁶ Ian Armit and Rick Schulting, ‘An Iron Age Decapitation from the Sculptor’s Cave, Covesea, Northeast Scotland’, *Past: Newsletter of the Prehistoric Society*, 55 (2007), 1-3.

in Moray and lends support to the interpretation of the coin hoards at Birnie as purposive, ritual depositions rather than as pragmatic ‘safe-keeping’.

The cosmology of the indigenous Iron Age community at Birnie is likely to have involved a less than clear division between the supernatural and the natural, necessitating ritual offerings to those supernatural forces in the form of depositions of goods into the earth in hope of reciprocal gifts or protection.⁴⁷ Places in the landscape, such as caves (Covesea) or lochs (Clarkly Hill), have long been associated with ritual offerings that may have been considered appropriate for such activity.⁴⁸ Perhaps the coin hoard at Birnie suggests a blurring of the modern notion of separating sacred and domestic, non-sacred places.⁴⁹

The Roman silver denarii found at Birnie had imprinted on them the heads of different Emperors.⁵⁰ To modern eyes familiar with coinage this is nothing unusual, but one wonders how the indigenous community receiving the coins would have understood this (Fig. 4). There may be value in considering the coins as images rather than simply as ‘money’.

⁴⁷ Bradley, 155; Giles, 408; Hunter, ‘Lure of Silver’, 263.

⁴⁸ Bradley, 44.

⁴⁹ Hunter, ‘Digging Birnie’, 12.

⁵⁰ Hunter, ‘Digging Birnie’, 11.

Images consist of ‘a host of multi-layered, multi-faceted meanings’ that ‘held mirrors up to ancient societies’ and reflected their world back to them.⁵¹ It could be argued, then, that the imagery on the coins might represent the power of the Roman Empire to the Iron Age community at Birnie rather than as ‘coins’ as we understand them today. It could be suggested that the imagery on the coins could have been understood not as inert or passive, but rather as the potent embodiment of the person, or force, that they depicted.⁵² As with much ancient iconography, they could be interpreted as ‘dynamic tools used by communities who produced and consumed them’, albeit with a clear disparity here between the worldviews of the Roman ‘producers’ and the indigenous ‘consumers’ of these coins.⁵³

⁵¹ Miranda Aldhouse-Green, *An Archaeology of Images: Iconography and Cosmology in Iron Age and Roman Europe* (London: Routledge, 2004), xvi.

⁵² Mauss, 10.

⁵³ Aldhouse-Green, 2.



Fig. 4: Two of the first denarii to be found at Birnie, ©NMS.⁵⁴

If other roman artefacts were selected as useful and easily adopted into Iron Age societies, one wonders why they would accept the coins if they were not useful in some way? The concept of a gift is known to have different meanings to different people across time and space.⁵⁵ Ethnographic examples from non-monetary cultures might be useful here; it could be that coins were not seen as an appropriate form of gift for trading or exchanging, nor to be used in a Trobriand islanders' manner with social bonds strengthened through gifting within local society.⁵⁶ Perhaps this deposition of coins represents conspicuous consumption that strengthens the perception of a leader, analogous to the practice of

⁵⁴ Hunter, 'Digging Birnie', 5.

⁵⁵ Aitchison, 278.

⁵⁶ Mauss, 19-22.

Potlatch on the northwest coast of America, in which wealth and status are displayed through the ability to give away on a grand scale.⁵⁷

The hoards at Birnie were deliberately placed into the ground within the settlement itself, with posts marking their position and with other unusual deposited items nearby, such as an inverted saddle quern and a large decorated pot buried upside down alongside a barely used whetstone.⁵⁸ This suggests that the hoards were part of a pattern of religious practice at Birnie, where valuable, potent objects were seen as appropriate offerings for chthonic gods.⁵⁹ Gifts to the gods perhaps offered a visual demonstration of a reciprocal relationship, with the giver displaying their intimate association with a higher power.⁶⁰ The offering at Birnie could still be seen due to the positioning of posts (Fig. 3), despite the coins being deposited into the earth. In this way, the coin hoard would remain active in the life of the community and the timber markers would stand testament to a leader's skill at communication with other powerful leaders and possibly their skill in dealing with the gods.⁶¹ It could be that

⁵⁷ Mauss, 12.

⁵⁸ Hunter, 'Digging Birnie', 12; Hunter, 'Lure of Silver', 255.

⁵⁹ Hunter, 'Digging Birnie', 12.

⁶⁰ Aitchison, 278.

⁶¹ Bradley, 154-155.

the chthonic deities in Birnie were perceived by that community as more powerful a force than the Roman Empire, so were offered carefully selected 'votive offerings, fit for the gods because of their perceived power'.⁶²

While the settlement at Birnie has been investigated significantly, aerial photography of the surrounding region might reveal additional centres of power. It might be expedient to investigate the possible prehistoric hut circles, enclosure and field system at Tulloch Wood 12km southwest of Birnie in order to test the notion of independent political centres being approximately 12km apart in this region during the Iron Age, as the locations of Birnie and Clarkly appear to suggest.⁶³ Geophysical analysis has been undertaken in a field to the southwest of Birnie Parish Kirk and revealed strong magnetic anomalies and possible archaeological features.⁶⁴ Further investigation in this area might also be useful as it sits on the same gravel terrace as the excavated Iron Age settlement at Birnie (40-50 OD) but closer to the wetland area adjacent to the River Lossie, a possible focus for ritual activity. Exploration of the

⁶² Hunter, 'Romand and Native', 301.

⁶³ CANMORE 15784; Hunter, 'Digging Birnie', 15.

⁶⁴ CANMORE 16419.

area around the parish Kirk may elucidate the further development of Birnie during the Pictish and medieval periods after the influx of Roman goods had ceased.

The archaeological record offers less than straightforward evidence of the impact of the Roman Empire on indigenous communities in Scotland, with 'no direct correlation between Roman activity and the characteristics of the native settlement record' and great regional variation.⁶⁵ The worldviews of these disparate cultures would likely have been markedly different, which highlights the importance of investigating evidence of interaction between them.⁶⁶ The open settlement at Birnie, with its 'substantial houses' and rich material culture, has proven that this area of northeast Scotland is far from being a 'primitive backwater', and, in fact, the Roman Army considered the community sufficiently important for inclusion in its policy of subsidy payment to local leaders.⁶⁷ Given the rarity of modern investigation into Roman coin hoards within Iron Age settlement, further metal detection in areas where cropmarks

⁶⁵ Ian Ralston and Ian Armit, 'The Early Historic Period', in *Scotland After the Ice Age: Environment, Archaeology and History 8000BC-AD1000*, ed. Kevin Edwards and Ian Ralston (Edinburgh: Edinburgh University Press, 2003), 217-239, 218.

⁶⁶ Hunter, 'Lure of Silver', 251.

⁶⁷ Hingley, 36 and 40; Hunter, *Edge of Empire*, 24; Hunter, 'Lure of Silver', 259 and 261.

have been identified might prove invaluable for improving the impoverished archaeological record and could enhance our understanding of this clash of cultures. The unique discovery of two Roman coin hoards beyond the Roman frontier and within the non-monetary Iron Age settlement at Birnie provides an invaluable opportunity to gain a more nuanced, holistic understanding of these contrasting worldviews.⁶⁸

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⁶⁸ Armit and Ralston, 182; Hunter, *Edge of Empire*, 27.

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Is the European Parliament really the European Union's Epitome of Democracy?

Israrullah Kahn

This article intends to shed light on the recent layers of criticism that are hurled at the democratic status of the European Parliament. Firstly, it highlights the basis on which the democratic status of European Parliament is challenged. The article then departs on a journey of countering the criticisms and concludes that European Parliament upholds democratic standards. The article limits its discussion to a detailed analysis of three issues: degressive proportionality, political representation and voter turnout, and the weak legislative role of the European Parliament. Degressive proportionality is justified by the protection of the rights of minority states. Lower turn out is a concern, but one that is faced by major representative democracies across the globe. The explanation lies in the supranational status of the European Parliament and the engagement of MEPs with their constituents. The issue of weaker legislative role is addressed by alternative powers that the European Parliament holds. The article expands these arguments and leads to a conclusion that the democratic status of European Parliament should be judged by comparing it to other supranational bodies rather than the 28 member states' parliaments.

The European Parliament (EP) is the only directly elected institution of the European Union (EU). Since its creation, the EP has been criticised for being weak and undemocratic. As Frank Cunningham states, democracy is a ‘contested concept’ that exists in many forms, vulnerable to various interpretations.¹ However, Article 10(1) of the Treaty of European Union (TEU) is the foundation of the European Union’s institutions in terms of representative democracy.² It justifies this in three ways: firstly, citizens are directly represented at an EU level by the European Parliament; secondly, member states are represented in the European Council by their heads of state; and thirdly, member states are also represented by their government ministers in the Council of European Union. Both ministers and heads of state are themselves democratically accountable to their national parliaments and their citizens.³ The treaty also stresses the democratic participation of citizens and that political parties should express the citizens’ will.⁴ The EP is the

¹ Frank Cunningham, *Theories of Democracy: A Critical Introduction* (New York: Routledge, 2002), 5.

² TEU Art 10(1).

³ TEU Art 10(2).

⁴ TEU Art 10(3).

only institution that provides EU citizens a direct platform for democratic participation.⁵

Despite being the direct representative of EU citizens, the EP is still criticised for having a ‘democratic deficit’, as Barnard Peers details.⁶ In fact, one of the pro-Brexit campaign slogans was the EP’s democratic deficit. Thus, this article will analyse whether the EP is a democratic institution. The article will argue that the democratic status of the EP needs to be judged by the democratic standards of international bodies rather than those of EU member states. It will then contend that EP is a democratic institution. To this end, the article will first explore the major challenges to the EP’s democratic legitimacy; it will, then, counter these challenges. The article will shed light on the question of degressive proportionality, citizens’ participation and representation, and the EP’s weaker legislative role.

The concept of representative democracy is important for the discussion that this article will create. It is this system that poses a challenge to the democratic status of EP. ‘Representative democracy’ and ‘democracy’ are not synonyms; as defined by Michael Mezey,

⁵ TEU Art 10(2).

⁶ Barnard Peers, *European Union Law* (London: Oxford University Press, 2017), 83.

democracy means that the people govern, while representative democracy means that the people elect others to govern for them.⁷ According to Barnard Peers, the structural understanding of representative democracy is that ‘one person, one vote’ sets the tone of the parliament.⁸ This standard system of representative democracy, Nadia Urbinati and Mark Warren explain, is based on the principal-agent conception of representation, in which the elected representatives serve as the agents of their constituents.⁹ David Judge argues that the decision to implement such a system is legitimate because the representatives taking those decisions are themselves deemed to be legitimate.¹⁰

Degressive Proportionality

The first challenge to the EP’s democratic framework is its distribution of seats on the basis of degressive proportionality.¹¹ Degressive

⁷ Michael Mezey, *Representative Democracy: Legislators and Their Constituents* (Lanham: Rowman & Littlefield, 2008), 203.

⁸ Peers, 39.

⁹ Nadia Urbinati and Mark Warren, ‘The Concept of Representation in Democratic Theory’, *Annual Review of Political Science*, 11 (2008), 387-412, 389, <<https://doi.org/10.1146/annurev.polisci.11.053006.190533>>.

¹⁰ David Judge, *Democratic Incongruities: Representative Democracy in Britain* (London: Palgrave Macmillan, 2014), 2.

¹¹ TEU Article 14(2).

proportionality is based on the following principle: while larger states should have more Members of the European Parliament (MEPs) in total than smaller ones, smaller states should have fewer citizens per MEP than larger ones.¹² Degressive proportionality in the EP allocates a minimum threshold of six seats and a maximum of 96 seats per member state.¹³ This means, as Marianne Freiberger explains, that smaller countries like Malta with a population of around 400,000 have proportionally more MEPs than larger states like the UK with a population of 65 million.¹⁴ Academics such as Stephanie Schiedermaier argue that degressive proportionality in the EP does not adhere to the democratic principle of representation by population, namely that all votes should count equally.¹⁵ Instead, it suggests that the votes of citizens from smaller states are more decisive than those of larger states, contrasting the notion of ‘one person, one vote’.¹⁶ Schiedermaier further contends that this also conflicts with Article

¹² Marianne Freiberger, ‘A Formula for Europe’, *Plus Magazine* (10 March 2011), <<https://plus.maths.org/content/formula-europe>>.

¹³ TEU Article 14(2).

¹⁴ Freiberger.

¹⁵ Stephanie Schiedermaier, ‘The European Union and The Citizens of Europe’, *International Journal of Open Governments*, 3 (2016), 121-134, 127, <<https://ojs.imodev.org/index.php/RIGO/article/download/135/168>>.

¹⁶ German Federal Constitutional Court 2 BvE 2/08 (30 June 2009), 267, <http://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2009/06/es20090630_2bve000208en.html>.

9 of the TEU, which requires the Union's institutions to observe the principle of the equality of EU citizens.¹⁷ The German Constitutional Court has further highlighted that degressive proportionality is not in accordance with the general democratic orientation described in Article 10. It states that 'a representative body of the people should not embody degressive proportionality because it could not represent the people in a way that does justice to equality based on the principle of freedom of expression'.¹⁸ Thus, the preference of a degressively proportionate system over a purely proportionate system leaves room to suggest that the EP displays a minor democratic deficit.

However, following further analysis, this article will clarify that the issues highlighted by critics, such as Schiedermaier, does not preclude the EP's democratic legitimacy. Critics' accounts of degressive proportionality might point towards a minor democratic deficit, but they are not convincing enough to discard the EP's democratic legitimacy completely. Degressive proportionality is not limited to one interpretation. In fact, this article contends that degressive proportionality reassures the principles of Article 9 by facilitating diverse representation

¹⁷ Schiedermaier, 130.

¹⁸ German Federal Constitutional Court 2 BvE 2/08, 323.

and encouraging the protection of the voices of small states. Democracy is not only about equal representation, but also about the protection of the rights of minorities, and Article 9 is in line with this principle.¹⁹ If the principle of electoral equality were observed more strictly, smaller states would be represented in the EP by only one member, which would result in democratic discrimination.²⁰

Inter alia, the protection of minorities or smaller groups is an important factor for representative democracies. Most representative democracies take measures to ensure the protection of minorities. These measures, however, can take several different forms. On representative democracies' national levels, the greater representation of smaller entities in elected parliaments is evident in the form of gender quotas and reserved seats.²¹ For instance, Pakistan has a fixed quota of 60 reserved seats for women and 10 for minorities in its National assembly.²² The

¹⁹ Anonymous, 'Lessons on The Principles of Democracy', *Street Law* (2014), 5, <http://www.did.deliberating.org/documents/Principles%20of%20Democracy%20Lesson_Complete.pdf>.

²⁰ Schiedermaier, 132.

²¹ Andrew Reynolds, 'Reserved Seats in National Legislatures: A Research Note', *LSQ*, 30 (2005), 301-310, 309, <https://www.jstor.org/stable/3598674?seq=2#page_scan_tab_contents>.

²² National Assembly of Pakistan, 'Composition' (1 November 2017), <<http://www.na.gov.pk/en/composition.php>>.

same pattern is explicit in the German electoral system which gives parties representing national minorities an exemption from the 5% threshold required to gain a seat in parliament.²³ Furthermore, the UK is no stranger to the concept of degressive proportionality. Just as in the EU, the smaller countries like Scotland have proportionally more MPs per voter in Westminster than England.²⁴ The English average is 70,231 citizens per MP whereas Scotland's is 65,444.²⁵ Despite the account of representative democracy suggested by Schiedermaier, suggesting that these practices are contrary to the idea of 'one person, one vote', it does not impede either Germany, Pakistan, or the UK from being democratic. In fact, it is an indication that democracy is a contested concept and can exist in many shapes.

In addition, the German Constitutional Court's argument that degressive proportionality conflicts with Article 10 does not wholly challenge the democratic legitimacy of the EP. Instead, the court held that

²³ Reynolds, 304.

²⁴ Richard Corbett, 'Is Britain Really Outvoted in the European Parliament?', *European Parliament* (4 September 2014), <<http://www.europarl.europa.eu/unitedkingdom/en/media/euomyths/degressiveproportionality.html>>.

²⁵ Kenneth Baker, 'Do We Really Need 646 Members of Parliament?', *The Telegraph* (11 April 2009), <<http://www.telegraph.co.uk/comment/5140846/Do-we-really-need-646-Members-of-Parliament.html>>.

the Union's democratic legitimacy should not be judged by state standards because the EU is not an analogy to the concept of a state: it is a supranational organisation.²⁶ This article echoes the argument of judging the EU's democracy in supranational context. Democracy in the EU works on a European level and can not be equated with the practical application of democracy on a national level. Although the structure of the EP is similar to that of national parliaments, it does not enjoy the same status. Rather, the EP enjoys the status of an international institution which has to cater to the needs of the citizens of 28 member states. Hence, the democratic nature of the EP should be compared to other international organisations such as the African Union, the North American Union, and the United Nations. Unlike the EU, these organisations do not even have a body similar to the EP, which is elected by the people. The most similar body is the the Pan-African Parliament of the African Union, in which the representatives are elected by the legislative body of each country rather than the people. Given the status of other international organisations and the EP's attempt to engage the people of 28 EU member states, this essay argues that as long as the EP

²⁶ German Federal Constitutional Court 2 BvE 2/08, 266.

ensures the representation of minority states, the composition of the EP does not need to do justice to the equality of votes depending on the member states' population figures.

Political Representation and Lower Turnout

Among other concerns, the EP is facing criticism for political representation. Across Europe, political representation is commonly understood to work via the 'responsible party government' model, in which the electorate selects from two or more parties based on their manifesto promises.²⁷ Per Christopher Lord, this mechanism 'has the merit of recognising that democracy belongs to a family of political values that holds that the wants of the governed – as opposed to the wants of those who govern – are the only justifiable basis for political rule'.²⁸ This definition outlines that political representation becomes legitimate when the representatives who are elected on the basis of manifesto

²⁷ Michael Marsh and Pippa Norris, 'Political Representation in the European Parliament', *EJPR*, 32(1997), 153-164, 158, <<http://onlinelibrary.wiley.com/doi/10.1111/1475-6765.00336/pdf>>.

²⁸ Christopher Lord, 'Democracy and the European Union: Matching Means to Standards', *Democratization*, 13 (2006), 668-684, 672, <<http://dx.doi.org/10.1080/13510340600791996>>.

promises have the power to deliver those promises. This also adheres to the whole concept of representative democracy.

However, this model becomes problematic when applied to the EP, because the EP lacks the system of parliamentary majority and opposition parties to guarantee a fair process.²⁹ Instead, there are political groups which are loosely co-ordinated umbrella organisations, whose powers are limited to vote in favour or against the Commission's proposals.³⁰ These loose coalitions of national parties, in lieu of traditional ones, challenge the standard principles of representative democracy. Furthermore, these factors have also contributed to a lower turnout in elections. The average turnout of the EU elections has dropped by 19% over the past years, that is from 61% to 42%.³¹ In modern democracies, election turnout is seen as a key measure of political engagement.³² Vaughne Miller and Jon Lunn state that 'high voter turnout

²⁹ David Parkins, 'The European Parliament Elected, Yet Strangely Unaccountable', *The Economist* (15 May 2014), <<https://www.economist.com/news/briefing/21602200-european-elections-will-neither-lend-new-credibility-european-parliament-nor-give>>.

³⁰ Marsh and Norris, 155.

³¹ European Parliament, 'Results of the 2014 European Elections' (1 July 2014), <<http://www.europarl.europa.eu/elections2014-results/en/turnout.html>>.

³² Vaughne Miller and Jon Lunn, 'The European Union: A Democratic Institution?', *House of Commons Library*, Research Paper 14/25 (2014), 14, <<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/RP14-25#fullreport>>.

is desirable in a democracy because it increases the chance that the political system reflects the will of a large number of individuals and that the government enjoys a high degree of legitimacy'.³³ The EP lacks this desirable turnout, which raises concerns regarding its democratic legitimacy.

In contrast to the above claims, this article holds that the fact that the EP lacks a traditional system of representation is not a complete indication of the democratic deficit. I firmly argue that the EP is not a national parliament in which the locus of leadership is well established and accepted, and in which elections clearly decide who holds the power. According to Ingeborg Toemmel and Amy Verdun, 'It is more difficult at the EU level to establish who leads [...] because national matters are at stake'.³⁴ This outlines some important points. The above quote is an important indication of the complexities of international organisations. A national account of representative democracy would be difficult to apply on an EU level. For instance, in the UK the majority party forms the government, which then makes policies and decisions according to their

³³ Miller and Lunn, 14.

³⁴ Ingeborg Toemmel and Amy Verdun, 'Political Leadership in the European Union: An Introduction', *Journal of European Integration*, 39 (2017), 103-112, 105, <<https://doi.org/10.1080/07036337.2016.1277714>>.

party lines. Such national accounts of representative democracy would not work at an EU level. It would give states with a majority of seats more influence than minorities in the EP. This would raise concerns regarding the sovereignty of other member states; it would also be contrary to the EU's objectives. Similarly, research suggests that voters in EU elections are more strongly influenced by the desire to express a view about national concerns than the institutional role of the EU.³⁵ This underlines the fact that the EP should be understood by the standards of an international forum in which MEPs represent national interests.

With regards to lower turnout, Robert Cooper argues that 'democratic deficit is when there are no elections, and the people are on the street demanding them. What we have in Europe is a democratic surplus. We hold elections but people do not turn up'.³⁶ Cooper's argument is sound because democracy should be judged by the standards of free fair elections, which the EU provides. The voter turnout, in fact, depends on the MEPs' engagement with their constituencies.³⁷ Some

³⁵ Miller and Lunn, 15.

³⁶ Robert Cooper, 'The European Union Does Not Have a Democratic Deficit – It Has a Democratic Surplus', *London School of Economics: EuromBlog* (11 June 2014), <<http://bit.ly/1hlu4MH>>.

³⁷ Miller and Lunn, 32.

states like Belgium have a high turnout (89%), while others such as Slovakia have a low turnout (13%). This difference in turnout should challenge the legitimacy of certain MEPs, but not the overall democratic legitimacy of the EP.³⁸ The EP provides a platform for the European people to select representative of their choice. It is not the role of the EP to ensure that MEPs galvanise their constituents during election time.

Furthermore, a low voter turnout is not unique to the EP; in fact, it is an outcry of dissatisfaction in numerous representative democracies across the globe. Over the last 25 years, the average global voter turnout rate dropped by more than 10%. The UK, for example, experiences a significantly lower voter turnout, which has dropped from 83% in 1945 to 68% in 2017.³⁹ This does not indicate that the UK is not democratic; rather, it is evidence of a wider structural problem in the political system. Thus, the EP's lower turnout should not be cited to challenge its democratic legitimacy.

³⁸ Miller and Lunn, 32.

³⁹ World Bank, *World Development Report 2017: Governance and the Law* (Washington, DC: World Bank, 2017), 47 and 50, <<http://www.worldbank.org/en/publication/wdr2017>>.

Weak Legislative Role

Representative democracy demands that all legislative powers are placed in the representative that is elected on the principle of 'one person, one vote'.⁴⁰ The EP acts contrary to this concept: although the Lisbon Treaty grants the EP some soft powers such as the ordinary legislative procedure, its position in relation to legislative initiation remains the same.⁴¹ The EP can only request the commission to make a legislative proposal, not initiate one.⁴² Its primary powers include exercising legislative and budgetary functions, which are shared with the unelected Council.⁴³ Most of the powers are enjoyed by the unelected Council and the Commission. The Commission, in particular, is the central institution to propose legislation and secure national government compliance with that legislation.⁴⁴ The Commission has been delegated significant law-making powers and is responsible for many of the executive tasks of the Union.⁴⁵ The overly powerful Commission and the inability of the EP to exercise

⁴⁰ Peers, 38.

⁴¹ Paul Craig, *The Lisbon Treaty: Law, Politics, and Treaty Reform* (London: Oxford University Press, 2014), 33.

⁴² TEU Art 225.

⁴³ TEU Art 14 (1).

⁴⁴ TEU Art 17.

⁴⁵ TEU Art 17(1).

legislative powers distort the democratic dialect process of authorisation and accountability of the EP: that is, representing the interests and views of citizens who are not physically present at the point of decision and who have not elected the body that initiates those decisions.

Contrary to the above claims, the concept of shared legislative powers is hardly foreign to the practical application of democracy. Shared legislative powers exist in democratic governments across the globe: in the UK, subject to some exceptions, the elected House of Commons cannot pass legislation without the approval of the unelected House of Lords.⁴⁶ These shared powers guarantee the principle of checks and balances, which is the backbone of a healthy democracy, as Linda Senden and Ton Van Brink argue.⁴⁷ Therefore, the EP's joint consultation on legislation is a characteristic of inter-institutional balance between the Council and the Parliament.⁴⁸ This brings the Council and the EP on an equal footing, guaranteeing a fair democratic process, in which the EP

⁴⁶ Parliament Act 1911.

⁴⁷ Linda Senden and Ton Van den Brink, 'Checks and Balances of Soft EU Rule Making' (Brussels: European Parliament, 2012), 14, <[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/462433/IPOL-JURI_ET\(2012\)462433_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/etudes/join/2012/462433/IPOL-JURI_ET(2012)462433_EN.pdf)>.

⁴⁸ Craig, 37.

directly represents the European people and the Council indirectly represents the states.⁴⁹

While the EP's inability to initiate legislation poses a legitimate concern, it is remedied by other means such as the power to pass the motion of collective censure against the Commission (a process whereby the EP can take measures against the commissioners), the ability to question the Commission and Council at regular intervals and establish committees of inquiry to investigate cases of poor administration by the other EU institutions.⁵⁰ Thus, by electing the Commission and the President, the EP is indirectly proposing legislation, which in turn addresses the democratic concern of initiating legislation.

In conclusion, even though the EP could be considered to display minor democratic deficiencies were it judged on a purely national level, this essay has demonstrated that the EP is a wholly democratic institution. It should be judged by the democratic standards of international bodies, given that it is a supranational institution of sovereign states, in which national matters as well as supranational matters are at stake. The EP is democratic because it guarantees the protection of smaller states by the

⁴⁹ Peers, 84.

⁵⁰ TEU Art 17(8); TFEU Art 226-228.

process of degressive proportionality; it provides free and fair elections and applies checks and balances in the other EU institutions. Degressive proportionality does not challenge the EP's democratic legitimacy because this concept is exercised by democratic bodies across the globe and because it protects minorities' voices. Furthermore, low voter turnout challenges the legitimacy of particular MEPs, not the democracy of the entire EP. Lastly, weaker legislative powers of the EP are remedied by other soft powers which guarantee fair process and the indirect initiation of legislation. Overall, the EP is a complex and quite unique institution, which certainly aims to apply democracy across this supranational organisation fairly and conscientiously.

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The Repressed and the Returned: An Exploration of the Need to Consign Conflict to the Past in a Contemporary Northern Irish Context

Rebecca Fenwick

This piece focuses on the nature of The Peace Process in Northern Ireland in two self-reflexive, indirectly political and artistic mediums: one a novel and the other a visual installation. Both works are typical of many artistic responses to contemporary Northern Irish issues, as they both seek to respond to and gain response from the social situation surrounding the Troubles. I explore the limits of representation in each artistic work and examine the impossibilities that often come with attempting to narrate the past. I analyse the ways in which authors and visual artists overcome the conventional means of narrative, a place where trauma cannot exist, in order to express to the reader or audience the atrocity and suffering that was, and still is, faced by so many. I emphasise in this essay the damning absence of truth recovery that occurs whenever violence and suffering is consigned to the distant past. I seek, like Seamus Deane and Willie Doherty, to critique the political strategy employed in the Northern Irish Peace Process by highlighting the strain and damage it causes to a person and their ability to articulate what has happened to them. I emphasise the importance of bearing witness to human suffering and addressing the past rather than attempting to forget it or indeed bury it along with its dead.

The Belfast Agreement, a multiparty piece of legislation that followed the civil unrest in Northern Ireland, states that ‘it is essential to acknowledge and address the sufferings of the victims of violence as a necessary element of reconciliation’.¹ However, the text does not state by what means that process can take place. By not engaging with the past and failing to address the atrocities directly, the Agreement contributes to what Patricia Lundy and Mark McGovern describe as a ‘virtual absence of truth recovery’.² Assigning suffering to the past does not allow movement forward into the future; and whilst the Agreement states that ‘we must never forget those who have died or been injured, and their families’, it also states ‘but we can honour them through a fresh start’.³ This contradiction, as Stefanie Lehner contends, becomes a ‘rhetorical appeal to consign conflict [...] to the distant past’ and acts as a ‘political strategy enforcing a distinct break with the past and the present’.⁴ The ‘fresh start’ cannot be achieved without first addressing the issues of the

¹ Northern Ireland Office, *The Agreement*, <<https://www.gov.uk/government/publications/the-belfast-agreement>>, 21.

² Patricia Lundy and Mark McGovern, ‘Whose Justice? Rethinking Transitional Justice from the Bottom Up’, *Journal of Law and Science*, 35:2 (2008), 265-292, 285.

³ Northern Ireland Office, Paragraph 2, *The Agreement*, 2.

⁴ Stefanie Lehner, ‘The Irreversible and the Irrevocable: Encircling Trauma in Contemporary Northern Irish Literature’, in *Memory Ireland: The Famine and the Troubles*, ed. by Oona Frawley (Syracuse: Syracuse University Press, 2014), 272-292, 273.

past. The political strategy employed in the Northern Irish Peace Process is also what Paul Connerton describes as ‘prescriptive forgetting’.⁵ The state can be said to be acting in the interests of those on either side of the conflict. However, there is a continued implication that the past should be forgotten and buried along with the dead. Prescriptive forgetting comes with consequence in a Northern Irish context. In attempting to overcome the past, what is left, as Graham Dawson describes, are ‘deep sources of grief, grievance and antagonism’.⁶ Prescriptive forgetting does not provide healing and instead causes a perturbing fixation on the past. Seamus Deane’s *Reading in the Dark* and Willie Doherty’s *Ghost Story* show the results of this forced amnesia. Characters display the effects that an unresolved past can have on the present. Each text shows the reality of prescriptive forgetting and the effect the overburdening past can have on the future.

Reading in the Dark, as Deane contends, ‘is emblematic of the political situation’ in Northern Ireland.⁷ Throughout the novel, the

⁵ Paul Connerton, *The Spirit of Mourning: History, Memory and the Body* (Cambridge: Cambridge University Press, 2011), 1.

⁶ Graham Dawson, *Making Peace with the Past? Memories, Trauma and the Irish Troubles* (Manchester: Manchester University Press, 2007), 77.

⁷ Seamus Deane, ‘Reading in the Dark: An Interview with Seamus Deane’, *English & Media Magazine*, 36 (1997), 17-20, 19.

narrator (who remains unnamed) is forced to endure constant exclusions and concealments of truths that his family find too unbearable to share. The narrator states that, 'so broken was my father's family that it felt to me like a catastrophe you could live with only if you kept it quiet, let it lie down of its own accord'.⁸ This inability to address the past is also evident in the final chapter as the narrator concludes, despite constantly trying to unearth familial secrets, that the only way his family could continue was 'by forgetting, forgetting'.⁹ Whilst the Belfast Agreement and Deane's text are not of the same time, the lexis used in both adhere to the idea of prescriptive forgetting. Deane continues to highlight the consequences of 'a forced amnesia', as Shane Alcobia-Murphy argues, that results only in 'paralysis not progress'.¹⁰ Whilst the narrative is driven by the need for answers, certain characters cannot move forward and cannot escape their past. The narrator interrogates his mother as he feels she is in possession of what Elmer Kennedy-Andrews describes as 'the master-narrative of the family history'.¹¹ However, the narrator

⁸ Seamus Deane, *Reading in the Dark* (London: Vintage Books, 1996), 42.

⁹ Deane, 228.

¹⁰ Shane Alcobia-Murphy 'Recovery and Forgetting: Haunting Remains in Northern Irish Culture', in *The Body in Pain: Irish Literature and Culture*, ed. by Fionnuala Dillane et al (London: Palgrave Macmillan), 199-216, 204.

¹¹ Elmer Kennedy-Andrews, *Fiction and the Northern Irish Troubles Since 1969: (de-)constructing the North* (Portland: Four Courts Press, 2003), 217.

remains doubtful as to whether or not he has been told the truth. He explains: 'And even then, when it had all been told, I had the sense of something still held back [...], something grandfather had cut out'.¹² The narrator realises that his mother holds the knowledge he seeks, but he cannot access it. It is the mother's repression of the events that reveal the consequences of forced amnesia. When she is interrogated, her mind cannot adequately protect her from her suppressed past. The narrator explains that 'she moved as though there were pounds of pressure bearing down on her; and when she sat, it was as though the pressure reversed itself and began to build up inside her and feint at her mouth or her hands'.¹³ She has developed what Bessel A. Van Der Kolk and Onno Van Der Hart describe as 'speechless terror', whereby the repressed experience cannot be 'organized on a linguistic level' and is instead 'organized on a somatosensory or iconic level [...] triggered by autonomic arousal'.¹⁴ The narrator's questioning of the mother causes her to become exposed to something she cannot cope with, and she is seen to

¹² Deane, 227.

¹³ Deane, 239.

¹⁴ Bessel A. Van Der Kolk and Onno Van Der Hart, 'The Intrusive Past: The Flexibility of Memory and the Engraving of Trauma', in *Trauma: Explorations in Memory*, ed. by Cathy Caruth (Baltimore: The John Hopkins University Press, 1995), 158-182, 168.

have developed physical ticks that indicate this. Not only is she unable to organise what the narrator wishes her to say, she is also unable to physically say it and, as Alcobia-Murphy contends, her ‘repression results in a psychosomatic illness: aponia’ and she is ‘literally silenced’.¹⁵ The repression of the past, as seen in both Deane’s text and *The Belfast Agreement*, comes with consequences. Violent or traumatic pasts cannot be forgotten, and any attempts to do so cause those bearing the burden to suffer physical and mental complications in the future.

That which the mother represses returns in the form of a ghost. The novel begins with the narrator speaking to his mother ‘on the stairs’.¹⁶ Stairs allow movement from one floor to another and evoke the idea of being ‘in-between’, thus symbolising the actions of the mother who tells the narrator of a ‘shadow’ on the stairway.¹⁷ The phantasmal presence is the ghost of Uncle Eddie, whose wrongful execution is a truth that the narrator’s mother must live with. Her forced amnesia creates a break between past and present in the text. This break is seen as the narrator

¹⁵ Alcobia-Murphy, 204.

¹⁶ Deane, 5.

¹⁷ Deane, 5.

describes in detail his and his mother’s surroundings as the shadow appears:

It was a short staircase, fourteen steps in all [...]. Eleven steps took you to the turn of the stairs where the cathedral and the sky always hung in the window frame. Three more steps took you onto the landing, about six feet long. [...] I was on the tenth step, she was on the landing. I could have touched her.
‘There’s something there between us. A shadow. Don’t move’.
I had no intention. I was enthralled. But I could see no shadow’.¹⁸

The shadow is located at the ‘turn’ of the stairs, between the narrator and his mother. This positioning of the phantom, as Alexander Jones writes, ‘emphasises a clear spatial hierarchy between the guilt-ridden mother and the then-innocent narrator, with the truth about Eddie’s execution lying in the middle’.¹⁹ The narrator’s desire to find out more about Uncle Eddie begins as he too wishes to *feel* the ghost. However, it is as a result of the mother’s inability to tell, as Lisa McGonigle states, that ‘render[s] her unable to exorcise the ghost of Eddie by revealing the truth, and she

¹⁸ Deane, 5.

¹⁹ Alexander Jones, ‘Liminal Spaces, Liminal Stories: Occluding the Individual in Seamus Deane’s *Reading in the Dark*’, *Groundings Ancients*, <https://www.academia.edu/9899671/Liminal_spaces_liminal_stories_occluding_the_individual_in_Seamus_Deanes_Reading_in_the_Dark>.

remains instead in the “shadow” of the past, silent and obscured’.²⁰ The stairway returns in the final chapter of the novel, ‘After’, creating a cyclical narrative structure. The novel closes as the narrator’s father dies and the reader is brought back to the same staircase: ‘I went down the stairs to make tea. In the hallway I heard a sigh and looked back to the lobby window. There was no shadow there’.²¹ Whilst the shadow has disappeared, the mother still remains burdened by the past. Jones notes the ‘narratives that have occluded the mother and left her mute are cyclical, accounting for the enclosed structure of the novel’.²² The closing paragraph is a marker of the inability to escape the repressed past:

That evening we would take my father to the cathedral that hung in the stair window and she would climb to her bedroom in silence, pausing at the turn of the stairs to stare out at the spire under which, for that night, before the darkened altar, he so innocently lay.²³

The use of future tense allows the narrator to keep the narrative perspective inside the house and, as Jones notes, ‘reflects the entrapment of the mother within the house and the occlusion of her individual

²⁰ Lisa McGonigle, ‘Silencing the (M)other in Seamus Deane’s *Reading in the Dark*’, in *Beyond the Anchoring Grounds: More Cross-currents in Irish and Scottish Studies*, ed. by Shane Alcobia-Murphy et al, (Belfast, 2005), 204, 205.

²¹ Deane, 229.

²² Jones, 72.

²³ Deane, 233.

narrative as she takes the place of Eddie’s ghost on the turn of the stairs, occupying the liminal space in silence’.²⁴ Finally, the ‘darkened altar’ is also reminiscent of the darkness the narrator experiences in the chapter ‘Stairs’. This time, however, it is the mother that occupies the liminal space ‘at the turn of the stairs’.²⁵ She stands between her reconciliation with the past and her inability to escape from it.

Similar to *Reading in the Dark*, Willie Doherty’s visual installation, *Ghost Story*, involves a ‘shadow-like’ presence, symptomatic of a spectral return of the repressed past.²⁶ The voiceover states:

I found myself walking along a deserted path
Through the trees on one side I could faintly make out a river
in the distance.
On the other side, I could faintly hear the rumble of faraway
traffic.
The scene was unfamiliar to me.
I looked over my shoulder and saw that the trees behind me
were filled with shadow-like figures.
Looks of terror and bewilderment filled their eyes, and they
silently screamed, as if already aware of their fate.
The scene reminded me of the faces in a running crowd that
I had once seen on a bright but cold January afternoon.²⁷

²⁴ Jones, 72-73.

²⁵ Deane, 233.

²⁶ Willie Doherty, *Ghost Story* in *Buried*, ed. by Fiona Bradley (Edinburgh, Fruitmarket Gallery, 2009).

²⁷ Doherty, *Ghost Story*.

The statements made are, as Alcobia-Murphy contends, ‘characterised by passive constructions indicative of the subject’s lack of both volition and agency’.²⁸ The speaker is unable to access his own memories and as a result remains an outsider who cannot participate in them, remaining a witness to the ‘scene’ he describes. The speaker also cannot visually or linguistically engage with the visions, and he sees only ‘shadow-like’ figures, and speech ‘remains only [...] in pieces, splinters and fragments’.²⁹ The governmental rhetoric that urges victims of the past to forget or be forgotten is, as Alcobia-Murphy writes, ‘a second injustice to them and may prolong their trauma’.³⁰ The narrator of *Ghost Story* has been traumatised by past events and he lives with the desire to conquer his experiences at the same time as his need to suppress them. The viewer follows the narrator as he observes his surroundings that are both familiar and unknown. He notes that a ‘further incursion of unreality’ disrupts his ‘train of thought’:

My eyes deceived me as I thought I saw a human figure. No matter how quickly or slowly I walked the figure did not seem to get any closer. When I took my eye off the figure he disappeared. When I stared at the point where the path

²⁸ Alcobia-Murphy, 210.

²⁹ Doherty, *Ghost Story*.

³⁰ Alcobia-Murphy, 210.

vanished the figure emerged once again from the trees or from the path itself. I could not tell.³¹

This involuntary sighting is a marker of the return of the repressed in the form of the uncanny. Anne Whitehead describes this as ‘a particular class of the frightening’ which ‘arouses dread and horror in us because it leads back to what is known and long familiar [...]’. It has become disturbing because it has long been alienated from the conscious mind through a process of repression’.³² The irruption of the uncanny in *Ghost Story* becomes a marker of the narrator’s trauma as it shows the return of the repressed. Additionally, the ‘could not tell’ suggests the linguistic and perceptive limits he is facing. As Cathy Caruth contends, trauma lies ‘outside the range of usual human experience’ and occurs as ‘a response, sometimes delayed, to an overwhelming event or events, which take the form of repeated, intrusive hallucinations’.³³ The speaker is forced to relive his trauma belatedly and in attempting to understand it, his thought process is interrupted by the ghosts of his past.

³¹ Doherty, *Ghost Story*.

³² Anne Whitehead, *Trauma Fiction* (Edinburgh: Edinburgh University Press 2004), 128.

³³ Cathy Caruth, ‘Introduction’, *Trauma: Explorations in Memory*, ed. by Cathy Caruth (London: The John Hopkins Press, 1995), 3-12, 3-4.

As presented in *Ghost Story*, and in line with Allan Young's theory, trauma is 'a disease of time [which] permits the past to relive itself in the present, in the form of intrusive images and thoughts'.³⁴ The video installation is cyclical and lacks any closure. In the exhibition space, the clip is unending. This makes it, and the speaker's sense of time, non-linear. Natural progression from past to present and then on to future is made impossible. As Dori Laub explains, traumatic events have 'no beginning, no ending, no during, and no after' for the sufferer.³⁵ The subject's trauma is conveyed through the disrupted linearity of time in his narration:

The next day I walked over the waste ground that was now marked by deep tyre tracks and footprints, fixed in low relief and highlighted by a sharp hoar frost
I could find no other traces of the crowd.
I returned many times to the same site until another fence was erected and a new building was put in place of the empty and silent reminder.
I wondered about what had happened to the pain and terror that had taken place there.³⁶

³⁴ Allen Young, *The Harmony of Illusions* (Princeton: Princeton University Press, 1995), 7.

³⁵ Dori Laub, 'Bearing Witness, or, the Vicissitudes of Listening', in *Testimony: Crises of Witnessing in Literature*, ed. by Shoshana Felman and Dori Laub (New York: Routledge, 1992), 57-74, 69.

³⁶ Doherty, *Ghost Story*.

The speaker begins with 'the next day' and then states, 'I returned many times', but the clip continues to play. The speaker's whereabouts remain unchanged, yet he continues his narration in both present and past tense. The juxtaposition of the unending footage and the subject's inability to continue narrating in the present without reference to the past is indicative of the trauma he is suffering. The looped structure makes the installation infinitely deferred. It is the viewer that is placed in the position to construct for themselves what is around the corner of the area shown in the clip, and, as Charles Wylie contends, 'what we think (perhaps dread) will happen provides the content of these sequences as much as anything else'.³⁷ The viewer, by taking the subject's position, as Alcobia-Murphy contends, is able to gain an 'understanding of what trauma may be like'.³⁸ *Ghost Story* places the viewer into a narrative where looking back seems impossible, yet fixated on. It also allows the viewer to recognise, as Wylie writes, 'how utterly lost one can be in the past amid invisible forces beyond one's ken'.³⁹

³⁷ Charles Wylie, *Requisite Distance: Ghost Story and Landscape* (New Haven: Yale University Press, 2008), 35.

³⁸ Alcobia-Murphy, 211.

³⁹ Wylie, 36.

In allowing the viewer the perspective of someone suffering from trauma, they are made to bear witness to the pain the speaker is suffering. The pain poses as an obligation to the viewer and, as Judith Butler states, 'it demands from us an ethical response'.⁴⁰ *Ghost Story* does not only use the linguistic narrative to articulate confusion and pain; it *shows* the viewer what it is to be, as Wylie describes, a person 'surrounded by unsettling recollections of a past imperfectly rendered yet still vividly alive'.⁴¹ Not only is the narrator unable to escape his past; he is depicted to live it continually, incapable of moving into the future. His pain entraps him and, the way in which Doherty portrays this, beckons the reader to react to it. This pain, as Veena Das states, 'is not that inexpressible something that destroys communication, or mark's one's exit from one's existence in language. Instead it makes a claim'.⁴² It is clear that the past will not disappear and suppression only results in the intensification of trauma. If the viewer is responsive to the claim that pain makes, it is the effectiveness of governmental rhetoric, one that encourages a forced amnesia and prescriptive forgetting, that should be brought into question.

⁴⁰ Judith Butler, *Frames of War: When is Life Grievable?* (London: Verso, 2010), 77.

⁴¹ Wylie, 36.

⁴² Veena Das cited in Jill Bennett, *Empathic Vision: Affect, Trauma and Contemporary Art* (Stanford: Stanford University Press, 2005), 49.

The Peace Process in Northern Ireland causes painful and suppressed events to haunt victims. Willie Doherty's *Ghost Story* produces the means for viewers to perceive a victim's suffering. It calls upon them to query the methods of institutions, how they deal with that aftermath of violence, and address the 'victims of violence' themselves.⁴³

Seamus Deane's *Reading in the Dark* and Willie Doherty's *Ghost Story* both act as testimonies against the familial and institutional implementations of forced amnesia and prescriptive forgetting. The repression of the past sees characters mentally and physically fraught within the present, due to an unresolved past that haunts them. It is then their future that is brought into question. Both 'texts' are cyclical in nature: Deane's novel ending where it started and Doherty's installation being played on a continual loop. The texts are stuck in a paralysis that does not allow movement forward into the future and away from the past. The narrator in *Ghost Story* is unable to escape his past, as he repeatedly relives it in the uncertain present. The traumatic instance that Deane's narrator lives in means he can only continue his narrative as he is fed information by those who are often unable to assimilate their accounts.

⁴³ Northern Ireland Office, *The Agreement*, 21.

Both Deane's novel and Doherty's installation highlight the limits on perception and narrative, as a person represses events from their past or is too traumatised to accurately remember what has happened to them. Forced amnesia in both texts results in estrangement and hiatus, and what usually fills that space is a phantasmal presence that is neither of the current world nor the next. Ghosts of the past return to those who suppress them. Whilst *Reading in the Dark* is set prior to The Troubles in Northern Ireland, the text acts as a warning for the future. The novel ends by positioning a character in-between her reconciliation with the past and the overburdening inescapability from it, implying that there is a need to address the problems of the past, not to ignore them. Doherty's text also calls upon the viewer, who, upon taking the subject's point of view, bears witness to the narrator's pain. They are enticed to respond and bring into question the effectiveness of the Peace Process in Northern Ireland, and whether or not it is complicit in causing victims to be haunted by their unresolved past.

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Divergent Objectives: The International Red Cross Movement in the Great War

Andrea Vercellotti

The International Red Cross and Red Crescent Movement (IRCM) was considerably changed by the experience of the First World War, which created a commitment for civilian relief that would outlive the conflict. The movement did not participate in the war as a united actor; on the one hand, the International Committee of the Red Cross (ICRC) functioned as an intermediary between belligerent countries. Through its Prisoners-of-War Agency, it traced and supplied relief to military personnel and civilians detained in prison camps. It also tried to ensure the respect of international laws and denounced the use of poisonous gases. National Red Cross Societies (RCS), on the other hand, became patriotic institutions who supported the national war effort. Generally hostile to the enemy, medical personnel and volunteers working for national societies provided relief solely for their own soldiers and were celebrated in national war propaganda. The American Red Cross Society (ARC) constitutes an exceptional case for its impact on American society as well as on the Red Cross Movement. It embodied the new American foreign policy of International Humanitarianism. Focus was on bringing relief to populations affected by the war and later, with the establishment of the League of Red Cross Societies in 1919, on supporting societies even in times of peace.

Given its unprecedented scale and brutality, as well as the mobilisation of the entire society and economy of the belligerent states, the First World War was significantly different from any previous conflict. Completely transforming the international state of affairs, the war had major repercussions on the history of the twentieth century.¹ Often overlooked, however, is the significance of the conflict in the evolution of humanitarianism and of its major representative: the International Red Cross and Red Crescent Movement (IRCM). Facing its most challenging task since its foundation in 1863, the movement increasingly became an influential international actor.² It worked to expose the limits of international law and to make it more comprehensive, and started to engage in civilian relief programmes even in times of peace. Offered here is an assessment of this process, with special attention paid to the multiplicity of the movement's activities. The International Committee of the Red Cross (ICRC) and the National Red Cross Societies (RCS) of several neutral countries tried to assume the role of intermediaries between the belligerents, assisted prisoners of war (POWs), and

¹ George Kennan, *The Decline of Bismarck's European Order: Franco-Russian Relations 1875-1890* (Princeton: Princeton University Press, 1981), 3.

² Daniel Palmieri, 'Le Comité International de la Croix-Rouge et la Grande Guerre' (2013), <<http://centenaire.org/fr/print/3472>>.

demanded adherence to previously agreed principles of international law.³ Meanwhile, national societies of belligerent countries were motivated by patriotic sentiments and a desire to assist their nation's military effort. The American Red Cross (ARC) requires particular attention, as no other RCS influenced its civil society to the same degree and since it guided the changes made to the IRCM in the aftermath of the conflict.⁴ Assessing the development of this movement thus provides an invaluable perspective on a war rarely remembered for its impact on humanitarianism and international law.

The International Committee of the Red Cross (ICRC) founded in 1863 by Henry Dunant and Gustave Moynier was, despite its name, international only to a limited extent and mostly remained a 'local philanthropic association'.⁵ The committee only had ten members in August 1914 and remained entirely composed of Genevan citizens until 1923.⁶ The ICRC was the head of a decentralised network; it encouraged

³ Palmieri.

⁴ John Hutchinson, *Champions of Charity: War and the Rise of the Red Cross* (Boulder: Westview Press, 1996), 5 and 256.

⁵ Daniel Palmieri and Irène Herrmann, 'International Committee of the Red Cross', in *International Encyclopedia of the First World War*, ed. Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson (2014), 2, <<http://dx.doi.org/10.15463/ie1418.10687>>.

⁶ David Forsythe, *The Humanitarians: The International Committee of the Red Cross* (Cambridge: Cambridge University Press, 2005), 29.

the creation of National Red Cross Societies (RCS) and it was in charge of officially recognising them. However, the National RCS operated with complete independence from the ICRC.⁷ There were 38 societies active at the beginning of the war, and the Luxembourg Red Cross was established and recognised in 1914 immediately after the German invasion of Belgium. The ICRC immediately recognised the unprecedented scale of the conflict. In a circular dated 5 August 1914, they made clear that ‘the Red Cross Movement will have to commit itself to a degree of activity unprecedented in its intensity’.⁸

The ICRC responded to the most urgent need by opening the International Prisoner-of-War Agency on 21 August 1914.⁹ According to John Hutchinson, it was a ‘wartime extension of the National Societies’, as those could not perform their functions for soldiers captured by the enemy.¹⁰ The number of people working, mostly as volunteers, for the POW Agency reached 3000 during the conflict.¹¹ As the Great War saw the emergence of a new problematic phenomenon, namely the internment

⁷ Palmieri and Herrmann, 5.

⁸ André Durand, *History of the International Committee of the Red Cross: From Sarajevo to Hiroshima* (Geneva: Henry Dunant Institute, 1984), 32.

⁹ Durand, 34.

¹⁰ Hutchinson, 282.

¹¹ Palmieri.

of civilians, the agency established the Civilian Prisoners’ Bureau in October 1914. Thus, extensive efforts were made to meet the needs created by the war.¹²

In its role as intermediary for both military personnel and civilians, the POW Agency performed three main tasks. Firstly, it served the function of tracing those separated from loved ones by the war. The Agency received up to 3000 letters a day asking for news of relatives and friends, and it could send back information thanks to the lists of prisoners and internees provided by the belligerent states.¹³ The countries provided information about POWs voluntarily because the POW Agency ensured reciprocity, and they could receive back the same information about their own soldiers captured by the enemy. At the end of the war, the POW Agency had compiled 4,855,000 individual index cards.

Secondly, it forwarded correspondence and parcels sent for prisoners of war through the Central Committees of National Red Cross Societies. In total, it delivered 1,884,914 individual parcels and 1,813

¹² Matthew Stibbe, ‘The Internment of Civilians by Belligerent States During the First World War and the Response of the International Committee of the Red Cross’, *Journal of Contemporary History*, 41 (2006), 5-19, 6.

¹³ Durand, 36-37.

wagonloads of collective relief supplies.¹⁴ This was extremely important because in the Great War between eight and nine million prisoners were captured, especially on the Eastern Front, and Germany, Austria-Hungary and Russia were unprepared to cope with such vast numbers of POWs.¹⁵ The role of the POW Agency to deliver food parcels was fundamental to limit food shortages in prison camps.¹⁶ However, the decision of the Italian government not to pay for adequate relief parcels to POWs resulted in the death of 100,000 of its 600,000 prisoners.¹⁷ This unfortunate decision was taken to fight desertion, as a growing number of soldiers considered detention in a prison camp to be a lesser evil than the terrible uncertainty of life on the frontline.

Thirdly, the POW Agency monitored the detention conditions in prison camps. As part of its 'humanitarian diplomacy', it sent 54 missions that conducted 524 visits to prison camps, mostly in Europe, but also in the Ottoman Empire, North Africa (Morocco, Tunisia, Algeria, and Egypt) and in Asia (Siberia, Burma, Japan and British India). The Agency

¹⁴ Durand, 40, 46.

¹⁵ Heather Jones, 'Prisoners of War', *International Encyclopedia of the First World War*, ed. Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson (2014), 2, <<http://dx.doi.org/10.15463/ie1418.10475>>.

¹⁶ Jones, 'Prisoners of War', 7.

¹⁷ Stibbe, 13.

wrote reports and sent them to the governments concerned, and in the first period these reports were even sold to the public.¹⁸ Thus, the role played by the Agency was significant from the perspective of both civilians and military personnel.

However, the POW Agency did not operate in the same way everywhere. It focused mostly on the Western Front, while the ICRC proposed to the Central Committee of the RCS of neutral Denmark to organise an agency to work on the Eastern Front, dealing with German prisoners in Russia and Russian prisoners in Germany. The Copenhagen Prisoner-of-War Agency was established in October 1914, and in 1917 it extended its work to include Austro-Hungarian and Rumanian POWs. In December 1917, the Danish, Norwegian and Swedish RCS joined forces and founded the Nordic Red Cross Committee, whose challenging task was to evacuate German POWs from Revolutionary Russia. Several neutral states also played a role in dealing with other issues related to POWs. For instance, under the patronage of Prince Charles of Sweden, the Red Cross Societies of Austria, Hungary, Germany and Russia agreed in the Stockholm Protocol on the treatment of POWs in November 1915.

¹⁸ Palmieri.

In November 1917, the same powers reached an agreement with Norwegian representatives concerning the internment in Norway of their sick and wounded POWs.¹⁹ The help of neutral governments and neutral RCS revealed itself to be a precious support on the Eastern Front for the ICRC, which lacked the experience and the required personnel to cope with the scale of the Great War.

The ICRC considered itself the ‘guardian’ of international humanitarian law, but was inexperienced in direct involvement in conflicts.²⁰ At the beginning of the war, Gustave Ador, President of the ICRC, made an appeal to the belligerent states to remind them of ‘the necessity of ensuring strict and loyal application of the Geneva Convention of 1906’.²¹ The core international law was based on the Revised Geneva Convention of 1906 and on the Hague Conventions of 1899 and 1907. The former was designed to offer protection to certain categories of individuals at risk during wartime, in particular POWs,

¹⁹ Durand, 41-42 and 75.

²⁰ Forsythe, 2.

²¹ Durand, 48.

while the latter had the objective of limiting the methods and means of waging war.²²

However, it soon became evident that principles differed from practice. For instance, especially until 1916, captured medical personnel were considered enemy combatants and therefore treated as normal POWs, even though the Geneva Convention demanded their repatriation. At first, the ICRC focused on the repatriation of medical personnel and of sick and wounded soldiers, but on 26 April 1917 it appealed to the belligerents to ‘repatriate the largest possible number of prisoners, beginning with those longest in captivity’.²³ The ICRC was concerned with preserving the good health of prisoners and its campaigns persuaded the governments of the existence of the ‘barbed wire disease’, a mental illness developed by long-term POWs.²⁴ The POW Agency encouraged bilateral agreements for the exchange of POWs.²⁵ For example, in March 1915 France and Germany started to repatriate wounded POWs through

²² Jean Quataert, ‘International Law and the Laws of War’, in *International Encyclopedia of the First World War*, ed. Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson (2014), 2, <<http://dx.doi.org/10.15463/ie1418.10483>>.

²³ Durand, 51-53 and 60.

²⁴ Stibbe, 12.

²⁵ Hutchinson, 283.

Switzerland, circulating between Lyon and Constance.²⁶ And in the first months of 1918, the two countries signed the Bern Agreements concerning the treatment and repatriation of their military and civilian POWs.²⁷ However, exchanges and internment in neutral countries concerned relatively few prisoners and the vast majority of them returned home at the end of the conflict.²⁸

The Great War showed the limitations of international law concerning both the military sphere and, to a greater extent, the protection of civilians. Civilians living within enemy territory were usually interned, while those living in occupied territories had to endure hardship and in some cases even deportation and forced labour. On 15 January 1915, the ICRC requested the belligerents to guarantee equality of treatment for military and civilian POWs. Moreover, the ICRC understood the dynamics of reciprocity for the treatment of POWs and strongly condemned reprisals, because such ‘relapse into barbarity, unworthy of modern nations’ could inflame the enemy’s war propaganda and lead to

²⁶ Palmieri.

²⁷ ‘Agence des Prisonniers de Guerre de la Croix-Rouge Francaise’, *Accords Franco-Allemands des 15 Mars 1918 et 15 Mai 1918 concernant les Prisonniers de Guerre et les Civils* (Paris: Imprimerie E. Ravilly, 1918):

<https://archive.org/stream/accordsfrancoall00fran/accordsfrancoall00fran_djvu.txt>.

²⁸ Jones, ‘Prisoners of War’, 15.

retaliation.²⁹ The ICRC received numerous complaints of violations of international conventions and reported them to the political and military authorities of the country held accountable.³⁰ The importance of the complaints differed: the French and British complaint about their POWs being held together with Russian ones appears a relatively trivial issue if compared to the French report of Germans killing the medical personnel and the wounded after the surrender of a hospital.³¹

The ICRC also tried to oppose, without success, the use of chemical weapons. On 8 February 1918, the ICRC made a strong appeal against the use of poisonous gases. The Hague Convention prohibited the use of this weapon and of any other armament ‘calculated to cause unnecessary suffering’.³² The ICRC unhesitatingly demanded ‘a ban on this appalling method of waging war’.³³ This appeal was made late in the war and it did not regulate the problem. Although the use of gas had been

²⁹ Jones, ‘Prisoners of War’, 80-85.

³⁰ Palmieri and Herrmann, 5.

³¹ Jones, ‘Prisoners of War’, 9.

³² ‘World War I: The ICRC’s Appeal Against the Use of Poisonous Gases – 08-02-1918 Statement’, *International Committee of the Red Cross* (1918), <<https://www.icrc.org/eng/resources/documents/statement/57jnqh.htm>>.

³³ ICRC.

common since 1915, the ICRC made this appeal in 1918 to prevent an escalation of chemical warfare.³⁴

The ICRC emerged during the Great War as the organisation most strongly concerned with the defence of POWs and with the adherence to international law. Consequently, the ICRC was awarded the Nobel Peace Prize in 1917. Its concrete experience with POWs led to an amelioration of the international regulations on that subject, in the Geneva Convention of 1929.³⁵ Furthermore, if before the war the ICRC only focused on the relief of sick and wounded soldiers, during the conflict it added the relief of civilian populations to its priorities. Just after the armistice, it sent missions to countries hit by food shortages, such as Austria and Hungary. In 1919, the ICRC established in Vienna a central bureau to combat epidemics, and in the early 1920s it co-founded the 'International Save the Children Union'. Another remarkable innovation was that the ICRC added internal conflicts, such as civil wars and revolutionary upheavals, to its mandate. In the aftermath of the war, it assisted countries like Russia, Hungary and Ireland.³⁶ As Jean Pictet,

³⁴ Durand, 93-95.

³⁵ Forsythe, 3-5.

³⁶ Palmieri.

former Director-General of the ICRC, summed up: 'After the First World War, the International Red Cross declared its intentions to work thenceforth, not only *in time of peace*, but also *for peace*'.³⁷

Unlike the ICRC, the activities of RCS were not inspired by a shared sense of international humanitarianism, but by the patriotic objective of supporting the national war effort.³⁸ The national societies were recognised extensions of the army medical services; Hutchinson even argues that they promoted the 'culture of militarism' by relying on a hierarchical structure and on discipline in a military fashion.³⁹ The idea of service to the nation was essential in the decision taken by millions of people to volunteer in the RCS. Women in particular considered volunteering for the Red Cross as a way of doing their bit in the war effort.⁴⁰ A plain-spoken propaganda poster by the Canadian Red Cross shows that the call to volunteer was mostly aimed at women and men

³⁷ Jean Pictet, 'The Red Cross as a Factor in World Peace', *International Review of the Red Cross*, 7 (1967), 571-578, 571, <<http://dx.doi.org/10.1017/S0020860400007476>>, emphasis added.

³⁸ Heather Jones, 'International or Transnational? Humanitarian Action During the First World War', *European Review of History*, 16 (2009), 697-713, 700.

³⁹ Hutchinson, 351.

⁴⁰ Susan Grayzel, 'Women's Mobilization for War' in *International Encyclopedia of the First World War*, ed. Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson (2014), 10, <<http://dx.doi.org/10.15463/ie1418.10348>>.

beyond conscription age: ‘If you cannot give a life you can save a life by helping the Canadian Red Cross’ (Figure 1).⁴¹ All countries became involved in an unprecedented aid effort. In Great Britain, the sensational number of three million women became Red Cross Volunteers.⁴² Another popular way of helping the RCS was by donating money. The fundraising campaigns were remarkably successful. For example, on 2 October 1914 the British Red Cross made an appeal in *The Times* to receive funds for motor ambulances.⁴³ The public response was overwhelming, and enough money was raised for 512 vehicles.⁴⁴



Figure 1

⁴¹ Designer Unknown [for Canadian Red Cross], ‘If You Cannot Give a Life you can Save a Life by Helping the Canadian Red Cross’ (between 1914 and 1918), <http://www.warmuseum.ca/cwm/exhibitions/propaganda/poster1_e.shtml>.

⁴² Jones, ‘International or Transnational’, 3.

⁴³ “‘The Times’ Fund: Succour for Our Sick and Wounded’, *The Times*, 2 October 1914, 12, <<http://find.galegroup.com/ttda/infomark.do?&source=gale&prodId=TTDA&userGroup=abdn&tabID=T003&docPage=article&searchType=BasicSearchForm&docId=CS201655106&type=multipage&contentSet=LTO&version=1.0>>.

⁴⁴ ‘What did the British Red Cross Society Do Abroad During the First World War’, *British Red Cross*, <<http://www.redcross.org.uk/~media/BritishRedCross/Documents/Who%20we%20are/History%20and%20archives/What%20the%20British%20Red%20Cross%20did%20abroad%20during%20the%20First%20World%20War.pdf>>.

The workers and volunteers in the medical units of RCS were motivated by the same patriotic fervour in their effort to provide relief to their sick and wounded soldiers. They offered very little help to enemies and, in several cases, they even harshly mistreated enemy POWs. The societies themselves transmitted nationalistic messages. In March 1914, the German Red Cross shared the message: ‘Sacrifice to the community is the first duty and also the best investment for the future which any people can make’.⁴⁵ The same year, the secretary-general of the French Red Cross, which was made of the association of three different societies, described it as a ‘school of patriotism and a social force’.⁴⁶ The National RCS served as a patriotic institution, but interestingly some countries had more than one: the Austrian and the Hungarian RCS were separate entities, while in Russia the Red Cross was an indicator of social tensions, as different classes formed their own societies.⁴⁷

In theory, the ICRC hoped that the RCS would monitor the conduct of their government and army to ensure the respect of the

⁴⁵ Jones, ‘International or Transnational’, 7-12.

⁴⁶ ‘Notre Histoire: La Première Guerre Mondiale’, *Croix-Rouge Française*, <<http://www.croix-rouge.fr/La-Croix-Rouge/La-Croix-Rouge-francaise/Historique/Premiere-guerre-mondiale/Premiere-Guerre-mondiale>>; Hutchinson, 267.

⁴⁷ Jones, ‘International or Transnational’, 6; Hutchinson, 256.

conventions; however, they only endorsed claims of violations by the enemy.⁴⁸ On the Western Front, neutral officers of the POW Agency or from neutral countries had to carry out camp inspections, as the belligerents did not consider trustworthy the members of the enemy's RCS.⁴⁹ Humanitarian aid workers were also direct targets of violence. The most apparent example was the sinking of hospital ships by Germans during their unrestricted submarine warfare. The ICRC strongly condemned these attacks, but Germans complained that the Entente was putting hospital ships to an unlawful use, for the transport of weapon and troops.⁵⁰ Allied war propaganda used German attacks as evidence of their barbarity. A Canadian Red Cross poster tried to convince the public to buy Victory bonds to stop the inhumanity represented by the sinking of the hospital ship *Llandovery Castle* in June 1918 (Figure 2).⁵¹ RCS paid a high price in casualties, although those caused by the enemy only represented a minority of them, and most of them were caused by illnesses. For example, in the Italian Red Cross 45 members of the

⁴⁸ Hutchinson, 282.

⁴⁹ Jones, 'International or Transnational', 6.

⁵⁰ Durand, 62-64.

⁵¹ Designer Unknown [for Canadian Red Cross], 'Victory Bonds Will Help Stop This. Kulture vs. Humanity' (Montreal: Montreal Litho. Co. Ltd., 1918), <<http://www.wwlpropaganda.com/wwl-poster/victory-bonds-will-help-stop-kulture-vs-humanity>>.

medical personnel were killed by firearms, while the number of deaths due to illness rose to 375.⁵² Given all this, the National Red Cross Societies of countries involved in the war therefore serves as a contrast to the ICRC; the former were not working towards peace, but to support the war effort of their country and to bring relief to their own soldiers.

The American Red Cross (ARC) is an example that deserves to be treated more in depth, as it represented a country at first neutral and then not only engaged in the war, but also committed to setting the

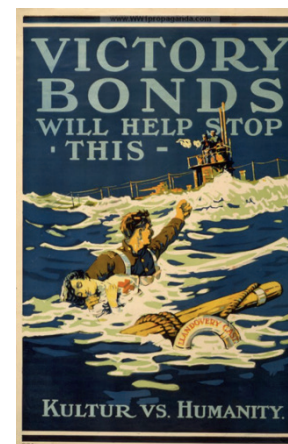


Figure 2

⁵² Giampiero Alessandro, 'Unità Sanitarie della Croce Rossa Italiana nella Prima Guerra Mondiale', *XVI Convegno Nazionale Ufficiali Medici e Personale sanitario* (2014), 30, <<https://www.cri.it/flex/cm/pages/ServeAttachment.php/L/IT/D/c%252Fb%252F5%252FD.66d6cf614ea0e2ff60a9/P/BLOB%3AID%3D23759/E/pdf>>.

foundations for a better world. Even before the Great War, the ARC differed from other RCS. While the latter, and the ICRC, focused exclusively on the relief of military personnel, the ARC also served the secondary purpose of providing civilian relief during natural disasters, famines and political and social upheavals. It had organised its first relief operation abroad in 1908 to bring aid to Southern Italy, struck by a catastrophic earthquake.⁵³

The initial American neutrality enabled Americans to become more involved in humanitarian enterprises, while European countries were mostly concerned with organising the war effort.⁵⁴ Due to its small size and limited funds, the ARC initially focused only on medical relief for soldiers, regardless of their country.⁵⁵ Its work was backed by other humanitarian agencies, such as the ‘American Ambulance Field Service’, which recruited 3000 American university students to help the transport of wounded French soldiers to hospitals.⁵⁶ The ARC left the

⁵³ Julia Irwin, *Making the World Safe: The American Red Cross and a Nation's Humanitarian Awakening* (Oxford: Oxford University Press, 2013), 7, 40, and 51.

⁵⁴ Alan Albright, ‘American Volunteerism in France’, *The Archive* (1993), <http://www.the-afs-archive.org/index.php?option=com_k2&view=item&id=5337:american-volunteerism-in-france&Itemid=226>.

⁵⁵ Irwin, 56-60.

⁵⁶ Alan Albright, *The Field Service: From Assistance to the War Wounded to Educating World Citizens* (Paris: private printing, 1992), 35-36, <[234](http://www.the-afs-</p></div><div data-bbox=)

administration of non-combatant relief to other organisations. Two well-known examples were Herbert Hoover's ‘Commission for Relief in Belgium’, which ensured provision and distribution of food within German-occupied Belgium, and the ‘American Relief Clearing House’, which coordinated the distribution of cash and supplies donated by Americans to the French.⁵⁷

After the US entered the war, the ARC took on the role of coordinating all American humanitarian agencies and expanded its commitment to European civilian relief. It organised assistance operations in 24 countries, providing food, housing, medical assistance and employment to millions of refugees, women, children and other non-combatants. However, the war council of the ARC withdrew its aid to civilians in enemy central power nations.⁵⁸ Humanitarianism nonetheless became an essential component of the American ambition to ‘make the world safe’. Edward Devine, head of the Bureau of Refugees and Relief for the ARC, described this concept in 1917: ‘We should not be

archive.org/index.php?option=com_k2&view=item&id=6003:2014-01-019-the-field-service&Itemid=231>.

⁵⁷ Branden Little, ‘Commission for Relief in Belgium (CRB)’, in *International Encyclopedia of the First World War*, ed. Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson (2014), 1, <<http://dx.doi.org/10.15463/ie1418.10071>>; Irwin, 107.

⁵⁸ Irwin, 8, 69.

provincial, isolated or indifferent to the welfare of other nations. Our manifest destiny is not indefinite expansion but indefinitely expanding brotherhood'.⁵⁹ Foreign civilian aid was defined as an American responsibility, and the ARC received overwhelming governmental and popular support.⁶⁰ Wartime propaganda enhanced the idea of a new patriotic obligation. A poster shows two soldiers, one carrying the American flag and the other the flag of the Red Cross, with the straightforward message: 'Loyalty to one means loyalty to both' (Figure 3).⁶¹ A public official was even sentenced to 30 months of prison for having criticised the work of the War Council of the ARC.⁶²



Figure 3

⁵⁹ Irwin, 3-7.

⁶⁰ Irwin, 3-7.

⁶¹ Gordon Grant, 'Loyalty to One Means Loyalty to Both' (between 1914 and 1918), <<http://www.ww1propaganda.com/ww1-poster/loyalty-one-means-loyalty-both>>.

⁶² Hutchinson, 268.

More than any other RCS, the ARC gained a central place in American society. Numbers prove the enormous popular support for their work. Forsythe indicates that Americans deployed four times as many volunteers in the ARC than the government had deployed soldiers in the US Expeditionary Force.⁶³ The membership to the ARC grew exponentially, from 22,500 members in early 1916 to one third of the US population (22 million adults and 11 million children) in early 1919.⁶⁴ The ARC was endorsed by the leading figures of American society, from President Wilson to famous businessmen, bankers and scientists. It has been argued that the United States experienced an 'international humanitarian awakening', crucial for the future of American foreign relations.⁶⁵ Henry Davison, chairman of the War Council of the ARC, guided the establishment of the League of Red Cross Societies in 1919. He regarded it as the humanitarian counterpart to the League of Nations, to coordinate and promote efforts in the humanitarian field.⁶⁶ Article 25 of the *Covenant of the League of Nations* legitimised this new institution: 'The Members of the League agree to encourage and promote the

⁶³ Forsythe, 21.

⁶⁴ Irwin, 66-68.

⁶⁵ Irwin, 7 and 12.

⁶⁶ Hutchinson, 293-295.

establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world'.⁶⁷

In conclusion, the decentralised International Red Cross and Red Crescent Movement did not give a single response to the Great War. While the International Committee of the Red Cross played the role of intermediary and tried to ensure respect for international conventions, the National Red Cross Societies of the belligerent countries attracted volunteers keen to fulfil their patriotic duty to help the national war effort. Other national societies, such as the Nordic Societies and the ARC, organised relief operations throughout the conflict. The First World War was a crucial moment in the evolution of the Red Cross, which before 1914 had been mostly involved in theoretical debates rather than in field experience.⁶⁸ The participation in a total war provided some precious lessons, the main lesson being the need to organise a sphere of civilian relief in addition to the traditional focus on military relief. The Great War

⁶⁷ League of Nations, *Covenant of the League of Nations* (Paris, 28 April 1919), <<http://www.refworld.org/docid/3dd8b9854.html>>.

⁶⁸ Palmieri.

and its near aftermath showed the need to provide humanitarian aid not only during international wars, but also in the context of civil wars, famines and epidemics. Finally, with the creation of the League of Red Cross Societies and the institutional changes completed by the First Statutes of the Movement in 1928, the International Red Cross had truly become a main international actor.⁶⁹

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⁶⁹ Palmieri.

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multipage&contentSet=LTO&version=1.0](http://find.galegroup.com/ttda/infomark.do?&source=gale&prodId=TTDA&userGroupName=abdn&tabID=T003&docPage=article&searchType=BasicSearchForm&docId=CS201655106&type=multipage&contentSet=LTO&version=1.0)>.

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