

THE HOLLOW STATE: HUMAN RIGHTS AND THE STATE IMAGINARY

by

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A Dissertation submitted to the
Graduate School-New Brunswick
Rutgers, The State University of New Jersey

in partial fulfillment of the requirements

for the degree of

Doctor of Philosophy

Graduate Program in

Political Science

written under the direction of

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and approved by

New Brunswick, New Jersey

[October, 2008]

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Abstract of the Dissertation

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My work suggests that looking at the state as a discourse rather than a positivistic (real, material) entity will help us understand how people might better access human rights; in the process of doing so, we break the idea of human rights away from a purely legalistic enterprise. The discourse that makes up each state differs, and that difference matters in the discourse of human rights.

I label the Philippines a new kind of discursive entity, a “hollow state”. A hollow state fulfills many of the discursive expectations of stateness, but is supported more by external constituencies than internal ones – violating the imaginary that all states share some characteristics with nation-states.

This study consists of a two-pronged investigation of the difference in governance discourse between the local level and the state level on the island province of Palawan in the Philippines. I interviewed 207 people involved in rights-oriented programs as participants or providers, in Palawan, in the Philippines. Content analysis was also done on government documents in Manila.

There are three empirical findings. First, at the grassroots, people in the study area derive more support from NGOs, INGOs and local peoples’ organizations than from local or state government. Second, the state itself is more composed of discourse with external

partners than with domestic ones – a “hollow state”. Third, external actors (such as other states and NGOs) working to increase access to rights often treat the state as real and effective. The result of this third finding is that some actions taken by these external actors may strengthen the state, but may not improve people’s access to rights. I conclude that separating the discourse of rights from the discourse of the state may help unhinge these effects from each other. This is easier said than done, as the discourses are co-constituted.

Acknowledgements

Good lord, where do I start. As a Foucauldian, I am well-steeped in the idea that authorship is illusory – one simply records the ideas available to one at the time. That makes me even more grateful for all the smart, engaged people who I’ve been lucky enough to know, both before and during this writing. Although that makes the standard “mistakes being my own” line a bit more nuanced, as well...

Maggie (Delfeld) Wentzell, you’ve got to be first. You’ve known me longest, and believed in me against all evidence for much of that time. At times, that’s been what convinced me to believe in myself, since I have to admit that you’re pretty bright. Do I get to say you’re the wind beneath my wings? Thought so.

In no particular order – only the order in which you occur to me:
Audrey Devine-Eller, you’re a trouper. All those zillions of conversations, about literally everything under the sun... Having someone there to do a reality check is so invaluable, especially as far-out as my own personal reality gets, sometimes.

Nichole Shippen. What would I have done without my working-class sister-in-arms? I can’t say what it has meant to go through this whole thing with you – it would have been a poorer experience. Besides, you gave me \$5 to appear here.

Kate Bedford, you’re one of the first smart, original person who thought my ideas were smart and original too. I will always be grateful for your support – me on the road in to graduate school, you on the road out. I learned a lot about being a mentor from you.

My very good friends, all of you who made me constantly grateful that I chose *this* graduate program with *these* people. Not a lick of competition, just constant support

and encouragement. A number of you people were also brave enough to read early work, and you deserve a special acknowledgement. A new idea emerging is often marked by muddiness, and the ideas presented here emerged from a black-tar pool. It took extreme optimism to see that there was anything at all valuable in the dross I was first producing. Benjamin Peters, Aaron Keck, Alexandra Filindra, Carolyn Craig, Sara Angevine, Joseph Dwyer, Giselle Datz – you are very special to me.

Of course there are my intellectual mentors. Michael Shafer, whose standards are inflexible but whose words are always supportive, I couldn't have chosen a better advisor, although I often wished for you a better student. Jan Kubik, I learned so much about being a political scientist from someone who really isn't one. You freed me up from a lot of limitations I had imposed on my own thinking – not that you're to blame for the result. Dan Tichenor, your attention to detail and close reading of work, even far outside your field, gave me a powerful model of academic mentoring and integrity. All the faculty at Rutgers deserve acknowledgement – without you I wouldn't be tiptoeing out as a newly fledged professor. My parents also belong here – without their example, I wouldn't have gotten much of anywhere.

Scott, you've got to be last. Without you, this quite literally would not have been done. The years and years of conversation, encouragement, love, support, and editing channeled and focused and molded this project, and my life. Not to mention the fighting. Anybody who cares about ideas enough to fight about them like we have is either psychotic or deeply committed. It is up to others to decide which it is. Do I get to say *you're* the wind beneath my wings? Thought so.

I am really looking forward to regretting just about everything I am putting forward here. If I don't end up doing so, I will be vastly disappointed. I only hope that I discover how wrong I am before the rest of the world does. I hope that a substantial part of you, this audience, helps me come to this regret.

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List of Definitions, Abbreviations, and Acronyms

- ADC: Ancestral Domain Claim; a legal status of some sovereignty from state control, for IPs who establish a particular history of occupation and use before state
- Ahon Bayan: Organization started to connect internal NGOs and needs-provision organizations with external resources
- AusAID: Australian Agency for International Development
- Barangay: (also balangay) the oldest and smallest unit of governance in the Philippines, usually ranging between a few hundred and a few thousand residents.
- CIDA: Canadian International Development Agency
- DENR: Department of Environment and Natural Resources
- DSWD: Department of Social Welfare and Development
- EDSA: Epifanio de los Santos Avenue; a key road around central Manila.
- EDSA I: the People Power Revolution that ended in the downfall and flight of Ferdinand and Imelda Marcos in 1986, and the installation of Corazon Aquino as president. Beginning of a short period of optimism about the return of democracy to the Philippines
- EDSA II: 2001 Social revolt that ended the presidency of Estrada, then going through an impeachment trial on corruption charges. Vice President Gloria Macapagal-Arroyo is installed as president.
- EDSA III: Unsuccessful 2005 revolt to unseat Arroyo, on allegations that she fixed the 2004 elections in her favor.
- GGP: the Japan Grant Assistance for Grassroots Human Security Projects, funded out of the Japanese Embassy
- GMA: Gloria Macapagal-Arroyo, sworn in as president of the Philippines in 2001 after her predecessor Joseph (Erap) Estrada stepped down on corruption charges. Elected in her own right to a six-year term in 2004.
- ICC: Indigenous cultural community, the existence of which is required as a first step to claiming an Ancestral Domain.
- INGO: International non-governmental organization; distinct from solely domestic NGOs
- IGO: Inter-governmental organization
- IP: Indigenous person; common term for people whose geographic roots are not traceable to historical-period migration.
- JICA: Japan International Cooperation Agency: formal liaison agency at the state level between the Japanese and Filipino governments, processed through the NEDA

LGU: Local governance unit

NATIPAL, the United Tribes of Palawan (Nagkakaisang mga tribu ng Palawan)

NCRFW: National Commission on the Role of Filipino Women, the chief agency in charge of coordination and spearheading efforts on behalf of women in the Philippines

NEDA: National Economic Development Authority

NGO: Non-governmental organization; specifically larger and more formal than PO, and operating locally rather than internationally.

NHRI: National human rights institution: a board or council set up within a country with the putative goal of addressing human rights concerns in that country. Some are responsive and effective, while others are mere window dressing.

NTFP: Non-timber forest products; typically almaciga, rattan, honey, copra. These renewable resources have been essential to sustainable survival for upland IPs.

ODA: Overseas Development Aid

OFW: Overseas Foreign Worker; see OCW

OCW: Overseas Contract Worker; diasporic Filipina/os who, with the support and often the training of the government, become contract workers on either a short-term or semi-permanent basis. Also known as OFWs, Overseas Contract Workers

PANLIPI, the Legal Assistance Center for Indigenous Filipinos (Tangga-pang Panligal Ng Katutubong Pilipino)

PCSD: Palawan Council for Sustainable Development, an NGO-turned-quasi-governmental-agency that has quite extraordinary power of advice and consent over development projects in Palawan.

PIADPO: Palawan Integrated Area Development Project Office, a joint effort between the Philippine government and the Asian Development Bank to build up infrastructure in the poorest areas of the country. Replaced by PCSD

PNP: Philippine National Police. State-run police that have presences in most major cities, but largely function most effectively in the state capital, Manila.

PO: Peoples' Organization, distinct from an NGO because of their typically very local nature and limited agenda. Some successful POs may become NGOs with a broader portfolio over time, but are analytically distinguishable.

PSK: *Pagbugtaw sa Kamatuoran* ("to be awakened to the truth"), a seminal PO leading the way to greater environmental activism after the 1987 People Power Revolution.

VAWC: Violence against Women and their Children Act of 2004.

Introduction

The Hollow State: Human Rights and the State Imaginary

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My work suggests that looking at the state as a discourse rather than a positivistic (real, material) entity will help us understand how people might better access human rights; in the process of doing so, we break the idea of human rights away from a purely legalistic enterprise. The discourse that makes up each state differs, and that difference matters in the discourse of human rights.

This study consists of a two-pronged investigation of the difference in governance discourse between the local level and the state level on the island province of Palawan in the Philippines. With a team of researchers, I interviewed 207 people involved in rights-oriented programs, both state and non-state, as participants or providers in Palawan. In addition, content analysis was done on government documents at the state level to unearth the underlying discourse there.

There are three empirical findings. First, at the grassroots, people in the study area derive more support from NGOs, INGOs and local peoples' organizations than from local or state government. Second, the state itself is more composed of discourse with external partners than with domestic ones – a “hollow state”. Third, external actors (such as other states and NGOs) working to increase access to rights often treat the state as real and effective. The result of this third finding is that some actions taken by these external actors may strengthen the state, but may not improve people's access to rights. I conclude that separating the discourse of rights from the discourse of the state may help unhinge these effects from each other. This is easier said than done, as the discourses are co-constituted.

I was riding in a bus that slid off the road in Palawan, in the hinterlands of the Philippines. Luggage, people, and animals all tumbled; a pig traveling on top of the bus was crushed, but most of the rest of the contents survived. We had been climbing a fierce grade, and it was the rainy season. We all pried ourselves out of the bus's open windows - there was no glass in them, thin plywood inserts provided rain protection - and stared at the mess. All except the pig, of course. The roads were little more than a clay slick. A friend and I were the only foreigners aboard, and the bus driver felt the need to personally apologize to us. “You know,” he said, “this road has been paved three times on paper.”

This is the norm, not the exception. It is not at all unusual to have pavement cover two-thirds of a difficult stretch of road (all roads on Palawan are “difficult”), but have the pavement run piecemeal – two hundred feet here, half a mile there, interrupted by stretches of dirt road; all with little apparent logic attached to them. One can tell how corrupt the officialdom is by how far the blacktop runs.

There are other areas of Palawan which exhibit failures in fundamental infrastructure as well – there is no comprehensive plan for fisheries management (a crucially important livelihood source) that is enforceable; checkpoints meant to stop trafficking in illegal hardwoods perpetually lack personnel; civil war in the southeast and central regions of the Philippines occasionally manifests itself this far west, with the odd kidnapping of Europeans or the occasional unexplained death.

Such holes in social provision can be life-threatening – people go hungry and homeless; some have little protection from violence; whole villages have little means of subsistence; traditional societies disappear. The human rights community is intensely engaged with these issues; the Philippines regularly appears near the top of countries of concern on many metrics: trafficking of vulnerable people, families existing on less than \$2 a day, appalling hunger and malnutrition indices, environmental degradation. Both because of these concerns and because of the strategic importance of the Philippines to US, Japanese, Korean, Chinese, and southeast Asian geopolitical interests, money flows into the Philippines to alleviate these problems.¹ Yet the problems persist, and show only

¹ The Philippines receives a great deal of foreign military assistance (US\$164 million in 2005), largely disguised by cover programs such as the Visiting Military Program, negotiated after the populist forcing out of US bases. (Bayan, nd)

marginal improvement, if any at all. The Sick Man of Asia remains Sick, despite significant intervention.

The emphasis we place on whether a state is democratic or weak covers a set of problematic assumptions: we assume that the state *does* exist; that it *functions* the way it is presumed to function; and, most troubling, given the first two assumptions, that intervention on a state level is the best way to achieve ends through the politics of governance. These state-centric assumptions structure and confuse thinking about all functions of governance, from health provision to military assistance or intervention.

After this introduction, I will lay out the argument I make in this dissertation about the relationship between states and rights, and how imaginaries help construct both. First, I will demonstrate what the effect is of thinking of the state as a discursive entity rather than a positivistic one (“Why Discourse Matters”). When faced with the quite real effects of the state, it is counterintuitive that the way people think could actually affect such a seemingly concrete entity. In fact, the way people think about the state is crucial, as I show.

Then I will explore the dominant imaginary of the state that drives theorizing about both states and rights (“State Imaginaries Examined”). The state that is imagined in the hegemonic discourse about the state is either a nation-state, a failed nation-state, or an aspirant nation-state. I show that these are not the only discursive governance formations that matter. I will then present my own analysis of a more effective way to analyze statist discourse, by expanding the weak-state/strong-state continuum to a two-axis model, in “When Weakness Gets Complicated: the Theory of the Hollow State”.

Fourth, I will discuss how the hollow state remains hidden behind the nation-state, and thus undertheorized in “Reinforcing Contradictions”. Next, in “The Intersection of Human Rights with the Hollow State” I spin out how discursive imaginaries of stateness interact with the fulfillment of rights for people at the grassroots. Finally, I apply this theorizing to the case in question, the Philippines, and graphically show how statist discourse fails to explain outcomes on the ground (“Hollow State Theory Applied”). At the end of this chapter, I lay out the research plan I followed to investigate these hypotheses, and the chapters to follow.

Why Discourse Matters

A state, any state, is a discourse, nothing but a discourse – and moreover, a quite culturally- and historically-specific one. Without examination of the discursively constructed (and therefore contingent) nature of the political context, a policy pursued successfully in one place may not help, and may actually harm, in a different context. The idea we hold of the state is itself productive of certain patterns of injustice in that the foreclosure of the possibility of looking to the state for human rights action also forecloses access to human rights.

Intersubjectivity is key to understanding discourse in this context, since examining the conversational partners co-constructing a discourse determines both the reason the partners are engaged with each other, and the range of feasible meanings attached. As Judith Butler says, performativity is a “constitutive constraint” (1993, xi), without which meaning itself is not possible. We continually act out our beliefs, and we are constructed by them. I use the term “discourse” to indicate that not all thoughts are thinkable within a given framework of meaning, but I do not mean that all thoughts are

unlearnable, nor that discourses are not in a continual process of generation. The separation between human rights actors' intentionality and actual effects is effectively explained by the imaginary in which the participants operate, particularly that of the state.

Political scientists Timothy Mitchell (2002; 2000; 1991) and Jeffrey Herbst (2000) are among those who form the basis for my examination of the juncture of human rights and the state. Herbst (2000) shows that what we call a state actually functions very differently in some parts of the world, where it was transplanted, than it did in its original location, Europe. The modern state, according to Timothy Mitchell (1999), is produced by our understandings of what we mean by state, by the way we act to support the state, by the institutions we establish to make the state do what we think the state should do. These two political scientists help us understand the state as "imagined", just as Benedict Anderson has helped crystallize the understanding that the nation is "imagined". (1983)

Identifying the limits of feasible thought for a given actor is crucial to understanding the argument I make. It is not *only* the case that "bad" elites make nasty bargains on the backs of their citizens through deliberate actions and choices, although clearly this is the case in the Philippines. It is *also* that good, well-intended actors embedded in a state-centric imaginary also feed into the dynamic that make ongoing human rights violations possible – even invisible.

State Imaginaries Examined

Conventional liberal definitions of the state often indicate a presumed contract between government and the governed – a nation-state. The primary identifier is the citizenry's attachment to the state, and its obligation toward them, worked out over generations or centuries of coping with shifting borders and security concerns. In the

post-colonial world, such Western-centered models rarely apply wholesale, and seeing a nation-state where none exists can hinder even the best-intended human rights programs.

Paradoxically, however, liberal thinkers are not wrong. The liberal social contract does exist, but involves external relationships among state-centric players. The Philippine state, like many post-colonial states, is indeed involved in its own network of obligation, but not primarily with its own citizens, but rather with other states and international organizations instead. Security assurances come from the US; growth is produced by exported Philippine workers; legitimacy is provided by the recognition and support of other states and international organizations. The state's resources are primarily directed outwardly, in the form of international debt payments, trade agreements, and defense pacts. Its obligations lie in maintaining relationships with other states, rather than forging a stronger internal social contract.

Any explanation that presumes an internally-founded validity will not fully explain the outcome of continuing insufficient support for peoples' human rights despite enormous resources from out-of-state funders devoted to remedying the situation. The system of nation-states created the discourse of stateness which manifests itself in the Philippines, beginning with the granting of independence, and reinforced by political maneuvering by external actors.² No internal "social contract" exists or was ever

² The Philippines were first colonized by the Spanish in the early 16th century, who administered the far-flung archipelago from their colony in Mexico. Previously, Chinese merchants had plied had the archipelago for centuries, trading and building small outposts. The general perception among Filipinos/as is that the Spanish maintained a brutal, exploitive rule that played on inter-island rivalries to help solidify control. The United States was granted the Philippines in 1899 as part of the settlement after the Spanish American war (the US received Guam and Cuba as well, after paying 12.5 million dollars to Spain) at which time there was a lively debate about whether or not the country should be liberated or become an American colony. Originally an anti-colonialist, President McKinley recounted under pressure from Secretary of the Navy Theodore Roosevelt, and moved ahead to squash the islands' nascent independence movement. A bloody two-year war of independence ensued. After conquest, the United States, always

required, yet it is presumed to exist since, tautologically, that is what a state is presumed to be within the liberal discourse of stateness.

As a result, from the perspective of its citizenry, there is actually little of substance. This “hollow” state has little need to act as a representative polity, or even to try to convince its polity that it is trying to do so. From the inside, not only is access to the state blocked, it’s uninteresting – other avenues of action are simply more promising. This is not to say that the populace doesn’t participate in any governance discourse; it may just be different than that of the state. Within a framework of the limits of feasible thought, people in a hollow state see the state as one possible means of achieving political ends, but hardly the only one, and, as my research data shows, certainly not always the most effective one. The difference between these two discourses tidily explains several governance outcomes in the Philippines, and other places that operate within a hollow state model.

Although the Philippines is a near letter-perfect case of the hollow state, it is an example of a larger population of hollow states, not peculiarly interesting in its dynamics. The dynamics that formed many postcolonial states in particular may indicate a propensity to hollowness; typically, they were launched right into the era of planes and worldwide communications and diasporic communities and unpleasant economic disadvantage. In fact, such hollowness is somewhat inevitable, since, rather than

anxious to justify the colonial enterprise, established schools and attempted to make English the universal language, balancing outright exploitation with a mission to improve the lot of, as the islands' first administrator William Henry Taft called them, "our little brown brothers." Throughout, Tagalog speakers were favored as more educable, and preferred for administrative positions. The US had planned to grant independence in the early 1940's, having established self-rule in 1934, plans that were postponed because of World War II. After the US drove conquering Japanese colonists from the islands, the Philippines were finally granted independence on July 4, 1946. Through it all Chinese businesses continued to dominate the economy. Today, 90% of the country's wealth is held by businesspeople of Chinese ancestry.

evolving to the present form of statehood as a result of long and complex histories, most were basically thrust on the world – even designed by – the very international institutions and forces which now constitute the focus of most of their resources and attention.

When Weakness Gets Complicated – Theory of the Hollow State

The weak state thesis needs considerable attention, because a labeling of weak-stateness covers over and disguises some important power dynamics. Weak states are considered to be those which have insufficient capacity to fulfill the mandate of governance over a territory, but insufficient capacity has multiple causes. If a state is weak, it is weak in a much larger context of stateness, rather than simply as a result of failed domestic politics. This means some responsibility almost certainly attaches to the actors doing the naming of a weak state – weak stateness therefore becomes a political act, performed for political purposes.

A governance mandate changes alongside the idea of what a state *is*, and what a state *is* has changed over time. If Tilly is correct that the state originally formed due to political competition in overcrowded Europe, a weak state would have been exposed fairly quickly – insufficient capacity would have manifested in incomplete ability to generate enough of an army for self-defense. The standard for insufficiency has changed as the function the state is presumed to fulfill has changed. Insufficiency is a wee bit harder to diagnose nowadays, since the actual disappearance of a state is quite rare. Now, sufficiency is measured (to the extent that it is measured rather than simply assumed) by stability of a particular government and extent of governance over a given territory.

Weakness is not always tied to the same idea of sufficiency. If a state's mandate does not extend to the edges of its territory, as in Colombia, it is considered weak. If a state cannot maintain stable government (a very different problem), it is also considered weak. There is also the simple inability to muster sufficient governance capacity to get basic things done – build roads, subsidize bread, and so on, as in the post-Gorbachev years in Russia. All of these relate to internal relationships, and presume a discrete political entity. I argue that there is a fourth kind of weakness which cracks the conundrum of the Philippines – considered a fairly “strong” state which nevertheless does not serve its citizens. The catch-all nature of “weakness” serves a political purpose.

The single-axis weak state-strong state continuum masks a number of different possibilities for creating the discursive impression of strength or weakness. The following table indicates the more complex possible relationships which become obvious when we add another axis, that of internal as opposed to external relationships:

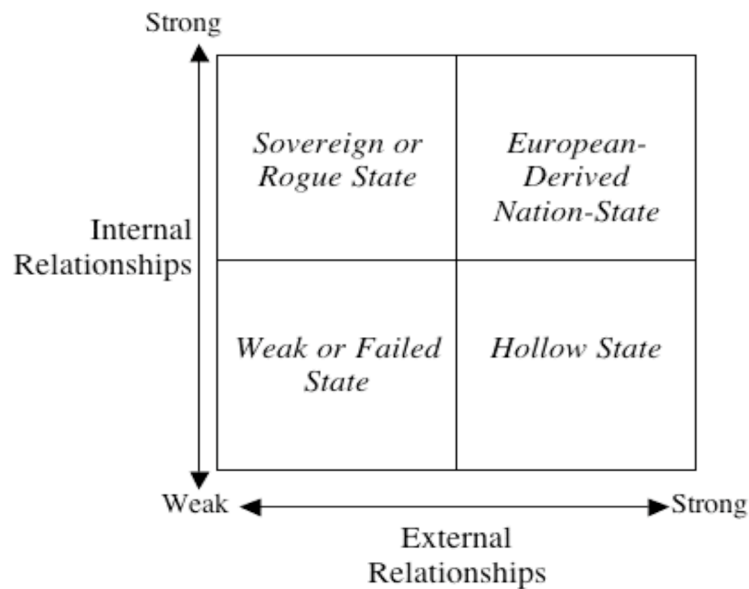


Figure 1.1: Possible State Contexts

Externally insufficient capacity is often what is meant in popular and policy-oriented talk of the weak state. A state like Argentina can become unable to fulfill what are perceived as its obligations to *external* constituents – a very different idea than internal insufficiency. The Argentinian debt crisis and default in 2001-2002 illustrated how seriously this sort of weakness is taken by external actors. The relationships that must be sustained may be economic, as in the Argentine case, or they may be military, as the US-Israeli case, or trade-based, like NAFTA or CAFTA.

Looking at these different formulations of weakness, the universe of possible relationships is this: a state can have 1) weak internal and strong external relationships (a hollow state); 2) weak external and solid internal relationships, perhaps characterized by despite non-participation in many regimes regarded as necessary for successful statehood, like trade agreements or human rights norms³; 3) weak internal and weak external relationships (a failed state); or 4) solid external and solid internal relationships (a nation-state in the European model, as in Australia, Canada, or India).

The first three are often indistinguishable when using a single-axis strong state-weak-state continuum. Only the third would constitute what could truly be called a weak state on the traditional scale: Angola, for example. These states are unable to maintain any pretense of stateness. If a state is a discursive entity, a weak state then can be simply defined as an entity where the discursive stateness of the entity is in question, where people do not talk about the entity as a state, but rather as a location. In contrast to the list

³ Some of these are called, by those in charge of such things, “rogue states” – a very political act. Clearly this is dependent on the relative relationships of the two entities: China disagrees with the US position on North Korea, for example. To China, North Korea is neither failed nor threatening. US-based analysts share some perception that North Korea is both. Interestingly, historically, this model of state with strong-internal weak-external relationships was the original model of the European state, “sovereign” in the dictionary definition of sovereign – independent of outside influence.

of failed states produced annually by *Foreign Policy* and the Fund for Peace, these are rare. To illustrate the difference, it is really hard to call Somalia a state in any sense of the word, but external imaginaries clearly support the stateness of Iraq, even as proposals float to establish three separate ethnically based states.

The really interesting question is therefore not “which states are weak or hollow – how do we differentiate?” (which puts the focus on the individual state), but “what does the international community believe about specific states in order to then support them artificially against internal incapacity, and so mask (perhaps unintentionally) the fact that the entity is not a nation-state?” This puts part the onus of analysis where it belongs: on the international community. A weak state has *ineffective* legitimating institutions; in contrast, the discursive legitimacy of a hollow state is considerably greater, established and maintained by participation in an external discourse rather than an internal one. And yet the imaginary remains of internal validity.

Reinforcing Contradictions

Seemingly agentic decision-making is not an exogenous variable – it is produced by the knowledge systems in which people live. Decisions made within one discourse are often invisible or incomprehensible to those in another – particularly to those in a hegemonic position.

In an example of how the hollow state plays out, some human rights actors outside the state have quite specific goals – say, poverty alleviation – which could be addressed at a number of levels: direct aid to people; working with communities to create jobs; working with the state to implement programs to work with communities to create

jobs. The imaginary of the nation-state demands that external actors use statist channels to accomplish these goals, even when state actors in fact play no part except peeling off what they can, and dumping the real work on others. The recent rice crisis illustrates this.

Donations of money and rice have been pouring in from around the world to the Philippine government; the Department of Agriculture, however, did not distribute it. President Arroyo instead asked the Catholic Church to distribute the rice. She did this for two reasons. First, she openly implied that the Catholic Church would do a better job as it has a more developed social-welfare structure than the state itself. But second, and less overtly acknowledged, the government agency that would be in charge of rice distribution, the National Food Authority, is currently under investigation for collusion with rice cartels to drive prices up. Very easily accessible information credibly paints the government as intensely corrupt and political regarding rice rationing, yet external funders still donate through the central government.

One might ask, would it not be better to cut out Arthur Yap, the cabinet secretary in charge of the Department of Agriculture, and give the supplies and money directly to Cardinal Rosales to distribute? There are two reasonable explanations for outside aid agencies to still feed money to the government under these conditions. The aid could be a self-promoting public relations effort on the part of the donors, and therefore what happens to the rice after it reaches the Philippines (either filling hungry stomachs or lining wealthy pockets) is beside the point. The other possibility is that the idea of providing funding to the actual governance mechanism (the Catholic Church) is so unimaginable from within a statist imaginary that the governance mechanism essential in a nation-state-centric imaginary (the state) cannot be eliminated from the equation.

This is a case of *reinforcing contradictions*, in which reasonable actions within each imaginary allow other, even contradictory, imaginaries to continue, even thrive. The funders expect people to get rice, and they do (at least some of it!). The state elites expect the state to be the conduit, adding to their pockets and to their legitimacy as state leaders, and it is. The world communities expect the Philippine government to appear statesmanlike and concerned for its citizens, which it does. The Catholic Church expects to do the gruntwork of redistribution, not incidentally building its own legitimacy with the population. The people expect the Church to help them out, not the government; their expectations are fulfilled, since the machinations at the interstate level are all but invisible to them. No one's expectation of stateness or governance is violated, even though each is participating in a different imaginary, and actions performed in the context of one imaginary reinforce the existence of other discourses.

In another example, responsibility for patrolling territorial waters in Palawan against incursions, primarily by Chinese vessels and by pirates, was recently relegated to *barangay* captains, elected leaders of the smallest governmental units. In the western-state ideal, such a directive would seem to be at odds with the interests of all major players. The reaction did little to promote nation building, instead alienating internal constituencies. LGUs do not have the resources nor the desire to take on the task. Not only does it strain their limited resources, it also highlights the conceptual divide between the elites and the populace by reinforcing the perception of the state apparatus as being out of touch with the realities of life in outlying areas.

By defying western expectations of stateness as sovereignty over specified territory, the state elites expose their participation in a hollow-state discourse. If

Philippine state elites were participating in a statist discourse that matched that of dominant world leaders (that of nation-stateness), such moves would be self-defeating. Instead, we can see how the weak-state hypothesis is simply unimportant. For a state like the Philippines, being able to at least present the appearance of maintaining territorial integrity *should* be important; the fact that it clearly is not means that a non-nation-state discourse is at play.

Another state-centric explanation, corruption, while not as misleading as a weak-state theory, clearly plays out within a powerful imaginary quite different from that of discrete states. Devolution of defense responsibility also clearly undermines the interests of corrupt state elites, presumed to be made rich by cronies extracting the resources of resource-rich hinterlands, the very areas most vulnerable to military incursion. State military spending has also been a classic avenue through which those in power have enjoyed the spoils of corruption. Even corruption, therefore, is better served by participation in a hollow state than a firmly bounded state, since the elites who would benefit are those who are reducing the territorial integrity of the state.

Additionally, one would expect that such an admission of lack of defensive resources would encourage rivals to challenge the state. And so it did: in 1995, China built rudimentary military structures in the Spratley Islands, a small, disputed archipelago 240 kilometers off the Palawan coast. The resolution, predictably, did not come from the hollow state wielding its internally-supported navy and running them off. Instead, ASEAN quickly stepped in to broker a peace deal, and the US continues to monitor the

situation.⁴ Security is provided by the international community in the form not only of outside military intervention but also by fear of the economic and diplomatic fallout that would result from overt offensive military action by the Chinese. The elites in the hollow state are clearly operating in a discourse that exploits the imaginary of at least some external actors, and feeds into the venality of others. Even the facade of defensive capability is not necessary, which is why such an obviously hollow-state strategy could become public policy without harming its legitimacy.

People outside the state, functioning in a totalizing statist discourse, see the state functioning as a state “should”, and are not bothered by the lack of internal legitimation. The lack of participation in a truly identical discourse is not necessarily visible from within the hegemonic discourse. The fact that there are few conventional domestic indicators of a successful social contract-based nation-state (like roads or non-starving people) does not affect the international perception of the Philippines as viable – the facticity of the state is entirely divorced from the well-being of the people.

But this is a two-way street. The populace are not hapless – they participate in and strengthen the hollowing process by their own perceptions and actions. It is tempting to think of these discourses as perpetuated by the elites in order to oppress or control the poor, but in reality hollowness is a self-replicating dynamic. The elites implicitly expect to gain or maintain wealth and power through international connections, and the

⁴ In response to China’s action, Congressman Benjamin Gilman from New York, Chairman of the House Foreign Relations Committee, introduced a resolution declaring that peace and security in the South China Sea is a matter of strategic national security interest to the United States, its friends, and allies: “...any attempt by a nondemocratic power to assert by force of intimidation its claims of territory in the South China Sea is a matter of grave concern to the United States....” The resolution also “calls upon the president of the United States to review the defense needs of democratic countries with claims to territories in the South China Sea...” (Gilman, 1995)

population has few expectations of the state to look out for their interest. The population does indeed, as James Scott says, “work the system to their minimum disadvantage”. (Scott, 1985) But they also exercise autonomous agency within their discourse, as my interview results show, developing and successfully accessing alternate systems of governance. Some are small scale and of their own making, others rely on local governance models surviving from precolonial times, some involve accessing established local institutions, and others succeed by creating a connection with the international activist community.

Some hollowing of the state *is* intentional; not all is accidentally produced participation in a particular discourse – however, it is always framed by it. IMF structural adjustment policies punished attention to internal needs and demands in favor of attending to external relationships. The debt trap strongly rewards the hollowing out of states by favoring stability in the context of an interstate system, not internally-derived stability. If the state cannot meet external debt obligations, for example, it is threatened with a total withdrawal of international capital and the loss of a great deal of legitimacy. Such dire outcomes do not grow so naturally from concerns about, say, extreme poverty.⁵

In this way, some actors have inordinate power in the construction of the discourse itself, but not all actors do. The state system itself fosters a universalizing and teleological belief in the discourse of states to those embedded in it. Evidence of

⁵ The idea of human security has come to dominate the discourse of human rights, originating with the 1994 *Human Development Report*. Human security is replacing the idea of state security in international law and norm-building exercises; however, as my work shows, the idea of the western nation-state so dominates the discourse that even those who value the concept of human security end up reifying aspects of the state. The state which does not respect human security does not lose legitimacy as a human rights dialogue partner; in fact, in some cases, dialogue with the state intensifies from human rights actors concerned with human security.

deliberate institution development, in creating more, and more stable, states, have increased through the 20th century, coincident with the movement to decolonize. Wilson's "Fourteen Points" speech and the founding of the UN are quite explicit examples of this globalizing etatization effort.

The project has not slowed, but it has changed. It has shifted from a discourse-creative agency-driven process to a recursive, self-perpetuating discourse-reifying one. The deliberateness of this movement to institutionalize stateness has shifted from an elite-driven project to a more quotidian one. Reproduction of the hollow state has become a project of activists, donors, scholars, and reporters, likely against some peoples' better judgment, were the discourse not so naturalized. The result has, at least in the case of human rights activists, an outcome often at odds with their intent, and one which has often served to further strengthen the state.

The Intersection of Human Rights with the Hollow State

Discourses of both the state and rights, which have been generated in the West, have become hegemonic in places without the same discourses and histories, producing different effects than are produced in the West. Knowledge and practices are always pragmatic and provisional – and the state has indeed served well, in some regards. However, the state is in danger of ceasing to be either pragmatic or provisional in human rights thinking. The effect of a positivistic state discourse on human rights discourse is not always clear, much less the harm it may do. But it is clear that statist discourses dominate human rights. The UNHRC, for example, is perpetually stymied by

maintenance of relationships with a state.⁶ The International Committee of the Red Cross/Red Crescent, on the other hand, is noted for not critically engaging states in which it does work.⁷

Just as human rights have coevolved with the state, the discourse of the hollow state has a co-constituting effect with the discourse of human rights⁸. Showing the effects of these hegemonic and co-created discourses will, with any luck, work to partially liberate the discourse of human rights from the state; in turn, this may alter the imaginary of the state. In a time when state legitimacy is increasingly produced by the perception of participation in regimes of human rights production, participation in the discourse of the state is not harmless or neutral. The ways we participate in discourses matter.

Human rights must be defined by the discourse within which they are being referenced, of course, and since, in the context of the hollow state, we track distinct discourses, that of local governance and that of state-level governance, there are (at least!) two definitions of what is meant by rights.

⁶ In a meeting with Elizabeth Kirton, UNHCR Commissioner in Mae Sot, Thailand, she revealed that the UNHCR cannot directly assist any refugees in Thailand outside of government camps, as they have no legal status and therefore cannot actually exist. UNHCR instead supplies mostly religious organizations and NGOs with funds and other resources to house and feed large groups of undocumented immigrants from Burma.

⁷ Ample evidence shows that this is a strategic move, rather than an inadvertent one. In fact, the ICRC is reputed to strategically distribute evidence of human rights violations to more contentious groups like Medecins sans Frontieres or Human Rights Watch to preserve their protected position as humanitarian agency of last resort. My critique is therefore not of this conscious engagement with the state, per se, but the less mindful engagement that will be treated at length, especially in Chapter Five on the Violence against Women and their Children Act.

⁸ The term “human rights” is itself subject to much contestation, as is any discourse. The idea of rights that is presented in the Universal Declaration of Human Rights is very different than, say, the idea of rights put forward by Martha Nussbaum and Amartya Sen, who in their “Capabilities” approach emphasize not mere availability of a right, but real access to it, as needed and desired, in context. Although I have a great deal of sympathy with the Nussbaum/Sen approach to rights, I resist identifying this as the sort of rights I’m talking about, since my engagement on this topic is how the discourse of rights has been shaped by the discourse of the state. The capabilities approach reifies the state as the source and provider of any redress needed. A longer discussion of what precisely is meant by rights in the various discourses at play (and it does differ depending on its context, naturally) can be found in both Chapter Three and Chapter Four.

At the state level, rights generally track the UDHR, including concepts of progressive provision of generations of rights: first generation political and civil rights, second generation economic and social rights, third generation group/cultural rights. However, at the grassroots, the use of rights is both more concrete and more diffuse. The idea of generations of rights is absent; generally, when people think about rights, it is in terms of either tragedy (the example many people used was if a mudslide took out a village, and a whole group of people were rendered homeless) or everyday needs – livelihood provision, or schooling. The so-called third generation of rights is quite prominent in this discourse – indigenous rights, environmental protectionism, and so on.

Human rights in its current incarnation originated with challenging the state on behalf of the individual; however, through time, there have been many other means of protecting people's dignity and preserving their lives which do not revolve around the state. Access to these discourses is reduced to the extent that one discourse becomes dominant – and right now, rights are dominated by state discourses.

What I found is that the role that human rights organizations and principles play in the reification of the hollow-state often violates the intent of their activity. They think about hollow states in a particular way – as unsuccessful western nation-states that need shoring up, not as a different kind of entity entirely.

Why would some human rights actors work to legitimate the state despite the ineffectiveness of those efforts to fulfill their stated goals? First, they do this because short causal chains are easier to deal with than long causal chains. Human rights activists are accustomed to communicating on issues that have a clear and plausible “bad guy”, a clear and sympathetic “victim” and also a clear and plausible “solution”. (Mutua, 2001)

Many of the people interested in furthering access to rights are perfectly well aware of the problems of all-encompassing state discourse, but cannot find the discursive framework for working without the state⁹, so pragmatically fall into the position of reinforcing the state.

Secondly, attached to the rationale of the short causal chain is the rationale of the plausible solution. Getting a state to pass a single piece of legislation, as the example I use later of the Violence Against Women and Children act, or VAWC, is easier than dealing with the complicated formulae that actually produce local change. NGO constituents are a demanding bunch, and a slow cultural shift is less likely to generate political and economic support than a concrete policy.

Third, the presumed universality of the state provides a Fordist model for human rights provision. Recognizing dramatically different contexts from one place to another, even within a state, makes a daunting job almost impossible. It would be very nice if the solutions that work in one place worked in another just as well.

Finally, and crucial to this argument, some human rights actors imagine the state so fully that there is often no way to implement a program on rights except through the state. Rights pressure is exerted on states; human rights actors try to implement legislation at the state level; progress or the lack thereof is measured state by state, while in reality some of the most effective rights-based work is already being accomplished by organizations circumventing the state.

⁹ Fortunately there are dramatic exceptions to this generalization. Some organizations, such as *Médecins sans Frontières*, as mentioned previously, are deeply engaged with a critical discourse of the state. This is not to say that sometimes limitations of the statist discourse do not impinge on their activities, but a critical awareness of the provisionality of statist discourse is implicit in many MSF actions.

In the following brief examples of how these dynamics perpetuate, to be developed further later, actors fulfill the expectations they have of the governance discourse out of which they operate. In the state-level discourse, for example, the Philippine government opened up a small number of legislative seats to NGOs in what was ostensibly a move to expand representative government. In reality, the electoral battles to secure these seats simply left NGOs drained of resources, while providing no real clout. More often than not NGOs wound up crippled by costly legal battles, while entrenched elites preserved their positions. External constituents (other states, NGOs, IGOs, individuals) were mollified by the increasing “representation”, while in reality the state actually reduced the power of civil society to affect the hollowness of the state.

Later, as a case study, I look at the Violence Against Women and their Children Act, or VAWC, backed by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) and the Canadian International Development Agency (CIDA). The international actors involved in promoting the law assumed a western-typical, top down governmental structure without really understanding the significance of smaller governmental units in the Philippines, in particular the barangays.

The effect of this law is to create feminist loyalty to the state (the Good Czar syndrome) without pressuring the real locus of political activity, the barangay, nor producing meaningful agents of change in the state. The state thus gained favor with its international partners without actually engaging with its internal constituency in any meaningful way. The state occupies such a central place in the governance imaginary that working outside its purview becomes unthinkable.

Hollow State Theory Applied

In this project, I explore one specific aspect of statist discourse, the disjuncture between state legitimation by human rights actors and effectiveness of human rights programming¹⁰. I contrast the grassroots effectiveness of environmentalists with that of feminists, particularly in promoting rights-based agendas. Environmentalists have, really, succeeded beyond their wildest dreams in Palawan. The Philippines' largest province and the last to face large-scale commercial exploitation, environmental resources there remain very much in danger. Still, the discourse of environmentalism has pervaded provincial conversations about resources, including amongst quite impoverished people barely eking out a living, whose activities are often presumed to be hazardous to fragile ecosystems.¹¹ Feminists, on the other hand, pursuing goals such as reducing violence against women, cannot seem to make systematic headway into the grassroots discourse.

This initially created a puzzle, since both operate with strong external ties to funders and organizations outside the state. What I discovered in the course of my research is that this problem is explained, in part, by the discourses each group participates in. Environmentalists do not necessarily participate in statist discourse – or when they do so, they do so with a very long spoon, and quite strategically, as one of a range of options. They side-step the conventional state discourse. In this case international concern for the environment opened opportunities for local NGOs to partner

¹⁰ Habermas, in *The Postnational Constellation* has an essay on the relationship between human rights and legitimation, usefully distinguishing between legitimation of the political system and legitimation of constitutional democracies. (2001)

¹¹ Colin Kahl (2006) makes the argument that resource scarcity produces civil strife, especially when deep social divisions exist in a society. This work at least partly contradicts that; in Palawan conservation has become a value regularly prioritized over profitmaking, or even subsistence.

with IGOs and INGOs, whose further involvement in anti-poverty efforts laid the groundwork for the alternate government discourses I investigate. Feminists, on the other hand, having succeeded in gaining access to statist discourse in the West, have continued to work through those mechanisms, thus participating in the reification of statist discourse to the exclusion of other possible avenues.

Margaret Keck and Kathryn Sikkink (1998) examine the impact of transnational activist networks, facilitated by technology and improved mobility. They illustrate this through the “Boomerang Effect” of pressure campaigns. (Fig. 1.2) When activists within a state find efforts to effect change blocked by an unresponsive state, they then appeal to external actors, sometimes other states, sometimes NGOs within other states, to create indirect pressure on the government of their own states, thus effecting change.

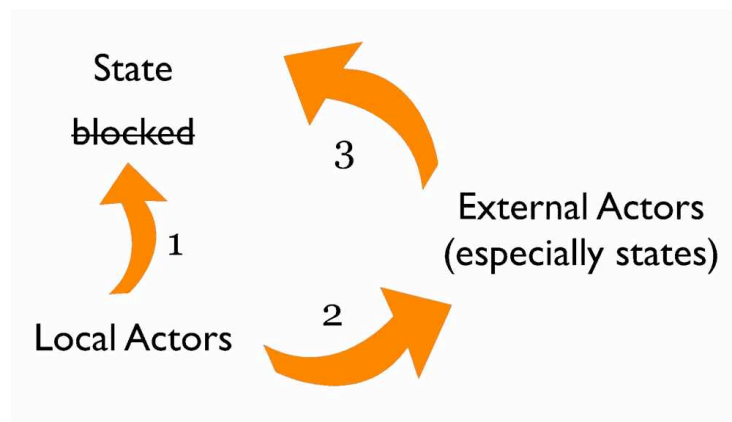


Figure 1.2 Boomerang Effect Hypothesis

While this circumvention of conventional state apparatus may occur in many cases, in the end, it relies exclusively on direct state action to effect change, thus continuing to imagine the state at the center of governance. What I show in my work is that this is often not the existing dynamic at all, nor necessarily the most desirable outcome. In some areas like Palawan, one alternative to a nonresponsive government is

for those working on anti-poverty and environmental issues work to create direct ties with external actors, bypassing their state entirely. We end up with a dynamic that looks more like this:

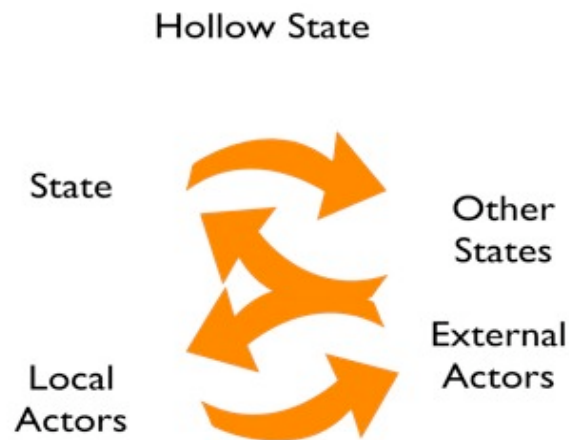


Figure 1.3 Hollow State Dynamics

First, either local activists or international actors perceive an interest. Contact is made between local and international actors; ideas are produced and expanded, creating an alternate governance system. The state has its own circuits, but they may or may not intersect with the governance system established between local and international actors.

Bypassing the state in this way may seem like an extreme move, a strategy that one might expect would seem radical to those engaged in it. These local actors, however, are not out to consciously undermine the state. Rather, their discourse about the state varies significantly from the imaginary of the state that we possess in the West. Since they do not share the conventional imaginary of the state, they proceed differently than Western theorists might suppose. For them, the state simply does not exist as the primary arbiter of rights; similarly, the state may not see the welfare of the citizenry as its first

priority. Especially in administration of rights, there is nothing to distinguish the state from ethnic affiliations, mission groups, NGOs, or local people's organizations (POs).

The participation of other states, INGOs, and IGOs in supporting the state with the intent of “helping” people at the grassroots not only often does not help those people, but can have the effect of strengthening hollow institutions. Ironically, such strengthening of the state can make rights access even more problematic, sometimes causing people at the grassroots to neglect their own interests and invest in those same hollow institutions. The state discourse is emphasized, the local governance discourse is starved. The idealized equal arrows of the last figure are thus altered (Fig 1.4):

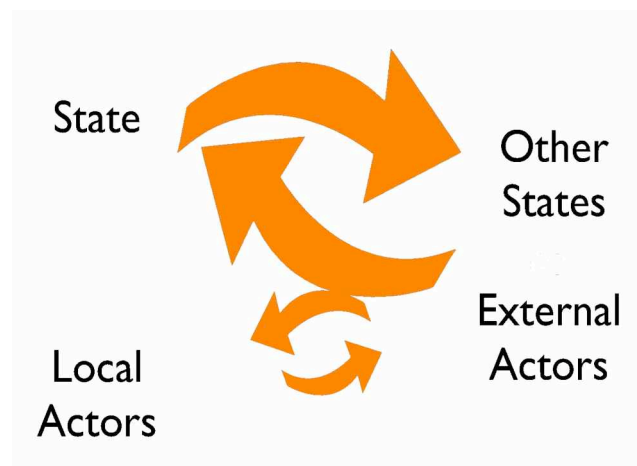


Figure 1.4 Attenuation of Local Relationships in Favor of State Relationships

As a corollary, I demonstrate through my research subjects that when some INGOs, NGOs, IGOs, and POs, particularly environmental and anti-poverty groups, work outside of the state structure, they are perceived as being significantly more effective at administering rights-oriented programs than the state itself, leading to a further divestiture in the image of the state on the part of its inhabitants. In this “hollow state” situation, where state government is discursively marginalizable and where alternative

governance is available via the work of NGOs and POs (that is, if governance is defined as the delivery of goods and services), one would expect people's attitudes to support an even further distancing from the state in terms of their perception of its impact on their lives. Those I interviewed on Palawan, while acknowledging the expectation of state responsibility in assuring their rights, nonetheless overwhelmingly recognized that, in reality, NGOs, INGOs, and POs, and to a lesser extent the smallest LGUs, were the institutions that actually *did* help assure their rights. In addition, in indices of perceptions of importance and effectiveness, government took a backseat to NGOs and POs, as detailed in chapter four.

This is reinforced by another aspect of my research that explores the role of those INGOs, NGOs and IGOs that do successfully adapt to the political formation extant in the Philippines by circumventing the state government. These groups work directly with smaller-scale local structures, both governmental and non-governmental, and in doing so, they breach the sphere of the hollow state. Some of the first groups to accomplish this on Palawan were environmentalists – their incentives to work outside the state are clear, as the state-level policy is one that would result in the degradation of non-renewable resources in this relatively pristine area. In other words, to avoid the attenuation of local governance discourse (the only rights discourse available to people at the grassroots), one must concretely separate the idea of rights from the idea of the state, as in Fig. 1.5:

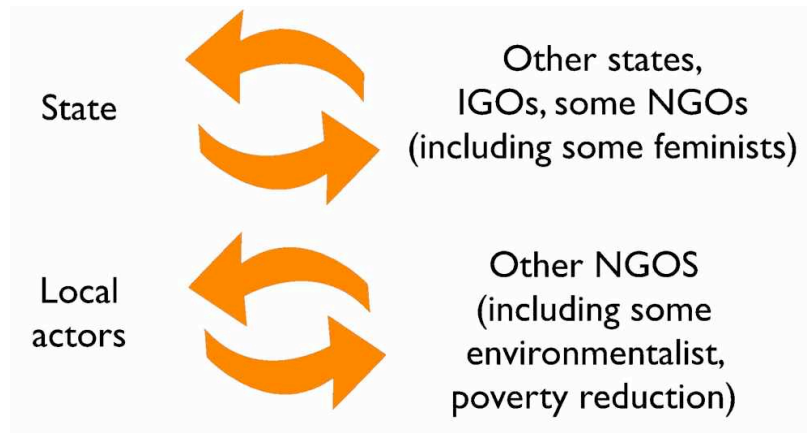


Figure 1.5 Potential Separation Between States and Rights

In this case, international actors, for example in my research study the World Conservation Union, the British Embassy, UNDP, *et al*, deliberately partnered with local environmental NGOs on conservation efforts with hopes of circumventing the corruption and conflicts of interest that were endemic in the state's relationship with the environment. It soon became clear that the needs of the province's rapidly growing population would need to be balanced with the environment for any conservation efforts to be successful, and so the immigrant farmers and the island's indigenous peoples became involved in sustainable development programs that had the necessary intent of helping alleviate poverty. Today, throughout much of Palawan, small-scale effective anti-poverty programs are being enacted at the grassroots level by INGOs, IGOs and, more commonly, NGOs with international funding sources. Local cooperatives are also markedly successful. This has, I believe, real world applicability for those who would hope to promote rights into areas where government is unresponsive or irrelevant, rather than trying to shore up a weak government apparatus which has already settled into a

dynamic that is not consistent with what is expected in the discourse of Western nation-state governance.

Research Design

I suspected that the discourse of hollow-state governance in which actors were embedded had much to do with political outcomes in the Philippines, but showing support for this thesis is not easy, considering the hegemony of statist discourse. Much of this discussion will necessarily involve material objects (particularly money) and institutions, but both institutions and economics are important to my argument only as symbols and manifestations of an underlying discourse.

If when investigating governance discourse, a state-centric politics is actually at play, we would expect to see both state-level and local-level effects. This evidence could include 1) efforts made to strengthen state legitimacy vis-a-vis internal constituents, 2) strengthening institutions meant to further that end, 3) discourse at the state level about failure to incorporate certain constituencies. Because of the fuzzy definitional boundary many human rights actors employ between a stronger state and a more democratic state, much of the evidence might be tied to democratization projects. At the local level, we might see 1) a shift in traditional local governance responsibilities, 2) a shift from individual reliance on the local to reliance on the state, 3) concern about lack of incorporation into citizen-like participation, as Anthony Marx indicates (2002).

Conversely if, as I theorize, the state-centric thesis does not give us a useful model of politics in certain geographic territories that are currently called states, we might expect to see alternative or multiple discourses arising about governance, as well as

evidence of either indifference to or active avoidance of stronger ties to an internal constituency. This evidence may include 1) state-level efforts at accessing populist politics might not be made, or be made lacking a good faith effort, and at the local level 2) an entirely separate discourse on governance which has little to do with state-level discourse, 3) effective governance outside the realm of state-centered politics.

There is always some level of communication between entities in a given geographical entity; my interest is in pursuing the question of which conversations matter more, given a conflict in interest or prioritization of strategy. People regularly make use of a range of tools for achieving their own perceived needs; however, if consideration of an appeal to the state comes rather further down the list than appeals to either local government or NGOs, that tells us important information about the nature of the applicant's relationship with those entities.

The easiest information to access is from state leaders. Publicly available documents, including speeches, legislation, the Constitution itself, and commentary available in newspapers made analysis of the elite imaginary of stateness readily available. After the literature review in Chapter Two, this is presented in Chapter Three, "State-Level Governance Discourse in the Philippines". This discourse quite clearly represents an imaginary of a hollow state, not a nation-state. These ideals are a better reflection of the discourse that structures critical actors' thinking than actual outcomes of efforts at inclusion or exclusion, as these may be mitigated by a number of intervening variables, such as resources, external actors, internal constraints such as re-election concerns or core-constituency alienation. All of these may affect pragmatic outcomes,

but the ideal-type discourse should be, and in fact is, visible. This chapter shows the mechanisms and processes of government at the state level that consistently prioritize external constituencies and make possible the continuance of statelike processes without much input from, or benefit to, internal constituencies.

This left the question of how a hollow state looks from the inside. I present some of the findings of my original investigation into local discourse in Chapter Four, “Local Discourse: NGOs, POs, and LGUs versus States”. This chapter lays out how people at the grassroots generally look to non-state actors to fulfill the expectations Westerners load on the state. I spent three months traveling with three researchers from Palawan State University throughout the large outlying province of Palawan¹², (June to September, 2006) interviewing residents on what governance itself looked like to them, using the idea of rights as one organizing principle. I visited five municipalities and thirty barangays (the smallest unit of government), interviewing people involved in poverty reduction projects, either as facilitators or as participants. I conducted interviews with both structured and unstructured components with 207 individuals, addressing urban, rural, upland, agricultural, and island communities, encompassing a diverse range of ethnic and economic groups, including indigenous gatherer-hunters, more recent Muslim in-migrants, and both wealthy land owners and struggling farmers, many recent in-migrants from around Manila.

¹² Palawan is the largest province in the Philippines in terms of land mass, and is also the last substantial area to face “development”, primarily because of its remote location, rough terrain and its (until recently) low population. A 1978 Asian Development Bank report, still applicable, calls Palawan a “unique ecological unit in the world, and the only one presently intact in the Philippines.” It also contains several United Nations World Heritage sites. Because of the relative perception of opportunity associated with any frontier, Palawan is a magnet for in-migration. The Philippine state has traditionally sided with big business interests (and often members of the government are members of those same business families) who are interested in the unparalleled resources available on Palawan: old-growth forests of rare trees, silver, other minerals, commercial fishing rights.

Political and economic activity often took place in small cooperatives established by either LGUs or NGOs, or the two working together. It appeared that the state government was not only ineffective, but had dropped off the radar for these individuals. They not only did not rely on the state government, but simply did not recognize it as having any potential to further their interests. Interview results also seem to indicate that extant grassroots movements are surprisingly effective. The obligatory relationships which exist for many, maybe even the majority, of the residents of Palawan are with either NGOs (which can be either homegrown or international, with funding usually coming from the latter) and/or local barangay (township) officials. These officials may use the symbolic power of the state, or may not, depending in which direction the political and cultural advantage lies. The results drove further theory: not only do people at the grassroots not share the imaginary of state supplied to them by political elites, they have an entirely separate governance imaginary.

. Often, more than half of a barangay's population was involved in such projects, and women strongly predominated, which I will discuss at length in chapter four. Almost all of the projects were operating outside the extremely limited discourse of the state; they were typically locally generated and controlled, or funded and administered by international NGOs or other international actors. These include, for example, crafts-for-market projects, fisheries management, and vegetable growing and marketing cooperatives. Support initiatives are included as well, such as day care cooperatives and short-term loans.

This surprise, a wholly unexpected but quite complete imaginary of governance that did not involve the presumptively ubiquitous state, led me to investigate what

difference these multiple imaginaries had. There should be real-world effects if imaginaries have actual power to control the limits of feasible thought.

Chapters Five (“The Violence against Women and their Children Act”) and Six (“Palawan and Non-State Environmental Governance”) show how this works. In Chapter Five, external actors, in this case feminist-minded reformers, attempt to improve women’s lives by reducing the violence to which they are subjected in their own homes. They worked in an exclusively statist imaginary to get this done. They succeeded, with conspicuous international support, in passing state-level legislation to extend a number of important protections. If, as I claim, the hollow state elites are interested in maintaining their discursive position with external constituents, we should see a solidification of the central state as a result of this legislation, but little or no useful change in the lives of women at the grassroots. This is in fact the case, as I trace ongoing developments in the discourse of violence against women. Effective protections for women depend on other factors than the state government – for example, a powerful woman (often an educated woman) in a position of some authority in the barangay, or the election of a young and progressive barangay captain. However, the statist imaginary of legitimacy is made appreciably stronger.

Chapter Six illustrates the converse case – environmentalists who bypass the state imaginary to protect natural resources, incidentally making significant rights gains, while triggering a fairly comprehensive new discourse of environmental governance at the local level. Environmentalists succeeded in changing the very terms of the debate on development and governance in Palawan. Local environmental activists successfully linked with external actors, including some state governments, to render the Philippine

state fairly irrelevant in Palawan, neither doing much good, nor more importantly causing much harm.

In Chapter Seven, I conclude by speculating on the possible effects of imagining a human rights regime without a statist discourse entangled with it. Creating room for rights activists to stretch their imaginary beyond the state may help redeem the increasingly dubious project of rights itself. Normatively, I conclude that attempting to separate these discourses from each other will, perhaps, allow people who live in hollow states to better access the discourse of rights.

Chapter Two

Conceptual Background

Several concepts were merely referenced, not developed, in the briefer first chapter, meant to outline the general concepts explored throughout this dissertation. This chapter provides a deeper conceptual look at material presented in the first chapter.

Formulating complex rules about rights means little if the people whose rights are infringed have little or no access to rights redress. Great numbers of people are denied access to significant human rights, and most human rights activists feel a bit helpless to even imagine what systemic improvement would look like. Part of the problem, I argue, is that we associate human rights with the state, which has significant limitations. In choosing to use the state to implement rights, we foreclose alternative redress. At the same time, the state is strengthened by both the tacit permission given to expand into these normative areas, and given legitimacy by harnessing the normative power of human rights.

Why do we make this Faustian bargain? Mostly, it is simply historical. The European nation-state and what we think of as human rights were discursively co-constituted over the last several centuries. Although the nation-state may have a great deal to do with the origins of current human rights thinking, we don't so much *choose* to leave human rights in the realm of the state, but are ourselves participating in a hegemonic discourse that is so powerful that it is difficult to imagine an alternative.

We must be willing to reexamine this relationship. Any theory of justice based on the state as a central actor may produce useable local results, but certainly cannot produce

the stability necessary for a more universalizable rights framework.¹³ The discourse that we call the state is fundamentally local, as Joel Migdal (2001) shows. Therefore when liberal thinkers in the Rawlsian tradition argue that the state works to protect the interests of its citizens, they really mean a certain kind of state (and really, they mean “their” state, whether it is England, the US, or Germany). (Rawls, 1999a; 1999b; Macedo, 2004; Nagel, 2005) The liberal argument about statehood is unsustainable except in a successful nation-state. The western nation-state has no analogue in places that have not experienced that particular raced and classed struggle.¹⁴ The confluence of private property, capitalism, territory-based governance, and raced-and-classed identification with a governing body that is the modern western nation-state is simply unreplicable, even if that result were desirable.

Jurgen Habermas (2001) argues that we are shaped by the collective meaning of the political communities in which we exist. Naturally, this would include imaginings about the “best” political arrangement – at the current time, this is the state. There are significant problems with associating human rights with even successful nation-states. There is a growing consensus that justice cannot be produced solely within a political community, but must also be established between them.

As Arjun Appadurai (1996) pushes us to move past the national to take seriously postnational political and social configurations; the wrenching of concepts from one

¹³ While I am of the opinion that rights are inherently not universalizable, a considerable preponderance of scholars and activists in the West have some sense that this is possible, even desirable. Some of the basis for this belief rests on the beliefs about the state/nation-state about which I write. Without a universalizable legal/moral basis for human rights, there is no way to presume about the universalizability of rights.

¹⁴ Here I have to give special credit to Jeffrey Herbst’s *States and Power in Africa* (Princeton, Princeton University Press, 2000), which may or may not be the best example of this category, but was the first I read, and which sent me charging off in a thousand different directions at once.

context to be applied in another is crucial to my work. This is particularly important in light of the changing discourse of the state and the nation-state, given the variety of state-like entities observable. It is no longer enough to focus on a single type of political entity as the ideal type of polity; we must start examining the effects produced by such a pragmatic approach.

Even a titular nation-state may not be functioning as one for several reasons. First, a state could be itself incomplete, although following a nation-state trajectory. This is clearly the case in a number of political entities, but this trajectory is imagined for all polities, which is clearly untrue. Even if this trajectory is playing out, it is increasingly problematic: people are recognizing the dangers of the homogenizing effects of nationalization. Overt attempts to assimilate or eliminate deeply contentious minority elements are becoming morally troublesome to Western publics, with the recognition of cultural rights and the harms done by cultural imperialism. It is worth noting that although opposing nationalization has finally become fashionable in the West, it always unpopular with subject populations.

Alternatively, a titular nation-state could be functioning on a model of politics that does not match the Western ideal-type of a nation-state trajectory. Just as individuals become liberated from the state by access to transnational activist networks, (Keck and Sikkink, 14) so the state becomes liberated from the people who live in its territory by contact and support with other states and state-support services like the IMF and World Bank, USAID and the UN. Solutions such as structural adjustment policies posited by US trained PhDs argued that there was too much state and too little market, when in fact

what was produced was too little actual representation and too much state dedicated to the state system itself, in a self-replicating virus-like model of statehood.

This may seem like a simple cosmopolitan argument, which holds that the system that artificially excludes the non-citizen from the protection of the social contract is fundamentally unjust. (Carens, 2000) I go further, to say that the supposedly liberatory discourse of human rights helps construct the discourse of states. The idea we hold of the state itself is productive of certain patterns of injustice; further, the foreclosure of the possibility of looking to the state for human rights action also forecloses access to human rights.

The state is a discourse, an accumulation of practices, norms, institutions, and expectations, which function with a range of purpose and success. This in some ways bypasses the “bringing the state back in” controversy (Skocpol, 1985; Evans and Rueschemeyer, 1985), because as much as any discourse is real, so is the state – at certain times and in certain places, and in certain ways. Discourses (including that of the state) have real effects in the lives of people – the institutions that people have access to – welfare, schools, the legal system – structure the action that is possible or logical in peoples’ lives. Symbols matter, language matters, and states (sometimes) matter. The variety of discourses on the state is vast, and their intersection with the discourses of rights is equally varied. For example, European socialist-states carry norms and expectations (and institutions to match those norms and expectations) of state support for positive human rights – human rights that cost money. The US discourse of the state concentrates more closely on negative rights – rights of the citizenry to be free of government interference, in which the positive role of the state is to guarantee contracts.

Given the multiplicity of discourses on the state, what is held in common? About what can I make a broad claim that human rights help constitute the state? I'm not interested in establishing some sort of commonality to *all* discourses of the state, but instead that many western human rights activists and thinkers presume a very narrow definition of a state: the nation-state. First, human rights as currently conceived require a nation-state model to be successful, while very few empirical examples of this entity exist. Second, a state in a condition of nationalist failure is imagined as unable to function fully as a state, since so many of our expectation of stateness imply nationality as well, instead of simply bureaucratic organization. Third, the assumptions made in Western human rights thinking work on the assumption of *successful* nation-states; built on the empirical lack of such entities, this ends up making human rights difficult to universally conceptualize.

In this chapter, I will sketch the problem of the nature of the state in regard to human rights, and lay out the case that the Philippines is a useful illustration of the "hollow" state, a state that in particular ways does not conform to the nation-state ideal. First, I will describe a common approach to stateness, pointing out the implications of thinking positivistically about the state (Section I). Then, I will then move on to address the common assumption of the state as nation-state (Section II). I will discuss different philosophical approaches to human rights thinking (Section III), and the problems inherent in linking human rights to the state (Section IV). Then I will spell out in detail what the idea of the hollow state entails, and why it is a more useful vision of the state in relation to human rights (Section V). The tendency of human rights regimes to shore up the state depends on the belief (often not overt) that the state is the "natural" conduit

through which human rights must pass, or the more sophisticated, if resigned, pragmatic dependence upon the state as the most effective political entity. If this shoring up is shown to be not helpful, this broadens considerably the pragmatic scope of human rights thinking.

Approaches to Studying the State

Charles Tilly argues that the European state came about as a survival response to war – bureaucracies needed to be established and become ever more efficient in order to compete with other states in warmongering. However well this may reflect the origins of states, the concept of the state has moved beyond its realist roots.

These pressures to develop internally in order to provide better protection simply do not exist in some places. In the Philippines, the case in question, the US assures security against potentially hostile neighbors, so there is little need to develop an effective taxation system to raise a capable state army. Instead, there are pressures to turn outward instead of inward, some specific to the Philippines, such as a stagnant economy causing the phenomenon of overseas foreign workers (OFWs) and their fat remittances, and some which share characteristics with many Global South countries, like the enormous debt burdens with which they were saddled in the postcolonial period.

The state, which according to Waltz (1959), is a product of realist world politics and analysis, has now, in part, entered a world in which more liberal interactions between states and state-like entities forces us to reassess the scope and meaning of the state.

These reassessments are indeed taking place, but they too often reassess the relationship *between* states, instead of examining the changing nature of the politics

themselves. If states ever did exist in the Tilly-influenced model, they certainly have lost some traction in a globalizing, post-colonial.

There is widespread recognition that there is a problem with assuming the Westphalian state: too many states end up disappointing these expectations. Theories about what the state actually is and thus solutions to the problem of how to make states live up to those expectations vary, depending on one's philosophical and political persuasion. However, by not taking the socially constructed nature of states seriously, scholars and activists may be ineffective, even harmful; by undertheorizing the nature of many post-colonial states, the state itself is problematically assumed to be the older Western model. Realists and liberals develop different theories about what the "state" problem is, but they often go on to develop the same troubling solution – the Western nation-state model must be strengthened or imitated more closely where it is not working. They do this because a singular imaginary of politics is a basic assumption. I further point out how even constructivists often do not take seriously enough their own philosophical commitment to social construction. They then end up with the same troubling solution as liberals and realists, namely to strengthen the Western nation-state model. I use discourse to examine the same problem of what sort of politics some states are, which leads to questioning the desirability of the accepted solution (stronger nation-states where they are currently weak), taken as granted by many liberals and realists. Looking at the work of scholars with widely disparate political viewpoints indicates how widespread the perception of "state troubles" is.

Sebastian Mallaby, positivist and realist both, recognizes the problem with the "universalizability" of states. He commented in *Foreign Affairs* that state-building

efforts, including building schools, attempts to institute anti-corruption measures, economic interventions, all seem to persistently fail in some places: “An obstinate group of dysfunctional countries has refused to respond to these approaches.” (2002) The certain types of institutions that Mallaby looks for may be slow in taking their more-familiar western form, and slower still in becoming effective.

Mallaby’s proposed response is to impose state structures by external imposition of neo-colonial governance, saying, in effect, that if “they” (people who live in and/or govern ineffective states) can’t manage to govern themselves, it is the “Rich Man’s Burden” to do so for them. The putative reluctance Mallaby espouses has, of course, an uncomfortable historical resonance with the reluctance Kipling showed in the original “White Man’s Burden” – although we may give Kipling at least credit for naïve if patronizing lack of interest in exploitation. Mallaby, of course, lacks the same excuse, so his solution is morally quite untenable.

The more realist interstate relations that Charles Tilly explores is empirically giving way to more (neo)liberal interstate forces, and therefore changing the nature of the state. Margaret Levi (1988) develops further the intrastate theory of state strength. However, her theory, appropriate as it may be for the time of nation-state formation it investigates, does not take into account the changing discourse of the state itself.

Again, this recognition is widely disseminated across political proclivities and scholarly methodologies. Moving from realist to liberal theory¹⁵, the same attempt to

¹⁵ The TRIP Survey (2007) shows a significant movement from realist study among IR professionals to liberal perspectives, reflecting a general consensus that the end of the Cold War brought new paradigms to international politics and required new theory-building to analyze them.

diagnose the problem of the state appears, as well. Mitchell Reiss, working for the Bush administration as the Director of Policy Planning, spoke to the Fletcher School in 2004:

In addition to our status as the world's only superpower, the hard competition between nations has markedly diminished. President Bush has described this new era as one in which "states compete in peace rather than prepare for war." The post-WWII era has seen a dramatic spread of international institutions to help regulate interstate behavior, and these regimes, treaties and organizations have gone some way towards moderating the security dilemma that Waltz wrote about. Clearly, this does not mean that we have achieved Kant's state of perpetual peace, where all rivalries between and among states have disappeared. But it does mean that threats to international peace and security tend to arise from different sources than when Waltz was writing nearly 50 years ago.

In fact, Reiss goes further, substantially invading the previously protected realm of sovereignty itself – at least insofar as it serves the sovereign interests of the US. A few lines further in the speech, Reiss says:

Today, this is less true. Instead, our greatest challenges possess more of a transnational and subnational character than an international one. Terrorism, loose nukes, chronic poverty and infectious disease, genocide and gross human rights abuses, fragile regions and failing states--these are all the defining threats of a new era.

He acknowledges that the state is no longer useful in addressing certain problems. But terrorism, loose (meaning beyond any state's control) nukes, human rights abuses, and failing states are all linked by one concept: the state. More precisely, they are marked by insufficient stateness, proposed by Weber, in his 1918 *Politik als Beruf* speech: "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory".

Terrorism, as Reiss uses it, is a very state-centric concept – it has no meaning but violence independent of states. Terrorism breaks the rules, rules which are set up around an imaginary of the state. If states are legitimate users of force, there is a very different

meaning attached to illegitimate use of violence. His inclusion of failing states is an obvious addition to this list – it hardly needs saying. The logically available solution of the United States stepping in to strengthen or foster states is tacit, but clear.

On the other hand, we could learn a different lesson – that the presumptive “best” institutions and practices that Mallaby and Reiss want to propagate are not universal, and they have their roots in a specific history, and that the renewal or creation of such practices in new regions is inherently related to further exploitation. The conclusion then becomes not that the world needs to mirror Western-derived institutions, but that the West could learn to adapt to a series of different systems: a system which does not easily or automatically assume the structure so familiar in the West is not necessarily a bad system. Feeding ineffective states, as both Reiss and Mallaby propose, in inappropriate circumstances is actually harmful.

Mallaby and Reiss may not be expected to adopt postpositivist analyses, but others who do take seriously the constructed nature of politics still problematically make the state central. Anthony Marx says that:

Excluded groups are equally aware [of the nation], with their very identity shaped by official or informal exclusion and their collective action often aimed at forcing inclusion. Indeed, the demand for inclusion in the nation, for citizenship and/or group rights against discrimination, has inspired many (though not all) modern social movements. (2002, 103)

This statement presumes one discourse of governance, the nation-state, from which political exclusion becomes a defining identity characteristic. While this is one possible political dynamic, particularly in a marginalized group within a state that has some significant domestic political power, there are other possibilities, including a lack of

identification with the state altogether. Marx defines the dynamic of a state that has successfully expanded its discourse to dominate the imaginaries of even excluded segments of society; a true hegemon. This is only possible in a state that is both interested in and capable of extending the imaginary in this way. Successful nation-states have done this, through time and often much bloodshed, but there is no teleological logic that supports a contention that other polities will follow a similar trajectory.

Because of the different discursive forces at work in the reification of states today, we must consciously start from a different set of presumptions, de-centering the state, and questioning the very definition of the entity.

Successful State = State + Nation

J.P. Nettl saw in 1968 that the link "... snapping of the link between state and nation" should have been, but wasn't, brought on by the entry of dozens of postcolonial states into a scientific discourse previously dominated by nation-states. (560) Nettl goes on to claim that the state retains some reality as "the gatekeeper between intrasocietal and extrasocietal flows of action." (564) Despite his admission that the state is a variable, as the title of his essay asserts, the possibility that the state may not act like a state is unconsidered. There may be varying degrees of stateness, but a core of stateness remains. I dispute this claim, maintaining that the state must be analyzed in precisely the way Nettl advocates analyzing internal structures of the state as variables.

Much of the time, policy recommendations on strengthening the state are not about simply strengthening but also democratizing the state, an inherently nationalizing project. Often, the two concepts (state failure and failure to nationalize) are confusingly

conflated. For example, the State Failure Task Force (changed to Political Instability Task Force in 2003, originally at the University of Maryland, more recently at George Mason University), despite its declared interest in state failure, digresses into the failure of democracy as if it is the equivalent of state failure:

This view is based on the observation that transitions to democracy often follow a complex and indirect path. Attaining stable democracy might be likened to learning a difficult skill—multiple attempts and setbacks are a normal part of the process. It is worth recalling that the United States, France, and Germany also experienced periods of internal war and autocratic or semi-autocratic rule after their initial adoption of democratic institutions. Thus, high rates of failure in democracies and partial democracies may indicate the need for repeated attempts to democratize and for attention to other factors that affect the incidence of state failure, if stable democracy is to be attained. (2000, v)

Granted, this discussion is brought up in the context of the higher incidence of state failure in a transition period to democracy, forming a U-shaped stability curve, with autocracy and democracy the stabler sides of an unstable middle. However, we can see by the last line, the interest in the state failure becomes identified with successful democracy. As an example of a clearer presentation of the issues involved in state failure itself, we can read later in the report that:

Initial tests of this survey suggest that two distinct kinds of capacity affect a state's capacity to resist political crisis: the organizational effectiveness of that state and the legitimacy of its authority. Knowing a state's capacity in these respects appears likely to provide even more accurate assessments of the risks of impending state failure. (2000, xi)

Indeed this does form a more unified theory of state failure, and has to do with democracy only insofar as democracy becomes a proxy for legitimacy. Theoretically, a democratic state will enjoy more legitimacy, but democracies hardly comprise the universe of stable, legitimated states; nor do all democracies enjoy the stability imagined here. When we recognize that democratization is but one method of stabilizing a state,

and that multiple methods are necessary even in democracies, we come to the crux of the problem.

Ted Gurr seems to indicate with confidence that successful democratization is taking place in the Philippines. (2000, 292) Such a democratic success story ought also be a successful nation-state, since as Linz and Stepan argue, a democracy is not possible without a modern state. (1996, 17) Instead what we see in the Philippines under these circumstances is a radical split between the central government and local communities, with statewide democratic processes that nonetheless neither reach the grassroots nor nationalize the disparate peoples who live there

The State and Human Rights

In addition to the democratization/nationalization conflation above, human rights is another legitimating mechanism in the discourse of the state/nation-state complex. Two strands of discourse from very different sources intersect to link the state to human rights – the state espouses human rights, and human rights activists espouse the state.

In regard to the first strand, the days of *je suis l'état* are, for the most part, over. States are a specific manifestation (in discourse) of the discourse of law itself. The discourse of law is the norms, institutions, and practices that both constitute and legitimize the state. Borders are drawn by law, and expectations of both citizen and state are laid by law (Bosniak, 2006; 1991); law organizes and naturalizes participation in the discourse of the state (Foucault, 1979). Law is little without the active participation of the people it is meant to regulate, however; participation in the discourse of law is participation in the state itself.

There are really only two ways to get people to participate in law-discourses – one can coerce them, or one can coax them. Many rational-choice thinkers have shown us that coercion is costly, although effective; Western nation-states have moved away from this model because of its cost, not its lack of effectiveness. (Levi, 1988; Haggard and Kaufman, 1995) To coax subjects, emerging discursive nation-states in Europe and its intellectual inheritors attempt to persuade citizens to participate in law discourses by way of inclusion and ideas of fairness – the argument to participate in a nation-state is that we will all be better off if we all are citizens (and owners) of the polity than if we are mere subjects. When some parts of the polity are not better off, we can (not that we always do, but we can) recognize injustice, and, as owners of the polity, change it. This is legitimating, in the sense that this discourse invokes ownership. Of course, the actual ownership of a democracy by citizens is contested, and perhaps meaningless – but this is a separate question than the legitimacy provided by the discourse.

To address the second strand: law is not consonant with justice – law is merely law. It is only insofar as people understand law to approximate justice that hegemonic participation in a discourse of law is encouraged. The problem comes when there is a slippage between law and rights, and the law itself is regarded as the end to be sought, rather than one possible (perhaps even necessary) path to the end.

To illustrate, the idea of conscientious objection (in either tax dodging or draft-dodging, or the civil protest of the civil rights era) is recognition that justice may not be synonymous with law – at least in all cases. Conscientious objecting would have no meaning in a coercive law system – one's conscience is not meant to be engaged, only one's participation. This bifurcation is of course overly simplistic. All law regimes

incorporate elements of both coercion and coaxing. However, legitimacy of governance in the coaxing model has become more and more the discursive norm of the state – it is held as illegitimate to constitute a state discourse based on a coercive model.¹⁶ We can therefore see how human rights have been incorporated into the legitimacy project of many state discourses.

The discourse of human rights has been lent legitimacy itself by this attachment to law and the state. The fastest growing realm of human rights is human rights law. In most universities, human rights is only (or primarily) taught in law schools, although clearly the concept makes an appearance in fields from political science to philosophy to gender studies. Even in courses having little to do with the practice of law, but centering on human rights, law regimes such as the two Covenants, the UDHR, and multilateral treaties are common topics. Many, if not most, human rights thinkers are lawyers, and trained to deal with problems through law. Over the period of the past three years (2004–2008), between a quarter and two-thirds of contributors to *Human Rights Quarterly* (the top human rights journal) are lawyers by training. Disciplinary biases then produce law-based analysis to the issues addressed, analyses that at the least must be addressed by non-lawyer thinkers who contribute to those same debates. There is, of course, no “correct” balance between lawyers and social scientists in human rights studies, but bias awareness is essential in constructing a nuanced debate. Law is a product and producer of

¹⁶ When George W. Bush refers, in the State of the Union, to “a secure Israel and a democratic Palestine” (2008), he is making an inference about the legitimacy of the pseudo-state of Palestine – it will only be a legitimate negotiating partner for peace if it is also democratic. The Thai Foreign Ministry had this to say about Myanmar: the “illegitimate ruling and political system and inefficient economic management are the main driving force pushing all the problems into Thailand.” Both these examples show that concerns about legitimacy are not divorced from domestic political considerations, but grounded exclusively in arguments of domestic democratization as productive of legitimacy. (BNET, 2000)

states; law, as opposed to, say, tradition, or wisdom, or consensuality, is inherently bound up with bureaucratic governance – bound up with the state.

Some scholars are explicit about this focus; for example, Todd Landman states in the introduction to his book *Studying Human Rights*:

... this book is grounded in an ontology of human rights that moves beyond definitive and agreed philosophical foundations and focuses on human rights practices delineated by reference to the extant international law of human rights, which is itself a product of the history of the struggle for human rights.” (2006, 5)

Landman focuses on positivist manifestations of human rights law as the apotheosis of rights thinking, a logical justification for his position. Landman argues that this is a turn to pragmatism produced by the difficulty of asking philosophical questions about human rights. The search for philosophical foundations produced many skeptical responses, necessitating, in Landman’s view, a pragmatic hiatus in the search for those foundations, and thus a pragmatic, positivistic response to rescue the project of human rights.¹⁷ The contestation involved in thinking about human rights is erased, because of their complexity, not because of their inappropriateness. Most theorists, however, simply do not address the question of the silences produced by concentrating on law.

In other words, although human rights has associations with just about every human community, every code of conduct, and every religious tradition, what we recognize as human rights today emerged from a very specific history. Two threads of thought came together in human rights discourse. One was the (often religious, Christianity-based) justice crusaders of the nineteenth century: anti-slavery activists,

¹⁷ “These traditions in rights theories and their attempts to argue for the existence of human rights have variously been criticized by utilitarians as *nonsense* (Waldron 1987), communitarians as *fantasy* (MacIntyre 1984), Marxists as *bourgeois* (Marx 1978a: 26-52) and (some) postmodernists as *relative* (Rorty 1993), such that there has been a cumulative scepticism that has undermined rather than fortified the quest for foundations (Mendus 1995; Donnelly 2003: 18-21).” (Landman, 2006, 4)

women's movement participants, Quakers, the Red Cross; the other thread was the post-Enlightenment focus on individual liberty – particularly imagined in opposition to the state-as-sovereign.

Rights talk has continued to develop around the imaginary of the state. Several different families of theories try to explain the development of human rights. Constitutional scholars (particularly US constitutional scholars) like David Cole and Harold Hongju Koh (2006) see human rights philosophies coming from institutional practices surrounding constitutions themselves, in the concept of citizen/subject arising from the French Revolution in 1789; the concept of civil and political rights arising with the American Revolution in 1776; equality among citizen subjects advancing with the Fourteenth, Nineteenth, and Twenty-Sixth Amendments to the US Constitution; the idea of effective checks and balances. This profoundly liberal point of view is probably the most common amongst US scholars. The actors are the individual citizen and the fully functioning state in which s/he lives; rights are seen to adhere to the person, but within the context of the state.

The related liberal internationalist view is that human rights grew out of the greater community of states and the subsequent necessity to create universal regulations among states, of which Woodrow Wilson remains the US keystone figure. (Wilson, 2005) This movement lapsed into isolationism between the wars, but gained new momentum after the atrocities of World War II. (Roosevelt, 1940) This more systemic explanation takes the state as the fundamental unit of power. While the nominal actor is the individual, this theory treats the realm of human rights to be realistically the realm of interstate relations. Contemporary scholars in this tradition might be represented by

Thomas Nagel and Stephen Macedo. Fundamentally, this is a product of liberal thinking as well, working on many of the same assumptions as the first theory of the development of human rights, with an expansion of the liberal social contract to a larger political sphere.

A very different paradigm put forward by several postcolonial scholars is that the onset of the international human rights agenda was coincident with the loss of colonial power. There are soft and hard versions of this paradigm. The soft version claims that human rights thinking is advanced by those pushing for freedom from colonization.¹⁸ The important actors are postcolonial statespersons and newly emergent states. Many leaders of liberation movements espouse this view – Martin Luther King, his role model, Mahatma Gandhi, Benigno Aquino in the Philippines. Human rights equal freedom, especially through the state harnessed to a liberatory agenda.

However, the more radical strain of this line of argument holds that at the end of World War II, the world-hegemonic powers dealt with the end of territorial colonialism by working to parlay the territorial advantage they enjoyed into an economic advantage. The rise of human rights thinking, therefore, represents the transformation of colonial period advantage to a semi-permanent perpetuation of advantage. Law can be regarded as continuing basically unchanged colonial agendas. Law is generally held to be a defense of the status quo, which clearly favors former colonizers. (Rajagopal, 2000; Mitchell, 1991) This last postcolonial argument is where I situate my argument, as it is the only one which does not naturalize the discourse of the state, instead taking the state as a fully-

¹⁸ Most anti-colonial activists maintained some version of this proposal. Those who hold Gandhi up as a human rights leader are participating in this discourse; Martin Luther King is another example of a clear attempt to harness the legitimating power of human rights to de-colonize a group.

constructed entity that is in the constant process of reification, shaped by power dynamics.

Each of these theories describes a part of the political ascendancy and power of human rights. All of the explanations that depend on the state, and a particular conception of the state, are not supported by empirical evidence of the usefulness of the state. All of these theories carry in common the assumption of the centrality of the state, as either the community of production, the guarantor, or the exploiter of human rights, respectively.

Problems with Unifying Human Rights and the State

Human rights activism has often followed reasoning that treats states as discrete political entities, akin to the reasoning put forth by John Rawls. Rawls holds that the political community must be the locus of justice, since each community is a theoretically liberal social contract, and thus each has its own cultural norms. Each community may therefore develop perfectly just rules that are nonetheless unacceptable in another community; the principle of tolerance between communities is all that is required. This liberal conception of justice is based on the idea that a contract, however implicit, can be established within a bounded community that shares certain fundamental values. Rawls uses the state to represent this community in *The Law of Peoples* (1999a); however, Rawls acknowledges that this is an ideal type, and not to be applied wholesale to real-world political entities. The problem is that human rights theorists and activists often treat the ideal-type as if it is real, dealing exclusively as a liberal entity instead of other possible political configurations.

The critique of the nation-state as the center of theory about justice that I present is vulnerable to certain arguments. One argument can be made that the nation-state is indeed unjust in its applications, as all real-world political systems are subject to corruption and mistakes. Yet a reasonable person might hold that the ideal of a nation-state, which is often embedded in its constitution, has meaning above the distortions of its practice in every day political life. This is a fairly effective argument, and one that can be supported by reference to historical progress in the extension of rights to marginalized groups. Minority concerns are not permanently marginalized in such a polity; in a Habermasian world, a more and more inclusive conversation will eventually expand enough, presumably, to engage these interests.

Although such a theory is useful in providing hope for real political change within a polity, each intervention that produces a sense of progress itself reifies the notion of a nation-state, and the sense that a polity produces justice. This makes injustice produced outside the purview (either geographic or philosophical) of the state less visible. Without addressing the profound implication of national reification, one can essentially buy off arguments about the role of the nation-state by supplying what is required in the way of political change within an entity. A process of constitutional change that reflects the people who putatively are engaged in the more inclusive renewal of the “social contract” strengthens rather than weakens the concept of a contract. There may, in fact, be cases where this is successful, and in those political communities, the social contract may be “real”, at least to some people, at some times. The stronger the belief in this system,

however, the more it can appear that systems in which this contractual arrangement is frustrated are the fault of the participants.

Moreover, much of the important interaction in the world is *between* political communities, not entirely *within* them – if a forest burns in Sumatra, the smog affects people living in Malaysia. Because so much economic activity is outside the purview of any one nation-state, international institutions like the WTO have developed that are distinct from the states that may compose them. Power occupies these international interactions, which is ignored by a Rawlsian liberal theory of justice. One may not consider justice without reference to interactions between communities.

Justice-oriented activity that is meant to redress the wrongs created between political communities often serves instead to reproduce the difference between communities. One of the means of doing so is by reifying the state by addressing the state as the locus of justice. People who believe that concerns for justice must cross state boundaries must go further still, and work to cease reification of the state, because this reification of the state can contradict their beliefs about justice.

This imaginary of the state as a particular kind of community continues to haunt the image of justice, even when borders between communities are rightly seen as producing injustice. The illusion that justice can be produced within a bounded entity is dangerous, and that conditions that produce the illusion are themselves produced, and dangerous. Persistent belief in an imaginary Western-style community – the state; more specifically the nation-state – was, and is, quite harmful to people who have doubts about their place in that community/state.

We must take seriously the state's power-laden and provisional nature. However, there are benefits to considering the state in conjunction with human rights. States' effectiveness in bureaucratic methods and their ability to concentrate authority and power (Foucault, 1979) may be particularly tempting to human rights activists. Like Landman (above) pragmatic considerations may drive sincere advocates of human rights to reliance on the discourse of the state. There are two possible assumptions that are being made when incorporating a state into human rights discourse: a "good state" thesis and a "bad state" thesis.

First, one may assume that state *failure* is the major source of human rights violation; the logical conclusion is that if a state is effective enough, human rights violations will cease within that political territory. This would lead to the inevitable further conclusion that the state must be shored up. This "good state" thesis assumes the innate benefits of statehood – almost always tacitly. Quite a few political scientists and policy makers are concerned with state failure in line with this "good state" thinking. Even endemic state failure in some regions is often treated not as symptomatic of the problems of a state system as a whole, but as hiccups in individual state-like entities' failure to properly evolve into states.¹⁹ An insistence on describing the state as a positive empirical formation, rather than a variable discourse, leaves only one construction for scholars dealing with a less-successful political entity. The assumption must be that there is one trajectory for successful political development, and the Westphalian-style nation-

¹⁹ Jeffrey Herbst, in *States and Power in Africa* (2000), shows us that many of the policies enacted to deal with state failure in much of Africa presume a specific trajectory for states, one that is sidetracked by corruption and ineptitude, but is somehow assumed to be superordinate to the corruption and ineptitude.

state is the culmination of that model. Many human rights efforts therefore feed into strengthening the state.

At the other end of the spectrum, one could regard the “bad state” as not so benign, but still make it theoretically central. If the state is *itself* the source of rights violations, one could regard human rights legislation as a means of limiting the state. The stronger the state, the stronger the human rights norms must be. The gold standard of this sort of thinking is the “axis of evil” talk of the Bush Administration²⁰ – an exceptionally blatant example of more quotidian and well-intended thinking.

Many human rights activists recognize that neither stronger states nor more democratic ones – already shown to be confusingly and inappropriately correlated with strength – prevent serious human rights violations. Neither of these assumptions is demonstrably true – the US, for example, continues to violate the social, cultural, and economic rights of many categories of its citizens, not to mention people residing within its borders who are not citizens; democratically elected regimes participate in genocidal civil wars; strong states shore up strength by “othering” minorities. (Marx, 2002) A more effective state or a democratic state is functionally value neutral when it comes to human rights violations or lack thereof. Neither democracy nor strength assures respect for

²⁰ The bad state thesis is clearly brought to the fore in the SotU, 2002: “North Korea is a regime arming with missiles and weapons of mass destruction, while starving its citizens, Iran aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people’s hope for freedom. Iraq... is a regime that has already used poison gas to murder thousands of its own citizens – leaving the bodies of mothers huddled over their dead children.” (Bush, 2002) The “good state” also makes an appearance, not only in the predictable white knight of American intervention, but in the “weak-but-good” Afghanistan: “America and Afghanistan are now allies against terror. We’ll be partners in rebuilding that country.” Presumably to “strong-but-good” status. “... The mothers and daughters of Afghanistan were captives in their own homes... Today women [in Afghanistan] are free, and are part of Afghanistan’s new government.”

human rights in the state. Human rights activists are therefore often concerned with limiting the power of the state.

There are four reasons why limiting the power of states makes sense as a human rights policy proposition, but within each of these reasons lies a confounder which indicates that we should be radically reconsidering the role of the state in human rights discourse. However, usually this concern does not get translated into a revision of the state discourse itself as central to human rights thinking; rather, we get drawn into the overly simplistic proposition that states need to be carefully attended to as human rights actors, which does not de-center them.

First, because of the strength of states and their characteristic monopolization of violence (or the continued attempt to monopolize violence), states are prone to becoming human rights abusers. Awareness of the fact that states *can* abuse the rights of people who live in its territory has led to the problematic legal understanding that *only* states abuse human rights, or that rights abuse has only occurred when the state could have or should have prevented or punished an action. Systematic and pervasive violations not directly traceable to the state, such as domestic violence, economic disadvantage, or cultural discrimination are often defined out of consideration, although many activists are working to alter this²¹. Short and direct chains of evidence clearly linking the state to a violation are necessary to legally prove that states could or should have moved to alter conditions. Many human rights violations are not subject to such chains of evidence, such as gun violence between private citizens in the US – is the lack of effective gun laws

²¹ Particularly notable are efforts of feminist scholars and activists to protect women from harm by other private citizens, using state mechanisms.

a human rights violation of the victim of a shooting? Or, in what way is a state directly proven to be at fault for the overrepresentation of minorities in prisons? These have no simple answer, and therefore often fall outside the current scope of state-centered human rights thinking.

Secondly, human rights have evolved in a model that posits that rights are attached to a *person* as protection against the *state*. This approach identifies the origin of the concept of human rights as based in the civil and political rights associated with the French and American Revolutions against tyranny. This does not account for economic, social, and cultural needs of people, nor does it adequately account for systematic differences between groups of people.

The public sphere/private sphere division between civil and political rights (which are oriented toward peoples' interaction with their state) and economic, social, and cultural rights (which are relegated to the private sphere, and therefore outside many common consideration of human rights, including legal protections provided in the US) sometimes has disproportionate effects on women, caretakers, minorities, children, and heads of households – anyone who doesn't fit the model of radically autonomous individual developed in philosophies of the Global West. Because of the primacy of political and civil rights attached to the individual, first generation rights are considered to be "absolute", and second generation rights are considered "progressive", which of course is open to a great deal of (mis)interpretation. Most peacetime famines, for example, are remarkably local in nature; the harm caused by them can often be effectively alleviated by more effective distribution networks, even within a single state, much less within a region or continent.

Category differences can be neglected as well – the autonomous individual is often assumed to be of a particular type. However, different categories need, often, to be treated differently. What is fair for a man may be manifestly unfair for a woman. Can a state be held responsible for economic disadvantage produced by seeming self-selection, such as the “choice” not to go to college? Is the failure to provide a nutritious breakfast at school a violation of the human rights of a hungry child, who will not learn as much as a well-fed classmate?

Moreover, and third, reliance on law-within-states to enforce human rights leaves significant parts of the world population without access to rights, if either the entity in question does not function successfully as a state, or if the government of the state in which people live does not work in the peoples’ interest. The state is both the assumed violator and the guarantor of rights, a contradiction which itself points to the central problem in this study. Also, and separately, issues that cannot be addressed by law remain unaddressed.

Fourth, the state distinguishes between citizen and non-citizen. Citizens are at the very least granted certain privileges denied to others; at the very worst, non-citizens are specifically targeted for human rights violations. The definition of citizen and non-citizen often fluctuates with political factors that have little to do with human rights, making the distinction appear purely arbitrary at times. (Bosniak, 2006) If these practices actually worked as the exclusionary devices they (on the surface) appear to be – that is, excluding people without inflicting harm on them – one could argue that in a liberally constituted polity, it is the right of the polity to exclude. These practices often create a de facto second-class citizenry within a given state, however, subject to abuse

and discrimination without redress. Further, persecution of ethnic minorities or indigenous persons (IPs) reinforce the arbitrary nature of citizenship rules. IPs are, usually, technically citizens, but the state can choose to not recognize them as such, or fail to extend full benefits of citizenship to them. The arbitrariness of border-drawing is therefore not necessarily linked to immigration status as Bosniak posits, but is linked to whatever “other” can be constituted within the polity. IPs are left open to the state deciding unilaterally that they are not citizens, while immigrants may ironically identify with the state, desire citizenship, yet still face persecution. If human rights are derived from a more cosmopolitan theory (toward which human rights law is currently trending²²) exclusion from a liberally-composed polity is itself harmful.

The attachment of rights to the state, therefore, has four distinct problems with. First, the state is the primary object of attention in human rights law; second, the centrality of the state creates both a public/private distinction which radically constitutes the individual, and a separate first generation/second generation problem; third, states vary in their ability and willingness to participate in a social contract with the people who live in their geographic territory, de-privileging certain people as rights-holders; and finally, states specifically exclude consideration of non-citizens (an arbitrary distinction) from protections granted by that state. Even when choosing to look at the state as a

²² Evolving international legal standards indicate a growing sense that a “responsibility to protect” must override sovereignty; the first responsibility to protect citizens in a state lies with the state, but when that state is unable or unwilling to fulfill that responsibility, other states may have the *legal obligation* to do so. Carsten Stahn argues convincingly that very little of this obligation is new, legally speaking (2007), indicating four recent legal advisory panels in which this responsibility has been laid out (UN HLP, 2004; Annan, 2005; UNSC, 2006; UNGA, 2005). I would support that this is a recognized *domestic* legal norm as well. Even in that most sovereign-dependent of internal policy arenas, immigration and border control, a responsibility to protect certain populations has been accepted legal reality for some decades – we can see evidence of this in refugee and asylum laws established in virtually every industrialized state. Over 150 countries have signed the 1951 Refugee Convention and its 1967 Protocol, based in the concept of a “well-founded fear of persecution”. (UNGA, 1950)

positivist entity, all of these are positivist problems that must be addressed.

I go further: all four objections assume a reality of stateness, while the state concept is itself problematic. States certainly discursively exist, at some times and places; however, they don't exist at all times and in all places; nor does their mere discursive existence tell us anything about how they function in relationship with the people who live in them. Predetermining the relationship between people and the state produces legitimacy for the state where it may not have existed. Variations in the "reality" of states produce variations in the "reality" of human rights in those territories, which may not be visible from a hegemonic position of a functioning nation-state.

Both positivist and postpositivist critiques carry one element in common: that the state must be decentralized as a focus of human rights thinking, except as a legal institution. The reasoning behind this conclusion is quite different. Positivist problems indicate that the state cannot positivistically fulfill the ideal-type role of human rights protector. Postpositivists indicate that human rights engagement with the state positions the state as a legitimate locus of power, a reification which is dangerous for the positivist reasons noted above, as well as an empirical problem – the "state" is not one type of entity at all, but a myriad of political formations.

It is this last assumption that will be the focus of the remainder of the original work produced here. It was important to establish just *why* this imaginary should matter to people who don't agree with the postpositivist stance taken here. The association between human rights and the state is *itself* damaging, but I would like to show in one particular way how and why it is damaging, and support that contention sufficiently to be of interest to positivist social science.

The Hollow State

Part of the problem is developing an awareness of the contingent nature of the state, which appears anything but contingent in Westerners' daily lives. Human rights thinkers have looked at the state as it has functioned in the past, in specifically defined geographic areas, and used it as a guide to the role of the state in the future.²³ The state discourse has in some cases and on some issues fashioned more egalitarian outcomes, so a connection has been drawn between state law and rights. Oddly, this ever-increasing legal association between the state and rights comes at a time when many political scientists are questioning the Westphalian state.

If the future of the state does not closely resemble the past (or the vision of the past posited in theory), planning around the state as it *has been* is hazardous. Postcolonial work has done much in the last generation to show that the vision many policy makers and lawyers hold of the state is particularly situated. The state has, until recently, been commonly defined as a Weberian corporate entity that monopolizes violence within a specific geographic area. Postcolonial scholars, feminist scholars, and scholars of the Global South have been fundamentally challenging this formulation. (Herbst, 2000; Rajagopal, 2000; Stevens, 1999) The accumulated knowledge of critical legal theorists and postcolonial political scientists can be turned on the discourse of human rights and its

²³ I don't wish to single out any particular practitioner or scholar here – this practice is so widespread as to be invisible. However, to indicate some scholars whose work I deeply admire who fall into this category, Charlotte Bunch, in "Women's Rights as Human Rights" (1987) appeals to the state to improve its practices; Anthony J. Hall, in *American Empire and the Fourth World* (2003); Martha Nussbaum whose work in capabilities loads the state with responsibility (2000); Amartya Sen, who also works on the capability approach (1999a, 1999b). All of these scholars, with deeply admirable projects, assume the state.

relationship with the state.

Additionally, the traditional nation-state itself is facing radical new challenges from three sources: communication technology (Sassen, 2006, 2001, 1998) new and powerful non-state actors (Keck and Sikkink, 1998), and in many cases a new legal infringement upon sovereignty itself (UN HLP, 2004; Annan, 2005; UNSC, 2006; UNGA, 2005). These are having profound effects on well-established nation-states, from differently constituted internet grassroots movements like MoveOn.org to new responsiveness to the blogosphere (Wilson and Peterson, 2002).

These factors weigh differently upon states-to-be, or states-in-formation than they do on traditional nation-states. The discourse that produces and reproduces states is clearly going to be altered by new discourses and new participants in discourses. Therefore, what these factors change about state formation is yet to be determined, as the European nation-state model dominates theorizing about the state, which solidified in its current form (although in great variety) without these factors. State policy makers who are not in a discourse of a fully-developed nation-state do not necessarily see it in their interest to follow an older model of national state formation; they feel the pressures of these new factors, but without a firmly established nation-state, may react very differently than the Western model might indicate.

One of the likelier results is exactly what has occurred in the case of the Philippines -- the state has formed in relation to and with the assistance of other states as a production of the post-colonial world, rather than in some rough collusion with its own people *against* other states, as Tilly asserts happened in the formation of the nation-state. The resulting hollow state has developed in relations to external influences, rather than

through internal dynamics.

Human rights and states are both more appropriately addressed as a discourse (Foucault 1980; Kratochwil 1986); discourses that have distinct positivistic manifestations, but which are partially independent of them, and most certainly not composed entirely of those manifestations. States in their current discursive formation have together constituted a system that is anarchic: in Alexander Wendt's words, "anarchy is what states make of it" (1992), no matter the material manifestations. As it is, the discourses of both rights and states are associated with the European nation-state, and both serve to hegemonically strengthen the dominant discourses of the nation-state, oftentimes without conferring the (mixed) benefits of nation-stateness.

If the state is not a special discourse, it is merely a dominant discourse; I therefore take the state more seriously as a discursive entity than Joel Migdal (2004, 2001) believes it to be, although his work has been central to helping me understand statelike practices, and the discourses that have created them.

Migdal is unhappy with both Weber's concretization of the state, but also unhappy with Edward Shils' systems theory, making the state a less unified and coherent entity than it really is, and in some ways equivalent to elite interests. He lays out a theory that the state is constructed in the same way that other organizations are; the state is in discourse with society – influencing and influenced by its context. States, Migdal observes in *States in Society*, are composed of "image" and "practice". He develops this further in *Boundaries and Belonging*: Migdal understands a difference between discourse (which he calls common image) and institutions: "But states are more than this common image. They are characterized, too, by an actual set of practices." (2001, 20)

There are ways in which he uses this distinction that are very useful with the point he is trying to make. However, such a distinction is not particularly useful – at least in the way Migdal uses it – in my work. It is really Migdal’s “image” that is under analysis in my work, and how that image is embodied in practice.

Discourses of corporations, for example, are productive of corporate practices – in the US, these include the obligation to produce financial results for stockholders – but not for employees or customers, legal personhood, and so on; in a different context, the discourse of corporations might include social responsibility in various forms (Japan’s ethic of lifelong employment, for example, or the German norm of building the cost of recycling into the original sale price of a product). There is nothing about a corporation that is predetermined outside its contextual discourse, and the same is true of a state. And as with a state, these norms evolve and change when the context changes, as in the case of the recent diminishment of Japan’s lifetime employment ethic.

Often, Migdal will mark out the state as a special kind of discourse, one with a certain privilege. In *Boundaries and Belonging*, he says that what the various articles in the book “demonstrate is that these entities – state and nation – have been constantly defined and reconstructed by the other spatial logics put forth by the groups that they claim or with which they interact.” (2004, 12) The state is marked out as the constant to be influenced, rather than fully as discursively established as any of the other entities mentioned which may have a more ephemeral discursive existence: gangs, racial identities, and so on. In *States and Society*, he agrees with Krasner that the institutional manifestations of a state make it special. (2001, 144)

Here I disagree. Far from being a special discourse with special practices, states are simply a type of discourse, which produces statelike institutions such as borders. Many of the concepts central to the special manifestations Migdal indicates may be culturally particular to the western European nation-state itself. The two elements composing boundaries, for example, are “checkpoints” and “mental maps” – both concepts produced by a specific history of territorial ownership and delineation. (2001, 6)

In the same work, Migdal indicates that the alternate boundaries marked out by a smuggling ring are “meant to diminish – bypass, erase, neutralize – those of the state.” (2001, 7-8) This presumes a state to be bypassed, of course, which is only possible in certain parts of the world at certain times. Since he is writing (as am I!) from the perspective of an occupant of that specific culture, such extension of culturally comfortable concepts is expected, even unavoidable. In fact, it reveals the overwhelming difficulty of communicating about a discourse in which we are embedded. This is hardly to contest Migdal’s work – his decentering of the state makes further decentering possible.

Migdal performs the common slippage I indicated earlier in this chapter in his essay “How Do So Many States Stay Intact” in which he seems to conflate the stability of states with the formation of nations. He begins by exploring the question of why weak states do not fall apart, and largely ends on the conclusion that the publics form a consciousness of the state which becomes naturalized. (2001, 164-5 especially) This sounds suspiciously like a nation to me, yet many of the political entities to which he refers are specifically not nationalizing. (As I indicate, nationalizing is neither a currently predictable outcome in the Philippines, nor particularly desirable.) States do

not *necessarily* launch or incorporate nations, and may never do so. Indeed, that may not be the logical, expected, or most effective outcome, depending on one's perspective.

Migdal uses Habermas' public sphere work to indicate how social solidarity comes to be. However, this does not explain why such solidarity would support state stability, instead of a different formulation of governance – exactly what happens in the Philippines. Public space, which seems to be a proxy for the necessary condition for national formation in this essay, does not perforce have to do with the state, but can be generated in other political contexts: the barangay, for example, the historically important unit of governance in the Philippines – a neighborhood or rural collection of a few hundred to a few thousand people. Public spheres operate quite effectively on the local level, without much reference to the state at all.

Migdal's conclusion in this essay, that peoples' "hearts" must be involved for state perpetuation is hardly convincing – people may despise the state they live in, yet it continues to exist. That's because Migdal has half of the idea of discourse, but not the other half – that discourses become hegemonic without the permission or "hearts" of participants. There is a different set of actors at work on the state – and not domestic ones. The state is an *international* discourse. All three of the indicators he uses to illustrate the naturalization of the state (law, public rituals, and informal public sphere behavior) are discourses which sometimes interact with another discourse – the state – but sometimes do not.

The state is not a super-discourse, merely a powerful one – because of the practices embodied in the discourse, not because of practices independent of the discourse. The sense that the state is a "special" discourse, unlike other discourses (the

discourse of a corporation discussed above, for example), is partly because the state seems remarkably uniform in some key indicators, regardless of geographic area, which Migdal notes. (2001, 140-1) There is tremendous variation, but all states possess borders (of varying purpose and efficacy), are involved with attempts to monopolize force, and produce the state/society separation that Migdal indicates. This creates a particular unity to the discourse of a state, unlike that of a corporation – the imaginary of a state has become hegemonically unified in a way that Migdal points out is very troubling. And in fact, this unity of practices (or attempted practices) is what makes people regard the state as “special” – different than other discourses; likely, this unity is the sources of some of the discursive power of the state. Without the imaginary of universality and inevitability, the state could not be so deeply naturalized.

All of these can and should be understood to be discursively produced. One of the effects mentioned, the separation of state and society, is brilliantly addressed as a discursive production by Timothy Mitchell, particularly in his short but delightful article “The Limits of the State”. (1991) In this article, Mitchell shows the discursive (and quite useful) nature of the constructed separation between state and society. The discursive effect is a production of elite interests, claims Mitchell – a conclusion which I believe to be only sometimes true. Powerful actors can indeed influence a discourse, but there is always a counter-discourse of varying efficacy.²⁴ The hegemony of elite interests cannot be as foregone a conclusion as Mitchell indicates.

²⁴ Benjamin Peters has explored this concept further in his work on dialectical politics. In the case he discusses, authoritarianism engages with democratization in Japan. (Peters, 2006)

Without Migdal's entry into the conversation (discourse) that political scientists continue about the state, fully decentering the nation-state would be more difficult. But his subtle normalizing of the state (through making the discourse "special") is exactly the problem I tackle in my work. Even in places where the state discourse is entirely unlike the state discourse normalized in the West, the presumption of similarity sneaks in.

Also, unlike Benjamin Barber (1992), I am not advocating a particular position on the state; there is, effectively, no way to generalize a conclusion about the normativity of a given state (much less states in general). Barber talks about, for instance, the "Lebanonization of national states" – with the presumptive superior efficacy (and increased scope for moral action) of nation-states over the alternative "retribalization". The state, with its presumptive tendency toward democracy, is also according to Barber the bulwark against the dissolution of local meaning by global market forces. The nation-state (the one with the good nationalism, not the bad nationalism) navigates between the shoals of jihad and the storm of McWorld. I present a more complex theory of the state – only some states are nation-states at all, and only some of those nation-states could possibly perform the solidification and resistance to "bad" globalization that Barber imagines as the role of the nation-state. Yet Barber perfectly illustrates the problem I indicate. He imagines the nation-state he lives in to be perfectly replicated (or at least replicatable) in other places and at times which defy the long history that produced his nation-state. By his own admission, his utopian vision is not particularly realizable: Barber believes that the forces arrayed against the democratic nation-state are perhaps too strong to be resisted. I maintain that the nation-state itself is not as universal or useful as Barber believes.

A growing cadre of political scientists are engaged in analysis of the state problem from a less state-centric position. Mark Berger is sensitive to this critique:

... a more useful approach to conceptualising nation-building and promoting economic prosperity, social progress and political stability in the post-cold war era would start by historicising and de-routinising the nation-state. State formation and nation-building need to be set in the context of the history of the universalisation of the nation-state system and the way in which the subsequent spread of globalisation has, in an increasingly uneven and incomplete fashion, pushed nation-states in many parts of the world to the limits of their potential as a vehicle for security and development. This is directly linked to the need to move beyond established conceptions of the international, which continue to examine and articulate foreign policy on the assumption that there is a coherent and readily identifiable distinction between the internal and the external (the Great Divide) in international relations.” (2006)

In investigating circuits that produce the discourse of the state, I analyze the two distinct discourses on governance coming from two locations in the Philippines: the state-level discourse that circulates between a limited circle of elite actors in Manila and their counterparts in other parts of the world, and the local grassroots discourse on Palawan,. In the next two chapters, I will move into analysis of each of these in turn.

Given the discursively hegemonic domination of the state, I paid attention to the elements that need to be present in order for a nonhegemonic discourse to exist. Three conditions are necessary if some people operate without a state as determinative actor in their political worldview: first, the will to work outside the state rather than through it; second, an active, politically engaged population; and third, the means (usually in terms of resources available) to bypass the state-level government. The first two are quite common, perhaps ubiquitous. The third is rarer, because the means to work outside the state are denied by the unwillingness of INGOs, individuals, and states to think outside the discourse of the state.

The first two conditions, the will to work outside the state and a politically active populace, are produced locally. Palawan is a place where people are typically quite politically active. Voter turnout is above 80%²⁵, a figure that holds across socio-economic lines. Politicians in the Philippines tend to be quite accessible, and on Palawan especially people know their local leaders. Politics are a topic of everyday conversation. Indeed, grassroots efforts seem to have done much to establish the current political climate on Palawan.

Unlike the shallow veneer of empowerment that the People Power revolution instilled, citizens of Palawan have reason to believe that small scale, locally-generated political and economic initiative may be rewarded, especially outside of established political spheres. People may be intensely involved in their local government, dropping over to the barangay captain's house, campaigning, lobbying members of the council. This is relatively easy, as in a community the size of a barangay, everyone knows everyone else.

The third condition, a means to effectively bypass the state discourse, is fulfilled by INGOs, IGOs, and a few states that see it in their interests to build a discourse with people in Palawan. Palawan is a place with enormous natural and cultural resources: old-growth forests full of rare and valuable wood; mineral deposits beneath those forests; some of the richest coral reefs in the world; indigenous people with a long, but just possible, shot at cultural survival. The Philippine state government is not particularly interested in conserving any of these resources, but environmental NGOs, INGOs, and some IGOs are. It is primarily the interest in maintaining environmentally sustainable

²⁵ In the population sample involved in my research, only two participants self-reported as non-voters.

practices that has lead to efforts by the international community to provide sustainable livelihood programs. This has also paved the way for the development of more sophisticated and effective Peoples' Organizations (POs), grassroots organizations with renewed incentive and a variety of models to follow. The institutional support, funds, and legitimacy provided by these entities to barangays, POs, and local NGOs is the heart of the alternative discourse under analysis.

All of these conditions are at play in Palawan. Of course governance practice and institutions exist between the state and the local level. However, Palawan in particular is far removed from the nation-state idea. If a non-state-centric analysis is used, many polities may more closely match the Palawanian model than the traditional nation-state model.

Chapter Three

State-Level Governance Discourse in the Philippines

“Guns, Goons, Gold”... versus the Grassroots

To show why the state-as-discourse would have an effect on human rights, first we need to establish that different discourses are indeed at play. This chapter and the next describe the different discourses. The discourses of governance on the state and grassroots level are perpetuated by entirely different independent and self-reinforcing dynamics. As noted in the first chapter, the hollow state is formed by stronger ties to external constituents than internal constituents. A parallel process occurs at the local level as well – public needs are provided from local resources, supplemented by international resources, creating a different sense of governance²⁶ than Western international players may expect. The findings I present in this chapter show that the state is a discourse limited to a number of elite families and external actors. Discourse participants for the Philippine state are other states, certain INGOs, IGOs; only peripherally its legal constituents. This dynamic seems quite stable, partly because of the power of the global state discourse itself.

On April 8, 2008, Father Mar Castillo, in an interview with Radio Veritas, said that the Secretary of Agriculture’s Arthur Yap had asked the Catholic Church to help distribute rice rations statewide in order to fend off a looming rice crisis. The Church was asked in order to assure that “delivery will be orderly and that intended beneficiaries would receive their share directly.” (Radio Veritas, 2008) The implication is quite straightforward; both orderliness and direct provision would be better served by non-governmental actors. Further, the government hoped that “speculation that the distribution is being manipulated to benefit only a few will be quashed.” The only way to prevent suspicions of hoarding and profiteering is for the government to take itself out of the equation. These suspicions are well founded: the government has promised to look into credible current allegations that National Food Authority officials have colluded with

²⁶ Governance, for the purposes of this project, has two meanings, each corresponding to the discourse to which it is native. At the state level, it means the creation and maintenance of institutions and practices that match that expected of a government within a state-based international system. At the local level, governance has a very different meaning: the collective provision of necessarily common goods and services, for example, poverty reduction programs, education, police and judiciary, roads, and so on.

rice cartels to both hoard rice and drive prices up. In 2001, the government had to stop allowing legislators to include rice subsidies in their discretionary spending funds – they would spend government money on rice, give a nominal amount away, and simply sell the rest to rice brokers. (Chua and Cruz, 2004) The government has been forced to act; Arroyo was already the target of EDSA III in 2005, and people who are marginally surviving are most threatened by the rising food prices. With the current shortage, rice riots are a real possibility.

With inefficient distribution systems within the government, more reliable networks need to be called in. An emergency summit was held to work out solutions. Government officials have been reduced to asking people not to throw away leftover rice (I've never seen this done – food simply does not go to waste) and urging restaurants to give only a half cup of rice with meals instead of a full cup. (Business World, 2008) Yet this crisis was some time coming; Vietnam (July, 2007), India (October, 2007), and Indonesia (April, 2008) began restricting exports of rice to protect domestic rice supplies in reaction to the long-term trend they saw threatening their populations. Sustainable support of domestic agricultural production is the long-term solution, yet the government makes few moves toward this outcome, with the exception of limiting rice imports (which, of course, contributed to the current crisis locally), a policy that the ADB discouraged in favor of import tariffs. When the Philippine government refused to change its policy, a \$175 million Grain Sector Development loan was pulled.

Rice is absolutely central to peoples' diet; a common term for "food" is *ulam*, which translates as "that which is served with rice". A *turo-turo* restaurant meal will typically be a tiny saucer of vegetables or meat accompanied by a huge plate of rice –

rice is so much less expensive than any other food product that it has to form the bulk of most peoples' diet (between 40% and 70% of caloric intake – the poorer the person, the higher the percentage of rice consumption (IRRI, 2002)). Rice prices have more than doubled in the last year, hitting the Philippines about the hardest of any Southeast Asian country, and of course poorer people under are the most pressure. The Church will sell rice at a steady PHP18.25/kilo, helping to discourage hoarders and keep prices level.

And through all of this, the famous rice terraces of Banaue are slowly reverting to grassy hillsides as it becomes less and less feasible to operate a small rice farm, while major rice operations expand in the rice basket areas of the country, using massive, expensive irrigation technology to turn out harvests in huge plots several times a year. Thirty years ago, the Philippines were self-sufficient in rice. Now, due to both increases in population and loss of rice farms as farmers moved to the cities, the country is a net importer of rice.

Outside actors recognize and work to resolve this problem, sometimes with salient and effective solutions. The impending food crisis spurred the US to increase food aid money to the central government. Seeking longer-term solutions, the Bill and Melinda Gates Foundation donated US\$19.9 million to the Philippines-based International Rice Research Institute (located about 60 km south of Manila on the University of Philippines Los Banos campus) in order to research more productive rain-fed (non-irrigated) rice. (B&MGF, 2008)

The unfolding story of rice shortages and non-governmental solutions is a description in miniature of hollow state processes. The central government does not act in advance of a predictable crisis, largely because the actual engagement with the needs

of the populace is not part of its self-perceived mandate. This lack of useful governance is not punished by the food riots that would force the government to act, since the populace doesn't see the government as responsive: the lack of useful governance instead inspires a deeper engagement by both external states (the US in providing more aid) and other external actors (the B&MGF grant for rice research), fundamentally reinforcing external discourses rather than strengthening internal ones. Bad governance is not punished – the state is not allowed to fail. Instead, it is further shored up by external discourse partners. Bad governance is not punished in a way that would truly affect the existing governing structure of the elites, and good governance is similarly not rewarded.

The revolutionary protests that brought down Ferdinand Marcos held the promise of nationhood – the unity of purpose and unifying discourse of the protest movement closely mirrored the ideal-type discourse of a nation. The Constitutional Convention was clearly a nationally hopeful one, and the document they jointly produced was, likely sincerely, meant to unify a people into a multicultural nation. Cory Aquino was interested in activating national feeling, in the hope of creating a discourse of the state that more closely resembles the European nation-state, since it was that sense of potential nationhood that propelled her to power.

However, since the Ramos administration, the Philippine state has fairly explicitly moved toward federalization, instead of unification. The discourse of unified nation-statehood therefore lasted a mere ten years, if it really ever did exist at all beyond an appeal to external constituencies. Even in the face of an obviously insufficient state, efforts to create a nation or other legitimating devices to shore up the state are declining, rather than accelerating (with the possible exception of language politics, which deserves

its own project). In contrast to much of the literature and policy advocating state strengthening, the state may not be in the process of forming a traditional nation-state, but becoming a postmodern state that defies many of the expectations of nation-stateness.

The discourse of governance in a hollow state is different than in a state that is simply weak, and different also than that which exists in a nation-state. A nation-state is responsible to its internal constituency in a way that must, necessarily, prioritize those interests. A weak state is one that is simply incapable of sufficient governance. A weak state that is on a trajectory intended to result in a nation-state would have significant aspirational conversations about deeper engagement with an internal constituency, perhaps framed by nationalism. With a hollow state, none of these frames necessarily fit; one must simply suspend one's state-centered expectations, since they reflect the discourse that is *represented* to be occurring, rather than the discourse as it actually exists.

Seen from the perspective of interstate institutions and other states, the hollow state seems whole, a defined entity that interacts, enters into contracts, and maintains obligations in the international sphere. In fulfilling these responsibilities, the state largely becomes what is expected, in that discourse. Resource allocation is directed outwardly as well, in the form of massive debt payments or defense spending. From the perspective of those inside, the citizenry, identifiers that would reinforce the imaginary of the state to its populace are all motion and no substance. Membership in a state is not a pre-discursive phenomena, but constructed by the same forces that construct the state; citizenship is a productive effect of the discourse of the state.

The hollow state may occupy any position on the weak state-strong state spectrum – it is neither predictably weak nor strong, nor is it necessarily moving from one position on this spectrum to another. Since the state is neither meaningless nor absent, as it would be at the weak end, I concentrate not on the effectiveness of governance at the state level, but where attention is directed, and who conversational partners are.

Some scholars question the efficacy of democratic processes in disrupting patterns of elite privilege.²⁷ I take this as a starting point for my investigation – not only do democratic processes themselves sometimes produce undemocratic results, but also, international systems in which those democratic processes are embedded reinforce those mechanisms. The international community privileges the imagined nation-state over other possible governance mechanisms.

Before delving into the content of the discourse, first I have to establish the actors who participate in the closed discourse at the state level, and why this circle remains closed. Following this, there are two tracks to follow to examine what actually constitutes the discourse of governance at the state level. First, the state is moving to devolve powers assumed to be state-related (by the standards of what is expected of western nation-states) to sub-state units or actors, which defy expectations of a strengthening nation-state, including formal federalization -- first *de facto*, now increasingly *de jure*. Second, I trace the separate issue of tending to external constituencies to the exclusion of internal constituents. Together, a pattern develops of the government working to remain legitimate in international eyes, while devolving real

²⁷ For two very different approaches to this topic, see especially Bello, 2005 and Fernandes, 2006.

responsibility that goes with the imaginary of legitimate statehood in that discourse.

Concepts of legitimacy and sustainability of governance have been traditionally associated with internal constituents, but in the case of hollow states, these concepts have been liberated from internal discourse, and become attached instead to external actors.

As noted previously, a discourse is a process, not a stable state of being. The nation-state imaginary might come to pass in the Philippines. Because of the nature of these discourses, I show that this will take a real change in direction on the part of both state-level actors and the international community. However, this change is neither inevitable, nor necessarily desirable, depending on one's placement in the power structure, although through their actions to strengthen a "weak" state (framed by the discourse in which they are participating) several groups of actors, including some human rights groups and many states, seem to presume the desirability of such a project.

How to make a hollow state

Trying to overcome prior discourses, both the Spanish and American colonial governments as well as various post-colonial leaders have lured would-be Filipino/as into relocation, or forcibly relocated them, or had their children put into imperial-language schools, or boarding schools, or drafted them into labor forces; all in the hope of creating a more "natural" (meaning "accepted") national governance unit. Foucault (1991) calls this process "governmentality" – the making of governable subjects. Nothing has worked particularly well; moreover, not only has the drive to governmentality historically failed, the drive itself seems to be decreasing, to the extent that it ever existed as more than a production of interstate discourse.

The Philippines gained independence not through rebellion but through the gradual expansion of elite privilege. In effect, there was no radical break in the discourse between elites and external actors that might spark a more convincing entrance to an internal discourse. Many of the leaders of the country during colonization were, if not colluding with the imperial ambitions of the US or the Spanish, at least trusting they could work out a place for themselves in the new power structure while neglecting the development of an internal constituency. Indeed, the most famous advocates for an end to colonial rule were, arguably, Jose Rizal²⁸, a revolutionary poet who proposed assimilation with Spain (and was shot for it), and Emilio Aguinaldo, the country's first self-declared president and revolutionary general, who promoted the establishment of an independent constitutional government under the "protection of the mighty and humane" United States.

Nationalistic aspirations at the grassroots were dampened by the way the country eventually gained independence. China's defeat of imperialism was lead by Sun Yat-sen; Vietnam had Ho Chi Minh; Indonesia, Sukarno. Since the US promised independence from the beginning of its colonial rule, Filipina/os had no such independence leader around whom they could rally, thereby establishing their own heroes and a sense of national pride. Filipinos had no one to thank for their independence other than the colonial power itself. Although sporadic guerilla movements surfaced from time to time, Filippinos knew if they waited and trusted in the elites independence would be granted.

²⁸ Vicente Rafael speaks of the constructed nature of the heroization of Rizal – who rebelled against the Spanish, not the Americans – a collaboration between Philippine elites and American administrators in “Ugly Balikbayans and Heroic OCWs” (1997)

The Philippines does have national heroes enshrined on its peso bills²⁹ – Emilio Aguinaldo, Apolonario Mabini, Jose Rizal – but they are tragic heroes who failed in their quest for independence. Additionally, their dedication to representative government was somewhat tenuous: Mabini's draft for a constitution promoting participatory democracy was rejected; Aguinaldo planned to offer suffrage only to wealthy land owners. Moreover, these national heroes remain associated with Tagalog speakers, a large minority residing primarily in the capitol region and including the elites.

Section One: Who constitutes the state discourse? Why do they continue to dominate?

Both the closed nature of the discourse and the small circle of actors who hold power are no secret, and some people have tried very hard to change both, coming from both outside and inside the state. Yet despite the various reform efforts that have been passed or proposed, the pool of discourse partners has not changed much.

The systems that preclude involvement by larger groups of people in state politics are self-sustaining, and do not fit the imaginary of a nationalizing state. The optimism of the People Power Revolution is gone; the People have been given variably free and fair elections for decades, with little noticeable change in the government's corruption.

Factors such as corruption and heritable state power which drive this dynamic cannot

²⁹ The conscious development of national heroes based around "independence" movements, and printing their images on monetary notes, is an example of mimicking western institutions. School children throughout the Philippines are introduced to Rizal and Aguinaldo especially, and to a lesser extent Mabini and Ocampo, (Rizal's portrait is a common sight all over the Philippines) as the "fathers of our country," even though in reality their goals were often not full independence as much as varying degrees of self-rule, and at that they personally achieved little quantifiable success. In addition, their designs were not generally inclusive; Aguinaldo's constitution provided suffrage only for wealthy land owners. Such national myth-making is directed at forming a national identity, both as part of a nationalizing project and an attempt to foster the appearance of legitimacy among other nations.

easily be separated from external factors, since external support without the necessity of internal underpinnings is a large part of what makes endemic corruption so persistent.

Limited Pool of Traditional Politicians (*Trapos*)

There is not a broad base of opinion or interest represented in the perpetuation of the hollow state. The pool of contenders for the presidency and other high offices comes from a very limited number of influential families³⁰, and they remain the beneficiaries of hollow state processes. Sheila Coronel, one of many top-notch journalists involved with the excellent Philippine Center for Investigative Journalism and now director of Columbia University's Stabile Center for Investigative Journalism, indicates that representation has become even more class limited than it used to be: in 1962, 27% of the legislature was classified as upper-class, with 44% of legislators so classified in 1992. (Coronel, 2006) Moreover, she notes that it is not just that members of the upper class that have preferential access to important government positions, but once they are there, their advantage is magnified: "The legislature has traditionally opened to its members a world of privilege that enables the enterprising among them to take advantage of money-making opportunities and to accumulate wealth." The average net worth of legislators in 2001 was PHP22 million. Although this is only about half a million US dollars, it is a fortune in a country where the average income is around US\$3000.

This elite privilege and access has been reproduced since the early 20th century, when the US prevented voting by all but landowners and the wealthy (remember

³⁰ Coronel reports that "The Aquinos and Cojuangcos of Tarlac, the Osmenas of Cebu, the Romualdezes of Leyte, and the Marcoses of Ilocos Norte, among other clans, have been in Philippine legislatures for four generations." (Coronel, 2006); other families include the Enriles, the Dys, the Escuderos, the Estradas, the Lacsons.

Aguinaldo?). These select families were chosen to back US imperial power.³¹ The same defense of limited functional democracy is reflected in the language of politics used by current powerholders. The House of Representatives' Rules Committee Vice Chair Artemio Adasa, whose family is moneyed, and whose brother is the mayor of the most important town in his legislative district, says that if he passed legislation disbaring members of his family from dominating politics in his region, "the electorate would be left with millionaire politicians of questionable integrity".³² He is the sole national representative of the district, putting a solid lock on both national and city-wide politics. To this day, *jueteng* (illegal numbers-running) is a popular road to wealth, a stepping stone to political power. As we will see with the Estrada impeachment case, politicians openly admit their use of *jueteng* (illegal numbers-running), defending themselves with the assertion that the other guy is even more of a crook. There is a sense of genuine *noblesse oblige* on the part of many *trapos*; not unlike the turn-of-the-century American imperialists, the dangers of democracy seem all too real to risk turning governance over to amateurs.

³¹ Albert J. Beveridge, an ally of Theodore Roosevelt and a leading Republican, spoke to the 56th Congress in 1900, indicating that the "Orientals" were incapable of self-government, although they could be trained to be so. "... gradual, slow, and careful introduction of the best Filipinos into the working machinery of the government, no promise whatever of the franchise until the people have been prepared for it,..." – and so it was. As families proved their ability to govern, obviously indicated by agreement with pro-American policies, they were included in the running of the government. Conversely, unwillingness to support pro-American policies was de facto evidence of the primitiveness of their political development, often couched in terms of the harm self-government would inflict on subordinate people. Beveridge, again: "The most enlightened among them declare that self-government will succeed because the employers of labor will compel their employees to vote as their employer wills and that this will insure intelligent voting. I was assured that we could depend upon good men always being in office because the officials who constitute the government will nominate their successors, choose those among the people who will do the voting, and determine how and where elections will be held." The defeat of William Jennings Bryan (who was against imperialism (Bryan, 1900)) in the 1900 election solidified the position of the imperial impulse in the Philippines, and set in train the next 46 years of controlled governance there.

³² "Measure's Fate Depends on House Rules Committee", *PDI*, October 18, 1994. Quoted in Eaton, 2003.

Gloria Macapagal-Arroyo, the current President, said, reflecting in a speech about becoming Secretary of the Department of Social Welfare and Development (DSWD), that “...[she] would not be able to get a bigger budget for the DSWD from Congress even if many of the Congressmen were [her] friends.” (Arroyo, 2001) Arroyo’s matter-of-fact delivery reveals that the normalized expectation for friendly contact with Congress is that one could work up more resources. Granted, these friendly and utile relationships are par for the course in just about any governance system, but the characterization Arroyo gives is more that of a lobbyist in the US. These relationships are considered openly part of the political capital of an elected or appointed official, in addition to (in fact, instead of) her ties to a meaningful constituency or community of expertise.

However, despite this legitimating language of noblesse oblige, it is not that a limited pool of politicians fight over the spoils of governance for the ultimate benefit of their constituents. This bargaining between friends, with the accompanying appointment of “friends” to important posts, is perhaps the greatest limitation to the institution of more inclusive democracy, and in response to criticism, most politicians give at least lip service to this problem. Joseph Estrada, for example, attacked both Fidel Ramos and his anointed candidate for president, Jose de Venecia, as *trapos*³³ (Suh and Lopez, 1997) – a particularly pointed attack, since Fidel Ramos’ affect and the source of his legitimacy was that he was a populist who was deeply involved in the EDSA revolution. Estrada

³³ The use of language in the Philippines is nothing if not playful, as “trapo” shows. Combining the first syllable of the two words “traditional politician” makes a fun-sounding abbreviation; however, “trapo” also means dirty dishrag. Combining names or terms is ubiquitous, and vastly interesting, often including such second meanings. Charter Change (a movement to alter the Constitution) is habitually shortened, even in the “formal” national presses, to Chacha.

was in a unique position to criticize, as he grew up quite poor, and came to national attention through his movie career, often portraying the defender of the downtrodden.

Estrada ended his presidency under allegations of corruption resulting in an impeachment attempt – quite a feat in the Philippines. This is a story worth telling, to illustrate the persistent power of *trapos*. Estrada's *trapo* drinking and gambling companion, Governor Chavit Singson, began the series of events that led to Estrada's ouster by claiming that Estrada took money from Singson as a payoff from a *jueteng* (illegal numbers running) racket. Singson acknowledged that he himself was involved in the *jueteng* ring (in fact, it seems he was in control of it), but his political career was not threatened – he remained governor through the whole mess.

With such public exposure of specific allegations, the Senate was forced under a great deal of international pressure to convene an impeachment trial; 22 senators and the Chief Justice of the Supreme Court sat as judges. Eleven of the judges refused to open an envelope with key evidence (the infamous “Brown Envelope”), at which point, on January 16, 2001, the prosecution walked out, seeing that an acquittal without consideration of the evidence was a foregone conclusion.

Four days of massive public protests followed, called EDSA II; more and more politicians saw which way the wind was blowing, and publicly withdrew their support from Estrada. Estrada never resigned, but the Supreme Court finally found that the presidency stood vacant, and the vice-president, Gloria Macapagal-Arroyo, took the oath of office to become president. Estrada was brought to trial under plunder charges, convicted on September 12, 2007, and pardoned by Arroyo on October 25.

The story here is that two competing groups of *trapos* came to a head over the distribution of power within their circle. Denunciation came from one *trapo*; protection was offered by another group of *trapos* in the Senate. The sorts of financial arrangements that Estrada worked out were not unique; many others could be tarred with the same brush, but are not – largely because of the “gentlemen’s agreement” common in state government circles. The law does not apply equally; law comes into play only when traditional political relationships break down. At only one point was the circle broken enough for the voice of the public to intrude: when the prosecutors themselves walked out of the impeachment trial, revealing for all to see the emperor’s clothes. This was eerily reminiscent of the thirty computer technicians at Comelec (Commission on Elections) who walked out to protest what they perceived as fraud, which along with military defections sparked the 1986 EDSA I revolution. Only after an overt break (in a system designed to gloss over breaks) is a space opened for democracy. And even then, the system was gamed: Estrada’s hand-picked successor took over (perceived to be nearly as corrupt – see discussion of political parties, below), and Estrada was soon pardoned.

Trapos in Palawan

The governor of Palawan, Mario Joel T. Reyes, is the brother of the mayor of one of the major towns despite the 1987 Philippine Constitution’s injunction against dynastic rule. Marjo T. Reyes, mayor of Coron, is the elder, and preceded his brother into politics. These intermediate figures speak in both local and state discourses fluently – they must, as a way to maintain their legitimacy in both. The mayor of the largest metropolitan area in Palawan, Edward S. Hagedorn is a legend in the Philippines, the classic rags-to-riches

kid made good. The fact that he admits to having made his fortune through jueteng is of little consequence. He also sidestepped the Constitution's ban on more than three terms in a row to the same office, supported by a 2002 Supreme Court decision. As much as anywhere in the Philippines, Palawan is in some ways a law unto itself, working with the central government when there is benefit, but under no obligation to do so. The island has been consistently defiant in positive ways, as well, particularly in promoting progressive environmental and social programs, often under enormous pressure from the central government to open up natural resources for exploitation.

Corruption

In Palawan, Senator Ramon Mitra responded to receiving financial support from lumber baron Jose Alvarez in exchange for logging concessions by saying, "Is it a crime to be the friend of a rich man?" (Clad and Vitug, 1988). As a matter of fact, the type of "friendship" shared between these two is illegal; it is almost equally certain to remain unpunished. Patronage politics normalizes the relationship between money and connections, and is well entrenched.

Transparency International ranks the Philippines with a corruption perception index of 2.5 out of ten, on par with Yemen, Libya, and Burundi (figures as of 2007). Early in 2006, Hong Kong's Political and Economic Risk Consultancy (PERC) ranked the Philippines as the fourth most-corrupt country in Asia (Myanmar was first), and President Estrada had the distinction of making Transparency's list of the world's ten most corrupt leaders.

Two large pools of funds are supplied to congresspeople and senators to siphon to their district constituents; each senator can distribute PHP200 million annually, and each congressperson PHP70 million through the Countrywide Development Fund (CDF) or Priority Development Assistance Fund (PDAF). The funds are meant to be used for community projects, scholarships, medical cost assistance for poor constituents; any of a list of predetermined projects. However, the entirely unsupervised and discretionary nature of these funds makes the legislators the sole arbitrator of who gets funds, and which projects get funded. Due to inadequate accounting, there is no way to accurately determine how much of these funds are fed straight back in kickbacks (guesstimates range from 20% to 45%), not even considering the “discretionary” distribution of funds to friends and family. Senator Panfilio Lacson is known to be uncorrupt, having reported bribery attempts in projects he was recommending, but he was forced to file charges against two of his own staff members for graft in 2002. (Chua and Cruz, 2004) Even the small share of the money that gets spent on public projects may be of more political than practical value: a PDAF-paid huge, concrete-pad, tin-roofed bus waiting shed is a common sight, with an enormous billboard over it, giving credit to the legislator for building this public good. A finished stretch of road (and often, amusingly, unfinished stretches as well) will usually have a similar large sign attributing the project to the legislator. Projects are often contracted multiple times; roads are paved thinner than budgeted or not at all; dredging is simply not done; medical supplies and educational materials are particularly graft-worthy. “LGU capacity building” is the latest category of the graft-hungry. This could literally be anything, and even less accountability is

possible. This is by far the biggest current category of pork-barrel usage, which looks terrific to external actors.

What is really fun is that in an odd way, the difference in discursive usage and perception just vaporizes in this instance. Legislators call this money, publicly, Pork Barrel Fund, unaware of the discursive meaning of pork barrel in the US. The House Speaker, Prospero Nograles, has urged his colleagues to distribute the pamphlet he authored, "Understanding the Pork Barrel"; the purpose: to refute misconceptions about the purpose and use of this pork. (GMA News, 2008) Many people, he claims, believes that this is a cash allocation given directly to legislators – and he would like to make clear to the public that this is manifestly untrue. "There has been no post-audit report by the Commission on Audit (COA) directly associating any member of Congress to serious abuse..." Apparently the standard kickback to the COA is 2%; perhaps a little less, now that contractors have to pay VAT on CDF or PDAF funds. (Chua and Cruz, 2004)

What does corruption, the perversion of accepted Western norms of governance, have to do with discourse? Participation in multiple discourses can produce different effects. Philippine politicians do not think of themselves as bad politicians by Western standards, but as good politicians by Filipino ones. The discourse of governance that "we" perceive as corrupt is understood as bowing to the necessity of making sure your friends and family are taken care of. These are values that are common in Western societies as well – but through a number of discursive developments, "we" have come to understand public goods as being outside the purview of those relationships. The presumption that others agree with the arrangements "we" have set up for governance is, according to the empirical evidence, simply false, although with such goods and services

attached to the use of certain terminology (“state”; “good governance”; “corruption”) it is hardly surprising that those terms become adopted. Western sources continue to fund “bad” state governance *as if* there is only one possible set of values for governing a “state”.

Corruption soaks up resources that could be, that perhaps were intended by international funders to be, directed toward the populace. Moreover, it reinforces a discourse in which the elites see little obligation to work toward a sense of nationhood or for the benefit of the people, since they are generally doing fine for themselves without reducing corruption. But there’s a subtler point in that corruption, or perceptions of corruption, serve the interests of the international community in helping mask their role in promoting hollowness, helping solidify the existing discourse. Walden Bello, in a letter to President Estrada in 1998, put principal blame for the Asian financial crisis on volatile capital flows brought on by financial liberalization, an IMF condition for loan eligibility, a view shared by Joseph Stiglitz and C.P. Chandrasekhar, while observing that “Washington and the International Monetary Fund (IMF) insisted that ‘crony capitalism’ or corrupt relations between the private and public sectors was the main issue.” (Bello et al, 1998) In other words, there are two separable issues: bad policy on the part of international actors such as the IMF which drove the economic crises, and a different issue with corruption. The IMF can convincingly lay all blame on corruption.

Participation in Western-originated governance conversations would nominally preclude patronage politics as being illegitimate. However, as long as the perception is maintained that these norms are adhered to, a cross-cutting and powerful cultural norm of

taking care of one's friends and family is sustainable. In other words, the discourse is multi-faceted and shifting.

In addition, discursive relationships with certain external actors make the avoidance of punishment for corruption easy. Many external actors reward "statist" behavior over "good governance" behavior. The corruption implied by increased wealth opportunities for members of Congress and the friends of the President is generally considered unacceptable in the discursive circles of which the state is part – but variably so. Western funders have long been economically involved with the government based not on the needs of Filipino/as, nor on ability to repay, nor even the government's ability to spend the money given, but as an extension of domestic politics or foreign policy; even as war by other means, as during the Cold War.

On one hand, certain funders demand good governance practices based on the model of the nation-state. The Philippines has been denied development/aid loans based on its low absorptive capacity – its inability to actually justify on paper how it will spend money. Most countries with low absorptive capacity have two interrelated problems: officials who are uninterested in or unable to convincingly plan projects, and infrastructure challenges so grave as to make the planning of further projects unfeasible. This assessment is generally levied on countries that cannot properly account for past loans or grants, as well. This is a political problem, not an economic one.

Private sector actors will also sometimes demand adherence to Western norms of good governance. The ADB noted that foreign direct investments in the Philippines dropped from US\$1.8 billion in 2002 to US\$319 million in 2003, and that it was likely due to "political uncertainties" and lack of investment in infrastructure. (ADB, 2004)

There is sufficient evidence to show that good governance is not always a demand of external discursive partners. Much has been written about the requirements for structural adjustments imposed by the IMF. Responsible arguments range from an outright conspiracy to consciously undermine emerging economies for the benefit of Western financial institutions (Rajagopal, 2000) to an account of responsible attempts to provide long-term growth and stability while respecting each country's economic autonomy, which had some unfortunate social side effects (Botchwey et al, 1998). But virtually all theorists agree that restructuring, with its universal application of privatization, capital market liberalization, market-based pricing, and free trade, lead to hardship at the grassroots by causing higher prices for food and essentials and government cutbacks on services like education, environmental protection, and medical care. Even fiscally conservative observers have recently come to agree that capital market liberalization, once an unassailable hallmark of IMF policy, has lead to considerable hardship.³⁴ When questioned about these negative effects, Joseph Stiglitz characterized his conversations with IMF officials like this, “‘We can’t have bankruptcies or standstills, that would be an abrogation of the sanctity of the debt contract’. And I’d say: ‘Well, what about the social contract?’” (NI, 2004) “Good” government was defined as that which honored the expectations of Western financial institutions, not the well-being of its citizens, while the elites remained in power.

Definitions of good government are hard to pin down. Prior to the crisis, the Asian Tigers, and to some extent the Philippines, experienced three decades of sustained

³⁴ The IMF has been self-critical for about ten years. In the uber-understated language of “Directors agreed with the evaluators’ view that economic reforms, while “generally having positive effects on growth and income distribution,” do entail temporary costs for certain segments of the population...” (IMF, 2008)

and laudable growth. Many factors were cited for this, among them “business-government coordination,” “low inflation and fiscal prudence” and “government promoted competition.” After the crisis, the same practices were blamed, respectively, as “crony capitalism,” “poor macroeconomic policy” and “lack of competition.” (Furman, 1998) Good governance instantly becomes bad governance, based not on the perceptions of the people who live in the state under analysis, but based on relationships with lenders and trade partners.

Political Parties

As might be expected in a polity built on personal relationships, parties are notoriously weak in the Philippines, with candidates and elected officials switching parties with notable enthusiasm and gleeful sprightliness when there is advantage in doing so. Parties do not provide the strong electoral support that politicians in the West rely upon – resources for election campaigns come from personal networks, or from the politician’s own deep pockets. Yet the Philippines does have parties. Political parties exist because they must in the discourse of a democratic state, not because they serve a useful purpose.

Weak parties have no effective way to bludgeon politicians into compromising what the individual politicians see as their own interests (framed, sometimes legitimately, as the interests of their districts). This forces the executive branch to negotiate with individual politicians to pass bills, resulting almost inevitably in *quid pro quo* dealmaking, with enormous supplies of pork floated along with any project. Beyond that,

party interests do not force unscrupulous politicians to step down, since their compatriots share no risk of being harmed by association.

Without predictable platforms to hew to, politicians rarely bother formulating complex platforms on whole rafts of issues, relying instead on personal popularity or specific pork-barrel production to ensure enough votes – where the votes themselves aren't simply manufactured. Strong parties have an incentive for being effective election monitors, as well, a function that disappears with parties too weak to ensure loyalty.

In the Philippines, that role is fulfilled by whoever happens to be in the opposition (hardly a disinterested observer), foreign observers, and NAMFREL (National Citizens' Movement for Free Elections). NAMFREL served as a watchdog agency over elections actually run by Comelec (the Commission on Elections) until 2003, when it was incorporated as a citizen's arm of Comelec, in time to be charged with supervising the 2004 elections. On June 10, 2005, recorded telephone conversations surfaced between President Arroyo and Comelec Commissioner Virgilio Garcillano, conversations held prior to her re-election to the presidency. Credible allegations were made that the two were conspiring to rig the election she won. A majority of Filipino/as wanted her to resign; a larger majority wanted an impeachment trial. However, without a break in the discursive circle – some credible Comelec officials walking out as happened in 1986, or frustrated prosecutors walking out in 2001 – Arroyo remains in power and unindicted. Strong parties could help serve to organize opposition in such a case, but strong parties do not exist because they *ought to*, but because they evolve in a discourse in which they make sense. A discourse of strong parties does not exist, even though parties are required by the US-originated discourse of democratic statehood in which the Philippines

participates. This is another case of the fragmentation and reinterpretation of discursive meanings. That any polity with political parties would end up using those parties in the same way that the US does is an imposition of assumed shared values that is not borne out by the empirical evidence.

Section Two: Ineffective or Sabotaged Anti-Corruption and Reform Efforts

After the 1986 People Power Revolution, there were hopes for a less-hollow state. These efforts generally centered around a lessening of corruption, gaining a greater voice in government by the people, and a greater role for NGOs as the de facto representatives of the peoples' interests. This has so far been largely stymied by an entrenched group of dynastic politicians who alternate between resistance to reform and gutting reform efforts while visibly supporting them.

Trapos

Several approaches to reducing the power of the *trapos* have been broached, some in the Constitution itself. For example, dynastic occupation of political power is forbidden by the Constitution, but there is no mechanism for deciding when a dynasty has abused its power, nor any legislation for consequences. Even the definition of a dynasty is in question. There are legitimate legal concerns that make this fix untenable – how does a political system decide that certain people don't have the right to seek political office, simply because they happen to be related to another politician? What counts as a relative? Should the dynasty law assure that widows cannot assume the political role of their assassinated husbands, as in the case of Cory Aquino?

Term Limits

Term limits are built into the 1986 Constitution, which allows presidents to serve only one six-year term, senators two six-year terms, and representatives three three-year terms. Governors and mayors are held to the three three-year term limit rule as well.

Term limits are not as effective as they could be, as most politicians find ways to obey the letter of the law, while defying the spirit. The easiest defiance of the law is possible because term limits are sequential, not lifetime-based. Politicians simply cycle through different jobs in order to avoid running into the term-limit wall. Juan Ponce Enrile, for example, served from 1987 to 1992 in the Senate, then served from 1992 to 1995 in the House, and then served again in the Senate from 1995 to 2001. Often these cycles might include other members of the same dynastic family “place-holding” the seat for the politician who has to sit one out.

Constitutional provisions against dynasty-building are also sidelined by the habitual anointing of a chosen successor by the sitting president or other elected official, as Fidel Ramos was anointed by Corazon Aquino to be her successor.

And then there is outright fraud. Mayor Edward S. Hagedorn of Puerto Princesa City, the capitol of Palawan, for example, was elected to a fourth three-year term in 2002, regardless of the fact that the constitution clearly places a three-term limit, by calling on barangay leaders to order the recall of the newly-elected mayor, a decision that was upheld by the Philippine Supreme Court. As the temporary mayor was in office for a single day, it is unlikely that he did anything to merit impeachment.

Party Reform

Another means of addressing this problem is to attempt to counter the political hegemony of the *trapos* by strengthening other institutions and regimes in government, in order to undermine the powers of the families without having to defeat them head on. Solutions along these lines tend to center on political parties. These are the sorts of solutions proposed by external constituencies like the US government, western political scientists, and some INGOs.

It is clear that the West has less-than-subtle expectations that simply mirroring Western institutions will be effective. Political parties are effective in places like the US because the collective goods they control are so valuable that opting out of participation is deadly for all but the most independently effective politicians. Joe Lieberman, Mike Bloomberg, and Jesse Ventura notwithstanding, the usual role of independent politicians in the US is as the spoiler, *a la* Ralph Nader. Although party loyalty is structured particularly strongly in the US, most Western countries provided selective incentives strong enough to create not only an incentive to comply with party rules and expectations, but a strong normative disincentive to go it alone, even if a politician has sufficient wherewithal to do so.

The National Democratic Institute for International Affairs (NDI) and the Council of Asian Liberals and Democrats (CALD) (NDI is partially funded by USAID) studied the legislation and institutions governing political parties, elections, and political finance and have a specific list of reforms that will help produce more effective parties. These include recommendations for public financing of elections through parties; anti-defection laws; regulation of political spending, especially outside the election season; internal

reform of parties including caucusing. All of these reforms explicitly presume that parties are “natural” forms of governance. The NDI report optimistically declares that “the party system is slowly recovering” (2003, 267) after Marcos – reflecting a fundamental discursive misreading of the empirical situation. Parties are not natural to the Philippines, since they are not “natural” anywhere; therefore they cannot be “recovering”, but instead being constructed to have meaning in a certain context.

Fidel Ramos, the second post-revolutionary president, had among the strongest reform platforms, and the most political opportunity to take advantage of his presidential power to push through reform. He gained his fame through the military, but the real source of his legitimacy as a political actor was that he, along with Juan Ponce Enrile, played a key role in the 1986 Revolution, visibly defecting at a critical time from his duties as the head of the Philippine Constabulary, the police branch of the Philippine military, providing one of the overt breaks mentioned previously as potentially opening the discourse to democratic input.

His fellow defector, Enrile, had a warrant outstanding for his arrest, and so his defection was regarded with some cynicism; but Ramos was considered more idealistic, more committed to real political reform. He capitalized on this perception in the 1992 presidential elections, forming a new party called the People Power Party. With a reform platform, he garnered 23.4% of the vote, the lowest percentage in Philippine history. Only an unusual fracturing amongst the trapo system allowed him to get even that many votes. Under this unimpressive mandate, he took on the entrenched political interests, and won some significant victories.

One of the more interesting reforms of the party system is the introduction of party-list proportional representation, among Fidel Ramos' most impressive accomplishments.

Proportional Representation

One of the saddest stories of reform efforts gone awry is that of the Proportional Representation Law (Republic Act No. 7941, March 3, 1995). Resisters to reform managed to insert poison pills into the bill, resulting in not only ineffective reform, but truly tragic side effects, including reducing the power of certain NGOs to maintain their previous efficacy. PR was an effort to shore up parties, partially by creating the possibility for interest groups to bypass single-district politicians and introduce their own agendas to the political stage.

Only 20% of seats in the House (of 252 members total) were turned over to the new PR system, and none in the Senate. This was a bit odd, as Senate seats are already elected on a national basis, and thus would be an obvious choice for conversion to PR. Paul Hutchcroft has suggested half of the House and all of the Senate might be a better basis for reform. (Rich, 2006) Additionally, the new rules established a 2% floor for election of a particular party-list candidate. IFES (not an acronym, oddly), the election-capacity building INGO, indicates that anything below this floor might be fragmenting than unifying, and encourage regional factionalism. (Rodriguez and Velasco, 1998) Both of these criticisms, while well-chosen to further the particular aims of their imaginary of good governance, subtly favor the nation-state model.

The Institute of Policy and Governance, on the other hand, believes that the current rules do not adequately deal with existing regionalism. Party-list candidates face major disadvantages in this system: they must win three to five times as many votes as district representatives, and they are booted from office if they switch parties while in elected office. As indicated earlier, party-switching is common in the Philippines, and there is no comparable disadvantage loaded onto territorial representatives.

Major existing parties were barred from party-list candidacy for only the first party-list election, and even then, many spin-off parties were not prevented from participating. Another sabotage effort which, ironically, did not end up having effect at all, considering the way things turned out in the first two party-list elections, was that every 2% of the vote would garner another seat, but with a low, low cap of three seats available to any one party. Potentially popular parties like the labor unions fractured their own party efforts in an ultimately vain attempt to overcome this restriction, thinking that by dividing their efforts they may have succeeded in getting more than three seats.

However, the 2% nationwide electorate proved to be too much of a barrier. In the end, less than a third of the potential seats were filled by party-list candidates in the first party-list election (14 out a possible 52 seats in 1998), because only a mere handful of parties succeeded in breaching the 2% threshold. The remaining seats were cast up for grabs in a series of political and judicial moves. (Eaton, 2003, 480) In the 2001 election, major parties were allowed to participate, but seven of the ten winning parties were disqualified as not representing the alienated segments of the population that party-lists were meant to reach. Only 19 seats were filled. In 2004, fifteen party-list parties succeeded in breaking the 2% barrier, electing 25 candidates. This is still less than half

of the 52 possible seats, but a significant improvement. In 2007, only 21 seats were filled. However, Comelec pulled a neat trick meant to further limit the potential power of party-list candidacies: only one party-list party is now allowed to hold three seats; all other are limited to two.

Perhaps the most insidious effect is the fragmentation of efforts on the part of the NGOs who often are legitimate contenders for party list seats. Many party-list organizations are deeply involved in campaigning for elected office, *to the exclusion of*, not *in addition to*, participating in their historical portfolio of activities. For instance, GABRIELA, the world-renowned umbrella women's NGO, is both suing and being sued over electoral candidacy, channelling scarce resources into low-outcome fights.

By incorporating these potentially troublesome groups into the government, but in a neutered, ineffective form, the entrenched elites may succeed in preserving their positions. Moreover, these efforts, backed by external INGOs, IGOs, and other states, serve to strengthen the state discourse itself, without a concurrent rise in access to democratic means of reform for the people. Several actors who would be interested in advancing peoples' access to rights are sidetracked into strengthening the state, partly by attenuating the effectiveness of populist NGOs like GABRIELA and the labor unions.

Charter Change (*Chacha*)

Dissatisfaction with the endemic corruption and problematic centralization-without-redistribution culminated in a popular move toward constitutional overhaul, rather than piecemeal legislative reform. However, the poison pills involved are

predictably deadly. There are several proposals being floated as a new Constitution, none of which has the support it needs to be carried; they have several features in common.

Chacha is being sold as a democratizing project, quite sincerely on the part of some of its proponents. The two major structural overhauls address two of the widely recognized endemic problems: first, the legislative/executive nexus makes passing any law at all difficult – and contentious laws impossible fed by the already-mentioned weak party system; second, the problem with removing presidents legally – with two toppled presidents through the revolts of EDSA I and II, and the near-toppling of Arroyo in EDSA III, this is no small problem.

The inability of Congress to pass laws is indeed troubling – proponents of Chacha say that only a few laws of national importance are passed most years – and they are right in noting the gridlock between executive and legislative branches of government is what causes much of this. (IPD, 2003) Most Chacha proposals fix problems with the executive/legislative split by changing to a parliamentary system, headed by a prime minister. This would also make executive change easier to accomplish.

However, the usual reason given for ineffective interaction between the President and Congress is that parties are so weak that the President must negotiate with individuals or ever-shifting factions of powerful actors, which is not necessarily directly addressed by Chacha. Some analysts predict that instead of stronger parties and more productive bargaining between effective parties, a Singapore-style imperial parliament might emerge, with tussling between Congress and the President transformed into an overwhelmingly powerful executive entirely harnessing the Parliament. Also, if a dominant parliamentary party is able to change executives without a radical break, the

backroom bargaining character of politics will be strengthened rather than weakened. EDSA IV might be increasingly unlikely. It should come as no surprise, given the centralization of authority *within* the government and the devolution of many responsibilities to new federal units, that every sitting president has been squarely behind a revision. A more powerful executive is something all executives can stand behind.

Charter change may fix some of the problems with proportional representation mentioned above, as one of the proposals takes on weak parties through strengthening the representation of party-list candidates from 20% of a single house in a bicameral system to 50% of a unicameral one. Since those elected officials would be unable to switch party allegiance as readily as single-member districts, this may in fact work to strengthen parties; as likely, however, is a continuation of fragmentation following the Italian example, rather than a durable party democracy like the German one.

In concentrating so much attention on national party reform and charter change, there are a number of alternatives that are made invisible. IFES, mentioned briefly above, is a good example of a very well intended INGO which concentrates largely on making effective states in the model of western nation-states. In fact, this model may never take hold, as the discourses that helped mold, coerce, or bribe populations into national groupings in support of “their” state may or may not still exist.

Section Three: Devolution

From the limited circle of actors involved in the state discourse, I want to look at what those actors are doing and saying about governance – where and why the state government chooses to actually reduce its own portfolio, giving those functions instead to

subnational actors and organizations instead. These moves must reduce the burden of governance on the hollow state, while maintaining the outward appearance of legitimacy and sovereignty – while preserving perceived stateness, in other words. The discourse of control at the center must be preserved, although actual costs of governance need not be shouldered.

Additionally, the state has deliberately set up the circuits I described in Chapter One to remove itself from relationships of meaning with its putative constituents. I gave one example of this in the opening pages of this chapter, with the Catholic Church charged to distribute emergency rice because of the state's inability to do so; this is hardly an isolated example. From contemporary efforts to formally federalize (solving the Mindanao problem once and for all) to devolving authority (and fiscal responsibility) for low-income housing to LGUs to such seemingly trivial matters as registration of fishing vessels³⁵, the central state government has fairly systematically tried to delimit its own legal responsibility significantly over the last twenty years. At no time, however, has anyone in the central government charged that the state is less relevant in international relations. If anything, through agencies like NEDA (the National Economic and Development Authority) through which all external aid is legally meant to pass, the state has tried to reinscribe its role as sole economic gateway to the people of the Philippines.

³⁵ Arroyo signed Executive Order 305 (2004) to shift responsibility for all smaller fishing vessels to LGUs, which in essence means that the illegality of unregistered fishing vessels stops at the border of the barangay in which illegal fishing took place.

R. A. 7160: The Local Government Code of 1991

This legislation set the foundation for much of the structure of post-Marcos governance in the Philippines. “Local autonomy” and “self-reliance” are the key phrases of the preamble, along with a clear imperative for “decentralization”. Any question of authority is unambiguously to be decided “in favor of the devolution of powers and of the lower local government unit.” While the immediate aftermath of Marcos’ fall made these provisions quite popular with local government units, the *de jure* acknowledgement of political realities went unremarked by those interested in a stronger state for the Philippines.

For example, responsibilities that, in an ideal-type nation-state are firmly fixed with the state are explicitly devolved. Protecting the commercial integrity of the Philippines waters off the northern coast of Palawan from incursion by China’s commercial fishing fleet has been relegated to local authorities, who clearly do not have the resources (a navy) necessary to accomplish the task. I have been on patrols with a barangay captain who was armed with only a .45 caliber handgun; his *banca* (a family fishing boat that would hold five or six people) was the barangay’s “navy”. The most he can accomplish is to document damage done by the illegal fishing fleets, and to work with local NGOs on coral replanting. We came across one village that was building its own banca specifically so it could run volunteer patrols to stop illegal dynamite and cyanide fishing.

In Chapter Five, I show some of the consequences of police duties being devolved to barangays. There was never a pretense that Philippine National Police (PNP) provided universal coverage, but the Local Government Code officially ended the aspirational

discourse that someday the PNP would form the backbone of national-state domestic security.

Many LGUs jumped at the chance to be legally more independent from the state apparatus. As noted above, a .45 caliber pistol is not uncommon an uncommon accompaniment for rural barangay leaders. In the central province of Cebu, a move was underway to provide barangay leaders with M16 automatic rifles, even though the mayor of Cebu City, who supports the plan, admits “It’s natural to have fears of possible abuse by barangay captains.” (Staff, CSS, 2006)

In the Puerto Princesa Municipality, the Local Government Code of 1991 prompted an initiative to tackle the problem of homelessness. In the introduction to its “Discussion Paper” on the subject, the Philippine Institute for Development Studies specifically sites the Code as “empower[ing] local government units to provide *and finance* basic facilities and services to its constituents.” (Italics mine) Puerto Princesa Municipality is generally acknowledged to have good leadership under Mayor Hagedorn. In a city-wide survey a need for an additional 747 detached residences was determined, mostly to accommodate, squatters, mostly in-migrants on the fringes of the capitol city. 150 homes were initially built and offered to former squatters with a 25-year payment plan. Other received financial assistance to relocate. The city received the 1995 Galing Pook Award for excellence in local government.

Resource-Seeking – Ahon Bayan

Current President Gloria Macapagal-Arroyo began a program called Ahon Bayan (Arroyo, 2001), when she was head of the Department of Social Welfare and

Development and Vice President of the Philippines. This program's explicit purpose is to connect private and external funders to internal needs, specifically of the DSWD.

External funders ranged from multinational corporations like Del Monte Fresh Produce, Inc., the Japan Grant Assistance for Grassroots Human Security Projects (GGP), the Canada Fund for Local Initiatives (CIDA), and the Philippine Australia Community Assistance Programme (AusAID). (Duron, 2007)

Arroyo felt forced to these measures by annoyed directors at DSWD; when introduced to her new post as Secretary one director, when asked what he needed, said, "Ma'am, more budget." (Arroyo, 2001) She said, "I never knew that I would inherit a budget deficit four times the budget deficit we studied with at that time." Arroyo networked with other heads of departments to see where they could get more money for needed services, and fashioned a new office dedicated to overseas development aid (ODA).

She framed the donor sources as not only external: "... we will put together this foreign assisted project unit. But I said, not just foreign assistance project because it is not only the ODA sources that want to do social development, even within the Philippine corporate world... So therefore it was not a foreign assisted project unit but an external assistance project unit..." That the overseas development assistance fund was just that – overseas – was too clear an admission that internal resources were insufficient. This was, after all, a branch of the state government. To rely on outside funding to fulfill basic social needs is one thing; to admit that the state is insufficient to fulfill those needs is entirely another. To participate in the western-based discourse of stateness, the image of autonomous, sufficient must be maintained.

Assistance from foreign governments is meant to be filtered through the state, in the form of the National Economic Development Authority (NEDA). Arroyo, as head of DSWD, worked to bypass NEDA: "... let us also begin to wed or NGOs with the ODA and other external sources so that they can meet one another because ... they've been doing so much work with so little and you have all those funds available that want to help those who are already helping the less privileged in our society." (2001) Framing it in terms of a reasonable meeting of the minds, Arroyo worked to reduce the responsibility of the state, without challenging the status of the state department in charge of redistribution of foreign aid, nor reducing the discursive importance of her own department as an essential institution of the state. Arroyo was aware that to funnel resources through the official state process was impossibly slow, and "absorbed" many resources.

She went on, "And indeed, Ahon Bayan is really People Power [a reference to EDSA I] because this part of Ahon Bayan we are launching today is empowering our NGOs to meet the donor community so that in the end later on they don't even need the DSWD to get their funding because they already know the sources of funds for these beautiful projects that they are doing." , Arroyo is unsubtly saying take DSWD out of the loop – take care of peoples' problems directly. NGOs, ODA donors – go to it!

Ultimately, her very narrow view of the purview of government came through: "This is the way it should be with People Power: the less government interference the better; the more civil society engages in activities for the good of the people the better too." For what, one might ask, is government going to be responsible? Certainly the

more the state backs out of responsibility for the good of the people, the less the imaginary of the nation-state holds.

Arroyo's original project was subjected to much criticism because it benefitted only Metro Manila, the part of the state, if any, that can be considered to be successfully nationalized. However, explicit state government efforts to devolve social services to a nexus of NGOs and ODA suppliers have since begun in farther flung provinces.

Section Four: External circuits of discourse

The next angle from which we can examine the hollow state is to see how the state effectively interacts with external discourse partners to the detriment of internal circuits of discourse. There are two ways these discourses are established and carried on. First, mirroring concepts and institutions originated in another place or time may give the impression of similarity of values and identical engagement in a discourse of meaning (such as the state) – but often the impression of identicalness is false, as is the case with nationalistic language used in the Philippines. Convincing participation in discourses through mirroring techniques legitimates discourse partners. Second, participation in institutions – sedimented layers of discourse – such as debt or labor circuits, can take on different meanings in a hollow state than in a nation-state.

Nationalism

The discourse of the state has appropriated the discourse of the nation – this is visible in cases like the Philippines, where interstate actors participate in a discourse with the state as if it is a nation-state. The nation has no meaning outside the discourse of the

state – this is not to say that the nation is not open to other interpretations, only that the state dominates this discourse to the exclusion of other possible interpretations. The discourse of the state has picked up and incorporated the discourse of the nation to an astonishing degree. When we say “nation” in common parlance, we often actually mean state, as in “international relations”, or “international law”. This has political consequences. Use of nationalist tropes by states is inherently legitimating, because the discourse of the nation presumptively incorporates the will of the people.

The Philippines is a case of a state entity which has never successfully formed a nation, and which may never do so. However, one might object, France was not built in a day, and it is possible that given more time, national feeling will take hold – after all, the Philippines has only had an independent state existence for sixty years.

In many ways the competitive pressures that produced the nation-state have changed. Many national states are spending less and less of their money on defense, entering a post-Tilly world. The new pressures, as Saskia Sassen (2001), Balakrishnan Rajagopal (2000), Joseph Stiglitz (2003) and others indicate, are increasingly economic. Economic protectionism is a radically different role for the state to play, one which does not necessarily involve the same borders (although these were always more discursive than actually exclusionary) as the military protectionism that formed the nation-state.

Further, without a significant change in its political and social situation, a push toward nationalizing is not necessarily desirable. Unlike the heyday of nation-state formation, there are strong discursive constructions that make nationalization more problematic. Human rights discourse has made the marginalization or elimination of minorities both visible and problematic. The process of forging a nation-state means a

great deal of violence to the identities of those who do not fit the national ideal. When the nation-state was first forming, somewhere around the time of print-capitalism (Gellner, 1997) or certain cultures of circulation (Anderson, 1983), few coherent objections could be made or heard about this process – partly because of the ruthlessness of the nationalizing project, and partly because of lack of communication technology – but this is no longer the case. Cultural Survival and IWGIA were not around to protest the disappearance of *langue d’oc* cultures, but it sure gets vocal about nationalist envelopment today. Bono is a product of the late 20th century.

In much scholarship about the Philippines, the state is an assumption so powerful that solutions that do not center on the state are unimaginable. Nationalism is, according to Connor, a group of people who perceive a common destiny joined with a will to political power. This is commonly considered to be coterminous with the borders of a state – a nation that has the same footprint as a state is desirable. If the nation and the state are the same, the thinking goes, the people of the nation will have the power of the state at their disposal.

Nationalism, the desire to create a nation-state, incorporates the state into solving social problems. But it is only one of a range of possible discursive responses to alienation from the mechanisms of power embodied in the state. Where a nationally forged identity is essential to state survival (Levi, 1988), nationalism may make sense; but when state survival does not depend on harnessing the political support of a nation, a state is considerably less likely to make the sorts of compromises in accountability and social provision that are necessary to engage a state and a nation in harness together. The closed circuit of actors who comprise the discourse of the state are clearly unwilling to

make these sorts of compromises until and unless their actual source of support – international actors – withdraw the means of state survival. But this creates an untenable possibility – the Philippines may actually be revealed as *not* a nation-state; in fact, not a state in the Western imaginary of the term at all. The nation-state system is incapable at this point of dealing with an entity that is not-a-state. How would trade relations work? Who becomes responsible for human rights? These and a thousand other question would have to answered.

Just how much pressure there is to create a discursive national center in the Philippines is revealed by the continuing lip-service given to nationalist rather than state-building enterprises. There have been some signs of nationalizing success: Tagalog is more widely spoken than it was twenty years ago, English less widely, but there are strong resistance movements from the other major language groups. The Constitution is explicitly nationalizing in its aims. Expatriate Filipino/as are encouraged to think of the Philippines as home, and return often. High-level professionals are trained at the major institutions of University of the Philippines, Ateneo or the University of Santo Thomas, all Manila-based institutions.

But these nationalizing moves are themselves hollow. Professionals often stay at the state level, rather than expanding the reach of the state to the local level. Those who are able to do so also take the first opportunity to leave the Philippines, becoming high- or mid-level professionals in other countries. These are not the creole nationalists of Benedict Anderson's imagining, working to strengthen the hold of imperial power, but people who are sacrificing national development of their homeland for the good of the

current economic hegemons.³⁶ It is a farming out of citizens to deliberately create a semi-permanent diaspora.

Like many states, the Philippines is affected by “brain drain,” but also “brawn drain” – in addition to young professionals, virtually any worker, skilled or unskilled is a part of it – availing themselves of better economic opportunities overseas. Maintaining emotional connections to the Philippines on the part of these overseas Filipino workers (OFWs) is critical to the state government for economic, not political, purposes. The government does not need them to come home with knowledge derived from imperial centers to build up domestic polities and economies; rather it needs them to stay away, to keep sending money. Lots of it. OFWs are so important to the circuits of the hollow state that they merit their own section, below.

There is very little hope for economic advancement within the Philippines. Ethnic Chinese (still distinct, despite centuries of residence in the Philippines) are about 1% of the population, but own 60% of the wealth – a perpetuating cycle that shows no signs of change. (Chua, 2003) Economically successful citizens of the Philippines know English well, not necessarily Tagalog, and they work overseas.³⁷

The language of nationalism is an essential part of state discourse, because it is an essential component of legitimacy in the external discursive circuit of the nation-state. However, nationalism is not necessarily part of internal discourse within the state, as is

³⁶ The literature on diasporic communities may provide some sorts of explanations for changes in the role of circuits of education. People can and do maintain very close ties, communicating constantly and traveling “home” with great frequency, which was much harder before cheap and reliable air travel, not to mention cell phones and text messaging. I first learned to text in the Philippines, where it was both an art form and simply irresistible, as it is truly the medium francium, being practically free.

³⁷ Corazon Aquino, herself from a prominent Chinese-Mestizo family, studied in New York and Philadelphia, graduating with a degree in French, although English was her first language. When her presidential bid began she spoke no native Filipino language, and had to cram Tagalog language lessons in order to conduct her presidential campaign.

explored in Chapter Four. Nor is it really given any but lip service within the state discourse. It is necessary to use national language in order to participate legitimately in the discourse of states, but it is unnecessary to actually *be* a nation-state in order to be a state supported by that discourse. Language politics illustrate this.

Language Politics

National language has been an issue laden with controversy for the 500 hundred years of Philippine interaction with Europeans, possibly longer. Many languages in the Philippines are syncretic combinations of Chinese, Malay, Spanish, English, and indigenous languages, indicating continual outside influence. (Hill, Jane and Kenneth, 1986. Duranti and Ochs 1997. Hanks 1986, 1987.) Any attempts to establish a “national” language have revolved around Tagalog. Upon becoming a Commonwealth in 1935, a new language was established: Filipino. Filipino was known for all intents and purposes to be Tagalog, but it was perhaps hoped that people would buy into a nationalizing project if it did not mean explicitly giving up their culture for a neighbors’.

The 1987 constitution reconfirmed an official national language: “The national language of the Philippines is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages.” (Article XIV, Section

6) _ And also:

Subject to provisions of law and as the Congress may deem appropriate, the Government shall take steps to initiate and sustain the use of Filipino as a medium of official communication and as language of instruction in the educational system. (Article XIV, Section 7)

What this means in a practical sense is unclear. Tagalog's status as national language is reinforced by many practices, including the use of Tagalog literature in Filipino Studies classes, as well as being the language of instruction for those classes. Yet Tagalog is conspicuously not mentioned in legal documents. This was not cleared up until 1992, when the newly formed Commission on the Filipino Language issued a resolution specifying that Filipino is the "indigenous written and spoken language of Metro Manila and other urban centers in the Philippines used as the language of communication of ethnic groups." For all intents and purposes this would be Tagalog, but again, Tagalog is not mentioned by name. The *assumption* that everyone would assume that the "national language," which shares the country's name, would be Tagalog in a nation of such diverse language politics exemplifies the distance between government and the grassroots. An obvious nation-building ploy as well as a nod to the elites, it's also an attempt to mirror Western models, which are based on a prominent national language. It is also disingenuous, as Tagalog is spoken by only about 25% of the population. Cebuano, a language of the southern Visayans and Mindanao, is estimated to have almost as many speakers.

Filipino may be the national language, but it is not the only *official* language. English and Tagalog are both official languages. This is a practical matter: the language of instruction in schools remains English (outside the aforementioned Filipino Studies classes), and English is also the language in which city council meetings are held, in which most laws are printed, in which the majority of books are published. Knowledge of English is one of the reasons Filipino/as are so successful as overseas contract workers (OCWs). Many highly specialized (and relatively well paid) US professions such as

nursing or teaching require fluency in English, and have disproportionate representation by Filipino/as. Even in non-English speaking countries, English is usually the *lingua franca*, and the key to landing a job. Most overseas employment advertising is published in English. Access to English instruction opens economic avenues that local languages do not.

Typical of a hollow state, a high-profile nationalizing move is undertaken, only to be rendered toothless both by the practicalities of the situation, and by the design of its instigators. Laws are not *presumed* to have any practical effect.

Overseas Contract Workers (OCWs)/Overseas Filipino Workers (OFWs)

It would difficult to overestimate the role that Overseas Filipino Workers, also known as Overseas Contract Workers (OCWs) or *balikbayans* (literally, “homecomers”) have on Philippine society and its economy.³⁸ Every day, 3000 individuals leave the Philippines to work abroad. (IRIN, 2008) About eight million Filipinos, close to 10 percent of the population, now live and work in more than 100 countries, and it is estimated that nearly half of those living in the Philippines rely on overseas remittance for their survival. For a government consistently low on cash and with a total debt of PHP3.8 trillion, remittances from overseas workers are essential as the country’s leading

³⁸ Balikbayans have a different social status than OCWs. Balikbayans (the ones who return) are permanent or semi-permanent emigres, often to North America; generally these individuals and families are as much a part of their “host” culture. They are generally middle-class, often second-generation. They are encouraged to maintain sentimental ties with the Philippine homeland, to return often, to bring goods and money to family and friends. OCWs are, as the name implies, contract workers, who have every expectation of returning to the Philippines when their contract expires, barring renewal. They will not, for instance, retire in the places they are working, unlike balikbayans. They often have immediate family dependent on them in the Philippines, while they work overseas. They are much likelier to be working class. OCWs have been called “the new heroes” by Cory Aquino, and the term has stuck: they are sacrificing their normal life to work at generally poor wages for unpleasant work around the world. Balikbayans have no need for empty labels of honor; they are working for themselves, not for God.

source of foreign exchange.

Remittances, which are a high-growth industry, heading for 15% in 2006, but closer to 20% growth between 2004 and 2005, were US\$13 billion in 2006, much of that coming from banks in the US, although not necessarily workers in the US. (BSP, 2007) National GNP in 2005 was US\$161 billion. (NSO, 2007) This is a bit over US\$140 per Filipino citizen, with an average per capita income of US\$3000. (NSO, 2006)

Earnings sent home by OFWs is the nation's largest source of foreign exchange, and, it would appear, the state's best hope for economic gain. The Asian Development Bank (ADB) forecast the Philippines' gross domestic product (GDP) to grow between 4.5%-5.5% in both 2004 and 2005, compared to 4.5% in 2003. The increase is credited to the seven million overseas workers' increased remittances (by 6.3%), 7.5% of the GDP.

OFWs' contributions have been lauded by every president since Marcos. Indeed, OFWs' rightful place out of their home country is reinforced by Philippine presidents making every effort to meet with and speak to them in their countries of employment, and to laud their essential role to the Philippines. Cory Aquino called overseas workers "the new heroes," in a speech given in Hong Kong in 1988, a term also used by Fidel Ramos. Speaking to a group of Filipino/a in Kuwait, President Arroyo praised "the great Filipino workers" deployed around the world, adding "you have invested your productive years for the good of the nation... the contributions of OFWs have invigorated many villages, towns, cities and provinces in the Philippines." (Asia Pulse, 2003)

Still, it is not necessarily in the Philippine state's interest, nor is it its desire, to see OCWs return home at all. President Arroyo said in a 2001 speech, "Overseas Filipino workers should stay where they are and not think of coming home," because, she

explained, the country's faltering economy could not absorb them. "It's sad," replied Fe Nicodemus, chairperson of Association of Relatives of Filipino Migrant Workers. "It looks like there really is no hope for Filipinos to stay in their own country." (Sison, 2001) Their money, it seems, is needed at home, but their actual labor, most often directed at development efforts elsewhere in Asia and in the Mideast, can remain in the service of other nations. The tragicomic situation of laboring for the "nation" one is exiled from is made even more ironic, since the Philippine president delivered this talk in Kuala Lumpur to an audience of OCWs, mostly domestic workers, who *paid* to hear her speak. Her audience was clearer on her discursive position – she was framing their sacrifice in terms of the nation, but Alfredo Gannapin said the speech only "reinforces the government position which sees workers as nothing but commodities".

Labor and Employment Acting Secretary under Arroyo, Danilo P. Cruz, had this to say: "the President herself manifests a fitting appreciation to our global champions of the Filipino work ethics and culture for their contributions to nation-building and growth." (DOLE, 2005) Indeed, the appreciation may come most directly from President Arroyo herself, as she may well have *balikbayans* and OCWs to thank for her political survival. Facing the threat of removal from office because of charges of corruption and incompetence as well as a weak economy, a sudden economic turn-around caused an upsurge in her popularity, essentially saving her presidency, an upsurge credited entirely to increased remittances from overseas workers. In this case, the hollowing discourse surrounding OFWs very concretely helped maintain a classic *trapo* in power. Arroyo's party won 70 seats in the House (the largest block by a considerable number) despite the continuing cloud of vote-rigging hanging over her head. This was an overall loss of five, but for perspective, the second-leading party lost six.

OFWs' place in the political system has been further enhanced with the formation of the Overseas Workers Welfare Administration (OWWA) in 1997, an attached agency of the Department of Labor and Employment (DOLE). The organization provides social and welfare services to Filipino overseas workers including insurance coverage, social work assistance, legal assistance, placement assistance, cultural services, remittance services, and the like. They state their first objective is to "Protect the interest and promote the welfare of OFWs in recognition of their valuable contribution to the overall development effort;" (OWWA, 2007) Note that this reinforces the value of OFWs to the nation's development, rather than recognizing the significant hardships that OFWs often undergo.

In fact, becoming an OFW has become tied up with symbols promoting nationhood and, moreover, patriotism. In 1996, on the 100th anniversary of his death the organization OFW's Network, the largest advocacy group, paid homage to Jose Rizal, the revolutionary poet often referred to as the "Philippines National Hero." They lauded him for his revolutionary writings and inspiration for the Philippines independence movement, and then ended the tribute with, "Yet, today, one might present the argument that Jose Rizal's greatest legacy was in becoming the first of a vast and great multitude of OFWs," (OFWN, 1996) in reference to a brief stint Rizal served as a doctor treating yellow fever in Cuba toward the end of his life. "In Spain, France Germany and the rest of Europe, the United States, Japan and Hongkong [sic] Rizal was an ophthalmologist, sculptor, painter, educator, farmer, historian, inventor, playwright and journalist," the article continues. "Do we not have many Pinoy OFWs who are following in his footsteps in the same occupations and in the same countries?" Even Fidel Ramos jumped on the

OFW bandwagon. In a speech honoring Earth Day in 2001, Ramos launched into his own history about how he came to the United States as "one of the first overseas contract workers."

Debt Servicing

The debt crisis undergone by much of the Global South, which resulted in structural adjustment strategies in many desperate countries, were only sensible if there was a real political community (a state) to which responsibility for repayment could be attached, and in which members of the polity were visibly and legitimately invested (a nation). Therefore, the political forces of all the economically interested parties, both within and outside a particular "state" and the political entities over which they exerted influence, were interested in the continuing production of a state capable of extracting enough resources to continue debt service. In several cases, the extraction capability of the state barely outpaced the debt service itself, leaving no room for the other common functions of successful nation-states, like education, health care, employment protection, economic development, and so on.

Only very recently has the political capability of the country even come into assessments of loans and grants to be made. By one estimate of the Office of the Ombudsman, it was estimated that about US\$7.5 billion more was lost in corruption than was actually incurred for foreign debt over the 1980-2000 period, totaling US\$48 billion. (Lopez, 2000)

Other evidence of the significance of external discourse is revealed in discussions about the Philippines economy. The Philippines has a debt just shy of PHP3.8 billion, or

about 180% of GDP (NSCB, figures as of late 2007).³⁹ The pressure to bureaucratize and streamline tax collection is produced by debt servicing – hardly the romantic or survivalist stuff on which a nation-state is built. Debt and debt servicing creates an atmosphere of permanent panic in both the executive and legislative branches of the state government. Debt service in the Philippines consumed 68% of government revenues in 2004, (Gundzik, 2005) and was projected to climb higher in 2005. Reacting to decades of debt and the resulting strangulation of economic initiatives, the House of Representatives introduced a bill establishing a Congressional Commission on Debt in 2003. The incentive for state building is produced by the very entities (foreign debt holders) that are interested in having a strong (enough) political community.

The primary methods proffered to stimulate the Philippine economy and service its debt all involve developing cash flows from outside the country. President Ramos laid out his plan for economic stimulus like this. Step one was to “seek to attract more foreign investments and tourism, while accelerating other activities that earn foreign exchange.” (Richardson, 1992) He also mentioned promoting self-employment, deregulation and stemming corruption, but these were further down the list. His remedies for debt servicing were no less out-reaching, to “address the root cause of the debt problem - the inadequacy of our foreign exchange inflows. More [foreign] investments, exports and tourism and remittances from our overseas workers will deal with this inadequacy.” All post-Marcos presidents have offered similar tacks, partly reflecting the reality of the international debt trap, and partly as a reflection of how they see their

³⁹ Interestingly, they cite the source of their data as the International Monetary Fund's (IMF) Dissemination Standards Bulletin Board (DSBB).

identity as a nation; note that the “root of the problem” was not domestic political or societal issues but foreign exchange. Contrast this with the United States, where the expectation is that the national debt will be serviced by internal sources: cutting spending, developing domestic energy sources, creating jobs, either increasing or decreasing taxes, either regulating or deregulating industry; but not by looking to an influx of foreign exchange. In fact, the United States maintains a massive trade deficit in the face of its debt, and there is little discussion of curbing or reversing this in the context of debt reduction.

Debt relationships could be a place where the discursive partners (western states, development banks, so on) might be reasonably expected to push for more responsive, or at least more responsible, governance – and in some cases it is. Japan, the Philippines’ largest provider of ODA, stopped new loans between 2004 and 2007 because of low absorptive capacity, which in their case was code for corruption. (Landingin, 2008)

However, just as predictably bad loans were made leading to the debt crisis of the 1980s, China is now making similar sorts of loans to the Philippines. China’s goal is to expand its influence, not make responsible loans – creating what has been called supply-driven loans. Low absorptive capacity clearly has less of a place in the placement of these loans. Loans went from US\$741 million to US\$1.3 billion between 2005 and 2006, jumping back to the levels sustained by all international lenders prior to the 2003-2005 crisis of confidence. China had a hand in this jump, although confidence was also renewed after Arroyo imposed higher taxes.

In short, loans have historically been made, and continue to be made, to serve the purposes of the lenders, not the borrowers. The borrowers can only participate in these

goodies if they successfully participate in the discourse of stateness, whether or not they actually represent the good of the people named as citizens of the state. The durable corporate entity of the state makes future citizens responsible for bad past loans, even if made to people who clearly just pocketed the money and left.

Conclusion

The Philippines is a closed circle of discursive actors who bargain amongst themselves to divvy up the goods of a state – a state that only exists as a discursive production of an international system of states.

Clearly, some international actors, including states, INGOs, NGOs and TNCs, presume that they are interacting with a nation-state (often one that resembles their own), and that presumption rules all interaction. Policy experts from outside the state make recommendations based on their own imaginaries of stateness, disregarding the increasing devolution of statelike responsibilities. They can naively supply goods and services to domestic elites without accountability in terms of the “nation” that the elite are presumed to be acting on the part of. Elites in the Philippines can either be layering a new discourse of nation-stateness on top of pre-existing imaginaries of governance – a perfectly compatible imaginary, functionally speaking – or they can be deliberately adopting useful language in order to “fool” their conversational partners. Different people certainly participate in the discourse of stateness with different motives and awareness. Either way, the discursive effect is the same, so in a way, it does not matter which it is.

Further, other international actors cynically exploit the illusion of similarity to extract resources through bargaining with the elite, again without reference to the residents. In this case, the discourse of stateness is a thinly held veil, likely by both colluding parties. In fact, as these actors interact with actors inside the Philippine state, they behave for all intents and purposes as colluding members of the elite themselves, using language of stateness to cover simple theft or economic exploitation.

In short, external circuits of discourse perpetuate an elite as a stand-in for a state, because it serves the interests of the state system itself to believe there is a state there.

Chapter Four

Local Discourse: NGOs, POs, and LGUs vs States

To show how the state-as-discourse affects human rights we need to establish that different discourses are indeed at play. As noted in Chapter One, the hollow state is formed by stronger state ties to external constituents than internal ones. The findings presented in Chapter Three demonstrated that in this case the state is a discourse limited to a number of elite families and external actors.

This chapter presents the discourse process which occurs at the local level, reflecting the existence of an alternative discourse of governance, as well as exclusion from state discourse.

Provision of public needs is provided instead from local resources augmented, and occasionally supplanted, by international resources. Common discourse participants include INGOs, IGOs, NGOs, People's Organizations (POs), and to a lesser extent local governance units (LGUs). This dynamic appears very stable, reflecting the layering of discourses over time that produce these practices.

People at the grassroots in the province of Palawan in the southwestern Philippines have very little perception of attachment to the state, drawing on local resources, NGO's, INGOs, and POs for governance support rather than the state. INGOs end up being a significant part of the story – not only do they, with local NGOs, significantly supplant the imaginary of state government that has been normalized in the West, their successes have facilitated the rise of small, independent cooperatives and other local initiatives; a whole culture of local civic engagement is encouraged. LGUs (Local Government Units) benefit from association with these other non-state organizations, but non-government actors best local government in perceptions of utility; the Western expectation of reliance on state-centered government is bypassed in favor of more effective service-provision.

First, I will describe the research site, explaining why Palawan is an appropriate venue to explore non-state discourse. I will then go on to explain the methodology used to analyze this discourse, which is to use both structured and unstructured components in a large-scale set of interviews to access both quantitative and qualitative data on peoples'

attitudes⁴⁰ toward the state and governance⁴¹. Third, I will present the results of the research. More qualitative content analysis on local discourse, using the unstructured segments of interviews, will be presented in the sixth chapter. Mixing methods provides both an overview of attitudes and also a window into the respondents' framing of political issues.

Local Governance

Several factors distinguish those who are likely to participate in the established state discourse from those who are less likely to participate, among them geographic distance, indigenous status, migratory status, language status, and religious status.

The unit of governance of particular relevance in this chapter is the *barangay*, briefly covered in the first and second chapters. The role of the *barangay* in governance has shifted slightly over the generations: *barangays* were the basis of governance for both Spanish and American colonizers (Americans called them “barrios”), until post-independence when they evolved into other locally-generated institutions called “municipal councils.”⁴² Marcos codified the name “*barangay*” into law in 1972, a move confirmed by the post-EDSA I constitution in 1987.

⁴⁰ “Attitudes” should be understood as a proxy for provision of goods and services. This information is difficult to access except through state-generated measures of success, which will obviously reflect statist assumptions. By simply asking people who they valued more, I hoped to somewhat bypass the state-centric knowledge-generation produced by states themselves.

⁴¹ “Governance” in the local discourse is best understood as the arrangement and provision of necessary goods and services that are beyond the ability of individuals to provide (schools, roads), or management of collective goods and services (forests, fishing grounds). This is concrete, grounded governance, entirely non-theoretical.

⁴² “Municipal councils” were developed after independence in part to rid the country, in name anyway, of the name “barrio,” which was associated with American colonialism. Marcos’s later reintroducing the name “*barangay*” harkened back to a more traditional Philippine society, a small nod toward nationalizing, although the subtle governmental shift was more likely made to help facilitate martial law. Today, the

Today, barangays range from a few hundred people in a few dozen households in the smaller barangays to a few thousand in the larger urban barangays. There are 41,995 barangays in the Philippines. Members elect a council of eight people (predominantly men) form the council, or *Barangy Kagawad* and a captain (or *Punong Barangay*, or kapitan) to carry out the business of governance. One of these is the chairperson – the *Sangguniang Kabataan* (SK). Each barangay has a few *tanods*, usually volunteers, who serve as sort of police/fire brigade/bouncer/whatnot.

Generally, barangays are fairly homogeneous – there may be a Cuyonan-speaking barangay next to a Tagalog-speaking one, but only in urban areas is there significant variety within a barangay – and even then, neighborhoods are often strongly marked with an identity, either religious, linguistic, or ethnic.

Still, local governance, either those working inside the barangay structure or those accessing alternate structures, continues to find the state increasingly irrelevant. The government sees little obligation to cultivate its constituency, while on the other hand factors at the grassroots concurrently drive the citizenry further into their own discourses. This dynamic of separation is mutually reinforcing due to many factors, including:

Distance

Palawan's capitol, Puerto Princesa is about 600 km by sea from Manila, making the logistics of transport and communication often difficult in this nation with generally poor infrastructure (see the segment on corruption in Chapter Three). Geographic distance

terms barangay and barrio are both commonly used throughout the Philippines to refer to this most local of governmental units.

from the center is loosely correlated with political distance as well. Those who feel the strongest nationalist sentiment are Tagalog speakers living near Manila, about a quarter of the state's population.

Indigenous status

According to the Philippine government's National Commission on Indigenous Peoples, indigenous people are

the more than 12 million descendants of the original inhabitants of this archipelago.... [who] even during those early times, already exhibited the attributes of independent states, namely: people, territory, government.⁴³

By this characterization, IPs already have their own distinct governance discourse. Many surviving groups are quite xenophobic, and their subsistence is for the most part based outside the mainstream cash economy. Particularly on Palawan, they often receive considerable support from NGOs, INGOs, mission groups, and others outside the state apparatus, and many have been pitted against the government and industry over land tenure, both factors putting them at odds with the state. For instance, indigenous inhabitants living on what is now government lands are often referred to as "squatters," although in Palawan some groups can be shown to have inhabited their ancestral lands since about 500 AD (Eder, 1987). Discriminated against, seen as a barrier to development, and often the country's poorest residents, IPs have little incentive to be involved in any nationalizing project or state discourse.

Of course, the lifeways, experience, and culture of each of the between 70 and

⁴³ Between 8% and 13% of the Philippines population is categorized as Indigenous Peoples, depending on who is counting.

100⁴⁴ indigenous groups in the Philippines differ widely. Still, there are some broad generalizations which can be proffered. Besides maintaining a unique primary language, many groups maintain their own governance discourse, distinct from their varying degrees of involvement in mainstream discourses. This may be a council of elders, hereditary chieftainships, an elected council, or, as is common with gatherer-hunter groups on Palawan, a shunning of formal state-sponsored structures in favor of government by consensus, in which disaffected parties simply change residence. This will be explored more in Chapter Six.

Migratory status

Migration within the Philippines is enormous. Migrants leave one place to go somewhere else for two reasons: they were pushed or they are pulled. Pushes can include ethnic or religious conflict, pressure from the central government, and economic instability or stagnation. Pulls include the perception of economic opportunity, the perception of land availability, or a receptive community. Travel between the islands can be expensive and difficult, so not everyone has the opportunity to seek greener pastures.

In Palawan, migration has changed both the culture and the structure of the region. In 1903, the population was estimated at 10,900. (NEDA, 1980) Until the middle of the 20th century, the few settlers that took root in Palawan came mostly from the small

⁴⁴ The numbers vary because of the difficulty of maintaining a count, the difficulty of deciding which groups are actually distinct from one another, and a matter of definition. The U.S. colonial administration referred to IP's as "Non-Christian Tribes." This meant that lesser-aculturated groups that had been somewhat Christianized were often not included, while relatively highly-aculturated groups such as Moslem minorities sometimes were. When Non-Christian Tribes was officially abandoned in favor of "Indigenous Cultural Communities (ICC's)" in 1978, or, more recently, "IP's," the count increased dramatically.

neighboring island of Cuyo, which had enjoyed some economic advantage under both Spanish and American regimes, making Cuyonan the island's *lingua franca* for generations.

This changed with a massive influx of in-migrants, primarily Tagalog speakers, from areas around Manila. Pursuing promises of cheap land and virgin fishing grounds, these new settlers swelled Palawan's population to 270,000 by 1980. (Ibid) Since then, continued migration has caused the population to nearly triple to three-quarters of a million. (NSO, 2002)

Such a diverse and changing population complicates any nationalizing efforts. Recent arrivals to Palawan are primarily disaffected Tagalog-speakers from around Manila. This massive immigration has caused tremendous social displacement, pressuring indigenous peoples, straining infrastructure, and creating extreme competition for resources. As a result the state's inability to keep up with demands for services becomes ever more obvious, causing the population to look elsewhere for services.

Language status

Estimates of the number of languages spoken in the Philippines vary widely. The CIA Factbook lists only two "languages," Tagalog and English (2008), and eight "major dialects," while the U.S. Army's *Country Studies/Area Handbook* specifies around 87 "dialects" and 11 "languages." (1993) A map produced by the National Museums of the Philippines in 1982 puts the number of indigenous languages at 76; the most recent Encyclopedia Britannica concurs. (2008) The Philippine government's National Commission on Indigenous Peoples puts the number of "ethnolinguistic groups" at 110

(2003), while independent organizations like SIL International count 175 indigenous Philippine languages. (2005) This is in addition to between two and eleven “mainstream languages,” depending on who’s counting. Complicated by migratory status as noted above, a large and viable language group other than Tagalog can be as well correlated with political distance from the center. In the Philippines, community lines and language borders can sustain each other in a cycle of anti-nationalism.

Today, 42% of the population of Palawan still class themselves as Cuyonan speakers, nearly twice as many as those who claim Tagalog. With their ancestors hailing from what was historically an outpost of pro-American sentiment, those of Cuyonan descent often speak English, but rarely Tagalog. To isolate them further from the potential of involvement in government discourse, there is no written Cuyo language. Aside from their primary languages, IP’s tend to speak Tagalog and not English.

Religious status

Non-Catholic religious affiliation can help encourage alienation as well. 81% of the nation is Catholic, and national politics is dominated by an entrenched elite who are unabashedly Catholic; separation of church and state is not generally held to be a valuable political principle. One president, Fidel Ramos, was a United Methodist; as noted earlier, he was elected with less than 24% of the vote. Ironically, his presidency may have worked to further alienate non-Catholics, since the voice of the Catholic Church was more markedly visible as a result of his presidency. Archbishop Jaime Cardinal Sin, an outspoken individual whose pre-existing national prominence became virtual living sainthood because of his involvement in the People Power Revolution, was

quoted widely in the press as a constant and usually unabashedly confrontational voice, with senators and congresspersons lining up with him. No other religious affiliations have ever held such an overwhelmingly prominent position in the public dialogue. Those following other faiths justifiably felt their possibility for inclusion stymied, most notably Muslim groups in the south, some of whom have successfully petitioned for limited autonomy,⁴⁵ and indigenous peoples who maintain their own spiritual traditions, some of whom live in self-governing reserves.

Sex/Gender

Despite the motorcycle-taxi drivers (predominantly men) who prop their nine-month-old infants in front of them as a cheap solution to the childcare problems that face working families all over the world, women are generally the primary caretakers of dependents. As such, they have a particularly strong engagement with local communities, and remarkably little special consideration from the state.

Indeed, the position of women in the Philippines is complex. It could be argued that affluent women have greater access to government in the way of opportunity than many Western women – after all, the country has had two women presidents. Additionally, the country produces more women PhDs than men, and opportunities in the medical and legal professions are open to both sexes. Of course, theoretically, the more affluent one is, the less need she has of government resources, so the true effects of distancing from government are not reflected among professional women but among the working class.

⁴⁵ An autonomous Muslim region, comprised of five provinces, was established on Mindanao in 1989.

In the main, the regionally or community-based mechanisms that distance the population from state government affect both genders. Women, however, may have more tangible needs that the state claims to take responsibility for, such as child-rearing issues including education, medical care, food and housing, protection from violence and discrimination.

As is explored in Chapter Five, especially in regard to violence, women find little succor from the state. The quite intimate, community-based political environment has both significant benefits and considerable costs for women in particular – variable, of course, depending on the quality of that community-polity.

Methodology

There are few speeches or documents, court decisions or empty institutions to examine at the grassroots in Palawan – there are only the experiences of the discourse participants. Following James C. Scott (1985,1990), I look in places other than the putative center of power (the state) to analyze the discourse that shapes the lives of people who live within the Philippine state. Based on where we look, we see differently. The discourses found on the local level are hardly monolithic – but there are some notable features, which I will discuss.

Governance (the discourse that determines how power is exercised) must be conceptually separated from “government” (the actual institutions and practices). Considerations of governance could include finding a livelihood with the help of public resources, or administering such a program; the protection of common assets such as fisheries; the production of community-based value-added products. Also incorporated

into ideas of governance are basic services; according to the United Nations Statistical Institute for Asia and the Pacific, 46% of the people in the Philippines live on less than \$2 a day. (UNSIAP, 2003)⁴⁶ Services are not significantly less expensive, however, than in richer Global North countries, so things like electricity and pay-per-use water are out of the reach of most rural Filipino/as, unless the barangay in which they live has, say, a communal generator; if available, this would provide typically two hours a day of power between seven and nine at night.

I designed an interview format meant to uncover the discourses people participated in when they discussed or tried to gain access to governance (text found in Appendix B). I investigated the perceptions and usefulness of governance mechanisms from the bottom up by questioning two groups of people: people who were trying to access goods or services considered necessary but which they were unable to provide for themselves, and people who were trying to provide those services, either as elected or appointed members of the government or as members of NGOs or POs.

I asked which institutions inspired trust; which institutions produced results; I asked to whom interviewees looked for solving problems. Interview subjects were asked about their perceptions of the national, provincial, city and barangay governments, as well as their relationship with non-governmental social service organizations, NGOs, or the grassroots-generated initiatives commonly classed as People's Organizations (POs). POs implement a variety of small-scale local poverty-alleviation projects such as cooperatives for growing and marketing vegetables, women's handicrafts, canning and fisheries support, and tourism operations. Some examples of goods or services beyond

⁴⁶ Other resources sponsored by UNSIAP name the poverty level between 22% and 37%.

the reach of POs, and which required external support (such as that provided by an INGO or foreign state) are electricity, wells or water treatment plants; roads, irrigation projects, legal assistance, livelihood training; livelihood protection, shelter in cases of homelessness, or dependent care.

I worked with a team of five researchers to interview 207 people in twenty-two barangays geographically scattered across the province, from June through September, 2006. The research team covered the major languages employed in the region: Cuyonan, Batak, Palawano, Tagalog, English. We never encountered a person with whom we could not communicate in a language in which he or she was comfortable.

Palawan consists of 22 municipalities⁴⁷ and one city, (In the state government hierarchy a "city" is the same administrative level as a municipality, but receives greater revenues from the state, further alienating those in outlying municipalities.) Each is governed by a mayor. Of the 22 municipalities, half are on the island of Palawan itself and the remainder are composed of small, outlying islands. In hopes of successfully addressing this diversity, we selected one municipality, Coron, off the main island, and five, at random, on the main island. We were able to diversify the sample by including barangays relying on both coastal and upland forest resources, including two indigenous farmer-gatherer-hunter groups. In addition, we worked in the province's only city, Puerto Princesa. In the interests of assuring diversity of sample, we examined urban as well as rural settings, we also selected at least two barangays in the three largest metropolitan areas in the province. These urban areas are Puerto Princesa, Roxas, and El Nido. We

⁴⁷ The average size of a municipality on Palawan is about 600 sq km. Most include substantial forest and agricultural lands. The capital city of Puerto Princessa, with a population of 162,000, has an area of 2400 square kilometers. The smallest, the outlying islands of Kalayaan, has an area of .79 sq. km.

tried to do the same in the town of Coron on the municipality of Coron, but were blocked by the mayor, so we ended up with only rural barangays in that province. Overall, we interviewed in 22 barangays.⁴⁸

Subject selection was tricky, as there are very few telephones, much less telephone directories, from which to draw a random sample. The sampling randomness is further complicated by the social norm that a researcher is expected to present herself or himself to the barangay captain (kapitan) before initiating any project. The person who filled this position, usually a male, occasionally a female, thus became the sole conduit for an outsider like myself to gain access to a barangay. Most kapitans took it upon themselves to find me interview subjects, usually out of a sense of helpfulness. This was obviously problematic, but equally obviously difficult to avoid, given the cultural context that demanded polite agreement with a person in such a position.

Fortunately, my research team displayed great creativity and insight in solving this problem. We sought out the varying socioeconomic areas in each barangay. We inquired as to whom did not like the kapitan (often, this was the previous kapitan), and then quietly sent someone over to talk to him or her to gain access to a different set of names. When possible, one of the team would simply walk down a randomly chosen lane and talk to everyone who lived there. We would ask to talk to people who had dropped out or resisted a given program. No one technique would work in every barangay, but we managed to acquire at least three-quarters of all interviews without the kapitans' involvement. The snowball sample was thus leavened by as much randomness

⁴⁸ With an overall total of 207 interviews, this is an average of just over 9 interviews per barangay. I attempted with limited success to equalize the numbers of interviews per barangay.

as we could introduce, given that standard interview techniques are designed for a Global North context.

Questions were meant to triangulate on perceived effectiveness (meaning that the organization did what the organization *said it would do*) and usefulness (meaning that the organization did what the respondent *thought it should do*). A number of open-ended questions asked whether the respondent felt their lives were impacted by joining or initiating a collective action that involved either government or any NGO. These questions were pursued if the respondent showed an inclination to expand. A second series of questions asked the respondent's personal opinion of governance and social service on a number of levels: state, province, city, and barangay.

Research Results

When examining the local discourse on Palawan, there were two major findings. People were more attached to local governance than national governance. This is hardly surprising in and of itself; these results are found in US politics as well. The second finding is that people were more attached to NGOs operating in the area than to any government, even the local governance unit. People were well aware of the international NGOs at work in their barangays, and quite specifically aware of the contribution they made that worked outside the discourse of the state.

I interviewed 207 individuals, 119 women and 85 men (three people did not have their gender recorded). The charts below present some basic demographics. Chart 1 shows the age distribution of the individuals in the study, which ranged from 21 to 83 years of age. Chart 2 looks at income reported for the previous month. Chart 3

compares income for the month as reported by men and by women. (There was one woman who reported an income of PHP18,000 (US\$400), which is not included.)

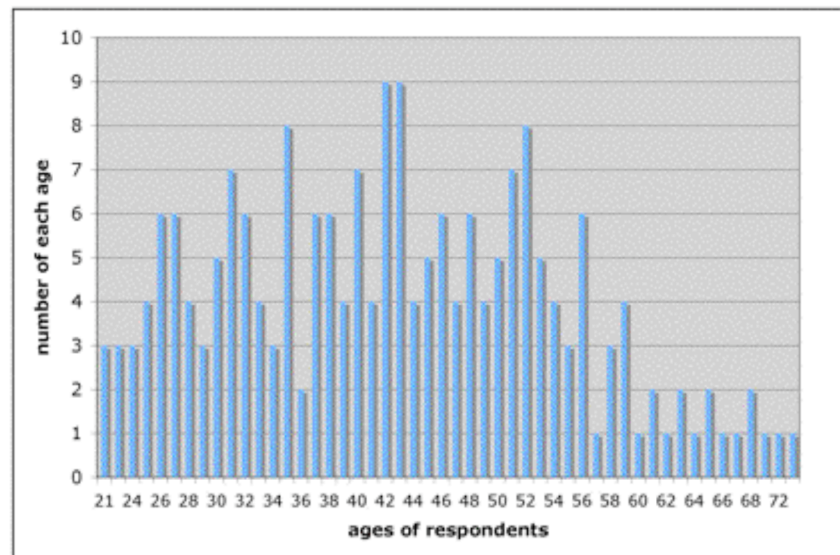


Chart 4.1

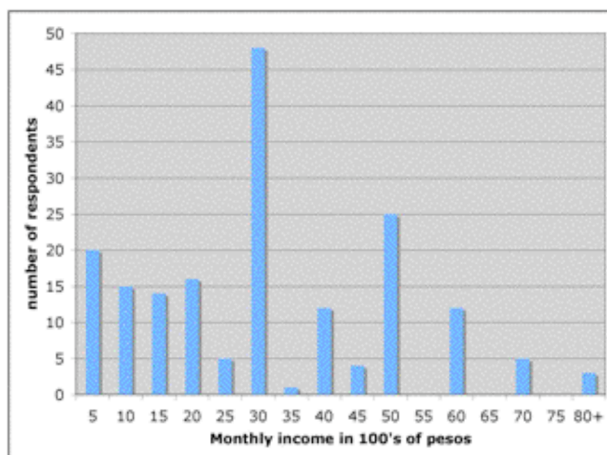


Chart 4.2

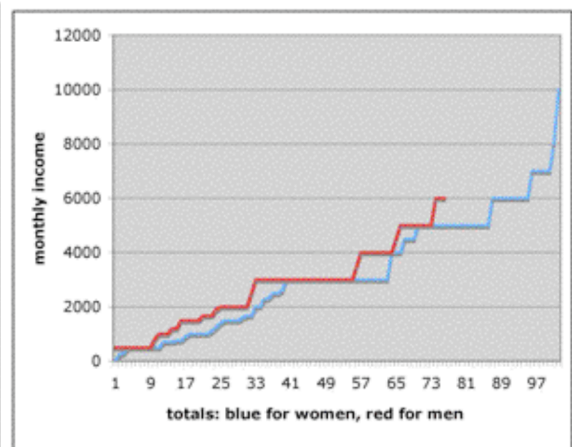


Chart 4.3

I then asked for their opinions about the importance of various politicians/levels of government. To test a general knowledge of politics, in order to assess if people were really providing considered political positions, I asked respondents if they could name their barangay captain, mayor, congressperson, and senator. With 198

responses, the number of people who could name each category of politician was 95% or above in each category; in addition, 23% could name at least one Supreme Court justice – and these justices are not nearly the household names that they are in the US. This was not surprising in an urban area like Puerto Princesa, but many of the barangays surveyed were quite remote, on offshore islands or in mountainous wilderness where people had limited literacy and only sporadic access to the media. There was no significant difference from region to region, or across economic spectrums.

Perhaps surprisingly, the indigenous people interviewed showed similar political awareness. The poorest and most isolated people on the island, they are arguably the most far removed, geographically, historically, and culturally from any nationalizing project. Contacting them was, of course, much more problematic. I succeeded in visiting two upland indigenous groups, the Tagbanua and the Batak (the latter known for its xenophobia) and interviewed 29 members among them. Literacy rates there are very low – quite likely zero among the individuals interviewed;⁴⁹ the Batak in particular have very limited numeracy. Access to media appears to be nearly nonexistent, with only very sporadic radio access (one of the best houseguest presents to bring Batak are batteries for their radios). Still, they reported only slightly less political knowledge than the norm, with more than 90% right in all categories, excepting that only one person was able to name a Supreme Court justice. I can only speculate that this high awareness stems from their cooperation with NGOs and INGOs over land tenure issues. Government actions, in

⁴⁹ In the past ten years or so some Batak and Tagbanua children have begun attending primary school. The youngest IP in our sample had her age estimated at 22, too young to have attained any such formal education.

terms of the disposition of national forest land and allocation of its resources, affect them in ways that are very real and immediate.

We then asked our respondents to rank politicians in terms of importance to them, as a proxy for identifying which levels of government were associated with the provision of needed resources.

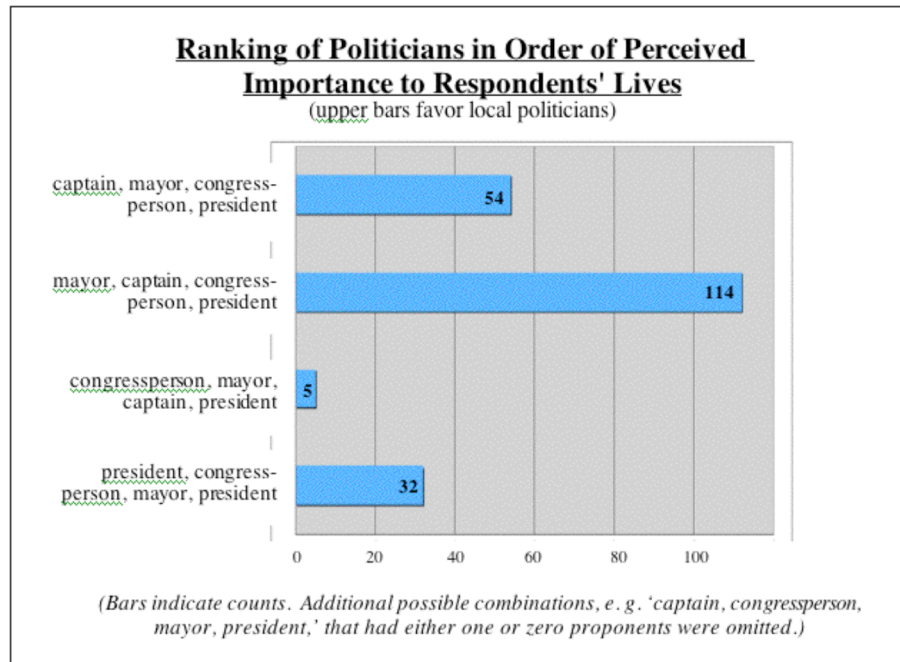


chart 4.4

In the graph above, rankings that favored more local politicians are on the top; those favoring more national politicians are on the bottom. The first two are a proxy for local government, with fewer ties to the state; the second two are state-wide political figures.

Results suggest local politicians hold a far more prominent place in the minds of respondents across Palawan. The leader of the municipality is often rated higher than the barangay captain, which is a bit anomalous if the barangay is the center of governance. I suspect that since everyone in a barangay is likely to know the captain personally, and that the mayor is for most a more anonymous figure who people know more from his/her

representations in the press, the rivalries of small-town politics could lead to a downgrading of the captain in some citizens' eyes. In any case, the finding that local governance is ranked of higher importance indicates that the devolution strategies pursued by the central government are matched by a similar cognizance on the part of Palawansians.

Despite peoples' seeming identification with their closest governmental units, most essential social service governance projects are beyond the financial capability of individual barangays. Things like a generator, a building for a cooperative, in one case funding for a local *banca*-maker are beyond the resources of government, stretched very thin by inadequate funds from the state government, a very slim tax base, and many demands on few resources. Other organizations are accepted, even welcomed, to supplement government. This creates a further complication of the relationship between the populace and the government, in that NGOs and POs, who may be able to supply some of these goods, are regarded quite highly. This next set of charts shows the extent of this effect.

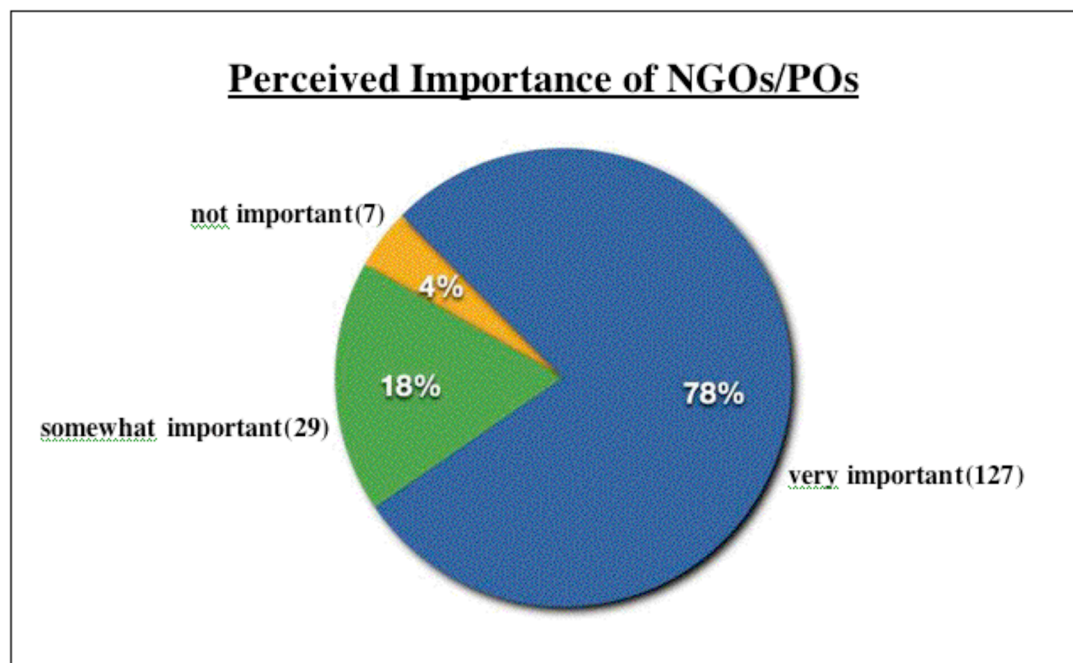


Chart 4.5

In the chart above we can see how people ranked NGOs and POs in terms of their overall importance. Very few people did not think NGOs/POs were helpful to the life of the barangay. The Western perception that government itself is the center of governance is shown to be somewhat inaccurate. Even the barangay leadership, the heads of the formal government unit, were perfectly frank about how important NGOs and POs are. The very distinction drawn between *non-governmental* and *governmental* organizations begins to be called into question as a specific cultural construct.

The more interesting finding, however, is that substantially more people found NGOs/POs helpful than they did the barangay itself, and nearly half thought the two organizing structures were equally important (below). Government itself, under these conditions, becomes somewhat superfluous.

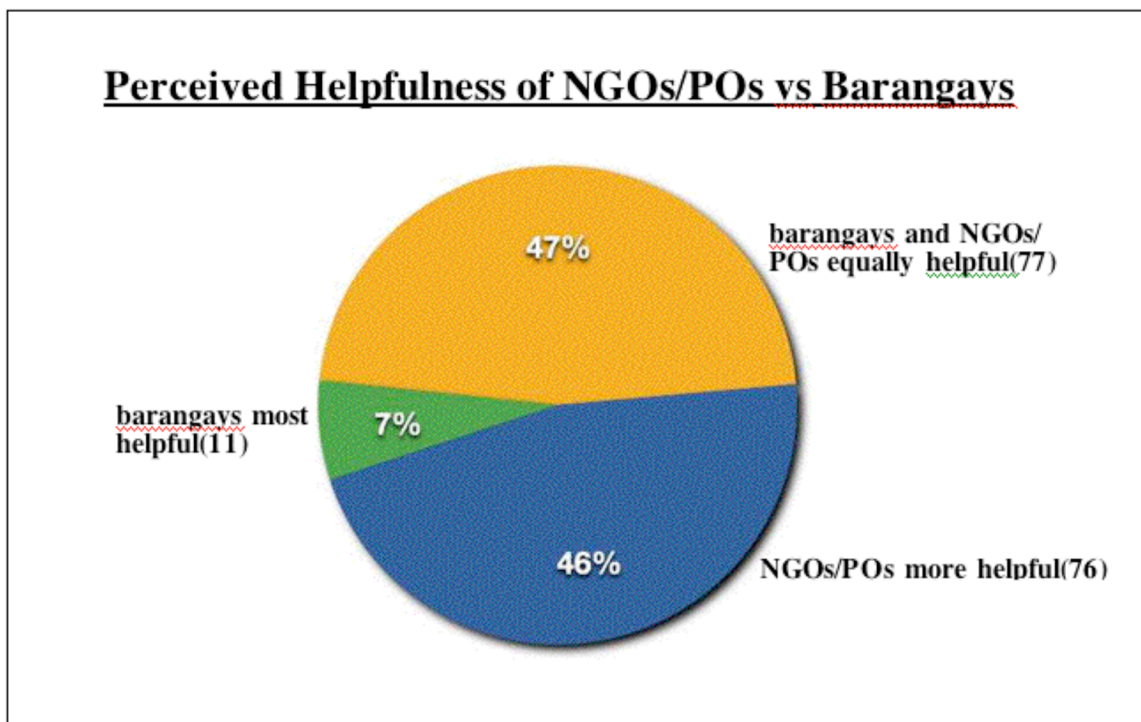


Chart 4.6

To summarize the findings thus far, perception of local government perception is far more positive than perception of national government. However, examining local government by itself shows that the more effective form of local government is actually not government at all, but the nonprofit sector as well as locally-generated cooperatives and similar organizations, often termed “civil society” in political science parlance.

Ultimately my interest was in peoples’ perceptions of the assurance of their rights. To gain insight into individuals’ expectations for government in this regard, I gathered their impressions of the actual effectiveness of various institutions.

My first concern was in phrasing the question. I did not want to present the query in a way that would predispose an answer. My research team assured me that the English word “rights” was commonly used, as was the Tagalog *karapatan*. This was, I thought initially, somewhat problematic. *Karapatan* was often used in the context of “rights and privileges,” as well as being the name of a highly-respected Philippine human rights organization that concentrates on civil and political rights. This, combined with the common American understanding of the word “rights,” lead me to be concerned that a more Western perception of the concept of rights would come into play, that is, emphasizing primarily first-generation rights when it was possible that the respondents actually embraced a more inclusive view.

I decided to present the question as openly as possible using only “rights” or “*karapatan*” with no further explanation. As predicted, one or both of these terms was familiar to all respondents, regardless of their primary language. My concerns over perceptions of “rights” were allayed when I examined the initial field data. People were quite capable of distinguishing between the Americanized concept of rights as primarily

civil and political rights; they often specifically identified organizations that were more involved with economic, social and cultural rights.

Of the 118 individuals who answered the open-ended question, "Who do you think *should* assure your rights?" (*Sino ang gumagarantiya at nananagot sa iyong mga karapatan?*) everyone answered government, on some scale (discounting two individuals who replied "I don't know"). Of these, 64 answered simply "government," without distinguishing between layers of government, while 25 specified local government, and 27 state-level government.

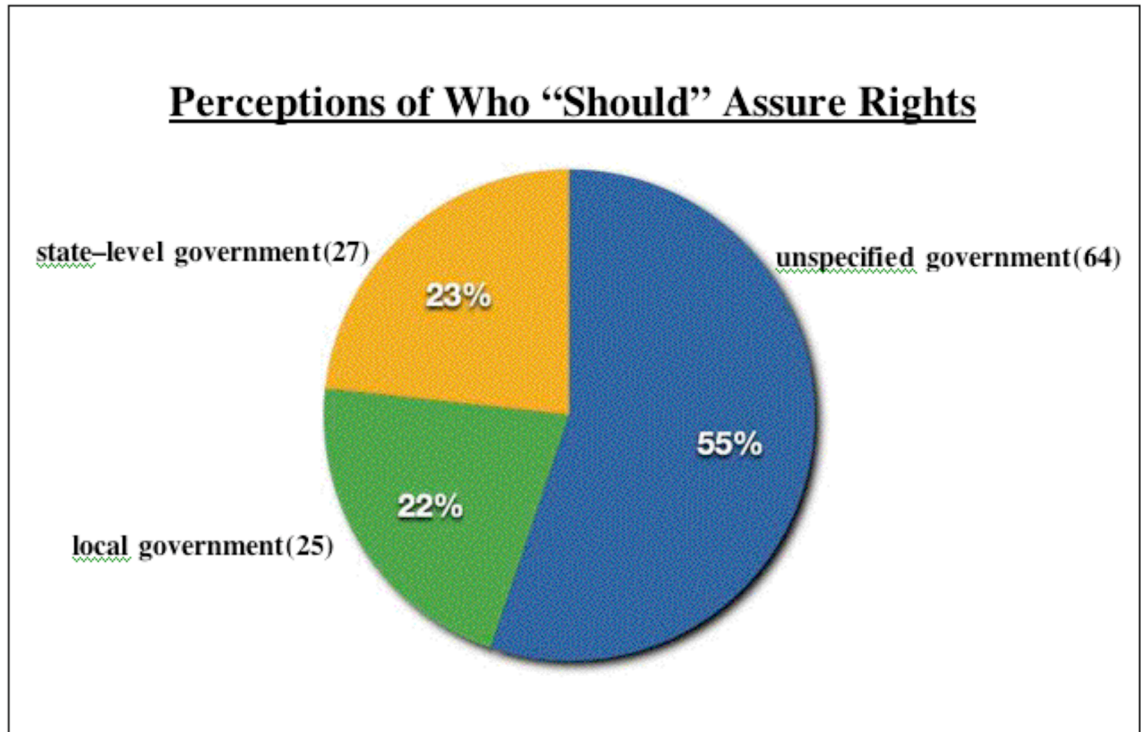


Chart 4.7

What I take away from this finding is that the idea of rights has been co-constituted with the state-as-governance quite successfully. People in Palawan share the Western imaginary that the state should exist as the nation-state.

I then asked who actually does assure rights; again, as an open-ended question. 107 of those previously questioned above opted to answer. 79 mentioned NGOs/POs as the exclusive organizations that in their perception do protect their rights, with 25% of those going so far as to offer the names of supporting IGOs or INGOs. 23 others also answered that NGOs/POs protected their rights, but in combination with government. Of these, fifteen saw the combination of NGOs/POs and local government units as effective, while eight cited state-level government as complementing the work of NGOs/POs. No one exclusively cited state-level government as effectively protecting their rights. In the end, only five individuals did not include NGOs/POs as part of their answer, and these all gave the nod to the barangay - the smallest and most autonomous level of government. Included in these results are five particularly charitable persons who said "all are helpful," and one sad individual who reported that no one helps protect his rights.

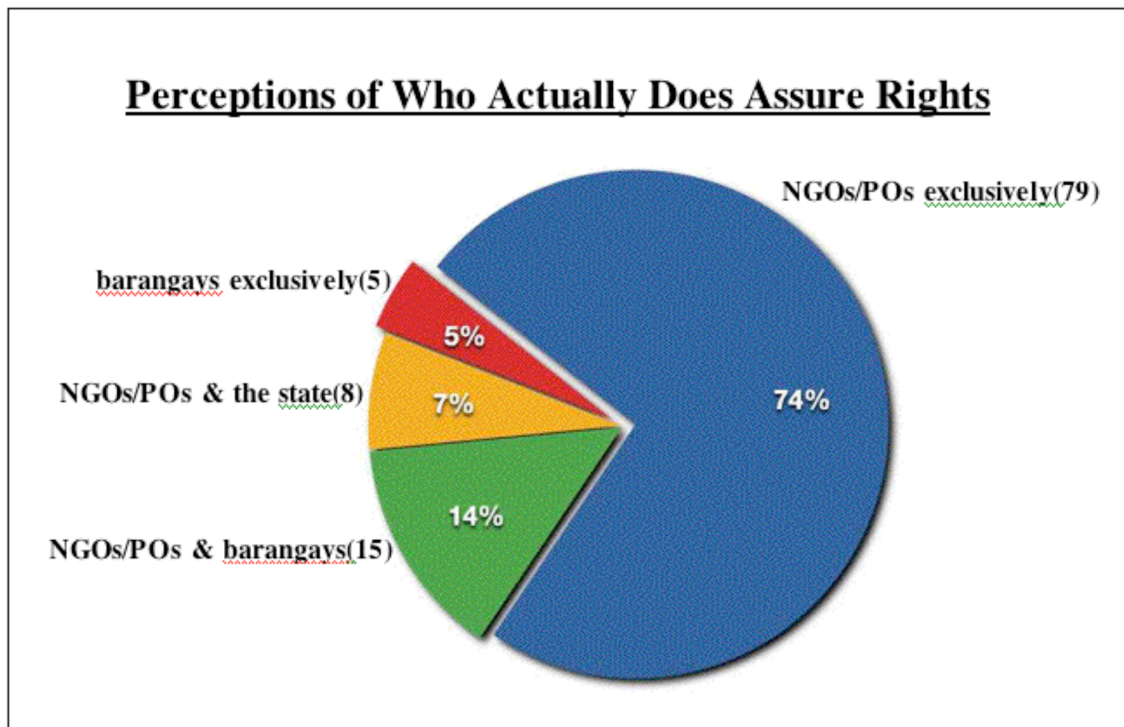


Chart 4.8

To sum up the findings so far, all of our more than 100 respondents answered that government on some level should assure their rights. This is what they wanted from government; they were, however, frustrated. When asked who actually does protect their rights, nearly 80% pointed to NGOs and POs exclusively (often mentioning their international partners), with most of the remainder lumping NGOs/POs and LGUs together as being most effective. Only eight mentioned state government, and then only in combination with other, smaller-scale agencies. The discrepancy between these two answers shows that the construction of separation between government and non-government lets “non-governmental” agencies perform the expected functions of governing, but reserves to the formal government the legitimacy associated with the protection of peoples’ rights. In other words, the discourse of government keeps the idea of legitimacy centered on formal government structures, while NGOs pay the expensive social service costs.

The interview results also helped answer the question about people’s perception of the word “rights.” Of the 102 who responded that NGOs or POs helped assure their rights, 89 mentioned organizations by name, often several. By looking at what kinds of activities these organizations were engaged in, we can get an idea of the concepts surrounding the word “rights” (or *karapatan*) that was shared by those we surveyed.

These 89 respondents offered the names of NGOs/POs 127 times, mentioning 31 different NGOs/POs in all. After reviewing each of their mandates, I broke the organizations down into five rough categories based on the kind of support they provide: micro-loan/business training, sustainability/livelihood, income generation, legal support, and social service. The divisions are somewhat fluid, as some organizations perform

more than one function. Haribon Palawan, for example, by far the oft-most mentioned NGO, provides primarily sustainable livelihood programs among lowland farmers, while providing legal assistance for Batak and Tagbanua land claims. Hence, it is both a legal support and a sustainability/livelihood organization, with considerable overlap in Haribon's work across different regions. (In this case I counted their lowland work as livelihood and upland work as legal in the final tallies.)

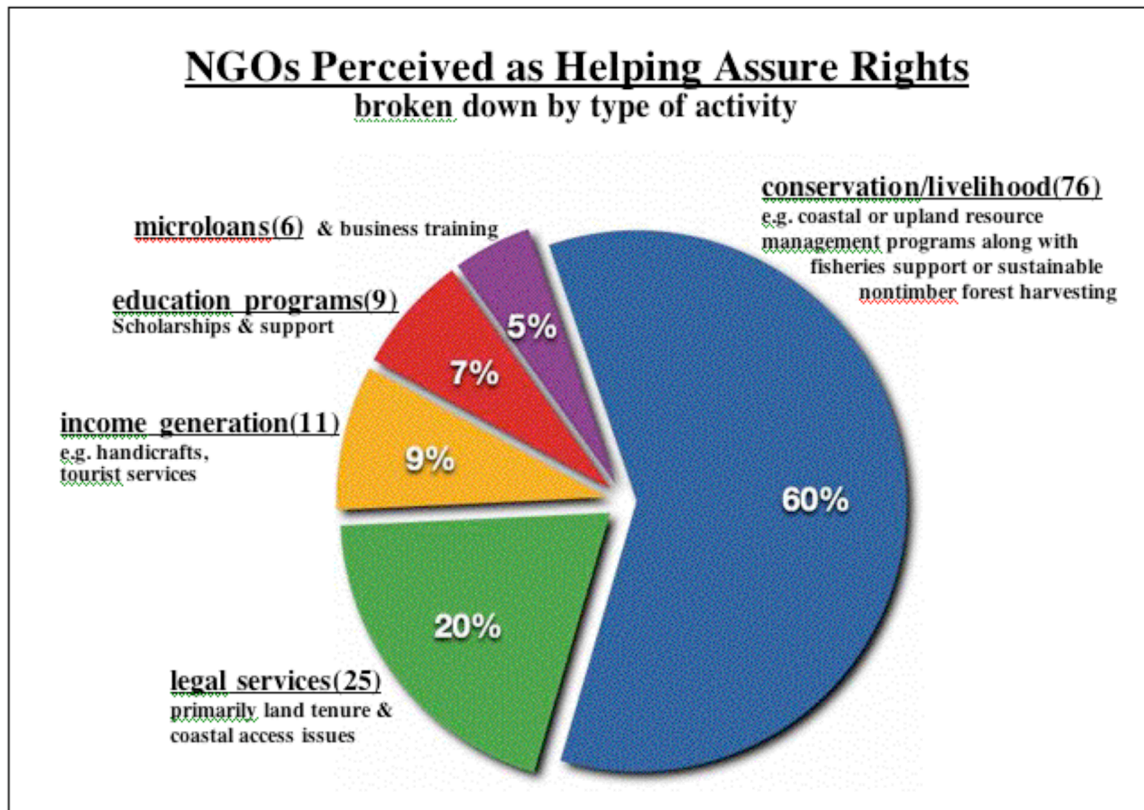


Chart 4.9

A note of caution: this is not a comprehensive survey of NGOs operating in the area. It is rather a cursory and highly subjective survey regarding which NGOs our respondents had worked with that they felt were especially helpful in issues of rights. I believe the results are useful for both determining to some degree how successful certain

NGOs are in attaining their ends, and for gaining some insight into how those on Palawan view the concept of “rights,” and what their expectations are for their fulfillment.

The manner in which the categories in the chart above are compiled reflect the realities of NGO service delivery on Palawan. For example, the organizations cited that administered micro-loans also each provided basic business training. Livelihood programs were inextricably tied up with conservation efforts. This was a result of the heavy role of environmental NGOs, and their acknowledgement that conservation and poverty alleviation are inextricably linked. Hence, we have for example numerous fisherfolk cooperatives simultaneously dedicated to both coastal resource management and income enhancement, or combined forest development and conservation programs. There is a real identification with second and third generation rights, with environmental awareness playing a major role. Indeed, when asked what were the most important challenges in their lives, environmental protection was a consistent theme.

International support was another category of interest. Most of the interview subjects had never been outside of Palawan, if they had even traveled much beyond their municipality at all. Yet statements like “this generator was a gift from the government of South Korea,” from Captain Gaspar of Barangay Salvacion, or “the Swiss Conservation Union bought us the irrigation equipment” from Kapitan Buyungog of the Batak of Manggapin, were common. Even those in the most remote villages had a tangible connection with the world INGO scene. The visibility of the international over the national defies the expectation of “natural” centrality of the state predicted by the discourse of Western nation-stateness.

Of the 31 NGOs/POs mentioned by name, 13 were very local or village initiatives, primarily POs, with no substantial outside connections. Of the 18 that were initiated or supported by local NGOs, 13 were funded by international concerns. Most often, a local NGO initiated the work that received outside funding, or partnered with an outside funder. In this scenario, many of the same names appear: UNDP, followed by the EU, were the organizations most often identified by name by participants. They were involved with the Johnson Island Fisherfolk Association; sustainable development programs with the Batak; Saragpunta, a legal advocacy organization for the Tagbanua; the Sabang Sea Ferry Coop (which transports tourists); and the Sabang Vendors Association, which also serves tourists. Taytay sa Kauswagan Incorporated (TKSI), a micro-loan program, was Grameen Bank Replication Certified, placing it in an international pool of micro-lenders funded by MacArthur Foundation, the Rockefeller Foundation, USAID, the World Bank, and the CitiGroup Foundation. The Asian Development Bank and The Global Environment Facility (in Washington D.C.) had predictable roles providing funding and oversight in areas such as fisheries management and micro-loans. In each case Philippine state government involvement was minimal.

Belgian organizations seem to have a particular interest in the Tagbanua, with the Province of Antwerp, and VOLENS (a Belgian professional volunteer organization), along with the Catholic Church of Germany, providing assistance with the mapping of coastal regions that resulted in the Tagbanua successfully winning a hotly contested Ancestral Domains Claim. The Japan Bank for International Development provided funding for fisheries management, while World Vision, a U.S.-based Christian child

sponsoring organization, provided school funding. Again, these are all activities that were classed as “helping assure rights.”

There are two overarching NGOs which provide conduits for much of this development money. One is the national Foundation for the Philippine Environment, which describes itself as a partnership between Philippine NGOs and POs, the Philippine DENR, international NGOs, and the U.S. government. Most USAID and WWF fund money to the province is funneled through FPE’s three regional offices. Big outside funders are in this way circumventing any direct government control over their contributions.

The other is a local NGO, Haribon Palawan, arguably the first successful environmental advocacy organization in the province. It manages programs in sustainable development, forest and coastal resource management, as well as administering micro-loans, legal assistance, and more, mostly in Puerto Princesa and neighboring municipalities. In the past, large international funders made no effort to conceal the fact that by administering their work through organizations like Haribon Palawan they were deliberately avoiding the state government as well as local government units. (Stiles, 1991) The successes that environmental organizations have had in administering international funding has contributed in no small way to the development of a more responsible government on Palawan, and funders are today less shy about working through local government structures, although less so at the state level. The role of environmental NGOs will be covered in some detail in Chapter Six.

Conclusion

The initiatives discussed above, those with international funding that are seen as being most helpful in terms of “rights” assurance, are split almost evenly into two categories: larger initiatives that encompass several municipalities; and smaller initiatives that are very local, for example women banca operators ferrying tourists, or fisherfolk on one small offshore island. In most cases the number of individuals served by these organizations number in the dozens. These small scale enterprises, supported by local NGOs, have attracted attention from funders like the UNDP Small Grants Program, or the Global Environment Facility, and I find it equally impressive that such small scale enterprises can pair up with small, special-interest funders as well.

Palawan in particular has a history in which local NGO’s and international organizations have teemed up to attempt to change the prevailing discourse, with some success, by circumventing the state apparatus. I go into some detail about this in Chapter Six. In the next chapter, however, I look at a case study of well-intended IGO and state human rights intervention that instead worked visibly and conscientiously through with the state apparatus, with the effect of strengthening the state, but unfortunately without providing the assistance intended.

Chapter Five

Case Study: The Violence Against Women and their Children Act

There are three empirical findings in this dissertation. First, at the grassroots of Palawan in the Philippines, people derive more support from INGOs and local peoples' organizations than from local or state government. Second, the state itself is more composed of external than internal discourse – a “hollow state”. Third, external actors (such as other states and NGOs) working to increase access to rights often treat the state as real and effective. The result of this third finding is that some actions taken by these external actors may strengthen the state, but may not result in people getting better access to rights. I conclude that separating the discourse of rights from the discourse of the state may help unhinge these undesirable results.

In previous chapters, I have demonstrated the first two findings. In this chapter, I show support for the third finding by examining the Violence Against Women and their Children Act (VAWC). Some external actors treat the state as real and effective, and human rights activism which participates in the discourse of states sometimes produces undesirable results: the discourse of states may be strengthened, but people do not necessarily achieve better access to rights.

Some scholars and activists make well-intended moves which harmfully reify the state. The primary goal (for example, producing equal justice for women under the law) may or may not be achieved; in either case one *certain* result is that working through the state tends to strengthen the discourse of the state. A redistributive conception of justice that treats states *as if* they are real political communities may, in fact, help to make them so. This may make different types of inequity within their reified boundaries invisible, and certain people perhaps even more vulnerable, since the claim could be made that all possible solutions for that problem have been attempted.

The barangay, the smallest unit of governance in the Philippines, is the unit with which most people identify and have a relationship, as I show in Chapter Four. The state government is a distant and fairly meaningless entity, for the most part. Dynamics inside the barangay are quite independent of state governance and quite resistant to state

interventions. Because of this, central government measures tend to be re-translated by the barangays into language that works in the local governance culture. Rather than accepting state legislation wholesale, a barangay will either ignore it or incorporate it into local discourse, which may or may not resemble the intent of the lawmakers.

The international community of human rights donors, lawmakers, and activists often operate on the model that the entity they fund/advise/pressure is a successful nation-state. Feminists, taking on vulnerability within intimate relationships and workplaces, have with some success looked to the states in which they live to help assure safety and fair treatment, yet this is problematically made universal. The Violence Against Women and their Children Act (VAWC) illustrates human rights activism that imagines the state as a nation-state, and therefore fails to achieve its desired mandate. By choosing to work through the state, activists and scholars may end up strengthening the state while failing to reach women in their own communities – often the barangay.

Feminists and the State

Sonia Alvarez, discussing the emergence and development of women's movements in Brazil, distinguishes between *feminine* activism (geared toward pragmatic, everyday issues that disproportionately affect women) and *feminist* activism, directed toward societal transformation. (1990) These differences can map along class lines, and certainly are reflected in the divergent goals of different actors in this chapter.

Much feminist human rights thinking privileges the state. The more middle class women engaged in *feminist* activism in Alvarez' work engage with the state as a potential site of transformative politics, thus engaging in precisely the reificatory politics that

produce the state as a human rights actor. Alvarez ends up concentrating on middle-class activists in *Engendering Democracy*; attending to working class, local politics reveals a whole different framework which is at least the medium of interpretation of middle-class politics, and at most a powerful site of resistance to feminist social change.

Charlotte Bunch has demonstrated in “Women’s Rights as Human Rights” how any accounting of rights that fails to take seriously economic and social rights has severe consequences for certain populations, particularly women and their children. (1987) Often these consequences are as dire as those guarded against by the institution of the stronger category of non-derogable rights. The implicit guarantor of rights in these cases are states – and in fact Bunch is arguing for building state capacity by demanding the state provide services to women. IGOs have reacted to Bunch’s criticism by a radical move toward inclusion of gendered analysis in their programming – Charlotte Bunch has truly been effective in transmitting this message. However, by concentrating so heavily on the state, other forms of governance are made invisible, including those that have significantly more meaning to women; if we impose meanings instead of dealing with women’s lives as they exist, human rights activism becomes misdirected, even co-opted.

In the previously developed example of Margaret Keck and Kathryn Sikkink’s theory, in which newly salient TANs have to bypass the state in which they exist, the state is privileged both as the site which is bypassed, as well as the ultimate target of bypass activism. (1998, 10-12) This may be true for certain kinds of groups, at certain times, but many, perhaps most, groups in states which are not particularly responsive to their constituents may instead seek to bypass the state altogether. The boomerang theory makes sense if the agents seeking change believe that pressure on the state will in turn

affect their cause; however, people who live in a “hollow state” do not necessarily anticipate participation in the discourse of the state.

Some feminist scholars are, like some political scientists, taking more seriously the constructed nature of statist discourse. Having worked hard within their own political entities to bring about change, some are starkly admitting that the state does not work. Nancy Fraser in her article “Framing Justice” points out that the Keynesian-Westphalian state (her phrase) is “losing its aura of self-evidence”. (2005, 71) She addresses the emerging patterns of political and social processes which overflow the national state, the emerging importance of supranational and international organizations, and the importance of public opinion internationally. Her article is insightful – and braver for admitting that she is questioning the utility of some tactics she previously advocated to influence the state. Yet she comes to the conclusion that the world has changed from one dominated by the nation-state to one where significant inroads are being made into the nation-state by transnational processes. This leaves the nation-state central.

Human rights regimes themselves look different when one acknowledges that previous frames were implicitly built upon the nation-state. It is not just the substance of claims to justice that need to be examined and formulated, but the appropriate venue for redress needs to be thought through anew. (Fraser, 72) To be fair, and pragmatic, enforcement of rights is what activists and scholars are asking of the state; most are quite aware that this is a Faustian bargain. However, the distinction between pragmatic decision-making and actual reification is often lost. Additionally, alternative governance mechanisms may be more useful in many cases. At any rate, reliance on the state produces certain systematic problems that need to constantly be attended to – reliance on

a state should not be the default mode it currently is within human rights thinking. The people designing these projects almost always have the best intentions; nor are they thoughtless. The state, however, occupies such a central place in the governance imaginary that working outside its purview becomes unthinkable.

Making certain thoughts unthinkable is simply a discursive production of the very powerful discourse of the nation-state – which is reinforced by another aspect of my research (see Chapter Six) that explores the role of those NGOs and IGOs that do successfully adapt to the political formation extant in the Philippines by circumventing the state government, sometimes to avoid corrupt structures and other times as an ad hoc mechanism to help ensure effectiveness and working directly with smaller-scale local structures, both governmental and non-governmental. In this case, they do indeed breach the sphere of the hollow state, challenging the discursive construction of the nation-state.

Case Study: VAWC

The Violence against Women and their Children Act is state-government originated and local-government implemented. This case illustrates that few women are actually able to access the provisions of this law, in large part because of the split between the layers of discourse on governance. The effect of this law is to create feminist loyalty to the state (the Good Czar syndrome) without pressuring the real source and locus of political activity, the barangay, nor becoming meaningful agents of state change.

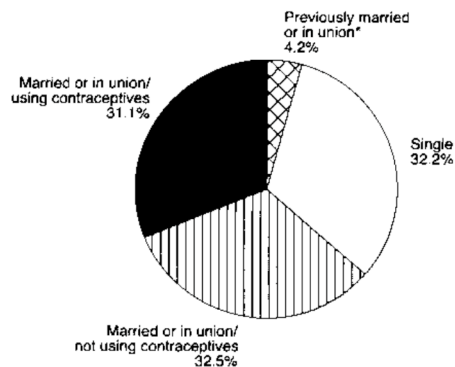
Republic Act 9262, or the Anti-Violence Against Women and their Children Act (VAWC), was signed into law on March 8, 2004, in conjunction with International Women's Day. This was no coincidence – this was an issue whose time had come due to

international visibility. The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) and the Canadian International Development Agency (CIDA) were both strong boosters of the law, as well as financial backers.

Implementation is of course the problem. The VAWC act nicely illustrates the dynamic that characterizes barangay and state politics. Here the split between the state and local governance is critical, and the reproduction of this divide is important. The fact that the barangay is the principle point of governance was not understood or anticipated in the efforts of the interstate forces instrumental in bringing about this particular piece of progressive legislation. To be fair, both international agencies most closely associated with this legislation have long been aware of and troubled by the lack of state effectiveness on these issues, which extends to a complete dearth of accurate nationwide statistics and information dissemination channels.⁵⁰ Both are implementing programs to

⁵⁰ This is not always due to insufficient governmental capacity; sometimes ideology intrudes. My favorite chart from the NCRFW follows; apparently single women always obey the moral injunction from the Catholic Church barring unmarried people from having sex. Therefore they have no need of contraception.

5.2 Marital status and contraceptive use



*Separated or widowed.

strengthen state capacity in those areas – but this simply illustrates the point I am making: in attempting to build state capacity instead of recognizing the limitations of the state, they pour resources into efforts that will strengthen state institutions. IGOs are not alone here. The Beijing Platform for Action also called for information gathering efforts as part of the essential program for feminist progress in the Philippines. Information gathering through state governmental structures assumes governmental structures that resemble those in the West, which is quite problematic.

State-level information is extremely limited on intimate partner violence. The National Commission on the Role of Filipino Women is the central agency responsible for coordinating and spearheading all efforts on women's issues at the state level. Their function ranges from legislative lobbying and advising to structuring micro-loans for women entrepreneurs. The government received C\$7.3 million from CIDA to support the work of the Commission. (CIDA, 2008) The NCRFW reports a decline in violence against women since 2001, from 9,132 cases to 4687 by October of 2007, with an expectation of just over 5000 by year's end. (NCRFW, 2008)

These numbers are reported in the first line in the section of the Commission's report on violence as one indicator of the status of women in the Philippines, published in March of 2008. According to the report, this decrease in reporting of cases was 2.5% a year. The second (but separate) bullet point reads: "The downward trend does not necessarily indicate a decreasing VAW incidence". This indicates the authors of the report are aware of a serious reporting problem, but numbers must be reported, even if they are recognized to be useless. Further on in the report, the decrease in reports of intimate partner violence, the most prevalent single component of VAW, is reported as

showing an even sharper decline, from 5668 in 2001 to 1892 in 2006, with likely continuation at about those same numbers for 2007. There is no hedge behind these numbers, although obviously the same reservation holds. Numbers, independent of meaning, are constructed to match a template provided by a western country, with absolutely no assurance of a similarity in the ability to produce useful policy or reflect social change.

To show the thinness of meaning attached to these numbers, it may be useful to compare the rate of domestic violence reported in the Philippines to the US numbers (which is not to say that the rate of domestic partner violence is at all comparable to the US). The CDC determined the US rate of domestic violence in 1995 (CDC, 2003) to be that about 1.8% of women were the victims of intimate partner violence in the previous 12 months. That would be over two million women. 572,000 of those attacks were officially reported to the federal government, about a quarter of them, which means about .45% of the women in the US. The Philippines has 45,000,000 women; 1892 (the number of women who are known to the state government as reporting attacks from intimate partners in 2006) of them would be .004%, a tiny, tiny fraction of the US rate. Given the underreporting of domestic violence by 75% (the generally accepted figure) in the US, we must assume from the significantly lower and significantly more variable rates in the Philippines in these centrally generated figures are simply not useful in assessing the prevalence of intimate partner violence in women's lives, especially considering the radically changing numbers over short periods of time.

There is a plausible alternative explanation for the decreasing numbers. It may be that fewer women find it useful to report crimes in their homes in a manner that the

information makes its way to the central government, even after VAWC. Domestic violence does not normally fluctuate in the same way that other violent crimes do, so a dramatic drop in reporting crimes may indicate a precipitate reduction in trust of institutions, rather than fewer women in danger. The decrease in reported crimes may be a bad-news story, not a good-news one, if one is assessing belief in the central government as rights protector.

While this assessment is available to anyone looking at the numbers provided by the central government, it is still the central government that is imagined to be the locus of change. However, the hollowness of central institutions is not taken to be an intrinsic facet of the political discourse, but reflecting a way-station on a trajectory in which feminist activism to strengthen the state could be efficacious in helping women. Engagement with the state legitimates the state.

About the Act

There are many progressive provisions of the Act. Overt recognition of Battered Woman Syndrome forecloses the possibility of legal battles which women in the US and elsewhere had to fight. Although language (including the title) often devolves to gendered norms, the provisions of the law are fairly non-gendered. People other than the victim of abuse can bring a case, such as relatives, certain people in authority in the barangay, or two civilian witnesses. Abuse is defined to include providing insufficient support for children. Some of these provisions would be very powerful protection, particularly for women, but for all in a financially disadvantageous position in a relationship, if fully implemented.

The enforcement mechanisms of the VAWC Act are the following: a battered partner in an intimate relationship (past or present relationships are included) may go to her or his barangay captain to seek protection. The barangay captain or other officer appointed to deal with these issues can issue a Barangay Protection Order, keeping the abuser away from the victim, including exclusion from a shared home. In the past, women and their children were often forced from the home to seek shelter with family or friends, and this legislation reverses that, in theory at least. Thus, the legislation shows some awareness of the fact that barangays are indispensable units of governance, while still channeling efforts through the state government.

The state government makes a small effort to reach women directly as well, perhaps partly to work at legitimization – if there were no state-level engagement, it would not be a convincing legitimating device for that state. The provisions of the law indicate that an abuse victim may go to the family court of the district in which she lives, usually in the closest large town or city. If there is no family court, the applicant can seek redress from the regional trial court, municipal court, or municipal circuit court. There, she or he can obtain a Temporary Protection Order (TPO) on the day of application, to be followed by a hearing to determine whether a Permanent Protection Order (PPO) ought to be issued. This PPO is to remain in place until the victim asks for it to be lifted.

The work for ensuring a victim's access to these resources still falls to the barangay officials. The barangay officers have the right to enter a house when they hear a call for help. They are to interview the victim/survivors, inform her/him of their rights, arrest the perpetrator even without a warrant, and transport the victim to medical care and

legal resources. Enforcement of a BPO, TPO, or PPO is in the hands of the barangay officials. Barangays do not usually have police officers.

The Philippine National Police has a Women and Children Protection Desk, which can function in the same manner, but as these Desks are located only in major metropolitan areas, fewer women have access to them. National Police effectiveness is therefore geographically variable. Forty percent of the population lives in rural areas or tiny towns without National Police presence at all, much less a WCPD officer. While the overall economic disparity between the rural and urban areas produces a steady flow of migration from the country to the city, people who migrate to the cities are not necessarily wealthier, as they remain at a significant competitive disadvantage compared to urban-raised peers, or worse, migrants from Manila. Increasingly, those who are left in the countryside are subsistence farmers or workers with less education. However, there is a significant movement of wealthy migrants to the countryside, often from Metro Manila who become major landowners at the opposite end of the socioeconomic scale. Major landowners quite often become the high-status families who comprise barangay officials.

A victim of domestic or sexual violence is very much dependent on the barangay officials. In theory this could be effective in the tight-knit communities that most barangays are. This could only be the case if one takes non-state governance seriously.

Research Design

I set out to see what the real effects were in different barangays. I conducted interviews with barangay officials and the women's leadership in ten different barangays in the province of Palawan. These were meant to be more qualitative in nature, i.e.,

open-ended interviews beginning with discussing the VAWC Act and moving into discussing the prevalence of violence against women in their barangay. Women in urban barangays knew more about the Act and about the issue than women in the rural areas, so I concentrated more heavily on rural locations, to determine what made the difference in those places where women had some knowledge of the Act. Four of the barangays were urban, and six were rural, chosen at random from the pool of barangays already selected for the larger interview population. Two of the urban and one of the rural barangays were middle-class, two urban and five rural were poor. This categorization is rather difficult, as there is less geographical distance between socioeconomic classifications in the Philippines than hypermobile westerners may be used to seeing. There were very poor people in every barangay, and most of them had some very rich people as well.

Table 5.1a: Socioeconomic Status and Effective Women's Leadership

Urban Barangays⁵¹

Barangay	Redempcion	Santo Cristo	Santa Monica	Santa Ana
Poor/ Middle Class	Middle- class	Middle Class	Poor	Poor
Effective Women's Officer	Yes	No	Yes	Yes

⁵¹ Names of individuals have been changed to protect identities. Because of the intimacy of the communities involved, barangay names have been changed as well.

Table 1b: Rural Barangays

Barangay	Santa Maria	Santa Lucia	Asuncion	Santo Tomas	Santa Rita	Magdalena
Poor/ Middle Class	Middle- Class	Poor	Poor	Poor	Poor	Poor
Effective Women's Officer	Yes	Yes	Yes	No	No	No

There was remarkable diversity in the responses I received from the barangay officials, but there were some troubling and persistent similarities. The most important factor seems to be whether the barangay in question had appointed an effective special council member to address women's issues, which were universally lumped in with children's and health issues. Three of four urban barangays had such an officer, and three of six rural barangays.

The indicators of effective women's leadership were fairly easy to pick out, as these posts could be quite cleanly divided into the titular and the effective. In barangays with effective leadership on women's issues there was some sort of women's consortium, which seemed to act as a bit of a consciousness-raising group; women in these barangays were fairly well informed of their legal rights; there were good child care programs (all barangays had some sort of child care; some were more comprehensive than others); and the barangay sponsored poverty-reduction projects targeted at women. Paired with this is a more qualitative valuation of the Council officer representing women's interests. If she showed a reasonable knowledge of the problems women in her barangay faced, and had a reasonable notion of the solution to those problems (no matter how unattainable), she was judged to be an effective officer. This qualitative judgment prevents a simple connection

between women's empowerment and effective leadership, since *no* barangays had significant numbers of reports of domestic violence (explained a bit later).

Table 5.2: Posited Reason for Effective Women's Leadership

Barangay	Santa Maria	Santa Lucia	Santo Tomas	Redempcion	Santa Monica	Santa Ana
Reason: Educated Woman	Rural	Rural				
Reason: Progressive Kapitan			Rural	Urban	Urban	Urban

There were two circumstances that would produce a rural council with a meaningful women's position. First, and this occurred in two cases, the barangays that happened to house a highly-educated woman (usually consisting of some college exposure) and would usually appoint her to this post; because of the respect her status accorded her, she was quite effective. This college effect occurred only in the rural areas, perhaps because educated women were much more common in the urban areas, and thus not so uniquely high-status.

The second route would be to have a highly educated or progressive (often quite young) and effective barangay captain, who were nearly universally male. These captains could appear in places where elections were habitually free and fair, and where turnover of the position was expected and regular. One of the rural barangays and three of the four urban barangays followed this model. A progressive or young barangay captain made possible the existence of effective protection of women, but was not sufficient. Effective women's representation was not often *directly caused* by a

progressive captain, but rather, both were caused by a nexus of progressive politics in a given barangay, and the ability to freely elect candidates, rather than have them subject to heritable power. In some cases, more effective women's leadership is more directly attributable to the captains, as was the case in El Nido, where a female barangay captain personally undertook the construction of a feminist presence in the barangay.

The patterns of representation of women's interests, and other measures to advance women's interests were in place before VAWC. VAWC simply contributed to existing patterns of behavior – or not. No barangay without effective women's representation showed significant recognition of domestic violence after VAWC. However, effective women's representation signalled a deep concern with the issue, including a great deal of handwringing over the inability to help women who needed it. The speed with which knowledge and activism progressed on VAWC is therefore not separate from other indicators of women's well-being, but simply a bellwether of these other indicators. Reporting of domestic violence in barangays that had effective women's leadership was *not* higher, largely because of the categories of resistance to be discussed next. No barangay had more than one official report of domestic violence, and six had no reports. However, there were qualitative differences in the way in which women talked about their experiences as women. They related to the VAWC law in a lot more personal way, describing what they themselves could do if put in the position of needing help, and readily naming community members who were potential allies.

Having briefly discussed the factors that might help to institute progressive attention to the VAWC law, I would like to turn to the more common situation of lack of effective education, willful or not, about the law.

The categories of resistance to VAWC were tied to the quality of the barangay captain. The first type of resistance, more akin to helplessness, was expressed by the captain of Barangay Redempcion, Rafael Talong III. He is a younger barangay captain, 30 years old, idealistic and hard-working, quite professional. The barangay is a mixed income, lower-middle-class to working class district, with a great deal of tourist infrastructure developing. He knew about VAWC, and had attended trainings by the WCPD officer. However, he acknowledged that the fundamental problem was that women would be very reluctant to come forward to anyone at the barangay office because it was assumed that everyone would know what had happened in their home. This concern, produced by extremely close-knit communities, is further overdetermined by the cultural emphasis on “face” that precludes open acknowledgement of conflict. This particular barangay had had one person report violence in an intimate relationship since 2004. This category of resistance was distinctly smaller than the second category.

The second category of resistance can be epitomized by the response of not only the captain, but a large chunk of the city council who participated in a group interview in Barangay Santo Cristo. The question of VAWC came up toward the end of an interview that had largely dealt with local governance in relation to state governance. There was only the opportunity for one question, as the room exploded in a large and roving discussion that lasted about forty minutes (the beauty of fieldwork in the Philippines!), about the prevalence of violence against women at all in the Philippines, and in particular

in that barangay. The general characterization that arose through the rest of this raucous “interview” was that although many women were abused and neglected in the Philippines, especially through sexual infidelity, real problems didn’t occur in *their* barangay. Theirs was a barangay of good, solid, middle-class churchgoing Filipinos – those laws were for other people. The worst thing that happened within families in their barangay was an affair.⁵²

Even this imaginary, that of the “good” Christian Filipino/a, is belied by the fact that the barangay includes a coastal area that had become a favela of immigrants, largely from Muslim Mindanao. These migrants had built rickety shacks on the water, extending further and further into the ocean each year. This group composed likely between a third and a half of the population of the barangay, because of both the density of the favela population and the low population density of the family-based plots in the rest of the barangay. These barangay officials specifically marked out this community as a place that potentially could harbor violent behavior toward women, but they disavowed much knowledge about it. This both indicated obliquely the level of responsibility they felt toward this population, which legally is part of the barangay, and produced another layer of “othering” of women’s problems.

This othering of problems was by far the most common category of resistance, particularly when talking to male barangay leaders, although most of the people in this particular interview (and all of the most verbose people) were women. Women often related to the VAWC act in ways that mirrored their barangay leaders, either in “owning”

⁵² Ms. Nieves Abulog deserves to be quoted at length here, as she was the most highly educated (and thus highly regarded) person involved in the interview. “Men have flings because it is normal. It will pass. It is just steam (singaw), it will cool off. But women are not tolerated to have flings. ... Women who have flings do it for money.” Interview, August 9, 2006.

the problem or claiming that this was something that happened to other women, often bad women. Ownership of the problem was the most notable difference, not a difference in reported numbers.

Both of these example barangays are urban, within the urban area of Puerto Princesa. The city has, as mentioned above, a WCPD officer, which has the potential to change the dynamics considerably. Is protection provided by the National Police more effective? Unfortunately, less than the designers of the legislation would wish for. Barangay-level interactions reduce the effectiveness of this attempted intervention by the state government. Theoretically the risk of information dissemination problem within barangays should be lowered by dealing with a representative of the central government instead. However, in practice, peoples' privacy is not more carefully guarded. In my interview with an incredibly frustrated, underpaid and underrespected WCPD officer in Puerto Princesa City (the only WCPD officer on the island, in the largest metropolitan area), the names of victims were readily presented, without my request. Their addresses, relatives, outcome of cases, and subjective judgements about their cases were easily available. I asked if this information oughtn't be private, upon which the officer laughed and indicated that there was no way to do this in a city as small as Puerto Princesa (with a population of well over 150,000!). Social networks are dense, widespread, and the principle means of communication in the city. Western standards of privacy have their own costs, so they are hard to defend; however, given that some public officials (such as Rafael Talong, mentioned above) showed awareness of the chilling effect public exposure has on abuse victims, it seems this lack of privacy is not conducive to fulfilling the aims of the VAWC law. What we have is a presumption of Western standards in the

form of VAWC, imported to a social schema in which they do not apply. The resulting ineffectiveness is hardly, at that point, a mystery at all.

One advantage city-dwellers have is a higher chance of having been exposed to education campaigns about the new legislation. Few people in rural barangays without an effective women's leader had heard of VAWC, while about half of the people in the city had heard of it, and knew a little about it – although most thought they needed to go to their barangay officials as a first step to remedy, while in fact they could access the system through other, state-centered, channels. In effect their impression was correct – barangay leadership was usually their best recourse, considering the availability of WCPD officers and the constraints of travel – money and time being equally hard to come by in most women's lives.

If women managed to access the state-centered system, they would gain a distinct advantage: access to the WCPD officer, a dedicated and educated advocate for victim rights. Not all rural barangay dwellers, as indicated above, were denied this advocacy, however, and there did not seem to be any identifiable difference between access to the system in rural areas and urban areas – most information about access to extra-barangay resources was still derived from barangay officials, either through trainings on VAWC that they sponsored for their districts, or, more commonly, through person-to-person contact.

The seriousness with which cities take their responsibility to provide WCPD officers is geographically variable. North Cotabato Province (in Mindinao, across the archipelago to the east of Palawan) launched a program midyear in 2005 to institute 30

new WCPD officers in the 17 towns. This level of attention is significant, but unusual; almost certainly this will have a profound effect in the province, but if the purview of these officers remains linked to urban barangays, the urban-rural divide that characterizes Palawan will remain. Funding for these officers also has to be provided by the provincial or city governments, so is both geographically variable, and subject to budget cuts.

Barangays are given a small amount of money by the government and mandated to spend 5% of this on women's issues – which is quite often absorbed by health services. Barangay Santo Cristo, mentioned above, spent their 5%, or 10,000php, mostly on health services in 2005; this is about US\$400, or US\$.08 per barangay member. In contrast, if the C\$7.3 million given by CIDA for support of the NCRFW was evenly divided amongst the barangays, of which there are 41,995, each barangay might receive C\$175.

Clearly educational efforts are critical to women being able to access available resources. All public education must work through barangays – there is simply no other feasible means of information dissemination. Yet word is not getting out, despite the federal government's strong push to make this issue visible for international political purposes. For example, in the whole province of Bicol, in the Visayas Islands, one of the few provinces with available statistics from the years around the passage of the VAWC Act, 21 women were officially registered as having been "disadvantaged" in 2004; nineteen of these women suffered physical abuse, one was raped, and one was the victim of incest. (NCSB5) There are five million people, give or take, in Bicol. This number did not substantially change over the next years, as education campaigns were waged. From the position of the barangay, rather than larger units of governance, the reason for these depressed statistics is obvious – women do not want their neighbors to know they

are victims of abuse. In fact, state efforts to gather statistics may miss the point – women seek information, support, and help within their barangays, not from the state government. It is of little relevance to them that the state government knows or doesn't know of their problems.

Theoretical Consequences

There are both practical and philosophical consequences of this research in the lives of women who are interested in producing better results from the political entities in which they are embedded. First, if international organizations want to impact the lives of women, they have to go to the barangays. Second, but relatedly, legislating at the state level simply produces a more nuanced consciousness in those already attuned to women's issues, and sometimes provides them with useable tools. Third, effective women's leadership trumps other factors in connecting women to issues which affect them. Activism by effective women's leaders had little to do with initiatives launched by the government, but is more often connected with individual initiative or effective connection with NGOs. Fourth, effective women's leadership is produced by a complicated formula including educating women, helping to ensure real elections, and educating potential progressive barangay leaders.

It would be easy to take a surface reading of this case and draw the conclusion that the potential feminist interest lies in strengthening the state, but there are many things about the barangay system of government that work very well in Filipino/a communities, and the tight-knit nature of the neighborhoods can be a major asset to women, especially with small children. A stronger state would likely endanger this

unique form of governance, possibly affecting the underlying community relationship. In some cases, this is undeniably true, as with IPs.

Historically, the nation-state has not been singularly successful in addressing the needs of women and minorities. Women have often been made to carry the water of the nation without being able to define the terms on which the water will be used. Women who are aware of the limitations of the barangay as a progressive political institution are often unintentionally made into agents of state development, which also does not ultimately serve their interests.

Kimberle Crenshaw captured this dilemma in her explication of intersectionality, (Crenshaw, 1991; Hill Collins, 1990) where people are positioned at the juncture of two politicized identities, which often have conflicting agendas and presuppositions attached. Constructing a choice between being a Filipina or a member of her local political community, of fracturing loyalties, obfuscates the fact that neither political entity necessarily serves to protect her from violence, except cynically, and for its own purposes.

Finally, NGOs, IGOs, and People's Organizations (POs) operating outside the governance structure are a major part of barangay life. These government alternatives should not be underestimated in their ability to reach target populations. The members and leaders of these organizations are both trusted and generally quite progressive.

The easiest support community for women to access is often the barangay, rather than the state, but many international structures have worked to encourage women to invest in the state, and many avenues of external support channel their efforts into the state, not the community.

Chapter Six

Case Study: Palawan and Non-State Environmental Governance

The struggle for the environment and for control of resources requires a far more participatory notion of development. The Philippine elite and the Philippine development planners, along with their foreign funders and advisors, have tended to view the broad mass of Filipinos as cheap productive forces who will contribute their sweat and muscle toward the economy's growth. The benefits of that growth are expected eventually to "trickle down" to those people. In contrast, the new agenda of democratizing control of resources pulls people from the margins to the center of the development process. Groups fighting for the forests are not waiting for trees to be replanted; they are working to achieve their new vision of indigenous upland communities, sustainably managing ancestral domain as forest reserves. (Broad, 1991, 139)

In the early 1990s a small group of environmentalists, harassed for political activities, countered by initiating a quiet grassroots environmental education campaign that resulted in the ouster of politicians who were either tied to large timber and mining families or cronies of the national government. (Styles, 1991, 71) This was followed by a popular movement to protect coastal and upland resources. Given the real and immediate incentives that the poor have to avail themselves of short-term environmental exploitation, this is somewhat remarkable. Since then, the province has been regarded as uniquely environmentally friendly, a rallying point for a spirit of defiance. The Palawan Council for Sustainable Development (PCSD), once an NGO and now a provincial government office, reviews all development proposals. After turning down more than 100 new applications to mine nickel and other minerals on the island, the PSDC finally approved seven mining permits, under intense pressure from Gloria Arroyo's government in Manila.

The local Department of Environment and Natural Resources then promptly refused to grant permits to first deforest the areas, (Mitra, 2006) cooperating with local

NGOs which provided the surveys to justify the refusal. (Magallenes, 2006) When the popular pro-environment mayor of the capital city of Puerto Princesa, whose jurisdiction extends over 2400 square kilometers of primarily forested lands, reached the end of his term limits, a popular groundswell resulted in a constitutional end-run, allowing him to continue serving. Indigenous rights groups, such as NATIPAL, the United Tribes of Palawan (Nagkakaisang mga tribu ng Palawan) and PANLIPI, the Legal Assistance Center for Indigenous Filipinos (Tangga-pang Panligal Ng Katutubong Pilipino), and the Batak Tribal Federation not only find a voice in local government, but cooperate directly with NGOs and INGOs. (Eder, 1994, 17)⁵³ More than just a political or economic stance, environmental awareness has become a cultural identity marker. Palawans exhibit an endearing sense of pride in their environmental determination. Throughout the mid-1990s the capital city, Puerto Princesa, won a nation-wide contest, being hailed as the "Cleanest and Greenest City in the Philippines", until Manila decided to limit the number of awards any one city could receive.

NGOs in the Philippines are noted for their ubiquity and sophistication. From agencies like the Asian Development Bank (ADB), which specifically cites Philippine

⁵³ The voice afforded indigenous peoples is unique and telling. For example, one would expect recent rural immigrants to be opposed to indigenous rights, since ancestral claims provide direct competition to the needs of impoverished lowland farmers and others harvesting forest resources. Yet in our surveys immigrants consistently mentioned the granting of indigenous land claims, and providing for the rights of indigenous peoples, to be a priority. This is at odds with the attitudes of the state. The fact that Palawans would seem to identify with those of a different ethnicity, who compete with them for resources, rather than support their "elected" government is telling, especially when the state should, presumably, be in a position to help alleviate their problems. I suspect that the interest in indigenous rights is rooted in environmental awareness, in that indigenous peoples have been, quite properly, painted as worthy stewards of the environment by many NGO's promoting sustainable development and anti-poverty programs.

NGOs' "relatively advanced level of skills and experience in leadership, organizing, networking, and facilitating" (2005, 7), to scholars such as Raymond Bryant (2005, 61), the Philippines marks a model of how NGOs achieve political ends. The local manifestation of NGO success may be theoretically tied to a worldwide association revolution (Bryant, 2005, 62; Keck and Sikkink, 1998; ADB 2005, 7), but such organizations in the Philippines are moral and organizational leaders the world over, with their "[a]bility to build and maintain partnerships with international development agencies," and "ability to lead and influence local and global initiatives." (7)

Yet state-centric assessments of NGOs often produce a sense of NGOs as an addition to state governance, rather than potentially independent of it, one of the crucial points I make in this dissertation. The Asian Development Bank writes in its 2005 assessment of Philippine NGOs that "... NGOs have been tapped by central government agencies, local government units (LGUs), and multilateral and bilateral agencies." (2) This places agency squarely with the government actors – reassigning "government" functions to non-government actors. If these assignments ever belonged to the government (to be then reassigned to non-governmental actors), such a social construction must be recognized as always incomplete.

The seeds of this insight are available, if unanalyzed: the ADB report indicates that it does not classify or address "other significant NGO impact areas where government generally has not been responsive." (11) This indicates zones of governance that are recognized by all parties to be outside the current portfolio of the formal government. These significant impact areas are clearly identifiable to an assessment agency.

As shown in Chapter Four, Palawanian NGOs are more a part of peoples' governance imaginaries than any level of government that would be recognized as such. NGOs, POs, and other voluntaristic organizations actually take the place of government non-voluntaristic social organization. This brings into question the very meaning of government – what is government, if it is not that which serves the peoples' interests, and is recognized as such?

Local NGOs have provided sufficient evidence that they recognize, at least in some circumstances, the irrelevance of formal government, especially at the state level. NGOs with the capacity to interact at the state level may actually choose to limit themselves to local initiatives. This will be the focus of the first part of this chapter

This government-bypass has been issue specific, as is shown in the last chapter. Environmentalists have been the real leaders in this process, partly explained by the lack of temptation to participation in cooptation by the government. In the second part of this chapter, I will trace the development of environmental NGOs in the province of Palawan, and the emergence of a dominant discourse that has little to do with the discourse operated by the state.

First, a few definitions recapitulations from previous chapters. POs, or Peoples' Organizations are small, strictly local organizations that typically crystallize around a single issue or set of related issues. These organizations vary in sophistication, but typically have no paid leaders or formal membership. A PO might organize patrols to keep non-local fishers off the neighborhood coral reef; it might create a cooperative fish processing plant; it might establish a copra marketing strategy. These tend to be quite informal, arising and disappearing at need, rather than with an imagined permanent

existence. People drop in or out as their own personal needs dictate. Without a specific social pressure and attendant political mobilization, they can cease to exist.

NGOs have a more permanent and formal existence, although they may or may not have paid staff, they usually have at least volunteer permanent staff. These tend not to be single-issue organizations, although they can be. They tend to focus on an important nexus of issues rather than single-issue activism: different income-generating options; forest preservation issues; women's issues; land tenure. These organizations usually work with POs on issues relevant to a locality, but generally cover larger territories than POs. Environmental NGOs are, however, typically territorial in nature, addressing the perceived needs of a particular geographic constituency.

NGOs and the New Constitution

The Constitutional Convention specifically defined a place for NGO's in the new 1987 Constitution. Article 2, Section 23 and Article 13, Sections 15 and 16 make explicit the state's support and respect for the developmental roles of NGOs, and their right to participate as agents of development. This new recognition of the contributions of NGOs is also found in the government's "Policy Agenda for People-Powered Development" and in the National Economic Development Authority (NEDA) Mid-Term Development Plan (1987-92). (FAO, 1994) Aquino's cabinet routinely met with NGOs, and NGO leaders were routinely appointed to cabinet posts and other high-level positions.⁵⁴

⁵⁴ In contrast, there is a current crisis in government with too few qualified people being appointed to important positions to get the essential work of government done. According to the widely respected Philippine Center for Investigative Journalism, 56% of Arroyo appointees have not achieved civil service eligibility for the positions they currently hold. This group of unqualified political appointees includes the Civil Service Commission's new chief. (Lorenzo and Mangahas, 2008)

This explicit recognition was complemented by NGOs' willingness to move ahead aggressively, emboldened by the new government and the People Power Revolution. After a decade of harassment, imprisonment, and killings under Marcos, a flurry of pent-up NGO activity burst forth.⁵⁵ It's difficult to get an accurate count, since there is considerable overlap in the definitions of different kinds of NGOs and POs and similar organizations, but sources put the number of NGOs in the Philippines as close to tripling in the decade following the new constitution. (Bryant, 2005, 66) Again, it's difficult to get an accurate count, but it is estimated that 10% of Filipinos/as are involved in formally organized NGOs and POs, a remarkably strong civil service force. (Broad, 1991, 135)

The reception to this new activism was enthusiastic. Outside donors responded to the explosion of formal NGOs, already looking to circumvent the Philippine government, for which debilitating patronage politics were still an inescapable reality. Money poured in for development. The 1987 constitution opened the door to devolution of government power and responsibility to LGUs and NGOs, a process that would continue in the years to come with legislation like the Local Government Code of 1991.

Still, what made this model stand out at the time was NGO engagement with government. The honeymoon did not last long, predictably, due to differing discourses noted throughout this dissertation. Aquino also found herself unable to reconcile competing interests while stemming corruption, proceeding to fail environmentalists and other social justice groups on many fronts. Land reform efforts stalled (efforts her own

⁵⁵ This suppression of effective organization has reemerged. Killings of NGO workers, journalists, and opposition politicians is on an upswing, attributed reliably to the government. During Arroyo's presidency, at least 115 activists and journalists have been killed; most believe the government is behind the deaths. (Carling, 2006)

wealthy family circumvented though legal wrangling (Dolan, 1991)), and her one significant environmental achievement, a ban on lumber exports, was quickly overturned by her successor. Ramos also gave considerable lip service to sustainable development, but in reality produced little action. Frustrated hopes of a receptive government combined with high-profile policy failures lead NGOs to withdraw in large part from direct government involvement and instead become more reactive, lobbying the government and countering specific development issues.

Hence, toward the middle and end of Ramos's rule, NGOs for the most part lined up beside the state, as monitors and occasional consultants, and outside it as independent actors. With devolvement, more responsibilities were being borne by the private sector, and the need for watchdog organizations also grew. Then, about this time (the mid 90's), the political landscape changed. The People Power Revolution was largely perceived to have been a failure, with a frustrated populace further marginalizing state-level government. This perception of the ineffectiveness of large, state-wide institutions extended to the civil service sector as well. With their staff, budgets, and reach swollen from the influx of international dollars, many NGOs came to be seen as bloated, self-serving bureaucracies as well, as out of touch with the grassroots as the government. (Bryant, 2005, 66-67) Many NGOs saw a need to remake themselves along more locally-based models.

Also about this time, funding began to dry up. This was not a negative reflection on the activities of NGOs, but predictable given the funding strategies of major INGOs. Annual reports of INGOs confirm that their interests are often region-specific, and the regions of interest shift over time. (Grant Makers Forum, 2006) After having plowed

considerable money into the NGO scene in the Philippines over the past decade, often with good result, many international funders were shifting their emphasis to other troubled areas. Additionally, with new NGOs being registered virtually every day available moneys were being spread thinner. NGOs had to adopt new strategies to accommodate the shifting realities of public perception, government devolution, and erratic funding.

Environmental activism is a grassroots activity. In a country with remote, resource-rich areas that are removed from law enforcement, the devastating impact of environmentally irresponsible mining, logging, and fishing operations are borne directly by people who are individually powerless. For many, the modern environmental movement began with events like those in San Fernando, in the province of Bukidnon, Mindanao, in 1987, when a group of farmers wrote President Aquino asking that logging be halted in their province. (Broad, 1991, 57) The usual fallout of deforestation, erosion, flooding, mudslides, contaminated water supplies, diminished opportunities for hunting, fishing, and foraging, and an increase in the rat population, had resulted in malnutrition and disease. Their awareness of the situation was enhanced by the local Catholic church, who responded to the parishioners' sudden interest in ecology by developing an educational program, and resurrecting a moribund environmental PO called "Pagbugtaw sa Kamatuoran," or PSK, meaning "to be awakened to the truth."

When, much to their surprise, Aquino did not respond, the PSK staged sit-ins on logging roads and in front of the Municipal Hall. Threats and beatings by a military detachment lead to media coverage that not only gained sympathy for the protestors but

revealed both the extent of the devastation and the profits at stake. The result was the rescinding of the logging licenses of the most egregious offenders, and a ban on logging in a critical watershed area. Not satisfied, the PSK then sent 13 members to Manila, where the “Bukidnon 13” camped out in front of the main office of the Department of Environment and Natural Resources (DENR), holding press conferences and embarking on a hunger strike, pressing for a total logging ban in Bukidnon. After ten days they were invited to meet with Aquino, and their demands were met.

Aside from demonstrating the grassroots nature of environmental movements, this case also demonstrates how visible the discourse of state-level governance is to the grassroots. In this case, the issue that provided this visibility was that law enforcement officials in the area had gone unpaid or underpaid for years, leaving them susceptible to bribes from loggers. (Broad, 1991, 64) As one of the Bukidnon 13 observed, “Who’s running this country, the government or the logging companies?” (Broad, 1991, 68) The venue for addressing the PSKs concerns shifted in an *ad hoc* manner from local, to state, to a trial in the local and international media. Even though this case was resolved by direct contact with the President, this was a substantial departure from a participation in, or even tacit acceptance of, the discourse of governance at the state level. In fact, by protesting conditions supported by the state-level government, revealing the difference between a discourse of responsibility and a lack of funding for actual environmental protection, this was a discursive moment that revealed broad fractures between the state and the grassroots. The protesters clearly stepped outside the acceptable state-level discourse in their demand for solutions that worked, while Aquino resolved the situation as narrowly as possible, and in an unsustainable and non-expansive manner, to shut down

bad public relations. She worked, essentially, to protect the real parameters of the state-level discourse, rather than change and expand those parameters.

Other discursive interventions occurred about the same time. The Chico Dam project in northern Luzon, which threatened the very existence of the Kalinga and other indigenous peoples of the Cordillera region, is perhaps the first time an IMF-World Bank funded project had been halted by citizen action. (Tauli-Corpuz, 2000, 1) In this case, NGO and PO protests, formed around IP issues, were directed at an international body as much as the Philippine state.

Which brings us to an obvious point: to work for environmentally sustainable development requires working for human rights. Sometimes, the violation is tied to less tangible economic, social and cultural rights, such as when unsound environmental practices lead to hunger or disease. In other cases, the connection is more a violation of civil and political rights, such as cases where indigenous peoples have been harassed or murdered by logging companies, as happened in Sultan Kudarat, Mindanao, or the Marag Valley in northern Luzon, (Broad, 1991, 141 (Footnote 11)) or among the Batak of Palawan. (Stiles, 1991, 71)

In examining the factors that lead to the current, and occasionally successful, strategies employed by many NGO's in the Philippines, I use as a case study the nationwide environmental-advocacy organization Haribon, and its daughter organization in Palawan, Haribon Palawan. Two of the most prominent NGOs in the country, the factors that molded their capacity to influence governance discourse are representative of the growth of NGO effectiveness in the Philippines.

Case Study: Haribon

Haribon has been, since the late 1980s, a household name in the Philippines. It was formed in 1972 as a bird watching organization, concerned primarily with protecting the endangered Philippine eagle, the *hari-ibon*. Its interests of necessity spread to conservation issues, but during Marcos' time political activism was too dangerous for overt espousal of a political agenda to strengthen conservation. Haribon instead concentrated on scientific research, partnering with international conservation organizations and occasionally using their clout, along with solid science, to lobby lawmakers. The approach was not significantly successful at advancing the environmental agenda (as would be predicted by hollow state discourse), but helped set the stage for Haribon's involvement in the post-Marcos era, when environmental science linked to social activism, with the hopes that the connection between environmentalism and livelihood provision/protection would build a constituency for conservation.

Late in the 1980s Haribon jumped full force into a number of high-profile fights regarding illegal fishing, logging, and by association any number of human rights abuses. In one example, an illegal fishing operation was using child labor, provided by a company owned by a prominent senator. (Bryant, 2005, 76) The connection between rights and environment is often brought home in unexpected manners. Employing scientific data, public education, petition drives, and lobbying, Haribon's high public profile enabled the NGO to counter retaliatory accusations from colluding senators and industry.

This was around the time when the trend in NGOs was toward devolving functions to the provinces rather than strong centralization, and Haribon was no

exception. One major funder, the John D. and Catherine T. Macarthur Foundation, withdrew major administrative support, shifting their emphasis to Africa. Haribon responded by minimizing their Manila staff, increasing staff in outlying areas, and shifting to work more on a project by project basis. In 1989, a branch in Palawan was formed. Only one other NGO was operating on the island at the time, the Philippines' largest province.

Palawan was a dangerous place for environmentalists. The Jose Alvarez family⁵⁶ held the largest logging concessions on the island, bringing in an annual \$24 million, equal to about three quarters of the total income of the province's 500,000 inhabitants, or about 24 times the total provincial budget. (Broad, 1991, 45) They controlled the press, sent private police to harass environmentalists, and sued or issued death threats to anyone who criticized them. The discourse of government/business alliance seemed impermeable.

Led by attorney Lito Alisuag, the Palawan branch of Haribon jumped into the fight, hoping to curtail logging on what was the Philippines' last province with substantial remaining forest cover. They began with the classic approaches: lobbying, confronting provincial authorities, and a publicity push. For their efforts, in February of 1991 fourteen Haribon activists were jailed on charges of subversion, after a month of investigation. Alisuag, the "so-called chair of the Palawan Communist Party," went into exile. (Goldoftas, 2006, 135) Citing communication difficulties, the Haribon office in Manila broke its official ties with the local office, hoping to allow the fledgling Haribon

⁵⁶ Antonio C. Alvarez is the Congressman for Palawan's First District, and Jose Alvarez' son. Antonio Alvarez has an overtly pro-environmental stand, now, since tourism has become a critically important industry in Palawan.

Palawan (HP) to be able to react more quickly to changing events on the ground. Or, perhaps, more cynically, to distance itself from the emerging brass-knuckle brawl.

By this time Haribon Palawan's membership had risen from around a dozen to more than 300, (Stiles, 1991, 74) a force Alisuag effectively mobilized, taking their case directly to the people through a public information campaign, using public lectures and radio interviews. Since they were not directly confronting officialdom, their activities this time were seen as less threatening by those in power, and largely tolerated.

Meanwhile, the national Haribon organization initiated a one-million-name petition drive to outlaw logging on Palawan. How many signatures they actually received is not clear, but there is little doubt the campaign was a publicity bonanza, most likely also helping the Palawan faction avoid undue interference. About that time an opening in the state-level discourse provided an opportunity to pragmatically access the state. Dr. Angel Alcala, a former Haribon board member, became head of the DENR. A true environmentalist, Alcala was foundational in establishing the world-famous Tubbataha Reef, among other environmental success stories.⁵⁷

In 1992 the DENR issued Administrative Order 42 banning commercial logging on the island of Palawan. A concurrent Congressional resolution to ban logging nationwide was defeated, which shows that it was not the state itself which became amenable to environmental issues. Today Palawan enjoys a reputation as a leader in sustainable development, largely due to the efforts of grassroots environmentalists, rather than

⁵⁷ Even a member of the government shows considerable cynicism about the success of state governance, even in regard to something as important to the Philippine image abroad as Tubbataha: "The government monitors," he says, "but I also monitor." Alcala advocates local control of resources over state control: "The less DENR personnel are involved in its day-to-day management . . . the greater the probability of success. The more the people of the Sulu Sea are given responsibility in environmental protection, the better the results." (Biography of Alcala, 1992)

elected officials. However, this strong trend toward environmental protectionism has been mirrored in a virtuous circle, particularly in the election of local green political leaders and the establishment of new local governance institutions.

As the battle to ban logging on Palawan drew to a close, national and provincial elections were held. In Palawan, cronies of the logging companies, most notably Ramon Mitra, Palawan's powerful Senator, National Speaker of the House, and presidential aspirant, were largely defeated in favor of green candidates, notably Governor Salvador Socrates and Mayor Edward S. Hagedorn.⁵⁸

Not long after, President Corazon Aquino signed into law the "Strategic Environmental Plan (SEP) for Palawan Act" or RA 7611, promoting sustainable development in the province, along with forming the Palawan Council for Sustainable Development (PCSD), a revamping of the old PIADPO (Palawan Integrated Area Development Project Office), a quasi-independent NGO largely funded by the Asian Development Bank. The old organization was unsuccessful, according to the ADB, largely because "the Project was designed at a time when beneficiary participation was not commonly used" (ADB, 2002, iv), meaning local people had no say or sense of ownership about project goals or outcomes.

The PCSD, despite being established by an act of the Republic, and technically run under the auspices of the President's Office, exercises enormous independence.⁵⁹

⁵⁸ Socrates was killed in February of 2000 when his small plane exploded upon takeoff. Hagedorn is occupying his third term as Mayor of Puerto Princesa Municipality (despite the legal two-term limit, see chapter 3), and continues to champion environmental initiatives, including successfully instituting a mining ban in the province's largest municipality last year, an area covering nearly a quarter of Palawan island. A similar ban was recently instituted in the municipality of Brooke's Point to the South.

⁵⁹ The board consists of all the Palawan-wide elected representatives (the two Representatives and the Governor), the Undersecretary of Agriculture and the Undersecretary of Development, the director of

Lito Alisuag, who we last saw jailed for his environmental activism, was the third executive director.

The organization, though still only quasi-independent, acts more in accordance with the local discourse. It vets all development proposals for their ability to meet the goal of sustainability.⁶⁰ Frequently, outcomes do not favor those deemed more desirable at the state level: logging permits have been denied, local fisheries protected, and so on.

The current government of Gloria Arroyo has created additional challenges because of her family's close association with mining interests. This has led to a sustained battle over mining rights on Palawan. The PCSD, under enormous pressure from Manila, stood its ground against issuing mining permits until last year, when limited permits were issued. The local DENR then refused to issue the requisite logging permits, which would be needed to clear the land prior to mining. The documents that justified refusing the permits came from Haribon Palawan. In such a small circle of activists, this was likely well-planned.⁶¹

NEDA, the Mayor of Puerto Princesa, the head of the Mayor's League of Palawan, the head of the Barangay Leaders' League of Palawan, and the executive director of PCSD itself. This was meant to insure the state control of the board; however, the outcome has been the opposite. The five local representatives (the governor, the heads of the leagues, the mayor, and the executive director) have formed a unified block, whereas the central government representatives, the two undersecretaries and the head of NEDA, have often failed to rally the last two members of the team, the two elected representatives, to support the state.

⁶⁰ Responding to political pressure from the elites, the Department of Environment and Natural Resources sued the PCSD, claiming they alone had rights to determine the future of Palawan's resources. The case went to the Supreme Court. The DENR lost in a split decision. Barbara Goldoftas, *The Green Tiger*, p. 149, Oxford University Press, 2006

⁶¹ I met with Alejandro S. Marcaida, Chief of the Media and Public Relations Bureau of PCSD, in August of 2005. His version of events was that the Arroyo government had presented more than 100 mining permit applications, of which the PCSD granted seven under intense political pressure. After the local DENR refused to grant permits to deforest the land, the national DENR overrode them, a clearly unconstitutional move. PCSD countered by then issuing the permits to a limited number of mining companies, who then became tied up in legal battles for priority. Although I had no reason to doubt his version of events, I was unable to confirm them. Still, such a willingness to present a confrontational image to an outside academic working for publication reveals much about how the PCSD sees their

What is interesting about the successful push to curtail logging on Palawan is that, unlike the victories in Bukidnon and the Cordillera, this movement was not initiated nor promoted by a small group of individuals directly threatened by environmental devastation. Rather than pursue direct personal redress, the goal was a shift in consciousness on the part of the population of Palawan, which succeeded beyond expectations with the ushering in of a new generation of pro-environment politicians and policies. On Palawan, the goal was creation of a new discourse of governance that had little to do with the state; in Bukidnon, people agitated within a statist discourse to protect their own interests.

On the heels of the logging ban, the already numerous environmental NGOs multiplied rapidly both at the state level and locally, a bewildering sea of initials and acronyms, some of which have already been referenced in Chapter Four. Several, like the Foundation for the Philippine Environment and the Philippine Association for Cultural Development, serve to facilitate relationships between government, local NGOs, and international donors. Indeed, in first visiting their websites I initially thought these were actual government agencies. NGOs also work together, as when more than 500 civil service organizations met in Manila to sign the “Covenant on Philippine Development” (December 1991) to mark the fifth anniversary of the United Nations’ “Declaration on the Right to Development” (December 1986), a decree promoting community-based development strategies. Aside from a savvy awareness of the media potential of such events, Philippine NGOs form easy alliances, often to good ends. During my fieldwork,

placement in the discourse. It is, however, a matter of public record that the mining companies have been in court wrangling over ambiguous permits, an issue only recently resolved. (Pontillas, 2006)

for example, I observed Haribon Palawan cooperating on native rights issues with NATRIPAL (an indigenous coalition), mining impact statements with PCSD, coastal resource surveys with the Johnson Island Fishermen Association, and livelihood projects with the Women's Charity Foundation in El Nido.

For our purposes we will look at a poverty-alleviation project executed by Haribon Palawan, at the center of alternative discourses of governance. Their approach is not unique, although they are arguably Palawan's most diversely applied and most successful organization when it comes to helping assure rights. When our survey participants were asked which NGOs helped assured their rights, of the 102 who responded 55 mentioned Haribon Palawan, considerably more than any other group, governmental or nongovernmental.

This particular case study was chosen because of the diverse ways that it addresses the issues at hand, at the multiple ways in which the NGO approached, and in some ways redefined, the discourse of governance. It is a project that is perhaps a little atypical because of its broad scope, but one in which the individual elements can be easily ascertained, understood by example, and applied elsewhere.

Rights Generation: Haribon Palawan

The problem addressed was two-fold: to protect the rights of indigenous upland gatherer-hunter-agricultural peoples, and to promote forest conservation.

The logging ban of 1992 on Palawan was followed by a push to promote sustainable development as an economic alternative through the harvesting of nontimber forest products, or NTFPs, which in theory could be harvested in a sustainable manner.

Primary among the forest products to be extracted were the sap of the almaciga tree (commonly referred to simply as “almaciga” or copal), used in manufacturing shellac; honey; rattan; and various pharmaceutical plants. As was the case with logging, all the upland areas were controlled by the Philippine government⁶², and concessions to harvest these products were awarded to the highest bidder, usually a multinational corporation.

Despite the renewable potential of these resources, a lack of environmental knowledge, carelessness, and methods of extraction that put efficiency and profitability ahead of sustainability resulted in continued destruction of the forest, (CEPF, 2003, 38) albeit on a scale less dramatic than logging. Also, the new concessionaires would not scruple at sneaking out a valuable hardwood or two if they came across one. (Mittleman, 1997, 34)

The Batak, an indigenous hunter-gatherer-agricultural group consisting of around 300 members, were scattered along the northern reaches of Puerto Princesa Municipality. Originally living along the coast, they had been pushed into the less fertile highlands by immigrant farmers, and now faced starvation and disease. (Eder, 1992, 60-63) Many turned to harvesting NTFPs for sale in the lowlands, an act which was technically illegal, despite the Bataks’ credible assertions that they were operating on their ancestral lands. Seen as competition, Batak were harassed and threatened by agents of the legal concessionaires. In 1991 the military stepped in, rounding up Batak and confiscating

⁶² Any slope of greater than 18 degrees is automatically the property of the federal government, and ineligible for private development, except through the federal permitting process, a statute that covers about 40% of the Philippines’ land mass. This has allowed serious environmental harm through clear-cutting and strip mining, but ironically, where the federal government has not yet turned its attention (due largely to particularly inaccessible or geographically-challenging regions, thereby increasing costs), there is a certain measure of protection provided by the legal exclusion of lowland farmers. IPs may find small havens in which to survive (often at below-subsistence levels).

their hunting and foraging implements. Several Batak were jailed and others tortured in an attempt to drive them from prime gathering lands. A nonaggressive people, many Batak threatened suicide, and most stopped gathering NTFPs for fear of further reprisals. (Philippine Enquirer, 1991)

Conservationists already had an interest in the Batak. Subsisting almost entirely from the forest, their hunting, gathering, and shifting agricultural techniques had always maintained the environment in a nearly pristine condition. (Eder, 1997, 27) As anthropologist James Eder put it, “When you are walking through the forest you can tell immediately when you enter an area under Batak control because the forest is virtually intact. It looks just like it did 20 years ago. If lowlanders had been in there the area would all be deforested by now.” (Dodds, 1998)

Haribon Palawan’s solution was to attempt to acquire exclusive rights for the Batak to harvest NTFPs on their ancestral lands. The human rights implications are clear for the Batak: protection from harassment, oppression, and even detention, as well as income generation. Dubbed a “combined conservation and development project,” the effort would protect the forest as well. The work also included additional agricultural inputs that were requested by the Batak in the way of the development of paddy rice cultivation, and rudimentary instruction in arithmetic to allow the Batak to avoid being cheated when delivering forest products to market.

The legal mechanisms to make this possible were already on the books; the Philippines is a leader in Asia in the existence of legislation to allow indigenous peoples various tracks on the road to differing degrees of land tenure, however infrequently they had been successfully accessed. (Stiles, 1991, 71) The evolution of the legislation is

complex, starting in 1972 with the Integrated Social Forestry Program; it was determined that the best option for the Batak at the time was a piece of legislation from 1993 called the Certificate of Ancestral Domains Claim, or CADC, which would provide the group with a 25-year renewable lease during which they would have exclusive control over forest resources in the ascribed area.

The processes that Haribon Palawan used to pursue their ends provide a model in redefining the discourse. This is reflected in not only the original plan, but in solutions to unanticipated problems. HP employed strategies that promoted direct involvement of local peoples in both planning and implementation, accessed state laws, pulled resources from municipal government, partnered with international funders and consultants, provided alternative rights-oriented services, contracted other such services to complimentary NGOs and POs, and helped develop an alternative, formalized governance body outside their own purview, all in the process of working to deliver a wide scope of rights-based initiatives.

Funding for the work came from international sources, primarily from IUCN - The World Conservation Union, with smaller grants from the Ford Foundation and the British Embassy.⁶³ There was no involvement by state government and only cursory recognition by LGUs. Oversight was provided from within, by bringing back Lito Alisuag, the trusted attorney who drove the original successful anti-logging campaign on the island and later headed PCsD, as president of Haribon Palawan. IUCN also brought

⁶³ Two documentary films about the effort were funded by the John D. and Catherine T. MacArthur Foundation and George Soros' Open Society Institute respectively. MacArthur's interest was in a full length documentary for public consumption, with the hope that increased publicity would help make policy makers more accountable; the OSI contracted the production of a shorter, more technical piece dedicated to helping other NGOs replicate the effort in other areas.

in their own full-time consultant, an expert on sustainable development from California who had worked extensively in Thailand and Viet Nam. Thus credibility and accountability were established independently, both from within and without.

Local communities were allowed to direct the process from the beginning. Meetings with Batak communities determined the scope and approach of the project, with decisions made by consensus⁶⁴ and Batak working with conservationists (who were incidentally human rights activists) at every stage.

To facilitate the application for the Certificate of Ancestral Domains Claim, Batak were organized into the Batak Federation and registered as such with the SEC. Some representatives walked days to get to their quarterly meetings, where Haribon Palawan provided meals and shelter. The barangay leader of each Batak community attended, along with several representatives, the first time the various disparate Batak groups had come together. More than just a social action group, the Federation has come to fulfill a critical alternative governance function in serving a distinct and self-referenced population, who already identified themselves as existing outside of the state.

A CADC application cannot, as a practical matter, be assembled without the assistance of an NGO or some other capable body. The claim requires the ICC (indigenous cultural community) to provide a detailed resource management plan requiring a high degree of technical knowledge, including maps of the area, inventories of resources, projections for their use, strategies for sustainability, as well as a list of culturally relevant sites like internment areas and sacred caves, trees, or rocks. For a

⁶⁴ Not that this always made things easier for the conservationists. Batak, for example, were disgusted by the use of their own waste to fertilize their fields, and refused to use it.

people who are likely illiterate, and who, as in the case of the Batak, have been ostracized and even suffered oppression at the hands of mainstream society, preparing such an application would likely be very difficult without the assistance of an experienced NGO.

As the two-year project proceeded, unexpected difficulties cropped up, and Haribon Palawan's reactions continued to define their unique place in the evolution of extra-state governance discourse. It soon became apparent that Batak did not have time to work on the project and attend to their own subsistence needs as well, and so were going hungry. The incidence of disease was also on the increase. HP asked Mayor Hagedorn for the municipal government to provide rice subsidies to tide the Batak over until the project was more fully implemented. They also successfully lobbied for a lifting of the ban on *kaingen*, or slash and burn agriculture, for select upland communities, including the Batak. Kaingen had been outlawed in the municipality because of its devastating environmental consequences, but HP was able to demonstrate, justifiably, that the Batak's unique agricultural methods were environmentally sound. (Eder, 1997, 23-4) They also hired a nurse who gave guerilla medical training to other NGO members, who put their meager salaries into medical supplies until the British Embassy came through with a grant for the purpose.

They then had to address a backlash from poor lowland farmers, who were dismayed that the Batak were receiving assistance and they were not. Despite early contact with approving lowlanders, these farmers had in the interim seen their own fortunes fade somewhat, and were resentful of the Batak. HP partnered with other NGOs in providing alternate income-generating programs, helping mollify disgruntled farmers,

diverting their impact on the environment and lessening competition for forest resources with the Batak.⁶⁵

In 1996 the first ancestral domains claim was awarded to the Batak. As is often the case in the Philippines, this led to a snowball effect of other claims, including granting exclusive control over coastal resources for a group of Tagbanua people on the northern tip of the island, the first such award of its kind.

Still, Batak, like all IP's on Palawan, are a pressured group, under enormous strain to simply survive, much less thrive. Yet, to quote James Eder,

There is not that air of hopelessness about [the Batak] that they had before. This change is so striking that it's I think caused me to revise at least for the moment my thesis that the Batak are on the road to a kind of cultural extinction. And I think in view of the help they're receiving from Haribon I think it's quite possible they are going to turn the corner. (Dodds, 1998)

Eder believes that the most important result from the process for the Batak may have been an increase in self-esteem and a new willingness to stand up for their rights. This visible effect of engagement in a different kind of discourse does not assure sustainability for marginalized peoples, but does show the importance of governance discourses in the lived experience of the people – the subject (and in this case, the source) of governance.

Conclusion

A dialogue of independent governance of indigenous peoples was reinforced in government, among NGO's, and among the populace, in particular in regards to their value as environmental stewards. When, in the interview process, I asked the open-ended

⁶⁵ Although the actions of lowlanders were a primary reason the Batak's situation had deteriorated, they were entirely in favor of support for the farmers. Batak, generally a charitable people, believe all creatures, human or animal, have equal rights to forest resources as long as they don't abuse them. Protector deities would deal with any malfeasance. Ibid. p. 28

question, “What issues are most important to you?”, 31 of those surveyed offered protecting indigenous rights or, more broadly, equal rights for all Filipinos, which given the context referred to indigenous rights. Most of the respondents who gave this answer were in fact lowlanders, not themselves IPs. IPs responded, typically, with very specific issues: food rights, land rights, so on. Again pushed by NGOs, the discourse on Palawan may be shifting from environmental to indigenous rights issues; at the very least, the discourse of environmental protectionism has expanded to include indigenous rights as a matter of course. Since on the surface, this would seem to be against the rationally-chosen interests of the mainstream, we can surmise that at the very least, the discourse in which people are embedded frames feasible thought so that non-economic considerations sometimes override.

In this chapter, a single NGO, forming strategic and pragmatic partnerships with government (both local and state-level) and other NGOs, moved effectively in circles that were perceived to be solely within the traditional spheres of government. Of course, some aspects of the multi-faceted endeavor fared better than others. For example, even with additional inputs of rice, Batak were unable to find sufficient time to maintain the paddy rice fields introduced during the project. When asked why no one was tending the fields, one Batak woman replied, “because the men are all working in the mountains,” (Dodds, 1998), meaning that the community still needed to embrace short-term subsistence strategies, like gathering *almaciga*, rather than being able to invest in more long-term strategies like paddy rice cultivation.⁶⁶ The consensus was that given more

⁶⁶ The supposed rationale for failures of Batak agriculture has been that “Batak don’t like to farm,” something the Batak have confirmed. Under further investigation, Eder concluded that Batak are actually enthusiastic about farming, but have been so often foiled by lack of time as subsistence in general became

time the initiative could have been successful, but the funding was pulled unexpectedly. This is an obvious pitfall of relying on international funders. The reasons for the withdrawal are unclear, but it appeared to do primarily with issues internal to IUCN. This needs to be taken quite seriously by NGOs interested in alternative discourses of governance; the withdrawal of funding can be at least as costly as lack of funding in the first place.

In this case, some of the changes in Batak life are sustainable, but would have benefitted from a few more years of support. The Batak are still able to again make kaingen (upland, or kaingen rice requires much less attention but provides lower yields than paddy rice), a welcome contribution to their diet, and are faring better in exchanges with lowlanders after many of them learned to better understand the processing for weighing and measuring forest products and were trained to recognize numbers. (Magallenes, 2006) Other programs suffered greatly from withdrawal of IUCN support: the medical program was a stopgap measure, and efforts to treat disease among the population, particularly tuberculosis, is sporadic at best.

The perceived necessity of working through the state apparatus has consistently lead to failures to administer rights-based programs in the post-colonial world, largely due to the perception of the impenetrability of the state. Feasible thought is framed by creating a perceived necessity for dealing with elites – those with presumed access to resources on a large scale, with education and international connections – as the only viable route to meaningful reform. This has to do as much with attitudes about the poor

more difficult, or by being driven from their rice plots from lowlanders, that they adopted a “sour grapes” attitude. Also, because their kaingen tended to be untidy, they were seen as incompetent or indifferent farmers, when in reality their approach stemmed erosion and allowed for more plantings. (Eder, 1992, 98-99)

as anything else. Agency by the poor is considered insignificant: “their limited control over and access to resources is assumed not to make a difference in the processes of global political economy. Invisibility is bestowed by virtue of empirical non-recognition.” (Tooze and Murphy, 1996, 687 as cited in Eadie, 2005, 13)

What we are seeing is a democratizing project operating entirely outside of the state, operated and given impetus by poor people, by those presumed to have limited control. Non-elite pseudo-governmental discourse is clearly visible at the grassroots on Palawan. The people who participate in this discourse are fully able to connect with and use outside resources; the bottleneck has always been either the funneling of resources through the state, or the vaporizing of resources through shifting international agendas.

Chapter Seven

Conclusion: Hollow States and Human Rights

“The restoration of a more democratic political system in the Philippines has not in itself significantly improved the human rights circumstances of indigenous Filipinos. Such improvement as has occurred instead reflects the organizational efforts and plain hard work of indigenous Filipinos and those who work on their behalf... If there is good news about the Philippines, it is that the current political climate does appear more receptive to, or at least more tolerant of, those seeking to act on these relatively congenial circumstances to improve the human rights conditions of indigenous Filipinos.” (Eder, 1994, xx)

Grassroots activity and state-bypass activism has become standard political behavior in the Philippines, partly because the state discourse does not address many human needs. The discourse that has arisen around these needs often includes sections of the international community, only tangentially including the state government. But this is invisible outside the state because of the statist discourse in which the state is embedded. However, state elites cannot be entirely ignored, as their perpetuation depends on discursive legitimacy. In other words, it is strongly in the interests of state elites to at least give a visibly credible performance at participating in grassroots governance.

Since the discourse of which it is a product entails certain practices, those practices will appear – although they function differently than they do in the global west. Thus centrally controlled schools and an army exist. But since the state does not exist in a relationship of mutual obligation with the people who live in its jurisdiction, the schools end up underfunded – a mere symbol in many communities. The army is effectively a branch of the US military, not serving to protect coastal waters from foreign and rapacious fishing vessels that are destroying the home-grown fishing industry, but

fighting insurgencies that has more to do with US foreign policy than the interests of the Philippine state, the practice for the last hundred years. Currently, the US enemy in the Philippines is Abu Sayyaf, although at some points in that hundred years the enemy were the MNLF, INLF, Hukhabalap, NPA, or Communists⁶⁷. The state is notoriously unable even to collect taxes (only about 20% of the legal tax obligation statewide is actually collected, for example)⁶⁸, so a self-supporting army is impossible at this point.

Through this two-level research (both investigating publicly available state documents and conducting local interviews) I developed a nuanced view of the strengths and weaknesses of a statist discourse that is generally considered to be an etatization and democratization success story. The borders of the state are far more porous, its citizenry much less engaged in the state, and its functions more limited, than the current legal hegemonic vision of the state would predict, showing evidence of the discursive nature of these constructions, and the state itself. In parallel, I explored the mechanisms of social provision of goods and services, which is a different discourse entirely. These questions are difficult to access through current social science research, partly because the assumption of stateness is so pervasive that social science work is often invisibly framed by the state, even as the Westphalian state is acknowledged to be changing. In both these locations, evidence supports the thesis that separate discourses of governance are

⁶⁷ This is not to say that the Communist insurgents and Muslim insurgents are the same; however, the enemy du jour of the US in the Philippines is also the current enemy of the Philippine government. If the discourse were internal, the Philippines would have had to come to an accommodation with rebellious elements quite quickly. However, the deep pockets of the US government can afford to maintain a fight indefinitely; and has indeed done so. The continuing war in the south is thus direct evidence of the imbalanced external-vs-internal discourse of the Philippines.

⁶⁸ In an amusing aside, a software company, SAS, is using the Philippines as a success story in its current advertising campaign. Estelita Aguirre, Deputy Commissioner and Head of Larg Taxpayer Operations is quoted as increasing effectiveness in collecting VAT delinquencies not by saying how many fewer delinquencies there are, but by the measure of ROI (return on investment) in the tracking software.

occurring, including a devolution of responsibility from the state to the local, instead of the opposite which we might see if there were a successful state building effort underway.

The Philippines is not unusual among the emergent states of the Global South in its ineffective nation-state status, and therefore in its implementation of human rights as hollow legitimating device. In the modern world, states are made by other states. They are not made by the legitimization of claims asserted within their boundaries. Claims that establish the legitimacy of one state are violated by others; perceptions of what constitutes legitimacy are rife with contradictions regarding social contracts and external relationships. That is, with one exception: it's the perceptions of powerful hegemonic actors which now defines a state, thus dominating the discourse of stateness almost universally, in the post-colonial world.

What makes this particularly confusing is that there has been a significant discursive shift in the meaning of the state: this is not the way states used to be. The idea that states are internally generated and supported is one of the many holdovers that clings to the discourse of the state as it has changed over time. Discourses are in this way fundamentally conservative – they conserve ideas. A state used to *have* to maintain a credible monopoly on violence, or it would simply be sundered into separate states or swallowed by a more powerful one; a state used to *have* to have established some level of positive reciprocal social contract with its people, or it could never have come into being. Today, people still *believe*, and *act*, as though such classic indicators are necessary. They are not, at least not to the same degree.

The conventional conclusion has been that potential human rights interest lies in strengthening the state, especially as it would then match the international community's seeming desire to strengthen the state. These findings bring into question the "essential" role of the state as the guarantor of human rights, as well as assumptions about the inextricable role that the state plays in justice. Weak and hollow states are more a production of the international discourse of stateness than of a domestically generated political dynamic. Further, I show that the state is not necessarily a primary point of identification for a group of people within the state's boundaries, a premise upon which assumptions of nation-stateness are based.

Any move to strengthen the state without guaranteeing that internal discourse is strengthened may well alienate people further from the state governments of the territory in which they live. Where this diverges from more conventional discourses is that little is actually compromised from the perspective of either the elites or the population when this happens in the hollow state.

Addressing this demands one of two responses: continuing to acknowledge the pragmatic centrality of the state, while responsibly placing new demands on the state to serve the interests of its internal constituents; or functionally assessing the use of statist practices in aid projects, and bypassing the state when that outcome would produce more desirable results.

In fact, any credible threat to move states to greater responsiveness must be accompanied by credible bypass efforts, which must not be simply devolving expensive human rights to substate agents, as is occurring now. Bypass methods alone simply leave the central government free to continue participating in the statist discourse without the

expense of maintaining credible human rights governance. Either the state needs to take responsibility for human rights governance along with participation in the worldwide redistributive mechanisms of human rights, or it needs to be consciously divorced from those mechanisms. Right now, we've got a perfect storm of *discursive appearance of responsibility* without *fulfillment of responsibility*, or even reasonable accountability for expectations. The distinction between pragmatic decision-making and actual reification is often lost.

However, demanding simple democratic reforms does not solve the problem. A move toward strengthening the state in which either democratic processes do not exist or democratic processes do not necessarily produce a more democratic result would produce further discrepancies between process and result – legitimation without a discursive shift.

Democratic theory also often involves the formation of a national community – a community of consent to governance. We no longer regard the formation of a nation-state as a harmless, victimless process – it is widely understood that cultural endangerment is a violation of peoples' human rights. The old state model was established by armies wiping out those standing in the way of nationalizing projects; the new model is of necessity inclusive of groups with alternate histories and cultural visions.

There are many things about small, locally-generated systems of government, like the barangays, that can work well in Filipino/a communities. A stronger internal state would likely endanger this unique form of governance. The viability of non-Tagalog speaking minorities, for example, depends on local governance. Such communities are actually able to thrive in places because of the hollow state. Lack of attention to infrastructure and classic nation-building by indifferent governments has sometimes been

beneficial for groups that live at a subsistence level, or outside of the cultural mainstream. Lack of roads and communication has allowed ethnic minorities to better survive against not only cultural impingement, but, more concretely, threats from development and resource depletion.

In the Philippines, NGOs, INGOs, IGOs, and POs operating outside the state governance structure are a major part of barangay life. These governance alternatives should not be underestimated in their ability to reach target populations. I observed that workers with some of the more prominent NGOs were well-known in the areas we visited; they were instantly recognized and enthusiastically welcomed, every bit as visible on the local scene as the local governmental figures. Interestingly, this tacit acknowledgement of their effectiveness was recognized by the barangay leaders as well, resulting in an enthusiastic and mutually supportive relationship between local government officials and NGO workers.

In fact, there were a number of cases where the national government was attempting to push unpopular initiatives on the island, for example in granting mining concessions or forestalling efforts to increase access to national park land resources for indigenous gatherer-hunters. Environmental NGOs took stands against such bills, organizing grassroots campaigns with the full and very visible involvement of the local barangay captains. It is likely that the barangay captains saw their political fortunes more tied with NGOs than with their national government, even in cases where the two were clearly at odds.

One reason this scenario has been possible on Palawan is the interest that the international community has taken in the province. Palawan is widely regarded as

uniquely environmentally friendly, arousing the passions of environmental concerns worldwide. Some of the most visible human rights work has been undertaken by a local environmental NGO, who in efforts at forest conservation enlisted the help of rain forest gatherer-hunter groups. Balancing their needs against those of low-land farmers lead to programs to help the farmers as well, leading to a cascading effect of poverty alleviation programs, funded for the most part from outside the country, although locally administered. One reason NGOs are called upon to spearhead much of the work is that funding agencies are concerned that the government is untrustworthy. There are implications here for improving the efficacy of, and extending the reach of, human rights and poverty alleviation programs, especially in areas where governmental structures are indifferent, compromised, or nonexistent.

So does the state have any meaning in terms of human rights? I think the answer I've come to throughout the research involved in this book is – maybe.

The state is a bureaucratic normalizing entity – and that does have some utility. Simple provision of programs, goods, and services may at times be easier at the economy of scale that a state provides.

But the power relations embedded in state practices and reproduction are simply *of a different nature* than the resistances to power embedded in human rights regimes. The environmentalists discussed in Chapter Six demonstrate a useful model for engagement with the state on human rights issues. The state should be one of several possible options for addressing a given issue. There is a categorical divide forming,

between NGOs and IGOs which reify the state because *that's what they expect to see*, and those which successfully recognize and adapt to changing possibilities of governance.

Given their distinct histories and unique legitimization expectations, here is no reason to expect that the relatively new states of the post-colonial world will take a path that parallels that taken in the Global North. This statement has been made before, but usually in reference to the difficulties nascent nations face in overcoming their own internal hurdles on the road to nation building. We need to look more closely at the divergent paths to statehood caused by international discourse on the state, and I am not only referring to the classic state-to-state interactions involving security and trade in isolated power centers. Although much of the notable work I observed on Palawan was being performed by local NGOs, much of the funding was international. The capacity for the work of NGOs and POs to impact individuals' lives in a way that allows extra-state discourse on governance, affecting their perceptions of and allegiance to existing power structures, is a product of the global age. It is a recent phenomenon buoyed by international networks and supported by the newest information technologies. Generations from now we may find that it was the prodding from within by extra-governmental organizations working within the global community that will define the look of a state as much as the classic, more catastrophic forces of state-to-state collusion and collision that are credited today.

Indeed, the actions indicated by our respondents would seem to follow the aforementioned model of Saskia Sassen, Balakrishnan Rajagopal, Joseph Stiglitz who believe that the pressures that define a state are increasingly becoming primarily economic. Individuals may come to more closely align with those entities which fulfill

their economic needs rather than their security needs. We may be seeing a slow-moving coup of a different kind, with governmental structures being supplanted by what could be seen as rivals for the allegiance of the populace. In the vein of classic Filipino politics, this is being accomplished through an interesting combination of political expediency, enlightened self-interest, and strange bedfellows.

There is no point formulating a utopian solution that will never effectively counter the sedimented discourses⁶⁹ (institutions and practices) composing current political systems. Like Foucault, I think it is dangerous to think about discourses as controllable; we cannot escape discourses in which we are embedded – the mere illusion that we can leads to hubristic imposition of cultural particulars. By dismantling one discourse, another will take its place, and likely with radically unpredictable effects.

The international forces which have produced the hollow state are not going anywhere, and in fact may be strengthening with globalization. Many of these forces are not particularly concerned with justice, and instead are interested in reproducing institutions, some of which function remarkably differently from one geographic location to another. In just one example, Anne Smith's discussion of state human rights institutions indicates the poor uses to which a national human rights institution (NHRI) may be put if the goal of legitimizing a state is not balanced by the right independence from state control and the right relationship with civil society.

I am also faced with the uncomfortable realization that it is not only external NGOs and state actors that shore up the weak-state/strong-state imaginary, but that in the Philippines, the strength of the NGO sphere may protect the state from the consequences

⁶⁹ Again, I must thank that inestimable neologistician, Benjamin Peters, for this useful term.

of its own hollowness. The dynamic is self-reinforcing, as all players in the discourse – elites, populace, NGOs – contribute to the maintenance of the hollow state. The elites are not at odds with NGOs and the populace, they just move in disparate yet reinforcing circles, each looking out for its own interests, reinforcing contradictions. Together these seemingly incompatible discourses create a unified discourse that seems unlikely when looking at its component parts, but is stable and workable nonetheless.

There is a tendency to look at states as existing in a continuum, as evolving along a teleological track, rather as entities which have established an illusory visible stability. The United States is assumed to have reached a more or less stable position, theoretically, as a nation-state. In reality, even seemingly stable discourses of national-stateness are embedded in a context of multiple conflicting discourses, which could end up being pushed in a number of different directions. To assume future stability or predictability is simply hubristic.

The most we can hope for (and it is a lot!) is to understand the discourses in which we are most fully embedded, and therefore understand their effects. Therefore, I do not advocate doing away with the state, because in certain times, and certain places, it can be a useful discourse; reducing its hegemony over areas of ineffectiveness is the best possible outcome. This is a strong argument against the universalizing tendency of political “science”, and a strong argument for studying context, but a dynamic context, subject to processes that are not entirely (or sometimes, at all) predictable.

Appendix A: Oral Consent Form

Kasulatan ng winikang pagsangayon para sa “Panayam tungkol sa mga Programa ng Kasarian at Balangkas ng Pagpapababa ng Kahirapaan”

(This form is to be translated and read aloud in its entirety to interview subjects, and a translated printed copy is to be left with both prospective and actual research subjects)

(Ang kasulatang ito ay kailangang ilipat sa wika ng partisipante o sa wikang kanyang lubos na maiintindihan at iparinig sa kanya ang kabuoang nilalaman. Isang kopya ang marapat ni iwanan sa maaring maging partisipante at sa lehitimong kakapanayamin.)

Thank you for allowing me to talk to you about my research. You have been asked to participate in a study regarding the problems in making an aid project work. I am interested in how being either a man or a woman affects you in the project you were part of. There should be between fifty and one hundred people interviewed for the study.

Maraming salamat sa pagpapaunlak ninyo na ibahagi ko ang mga bagay bagay tungkol sa aking pananaliksik. Kayo po ay inaanyayahang makilahok sa isang pag-aaral tungkol sa mga suliranin ng pagsasakatuparan ng mga proyektong AID (o tulong mula sa ibang bansa). Interesado akong malaman kung paano ang pagiging lalaki o babae nyo ay nakakaapekto sa mga gawain nyo sa proyekto. Inaasahang aabutin ng singkwenta hanggang isang daan katao ang makakapanayam ko sa pag-aaral na ito.

You have the right to ask any questions you want, and get an honest answer. Feel free to take all the time you want to think about your participation in this interview, and feel free to talk to whoever you want to talk to about it.

Mayroon po kayong karapatan magtanong ng maski ano at makatanggap ng makatotohanang kasagutan. Malaya po kayong mag-isip ng inyong mga sagot na walang pag-aalinlangan sa panahon o oras. Malayang po kayong pumili ng makikipag-panayam sa inyo.

Duration: This interview should take between half an hour to an hour to complete. I may ask for a follow-up interview, which would be about the same length.

TAGAL: Ang panayam na ito ay tatagal ng kalahati hanggang isang oras. May pagkakataon pong hihingi ako ng kasunod na panayam na kasing haba ng nauna.

Risks: There are no real risks to you for your participation in this interview. Everything you say will be kept confidential.

Banta: Wala pong idudulot na kapahamakan ang paglahok nyo sa panayam na ito. Lahat po ng pinagusapan ay manatiling pribado at konpidensyal.

Benefits: There may be no direct benefits to you for participating in this interview. However, it is possible that this study will help improve projects like the one you participated in.

BENEPISYO: Wala pong diretsang benepisyo ang panayam na ito ngunit posibleng dahil dito ay mapapaunlad at mas mapaganda ang daloy ng mga proyektong katulad ng meron dito sa inyong lugar.

Confidentiality: Your name will be kept secret. I will use only information about groups of people in the final report, so there will never be a risk of your individual information being published. I will notify you, if you leave your address with me, of publication of any of the results, and if you ask at that time, I will send you a copy of any articles (but not books).

Kunpidensyal: Ang inyong pangalan ay mananatiling lihim. Gagamitin ko pong mga datos ay ang koponang kasagutan para sa aking pangwakas na pag-uulat. Wala pong panganib na maisulat ang inyong mga pansarili at indibidwal na inpormasyon o datos. Kung ibibigay nyo pa ang inyong address, ipapaalam ko po ang paglathala ng maski anung resulta ng pag-aaral na ito. Padadalhan ko po kayo ng kopya ng lathalin malilimbag maliban sa kopya ng aklat o mga aklat.

Financial Consideration: There will be no cost to you for talking to me; you will not be paid for talking to me either.

BAYAD/UPA: Walang pong gastos ang pakikipagusap sa akin. Gayundin, wala pong upa o bayad ang panayam na ito.

Right to Refuse: You always have the right to not talk to me. You can start talking to me, and then decide that you want to stop. You have the right to say you don't want to answer a particular question, and you don't have to explain why. There is absolutely no penalty to stopping the interview at any time.

KARAPATANG TUMANGGI: Lagi po kayong may karapatang tumangi sa panayam. Okey lang na magkausap tayo at maisipan nyong putulin ang panayam. Meron kayong karapatan na huwag sagutin alin man sa mga katanangang ng hindi kailangang magpaliwanag. Wala pong multa sa pagpahinto ng panayam.

____initial

____ inisyal

Audiotape: With your permission, I would like to audiotape this interview, so I can accurately recall what you say. If you would prefer, I can simply take notes, but it will increase my accuracy if I can listen to you again. later.

TAPE/RECORD: Kalakip ng inyong pagsangayon ay nais kong i-rekord sa tape ang panayam na ito upang mas maalala ko ng mahusay ang inyong mga sasabihin. Kung inyong nanaisin maaari din isulat ko na lang ang daloy ng panayam. Subalit mas mapapabuti po ang aking tala sa pamamagitan ng mga tape.

Contact: If you have any questions, here is how you can get in touch with me. The best way is by email at delfeld@earthlink.net. You can write a letter to Helen Delfeld, Political Science Department, 89 George Street, New Brunswick, New Jersey, 08901, USA. You can call me at 011-908-227-5182. If you have any questions about your rights as a research subject, you can contact the Sponsored Programs Administrator, Rutgers University Institutional Review Board for the Protection of Human Subjects, Office of Research and Sponsored Programs, 3 Rutgers Plaza, New Brunswick, New Jersey, 08901-8559, USA; or by telephone at 011-732-932-0150 ext. 2104; or by email at humansubects@orsp.rutgers.edu

Address:Kung kayo po ay may mga katanungang, ito po ang mga paraan kung paano nyo maipararating ang inyong mensahe. Pinakamaiigi po ang email delfeld@earthlink.net . Maari din po kayong sumulat sa akin dito: Helen Delfeld, Political Science Department, 89 George Street, New Brunswick, New Jersey, 08901, USA. O di kaya tumawag sa 011-908-227-5182. Kung meron po kayong katanungan tungkol sa inyong karapatan bilang bahagi ng pagaaral na ito, maari nyo pong ipabatid ito sa Sponsored Programs Administrator, Rutgers University Institutional Review Board for the Protection of Human Subjects, Office of Research and Sponsored Programs, 3 Rutgers Plaza, New Brunswick, New Jersey, 08901-8559, USA; or by telephone at 011-732-932-0150 ext. 2104; or by email at humansubects@orsp.rutgers.edu

Your signature or mark below indicates that you have been read this document (translated if necessary) and you understand your rights. Your signature indicates that you have asked all the questions you want to ask.

Ang inyong lagda o marka sa ibaba ay patunay na nabasa ninyo ang dokumentong ito at naintindihan ninyo ang inyong mga karapatan. Ang inyong lagda ay nagpapatunay din ng inyong lubos na pag-unawa. Patunay din ito na kayo ay nabigyan ng pagkakataong makapagtanong tungkol sa lahat ng nais ninyong malaman.

Pangalan ng Partisipante

Lagsa

Petsa

_____	_____	_____
Pangalan ng Nag-panayam	Lagda	Petsa

Your signature or mark below indicates that it is all right to tape this interview.

Ang inyong lagda o marka sa ibaba ay nagpapatunay na sumasangayon kayo na irekord ang panayam.

Ang inyong lagda o marka sa ilalim ay nagpapatunay na sumasangayon kayo sa pag-tape o pag-record ng panayam na ito.

_____	_____	_____
Pangalan ng Partisipante	Lagsa	Petsa

_____	_____	_____
Pangalan ng Nag-panayam	Lagda	Petsa

Appendix B: Tagalog Interview Protocol

Interviewer: _____ date: _____ CITY, Barangay:

Development project:

A1) Pangalan: _____ Edad: _____ Kasarian: _____ bilang ng Pamilya:

Pangalan ng Asawa:

EDUCATION	INTERVIEWEE	SPOUSE	AGE:	AGE:	AGE:
No school					
Some GS					
Complete GS					
Some HS					
Complete HS					
Some college					
College degree					

A2) Immigrated to Palawan? YES/NO. _____ Saang probinsya galing. _____ Kailan at bakit lumipat?

A3) Aktibo ka paba sa proyekto? Oo/ Hindi. _____ Kung hindi bakit?

A4) kailan ka napasok o na involved sa proyekto? Ilang taon kana sa proyekto?

A5) Magakano ang iyong kinita nung nakaraang taon? _____ Nakaraang buwan?

A6) Sa isang buwan magkano ang budget na inilalaan ng iyong pamilya para sa pagkain/

A7) Naka apekto ba ang proyekto sa iyong kinikita? Nadagdagan ba o hindi?

A8) May ibang pinagkakakitaan ba kayo bukod sa proyekto?

A9) Sa isang araw magkano ang iyong ginagastos sa pagkain? Binibili ba ang bigas at ulam o ipinagbibili ang kalahati ng iyong produkto (huli o ani) para pambili ng makakain?

A10) Ang ganitong gawain ba ay katulad parin ng dati o nabago ba ito ng magkaroon kayo ng proyekto?

A11) May Pagaari ba kayo ng lupain at Alagang hayop?

A12) Bukod sa pamilya mo may ibang kamaganak paba na tumutulong sa pamilya mo?

B) Project participation

B1) Ano ang pagkakakilala mo sa proyekto?

B2) Paano mo nagustuhan ang pagsali sa proyekto?

1. hindi ko gusto ang ibang aktibidad
2. hindi ko gusto lahat
3. okay lang
4. gusto ko kasi maganda ang nangyayari
5. gusto ko lahat

B3) Mag bigay ng halimbawa ng pinakagusto mo sa proyekto?

B4) Magbigay ng hindi mo gusto sa proyekto?

C) Project effect

C1a) Nabago ba ng proyekto ang buhay mo?

1. katulad parin ng dati
2. nabago ng kaunti
3. malaking pababago

C1b) Kung nabago ng proyekto ang buhay mo, Paano nabago?

C2) Dahil sa proyekto mas marami ba ang panahon mo o kumunti ang oras mo para sa pamilya?

C3a) Dahil sa gawain mo sa proyekto, May nabago bang aktibidad sa iyong pamilya?

C3b) Dahil sa oras at dami ng activity ng proyekto na involved ka! Mas marami ba ang ginagwa ng iyong asawa sa ngayon kumpara sa dati mong ginagawa sa loob ng inyong tahanan? Sino ang ng didisyon sa pamilya?

C4a) Paano ka sinuportahan ng mga anak mo sa pagsali m sa proyekto?

1. wala silang nalalaman
2. gusto nila/ katamtaman lang
3. gusto nila, pero hindi lahat ng aspeto
4. gustong-gusto

C4b) Paano nila ipinaparamdam sayo at paano mo nasabi?

C5a) Ano ang reaksiyon ng iyong asawa sa pag sali mo sa proyekto?

1. walang pakialam
2. medyo sumusuporta
3. gusto nya ang ibang aspeto pero di lahat
4. gustong-gusto

C5b) Paano nya pinararamdam sayo?

C6) Dahil sa pagparticipate mo sa proyekto, personal mo bang inaalagaan ang iyong mga anak o nabawasan ba iyong oras para sa kanila?

1. Dahil sa oras ng activity nabawasan ang oras ko sa pag-aalga ko ng aking mga anak
2. Katulad parin ng dati walng nag bago
3. Mas marami ang inilalaan ko sa pagaalaga ng aking mga anak

C7) Nakatulong ba ang proyekto sa pag aalaga ng mga anak?

C8) Dahil sa proyekto, may nag-patuloy ba sa pag-aaral sa pamilya mo O may tumigil sa pag aaral?

C9) Ano ang iyong pakiramdam bilang kasapi ka sa proyekto O organisasyon?

C10) Nabago ba ang iyong katayuan sa koomunidad bilang isang meyimbro ng proyekto O organisasyon?

C11) Ano ang iyong pakiramdam bilang isang lalake o babae na napabilang sa organisasyon o proyekto?

D) Structural issues

D1) Nakasama kaba sa pagpapalano ng proyekto?

D2a) Naisama ba ang iyong mga ideya O suhision bilang meyimbro ng organisasyon?

1. pakiramdam ko hindi kailangan ang aking ginawa o suhision
2. may gusto akong sabihin pero di ko masabi sa grupo
3. actibo ang aking pkikipagparticipate sa proyekto

D2b) Paano mo nasabi ito?

D3a) Pakiramdam mo ba nakakatulong ba ang proyekto sa iyong mga pangangailangan?

D3b) Paano mo nasabi ito?

E) National versus Local Governance

E1) Pangalan ng kapitan? _____ Pangalan ng mayor? _____ Pangalan ng cong.

Pangalan ng senador?

Mag bigay ng pangalan ng isang mem. ng supreme court?

E2)a. Bumuto kaba last election? Oo /Hindi

b. last presidential election? Oo / Hindi

c. puwedi ba malaman kung sino ang binuto mo sa pagkapangulo?

E3) Sa iyong sariling opinyon paano mo irarango ang mga sumusunod na mga panagalan ayon sa pagkakasunod mula 1, 2, 3, 4. sino ang una at huli sa iyong sarili?

- a. kapitan _____ b. Mayor _____ c. congressman _____ d. Pangulo
- E4) Sa inyong opinyon Ang ganitong pagraranggo ba ay nabago ba since nung panahon pa ni marcos?
- E5) Sa iyong pananaw sino sa apat ang pinaka honest sa lahat, ayon sa nabanggit na pangalan?
- E6a) ayon sa resulta nang pagiging involved mo sa proyekto, naging aktibo kaba sa pulitika o hindi?
- a. di ako aktibo
- b. pareho lang ang pagiging aktibo
- c. aktibo ako sa pulitika
- E6b) dahil sa pagiging involved mo sa proyekto, mas marami ka bang natutunan patungkol sa politiko o walang nalalaman?
- a. walang nalalaman
- b. katamtaman ang nalalaman
- c. marami ang nalalaman
- E6c) kung marami ang nalalaman sa politika ipaliwanag?
- E7) Mag bigay ng pangalan ng NGO's at PO's at paano sila nakakatulong sa inyo?
- E8) Gaano ka importante ang mga NGO at PO's sa buhay mo?
1. hindi sila importante sa kin
 2. importante sila pero di lahat
 3. importante sila lahat
- E9) Paano mo ikukumpara ang pagtulong ng NGO at PO sa barangay?
1. mas nakakatulong ang barangay kaysa sa NGO at PO
 2. ang BGY. At NGO ,PO ay parehong nakakatulong sa pamilya ko
 3. importante sa pamilya ko ang NGO at PO kesa sa barangay.
- E10) Pamilyar kaba sa philippine constitution?
- E11) Ang batas pangekonomiya na garantiya ng philippine constitution ay mayroong bang ipekto sa ordinaryong
- tao katulad mo patungkol sa usaping pangkabuhayan at pabahay?
- E12) Ipaliwanag?
- E13) Sa iyong pananaw sino ang dapat ang responsabling tao ang dapat gagawa ng batas na ito?

E14) Sa iyong sarili sino ang tao at organisasyon ang talagang nakakatulong sa iyo at sa pamilya mo?

E15) Sa iyong sarili naipapatupad ba ng pantay ang batas pankarapatan lalo na sa mga katutubong pilipino?

F) Wrap up

F1) Gusto mo pa bang makakita ng ibang proyekto tulad nito?

F2) Ano ang pinaka magandang hamon sa buong buhay mo?

F3) Ano ang magandang rekomendasyon mo para maimprove pa ang inyong proyekto?

Appendix C: Interview Protocol Answer Sheet Sample

Interviewer _____ Date _____ City, Barangay _____

Development project: _____

A1) Name Code _____ gender: M/F _____ age: _____ # in family _____ position _____

EDUCATION	INTERVIEWEE	SPOUSE	AGE:	AGE:	AGE:	AGE:	AGE:	AGE:
no school								
some GS								
complete GS								
some HS								
complete HS								
some college								
college degree								

If college, describe: _____

A2) Immigrated where, when? _____

A3) YES/NO Why Not? _____

A4) When and how long? _____

A5) Cash income last year? _____ Last month? _____ A6) Food budget last month? _____

A7) Project effect on income? _____

A8) Other cash sources? _____

A9) 1) almost all caught/grown	2) most caught/grown	3) half bought	4) most bought	5) all bought
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A10) Same as before? _____

A11) Land & animals? _____

A12) Family contributors? _____

B1) How did you hear? _____

B2) 1) didn't like at all	2) didn't like a little	3) OK	4) pretty good	5) liked a lot
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B3) What did you like? _____

B4) Not like? _____

C1a) 1) no change	2) small change	3) big change	C1b) How? _____
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C2) Family time? _____

C3a) 1) a little 2) same 3) a lot C3b) Spouses' jobs? Who decides? _____

C4a 1) didn't care	2) mildly supportive	3) liked a little	4) like a lot
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C4b) How do you know? _____

C5a 1) didn't care	2) mildly supportive	3) liked a little	4) like a lot
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C5b) What did s/he say? _____

C6) 1) less time	2) same	3) more time
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C7) Help with childcare? _____

C8) Education change? _____

C9) Make you feel? _____

C10) Community position? _____

C11) Man/woman? _____

D1) Involved in planning? _____

D2a) Input wanted?	1) not wanted	2) could speak up	3) input sought
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D2b) Examples: _____

D3a) Needs considered?	1) no	2) a little	3) a lot
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D3b) Why/why not? _____

E1) Captain? YES/NO Mayor? YES/NO Congressperson? YES/NO Senator? YES/NO Court? _____

E2) Vote locally? YES/NO Vote National? YES/NO For whom? _____

E3) Important? rank 1-4:	Captain ____	Mayor ____	Congressperson ____	President ____
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E4) Changed since Marcos? _____

E5) Honest? rank 1-4:	Captain ____	Mayor ____	Congressperson ____	President ____
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E6a) Politically active? 1) less 2) same 3) more **E6b)** Political knowledge? 1) less 2) same 3) more

E6c) Why and how? _____

E7) NGO's/PO's? _____

E8) NGO's important?	1) not	2) a little	3) a lot
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E9) 1) Barangay better 2) the same 3) NGO's/PO's better

E10) Know Constitution? _____

E11) Rights effects? _____

E12a) a) food b) jobs c) housing **E12b)** Explain _____

E13) _____

E14) _____

E15) _____

F1) More projects? YES/NO **F2)** Challenges in your life? _____

F3) Recommendations? _____

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