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Of Habermas and Hypocrisy: Discounting Nonviolence in Afghanistan's Elections

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On June 14, 2014, Afghanistan held the second round of run-off elections to select the next President of Afghanistan in what was meant to be the first peaceful and democratic transition of power in Afghanistan's history. Within hours of polls closing in the runoff elections, allegations of wide-scale fraud emerged. Presidential candidate Dr. Abdullah Abdullah's camp accused Dr. Ashraf Ghani Amadzai's campaign of colluding with Afghanistan Independent Election Commission (IEC) officials, Provincial Governors, and police, all the way up to the Presidential Palace, to commit fraud and throw the results of the election in Ghani's favor. Only days after the allegations emerged, camps sprang up across the capital city of Kabul in protest of what was widely viewed as massive election fraud, and a violation of democratic rights perpetrated by the government. This unprecedented nonviolent social movement went largely unacknowledged by the international community and in international news, with notably minimal press coverage and complete silence or, at best, downplaying from major international actors. This article assesses nonviolent social movements, and particularly the nonviolent social movement that emerged in response to the 2014 presidential elections in Afghanistan, as an indicator of consolidated democracy. It furthermore analyzes the international community's response to the events as undermining Afghanistan's democracy and reinforcing long-entrenched norms of violence as a means of addressing conflict with the state in Afghanistan.

Measuring Democracy

Taken as a whole, the democracy promotion efforts in Afghanistan reflect larger principles of transition theory and a belief in the determinative power of elections. As early as 2003, the United States claimed success for their Afghanistan operations under the rationale that the implantation of institutional and electoral infrastructure signaled the successful establishment of liberal democracy. Transition theory outlines a relatively simple framework for success, and is therefore relatively quick to accomplish. In the framework of transition theory, democracy promotion strategies do not have to accomplish the establishment of democratic culture, but rather prioritize institution building (Hill, 2011). The democracies that typically emerge from this approach to democracy promotion have the potential to develop along the lines of "third wave" democracies, which largely have not achieved consolidation. They generally focus more on the survival of transitional democracy, which is characterized by a lack of non-democratic political competition for power, rather than on establishing lasting democratic consolidation (Diamond, 1996).

Civil disobedience and social movements have long held a place in discourse on the liberal-democratic tradition [1]. Discourse on civil disobedience and the liberal-democratic tradition extends back to Henry David Thoreau's (1849) essay articulating civil disobedience as a fundamental component of the right to rebel against unfair laws and tyrannical government. For Thoreau, participation in constitutional political processes is often not enough to prevent injustice by the government, in which case disobeying the law becomes a duty and a right; a form of exercising the freedom of the citizenry against the corrupting power of government (Fiedler, 2009).

In *Theory of Justice*, John Rawls (1971) asserts that civil disobedience constitutes a barometer for the appropriate understanding of the foundations of democracy and the level of maturity of a democracy. Rawls outlines three conditions that must be fulfilled for justified civil disobedience: the protest must be aimed at well-defined cases of serious injustice; the possibilities for legal means of successfully influencing opinion must be exhausted; and the

activities cannot reach to an extent that they endanger the functioning of the constitutional order. While Jurgen Habermas generally agrees with Rawls regarding these conditions, Habermas views civil disobedience as a form of deliberation and communication in the public sphere that facilitates more legitimate legislation and modes of rational governance (Fiedler, 2009). Habermas (1985) asserts that if the representative system collapses, the democratic constitutional state must rely on the collective action of citizens as the "guardian of legitimacy."

The work of Hannah Arendt is particularly notable in the area of political power and freedom. Arendt conceptualizes political power as an authorizing force that manifests itself in orders that protect political liberty, resistance against repression that threatens political liberty, and freedom-founding acts that spur the creation of new laws and institutions (Habermas and McCarthy, 1977). In discussing Arendt's conceptualization of political power, Habermas (1996) asserts that political power is in its purest form when political freedom manifests itself in protest movements, characterized by the communicative concept of power whereby power corresponds to 'the human ability not just to act but to act in concert' (Arendt, 1970, p. 44). Arendt's communications concept of power echoes the consent theory of power, whereby the people's support lends power to the institutions of a country, which 'petrify and decay as soon as the living power of the people ceases to uphold them' (Arendt, 1970, p. 41).

James Tully, also drawing on the work of Arendt regarding political freedom as a practice, expands upon the ideas of Rawls and Habermas and puts forward the idea of 'cooperative citizenship,' which goes beyond the conceptualization of political rights limited to electoral participation and the official channels of the public sphere (Celikates, 2014). Cooperative citizenship is not officially sanctioned, but rather is a form of democratic agency that "comes into being when citizens call into question some aspect of a relationship that they bear (as subjects)" (Tully, 2010). This takes the form of 'arts of citizenship' including protests, petitions, boycotts, arguing and bargaining, alternative dispute resolution, and transformative justice within a larger collection of democratic practices (Tully, 2010).

What emerges from these various discussions of nonviolent action and civil disobedience is their centrality to the legitimacy and sustainability of an effective democratic state. The issue with democracy promotion in the framework of transition theory is that while free and fair elections are one indicator of democracy, they do not independently constitute a successful democratic state. They particularly run the risk of succumbing to what Terry Karl describes as the 'fallacy of electoralism,' or privileging electoral over other dimensions of democracy (Diamond, 1996). Particularly in post-conflict and transitional settings, democracy promotion can prevent democratic consolidation by promoting certain 'safe' indicators of democracy, such as elections, and undermining social movements as an expression of political freedom out of fear for their potential to spiral into a resumption of violence.

Afghanistan's 2014 Presidential Elections and the International Community's Response

Afghanistan held the first round of Presidential and Provincial Council elections on April 5, 2014. In the first round, Dr. Abudllah Abdullah won 45 percent of the vote, with Dr. Ashraf Ghani coming in second with 31.6 percent. With no candidate receiving the mandatory 50 percent of the vote required to win the Presidential poll outright, the second round of elections was held on June 14, 2014, positioning the two candidates with the most votes from the first round against each other in a run-off election. Almost immediately after the polls closed in the second round, allegations of widespread fraud surfaced, prompting the beginning of a long, drawn-out electoral dispute marked by protests and social movements against fraud, disengagement of candidates from electoral processes, and allegations involving Afghan government officials at all levels, all the way up to the Presidential Palace. In the weeks immediately after the runoff, the international community was markedly disengaged, repeatedly asserting the process as 'Afghan responsibility' in an attempt to preserve the perceived sovereignty of the elections. Nonviolent demonstrations took place from various social movements across Afghanistan for weeks, also largely unacknowledged [2].

Preliminary results were announced by the Afghanistan Independent Elections Commission (IEC) on July 7, asserting Dr. Ashraf Ghani as the preliminary winner with 56 percent of the total vote, with turnout at 8.1 million, compared to the 6.6 million voter turnout reported by the IEC in the first round. The announcement, which came before any credible or accepted investigation into the allegations of fraud and after a counting process that largely proceeded without the presence of Dr. Abdullah Abdullah's observers, quickly led to an escalation of tensions which

culminated in the publicly unverified rumor of the establishment of a parallel government by Dr. Abdullah Abdullah. At the prospect of violence, the international community quickly changed their tone on 'Afghan responsibility,' marked by the widely covered emergency visit from US Secretary of State John Kerry to attempt to broker a peaceful agreement between the candidates, facilitated in part by the United Nations. After two days of intense negotiations, the candidates reached an agreement on a complete recount under the supervision of international observers and the formation of a 'national unity government' by the winner, after which the social movements were dispersed in what was hoped to be a conclusion to the widely cited 'electoral crisis' [3].

Though the elections dispute was widely covered by the global media, the nonviolent social movement that emerged was not. Only days after the second round, sit-in demonstration camps were established in five locations in the capital city of Kabul—Salim Karwan, Khair Khana, Karte Parwan, Park Zar Negar, and Quwai Markaz—under the banner of the Anti-Fraud Movement, signified by the color red. There were also non-affiliated sit-in demonstration camps at Sultan Mahmud Road, in front of Serena Hotel, and in front of the Kabul International Airport. The National Movement, which was established in 2011 by Amrullah Saleh against government corruption and fraud, also took to widespread demonstrations, signified by the color green. A third movement emerged in Herat province, a largely youth-led anti-fraud group, signified by the color orange. The fourth major movement emerged around the same time as Kerry's visit to broker a deal, a youth-led movement by the name of 'Afghanistan Anti-Fraud Defenders.' This group staged a demonstration blocking the entrance to the Kabul International Airport on the first day of Kerry's visit by chaining themselves together across the road and only allowing entrance to the airport by foot. Though separate movements, they were largely unified in their motivation and goals. Importantly, none of the movements had the formal involvement of either presidential candidate, and while many of the participants were Abdullah supporters, none of the movements formally endorsed either candidate and expressly described themselves as anti-fraud and promoting transparent and fair election results [4].

Witnessed in some cases by the author, a number of demonstrations took place in the period between the June 14 elections and the July 14 agreement. The sit-in camps held daily demonstrations and hosted speeches from various groups and individuals protesting the elections results, including marches and demonstrations staged by Afghan women. Though the camps persisted for different amounts of time, the last remaining sit-in demonstration was an independent camp near Kabul International Airport, which maintained a peaceful, nonviolent presence for nearly a month and was only dismantled at the request of Dr. Abdullah after the deal was announced. The largest demonstration took place on June 27, when various protest marches began across Kabul, joining together in front of the Presidential Palace. Estimates for attendance at this protest varied, with news organizations reporting anywhere from a couple thousand to 15,000 participants, though it was evident that some of these estimates reflected the turnout for the separate marches from their starting points, and photos of the consolidated demonstration suggest an even higher number of demonstrators. The last large gathering was the July 8 demonstration at the Loya Jirga tent, where Dr. Abdullah Abdullah requested to thousands gathered that the protestors hold off on activities pending the outcome of Kerry's visit, instead of declaring a parallel government as he was rumored to do.

Article 36 of the Constitution of the Islamic Republic of Afghanistan ratified in 2004 provides that "the people of Afghanistan shall have the right to gather and hold unarmed demonstrations in accordance with the law, for attaining legitimate and peaceful purposes." The protection of Afghan citizens' right to demonstrate in the Law on Assemblies, Strikes, and Demonstrations is open to subjective interpretation, allowing the government to intervene if it is against the interest of 'national unity,' allowing placards so long as they are "not contrary to social propriety, order, and public safety," and disallowing demonstrations from publishing rumors and baseless propaganda that would "create shock and horror in society." Despite multiple means of asserting one or more of these clauses in order to shut down the protests in the aftermath of the election, especially given that they were not in the interest of 'national unity,' the Afghan state effectively recognized and respected the rights of citizens to protest and to exercise nonviolent civil disobedience. On July 10, the Ministry of Interior published their rules for protests and public demonstrations in Afghan news, recognizing and protecting Afghan citizens' right to protest and asserting the impartiality of the police, but reasserting the requirement that protest organizers work with the police to ensure the safety of participants. There were no reports of police or government harassment of protestors, and anecdotal accounts depicted government officials and security forces as cooperative, supportive, and acting in the interest of protecting the demonstrators.

In assessing the international community's response, a discourse analysis was undertaken from two primary sources of rhetoric: (1) 173 elections-related news articles from seven major international news organizations from June 14 to July 14, and (2) a total of 44 official statements from the United Nations, NATO/ISAF, the United States, and the European Union from the same period [5]. In 173 news articles, 47 articles mentioned the protests, and the words 'protests,' 'protestors,' 'demonstrations,' or similar words appeared 112 times, though the protests were only the primary topic of 17 articles. However, the nonviolent means of protest were only acknowledged 11 times, and the word 'peaceful' was only used to describe the protests 8 times.

There was a consistent pattern of attempting to assert the protests as an imminent precursor of violence and to depict the demonstrators as angry or poor losers rather than Afghan citizens exercising their constitutionally protected right to protest and demonstrate in the interest of protecting what they perceived as a violation of their democratic rights. Asserting that the participants were shouting some variation of "Death to…" appeared 13 times, and the destroying or burning photographs was mentioned 15 times. In particular, the destruction of photographs was depicted as a signifier of potential violence, a surprising association for a mild form of nonviolent civil disobedience in a country with a decades-long history of violent armed conflict.

It was suggested 21 times that the protests had the potential of turning violent, and the protestors are specifically described as Abdullah supporters 19 times, compared to only 3 times where they are classified as anti-fraud. The sociolinguistic implications of associating the demonstrators with a particular candidate rather than the protection of their democratic rights are loaded, as they depict their motive as one of self-interest, rather than the protection of democratic rights. Interviews or direct quotes from protestors only appeared 9 times in 173 elections-related articles. Several of the news articles appeared to attempt to downplay the level of participation in the social movement.*The New York Times* even included the qualifier 'some' Afghans in the title of an article covering the protest march on June 27, suggesting quite absurdly that social movements would ever encompass the whole of a country's population rising up simultaneously against perceived injustice.

Comparatively, the word 'dangerous' appeared 13 times; 'civil war' appeared 37 times; 'crisis' appeared 110 times; 'ethnic division', 'ethnic hatred,' or a similar variation appeared 93 times; 'hate speech,' 'inflammatory language,' or a similar variation appeared 13 times; and 'violence', 'threat of violence', 'force,' or a similar variation appeared 97 times. The rumored threat of Dr. Abdullah Abdullah forming a parallel government was mentioned 87 times, 'power grab' 12 times, 'partition' or 'secession' 15 times, and the threat of suspension of aid from the US and other governments issued in the event that a parallel government was formed was mentioned 52 times. The potential of civil war or ethnic-based violence was alluded to in 43 articles.

In 44 official statements from the UN, ISAF/NATO, the US, and the EU, the word 'democracy' appeared 52 times, compared to the word 'protest,' which only appeared twice, neither of which acknowledged the nonviolent means of protest. There was a strong attempt to justify a lack of intervention in an intermediary role, with 'Afghan responsibility,' 'Afghan-led,' or a similar variation of the phrase asserted 17 times. The statements overwhelmingly asserted that the candidates should engage with electoral institutions or processes, mentioning this 16 times, calling for refraining from certain actions or exercising restraint 15 times, and calling for 'respect' of either the process or institutions 18 times, despite the fact that these institutions and processes were at the core of the fraud allegations. The word 'violence' or some variation appeared 14 times; 'stability' or 'instability' 28 times; 'civil war' or 'conflict' twice; calling for 'calm' or 'patience' 10 times; negative reference to 'civil disorder' or 'civil disobedience' 10 times; and 'hateful,' 'inflammatory,' or 'provocative rhetoric' 12 times. There were 15 allusions to potential violence, and 15 statements with a reprimanding or warning tone regarding candidates' or the public's behavior in the process.

The overall tone of the official statements completely undercut the legitimacy of the people's complaints regarding the process and perceived fraud. There were 53 statements of congratulations or promoting the elections in the 44 official statements, and while some acknowledged the need for a thorough audit and addressing concerns regarding fraud, this was far from a dominant theme. The rhetorical treatment of the social movement against electoral fraud was even more disconcerting. The first of the only two mentions of the protests was in an official statement from US Secretary of State John Kerry, where he stated,

I have noted reports of protests in Afghanistan and of suggestions of a "parallel government" with the gravest concern… There is no justifiable recourse to violence or threats of violence, or for resort to extra-constitutional measures or threats of the same. The apolitical role of the security forces must be respected by all parties. We call on all Afghan leaders to maintain calm in order to preserve the gains of the last decade and maintain the trust of the Afghan people.

The second and final mention was in a statement from France in a UN Security Council discussion on the elections, where it was stated, "It was essential to ensure that protests did not overshadow success. Similarly, competing candidates should avoid provocative rhetoric. Confidence in the counting process also was crucial to the new leader's ability to govern." The first of the two statements associated the peaceful, non-affiliated social movement with a violent, extra-constitutional coup, where the second asserted that the protests were of secondary or even negligible importance to asserting that the elections were a success.

Not one news article or official statement acknowledged that Afghan citizens are afforded the right to demonstrate in the same Afghan constitution that also established an "'order based on the peoples' will and democracy," as well as through other means of legally codifying the inarguably democratic right to freedom of peaceful assembly, which is also enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the American Convention on Human Rights, and the Charter of Fundamental Rights of the European Union. Similarly, the legitimacy of the claims was consistently underplayed. It is difficult to make a case that the allegations of fraud were baseless. The situation marked the third fraud-related electoral dispute in only 5 years in Afghanistan, making it hardly unprecedented. Furthermore, when examining the actual turnout figures, the case of Paktika province alone showed a 96% turnout, compared to their total population figures from the 2012-2013 CSO estimate [6] after accounting for an estimated 2.03% annual population increase in a country with a population under 15 estimated at around 46%, and a 52.7% increase in voter turnout from the first round of the elections, similar irregularities to those noted in the same province in the 2009 elections.

Both the international news coverage and official statements reflect a larger trend of promoting elections as the ultimate benchmark of democracy, and depicting anything challenging their legitimacy as a precursor to violence and civil war. They furthermore undermined the legitimacy of the social movement that emerged in opposition to what was perceived as widespread fraud supported by the Afghan government. The movement clearly met Rawls's criteria for justified civil disobedience. The protests were aimed at a well-defined case of serious injustice that, while unverified, was far from unsubstantiated; Dr. Abdullah Abdullah's team had attempted to address the injustice through legal means by attempting to present evidence (albeit largely uncorroborated) and attempting negotiations with relevant electoral authorities; the activities did not endanger the functioning of the constitutional order, but were rather well within the bounds of constitutional protection [7].

The international community's response warrants contextualization through a surface-level comparison of the 2014 presidential elections in Afghanistan and the electoral revolutions of the late 1990s and early 2000s, specifically the Orange Movement following the 2004 presidential elections in Ukraine. The general storylines begin virtually identically—national elections, allegations of widespread fraud, implausibly inflated turnout figures from the government electoral institutions, protests and a social movement in the interest of promoting fair and transparent electoral outcomes. However, the stories diverge at this critical point [8]. Whereas in Ukraine the protests were largely supported by the international community as an expression of commitment to democratic values and intellectual and financial imports from the West supported Ukraine's democratic opposition (McFaul, 2007), in Afghanistan the social movement that emerged was depicted as a precursors to violence and instability and threatening the democracy that western influences had worked so hard to build.

Whereas the international community worked to support the exposing of fraud in Ukraine's elections (McFaul, 2007), in Afghanistan the allegations were largely ignored and downplayed until a poorly-conceived audit was hastily pieced together in an attempt to create an illusion of transparency as a means of appeasing powerful actors and preventing escalation. Whereas in Ukraine a parallel government was actually declared (Karatnycky, 2006), in Afghanistan the threat of such an action was a publicly unverified rumor. Whereas the protests in Ukraine resulted in an internationally supported third round of elections and what was widely perceived as a fair electoral outcome

(Karatnycky, 2006), in Afghanistan the electoral dispute is ongoing and a fair and transparent outcome at this point is virtually inconceivable. Though the parallels between the two are also marked by several critical differences that would warrant a more in-depth analysis, at face value the contextualization provides a telling example of the inconsistencies and mixed motives of democracy promotion efforts.

Conclusions

There is no shortage of analyses of the democracy-promotion aspects of international intervention in Afghanistan as a superficial justification for military and geopolitical strategic interests. The effective sidelining of the nonviolent social movement protesting the perception of widespread fraud in the 2014 runoff presidential elections is a definitive consolidation of this position. The first democratic transition of power in the history of Afghanistan was envisioned as the crowning jewel of a 13-year effort at establishing democracy in Afghanistan and an ideal validation for the drawdown of international support to Afghanistan. In the effort to salvage this unrealistic expectation, the effects of not acknowledging the nonviolent social movement for what it was, an indicator of a culture of democracy taking hold, the international community has in reality constructed a counterintuitive obstacle to Afghanistan's democracy entering consolidation. In favor of preserving the façade of effective electoral institutions and an institutional democratic framework, the international community effectively failed to acknowledge and thus diminished the moral foundations and political culture of an emerging developed democratic polity.

Somewhat ironically, in the aftermath of the elections, Afghanistan showed markers of a consolidated democracy. Those opposing the government demonstrated a sustained commitment to nonviolence within the framework of Afghanistan's democracy and constitution. While violence and a militarized coup was not completely ruled out as a competitive form of power, it was generally considered a last resort measure at all levels; from those vying for presidential power all the way down to citizens acting in the interest of protecting their democratic rights at the grassroots level. However, by ignoring this sustained commitment to democratic principles and only engaging upon the threat of violence and resumed conflict with the rumors of a parallel government, the international community effectively demonstrated to the people of Afghanistan that adhering to a path directed towards consolidated democracy is not an effective means of ensuring respect for rights and fair and transparent governance. The international community's response rewarded the threat of violence, essentially derailing any hopes of achieving consolidated democracy in Afghanistan in the near future and ensuring a continued legacy of resorting to violence, or at least the threat of it as a means of addressing conflict with or within the state.

Notes

[1] It is important to acknowledge the distinction between civil disobedience and nonviolent action. Without delving too deep, civil disobedience is qualified by acts that are technically illegal, which can be in the interest of supporting a nonviolent social movement. However, not all actions in support of nonviolent social movements qualify as civil disobedience. For the purpose of this analysis, the distinction between civil disobedience and nonviolent action in terms of legality is considered peripheral to the larger question at hand of the role of challenges to the state, its laws and policies through legal or illegal nonviolent action as a critical component of consolidated democracy

[2] The demonstrations were only acknowledged twice in 44 statements from the US, UN, NATO/ISAF, and the EU, neither of which acknowledged their nonviolent nature.

[3] The word 'crisis' appeared 110 times in 173 news stories reviewed for this article.

[4] Information provided to the author by organizers from the Afghanistan Anti-Fraud Defenders and the Anti-Fraud Movement

[5] The seven news organizations were *The New York Times*, *The Washington Post*, Reuters, Al Jazeera English, BBC, *The Guardian*, and Radio Free Europe/Radio Liberty. These news organizations were selected for having active coverage of the post-elections developments in Afghanistan and for being a considerable reflective sample of news coverage from organizations covering the countries most heavily involved in mediating the dispute. The cutoff

date of July 14 included articles one day after the agreement on the UN-supervised full recount between the two presidential candidates was announced, at which point the protest movements were requested to end their activities. The official statements were taken from these sources as representative of the key stakeholders involved in mediating the dispute.

[6] Though the CSO figures are based on an incomplete 1979 census and so are very likely inaccurate, it is nearly inconceivable that the figures would so dramatically misrepresent the provincial population.

[7] See Article 36 of the Constitution of the Islamic Republic of Afghanistan.

[8] See McFaul (2007) and Karatnycky (2006) for an outline and analysis of major events regarding the Orange Movement in Ukraine.

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