CONTENTS

FRAGMENTED NATURE AND AUGMENTED REALITY: FEMINIST THEORY ON SEXTECHS
GÜLÇE BAŞKAYA, HACETTEPE UNIVERSITY ......................................................................................... 4

POLICING PROTEST AND POLICE ENVIRONMENTAL CULTURE IN CONTEMPORARY RUSSIA
ALEXANDER NIKIFOROV ..................................................................................................................... 10

PROHIBITION OF DISCRIMINATION IN THE FIELD OF CONTRACT SPECIFIC TO SYRIANS IN TURKEY
AHMET TÜRKMEN ................................................................................................................................ 18

POLITICAL DISOBEDIENCE IN ISRAEL: A STRATEGY OF RESISTANCE AMONG PALESTINIANS IN ISRAEL
NIJMEH ALI ........................................................................................................................................... 25

SOCIAL AESTHETICS: OLD AND NEW MAKINGS IN CHILE’S STREET ART
LUCIA VODANOVIC ............................................................................................................................. 37

MEDIA DIAGNOSIS: A NEWS AGGREGATOR’S COVERAGE REGARDING HILLARY CLINTON’S HEALTH DURING THE 2016 U.S. PRESIDENTIAL ELECTION CAMPAIGN
CYNTHIA C. VLEUGELS ...................................................................................................................... 48

INDEPENDENT GAME DEVELOPMENT: PRICE OF FREEDOM
BARIŞ PARLAN ......................................................................................................................................... 57
Abstract
There are millions of different life forms that we can fully or partly perceive. Those categories of life are replacing with more mechanical versions and humans are in the line. In order to comprehend this evolution and its connection with feminist theory, I shall divide the topic into different parts. The industrial developments, the psychological effects and my main analysis with an approximation function.

The aim of this article is to explain and evaluate the crucial effects of technology to our perspectives of life. How patriarchy is not going to destroy by it but rather get stronger, in contrast to Haraway and other body-centered feminists. If the body and its functions are the problem of the patriarchy and how is it going to develop even we destroy the given and normal body? In order to understand this, firstly we must interpret the following question, “Do humans only form within a physical body and nothing beside it?” and if we accept that we are losing our humanity by becoming-cyborg then how can we overcome patriarchy in different life forms.

Consequently, the main aim of this article is to explain all of them within a theory, examples and also in an analytical screening. While robotics and cyborg industry still using the woman's body for production and commerce, it is not going to decrease the objectification of women. Last but not least, changing the woman body is not the answer the overcoming the patriarchy and will not be.

Key words: post-human studies, cyborgology, radical feminism

Introduction
“...but the boundary between science fiction and social reality is an optical illusion.” (Haraway, 1991)

The nature is fragmenting. All the “normal” we have known until today is in absolute change. The experiences that we are subject to begin to more personalized and plural only in one year gap. The technological effect on those is undeniable, unforeseen and uncontrollable. The nature has a substance about what makes it natural, but augmentation of the “idea” of the real is overwhelming the natural. This article is prefer to examine that augmentation and fragmentation within a causal relationship. Along with this, the concept of patriarchy is keep in the middle of those arguments because while we are augmenting the reality and decaying natural, we are also augmenting different kinds of patriarchy which is technological-patriarchy, I prefer to examine in this article.

In 2017, people need to begin considering their dynamic environments and conditions both in public and private spheres. Where are we headed with technology? Is there any destination calling or is it just another reflexive mechanism of human nature that will vanish soon? People could say that predictions about the future may be over-exaggerated but in this paper I may provide some important documents and examples that shown it is not that impossible to see them in 50 years.

Cybernetics and robotics are the main point of origin to research and make investigations. We can say that “A Cyborg Manifesto” is the bible of post-human studies especially when connected and considered with sexuality studies.

After brief definitions of sexuality-related technologies, which I prefer to call sextechs, and Haraway’s main arguments about cyborgology, I will move on to current data and news about sextechs. In the following
section, I will explain why Haraway was wrong at some points but still farsighted regarding human nature and how we can relate cyborgology directly to the nature of sexual intercourse. Another important argument on this paper is how feminism and patriarchy are both to be tested by these sextechs. Finally, I will offer a conclusion my own hypothesis for this problematization.

Many questions are being raised today; “should robots have rights?”, “does bioethics applicable?”, “are we still human or stay as human or should we stay as human?” etc. In this paper, I shall try to answer them by offering my own perspective. Cyborgology and future-sextechs are included in to this area because of their direct effects on the bodily functions of human beings. After a hundred years we might essentially have law books that protect the lives and properties of cyborgs and robots. This is why I am considering nature as a fragmented concept; because it will be fragmented eventually.

**The Digital Love Industry**

Technological developments are more and more widespread in every field of life and thus affect our perspectives on the world. Every new day, we need to accept and agree on some changes that are happening apart from us. For example, we have no say in a new feature for our smart phones that observes our sleeping behaviors; we only accept to buy it or not but somehow we are nevertheless pushing to have them. Technology is the extreme illusion of our lives - we feel a certain necessity to have what we don’t really need.

When the human body and technology target the same page, the ultimate changes of human body, which means “becoming-cyborg”, our point of origin to thinking on bioethics and cyborgology. Cyborgology etymologically comes from cyborg which means biological and mechanical forms are maintain the same body at the same time. Cyborgology is connected with dozens of concepts, but I will examine only three of them; robot fetishism, transabled people/transablism, and the Uncanny Valley.

Sexual-oriented-mechanisms which I prefer to call sextechs are the other side of the same coin. Cyborgology and sextechs are changing the normal way of our sexual experiences. Today, hundreds of products are being developed with millions of dollars investments and they have become very popular. For instance, the world’s most famous adult website “pornhub”, opened a VR enterprise in order to create sexual content with more lively and actionable figures. Virtual Reality (VR), is the most common content producers nowadays. VR contents are being used in real estate, fashion, and now in the sex industry as well. People are seeking more lively experiences without a real partner. This has advantages for those interested in using these sextechs products. It is easy to use, helping asocial people to experience their sexualities and more crucially, it does not include any existence of a woman or man.

The post-human discussions start exactly on this point. Are we becoming non-humans or transforming the man-made products to humans? Normally, sexual experience includes a man and a woman, though it can also be man to man or woman to woman but always includes a human body form to interact with. After sextechs, and some of them prefer to call it “the digital love industry” (Vice, 2014), “virtual romance” or “artificial sexual interaction” it changed. One way or another, it exists and keeps developing every day even more. Sex dolls/robots have became the most common sex-partners in the world. They used to be produced with fewer features and complications but now they can have vibrating vaginas and even reflections of some emotions (The Sun, 2016). The Silicon Wives (Silicon Wives, 2015), is a well-known sex-doll producers in the world, and luckily we have comments on their products in the website of a Q/A platform Quora: “I’d say the general consensus is the dolls are great for the physical pleasure part of sex but lack in fulfilling the emotional intimacy component of sex.” (a review from a user.) (Quora.com, 2016)

In 2010, Anthony Ferguson published a book named *The Sex Doll: A History* which includes all history of the sex dolls. “Thus the twentieth century begins a growing synthesis between the image of women as dolls and as items of consumption. While such a notion was hinted at in earlier times, the growth of technology afforded the opportunity to turn fantasy into reality.” (Ferguson, 2010)

According to another research, which is the only official statistical data can be found on internet, doll-owners have some common features: “The majority doll-owners sampled are: (a) males, (b) middle-aged,
The theory and the practice are quite overlapping. The women are subjects of the sex-doll industry. There are male sex-dolls as well but their numbers are not as high as the female dolls. This situation is still reproducing the oppression, inequality and patriarchy even upon the lifeless-machines forms of women. This discussion will be extended in the further sections.

Uncanny Valley

"Since the origin of philosophy, the relationship between man and machine has been object of interrogation. Aristotle thought that the goal of techne was to create what nature found impossible to accomplish… this will a reconstruction of the concept of machine that goes far beyond the technical machine."(Guattari, 1992)

In 1992, only one year after Haraway published Simians, Cyborgs and Women, Guattari wrote Chaosmosis. In the chapter two, Machinic Heterogenesis, Guattari was referring to Cybernetic perspectives. In the philosophy of Guattari and of course in Deleuze, “becoming” was a substantial concept. Becoming is also connected with the creation of new situations, forms or machines. Becoming-machine or becoming-cyborg in my part, connected to that creation of new condition. Cybernetics, sextecs and all industry that serves for humans with machines creating a new condition in our individuation processes. Humans can highly adaptive to the new situations and this is just one of them, but the problem is, are we becoming less human when machines become more human; in this article’s opinion, the answer is yes.

The augmentations in reality by cybernetic developments, causes a fragmentation in nature thus what we consider normal as well. In 1970, Masahiro Mori used the term of the Uncanny Valley for the first time. This concept is referring to alienation from artificial forms which overly resembles their natural versions. Cyborgs, sex dolls and every kind of human-like artificial forms are in this uncanny valley if they are too close to be natural like humans.

Sex-dolls are heading to humanly form and humans are becoming-cyborgs by losing their humanly functions and physical looks. This is the opposite effects of technology on human nature. Neil Harbisson, who is the first legal cyborg in the world, taking as a “cyborg” with apparatuses on his head which provide him an ability to “hear” colours as vibrations because he is color-blind. Nameless sex-dolls are gaining more humanly looks than Neil Harbisson if we consider that normal humans do not have any apparatus on the top of their heads. This is still augmentation of realities but also a destruction of the nature part by part. An ambiguity of realities in which all of us fall into the uncanny valley by calling both of them as “nearly humans”. They keep closing in on the same point from different directions but eventually they will pass over each other and the one which we call normal will become abnormal and the abnormal will become more normal. In this case, are we either need to change our meaning of normal and accept what is going on in our world or keep denying and try to focus on staying as “human”? Frankly speaking, the obsession of inertia will destroy the nature of human being not the movement. Terence, the famous Roman playwright, has a saying about human nature, “Homo sum, humani nihil a me alienum puto”, the translation is, “I am a human and nothing which came from human is alienated to me.” (Jocelyn, 1973). It is clearly highlighted the confusion of our era, the acceptation of what is created by our hands or make it alien to us like we never created it by ourselves.

Aristotle’s concept of techne reminds us that creation and craftwork were always there and philosophy was always aware of it, but nowadays, more likely since Heidegger, we have started to fear what we are capable to create.

Analysis
Last but not least, the analysis is the most crucial part of this article. First of all, people need to accept that we are changing, and this change is irreversible, as yet. The denial of this change will only cause more and more conflicts that irritated the nature of human beings. As we accept the change, things won’t get any more clear but can be bearable.

The two way street of the human/robot dilemma can and will be stay as a conflict. The sex doll industry is still producing patriarchy because of the using the woman body as a production tool but on the other hand it is limiting harassment and letting people do whatever they want with a lifeless form thus another problem occurs from here, the dolls or robots may necessitate a right to protect. Because humans attitude towards them may exceed the prima facie intention and become uncontrollable in a possible future.

Today, we can face to face with robot fetishism cases and intentional amputations to become cyborgs whom transabled people. Transabled people willingly amputate limbs of themselves and use cyborg limbs in order to become more able to express their true identities. Robot fetishists express their sexual interests through the robots. Nothing seems impossible after that point, and it shouldn’t be forced to stay impossible.

According to my function, at the beginning of this section, and my main hypothesis, we are becoming them and they are becoming us. Human is the main subject to both of them but it is not possible to stay human and stay robot equally, that’s why in this equation x can’t be equal to y. This exponential function is aiming to prove the becoming-cyborg approximation by analytic screening.

Asimov is more human than a washing machine but still less human than an overqualified sex doll. Jane Doe is more human than Neil Harbisson because in order to become cyborg, Neil Harbisson cannot be equal to other non-apparatus-having humans, and he also has legal documents that prove he is a cyborg. It creates a difference between him and Jane Doe.

I formed this graphic because I intend to say that while we are becoming robots, which I am considering cyborgs are including that process, we are losing our human features and hence our nature is decaying. As a last word, in a TED talk Juan Enriquez, a researcher at Harvard University, answered the question of “Is it ethical to evolve the human body?” with this clear sentence “It is unethical not to evolve the human body.” (TEDx, 2016), which I am strongly agree with it.

We are accepting the evolution of the human body to robot or cyborg but we are refusing that it is overcome the patriarchy while still using bionic-women. In order to fight with patriarchy and penis-politics we shouldn’t make concessions from our bodies. We can change, or evolve but the important part is to stay as a “woman”, cyborg or robot does not matter. We should bear in mind that woman robots are still
women that we need to protect. If we are in this fight because of our bodies, they are our strongest weapons.

Conclusion

Consequently, in order to solve the technological patriarchy, female and male dolls and other products should be bought in the same numbers. The male body is less an object for manufacturing because of lesser demands on the market. This is also related with social construction as well because women are always oppressed to hide their sexualities because of culture, religion so on and so forth. Predominantly, this industry running by men but this market also has personalized features thus it does not reproducing a common body shape for women. Today, we can say that cybernetic technologies will create a post-gender era. All those apparatuses, tools, devices, features can reduce the burdens of having a real functioning body. For women, it can be helpful to not the subject to objectification everyday because there are other forms that can carry that, like dolls and tools without reacting to it. Ethical questions directly rising after this consideration, and moral irritations include; is it simply reproducing another oppression towards robots and if still there is an oppression, can we accept that we have overcome the patriarchy? Briefly, if concept of patriarchy keeping survive, we are only tricking ourselves because there are a "robot-body" that subject to that danger.

This paper is not offering any solutions to future problems, rather just predicting that it could take place in future. Mainly, we must ask the important question, if we made a robot that gave birth for our parts will we overcome the system, or just keep reproducing it another system that not includes us but “another thing” that is a robot?

Post-genderism proposing a solution that becoming-cyborg and using the technology to change our sexual identities could solve the problems. I can frankly accept that we will become-cyborgs but it will far beyond the solution to our problems, it is only a way through the future that we will live other experiences with our overqualified bodies and with other robots that we made. "It's not just that 'god' is dead; so is the goddess."[Haraway, 1991] We should not kill our goddesses inside us in order to be free and equal, we must make them stronger by accepting them thus this will be our real trophy. God shall stay as dead but not the misogyny and its creators.

The experiences will change but if those experiences still keep prisoning the women body, it will not solve anything. It is already a problematic way to “cure” patriarchy by changing our bodies to other bodies or mechanisms. Patriarchy will only be overcome by unfettering our minds and bodies, not simply by changing who or what is subjected to it.

REFERENCES

Exploring policing protest often becomes a part of research on political regime openness and law enforcement. The classical study of policing protest provides analytical framework and typologies for defining relations between political openness and the use of coercion policing. The main goal of my current research is to move from in-depth analysis of Russian political regime to explore Russian police environmental culture and professional knowledge formation. Conclusions are based on bibliometric analysis of the “extremism” research field to define influence of institutional science on police knowledge formation. Discourse analysis explores Russian police networked community for defining public issue agenda and main intentions towards actors of contentious politics. On the other hand, research notifies stereotypes on protest actions and activists. Initial results of research show narrow institutional science effect on the process of corporate knowledge formation. Classic distinction between «good» and «bad» demonstrators in Russia is largely based on the type of public claims (social/political), mobilization and contentious repertoire.

Introduction
Exploring policing protest often becomes a part of research on political regime openness and policy of repression enforcement. The classical study of policing styles by Donatella della Porta and Reiter (1995; 1998), McPhail (1998), Fillieule and Jobard (1998), and other scholars provides analytical framework and typology for defining relations between the factors of political openness, management style of executive bodies, institutional autonomy of police and the number of others. Hybrid regimes could employ tactics of escalated force or negotiated management depends on protesting repertoire or its organizers. The source of media could be used to instill fear or delegitimize political opposition (Gel’man, 2015).

For this reason the present paper will make a preliminary effort to explore the question of what ideas, issue agenda, stereotypes on protest activists can tell us about environmental culture and common knowledge of Russian police and its special units (riot police). The main question that the paper will address is that of the factors that influence on certification of the protest action as “right” or “wrong” and emotional support of the claimants or its ideas. Is a police prone to be successful in policing of any sort of protest contention obediently following the orders of the government? What are the dominant trends in the process of professional knowledge formation for administrative field of police?

Research design contains two dimensions. Both could be generalized in on logic but each one has specifics.
First one is based on exploring the connection between public research area and professional knowledge formation for administrative field of police departments and follows the Foucault’s concept of knowledge/power (Foucault, 1980, p.92-108), especially the function of normalization. Two-step approach was used to analyze the largely unexplored intersection between protest/extremism research area and the Institutional attribution of the publications on these topics. At first, there was bibliometric analysis of the scientific production in the respected field in Russia. It is generally based on the method that is widely
acknowledged as being reliable (Aguillo, 2011). Then I identify contribution of the academies of Interior Ministry for this research area. Finally I try to “join the dots” of research agenda and normative discourse in order to develop theoretical perspectives for the next part of research.

Second one is based on issue agenda and discourse analyze of public interviews that were given by the Russian riot police officers (former OMON) to the journalists (Gulova, 2010; Akhmedova, 2013) and, on the other hand, intentional statements from professional forum of police. The largest share of the materials is dated between 2008 and 2013 that limits research conclusions in some respect. Statistical implications have only relative significance due to sampling and source quality. This type of analysis helps to define the actual intentions regarding protest repertoire, ideology, state authorities, and opposition. Hence, intentions were defined and classified along the research objects (political actors) and position of the speaker (positive/negative). Most evident, direct, and emotional-driven statements on research objects were analyzed separately by generalizing the descriptions of object's attributes.

**Narrow institutional science in making protest policing narrative**

Russian police succeeds deep ties with the system of special professional a higher education that had been forming for decades since the Soviet period. These specifics based on high social and political profile of police (former militsiya) in Soviet Union. Outgrowth of the Soviet administrative system in 1960-1970 provided the numbers of departmental and research institutes. Legal studies had coherence with Soviet regime and state hierarchy that shared the general logic of structural-functional integrity with bureaucratic interests on administrative market. These specifics were not overcome after the collapse of Soviet state bodies. Rebirth of the administrative markets in post-soviet Russia after the fall of structural-administrative revolution (Kordonski, 2008) in the middle of 1990th gave sources and channels for institutionalized professional “estates” (corporations).

Simon Kordonski concepts of administrative market and estates society for Soviet and post-soviet studies give institutional background for the research perspective on knowledge/power relations in case of executive bodies of Russia. I would define this relation as a narrow institutional science that would be argued as an important element in the process of organizational framing. This process coincides with the general problem of bending science (McGarity and Wagner, 2008) but in different conditions. This type of relations between knowledge formation and political power follows increasing influence of institutions and its subsequent initiatives that could be backed by the internal experts, studies, and actual issue agenda. Focal research agenda and narrow institutional science make gaps and fragmentations in science and knowledge maps. This process gives us the implication of organization theory when academia and society weakens its influence in a face of enclosure of the state bodies. Following DiMaggio and Powel approach to institutional isomorphic change (1983), narrow institutional science and education tend to use coercive, mimetic, and normative mechanisms for altering the organizational field. In case of police these processes work together: regime transformations and politics set new agenda (policy-relevant research issues and study courses); closed or semi-open knowledge field tends to nurture a Parsonian-style imperative with overestimation of professional limitations and goals; law, regulations and guidelines make systemic reference marks for framing process. On the other hand, there are political and public perspectives for expansion of such vision.

Russian Interior Ministry has 40 educational units: 30 universities and its regional units (including 4 academies), 3 professional schools and its regional units, and 7 military schools. These universities and its regional units issue 30 referenced scientific journals and have dissertation boards, which define them as a part of national educational and scientific space.

Bibliometric research protocol implies the analysis of Russian scientific literature in the fields of “ekstremizm” (extremism) and is based on a statistical search of all journal papers and conference proceedings that include the pertinent keyword as a title, abstract or a keyword. Results were filtered by the year, number of citations, organizational affiliation. In order to build a representative dataset, I adopted the high-profile Russian digital library eLIBRARY.RU with its search and statistical service.
After the computer-aided extraction, the resulting publications included 7163 manuscripts on extremism for available time period (1992-2016). Publication activities show significant annual growth by year from 2000 to 2016. This process could be supported by the policy-relevant background of Second Chechen War, terrorist actions and anti-extremist law implementation. The analysis of the publication’s keywords shows the main categories (in descending order): terrorism, youth, religion (predominantly Islam), tolerance, radicalism, (national) security, extremism prevention. These categories have become quite stable for annual variations since 2006. Comparative analysis of two selections - on the base of high number of citations and institutional affiliation (Interior Ministry) – gives no significant changes in core categories. Institutionally filtered selection gives only one new significant core category of Internet. Such result generally follows contemporary state-led anti-extremist policy and shows the influence of the normative vision on research agenda. This tendency to link quite a broad understanding of extremism with terrorism, youth activism and radical agenda - usually on a level of conceptualization – supports a conceptual frame that lead to regression logic in case of its implementation for participants of contentious actions.

The second step of bibliometric research involved analyzing the institutional affiliation of selected publications. Results were clustered on the base of organizational affiliation. Represented data (see Table 1) shows the relative influence of narrow institutional publications in scientific field. This argument is supported by the parallel analysis of another selection (N=488) that includes publications with a high number of citations (more than 5 per publication). Relatively share of Institutional affiliation for this selection is slightly higher (26.94%).

Dynamic analysis shows the time period of 2004 when universities with Interior Ministry affiliation provided high share in annual publication activity.

<table>
<thead>
<tr>
<th>ORGANIZATIONAL AFFILIATION</th>
<th>NUMBER OF PUBLICATIONS</th>
<th>RELATIVE SHARE (IN %)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academia, NGO and foreign organizations</td>
<td>3589</td>
<td>65.25</td>
</tr>
<tr>
<td>Interior Ministry</td>
<td>1324</td>
<td>24.07</td>
</tr>
<tr>
<td>Ministry of Justice and Federal Penitentiary Service</td>
<td>186</td>
<td>3.38</td>
</tr>
<tr>
<td>President</td>
<td>168</td>
<td>3.05</td>
</tr>
<tr>
<td>Prosecution agencies</td>
<td>111</td>
<td>2.01</td>
</tr>
<tr>
<td>Government of Russia, federal services, etc.</td>
<td>65</td>
<td>1.18</td>
</tr>
<tr>
<td>Ministry of Foreign Affairs</td>
<td>41</td>
<td>0.74</td>
</tr>
<tr>
<td>Ministry of Defense</td>
<td>24</td>
<td>0.43</td>
</tr>
<tr>
<td>Judicial bodies</td>
<td>14</td>
<td>0.25</td>
</tr>
<tr>
<td>Ministry of Emergency Situations</td>
<td>10</td>
<td>0.18</td>
</tr>
<tr>
<td>Federal Security Service</td>
<td>9</td>
<td>0.16</td>
</tr>
<tr>
<td>Regional bodies</td>
<td>5</td>
<td>0.09</td>
</tr>
<tr>
<td>Representative bodies</td>
<td>4</td>
<td>0.07</td>
</tr>
</tbody>
</table>

Table 1. Institutional reference of publications in Russian research of extremism

However, the most important result of such analysis is a relatively high scientific relation within the network of narrow institutional science. Special selection (N=499) that was aggregated all publications with Interior Ministry affiliation shows pattern of frequent mutual citation among the authors. The share of cross-citing is near of 56% that supports relative internal consistency of the share of research area.
This landscape of organizational knowledge makes logical consistence of counter-extremism policing strategy, law enforcement, and issue agenda (global and national challenges). For this reasons the preventive detention and harassment of political activists to preempt protest actions, so as imposing of new regulations on NGOs (Robertson, 2009; Gorbunova and Baranov, 2013), are determined on the multi-level base. Research narrative places political contest in conceptual frame with systemic imperatives for suppressing actions in case of decertification of civil and political organizations as functionally safe. This long-run shift from hard-line policing of the counter-government contention to multi-level administrative regime for channeling and policing of contentious politics seems to have self-developing logic that are based rather on juridical background and social vision of structural functionalism then on ideological one.

**Neither the king nor a citizen: political discourse of Russian police**

The primary task for this part of analysis was to define the main elements of issue agenda, the level of politicization of police networked community, specific socio-political topics that provoke discussion.

Defining of issue agenda also was used as an instrument to identify core elements for the further analysis of discourse structure: the main objects of evaluation and their attributes. For this purpose the news section of the largest professional police forum police-russia.ru was analyzed along with its issue-topic structure. News section was defined as a relevant field due to research perspective and high discussion density (on the level of the most discussed sections). Research protocol included the coding of topics with social or political agenda via category selection, which were determined by repeated subject of discussion. Each relevant topic was coded with keywords for a more complete definition of issue agenda. Final issue agenda map combined 301 relevant topics. Table 2 presents generalized result and reflects the most important objects of discourse and its relative share weight in general volume.

<table>
<thead>
<tr>
<th>DISCUSSED OBJECTS</th>
<th>RELATIVE SHARE (IN %)</th>
<th>KEY PUBLIC ISSUE AGENDA</th>
<th>RELATIVE SHARE (IN %)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contention and protest actions</td>
<td>26.57</td>
<td>Civil protest actions</td>
<td>5.98</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>17.6</td>
<td>Violent forms of contention</td>
<td>5.64</td>
</tr>
<tr>
<td>Government and state authorities</td>
<td>16.94</td>
<td>Legitimacy of the state bodies</td>
<td>5.64</td>
</tr>
<tr>
<td>International relations and world politics</td>
<td>16.27</td>
<td>Hard-line policing style of the protest action</td>
<td>5.31</td>
</tr>
<tr>
<td>Political opposition</td>
<td>6.64</td>
<td>Ethnic labor migrants</td>
<td>4.31</td>
</tr>
<tr>
<td>European experience</td>
<td>3.98</td>
<td>Events in world politics</td>
<td>3.98</td>
</tr>
<tr>
<td>Human rights activists and press</td>
<td>3.65</td>
<td>Protest actions of SMO and grassroots</td>
<td>4.98</td>
</tr>
<tr>
<td>Ramzan Kadyrov</td>
<td>1.66</td>
<td>Police stuff claim making</td>
<td>2.65</td>
</tr>
<tr>
<td>Political legitimacy</td>
<td>1.66</td>
<td>Nationalist protest</td>
<td>2.65</td>
</tr>
<tr>
<td>Soviet heritage</td>
<td>1.66</td>
<td>Domestic and world politicians</td>
<td>2.65</td>
</tr>
<tr>
<td>Terrorst</td>
<td>1.32</td>
<td>Hard-line policing style of ethnic contention</td>
<td>2.32</td>
</tr>
<tr>
<td>Vladimir Putin</td>
<td>0.99</td>
<td>Social protest</td>
<td>1.99</td>
</tr>
<tr>
<td>Religion</td>
<td>0.99</td>
<td>Retirements of the state authorities</td>
<td>1.99</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Violence in world politics</td>
<td>1.66</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reduction of social spending in Russia</td>
<td>1.32</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Legitimacy of the protest actions</td>
<td>1.32</td>
</tr>
</tbody>
</table>
Hard-line policing against political opposition 1.32
Other and no specified issues 44.18

Selection number = 301

Table 2. Public issue agenda of Russian police networked community

Results show that networked social-political discourse of the police gives a significant role not only for the evident issue of protest behavior, but also for ethnic, world politics and of state authorities. Key issues are often associated with the above-mentioned topics. At the same time the issue of political legitimacy of the Russian authorities is quite clearly shown, which generates the question of possible limits of subordination. The problem of ethnicity and nationalism is quite sharp because internal structure of this agenda detects connection with nationalist ideology. The issue of violence detects multiple reconnections with other objects of discourse (ethnic groups, the political opposition, and world politics) so it could be defined as a possible priority strategy for countering the various groups.

More detailed discourse analysis covers topics on contention and protest actions and follows the classical conception of “legitimate” protest (distinction between “good” and “bad” demonstrators), general value principle of police (“citizens’ police” vs. “King’s police”), and stereotypes attribution (Della Porta and Fillieule, 2004, pp.225-227). Discourse research model implies coding of intentions (positive or negative) towards state policy and ideology (anti-extremism law, nationalism), forms of contention (political protest, social protest) and policing style (insurgency, hard-line policing style), political actors (political opposition, nationalist movement, high-rank state authorities,) and the subjects of contention (youth, workers, human right activists, press, SMO’s activists, police stuff).

<table>
<thead>
<tr>
<th>OBJECT OF EVALUATION</th>
<th>RELATIVE LEGITIMACY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hard-line policing style (including police violence)</td>
<td>3</td>
</tr>
<tr>
<td>Nationalism</td>
<td>3</td>
</tr>
<tr>
<td>Police (self-evaluation)</td>
<td>2</td>
</tr>
<tr>
<td>Police stuff protests</td>
<td>2</td>
</tr>
<tr>
<td>Police policing (current practice)</td>
<td>2</td>
</tr>
<tr>
<td>Right to civil discontent (citizen-state reactions, peaceful forms)</td>
<td>2</td>
</tr>
<tr>
<td>Press</td>
<td>1</td>
</tr>
<tr>
<td>Nationalist actions</td>
<td>1</td>
</tr>
<tr>
<td>Leaders of political opposition</td>
<td>1</td>
</tr>
<tr>
<td>Protest actions</td>
<td>1</td>
</tr>
<tr>
<td>Right to civil self-resistance (citizen-state reactions, insurgency)</td>
<td>1</td>
</tr>
<tr>
<td>Anti-extremism policy</td>
<td>1</td>
</tr>
<tr>
<td>Human right activists</td>
<td>0</td>
</tr>
<tr>
<td>Government and state authorities (including state-promoted initiatives)</td>
<td>0</td>
</tr>
<tr>
<td>SMO</td>
<td>0</td>
</tr>
<tr>
<td>Third party interference (protest mobilization or funding by hidden domestic actors or by the foreign states)</td>
<td>0</td>
</tr>
<tr>
<td>Religious extremism</td>
<td>0</td>
</tr>
<tr>
<td>Comments:</td>
<td>Selection number = 80</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>3 – high legitimacy (relative consensus among debaters)</td>
<td>2 – medium legitimacy (significant share of opposite evaluations among debaters)</td>
</tr>
<tr>
<td>1 – low legitimacy (huge share of opposite evaluations among debaters)</td>
<td>0 – zero level of legitimacy (relative consensus among debaters)</td>
</tr>
</tbody>
</table>

Table 3. Evaluations of contentious politics by Russian police networked community

Table 3 results of object evaluations do not simply support classical dichotomy of “citizen’s police” and “King’s police”. Government and state authorities (especially federal government, high-rank police authorities, regional and local administrations, deputies) in negative context so as political opposition or political activists. This vision supports two processes. On the one hand, front-line police members become alienated from moral integrity with political regime. Formal status of police in Russia bans strikes of other type of civil disobedience that goes along with passive grievance and the fall of moral motivation (focus on city-periphery inequality, dependence on salary and fellowship, etc.). On the other, this increases the closeness of professional community (police and military) and enforces moral solidarity and the logic of internal corporate standards and values that could differ from the civil one. This idea explains the high level of disrespect to human right activists and press. Commenters frequently blame them for immorality, professional disturbance making, and acts of social sabotage (police and military critics). This logic often supports the idea of the use of force against such groups or justifies such behavior.

It is hard to simply define elements of legitimate protest for this reason. SMO, political activists and the leaders of opposition (Boris Nemtsov, Garry Kasparov, Alexei Navalny) were described as agents provocateurs (youths and radicals) and status-motivated persons (leaders) with narrow social base, ideological inconsistence (critic of liberal democracy), and foreign foundation (political opposition). The idea of foreign-sponsored protest is quite popular and has public references to patriotic discourse on counter-revolution and “USA-lead export of democracy”, that had been disseminated by political and academic agenda after the waves of political revolutions and civil wars in Eastern Europe, post-soviet courtiers, and the Middle East, where mass protest in the streets resulted in the ouster of former leaders or widespread warfare.

The difference in moral support of nationalism ideas and protest actions is based on the following vision of legitimate protest itself that is a quite complex. The image of political activists and ordinary participants of the rally predominantly depends on the type of claim-making, mobilization type (level of organization, social status of participants), contentious repertoire and personal behavior. Protest could be defined as legitimate in case the following: a) of social or local agenda; b) trade union or grassroots – leaded mobilization of industrial or public sector workers, pensioners, local citizens; b) high level of organization (small share of youth: no alcohol, performances or provocative actions). On the other hand, this vision often implies mutually exclusive reproaches. One opinion is quite influential for understanding of cognitive logic. It states that civil grievance should be channeled with the use of formal institutions (elections, petition campaigns, lawsuits) without occupation of public spaces (sidewalks, highways, railway or any city space that could be crowded). In other words, protesters should solve their problems by their own sources and means to protect others from the bothering and additional expenses. In some cases the same logic was used to blame of extremist actions and support of the right to civil self-resistance. The blame of the anarchists and Islam extremists for bombing, so as blocking roads repertoire by the social claimants, was focused on the fact that actions were mistargeted (i.e. actions should be moved to personal or official space of the high-ranking state executives).

Negative stereotypes in Russia generally repeat the main conclusions that were made by the scholars before. Persons who produce disorders are references to "young", "drunk", "guided by mob". Political activists are references to the categories of “loafer”, “easy manipulated”, and “fools” (Della Porta and
Fillieule, 2004, p.227). Stereotype analysis defines some distinguish patterns for recognizing of young political activists. They are mainly describes as “unsupervised persons without ideas” with “to much personal time”. A rough overlook gives us single logical connection of stereotypes: “society is infected with legal nihilism”, “people live one’s own life and hate any kind of political power”, “democracy leads to chaos”, “youth are prone to be manipulated”, “uncontrolled protest actions lead to disorders”, “revolution leads to mass disorders and murders”.

Consequently, the popular claim on political rallies “Police among the people!” is going to fail in change of policing frame. However, the issue of political legitimacy is still important because of historical background of Russian police: juridical and moral uncertainty during the widespread interstate contention of 1991 and 1993; police insubordination during the political revolution in the “neighbor” states (Ukraine and Georgia), “sell-out” of police interests in the second political revolution in Ukraine (“Euromaidan”). Analysis shows slight difference in interpretation of liability and order execution. Police discourse shows distrust position and doubts on efficient of hard-line social policing with intention of passive action (“have to”; “no other way out”). On the contrary, riot police discourse exemplifies more active position (“riot police should live by an order”; “the force should be used”).

Conclusion

Police environmental culture is defined as images of policing area and cognitive patterns that define forms and local regimes of law enforcement. Post-soviet transformations did not change the principles and organization sources of knowledge framing formation fundamentally. Anti-extremism Russian state policy was backed by the effect of narrow institutional science that provides policy relevance and forms analytical framework for a broader conceptualization for the protest policing.

Public issue agenda of Russian police networked community is focused mainly on protest behavior, ethnicity, political authorities, and world politics. Additionally, agenda composition relates to contemporary social attitudes.

On the other hand, the content of public discourse problems detects a high level of distrust either to public authorities and nor to society. High legitimacy of police violence is accompanied by informal corporate ethics of police community demonstrates the process of alienation of the police from the national policy and society.

Such a perception of the external environment and actors neither as unreliable and illegitimate (political power) nor as a hostile and legal nihilism affected (population). This vision expects an autocratic governance and hard-line protest policing on the base of institutional autonomy and external motivation model of police.

Police agenda and discourse affect the political context that was formed by high-profile court cases and conflicts: a) public campaign after video address of police officer Alexey Dymovsky with an information about abuse and corruption in 2009; b) the series of armed attacks on police that were organized by the youth group (so-called "Primorsky partisans") and justified by the reasons of "total corruption and lawlessness of police" in 2009 and 2010; c) the murder of a former army officer Yuri Budanov in 2011 who was jailed after resonant criminal cases on the killing of civilian in Chechnya; d) a guilty verdict for the former military intelligence officer Vladimir Kvachkov in 2013 on the charge of extremism. These events were coincided with reform of the Interior Ministry structures that could sharply polarize political discourse. Although the effects of these crises could be exhausted for the present police agenda, its structure remains quite relevant, especially for setting agenda of protest activity and the key elements of the main stereotypes on activists and the political opposition. The dominance of the general negative attitudes towards protesters delegitimizes mainly political protest, the organizers and participants which are considered in terms of “irresponsibility”, “international influence” and “social alien”. This frame of group exclusion is particularly explicit in case of youth, which is considered in terms of “radicalism”, “prone to manipulation”, and “lack of ideas”.

16
Consequently, police stereotypes on protesters generally legitimize hard-line policing strategy and pastoral-like vision on the actors of contentious politics.

REFERENCES
PROHIBITION OF DISCRIMINATION IN THE FIELD OF CONTRACT SPECIFIC TO SYRIANS IN TURKEY

AHMET TÜRKMEN

Abstract

The number of the Syrians who had to leave their country due to the civil war conditions since March 2011 has reached up to 4,862,778. According to the data provided by the United Nations, there are 2,814,631 Syrians in Turkey in January 2017. Not considered as “refugees” according to the Turkish regulations, Syrians are accepted in the status of “temporary protection”. Some of the Syrians within this status try to pursue their lives in the refugee centers whereas a high number of them try to continue their lives in the places other than refugee centers, under challenging conditions.

The Syrians who try to pursue their lives and meet their needs in Turkey are required to place private law contracts with Turkish citizens from time to time. Despite the general hospitality and tolerant nature of our society, it is sometimes observed that incidents of direct or indirect discrimination have occurred in the contracts made within the free economic market between Syrians and Turkish people.

The rule in Turkish private law is freedom of contract. Freedom of contract includes to conclude or not to conclude a contract, to assess the terms of contract and to choose the party of contract. No freedom of contract can violate the prohibition of discrimination. However, there is no specific arrangement related to the prohibition of discrimination in Turkish private law. Thereby, the prohibition of discrimination could be utilized regarding the general provisions in the Turkish private law. In this context, the provisions of protection of personality (TCC Article 23 etc.), provisions regarding causing loss or damage to another in an immortal manner (TCC Article 49/II) and unfair advantage should be taken into consideration. Besides this, the provisions of the Law no. 6701 on Human Rights and Equality Institution of Turkey which entered in force on April 20, 2016 can apply indirectly, if not directly. Because any discrimination in the means of race, ethnicity, religion, language etc. within all contracts including the ones entitled to private law result in administrative fines.

This paper analyzes and reviews the types of legal action which the Syrians live in Turkey may take within the contracts of private law (excluding labor law) in case of discrimination.

I. Legal Status of Syrians in Turkey

According to the latest figures of the United Nations, the war in the region has displaced almost 7.7 million Syrians internally and created more than four million refugees. The same figures indicate that, as of December 2016, there are 2,790,767 registered Syrian refugees in Turkey (United Nations Refugees Agency Data Bank, 2017). Also influenced by our historical and cultural bounds, Turkey adopted the open door policy towards the Syrians who reached the border and asked to enter the country, enabled their arrival and by pursuing the non-refoulment principle, welcomed all Syrians, without discrimination of religion, language, ethnicity etc. (Kaya, 2016, p. 179; Kap, 2014, p. 30). In accordance with the Law No. 6458 Law on Foreigners and International Protection; Syrians in Turkey do not meet the refugee requirements. They are under temporary protection. Temporary protection may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection (Law No. 6458 Article 91/I). Temporary protection is a status which was provided for people who arrived at the borders of a country in a mass influx situation and who cannot benefit from the Convention Relating to the Status of Refugees dated 1951. It is aimed to transfer the people who had to
leave their country to safe zones and protect their basic human rights (Ergüven/Özturanlı, 2013, p. 32). A person who applies for or granted temporary protection status must provide their own accommodation (Law No. 6458, Article 95/1). However, Turkish government tries to provide all the support possible by establishing accommodation centers where the accommodation, food, healthcare, social and other needs of applicants and international protection beneficiaries are met. The Syrians whose applications for temporary protection status were approved may accommodate in the cities determined by the Directorate General of Migration Management in accordance with the Temporary Protection Regulations (Temporary Protection Regulations, Article 24). Foreigners under this Regulation may be provided with health, education, access to labor market, social assistance, interpretation and similar services. Free of charge translation services are provided in case communication with the foreigner cannot be had at the desired level in the absence of an interpreter (Regulations, Article 26-31). The Syrians under the status of temporary protection either stay in the temporary accommodation centers established by the Ministry of Internal Affairs and directed by the offices of governor or live outside the centers.

II. Issues Face by Syrians in Turkey in terms of Contract

Only a small number of the Syrians in Turkey have the opportunity to accommodate in the temporary accommodation centers established by the Ministry. By December 12, 2016, a total number of 258,333 Syrians live in 26 temporary centers founded as tent city or container city in 10 cities (Turkish Prime Ministry Disaster and Emergency Management Presidency Report – Syria, 2015). Other Syrians live in other places. The temporary accommodation centers where health, education, food, clothing, social activities and similar services are provided are regarded as the centers with the highest service quality compared to their counterparts in other regions of the world, by the International Crisis Group’s report (Kaya, 2016, p. 186; Examples of Temporary Protection in Europe, 2015, p. 29; Orsam, 2014, p. 13). Nevertheless, due to the disciplinary rules and isolated life style, the temporary accommodation centers may not be preferred (Examples of Temporary Protection in Europe, 2015, p. 30). Furthermore, the individuals who illegally entered and are not registered or wish to get registered or who once lived in the temporary accommodation centers and could not adjust the conditions and left, who are in good conditions financially and prefer to live outside the accommodation centers based on personal or private reasons, who have to wait due to the limited capacity of centers and individuals who wish to live in the regions recommended by their relatives in Turkey are among the Syrians who pursue their lives outside the accommodation centers (Orsam, 2014, p. 15).

The Syrians who live outside the accommodation centers mostly accommodate in the cities near the Syria border. However, a high number of them also prefer to live in the big cities of Turkey, primarily Istanbul, Ankara and Izmir (Orsam, 2014, p. 15; Examples of Temporary Protection in Europe, 2015, p31). The Syrians who reside in the places other than the temporary accommodation centers have to meet their daily needs, such as accommodation, food, clothing themselves. It is revealed that from time to time, the Syrians face discrimination in the contracts which they must make in order to meet daily basic life requirements (Amnesty International, 2014, p. 30). They suffer from the employment contracts by which they are paid low wages, renting inadequate or unfit dwellings by unreasonably high prices, being rejected by the landlords only because they are Syrians or especially the high market prices in the cities near the borders (Amnesty International, 2014, p. 36; Orsam, 2014, p. 16; Examples of Temporary Protection in Europe, 2015, p. 32 et al.) Furthermore, the Syrians who managed to rent a place to live usually have to share their places with a huge number of others and a significant number of them have to rent basements where they face respiratory disorder due to the high level of humidity and some do not even have a written rental agreement (Amnesty International, 2014, p. 30).

The Syrians need to make numerous private law contracts in order to pursue their living, however, they are rejected. In this context, they also have the opportunity to enjoy protective rights to avoid the discrimination in accordance with the Turkish law. In fact, in accordance with the Turkish private law, reserving the exceptional limitations within the code, every person is entitled to a vested right and
accordingly, all the persons are equal in using rights and fulfilling obligations within the legal limits regardless their race, language, religion, ethnicity etc. (Turkish Civil Code, Article 8). Likewise, the person having capacity to act may possess any right by his/her own will and may undertake any obligation thereof (Turkish Civil Code, Article 9). Being a Syrian does not play any role in the general right to make a contract and undertake any obligation within. However, the Syrians in Turkey do not take legal action in Turkey due to various reasons. Foremost among these reasons, they are not informed of their rights, they cannot speak our mother tongue fluently, and they are reluctant to take legal action because they do not feel secure of their legal status (Amnesty International, 2014, p. 31). At this point, it is to be stated that the bar associations and non-governmental organizations in Turkey have to play a more efficient role against the discriminations.

III. Freedom of Contract and Prohibition of Discrimination

Freedom of contract enables individuals to determine their legal relations in the way they wish. In this scope, freedom of contract includes freedom to enter or not to enter into a contract, freedom to choose the parties to the contract, freedom to assess the terms and form of the contract, and freedom to modify or terminate the contract (Kocayusufpaşaoğlu, 2014, p. 503; Eren, 2015, p. 300 et al.). Freedom of contract is not an absolute principle and cannot be against the prohibition of discrimination. Discrimination refers to the treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit. In this context, treatment of the individuals under the same conditions differently based on their certain features or treatment of the individuals under different conditions identically despite necessity of different treatment or consideration is considered discrimination (Karan, 2012, p. 139). Prohibition of contract is significant for contract law especially based on the aspects of freedom to enter or not to enter into a contract, freedom to choose the parties to the contract, freedom to assess the terms and form of the contract, and freedom to modify or terminate the contract. Although there is no special sanction against prohibition of discrimination in the Turkish private law regulation, the individuals who are subject to discrimination may be protected by the Law no. 6701 on Human Rights and Equality Institution of Turkey and various regulations.

IV. Possible Sanctions against Discrimination

A. Protection within the Law no. 6701 on Human Rights and Equality Institution of Turkey

Law no. 6701 on Human Rights and Equality Institution of Turkey, which aimed a more efficient struggle against discrimination and secure individuals’ right of equal treatment entered into force on April 20, 2016. In accordance with the Law, it is set forth that everybody can enjoy the legally vested rights. Any discrimination based on gender, race, color, language, religion, belief, sect, philosophical and political view, ethnic origin, wealth, birth, marital status, health condition, disability, and age is clearly prohibited. (Law no. 6701 Article 3/II). Within the Law, no state or private institution is allowed to discriminate against citizens who use or apply for services such as education, justice, police, health, transportation, communication, social security, social services, social aid, sports, accommodation, culture, and tourism. This provision covers the public domains and access to buildings (Law no. 6701, Article 5/I). For example, it is considered discrimination if a Syrian is not allowed to enter a public transportation vehicle or hotel, if a doctor avoids treating him/her, or he/she is not allowed into a restaurant or a shopping mall. Besides, the Law prohibits any discrimination by public institutions, professional organizations with public institution status, real persons, private law juristic persons, and others authorized by them in renting or selling movable or real estates, providing information on movables or real estates, assessing the terms or termination of a rental contract and in the process of transfer and sale (Law no. 6701, Article 5/II). No discrimination is allowed in any steps of a contract including contract negotiations, establishment of a contract, and assessment of terms of the contract, execution and termination of the contract before the contract within the contracts related to the listed service activities and publicly announced rental and sale
contracts. For example, it is prohibited to restrain a Syrian from shopping from a store. Again, it is prohibited to use the expression "Not for Syrians" in a house for rent ad. A rent contract cannot be assessed according to the tenant's ethnicity. It is not allowed to charge him extra deposit, irrationally high rents, asking for an annual sum instead of regular monthly payments. However, to consider an act discriminatory, the party must prove that all the charges or demands are put forward based on the fact that the potential tenant is Syrian. Any objective reasons to reject to enter into a contract are not considered discriminative. For example, it makes sense when a landlord who rents a two bedroom apartment does not want to rent his/her estate to the family of 10-15 people.

Different treatments due to the arrival and accommodation conditions and legal status of the people who are not citizens are not included in the scope of the law. However, this covers only the exclusive situations based on the arrival and legal conditions and legal status (Law no. 6701 Article 7/I). The issues apart from these are subject to the protection of the legal provisions of the prohibition of discrimination. Nevertheless, to be protected by the Law, the act of discrimination must be based on race, color, language, religion, belief or sect. Natural persons and legal entities can file complaints of discrimination. Applications can be made directly to the Human Rights and Equality Institution or through governors in towns and sub-governors in sub-towns. Applications are free of charge (Law no. 6701 Article 17/I). The Institution will settle complaints within 3 months following receipt of application or following decision to initiate an ex-officio investigation. This period can be extended for a maximum of 3 months by the President of the Institution (Law no. 6701 Article 18/I). The party claimed to have discriminated will be asked to submit in written form his/her testimony. Upon request, the parties can be called to make oral statements separately before the Board (Law no. 6701 Article 18/II). On its own initiative or upon request, the President of the Institution may bring victim and perpetrator to a settlement to reach a compromise. On its own initiative or upon request, the President of the Institution may bring victim and perpetrator to a settlement (Law no. 6701 Article 18/IV). Applications which are not concluded by a settlement will be submitted to the Board that is authorized to make a decision. In case of violation of prohibition of discrimination, administrative fines can be imposed by the Board (Law no. 6701 Article 25/I).

It is possible to say that Law no. 6701 is the most efficient and facilitating protection method for the Syrians in Turkey because the Institution may make a decision whether there is a violation or not, upon request or ex-officio. In this context, non-governmental organizations or third parties can also file complaints. However, the Law no. 6701 does not impose the perpetrator the obligation of making a contract. Therefore, if the contract is avoided due to the person's ethnicity, race, color or religion or the person's access to the required areas and buildings is prevented, the Law no. 6701 cannot offer a protection to the victim within this scope. The Law can only impose administrative fines on the perpetrator. The obligation to make a contract is only possible when there is a case of an assault on his/her personal rights and a legal demand to an action for prevention of assault (Turkish Civil Code, Article 25/I) or in case a person, by his faulty and unlawful behavior, causes damage to another and obliged to provide compensation (Turkish Code of Obligations, Article 49/II). It is required to file a lawsuit in court for the both cases.

B. Protection within the Provisions to Protect Personality

In all relations of contract, if there is a discrimination in the process of contract negotiations, conclusion of the contract, assessing the terms of the contract, execution and termination of contract or there is a case of rejection of starting contract negotiations or prevention of access to the building or area where the contract is to be made, a person can enjoy the protective provisions of the Turkish Civil Code (Turkish Civil Code, Article 24-25). The party who suffers from an assault to his/her personality due to discrimination may demand from the judge to take an action for prevention of assault, elimination of such threat and determination of unlawful consequences of the assault (Turkish Civil Code, Article 25/I). The discrimination against the Syrians in Turkey based on race, religion, language, ethnicity, color and sect can be considered a personal right infringement. To reject a person’s request to conclude an contract
solely based on the person’s specific feature which is not sine qua non within the contract or related to the subject and scope of the contract, is a personal right infringement (Ayrancı, 2003, p. 246). To claim a personal right infringement, the identity of the addressee must be clear. The scope of the provision as a person covers all natural persons including Syrians. Within the provisions to protect personality, the victim may ask to conclude a contract (Kocayusufpaşaoğlu, 2014, p. 509-510; Schmidt-Räntsch, 2007, p. 16). It is not important if the person who has been discriminated can provide the good and service by other channels or not (Kocayusufpaşaoğlu, 2014, p. 509). However, if it is no more possible to discharge of conventional obligations, the person cannot demand to make a contract and has to settle by compensation (Kocayusufpaşaoğlu, 2014, p. 513). For example, in a rental contract, if the rented estate bears the quality of a nonfungible good and has been rented to another person, it is not possible to demand to conclude a contract. Within an action to order that an existing infringement ceases, the victim may ask the consequences of the transaction or the act which consists of discrimination to be rearranged in a way that it no more leads to an infringement on personality, such as adjusting the consideration decided within the contract, modification of the terms of the contract or termination of the contract, based on the aspects of the discrimination. For example, if a Syrian who was charged annual rental value, instead of monthly payments files a claim to bring an action to order that an existing infringement cease and the judge decided that the infringement is a violation of personal rights, the perpetrator will have to return the deferred liabilities or the overcharged deposit. Likewise, if an unfit dwelling whose condition threatens human health is rented to the Syrians, the landlord will be responsible for the defective good. There is no way the liability of the landlord is discharged just because the tenant approved the contract in its poor condition. The non-liability contract must be considered invalid based on the personality protection provisions if the defectiveness causes a serious threat to the health of the tenant or the people who live with him/her (Zevkliler/Gökyayla, 2014, p. 265). Furthermore, the person who is discriminated may claim for damages depending upon the fault of the person who refuses to conclude a contract (Turkish Civil Code, Article 25/III).

C. Protection within the Provisions of Tort

According to Turkish Code of Obligations, Article 49/II a person who wilfully causes loss or damage to another in an immoral manner is likewise obliged to provide compensation (Kocayusufpaşaoğlu, 2014, p. 510. Ayrancı, 2003, p. 246). The judge may decide that the damages are to be paid in specie or in cash (Turkish Code of Obligations, Article 51/II). A person, who suffered loss because of the discrimination of a person in an immoral manner in the process of pre contract and establishment of the contract, has right to indemnity (Naturalrестиtuition) (Eren, 2015, p. 306-307; Ayrancı, 2003, p. 248). If the person who suffered loss still wishes to make a contract with the person who acted in an immoral manner, the judge may decide that the contract will be concluded by the parties within the compensation in kind principle. For example; if a person was not accepted in a hotel just because he/she is Syrian, the hotel owner’s apology will not be sufficient, compensation in kind will be provided when the victim is served in the way the other customers of hotel are (Schmidt-Räntsch, 2007, p. 15).

D. Other Opportunities Inflicted by Contract Law

1. Protection within Unfair Advantage Provisions

In Turkish law, as a rule, the parties can decide on the acts which are subject to the obligations and assessment of the contract in the way they wish. In principal, it is not possible to interfere in the consideration which has been determined by the parties within the contracts in which the act of one party forms the value. Exceptionally, it is possible to change the consideration by the decision of the judge within the contracts in which the parties are obliged. One of the exceptional cases is the unfair advantage provisions in the Turkish Code of Obligations (Turkish Code of Obligations, Article 28). To talk about an unfair advantage, there should be a clear discrepancy between performance and consideration and this discrepancy must be creased because of the person’s thoughtlessness, inexperience or the straitened circumstances and the perpetrator must have taken the advantage of weak condition of the other party.
knowingly and on purpose (Kocayusufpaşaoğlu, 2014, p. 483 et al.). Thanks to the unfair advantage provisions, the injured party will not honor the contract and demand restitution of any performance already made. It is known that the Syrians in Turkey face the risk of being harmed especially in the employment and rental contracts due to their difficult situation, thoughtlessness or inexperience (Amnesty International, 2014, p. 36; Orsam, 2014, p. 16; Examples of Temporary Protection in Europe, 2015, p. 32 et al.). They are under the risk of being exploited since they do not speak Turkish, know a little about the market prices or they have to meet their daily needs and find housing and they are forced to accept the offers without considering enough. Occasionally, the terms of the contract and especially the price are determined based on the fact that the other party is Syrian so that they have to work on very low wage or pay rents much over the market price. Under such conditions, the injured party may demand restitution of any performance already made or ask for the elimination of discrepancy based on the contract (Kocayusufpaşaoğlu, 2014, p. 497-498). Moreover, the injured party who terminated the contract may ask for damages in accordance with the culpa in contrahendo provisions or the injured party who has not terminated the contract although the period of prescription was over and still did not perform an obligation may ask for the removal of the unfair advantage when the obligation is demanded (Kocayusufpaşaoğlu, 2014, p. 498). Within this context, the person who was discriminated has a right to use the right within the five years after the conclusion of the contract in every situation and one year after he/she found out the result of his/her thoughtlessness and inexperience and the situation perished (Turkish Code of Obligations, Article 28/II).

2. Obligation to Contract within Consumer Transactions

According to Consumer Protection Law No. 6502 goods that are unrolled on a showcase, shelf, electronic media or any other clear visible place may not be avoided from selling unless there is a clear statement that those are not for sale (Consumer Protection Law No. 6502 Art. 6/I )and it cannot be avoided to provide service without a legitimate cause (Consumer Protection Law No. 6502 Art. 6/II). This provision applies only based on the consumer transactions. In other words, prohibition of abstain from sale and providing service will only find a field of practice within the contracts where the trader or supplier acts on commercial or occupational purposes and the consumer does not act on commercial or occupational purposes. For the obligation to contract within consumer transaction, publicly promised remuneration is not required (Kocayusufpaşaoğlu, 2014, p. 523). To be considered a consumer, it is not important if the transaction party is Syrian or not. The law accepts everyone as a consumer who fits the description. Therefore, people who publicly announce their goods or services on commercial or occupational purposes are required to make a contract with the parties who are qualified as a consumer. An action of performance can be filed for the person who does not want to make a contract in order to force him/her to make one. Nonetheless, the trader and supplier may avoid a contract due to a reason other than discrimination. An administrative fine for the contract or each transaction may be imposed on the ones who violate this and refuse to provide service or sell goods (Turkish Consumer Protection Act, Article 77). The injured party’s right to ask for an administrative sanction punishment in accordance with the Law No 6701 is also reserved.

3. Conclusion of a Contract within the Display of Merchandise with an Indication of its Price

The sending of tariffs, price lists and the like does not constitute an offer. By contrast, the display of merchandise with an indication of its price does generally constitute an offer (Turkish Code of Obligations, Article 8/II). According to this, when the buyer accepts the offer, the contract is concluded and obligation to contract is naturally beside the point (İnceoğlu, 2000, p. 412). In this situation, the discriminated person may ask the other party to perform an obligation based on the provisions of the contract after the offer was accepted (Turkish Code of Obligations, Article 112 et al.). However, if the injured person is a consumer, he/she can apply to the Human Rights and Equity Institution of Turkey in accordance with the Turkish Consumer Protection Act, Article 77/I and Law No. 6701 for asking administrative sanction on the person
who refuses to perform the obligation due to the discrimination. For example; if the trader refuses the deliver a good in a grocery store where its price is indicated, the victim may both ask for the delivery of the good based on the concept of performing an obligation and apply to the Institution due to the discrimination. The act may also result in infliction of an administrative fine sanction in accordance with the Turkish Consumer Protection Act, Article 77/I. However, in the cases of the service presentations other than product display, the contract is not considered concluded by the approval of the person who wishes to benefit from the service (Kocayusufpaşaoğlu, 2014, p. 189; Eren, 2015, p. 249) Then, the provider may be obliged to a contract with the victim based on the infringement on the personality rights and loss or damage caused by an immoral manner.

REFERENCES
POLITICAL DISOBEDIENCE IN ISRAEL: A STRATEGY OF RESISTANCE AMONG PALESTINIANS IN ISRAEL

NIJMEH ALI
The National Centre for Peace and Conflict Studies
The University of Otago- New Zealand

After the Nakba, the Palestinian catastrophe in 1948, and the establishment of Israel on 78 percent of Mandatory Palestine, 160,000 Palestinians remained in their homeland which Western powers created as the State of Israel. There remained a clear presence of those with whom the founders of Israel had fought, and who had been captured in their consciousness as “the enemy.” The “1948 Palestinians” or “Arab Israelis” who remained were mostly peasants and were described by the Israeli sociologist Baruch Kimberling (2003) as “a body with no head”, pointing to the loose organization and structure of the political leadership and the Palestinian elite as a result of the 1948 war. The first years of living under the Israeli sovereignty and the trauma of the great defeat in 1948, crystallized the primary battle of "surviving" and steadfastness known in Arabic as the battle of Bqaa and Sumud among the Palestinians in Israel. This battle aimed to prevent another wave of refugees and emphasized the importance of the physical existence of the Palestinians in their homeland, despite the new circumstances of becoming "strangers at their homes" as was described by Sabri Jiries (1969), a Palestinian scholar. Meanwhile, the newly established State of Israel aimed to portray itself as a liberal democratic state which granted equal rights for all its citizens. In 1952 Israel granted Israeli citizenship to its "Arab" inhabitants. However, holding Israeli citizenship and Palestinian citizens’ participation in the election did not prevent Israel from imposing a harsh military rule on the Arab citizens between the years of 1948 and 1966. Under these conditions, 1948 Palestinians utilized nonviolent resistance, particularly parliamentary activism was the safest and most appropriate way to lead the battle for the Palestinians in Israel to remain in their homeland. This was largely accomplished through a civic struggle for equal citizenship. They believed that by reaching the parliament podium, they would be able to demand equal civil rights and to impact broad Israeli polices. In January 2017, the Israeli government demolished 11 houses belonging to Palestinian citizens of Israel, accusing them of “building with no permission” in Qalansuwa, an Arab village in Israel. Two weeks later, Israel demolished the Bedouin village of Umm al- Hiran, in southern Israel. These actions expose the continual internal debate among Palestinians in Israel, regarding the effective tools that should be adopted to tackle Israeli policies. The policies and discriminatory laws are perceived to be part of the continuing Nakba of 1948 that aims to erase the Palestinian existence in Israel. After nearly 70 years of taking part in the Israeli political system through participation in elections, the Palestinians in Israel feel that they are at a critical juncture, questioning their choices of tools for protest and the efficacy of being an integral part of a political system that oppresses them, hoping to bring change from “inside”. The question of effective resistance methods seems to be more acute in the shadow of political, economic and social changes, both among the Israelis and the Palestinians in Israel. These dynamic contexts invite us to investigate the strengths and the weaknesses of the Palestinians in Israel in their ability to affect social change and participate as equal citizens. After years of employing certain tools within the citizenship approach and the tension between the “appropriate” and the “effective” methods of protest, it is timely to evaluate their effectiveness. It also opens the door for examining the hidden potential of the Palestinians in Israel in reshaping the political power structures in Israel. This paper explores the buried potential of the
Palestinians in Israel based on interviews that were conducted with Palestinian activists in Israel as part of my Ph.D. research. The doctoral dissertation explores the potential of 1948 Palestinians to reconstruct the power relations in Israel and to reshape the Palestinian resistance in general.

1. Research Considerations and Methodology

The current paper is part of wider research that takes a sector of a particular group in a single setting - Palestinian activists in Israel is the case under study. In addition to my personal motivation in documenting the Palestinian in struggles in Israel, a single site study offers a significant insight into understand how multiple activists who share the same political context of oppression act differently. Simultaneously and not less importantly, it offers the opportunity to discover the common ground in their lives, and how their behaviour "transforms" their overall understanding of the concept of resistance in the reality of ongoing conflict.

On the other hand, concentrating on the Palestinians in Israel who are marginalized in resistance research contributes to the re-examination of the concept of resistance in the Palestinian case apart from the dualism of armed and unarmed resistance. Palestinian activists in Israel were chosen as the focus of this research for reasons of applicability and feasibility. In terms of applicability, research on Palestinians in Israel is still under development due to the political power structures, and most of the research is carried out under the supervision of the Israeli academy. Most of this research has been "traditionally addressed from the point of view of the Israeli political order" (Samooha, 1990; Lustick, 1980). Recently some developments have taken another direction, particularly as Palestinian researchers are researching their politics and society. However, this research is still confined to one dimension which concentrates on the experience of living in Israel. In fact, some feminist researchers have emerged in the last five years (Shalhoub-Kevorkian, 2003), yet I could not find any academic research about the Palestinian activists in Israel. One criticism that should be directed at current research is that Palestinians in Israel were approached through their political leadership and heads of NGO’s. In this way, Palestinian groups including women and youth pay the price by pushing to the margins their political and social potential role in transforming power structures not only from reality but also from research. Thus, this research attempts to bring marginal gropes to the fore in order to enrich the existing body of research by exploring the politics from "below", through the words of the Palestinian activists themselves. Feasibility is also recognized as a significant element in the research design (Marshall & Rossman, 2014). Thus, situating the study in the researcher's home country enabled a significant amount of time to be spent in the field due to free accommodation and familiarity with the location, especially in unstable contexts. It also allowed the researcher to use his personal networks to identify and contact research participants, as he speaks the languages of Israel, both Arabic and Hebrew. In addition, familiarity with the cultural context and modes of thought delivered a sense of trust and a high level of mutual understanding between the researcher and the participants, and all these elements motivated the participants to take part in the research. This trust is particularly important for activists who live under the authority of Israeli law. Grassroots knowledge helped the researcher to ask deep, complex and sensitive questions, and contributed to the developing of further questions. According to Razavi and Iverson (2006,p.461), in grounded theory methodology, "informants chosen for interviewing must be expert participants, with rich, extensive prior experience with the phenomenon, in order to be able to provide the researcher with a valid account of their experience." For this reason research participants in the current research consist of Palestinian activists, both female and male, who use their activism to challenge the existing power structures, whether Palestinian or Israeli. Participants in the research are Palestinian activists who are citizens of Israel and live in Israel, not in the West Bank, Gaza Strip or outside the country. Moreover, activists from Jerusalem, which was occupied in 1967 and annexed to Israel in 1988, are not part of the research group. This is because although Jerusalem was officially declared the capital of Israel, Palestinians in Jerusalem are not citizens of Israel. Participants can be independent activists or members of political parties or movements, excluding members of the Zionist parties and politicians who occupy
official positions such as the Palestinian Knesset members. Additionally, they come from different political backgrounds and represent the three religious groups that form the Palestinian society in Israel: Muslims, Christians, and Druze. Participants in this research are at least 18 years old and Arabic speakers (not activists with original Arab roots who grew up abroad and came to work with Palestinians in Israel). I interviewed twenty-five Palestinian activists in Israel between August and November 2016, using semi-structured interviews, as they enable the interviewees to articulate their ideas, express their views and opinions in detail and at the same time assist the interviewer to systematically cover all relevant issues (Polit & Beck, C 2008). The interviews took between 90 and 120 minutes to complete. They were based on open-ended questions, but the interviewees’ responses determined the length of the interview. The constructivist approach in grounded theory was selected as the most appropriate methodology to explore the power of the Palestinians in Israel in transforming and challenging power structures in Israel. This paper aims to uncover the hidden potential of the Palestinians in Israel in challenging the Israeli power structure as it understood by Palestinian activists and their contribution in reshaping the Palestinian resistance in general.

2. Theoretical Considerations: Nonviolent Resistance, Pragmatic Resistance, Ethical Resistance

To understand the nature of resistance among the Palestinians in Israel and its hidden potential, it is necessary to clarify the theoretical foundations of resistance, minority resistance and the idea of Sumud. This paper briefly presents an overview of resistance and minority resistance as it appears in the literature. Whereas in the past direct physical attacks, violent rebellion, revolutions or war seemed to be the only appropriate responses to oppression, nonviolent political action, civil resistance or “people power” became important mechanisms for achieving political and social change, especially in places where armed force and political violence failed or due to a power imbalance, as some Palestinian activists stress. Recent examples can be found quite recent actions in the Arab Spring, particularly in Egypt and Tunisia. On the surface, the difference between violent and nonviolent action seems to be clear. However, while violent and nonviolent action are both direct action, they work through different mechanisms. Violent action works through physical and coercive force, and the fear of detention, bodily harm, or death. Nonviolent action works by eliminating the opponent, through social powers and the human mind by using manipulation. In this way it is used to change relationships rather than destroy opponents. Moreover, Todd May (2015) in his book Nonviolent Resistance: A Philosophical Introduction, suggests equality and dignity as another sharp differentiation between violent and nonviolent action.

Iain Atack (2012, p.8), defines non-violent action as a "collective action outside the formal institution or procedures of the state that avoids the systematic or deliberate use of violence or armed force to achieve its political or social objectives". Michael Randle (1994) use the term "civil resistance" to refer to nonviolent political action. In their terms, they are emphasizing the character of collective action, bringing the public’s attention to ordinary citizens, who are located outside conventional political structures such as political parties. Furthermore, nonviolent resistance not only avoids using violence, it is also a collective political action that motivates ordinary citizens to organize themselves through civil society groups or social movements to achieve their political and social goals. Mahatma Ghandi and Martin Luther King are two famous examples from the twentieth century, who pioneered in adopting and promoting nonviolent political action as a method for political change.

Scholars distinguish between two types of nonviolence resistance: pragmatic and principled nonviolence. Pragmatic is also referred to as strategic, tactical, selective, or qualified nonviolence. This approach is associated with the scholar Gene Sharp (1973), who introduced the pragmatic approach in his book The Politics of Nonviolent Action. Pragmatic nonviolence is an approach to conflict in which participants choose adopting nonviolence because they think that this is "the best and the most viable method for achieving their goals" (Nepstad 2015:216). According to this view, nonviolent resistance is seen as a set of techniques and not a way of life or moral commitment. The principled nonviolence approach also refers to ethical, comprehensive or unqualified nonviolence (Atack, 2012, pp.6-34) is linked to a lifestyle in which
violence is viewed as immoral or unethical. A principled approach to nonviolence is associated with Mohandas Gandhi, the ideology of pacifism, and some religions’ traditions. Those who support principled approach view nonviolence not only as an effective political strategy but also as a transformative one. Thus, they aim to change "the opponents’ hearts and minds as well as their behaviours" (Nepstad, 2015, p. 217). In this sense, Gandhi referred to "nonviolence for the weak", referring to the pragmatic use of nonviolent techniques, and "nonviolence for the strong" as principled nonviolent lifestyle and struggles. In other words, the pragmatic approach views the nonviolence method of struggle as the most effective strategy in contexts of conflict, while the principal approach considers nonviolence method as the best ethical strategy for normal living.

The assumption of nonviolent resistance is that the subordinate can effectively undermine power by breaking away from their subordination and withholding their participation in the political system by adopting methods such as civil disobedience and boycotting. Therefore, the power of people’s obedience is turned back on itself, but this time in a disobedient form which delegitimizes the existing power structures (Vinthagen, 2007). This understanding of power opens the door for considering the power of the powerless and the weak as significant sectors for social change.

To summarize, resistance as an action and as a behaviour takes many forms, targets, and goals. It might be "violent or nonviolent, confrontational or circumventing, deconstructing or reconstructing, refusing or hindering, individual or collective, accommodating or enforcing, materialistic or idealistic" (Vinthagen, 2007, p. 6).

2.1 Minority Resistance

Minority protest is defined as the "combination of all anti-government and anti-majority acts of demonstration and violence. Non-violent protest in the open regime is one of the popular tools used by a minority for political change, its range from rhetoric to illegal action" (Yiftachel 2000, p. 147).

The leading explanations are given for ethnic protest fall either within the "relative deprivation" or the "ethnic nationalism-identity" schools of thought. A third school links public protest and political mobilization to the "mobilization of group resources", Yiftachel, sees this approach less relevant to the case of "homeland" ethnic minority, referring to the Palestinian minority in Israel.

According to the deprivation school, the gaps between minority and majority increase tension between the groups, and so ethnic conflicts often revolve around sharing national resources, while ethnicity, in this case, is an instrument for mobilizing support for civil struggle (Galzer, 1983; Gurr, 1993; Horowitz, 1985). In other words, the protest will target issues of socio-economic deprivation, and will not challenge the structure and character of the state.

However, it is important to stress that socio-economic deprivation is a result of public policy, thus protest against ethnic deprivation will target government policies and the distribution of public resources. Gurr (1993), finds a direct link between state policies, ethnic deprivation and stages of an ethnic conflict, pointing out that "in most democratic regimes, who adopt reforms in ethnic relations, ethnic protest and violence was limited" (Gurr, 1993, p. 193). It was also noticed that this relative link between deprivation of ethnic protest and conflicts applicable to immigrant societies, where ethnic minorities categorized as "ethnic classes" (Connor 1987; Gurr 1993; Lichbach 1989).

On the other hand, the ethnic-national approach claims that ethnic differences are an integral part of human behavior. This means that ethnic protest and political mobilization are first expressions of ethnic selfdetermination, and this approach considers ethnicity as "bio-social" (Berghe 1981), that sees ethnic protest as part of the worldwide process of ethnic revival, thus ethnic protest focuses on national, cultural and territorial issues and less on socio-economic subjects (Connor, 1987; Smith, 1981; Smith, 1992). However, a protest may begin around local and general deprivation issues and later move to territorial and selfdetermination demands. National issues are likely to the guarantee the most intense level of protests,
such as those in Quebec, Northern Ireland, and Sri Lanka, that continued over long periods (Yiftachel, 2000). The ethnonational approach has been experienced by homeland ethnic minorities (Mikesell & Murphy, 1991; Yiftachel, 1994). These two approaches of minority protest apply to the Palestinian minority in Israel.

Based on Gurr’s definition, the Palestinians in Israel are categorized as an ethnopolitical group. Gurr (2000, p.5) defines ethnic group as "people who share a distinctive and enduring collective identity based on a belief in common descent and on shared experiences and cultural traits", while ethnopolitical groups are "groups whose ethnicity has political consequences, resulting either in differential treatment of group members or in political action on behalf of group interests". On his minority categorization, he divides the Palestinians in Israel into two ethnopolitical groups. First, he identifies the Arabs in Israel as an ethnoclass group, while the Palestinians in Israel are identified as an ethnonational group.

Gurr (2000) distinguishes between Arabs and Palestinians in his significant book *Peoples versus States: Minorities at risk in the new century*, where he studied the behavior of 275 politically active ethnic groups. This is a great example of showing the inability of applying the liberal-democratic research of the Western state to explain what Rabinowitz (2010, p.64) call “trapped minority”, which he define as “a segment of larger group spread across at least two states. Citizens of a state hegemonies by others, its members are alienated from political power. Unable to influence the definition of public goods or enjoy them, its members are at the same time marginal within their mother nation abroad”. Rabinowitz (2010, p.64) points out to the fall of the “traditional concepts of states and nations” to acknowledge and theorize such minorities. He suggests adopting the discourse of transnationalism that “helps to dislodge the study of minorities from the analytical straight-jacket of the state”. The definition of the Palestinians in Israel is crucial in understanding their protest methods. However, even Rabinowitz’ description of being “trapped” between two political structures is insufficient to categorize the Palestinians in Israel, mainly because it ignores two important elements, in my opinion: first, the Palestinians in Israel identify themselves as the indigenous people of the area. Secondly, they are part of the reality of on-going conflict. The questions “Who are we? And “How should we define ourselves? Were highlighted during the interviews as the main obstacle to building a clear strategy of resistance. It was clear that these many definitions, positions and approaches led to the development of various methods of resistance in the individual but not as part of a whole project of resistance.

2.2 Sumud

The concept of *Sumud* as steadfastness finds its roots originally in Islam (Schiocchel, 2012). However, *Sumud* emerged as a political term within the Palestinian context during the 1970s and 1980s, presented by the PLO to emphasize the significant role of maintaining a physical presence on the land, despite Israeli policies of emptying and reconstructing the geographical space, thus imposing different means to control Palestinians’ daily life and making it hard to survive (Vinthagen & Johansson 2013). Thus, *Sumud* referred to the right to remain in the land, the need to resist forced expulsions and the commitment to have many children who would continue the struggle for liberation and independence (Van Teeffelen,2006). This understanding of *Sumud* was criticized as a form of “passive non-resistance focusing on survival only”(Vinthagen & Johansson, 2013). Conceptualizations of *Sumud* vary. It can be understood as an attitude, a cultural trait or an “inward-directed” life stance (Johansson & Vinthagen, 2015; Van Teeffelen, 2006.; Schiocchel, 2012) *Sumud*, in other words is the ability to live in the shadow of loss and calamity. Richter-Devroe (2011) conceptualises *Sumud* as a social practice and a form of everyday and non-violent resistance Raja Shehada, a Palestinian lawyer and activist, adds the dimension of political strategy for understanding *Sumud* by describing it as “the third way”, that is neither armed struggle nor passive acceptance (Bahbah, 1985).

3. Contextual Considerations: Palestinian Citizens in Israel

By the end of the war in 1949, my grandfather Hassan, originally from the village of Mia’ar in north Palestine which was destroyed along with 523 Palestinian villages, witnessed the collapse of his society and the construction of a new society on the ashes of the old system that he was familiar and engaged
with, along with 167,000 Palestinians who remained in their homeland that was the day before called Palestine. They were traumatized from the outcomes of the war, the break-up of families and the loss of their houses. In the shadow of their great defeat and fear, they faced the threat of becoming refugees outside of their homeland, which turned to be "officially" Israel.

For the remaining Palestinians it was the collapse of their world. They woke up to a new geopolitical reality. The place and people they knew were replaced with new faces of immigrants, mostly from Europe, a new language and new "bosses". They were like a branch cut from a tree, when they were forced to cut all their cultural, familial and financial relationships with the entire Arab world and the Middle East, which turned to be the “enemy” of the state of which they were citizens. This state of separation of the remaining Palestinians from their natural environment dismantled bridges with the Arab world, and positioned them in a questionable situation regarding their identity and loyalty to the Palestinian cause. Thus, it is not surprising that the Palestinian identity continues to be a sensitive struggle for the Palestinians in Israel, not only in the face of Israel but also to the rest of the Arab world. As a result, these sudden changes weakened the status of the Palestinians, who turned to be a minority, weak and strangers in their homeland.

On the other hand, the newly established state found itself burdened with Palestinian who were until 1948 “an integral part of the fabric of Palestinian society and the big Middle East, which resist the colonial project of the Zionist movement…” (Rouhana & Sabbagh-Khoury, 2011,p.6) inside its boundaries that were known as the green line. Israel ruled with an oppressive hand over the Palestinian minority in every possible way, imposing a harsh military rule in the areas where the Palestinians lived, in forcing limitations on their freedom of movement and expression (Kimmerling & Migdal, 2003). In other words, from 1948 until 1966, military rule was the central Israeli institutional body operating among the Palestinians in Israel. Military rule was imposed on 21 October 1948 by David Ben-Gurion and was based on the Defence (Emergency) Regulations established by the British Mandate in 1945. The military governor had unlimited control over every aspect of the Palestinians as individuals and collectively. He had the right to arrest people without a warrant and detain them without trial for long periods, the authority to ban them or expel them from their homes, and to put them under house arrest, in addition to the authority to close schools, businesses, newspapers, and banning demonstrations and protests. This military rule is an open wound in the memory of the Palestinians in Israel whereby their political behaviour was shaped in the shadow of fear. It was also a formative chapter in the relationship between them and the state. But this does not describe the total situation. Palestinians in Israel comprise 20 percent of the population of Israel. Some Palestinian citizens have reached real levels of success in the Jewish state as judges, medical professionals, writers, academics, broadcasters, and even in the area of sport. The number of Palestinian students and lecturers is growing, as is the number of Palestinians in the civil service. These individual successes have made the Palestinians a more self-confident society, but which represents an even greater threat in the eyes of the Jewish community, which is “still motivated by an ideological stance that negates the right of the Palestinians to live alongside them” (Pappe, 2011, p.6).

3.1 Political Contextualization: In and Out Reality

Any serious investigation of a political player, individual or collective, particularly in conflictual realities, must start by defining the settings in which it operate and the roots of its patterns of behaviour (Jamal, 2014). Writing about the Palestinians in Israel means writing about Israel. Israel is declared to be a Jewish and democratic state. This definition reflects the legal rights of all its citizens by articulating the Jewish nature of Israel through laws, regulations, and politics. Scholars from different areas have accumulated a body of research which "focuses on or takes considerable account of the Palestinian citizens of Israel"(Rabinowitz, 2010, p.68), for creating a typology the Israeli regime. As student who obtained her Bachelor’s and Master’s degrees in Political Science from Israeli universities, the most popular definition for Israel was the "ethnic democracy" model that was introduced by Sammy Smooha
Smooha argued that Israel represents a new type of democracy; ethnic democracy, which "combines the extension of political and civil rights to individuals and certain collective rights to minorities with institutional dominance over the state by one of the ethnic group" (Samooha, 1990, p.391). This model of ethnic democracy caused a heated debate in Israel and has gained considerable attention. Samooha proposes a formal level of democracy, which may guarantee full citizenship rights in terms of voting, for example, but in practice, this ethnic group will suffer from continuing marginalization. According to Sa’adi (2000), the ethnic democracy model is problematic because the control by the state of one national group harms the principle of equality. Moreover, in order to maintain one group’s superiority, it is necessary to maintain the other group’s inferiority. On this point, Samooha does not provide any explanation of why ethnic democracy is different from a dictatorship of the majority. In addition, Samooha, telling us that the denial of equal rights to a group of citizens can go hand in hand with democracy, does not answer the question of active citizenship among minorities - which is the essential basis of any democratic regime (Bashir, 2015).

Regarding the minorities, his model suggests that they will be "disadvantaged, but they can avail themselves of democratic means to negotiate better terms of coexistence" (Bashir, 2015, p.410). In other words, this means that the majority controls the state and sets up the priorities; the duty of the minority group is to try very hard to fit into the system, in order to obtain better conditions in their daily life, such as in housing, education and the health system, but they will not have any say or influence on the state’s goals (Sa’di, 2000). For Samooha, the basic liberal idea of individual freedoms is enough to describe Israel as a democratic state. In contrast, Will Kymlicka, who emphasizes the difference between an ethnic nation and a civic one, as a way of understanding types of minorities and state - minority relations, points out that “ethnic nationalism is exclusive, civic nationalism is inclusive” (Kylmlicka, 2000). Sammoha ignores many defects inherent in the system, such as exploitation of emergency regulations which allows the authorities to withhold basic rights; the lack of a legal framework that protects the rights of minorities or ensures equality for individuals from these minorities; the existence of non-democratic political culture among its citizens and the problematical definition of Israel as a “Jewish state” and its consequent structure. Others define Israel as a settler-colonial state, such as Elia Zureik (1979), whose work investigate the marginal status of the Palestinians in Israel for his typology of Israel as a colonial-settler state. Gershon Shafir (1989) present an important study of land and labor in Zionism, emphasizing the "specific circumstances of the Jewish national movement”, by locating it in the colonial paradigm. Strengthening the link between labor, economy and nationality can be found in Michael Shalev’s (1992) work on the Israeli split economy and Lev Greenberg’s (1991) analysis of the Labor movement. Ian Lustick (1980) investigates the structural and institutional characteristics that were developed by the Jewish hegemony to control the Palestinian citizens. Yoav Peled (1992) investigate the restrictions on Palestinians candidates and parties in comparison to the free access of Jewish Israelis in political life. His conclusion was that Israel offers the Palestinian citizens a “nominal and weakened form of citizenship” (Rabinowitz, 2010, p.69). However, viewing Israel as a settler-colonial state is not new, though it is gaining popularity in the recent times. In sum, it is important to notice that the civic status of the Palestinians in Israel is shaped by the political reality of being “In” and “out”, which is crucial for understanding the motivation behind patterns of protest among this group.

4. Three Battles of Resistance

Presenting the theoretical and contextual aspects allows me to locate the main battles of the Palestinians in Israel as they emerged from the field research and interviews with Palestinian activists. The data yields information about three battles which reflect the hidden potential of the Palestinians in Israel in transforming and challenging the Israeli power structure.

4.1 The Battle of “Equal Citizenship”
The first battle of the Palestinian citizens in Israel, especially after the Nakba and during the military rule, was not directed against land confiscation and the overall situation, but focused on the matter of citizenship. Ironically, Israeli citizenship served as a shield for the Palestinians in validating their presence. The term Sumud, meaning ‘steadfastness’ was employed during that period to describe the struggle to remain in the land, despite the difficult circumstances. The Palestinian activists demanded full citizenship of Israel on the basis of their natural rights as the indigenous people of the land. However, it should be noted that the motivation that underlies this demand lay in the instrumental power of Israeli citizenship which allows its holders to stay and live in Israel permanently. For the Palestinians in Israel, this was the only guarantee for them not to become refugees. In this sense, Palestinians were successful in ensuring their physical presence. Yet this struggle that began in 1949 did not end when “equal” citizenship is spoken about. Given the inner logic of Zionism and the idea of a Jewish state, non-Jewish citizens could be tolerated as long as they did not endanger the Jewish supremacy of the state. Therefore, from its foundation the state distinguished between Jewish and non-Jewish citizens (Pappe, 2011). Thus, the stubborn demand of equal citizenship challenges the essential nature of Israel as a Zionist and Jewish state.

The political leadership of the Palestinian minority use every possible means and available platform for advocating their case: participating in the elections and approaching the Supreme Court and the Hebrew media, in addition to the employment of popular struggle through petitions and demonstrations demanding equal citizenship in the Jewish state. It is very important to stress that none of the means employed succeed in influencing the legal and constitutional realities (Pappe, 2011, p.35). Yet activists point to the importance of the civic struggle for changing the exclusive nature of Israel and its potential for proving and showing the true face of the country.

4.2 The “Electoral” Battle
Israeli citizenship guarantees the right to vote, which seems on the surface to be a powerful card in the hands of the Palestinian citizens in Israel. However, the Israeli political system is built in a way that keeps the Palestinian representatives out of the policy makers’ circle. The fact that the Palestinians in Israel have the right to participate in elections does not mean that they influence Israeli decision-making, especially when it comes to security concerns. The Zionist political establishment excludes Arab parties from being part of the government and parliamentary committees’ dealings with defence, security and strategic planning. In other words, Palestinians are inside the political game but outside the political process. This reality of being "in" on the surface and "out" in reality creates a lot of frustration among activists, including those who are members of political parties. Thus the heated debate of the effectiveness of participating in Israeli elections is not surprising. Some activists call for re-examining the most appropriate way of using their Israeli citizenship suggesting boycotting the elections as a tactic for dismantling the legitimacy of the Israeli democracy. Palestinian activists stress the political use by Israel of their participation in the election as a tool for proving to the world that Israel is democratic and treats all its citizens equally. They believe that their participation legitimates and reinforces Israeli colonization and occupation. In the shadow of the success of the BDS movement, and after 70 years of participating in the election game, activists emphasise the power of withdrawing their support for the political regime as citizens. Most of the activists pointed to the need of thinking ‘out of the box’ that was shaped according to the Israeli system. In this way, they challenged the traditional Palestinian political leadership who still use “conventional tools for change” ignoring the political context in Israel and the reality on the ground. The Vote battle targets at first the “institutionalised apartheid” of the Israeli system.

4.3 Identity Battle and Cultural Resistance
When surviving became a daily battle, resistance took different forms and actions. Sumud adopted many faces, particularly in hidden spaces where Palestinians felt free to speak. Aside from direct political activism, cultural activity presents the beginning of resurrecting from the ashes of destruction and
providing the society with something no government or regime could easily either prevent or provide (Pappe, 2011, p.75). Poetry was a medium in which national identity survived the Nakba of 1948. What political activists and leaders could not or dared not express, poets wrote and sang loudly. Poetry and literature became oral political statements constructing political awareness and consciousness, when love, hate, death, birth and family could be intertwined with political issues of land confiscation and state oppression (Pappe, 2011, p. 76). Poetry festivals became very popular, using language as a weapon. However, the Israeli secret service was unable to decide if this action was a subversive act or a cultural event (Nakhleh & Zureik, 1980). Poets participated in popular meetings side by side with politicians, reading their poems to the masses. Cultural resistance has a significant place in the construction of the Sumud of Palestinian Identity. All the interviewees stressed these poems as a source of knowledge, raising their awareness of the Palestinian situation and oppression in different parts of the world and its function as a glow for constructing a common Palestinian identity for all the Palestinians in the world. Activists emphasized the link between the Israeli education system as a control mechanism that aims to create “Good\Obedient Arabs” in the Jewish state, and the role of cultural resistance in preserving their Palestinian identity challenging the Israeli hegemony separately from the institutions controlled by the state such as schools. Culture, in this case, became an underground space for resistance and constructing critical awareness not only among Palestinians in Israel but among Palestinians in general. Something that was emphasized by the Palestinian activists in Israel as a source of pride for this significant contribution to the Palestinian resistance in general was pointing out that when they are asked to explain their situation in Israel, particularly to other Arabs, they use the names of the famous poets as a signpost. Most of the activists stress that the identity battle is the most important battle against Israeli polices of “Israelization” and all the projects that target young Palestinians such as the "civil service project" that is run by the Israeli ministry of defence. These kinds of projects and the destruction of the national content considered as threatening to the concept of collective struggle. However, Palestinian activists in Israel point out the active debate on the issue of culture as a significant step for reshaping and challenging the Palestinian identity, particularly when it comes to the question of the desired nature of the Palestinian society and personal freedoms.

5. Towards the Construction of a Strategy of Resistance for Political Disobedience among Palestinians in Israel
These three battles have been the main struggles the Palestinians in Israel have been involved in since 1948, yet they all took place within the citizenship borders through participation in the elections and approaching official channels, hoping to reach as many people as possible on the other side. However, acting within the frame of citizenship did not challenge Israeli power structure; instead it enhanced the power imbalance and created the illusion of being part of the Israeli political system. Due to the reality of daily and continuing confrontation, activists believe that Palestinians in Israel have gained significant experience in developing methods of resistance and protest in order to maintain an active presence of the Palestinian cause in the field of public discourse in Israel, opposing all the marginalization polices. However, these methods of resistance have not succeeded in creating genuine political change. Activists point to the lack of strategies of resistance as the main reason for not being able to cause change. Throughout the history of the Palestinians in Israel, there have been and still are many examples and models of resistance, yet there has been no significant change. For this reason Palestinians insist on constructing a strategy of resistance that would be able to take into consideration the elements that might be used to challenge the Israeli system. What Palestinian activists suggest is to “flip” the use of their citizenship by calling for breaking their subordination and adopting methods such as political disobedience. Targeting the nature of Israel and its democratic character was adopted as the main mission of the Palestinians in Israel. Israel markets itself as a Western state that promotes civilization and democracy against the “barbaric East”, and despite the occupation, Israel continues to be seen in this way by western leaders. It is vital to counteract this image locally and internationally. Locally, by trying to
break the blockage within Israeli society; internationally by speaking to the world. The act of speaking can take many forms: political activism, cultural activism and speaking to influential groups. In other words, *Sumud* moves beyond the traditional understanding of “remaining”, and instead activists stress “active *sumud*”, whereby Palestinians in Israel take responsibility for and initiatives in constructing their resistance. In this way, activists call for political disobedience, supported by adopting a multidimensional strategy of resistance in order to dismantle the Israeli power structure.

Historically, Palestinians in Israel conducted their struggles by adopting non-violent resistance. I believe that the political circumstances, the massive failure of armed struggle and the powerless status of the Palestinians in Israel as a result of the *Nakba* and the military rule limitations have all greatly contributed to the choice of nonviolent resistance out of safety and pragmatic reasons, in order to meet the urgent need of remaining. Speaking with Palestinian activists reveals that this is not only a pragmatic motivation but also an ethical one. The struggle to build a “unity of the oppressed”, between Palestinians and powerless groups such as the Ethiopians and Oriental Jewish (originally from Arab and Muslim countries), to face of the Israeli power structures, and the struggle of not being similar to the “oppressor” were repeated throughout the interviews. During our conversations, activists stressed that Palestinians in Israel today are not the same as they were in 1948. They are more powerful, educated, knowing the language, familiar with the Israeli mentality and its system. They are more confident, know how to articulate themselves and are aware of their rights, particularly as citizens. Therefore, many activists have highlighted the power of their position and the hidden potential they possess in challenging and transforming the Israeli power structure, believing that in the long term it could help in changing the power balance and the whole treatment of the peace process.

The insistence on having a visual presence on the international scene and the refusal to be marginalized from political discourse and activism is very important for *Sumud* in its new understanding by Palestinian activists in Israel. In 1967, Israel occupied the West Bank including Jerusalem and the Gaza Strip, and only then was Palestine again unified, under Israeli occupation. The military administration that was applied to the Palestinians in Israel was not dismantled. Instead it was applied to the Palestinians from the occupied territories, a term that was used to refer to the supposedly only occupied part of Palestine. As a result, the terminology and timeline of the Palestinian-Israeli conflict have changed in a way that considered the 1967 occupation as the starting point of the conflict. Due to this, the 48 Palestinians were pushed out of the political scene, an action that deeply harmed the understanding of the Palestinian-Israeli conflict. This deep misunderstanding of the conflict’s complexity, a combined with frustration and disappointment, were enough for Palestinians and Israelis to lose faith in what is called the peace process. Thus, opening the 1948 file is essential for creating a genuine reconciliation, instead of a temporary ceasefire. However, this action is not easily accomplished, mainly because it requires the dismantling of the Zionist power structure in Israel, which is not an easy mission, but at the same time, not impossible.

REFERENCES
Van Teeffelen, T., Sumud revisited, Sumud as a Palestenian Value. *Paper presented at the Celebrating Nonviolence Conference in Bethlehem*, Bethlehem:
SOCIAL AESTHETICS: OLD AND NEW MAKINGS IN CHILE’S STREET ART

LUCIA VODANOVIC
London College of Communication, University of the Arts, London (UK)

Abstract
This article problematizes the resonance of divisions such as professional/amateur or art/craft in the context of contemporary street art in Chile, a set of practices that provides an interesting window to explore issues of self-organization and new models of making in a country that is usually hailed as one the most successful economy in the region. It uses the recent ‘blanking out’ of the Mapocho river’s bank (that for decades has been a favoured canvas for street artists), which aimed to provide a neutral background for a light art project carried out by established artists –the _Museo Arteluz_—, as the space to articulate this discussion.

It focuses in the recent ‘wave’ of street artists rather than in the groups that operated during the dictatorship of General Pinochet (1973-1989). These newer groups and individuals such as Bomber West, Charqui Punk, Dana Pink, and Ritalin Crew promote their work directly as art in social media; their commitment to politics is evident in their allusions to issues such as the conflict with the _Mapuches_ (Chile’s indigenous population) but they are not linked to any political party; while being informed by Latin American references and imaginary, they also draw on European influences and North American (especially West Coast) art and music.

The article explores three main topics to illuminate their modes of production and values. First, whereas the old ‘brigades’ had a very strategic organization in order to favour speed of creation, contemporary groups have created new roles such as managing their on-line presence through Flickr, funding, networking, etc. Second, it situates these practices in relation to the Chilean art scene of established commercial galleries and public institutions, which, in spite of a perceived process of internationalization, continues to be fairly unfunded and lacks curatorial rigor. Lastly, it argues that this street art has articulated a critique of the loss of traditional ways of making and provided an alternative to the dominant modernizing discourse of Chilean mainstream media and politics, while maintaining an elusive space.

In December 2010 the Mapocho river, which crosses the city of Santiago (Chile’s capital) and for decades has been a favoured canvas for street artists, was ‘blanked out’ of its art, bringing about memories of a previous erasure in 1973, the first year of Pinochet’s dictatorship; during that time the erasure inaugurated a new era of political repression and its corresponding clean, controlled and sober aesthetic. This second time around the blanking out was aimed to provide a neutral background for a light art project carried out by established artists –the _Museo Arteluz_ [Light Art Museum]—, commissioned by the Santiago commune and sponsored by the millionaires Chillectra, Endesa and Enersis electricity companies. The project’s original idea was to illuminate one kilometre of the Mapocho for four hours, seven nights a week, for 6 months, a significant expenditure of electricity, at around the same time in which power supplies in Chile had become an urgent ecological issue, given Endesa’s plans to significantly altered the Chilean Patagonia by building hydroelectric dams on its rivers, plans that provoked the widely supported _Patagonia Chilena ¡Sin Represas!_ (Chilean Patagonia: Without Dams!) campaign. Since then the project has had different incarnations and the riverbank has become a semi-permanent space for the exhibition of light-based art.

The so called ‘graffiticide’ (Mutate Britain, 2011) of 2010 erased the iconic work from 2009 _Pobreza Material, Riqueza Espiritual_ [Material Poverty, Spiritual Wealth] by the duo Aislap, and several pieces by artists such Saile, Piguan and Grin, amongst others. Some voices –such as that of Pablo Aravena,
director of the film Next: A Primer on Urban Painting (2005) or Sebastian Cuevas (2011)—raised criticisms of the erasure but no real debate about it ever happened. At a certain point the street artists were offered to paint something in black and white so that it would not interfere with the Museo Arteluz, described by Catalina Rojas, the main artist featured in the project, as ‘muralismo de luz’ [muralismo of light] but the option was disregarded.

Given that impermanence and ephemerality are key dimensions usually attributed to street art (Schacter 2008), the sense of discomfort provoked by the blanking out of the river is worth exploring, particularly when the works were replaced by a form of art that is not supposed to stay either: Catalina Rojas’ muralism is a temporarily display, intrinsically light in its immateriality, a projected, shiny surface without the visible material depth of the multiple layers of paint sedimented since the 1970s, when the Mapocho river started to be a precious site for street artists in Santiago alongside its historical and documented importance as both a public space (Castillo Fernández, 2014) and a shelter for street children and criminals, masterly exposed in the classic 1960s novel El Río (Gomez Morel, 1997) and in more recent studies about the different waves of informal housing that have grown organically on its banks (Muñoz Zuñiga, 2006). This erasure and ‘start from scratch’ approach of the museum organisers also mirrors the vertiginous changes that Chile has experienced also since the 1970s, when the country adopted a virtually unregulated free market economy to replace its old state-centred policies, a change that not only reorganised the country’s public health and education systems but also dramatically altered the material infrastructure and the urban fabric of its main cities, which have seen buildings and houses rapidly being demolished to favour high rise construction, shopping malls and contemporary architecture.

By exploring the dynamics between the material and the intangible in the context of professional versus non professional art, this article discusses how the position of street artists in Chile speaks of wider tensions and contradictions between old and new ways of making in the country. Based on content analysis of the artworks and on artists’ statements, it follows Adam Arvidsson’s understanding of “ethical” economies (2006, 2008) to propose that a new measure of value is needed to address these practices.

Street Art in Chile

The publication of Rod Palmer’s visual book Chile Street Art (2008) drew some attention to the extremely prolific street art scene in the country, later described by Herve Chandes—director of the Cartier Foundation in Paris, who hosted the exhibition Born in the Streets: Graffiti in 2009—as one of two most important graffiti capitals in the world, the other being Sao Paulo (for the purposes of this paper I am going to use the term ‘street art’ because it embraces all forms of art produced by street artists in Chile, which includes paintings, posters, stickers, murals, stencils and graffiti). Palmer is an art historian, writer, photographer and critic, and also a street art aficionado, and that is palpable in his visual celebration of Chilean street art through a visually striking book primarily aimed at documenting and recording a scene previously unknown to European audiences. He regards the scene as an egalitarian space to affirm political and personal freedoms: “…without ever taking ever taking itself too seriously, and careless that its filthier jobs might offend, Chilean street art creates an exhilarating sur-reality ‘within the reach of all’” (Palmer 2008, 18).

Chile Street Art is arguably the most well known out of a constellation of books devoted to different forms of contemporary street art, mural paintings, political posters and other manifestations of urban graphic work in Chile, most of them edited by the publisher Ocho Libros, based in Santiago. Examples of editorial projects by Ocho Libros include Eduardo Castillo Espinoza’s Puño y Letra: Movimiento Social y Comunicación Gráfica en Chile (2006), which takes a historical approach to discuss political graphic communication more broadly; Mario Osses and Mauricio Vicio’s Un Grito en la Pared: Psicodelia, Compromiso Político y Exilio en el Cartel Chileno (2009), devoted to the production of propaganda posters in Chile between the years 1967 and 1988 in relation to social, political and cultural changes in the country; and Patricio Rodríguez Plaza’s Pintura Callejera Chilena: Manufactura Estética y Provocación Teórica (2011), about muralism in Chile from 1963 to the contemporary scene. There is also Santiago
Stencil by Edwin Campos and Alan Meller (2007), edited by a different publisher and centred on the capital only. Beyond the celebratory and positive tone of most of these publications, I would like to draw attention to another aspect of this prolific art scene, by placing it in relation to other forms of art production in Chile, exploring the tensions and contradictions of their respective positions and opening it to the exploration of issues of self-organization and new models of making in a country that is usually hailed as one the most successful economy in the region.

In Chile, as in the rest of the Western world, the boundaries between legal and illegal street artwork are increasingly blurred, a division that, as Merrill argues (2015), has never been clearly cut anyway. Graffiti and street art more generally now sit comfortably alongside other forms of artistic production in mainstream spaces and could be equally affected by commercial issues, market trends, sponsorship deals and others. For instance, the largest street art festival in Europe is organised annually in Bristol (coincidentally, the home town of Bansky, the street artist whose work is most highly regarded by the art market), with income generated by a mixture of sales, private sponsorship and public funds; in 2008 the Tate Modern in London commissioned six street artists from different countries to use its iconic river side facade for an exhibition; in recent years, the large gallery space maintained by CCU in Chile, a multinational beverages company which also collects Chilean contemporary art, hosted the urban art show Cinco trazos, experiencias de arte urbano; the touring festival Kosmopolite Art Tour was held precisely in Santiago in 2016.

According to Anna Waclawek (2011), this ‘mainstreamization’ and commercialization goes back to the 1970s and 1980s in New York, where art galleries attempted to de-criminalise street artworks by signalling them as ‘art’, a joint effort of artists themselves, dealers and gallerists; the creation of the North American organization United Graffiti Artists (UGA) in 1972 is part of this process. The usual comments about street artists ‘selling out’ for these ventures are clearly put forward by Maryose Fison (2015) in her recent CNN article ‘Graffiti artists the new ad men: why business is booming for muralists’ about the growing trend towards the commercialization of underground culture in Santiago, with street artists getting commissions by restaurants, hostels and shops, and money from government funds. Yet, as I have argued elsewhere in relation to other forms of amateur or non-professional art (Vodanovic 2013), there is still a separation between these practices and ‘regular’ or mainstream art, even if this distinction is only a figure of thought or a rhetoric tool. Critiques such as Fison’s—and also Palmer’s celebration of street art—precisely indicate that the work of self-taught artists or people working in the margins of legality is still expected to provide a form of resistance to mainstream practices and to be associated with a tactile, poetic dimension of the everyday.

Indeed, Stephen Knott (2015) has argued that amateur practices and spaces do not constitute a refuge of capitalism, yet, being complex and ambiguous, could challenge or subvert some of its structures: “It is a space for critical thinking and allows forms of practice that are freer than most forms of labour work or organisation, yet at the same time does not constitute a blatant threat to the interests of capital” (Knott, 2015: 46). Given that in Knott’s argument amateurism is a permeable category within capitalist production, it can relate to other spaces of capitalism (work spaces, for instance, or domestic life), an approach that suits the thinking about Chilean street art work in relation to the professional scene.

The assumed ephemerality of street art and its opposite (the presumed permanence of mainstream art) is another important dimension of the literature about it that resonates with the tensions between permanence and impermanence of the art in the river, and with the fact that both of them draw from similar images of natural landscapes and aboriginal communities, somehow alluding to an idea of the ‘timeless’ vernacular in the country. It would be simplistic to suggest that street artworks should be immediately considered as having cultural importance in terms of heritage and preserved as such, a suggestion already contested by Merrill (2015), who argues that any attempt to integrate graffiti and street art into heritage frameworks would undermine their authenticity. In a similar vein, recent research by Catherine Burdick and Fanny Canessa Vicencio (2015) about political graffiti on heritage sites, which coincidently uses a Chilean example—the graffiti at the Iglesia de San Francisco in Santiago, a national
monument from the colonial period which is already indexed on the tentative list of UNESCO heritage sites—has started to question a notion of graffiti as “contaminating” heritage, yet their writing is specific to the particular issues raised when executing this kind of works at places officially designated as heritage. Additionally, the bulk of their research focuses on responses from churchgoers, passers by and tourists, the audience of the work and their (mostly negative) feelings towards it. Whereas my focus here resides on the organization of artists themselves and their values rather than on the public responses to their work, I share the authors’ interest on the current scholarship about material and intangible heritage to address some key issues of Chilean contemporary street art.

From Brigadas to Crews

Most artists featured in Palmer’s book belong to the generation of young people in Chile who started to be more vocal about the flaws and exclusions of the country’s widely praised political, social and economic model, and to demand changes broader than those only slowly brought about by the transition to democracy, a process that started in 1989 with the end of the dictatorship of General Pinochet. This recent ‘wave’ of street artists is fairly different to those groups that operated during the dictatorship like Ramona Parra (BRP), even though artists in the group acknowledge their influence and some of the older ones had their first ‘painting’ experiences with them which suggests a certain continuity or lineage. Pussyz Soul Food (PSF), for instance, recalls growing up in her parent’s exile home in Europe surrounded by reproductions of murals by BRP. Ramona Parra was a brigada linked to the Chilean Communist Party that has exerted great influence on the contemporary scene yet had a different agenda. As Ana Longoni (1999, 26) discusses, BRP created an elaborate, ephemeral visual language, which was “collective, urban, anonymous and ephemeral, carried out quickly and furtively, and without any pretension toward longevity, produced [initially] by militants, non-artists, and conceived not as art but as a tool of propaganda and political agitation”. Conversely, newer groups and individuals such as Bomber West, Charqui Punk, Dana Pink, Elodio, Inti, Piguan, Pussyz Soul Food and Ritalin Crew, are less interested in furtiveness and promote their work directly as art; their commitment to politics is evident in their allusions to current issues such as the conflict with the Mapuches (Chile’s indigenous population) but they are not linked to any political party; while being informed by Latin American references and imaginary, they also draw on European influences (Picasso, Barcelona street art, Gilbert and George…) and North American (especially West Coast) art and music.

Street art in Chile has been encouraged since the early 1960s, a time of rapid change in Chilean society during which the foundations of the socialist government of president Salvador Allende (1970-1973) were laid out; in material terms, the new political project stimulated a visual equivalent on the very fabric of the city, aligning a new society with a new person and a new visual landscape (Trumper 2016). Even Roberto Matta, the well known Chilean surrealist, did some sporadic work with the brigadas, which “claimed the urban landscape as a central pillar of political participation and communication, a democratic space where citizens across class, race and gender became politicized, participatory citizens engaging left- and right-wing party media and messages…” (Trumper 2005: 145). With the military coup in 1973 a new process of “reconstrucción cultural” or cultural reconstruction arrived: as Luis Errázuriz and Gonzalo Quijada Leiva describe, the dictatorship also started a cultural purge based on a “disinfection” of “unwanted elements” such as books—which were burned during raids to houses, universities and different organisations—, leaflets, street art and, more generally, the cultural fabric that had resulted from the country’s recent socialist past, to be replaced by a new military imaginary (2012, 14). This so called “operación limpieza” ['purging operation'] aimed at “disinfecting” the aesthetic of the recent Marxist past and promoting a military dimension in the material culture of the everyday (Errázuriz and Quijada Leiva 2012, 127).

The brigades —forced to become clandestine during the dictatorship—eventually became structured in three main ones: Brigada Ramona Parra (linked to the Chilean communist party), and Brigadas Elmo Catalán and Inti Peredo (linked to the socialist one). Because of their furtive state, they worked within a very strategic organization in order to favour speed of creation, based on trazadores, who outlined the
letters and images (the most difficult role, and the one that all aspire to eventually do); fondeadores who painted the background; rellenadores who filled in the image; fileteadores who add contours; and retocadores who retouch it (Kunzle 1978: 362-63).

Contemporary street art groups have replaced the brigada as the central unit for the more contemporary ‘crew’, described, in words of Charquipunk, as “la familia que tiene tu mismo humor y entiende tus ideas” ['the family who has your same sense of humour and share your ideas']. Charquipunk, quoted in Palmer, mentions that the contemporary scene is essentially collective, yet also very strongly differentiates from the previous collectivism of Ramona Parra, which used to have an elected leader and a very clear plans before their actions. The contemporary groups have maintained some of these divisions between drawers, fillers and the rest, yet also created new roles such as managing their on-line presence through Flickr and other forms of social media, funding, networking, etc. A number of them were also involved in a shop and on-line retail space, La Otra Vida [The Other Life] and generally show great entrepreneurial skills by maintaining a network of relations both domestically and internationally (most notoriously with the Brazilian street art scene), accepting commissions, seeking permission to paint certain walls (while also being committed to non-authorised work) and sometimes showcasing their work in mainstream galleries spaces. The scale of this entrepreneurial spirit is well exemplified by the mural painted Santiago’s central railway station, a project of Mutay Crew that involved a group of 300 artists to paint a wall almost one kilometer long, overcoming a number of bureaucratic hurdles and bringing both their local authority and private funders to the project (Lindsayt 2010).

These contemporary units seem to have a much more diffused sense of membership and commonality than previous ones, with members switching between different groups and painting together or separate depending on the project. Their own individual identity is also a permanent source of ambiguity: their names, for instance, often point towards radically different directions (Charquipunk, for example, brings together the word charqui, dried horse meat usually chewed up in Northern Chilean towns, with the subcultures of big metropolises; the Robot de Madera is a male artist who uses a female name meaning ‘a wooden robot’, which in itself is also an unfeasible creation). There is certainly an element of postmodern pastiche in this eclecticism, yet also a more profound ambiguity and a refusal to adopt a more defined identity, a key difference between them and the previous brigades. Whereas Ramona Parra, for instance, would always put a black filete [fillet] to finish their works, contemporary artists switch between media and styles according to materials available, if they are working on a commission or if it is an illegal or an authorized piece. Another favoured gesture is the doubled meaning of many of these crews names, either in English, Spanish or both: CWP (Children with Problems/Chile Wild Productions); DVE (De la Vieja Escuela, ‘Old School’, which at times also becomes Deskizziada Vida Escritora, a name that does not make much sense but alludes to something like a mad written life, a crazy yet fully experienced and narrated existence). The anonymity of some artists such as Juana Perez -who adopted a name usually regarded in Chile as the most common possible, almost a form of no name—somehow contradicts their efforts at tagging their work, establishing certain territories. A similar ambiguity also exists in the work itself and in their somehow contradictory messages: messages such as “Apaguen los televisores para encender tu vida” (‘turn off the TV to turn on your life) are combined with a celebration of cartoons and characters from Nickilodeon.

Making and Makers

Statements of Chilean street artists suggest that ephemerality agrees with their art, and that their main gesture is the act of ‘making’ rather than the permanence of their work, despite the recent problematizations of this in Chile and abroad, either through the capitalizations of Bansky and other successful artists, or through projects such as the Museo a Cielo Abierto [Open Air Museum] in the San Miguel borough of Santiago, which assumes a certain permanence (at least relative) of the murals. This commitment to ephemerality may appear at odds with the desire to preserve the art of the river, yet rather
than preserving the untouched work itself the desire seems to be to maintain both the physical space to produce it and the ways of making that inform these artists' practice.

It seems useful to discuss this experiential form of preservation by looking at the work that Laurajane Smith (2006) has done about intangible heritage (which I have used before to explore issues of identity and informal heritage), placed amongst the growing interdisciplinary body of writing that challenge traditional frameworks in heritage studies and bring notions of dissonance, intangibility and others to the discussion. Her work and that of Akagawa and Smith (2009) seem to be particularly pertinent because of their focus on heritage as a process rather than as a physical object or building, which avoids, as Harvey (2001) would put it, the consideration of heritage as "a given". Smith postulates that heritage is a "cultural and social process, which engages with acts of remembering that work to create ways to understand and engage with the present" (2006, 2). Without negating or devaluing the material form of heritage artefacts, the author's key premise is that all heritage is intangible, in other words, that these artefacts are meaningful because of the cultural processes and activities that take place around them (she uses the example of Stonehenge: without the meanings attributed to the site, and the cultural practices that take place in and celebrate it, it could be simply described as a group of rocks arranged in a particular disposition). Additionally, heritage institutions do not simply 'find' a site that merits to be protected and conserved; "…heritage is heritage because it is subjected to the management and preservation/conservation process, not simply because it 'is'" (Smith 2006, 3). This is a "constitutive cultural process that identifies those things and places that can be given meaning and value as 'heritage', reflecting contemporary cultural and social values, debates and aspirations" (Smith 2006, 3). As a result, heritage cannot be just defined as grand, monumental and aesthetically pleasant sites and buildings that would be 'pass on' to the future but rather as a "set of values and meanings" constructed and regulated by cultural practices (Smith 2006, 11). Smith also identifies a tension between this intangibility of heritage and the actual and physical things called 'heritage', a tension that, nonetheless, she considers as the central aspect of heritage (2006, 74). The physicality of heritage may suggest a sense of changeless values and meanings, yet these are constantly renegotiated in the creation of a "place" — the positioning of "ourselves as a nation, community or individual" (Smith 2006, 75) and the negotiation of our community identity. To that extent, "heritage is about a sense of place", which explain why heritage studies are increasingly favoured the term "place" instead of the notion of "site" (which is inherited from archaeology); place is a more fluid concept and more directly linked to the construction of identity and a sense of belonging (Smith 2006, 75-76).

It is important to note that Smith's argument distances itself from UNESCO's definition of intangible heritage, another essential framework for discussions within heritage studies since the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, which looks after the "means the practices, representations, expressions, knowledge, skills — as well as the instruments, objects, artefacts and cultural spaces associated therewith — that communities, groups and, in some cases, individuals recognize as part of their cultural heritage" (UNESCO 2003, 2). Intangible heritage includes, for instance, oral traditions and expressions (including language), rituals and festivals, traditional craftsmanship and other forms of cultural and social practice. The difference is that, according to Smith, all heritage is intangible (not just a portion of it) and therefore intangible heritage is not the 'other' of mainstream heritage, which in the case of UNESCO would be the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage concerning monuments, groups of buildings and sites, because all heritage is defined as such by a number of cultural and social values that are intangible; if anything, the discussions generated by the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage have made more apparent that the values that frame an artefact or practice as 'heritage' are not universal and therefore that the "idea of intangible heritage forces a recognition of the inherent dissonant nature of heritage because of the immediacy of its production and consumption" (Akagawa and Smith 2009, 5). This understanding of heritage as cultural practice resonates with, for instance, the work of Harvey, who argues that heritage should not be identified with a noun but rather with "a process, or a verb, related to human action and
agency" (2001, 327), emphasising that heritage has to do with practices of making and therefore that is constantly produced and consumed. Similarly, Smith and Waterton (2009, 292) suggest that heritage should not be determined by its materiality or non-materiality, "but rather by what is done with it". Indeed, the intangible is not less real or material than the tangible (Smith and Waterton 2009, 292). This "process" quality of heritage appears to give an appropriate frame to street art practices in the river because it allows for negotiations in the ways of knowing and seeing a place (like the Mapocho river or other) that are not necessarily homogenous or consensual and therefore might be challenged by subaltern groups attempting to redefine imposed values and identities (Smith 2006, 4). Even if this process permits loss (as Merrill proposes) and rethinks preservation, the blanking out of the river banks still assaults the layers of street art practices that create that space, not as a strictly defined object but as a practice.

Pro-Ams and Semi-Pros
The fact that the Chilean artists crews are self-organised and not primarily driven by monetary aims (despite the fact that some of their work is commissioned and paid for) signal that their practices could be acknowledged as a form of coproduction, an understanding of cultural production as being primarily a social phenomenon. Even though marketing and branding have established coproduction as a fundamental principle of contemporary economies—which, in practical terms, indicates how consumers are increasingly involved (consciously or not) in the production of values for brands, designs strategies and product development, amongst others—authors such as Adam Arvidsson (2008), whose work is framed precisely in those contexts, have explored how social production is also a principle present in other areas such as fan culture and social entrepreneurship, and even in some realms completely removed from new media and technologies, such as community-based agriculture (326). Indeed, the author’s argument is that people have always coproduced the social value of goods, a process that was only "discovered" and started to be used by marketing and brand management in the post war years (Arvidsson 2006, 2008). What interests Arvidsson is that these practices have established their own system of values, which the author terms as "ethical economy": an economy where "socially recognized self-expression is the main motivation and community contribution is the main measure of value" (Arvidsson 2008, 327). Contemporary street artists in Chile appear to place great importance to the construction of new forms of social relations, which is expressed, for instance, both in their constant coupling and re-couplings with other members, and in their engagement with the local communities in which they practice their art. Arvidsson also addresses the crucial element of the immaterial aspects of their production discussed earlier: in his account, social production "consists in the self-organized systems of (mostly immaterial) production..." (Arvidsson 2008: 326), with communities driven by a "socially recognized self-realization" (Arvidsson 2008, 333). This points towards a particular combination of values that might be considered paradoxical: players of the ethical economy are both oriented towards community sharing and, at the same time, to the quest of self interest (Arvinsson 2008, 333). Linux is one of the examples used y the author to illustrate this point about values: coders give their time and programming skills to Linux for free because they want to feel closer to that communities and to the values of free source embodied by the organisation while, at the same time, they seek their own realisation as individuals. Therefore the values of their practice reside in the creation of the software but also in the intangible reward gained while doing so.

While most Chilean street artists would describe their position as post-political, their work expresses an obvious commitment to denounce social issues in a open way, significantly more directly than in the established scene of art galleries and museums in Chile, which has been described as cerebral, analytic and mostly conceptual, sometimes at the expense of the visual aspect of the works (Mosquera 2006, 32). This established scene, which today flirts closely with the aesthetics of consumption and advertisement, and the high production values of glossy magazines and design practices, favours a form of oblique critique often characterized by a “descalce” [bad fit] and disjuncture (Mosquera 2006) between what they are showing and the supposedly implicit and overt meanings of their work. Conversely, the street art
scene is unequivocal in its solidarity with the struggles of the indigenous communities in the country, which exist in extreme poverty and exclusion as an almost forgotten residue of a pre Spanish past. Some, like Ritalin Crew (active in the southern city of Talcahuano) prefer to denounce the loss of rights for fishermen and farmers, old ways of being and making rapidly replaced by the individualism of Chile’s extreme version of the neo-liberal model. Inti’s work, for instance, refers to the marginalised indigenous communities of the North of the country, emphasising their connection to domestic farming and their agonising status; other pieces by him show albinos with crutches and other props suggesting their ill state. Orate works with the Patagonia landscape, a territory in dispute because of the recent damn constructions; Cekiz, older and arguably the most influential of the scene, speaks of his condition of Latin American migrant in New York and the longings of this.

These themes would appear in a much more indirect way in the formal art scene in Chile, which, despite its efforts of success and a perceived process of internationalization, continues to be fairly unfunded, and lacks curatorial rigor (Berrios and Machuca 2006). Indeed, the most emblematic street art project, the mentioned Museo a Cielo Abierto or Open Air Museum in San Miguel, is widely regarded in Trip Advisor and similar platforms as the most important art gallery in the country, and a number of tour providers organise visits to the site; this project was driven by the own inhabitants of these blocs and funded by FONDART, exactly the same state funding scheme that is virtually the only source of income for most of the professionals artists in the country and that even pays for some of the costs of private galleries (FONDART money has been awarded, for instance, to the London based gallery Cecilia Brunson Projects, to the fund the cost booths in international fairs, catalogues, promotional materials, etcetera, when exhibiting Chilean artists). This points to a certain overlap between both scenes, even though they usually ignore one another and live completely parallel existences, with arguably the only exception being the clash, indirect or no, in the Mapocho river.

It could be argued then the apparent gap between the non professional street art scene in the river bank and the artists identified with the more established scene is indeed misleading: as two consecutive studies commissioned by the Chilean Consejo Nacional de la Cultura y de las Artes (2004, 2012) argue, most of the artists who are active in this formal scene work in “semi-professional” conditions, with very little remuneration and in a situation of “plural employment”, earning, on average, less than the country’s minimum wage (conversely, according to the CNN article mentioned above, Alan Zarate’s commercial street art generates him a salary of about 750.000 Chilean pesos, that is, about three times the country’s minimum wage). A more recent document, Politica de Fomento de las Artes Visuales 2010-2015 (Consejo Nacional de la Cultura y de las Artes 2016), reiterates the relevance of the term “semi-professional” in the Chilean context; it also defines the ‘visual artist’ as someone who either earns a living or attempts to do so by producing art (as opposed to those “vocacionales” [vocationals] or “aficionados”), while continuing to acknowledge that this is virtually not possible in the country (Consejo Nacional de la Cultura y de las Artes 2016, 10). It argues that one of the reasons for this is a general lack of social and economic value attributed to the production of art, mostly associated with leisure and free time (Consejo Nacional de la Cultura y de las Artes 2016, 10). It also notes that universities continue to be a significant source of employment for artists, who work as teachers for different institutions; conversely, most of street artists do not work in higher education given that they do not have academic degrees.

This choice of the term “semi-professional” in the studies by the Consejo Nacional de la Cultura y de las Artes resonates with other contemporary couplings of professionals and non professionals or amateurs (like the established term “Pro-Am”) yet also provides its flip side: in this case, the limitations of the professional dimension of the practice of established Chilean artists is emphasized by the reports as a precarious condition, not far from the productive urgency of the “thriving on adversity” that so many times has been used to frame artistic practices in Latin America (Dezeuze 2006; Brett 1989,1990) yet lacking the fecund possibilities implicit in that thriving and pointing towards the struggles of living off multiple jobs and having little or no time to actually produce art. Conversely, many of the positive characteristics of “Pro-Ams” (Leadbeater and Miller 2004) such as the commitment and love for what they do despite not
being labelled as professionals in their fields, their high level of expertise acquired and their entrepreneurial spirit, amongst others, would be fit to describe the values and modes of production of street artists, which might provide another form of descalce or bad fit, in this case about the place they occupy. According to Leadbeater and Miller, “...[Pro-Ams] have a strong sense of vocation; they use recognised public standards to assess performance and formally validate skills; they form self-regulating communities, which provide people with a sense of community and belonging; they produce non-commodity products and services; they are well versed in a body of knowledge and skill, which carries with it a sense of tradition and identity” (Leadbeater and Miller 2004, 22).

Previous observations in this article have spoken about street artists’ sense of identity (however diffused it might be) and their engagement with their respective communities, both inside the crew itself and with regards to the larger community, as in the example of the open-air museum in San Miguel. Equally relevant is the fact that the acquisition of cultural capital through their shared community practice is what seems to assert the value of their art, which reinforces the social production aspects of their practice: “[Pro-Ams] enjoy immersion in a body of knowledge held by a community. But it’s not just one way. They also like passing it on, being part of a flow of knowledge through a community” (Leadbeater and Miller 2004, 40). This not only relates to the production and transmission of their knowledge in their own crews or inside the street art scene itself: it is also palpable in their very direct critique of the loss of traditional ways of making in the country, particularly in areas traditionally associated with communal labour, through their visual and verbal references to the abuse of pesticides in the agricultural sector, the industrialization of farming and the arrival of subway services to non capital cities, too expensive to be used by local people.

Given these tensions between old and new ways of making in the country, it is perhaps not surprising that the so called street art capital of Chile is Valparaíso, a port that played a key geopolitical role during the XIX century and later decayed almost to the state of total ruin, a city abandoned by wealth and capitalism which now struggles between its recently declared UNESCO World Heritage Status (granted in 2003), the flood of tourists and visitors that this recognition has generated, and its on-going processes of exclusion, decay and ruination, which perpetuate the port’s historical tension between “fama y olvido”[fame and oblivion] (Ilabaca 2014). As street artist (or painter, as he much rather call himself) Basko-Vazko—the only one of the Chilean scene included in the Cartier foundation exhibition—describes in a video interview by MOCAtv (2013), Valparaíso used to be the perfect site to go to “saquear” or ‘loot’ (meaning here scrape and paint) and that even now, when there is “más orden” [more order] and an “espiritu anti-graffiti” [anti-graffiti spirit], you could still knock on a door and the people are open to the possibility of having their outside walls painted.

To some extent then, this art street scene has provided an alternative to the modernising discourses of the Chilean success story, which might be more evident in Valparaíso than nowhere else in the country, even though the exact territory of their intervention is elusive (despite the evident tags of their gestures) and its relationship with the established art scene in the country remains unclear and fairly fluid. They do not necessarily maintain a direct oppositional relationship to the professionals (or the semi-professionals in this case), a position often taken by amateurs, and neither they could be easily framed in the narratives of the “hobbyist”, “dilettante” or “pleasure-seeker,” “leisure-class”, and therefore confirm that the amateur has never had a single and steady identity, as argued by Anna Lee (2007). These non-professional artists might not be invested in institutional systems of knowledge production and policy construction, but the challenges that their practice poses should be framed in forms of art production that accepts dissonance, contradiction and the demands of the heterogeneous, speaking of the limitations in the roles of both the street artist and the and the established ones.

REFERENCES


Consejo Nacional de la Cultural y de las Artes. 2012. Caracterización del Proceso de Profesionalización de los Artistas Visuales Nacionales. Available at: http://www.observatoriocultural.gob.cl/revista/7-estudios/10-estudio-de-caracterizacion-del-proceso-de-profesionalizacion-de-los-artistas-visualenes-chile/ [accessed February 8th 2017]


MOCAtv, 2013. Global Street Art – Valparaiso, Chile, Series Art in the Streets. Available at: https://www.youtube.com/watch?v=jSB_W7m5AK0 [Accessed February 9th 2017].


MEDIA DIAGNOSIS: A NEWS AGGREGATOR’S COVERAGE REGARDING HILLARY CLINTON’S HEALTH DURING THE 2016 U.S. PRESIDENTIAL ELECTION CAMPAIGN

CYNTHIA C. VLEUGELS
Oklahoma State University

Abstract
This paper will explore how the online news aggregator Drudge Report presented stories about Hillary Clinton's health by repeatedly referencing a "cough". While the website linked to a story highlighting coughing by Clinton at one point in 2007, and to a video on a blog again in 2008, there was little mainstream news coverage until Drudge Report increasingly ran headlines about the subject. Clinton’s health became something highlighted regularly in linked sites and in original content posted on Drudge Report.

Without arguing the accuracy of the coverage, nor the veracity of subsequent coverage about Clinton’s or any other candidate’s health, this paper will examine the timing and frequency of such stories. This is a unique study of how a news aggregator eventually set the agenda for other online, print and broadcast media and will be an exploration of how Drudge Report specifically emphasized a particular health angle for its millions of readers. This paper will also detail how the response of other online, print and broadcast outlets, whether complicit or contradictory may have demonstrated cultivation theory, which has been typically researched in respect to film and television entertainment.

Studying this specific time frame for this specific story will potentially shed new light on how popular online news organizations can set the conversation and coverage for other media.

Introduction
In the most recent U.S. Presidential campaign, the subject of the top two candidates’ health received quite a bit of attention online and in traditional television and print media. According to a Google News search of news coverage during the campaign, much of the commentary on Republican candidate Donald Trump’s health centered on his age, family medical history and a note purported to be directly from his doctor. However, Democratic candidate Hillary Clinton faced criticism and concern in the media about her health for many months prior to a recorded and much publicized incident where, as she left a ceremony commemorating the 15th anniversary of the September 11 terrorist attack, she appeared to faint while she was being helped to a waiting vehicle. Initially, her campaign said she was overheated. Later, she said after the incident she was visited by a doctor who diagnosed her with pneumonia.

But that incident was not the first time Clinton faced questions about her health, more specifically about “coughing”, or generally sounding unhealthy. This paper will investigate mentions of Clinton’s cough in coverage presented by the news aggregator The Drudge Report, specifically from the early months of 2016, when the headlines about Clinton’s coughing appeared more frequently on Drudge Report.

In studying the Drudge Report, there have been many references to the website in presentations and papers, but only four academic works whose primary focus was to examine The Drudge Report or Matt
Drudge as one of their primary inquiries. Two of those dealt with the early appearance of the *The Drudge Report* as a major news source in the late 1990s, specifically becoming well-known for providing new information and a hub to find other coverage during the Monica Lewinsky scandal involving President Bill Clinton. Only two other papers discuss *Drudge Report* in a more current context. Kalev Leetaru wrote *New Media vs. Old Media: A Portrait of the Drudge Report 2002-2008* (2009). Political scientist Kevin Wallsten composed an article examining *Drudge Report*’s influence on political media coverage that was considered but never published.
Materials and Methods

While there are many sources for news and information online, one popular type of source that is often revisited multiple times by readers and has received significant investigative inquiry by scholars are news aggregators. While researching changes to traditional media, D.S. Park wrote, “News aggregators gather stories from content originators and repackage it for a reader” (2010). Drudge Report acts as a news aggregator but also as a new content creator for some of the stories presented on its website. Recent research on online news reading habits shows that news aggregators still exert influence in the new content sphere, saying, “aggregators remain the most popular way to find news” (2011).

Wallsten’s paper, while apparently never being published in an academic peer-reviewed journal, contains the most recent and thorough examination of the literature - both academic and popular - on the Drudge Report. Matt Drudge and claims regarding Drudge Report’s perceived political agenda. Wallsten wrote about Drudge Report and its creator Matt Drudge, “The conventional wisdom among media consultants, campaign directors and political journalists is that Drudge Report drives the agenda of the mainstream news media” (2010). In his explanation on why Drudge Report is worth examining, Wallsten quoted a book by Halperin and Harris – The Way to Win: “Matt Drudge rules our world. With the exception of the Associated Press, there is no outlet other than The Drudge Report whose dispatches instantly command the attention and energies of the most established newspapers and television newscasts” (2006).

Certainly, there are new news aggregators and popular sources for news and information that have taken a place in the online news and information culture today, but since the appetite for such websites has grown there is no doubt Drudge Report continues to exert influence (Olmstead, Mitchell, & Rosenstiel, 2011). Drudge Report is one of the most popular news aggregators. As recently as the summer of 2016, Mediaite.com, an industry multimedia publication focusing on political media, announced, “DrudgeReport.com topped the list of U.S. media publishers for June 2016, coming in at #3 in terms of total page views.” That month, the simply designed news aggregator was only surpassed by the websites of MSN and Disney (Resman, 2016).

Drudge Report’s content is accessed by millions of viewers in the U.S. and tens of millions globally each month. We used data from a commercial company that offers some data free online, called Quantcast “…provides free cross-platform audience measurement…” (2017). See figures 1.1 and 1.2 for screenshots of Quantcast’s measurement of Drudge Report views. This data is updated regularly and a link to Quantcast.com appears on Drudge Report’s main page.

Figure 1.1 – screenshot of Quantcast’s 30 Day Total of unique visits for The Drudge Report as shown on February 23, 2017.
Several online website and content tracking tools exist and are in development, but many of those contain large gaps of information and don’t account for the appearance of similar stories with multiple headlines, which is typically how they appear on popular news aggregators such as *Drudge Report* (2017). For this research, DrudgeReportArchives.com, the content search tool on *Drudge Report*’s site was used to identify stories with the word “cough” or “Clinton cough” or “Clinton Coughing”. See figure 2.1 below.

After removing other health and medical coverage, such as a Whooping Cough outbreak, some turns of phrase regarding “coughing up” other information and examining the dates stories appeared, a clear pattern emerged for the time between the first regular mention of a cough and September 10, 2016.

**Results**

After removing other health and medical stories, such as a Whooping Cough outbreak, some turns of phrase regarding “coughing up” other information and examining the dates stories appeared, a clear pattern emerged for the time between the first regular mention of a cough and September 10, 2016. A list
of the headlines, or links, as they appeared on *Drudge Report*, along with the dates they appeared is listed below in figure 3.1.

<table>
<thead>
<tr>
<th>Date</th>
<th>Headline on <em>Drudge Report</em></th>
<th>Time *</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/10/2016</td>
<td>Hillary Ducks Behind Pillar to Cough</td>
<td></td>
</tr>
<tr>
<td>9/8/2016</td>
<td>COUGH FLASH POINT</td>
<td></td>
</tr>
<tr>
<td>9/7/2016</td>
<td>Hillary admits upping med 'load' to combat coughing fits...</td>
<td></td>
</tr>
<tr>
<td>9/7/2016</td>
<td>Admits upping med 'load' to combat coughing fits...</td>
<td></td>
</tr>
<tr>
<td>9/6/2016</td>
<td>Complete timeline of 2016 coughing fits...</td>
<td></td>
</tr>
<tr>
<td>9/6/2016</td>
<td>THE 4 MINUTE COUGH</td>
<td></td>
</tr>
<tr>
<td>9/5/2016</td>
<td>GETTING WORSE: CLINTON COUGH VIOLENTLY RETURNS</td>
<td></td>
</tr>
<tr>
<td>9/5/2016</td>
<td>LABOR DAY: CLINTON COUGH VIOLENTLY RETURNS</td>
<td>20:10:21</td>
</tr>
<tr>
<td>9/5/2016</td>
<td>LABOR DAY: CLINTON COUGH VIOLENTLY RETURNS</td>
<td>19:47:22</td>
</tr>
<tr>
<td>7/19/2016</td>
<td>VIDEO: Her coughing fit returns...</td>
<td></td>
</tr>
<tr>
<td>6/30/2016</td>
<td>CHRONICLES OF CLINTON COUGH</td>
<td></td>
</tr>
<tr>
<td>6/27/2016</td>
<td>CLINTON COUGH RETURNS!</td>
<td></td>
</tr>
<tr>
<td>6/4/2016</td>
<td>VIDEO: Hillary coughing fit returns...</td>
<td></td>
</tr>
<tr>
<td>4/26/2016</td>
<td>COUGH, COUGH...</td>
<td></td>
</tr>
<tr>
<td>4/26/2016</td>
<td>CLINTON COUGH RETURNS!</td>
<td></td>
</tr>
<tr>
<td>4/25/2016</td>
<td>Hillary Cough Attack Returns...</td>
<td></td>
</tr>
<tr>
<td>4/24/2016</td>
<td>Cough Attack Returns...</td>
<td></td>
</tr>
<tr>
<td>4/21/2016</td>
<td>PAGLIA: ENOUGH OF THE HILLARY CULT! 'And what about that persistent cough?''</td>
<td></td>
</tr>
<tr>
<td>4/18/2016</td>
<td>More Coughing...</td>
<td></td>
</tr>
<tr>
<td>4/18/2016</td>
<td>THE CLINTON COUGH THAT WON'T GO AWAY...</td>
<td></td>
</tr>
<tr>
<td>3/14/2016</td>
<td>NEW COUGHING FIT FOR HILLARY, CROWD CHEERS...</td>
<td></td>
</tr>
<tr>
<td>3/13/2016</td>
<td>VIDEO: NEW COUGHING FIT FOR HILLARY, CROWD CHEERS...</td>
<td></td>
</tr>
<tr>
<td>3/7/2016</td>
<td>CLINTON COUGH RETURNS AT DEBATE...</td>
<td></td>
</tr>
<tr>
<td>2/23/2016</td>
<td>MONTAGE: Hillary Can't Stop Coughing...</td>
<td></td>
</tr>
<tr>
<td>2/18/2016</td>
<td>HILLARY DRAMA: PRISIM GLASSES BACK ON AFTER COUGHING SEIZURE</td>
<td></td>
</tr>
<tr>
<td>2/18/2016</td>
<td>HILLARY HEALTH DRAMA: PRISIM GLASSES BACK ON DAY AFTER COUGHING SEIZURE</td>
<td></td>
</tr>
<tr>
<td>2/16/2016</td>
<td>DRAMA: ANOTHER Hillary Coughing Fit -- At Speech Discussing 'Privilege'</td>
<td></td>
</tr>
<tr>
<td>2/16/2016</td>
<td>DRAMA: ANOTHER Coughing Fit -- At Speech Discussing 'Privilege'...</td>
<td></td>
</tr>
<tr>
<td>2/16/2016</td>
<td>DRAMA: ANOTHER Coughing Fit During Speech Discussing 'Privilege'...</td>
<td></td>
</tr>
<tr>
<td>1/25/2016</td>
<td>HILLARY CHOKES: ANOTHER COUGHING FIT!</td>
<td>18:17:10</td>
</tr>
<tr>
<td>1/25/2016</td>
<td>HILLARY CHOKES: ANOTHER COUGHING FIT!</td>
<td>18:16:09</td>
</tr>
<tr>
<td>10/23/2015</td>
<td>HILLARY HEALTH WARNING: THE COUGHING FIT...</td>
<td></td>
</tr>
<tr>
<td>10/23/2015</td>
<td>HILLARY HEALTH WARNING: COUGHING FIT...</td>
<td></td>
</tr>
<tr>
<td>2/5/2008</td>
<td>VIDEO: HILLARY ELECTION DAY HEALTH SCARE: Coughing</td>
<td>17:44:07</td>
</tr>
</tbody>
</table>
Fits Cut Short Election Day Media Interviews

**2/5/2008**
**VIDEO: HILLARY ELECTION DAY HEALTH SCARE: Coughing**

Fits Cut Short Election Day Media Interviews...Developing...Taping had to be halted last Sunday on ABC 'THIS WEEK' when Clinton coughing fit alarmed producers, Concerned Host George Stephanopoulos told the senator to get some 'tea and lemon'...

**2/5/2008**
**VIDEO: HILLARY ELECTION DAY HEALTH SCARE: Coughing**

Fits Cut Short Election Day Media Interviews...Developing...

**5/20/2007**
**HILLARY COUGHING, WHEEZING AT COMMENCEMENT**

**5/20/2007**
**WAS PLAGUED WITH DRY THORAT, WHEEZING AND A COUGHING FIT**

**5/20/2007**
**VIDEO: HILLARY COUGHING, WHEEZING AT COMMENCEMENT**

* Stories posted more than once within the same hour

Figure 2.1 – List of all headlines for stories involving Hillary Clinton and coughing until September 10, 2016.

The last story listed in Figure 2.1 is from September 10, 2016 - one day before the apparent fainting incident that led to worldwide media speculation about Clinton’s health.

Stories about Clinton appearing to “cough” or clear her throat began on the site on May 20, 2007. Lloyd Grove from the online *The Daily Beast*, in his later examination of conservative media coverage and speculation about Clinton’s health noted that this took place during a commencement speech, “…when the former first lady was a New York senator launching her first presidential campaign” (2016).

At that time, as noted by Callum Borchers in another report about conservative media’s many characterizations of coughing by Clinton, Borchers quoted a New York Times writer that observed a radio program alter that year in which Matt Drudge, Drudge Report’s creator, didn’t appear to think it was a major concern: “Drudge expressed genuine concern for her. "Hillary, dear, take care of yourself. We need you. I need you personally…She was professional. She kept going. She finished the speech." Later, after a caller criticized that view and wished Clinton would “drop dead”, Drudge is quoted to have replied, “I need Hillary Clinton. You don’t get it. I need to be a part of her world. That’s my bank. Like Leo DiCaprio has the environment and Al Gore has the environment and Jimmy Carter has anti-Americanism…I have Hillary.” (Weiss, 2007).

Coverage appeared again in 2008 when an apparent coughing spell reportedly paused or stopped media day interviews.

In October of 2015, after 10 hours of testimony at a Benghazi hearing, “Clinton had a serious coughing fit the prevented her momentarily from being able to speak.” (Halper, 2015). *The Weekly Standard* article went on to say that while she was given the opportunity to take a break, Clinton “…popped a cough drop in and kept on going.”

Then starting in January 2016, stories about the possibility of Clinton coughing, a "persistent" cough or the appearance that she may have been coughing ran almost monthly until the fainting incident on September 11, 2016. In some cases, stories were updated more than once a day, sometimes with new details, sometimes only the title was changed.

In June, 2016 at least two media outlets published stories about what had primarily been coverage on Clinton’s purported coughing by conservative media outlets, including *Drudge Report* after Drudge posted a link to video of a campaign rally where Clinton stopped to cough and then continued to speak.

Both Grove and David Weigel of *The Washington Post* concluded that continuing coverage of Clinton’s coughing was designed to show that Clinton was old and frail. Grove quoted post saying, “It's a desire to
portray her as lame and feeble…” Salon writer Katie Levingston suggested such coverage was designed to weaken a candidate so that a conservative candidate would appear more favorably. She wrote, “…the coughs are juicy but still it’s a cheap shot for Trump to use a ticklish throat to call into question Clinton’s health and stamina on the campaign trail.

Discussion
Communication scholars regularly endeavor to examine campaign rhetoric in a current or a previous presidential campaign. And often, that examination shows how rhetoric is presented in the media. As recent research has shown, with consumers getting their information from diverse forms of media with varying and possibly narrowing agendas, and new content available every minute, it is becoming more difficult to track a story’s evolution and then to begin to understand how that coverage may inform not only selection of other media, but cultural opinions and selection of candidates (Chung, Nam & Stefanone, 2012). Recent research into how Americans get their information has emphasized that online news, specifically news aggregators like The Drudge Report can be a valuable tool in analyzing the online information gathering habits of individual news consumers and how increased sharing of information from some websites eventually affects more mainstream, and even more viewed traditional media sites. This examination into the pattern of coverage used to direct public opinion, combined with the repetitive nature of aggregate online news sites, blogs and a converging traditional media (Chung, Nam & Stefanone, 2012) that rely more heavily on online content is worthy of further exploration, as are themes of age, gender and health perceptions involved in media rhetoric and ultimately how that impacts voters decisions.

REFERENCES
Dreier, P., & Martin, C. (2010). How ACORN was framed: Political controversy and media agenda setting. Perspectives on Politics, 8(3), 761-792. doi: 10.1017/S1537592710002069


http://www.tandfonline.com/doi/abs/10.1080/08900520701583545


INDEPENDENT GAME DEVELOPMENT:
PRICE OF FREEDOM

BARİŞ PARLAN

Abstract
Within the video game development aspect, video games that developed with highest budget and promotion informally classified as AAA game. Developments that rejecting financial support from any publisher to keep up freedom against mainstream companies named as Independent video game even though its definition is open to interpretations. This article proposes a field study of production and distribution of the digital video game industry to see whether independent video game development is an independent alternative to mainstream production.

Research within companies and their products segmented on production tools, distribution systems, and manufactured hardware's that used by independent developers of digital video games gives us an insight of power relations within the industry. Digital video game developers, free video game development engines, leading digital distribution systems, developer based investigation of most played video game, and considering biggest acquisitions of the industry provides us a clear view of political economy. Statistical evidence and common ground of reviews used to form sample.

Companies claim that they are providing free production tools such as video game engines and digital distribution systems to support independent digital video game development. This article identifies power relations within the industry to underline corporations support of independent development is an exploitation of them as a risk-free research & development service. This free support becomes well-planned sub-part of capitalist structure that established by very same corporations.

While this research includes technology, law and regulation, and occupational careers facets within introduction and literature review, it highly focuses on industry structure, organization structure and market within research part in order to draw clear outlines of production.

Keywords: political economy, digital video game, independent, game industry, AAA

1. Introduction
Possession of electronic households is in rise since it perceived within definition of modernization. With the increasing amount of availability of electronic devices such as mobile phones, tablets, computers, and gaming consoles, digital video game grown up to become an industry which reaches to every segment of society. As in every medium that has reached to segments of society becomes an area to be conquered and controlled by the corporations, digital video game industry is a new territory that systems of production is getting formed by them.

The developer, publisher, distributor, and retailer were four key actors that held by corporations for a time, but meaning and structure of them are shifting with the speed of technological advances.

Developers segmented into two group, where one is professional developers who develops AAA titles with highest budgets & promotions, and holds professional agreements with publishers, retailers, and distributors. Second segment is independent developers, which develops video games without the financial support from publisher in general. Definition of the independent game term is still an ongoing discussion within literature with other terms such as AAA, mainstream, video game, etc. Maria & Pawel proposes three separate types of independency in their article: (a) Financial independence that constituted by the developer & investor relation, (b) Creative independence that constituted by the developer & intended audience relation, and (c) Publishing independency that constituted by the developer & publisher relation (2016). Even though there are different combinations of independent products and developers within industry, all of those combinations fall under categories proposed above.
1.1. Significance of Topic
In search of “what innovation is in the realm of games”, Kati Alha defines five major aspects to outline a guide whether a game is innovative or not: (a) Being familiarly new rather than completely new (game compared to existing games). (b) Overall quality of the game, which well enough in more than one area (game as such). (c) Influences of cultural, economic, political events and timing within the environment (context). (d) Not necessarily on sales, but widely distributed (reception). (e) Attract follower developments and affect them (influence) (Alha, 2012, p. 3).

Game development is costly in terms of time and money like movie industry, sometimes bigger than that nowadays. Trying new ideas and being creative without knowing its success probability directs developers to produce AAA games, repetitions of sale-proven titles within the industry without any risk. Publishers and distributors profit-based concerns direct them to support AAA games too. In summary of this process, innovation becomes expensive factor and it is the foundation of the independent development. Success in only one major aspect from list above do not define a game as innovative. Within that research, “the game that is ultimately remembered as bringing something new to the industry is usually not the first of a kind” (Alha, 2012, p. 4) statement becomes a key point that defines the problem of nowadays industry. In the procedure mainstream development that employed before rise of independent development, innovative ideas from not-so-successful games collected and developed by corporations as an AAA game and presented to market within the consideration of all five major aspects Kati Alha listed. Especially that kind of product is not accidental, it presented to the market with a plan where all key actors settle beforehand and it is a result of a serious work.

However, key actors and the procedure within digital video game industry is changing, and this research is aiming to understand how power structures take their place within this changing model.

1.2. Literature Review
When James Gee was analyzing video game industry in 2008, he stated that digital games are new form of popular cultures, and he warned that no one should mistake their present state for their potential in the context of a diverse array of new technologies, designers, players, and learning and playing situations (Gee, 2008, p. 198). We are experiencing that future where its potential shows a resistance against capitalist structures in terms of power relations. Major resistance sourced in the desire of innovation that developers wished to perform but corporations never permit. It is very unfortunate that independent products were an abundant resource of approved ideas for professional developers. In his guest column, Dan Scherlis focuses into the cloning issue that corporate publishers practice: “they copy innovative games while changing artwork, text, and titles just enough to avoid infringing copyright law.” (Scherlis, 2012)

New era of free production tools and digital distribution provides advantage to independents to develop innovative ideas. In 2010, independent game development company named Wolfire Games offered six independent games within a bundle which price would determine by purchaser, percentage of the amount would go to charities. Within purchaser determined price system, there was a slider for the purchaser to decide the percentage of the amount they wish to send developer, charity etc. Within the first week, this offering raised more than a million dollar for developers and Humble Bundle became an independent distribution platform where every month they bundle different independent games and kept support for charities (Humble Bundle Company Information, 2016). This offering was challenging the economic understanding of the game industry; on the other hand, that event represented major signals for the whole industry to switch from physical distribution to digital distribution. This is a brief explanation of how AAA developers began to provide digital distribution systems.

While Christiansen explains the history of independent game development as a movement and resistance to dominant mainstream discourse, he mentions that perhaps the greatest contributions to the independent developer community have been from developers who have created entire game engines and then released them as open source projects (Christiansen, 2013, p. 128). Game development was
already required intense knowledge of programming, but developing a game engine was required much higher time and knowledge than that. This open sourced game engine idea boosted independent developer’s production and became another way of profit for AAA developers where they began to open licensing features for game engines that they develop and use for their own games. Acquisitions of small companies by corporations and merge activities are another result of those changes. Martin & Deuze were able to see the rise of independent development in part as the result of an increasing global economy, fueled by the rise and availability of free and easy-to-use development and distribution technologies, and they argue this as alienation between producer, product, and consumer from traditional Marxist viewpoint (Chase Bowen Martin, Mark Deuze, 2009, p. 292). Market’s global structure is getting more company concentrated while they create corporate synergy, which means alternative ways of economic and technologic profit for corporations with merging and acquisition (Hardy, 2014, p. 90). Those corporate actions cost billions of dollars where only ideas and copyrights traded. It is important to remember that all major console manufacturers set the sale price of devices lower than production cost and accept an economic loss in expectancy of profit within long run via game sales of future (Nichols, 2013, p. 27). Corporations acquisition considered within such long-term expectations, even its cost is higher than profit in short term.

1.3. Research Objectives
Acceptance and usage of those mentioned tools and systems could observed as fast adaptation to changes within key actors. Independent game development rooted by an idea that against mainstream corporation. This is why it is important to remember the discourse and keep questioning the political economy of production and distribution tools to be able to identify power relations. This research investigates these questions:
1. Are free game engines free to independent developers?
2. Is there any company concentration within key actors of digital distribution services?
3. What is the concentration of independent development and acquisitions in the market?
As result of this research, we will have a detailed understanding about answers to all three questions, and this will provide us the possibility to anticipate future of game development.

2. Methodology
A mixed method of qualitative and quantitative approaches used together in order to develop sufficient answer for research questions. Production tool and distribution system owners do not share their data or statistics in transparency. Laws and regulations that do not force those companies for being transparent is another aspect of the issue, which is worth to mention at this point. Their available & accessible data, consultant reports, and market research used together in order to develop consistency. Researchers’ long-term participant observation of 15 years was another essential source of information in this research. Journal articles, online blogs, and web publications included to these observations since most of their writers are observers and participants of topic too.
Scratchware Manifesto is a manifesto that published in 2000 by video game industry workers who accuse corporate machines with suppressing creative vision and repressing innovation in order to minimize risks and increase profit. (Anonymous, 2000). Due to the sensitivity of topic and protection from the sanction of capital structures workers preferred to publish that manifesto anonymously. Their argument is a very close example to critical theorist Theodor Adorno’s Culture Industry framework. “The cultural producer, or the artist, had no real agency and that the industries produced massively homogenized goods in order to integrate people into the capitalist way of life, therefore contributing to its reproduction.” (Ommen, 2016, p. 4)
When we consider AAA titles that developed and published by professional corporations, we should able to observe homogenized and reproduced goods within the industry. Since artist’s agency considered as not real within the framework, the corporation remains as a cultural producer in essence. Richard & Anand’s research on the production of culture perspective focuses on how the symbolic elements of
culture are shaped by the system, within which they are created, distributed, evaluated, taught, and preserved (Richard A. Peterson, N. Anand, 2004, p. 311). Their six facets of production are technology, law and regulation, industry structure, organization structure, occupational careers, and market. This research includes technology, law and regulation, and occupational careers facets within introduction and literature review. In the other hand, this research highly focuses on industry structure, organization structure and market within research part in order to draw clear outlines of production.

In game engines and digital distribution systems, there are hundreds of alternatives available that any developer can choose. In order to select major ones within all for keeping research sample manageable, columnists of video game development magazines, blog writers from industry, product and system reviewers, and statistical data collected together to form out of order list within best-evidence approach. This approach used to prevent cherry picking for sample. At this point, it is important to understand that participants of industry constantly wrote blogs and online publications, which are now enlightening remains of a digital history.

2.1. Sample of Game Engines

Statistically, indiedb.com and moddb.com provides a minor difference within their All Time Popular Engine list even though moddb.com’s game engine database have 150 additional game engine in its list where totally lists 660 game engines (2017) (2017). Mark Wilcox from DeveloperEconomics.com publishes four major game engines for independent developers based on their survey done within their twitter audience (Wilcox, 2014), Craig Chapple from Develop-Online.net publishes observations (Chapple, 2014), Rita Turkowski from GameSpark provides analysis and comparison of major game engines (Turkowski, 2016). Best-evidence approach used for synthesizing from a representative sampling of web articles and statistical data and determined to consider Unity3D, Unreal Engine, CryEngine, GameMaker: Studio, Source, and Construct2 game engines since they are most widely reviewed/suggested in game development area.

2.2. Digital Distribution Systems

Due to research that based on compete.com’s unique visitors at April 2010, Steam was leading distribution service with 52% score. Nevertheless, 6 year is even enough for paradigmatic change within the technological speed and there is no solid proof/statistic based data available to understand demographics of digital distribution.

With Entertainment Retailers Association's research and statistical results, we are able to see that digital format sales are increased 17.1% where physical format sales are decreased -2.2% which means 2015 is the first year in history that digital share of entertainment was higher than physical share (Butler, 2016). Steam, Origin, UPlay, GOG.com, Battle.net, Green Man Gaming, and GamersGate appears to be most common digital distribution platforms. I conclude to focus on these seven platforms by averaging common mentions of Michael Klappenbach from Lifewire (Klappenbach, 2016), Henry Winchester from TechRadar (Winchester, 2012), Christian Bonilla from MakeUseOf (Bonilla, 2016), and Shamus Young from The Escapist (Young, 2015).

2.3. Market Concentration

In order to investigate and understand the popularity of independent ideas within market and concentration of acquisitions, analyses divided into two different part. The first part is based on Steam, which is the largest and most used digital distribution system that developed by Valve Corporation. Steam’s live and accessible statistical data is the reason for this decision. Most actively playing game data, which shows highest live active player numbers of top 100 games. Highest 10 games taken consideration and their development backgrounds investigated in order to see if there is a pattern. The second part includes analysis of recent data about biggest video game acquisitions, which data cited from Wikipedia since I personally contributed to gathering information for that page personally (Fares Ketbi, Baris Parlan, 2016).
2.4. Limitations
Statistical research reports about the digital video game industry and consultant reports prices are relatively high (above 2,000$) since they are produced for assisting technology companies with their future planning. There are no law or regulation policy, which enforces companies to be transparent about their statistical information. Therefore, this research was limited to available public information of consultant reports and statistical data.

Microsoft (Xbox), Nintendo (Wii), and Sony (PlayStation) are major corporations that manufacture hardware within game console industry. Additionally, they all function as a developer, publisher, and distributor of digital video game industry. They are major global corporations of industry and excluded from this research as production tool and distribution service owners since they all have their own development, publishing, and distribution tools, which focuses on their own hardware platforms.

3. Finding and Discussion
3.1. Findings of Means of Production
In this part of research, economical limitations and royalty basis of six major game engines cited from their End User License Agreements to provide information about real prices of products.

a) Unreal Engine by Epic Games: “You agree to pay Epic a royalty equal to 5% of all worldwide gross revenue actually attributable to each Product” (Unreal® Engine End-User License Agreement, 2017)

b) Unity3d: “If your company currently makes more than $100k in annual gross revenues or has raised funds in excess of $100k, you are not permitted to use Unity Personal as defined in our EULA Agreement.” (Unity Personal Software Additional Terms, 2016)

c) CryEngine by CryTech: “The basic version of the CryTech Services can be used indefinitely and without restrictions.” (CryEngine - Terms of Service, 2017)

d) Construct2 by Scirra: “The individual is permitted to make up to $5,000 USD lifetime revenue (or equivalent in other currencies/payments/benefits) from their creations.” (Scirra - Licensing Agreement, 2017)

e) Source Engine by Valve: “Source engine is completely free if developers will distribute their games free. In order to earn profit from Source Engine, the developer should pay $25,000 licensing fee.” (Source Engine Games on Steam, 2017)

f) GameMaker: Studio announced to discontinue due to the release of newer version GameMaker Studio 2. It does not provide a free version option anymore.

3.2. Findings of Digital Distribution Systems
In this part of research, owners of digital distribution systems identified to see whether they develop or publish digital video games in addition to distribute other video games. In addition to that, information about those companies’ game engines listed if any exist. It is important to mention that there is no claim, branding, or advertisement about free distribution. Six of those digital distribution systems charge various amount of share from distributions, where one of them do not distribute independent developments.

a) Steam: owned by Valve Corporation (game developer and publisher), developer of Source Game Engine. Source2 Engine is under development and announced that Source2 will be available for free to content developers.

b) Origin: developed and owned by Electronic Arts (game developer and publisher), developer of two proprietary game engines that not on sale or open to the public: Ignite and Frostbite.

c) UPlay: owned by Ubisoft Entertainment (game developer and publisher), developer of the proprietary game engine: Anvil.
d) GOG.com: owned by CD Projekt (game developer and publisher), developer of the proprietary game engine: REDengine.
e) Battle.net: owned by Activision-Blizzard (game developer and publisher), developer of proprietary game engines. Used Unity3d (free game engine) for “Hearthstone” game.
f) Green Man Gaming: Worldwide serving online video game retailer. Additionally provides game publishing service and have no game development function.
g) GamersGate: Worldwide serving online video game retailer. Even though developed by Paradox Interactive (game developer and publisher), they divide distribution service as a separate company to make it more “independent” and equal for all other developing and publishing partners.

3.3. Findings of Company Concentration over Steam

Table 1 is showing concurrent active player of each game on Steam. The number of active user changes during day/night shifts and games may switch positions between each other but main importance of graph remains solid when we group those games as AAA and Independent products. Respective numbered paragraphs are explanations about development background of each title in this list in order.

<table>
<thead>
<tr>
<th>CURRENT PLAYER</th>
<th>PEAK TODAY</th>
<th>GAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>424,809</td>
<td>901,129</td>
<td>Dota 2</td>
</tr>
<tr>
<td>381,215</td>
<td>661,144</td>
<td>Counter-Strike: Global Offensive</td>
</tr>
<tr>
<td>60,281</td>
<td>111,545</td>
<td>Grand Theft Auto V</td>
</tr>
<tr>
<td>56,199</td>
<td>74,413</td>
<td>ARK: Survival Evolved</td>
</tr>
<tr>
<td>55,162</td>
<td>73,600</td>
<td>Team Fortress 2</td>
</tr>
<tr>
<td>53,142</td>
<td>70,446</td>
<td>Football Manager 2017</td>
</tr>
<tr>
<td>48,707</td>
<td>63,941</td>
<td>Rocket League</td>
</tr>
<tr>
<td>45,385</td>
<td>59,780</td>
<td>Rust</td>
</tr>
<tr>
<td>43,935</td>
<td>62,107</td>
<td>Garry’s Mod</td>
</tr>
<tr>
<td>43,797</td>
<td>49,557</td>
<td>Sid Meier’s Civilization V</td>
</tr>
</tbody>
</table>

Table 1 - Steam’s live active player stats of 2017 Jan 09.

1. Original DotA was a game modification done by players at their homes over another AAA production Warcraft III by Blizzard Entertainment. DotA’s intellectual property rights acquired by Valve Corporation in 2009 to develop a sequel for it named DotA 2.
2. Counter-Strike is another game modification done by players, over an AAA production Half-life by Valve Corporation in 1999. Games intellectual property rights acquired by Valve Corporation and they produce 7 official Counter-Strike games. Counter-Strike: Global Offensive is one of them.
3. Rockstar Games developed first Grand Theft Auto (GTA) in 1997, and within 20 years, 15 different / sequel GTA games developed for various platforms.
4. ARK: Survival Evolved was a game developed by Studio Wildcard in co-operation with Instinct Games, Efecto Studios, and Virtual Basement. ARK was company’s first game and developed with Unreal Engine.
5. Team Fortress was a game modification done by players in 1996. Valve Corporation developed and published Team Fortress Classic version in 1999 and Team Fortress 2 in 2007.
6. Football Manager firstly developed in 2005 by Sports Interactive and published by Sega. From that, date game repeatedly developed 12 times every single year, excluding some other platform versions.
7. Psyonix, an independent video game development company that uses *Unreal Engine* technology, develops *Rocket League*. They provide support to big game development titles independently.

8. *Facepunch* is an independent video game development company who employs only 20 people and developed both *Garry’s Mod* and *Rust*, 8th and 9th most played games in the *Steam* list.

9. *Civilization* is a game firstly developed in 1991 by Sid Meier while his co-founded company *MicroProse*. After that company’s acquisition, Meier formed a new company named *Fraxis* and kept developing *Civilization* as series with many other games. From 1991 until today, 13 different *Civilization* game developed, 6 of them was sequels.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DotA 2</td>
<td>Mod - Acquired to AAA - 2 Sequels</td>
</tr>
<tr>
<td>2</td>
<td>Counter Strike: G.O.</td>
<td>Mod - Acquired to AAA - 7 Sequels</td>
</tr>
<tr>
<td>3</td>
<td>Grand Theft Auto V</td>
<td>AAA - 15 Sequels</td>
</tr>
<tr>
<td>4</td>
<td>ARK: Survival Evolved</td>
<td>Co-Developed - Unreal Engine</td>
</tr>
<tr>
<td>5</td>
<td>Team Fortress 2</td>
<td>Mod - Acquired to AAA - 2 Sequels</td>
</tr>
<tr>
<td>6</td>
<td>Football Manager 2017</td>
<td>AAA - 12 Sequels</td>
</tr>
<tr>
<td>7</td>
<td>Rocket League</td>
<td>Independent - Unreal Engine</td>
</tr>
<tr>
<td>8</td>
<td>Garry’s Mod</td>
<td>Independent - Source Engine</td>
</tr>
<tr>
<td>9</td>
<td>Rust</td>
<td>Independent - Unity Engine</td>
</tr>
<tr>
<td>10</td>
<td>Civilization V</td>
<td>AAA - 13 Sequels</td>
</tr>
</tbody>
</table>

Table 2 - 10 Most Actively Played Steam Games & Production Info

3.4. *Findings of Company Acquisitions*

It is important to notice that acquisitions between developers, publishers, and distributors topped $25 billion from beginning of 2016 until July 2016 up to Digi-Capital’s research reports (Games acquisitions top $25 billion to July 2016, 2016). Here is the list of most expensive video game acquisitions of all times:

- **Supercell**, the developer of *Clash of Clans* game was a development studio with 180 workers. Relatively small, where its major competitor was King Digital with 1,400 workers. Chinese company *Tencent Holdings*, which has minor stakes in *Epic Games* (Owner of Unreal Engine) and major stakes in much other game and technology industry, acquired Supercell in 2016 for $8.6 billion.
- **King Digital**, the developer of *Candy Crush* game acquired by *Activision-Blizzard* in 2016 for $5.9 billion.
- **Mojang**, the developer of *Minecraft* was a self-made independent studio. *Microsoft* acquires *Mojang* for $2.5 billion in 2014, and three founders of Mojang left the company.
- **Oculus** was an independent company established two months prior to *Kickstarter* campaign in the promise to develop virtual reality headset. The successful project raised $2.5 million. *Facebook* acquired Oculus for $2 billion in 2014.

We can observe that three out of four companies are independent, especially within the definition that established in the beginning of research.

3.5. *Discussions*

In terms of game engines as production tools, all companies except *CryEngine* announce and promotes their game engine as free to support independent developments, but they force royalty within specific
circumstances. Those circumstances mostly related with income of the project, which enforces the
developer to share a percentage of the profit with game engine producer if they earn more than specified
amount of income. Calling a product free within written rules is a branding technique of product, which
announced with intention to democratize game development. This information should be accounted by the
independent developer and future bindings should considered before development (Amber Rowland,
Chris Clarke, 2011). It is important to note down that this model became popular within many other game
engine providers, and actually, they should be marked down as a new dominant power within the industry.
Within seven digital distribution services, Green Man Gaming is the only retailer that have no development
or publishing interest, and GamersGate has no development but publishing service. Six major digital
distribution systems (Steam, Origin, UPlay, GOG.com, Battle.net, GamersGate) developed by game
publishers to distribute their own games, and five of them (Steam, Origin, UPlay, GOG.com, GamersGate)
opened their systems to other publishers as distribution service in return of profit share by percentage. It is
important to understand that those service owners are already mainstream game development and
publishing companies. This profit share based agreement means opportunity for independent developers
since they use a free distribution service in return. Physical distributions disadvantages make it obsolete
against digital distribution, and this process makes digital distribution systems another new dominant
dpower in an industry that takes share from the profit of independent developers.

In analyze of Steam’s Current Active Player data by its titles, we observe that three games are completely
independent production, one co-developed which makes four games out of ten using game engines that
contained by this research. Remaining three games are AAA productions of professional developers that
do not prefer to innovate new things to avoid risks. That decision leads them 13 sequels per game on
average. If we include all acquired games by professional developers to calculation, we end up 9 sequels
game per title on average.

The last step of this process within game industry is to acquire the suitable independent company and
make it an asset of global corporation in order to maintain profit in future. Especially last two acquisitions
are virtual reality technology related examples, which means hundreds of independent developers
preparing projects about it, and corporations are clearly harvesting successful ones by providing them
means of production.

4. Conclusion and Further Suggestions

4.1. Conclusion

This research was giving analysis of corporations within digital video game industry. Free game engine
idea as branding technique and comfort of digital distribution systems simply directing independent
developers to try innovative ideas within their initiatives. Independent developers should consider real
offering underlying this system because providing production tools such as game engines for development
is a new way of free research & development solution for corporations. This very same situation is valid for
distribution too. Those are supportive developments from corporations to the independent developer to
innovate new ideas and experiment them on market. Corporations will take share from projects; even
project can acquired depending on its success rate. At this perspective, independent development
becomes exploited risk-free research & development service for corporations. When we consider
corporation concentration within the industry, mainstream dominant structures keeping pace with new
technology to establish their control.

Very similar progress can observe in the movie industry, music industry, and book industry. Within
technological advancement that affects means of production and distribution systems, corporations put
themselves in a place where makes them able to share from a profit of developers.

4.2. Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or
publication of this article.

4.3. Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.
REFERENCES


Unreal® Engine End-User License Agreement. (07 de 01 de 2017). From Unreal® Engine: https://www.unrealengine.com/eula


CryEngine - Terms of Service. (06 de 01 de 2017). From CryEngine: https://www.cryengine.com/terms


Haselmann, R., & Vig, V. (2007). and Vikrant Vig, “The Differential of Bank Liberalization”.. From Bundesbank:


Maria B. Garda, Pawel Grabarczyk. (2016). Is Every Indie Game Independent? Towards the Concept of Independent Game. the international journal of computer game research, 16 (1).


Scirra - Licensing Agreement. (06 de 01 de 2017). From Scirra: https://www.scirra.com/store/licensing#license2


SCSL. (n.d.). The Special Court for Sierra Leone its history and jurisprudence. From http://www.rscsl.org


Source Engine Games on Steam. (07 de 01 de 2017). From SteamWorks: https://partner.steamgames.com/documentation/source_games


Turkowski, R. (06 de April de 2016). Game Engine Analysis. From GameSparks: https://www.gamesparks.com/blog/game-engine-analysis/