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OUSTING ONE MAN IS NOT ENOUGH

Ninotchka Rosca

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Good morning from my time zone. Thank you for the time and space to help me unravel some thoughts swirling in my mind for decades. Has it been almost 50 years? I seem to have spent my entire adult life under the shadow of this dismal phenomenon. That, more than anything, underscores how weakly we have dealt with what that Wax Statue unleashed among us. Add to that, we must deal with his progeny. Apologies if I cannot be coolly intellectual about our topic. We just held a tribute for Sixto Carlos Jr., with participants in three continents, most white-haired like me, still trying in whatever circumstance they find themselves overseas.

Fifty years should have been enough for us to deconstruct the bogey of martial law and advance from opposing the phenomenon itself toward opposing the context—social, political, and economic—that has enabled both the idea and the fear of martial law to survive. What is martial law? Below is a general definition from a Wiki:

The power to bring about such a situation as described here is in the Constitution. The Philippines has had three Constitutions in 86 years—and that, too, is a comment on how malleable our political value system has been. And how not enough time is ever given to enable institutions and processes to gel and become part of the culture.

A General Definition:

Martial law is the temporary imposition of direct military control of normal civil functions or suspension of civil law by a government, especially in response to a temporary emergency where civil forces are overwhelmed, or in an occupied territory.

The first Constitution has a simple provision for the power of the president to declare martial law. This provision was the power exercised by Ferdinand E. Marcos when he signed the executive order on September 23, 1972. According to some historians, being superstitious and a numerology nut, Mr. Marcos moved martial law day to the 21st, a multiple of the number 7 he thought of as his lucky number.

From the 1935 Constitution: The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of *habeas corpus*, or place the Philippines or any part thereof under martial law.
Philippine Constitution, 1935.

Having benefited from the 1935 martial law provision, Mr. Marcos replicated it in his 1973 Constitution.

From the 1973 Constitution: The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privilege of the writ of *habeas corpus* or place the Philippines or any part thereof under martial law.
Philippine Constitution, 1973.

Upon his overthrow, a new Constitution was created, and this time, the framers of the new Constitution sought to restrict, impose, place a lot of “caveats” on this presidential power. The experience of the last 20 years was enough to make everyone wary of this Constitutional provision, while yet understanding that it was necessary for threats to the government itself. Considering the number of attempted coups against the government of President Corazon Aquino, the caution was justified.

From the 1987 Constitution:

Section 18. The President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion. In case of invasion or rebellion, when the public safety requires it, he may, for a period not exceeding sixty days, suspend the privilege of the writ of *habeas corpus* or place the Philippines or any part thereof under martial law. Within forty-eight hours from the proclamation of martial law or the suspension of the privilege of the writ of *habeas corpus*, the President shall submit a report in person or in writing to the Congress. The Congress, voting jointly, by a vote of at least a majority of all its Members in regular or special session, may revoke such proclamation or suspension, which revocation shall not be set aside by the President. Upon the initiative of the President, the Congress may, in the same manner, extend such proclamation or suspension for a period to be determined by the Congress, if the invasion or rebellion shall persist and public safety requires it.

Constitution, 1987

The new Constitution imposed restrictions on this presidential prerogative and tried to dissipate the presidential (executive) monopoly.

From the 1987 Constitution:

The Congress, if not in session, shall, within twenty-four hours following such proclamation or suspension, convene in accordance with its rules without need of a call.

The Supreme Court may review, in an appropriate proceeding filed by any citizen, the sufficiency of the factual basis of the proclamation of martial law or the suspension of the privilege of the writ of habeas corpus or the extension thereof, and must promulgate its decision thereon within thirty days from its filing.

A state of martial law does not suspend the operation of the Constitution, nor supplant the functioning of the civil courts or legislative assemblies, nor authorize the conferment of jurisdiction on military courts and agencies over civilians where civil courts are able to function, nor automatically suspend the privilege of the writ of habeas corpus.

The suspension of the privilege of the writ of habeas corpus shall apply only to persons judicially charged for rebellion or offenses inherent in, or directly connected with, invasion.

During the suspension of the privilege of the writ of habeas corpus, any person thus arrested or detained shall be judicially charged within three days, otherwise he shall be released.

Philippine Constitution 1987

The new Constitution imposed restrictions on this presidential prerogative and tried to dissipate the presidential (executive) monopoly.

As you can see, we construct more elaborate barriers to exercising this LEGAL power of the president and yet cannot dispense with it altogether. Government has the right to protect itself—we seem to say—against both external and internal threats, whether those are violative of national interests or not. Of course, we ask who defines national interests anyway. Despite elaborations of provisions, martial law at the core remains the right of those who govern to take away the governed's civil, political, and human rights.

This leads us to two questions:

1. **Do civil, political, and human rights exist for enough of the population to support the concept of a common good?**
2. **Is a formal declaration of martial law necessary to eradicate civil, political, and human rights for some, for many?**

Our Limited Use of Human Rights

In the middle of this pandemic, the Pharmally scandal is still unrolling. As an aside, I find it very telling that this name ends in “ally.” Whose? The scandal—of overpriced uninspected, and uncertified PPE, face masks, soon-to-expire test kits—shows how easy it is to play fast and loose with both processes and rules. A motley of non-descript citizens, non-citizens, and foreign corporations can and did circumvent steps meant to prevent ripping off the government.

Thus far, the critique of the Pharmally scandal has been in terms of corruption and cronyism, abuse, misuse of funds, etc. I view it as an opportunity to demand a barely mentioned human right that impacts practically the whole population—the Right to Health, one of the 34 rights of the UN Covenant on Human Rights ratified by the Philippines. The tepid COVID response of the Duterte government, despite the flood of grants and loans from other countries, should be viewed as a crime against humanity, and a case laid before the ICC. Suing over a violation of the Right to Health may seem far-fetched, but note that women globally pushed for the ICC to include rape as a war crime. To quote a famous slogan, “if not now, when?”

I cite the Pharmally scandal to underscore our limited use of Human Rights; they come into play in our discourse when *specific categories* of people are affected—the media, organizers, activists. I recall when an NGO tallying EJKs refused to include in the count those killed in the “drug war,” alleging that these were not political killings. Any arbitrary murder by government policy is a political killing. Any refusal to extend the coverage of human rights is exceptionalism and privilege-creating.

We should also ask why, despite half a century of struggle, we still suffer from elements of martial law—from extrajudicial killings to land grabbing, from dispossession to the disenfranchisement of so many. Five years of tolerating the creation of an abattoir of murdered human beings tell us that the fault lies not in our legal instrumentalities but elsewhere.

The late great Senator Jose W. Diokno would scold me each time we met in New York for not paying attention to the need to create a culture that would enable our people to survive and thrive. I think he got so impatient with me one evening as we were dining at a Korean restaurant—around a dozen of us—that he started reciting Tagalog poetry to me and subdued us all to silence.

The culture, consciousness, and value systems sustaining martial law have not been studied. Consequently, we see the latter’s manifestations—from the allegedly Anti-Terror Law to the POGO stealth invasion, from the cavalier tolerance for the COVID virus even to the willingness of some to become croaking frogs of a creeping dictatorship.

In short, we must look at the social and political matrices conducive to the rise of the strongman and see how these strengthen the economic dictatorship already implicit in class society. We must also look at how our own hierarchical social and civic organizations become a training ground for the practice of autoc-

racy as well dependence on a higher force or ideas from a higher force. And finally, we must look at family relations to see how these feed into the propensity to accept “strongmen” as saviors.

An Authoritarian Worldview

Authoritarianism does permeate our culture. We build hierarchies even when we self-organize, with the rule of “if you don’t like the decision, just keep your mouth shut” or “just obey, don’t ask questions” or “we know, and it’s enough for you to obey even if you do not know why.”

Authoritarianism employs a fake “mobility” by pitting individual against individual for its favors. *Matira ang matibay*. Despite its rigidity, authoritarianism is Darwinian in its view of human relations, inevitably working against the collective or the communal. Keeping the apex of Authority stable requires the decimation of the middle-ranks, from which challengers could arise.

We should look at the rate of decimation among Duterte supporters, for instance, to understand this contradiction between competition and consolidation. The PDP-Laban fight between Cusi and Pimentel is a good illustration of this gladiatorial in-fighting to preserve the top ranks of the hierarchy.

The irony is even as it fosters competition among the subsets of the hierarchy, rewarding the victor, it also cultivates the idea of a Savior, erasing any thought of self-reliance but enhancing dependence. The airlifting of the Marcos family in 1986 was a moment of demoralization for the nation. It strengthened the idea that Authority is immune to justice from below; rulers will rescue one another, and there’s little that the people can do.

Because its *raison d’être* is power, authoritarianism is masculinist, a cultivator of sexism and misogyny. Its female and non-binary gender adherents and advocates exhibit a brutal power, brutal sexuality that remains subservient to the strong man. Ferdinand and Imelda Marcos used the Tagalog creation story of the First Man, Malakas (Strong), and First Woman, Maganda (Beautiful) as a metaphor for what Primitivo Mijares called “The Conjugal Dictatorship.” The strong-man delusion had such a grip on Marcos that he could say, as he was cornered and hapless in the Palace, “I have all the power in my hands to put an end to this rebellion when we decide enough is enough. I am just like an old warhorse, smelling powder and getting stronger than ever.” He said this on February 24, 1986. In less than 24 hours, he was gone.

We find similar tropes with Duterte and the sexualized metaphors of the Regime. One of its constructed “influencers”—constructed because, without being propped up by the Regime, she would have zero influence—tweeted: “President Duterte is a sex god.” A tweet quite in keeping with pictures of Duterte with various women—kissing them, holding them, etc. This sexualized iconography is strength



ened by a constant company of beta males—from Harry Roque down, a descending order of subservient positions or jululayhood.

His constant companion is a compound of feminized subservience and macho brutality. On the one hand, he demands that people learn to kill, and on the other, sentimentally proclaim his undying love and fidelity to Duterte. He seems the perfect mirror for a dictator.



*Translation of the second meme:
"What is your right to question my closeness to the president? I promised the president I would not leave him as long as we're alive, and that is just between us because I love the president.*



Christopher Boehm, the evolutionary anthropologist, believes that human society tends even more toward hierarchy and authoritarianism. This tendency nullifies the first cultural revolution in human history—the establishment of the egalitarian hunter and gatherer societies triggered by the realization of the species’ females that for survival, a) bullying and violence had to be curbed, and b) cooperation had to replace competition. This cultural leap took the human social organization from the usual primate groupings built around an alpha male, who has all the privileges, including access to the females. In such groupings, the alpha status is attained through violence; it was against this “instinctive behavior” that homo sapiens females revolted. How they carried it out involved a complex story of sex, menstruation, and cosmetics—but that story is for another time and another discussion.

Intrinsic to the cultivation of secondary and tertiary ranks of julalay-hood, of course, is the cultivation of ignorance, of what we in the literary world call a willful suspension of disbelief. In this case, a willful suspension of political disbelief. Our current chaos— disinformation, fake news, fake court charges, trolls, and all the accouterments of propaganda—is rooted in the dictatorship’s need to create belief in falsity. Think back, please, to the ridiculous 27 WWII medals.

I have gone minutely into this discussion of the system of authoritarianism to delineate that it is not only a political system but also a social and cultural system of relationships. One of the most important lessons of the last 50 years is this: Apart from cultural Authoritarianism, dictatorships use crony capitalism to maintain themselves and to accumulate resources. Crony capitalism is one of its most pernicious and dangerous components. Note please the funders of the resurgence of authoritarianism, even in the absence of martial law. The same names who benefited during the Marcos Dictatorship economically are the oligarchs of this day and pour resources into the resurgence of the tyrant, whether it is Duterte or another Marcos. These are not plain businessmen; they are ideologized businessmen, who hanker for lost privileges despite having so much privilege.

Part of destroying the infrastructure is holding everyone accountable. And not just one man.

Systemic, group and individual accountability.

None of us who went through imprisonment and torture, not to mention who had relatives murdered, received justice; we received a little compensation, true, but it is not the same as holding responsible the collaborators and enablers. While those damaged by martial law had to reckon with rebuilding their lives, the collaborators and accomplices continued with their businesses, professions, and new ways of looting the nation legally and extralegally. This protective shield over the culpable led to and maintains the Battered Nation Syndrome.

We see how collaboration was rewarded and compensated far, far, far more than the monetary awards given to victims. For one act of pseudo-bravery, for instance, in the 1986 EDSA, those who led and were part of the most heinous institutions of martial law ended up in the presidency, the Senate, and the House.

Indeed, looking over the nearly 50 years of struggle against dictatorship and authoritarianism, we can see that it was a struggle fought between and among the poor, the very poor, and the middle class on both sides of the political divide. With very few exceptions, warlords, landlords, landgrabbers, bureaucrat capitalists, comprador capitalists, political dynasty members experienced only momentary inconvenience. Therefore, they had both the means and the gall when the opportunity

for a resurgence of tyranny came about—and found the support for it, once again, among those most impacted by tyranny.

To sum up, I leave you these injunctions:

1. The struggle against martial law is but a part of the struggle against authoritarianism. We must guard against the latter, not only regarding the State but also the most basic of our organizations—the family, civil society, and class organizations—whatever grouping we need to evolve to confront the crisis of our times.
2. The quest for justice cannot be abandoned for political convenience.
3. Ousting one man is not enough.

**I often wonder what I will be
remembered in history for.
Military hero? Builder?**

Ferdinand E. Marcos

Thank you very much.
- *Ninotchka Rosca*