the social contract

/THe /ˈsōSHəl/ /ˈkän trakt/

noun. 1: An agreement among the members of an organized society

Table of Contents

Table of Contents

Letter from the Editor

Dear readers,

It is my pleasure to present the fourteenth volume of the *Social Contract*. This journal would not have been possible without the hard work done by our editorial team and the incredible essays that were submitted. Before diving into the journal, I would like to give a special thanks to Laila Ackison and Max Livingston for their hard work throughout the year and their contribution of putting together the journal. Their help was instrumental in adding some flair to this year's design. I would also like to give a special thanks to the Editors. Natasha Karim, Jacob Reid, Kathryn Magee, Abigail Sobin, and Nikesh Mehta-Spooner successful managed their respective sections and ensured that the academic quality of the journal continued. In addition, a big thank you to our Assistants, they played a key role in the editorial team and without them we would have never have been able to get through all of the essay submissions. I must also thank the political science faculty and the PSA executive team for their support. Finally, I would like to thank everyone who submitted an essay for consideration.

This volume touches on a wide array of topics, including but not limited to: international relations, identity, Canadian, comparative, urban, media and the Middle East. This volume truly represents the breadth and depth of the political science field. In addition, the essay topics reflect current events and emerging social, economic and political issues.

Overall, after reading this journal, I hope that everyone understands the importance of initiatives such as this one. It is important to give a voice to students and recognize outstanding work. It is also important to showcase difficult topics so that conversation can emerge.

Before signing off, I would like to announce next year's Editor-in-Chief. Next year's Editor-in-Chief will be Max Livingston. Max has been a valuable asset to the *Social Contract* team over the past two years. Max has demonstrated his love of literature, analytical skills and creativity. I am confident in Max's ability to run this journal, and I am looking forward to seeing how he makes the journal his own.

It has been a pleasure being your Editor-in-Chief and I look forward to seeing the continued success of this journal.

Best,

Amanda Mae Gutzke
Editor-in-Chief

Letter from the Undergraduate Chair

Dear readers,

This global pandemic has been a challenging time for everyone – especially for students. But our students have not let adversity stand in their way, and this volume of the *Social Contract* is ample proof! Judging from the high academic calibre of the journal content to the professional quality of its form, it is clear that numerous hours of collaboration, labour, and perseverance went into producing this outstanding fourteenth issue.

This undergraduate journal creates invaluable opportunities for students to conduct and disseminate academic research outside the context of a conventional classroom. In this regard, the *Social Contract* continues to make an important contribution not only to Western University's intellectual activities, but to the discipline of Political Science more broadly.

On behalf of the entire Department of Political Science at Western University, I am delighted to convey our appreciation and admiration for the hard-working and dedicated editorial team and contributing authors of the Social Contract. Thanks to each and everyone of you!

Salutations and Best wishes,

Nandita Biswas Mellamphy

Undergraduate program Chair
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Aiming for the Heavens:
Along the Fluid Front of the Cold War

Written by John Tyler Drew

Abstract

Space, the final frontier, the infinitely expanding universe has marked a persistent area of collective intrigue, curiosity and concern. Today schemes to colonize mars, extract resources from the moon, or wage a capitalistic battle between Tesla and Amazon have or are being attempted, satirized and condemned. Yet, to understand where we are and may go into space, it's important to understand where a major drive into space occurred, this essay traces a monumental achievement in the open domain of space, the 1969 Moon Landing. The ideological drive that compelled the Moon Landing manifested from the United States Cold War political ideologies that deemed the Soviet Union's initial achievements in space as a threat to the free world and the leadership of the United States. Marked as the central objective of Kennedy's New Frontier, the success of Apollo 11, emerged in a world dominated by fear over nuclear annihilation and omnipresent concern's over the perception of national prestige.

Key Words: Cold War, Apollo, Spuntik-1, Deterrence, Technological Supremacy, Prestige, National Security

INTRODUCTION

On 4 October 1957, a Soviet R-7 missile launched an artificial satellite into space, *Sputnik-1*; the launch presented a Soviet 'first' in space.[1] Twelve years later, the United States achieved their own 'first.' On 20 July 1969, Neil Armstrong radioed NASA mission control in Houston and stated, "the Eagle [had] landed."[2]

This essay argues that from 1957-1969 the United States anti-communist Cold War ideology framed technological superiority in space as a core principle of national security and prestige. Ultimately, the 1969 moon landing was constructed through the United States Cold War political ideology to demonstrate the United States' technological superiority and defend its national security against the Soviet Union. This essay examines this through five sections. The first section focuses on the interconnection between politics, technology, power, and international prestige in the United States' emergence to superpower and the origins of the Cold War. The second section examines the connection between rocket technology and prestige, alongside nuclear capabilities and deterrence. The following three sections study significant Soviet 'firsts' and the United States space program's progression. First, *Sputnik*-1 and Dwight D. Eisenhower's policies to 1960. Second, the election of John F. Kennedy, the Gagarin flight, and the decision to land a man on the moon. Third, the *Apollo* program under the Lyndon B. Johnson administration and the moon landing. Subsequently, each section analyzes the increase in America's nuclear arsenal, alongside attempts to achieve peace and détente, or cooperation in space, all propelled to secure the United States national security and prestige in the Cold War.

Through investments into technological developments, the power of technology to enact political goals crystallized for the United States during the Second World War. The American government mobilized science, engineering, and research, into the *Manhattan Project*, investing 2 billion dollars between 1941-1945 to develop the first nuclear weapon.[3] Washington also invested 3 billion dollars into radar technology, developing 150 radar systems. The improved radar systems radically enhanced the accuracy of the ally's bombing campaigns; by 1941, the allies sunk one-third of German U-boats spotted.[4] Moreover, the government invested 3 billion dollars in developing the Boeing B-29, which monumentally aided the United States in the Pacific theatre; between 1944 to mid-1945 the B-29 dropped a total equivalency of 176, 059 tons of bomb on Japan.[5] The Federal government also heavily subsidized private industries for weapons manufacturing and by 1942 produced more arms than the Axis[6] combined. Hence, the power of technological advancements was embedded in the American polity by 1945.[7]

THE GEOPOLITICAL BALANCE OF POWER

The dynamism of American technology was integral as the United States emerged as the preeminent global power from the Second World War.[8] The war radically altered the geopolitical balance of power, 60 million people died due to the conflict, and British imperial waned.[9] The United States emerged from the vacuums of power at the zenith of prestige, what Charles Burton Marshall described as an "ingredient of authority in international affairs."[10] Hans Morgenthau, an American international affairs expert, added prestige was the ability to "impress other nations with the power of [what] one's own nation actually possess," which enabled an American reputation of power and credibility in

international affairs.[11] As early as 1941, Henry Luce, an American publisher, expounded that "the United States [had] that unmistakable sign of leadership: prestige" that rested on America's "technical skill."[12] After the war, the United States' technological prowess was a cornerstone that signaled the success of capitalism, the superiority of liberal institutions, and was the core of American prestige.[13]

After the defeat of the Axis, the United States was unrivaled in technological capabilities.[14] America possessed sole control of the atomic bomb and the B-29, which was used as the delivery system to drop the bomb on Nagasaki and Hiroshima, which killed 80,000 people instantly.[15] President Harry S. Truman noted in his diary on 25 July 1945; through the *Manhattan Project*

the United States had effectively manufactured "the most terrible bomb in the history of the world." [16]

Moreover, through Project Paperclip, the United States secured 125 rocket engineers that had designed the V-2 rocket for the Third Reich, the most technologically advanced rocketry weapon.[17] The United States also secured the head of the program, Wernher von Braun, who had designed and launched on 22 June 1941 the first rocket to reach space.[18] Lastly, the United States retained the only intact economy, and the United States GDP was triple the Soviet Union's.[19] The United States had the experience, expertise, and the economic resources to mobilize technological progress in the post-war world, its only rival in its ascendency: the Soviet Union.

TWO HOSTILE SPHERES OF INFLUENCE

After the defeat of the Third Reich, the war-time alliance between the Soviet Union and the United States decayed, and the world dived into two hostile spheres of influence: Marxist-Leninist communism versus democratic capitalism. The Russian Revolution in 1917 entrenched the ideological foundations of the global division, as the revolution, propelled by Vladimir Lenin created the Soviet Union as a communist nation, set as a permanent challenge to capitalism.[20] After 1945 the communist Soviet Union was the only other nation able to project significant influence beyond its borders. The United States framed the communist regime as a tyrannical expansionist force that needed to be contained. [21] On 12 March 1947, Harry S. Truman decreed that the Soviet Union "relied on terror and oppression," while the United States policy was "to support free peoples…resisting attempted subjugation" from Soviet aggression.[22] The Truman Doctrine remained the cornerstone of the United States anti-communist ideology, an ideology compounded in the 1950s. On 7 April 1950, a National Security Council Report, NSC 68, decreed against the expansive threat of communism "the survival of the free world [was] at stake." [23] Furthermore, the *Doolittle Committee* established by American President Dwight D. Eisenhower reported in 1955 the Soviet Union's "objective [was] world domination."[24]

In a State of the Union speech in 1958, Eisenhower expanded on the global threat from the Soviet Union. As Eisenhower decreed, the Soviets were wagging "total Cold War," with "every human activity …pressed into a service as a weapon." [25] Eisenhower further stated the Soviet threat included the development of "science" and "technology…all harnessed into [the] same

chariot of expansion."[26] Moreover, The *Air University Quarterly Review* added that "the Communist seek to establish their systems in a position of prestige, to…thereby expand their sphere of influence."[27] Thus, to secure America's prestige and national security, the United States depended on technological supremacy to signal international strength.[28] As a Research and Development (RAND) study decreed in the 1950s: "the balance of power in the future [was]…based on the expectation that western… technology will maintain a decisive lead against the Soviet bloc." [29]

Amidst the global and total war between two rival ideological systems,

> ## advances in spacecraft technology provided the ultimate barometer in prestige.[30]

In 1946, a RAND study reported on the power of advancements in spacecraft technology to signal American prestige: "the achievement of a satellite craft…would inflame the imagination of mankind and would produce repercussions in the world comparable to the explosion of the atomic bomb."[31] While in 1952, Aristid V. Grosse, a German physician that worked on the *Manhattan Project*, issued a study to Truman that stated a "satellite would influence the minds of millions in the Cold War," and if "the Soviet Union…lead in the development it would be a serious blow to the to the technical…prestige of America."[32] In 1954 head Central Intelligence Director (C.I.A) director Allen Dulles echoed Grosse's account, as he attested in a report to the Department of Defense that the first nation that developed a satellite would "gain incalculable international prestige."[33]

Space was also a critical domain to defend the United States' national

security, as Soviet advancements in rocket technology made it possible to subvert the United States nuclear deterrent strategies. In 1949 America lost its monopoly on the atomic bomb as the U.S.S.R became the second nuclear nation. [34] American nuclear strategists calculated that the Soviet Union could only be deterred from nuclear aggression through conditional threats.[35] Threats that were only credible if the United States retained its reliability and resolve in nuclear capabilities. [36] Resolve and reliability depended on the United States retaining equivalent striking abilities and utter dominance in nuclear power. As Herman Kahn, an architect of the United States nuclear strategy, decreed in the 1950s, deterrence rested on "the balance-of-power system."[37] American Secretary of Defence, Robert McNamara's chief systems analysts, expanded on the need for the United States to conserve a balance in their nuclear arsenal in the 1950s: "the important question is not total megatons, but once we are sure in retaliation, we can destroy the Soviet Union."[38] McNamara further insisted that destruction necessitated "damaging the aggressor…to the point…his society would simply be no longer viable in twentieth-century terms."[39]

The American paradigm of nuclear deterrence was entrenched in a 1953 National Security Report NSC 162/2 that institutionalized 'Massive Retaliation.' John Foster Dulles, then Secretary of State, explained in July 1954, 'Massive Retaliation' demanded the ability to ensure "a great capacity to retaliate instantly, by *means* and places at *our* choosing." [40] In the 1960s 'Massive Retaliation' was compounded with Mutually Assured Destruction (MAD). The doctrine decreed to deter a Soviet nuclear strike the United States needed to retain the ability to respond with domineering force to render the threat of Russian ignition incalculably detrimental. [41] Moreover, chief nuclear strategist strategists at RAND, Thomas

Schelling, and Morton H. Halperin, attached to the strategic calculations that deterrence depended on a "strategic balance" that was only fastened when it "[was] reasonably secure against shocks, [and] alarms."[42] Therefore, Washington feared that if the expansionist Soviet Union extended their nuclear capacities beyond Earth's atmosphere, the United States would be at a definitive disadvantage in what nuclear strategist, Albert Wohlstetter, described in 1959 as a "delicate balance of terror."[43] Also, Washington's trepidation was that the Soviet's technological achievements retained the propensity to shock the credibility of the America's nuclear umbrella.[44]

In 1955 Eisenhower announced the United States established the goal to launch an artificial satellite by 1957; yet, on 4 October 1957, the Soviet Union eclipsed the United States in rocketry technology and launched *Sputnik-1*.[45] The launch appeared to shatter America's global leadership in technology.[46] As United States Congressman Henry Reuss declared, an "American monopoly" on technology had ended.[47] Moreover, American Senator, Lyndon B. Johnson, stated on 4 October 1957, the Soviet Union had "[achieved] technological superiority over" the United States.[48] The power of the Soviets accomplishment signaled that communism had surpassed the abilities of capitalism and subverted the United international prestige.[49] As Mao Zedong, leader of the Communist Peoples Republic of China, surmised to the Soviet Ambassador, Pavel Yudin, on 11 October 1957, *Sputnik-1* tilted "the balance of power in the international arena…solidly… in our [Sino-Soviet-blocs] favor."[50]

The political response to the Soviet's launch was swift, as an issue of *Nations Business* described: "*Sputnik* [turned] out to be a rallying cry" in Washington.[51] After *Sputnik*, on 25 November 1957, the United States Cabinet and Senate held a hearing to review America's defence and rocketry programs. Leading the hearings, Johnson decreed that the Soviets technological feat represented a dire threat to America's prestige and national security. As he declared, "Russia…with the launching of *Sputnik-*1" challenged "[American] supremacy in technology," and the launch presented an "even greater challenge than Pearl Harbour."[52]

The USSR's propulsion into the cosmos also undermined the United States' nuclear umbrella.

Since the R-7 rocket was the first Intercontinental Ballistic Missile (ICBM) capable of launching powerful nuclear weaponry to American targets.[53] As early as 22 March 1952, in an article published in *Collier's* magazine, Braun stated a rocket in space could "launch small missiles with atomic warheads…that [would] be the most important…strategic advantage in military history."[54] After *Sputnik* Johnson articulated the new menace to the United States' national security Braun conceived, as he stated: "before long the Russians will be dropping bombs on us from space."[55] The C.I.A summarized the magnitude of the new Soviet threat. As the CIA reported on 17 October 1957, the United States was "in a period of grave national emergency."[56]

A *National Security Council Policy Report on Outer Space* issued on 20 June 1958, stressed the power of the Soviet's propulsion into space against the United States national security, and international prestige. The report warned "if the USSR maintain[ed] its present superiority…in outer space," it would "undermine the prestige… [threaten] U.S security" and "pose a direct military threat… [to] the United States."[57] The *Committee on Astronautics and Space*

Exploration further added in 1958 "the establishment of a national space program...[was] a matter of the highest urgency...for...our…national defense."[58]Overall, the power of technological achievements in space that the Soviet bloc opened in the Cold War was surmised by Johnson, as he decreed in 1958: "control of space means control of the world." [59]

CONTROLLING SPACE

Eisenhower initially dismissed the Soviet feat, as, after the launch, he stated that the USSR merely "put one small ball in the air."[60] However, due to the immense political pressure, the Republican administration was forced to respond to the Soviet's launch. [61] Hence, to combat the Soviet's technological venture into space, Eisenhower signed the *National Aeronautics and Space Act* in July 1958, which officially established the National Aeronautics and Space Administration (NASA). The act demanded NASA's function was "for …[the] security of the United States" to ensure the "United States as a leader in space technology."[62] NASA became a university-industrial-military-government-complex to achieve technological domination over the Soviets in space.[63]Walter T. Bonney, NASA's first public information chief, described from the inception of the agency the plan was to make NASA an instrument of U.S. foreign policy to surpass the Soviet's "challenge."[64] Immediately, NASA received funding from the Army and Air Force. [65] To propel NASA's strength against the Soviet Union's rocketry power Eisenhower increased the agency's budget from 176.1 million in 1959 to 744 million by 1961[66] Already by December 1959, NASA had a *Long-Range Plan* to eclipse the Soviet's technological abilities in space; the plan included: "manned flight to the moon."[67]

The threat of the Soviet's potential nuclear abilities also galvanized the Eisenhower administration to increase the United States' nuclear arsenal to secure the United States security. After *Sputnik-1*, Eisenhower approved the *Minuteman* program in February 1958 to develop a second generation of ICBMs.[68] NASA granted the capacity to extend the United States nuclear armory, as a memorandum from the Chairman of the Ballistic Missile panel to James R. Kilian, Eisenhower's chief scientific advisor, stated on 13 February 1958 "for space exploration," the United States should utilize "rockets developed as ballistic missiles." [69]The first five NASA rockets, Redstone, Jupiter-C, Atlas, Titan, and Thor were dually developed for military usage as ICBMs. [70]In 1956 America possessed 3,692 nuclear warheads, post-*Sputnik*; through Eisenhower's immense armament, America retained 22, 229 by 1961.[71]

Moreover, the Republican administration also sought the peaceful utilization of space to counteract the Soviet's strategic striking propersnity.[72]On 10 December 1957, Eisenhower issued a letter to the Soviet Minister of Defense, Nikolai A. Bulganin, stating "outer space should be used for peaceful purposes," and connected the offer to nuclear détente.[73] The Soviets denied the proposal, as they were unwilling to cede to a concession in an arena they dominated. [74] As space law expert, Ye. Korovin, attested in 1959, the "ballistic missile is an improved weapon…this is the U.S problem in outer space," and that "Eisenhower's proposal correspond[ed] to the security interests *solely* of the United States." [75] American policy in outer space was designed to achieve peace, retain massive retaliation, and achieve technological supremacy. Since, Eisenhower stated as early as 1947 the United States must always maintain a position "to sustain our strength," yet, a 1958 report, *Introduction to Outer Space Policy*, stipulated a crucial motive for the United States: "to be sure space is not used to endanger our security."[76]

However, Eisenhower emphatically rejected the costs of a lunar landing initiative. Since, when an *Ad-Hoc Committee-on -Man in Space-* stated that the mission would cost 26-38 billion dollars, Eisenhower retorted that he "was not about to Hock-his Jewels" for the program.[77] Nevertheless, upon Eisenhower's departure from office, opinion polls in Western Europe still attested to the power of the Soviet Union's 'firsts' in space. In 1959 the Soviet Union was deemed superior in military strength by 59-15 percent in Britain.[78] USIA director George V. Allen, in 1960, testified to the House of Science and Astronautics Committee that *Sputnik* cost the United States "a great loss of prestige…that we can't afford."[79] Yet, in the 1960s, a Democratic candidate took over the office of Presidency and propelled a mission designed to eclipse the Soviet's technological superiority in space to rectify the United States' prestige and security.

THE MISSILE-SPACE GAP

In early November 1957, as a Senator John F. Kennedy proclaimed, the United States "was losing the satellite-missile race with the Soviet Union."[80] On his campaign for the Presidency, the Democratic candidate connected the perceived missile gap and space gap and utilized the term 'missile-space-problem' to win the election. As Kennedy's platform charged that "[Americas] military position …[was] measured in terms of gaps-missile [and] space gaps."[81] Kennedy's advisors also stated in a *Position Paper on Space Research* on 31 August 1960 that Eisenhower's' administration "[failed] to recognize the psychological competition," involved in space, with the Soviets capitalizing on "spectacular feats of technology," to subvert the United States prestige.[82] Thus, during his campaign, Kennedy insisted that the United States needed to rectify its 'missile-space-gap' to defeat the Soviet Union in space. As Kennedy

decreed in an issue of *Missiles and Rockets* on 3 October 1960: "we are in a strategic space race with the Russians, and we are losing, if the Soviets can control space, they can control Earth …to ensure peace and freedom, we must be first."[83]

After Kennedy won the nomination for Democratic candidate on 15 July 1960, he decreed America "[was] on the edge of a new Frontier:" space.[84] Kennedy declared the United States "[would] press forward with our national space program," along this new frontier to rectify "[America's] national security and…international prestige."[85] In early 1961, a report drafted by Kennedy's top advisors entitled *New Frontiers: Space* summarized a "principal motivation…for an effective space program: Prestige."[86] Since the report calculated, "the prestige of the United States [would]…be determined by the leadership demonstrated in space," thus, the report charged the United States "*must* consider man in space" to conquer "the Soviet thrust into space."[87] A thrust that the report affirmed threanted "[America's] military security and...[the United States] position of leadership in the world."[88] On 10 January 1961, an *Ad-Hoc-Committee on Space*, concluded the first two principal objectives of the American space program: " national prestige, [and], national security."[89] However, on 12 April 1961, the U.S.S.R strengthened its lead in space, as the Soviet Union launched and returned, with a modified R-7 rocket, the first human into space: Yuri Gagarin.[90]

The Gagarin flight provided another Soviet 'first' that abridged Americas' technical superiority and tilted the balance of power further East.[91] As a Report entitled *Initial World Reaction to the Soviet Man in Space*, issued to the White House, on 21 April 1961, decreed the Gagarin flight was a "tremendous technical achievement and…consolidated the Soviet lead in space [and] would have many repercussions in the Cold War."[92] The report added the Soviets

propagandized the Gagarin flight as a product of a "socialist system" and that the Soviet Premier Nikita Khrushchev concluded it conferred to the Soviets a "colossal superiority ..in defense."[93] A NASA flight director, Gene Kranz, condensed the report's conclusions: "the Russians beat us again." [94] Egyptian President, Gamal Abdel Nassar, described the erosion of the United States prestige from the flight as he asserted "it [turned] upside-down… many political and military trends." [95]

A WARTIME FOOTING

In response to the global power of the Soviet technological achievements in space Kennedy on 20 April 1961, sent an *Urgent memorandum* to the Vice President. The memorandum demanded a definite objective in space to achieve technological superiority to "have a chance of beating the Soviets." [96] The memorandum inquired: "is there any space program which would promise dramatic results [in space] in which we could *win*," and if "a rocket going to the moon and back with a man" would enable the United States to realize supremacy over the communist bloc.[97]

On, 8 May 1961, Johnson issued a report drafted by James Webb, Kennedy's selection as NASA's administrator, and Robert McNamara, American Secretary of Defense, that answered Kennedy's memorandum. The *Webb-McNamara* report stated the United States "needed to pursue space projects aim[ed] at enhancing national prestige…in the international competition between the Soviet system."[98] Hence, the report demanded the United States needed to pursue the "goal of landing man on the moon."[99] Since the report summarized: "dramatic achievements in space…symbolize the technological power…of a nation...[add] national prestige" and are a "part of the battle along the fluid front of the Cold War." [100]

NASA concurred with the *Webb-McNamara*

report. Chief NASA engineer: Braun, had already stated in a memorandum to Johnson on 30 April 1961, landing a "crew on the moon" provided "an excellent chance of beating the Soviets." [101] A goal he attested "with an all-out crash program.. [the United States] …could accomplish [by] 1967/1968."[102] Braun defined the objective as integral for the United States national security as he decreed, "in the space race we are competing with [an] opponent…on a wartime footing."[103] Hence, Braun attested to eclipse the Soviets, the United States needed to undertake "measures which…have only been considered acceptable… in times of a national emergency." [104]

Kennedy vigorously followed the directions from NASA and Washington's core advisors. On 25 May 1961, in front of Congress, he issued a speech on America's 'Urgent National Needs.' In his speech, he declared the United States' objective in space was "landing a man on the moon … before this decade is out," a goal he demanded was necessary to "win the battle… between freedom and tyranny. [105]On 11 April 1962, Kennedy assigned *DX- priority*, the highest national priority, to the lunar landing project-codename-*Apollo*.[106] Since, in a meeting on 19 November 1961 with James Webb, Kennedy described that *Apollo* was a "top priority of the United States Government… important for … international political reasons." [107]As Kennedy described, the "[United States] was in ..a race" against Soviets in space and "we hoped to beat them," and Apollo would demonstrate "we passed them."[108]After Kennedy's speech, he increased NASA's budget by 89 percent. In 1962 he approved a 101 percent increase, three-fourths to *Apollo*, to mobilize the American mission to land an American on the moon to amend America's technological might against the Soviets spectacular triumphs in space.[109]

Kennedy also sought two other goals in space to reset the United States' prestige and security: detente and cooperation. In a State of the Union

Message on 29 January 1961, Kennedy stated the United States desired to "explore all areas of cooperation with the Soviet Union" in space.[110] However, Khrushchev responded in 1961 that cooperation was "impossible …without reaching agreements on disarmament" since, "the exploration of space is inseparable from the use of ICBMS." [111] Despite the Soviet leader's refusal, Kennedy's offer merely manifested as a diplomatic instrument in the United States' aspirations for prestige. As Kennedy noted in a letter to Albert Thomas, the chair of the House Appropriations Subcommittee responsible for NASA, on 23 September 1963 that the United States' "readiness to cooperate" were "mutually supporting elements of a single policy."[112] Since, cooperation restricted the potential of a new Soviet 'first' to halt what the NASA Space Council reported in 1961 as the Soviets "obtaining propaganda value on their space activities" and "building a world image of military strength and technical competence."[113]

The potential for cooperation also operated to ensure America's security, as the Soviet Union still had a potential qualitative advantage in nuclear abilities. Thus,

the United States sought a barricade in the nuclearization of space.[114]

As American Deputy of Defense, Roswell Gilpatric explained on 5 September 1962: "arms race in space will not contribute to our security," and that the United States was "seeking in every feasible way to achieve that purpose."[115] However, he still demanded that the United States "[would] will take steps…necessary to defend ourselves…if the Soviet Union forces us to do so."[116]

Thus, while no agreements on disarmament or cooperation manifested, Kennedy continued to increase the United States atomic weaponry capabilities to fasten the United States nuclear umbrella.[117]Since the 1961 *Space Frontier* report added a paramount goal for the United States to defend their national security in space, "the need to develop ballistic missiles … to…secure missile deterrent force." [118] Hence, Kennedy raced to obtain ICBM superiority.[119] Under Kennedy, the United States nuclear stockpile increased from 22, 229 in 1961 to 28, 133 by 1963, Kennedy, sparked by the Soviets launch of *Sputnik-1*, produced 750,000 times the destructive force of Hiroshima.[120]

Ultimately, the American position on the space race during the Kennedy administration was surmised in a letter Albert Thomas sent to the White House on 23 September 1963. As the letter noted, if cooperation was possible, then "[the United States] means to corporate."[121] However, "if cooperation [was] not possible," which Thomas attested in the Cold War was the reality: "as a realist we must plan for this contingency;" thus, Washington, in their ambition to defeat the communist regime, would undertake the "same strong national effort…in space to protect us… against hazards to our *national security*." [122]

The primary American objective remained to realize technological superiority over the Soviet Union through *Apollo*. Since in a press conference on 17 July 1963 Kennedy described the Soviets were still critically ahead in space; as he stated, "their capacity is substantial…they are carrying on a major campaign and diverting greatly needed resources on their space effort."[123] Hence, Kennedy demanded, the United States would not "divert from our effort in an area where the Soviet Union has a lead…in an area [that] could affect our national security."[124] Kennedy summarized the American objective in space as "the capacity to *Dominate* Space," which was crucial for American prestige, as he stated domination of space was "essential to the United States as a leading free world power."[125] Moreover, Kennedy asserted the capacity to

dominate space was a goal project *Apollo* actualized, as he stated the domination of space "would be demonstrated by a manned moon flight."[126]Therefore, on November 20 1963 the President declared the United States' "*conquest* of space must and will go ahead."[127]

The communist Empire's might in space necessitated America's conquest of space.

Since Webb decreed on 24 January 1963, the United States was still in a "total technological contest with the Soviet Union."[128]

After Kennedy's assassination, his Vice President, Lyndon B. Johnson, took helm of the office of the Presidency, and the technological domination of space remained pivotal to neutralize the threat of communism. In October 1964 Johnson decreed the United States "fights communism by maintain[ing] superiority in every field in technology and, "[that] applies to the exploration of space."[129]On December 8 1964, a memorandum sent to the Secretary of State Dean Rusk decreed that the United States still "[had] not recovered from the blow to our prestige by *Sputniks* and orbiting manned space-vehicle."[130] Hence, the United States continued its space efforts to amend its prestige.

The *Apollo* program remained integral for the United States to dominate space for America's prestige and national security against the Soviets. After the launch of a Ranger VII rocket in July 1964, designed for the initial phase of the lunar landing mission, Johnson stated the United States "was now on the right course" to achieve "ultimate supremacy" in space.[131] On 26 April 1965 the Department of State decreed in a letter to Johnson that the "paramount concern" for the United States in space "[was] the…completion of programs …we…publicly committed:" *Apollo*, to

ensure "our national security and our international posture."[132]Therefore, the President followed Kennedy's goal to surpass the communist thrust into space for security and prestige.

To further fasten America's national security, Johnson realized a goal both his predecessors sought: détente. On 27 January 1967, Johnson signed the *United Nations Treaty on Outer Space*, which officially denuclearized outer space.[133]On 7 March 1967 during the congressional hearing over the treaty, the United States Ambassador to the United Nations, Arthur J. Goldberg, decreed the treaty secured "the vital interests of the Unites States…national security."[134] Hence,

under Johnson, America rectified its nuclear umbrella in space.

While Johnson continued the nuclear armament on Earth and the American nuclear stockpile reached a crescendo at 31, 255 in 1967.[135]

However, while the treaty upheld the credibility of the United States' nuclear umbrella, the United States added a crucial stipulation. United States Senator, Frank Lausche, demanded: "outer space including the moon…shall be free for use" a condition he proclaimed "was very important to [the United States] as a *leading* space power."[136] Thus, the treaty attested the United States desired to ensure space remained an open domain to exhibit the United States superiority against the Soviets.

On 7 November 1967 NASA launched the first Saturn-V Rocket, a rocket with a lift capacity of 7.5 million pounds, the most powerful rocket developed by NASA, designed by Braun for *Apollo*.[137]

After the launch Johnson issued a letter to congress on 30 January 1968 that decreed the power of the technological achievement had "strengthened both the security of this nation and our leadership in the… world," and furthered the United States quest to "conquer ... space."[138] However, aerial reconnaissance photos testified the Soviets were heavily investing into a lunar program.[139] In summer of 1968, James Webb attested that

> **"there are no signs that the Soviets are cutting back... a number of spaceflight systems...are nearing completion."** [140]

Therefore, on 29 January 1968 Johnson demanded: "[the United States] will assume *Apollo* space tests, and proceed toward the lunar land mission…to meet our most *Urgent National needs.*"[141]

CULMINATION OF THE SOVIET CHALLENGE

The Soviet Union's challenge to American technological superiority, international prestige and national security, which originated through their thrust into space in 1957, culminated on 20 July 1969. In what Deputy Administers of NASA, Hugh Dryden, deemed technologically, "most complex development ever undertaken:" the landing of the first human on the moon, a development that cost 25.4 billion dollars.[142] A feat that Johnson surmised in January 1968 was

> **designed "to...attain a leading position...in space technology."** [143]

Neil Armstrong added, the United States mobilized to achieve technological superiority against the communist bloc, as he stated after landing on the moon:

> **"the United States believed that technological leadership was the key to demonstrating ideological superiority."** [144]

Moreover, Braun, in 1971, echoed Eisenhower's rhetoric from 1958 that the United States was in a "technological war" against the Soviets," and that Kennedy had "committed this nation to reach the moon," to win that 'war.'[145] While after the moon landing, the United States boasted their prestige, that centered on their technological power from 1945, eroded through the Soviets 'first' had been amended. As Senior State Department Officer, U. Alexis Johnson abridged: "Apollo 11 …did more to bolster prestige abroad than any single event since the termination of the Pacific War in 1945."[146]

The Soviet's technological achievements in space drove the United States to organize under Eisenhower to establish NASA, and through the Kennedy administration to construct the goal of landing a man on the moon. Under the Johnson administration, that goal was ensured to achieve technological supremacy in the upper regions of Earth's atmosphere to restore the United States national security and international prestige. Moreover, the Soviets 'firsts' galvanized the United States' to expand their nuclear arsenal on earth, seek peace in space, and détente, or to cooperate; nevertheless, all efforts manifested in the total Cold War contest for international prestige and national security. Ultimately, Apollo was propelled through the United States anti-

communist political ideology, in which the Soviets technological achievements in the cosmos represented a dire threat to the United States technological superiority, global prestige, and national security.

After the Apollo Program, and after Cold War tensions thawed, as too did the United States desire to drive into space for national prestige. In the mid 1960s' NASA earned a total of 0.7 percent of GDP, in the next forty years that share fell to 0.1 percent. [147] As Buzz Aldrin later asserted "after the Apollo lunar mission, America lost its love of space, there was no concentrated follow-up and we didn't have any clear objectives."[148] Through to the 1990's the USSR in fact eclipsed the Americans in space launches, and the Cold War propulsion to the cosmos fuelled the militarization of space. From 1957-1989 3, 196 satellites and space vehicles were launched, 2, 147 were Soviet's and 773 were America, while 60 percent were military vehicles and a third were 'spy satellites.' Yet, as the screen writer for Stanley Kubrick's 2001 A Space Odyssey, Arthur C. Clark, would reflect in the 1990s', "the political accident of the Cold War is what really powered our drive into space. If it had been a peaceful world, we might not even have the airplane, let alone [have] landed on the moon." [149]

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Watertight Compartments: Analyzing Health Care Promises in the 2021 Federal Election

Written by Cynthia Huo

Abstract

A key feature of the Canadian federation is the tension between federal resources and provincial responsibilities. This essay explores this tension within the context of the 2021 Canadian federal election, through an analysis of the extent to which health care promises made by the major political parties required actions beyond the federal government's jurisdiction. The findings indicate that while the fulfillment of most promises would require provincial and territorial consent, the federal government is able to encroach into areas of provincial jurisdiction through its significant fiscal capacity.

Keywords: Canadian Politics, Elections, Federalism, Health Care

INTRODUCTION

The Canadian federation is one of the most decentralized in the world.[1] According to the principles of federalism in Canada, the *Constitution Act,* 1867 divides power between the national and subnational governments such that the provinces and territories (PT)[2] have significant law-making and fiscal autonomy.[3] While each level of government is separate from the other and independent within their jurisdictional spheres, coordination between them is an essential component of the Canadian federal state, particularly in policy areas where both the federal and PT governments have constitutional responsibility.[4] This paper focuses on one such area – health care – and analyzes how the federal government has become increasingly involved in an area under PT jurisdiction through its significant fiscal capacity.[5] The resulting tension between federal resources and provincial responsibilities has become a powerful centralizing force [6] and was evident in the 2021 Canadian federal election. This paper explores this tension through an analysis of the extent to which the five major federal political parties – the Liberal Party, Conservative Party, NDP, Green Party, and People's Party – made election pledges requiring actions beyond the federal government's jurisdiction. An examination of each party's election platforms finds that all of the parties except for the People's Party made health care promises that would require provincial and territorial consent; however, the federal government's spending power offers federal political parties the ability to override this barrier and allow them to unilaterally fulfill their promises. This essay begins by describing the constitutional context of health care and then moves into an analysis of the election platforms of each party, with a focus on policies in the areas of long-term care, mental health care, and

pharmacare. The federal implications of each election promise are evaluated and the potential for federal fiscal initiatives to provide an opening for each party into provincial fields of jurisdiction is discussed, concluding with a discussion of key findings and the implications of federal party promises in provincial areas of constitutional responsibility.

CONTITUTIONAL CONTEXT AND THE CANADA HEALTH ACT

The Constitution distributes legislative authority between federal Parliament and the provincial legislatures and specifies the responsibilities of each government.[7] Health care is commonly perceived to be under the exclusive jurisdiction of the provincial governments;[8] however, its true nature is ambiguous, as the constitution does not specifically assign the authority to make laws in the area of health.[9] For example, the federal government is responsible for providing and/or subsidizing services to First Nations and Inuit communities, the Armed Forces, veterans, federal inmates, and eligible refugees.[10] They also have jurisdiction over regulating pharmaceuticals, promoting public health, and health research[11] and have wide-ranging powers in emergencies and national crises.[12] Meanwhile, provinces have constitutional authority over hospitals, educating and training health professionals,[13] regulating the health profession,[14] and matters of a local nature.[15] In response to this ambiguity, precedent set by the Supreme Court of Canada has established that provinces have formal jurisdiction in health policy [16] and the delivery of health care services.[17] The federal government is not permitted to impose policies on how provinces organize and deliver health services;[18] however, they play an important role in indirectly influencing health care through their use of the federal spending power [19] and the principles outlined in the *Canada*

Health Act (CHA).[20]

The CHA is a federal statute that sets out the conditions for federal health care funding to the PT governments. Each government's plan must be publicly administered, comprehensive, universal, portable, and accessible [21] in order to receive money from the federal government in the form of the *Canada Health Transfer* (CHT). In 2021-2022, the CHT is valued at $43.1 billion dollars, making it the largest federal transfer and more than half of all transfers to PT governments.[22] The CHA can thus be seen as an exercise of collaborative federalism, where both the PT and federal governments work together to ensure the sustainability of the Canadian health care system.[23]

Collaborative federalism is rooted in the expansion of the welfare state

that began with the end of the Great Depression: with the introduction of new social programs in areas such as health care, it became clear that PT governments' fiscal capacity alone would be unable to adequately fund these reforms.[24] The result was that the classic dualist conception of federalism, where federal and provincial roles were clearly defined and any incursion into the other government's jurisdiction was strongly opposed, was no longer viable.[25] It was recognized that the federal government's significant spending power gave it an important role to play in implementing social policies, since the constitution places limits on the revenue-raising powers of provinces [26] but none on the federal government, which has the ability to raise money "by any mode or system of taxation."[27] While provinces and territories retained primary responsibility in developing health care policies, the federal government took on a major role in financing health and social services [28] with the goal

of ensuring the maintenance of quality public health care across provincial and territorial borders.[29] As described by Tom Kent, former deputy minister and senior policy advisor to Lester B. Pearson, the objective of federal health care policy was to "make sure that people could get care when it was needed without regard to other considerations." [30] This notion of collective action through an equal partnership between the two levels of government formed the basis of multiple pieces of federal and provincial legislation in the next few decades,[31] all of which eventually led to Parliament's unanimous passing of the CHA in 1984.[32]

An analysis of the Act in practice, however, reveals that the appearance of cooperation is hindered by the reality that the parties to the CHA do not act on a level playing field. [33] The significant fiscal imbalance in favour of Parliament allows the federal government to use its spending power as a policy tool, as it has the ability to spend its funds on any government or institution with any conditions, including those it cannot directly legislate on or regulate.[34] The result is that although in theory provinces have primary jurisdiction over health care, in practice the federal government's significant financial resources allows it to exercise influence in policies without any formal constitutional changes. It does this by making funding conditional upon the compliance of PT governments with the principles of the CHA,[35] which were developed unilaterally by the federal government without any consultation with the provinces or territories.[36] While there is no legal obligation on the part of PT governments to comply with the CHA's principles, the federal spending power has created a de facto enforcement mechanism because PT governments require federal funding in order to maintain their health care services: health care constitutes the largest expenditure for provinces and territories [37]

and has been their fastest-growing expenditure since the 1950s.[38] Alain Noël therefore argues that the CHA should be thought of more as "hegemonic cooperation"[39] rather than an example of collaborative federalism, because the federal government is dominant over the PT governments and uses the CHT to shape provincial conduct. The image of intergovernmental cooperation is further hindered by the lack of trust that has historically been shown between the two governments, as is the case with Quebec and, increasingly, Western Canada.[40] This potential for the federal government to use its fiscal influence to intrude in provincial health jurisdiction was on full display during the 2021 federal election.

FEDERALISM AND POLICY PROMISES IN THE 2021 FEDERAL ELECTION

The 2021 Canadian federal election was called on August 15, 2021 to elect members of the House of Commons to the 44th Parliament.[41] During the 36-day campaign period leading to election day on September 20, 2021, each party put forth pledges in numerous policy areas, with health care being among the top election issues.[42] This section of the essay analyzes the health care promises of the five major federal political parties, with an emphasis on policies concerning long-term care, mental health care, and pharmacare.

The Liberal Party sees the role of the federal government as being "defenders" of the CHA;[43] accordingly, their election platform included promises that demonstrate a commitment to upholding national standards in key areas of health care.[44] Among their promises was a reaffirmation from the 2020 Throne Speech of their goal to set national standards in long-term care (LTC) homes.[45] They would do this through the *Safe Long-Term Care Act,* which they

promised to develop "collaboratively"[46] with provinces and territories because they recognize that the management of LTC falls under provincial jurisdiction.[47] Nine billion dollars in funding over five years was also promised, to be split between increasing wages for personal support workers, training new employees, and improving the infrastructure in and availability of LTC homes.[48] The implementation of this promise as policy would require the cooperation of the PT governments in developing the standards that LTC homes would be required to abide by. This would be difficult, as during the election campaign provincial and territorial premiers voiced concerns that the creation of national standards would encroach upon provincial legislative authority over the delivery of health care services. Jason Kenney, the premier of Alberta, called it a "full-frontal attack" on Canadian federalism and provincial jurisdiction[49] and François Legault, premier of Quebec, singled out LTC homes as an area where, rather than standards, "the provinces simply need more resources."[50] The call by premiers for increased health care funding not tied to conditions was prevalent throughout the election campaign, with implications for the ability of parties to fulfill their promises if elected.

In the realm of mental health care, the Liberals promised to establish a new federal transfer to the provinces and territories, aptly titled the *Canada Mental Health Transfer.*[51] At a starting cost of $4.5 billion over five years, the funding would be based on CHA principles, with the goal of establishing mental health care standards across all of the provinces and territories as the CHA did with primary care.[52] While the conditions on this funding could be seen as impinging on provincial jurisdiction, it is within the federal government's constitutional authority to impose them because there is no legal obligation on the part of provinces and territories to comply.[53] Justin

Trudeau, leader of the Liberal Party, defended the "strings attached" to this new transfer, saying that it was necessary in order to ensure that the money would deliver results.[54] This is a clear example of the federal government proposing policies that would allow them to exercise their spending power as a policy tool, which would likely be met with significant criticism by PT governments.

The focus of the Conservative Party in their health care promises was to offer provinces more money rather than direction[55] and characterized their approach as a "federalism of partnership."[56] Their approach was a stark contrast to the Liberal Party and echoes the principles of collaborative federalism seen in the health care agreements that preceded the CHA. They emphasized a respect for provincial jurisdiction throughout the election campaign[57] and promised to "work closely with all provinces on federal transfers for everything from health, … to the wellbeing of our country."[58] The most significant health care promise made by the Conservatives was to increase the annual growth rate of the CHT to at least 6% per year by signing a new health agreement with the provinces and territories.[59] This would result in a $60 billion increase in health care funding over the next ten years[60] and would increase the CHT by an additional $13 billion per year by 2030-2031.[61] It was emphasized by the party that this boost in health transfers would be "stable, predictable, and without conditions,"[62] indicative of their overall cooperative approach to dealing with the provinces and territories. In a press conference, Erin O'Toole, leader of the Conservative Party, highlighted that the absence of "Ottawa-knows-best"[63] conditions tied to the funding was a sign of respect to the provinces and territories.

During the campaign, premiers were quite receptive to the proposed increase to the CHT annual growth rate: for example, Legault "praised"[64] the pledge and expressed his approval for the fact that the increases would be unconditional.[65] The approval of the other premiers can be inferred from the 2019 meetings of the Council of the Federation, a congress of premiers of the PT governments: in their Letters to the Prime Minister, they called on the Liberal government to increase the CHT by 5.2% annually,[66] a request that the Conservatives would fulfill with their promise – and then exceed – by at least 0.8% per year. It is important to note that the Conservative Party, if elected, would not be constitutionally required to sign a new health agreement with the provinces and territories in order to increase the annual growth rate of the CHT. The amount of health care funding can be changed at any time by the federal government, as was done in December 2011 by the Conservative government when they unilaterally imposed a new formula for the CHT onto the PT governments that decreased its annual growth rate from 6% to at least 3%.[67] Thus, their commitment to obtain consent and support from PT governments clearly demonstrates their collaborative approach to federal-PT relations.

Mental health was one of the five pillars of the Conservative campaign, with their main promise being to establish a Canada Mental Health Action Plan if elected.[68] The plan would "propose"[69] to the provinces that they dedicate a "significant portion"[70] of the funding they receive through the CHT to the delivery of mental health services. This promise is complementary to their core health care pledge to increase the CHT annual growth rate; rather than creating a new transfer, as the Liberal Party promised to, the Conservative Party's plan was to simply ask that the PT governments use part of their increased health transfers towards funding their mental health care plans. The implementation of this promise would thus be entirely dependent on the cooperation of PT governments, as the party repeatedly emphasized that the increased funding they were providing would come with no conditions attached.

The NDP believes that the federal government has a "critical role"[71] in enforcing the CHA and, unlike the Liberal and Conservative parties, pledged to expand the scope of the public health care system in the 2021 election.[72] Their campaign focused on advocating for their national pharmacare program, into which they pledged a ten billion dollar annual investment.[73] The plan would require working "with the provinces to make prescription drugs free" and would also have the provinces "leverage their collective negotiating power and haggle for lower prices."[74]Their election promises are comparable to Bill C-213, the *Canada Pharmacare Act* (CPA), a private member's bill brought forward by NDP MP Peter Julian that was defeated at second reading in the House of Commons in February 2021.[75] The CPA would enact national pharmacare by establishing criteria and conditions that must be met before federal funding would be given to PT governments for their public drug insurance plans, with the criteria for payment being the same five principles outlined in the CHA.[76]During the bill's first reading, Julian described it as setting the legal framework to "negotiate the financial agreements with the provinces that [would] bring into being pharmacare into our country."[77]The successful implementation of this plan is heavily contingent on support of the PT governments, as the standards proposed go further than just ensuring access to care, meaning that the federal government would not be able to unilaterally place conditions on funding for pharmacare as they currently do for primary care under the CHA. However, support from premiers would be difficult to obtain, as PT governments have historically been resistant to attempts to create a national pharmacare program. For example, after the Liberal Party won the 2019 federal election on such a promise, the premiers said in a joint statement through the Council of the Federation that no province would be interested in talking about a proposed federal program "until Ottawa properly funds existing health-care commitments"[78] and maintained that any pharmacare program must allow provinces and territories to opt out.[79] In response to the 2020 Throne Speech, which again promised a national pharmacare program, Premier of Ontario Doug Ford described it as unconstitutional federal overstep into provincial jurisdiction, calling for an increase in health care transfers in lieu of having the federal government "meddling in [provincial and territorial] health care systems."[80]

The NDP would also include in their pharmacare plan free access to prescriptions relating to mental health[81] and also promised to bring in mental health care for uninsured Canadians.[82]They did not provide much detail as to how they would implement this commitment; however, since mental health is currently organized and delivered by PT governments through the CHA, any federal action to extend this care to those currently uninsured would undoubtedly require coordination with PT governments, who would most likely oppose the plan as they have with pharmacare overall as improper federal influence in provincial legislative authority.

In the area of long-term care, the NDP would work "collaboratively"[83] with relevant stakeholders, including the PT governments, to develop national care standards for LTC such that it would be regulated by CHA principles.[84] This promise is comparable to that of the Liberal Party: while the wording of the promise means that its fulfillment would require the consent of the provinces and territories, it would also be possible for an NDP government to use its spending power to provide LTC funding conditional on the PT governments complying with unilaterally-imposed national standards.[85] Overall, the position of the NDP was that the federal government should take advantage of its spending powers as a means to an end of reaching

their health care objectives, an approach to federal-provincial relations emulated by the Green Party.

The Green Party attributes great significance to the role of the federal government in enabling the provinces and territories to deliver on the mandate of providing universal primary health care to all Canadians.[86] This strong view of the federal government's role in health care manifests itself in the party's health care election promises. The largest health policy they promised was to expand the CHA to include LTC, pharmacare, and enhanced mental health services.[87] In practice, this means that federal funding for the delivery of these three areas of health care by PT governments would be subject to CHA conditions, the same way that other primary health care services currently are. As the CHA is a federal statute, it can be amended at any time by Parliament and would not require consulting with any of the PT governments. For instance, the Harper government unilaterally decided to amend the CHA in 2012 to remove the RCMP as a group excluded from being "insured persons" under the CHA.[88]

Similar to the Liberals and the NDP, the Green Party would also create national standards for LTC,[89] but would enforce them through "accountabilities and penalties, including criminal prosecution."[90] This would be a more aggressive approach to maintaining standards of care than is the case under the 5 principles of the CHA: the federal government currently does not heavily enforce compliance[91] and if they do find a province or territory to be in non-compliance with the Act, the only penalty imposed is a deduction in transfer payments.[92] The Greens would also change the formula used to calculate the CHT, from being determined by GDP growth to being based on "demographics and real health care needs in each province."[93] Implementing this process would be similar to the Conservative's

proposed changes to the growth rate of the CHT; the difference would be that while both parties would have the constitutional authority to unilaterally implement their changes, only the Greens would increase the transfer without first negotiating with and seeking approval from PT governments.

In the area of mental health, the Green Party would negotiate a new *Canada Health Accord* to "prioritize the expansion of mental health and rehabilitation services"[94] and to call for mental health services to be seen as "medically necessary."[95] The term "medically necessary" is used to describe the types of services that PT governments must provide under the CHA's universality principle.[96]

> ## The decision as to which services count as being "medically necessary" is entirely up to the provinces and territories;[97]

therefore, the Green Party would have to obtain the agreement of the PT governments in order for mental health care to be included in the list of services that are offered through each of their systems. The proposed new Health Accord would be the fourth agreement concerning the amount of health care funding that the federal government transfers to the PT governments:[98] the previous three were negotiated between and signed by the federal, provincial, and territorial governments in 2000, 2003, and 2004, respectively. Negotiations for a new Accord would therefore require the participation and support of the provinces and territories. While an increase in funding would be widely celebrated by the premiers, much less can be said about their receptiveness to national standards impacting how they would be permitted

to use that money.[99] The approach of the Green Party in prioritizing federal resources over provincial responsibilities presents a stark contrast to the position of the People's Party.

The People's Party sees the Constitution as granting complete jurisdiction over health care to the provinces and views all federal interference as illegitimate and unconstitutional. Their singular health policy promise in the 2021 federal election was to discontinue the CHT, while also stopping collection of the Goods and Services Tax (GST): the idea was to stop federal transfers to PT governments through health care funding while also ending PT transfers to the federal government through tax revenues.[100] In effect, they would convert the entirety of the federal health transfer into tax points, thus rendering the CHA unenforceable. Such a promise, if implemented, could not be reversed by subsequent governments, since tax points cannot be taken back.[101] The party would temporarily compensate provinces and territories that would be suffering a loss as a result of the policy; however, the eventual goal would be to have the PT governments assume full responsibility for the funding and management of health care services.[102] This promise could be unilaterally implemented by the federal government and would not require support from or consultation with any of the provinces or territories. This is because the federal government owns the money in the CHT, and they therefore have complete control in deciding how to spend it. For example, during the economic recession in the 1990s, the federal government unilaterally cut health transfers by more than a third.[103] The pledge to cut transfers entirely, while similar to promises made by the Liberals, NDP, and Green Party in that they could be fulfilled through unilateral action of the federal government, had a very different objective: rather than federal resources being a policy tool to allow for more federal influence in health care policy,

the goal of the People's Party was to remove the federal government completely from any interference in health care.

CONCLUSION

The fulfillment of campaign promises is at the heart of democratic governance.[104] Next to the issue of public confidence in the will of the government to act on election pledges is the question of whether they have the ability to do so: an analysis of health care promises made by the major federal political parties in the 2021 election finds that in many cases, they do not. The separation of powers in the Canadian federation is often misunderstood by the public,[105] which can be exploited by parties and their leaders in election campaigns by making promises in areas of provincial jurisdiction that they do not have the constitutional authority to implement alone. This threatens the foundation upon which the principles of Canadian federalism rest: the notion of shared sovereignty between the national and subnational governments, where each entity is fully sovereign within their sphere of power.[106]

The harmful effects of federal political parties pledging action in areas where PT governments have legislative authority is further compounded by the ability of the federal government's financial strength to bypass the constitutional division of powers in order to exercise significant control over policy areas under provincial jurisdiction.[107] In the 2021 election, the five major federal parties had different approaches in response to this tension between federal resources and provincial responsibility, that reflected their general belief in the appropriate role of the federal government in the health care arena. The Conservatives and the People's Party tended to support policies that would result in less federal interference, such as providing unconditional funding[108] to the provinces and territories or removing the federal fiscal influence altogether.[109]

Their approach was based on the belief that the federal government should not use its fiscal capacity as a policy tool to influence provincial policies. On the other hand, the Liberal Party, NDP, and Green Party made campaign promises that would allow the federal government to exercise indirect influence over PT governments' actions in health care through conditional health transfers that would require provincial and territorial programs to meet national standards in order to receive federal funding.[110] It may seem as though the Constitution provides for a system of "watertight compartments"[111] where each sphere of government attends to its own jurisdiction; however, this is not the reality of Canadian politics. As provincial and territorial health care costs grow as a result of an aging national population and the continued effects of the COVID-19 pandemic, PT governments will become increasingly reliant on federal funding to fulfill their constitutional responsibilities.[112]Only time will tell us if this increasing federal-PT fiscal gap will lead to more water spilling.

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Apathy, Aversion, or Something More? Exploring the Decline of Youth Engagement in Formal Politics

Written by Meghan Beswick

Abstract

Over the past few decades, western liberal democracies have been experiencing a decline in youth participation within formal political activities, including voting, party membership, and campaigning. Current literature on the topic can be divided into two arguments, one claiming modern youth are apathetic and overly critical, and the other characterizing the broad and creative approaches to civic engagement made by youth. I argue the decline in formal political participation within western liberal democracies is the consequence of a series of social, economic, technological, and political changes that have left modern youth with different political objectives and capabilities than previous generations. Using the United Kingdom and Australia as cases for comparison, I conclude greater barriers to access formal participation opportunities, increased alignment of political goals and non-conventional forms of engagement, and a shift in conceptions of civic duty limits the opportunities youth have to access and engage with traditional political structures. The misrepresentation of youth as apathetic discourages the implementation of practices to create new engagement opportunities, threatening the democratic institutions that comprise society.

Key Words: Comparative, United Kingdom, Australia, Youth Participation, Political Engagemet

37

INTRODUCTION

As generations are increasingly identified by their access to information and ability to connect using technology, many researchers question how these capacities fail to translate into political involvement. Much discussion on youth political engagement in recent years has sought to explore why youth in North America and Western Europe are not participating in formal politics. Literature on the topic can be broadly divided into two arguments; one perspective portrays modern youth as more apathetic, skeptical, and critical of democratic processes and formal political efforts than their elders, while another praises youth for their commitment to overall civic engagement and creativity in modernizing political activism.[1] In this essay, I contend that political disengagement from adolescents is not a result of apathy or an increased inclination to pursue non-conventional avenues to bring about change, as previous research has indicated. Instead, the decline in formal political participation within western countries is the consequence of a series of social, economic, technological, and political changes that have left modern youth with different political objectives and capabilities than previous generations. Specifically, these changes are greater barriers to access formal participation opportunities, increased alignment of political goals and non-conventional forms of engagement, and a shift in concepts of civic duty. This thesis will further be developed and defended by exploring potential objections to the core arguments, as well as potential responses.

DEFINING POLITICAL PARTICIPATION

The sources relevant to this essay will be based on developing a comparison between Australia and the United Kingdom. While Australia is similar to the UK, its consideration provides a more effective foundation to argue the existence of larger patterns in western liberal democracies regardless of mechanisms designed to increase formal involvement, including compulsory voting. The comparison of these two countries will showcase similarities that indicate the existence of trends across western countries. For the purpose of this paper, formal politics will be defined as "activities related to traditional forms of participation such as voting, being a member of a party, and campaigning."[2] Non-conventional political activities will be defined as "interactive, peer-based [activities], not guided by traditional institutions like political parties or newspaper editors." Youth will refer to people between the ages of 16 and 26 to reflect the age range when adolescents are expected to start fulfilling civic duties.[3]

BARRIERS TO ACCESS

The increasing importance of socioeconomic factors in traditional forms of political participation act as a barrier to modern youth involvement. The portrayal of the decline in youth engagement in conventional forms of politics ignores the societal developments that impact successive generations differently from those that came before them. Specifically, changes to legal and social abilities based on the age of responsibility, voting, and education can alter structures that allow people to engage in politics.[4] For modern youth, these shifts have resulted in additional obstacles to formal methods of engagement. As demonstrated by voter turnout, traditional political participation in the UK indicates that ethnicity, gender, and socioeconomic status are all causes of variances in youth participation.[5] While considering voting, it should be acknowledged that based on mandatory voting in Australia, there is a lack of information regarding obstacles to youth voting. Perhaps more critical in the conversation of

barriers is the role of education in overall youth political engagement. An individual's level of formal education directly impacts one's ability to access conventional forms of political participation.[6] Traditional civic engagement is founded mainly in community settings and institutions that provide adolescents with the opportunity, resources, and normative pressures to become politically active.[7] It follows that without access to formal education based on ethnicity, gender, or socioeconomic status, individuals have no way to access the structures that would introduce them to conventional forms of political participation. Practices of engagement are shaped in the formative years based on an individual's environment growing up and are therefore hard to reconstruct in later life.[8] However, a lack of access does not equate to apathy. With access to free information using social media, modern youth have found alternative, non-conventional options for engagement that are not subject to barriers that traditional structures are.[9]

An objection to this argument could be raised on the grounds that no matter one's socioeconomic background, adolescents have access to educational resources in secondary school. The ability to access community institutions through education allows youth to ask questions and learn about legitimate political practices.[10] Thus, a greater emphasis on civic education in secondary schools would address these concerns and alleviate barriers. Civic education has emerged within the literature on youth political engagement as a way to include information on how to vote, how to register to vote, how to contact politicians, and the platforms of political parties within the school curriculum.[11] Since western liberal democracies have some version of civic education implemented, one's level of formal education is not a valid obstacle preventing conventional political participation;

instead, it is up to young people to reach out and ask the questions they have. The barriers youth face are better described as deterrents that can be easily overcome if young people put in the effort.

This objection fails to consider how current civic education is failing to provide youth with the necessary means to partake in traditional forms of participation due to the continued presence of barriers to access. This argument is demonstrated in the continued decline in conventional political engagement despite the implementation of civic education programs. In 2002, the United Kingdom introduced citizenship education intending to increase voter turnout rates in youth.[12] The initiative failed to improve the voting rate.[13] Similarly, in Australia, current civic education programs have proven unable to vitalize political confidence and understanding of democracy in students.[14] These findings conclude that

> ## Political education and understanding do not inherently progress to political participation. [15]

Furthermore, educational resources do not address the needs of adolescents faced with physical and mental barriers to participation. Youth in the UK report not voting in elections due to events that prevented them from being physically present on the day; such events could be a lack of transportation to polling stations or having an expected presence at school or work.[16] For youth, a lack of experience makes these obstacles more difficult to overcome when compared to voter accessibility of adults. Physical obstacles become even more challenging to overcome when paired with additional mental challenges. Political literacy does not work to improve the political confidence of youth.[17] Community institutions introduce youth to conventional political structures,

improving their confidence and empowering them to ask questions and develop their ideas.[18]

Changes to legal and social abilities have resulted in the decline of community institutions. As a result, they become more difficult to access, which lessens youth participation. This creates a cycle that makes the introduction of youth to conventional political practices limited by physical and mental barriers that cannot be overcome with education.

GOAL ALIGNMENT

Since much of the lack of conventional political engagement of youth stems from access barriers, it is a misstatement to claim that youth do not have an interest in political issues or activities. Rather, young people are driven toward non-conventional alternatives due to a lack of representation in traditional political forums. Despite being elected officials, young people do not see their politicians as their representatives.[19] Instead, surveys of youth in western democracies, including Australia and the UK, found adolescents see their political representatives as self-interested and untrustworthy.[20] Government initiatives that claim to foster greater youth involvement are often seen as opportunistic and insincere; youth voices are allowed to portray politicians as charismatic, but their ideas are dismissed and left unaddressed by the system meant to represent them.[21] Globally, elected representatives who are 35 years old or younger with formal political roles in institutions and processes such as Parliaments, political parties, elections, and public administrations are extremely limited and unusual.[22] The lack of politicians that socially represent young people leads to increased doubt in the impact of the youth on formal political processes, and a greater feeling of disconnection with the priorities of political parties.[23]

Ultimately, youth feel overlooked by political processes as a result of a failure to see themselves represented in formal political institutions.[24] If this prevailing attitude of adolescents is that their ideas are going to be ignored, young people are not motivated to make the necessary efforts to overcome the barriers to traditional politics. Furthermore, the view of conventional politics as ineffectual and immutable drives youth away from traditional political practices and towards hands-on opportunities that leave room for youth voices.[25] Youth are incentivized and empowered by hands-on, individual action focused on reframing singular issues to fit into the context of the community and are persuaded away from traditional forms of engagement.[26]

Regardless of whether it is a strategy of tokenization, there is a consensus in the literature that the perspectives and participation of youth are necessary to the political process. Based on this, one might object to the argument of representation by claiming that increased active involvement of young people in traditional politics would lead to greater representation, as future adolescent participation is seen as necessary to find new solutions to emerging issues and consider new perspectives.[27] While elected representation for age groups under 35 is scarce, if more young people made an effort to engage in traditional politics, there would be an increase. Young people are not driven away from conventional politics but instead use the community-centered action's increasing accessibility and popularity as an excuse to avoid civic responsibilities. Nothing is stopping young people from enjoying increased representation and engagement except for their apathy.

The argument that young people simply do not care about the issues that face them fails to acknowledge the rejection and delegitimization of their political efforts.

Modern youth are actively excluded from traditional forms of participation based on their age.

The complexity of conventional political processes and institutions necessarily makes youth participation difficult; they often cannot be included as experts or elected officials, leaving only the ability to contribute their opinions and ideas. [28] What is not justified is the resulting exclusion from discussion and decisions based on a lack of status due to age. [29] Overwhelmingly, youth in western democracies also feel that their negative portrayal as apathetic and uninterested based on the unavoidable absence of actionable contributions means that young people and their ideas are not taken seriously in traditional political systems.[30] While voting-age youth are required to participate in elections in Australia, there is increasing dissatisfaction with political representatives and institutions.[31] The weakened relationships between young people and formal political activities have further contributed to the motivation for young people to seek out and create spaces where their desires can be addressed, and their voices can be taken seriously. [32] Not only are modern youth actively shut out from political systems and denied their rightful democratic voice in government processes, but they also have their lack of participation blamed on personal failures to take action.[33] Perhaps even more damaging than the exclusion of youth from formal politics is the framing of their self-determined actions using available tools as slacktivism.[34]

Slacktivism is the practice of backing a political or social cause using social media or other online resources that require little to no effort or obligation;

political action taken by youth is often labeled as such by formal political authorities based on the use of social media and the internet to support organization. [35] This argument fails to acknowledge the greater accessibility of online tools for young people based on limited access barriers, diversity of perspectives, and overall communication capabilities that allow civic engagement that does not rely on conventional political processes and hierarchies.[36]

CONCEPTIONS OF CIVIC DUTY

As societal changes are accelerated with the increasing use of online resources and social media across all facets of daily life, the need to adapt concepts of political responsibility naturally follows. The aging of democracies and the development of countries worldwide have resulted in a different conception of civic duty for modern youth. The current paradigm of civic duty has been utilized since the 1940s, which aids in the dismissal of contemporary political efforts of adolescents.[37] Up until the 1990s, citizenship and civic duty were identified by belonging to clubs, religious sects, unions and political parties, voting, volunteering, and reading the newspaper. [38] The 1990s also marked a change in social norms that saw protesting and other methods of political criticism as an acceptable civic practice.[39] If the modern basis of civic duty in western liberal democracies, including Australia and the United

Kingdom, still considers reading a printed newspaper an indispensable role of a citizen, it is clear that the concept of civic duty must be modernized. Instead of exclusive group membership and consistent partisan and state support, the modern concept of civic duty would consider how social interactions and active involvement should function.[40] Based on the distrust youth feel towards politicians, adolescents see protesting and constructive dissent as necessary to fulfill their role as politically engaged citizens.[41]The generational division along the concept of civic duty contributes to the portrayal of youth as politically inactive.

However, young people are not apathetic; they simply do not fit the criteria that older generations see as crucial to political involvement.

As a result, young people may see local volunteering or protest as more essential to fulfilling their political goals and civic duty compared to membership in a political party. The increasing use of social media deepens[42] generational segregation by dividing lines of communication. While young people use technology to organize, discuss, and gain[43] exposure to different perspectives, older generations who are less technologically active do not see these modern systems of participation as legitimate.

An inferable objection to the argument of generational differences of civic duty would claim that an individual's political obligations are not flexible; therefore, youth cannot be excused from duties that support democracy.

The freedoms of speech, assembly, and the ability to vote are granted to citizens by democratic governance, and formal political systems are fundamental to democratic governments.[44]As a result, a continued decrease in voting rates and political party membership are signs of deterioration within a democracy.[45] Without elections, there cannot be democratic governance. Therefore, civic engagement requires the integration of generations into political institutions through participation in formal politics.[46] If this integration does not occur, representative democratic practices and governments cannot survive.

By exercising the rights provided to them by democratic institutions, youth still support democracy in a way that is considerate of modern developments within traditional democratic ideals. As democratic societies develop, the definition of productive political participation must adapt to address the citizen's changing values and standards.[47]Younger generations recognize the necessity of government and formal political processes to the success of society and appreciate the ability of NGOs, volunteer organizations, and special interest groups to contribute to meaningful change.[48] Modern youth in Australia, the United Kingdom, and other western liberal democracies still believe in the traditional expectations of civic engagement but do not feel confident contributing to a system that has been both unresponsive to their wants and unwelcome to their presence.[49] Consequently, if the democratic system that promised them an equal voice and opportunity overlooks and misrepresents young people, turning to a more informal and individualized approach to social change is the only way to address these issues while respecting the legitimacy of the government. There is no argument from the

youth that formal political practices are of less importance or are unnecessary to the continued strength of democracy. Instead, concerning the significance of conventional engagement, the exercising of additional democratic rights by youth in developed democracies reflects higher engagement and a greater sense of obligation within the political and social spheres of life.[50] Younger citizens engage more with organizational membership than with formal politics because they face physical and attitudinal obstacles to conventional participation, but acknowledge the need for civic involvement for the success and development of society.[51] As a result of youth being compelled to look beyond traditional political activities to practices like protesting, signing petitions, aligning on globalized issues, and engaging online, the definition of political participation must be extended to include the non-conventional methods young people utilize.

CONCLUSION

The absence of youth engagement in formal politics results from a lack of opportunity for young people to participate. Barriers eliminate the opportunity for adolescent integration into traditional political institutions. Expecting civic education to address this issue fails to look at broader social and economic obstacles that result in physical and attitudinal constraints. However, political literacy is not the issue; instead, it is a lack of settings that encourage and empower young people to engage formally. Barriers to access result in lower youth participation rates in traditional political institutions; even so, young people are still actively aware of issues affecting their

communities and threatening their future and are willing to address them. This has increasingly motivated young people to turn to non-conventional forms of political action. With more young people participating in these informal organizations, there is greater representation within alternatives for others who want to become politically involved. The resulting lack of youth voices in formal systems results in the delegitimization of non-conventional engagement by formal representatives. The dismissal of youth engagement by older generations in formal political institutions drives young people away from traditional participation and results in a negative opinion of their elected representatives. These shifts in opinion ultimately lead to a generational disagreement in citizens' requirements to fulfill their civic duty. However, young people are often portrayed as overly critical of the democratic systems that afford them rights due to a lack of adolescent perspective in conventional forums.

The failure to recognize the natural evolution of civic duty that accompanies the development of a democratic government system results in the belief that young people are not civically or politically engaged. This misrepresentation contributes to a cycle that continues to discourage youth engagement.

The decline in formal political participation is caused by social, economic, technological, and political changes within western liberal democracies that result in different political objectives and capabilities from previous generations. Without the acceptance of more innovative and expansive conceptions of political participation, future generations will only be further alienated from the processes necessary to protect the democratic institutions that comprise society as we know and enjoy it.

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India and Pakistan: The Role of State Construction and its Effects on Political Development

Written by: Allen Hujic

Abstract

Despite a shared colonial history, India and Pakistan have undergone radically different political development. The former has emerged into the largest democracy in the world, whereas the latter has a long history of authoritarianism. This paper explores the role of the 1947 partition in facilitating this divergence. It finds that India inherited functional state institutions that were better equipped to handle salient political pressures. By continuously resolving tensions, democratic institutions continued to gain legitimacy and gradually consolidated. Pakistan, on the other hand, did not inherit an equivalent state apparatus. Rather, the state inherited weak political institutions and a strong military. When faced with exogenous shocks, the government was incapable of launching effective responses. The populace grew impatient, thereby prompting military intervention. After the first coup in 1958, the military gained legitimacy, whereas people lost confidence in democracy. Pakistan became primed for frequent authoritarian reversals. In India and Pakistan, the triumphs of powerful institutions reinforced their strength and usage. It is therefore concluded that the current state of affairs for both of these countries is deeply impacted by their unique histories.

Key Terms: India, Pakistan, State Development, Institutional Path Dependency,

INTRODUCTION

The legacy of colonialism in the Global South continues to have far-reaching effects on the political climates of many countries. Despite sharing a common colonial heritage, India and Pakistan have had substantially different political development. By using the method of difference to compare and contrast the two cases, a clear causal factor emerges. The divergence between the values, attitudes, and institutions of the two respective countries can be directly attributed to the partition in 1947 and its salient impact on the processes of state construction. India benefited from inheriting a strong state apparatus with a powerful central government. Contrastingly, Pakistani officials were tasked with developing a strong central government from scratch. In conjunction with other pressures, the fledgling democracy of Pakistan faced too much strain and collapsed into authoritarian rule. The initial military coup in 1958 would have disastrous effects on political development in Pakistan for the next several decades. Because it had already established a central government, the Indian state was better equipped to address pressures democratically. Consequently, democratic norms and values have been continuously entrenched in India; whereas, in Pakistan, reversals to military rule have become customary.

COLONIALISM IN PAKISTAN AND INDIA

Before 1947, Pakistan was part of India and was ruled by the British. Gradually, the colonial administration relinquished minimal amounts of power and gave the populace slightly more control over domestic affairs. Seeing as the majority of Indians were Hindu, a large portion of Muslim Indians became increasingly worried that they would be alienated from new democratic political institutions.[1]

These fears were more pronounced in regions where Muslim Indians were a minority.

Consequently, a makeshift political alliance known as the Muslim League was created in 1906 to represent the interests of Muslim Indians.[2] Initially, the League was not committed to the idea of a separate Pakistan. However, throughout time, as the League gained popularity among Muslims across India, their position evolved to embrace a vaguely defined vision of an independent Pakistan.[3] After the economically crippling effects of World War Two, the British could no longer afford to sustain the administrative structures necessary to run their colonies. Thus, partition occurred, and the concerns of the Muslims were heard, so an independent Pakistan was formed.

THE "ISLAMIC VALUES" OBJECTION

It may be tempting to observe the influential role of the Muslim League and argue that Islam is incompatible with democratic ideals. As Islam was a founding ideology of Pakistan, the politicians, and civil servants responsible for developing the state were never truly committed to democracy. On the other hand, India had a majoritarian Hindu culture and was more compatible with democratic norms. The people were more committed to democracy and were more willing to keep their politicians accountable, so democracy flourished.

While it is true that the Muslim League and the role of religion was a key factor leading to the creation of two separate countries, it would be misguided to suggest that Islam is incompatible with democracy. There are several ways to refute the previous argument. For instance, other countries with a predominant Muslim culture have successful democracies, such as Turkey.[4] Alternatively, a better approach would be to highlight that the term "Muslim culture" fails to conceptualize the true relationship between religion and cultural values.

Islam is deeply influenced by the cultural characteristics of a given society.[5] Certain cultures interpret and apply Islam in a highly oppressive fashion, which is known as Wahhabism. Other cultures have adopted a form of Islam that Westerners would conceptualize as more liberal.[6] Subsequently, the people and religious officials always dictate religious norms and shape the ideology of the faith. Rather than asserting Islam is always incompatible with democracy because of its principles, it would be more accurate to specifically analyze pre-existing cultural values and question whether those are compatible with democratic governance.

STATE CONSTRUCTION VS STATE RETOOLING

Now that the popular "Islamic values" objection has been addressed, it is easier to identify the true causal factor responsible for diverging political development – the difference between Pakistan's state construction and India's state retooling. State construction refers to the idea of having to build important institutions and political structures, like a central government and a constitution, from the ground up.[7] State retooling will be used to describe the process that occurred in India: a process of gradually tweaking many existing institutions to increase their effectiveness.

After the British left, the newly independent India benefited from established colonial institutions. For instance, India relied heavily upon the Government of India Act of 1935 to form a new constitution, directly uplifting many articles.[8] Furthermore, they had an existing administrative structure and did not have to invent a new one. Finally, the new government inherited a federal system with a powerful central government capable of overseeing and managing the affairs of its subordinate states.[9] So, the Indian government was able to invest its time towards other responsibilities, such as developing civil society and enshrining democratic ideals.[10] The presence of a strong central government reduced the possibility of internal dissatisfaction from certain states resulting in governmental collapse. Thus, the Indian government was able to focus on increasing its infrastructural power by increasing its capacity to provide social services to its populace, increasing its legitimacy.

Having separated from India, Pakistan did not have the benefit of inheriting a strong central government.

They were unable to retool political institutions. Their government officials had to spend a significant amount of time attempting to develop them.[11] The government was occupied with building a constitution, administrative structure, strong military, and economic development.[12] It was therefore unable to respond to growing demands from the populace of implementing more social programs, such as a governmental development program for industrial labour.[13] Instead, the government actively went against the emerging Pakistani labour movement by passing the Essential Services Act, which allowed the government to ban trade unions in any industry the government deemed essential.[14] The government implemented the restrictive legislation because of a weak political centre. It recognized that allowing labour unions to flourish could result in challenges to the state's legitimacy, especially if it failed to implement meaningful popular economic reforms.

As was mentioned previously, India had a strong central government. So, the government was less concerned with the development of the labour movement. The Indian state did not pass restrictive legislation, so labour unions were better integrated into the political apparatus. When the government sought to implement economic reforms, they were influenced by the demands of workers. Namely, the workers encouraged the government to pursue more socialist development policies and support a growing industrial sector.[15] A diversified economy, with a commitment to socialism, reduced the impacts of potential negative economic downturns that can occur if a country's economy is too reliant upon the primary sector. Effectively, sources of internal dissatisfaction were combated before they could become powerful enough to challenge state legitimacy.

PAKISTAN'S STUNTED INDUSTRIAL DEVELOPMENT

Pakistan was unable to develop its industrial sector properly. This is due to several reasons. Due to partition, Pakistan lost approximately a third of its industrial labour force as non-Muslim workers migrated to India.[16] Additionally, the government saw the development of an industrial working class as being a challenge to its ability to govern, so it was less interested in encouraging industrialization. But even if the government wanted to promote industrial development to bolster the country's economy, it found itself too distracted by the strenuous processes of state construction to devote sufficient attention to developing a new industry. Instead, because Pakistan had inherited a strong agricultural sector from the partition, this became the driving force in the economy.[17] Due to an inability to develop other areas, overemphasis on the agricultural sector contributed to significant post-partition financial difficulties, like widespread poverty.[18]

As Pakistan scrambled to form a constitution and implement a civilian government, the country's economic failures were already too severe. Consequently, a large portion of the populace lost faith in their government's ability to rule. While Pakistan had not inherited a strong economy, or central government, or other important institutions, it did inherit one disproportionately powerful organization: the military.[19] After only two years of democratic governance, in 1958, a military coup occurred, and Pakistan went from a fledgling democracy to a military dictatorship.[20]

THE MILITARY IN INDIAN AND PAKISTANI POLITICS

There are several factors that contribute to a military takeover of the government. Firstly, the military has to be a professional organization with high capacity and a unique sense of identity that is isolated from that of the government.[21] In the case of Pakistan, the military was predominantly made up of people from the Punjab region.[22] These people had a unique sense of self-identity and, like the masses, were resentful towards the government's inability to act in the people's best interests. The Pakistani government also failed to develop the economy via industrialization properly. From the perspective of the military, all of the previous factors caused them to have a perceived sense of duty to intervene and rescue Pakistan from incompetent governance.[23]

Contrastingly, in India, no military coup occurred. This can be explained for several reasons. The dominant factor was that India had an effective central government and could keep economic issues under control.[24] The perceived strength of the state and popular support reduced the opportunity for a military coup to emerge. The successful integration of labour movements into the political sphere increased support for democratic governance.

The benefits of increased industrialization improved the state's ability to respond to the difficulties of post-partition economic problems.[25] In general, it appears that a struggling economy has the capacity to destabilize democratic regimes. India's coordinated central government greatly increased perceived legitimacy and reduced the threat of a transition to independence.

From this point, one might consider why Pakistan has continued to have military coups and why India has avoided them. The answer can be found by employing the theory of institutional path dependency. This theory suggests that as institutions get used throughout time, they gain legitimacy and popularity, assuming they are successful.[26]

> **"Essentially, institutions perpetuate themselves because their success creates a positive feedback loop"**

As institutions are used, they continue to generate popular support, which encourages their usage.

With this theoretical framework in mind, it is easy to understand why the military has continuously taken over Pakistani politics. During the initial military coup, the new dictatorial government was able to succeed where the previous government failed; it was able to improve industrial development.[27] These new reforms increased the economic prosperity of Pakistan and helped relieve the economic hardship experienced by the masses. In turn, this generated increased support for the military and increased its perceived legitimacy. The success of the military in their initial rule increased the military's willingness to implement future coups anytime they disagreed with the actions of a civilian government. The military firmly entrenched itself as a senior political partner in

Pakistan.[28] Ultimately, institutional path dependency caused political development in Pakistan to follow a certain formula: anytime a civilian government was struggling with the economy, military intervention was expected. This is confirmed by looking at all the successive military coups that occurred in Pakistan. The bulk of military rule has been orchestrated for predominantly economic purposes.[29]

Because India did not have a military coup and was able to manage pressures using a democratic framework, the country's democratic institutions increased in legitimacy. Legislative assemblies were perceived to function properly and work for the public interest. Because of democracy's success in appeasing large segments of the population, democracy was able to become fully consolidated.[30] Effectively, democracy became the "only game in town," whereas military authoritarianism was still a widely accepted alternative in Pakistan.[31]

AUTHORITARIANISM IN INDIA (1975-1977)

A skeptic might suggest that institutional path dependency is not an entirely effective explanation because India had a brief stint with authoritarianism from 1975-1977.[32] During this period, the Prime Minister of India, Indira Gandhi, enacted emergency measures, which suspended all civil liberties.[33] This was done to silence her political opposition and impose harsh press censorship. These actions were conducted in light of a Supreme Court decision that Gandhi's previous election campaign was conducted with corrupt practices. Her refusal to relinquish power runs counterintuitive to any notion of democratic stability that institutional path dependency suggests should be present and

strong enough to stop that type of action from occurring.

The proposed objection is fair but actually strengthens the institutional path dependency approach. Upon enacting emergency measures, the masses were very dissatisfied. There was tremendous internal pressure to stop the emergency measures. Because of the accumulated respect and appreciation for democracy, a turn to authoritarianism was unacceptable. Gandhi recognized the internal dissatisfaction and, in an attempt to restore legitimacy to her rule, had open elections again in 1977. However, this time, she lost convincingly.[34] The decision to quickly end authoritarianism and her loss in the following elections actually highlights that because the old democratic institutions were so established, escaping them was very difficult, if not impossible. Alternatively, say India had lacked a legacy of strong democratic practices, a turn to authoritarianism might be accepted by the masses or seen as necessary for the purposes of increasing governmental efficiency.

INDIA AND PAKISTAN IN THE 21ST CENTURY

Today, the two countries are positioned very differently. Most analysts would agree that India has had better political development, seeing as their literacy rates and overall quality of life experienced by their citizens tend to be higher than Pakistan.[35] A large reason for this is because

Pakistan has historically spent a substantial portion of its GDP on developing its military at the expense of not developing fundamental democratic institutions,

such as the education system.[36] Despite this, Pakistan is currently in a period of democratic governance. However, because of the power of their military and a pattern of authoritarian reversals during economic hardship, it seems unlikely that their democracy will be sustainable. If it is successful, it will only be because the government continues to involve the military in key policy decisions.[37] In essence, political development in Pakistan seems to have resulted in democracy only being able to survive in ideal economic conditions or as a mask to cover where the true power resides. With that said, India is far from perfect. Recently, analysts have criticized the government for implementing more authoritarian practices, and some fear that India might be headed towards authoritarian rule.[38] Perhaps Indira Gandhi's enactment of emergency measures has opened Pandora's box and, throughout time, the populace has rationalized that authoritarianism might be necessary for a country of India's size. However, this fear of authoritarianism seems improbable. India is experiencing strong economic development, and its democratic institutions have largely remained undisrupted, which suggests they should be strong in the face of adversity.

CONCLUSION

Ultimately, Pakistan and India have undergone very different political development despite a shared colonial history. The main reason is that Pakistan had to engage in state construction. In contrast, India's government inherited many powerful political institutions and could focus their attention on properly developing their economy and increasing social capital. Pakistan's failure to consolidate democracy and governmental inefficiencies presented a strong opportunity for their powerful military to take

over, almost like a messiah to save the country. Military intervention resulted in greater economic prosperity, which became enshrined as an acceptable practice. In India, democracy was able to consolidate and kept increasing its strength throughout time. If India had to construct a central government from scratch, like Pakistan, it is doubtful whether their officials would have had sufficient resources to dedicate to economic development and increasing social capital. Most likely, internal pressures would have been too powerful, and authoritarianism would have ensued to keep control over the country. Future research ought to be conducted into the current internal affairs of India and whether they are truly on an authoritarian trajectory.

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Complicity in the Patriarchal Framework of Mary Astell's "A Serious Proposal to the Ladies"

Written by: Evelyn Mang

Abstract

Mary Astell is noted as one of the first figures to advocate for the rights of women and is lauded as an early feminist. Astell's works such as "A Serious Proposal to the Ladies" have been recognized as encapsulating the roots of the women's rights movement. This article argues that "A Serious Proposal to the Ladies" does not endorse feminist theory and argues for a patriarchal structure for women to adhere to. The thesis outlined is demonstrated through Astell's reluctance to hold men accountable for patriarchal ideals and takes it as women's responsibility to comply with patriarchal standards. Mary Astell, famously known for being a feminist of the Eary Modern period, fails to incorporate feminist ideals into works such as "A Serious Proposal to the Ladies."

Keywords: Feminist Theory, Mary Astell, Patriarchy

INTRODUCTION

Mary Astell was an English philosopher who wrote essays promoting the value of women in the late 15th century when women's rights were restricted.[1] In "A Serious Proposal to the Ladies", Astell detailed how women's shallow values reflected the ways they were raised and not their true nature.[2] She then proposed that female-only monasteries should be created so women would become educated and realize their full potential while not being distracted by gender norms and expectations.[3] In this essay, I will argue that an interpretation of Mary Astell's work in "A Serious Proposal to the Ladies" as feminist is flawed. I will first argue that patriarchal beliefs are ingrained in Astell's vision, limiting her to an incomplete understanding of gender equality. Second, I will outline how Astell's definition of customs is limited by her patriarchal views as she does not hold men responsible for their role in upholding patriarchal traditions. This limited definition of human convention leads Astell to believe that reform is the responsibility of the oppressed, contradicting feminist ideology. Overall, I argue that Mary Astell formulated an imperfect solution to the issue of gender equality because her work's commitment to feminism is limited by her patriarchal views.

The patriarchy was the prevailing societal system during Astell's life and can be described as the ideology that men have absolute authority in family units and the state. The prevalent patriarchal system of the time of Astell's writings can also be understood to be a system that restricts women's identities to domestic roles.[4] Although there is not one concise and conclusive definition of feminism, a broad and commonly understood definition of feminism is a political movement that seeks to end the marginalization of women. In other words, feminism aims to change the patriarchal setting which restricts women's roles in society. Moreover, feminists seek gender equality and equal rights. They strive to achieve these goals through reform in various areas such as social, cultural, economic, and political spheres.[5]

UNNATURAL BEHAVIOUR

First, Astell argues that the behaviour and values of women are learned and not natural. She argues that the view that women are less valuable than men is true, to an extent, but only because this "incapacity… is acquired not natural."[6] Astell analogizes women to plants and explains that if the soil were rich and well-cultivated, it would "produce a noble harvest."[7] This leads her to conclude that mannerisms and values, specifically of women, are a product of nurture and not nature. She argues that this process of positive nurturing does not happen as "women are from their infancy debarred those advantages" and "nursed up in those vices."[8] It is from this logic that Astell argues that women's natural values of piety and intelligence are corrupted by introduced vices which cause women to value "pride and mistaken self-love" instead.[9] Astell considers this injustice a result of human customs which she understands to be a historical concept that requires women to adhere to the standards of those before them, writing that these customs are a "merciless torrent that carries all before it."[10] Through this argument, Astell seems to imply that customs are human-made and their product does not reflect women's true nature.

THE COMPLICITY OF MEN

Astell also recognized that men are complicit in the oppressive state women live in.[11] She observed men's role in the patriarchal state, explaining that existing customs are "the product of [men's] own folly,"[12] but did not go as far as to hold them responsible for these customs. Instead, she holds that women should temporarily withdraw from society to become better women. Due to these

conclusions drawn by Astell, I believe that her view of customs is lacking in depth due to its patriarchal setting. Although Astell wishes to see women live up to the potential they are denied from achieving, she does not explore the roots of human conventions deeply enough to constitute a feminist ideology. A proposal that adheres to the agenda of feminism would consider reform that removes the barriers patriarchy established to advance women's opportunities. By proposing that the oppressed take on an extra burden to alleviate their disadvantages, Astell fails to acknowledge the roots of the patriarchal society and create a suitable remedy. Her critique is instead a surface-level observation of facts and not an in-depth analysis with the purpose of holding players of oppressive structures responsible for their actions and subsequent reform. Astell's reluctance to condemn the patriarchy and her acceptance of the norm results in an insufficient and surface-level definition of customs that does not sufficiently question the history of human behaviour. While Astell claims to take the history of the burdens women carry into account in her definition of customs,[13] her refusal to challenge the patriarchal traditions casts doubt on this assertion.

The manner in which Astell believes that women should bear the responsibility in correcting past injustice is inappropriate and a reflection of her patriarchal beliefs. Again, in "A Serious Proposal," she acknowledges that the injustices served to women are "the product of [men's] own folly in denying [the woman] the benefits of an ingenuous and liberal education."[14] However, she rejects the notion that men should have a role in correcting this injustice, writing that women should better themselves through exclusion as to not disturb the rest of society, being men. This way Astell believes the responsibility of improvement rests on the

oppressed reflects her patriarchal beliefs. While Astell seemed to acknowledge the ways the patriarchal structures she lived in restricted women's ability to exercise their reasoning have a role in correcting this injustice, writing that women should better themselves through exclusion as to not disturb the rest of society, being men. This way Astell believes the responsibility of improvement rests on the oppressed reflects her patriarchal beliefs. While Astell seemed to acknowledge the ways the patriarchal structures she lived in restricted women's ability to exercise their reasoning capabilities, she stopped short of questioning it.

Astell remains complicit in the patriarchal structure whose effects she criticized by refusing to take action to upheave it. Instead of asking for men to question the way they instill shallow values onto women and restrict their moral improvement,

Astell asks for women to take on another burden of excluding and educating themselves.

DISEMPOWERMENT OR AUTONOMY?

However, some would argue that Astell's writing removes the power from men and empowers women to be autonomous. Again, traditional patriarchy puts the power in the hands of men, with authorities catering to their interests.[15] Due to this power imbalance, women are often excluded from important discussions and their needs are marginalized. Astell wrote "A Serious Proposal" in a time of strong patriarchal beliefs when society did not believe that women were capable of the same level of rational thought as men.[16] She argued for a solution of exclusion because incorporating feminism into broader society

would not have been possible at the time. Having a separate sphere of education where men were not involved and their power did not override those of women could have been the only method of empowering women Astell deemed possible. At least in her proposal of a female-only monastery, having only women in this sphere would give them authority to govern over themselves, even if it were in a limited capacity. In fact, Astell advocated for women to use the knowledge and values they learned in the monasteries to help other women similarly realize their potential once they left the monastery.[17] Although incorporating a feminist ideology into the broader framework of society would have been impossible at the time, some would argue that Astell attempted to give women a right to power over themselves and the ability to strengthen their rational skills.

Although Astell does wish to empower women in a limited setting, this objection is unsatisfactory as Astell still fails to condemn the gender norms of the greater society. In "A Serious Proposal," Astell aims to maintain societal norms and instead of changing them, asks women to make great sacrifices by being excluded from general society and maintaining a patriarchal structure of society. In this way, the patriarchy is still enforced as men are not disturbed, while women must go out of their way to be perceived as respectable. In addition, this improvement of women's education would not grant women any power to make tangible changes outside of the monastery. Even if women have autonomy in the monastery, this does not extend to the wider society where women are still devalued and deemed incompetent. The overarching patriarchal structure of society would not change with Astell's improvements, as women would still be undervalued in greater society. Overall, Astell shows a tendency to act in favour of the patriarchy she lived in as she encouraged women to make improvements only when excluded from the rest of society. Although she advocated for the improvement of women's rights, she put the onus of this task onto those who are already oppressed. By choosing not to ask men to take any place in this change, she maintains the status quo and proposes to keep men as the authoritative figure of her society.

CONCLUSION

In this essay, I argued that Mary Astell's proposal for women's education is limited due to her acceptance of the patriarchal system. First, the limited definition of custom she puts forward restricts her ability to propose a system that rejects the patriarchy. Second, Astell's proposal places the responsibility of change on women and leaves her complicit in the patriarchy. Although some would argue that Astell's plans provide autonomy for women, her proposal still fails to extend women's rights to the greater society and fails to disrupt the patriarchy. This discussion of women's right to a fair education is important to understanding the modern-day status of women. As we still live in a world where the prevailing ideology dictates that women have less intellectual potential than men, although to a less severe degree than the world Astell found herself in, these conversations are crucial to discussions of feminism.

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State-Sponsored Abductions in International Extradition Laws

Written by: Jovita Ho

Abstract

State-sponsored abductions are internationally recognized as a violation of human rights and state jurisdiction. However, the current international extradition laws have not been enforced and have allowed states to forcibly abduct individuals from other states in order to prosecute them for their crimes in the abductor's state. In the case of U.S. v. Alvarez-Machalin, the United States violated the jurisdiction of Mexico to obtain Machalin and charge him for torturing and killing an official U.S. agent. The international extradition process has failed to prevent state-sponsored abduction because of its tedious and lengthy procedure and lack of enforcement. The current extradition treaties are outdated and have failed to uphold current human rights discourse. As a result, the U.S. has not been held accountable for their actions although it is a clear violation of international law.

Key words: International Law, State-Sponsored Abduction, Territorial Jurisdiction, Human Rights

INTRODUCTION

International extradition laws have often been enforced through bilateral treaties.[1] Bilateral treaties are between two countries and are important in maintaining international activity because it urges states to cooperate under one unified agreement. A basic principle in treaty-making is territorial sovereignty, this prohibits states from using force to enter the jurisdiction of another state.[2] The relationship between the states are important in determining which jurisdiction and what legal processing will be used. Extradition laws are established as treaties to ensure that violations of territorial sovereignty do not occur, but these treaties have failed to progress with modern international practices. Consequently, states have been able to circumvent the terms of their treaties using state-sponsored abduction. State-sponsored abduction occurs when an individual is forcibly abducted by government agents and brought to another state to face criminal prosecution. While universally acknowledged by the international community to be unlawful, countries can avoid consequences as there is often not a specific clause pertaining to the prohibition of abduction. In this paper, I will determine the critical flaws in the extradition process and how they have failed to prevent states from resorting to extraordinary rendition to bypass the terms of extradition treaties. In addition, this paper will argue that current extradition treaties have largely been ineffective because they have not progressed with evolving human rights standards despite the universal acknowledgement that they are unsuccessful. The case of *U.S. v. Alvarez-Machalin* is used as an example in this paper to show the lack of effective international power where the abducting state, United States, was never punished for their use of forcible abduction although it violated international law.

Extradition treaties mirror the political relations between two countries and follow a general format that was established a century and a half ago.[3] Where the international system has advanced with evolving human standards, the same cannot be said for extradition treaties. Out of the fifty-four treaties that have become effective by 1945, only half of the treaties have been revisited since then, which proves that international law has been largely neglected.[4] There are many fallbacks to the legal process of transferring and prosecuting criminals across borders. Despite the numerous bilateral and multilateral agreements in place, the judicial system regarding international crime has been neglected making it difficult for states to seek out justice from individuals seeking asylum in other countries. As a result, they have been criticized for having long proceedings and being unable to give jurisdiction of individuals to requesting countries.[5] Another downfall of the extradition process is a result of entrusting extradition entirely to treaties. When extradition laws fail to address the situation, the host state is only left with two options: consider the case closed or employ other methods that are not in the formal framework to achieve their goals.[6] Oftentimes it is the latter approach that is adopted by the host state because it allows them to apprehend the wanted individual. When states turn to these other options outside the formal framework, it shows how the extradition process is ineffective in its duty to transfer and charge criminals.

There are still many states that have not reached agreements with each other, and when there is an arrangement between the states, they are bound to the narrow list of acts that are extraditable.[7]

When a treaty offence occurs, a crime is "committed within the territorial jurisdiction of the requesting state and the fugitive must be found within the territorial jurisdiction of the asylum state."[8] These offences are also vague in describing which acts

are considered violations of the treaty. Criminals have been able to expand beyond the narrow list of crimes outlined in these agreements, blurring the lines in the treaties. Thus, the treaties are ineffective in establishing a breach and allows offender states to continue to overreach their jurisdiction to other countries.[9] Countries have refused to extradite criminals under these loopholes making the whole extradition system collapse in itself. In addition, there is an absence of an international governing executive to help manage these breaches of agreements.

> ## No institution of international government exists to enforce extradition treaties,

so countries are free to disregard their agreements when it suits them.[10] This is especially problematic in bilateral treaties because oftentimes one state dominates over the other. The limitations of the bilateral treaties combined with the lack of enforcement, force nations to work outside the legal frameworks in order to apprehend individuals and put them on trial.

The United Nations referred to articles from the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights to defend the rights of life, liberty, and security guaranteed to all humans. Specifically, in the case of irregular rendition, the General Assembly highlighted how individuals have the right to not be subjected to torture and to be recognized before the law.[11] Article 9 of the Universal Declaration of Human Rights specifically forbids the arbitrary arrest of any individual. An arbitrary arrest is considered to be an arrest without authority or jurisdiction.[12]

However, state-sponsored abduction is not a new phenomenon and incidents of abduction been dated back to as early as 1835, and have continued worldwide throughout the next 160 years.[13] International kidnapping is widely recognized to violate the basics of international law and human rights law yet it is still accepted as part of the international criminal system. In article 28 of the Draft Articles on Responsibility of States for Internationally Wrong Acts, there are legal consequences for committing an internationally wrongful act.[14] In committing an abduction, the state is going against the international community by disregarding their international responsibility. However, this is not the case as countries who partake in irregular renditions have not been penalized for violating international law.[15] Despite referencing human rights acts and acknowledging the extensive history of extraordinary rendition, extradition treaties have not been enforced or updated recently to remain an effective tool of international law.

TREATY LIMITATIONS

In the case of *Sosa v. Alvarez-Machain*, the defendant was abducted from his medical office in Mexico by proclaimed U.S. authorities. He was detained and tortured by his abductors before he was officially arrested at the El Paso airport in Texas.[16] While under the custody of these agents, Alvarez-Machain was shocked with an electrical-shock apparatus and injected with substances that made him feel "faint and dizzy".[17]Alvarez-Machain filed civil suits against the U.S. claiming he was involuntarily detained by bounty hunters before being brought to the United States. In the laws regarding state-sponsored abduction, requesting states are not permitted to send agents or officials into the territory of another state to kidnap or arrest a person from that state.[18] Though these laws were set in place before the case of

Sosa v. Alvarez-Machain, the U.S. chose to ignore these laws when they continued to support the abduction of Alvarez. International laws were violated in addition to the violation of Alvares-Machain's human right to be free of torture and to be recognized before the law. The courts recognized that there was a violation of human rights, but held that Alvarez was not entitled to a remedy and the U.S. was not obligated to adhere to international law without their explicit consent. This instance shows how states can defy international law through self-determination since international law relies on the consent of states to operate. The case of *Sosa v. Alvarez-Machain* has led to questions from the international community regarding the efficacy of extradition treaties and whether state-sponsored abductions of an individual should be accepted by courts when putting them on trial.

The limits of the extradition process prevented the United States from obtaining Alvarez-Machain in legal manners. This led them to detain Alvarez through alternative means that were not mentioned in the U.S.-Mexico extradition treaty of 1980.[19] Mexico protested the seizure of Alvarez saying it violated the extradition treaty, but the U.S. Supreme Court ruled that "the treaty was not the exclusive means of bringing Mexican fugitives into the U.S."[20] This statement by the Court ruled that an individual can be criminally prosecuted regardless of whether they were obtained legally or illegally.[21] Despite these legal claims, Alvarez was acquitted of his criminal charges and sued the U.S. Government in a civil tort action for the mistreatment he received during his abduction.[22]

While the case of *Sosa v. Alvarez-Machain* dealt with whether it is permissible to put an individual on trial if they were obtained through illegal methods; the case of *U.S. v. Alvarez-Machain* deals with the issue of whether an extradition treaty precludes state-sponsored abduction within their terms. Alvarez made his argument based on how the "district court lacked personal jurisdiction over him because the abduction violated the Extradition Treaty between the United States and Mexico.[23] The District Court responded that there were no express provisions that forbid the U.S from forcible abductions; therefore, a breach of treaty did not occur. The Court concluded that the treaty's use of language in context of its history, proved that it was never an implied term and the treaty did not prohibit abductions. The prosecution was also supported by the Ker-Frisbie Doctrine, a decision made in 1886. This made it possible for the Court to claim that abductions are a permissible form of obtaining an individual for trial. Under the precedents of *Ker v. Illinois*, where the Court held "abductions were not specifically prohibited by the treaty, the treaty was not called into question by the abduction; the treaty thereby did not prevent the United States courts from obtaining personal jurisdiction over the defendant."[24] The Ker-Frisbie Doctrine was a tool for the U.S. to circumvent treaties and acted as proof that this method of extradition was openly accepted by the U.S despite the countless international law violations involved.

The decision in *United States v. Alvarez-Machain* could not overrule the past case's decision, but it allowed the international community to respond to the situation. Since the inception of the Ker-Frisbie Doctrine, there has been a drastic increase in government misconduct which have allowed the Courts to tolerate these illicit activities.[25] To argue their position, the U.S. was using a doctrine that not only created more controversies within their legal system, but was also taken from the 1800's. This created massive discourse within the international community because the Doctrine was inconsistent with the current trends of supporting international law. The case of *U.S. v. Alvarez-Machain* put pressure

on the United States to abandon the Ker-Frisbie doctrine as there was a growing demand to respect international law.[26] The U.S argument using the Doctrine proved that the formal extradition process was outdated as they relied on decisions made even before the conception of the United Nations and the modern ideas associated with international governance.

THE DECENTRALIZED NATURE OF INTERNATIONAL LAW

When a crime involves the illegal apprehension of individuals, both the laws of jurisdiction and human rights are violated. The enforcement of international law differs from national legal systems because there is no definitive source of law.[27] The enforcement of international law, especially in the case of extradition treaties, is non-existent. Due to the decentralized nature of the international law system, there is no higher authority that ensures all treaties are being complied with. The only controlling factor in gaining jurisdiction over another state in international courts and tribunals is to have the consent of nations.[28] The Mexican Government can claim that the treaty has been violated, but if the U.S. can make the argument that it was not within the terms of their arrangement, then they are technically able to conduct an irregular rendition of a wanted criminal without any repercussions. Additionally, by using previous rulings like *Ker v. Illinois* and the series of decisions that have followed since its introduction, they have been able to create a strong precedent to argue the case in their favour. Under the Doctrine and the other precedent cases, the U.S. can regularly abduct individuals without the fear of legal consequences. This gives them the power to have complete control over disputes and manipulate laws in their favour.

International law is also largely founded by the notion of customary law.[29]The practices within countries make up the law, so as the country develops, the international law will adapt to these changing customs. Therefore, international law is supposed to represent what norms have been universally accepted by the world. Customary law not only incorporates societal norms, but it also involves numerous treaties. The United Nations Charter and The Charter of the Organization of American States are two treaties that have been added to customary international law.[30] The U.S. agreed through the decision of The Pacquette Habana, that it would officially recognize international law and deem customary law to be a part of their constitution.[31] While the Extradition Treaty between the U.S. and Mexico did not have an exclusive cause denouncing abduction, through customary law it would be assumed that abduction is prohibited. The only legal means of transporting and convicting a criminal would be through the extradition process depicted in the treaty.

There are also disadvantages to customary law practices, one example is that states can challenge the validity of the law since it has not been codified.[32]By allowing states to disregard their legal obligations in treaties, it produces a breeding ground for recurring violations of international law.[33] In the terms of extradition law, it has become a major issue because it highlights the ability states have in changing the law when they act in their own interest. The United States Supreme Court have been widely critiqued for their decision in not recognizing the prohibition of abduction as part of international law.[34]Treaties were created to foster cooperation and mutual assistance among states. Instead, the U.S. took advantage of the limitations set in the Treaty and blatantly violated the terms of the agreement.

The actions of the Supreme Court ruling in *U.S. v. Alvarez-Machain* would significantly change international law because many states would be able to justify state-sponsored abductions through

the U.S. ruling in the case. The Government of Canada made an amicus curiae brief to the Supreme Court stating that all the extradition treaties the U.S. is a party to do not contain explicit terms on abduction; however, Canada "views transborder abductions from Canada to the United States as breaches of the … Treaty."[35] An amicus curiae brief provides additional information in support of one of the parties and is presented by a third-party who has an interest in the outcome of a case. If all states neglected to put in a specific clause regarding extraordinary rendition in their treaties, then it is assumed that it was a customary international norm that abduction is prohibited. It would be redundant to repeat this on all treaties seeing as the international consensus forbids state-sponsored abductions. Furthermore, if some treaties specifically prohibit abductions, treaties that do not reference abductions at all might be construed to permit abductions. This would cause renegotiations from every country as they would feel the need to adapt their treaty to this new convention. The U.S. would be significantly impacted in this as they would be renegotiating 103 of their extradition treaties with other states.[36]

CONCLUSION

There are many reasons why the extradition process has failed to hold individuals accountable in foreign countries. The lack of effective international legislation shows that there are major inherent problems within the justice system that go beyond a non-existent treaty between two states. The inefficacy of extradition treaties have led to state-sponsored abduction being used as a replacement to detain criminals from the requested state. Government sponsored abduction occurs when the state orders officials to enter a foreign state to apprehend an individual. This not only violates the principle of international law, but it also violates international human rights

laws. The treaties have not evolved with the standards of human rights, and consequently, not been effective in bringing justice to prosecuting states. Due to the lack of accountability among countries, the U.S. was able to exploit the terms of their extradition treaty with Mexico. This was not the case in *U.S. v. Alvarez-Machain* and it will continue to be an issue in the future if nothing is done to reform the extradition process.

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Picture: "Acharya" Digital image. IPleaders, July, 1 2018. Available at https://blog.ipleaders.in/wp-content/uploads/2018/07/BV-Acharya.png

The Canadian Position on the US and China: 'The Middle-Power Without Power'

Written by: Jet Li

Abstract

The Cold War has long been over. So why is Canada's foreign policy still stuck in the past? This essay argues that it is critical for Canada to renew and update its foreign policy, stating that Canada is now unprepared to deal with the United States relationship and the rise of China. The analytical framework of historical institutionalism and path dependency is used to examine why Canada's international influence has faltered in the past few decades. It outlines that the historical institutionalization of Pierre Trudeau's 1970 foreign policy created the Canadian international identity of the 'helper-fixer' that is insufficient for the 21st century. Path dependency of Canadian nationalism resulted in a gradual distancing from the US, leaving Canada alone to appeal to China's increasing aggression. The proposed solution involves a rededication to the liberal international order through the blending of hard-power methods with Canada's soft-power prowess — highlighting that renewed peacekeeping initiatives, and aligning with US interests are paramount in the stand against China.

Keywords: Canadian Foreign Policy, Historical Institutionalism, Path Dependency, Pacekeeping, US, China

INTRODUCTION[1]

It has been 50 years since Canada has had a comprehensive review of its foreign policy. The old policies that established the Canadian international identity as the friendly, welcoming middle-power have over the years become insecure. The failure to secure a seat on the United Nations Security Council (UNSC) in the past two decades indicates that the conventional strength of Canada's diverse multilateral diplomacy, 'leading by example,' is no longer sufficient to impress the world stage. Canada is losing its international standing by operating on an outdated foreign policy that is ill-prepared for the new century, especially with concerns of China's recent aggressive politics. China is using its massive economic influence to undermine Canada's national security and challenge the international rule of law.[2] Meanwhile, current Canadian foreign policy still views the United States, which no longer poses a hegemonic threat, with deep skepticism and caution.[3] Canada is balancing the irresistible economic prospects with China with the security of the United States that has made the role of the international "helper-fixer" possible.[4] For the common citizen, the difference lies in trading national security for the economy.

Should Canada re-evaluate its foreign policy? This essay argues that it is critical for Canada to renew and improve its foreign policy as it is the first step in consolidating international interests. Strategic matters like peacekeeping, the United States, and China require heavy re-evaluation to rebuild dwindling influence. This essay begins by posing an analytical framework of historical institutionalism and path dependency pertaining to Canada's foreign policy since the Cold War. Next, the causes will be analyzed with the framework to establish why Canada's foreign policy has become obsolete. Then, it will suggest a new pragmatic foreign policy solution that has

priority in Canada's strategic interests: peacekeeping, China, and the US. Finally, the essay ends with a conclusion about implications for policymakers and future prospects.

ANALYTICAL FRAMEWORK

Historical institutionalism (HI) is the theoretical approach that is best used to evaluate the state of Canada's foreign policy. Historical institutionalism emphasizes that the set institutional rules, constraints, traditions, and sequences shape political behaviour and guide political actors in the legislature over the long term.[5] As there is no concrete theory, specific method of implementation, or definition, it is best understood as a general theory to the study of politics.[6] It is distinct from other approaches due to the focus on empirical data methodology and rationality to test hypotheses.[7] Historical institutionalists will often start by analyzing the puzzles that emerge directly from observed events or patterns. Then[8] there are comparisons with other hypotheses to figure out what accounts for the differences.[9] It is all an effort to find a relationship that links two phenomena together, more specifically, how humans react in their own self-interest in accordance with the rules that are set.[10]

There are two elements to historical institutionalism. The first element is the immense focus on historical evidence pertaining to future decisions, and three of its reasons dictate why history matters for politics.[11] The first is that all political decisions happen within a historical context, and have direct consequences on the event.[12] There is the causal link between 'when' and 'how' that is at the core of the analysis.[13] Historical institutionalism avoids the mistake made by large-scale quantitative comparisons, which often pool data across continents and time periods, but treat the events of the time and place as inconsequential.[14]

It is logical that decisions made in a dire surrounding context are bound to be more drastic and extreme than in times of relative stability. The next reason why history matters is the potential to learn from experiences.[15] The behaviours and attitudes of political actors are influenced by social, political, economic, and cultural contexts.[16] Historical institutionalists explicitly differentiate their variables for the appropriate context.[17] This allows for a much deeper and richer understanding of the actors within a particular history, resulting in far more accurate explanations for specific events than compiling all political action into a fundamental concept.[18] Finally, as one would predict, expectations are shaped by past experiences.[19] History tends to repeat itself because each new event builds upon set patterns. A new radical initiative drawn upon failed experiments will warrant doubt, whereas a pattern of success establishes high standards. So in order to understand how historical events specifically affect long-term political outcomes, there needs to be more involved than the application of variables that have fixed relationships across space and time.[20]

Historical institutionalists also relate the second element, the concept of path dependency, essential to the analysis. Path dependency presupposes that many outcomes are possible and that the slightest variance or fluke can result in massive consequences that are hard to reverse, especially as time progresses.[21] Path dependency is set in motion by two separate but related sub-concepts involving 'critical junctures' and 'developmental pathways.'[22] The first approach (critical junctures) involves arguments about critical, often sudden moments in a polity's institutional foundation — revolutions or decolonization processes — that drastically send countries along vastly different paths.[23] The

second (developmental pathways) implies that institutions over time will slowly evolve in response to changing environmental pressures and function while still constrained by the trajectory.[24] These small variances that end up creating their own paths become 'locked-in' due to standardization, and instead, all relevant actors are required to adjust to accommodate the pattern.[25] For example, when China entered the international capitalist economy in the 1980s it still maintained entrenched communist values. The initial capitalist path of permissions in foreign investments and exports under communist watch eventually grew China to be the second-largest economy in the world. Now China needs to simultaneously operate under two conflicting ideologies, or otherwise lose its dominating political and economic strength.

Incorporating historical institutionalism and path dependency is useful in the core analysis of Canada's current international attitude. First, historical institutionalism can address the cause of the problem by looking at both Lester B. Pearson and Pierre Trudeau's international policies since the 1960s. Specifically, it accounts for how Canada's foreign policy was so successfully institutionalized that it lasted for over 50 years. Second, path dependency explains Canada's gradual distancing from the US with the intention to build their own image under a 'developmental pathway' and how it resulted in increased relationship building with China at the expense of security.

ANALYZING THE CAUSES

Nationalism in Canada emerged after the Second World War based on the desire to define their role in the world. Canada had extensively built its reputation as the international 'helper-fixer'

middle-power during the Cold War by the ways of soft-power leadership and prowess in peacekeeping. The support for diversity and multilateral partnerships set an example for developing countries to follow. This was especially bolstered by Pierre Trudeau's foreign policy check in 1970 to promote social justice, enhance global quality of life, safeguard sovereignty and independence, foster economic growth, peace and security, and ensure a harmonious natural environment.[26] Even going so far as producing colourful booklets for the general population broadcasting Canada's promise to international development.

The Cold War was a turbulent time for globalization, with many developing countries coming out of war and entering the world stage. In other words, it was a golden opportunity for Canada to employ its foreign policy and build its diplomatic identity among developing nations, and indeed it worked successfully for many decades. New governments, both conservative and liberal, rationally insisted on institutionalizing Canada's proud reputation for future generations to follow. Bilateral relationships with revolutionary Cuba and the early recognition of China were acts of Canada's independent foreign policy motives.[27] Peacekeeping was also massively advanced. In the 1990s, Canada was the largest contributor to United Nations peacekeeping missions to conflicts in Africa, Eastern Europe, and the Middle East.[28]

The institutionalization of Pierre Trudeau's foreign policy did not prepare Canada for the rapid change of the 21st century. The problem with maintaining a 1970s-era foreign policy is that the policies are only relevant for that time period. Globalization introduced many new members to the UN, including other middle-powers competing for influence.

Canada was no longer the only country capable of offering foreign aid and creating soft-power diplomatic partnerships,

especially with Japan and Germany re-entering the global stage.[29] As a result, Canada built upon its military strength and became heavily dependent on its leadership in peacekeeping to maintain international standing, what Germany and Japan were unable to do.[30] Now, due to decreased UN funding and more strategic placement of Canadian peacekeepers for domestic interests, Canada's participation has been in decline, and with it a large component of its international standing.[31]

Pierre Trudeau's foreign policy also never explicitly considers Canada's relationship with the United States.[32] While the US was the most powerful security ally for Canada, there was also the incredible fear of American domination with its massive military capability, nuclear arsenal, and economic influence.[33] This fear, coupled with strong Canadian nationalism, led to anti-American resistance in foreign policy, reduced interdependence, and set Canada on its own.[34] This path dependency over the years has distanced Canadians greatly from their American allies, most notably leading to complications in Canada-US trade.[35] Now with the end of the Cold War, the US no longer poses the same hegemonic threat as 50 years ago, but as previous policies follow the path dependency it is difficult for Canada to reset its relations, especially now with the rise of China.

The most recent trade disagreements with the US have resulted in Canada independently supplementing deals with China. Increased trade with Chinese markets is immensely productive

for the economy, however, Canada has now found itself balancing this lucrative prospect with national security. China is currently using Canada to gain an advantage over the US in certain industries, such as trade and energy, undermining the North American alliance.[36] The US-China rivalry has found Canada suffering the consequences in mediating the conflicts between the two superpowers. The arrest of Huawei's CFO in 2018 by Canada under orders of the US, and China's retaliation of the two Canadian Michaels' detention was a contentious topic in agreement talks, posing a massive obstacle in the quest for trade.[37] Even prior to this crisis, Canada had appeased China by waiving much of the concern for their human rights violations, militarization, incursions, and aggression in the Pacific, all for the benefit of trade.[38]

Applying the historical institutionalization framework to Canada's current foreign policy explains the problem of Canada's declining international stance. The Cold War context was a significant factor in institutionalizing Pierre Trudeau's vision of Canadian foreign policy. Canadian nationalism departed from US influence and built the Canadian international identity that every subsequent government has ingrained into the status quo. But Pierre Trudeau's vision was only effective for the time period of the Cold War, and the dependency on his vision created diminishing contributions that are gradually expiring Canadian influence on the world stage.

PROPOSING SOLUTIONS

Pierre Trudeau's Cold War foreign policy is clearly not suited for 21st-century globalization.

The solution requires not just a new comprehensive review, but the creation of a foreign policy review cycle under a globalization perspective. This means new reviews need to protect Canada from policy obsoletism — have set renewal periods and contingency plans to account for world affairs often changing quickly and unexpectedly. This process will take time and effort, but it is absolutely necessary for a clear insight into what Canada can expect in the foreseeable future. It also does not have to be reconstructed from the beginning. The 1970 review can serve as an outline to construct new foreign policy while building upon the already established foundation of Canadian identity, incorporating the shared sense of national purpose that was effectively laid out by Pierre Trudeau.

The draft of an immediate review dealing with upcoming decades needs policies focused on two points of interest. The first focus is a simple revamp of Canada's humanitarian activities with an incentive in peacekeeping stemming from strong domestic policy. The criticism that cost Canada a non-permanent seat on the UNSC is the absence of contribution to peacekeeping missions over the past few years.[39] The presence of Canadian soldiers and dollars is the lowest it has been in decades, and the globalized spread of hard-power has reduced the prevalence and appeal of the Canadian experience.[40] But in order to supply soldiers, Canada needs to first bolster its Armed Forces. These are first and foremost, Canadian soldiers that are being sent into conflict zones to do peacekeeping, so domestic investment in national defense and security is required to provide them with the resources they need.[41]

The second, and much more complicated focus, is on re-establishing the relationship with the US and pursuing joint cooperation against China.

Unfortunately, this means sacrificing the nationalism Canadians have built in the last 50 years. For any country, it is a little shameful to admit a reliance on the US, but it is required if Canada wants to manage relations with China. The reality is that Canada is a fundamentally different country from the US, without the military nor enough economic clout to take on China. The Americans can provide the security to maintain the role as the international mediator and confidently pursue interests with China. To do this, Canada needs to separate from path dependency and abandon the institutionalized aversion of US cooperation. There is an opportunity to learn from the US and blend traditional international hard power concerns with domestic cultural and social subjects, such as immigration, environment, human rights, and diplomacy.[42] Using the US military strength as insurance allows Canada to safely gain an insight into its own historical work and apply it to global issues.[43] US foreign policy has long championed this route, and Canada adopting this path will harmoniously set a foundation to build a new and better relationship.[44]

Next, Canada needs to embark on an active pro-US diplomatic policy approach. This means aligning (or bandwagoning) with US diplomatic views. Under the cover of the US, Canada will state clearly and firmly to China that its illiberal practices of human rights violations and military reclamation in the Pacific will not be tolerated, effectively a form of 'legal warfare.'[45] Canada will need to forfeit its image as an honest broker between the US and China and pick the side of the Americans. Increased military operations with the US will be required, however, it does not mean that Canadians potentially will need to follow the US into war.[46] It also does not mean that

Canada will need to drop all its activities of non-traditional security such as foreign aid and diplomacy, just that these activities alone are not enough to advance political influence.[47] This policy option is financially manageable and does not compromise national security while still allowing for engagement in defense projects with the US.[48] Choosing to side with the Americans does not mean the full endorsement or mirroring of all their activities.[49] Canada does not have to be seen as an extension or puppet, but it does require the leverage of the US for more active diplomacy.[50] In other words, Canada-US holding the same stance towards Chinese aggression is an opportunity for Canada to reassert its global role with an increased commitment to the liberal world order.

CONCLUSION

Canada is a middle-power without power in current global affairs. From a Cold War perspective, Pierre Trudeau's foreign policy initiative was exceptional for building the foundation of the Canadian international identity. But the historical institutionalization of the policies and path-dependent commitment to the status quo over decades has suffered Canada's present international reputation. The Canadian foreign policy of the Cold War is outdated. The absence of hard-power, without soldiers or international funding, reduced the venerable, peacekeeping arbiter status. Canadian nationalism distanced the US from many foreign policy considerations and instead pursued a contentious relationship with China. Policymakers need to abandon the historical institutionalization and path dependency to completely renew Canada's foreign policy. Although costly and time-consuming, it will provide a clearer stance of what Canada is now and where it desires to be in the future.

In this new policy, first, Canada will need to heavily reconsider investments in peacekeeping again. Second, resetting the relationship with the US. While it is a reluctant truth, embracing US influence will have many benefits for Canada, especially when dealing with matters pertaining to China. Perhaps Canada will even shed the image as the completely honest broker.

Canada will have the opportunity to build its desired diplomatic relationship and pursue the liberal international order, but only under the leverage of the US. Because if not the US, then who else?

With the new outline, the present consideration is whether or not Canada actually needs to embark on this path. Right now, no 'critical junctures' are present in world affairs. There is no current explicit need to pick a side in the China-US conflict, nor are there any volatile conflicts that need Canada to ramp up its peacekeeping efforts. Canada could just still continue on its set path from the 1970s and adjust its foreign policy slowly and in accordance to demand. The application of this essay can serve as a general insight into how historical institutionalization and perpetuation of the status quo can cause stagnation or regression. If in the future, such an event would occur that caused Canada to absolutely need to start another foreign policy review, then relevant actors would need to consider the relationship with the US to see if fortifying the partnership is even a possible prospect. Undoubtedly, there would be many challenges to face in consolidating domestic policy, international identity, and the purpose of the Canadian people.

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Picture: "Derivatives" Digital image. CTV News, October 8, 2020. Available at https://www.ctvnews.ca/polopoly_fs/1.4409292!/httpImage/image.jpg_gen/derivatives/landscape_1020/image.jpg

Election Deception

Written by: Kiret Grewal

Abstract

The saying goes, a picture paints a thousand words. But which words? Political photos are plastered all across presidential hopefuls' campaigns and they have the power to heavily influence the public's opinion about the candidates. These supposed candid shots, that appear to have nothing to hide, are masterfully crafted and are designed to manipulate our perceptions. We have become so used to viewing visual images at lightning speed and with increased frequency, that we are not even aware of all the subliminal messaging and visual cues our brains are processing. Author Roland Barthes lets us go back in time and revisit the campaign posters of old and of yesteryear to seek to uncover how they are staged, how this phenomenon is significant enough to change outcomes, and why we need to be paying more attention.

Key Words: Elections, Campaign Messaging, Traditional & Social Media, Photography

A picture paints a thousand words, but what words? This common idiom captures what fascinates us about photographs; the apparent simplicity streamlines our understanding into one focused image. However, veiled beneath this apparent simplicity are a multitude of visual cues and subliminal messages being delivered without us even knowing it. Roland Barthes delves into the secrets of the campaign photo in his essay, "Photography and Electoral Appeal" in an effort to unmask the truth behind the smiling faces of political imagery.

In 1976, Gerald Ford was running for the United States presidency with this campaign photo (Fig. 1). This election came at a pivotal time - the damage from the Watergate scandal was still fresh and America was reeling from losing the Vietnam War. Ford's campaign poster parodies Fonzie from the hit sitcom Happy Days. Set in post-World War II middle-class America, Happy Days connected to Americans who yearned for a simpler time before Watergate and Vietnam. Ford equates himself to the young, cool, confident character who like him is the key to bringing back the good old days. There is an air of good humour communicated with Ford using his name as a pun and playfully disassociating himself from the stiff suits and snobbish
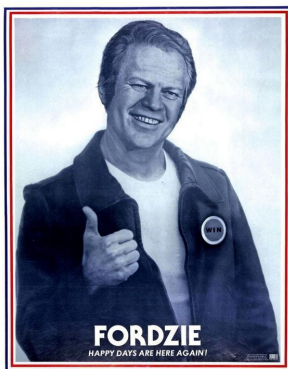
Fig. 1

of Nixon's Presidency. This poster is a strong example of "a candidate [establishing] a personal link between him and the voters" as Barthes put it.[1] Ford is framed as the everyman archetype, playing on people's nostalgia, and embracing the pop culture of the time. It is a very effective "anti-intellectual weapon" according to Barthes and "spirit[s] away 'politics'" which would have been a welcome relief at the time.[2]

Despite the power of the poster, Ford lost the election to Jimmy Carter, who went on to become the 39th President of the United States. His campaign poster also depicts the former president as a popular figure (Fig. 2).
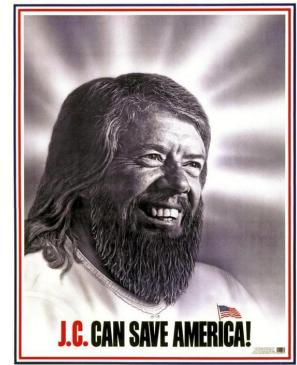
Fig. 2

Carter, embodying Jesus Christ right down to the matching initials, is America's saviour. His gaze is described by Barthes as "lost nobly in the future…the face is lifted toward a supernatural light which draws it up and elevates it to the realm of a higher humanity."[3] Carter was a Washington outsider and like Jesus was pure from the political scandal that tainted the previous administration. Hope, renewal, and faith were all captured in this evocative poster which sought to unite people through Carter's brand of social idealism and patriotism.

In contrast, the 2016 presidential campaign was won using a poster that did not even have the candidate's face on it, just a name plastered, like the emblem of a brand (Fig. 3).

Fig. 3

This demonstrates how campaign images have changed over time. Going from being citizens' only reference to see who could be running their country to having official campaign photos being one of thousands. Given the vast amount of media coverage the U.S. presidential election gets,

campaign posters are no longer citizens' only point of reference to visualize a candidate. "Inasmuch as photography is an ellipse of language and a condensation of an 'ineffable' social whole" the impact they can have on our conscious and unconscious minds cannot be overstated.[4] The invisible manipulation of signs and signifiers in photography is more dangerous than ever as technology oversaturates us with images that we take increasingly less care to analyze and understand. Barthes's warning to be wary of what politicians try to insert into public opinion, and what they try to distract us from is essential for the public to ensure good governance in the future. To let the signs take over from the important concepts themselves represents a failure to understand the power photographs have to reveal and obscure the truth. Unlike unscripted speech, every detail in a photo can be choreographed and our lack of awareness of that fact makes us malleable to outside forces and undue influence. Just like with Ford's poster, it is essential to look beyond the what and examine the why. Truth is not found in what our eyes see; the truth lies behind the eyes of the beholder.

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Picture: "Kevin Dietch" Digital image. Newscom Picture Alliance, October 8, 2020. Available at https://static.dw.com/image/55920270_101.jpg

Is the US War on Terror a Failure?

Written by: Diana El-Baraqouni

Abstract

This essay questions whether the American War on Terror was justifiable. It begins by arguing that the initiation of the war on Iraq was immoral due to the illegitimate use of force that unnecessarily generated substantial mass casualties. This use of force was also granted based on an uncertain assumption drawn by the Bush administration that Iraq had violated its United Nations (UN) agreement, which is a highly devastating claim to make for the consequential purpose of waging a war. Unlawful torturous techniques were also employed in black sites, which are clandestine jails used to hold prisoners who are not charged with a crime for the purpose of interrogation. However, these black sites were held in order to perform extraordinary rendition on alleged Al-Qaeda members, attempting to extract information about terrorist groups' plans under the discriminate assumption that these prisoners were in fact associated to these groups based upon their religious identity. The final part of the essay offers a critical dissection of the validity of the Patriot Act, which disregarded numerous civil liberties as well as the U.S. Constitution.

INTRODUCTION

One of the most influential political controversies today is the American War on Terrorism. Though it has many facets, none have been as pressing and palpable as the issue of the infringement of human rights and international laws. This issue, having evolved to such a substantial degree, is rooted in the failure of successive attempts to intercept and obstruct terrorism since the attacks of 9/11 until present. The Bush administration depended on a myriad of factors to protect and defend American lives including Western imperialism, torture techniques, and unlawful mass surveillance, causing Muslims in both the Middle East and the United States (U.S.) to deal with harrowing repercussions as a result. Ultimately, the ramifications caused by these factors attest to the failure of the American War on Terrorism. Therefore, this essay argues that by invading Iraq and holding black sites in the War on Terror, the United States not only violated human rights and international laws, but also enacted the Patriot Act which violated the Constitution, creating prevalent effects today.

POLITICAL LEGITIMACY AND THE BUSH ADMINISTRATION

Firstly, the American military intervention in Iraq commencing in 2003 generated much controversy about the legitimacy of President George W. Bush's operations. This controversy especially concerned the validity of international law and human rights that were largely disregarded in the war.[1] Bush's efforts in bringing Iraqi dictator president Saddam Hussein to justice for his crimes against humanity were executed through an initiation of a war on Iraq.[2] He also sought to seize ostensible weapons of mass destruction in Hussein's possession, entailing a prolonged military presence that threatened the lives of many innocent Iraqi civilians.[3] The U.S. has attempted to justify this military presence as a preventive attack, as Hussein was deemed an imminent threat to the national security of the United States and a general threat to world peace and security.[4] Therefore, Operation Red Dawn was initiated on the 13th of December, 2003, in ad-Dawr, Iraq, with the goal of locating and capturing Hussein.[5] Although these efforts were successful, the apprehension of Hussein resulted in approximately 12,000 Iraqi casualties.[6] Even following the capture and execution of Hussein on the 30th of December 2006, the military presence in Iraq did not cease, with a perpetuation of mass casualties of Iraqi civilians (Iraq Body Count). For this reason, Bush's War on Terror lacked a clear objective as the capture of Saddam Hussein was seemingly not satisfactory enough for him to declare the evacuation of his troops from Iraqi premises, despite being the initial objective to the Iraq War.[7] It seemed, rather, as if he wanted to pre-emptively locate these supposed lethal weapons and any links of international terrorism to Iraq for guaranteed protection of American lives.[8] However, in order to justify a war commenced to put an end to international terrorism, the exact terrorists must be identified to determine whether they provide a just cause for this war. Bush's War on Terror does not meet any of those requirements because the War on Terror threatened the Iraqi population as a whole, who had done no wrong in this situation.[9] There was little doubt that the war would result in mass casualties and collateral damage whether or not Hussein was found, rendering it irresponsible, reckless, and a violation of the human rights of innocent Iraqi citizens.[10] As a result, had the apprehension of Saddam Hussein occurred with no unlawful casualties, the American War on Terror could have potentially been deemed a success. However, under no circumstances can the triumph of the American military in detaining Hussein justify the collateral damage inflicted upon thousands of innocent Iraqis.

The perpetuation of the war on Iraq following Hussein's arrest also indicated an undetermined objective on Bush's part. Ultimately, an unfixed objective would have been acceptable if no gratuitous damage was caused, which unfortunately was the case.

POLITICAL LEGITIMACY AND THE BUSH ADMINISTRATION

In contrast, based upon foreign intelligence reports, the Bush administration had reason to believe that Iraq had nuclear weapons, and that they had the will to use them against Americans.[11] In light of this, Iraq had therefore failed to comply with UN Resolution 687, which had called for the nation to destroy all of its chemical, biological, and nuclear weapons, declaring it an official violation of international law.[12] On this account, Bush claimed that the coalition of the U.S., United Kingdom, and their allies aimed to "disarm Iraq of weapons of mass destruction, to end Saddam Hussein's support for terrorism, and to free the Iraqi people."[13] Article 51 of the UN Charter defines the inherent right of self-defence as the only exception validating the use of force.[14] The Security Council must determine that, "an act of aggression or threat to international peace and security has occurred and then authorize the use of force for the restoration of international peace and security." [15] Therefore,

> **"in an attempt to protect their own lives and rights, the U.S. believed that they must strike first before Iraq had the opportunity to attack."**

The alleged existence of these weapons of mass destruction denoted that they were officially engaging in war, thus having the lawful right to employ force as per the UN Charter. [16]

To defend the human rights and lives of all Americans as is the state's duty, the U.S.-led coalition hence believed that they must eliminate any and all threats. They believed there was no way to do this without innocent people being caught in the crossfire, justifying their military operation and the commencement of the War on Terror.[17] The use of force in the war on Iraq could be justified due to the terrorists' systematic targeting of non-combatants, "violating moral principles common to all."[18] In turn, this caveat fulfils the requirement that legitimizes the use of force in particular circumstances. It is upheld that any use of force must be both discriminate and proportionate.[19] The discrimination principle, as recognized by the Geneva Conventions, emphasize that the intentional targeting of civilians is unjust.[20] The U.S. military, in this context, are in fact acting with the "right intent," in which their use of force is targeted towards the terrorists rather than the Iraqi civilians who wound up as unintentional collateral damage. Bellamy reiterates that "double-effect holds that non-combatant injuries are justifiable, even if they are foreseen, so long as non-combatants are not the objects of attack."[21] Therefore, the Bush administration arguably believed that the Iraqi people were being freed from internal threats that may pose a risk to their lives due to the presence of these destructive weapons, objectively liberating them from the oppressive despotism of Hussein's regime. [22]

THE AMERICAN'S FLAWED CONCEPTION OF DISTRIBUTIVE JUSTICE

The fact that the Bush administration planned on attacking Iraq, aware that innocent people would be caught in the crossfire simply based upon speculations of the existence of weapons of mass destruction, offers a severely limited

justification based on a skewed understanding of distributive justice. The perpetuation of the war on Iraq following Hussein's arrest also indicated an undetermined objective on Bush's part. Ultimately, an unfixed objective would have been acceptable if no gratuitous damage was caused, which unfortunately was the case. These supposed weapons of mass destruction hadn't been found in post-war Iraq, with UN weapons inspectors' chief Dr. Blix announcing in a United Nations Security Council (UNSC) meeting that his team had not found any nuclear weapons in Iraq after almost three months of inspection.[23] Notwithstanding this information which eliminates any justification for the war on Iraq, Bush had once made it clear during a 2003 meeting with Tony Blair prior to the invasion, that the U.S. intended to invade Iraq even if UN inspectors had not found evidence of Iraqi weapons of mass destruction.[24] It is perceptible that regardless of the caveats required to legitimize the use of force, the U.S. had plans to violate international law and unlawfully employ force in Iraq anyway. This meeting also draws attention to the fact that the U.S. government was not certain that Iraq was violating its UN agreement and therefore international law— which is a devastating claim to make about a country. Bush had attempted to get the law on his side by vilifying Iraq in order to gain the right to wage war, based on the assumption that Hussein might have developed lethal weapons. This false assumption therefore cannot serve as a justification for "self-defence," as it serves to prevent the possibility of a potential armed attack rather than an imminent one.[25] In this case, not only is there no valid justification to wage war and use force, but there is no longer any legal basis that supports inflicting harm upon Iraqi civilians as collateral damage. Bellamy claims that "it is not enough to simply say that non-combatants are not being deliberately

targeted; there is a need to take measures to protect non-combatants as much as possible."[26]

The U.S. did not make every effort to avoid civilian deaths in Iraq, effectively prioritizing the protection of American combatants over the protection of Iraqi non-combatants near the operating areas; this is morally wrong and does not uphold international law.[27] In the U.S.' claim in being ostensibly considerate of everyone's human rights (Americans and Iraqis alike), they legitimize a vast lack of human rights simultaneously. There is a lack of convincing justification for the prolonged U.S. military presence in Iraq, and a political weaponization of "potential risk" to extend U.S.' power beyond what is necessary to eliminate terrorist threats. Conclusively, there was no reasonable justification to allow the coalition to threaten the lives of innocent Iraqi citizens if there was any doubt about the existence of destructive weapons in Iraq, which served as the U.S.' authorization to use force in the first place.

AMERICAN HUMAN RIGHTS VIOLATIONS

Furthermore, during the early stages of the War on Terror, the U.S. Army and CIA personnel committed a series of human rights violations against alleged Al-Qaeda members in Iraq's Abu Ghraib prison, as well as Cuba's Guantanamo Bay Detention Camp, subjecting them to physical and sexual abuse, torture, rape, sodomy, and murder.[28] In these prisons, detainees were subjected to unlawful interrogations by the CIA in order to reveal information about the inner workings of terrorist groups such as Al-Qaeda and Taliban, under the assumption that the detainees were involved.[29] These human rights abuses were committed in Cuba and Abu Ghraib as the U.S. government relied on extraordinary rendition of their detainees to countries where torture is legally practiced.[30]

This constitutes a breach of the UN Convention Against Torture provision, in which the U.S. is a member.[31] This false justification attempted to enable the human rights violations that occurred at Guantanamo Bay and Abu Ghraib, serving as a loophole to allow torture deemed by the U.S. government to be a military necessity. Those who partook in the execution of these activities seemed to enjoy the power that the exercise of torture gave them.[32] In fact, the soldiers seemed to have been so revolted by these prisoners that in all of the leaked photos released of the torture incidents in Abu Ghraib, soldiers were wearing gloves, never touching the victims except through batons.[33] This sends a message that Muslim prisoners were contaminated sub-humans not to be touched by soldiers who considered themselves relatively civilized. The perpetrators of these barbaric torture methods also showed no remorse, seen in pictures posing next to dead and abused bodies of victims and smiling, as if to mock the suffer of the victims.[34] The Bush administration denied the allegations of torture at first, but later confirmed the existence of these secret prisons.[35] The U.S. managed to commit these injustices without ever being held accountable, despite coming forward and confirming these human rights violations after extreme global pressure.

On the other hand, the Justice Department made public statements arguing that the President does indeed hold the power to order inhumane interrogation techniques such as coercion and waterboarding. [36] Although they refused to describe the exact nature of these interrogation techniques, they did in fact deny that they fell within the scope of what can be classified as torture.[37] In 2002, a memo from White House counsel Alberto Gonzales to President Bush stated that, "this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions." [38]

AMERICAN DISREGARD FOR THE GENEVA CONVENTION

In fact, the U.S. government attempted to exclude Al-Qaeda from the Geneva Conventions, claiming that neither international humanitarian nor human right laws apply in the case of Guantanamo Bay and Abu Ghraib detainees,[39] even more so because the prisons lie outside the U.S.' sovereign territory.[40] The U.S. had detained individuals whom it believed to be "combatants," asserting that accordingly, they had the right to hold these combatants until the end of the War on Terror. [41] In practice, these detainees could therefore be held indefinitely as there is no set end to the War on Terror. Therefore,

> **the U.S. government believed that they had justification enabling them to impose illegal and indefinite detention, torture, and unfair trials upon Muslim detainees.**

This was done to solicit useful information about terrorist groups that could potentially help protect the American population from prospective threat.

Conversely, it must be taken into consideration that the U.S. government's refusal to describe the exact nature of their interrogation practices corroborates the suspicion that something unlawful is being committed. It is crucial to note that Bush declared this a "war on terror," indicating that the laws of war apply to Al-Qaeda and Taliban members, who should therefore be given the status of "lawful belligerents," entitled to the rights and privileges under the Geneva Conventions. [42] The Third Geneva Convention

which deals with prisoners of war states that, "no physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatsoever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."[43] This convention immediately rules out the interrogation techniques and treatment of prisoners that occurred at Abu Ghraib and Guantanamo Bay as a substantial violation of human rights and international law.

It is also clearly outlined that "the highest level of protection is accorded to prisoners of war and provides that prisoners must be treated humanely and that, if interrogated, they cannot be forced to reveal information beyond their name, rank, date of birth, and serial number." [44]Although the Third Geneva Convention does not forbid interrogation outright, it does indeed limit the methods that can be used upon prisoners of war. [45]Therefore, there is no viable justification that should have allowed for the use of torture in the first place, as the prisoners detained within both prisons, who were only assumed to be associated with terrorist groups based on their religious identity, had no legal obligation to provide information to the interrogators whether or not they were affiliated with terrorist organizations.

VIOLATING DOMESTIC AND INTERNATIONAL LAW

The International Convention Against Torture also does not provide an exception for torture in wartime; torture is prohibited at all times, everywhere.[46]Extraordinary rendition has also been rendered contradictory to international law by the Torture Convention and U.S. law, which strictly prohibit the placement of any person in a place where there is a considerable likelihood that they will be subjected to torture.[47]

> **Although the U.S. government attempted to find a loophole that would enable them to freely use torture, their own nation's law condemns the very act of attempting to find a loophole in the first place.**

Many U.S. lawyers consider these executive orders from the Defence Department to be illegal and unconstitutional, and although the President may have significant power, he must always abide by the Constitution.[48] Consequently, the actions committed within Abu Ghraib and Guantanamo Bay prisons were a violation of the Geneva conventions which adhere to prisoners of war, and a substantial abuse of human rights.

Following the 9/11 attack, President Bush enforced the Patriot Act, which was unconstitutional and disregarded numerous civil liberties, and contributed to the rampant Islamophobia that continues to exist within the West.[49] The Patriot Act stands for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism."[50]It was an act that allowed a search procedure through National Security Letters, radically increasing the FBI's authority to demand personal customer records from Internet Service Providers, financial institutions, and credit companies without prior court approval.[51] This act also allowed government wiretapping and warrantless searches of homes belonging to a vague category of people that the government deemed potentially dangerous, consistently targeting Muslims.[52]This was an unconstitutional practice, as the U.S. Constitution's Fourth Amendment grants individuals the right to be secure from unreasonable searches and seizures

without obtaining a warrant and showing probable cause to believe that the person has committed or will commit a crime.[53]The government also monitored conversations between detainees and their lawyers—an unlawful breach of client confidentiality[54] while some detainees were held in solitary confinement without being charged with a crime.[55] The authorities even refused to reveal the detainees' identities to human rights organizations and journalists, acting as if non-American citizens had no rights at all under the Constitution.[56] This disregarded several Supreme Court rulings that protection under the Fifth and Fourteenth Amendments applied to everyone under U.S. jurisdiction regardless of whether or not their presence in the U.S. is lawful, unlawful, temporary, or permanent.[57] Due to the Patriot Act's authorization of illegal interference and violation of detainees' civil liberties, it promotes discriminatory beliefs in the West, targeting Muslims living in North America and painting them as potential terrorist threats.[58] Action taken that is not consistent with the Constitution or human rights and civil liberties are conclusively invalid, illegitimating the practices of the American War on Terror.

In opposition, the Bush administration had such limited time that they had to act immediately or else American citizens would be at risk, which is what called for U.S. intervention and the enactment of the Patriot Act in the first place.[59]

The Bush administration believed that this rigorous approach of mass surveillance was necessary for the greater good of the public, announcing that it was "consistent with U.S. law and the Constitution."[60] Secretary of State Condoleezza Rice supported Bush, stating: "we simply can't be in a situation in which the president is not responding to this different kind of war on terrorism."[61] Previous memoranda

promulgated by the Bush administration argued that the president is entrusted with exceptional powers and is not subject to law when acting in his commander-in-chief capacity.[62] Therefore, if Bush believes that using tools and resources to investigate organized crime and terrorism using this meticulous approach could help save the lives of Americans, he is simply fulfilling his constitutional duty in defending and protecting Americans.[63]

To refute the aforementioned, no matter how dire the circumstances, it was never legitimate to interpret that the goal of abolishing terrorism and that Bush's position as commander-in-chief override international law and the Constitution. The Patriot Act is heavily illegal due to its violation of several provisions in the Constitution, such as the First (right to freely practice religion), Fourth, Fifth (right to privacy without self-incrimination), and Sixth Amendment rights (right to a fair and speedy trial), and should have never been signed into law in the first place.[64] These binding amendments exist to protect all inhabitants of the U.S. whether they are citizens or not, and whether they have committed a crime or not, ensuring that the President does not abuse his power and authority—just as Bush had done under the guise of "instructing and obstructing terrorism."[65] Many prominent constitutional law scholars as well as former government officials had written letters to Congress that the Department of Justice had "failed to assert any plausible legal defense for the National Security Agency's domestic spying program."[66] Besides this critical point, the U.S. did not succeed in "obstructing terrorism" as the threat of terrorism still persists today even 20 years following the 9/11 attack, providing no legal rationale in pioneering unconstitutional surveillance methods to accomplish their goal of eradicating terrorism.[67] Not only have counter-terrorism budgets

skyrocketed for the Patriot Act's unclear target, but many innocent lives were lost due to persistent bombings under both the Bush administration as well as the Obama administration.[68]The United States simply cannot intrusively increase surveillance or kill its way out of terrorism, as it is both unlawful and unconstitutional, as well as incredibly harmful to millions of innocent Muslims.

CONCLUSION

To conclude, Bush's resort to extreme strategies such as the waging of a war on Iraq, illicit and covert torture methods in efforts to solicit information, and mass surveillance of specific targeted people were all key factors of the War on Terror, but all fundamentally based on assumption. The War on Terror caused unjustified damage and discriminated against many Muslims solely based on the assumption that they were the enemy, yet the U.S. were never held accountable for these war crimes. Ultimately, there should have never been a justification to eradicate terrorism threats through intervention as it was not supported by definite evidence, but rather through the assumption of a prospective attack. These assumptions, in turn, led to major violations of civil liberties. Overall, the War on Terror was instigated and propagated under a violation of human rights laws, international law, as well as the U.S. Constitution, making it illegitimate and can therefore be deemed a failure.

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Picture: Digital image. US Military Academy, September 9, 2019. Available at https://ctc.usma.edu/wp-content/uploads/2019/09/181031-Z-YV608-1012-1200x800.jpg

Trudeau's Refusal to Take a Stance on the Israel-Palestinian Conflict

Written by: Michelle Wodchis-Johnson

Abstract

Having gained immense traction in worldwide media throughout the last decade, the Israel-Palestine conflict has been cause for immense partisanship, with many world leaders being forced to take a stance on the issue - either publicly or with their voting decisions at the United Nations. This paper investigates the conflict itself and contextualizes Canada's foreign policy towards Israel while under Jean Chrétien, Paul Martin, and eventually Stephen Harper. Following this, it discusses the current Liberal Party's stance on the conflict, comparing it to perspectives of their opposition. Further, it directly compares the party's policies to Justin Trudeau's statements and actions, and in doing so demonstrates the glaring discrepancies between the two. Using these analyses, the paper provides a critique of Trudeau's lack of direct action despite his clear desire to present himself as a bipartisan leader of peace on the world stage, with this contradiction only working to excuse Israel's countless human rights violations.

Key Words: Israel, Palestine, Justin Trudeau, Human Rights, War

INTRODUCTION

The ongoing struggle between Israel and Palestine is one that has drawn mass media attention, having been one of the most violent conflicts that the world has seen in recent history.[1] Fighting has been conducted by a variety of groups on either side, has led to countless civilian casualties, and has required the involvement of several international actors and non-governmental organizations. The involvement of human rights, historic rights, and security issues, alongside a mutual distrust that runs centuries deep, has made peace increasingly difficult to achieve. The Canadian Liberal Party under Justin Trudeau has always positioned itself internationally as a 'friend of Israel', consistently emphasizing the country's right to defend itself against the Palestinians - though publicly advocating for a two-state solution. With the recent flare in the conflict, the party has come under mass scrutiny as Israel has been accused of illegal occupation, alongside a variety of other crimes against humanity. This essay will assert that Justin Trudeau's refusal to take a stand against Canada's long-time allies is a direct result of his desire to be seen as a leader of peace on the world stage, and in doing so, he is allowing the loss of countless Palestinian civilian lives. The paper will begin with a brief explanation of the roots of the conflict, alongside Canada's relationship with Israel throughout the last several decades. This portion will place an emphasis on Canadian foreign policy specifically under Jean Chrétien, Paul Martin, and eventually Stephen Harper. The paper will then provide an examination of Justin Trudeau's statements and actions in support of Israel, followed by the host of critiques that have been brought against him as a result.

CONFLICT HISTORY AND FORMER CANADIAN POLICY

The Israel – Palestine conflict is one of the most enduring, having begun years ago over land disputes. Further, it became religious when the British Empire, having owned Palestine at the time, promised it as a national home for the Jewish people.[2] The roots of the conflict establish Israel's continuous annexation of Palestinian land as an act of colonization. Its start can be traced to the 1948 Declaration of the Establishment of the State of Israel, which began the 1948 Arab-Israeli war.[3] This was followed by a continuous cycle of wars, attempts at peace treaties, and military occupation. The most notable of the aforementioned attempts at peace was the 1993 Oslo Accords, which ended just three years later when the Israeli Prime Minister was assassinated and the new government chose to withdraw the negotiation.[4] Things began to look up once again in 2005, when the Israeli Prime Minister and his Supreme Court ordered the removal of Israeli settlers and soldiers from Gaza, announcing an end to the occupation. Despite this, the United Nations Human Rights Watch still considers the Gaza Strip to be occupied, as Israel continues to control the airspace, territorial waters, in addition to the movement of both people and goods throughout the region.[5] Complications arose once again in 2006 when Palestine had an internal clash between two rival factions of their government. Those who took power afterwards were against the pursuit of peace, alongside Israel's right to exist as a sovereign state in the region. This was resolved with the creation of a united government in 2014.[6] It was around this period that the Israeli attacks began to exceed that which could be excused, even in the context of war; in 2008, their launching of operation Cast Lead led to the deaths of thousands of civilians.[7] By 2012, their illegal settlements in Gaza and the

West Bank were described by the European Union as a threat to the achievement of peace, in turn undermining the likelihood of reaching the two-state solution. This perspective was further echoed by all regional groupings of the United Nations Security Council, with the British Foreign Affairs minister publicly speaking out against Israel's actions. [8] While the United Nations refers to these areas as "occupied Palestinian territory", the Israeli government labels them "disputed territories", claiming that they cannot be called 'occupied' as no nation has clear rights to them. [9]

Throughout this long history, Canada has maintained an overall positive relationship with Israel, beginning with the 1997 Canada-Israel Free Trade Agreement (CIFTA), which would facilitate free trade between the two nations.[10] This positive relationship proceeded under both Jean Chretien and Paul Martin, though both Liberal party leaders also maintained a strong focus on UN multilateralism. Both Prime Ministers walked a thin line between the opposing ideologies, recognizing that both Israel and Palestine shared in the responsibility for the failure to reach a lasting peace – though were far more sympathetic towards Israel. [11] This relationship only strengthened when Conservative leader Stephen Harper took the office of Prime Minister in 2006, who had always been incredibly public in his pro-Israel stance. In 2009, Harper stated, "[we] count ourselves among Israel's closest partners. Since its founding in 1948, Canada has supported Israel and its right to live in peace and security with its neighbours. We value this relationship and look forward to continued friendship and collaboration." [12]Further, in 2010, Harper announced that Canada would be withdrawing its general funding to The United Nations Relief and Works Agency for Palestine Refugees due to its close ties with Israel's key rival.[13]In the same year, Canada's Junior Foreign

Affairs Minister Peter Kent publicly articulated that "an attack on Israel would be considered an attack on Canada." This strongly held belief of Harper's was clearly demonstrated through the Canadian voting record at the United Nations during his terms, being one of only nine states to vote against a United Nations General Assembly resolution that would recognize Palestine as a sovereign state in 2012. Based on this, it is no wonder that Israel's Finance Minister joked that "Canada's an even better friend of Israel than we are."[14] Overall, Harper's policies on the matter prioritized Israel over UN multilateralism, which worked to isolate Canada from its other allies.[15]

THE LIBERAL PARTY ON THE ISRAEL-PALESTINE CONFLICT

While in office, Stephen Harper made a point of capitalizing on his pro-Israel stance as an electoral strategy, painting opposing parties as against the country and exploiting the issue for partisan purposes. Despite this, all major parties at the time were unanimous in their support of Israel throughout the conflict.[16]The Liberals have continuously echoed the same sentiment, with their 2011 platform articulating their desire for peace in the region through the founding of a two-state solution.[17]Since this, no official Liberal platform document has mentioned the conflict, though Trudeau's actions speak louder than ever. Even before his 2015 election, Trudeau's Liberal party issued a press release as follows: "Israel should be commended for having accepted the ceasefire proposal, and demonstrating its commitment to peace. The Liberal Party of Canada, and many in the international community including the United States, the U.N. Security Council, and the Palestinian Authority, had urged a ceasefire that could have ended the tragic civilian loss of life in Gaza and the suffering of Israelis under terrorist attack" and going further to state that "Israel has the right to defend itself and its people. Hamas is a terrorist organization

and must cease its rocket attacks immediately."[18] The only deviation from Harper's approach was his return to a support for UN multilateralism in line with that of his Liberal predecessors.

Immediately after his election, Trudeau boasted to the world that "Canada is back",[19] referencing his desired return to liberal internationalism and a reworking of our foreign policy. Despite this,

Trudeau's votes within the United Nations showed no change from those of Harper,

with Steven Seligman's 2018 report on the subject stating "[the] Trudeau government's positions on UNGA (United Nations General Assembly) resolutions addressing Israel, the campaigns to promote BDS (Boycott, Divestment and Sanctions) and brand Israel as an apartheid state, and the appointment of Lynk as UN Special Rapporteur all reveal that Canada under Prime Minister Trudeau has taken a clear pro-Israel position. More pertinently, on each issue, Trudeau has adopted the same position embraced by the opposition Conservative Party and former Prime Minister Harper."[20] Amongst the most notable of these are his votes against resolutions that would affirm the Palestinian right to self-determination and deem Israeli settlements in Palestinian territories illegal. On UN resolution 17/96, which would guarantee the protections of the Geneva Conventions to Palestinian citizens residing in occupied territories, Trudeau joined forces with just the United States, Israel, and several small countries that rely on the United States in voting against it. Meanwhile, Britain, France, Germany, Italy, Russia, Japan, China and 162 other nations were all in support.[21] Following the Trump Administrations' announcement of their plan to recognize Jerusalem as the official capital of Israel through moving their embassy to

the city, the United Nations General Assembly put forward a resolution to revoke this. Despite the majority of Canada's allies voting in favour, Trudeau did not.[22] More broadly, he has voted against eighteen related resolutions, having abstained from the other two - this places his voting record among the most pro-Israel in the world.[23] The Library of Parliament's research revealed that Trudeau managed to vote against 87% of UN resolutions that condemn Israel – this is a figure higher than any Canadian government since 1984, including that of Harper's 61% record. This places Canada second only to the United States on the issue.[24]

Trudeau's support for the nation goes beyond his position within the United Nations and can be further seen through his ratification of an updated version of the Canada-Israel Free Trade Agreement in 2019. In addition, Trudeau headed the Canadian delegation to the state funeral of the Israeli leader in 2016, providing a strong condolences message that described former leader Shimon Peres as an "internationally-respected statesmen and great friend to Canada"[25] Trudeau has also demonstrated support for Israel in the conflict through his continuing of arms sales to the nation, which he has claimed is out of support for Israel's right to "assure its own security"[26] A 2018 statement from Global Affairs Canada additionally recognized the "strong relationship" that Israel and Canada share, based on "shared values."[27] A more recent statement from the Canadian Foreign Affairs Minister regarding the May 2021 resurgence in the conflict discusses the fighting from a neutral stance, placing no blame on Israel.[28] Further, in 2020, Canada submitted a letter to the International Criminal Court on the request of Israel regarding Palestine's desire to be classified as a sovereign state. When asked about the contents of the letter, a spokesperson for

Global Affairs Canada articulated that "Canada's long-standing position is that it does not recognize a Palestinian state and therefore does not recognize the accession of such a state to international treaties," going further to state that "in the absence of a Palestinian state, it is Canada's view that the [ICC] does not have jurisdiction in this matter under international law."[29] Essentially, he articulated that as stateless people, Palestinians have no right to bring forward cases for war crimes.[30]

So, while Justin Trudeau and his Liberal caucus neglected to articulate their foreign policy stance in relation to the Israel - Palestine conflict in their official party platforms, it is clear that under his government, Canada and Israel will remain allies. As mentioned above, the lack of public statements on the matter is likely a result of Trudeau's desire to appear neutral on the world stage, in turn positioning Canada as nothing but 'promoters of peace'.

CRITIQUES OF THE LIBERAL PARTY POSITION

One of the key critiques of the Liberal party position surrounding this issue comes from the Conservative party, likely as a result of Stephen Harper's aforementioned attempts to exploit the conflict as a partisan issue. The party's 2015 and 2019 platforms both expressed their desires to follow the Trump Administrations' attempt at moving their country's embassy to Jerusalem.[31] Most recently, former Conservative party leader Erin O'Toole articulated his party's stance in stating "[a]s Canadians, we are proud to have been one of the first countries to recognize the State of Israel. Under my leadership, a Conservative government will move the Canadian embassy to Jerusalem and finally recognize the city as Israel's rightful capital."[32] Other than the Conservative party's stance, the vast majority of criticism of Trudeau's stance comes from

left-wing sources - those who hold the belief that Israel's use of force is unjust.

In 2021, the United Nations Human Rights Watch released a 214-page report articulating all the ways that Israel's actions in the conflict have violated the laws of war. Though acknowledging that Palestinians have also engaged in 'unlawful' attacks, the Israeli forces have caused high amounts of civilian casualties – most notably, in attacks that were not found to have any evident military target.[33] In targeting innocent civilians, Israel's actions can undoubtedly be characterized as crimes against humanity, with the Human Rights Watch stating "[the] international community has for too long explained away and turned a blind eye to the increasingly transparent reality on the ground".[34] Amnesty International has additionally agreed with this characterization, bringing forward the Fourth Geneva Convention, which states "[the] Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." It also prohibits the "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory".[35] This means that under the Geneva Conventions and the Laws of the Hague, Israel's act of settling its own citizens in occupied Palestinian land, in turn displacing the native population, is inherently in opposition with international humanitarian law.[36] Israel's marked departure from these customs, alongside their indisputable committing of war crimes, goes immediately against the ideals of liberal internationalism, everything that the Liberal Party publicly advocates for, and the basis of the Canadian identity. This is the primary basis for the critiques of Trudeau's stance – specifically those coming from the New Democratic Party.

Harper's attempts to turn the issue into a point of contention between the Canadian parties was invalid because all major parties – the Liberals, Conservatives, and the New Democratic Party –

essentially held the same beliefs. It was only when the New Democratic Party's leadership was transferred to Jagmeet Singh that this changed. Under Singh, the New Democratic Party's 2019 platform articulated a desire to recommit to peacekeeping within this conflict.[37] Further, the 2021 platform expressed the party's commitment to a two-state solution,[38] as well as halting all arms sales to Israel until the end of their illegal occupation.[39] Singh has further stated that Trudeau's continuation of arms sales to Israel is "undermining the peace process" and "supporting illegal occupation."[40] Critiques have also come from other members of the NDP, with their foreign affairs critic calling for Canada to play a stronger role, specifically "in pushing for a resolution to this conflict, including calling for an end to the illegal occupation, settlements and evictions, recognizing the statehood of Palestine, urging Israel to allow Palestinians in East Jerusalem to participate in the Palestinian election, and playing an active role in helping build a just and sustainable solution for Palestinians and Israelis."[41] In addition, he pointed out that several other nations – many of which are our allies – have condemned the annexation, and that Trudeau must take action in ensuring that Canada additionally condemns such acts, specifically those that are clear violations of international law and the Geneva Convention.[42]

Members of the New Democratic Party are not the only Canadian politicians speaking out against Trudeau's stance – or lack thereof. A Bloc Member of Parliament recently attempted to move a motion in the House of Commons that would "call upon Israel to stop colonizing and annexing Palestinian territories."[43] A member of Trudeau's own caucus, Salma Zahid, has also made public statements demanding that Canada take action in standing up for the rights of Palestinian civilians.[44] The Green Party caucus sent a letter to Trudeau in 2020 demanding that

he apply the same standards to Israel's proposed annexation of Palestine that he did in the case of Russia's 2014 annexation of Crimea.[45]

Aside from politicians, many Canadian citizens have gathered in protest of Trudeau's lack of action, calling for him to intervene – or at the very least, cut our strong ties with Israel.[46] Journalists across Canada are also showing solidarity with the Palestinian people through demanding fair coverage of the conflict, as countless government publications refuse to use anything but neutral language. On May 14, 2021, An Open Letter to Canadian Newsrooms on Covering Israel-Palestine was published and signed by thousands of Canadian journalists. The letter publicly denounced the neutral coverage, demanding that Canadian media outlets place more emphasis on the disproportionate suffering of Palestinians.[47] Critique from the media is further shown through a recent article, which stated "[from] the Zionist regime's bombardment of Lebanon in 2006 to the 2014 slaughter of over 2,000 Palestinians in the open-air prison that is the Gaza Strip, successive Canadian governments have given Israel a blank cheque to do as it pleases."[48] Independent Jewish Voices, which publicly opposes the Israeli occupation, has issued statements aimed at Trudeau to point out that withholding recognition is not a good enough response from a government that "claims to be a guardian of international law" and that the Israeli annexation plan should serve as "a test to countries like Canada which claim to stand for a rules-based international order, but in reality, only do so selectively, whenever it is politically expedient."[49]

CONCLUSION

This paper has provided background information on the Israel – Palestine conflict, an outline of recent Canadian policy on the issue with a major focus on Trudeau's Liberal party and their stance, followed by a critical examination of said policy.

In doing so, Justin Trudeau's bipartisan stance has proven to be not constant with the Canadian values that he so frequently references. His hopeful post-election promise to bring Canada back to its liberal international policies of peacekeeping and multilateralism has not been upheld, and has only furthered his goal of positioning himself as a 'neutral' player concerned with fostering peace - proving it to have been nothing more than an electoral strategy.[50] This lack of criticism of Israel's indisputable perpetration of various crimes against humanity is not only a marked departure from Canada's traditional multilateralism, but is further a demonstration of Canadian imperialism's growing presence in an oil-rich region. With our liberal parliament repeatedly favouring economic prosperity and stability over multinational ideals, Canada's friendly relationship with Israel places the country as a mere bystander in the conflict and contradicting the country's values.

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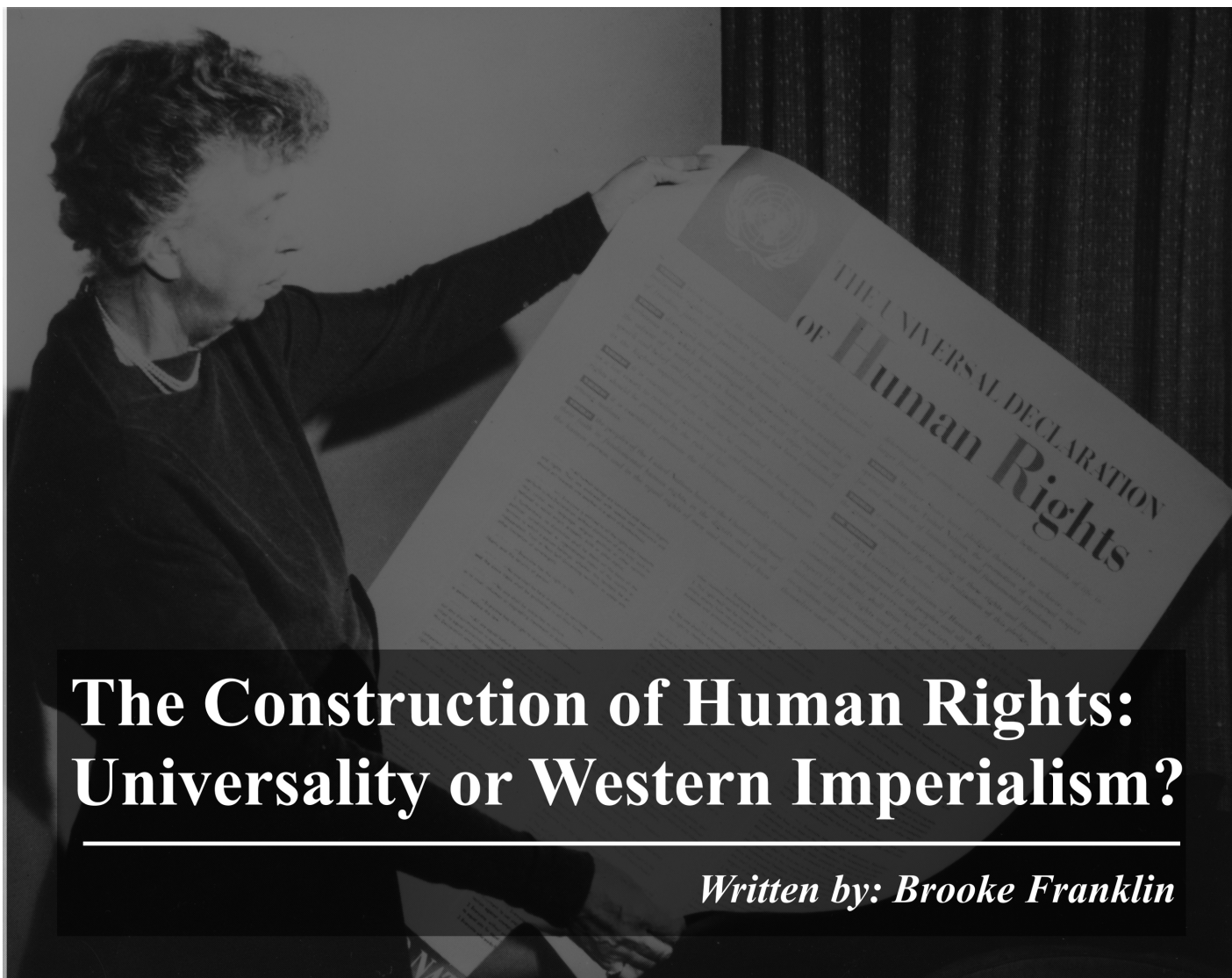
The Construction of Human Rights: Universality or Western Imperialism?

Written by: Brooke Franklin

Abstract

One of the key issues brought up in the context of human rights is whether they can be considered universal or relative. Some claim that the international human rights regime is relative, or another form of western imperialism, as it is perceived to be developed out of western values. This article argues that international human rights are fundamentally universal, and thus compatible with all cultures, religions, societies and nations. While modern human rights may have been formalized internationally by the west, there are strong human rights roots in non-western traditions. The creation of the Universal Declaration of Human Rights enshrines rights that are inalienable to all individuals, blending cultural plurality with individual dignity. Cultural relativist arguments against human rights are often done so by elites in order to maintain power and further their own agendas, which may be clearly seen though a study of female genital mutilation. It becomes apparent that human rights, embedded in international instruments, are universal and should be respected everywhere.

Keywords: Human Rights, Cultural Relativism, Universality, Individual Rights, Universal Declaration of Human Rights

INTRODUCTION

The modern human rights regime has provided individuals with inherent and inalienable rights applicable to every single person. Norms and standards have been established through human rights instruments and treatises in order to protect individuals from political, social or legal mistreatment. Human rights are aimed at a shared humanity in a very culturally plural world, aiming to create a universal standard of ways in which individuals should be treated. Since notable developments of human rights have been made in the post-second world war era, there has been many critiques on the topic. Cultural relativism suggests that the western construction of human rights imposes alien values on their non-western societies or cultures, suggesting it to be a form of western imperialism. This essay aims to address the fundamental principle of universality enshrined in human rights, by challenging the notion that the human rights regime has been an imposition on non-western cultures. The historical development of human rights found in western and non-western traditions will be examined, followed by a discussion on the universality embedded in human rights that balances cultural plurality and individual dignity, and concluded by addressing cultural relativist critiques of human rights. The establishment of human rights has remained a critical aspect of the current world order in creating standards to the treatment of humans.

THE HISTORICAL DEVELOPMENT OF HUMAN RIGHTS

Human rights are rooted in numerous philosophies and theories, some of which can be traced to ancient civilizations. However, the most notable characteristics of the modern human rights regime are accredited to being a western construct. Enlightenment brought human rights into the consciousness of citizens across the world, which has origins in European-Western civilization. The enlightenment movement during the 17th and 18th century drew on the idea of cultural rights and obligations to resolve responsibilities.[1] Perhaps the most influential aspect of enlightenment on modern human rights is the focus on natural law. Early Enlightenment figures often spoke of 'natural rights' or 'rights according to natural law'. In their analysis, Witte and Lattrel discuss prominent Enlightenment figures, stating that "...they were increasingly describing what we usually mean by 'rights today' – the inherent claims that the individual subject has to various natural goods like life, liberty and property."[2] Due to the origins of enlightenment thinking being primarily recognized as western, it may be assumed that human rights were established in western tradition. In his seminal work, Falk describes human rights as having been "Principally generated in the west evolving over time from the Enlightenment mindset."[3] As well, the enlightenment conception of virtue has been largely embedded in human rights.[4] However, there are essentially no greater contributions of enlightenment to human rights other than the mind-set in what it represents, this being that everyone is entitled to inherent rights. The historical roots of human rights is largely attributed to the western ideology of enlightenment.

While the modern human rights system is often attributed to western enlightenment, there are other historical roots from non-western traditions to explore. Some say that Buddhism, an offshoot of Hinduism, has moral underpinnings that can be found in human rights. Buddhist moral teachings contained integral principles of rights and duties, similar to that of modern human rights. In their work, Vyas and Muraka note, "The doctrine of 'ahimsa' in Buddhism elucidates the view that

very individual respects the inherent dignity of their own life, furthering love and protection to others in a selfless manner, and does not deserve the suffering which is extended to others.[5] The values embedded in the modern human rights system existed long before the formalization of the human rights regime, and may be found in various non-western societies. Another source of human rights from non-western societies may be Islam. Islam is not solely a religion, but also encompasses law, political structures, ethics, and behaviors.[6] Some have argued that Islam has offered concepts that represent comprehensive human rights. Islamic law intends to protect the interests of man. The interests being protected are considered divine rights, granted by their god and not to be modified, except by the Shari'ah. [7]

The modern human rights system may have values rooted in non-Western traditions.

The formalization of modern human rights can be traced to notable documents from western countries. The United Nations particularly highlights the Magna Carta, which set limits on the powers of royal Government in thirteenth century England, the 1776 American Declaration of Independence and the 1789 French Declaration des droits de l'Homme et de du Citoyen. Although the documents differ, it is presumed they have strong influence on the modern[8] developments of human rights in a few ways. Firstly, the formalization of declarations specifying certain human rights provides content and language for modern human rights. Second, elements within these declarations remain relevant in human rights today. For example, Article 1 of the UDHR, states, "All humans beings are born free and equal in dignity and

in rights",[9] and Article 1 of the 1789 French Declaration states, "Men are born free and equal in dignity and rights."[10] Another key foundation of these documents that remains a critical aspect in modern human rights is the focus on inherent individual rights. This is simply seen through the titles of the declarations, that being 'All Human' and 'men', demonstrating the importance placed on individual rights. It is clear that there are foundations of western culture are entrenched in human rights, however modern developments have been much less exclusive in content.

It is also suggested that modern human rights were established as a response to contemporary global and scientific progress. Recent developments occurred first in the west, caused by changes occurring at different rates everywhere such as industrialization, urbanization, globalizing information, and so forth.[11] Human rights are driven by political, economic and social developments that have the ability to affect any society or culture. Therefore, human rights could have been established by any culture, but it was formalized by the west first. Human rights, rather than being a western cultural construct, evolved due to new knowledge and information being spread. The globalization of information impacts individual participation within politics and in turn may fuel demand for more personal liberty.[12] Attempts to frame human rights as western interference in non-western societies is inauthentic because human rights developments are not truly western. As traditional western culture is examined closely, it may be seen that non-western societies share many similarities with western tradition. According to international law expert Thomas Franck, human rights are hardly western as western tradition begins to look like zealous fundamentalism.[13] In the case of religious tolerance and freedom, Saudi Arabian groups do not allow people to change

their religions,[14] and Islamic fundamentalists argue that non-muslims must be allowed to proselytize.[15] This was a similar case in Western Christian civilization seen through Aquinas' influential work that advocated for the death of heretics.[16] Human rights are not really rooted in western values, but rather established by western countries. Norms and values within differing societies tend to evolve over time. This may be seen through numerous historical events such as slavery, Nazi Germany, women's rights, and so forth. The realizations of discriminatory power coupled with growth of knowledge led to the creation of the modern human rights. Human rights are not rooted in a specific regional culture but rather in modern transcultural progress. This assumes that human rights are not necessarily a form of western imposition, but instead reflect modern achievements and developments that were formalized by the West.

Modern international human rights were notably developed preceding the second world war with the creation of the Universal Declaration of Human Rights (UDHR). The United Nations highlights that the UDHR, adopted in 1948, was a result of the atrocities of the second world war, and that the international community should never allow those barbarous acts to occur again.[17] Human rights took much more formal, and much less exclusive forms than previous declarations, however foundational elements still remained within modern human rights. Modern human rights were then intended to be inalienable and inherent rights in which every single individual regardless of culture, race, religion and so forth. Some may say that human rights are an imposition of western values which may be due to their development predominantly by western countries. However, many non-western countries played a critical role in establishing the UDHR. A number of developing countries such as India, Panama, China, and others played an active and influential role in drafting the UDHR. [18]The creation of the UDHR and modern human rights was established by diverse cultures. In her seminal work, Nhina Le explains that human rights may:

> "...be labelled as 'westernized,' but performance suggested that they were familiar with both local and transnational norms. Not only did each contribute insights from his own culture, but each possessed an ability to understand other cultures and to translate concepts from one frame of reference to another."[19]

It becomes clear that modern human rights, specifically the development of the UDHR, was an international collaboration of norms and ideas to be translated into a formal outline of rights.

Human rights then became at the forefront of the international stage, taking many different forms and developments varying among cultures. Arguing that human rights is an imposition of western values is inauthentic due to the magnitude of treatises and covenants being ratified. The 1993 conference on human rights submitted the Universal Declaration into two covenants in which 154 and 159 governments ratified, and joined by nearly 1000 non-governmental organizations.[20] In their work, Cox and Yoo note that the covenants were, "represented virtually by every region and every cultural and religious tradition." [21]This demonstrates the willingness and support for human rights by vastly differing cultures and backgrounds. Additionally, the Convention on the Rights of the Child (CRC) adopted by the United Nations in 1989.[22] The CRC is regarded as one of the most rapidly and widely ratified human rights treaties in history with 194 countries

ratifying.[23] It is evident that there is a general consensus on how individuals should be treated among western and non-western societies alike.

THE UNIVERSALITY OF HUMAN RIGHTS THEORY

The human rights regime, although internationally spearheaded by western countries, is ultimately universal in that these rights are inalienable and inherent to all individuals. This remains true as every society has a concept of justice, law and governance, and the dignity of individuals.[24] No matter how formal or informal societies recognize certain rights, human rights are merely a distortion of reality. Modern human rights are set on the non-exclusive value of the dignity awarded to all individuals.[25] When closely examining human rights, no individual is truly incompatible with rights. As well, many of the rights do not seem unreasonable, such as the right to life, freedom from slavery or torture.[26] Universal human rights are designed to apply to every single individual, and it would be doubtful that individuals would argue against such human rights. The UDHR and several ensuring legal treaties setting out civil, political, cultural and economic rights as well as the rights of children, women, ethnic groups, and religions, were meant to create a global safety net of rights applicable to all persons, everywhere.[27]

Fundamentally, human rights do not truly contradict aspirations and ideals of society but rather aim to reflect a common humanity in which everyone may be included in. Although, it is evident that moral rights and rules depend on cultural context,[28] the basic principles and rights offered by human rights may be applied universally. It may be misleading to assume that western culture is aiming to impose alienating values as human rights are designed to apply to every individual.

Modern human rights are also relatively vague, allowing for the application and implementation of these rights to be adapted to differing cultures. Although some may suggest the conceptual vagueness of human rights causes issues, it allows for plurality and distinctions in which may be beneficial. A leading expert on international justice and human rights abuses, Kenneth Roth, states that, "They may not always provide definitive answers — any text requires interpretation — but they codify a widely endorsed set of principles from which the conversation can begin."[29] Human rights treatise and instruments can be used as contextual support to address abuses and enable further developments. The core components of the treatise that have been developed share similar guiding principles, thus not attempting to overwhelm the states with obligations. They are vague on the sense of implementation and practices so that state jurisdiction still plays a role in enforcement, however specific in the sense to explain clear violations.

Cultural and religious rights are protected and remain a core component in the human rights regime. Article 27 of the UDHR states the right to participate in cultural life, and is inseparable from human rights.[30] Additionally, Article 18 of the UDHR emphasizes the "right to freedom of thought, conscience and religion."[31] These rights have been further specified and embedded cultural rights in numerous other human rights treaties and documents. For example, the International Covenant on Economic, Social and Cultural rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) adopted by the United Nations. The development of numerous other treaties, such as the International Convention on the Elimination of All Forms of Racial Discrimination, reflect the willingness to be inclusive and respecting of all cultures.

Human rights have developed into a non-culturally specific force that leaves no room for cultural exceptionalism.

The importance of these documents remains as they establish cultural rights for all cultures, not just the dominance of one, implying that no culture has the right to dominate another's culture. [32] Human rights and cultural differentiation are almost inseparable. International human rights provide differing cultural legitimacy and protection.

Fears of human rights being western imperialism are inauthentic, and fears in which non-western societies may have been developed due to the post world ideology of globalization and individualism. Human rights may have been seen to challenge the sovereignty of countries and societies in the sense that they were intended to apply to every person, in turn individual's rights were taken away from the jurisdiction of the state. Human rights were seen as a threat to sovereignty and cultural identity; however, Franck points out:

"This threatens the state and the traditional group only to the extent that traditional communities are no longer able, alone, to resolve some of the most difficult global problems facing humanity: epidemics, trade flows, environmental degradation, or global warming."[33]

Human rights do not pose a threat or challenge state sovereignty but rather aims for a more unified international relations and standards on the matter of rights. These fears become further solidified with the rise of citizen's movements and associations that occur at the national and transnational level. While the rise of movements may challenge sovereignty, most non-governmental organizations are aimed at "activities that promote the well-being of others." [34] The notion that the globalization of human rights challenges sovereignty and westernization is misleading. Human rights rarely affront interest in cultural self-preservation by the western tradition.

The complexity of human rights argued by non-western societies tends to arise due to the focus on individual rights rather than collective rights. The vast difference between cultural values found in non-western and western societies tends to be the role of the individual within the community, making the application of human rights difficult. Many African societies do not believe human rights fit into their cultures because they value group rights and duties over the individual.[35] Human rights laws do mainly pertain to individual rights in order to protect them from society and the state, but do have the potential to isolate non-western communities that do not agree with these individualistic values. Individual rights are not the enemy of the common good, social responsibility, and community, but rather contribute to the emergence of new, multi-layered, and voluntary affiliations that can supplement those long imposed by tradition, territory and genetics.[36] Collective and individual rights are intertwined in that collective rights cannot exist without individual human rights. Individual rights do not extinguish collective rights, as Franck highlights, "when liberated from predetermined definitions of racial, religious and national identities, people still tend to choose to belong to a group."[37] Human rights have the capacity to fit into many non-western societies without the loss of community values or social duties within the community. Individuals should freely choose to live by traditional cultures and treatments.[38] Cultural identity is possessed by the individual, thus individual rights must firstly be addressed.

THE PROBLEM WITH CULTURAL RELATIVIST CRITIQUES

The problem of cultural relativist critiques is that in many cases, actors use these arguments as means to justify abuses. Some say that authoritarian leaders or powerful elites argue against human rights as a way to achieve other personal, political or social agendas. For example, the Taliban has many practices which would violate human rights, but use the concept of sovereignty to continue with its own goals. The Taliban are guardians of religion and culture that should be exempted from a 'western' system of human rights that is inimical to Islam.[39] Offering a cultural relativist argument expanding into cultural exceptionalism is used to defend abuses and maintain goals without influences of other actors. The Taliban's interpretation of Islam they claim to defend is arguably incorrect as noted by most Islamic historians, and claims to speak on behalf of Afghanistan culture whilst silencing the population.[40] Powerful elites and autocratic authorities tend to use cultural claims as a justification for totalitarian tendencies. The problem with freedom is not cultural or social, but rather political.[41] These regimes have determined ways to subordinate individuals by dismantling engines of social progress and committing violations in order to maintain power and authority. In the case of the Taliban, cultural luddites have taken children from religious schools and disempower women by deconstructing education and health infrastructure.[42] The use of sovereignty enshrined in the human rights regime may be used to forward personal agendas in terms of consolidating power.

Some arguments put forth against the human rights regime are related to the status and treatment of women. Many traditional non-western societies believe that the rights of women do not fit into their society or culture,[43] and thus human rights pertaining to women is regarded as an imposition of western values. Female genital mutilation has been a particularly prominent point of discussion in the case of human rights and cultural relativism critiques. Female genital mutilation involves the partial or full removal of external female genitalia for non-medical reasons carried out in many traditional communities.[44] It has been long argued that this practice is a core component of traditional societies as a community duty, and thus human rights do not fit into it. However, the World Health Organization considers the practice to violates person's rights to health, security and physical integrity, the right to be free from torture and cruel, inhuman or degrading treatment, and in some cases the right to life.[45] The practice of female genital mutilation raises many complex problems in regards to cultural contexts, health, and the morality behind it. No matter the case, individual rights that are violated for a communal good should not be accepted or protected. Torture against men is argued as cruel and subject to punishment, whereas the torture of women is a cultural practice. Alice Walker has campaigned against female genital mutilation for most of her life, and argues that "Torture is not culture."[46] Cultural relativism should not be used to claim western imposition when there are clear violations of human rights against individuals, and that those individuals do not have the option to protect themselves.

On the topic of treatment of women, it becomes clear that those who contest human rights in the context of cultural arguments, are arguing on behalf of individuals or groups. This is particularly important in the discussion of women, as radical arguments have been made against western rights involving women are usually argued by men.[47] Prior discussions on the

importance of collective rights in non-western societies in which the individual, typically women, are not included in the discussion of how they should be treated. Certain laws incorporated in different religions and cultures have been changed by men historically in order to continue the subordination of women.[48] It may be assumed that either arguments made on the topic of women are either done by males or powerful elites. For example, in the case of female genital mutilation, the World Health Organization stresses that it is almost always done without the consent of the female. [49] Although not in all cases, cultural relativist arguments are made in order to maintain power and authority. Human rights are not necessarily a western imposition but represent the fear of loss of power and authority over other individuals, particularly women. The U.N special rapporteur on violence against women says that:

> **"Practices such as female genital mutilation, flogging, stoning, and amputation of limbs, as well as laws restricting women's rights to marriage, divorce, maintenance, and custody, are all inauthentic perversions of various religious dogmas."** [50]

Considering the violence against women challenges the notion of non-western societies arguments in that they do not represent the true cultural attributes. Many non-western societies also reject claims of cultural relativist or exceptionalism theories that make claims on their behalf. Chandrika Kumaratunga, former president of Sri Lanka, had highlighted universality of human rights and dismissed 'conflict of values to excuse sins'. [51] The arguments of cultural relativism that are made in order to protect a cultural tradition or norm in which subject's

individuals to poor treatment should not be protected.

CONCLUSION

The current human rights regime, although may have traces of western tradition and formalized by the west, is a concept which is inherent and inalienable to all individuals. The historical developments of human rights may be rooted in western thought, however modern human rights are less about western cultural impositions and more about common humanity in a diverse world. Arguments made against human rights may be seen as a way to justify abuses or achieve self-interested motivations. Moreover, many arguments against human rights can be seen as being made on behalf of individuals by focusing on the collective, however individual rights should not be neglected especially if they are endangering. Individual rights remain paramount, with no cultural exceptions transcending human rights. Cultural relativist theories are critical to include in the discussion of human rights as they may help to understand inconsistency between theory and applications of human rights. There must be ways in which international actors can work together on human rights to make them more flexible and adapted to better suit the needs of differing cultures, while maintaining core foundations. This will become critical as the world is becoming increasingly globalized. The global spreading of knowledge and mass migration will require more alignment in regards to human rights. Human rights should not aim for uniformity, but rather emphasize unity between disparate cultures and societies. In a world of varying religions and cultures, the current human rights regime, although imperfect, is arguably the best option currently to promote justice, emancipation, and equality for all.

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Picture: "Eleanor-Roosevelt-Human-Rights." Digital image. Cloud Front, July 07, 2021. Available at, https://d2v9ipibika81v.cloudfront.net/uploads/sites/184/Eleanor-Roosevelt-Human-Rights-104715058x-56aa253b3df78cf772ac8a78.jpg

Majestic Equality: Justice for All?

Written by: Vanessa Santos

Abstract

The 'majestic equality' of any legal system is misleading in that it does not garner justice for all. This idea is presented in Anatole France's The Red Lily, wherein France says, "The law, in its majestic equality forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread." Although he said so in a satirical manner, this essay considers the real-life implications of his statement, and the moral saliency of its treatment of the poor versus the rich. In response to the question, "Are the rich and poor equally (un)free in this case?" I assert that they are not because the 'majestic equality' of law perpetuates large disparities between the two groups, restricts a person's rights or freedoms caused by forces of circumstance, and implies neutral treatment when the poor ought to have better legal accommodations. By examining normative-ideal theories, components of contemporary law, and case studies, I conclude that the poor are disproportionately (un)free—or in other words, legally burdened— compared to the rich because their stake in 'majestic equality' is a commitment to unfair legal burdens.

INTRODUCTION

On the whole, equality is a universally accepted concept. So much so that those who are opposed to equality are considered outliers in both classical and contemporary society alike. This raises the question as to how we should integrate equality into our legal systems, and would these attempts be ethical? Anatole France touches on this in The Red Lily when he entertained that "The law, in its majestic equality forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread." [1] In response to the question, "Are the rich and poor equally (un)free in this case?" I defend the negative. Overall, I argue that the rich and poor are not equally (un)free within a legal system that functions on majestic equality because it justifies large disparities between entities through abuses of power, it limits an individual's rights and freedoms that are beyond their control, and gives the impression that the rich and poor interact with the law in the same way when both groups have very different legal needs and social positions. By and large, the poor are at a disadvantage due to the unfair burden they must take on in compliance with the law. To preface the essay's structure, I will define the overarching themes of my argument—equality, freedom, and class—to set the foundation for my arguments. After, I will consider the opposing argument of 'class blindness' with a rebuttal regarding the value of intersectionality.

To begin, I will define the three key concepts that will be explored throughout this essay: equality, freedom, and class. According to the Stanford Encyclopedia of Philosophy, equality represents "a qualitative relationship" between different groups on the basis of at least one common ground, but not completely identical in circumstance.[2] The key idea of equality is that it "serves to remind us of our common humanity,

despite various differences." [3] Freedom is more broadly defined in the International Encyclopedia of Political Science as a person's ability to act on their own vocation devoid of interferences. [4] By extension, freedom is also concerned with how one exists under select conditions without limits.[5] Lastly, class "refers to various forms of social stratification, primarily along broadly economic lines." [6] Next, I will move onto my first argument regarding the supposed fail-safe nature of "The law, in its majestic equality." [7]

CLASS AND MORAL RESIDUE IN LAWS FUNCTIONING ON MAJESTIC EQUALITY

First, I argue that laws functioning on 'majestic equality' would not protect the rich and poor from extreme living conditions because they invest too much on their proclaimed supreme and fail-safe nature, allowing applications of the law to protect one group while hurting the other. Andrew Sepielli explores this in the way these theoretical laws are enacted with good intentions but establish unsavoury results. This phenomenon is also known as "moral residue," which challenges the authority of the state by stressing the difference between laws that are right and laws that are fair. [8] One would expect that these two characteristics are connected in that once a law is enacted—garnering it "right" status—any provisions that citizens must comply with must be fair. However, this is not always the case.

This legal approach heavily relies on the collective interests of society without any supplementary consideration of those in extenuating circumstances. As a result, laws that are advertised as society's neutral final say contribute to "distributions of compliance burdens that are unfair in a specifically comparative sense." [9] This means that on one side of the spectrum, a portion of society must modify nearly every aspect of their lives while another group is hardly affected by its conditions. For our

purposes, this applies to the poor suffering disproportionately compared to the rich. Knowing that equality "remind[s] us of our common humanity, despite various differences," Sepielli calls for a regime that promotes a comparative form of equality rather than a universal or supreme one, otherwise the state risks fostering major disparities amongst its citizens. [10]

Additionally, Paul Gowder criticizes the law's 'majestic equality' by emphasizing its misuse of the rule of law: the notion that everyone—regardless of status or position—must answer to the law via its rules and punishments [11] According to Gowder, the rule of law may influence problematic applications when it is only used to defend state legitimacy. In Gowder's perspective, "part of the aspiration of [the rule of law] is to be able to say something about how even imperfect societies can be more or less legitimate." [12] That said, there are instances in which the state indirectly imposes an untouchable and almost hostile administration. For example, Gowder notes that the standards of universal health care in some states are impossible to meet. [13] In this circumstance, the compliance distribution is contested because of a state's limited funds and resources, yet poor citizens fall behind in this imposing system.

> **It is also worth asking at what point does a state resort to the rule of law as a toxic safeguard rather than a check of power.**

To summarize, the rich and poor cannot both be legally burdened within a legal regime boasting its 'majestic equality' because it would likely morph into an undemocratic application of its proclaimed fail-safe and supreme identity.

Having discussed the supreme, neutral, and fail-safe nature of 'majestic equality,' it would also fail to protect the rich and poor because it focuses on the limitations of rights and freedoms that are beyond any person's control instead of addressing the foundational issues that led to their situation in the first place. This enforces the vicious cycle of the poor resorting to extreme living conditions. Milton Terris raises the case of a homelessness crisis in Manhattan in 2002 as an example. [14] At the time, approximately 20 people routinely slept at the steps of a Presbyterian Church close to Trump Tower and Tiffany & Co. [15] The municipal government sought to clear the stairs at night as these large gatherings were perceived as "a public nuisance" and a full-blown housing operation without a license. [16] What the city fails to recognize is that homelessness is merely a by-product of a much larger system to no fault of an individual. The city could have created an employment program or referred the group to an official shelter operation. Eventually, this debate was raised to the federal court of appeal and in the end, the church maintained the right to let the group sleep outside their doors based on religious grounds. [17] It is unmistaken that the city of Manhattan adopted an evasive approach to the matter. Evidently, this case shows how the configuration of freedoms is the core of the issue while one's living situations are the outcomes, not the other way around. 'Majestic equality's' narrow metric of freedom poses a dilemma that will continuously oppress the poor in cities such as Manhattan where their jewelry stores and vagrants exist on the same block.

GO AND THE STATE'S RELATIONSHIP TO ITS CITIZENS

Moreover, Johann J. Go investigates further into the foundation of responsibility between the state and its citizens. In brief, Go determines that the onus of responsibility lies with the former, but

the unique circumstances of every citizen make this view more complex, and by extension, less popular. Consequently, the entanglements between the two camps make the debate all the more confusing, thus making it easier to simplify the debate itself. This explains the way 'majestic equality' forbids the likes of sleeping and begging in the streets.[18] There is an extreme leap of logic that pertains to the 'criminalization' of poor life circumstances. Go challenges this practice by listing some of the features one must consider when evaluating their financial position including "structural pressures, environmental influences, legal constraints, and personal compulsions."[19] Once again, the problem lies in the organization of prosecution rather than a person's life outcomes.

Go further solidifies this claim by using the example of a man stealing food for his starving family.[20] He highlights what he calls the "responsibility-blameworthiness distinction" which encourages others to empathize with the man based on moral grounds. In this case, Go implores people to be compassionate by saying,

> The responsibility-blameworthiness distinction should be particularly appealing to those sympathetic to the underlying intuition in the public health approach to responsibility, namely that a person should not be punished or blamed for an action they otherwise would not have done were it not for their grave desperation or grossly unjust circumstances. I suspect that few would object to a billionaire being held responsible for stealing money to buy food, in contrast to the intuitions some may have about holding responsible a struggling laborer who commits the same act.[21]

> **Go proves that controlling an individual by proxy of their freedoms of circumstance rather than their choices is properly unjust."**

By portraying punishment and responsibility in the context of privilege, Go proves that controlling an individual by proxy of their freedoms of circumstance rather than their choices is properly unjust. In summary, 'majestic equality' and the law are incompatible because it essentially criminalizes the by-product of an ineffective legal system and does nothing for reform.

EXPLORING UNEQUAL BURDENS BETWEEN RICH AND POOR

Now that I have addressed 'majestic equality's' flaw of controlling situational outcomes as an unfair legal metric, it is also important to note that the rich and poor cannot be equally burdened when 'majestic equality' implies that both factions are subject to the same limitations. In reality, those skirting the poverty line interact with the law differently from those who are more comfortable. This premise is primarily concerned with class, which can be summarized as a person's social or economic stratification.[22] In "Equal Right to the Poor" by Richard M. Re, the case of San Antonia Independent School District v Rodriguez is examined as a landmark case "on equal protection and economic inequality."[23] To review, the issue at hand was "whether state public school funding violated the Equal Protection Clause when substantially based on local property taxes" with the Equal Protection Clause involving the protection and accommodation of those in select factions.[24] At the time, class did not fall under the clause and was not a sufficient ground to give protection to the

lower class.[25] Barack Obama questioned this, saying that "federal judges should have 'empathy to understand what it's like to be poor.'"[26]This sparked a debate on the validity of class as an identity marker and the special connotations it would grant an individual in the legal arena. Critics argued that it had no value because "the relative—rather than absolute—nature of the asserted deprivation should be legally decisive."[27] Eventually, the Courts settled by including class in the Equal Protection Clause as a "judicially underenforced constitutional norm," but since the poor was the main target in this case, this demonstrates that economic rank will continue to be treated as an after-thought, further ignoring the wellbeing of the poor versus the rich.[28] If anything, the poor's involvement in formal and informal run-ins with the law speak volumes on their legal agenda in comparison to the rich—which is to say, a different beast.

Nicholas Blomley's "How to Turn a Beggar into a Bus Stop: Law, Traffic and the 'Function of the Place'" goes further into the class gap by assessing sidewalk culture.[29] One would assume that commutes and traffic do not carry much weight in the grand scheme of economic inequality, but Rowan Birch, a long-time resident of Vancouver and "streets administration engineer" would argue otherwise.[30] His daily tasks used to involve observing the flow of pedestrian traffic and manoeuvring any elements that may interfere.[31] In some cases, these elements included vagrants and beggars.[32] The claim that the rich and poor experience similar injustices is challenged via this unassuming environment. Blomley touches on this when he says, "Put another way, the majestic equality of the law compels the rich as well as the poor not to engage in aggressive solicitation. And, presumably, when the beggar gets into his Lexus to drive home to his house in the suburbs, she must continue to obey the law."[33]

Alternatively, the rich and poor should be treated as two separate bodies.

Moreover, Blomley suggests that Canadian courts tend to view conflicting interests between the rich and poor as just a dispute between two people. This is far from the truth because both parties have vastly different legal agendas, apparent in the poor seeking laws that keep them alive whereas the rich are looking for legal avenues that keep them comfortable. In short, "The law, in its majestic equality…" falsely treats the rich and poor as one in the same.[34] Next, I will discuss the ideology behind the argument that the rich and poor are similarly constrained in the legal sphere.[35]

RAWLS AND THE THEORY OF THE ORIGINAL POSITION

Assuming the rich and poor experienced similar legal burdens, it can be argued that majestic equality allows legal actors to protect both parties in an unbiased way, consequently providing them with the best aid possible, regardless of their class. Rawls is famous for this belief, evident in his theory of the 'original position' in which citizens of a society meet in an attempt to create a social contract that appeals to everyone.[36] What is most notable about this theory is the 'veil of ignorance': the idea that none of the participants are aware of where everyone in society falls into social strata (including their class).[37] This prevents any bias to occur during the organizational process of creating a society. Moving forward, the only state interventions that should occur are based on conflicts that arise from personal tendencies instead of a clashing of group interests. This not only evades the issue of a corrupt system embedded in the society's population, but it also evades the issue of path dependency in which the longer a powerful institution exists, the harder it is to rework their regime and interests. The notion of 'class blindness' can be applied to the broader argument

of how most legal systems fail to address the unique issues of the poor when they take away economic factors from a person's identity.

Regardless of how instrumental Rawls' 'original position' and 'veil of ignorance' are to our understanding of equality, I argue that 'class blindness' does not optimize equality and fails to capture the nuances of modern legality. For example, Rawls' original position does not include race as a key identifier in this hypothetical community.[38] As we know, racial disputes—especially in relation to the state and government policies—plagues politics today. Even though Rawls does identify class in the original position, people of colour who are also below the poverty line will likely suffer disproportionately more than the vast majority. Intersectionality must be accounted for, as issues such as class disparity and racism do not function independently from one another.

CONCLUSION

Despite the ideological value of 'majestic equality,' the law in this perspective cannot issue similar legal burdens between the rich and poor because it hides its limitations behind a higher-power agenda, hinders one's access to decent living standards by controlling their freedoms, and fails to understand that the poor and the rich exist in two different legal spheres. Even after considering its contributions to legal neutrality, 'majestic equality' is opposed by diverse social strata and the growing importance of 'intersectionality.' In any case, in response to the question, "Are the rich and poor equally (un)free in this case?" I argue that they are not. Instead, the poor are legally burdened more than the rich. Although there is no immediate solution to mitigate the law's supposed divine control, political mobilization and citizen self-awareness

can maintain optimism while promoting structural reform. Until then, 'The law, in its majestic equality" remains unjust for all.[39]

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How did Expo 86' pave the way for the 2010 Olympics?

Written by: Jayha Koonar

Abstract

The results of Expo 86' varied from making Vancouver and its urban planning strategies known worldwide to creating controversy and frustration among its residents. During the planning of this mega-event, many conflicts between groups and contrasting public opinions formed. The legacies of Expo ranged from putting Vancouver on the world stage and influencing international urban planning strategies to creating a massive housing crisis and displacing many long-time residents. While both good and bad, the results of Expo paved the way for Vancouver to find itself in a position to host the 2010 Olympics, another event subject to many conflicting public opinions. Place promotion, legacy-planning, and the mega-events strategy were used in each instance to make the case for the hosting of each event, to ensure their successes in influencing urban planning strategies, and to bring the city to the forefront of the world stage while creating a curated and long-lasting image of Vancouver. These events, while decades apart, were similar in many ways.

Keywords: Urban Politics, Mega-Events, Vancouver, Public Opinion, Urban Planning

INTRODUCTION

How did Vancouver's hosting of the 1986 World Exposition pave the way for the 2010 Olympics? Vancouver is well-known for its beautiful scenery and abundance of outdoor recreation activities, which include the luxury of visiting the beach and the ski hill on the same day. However, this city has made many efforts to foster a global presence for itself that includes becoming known for more than just these amenities. The influence of public and political priorities of the time, as well as the governance strategies of Expo 86, were strategies that had never been used before in this West Coast city. The results of this mega-event varied from making Vancouver and its urban planning strategies known worldwide to creating controversy and frustration among its residents. This paper will explore how the results of Expo paved the way for Vancouver to find itself in a position to host another mega-event. As well, there will be a discussion of how the strategies used in the production of Expo were reused in the promotion of the Olympics and how the approaches to each event, while decades apart, were similar in many ways.

PRIORITIES AT THE TIME AND GOVERNING STRATEGIES OF EXPO

Expo 86' was an event unlike any other held in Vancouver, it left behind many legacies that have changed Vancouver forever. The idea to host this mega-event first came in 1978 from the then-Premier of British Columbia, William Bennett, who saw the Exposition as a great way to highlight Vancouver's centennial celebrations.[1]

Once the application to host the world's fair was approved in late 1979, the BC government formed a Crown Corporation to oversee the management of the fair.[2] What strategies were used in the fair's governance by the many private and public organizations that were involved? What were the public and political priorities at the time and how did Vancouver residents and policymakers feel about hosting this mega-event? The dominant perspective of provincial government members and large corporations was that Expo would be good for business and that the large investment of money into it would pay off as the fair would generate a large revenue.[3] Although at the time, Vancouver was going through an economic recession under a Social Credit provincial government, which had a historically tumultuous relationship with labour unions resulting in several strikes; provincial spokespersons still stuck with the narrative that Expo would be an event to celebrate Vancouver and would ultimately result in many social and economic benefits.[4] At the time, civilians were concerned with both the cost of Expo, as well as the issues of traffic and parking. Vancouver was already known to have lots of traffic and congestion. Yet, an inadequate amount of parking spaces daily due to the volume of people commuting into central Vancouver on highways that were not built for the amount of traffic. Thus, there were justifiably major concerns about how these issues would get worse with the predicted influx of visitors during the world's fair.[5]

Another concern was the conflict between the provincial government and the labour unions since hosting such a mega-event would involve

building lots of new infrastructures, which would necessitate cooperation between these two groups[6] This adversarial relationship came to a head when Premier Bennett opened construction to nonunion contractors, which effectively led to a fight among the labour unions.[7] The solution that the fair's planners proposed was to appoint local businessman Jim Pattison as the fair's chairman and special representative to appease both the labour unions and the provincial and municipal governments to reach an agreement.[8] As a friend of Premier Bennett, Pattison was able to recognize the intentions of the government while also being able to negotiate with the labour unions. He accomplished this by explaining to Bennett and his cabinet that if they did not make peace with the labour unions, Expo would not come to fruition.[9] As well, he went to the labour unions and told them that he wanted to help them make a deal that would also benefit them. Due to this, Pattison appeared to be a pro-labour "hero," however when push came to shove, he backed Bennett's legislation welcoming nonunion labour into Expo.[10] While the dispute between provincial elites and labour unions eventually ceded, there remained a lot of animosity between the two groups.[11] Pattison once stated that

"Bennett had the foresight to commit to Expo, when it's been a down economy, and created jobs and activities – we couldn't have had this at a better time".[12]

While Pattison remained committed to the belief that hosting Expo would be a great idea as it would bring an "economic bonanza" in construction and tourist dollars to Vancouver, many residents were becoming skeptical of the real impact it could have on Vancouver.[13] Bob Allen, an economist who had studied multiple other world's fairs, stated that Vancouver should not be so optimistic that Expo would bring many benefits to Vancouver as a majority of the other fairs he had studied resulted in financial disasters.[14]

The then-mayor of Vancouver was another well-known figure who publicly voiced many of his concerns about the possible negative effects the fair could have on the city. His concerns ranged from possible issues about who would cover the costs of the fair, the ongoing issues concerning traffic and transportation systems, security plans, and how all the expensive new infrastructure would be used after the fair.[15] However, one of his most pressing concerns addressed the dislocation of a large number of long-term Downtown Eastside tenants to make room for a large number of anticipated visitors.[16]

The trend of cities using self-promotion strategies to attract new residents and businesses can be attributed to the influx of global trade and economic development, giving money and influence to cities once considered "peripheral".[17] These new developments were on the minds of Expo decision-makers in the governance of Expo. During the period in which Expo was being planned, scholars were becoming aware that while necessary, modern civic infrastructure is not enough on its own to ensure the success of a city.

It became a trend to focus on the 'civic image' of the city as this was an essential part of making sure that a city attracted desirable people and capital.[18] Thus, modern civic infrastructures such as transportation links, telecommunications capacity, and an effective education system along with components that create a positive civic image such as centers for entertainment and culture are all necessities in bringing a city to the center of the global realm.[19] This strategy of building infrastructure in both categories was prevalent during the planning of Expo 86 as Vancouver was a city that had just started to become wealthy; thus, hosting an event of such a large magnitude was a prime place promotion opportunity for them to show that they had made it onto the world stage.[20]

This "peripheral" status is attributed to Canada and its cities due to their small population, relatively small political influence, and its position on the world trade market.[21] As well, Canada has been under the shadow of Britain since its formation and has had to work hard to distance itself from its status as a settler society. Also, in efforts to distance itself from its colonial past, Canada has become dependent on its neighbours to the South, the USA, to provide trade and investment links.[22] Due to these factors,

Canada in the international realm has been viewed as "culturally derivative" as its cities became outposts of either American or British culture instead of forming their own identity.[23]

Regionalism is also a factor here as cities in Western Canada had traditionally been seen as the outskirts of Canada and came into their own much later than cities in the East.[24] Not until the early 1970s did the economy of Western Canada start booming, primarily due to immigration from Asia, real estate and construction, venture capitalism, and tourism.[25] Thus, Expo was seen as a way to bring international attention and recognition to Canada while showcasing the accomplishments and potential of Vancouver.

Place promotion can be used to explain the governance strategies and motivations of those pursuing Expo 86. Place promotion strategies include tactics such as image building, signalling, and identity transformation.[26] In the case of a mega-event such as Expo, place promotion is used by those planning the event as they see the strategies as effective in gaining social capital for their city, which they hope will result in sustained economic growth.[27] In the few years preceding Expo, Vancouver had started to become known for its climate, remarkable physical setting and easy access to mountain and ocean recreation activities. The municipal government hoped that bringing Expo to Vancouver would create a more refined and cultured image focused on its arts, architecture, and world-class dining and shopping.[28] The influx of immigrants in the 1970s also made the Vancouver government eager to showcase its multicultural energy to the world. These aspects of Vancouver's new identity that it hoped to share through Expo were directed at Vancouver locals as much as the international visitors, as policymakers hoped that this new sophisticated image would become a permanent fixture.[29]

RESULTS OF EXPO

Similar to the attitudes in favour and against hosting Expo, there were also varying perceived impacts of Expo, both positive and negative. Jim Pattison made several proclamations about the positive effects of Expo on the city of Vancouver. He has stated that before Expo 86'

"we didn't have the same kind of vitality that we have in the city today, it wasn't nearly as cosmopolitan as today. Our part of the world wasn't doing that well and so, the premier decided to stimulate the economy and he certainly made a good step forward in doing what he did". [30]

The 'Vancouverism' model of urban development is also one of the positive results of Expo as it would go on to be used by cities around the world in the decades since Expo.[31] Former Expo-era Vancouver city councillor, Gordon Price, has explained the concept of 'Vancouverism'. He stated that it developed from the plan to repurpose the infrastructure built for Expo,[32]

"the idea is that it would be a mixed-use neighbourhood [after the fair], that there would be people of all incomes, that it would be suitable for families with children, and have a lot of green space while promoting different modes of transportation." [33]

These principles of urban planning were used in the first Concord mega-project built during Expo and became the basis of the other mega projects happening in the city at the same time.[34] Each of these expertly planned developments produced several new residential and commercial units, which Price stated helped take away the strain from the real estate market as more properties became available.[35] This model of Vancouverism, which consisted of plans for building complete communities, had never been seen before and "gave people a different sense of how you could move around the city". In the case of False Creek, the goal of the development was to extend the city. Once this goal was realized, False Creek became a model of development for other cities in the region and around[37] the world.

It has been said that, compared to other world fairs, Expo 86 had the largest impact on its host city. This is attributed to the fact that Expo came at a time when Vancouver was a relatively young city, was just coming onto the international stage, and was in pursuit of a new image.[38]

Another factor was that Expo 86 coincided with Vancouver's centennial celebration, thus marking a prime time for the city to announce itself to the international community and proclaim its new identity to the world.[39]While many saw Expo as succeeding in turning Vancouver into an international metropolis, there were also many negative effects that came with it. Many of the low-income residents of the Downtown Eastside were displaced after Expo as the city became less affordable and more populated.[40] Some have attributed the new developments that popped up during and after the Expo as being the start of the housing crisis. There is an argument that the housing affordability crisis is a result of Expo and a product of the spotlight that was on Vancouver; an influx of affluent residents and wealthy investors suddenly moved to the city, attracted by its beauty and low real estate prices.[41] The housing crisis can be said to have begun during this time because, in the months leading up to Expo, over a thousand low-income residents in the Downtown eastside were victims of forced evictions, most of whom received little more than a day or weeks' notice.[42]These short-term eviction notices were made possible by the Innkeeper's Act that existed at the time and did not require landlords to give any formal eviction notice.[43] Then-Mayor, Harcourt had publicly stated that he was pushing for this law to be changed to protect the tenants who were being forced out; however, Bennett's government did not agree.[44] Forced evictions are a common trend seen in mega-event host cities, thus creating even more resistance to the hosting of mega-events. Residents viewed their city leaders as

being aware of this phenomenon yet not taking adequate steps to avoid it.[45]

Many conversations about the positive and negative outcomes of the fair include distinctions between groups who benefited from this event and others who were more negatively affected by it. Groups that saw the biggest benefits from Expo were construction companies and suppliers, land developers, engineers and architects, local security firms, media sources and reporters, as well as anyone involved in the promotional aspects of the fair such as advertising, marketing, and public relations.[46]On the other hand, the groups that suffered the negative consequences of Expo included those who were hurt by the rising property markets, those who were forcefully evicted from their homes to make room for new developments, as well as those affected by the decline in available, affordable housing.[47] As well, hosting a mega-event is expensive and typically means taking money away from certain public services, effectively harming those who rely on these services. In the case of Expo 86, provincial governments spared no expense in producing a successful event yet at the same time introduced an austerity program on public services which took services away from those who needed them most.[48] Those who suffered as a result of these austerity programs tended to be those that were less likely to enjoy the benefits of Expo, as they included the urban poor and those who lived in areas far away from the central areas where Expo was held.[49]

However, the main sense that news articles from local Vancouver sources give off is that Expo was a success; it brought Vancouver to the world stage and led to people from around the world recognizing Vancouver as a major city. Many reporters have concluded that Expo

was a hit as it would be remembered fondly by both residents whose city would forever be changed and visitors who came for the fair.[50] Expo also gave the job market the boost that it had needed since the period of recession before Expo. While many of those opposed to hosting had argued that

> **throwing a "five-and-a-half-month party" during such hard financial times was inappropriate and would be economically detrimental,**

the argument of Expo supporters that it would create jobs and propel economic growth was seen as the outcome and viewed as a success due to the close to ten thousand construction jobs created before the fair and another eighty thousand after.[51] The main positive outcome of the fair was the sense of pride and optimism that Vancouver acquired about their international status and their place on the world stage that has stuck with them and led to them pursuing another mega-event, the 2010 Olympics.

HOW DID EXPO PAVE THE WAY FOR THE OLYMPICS?

At the time of Expo, Vancouver city leaders were concerned with pursuing an event that would give Vancouver a greater role in the international realm. Residents were fed the line that showcasing a "spirit of achievement" would help the city to become a global player and bring benefits to its residents.[52] Those in favour of Vancouver hosting the Olympics

used the supposed success of Expo 86 as their reasoning. Supporters argued that Expo was a turning point for Vancouver and that it marked the city's 'coming of age'; therefore, the Olympics would carry on this legacy and complete the urban transformation that Expo had started.[53] Mega-events had become recognized around the world as a "peak event worthy of everyone's attention," the success of Expo in bringing attention to Vancouver made the Olympics a desirable prospect.[54] The Olympics had come to be seen as an event of choice for cities around the world as they were viewed as prestigious and rare therefore winning a bid was assumed to bring status and respect to that city.[55] Legacy planning was a major focus of Expo planners. The transformation of a city through place promotion was the main priority, and the urban legacies that resulted from Expo justified the Olympics coming to Vancouver and continuing the advancements that Expo had started.[56]

EXPO AND THE OLYMPICS: SIMILAR APPROACHES

What was on the minds of Vancouver city elites and residents when deciding to bid for the Olympics and then during the planning process? Were the motivations and priorities similar to those during Expo? Then-Premier Gordon Campbell made clear his belief that hosting the Olympics would bring lasting benefits to Vancouver "for generations to come".[57] Many residents and members of municipal and provincial governments were opposed to hosting the Olympics. One of the more memorable quotes from an Olympic protestor questions the reality of the proposed

"lasting legacy" of the games; in the statement, the protestor says

> **"do you really believe that darling? We believe that core funding [for arts, education, and health care systems] is always preferable to Band-Aid solutions".**[58]

Those skeptical of Vancouver being an Olympic host city had several concerns. One of which was the view that the products of local artists were being exploited and used to legitimize the Olympic bid.[59] Protestors even went so far as to form the "No Games 2010 Coalition"[60] Another reason given by the coalition against the Olympics was that it was crazy to be spending millions of dollars for what they termed "roads for the rich," express routes to the airport and Whistler, during a time where Vancouverites had recently suffered provincial and municipal cuts to arts groups, health care, and education.[61] This coalition went so far as to crash one of the opening-day parades of Celebration 2010, a three-week-long provincial arts festival supporting and celebrating the Olympics coming to BC. Coalition members opposed this festival on the grounds that it was a corporate festival and was using local artists to sell the Olympics. [62]

On the other hand, other local artist groups believed that Celebration 2010 and the Olympics would serve to give them a voice and opportunities for exposure that they may have never had otherwise[63]The executive

director of the Vancouver East Cultural Centre, Duncan Low, also directed Celebration 2010 and on multiple occasions made clear his belief that the Olympics would benefit the cultural community. His reasoning for this was that while the hospitals and education systems needed money, the slew of cultural events that would occur throughout the Olympics would bring support to the arts and culture sectors that also needed it.[64] However, Alma Lee, the artistic director of the Vancouver International Writers Festival, stated that the Vancouver arts community was "very confused" about the long-term benefits that the Olympics could bring. She explained that there was no real forum held for Vancouverites to express their opinions on the idea of hosting; due to this oversight, many residents went into the Olympics with the impression that it was an event for the rich and elites and that their opinions were unimportant.[65] Lee compared this opinion to the perceptions of those that opposed Expo in the 80s as she explains that there was a negative impact on many of the local arts organizations as they were overlooked amid the larger, flashier international displays; thus, many local groups were concerned that the same would happen to them during the Olympics.[66]

Olympic advocates and the Vancouver Olympic Organizing Committee spent lots of time and money trying to convince those in opposition that hosting would bring many benefits to Vancouver.[67] This trend of local supporters promoting the Olympics to their fellow residents and policymakers, known as "boosterism," is reminiscent of the media campaigns during the Expo period that stressed the benefits that a mega-event would bring to the city. For example, in the year

129

preceding Expo, Jim Pattison made a statement to the New York Times that said,

> **"Expo would generate nearly three billion dollars in economic activity for Canada, mostly in BC, and provide the equivalent of 60,000 one-year jobs".** [68]

This illustrates that, in Vancouver, there is a history of conflict between groups and of one side using boosterism to convince the other to change its stance on an urban politics issue.

Another factor on the minds of Vancouverites was that of urban development. The typical trend in Vancouver is that most people are pro-development, thus showing why a large majority of Vancouverites voted in favour of hosting the games while also fighting for Olympic infrastructure that would be useful for the city even after the Olympics[69] This desire was in response to the criticism that city elites faced after Expo, as the developments built for that event were generally seen as only being beneficial to developers and businesses but failed to provide sufficient social services to the rest of the residents as they had been intended to. [70] Due to this, many residents feared history would repeat itself and made their concerns and questions clear about how many special housing units were to be built and what amenities would be made available to Vancouver's poor and working poor.[71] However, despite these concerns, the games ended up gaining a large amount of support from Vancouverites, with a poll taken a year prior to the games showing that sixty-three percent of residents were in favour of

hosting.[72] The easing of these concerns could be attributed to the fact that Olympic planners were able to appear sensitive to social and economic development issues by being transparent with their intended policies, staying away from partisan politics, and mediating conflicting interests. [73] Olympic planners made promises to Vancouver residents that Olympic infrastructure would build new social and housing amenities and modernize the existing ones. [74]

As one of the worst consequences of Expo was the housing crisis that it created, this was on the minds of residents and policymakers during the Olympic planning process as they tried not to let the same consequences happen. In the years between Expo 86 and the 2010 Olympics, the situation in the Downtown Eastside had gotten much worse. The high concentration of drug users in the area had also led to an increase in crime rates in the area.[75] The building of the Olympic village in False Creek was supposed to be used as social housing for Vancouver's poor after the Olympics, however this did not happen, and the project has recently been criticized as being just another expensive upper-middle-class development.[76] This disappointment is eerily similar to the Expo era False Creek developments, which also resulted in broken promises. Gregor Robertson, the Mayor of Vancouver from 2008 to 2018, was elected primarily on the basis of his public stance that the Olympics should lend help to the homeless and housing crisis by providing social housing and amenities.[77] Each event shows the phenomenon of cities pursuing mega-events for the purpose of legacy planning even though predicted and actual outcomes could vary.

These events also show that the idea to host and the boosterism of these events comes mainly from political and business elites.[78] As well, each event makes clear that the economic and technological advancements of the world are a motive for pursuing mega-events.[79] With Expo, the economic advancement of formerly "peripheral" countries and cities that put them on the world stage was a major motivation as Vancouver wanted to draw more attention to itself. With the Olympics, the advancements in the technology and communications sectors that made mega-events more accessible and relevant to people around the world made Vancouver eager to promote itself through these new mediums.

MEGA-EVENTS STRATEGY APPLIED TO EXPO 86' AND THE 2010 OLYMPICS

The mega-events strategy can be applied to the governance strategies of both Expo 86 and the 2010 Olympics. This strategy was developed in American cities when they began moving away from the traditional local development strategies of tax incentives and infrastructure investments, instead of more heavily promoting urban tourism.[80] This involved developing new urban infrastructures such as convention centers, large hotels, restaurants, entertainment facilities, and shopping centers.[81] In the case of Vancouver, all of these developments would also mean using place promotion strategies to show a modern, sophisticated image of the city to attract visitors and investors. This strategy is useful in explaining the governance of Expo and the Olympics as such large-scale events

heavily utilized these urban tourism mechanisms to attract attention to the host cities.[82] Mega-events have become used as a strategy for promoting the local economic interests of a city. Thus, hosting Expo and the Olympics were both seen as opportunities for municipal leaders to gain international acclaim for their ability to generate local tourism revenue and enhance their cities image.[83]

The mega-event strategy arose during the 1980s and early 1990s in accordance with the political, economic, and technological developments of that period, which led to the global economy becoming more of an important factor in urban political issues.[84] As a response to these new priorities, cities began to diversify their development projects to focus on leisure, entertainment, and sport, bringing tourism efforts to the forefront of development efforts in cities. [85] Mega-events are defined in this strategy as large-scale, high-profile events with a limited duration to attract attention and visitors to the host city and act as a justification for local development projects.[86] Bringing such a high-profile event to a city is often viewed by city leaders as an unparalleled way to promote the image of a city and attract new residents and businesses.[87] It is inherent in this strategy that municipal governments and local businesses will use the mega-events strategy to stimulate local development and showcase their desired image of the city.[88] In their article, Burbank, Andranovich, and Heying note the importance of a city's image, stating

"a city's image is the backdrop against which development occurs, and image creation is frequently a goal of the economic development process... Despite the intangibility of image, it remains critical to local economic development".[89]

This strategy helps cities in becoming global competitors as it institutionalizes the financing of tourism-friendly developments such as convention centers and sports arenas; this leads to a boost in tourist revenues and a greater recognition in the international realm.[90] However, this strategy also brings up questions as to how this focus on developing tourism will affect the local issues of the city, such as the issue of Downtown Eastside residents in Vancouver. This is why there have been many instances of groups protesting both Expo and the Olympics, as these events could come across as frivolous when there are residents of the city in dire need of help.[91] Another common occurrence in the mega-events strategy is a conflict between the public and private actors. This is because mega-events are often the product of both private organizations and local governments. Yet, their roles are not always made clear, thus resulting in conflict between these groups.[92] This was seen in the case of Expo 86 when there was a conflict between local government and labour unions over the construction of Expo.

It was also seen in the Olympics in the frustration of local groups being left out of Olympic deliberations and feeling voiceless.

CONCLUSION

The fact that Expo showcased Vancouver to the world was a major factor in the decision to host the Olympics as it was seen as being able to continue the legacy and development that Expo had started. Although the many wealthy residents and investors drove up the housing prices and contributed to the forced evictions of many of Vancouver's poor, the flood of this group to Vancouver after Expo signalled to policymakers and developers that their efforts to portray Vancouver as a city of sophistication and culture paid off. The approaches of place promotion, legacy planning, and the mega-events strategy are evident in the planning of each event, thus showing the many similarities between Expo and the Olympics. The success of Expo, as perceived by city elites, paved the way for Vancouver to put on the Olympics using the same strategies. There were also similarities between the two events in the misgivings that many residents had and in the ways that local groups were often excluded from the planning process. In conclusion, while these mega-events took place decades apart, the strategies, motivations, and failings of each were very similar and allowed for clear connections to be made about how Expo paved the way for the Olympics.

How did Expo 86' Pave the Way for the 2010 Olympics?

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