the social contract

/THe /'sōSHəl/ /'kän trakt/

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

Volume 17 - 2024-2025

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Letter from the Editors

Stepping into the role of Editors-in-Chief of *The Social Contract* this year has been both humbling and energizing. For us as Political Science and International Relations students, this journal has been a constant reminder of the power of student voices, the voices that question, challenge, and reconstruct the world we live in. The greatest reward of this role has been creating a space where ideas that might otherwise go unheard are given a chance to resonate beyond the classroom.

This year, *The Social Contract* entered new and exciting territories. We expanded the previous Middle East section into a broader Politics of the Global South section, reflecting our commitment to deeper and more inclusive academic discourse. The shift acknowledges the growing significance of regions across Africa, Asia, Latin America, and the Middle East, examining critical issues from diverse and historically underrepresented perspectives. The journal has expanded into new domains by publishing and integrating previous journals into the OJS web database, making the work of published students accessible to a broader audience. We also assembled the largest editorial team in the journal's history, and, for the first time, the journal was co-led by two Editors-in-Chief. These changes strengthened our mission of providing Western students a platform to showcase their research and critical thinking on both historical and contemporary issues.

The process of bringing this edition to life was, by no means, without obstacles. Coordinating submissions, balancing deadlines, working across different time zones and holding ourselves to high standards of editorial quality often felt overwhelming. Yet what stands out most is the way our team leaned on one another. Working with such a competent team, we learned to smooth out difficulties, to arrive at solutions through conversations, and to play to each other's strengths. These lessons about patience, flexibility, and the power of having a plan B, are ones we will carry long after our time at Western.

In today's world, where attention is easily fragmented, academic writing invites us to slow down and engage with ideas in ways other forms of media rarely allow. Academic writing does not always offer quick conclusions or easy language, but, when approached with patience and curiosity, it can challenge our assumptions and offer a more nuanced perspective. In an era of constant political and social developments, the slow, careful work of academic inquiry provides a space to pause and reflect on the intentions and implications of actions and actors, rather than the headlines themselves.

Letter from the Editors

This 17th edition of The Social Contract would not have been possible without the dedication of our junior and senior editors, our media specialists, and the authors who entrusted us with their ideas. Your passion and persistence are what give this journal its integrity and character, and it has been a privilege to work alongside such a talented group.

As we close out our time as Editors-in-Chief, we are delighted to introduce Rukaiya Merchant and Oscar Chou as next year's Editors-in-Chief. Having worked alongside them, we know the thoughtfulness, creativity, and determination they bring to this project. They understand what *The Social Contract* represents, but also have the vision to push it forward in new directions. We couldn't be more excited to see how they will expand the journal's reach and carry this tradition into the future.

It has been an honour to serve in this role, and we leave with immense appreciation for our contributors, our team, and this community for reminding us that academic curiosity is strongest when it is shared.

With gratitude,

Cecilia Cai and Mathieu Paré
Editors-in-Chief, 17th Edition of *The Social Contract*

Letter from the Undergraduate Chair

On behalf of the Undergraduate Committee, and the Department of Political Science as a whole, I would like to congratulate the team that has just produced another stellar edition of our undergraduate journal, *The Social Contract*. This year's end result, the newly completed journal, provides a clear demonstration of the wide variety of work produced in our courses, and of the impressive quality of the student research performed throughout the department. *The Social Contract* team of highly motivated students does it all, from beginning to end. They fully explore the editorial side, by selecting the best essays, providing constructive feedback, and helping to polish these papers before they appear in the pages of the journal. The student authors, meanwhile, enjoy the thrill of being singled out, and the opportunity to produce the best possible version of their papers before publication. There is so much to learn here, for those interested in an academic career, and well beyond. For those of you just coming across *The Social Contract* for the first time, or for repeat readers, I encourage you to consider applying to participate in some fashion in next year's effort!

Thank you all for the boldness and balance on display in this carefully and effectively constructed journal!

Dr. Bruce Morrison
Undergraduate Chair, Department of Political Science, Western University

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The Flaws of America's Two-Party System

Written by: Zachary Schwarz

Abstract

This paper argues that the American two-party system weakens democratic governance by limiting political diversity, encouraging polarization, and contributing to legislative gridlock. It draws on historical examples, electoral case studies such as the 1992 presidential election, and public opinion data from sources including the Pew Research Center and the Carnegie Endowment for International Peace. The research examines how the binary structure of U.S. politics marginalizes third-party candidates and promotes party loyalty over effective policymaking. The paper also addresses the broader institutional consequences, such as voter apathy and declining public trust, and suggests electoral reforms like ranked choice voting and open primaries as steps toward a more inclusive and representative democracy.

INTRODUCTION

Dating back to the 18th century, the American political landscape has been based on a two- party system, a structure that has molded the framework in which political discourse and leadership unfold. At its core, a two-party system is one where two major political parties dominate the electoral process. In America, the concept of the two-party system dates to the Federalist Party, which advocated for a strong central government and the Anti-Federalist Party, which favoured state power. This binary laid the foundation for further development in the 19th century, when political parties started to form around ideological similarities and shared objectives. Since its inception, the variables of the two-party system, such as party names and objectives, have evolved. However, the binary competition has remained constant. Today, the Democratic Party and the Republican Party are the two main political parties that represent liberal and conservative ideologies, respectively. Scholars, political commentators, and voters alike have engaged in ongoing debate about the effectiveness of the two-party system. Many argue that it can limit political diversity, suppress alternative voices, and oversimplify complex issues. [1] Additionally, critics question whether it provides an accurate representation of public opinion. They argue that it typically only presents a narrow viewpoint, contributing to a polarized landscape. On the other hand, supporters of the two-party system argue that it provides a transparent choice for voters, enabling a majority government for the winning party, which streamlines the law-making process. This debate centers on a fundamental question: does the two-party system strengthen or weaken the democratic ideals on which America was founded?

This essay argues that the two-party system in the United States limits political diversity, encourages political polarization, and complicates the law-making process, ultimately weakening the nature of America's democracy. It will engage in a historical and case analysis, ultimately assessing the effects that the system has precipitated. By looking closely at how this system operates, it will become apparent that political actors must reconsider its effectiveness to protect the democratic ideals on which America was built.

WHAT IS DEMOCRACY?

When broken down, the word democracy comes from the Greek word "demos" meaning people, and "kratos" meaning power. It is a form of government in which power is vested in the hands of the citizens. [2] In essence, democracy means that the authority of the government is sustained by the people through their elected representatives. This ensures a true representation of public opinion by reinforcing checks and balances; a system in which each branch of government can limit the powers of another to prevent government overreach. [3] For example, Congress can pass laws, but the President can veto them, and the Supreme Court can strike down laws they interpret as unconstitutional.

DEMOCRACY AND DIVERSITY

Democracy is an American ethos that many citizens, activists, and leaders fought for. John Adams, who was a founding father of America said, "A division of the republic into two great parties … is to be dreaded as the great political evil." [4] If the founding fathers warned strongly against the two-party system, why has this strong binary become a reality? The 1992 election is an excellent example of how the two-party system does not represent a true vision of democracy.

Democrat Bill Clinton won the election by a small margin over Republican candidate George H.W. Bush. However, the 3rd party representative Ross Perot won 19% of the popular vote and yet he won zero electoral college votes. [5] In most parliamentary systems, Perot would have won 19% of available electoral seats. [6] Parliamentary systems often use proportional representation, where legislative seats are allocated based on the share of the votes a candidate receives. [7] Instead, America's "first past the post" system, where the winner takes all, left Ross Perot with none. Critics of the two-party system argue that this is not a true representation of the American opinion as it goes against any form of democracy.

> ## There are elements missing from America's application of democracy, one of which being diversity.

Political diversity refers to the range and variety of political ideologies, beliefs, and parties within a political system or society. Political diversity strengthens democracy by including multiple perspectives and producing policies that better reflect a diverse population's needs. A study by The Journal of Social Work Education found that within a social work classroom, political diversity leads to more enriching discussions and learning within a classroom.8 These findings can be extrapolated upon a society, such as America. This demonstrates that a larger spectrum of political views can enhance governance and policymaking by ensuring multiple perspectives are considered.

LIMITATIONS TO POLITICAL DIVERSITY

The way in which political diversity can optimize public opinion is a positive factor.

However, a fundamental problem with America's two-party system is that it has the potential to limit political diversity. A key aspect of political diversity is the capacity of citizens to choose from more than two candidates in an election. This inclusivity of options underlines the necessity of third parties in a democracy. A study from Political Science Quarterly says:

The best a minor party candidate can accomplish is the defeat of one of the major party candidates. He can drain off support a major party candidate might have received, but he cannot win. Recognizing this best/worst case scenario, our political establishment has erected and maintained barriers against minor parties. [9]

In this perspective, the two-party system critically limits political diversity. It frames the political landscape in a way that minor party candidates, even when their views resonate with many voters, are seen as spoilers rather than legitimate contenders. This scenario depicts the barriers that lead to the outcome of dominance for the Republican and Democrat parties, effectively sidelining third parties and the values they possess. Because of this reality, fewer people vote for third-party candidates. In 17 out of the 24 elections that have taken place since 1924, the combined vote share for the two major parties exceeded 98%. [10] Thus, not only do political parties benefit from the lack of voting for third parties, but also those who do vote for third party can potentially feel that their opinion is obsolete. Citizens feeling that their opinion is invalid is the antithesis of democracy, and thus one can question whether the two-party system indeed upholds a healthy democracy. The evidence suggests the answer is no.

WHAT IS POLITICAL POLARIZATION?

Political polarization refers to the divide between opposing ideologies and the increasing extremity of political positions. This phenomenon increases the contrast between both members of political parties and the people who support them, making compromises, dialogue, and policy-making a much slower process. Polarization can manifest in many different ways, including increasing loyalty to parties, reluctance to listen to opposing viewpoints, and deepening politics into a matter of good and evil. As such, political polarization tends towards the erosion of democracy emphasizing disagreement and 'stubbornness' within politics, a direct cause of the two-party system.

In the last decade, American politics has only grown in polarization.

Pew Research Centre finds that 20% of the population considers themselves partisan. [11] Within this large percentage of partisan subscribers, 92% of Republicans are to the right of the median Democrat, and 94% of Democrats are to the left of the median Republican, a demonstrably large binary. [12] The nature of polarization is intuitive, however often it leads to a counterproductive and toxic political environment, the same study finds that "Partisan animosity has increased substantially over the same period. In each party, the share with a highly negative view of the opposing party has more than doubled since 1994." [13] This growing binary exacerbates ideological divides, fosters a political climate of animosity that fuels a counterproductive and often toxic political discourse, undermining the collaborative effort essential for a healthy demonstration of democratic governance.

BYPRODUCTS OF POLITICAL POLARIZATION

There are multiple byproducts of a polarized political climate, and as this paper argues, they are predominantly negative in function. One such byproduct, voter apathy, is a phenomenon in which many voters become disinterested in the entirety of the political process, due to the partisan divides present in America. Oftentimes, this frustration can make voters feel like giving up, believing their vote does not matter because the political parties are too stubborn 'in their ways' and extreme. Due to this, many Americans might not vote at all, thinking their vote will not make a difference or that their opinions will not be considered. Research by Rutgers School of Arts and Science supports this, as,

"[w]hen political parties become too polarized in their ideologies, it can have detrimental impacts on democracy, including less willingness to negotiate and compromise, and a greater willingness to allow anti-democratic principles to persist as long as it comes from your own party affiliation." [14]

This passage outlines the increase in voter apathy from a polarized political landscape, linking it to an anti-democratic thesis of the duopoly.

Beyond being disappointed with the political system, many voters start to believe that the political process is incapable of being effective. Carnegie Endowment for International Peace writes in an article:

At the elite level, deep political divides in Washington have crippled efforts at legislative compromise, eroded institutional and behavioural norms, and incentivized politicians to pursue their aims outside of gridlocked institutions, including through the courts. [15]

The text outlines that the divides in Washington have further complicated the ability of the two sides to reach legislative compromises and pushed politicians to seek other ways to achieve objectives.

This phenomenon suggests that polarization leads to a complication in democratic institutions, contributing to the perception of ineffectiveness to the public. This growing perception also fuels distrust in elected officials and fellow citizens, deepening the democratic crisis.

Kevin Vallier, a philosophy professor at Bowling Green University posits that, "[i]n our politically polarized age, we trust each other less simply based on how we vote." [16] He goes on to explain how

> **"[g]reater divergence may lead people to trust others less because they recognize that others are often members of a political out-group." [17]**

These quotes from the book titled *Trust in a Polarized Age* highlight how political polarization affects interpersonal trust within society. The first implies that the plain knowledge of someone's beliefs can influence whether we positively perceive them, regardless of other aspects of their character. The second comment is on the natural categorization that occurs through polarized politics as the differences in identities and opinions grow between citizens. This, again, exacerbates distrust within a polity, as people are typically only trusting in others with 'like' values. These byproducts of political polarization, which have been proven to cause direct harm to America's democracy, are only deepend by the two-party system.

HOW THE TWO-PARTY SYSTEM ENCOURAGES POLARIZATION

As a driving force behind political polarization, the two-party system plays a central role in producing these harmful byproducts. There are various ways in which the two-party system perpetuates the polarization within America's political landscape. A study done by Pew Research Center finds a plethora of supporting evidence for this thesis. The study finds that members of both major parties increasingly view each other as more closed-minded, dishonest, immoral, and unintelligent.

Pew argues that this comes from the two-party system's "us-versus-them dynamic," heightening the binary by simplifying the political landscape. [18] Another finding surrounds America's decline into negative partisanship. This is an occurrence wherein many people decide to side with a party due to its negative view towards the opposing party's policies, rather than positive alignment. [19] The harm in this becomes the positive-negative framing dichotomy, furthering rifts in the aforementioned binary. Lastly, Pew's research finds that those who identify with one party say they would never vote for a candidate of the opposition. [20] This means that a majority of citizens are obtaining a party of policy mindset which reinforces the toxic polarized nature of American politics. The two-party system upholds negative partisanship, creates loyalty to parties instead of policies, and increases the divide in public perception. For these reasons I argue that it also weakens American democracy.

LAW MAKING COMPLICATIONS FROM THE TWO-PARTY SYSTEM

America operates under a known two-party system which includes the Democratic and Republican parties as the primary political actors, both looking to maintain control to push their agenda forward into law. While a two-party system helps structure competition and simplifies voter choice, this system leads to partisanship within the government. Because of this, the ability to pass legislation is rigorous. . Through the two-party system, the necessary genuineness and transparency to address the needs of citizens are often absent.

The two-party system has increasingly led to legislative gridlock, a situation where partisanship prevents bills from being passed, rooted in fundamental disagreements between the parties. Gridlock has shifted the political landscape in discussions about healthcare reform, immigration policy, and climate change, though it is not limited to this list, all of these have been stalled within Congress. Through gridlock, partisan divides result in little to no progress. There have been numerous instances of gridlock within America's law-making process. One specific occurrence of gridlock came to be through efforts to pass the Affordable Care Act (ACA). The ACA's main effort is to make affordable health insurance available to more people, by subsidizing costs for those with low household incomes. [21] This law was put in place by President Barack Obama in 2010. [22] Throughout the entire endurance of the 2016 election, Republican candidates promised to reverse it. [23] Republicans and Democrats fundamentally disagree on subsidized medical care, which contributes to the ongoing divide. An article written by the Harvard T.H. Chan School of Public Health in 2016 says:

If the Republicans win, they are not likely to see their mission as making the ACA work. They are not likely to replace the ACA in total but would be likely to attempt to reduce the scale and scope of the law, reduce or eliminate mandates of all types, and decrease federal subsidies. [24]

The study goes on to say that "Future changes in health policy are related more to the extent of political polarization between the parties on health care issues than to the importance of the issue itself." [25] Within the two-party system, each party adopts drastically opposing views, this is natural yet extremely counterproductive. This hypothesis is supported by the fact that when the Trump administration took office, they asked the Supreme Court to strike down the Affordable Care Act. [26] Predictably so, Joe Biden in his first months of presidency expanded the coverage of the Affordable Care Act. [27] This sequence of events proves the partisanship deeply entrenched within American politics. It qualifies how gridlock is not merely a product of differences in opinion, but rather an unfortunate element of America's ability to make laws.

Another situation of this revolves around immigration policy. An article done by Brookings, which is a nonprofit for nonpartisan research, finds that as polarization deepens in the political environment, the chances of reaching an agreement on meaningful policies, such as immigration, fall steadily. They write:

Finally, many Republicans are prepared to wait until 2025 to address border security... In the meantime, they believe, the issue is damaging Biden, and they do not see why they should help him during an election year. [28]

This finding is negative for many reasons. Firstly, it is a clear indicator of how politicians and their party establishments value power; Republicans are willing to delay immigration reform to let it manifest badly in their opposing parties' efforts while in office. This speaks to the toxicity of polarization perpetuated by the two-party system. It serves as an indicator of government officials' willingness to put themselves before their citizens, whom they are meant to serve. This places political partisan victories above the democratic objective to develop the nation, effectively weakening one of America's core values, democracy.

IMPROVING THE TWO-PARTY SYSTEM

Though the two-party system has been deeply rooted in American politics since the 18th century, some efforts can be made to resolve the problems that it poses. On the candidate side of politics, open primaries would allow all voters to vote in primaries despite political affiliation. This could lead to the primary nomination being a more well-rounded presidential candidate, reflecting a broader range of public opinions. Another effort would be ranked-choice voting, this is where candidates are ranked in order of preference on the ballot. The least popular candidate becomes eliminated from contention and then votes are re-circulated until there is a majority, this would encourage presidential candidates to seek support from all ends of the political spectrum. [29]

Focusing on political party-centered changes, one way to resolve the issues of the two-party system would be to allow multiple parties to endorse the same candidate, allowing smaller parties to work together to gain attention. This strategy also dismisses the potential chance of smaller parties splitting the vote between each other, ultimately leading to fewer votes for each candidate.

Such a reform could significantly enhance the representation of diverse political views and foster a more cooperative and pluralistic electoral landscape.

CONCLUSION

In conclusion, this essay has effectively proved that the two-party system in American politics indeed limits political diversity, encourages an environment of polarization within politics, and complicates the law-making process, therefore eroding American democracy. By analyzing the system's impact on political diversity, the rise of polarization, and the intensifying gridlock, it is clear that the binarity of America's political landscape divides more than it unites its citizens. This is a direct contradiction to what the founding fathers of America had intended.

> **The marginalization of third-party voices, the toxic atmosphere that negative partisanship upholds, and the complications that come from gridlock all point to the need for reform within America.**

By considering reform strategies based on presidential candidates and political parties, some solutions can help foster a more inclusive and effective political atmosphere, strengthening the once-weakened democracy on which America was built.

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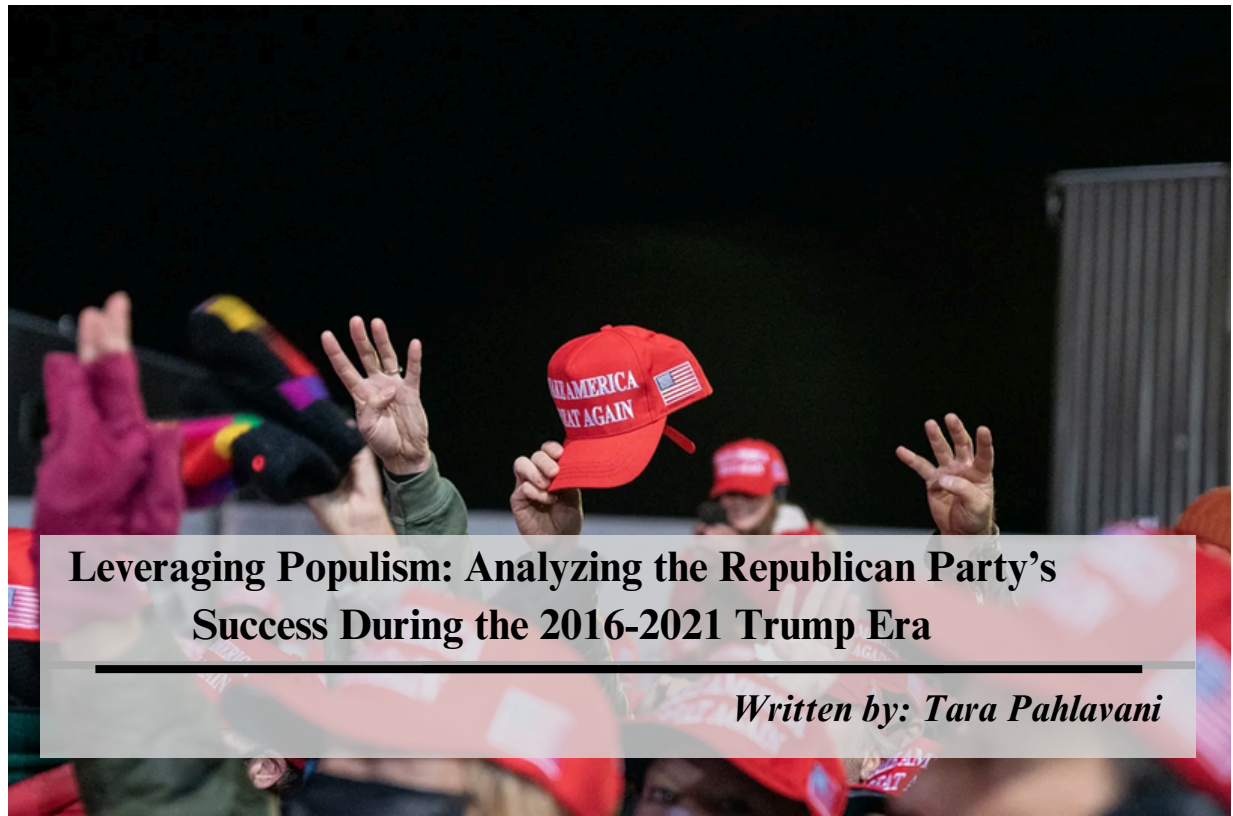
Leveraging Populism: Analyzing the Republican Party's Success During the 2016-2021 Trump Era

Written by: Tara Pahlavani

Abstract

The Trump era between 2016 and 2021 was a period of success for the Republican Party, as determined by the party's control of the executive, the legislature, and the judiciary. The party's success can be attributed to Trump's populist platform, in combination with additional causal factors, listed as follows. It is concluded that, first, internal party democracy enabled the election of a populist such as Trump as the party nominee. Trump built legitimacy among voters as a populist by self-financing his campaign. Moreover, Trump's populism exploited existing cleavages in American society and reinforced partisan-associated identities. He was able to mobilize voters deep within the Republican base, namely, white, Evangelical, working-class people without higher education. Ultimately, through a high degree of base mobilization, he transformed the Republican Party to resemble a mass party, which was better equipped to compete within a polarized party system than its opponents.

INTRODUCTION

The Trump era, beginning with the party primaries in 2016 until the end of the presidential term in January 2021, was a period of great success for the Republican Party. This era was notable for its use of populism. Populism is defined as a political position that claims to stand up for ordinary people's interests in the face of the elites and the greater political establishments that are alleged to be working against their interests. By championing this position, Trump employed a vertical approach, aiming to create deep support within the Republican base as opposed to a more traditional horizontal approach, which aims to appeal to a wide range of voters.

Despite contention over whether the party or its leader were fit for office due to their anti-establishment, populist rhetoric, their dominance spoke for itself. The high degree of control in the executive, legislative, and judicial branches of government defines the Republican Party's success during the Trump era because it allowed the party to pursue its agenda easily. Donald Trump won the election in 2016 and headed into office with a majority lead in the House, the Senate, and a Supreme Court judiciary comprised of a majority of Republican-selected justices. By the time he ended his first term in office, six of the nine Supreme Court justices had been selected by Republican presidents, three of whom were chosen by Trump himself, and the Republicans still had a majority in the Senate. The Republican Party's success under Trump was the result of internal party democracy leading to the selection of a candidate who could mobilize salient cleavages through populism, gain legitimacy through self-financing his campaign, and ultimately take advantage of a polarized party system.

THE TEA PARTY

Trump's success can be attributed to his ability to mobilize salient cleavages in American society on the basis of race, religion, class, and education. While previous Republicans have taken the approach of trying to expand their base to attract as broad a range of American voters as possible, Trump has played into the polarized landscape of American politics and even exacerbated it. [1] As the cleavages of American society have developed into greater divides, the result has been a stacking of cleavages, creating partisan-associated social identities. [2] Partisanship has thus become more personal to Americans' identities and has led to stronger feelings of respect or hatred for others based on which side of the cleavage stack they identify with. [3] Understanding this political climate, Trump's platform has adapted to reflect the stacking of cleavages, as he almost exclusively caters to voters who are white, Evangelical, working-class, and without higher education. [4]

Further, negative partisanship has been increasing among Americans and has largely contributed to polarization and created an opportune time for populism to succeed in America. [5] Negative partisanship has manifested into a political climate in which, as political scientist Alan Abramowitz puts it, "A growing number of Americans have been voting against the opposing party rather than for their own." [6] Through populism, Trump has leaned into the rhetoric of negative partisanship by positioning himself as a champion of the "ordinary American people" and the Democrats as representing the elite and the opposing side of the cleavages in American society. [7] In this way, Trump has reinforced negative partisanship by deepening existing cleavages.

In doing so, Trump has also increased positive partisanship among his voter base, who see him and the Republican Party as representing everything that the Democrats are not. [8] Therefore, Trump has mobilized his base against the Democrats. However, more importantly, Trump's vertical approach has allowed him to create a deep relationship with his base that has inspired and energized them to mobilize in his support. [9]

PARTY TYPE & POLARIZATION

The level of base mobilization he has achieved has created a highly involved Republican community that is eager to volunteer for his campaign, attend his rallies, recruit their family and peers to participate, and encourage other potential voters to register. [10]

> **Trump's cleavage-based, populist approach has, therefore, transformed the Republican Party from a traditional conservative coalition into a rather mass party style of organization.**

Mass parties represent well-defined subcultural groups and tend to demand a high level of involvement from their bases because of their deeply representative nature. [11] The level of loyalty among Trump's voter base is in direct contrast with the opposition, the Democratic Party. The Democratic Party is a catch-all-style party that takes a horizontal approach to attracting voters and, consequently, sacrifices building such a loyal and mobilized voter base. [12] These parties represent a broader coalition of ideologies and aim to appease a wider audience of voters by representing nationally unifying interests as opposed to specific group interests. [13]

Catch-all parties have been understood as the party type that replaces mass parties throughout the party development process in developed democracies. [14] As polarization declines, catch-all parties are meant to emerge and find success because of their nature of appealing broadly to voters through a horizontal approach. [15] However, as the American party system has become increasingly polarized, it follows that a catch-all party such as the Democratic Party would not be well-equipped to respond to voters' attitudes. Instead, the Republican Party is becoming more similar to a mass party through Trump's commitment to representing a distinct partisan-associated identity, better suited to respond to voters' attitudes within a polarized environment. [16] Therefore, in the American two-party system, base mobilization of the Republican Party under Trump's leadership is especially impactful because it responds better to the polarization of the party system than the Democratic Party's approach.

PARTY FINANCING

Further, Trump's influence on party financing has contributed to his ability to build legitimacy and set him apart from both Democrats and other Republican candidates. Donors can strongly influence how a party operates. This was the case with the donors who supported the Democratic Party, as they heavily influenced their party's platform and policy agenda throughout the 2016 election campaign. [17] In contrast, Trump's decision to self-fund his 2016 campaign legitimized his populist platform. Understanding that financing is influential, Trump argued that self-funding his campaign showed he was not willing to allow any outside influence, particularly the influence of elites, to affect his policy decisions. [18]

In this way, his decision to self-fund displayed his commitment to representing the ordinary Americans in his voter base and rejecting the elites, unlike his Democratic counterparts. [19]

Further, the decision to self-fund his initial campaign not only gained Trump legitimacy within the larger party system but also made him stand out among the Republican candidates during the primaries. He was able to prove himself as the candidate most dedicated to representing the interests of ordinary Republicans, arguing that his opponents were controlled by lobbyists and special interest group donors and would work to represent their interests above all. [20]

INTERNAL PARTY DEMOCRACY

Internal party democracy through the Republican Party's primary election has been an integral part of Trump's rise to success. While populist parties struggle to gain support in the American party system, populist candidates tend to be well-received, particularly during party primaries. [21] Due to low barriers to the candidate nomination process, populist candidates can be easily nominated to run in party primaries. [22] From this point, the influence of a selectorate on electing a party nominee–as opposed to party elites–is what ultimately made it possible for Trump to compete against other candidates within the Republican Party. Despite having no previous political experience, Trump was able to garner votes in the party primary because of his aforementioned populist tactics and how he was able to appeal to Republican voters on the basis of a partisan identity. [23]

Trump's platform aims to challenge the establishment and elites, which made him an attractive choice for a working-class base without higher education, who similarly shared anti-establishment and anti-elite beliefs and prioritized these sentiments above political experience when supporting a candidate. [24] Trump, therefore, challenged the party establishment by effectively appealing to this selectorate through populism, as opposed to having to build political credibility among party elites. [25] He most likely would not have been afforded the same opportunity to run as the party nominee had there not been an internal democracy process within the Republican Party.

CONCLUSION

By understanding the dynamics of a polarized party system, Trump made a calculated decision to employ populist tactics to respond to right-wing voters' frustrations with the establishment, the elite, and Democrats in particular. His decision to self-finance his campaign gave him legitimacy as a candidate who could not be influenced by the elite and instead genuinely sought to represent ordinary Americans, unlike other candidates who were supported by elites. Internal party democracy made it possible for Trump to be nominated as the Republican Party's presidential nominee as his populist platform was based on representing the side of the stacked cleavages in American society that consisted of white, conservative Christian, and working-class Americans without higher education. By doing so, those voters were mobilized to support Trump in the primaries above other Republican candidates. The dedication of this voter base as a direct result of how connected to civil society the Republican Party was during the Trump era, in contrast with the catch-all nature of the Democratic Party, ultimately responded much better to the polarized party system.

All of these factors led to the Republicans winning a majority of seats in the House and the Senate during the 2016 election. The Republican Party maintained a majority in the Senate throughout the entirety of Trump's first term in office, although they lost the majority in the House in 2019. Further, at the beginning of his first presidential term in 2017, the Supreme Court already had a majority of Republican-appointed justices at a ratio of five to four, which nonetheless became six to three by the end of Trump's term in 2021. The Republican Party's dominance in the executive, legislature, and judiciary under Donald Trump's leadership between 2017 and 2021 demonstrates the party's success, achieved by populism as a response to polarization.

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A Second Trump Presidency and What it Means for Canada

Written by: Mehar Mann

Abstract

The election of Donald Trump as the 47th President of the United States has shaken Canadian politics to the core. His intentions to implement 25% across the board tariffs is forecasted to cripple the Canadian economy and combined with his repeated threats to annex Canada as the 51st state, has created an atmosphere of an existential crisis. Canada's dependence on the United States in the realms of defense, security, and trade makes it extremely vulnerable to the drastic policy shifts the Trump administration is pursuing. Using historical institutionalism to contextualize this imbalanced relationship, this paper seeks to examine the consequences of another Trump presidency on Canada. It will highlight the unprecedented questions facing Canadian policymakers, citizens, and non-governmental actors before suggesting solutions that may mitigate even the most pessimistic predictions.

INTRODUCTION

In a poll conducted on the eve of the 2024 United States election, 62% of Canadians stated that a Kamala Harris victory was the best outcome for Canada. [1] However, Donald Trump would win a second term, raising various concerns for Ottawa's policymakers. As a close strategic, economic and military partner of the United States, Canada is vulnerable to the vicissitudes of American politics, especially with the re-election of a populist, isolationist figure. This issue is pressing for Canadian policymakers and citizens, as Trump destabilizes military alliances such as NATO, undermines free trade through expansive tariffs, thus posing a risk to Canada's strategic goals and interests. His policy proposals jeopardize Canada's long-term interests, and his second term will force Canada to re-evaluate its relationship with its southern neighbour and whether it can manage its strategic interests independently of the United States. In this essay, I will question whether a second Trump term is bad for Canada. I will argue that the election of Donald Trump poses several problems for Canada's military, economic, and political landscape. I will examine how Canada's dependency on the United States for military protection and foreign policy direction will be a significant issue as the United States looks to hold its allies accountable for raising military spending as it shifts away from free trade and toward tariffs. I will frame this issue through the historical institutionalism theory and look at the forces that have generated Canada's beneficial, albeit vulnerable, relationship with the United States.

ANALYTICAL FRAMEWORK

Historical institutionalism posits that political and social outcomes are influenced and shaped by institutions.

In this case, we will examine the origins of American economic and policy influence over Canada through the development of institutions such as NATO. NATO has been shaped and dominated by the United States in varying degrees, and its goals have evolved with American interests. It is also a target of Donald Trump's worldview, where the United States is tethered to unreliable and free-loading allies such as Canada. [2] The critical juncture of the current Canada-US relationship is the political domination of Donald Trump and his implications on the close relationship between these two countries. Through historical institutionalism, I will examine the forces that have led to NATO being attacked and vilified by Trump and how Donald Trump's positions against NATO undermine cooperation and goodwill between Canada and the United States. I will provide background on Canada's economic and military relations with the United States and how Trump's stances on alliances and international organizations present challenges for Canadian policymakers. I will also examine how Trump's tariff policies have impacted Canada in the past and forecast how they will impact Canada in the future.

The concept of "soft bandwagoning" refers to a strategy where a smaller or less powerful state aligns with a dominant power to benefit from its security and economic advantages without fully committing to its agenda or assuming proportional responsibilities. [3] Soft-band wagoning allows for some degree of autonomy while leveraging the hegemon's influence and resources. Canada's relationship with the United States exemplifies soft bandwagoning, mainly through its participation in American-led institutions like NATO, NORAD, and the G7. Under this argument, Canada's security and prosperity depend on the United States' security and prosperity. [4]

Historically, Canada has relied on these alliances to secure its defence and economic interests while maintaining a distinct policy identity. For instance, through NATO, Canada contributes to collective security but avoids heavy military investments, relying instead on United States capabilities. NORAD underscores this dependency by integrating Canadian and American continental defence, where Canada benefits from the United States' spending and technology. Similarly, Canada's involvement in the G7 allows it to shape global governance while aligning with the United States' economic leadership.

> **This approach has enabled Canada to punch above its weight internationally, but it also perpetuates its reliance on American power, raising questions about the sustainability of this strategy amid changes to United States' foreign policy priorities.**

These realities have created fertile ground for the spread of populist rhetoric that the United States is being "ripped off" by its allies, culminating with the rise of Donald Trump. This approach is particularly useful in explaining how institutions like NATO are central to Canadian policy and security and how it has become a target of Donald Trump's vitriol.

ANALYZING THE CAUSES

The North Atlantic Treaty Organization (NATO) began in 1949 as a military alliance to protect Western Europe from the Soviet Union and guide strategic cooperation between member states.

This alliance has been one of the most important institutions of the American-led world order. It has remained a central focus of Canadian and American foreign policy since the Cold War. With the fall of the Soviet Union in 1991, defence priorities changed, and NATO became an institution to uphold liberal-democratic values and control Russian aggression in its former sphere of influence. [5] NATO is the most important element of Canada's collective security and guides cooperation with the United States and European partners like France, the United Kingdom and Germany. [6] During his first term, Trump focused on holding members accountable for military spending and lessening the defence burden on the United States. While he did not follow through on threats to leave NATO in the past, experts and policymakers are unsure if the alliance could survive a second Trump presidency. Every President since the foundation of NATO has understood the importance of the alliance to the United States' national security and force projection. As Trump undermines the collective security of Europe, he emboldens Russia to act decisively against Ukraine without fear of NATO intervention. Trump has even threatened that Russia can do "whatever the hell they want" to allies that do not meet the 2% of GDP defence target, further destabilizing the alliance. [7] Increasing military spending will be a lengthy and costly process for Canada as the country grapples with economic instability, a growing cost-of-living crisis, and strained public finances, making it difficult to prioritize defence spending. According to studies that tracked Canadian defence expenditure over the past several decades, military spending declines during economic downturns. [8]

These are difficult realities to face, as successive Canadian governments have ignored warnings of increased geopolitical tensions and an over-reliance on the United States for foreign policy and defence. [9] With a second Trump term looming, it appears there will be a rude awakening in Ottawa's defence circles.

As a staunch "America First" politician, Trump's views are protectionist and aim at addressing perceived imbalances in America's bilateral relationships. Trump has repeatedly called for NATO countries to meet military spending targets, citing the United States' outsized contribution to NATO and other strategic initiatives. [10] Canada has continuously failed to meet the target of allocating 2% of its GDP to military expenditure, much to the chagrin of the Trump administration. In 2017, Canada was 23rd of 28 NATO countries in defence spending. [11] Despite decades of successive governments campaigning on increased military spending, this never materialized, and we see a continued deterioration of Canadian defence capabilities and force projection. Canada's political establishment has grown complacent in safeguarding the nation's defence capabilities, increasingly outsourcing this responsibility to the United States. This reliance has left Canada vulnerable, with weakened defence capabilities and an inability to independently defend its strategic interests in a volatile global landscape, as demonstrated in conflicts like Ukraine. The war in Ukraine is an unprecedented challenge to the rules-based international system, and NATO countries have played a crucial role in supplying Ukraine in their fight against Russian aggression. As Donald Trump weakens commitments to defence and collective security in Europe, the onus is on other Western allies, including Canada, to pick up the slack, a task for which Canada is wholly unprepared.

The implications of a Russian victory in Ukraine are disastrous for Canada, as Russia would be emboldened to its claims in the Arctic and would continue to interfere in Canadian democratic processes. As the Trump administration undermines cooperation between the United States and Canada, the Arctic emerges as an arena for confrontation between China, Russia and the United States, with Canada caught in the middle.

> **With the United States retreating from its role as a global leader, Canada finds itself unprepared and exposed, with its security tethered to an increasingly unpredictable partner.**

This issue raises urgent questions about Canada's long-term strategic autonomy and the need to strengthen domestic defence capabilities to avoid being left high and dry by shifting American policy.

A hypothetical 25% American tariff on Canadian imports would deal a major blow to Canada's economy, with predictions of sharp GDP decline and recession. Such across-the-board tariffs could wipe out up to two years of Canadian economic growth as exports to the United States – which comprise a large share of Canada's GDP – plummet (one simulation projects around a 9% decline in Canadian exports under the tariff, or up to ~19% if Canada retaliates). Key industries like aluminum, steel, and lumber that rely heavily on American markets would be severely impacted. The tariff shock is also expected to cost Canada hundreds of thousands of jobs, pushing unemployment from about 6.6% up toward 8%. [15]

Consumers would face higher prices as well – the Bank of Canada warns of a significant inflation spike if such tariffs persist– creating a stagflationary mix of rising costs and stalled growth. The American economy would not be unscathed: American consumers and manufacturers would pay more, adding over a full percentage point to American inflation and GDP growth would be trimmed by roughly 0.2–0.3 percentage points (an estimated $45–$75 billion loss in output). Supply chains would be disrupted as well, since many sectors depend on cross-border inputs – tariffs would raise costs at each border crossing and erode North American manufacturing competitiveness. While American job losses from the tariff would be relatively modest in percentage terms, they still amount to an estimated 0.1% of employment (around 177,000 American jobs lost). [16] Beyond the direct economic damage, such a move would severely strain U.S.-Canada relations: it flouts the spirit of the USMCA trade pact (likely violating its terms) and would prompt Canadian retaliation. For nearly forty years, trade barriers were dismantled between Canada and the United States to usher in a bright future of free trade and increased wealth and prosperity. We are seeing this status quo unfold at a time when Canada is dangerously unprepared to reorient its trade, incredibly vulnerable to American policy. If Donald Trump's goal with these tariffs is to ensure Canada is not viable as a nation, combating American protectionism will be the greatest Canadian policy challenge of the century so far.

SOLUTIONS

The most obvious solution to the problems of a Trump presidency would be to increase military spending. With improved defence capabilities, Canada could better coordinate partnerships with its EU allies and Pacific nations like Japan and South Korea to counter rising Chinese and Russian aggression.

As the United States looks to re-evaluate its role as the world's policeman, Canada cannot afford to rely solely on American forces to enforce security and protect North American interests. The effort to scale up Canadian defence capabilities is not a primary concern for voters, with only 13% of Canadians believing defence is the most important issue. This apathy will need to be addressed by politicians and brought to the forefront of political discourse. Canada could also invigorate its established defence industry. With over 63% of exports going to the United States, expanding the market for Canadian arms could foster military and strategic partnerships and fill gaps left by the Americans.

The 25% tariff announcement has produced a seismic shift in Canadian politics. At the time this essay was originally written (December 2024), the Conservative Party of Canada was dominating the polls, with most outlets predicting an overwhelming Conservative majority in the 2025 Federal Election. Priorities have shifted for Canadians since Trump's inauguration, and his repeated annexation threats and 25% tariffs have emerged as a top concern for voters. In light of these events, the Liberal Party has made a remarkable turnaround, presenting itself and new Prime Minister Mark Carney as the party of Canadian sovereignty. The resurgence of the Liberal Party is attributed to the disruption of the tariff threat. Mark Carney was christened the new Liberal leader after winning 86% of the leadership vote. [21] He boasts an impressive career in the private and public sectors, notably as Bank of Canada governor from 2008-2013 and later the governor of the Bank of England from 2013-2020. Carney commands a great deal of respect for managing the 2008 financial crisis, where Canada was relatively unscathed compared to peer nations, and during Brexit as a calming voice in the UK. [22]

Carney's handling of crises and broad experiences have led most Canadians to believe he would be the best leader to stand up to Donald Trump. [23]

> **Voters feel we have entered a new paradigm, where domestic political disputes must be put aside to face a common threat against the country.**

This resurgence has neutered the Conservative Party, with the Liberals framing the Conservative Party as the party of American subservience, and Pierre Poilievre as incapable of standing up to the American "bullies". The Conservatives have collapsed in the polls and are now projected to finish in second place to the Liberals. An election that sees either party winning a strong mandate will provide Canada with the necessary political stability and legislative decisiveness to mitigate the effect of these tariffs. Both parties have vowed to introduce counter-tariffs and refuse any concessions to the United States. [24] Time will tell which party secures the electorate's confidence, especially as voters look with shock at the Trump administration's actions and rhetoric towards Canada.

CONCLUSION

In summary, Donald Trump's re-election existentially challenges Canada's military, economic, and political stability. His disdain for NATO undermines collective security, pressuring Canada to confront its historical reliance on the United States for defence. Economically, Trump's protectionist policies are intended to devastate the Canadian economy to the extent that joining the United States is the only recourse.

Sweeping tariffs would bring into question Canada's future as a nation. Diplomatically, his disrespect towards and unwillingness to negotiate in good faith with the Prime Minister has further complicated coordination during unprecedented global uncertainty.

For policymakers, these findings underscore the urgent need for Canada to strengthen its strategic autonomy. This includes increasing defence spending, diversifying alliances beyond the United States, and fostering resilience within critical industries. On the political front, bipartisan efforts must prioritize Canada's ability to effectively navigate the volatile U.S. administrations. Additionally, leveraging a robust defence industry to fill strategic gaps left by a retreating America could create new opportunities for global partnerships and bolster Canada's standing on the world stage.

For other interested actors, such as think tanks and advocacy groups, this research highlights the importance of fostering public awareness about defence and trade policy. Building public consensus around the importance of these areas is critical to their improvement. By addressing these vulnerabilities proactively, Canada can mitigate the risks posed by a second Trump presidency and strengthen its position as an independent and reliable actor in an increasingly unstable world.

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Bill 27: Undermining Inclusivity in Schools and Damaging Albertan LGBTQ+ Students' Mental Health

Written by: Hannah Robinson

Abstract

In September 2023, a protest called the "One Million March for Children" brought parents from several major Canadian cities to protest against SOGI 123, a cross-provincial initiative to create more LGBTQ+ inclusive curriculums [1][2]. The anti-LGBTQ+ sentiment present in these protests has since been reflected in Canadian policy– particularly in prairie provinces. Most recently, in December 2024, the Education Amendment Act (Bill 27) achieved royal assent in Alberta [3]. Contrary to SOGI 123 initiatives, Bill 27 proposes a policy that will limit students' access to education about sexual orientation, gender identity and human sexuality, and mandates parental notification if a student under 18 requests a name or pronoun change [4][5]. Using the life course perspective, cumulative inequality theory and stigma power, this paper argues that Bill 27 represents a regressive step in education policy with dire consequences for Albertan LGBTQ+ students' mental health.

Keywords: Bill 27, Alberta, LGBTQ+, Gender, Sexuality, Education, Mental Health, Life Course Perspective, Stigma, Cumulative inequality

INTRODUCTION

On September 20th, 2023, a protest called the "One Million March for Children" brought parents from several major Canadian cities to the streets, holding signs that read "Stop Pushing Gender Confusion on our Kids" and "Stop Sexualizing Our Kids". [6] The group was protesting SOGI 123, a cross-provincial initiative led by teachers advocating for a more inclusive curriculum for LGBTQ+ groups. [7] The sentiment present in the One Million March for Children has since worked its way into Canadian policy– particularly in prairie provinces. For instance, in 2023, Saskatchewan enacted Bill 137 – a policy that restricted access to LGBTQ+ education and sex education and required teachers to report when students under 16 requested to be called by a new name or pronoun. [8]

Unfortunately, policy changes akin to Bill 137 continue to be lobbied to this day. Most recently, in December of 2024, Alberta's legislature gave Bill 27, also known as the Education Amendment Act, royal assent. [9] Contrary to SOGI 123 initiatives, Bill 27 proposes a policy that will (1) limit student's access to education about sexual orientation, gender identity and human sexuality, (2) limit external learning material or speakers to educate on such topics and (3) force teachers to notify parents if a student under 18 years old requests to change their name, or pronouns in school. [10]

Unfortunately, policy changes akin to Bill 137 continue to be lobbied to this day. Most recently, in December of 2024, Alberta's legislature gave Bill 27, also known as the Education Amendment Act, royal assent [10].

Contrary to SOGI 123 initiatives, Bill 27 proposes a policy that will (1) limit student's access to education about sexual orientation, gender identity and human sexuality, (2) limit external learning material or speakers to educate on such topics and (3) force teachers to notify parents if a student under 18 years old requests to change their name, or pronouns in school [11].

> **This policy has the potential to exacerbate mental health risks for already vulnerable groups of LGBTQ+ students.**

Transgender and gender non-conforming youth are particularly vulnerable, facing the compounded threats of losing inclusive and affirming education, losing connections with trusted and supportive teachers, and facing the distress of being outed to unsupportive families. By applying concepts such as the life course perspective, cumulative inequality theory and stigma power, this paper argues that Bill 27 represents a regressive step in education policy with dire consequences for Albertan LGBTQ+ students' mental health.

SUMMARY OF BILL 27

To understand the mental health impacts of the Bill, it is first necessary to understand its context. The Education Amendment Act of 2024, also known as Bill 27, was presented to the Province of Alberta Legislature for the first time on October 31st, 2024 and achieved royal assent on December 5th, 2024. The Bill will affect Albertan schools starting September 2025. [12] The Bill was developed in the context of protests against SOGI 123 and new policies across Canada that reprimand education about LGBTQ+ groups, namely, Saskatchewan's Bill 137 . [13]

In the Albertan context, Bill 27 proposes to amend the former Education Act of 2012, particularly sections 18, 30, 33, 53, 58.1, and 58.2, while adding additional subsections and substitutions. [14] The changes in sections 18.1, 58.11 and 33.2 will be discussed in depth due to their notable impact on LGBTQ+ students and youth.

In the revised section 18.1, Bill 27 requires the Ministry of Education to pre-approve all learning content, homework, or guest speakers that educate on Gender Identity (GI), sexual orientation (SO), or human sexuality. [15] While this may seem positive, it is essential to note that this subsection groups content about GI/SO with sex education content. It does not outline particular criteria for what constitutes "acceptable" and "unacceptable" content or speakers.

Moving forward, section 58.11 would work to amend the current system for sexual education in schools, alongside education about LGBTQ+ groups. First, the section requires the school board and teachers to notify parents about any content featuring "gender identity, sexual orientation, or human sexuality" at least 30 days before instruction. [16] Likewise, 58.11(3) purports that a student cannot participate in such a curriculum if a parent does not consent before instruction. [17] Significantly, this alters the current policy, where all students are assumed to be enrolled unless a parent explicitly opts out, and replaces it with a system that assumes all students are not enrolled until the parent opts in. [18]

Finally, changes to section 33.2 introduce new requirements and procedures surrounding students who request to go by new names or pronouns at school.

Section 33.2(2)(a) mandates that when students under 16 years of age request teachers to call them by a new name or pronoun, the teacher must (1) notify the child's parent and (2) ask for consent to call the child by the new name or pronoun. [19] When a student is 16 or 17 years old, 33.2(2)(b) requires a teacher to notify the parent, but no consent from the parent is needed. [20] Section 33.2(3) clarifies that when consent for students under 16 is not obtained, or when a 16-17-year-old's parent is not notified, school staff are not permitted to use the new name or pronoun. [21] Section 33.2(4) considers that if a child is at reasonable risk for emotional turmoil or harm due to being outed, educational staff will provide support, such as counselling, "before notification". [22]

THEORIES OF MENTAL HEALTH

Using the frameworks of a life course (LC) perspective, cumulative inequality (CI) theory and stigma power, the potential implications of Alberta's Bill 27 can be further contextualized.

LC perspectives hinge on the idea that certain phases of life have unique purposes and impacts on future life outcomes -ranging from educational, occupational, relational and, most importantly to this essay, health and mental health outcomes. Under the LC umbrella, CI theory posits that as a person faces disadvantages, the likelihood of future disadvantages will increase, potentially causing a cluster or chain reaction of disadvantages. [23][24] CI theory also applies in the opposite direction, where advantages may cluster together or follow one another throughout the LC.

Scholars Kamis et al., and Fish assert that childhood is a developmental stage where individuals are notably transformative and vulnerable. At such ages, negative experiences and stressors are all the more impactful on one's mental health, likely causing continued issues into adulthood. [25][26] Specifically, Kamis et al.'s research finds that if a child endures adverse childhood experiences (ACEs) - ranging from abuse, low income, family conflict or other adversities – they are more likely to experience mental health struggles as they age. [27]

Specific to the experience of LGBTQ+ youth, Fish's analysis interestingly points out that health disparities between LGBTQ+ and heterosexual children exist in the modern day due to a complex interplay of social acceptance and LC vulnerabilities. [28] In recent years, media representation, legal rights, and social protection for LGBTQ+ individuals have steadily improved, which translates to minority children feeling safer and more empowered to come out earlier than those people in previous generations would. [29] While this appears to be a positive change, it may introduce new vulnerabilities to children, as younger age typically equates to less independence and power. Thus, those who come out early to unsupportive environments will have lower financial, social and legal autonomy to escape abusive home and school conditions. [30] Coming out in adolescence, in particular, comes with a larger sense of self-consciousness, a desire to conform, and experiences of increased social regulation. [31] Cumulatively, these features of adolescent life leave LGBTQ+ youth vulnerable to peer and familial victimization, which can have lasting impacts on their self-esteem and the development of mental disorders. [32]

Overall, using the LC perspective, LGBTQ+ youth face increased mental health vulnerability as socio-historical factors interact with developmental phenomena.

Contrarily, the idea of stigma power, as described by Link and Phelan, is a resource used by those of privileged social status to oppress stigmatized groups while obtaining advantages for themselves . [33] Particular motivations for stigma power can be grouped into the following: "keeping people in," "keeping people down, and "keeping people away."[34] "Keeping people in" is a mechanism powerful groups use to discourage norm violation. By both formal and informal sanctions, privileged groups gain the power to keep stigmatized groups "in" - that is, keep them from outwardly expressing their identity as members of a stigmatized group. [35] "Keeping people down" occurs when a stigmatized individual fails to be "kept in." As a result of undesirable behaviours, the dominant group exerts power over and reinforces social hierarchies to restrict the stigmatized person from achieving upward mobility. [36] This can be imposed by powerful groups exploiting stigmatized groups or withdrawing important opportunities from the stigmatized (i.e. preventing educational or job opportunities). Finally, "keeping people away" refers to when a dominant group excludes, discriminates, or otherwise segregates stigmatized individuals from specific spaces. [37] These mechanisms can be imposed at various levels, including interpersonal (person-to-person relationships), structural (policy and governance), interactional and internalized feelings of stigmatization (i.e. Self-stigma). [38] Thus, Link and Phalen's work points out multiple solutions to combat the stigma power, namely, the positive effects of community interaction and support groups.

Likewise, Bourdieu's concept of symbolic power outlines a system wherein people with privileged identity categories can "impose a legitimized view of the world" onto others. [39] Those with symbolic power are viewed as valuable to culture and society and worthy of such privileges, while those without power are conceptualized as deserving of their lower status. [40] Because of this, stigmatized groups, like their oppressors, may begin to internalize and validate the perils they face as something they "deserve". [41] Due to this, stigmatized individuals may face self-perception issues, increased feelings of isolation, depression, anxiety and stress-related disorders. The following sections will analyze how these concepts apply to Bill 27 and argue against the Bill's negative Mental Health consequences, considering its mental health outcomes.

CRITIQUE OF SECTIONS 18.1 AND 58.11: STIGMA POWER AND SYMBOLIC POWER

Sections 18.1 and 58.11 can be critiqued due to how they categorize LGBTQ+ learning materials and sex education. This is particularly problematic because LGBTQ+ content is not inherently sexual. To illustrate this, the SOGI 123 initiative provides proposed lesson plans focused on LGBTQ+ related content – which often takes an asexual approach. Example lesson plans proposed by SOGI 123 include gender representation in media, educating on Two-Spirit individuals in Canada, and highlighting human rights advancements for LGBTQ+ groups. [42] That said, assuming such content is "sexual" works as a pervasive form of discrimination that keeps LGBTQ+ groups down – namely through sexualizing LGBTQ+ groups.

This perpetuates the view that LGBTQ+ relationships or identities are focused solely on sexual deviancy rather than on love, romance, or personal identity, making such topics seem "inappropriate" for discussion in schools.

For LGBTQ+ students, this narrative may make them feel shameful and embarrassed of their identities.

While misunderstanding non-cisheterosexual identities as "sexual" is a common misconception in Western society, a policy like Bill 27 endorses these harmful stereotypes on a legitimized policy level. Bill 27 does this by suggesting that (1) the government holds stigmatizing views of LGBTQ+ individuals, (2) parental values in Alberta support negative perceptions of LGBTQ+ people, and (3) teachers and school staff should abide by a policy that reduces LGBTQ+ representation in education to "sexual content" that must be censored. It is essential to acknowledge that powerful social forces with symbolic power—such as the government, families, and educators—greatly influence how today's students think, feel, and operate within the world. [43] As a result, anti-LGBTQ+ sentiment embedded in school policies can infiltrate children's and teenagers' norms, leading heterosexual students to view LGBTQ+ peers as deviant and undeserving of respect. Such perceptions can facilitate interactional stigma, including bullying and peer pressure to conform to cisheteronormative culture.

Simultaneously, such norms may lead LGBTQ+ students to believe that the stigma they face is validated – creating a cycle of self-stigma, internalized homophobia, and transphobia- which can increase the risk of developing self-image issues, depression or anxiety. [44]

SECTION 18.1 CRITIQUE: "KEEPING PEOPLE AWAY" & THE IMPORTANCE OF COMMUNITY RESOURCES

Moving forward, Section 18.1 has the unique feature of degrading relationships between external community organizations and school boards. While the policy to implement a structured approval process for external organizations may seem protective to students, it is essential to acknowledge that the section does not clarify guidelines or criteria for external organizations to be allowed in schools. Without such criteria being outlined, the Ministry of Education is granted the power to accept or reject external speakers on an unclear basis, which may be arbitrary and have nothing to do with how effective or appropriate such organizations are for students.

This situation parallels Saskatchewan's Bill 137, which imposes restrictions on external educators in a similar manner [44]. Bill 137 has led many schools in Saskatchewan to sever ties with local pride organizations, such as OUTSaskatoon and UR Pride [45]. Given the similarities between Saskatchewan's Bill 137 and Alberta's Bill 27, their comparable lobbying timelines, and the geographical proximity of the two provinces, it is reasonable to conclude that many pride organizations in Alberta may also be rejected and "kept away" if Bill 27 is enacted. [46]

Without access to reliable external educators on sexual orientation or gender identity, as well as supportive community resources, LGBTQ+ students will be deprived of vital support that may help them navigate delicate issues of coming to terms with their identity, coming out to others, finding pride in oneself, and combating interpersonal and self-stigma. [47]

SECTION 33.2 CRITIQUE: IMPACTS ON CI AND VULNERABILITIES IN THE LC

Section 33.2 distinctly targets transgender and other gender-diverse students by mandating that if a student under 18 requests a new name or pronoun, the school must notify the individual's parent. The restriction is more severe for children under 16, requiring the school to inform the parent and ask for consent to respect the request, a process some call an "outing requirement" [48].

As stated earlier, adolescence is a period of identity formation, but it also involves the stresses of conformity, peer pressure, and victimization if one does not fit in. Likewise, childhood and adolescence are LC stages where one has limited ability to escape unsafe or unhealthy scenarios because they are highly dependent on one's parents for financial support and on one's schools for education and social mobility [49]. Thus, when a child then gets "outed" by their school, there is no opportunity to escape (1) the potential onslaught of a hostile home environment and (3) the potential onslaught of bullying, misgendering and deadnaming at school.

Using CI theory, section 33.2 can be seen as facilitating chains of risk.

Chains of risk are a type of cumulative disadvantage wherein one risk will incite future risks – often that span an individual's LC. [50] In the case of section 33.2 of Bill 27, students who are victims of outing requirements may face several disadvantages that could negatively impact their mental health outcomes. For instance, if a student is outed at the hands of Bill 27, it can open up the door to transphobic abuse against the child – ranging from emotional to physical to financial abuse, creating ACEs and chronic stressors for the child. Enduring ACEs may have lasting mental health impacts – in the case of abuse, it may increase the likelihood of being diagnosed with depression, anxiety or having heightened reactions to future stressors – all of which often affect victims into adulthood. [51] Finally, for a select few individuals, ACEs, non-acceptance from family members, and internalized transphobia may prompt suicide. This potential outcome is supported by information from the Mental Health Commission of Canada, which reported that 1 in 3 Transgender youths in Canada attempt suicide. [52] Likewise, Irwin et al. 's work asserts that Transgender individuals commit or attempt suicide at a rate 2X higher than their LGB counterparts. [53] This disparity exists partially due to harassment, lack of familial support and discriminatory policy – all of which will be ramped up under section 33.2 of Bill 27. [54]

An additional risk that may occur is a student being disowned by their family due to outing requirements. Disownment usually involves an individual being kicked out of their home and not awarded financial support from their parents. If kicked out, the student will likely become homeless, as most children do not have the financial stability to support themselves.

LGBTQ2S+ youth are disproportionately more likely than the general population to experience homelessness, making up between 25-40% of homeless youth in Canada, a process that may be exacerbated by Bill 27. [55] Being homeless may harm the individual's Mental Health, namely due to exposure to stigma, isolation from loved ones, experiencing chronic stressors and enduring feelings of hopelessness. [56] Particularly in Transgender individuals, being homeless may further impact self-perception and depression and diminish one's sense of identity – particularly when exposed to transphobic homeless shelter conditions. [57]

> **Overall, the impacts of outing requirements may result in cumulative disadvantages, including being disowned, homeless, and experiencing chronic mental health disorders.**

There is only one subsection of 33.2 that works to protect transgender children. Section 33.2(4) states that if a child suspects emotional harm or an unsafe home environment as a result of being outed, they will be provided with a counsellor. [58] However, as Ms. Pancholi stated in the November 5th Hearing of Bill 27, many public schools across Alberta have poor funding. They cannot provide the counselling, occupational therapy, and social work needed to support their student body. [59] Without actively addressing these funding gaps, Albertan schools will likely be unable to pay for the surge in counselling requests that Bill 27 will incite. If the school cannot pay for it, the individual requiring support must pay out of pocket.

Teenagers often lack the funds to support themselves, and if they seek mental health support due to family issues, their family is unlikely to cover the costs. Similarly, many counselling services for children under 18 require parental consent. [60] In the case that a transgender child is trying to access such services due to familial abuse, the parent will likely not consent. Finally, section 33.2(4) notes that a counsellor will be provided "before notifying" parents, meaning that suspected abuse or emotional turmoil is not enough to stop the child from being outed. [61] Without halting the notification, the child is still vulnerable to harm in their home environment– whether or not they obtain counselling. Thus, in many ways, 33.2's solution to emotional trauma caused by outing requirements is not flushed out enough to effectively combat its adverse mental health effects.

CONCLUSION

Alberta's Bill 27 represents a regressive step for LGBTQ+ youth in Canadian schools, particularly transgender and gender-diverse students, by undermining their mental health and safety. By restricting inclusive education, excluding and censoring vital resources, and implementing outing requirements, the policy exacerbates Mental Health risks related to stigma power, symbolic power, Cumulative disadvantage and the occurrence of adverse childhood experiences. Namely, issues such as anxiety, depression, self-esteem issues, chronic stress and suicidal ideation are all possible mental health disparities LGBTQ+ youth may experience in the face of Bill 27. These challenges, compounded by the lack of sufficient school counselling resources and the structural barriers faced by marginalized students, create long-lasting disadvantages that can persist across the life course.

As policies like Bill 27 continue to emerge across Canada, it is critical to advocate for inclusive educational frameworks, such as SOGI 123, that promote acceptance and support for all students and their safety and health.

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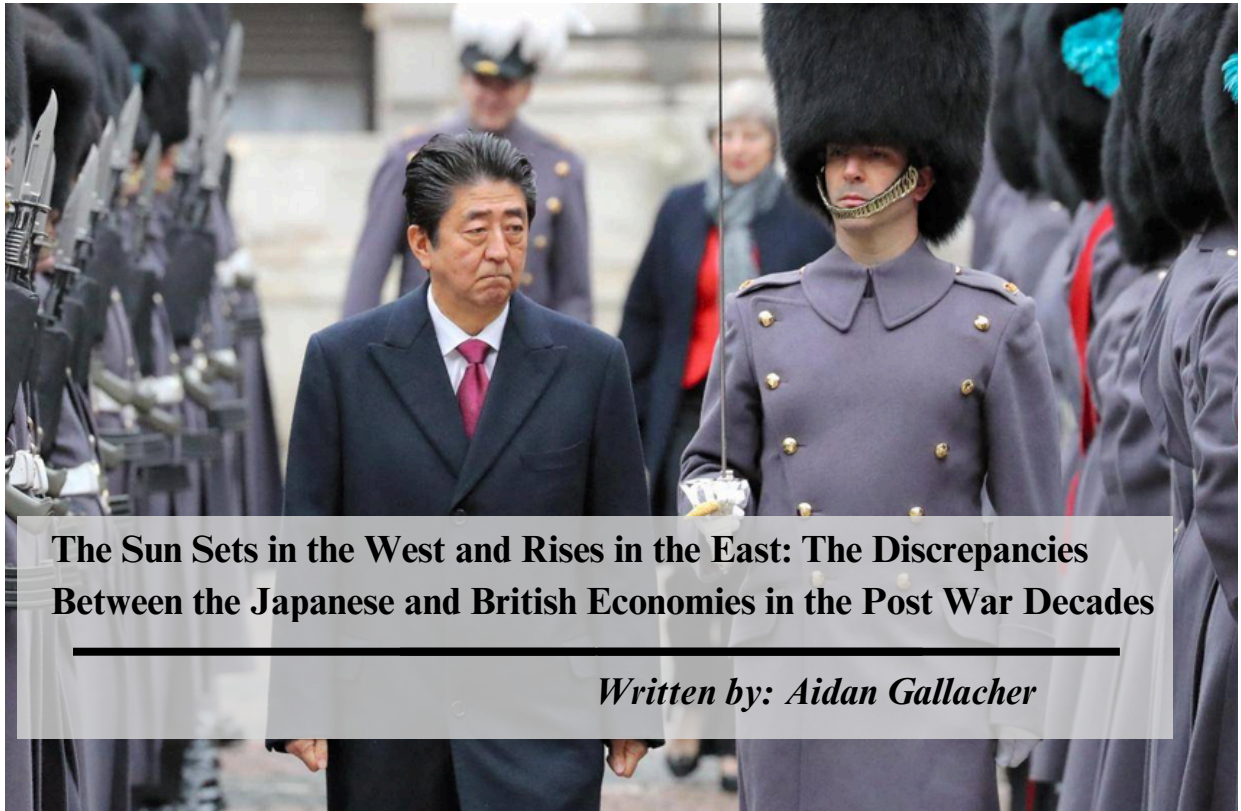
The Sun Sets in the West and Rises in the East: The Discrepancies Between the Japanese and British Economies in the Post War Decades

Written by: Aidan Gallacher

Abstract

The Japanese economic miracle following World War II stemmed from strategic economic and industrial policies that protected infant industries, identified key sectors for growth, and facilitated a gradual transition into international exports. In contrast, the United Kingdom's post-war economic stagnation resulted from a shift toward neoliberal economics and increasing privatization, exemplified by New Public Management strategies. Despite both countries' similar pre-war legacies, Japan's centralized economic approach fostered rapid industrial expansion, while Britain's decentralization facilitated economic decline. The analysis illustrates the effects of government centralization and decentralization in shaping economic development in the post-war era.

INTRODUCTION AND CASE SELECTION

To understand the gravity of Japan's post war recovery, Japanese economic success must be contrasted to the financial decline which plagued the West, necessitating a suitable sister state to serve as a comparator. In selecting the optimal case study, the chosen state must share a common history with Japan, yet diverge in the decades following the war. To this extent, the United Kingdom (UK) acts as a prime case study due to its historic and geographic similarities to Japan, such as being large islands, the adoption of feudalism, and the pursuit of imperialist expansion. The inherently isolating geography of Britain and Japan provided both countries with a natural defence from continental powers, thus allowing both states to develop with limited outside influence. Feudalism, as established by William the Conqueror in England [1] and Minamoto no Yoritomo in Japan, [2] persisted in both states, manufacturing a hierarchical system of society based upon the holding of land. Lastly, both countries practiced imperialism throughout the 19th and 20th centuries with Japan occupying Taiwan, Korea, and parts of northern China [3] and Britain constructing the largest empire in history. [4] As a result of both states' symmetrical geography, political systems, and conquests, the UK provides an exemplary model to juxtapose and understand Japan's economic success.

This essay argues that the Japanese economic miracle following the Second World War arose from economic and industrial policy which established protection for infant industries, strategically chose winning sectors, and allowed a slow transition into international exports.

Conversely, the UK's post-war economic slump occurred as a result of emphasizing neoliberal economics and a shift towards privatization, as exemplified by New Public Management strategies. Though both countries had very similar legacies prior to the war, the juxtaposition of Japanese centralization and British decentralization resulted in drastically different post-war outcomes.

THE JAPANESE ECONOMIC MODEL

In Japan, the era from the 1950s up until the 1990s has been dubbed the 'Japanese economic miracle' due to the country's economic resilience. Japan began the 1950s reeling in the aftermath of WW2, yet ended the 90s as the second largest economy in the world. Though the Japanese government as a whole is typically credited with their economic success, it was Japan's Ministry of International Trade and Industry (MITI) which effectively oversaw all industrial planning, policy, and development within the state. [5] Through their monopoly on industrial policy MITI introduced two key measures to ensure domestic industry expansion; firstly, financial aid was afforded to important industries and secondly, industry was protected through high tariffs and non-tariff barriers. [6] The Japanese government established the Export-Import Bank of Japan (EIBJ) and the Japan Development Bank (JDB), in 1950 and 1951 allowing the state to invest and loan money to private sectors, while providing and maintaining low interest rates. [7] Acting as a complimentary institution to existing private banks, the JDB was able to invest in previously neglected sectors, famously developing automobile and steel factories, which resulted in holistic nationwide development. [8]

By providing the privatized industry with funds, the JDB and EIBJ were able to promote research and development, business expansion, and competitiveness between domestic infant industries, which ultimately encouraged the success of Japan's private market.

In his 1982 book, *MITI and the Japanese Miracle*, Chalmers Johnson argues that Japanese industrial policy was built upon two main branches: industrial rationalization policy and industrial structural policy. [9] Johnson maintains that industrial rationalization policy consists of measures such as subsidies and tariffs which are implemented to enhance domestic industry development on a macro scale. [10] Exemplified by the introduction of criteria based subsidies such as the Enterprise Rationalization Promotion Law which granted corporations tax exemptions for investing in new equipment as well as research and development. [11] These subsidies not only granted favourable conditions to Japanese businesses, but they also worked to modernize Japanese industries by incentivizing companies to advance technologically. Through the implementation of higher tariffs, MITI intended to accelerate protectionist policies by making it more expensive for foreign goods to enter Japan, thus limiting competition for domestic industry. [12] Furthermore, non-tariff trade barriers, such as heightened regulations coerced international competition to comply with domestic standards, once again increasing the burden of foreign competition, whilst making Japanese industry more competitive. [13] Therefore, Japan's protectionist subsidies and tariffs allowed domestic industry to fully develop without the threat of previously established foreign companies under cutting and out performing domestic corporations.

Johnson's second branch, industrial structural policy outlines the state's strategic selection of viable and non-viable sectors to invest in. [14] The use of industrial structural policy by MITI is exemplified by its enactment of the Inclined Production Mode which saw massive investment in raw materials like steel, coal, cotton, and silk, resulting in vast industry growth, as textile production in Japan surged to 23.9% of all industrial production. [15] By selectively investing in fundamental industries, Japan was able to rebuild their economic foundation throughout the 1950's as exemplified by growth rates averaging between 8-10%. [16]

Japan's re-establishment of their economic foundation then allowed MITI to shift their investment towards high growth sectors and ignited a new era of development contingent on 'picking winners'. [17] Anticipating the technology sector to inspire rapid and revolutionary economic growth, MITI encouraged the development of semiconductors and computers, creating a long-term financial plan to provide continued support to these industries. [18] Japan's calculated risk to move away from dependable economic results in the production of raw materials culminated in a decade more productive than its predecessor as growth rates in the 1960's averaged 10.4% and paved the way for tech giants like Sony, Panasonic, and Toshiba. [19] Throughout this period MITI was closely intertwined with keiretsu, unique Japanese business networks composed of manufacturers, suppliers, distributors, and finances which created long-term commitments to each other in the pursuit of joint success. [20] As a result, MITI was able to work with financially homogenized industries and provide catch-all guidance to keiretsu, thus simplifying the state's ability to align economic goals with the goals of corporate conglomerates. [21]

This reciprocal relationship allowed MITI to shape the direction of the Japanese economy and granted keiretsu the information and resources required to flourish in Japan's overhauled economy.

> **Thus, through the gradual re-establishment of their economic footing, MITI was able to cooperate with the private sector and direct the economy towards growing sectors.**

Japan's economic development strategy of protecting emerging domestic industries in order to fully develop their sectors with a goal of becoming internationally competitive is referred to as import substitution industrialization (ISI). Neoliberal critics often argue that ISI is not a viable strategy for developing states, citing its failure in Latin America; however, evidence suggests that Latin American ISI policies failed as a result of raised interest rates on loans from the US and IMF, forcing these countries to abandon sustained growth in favour of rushed exports. [22] This preemptive transition to exports led to an inability to compete in international markets, thus leading to the region-wide 'failure' of ISI. Fortunately, this was not the fate of Japan.

In December of 1949, the Japanese government established a law in which "all external transactions were prohibited unless expressly authorized", this law gave the Japanese government and MITI explicit control on the exact amount of imports and exports entering and leaving the country. [23] Therefore, MITI could not only strategically select companies to invest in, but they could also select which sectors were ready for international competition.

This selection and gradual liberalization of the Japanese economy is exemplified by the Japanese ministry of Finance's statistics on exports. In 1950 Japan exported goods totalling $1.9 billion USD, increasing to $4.8 billion of exports in 1955, and then $9.6 billion at the end of the decade. [24] These steady increases show the Japanese government allowed industries to enter the global market on their own terms which ensured both private and public success. As Japan became a major economic player in the 1960s they introduced the Plan for Exchange and Trade Liberalisation in order to open the Japanese economy to the world. [25] The plan's success is exemplified by the increase from 40% to 80% in the country's import liberalization ratio, a measure which takes total imports and divides by GDP. [26] Subsequently, Japan's value of imports went from $10.6 billion in 1960, to $18.9 billion in 1964 and exports rose from $9.6 billion to $15.9 billion in the same time frame. [27] Once the Japanese economy became fully liberalized, their GDP grew 10.6% in 1966, 11.1% in 1967, 12.9% in 1968, and 12.5% in 1969. [28] Thus, as a result of Japan's ability to control the gradual liberalization of their economy they were able to avoid the peril faced by Latin American states and instead enjoy sustained economic prosperity.

AN UNRAVELLING BRITISH ECONOMY

In the fallout of the Second World War, the United Kingdom had emerged victorious, yet not unscathed. The shared experience of the horrors and atrocities during the war resulted in an ideological convergence between the labour and conservative parties, labelled the post-war consensus. [29]

The coalition between ideological wings established the expansion of the welfare state, through the foundation of both the National Health Service and the National Insurance Act in 1946 which provided state funded healthcare and income to sick, unemployed, and retired citizens. [30] The British government also remained steadfast in their utilization of Keynesian economics which imposed high taxes on the wealthy, increased regulations on business, strengthened unions, and nationalized faltering industries like transportation, steel, and mines. [31] However, the UK's mixed economy began to erode in 1973, as the stagflation crisis caused heightened inflation and increased unemployment. As economic growth slowed, the interventionist economy was abandoned, thus prompting the emergence of neoliberalism and the end of the post-war consensus.

The 1979 election of neoliberal Prime Minister Margaret Thatcher led to the enactment of policies which systematically dismantled crucial elements of the Keyensian state.

This is exemplified by the Tories gross misapplication of taxation and public spending policies while also compromising union strength, thus unravelling crucial social and economic progress made during the post-war consensus. At the most fundamental level, neoliberalism and Thatcherism advocates for economic freedom which entails tax cuts and decreased state involvement in the economy, leading to decreased state spending. Thatcher's Tories reverberated this rhetoric, as she rallied against increased spending in a welfare state, arguing "if a man will not work, he shall not eat". [32]

Contradictorily, spending rose in the first eight years of Thatcher's twelve year reign. [33] Instead of using increased spending to strengthen the welfare state, her government used spending to pay for the tax cuts of the wealthy, yet, in her tenure as PM, taxes rose. [34] Tory policy saw income taxes on top earners go from 83% to 60% while the minimum tax rate was raised from 25% to 30%, resulting in the average citizen getting taxed more. [35] Therefore, Thatcher's policies significantly reduced the growth of the welfare state, instead opting to raise taxes on the working class in order to pay for the massive tax cuts given to the 1%.

Along with the welfare state, unions acted as a key tool in the economic rise of the working class, as collective bargaining allowed workers to receive higher wages and better benefits. Thatcher's parliament saw these unions as economically damaging and instituted new labour laws to diminish union power. Exemplified by 1984's yearlong miner's strike, the Tory government passed legislation making it more difficult for unions to strike and revoked state benefits such as income support and free school lunches to striking workers and their families. [36] This government-led humiliation of union workers left striking miners economically forced to cross picket lines. The dissolution of union solidarity ended the strike and resulted in the government making no concessions to bargaining miners. [37] The economic legacy of union-busting legislation has resulted in the emergence and dominance of temporary and part-time employment, a loss of manufacturing jobs, and the halving of union membership in the UK. [38] By dismantling unions, neoliberal policies exacerbated job insecurity, thus causing the mass unemployment synonymous with the Thatcher administration.

Throughout her tenure as PM, Thatcher enacted policy after policy which nullified Britain's postwar economic progress while also implementing legislation which preyed on the working class and overwhelmingly benefitted the upper class.

Prior to the election of Margaret Thatcher, the post-war Keynesian period saw the nationalisation of crucial sectors such as transportation. The Transport Act of 1947 established the British Transport Commission which aimed to create a centrally planned and nationwide integrated transport system, rather than continue with existing privatised companies. [39] Decades after the nationalization of transportation, British conservatives sought to reverse the state's intervention and re-privatise the sector. The movement towards privatization and less state involvement is part of a broader neoliberal phenomenon established in Britain during the 1980's called New Public Management (NPM). Thatcherism viewed government intervention in the markets as inadmissible, thus NPM strategies emphasized making public industries more similar to their private counterpart. [40] The government's glorification of private practice resulted in a complete overhaul of the public sector, introducing competition or the absolute out-sourcing of public fields to private companies. [41] As the transportation sector has endured the conversion from nationalized central planning, towards the privatization of NPM, the ridership of British buses provides an excellent case study for the effects of the privatization of public industry. The Tory government's implementation of the Transport Act of 1985 promised lower fares, new services and more passengers brought about by the privatization and deregulation of buses across the UK. [42]

However, the legacy of privatization and increased competition first introduced by Thatcher resulted in bus fares increasing 403% from 1987 - 2021, 3,000 bus routes being cancelled since 2000, and passenger usage actually decreasing by 38% from 1982 – 2017. [43] All whilst, taxpayers continue to fund bus services with 42% of bus funding coming from the government. [44] Due to transport being made entirely private, these companies don't invest in public infrastructure, instead, the shareholders reaped subsidized profits off the back of taxpayers. [45] Additionally, the competition theoretically provided by NPM is non-existent. The deregulatory environment provided to bus services inspired the creation of unchecked oligopolies, demonstrated by 70% of UK busses being owned by 5 companies. [46] In the examination of NPM's application to British bus services, privatized policies fail to replicate the stability provided by a nationalized sector. Therefore, the implementation of NPM drives up prices, maximizes profit margins, and hurts the consumer, thus implementation of NPM is symbolic of Thatcherism as a whole.

JAPANESE CENTRALISATION CONTRASTED AGAINST BRITISH DECENTRALISATION

Japan and the United Kingdom shared similar historical trajectories beginning with their utilization of feudal systems to their imperial legacy. Yet, WW2 proved to be a critical juncture for both states in which their paths began to diverge. Japan's employment of post-war policy resulted in a centralized state that gave the government and MITI authority over domestic economic policies, the strategic selection of winning sectors, and control over international trade.

Conversely, the British government under the direction of Prime Minister Margaret Thatcher, implemented policies which minimized the role of the state and decentralized government involvement, as exemplified by domestic neoliberal policies and the popularization of privitization through NPM. Thus, the decades of contrasting political and economic theory between Japan and the UK have resulted in discrepancies in major economic indicators such as economic stability and wealth inequality within the state.

To measure the economic stability of Japan and the United Kingdom, unemployment rates act as a key indicator, as consistently low rates indicate a healthy job market and economy, while high rates are conducive to volatile markets that have large percentages of the workforce searching for jobs. From 1955 - 1990 the Japanese economy experienced unprecedented stability as their unemployment rate peaked at 2.85% in 1987 and bottomed at 1.13% in 1969, fluctuating 1.72% over 35 years. [47] The Japanese practice of shūshin koyō, translating to lifetime employment, is a fundamental cornerstone of Japanese employment in which graduating students are given jobs and promised job security until their retirement. [48] This labour practice was largely supported in MITI's relationship with keiretsu, as Japanese Prime Minister, Yoshida Shigeru, emphasised a strengthened workforce in the Yoshida Doctrine. [49] As a result of Japan's state influenced employment practices they are able to maintain consistently low levels of unemployment and benefit from its resulting economic stability. When comparing unemployment in the UK to Japan, Britain's heightened welfare state produced similar levels of unemployment as their Japanese counterpart, hovering around 2% in the 50's and 60's. [50]

Yet, Britain's departure from a mixed market economy, towards the implementation of neoliberal policies, saw the rise of unemployment to an average of 9.6% throughout Thatcher's tenure. [51] In opposition to Japan's state encouraged permanent employment, the British government's repeal of worker's rights and pursuit of low inflation rates, resulted in unemployment for millions and widespread economic volatility. [52]

Thus, Japan's active role in the economy and employment resulted in market stability, whereas Britain's laissez-faire ideology allowed businesses to control the markets, creating a volatile economic landscape.

Advocates of the free-market approach argue that government intervention is unnecessary to ensure economic equality, as unregulated capitalist profits will naturally trickle down to those worst off in society. The Gini coefficient measures wealth inequality within states, where a score of 0 is perfect equality and a score of 1 is complete inequality, thus providing an accurate measure of the growth of wealth distribution in both Britain and Japan. In the UK, the 1970's acted as the last decade of the welfare state before the neoliberal overhaul. From 1968 - 1978 the average Gini coefficient was 0.28, yet during the conservative government's reign from 1979 to 1990 the Gini coefficient rose from 0.27 to 0.36. [53] This staggering increase in wealth inequality is largely an effect of trickle-down economics and corporate deregulation, which benefited the rich while hurting the working class.

Furthermore, statistics show that under Thatcher's neoliberal regime the bottom 10% had lost 14% of their real income, while the gap between the rich and the poor increasingly widened. [54]

In Japan, prior to the war and the establishment of a centralized system of governance, Japan maintained shockingly high levels of inequality at 0.57 in 1937, before dropping to 0.31 during their economic miracle. [55] A large factor in the massive decrease of inequality in Japan was due to their rapid economic and industrial development which nurtured a growing middle class, thus shrinking class discrepancy and levelling the playing field within the country. Japan's system of central governance acted as a major contributing factor in reducing wealth inequality as state organised development allowed Japan to go from a country plagued by inequality to an international economic power. By contrast, Britain's movement away from the welfare state towards economic strategies which benefit upper class citizens at the expense of the lower class caused economic inequality to markedly increase. Although Japan and the UK shared similar paths up until WW2, the comparison of both states throughout the decades following the war illuminates the divergent decisions made by both nations as a result of political ideology and economic policies.

CONCLUSION

The common and prolonged histories of feudalism and imperialism linking the Japanese archipelago to the British Isles provided a perfect case study in measuring the economic and political strategies undertaken by each state. Following the war, Japan's centralized economy directed by MITI protected domestic industries from international competition, selectively invested in winning sectors, and slowly liberalized trade, resulting in an unprecedented economic miracle.

By contrast, the United Kingdom unravelled their welfare state in the decades following the war, implementing neoliberal policies and privatizing public sectors through New Public Management. The divergent trajectories of both states resulted in Japan maintaining economic stability and lowering wealth inequality, while Britain experienced decades of economic volatility and a sharp increase in economic disparity. Though the sun may never set on the British empire, throughout the post-war period, the UK has been outshined by the rising sun in the East.

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The Exception to the Rule: Understanding the Swedish Social Democratic Party's Unprecedented Success in European Politics

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Abstract

This paper examines the unprecedented success of the Swedish Social Democratic Party (SAP) in European politics, analyzing why it maintained power for 80 of 105 years while comparable leftist parties in France and Germany failed to achieve similar dominance. Through comparative historical analysis, this research demonstrates that the SAP's exceptional trajectory stemmed from three key factors: Sweden's distinctive political development including late industrialization and neutrality during major conflicts; the SAP's strategic alliance with labor unions; and Hjalmar Branting's pragmatic leadership that balanced ideological factions. Unlike their counterparts, the SAP avoided the fragmenting effects of war participation and built a broad-based coalition through gradual, consensual reform rather than revolutionary rhetoric. The French and German socialist movements, by contrast, suffered from internal divisions, military conflicts, and institutional constraints that prevented comparable sustained governance. This research ultimately demonstrates that the SAP's success was not an anomaly but rather the product of specific historical conditions, strategic leadership, and institutional arrangements that created an environment uniquely conducive to sustained social democratic governance.

INTRODUCTION

The enduring dominance of the Swedish Social Democratic Party (SAP) in Swedish politics is an unprecedented feat in the history of democratic governance. Despite the variety of competing parties in Swedish politics, the SAP has maintained an unbroken grip on power from 1932 to 1976 and continues to play a leading role in shaping Sweden's political landscape. Through this enduring leadership, the party has fostered a nation renowned for its comprehensive welfare state and egalitarian policies. The unparalleled success of the SAP is particularly striking when contrasted with the trajectories of comparable leftist parties in Europe, which, despite being frequently older than their Swedish counterparts, have not achieved comparable levels of success. While both the German Social Democrats (SPD) and the French Socialist Party (PS) have had numerous electoral successes, they have not been able to replicate the sustained dominance of the SAP, serving instead as principal opposition parties rather than enduring governing forces. This paper argues that the SAP's remarkable success stems primarily from its unique approach of gradual, consensual reform, as well as Sweden's avoidance of direct participation in the major wars of the 20th century. Through a comparative analysis of Sweden, France, and Germany, this essay will examine how different social, historical, and institutional factors influenced the political trajectories of these major leftist parties, ultimately uncovering why the SAP's success stands out as a unique phenomenon in the broader European context.

FORGING SWEDISH EXCEPTIONALISM

Swedish political development in the late 19th and early 20th centuries was defined by a complex interplay of structural constraints and emerging democratic forces that would ultimately shape the SAP's unprecedented rise to power. Having declined from its 17th century status as the "Hammer of the East" following its defeat to Russia in the Finnish War of 1808-1809, Sweden adopted a policy of neutrality as it underwent profound social and economic changes characterized by late industrialization, mass emigration, and a political system that initially restricted suffrage to a small elite. [1]Despite having a unique four-chamber parliamentary system, including the Riksdag, which unusually incorporated peasant representation, Sweden's leadership class was very slow to extend suffrage. [2] By the 1860s, only men with certain income and property qualifications, amounting to approximately six percent of the population, were eligible to vote, and of those, only one in four participated in elections. [3] It was within this uniquely constrained political environment that Hjalmar Branting established the SAP based on his own pragmatic approach to Marxism. Under his leadership, an alliance emerged between the SAP and pro-democracy Liberal factions which gradually forced conservatives to adopt more representative political mechanisms, culminating in the full ratification of universal suffrage through constitutional amendments between 1919 and 1921. [4] The SAP's rise to become the largest party in Sweden in 1917 and their subsequent control of power for 80 of the next 105 years [5] can be attributed to two key factors: Sweden's distinctive historical development as well as Branting's leadership over the party from its founding until his death.

THE ARCHITECTURE OF SAP DOMINANCE

The unique political landscape of Sweden, from the founding of the SAP to its rise to power, played a key role in strengthening its position compared to other European socialist movements. For one, Sweden's late industrialization, which produced large, concentrated industrial firms, made cooperation between business leaders and labour more feasible than in other states. [6] Unlike in France and Germany, where labour movements and political parties often developed independently or with limited coordination, the SAP played a pivotal role in founding the nation's central labour confederation, the Landsorganisation, and maintained a close partnership with it throughout its existence. [7] This close SAP-union alliance strengthened their bargaining power and facilitated the implementation of social reforms. [8]

Such pragmatic labour relations mirrored the SAP's broader political strategy as well. The party's commitment to gradual reform and willingness to collaborate with liberal parties made it uniquely palatable to Sweden's elite classes, if begrudgingly at times. Unlike revolutionary movements that threatened complete systemic upheaval, the Social Democrats presented themselves as a constructive force capable of managing social change without destabilizing the existing political order. [9] As such, the SAP was able to effectively wield its wide-ranging popular support to secure power and extract concessions from the elites peacefully.

Additionally, Sweden's policy of neutrality played a crucial role in maintaining the SAP's unity and preventing the radical splits that decimated socialist movements in other European countries.

While parties in Germany and France fractured over support for World War I, [10] the SAP remained largely intact, [11] avoiding the severe internal divides that weakened leftist movements elsewhere. This neutrality not only preserved the SAP's internal cohesion but also curtailed the appeal of more radical alternatives on the left and right, which never posed a significant challenge to the party's dominance unlike in most European countries. [12]

> **The combination of the SAP's strong ties to unions, its ability to peacefully extract concessions from capitalists, and the political stability afforded by Sweden's neutral stance on the international stage created a unique environment for the party's success that was not replicated in France or Germany.**

Finally, a key reason why the SAP was so successful in maneuvering through Sweden's political environment was due to Branting's distinctive approach to leadership and ideology. Unlike many of his European contemporaries, Branting developed a nuanced interpretation of Marxism that prioritized democratic processes and gradual reform over revolutionary rhetoric. His leadership, which spanned over 35 years from the party's founding in 1889 until his death in 1925, provided unprecedented stability and strategic continuity. [13] Throughout this period, Branting's party management was characterized by a focus on inclusivity and compromise.

He deliberately integrated both radical leftist factions and moderates within the party, effectively harnessing their energy while preventing them from disrupting his broader political agenda. [14] Moreover, by reinterpreting Marxism as a flexible framework for social progress rather than a rigid dogma, Branting enabled the SAP to foster a broad, inclusive vision of solidarity that transcended class divisions and facilitated collaboration with Liberal parties, thereby accelerating the push for universal suffrage. [15] These steps towards a "people's party," which included the interests of workers, middle-class groups, and peasants, also helped it to adapt to changing social conditions while maintaining its core commitment to social justice. [16] Hence, Branting's extended leadership of the SAP established a party that consistently adhered to his vision, from its foundation to its practical implementation. This approach created a platform that appealed to a broad cross-section of Swedish society, bridging the gap between moderates and radicals, and laying the foundation for the SAP's long-term political dominance through a strategy of gradual reform.

BEYOND SWEDEN'S SOCIALIST SUCCESS

In contrast to the SAP's sustained success, leftist movements in France and Germany faced significant structural and ideological barriers that hindered comparable long-term dominance. While both countries possessed robust socialist traditions and influential labour movements, their political landscapes were characterized by significant structural and ideological fractures that undermined the left's ability to establish long-term, cohesive governance.

These systemic challenges to socialism unfolded similarly in both the French and German national contexts, with both states contending with the legacies of authoritarianism, divisive wars, and enduring divisions within the political left.

FRANCE'S REVOLUTIONARY PARADOX

Unlike Sweden's stable political environment, France faced persistent political fragmentation driven by numerous wars, significantly weakening its socialist movement. Following the Franco-Prussian War of 1870-1871, much of the French left was decimated during the violent suppression of the short-lived Paris Commune. [17] By the time it began to recover, the onset of the First World War dealt it another blow, fracturing socialist and union leaders over their differing stances on the war effort. [18] Although the war spurred significant unionization and enhanced union bargaining power, the "union sacrée", the wartime patriotic alliance between government, industry, and labour, effectively integrated unions into the administrative machinery of the state. [19] In doing so, it hindered the socialist parties in France from achieving the same level of cooperation with unions as the SAP did in Sweden. When France finally ended its involvement in major European wars after the Second World War, the French left was bitterly divided, with the PS being weakened by the presence of a powerful Communist Party which competed for similar voter segments. [20] Thus, unlike the SAP, which skillfully unified radical and moderate factions within a single party, the French socialist and communist parties often worked against each other rather than in unison, hindering the creation of a cohesive leftist movement. [21]

Beyond these internal divisions, a further impediment to the French left was the French population's tendency to support strong authoritarian leaders. A political tradition dating back to Napoleon, this aspect of French culture enabled Gaullist parties - parties that supported the nationalist policies and strong executive leadership of Charles de Gaulle - to rule France for most of the Cold War period. [22] Even when the PS at long last began winning elections from the 1980s onwards, they were often forced into "cohabitation" with right-wing parties; a uniquely French power-sharing arrangement where the president and prime minister come from opposing political camps. [23] This constitutional arrangement significantly reduced their ability to undertake reforms in a manner as unopposed as the SAP in Sweden. In short, the historical trajectory of France, which was heavily influenced by war and ideological fragmentation on the left, fundamentally undermined the PS's ability to achieve the same level of cohesive political power and sustained electoral success that characterized the SAP's political dominance.

GERMANY'S DEMOCRATIC CONSTRAINTS

Similarly to the PS in France, the SPD in Germany failed to achieve the level of success experienced by their Swedish counterparts due largely to the unique historical development of the German state. Moore notes that the German context was marked by a weak bourgeois class that compromised with the aristocracy, limiting democratic development and forming a political system deeply shaped by militarization and bureaucratic absolutism. [24] More precisely, the German bourgeoisie failed to significantly develop its own independent economic base and political leverage;

instead, they used the landed aristocracy to implement modernization measures and protect themselves against popular discontent. [25]

This "marriage of iron and rye" forged a strong coalition of upper-class interests, leading to disastrous consequences for German democratic development. [26]

As a result, political parties in Germany wielded limited influence on the government, a trend which would continue as liberal democratic demands were consistently overshadowed in favour of the state's great power ambitions. [27] This contrasts with Sweden, where liberal elements of the Swedish bourgeoisie worked with the SAP to push for greater democratic participation rather than work with the aristocracy against it, ultimately aiding the SAP to secure more influence. [28] Moreover, while Germany developed strong labour unions, the SPD failed to foster the same cooperative relationship with them that the SAP had achieved in Sweden, limiting its ability to mobilize working-class support effectively. [29]

Additionally, the SPD's influence was, like that of the French PS, consistently undermined by left-wing fragmentation and war-induced divisions that prevented the party from achieving the political unity central to the SAP's success. Despite being elected to power in 1912, the SPD was unable to form a cohesive progressive alliance due to deep-seated mistrust among potential reform partners.

Most notably, the Progressives maintained suspicions of the socialists despite their electoral agreements, while the Catholic Center Party refused to explicitly join with what they viewed as "anti-religious" parties of the left. [30] The SPD's power would only be further diminished when the German left fractured during the First World War, ultimately preventing them from forming a united front against Hitler during the Weimar period. [31] Subsequently, during the Cold War, the SPD underwent a radical transformation, abandoning its support for nationalization and compulsory economic planning, while explicitly endorsing NATO. [32] Although this shift may have better reflected Germany's post-war economic and political landscape, particularly given the influence of the Soviet occupation of East Germany, it also alienated much of its traditional left-wing base. [33] Moreover, when the SPD eventually came to power in 1969, it struggled to provide workers with the comprehensive social welfare reforms achieved by parties like the SAP, and remained internally divided over its ideological direction and policy priorities.[34] As a result of this turbulent history plagued by divisions between the left, the SPD, like the French PS, failed to achieve the levels of success obtained by the SAP.

CONCLUSION

In conclusion, this comparative analysis of the SAP's success against the backdrop of European socialist movements reveals the profound impact of historical, structural, and leadership factors in shaping political trajectories. While the SAP's 80-year dominance is remarkable, the mechanisms behind this apparent anomaly become clearer when considering the unique circumstances that shaped the party's development.

The party's commitment to gradual and consensual reform in conjunction with the major union organizations, Hjalmar Branting's visionary leadership that bridged ideological divides, and Sweden's sustained neutrality during the major conflicts of the 20th century created a situation in which the SAP could thrive. In contrast, the French Socialist Party and German Social Democrats were repeatedly undermined by internal divisions, war-induced instability, and complex political landscapes that prevented them from achieving comparable long-term governance.

Thus, the SAP's success was not simply a result of political fortune, but a testament to its ability to adapt and compromise in an environment conducive to socialism.

By demonstrating how distinctive national contexts, characterized by unique patterns of industrialization, political stability, and leadership approaches, can profoundly shape a party's capacity to achieve and maintain political dominance, this analysis reveals that the SAP's extraordinary success was less an anomaly and more a product of carefully cultivated historical conditions.

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The Fragile Foundations of Global Order: Ethics, Justice and the Paradoxical Price of Stability

Written by: Lily Bilous

Abstract

In an era defined by growing uncertainty, navigating the paradoxical tension between justice and stability has become central to the future of global order. This paper explores the ethical challenges of the liberal international order, arguing that while it provides essential stability, its current structure reinforces neocolonial power dynamics and systemic injustice. As geopolitical shifts continue to undermine the strength of this global order, a transformative approach that effectively reconciles the pursuit of justice with the need for stability is increasingly essential. Through a critical examination of the power imbalances inherent in the current global system, this paper stresses the necessity for an international order that can address the imperatives of justice while also safeguarding the practical requirement of stability. In doing so, it recognizes the interconnectedness of ethics and international relations, offering a vision towards a more just and sustainable global order.

INTRODUCTION

Amid heightened global competition and geopolitical instability, political scientists, including John Mearsheimer, have observed that "the liberal international order [is] in deep trouble" as "the tectonic plates that underpin it are shifting." [1] Mearsheimer further contends that this global order "was destined to fail from the start... [containing] the seeds of its own destruction." [2] While many attribute this demise to President Donald Trump, it is, in fact, the internal limitations of this system that have allowed Trump to "challenge an order that enjoys almost universal support among the foreign policy elites in the West." [3] The ongoing disintegration of global order raises critical questions about its ethical and moral foundations, as the pursuit of justice within this system often collides with the necessary stability it provides. Stephen A. Kocs, outlines this paradox within his work *International Order: A Political History*. He expresses that in an era characterized by nuclear weapons and heightened geopolitical tensions, maintaining this order "is an overriding moral imperative" despite the injustices it produces. [4] The paradoxical construction of liberal international order, thus, is embedded in its concurrent role in maintaining global stability and reinforcing systemic inequalities. While stability remains an ethical necessity, the frameworks of injustice it upholds demand a balanced commitment to both preserving order and addressing the fractures of systemic inequalities. By reassessing the intersection of stability and ethics, this approach can transform an increasingly fragile global order into one that advances ethical progress, ensuring its survival globally.

FRAMING ETHICS, MORALITY AND JUSTICE IN INTERNATIONAL RELATIONS

Foremostly, contextualizing ethics within international relations requires an understanding of its distinction from morals, application to justice, and overall universality. Most generally, ethics is the formal application of moral values.[5] Morals are abstract principles that guide individual values, often shaped by personal contexts of culture, identity and religion. Ethics translates these individual principles into actionable, objective guidelines within specific contexts, broadening them to be universally applicable standards. [6] Justice, therefore, arises from applying ethics, informed by morals, to ensure fairness and equity across varying contexts. While cultural differences may complicate the agreement and enforcement of these principles, the "decision making processes, on the appropriate actions governing a particular situation" are more often aligned. [7] This implies that although it is difficult to view ethics as entirely universal or claim that all individuals adhere to the same ethical standards, there is significant overlap in values that underpin shared frameworks. For instance, concepts of fairness and respect are foundational to global ethics, framing various conducts, and resonating across diverse cultures. Accordingly, ethics has an evolving role in international relations, serving as a tool for cooperation, understanding, judgement and action by outlining and characterizing the behaviours of international actors. [8]

THE ROLE OF ETHICS IN MAINTAINING GLOBAL ORDER

As pointed out by Stephen Kocs, the devastations of Two World Wars demonstrate the ethical necessity of global order. In many ways, a basic structure of order is required for ethical considerations and obligations to justice, as it ensures a level of global stability. This stability is a prerequisite to addressing larger ethical dilemmas, such as human rights abuses, and economic inequality. The current international order is rooted in liberal and democratic values; one of its strengths has been the widespread adoption of these principles, especially in challenging suppressive systems and decolonial efforts. [9]

> **Nevertheless, not all international actors align with these values, and the increasing prominence of authoritarian alternatives, denoted by nations like China and Russia, poses a growing threat to the established frameworks of global order.**

As two of the world's most powerful nations, the deepening Russia-China alliance "signals a transformative shift" in global influence, framed by their "shared strategic objectives that challenge the Western-dominated international order" and "mutual resistance to U.S. hegemony." [10] Through initiatives like BRICS and the Belt and Road Initiative (BRI), China, Russia, and their allies seek to reshape global power structures, contesting the democratic frameworks that have defined the international system since World War II.

Their concerted efforts to establish alternative centers of influence directly challenge Western dominance, as evidenced by Russia's military expansion in Eastern Europe and China's broadening economic reach with the BRI. [11] Subsequently, though the growing persistence of these competing world orders does pose a legitimate threat to global stability, Western ethical norms remain firmly entrenched and continue to exert considerable influence on the international stage. Indeed, a degree of functional cooperation endures within this framework, as many international powers non-aligned with liberal democratic values remain actively engaged in corresponding global ethics. A clear example of this is the United Nations; a pillar of global values, emerging from "the degree of agreement among societies, corporations and other organizations regarding the appropriate ethical framework and behaviours in a given situation." [12] Western values are foundational to the ethical principles and standards upheld by the UN, however, non-aligned nations like China and Russia remain involved as Security Council members and hold partially accountable to these global standards. This highlights a degree of pragmatic cooperation, where shared frameworks facilitate coexistence despite ideological differences. These principles, and their governing applications to cooperative efforts, like the UN, are crucial. Ethical frameworks grounded in "universal principles or utilitarianism provide a logical foundation for global ethics," contributing to the preservation of global stability, as states accept "constraints on their behaviour" within this framework.[13] Further outlined by Kocs, this sets the stage for the "international [political] system" creating order among global political actors through defined rules and obligations. [14]

These rules are established by, and most applicable to powerful actors, however all states within the international system are accountable to their behaviours and for observing that of others. [15] Framed in ethical considerations, these systems and rules are vital to maintaining global order, fostering cooperation within the international system to help ensure a degree of stability essential for human survival. Without this stability, the devastations of disorder, historically resulting in millions of deaths and mass destruction, become a significant risk. [16]

POWER IN PRACTICE: INEQUALITIES OF GLOBAL ORDER

On the other hand, prioritizing global order is not without its own complications. Ethical considerations, imposed by the most powerful states, and now enshrined in some of the most influential international institutions, foster inequalities and unjust systems at both the national and international level.

The Western conception of global order, and the strong liberal-democratic focus within the international system has continued to manipulate and abuse power to the detriment of the less powerful.

This imbalance reinforces neocolonial patterns, where weaker states are coerced into compliance under the broad guise of cooperation. In fact, the development of this international system, and the remaining influence of Western actors is largely owing to colonialism. [17]

While colonialism has evolved in various manifestations since its inception in the early fifteenth century, it has consistently maintained much of the hegemonic power prerogatives that persist in contemporarily global relations. [18] The liberal international order reinforces Western colonial dominance through governance models, international institutions, economic dependency and political intervention, thereby perpetuating global hierarchies. [19] Consequently, built within global order, is injustice. While widespread decolonizing efforts have been significant, and continue to be ongoing, such is characterized by conflict and resistance. This not only outlines the misguided ethics of global order but further poses a threat to the stability it provides, inciting violent resistance due to its unjust foundations. The actions of the United States (U.S.) during the Cuban Missile Crisis highlight the pervasive and ongoing reality of this framework, prioritizing power in the international system over the ethical considerations of less powerful states. The U.S. ignored the agency of Cuba, viewing it "as lacking in sovereignty... [and] the rights of a full sovereign state." [20] This confrontation, and many others within the Cold War exemplify how the international system of order perpetuates inequalities and fosters resistance, as weaker states face a system that denies them equality and ignores ethical considerations. In discussing these rising threats to the system of order, Mearsheimer outlines how "the fall of the liberal international order horrifies the Western elites who built it and who have benefited from it in many ways," as it helps these powers "manage the behaviour of weaker states in ways that suit the great power's interests."[21] Thus, while global order is intended to ensure stability, it often inadvertently sustains injustice and conflict by disregarding fundamental ethical principles.

This contradiction undermines the very stability it aims to maintain, highlighting the fractures of systemic inequalities within the liberal international order.

THE NECESSITY OF STABILITY FOR ETHICAL PROGRESSION

Though these considerations are significant, illustrating the problematic conceptions of global order and its ethical framework, the stability it provides remains necessary to pursuing greater justice globally. In fact, the absence of the order provided by this system may constitute greater injustice itself. [22] The conception of the global framework has structured ethical considerations that contribute to its continued stability, creating the necessary conditions for gradual reforms, diplomatic solutions, humanitarian aid, and so on. In this way, it is not only that unstable or chaotic world order threatens mass suffering and injustice, but also that, while imperfect, the current unjust global order is better equipped to pursue justice. In fact, continuing to address the root causes of the unjust global order may have reciprocal positive effects on this framework, strengthening legitimacy and cooperation within evolving ethics. Accordingly, although flawed, the stability provided by the existing liberal international order remains essential for progressing justice. Addressing its foundational injustices can concurrently reinforce its legitimacy and foster greater international cooperation, gradually shaping a more just and sustainable system, without undermining the imperative of global order.

TOWARDS A JUST GLOBAL ORDER

Moving forward, it is crucial to address both the ethical necessity of global order, and the concurrent ethical risks that come from prioritizing its existence.

> **Multilateral institutions, diplomatic frameworks and global governance structures must better balance stability with long-term goals toward justice, to address systemic inequalities without threatening destabilization of the already shaky international system.**

Stability should be assessed as a platform for incremental progress, rather than an ultimate objective. To attain a level of global justice, normative ethical positions must "pay more attention to the problems of empowerment in global institutional design." [23] A critical component of this approach entails a thorough reconsideration of decision-making processes within multilateral institutions, to ensure that states with limited influence are afforded equitable opportunity for participation and collaboration. Comprehensive reforms must target the inherent imbalance in global governance structures, in which rules and norms of international relations are disproportionately shaped by the economically and militarily dominant states. [24] Revising voting structures and decision-making frameworks to reflect a more equitable distribution of reason would empower non-dominant states to make meaningful contributions, while mitigating the risk of undue influence or manipulation by more powerful states. To this, enhancing transparency within these systems is imperative for fostering accountability and ensuring the legitimacy of decisions and their corresponding outcomes. This would not only aid in dismantling unjust frameworks, but further increase consideration of differing morals, cultures and contexts, providing a foundation for reconciling justice with the need for stability.

Ethics are constrained in everything, however, a re-evaluation of these principles is essential, as global order not only has "a necessary ethical dimension, but the two are in fact concerned with the same matter" and should better reflect this relation. [25] Thus, a thorough reevaluation of the ethics within the international system is essential, extending beyond a mere recognition of its role to a critical examination of the ways these norms and ideas are enacted in practice. [26]

CONCLUSION: THE FUTURE OF GLOBAL ORDER AND JUSTICE

With this, the balance between justice and order is a core ethical challenge in international relations, requiring ongoing reflection and adjustment. While the current global order is undoubtably flawed and rooted in historical inequalities, its stability provides a critical foundation for justice, enabling diplomacy, reform, and cooperation. Without stability, global order is increasingly vulnerable to chaos, risking decent towards widespread conflict and upheaval, making its preservation imperative. However, stability alone is insufficient, as the power imbalances inherent to this Western-dominated framework have reinforced its own vulnerabilities, consequently fueling the competition that threatens to undermine its global influence. Thus, the stability provided within global order must not continue to justify complacency in the face of systemic injustice. Instead, the liberal international order must move beyond the ethics that outward from persistent imbalances. Considerations of stability must be intentionally reformed to position an increasingly just, secure, and sustainable future of global order. In this way, the challenge is not merely to preserve the existing global order but to continually refine its ethical structure, ensuring that it evolves to promote the collective well-being of all nationsand peoples.

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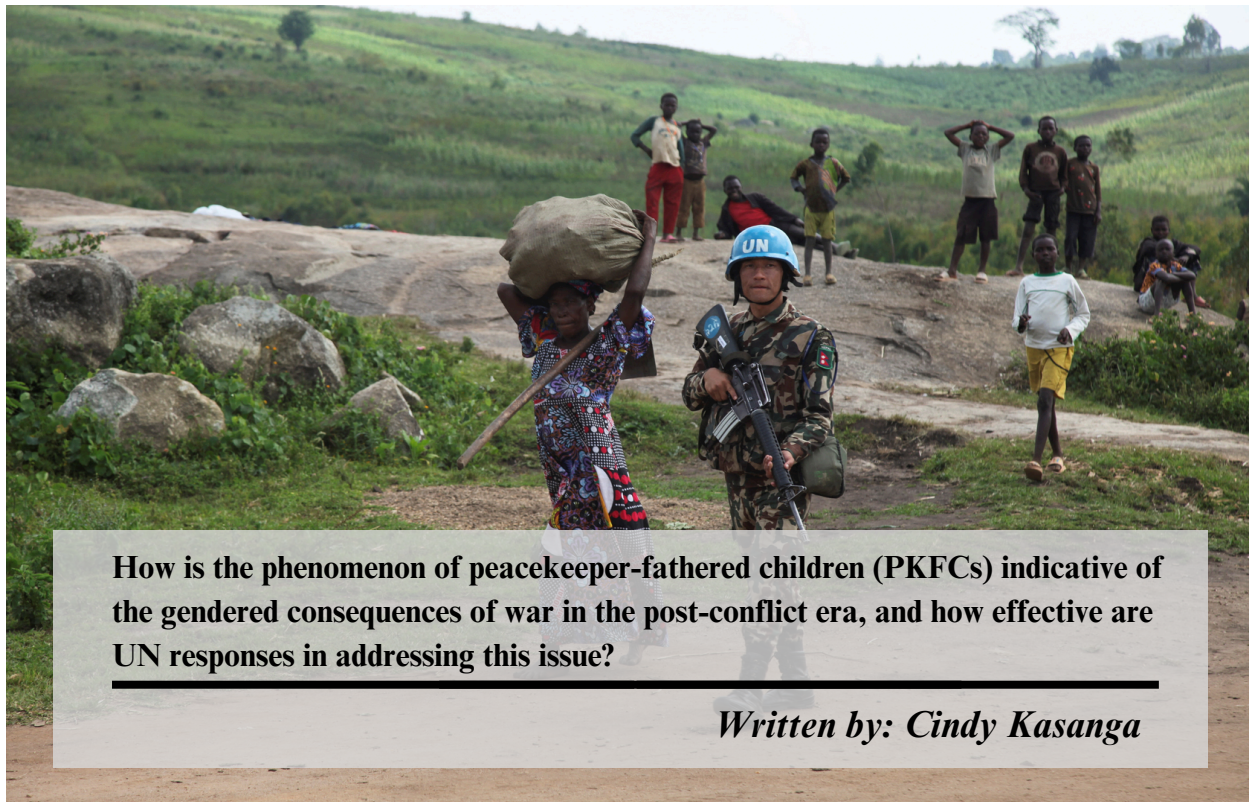
How is the phenomenon of peacekeeper-fathered children (PKFCs) indicative of the gendered consequences of war in the post-conflict era, and how effective are UN responses in addressing this issue?

Written by: Cindy Kasanga

Abstract

UN peacekeeping missions aim to facilitate post-conflict recovery, promote stability, and protect human rights. However, peacekeeper misconduct, particularly sexual exploitation and abuse (SEA), has led to the rise of peacekeeper-fathered children (PKFCs), raising critical concerns about gender-based harms in post-conflict societies. This paper explores how the phenomenon of PKFCs exemplifies the intersection of gender, race, and security by focusing its analysis on MONUSCO in the DRC. It highlights key aspects of the peacekeeper economy, particularly relationship imbalances and broader implications on local gender roles. It also examines the vulnerabilities faced by PKFCs from an intersectional perspective, mainly how race and gender interact to create unique experiences of marginalization. The UN has implemented several initiatives to address these challenges, including the Zero Tolerance Policy (ZTP), the Trust Fund, and an increasing presence of female peacekeepers. However, despite these policies designed to prevent SEA and ensure accountability, enforcement remains inadequate, resulting in victims being marginalized and lacking support. Furthermore, while including women in peacekeeping missions provides valuable contributions, there is an urgent need for gender mainstreaming across missions, explicitly addressing the gendered elements of conflict and its consequences in pursuing sustainable peace.

INTRODUCTION

UN Peacekeeping aims to "help countries torn by conflict create conditions for lasting peace." [1] Troops sent are to provide security and support as countries transition from conflict to peace, facilitating disarmament, demobilization, and reintegration (DDR) processes, political processes, protecting civilians, promoting human rights, and restoring the rule of law. Peacekeeping personnel are to respect local laws, customs, and practices, treat host country inhabitants with respect, courtesy, and consideration, and act with impartiality, integrity, and tact. [2] However, despite these expectations, cases of misconduct, particularly sexual exploitation and abuse (SEA) involving peacekeepers, are widespread. [3] Furthermore, media reports suggest allegations of trafficking, including organized prostitution rings, pornographic filming, and organized pedophile rings. [4] Allegations of SEA are prevalent across peacekeeping missions globally. However, a disproportionate number originate from Africa due to the high concentration of peacekeeping missions. [5] Thus, this paper explores how the 'phenomenon' of peacekeeper-fathered babies (PKFCs) indicates the more profound consequences of conflict with harmful implications on long-term peace, growth, and development in a post-conflict setting. The paper explores the Democratic Republic of Congo (DRC) as a case study, illustrating the prominence of PKFCs in the Eastern DRC and the severity of the issue. By failing to provide direct support pathways for PKFCs, structural vulnerabilities are exacerbated for both mothers and children, impacting the livelihoods and circumstances of instability and impunity that foster environments rife with exploitation and abuse. Furthermore, the prominence of such cases harms the UN's reputation and profoundly impacts the legitimacy of peacekeeping missions.

In response to instances of SEA, the paper examines instruments implemented by the UN, particularly the Zero Tolerance Policy (ZTP) and Trust Fund in Support of Victims of Sexual Exploitation (Trust Fund), and increasing female representation in peacekeeping missions. In doing so, it highlights key limitations in these instruments that reinforce structural constraints that hinder opportunities of establishing effective pathways contextual to the nuanced realities of women and children. Furthermore, whilst recognizing the importance of including women across various roles in the mission. However, this highlights the need for a holistic approach that fully integrates gender mainstreaming into the mission's mandate and core values—not only to address the profound consequences of conflict on society but also to drive paradigm shifts that challenge violent conceptions of masculinity and foster an environment conducive to gender equality.

BACKGROUND ON THE DRC AND MONUSCO

The Democratic Republic of Congo (DRC) has reported the highest number of allegations of SEA committed by UN peacekeepers compared to any other country worldwide, accounting for approximately one-third of all such allegations since 2000. [6] However, in the DRC, this issue has been further complicated by sexual relations between personnel of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and local women, resulting in pregnancies with children born to Congolese mothers and fathered by men from foreign troop-contributing countries (TCCs). [7]

Moreover, the country's history remains marred by years of colonialism, illegal resource exploitation, and oppression by both national and international regimes, leaving a volatile security landscape due to ongoing conflict among various armed groups. [8] Sexual violence is, unfortunately, a defining feature of the DRC, infamously dubbed the 'rape capital of the world,' reflecting how normalized cases of rape and sexual exploitation by civilian perpetrators, humanitarian workers, and UN peacekeepers have become. [9] Between 2007 and 2010, MONUSCO's predecessor, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), faced 193 SEA allegations—an average of nearly 72 per year. In comparison, since its formation, MONUSCO has recorded 102 allegations, averaging about 21 per year. [10] Despite rebranding efforts, MONUSCO's reputation as a peacekeeping mission remains marred by severe allegations of SEA. [11]

Complications arise as children are born from relationships between local Congolese mothers and foreign peacekeepers. Many of these girls and women face immense shame and stigma regarding SEA-related pregnancies, which has denied them opportunities to return home, pursue education and career paths, or establish a traditional family of their own. [12] As for many of these 'peacekeeper babies', many remain excluded entirely from their communities. As children of 'foreigners,' many carry a stigma due to their inter-ethnic backgrounds and appearances, ridiculed for not being fully Congolese, 'white,' or 'foreign.' [13] Most mothers who seek child support or address their complaints through legal action face logistical barriers such as mismanagement of their cases, lengthy delays, and even corruption. [14]

For some that had credible evidence found to substantiate allegations, the repatriation of implicated peacekeepers interfered significantly with chances of being supported as alleged offenders were removed from Congolese jurisdiction and, hence, the host state. [15]

> **This reputation has severely undermined the mission's credibility and damaged public trust, as it highlights critical concerns, primarily the structural conditions that force women into risky and exploitative relationships with peacekeepers and the impacted PKFCs who lack direct assistance.**

The following section will investigate these concerns in more detail.

'PEACEKEEPING ECONOMY': STRUCTURAL INEQUITIES AND RELATIONAL IMBALANCES

The socioeconomic reality in conflict-ridden regions underscores the indispensable role of women in the war economy, a system established to sustain various warring factions. [16] Central to this system is the accumulation of assets within shadow economies, primarily driven by the trafficking of raw materials (such as gems, timber, gold, and drugs) and human beings. [17] Notably, this accumulation process is deeply gendered, with sexual trafficking and the exploitation of women and children serving as lucrative avenues for rebel groups to amass financial resources and 'commodities' for themselves. [18]

This dynamic perpetuates the misconception that the presence of women and girls seemingly 'willing' to engage in sexual activities with male peacekeepers and humanitarian aid workers is a natural occurrence in conflict zones. In particular, the "peacekeeping economy" that emerges with the influx of foreign male peacekeepers signals the potential for short-term economic gain. [19] These interactions consist of both formal and informal employment opportunities, ranging from work at local peacekeeping bases to commercial activities such as selling food and goods to peacekeepers and local community members. Small-scale businesses, such as trading essentials like coffee, soap, shoes, and clothing, provide women and girls—particularly those with no formal education—a means to secure income and resources. [20] However, it is crucial to recognize that the informal economy, especially in fragile contexts, spotlights the widespread lack of social protections that help prevent exploitation. This 'peacekeeping economy' does not operate in a vacuum, as it transforms the local economy in "numerous, gendered ways" as well as opportunities afforded within it. [21] While proving formal and informal work available for both men and women, entrenched gender norms often perpetuate traditional divisions of labour, influencing the types of work available and the level of access individuals have. Women and girls, for instance, may find themselves channelled into service or domestic roles or favoured for administrative and professional positions by the UN. Consequently, participation in the peacekeeping economy becomes highly gendered, extending even to the realm of transactional sex. [22] In this environment, women and girls may perceive opportunities to improve their economic standing or, in some cases, to secure employment. [23]

Furthermore, the same system may disadvantage local men and boys, particularly their ability to compete for partners against foreign counterparts. Many local men and boys feel threatened by the financial disparity, as peacekeepers are perceived as more capable providers, creating a hierarchy of masculinity rooted in material wealth. [24] Women and girls, in turn, may view relationships with peacekeepers as offering greater financial security and social mobility compared to those with local men, further reinforcing disparities.

Despite the agency exercised by women and girls engaging in transactional sex, sex work, or romantic interactions, these choices exist within a system that constrains their socioeconomic opportunities for advancement. [25] Regardless, women and girls in 'peacekeeping relationships' remain susceptible to abuse, exploitation, and abandonment by peacekeepers. Even seemingly consensual interactions can yield adverse social and economic outcomes, such as community stigma and altered family dynamics, as well as health risks, such as sexually transmitted infections or unsupported pregnancies. [26] For instance, various studies that interviewed local Congolese women on the nature of their relationships with peacekeepers often cited poverty or poor life circumstances as factors that urged their engagements with peacekeepers. [27]

Exploring the nature of such relationships from the viewpoint of peacekeeping economies highlights pervasive inequalities that exacerbate existing disparities faced by Congolese women, subjecting them to heightened vulnerability and marginalization. Their involvement in relationships with foreign peacekeepers not only exposes them to exploitation and abuse but constrains them in structural barriers impeding their livelihoods.

Within the peacekeeping economy, financial considerations become deeply intertwined with notions of love, intimacy, and family, shaping gendered relationships and power dynamics, particularly in intimate partnerships. This interplay disrupts traditional spousal roles, leading to men's increasing inability to fulfill their societal role as' providers.' These pre-existing conditions are not highlighted or considered enough, especially when looking at the nature of many of the relationships these women initiate with peacekeepers. Many enter these relations primarily for economic reasons, and children are often born out of 'consensual,' coercive, transactional, or violent circumstances. [28]

> **Hence, the conceptual 'vagueness' of UN guidelines on SEA contributes to the increased risk of societal ostracization these women face, alluding to the shortcomings of measures geared towards supporting these women facing abandonment upon falling pregnant with PKFCs. [29]**

VULNERABILITIES OF PKFCs: AN INTERSECTIONAL APPROACH

In addition, experiences of fatherlessness have adverse effects on PKFCs. PKFCs are a neglected and disadvantaged group who receive limited assistance from their peacekeeper fathers despite often lacking the bare minimum for survival. [30]

A study conducted by Wagner et al. revealed that due to the mixed-race background and absence of peacekeeper fathers, PKFCs face discrimination, stigma, and ostracization within their communities, resulting in detrimental impacts on their social identity and development. Furthermore, the intersection of race and poverty further complicates the social status of PKFCs. While their mixed-race background may confer elements of racial privilege, the harsh reality of their economic hardship challenges this privilege, resulting in a precarious and contradictory social position. [31] What is noteworthy is that data suggests that the challenges faced by male PKFCs may be more severe compared to their female counterparts. In traditional African societies, men are to be the family's primary providers and income earners. Still, the limited access of male PKFC to education, family inheritance, and social networks severely limits their ability to fulfill this expected gender role. This difficulty is amplified by the pressure they feel to follow in their fathers' footsteps and abide by the perceived "norms of whiteness," leading to additional stigma and a higher risk of being recruited by military or rebel groups. [32] On the contrary, the traditional gender roles for women in African societies are more centred around their identities as mothers and caregivers. While PKFCs of both genders face significant financial hardship and deprivation, Wagner et al. suggest that the male PKFC may more acutely feel the impacts of this poverty. [33]

Thus, the following section assesses how effective UN policies, particularly the ZTP and the Trust Fund for Victims of Sexual Exploitation and Assault (Trust Fund), are in addressing the concerns above.

UN INSTRUMENTS: THE ZTP, TRUST FUND, AND GENDER PARITY

The United Nations (UN) enforces strict policies regarding the conduct of peacekeeping personnel, emphasizing adherence to the highest standards of behaviour and professionalism. Peacekeepers must respect local laws, customs, and practices and treat inhabitants of host countries with respect, courtesy, and impartiality. [34] The 2003 Secretary General's Special Bulletin defines "sexual exploitation" as "any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another." [35] In the same light, the term "sexual abuse" was defined as "actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions." [36] The ZTP subjects military and police personnel to non-fraternization policies to prevent breaches of conduct. Any discovery of relations warrants disciplinary measures, including summary dismissal. [37]

In response to incidents of SEA, the UN established the Trust Fund in Support of Victims of Sexual Exploitation and Abuse in March 2016, aiming to provide comprehensive support to victims. The Trust Fund, in collaboration with development actors and international partners, endeavours to empower victims through sustainable economic projects while amplifying their voices and collecting feedback for future initiatives. Specialized services such as medical care, legal aid, and psycho-social support are prioritized, ensuring victims and children born as a result of SEA receive necessary assistance and communication support. [38]

Lastly, female peacekeepers are crucial in actively representing women's rights within missions through outreach efforts and community engagement. [39] Recognizing the fundamental causes of gender inequality is vital for shifting UN policy towards a proactive, contextually grounded approach aligned with local realities. Through concerted efforts to address structural ideologies and empower gender balance, peacekeeping missions can better uphold principles of impartiality, accountability, and human rights. One approach involves increasing the representation of women in peacekeeping forces, aiming to mitigate instances of SEA by challenging patriarchal and militarized masculinity norms. Studies suggest that missions with higher proportions of women experience lower SEA allegations, indicating a potential correlation between gender equality and reduced misconduct. [40] Additionally, meaningful participation of female peacekeepers enhances the effectiveness of peacekeeping operations, as they bring diverse perspectives and foster trust within local communities, particularly in contexts where gender-based cultural restrictions exist. [41] Recognizing the importance of gender parity, the UN adopted the Uniformed Gender Parity Strategy in 2018, setting ambitious targets for female participation in peacekeeping missions.

While progress has been made, achieving gender parity remains challenging, with some countries surpassing targets while others fall short. [42]

ASSESSING THE UN INSTRUMENTS: LIMITATIONS

The UN's approach to addressing SEA within peacekeeping missions has largely been reactive, focusing on accountability and criminalization of misconduct. However, enforcement of these policies falls on troop-contributing countries, primarily located in the Global South, while mission-funding countries are mainly in the Global North. This arrangement exposes structural deficiencies within the UN peacekeeping system that perpetuate and worsen instances of SEA. The reality of many of these women is highly complex, as relationships are situated in spaces that blur the lines regarding forms of exploitation. Hence, by applying a homogenous solution to all sexual interactions, the ZTP is limited in its ability to address the full spectrum of violence and exploitation endured by local women.

Such conditions constrain the opportunity of these women to access UN resources such as the Trust Fund, as those who often advocated for their right to compensation faced a range of barriers, including inadequate processing and communication of their claims and corruption. [43] Practical accountability is also impeded by the fact that the ZPT fails to reduce sexual interactions between peacekeepers and local populations or address the fundamental causes of gender inequality, impunity, and host-state fragility. [44] These social, political, and psychological obstacles, combined with the practical challenges in accessing support, highlight a critical legal accountability gap and numerous barriers for victims of SEA to realize their rights. [45]

Lastly, in accordance with S/RES/1960 (2010), which supports the inclusion of women in peacekeeping missions across civil, military, and police roles, it acknowledges that their presence can encourage women from local communities to report acts of sexual violence. As a result, peacekeeping missions have increasingly depended on female peacekeepers to engage with women concerning threats to their security or when dealing with instances of conflict-related sexual violence (CRSV). This is enacted under the assumption that women will have access to affected communities even though, in reality, women may not inherently have more knowledge on these issues. MONUSCO has followed this logic, encouraging the deployment of female engagement teams and mixed engagement teams to support their work. [46] As of December 2021, 20.6% of civilian staff were women, and the last two Special Representatives of the Secretary-General (SRSGs) were women. In terms of uniformed personnel, women represented 26% of all Individual Police Officers and 20% of military staff officers and military observers. Notably, 5.4% of military contingent members were female, marking an increase of 2% since 2019. [47] Despite the increased visible representation of women across operational parts of MONUSCO, women still make up less than 25% of the senior leadership team at director levels. At the national staff level, women constituted less than 20% of the workforce- a concerning disparity, particularly in anticipation of the transition process that will rely heavily on national staff support for an effective drawdown. [48] What this reveals in MONUSCO, and arguably in other peacekeeping missions, is that despite efforts to increase the visible representation of women within military contingents and other areas of the mission as a policy intervention for gender parity, it does not necessarily indicate an increase in the meaningful participation of women. [49]

Challenges persist as troop and police contributing countries (T/PCCs) fail to institute effective measures to increase the meaningful involvement of women in their security institutions, resulting in a limited deployment pool. [50] Compounding this challenge are diverging views and expectations about the role of women in the military- including peacekeeping missions. Some personnel continue to default to traditional gender stereotypes regarding women's roles, with female staff experiencing criticism for wearing pants or being prevented from driving. [51] Consequently, female peacekeepers across missions are limited to stereotypical roles in nursing, community engagement, administration, and domestic services, irrespective of their skills and experience. [52] These attitudes pose a challenge for missions like MONUSCO that aim to collaborate with local partners to change gender stereotypes and implement gender-sensitive programming. [53] Furthermore, missions with a higher percentage of combat-related forces tend to have the lowest percentages of women, in part because of a reluctance to send female peacekeepers to dangerous areas of conflict, where there are higher levels of sexual exploitation and abuse or higher numbers of peacekeeping deaths. [54] Therefore, even with the documented rise in the percentage of women, they may not be assigned to missions equitably or in areas where their contributions are most necessary, ultimately missing out on the added benefits and potential impact that meaningful female participation can provide to a mission. [55]

Nevertheless, it is crucial to prioritize increasing women's representation across UN peacekeeping missions.

Female peacekeepers bring unique perspectives, skills, and experiences that can enhance the effectiveness of peacekeeping operations and contribute to more sustainable peace, requiring continued efforts to address the cultural and institutional barriers and promote gender equality in troop-contributing countries. However, this should go beyond simply 'adding more women' as a strategy for increasing the visible representation of women across missions. Instead, it reflects a need for senior leadership to push for gender perspectives across all UN sections. [56] Missions like MONUSCO demonstrate a limited understanding of gender perspectives by reducing them to an 'add women' approach across their institutions.

This narrow view ultimately undermines the mission's mandate to protect civilians and support state restoration, as it fails to account for how gender relations both facilitate and hinder desired outcomes. [57]

Thus, it is essential for missions to prioritize gender mainstreaming as a strategic lens that influences policy formation and implementation across peacekeeping missions. This approach aims not only to comprehensively address issues of SEA but also to ensure that missions are ultimately effective. Four potential strategies will be explored in detail in the next section, demonstrating this in action.

BEYOND "ADDING WOMEN AND STIRRING": GENDER MAINSTREAMING IN ACTION (REFORMS)

Gender mainstreaming refers to the process of evaluating how planned actions- such as legislation, policies, or programs- affect women and men. This strategy aims to integrate the concerns and experiences of both genders into the design, execution, monitoring, and assessment of policies across all political, economic, and social domains, ensuring that both women and men receive equal benefits and that inequality is not sustained, with the primary objective of realizing gender equality. [58] Lessons from MONUSCO underscore the need for a genuine commitment to gender mainstreaming at every stage and phase of peacekeeping missions. In practice, this would be four potential commitments:

Integrating Gender-Responsive Strategies Across Missions

Gender-responsive approaches must be integrated across all operations of the mission, both in the field and at headquarters. These approaches take into account the various gender roles, power dynamics, needs, and interests of women, girls, boys, and other gender identities, with the ultimate objective of advancing gender equality while understanding and addressing threats to women's security. [59] As previously demonstrated, conflict disrupts traditional gender roles; in the context of the DRC, war has led to the emasculation of men and made women more vulnerable as they assume roles traditionally held by men. [60]

Moreover, gender perspectives must include an analysis of how institutions such as the military and police are shaped by gender relations in society and, in turn, how these relations either facilitate or hinder mission objectives. A deeper awareness of gender dynamics—both within the local context and the mission itself—is crucial for achieving key goals, such as protecting civilians and restoring state authority. [61] In particular, the gender perspectives provided by Community Liaison Assistants (CLAs), in coordination with Joint Protection Teams (JPTs) and Community Alert Networks (CANs), must be fully integrated into responses to security and community challenges. [62] Moreover, these gender-responsive approaches can shape broader programs and initiatives, for instance, broadening DDR programmes such as reintegration packages to cater to dependants and victims of crimes.

Strengthening Local Intermediaries via. Context-sensitive Gender Mainstreaming

A significant shortcoming of MONUSCO has been the inadequacy of the Gender Focal system, which poses a significant challenge to effective gender mainstreaming in the mission. [63] Community Liaison Assistants (CLAs), who work closely with military units and often reside on bases, are crucial in bridging the gap between peacekeepers and local communities, particularly in remote areas. They provide a unique channel for engaging with Congolese women and identifying high-risk areas for conflict-related sexual violence, such as water collection points, agricultural zones, markets, and forests—especially after nightfall. [64]

However, MONUSCO faces severe deficits in trained personnel, resources, and institutional capacity, further exacerbating these challenges.

Additionally, despite efforts to promote gender inclusion, there remains a critical shortage of female CLAs. Women face barriers to recruitment due to limited access to education and prior employment opportunities compared to men, as well as the difficult living conditions on military bases. [65]

Addressing these recruitment and retention challenges is essential for strengthening gender-responsive peacekeeping. This requires investing in better accommodations and creating an inclusive mission environment that supports female personnel. Furthermore, expanding training opportunities within local communities can help increase the number of qualified women in liaison roles, ultimately enhancing MONUSCO's ability to address gender-related security threats more effectively.

Prioritizing Funding and Resource Allocation for Effective Gender Mainstreaming

While MONUSCO has made efforts to integrate gender considerations across its operations, the effectiveness of these initiatives is often hindered by inadequate funding and resource allocation. Currently, the responsibility for gender mainstreaming is distributed across various mission components, divisions, sections, and units. Yet, these efforts are frequently constrained by limited programmatic funds. [66]

A lack of dedicated funding has been identified as a significant barrier to systematic gender mainstreaming, as the mission does not receive specific financial support for gender-focused initiatives. [67] This funding gap has often resulted in excluding gender considerations from key projects and activities. [68]

Addressing this issue requires a structured commitment to financing gender-responsive policies across all MONUSCO functions—particularly in field operations—by ensuring that gender promotion initiatives receive sustained and adequate funding. Allocating targeted resources will strengthen MONUSCO's ability to implement gender-sensitive programs, enhance protection efforts, and improve the overall impact of peacekeeping operations on the ground.

Rethinking Gender Norms, Challenging Harmful Masculinities and Empowering Women

On a grander scope, despite efforts to address the issue primarily through military and legalistic means, the framing overlooks the broader social reality of sexual violence in the Congo, which extends beyond conflict situations to become an everyday occurrence rooted in gender inequality. [69] The label of Congo as the "rape capital of the world," although found simplistic, stigmatizing, and offensive by many Congolese women, has persisted through its adoption by journalists, advocates, aid workers, policymakers, and scholars. [70] This focus on sexual violence has deeply entrenched itself in international discourse, affecting aid-driven interventions and peacebuilding strategies. [71] Such narratives have also diminished women's agency in their protection and reinforced gender stereotypes of women as victims only and as a population in need rather than one that can be empowered. [72]

To truly address this issue, interventions must shift towards empowering women, eradicating gender inequality, and promoting prosocial behaviours, recognizing sexual violence as a social harm requiring comprehensive social transformation strategies.

This relies on a joint effort by all stakeholders- local and foreign- to confront discriminatory gender norms that continue to create hurdles for women's active and meaningful participation in society. "At the local level, there is a need to challenge what the masculine and feminine roles are in Congolese societies." [73] Entrenched gender stereotypes and rigid gender roles are supported across parts of society- by both men and women. Moreover, many people, especially in rural areas, do not or do not want to, understand gender equality and gender mainstreaming. [74] Hence, while several military personnel cited the importance of being bold in challenging the status quo, they recognized that this can be difficult in a patriarchal and male-dominated context such as the DRC (WPS in MONUSCO, 58). Indeed, this responsibility is not exclusive to MONUSCO; there are limits to what the mission can be expected to achieve when it comes to shifting gender stereotypes within the DRC, particularly ahead of the mission transition. Regardless, it is crucial for the work of these missions to foster paradigm shifts in their efforts. Ensuring that peacekeepers and other personnel are committed to such a goal in their conduct, work, and collaboration with local peacebuilding initiatives can create a paradigm shift that extends beyond the mission's mandate and contributes to the broader objective of achieving stability and order.

CONCLUSION

The issue of PKFCs and SEA in the DRC is not just a crisis of misconduct but a reflection of deeper, systemic gendered inequalities within peacekeeping missions and broader (post)conflict settings. These violations exacerbate local resentment toward foreign intervention, undermining peacekeepers' credibility, legitimacy, and the overall effectiveness of missions like MONUSCO.

Despite policies like the ZTP and the Trust Fund, cases of SEA involving peacekeepers persist, leading to profound consequences for women and their children across gendered lines. Structural disparities and power imbalances, reinforced by patriarchal behaviours, exacerbate local circumstances, hinder access to justice, and perpetuate cycles of abuse, exploitation, and impunity. Thus, addressing these issues requires a broader and more nuanced understanding of gender beyond simply 'adding women and stirring.' While inclusion is essential, superficial representation alone does not resolve the underlying gendered power dynamics perpetuating harm.

Effective gender mainstreaming must move beyond a narrow focus on women to acknowledge how both men and women are affected by gendered structures of conflict and peacebuilding. This means engaging with local gender norms, many of which reinforce discriminatory roles that sustain inequality and limit the transformative potential of peacekeeping missions. Nonetheless, the challenge remains: who should lead these efforts, and how should they be implemented, mainly when T/PCCs prioritization of gender-responsive strategies varies?

MONUSCO's track record raises crucial questions about the broader priorities of peacekeeping missions. Is gender mainstreaming consistently treated as a core objective across all missions? How context-specific are these approaches? Are local gender perspectives genuinely integrated into daily operations, decision-making, and funding allocations? It is critical to assess whether such peacekeeping missions bolster local peacebuilding efforts or impose externally driven, one-size-fits-all models that overlook and undermine community-centric solutions.

How PKFCs are indicative of the gendered consequences of war and the effectiveness of the UN response

Ultimately, 'lasting peace' depends on building local capacity and fostering community-led peacebuilding mechanisms that will endure beyond the departure of international forces. If peacekeeping missions are to have lasting relevance, they must prioritize gender-responsive approaches that are not only inclusive but also locally grounded, adaptive, and attuned to the realities of those they seek to help.

The issue of PKFCs and SEA in the DRC is not just a crisis of misconduct but a reflection of deeper, systemic gendered inequalities within peacekeeping missions and broader (post)conflict settings. These violations exacerbate local resentment toward foreign intervention, undermining peacekeepers' credibility, legitimacy, and the overall effectiveness of missions like MONUSCO.

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Freedom of Speech or Threat to Democracy? Analyzing the Capitol Hill Storming and Its Implications

Written by: Emily Valitutti

Abstract

This paper critically examines the January 6, 2021, Capitol Hill insurrection through the lens of political philosophy and democratic theory. It evaluates the violent protest's relationship to freedom of speech, using John Stuart Mill's Harm Principle to argue that the insurrectionists' actions exceeded permissible expression by inflicting physical and psychological harm. It further explores the impact of misinformation leading up to the event, aligning this with Joel Feinberg's Offense Principle, emphasizing how harmful rhetoric and disinformation contributed to a breakdown in civil discourse. Lastly, the essay applies Immanuel Kant's Categorical Imperative and concepts of justice to argue that the rioters acted against moral law and democratic ideals. The analysis demonstrates that the storming of Capitol Hill represented not an exercise of free speech, but a violation of moral, legal, and democratic principles, ultimately exposing the fragility of American democracy and the urgent need for ethical standards in public discourse.

INTRODUCTION

On January 6th, 2021, American nationalists violently stormed Capitol Hill to protest the 2020 election results. Approximately 1,561 of those insurrectionists were charged with serious crimes; including resisting an officer, using a dangerous weapon, and destruction of government property. [1] This life-threatening incident, precipitated by Donald Trump's hateful rhetoric post-election, demonstrates a worrying disrespect for moral standards among American citizens. This paper examines how the January 6th Capitol storming not only contradicts the fundamental principles of free speech but also poses a direct threat to the core values of American democratic integrity through the framework of freedom of speech regarding Mill's Harm Principle, the alignment of misinformation with Feinberg's Offense Principle, and how the insurrection shifted perceptions of justice and conflicts with Kant's Categorical Imperative.

CONTEXT OF THE CAPITOL HILL INSURRECTINON

To begin, The act of storming Capitol Hill in response to Trump's comments, which resulted in not just property destruction but also physical danger to others, violates the principles of free speech. This essay is crucial as it delves into the significance of the January 6th attack and its far-reaching implications on free speech, democracy, and the integrity of fair elections in America. Following this incident and Trump's election loss, America was introduced to a wave of conspiracy theories surrounding election fraud. [2] As stated in America's First Amendment, the principles of Freedom of speech state that Congress and government cannot make laws restricting religion or religious practices, limiting freedom of speech or the press and avert citizens from peaceful assembly. [3]

Free speech is crucial for societal values. Including the democratic pursuit of truth, progress towards truth through shared speech, and autonomy in developing thoughts influenced by others. [4]

FRREEDOM OF SPEECH AND MILL'S HARM PRINCIPLE

The storming of Capitol Hill demonstrates that the insurrectionists violated free speech principles, per John Stuart Mill's Harm Principle. Mill's states in *On Liberty*, [5] that individuals should be allowed to act as they see fit, as long as their activities do not damage others. This idea is central to classical liberal ideology, and it seeks to strike a balance between personal liberty and societal well-being. [6] The insurrection goes against the harm principles because though the First Amendment permits protesting the government, the insurrectionists did so in a way that harmed people and caused physical damage. In *On Liberty*, Mill's argues that human liberties should not be restricted unless an individual's actions cause harm to others, regardless of whether those actions are seen as unwise or reckless. [7] Considering this, about 140 police officers were assaulted because of the storming of the Capitol; eighty of them were from the United States Capitol Police and sixty from the Metropolitan Police Department. [8]

VIOLENT PROTESTS VS. FREE EXPRESSION

The insurrectionists not only harmed people but also damaged the Capitol. According to National Public Radio, there was around thirty-million in fixing damages, which the guilty defenders of the insurgency have continually paid up. [9]

The insurrectionists felt they were acting for the cause of freedom and liberty. Yet, they were intentionally injuring others, thinking that by doing so, they would regain their political liberty. As a result of violating Mill's Harm Principle, the protestors went beyond the safeguards guaranteed by the First Amendment's right to free expression. Their harmful conduct was against Mill's philosophy and without reasonable explanation. Mill's corn dealer example, from On Liberty, illustrates the distinction between free speech and speech that incites harm. He argues that saying, "Corn dealers are starving the poor" in a published article is acceptable, as it expresses an opinion without immediate consequences. [10] However, shouting the same statement in front of an angry mob outside a corn dealer's house could incite violence, making it dangerous and justifiably restricted. In this case, the corn dealer represents Capitol Hill, the angry mob refers to the insurrectionists, and Trump is the one spreading inflammatory rhetoric through his tweets and speeches.

> **While free speech protects the right to express opinions, it does not extend to speech that directly incites violence or poses a clear and immediate danger to others.**

By encouraging his supporters to challenge the election results and take action, Trump's words went beyond mere expression and into the realm of incitement. The attack on Capitol Hill, therefore, not only violated democratic norms but also contradicted the very principles of free speech and Mill's Harm Principle, which argues that speech should only be restricted when it causes direct harm to others.

The insurrectionists crossed the boundary between legitimate expression and destructive behavior by using violence, resulting in significant physical injuries to law enforcement officials, Capitol workers, and others present during the incident. Furthermore, their activities caused substantial structural damage to the Capitol building, a symbol of American democracy, emphasizing the severe societal and material implications of rhetoric-driven violence. The rioters ransacked offices and defaced historic property, resulting in millions of dollars in repairs. Beyond the material damage, the attack disrupted the peaceful power transfer, undermining public trust in democratic institutions and setting a dangerous precedent for future political unrest. This destruction serves as a stark reminder that unchecked inflammatory rhetoric can translate into real-world violence, threatening not just individuals but the very foundations of a democratic society. This breach demonstrates how the unrestrained spread of provocative communication may instigate violent behavior, demanding expressive limits that avoid real-world harm.

MISINFORMATION AND FEINBERG'S OFFENSE PRINCIPLE

Furthermore, the assault on Capitol Hill and the vast amount of disinformation that sparked the incident are consistent with Feinberg's Offense Principle. The U.S. Constitution's vital First Amendment prohibits the government from controlling speech, so it indirectly requires speakers to add details and discourage misinformation on broadcasting networks and social media sites. [11] With that stated, Trump made several false claims on Twitter during the 2020 election cycle, which the Constitution classifies as misleading speech.

While Mill's Harm Principle suggests that speech should only be restricted if it directly harms others, legal and philosophical discussions also consider Joel Feinberg's Offense Principle, which argues that speech can sometimes be limited if it causes widespread offense or societal disruption even if it does not meet the threshold of direct harm. [12] An example of Trump's rhetoric before the election included "Democrats are Rigging our 2020 Election." [13] and even promoted protesting in Washington, stating, "The BIG Protest Rally in Washington, D.C., will take place at 11.00 A.M. on January 6th. Locational details to follow. Stop The Steal!". [14] Specifically, he spewed false allegations after the election and tweeted 'Save America Rally' before the attack on Capitol Hill. [15] These kinds of tweets enabled hate groups in America to riot and storm the Capitol, including a well- known white supremacist group in America titled the Proud Boys. The Proud Boys is a hate group formed by Gavin McInnes before Trump's election into office in September 2016, which is known for hosting violent public anti- democratic presentations. [16] They were among the many attackers at Capitol Hill and were quoted stating that they wanted to; "stop the government from transferring the president from Trump to Biden." [17] Trump's aggressive tweets, hateful rhetoric, and false information cause groups such as the Proud Boys to incite physical harm, violence and offence to public groups and people. Feinberg developed the Offense Principle as one of the limits to free speech, arguing that offensive speech should not be subject to severe penalties unless it causes physical harm. [18] Some implications of the Offense Principle include the ease with which the offensive speech could have been avoided, the social value of the speech, the number of people offended by the speech, the motivation of the speaker, and so on. [19]

MISINFORMATION AND FEINBERG'S OFFENSE PRINCIPLE

The events of the storming of Capitol Hill and the large amount of misinformation connected to the event align with Feinberg's Offense Principles. The storming of the Capitol violated Feinberg's Offense Principle because the event had profound psychological effects on Black Americans, causing emotional distress and reinforcing feelings of vulnerability and fear. The freedom of speech, when used to spread harmful rhetoric or incite violence, directly contributed to this distress. Feinberg's principle holds that speech can be limited if it causes significant offence or psychological harm, and in this case, the hateful rhetoric leading up to the Capitol attack resulted in real emotional and psychological duress for many, particularly within marginalized communities. This type of speech, which incites violence and division, goes against Feinberg's principles, as it causes harm that extends beyond mere offence, leading to tangible emotional and societal damage. According to research published in the *Journal of Black Psychology*, many black participants had stated how they were in psychological duress during the capitol storming. [20] These feelings were due to the close location of their loved ones around the riots and the lack of government and police control of the event itself. [21] Many black Americans within the study also stated that there was a difference in the way law enforcement officers treated the violent capitol riots versus the peaceful BLM protests. [21] Black participants also stated that this event is like the term "The Other America," coined by Martin Luther King. Jr., which referred to the double standard of White privilege in America. [22]

In the case of Feinberg's Offense Principles, the storming of Capitol Hill goes against the Offense Principle because it caused offended external marginalized groups to the point of emotional, and physical duress which goes beyond mere offence and justifies limitations on speech under Feinberg's framework. Considering Feinberg's principles, while the Black community may have avoided direct exposure to misinformation, hate speech, and the physical dangers of the riots, they suffered significant psychological harm because of the event and the misinformation spread by Trump and white supremacist groups such as the Proud Boys.

> **As a result, the January 6ᵗʰ incident violated Feinberg's Offence Principle by exaggerating free speech and spreading harmful claims, leading to violent clashes and psychological damage.**

This incident highlights the dangers of unregulated misinformation, undermining democratic institutions, impairing civic discourse, and the need for regulation in promoting free speech.

JUSTICE AND KANT'S CATEGORICAL IMPERATIVE

Moreover, the deadly nature of the insurrection changed the meaning of justice in a democratic society, which conflicts with Immanuel Kant's Categorical Imperative. Justice, as defined, is the principle that society grants each individual legitimate rights, with those rights forming a contract between two parties governed by a set of personalized ethical standards of justice. [23]

The three conditions of the Categorical Imperative are the interpersonal behaviours, the actual action itself, and the consequences of said action. Interpersonal behaviour requires that we treat others as ends in themselves, not merely as means to our goals. Second, it asks whether the action itself can be universalized, meaning it can be applied consistently by everyone without contradiction. Finally, it focuses on the consequences of the action, but not in the way consequentialist theories do; instead, it stresses that actions should be performed out of moral duty, regardless of their outcomes. These conditions together guide us to act ethically and with respect for others. [24] Observing the insurrection incident, there are three factors: the interpersonal behaviour of wishing to storm the Capitol as seen from Subject 36, the physical action of storming the Capitol, and the intended consequences of their actions being positive for the rioters and damaging for those at Capitol Hill. Regarding the insurrectionists' testimony, they did not obey Kant's categorical imperative but rather followed their natural tendency to attack the Capitol and disregard the rules established inside our society. Though they felt their acts were acceptable, the insurrectionists behaved unjustly.

CORRECTIVE JUSTICE VS. DEMOCRATIC JUSTICE

The two main principles of justice are distributive justice and corrective justice, which focus on the fair allocation of resources and rectifying wrongs, respectively. Distributive justice divides benefits and burdens evenly, and corrective justice tries to restore any balance tipped off the scale by injustice. [25] In our society, governments, laws, and moral principles define what is just and unjust.

There is an implicit social contract among individuals within society, and when we break this contract, we act unjustly. [25] Regarding the insurrection, the event showed the world a notably stark difference between the Republican and Liberal supporters' views on what justice means concerning the election. Considering Distributive and Corrective justice, we can see that the insurrectionists at the Capitol storming were acting in a Corrective justice way, specifically the Corrective justice subdivision of involuntary transactions, which includes violence and assault. [26] A study by the *Journal of Social and Political Psychology* interviewed Insurrectionists who participated in storming Capitol Hill. A variety of subjects stated they acted because of a group-based injustice of the Republican party, out of anger, or out of empowerment. Specifically, Subject thirty-six who marched on Capitol Hill, was doing so for "the American people." [26] From the examples and testimonies of the insurrectionists, the storming of Capital Hill goes against Immanuel Kant's categorical imperative. The Categorical Imperative states that a person's moral concerns occur from our ability to act freely, make our own moral choices, and independently choose the natural inclinations we feel. [27] This states that we all have moral laws; no matter our natural inclination, we must follow those moralities.

Conclusion and Implications for American Democracy:

This paper examined the January 6th Capitol storming in terms of Mill's Harm Principle, the alignment of misinformation with Feinberg's Offense Principle, and how the insurrection shifted perceptions of justice and conflicts with Kant's Categorical Imperative.

By examining the insurrectionists behaviour in terms of free speech while rioting, how Trump's misinformation aided in the riots and the mass offence the riots caused to minority groups, and how the definition of justice was dichotomous among the American populace, it becomes clear that the insurrectionists were not in the proper jurisdiction on all accounts to have stormed Capitol Hill on January 6th. This analysis underscores how the role of law enforcement and accountability significantly impact our society and the role that disinformation plays within America's elections. Ultimately, the storming of the Capitol was a stark reminder of how fragile democracy is in America, revealing the vulnerability of democratic institutions to extremist actions and the potential for violence to undermine the rule of law; this event challenged the world to maintain strong democracy within their nations and demand institutional preservation of the rule of law and the preservation of just morality amongst its citizens.

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Freedom of Speech on Social Media: How Canada's Online Harms Act Goes Too Far

Written by: Zain Farhoudi

Abstract

This essay will examine how Canada's Online Harms Act affects freedom of speech, specifically on social media platforms. While the bill has good intentions, such as stopping child exploitation, its broad scope carries the risks of restricting free speech. The Online Harms Act (also known as Bill C-63) will be analyzed through John Stuart Mill's Harm Principle and Joel Feinberg's Offense Principle. The paper argues that while restrictions on online speech are justified in extreme cases to prevent harm, Bill C-63 goes too far— imposing harsh penalties such as fines or imprisonment. Furthermore, these penalties can even be applied to cases where a person might engage in future speech deemed harmful. The essay contends that the Online Harms Act should be narrowed in scope, focusing on the most serious violations. A balance must be struck between having online safety and upholding the right to freedom of speech.

INTRODUCTION

What content should be considered acceptable free speech and what is harmful content that should be restricted or removed is a challenging task that must be carried out by social media companies. In Canada, the government has introduced a bill called the "Online Harms Act" that would set up a separate agency to oversee social media companies and would have the power to order content be removed that is considered harmful. [1] While the primary purpose of this bill is to enhance children's safety on the internet, it has also been accused of attempting to restrict speech and can impose heavy penalties on those who have committed hate speech or are likely deemed to engage in harmful speech in the future. [2] I argue that while the Online Harms Act goes too far in regulating speech and penalizing potentially harmful content, freedom of speech on social media must still allow for the removal of certain content based on Mill's Harm Principle and Feinberg's Offense Principle. In essence, there must be a middle ground that balances freedom of speech on social media while keeping users safe from hateful or dangerous content that may appear on these platforms.

BACKGROUND: PRINCIPLES OF FREE SPEECH

To analyze free speech and apply it to the Online Harms Act, it is necessary to explain the foundations of which free speech is built on. John Stuart Mill's Harm Principle lays out when free speech and other actions should be restricted. Mill states that freedom should only be restricted when a person's speech or other actions would cause harm to others. [3] For Mill, harm could be classified as causing physical harm or non-physical harm such as discrimination or psychological trauma. [4]

These conditions show that the reasons for restricting a person's freedom of speech should be very limited and measured.

Another important way to analyze whether restricting free speech is justified is Feinberg's Offense Principle. According to this principle, speech should be restricted if it greatly offends people— even if it does not cause them harm. [5] When considering whether certain speech causes offence, several factors must be taken into account: the motive of the speaker, the value the speech provides to the public, how many people were offended, and the severity of the offence. [6] The Offense Principle is more stringent in restricting speech than Mill's Harm Principle because this principle does not require a person or group of people to be harmed, only offended, it may not be as clear as the Harm Principle in when speech should be restricted. Some people may take offence to certain speech while others have no problem with it, so it is a matter of perspective.

Both Mill's Harm Principle and Feinberg's Offense Principle are important for understanding how to regulate speech on social media. Companies such as Facebook or X (formerly Twitter) may need to consider these principles when deciding what content should be moderated or restricted. Governments are now placing more pressure on social media companies to more effectively regulate content that is being posted/shared on these platforms; finding the right balance of handling speech will be important for social media companies to ensure an enjoyable user experience.

SOCIAL MEDIA AS THE NEW PUBLIC SQUARE

While harmful speech in public spaces can result in legal consequences, social media has allowed for anonymity.

If a person were to deliver a speech in a public space, such as a park, to a large crowd and spout hateful speech that caused disorder and chaos, they would be arrested. In the world of social media, anonymity can shield and embolden some people to engage in hateful/harmful rhetoric. Allowing different perspectives makes public dialogue richer and more insightful. Restricting speech should only happen in certain cases such as hate speech.

The Online Harms Act introduced in Canada can be viewed as government regulation of speech on the internet and social media applications, where the companies themselves usually carry out this task. This bill would give more control of online content to the government as they can pressure social media companies to remove content and failure to do so can result in multimillion dollar fines for the company. [7] Having a government agency with the power to order social media companies to remove content raises concerns about freedom of speech and could be seen as government overreach, as content moderation should remain the responsibility of social media companies themselves.

> **Applying Mill's Harm Principle and Feinberg's Offense Principle would be a good check on how the Online Harms Act would distinguish between acceptable speech and hate speech.**

These principles provide a framework for balancing freedom of speech with the need to prevent harm and offence.

MODERATING SPEECH ON SOCIAL MEDIA

In moderating speech on social media, it is important to know when moderation can veer into censorship. When a person engages in hateful speech on social media, there are penalties, such as being temporarily locked out of the account or being permanently banned. The Online Harms Act would go far beyond that, levying hefty fines of up to $50,000 on an individual, being charged with hate speech, and potential prison sentences. [8] Furthermore, penalties can be imposed, such as house arrest, in cases where a judge believes that a person is likely to engage in hate speech in the future. [9] These provisions in the Online Harms Act are too harsh and threaten freedom of speech. While the heaviest penalties may be reserved for the worst offenders, I argue that it would set a dangerous precedent as what constitutes hateful or harmful speech can be reinterpreted and expanded over time.

Mill's Harm Principle states that harm is done when a person's rights have been attacked. [10] In such a scenario, the state would be justified in intervening to protect that person. [11] Imposing penalties because a person might engage in harmful speech in the future goes against the Harm Principle because it does not directly cause harm— the speech a person is alleged to express in the future is purely theoretical. In John Stuart Mill's, On Liberty, he argued that people have been unjustly persecuted for their opinions in the past that are now widely accepted. [12] He believed restricting speech limits the exchange of ideas and should not be done even if it causes offence. [13] I would argue that the provisions of the Online Harms Act regarding hate speech are excessive and could limit the spread of differing opinions.

Freedom of speech should be vigorously defended and only be restricted in cases of actual harm being caused.

Another way to moderate speech would be to base it on Feinberg's Offense Principle. This is far more wide-reaching than the Harm Principle and thus more controversial. Social media companies sometimes restrict content based on how offensive a post is, regardless of whether it may cause harm. Therefore, companies can remove or restrict highly offensive hate speech that targets groups of people. Though this principle allows for speech that is deeply offensive being restricted, it does consider the value the speech provides to the public as well as the intent of the speaker. So, someone expressing a political or religious belief that may offend a lot of people but is not meant to be malicious and adds to public discourse would not necessarily be restricted based on Feinberg's Offense Principle. In the case of the Online Harms Act, I argue that it has the potential to go against the Offense Principle. The fact that the government may restrict a person's freedom of speech due to the possibility that they may cause problems in the future, not even necessarily offensive, is an act of government overreach. Restricting speech based on the Offense Principle should be limited to speech that has caused great offence, not speech that may cause offence.

Freedom of speech should be wide-ranging and attempts to restrict it should be very narrow. Because of the subjectivity of what speech is offensive, Feinberg's principle would not be the ideal way to assess when speech should be limited. An example of why the Offense Principle can be problematic is that of the author J.K. Rowling. Recently, Rowling has come under intense scrutiny for frequently posting what some consider to be transphobic content. [14]

Her social media posts led to some boycotting her books and calling for Rowling to be 'cancelled'— a public campaign to withdraw support from her due to controversial views. [15] Under Feinberg's Offense Principle, Rowling's speech would've been restricted because of the offence caused to a large number of people. As offence is subjective, the author's intent should also be considered. What speech is offensive, and its value would be decided based on who is in power and would give rise to people being unjustly silenced because their views threaten perceived norms and harmony that could in turn upend power structures. This can also be true in the world of social media as governments around the world are increasingly pressuring social media companies to take down content and silence critics, which has happened in some authoritarian countries. For example, China is a country that strongly censors social media and takes down content which criticizes the leadership's policies. [16] Other countries risk following in China's path if they become too aggressive with moderating online speech.

> **Governments may wrongly interpret certain speech as causing offence and not being in the public's interest, resulting in freedom of speech being suppressed.**

CONCLUSION

In this essay I argued that while the Online Harms Act has good intentions, it goes too far in preventing hate speech with some of its provisions. Freedom of speech on social media could be threatened by the bill, as people may fear expressing their opinions if they believe they could face punishment for what is perceived as harmful speech.

Refining the bill's scope, its main focus should be protecting against child sexual abuse and other harmful material being shared without consent, as is the main objective of the Online Harms Act. [17] I argue that while hateful speech that will cause harm to a person or group of people should be restricted, speech in other cases should be strongly protected, even if it causes offence to others. Using Mill's Harm Principle to decide when speech should be restricted is more appropriate than applying Feinberg's Offense principle, as the latter can be too broad in its application.

As discussed in this essay, the Online Harms Act goes against both Mill's Harm Principle and Feinberg's Offense Principle because of its ability to restrict anticipated speech that may be harmful. Additionally, several civil rights organizations have spoken out against this bill that is likely to become law, saying that it would give the government too much power over what can be said on social media. [18] The Online Harms Act, while well intentioned, must be reformed to ensure freedom of speech in Canada is not threatened. Overall, balancing the importance of upholding freedom of speech with restricting hate speech is necessary for protecting the liberty and safety of all.

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Case Study: The Legislative Candidate Quota of Bolivia

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Abstract

Bolivia has one of the highest percentages of women in its Parliament, leading the world towards gender equality in politics. This success can be attributed to the 2010 Parity Law, which mandated an equal number of men and women be nominated in legislative elections. In examining the law's origins, implementation, and impacts on political representation, the paper reveals the quota's efficacy and implications for gender parity. It highlights the intervention's limits due to structural barriers, gender norms and political violence, which continue to hinder women even after attaining descriptive representation. It also offers insightful recommendations from Bolivia's case to be implemented by other countries striving for gender parity in their political sphere.

INTRODUCTION

In a world where women are still struggling for equal representation in politics, Bolivia has broken barriers in the fight toward gender equality. In 2010, Bolivia implemented a legislative quota requiring half of the representatives in the legislature to be female. This case study reveals that while legislative quotas increase the number of female representatives, the cultural, social, and institutional structures impact the efficacy of the quota. To demonstrate, this paper begins by outlining the political context leading to the Parity Law and details its application in Bolivia's political system. It explores the use of the quota in other countries and analyzes its impacts on female political participation. Finally, the efficacy of the quota is assessed, and further recommendations are offered for how Bolivia's experience can inform reforms toward gender equality in Canadian politics.

POLITICAL CONTEXT

In the last two decades, Bolivia has made significant progress in gender equity. Historically, its political sphere has been dominated by men, making it difficult for women to gain a place in politics. It also has deep ethnic divides between the Criollo elite and the Indigenous peoples, which consists of much of its population. [1] Since its democratization in the 1980s, women have mobilized to gain representation. In 2019, Bolivia's Parliament was 53% women, ranking third in the world. [2] Today, women comprise 46% of the house, ranking 11th worldwide. [3] Bolivia uses a mixed-member proportional system to elect its representatives to the legislature. From the total 130 seats in the house, 53 are elected through proportional representation, 70 from single-member districts (SMD) and 7 are reserved for Indigenous representatives. [4]

Throughout the years, Bolivia has tried multiple quotas, yet the 2010 Parity Law was proven to be the most effective.

Prior to adopting the Parity Law, in 2009, Bolivia changed its constitution to include Article 147 which guaranteed equal representation of men and women in electing legislators. [5] This led to the passing of a temporary electoral law requiring the alternation of men and women on party lists in the titular-alternate formula in single-member districts. The problem with this rule was that women were put on the ballot as substitutes rather than as main titular candidates. Therefore, once elected, they did not become Members of Parliament but instead became alternatives who succeeded the main candidate if needed. While their name was on the ballot, in practice the temporary law was not increasing the number of women sitting in Parliament.

THE PARITY LAW

Therefore, in 2010, Congress passed a permanent electoral law requiring half of the main titular candidates in all SMDs nominated by each party to be women. [6] Specifically, this intervention is a legislative quota requiring election ballots to have 50% men and women. The Parity Law also applied to other branches such as the Electoral Tribunal, Judiciary, the Constitutional Court, and the 7 Indigenous reserved seats. [7] Not only was it meant to increase representation in Parliament, but also in other parts of the government. Additionally, the new permanent law prohibited gender-based political assault, with a penalty of five years in prison. [8] Violent backlash is not an uncommon experience for women in politics, especially when they gain those seats due to mandatory quotas. This provision was added as a safeguard to protect female leaders who may be targets of violence because of the new power they held.

This law came into effect as a response to the pressure from women's organizations. Historically, Indigenous and middle-class urban women had separate movements, but neither were taken seriously. [9] They united to form the "Women Present in History" coalition of 25,000, where both rural Indigenous women and urban elites organized a proposal for gender parity on candidate lists. [10]

> **Indigenous women strongly advocated for this change, as in their culture, sexual dualism is essential in all spheres of society for it to be considered balanced and well-functioning.**

The absence of women in political institutions, which wield significant control over societal functions, was seen as unacceptable.[3] For this reason, the movement experienced most sympathy from Indigenous men who were members of Congress. [11] Their strong cultural beliefs and experiences of discrimination allowed them to understand why women needed to be represented. On the other hand, urban women vouched for parity because it increased democracy and equal rights. [12] Such unified mobilization from the population pressured politicians to take significant action toward gender parity, including a constitutional reform coupled with permanent electoral laws.

Additionally, quotas were specifically chosen over other interventions, such as reserved seats, because they pose little threat to political structures and parties. It is very difficult to get politicians, bureaucrats, and parties to adopt such revolutionary changes. Therefore, quotas were the easiest to implement and gather support behind.

Political parties have more control when working under quotas. They can hand-pick the female candidates on the ballot and control their policy agenda. However, reserved seats open the possibility of external groups getting elected to Parliament independently of a party. [13]

Additionally, they also require alterations to the electoral system, such as changing the number of seats elected per district and the weight of proportional and majoritarian contests. These factors can affect the party's share of seats and alter the balance of power, posing a larger threat to political institutions. [14] Therefore, trying to lobby a government to reserve a set number of seats for women is substantially harder than getting them to pass a quota law.

The Parity Law was aimed at single-member districts rather than the proportional representation districts. Women were already winning in proportional representative districts, because of the closed-list system. [16] A closed-list system is when the party creates a list of candidates who are elected according to the list's order. [17] The public does not vote for a specific candidate but rather for the party at the ballot box. [18] This system allows more women to get elected because the party is not concerned about losing votes due to a female candidate. However, female nominees become a risk for the party in single-member districts because the public is voting for a particular candidate. Therefore, women were not nominated and elected as much in single-member districts and intervention was required. [19]

The candidate lists under the new law rotated male and female candidates. The first candidate had to be a female incumbent, followed by a male, then a female substitute, followed by a male substitute.

This mandatory alteration meant that on the SMD ballot, at least 50% of incumbent candidates must be women. In the case of an odd number of candidates on the list, women will be prioritized. Additionally, districts with reserved Indigenous seats had to follow the law and have a 50/50 ballot list. [20] To ensure compliance, sanctions were put in place for any violations of the law. Under Article 107, failure to have parity and alternation will result in rejection of the list and the party will be given 72 hours to correct it. In Article 91 any violations are serious legal offenses. [21] These sanctions compelled parties to adhere to the law to remain eligible for election.

COMPARATIVE CASES

Furthermore, the adoption of similar parity in other countries, such as Mexico and Argentina, suggests that legislative quotas are effective in increasing the number of women in politics but fall short in ensuring representation. Quotas give extensive power to parties in selecting women they already know instead of qualified female candidates. This affirms that institutions remain unchanged, leading women not to trust their government nor see female leaders as role models. [22] Although quotas can be a powerful mechanism to dismantle the norm that power belongs to men. A deeper analysis reveals that the lack of knowledge about quotas among local women limits their ability to use the power quotas provide. [23]

In Mexico, women saw the quota as a necessary but temporary measure. Senator Cecilia Romero asserts that without it, men would not willingly make space for women in politics, and progress will take too long. [24] Therefore, quotas were essential in opening the door for women to enter the political arena. Women from three major parties joined together to strengthen their movement for quotas.

As a result, it increased the pressure on male politicians because while it was easier for them to deny women in their parties, it was hard to say no to female leaders who belonged to the opposition. [25] This united effort allowed women in Mexico to implement a legislative quota. Today, women hold 50% of the seats in the legislature. [26]

Similarly, in Argentina, women comprised 59% of the population in the 1980s but only 6% of the Congress. When Argentinian women travelled to the United Nations World Conference on Women in 1985, they were inspired to mobilize for representation at home. [27] They began by lobbying political parties, but their proposed voluntary quotas were rejected by the members. Then, they pushed for a national parity law, which would require all political parties to comply with a 50% quota. [28] They mobilized together across party lines and ethnic differences, similar to Bolivian women. The bill seemed to fail until the President expressed his support and gained the acceptance of his entire party to eventually pass the law. [29] Once again, women needed the support of men to materialize their success, just as Bolivian women gained the sympathy of Indigenous women in their own legislature when passing the parity law. Argentinian women pressured political parties to obey by challenging non-complying ballot lists in court. In 2014, women comprised 36% of the house. [30]

Conversely, Western cases indicate that quotas have positively increased representation. The presence of women, especially in leftist parties means more women will be able to make changes directly. [31] Lippmann studies candidate gender quotas used in France's single-member districts from 1997-2002. [32]

He specifies that in the short term, all parties strategically nominated women in less winnable districts, resulting in more women being nominated for the seat but not being elected. [33] However, after 15-20 years, the left-wing party began actively promoting women to advance from local to parliament elections. [34] Additionally, O'Brien and Rickne's study examined women's access to leadership positions in 71 political parties from 11 advanced parliamentary democracies. [35] The results indicate that after voluntary or legislative candidate quotas are adopted, political parties are more likely to select female candidates to run. [36] Notably, following Sweden's adoption of a quota, the 1994 and 1998 elections saw an increase in the number of qualified women running for leadership compared to their male counterparts. [37] Evidently, while gender quotas may be less effective early on, eventually, depending on the party and political context, they become more impactful. As long as the number of women nominated remains high, more women get elected as a result. Overall, quotas speed up women's access to leadership positions within parties and encourage qualified women to become candidates.

EFFICACY OF THE LAW

The parity law significantly increased the descriptive representation of women in Bolivia's Chamber of Deputies. Since the passing of the 2010 law, the first election was held in 2014, in which women became a majority by acquiring 53.1% of the seats in the Chamber of Deputies. In comparison to other countries, Bolivia ranked third highest in the percentage of women in the national Parliament. [38] In the previous election of 2005, women only occupied 16.9%, ranking 69th in the world. [39] It also pushed women into the Cabinet. They led ministers such as Defense and Planning. [40] In 2010, the Cabinet was 50% women, although it dropped down to 33% in 2014. [41]

> **While the parity law significantly increased the number of women in Parliament, their experience reveals the limitations of this intervention.**

To fulfill requirements, party leaders selected women whom they previously knew, sometimes over more qualified and popularly supported women. [42] This discouraged women from trying for political office and made selected candidates feel as though they did not earn their positions. Additionally, party discipline prevents them from raising feminist concerns and challenging institutional norms. [43] Consequently, there has been limited advancement of women into higher leadership positions. Especially at the municipal level, where only 7% of mayors were female in 2013, placing a cap on their success. [44] As a result, even after gaining political representation, women have once again begun mobilizing outside of state structures. [45]

GENDER BARRIERS

The male dominance of politics reveals that women can be excluded without "men actively and consciously discriminating against them." [46] The long-term presence of men in the political sphere has tailored the institution to only accommodate them. Eventually, the virtues of leadership became synonymous with masculine traits such as assertiveness, decisiveness, competitiveness, confidence and being tough. This criteria for political success shapes public perception about who belongs in leadership roles and subconsciously restricts women from even considering politics.

The general narrative has been those characteristics such as compassion, gentleness, and emotions, which are usually associated with women, have no space in politics.

> **Politics has become so deeply gendered that even when women secure a seat within it, they are alienated and feel out of place.**

These norms suppress women's voices and pressure them to change their leadership style, further reinforcing male dominance in politics.

Furthermore, Bolivian society still emphasizes differences between men and women by allocating strict gender roles. These norms significantly hinder women from considering politics as a career. Housework and caregiving are primarily assigned to women. Hence, they must either stay at home or find a replacement who can complete their duties while they run in the election. [47] It is not seen as appropriate for women to be in the male-dominated sphere of politics. They are seen as rule-breakers and immoral, affecting their overall reputation and relationship with families. [48] Additionally, violence is a major deterrent for women. The Association of Women Council Members and Mayors of Bolivia (ACOBOL) reported 572 cases of violence from 2000-2011. [49] It includes pressure to resign, withholding pay, and physical, psychological, and sexual violence. [50] In 2009 alone, 120 cases of intimidation were usually toward municipal candidates. [51] The upside is that as women climb higher in their leadership positions, they face less harassment, yet their voices are still silenced. [52]

Legislative candidate quotas must be accompanied by additional interventions or structural changes to ensure efficacy.

Institutional reform is necessary to ensure women feel included in a historically male-dominated sphere. [53] This includes having safe spaces for women, such as women's rooms, committees, and female networks. This allows women to feel supported, heard, and included. The UNDP also proposed a reasonable limit on campaign spending in similar contexts. [54] Women are a historically marginalized group that faces financial barriers. A cap on campaign spending will enable a level playing field between new female candidates and potentially well-established male competitors who already have financial connections that will donate to their campaign. Evidently, parity laws are not enough to ensure substantive representation. There must be a shift in cultural norms and attitudes toward gender roles and women in leadership positions. This can be achieved through community campaigns and training programs for elected officials. [55] Additionally, sanctions must be in place to ensure compliance, such as rejection of party lists, financial penalties, and court decisions. Financial incentives or subsidies can promote the nomination of women. Moreover, in many countries, violence is a major deterrence for women. In particular, Bolivia's law prohibiting violence against women was a strategic protection to ensure women's safety and acted as a deterrence mechanism while holding perpetrators accountable. [56] Therefore, while legislative quotas worked to increase representation, there were limits due to the social context and norms. These factors must be addressed to ensure women achieve meaningful presentation and sustain their presence in leadership.

RECOMMENDATIONS FOR CANADA

A gender parity law can significantly increase women's representation in Canada. Although Canada has been a democracy for 157 years, it has not achieved parity in its Parliament.

Case Study: The Legislative Candidate Quota of Bolivia

Today, only 30% of Parliament's House of Commons members are women. [57] In 1988, there were 13.3% women; in 2000, 20.6%; and in 2011, 24.7%. [58] Nearly 13 years later, that number has only increased by 10%. Comparatively, Bolivia went from 25.4% in the 2011 election to 53% in 2014. [59] The drastic difference is attributed to their legislative quota in single-member districts. If done correctly, this can be applied to Canada. To understand how quotas can be adopted, Krook's four stories of quotas reveal the multiple combinations that can be used to adopt quotas depending on each context and the salient actors within them. [60] In Bolivia's case, the transitions to democracy and international conferences such as the Beijing Platform inspired women to gain representation. [61] With the support of international organizations, women were able to unify and mobilize. Opposing the deeply embedded gender roles and divides, political elites had to conform to their demands to legitimize their power.

However, Canada's context differs significantly. It has been a democracy for more than 150 years. Therefore, the notion of gender equality already exists, unlike Bolivia, where gender norms had to be changed alongside electoral reforms. Women are already occupying elite positions within state structures and can directly demand quotas from inside the institutions instead of mobilizing on the grounds. In particular, Indigenous and racialized women should mobilize and gather support from elected female representatives to pressure political parties into adopting quotas. Caul asserts that leftist parties are more likely to listen to their female members and adopt quotas. [62] When one party adopts a quota, it automatically pushes other parties to do so as well, to ensure they do not lose votes. [63]

Moreover, there are compelling reasons to believe that quotas can be successfully implemented in Canada. For instance, in 2011, the Liberal Party had 30 candidates, and 17 were elected, whereas the NDP had 41 candidates, and 38 were elected. [64] Evidently, Canada does have qualified female candidates that leftist political parties are willing to put forth, and the public is electing to office. When more women were in leadership positions, they sought out more women for nominations, leading to more nominees and elected females. [65] These female representatives can easily advocate for a quota in the leftist parties, eventually passing a legislative quota and enabling a systemic increase in representation. A quota in Canada will increase the number of female representatives elected faster.

Nevertheless, a considerable objection is that implementing quotas gives the impression that underrepresentation is resolved and is no longer an issue that needs to be addressed. Parties may nominate women to fulfill the quota requirement but place them in unwinnable ridings. [66] After a specific number of women are elected, the government might offer parties financial incentives. When the public financing formula was changed in New Brunswick to parties receiving more money for every vote women gained, the parties began placing women in competitive ridings. [67] Additionally, Lippmann's study clarified that years after implementation, parties no longer strategically placed female candidates in unwinnable ridings. Additionally, while international organizations cannot directly interfere in a well-established country like Canada, international norms and parity in other countries can certainly pressure Canada to keep up its international status. [68]

These factors can be combined with party politics, incentives, and appropriate legal mechanisms to push for the adoption of quotas in Canada.

CONCLUSION

Ultimately, Bolivia is an insightful case where legislative quotas allowed women to increase their representation in politics. The contextual circumstances required systematic reform to enable gender parity in a country where women were kept out of the political sphere. While quotas pave the way for increasing the number of women in legislatures, substantive representation requires a more comprehensive effort toward gender equality, which also targets social norms. The efficacy of quotas depends on the political context of each country. However, their implementation around the globe can quicken the number of women elected to office. This is a viable option that should be adopted around the world, whether temporarily or permanently, to overcome the structural barriers women face in politics.

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The Island's Red Herring: Sri Lanka's Sham Transitional Justice Process After 2009

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Abstract

Since the end of the armed conflict in 2009, Sri Lanka's government has engaged in a process of quasi-compliance - a carefully crafted smokescreen of accountability that masks the state's efforts to entrench impunity for its war crimes, crimes against humanity and gross violations of human rights. Successive governments have established toothless commissions and symbolic reforms to claim progress while in practice, obstructing investigations and shielding Sri Lanka's war criminals. Through analyzing these commissions, resolutions and symbolic reforms, this paper argues that Sri Lanka's failure to implement a meaningful transitional justice process was caused by a lack of political will from the Sri Lankan state, impunity given to the growing military by the government and the Sinhala majority population, the limitations of international mechanisms and inadequate pressure from the international community. This paper culminates by reiterating the need for sustained international pressure and impartial transitional justice mechanisms to deliver Tamil victim-survivors and victims justice.

INTRODUCTION

Sri Lanka has been ranked as the country with the second-highest number of state-enforced disappearances with 60,000 - 100,000 known cases during the armed conflict. [1] Over 100,000 Tamil civilians were killed in the years of armed conflict, with at least 40,000 Tamil victims killed in May of 2009 alone. [2] Through 26 years of armed conflict between the LTTE (Liberation Tigers of Tamil Eelam) and the Sri Lankan government, the island's repressive government refuses to meaningfully investigate mass atrocities against the Tamil civilian population, notably in the final months of the armed conflict. The Sri Lankan government assembled fourteen truth-seeking commissions, yet in practice, investigations are blocked, Sri Lankan war criminals are protected, and victims and survivors of the armed conflict have yet to receive any tangible form of justice. [3] This paper seeks to explore why Sri Lanka's transitional justice process was unsuccessful in promoting accountability and justice after the end of the country's armed conflict, despite instituting a series of commissions and truth-seeking mechanisms.

This paper argues that the necessary conditions to facilitate the success of Sri Lanka's transitional justice process were absent due to a lack of political will from the Sri Lankan state, impunity given to the growing military by the government and the Sinhala majority population, the limitations of international mechanisms and inadequate pressure from the international community. This paper will begin by contextualizing the Sri Lankan armed conflict by outlining some of the atrocities that occurred towards the final months of the war, notably in May of 2009.

This is followed by an analysis of the history of the transitional justice process in Sri Lanka post-2009 and how this demonstrates Sri Lanka engaging in a process called "quasi-compliance" with the international legal system. This will then be followed by argumentation of why the transitional justice process failed and will conclude by summarizing findings and emphasizing the need for promoting meaningful transitional justice mechanisms to ensure justice is delivered for victims of mass atrocities.

HISTORICAL BACKGROUND OF SRI LANKAN ARMED CONFLCIT

The armed conflict arose against a historical and sociopolitical context of growing resentment, unequal treatment, and marginalization against the nation's minority groups, notably the Tamils. [4] Despite the armed conflict in Sri Lanka commonly labelled as a civil war, the post-colonial era on the island has been characterized by periods of emergency rule, violent and brutal ethnic massacres, and large-scale human rights violations, including state-enforced disappearances, arbitrary detention, torture, and sexual violence. [5] While both the LTTE and Sri Lankan armed forces committed violent war crimes through the armed conflict, [6] the war's end drew attention from the United Nations and international human rights organizations for its high civilian casualties of the Tamil population. [7] Between 300,000 and 330,000 civilians were moved to government-designed "no-fire zones," [8] where the Sri Lankan military conducted indiscriminate bombing, massacring 40,000 to 70,000 Tamil civilians. [9] Following the armed conflict, the government continues to frame itself as the saviour of the Tamil people. [10]

After May 2009, nearly 300,000 Tamils were held in internal displacement camps in appalling conditions, [11] including overcrowding, lack of food, water, sanitation facilities, aid, and sexual violence by the Sri Lankan military. [12] Years on, socio-economic development is distributed unevenly on the island, with the north and east of the island - disproportionately Tamil - falling behind due to a lack of investments and the destruction caused by the war. [13] The island's minority groups thus continue to be politically, economically and socially disenfranchised following the end of the armed conflict.

HISTORY OF TRANSITIONAL JUSTICE MECHANISMS

While in office following their victory in the war, Sri Lankan President Mahinda Rajapaksa's administration established several institutions with mandates loosely connected to accountability - none of which were specifically assigned to probe alleged violations of the laws of war by the Sri Lankan state. [14] Furthermore, as human rights author Cronin-Furman argues, Sri Lanka engaged in "quasi-compliance," where the state created toothless commissions and mechanisms to escape international pressure while simultaneously avoiding the full cost of meeting its human rights obligations to victims. [15] Quasi-compliance can be a useful strategy in a repressive state's arsenal for avoiding international enforcement of its human rights obligations. [16] How Sri Lanka created such institutions in line with quasi-compliance is examined below:

At a special session of the UN Human Rights Council, Western governments called for an international inquiry into abuses committed by both sides. [17]

In response, the Rajapaksa regime presented a resolution in the Human Rights Council welcoming "the liberation by the Government of Sri Lanka of tens of thousands of its citizens that were kept by the Liberation Tigers of Tamil Eelam against their will as hostages." [18]

> **There was no acknowledgement of violations of international law or the need for accountability for victims. [19]**

In response to stalled progress on delivering justice for the victims and yielding to Western pressure, UN Secretary-General Ban Ki-Moon created a Panel of Experts on Accountability in Sri Lanka, which Sri Lanka had resisted the work of. [20] Sri Lanka's hollow resolution to the Human Rights Council and resistance to the Panel of Experts on Accountability, is the first of many examples of Sri Lanka appearing to address its track record of human rights violations while deflecting real accountability.

Two years later, the Sri Lankan government constructed the Lessons Learnt and Reconciliation Commission (LLRC). This commission was not projected to ensure state accountability but rather the extent of the Sri Lankan state's "failure to protect citizens from [LTTE] terrorism." [21] The LLRC's most publicized finding was that the Sri Lankan military "had not deliberately targeted civilians in the N[o] F[ire] Z[one]s." [22] The LLRC avoided the issue of accountability for atrocities perpetrated by the military and government altogether. Local human rights activists and attorneys contended that the LLRC was established to push off international demands for a war crimes tribunal. [23]

By dismissing any violation of international law by the government, these matters were depicted as domestic issues to be resolved by the very state accused of perpetrating atrocities and offences. [24] Consequently, Tamil civil society organizations and communities impacted by the conflict perceived the LLRC as a government-led attempt to gloss over atrocities, reinforcing Sri Lanka's territorial control at the expense of their autonomy. [25] Amnesty International, Human Rights Watch, and the International Crisis Group echoed comparable concerns and refused to engage in the commission's proceedings. [26] The commission was also fraught with several accountability issues. For instance, the LLRC failure to adequately protect witnesses providing testimony highlighted doubts about its legitimacy. [27] Furthermore, impartiality was seriously compromised, as the LLRC was composed of senior figures linked with the Sri Lankan state and its war crimes. [28] By glossing over military and government-backed atrocities, and failing to maintain impartiality and accountability, the LLRC, served as another example of Sri Lanka being quasi-compliant to avoid international enforcement of its human rights obligations to Tamil victims.

A month prior to the convening of the Human Rights Council, Sri Lanka also declared the establishment of an army court of inquiry tasked with probing allegations of war crimes. It was announced that a court martial would prosecute individuals if prima facie evidence of their involvement in international law violations was found by the court. [29] However, following the conclusion of the Human Rights Council session without the establishment of an international investigation, the Army Court of Inquiry was silently shut down. [30]

Several months later, it was declared that the military bore no responsibility for any civilian casualties incurred during the concluding stages of the war. [31] Additionally, in May 2013, following the announcement by the UN High Commissioner for Human Rights, Navy Pillay, to visit Sri Lanka amidst mounting public outcry, President Rajapaksa quickly declared the establishment of a new commission in July 2013 to probe wartime disappearances in July of 2013. [32] In light of the ongoing setbacks in Sri Lanka's attempts to promote accountability and reconciliation domestically, the UN tasked the OHCHR with collecting and arranging evidence of grave crimes committed in the country for potential legal prosecutions in the future. [33] The resolution met strong opposition from the Sri Lankan government, which introduced a counter-resolution in parliament seeking to grant pardons to officials implicated in human rights violations and to instead pursue legal action against law enforcement and prosecutors involved in investigating those prosecutions. [34]

Nonetheless, it is clear from the foregoing that external pressure for accountability drove the establishment of these institutions with little substantive results for victim-survivors or victims. [35]

SRI LANKA'S FAILURE IN PROMOTING TRANSITIONAL JUSTICE

Sri Lanka's lack of political will to implement meaningful and effective transitional justice mechanisms can be ascribed to the goals of maintaining power in domestic politics among Sinhala voters, an absence of domestic pressure for accountability resulting in the Sri Lankan state having a type of amnesia of what actually transpired in the last few months of the war. With respect to maintaining power in domestic politics, Sri Lankan politicians primarily rely on support from the predominantly Sinhalese constituency to remain in power, and thus have minimal incentive to acquiesce to the demands of minority groups. [36] This is against a backdrop of Sinhala-Buddhist supremacists vehemently opposing accrediting any accountability institutions, arguing that such actions were equivalent to an assault on the status of "war heroes." [37] The triumphant military thus became heroes to the Sinhalese public. [38] In the southern region, the military triumph was interpreted not just as the vanquishing of terror, but also as a validation of the Sinhala-Buddhist supremacist ideology. [39] The LTTE were seen as external aggressors, portrayed as "invaders from the North" in militant Buddhist discourse. [40] Tamil victims of war crimes were, therefore, not legitimate recipients of justice from the Sri Lankan state, but a conquered enemy. [41]

Sri Lanka's lack of political will to implement a meaningful transitional justice mechanism also stems from the crackdown and resulting silence from domestic civil society and victims. Following the expansion of the military, postwar Sri Lanka was accompanied by a vicious crackdown on domestic civil society. [42]

Furthermore, Tamil civilians who expressed apprehension surrounding corruption were coerced into silence through military surveillance. [43] The Sri Lankan government's Prevention of Terrorism Act, for instance, was initially passed to tackle "elements or groups of persons or associations" that attempted to bring about a change in government. [44] The law was instead used to arbitrarily target Tamil activists, journalists, students and critical voices. [45] Since the 1982 law was passed, the PTA has been used to arbitrarily arrest and detain people, violate fair trial rights, and subject detainees to torture, or other ill-treatment, among several other violations. [46] Often, activists and members of civil society who advocated for accountability were also labelled traitors and threatened with violence. [47] Moreover, throughout Sri Lanka's history of outbreaks of ethnic violence, little to no examples exist where the perpetrators have faced trial and victims were given compensation or acknowledgment. [48] In this context, domestic advocacy for accountability was almost completely absent and trust in domestic accountability mechanisms completely eroded among the Tamil victim population. [49]

Lastly, the Sri Lankan government's lack of political will can also be ascribed to the state's amnesia of what actually transpired. With the defeat of the LTTE, the state framed it as there being no apparent 'other side' with which reconciliation was to be made and to negotiate a post-war future. [50] There were no civilian casualties, and if there were any Tamil casualties, they were deemed terrorists. Furthermore, the government has claimed "there were no civilian deaths at all." [51] Framing it as a "humanitarian rescue operation" in which a policy of "zero civilian casualties" was maintained. [52]

This narrative of protection, as Professor David Keen suggests, helped to create a smokescreen behind which massacres of Tamil civilians could be carried out. [53] In the case of Sri Lanka, it was obvious that domestic politics militated against the creation of all transitional justice accountability mechanisms. [54]

> **With no pressure from the majority Sinhala voting base, and many victims silenced, it was easy for the state to have amnesia of what really took place, giving little incentive for the Sri Lankan state to implement transitional justice mechanisms that provide accountability for victims.**

Sri Lanka's failure to implement meaningful transitional justice processes also stems from the increased militarization of the predominantly Tamil northeast. The political importance of loyalty to the military resulted in the growing influence of militarization in the post-war period. [55] By 2009, the military was a huge institution, going from having 21,600 military personnel in 1985 to more than 223,000 by 2009, a number that has not since decreased in the post-conflict era. [56] The increased militarization of armed forces in the disproportionately Tamil-populated Northern and Eastern provinces created a military-to-civilian ratio estimated at one soldier to five Tamil civilians. [57] Additionally, evidence suggests that the Sri Lankan Army was using its political power to expand its economic power. [58] After the armed conflict, high-ranking members of the military invested heavily in the economy, and lower-ranking members were given incentives to open businesses. [59]

This can also be seen with Gotabaya Rajapaksa, the president's brother, overseeing the military as Secretary of the Ministry of Defence. [60] In this context, senior government officials' own alleged complicity in war crimes and ongoing abuses made the possibility of justice even more scarce.

Lastly, Sri Lanka's failure to implement an effective transitional justice mechanism can also be ascribed to limitations of the international context in which the armed conflict took place. Firstly, while the alleged deaths of more than 40,000 Tamil civilians during the final months of the armed conflict represented deliberate violence against civilians on a scale rarely matched for its time, international reaction was relatively muted, likely as a consequence of Sri Lanka's success in framing its fight against the LTTE as counterterrorism. [61] After 9/11, Bush instituted a "war on terror," and this transformed the global approach to counterterrorism and the fear towards it. This post-9/11 context made it easier for the Sri Lankans to change the framing of the armed conflict from being an ethnocultural conflict to now being an issue of national security against terrorism (i.e. against the LTTE). [62]

Additionally, because Sri Lanka is not a member of the International Criminal Court, there was no automatic international mechanism available to investigate alleged atrocities. The Human Rights Council thus became the prime site of contestation over accountability. Resolutions in the Human Rights Council that pass a simple majority must secure the support of a broad coalition of states. [63] However, as aforementioned, the Rajapaksa regime mounted a vigorous campaign to block the Human Rights Council from mandating any international investigative body to investigate war crimes and atrocities. [64]

Pursuing accountability in the Human Rights Council is further stifled when considering that in the initial aftermath, the UN Human Rights Council meeting in May 2009 congratulated Sri Lanka for its defeat of the LTTE rather than denouncing its flagrant violations of human rights. [65]

Sri Lanka's close relationship with China, which strengthened as Western governments withdrew preferential trade and aid over human rights concerns, also prevented action at the Security Council. [66] Furthermore, China and Russia have repeatedly blocked any international interventions in Sri Lankan war crimes. [67] Thus, Sri Lanka's capacity to evade international pressure for accountability stems in part from China's unwavering diplomatic and economic backing. [68]

CONCLUSION

In conclusion, as evidenced, Sri Lanka has a long track record after 2009 of engaging in quasi-compliance (i.e. creating toothless commissions while simultaneously bolstering repressive capacity). [69] Furthermore, despite Sri Lanka seemingly implementing several commissions and efforts, a complex interplay of several factors has made such commissions and the state's transitional justice process meaningless: the lack of political will from the Sri Lankan government to address past atrocities, a culture of impunity afforded by the government and the Sinhala majority population for the expanding military, and the inadequacies of international mechanisms and international community in applying pressure. Only through a concerted effort to address limitations of human rights enforcement of the international system and domestic mechanisms that repressive states like Sri Lanka weaponize can victims truly witness justice for Sri Lanka's abysmal record of human rights violations.

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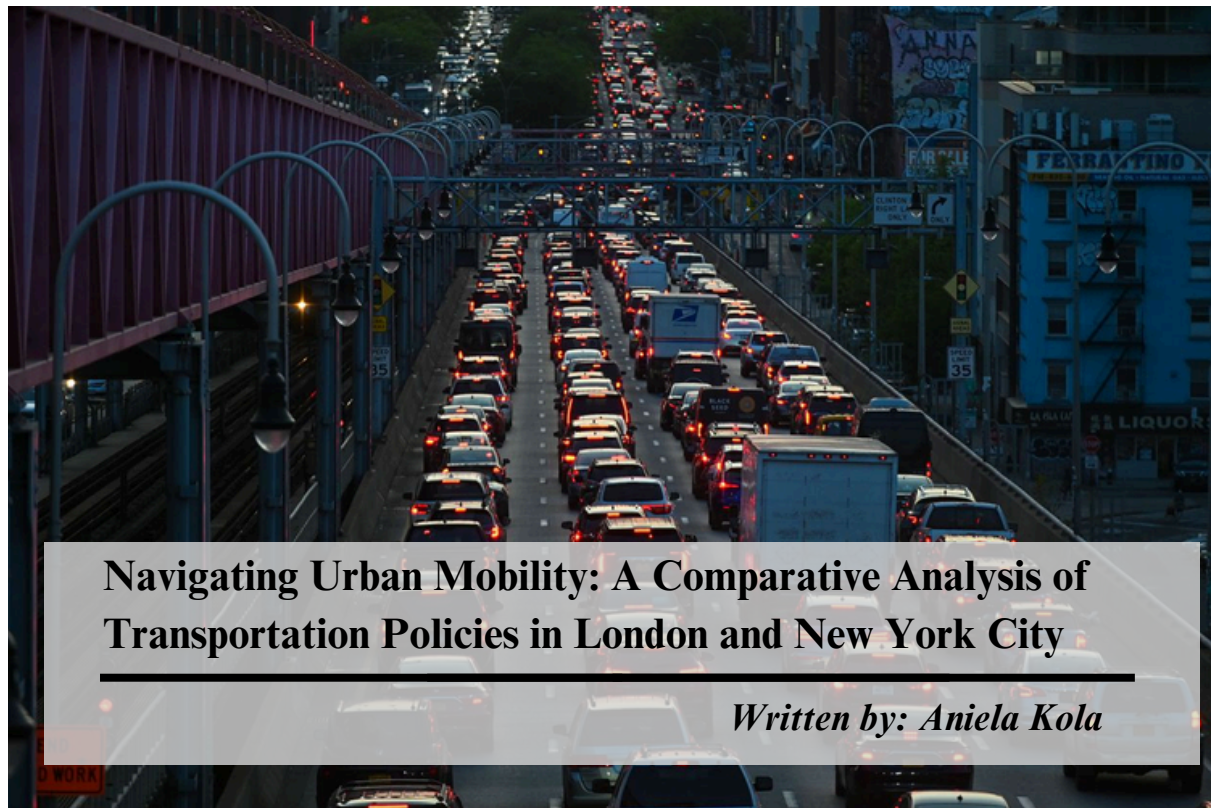
Navigating Urban Mobility: A Comparative Analysis of Transportation Policies in London and New York City

Written by: Aniela Kola

Abstract

Urban policymakers seek sustainable transportation solutions as cities face increasing congestion and environmental concerns. Congestion charging has emerged as an effective tool for reducing traffic, shifting the modal share towards public transit, and decreasing greenhouse gas emissions. This paper examines the factors influencing congestion charge success, focusing on political leadership, intersectoral coordination, and public communication. Through a comparative analysis of London's successful congestion charge implementation and New York City's ongoing struggle, this paper demonstrates how governance structures impact policy realization. While London's well-organized political and public engagement ensured widespread acceptance, New York City's fragmented governance and public distrust led to legislative failure. This paper concludes that successful congestion pricing requires strong political advocacy, multi-scalar cooperation, and transparent public engagement.

INTRODUCTION

Contemporary urban landscapes are characterized by growth—as populations increase, the modes of travel in a city are in constant evolution with an overarching goal of moving citizens to and from certain city hubs. Considering escalating environmental concerns in tandem with rising populations, municipalities' agendas begin to prioritize policies regarding sustainable transportation, emphasizing the role of shifting the modal share to encourage the use of mass transit systems, walking, cycling, and altogether moving away from personal vehicle use. The City of London and New York City serve as prime examples of a specific congestion charge policy aimed at reforming each city's respective modal share. This paper employs a comparative analysis of the intricacies of Greater London's and New York City's commitment to implementing a congestion charge scheme, specifically addressing how the political dynamics in each city contribute to the success and difficulty of realizing a congestion charge.

This paper will argue that a strong mayoral champion, effective scalar cooperation, and intersectoral coordination are the major factors underlying the success of a congestion charging policy. I commence by outlining how urban areas are attempting to become more environmentally friendly, specifically breaking down the significance of the modal share and the need to discourage personal vehicle use. Next, I explore what exactly a congestion charge is, highlighting how it shapes a city's modal share. In doing so, I outline the factors contributing to successful congestion charge implementation as well as the barriers and challenges that may hinder its realization.

To illustrate the motivations and obstacles, I turn to a dual case study of the Greater London area and Metropolitan New York. The cities are similarly situated on several metrics, including metropolitan structure, population size, and geographical position; however, London has seen major success with a congestion charge scheme, whereas New York has struggled. Beginning with London, I explore the municipal political structure, showing how it influenced long-term success, where across various mayoral agendas the congestion charge policy fits into a larger picture of shifting the modal share. I then outline New York's municipal powers, emphasizing the role of multi-level governance structures in hindering the progress of a congestion charge that continues to fight for implementation. Finally, I conclude that a congestion charge, if properly implemented, is successful in reshaping a city's modal share, thereby making a city more sustainable.

CONGESTION CHARGES

Prior to commencing with my argument on congestion charging, I provide an overview of urban transportation policies and why there needs to be a modal shift to encourage sustainability. Contemporary cities are uniquely situated as a result of rapid urbanization, resulting in over 3.3 billion people living in urban centres as of 2006. [1] As populations grow, demand for transportation increases, historically favouring personal vehicle usage over public transit, cycling, or walking. The modal share, defined as "the proportionate division of the total number of person-trips between various means or modes of travel," has been dominated by privately owned personal vehicles rather than sustainable alternatives. [2]

Note that 'person-trips' is not synonymous with 'personal' trips; rather, the modal share is characterized by all forms of transport and can be categorized by what is being transported, such as moving passengers, freight or information. [3] As such, cities have become hubs of the transportation sector and contribute up to 75% of the greenhouse gas (GHG) emissions of total energy used globally by transport. [4] In 2004 the transportation sector was responsible for 23% of global energy-related GHG emissions, 75% of which can be attributed to road vehicles. [5] Reducing GHG emissions, alongside improving air quality, is a major factor of a city embracing sustainability.

Reducing the use of privately owned personal vehicles presents a challenge in an urbanized world. In the industrialized world, 'developed' cities have prioritized personal vehicle use, largely as a result of personal income growth, causing the world automobile fleet to have grown five times faster than population rates from 1950-1997. [6] Traffic congestion is often seen as favourable while cities are developing, as it is indicative of economic growth. [7] Coupled with urban design that promotes sprawl, personal vehicles have become a necessity. While densification and walkable cities offer sustainable alternatives, most urban areas are already built, limiting the feasibility of major structural redesigns. Instead, shifting the modal share through policy interventions is the most viable solution.

As cities cannot change their fundamental physical designs, behavioural incentives must be used to reduce personal vehicle reliance. Congestion charging, a policy to reduce the modal share held by privately-owned personal vehicles, gained popularity as a potential solution. Taking the form of a 'stick' or 'coercive' measure, congestion charging outlines boundaries of an urban area where citizens must pay to drive.

Pricing structures vary, with some charges applying only during peak hours and others operating around the clock. Exemptions or discounts may be available for certain groups, such as taxi drivers or shift workers. Typically, charges are collected digitally or via tolling stations.

Congestion charging schemes aim to target consumers who do not have a preference among various travel modes but are sensitive to travel costs—sensitivity to costs makes it possible to guide them toward certain transportation choices, thereby altering the modal share. [8] While economic deterrents alone may not be enough to change behaviour, congestion charges are most effective when implemented alongside public transit improvements, offering viable alternatives. [9] The aim underlying any congestion charge is to optimize traffic volume, [10] which in turn shifts the modal share and lessens the impact of transportation on global GHG emissions.

Even though congestion charging schemes have clear benefits (both environmentally and on a socioeconomic level), urban residents are reluctant to abandon personal vehicles. Policymakers' main concern regarding implementation is public acceptance—policies lie at the intersection of the will of policymakers, private corporations, urban social movements, civic groups, and the general public, and as such must satisfy the majority if they are to be approved.[1] Acceptance typically follows a cycle, acceptance begins to rise in initial discussions, it diminishes as details are hashed out and as the implementation date approaches, and then rises to the highest level when the policy is in operation.[2]

> **The combination of groups with various interests leads to modifications to the original policy, such as modifying the boundary of the priced area, reducing the hours the charge applies, altering the price of the charge or the time it must be paid by, or redefining exemptions.**

Successful implementation of a congestion charge requires three main motivators: [1] a mayoral champion, [2] effective scalar cooperation, and [3] intersectoral coordination. These political entry points for effective urban policymaking are known for use in an environmental perspective; however, I posit they apply to policies such as congestion charging that have indirect environmental benefits. A mayoral champion refers to a leader who can establish a congestion charge as a priority on a city's political agenda. Formally strong mayors often have special powers assigned to them (such as veto powers) that can help move along certain policies. As well, mayors with larger networks may have more indirect influence on policy. [13] While a mayor certainly plays a larger role after merely introducing the policy, the locus of power can easily shift to other councillors or even levels of government, which is why scalar cooperation is important. Congestion charges may require state/provincial or even federal approval, depending on the city in which it is being implemented. Even if there is public acceptance on a local level, the policy can be overridden. Lastly, intersectoral coordination refers to collaboration within one municipality, between several municipalities (as the impacts of congestion charging schemes can extend to neighbouring municipalities) and among outside actors. [14]

The relations between the private and public sectors, civil society organizations, and the average concerned citizen shape policy outcomes. [15] The interrelation of the three factors can determine whether or not a congestion charge is publicly accepted, leading to its realization and potential success in reshaping the modal share.

Underlying and connecting the success of each of the three factors is public communication, which has two components: [1] ongoing dialogue between various stakeholders such as private corporations, civic groups, citizens, and all levels of government, and [2] a feedback mechanism where the government can interact with the public —it is not enough to diffuse information to the public, feedback must be considered and integrated into the final policy to garner acceptance. [16] Public communication should start as early as possible in the policy process. [17] Cities with successful congestion charge programs often introduce the idea during mayoral campaigns, indicating strong political will. To maintain efficacy, communication must then continue through policy design, implementation, and system operation and management. [18] Miscommunication or lack of transparency fuels opposition; people are unlikely to support a policy they do not fully understand. [19] Communication is necessary to bridge the three factors together.

While effective public communication is necessary for the acceptance of a congestion charge, it is not sufficient. To ensure the modal share will be altered, a viable alternative to private vehicles, often in the form of public transit, must exist. [20] Recall that since cities in an urbanized world perceive high traffic as connected to economic growth, their infrastructure is designed to support sprawl and personal vehicle usage.

Further investment in roads merely creates more congestion, [21] whereas reinvesting congestion charge revenues to improve transit systems is a complementary 'carrot' incentive to the 'stick' of congestion charges. Successful congestion charge implementation requires communication alongside appealing alternatives that garner public support.

> **Ultimately, congestion charges succeed when public communication is strong, alternatives are available, and policies are designed to gain political and social acceptance.**

CONGESTION CHARGES

While there is a somewhat procedural approach to what must be done to successfully implement a congestion charge, there are many complexities that create barriers to the policy's realization. First, before a congestion charge is even talked about, the nature of the policy makes it so that it can only be put in place where congestion is seen as excessive—congestion charges cannot be used pre-emptively. [22] If there is no congestion in the first place, citizens do not perceive an actual problem being solved. Rather, they just see their money being unreasonably taken. Citizens are not amenable to this and if a congestion charge were to be discussed again at a later time when there is an actual congestion issue, it is unlikely there would be public support as a result of a historical lack of confidence. Further, recall the congestion charges offer a multitude of benefits, ranging from the primary goal of relieving congestion to ancillary socioeconomic and environmental/air quality benefits.

While these secondary benefits can certainly help defend the need for a congestion charge, they should not be overemphasized or turned into the first priority. [23] These are extra benefits rather than the core purpose. Citizens support policies that they see solve issues. Framing congestion charges as environmental is not necessarily incorrect, but it takes years to notice improvements in air quality—there are undoubtedly long-term benefits to congestion charges, but the short-term, noticeable benefits (reducing congestion) are the ones that should be highlighted so as to not risk losing support.

The other major barrier to accumulating support for a congestion charge is the public's lack of trust in a local government to use the revenues gained from the charge effectively. Undermining efficacy effectively ensures there will not be any support for the policy, diminishing its chances of realization. [24] Recall that a congestion charge must be coupled with improved public transit systems to be successful. The funding for these improvements is often promised to come from the revenues made in a congestion charging scheme. The following can lead to drivers in the congestion area believing the benefits of the policy accrue to others (those who already use public transit) rather than those driving within the congestion charge boundary. [25] This connects to the fact that benefits are not immediately realizable. Unfairness permeates beyond the modal share—there are certain professions that are prone to be negatively affected by charging schemes, namely shift workers. [26] As well, businesses within the charging zone could be affected disproportionately. Typically, charging boundaries surround the 'downtown' or hub of a certain city.

Some business sectors may be more dependent on transport and smaller businesses may be unable to assume the charge; for example, plumbing businesses can sink the charge into their fees as they are the ones travelling to customers, but hairdressers cannot be expected to pass the charge of the employees driving to their salon onto customers. [27] While there are many factors that can easily boost the success of a congestion charge scheme, the policy is controversial and fragile, leading to many factors that could block its acceptance.

LONDON'S CONGESTION CHARGE SUCCESS

Now turning to the first case study of Greater London, one of the few cities globally to have implemented a successful congestion charge. London is one of the most populous cities in Europe with a population of ~8.3 million. [28] It has consistently experienced concerns from the public and from businesses about excessive congestion, especially due to urbanization and an increase in personal vehicles post World War II. [29] As such, a congestion charge policy was extensively studied as a possible solution, and it became apparent that congestion itself was not the sole reason for the policy—congestion was also very closely tied to economic reasons. An Oxford Economic Forecasting calculation estimates that congestion delays cost the City of London approximately 1.2 billion GBP in 2005. [30] Further, car dependency contributes to air pollution and damages the reliability of mass transit services by means of delays. [31]

Having established a reason for the policy, Ken Livingstone, the incoming mayoral candidate, placed congestion charging as a priority on his campaign, framing it as an "economic instrument aimed at decreasing congestion," a balance of economic and environmental that prioritizes, and predominantly only advertised, the former. [32]

Looking at the three factors that underlie a policy's success, it is clear that Livingstone's prioritization of the policy prior to his inauguration set his presence as a mayoral champion. Livingstone's term started in 2000 and ended in 2008 [33], in this time he was able to successfully implement the congestion charge in 2003 and expand it in 2007. [34] Once Livingstone was elected he had significant support for the policy and was able to create Transportation for London (TfL) a department focusing specifically on the congestion charge and related issues at the time and has now expanded to further transportation policy. This lends itself to the notion of intersectoral coordination: Livingstone effectively dispersed the idea of a congestion charge within the local government, and the newly created departments were then in charge of external communication. Livingstone did not encounter difficulties at the multi-scalar level, rather the federal government may have helped him. The UK government published a code of practice on consultation stating that "ongoing dialogue between government and stakeholders is an important part of policymaking" and it is "often desirable to carry out a formal time-bound public written consultation exercise." [35] Local authorities were not bound to this code, but were encouraged to use it, and it emphasized the importance of public communication to effective policymaking.

Livingstone's vision of the congestion charge was part of a larger package of transportation solutions: the public transportation system in London was already well established, but he committed to using the revenues from the charge to improve it. Livingstone's expectations of the charge were that it would reduce traffic levels by 10-15%, cut traffic delays by 15-25%, and increase traffic speeds by 10-15%, all within the City of London charging zone. [36] The overarching goal was to create more space for public transport on roads to shift the modal share of London. He was clear at all stages of his term that the congestion charge would be implemented but was still flexible to feedback. Public communication about the policy took many forms and started almost immediately. Two months after his inauguration, Livingstone sent out a document tailored to individual stakeholders about the basics of the policy. [37] By the time a formal draft was issued for the policy, the majority of the public was already familiar with its terms.

The creation of TfL allowed for the mass dispersion of information. First, TfL held a preliminary consultation with stakeholders and then drafted a formal congestion charge order for the Central London zone, making several variations that increased the scheme's operational effectiveness to account for the constant feedback. [38] Multiple channels were used for communication to ensure wide reach: news publications, notices every 250 metres indicating where the charging boundaries were with weekly inspections to ensure the signs were still intact, radio broadcasts, flyer advertisements, offices around the eight surrounding boroughs that offered information packets, and public exhibitions held for a ten-week duration. [39] It was impossible to live in London and not know exactly what the congestion charge was.

Essential to the success was that TfL considered all communication a two-way road—it was not just governmental decisions being made and communicated, but feedback was seriously considered, as exhibited through various surveys held by TfL. Once the policy was implemented, communication did not stop; TfL ensured citizens knew what they needed to do, how the scheme operated, how to pay, and where to find assistance by following up with surveys every six to eight weeks. [40] As for the opposition, TfL diligently handled misinformation to ensure there was no hostile information being spread about the scheme. [41]

A combination of mayoral determination and intersectoral coordination led to a high rate of public acceptance and an effective congestion charge that shifted London's modal share. On the first day of the scheme, 300 additional busses were employed, there was a 30% decrease in privately owned cars entering the zone, and nearly a 40% increase in rush hour bus passengers. [42] As for environmental benefits, emissions were drastically reduced: NOx emissions fell 8%, PM10s by 6%, and CO_2 by 16% just within the first year of the policy being implemented. [43]

London undoubtedly was a success story in its implementation of a congestion charge, and this can be attributed to a determined mayor and excellent intersectoral coordination that allowed for mass communication and genuine public acceptance of the policy.

NEW YORK CITY'S CONGESTION CHARGE JOURNEY

Looking at the second portion of the case study is New York City, where a congestion charge policy has faced many difficulties. With a population of 8.3 million spread across its five boroughs and 23.6 million across the entire metropolitan area, New York City is seemingly one of the best-situated urban areas for a congestion charge [44] and one of the first major cities in North America to consider one. [45] The city already relies on tolls for bridge usage into the Manhattan central business district (CBD), meaning a congestion charge would not be an absolutely unheard of idea. The CBD is clearly demarcated by both natural and man-made boundaries and is extremely congested, costing commuters and businesses valuable time and money—charging within the boundaries is technically straightforward. [46] Further, there are viable subway and bus options for commuters, though they are underfunded (which revenue from a congestion charge could address). [47] These considerations set New York City in a very favourable position for a congestion charge, yet it still failed the first time it was introduced.

In 2006, Mayor Michael Bloomberg announced his long-term sustainability goals for the city, addressing water, air, energy, land use and transportation. [48] This 25-year-long initiative, known as PlaNYC, aimed to create a "greener and greater" New York through successive mayoral administrations. [49] The three-year congestion pricing plan would be piloted in Manhattan, costing 8 USD for personal vehicles on weekdays from 6 am to 6 pm, and the revenue was meant to create a new urban transportation authority. [50]

Both proponents and those who opposed the charging scheme agreed on the aims of reducing congestion, cleaning the air, and improving mass transit, especially with 67% of citizens backing the proposal only if the revenues would be reinvested into expanding public transit. [51] Yet Bloomberg failed on many accounts. First, he was not as determined a mayor (for this specific policy at least) as in other success stories. Talk of a congestion charge in New York arose from the success previously seen in London; much of this talk came from civic and advocacy groups, who were later joined by environmental and business groups, focusing on transportation needs and economic/environmental concerns of congestion. [52] Bloomberg's PlaNYC took these interests and presented them as primarily an environmental proposal (he even announced the plan during earth day observances in April 2007) [53], perhaps making the policy less appealing to the general public; recall that one of the barriers of congestion charge schemes is how they are framed and that long-term non-realizable benefits often hinder public support. The inability to frame the policy correctly led to the media attacking Bloomberg and making the policy out to be a "billionaire mayor's ploy to crush hardworking drivers and squeeze the soul from the city." [54]

In addition to the lack of a determined mayoral champion, intersectoral coordination was also weak. PlaNYC was well communicated across extensive consultation efforts that included stakeholders such as architects, engineers, economists, advocacy groups, and general citizens, as well as eleven town hall meetings and continuous updates on progress via websites and social media. [55] Eventually, the city created a seventeen-member traffic congestion mitigation commission (TCMC) under state law. [56]

The TCMC held fourteen public hearings, eventually proposing a modified version of Bloomberg's plan that accommodated citizens' feedback. [57] That said, just because communication was widespread and considerate does not mean it was effective. Citizens from the Brooklyn and Queens boroughs (the outermost and most populated ones) were most opposed, believing that tolling the CBD subjected 80% of New Yorkers to a restriction that benefits only those in Manhattan. [58] Only 5% of workers in these boroughs commute by personal vehicle to the CBD, yet opposition permeates across the entirety of the boroughs. [59] Had New York City taken a similar approach to misinformation as London's TfL, there is a possibility this sentiment could have been mitigated. New York successfully created a transportation department, the Metropolitan Transportation Authority (MTA), which was supposed to be the recipient of congestion charge revenue for public transportation, but it did not help the cause. Recall that one of the barriers to congestion charging was lack of public confidence in institutions—the MTA was often referred to as inefficient or incompetent by the media and even certain politicians. [60] People did not trust that money would make it to the MTA or be used effectively, and this sentiment was reinforced when the MTA cancelled a 30 million USD service improvement that had been announced only three weeks earlier due to budgetary reasons. [61] Intersectoral communication was present but cooperation and trust certainly were not.

Lastly, scalar cooperation was not in favour of a congestion charge. New York is in a unique position in that, unlike London, it required approval from three legislative bodies: the New York City council, the New York state legislature (comprised of the senate and assembly), and the Governor of New York. [62]

Despite local political support, the state legislature turned down the proposal, largely because the assembly was comprised of members who represented the outer boroughs. [63] The proposal being turned down meant that the city missed the deadline to apply for funding from the federal Department of Transportation, and the policy was not realized. [64] The small portion of New Yorkers who believed the congestion charge acted against their self-interest created the biggest obstacle in the implementation of the policy as their beliefs permeated spatially. Congestion charging benefits had to appeal to society and individuals to gain total support, and this was not effectively communicated in the case of New York City. While New York City was a prime example of what can go wrong when attempting to implement a congestion charge policy, there are recent efforts attempting to realize the plan and perhaps this time, New York will see success as it is taking an approach more similar to London's in terms of framing, coordination, and communication.

CONCLUSION

The implementation of congestion charging schemes depends on the strength of a mayoral champion, scalar cooperation, and intersectoral coordination. If a city is able to successfully balance all three factors it can achieve policy realization by means of effective public communication that garners public support. If realized, a congestion charge can shift a city's modal share from personal vehicle usage toward mass transit systems, walking and cycling—a difficult task to accomplish in an urbanized world —and consequently reduce traffic congestion, air pollution, and promote economic efficiency.

Greater London and New York City serve as prime examples, exhibiting the success factors and challenges associated with implementing congestion charges and how to navigate the policy-making journey. As cities in an urbanized world continue to balance economic growth and environmental sustainability, they can look to the congestion charge case study to navigate their urban mobility challenges and successfully implement a congestion charge that yields a sustainable urban environment.

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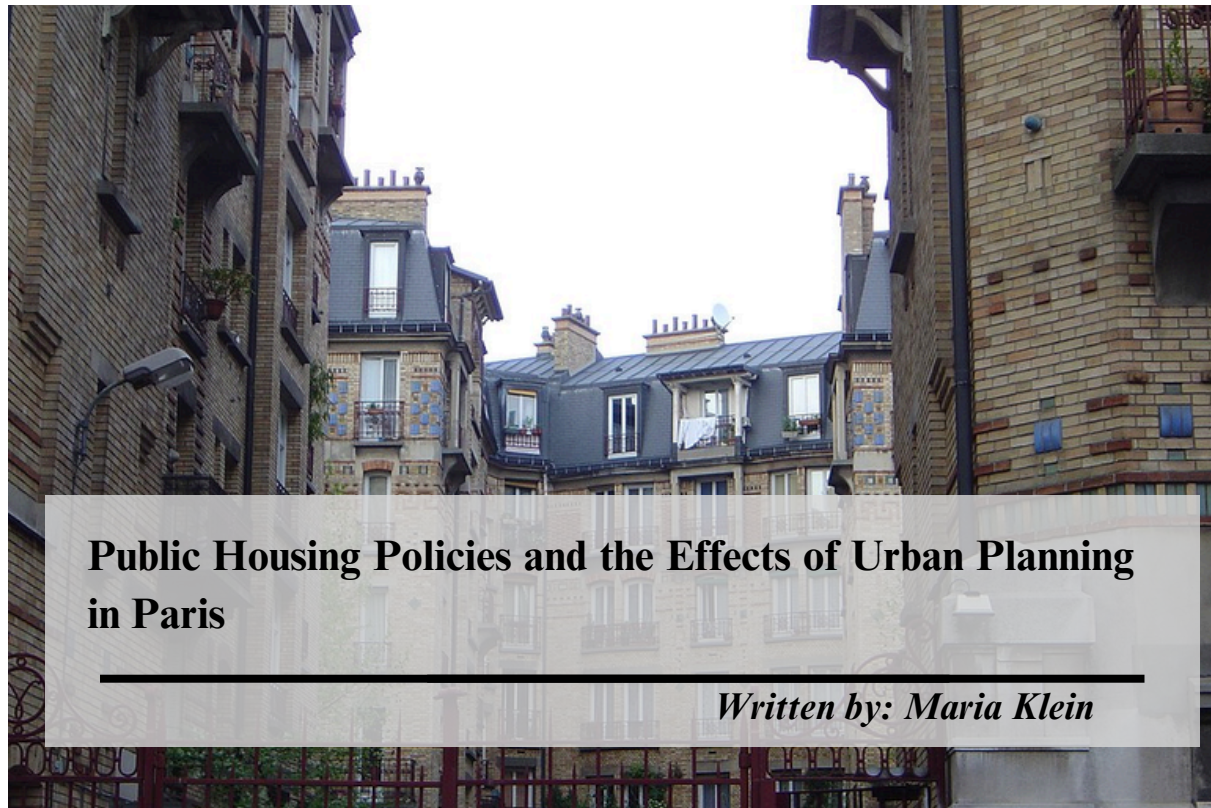
Public Housing Policies and the Effects of Urban Planning in Paris

Written by: Maria Klein

Abstract

This paper examines the historical development of public housing policies in Paris and their role in shaping the socio-economic landscape of the suburbs–commonly called the banlieues. It explores how urban planning decisions, driven by political and economic factors, have reinforced socio-economic segregation and marginalized immigrant communities. Through the lens of urban political economy, social exclusion, spatial segregation, and gentrification theories, the study assesses the impact of public housing initiatives ranging from early legislation (the Siegfried and Loucher laws) to post-war "Habitations à Loyer Modéré" (HLM) developments and contemporary reforms like the Law of Solidarity and Urban Renewal (SRU). The analysis shows that although public housing policies were designed to address housing shortages, they have unintentionally targeted lower-income and immigrant populations in suburban peripheries–further deepening existing divides. While recent efforts by national policy makers, municipal authorities, and grassroots organizations aim to mitigate these disparities, challenges persist due to systemic barriers and local resistance. This research highlights the importance of inclusive urban policies that create equitable development and help integrate all communities in a changing Paris.

Keywords: Social housing, Urban renewal, Gentrification, Sustainable urbanism, Paris

INTRODUCTION

This research paper examines the historical development of public housing policies in Paris, focusing on their role in shaping the banlieues (suburbs typically located on the city's outskirts) and the impact on marginalized communities. Since the mid-20th century, these policies have played a central role in forming patterns of socio-economic segregation and spatial inequality. By placing large-scale public housing complexes into outlying districts, policymakers intended to solve overcrowding in the city center. However, economic, political, and social factors intertwined– often inadvertently–to deepen suburban marginalization. Many of these suburbs, or banlieues, have become associated with lower-income and immigrant communities, poorer infrastructure, and high unemployment rates. The central question driving this paper is:

> **How have public housing policies in Paris shaped the development of banlieues and contributed to the marginalization of certain communities?**

This study applies three key academic frameworks– the urban political economy, social exclusion and spatial segregation, and gentrification–to examine the complex interplay between public housing policies, urban planning, and socio-economic marginalization in Paris. First, urban political economy illustrates how political and economic forces shape planning decisions, often prioritizing profit motives and centralizing power at the expense of equitable development.

Second, social exclusion and spatial segregation theories reveal how physical spaces like public housing projects become focal points of inequality, where marginalized communities face persistent barriers to integration and mobility. These obstacles perpetuate cycles of poverty and social isolation within the banlieues. Finally, gentrification theory underscores how rising property values and urban renewal efforts in central Paris displace lower-income residents, pushing them to peripheral suburbs and further intensifying socio-economic divides. Taken altogether, these frameworks demonstrate that public housing policies and urban planning have not just mirrored existing social inequalities but have also actively reinforced them, contributing to the entrenched marginalization in Paris's outer districts.

THE HISTORICAL ORIGINS OF SOCIAL HOUSING IN FRANCE

Social housing in France originated in 19th-century philanthropic endeavours led by religious and business groups. Over time, these initiatives were bolstered by legislation such as the 1894 Siegfried Law and the 1928 Loucheur Law. The Siegfried Law was one of the first major efforts to encourage the construction of habitations à bon marché (HBM), or low-cost housing, by offering tax incentives and financial support to housing cooperatives and other non-profit entities. [1] This came at a time when rapid urbanization and severe overcrowding made access to decent, affordable housing a clear social issue. Despite its intent, The Siegfried Law had limited impact due to insufficient funding and a poor implementation network. [2] The 1928 Loucheur Law was a response to the severe housing shortage following World War I.

It was introduced by the Minister of Labour to facilitate state financial intervention for the construction of 200,000 low-cost homes over a five-year period and significantly expand government involvement in housing production, thus laying the groundwork for modern social housing. [3]

Post-War "Habitations à Loyer Modéré" (HLM)

After World War II, rapid industrialization and urbanization in major French cities led to an urgent need for affordable housing. In Paris, the government's solution was to build large public housing projects known as HLM ("Habitations à Loyer Modéré") in the banlieues, where land was cheaper and space more available. [4] In theory, France followed a "generalist model" of social housing, intended for broad segments of the population rather than exclusively for the most disadvantaged. Yet as time passed, many high-rise estates ended up primarily serving lower-income, often immigrant populations (particularly from former French colonies in North and Sub-Saharan Africa). This pattern gradually created stark class and ethnic divides between central Paris and its outskirts. [5]

Evolving Policies

During the mid-20th century, both socialist and Gaullist governments harnessed social housing to accommodate industrial workers and lower-skilled labourers. Overcrowded grands ensembles–large-scale post-World War II housing estates originally built to address urgent housing shortages– in suburban areas, however, suffered from poor maintenance and social isolation. Meanwhile, by the late 20th century economic changes like deindustrialization and recurring recessions hit the suburbs hardest, compounding poverty and unemployment.

This led to policy shifts under neoliberal frameworks that reduced welfare budgets. [6] Decentralization in the 1980s gave local governments greater responsibility for tailoring social housing programs, though issues of spatial segregation and social exclusion persisted. Most notably, the Law of Solidarity and Urban Renewal (SRU), passed in December 2000, required municipalities with more than 3,500 residents (or 1500 in Ile-de-France) to maintain at least 25% of their housing as social housing by 2025. [7] Intended to curb growing segregation, this quota system seeks to combat the concentration of poverty in certain areas–which often leads to social exclusion and urban fragmentation. Yet two decades later, 1,222 municipalities still fail to meet the 25% threshold, for example back in 2017, 269 non-compliant municipalities were charged a total of €77 million in increased fees under the law's Article 55 clause. [8] These fees help fund the national social housing budget, underscoring the law's enforcement mechanisms. In extreme cases, the state can even override local zoning decisions to ensure the construction of social housing, addressing the historical tendency of wealthier municipalities to resist such projects in order to maintain exclusivity and high property values.

IMPACT OF POST-WAR URBANIZATION

Spatial and Social Segregation

Political and economic factors have been central in shaping Paris's urban planning. Public housing in the banlieues frequently clustered lower-income and minority populations away from affluent, predominantly white areas in central Paris. [1] Over time, these suburbs became synonymous with socio-economic struggles: elevated unemployment, limited quality schools, and inadequate health services.

Physical distance from the central business district complicated efforts to integrate residents into broader economic life.

Economic Marginalization and Stigmatization
Many factories and industries relocated to the banlieues in hopes of cheaper land and labour, but waves of deindustrialization later closed these cities, further undermining local job markets. [10] Immigration from former French colonies provided the necessary labour to rebuild postwar France, yet these communities often faced entrenched barriers. Unemployment rates remain significantly higher in many suburbs than in central Paris [11].

Over the decades, suburbs like Clichy-sous-Bois and Saint-Denis have come to symbolize marginalized France.

> ## Social stigmas, combined with minimal political representation, perpetuate a cycle of exclusion.

For example, as far back as the 2005 French riots, originating in Clichy-sous-Bois, demonstrated widespread anger among youth who felt cut off from mainstream opportunities. [12] Policy responses, often short-term or aimed at policing rather than extensive economic investment, have struggled to address the underlying grievances. In response, many local leaders and community groups have pushed for improved public services and housing conditions. They demand investments in transportation, education, and healthcare to bridge gaps between the city center and the banlieues. [13] However, these grassroots initiatives contend with limited budgets, bureaucracy, and sometimes the political disinterest of national leaders. [14]

GENTRIFICAITOIN AND SPACIAL SEGREGATION

Even as certain suburban neighborhoods suffer from neglect, other areas closer to Paris's core have experienced gentrification. Developers and local governments often label these projects "urban renewal" or "economic development," claiming they benefit local communities by attracting new businesses and improving infrastructure.

Hidden Power Dynamics: Bachrach and Baratz's "Two Faces of Power"
Drawing on Bachrach and Baratz (1962), influential groups can keep specific issues like affordable housing off the political agenda by framing neighbourhood "beautification" or "revitalization" as uncontroversial priorities. This framing masks the displacement of existing lower-income residents, who are typically immigrant or working-class. In practice, real estate interests lobby heavily for projects that favour luxury developments over broader affordability. [15] Institutional tools like zoning laws often deter or limit the construction of low-income housing, justifying these restrictions through appeals to property values or "preserving neighbourhood character." In parts of the 19th arrondissement or near Canal Saint-Martin, redevelopment has raised property values dramatically, pricing out long-time residents. [16] Thus, gentrification can exacerbate the very inequalities it claims to solve.

DISCUSSION

Case Studies: Clichy-sous-Bois, Saint-Denis, and Aulnay-sous-Bois
These banlieues, located northeast of central Paris, epitomize the challenges stemming from large-scale post-war housing policies.

Early on, the grands ensembles built in these suburbs were celebrated as modern solutions to overcrowding, yet they soon fell into disrepair and suffered from inadequate maintenance. Over time, high unemployment, insufficient social These banlieues, located northeast of central Paris, epitomize the challenges stemming from large-scale post-war housing policies. Early on, the grands ensembles built in these suburbs were celebrated as modern solutions to overcrowding, yet they soon fell into disrepair and suffered from inadequate maintenance. Over time, high unemployment, insufficient social services, and sustained immigration inflows created pockets of acute marginalization. [17] Within these zones urbaines sensibles (ZUS), single-parent households are more prevalent families (25.7% compared to 15.8% in other urban areas), unemployment rates are higher, and the immigrant population are disproportionately large. [18] These factors perpetuate socio-economic isolation, making it difficult for residents to access the same opportunities as those in wealthier Parisian districts. In Seine-Saint-Denis alone, approximately 32% of the population are immigrants, compared to a national average of 10%. [19] Ile-de-France alone houses 37% of France's immigrant population, despite representing only 18% of the national population, according to France's National Institute of Statistics and Economics (INSEE). This stark concentration reinforces spatial segregation, confining stigmatized communities within under-resourced areas and further limiting upward mobility.

Olympic Pressures 2024
Preparations for the 2024 Summer Olympics in Paris brought renewed attention to these inequalities. The presence of thousands living in squats and street encampments underscored the urgent need for housing solutions.

There were evictions tied to Olympic preparations disproportionately displacing vulnerable groups. [20] Critics argue that such "cleanup" initiatives risk pushing marginalized groups even further from stable housing.

The closure of squats and subsequent relocation or deportation of evicted individuals further illustrates that policy responses can exacerbate housing insecurity for immigrants, compounding their marginalization.

Race as an Ideology and the Works of Smedley & Smedley
Although the French state avoids explicit racial categorizations, racialized and ethnic minority communities bear the brunt of suburban marginalization. In line with Smedley and Smedley's argument that race is a socially constructed rationale for unequal treatment, policies that place immigrant-majority groups in peripheral housing reflect the enduring effects of colonial history. [21] For instance, redevelopment efforts in the banlieues often fail to address the systemic causes of marginalization, paralleling the U.S. failure to confront racialized policy foundations. By downplaying racial or ethnic distinctions, France may inadvertently perpetuate the very disparities it seeks to address.

Trounstine's Analysis of Local Government
Trounstine (2018) highlights how local governance reinforces segregation through zoning decisions and uneven resource allocation. [22] In the Paris region, affluent municipalities frequently resist social housing to maintain high property values, leading to concentrated poverty in the less wealthy banlieues.

The deliberate concentration of low-income housing in Paris' outskirts can be linked to Trounstine's argument on zoning's role in reinforcing segregation. Policies prioritizing "les grands ensembles" in the 20th century pushed poorer, often immigrant communities to the margins. This structural imbalance intensifies socio-economic divides across metropolitan boundaries.

Coordinated Efforts and the SRU Law

Despite persistent challenges, policy initiatives like the SRU Law attempt to distribute social housing more evenly by mandating quotas for municipalities and imposing financial penalties on those who fail to comply. [23] Likewise, more recent legislation, such as the "loi pour l'accès au logement et un urbanisme rénové" (ALUR law) of 2015, aims to renew urban spaces, –improve housing quality, and foster social integration–often by demolishing dilapidated buildings and improving public infrastructure while also providing greater rent control benefits to low-income households. However, such measures can often displace long-term residents and fail to address the root causes of economic and social disparities, leaving the challenges to these banlieues only partially resolved. At the same time, Paris's goal of reaching 40% social housing by 2035, supported by policy incentives and greater local cooperation, illustrates how top-down measures can spur affordable development. [24] Nevertheless, tensions between economic pressures and social equity continue to shape debates about the city's future.

CONCLUSION

The historical and ongoing evolution of public housing in Paris sheds light on how urban policies, economic forces, and socio-political decisions intersect to produce segregation.

Early legislative moves, like the Siegfried and Loucheur laws, laid the groundwork for large-scale public housing, yet the placement of these developments in peripheral suburbs often trapped lower-income and immigrant communities in environments with fewer resources. Subsequent reforms, including post-war HLM constructions and the SRU law, aimed to address longstanding inequalities—but structural barriers persist.

Urban planning choices that concentrate poverty in the banlieues illustrate the power imbalances and racialized undertones of French housing policy. Gentrification intensifies these challenges by displacing vulnerable groups from neighbourhoods undergoing "revitalization," often without providing viable alternatives. Contemporary measures, from the Plan National de Renovation Urbaine (PNRU) to ALUR, signal attempts at reform, but these have sometimes uprooted residents without resolving deeper economic and social disparities.

Ultimately, the Parisian experience offers a cautionary tale of how well-intentioned housing initiatives can entrench inequality if not paired with genuine commitments to social integration, equitable resource allocation, and active engagement with marginalized communities. Moving forward, inclusive urban policies—with robust public investment and enforcement mechanisms—are crucial. If Paris is to become a truly equitable global city, it must embrace strategies that integrate rather than isolate, ensuring that all communities share in the city's growth and opportunities.

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