

# THE SOCIAL CONTRACT

*The University of Western Ontario's Political Science  
Undergraduate Academic Journal*

**Editor-in-Chief**

Laura Wiesen

**The Social Contract**  
*Expression Graphics / March 2008*  
University of Western Ontario (London, Ontario)

## TABLE OF CONTENTS

Preface	1
Letters from the Editors	3
Acknowledgements, Submissions and Sponsors	8
Undergraduate Political Science Association	12
<b><u>CANADIAN POLITICS</u></b>	
Western Greens	14
Western Conservatives	15
Western Liberals	17
Western New Democrats	18
Hold me Closer Tiny NAFTA <i>Pat Cahill</i>	19
Possible Explanations for the Smoke-Free Ontario Act <i>Kate Meyers</i>	36
<b><u>AMERICAN POLITICS</u></b>	
The US Bureaucratic System During Katrina <i>Andrew Clark</i>	55
<b><u>COMPARATIVE POLITICS</u></b>	
Soviet Intervention during the Cold War <i>David Dunnet</i>	65
Britain and the European Monetary Union <i>Michael Pelz</i>	80
<b><u>POLITICAL THEORY</u></b>	
Technology and “Embodied” Utopia <i>Alex Bos</i>	94
Marx’s Theory of Violent Revolution <i>Daniel Shiff</i>	108
<b><u>IDENTITY POLITICS</u></b>	
Women’s Issues Network	120
Women, Politics and the Media <i>Natalie Grella</i>	121

**INTERNATIONAL POLITICS**

Oxfam Western 133

STAND Western 134

Human Trafficking 136

*Yasmin Askari*

What is the Future of Taiwan-China Relations 161

*David Torre*

**BUSINESS AND GOVERNMENT**

Investments in Conflict Zones 175

*Daniel Stronks*

# The Social Contract

## PREFACE

On behalf of the Department of Political Science, I would like to congratulate you on publishing the third annual issue of *The Social Contract*. This year, Laura Wiesen (Editor-in-Chief) was responsible for overseeing the production of the journal. She shared this responsibility with several of her colleagues who invested considerable time and effort to ensure that the journal included some of the finest essays submitted by undergraduate students over the past year. Once again, the editorial staff has delivered a first rate collection.

The 2007-08 issue of *The Social Contract* includes essays on a diverse range of topics that will undoubtedly attract considerable interest in the academic community and beyond. Indeed, in the pages that follow, you can read about several interesting and provocative topics that have and continue to make the headlines. There are essays on the failure of US federal, state and local authorities to respond quickly and decisively to Hurricane Katrina, the ongoing concern over growing tensions in Sino-Taiwanese relations and the disturbing problem of Human Trafficking, to name a few. There are essays that address every major sub-field in Political Science.

As students of Political Science, we understand all too well the many complex issues confronting policymakers on a daily basis. But we also understand how critically important it is for the public to monitor and scrutinize the behavior of our elected officials to ensure that the public interest is truly being served. In writing about a wide range of domestic and foreign policy issues, you have made an important contribution to our understanding of how and why certain policy decisions were made and what could have been done to address more effectively the issues under consideration. In doing so, you have made an important contribution to shaping the public dialogue.

The Department of Political Science is very proud of

## **The Social Contract**

the work that the editorial staff and contributors have undertaken to make this publication a reality. As teachers and researchers, we appreciate the commitment and dedication required to assemble, edit and organize the vast resources necessary to prepare a high-quality journal for publication. There is no doubt that your efforts have paid off. My colleagues and I look forward to reading this year's issue of *The Social Contract* and are confident that you will continue to make this journal an important outlet for undergraduate students.

Please accept my congratulations and best wishes.

Donald Abelson  
**Professor and Chair,**  
*Departments of Political Science*

## The Social Contract

Watching Laura and her team work to put together *The Social Contract* has truly been an inspiring experience. I began my personal journey with the journal three years ago, the same time as Laura. Working together with her during my tenure as Editor-in-Chief, as well as this year, has demonstrated to me just how dedicated and innovative she is. She has led this publication into new territory and has worked tirelessly to ensure that the final product before you is of the highest quality.

The publication of this journal is not only the result of one person's efforts, but that of a team working together towards an end result. Laura has been fortunate to have a dedicated group of competent leaders surrounding her, who share the same level of passion for *The Social Contract*. I wholeheartedly believe that this year's edition of *The Social Contract* could not have been completed without the cohesive work of such a strong team.

As the year comes to a close, it is comforting to know that *The Social Contract* is left in the able hands of Andrew, our Editor-Elect. Andrew has played a fundamentally crucial role over the years and I am excited to see where he takes the upcoming edition of the journal.

I hope that as you flip through these pages, you gain an appreciation for some of the finest essays the undergraduate students at Western have to offer. It is my hope that you enjoy reading these papers as much as we did. Sitting down to read a fine piece of academic work is an enriching experience, one which presses you to think critically about some of the most fascinating subjects.

Congratulations to Laura and the entire Editorial Board for such a successful publication!

David Belous  
**Editor-Emeritus**  
The Social Contract 2007-2008

# **The Social Contract**

## **LETTER FROM THE EDITOR'S DESK**

Never has the importance of teamwork meant more to me than this past academic year. In the fall, a small group of dedicated and politically charged students got together. The task: to begin the long process of putting together this year's edition of *The Social Contract*.

*The Social Contract* made its debut in 2005-2006 under the leadership of the founder and first editor-in-chief, Daniel John Lynde. D.J.'s vision was to give the undergraduate community at Western an academic political science journal, whereby students from any discipline could have an opportunity to publish their work. I hope that this tradition continues for years to come!

While reading through this year's essay submissions, I was truly humbled and impressed at the level of dynamism and ingenuity among the papers. Thank you so much, students, for your incredible submissions! The decision-making process was, once again, not easy this year. Many events both in the national and international political sphere have engaged the minds of my peers. In the Canadian politics section, the two top papers this year address important issues about our country's political economy and the motives for provincial legislation. In the American politics section, a compelling argument for the sorry response on behalf of the US administration to the Hurricane Katrina Disaster was given. The author explores the failure of bureaucracy at the local, regional and national levels as the source of this response.

The two national sections are followed by the comparative politics section, which features two interesting papers dealing with Cold War politics and the European Union. The concept of a Utopia in cyberspace and Marx's theory of non-violent revolution are addressed in the political theory section. Further, the Identity Politics Section addresses how the media portrays female politicians. This is quite appropriate in light of the 2008 Presidential Elections in the US, which features a strong female candidate, Senator Hillary Clinton. Gender



## **The Social Contract**

issues are further explored in the International Relations section by a paper concerning Human Trafficking. Also, a more traditional IR piece on Sino-Taiwanese relations highlights the way in which students have been able to take their knowledge and incorporate some prescriptive elements into their essays. Finally, noting the fact that the genocide in Darfur is still raging on, the Business and Government section features a paper that considers the historical development of corporate social responsibility with respect to the operation of businesses in conflict zones. All of the papers were chosen not only for their clarity, creativity and quality of research, but also their ability to depict highly relevant political issues that go beyond the scope of the classroom.

None of this would have been possible without the support of the faculty members in Political Science. In particular, Professor Nigmendra Narain, who has acted as our faculty advisor for the past three years, gave us an unprecedented amount of dedication and time to assist in the process. Without his insight, legwork, and constant guidance, the journal would certainly not be possible. On behalf of the entire editorial board, we would like to thank Professor Narain for everything he's done for us this year! Further, I would like to thank Professor Abelson for his continued support, as well as Professor McDougall, whose personal generosity has been of great value to the journal's success.

Finally, I would like to thank the wonderful team of editors who have made this happen. Moments of academic overload were lightened, as new friendships were forged. The commitment each and every one of you brought to this journal is what will make it important. You have all taken time out of your busy schedules to help your peers publish their work, and offer a collection of incredible essays to students at the Undergraduate level, whether they are in political science or micro-biology.

My experience as editor-in-chief has been one of the most rewarding ones in my life. It was in my second year that I became involved as an editor for the American politics section

## **The Social Contract**

and the friends that I've made through this process as well as the skills I've acquired are of immeasurable value. I would like to take this opportunity to thank both D.J., and David Belous for their constant guidance. I also wish all the best of luck to Andrew Clark, the editor-elect for 2008-2009. I believe Andrew is one of the best assets to the team, and will make a great leader.

Yours Academically,

Laura Wiesen

**Editor-in-Chief**

*The Social Contract 2007-2008*

**Honors Double Major, History & Political Science Year IV**

## **The Social Contract**

### **LETTER FROM THE EDITOR-ELECT, 2008-09**

It has been yet another great year for *The Social Contract*, with a host of well versed authors that – by and large have made putting this issue together a pleasure and an excellent learning experience. This year’s journal contains some very high quality articles; chosen after a thorough selection process by our Editorial Board. It has furthermore been enlightening working with both Laura Wiesen and David Belous, whom I would like to applaud for the work they did this year leading the journal. Their guidance and passion will no doubt ensure that *The Social Contract* has a strong foundation from which it can grow in the coming years. Along with them, Faculty members such as Professors Nigmendra Narain, John McDougall and Donald Abelson – just to name a few – have helped us expand awareness of the journal to the hundreds of political science students at Western.

As incoming Editor-in-Chief for 2008-09, I’d like to thank everyone who submitted articles this year and who volunteered to help assemble the journal. It would be nothing without our team of enthusiastic and intelligent volunteers, many of whom will be graduating this year. It is on this note that I encourage anyone and everyone who is interested in the study of politics to volunteer for the journal and help us continue this tradition. Next year I hope to lead an equally brilliant team in expanding the quality and excellence espoused by *The Social Contract*.

Sincerely,

Andrew M. Clark

**International Relations Section Editor, Layout and Design  
Editor and Editor-elect,**

*The Social Contract 2007-2008*

**Honours Specialisation, Political Science, Year III**

# The Social Contract

## ACKNOWLEDGEMENTS

### Executive Board

<i>Editor-in-Chief:</i>	Laura Wiesen
<i>Editor-Emeritus:</i>	David Belous
<i>Editor-Elect and Layout &amp; Design Editor:</i>	Andrew Clark
<i>VP-Finance:</i>	Lauren Lee
<i>VP-Editorials</i>	Kendra Puls
<i>Communications Officer:</i>	Katherine Kalman
<i>King's Representative:</i>	Malika Chaudhuri Michael Chajes
<i>Section Editors, Canadian:</i>	Lacey Bazoian Michael Brzezinski
<i>Section Editors, American:</i>	Derrick DeBolster Josh Curk
<i>Section Editors, Comparative:</i>	Daniel Shiff Josh Zakkai Daniel Libman
<i>Section Editors, Theory:</i>	Michael Pelz Sophia Nallaiah
<i>Section Editors, Identity:</i>	Katherine Kalman Sarah Bittman
<i>Section Editors, International Relations:</i>	Andrew Clark Ajay Gajaria Victoria Smith
<i>Section Editors, Business &amp; Government</i>	Michael Chajes Michael Gilbert

### Editorial Staff

Cheung, Kathy	Fan, Jenny
Cheung, Samantha	Hall, Matt
Coates, Katie	Puls, Kendra
Coome, Lindsay	Teodorescu, Alexander
DeBora, Jordan	Bittman, Sarah

## The Social Contract

### SUBMISSIONS

*Thank you to all of you who submitted essays to the journal...*

Aarsen, Brady  
Al Aloul, Ismaa  
Armstrong, Kaitlyn  
Askari, Yasmin  
Basmadjian, Ara  
Berg, Emily  
Briscoe, Patrick  
Brzezinski, Michael  
Burbridge, Richard  
Cahill, Pat  
Campbell, Andrea  
Chater, Andrew  
Chen, Danny  
Chomski, Daniel  
Clark, Andrew  
Clark, William  
Cybula, Mateusz  
Dubinsky, Jessica  
Dunnet, David  
El Morsy, Tarek  
Fanous, John  
Goettl, Tyler  
Goodwin, Hayley  
Grella, Natalie  
Horvatin, Matthew  
Irish, Mark  
Jamal, Safir  
Jimmo, Jessi  
Kirshen, Jeffrey  
Kyriakakis, Pantelis  
Leinwand, Adam  
Lynde, liz  
Ma, Steven  
Martin, Cole  
Martin, Jessi  
McGregor, Anna  
McLauchlin, Kate

## **The Social Contract**

Meyers, Kate  
Pejman, Yegana  
Pelz, Michael  
Radia-Bramwell, Sabrina  
Rasmussen, Chelsea  
Ridha, Marwa  
Roulston, Erin  
Schensema, Amanda  
Shiff, Daniel  
Shulman, Deborah  
Simpson, Kyle  
Sivakumaran, Thiru  
Smith, Michael  
Spadar, Anton  
Spear, Ashton  
Stewart, Melissa  
Stronks, Daniel  
Summers, Matt  
Torre, David  
van Staalduinen, David  
Venter, Radu  
Yun, Kevin  
Zohar, Sean

**The Social Contract**

**PROUD SPONSORS OF THE  
SOCIAL CONTRACT**

University Students' Council (USC)

King's University College Students' Council

Main Campus Political Science Department

Professor John McDougall

Faculty of Social Science

Social Science Students' Council (SSSC)

## **The Social Contract**

### **UNDERGRADUATE POLITICAL SCIENCE ASSOCIATION**

The Undergraduate Political Science Association is Western's premiere club for those interested in politics and government. The purpose of the club is to bring together politically minded students who wish to enrich their involvement in politics and participate in various academic and social events. UPSA offers a great way to get involved outside of the classroom.

The club offers a wide range of events including two info sessions on graduate studies and summer internships, round table discussions, and essay review by the executive. The club has just launched a yearly trip to Washington D.C. to tour the White House, Pentagon, and other major American government buildings. The club also makes it a priority to use the political science departmental budget to bring speakers to the university.

UPSA is one of the only non-partisan political clubs at Western, which allows it to accommodate a diverse membership base and act as a liaison between the partisan groups on campus. Members should expect to receive updates on political events around campus including guest speakers and partisan events. It is also a priority for UPSA to act as a liaison between the students and the student council at Western.

Whether you are a political science major or a student looking to be more involved, the Undergraduate Political Science Association offers an experience that will enhance your experience here at Western.

For more information email [usc.clubs.polisci@uwo.ca](mailto:usc.clubs.polisci@uwo.ca) or visit <http://www.usc.uwo.ca/clubs/upsa/>.

**Sacha Kumar**  
*President, UPSA 2007-2008*



## The Social Contract

### CANADIAN POLITICS

*Americans should never underestimate the constant pressure on Canada which the mere presence of the United States has produced. We're different people from you and we're different people because of you. Living next to you is in some ways like sleeping with an elephant. No matter how friendly and even-tempered the beast, if I can call it that, one is affected by every twitch and grunt. – Pierre Trudeau*

## **The Social Contract**

### **WESTERN CAMPUS GREENS**

The students and faculty of the University of Western Ontario have been very supportive of the Greens, both provincially and federally. Green clubs are hard at work across Canada, raising the Party's profile and bringing a multitude of talented people into the Green fold. During the past election campaigns, everyone's interest and support has resulted in more people viewing the Green Party's values and policies as viable, necessary and increasingly self evident.

I believe the Green Party is about connections and relationships. Everything is connected to everything else. Energy production and use, food and textile production and economic trade, have never been separate from social justice, gender equality and peace. If we develop and foster an ecological consciousness, then anything is possible - lives filled with awe, faith, celebration, and a love of learning. Greens around the world find inspiration from those who did not shrug from this responsibility. Globally, Greens are found in over 70 countries and growing. The tides are turning Green, metaphorically of course (if they are green, there may be an algae bloom or someone's doing something wrong). Greens are neither right nor left politically - we need both wings to fly. We look at the future as Green versus Grey. The social contract must grow to include all life, to legally protect everything that once was viewed only in terms of their use to us. According to Thomas Berry, cultural historian, "I am not myself without everything else." We need everything to be healthy, because we cannot have healthy people on a sick planet. Only by becoming native to this place, according to Kirkpatrick Sale, will we begin to live on Earth as if we mean to stay.

When the world seems to be broken in so many areas, I find solace in the Green Party - its grassroots mandate, its members, its focus on the future, and the policies we continually refine for engaged citizens to vote for.

**Pamela Reid**

*President, UWO Campus Greens*

## **The Social Contract**

### **WESTERN CONSERVATIVES**

The UWO Tories have experienced a successful and exciting year. A great deal of this success is owed to a strong and experienced executive. We are proud of our executive members, some of who spent the summer interning in the Prime Minister's Office and Senior Minister's Offices in Ottawa. Our club began on a high note with a successful September Clubs Week. We recruited an impressive number of new members, eager to become involved in the growing conservative movement. The provincial election in October created many opportunities for our club members to become politically engaged. We reached out to the Progressive Conservative candidates in the London area, and many of our members played key roles on the local campaigns. In September, we hosted a well-attended event at the popular Alex P. Keaton, featuring local candidates and the Member of Parliament Joe Preston. While the results of the October election were disappointing, our club was proud to have played a valuable role in the campaign.

Our General Meeting in November resulted in a record breaking attendance. Seven people ran for the position of First Year Representative, and we were impressed with the enthusiasm of our first year recruits. In late November, we were honored to welcome John Baird, Minister of the Environment, to Western. We celebrated with a large reception at the Wave, and the Minister impressed students with his humor and down-to-earth persona.

Coming up, the UWO Tories will be hosting an event with the Conservative Party Summer Internship Coordinator, and we are excited to offer our members this great opportunity. Finally, we have begun the task of finding and reaching out to club alumni. As one of Canada's oldest campus political clubs, our outstanding alumni are all over the world, leading in business and politics.

## **The Social Contract**

We urge you to join the UWO Tories, where you will meet like minded youth, be exposed to some great opportunities and have lots of fun!

Sincerely,

**Kathryn V. Mitrow**

*President, UWO Conservative Association 2007-2008*

## **The Social Contract**

### **WESTERN LIBERALS**

The Western Liberals represent a strong and progressive force on campus actively working to ensure that youth interests and perspectives are heard within both the Ontario Liberal Party, and the Liberal Party of Canada. As the largest political club on campus, we have a diverse membership of individuals who are committed to addressing the pressing problems of today, and of the future. Whether it be fighting for same-sex marriage, meeting our targets for the Kyoto protocol, or overturning the divisive and hierarchical nature of the Harper government, Liberals represent Canada's best choice for a more inclusive and responsible future.

Joining any political party is an important step to become involved in the political process in Canada. Our club was heavily involved during the provincial election, and participated in numerous debates on campus. Other exciting events including visiting Queens Park for the annual Ontario Model Parliament, and attending events across the province with the Ontario Young Liberals. We are also pleased to host numerous guest speakers, which this year included former Harvard scholar Michael Ignatieff, Ralph Goodale, and Justin Trudeau. Beyond politics, our club is an exciting social venue, and offers a great opportunity to meet new people who care about similar issues as you.

Whatever your partisan affiliation, or even if you do not have one, becoming involved in politics is one of the single most important things you can do. Politics is everywhere, and becoming acquainted with the challenges facing our country provides a rich and rewarding experience. In the meantime, please feel free to visit our website at [www.westernliberals.ca](http://www.westernliberals.ca) or email us at [info@westernliberals.ca](mailto:info@westernliberals.ca) for more information about our club.

With Best Wishes,

**Michael Pelz**

*President, Western Liberals 2007-2008*

## **The Social Contract**

### **WESTERN NEW DEMOCRATS**

The Western New Democrats are an officially chartered group with the Ontario New Democratic Youth, the Ontario NDP and the federal New Democratic Party. As such we have a twin responsibility of representing the NDP to students on campus and of representing the interests of UWO students to the party. To that end we participate as delegates at youth, provincial and federal party conventions.

As a Democratic Socialist party the NDP is a member of and adheres to the principles of the Socialist International. However, unlike socialism in the Marxist sense, which aims to replace the capitalist system entirely, social democracy aims to reform capitalism in order to remove its social injustices. It is a form of democracy that extends to the economic realm and aims to solve the problems found in unregulated capitalism.

The UWO-NDP is a very active club and this past year alone we have held several events to advocate for social justice issues and promote student involvement in politics. We welcomed Jack Layton and Howard Hampton to campus during the provincial election in which we also helped with the London North Centre campaign. We held two successful multi-partisan panel discussions, one on Poverty in London and one on Women in Politics. Historically, Western New Democrats have been strong advocates of students rights on campus and to that end, this year we held a debate on the future of tuition fees. We also publish a progressive monthly newspaper - 'LEFT'. New members are always welcome!

Find out more information on our official website;  
[www.westernnewdemocrats.ca](http://www.westernnewdemocrats.ca)

**Mike Mlynarczyk**  
*Vice President-Finance*

# **The Social Contract**

## **Hold Me Closer, Tiny NAFTA**

The Impact of Free Trade on Canada's Political and Economic  
Fragmentation

*By Pat Cahill*

### **Introduction**

Few would doubt that the proliferation of trade brought about by the Canada-US Free Trade Agreement and North American Free Trade Agreement has had an influence on the economy and the political processes in Canada. However, the extent to which free trade has been responsible for fragmenting these political and economic realms remains a contentious issue. The purpose of this paper is twofold. The first goal of this paper is to establish the extent to which Canada's economy has been fragmented. In terms of economics, there are several proposed structures of fragmentation. Evidence will be presented that legitimizes the argument that Canada has been fragmented into a system of "economic regionalism." This has been proven by the increased dependency placed on the economies of cross-border states as opposed to those of other provinces. Economic regionalism has been institutionalized by organizations that consist of representatives from sub-national governments on both sides of the border. However, in order to establish economic regionalism as the most accurate form of fragmentation, one must refute the idea that Canada could be further fragmented into a system of "city-regions". For this reason, the "glocalization" theory will be discredited. In order for fragmentation to occur at this level, there would have to be a major devolution of power from the provincial government to individual municipalities. Such an occurrence would be unlikely given the limited extent to which Canadians identify with their locality as opposed to their nation/province.

The second goal of this paper is to establish what areas of Canadian politics have been most affected by the forces of economic regionalism brought about by free trade. One argument to be examined states that economic

## **The Social Contract**

regionalism will have a divisive affect on social policy within Canada. However, this claim will be disputed. The major flaw in this argument is that the emphasis placed on “Canadian values” by the general public serves as a major roadblock for fragmentation in this area. Finally, it would be difficult to write a paper about Canadian fragmentation without mentioning the role of Quebec. It will be argued that free trade with the United States acts as a catalyst for the separatist movement. Although the causes of this movement are domestically generated, the implementation of free trade has helped cast separatism as a viable option for the Quebecois.

In summation, the implementation of free trade with the United States has accelerated the economic fragmentation of Canada by creating distinct regions within the country that rely more on interaction with cross-border states in their region than with other provinces. By limiting provincial interdependence, the viability of Canadian social policy has been called in to question. In addition, it has added momentum to the separatist movement in Quebec.

### **The Effect of Free Trade on Economic Fragmentation**

There are two main characteristics of “economic regionalism.” First, it promotes the need for trading relationships to be based upon similarities in industry and geographical convenience as opposed to borders. Second, these regions are usually controlled by politicians at the state-provincial level and have little concern for federal priorities. The first section intends to explore the effect that the move from east-west trade to north-south trade has played in the creation of economic regionalism within Canada. The largest effect produced by this shift was the tendency to ignore the economic concerns of other provinces while focusing more on adjacent US states. This focus on regionalism is exacerbated by the presence of cross border organizations such as the Conference of New England Governors/Eastern Canadian Premiers (NEG/ECP) and the various committees set up in the Cascadia region. These institutions serve to formalize the notion of economic regionalism as they provide a concrete structure for managing and expanding trade within an isolated



## The Social Contract

area. In this sense, they are needed to make economic regionalism seem credible. In terms of the influence of free trade on these organizations, it becomes clear that it is a catalyst. In the case of Cascadia, free trade served as the push needed to synergize a region that was already destined for reintegration. However, in the case of the NEG/ECP, the proliferation of free trade only serves as an additional area of concentration. There is clearly a need for this organization that extends beyond free trade.

### The Creation of Economic Regionalism

As McDougall notes, the north-south flow of goods has grown to the point that all provinces except Prince Edward Island now “export more to the rest of the world (principally to the US) than to the rest of Canada.”<sup>1</sup> This is clearly a result of North American trade liberalization as Canadian exports to the United States and Mexico rose 129 percent in the first seven years after the NAFTA came into effect. In comparison, Canadian exports to the rest of the world rose only 29 percent over the same period of time.<sup>2</sup> In terms of decreasing east-west trade, Brodie and Smith point out that during the 1990s, international exports grew at a rate of 11 percent per year while inter-provincial exports grew at a rate of only 3 percent per year.<sup>3</sup> More and more provinces are being tempted to trade with neighboring states as opposed to other provinces. Thus, the trend of increasing north-south trade is clearly dominant and capable of fragmenting the Canadian federation into separate economic regions.

---

1 John McDougall, *Drifting Together: The Political Economy of Canada-US Integration*. (Toronto: Broadview Press, 2006), 216.

2 Richard Simeon, “Important? Yes. Transformative? No. North American Integration and Canadian Federalism,” in *The Impact of Global and Regional Integration on Federal Systems*, edited by H. Lazar (Montreal: McGill-Queen’s University Press, 2003), 132.

3 Janine Brodie and M. Smith, “Regulating the Economic Union,” in *Balancing Act: Managing the Post-Deficit Mandate, How Ottawa Spends, 1998-1999*, edited by L. Pal (Toronto: Oxford University Press, 1999), 82.

## The Social Contract

An obvious effect of the increased emphasis on north-south trade is the emergence of a greater concern for the economic conditions of adjacent cross-border states as opposed to other Canadian provinces. Richard Simeon uses the analogy of the auto manufacturing industry to make this point. Basically, once auto workers in Oshawa or Windsor begin to realize that they are producing cars primarily for the American market, they will become less concerned with the economic well-being of other provinces. This is because their ability to sell cars would not depend on it.<sup>4</sup> Thus, fragmentation arises due to the fact that there is a lack of dependence between Canada's different economic regions. Essentially, they are able to operate autonomously of one another due to the increased emphasis that free trade with the United States has placed on north-south trade and industry specialization. Tom Courchene's study of the major recessions of the 1980s and 1990s makes this point abundantly clear. Courchene notes that the impact of each recession seemed to have an isolated impact on the Canadian regions that dealt with the effected industries, while leaving the rest of the country relatively unaffected. The recession of the 1980s was primarily commodities based and therefore produced devastating results for Alberta and British Columbia. However, these two provinces barely felt the thrust of the industrial recession in the 1990s, despite the hardships inflicted on the golden horseshoe region.<sup>5</sup> Thus, it becomes clear that Canada's different economic regions are not so much tied to one another as they are dependant on their cross-border partners. If a recession in one area of the country is unable to have a significant impact on another, the notion of having a true national economy becomes less plausible. Therefore, increased trade with the United States has accelerated Canada's economic fragmentation by focusing an industry's viability on the success of their cross border region as opposed to the national economy.

---

4 Simeon, 138.

5 Tom Courchene, "Ontario as a North American Region State," *Regional and Federal Studies* 9, no. 3 (1997): 9.

## The Social Contract

### The Institutionalization of Economic Regionalism in Canada

The increased regionalization of economic interests has had the effect of producing institutions that further emphasize Canada's fragmentation in this area. The increased flow of north-south trade has spawned the institutionalization of cross-border associations of sub-national governments. These associations act to increase the frequency of meetings between Premiers/Governors in a given region and allow them to address issues of common concern. These issues often take on a regional character and exacerbate the priority placed on improving trade relations with cross-border neighbours as opposed to other provinces or economic regions within Canada. This section of the paper will use both the "Cascadia" region and the Conference of New England Governors/Eastern Canadian Premiers (NEG/ECP) to demonstrate the institutionalization of Canada's different economic regions.

The provinces and states of British Columbia, Alberta, parts of the Yukon and Northwest Territories, Alaska, Washington State, Oregon, Montana and Idaho combine to form the Pacific Northwest region of North America, which has become known as "Cascadia." These provinces and states share both a similar history and similar economies. As Schell and Hamer note, there are a number of historical and geographical factors that have led to Cascadia's increasing integration. These factors have also led to an increased independence from other North American markets. However, although these factors encouraged the formation of Cascadia, free trade between the nations clearly played an accelerating role. Schell and Hamer postulate that the arbitrary nature by which the border between Washington State and British Columbia was drawn was bound to lead to reintegration between the two entities. In addition, the isolation from the rest of North America provided by the Rocky Mountains acts as a historical barrier between the Cascadia region and the rest of the continent.<sup>6</sup>

---

<sup>6</sup> Paul Schell and John Hamer, "Cascadia: The New Binationalism of Western Canada and the US Pacific Northwest," in *Identities in*

## The Social Contract

Essentially, free trade acted as a catalyst in this reintegration process that Schell and Hamer believe was inevitable. Shortly after the signing of the Canada-US Free Trade Agreement (FTA), cross border traffic began to increase.<sup>7</sup> It was at this time that Cascadia began to see itself as one economic region, with only a limited regard for the borders. In order to promote strong economies in Washington State and British Columbia, the Pacific Northwest Economic Partnership (PNEP) was signed shortly after the FTA in 1989. PNEP agreed to cooperate and foster mutual economic growth in the five region specific industries of biotechnology, aquaculture, fashion, marine instruments and tourism.<sup>8</sup> Therefore, even though there were historical and geographical factors influencing the creation of Cascadia, it was the economic benefits associated with the similarities in their industries as well as the FTA that fused these provinces and states together as an economic region. It simply makes more sense for British Columbia and Alberta to associate more with their Cascadia partners now that trade restrictions have been lifted. Another institution that has been produced by the integration of the Cascadia region is the Pacific NorthWest Economic Region (PNWER). This is essentially a more inclusive version of PNEP that deals with much similar issues.<sup>9</sup> The fact that these industrial similarities exist produces the rationale for closer cross border institutionalization in the form of PNEP and PNWER following the signing of the FTA. Clearly, the Canadian members of Cascadia share more in common with their cross border neighbours than with the rest of the country. Free trade allows them to do what is natural, which is to integrate with each other, and fragment themselves from other regional economies within Canada.

---

*North America: The Search for Community*, edited by Robert Earle and John D. Wirth (Stanford: Stanford University Press, 1995), 145.

<sup>7</sup> Ibid, 141.

<sup>8</sup> Ibid, 153.

<sup>9</sup> Ibid, 153.

## The Social Contract

The Conference of New England Governors/Eastern Canadian Premiers serves as another example of free trade enhancing the institutionalization of cross-border economic regions. However, in this case the evidence suggests that the strength of the NEG/ECP would be relatively similar if not for the implementation of the FTA, and later, the NAFTA. This partnership consists of Nova Scotia, Newfoundland, Prince Edward Island, New Brunswick, Quebec, Maine, Rhode Island, Massachusetts, New Hampshire, Vermont and Connecticut. The institutionalization of this economic region has resulted in formation of many committees and agreements aimed at strengthening economic ties in the region. One example of this is the Tri-Regional Economic Committee (TREC). TREC was created in 1983 before the FTA came in to effect with the intention of improving economic relations between NEG/ECP members. As the evidence will show, TREC was capable of establishing Northeastern North America as a distinct economic region regardless of the FTA/NAFTA impact on trade. There are two primary reasons for this assumption. First, cross-border trade in Northeastern North America began to see a sharp increase prior to the implementation to the FTA in 1988. Cross-border trade almost doubled between 1981 and 1987, growing from 4 billion dollars annually to just over 7.5 billion.<sup>10</sup> Thus, the economic partnerships in this region were bound to flourish to some extent solely due to the increased interaction amongst partners.

In addition, the decision to integrate the state-provincial economies of Northeastern North America was not brought about for the sole purpose of increasing trade over the border. It also intended to make the region more viable in the international marketplace. As Martin Lubin notes, the prosperity of the region was in large part, based on their global competitiveness. Essentially, leaders in the NEG/ECP felt as though they had to increase productivity in order to fend off

---

10 Martin Lubin, "The Routinization of Cross Border Interactions: An Overview of the NEG/ECP Structures and Activities," in *States and Provinces in the International Economy*, edited by Douglas Brown and Earl Fry (Berkeley: Institute of Governmental Studies Press, 1993), 158.

## The Social Contract

new threats from emerging production economies such as Brazil and Taiwan.<sup>11</sup> In addition, one of TREC's largest endeavors was to increase trade between Northeastern North America and the European Union. The 1990 NEG/ECP was centered on finding ways to further develop trade relations with the European Union and was given the theme "Trading in a Global Economy: The Challenges and Opportunities of European Trade." The purpose of this conference was to develop a regional trade compact that was able to adapt to the rapid developments in Western and Eastern Europe and increase commercial trade.<sup>12</sup> Therefore, it is likely that the institutionalization of Northeastern North America would have been necessary without the impact of free trade. Although the NEG/ECP provides the region with a forum to further develop liberalized cross-border trade, it is clearly not the basis for its existence. Due to the need to increase competitiveness in the global market, the NEG/ECP would prove to be a functional and important body regardless of the implementation of free trade.

### **The Possibility of Further Fragmentation: Exploring "Glocalization"**

It is possible that the effect of free trade with the US could fragment Canada beyond the "economic regions" that were previously discussed. McDougall and Courchene put forth the argument that Canada is capable of being fragmented into city-centered regions. McDougall asserts that the increasing movement of goods and capital in the international economy will promote specialization in local economies. This will essentially undermine the legitimacy of having a national economy.<sup>13</sup> This idea is reflected in Courchene's "glocalization" theory, which takes the concept of Canada as a set of distinct economic regions one step further. Tom Courchene asserts that economic power is being "transferred upward, downward and outward from nation states."<sup>14</sup> Essentially, glocalization increases the authority of

---

11 Ibid, 159.

12 Lubin, 160.

13 McDougall, 219.

14 Courchene, 3.

## The Social Contract

supranational institutions and expands the role of local governments. In this sense, it seems likely that Canadians will not just begin to identify more with their region than their country, but with their international city. McDougall asserts that people will ultimately begin to shift their identification from the national level to smaller, regionally focused institutions.<sup>15</sup> At this juncture, it should be mentioned that it is appropriate to use the terms “globalization” and “increasing Canada-US trade” interchangeably. As George Hoberg notes, approximately 80 percent of all globalizing forces in Canada are a direct result of increased trade with the United States.<sup>16</sup> The means by which local power (the power of cities) will increase is through a greater recognition that *they* are the primary gateway to major American markets. Courchene notes that cities such as Toronto, Montreal and Vancouver will be seen as the major Canadian gateways to markets such as New York, Tokyo and London. In a sense, these major Canadian cities will be seen as a connection node between their own regional hinterlands and international markets.<sup>17</sup> Therefore, Canada’s economic regions seem to be further fragmented into “city-regions” that dominate the ability of an entire economic region to act internationally.

However, there are several obstacles that stand in the way of further economic fragmentation by way of “glocalization.” First, as Frank Graves points out, although Canadians do express a strong attachment to their locality, their attachment to Canada is still the highest. In a 1999 survey conducted by Graves, 81 percent expressed a strong attachment to Canada while only 74 percent expressed a strong attachment to their locality.<sup>18</sup> In addition, Graves notes that long term trends actually depict national ties

---

15 McDougall, 223.

16 George Hoberg, “Capacity for Choice: Canada in a New North America,” *Canadian Public Policy* 26, no.2 (2000): 36.

17 Courchene, 3.

18 F.L. Graves et al., “Identity and National Attachments in Contemporary Canada,” in *How Canadians Connect: The State of the Federation*, edited by Lazar and MacIntosh (Toronto: University of Toronto Press, 1996), 315.

## The Social Contract

strengthening and local ties decreasing.<sup>19</sup> This makes it difficult to establish McDougall's claim that Canada has become fragmented to the point that her citizens can no longer identify with national levels of government. Canadians still essentially see themselves as a member of a nation as opposed to a city-region. This information becomes of particular importance when connecting it to the work of Andrew Sancton. By making this connection, it will become apparent that there are inherent limits placed on the centralization of power in local economies, regardless of increased specialization. Sancton is quick to point out that municipalities are only corporations that exist at the discretion of the provincial government. They have no constitutional protection whatsoever and therefore, lack the institutional power to act alone on the international stage.<sup>20</sup> He goes on to mention that this is unlikely to change unless provincial governments begin to feel pressure from the general public to grant cities greater independence as opposed to municipal councilors.<sup>21</sup> Thus, it is clear that cities will be unable to gain greater freedom to act in their own global interest. Until Torontonians or Vancouverites begin to see themselves as just that, and not part of a larger economic region, the provincial governments will be unlikely to grant cities the increased power they demand. Essentially, provinces still have the ability to put their foot down in terms of granting additional autonomy to local economies. This will continue to be a barrier so long as public opinion remains the same.

Sancton finds another objection to the notion that Canada's distinct economic regions will incur further fragmentation and become "city-regions." There are many complications involved in giving major cities an increased capacity to act internationally. Sancton notes that a great deal

---

<sup>19</sup> *Ibid*, 335.

<sup>20</sup> Andrew Sancton, "Municipalities, Cities, and Globalization: Implications for Canadian Federalism," in *Canadian Federalism: Performance, Effectiveness and Legitimacy*, edited by Herman Bakvis and Grace Skogstad (Don Mills: Oxford University Press, 2002), 264.

<sup>21</sup> *Ibid*, 273.



## The Social Contract

of a cities' economic strength can be drawn from industries outside of its boundaries. For example, the auto industry is a major source of Toronto's economic strength, yet it is based outside of metropolitan Toronto in Oshawa, Ontario.<sup>22</sup> Not only would cities need to gain added autonomy, but they would also need to expand their jurisdictions of power in order to harness all the resources available to them in an effective manner. Therefore, the idea of fragmenting Canada further into dominant "city-regions" is somewhat impractical. The city's sphere of influence would be unable to extend to areas that control major industries that the city's economic power depends on.

The only way to expand the jurisdiction of a "city-region" would be through amalgamation. However, as Nelson and Foster point out, this idea itself gives rise to several problems. It is unproven that amalgamating a series of municipalities into a "city-region" will actually have any effect whatsoever on their prosperity. To demonstrate their point, Nelson and Foster use the example of Metropolitan Boston, which comprises 282 distinct municipalities. Despite the large number of components, Boston is still able to function effectively as a major international city (of course, keeping in mind that they get some added autonomy from state governments). In fact, Nelson and Foster go so far as to state that central city dominance is usually associated with negative income growth while central city elasticity has proven to have the opposite effect.<sup>23</sup> Amalgamation would be required to truly centre economic power in the "city region". Such amalgamation has actually shown to have negative effects on income growth. Therefore, glocalization may not be a preferable choice and cause more problems than it solves. Given that fragmentation to the extent of "city-regions" appears to be unfeasible, it seems reasonable to conclude that Canada's economic fragmentation only goes so far as economic regionalism.

---

22 Sancton, 272.

23 Nelson and Foster , 319.

## **The Social Contract**

### **The Effect of Free Trade on Political Fragmentation**

It has been established that Canada's economy has been fragmented on a regional/industrial basis. The next section of this paper intends to identify and evaluate the effects of this economic system on the Canadian political landscape. The two overarching concerns that seem to be shared by authors in this field are that economic regionalism will be detrimental to the unity of Canadian social policy and that it will allow Quebec to further alienate itself from the rest of Canada. However, as the evidence will show, the latter argument is far more credible than the former.

### **Economic Regionalism and the Fragmentation of Social Policy**

Having a nation that is fragmented into several diverse economic regions can result in a declining level of authority for the federal government. McDougall argues that economic regionalization can "erode both the capacity and the inclination of those [national] governments to intervene in their societies in accustomed ways."<sup>24</sup> In this case, the political fallout of economic fragmentation resulted in a growing feeling of resentment towards equalization programs in larger, more successful provinces, such as Ontario. This, of course, leads to the larger notion of the decentralization of the Canadian federation as a whole. The basic idea here is that more prosperous provinces will no longer want to make equalization payments to the federal government if they are not likely to get that dollar back. Simeon argues that the predominance of Canada's autonomous trade regions contradicts the notion of Canada as a "sharing community" that we would have under a true national economy. Basically, the federal government distributes a set amount of tax dollars equally (per capita) amongst the provinces through various equalization transfers such as Canada Assistance Program (CAP) and the Canada Health and Social Transfer (CHST).<sup>25</sup> Simeon postulates that these programs seem more

---

24 McDougall, 223.

25 Dan Usher, *The Uneasy Case for Equalization Payments* (Vancouver: The Fraser Institute, 1995), 5.

## The Social Contract

objectionable to provinces like Ontario under a system of economic regionalism. This is because equalization dollars used to move back to Ontario in the form of purchasing goods and services. However, now a dollar sent to Nova Scotia, for example, is just as likely to end up in New England, or some other American region.<sup>26</sup> McDougall asserts that the divisive effect of increased trade will discourage national social spending. Basically, the provinces will lobby for more independent control over jurisdictions such as Medicare. More powerful provinces such as Ontario, British Columbia and Alberta will take a similar stance to that of Quebec and fight to curtail the “abuse” of federal power through their spending provisions.<sup>27</sup> Should this occur, the result would be obvious. There would be greater fragmentation in the style and quality of healthcare and social assistance provided in different provinces. Given that Medicare is one of the few things that is still able to define us as Canadians, fragmentation in this area would be detrimental to overall national unity.

However, it is the resilience of Canada’s “social policy nationalism” that causes Gerald Boychuk to postulate that increased trade with the United States will actually serve to strengthen the viability of such programs. In general, Canadians believe that the harmonizing forces of Americanization are very strong and have become increasingly protective of their welfare state. Boychuk asserts that “social policy nationalism” will cause Canadian policies to differ from American ones for the sole purpose of sustaining a gap in values. Essentially, any “Americanizing” policies will be rejected by the Canadian public even if they have nothing to do with increasing economic interaction.<sup>28</sup> As an example, Boychuk notes that a growing concern arose regarding the Conservative Party of Canada's social platform as a result of their insistence on improving Canada-US

---

26 Simeon, 138.

27 McDougall, 216-217.

28 Gerald Boychuck, “Asymmetry and Paradox: Social Policy and the US-Canada Bilateral Relationship,” *American Review of Canadian Studies* 34, no.4 (Winter 2004): 693.

## **The Social Contract**

relations.<sup>29</sup> These two areas of their platform were clearly unrelated. However, Canadians still drew a connection between the two. Therefore, as economic interactions increase, so will defensive attitudes towards Canadian social policy. In this sense, the influence of free trade is able to have a reverse effect, driving policy decisions in the opposite direction. Therefore, the will of the Canadian public to maintain a “values gap” between the two nations serves as a roadblock to the decentralizing factors of provincial aspirations for autonomy. Although provincial politicians may become frustrated with the process of participating in the equalization payments while receiving less and less compensation each year, the Canadian public will still stand behind the need for social programs that are both national and unifying in character. As Simeon points out, Ontario voters have not responded to the idea that they should be receiving their fair share of federal funding or that the federal government’s spending power should be curtailed.<sup>30</sup> Thus, so long as the call for greater regional, or provincial, control over social programs fall on deaf ears, Canada is unlikely to experience fragmentation in this area. However, it is possible that if regional economic cleavages continue to widen, this fiscal imbalance could become a growing concern to voters. In summation, increased trade with the United States has created distinct economic regions in Canada, but diverging economic concerns have yet to spill over into a call for diverging social programs.

### **The Effect on Quebec’s Status within Canada**

It is overwhelmingly clear that domestic factors play a predominant role in widening the cleavage between Quebec and the rest of Canada. The Meech Lake Accord serves as an example of this. It was a constitutional amendment that Prime Minister Brian Mulroney tried to have ratified at the same time that free trade was being debated. This amendment would have given Quebec recognition as a distinct society and enhanced their powers when dealing with the federal

---

<sup>29</sup> *Ibid*, 692.

<sup>30</sup> Simeon, 139.

## The Social Contract

government.<sup>31</sup> Kenneth McRoberts asserts that it was the demise of the Meech Lake Accord that was the primary catalyst for the separatist movement in the late eighties and early nineties. McRoberts equates English Canada's rejection of the Meech Lake Accord to an outright rejection of Quebec itself. This feeling of humiliation and anger eventually resulted in support for Quebec sovereignty peaking at 64% in November 1990.<sup>32</sup> The intention of this section is to prove that the NAFTA accelerates political fragmentation that already exists between Quebec and the rest of Canada.

Essentially, Quebec's enthusiastic acceptance of North American free trade reinforces their "distinct" culture and is capable of adding momentum to the separatist movement. Daniel Salée presents two factors that suggest Quebec sees the NAFTA as an opportunity to distinguish themselves as a distinct part of the North American community. The first is their new found ability to discontinue their reliance on Canadian English-speaking capital. Salée notes that the Quebecois see the prospect of trade with the United States as a chance to overcome this historical dependence.<sup>33</sup> Thus, by presenting this opportunity to Quebecers, the NAFTA further encourages the separatist ideal of a Quebec less economically intertwined with the rest of Canada. Basically, as these economic ties decrease, so will the potential cost of secession.<sup>34</sup> Although the feelings that bring about the need for secession are a product of domestic conflict, the NAFTA clearly plays a fragmenting role by providing Quebec with this glimmer of hope. The bottom line is that one day they could potentially decrease their dependency on English Canada to the point where separation would only have minimal economic risks.

---

31 Andrew Cohen, *A Deal Undone: The Making and Breaking of the Meech Lake Accord* (Toronto: Douglas and McIntyre, 1990), 122.

32 Kenneth McRoberts, *Misconceiving Canada: The Struggle for National Unity* (Toronto: Oxford University Press, 1997), 204.

33 Salée, 75.

34 *Ibid*, 74.

## The Social Contract

The second piece of criteria put forward by Salée refers to the stark differences between the perceived threat to cultural sovereignty in Quebec and English-speaking Canada. Salée postulates that Quebec's ability to accept free trade without having to fear any loss of cultural sovereignty serves as vindication for their claim of being a "distinct society." Essentially, the strong emphasis placed on language laws during the 1970s gives Quebec an added assurance that they will not be totally absorbed into the "powerful vortex of American culture."<sup>35</sup> In theory, this should allow Quebec to develop a much different trading relationship with the United States than the rest of Canada. It is logical to assume that the Quebec public is less apt to fear the threat of "Americanization." This will allow Quebec to develop closer economic ties to the United States without experiencing the same public backlash that would occur in any other Canadian province.<sup>36</sup> Essentially, this should reinforce the benefits of promoting themselves as a distinct society, which is already a source of fragmentation between Quebec and the rest of Canada. Thus, it becomes clear that although free trade did not create the separatist movement, it is able to breathe life in to it every now and again.

However, John Helliwell is somewhat skeptical of the inferences that the Quebec separatist movement draws from a decreased dependence on inter-provincial trade. He notes that although it allows Quebec a great deal of economic independence from Canada, they are still more dependent on the Ontario market than Ontario is on theirs. In addition, it would not be guaranteed that the United States and Canada would allow Quebec to have the same privileges in the NAFTA agreement that they currently enjoy.<sup>37</sup> Despite the fact that those promoting Quebec's economic independence and ultimately, sovereignty, overlook these concerns, increased trade still serves as their rallying cry. Their ability to

---

35 Salée, 75.

36 *Ibid*, 77.

37 John Helliwell, "Do National Borders Matter for Quebec Trade?" *Canadian Journal of Economics* 29, no. 2 (1996): 521.

## **The Social Contract**

expand to international markets, namely the United States, has produced a sense of confidence that flies in the face of Canadian unity. By decreasing the perceived cost of secession without posing a large threat to cultural sovereignty, North American free trade acts as a cheerleader for Quebec sovereignty.

### **Conclusion**

The impact of free trade with the United States has clearly created a system of economic regionalism in Canada. Economic regions are now being formed around industries as opposed to borders. Also, the creation of formal partnerships in the Cascadia region as well as the NEG/ECP has furthered this fragmentation by institutionalizing the increasing emphasis being placed on cross-border trade. In addition, more extreme versions of fragmentation such as the potential of “glocalization” in Canada seem unlikely. The constitutional leverage of the provinces and the problems associated with amalgamation are bound to prevent this from happening.

The ability of free trade to accelerate Canada’s economic fragmentation also brings about the potential of political fallout. This paper has examined the areas of social policy and separatism. In terms of social policy, it is argued that a growing sense of apathy towards equalization payments by some provincial governments could lead to the fragmentation of Canada’s social safety net. However, this is unlikely due to the high level of importance placed upon values and identity by the Canadian public. The argument suggesting that free trade will lend encouragement to the separatist movement seems much more credible. Free trade decreases Quebec’s reliance on the rest of Canada, making separation seem like a more viable option. To conclude, free trade with the US has furthered fragmentation within Canada, but only so far as economic regionalism. The ability of free trade to influence political fragmentation can vary, as it has played a large role in exacerbating separatist feelings in Quebec, but appears impotent in terms of altering Canadian social policy.

## The Social Contract

### Possible Explanations for the Smoke-Free Ontario Act

By Kate Meyers

Smoking and second-hand smoke have become serious health concerns around the world and in Canada. There is ample anecdotal evidence illustrating the deadly effects of second-hand smoke. In late 2004, the Ontario government, lead by Premier Dalton McGuinty, introduced Bill 164, the *Smoke-Free Ontario Act*. At the time, it was the most comprehensive and far-reaching anti-smoking legislation in North America.<sup>1</sup> It was designed to eliminate smoking in indoor public places including bars and restaurants.<sup>2</sup> The provincial legislation was not without precedent in Ontario. By 2004, the majority of municipalities had passed by-laws that prohibited public smoking to some degree.<sup>3</sup> The timing of the provincial legislation seems unusual. Possible explanations for the provincial legislation include the health risks associated with smoking, an existing municipal mandate, pressure to fix discrepancies between municipal by-laws, and interest group lobbying. Each of these explanations will be considered and evaluated as potential triggers for the provincial government's *Smoke-Free Ontario Act*. It will be shown that none of the above explanations provide a satisfactory justification.

The first possible explanation is related to the health risks associated with tobacco use. The Ontario government may have introduced the *Smoke-Free Ontario Act* to reduce

---

1 Official Report of Debates, *Legislative Assembly of Ontario*, First Session, 38th Parliament, December 14, 2004, [http://www.ontla.on.ca/house-proceedings/transcripts/files\\_pdf/2004-12-14\\_pdfL102.pdf](http://www.ontla.on.ca/house-proceedings/transcripts/files_pdf/2004-12-14_pdfL102.pdf) (accessed March 31, 2007).

2 Rob Ferguson, "Ontario Toughens ban on Smoking," *The Toronto Star*, December 15, 2004, sec. A.

3 Ontario Campaign for Action on Tobacco. "Municipalities with 100% Smoke-Free Bar/Restaurant By-Laws," *Ontario Tobacco Free Network*, <http://www.ocat.org/pdf/BylawsPopulation.pdf> (accessed March 31, 2007).



## The Social Contract

the prevalence of tobacco-related diseases. Numerous studies have found restricting or prohibiting smoking in public places significantly reduces the prevalence of cigarette smoking.<sup>4</sup> There have also been many studies outlining the connection between second-hand smoke and illness, most famously the United States Surgeon General's 1986 report *The Health Consequence of Involuntary Smoking*.<sup>5</sup> The Surgeon General's report spurred public smoking restrictions in many American states including New York, Illinois, and Minnesota.<sup>6</sup> If similarly situated jurisdictions legislated on tobacco consumption based on scientific evidence, it is possible the Ontario government acted likewise. A Japanese study published in 2001 found that thirty or more minutes of exposure to second-hand smoke resulted in life-threatening health risks.<sup>7</sup> It is possible the Ontario government responded to the growing portfolio of evidence illustrating the health risks associated with tobacco exposure by banning public smoking.

Furthermore, the government expressly *cited* health risks as a reason for banning public smoking. When Health Minister George Smitherman introduced the *Smoke-Free Ontario Act* on December 14, 2004, he said smoking was the "number one preventable cause of death, killing more people than AIDS, traffic accidents and alcohol combined."<sup>8</sup> Member of Provincial Parliament from London North-Centre,

---

4 Peter D. Jacobson, Jeffrey Wasserman and Kristiana Raube, *The Political Evolution of Anti-Smoking Legislation* (Santa Monica: Rand, 1992), 1.

5 United States, Public Health Service, Office on Smoking and Health, *The Health Consequences of Involuntary Smoking: A Report from the Surgeon General* 1986,

<http://profiles.nlm.nih.gov/NN/B/C/P/M/> (accessed March 31, 2007).

6 Donley T. Studlar, *Tobacco Control: Comparative Politics in the United States and Canada* (Peterborough: Broadview Press, Ltd., 2002), 148.

7 Marlene Habib, "Ontario Medical Group Calls for Smoking Ban Legislation, cites new Health Data," *Canadian Press Newswire*, February 11, 2003.

8 Official Report of Debates, *Legislature of Ontario*, December 14, 2004.

## The Social Contract

Deborah Matthews, reiterated the same health risks during the second reading of the bill on December 15, 2004.<sup>9</sup> Smitherman also highlighted tobacco's death toll, which is currently at 16, 000 Ontarians each year or forty-four each day.<sup>10</sup> The health consequences of smoking and exposure to second-hand smoke were expressed by the government as necessitating the ban on public smoking. The *Smoke-Free Ontario Act* may have been introduced in response to the health risks associated with tobacco use.

However, it is unlikely the health risks of smoking are the government's primary reason for introducing the *Smoke-Free Ontario Act*. The deadly relationship between exposure to second-hand smoke and illness has been known for decades. The Surgeon General's report that spurred legislative activity in the United States was published in 1986, eighteen years before the Ontario government moved to protect citizens from second-hand smoke. If the government's prime motive was to protect the health of Ontarians, then it seems it had ample opportunity before 2004 to accomplish this. While banning public smoking may have only been a priority for the current Liberal Party of Ontario, they still waited over a year into their mandate to introduce legislation. Also, the speeches made in the legislature on the health risks from second-hand smoke could just be rhetoric. It is never a bad political move to protect the health of citizens. Citing health risks may have been a way for the government to justify the new policy with voters in an understandable way. The dialogue in the Legislative Assembly is likely not an accurate reflection of the actual motivations of the McGuinty government. While health risks were undoubtedly a consideration, it is unlikely that they were leading factors that triggered the Ontario government to introduce the *Smoke-Free Ontario Act*.

---

9 Official Report of Debates, *Legislative Assembly of Ontario*, First Session, 38th Parliament, December 15, 2004, [http://www.ontla.on.ca/house-proceedings/transcripts/files\\_pdf/2004-12-15\\_pdfL103.pdf](http://www.ontla.on.ca/house-proceedings/transcripts/files_pdf/2004-12-15_pdfL103.pdf) (accessed March 31, 2007).

10 Official Report of Debates, *Legislature of Ontario*, December 14, 2004.

## The Social Contract

The second possible explanation to be explored by this paper concerns the existing municipal by-laws on public smoking. As previously mentioned, when McGuinty's government introduced Bill 164 in December 2004, 215 of Ontario's 445 municipalities had by-laws in place that banned smoking in public places to some degree.<sup>11</sup> While this amounts to less than half of the total municipalities, the local governments with anti-smoking legislation in 2004 represented eighty-six per cent of

Table 1 – Ontario Municipalities with Anti-Smoking

Year	Population Covered by 100% Smoke-Free Legislation	% of Population	Change from Previous Year
2000	616 131	5.4%	n/a
2001	1 390 203	12.2%	+ 6.8%
2002	1 928 076	16.9%	+ 4.7%
2003	3 897 642	34.2%	+ 17.3%
2004	9 878 975	86.6%	+ 52.4%
2005	10 151 235	89%	+ 2.4%

Legislation from 2000-2005<sup>12</sup>

Ontario's population,<sup>13</sup> as shown by Table 1. The provincial government may have viewed the number of municipalities with anti-smoking by-laws as an indication of high public support for the issue and acted on this implied mandate. In their study done on the political evolution of anti-smoking legislation in the United States, Jacobson, Wasserman and Raube found local by-laws acted as a catalyst for statewide legislation.<sup>14</sup> Politicians felt comfortable supporting a bill with many precedents in the jurisdiction.<sup>15</sup> This theory can easily be applied to Ontario and the enactment of Bill 164.

---

11 Ontario Campaign for Action on Tobacco. "Municipalities with 100% Smoke-Free."

12 Ontario Campaign for Action on Tobacco, "Municipalities with 100% Smoke-Free."

13 Ibid.

14 Jacobson, Wasserman and Raube, *The Political Evolution*, 41.

15 Ibid., 24.

## The Social Contract

The existing municipal by-laws may have triggered the provincial legislation.

Similarities in the anti-smoking movement can be drawn from New York State and applied to Ontario. Similar to Ontario in industry, population distribution, and prevalence of smoking, New York passed their *Clean Indoor Air Act* in 1989.<sup>16</sup> Before enacting the statewide legislation, some municipalities in New York had the strongest local by-laws in the country.<sup>17</sup> In Ontario, the city of Ottawa has been known as a leader on anti-tobacco legislation since passing the first Canadian by-law restricting public smoking in 1977.<sup>18</sup> Similar to New York, some Ontario municipalities had restrictive by-laws prior to the provincial legislation. When the *Clean Indoor Air Act* was passed in 1989, ten New York municipalities, amounting to sixty-seven per cent of the state's population,<sup>19</sup> had restrictive legislation including the heavily populated communities of Suffolk and Nassau Counties.<sup>20</sup> At the time of provincial action, eighty-six percent of Ontario's population was covered by municipal by-laws. If the New York state government reacted on an implied mandate from sixty-seven per cent of its population, then it is likely that the Ontario government also responded when nearly twenty per cent or more of its citizens were covered by municipal by-laws. Drawing from the experience of New York State, the Ontario government may have enacted the *Smoke-Free Ontario Act* based on an implied mandate from municipal by-laws.

While the evidence does seem to suggest the province may have acted on a perceived mandate from the municipalities, there are other factors that need to be considered. The eighty-six per cent of Ontario's population covered by a municipal by-law may not represent a mandate. When Health Minister Smitherman introduced the Smoke-

---

16 Ibid., 26

17 Jacobson, Wasserman, and Raube, *The Political Evolution*, 26.

18 Studlar, *Tobacco Control*, 150.

19 Ibid.

20 Jacobson, Wasserman and Raube, *The Political Evolution*, 46.

## The Social Contract

Free Ontario Act in the legislature, only fourteen per cent of the population was not covered by anti-smoking municipal by-laws. By the end of 2005, eighty-nine per cent of the population was protected from second-hand smoke. It seems unnecessary and wasteful for the province to create legislation to protect the remaining eleven per cent. Passing a law is not an easy or inexpensive process. Researchers and committees both use valuable resources of the legislature that could be utilized elsewhere. As shown by Table 1, the per cent of the population covered by anti-smoking municipal by-laws had been steadily growing for five years. Granted, the increase from 2004 to 2005 was significantly lower than previous years, but this was because most citizens were now covered by a by-law. It is likely the remaining municipalities would have eventually enacted similar by-laws. Research has shown that the incremental development of municipal by-laws has trended towards increases in the level of smoking regulation. Due to the large number of municipalities that had already passed anti-smoking by-laws, it was not critical for the province to enact the Smoke-Free Ontario Act.

However, the province may have been attempting to enhance restrictions with Bill 164. The Ontario government may have viewed the municipal by-laws as strong public support for anti-smoking regulations and used that support to further restrict public smoking. The provincial law was more comprehensive than most municipal by-laws. Thirty-five per cent of municipal by-laws fully eliminated smoking in eating establishments and thirty-two per cent eradicated tobacco use in bars.<sup>21</sup> Because many municipalities allowed designated smoking rooms in restaurants and bars, only fifty-six percent of the population was fully protected from second-hand smoke.<sup>22</sup> To some, these figures might have necessitated the

---

21 Ontario Campaign for Action on Tobacco, "Bylaw – Smoke Free Ontario Act Comparison Chart," [http://ocat.org/pdf/Bylaw\\_Comparison\\_OCATrevisions.pdf](http://ocat.org/pdf/Bylaw_Comparison_OCATrevisions.pdf) (accessed March 31, 2007).

22 Ibid.

## The Social Contract

provincial legislation. Unlike Bill 164,<sup>23</sup> only twenty-seven per cent of municipalities completely protected workers from second-hand smoke and only fifteen per cent banned smoking in private clubs such as Royal Canadian Legions.<sup>24</sup> The *Smoke-Free Ontario Act* also went beyond municipal by-laws by prohibiting smoking on school property and in licensed daycares. No municipal by-laws covered either area.<sup>25</sup> The *Smoke-Free Ontario Act* went beyond municipal by-laws to enhance protection from second-hand smoke in Ontario. The Ontario government may have used the implied municipal mandate and extended the restrictions on public smoking. The evidence for the municipal mandate can support two conclusions. Therefore, there is insufficient evidence to conclude the Ontario government introduced the *Smoke-Free Ontario Act* based on a perceived mandate from municipal anti-smoking by-laws.

The *Smoke-Free Ontario Act* may have been the government's response to the 'patchwork' of municipal by-laws. By 2004, very few municipal by-laws were identical. There was great variance concerning where smoking was restricted and to what degree. A study of the anti-smoking municipal by-laws in Ontario revealed considerable variation across the province.<sup>26</sup> For example, York region allowed designated smoking rooms in bars and restaurants while its neighbour, Durham region, did not.<sup>27</sup> This caused many problems for businesses because many felt they were losing customers to neighbouring less restrictive communities.<sup>28</sup>

---

23 Legislative Assembly of Ontario, *Bill 164, Smoke-Free Ontario Act*, 1st Session, 38th Parliament, 2005, [http://www.ontla.on.ca/bills/bills-files/38\\_Parliament/Session1/b164ra.pdf](http://www.ontla.on.ca/bills/bills-files/38_Parliament/Session1/b164ra.pdf) (accessed March 30, 2007).

24 Ontario Campaign for Action on Tobacco, "Bylaw – Smoke Free Ontario."

25 Ibid.

26 Lacchetti and Abernathy, "Analysis of Factors," 415.

27 Ontario Campaign for Action on Tobacco, "Bylaw – Smoke Free Ontario."

28 Official Report of Debates, *Legislative Assembly of Ontario, Standing Committee on Finance and Economic Affairs* April 21, 2005

## The Social Contract

Inconsistencies among local ordinances have been identified as a problem by legislators in other jurisdictions. When legislators in Minnesota were interviewed, a state which has experienced a similar anti-smoking evolution as Ontario of local followed by state regulation, many stressed the importance of developing a state-wide law to create equity for merchants.<sup>29</sup> Minnesota's experience demonstrates that stringent laws are meaningless if adjacent communities do not pass equally stringent laws because consumers can pass into adjacent jurisdictions.<sup>30</sup> The variation among Ontario municipal by-laws was a problem and the government may have acted to correct it with the *Smoke-Free Ontario Act*.

The McGuinty government admitted one of the intentions of the *Smoke-Free Ontario Act* was to fix the problem of the municipal inconsistencies. The situation had been called a "crazy quilt of confusion" in the media and was gaining attention across the province.<sup>31</sup> In first reading of Bill 164, Health Minister Smitherman said it would "augment the existing patchwork of municipal by-laws with one province-wide law."<sup>32</sup> Government member from London North Centre, Deborah Matthews, spoke of London's experience. London had previously enacted smoke-free legislation while neighbouring communities did not. Matthews said of London, "Currently you can have a restaurant on one side of the street operating under one set of laws, and on the other side of the street a restaurant is under an entirely different set of laws relating to smoking. It is an unfair playing field and we're

---

to May 5, 2005, [http://www.ontla.on.ca/committee-proceedings/transcripts/files\\_pdf/2005-04-21\\_pdfF043.pdf](http://www.ontla.on.ca/committee-proceedings/transcripts/files_pdf/2005-04-21_pdfF043.pdf) (accessed on March 31, 2007).

29 Peter D. Jacobson and Jeffrey Wasserman, *Tobacco Control Laws: Implementation and Enforcement* (Santa Monica: Rand, 1997), 65.

30 *Ibid.*, 64.

31 "No-Smoking Law Targets No. 1 Killer," *The Toronto Star*, December 16, 2004, sec. A.

32 Official Report of Debates, *Legislative Assembly of Ontario*, December 14, 2004.

## The Social Contract

going to rectify that with this legislation.”<sup>33</sup> Obviously the government of Ontario knew of the problem created by the variation in municipal by-laws. It is reasonable to assume that correcting this problem may have motivated the government to introduce provincial legislation because they mention this reason themselves in the legislature.

When considering health risks as a possible explanation for Bill 164, this author dismissed government speeches in the legislature as unreliable for determining the government’s true intentions. However, there are important differences between health risks and variation among municipal by-laws. The by-laws were having a financial impact on businesses, and governments usually act to allow the market to operate fairly. Furthermore, it is unlikely the government would mention municipal by-law variation as a reason for introducing Bill 164 to make political gains with voters, as some may argue the government did with health risks. Many voters would not understand the dilemma while all voters would recognize the importance of protecting the health of non-smokers. For these reasons, the government dialogue expressing the variation of municipal by-laws as a reason for introducing Bill 164 can be considered reliable and applicable.

The committee proceedings also support the theory of municipal variation as an explanation for the *Smoke-Free Ontario Act*. Bill 164 was considered in April 2005 by the Standing Committee on Finance and Economic Affairs of the Ontario Legislature. Many of the citizens who testified before the committee spoke of the importance of the government resolving the ‘patchwork’ of municipal by-laws.<sup>34</sup> The Ontario Restaurant, Hotel and Motel Association called the situation “unfair, uncompetitive and unworkable” and called on the Ontario legislature to enact Bill 164.<sup>35</sup> The Senior

---

33 Official Report of Debates, *Legislative Assembly of Ontario*, December 15, 2004.

34 Official Report of Debates, *Legislative Assembly of Ontario*, *Standing Committee on Finance and Economic Reform*.

35 Ibid.



## The Social Contract

Vice-President of Shoeless Joe's Restaurants, Andy Elder, spoke of the negative effect that the variety in municipal legislation was having on their restaurants. Shoeless Joe's operates restaurants in Toronto, York, Peel, Durham, Barrie and Peterborough.<sup>36</sup> Only half of these jurisdictions completely ban smoking in restaurants while the other three allow smoking in designated smoking rooms or ventilated smoking sections.<sup>37</sup> Elder testified that Shoeless Joe's has faced numerous hardships under the current 'patchwork' of municipal by-laws such as loss of business to competitors in less restrictive areas, additional administrative costs, and capital costs to build and maintain designated smoking rooms.<sup>38</sup> Shoeless Joe's is one of many witnesses before the Standing Committee on Finance and Economic Affairs that supported the *Smoke-Free Ontario Act* because it would eliminate consequences of the 'patchwork' of municipal by-laws. The negative consequences of the variation among municipal by-laws may have provoked the Ontario government to introduce the *Smoke-Free Ontario Act*.

Like the previously offered explanations, there are counterarguments against municipal variation as the reason for the timing of the provincial action on public smoking. While it is obvious from committee transcripts that interest groups and concerned businesses supported the government while Bill 164 was being considered, this does not prove they were pressuring the government to introduce the legislation. Therefore, it is not direct evidence for the cause of the government's action. It does suggest that if groups were publicly supporting the government in committee stage, then it is probable that they had been urging the government to act before the first reading of the bill. But this is only speculation. There is no sound evidence that interests were pressuring the government to act before introducing the legislation. Ontario and national newspapers were scanned for the years leading up to December 2004 and no articles reporting on groups calling

---

36 Ibid.

37 Ontario Campaign for Action on Tobacco, "Bylaw – Smoke Free Ontario."

38 Ibid.

## The Social Contract

for the government to act to resolve the inconsistencies between municipal by-laws were found. The evidence for interests pressuring the government to resolve the municipal 'patchwork' is questionable.

Another consideration concerns the timing of the legislation in relation to the municipal by-laws. It is unclear when the municipal by-law variation became an issue. It is irrelevant if two municipalities from different regions of the province have very different by-laws. The problem arises when municipalities within reasonable traveling distance create disparities in smoking regulation. People will only drive a relatively short distance for dinner or drinks. An examination of the relative geography of municipalities and the content and date of their anti-smoking regulations could illuminate this issue. For example, Peterborough City enacted a restrictive smoking by-law in 2000 but the surrounding region, Peterborough County, was not equally as restrictive until June 2004.<sup>39</sup> For four years the businesses in the city of Peterborough may have been at risk of losing customers to establishments outside the city limits. However, even if a study of this type was conducted, it would be difficult to decide when the problem arose. What is the critical number of pairs of conflicting municipal by-laws for provincial action? Municipal population would also have to be considered, assuming the larger municipalities would have greater political influence. When the government introduced Bill 164 in December 2004, variance in municipal by-laws was an issue. But it is not known for how long it had been an issue prior to government action. Therefore, it is difficult to conclude the government of Ontario was motivated to introduce the *Smoke-Free Ontario Act* because of the problematic 'patchwork' of municipal by-laws.

The final explanation to be considered by this paper concerns the effect of interest groups in pressuring the government to implement tobacco control legislation.

---

<sup>39</sup> Ontario Campaign for Action on Tobacco, "Municipalities with 100% Smoke Free."

## The Social Contract

Numerous authors on the anti-smoking movement in the United States credit interest groups and social movements with achieving the recent restrictions.<sup>40</sup> According to Jacobson, Wasserman and Raube, interest groups are successful because they place and keep smoking on the public agenda, mobilize public opinion and media attention, countervail the tobacco lobby, and disseminate scientific evidence.<sup>41</sup> Successful anti-smoking coalitions must have a broad base of support.<sup>42</sup> In the United States, successful coalitions usually included voluntary health associations like the American Cancer Society, a state medical society and independent advocacy groups such as Americans for Nonsmokers' Rights.<sup>43</sup> Ontario has a similar coalition called the Ontario Campaign for Action on Tobacco (OCAT). OCAT is a coalition of the Canadian Cancer Society Ontario Division and the Heart and Stroke Foundation of Ontario (both voluntary health associations), the Ontario Lung Association and the Ontario Medical Association (both state medical societies), and the Non-Smokers' Rights Association (an independent advocacy group).<sup>44</sup> Because Ontario had a similar coalition of interest groups to the coalitions identified as successful in the United States, interest groups may have been successful in lobbying the Ontario government to regulate public smoking. Furthermore, studies of the evolution of anti-smoking legislation in the United States also found that successful coalitions needed time to solidify their base and establish themselves with legislators before achieving their goals. OCAT formed in 1992 giving it twelve years to mature before achieving its goal. Based on comparisons with the anti-smoking campaign in the United States, interest groups in Ontario were likely successful in lobbying the government for tobacco regulation.

---

40 Studlar, *Tobacco Control*, 71.

41 Jacobson, Wasserman, and Raube, *The Political Evolution*, 21.

42 *Ibid.*, 38.

43 *Ibid.*

44 *Ontario Campaign for Action on Tobacco*, [www.ocat.org](http://www.ocat.org) (accessed on March 31, 2007).

## The Social Contract

However, there is an obvious problem with an analogy between the United States and Canada concerning interest groups. The two countries have different political systems; the United States is a presidential republic while Canada is a parliamentary democracy. The separation of powers in the United States creates many more access points to power than Canada's parliamentary democracy. In Ontario, only the Premier and his cabinet exercise any real legislative power. The greater diffusion of power in the United States allows interest groups to be more successful in that country because there are more people to lobby. This questions the argument outlined above supporting successful lobbying by interest groups as an explanation for the provincial *Smoke-Free Ontario Act*.

There is additional evidence that supports the theory that interest group pressure prompted the *Smoke-Free Ontario Act*. First, Health Minister Smitherman acknowledges the legitimacy of the anti-tobacco movement by saying, "The anti-tobacco movement is not the crusade of a small group of activists. It represents the broad mainstream of public opinion here in Ontario and all around the world."<sup>45</sup> Smitherman's words prove that the government knew of the anti-smoking coalition and likely viewed them as a credible representation of the public will. The Ontario government admits they had some knowledge and likely some contact with anti-smoking interest groups.

Second, interest groups announced through the news media their intent to lobby the government for smoking regulation prior to the introduction of Bill 164. In March 2002, the *National Post* reported that "Ontario's chief doctors group has decided to lobby for what could be the most sweeping crackdown on smoking in Canada – a province-wide ban on tobacco use in every public area and workplace."<sup>46</sup>

---

45 Official Report of Debates, *Legislative Assembly of Ontario*, December 15, 2004.

46 Tom Blackwell, "Doctors seek to ban Smoking in Public Places: OMA wants Province to Act," *National Post*, March 26, 2002, sec. A.

## The Social Contract

The Ontario Medical Association's board of directors had decided to conduct a "prominent public campaign" to urge the province to introduce smoking regulations.<sup>47</sup> Almost a year later the Ontario Medical Association was still lobbying the government. In February 2003, they held a press conference to urge the provincial government to ban smoking province-wide. The next day Conservative Health Minister Tony Clement conceded that the government would consider a province-wide smoking ban.<sup>48</sup> The Ontario Medical Association was publicly pressuring the Ontario government to ban smoking prior to the introduction of the *Smoke-Free Ontario Act*.

In the committee hearings for Bill 164, other interest groups admitted to lobbying the Ontario government to ban public smoking. Some interest groups that subtly admitted to lobbying the government were the Ontario Campaign for Action on Tobacco, Physicians for a Smoke-Free Canada, the Lung Association, the Canadian Cancer Society, and the Association of Local Public Health Agencies (ALPHA).<sup>49</sup> ALPHA took credit for helping to bring about many local by-laws that laid the foundations for the provincial legislation.<sup>50</sup> They supported the government bill as each component had been a subject of their advocacy efforts.<sup>51</sup> Finally, the ALPHA representative said, "With its passage and with all of ALPHA's years and years of work, the resolutions and the petitioning of the government, we'll finally be able to close the book on some of our advocacy efforts."<sup>52</sup> ALPHA and other interest groups were relieved their lobbying efforts had resulted in the *Smoke-Free Ontario Act*. Lobbying by interest

---

47 Ibid.

48 Keith Leslie, "Ontario Health Minister Agrees to Consider Province-wide ban on Smoking," *Canadian Press Newswire*, February 12, 2003.

49 Official Report of Debates, *Legislative Assembly of Ontario, Standing Committee on Finance and Economic Reform*.

50 Ibid.

51 Ibid.

52 Ibid.

## The Social Contract

groups can partly explain the timing of the *Smoke-Free Ontario Act*.

However, the success of the anti-tobacco lobby should not be overstated as there was also a pro-tobacco lobby working against them. MyChoice.ca is a non-profit online association funded by the Canadian Tobacco Manufacturers' Council that did not support Bill 164.<sup>53</sup> Ontario has a large tobacco growing sector, concentrated in Southwestern Ontario near Lake Erie, that produces over ninety per cent of tobacco consumed in Canada.<sup>54</sup> While this industry does not play a large role in the Ontario economy, it is sufficiently prosperous to fund lobbyists and interest groups to protect its interests. If anti-tobacco groups were lobbying the Ontario government, it is likely tobacco interests were also represented at Queen's Park. Furthermore, the tobacco industry has been very effective at the state level compared to the local level in the United States because the campaigns of legislators at the state level are more expensive so more receptive to donations.<sup>55</sup> Local politicians have been found to be wary of outside influence, as the tobacco lobby would be in most Ontario jurisdictions.<sup>56</sup> For these reasons, the tobacco lobbyists would likely have been more successful at the provincial rather than municipal level. The tobacco lobby would have counteracted the efforts of the anti-tobacco interest groups at the provincial level. Therefore, the effect of anti-smoking interest groups may not have been as profound as previously thought.

The last argument to briefly consider for the timing of the *Smoke-Free Ontario Act* is the change in government. However, this can be easily disregarded. The Liberals came to power in 2003 and introduced Bill 164 in late 2004. Most of the lobbying by interest groups would have been focused on the Conservative government preceding the Liberals. While

---

53 Ibid.

54 Studlar, *Tobacco Control*, 132.

55 Peter D. Jacobson and Jeffrey Wasserman, *Tobacco Control Laws: Implementation and Enforcement* (Santa Monica: Rand, 1997), 59.

56 Ibid.

## The Social Contract

the change of government may have somewhat precipitated Bill 164, other factors need to be considered. The issue had to be put and kept on the agenda. In 2002, the Tories were satisfied with the coverage provided by the municipal bylaws.<sup>57</sup> By 2003, the Tories had agreed to consider banning smoking in public places.<sup>58</sup> This change in opinion had to have originated at some point, making the above discussion relevant. The change in government cannot explain the provincial government's decision to ban public smoking.

A variety of explanations for Bill 164, the *Smoke-Free Ontario Act*, have been considered and found individually inadequate. The health risks associated with second-hand smoke were cited by the government as a reason for the bill but those government speeches may have been orchestrated to make political gains. The government may have been responding to a perceived mandate of public support based on the great number of municipal by-laws. The variation among municipal by-laws had resulted in an unfair 'patchwork' of regulations that was detrimental to the hospitality industry. Finally, lobbying by anti-smoking interest groups may have prompted the government to legislate on public smoking. It is likely a combination of many factors provoked McGuinty's government to introduce Bill 164. Additional detailed research needs to be conducted to fully explain the evolution of anti-smoking by-laws and legislation in Ontario.

---

57 Habib, "Ontario Medical Group."

58 Leslie, "Ontario Health Minister Agrees."

## The Social Contract

### Appendix

*Verification of “Municipalities with 100% Smoke-Free Bar/Restaurant By-Laws” by Ontario Tobacco-Free Network, [www.theotn.org](http://www.theotn.org).*

To verify the bylaw’s content and date, used the text of the bylaw and *Health Canada* [www.hc-sc.gc.ca/hl-vs/tobac-tabac/lesiglation/reg/prod/on\\_e.html](http://www.hc-sc.gc.ca/hl-vs/tobac-tabac/lesiglation/reg/prod/on_e.html), March 21, 2007.

To verify population figures, used *Statistics Canada*, [www.statcan.ca](http://www.statcan.ca), March 21, 2007.

The information in the chart was verified for seventeen randomly selected municipalities listed below. The web address, if available, is given for the text of the by-law in question.

- Brantford: By-Law Number 107-2002, [www.theotn.org/BrantfordBylaw.pdf](http://www.theotn.org/BrantfordBylaw.pdf)
- Cobourg: By-Law Number 12-2002, [www.theotn/PDF.org/CobourgBylaw.pdf](http://www.theotn/PDF.org/CobourgBylaw.pdf)
- Essex County: By-Law Number 26-2003, [www.theotn.org/PDF/EssexCountyBylaw.pdf](http://www.theotn.org/PDF/EssexCountyBylaw.pdf)
- Ingersoll: By-Law Number 03-4093, [www.theotn.org/PDF/IngersollBylaw.pdf](http://www.theotn.org/PDF/IngersollBylaw.pdf)
- Michipicoten: By-Law Number 1610-03, [www.theotn.org/PDF/Oro-Medonte.pdf](http://www.theotn.org/PDF/Oro-Medonte.pdf)
- Sault Ste. Marie: By-Law Number 2003-7, [www.theotn.org/PDF/Sault-Ste-Marie.pdf](http://www.theotn.org/PDF/Sault-Ste-Marie.pdf)
- Tay Township: By-Law Number 2003-45, [www.theotn.org/PDF/TayTownship.pdf](http://www.theotn.org/PDF/TayTownship.pdf)
- West Nipissing: By-Law Number 2003/20, [www.theotn.org/PDF/WestNipissing.pdf](http://www.theotn.org/PDF/WestNipissing.pdf)
- Township of Barrie Island: By-Law Number 2003-04, [www.theotn.org/PDF/BarrieIsland.pdf](http://www.theotn.org/PDF/BarrieIsland.pdf)
- Carling: By-Law Number 2003-21, [www.theotn.org/PDF/Carling.pdf](http://www.theotn.org/PDF/Carling.pdf)



## The Social Contract

- Dufferin County: By-Law Number 2002-44,  
[www.theotn.org/PDF/Dufferin.pdf](http://www.theotn.org/PDF/Dufferin.pdf)
- Guelph: By-Law Number (1995)-14892, (2000)-16387, (2003)-17197,  
[www.theotn.org/GuelphBylaw.pdf](http://www.theotn.org/GuelphBylaw.pdf)
- Kapuskasing: By-Law Number 2711, unavailable on web
- Midland: By-law Number 2003-38,  
[www.theotn.org/PDF/new/MidlandBylaw.pdf](http://www.theotn.org/PDF/new/MidlandBylaw.pdf)
- Ottawa: By-Law Number 2001-148,  
[http://ottawa.ca/city\\_services/bylaws/municipal\\_bylaws/smoking/1\\_3\\_3\\_5\\_en.shtml](http://ottawa.ca/city_services/bylaws/municipal_bylaws/smoking/1_3_3_5_en.shtml)
- Sioux Lookout: By-Law Number 11-03,  
[www.theotn.org/GFG/bylaws/Sioux Lookout.pdf](http://www.theotn.org/GFG/bylaws/Sioux%20Lookout.pdf)
- Thessalon: By-Law Number 1123, unavailable online
- Whitestone: By-Law Number 50-2004,  
[www.whitestone.ca/bylaw\\_enforcement\\_smoking.html](http://www.whitestone.ca/bylaw_enforcement_smoking.html)

Conclusion: All data in the random sample was found to be correct.\* Therefore, it can be assumed that all data in the chart is also accurate.

\* The discrepancy in population for Essex County is explained by Statistics Canada as the result of boundary alterations for collecting census data.

## **The Social Contract**

### **AMERICAN POLITICS**

*Our democracy, our constitutional framework is really a kind of software for harnessing the creativity and political imagination for all of our people. The American democratic system was an early political version of Napster.- Al Gore*

## **The Social Contract**

### **The US Bureaucratic System During Katrina: The failure of bureaucracy and political self-interest in the relief effort following Hurricane Katrina**

*By Andrew Clark*

#### **Introduction**

On August 29<sup>th</sup>, 2005 the most devastating hurricane in United States (U.S.) history crashed into the Gulf Coast of Mississippi, Louisiana and Alabama, costing the Federal Emergency Management Agency (FEMA) upwards of six billion dollars in relief assistance as well as twenty billion in restoration assistance.<sup>1</sup> The relief effort conducted at the federal, state and local level was also one of the most disorganized responses in U.S. history resulting in the exposure of many of the failures of American bureaucratic methodology. The resulting inquiries by various branches of government also exposed one of the biggest problems in U.S. politics: the issue of 'image politics' and how it resulted in the loss of extensive quantities of political capital from the three major chief executives involved. Ultimately this paper will examine the bureaucratic responses to Katrina, particularly at the federal levels of government and determine the failures that stemmed from the inherent weaknesses in these bureaucracies. It will conclude that it was in fact the bureaucracy of FEMA that resulted in the mass collapse of relief efforts in New Orleans, and that the bureaucratic system inherently generated sacrificial lambs to take the blame away from the flawed system.

#### **Bureaucratic inefficiencies before, during and after Katrina**

The U.S. Congress has been noted throughout history as being slow to react to social demands, due to the separation of powers and federal system of division of responsibility. However the American bureaucratic system is a far more inefficient and bloated mechanism through which elected

---

<sup>1</sup> Federal Emergency Management Agency, *FEMA: Hurricane Katrina Information* Mar 5, 2007, <http://www.fema.gov/hazard/hurricane/2005katrina/index.shtm> (accessed on Mar 12, 2007).

## The Social Contract

officials attempt to implement what public policy is passed through Congress. In late August and early September of 2005, this inefficiency came to a head during the preparation, rescue and relief efforts of Hurricane Katrina.

A principle cause behind this inefficiency stems from a professional fear of being the focus of the public's anger when something goes wrong. Russell Sobel and Peter Leeson suggest that bureaucracies in general, choose to "err on the side of type-two [public choice theory] errors"<sup>2</sup> as they generate fewer backlashes for the agency in control. These types of errors stem from being over-cautious and thus making response efforts slower, but unlike "type-one errors" they are not overt mistakes on the part of the agency.<sup>3</sup> From the point-of-view of someone in Washington, D.C. this is desirable. As will be discussed later, disasters are political events. Officials are concerned about their appearance during catastrophes, as such distancing themselves as far as possible from the failures is an attractive proposal and these type-two errors provide the safest direction for them to take. Further, being cautious is not necessarily a vice even when planning the response to disasters such as Katrina. The actions of FEMA and the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) during the Katrina relief efforts are a clear portrayal of this way of thinking. When FEMA and GOHSEP waited to put support elements on the ground, they were waiting until it was safe for the rescuers to enter the area without becoming casualties themselves. The evacuation of New Orleans was held off because the local government wanted time to organize the effort so that they would not be blamed for gridlock leaving the city as the storm descended upon helpless evacuees. The failure on the part of the city to utilize resources at its disposal during the early stages of the evacuation is further a part of this necessity to have things organized and planned out. When the local government refused an offer from Amtrak to evacuate 900

---

<sup>2</sup> Peter T. Leeson and Russell S. Sobel, "Government's Response to Hurricane Katrina: A Public Choice Analysis," *Public Choice* 127, no. 1-2 (2006), 59.

<sup>3</sup> Ibid.

## The Social Contract

people out of the city on a train they were moving out of the hazard area, it was a product of the inflexibility of bureaucracy.<sup>4</sup> In these cases, delay and cautiousness on the part of bureaucracies is desirable. The problems of this type of thinking become visible when the bureaucratic methodology hinders the organizational and logistical efforts of responders. At all levels of government the response to the floods in New Orleans lacked the necessary organizational and logistical power to support the massive collapse in the public health system, resulting in the vast majority of hospitals having to be shut down and evacuated.<sup>5</sup>

The fear of overt errors in bureaucratic responses generates perhaps the most unattractive feature of U.S. bureaucracies: the sheer number of people with operational oversight throughout the chain. While ultimately, every level of the federal bureaucracy culminates in the President – with a similar system at both the state and local level – the fault does not rest entirely with the chief executive. It is unfathomable for one person to micromanage the efforts of so many thousands of people and that is why administrators are appointed to handle the details of a President's broader vision. In the case of Hurricane Katrina, President Bush outlined broad orders and programs that he wanted the bureaucracy of FEMA and the Department of Homeland Security to implement. These orders then had to be transitioned, top-down, to the various state, regional and local administrators who were then required to have all actions subsequently approved by each of their supervisors.<sup>6</sup> It is within this framework where the problem occurs. The many decision-makers throughout the process create a situation equivalent to 'too many cooks in the kitchen', with each supervisor making

---

4 Mike M. Ahlers, Anderson Cooper, and Tom Foreman, "People making decisions hesitated," *CNN.com*, Sep 13, 2005, <http://edition.cnn.com/2005/US/09/13/katrina.response/index.html> (accessed on Mar 9, 2007).

5 Franco, Crystal, et al, "Systemic Collapse: Medical Care in the Aftermath of Hurricane Katrina," *Biosecurity and Bioterrorism: Biodefense Strategy, Practice, and Science* 4, no. 2 (2006), 136.

6 Leeson, 56.

## The Social Contract

decisions based on their own personal professional needs and desires. This results in many things that should be common sense, being completely abandoned and overlooked. A particularly glaring example of this is during the flooding of New Orleans when the FEMA administration either forgot or dismissed the need for supplies to be delivered to the area's hospitals so that they could continue caring for patients.<sup>7</sup> It also provides insight into another glaring issue with this 'multiple cooks' model, the inability for large-scale bureaucracies to learn and adapt to past lessons. Crystal Franco, of the University of Pittsburgh Medical Center's Center for Biosecurity, and her colleagues, note an incident in Houston during Hurricane Rita where the Houston Memorial Hospital was flooded and had to be evacuated.<sup>8</sup> The aftermath of this resulted in the hospital being outfitted to survive a similar situation in the future. However, on a larger scale, none of New Orleans' hospitals – which occupy areas that are at more risk than Houston – had similar defenses installed.<sup>9</sup> Beyond the local level, the U.S. emergency preparedness community lacks the flexibility to learn from its mistakes, and implement broad protection programs.

However, the fault is not completely in the hands of FEMA, as it only has the ability to respond to the needs of the public, and has to obtain political approval for every action. The result of this is that FEMA lacks an efficient system for determining the "supply and demand" of disasters.<sup>10</sup> Private corporations, like Wal-Mart, are far more flexible when dealing with humanitarian crises than bureaucracies are, since their governance structure is designed to react to sudden market shifts.<sup>11</sup> The disaster in New Orleans can be seen from a corporate perspective as an enormous shift in demand, which their logistics systems are capable of reacting to with an influx of supplies to meet this. FEMA on the other hand lacks the logistical capacity to directly determine supply and demand

---

7 Franco, 136.

8 *Ibid.*

9 *Ibid.*

10 Leeson, 63.

11 *Ibid.*

## The Social Contract

necessities on a local level. As a result they were unable to get food and water to the people, because they simply did not know who needed it.

Another problem that arises from federal bureaucracies in particular is the method through which they provide funding toward disaster management and preparation projects. In the New Orleans this can be seen in the construction of the levee systems. The federal government provided funding for various levee systems that would protect the region against hurricanes “up to a one in two hundred-year recurrence interval (equivalent to a Category 3 hurricane).”<sup>12</sup> These systems were eventually downgraded by the local administration to that of a one hundred-year storm, due to overburdened cost sharing at the local level.<sup>13</sup> Still, while downgrading the protection, the local government still instituted extensive urban development projects within the floodplains of two-hundred year storms which were inadequately protected by the levee system. When these systems failed during Katrina, these regions became those with the most extensive property damage.<sup>14</sup> The question raised from this is: why would the government pull back on these projects? The cited answer is cost, but in reality it is due to the justification of those costs. The federal and state governments would have been able to assist the local government if it could adequately justify the cost. The terminology used is ‘two-hundred year storm’: spending for the protection of an area against events that will likely occur in the distant future is difficult to justify. The public prefers to have its money spent on programs with immediate benefits, and ignore the risks of putting off these long-term projects. A local government has a better chance of justifying a local project due to the local populations’ understanding of the risks. In the case of New Orleans, the city understood the need

---

12 Raymond J. Burby, "Hurricane Katrina and the Paradoxes of Government Disaster Policy: Bringing about Wise Governmental Decisions for Hazardous Areas," *The Annals of the American Academy of Political and Social Science* 604, no. 1 (2006), 174.

13 Ibid, 179.

14 Ibid.

## **The Social Contract**

for levees and could justify the more advanced system to its population. The problem is that the larger the constituency gets, the more diffuse the understanding of the problem becomes. At the state level, it is difficult to justify expensive levee systems to a northern Louisiana businessperson who would be unaffected by the protection. At the federal level, it is near impossible to justify levee systems in Louisiana to a resident in San Francisco who thinks that money should be going towards earthquake and tsunami protection. The problem is that while the concern becomes more diffuse as you move up through the levels of government, the funding also becomes more abundant. The City of New Orleans may be able to justify the spending but lacks the funding to support it, and relies on the state and federal level to support them. Though these levels will only fund part of the cost, and if the city cannot fund their share of the cost the project must still be downgraded to accommodate their budgets. The lesson is that local governments need more federal funding and further they need more influence to obtain this funding. However, more federal funding requires more federal reserves, which touches a completely different problem that will not be discussed here: taxes.

### **Political self-interest within the bureaucracy**

Though it cannot be the sole cause of inefficiency within bureaucracies, the self-interest of officials does play a part in their mentality during crises. This does not imply that officials are corrupt, but rather that the higher an individual moves in a bureaucracy, the more risk there is if they fail. They would need to shift the blame, if not eliminate it completely. The principle method for politicians and officials to shift blame is to appear as though they are working hard towards a conclusion. Following 9/11 and Katrina, President Bush had many photo opportunities in the disaster zones in order to appear as a man of action. Further,

Amidst the post-Katrina chaos, Michael Brown was more concerned with his appearance in preparation for discussions with the media, than with actually ensuring that FEMA-directed relief efforts were effective. In one email uncovered as



## The Social Contract

part the Congressional investigation into Michael Brown's mishandling of FEMA, Brown was advised, "Please roll up the sleeves of your shirt ... all shirts. Even the President rolled up his sleeves to just below the elbow. In this crises [sic] and on TV you just need to look more hard-working ... ROLL UP THE SLEEVES!"<sup>15</sup>

Arguably this is not a bad thing. Politically, if an official were to appear well-groomed during a national crisis they would be chastised by the public and the media. This truly becomes an issue when officials start subverting response efforts to the extent that they limit how many other people can be praised in the aftermath. During Hurricane Katrina the most obvious example of this problem came when FEMA restricted the Red Cross from entering the disaster zone to deliver relief supplies and confiscated resources from them and other private interests when they were discovered in the area.<sup>16</sup>

FEMA and the federal bureaucracy is not the sole perpetrator of 'image politics', even – if not especially – the chief executive is prone to politicizing national disasters. During a President's re-election year, there is a tendency for them to declare more national disasters and thus provide state and local governments with increased relief funding. As Sobel and Leeson point out, Bill Clinton declared 75 disasters in his re-election year and George W. Bush declared 68 in his re-election year.<sup>17</sup> Ultimately, the reason for this is purely political. When a President declares a national disaster and devotes resources to it in a state such as Ohio or Florida – or any other state – they gain an edge over their opponent and often win out over them. Though this does not truly apply to Katrina insofar as it was a national disaster and whether it was politicized or not, it is more to illustrate that the bureaucracy is not the only group to care about 'image politics'.

---

<sup>15</sup> Leeson, 67.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid, 61.

## The Social Contract

### **Bush, Blanco and Nagin: Sheep to the public wolves**

In the case of Hurricane Katrina, President Bush, Governor Kathleen Blanco and Mayor Ray Nagin all took the brunt of the political fallout from the failures in New Orleans. Beginning with President Bush, one could argue that he took perhaps the most resounding political beating in the country after Katrina. Less than two weeks following the disaster, Bush was forced to accept full blame for FEMA's failures.<sup>18</sup> Further, he was forced to simultaneously defend the people actually saving lives in New Orleans whether they were part of the organizational problem or not. Several days later, during a speech in New Orleans, Bush again had to reaffirm both of these opposing statements.<sup>19</sup> While ultimately, some blame did rest with Bush, he cannot be the sole person responsible as it is virtually impossible for a single person to micromanage the bureaucracy is established to manage. Unfortunately for Bush, accepting blame only increased national animosity towards him, which ultimately helped to end the Congressional republican majority.

Governor Blanco faced a similar issue at the state level, as she was at the top of the Louisiana state bureaucracy and was closer to the issue than the President who could distance himself by sheer level of responsibility. Not long after the President, she was forced to accept full responsibility for her state bureaucracy's failures.<sup>20</sup> It is unclear whether she will suffer a similar political fate as President Bush as a result

---

18 "Bush takes blame for Katrina flaws," *Katrina, The Long Road Back* - *MSNBC.com*, Sept 13, 2005, <http://www.msnbc.msn.com/id/9324891/> (accessed on Mar 12, 2007).

19 "President Bush Delivers Remarks on Hurricane Katrina Recovery," *WashingtonPost.com*, Sept 15 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/15/AR2005091502252.html> (accessed on Mar 12, 2007).

20 Melinda DeSlatte, "Blanco takes blame for state response," *Nation/Politics - The Washington Times, America's Newspaper*, Sept 15 2005, <http://www.washtimes.com/national/20050914-115653-8272r.htm> (accessed on Mar 12, 2007).

## The Social Contract

of accepting blame, since she has not been linked to any major election.

At the local level, Mayor Nagin took a different approach in dealing with the political fallout from his government's failure. He utilized the disaster in an effort to unify the crippled city during his "Chocolate City Speech" on Martin Luther King Day in 2006.<sup>21</sup> The speech and the methodology behind it were successful, as this won him re-election as Mayor of New Orleans, suggesting that the politicization of natural disasters is a successful tool in one's electoral arsenal, so long as one is on the right side of the politics involved.

### **Concluding Thoughts**

*In conclusion*, the general purpose of this paper has been to examine the failures of the U.S. disaster relief bureaucracy during Hurricane Katrina. *Specifically*, the federal bureaucracy of FEMA – which was ultimately responsible for the relief effort – created the failures that cost so many lives in New Orleans in the aftermath of Katrina. Further, the bureaucratic system was inherently developed to generate scapegoats and sacrificial lambs, *in order* to shift blame away from the inefficiencies of the system. In the end, Hurricane Katrina was a natural disaster and as much as they are unpredictable, natural disasters are also unstoppable. The loss of life was predictable and expected; and as unfortunate as that is, it is a fact of life, and blaming anyone but the weather is just a way of directing emotion as to feel better in the aftermath.

---

21 "Transcript of Nagin's speech," *The Times – Picayune*, Jan 17 2006, [http://www.nola.com/news/t-p/frontpage/index.ssf?news/t-p/stories/011706\\_nagin\\_transcript.html](http://www.nola.com/news/t-p/frontpage/index.ssf?news/t-p/stories/011706_nagin_transcript.html) (accessed on Mar 12, 2007).

## The Social Contract

### COMPARATIVE POLITICS

*There is no reason to accept the doctrines crafted to sustain power and privilege, or to believe that we are constrained by mysterious and unknown social laws. These are simply decisions made within institutions that are subject to human will and that must face the test of legitimacy. And if they do not meet the test, they can be replaced by other institutions that are more free and more just, as has happened often in the past. - Noam Chomsky*

# **The Social Contract**

## **Soviet Intervention during the Cold War**

A Case Study of Yugoslavia, Hungary and Czechoslovakia

*By David Dunnet*

In the wake of World War Two the Soviet Union was contending with many issues in its newly expanded territory. It was trying to consolidate its power within the East European countries it had attained through negotiations at Yalta in February 1945 and Potsdam in July, while trying not to provoke the allies, specifically the United States, to challenge Soviet authority.<sup>1</sup> The strategy was to form national fronts and have seemingly free elections for communism and not directly control the countries, which could cause a backlash from the allies. The Soviet Union did not want to begin another war with the United States and could not afford to at the time. This strategy worked but was different on a case by case basis. When dissention arose in different Eastern bloc states the Soviet Union was mainly concerned with maintaining its European buffer zone between itself and Western Europe as well as maintaining communist rule in these states. This paper will focus on the specific incidents in Yugoslavia in 1948, Hungary in 1956 and Czechoslovakia in 1968 and why military intervention was utilized in the latter two crises but not in Yugoslavia. It will primarily focus on the events of the crises, and reasons for intervention with brief background information and other possible international events, which led to a decision as whether to intervene. The decision to use military intervention in Hungary and Czechoslovakia but not Yugoslavia was due to direct threats of losing Soviet ideological control and the strategic European buffer zone, a decreased chance in the West taking action and a lack of an organized resistance to defend the state against Soviet forces.

### **Yugoslavia**

---

1 R. J. Crampton, *Eastern Europe in the Twentieth Century* (New York: Routledge, 1994) 212.

## The Social Contract

In Yugoslavia the communist government was strong and came to power after the war without Soviet assistance. The country led by Josip Tito embraced Stalinism with heavy industrialization, agricultural collectivization, purging of opposition and support for the Soviet Unions' increasingly confrontational attitude towards the Western powers; formulated at the founding conference of the Cominform in September 1947.<sup>2</sup> The relationship between Yugoslavia and the Soviet Union was strong, but in late 1947 and early 1948 specific differences arose which created a split between the two states and their leaders.

The concrete causes of the split were Yugoslavia's interests in south-eastern Europe and its actions against Soviet direction and consent.<sup>3</sup> The communists in Greece were seeking assistance in their efforts to take control of the country and Tito gave his support.<sup>4</sup> Yugoslavia was also concerned with winning control over the border city of Trieste from Italy.<sup>5</sup> These efforts by Tito were directly against Stalin's directives and contradictory to the agreements Stalin had made with the allies. Yugoslavia was also displaying a willingness to challenge the West, as it shot down two US planes in 1946.<sup>6</sup> The major issue was Yugoslavia trying to be autonomous in its foreign affairs, as "Stalin wanted unconditional subordination."<sup>7</sup> Another factor in the split was Tito's efforts to establish a Balkan federation to include Hungary, Romania, Bulgaria, Albania and Yugoslavia.<sup>8</sup> Stalin's concern was not with the federation's existence as much as Tito's efforts in

---

2 Leonid Gibianskii, "The Soviet-Yugoslav Split," *Revolution and Resistance in Eastern Europe: Challenges to Communist Rule*, ed. Kevin McDermott and Matthew Stibbe (New York: Berg, 1996) 18.

3 Gibianskii 30.

4 David S. Mason, *Revolution and Transition in East-Central Europe* (Boulder, CO: Westview, 1992) 20.

5 Ibid.

6 L.P. Morris, *Eastern Europe Since 1945* (Exeter, NH: Heinemann, 1984) 32.

7 Mason 20.

8 Gibianskii 26.

## The Social Contract

establishing it without Soviet approval, inclusion or assistance.<sup>9</sup>

It became clear that Tito was a problem and Stalin sought to make an example of him. Soviet advisers were withdrawn from Yugoslavia and Tito was accused of heresy culminating in Yugoslavia's expulsion from the Cominform in June 1948.<sup>10</sup> The Soviet Union also implemented an economic blockade on Yugoslavia which it believed would cripple the country as the Soviet Union was its main trading partner.<sup>11</sup> However, Stalin's efforts were thwarted. Firstly, the people did not turn on Tito as they viewed him as a World War Two hero. Secondly, the West provided economic aid trying to take advantage of the situation. From this event, the Greek civil war ended as the communists lost their support from Yugoslavia, an event which Stalin blamed on Yugoslavia for sabotaging the communists in Greece.<sup>12</sup>

During this split between Stalin and Tito, there was never a threat of Yugoslavia breaking away from the Soviet Union, or it changing its communist policies to support the West. There was no need for Stalin to intervene militarily to impose Soviet style rule in the state as Yugoslavia was a strong proponent of communism. One of the main problems was that Tito wanted to follow the Marxist-Leninist policy of international Marxism too quickly, and did not want to trail behind the Soviet Union with Stalin's policy of socialism in one country.<sup>13</sup> It was reasonable for Stalin to assume that his sanctions upon Yugoslavia would be enough to curtail Tito and stop his foreign policies in Greece and Italy, and prevent further multilateral actions without Moscow's approval. It would have been unnecessary for military intervention as Yugoslavia was not threatening to remove itself from Soviet

---

9 Mason 21.

10 Mason 21.

11 Roger East, *Revolution in Eastern Europe* (New York: Pinter, 1992) 159.

12 Crampton 260.

13 Morris 33.

## The Social Contract

influence, and the USSR would still have it as a buffer state between itself and the west.

It was the threat of losing this European buffer zone that provoked military intervention in both Hungary and Czechoslovakia. Stalin believed war between itself and the capitalist west to be inevitable due to the nature of finance capitalism.<sup>14</sup> Therefore, Eastern Europe was regarded as a vital buffer zone to provide a defensive wall against invaders and to provide a forward deployment zone for offensive operations against the West.<sup>15</sup> Eastern Europe also represented the first stage of international communism. The Soviet Union was the example of the Marxist-Leninist ideology on a global scale and its own solidarity was necessary to prove the system worked and was superior to the West.<sup>16</sup> Tito's split did not threaten these elements of the Soviet Union; therefore it was not necessary to expense vast resources to change the leadership. The use of the military would have also brought further international attention to the situation and at the time, it was a very delicate situation. A military campaign against Yugoslavia would have also been a major feat as Tito would not have passively allowed Soviet troops to remove him from power. Tito possessed citizen and military backing, which could have turned military intervention into a long drawn out civil war or difficult occupation.

Another reason not to invade was the threat of US intervention in Eastern Europe caused by a full Soviet invasion of Yugoslavia. One of the reasons for the split was Tito's intervention in Italy and Greece and the fear that these actions may bring a Western attack. The Soviet Union wanted time to solidify its power in the region and could not afford another war with the United States. China was also in a civil war. The communists under Mao Zedong were winning, with overt support from Stalin to not provoke the United States.

---

14 Adrian Hyde-Price, *The international politics of East Central Europe* (New York: St Martin, 1996) 144.

15 Ibid.

16 Ibid.



## The Social Contract

This was another international situation that the Soviet Union did not want to explode into a Soviet-American war.<sup>17</sup> One of the main fears at the time was the fact that the US possessed a monopoly on the atomic bomb in 1948. It had demonstrated the power of this weapon on Japan and thus the Soviet Union was trying to quickly develop and steal the technology, but at this time it did not possess nuclear weapons, and did not have the military strategy of deterrence and mutually assured destruction.<sup>18</sup>

The US foreign policy at the time, along with its military superiority, was another reason Stalin could not afford to intervene militarily. An American State Department official, George Kennan, “[...] argued that the Soviet Union was expansionist by both tradition and ideology, and the US policy should therefore be a ‘firm and vigilant containment of Russian expansive tendencies.’”<sup>19</sup> The theory of containment combined with the Truman Doctrine, to support free people who are resisting attempted subjugation by outside pressure, put Soviet activities in Eastern Europe under a microscope.<sup>20</sup> However, Eastern Europe was not one of the central concerns in US foreign policy, and the US did not want a situation to arise drawing it into another war.<sup>21</sup> Nevertheless, the US did not accept the domination of Eastern Europe by the Soviet Union, or the absorption of the Baltic states.<sup>22</sup> The US, “[...] professed to favor the ‘liberation’ of the ‘captive peoples’ of Eastern Europe from Soviet-imposed communism.”<sup>23</sup> Therefore when Yugoslavia was suffering an economic embargo by the Soviet Union after the split Tito was given

---

17 Laszlo Borhi, *Hungary in the Cold War 1945 – 1956* (New York: Central European University Press, 2004) 197.

18 Morris 32.

19 Mason 13.

20 Gale Stokes, *From Stalinism to Pluralism: a documentary history of Eastern Europe since 1945* (New York: Oxford University Press, 1991) 35-37.

21 Mason, 5.

22 Mason, 5.

23 Ibid.

## The Social Contract

economic, military, political and psychological support.<sup>24</sup> This support was invaluable in helping him withstand the blockade and the attempts to subvert him immediately after the 1948 split.<sup>25</sup> This event made American foreign policy analysis excited about the advent of curtailing Soviet influence in Eastern Europe; however, the failures of the US during the Hungarian crisis changed their sphere of influence and strengthened Soviet control eight years later.

### Hungary

The military intervention in Hungary was a very different situation from Yugoslavia. In Hungary, a revolution was forming and mass discontent with the Soviet Union was culminating with a challenge to Soviet authority, calling for reform and a change in leadership. The events in Hungary were also, in part, a response to the events that had just transpired in Poland. Khrushchev's denunciation of Stalin in February of 1956 was also an underlying cause of the political frustrations in Eastern Europe as people saw an opportunity to voice their unrest with the system.<sup>26</sup> The Polish crisis occurred in June 1956 when demonstrations against low wages and poor economic conditions culminated into a riot which was brutally suppressed by Internal Security forces.<sup>27</sup> The climax of this event occurred on October 19, when Soviet tanks surrounded Warsaw, Khrushchev confronted Gomulka, the leader of Poland, and Khrushchev backed down.<sup>28</sup> This sparked celebrations on October 22 in Budapest by Hungarian students, celebrating Polish victory, and led them to demand reforms of their government.<sup>29</sup> The celebrations became demonstrations of more than 50,000 people who called for a

---

24 J. F. Brown, *Eastern Europe and Communist Rule* (London: Duke University Press, 1988) 107.

25 Ibid.

26 Barbara B. Green, *The Dynamics of Russian Politics: A Short History* (Westport, CT: Greenwood, 1994) 60.

27 Mason, 22.

28 Patrick Brogan, *Eastern Europe 1939-1989: The Fifty Years War* (London: Bloomsbury, 1990) 124.

29 Ibid.

## The Social Contract

reform of the Communist party and a new government headed by Imre Nagy.<sup>30</sup>

The changes in the political leadership of the Communist Party in Hungary were another underlying cause of this issue. The two leaders in the situation were Matyas Rakosi, a strong Stalinist, and Imre Nagy, a moderate and reformer loved by the people. In 1953, Rakosi was removed and Nagy instated, part of Khrushchev's plans for de-Stalinization. Two years later, Nagy was replaced by Rakosi because of his reforms causing unrest in the party.<sup>31</sup> It is this change that some authors believe was the most important causal factor of the 1956 revolution. "Hungarian workers and peasants were bitterly angry about the government's sudden reversal. They blamed Rakosi and cherished the memory of Nagy."<sup>32</sup> After the Polish crisis, Rakosi was removed again in July 1956, but replaced with Erno Gero another Stalinist, leaving Nagy demanding to be restored.<sup>33</sup>

This conflict in leadership added to the call for reform by the people and was an additional issue to the October 22 demonstrations, which grew to 200,000 a day later.<sup>34</sup> "The primary cause of the uproar was overall dissatisfaction with the policies of the party and its leadership."<sup>35</sup> In addition to a call for Nagy leadership, they were also demanding a removal of Soviet troops and destruction of Stalin's monument. The party's central committee decided overnight to create a new government led by Nagy, which caused Gero to call Moscow requesting support claiming a counterrevolution was taking place. It was this climate of revolution, and the fear of losing Hungary to

---

30 Ibid 125.

31 Ibid 122-123.

32 Ibid 123.

33 Ibid.

34 Oleg Sarin and Lev Dvoretzky, *Alien Wars: The Soviet Union's Aggressions Against the World, 1919 to 1989* (Novato, CA: Presidio, 1996) 165.

35 Ibid.

## The Social Contract

reformists that caused the Soviets to react with military intervention.

The first instance of military intervention occurred on October 24 with troops stationed in Hungary. They were ordered to enter Budapest mostly as a demonstration of force to suppress the protestors.<sup>36</sup> However, when the soldiers were shot at from roof tops they fired back and skirmishes broke out all over the city.<sup>37</sup> The military position was weakening and the protesters were now rejecting a reform of socialism, and called for free elections and a coalition government.<sup>38</sup> On October 28, Nagy declared on the radio that the movement should not be counterrevolutionary, but a powerful democratic movement, which troubled Soviet officials further.<sup>39</sup> This was an unprecedented situation in the history of the Soviet Union. The army had been defeated in four days by mixed civilian and military resistance groups, the Secret Police had been destroyed and main elements of the Communist regime were defeated.<sup>40</sup> Nagy was also in control of what was left of the government, a leader supportive of reforms and not Soviet interests. This led to a Soviet troop removal. It began on October 28 beginning in Budapest and took two days until they were out of Hungary. The demonstrators believed they had won against the Soviets, and Nagy truly believed the troops had left.<sup>41</sup> However, there were reports on October 30 and Nov 1 that large columns of Soviet troops were entering the country. The Soviet Union had decided to invade with over 100,000 Warsaw troops to take control of the country.<sup>42</sup> Nagy wanted an explanation and on November 1 he formally removed Hungary from the Warsaw pact. The decision to leave the Warsaw pact was in response to the invasion and not a cause of it.

---

36 Ibid 166.

37 Ibid.

38 Ibid 167.

39 Ibid 169.

40 J. M. Mackintosh, *Strategy and Tactics of Soviet Foreign Policy* (Toronto: Oxford University Press, 1963) 172.

41 Ibid 173.

42 Sarin 167.

## The Social Contract

On November 4 the Soviet forces, including two tank divisions, an infantry division, the air force and artillery, entered Budapest which caused Nagy to flee to the Yugoslavian embassy. Janos Kadar the head of the party then stated that the provisional government of Nagy was defeated and he was now Prime Minister.<sup>43</sup> The protesters were quickly put to rest. The Soviets had gained control led by Kadar who welcomed the troops requesting their assistance to help, “[...] smash the sinister forces of reaction and restore order and calm in the country.”<sup>44</sup> The event culminated in the eventual capture, trial, and execution of Nagy and other officials who helped him.<sup>45</sup>

This event was paramount to the Soviet Union as it ensured that its buffer zone of Eastern Europe remained in tact, it demonstrated that it would not allow dissent in the bloc, and proved that the West was not willing to risk starting a war to assist bloc countries attempting to break away. Unlike Yugoslavia, the Soviet regime and most of the Warsaw Pact allies saw the Hungarian revolution not as a challenge but an attack on Soviet Communism.<sup>46</sup> To the Soviet leaders, the risks of invasion were great, but the risks of contagion seemed worse.<sup>47</sup> The decision to crush the Hungarian revolution demonstrated that Moscow was not willing to accept the Yugoslav model elsewhere in the bloc. Conformity and control were the Soviet Union’s aims.<sup>48</sup> The decision to invade was somewhat conditioned by the Yugoslavia situation eight years earlier.<sup>49</sup> Yugoslavia was viewed as a weakness of the Soviet Union’s power. Allowing Tito to continue his special brand of communism after 1948, and his support and sympathy for Nagy posed more fears of further dissention in

---

43 Brogan 134.

44 Ibid.

45 Ibid 135.

46 East 41.

47 Ibid.

48 Mason 23.

49 Sarin 170.

## The Social Contract

Eastern Europe.<sup>50</sup> It was also feared that Hungary could be lost to the West, which would undermine the status quo in Eastern Europe and strengthen NATO, giving it an opportunity to operate behind the iron curtain.<sup>51</sup> This situation presented concrete ideological and strategic threats to the solidarity of the Soviet Union, which required immediate intervention. The invasion was seen as a necessary measure to ensure Soviet control and stability in the country, especially before the demonstrators could be organized and Nagy implement a possible reactionary military force. The decision to use national Hungarian troops was to limit the international reaction to an invasion, but it failed to control the situation. A full invasion force from the Warsaw pact seemed to be the only alternative. Soviet leadership also believed their intervention had the support of international law relying on the Potsdam agreements as a means to justify their actions to the West and the United States.<sup>52</sup> The failure of the US to stop the intervention allowed stronger control to be taken by the Soviet Union.

The United States' failure to act both in late October, when Hungarian military forces were used, and then in November, when an invasion force was utilized, proved that the West was unable and unwilling to interfere directly in a region where the Soviets would use force to defend their position.<sup>53</sup> The US, with other Western powers, made strong declarations of support for the Hungarian revolution, but the only action was humanitarian aid for Hungarian refugees.<sup>54</sup> President Eisenhower's speech typified their position, "[...] and we will do everything to assist those who suffer. But the

---

50 Ibid.

51 Y. I. Malashenko, "The Special Corps under Fire in Budapest-Memoirs of an Eyewitness," *Soviet Military Intervention in Hungary 1956*, ed. Jenő Györkei and Miklos Horvath (Budapest: Central European University Press, 1999) 276.

52 Sarin 170.

53 Brown 107.

54 Jenő Györkei and Miklos Horvath, eds. *Soviet Military Intervention in Hungary 1956* (Budapest: Central European University Press, 1999) 114.

## The Social Contract

government of the United States does not suggest, and indeed never can suggest, that a defenseless population start an open revolution against a power which it is not capable of defeating.”<sup>55</sup> Other than evading the prospect of war with the Soviet Union the US and other Western powers were dealing with another international crisis. On October 28, the Suez Canal nationalization problem erupted as military actions between Israel, Britain and France against Egypt was taking place.<sup>56</sup> This distraction was another reason Moscow was confident the US would not intervene to assist Hungary. The military strategy between the superpowers had also changed since 1948. The Soviet Union now possessed nuclear weapons and policies of deterrence were in effect to prevent either state from directly confronting one another. This strategic option allowed the Soviet Union to act more aggressively within the Eastern bloc. The US failure to act led to a change in their foreign policy to support more stability in the region. After the incident in 1961 Zbigniew Brzezinski, a State Department official, called for bridge building with Eastern Europe to aid the process of reform in the different countries.<sup>57</sup> However, these hopes of reform were squashed by the events over a decade later in Czechoslovakia when again the Soviet Union demonstrated its control of the region and its ability to intervene militarily unchallenged by the West.

### Czechoslovakia

The Soviet invasion and intervention of Czechoslovakia in 1968 was similar to the Hungarian invasion in that it was to suppress a movement that could threaten Soviet interests in the country. This particular movement was not driven from the bottom up like the Hungarian revolution but from the top down led by Alexander Dubcek.<sup>58</sup> He replaced Antonin Novotny as first secretary of the Czechoslovakian Communist Party January 5, 1968. He took a liberal view of politics and shocked the world by showing a

---

55 Ibid.

56 Borhi 247.

57 Brown 108.

58 Sarin 177.

## The Social Contract

more independent spirit for Czechoslovakia, ““Communism with a human face.””<sup>59</sup> Although remaining loyal to the Warsaw pact the country was moving away from the dominance of the Soviet Union, experiencing what was to be known as a liberal period, the Prague Spring.<sup>60</sup> This caused fear among the other Warsaw leaders as they did not want calls for reforms to spread to their countries.<sup>61</sup> In response to these reforms the Warsaw Pact held military maneuvers on a massive scale in Czechoslovakia. Hundreds of thousands of troops were practicing defending it against Germany and stayed after the maneuvers were over, sending a strong message to Dubcek.<sup>62</sup> On June 27, a Manifesto was signed by 70 leading writers, intellectuals, sports personalities, artists and other public figures pledging their support for the reform program and urging the government to accelerate it. This manifesto was a significant cause of the invasion. It proved that support existed for the reforms, and the expectation was for further change, interpreted as another attempt at a possible counter-revolution.<sup>63</sup> The Warsaw pact leaders issued a letter to Dubcek on July 14 demanding his reforms be reversed, which Dubcek publicly rejected.<sup>64</sup> A meeting was then held on July 29 to pressure Czech leaders into compliance, which ultimately failed. Documents attained since the fall of communism has also shed light on the events; a Czechoslovakian hardliner in the party sent a personal letter to Leonid Brezhnev, the Soviet head of state.<sup>65</sup> The letter appealed for fraternal help and called for military intervention to stop the reforms that were threatening Czech socialism.<sup>66</sup>

---

59 Brogan 94.

60 Kieran Williams, “The Prague Spring: From Elite Liberalisation to Mass Movement,” *Revolution and Resistance in Eastern Europe: Challenges to Communist Rule*, ed. Kevin McDermott and Matthew Stibbe (New York: Berg, 1996) 101

61 Sarin 177.

62 Brogan 97.

63 Ibid.

64 Ibid, 98.

65 Sarin, 178.

66 Ibid.



## The Social Contract

Help arrived in the form of the largest military invasion force since World War Two by the Warsaw pact. Over the night of August 20/21 approximately 750,000 troops entered Czechoslovakia. Some of the troops were already present and met up with the invasion force as they had remained in the country since the military maneuvers.<sup>67</sup> The troops secured government facilities and government buildings and arrested Dubcek and other Czechoslovakian leaders removing them to Moscow.<sup>68</sup> However, when the Czech people showed discontent for this action, and the party leaders left behind refused to form a government, the Soviets had two options: deal with Dubcek, or install military rule. They utilized Dubcek, but made him sign the Moscow protocol which approved the invasion, not wanting a repeat of Nagy and the Hungarian crisis.<sup>69</sup> Dubcek was slowly marginalized in the party, and retired to an ambassador position in Turkey. Gustav Husak was put in charge of Czechoslovakia to normalize and rollback the reforms.<sup>70</sup>

After the invasion the Soviets justified their actions with the Brezhnev Doctrine which stipulated that if a Communist government gets into trouble, other Communist states may come to its aid and support.<sup>71</sup> This doctrine limited the sovereignty of Eastern Europe and meant the Soviet Union could claim the right to intervene in any country in the bloc to prevent counterrevolution or deterioration of Communist Party control.<sup>72</sup> Like Hungary, the reasons behind the invasion were to maintain the European buffer zone, and ensure the ideological and strategic positions of the Communist Party were maintained. It was also clear that Dubcek was not in a position to challenge the Warsaw pact militarily and an invasion force would not be met by fierce military defense. These factors, coupled with the decreased threat of American support for Czechoslovakia, demonstrated in their lack of

---

67 Brogan, 98-99.

68 Sarin ,179.

69 Brogan, 102.

70 Mason, 25.

71 Ibid, 26.

72 Ibid.

## The Social Contract

support for Hungary, and the continuing policy of deterrence, put the Warsaw pact in a position partial to military intervention. The Soviet regime had also learned from the Hungarian crisis, and did not make the same mistakes of changing the leadership immediately. They slowly won back the general population by allowing Dubcek to remain in power, coercing him to accept the military intervention on behalf of Czechoslovakia.

Soviet interests and international factors are the paramount reasons for military intervention in Hungary and Czechoslovakia but not Yugoslavia. The Soviet Union wanted to ensure that their European buffer was maintained through the ideological stability of the region and strong communist control of the state's governments. Tito's split did not threaten either the buffer zone or a movement to democratize as he was a strong proponent of communism. Military intervention in this situation was not advantageous because Tito would have put up a strong defense and the west possessed military superiority with the atomic weapon to thwart Soviet actions in Europe in 1948. The revolution in Hungary starting from the bottom up resulted in a destabilization of the communist system and the reforming leadership of Nagy, threatened the stability of the Soviet position in the country. Khrushchev, having recently negotiated with Polish officials could not afford any more dissention in the bloc, and with the West's distraction with the Suez crisis and the deterrence strategy, it was unlikely the international community would intervene for the Hungarians. It was also unlikely that Nagy could mount any organized resistance, therefore an invasion was utilized. Similar to Hungary, the revolution of the Prague Spring in Czechoslovakia led by Dubcek was seen as a threat by the Warsaw pact to their stability and Soviet dominance in the country. However, unlike the Hungary crisis, the Soviets presented multiple opportunities for Dubcek to reverse his reforms. Once he failed to do so, invasion seemed to be the only way in which the government could be removed and the reforms reversed. The intervention may have not proceeded if the leaders of Czechoslovakia were able to mobilize military

## The Social Contract

forces to defend themselves. It had been demonstrated by Tito that the Soviets were unwilling to invade if the leadership of a rebellious East European Communist party was willing to go to war in defense of their national sovereignty.<sup>73</sup> In spite of this precedent, Dubcek did not mobilize and the Warsaw pact invaded with massive numbers, possibly to prevent the problems that occurred in Hungary, which warranted a second larger invasion. The revolution was destroyed, but learning again from the Hungarian experience, Dubcek was utilized in rolling back the reforms. The international situation in 1968 was similar to Hungary in 1956, as strategic deterrence was a main factor for the West not risking intervention.

It is clear through the analysis of these three crises that when the Soviet Union's positions in the Eastern bloc were threatened, no clear mobilized defense existed and the threat of international intervention was low. Rather, the Soviet Union reacted with large military intervention to ensure Soviet control and ideological leadership.

---

73 Christopher D. Jones, "Soviet Hegemony in Eastern Europe: The Dynamics of Political Autonomy and Intervention," *World Politics* Vol. 29, No. 2, Jan. 1977: 240-241.

## The Social Contract

### Britain and the European Monetary Union

*By Michael Pelz*

Britain has long been considered an “awkward partner” throughout the process of European integration, by grudgingly ceding more power to Brussels while also firmly protecting its autonomy and sense of difference from the rest of Europe. Many have characterized the founding of the European Monetary Union (EMU) in 1999, as a crowning economic and political achievement to further reconcile a continent plagued by war and destruction many decades earlier. Britain, however, has decided to remain outside the EMU for the time being. While not ruling out eventual membership, the Blair government has remained largely unconvinced about the economic benefits of joining a single currency, and in line with the liberal-intergovernmentalist strategies London generally pursues with Brussels, is deeply concerned about the power and autonomy given to the European Central Bank (ECB). The political interest which drives much of the desire for monetary integration is also largely absent in the UK. The British public remains highly attached to the Pound, seeing it as a symbol of what it means to be British and a reminder of their nation’s rich history. Perhaps unsurprisingly, most polls place a solid majority of Britons against the idea of adopting the Euro.<sup>1</sup>

Expanding on these issues, this paper will argue that it is presently not in Britain’s best interest to adopt the Euro. The British government is fragmented over the issue and has failed to articulate a clear position on its ideal preference for the EMU. This is primarily because of two factors: first, the economic case for joining the Euro remains unclear, given that Britain has continued to outperform the Euro zone on many fronts, and is highly dependent on trade with countries not in the EMU. Thus, a primary concern has been the fluctuations in

---

<sup>1</sup> Matthew Taylor, “How Not to Win a Referendum: The Domestic Politics of the Euro,” *New Economy*, 10.2 (June 2003): 89.

## The Social Contract

value of the Euro since its inception.<sup>2</sup> Further, memories of the Black Tuesday debacle and Britain's experience with the European Exchange-Rate Mechanism (ERM) have cautioned politicians from adopting an overly pro-European stance.<sup>3</sup> Secondly, the public remains highly skeptical, if not suspicious about the European Union (EU) as a whole. There is also strong support within the British government for the intergovernmentalist approach to further integration, given the great hesitancy about "emasculating" more sovereignty to Brussels.<sup>4</sup> This is not to say that British views on the EMU are static, indeed those who are well educated about the EU and groups that receive large amounts of aid from EU budgets, have more favourable views about adopting the Euro. However, the dominant position in Britain remains largely adverse to adopting the Euro. Given that the ultimate decision regarding the Euro rests with the British public, the government should not seek accession until it receives a strong democratic mandate through a referendum over the EMU. Until that point, however, Britain should remain outside the EMU.

---

2 Kathleen R. McNamara, "Managing the Euro: The European Central Bank," In *The Institutions of the European Union*, 2nd Edition. Eds. John Peterson & Michael Shackleton, (Oxford: Oxford University Press, 2006); 184. The Euro has had large swings in value since its introduction on January 1st, 1999. The currency was originally valued at US\$1.18 but fell within two years to a low of US\$0.87 before rising to a high of US\$1.37. As of 24 March 2007 the Euro was trading at US\$1.32 (<http://www.xe.com>), showing signs that the currency may be stabilizing. Throughout this period, however, the Pound Sterling has retained a more stable exchange rate.

3 The Exchange rate-mechanism was a system designed to provide stable currency rates between participating countries. It allowed an adjustable peg whereby nations were allowed to realign their currencies by a margin of +/- 2.25 if the other participants agreed to it.

4 Jim Buller, "Monetary Policy," In *The Europeanization of British Politics*, Edited by Ian Bache & Andrew Jordan. Houndmills, UK: Palgrave-Macmillan, 2006); 209.

## The Social Contract

Many arguments have been advanced both proclaiming the benefits of EMU membership and cautioning Britain from joining. Of the principle arguments in favour, the removal of currency misalignments, improved trade with European countries and a reduction in transborder transaction costs are frequently cited.<sup>5</sup> Joining the EMU could also encourage more foreign companies to invest in Britain by reducing the costs of dealing with multiple currencies. Similarly, should Britain choose to remain outside of the EMU, London's reputation as the prime business centre of Europe may be threatened, as more companies choose to relocate to the continent where they will be better able to influence EMU policy-makers.<sup>6</sup> Britain's ability to influence monetary policy in the EMU is also hindered by a potential late entry, given that "members not participating in the Eurosystem are effectively shut out of policy making."<sup>7</sup> London has long complained about EU policies not suiting its needs, including lingering resentment over the British Budgetary Question (BBQ) and concerns that the Common Agricultural Policy (CAP) has disproportionately hurt British farmers. When the UK eventually did join these programs, it was essentially forced to accept *a fait accompli*, given that it had not participated in the policy formulation process. Should the UK wish to influence and help craft policies including altering the terms of the Stability and Growth Pact (SGP) it must become a member sooner rather than rather than later. It is also particularly important that Britain secures a favourable exchange rate with the Euro when and if it enters the EMU, given that this will affect how competitive British industries will be in the Euro zone. Too high of an exchange rate will adversely affect British industries, making their products more expensive than similar products from countries such as France

---

5 Chris Mulhearn and Howard R. Vane, "The UK and the Euro: Debating the British Decision," *The World Economy*, 28.2 (February 2005): 246

6 Jim Rollo, "In or Out: The Choice for Britain," *Journal of Public Policy*, 22.2 (September 2002): 230-1 – Rollo states that there is little evidence to show that large corporations have relocated out of the UK because of currency fears.

7 McNamara, 179.

## The Social Contract

or Germany. Although most members of the EMU still want Britain to join the single currency, their willingness to grant a favourable exchange rate may wane if the UK continues to be unclear over its intentions.<sup>8</sup>

An analysis of Irish economic performance following accession into the EMU revealed that Ireland had benefited from increased currency transparency and more investment, however it also suffered from interest rates that were frequently misaligned with local conditions.<sup>9</sup> It is likely that the UK could expect similar benefits, given that Ireland is widely considered to have a similar economic structure to Britain. Jim Rollo also concludes that joining the EMU would not hurt British interests and it would be beneficial for London to seek entry sooner rather than later.<sup>10</sup> Joining the EMU will likely increase productivity and reduce inflation, given the ECB's commitment to stable monetary policy.<sup>11</sup> Finally, Kathleen McNamara also argues that the ECB has recently begun to take on many similar characteristics to the Bank of England, and the terms of the Stability and Growth Pact (SGP) have also been loosened giving legislators more room to craft policies appropriate for local conditions.<sup>12</sup>

Although these factors are compelling, many arguments also exist against adopting the Euro. For one, despite remaining outside the EMU, Britain has "comfortably outperformed the Euro zone in terms of growth" which as Thomas Quinn argues, has strengthened the position of groups

---

8 Alasdair Murray, "Burning Bridges: The Iraq crisis makes it more important than ever to join the Euro," *New Economy*, 10.2 (June 2003): 94.

9 Colin Hay, Nicola J. Smith & Matthew Watson, "Beyond Prospective Accountancy: Reassessing the Case for British Membership of the Single European Currency Comparatively," *British Journal of Politics and International Relations*, 8.1 (February 2006): 103.

10 Rollo, 223.

11 Buller 210.

12 McNamara, 179; Buller, 214

## The Social Contract

opposed to the EMU.<sup>13</sup> The UK has also maintained lower levels of unemployment, higher GDP growth, and has similar rates of inflation to the Euro zone.<sup>14</sup> Another major concern is that Britain trades heavily with nations outside of Europe and is thus very sensitive to large fluctuations in the Euro's value. The Euro has been vulnerable to "volatile" exchange rate fluctuations since its introduction, while the Pound has remained far more stable against many other currency blocs, the most important of those being the US dollar.<sup>15</sup>

Though adopting the Euro would likely promote greater trade with the rest of Europe, British trade with Europe is primarily based in the manufacturing sector, while trade with the US is usually services oriented, which offers more potential for growth.<sup>16</sup> Lawrence Schrembri also argues in reference to the Canadian experience, having an individual currency allows nations to implement monetary policy in line with local economic conditions. Canada has successfully been able to "insulate itself" from shocks in the US economy by crafting appropriate monetary policy, despite over 80% of its exports going to the US.<sup>17</sup> Thus, despite trading extensively with one major currency block, Canada's economic success has been aided by an independent monetary policy. Schrembri

---

13 Thomas Quinn, "Tony Blair's Second Term," In *Britain at the Polls 2005*, ed. John Bartle and Anthony King. (Washington: CQ Press, 2006): 9.

14 Neill Nugent & Janet Mather, "The United Kingdom: Critical Friend and Awkward Partner?" In *European Union and the Member States*. 2nd Ed, Edited by Eleanor E. Zeff & Ellen B. Pirro, (Boulder, Colorado: Lynne Rienner Publishers, 2006): 143-144; Rollo 226; Geddes 9.

As of February 2007, British unemployment figures stood at 5.5%, <<http://www.statistics.gov.uk/cci/nugget.asp?id=12>> while the Eurozone's unemployment remained at 7.5% as of January 2007. <[http://www.finfacts.com/irelandbusinessnews/publish/article\\_1000244.shtml](http://www.finfacts.com/irelandbusinessnews/publish/article_1000244.shtml)>

15 Rollo 235; Mulhearn & Howard R. Vane, 246-8

16 Rollo, 235; Mulhearn & Howard R. Vane, 247.

17 Lawrence Schrembri, "Living Around the Bloc: Lessons from Canada for Small Countries," *Journal of Public Policy*, 22.2 (September 2002): 125-131, 140; MacNamara, 173.



## The Social Contract

concludes that this trend also exists in the UK, and that it would be in Britain's best interest to avoid adopting the Euro for the time being. That being said, there are substantial differences between the UK and Canada, especially as there is almost no political interest in Canada towards adopting the US Dollar.

Adhering to the terms of the SGP, which is a key condition of accession into the EMU remains problematic for Britain as well. The SGP is widely considered to be too rigid and would prevent Britain from adequately responding to economic pressures, and has too much focus on "deflationary" measures.<sup>18</sup> However, the most compelling argument remains that Britain has not suffered economically up to this point by remaining outside of the EMU, indeed it has outperformed the bulk of the Euro zone, giving little credible evidence of an economic reason for the UK to adopt the Euro.

The British government has also added to the confusion about whether the UK should adopt the Euro by failing to clearly articulate its position. Since coming to power 1997, Tony Blair has stated that he is in favour of adopting the Euro if the economic case warrants, however the Chancellor of the Exchequer, Gordon Brown, is known to have deep reservations about joining the Euro.<sup>19</sup> Chancellor Brown has also stipulated five broad economic tests that Britain must pass before a referendum on EMU accession could occur, and as of June 2003, the British Treasury announced that only one of them had passed.<sup>20</sup> These tests were largely seen a stalling

---

18 Mulhearn & Howard R. Vane, 257; Nugent & Mather, 143-144; Buller 212.

19 Simon Hix, "Britain, the EU and the Euro," In *Developments in British Politics 6*, eds. Patrick Dunleavy, Andrew Gamble, Ian Holliday & Gillian Peele (New York: St. Martin's Press, 2000) 67.

20 Hix, 51; Taylor, 90. The five economic tests mandated by the Treasury were: 1) Whether the British economy has achieved sustainable convergence with the economies of the Euro area, 2) Whether there would be sufficient flexibility to respond to shocks if Britain joined the Euro Area, 3) The Impact of Investment in Britain,

## The Social Contract

measure to give the government more time before adopting a firm position on the EMU.<sup>21</sup> The opposition conservatives are also against adopting the Euro, while the Liberal-Democrats are the only party which have loudly supported accession into the EMU.<sup>22</sup>

British politicians have also been hesitant to pursue an overly pro-European stance for fear of reminding the electorate of Britain's brief and tenuous experience in the ERM between 1990-1992. The events that precipitated the UK's exit from the ERM are popularly referred to as "Black Tuesday," and are widely remembered as an unacceptable waste of tax-payers money in a government-led effort to stick to ERM regulations.<sup>23</sup> Upon entry in the ERM, the Pound was tied at 2.95 Deutsche Marks with 6% bands of fluctuation allowed, however by October 1992, the British government had spent approximately £3 billion (C\$6.86 billion) in efforts to prevent the Pound from falling below its central parity.<sup>24</sup> Furthermore, in a deeply unpopular move necessitated by ERM regulations, the Bank of England raised interest rates by 15%.<sup>25</sup> Raising interest rates was particularly harmful to the British economy, given that it was facing a recession and increasing unemployment.<sup>26</sup> Following these events, Britain withdrew from the ERM, and public perception became deeply suspicious of further integration, likely assuming a similar economic scenario would occur if Britain joined the EMU. The fallout from the ERM experience also discredited the Major government from pursuing a more pro-integration

---

4) The Impact on the British Financial Services industry, and 5) The Impact on Employment (McKay 83-4)

21 Buller, 210

22 David, McKay, "The Reluctant European" In *Britain at the Polls 2005*, ed. John Bartle and Anthony King. (Washington: CQ Press, 2006); 91

23 Ibid., 207

24 Ibid., 203.

25 Ibid., 203.

26 Ibid., 203.

## The Social Contract

stance, and was a contributing factor to the Conservative election loss in 1997.<sup>27</sup>

Despite Blair's quiet support of the EMU in principle, the incoming Labour government has not expressed a clear position over the Euro to the electorate.<sup>28</sup> Notwithstanding the cultural hesitancy over the project, another factor explaining the reluctance on the part of the British government has been its typical liberal-intergovernmentalist (LI) approach in dealings with the EU- which runs contrary to the ideals of the EMU. Andrew Moravcsik is widely considered to be the founder of this theory, which stipulates that EU integration is not dissimilar from other international organizations, and assumes that individual nation states remain the primary actors.<sup>29</sup> National preferences, articulated by political leaders are aggregates of domestic views and pressures, while international institutions such as the EU are used to achieve political or other outcomes that they would not be able to achieve individually.<sup>30</sup> Entry into the EMU requires ceding authority to supranational actors such as the ECB, which the British Treasury has labeled as unaccountable and is unlikely to adequately consider British interests.<sup>31</sup> Further, since the events of Black Tuesday, British

---

27 Mulhearn & Howard R. Vane, 227-8.

28 Dorothee Heisenberg, "From Single Market to Single Currency," *In Origins and Evolution of the European Union*, ed. Desmond Dinan. (Oxford: Oxford University Press, 2006): 248- Heisenberg extends on this argument by explaining that Sweden, Denmark also projected the Euro partially because the conditions attached to the Stability and Growth Pact were too rigid.

29 Frank Schimmelfennig, "Liberal Intergovernmentalism," In *European Integration Theory*, eds. Antje Wiener & Thomas Diez. (Oxford: Oxford University Press, 2005): 75.

30 Schimmelfennig 77-8.

31 McNamara, 180; Taylor, 90; Mulhearn & Howard R. Vane, 120. McNamara adds that Ireland has suffered from interest rates which are far too high, while Germany, suffering from a sluggish economy could use higher rates. Now, other countries, including the United States also do not necessarily represent an "ideal currency zone" but this illustrates the caution that Britain should adopt when considering the possible ramifications of adopting the Euro

## The Social Contract

politicians are keen to retain the ability to react to “policy mistakes and unanticipated events” which would be unavailable to them given that the ECB has legally enshrined independence, and cannot take or seek policy recommendations from any group.<sup>32</sup>

A lack of interest in the broader political goals underlying the Euro’s foundation may also explain London’s recalcitrance towards accession into the EMU. As Shembri argues, a desire for political integration is a necessary precondition for a currency union, and similarly, is incompatible with Britain’s intergovernmentalist attitude towards the EU.<sup>33</sup> Despite Blair’s tacit support of the EMU, his government has opposed the abolition of internal borders, resisted calls to standardize immigration procedures, and stalled attempts to increase the occurrence of Qualified Majority Voting (QMV) within the European Council.<sup>34</sup> In addition, London has vocally opposed increasing the powers of the commission and the European Court of Justice (ECJ).<sup>35</sup> These factors, and the long tradition of promoting a minimalist version of the EU, are largely inconsistent with the political interests behind the EMU.

The Blair government has also become deeply unpopular from the Prime Minister’s decision to participate in the American led invasion of Iraq, leaving him with little political capital to hold a referendum over the EMU at this time.<sup>36</sup> The continuing tension between Blair and his presumed successor Gordon Brown, who is less receptive to the EMU, also makes it unlikely that Blair could present a unified position to the electorate.<sup>37</sup> Finally, given that the electorate remains suspicious of the Euro, the government will need to aggressively promote the Euro to ensure that it has a

---

32 Buller 212-3,

33 Schembri 141; Mulhearn & Howard R. Vane, 257.

34 Hix, 50.

35 Ibid., 50. – That being said, Blair has been instrumental in increasing the powers of the European parliament

36 Taylor 90.

37 Quinn 9, 20.

## The Social Contract

credible democratic mandate from the population to pursue entry into the EMU. This is unlikely to manifest itself any time soon, given the continued skepticism present in much of the population and Blair's personal unpopularity.

Perhaps the most enduring reason why Britain has opted to remain out of the EMU stems from the long-standing cultural hesitancy towards further integration within the EU. Polling data indicates that the British electorate has relatively stable views about EMU membership, with approximately 55% of the population opposed to British participation.<sup>38</sup> Similarly, the dynamics of the yes and no campaigns have generally favoured those opposed to EMU membership. This is because the "no" campaign has largely adopted a "wait and see" approach by arguing that although membership may be beneficial in the future, there are currently no pressing economic reasons for pursuing Euro participation. By presenting a pragmatic approach, the "no" campaign has forced the "yes" side to argue that there is a pressing need to join the EMU now- a position not backed up by economic evidence.

There is, however, a positive correlation between economics and a cultural willingness to accept the EMU, given that regions within the UK that receive more aid from the EU are more receptive towards adopting the Euro. Similarly, if Britain's continuing resistance to the EMU results in a substantial number of lost jobs, support rises for membership.<sup>39</sup> The economic picture, however, has shown the opposite, as Britain continually outperforms the Euro zone, and to date, there has not been a large job exodus due to the maintenance a separate currency. This leaves little credible economic evidence to support immediate EMU integration. Theoretically, LI also supports this position by arguing that in the absence of strong cause-and-effect relationships or where

---

38 John Curtice, "It's Not Just the Economics, Stupid: UK Public Opinion and the Euro," *New Economy*, 10.2 (June 2003): 116-118.

39 *Ibid.*, 116.

## The Social Contract

economic interests fail to offer solid justification, ideology will play an important role in decision-making.<sup>40</sup>

Although Euro-skepticism is generally on the decline in the UK, Simon Hix points out that Britain's unique experience during WWII still resonates with much of the population. Having not been invaded by the Nazis and retaining strong identification with former commonwealth countries and other English speaking areas remains important in the national psyche and weakens popular connections to Europe.<sup>41</sup> Many of the older generations still remember that only the Channel stood between Britain and the "enemies" during WWI & II and have a lingering distrust of Europe.<sup>42</sup> These feelings may no longer represent the larger thoughts of the population, however British citizens are far less likely to associate themselves with Europe than any other country, with disturbingly only 31% of the electorate believing that the EU has been beneficial for the UK.<sup>43</sup> The majority of media in Britain also remains strongly anti-European and often argues aggressively against entry into the EMU, which exacerbates the anti-European fervor within the population.<sup>44</sup>

Yet, it is inappropriate to think of British culture as a monolithic bloc opposed to Euro, as certain sectors already support the Euro while others would if given enough positive information about its benefits. As William Sewell points out, culture provides "realms of meaning," which are frequently contested and can be permeable to new ideas and value systems.<sup>45</sup> In particular, British culture, which many claim to be highly autonomous and distinctive from the rest of Europe, cannot be thought of entirely as a distinctive entity. Cultural value-systems manifest themselves through powerful institutions such as the state, media, and religious

---

40 Schimmelfennig, 93.

41 Hix 52-53.

42 Patricia Best, email to author. 23 March 2007.

43 Curtice, 117-8.

44 Ibid., 116-8.

45 William H. Sewell Jr., *The Logics of History: Social Theory and Transformation*, (Chicago: University of Chicago Press, 2005); 169.

## The Social Contract

organizations as well as many other associations which provide meaning and understanding to society.<sup>46</sup> British cultural hesitancy towards the EMU can perhaps be explained by the persistence of a largely Euro-skeptic media and a government which has been unclear on where it stands on the issue of Europe. Culture can also be understood as providing a “set of skills” however this does necessarily represent individual preferences.<sup>47</sup> Comparisons between the relative economic success of Britain versus “the continent” may resonate at a cultural level by creating an “us” versus “them” mentality, strengthening the position of those arguing that Britain should not adopt to the Euro because of long standing cultural differences. Furthermore, culture differences can be used as a mechanism by opposition groups to garner support against dominant trends, seen through pro-independence movements which stress British nationalism in an effort to forestall further integration.<sup>48</sup> Despite Benedict Anderson’s claims that nationalism merely creates “imagined communities,” perceived cultural differences remain powerful within the UK and colour British views towards the continent.<sup>49</sup> These feelings are exacerbated by a general lack of knowledge within the UK about how the EU operates. In the absence of a strong economic case, and with negative memories of Britain’s brief experience in the ERM pervading public opinion, using the nationalism card as a mechanism to stall efforts to join the EMU will likely continue.

In summary, Britain has chosen not to adopt the Euro for a variety of reasons. Perhaps the most compelling reason is the lack of an economic case for joining the EMU, given Britain’s strong economic performance against the Euro zone, and need for stable exchange rates with other currencies. The Euro’s large fluctuations in value since its creation has raised concerns within the UK that British trade could suffer

---

46 Ibid., 172.

47 Anne Swidler, “Culture in Action: Symbols and Strategies,” *American Sociological Review*, 51.2 (April, 1986): 274-275.

48 Ibid., 174.

49 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991)

## **The Social Contract**

disproportionately given its extensive trade networks outside the EU. Furthermore, London's traditional intergovernmentalist approach towards the EU has made the government hesitant to cede more powers to Brussels and the institutions of the EMU. Despite Blair's personal interest in adopting the Euro, an underlying hesitancy in the government (not to mention Blair's current lack of political capital) will likely further prevent efforts to reach a consensus on whether the EMU is beneficial or not.

Likely the most complex factor remains with the British public themselves. Polls show that there remains a strong degree of Euro-skepticism within the electorate with most of the population remaining cool towards the EMU. Given that the economic case remains inconclusive, and the government has failed to articulate a clear position for or against the EMU, the debate has largely disintegrated into arguments about the threats to British sovereignty posed by the EMU. As the decision to join the EMU ultimately rests with the British public through a referendum, it is likely in the government's best interest to maintain the status quo until a more convincing economic argument can be made. For the time being, the UK remains economically successful remaining outside the EMU, and although these arguments may need to be re-evaluated should economic circumstances change, Britain's continued resistance to the EMU is the most appropriate course to pursue.



## **The Social Contract**

### **POLITICAL THEORY**

*All things are subject to interpretation, whichever  
interpretation prevails at a given time is a function of power  
and not truth.- Friedrich Nietzsche*

## The Social Contract

### Technology as 'Embodied' Utopia: Politics in Cyberspace

By Alex Bos

In the contemporary world, technology is widely believed to be a direct causal force for progress and human felicity. Indeed, the belief that increased technologization is necessary to promote social progress and political freedom has become largely axiomatic. The ability of cyberspace technology to foster a renewed democracy to surpass racial, gendered and national identities, and to compress time as well as space, has been touted as a new and empowering utopian enterprise.<sup>1</sup>

Recently the notion of 'cyberspace' has been characterized as a futuristic 'utopia', transcending national political borders and made up of 'virtual identities.' With avatars, chat rooms, and online communities, people have been able to define and redefine themselves at will, creating for themselves alternate lives that differ radically from their actual ones. The effect is that the category of 'citizen' has been re-valuated – some would even argue, devaluated.<sup>2</sup>

Indeed, the costs of a world of technological sophistication remain quite nebulous. The present composition specifically explores some of the implications of the use of the internet, in relation to the concepts of 'utopian' and 'embodied' space:

Are human beings/bodies necessary to the creation of a utopian space? Does the Internet...provide a

---

1 Christa Erickson, "Networked Interventions: Debugging the Electronic Frontier," *Embodied Utopias: Gender, Social Change and the Modern Metropolis* eds. Amy Bingaman, Lise Sander and Rebecca Zorach, (New York: Routledge, 2002); 225.

2 Nandita Biswas Mellamphy, "Utopia: disordering the 'Body Politic'" (POL 396G), March 30, 2007.

## The Social Contract

'place' or 'space' where utopia can be embodied either in the present or the future?<sup>3</sup>

I argue that human bodies are still entirely essential to any creation of utopian spaces, even those new "spaces" of the internet because there can be no conceivable severance between 'bodies' and the 'cities' they inhabit. This is to suggest that any creation of human 'space' emanates from human design of which there can be no comprehensive virtual alternative. Furthermore, manifestations of order and control suggest the inextricably temporal and corporeal linkages within these new spaces. Thus virtual 'utopias' do not replace embodiment but simply reconfigure the essence of human interactions.

The origins of the word 'utopia' stem from Thomas More's play on the Greek *u* or *ou*, meaning "no" or "not" and the word *topos* meaning "place". Thus, he combined the notion of utopia – the "no-place" with eu-topia – the "good-place" to provide a conceptual mechanism for identifying literary depictions of a "good, no-place."<sup>4</sup> However the signification of the word suggests a plethora of variations upon which the conceptual parameters for an understanding of the term have been based. Indeed, the flourishing of utopian discourse since the time of Thomas More in the sixteenth century has largely resisted any confluence of definition and has produced instead a variety of categories or types of utopias.<sup>5</sup> In fact, the term itself is subject to a fluidity of definition implying the inherent subjectivity in its use and of its meaning.

---

3 These questions emanate directly out of class discussions with Nandita Biswas Mellamphy and students in the course entitled "Utopia: disordering the 'Body Politic'" (POL 396G) offered in 2007 at the Department of Political Science, The University of Western Ontario.

4 Gregory Claeys and Lyman Tower Sargent eds, *The Utopia Reader* (New York: New York University Press, 1999); 1.

5 Dorothy Donnelly, *Patterns of Order and Utopia*, (New York: St. Martin's Press, 1998); 2.

## The Social Contract

Traditionally, the term utopia simply refers to any literary work describing an ideal state or commonwealth.<sup>6</sup> However, upon examination of this body of literature theorists have come to widely differing conclusions on the term's employment. Notably, Joyce O. Hertzler, suggests that any, "conception of social improvement either by ideas and ideals themselves or embodied in definite agencies of social change" qualifies as utopian.<sup>7</sup> She concludes that this tradition has a Biblical basis in the works of the Hebrew prophets. On the other hand, the term can be applied quite narrowly as Frank Manuel does in "Towards a Psychological History of Utopias," where he suggests that any work which entails, "a vision of life...in an earthly paradise that would be radically different from the existing order" can be classified as utopian.<sup>8</sup> Employed in this manner, Manuel attempts to examine the psychological makeup of a society as reflected in its utopian discourses. Finally, Northrup Frye in "Varieties of Literary Utopias" defines utopia to be a "speculative myth...designed to contain or provide a vision for one's social ideas."<sup>9</sup> Herein, Frye employs the term to denote a method of social activism meant to make society "more consistent and more inclusive."<sup>10</sup> Indeed, the employment of the term ranges between a broad conceptualization of any ideal vision, to a narrower societal critique.

At base, the word can be assumed *a priori* to mean any conceptualization of an ideal society, an ideal commonwealth or ordering of humanity. However, for the purposes of this composition, perhaps it is useful to establish a narrower definition, one which fits the theme of technological and cultural progress. Ernest Tuveson suggests that a true utopia, "is one of fixed stages of cultural development which result from the refinement of spiritual and mental faculties: the advance from the 'primitive' to the 'philosophical' stages is

---

6 Ibid., 1-2.

7 Ibid., 3.

8 Ibid., 4

9 Ibid., 5

10 Ibid.

## The Social Contract

the story of human redemption.”<sup>11</sup> This definition is said to replace or redefine the traditional Biblical or Classical definitions of utopia represented by the writers of antiquity. Indeed, it imports the notion of progress as a replacement for the loss of “faith” and “grace” in a secularized and technologically modern context.<sup>12</sup> Thus, it is useful for the present discussion because it suggests the linkage between technology and human progress. The sense that humanity can be “redeemed” or saved by increased technological capacity is pervasive in the modern context.

These notions of ‘utopia’ immediately force one to consider how the term can be said to relate to the concept of ‘embodiment’. Embodiment essentially refers to the relation of human bodies to the utopian spaces they occupy. In the words of Thomas A. Markus,

Embodiment suggests the materialization, in the concrete designs for buildings, towns and cities, of the abstract visions of utopian literature [...] following from the above, embodiment refers to the location of bodies – human and hence gendered bodies – in these utopian spaces.<sup>13</sup>

To be categorized as a ‘built object’ or ‘space,’ Markus notes that the object must have the three properties of form, space, and function.<sup>14</sup>

This ‘embodiment’, the relationship of bodies to space, has profound implications for the structuring of human interaction. As Markus notes, “all built space inevitably structures social relationships, by creating ‘insides’ and

---

11 Ibid

12 Ibid

13 Thomas A. Markus, “Is There a Built Form for Non-Patriarchal Utopias?” *Embodied Utopias: Gender, Social Change, and the Modern Metropolis*, eds. Amy Bingaman, Lise Sanders and Rebecca Zorach, (New York: Routledge, 2002); 17.

14 Ibid

## The Social Contract

'outsides', categories of 'inhabitants', 'visitors', and 'strangers', and it separates those with power from those who lack power."<sup>15</sup> As I argue, following Markus, this very 'embodiment' is present even in cyberspace. Thus, cyberspace will be said to be a "space," albeit a virtual space, precisely because humans have attributed meaning, form, and function to this reality which structures – in a very real way – much of human interaction.

The first argument will suggest that utopian cyberspace resembles very closely the collective movement seen in earlier historical depictions and manifestations of embodied utopias. In "Utopia, the City, and the Machine," historian Lewis Mumford establishes the theoretical bases for the analysis of utopian literature with his discussion of the 'city' and the 'machine'. Mumford notes that Utopian discourses since Plato repeatedly used the 'city' as the very basis for utopian speculations. He suggests that cities are invariably made the subject of utopian discourses because, "the city has the advantage of mirroring the complexities of society within a frame that respected the human scale."<sup>16</sup> Mumford argues, as such, that the city is the archetypal form of all utopias since Plato.

Mumford goes on to suggest that the construction of the archetypal city was made possible only with the invention of the "collective human machine."<sup>17</sup> It is in this inextricable relationship between the 'city' and the 'collective human machine' that Mumford's argument demonstrates the connection between the city and the body. This 'machine,' he states, "concentrated energy in great assemblages of men, each unit shaped, graded, trained and regimented, articulated, to perform its particular function in a unified working whole."<sup>18</sup>

---

15 *ibid*

16 Lewis Mumford, "Utopia, The City and The Machine," In *Utopias and Utopian Thought* ed. Frank E. Manuel, (Boston: Houghton Mifflin, 1966); 3.

17 *Ibid.*, 15.

18 *Ibid.*, 16.

## The Social Contract

Indeed, great feats of architecture, construction, and empire building have historically been achieved only through the collective movement of human bodies. In the modern world, technology has become the new 'machine' replacing unified labor with a unified system of information. The collective movement of the 'human machine' in the city is now replaced with the collective conscience of virtual interaction.

The ways in which the advent of cyberspace has ushered in new utopian discourses mirroring the archetypal city can be seen almost immediately. Perhaps most readily apparent is the very language employed. The language of cyberspace becomes of inextricable importance to an understanding of the social and political values embedded within its system of signification. Language becomes of utmost importance when understood not simply as a vehicle of communication, but primarily as acts of symbolizing. Hence, as Mary Douglas argues decisively,

The quest for natural symbols becomes...the quest for natural symbols of symbolizing...to look for tendencies and correlations between the character of the symbolic system and that of the social system.<sup>19</sup>

The language of the Internet, employing terms such as 'information superhighway', 'web address', and 'homepage' suggest that people attribute to cyberspace a quality of reality closely associated with human interaction within the city.<sup>20</sup> Erickson suggests that the Internet should be considered 'space' simply because, "people treat it that way."<sup>21</sup> The uses of Internet language which are in fact extensions of a spatial quality are evidence enough of this fact. However, Erickson adds that it is also the sensation of control over movement

---

19 Mary Douglas, "Introduction," In *Natural Symbols: Explorations in Cosmology*, (London; New York: Routledge, 1996); xxxii.

20 Erickson, 227.

21 Ibid.

## The Social Contract

through the internet space which “bridges the spatial divide between the virtual and the physical worlds.”<sup>22</sup>

However, one might object that the presence of language employing a sense of human community is not itself adequate reason for accepting the argument presented here that collective human activity in virtual space is synonymous with civic human interaction in physical reality. Modeled accordingly, I argue, however, that the ability to interact with other users throughout the cyberspace world forms the basis for a new conceptualization of collective ‘conscience.’ In this sense, ‘collective conscience’ comes to mean the collective will – or the Rousseauian “general will” – of the modern citizen. Just as the citizen for Rousseau was bound to the general will by his involvement in the commonwealth, so too the modern citizen is bound to technology by his very involvement in society.<sup>23</sup> Collective interdependence is thus formed through individual involvement in technology.

Indeed, the very idea of a “network” subtly invokes the idea of collective intention. As Joël de Rosnay suggests, “The Internet is a form of planetary nervous system or informational ecosystem.”<sup>24</sup> This statement implies a form of collective action not unlike the ‘human machine’ which Mumford invokes in his seminal essay. Individually, users of the internet possess properties, characteristics, and orientations that do not necessarily or intentionally fall within any collective or communal activities.

---

22 Ibid

23 Jean-Jacque Rousseau, “On the Social Contract” Donald A. Cress (trans.), *Jean-Jacque Rousseau: The Basic Political Writings*, (Cambridge: Hackett Publishing, 1987) 150.

24 Joël de Rosnay, “The New Territories of Culture,” In *Keys to the 21st Century*, ed. Jérôme Bindé, (New York: Berghahn Books, 2001); 223.



## The Social Contract

Yet, when plugged into a 'network' the collectivity comes to hold a different meaning.<sup>25</sup> This meaning is one of great significance in an age in which technology is deemed the ultimate manifestation of human progress. This suggests that the collectivity of users, if able to access common information, common 'spaces' and experience cyberspace in the same way, will then begin to develop common orientations, identities and experiences across time and space. Just as individual humans, for Mumford, are part of a greater collectivity for the construction of the 'city', the modern internet user is part of system of technological creation larger than his or her own individuality.

Furthermore, collective conscience suggests the ability for collective choice. In the context of cyberspace, human bodies are presented with the choice of extending and furthering the prospects for increased technological advancement. If it is the will of the collectivity, signaled by their very involvement to engage in cyberspace, it immediately grants legitimacy, purpose, and meaning to such interactions. In Mumford's words,

With the aid of ideals, a community may select, among a multitude of possibilities, those which are consonant with its own nature or that promise to further human development.<sup>26</sup>

Indeed, technology has become one such collective ideal in our modern world and continues to shape the choices and interactions of individual bodies.

It is herein necessary to deal with a common objection to the preceding reasoning. The objection to the categorization of the internet as actual "space" is the fact that the internet remains a virtual world – a non-place. Indeed, although cyberspace is not 'real' in a physical sense this does not preclude that it can yet occupy a certain "space".

---

<sup>25</sup> Ibid., Rosnay suggests that this process of synergy of emergence is common any complex structure (i.e. the brain).

<sup>26</sup> Mumford, 7.

## The Social Contract

Economic, political, and social interaction takes place in this virtual space between real, physical people who occupy a temporal world bounded by time and space. There is yet, no alternative to the temporal world. Jean Baudrillard, in his piece, "The Immaterial, Cyberspace and the Clone: Have We Ceased to be Real?" presents the key to bridging the objection of those who suggest that the body is no longer real in the virtual space of the internet. The basic problem of exchanging the physical body for a completely virtual representation is deemed an 'impossible exchange'. Baudrillard states,

The basic postulate is the following: the world itself, as a totality, cannot be exchanged against anything. There is no general equivalent of the world, no referent or finality external or subsequent to the world to which it could be assimilated.<sup>27</sup>

He concludes that this postulate holds true for the exchange of the real for the virtual: "In this case, the virtual would not alter, at least in essentials, the radical uncertainty of our world" and "it would not create a general equivalent against which we could finally and definitively exchange this world."<sup>28</sup> Baudrillard's statement is a powerful argument against the suggestion that the human body could become irrelevant to the creation of virtual realities or utopian spaces: the body, or the world, cannot be exchanged, in its entirety, for its virtual double, the prospects for a completely 'dis-embodied-virtual utopia' is quite an unlikely project. Perhaps a literary illustration is necessary.

In 'A Modern Utopia' H.G. Wells reflects on the prospects for a modern utopia premised upon the principles of

---

27 Jean Baudrillard, 'Immaterial, Cyberspace and the Clone: Have We Ceased to be Real?' *In Keys to the 21st Century*, ed. Jérôme Bindé (New York: Berghahn Books, 2001); 225-226.

28 *Ibid.*, 228.

## The Social Contract

law, moderation, and the “Common Rule.”<sup>29</sup> What is most relevant to this discussion, however, is his treatment of the right to property. He writes,

A modern Utopian most assuredly must have a practically unqualified property in all those things that become, as it were, by possession, extensions and expressions of his personality; his clothing, his jewels, the tools of his employment, his books, the objects of art he may have bought or made, his personal weapons, insignia, and so forth.<sup>30</sup>

Although Wells, writing in 1905, could not reasonably have foreseen the explosion of the technological revolution of the twenty-first century, his mention of the expressions and extensions of one’s personality could be extended to the virtual realm. With interaction in the virtual realm, there is not necessarily physical embodiment, but embodied representation; in other words, an extension of embodiment. Bodies are not replaced, they are extended. The virtual reality of cyberspace maintains a symbolic link with the language and movement of the city as well as the machine and does so through the extensions of human reality into the virtual world.

Embodiment suggests order. This element of order is necessary in human organizations, as in Mumford’s conceptualization of the city and the machine, but also presents a strong totalitarian and dystopic element. Indeed, for every utopian vision there exists a strong dystopic element. Such a dystopia confronts the realities of order, control, and suppression in the creation of utopian spaces. *In Patterns of Order and Utopia*, Dorothy Donnelly asserts, regarding classical utopias, that, “the proposition [is] that the expression of the desire for a better way of being in the classical utopia centered, first and foremost, on redefining order.”<sup>31</sup> But as

---

29 H.G. Wells, “A Modern Utopia” In *The Utopia Reader*, eds. Gregory Claeys and Lyman Tower Sargent, (New York: New York University Press, 1999); 315.

30 *Ibid.*, 314. \*Emphasis added.

31 Donnelly, 13.

## The Social Contract

Michel Foucault insists, this re-ordering of society is, first and foremost, the re-ordering of power. Hence, utopian thought becomes intrinsically political. In *Body/Power* Foucault suggests that power has moved from the very overt forms of bodily control, as expressed by absolute monarchical authority, to the more diffuse control of consciousness itself. He states,

Power is strong, this is because, as we are beginning to realize, it produces effects at the level of desire – and also at the level of knowledge. Far from preventing knowledge, power produces it.<sup>32</sup>

Thus, the modern technological society diffuses power through various means but the element of power and control is never divested.

With the advent of technological and cyberspace technology, many utopian projections have been made as to the ability of cyberspace to escape order, control and repression. This sentiment is expressed by John Perry Barlow in his 'Declaration of Independence of Cyberspace'. He states,

Governments derive their powers from the consent of the governed. You have neither solicited nor received ours. We did not invite you. You do not know us, nor do you know our world. Cyberspace does not lie within your borders. Do not think that you can build it, as though it were a public construction project. You cannot. It is an act of nature and it grows itself through our collective actions.<sup>33</sup>

---

32 Michel Foucault, "Body/Power," In *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, trans. Colin Gordon et. al., (Hassocks: Harvester Press, 1980) 3. (Course website copy's numeration)

33 Quoted in, Neil Weinstock Netanel, "Cyberspace Self-Governance: A Skeptical View From Liberal Democratic Theory," *California Law Review* Vol.88, No.2 (March, 2000); 397.

## The Social Contract

Such a clearly utopian sentiment demonstrates the utopian sentiments of the complete egalitarianism, equality, and freedom of cyberspace. However, what Barlow does not take into account is the already dystopic and controlled, if not repressive, potential of cyberspace.

The most poignant literary illustration of the dystopic potential of technological sophisticated can be found in George Orwell's *Nineteen Eighty-Four*. In this famous dystopia, Orwell illustrates a world of complete technological control over the thoughts and movement of all bodies involved in the government or 'Big Brother'. In describing this control, Orwell draws on the fictional construction of the "telescreen" which, akin to an all-seeing eye; projects music, propaganda, and the threat of surveillance constantly to all members of the governing party. Speaking through the main character, Winston Smith, Orwell states,

There was of course no way of knowing whether you were being watched at any given moment. How often, or on what system, the Thought Police plugged in on any individual wire was guesswork.

He continues,

You had to live – did live, from habit that became instinct – in the assumption that every sound you made was overheard, and, except in darkness, every movement scrutinized.<sup>34</sup>

Indeed, with the networked potential of cyberspace technology, the prospects for Orwell's dystopian projection have become ever-more a possibility.

Indeed, a sure sign of an embodied utopia is the element of control and order. In this instance, the technology described by Orwell and manifested by cyberspace technology, even in the present, displays an element of

---

<sup>34</sup> George Orwell, *Nineteen Eighty-Four* (Finland: Finnprint, 1974); 7.

## The Social Contract

control. But, this control is diffusely manifested and does indeed operate, as Foucault would suggest, on the level of desire. As Paul Lashmar suggests, "Orwell's fantasy was overwhelmingly accurate in identifying technology as the tool that would be utilized by the State to impose its political will." He further insists that, "Indeed, Orwell's only failure was to underestimate just how comprehensive the technological advance of the next three decades would be."<sup>35</sup> There is little doubt that governments today have in their possession the technological tools of surveillance, suppression, and control that even Orwell could not have imagined.

This dystopian element of technological advancement has become a reality in the construction of cyberspace identities as well as the control of these identities. As Christopher Roper quite accurately suggests, "...the new element introduced by the computer...this possibility of monitoring large populations for potentially deviant behavior will become even easier through the use of 'artificial' intelligence techniques."<sup>36</sup> The concept of embodiment immediately suggests an element of control. This control becomes ever more present as the world becomes more 'plugged' in, interconnected, and technologically homogeneous. Indeed, technology itself, particularly when harnessed by a centralizing government bureaucracy, has the potential to become the new 'Panopticon' structuring and ordering all human interaction.<sup>37</sup> Hence, even virtual reality has become ordered and thus inevitably becomes embodied space. The potential for the homogenization of thought through a universalized, and predominantly English,

---

35 Paul Lashmar, "Information as Power," In *Nineteen Eighty-Four in 1984: Autonomy, Control and Communication* eds. Paul Chilton and Crispin Aubrey, (London: Comedia Publishing Group, 1983); 79.  
36 Christopher Roper, "Taming the Universal Machine," In *Nineteen Eighty-Four in 1984: Autonomy, Control and Communication* eds. Paul Chilton and Crispin Aubrey (London: Comedia Publishing Group, 1983); 60.

37 The spectre of Jeremy Bentham's Panopticon, the all-seeing government eye, setting standards by remote control, has returned to haunt us in the electronic age." (210).

## The Social Contract

technology such as the internet becomes the dystopic element of a futuristic utopia of boundless freedom and space.

In conclusion, it has been shown throughout that the employment of the spatial metaphor of the 'city' and the 'machine' are strongly associated with the embodiment of space in cyberspace. Further, it has been shown that for any futuristic utopian enterprise there is contained within that same technology the roots of its distortion and control. As Foucault suggests, "Power, after investing itself in the body, finds itself exposed to a counter-attack in that same body."<sup>38</sup> Indeed, if cyberspace can be said to be 'embodied space' then so too, this investment of power in technology produces the elements of its own demise. In Mumford's mind, this investment of power and hope in the transcendent force of technological advancement becomes a totalitarian system. He states, "[it] has turned the machine into a god whose power must be increased, whose prosperity is essential to all existence, and whose operations, however irrational or compulsive, cannot be challenged, still less modified."<sup>39</sup> Indeed, Foucault and Mumford perceive the potentially Orwellian force of technology. While once controlled by its embodied creators, such an investment has created within the potential for a dystopian and subversive articulation of power and control.

---

38 Foucault, 1.

39 Mumford, 22.

# The Social Contract

## Marx's Theory of Violent Revolution

By Daniel Shiff

Throughout history the nature of revolution has evolved through different phases. Both violent and peaceful revolutions have been used to implement change within society. Social revolutions have often been violent in nature in order to quickly implement a socialist framework. These revolutions have used the philosophy of Karl Marx to support their violent activity. In reviewing Marx's theories in depth, the issue of the nature of revolution changes throughout his lifetime. While Marx did advocate—at times—the use of violence to overthrow existing regimes, he also theorized that peaceful revolution could be successful. It becomes clear in Marx's later thought that, depending on the political and social circumstances, revolution can take different forms. In this essay, the idea that Marx strictly advocated violent revolution will be reconsidered. Specific attention will be given to the idea that Marx, later in his life, also advocated peaceful means in implementing communism. Marx's theory of revolution cannot be viewed in isolation as advocating the exclusive use of either peaceful or violent forms of revolution: the political, social, and historical context must also be taken into account.

Central to Marx's theory of revolution is his philosophy of history as a series of class struggles. Throughout Marx's writings, the notion of class struggle has served as the basis for many of his economic, political, and social theories. In the beginning of the *Communist Manifesto*, written in 1848, Marx proclaimed "the history of all hitherto existing society is the history of class struggle."<sup>1</sup> Throughout history, classes have struggled with one another based on their respective economic standing. Marx's theory of class struggle is dialectic in character, with society made up of two classes:

---

<sup>1</sup> Karl Marx, Friedrich Engels, *The Communist Manifesto*. (25 Jan. 2005), online., 7 Mar. 2007  
<[http://www.gutenberg.org/catalog/world/readfile?fk\\_files=165453](http://www.gutenberg.org/catalog/world/readfile?fk_files=165453)>.



## The Social Contract

those who own the means of production, and those whose labour is owned by the privileged class. The mode of production involves the relationship between the *forces* of production. This includes human labour and the means of production, as well as the relations of production, which involve property and the relations between social classes.<sup>2</sup> According to Marx, class conflict stems from the relation of each class to the mode of production. Class structure is determined by an individual's relationship to the means of production, otherwise considered one's position in the capitalist social structure. Class struggle, however, arises when one class gains control of the means of production while the other class is forced to survive solely on their own labour.<sup>3</sup> The ownership of the means of production by one class separates an owning class from an exploited class.

In Marx's view, every class, which has been forced to live through their labour at the hands of a dominant class, has been exploited.<sup>4</sup> The bourgeois, historically, has taken the surplus product produced by the labour of the dependant class.<sup>5</sup> The members of the exploited class are deprived of any form of ownership or control over the means of production and, are forced into a system of exploitation set up by the smaller, but dominant, class in order to survive. Slaves, for example, were exploited by their masters, and serfs were exploited by their lords.<sup>6</sup> Each dominant class owned and controlled the means of production and exploited the working class in the process of expanding their own personal wealth.

---

2 Cliff Slaughter, *Marx and Marxism: An Introduction* (New York: Longman Inc., 1985), 20.

3 Cliff Slaughter, *Marx and Marxism: An Introduction* (New York: Longman Inc., 1985), 22.

4 Ibid.

5 Andras Hegedus, "A Sociological Analysis of Property Relations," In *Interpretations of Marx*, ed. Tom Bottomore (New York: Basil Blackwell Ltd., 1988), 209.

6 Cliff Slaughter, *Marx and Marxism: An Introduction* (New York: Longman Inc., 1985), 22.

## The Social Contract

According to Marx, this trend of exploitation ends with the overthrow of the modern capitalist society. Capitalism is the last of the oppressive social systems in history.<sup>7</sup> In Marx's conception of modern capitalist society, a minority dominant class—the bourgeoisie—who controls the means of production, exploits the labour of the proletariat—the working class. According to Marx, the exploitative system is rectified through a revolution by the proletariat, in which the bourgeois capitalist system will be overthrown and a system of socialism will be implemented in its place. The dictatorship of the proletariat will follow—a temporary rule by the proletariat between capitalism and communism. Afterwards, the entire notion of class will break down and the state will consequently “wither away.”<sup>8</sup>

As one closely examines the political, social and economic philosophy of Karl Marx, it becomes evident that Marx's idea of revolution is the necessary component in facilitating the change towards socialism. It is, however, a point of contention among scholars whether Marx proposed a strictly violent proletariat revolution, or whether revolution would be able to take place through more gradual means.

Based on a straightforward interpretation of the *Communist Manifesto*, Marx's views seem to be quite clear. He advocated the need for a violent revolution as a necessity in changing the existing structure of society. Revolution is described as a process in which violence is a necessary component in the transformation of society. In the *Communist Manifesto*, Marx notes:

In depicting the most general phases of the development of the proletariat, we traced the more or less veiled civil war, raging within existing society, up to the point where that war breaks out into open revolution, and where the violent

---

7 Cliff Slaughter, *Marx and Marxism: An Introduction* (New York: Longman Inc., 1985), 30.

8 Ernst Fischer, *How to Read Karl Marx* (New York: Monthly Review Press, 1996), 27.

## The Social Contract

overthrow of the bourgeoisie lays the foundation for the sway of the proletariat.<sup>9</sup>

On the surface it is clear that, throughout the *Communist Manifesto*, Marx argues that violence is an essential component in revolutionary activity. Marx analyzed the capitalist form of the mode of production, and he theorized a violent revolution to replace it.

In order to understand why Marx advocated the need for violent revolution in his younger days, it is essential to examine the influence of historical events on his political thought.<sup>10</sup> Marx's early career followed the French Revolution, facilitating the belief that the only known form of rebellion was through violent revolution.<sup>11</sup> Violent fighting and organized political revolt were the only possible ways in which a marginalized majority group of society felt as though they could use their size to invoke societal and political change.<sup>12</sup> Without any other precedence on which to base his early theories of revolution, political violence was the only way to invoke change in the structure of society. As well, during the time that Marx was writing the *Communist Manifesto*, there were severe restrictions on suffrage throughout Europe.<sup>13</sup> The possibilities for peaceful revolution through political means were limited as a result. With few credible examples of successful peaceful revolutions, violence seemed like the only plausible method to achieve systemic change.

---

9 Karl Marx, Friedrich Engels, *The Communist Manifesto*. (25 Jan. 2005), online., 7 Mar. 2007

<[http://www.gutenberg.org/catalog/world/readfile?fk\\_files=165453&pageno=10](http://www.gutenberg.org/catalog/world/readfile?fk_files=165453&pageno=10)>.

10 Alan Gilbert, "Salvaging Marx From Avineri," *Political Theory* 4.1 (1976) 10.

11 Adam Schaff, "Marxist Theory on Revolution and Violence," *Journal of the History of Ideas* 34.2 (1973), 266.

12 Ibid.

13 Sidney Hook, *Revolution, Reform, and Social Justice* (New York: New York University Press, 1975), 87.

## The Social Contract

The idea of class struggle served as the basis of the revolution in France according to Marx. Under this premise, he argued that the class struggle, and subsequent violent revolution that took place in France, was a principle that could have been exported and applied to more advanced societies, perhaps toward a proletariat revolution in Germany:

The Communists turn their attention chiefly to Germany, because that country is on the eve of a bourgeoisie revolution that is bound to be carried out under more advanced conditions of European civilization and with a more developed proletariat than that of England was in the seventeenth and France in the eighteenth century[...].<sup>14</sup>

In Germany, Marx advocated for a worker-peasant alliance, in order to drive a revolution toward socialism.<sup>15</sup> In Germany—like France—Marx advocated the need for violent revolution as the primary means in which to implement socialism in place of capitalism. In fact, his study of violent revolution led him to advocate violent worker revolts throughout Europe—in places similar in structure to both France and Germany—in the hopes of removing political absolutism.<sup>16</sup>

In Marx's 1843 Critique of Hegel's *Philosophy of Right*, he acknowledged the drive of the proletariat to raise arms. Although he may not have been directly speaking about the need of violent revolution, his critique does include references to radical activity in order to institute political change. He stated:

It is clear that the arm of criticism cannot replace the criticism of arms. Material force can only be overthrown by material force, but theory itself becomes a material force when it has seized the

---

14 Alan Gilbert, "Social Theory and Revolutionary Activity in Marx," *The American Political Science Review* 73.2 (1979), 525.

15 Ibid.

16 Alan Gilbert, "Social Theory and Revolutionary Activity in Marx," *The American Political Science Review* 73.2 (1979), 525.

## The Social Contract

masses. Theory is capable of seizing the masses when it demonstrates *ad hominem*, and it demonstrates *ad hominem* as soon as it becomes radical.<sup>17</sup>

Violence was the means with which to institute a new social system. As Marx noted, the weapon of criticism cannot substitute criticism with weapons. Physical force must be met and defended against with physical force. In his early years, Marx believed that once man had become conscious of his standing in comparison to the mode of production, radical measures were the first methods employed in order to invoke change.<sup>18</sup> Once a cause appeals to ones emotions, radical measures tend to follow.<sup>19</sup>

From his earlier works, therefore, it is quite clear that Marx was a strong proponent of the use of violence in revolutionary activity. Influenced by both historical events, and his sheer youthful inexperience, Marx continuously proposed an overthrow of bourgeoisie exploitation, by means of aggression and brutality. As Marx grew older, however, his position regarding the use of violence changed dramatically; the idea of revolution was no longer exclusively associated with the idea of a large-scale, organized, violent revolt. Influenced by other, more recent, revolutionary activity during the early 19<sup>th</sup> century—such as the Chartist Movement in Britain—Marx's view on the use of violence did not disappear, but rather he proposed that it was not the sole means in which a socialist overthrow could occur.

To Marx, a peaceful transition towards socialism—using the institutions and parliamentary practices already

---

17 Karl Marx, *Critique of Hegel's Philosophy of Right*. (Feb 2005), online, 7 Mar 2007.

<<http://www.marxists.org/archive/marx/works/1843/critique-hpr/intro.htm>>

18 Rudolf Hilferding, "The Materialist Conception of History," In *Interpretations of Marx*, ed. Tom Bottomore (New York: Basil Blackwell Ltd., 1988), 209.

19 Ibid.

## The Social Contract

available within society—was viable under a particular set of conditions. In particular, Marx saw possibilities for peaceful revolution in the United States, England and Holland. In fact, in a speech in Amsterdam on September 18<sup>th</sup>, 1872, he said:

We do not assert that the attainment of [political supremacy of the workers] requires identical means. We know that one has to take into consideration the institutions, mores and traditions of the different countries and we do not deny that there are countries, like England and America and if I am familiar with your institutions, Holland, where labour may attain its goal by peaceful means.<sup>20</sup>

In the United States, England, and Holland, according to Marx, peaceful transition to a communist society is possible in part due to the particular set of political and social circumstances present in each of these states.<sup>21</sup> According to Marx, it was possible for revolution to be peaceful depending on the presence of democratic political opportunities. Specifically, in Marx's view, the transformation to socialism could be peaceful in states that have a large proletariat, stable parliamentary institutions based on universal suffrage, and where a strong state structure does not control all aspects of life.<sup>22</sup> In contrast to France and Germany, where the population is made up of peasants instead of industrial workers, and where there are weak parliamentary institutions, the revolution would have to be violent in nature.<sup>23</sup>

According to Adam Schaff, author of *Marx on Revolution and Violence*, Marx proposed that a peaceful transition in countries such as the United States and Britain was possible because a “strong military and the bureaucratic

---

20 Shlomo Avineri, “How to Save Marx From the Alchemists of Revolution,” *Political Theory* 4.1 (1976), 36.

21 Ibid.

22 Shlomo Avineri, “How to Save Marx From the Alchemists of Revolution,” *Political Theory* 4.1 (1976), 36.

23 Ibid.

## The Social Contract

machinery of the state was still nonexistent at the time.”<sup>24</sup> It is clear, therefore, that while Marx believed that the implementation of socialism had to take place in all states worldwide, the means in doing so were not universal. Violence was not the absolute form of a successful revolution; rather, peaceful measures could also be employed, should the necessary social and political conditions be in place.

Among the many influences in Marx’s later thought, it is clear that historical events influenced his revolutionary theories. Events such as the French Revolution and the June Insurrection (1848) left the imprint of violent revolution as the only means in which to invoke societal change. In his later years, however, successful peaceful revolutions also left their impression in Marx’s theories. Violent class struggle between the proletariat and the bourgeoisie was no longer the exclusive means that defined the nature of revolutionary activity; rather, the attainment of universal suffrage by the proletariat also provided the necessary basis for an overthrow of the bourgeoisie.<sup>25</sup> In a speech to the Chartists in 1852, Marx stated:

Universal suffrage is the equivalent of political power for the working class of England, where the proletariat form the large majority of the population, where in a long though underground civil war, it gained a clear consciousness of its position as a class... The carrying of Universal Suffrage in England would, therefore, be a far more socialistic measure than anything which has been honoured with that name on the Continent.<sup>26</sup>

The Chartist movement was devoted to social and political reform in Britain during the early to mid 19<sup>th</sup> century. While some of their early activity was violent in nature, it was quickly realized that through the political process, universal

---

24 Adam Schaff, “Marxist Theory on Revolution and Violence,” *Journal of the History of Ideas* 34.2 (1973), 266.

25 Ibid.

26 Shlomo Avineri, “How to Save Marx From the Alchemists of Revolution,” *Political Theory* 4.1 (1976), 36.

## The Social Contract

suffrage could be maintained. Universal suffrage caused Marx to point to England as the place in which peaceful revolution was a possibility. In fact, in a letter written to a colleague, Marx notes:

If the unavoidable evolution [in England] turn into a revolution, it would not only be the fault of the ruling class but also the working class.<sup>27</sup>

Throughout Marx's later works, he makes continual reference to England. Marx noticed that in particular states—such as England—a peaceful, parliamentary revolution was possible.<sup>28</sup> In a letter to Social Democrat Henry Hyndman, Marx wrote, “England is one country in which a peaceful revolution is possible.”<sup>29</sup>

While the Chartists may have influenced Marx, the Second Reform Bill in England in 1867 did so as well.<sup>30</sup> The Second Reform Bill afforded working class men suffrage for the first time in Britain. This was inspiring to Marx, as universal suffrage, especially in his later thought, formed the basis for peaceful revolution. In an interview in 1871, Marx stated:

In England for example, the way is open for the working class to develop their political power. In a place where they can achieve their goal more quickly and more securely through peaceful propaganda, insurrection would be a folly.<sup>31</sup>

Marx's theories of violence have been debated from a number of different perspectives. The interpretation of Marx's proposition of the ability of the socialist revolution to be

---

27 Ibid.

28 Shlomo Avineri, *The Social and Political Thought of Karl Marx* (Cambridge: Cambridge University Press, 1968), 215.

29 Ibid.

30 Shlomo Avineri, *The Social and Political Thought of Karl Marx* (Cambridge: Cambridge University Press, 1968), 215.

31 Shlomo Avineri, “How to Save Marx From the Alchemists of Revolution,” *Political Theory* 4.1 (1976), 37.



## The Social Contract

peaceful, however, has been criticized on a number of points. According to proponents of the view that Marx advocated exclusively violent reform, the previously mentioned alternative theory does not stand. It has been argued that Marx only mentioned a peaceful position in speeches and smaller writings that cannot be held up in comparison to Marx's more influential works, most notably the *Communist Manifesto* and *Capital*.<sup>32</sup> In fact, according to Richard Miller, author of the book *Analyzing Marx: Morality, Power and History*, Marx's speeches and interviews should not be considered admissible evidence, as they were influenced by the political context surrounding him. According to Miller, Marx's speeches and interviews were made to protect members of the International Workingmen's Association from increasing persecution.<sup>33</sup>

While it is in fact true that these works and speeches are small in comparison to the influential magnitude of works such as the *Communist Manifesto*, it is still inappropriate to deem this evidence as completely inadmissible. Marx's theory on revolution changed throughout his lifetime, and it is clear that particular historical events had shaped his thinking. As Marx grew older, he was able to take into account both the violent and peaceful revolutions that he had encountered, and was able to theorize based on both accounts.

In light of more contemporary examples, such as the Soviet Union, it has also been suggested that those who support the idea of the possibility of a peaceful revolution have abandoned the principles of a socialist revolution. According to this view, the notion of revolution is dismissed in favour of gradual reforms within the capitalist system. This claim is in fact misrepresentative of the idea of revolution. In making this claim, proponents of exclusively violent revolution are strictly concerned with the means and not the ends, the evolution of society from capitalism into socialism.

---

32 Richard W. Miller, *Analyzing Marx: Morality, Power and History* (Princeton: Princeton University Press, 1984), 124.

33 Ibid.

## The Social Contract

By accepting the possibility of peaceful means in conjunction with violent ones, it is then possible to focus on the goal at hand. The idea of a peaceful revolution does not dismiss the role of violent revolution; if the former were to fail, the latter would invariably follow.<sup>34</sup>

The role of revolution is central to Marx's thought concerning the transition to the communist society; however, the nature of the revolution has been heavily debated. From the evidence provided, it is clear that the historical, political, and social circumstances present within a state determine the nature of the revolution. Violent revolution may work in certain states, while it may not work in others. The same is true of peaceful revolution. In his earlier days, the French Revolution and the June Insurrection heavily influenced Marx's political thought. He viewed violent revolution as the exclusive means in which an existing capitalist social framework could be removed and replaced with a Communist one. Over time, however, and with the expansion of universal suffrage in a number of parts of Europe, Marx's view altered. He began to see the possibility of the success of a peaceful revolution in order to implement Communism. Finally, Marx's position on the idea of revolution changed over time. He was not fixated on one particular form; but rather, depending on a number of interrelated circumstances, the revolution of the proletariat could take different forms.

---

<sup>34</sup> Adam Schaff, "Marxist Theory on Revolution and Violence," *Journal of the History of Ideas* 34.2 (1973), 269.

## **The Social Contract**

### **IDENTITY POLITICS**

*I always cheer up immensely if an attack is particularly wounding because I think, well, if they attack one personally, it means they have not a single political argument left.-  
Margaret Thatcher*

## **The Social Contract**

### **WOMEN'S ISSUES NETWORK**

The Women's Issues Network (WIN) is a USC funded service whose primary mandate is to ensure gender equity on campus. To this end, WIN hosts a series of awareness day events and education campaigns throughout the year in an effort to increase student consciousness of feminist issues both within the Western community and beyond. Our space, which is located in Room 258 of the UCC, is a safe environment where all students are welcome regardless of gender or orientation. There, you will find a substantial library of woman-centered literature, computers that can be used for homework or leisure, as well as plenty of seating and open-minded people perfect for pick-up debates and discussions. The space is also child friendly and a safe secure destination where you can find access to community resources for health issues or sexual assault crisis. Though we do not offer counseling services on site at this time, we can work with you to direct you to wherever is appropriate for your specific needs. In the WIN office you will also find our executive team who are always willing to lend an ear to specific or general concerns anyone may have regarding gender relations on campus and offer what resources we can to help bring about awareness and possibly a solution to the problem. For more information about WIN, our events or our publication, *The F-Word*, visit us at:  
<http://www.usc.uwo.ca/win/>.

**Tani Malhotra**

*Women's Issue Network Co-ordinator*

## The Social Contract

### Women, Politics and the Media “When In doubt, do both”

By Natalie Grella

A day in the life of a female politician: Belinda Stronach being called a ‘dog’ by political opponent Peter McKay<sup>1</sup>, Ambrose receiving compliments about her hair and censure over her environmental policy in the same sentence,<sup>2</sup> Sheila Copps being told to “Just quiet down, baby.”<sup>3</sup> There is no denying that the blatantly sexist atmosphere of politics may play a role in explaining why in all of Canada’s history only 20 women have headed mainstream Canadian parties and why currently only 21.4% of the seats of the House of Commons are occupied by women.<sup>4</sup> While a hostile and hyper-masculine environment may be a valid explanatory factor for the lack of women’s electoral participation, the state of women’s representation by the media informs public perception and is intrinsically related to women in politics. As a sphere primarily occupied by men, politics is defined by masculine norms that are shaped and reinforced by media coverage, presenting serious challenges for women as their representation is often gendered and framed within a sexist narrative. This tendency to normalize male leadership and formulate sex biases of female leadership candidates informs the public’s perception of women’s legitimacy and works to

---

1 In October 2006, eight Liberal MP’s accused Peter McKay, Foreign Affairs Minister, of calling ex-girlfriend, Belinda Stronach a dog while the House was in session. He publicly denied these accusations.

2 In November 2006 a letter stated that Ambrose was a poor Environmental Affairs Minister, but at least she had great hair.

3 “Just quiet down, baby” was one of the many sexist comments made to Sheila Copps in the House. Not only did she provide a witty response back to cabinet minister John Crosbie, she used the situation for the title of one of her books. Sarah MacDonald. 2006. “Sexism in the House: Is it all talk?” *Capital News Online* 19, no.4: front page, 1. Linda Trimble and Jane Arscott, *Still Counting: Women in Politics Across Canada*, (Peterborough, Ontario: broadview press, 2003) 2.

4 Ibid, 38.

## The Social Contract

explain why so few women take seriously the opportunity to seek political positions at the national or sub-national level.

Belinda Stronach and her run for leadership of the Conservative Party of Canada provides a quintessential example of sexist framing and gendered assessment. The press coverage of Belinda from her wardrobe, sexual appeal, and personal history enhanced the mockery of her political aspirations and continue to be disparaging in way of her aptitude and suitability for national government. Linda Trimble's in-depth study into the media coverage of the Conservative leadership race began with the assumption that if male norms constitute the most befitting candidates for political leadership then surely this standard of measurement would be revealed by press coverage in the challenges faced by female candidates in the run for the leadership of competitive parties.<sup>5</sup> This study disclosed the stark differences in the amount and quality of coverage afforded to each candidate. While Belinda was a recipient of a vast array of media attention, her gender was the primary descriptor. "She is defined by what she is not. She is not simply a politician (male as norm) but a special kind of deviant professional, woman politician, unable to escape the general objectification of women as subjects for the male gaze."<sup>6</sup> There are not many women who would subject themselves to such exploitative remarks, verbal attacks and public scorn. Markedly, this signals a valid and substantial reason for why only 21.4% of women comprise the legislative house.

The scope of Trimble's qualitative focus rested along three axes in delineating sex differentiation in the media's treatment, they included: visibility, framing and viability. Under the visibility axes, women have customarily been less visible in the media, receiving less attention than their male

---

<sup>5</sup> Linda Trimble, *Who Framed Belinda Stronach? National Newspaper Coverage of the Conservative Party of Canada's 2004 Leadership Race* (Edmonton, Alberta: University of Alberta, 2005) 3.  
<sup>6</sup> Annabelle Sreberny-Mohammadi and Karen Ross, "Women MPs and the Media: Representing the Body Politic," *Parliamentary Affairs* 49, (1996):109.

## The Social Contract

competitors; however, studies on world leaders within the last decade have presented mixed evidence, suggesting “the quantity of coverage is related to their place in the race (perceived ability to win) and proximity to power (status of the post)”<sup>7</sup> In way of an example from the United States, Elizabeth Dole’s campaign for leadership of the Republican Party in 2000 showed that she received less coverage than deserved based on her second-place standing.<sup>8</sup> Belinda, on the other hand, garnered considerably more attention from national newspapers, as she “was named first in forty-seven percent of the stories and referred to four or more times in sixty percent of the stories” analyzed.<sup>9</sup> Many studies confirm the same findings, that women receive marginally greater coverage. An analysis of media coverage of female and male candidates in primary races for Governor and US Senate in 2000 revealed that after an analysis of 707 articles the focus was predominantly on the female candidates, with 42.4% on females and 16.7% on males.<sup>10</sup> While females in politics are arguably visible to the public, more interesting are the ways in which there are imaged against a political backdrop.

Framing analysis is the study of “interpretive structures” that produce meaning and give organization to the news, which aids in explaining what underscores women and their public perceptions.<sup>11</sup> A ‘game frame’ is often employed in the coverage of campaigns.<sup>12</sup> Subsequently women, such as

---

7 Trimble, 6. And Joanna Everitt. “Media in the Maritimes: Do Female Candidates Face a Bias?” *Atlantis* 27, no. 2, (2003): 9.

8 Caroline Heldman Susan J. Carroll, and Stephanie Olson, “She Brought Only a Skirt”: Print Media Coverage of Elizabeth Dole’s Bid of the Republican Presidential Nomination,” *Political Communication* 22, (2005): 319.

9 Trimble, 10.

10 Dianne G Bryston, Terry A. Robertson and Mary Christine Banwart, “Framing the Fight: An Analysis of Media Coverage of Female and Male Candidates in Primary Races for Governor and U.S. Senate in 2000” *American Behavioural Scientist* 44, no.12 (2001): 2000-2005.

11 Trimble, 7.

12 Shannon Sampert and Linda Trimble, “ ‘Wham, Bam, No Thank you Ma’am: Gender and the Game Frame in National Newspaper

## The Social Contract

Alexa McDonough,<sup>13</sup> are subsumed by the masculine discourse of “the battlefield, the sports arena, and the boxing ring.”<sup>14</sup> The game frame, sometimes referred to as the strategic frame, focuses on the strategy and outcome of competing forces and their competitive nature. News reports which assume this narrative direct their attention to the telling of who is winning, losing and why. This story is often imbued with sports or battlefield language. The electoral ‘game’ parallels that of war and sports stories where the narrative trajectory narrows in on the tactical advantages and disadvantages. This approach has been observed as dominant within mainstream reporting and therefore problematic as it tends to marginalize party platforms and ideological differentiations by strictly focusing on the ‘horse race’.<sup>15</sup>

Gidengil and Everitt found that women are put at a disadvantage when the media “subscribe to a masculine conception of politics as a struggle between warring armies or competing teams.”<sup>16</sup> Conforming to the media script through aggressive behaviour may advantage women with media coverage, however, it will likely place them at a disadvantage in the eyes of the public as they are seen to be violating assumptions about how women should behave. Comparatively, being framed in stereotypically feminine terms can have the same polarizing effects. Kahn’s findings note that gender stereotyped newspaper coverage can sometimes be used to women candidate’s advantage by demonstrating positive attributes, such as their warmth and honesty on issues

---

Coverage of Election 2000,” In *Women and Electoral Politics in Canada*, rev.ed., edited by Manon Tremblay and Linda Trimble, 211-228, (Toronto: Oxford University Press, 2003) 212.

13 September 2000, the Globe and Mail printed “boxer’s score cards” entitled “Ready to Rumble” in anticipation for an early election call by the governing Liberals. NDP’s Alexa McDonough was the lone female figured as the political ‘lightweight’ – no pun intended.

14 Sampert and Trimble, 211.

15 Ibid, 212.

16 Elizabeth Gidengil and Joanna Everitt, “Filtering the Female: Television News Coverage of the 1993 Canadian Leaders’ Debates,” *Women and Politics* 21, no. 4, (2000): 109.



## The Social Contract

of social policy, education and environmental issues.<sup>17</sup> Conversely, Palmer and Simon quote coverage of Elizabeth Dole from her 2000 presidential run that illustrate the counter argument; the *Detroit News* stated that her “public speaking style looks and sounds like Tammy Faye Baker meets the Home Shopping Network.”<sup>18</sup> A statement, such as this, is detrimental for a run at presidency when issues of foreign policy, military performance and national security are the hard questions being asked. This type of ‘soft news’ is a direct reflection of the candidate’s sex and works to foil attempts to establish a creditable political foundation and existence.<sup>19</sup>

Within a Canadian context, the framing of Belinda Stronach was particular to her sex and operated within a “privatizing discourse.”<sup>20</sup> Not only are women asked different question than men by journalists, for instance, when the nation’s first congresswoman arrived in Washington, reporters asked her if she could make a pie, female politicians are heavily judged on personal characteristics and are scrutinized on the basis of extremes – good or bad.<sup>21</sup> While Harper’s appearance was only discussed twice in the news press during the campaign for the Conservative leadership, Belinda was aestheticized, in terms of her looks, clothing, hair and sex

---

17 Kim Fridkin Kahn, “Does Gender Make a Difference? An Experimental Examination of Sex Stereotypes and Press Patterns in Statewide Campaigns,” *American Journal of Political Science* 38 no.1 (2004): 169.

18 Barbara Palmer and Dennis Simon, *Breaking the Political Class Ceiling: Women and Congressional Elections*. (New York: Routledge, 2006) 130.

19 Ibid, 129.

20 Trimble, 14.

21 Dianne G Bryston, Terry A. Robertson and Mary Christine Banwart, 2001. And Janet A. Flammang, *Women’s Political Voice: How Women are Transforming the Practice and Study of Politics* (Philadelphia: Temple University Press, 1997) 196. Joanna Everitt and Elizabeth Gidengil. “Tough Talk: How Television News Covers Male and Female Leaders of Canadian Political Parties.” In *Women and Electoral Politics in Canada*, rev.ed., edited by Manon Tremblay and Linda Trimble, 194-210, (Toronto: Oxford University Press, 2000)195.

## The Social Contract

appeal, in 77 stories that littered the papers – both equally in the *Globe and Mail* as the *National Post*.<sup>22</sup> The specificity of this framing method directly influences the perceived viability of a female candidate. The gender-related frame of the “first woman” can have negative consequences as the media takes this up to imply women in public office are anomalies and therefore an inexperienced and less viable candidate for the post.<sup>23</sup> This was both injurious for Belinda, in terms of lacking political experience and for Elizabeth Dole, by running more stories of her as an unlikely contender to win.

Just as Belinda is a recent example of sexist framing, one does not need to go far to find multiple other examples. On November 18, 2007 the *National Post* printed an interesting and eye-grabbing piece entitled, “In politics, does style or substance prevail?” This inherently sexist article textually and visually profiled two influential women of politics, Segolene Royal – the first female President of France – and Hillary Clinton – who just recently announced her bid for Presidency of the United States. Beginning with an analysis of the visual representation, two substantially sized pictures of these women frame six aesthetic, and arguably politically trivial, characteristics. The first five are ‘hair’, ‘style’, ‘family’, ‘smile’ and ‘popular criticism’. The words used to describe their hair and style frame Royal as a ‘sex kitty’ and Hillary as a prude. As Janet Flammang indicates, the normative approach of the press is to stress the personal looks, lives -particularly their children and husbands- and, in this way, maintain the non-threatening existence of female political persons.<sup>24</sup> The popular criticism, which is buttressed by this right-wing national press, conforms to gender stereotypes and gendered assumptions about women

---

22 Trimble, 14,15.

23 Caroline Heldman, Susan J. Carroll, and Stephanie Olson, “She Brought Only a Skirt” Print Media Coverage of Elizabeth Dole’s Bid of the Republican Presidential Nomination.” *Political Communication* 22, (2005): 317.

24 Janet A. Flammang, *Women’s Political Voice: How Women are Transforming the Practice and Study of Politics*, (Philadelphia: Temple University Press, 1997), 228.

## The Social Contract

functioning in politics. This is juxtaposed with the reality of two women who continuously attempt to forge and solidify an image of a leader who has the charisma and intellect to successfully engage in the political realm. While Clinton is placed in a desexualized light and touted as a potential lesbian, Royal is encouraged to embrace her domesticated side and lay her policy books to the wayside. The accompaniment of the text further perpetuates the framing of a gendered discourse that devalues, undermines and marginalizes their political notoriety and stature.

Being at the political forefront of two of the world's most powerful states, this article argues that polarized approaches to politics are taken by both of these women. Author Vallis writes, "Where Ms. Royal, 53, favours flowery dresses and always has a smile for the camera, Mrs. Clinton, 59, downplays her sexuality with staid pantsuits that keep the focus on her policies, not her legs."<sup>25</sup> Ms. Royal is commended for using her sexuality as a political tool and for spicing up "the clubby, male-dominated world of French politics;" regardless, more question "whether there are any political smarts inside the pretty package." On the other hand, Clinton's fashion sense is notably bland and masculinized as it "extends to flat shoes and dark pantsuits"...and "has never allowed herself to be photographed in any form of a bathing suit, let alone a bikini." This article not only lacks literary substance and relevancy, belonging in a *Cosmopolitan* or tabloid magazine, it was written by a female journalist who complacently uses language to enact representational barriers. Sreberny-Mohammadi and Ross are of the belief that "discrimination in discourse helps to maintain intellectual habits that promote discrimination in practice" by handling men and women in different sets of categories on the basis of different stereotypes.<sup>26</sup> Royal and Clinton are not articulated or characterized by discussions of occupational or political success. There is no engagement with the accomplishments of

---

25 Vallis, Mary. "In politics, does style or substance prevail?" *National Post*, 18 November, 2006, p. A19, final edition. A19.

26 Annabelle Sreberny-Mohammadi and Karen Ross, 110.

## The Social Contract

these women at the policy level, nor any critical analysis of their international and national contributions as women who are situated in politically and socio-economic privileged positions.

The fact that this journalist is female further complicates the matter of representation. Early media studies in the field of political analysis articulated the need for more female reporters, which was assumed would enhance the coverage of women in electoral politics.<sup>27</sup> However, now that more women make up a greater percentage of journalists and political actors play a far lesser role than does the lack of neutral reporting of female politicians. The article written for the *National Post* is an exemplary illustration whereby stereotypical feminine traits shadow discussions of issue competency, constituting a form of gender-differentiated treatment.<sup>28</sup> Sreberny-Mohammadi and Ross would call this the tabloidization of the news and the propensity of news organizations to operate within this discourse is in a state of expansion.<sup>29</sup> The hype, sensationalism and sex bias surrounding news media is detrimental to quality reporting, leaving the public severely selectively informed and cased within a gendered discourse.

What continues to sustain the notion that politics is a “man’s game”? Cultural socialization is a salient factor which informs the way the media takes up political debates, campaign races and the daily ins-and-outs of political life – perpetuating the cycle of which types of information are conveyed to viewers. Palmer and Simon denote the ways in which cultural norms of the 1950s marked women outside the masculine game of politics, as their gender roles were inconsistent with those prescribed to serve political office.<sup>30</sup> Although there has been a conceptual shift about who can run, how the game is played has not changed much; a political

---

27 Dianne G Bryston and Terry A. Robertson and Mary Christine Banwart, 2001.

28 Everitt, Joanna and Elizabeth Gidengil, 195.

29 Annabelle Sreberny-Mohammadi and Karen Ross, 109.

30 Barbara Palmer and Dennis Simon, 3.

## The Social Contract

glass ceiling still exists.<sup>31</sup> The documentary *Why Women Run* reminds us that it was not until 1921 that the first women entered the House of Commons. Few have followed in those footsteps, as the current statistics communicate today. However, what encourages female politicians, Alexa McDonough (NDP) and Marcy Clancy (Liberal), is that Parliament is where agenda setting takes place, where power is exercised and therefore women should be involved at this locus of action. In 1997, all media and political eyes were on two strong female candidates running for the Halifax constituency at the Federal level. These women were of the same mindset: that there are barriers for women in politics, barriers to be overcome, however, never framing it in terms of what women can or cannot do. While the antagonistic nature of partisan politics is undeniable, the most robust example of women in an adversarial male-dominated arena is the legislature. In an interview featured in the documentary, Clancy recounts the outrageous sexism and pejorative output by the opposition as Copps has been named a 'slut', Clancy a 'bitch' and Don Black a 'fish wife'. These types of degrading attitudes gave rise to a committee to the extent that the rules of the House were changed. Even with clear and newly specified 'rules', sexist and demeaning remarks on the basis of gender continue to permeate the House. Some of the most recent examples were listed at the outset of this paper.

Media, image and perception are inextricably linked. In *Why Women Run* Wendy Lill (NDP) describes her approach to the designing of her brochure, "I wanted the photographer to make me look as young as possible and to make my children look as old as possible." Why was this of primary concern for Lill? As a mother of two, she wanted to avoid being accused of being a poor mother and nurturer – one who left her children alone in pursuit of her own self-interested political aspirations. Along the same theme, in the past, the

---

31 Linda Trimble and Jane Arscott defined the political glass ceiling as "[t]he invisible barriers that keep women from rising beyond a certain level in hierarchical organizations. The electoral variant of the glass ceiling for women sits at or below 25 per cent of the available seats" (Trimble and Arscott 2003, 182).

## The Social Contract

news has scorned McDonough for not helping her children finish their homework, while she is away from home traveling the nation. Value judgments are not a novelty for women in the public light. McDonough is at times inundated with comments about her hair and earring selection; sometimes, people go to lengths to call her staff and state their dissatisfaction with her clothing attire. News reports have repeatedly informed her that she ought to change her clothes twice a day or editors will refuse to print photographs. Clancy concedes that presentation is part of the package in politics, yet, in this line-of-work, she contends, self-confidence and 'tough skin' are imperative. Characteristics she definitely embodies and exhibits, for she has been the subject of many political cartoons which poke fun at her weight. In Boston, after the PM awarded her 'Council General' in 1998, a caricature was drawn of her face with a pig's body and the caption "Mary, Queen of Pork". As our reality is often a reflection of our perception, negative comments and evaluations figure women as atypical victors in highly masculine terrain.

Much evidence suggests that women receive differential treatment from the media on their paths to political office by way of sexist framing and decidedly gendered coverage. This seems to project the belief, both implicitly and explicitly, that female candidates are less qualified and deserving of leadership roles within a predominantly masculine domain. This damaging reality of representational politics has been illustrated in the political lives of Stronach, Dole, Clancy and McDonough. This paper has illustrated that stereotyping by reporters and editors have covered females differently. An analysis of gendered mediation uncovers the lack of neutral reporting of female politicians, as male leaders have fewer gender-typed images applied to them, leaving women to struggle to be acknowledged as a legitimate candidate.<sup>32</sup> The power of media to frame the public's understanding of political life, its actors and processes cannot

---

32 Joanna Everitt and Elizabeth Gidengil, 196.

## The Social Contract

be undermined. While women's visibility in news coverage has increasingly grown, what continues to be problematic for women are the means through which politics is still reported as "a man's game", as well, the tabloidization of news and its subsequent diminishment of quality exacerbate the political bias in the media. By failing to report exactly what was said and focusing more on interpretive reporting, women are often framed as overly aggressive or hyper-sexualized in political debates or on campaign trails in order to make stories newsworthy. The role of the press seems to be the perpetuation of gendered assumptions about who best suits the role of a leader with political power, thus mounting to the inevitable discouragement of women from aspiring to the top positions in the hierarchy of politics. While their numbers are few, Belinda, Royal and Clinton stand as examples of successful women in politics who have decided to materialize the words of Kay McPherson, "When in doubt, do both."<sup>33</sup>

---

<sup>33</sup> Kay McPherson, a feminist activist, wrote a book entitled, "When in doubt, do both" as an encouragement for women to take up an active role in politics and have a family - both are possible.

## **The Social Contract**

### **INTERNATIONAL POLITICS**

*The fundamental source of conflict in this new world will not be primarily ideological or primarily economic. The great divisions of humankind and the dominating source of conflict will be cultural.- Samuel P. Huntington*



## **The Social Contract**

### **OXFAM WESTERN**

Oxfam Western is one of several campus groups across the country which functions as a youth branch of Oxfam Canada. Oxfam is an international NGO which seeks to combat the root causes of poverty and injustice by developing sustainable, long-term solutions. Oxfam International currently operates in over 105 countries, and is also very active in disaster relief around the globe. Through various campaigns, Oxfam raises funds and awareness for issues including poverty, women's rights, HIV/AIDS, arms control and access to public services.

Our club at Western works yearly with the campaigns designed by Oxfam International and Oxfam Canada, including No Sweat, Make Trade Fair, Make Poverty History and Control Arms, to name a few. As well, Oxfam Western participates in other campaigns, such as Adbuster's Buy Nothing Day, and works with other like-minded clubs on campus. For the coming year, Oxfam Canada and Oxfam Western are shifting their focus somewhat, to highlight the important role that women, gender rights and gender equality play in finding effective solutions for global human rights and poverty issues. The other new campaign for this year is For All, which is managed in partnership between Oxfam Canada and CUPE. The For All campaign highlights the need for free public services including health care, water, sanitation and education, both here in Canada and around the world. Oxfam Western hopes to raise awareness for these issues through educational activities, discussion and political activism.

Everyone is welcome to join Oxfam Western. Email: [westernoxfam@gmail.com](mailto:westernoxfam@gmail.com)

**Mike Contasti-Isaac**

*President, Oxfam Western 2007/2008*

## The Social Contract

### STAND WESTERN

You may not know it, but in the recent past \$50 of your tuition has indirectly contributed to genocide in Darfur, Sudan.

That \$50 goes into the Operating and Endowment Fund (OEF), which generates income that allows the university to function. The OEF owns shares in companies operating around the world. Some of those companies provide a great deal of revenue to the Sudanese Government.

That government has been directly implicated by the United Nations in crimes against humanity in the Darfur region. They restrict humanitarian access, bomb villages, poison wells, murder civilians, and systematically rape women and young girls. More than 200,000 people are dead and over 2 million people displaced. The US and many of our own MPs have named the crisis genocide.

*“They slit the throat of my only child in front of my eyes. I don’t know where my wife is and what happened to her. It is only because one of the soldiers was merciful that I was not killed.”<sup>1</sup>*

**If our money is invested in these offending companies we are paying for and profiting from atrocity.**

**What can you do?**

Here’s the good news: though over the summer we were invested in five of the approximately twenty-five

---

<sup>1</sup> a 36 year old man from Darfur, who was severely beaten, about his abducted wife and 11 month old child. Amnesty International: <http://web.amnesty.org/library/index/engaf540762004>

## **The Social Contract**

“highest offender” companies, the OEF no longer contains offending investments. But that doesn’t mean we’re in the clear. The holdings in the relevant funds can change by up to 40 percent each year, so there’s no guarantee that we won’t reinvest in offenders in the future.

**You can help to make sure that doesn’t happen by signing our on-line petition at**

**<http://www.thepetitionsite.com/1/uwo-divestment>**

For more information about our divestment initiative or to get involved email us at [uwo\\_divestment@gmail.com](mailto:uwo_divestment@gmail.com) You can also check out [www.sudandivestment.org](http://www.sudandivestment.org) and [www.standcanada.org](http://www.standcanada.org)

**Blair Cappel**

*President, STAND Western 2007-08*

## The Social Contract

### Human Trafficking:

Gendered Perspective

By Yasmin Askari

Although the trafficking in arms and drugs are areas of concern, it is not surprising to see the trade of these commodities in shadow economies. It is however both surprising and disturbing to see women being trafficked as commodities. The fact that an estimated million women and girls are trafficked in the sex industry each year<sup>1</sup> leads one to ask: what factors are causing this high amount of sex trafficking to take place with such ease? Sexual trafficking is an aspect of political economy that emphasises the North/South divide. The feminization of poverty, the gendered outcomes of globalization, and prevalent forms of gender-based discrimination all aid the instigation and continuation of the sex trafficking of women. The issues of legalization, government inactivity and police corruption all show the patriarchal structures that perpetuate the trafficking of women and enable its continued increase. This essay argues that sexual trafficking is a gendered issue in the political economy between the North and South in which women are targeted due to the feminization of poverty, the feminization of migration, gender discrimination, state corruption in support of the sex trade, and the negative impact of legalization of the sex trade. The first part of this paper will begin by outlining six literature reviews on the topic. Next, the political economy of sexual trafficking will be discussed, followed by the presentation of Ukraine and Thailand as case studies for the paper. Using these case studies, the paper will go on to outline poverty, globalization, gender discrimination, corruption of police, and legalization respectively.

---

<sup>1</sup> Donna M. Hughes, "The 'Natasha' Trade: Transnational Sex Trafficking," in *National Institute of Justice Journal* (January 2001), 9.

## The Social Contract

A recent development in the North-South political economy divide is the international sex trade of women, with the large subset of trafficking in women for sexual exploitation.<sup>2</sup> This modern form of slavery is a global transnational problem and exists in many countries.<sup>3</sup> The United Nations has declared trafficking to be “the world’s second-largest and second-fastest growing criminal enterprise,” revealing the urgent need to address this problem.<sup>4</sup> The sex industry includes mail order brides, prostitution in brothels, pornography, and sexual services for the military.<sup>5</sup> Sex trafficking harms not only the women involved, but it also undermines the social, political and economic set-up of the countries in which it takes place.<sup>6</sup> Trafficking of women is a fundamental human rights violation and is an issue that requires both national and international levels to address.<sup>7</sup> Understanding what causes and sustains sexual trafficking can provide important insight on how to tackle the issue.

Before going any further, it is important to first define the key terms for this paper. This essay discusses sexual trafficking, which is part of the broader category of human trafficking. The most common definition of trafficking is provided by the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children that was passed in November 2000:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of

---

2 Andrea Marie Bertone, “Sexual Trafficking in Women: International Political Economy and the Politics of Sex,” in *Gender Issues* (Winter 2000), 4.

3 Saltanat Sulaimanova, “Trafficking in Women from the Former Soviet Union for the Purposes of Sexual Exploitation,” in *Trafficking and the Global Sex Industry*, rev. ed., ed. Karen Beeks and Delia Amir. (Oxford: Lexington Books, 2006), 61.

4 Giselle Routhier, “Understanding the Demand for Human Sex Trafficking: A Study of Attitudes Regarding the Commercial Sex Industry,” in *Social Work Student Papers* (2007), 4.

5 Bertone, 5.

6 Hughes, 9.

7 Sulaimanova, 70.

## The Social Contract

threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (in particular, labour and sexual exploitation). Exploitation shall include, at minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>8</sup>

Human trafficking is a process consisting of four stages: the abduction or recruitment of the victim; the transportation of the victim from the origin to the destination; the exploitation of the victim, which for the purposes of this essay refer to sexual services; and the profit laundering of those involved in the trafficking of the victims, who are mostly women in sexual trafficking.<sup>9</sup> Methods of victim recruitment include “marriage agencies,” also known as mail-order bride agencies, recruitment through a friend or trusted acquaintance of the women, and “second wave” recruitment, which occurs when a trafficked woman returns to draft other women.<sup>10</sup>

It is important at this point to provide some background to the international perspective on sex trafficking. In December 2000, representatives from more than eighty countries adopted the Convention against Transnational Organized Crime and its associated Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children.<sup>11</sup> Article 5 of the Trafficking Protocol states that

---

8 Upala Devi Banerjee, “Migration and Trafficking of Women and Girls: A Brief Review of Some Effective Models in India and Thailand,” in *Trafficking and the Global Sex Industry*, rev. ed., ed. Karen Beeks and Delia Amir (Oxford: Lexington Books, 2006), 192.

9 Routhier, 4-5.

10 Hughes, 11.

11 Anne Gallagher, “Human Rights and Human Trafficking in Thailand: A Shadow TIP Report,” in *Trafficking and the Global Sex*

## The Social Contract

trafficking of persons should be criminalized.<sup>12</sup> The trafficking Principles and Guidelines also assert that “states have a responsibility under international law to act with due diligence to investigate and prosecute traffickers.”<sup>13</sup>

Sex trafficking as a political economy issue deals with several overarching themes, some of which are highlighted throughout this literature review. A common theme in the six articles that are to be discussed is the recognition that the demand of sexual trafficking has to be addressed in any effective anti-trafficking campaign. The issue of poverty and its role in instigating and perpetuating the trafficking of women is also prevalent in literature on the topic. An important on-going debate that must be addressed in dealing with the problem of trafficking is whether or not prostitution should be legalized, with authors on either side of the debate. Another theme is the unequal North/South relations demonstrated in the supply and demand of sex trafficking.

Routhier and Hughes both agree that the legalization of prostitution is bad, but disagree on the extent of poverty’s influence on sex trafficking. Routhier in “Understanding the Demand for Human Sex Trafficking: A Study of Attitudes Regarding the Commercial Sex Industry,” outlines the factors that promote the continuation of human trafficking, categorizing them under three categories: supply, demand, and cultural factors.<sup>14</sup> Under the supply side, he argues that poverty is the biggest cause of sexual trafficking.<sup>15</sup> Routhier also highlights the importance of the demand side of the equation, arguing that there is great demand in the sex industry, and it is imperative to find out why so many men are willing to buy human beings for the purpose of sexual

---

*Industry*, rev. ed., ed. Karen Beeks and Delia Amir (Oxford: Lexington Books, 2006), 142.

<sup>12</sup> *Ibid*, 145.

<sup>13</sup> *Ibid*, 146-7.

<sup>14</sup> Routhier, 6-9.

<sup>15</sup> *Ibid*, 6.

## The Social Contract

pleasure.<sup>16</sup> The answer provided in the article is cultural factors are the reason for the normalization of trafficking, including the media (advertising, the internet), and the way it portrays women as sexual objects. The article argues that pornography and the acceptance of “pimp culture” in modern-day society promote the subordination of women.<sup>17</sup> The last part of the article looks at some possible solutions in addressing the problem of sexual trafficking, including the possibility of the legalization of voluntary prostitution. Routhier takes the stance that this normalizes the sex industry, and hints towards the benefits of criminalizing the buying and not the selling of prostitution in order to empower women.<sup>18</sup>

In the article “The ‘Natasha’ Trade: the Transnational Market of Trafficking in Women,” Hughes focuses mostly on sex trafficking in Ukraine, highlighting the scope of the problem in the area. Hughes challenges the argument that poverty is the primary cause in trafficking, arguing instead that it facilitates it, but it is the traffickers who make it happen. She too agrees that it is not enough to focus only on the sending countries to curtail trafficking, but that destination countries and their demand must also play into the solution. Hughes also argues that the legalization of prostitution causes an increase in the trafficking of women because demand rises with a legalized sex industry. According to Hughes, the legalization of the sex industry and narrower definitions of trafficking work to the benefit of the traffickers, not the women being trafficked. She advocates for the model set by Sweden in enacting a law that prohibits the purchase of sexual services, thereby holding men accountable and addressing the demand aspect of trafficking.

Marshal and Pettman stand in opposition to Routhier and Hughes by arguing that sex work, including prostitution, should not be illegal. In the article “Globalization, Migration and Trafficking: Some Thoughts from the South-east Asian

---

16 Ibid, 9.

17 Ibid, 12.

18 Ibid, 15.



## The Social Contract

Region,” Marshall argues that globalization has played an important role in facilitating trafficking. He argues that it has furthered the North/South disparities, resulting in an increase in cross-border migration.<sup>19</sup> He also states the necessity in addressing the demand side of trafficking in order to curtail trafficking. Controversially, Marshall argues that banning sex work is not useful and furthers the vulnerability of the victims of trafficking, asserting that if women choose to do sex work, they should not be judged for it and should have the legal right to do so.<sup>20</sup> This goes along with his theme of the importance of protecting the rights of migrants by increasing tolerance and understanding among receiving communities.

Pettman in “Body Politics: international sex tourism,” discusses the use of women as a commodity in the global sex trade, arguing that its development is a result of unequal North/South and male and female relationships. Pettman also discusses transnational anti-trafficking campaigns, including United Nations Conventions, government actions, and the role of NGOs. It is also shown how woman’s low status in society and the fact that they are viewed as “burdens” makes them vulnerable to trafficking because it is one of the only ways in which they think they can make a substantial income.<sup>21</sup> Pettman also argues that criminalizing prostitution stigmatizes all prostitutes, and thus a better approach may be to deal with trafficking in terms of violations against labour and child laws.

Kligman and Limoncelli and Bertone emphasize the North/South component to sex trafficking. In the article “Trafficking Women after Socialism: to, through, and from Eastern Europe,” Kligman and Limoncelli focus on the aspect of migration in sex trafficking in Eastern Europe, arguing that sex trafficking should be situated under the category of forced

---

19 Phil Marshall, “Globalization, Migration and Trafficking: Some Thoughts from the South-East Asian Region,” in *Occasional Paper* no. 1 (2001), 6.

20 Ibid, 11.

21 Jan Jindy Pettman, “Body Politics: international sex tourism,” in *Third World Quarterly* 18, no. 1 (1997), 102.

## The Social Contract

labour migration.<sup>22</sup> They discuss the class differences between source and destination countries, showing the relevance of poverty for supply and wealth for demand. They also discuss the role of war in facilitating the trafficking of women. The feminization of poverty is also discussed in this article. Education and awareness of trafficking are put forth as possible means of curtailing sex trafficking. Furthermore, they argue that gender discrimination must be addressed and resolved in face of widening income disparities resulting from globalization.<sup>23</sup> Lastly, they argue that until the demand side of trafficking is dealt with, sex trafficking will continue to increase.

Bertone in “Sexual Trafficking in Women: International Political Economy and the Politics of Sex” discusses the relevance of sex trafficking to the North/South divide, arguing that the supply and demand of sex trade can be explained in terms of the North/South political economic structure. Bertone explains that there are three different networks of trafficking: large-scale, medium-scale and small-scale networks.<sup>24</sup> Bertone is the only author among those used throughout this paper that outlines the three types, although she does not really explain their significance to the problem of trafficking. She also explains how governments are often complicit or even supportive of the traffic networks, facilitating the increase in sex trafficking. In arguing against sex trafficking, Bertone highlights that economically, it is not beneficial for countries because there is nothing substantial being produced. Bertone outlines measures that are being taken at the international level to combat the sex trade as well as the problem with countries that have not criminalized trafficking.<sup>25</sup>

---

22 Gail Kligman and Stephanie Limoncelli, “Trafficking Women after Socialism: To, Through, and From Eastern Europe,” in *Oxford University Press* (Spring 2005), 121.

23 Ibid, 130.

24 Bertone, 7.

25 Ibid, 13.

## The Social Contract

The six articles discussed in the literature review above highlight several important themes surrounding the issue of sex trafficking in relation to North/South political economy and gender. As shown by the authors, supply and demand for sex trafficking is a major contributor to the growing presence of this market.

The transnational trade in women, which involves trafficking, is driven by supply and demand.<sup>26</sup> The international political economy of sex trafficking includes the supply side, consisting of the Third World/poor states, as well as the demand from the organizers of the trade, who are men from industrialized and developing countries.<sup>27</sup> Unfortunately, the Third World is increasingly a site where the body is used as a form of international currency.<sup>28</sup> Many factors from the demand side push for greater numbers of women to enter the trafficking industry.<sup>29</sup> One way to curtail trafficking is to intervene in the demand. In 1988, Sweden did such a thing by passing a law that stated that “gross violation of a woman’s integrity” was an offence.<sup>30</sup> This is the first law that aims to protect women from violence by holding men accountable and in so-doing, addressing the demand for sexual trafficking.<sup>31</sup> Unless attention is focused on the demand portion of trafficking, this modern day slave trade will continue.<sup>32</sup>

The origin and destination countries represent the North-South economic structure. In general, the origin/sending countries are poor and are places where traffickers can easily recruit women.<sup>33</sup> Destination countries on the other hand, are generally Western European countries, which tend to be

---

26 Donna M. Hughes, “The ‘Natasha’ Trade: The Transnational Shadow Market of Trafficking in Women,” in *Journal of International Affairs* 53, no. 2 (Spring 2000), 626.

27 Bertone, 4.

28 Pettman, 95.

29 Routhier, 8.

30 Hughes, 14.

31 Ibid.

32 Kligman and Limoncelli, 131.

33 Hughes, 626.

## The Social Contract

wealthier than the countries of origin, revealing the class differentiation in trafficking.<sup>34</sup> In South and Southeast Asia, trafficked women originate for the most part from Thailand, China, the Philippines, Burma, Vietnam, Cambodia, Bangladesh and Nepal.<sup>35</sup> Former Soviet Union republics such as Ukraine, Belarus, Latvia and Russia, have also become major countries of origin for women trafficked into sex industries.<sup>36</sup> There are several countries that are popular destinations for victims of sex trafficking, which include: Belgium, Germany, Greece, Italy, the Netherlands, Israel, Turkey, Japan, Thailand, and the United States.<sup>37</sup> The illicit sex trafficking market generates an estimated 7 to 12 billion dollars for organizes criminal groups.<sup>38</sup> Sex trafficking is a lucrative business, which, unlike the trafficking of arms and drugs, can be sold many times over for profit.<sup>39</sup>

Two case studies, Ukraine and Thailand, will help illustrate the political economy of gendered causes of sex trafficking. These two case studies provide an interesting overview on the issue of sex trafficking because Thailand is one of the original areas of the world where sex trafficking developed,<sup>40</sup> whereas Ukraine's increasing numbers have been a more recent trend. The case study portion of this paper begins by providing some background to the prevalence of sex trafficking in each country, and goes on to show how the conditions that facilitate trafficking have factored into the two countries under study.

Unlike Thailand, where sexual trafficking is relatively old, there were almost no reported cases of

---

34 Kligman and Limoncelli, 126.

35 Carolina Johansson Wennerholm, "Crossing Borders and Building Bridges: the Baltic Region Networking Project," in *Gender, Trafficking, and Slavery*, rev. ed., ed. Rachel Masika (Oxford: Oxfam, 2002), 11.

36 Hughes, 626.

37 Routhier, 2-3.

38 Sulaimanova, 61.

39 Wennerholm, 13.

40 Bertone, 8.

## The Social Contract

trafficking in women from the Ukraine to the West prior to 1991.<sup>41</sup> However, privatization, the collapse of state institutions, the rise of organised crime and the proliferation of corruption together meant that women had little economic alternative in the 1990s,<sup>42</sup> leaving them vulnerable to traffickers. The Ukrainian Ministry of Internal Affairs estimated that 400,000 Ukrainian women were trafficked during the decade leading to 1998.<sup>43</sup> The International Organization for Migration estimates that between 1991 and 1998, 500,000 Ukrainian women were trafficked to Western countries.<sup>44</sup> Women from the Ukraine are mostly trafficked to Turkey, Greece, Cyprus, Italy, Spain, Yugoslavia, Bosnia and Herzegovina, Hungary, Czech Republic, Croatia, Germany, United Arab Emirates, Syria, China, Netherlands, Canada and Japan.<sup>45</sup> In some areas, such as Israel and Turkey, women from the former Ukraine and former Soviet Union states are so predominant that prostitutes are called “Natashas”.<sup>46</sup> It is clear that sex trafficking is increasingly dominant in Ukraine, which provides for valuable analysis in the upcoming sections on how factors facilitating sex trafficking have influenced the lucrative business in this country.

Thailand is an interesting case study because of the complexity of its trafficking situation, along with its relatively long history in dealing with trafficking, especially those affecting women and children.<sup>47</sup> Thailand is not only a country of origin for trafficked persons, but also one of transit and destination.<sup>48</sup> Thai women are trafficked for sexual exploitation to Europe, Japan, North America, and Australia by traffickers and organized criminal networks.<sup>49</sup> It is

---

41 Sulaimanova, 61.

42 Louise Shelly, “The trade in people in and from the former Soviet Union,” in *Crime, Law and Social Change* 40 (2003), 234.

43 Sulaimanova, 62.

44 Hughes, 628-9.

45 Ibid, 629.

46 Hughes, 10.

47 Gallagher, 140.

48 Ibid, 143.

49 Ibid.

## The Social Contract

estimated that 200,000 Thai women are in Western European brothels.<sup>50</sup> In 1993, the Thai embassy in Japan estimated that between 80,000 and 100,000 trafficked Thai women were working in the Japanese sex industry.<sup>51</sup> Thailand is also becoming a target country for girls from Burma and China; currently an estimated 20,000 Burmese women and girls work in the Thai sex industry.<sup>52</sup> The sex industry in Thailand expanded in the late 1960s as a result of the many U.S. military bases in the region.<sup>53</sup> This continued through civilian tourism in Thailand after the Vietnam War.<sup>54</sup> Fortunately, economic growth has contributed to some improvements in Thailand's trafficking problem. Internal trafficking used to be a big problem, but as a result of the economic boost, it is much less so today.<sup>55</sup> This, unfortunately, has not eliminated the demand; instead, the supply of workers come from illegal migrants who are more vulnerable to exploitation.<sup>56</sup> The lack of citizenship is the greatest risk factor for minorities in Thailand for sex trafficking, and with the current 400,000 people without citizenship in Thailand, it is clear that trafficking is far from being over.<sup>57</sup> Regardless of the danger they face, Thailand has failed to provide citizenship and birth registration to ethnic minorities that reside in the northern part of the country.<sup>58</sup> The unique cases provided by Ukraine and Thailand will now lead to a more detailed discussion of each country in relation to conditions that facilitate the sexual trafficking of women, starting with poverty.

---

50 Bertone, 9.

51 Siriporn Skrobaneek, Nataya Boonpakdee and Chutima Jantateero. *The Traffic in Women: Human Realities of the International Sex Trade* (London: Zed Books Ltd. 1997), 24.

52 Sietske Altink, *Stolen Lives: Trading Women into Sex and Slavery* (New York: Scarlet Press, 1995), 56.

53 Ibid, 8.

54 Ibid.

55 Gallagher, 143.

56 Christina Arnold and Andrea Marie Bertone, "Addressing the Sex Trade in Thailand: Some Lessons Learned from NGOs, Part I," in *Gender Issues* (Winter 2002), 32.

57 Ibid, 49.

58 Gallagher, 152.

## The Social Contract

Of the conditions that facilitate sexual trafficking, the feminization of poverty has shown to be the most powerful root cause.<sup>59</sup> There is a correlation between national poverty rates and countries from which high numbers of women originate.<sup>60</sup> Poverty is a gendered phenomenon, which is understood as the “feminization of poverty.” Since women make up the majority of the poor due to a lack of social structures that enable equal education and employment opportunities,<sup>61</sup> they are disproportionately affected by poverty. As a result, many women resort to trafficking in order to ameliorate the economic situation not only for themselves but also for their families.<sup>62</sup> There is a potential for higher incomes in sex trade than any other options available to these women,<sup>63</sup> though in far too many instances, women become indebted to their traffickers and have to work for years without any money for them to pay back contract costs.<sup>64</sup> Thus, trafficking takes place because women are poor and desperate for work to improve their economic conditions, without any other options for employment at home, not to mention unrealistic expectations about opportunities abroad.<sup>65</sup> Poverty is one amongst many causes of sex trafficking which reveals the gendered nature of sex trafficking.

Feminization of poverty as a cause of sexual trafficking is apparent in the case of Ukraine. The relationship between trafficking patterns and economic decline is seen here since Ukraine has a notably low gross national income.<sup>66</sup> Poverty in the former Soviet Union countries “has reached unprecedented levels.”<sup>67</sup> The average salary in Ukraine is about US \$30 a month, and only half that in many small

---

59 Routhier, 6.

60 Kligman and Limoncelli, 122.

61 Routhier, 7.

62 Wennerholm, 14.

63 Kligman and Limoncelli, 122.

64 Wennerholm, 14.

65 Sulaimanova, 72.

66 Kligman and Limoncelli, 128.

67 Sulaimanova, 62.

## The Social Contract

towns.<sup>68</sup> The feminization of poverty is seen in the increase in women's unemployment from 4 to 11.5 percent from 1995 to 2000.<sup>69</sup> In Ukraine, women constitute over 60 percent of those who have recently lost their jobs.<sup>70</sup> Unemployment is associated with a rise in trafficking, since women's unemployment rates tend to be higher than men's in primary sending countries like Ukraine.<sup>71</sup> The privatisation of state property, one characteristic of globalization, has resulted in the transfer of wealth to men, leaving women with neither capital nor wage support for survival.<sup>72</sup> Recruiters of the sex industry take advantage of this unequal distribution of wealth by targeting the most impoverished areas. According to a Ukrainian NGO, an estimated one-third of unemployed young women get involved in the illicit sex trade and trafficking.<sup>73</sup> The case of Ukraine highlights the gendered dynamics of inequality that result in the instigation and continuation of sex trafficking.

The feminization of poverty is also seen in the case of Thailand. The majority of Thai migrant women are single mothers and/or are the sole breadwinners for their children.<sup>74</sup> This acts as a push factor for women to migrate abroad in hopes of economic advancement, as they see no foreseeable improvement economically at home.<sup>75</sup> Young, unmarried Thai migrant women belong to the lower middle class and want an opportunity to build an economic future,<sup>76</sup> making them more susceptible to the lies of traffickers regarding the great

---

68 Hughes, 644.

69 Kligman and Limoncelli, 128.

70 Sulaimanova, 62-3.

71 Kligman and Limoncelli, 129.

72 Shelly, 234.

73 Hughes, 644.

74 Pataya Ruenkaew, "The Transnational Prostitution of Thai Women to Germany: A Variety of Transnational Labour Migration?" in *Transnational Prostitution: Changing Global Patterns*, rev. ed., ed. Susanne Thorbek and Bandana Pattanaik. (London: Zed Books, 2002), 75.

75 Ibid.

76 Ibid.



## The Social Contract

opportunities abroad. Gender discrimination becomes evident when, despite the expectation of women to take care of their children, state policy concerning social and economic welfare and security for single mothers does not exist.<sup>77</sup> In Thailand, just as in Ukraine, poverty overwhelmingly affects women. These gendered inequalities lead Thai women to trafficking in hopes of a better future. The cases of Thailand and Ukraine show that the economic empowerment of women is necessary for stopping sex trafficking in both origin and destination countries.<sup>78</sup> Focus should be placed on linking anti-trafficking programs at the macro level with anti-poverty programs at the local or national level.<sup>79</sup>

Besides the feminization of poverty, the feminization of migration is also a cause for sexual trafficking that can be seen in both case studies. The increasingly fast pace of globalization and accompanying trade liberalization have contributed to, particularly in the rural communities, economic ruin as a result of “unregulated market forces and inefficient government policies.”<sup>80</sup> Globalization has exacerbated North-South disparities by bringing larger benefits to individuals and countries that already have physical and human capital, in turn increasing urbanization and cross-border migration.<sup>81</sup> Human trafficking is an aspect of migration,<sup>82</sup> and increased migration facilitates trafficking of women by serving as a cover.<sup>83</sup> This results from the fact that economic liberalization opens borders, thus enabling greater population mobility.<sup>84</sup> Globalization’s incessant search for new markets and the global liberalization of competitive enterprise has resulted in

---

77 Ibid, 76.

78 Suzanne Williams and Rachel Masika, “Editorial,” in *Gender, Trafficking, and Slavery*, rev. ed., ed. Rachel Masika (Oxford: Oxfam, 2002), 7.

79 Banerjee, 193.

80 Ibid, 191.

81 Marshall, 6.

82 Skrobanek, 7.

83 Hughes, 10.

84 Wennerholm, 10.

## The Social Contract

the “commodification of sexuality.”<sup>85</sup> This has created a market for forced migrant sex labour.

Globalization has pushed women in Ukraine towards the sex trade industry. Political and economic liberalization has formed new structures and economic uncertainties that have created a demand for and a supply of sex workers in and from the Ukraine.<sup>86</sup> The “ill-conceived transition” destroyed the job security and limited social benefits of women during the Soviet period.<sup>87</sup> The opening-up of borders, diminished social control, and poverty resulting from Ukraine’s transition have caused large-scale trafficking of women and children.<sup>88</sup> The growing poverty associated with globalization, caused many Ukrainians to no longer be able to support themselves with one salary, and the only new jobs were in the privatized, criminal business.<sup>89</sup> This growth in shadow economies and transnational crime in the newly independent state of Ukraine reflects the negative effects of globalization which arise from “expanding economic, political and social transnational linkages that are increasingly beyond local and state control.”<sup>90</sup> Since the fall of the socialist Soviet Union and the rise of globalization, there has been a drastic decline in the social protection system,<sup>91</sup> leading to the feminization of migration. Before its collapse, the Soviet Union provided day care for kids, education, and medical services.<sup>92</sup> At the end of the Soviet period, many women were well-educated and almost all were employed.<sup>93</sup> Since then, many day care centres have closed and those that remain are too expensive for many; health care and education systems are also diminishing due to

---

85 Ian Taylor and Ruth Jamieson, “Sex Trafficking and the Mainstream of Market Culture,” in *Crime, Law and Social Change* 32 (1999), 264.

86 Kligman and Limoncelli, 119.

87 Shelly, 232.

88 Ibid, 231-232.

89 Hughes, 630.

90 Ibid, 629.

91 Sulaimanova, 63.

92 Ibid.

93 Shelly, 233.

## The Social Contract

lack of funding.<sup>94</sup> The loss of social programs, and gendered labour market shifts have pushed women towards lower-paid and part-time work.<sup>95</sup> These lower paid jobs along with a decrease in social programs places women in particularly vulnerable economic positions, making them susceptible to the shadow economy, which for Ukrainian women is primarily the sex industry in foreign countries. The privatisation of industries has further resulted in men's domination of occupations previously reserved for women during the socialist period,<sup>96</sup> in turn pushing women towards the informal sector. Here, women do not have the protection of the state, and are lured into sex trafficking by traffickers' lies of greater opportunities abroad, leading to the feminization of migration. Ukraine reveals the gendered impact of globalization which has resulted in a diminution of women's economic well-being, leading them in search of better job opportunities abroad and in-turn, leaving them vulnerable to sex traffickers.

The effects of globalization and feminization of migration are also seen in Thailand. The opening up of borders in Thailand caused a significant increase in migration in the late 1960s when most women headed for Europe, followed by Malaysia, Singapore and Japan.<sup>97</sup> As elsewhere, the increase in migration has facilitated trafficking by acting as a cover for traffickers transporting women.<sup>98</sup> It is important to note that in the case of Thailand, official government agencies in the 1980s actually encouraged the Thai population to consider emigration.<sup>99</sup> The trade in Thai women to Japan, for example, was encouraged by male migrant Thai workers who presented the "demand" for Thai women of marriageable age.<sup>100</sup> Support for such migration led to the domination of illegal immigration by "agents."<sup>101</sup> A further cause of this migration is that

---

94 Sulaimanova, 63.

95 Kligman and Limoncelli, 128.

96 Ibid, 128.

97 Skrobanek, 46.

98 Hughes, 10.

99 Taylor and Jamieson, 260.

100 Ibid.

101 Ibid.

## The Social Contract

development policies and lack of social programs have dislocated local economies and forced many to move in order to find jobs.<sup>102</sup> This “has feminized migrant labour, from rural to urban areas and export processing zones within states, and across state borders.”<sup>103</sup> A major reason for this feminization of labour is because women’s labour is seen as cheap labour, as well as less trouble-prone,<sup>104</sup> making Thai women easy targets for sex trafficking. Thus, for Thailand, migration from rural to urban areas is quite dominant, and in fact, most of the sex industry in Thailand involves local trade.<sup>105</sup> Since the sex industry is much older in Thailand than the newly emerging countries in Eastern Europe, and gender discrimination is already prevalent, globalization’s usual effect of negatively impacting women are not as clear except in the area of migration. Regardless, the gendered discriminatory effects of globalization have exacerbated existing male and female inequalities in Thailand, facilitating women’s increase in sex trafficking.

The feminization of migration is also consistent with gender discrimination. The sexual trafficking of women is above all a gendered phenomenon which would not be possible without unequal gender relations and existing patriarchal values and systems which create gender discrimination.<sup>106</sup> Women face discrimination through unequal divisions of labour, salaries, and education rights.<sup>107</sup> Women’s lack of access to education and information in many societies makes easy targets for the manipulation of traffickers.<sup>108</sup> Equal access to education will reduce women’s tendency towards gendered employment such as sexual service because, as skilled labourers, they can contribute to a stronger national economy.<sup>109</sup> Furthermore, women are granted low status in the

---

102 Pettman, 96.

103 Ibid.

104 Ibid.

105 Ibid, 103.

106 Williams and Masika, 6.

107 Routhier, 7.

108 Williams and Masika, 6.

109 Bertone 19

## The Social Contract

social sphere and thus have a lack of access and control over economic resources.<sup>110</sup> Due to their marginalized role in society, women are much more vulnerable to exploitation by traffickers.<sup>111</sup>

Discrimination against women is prevalent in Ukraine and other former Soviet Union states. Women are often excluded from the paid labour force in Ukraine, as gender specifications and marital status are taken into consideration for advertising and hiring.<sup>112</sup> “Gendered labour market shifts have generally pushed women toward lower-paid and part-time work,” and women have been relegated to the decreasing realm of the public sector and the small-scale service sector.<sup>113</sup> Since the break-up of the former Soviet Union, women have been pushed out of the professional realm, resulting in an “over-concentration” of women in low-paying dead-end jobs such as textile, clothing, food industries and services, and clerical jobs.<sup>114</sup> Even when women do get employed, they are forced to deal with job discrimination and sexual harassment at work.<sup>115</sup> This overt discrimination, as well as the decline in women’s social status and state-sponsored social programs make for favourable conditions for traffickers.<sup>116</sup>

Gender-based discrimination against women is similarly widespread in Thailand, as seen from the limited choices of employment available to them: jobs in the informal sector and mostly low-paying, part-time work.<sup>117</sup> Women’s character and skills are viewed by employers as suitable for fine-detail and repetitive work involved in textile and

---

110 Banerjee, 193.

111 Routhier, 8.

112 Kligman and Limoncelli, 129.

113 Ibid, 128.

114 Shelly, 233.

115 Sulaimanova, 63.

116 Ibid, 64.

117 Skrobanek, 25.

## The Social Contract

electronics manufacturing.<sup>118</sup> Young women are often seen as obedient, hardworking, and having the dexterity required for domestic chores such as weaving and sewing.<sup>119</sup> Because of these low-paying, insecure jobs, working in the sex industry is seen as one of the only employment opportunities open to women with low levels of education with a false guarantee of formidable money by traffickers.<sup>120</sup> Unfortunately, the secretive nature of the business makes it difficult to know exactly how much trafficked women earn, although it is known that even after a woman has paid off her debt to the traffickers, she is forced to give over fifty to seventy-five percent of her earning to pimps.<sup>121</sup> The lack of stable, well-paying jobs available to women shows the prevalence of gender discrimination in Thai employment. Discrimination of women in both Thailand and Ukraine push women towards sexual trafficking. Since a root to trafficking is social and employment gender discrimination, attention should be directed towards bringing about its end.<sup>122</sup>

Gender discrimination is clearly perpetuated by the lack of government action and corruption in the police force, which reflect the low level of importance that is also granted to the gendered problem of sex trafficking, and reveals structural-based discrimination in states that have high rates of sex trafficking. State inaction and increasing levels of police corruption contribute to an environment fit for trafficking. Official's acceptance of prostitution and trafficking can exacerbate the existing problems,<sup>123</sup> and in some cases law enforcement officials in destination countries have been involved in the trafficking process.<sup>124</sup> For example, if a woman does not have a passport or is under the legal age, a

---

118 Mary Beth Mills, "Contesting the Margins of Modernity: Women, Migration, and Consumption in Thailand," in *American Ethnologist* 24, no. 1 (1997), 38.

119 Ibid.

120 Skrobanek, 23.

121 Hughes, 13.

122 Banerjee, 193.

123 Hughes, 12.

124 Sulaimanova, 67.

## The Social Contract

false passport is arranged for a bribe, revealing that corrupt law enforcement officials have only monetary incentive for facilitating the trafficking of women.<sup>125</sup> The fact that women enter countries with fake passports and usually overstay their visas makes them vulnerable to local police, as they are seen as illegal immigrants.<sup>126</sup> In many sending countries, police officials actually disregard evidence that sex trafficking is happening.<sup>127</sup> The lack of regard for the sexual exploitation of women shows patriarchal societal structures at work, revealing once again the gendered discriminatory nature of sex trafficking.

Corruption and state inaction have contributed to the growing problem of sex trafficking in Ukraine. Trafficking is very profitable for the traffickers, and since the risk is low, and the capacity of Soviet successor states to restrict even lower,<sup>128</sup> there are no real inhibiting factors for this transnational crime. The independent states that resulted from the break-up of the Soviet Union lacked organised and efficient regulatory agencies to hinder the growth of criminal networks.<sup>129</sup> Corruption of public officials through bribes enables the operation of the traffickers within and across state borders.<sup>130</sup>

Likewise in Thailand, Asian governments in general have not taken much formalized actions to discourage the trafficking of its women.<sup>131</sup> International law outlines an obligation of “reasonable and appropriate” prevention on behalf of each country in relation to trafficking; despite being one of the most experienced countries in this area, Thailand has done very little to address some of the most obvious causes of trafficking.<sup>132</sup> It thus appears that both national laws

---

125 Ibid, 66-7.

126 Ibid, 66.

127 Bertone, 10.

128 Shelly, 244.

129 Hughes, 10.

130 Hughes, 640.

131 Bertone, 9.

132 Gallagher, 152.

## The Social Contract

and the 1949 Convention are ineffective in the prevention of sex trafficking.<sup>133</sup> Where law enforcement does take place, it is against the victims rather than the traffickers.<sup>134</sup> A further problem in dealing with trafficking is police corruption.<sup>135</sup> Evidence suggests that officials are complicit and involved with trafficking to, from and through Thailand, especially in the lower levels of law enforcement and immigration.<sup>136</sup> This is apparent since there are relatively few prosecutions in comparison to the many known and suspected cases, only a small percentage of which result in convictions.<sup>137</sup> The most effective action taken to address the problem is by NGOs such as the Women's Information Centre and Education Means Protection of Women Engaged in Recreation (EMPOWER).<sup>138</sup> Thai women's groups are considering the legalization of prostitution in order to give women more control, as well as to limit police corruption.<sup>139</sup> The issue of legalization remains an important debate in both Ukraine and Thailand, the outcome of which will have big implications for the women in these countries.

Contrary to some scholars' claims, legalization of prostitution, pimping and brothels causes an increase in sex trafficking to meet demands resulting from a legalized sex industry, and so state corruption may not end with legalization.<sup>140</sup> This is evident in the fact that the destination for most trafficked women are places where there are large sex industries, often where prostitution is legal or tolerated.<sup>141</sup> In fact, it was found that "the world's four major receiving countries of trafficked women all have legalized prostitution."<sup>142</sup> For example, in Israel, a common destination

---

133 Skrobanek, 28.

134 Ibid.

135 Altink, 56.

136 Gallagher, 143.

137 Ibid, 148.

138 Altink, 55.

139 Ibid, 56.

140 Hughes, 647.

141 Hughes, 13.

142 Routhier, 15.



## The Social Contract

for thousands of trafficked women, prostitution is not illegal and there is great demand for sexual services,<sup>143</sup> which causes an increase in trafficking. Furthermore, legalized prostitution and definition of trafficking that require proof of coercion or force make the conviction of traffickers more difficult, resulting in beneficial treatment of the transnational criminal networks.<sup>144</sup> According to the head of operations for the United Nations Center for International Crime Prevention, “The laws help the gangsters. Prostitution is semi-legal in many places, and that makes enforcement tricky. In most cases, punishment is very light.”<sup>145</sup> One problem is that even in countries where sex trafficking is a crime, it is often a minor offence without sufficient penalties to act as deterrent.<sup>146</sup> Another problem is that “alien smuggling” is not an offence in many states.<sup>147</sup> However, there are those who argue that banning sex work would not have the desired results. It is argued that recent trends suggest that disparity, which is a result of globalization, appears to be a more significant factor.<sup>148</sup> Many countries ban the selling and not the buying of sex, which simply adds to the vulnerability and exploitation of an already marginalized group of women and children.<sup>149</sup> This merely targets women, desperate for a source of income, as sellers, yet does nothing to punish the men who are the buyers. Sex trafficking is, after all, perpetuated by the demand from the organizers of the trade who consist of the men from industrialized and developing countries.<sup>150</sup> Thus, it is important for the legalization debate to consider curtailing both the supply and the demand in sex trafficking.

Although it is debatable whether or not countries should legalize sex work, it should be noted that both Thailand and Ukraine have taken legal and other steps to curb sexual

---

143 Bertone, 10.

144 Hughes, 647.

145 Hughes, 14.

146 Bertone, 12.

147 Ibid, 16.

148 Marshall, 10.

149 Ibid, 11.

150 Bertone, 4.

## The Social Contract

trafficking. Ukraine's new criminal code enables more effective prosecution of trafficking, and already several cases have been brought up against trafficking groups.<sup>151</sup> The number of cases filed under article 149 of the new criminal code reached 107 in 2002 from 2 under the old criminal code in 1998.<sup>152</sup> However, one aspect of the law exacerbates the position of trafficked women by requiring that "the person be trafficked across an international border".<sup>153</sup> This is problematic since many trafficked women in the Ukraine are moved from one part of the country to another, meaning that their traffickers could not be prosecuted under Article 149.<sup>154</sup> Ukraine has also been involved in anti-trafficking measures internationally by signing and ratifying the "Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children" on November 15<sup>th</sup>, 2001.<sup>155</sup> Although there is much more that remains, some steps have been taken to curtail trafficking. In the former Soviet Union countries, including Ukraine, prevention education projects aim to increase awareness of potential victims of trafficking.<sup>156</sup> NGOs have also played a role in addressing the issue by setting up hotlines for victims or women inquiring about the risks of accepting job offers abroad.<sup>157</sup> However, despite efforts to prevent women from entering into trafficking, more attention needs to be focused on stopping the demand.<sup>158</sup>

Thailand, like Ukraine, has also taken some measures to curb trafficking. In 1996, Thailand passed the Prostitution

---

151 Shelly, 237.

152 Olga Pyshschulina, "An Evolution of Ukrainian Legislation to Counter and Criminalize Human Trafficking," in *Human Traffic and Transnational Crime: Eurasian and American Perspective*, rev. ed., ed. Sally Stoecker and Louise Shelley. (Maryland: Rowman and Littlefield, 2004), 119.

153 Ibid, 119.

154 Ibid.

155 Ibid, 118.

156 Hughes, 13.

157 Ibid, 14.

158 Ibid.

## The Social Contract

Prevention and Suppression Act,<sup>159</sup> followed in 1997 by a specific law on trafficking in women and children,<sup>160</sup> which is the main legislative basis for dealing with trafficking.<sup>161</sup> This law bans “the selling, buying, luring, sending, receiving, procuring, and detaining of women and children to perform sexual acts”.<sup>162</sup> It also mandates that victims are not to be treated as criminals.<sup>163</sup> This is important because it enables victims to receive help and gives them the option of reporting their traffickers. Between December 1996 and December 1998, there were sixty-eight arrests based on the new laws, of which thirty-two were given sentences.<sup>164</sup> Thailand has taken an active role in identifying and addressing vulnerabilities of the victims, as they have taken measures to ensure that at least a percentage of victims of trafficking are given immediate care and assistance.<sup>165</sup> Although Thailand has come a long way in its anti-trafficking movement, many problems persist, including the fact that there are 400,000 persons without citizenship who remain incredibly vulnerable to trafficking.<sup>166</sup> Both Thailand and Ukraine have taken legislative measures to curb trafficking, as well as helped in providing much-needed support for the victims. Nonetheless, these two countries remain two of the biggest sender countries in sexual trafficking, and much more needs to be done to curb this criminal activity. Corruption in the police force remains a formidable challenge in both countries for this task.

This essay addressed the question: what factors cause the high amount of sex trafficking currently taking place? It has argued that sexual trafficking is a gendered issue in the political economy between the North and South in which women are targeted due to the feminization of poverty, the

---

159 Arnold and Bertone, 46.

160 the “Measures in Prevention and Suppression of Trafficking in Women Act.”

161 Gallagher, 145.

162 Ibid.

163 Ibid, 149.

164 Arnold and Bertone, 46.

165 Gallagher, 144.

166 Arnold and Bertone, 49.

## The Social Contract

feminization of migration, gender discrimination, state corruption in support of the sex trade, and the negative impact of legalization of the sex trade. It has been shown that sex trafficking is an aspect of political economy that reflects the North/South divide. Through the use of the case studies of Ukraine and Thailand, it became clear that the feminization of poverty and migration, the gendered outcomes of globalization, and prevalent forms of gender discrimination lead to the instigation and continued facilitation of the sex trafficking of women. The issues of legalization, along with government inactivity and police corruption all show the patriarchal structures that perpetuate the trafficking of women and encourage its increase.

Understanding that patriarchy and unequal gender relations cause sexual trafficking is important in seeking to curtail the trafficking of women. Countries must learn that the use of women in this manner does not help their economies because it has been proven that educating women and integrating them into the mainstream work force can further a country's economic, political, and social success.<sup>167</sup> The first step to addressing the problem of trafficking therefore must be to address the inequality of women. It is also necessary for the state to take a more proactive approach in dealing with female poverty and unemployment. More research must be done on the benefits and drawbacks of the legalization of sex work before countries address their current laws. Furthermore, research and a more proactive approach regarding the curbing of demand is a necessity, since with existing demand, there will always be a market. It is time for women to be seen as an integral part of the political and economic structures of society rather than commodities there for men's pleasure and profit.

---

<sup>167</sup> Bertone, 12.

## **The Social Contract**

### **What is the Future of Taiwan-China Relations: An Ongoing Security Dilemma**

*By David Torre*

While there has been a reduction in tensions in many different conflict zones since the end of the Cold War, tensions still run high between Taiwan (ROC), and China (PRC).<sup>1</sup> Since 1927, the two sides have fought to be viewed as the legitimate government of all of China, and although their civil war ended in 1949, their relationship has proven to be complicated and a constant challenge to the security of their respective “states.” Their relationship has been further complicated by foreign intervention by, most notably, the United States (US). Is this conflict likely to come to peaceful resolution in the near future? This paper will examine the 1995-1996 crisis in the Taiwanese Strait, which illustrates the fragile relationship between the two governments, and the often ambiguous and yet still crucial role that the United States plays in the tedious relationship between the two Chinas. This paper will argue that the actions taken by all sides during the crisis and in the years following demonstrate that reconciliation between China and Taiwan is unlikely and that the current situation will persist for some time to come. While armed conflict is unlikely, peaceful reunification of the two Chinas is equally improbable unless there is some significant change to the current dynamic between the PRC and the ROC. Since there has been no kind of consensus reached on the future of Taiwan, in order to preserve peace in the region, this paper will argue that the status quo must be maintained.

It is difficult to understand the circumstances that led up to the 1995-1996 crisis in the Taiwanese Strait without a brief explanation of the history between the ROC, the PRC, and the role the US has played in the conflict. Since China’s defeat in the Sino-Japanese War 1895, Taiwan had been under

---

<sup>1</sup> The ROC is the acronym for the Republic of China, and the PRC is the acronym for the People’s Republic of China.

## The Social Contract

Japanese control. It would remain a Japanese colony until 1945. When the Allies began to dismantle the Japanese empire, following the Japanese defeat in the Second World War, lobbying by Chiang Kai-shek, the leader of the nationalist Chinese government (ROC), proved successful in returning Taiwan, and the surrounding islands to China.<sup>2</sup> Since the civil war in China was still ongoing, it was unclear which government the Allies referred to when discussing the government of China, however, the Allies continued to recognize the ROC as the legitimate government of China even after its defeat in 1949. In the 1950's, it became the aim of the US government to keep Taiwan free from Communism.<sup>3</sup> This is reflected in the 1954 Mutual Security Pact which made the US responsible for the protection of Taiwan from "...external armed attack..."<sup>4</sup> While the treaty makes no specific reference to the PRC, it was meant as an official assurance that the US government would come to the aid of the ROC in the event of an invasion initiated by the PRC.<sup>5</sup>

During the Cold War it seemed to be politically taboo for governments to recognize the Communist government in Beijing. The US did not begin to have any kind of diplomatic relations officially with the PRC until 1972, when the first of three communiqués was drafted detailing the relationship between the two countries and their respective governments. This communiqué formally recognized the PRC as the legitimate government of China and thus nullified previous

---

2 Steve Tsang, "War or Peace Across the Taiwan Strait," in *Peace and Security Across the Taiwan Strait*, ed. Steve Tsang and Louis Cha (New York: Palgrave Macmillan, 2004), 2.

3 Alan D. Romberg, "The Role of the United States in Seeking a Peaceful Solution," in *Peace and Security Across the Taiwan Strait*, ed. Steve Tsang and Louis Cha (New York: Palgrave Macmillan, 2004), 117.

4 George K.C. Yeh, "Text of Mutual Defense Treaty," *New York Times*, 3 December 1954.

5 Russell Ong, *China's Security Interests in the Post-Cold War Era* (Richmond, Surrey: Curzon Press, 2002), 106.

## The Social Contract

treaties and agreements with the ROC.<sup>6</sup> Since then, Taiwan's role in international affairs has diminished rapidly as countries shifted their recognition from the ROC to the PRC. Prior to the 1970's, most countries had viewed the Nationalist government of Taiwan as the legitimate government of all of China.<sup>7</sup> Until 1972, the ROC had represented China in almost all international organizations, and was actually one of the founding members of the United Nations (UN) in 1946, and sat in China's seat as a permanent member of the Security Council.<sup>8</sup> Since 1972 there has been a reversal of roles, and today the PRC is widely viewed as the legitimate government of China and the role of the ROC in the international community has become somewhat ambiguous. Progressively Taiwan lost its standing in most international organizations including the UN, as most nations began to recognize the PRC as the legitimate government of China.<sup>9</sup>

For years, both the PRC and the ROC had asserted that they were the legitimate government of all of China. It had been the aim of the ROC to eventually take control of mainland China, but since 1991 Taiwan has officially relinquished this ambition.<sup>10</sup> The ROC now only claims control of Taiwan, the Penghus, and some neighbouring islands.<sup>11</sup> The PRC still has the ambition of regaining control of Taiwan, and has never renounced the possibility of using force if deemed necessary in order to protect its perceived sovereignty. While both governments still agree on eventual unification, no consensus has been reached how or when this could be made possible.

---

6 Ibid.

7 Bruce J. Dickson, "The Republic of China on Taiwan's 'Pragmatic Diplomacy,'" in *Taiwan's National Security: Dilemmas and Opportunities*, ed. Alexander C. Tan, Steve Chan and Calvin Jillson (Aldershot: Ashgate, 2001), 85.

8 John F. Cooper, *Taiwan: Nation State or Province?* (Boulder, Colorado: Westview, fourth edition, 2003), 218-220.

9 Ibid., 220; China was admitted to the UN in 1971, and Taiwan subsequently withdrew from the UN.

10 Alan D. Romberg, 120-121

11 Ibid.

## The Social Contract

The PRC has maintained since the end of the civil war that “there is but a single China that is represented by the PRC and Taiwan is part of China.”<sup>12</sup> China has referred to this as its ‘one China’ policy. Since the 1970’s, China has pressured governments to break their formal ties with Taiwan in favour of formal ties with the PRC. From 1970 to 1979 the PRC was recognized by 70 countries, while in that same period of time, the ROC lost ties with 45 countries.<sup>13</sup> There is hostility toward Taiwanese independence as it is viewed by the PRC as undermining Chinese sovereignty. While the PRC’s position on Taiwan has altered over time, their ultimate goal of unification with the rest of China has not. Many countries’ normalization with the PRC required a formal acceptance of the PRC’s ‘one China’ policy. The first US-Chinese communiqué, one of three communiqués that established Sino-American relations, accepts that “all Chinese on either side of the Taiwan Strait maintain that there is but one China and that Taiwan is part of China.”<sup>14</sup> For this reason, China has always argued that the Taiwan is a domestic issue that should free from foreign interference.<sup>15</sup> China vehemently opposes readmitting Taiwan to the UN or any other body that requires the member to be a sovereign state as this would undermine its claim that Taiwan is part of China.<sup>16</sup> The US has supported this position and has also refused to give its support to Taiwan in its bid to join organizations of this nature.<sup>17</sup>

In 1979, Deng Xiaoping proposed Taiwan be reintegrated into China through an arrangement of ‘one country, two systems.’<sup>18</sup> The PRC has since reaffirmed and elaborated on this position so as to further encourage the

---

12 Suisheng Zhao, “China’s Bottom Line and Incentives for a Peaceful Solution,” in *Peace and Security Across the Taiwan Strait*, ed. Steve Tsang and Louis Cha (New York: Palgrave Macmillan, 2004), 92.

13 Bruce J. Dickson, 85-86.

14 Russell Ong, 106.

15 Steve Tsang, 9.

16 Bruce J. Dickson, 99.

17Ibid.

18 Suisheng Zhao, 79.



## The Social Contract

process of reintegration of Taiwan back into China. A similar framework was used to integrate Hong Kong and Macao back into China. It was expected that after witnessing their successful reintegration into China, that Taiwan would be more accepting of such an arrangement.<sup>19</sup> In January of 1995 Jiang Zemin articulated his eight-point proposal arguing for a gradual end to the hostility between the PRC and Taiwan.<sup>20</sup> Cross-strait dialogue finally began in 1992, beginning with the unofficial Ku-Wang talks, to discuss the terms of eventual unification. The talks are informal so as to reinforce the PRC's position that there is only one legitimate Chinese government.<sup>21</sup> The PRC has shown great concern over the potential for a formal declaration of independence by the ROC. The PRC has always emphasized that "...Beijing would never tolerate independence for Taiwan..."<sup>22</sup> This has been often cited as one of the possible scenarios that could trigger an armed conflict between the PRC and the ROC. This helps to explain why the PRC so adamantly opposes international recognition of the ROC as independent state.<sup>23</sup> This also helps foreshadow China's violent reaction to President Lee Teng-hui's unofficial visit to the US in the spring of 1995.

Since the 1970's, with China's admission to the UN, Taiwan has fought to maintain its place in the world. Taiwan's loss of formal ties with the US was a major setback, but informal ties were maintained through the 1979 Taiwan Relations Act (TRA). This piece of legislation reaffirms US Government's interest in Taiwan's security by committing itself to "assist the people of Taiwan to maintain sufficient self-defense capability through the provision of arms of a defensive character."<sup>24</sup> China has complained that this act gives the ROC privileges generally reserved for sovereign states and is in violation of the three communiqués between

---

19 Russell Ong, 104-105.

20 Suisheng Zhao, 79.

21 Russell Ong, 104.

22 Suisheng Zhao, 86.

23 Russell Ong, 98.

24 Warren Weaver Jr., "Unofficial U.S. Links to Taiwan Approved by House and Senate," in *New York Times*, 13 March 1979, p. A1.

## The Social Contract

the US and China.<sup>25</sup> The 1992 sale of 150 F-16 fighter jets to Taiwan is one example of an arms deal that the PRC argues breached the 1982 communiqué meant to limit arms sales to Taiwan.<sup>26</sup> The US government continues to honour the TRA, which gives Congress and the President ultimate discretion as to what constitutes the quantity and nature of armaments sold to the ROC.<sup>27</sup> Dickson argues that without this vital relationship Taiwan would be unable to maintain its “...current status as a political entity independent of the PRC’s direct control...”<sup>28</sup> While Taiwan only has formal ties with 30 countries in the world it has maintained informal ties with an additional 63 countries.<sup>29</sup> These informal ties allow Taiwan to continue to have diplomatic, cultural and economic relations with many countries.<sup>30</sup>

Since 1991, the ROC has amended its constitution to renounce its claim to the mainland and formally recognized the PRC as the legitimate government of China. The ROC also created the National Guidelines for Unification 1991, pledging to the eventual unification with the PRC in a way acceptable to the people of Taiwan.<sup>31</sup> President Lee Teng-hui has rejected Deng Xiaoping’s proposed “one country, two systems” as incompatible with Taiwan, as the ROC is a “...sovereign nation-state, not a colony,” economically independent from the PRC with its own military.<sup>32</sup> China, in the 1990’s, became uneasy with the rhetoric used by then President Lee Teng-hui, who began to refer to Taiwan publicly as a sovereign state.<sup>33</sup> His overtures to the major countries for recognition came to a boiling point when Teng-hui applied for a visa to enter the US informally to visit Cornell, his former university. China could not risk Taiwan gaining formal recognition from the US as it

---

25 Suisheng Zhao, 80.

26 Russell Ong, 106.

27 Ibid.

28 Bruce J. Dickson , 93.

29 Ibid., 87-89

30 Ibid., 89.

31 Steve Tsang , 5.

32 John F. Cooper, 214.

33 Alan D. Romberg, 121.

## The Social Contract

could easily lead to a declaration of Taiwanese independence.<sup>34</sup>

While in the US, the White House had no intention of upsetting Sino-US relations, Congress proved to be uncooperative. When it came to a vote in Congress in 1995, the US Senate voted 97-1 to grant Lee Teng-hui a visa, and the vote in the House was 360-0.<sup>35</sup> While China was aware Congressional pressure had forced the president to approve the visa, Beijing could not allow such actions to go unnoticed.<sup>36</sup> China viewed this as in violation of the three communiqués, and another step towards the US acknowledgement of Taiwanese independence.<sup>37</sup> The PRC felt that Lee Teng-hui had used the trip to the US for political visibility, and leverage in the pursuit of Taiwanese independence.<sup>38</sup> The PRC reacted to this through a series of military exercises in July 1995, meant to demonstrate China's ultimate resolve in preserving its sovereignty.<sup>39</sup> Beijing wished to make it clear that a declaration of Taiwanese independence would constitute an act of war.<sup>40</sup> From July 21 to July 28 the Chinese held missile tests that were only about 100 miles away from Taiwanese shoreline and in August, began live artillery military exercises meant to model a possible blockade of Taiwan.<sup>41</sup> Michael O'Hanlon has suggested that a blockade of the island would be the most effective way of coercing Taiwan into unification.<sup>42</sup> O'Hanlon argues that even a partial blockade of the island could prove devastating for the Taiwanese

---

34 Russell Ong, 102.

35 Robert S. Ross, "The 1995-96 Taiwan Strait Confrontation: Coercion, Credibility, and the Use of Force," *International Security* 25, no. 2 (Autumn 2000), 91.

36 *Ibid.*, 123.

37 *Ibid.*, 92.

38 Alan D. Romberg, 121.

39 Russell Ong, 109.

40 Robert S. Ross, 95.

41 *Ibid.*, 94-95, 97.

42 Michael O'Hanlon, "Why China Cannot Conquer Taiwan," *International Security* 25, no. 2 (Autumn 2000), 75.

## The Social Contract

economy.<sup>43</sup> Throughout the crisis China sought to gain formal assurances from the US government in the form of a fourth communiqué concerning visits by Taiwanese politicians to the US and a clear affirmation of the US opposition to Taiwanese independence.<sup>44</sup> Instead the US merely reiterated its traditional position regarding Taiwan and privately assured the Chinese that they were supportive of the 'one China' policy.<sup>45</sup> Beijing was unsatisfied with the informal assurances and placed diplomatic pressure on Washington by recalling its ambassador.<sup>46</sup> China continued military exercises into November, and the PRC "...explicitly declared that the exercises were aimed at Taiwan and were designed to maintain the 'unity' of China..."<sup>47</sup> The exercises continued to escalate into March of 1996 during the Taiwanese elections. The US determined that the PRC had no intention of invading Taiwan; its goal was instead to influence the elections.<sup>48</sup> China wished to dissuade the Taiwanese from re-electing Lee Teng-hui, who was perceived by the PRC to be part of the independence movement.<sup>49</sup> While the US did not feel that Taiwan was threatened, it felt it needed to demonstrate a sign of force so as to maintain the credibility of its security commitments in the region.<sup>50</sup> In March 1996, the US deployed two US carriers through the Taiwanese Strait, demonstrating its resolve to defend to Taiwan from Chinese aggression.<sup>51</sup> The PRC continued its scheduled missile tests until the end of the month. Tensions cooled, and the status quo was maintained following the almost year long crisis.

What ramifications came from this averted conflict? Would Sino-US relations recover? The simple answer is that very little has changed, and relations have been able to recover

---

43 Ibid.

44 Robert S. Ross, 97.

45 Ibid.

46 Ibid., 94.

47 Ibid., 102.

48 Ibid., 108.

49 Russell Ong, 98.

50 Robert S. Ross, 109.

51 Ibid., 111.

## The Social Contract

thanks in part to the US' return to a more cautious stance regarding Taiwan. Following the crisis, travel visas for Taiwanese officials were limited strictly to transit visas, and US assurances of its support for the status quo were affirmed publicly by US government officials.<sup>52</sup> In 1997 Clinton stated his "three no's" reassuring the Chinese that the US government did not support an independent Taiwan.<sup>53</sup> The US was also quick to react to President Lee Teng-hui's proposal regarding future relations between the ROC and the PRC. Lee Teng-hui had suggested that Taiwan "... be treated as 'a state-to-state- relationship or at least a special state-to-state relationship,'" when dealing with China.<sup>54</sup> Washington promptly informed both the PRC and the ROC that this was unacceptable arrangement to the US government.<sup>55</sup> While these actions exemplify the US government's strict adherence to the 'one China' policy, this does not mean that the US government has not deviated from this policy since 1996. The US' position has once again become somewhat ambiguous since the election of George W. Bush in 2000. Bush, shortly after coming to office, approved an arms sale to Taiwan and was quoted as saying that he would do "whatever it took" to defend Taiwan.<sup>56</sup> Bush has also pushed for Taiwan's admission to the World Health Organization.<sup>57</sup> This is a reversal of its previous position-that it would not support Taiwan's admission to organizations reserved for sovereign states. While having made it clear that the US does not support an independent Taiwan, the US has been reluctant to support any kind of resolution to the question of Taiwan's future other than to suggest a peaceful resolution that is mindful of the Taiwanese people.<sup>58</sup> Perhaps it is best that the US not press for any particular resolution as history has shown Congress to be somewhat ignorant of the fragile balance that exists between

---

52 Ibid., 112.

53 Alan D. Romberg, 121.

54 Ibid., 122.

55 Ibid.

56 Ibid., 124.

57 Ibid., 127.

58 Ibid., 113,114.

## The Social Contract

the PRC and the ROC.<sup>59</sup> In order to avoid the mistakes that led to the 1995-1996 crisis, it would be in the US' best interest to create a more consistent policy towards Taiwan, so as to avoid future confrontations that could lead to war with China.

The dynamic of the relationship between the PRC and the ROC has changed since 1996. Two key factors have greatly impacted the relationship with China; the election of a new Taiwanese President, and greater economic integration that has taken place between the ROC and the PRC. The 2000 elections in Taiwan were met with great trepidation by the PRC acutely aware of the possible election of Chen Shui-bian, a staunch supporter of independence for Taiwan. The PRC once again used military exercises and threats of force against Taiwan to intimidate the electorate.<sup>60</sup> The electorate nevertheless elected Chen Shui-bian. While relations were expected to sour, the removal of trade barriers and greater integration has led to greater stability in the region. Since Chen Shui-bian's election, China has "...adopted an ambiguous wait-and-see policy..." while maintaining a firm position on its 'one China' policy, Beijing would try to work with the new government in Taipei if possible.<sup>61</sup> The PRC rather than attack Chen Shui-bian's party, the Democratic Progressive Party (DPP), has worked on garnering better relations with the opposition parties and the Taiwanese business community.<sup>62</sup> This has led to lobbying for greater economic integration. In January 2001, the ROC lifted restrictions on direct investment in China, and certain protectionist policies were lifted allowing for greater foreign direct investment into the ROC.<sup>63</sup> This kind of investment had previously been handicapped by Lee Teng-hui's "Go Slow"

---

59 Bruce J. Dickson, 95.

60 Suisheng Zhao 84.

61 Ibid., 85-86.

62 Ibid., 87.

63 Rex Li, "Changing China-Taiwan Relations and Asia-Pacific Regionalism: Economy Co-operation and Security Challenge," in *Asia-Pacific Economic and Security Co-operation: New Regionalism Agendas*, ed. Christopher M. Dent (New York: Palgrave Macmillan, 2003), 186.

## The Social Contract

policy which had forbade Taiwanese investment in Chinese infrastructure, the Chinese technology sector, and limited investment projects to \$50 million; any larger investment would be subject to the ROC's approval.<sup>64</sup> Investment has grown steadily since its inception in the 1980's leading many to question what kind of impact it will have on cross strait relations. It has been suggested that greater economic integration serves as peaceful form of coercion so as to force unification, eventually. "There is little illusion in Taipei of Beijing's hidden agenda, which is to use economic integration to force unification upon it."<sup>65</sup>

President Chen Shui-bian made a similar connection but without the negative connotation, suggesting that greater economic integration is the beginning of a peaceful integration between Taiwan and China.<sup>66</sup> His proposal is suggesting a peaceful co-existence that envisions integration without unification necessarily.<sup>67</sup> The PRC has also begun to show greater flexibility in its 'one China' policy, in that it no longer makes reference to the PRC. So while the PRC still seeks unification, the framework for this unification will be decided through negotiations in the future.<sup>68</sup> This approach has not yet stimulated any significant results. Chen, like his predecessor Lee Teng-hui, rejects the 'one country, two systems' proposal asserting that while this may have been appropriate for Hong Kong, Taiwan is no longer a colony, it is a sovereign nation-state.<sup>69</sup> Chen has argued that a new formula for unification is necessary that reflects this political reality.<sup>70</sup> The vast majority

---

64 T.J. Cheng, "China-Taiwan Economic Linkage: Between Insulation and Superconductivity," in *Dangerous Strait: The U.S.-Taiwan-China Crisis*, ed. Nancy Bernkopf Tucker (New York: Columbia University Press, 2005), 103.

65 Steve Tsang, 15.

66 Jiann-fa Yan, "Taiwan's Bottom Line," in *Peace and Security Across the Taiwan Strait*, ed. Steve Tsang and Louis Cha (New York: Palgrave Macmillan, 2004), 105.

67 Ibid.

68 Suisheng Zhao, 92.

69 John F. Cooper, 214.

70 Jiann-fa Yan, 103-104.

## The Social Contract

of Taiwanese people support the status quo.<sup>71</sup> The advent of democracy in Taiwan and the general prosperity of the island in large part can help to explain the Taiwanese reluctance to change the status quo. While Taiwan for all intensive purposes is an independent country, officially declaring independence could be very damaging to Taiwanese security. For this reason, it would be prudent to maintain the status quo, as it currently enjoys economic prosperity, political freedom, and under the auspices of US protection, Chinese aggression is extremely unlikely unless provoked by the ROC.

While all parties wish to avoid an armed conflict in the region, they simply cannot come to a consensus on how to resolve their differences.<sup>72</sup> US administrations over the years have had various approaches to the conflict, but their consistent objective has been to maintain a “stable peace” within the region.<sup>73</sup> It is in no state’s interest to go to war to settle the conflict, but with diplomacy currently at a virtual standstill it becomes difficult to foresee any kind of prompt resolution to the conflict. Koo-Wang talks continue to be postponed as China has refused to have discussions with Chen Shui-bian, and his party the DPP, a party whose stated objective is to seek independence for Taiwan. The ROC is also reluctant to discuss reunification with China, however, Chen Shui-bian continues to view economic integration between the PRC and the ROC as crucial to maintaining peaceful co-existence. China may not be pleased with the current political situation in Taiwan, but is cognizant of the fact that provided Taiwan does not upset the status quo, it cannot jeopardize its own process of modernization.<sup>74</sup> These ideological differences make it unlikely that there will be any significant change to the current political situation that surrounds Taiwan for some time to come unless something unforeseeable makes the situation unsustainable or unbearable to one or all of the parties involved.

---

71 Ibid., 107.

72 Steve Tsang ,1.

73 Alan D. Romberg, 115.

74 Suisheng Zhao, 85.



## **The Social Contract**

While the end of the Cold War has produced a détente between many long standing rivalries, this has yet to occur between China and Taiwan. Their long standing conflict is complex, and often further complicated by US intervention in the region. After having examined events that led up to the 1995-1996 crisis in the Taiwanese Strait, and what precipitated following the crisis, it becomes clear that the roadblocks created by ideological differences make a prompt resolution to the question of Taiwan's future unlikely. This paper has argued that in order to maintain peace and stability in the region the status quo must be upheld. The PRC is willing to maintain the status quo provided the ROC does not attempt to declare independence. There is no reason for Taiwan to upset this balance, as for all intensive purposes it is completely autonomous and independent from the mainland, except in name and has benefited greatly from greater economic integration with the mainland. The US also must do its part to maintain peace in the region; it must create a more consistent and clear policy towards Taiwan that does not upset China without neglecting its security commitments to Taiwan. If politicians on both sides of the Taiwanese Strait and in the US are able to recognize these political realities, economic prosperity will continue and peace in the region will be maintained.

## **The Social Contract**

### **BUSINESS & GOVERNMENT**

*The British taste for tea could not have been cultivated in that damp little island had it not been able to export its cheap textiles to Southern Asia, albeit to sell them in captive colonial markets, along with common law, cricket and railways.-  
Malcolm Waters on Globalization*

# The Social Contract

## Investments in Conflict Zones

By Daniel Stronks

Investment in African conflict zones has contributed just a fraction towards Canadian foreign direct investment over the past decade; however, what Craig Forcece labels 'militarized commerce' demands the attention of the Canadian government.<sup>1</sup> There are four aspects to militarized commerce: first, the involved company is dependent upon state military force for security of their operations; second, the involved company supplies financial or other assistance to human rights abusing military forces; third, the involved company is supplied with resources by a human rights abusing regime; fourth, the revenues generated by the regimes are used to fund war against civilian populations.<sup>2</sup> As to be discussed, militarized commerce will be an increasingly demanding concern for both the African and Canadian governments. Questions arise surrounding the extent of the concern and the suggested course of action for the Canadian government. This paper attempts to answer these questions, arguing that there are three levels concerning the Canadian government on which it must show effective leadership: the fundamental level, the international level and the national level. This paper presents Canadian company Talisman's oil operations in Sudan as a case study for analytical purposes. The fundamental level is the first to be explored; a shift in the currently held economic philosophy is suggested to ensure subsequent level changes are successful. On the international level, the Canadian government's leadership role is examined; past leadership effectiveness and current legal obstacles are discussed. On the national level, both the strengthening of existing and creation of new domestic legal instruments is argued to be necessary action for the empowerment of the government in controlling Canadian companies participating in militarized commerce.

---

1 Salil Tripathi, "International Regulation of Multinational Corporations," *Oxford Development Studies* 33, vol. i (2005), 117.

2 Craig Forcece, "Militarized commerce' in Sudan's Oilfields: Lessons for Canadian Foreign Policy," *Canadian Foreign Policy/La Politique étrangère du Canada* 8, vol. iii (2001), 37.

## The Social Contract

### Talisman Operations in Sudan: A Case Study

Perhaps the most transparent example of a Canadian company participating in militarized commerce is the case of Talisman in Sudan. Sudan has been an area plagued with conflict and civil war for many years, with tension escalating in 1989 upon the power seizure of the National Islamic Front.<sup>3</sup> The challenges for Canada began close to a decade later when Arakis, a small Canadian oil company, reached an oil agreement with the Sudanese government. In 1998, Talisman, a much larger Canadian oil company, acquired Arakis and its Sudanese operations. With the acquisition, Talisman obtained a 25% stake in the Greater Nile Petroleum Operating Company (GNPOC), partnering with the national petroleum companies of China, Malaysia, and Sudan.<sup>4</sup>

Times soon became challenging for Talisman, as accusations of complicity with the Sudanese regime by both Sudanese rebel leaders and NGOs back home were voiced. The NGOs held campaigns urging shareholders to divest, presenting a clear message: “Talisman’s operations are said to be prolonging the civil war, both by contributing to conflict over oil fields and by generating, for the Sudanese regime, revenue used to bankroll the war.”<sup>5</sup> Talisman denied these claims, accusing the human rights groups of exaggerating.<sup>6</sup> However, the Canadian government-issued *Harker Report* confirmed the NGOs original claims.<sup>7</sup> Upon the release of the *Harker Report*, Amnesty International sought to further verify the findings. Craig Forcese summarized Amnesty International’s similar conclusions, confirming:

The use of ground and helicopter attacks and high altitude bombing to clear local populations from

---

3 R. O Matthews, “Sudan's Humanitarian Disaster: Will Canada live up to its responsibility to protect?” *International Journal* 60 vol. iv (2005), 1050.

4 Forcese, 41.

5 Ibid.

6 Ibid.

7 Ibid., 42.

## The Social Contract

the oil fields. Government troops...have reportedly committed mass executions of male villagers. Women and children are said to have been nailed to trees with iron spikes. There are reports from villages north and south of Bentiu that soldiers slit the throats of children and killed male prisoners who had been interrogated by hammering nails into their foreheads.<sup>8</sup>

Furthermore, GNPOC partners were involved with the selling of weapons to the Sudanese government, including the purchase of SCUD missiles from China.<sup>9</sup>

As all four of Craig Forcese's aspects of militarized commerce were satisfied, Talisman was indirectly complicit with the Sudanese fundamentalist military regime; oil profits were undoubtedly funding war the efforts of the National Islamic Front.<sup>10</sup> Whether its actions were intended or unintended, one thing remained certain: Talisman found itself in the midst of a grizzly scene.

### **The Canadian Government's Response**

Just as Talisman was faced with extensive criticism and challenges, so too was the Canadian government. Human rights and humanitarian groups became active in Canada, urging the government to prevent Talisman from aiding and abetting the civil war, inevitably intensifying the conflict.<sup>11</sup> Media attention on the potential human rights implications of the Talisman/Sudanese operations exploded internationally.<sup>12</sup> Meanwhile, Foreign Affairs Minister Axworthy and Talisman CEO James Buckee's discussions were focused on going ahead with the project, but committed to ending the civil war.

However, criticism from the United States finally encouraged Minister Axworthy to take more profound action

---

8 Forcese, 43.

9 Ibid.

10 T Richards, "Economic mantras as Canadian foreign policy: The case of Sudan." *Canadian Dimension* 34 (2000),15.

11 Forcese, 43.

12 Ibid., 44.

## The Social Contract

on that matter. Minister Axworthy announced that John Harker would lead a mission to Sudan to investigate alleged human rights abuses, taking into consideration the implications of Talisman's presence.<sup>13</sup> Also, Minister Axworthy called upon Talisman to implement the *International Code of Ethics for Canadian Business*, which is:

[a] 1997 voluntary code of conduct developed by academics and business people and previously endorsed by the government...[the] Code pledges companies not to be complicit in human rights abuses and to promote human rights within their sphere of influence.<sup>14</sup>

Finally, and most importantly, the government announced that if it became evident through the *Harker Report* that oil extraction was indeed intensifying the conflict in Sudan and violating human rights and humanitarian law, it would consider economic sanctions and trade restrictions as per the *Export and Import Permits Act*, the *Special Economic Measures Act* (SEMA) and other available means.<sup>15</sup> The day after the announcement of sanctions, Talisman Energy shares dropped close to 6%.<sup>16</sup> Immediately, Talisman began to lobby the government, stating that it would be fully compliant in adopting the voluntary code.<sup>17</sup>

Initially, the course of action taken by the Canadian government was encouraging for concerned advocacy groups. However, after the release of the *Harker Report*, all previous encouragement diminished. The report reaffirmed that Talisman's presence in Sudan "was undermining Canada's humane foreign policy."<sup>18</sup> But despite fully legitimatizing human rights concerns, Minister Axworthy announced economic sanctions would no longer be considered. Minister

---

13 Forcese, 44.

14 Ibid.

15 Ibid.

16 Ibid., 45.

17 Ibid.

18 Matthews, 1053.

## The Social Contract

Axworthy concluded that the *Harker Report* failed to recommend extensive sanctions and SEMA was unable to impose sanctions due to circumstances.<sup>19</sup>

Minister Axworthy did not, however, abandon all action; he continued to pursue voluntary measures, encouraging Talisman to act properly and conclude human rights monitoring agreements with four specified Canadian NGOs.<sup>20</sup> The Canadian government appeared to believe that if it promoted human security within Sudan, and Talisman acted as a good corporate citizen, human suffering would decline.<sup>21</sup>

Talisman agreed to monitor human rights with the NGOs. However, it simultaneously announced increased oil operations in Sudan. Alongside this announcement came reports of continued civil war and increased government bombings.<sup>22</sup> These new reports had the potential to bring economic sanctions back onto the table. Concerned, Talisman wrote Minister Axworthy:

We urge you to consider that any post-Harker threat of sanctions would compound the downward pressure on our stock price and...increase our vulnerability to foreign takeover. It is imperative to our corporate viability that this threat be clearly removed as a market concern.<sup>23</sup>

Minister Axworthy, appearing sympathetic to the company's plight, made it clear the threat of sanction was lifted. Upon the lifting of the threat, Talisman ceased all negotiations with NGOs, abandoning efforts to develop measures of transparency.<sup>24</sup>

---

19 Forcese, 45.

20 Ibid., 46.

21 Matthews, 1052.

22 Forcese, 46.

23 Ibid., 47.

24 Ibid., 1052.

## The Social Contract

On October 2002, four years later, Talisman sold its 25% share and withdrew from Sudan. It remains clear that the Canadian government had no influence over this decision; instead, Talisman announced the controversy was beginning to place too much pressure on its share price, hurting other assets.<sup>25</sup>

### A Growing Concern

While the case of Talisman in Sudan presents itself as an excellent example for analysis, it is important to acknowledge that it is part of much larger and darker trend for Africa. Civil war tends to be concentrated in states with low income, economic decline or instability and dependent upon natural resources.<sup>26</sup> Natural resources develop rents – profits higher than those needed for the sustainability of the sector – and trouble stems from rents.<sup>27</sup> The problems relating to the extractive sector are numerous. Firstly, a government's revenue is resource based, rendering tax unnecessary; therefore, detachment from the electorate is inevitable, resulting in the absence of effective democracy.<sup>28</sup> Secondly, resource revenue acts as a source of finance for human rights abusing groups.<sup>29</sup> Salil Tripathi writes:

Conflict trade is part of the larger phenomenon of governance failure in marginalized societies, which are more likely to experience conflict...Resource wealth can prevent such a marginal state from developing governance mechanisms, such as effective taxation...corruption tends to be high, leading to poor economic governance and economic stagnation. As such states cease to function effectively, civilians must depend on their own

---

25 Matthews, 1055.

26 Paul Collier, *Natural Resources and Conflict in Africa*, October 2004, [http://www.crimesofwar.org/africa-mag/afr\\_04\\_collier.html](http://www.crimesofwar.org/africa-mag/afr_04_collier.html) (accessed June 6, 2007).

27 Ibid.

28 Ibid.

29 Ibid.



## The Social Contract

coping strategies to realize their economic and social rights.<sup>30</sup>

As Africa's economy is extractive and resource based, investment in conflict zones is going to continue to be a norm until the international community more effectively challenges the political and economic governance of natural resources.<sup>31</sup>

Looking to the future, the trend could become worse. More Canadian companies are investing abroad than ever before; while most investment is in nations with reliable political systems, a substantial number is in conflict zones.<sup>32</sup> Canada is proving to be a leader in mineral exploration throughout Africa, with recent interests in Kenya, Niger, Senegal, Zambia, Angola, and Mozambique.<sup>33</sup> A further concern is that the majority of this investment is ever increasingly from junior Canadian mining companies.<sup>34</sup> Junior mining companies present new challenges, as they tend to be "less subject to controls, less prone to apply best practices and more inclined to operate in high risk zones of conflict."<sup>35</sup> These trends will not only increasingly affect both Africa and Canada, but also have implications for the rest of the international community.

### *Fundamental Level of Change*

To identify these dark trends facing Africa is one issue, attempting to curb the trends is an altogether new and challenging one. For changes on the international and national levels to be fully successful, the first level of change must be on a fundamental level; there must be a shift in economic philosophy.

---

30 Tripathi, 125.

31 Collier.

32 Forcese, 38.

33 B. Campbell, "Peace and Security in Africa and the Role of Canadian Mining Interests: New challenges for Canadian foreign policy." *LABOUR Capital and Society* 37 vol. i-ii (2004), 98.

34 Ibid., 106.

35 Ibid.

## The Social Contract

The commonly held philosophy is that economic development brings social development, peace and prosperity. The Canadian government undoubtedly held this view throughout its treatment of the Talisman/Sudan conflict. As mentioned, it appeared Minister Axworthy believed that if he promoted human security within Sudan, and Talisman acted as a good corporate citizen, human suffering would decline. Critics also suggest the *Harker Report* fell victim to the philosophy, regarding “oil development as beneficial and inevitable for Sudan, rather than as a complicit partner in the regime’s perpetration of human rights abuses.”<sup>36</sup> Talisman too sought to assure its shareholders that the revenues generated by the Sudanese government would go towards the infrastructure of roads, schools and health facilities.<sup>37</sup> Meanwhile the paradox was ever clear, as Sudanese government officials were selling a drastically different message: “the development of the oil fields is key to stepping up its program of forced Islamization of Christian and animist regions of Southern Sudan.”<sup>38</sup> Furthermore, the abundant linkages between Talisman’s presence in Sudan and the intensification of the civil war provide further contradictions.

Yet, this philosophy remains the chosen route for companies and governments alike. From it stem the notions of ‘corporate social responsibility’ and ‘community development.’ While Minister Axworthy was relying on Talisman to perform in a socially responsible manner, it was a vague suggestion with few set parameters. After the release of the *Harker Report*, negative publicity for Talisman was extensive. As a result, Talisman hired Hill & Knowlton, a large PR firm, in hopes of curbing the feedback.<sup>39</sup> The focus was shifted on the social responsibility efforts of Talisman and its community development projects, such as the financing of an orphanage and small hospital.<sup>40</sup> However, anyone suspected of being in opposition to the government was denied

---

36 Richards, 15.

37 Forcese, 42.

38 Ibid.

39 Richards, 15.

40 Ibid.

## The Social Contract

access to the facilities.<sup>41</sup> As noble of a gesture as the financing was, it was insignificant in respect to the amount of revenue financing civil war; furthermore, the financed institutions were not available to the actual victims of the regime's human rights abuses.

The case of Talisman is not an isolated example; oil development in the Niger delta provides another clear insight into the ineffectiveness of community development projects. Nigeria receives 70-80% of its state revenue from oil.<sup>42</sup> However, local populations resent the unequal distribution of wealth and environmental impacts resulting from oil development.<sup>43</sup> Oil companies working in the area, primarily Shell, become the rebel groups' targets, requiring military protection from the Nigerian government.<sup>44</sup> Cyclically, the more military security is present, the more the resentment grows.

In defense of its position, Shell points out that it has engaged in various social welfare programs and community development projects, ranging from school scholarships to agriculture programs.<sup>45</sup> While community development has been proven to be an ineffective solution, often the manner in which the programs are run furthers their ineffectiveness. Shell uses a 'milestone system' where the project is reimbursed upon completion, and offers few community development staff.<sup>46</sup> The unavailability of upfront financing and lack of expertise (e.g., engineering) makes large-scale and infrastructure related development impossible.<sup>47</sup> Ultimately, sustainable community development efforts are contradicted by the profit maximizing efforts of companies.<sup>48</sup>

---

41 Ibid., 16.

42 Anna Zalik, "The Niger Delta: 'Petro Violence' and 'Partnership Development,'" *Review of African Political Economy* 31 (2004), 404.

43 Ibid., 406.

44 Ibid., 404.

45 Ibid., 408.

46 Ibid., 414.

47 Ibid.

48 Ibid., 419.

## The Social Contract

While the Niger Delta example is not directly a Canadian problem per se, it exemplifies the ineffectiveness of a community development approach. As mentioned, the goal of community development projects is to increase prosperity and lead to peace and democracy. In actuality, community development has very little positive effect in the conflict zones. In Nigeria, community development provided little satisfaction to local populations. In Sudan, companies continued to finance, and remained complicit with, the human right's abusing regime. It can be critically restated then, that the goal of community development projects is to create the *perception* that corporate investment increases prosperity and leads to lasting peace and democracy.<sup>49</sup>

It may hold true that in already stable and peaceful countries, economic development will increase prosperity and maintain peace. However, it does not hold true for conflict countries; development is ineffective without peace.<sup>50</sup> For this reason, the first level of change must be a shift in philosophy on the fundamental level. Without a serious rethinking of economic philosophy, changes on both the international and national levels will not be fully successful.

### *International Level of Change*

The next level of change needed is on the international level. The Canadian government must take leadership in the development of internationally binding legislation concerning investment in conflict zones. Little was done on behalf of the Canadian government in regards to militarized commerce within Sudan. The Talisman/Sudan situation was not an exclusively Canadian problem; while Talisman is a Canadian company, the partners of the GNPOC were internationally dispersed. Provided with an excellent opportunity to pursue an international solution, the Canadian government remained complacent. One possible explanation of the complacency is the embarrassing consequences of being

---

49 Richards, 16.

50 Ibid.

## The Social Contract

unable to control a Canadian company abroad. Yet another is the economic philosophy held by the Canadian government; as discussed, such a philosophy does not require preventative action. Certainly the Canadian government has increased humanitarian efforts upon Talisman's departure in 2002; however, the extent of the aid has rightfully been a source for much criticism.<sup>51</sup>

There is a limited number of current international legislation attempting to govern the actions of companies in conflict zones. The *Universal Declaration of Human Rights* requires companies, as "an organ of society," to respect human rights.<sup>52</sup> The *United Nations Norms for Transnational Corporations and Other Business Enterprises Regarding Human Rights* identifies laws of war, how they apply to companies and the use of security forces.<sup>53</sup> Further considerations must be given to both the Geneva and Hague Conventions.<sup>54</sup> However, it is necessary to acknowledge the current legislation is hardly legally binding. While it may refer to the responsibilities and legal liability of corporations, the only successful prosecution of a company in the international court was during the Nuremberg trials after WWII.<sup>55</sup> This is, in part, representative of the trend towards corporate social responsibility and voluntary mechanisms.

Aside from corporate social responsibility and community development, voluntary mechanisms often obtain increased formality, such as the *Voluntary Principles for Security and Human Rights in the Extractive Sector*.<sup>56</sup> While this paper remains critical towards the Canadian government's inaction in both its handling of Talisman and lack of leadership in the international community on the matter of militarized commerce, it is necessary to identify that the government has taken on a leadership role in promoting

---

51 Matthews, 1058.

52 Tripathi, 120.

53 Ibid.

54 Ibid.

55 Ibid., 122.

56 Ibid.

## The Social Contract

international voluntary mechanisms. One of the more pronounced examples has been the *Kimberly Process*.

### Kimberly Process

Civil war in Africa has long been fueled by the diamond industry. In Angola, diamond related conflict began in 1956.<sup>57</sup> UNITA and other rebel groups have used countries like Zambia and Congo to smuggle illegal diamonds into international markets.<sup>58</sup> Canada's connection to the conflict diamond trade in Sierra Leone has been more apparent. Diamond Works, a Canadian mining company, became involved in militarized commerce in the region through its acquisition of Branch Energy Limited.<sup>59</sup> After successfully aiding the Sierra Leone government in forcing the RUF out of Freetown, Branch Energy secured a 25-year lease on a diamond concession.<sup>60</sup> Canadian mining companies in Uganda have also participated in militarized commerce, using the Ugandan Army, known for severe human rights abuses, as a security force.<sup>61</sup>

Global Witness and other NGOs diligently worked to expose the dark truth behind the industry, calling for transparency.<sup>62</sup> Eventually, international governments, Canada included, began to apply pressure on the industry. Industry leaders soon realized the industry's integrity was in serious jeopardy, and became open to negotiations.<sup>63</sup> As a result, a conference was held in Kimberly, South Africa in 2000.<sup>64</sup> Out of the conference came the *Kimberly Process*, which contains

---

57 B. Cole and J.A. Ndumbe, "The Illicit Diamond Trade, Civil Conflicts, and Terrorism in Africa," *Mediterranean Quarterly* 16, vol. ii (2005), 53.

58 Ibid., 55.

59 Ibid., 59.

60 Ibid., 60.

61 Forcese, 38.

62 Cole and Ndumbe, 56.

63 Ibid., 61.

64 Cole and Ndumbe, 72.

## The Social Contract

provisions to ensure the certification and transparency of rough diamond exports.<sup>65</sup>

The Canadian government has played an active leadership role in the *Kimberly Process* since its inception, and assumed the role of the Chair in January 2004.<sup>66</sup> On December 12, 2002, the government passed Bill C-14, the *Export and Import of Rough Diamonds Act*, to comply with *Kimberly Process* requirements.<sup>67</sup> Furthermore, Global Witness has commended the Canadian government for its crucial role in ensuring the credibility of the *Kimberly Process* and the legitimization of the industry.<sup>68</sup>

Despite inevitable criticism, the *Kimberly Process* is largely seen as a success for both the diamond industry and international community.<sup>69</sup> The *Kimberly Process* has shown its ability to enforce on various occasions; the removal of the Republic of Congo from the process, due to inadequate and poorly enforced controls that were unable to prevent conflict diamonds from entering the market, is a testament of this.<sup>70</sup>

Surely, the *Kimberly Process* does not provide a framework for other sectors, as a similar mechanism could not be replicated easily for other commodities.<sup>71</sup> The diamond industry is unique, the demand elastic and the value psychological; for this reason, industry leaders realized the importance of maintaining the industry's integrity and proved

---

65 Ibid., 62.

66 Bruna, Santarossa, "Diamond: Adding luster to the Canadian economy," *Statistics Canada: International Trade Division* 11 (2004), 13.

67 Ibid.

68 Global Witness. *The Kimberley Process gets some teeth: The Republic of Congo is removed from the Kimberley Process for failing to combat the trade in conflict diamonds*, 2004, [http://www.globalwitness.org.proxy2.lib.uwo.ca:2048/media\\_library\\_detail.php/341/en/the\\_kimberley\\_process\\_gets\\_some\\_teeth\\_the\\_republic](http://www.globalwitness.org.proxy2.lib.uwo.ca:2048/media_library_detail.php/341/en/the_kimberley_process_gets_some_teeth_the_republic) (accessed June 6, 2007).

69 Tripathi, 124.

70 Global Witness.

71 Tripathi, 124.

## **The Social Contract**

to be cooperative.<sup>72</sup> The importance of addressing the *Kimberly Process* then, is not to provide a framework for other sectors, but to exemplify the effectiveness of the Canadian government's leadership. Therefore, the Canadian government should increase its initiative within the international community; the potential effect on militarized commerce could prove it to be a worthy investment.

### **Voluntary Mechanisms versus Binding Legislation**

Much of the criticism toward the *Kimberly Process* is a result of it being merely a voluntary mechanism.<sup>73</sup> Complying with voluntary mechanisms shows that a company recognizes there is an issue and is willing to take the first steps to change behavior.<sup>74</sup> However, it is commonly recognized, even within the Commission for Africa, that voluntary measures will never be enough.<sup>75</sup> Salil Tripathi addresses two reasons for the insufficiency of voluntary measures. First, companies not only prefer but *demand* a level playing field. Voluntary measures blur the playing field, and, therefore, once one company withdraws there is a tendency for others to follow suit.<sup>76</sup> Second, voluntary measures are, quite obviously, not legally binding; there is no legal obligation on behalf of the company.<sup>77</sup> An identifiable example is Talisman withdrawing from transparency measure negotiations with NGOs upon the lifting of the threat of sanctions.

Furthermore, voluntary community development has proved ineffective. As already mentioned, community development in both Nigeria and Sudan are a testament of the ineffectiveness of such projects. In Nigeria, the profit maximization of Shell rendered programs ineffective. Meanwhile in Sudan, benefits of the programs were restricted, further increasing the resentment among rebel groups in.

---

72 Tripathi, 124.

73 Ibid.

74 Ibid., 122.

75 Campbell, 11.

76 Tripathi, 122.

77 Ibid.



## The Social Contract

### Legal Obstacles and Considerations

Taking the ineffectiveness voluntary mechanisms into consideration, the Canadian government must set its sights on internationally binding legislation. However, it must be noted that in doing so the Canadian government will be faced with several legal obstacles.

The first obstacle is concerning the recognition of companies under law. Companies are deemed 'legal persons' and, therefore, cannot be prosecuted under international criminal law, as it covers only 'natural persons'.<sup>78</sup> 'Legal persons' are not recognized by the United Nations. At the time of the United Nations' inception the nature of multinational companies was entirely different; arguably, the United Nations could not have foreseen the need for the legal recognition of companies.<sup>79</sup>

However, as most of the conceptual problems of seeing corporations as a legal creation have been overcome domestically, there is reason for optimism. Companies have been found to have both *actus reus* and *mens rea* in domestic court proceedings.<sup>80</sup> Furthermore, corporations have been held accountable domestically (in the United States) for murder and other crimes.<sup>81</sup> This transformative progress has just not yet taken place in international law.

The second obstacle is the lack of an existing normative framework on the international level.<sup>82</sup> The multilateral response to conflicts has been *ad hoc*.<sup>83</sup> On the issue, Salil Tripathi writes:

[the] *ad hoc* approach to the issue has led to lack of clarity and uncertainty about the enforceability

---

78 Tripathi, 126.

79 Simon Chesterman, "Oil and Water: Regulating the Behavior of Multinational Corporations Through Law," *Journal of International Law and Politics* 36, (2004), 310.

80 *Ibid.*, 327.

81 *Ibid.*, 311.

82 Tripathi, 126.

83 *Ibid.*

## The Social Contract

of international rules and the evolving norms about acceptable corporate behaviour in conflict zones. An international regulatory framework is, therefore, necessary to level the playing field. Legal development is required to end the situation of uncertainty most governments, companies and communities now face concerning the legality of conflict trade and the definition of acceptable economic practice in a zone of conflict.<sup>84</sup>

Developing a framework and definition for the *Kimberly Process* took two years.<sup>85</sup> Establishing a normative framework and common definition of conflict would remove legal ambiguity and allow both the international community and individual governments to take more effective action as necessary. Had such a framework been in place at the time, the Canadian government could have dealt more effectively with the Talisman/Sudan situation.

Clearly, a shift towards internationally binding legislation will prove to be difficult. For this reason, the Canadian government must provide effective leadership and work in cooperation with other governments. Militarized commerce is an international problem requiring an international solution; no single law, sanction or definition will fully solve the problem.<sup>86</sup>

### *National Level*

While progress on the international level is crucial, the Canadian government's responsibility to ensure Canadian companies are not negatively affecting conflict zones begins at home. Therefore, the third and final level of change on which the Canadian government must act is on the national level. An increase in domestic legislation would provide the government with the necessary legal instruments to combat Canadian militarized commerce.

---

84 Ibid., 127.

85 Campbell, 12.

86 Tripathi, 127.

## The Social Contract

As mentioned, Minister Axworthy relayed his concerns that SEMA, due to the permitting circumstances, was unable to impose sanctions. While critics argue this was in many ways a misrepresentation of SEMA, it addresses a legal dilemma facing the government.<sup>87</sup> There are one of two 'triggers' needed for SEMA to be implemented. First, there must be some type of multilateral decision: an international organization to which Canada belongs must call on its members to impose economic sanctions against a state.<sup>88</sup> The decision, however, does not need the formality of a UN resolution, which can be seen in the case of Yugoslavia in 1998, where unilateral actions were merely announced by members of G8.<sup>89</sup> Second, Cabinet may impose sanctions unilaterally when it feels that a "grave breach of international peace and security has occurred that has resulted, or is likely to result, in a serious international crisis."<sup>90</sup> While this allows Canada to impose sanctions on its own accord, there is a problem with the definition (or lack thereof) of 'grave breach of international peace and security.'<sup>91</sup> Within Canada there is no definition of the term, and at the international level it is the responsibility of the UN Security Council to declare on an *ad hoc* basis.<sup>92</sup> Therefore, due to lack of any legislative instruments, the government had little choice but to rely on moral suasion and voluntary guidelines in attempting to control Talisman's activities.<sup>93</sup>

The legal ambiguity over the permissibility of unilateral sanctions has severe consequences for Canadian foreign policy. Legal opinions determine Canadian foreign policy, not foreign policy assessments.<sup>94</sup> Therefore, the Department of Foreign Affairs' current legal opinion of the meaning of 'grave breach' dictates when and where economic

---

87 Forcese, 49.

88 Ibid.

89 Ibid.

90 Ibid., 50.

91 Ibid.

92 Ibid.

93 Matthews, 1054.

94 Forcese, 50.

## The Social Contract

sanctions can be imposed. The present interpretation of ‘grave breach’ is close to requiring international war; in the absence of this requirement, the government must rely on the first trigger – a multilateral decision.<sup>95</sup> Often, the international community may not share a proportionate interest in sanctions, as the concern of militarized commerce is mainly Canadian. For this reason, requiring a multilateral decision in order for the Canadian government to be legally empowered to control a Canadian company is not legitimate.<sup>96</sup>

Undoubtedly, defining ‘grave breach’ would strengthen SEMA and provide the Canadian government with an effective legal instrument. In his last few months in office, Minister Axworthy expressed his concern that SEMA should be strengthened through reevaluation; however, this has yet to be the case.<sup>97</sup> Certainly the strengthening of other legal instruments, such as the *Export and Imports Act*, would prove beneficial. While this Act would directly target the conflict country, it would send a clear message to Canadian companies.<sup>98</sup>

Aside from strengthening existing measures, the Canadian government should look to the creation of additional legal instruments. In the United States, both the *Alien Tort Act* and the *Patriot Act* provide insights worth considering. Despite the political backlash often associated with it, the *Alien Tort Act* has provided the United States government with a powerful and necessary instrument. The *Alien Tort Act* “permits civil action in US courts for violations of international law abroad.”<sup>99</sup> With a similar Act intact, Talisman, and other Canadian companies participating in militarized commerce, could be held accountable under domestic jurisdiction.

---

95 Ibid., 51.

96 Ibid.

97 Ibid.

98 Matthews, 1054.

99 Tripathi, 127.

## The Social Contract

The *Patriot Act* has also proven itself as an effective legal instrument for the United States government. Within the *Patriot Act*, there are provisions dealing strictly with money laundering.<sup>100</sup> Any international company that wishes to trade within United States may only do so upon meeting the necessary provisions.<sup>101</sup> The mining industry in particular is problematized with money laundering, as seen with conflict diamonds. While a similar Act would not have provided the Canadian government with increased leverage over Talisman, it has potential to provide future authority over other sectors of the extractive industry.

Just as legal obstacles are presented on the international level, so too are they domestically. The defining of 'grave breach' in strengthening SEMA proves to be the first. The greatest, however, is the principle of *Forum Non Conveniens*.<sup>102</sup> *Forum Non Conveniens* is:

a principle in the conflict of laws whereby a forum – in other words, a court – technically entitled to exercise jurisdiction over a matter may forgo its jurisdiction in favour of another forum that could entertain the case more conveniently.<sup>103</sup>

While it is often difficult for companies to demonstrate the use of domestic jurisdiction as unreasonable, it provides an escape route if fully pursued.<sup>104</sup> However, the *Alien Tort Act* often allows the United States government to avoid this obstacle.<sup>105</sup> In order to take the principle of *Forum Non Conveniens* into consideration, the Canadian government must explore the option of a similarly effective legal instrument.

A final concern is the lack of a normative framework and common definition at the national level. As this presents

---

100 Ndume, 64.

101 Ibid.

102 Chesterman, 317.

103 Ibid., 315.

104 Chesterman, 317.

105 Ibid., 318.

## **The Social Contract**

similar problems to those on the international level, the Canadian government must pursue development. It should be noted, however, that if a normative framework and common definition are developed on the international level, the Canadian government could adopt both domestically.

Militarized commerce and investment in conflict zones is an international problem, requiring an international solution. However, the Canadian government must empower itself with the authority to control Canadian companies participating in militarized commerce. Both the creation of new and strengthening of existing legal instruments is necessary to avoid legal obstacles and, ultimately, another Talisman-like situation.

### Conclusion

Talisman's oil operations in Sudan clearly demonstrate a dilemma facing the Canadian government. Due to the extractive nature of the African economy, it has been argued that militarized commerce and investment in conflict zones are part of a dark trend, a trend demanding attention. On the fundamental level, a shift in the currently held economic philosophy was suggested. Without this philosophical rethinking, changes on both the international and national level will fail to be fully successful. In the past, the Canadian government has assumed an effective leadership role in the creation of voluntary measures concerning militarized commerce. It was suggested that this effective leadership continue in the pursuit of internationally binding legislation. However, as vital as international progress is in combating militarized commerce, the Canadian government's responsibility begins at home; the strengthening of domestic legislation will provide the government with necessary legal instruments, empowering it to control Canadian militarized commerce on the national level.