Political Science Undergraduate Review

Department of Political Science
University of Alberta

2020-2021

UNIVERSITY OF ALBERTA POLITICAL SCIENCE UNDERGRADUATE ASSOCIATION

2020-2021

Executive Team

Abigail Isaac
President

Grace Li
VP Finance

Danielle Bailey-Heelan
VP External

Victoria Matejka
VP Internal

Grace Wainaina
VP Events (Community)

Kallie Wischoff
VP Communications

Talia Dixon
VP Events (Fundraising)

Keysel Besa
VP Academic

Political Science Undergraduate Review

VOLUME 6

2020 – 2021

Editorial Staff

TABLE OF CONTENTS

Canadian Politics

Political Theory and Philosophy

United States and International Relations

LETTER FROM THE EDITOR

This year's iteration of the Political Science Undergraduate Review (PSUR) is memorable for at least two key reasons. First, it was pieced together by some of the most committed and hard-working students despite a raging pandemic that forced many of us into the world of Zoom remote learning and asynchronous classes. Second, the PSUR reached a significant milestone when we tripled the size of our editorial staff. Such an important decision stemmed from the increasing popularity of the PSUR within the department and the broader university community—brought by this journal's longstanding reputation as a robust academic publication. To accommodate the growing volume of work and ensure that each submission got the attention they deserve, members of the newly expanded editorial board were given specialized tasks and well-delineated responsibilities. In line with that development, this is also the first time the PSUR has been collectively led by a team of seasoned editors to assist the editor-in-chief in overseeing all journal functions.

I want to thank all the members of my editorial staff for the tremendous amount of time they have put into ensuring that the journal lives up to its enduring reputation for academic rigour and a robust peer-review process. More specifically, I greatly appreciate the spirited debate and impassioned discourse that the reviewers willingly engaged in during their recommendations about which submissions should be published. I also want to extend a special thanks to my executive team members, Kael, Chloe, and Oriya, for helping me with decision-making, facilitating peer-review discussions, and supervising the development of key journal activities. Additionally, I am immensely appreciative of all the work that Sarah Severson from the Library Publishing and Digital Production Services has afforded my team—especially for training our new members and assisting us whenever a system-related issue surfaced. Lastly, I am grateful to all my co-executives at the Political Science Undergraduate Association (PSUA) for their support in ensuring that the journal is successful at every step of the way.

The PSUR's tremendous accomplishments this year is a testament to the resilience of many political science students and their commendable enthusiasm to take on extracurricular work. For many years to come, I am confident that the PSUR will continue to be a repository of well-written undergraduate papers and a beacon of student engagement at the University of Alberta.

Enjoy the read,

Keysel Alberto Besa
Editor-in-Chief and Vice President Academic
Political Science Undergraduate Association

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

On Guard: The Discourse of Difference in Trudeau's Speech on National Unity

By Francis Rweyongeza

Abstract

Prime Minister Justin Trudeau's July 1, 2017 speech to commemorate 150 years of Canadian Confederation and its seemingly banal content and delivery ironically beckons for critical attention. Delivered to the Prince of Wales on Parliament Hill and millions via television and Internet, the address capped off the immense cultural spectacle of Canada's sesquicentennial with tributes to Canadian exceptionalism in battle and in sport. However, behind references to reconciliation and tolerance is a well-documented history of contestation that runs contrary to the international myth of Canadian unity. This essay deconstructs a consonance of perspectives on Indigenous relations, multiculturalism, and citizenship proposed by Prime Minister Trudeau in his Canada 150 address on Parliament Hill that is inconsistent with a defining decade of Canadian resistance. I analyze the speech's attempts to whitewash Canada's colonial origins and dispel numerous claims of peaceful coexistence between the nation-state and various minorities, fundamentally challenging perceptions of Canadian identity and national values.

Introduction: *"Our Place on The World Stage"*

Prime Minister Justin Trudeau's July 1, 2017 speech to commemorate 150 years of Canadian Confederation and its seemingly banal content and delivery ironically beckons for critical attention. Delivered to the Prince of Wales on Parliament Hill and millions via television and Internet, the speech concluded Canada's most immense cultural spectacle since the 2010 Winter Olympics in Vancouver with tributes to Canadian exceptionalism in battle and in sport. However, contemporary reactions failed to evaluate the extent to which the Prime Minister's remarks sincerely addressed Indigenous peoples' place in the festivities, represented by a teepee erected on Parliament Hill by "reoccup[ants]" of Algonquin territory that featured prominently on Canadian television (Wherry 2017).

Namely, characterizing the teepee as "a symbol of the unresolved grievances many Indigenous peoples have" largely overlooks a well-documented history of contestation in Canada (Tasker 2017). Charting a relationship between Indigenous peoples and the Canadian government that has sparked both "constitutional discussions" and "armed standoff[s]," Dr. Kiera Ladner (2008) asserts that political and social dissent "influenced by the state and opportunity structures ... [is] fundamentally grounded in and defined by issues of nationhood and (de)colonization" (245). With this context, the Parliament Hill teepee represents a fundamental challenge to Canada's espoused identity and national values by using "international domains to resolve domestic issues"

of oppression (Ladner 2008, 245). Rather than confronting this challenge, the Prime Minister's commentary portrays a consonance of perspectives on Indigenous relations and citizenship inconsistent with a defining decade of Canadian resistance.

This essay deconstructs the roots of Canada's colonial origins embedded in Prime Minister Justin Trudeau's Canada 150 address, dispelling numerous claims of peaceful coexistence between the nation-state and various minorities. The moral justification of Indigenous-settler relations and misconceptions of the organization of Indigenous peoples under Treaty Six are posited as explanations for the Canadian government's attitude on reconciliation and lack of reckoning with ongoing oppression. Then, "repressive tolerance" in both English and French Canada is demonstrated to preserve official Canadian multiculturalism as White-centric. Together, a failure to uplift traditional groups of social marginalization is concluded to establish a subclass of citizenship that runs contrary to the international notion of Canadian unity.

"A Lot Older Than 150 Years"

Alluding to, but not explicitly asserting a long-standing and continuous Indigenous presence, the speech conflates the settler experience of European pilgrims with established nationhood:

> For thousands of years, in this place, people have met, traded, built, loved, lost, fought, grieved. They built strong communities, worked hard to build better lives for their kids, and learned to lean on their neighbours to get through our long cold winter nights, to thrive in the daunting landscapes that stretch across Turtle Island. (Trudeau quoted in PMO 2017)

The myth that Aboriginal communities lacked organization prior to European contact and the purpose of spreading this myth is debunked and explained in Dr. Sharon Venne's writings on Treaty Six. Although tribes such as the Plains Cree were "well-established and functioning" practitioners of popular sovereignty critical to settlers' survival, denying self-government to Indigenous communities provided European colonizers with the moral justification to freely claim unceded land as *terra nullius* (Venne 1997, 179). In promoting the *doctrine of discovery* that denied land claims from those not subject to European monarchs, Indigenous contributions to Canadian nation-building could more easily be erased from history (Venne 1997, 185). Therefore, speech observers recognizing the lack of specificity regarding Indigenous presence might reconsider the ongoing benefit of perpetuating outdated misconceptions to the Canadian government.

A Record *"Far from Perfect"*

The address then stops short of a claim of responsibility for ongoing oppression while attempting to acknowledge what the CBC calls a "willful failure" to respect Indigenous sovereignty (Wherry 2017). This decision is antithetical to the mandate of the government-established Truth and Reconciliation Commission of Canada (2015) to "reveal…the complex truth about the…ongoing legacy of…church-run residential schools" (27). The *Executive Summary* produced by the Commission two years before Canada's sesquicentennial describes crises in child-welfare, healthcare, and education responsible for Aboriginal children constituting 78 percent of Alberta foster care deaths (TRC 2015, 188). It also poses 94 Calls to Action to individuals, educational and religious institutions, and governments "to redress the legacy of residential schools and advance

reconciliation," which was accepted by Prime Minister Trudeau on December 15, 2015 (Northern Affairs 2019). However, Trudeau's speech subsequently calls for foresight of a "bright[er] future" unburdened by "past wrongs" (PMO 2017), seemingly denying culpability in the continued suffering of Indigenous peoples. To the extent that the Canada 150 event was a global spectacle, the dissonance surrounding Prime Minister Trudeau's posturing on the international stage echoes former Prime Minister Stephen Harper's claim to a 2009 G20 summit that Canada has "no history of colonialism" (Coulthard 2014, 105). Paralleling the timing of Prime Minister Harper's apology to residential school survivors with Prime Minister Trudeau's 2017 apology to survivors of residential schools in Newfoundland (Bartlett 2017), scholars would be remiss not to investigate similarly self-serving motives underlying the government's role in reconciliation.

"The Canadian Way"

Dr. Glen Coulthard (2014) analyzes why Canadian political discourse so often dismissed the "righteous resentment" of Indigenous peoples in *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (126). He cites a 1990 land dispute between the Mohawks of Kanesatake and the Canadian Armed Forces over a proposed golf course on sacred land as an example of the state responding to strategic resistance as a simple "law and order" issue (Coulthard 2014, 116). The effect on the Canadian psyche is to paint a portrait of *ressentiment*, an irrational and self-destructive failure to cease preoccupation with the past (Coulthard 2014, 126). This affords current and future government institutions a "long way" to reconciliation instead of an immediate timeline towards decisive change and characterizes concessions to systematic demands as a fulfillment of "the Canadian way" (Trudeau quoted in PMO 2017), rather than a necessary obligation for decolonization. The act of "mak[ing] things right with Indigenous Peoples" is framed to minimize discomfort amongst Canada's non-Indigenous citizens (Trudeau quoted in PMO 2017), a framework that the University of Alberta's own Chelsea Vowel (2016) writes in a blog post fails to provoke consciousness of the settler role of non-Indigenous citizens. Primarily focusing on repetitious land acknowledgements, Vowel (2016) suggests that reconciliation should promote acts of contrition as well as a reclamation of Indigeneity in otherwise unsafe spaces—in this way, an unwillingness to forgive is an appropriate response to a lack of change.

"The Very Core of Canada"

It can also be argued that the Prime Minister's remarks preserve a White-centric model of multiculturalism widely adhered to, but increasingly recognized as problematic. Specifically, proclaiming that "diversity has always been at the very core of Canada for centuries" (Trudeau quoted in PMO 2017) dramatically underestimates the Anglo-Saxon character of post-Confederation institutions. For one, restrictions on immigration based on nationality or ethnic group were aggressively maintained as recently as 1952 (Smith 2003, 118). This usually meant the coexistence of the "other" with the British foundation of the country was tolerated so far as their contributions were deemed "worthy of a great nation," as alluded to in subtext in Trudeau's Canada 150 speech:

> Canada has been blessed with leaders of all stripes who recognized how special this place is. Leaders who believed in the Canadian dream, who built railways and highways and

> seaways to connect us to each other, and to the world. These projects became the backbone of Canada, infrastructure worthy of a great nation. (Trudeau quoted in PMO 2017)

However, commending belief in a common "Canadian dream" for establishing a "backbone" of Canadian society (Trudeau quoted in PMO 2017), the speech obfuscates historical conflict between Canada's European founding nations and its role in imposing standards of ethnic and racial homogeneity that persist today. The province of Quebec for one has been criticized by Dr. Darryl Leroux (2013) for conflating perceived religious and cultural differences with ethnic and racial difference in debates surrounding reasonable accommodations. Attributed to a history of "double colonization," where the Francophone population claimed dominance over racialized communities while still under subjugation to English Canada, Leroux (2013) suggests that various freedoms and equalities are proposed as values inherent to European whiteness that elevates the majority over the other (55). The effect of this "repressive tolerance," establishing a model of normality while characterizing dissenting behaviour as anti-Canadian, leads to a broader recognition that not all citizens are coequal stakeholders in the Canadian dream posed by official conceptions of Canadian multiculturalism.

Conclusion: *"Be Proud of Our Accomplishments"*

Ultimately, multicultural discourse may be explained by the government's vision of citizenship as articulated by the Prime Minister. Declaring Canada to be shaped by "ordinary people doing extraordinary things" corresponds to a "governance story" of citizenship articulated by Dr. Janine Brodie that emphasizes a body of individual contributors over what used to be a partnership in social welfare (Trudeau quoted in PMO 2017; Brodie 2002, 58). Here, the premise that modern citizenship is not inherently linked to specific legal institutions leads to a malleability of "citizenship regime[s]" that "prescribe the boundaries of state responsibilities" according to economic development (Brodie 2002, 55). Unfortunately resulting from neoliberal impressions of individual and collective strength, traditional groups of social marginalization are disadvantaged by a system that undervalues their worth and inhibits complete integration. The socially marginalized have long been shut out of nation-building narratives promoting infrastructural vision and military accomplishments as sources of "Canadian values." As such, Prime Minister Trudeau's assertion that Canadian citizenship is "one of the greatest gifts we've ever been given" (PMO 2017) fails to ring universally true.

References

Bartlett, Geoff. 2017. "Tearful Justin Trudeau apologizes to N.L. residential school survivors." *CBC News*. November 24, 2017. www.cbc.ca/news/canada/newfoundland-labrador/justin-trudeau-labrador-residential-schools-apology-1.4417443.

Brodie, Janine. 2002. "Three Stories of Canadian Citizenship." In *Contesting Canadian Citizenship: Historical Readings*, eds. R. Adamoski, D. Chunn and R. Menzes. Peterborough: Broadview Press.

Coulthard, Glen. 2014. "Seeing Red: Reconciliation and Resentment" in *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. University of Manitoba Press.

Ladner, Kiera. 2008. "*Aysaka'paykinit*: Contesting the Rope Around the Nations' Neck." In *Group Politics and Social Movements in Canada*, ed. Miriam Smith. Peterborough: Broadview Press.

Leroux, Darryl. 2013. "The Many Paradoxes of Race in Québec: Civilization, Laïcité and Gender (In)Equality." In *Critical Inquiries: A Reader in Studies of Canada*, eds. Lynn Caldwell, Darryl Leroux, and Carrianne Leung. Fernwood Publishing.

Northern Affairs (Crown-Indigenous Relations and Northern Affairs Canada). 2019. "Delivering on Truth and Reconciliation Commission Calls to Action." Updated September 5, 2019. www.rcaanc-cirnac.gc.ca/eng/1524494530110/1557511412801.

Smith, Malinda. 2003. "'Race Matters' and 'Race Manners.'" In *Reinventing Canada: Politics of the 21st Century*, eds. Janine Brodie and Linda Trimble. Toronto: Prentice Hall.

Tasker, John Paul. 2017. "Justin Trudeau visits 'reoccupation' teepee on Parliament Hill." *CBC News*. June 30, 2017. www.cbc.ca/news/politics/trudeau-visits-reoccupation-teepee-1.4185758.

Trudeau, Justin. 2017. "Canada Day Address by Prime Minister Justin Trudeau on Parliament Hill." *PMO (Office of the Prime Minister)*. July 1, 2017. pm.gc.ca/eng/news/2017/07/01/canada-day-address-prime-minister-justin-trudeau-parliament-hill.

Truth and Reconciliation Commission of Canada. 2015. *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. Winnipeg, MB: Truth and Reconciliation Commission of Canada. http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Exec_Summary_2015_05_31_web_o.pdf

Venne, Sharon. 1997. "Understanding Treaty 6: An Indigenous Perspective." In *Aboriginal and Treaty Rights in Canada: Essays on Law, Equity, and Respect for Difference*, ed. Michael Asch. Vancouver: UBC Press.

Vowel, Chelsea. 2016. "Beyond Territorial Acknowledgments." *Âpihtawikosisân*. September 23, 2016. apihtawikosisan.com/2016/09/beyond-territorial-acknowledgments/.

Wherry, Aaron. 2017. "From Borden to Pearson to Trudeau: How Canada Day Has Defined a Nation." *CBC News*. July 2, 2017. www.cbc.ca/news/politics/trudeau-speech-canada-day-analysis-wherry-1.418426

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

Sex Work and the City: Bill C-36 and the Policing of Indigenous Women's Sexual Autonomy

By Helen Roitberg

Abstract

Bill C-36, or the Protection of Communities and Exploited Persons Act, which was introduced in Canada in 2014, made the purchase of sexual services illegal. To the end of eliminating sex work, Bill C-36 rests on the premise that sex work is inherently exploitative, and that sex workers and their communities are harmed by the exchange of sexual services. Considering that Indigenous women are overrepresented among sex workers and disproportionately victims of severe violence, this paper examines the goals of Bill C-36 in conversation with Canada's ongoing project of colonialism. This paper demonstrates that Bill C-36 upholds the systemic devaluation of Indigeneity by which Indigenous women's bodies are rendered deserving of violence, and by which this violence is normalized and invisibilized. Rather than protect 'victims' of sexual exploitation, Bill C-36 relies on the colonial stereotypes of the Indigenous prostitute to reimagine sexually autonomous Indigenous women as inherent threats to (white) Canadian society and themselves, and thereby justify state regulation in both public and private spaces.

In 2014, Bill C-36, or the Protection of Communities and Exploited Person Act, was brought into the Canadian Criminal Code to criminalize the purchasing - as opposed to selling - of sex (Goodall 2019, 233). The three goals of Bill C-36 are as follows: "protecting prostitutes, considered to be victims of sexual exploitation, protecting communities from the harms caused by prostitution and reducing the demand for sexual services" (Casavant and Valiquet 2014). Taking into account the system of settler colonialism that stems from historical European settlement and uses legislation, discourse, and policies to continually redefine all aspects of Indigenous life-including land and people, as "natural resources" that can be re-appropriated by the settlers who come to permanently occupy Indigenous land (Tuck and Yang 2012, 4-5), Bill C-36 is not simply a piece of legislation that protects sex workers from abuse. Rather, Bill C-36 is a political tool to "police [...] the borderlands of [Canadian] possession and [Indigenous] dispossession" (Dhillon 2015, 3). Considering that Indigenous women and girls comprise the majority of sex workers and a disproportionate number of human trafficking victims compared to Canadians in general and that Indigenous sex workers are disproportionately killed while employed in sex work (Goodall 2019, 237), Bill C-36's aims to eliminate sex work (234) by positing sex work as inherently harmful to the sex worker, the community where they work, and society at large (Casavant and Valiquet 2014). In this way, Bill C-36 constitutes a colonial regulation of Indigenous women's bodily autonomy. First, I will argue that Bill C-36 upholds the

stereotype of Indigenous women as inherently sexually deviant as part of a project to protect white society from the non-white prostitute. Second, I will explain that Bill C-36 disregards some Indigenous women's entrance to sex work as an autonomous choice made within the constraints of interlocking systems of oppression. Ultimately, I will demonstrate that the conflation of Indigenous women's sexual agency with victimhood normalizes and erases violence against Indigenous women, thereby rendering Indigenous women's bodies as dangerous and disposable. Reclaiming Indigenous women's sexual agency - defined here as the freedom to define one's own body and control one's own reproductive capacities - is inseparable from the history of colonial oppression in what is now Canada.

Before examining the effects of Bill C-36 on Indigenous women, it is vital to understand how Indigenous women have been socially constructed as prostitutes through the Indian Act. The Indian Act, a law that took effect in Canada in 1876, had two purposes: first, to terminate Indigenous sovereignty over Indigenous lands (and effectively render them "'empty lands'" (Dhillon 2015, 6); and second, to impose the sovereignty of the Canadian state in its place (Bourgeois 2018, 383- 384). As the foundation of political, social, and economic organization, Indigenous gender roles were the key for diminishing not only the Indigenous sovereignties that threatened the dominance of the Canadian state but "all things Indigenous" (Dhillon 2015, 7) that could endanger the hierarchy of colonial society. While colonial society relied on heteropatriarchy, or dominance by "heterosexuality and patriarchy, the rule by men" (Simpson 2016), Indigenous women had the same degree of political, social, economic, and bodily autonomy as Indigenous men prior to the implementation of the Indian Act (Dhillon 2015, 9-10). However, as producers of life, Venne (1997) relays that Indigenous tradition elevates the status of women beyond that of men to be level with the Creator and "Mother Earth". In effect, Indigenous women are the keepers of the land and its resources, and thus determine how it can be used and by whom (191).

As such, with Indigenous women as full participants in both public (political) and private (domestic) spheres of life, Indigenous communities fundamentally opposed the economic and sociopolitical frameworks of colonial society that rely on the subjugation of women to men and the confinement of their reproductive labour - defined here as sexual and domestic labour - to the private sphere. Therefore, it was by disciplining the bodies of Indigenous women that the colonial state could redefine the reproduction and organization of Indigenous communities, and thereby secure access to Indigenous lands. While Indigenous nationhood was traditionally defined matrilineally (that is, Indigenous women were political leaders) (Simpson 2016), Davies claims that the Indian Act imposed a democratic band council system, and prohibited all women members from running or voting in these elections. In addition to systemically disenfranchising Indigenous women, the Indian Act reconfigured Indigenous women's identities and Indigenous nationality as dependent on the citizenship status of the man they each married (Davies 2015, 85). As such, the Indian Act imposed a patriarchal and gendered power system where Indigenous women existed merely as extensions of their husbands, with no political decision-making power or identity of their own. The removal of political power from Indigenous women not only erased them from public life but also symbolically suppressed the continuity of Indigenous sovereignties, as Indigenous

women's bodies represented the political and reproductive force of Indigeneity (Simpson 2016). While the Indian Act raised the power and status of the white settler-colonial state, it also redefined and devalued the social status of Indigenous women.

The constructed relationship between Indigenous women and prostitution works alongside the Indian Act's regulation of "Indianness" (Dhillon 2015, 9) to legitimize the devaluation of Indigenous women and bodies by colonial society. Known as the Squaw stereotype, Indigenous women's autonomy over their body and sexuality was discursively reframed as innate hypersexuality (Burns 2020, 32). The Squaw stereotype sustained the systemic devaluation of Indigenous women by the colonial state by collectively constructing Indigenous women as prostitutes who were inherently immoral, dangerous, and inferior (Bourgeois 2018, 382). While prostitution was a punishable offence for both white and Indigenous people, it was introduced to the Indian Act as a special provision (384), which encouraged the disproportionate regulation of Indigenous men and women involved in the exchange of sexual labor (Davies 2015, 86). In this context, Bill C-36 not only demonstrates a colonial entitlement to manage Indigenous bodies but does so on 'moral' grounds, thus implying that Indigenous women are innately "fit for the worst kinds of use and abuse" (Davies 2015, 85-86) and must be protected from the consequences of their nature.

Bill C-36's broad definition of women sex workers as "victims of sexual exploitation" (Casavant and Valiquet 2014) conceptualizes sexual autonomy from a colonial - that is, heteropatriarchal - perspective, and rejects the possibility that sex workers are free agents who enter into fair labour contracts. Bill C-36's position on sex work reveals the idea that sex work is exploitative because it commodifies that which is assumed to be, according to colonial traditions, most central to a woman's identity. Reflected in this colonial perspective are the ideas that women's bodies, positioned subordinate to men in the gender hierarchy, exist to pleasure men, and that this pleasure should occur in private and within the confines of marriage. Similar to the Squaw discourse, this perspective relies on the construction of Indigenous women as nothing more than "victims devoid of agency" (Burns 2020, 32). By criminalizing the perpetrators of sexual violence, who are constructed in the colonial imagination to be men who purchase sex work from women sex workers, Bill C-36 rests on men's ability to resist making a transaction with sex workers. According to Goodall, the presumption is that the desire of white men to "obtain exclusive sexual access" to hypersexual Indigenous women is so strong that mitigating it requires the full force of the state. But rather than advancing the idea that men should avoid inflicting sexual violence against women, or ensuring that the labour contract between the two parties is fair, Bill C-36 upholds a moral "colonial male entitlement" (Goodall 2019, 238) to control the bodies of Indigenous women.

While Bill C-36 claims to criminalize sex work on the basis that it commodifies women's bodies, it conceptualizes sexual violence against Indigenous women as inevitable (Burns 2020, 32), and in turn perpetuates the colonial desire to "protect Indigenous women and girls from abuse" (Bourgeois 2018, 380). Bill C-36 adopts a position of "shielding prostitutes from criminal sanctions for having engaged in prostitution" on the assumption that the purchase of sex work is inherently exploitative to the sex worker (Casavant and Valiquet 2014). Knowing that sex workers are

disproportionately Indigenous women, Bill C-36 not only assumes that Indigenous women are incapable of making 'good' choices on their own, as if sex work cannot involve a fair contract between consenting adults, but also that Indigenous women's choices are not constrained by layers of systemic oppression. Knowing that the colonial economy is inherently unequal, with non-white women in Canada as "the most poorly paid and precariously employed in the labor force" (Burman 2019, 362), sexual labor offers a path to economic security.

Moreover, the prevalence of economic hardship among Indigenous women can be explained not by individual behavior, but by the systemic dispossession inflicted upon Indigenous women by the Indian Act. For instance, the loss of traditional women's roles in Indigenous community economies as a result of land theft and the imposition of the capitalist market (Davies 2015, 82) has led some Indigenous women to sell their sexual labour as "survival sex work" in order to afford to live (Goodall 2019, 260). To enact state protection for Indigenous women from inevitable sexual exploitation is to imply that Indigenous women are "innately promiscuous and sexually available" (Bourgeois 2018, 373) and therefore incapable of saying 'no' to sex, rather than being free agents who are motivated by economic necessity and choose to exchange their labour for money. The protector role created for the state in Bill C-36 relies on the idea that Indigenous women are "dehumanized sex objects" who are incapable of safely exercising their sexual autonomy (Burns 2020, 32). And yet, despite claiming to protect victims of sexual exploitation, Bill C-36 only further marginalizes these 'victims'.

Bill C-36's intent to protect communities (Casavant and Valiquet 2014) reveals a commitment to protect white spaces from the pathologizing influence of Indigenous women, rather than the protection of Indigenous women from sexual violence. Casavant and Valiquets' legislative summary on Bill C-36 indicates as much; not only does Bill C-36 situate the sex worker as the victim of sexual exploitation, but because it applies only to sex work occurring in the public sphere (referenced as "street prostitution" and "out-calls"), it poses the community they work in - particularly the women and children who reside there - as harmed by extension. Moreover, Bill C-36 generalizes the harm caused by sex work and deems it "irreparable" (Casavant and Valiquet 2014). In the discursive construction of Indigenous women as inherently degenerate, impure, and unrespectable sex workers (Bourgeois 2018, 385), rather than autonomous agents, society is conceptualized as white, colonial, and respectable. Rather than utilize police force to protect sex workers from sexual violence, Bill C-36 stereotypes Indigenous women as sex workers, and then publicly pathologizes sex work, leading to a stigma that evokes public disapproval and further marginalizes the vulnerable 'victim' it purports to shield.

In this way, despite the homogenizing and marginalizing view of Indigenous women flowing from Bill C-36, other state-led initiatives to regulate Indigenous women's bodies have also had serious effects on their public lives in some areas. In some instances, police have profiled Indigenous women in public space as prostitutes, even when they are simply engaged in the "ordinary activities of life" with the mere suspicion of prostitution as justification enough for detainment (Davies 2015, 86). This power relationship - where police officers can choose to intervene to stop sexual violence, look the other way, or punish suspected prostitutes - normalizes violence, even from the people intended to protect against it. The process by which police officers

uphold colonial legislation to unjustly limit Indigenous women's political freedoms also echoes the logic of the Indian Act. The mere existence of Indigenous women in public space shows that despite the legal theft of Indigenous land and sovereignty, the colonial state has failed in its project to "eliminate, contain, hide and in other ways 'disappear' [...] Indigenous political orders" (Simpson 2016). Ultimately, by naturalizing violence against Indigenous women, Bill C-36 supports a larger colonial project of devaluing and discarding Indigenous bodies.

Rather than recognize how sex work can be an exercise of Indigenous bodily sovereignty despite colonial oppression, Bill C-36 perpetuates the framework of colonial domination that dispossesses Indigenous women from their identities and experiences, and by extension, their lands. Since the establishment of the Indian Act, prostitution has been used by the colonial state to legitimize the superiority of colonial institutions and eliminate Indigenous sovereignty over what is now Canadian land. Likewise, Bill C-36 uses the stereotype that Indigenous women have inherent "promiscuity, ugliness, and inferiority" (Smiley 2016, 310) to both naturalize and dismiss real - rather than assumed - cases of sexual violence. For instance, in the media, violence against Indigenous women is portrayed as a result of their "'high risk lifestyles'" (Smiley 2016, 310), which suggests that the circumstances they face are not features of systemic oppression, but results of the choices they made, and the inherent deviance that underlined those choices. Considering that Indigenous women comprise only about four percent of women yet twenty-four percent of women murder victims in Canada (National Inquiry into Missing and Murdered Indigenous Women and Girls 55), and that 1,182 Indigenous women and girls have disappeared or been murdered between 1980 and 2014 across Canada (Burman 2016, 366), the prevalence and scale of violence faced by Indigenous women and girls are not coincidental, but systemic.

While discourse about violence against Indigenous women "has overemphasized the actual or perceived involvement of these women and girls in the sex trade" (Bourgeois 2018, 373), the murder rate for Indigenous women is six times higher compared to non-Indigenous women, pointing to a disproportionate risk of violence for all Indigenous women, not only those who perform sex work (Smiley 2016, 309). The creation of Bill C-36 allows colonial state regulation of Indigenous women's bodies in a way that constructs them as both the victims and perpetrators of their violence, based on the assumption that their sexual deviancy both attracts violence and is reason enough to dismiss their harm. This narrative allows the colonial state to recognize that violence does occur, but to criminalize individuals rather than assume responsibility for the underlying structure that perpetuates it. Ultimately, the dehumanization of Indigenous women by virtue of their sexual autonomy, as shown by Bill C-36, only perpetuates the belief that Indigenous women are "'killable, able to be raped without repercussion, [and] expendable" (Burman 2019, 366).

While Bill C-36 details only a small portion of the interlocking systems of oppression - including systemic land theft, discursive colonization, and sexual violence - that suppress Indigenous self-determination in Canada, the bill exemplifies a colonial effort to remove the power of Indigenous women to define their bodies, exercise their traditional gender roles, and enjoy political power. By assuming sex workers - which are disproportionately Indigenous women- are inherent victims of sexual exploitation by virtue of their sexual autonomy, Bill C-36 relies on the

figure of the "abject Aboriginal prostitute" (Davies 2015, 87) to replace Indigenous women's agency with colonial state 'protection'. Bill C-36 assumes that Indigenous women are not moral or rational actors who enter into labour contracts, but rather inherently deviant individuals who must be protected from the consequences of their actions.

Yet, Bill C-36 does not protect Indigenous women. Rather, it collectively criminalizes Indigenous women as supposed prostitutes, and this idea is upheld through the arbitrary use of police force and dehumanizing public discourse to further marginalize and control Indigenous women. But Bill C-36 also posits Indigenous women as both the victims and perpetrators of the violence they face, which obscures the colonial structure that systemically devalues their "'Indianness'" (Dhillon 2015, 9), encourages violence, delegitimizes their victimhood, and consequently naturalizes their deaths. Ultimately, without the restoration of Indigenous women's bodily sovereignty - of which the re-installation of Indigenous sovereignties, return of stolen lands, and protection of traditional rights are necessary conditions - Bill C-36 is another piece of the framework that devalues Indigenous bodies for the "'land, reproduction, indigenous kinship, and governance, [and] an alternative to heteronormative and Victorian rules of descent'" (Burman 2019, 366) that they represent.

References

Bourgeois, R. 2018. Race, Space, and Prostitution: The Making of Settler Colonial Canada. *Canadian Journal of Women & the Law*, *30*(3): 371–397. https://doi.org/10.3138/cjwl.30.3.002.

Burman, J. 2016. Multicultural Feeling, Feminist Rage, Indigenous Refusal. *Cultural Studies/Critical Methodologies*, *16*(4): 361–372. https://doi-org/10.1177/1532708616638693.

Burns, M. 2020. "Reclaiming Indigenous Sexual Being: Sovereignty and Decolonization Through Sexuality". *The Arbutus Review,* 11(1): 28-38. https://doi.org/10.18357/tar111202019427.

Casavant, L., & Valiquet, D. 2014. Bill C-36: "An Act to Amend the Criminal Code in Response to the Supreme Court of Canada Decision in Attorney General of Canada v. Bedford and to Make Consequential Amendments to Other Act". Ottawa, CA: Library of Parliament. https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/412C36E.

Davies, J. M. 2015. The Criminalization of Sexual Commerce in Canada: Context and Concepts For Critical Analysis. *Canadian Journal of Human Sexuality*, 24(2): 78–91. muse.jhu.edu/article/588746.

Dhillon, J. K. 2015. Indigenous Girls and the Violence of Settler Colonial Policing. *Decolonization: Indigeneity, Education & Society,* 4(2), 1-31. https://jps.library.utoronto.ca/index.php/des/article/view/22826.

Goodall, Z. 2019. United by the Problem, Divided by the Solution: How the Issue of Indigenous Women in Prostitution Was Represented at the Deliberations on Canada's Bill C-36. *Canadian Journal of Women & the Law*, 31(2): 232–265. https://doi.org/10.3138/cjwl.31.2.02

Privy Council Office. Reclaiming Power and Place: Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls: Volume 1a. 9780660292748. Vancouver, CA: Privy Council Office. https://www.mmiwg-ffada.ca/final-report/.

Simpson, A. 2016. "The State is a Man: Theresa Spence, Loretta Saunders and the Gender of Settler Sovereignty." *Theory & Event,* 19(4):np. muse.jhu.edu/article/633280.

Smiley, C. 2016. "A Long Road Behind Us, a Long Road Ahead: Towards an Indigenous Feminist National Inquiry". *Canadian Journal of Women & the Law*, 28(2): 308–313. https://doi.org/10.3138/cjwl.28.2.308

Tuck, E., & Yang, W. K. 2012. "Decolonization is Not a Metaphor." *Decolonization: Indigeneity, Education & Society,* 1(1):1-40. https://jps.library.utoronto.ca/index.php/des/issue/view/1234.

Venne, Sharon. 1997. "Understanding Treaty 6: An Indigenous Perspective." In *Aboriginal Treaty Rights in Canada: Essays of Law, Equality, and Respect for Difference*, by M. Asch, 173 - 207. Vancouver: UBC Press.

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

Section 35 of the Canadian Constitution Act and Indigenous Self-Determination in Canada

By Hailey Lothamer

Abstract

This research paper analyzes the impacts of Section 35 of the Canadian Constitution on the enhancement of Indigenous rights in Canadian politics. As outlined in Section 35, Indigenous rights are recognized as existing prior to the Constitution Act of 1982 and the identities of Aboriginal, Inuit and Métis peoples are defined. Academic literature, television broadcasts, and personal accounts of the implementation and effects of Section 35 were used to conduct this research and investigate the origins of this section in the Constitution. Notably, this analysis demonstrated that the inclusion of Section 35 in the Constitution has led to more public discussion and court cases to claim treaty rights by Indigenous peoples. The effect of including Indigenous rights in the Canadian Constitution has expanded the role of the courts in adjudicating relations between the Canadian government and Indigenous people, effectively expanding the accountability of the Canadian government to upholding treaty rights. Overall, the findings of this paper were that Section 35 plays a large role in promoting awareness of reconciliation to the Canadian public, however, it stops short of including Indigenous people as meaningful participants in their own self-determination.

An Introduction to Section 35

Enshrined in the Canadian Constitution Act of 1982, Section 35 has played a critical role in transforming Crown-Indigenous relations in a manner that emphasizes the importance of Indigenous self-governance (Webber 2016, 66). Why was Section 35 of the Constitution Act created and how does it reaffirm the rights of Indigenous people in Canada? Section 35 of the Constitution Act was created to reflect the public consensus that Indigenous people possess some inherent rights. It ratifies these rights by protecting against interference from the provincial and federal governments due to its status as supreme law and the provision of the duty to consult. Section 35 aimed to recognize the rights and identity of Indigenous people, but its effectiveness at upholding these rights is contested. This question is important to the politics surrounding the Canadian Constitution because although Section 35 plays a large role in Indigenous self-determination, by acknowledging the certain claims of Indigenous people against the Canadian state, it does not challenge the "de facto" (Nahwegahbow and Richmond 2008, 154) Crown sovereignty. For this reason, Section 35 is a critical steppingstone towards reconciliation between the Crown and Indigenous peoples in confronting the assumptions of Crown sovereignty over Indigenous self-determination. This research is significant as it could be used to inform future policy decisions in Canada to better achieve the objectives of reconciliation. Specifically, this

includes moving beyond consultation to the direct inclusion of Indigenous people in decision-making on matters that affect them.

This paper will explore academic literature on the creation of Section 35 of the Constitution and the impacts of its ratification, while also assessing the shortcomings of this discourse. Using television news broadcasts, personal accounts, policy analysis and case law, this paper will analyze how the Constitution Act of 1982 reflects the popular consensus that Indigenous people have inherent rights that must be reflected and protected in Canadian legislation. Following this, the discussion will outline potential implications, limitations, and further research as a result of the findings of this paper.

Review of the Academic Literature on Section 35

Existing academic discourse surrounding Section 35 of the Constitution Act follows two main streams of thought: contingent theory and inherent theory. As defined by Hamar Foster (1992), contingent theory and inherent theory relate to the broader discourse around Aboriginal rights in Canada (343) but can be applied just as effectively to the conversation around Aboriginal rights in Section 35 of the Canadian Constitution. Moreover, these two theories follow a chronological timeline in academic literature. Prior to and early thereafter the repatriation of the Canadian Constitution in 1982, the argument of many academics was based on the principles of contingent theory in which Aboriginal rights are subject to Canadian statutes and treaties (Foster 1992, 343). However, as the rights outlined in Section 35 were claimed by Aboriginal groups throughout the 1980s and beyond, academic literature adopted inherent theory in arguing that Aboriginal rights are "historic rights" (Foster 1992, 343) that have been eclipsed by colonial interests and therefore should not be subject to colonial law. Nonetheless, there are some exceptions to this chronological timeline. Academic literature has done a good job of identifying the issues associated with the absence of explicit methodology for the application of Aboriginal rights in Section 35 and existing weaknesses in the protection of these rights. However, it has failed to assess exactly why this section of the Constitution was included. Generally speaking, there is only an overview that as the Canadian welfare state continued to expand following the Second World War, Canadian citizens became increasingly concerned with Aboriginal political and legal issues (Sanders 1983, 314).

Academic literature following contingent theory discusses Section 35 of the Constitution as being difficult to define for judicial purposes, due to its multiple interpretations. Some authors in this school of thought have focused on how the interpretation of treaty and title claims has been largely left to Canadian courts, which legitimizes the Constitution as the forebearer of Indigenous rights (Hurley 1983, 406). This implies that the existence of Indigenous rights is rooted in treaties and can be questioned within the parameters of Canadian common law, as opposed to being acknowledged as entirely inherent and inviolable. Academic literature has identified the confusion that exists between the origin of Aboriginal rights and their implementation, and how this has greater implications for the role of the Canadian government in ensuring these rights. Furthermore, contingent theory in academic literature acknowledges Section 35 of the Constitution as only affirming the pre-existing rights of Aboriginal people from previous treaties,

but offering no other enhancement to these rights (Sanders 1983, 314). This literature focuses on the legitimacy of the rights in Section 35 as hailing from previous documentation on behalf of the Canadian state. However, since the government acts on behalf of the state, they reserve the sovereign right to subjugate these rights on their own authority (Foster 1992, 345). Therefore, this legislation remains limited in its independence from government influence.

Conversely, academic literature on inherent theory postulates that Section 35 of the Constitution acknowledges the inherent rights of Indigenous peoples that existed before their recognition by colonial institutions (Foster 1992, 344). Many authors within this school of thought argue that Indigenous self-governance needs to be articulated outside of Canadian sovereignty, as without self-governing status, their existence remains "subservient to Canada's laws" (Geddes 2019, 3). Inherent theory also questions the degree to which the Canadian state can remain truly sovereign while trying to accommodate First Nations' interests, which arguably leads to independence for the subservient nation (Slattery 1992, 262). Similar to contingent theory, discourse around inherent theory also recognizes the need for more clarification regarding the origin of rights and which Aboriginal groups can claim rights under Section 35. Many groups fall under the umbrella term of First Nations, and requiring them to claim territorial rights using the same method discriminates against historically nomadic groups (Burke 2000, 6-7). At the core of inherent theory is the acknowledgement that Indigenous status is decided by the Canadian government, and without the ability of Indigenous people to define their membership, they lack recognition and the ability to define their place within the greater community of Canada (Christie 2003, 481-481). The literature surrounding this theory discusses how vulnerable Indigenous rights remain to government influence because, despite the acknowledgement of existing Indigenous rights, the Canadian state remains the only sovereign influence over the land.

Academic literature on both of these theories remains unclear on why Section 35 of the Canadian Constitution was created and exactly whose view it was that Indigenous rights are predominantly inherent. While both of these theories identify that, at least to a limited extent, Indigenous people have inherent rights, they differ in how they view the nature of these rights and where their power of application comes from. In all, academic literature has demonstrated that there is an overall consensus that Indigenous people have at least some inherent rights, but does not identify how this consensus came to be after many years of colonial policy in Canada.

Section 35 in Practice

The Creation and Restoration of Section 35

The process of amending the Constitution to include Section 35 was a continuous effort on the part of Indigenous activists and Canadian politicians. According to Jack Woodward's (2015) personal account of the Joint Committee proceedings on the Constitution in 1980, the New Democratic Party (NDP) had conditioned that Aboriginal rights must be included within the Constitution in exchange for their support of its passage. When Section 35 was removed from the initial draft constitution in 1981, Aboriginal leaders camped on Parliament Hill and occupied offices to urge its restoration (Woodward 2015). This account provides an interpretation of how Section 35 came to be within Canadian legislation. Using content analysis, this account would

suggest that despite the disregard of the Liberal government at the time to include a clause on Aboriginal rights in the Constitution, other political parties viewed this assertion of rights as integral to Canada's future. Furthermore, the resilience of Aboriginal leaders in their efforts to protest against the removal of Section 35 from the draft constitution indicates that there was a general consensus amongst Indigenous people that the Constitution would decide the future of their relations with the Canadian state. Indigenous leaders and Canadian politicians shared the common goal of protecting Indigenous rights and creating a consultation process to include Indigenous people in the decision-making process. Since the Constitution would be regarded as the supreme law of the land, it would therefore protect against arbitrary infringements by the government (Department of Justice 2017).

Following a First Ministers Conference on the Constitution on November 5th, an agreement was made with those in attendance that Aboriginal rights and matters pertaining to them would be entrenched in the Constitution (Secretariat of the Conference 1981, 3). However, the inclusion of Section 35 was primarily the result of the lobbying and publicity campaigns of Aboriginal organizations, which restored Section 35 on the premiers' condition that rights were defined as "existing" (Meekison 1999, 10). Additionally, the amendments for Aboriginal rights added following a conference between Indigenous leaders and the First Ministers in 1983 demonstrated that the political discourse at the time assumed a widespread belief amongst Canadians that Indigenous rights should be included in the Constitution (CBC 1983). The desire for a "common ground" (CBC 1983) amongst Indigenous leaders, political leaders, and by extension the Canadian public was made evident by engaging in a publicly broadcasted discussion on Indigenous rights. Drawing upon thematic analysis, it could therefore be argued that Indigenous leaders played an important role in opening serious discussion at the national level on the recognition of Indigenous rights. However, this discussion was met with the recognition of politicians that Indigenous rights must be affirmed within Canadian legislation, even if only to consolidate their account and prevent future disparities on treaty rights.

Section 35 in Delgamuukw v. British Columbia

The adoption of Section 35 in the Constitution Act has been a critical deciding factor in territorial and treaty claims since its enactment in 1982. To illustrate this, the case law of *Delgamuukw v. British Columbia* arguably set the precedent for claiming land rights using oral history as evidence and preventing provincial governments from interfering with Aboriginal titles. After unsuccessful negotiations with the Government of British Columbia in 1984, the Supreme Court of British Columbia ruled that the Gitksan and Wet'suwet'en First Nations had no claim over the land, as any title they held was relinquished when British Columbia joined Confederation (*Delgamuukw v. British Columbia* 1997). However, in 1997, the Supreme Court of Canada ruled that the provincial government of British Columbia had no authority to abate the rights of the First Nations to their traditional territories, as their Aboriginal title is protected under Section 35 of the Constitution (*Delgamuukw v. British Columbia* 1997). This case reaffirmed that Aboriginal rights and title are protected from government extinguishment under the Constitution Act, because the powers of the government are not defined as such and must comply with the highest law (Department of Justice 2017). Furthermore, *Delgamuukw v. British Columbia* set the precedent for

acknowledging the inherent territorial rights of Indigenous peoples by the admission of the Gitksan "adaawk" (1997, at para 13) oral history as acceptable court evidence. This case demonstrates that Section 35 is founded on the inherent rights of Indigenous people, rights that existed before colonization by the Crown, and cannot be infringed upon by any order of government.

Despite the ruling on *Delgamuukw v. British Columbia*, there exist several challenges that these First Nations people continue to face over two decades later due to the failure of Section 35 to encapsulate Indigenous sovereignty over a territory. Many unauthorized companies continue to operate in the ancestral territory of the Gitksan and Wet'suwet'en people, including Coastal GasLink (MacDiarmid 2019). Hereditary chiefs are unable to reject the Coastal GasLink operations within their recognized territory due to the agreements made between elected band councils elicited by the Crown and Coastal GasLink (MacDiarmid 2019). Without a degree of Indigenous self-governance exercised by hereditary chiefs that enforces the duty to consult, the rights outlined in Section 35 of the Constitution Act can be undermined by other institutions reminiscent of Canada as "a settler colonial state" (MacDiarmid 2019).

Section 35 and the Duty to Consult

Another significant element of Section 35 is the duty to consult and its implications on self-governance. Considering that Indigenous sovereignty has not been officially recognized by the Supreme Court of Canada as of 2016, Section 35 creates important questions around how Indigenous people can fully exercise their rights without such sovereignty (Webber 2016, 71). The case of *Haida Nation v. British Columbia (Minister of Forests)* (2004) displays the importance of the duty to consult with Indigenous peoples on matters relating to their title. Primarily, the Crown had failed to uphold the provision of consultation when the government of British Columbia delegated responsibility for any damage to the territorial resources of Haida Nation to the logging company Weyerhaeuser Co. (*Haida Nation v. British Columbia* 2004). The ruling of the Supreme Court of Canada had affirmed that it was the duty of the provincial government on behalf of the Crown to consult and to "engage in something significantly deeper" (*Haida Nation v. British Columbia* 2004, at para 79) through reasonable accommodation of the Haida Nation. This case maintains the provision of Section 35 that guarantees the rights of Aboriginal title through consultation with the Crown to protect against government interference. In considering this case, consultation and reasonable accommodation were important in protecting the territorial integrity of the Haida Nation as well as their Aboriginal title by ensuring that the government did not infringe upon these rights.

A Discussion of the Findings on Section 35

Overall, the research presented in this paper has many implications for Indigenous people within the greater context of Canada and the Canadian Constitution. While in law, Section 35 protects the rights of Indigenous people from government interference, in practice, there are several ways in which governments can infringe upon these rights. As previously illustrated, the struggle of the Gitksan and Wet'suwet'en First Nations to claim territorial rights in the face of the Coastal GasLink pipeline can be seen as one way in which governments do not prioritize the rights of Indigenous people, and consequently erode them. Additionally, *Haida Nation v. British Columbia* raises questions about to what extent the provision of the duty to consult and accommodate should

imply self-governance for Indigenous peoples in order to protect their rights. The demands of consultation can largely be achieved without meaningful discussion as Section 35 only requires this consultation to happen at a procedural level (Urquhart 2019, 156). Furthermore, the public recognition of the inherent nature of the rights in Section 35 implies that the success of reconciliation in crafting the nation-to-nation approach between Canada and Indigenous peoples could be integral to the sustainability of these two nations.

There are, however, some limitations to be considered when analyzing these findings. Although the implications of this research suggested that Indigenous people should be granted more sovereignty to fully exercise their rights outlined in Section 35, it was not examined whether most First Nations have a greater ability to self-govern after having successfully made treaty claims. Similarly, the inclusion of present-day relations between the Crown and Indigenous people was limited, even though efforts for reconciliation are on-going and fully implementing the rights in Section 35 is considered an essential part of this process (Department of Justice 2018). Additionally, it was not considered the extent to which Indigenous people are satisfied by the concessions made to their honour on behalf of their rights being upheld in court. Specifically, do Indigenous people who receive material concessions for the potential violation of their title and territorial rights feel accommodated in a manner beyond "thin" (Urquhart 2019, 163) consultation?"

All considered, future research on this topic could involve an exploration of the contemporary Canadian political discourse around the inherent rights of Indigenous people. While Section 35 of the Constitution Act is largely interpreted by the courts and academic literature as affirming the inherent rights of Indigenous people, its use in practice still recognizes the legitimacy of Canadian sovereignty and law in conceding these rights to Indigenous people. Even so, recent efforts by the Canadian state at reconciliation with Indigenous people suggest that Section 35 could play a key role in administering some level of Indigenous self-governance (Department of Justice Canada 2018). In this manner, future research could involve examining the use of Section 35 in reconciliation efforts.

Conclusion

In conclusion, Section 35 of the Constitution Act 1982 has had a significant impact on the recognition of the rights of Indigenous people in Canada. Section 35 was entrenched in the Constitution as a result of Indigenous activists and Canadian politicians who acted on the shifting public discourse around Indigenous rights. Cases such as *Delgamuukw v. British Columbia* demonstrate that although Section 35 protects against governments extinguishing treaty and territorial rights, the Constitution offers limited protection in guaranteeing the priority of these rights in the face of other interests, particularly economic ones. Additionally, *Haida Nation v. British Columbia* further emphasizes the importance of consultation, albeit at a procedural level, when upholding the rights in Section 35 in the face of other interests. It is, therefore, a consideration that some degree of sovereignty be awarded to Indigenous people which would allow their communities and governmental structures to implement the rights outlined in Section 35, and safeguard against their infringement by the framework of the settler colonial state.

References

Burke, Brian. 2000. "Left Out in the Cold: The Problem with Aboriginal Title under Section 35(1) of the Constitution Act, 1982 for Historically Nomadic Aboriginal Peoples." *Osgoode Hall Law Journal* 38, no. 1 (Spring): 6-7. https://heinonline.org/HOL/P?h=hein.journals/ohlj38&i=13.

CBC. 1983. "Indigenous Leaders Meet to Amend the Canadian Constitution." *CBC Archives,* 5:36. https://www.cbc.ca/archives/entry/amending-the-canadian-constitution.

Christie, Gordon. 2003. "Aboriginal Citizenship: Sections 35, 25, and 15 of Canada's Constitution Act, 1982." *Citizenship Studies* 7, no. 4: 481-482. https://doi.org/10.1080/1362102032000134994.

Delgamuukw v. British Columbia [1997], 3 SCR 1010 3 (SCC). https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1569/index.do.

Department of Justice Canada. 2018. "Principles Respecting the Government of Canada's Relationship with Indigenous Peoples." *Government of Canada.* https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html.

Department of Justice Canada. 2017. "The Canadian Constitution." *Government of Canada.* https://www.justice.gc.ca/eng/csj-sjc/just/05.html.

Foster, Hamar. 1992. "Forgotten Arguments: Aboriginal Title and Sovereignty in Canada Jurisdiction Act Cases." *Manitoba Law Journal* 21, no. 3: 343-345. https://heinonline.org/HOL/P?h=hein.journals/manitob21&i=351.

Geddes, Alex. 2019. "Indigenous Constitutionalism Beyond Section 35 and Section 91(24): The Significance of First Nations Constitutions in Canadian Law." *Lakehead Law Journal* 3, no. 1: 3. https://heinonline.org/HOL/P?h=hein.journals/lkdlj3&i=3.

Haida Nation v. British Columbia (Minister of Forests) [2004], 2 SCR 511 (SCC). https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2189/index.do.

Hurley, John. 1983. "Aboriginal Rights, the Constitution and the Marshall Court." *Revue Juridique Themis* 17, no. 3: 406. https://heinonline.org/HOL/P?h=hein.journals/revjurns17&i=401.

MacDiarmid, Chanel. 2019. "Flash Analysis: Pipeline Conflict in Wet'suwet'en Territory." *McGill Journal of Political Studies*. https://mjps.ssmu.ca/2019/01/14/pipeline-in-wetsuweten/.

Meekison, J. Peter. 1999. "Constitutional Patriation: The Lougheed-Lévesque Correspondence." *Queen's University Archives*, 10. https://www.queensu.ca/iigr/sites/webpublish.queensu.ca.iigrwww/files/files/pub/archive/books/ConstitutionalPatriation-Meekison.pdf.

Nahwegahbow, David and Nicole Richmond. 2008. "Impact of the 1982 Constitution on First Nations: Reflections on Section 35." *National Journal of Constitutional Law* 23, no. 7: 154. Legal Source.

Sanders, Douglas. 1983. "The Rights of the Aboriginal Peoples of Canada." *Canadian Bar Review* 61, no. 1: 314. https://heinonline.org/HOL/P?h=hein.journals/canbarev61&i=320.

Secretariat of the Conference. 1981. "Appendix A: First Ministers' Agreement on the Constitution." In *Federal-Provincial Conference of First Ministers on the Constitution*, Primary Documents, 3. https://primarydocuments.ca/wp-content/uploads/2018/07/1stMinConfVerb1981Nov2.pdf.

Slattery, Brian. 1992. "First Nations and the Constitution: A Question of Trust." *Canadian Bar Review* 71, no. 2: 262. https://heinonline.org/HOL/P?h=hein.journals/canbarev71&i=283.

Urquhart, Ian. 2019. "Thick or Thin Inclusiveness? The Constitutional Duty to Consult and Accommodate First Nations in Canada." *London Journal of Canadian Studies* 34, no. 8: 156, 163. https://doi.org/10.14324/111.444.ljcs.2019v34.008.

Webber, Jeremy. 2016. "We Are Still in the Age of Encounter: Section 35 and a Canada beyond Sovereignty." In *From Recognition to Reconciliation: Essays on the Constitutional Entrenchment of Aboriginal and Treaty Rights*, 66, 81. Toronto: University of Toronto Press, Scholarly Publishing Division. https://doi.org/10.3138/9781442624986-006.

Woodward, Jack. 2015. "Video: Part 2 - The NDP Stood Up for Aboriginal People & Created S. 35 of The Constitution Act." Jack Woodward. https://jackwoodward.ca/video-how-ndp-stood-up-for-aboriginal-people-created-section-35-of-the-constitution-act-cbas-national-aboriginal-law-conference-2015/.

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

Alberta's Forgotten Experiment with Electoral Reform: The Hybrid Single Transferable Vote/Alternative Vote and the Quasi-party System

By Darren C Choi

Abstract

A persistent yet understudied aspect of Alberta's "quasi-party system" is the role of the electoral system. While many authors have rightly pointed out that a majoritarian single-member plurality system has helped Alberta's ruling parties produce disproportionate majorities, the province has not always operated under this electoral arrangement. From 1926 until 1955, Alberta had a "hybrid" system, consisting of the Single Transferable Vote (STV) in multi-member constituencies in Edmonton and Calgary and the Alternative Vote (AV) in single-member constituencies in the rest of Alberta. This unusual attempt at electoral reform played an important role in the dominance of the United Farmers of Alberta (UFA) and the early Social Credit Party (until 1955). AV acted as an essentially majoritarian system in rural Alberta, producing statistically indistinguishable results from First Past the Post (FPTP.) This contrasts the Albertan case with other attempts at implementing the Alternative Vote. On the other hand, STV benefited the UFA and Social Credit in two distinct ways. STV increasing proportionality in Edmonton and Calgary, as it has in many other jurisdictions. However, due the hybrid system, the urban opposition in Edmonton and Calgary to the UFA was fragmented by a proportional system like STV. Social Credit, with its larger urban base, used STV to maximize its urban vote through a process of voter transfers. Finally, rural malapportionment is a key feature in both the hybrid system and the subsequent return to single-member plurality. Rural seats, operating under both AV and FPTP, have been the electoral bedrock for Alberta's long lived political dynasties. The unique case of Alberta's hybrid electoral system serves as an important potential case study in debates surrounding electoral reform in Canada and around the world.

Introduction

In explaining what C.B. Macpherson (1962) famously called Alberta's "quasi-party system," a variety of camps within the scholarship have emerged. Explanations for Alberta's long-lived political dynasties punctuated by sudden, rapid shifts in electoral fortunes (i.e. the "quasi-party system") have included Alberta's history of class development; Alberta's quasi-colonial relationship with Ottawa (patterns of migration, settlement, and American Protestantism to name a few) (see Leadbeater 1984; Macpherson 1962; Wiseman 2007; Banack 2013). One understudied institutional explanation within the literature, however, is Alberta's electoral system.

Some authors have suggested that the single-member plurality system (i.e. First-Past-the-Post or FPTP) has contributed to one-party dominance within Alberta (Kornberg, Mishler, and Clarke 1982, 274–75; McCormick 1980). This is not an unreasonable assertion to make. There is ample evidence that single-member plurality has affected electoral outcomes at both the federal and provincial levels, exaggerating majorities and contributing to the dominance of larger parties within Canadian political discourse (Blais and Carty 1988; Milner 1999; McCormick 1980; Soron

2005, 66). The distortions and problems of single-member plurality are well documented in other jurisdictions as well (Singer 2013).

However, the single-member plurality system has not always been in place in Alberta. Alberta has a surprisingly varied history of experimentation with alternative electoral systems. The 1909, 1912, 1913, and 1921 Albertan provincial elections saw some municipalities adopt alternatives to single-member plurality (Barnes, Lithwick, and Virgint 2016, 14–15). More interestingly, between 1926 and 1955, Alberta adopted a system of single transferable vote (STV) in urban ridings (i.e., Edmonton and Calgary) and a system of alternative vote (i.e., instant runoff voting or AV) in the rest of Alberta (15). The Social Credit party reverted Alberta back to a single-member plurality system after the 1953 election (15). Despite having operated under two separate electoral systems from 1926 to 1955 versus 1959 onwards, Alberta maintained similar one-party dominance. Did the unusual hybrid STV/AV system exaggerate the majorities of Alberta's ruling parties (as FPTP has) or did the hybrid system produce more proportionate results and more diverse legislatures? Moreover, did the hybrid STV/AV system help distort electoral results for the UFA and Social Credit in a distinct way from the distortions created by single-member plurality? We will see that Albertan history has interesting implications for our modern discourses about electoral reform.

Methodology

To investigate Alberta's history of electoral reform, I will conduct a temporal comparative analysis. We can begin by dividing Albertan history into two periods: the period of hybrid STV/AV (1926 to 1955), and the period of single-member plurality (1959 to present). Albertan elections before 1926 will be disregarded, as they were conducted under a constantly changing mix of single-member and multi-member districts (Barnes, Lithwick, and Virgint 2016). We will keep these systems outside the scope of our analysis, as it is difficult to meaningfully compare electoral systems that did not maintain themselves for a significant period of time. We will then examine how the electoral systems in both eras affected Albertan electoral outcomes, as documented in the literature and in Albertan elections data (with an obvious focus on the hybrid STV/AV era).

Notably, while the effect of FPTP on Albertan elections has been well documented, Harold Jansen (1998) notes that there has been little work done on Alberta's experiment with electoral reform (1-3). In one particularly egregious example, Jansen (1998, 2) discovered that Kornberg, Mishler, and Clarke (1982) neglected that Albertan and Manitoba had undergone electoral reform at all! To supplement this analysis, we will examine the broader literature on how both STV, and AV systems have performed in other jurisdictions. Have other cases shown whether STV or AV increase proportionality, political diversity, and engagement on the part of voters?

After understanding these effects, we can undertake a comparative study of the effects of single-member plurality versus the hybrid STV/AV system on Albertan elections. Notably, the era of electoral reform in Alberta mostly coincided with the Social Credit dynasty (though Social Credit would persist for over a decade after the return to FPTP). Did the two systems distort electoral results in similar ways? Or did the shift in the electoral system give different advantages to Alberta's ruling parties, that nonetheless allowed them to maintain Alberta's "quasi-party" system? Situating our data within the context of the Albertan party system, we will see how the unusual hybrid electoral system interacted with other institutional factors and Alberta's party system to produce two political dynasties – the United Farmers of Alberta and the Social Credit Party – from 1926 to 1955.

Studying the hybrid electoral system

We will begin with a focus on the electoral system itself and its effects, as documented by the literature.

Single Transferable Vote

For all of its fame, the implementation of STV in Edmonton and Calgary (for both provincial and municipal races) represents one of only a handful of implementations of the STV system (Farrell and Katz 2014, 13; Jansen 1998, 19–20). Edmonton and Calgary join a small group including Ireland, Malta, the Australian Senate, and a handful of other sub-national and local legislatures in the use of an STV system (Farrell and Katz 2014, 13).

Alberta implemented STV, specifically the Hare system, in Edmonton and Calgary for every provincial election between 1926 and 1955 (Jansen 1998, 91–93). Harold Jansen offers what appears to be one of the few comprehensive analyses of the effects of STV in Alberta in "The Single Transferable Vote in Alberta and Manitoba." Jansen finds that STV had little appreciable effect on voter behaviour (91-93). The number of candidates in each election was not affected by STV; the number of independent candidates did not increase with STV, either (91). STV had no discernable impact on voter turnout in Alberta; Jansen finds that turnout mostly depended on changes in the party system (92). The only appreciable effect on the voters, it seems, was a marked increase in the number of spoiled ballots (91).

STV did, however, have a significant effect on the party system where it was implemented. By Jansen's calculation, STV produced fairer and more proportional results than single-member plurality in Alberta; other factors affected the extent of this proportionality, however (Jansen 1998, 117). STV also increased the number of parties that had representation in the Legislature, with a greater diversity of parties gaining seats in the Legislative Assembly representing Edmonton and Calgary (Jansen 1998, 148–49).

Jansen's findings seem to somewhat fall in line with the consensus on STV, in the few jurisdictions that have implemented it, but the Albertan case is unique in certain ways. STV is widely seen as a way to increase proportionality (Reilly and Maley 2000, 265). STV is also seen as a way to produce a more diverse set of parties and voices within legislatures (269-70). However, Albertan STV did not produce the candidate-centred politics that many of STV's proponents predict (267-68). Rather, STV had little effect on voter partisanship in Alberta. Voters mostly marked lists along party lines, especially in the Social Credit era (Jansen 1998, 171). Social Credit seemed to master the STV system with "disciplined vote transfers," wherein voters transferred votes from one Social Credit candidate to another in an orderly fashion. This disciplined party loyalty ensured the maximization of the urban Social Credit vote (Jansen 1998, 215). Notably, studies have shown similar patterns in other jurisdictions that have implemented STV (Clark 2013). One final claim is that STV reduces strategic voting (Bartholdi and Orlin 1991; Reilly and Maley 2000, 268–69). Jansen (1998) is notably silent on strategic voting. There is wide disagreement on the role of strategic voting in Canada and it is difficult to measure. Thus, it is difficult to draw any meaningful connection between STV and strategic voting in Edmonton and Calgary from 1926 to 1955 without significant further investigation (Merolla and Stephenson 2007).

Alternative Vote

The adoption of two parallel electoral systems created an unusual hybrid of STV and AV in Alberta as Massicotte and Blais (1999) characterize this situation as "coexistence." However, approximately 80 percent of Albertan MPs were elected under an AV system from 1926 to 1955, as STV was confined to only Edmonton and Calgary (Jansen 1998, 650). Given its use in a vast majority of seats in the Legislative Assembly during this period, an investigation into the nature of alternative vote in Alberta will likely reveal the most about the relationship between the electoral system and UFA/Social Credit dominance in this time period.

Harold Jansen, once again, offers the only comprehensive analyses of the alternative vote system in Alberta. The most important aspect of the AV system in Alberta, Jansen (1998, 115; 2004, 653) finds, is that it was essentially majoritarian, not proportional. Alternative vote in Alberta did not produce more proportional results than single-member plurality; AV and FPTP were statistically identical in the Albertan case (Jansen 1998, 115–16; 2004, 651).

Jansen (2004) finds that disproportionality rose in Alberta simultaneously with the adoption of AV and continued to do so after the return to FPTP (651). Unlike STV, the shift to and away from AV had little effect on the number of parties represented where it was used (653). Like Jansen, however, we can attribute some of this to dynamics beyond the electoral system itself; we know that Social Credit dominated the rural ridings where AV was implemented, as we will examine later (Wiseman 2007, 350). Beyond this, Jansen (2004) finds that STV and AV performed similarly in Alberta; AV had little effect on voter turnout and caused an increase in spoiled or rejected ballot (655-58).

Given Jansen's unfavourable assessment of the alternate vote in Alberta, we can, at first glance, examine another jurisdiction that has consistently used AV, Australia (where AV is known as preferential voting). Alternative vote is usually lauded as a moderating force, that incentivizes coalition building and centrist politics; the main mechanism for this is the exchange of preferences between parties (Flanagan 1999, 88–89; Sharman, Sayers, and Miragliotta 2002). The Australian experience has been generally positive in this regard, with parties historically tending towards the centre and preference trading incentivizing parties to build broad coalitions (Reilly 1997; Sharman, Sayers, and Miragliotta 2002). However, the alternative vote did not produce these sorts of coalitions in Alberta. Moreover, Australia's unique electoral dynamics– compulsory voting, compulsory preferences, and a strong tradition of coalition between the Liberal and National parties– makes the Australian example of limited use (Jansen 2004, 661–64). Two other jurisdictions that use an AV system for their legislatures are Fiji and Papua New Guinea. However, both nations have been fraught with ethnic divisions, and there is considerable debate about the role of AV in either moderating or exasperating ethnic conflict (Fraenkel 2001; Horowitz 2007). These dynamics make it hard to draw a comparison with Alberta. One final possibility is Maine, where AV has been recently adopted by referendum (Santucci 2018). The extremely recent nature of this change, however, means there is a lack of studies on the electoral effects.

Thus, it seems that there are few general lessons that can be drawn from the example of other jurisdictions. The Australian political experience – coalitions and preference trading – was not replicated during most of this period. Moreover, AV acted nearly identically to FPTP in Alberta. In the majority of cases, candidates had 50 percent of first preferences. Even more so, candidates not leading after the first round rarely attracted the second choice preferences to overtake the leading candidate (Jansen 2004, 666).

There is one exception, however. The 1955 election saw the Social Credit party beset by scandal and unpopularity (Finkel 1989, 127–30; Jansen 2004, 662). In this election, an alliance between the Liberals and the CCF saw a great deal of preference trading; this would allow the

Liberal to defeat a significant number of Social Credit candidates in rural AV ridings (Jansen 2004, 662). It is in this one election that Alberta's results resembled the Australian example, wherein AV facilitated a coalition against an unpopular government. The next election, however, would see the return to single-member plurality.

The electoral system and single-party dominance

STV/AV, the UFA, and Social Credit

Both the beginning and the end of Alberta's decades-long experiment with electoral reform reveal the relationship between the hybrid STV/AV system and the "quasi-party" system. We will also see that an inherent imbalance between rural and urban under this hybrid system allowed both the UFA and Social Credit to create disproportionate majorities from their rural bases within the hybrid STV/AV system.

We have found in our investigation that STV and AV acted in two distinct ways in Alberta. STV in Alberta acted much as it has in other jurisdictions; proportionality increased, and a wider number of parties were represented. AV, on the other hand, acted in a distinct way in Alberta. As we noted earlier, AV was nearly statistically identical to single-member plurality (with the exception of 1955 election, as we will see later).

The reason for Alberta's unusual interaction with the alternative vote lies in where and how it was implemented. The UFA implemented the unusual hybrid STV/AV system to little fanfare and controversy broadly popular nature of electoral reform (Jansen 1998, 53–54). Jansen notes that the unusual system fit the UFA's philosophy of "group government" (57). The UFA believed that "since rural areas shared an essential commonality of interest, multiple representatives were not necessary for any constituency" (57). Urban areas (namely Edmonton and Calgary), in contrast, "featured more occupational groupings and proportional representation was necessary to represent the full diversity of occupations in the legislature" (57-58). Nonetheless, the implementation of the hybrid system, and importantly, its long-term persistence, carried shades of partisan self-interest. The key feature of the hybrid system is the UFA and Social Credit's political dominance within rural Albertan ridings throughout this time period.

The Edmonton Bulletin was very conscious of this fact in 1924, when they noted "[t]he preferential system will do nothing to imperil the chances of [UFA] candidates in country constituencies, while the 'proportional' arrangement is calculated to make impossible the return of solid delegations of Opposition members from the cites… the [UFA] is trying to legislate itself into power for another term…" (as cited in Jansen 1998, 56). The Bulletin would prove correct in its prediction. AV acted nearly identical to FPTP in the rural areas where the UFA dominated; UFA candidates won over 50 percent of the vote in the first round in many cases in 1926 and 1930 ("Alberta," n.d.; Jansen 1998, 57; 115–16). Meanwhile, STV's tendency towards proportionality further fragmented the urban bound opposition (Jansen 2004, 57). This can be seen in Edmonton and Calgary's seats being divided up among the Liberal, Conservative, and Dominion Labor under STV ("Alberta," n.d.). The benefits of this hybrid system for the UFA is clear – in 1926 and 1930, the UFA would win two decisive majorities under their new electoral system, despite only winning approximately 39 percent of the vote ("Alberta," n.d.). We see the UFA dominate essentially majoritarian seats in rural Alberta, while the Liberals, Conservatives, and Dominion Labour divide the urban seats in Edmonton and Calgary among themselves.

If the UFA used the hybrid system to their advantage, Social Credit mastered it. Social Credit attained a position so dominant in rural Alberta that many voters did not bother marking any preference beyond the Social Credit candidate, a practice known as plumping (Jansen 1998, 167) This strength in the rural areas, combined with the majoritarian AV system, would be the bedrock of Social Credit dominance. It would allow William Aberhart to survive a near defeat

in 1940, where a united opposition nearly tied Social Credit in the popular vote; nonetheless, Social Credit's strength in the rural ridings using AV returned a disproportionate, if narrower majority, for Social Credit (Finkel 1989, 190–91). However, as Edward Bell (1993, 30–31) argues, the Social Credit movement had a significant urban element to it, even from its beginnings in 1935. As noted earlier, urban Social Credit voters loyally marked only Social Credit candidates, maximizing the effectiveness of Social Credit's urban vote. Alberta's election data seems to reflect this under Ernest Manning where Social Credit had a steady presence in STV-using Edmonton and Calgary ("Alberta," n.d.; Jansen 1998, 215).

The end of the hybrid system reveals, however, that it did not inherently produce lopsided results. In 1955, Social Credit suffered what had hitherto been its greatest electoral defeat, with the opposition winning 24 of 61 seats. As seen earlier, opposition parties managed to finally take advantage of the AV system in order to break the Social Credit's grip on rural Albertan seats (Hesketh 1987, 127–30). Efficient vote transfers between the Liberals and the CCF allowed multiple Social Credit candidates to be defeated in rural, AV ridings (Hesketh 1987, 127–28).

Social Credit, in turn, would immediately return Alberta to FPTP. Armed with their argument of reducing spoiled ballot and simplifying the electoral system, Social Credit managed to neutralize the furious but ineffective opposition by the other parties (Hesketh 1987, 135–36). By Hesketh's (1987, 139) account, it seems only Progressive Conservative MLA Cam Kirby sensed that a return to FPTP was motivated by a desire to prevent the opposition from consolidating against Social Credit as they had in 1955.

The return to Single-Member Plurality

The distortions of single-member plurality are obvious and frequently cited as a major reason for Alberta's long-lived political dynasties. S.M. Lipset, in his 1954 critique of Macpherson, attributes a great deal of Social Credit's dominance to the single-member plurality system (Lipset 1954, 196–98; Rich 1979, 122)[1]. While Lipset neglects that Social Credit began under a different electoral system, single-member plurality would prove favourable from Social Credit as well.

Cam Kirby proved correct in his prediction. In 1959, first election after the return to FPTP, Social Credit won 94 percent of the seats with only 55 percent of the popular vote (Finkel 1989, 134). Ironically, the Social Credit era would end due to the electoral system they had implemented in the face of 1955. A small change in the Social Credit popular vote (a swing of 3.5 percent away from Social Credit) and the consolidation of the opposition vote behind the Progressive Conservatives turned a large Social Credit majority in 1967 into a Social Credit rout in 1971 ("Alberta," n.d.; Finkel 1989, 190). The opposition, divided since the implementation of FPTP, united behind the Lougheed Progressive Conservatives and swept Social Credit from the cities and much of rural Alberta (Finkel 1989, 190–91).

Similar disproportionate majorities were a feature throughout the Progressive Conservative era and are well studied. One particularly egregious example is 2004, where a mere 21 percent of eligible voters gave Ralph Klein a majority government (Soron 2005, 66). Beyond the Lougheed premiership, the false majorities of the PC era would share one factor in common with the era of hybrid STV/AV.

[1] [1] Oddly enough, Lipset (1954), while railing against the British single member plurality system, neglects the fact that Alberta and Manitoba had been operating under alternate electoral system for decades at the time of his writing. This oversight, this researcher argues, further confirms the point of Jansen (1998) that Alberta and Manitoba's experiments with electoral reform are often neglected.

Rural malapportionment

Over the course of this investigation, we have found that the hybrid STV/AV system allowed both the UFA and Social Credit to produce disproportionate majorities in a distinct manner from single-member plurality. Nonetheless, there is one final factor common to both electoral system: malapportionment in favour of rural ridings. Rural Alberta has been consistently overrepresented in the Legislature, though the late urbanization of the province kept the relative level of malapportionment low until after WW2 (Archer 1993, 183–85). Nonetheless, the overrepresentation of rural areas allowed the commanding rural bases of both the UFA and Social Credit to dominate the Legislature, a situation neither party had particular incentive to change (Archer 1993, 185; Jansen 1998, 57; McCormick 1980). While Peter Lougheed would defeat Social Credit in 1971 through an urban coalition, the Progressive Conservatives still overtook Social Credit in just over half of the seats outside of Edmonton and Calgary (Finkel 1989, 191). Alfred Thomas Neitsch (2011) finds that, despite their urban strength in Calgary, the Progressive Conservatives would come to rely on a rural base as well. Moreover, the Progressive Conservatives would perpetuate the system of rural overrepresentation, just as the UFA and Social Credit had before them (Neitsch 2011)

Throughout Alberta's history, rural ridings have been overrepresented, whether they operated under alternative vote or single-member plurality; this phenomenon has been deliberately perpetuated by successive UFA, Social Credit, and Progressive Conservative governments, using their rural bases to dominate the Legislative Assembly. This malapportionment has not ended in the present, as evidenced by the most recent report of the Alberta Electoral Boundaries Commission (Bielby et al. 2017, 16–18). At the time of writing, Alberta's current electoral boundaries (as determined by the 2016-17 Electoral Boundaries commission) overrepresent rural ridings by a significant margin (16-18). Two ridings, Central Peace-Notley and Lesser Slave Lake, continue to maintain an exception under Section 15(2) of the Election Act to represent a population up to 50 percent below the average population of a riding (22-23).

Recall our findings on the proportionality of both AV and FPTP in Alberta. It is clear that Alberta has consistently combined rural malapportionment with majoritarian systems (be it AV or FPTP). Alberta's ruling parties dominating these overrepresented rural ridings under both electoral arrangements is vital to understanding how both the hybrid STV/AV system and single-member plurality have facilitated a "quasi-party" system.

Conclusion

Alberta's hybrid STV/AV system distorted electoral results in a broadly similar, but distinct way from single-member plurality. AV, as the primary system in use during this period, would prove no more proportional than single-member plurality. The alternative vote allowed both the UFA and Social Credit to dominate rural ridings in an essentially majoritarian system. In urban ridings, the single-transferable vote fragmented the opposition to the UFA. Social Credit, on the other hand used efficient, disciplined vote transfers from their urban base to dominate the STV system as well. Finally, the overrepresentation of rural ridings was present in both the hybrid system and single-member plurality, and promoting the dominance of the UFA, Social Credit, and the Progressive Conservatives alike.

They are both similarities and stark differences between the Albertan experience with electoral reform and those of other jurisdictions. How many of these differences can be attributed to the hybrid system versus Alberta's political culture, as well as other factors, remains to be seen. I must acknowledge that the bulk of this work has drawn from the work of Harold Jansen (1998; 2004), as he has offered the only comprehensive analyses of Alberta's experience with electoral reform. The increasing popularity of electoral reform necessarily includes a discussion of STV and

AV. Alberta offers an important example of the effects, and importantly, the perils of both systems. Another comprehensive study of Alberta's hybrid electoral system (and of Manitoba's similar but distinct experiment) is something that Canadian political science is sorely lacking.

References

Archer, Keith. 1993. "Conflict and Confusion in Drawing Constituency Boundaries: The Case of Alberta." *Canadian Public Policy / Analyse de Politiques* 19 (2): 177–93. https://doi.org/10.2307/3551681.

Banack, Clark. 2013. "American Protestantism and the Roots of `populist Conservatism' in Alberta." In *Conservatism in Canada*, by James Harold Farney and David M. Rayside, 231–67. Toronto: University of Toronto Press, Scholarly Publishing Division. http://login.ezproxy.library.ualberta.ca/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=677022&site=ehost-live&scope=site.

Barnes, Andre, Dara Lithwick, and Erin Virgint. 2016. "Electoral Systems and Electoral Reform in Canada and Elsewhere: An Overview." Ottawa: Library of Parliament. https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/BackgroundPapers/PDF/2016-06-e.pdf.

Bartholdi, John J., and James B. Orlin. 1991. "Single Transferable Vote Resists Strategic Voting." *Social Choice and Welfare* 8 (4): 341–54. https://doi.org/10.1007/BF00183045.

Bell, Edward. 1993. *Social Classes and Social Credit in Alberta.* McGill-Queen's University Press.

Bielby, Hon. Myra, Gwen Day, Laurie Livingstone, W. Bruce McLeod, and D. Jean Munn. 2017. "Proposed Electoral Division Areas, Boundaries, and Names for Alberta: Final Report to the Speaker of the Legislative Assembly of Alberta." https://www.elections.ab.ca/wp-content/uploads/abebc_2017_rpt_final.pdf.

Birch, Sarah. 2005. "Single-Member District Electoral Systems and Democratic Transition." *Electoral Studies* 24 (2): 281–301. https://doi.org/10.1016/j.electstud.2004.06.002.

Blais, André, and R. K. Carty. 1988. "The Effectiveness of the Plurality Rule." *British Journal of Political Science* 18 (4): 550–53. https://doi.org/10.1017/S0007123400005263.

Clark, Alistair. 2013. "Second Time Lucky? The Continuing Adaptation of Voters and Parties to the Single Transferable Vote in Scotland." *Representation* 49 (1): 55–68. https://doi.org/10.1080/00344893.2012.742456.

Elections Alberta. n.d. "Statistics: List of Results." https://www.elections.ab.ca/news-reports/reports/statistics/.

Farrell, David M., and Richard S. Katz. 2014. "Assessing the Proportionality of the Single Transferable Vote." *Representation* 50 (1): 13–26. https://doi.org/10.1080/00344893.2014.902212.

Finkel, Alvin. 1989. *The Social Credit Phenomenon in Alberta*. The State and Economic Life Series. Toronto: University of Toronto Press.

Flanagan, Tom. 1999. "The Alternative Vote: An Electoral System for Canada." In *Making Every Vote Count: Reassessing Canada's Electoral System*, edited by Henry Milner, 85–92. Toronto: University of Toronto Press.

Fraenkel, Jon. 2001. "The Alternative Vote System In Fiji: Electoral Engineering Or Ballot-Rigging?" *Commonwealth & Comparative Politics* 39 (2): 1–31. https://doi.org/10.1080/713999545.

Hesketh, Bob. 1987. "The Abolition of Preferential Voting in Alberta." *Prairie Forum* 12 (1): 123–44.

Horowitz, Donald L. 2007. "Where Have All the Parties Gone? Fraenkel and Grofman on the Alternative Vote – yet Again." *Public Choice* 133 (1): 13–23. https://doi.org/10.1007/s11127-006-9127-8.

Jansen, Harold J. 1998. "The Single Transferable Vote in Alberta and Manitoba." PhD diss., Edmonton: University of Alberta.

———. 2004. "The Political Consequences of the Alternative Vote: Lessons from Western Canada." *Canadian Journal of Political Science / Revue Canadienne de Science Politique* 37 (3): 647–69. http://www.jstor.org/stable/25165695.

Kornberg, Allan, William Mishler, and Harold D. Clarke. 1982. *Representative Democracy in the Canadian Provinces*. Scarborough: Prentice Hall.

Leadbeater, David. 1984. "An Outline of Capitalist Development." In *Essays on the Political Economy of Alberta*, edited by David Leadbeater, 1–66. Toronto: New Hogtown Press.

Lipset, S.M. 1954. "Democracy in Alberta." *The Canadian Forum* 34: 175–77, 196–98.

Macpherson, C.B. 1962. *Democracy in Alberta: Social Credit and the Party System*. 2nd ed. Toronto: University of Toronto Press.

Massicotte, Louis, and André Blais. 1999. "Mixed Electoral Systems: A Conceptual and Empirical Survey." *Electoral Studies* 18 (3): 341–66. https://doi.org/10.1016/S0261-3794(98)00063-8.

McCormick, Peter. 1980. "Voting Behaviour in Alberta: The Quasi-Party System Revisited." *Journal of Canadian Studies* 15 (2): 85–98. https://utpjournals.press/doi/pdf/10.3138/jcs.15.3.85.

Merolla, Jennifer L., and Laura B. Stephenson. 2007. "Strategic Voting in Canada: A Cross Time Analysis." *Electoral Studies* 26 (2): 235–46. https://doi.org/10.1016/j.electstud.2006.02.003.

Milner, Henry. 1999. "The Case for Proportional Representation in Canada." In *Making Every Vote Count: Reassessing Canada's Electoral System*, edited by Henry Milner, 37–51. Peterborough, Ont. Broadview Press.

Neitsch, Alfred Thomas. 2011. "Political Monopoly: A Study of the Progressive Conservative Association in Rural Alberta 1971-1996." PhD diss., University of Ottawa. https://pdfs.semanticscholar.org/6efc/2bca673006a46f86f2fc3ad5a43dccabb716.pdf.

Reilly, Ben. 1997. "Preferential Voting and Political Engineering: A Comparative Study." *The Journal of Commonwealth & Comparative Politics* 35 (1): 1–19. https://doi.org/10.1080/14662049708447736.

Reilly, Ben, and Michael Maley. 2000. "The Single Transferable Vote and the Alternative Vote Compared." In *Elections in Australia, Ireland, and Malta Under the Single Transferable Vote: Reflections on an Embedded Institution*, edited by Shaun Bowler and Bernard Grofman, 37–58. Ann Arbor: University of Michigan Press.

Rich, Harvey. 1979. "One-Party Dominance in Alberta, Canada." *Political Science* 31 (2): 117–24. https://doi.org/10.1177/003231877903100203.

Richards, John, and Larry Pratt. 1979. "Oil and Social Class: The Making of the New West." In *Prairie Capitalism: Power and Influence in the New West*, 148–76. Toronto: McClelland and Stewart.

Sharman, C., A.M. Sayers, and N. Miragliotta. 2002. "Trading Party Preferences: The Australian Experience of Preferential Voting." *Electoral Studies* 21 (4): 543–60. https://doi.org/10.1016/S0261-3794(01)00012-9.

Soron, CP Dennis. 2005. "The Politics of De-Politicization: Neo-Liberalism and Popular Consent in Alberta." In *the Return of the Trojan Horse: Alberta and the New World (Dis)Order*, by Trevor Harrison, 65–81. Montreal; New York: Black Rose Books.

Wiseman, Nelson. 2007. "Five Immigrant Waves: Their Ideological Orientations and Partisan Reverberations." *Canadian Ethnic Studies* 39 (1/2): 5–30. http://login.ezproxy.library.ualberta.ca/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=lfh&AN=35598305&site=eds-live&scope=site.

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

The Alberta Covid-19 Response: Critical Considerations for Healthcare Worker Single-Site Exclusion Policies and Wage Supplements

By Darshina Dhunnoo

Abstract

On April 20, 2020, Minister of Health for Alberta Tyler Shandro issued a single-site exclusion order and a wage supplement for health-care aids at long-term care centres in an effort to reduce the transmission of COVID-19 between and within high-risk populations. A medically secure long-term care environment involving Adequate staffing and diligent infection prevention measures in long-term care centres are necessary to maintain a medically secure environment. The presence of safe long-term care centres in turn can help alleviate the pressures of acute and intensive care units in-hospital, which have reached capacity as of December 2020. This paper argues that the April 20th order was an insufficient and inefficiently executed iteration of a policy initially intended to protect both the lives of residents and livelihoods of employees in long-term care throughout the pandemic. Instead, I propose that centralized regulation of all nursing support staff would have better addressed the financial and health concerns that this policy aimed to target. I will also point out systemic issues in Canadian long-term care provision that have been aggravated by COVID-19, as well as reiterate the need for general infection prevention measures outside of the long-term care setting.

Introduction

As Alberta's hospital surpassed intensive care unit (ICU) capacity by December 14, 2020, it is imperative to dissect how the provincial healthcare system could have better prepared for the "second wave" of COVID-19 positive cases and deaths as well as potentially accommodate any future health crises. Pandemic conditions demand a number of measures that Alberta Health Services have not had to enact before in care settings, including COVID-19-specific wings in acute-care and the use of adaptive procedures to integrate the best medical science available at the moment. Highly-skilled staff are necessary to account for the longer incubation period and unpredictable progression of the virus, as well as to accommodate the needs of patients who must isolate away from their familial support systems.

COVID-19 safety measures are paramount for long-term care residents, who are typically frail with chronic diseases and as a result, suffer from a reduced immune capacity. Long-term care residents require 24-hour functional support in facilities that need to be adequately staffed for personal care needs and to maintain infection prevention standards (Hsu et al. 2020). With COVID-19 deaths in Canada predominantly coming from long-term care centre outbreaks, ICU

beds may remain full as immunocompromised or recently positive patients that cannot return to their care centre if they survive. It is therefore essential to enact policy that prevents long-term care centre outbreaks to alleviate pressure on acute care departments.

The key to healthy long-term care centres and residents are skilled, healthy, and financially supported care workers. This paper will argue that Minister Shandro's April 20th health-care aid wage top-up and single-site exclusion order was an insufficient and inefficiently executed iteration of a policy initially intended to protect both the lives of residents and livelihoods of employees in long-term care throughout the pandemic. Instead, I propose that centralized regulation of all nursing support staff would have better addressed the financial and health concerns this policy aimed to target. I will also point out systemic issues in Canadian long-term care centres that have been aggravated by COVID-19, as well as reiterate the need for general infection prevention measures outside of the long-term care setting.

Background

COVID-19 outbreaks in long-term care centres present a significant Canadian problem. Long-term care residents account for 81 percent of all COVID-19 deaths in Canada; a stark outlier from other OECD countries, of whom average long-term care centre COVID-19 deaths at 38 percent. (CIHI 2020b) At the beginning of December, 64 to 70 percent of the reported COVID-19 deaths in Alberta came from long-term care centres (Lee 2020). 45 of these long-term care outbreaks occurred in the Calgary zone, while 47 are from the Edmonton Zone (Castillo 2020). The case fatality rate amongst residents in Canadian long term care centres is 20 percent, which is approximately 5 percent higher than the global case fatality rate in the same age group (Hsu et al. 2020).

While patient care and survival are certainly priorities, healthcare worker burnout is also a serious consideration. A BC survey reported that "41 percent [of healthcare workers] reported severe depression, 60 percent were emotionally exhausted, [and] 57 percent reported high levels of burnout" (Petryk 2020). A similar survey that documented the second wave of COVID-19 in Canada found that half of respondents scored within a positive range for post-traumatic stress disorder, 40 percent scored within the moderate to severe anxiety range, and a third were experiencing "feelings of high depersonalization . . . and low personal accomplishment" (Smart 2020). Nursing absenteeism is 6 percent higher in 2020 than in previous years, possibly due to high burnout and infection rates within the workforce (CIHI 2020a). In September, 10 percent of COVID-19 cases in Alberta were comprised of healthcare workers (CIHI 2020a). These findings indicate that COVID-19 is physically and psychologically taxing for front-line healthcare workers.

On April 20, 2020, Minister Shandro announced a subsidy of $24.5 million to address enhanced infection control protocol in long-term care centres. $7.3 million was allocated for every month of the pandemic to top up the wage for healthcare workers by $2.00 (French 2020). This policy was intended to offset the financial strain caused by single-site exclusion orders, which mandated that healthcare workers limit their employment to one long-term care centre for the duration of the pandemic to limit the potential spread of the virus (McGowan 2020). In addition, the province simultaneously announced that it would fast-track the education of 1000 healthcare aides to assist with long term care staffing (French 2020). Although iterations of these policies have

been seen throughout Canada, Alberta chose not to centralize regulation for healthcare workers, which I will argue would have provided healthcare workers with greater stability and support.

The Alternative: Centralizing the Nursing and Support Staff Workforce

It is estimated that 30 percent of health-care aides in Alberta work in multiple long-term care centres. However, Minister Shandro's single-site order does not exclude healthcare aides from working outside of long-term care facilities, which 15 percent of aides reportedly do at an average of 18 hours a week (Duan et al. 2020). For example, a long-term care worker in Alberta could also work in acute care, homecare, or even a grocery store, which does little to suppress COVID-19 transmission but may be necessary for financial stability (AHS 2020a). This province's policy did not rule out additional sources for transmission outside of long-term care centres, and furthermore was only enacted after outbreaks had already begun (Holroyd-Leduc et al. 2020).

The single-site work order decreased work hours for health-care aides by an average of sixteen hours (Duan et al. 2020). To offset the financial impacts of reduced jobs, British Columbia and Alberta mandated that employers therefore increase employee hours (Possamai 2020). Even with surge hiring of health-care aides, long-term care organizations like the Brenda Stafford Foundation, which experienced a number of outbreaks in their Calgary homes, still reported that the overall decrease in staff makes it difficult to take back residents who were previously admitted to the ICU under the new isolation precautions (Castillo 2020). Nursing unions have also expressed concern that rapid nursing training, be it for recent graduates or from other departments, may diminish the quality of care required for highly unstable patients (Leung 2020).

The financial stability of the long-term care worker is essential to quality patient care, but the April 20 policy that aimed to increase wages for these workers did not sufficiently address the needs of health-care aides and licensed practical nurses. First, Minister Shandro's $2.00 top-up was significantly lower than other provinces' and thus should have better represented the average income that would have been lost working at multiple sites. Ontario's pay enhancement was $4.00, while Quebec chose to hire 10 000 additional personal support workers at a $26.00 hourly wage (Hsu et al. 2020). As Alberta's financial compensation is inadequate, nursing unions have expressed their concern that there is little financial incentive for nurses to stay working in precarious and taxing working conditions. Second, the wage top-ups were not implemented imminently and universally. On May 28, CUPE Alberta published that most of their long-term care workers had not received their wage supplement (Cooper 2020). By June 23, AUPE reported that a third of the 17 000 health-care workers they represented in private care facilities were still waiting for the top-up. The lack of clear direction from the Minister of Health resulted in some employers paying the top-up selectively, such as only for workers who were non-unionized or for only some, but not all, of the employee's hours (French 2020). It is also significant that the Alberta governments' wage supplement only applies to health-care aides who were contracted to long-term care sites, to the exclusion of other health-care support staff in Alberta Health Services (AHS), Covenant Health, Carewest or Capital Care (AHS 2020b).

Minister Shandro should have centralized all long-term care wages, both public and private, under a uniform wage grid. A model for this policy can be seen in BC's single-site transition framework (Possamai 2020). This framework managed provincial resources based on weekly

employee reports of worksite preferences and guaranteed full-time pay with benefits (Duan 2020). Therefore, long-term care workers are paid the same wages as unionized workers in public facilities (Holroyd-Leduc 2020). If seizing control of long-term care staffing is considered too interventionist for Alberta's government, it could have instead set firm deadlines and consequences for employers to reach deals with their staff, as was suggested by AUPE Vice-President Susan Slade (French 2020). A centralized approach to regulating and managing all health-care aides and supplemental workers would have likely simplified the lines of communication needed to ensure wage-top ups, and have protected long-term care residents from unregulated sources of virus transmission. It is also worth noting that deadlocked and ongoing negotiations between the UNA, AHS and the Alberta government about the elimination of nursing positions, rollbacks, and pay demands have all contributed to a strained relationship between nurses and the United Conservative Party. It therefore remains unclear whether the province's current relationship with nursing unions would affect how nursing unions would respond to a centralization of wages.

Acknowledging Systemic Issues in Long-Term Care

Nursing home care in Canada is not structured or staffed to maintain or improve the functional abilities of residents.
- The Royal Society of Canada Task Force on COVID-19

While stabilizing the wages of healthcare workers in long-term care through a centralized wage grid remains an ideal policy replacement, it is important to acknowledge the systemic conditions within Canada's long-term care health provision that COVID-19 has exacerbated. The physical layouts of many long-term care centres have shared dining, bathing and recreation areas which makes quarantining new or ill residents while providing quality care challenging. The province's September 3rd policy outlines a risk-based approach for quarantine requirements in long-term care, but outbreaks and poor mental health outcomes remained inevitable due to the physical conditions of the building (Castillo 2020).

With outbreaks of respiratory infections common in long-term care prior to the pandemic, the lack of proactive precautions implemented may also indicate a significant management gap in what should have been necessary infection transmission protocol (Holroyd-Leduc 2020). Greater preparedness in protocol can be exemplified by the Australian government's prioritization of the aged care sector, which addressed staff retention and surge staffing, gave direct access for these workers to the national PPE stockpile, and implemented dedicated rapid response teams for outbreaks imminently on March 11. Australia reported less than 1 percent of nursing homes had COVID-19 cases, with residents making up 17 percent of deaths (Estabrooks 2020).

The use of casual and agency workers employed in dining, laundry and environmental services in long-term care homes is a problem that is particularly relevant to COVID-19. Many of these workers are immigrant women from ethnic minorities, with limited formal training, high workloads, and in many cases lack an overhead body to represent their voice (Estabrooks 2020). This is especially concerning when a number of these workers are subjected to single-site exclusion orders but not necessarily the wage top-ups. Casual workers do not receive benefits; disadvantaging workers who need a stable income amidst a highly stressful work environment. From this report, patients also suffer from a greater use of casual employees because they are not able to build long-

term relationships with casual staff in a capacity necessary to combat loneliness or rebuild and maintain their skill sets (Possamai 2020).

An argument can also be made that an incentivization to private ownership in Alberta's long-term care infrastructure often disadvantages both patients and health-care workers. Out of Alberta's 176 long-term care homes, 46 percent are publicly owned, 25 percent are owned by private organizations, and 28 percent are owned by private not-for-profit organizations (CIHI 2020a). Canada's 2007 SARS Commission' published a report about how the deteriorating quality of long-term care conditions contributed to Canada's poor COVID-19 outcomes in these centres. This report cited that pre-pandemic conditions of these centres already saw "minimum standards of care; insufficient staffing, low-paid precarious employment, residents with complex medical needs, outdated and crowded facilities, and ownership models that often appear to prioritize profits over investing in staff, resources and facilities" (Possamai 2020). Pre-pandemic long-term care homes saw residents receive on average only 2.3 direct hours with care aides out of 24 hours (Estabrooks 2020). Canada also has fewer healthcare workers per 100 residents than the OECD average (CIHI 2020b). The report suggested systemic remedies that must be mandated on a provincial scale, including regular and proactive on-site inspections as well as regular and full-time staff. In comparison, nations with centralized organizations for long-term care provision such as Australia, Hungary, Austria and Slovenia reportedly had lower COVID-19 cases and deaths (CIHI 2020b). In August, a report by the Royal Society of Canada Task Force on COVID-19 criticized how a lack of integration across community, long-term care and acute care departments led to hospitals discharging patients who had tested positive for COVID-19 to care centres without adequate infection control measures (Estabrooks 2020). Centralized regulation could have eliminated this concern.

Long-term care centres also suffered from unclear PPE requirements, which resulted in some nurses refusing to work because the N95 masking requirements were initially unclear (Possamai 2020). Overall, slow implementation of infection control protocols, ineffective communication, understaffed departments and outdated long-term care settings may be several systemic reasons why Canadian long term care centres were quick to see outbreaks in March (Hsu et al. 2020).

Additional Measures

It is important to note this policy does not negate additional measures that I would have liked to see the provincial government enact throughout this pandemic. Current measures include restrictions on social gatherings, smaller building capacity limits, mask enforcement, and increased physical distancing. Calls for interprovincial travel bans have increased by January 2021, as variants of the coronavirus increase in prevalence (Fenton 2021). Perhaps mandatory quarantine requirements, such as those implemented in the Atlantic provinces, the territories, and Manitoba, could also decrease Alberta's positivity rate. What was heavily advocated for by the Alberta NDP and Alberta Teachers Association, but was ultimately turned down by the Alberta government, were policies of surge staffing in schools to account for the increased sanitization needs as well as smaller classes sizes in order to maintain physical distancing within the classroom (Kaufmann 2020). However, the UCP argued that this measure was unreasonably costly and reiterated that

parents could choose whether their children would attend in-person classes (Kaufmann 2020). Yet, the ability for parents to keep their children at home does not negate the need for greater safety measures within the classroom, especially when many parents cannot stay home. There is evidence that specific and mandatory measures that are targeted to the general public, like the implemented and rejected ones previously mentioned, contributes to fewer deaths and positive cases in long-term care centres. (CIHI 2020b)

Additional pandemic measures can be gleaned from other nations. The United Kingdom's NHS has a grading system in order to allocate healthcare staff to different departments according to their own health capacity, which keeps staff employed according to their own risk factors (NHS Confederation 2020). Alberta currently does not have the provisions to monitor the responsibilities of their healthcare workforce in the best interests of their health, which might be a welcome investment for maintaining a precariously positioned workforce. The NHS also allocates their doctors with a number of COVID-19 self-test kits for their own expedited monitoring (Rimmer 2020). Such measures to maintain healthcare worker wellness may make it easier to allocate additional dedicated healthcare aides for homecare, which could in turn incentivize families to bring their seniors home and temporarily reduce the capacity of long-term care centres. In addition, long-term care centres should be outfitted with dedicated contact tracing and point prevalence facility-wide asymptomatic testing to allow for 24-hour, or even rapid results (Lee 2020). In Alberta, asymptomatic testing was announced on April 17 for long-term care centres but was not enacted until a week later because of unclear logistical direction (Lee 2020). These measures offer opportunities for healthcare workers and employers to monitor and exercise greater control in mitigating the personal risks that healthcare workers must take when caring for vulnerable or COVID-positive patients. Of course, these measures also require dedicated compliance by the Alberta population.

In Alberta, it would have been particularly effective in COVID-19 messaging to eliminate the economy versus lockdown binary. A complete lockdown, as seen in Australia's four-month enforced restrictions, would have likely eliminated COVID-19 from economic decision-making. Now, the Australian economy is steadily improving as businesses re-open, and is strong enough to withstand sudden "snap lockdowns" if individual cases of the virus emerge. Key to these lockdowns are stringent enforcement practices and tangible metrics residents could aim for in their isolation practice (Bridges 2021). However, the government could still have assisted small businesses by providing direct interventions – such as paying for plexiglass installation, expanding city-wide internet bandwidth for online business, and incentivizing corporations to partner and assist with small businesses (eg. providing cars for delivery, etc.). In retrospect, this may have been preferrable to Alberta's extended 9-month gradual and lightly enforced restrictions of which continue to plague the economy (Lee 2020). This point returns us to the necessity of the provincial government in adequately compensating working Albertans financially and increasing accommodations to protect personal health – whether they are small business owners or healthcare aides.

Conclusion

A centralized regulation of nursing support staff could have resulted in an efficient implementation of protocols, more financially and mentally fit workers, and a reduction in virus transmission from stricter site limits. In conjunction with a reformed long-term care system and a general adherence to public health measures, it is possible that ICU beds would not currently be at capacity because preventative measures had been effective.

Today, overcrowding ICU beds increases the strain on triage nurses and physicians to decide if acute care or emergency patients – whether they are suffering from COVID-19 or a stroke deserve immediate treatment. The goal of centralizing healthcare worker pay on a uniform provincial grid would be to better equip nursing staff in controlling outbreaks within long-term care centres, ultimately diminishing the pressure of maintaining long-term care patients in acute care centres.

References

Aiello, Rachel. "'You Deserve a Raise': PM Says Deal Reached to Top up Wages for Essential COVID-19 Workers," *CTV News*, May 7, 2020. https://www.ctvnews.ca/canada/you-deserve-a-raise-pm-says-deal-reached-to-top-up-wages-for-essential-covid-19-workers-1.4928611.

Braid, Don. Calgary Herald. "Braid: The Failure of COVID-19 Restrictions Means Tougher Ones Are Coming Soon." *Calgary Herald*, December 8, 2020. https://calgaryherald.com/opinion/columnists/braid-the-failure-of-covid-19-restrictions-means-tougher-ones-are-coming-soon.

Bridges, Alicia. "Two Million Australians Are in Lockdown over 1 COVID-19 Case. Here's What Canada Can Learn from Their Approach" *CBC News*. CBC/Radio Canada, February 2, 2021. https://www.cbc.ca/news/canada/saskatoon/western-australia-covid-19-lockdown-canada-approach-1.5896504.

Canadian Press. "Alberta Nurses Reject Government's Call to Delay Bargaining for New Deal," *CBC News*. CBC/Radio Canada, November 24, 2020. https://www.cbc.ca/news/canada/calgary/alberta-nurses-1.5813743.

Castillo, Carolyn K. "'Long-Term Care Facilities Are at a Breaking Point': Calls for Action as More Deaths Linked to Alberta Continuing Care Centres," *Global News*, November 30, 2020. https://globalnews.ca/news/7491519/alberta-long-term-care-covid-19-outbreaks-deaths/.

Cooper. "Long Term Care Workers Still Waiting for Promised Raise." CUPE Alberta website, May 27, 2020. https://alberta.cupe.ca/2020/05/28/long-term-care-workers-still-waiting-for-promised-raise/.

Duan, Yinfei, Ala Iaconi, Yuting Song, Peter G. Norton, Janet E Squires, Janice Keefe, Greta G. Cummings, and Carole A. Estabrooks. "Care Aides Working Multiple Jobs: Considerations for Staffing Policies in Long-Term Care Homes During and After the COVID-19 Pandemic." Journal of the American Medical Directors Association. The Society for Post-Acute and Long-Term Care Medicine, October 2020. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7472068/.

Estabrooks, Carole A., Sharon E. Straus, Colleen M. Flood, Janice Keefe, Pat Armstrong, Gail J. Donner, Véronique Boscart, Francine Ducharme, James L. Silvius, and Michael C. Wolfson. "Restoring Trust: COVID-19 and the Future of Long-Term Care in Canada." FACETS, August 27, 2020. https://www.facetsjournal.com/doi/full/10.1139/facets-2020-0056.

Fenton, Claire. "Majority of Canadians Call for Inter-Provincial Travel Ban: Survey." *Global News*. January 26, 2021. https://globalnews.ca/news/7598069/majority-of-canadians-agree-inter-provincial-travel-ban-survey/.

French, Janet. "Labour Disputes Holding Back Wage Top-Ups for Health-Care Workers" *CBC News.* CBC/Radio Canada, June 23, 2020. https://www.cbc.ca/news/canada/edmonton/labour-disputes-holding-back-wage-top-ups-for-health-care-workers-1.5623092.

Holroyd-Leduc, Jayna M., and Andreas Laupacis. "Continuing Care and COVID-19: a Canadian Tragedy That Must Not Be Allowed to Happen Again." *Canadian Medical Association Journal* 192, no. 23, June 8, 2020. https://doi.org/10.1503/cmaj.201017.

Hsu, Amy T., Natasha Lane, Samir K. Sinha, Julie Dunning, Misha Dhuper, Zaina Kahiel, and Heidi Sveistrup. "Understanding the impact of COVID-19 on residents of Canada's long-term care homes - ongoing challenges and policy responses." International Long-Term Care Policy Network, CPEC-LSE, June 4, 2020. https://ltccovid.org/wp-content/uploads/2020/06/LTCcovid-country-reports_Canada_June-4-2020.pdf

Junker, Anna. "Alberta's COVID-19 Vaccine Rollout to Begin Wednesday for Health-Care and Long-Term Care Workers: Shandro." *Edmonton Journal*, December 10, 2020. https://edmontonjournal.com/news/local-news/dr-deena-hinshaw-to-give-update-on-covid-19-in-alberta-at-330-p-m.

Kaufmann, Bill. "NDP, Teachers Renew Call for Smaller Class Sizes as Province Records Three More COVID-19 Deaths." *Calgary Herald*, August 12, 2020. https://calgaryherald.com/news/local-news/ndp-teachers-renew-call-for-smaller-class-sizes-as-province-records-three-more-covid-19-deaths.

Lee, Jennifer. "COVID-19 Outbreaks More than Triple at Alberta Continuing-Care Centres in 3 Weeks" *CBC News.* CBC/Radio Canada, December 2, 2020. https://www.cbc.ca/news/canada/calgary/long-term-care-centres-outbreaks-alberta-covid-conroy-1.5825374.

Leslie Myles, Raad Fadaak, Jan Davies, Johaana Blaak, PG Forest, Lee Green, and John Conly. "Integrating the social sciences into the COVID-19 response in Alberta, Canada." BMJ Global Health, 2020. https://gh.bmj.com/content/5/7/e002672

Leung, Wency. "A Fight without 'Light': Nurses Wrestle with Burnout, Albertans' Apathy toward COVID Guidelines." *The Globe and Mail*, December 10, 2020. https://www.theglobeandmail.com/canada/alberta/article-a-fight-without-light-nurses-wrestle-with-burnout-albertans-apathy/.

"Long-Term Care Homes in Canada: How Many and Who Owns Them?" Canadian Institution for Health Information, September 24, 2020. https://www.cihi.ca/en/long-term-care-homes-in-canada-how-many-and-who-owns-them.

Mahsin, Mohamed, Seungwon Lee, David Vickers, Alexis Guigue, Tyler Williamson, Hude Quan, Robert R Quinn, and Pietro Ravani. Preprint: "The Coronavirus 2019 Pandemic in Canada: The Impact of Public Health Interventions on the Course of the Outbreak in Alberta and Other Provinces." Calgary, AB. May 13, 2020. https://www.medrxiv.org/content/10.1101/2020.05.09.20096636v1

McGowan, Gil. "The UCP Bungled Key COVID-19 Policies at Long-Term Care Facilities and the Auditor General Needs to Investigate, Says AFL." AFL, July 17, 2020. https://www.afl.org/the_ucp_bungled_key_covid_19_policies_at_long_term_care_facilities_and_the_auditor_general_needs_to_investigate_says_afl.

Mrklas, Kelly, Reham Shalaby, Marianne Hrabok, April Gusnowski, Wesley Vuong, Shireen Surood, Liana Urichuk, Daniel Li, Xin-Min Li, Andrew J. Greeshaw, and Vincent IO Agyapong. "Prevalence of Perceived Stress, Anxiety, Depression, and Obsessive-Compulsive Symptoms in Healthcare Workers and Other Workers in Alberta During the COVID-19 Pandemic: Cross-Sectional Survey." *JMIR Mental Health* 7. September 25, 2020. https://pubmed.ncbi.nlm.nih.gov/32915764/

"Novel Coronavirus (COVID-19) Frequently Asked Questions – Staff." Alberta Health Services, December 4, 2020.

"Novel Coronavirus (COVID-19) Single Site, Confirmed Outbreak, and Exclusion Orders FAQ." Alberta Health Services, May 7, 2020.

"Pandemic Experience in the Long-Term Care Sector: How Does Canada Compare with Other Countries?" Canadian Institution for Heath Information, Ottawa, ON, 2020. https://www.cihi.ca/sites/default/files/document/covid-19-rapid-response-long-term-care-snapshot-en.pdf

Petryk, Stephen. "Opinion: COVID, Burnout, Cuts Pushing Healthcare in Edmonton to Tipping Point." *Edmonton Journal*, October 29, 2020. https://edmontonjournal.com/opinion/columnists/opinion-covid-burnout-cuts-pushing-health-care-in-edmonton-to-tipping-point.

Possamai, Mario. "A Time of Fear: How Canada Failed Our Healthcare Workers and Mismanaged Covid-19." La Federation Canadienne des Syndicats D'Infirmieres et Infirmiers, September 30, 2020.

Rimmer, Abi. "Covid-19: NHS Staff Express Scepticism over Promised Twice Weekly Testing." The BMJ. British Medical Journal Publishing Group, November 11, 2020. https://www.bmj.com/content/371/bmj.m4376.

"Risk Assessments for Staff." NHS Employers. NHS Confederation, August 1, 2020. https://www.nhsemployers.org/covid19/health-safety-and-wellbeing/supporting-staff-health-and-safety/risk-assessments-for-staff.

Smart, Amy. "Health Workers Report Burnout amid Second Wave, Ask Public to Obey Health Rules." *AlbertaPrimeTimes.com.* The Canadian Press, December 10, 2020. https://www.albertaprimetimes.com/national-news/health-workers-report-burnout-amid-second-wave-ask-public-to-obey-health-rules-3173260.

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

Unmasking the Democratic Man: A Modern Application of Plato's The Republic

By Alexis Alford

Abstract

The COVID-19 pandemic has turned the world upside down and it has become clear how thin the human veneer truly is. In order to protect their citizens from contracting and spreading the coronavirus, governments have had to enact strict measures, including mandatory mask bylaws. With anti-mask protests emerging across the province of Alberta, it is difficult to understand the rationale behind the protesters. By applying Plato's description of the 'democratic man' to the anti-mask protests, the conclusion that previous thinkers' contributions cannot be underestimated, no matter the age of the text, is reached.

Introduction

Throughout the COVID-19 pandemic, all levels of government within Alberta have passed bills and bylaws to protect Albertans, such as physical distancing requirements, the closure of public spaces, and mask mandates. The latter, in particular, has created quite the controversy within Alberta, with anti-mask protests sweeping the province. This anger is felt by individuals who believe that the government is overstepping its boundaries by interfering with the private lives of Albertans. Interestingly, when reading Plato's, *The Republic*, there are clear similarities between Plato's description of a person that democracy produces and the individuals who are protesting against the mask mandates within Alberta. It is an unlikely connection but, when it is studied closely, *The Republic* provides an important philosophical insight to explain the motivations behind the anti-mask movement.

This paper sets out to investigate the extent to which Plato's 'democratic man' can be used to understand the anti-mask protests happening within Alberta. This will be accomplished through applying Plato's description of the 'democratic man' to the views expressed by the anti-mask movement. Plato provides insight into what led Alberta down this path of protest, eventually reaching the conclusion that it is essential to continue applying previous thinkers' knowledge to the modern world, in order to understand the anti-maskers' reaction to the current circumstances.

Operationalizing Terms

To allow for a straightforward reading of this paper, there are terms that need to be operationalized. The first term to be defined is 'Socrates'. As a living man, Socrates was Plato's

teacher and was later put to death for corrupting the Athenian youth. As a character in *The Republic*, Socrates is utilized to articulate Plato's own ideas. In this paper, 'Socrates' will be in reference to the character in *The Republic*, unless otherwise stated. In *The Republic*, Plato outlines the kind of citizen that democracy inevitably produces, aptly naming them the 'democratic man.' When this term is used, it is in reference to an individual who only concerns themself with protecting their freedom from infringement by the state. As Plato sees it, the ruling value of a democracy is freedom which, in turn, shapes the democratic man's ruling value. (Plato 2002, 422).

The phrase 'common good' is used to describe Plato's idea of an overarching concept of what is best for society. In *The Republic,* Plato argues that cohesion and unity provide the foundation for this common good, where "common feelings of pleasure and pain which you get when all members of a society are glad or sorry for the same successes and failures." (Plato 2003, 462a-b). The term 'demos' will be utilized to describe the people who participate within a democracy, as defined by the Oxford Languages dictionary. This term typically references the population in ancient Greece but it also can be used in the modern context. 'Tyranny of the majority will be invoked to describe one of Plato's concerns with democratic rule, being that majority rule is a cornerstone for democracy. The will of the majority will always overpower the will of the minority and, as a result, the minority is oppressed at the hands of the majority. This idea was also raised by Aristotle, Tocqueville, and J.S. Mill.

Understanding the Democratic Man

Plato was not supportive of democracy, believing that the demos did not understand what was in their own best interests. This was based on Plato's first encounter with democracy in practice when his teacher, Socrates, was voted to be put to death due to the charge of corrupting the youth. This use of direct democracy resulted in Plato's concern about the tyranny of the majority. In a democracy, there is no fundamental ethical basis, nor is there a set of guiding principles. This leaves the demos with no overarching moral compass to lead them, or political body to hold them accountable:

> Neither does he receive or let pass into the fortress any true word of advice; if anyone says to him that some pleasures are the satisfactions of good and noble desires, and others of evil desires, and that he ought to use and honour some and chastise and master the others… he shakes his head and says that they are all alike, and that one is as good as another. (Plato 2002, 420)

This quotation showcases that democracy does not accept anything as a universal truth, because every topic is up for debate or negotiation. As demonstrated, there are no guiding ideas or broader acceptances that exist within a democracy.

In *The Republic*, Plato describes the type of man a democracy produces. The 'democratic man' is one who is concerned with his individual rights and freedoms above all else (Johnstone 2013). He gives into impulses, thinks not of the common good, and objects to the slightest imposition by the government (Johnstone 2013). This 'democratic man' has a focus on personal freedom and equality amongst his fellow citizens with no room for interference from the state.

Plato discusses that equality, within the eyes of the state, becomes a cornerstone for the 'democratic man's place within society.

Qualifications are set aside out of an allegiance to the equality of thought, brought forward when Plato notes that, "these and other kindred characteristics are proper to democracy…dispensing a sort of equality to equals and unequals alike." (Plato 2002, 417). Therefore, in a democracy, the demos are told that their ideas are legitimate and are backed by a right to have them heard. This is regardless of whether their claims would contribute to the common good. Inevitably, a struggle between members of society emerges, as they argue amongst themselves, lacking merit or evidence to support their opinions and beliefs.

In a democracy, the demos lack regard for the government's authority within private life. This is because any attempt by the government to regulate private life is seen as an imposition upon the demos' freedom regardless if it were beneficial to the common good. This enforces that citizens are too disordered to see the common good, concerning themselves only with personal gains and freedom: "[a]nd above all…see how sensitive citizens become; they chafe impatiently at the least touch of authority…they cease to care even for the laws, written or unwritten; they will have no one over them" (Plato 2002, 423). This obsession over freedom and the demos' interpretation of the role of freedom in private life clouds the 'democratic man's' ability to place personal interests aside to serve a greater good within the community.

A Walk for Freedom: Understanding the Alberta Anti-Mask Movement

The COVID-19 pandemic has proven to be a unique challenge for all levels of government. All had to implement or consider implementing, new measures aimed towards keeping citizens safe and healthy. Political agendas during the beginning of the pandemic were adjusted to broadly protect the people and support the healthcare system, working together to prevent a surge of cases. As a result, some municipal governments within Alberta enacted bylaws that closed public areas, enforced physical distancing, and perhaps most controversially, mandated the use of face masks inside public spaces. On August 1, 2020, Edmonton's and Calgary's mask mandates came into effect. In November 2020, the Edmonton City Council extended their mask bylaw until December 31, 2021 (Ramsay 2020). As a response to the second wave of infections, the Alberta Government also made masks mandatory in all public spaces across the province beginning December 8, 2020. The initial mandates from the summer created a noticeable pushback from members of the public, who took to the streets in protest to air grievances with the new bylaws.

The protestors' central claim was that individuals should have a choice over whether or not they wear a mask in public. Signs at rallies in Calgary and Edmonton included messages such as "[t]his is not about health; this is about control" and "fear is the *real* virus" (Bruch 2020). In December, after a province-wide mandatory mask bill was passed, the anti-mask protests grew in size and frequency (Bruch 2020). An organization titled "Walk for Freedom" organized mass protests in Calgary and Edmonton in an attempt to strong-arm the government into repealing mandatory mask legislation. During interviews conducted at a rally held on December 12, 2020, in Calgary, participants were noted to be at the protest for a variety of reasons, including anti-mask beliefs, anti-mandate beliefs, and Alberta separatism (Bruch 2020; Franklin 2020).

One protestor went so far as to file a $565 million lawsuit against Edmonton City Council for infringing on his Charter rights by requiring masks in public places. An Edmonton judge ruled the case to be an abuse of the court, and the case was subsequently dismissed (Grummett 2020). Protests since the implementation of mandatory mask bylaws have had the central argument that these bylaws were an infringement on individual freedoms and an infringement on citizens self-autonomy—all fueled by a belief that the government had overstepped its allowed control over the people (Bruch 2020; Franklin 2020; Knight 2020).

Taking Off the Mask: The Democratic Men Among Us

The rejection of government mandates in a global pandemic highlights the disregard for the common good that Plato outlines in *The Republic* as well as the climate of distrust that surrounds the provincial and municipal governments in Alberta. The 'democratic man' is alarmed by any state's attempt to control daily life and rejects the slightest imposition upon personal freedom. When protestors carry signs reading "fear is the *real* virus." It makes clear that there are distrust and conspiracy connected to the information from medical professionals and the government that the pandemic is real and should be taken seriously. Plato said that democracy would welcome claims that are heard frequently now with the uninformed opinion being weighed equally to the informed. Equality of thought is central to democracy and is expressed through voting, debate, town hall sessions, and canvassing on behalf of the government. In this climate, it is inevitable such entitlement towards one's opinion over all others would prevail.

The responses to mandatory mask bylaws are direct examples of how Plato's 'democratic man' disregards authority—favouring personal interest over the common good. These anti-mask protests broke the limitation on outdoor gatherings without social distancing, and without regard for the mandatory mask bylaws. According to Plato, this sense of entitlement is a direct result of a democratic system. The Greeks had believed politics to be a vehicle towards a better life, but within a democracy, the government cannot lead the people to greatness, because the 'democratic man' will not allow it to. As Plato remarked, "…see how sensitive the citizens become, they chafe impatiently at the least touch of authority…they cease to care even for the laws, written or unwritten; they will have no one over them" (Plato 2002, 423). When such distinct parallels exist between the 'democratic man' and those who participate in anti-mask protests, the importance of reviewing historical philosophical texts is reiterated. Plato provides meaningful insight into the reactions of the demos during a time where government action is required to impact daily life for the common good.

Conclusion

By reviewing Plato's description of a 'democratic man,' a greater understanding of the philosophical reasoning behind the anti-mask protests can be reached. The government's actions to regulate private life in order to uphold the common good of society are well-intentioned, yet it is consistently met with pushback and protest. The reaction of anti-maskers fearing for their rights and freedoms being infringed upon, all the while rejecting the common good and authority of the government and medical professionals, matches all too well with the spirit of the 'democratic man'. After having reviewed *The Republic*, it is clear that historical thinkers such as Plato still provide key contributions to understanding the modern world.

References

Bruch, Timm & Franklin, Michael. "Anti-mask protesters take to the streets in Calgary to fight COVID-19 restrictions." *CTV News Calgary*, December 12, 2020. https://calgary.ctvnews.ca/anti-mask-protesters-take-to-the-streets-in-calgary-to-fight-covid-19-restrictions-1.5228760

Franklin, Michael. "'Very Disappointed': Kenney not happy with mass anti-mask protest in Calgary." *CTV News Calgary*, December 5, 2020. https://calgary.ctvnews.ca/very-disappointed-kenney-not-happy-with-mass-anti-mask-protest-in-calgary-1.5218603

Grummett, Dan. "Man's $565M anti-mask lawsuit an 'abuse of the Court' Edmonton judge rules." *CTV News Edmonton*. December 16, 2020. https://edmonton.ctvnews.ca/man-s-565m-anti-mask-lawsuit-an-abuse-of-the-court-edmonton-judge-rules-1.5234200

Johnstone, Mark. 2013. "Anarchic Souls, Plato's Depiction of the 'Democratic Man'." *Phronesis* 58*:* 135-159.

Knight, Demi. 2020. "Anti-mask rallies draw crowds in Calgary and Edmonton amid coronavirus pandemic." *Global News*. July 19, 2020. https://globalnews.ca/news/7193611/calgary-edmonton-anti-mask-rally-july-19-coronavirus-covid-19/

Plato. 2003. *The Republic*. London: Penguin Books.

Plato. 2002. *The Republic.* Instituto de Desenvolvimento do Potencial Humano. https://faculty.mtsac.edu/cmcgruder/cmcgruder/sabbatical_aesthetics/republic.pdf

Ramsay, Caley. "Coronavirus: Edmonton extends mandatory mask bylaw until December 2021." *Global News.* November 20, 2020. https://globalnews.ca/news/7474690/edmonton-extends-mandatory-mask-bylaw-covid-19/.

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

Virtue and Virtu: A Debate in the Importance of Values and Justice for Leaders of State

By Kyle Paziuk

Abstract

In this paper, I will provide an analysis and critical commentary on the concepts of virtue and virtu. *I will examine their varying definitions through the lens of two historically acclaimed texts: Plato's* The Republic *and Nicolò Machiavelli's* The Prince. *The usage of these words in their respective texts are frameworks to how individuals should govern themselves. However, no assumptions regarding the similarities between these two frameworks should be made, as they differ vastly in their approach to both the concept of justice and acquisition of power. I will provide precise and careful comparisons between the two texts, flush with the authors' definitions and uses of virtue and* virtu. *I will demonstrate that Plato's usage of virtue hinges on the actions and participation of all members of society - a belief that the common good is solidified and maintained by individuals doing what is best for their peers and community, or a collective approach to decency. This will be contrasted with Machiavelli's obsession with and insistence on* virtu *as a means to acquire and control power. Machiavelli sees* virtu *as a key to respect, earned through one's actions and accomplishments in the political world, no matter the cost. Lastly, a comparison between the two authors' approach through the lens of justice will demonstrate that justice is the bedrock of Plato's definition of virtue, despite being practically nonexistent in Machiavelli's concept of virtu.*

Introduction

How could virtue, a word so commonly used, and with a definition with high regard in our daily lives, have such an expansive definition? The words virtue and "*virtu*" (an Italian word carrying the same meaning) are often used to describe those who have succeeded at critical aspects of life, and are respected, loved, admired, and to be modeled after. Specifically, in political literature or discourse, it is a descriptor that is desperately sought after by statesmen seeking to be "good" rulers. A virtuous leader is characterized by demonstrations of excellence, although conceptualizations of the term vary between individuals. In this analysis, I will compare Plato's *The Republic* and Machiavelli's *The Prince* in terms of the parameters set out in each text of who is deemed virtuous and why. It will be shown that on an extremely generalized basis, both Plato and Machiavelli agree on the importance and impact of virtuous behaviour in society.

To begin this process, I will first outline the values and goals attributed to both virtue and *virtu.* I will provide insight into how Plato viewed the importance of virtue as a means of constructing a fair and just society. Contrary to this, Machiavelli's concept of virtu revolves around power. This power is opposite of traditional political virtues, which are usually "strictly bonded with ethics" (Harrison 2011). I will demonstrate that there is a key moral tenet that separates these two texts and authors in their belief of what makes a "good" and virtuous leader: justice. Plato's determination of virtue is affirmed by the concept of justice, and that one cannot be virtuous without respecting the importance of justice. Conversely, Machiavelli's concept of *virtu* is lacking

the moral underpinning of justice, instead relying on an alternate selection of values which he deems to be crucial for a "good" leader.

Definitions of Virtue & *Virtu*

Plato's Definition and Conception of Virtue

Much of Plato's work in *The Republic* is designed to define and understand what constitutes virtue. The majority of the discussion of virtue occurs in Book Four of *The Republic*, which argues that in an ideal society, the city would be protected and maintained by "guardians". Guardians are deemed the highest rank in society, tasked with protecting "the city's citizens, laws, and customs" (Coumoundouros n.d.). As the ruling class, the guardians are to be masters in four "'Platonic virtues'- wisdom, courage, moderation, and justice" (Frede 2017). Plato deemed it critical that the guardians uphold these values in society, as then the youth of society will "grow up into well-conducted and virtuous citizens" (Plato 2008, 422). Specifically, the guardians being tasked with upholding the laws and decorum of the state speaks to the importance of justice in Plato's ideal society. While placing great importance on the functions and benefits of one's own behaviour, Plato also sees significant societal strength when applying rule of law to daily life. Despite the fact that guardians are to be the role models of society, Plato's definition of virtue is dependent on moral character. Plato does not specialize virtue for specific societal roles. Instead, virtue is a character-based quality, which is to be found within the city's structure as well as within individuals. There are no parameters placed upon who can and cannot be recognized for virtuous behaviour (Coumoundouros, n.d.). Because of this, the "city will be courageous in virtue" (Plato 2008, 431), demonstrating the macro-scale of Plato's vision for virtuous behaviour.

Machiavelli's Definition and Concept of Virtu

While Plato's conceptualization of virtue is based on the moral character of both the individual and the state, Machiavelli views *virtu* as qualities which are to be praised and respected by others. Machiavelli's concept of *virtu* is entirely focused on the "virtuosity of the individual leader" (De Bruyn 2003, 8), a quality which is highlighted by the "flexibility of the leader's mind" (De Bruyn 2003, 8). This flexibility is based on a leader's ability to demonstrate excellence in qualities that will help him acquire and maintain power. In Chapter XV of *The Prince*, Machiavelli notes that a prince must determine which qualities will bring either "blame or praise" (Machiavelli 2004, 84). He outlines a number of adjectives along with their antonyms — generosity and rapaciousness, bravery and cowardice— stating that a virtuous leader must understand the "vices which would lose him his state" (Machiavelli 2004, 84). This instruction is a playbook of Machiavelli's approach towards virtuous behaviour, instructing the individual how to act in order to maintain control of their state. Machiavelli's definition aligns closely with the historical root of virtue, using the Greek translation, "Aretè" (Marandi 2018). "Aretè" corresponds with a "role-related specific excellence" (Marandi 2018), a definition which Machiavelli follows with detail as he crafts his concept of virtu. In essence, Machiavelli views virtu as the art of mastering the acquisition and maintenance of power, being the "touchstone of political success" (Nederman 2019).

Analysis of Virtue & Virtu

Discussion and Debate

Both Plato and Machiavelli view virtue and *virtu* as the essential components of a good leader and society. However, it was demonstrated that both men have conflicting opinions on the applications of their definitions of virtue. In this sense, the two authors essentially have inverse opinions. While Plato does grant the guardians the duty of protecting and monitoring virtuous behaviour, he fantasizes of a "whole State" (Plato 2008, 430) in which virtuous behaviour is an

inherent expectation among citizens and the "ruling part" (Plato 2008, 430). On the contrary, both Machiavelli's text and opinions of virtu apply "only to principalities" (Machiavelli 2004, 24), and how these are to be "ruled and preserved" (Machiavelli 2004, 24). In short, Plato demonstrates a large-scale approach in regard to virtue within both the individual and the state, while Machiavelli portrays a small-scale and individualistic approach.

Realistic expectations of societal and citizen management are a major point of contention between Plato and Machiavelli. Machiavelli drafted *The Prince* as a text which could realistically be applied by any leader who wishes to maintain power, originally written for Lorenzo Di Piero De' Meidici, former ruler of Florence (Machiavelli 2004, 19). Machiavelli notes that many have written about "republics and principalities" (Machiavelli 2004, 84) which never came to fruition, a comment which seemingly could be directed at Plato's text. Despite Plato's thoroughly articulated and advanced text, Machiavelli is correct in observing that the ideal society in which Plato seeks has never truly existed.

Furthermore, Machiavelli and Plato disagree on how virtue and *virtu* are used in conducting the behaviour of individuals. In Plato's ideal society, citizens are expected to consistently follow the cardinal virtues, stating that the "same three principles in his own soul are found in the State" (Plato 2008, 443). These virtues were designed to place an element of obedience and control over the general population, which would thus allow for "peace with one another" (Plato 2008, 493). Machiavelli rejects this notion wholeheartedly. He does not see it reasonable or particularly necessary to place restraints on the behaviour of the citizens. Machiavelli's rejection is fueled by his belief that "how one lives is so far distant from how one ought to live" (Machiavelli 2004, 84). Machiavelli uses this explanation of human behaviour to critique Plato's assumption that citizens will so gracefully and easily follow his "Platonic virtues" (Frede 2017).

Machiavelli would take issue with Plato's large-scale approach to virtue, as he instead applies a small-scale approach to *virtu*. In this sense, Machiavelli's perspective perceives *virtu* to only exist to acquire and maintain power. This is not to say that citizens of the state are not critical aspects of *virtu*. Instead, citizens are used as a means to garner favour and maintain power. For example, Machiavelli frequently uses the "audacious yet stunningly effective" (Wei Kee 2011) efforts of Cesare Borgia in his quest to sustain power. Borgia sustained control of the Romagna, however found it "under the rule of weak masters", with a civilian population that was wildly insubordinate (Machiavelli 2004, 49). In order to rectify it, Borgia instituted Messer Ramiro d'Orco, a "swift and cruel man" to restore "peace and unity" (Machiavelli 2004 49). However, d'Orco was incredibly cruel towards the citizens, and began creating a distaste for Borgia as leader. In order to regain the citizens' support, Borgia acknowledged that d'Orco was bringing him blame instead of praise, and promptly had him executed in the public plaza (Machiavelli 2004, 50). In this example, citizens are indeed an included aspect of a leader's *virtu*. Citizens themselves are not expected to act virtuously but are merely pawns to be led by a good leader, who must demonstrate excellence in leading and managing such pawns. It is clear that on the topic of citizen behaviour and control, Plato and Machiavelli disagree greatly. Plato's vision is exorbitant in both expectations of citizen and leadership virtues, while Machiavelli's concept of virtu is far more grounded in power dynamics and individual success.

Discussion of Justice

Justice is without a doubt the most critical topic of debate between Plato and Machiavelli's concepts of virtue and *virtu*, respectively. According to Plato, the soul has three main principalities or virtues: wisdom, courage, and moderation. Furthermore, he chooses to list justice as the fourth virtue. He believes it to be the only virtue that remains when the others are abstracted, while also insisting that justice is the "preservative" (Plato 2008, 438) of wisdom, courage, and moderation.

Due to the significance of justice towards the other three cardinal virtues, Plato asserts that it is impossible for an individual to be considered virtuous and just if they are lacking any of the three cardinal virtues. This is labelled as lacking a "virtue tout court" (Brown, 2017), as just individuals are supposedly in possession of all virtues, and unjust individuals have yet to master all three.

Alternatively, Machiavelli's opinion of *virtu* lacks any discussion of justice and moral behaviour. Machiavelli is an advocate for the "divorce [of] political from private morality" (Marandi 2018), believing that leaders are required to execute their power and will for the best interests of the state, regardless of law and justice. Machiavelli points to examples of "Marcus, Pertinax, and Alexander" as leaders who were "lovers of justice" and thus met a "sad end" (Machiavelli 2004, 103). He elaborates that these leaders were not able to control whether their civilians loved or despised them, and thus were unable to keep their state "stable and firm" (Machiavelli 2004, 107). In essence, Machiavelli is not generally interested in the moral code that justice imposes on society. In his mind, a "good" and productive leader must lead a state based on the objectives of maintaining power and security. Machiavelli would not be concerned by leadership that results in "unjust" actions or decisions, as that is not how he interprets *virtu*.

Conclusion

Future research should consider delving into the modern political applications of these two classical texts. An investigation into whether there are any classical or contemporary political structures that mirror Plato's vision and aspirations for a virtuous state would provide intrigue. On the contrary, a potential gap in Plato's findings could be demonstrated by a successful state that does not align with Plato's virtuous characteristics.

Furthermore, the acquisition and stability of power is a consistent and omnipresent theme in political studies. Machiavelli's text outlines a rather narrow and direct instruction manual for this goal. However, does history contain any further proof of his suggestions? Or is there evidence to suggest otherwise, and that his vision is not the singular way to achieve power and authority? In addition, an investigation into whether Machiavelli's concept of *virtu* has been localized and used successfully in other political contexts would provide insight into the validity of his arguments.

Plato's *The Republic* is an explanation of a utilitarian society bound by virtue and law, while Machiavelli's *The Prince* is an instruction manual towards acquiring and maintaining power by means of *virtu*. The two authors share similarities in the sense they both attribute a level of importance towards the concept of virtue and *virtu*. However, this is where the similarities meet their end. The difference in opinion regarding citizen roles and control, and the true usage of justice provides a wide range of possible, ongoing debates on this topic.

References

Brown, Eric. 2017. "Plato's Ethics and Politics in The Republic." Stanford Encyclopedia of Philosophy. Last modified September 12, 2017. https://plato.stanford.edu/entries/plato-ethics-politics/

De Bruyn, Martin. 2003. "Machiavelli and the politics of virtù." PhD diss., Purdue University.

Coumoundouros, Antonis. (n.d.). "Plato: The Republic." Internet Encyclopedia. https://iep.utm.edu/republic/

Frede, Dorothy. 2017. "Plato's Ethics: An Overview." Stanford Encyclopedia of Philosophy. Last modified December 6, 2017. https://plato.stanford.edu/entries/plato-ethics/

Harrison, Robert P. 2011. "What can you learn from Machiavelli?" *Yale Insights,* January 1, 2011. https://insights.som.yale.edu/insights/what-can-you-learn-machiavelli

Machiavelli, Niccolò. 2010. *The Prince (W.K. Marriott, Trans.).* Public Domain. (Original work published in 1532.)

Marandi, Parham. 2018. "The Concept of Virtue in Machiavelli's The Prince." *Parham Marandi - medium.com,* June 6, 2018. https://medium.com/@parhawm/the-concept-of-virtue-in-machiavellis-the-prince-7a29d0d8e81e

Nederman, Cary. 2019. "Niccolò Machiavelli." Stanford Encyclopedia of Philosophy. Last modified May 28, 2019. https://plato.stanford.edu/entries/machiavelli/

Plato. 2008. *The Republic (B. Jowett, Trans.)* Public Domain. (Original work published in 376 B.C.E.)

Wei Kee, Tan. 2011. "Amorality and Justice in Machiavelli's Political Thought." *E-International Relations,* May 10, 2011. https://www.e-ir.info/2011/05/10/amorality-and-justice-in-machiavellis-political-thought/

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

Analyzing the Success of the Civil Rights Movement: The Significance of Nonviolent Protests, International Influences, the Media, and Pre-existing Organizations.

By Luke Van Bostelen

Abstract

This essay is an analysis of the success of the mid-20th century civil rights movement in the United States. The civil rights movement was a seminal event in American history and resulted in several legislative victories, including the 1964 Civil Rights Act, and the 1965 Voting Rights Act. After a brief overview of segregation and Jim Crow la3ws in the southern U.S., I will argue that the success of the civil rights movement can be attributed to a combination of factors. One of these factors was the effective strategy of nonviolent protests, in which the American public witnessed the contrasting actions of peaceful protestors and violent local authorities. In addition, political opportunities also played a role in the movement's success, as during the Cold War the U.S. federal government became increasingly concerned about their international image. Other reasons for the movement's success include an increased access to television among the American public, and pre-existing black institutions and organizations. The civil rights movement left an important legacy and ensuing social movements have utilized similar framing techniques and strategies.

"I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character" (King 1963). This famous quote from Martin Luther King Jr's "I Have a Dream" speech sums up the main goals of the civil rights movement: removing segregation in the United States and establishing equal rights for African Americans. Following a brief historical discussion of segregation and Jim Crow laws in the United States, this essay will explore the success of the 1955-1968 civil rights movement. It will argue that the civil rights movement succeeded because of its ability to use pre-existing organizations as well as new opportunities such as the Cold War and television to gain the attention of the target audience, that being the United States federal government and white Americans. Additionally, the civil rights movement was able to succeed because of its diverse repertoire, and most importantly its use of nonviolent protest. The essay will also explain that the civil rights movement was an initiator movement of the 1960's protest cycle and has influenced many of the social movements that followed it.

For African Americans living in the Southern United states during the first half of the 20th century, "legal segregation was a fact of life" (Anderson and Halcoussis 1996, 1). Segregation was legal in many US states after the Plessy vs. Ferguson case of 1896 (2). In this case, "the court ruled

that state segregation laws were permissible provided that the state required "separate but equal" facilities, so called Jim Crow laws began to be enacted in substantial numbers" (2). As of 1930, "twenty-nine states prohibited or restricted the practice of interracial marriage." In addition to this, 22 states enforced segregation laws "in either public schools, private schools, or both." And finally, "fourteen states carried laws on their books which required segregation by race in transportation serving the public." These Jim Crow laws were the official policy of these Southern states, and "served as a constant reminder to Blacks that they were, politically, second-class citizens" (Anderson and Halcoussis 1996, 4). Understandably, this created much frustration and hurt among Black people in the United States. This was one of the main reasons that protestors joined the civil rights movement. Their grievance was that in many of the states they were not considered equal.

Life under segregation was very difficult for African Americans, and they often lived in fear for their lives. Many witnessed the outright murder of family members and friends. Bermazohn explains that, "until the mid-1960s, the US government allowed racist terror to exist in the South". A major part of this terror was the brutality of lynching; the outright murder of Black people by mobs of racist whites. Bermazohn in their work defines lynching as, "mob murder in defiance of law and established judicial procedures" and explains that, "after Reconstruction it became commonplace in the South." Between 1882 and 1968 there were a reported 3,445 lynch murders of Black Americans. Bermazohn argues that the only way this could have happened was if the local authorities were complicit. Additionally, the justice system seemed to be broken. "All-white-male juries condemned black-on-white crimes while acquitting white-on-black crimes" (Bermazohn 2000, 34). Everyday life for African Americans living in the Southern United States during the Jim Crow period was fraught with danger.

When the local authorities cannot be relied upon to provide protection, the logical thing to do is to take the necessary precautions to protect oneself. Due to the danger that Black people faced every day, they realized that the only way in which they could defend themselves was through self-reliance. James Forman (1997) explains that "there was hardly a Black home in the South without its shotgun or rifle" (424). This tradition of self-defence among African Americans was an important part of the nonviolent protests of the civil rights movement. The protests were primarily to advocate for civil rights through peaceful demonstration, but if necessary, the protestors were more than capable of defending themselves. Often, Black people in the Southern United States grew up learning how to use a rifle and were very skilled marksmen (Bermazohn 2000, 38). They learned these skills out of necessity, because of the multigenerational abuse and racism experienced by their communities.

Violence against African Americans began to escalate following the unanimous decision of the Supreme Court in the 1954 Brown v. Board of Education case. This case placed the Constitution squarely on the side of desegregation and Black political rights. According to Bermazohn (2000), this led many Southern political leaders to state that they were intent on defying the Supreme Court decision, even going as far as calling on the local authorities to continue to implement segregation. Furthermore, following the Supreme Court's ruling, Mississippi Governor Ross Barnett stated: "Constitution or no Constitution, we will keep segregation in Mississippi" (38).

This led to white racists in Mississippi undertaking more emboldened actions. One event that served to unite African Americans was the murder of 14-year-old Emmett Till in August 1955. Nimtz (2016) explains that the murder of Emmet Till "was a seminal event" (4). Till was brutally murdered by two white men in Mississippi, for simply saying "bye, baby" to a white woman. His body was later found submerged in a river. Despite the overwhelming evidence against these men, an all-white Mississippi jury acquitted the murderers. This event, "sent shock, fury, and fear through black communities" and was one of the reasons that the civil rights movement began later that year (Bermazohn 2000, 38).

The widespread frustrations felt by Black people throughout the United States made people ready to take action, and events such as the Emmett Till murder enhanced the anger and desire for justice. To Berhmazohn (2000), one event, in particular, served as a catalyst for kickstarting the civil rights movement. This event took place on October 1, 1955, in Montgomery, Alabama when an African American woman named Rosa Parks refused to give her seat on a bus to a white man. As a result, police jailed her for "violating state segregation laws" (42). This event led to a boycotting of the public transit system by African Americans in Montgomery (Glennon 1991, 94). The Montgomery Bus Protest has been viewed by many as the beginning of the civil rights movement and the beginning of the end of segregation in the United States. Glennon (1991) explains that the boycott, "signaled the start of the modern civil rights movement" (59). For a full year, Black citizens in Montgomery found other ways to get to work and travel around the city. Eventually, with the help of the legal system, the busses in Montgomery were successfully integrated, and thus the first phase of the civil rights movement achieved its goal. This event was a "major shot of adrenaline" (61) to the movement, and civil rights leaders such as Martin Luther King Jr. learned an enormous amount from this early victory.

One of the most important things that civil rights leaders learned from the Montgomery bus boycott was how important to the success of the movement the strategy of nonviolence could be. As a young man King "assumed violence was needed to win equal rights" (Bermazohn 2000, 41). King's strategy changed because of the respect and admiration King had for Mahatma Gandhi. In 1959, King took a month-long trip to India to deepen "his understanding of poverty, imperialism, mass leadership, affirmative action, and Cold War non-alignment" (Jackson 2009, 41). Gandhi was a hero to King, who "admired and idealized Gandhi's charismatic power." King was inspired by how Gandhi started his protest against British tax on Indian salt with just eighty people, but eventually gathered a "nonviolent army of millions who followed his march north to the sea" (Jackson 2009, 101). King realized that when a group participates in a nonviolent protest, violence against the protestors by the authorities is viewed by the target audience as an illegitimate use of force. He believed that a dedication to nonviolent protest strategies would be "placing the freedom movement on the high moral ground", which would be "necessary to gain support outside the black community" (Bermazohn 2000, 42). It is important to note the target audience of the civil rights movement, that being white Americans and the United States federal government. In order to gain their support, "King knew that gaining the moral upper hand was a practical necessity" (32). Without a doubt, King's admiration of Gandhi influenced the civil rights

movement's use of nonviolent protest as a strategy to protest segregation laws in the Southern United States.

Nonviolent protest is most effective when protestors face violence from their opponents (Luders 2005, 129). King and other civil rights leaders chose the locations of the protests based on this notion. They realized that if their movements were to have success, it needed to be highly publicized. To gain this publicity, organizers specifically chose locations where they knew there would be an inevitable strong pro-segregation pushback. Early in the civil rights movement the leaders had attempted to protest in Albany, Georgia. However, Luders (2005) explains that, "Georgia had an exceptionally weak segregationist movement" (115). Because of the lack of a strong countermovement, the protests in Albany were largely unsuccessful. Indeed, "without the provocative clashes between police and demonstrators, supportive federal intervention was simply unnecessary" (114). Due to the lack of a violent counter-protest the federal government chose not to intervene.

The movement eventually developed from this lack of success, and civil rights leaders realized that to have success they would have to choose areas where there would be fierce counter-protests. This led to them choosing to protest in both the Alabaman cities of Birmingham in 1963, and Selma in 1964. In both these cities the likelihood of counter protest was highly probable. Luders (2005) explains that, King chose Selma, Alabama, as a place to protest, "because of the high likelihood of anti-rights violence in defence of egregious inequalities" (119). Sure enough, both Birmingham and Selma were cities where the civil rights movement saw incredible success. This was due to the extent of the racism and strong pro-segregation movement in these areas. The Selma movement is remembered for, "Bloody Sunday" (122). On March 7, 1964, "over 500 civil rights marchers departed the city across the Edmund Pettus Bridge toward the state capital to demonstrate for voting rights." Waiting for them was the racist Dallas County Sheriff Jim Clark and a group of pro-segregation movement members who met the protestors "using tear gas and wielding batons", resulting in dozens being injured. On Bloody Sunday, the American public witnessed "the raw brutality of Jim Crow." This event contributed to the success of the movement, and "pushed forward the Voting Rights Act of 1965." Luders (2005) explains that, "only eight days later, in a joint session of Congress, President Johnson condemned the violence in Selma and declared his resolute support for voting rights legislation" (121). The violence in Selma was exactly what King and other Civil Rights leaders had hoped for; the American public had finally witnessed the brutality against non-violent protestors and the federal government reacted by passing civil rights legislation.

When discussing nonviolence as a factor, it is important to note that nonviolence in the civil rights movement was not simply passive nonviolence. Rather, the civil rights movement took aggressive tactics to achieve their goals. Some scholars even argue that while nonviolence was undoubtedly an important component of the movement, equally important was the threat of potential violence. Nimtz (2016) argues that the success of the civil rights movement was "the mass peaceful protests *and* the potential threat of violence inherent in them" (2). As discussed earlier in this essay, many African Americans in the United States were well armed because they couldn't rely on law enforcement to protect them. King himself was not afraid to exert his second

amendment right to self defense. It is well documented that King's home was full of weapons for self-defence purposes (4). Nimtz asserts that "African American violence and/or the threat thereof… go a long way in explaining the government's response" (2). Other Black leaders at the time such as Malcolm X were not afraid to turn to violence, either. Nimtz explains that Malcolm X's ideology revolved around the idea that, "if Blacks could not win freedom through the electoral process, they had the right to resort to armed struggle" (14). When combined with King's strategy of nonviolence, the rhetoric of leaders willing to bear arms to gain civil rights placed increasing pressure on the federal government to end segregation in the United States.

Using political process theory is useful in understanding the success of the civil rights movement. John David Skrentny (1988) explains that the political process theory is particularly powerful because of the "model's emphasis on "political opportunities" in explaining movement development" (238). Skrentny argues that this includes "incorporation of geopolitical variables" (238). At the time, the largest geopolitical event taking place was the Cold War. The Cold War was a major political opportunity that the civil rights movement capitalized on. The eyes of the world were on the two superpowers that emerged in the post-World War II period: The United States and the Soviet Union. The United States portrayed itself as the epitome of a capitalistic nation, and supposedly inherent freedoms came with this capitalism. Yet, in the Southern United States there was an official policy of segregation and acts of violence against African Americans were protected by law enforcement. There is no doubt that systemic racism was a reality in the American south during the Cold War. Douglas McAdam (1999) argues that, "American racism suddenly took on international significance as an effective propaganda weapon of the Communists" (238). This was recognized by the US federal government, and political officials in the White House began to push for civil rights. Bermazohn (2000) explains that, "as the United States emerged as a global power, it became harder for the federal government to maintain its "hands off" policy towards the south" (38). The Cold War was a major factor in the success of the civil rights movement.

During the period of the civil rights movement, "there was concern in the federal government for world opinion" (Skrentny 1988, 241). Skrentny states that "in 1963, the Soviet Union broadcast 1,420 anti-American commentaries about U.S. rights violations in the wake of a racial crisis and rioting in Birmingham" (245). It was not just the Soviet Union that was criticizing the racism of the United States. Fidel Castro, the Prime Minister of Cuba and a well-known ally of the Soviet Union was a leader who was quick to criticize the lack of rights for Black people in America. With respect to authorities in the United States, Castro criticized, "how they use ferocious dogs against Negro citizens as a symbol of what representative democracy stands for" (Nimtz 2016, 11). Criticism from political and ideological enemies of the United States was very worrisome for the American government, and no doubt influenced the success of the civil rights movement.

Another important opportunity seized by the civil rights movement was the role of the media and the importance of television coverage. The number of households that owned a television set was just 3 percent in 1949, but that number rose to an incredible "90 per cent by 1963" (Verney 2003, 51). The increased number of people who were able to witness civil rights protests play out on television had a significant impact. Civil rights leaders were able to broadcast

the goals of the movement to millions of people over television. Verney explains that, **"**the scale of Black civil rights protests made them impossible for the television networks to ignore in their coverage of real events" (53). In addition to the large scale of the protests, civil rights leaders were able to portray themselves as educated and personable, in contrast with the rude nature of local law enforcement (55). The media coverage often demonstrated the extent to which Southern police chiefs "appeared loutish and uneducated before the television cameras, contrasted unfavorably with the intelligent, reasonable impression created by Martin Luther King and other Civil Rights leaders" (53). The nonviolent nature of the protests was also important, as "the more violence the Blacks endured, the more the press covered the boycott" (Bermazohn 2000, 43). Dewey M. Clayton (2018) explains that at the Birmingham protest, "scenes of police attack dogs biting student marchers and firefighters turning high-pressure water hoses on children galvanized much of white Americans to support the cause of African American Freedom" (452). The combination of modern technology and the Cold War served to provide political opportunities for the advancement of the civil rights cause.

In addition to the Cold War and television being political opportunities capitalized on by the civil rights movement, another opportunity was the willing participation of pre-established Black organizations in the United States, most notably Black churches. Scholars such as Paul Almeida (2019) explain that, "collective action most likely emerges out of preestablished institutions and organizations" (48). To this end, resource mobilization theory offers incredible explanatory power in understanding the success of the civil rights movement, and the ability of the movement to mobilize. Staggenborg (2011) asserts that, "the Black church provided critical support to the emerging civil rights movement, including leadership, meeting places, and numerous cultural resources." When there are already well-established social groups and organizations, the ability for mobilization becomes much easier and there is more opportunity to spread the word and for the social movement to gain new members. Indeed, "pre-existing organizational and cultural bases, together with large-scale changes, were key factors in the origins of the movement" (Staggenborg 2011, 56). Another organization of central importance during the civil rights movement was the National Association for the Advancement of Coloured Peoples (NAACP), which had been formed in 1909 and was firmly established in many communities before the movement began (Bermazohn 2000, 32). As a result, the NAACP was an important part of the mobilization process. Ironically, as a result of segregation, there were already many all-Black institutions and organizations, and because of this the movement quickly mobilized and gained traction.

The civil rights movement has left an important legacy. It was a defining moment in American history, having impacted many other social movements. Staggenborg (2011) explains that, "the civil rights movement left a legacy of organizational structures, tactical models, and collective action frames" (56). One impact was the development of a master frame of "civil rights" which kickstarted a protest cycle that took place during the 1960s (53). The civil rights movement was the initiator movement of the 1960s, and many other social movements were encouraged by the successes brought about by the civil rights movement and used similar strategies. Later social movements such as the women's movement and the environmental movement utilized the frames, tactics, and organizations developed by the civil rights movement.

It can be difficult to determine whether or not a social movement has achieved its goals. However, regarding the civil rights movement, there is no doubt that it was a successful social movement and has shaped American history. The movement achieved its social goal of making the American public aware of the injustices and danger faced by African Americans on a daily basis. Additionally, because of the civil rights movements two important pieces of legislation were passed by the federal government. In 1964, American president Lyndon B. Johnson passed the Civil Rights Act, which "outlawed the systemic, far reaching, and in some cases, legally sanctioned discrimination that had prevailed for decades across a number of areas of American society" (Aiken 2013, 383). President Johnson also passed the Voting Rights Act of 1965, which, "prohibited jurisdictions from implementing barriers to voting and provided for greater enforcement of the right to vote guaranteed by the Fourteenth and Fifteenth Amendments" (Rogowski and Schuitt 2017, 513). The passing of both the Civil Rights Act and the Voting Rights Act are indicative of the success of the civil rights movement.

This essay has aimed to contextualize the civil rights movement and has argued that the success of the movement was largely owed to its effective use of nonviolent protest and the ability of its leaders to utilize pre-existing organizations to achieve its aims. The civil rights movement effectively used opportunities such as the Cold War and the rise of mass media to get its message to the federal government and white Americans. Ultimately, the civil rights movement was a success because of the U.S. federal government's passing of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, which legally ended segregation in the Southern United States. However, the civil rights movement ended only 52 years ago, and the horrific memories of segregation and Jim Crow laws still loom large. Today, there is still much division throughout the world. The message of unity sought for by people like Martin Luther King Jr. during the civil rights movement is a message that is still relevant today.

References

Aiken, Juliet R., Elizabeth D. Salmon, and Paul J. Hanges. 2013. "The Origins and Legacy of the Civil Rights Act of 1964." *Journal of Business and Psychology* 28, no. 4 (March): 383-399. https://doi.org/10.1007/s10869-013-9291-z.

Paul, Almeida. 2019. *Social Movements: The Structure of Collective Mobilization*. California: University of California Press. https://doi.org/10.2307/j.ctvd1c7d7.

Anderson, Gary M., and Dennis Halcoussis. 1996. "The Political Economy of Legal Segregation: Jim Crow and Racial Employment Patterns." *Economics & Politics* 8, no. 1 (March): 1-15. https://doi.org/10.1111/j.1468-0343.1996.tb00117.x.

Bermanzohn, Sally A. 2010. "Violence, Nonviolence, and the Civil Rights Movement." *New Political Science* 22, 2000, no. 1 (August): 31-48. https://doi.org/10.1080/713687897.

Clayton, Dewey M. 2018. "Black Lives Matter and the Civil Rights Movement: A Comparative Analysis of Two Social Movements in the United States." *Journal of Black Studies* 49 (5): 448-480. https://doi.org/10.1177/0021934718764099.

Forman, James. 1997. *The Making of Black Revolutionaries*. Seattle, WA: University of Washington Press.https://search.alexanderstreet.com/view/work/bibliographic_entity%7Cdocument%7C4391477.

Glennon, Robert J. 1991. "The Role of Law in the Civil Rights Movement: The Montgomery Bus Boycott, 1955-1957." *Law and History Review* 9 (1): 59-112. https://doi.org/10.2307/743660.

Jackson, Thomas F. 2009. From Civil Rights to Human Rights : Martin Luther King, Jr. , and the Struggle for Economic Justice. Philadelphia: University of Pennsylvania Press. ProQuest Ebook Central.

King, Martin Luther, Jr. "I Have a Dream." Speech, Washington, DC, August 28, 1963. American Rhetoric. http://www.americanrhetoric.com/speeches/mlkihaveadream.htm.

Luders, Joseph E. 2005. "Civil Rights Success and the Politics of Racial Violence." *Polity* 37 (1): 108-129. https://doi.org/10.1057/palgrave.polity.2300006.

McAdam, Doug. 1999. *Political Process and the Development of Black Insurgency, 1930-1970.* Chicago: University of Chicago Press. https://doi.org/10.7208/chicago/9780226555553.001.0001.

Nimtz, August H. 2016. "Violence and/or Nonviolence in the Success of the Civil Rights Movement: The Malcolm X–Martin Luther King, Jr. Nexus." *New Political Science* 38, no. 1 (Feburary): 1-22. https://doi.org/10.1080/07393148.2015.1125116.

Skrentny, John D. 1998. "The Effect of the Cold War on African-American Civil Rights: America and the World Audience, 1945-1968." *Theory and Society* 27, no. 2 (April): 237-285. https://doi.org/10.1023/A:1006875732319.

Staggenborg, Suzanne. 2011. *Social Movements*. 2nd ed. New York: Oxford University Press.

Schuit, Sophie, and Jon C. Rogowski. 2017. "Race, Representation, and the Voting Rights Act." *American Journal of Political Science* 61 (3): 513-526. https://doi.org/10.1111/ajps.12284.

Verney, Kevern. 2003. The Civil Rights era, 1945-65. African Americans and US Popular Culture, edited by David Birmingham. London: Taylor & Francis Group. https://doi.org/10.4324/9781315015316.

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

Examining the CPEC through the Lens of South-South Cooperation

By Lochlann Kerr

Abstract

Worth over $62 billion USD, the China-Pakistan Economic Corridor (CPEC) is one of the largest infrastructure partnerships between two developing states and is lauded by China and Pakistan as a model of development cooperation. By viewing the program from the perspective of a South-South Cooperation (SSC) framework, this paper analyzes the extent to which the CPEC operationalizes the principles of the SSC paradigm. In examining the CPEC's relation with the standards of mutual benefit, equality, non-interference, and non-conditionality, China and Pakistan's claims that the program is a blueprint for South-to-South development cooperation is tested by this research. Though the details of the CPEC are in many ways hidden behind closed doors, available data and documents indicate that the CPEC does fulfill the burden of mutual benefit and equality among partners. However, the program diverges when non-interference and non-conditionality are considered as its implementation has shown signs of coercive and power-stratified relations. On balance, the CPEC is one of the best examples of development guided by an SSC framework that exists despite areas in which it serves more as a cautionary tale than an example to be replicated.

Introduction

The China-Pakistan Economic Corridor (CPEC) stands as one of the most prominent and expansive development partnerships in the world. With more than $62 billion USD in funding from China alone (Siddiqui 2017), the controversial program has been pivotal in shaping the Pakistani-Chinese relationship since its inception. The CPEC is designed to connect China directly to the Sea of Oman with a network of infrastructure through Pakistan, aiming to provide geo-political and economic benefits to China and massive investments in Pakistan, which has long lacked funding from foreign investors (Mardell 2020).

As a joint infrastructure and investment program between two developing nations, an important question surrounding the CPEC and the Belt and Road Initiative (BRI) projects under its umbrella surrounds its relationship with goals and paradigms of South-South cooperation theory (SSC). Although a development project can be a cooperative venture between two nations in the Global South, it would not necessarily be a project that embodies the tenets of South-South cooperation. In order to understand if and how the CPEC intersects with SSC theory, this paper will scrutinize the CPEC and systematically compare it to the normative framework of SSC, seeking out how it reflects or rejects some of the key elements of SSC. This will require outlining some of the key tenets of SSC development, and the use of scholarly and media sources in order to conceptualize this massive, complex, and sometimes opaque project, and to compare theory with practice. An investigation into the extent to which the CPEC operationalizes SSC theory is

deeply important, first, because one of the key justifications for the CPEC is South-South cooperation in and of itself. Government messaging has planted the legitimacy and direction of the project firmly within SSC paradigms, so a study of if the CPEC fulfills these metrics is inherently pertinent to the program (Quadir 2013, 325). Second, it is important to understand if the CPEC should serve as a model for South-South cooperation and development, or if the flaws in its aspirations or implementation mean it should be regarded as a cautionary tale.

Ultimately, this research will demonstrate that the CPEC largely fulfills the principles of SSC, although there are some areas in which the implementation of the program has strayed from the framework of cooperation between countries in the Global South.

What is the CPEC?

Following decades of close geopolitical relations, China and Pakistan deepened their alliance and interdependence in 2015 with the announcement of plans to build an economic corridor of transport networks, renewable and non-renewable energy infrastructure, and port expansions (Mardell 2020). The CPEC largely consists of projects planned and built by Chinese contractors, and many of these projects, particularly energy infrastructure projects, are subsequently run by Chinese firms (Shah 2018, 381). The corridor is funded by both Pakistan and China, with the latter providing a large majority of the financing (381). Chinese funding is likely a mix of commercial and concessional loans and grants, though the highly confidential nature of the CPEC agreements makes exact details inaccessible (381). The program has faced multiple schedule changes and cost increases but is currently slated to be complete by 2030 at a cost of at least $62 billion USD (Siddiqui 2017; Mardell 2020).

A working definition of South-South Cooperation

Key to an understanding of South-South cooperation is that there is no single, perfectly comprehensive definition of SSC. It could be argued that, by design, SSC is not supposed to have a universal definition that can apply to all nations and paths of development. With the overlaps and differences of the many understandings of SSC, the approximation used for this research will combine a definition given by an institutional actor in development, and an understanding taken from academia. The United Nations Office for South-South Cooperation states that SSC should be guided by "the principles of respect for national sovereignty, national ownership and independence, equality, non-conditionality, non-interference in domestic affairs and mutual benefit" (United Nations Office for South-South Cooperation *n.d.*). Turning towards an academic definition about the broad goals of SSC, Isaac Odoom defines it as "the processes, institutions and arrangements designed to promote political, economic and technical cooperation among developing countries in pursuit of common development goals" (Odoom 2017, 77)

Using these broad outlines of the SSC framework, this research paper will amalgamate the ideas present in each to form a broad checklist of important metrics for analyzing the CPEC. The metrics that will be used to categorize areas of adherence to or rejection of SSC will be (1) Mutual benefit in common development goals; (2) Equality; (3) Non-interference; and (4) Non-conditionality.

By using these four broad categories, which aim to balance the multifaceted nature of SSC development with a consideration of the limitations in this research, a categorical understanding of the CPEC and underlying BRI projects can be created.

Mutual benefit in common development goals

The concept of mutual benefit in SSC differentiates the approach from traditional understandings of development aid. Deborah Bräutigam's paper on Chinese development points to the fact that there is a complex mix of funding, some of which is aid-styled funding, and some of which seems more business oriented (2011, 757). This fits the messaging from China on CPEC projects, which highlights the goal of "win-win cooperation" (Farwa and Siddiqa 2017, 81). It also indicates that, at least publicly, the CPEC is not simply a foreign aid program — as the provider of a majority of the funding for this project, China is expecting to receive benefits in return. For example, some of the transport networks being constructed as part of the CPEC will directly connect China's Xinjiang province to the Strait of Hormuz via the Gwadar port, which is also being extensively upgraded under the program (Hilali 2019, 95). This provides China more direct and guaranteed access to key shipping routes compared to relying on passage through the Malacca Strait, and access to reliable infrastructure built and operated by its own firms (Farwa and Siddiqa 2017, 87). From these CPEC projects, China will attain economic and geopolitical advantages that can only come through direct cooperation with neighboring developing countries (Farwa and Siddiqa 2017, 87).

For Pakistan, the CPEC has undoubtedly had benefits — the World Bank estimated in 2016 that it contributed to the highest economic growth Pakistan had achieved in nearly a decade (Shah 2018, 380). The corridor has made strides towards securing more stable power supplies for the country, a lack of which has cut around 2% of potential GDP each year (380). The benefits of this investment are particularly significant given the unwillingness of other international actors to invest in Pakistan, a problem that itself can be addressed by making Pakistan more appealing to investors with more reliable and expensive energy and transport infrastructure (Shah 2018, 380). When considering how vital access to basic infrastructure such as a reliable energy grid is to human development and the fulfillment of the Sustainable Development Goals (Odoom 2017, 81), the CPEC has key benefits for Pakistan. From both an economic perspective, through the analysis of metrics such as providing employment opportunities (Hilali 2019, 100), or provision of services that can advance human development, Pakistan does receive benefits from the CPEC.

The deep integration of China and Pakistan also represents an opportunity to shift away from Western dependencies and institutions. The SSC framework can draw its roots back to dependency theory (Hughes and Morvaridi 2019, 868), and the CPEC itself exhibits examples of ways in which the Global South can extricate itself from some of the modes of Northern hegemony. For example, the US dollar (USD) has been the world's reserve currency since the creation of the Bretton-Woods institutions, and today the majority of cross-border trade and international debt is in the American currency (Bank for International Settlements 2020). However, it has long been the goal of China to elevate the renminbi (RMI) to levels at which it can compete with the USD in international transactions, creating a multipolar monetary system (Safdar and Zabin 2020).

For Pakistan, CPEC loans in USD are becoming untenable in the face of dwindling USD reserves and a persistent current-account deficit. As such, a transition to loans in RMI presents the opportunity to reduce the economic strain of the massive loans (Bank for International Settlements 2020). This led to Pakistan pushing for loans in RMI, and in the fall of 2019 it was announced that all future CPEC projects would be funded by loans in China's currency (2020). Both states were able to achieve a development goal through cooperation that would not otherwise be possible through institutions governed by the global North like the World Bank (which only insures loans in USD, EUR, JPY, and GBP). China is able to internationalize the RMI as a loan and reserve currency, and Pakistan is able to pay for development projects using a more accessible foreign currency (The World Bank 2020). Through the CPEC, China and Pakistan are able to achieve goals of common interest and operate independently of systems underpinned by Western control, which not only demonstrates tertiary areas of cooperation but also links back to SSC's roots in dependency theory.

Equality

A commitment to mutually beneficial cooperation, however, does provide clarity on the extent to which each party benefits. Although Pakistan has some clear benefits from CPEC development, some argue that China's modes of development funding tend to favour itself (Odoom 2017, 80). For example, there are indications that some CPEC projects afford Chinese firms the right to charge relatively high tolls or fees on transport and electricity services in Pakistan. This could, in the long term, severely undercut Pakistan's economic growth, its goal of being a hub for low-cost power in the region, and overall human development within its borders (Mardell 2020; Odoom 2017, 81).

Furthermore, an important question is who within Pakistan benefits from the CPEC project? Research suggests that BRI projects are centralized around larger cities and near border crossings or shipping routes, meaning that despite the breadth of the CPEC project, most of the actual developmental benefits will be geographically stratified (Gill *et al.* 2019). Additionally, provinces in Pakistan have accused the federal government of directing projects and funding towards Punjabi-majority regions (Shah 2018, 383) — this highlights the fact that development can be divisive along ethnic lines. These tensions have spilled over in regions such as Balochistan, where local militias have formed in order to push back against what they perceive as an "expansionist and oppressive" China (Chaudhary 2020). This potentially underscores the impact of a lack of conditionality in BRI funding, allowing states to allocate funding with relative impunity compared to the requirement brought by funding from institutions like the IMF or World Bank. The anger of locals at the exploitation of the resource-rich Balochistan highlights the fact that development through the CPEC can be created as a project of mutual benefit, though equality between and within states is far from guaranteed.

Non-interference

A concerning way in which the BRI, and CPEC specifically, has come under scrutiny is in terms of broad non-compliance with the norms and governance practice of China's development partners (Odoom 2017, 86). Compared to other development institutions, China is relatively unconcerned with the bureaucratic or legislative norms of the states

hosting development projects, and this is observable in the CPEC program. For example, Pakistan has adjusted tariffs as a result of Chinese pressure, even though this will result in higher electricity prices for Pakistanis (Shah 2018, 381). This kind of internal interference to ensure the protection of Chinese interests is likely a diversion from the goals of South-South cooperation, which aims to allow states to develop without buckling to coercive pressures from other states.

Furthermore, Chinese diplomats have frequently become involved in the responses to criticism of the CPEC within Pakistan; labels such as "enemies of Pakistan" and accusations of a "hidden agenda" from Chinese state officials have been noted by Shah in his analysis of the CPEC (2018, 382). Even more significantly, some argue that the CPEC agreements, which remain highly secretive, force the Pakistani government to circumvent their own policies on procurement contracts by awarding projects to only a select number of Chinese firms who, in some cases, are more expensive than outside contractors (Shah 2018, 383). Not only does this potentially undermine the sovereignty of Pakistan, it also demonstrates that the concept of interference is not binary.

The line between compromise and coercion in a negotiation with China is unclear. Likewise, such a line is not definitive when states accept the structural adjustments imposed by the IMF in exchange for bailouts. The exact extent of Chinese interference in the internal affairs of Pakistan is also difficult to discern, as BRI projects are negotiated in secret and much of the information surrounding the procurement process are classified (Nurgozhayeva 2020, 261; Shah 2018, 381-382). Although it is unlikely that China interferes in Pakistan to the extent that it can necessarily be categorized as coercion, it is still important to note the ways in which China exerts pressure on Pakistan in certain policy areas and intervenes in discourse on CPEC projects.

Non-conditionality

A defining element of development aid from Western institutions has been the imposition of conditions on the recipients of loans, an element China is proud to reject in the CPEC (Farwa and Siddiqa 2017, 87; Shah 2018, 379). In the most recent IMF bailout to Pakistan in 2019, a number of conditions were imposed including measures like increases on electricity tariffs, cancelling tax exemptions, and reductions in subsidies, which are designed to stabilize Pakistan's economic and financial situation (The Economic Times 2020; International Monetary Fund 2019). These conditions on the internal policies of Pakistan represent a norm for economic support from multilateral financial institutions which is not reflected in the underlying principles of SSC. Despite the many areas of disagreement in discourse around the BRI and the CPEC, it is broadly agreed that China does not impose conditions on partner states. This can be argued to derive from two root motivations. The first underlying motivation is that of the SSC framework itself. Fundamentally, SSC is not a top-down system in which the 'donor' is positioned to impose on the agency of the 'recipient', as exists within the relationship between Pakistan and the IMF (Hughes and Morvaridi 2019, 870). It is argued that this leads to symbiotic practices that are removed from power structures which enable one party to impose conditions on development.

The second underlying motivation is the opportunity to build partnerships in ways that reduce the need for paternalistic conditions. Most BRI projects are undertaken on the basis of a tradeoff between China and its partner: China needs access to resources, while resource-rich but underdeveloped states need access to financing and expertise for infrastructure construction (Odoom 2017, 79). Because both sides rely on the exchange embedded within these agreements, each can be trusted to maintain a positive working relationship in order to continually receive the benefits of the agreement. Because both Pakistan and China are positioned as equals who each have something to gain from the exchange embedded within the CPEC, processes such as conditionalities or imposition of policies that seek to change the nature of one party are not present. China is not trying to fundamentally change the economic structure of Pakistan, so it will not apply the same conditions as the IMF.

Still within question is if some elements of the CPEC reflect new forms of conditionalities. Hughes and Morvarindi point to examples of better development practices under SSC such as using local development experts, rather than requiring experts from the global north to be flown in to advise developing countries, as is common for aid and development programs originating in the global North (880). They also highlight how China has invested in training programs in partner nations, which is reflective of the pillar of technical cooperation that Odoom presents in his definition of South-South Cooperation (77). However, where the CPEC may be different is in the understanding that many of the key CPEC projects are planned, built, and then operated by Chinese firms (Shah 2018, 383) and designed to increase China's access to natural resources (Hughes and Morvaridi 2019, 882). This brings into question whether China is truly operating on the principle of non-conditionality if it is also using requirements within its CPEC agreements that are designed to benefit itself. Although this may not be the form of conditionalities that institutions like the IMF impose, the precondition that Pakistan must concede areas such as procurement contracts and project design to Chinese actors is still principally a precondition.

Some scholars argue that non-conditionality is rarely practiced within SSC, as states such as China seek to extract benefits, such as access to resources, which requires some degree of conditionality (882). Given the unrivaled scale of investment provided to states like Pakistan, and the fact that the BRI and CPEC are not aid programs, it is not unreasonable that China is able to secure some benefits before undertaking these projects. Critics of China's conditionality practices argue that without true non-conditionality, SSC is simply a new manifestation of the neoliberal world order and does not truly represent the partnership of equals to which SSC aspires (883). This requires a strict interpretation of the line between conditionality and reasonable concessions, but is still a reasonable caution against projects like the CPEC becoming replications of the power relations that exist between the global South and institutions like the IMF. Although forcing Pakistan to only allow Chinese firms to bid on projects in order to receive financing is a form of conditionality, it likely stands as a less pernicious form of conditionality compared to structural adjustment policies that can have wide reaching impacts on the government, economy, and human development of a

nation. Though procurement contracts are important, they are less significant conditions compared to, for example, the IMF's austerity measures that impact the lives of many Pakistanis.

Conclusion

The CPEC is a massive, complex, and ever-changing development program that is not short in its ambitions nor uncontroversial in its execution. It has presented both China and Pakistan with economic, geopolitical, and security benefits, and has opened up new avenues of partnerships for the global South. It also broadly operates under the principle of partnership among equals, though it does present areas of contention within Pakistan over who is able to access development. Particular controversy surrounds the pillars of non-interference and non-conditionality. In interference, it is not unusual for China to apply political pressure to partner states, and the secrecy surrounding the CPEC ultimately means it is unlikely that a definitive understanding of the extent to which China has become enmeshed in the internal politics of Pakistan can be reached. Turning to non-conditionality, China undoubtedly does not impose conditions in the same ways as the IMF or other institutions seated in the global north do. However, there are valid concerns that China imposes new forms of conditionalities that, if unchecked, risk replicating the power differentials that are present in the IMF-Pakistan relationship.

Given that the CPEC: (1) fulfills mutual cooperation and embodies equality where it can, despite stark areas of conflict; (2) operates under a framework of equal partnership, though has issues of equality of access within Pakistan; (3) has an imperfect record on non-interference; and (4) successfully departs from the conditionalities that SSC aims to prevent, though presents risks of new conditionalities; it is generally true that the project largely fulfills its normative requirements to be considered South-South Cooperation. Although not an embodiment of the full potential of SSC, the China-Pakistan Economic Corridor is still a major step forward for development partnerships in the global south. Many of the flaws of the CPEC, particularly with regards to non-interference and non-conditionality, represent problems present in the implementation of the CPEC project and BRI projects, rather than a reflection of flaws present in the framework of the CPEC itself. Comparatively, these problems are also smaller in scale than the extent to which it fulfills the practices and goals of South-South cooperation. Therefore, the CPEC can and should be taken to be a model of good SSC in some respects, and a demonstration of the difficulties of applying the theory of SSC to real circumstances in others. Although imperfect, it is nonetheless one of the largest and most consequential implementations of South-South cooperation theory in the field of development to this day.

References

Bank for International Settlements. 2020. "US dollar funding: an international perspective." *Bank for International Settlements*, June 18, 2020.

Bräutigam, Deborah. 2011. "Aid 'with Chinese characteristics': Chinese foreign aid and development finance meet the OECD-DAC aid regime." *Journal of International Development* 12: 752-764.

Chaudhary, Smriti. 2020. "CPEC: Internal Pressure, External Threat – Why China's $60 Billion Investment In Pakistan Is At Risk?" *The EurAsian Times*, November 19, 2020. https://eurasiantimes.com/cpec-internal-pressure-external-threat-why-chinas-60-billion-investment-in-pakistan-is-a-big-security-risk/

Farwa, Ume, and Arhama Siddiqa. 2017. "CPEC: Prospects of OBOR and South-South Cooperation." *Strategic Studies* 37, no. 3: 75-91.

Gill, Indermit, Somik Lall, and Malthide Lebrand. 2019. "Winners and losers along China's Belt and Road." *The Brookings Institution*, June 12, 2019. https://www.brookings.edu/blog/future-development/2019/06/21/winners-and-losers-along-chinas-belt-and-road/

Hilali, A.Z. 2019. "China-Pakistan Economic Corridor and Dynamics of Regional Connectivity: Prospects and Challenges." *Strategic Studies* 39, no. 4: 89-103.

Hughes, Caroline and Behrooz Morvaridi. 2018. "South-South Cooperation and Neoliberal Hegemony in a Post-aid World." *Development and Change* 49, no. 3: 867-892

International Monetary Fund. 2019. "IMF Executive Board Approves US$6 billion 39-Month EFF Arrangement for Pakistan." Accessed February 19, 2021. https://www.imf.org/en/News/Articles/2019/07/03/pr19264-pakistan-imf-executive-board-approves-39-month-eff-arrangement

Mardell, Jacob. 2020. "The BRI in Pakistan: China's flagship economic corridor." *Mercator Institute for China Studies*, May 20, 2020. https://merics.org/en/analysis/bri-pakistan-chinas-flagship-economic-corridor

Nurgozhayeva, Roza. 2020. "Rule-Making, Rule-Taking or Rule-Rejecting under the Belt and Road Initiative: A Central Asian Perspective." *The Chinese Journal of Comparative Law* 8, no. 1: 250-278.

Odoom, Isaac. 2017. "South-South Cooperation, SDGs, and Africa's Development: A Study of China's Development Intervention in Ghana." In *From Millennium Development Goals to Sustainable Development Goals: Rethinking African Development*, edited by Hansen *et al., 74-93.* New York: Routledge.

Quadir, Fahimul. 2013. "Rising Donors and the New Narrative of 'South–South' Cooperation: what prospects for changing the landscape of development assistance programmes?" *Third World Quarterly* 34, No. 2: 321–338.

Shah, Abdur Rheman. 2018. "How Does China–Pakistan Economic Corridor Show the Limitations of China's 'One Belt One Road' Model." *Asia & the Pacific Policy Studies* 5, no. 2: 378–385.

Siddiqui, Salman. 2017. "CPEC investment pushed from $55b to $62b." *The Express Tribune*, April 12, 2017. https://tribune.com.pk/story/1381733/cpec-investment-pushed-55b-62b

The Economic Times. "IMF approves $6bn loan for Pakistan with tough conditions." July 4, 2020. https://economictimes.indiatimes.com/news/international/world-news/imf-approves-6-bn-loan-for-pakistan-with-tough-conditions/articleshow/70071064.cms?from=mdr

The World Bank. 2020. *IBRD Local Currency Financing.* The World Bank Treasury, 2020. http://pubdocs.worldbank.org/en/204311507314967032/product-note-ibrd-local-currency-financing-May-2020.pdf (accessed December 2, 2020)

United Nations Office for South-South Cooperation. *What is South-South Cooperation?* The United Nations, *n.d.* https://www.arab-ecis.unsouthsouth.org/about/what-is-south-south-cooperation/ (accessed December 1, 2020)

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

"Regulate the Regulator" Credit Rating Agencies and Lessons from the 2008 Financial Crisis

By Grace Li

Abstract

As the 2008 Financial Crisis caused global markets to contract, and people across the United States and the world suffered the costs, there has been a growing and significant body of literature investigating the relative culpability of different financial actors and institutions in perpetrating the 2008 crisis. "Regulate the Regulator" highlights the culpability of credit rating agencies (CRA) for the reason that their industry acted as a de-facto financial regulator in themselves, wielding a unique amount and type of power as the "gatekeepers" or "security guards" of capital markets. This article explores the role of CRAs in precipitating the events of the 2008 crisis by examining factors like inherent conflicts of interest, an opaque rating process that lacked substantive oversight, and the enforcement of a profit-oriented workplace culture. Taking the analysis, a step further, "Regulate the Regulator" then contextualizes the behaviour of CRAs within the post-1980s American financialization movement.

Introduction

Beginning in 2007, fractures in the United States' subprime mortgage market would spread to other financial markets and then the global economy in what would be the "most destructive economic event" since the Great Depression (Davies 2011, 1). As global markets contracted and people across the United States and the world suffered the costs, there has been a growing and significant body of literature investigating the relative culpability of different financial actors and institutions in perpetrating the 2008 crisis. In particular, the inner workings of credit rating agencies (CRAs) were notably opaque, and scholars have attempted to demystify these so-called "gatekeepers" of the financial system (Marciniak 2015, 102).

In my analysis, I will explore how CRAs inflated credit ratings, which contributed to the onset of the 2008 financial crisis, and more importantly, why they did so by contextualizing their behaviour within the post-1980 financialization of the American economy. For my research, I will be limiting the scope to the American national context. However, I do this while acknowledging that CRAs have also been criticized for their role in downgrading foreign indebted countries which exacerbated the crisis (Davies 2011, 126). I argue that credit rating agencies played a significant role in precipitating the events of the 2008 crisis due to a business-scheme rooted in conflicts of interest, an opaque rating process that lacked substantive oversight, and the enforcement of a profit-oriented corporate culture. Further, CRAs should be viewed through the lens of the financialization movement of 1980's which both laid the foundation for and encouraged their behaviour.

Throughout my research, I will be focusing on the key players in the CRA business leading up to the 2008 crisis, and while there were, and are, several more specialized agencies, the U.S. credit rating sector is highly concentrated. Standard & Poors, Moody's, and Fitch are considered the "Big Three" CRAs and are the only nationally recognized securities rating organizations (NRSROs) (Davies 2011, 123; Mennillo and Sinclair 2019, 267). The NRSROs use statistical models to pass judgement on "specific fixed-income securities, including complex financial instruments issued in structured finance, as well as on issuers such as corporations, municipalities, and governments" (Rousseau 2012, 2). These judgements are translated into a "universal letter code" which varies from "the best (AAA or "triple-A") to the worst (D, for default)" and this rating affects the interest rate or cost of borrowing (Marciniak 2015, 101; Sinclair 2005, 4). A high-quality credit rating denotes a firm's capacity to repay its debt or the risk associated with investing in a certain financial instrument (Cash 2018, 34).

This system was particularly relevant leading up to the 2008 crisis, as the securitization of mortgages into mortgage-backed securities, which fed the housing-bubble that burst during the crisis, required standardization to mediate the "information asymmetry" that made these structured financial instruments more inaccessible. CRAs help mitigate this asymmetry for investors by providing a simplified rating of complex financial information which theoretically allows them to "invest with greater confidence in the levels of risk they are undertaking," while simultaneously allowing "issuers access to investors" and the potential to "drive their interest payments down depending" on the quality of rating (Cash 2018, 34). While CRAs do not claim to recommend investments, as an investor's "willingness to take risks varies," they were nonetheless regarded as an "authoritative source of judgement," which provided them with a substantial amount of control over "access to capital markets" (Sinclair 2005, 2, 7).

Following the 2008 financial crisis, the "Big Three" CRAs were accused of assisting Wall Street in packaging loans into securities for sale to investors and stacking its compliance department with people who "awarded the highest ratings to pools of mortgages" that were soon "downgraded to junk" (Hall 2019, 3). In July of 2008, the Securities and Exchange Commission (SEC) issued a report which claimed that "profit motives had undermined the integrity of ratings" issued by the NRSROs (5). In this paper, I explore what factors lead CRAs to assign these "excessively high ratings."

At times throughout history, the leading CRAs have "experienced great difficulties" and even came "close to extinction" in the late 1960s. This context is integral to understanding the behaviour of CRAs. The build-up to the crisis is described by Cash as a "clear demonstration" of CRAs "operating upon the understanding that survival has to be the first and only consideration". While all firms operate by this mantra in theory, particularly in the case of Moody's and Standards & Poors, this notion was "fundamentally ingrained within their psyche, which shaped the decision-making and behaviour of CRAs to be characterized unilaterally by their desire for "profit-maximization" (Cash 2018, 46).

Conflicts of Interest

This mission to maximize profit was facilitated, in part, by the business model of CRAs that "is subject to fundamental conflicts of interest" (Davies 2011, 124). Prior to the early 1970s, CRAs

depended on investors to pay for ratings, however, following the high-profile bankruptcy of the Penn Central Railroad in 1970, the business model changed to an "issuer pays" system in an attempt by firms to "assure bond investors" that their bonds were low risk (124-125). An "issuer pays" system means that the firm issuing the bonds pays the rating agency to evaluate their bonds. However, inherent to this system is a conflict of interest as rating agencies "may be tempted to downplay the credit risk of issues" and "inflate their ratings" to retain business (Rousseau 2012, 7). Further, this "renders CRAs more vulnerable to pressure by large issuers" as firms may engage in "ratings shopping" to demand credit enhancement or seek out the CRA who will provide the highest available rating (Rousseau 2012, 7; Davies 2011, 125).

In a testimony by Richard Michalek, a former vice president senior credit officer of structured derivative products at Moody's, to the Senate Permanent Subcommittee on Investigations, Michalek outlined the typical process of assigning a rating to a client's structured obligation at Moody's. He described that the incentives offered by "fee-based" structuring investment banks were clear: "get the deal closed and if there's a problem later on… I'll be gone, and you'll be gone." Additionally, the processes of confirming the requested rating and pricing the transaction between the CRA and issuer occurred simultaneously before a "rating committee," in a suspiciously quid-pro-quo fashion. This description paints a sobering image of the credit rating process leading up to 2008 at the prominent CRA, Moody's, in which "closing the deal" was prioritized over "detailed review" (U.S. Government Publishing Office 2010). The financial incentive to please issuers went hand-in-hand with the profit-maximizing mantra of CRAs, and these conflicts of interest played a significant role in the rating inflation of billions of dollars of toxic assets.

Since the 2008 crisis, CRAs have come forth to defend their "issuer-pays" system on the basis that "potential conflicts exist regardless of who pays," as investors also have a vested interest in the rating of a bond (Davies 2011). They have further argued that the distinction between investor and issuer is not always so clear cut. CRAs claim that the key is, rather, how well the rating agencies manage potential conflicts, pointing to mitigation strategies such as "making decisions by committees, rather than individual analysts," and "prohibiting analysts from holding fee discussions with issuers" (Davies 2011, 127). However, it is clear from Michalek's testimony that these proposed strategies either did not adequately mitigate conflicts or were not enforced effectively, as pricing and rating were still often discussed at the same time. While CRAs may have instituted half-hearted internal efforts to curtail the shortcomings of their "issuer-pays" system, they ultimately lacked external oversight, and therefore substantive accountability.

Lack of Oversight

A business model rooted in an inherent conflict of interest was further compounded by a severe lack of regulatory oversight in the credit rating industry prior to the 2008 crisis. CRAs were not extensively or directly regulated until 2006. They were subject to the regulations and legal considerations of different areas of the economy to allow their "self-regulation and transparency" (Marciniak 2015, 100). This occurred while CRAs were growing in influence, as their ratings were incorporated by regulators into the regulation of other financial markets, "embedding them into important financial sectors" while remaining "free from direct regulation themselves" (Cash 2018,

21). Following the 2008 crisis, this raised a serious discussion on the ethics of CRAs, as the "size of their profits" and significant role in the "development of the global economic situation" implied the need for careful analysis of their governance and transparency in regards to the grading system (Marciniak 2015, 100).

The Credit Rating Agency Reform Act was enacted in 2006 to improve the quality of ratings "for the protection of investors and in the public interest by fostering accountability, transparency, and competition" (Cash 2018, 22). Yet, following this piece of legislation, the SEC's ability to interfere in the workings of CRAs continued to be limited and there was no mention of mortgage-backed securities apart from clauses prohibiting CRAs from explicitly threatening issuers with a downgrade or to withdraw if they do not "rate the entire pool of assets" (23). This example paints a picture of the regulatory mechanisms, or the severe lack thereof, in place leading up to the 2008 crisis, which failed to hold them accountable and allowed their irresponsible behaviour to persist.

CRAs further engaged in an ancillary business that contributed to a large portion of their revenues in the structured finance segment, and which further undermined the integrity of the rating process. Issuers could "work with CRAs on the composition of structured products" to "maximize the obtained rating," for a fee (Darbellay 2013, 123). Structured finance "deals with financial lending instruments that work to mitigate serious risks related to complex assets," like the securitization of mortgages (Corporate Finance Institute, n.d.). This was possible because "the rating process was a fixed target," so issuers could hire CRAs to advise them during the process of engineering complex financial products to ultimately receive a certain rating (Darbellay 2013,124). This raised "doubts about the objectivity of the final rating," pointing to the greater issue: the credit rating process was deeply mystified (Davies 2011, 125).

Given that the utility of CRAs ties in large part to their ability to resolve various information asymmetries between structured financial products and investors, "it is crucial that their ratings and processes be transparent" (Rousseau 2012). Encouraged by the lack of regulatory oversight, there was dually an inadequate level of disclosure by CRAs regarding their methodologies, particularly concerning key assumptions and rating criteria. When "complex legal structures" and important information remains opaque, "investors are unable to make independent assessments of credit risk because they lack access to fundamental data on the underlying assets" (Rousseau 2012, 5). CRAs were also "not sufficiently forthcoming" with "the limitations of their ratings" (7). Therefore, it is clear that trusting CRAs to voluntarily disclose crucial information was not an adequate solution for protecting investors leading up to the 2008 crisis, as CRAs chose to irresponsibly abuse the information asymmetries which characterized their business.

"Bad CRA Culture"

Another integral piece of the puzzle involved the workplace culture of the NRSROs, which was fostered by the same mantra of profit-maximization. According to Macartney (2019), following the 2008 crisis, the "culture of banking" became "a priority of the agenda of regulatory agencies worldwide." The culture of banking has been defined as the norms, beliefs, ideas, and behaviours within banks, which "exists in the hearts, minds, and actions of every banker" it employs. It is bank culture that "guides behaviour in the absence of regulations… and sometimes despite explicit

restraints" (2). To draw on this idea of "bank culture," I want to look at the culture of CRAs as a factor that compelled analysts to provide excessively high ratings leading up to the 2008 crisis.

Mark Froeba, a former senior vice president in Moody's structured finance group, spoke about a "systematic and aggressive strategy" to replace Moody's "conservative" and "accuracy-and-quality oriented" culture with a "business-friendly" culture that made Moody's "less likely to assign a rating that was tougher" than their competitors (Hall 2019, 8-9). Froeba and nine other outspoken critics of Moody's new methodology, which they believed "allowed the firm's profit interests to trump honest ratings," were "downsized" in December 2007 (9). Several former Moody's executives have also stated that these changes made them fear they would be fired if they did not "issue ratings that matched competitors" to help "preserve Moody's market share" (26). Therefore, the enforcement of a "business-friendly" work culture pressured employees to comply with the "manipulation of the rating process to the detriment of investors" or risk losing their jobs (29). Coupled with lax regulations and the tempting financial incentives I outlined previously, this workplace environment was conducive for reinforcing and perpetuating the irresponsible behaviour that led to the exaggerated credit ratings leading up to the 2008 crisis. However, to understand the roots of this "business-friendly" CRA culture, we must look at the greater socio-economic context of the United States at the time.

The American Financialization Movement

Since 1980, economic activity in the United States has shifted "from manufacturing and service production to financially oriented investment," in a shift known as financialization (Tomaskovic-Devey and Lin 2011). Financialization refers to the "interdependent processes" of financial services firms increasing in importance in "economic, social, and political terms" and the increasing involvement of nonfinancial firms in financial activity (Tomaskovic-Devey and Lin 2011, 539). Tomaskovic-Devey and Lin (2011) trace the roots of American financialization to the 1970s Capitalist Crisis, in which a simultaneous series of destabilizing events resulted in low growth and high inflation, undermining "the legitimacy of Keynesian economic solutions." The crisis led to the mobilization of the large-firm corporate sector which sought to "reinvent the system" by pushing for "economic deregulations, lower taxes, and a smaller state." There is scholarly consensus that this movement resulted in the "installation of the neoliberal policy model" in the U.S., in a rejection of Keynesian values that held the state responsible for the wellbeing of the public, and "in favour of fostering a pro-business climate" (542). The post-1980 "neoliberal policy consensus" made regulation of new financial instruments and innovations unlikely in an act to "protect financial institutions at all costs" (543).

The prevailing view on Wall Street and amongst American economists at this time was that "financial markets are self-regulating" (Tomaskovic-Devey and Lin 2011, 543). This led to a series of deregulatory financial policies and increased levels of financial investment. Yet, the state and financial markets found it difficult to adapt to the new absence of regulation, and as a result, the financial regulatory system became increasingly fragmented. Such conditions explain the lack of substantive oversight of CRAs leading up to the 2008 crisis, as recent history lacked a sound tradition of-and frankly the capacity for- financial regulation, as the neoliberal view that firms operated efficiently and thus should be allowed to self-regulate prevailed. However short-sighted,

these deregulatory measures were calculated attempts to ensure the preservation and prosperity of financial actors.

According to Tomaskovic and Lin (2011), during this time, there was also a fundamental change in "managerial behaviour," as "short-term planning to increase stock prices" became the primary focus. This was reinforced by "a misapplication of agency theory" that encouraged tethering executive compensation to stock price "rather than long-term market share, sales or production-based profit" (545). For example, Brian Clarkson was a Moody's executive promoted to CEO during the build-up to the 2008 crisis and was essential to establishing the cut-throat "business-friendly" work culture that I described in the previous section. Clarkson's compensation was "tied up in Moody's market share," despite Moody's spokesman insisting that the "compensation of Moody's analysts and senior managers" was not linked to "financial performance" (Hall 2019, 34). This resulted in "an incentive system for high risk, short-term behaviour," that simultaneously lacked responsible oversight from the firm's leadership (Tomaskovic-Devey and Lin, 2011, 546).

Some have argued following the 2008 crisis that such "business-friendly" work cultures that bred unethical behaviour and inflated credit ratings were merely indicative of misbehaviour, in that firms simply needed reminding to realign with the correct culture of the market. Once these "bad apples" realigned, we could trust markets to "function properly again" (Macartney 2019, 2-3). However, Macartney points to how it is the structure of American financial markets which "determines the culture" of banks, and the "problematic culture" of American banks exposed following the 2008 financial crisis "has far deeper roots than misconduct" (3). It is precisely the financialization movement that bred this "bad bank culture," through its distortion of the American economic structure. I would argue that this theory of "bad bank culture" applies to "bad CRA culture" as well as they operated within the same economic structures and faced widely similar experiences with deregulation and incentive-schemes.

Conclusion

From my investigation, I have found that credit rating agencies played a significant role in the precipitation of the 2008 financial crisis due to inherent conflicts of interest rooted within their business model, a mystified rating process that lacked substantive oversight, and a high-pressure "business-friendly" culture which prioritized profit over accuracy. Further, this analysis should be contextualized within the financialization of the American economy since the 1980s, which set the stage for a fragmented financial regulatory structure and encouraged the short-sighted behaviour reflected within the NRSROs. An abundance of literature has attempted to point the finger at a variety of actors to assign relative culpability, and by looking at the 2008 financial crisis "from a longer institutional perspective," we can view it as a result of a concentration of financial activity, "embedded within an increasingly retiring and obsolete regulatory structure," in which executive incentive systems were encouraged to favour "short-term financial speculation over long-term growth" (Tomaskovic-Devey and Lin 2011, 548).

I wanted to particularly highlight the culpability of CRAs for the reason that their industry acted as a de-facto regulator in themselves, wielding a unique amount and type of power as the "gatekeepers" or "security guards" of capital markets (Marciniak, 2015, 102). Therefore, while traditional financial firms like investment banks were responsible for the proliferation of mortgage-backed securities, CRAs had the opportunity to mitigate the effects through a commitment to due diligence. Instead, they chose to abuse their position for profit. Therefore, moving forward, the American government must continue to learn from the 2008 crisis and "regulate the regulator." Without such a commitment, CRAs will have no reason to hold Wall Street accountable, and it is 'Main Street' that will pay the price.

References

Cash, Daniel. 2018. *Regulation and the Credit Rating Agencies: Restraining Ancillary Services*. New York, NY: Routledge. Kortext.

Corporate Finance Institute.n.d. "Structured Finance." https://corporatefinanceinstitute.com/resources/knowledge/finance/structured-finance/.

Darbellay, A. 2013. *Regulating Credit Rating Agencies*. Cheltenham, UK: Edward Elgar. eBook Collection (EBSCO Host).

Davies, H. 2011. *The Financial Crisis: Who is to Blame?* Cambridge, MA: Polity Press.

Hall, Kevin G. 2009. "How Moody's Sold Its Ratings - and Sold Out Investors." *Mc Clatchy DC Bureau.* October 18, 2011. https://www.mcclatchydc.com/news/politics-government/article24559855.html

Macartney, Huw. 2019. *The Bank Culture Debate: Ethics, Values, and Financialization in Anglo-America*. Oxford Scholarship Online. https: https://doi.org/10.1093/oso/9780198843764.001.0001

Marciniak, Piotr. 2015. Impact of the Credit Rating Agencies on the Financial Crisis 2007–2009. *Annales. Ethics in Economic Life*, 18(4):99–110. https://doi.org/10.18778/1899-2226.18.4.08

Mennillo, Giulia, & Sinclair, Timothy J. 2019. A Hard Nut to Crack: Regulatory Failure Shows How Rating Really Works. *Competition & Change*, *23*(3):266–286. https://doi.org/10.1177/1024529419833870

Tomaskovic-Devey, Donald, & Lin, Ken-Hou. 2011. Income Dynamics, Economic Rents, and the Financialization of the U.S. Economy. *American Sociological Review*, 76(4):538–559. https://doi.org/10.1177/0003122411414827

Rousseau, Stéphane. 2012. *A Question of Credibility: Enhancing the Accountability and Effectiveness of Credit Rating Agencies*. Toronto, ON: C.D. Howe Institute. Canada Electronic Library/desLibris.

Sinclair, Timothy J. 2005. *The New Masters of Capital: American Bond Rating Agencies and the Politics of Creditworthiness*. Ithaca, N.Y: Cornell University Press. eBook Collection (EBSCO Host)

U.S. Government Publishing Office. 2010. Hearings before the Committee on Governmental Affairs, Senate, 111th Congress statement of Richard Michalek, Former Vice President and Senior Credit Officer, Structured Derivative Products Group, Moody's. *Wall Street and the Financial Crisis: The Role of Credit Rating Agencies*. https://www.govinfo.gov/content/pkg/CHRG-111shrg57321/html/CHRG-111shrg57321.htm

POLITICAL SCIENCE UNDERGRADUATE REVIEW

VOL. 6 Winter 2021

The 2020 U.S. Senatorial Race for Maine: A Brief Study

By Giustina Luisa Bombini

Abstract

Over the course of 23 years, United States Senator Susan Collins (R-ME) has been able to successfully walk a unique line of non-partisanship. However, following her vote to confirm Justice Brett Kavanaugh to the United States Supreme Court in 2017, and her vote to acquit President Trump of his impeachment charges in early 2020, Susan Collins placed herself in an incredibly precarious situation. Pundits and analysts were convinced that this election would turn into a referendum on Susan Collins (Lyall 2020). Meanwhile, her opponent, the current Speaker of the Maine House of Representatives, Sara Gideon, consistently led in the polls and worked off the momentum gained from the success of the U.S. House Democrats in the 2018 midterms. And yet, Susan Collins stunned the nation by defeating Gideon. This paper evaluates and analyses what possible causes led to this outcome, from negative campaign tactics, to candidate quality and level of partisanship. Ultimately, this paper finds that Collins' victory was primarily due to her ability to adjust and adapt her level of partisanship when needed.

Introduction

One of the most contentious, antagonistic, and expensive campaigns for a seat in the United States Senate came to an end on November 4th, 2020, after Democratic candidate Sara Gideon conceded the race to the incumbent GOP Senator, Susan Collins (McCausland and Gregorian 2020). One of many battleground states in the ultimate race for control of the Senate, Maine was one seat in particular the Democrats believed they could turn blue, based off polling that showed Gideon in the lead since the start of 2020 (FiveThirtyEight 2020). Meanwhile, Senator Collins ranked the least popular U.S. Senator in the country, with disapproval ratings among Mainers at 52 percent (Ohm 2020b). Financially, Gideon more than doubled the amount Collins raised, coming in at nearly $70 million. $120 million was spent between the two candidates on attack ads alone (Sharp and Whittle 2020). However, despite Gideon and the Democrats' best efforts, Collins managed to pull through with 51.2 percent of the vote (Piper 2020b). The purpose of this paper will be to evaluate and understand the evidence that led to this outcome. It will start by briefly examining the rapid political, social, and economic changes over the course of the last six years before identifying what was argued to be at stake for this election. Next, this paper will review relevant academic literature that explores whether negative campaigning, candidate quality, or partisanship had any success in influencing voters. This paper will conclude that ultimately, Collins was able to defeat Gideon primarily because of her unique ability to distance herself from her party, the GOP, as needed.

The Last Six Years

November 2014 was the last time Collins faced re-election as the U.S. Senator for Maine, where she easily defeated her opponent with 67 percent of the vote (Ballotpedia 2014). Under the Obama administration, the next two years would see the national unemployment rate drop to 4.7 percent (Jackson 2020), the United States signing onto the Paris Climate Agreement (Phillips et. al 2016), and successfully negotiate the Iran Nuclear Deal (The New York Times 2015). However, after Donald Trump was elected the 45th president in 2016, the trajectory of America's domestic and foreign policies would take a sharp 180 degrees.

The Trump administration pulled the United States out of the Paris Agreement (Johnson 2019) and the Iran Nuclear Deal (Landler 2018). Fear over threats of domestic terrorism dramatically increased after white supremacists and neo-Nazis with tiki torches marched through Charlottesville, Virginia while chanting "white power" (Murphy 2017), which President Trump called "very fine people" (Gray 2017). Police brutality against Black Americans, and discussions of sexual misconduct and assault in the workplace would transform into global movements (Illouz 2020). President Trump would nominate and confirm three Supreme Court Justices in just four years (Kumar 2020). Finally, the outbreak of a novel coronavirus in China would spread into a global pandemic, bringing the world to a halt in March of 2020. It has since claimed the lives of over 485,000 Americans to date (The New York Times 2021).

The Campaign Trail

A lot has changed in six years. And it would be evident to Susan Collins that the stakes of this re-election campaign could not be higher. Collins would end up spending five times what she spent in 2014 (Messenger 2020), because she would be forced to balance her messaging in order to draw support from both Trump Republicans and Biden-voting 'Lincoln Project Republicans.'

Senator Collins made two decisions that would set the foundation for Gideon's campaign against her: she voted to confirm Brett Kavanaugh to the Supreme Court, and in addition, voted to acquit former President Trump during his first impeachment trial. (Steinhauer 2020). Gideon shot at Collins' vote for acquittal by tweeting: "The only thing Trump learned from impeachment is that Senator Collins isn't going to hold him accountable" (Gideon 2020). This message set the foundation for the Gideon campaign. By siding with Collins' Republican colleagues on these critical matters, Gideon wanted Mainers to see that Senator Collins would not stand up to President Trump and Senate Majority Leader Mitch McConnell, furthering the urgent need for Democrats to take back control of the White House and the Senate (Sharp 2020). This urgency in messaging would be displayed through a "barrage of anti-Collins ads portraying her in the pocket of big business, and timid in the face of President Donald Trump" (Everett 2020b). This was the message: Gideon was not running against Collins; Maine was running against Trump.

However, Collins was not afraid to hit back at Gideon. Her campaign pushed the message that Gideon was not "authentic" and put more simply, "not Susan Collins." Collins, in comparison, was a "Caribou-born politician" and had never missed a single Senate vote (Messenger 2020). On the other hand, Gideon was born and raised in Rhode Island, which caused Collins to believe this created "a big difference in our knowledge of the state [Maine]" (Burgess 2020). Collins even went so far as to accuse Gideon of defamation: "she'll say or do anything to try to win" (Everett 2020b).

As mentioned above, $120 million was spent between the Gideon and Collins campaigns alone, a 3000 percent increase in political ad spending since 2014, according to Bangor Daily News (Messenger 2020). Political groups ended up spending over $135 million on ads in Maine alone (Foran 2020).

Outside of the Gideon and Collins campaigns, political action committees would join in the bombardment of negative campaigning on social media. EMILY'S List (a PAC that supports Democratic women running for office) lambasted Collins for voting to confirm Kavanaugh (2020). The Lincoln Project (a PAC founded by Republicans against Trump) also joined in, tweeting that "Susan Collins could have stood up for us. But she's not with us. She's with them," 'them' in reference to Trump Republicans. (2020). At the other end of the political spectrum, The National Senatorial Republican Committee tweeted accusations against Gideon for wanting to "defund the police" (NRSC 2020), due to the Black Lives Matter movement increasingly calling for lawmakers to do so. The sculpture of a donkey being burned down in Bowdoinham was a symbolic display of how the Maine Senate race was "the most negative in the country," as labelled by the Wesleyan Media Project (Finney Boylan 2020).

Negative Campaigning

Did this extraordinarily high level of campaign negativity affect the outcome? Political scientists took a closer look at a 1998 midterm election in order to understand the implications of negative campaigning on voter mobilization. Jackson and Carsey found that academics previously believed attack advertising and "mud-slinging" depressed voter turnout, particularly amongst Independent voters. This idea is referred to as the "negativity-demobilization hypothesis" (2007, 182). However, a review of academic literature suggests that scholars are increasingly beginning to find that negative campaigns actually *motivate* citizens to vote, creating the "negativity-mobilization hypothesis" (2007, 183). Garramone et al. argue that negative political ads "aid voters in feeling more confident about their voting decisions" (2007, 183), while Sigelman and Kugler further stipulate that "a loud barrage of brutal attacks" are necessary to "break through the public's wall of inattention" (Jackson and Carsey 2007, 183). Finkel and Geer find that negative ads produce stronger emotions, which propel responses in campaigning and voting from citizens instead of positive ads (Jackson and Carsey 2007, 183). This was certainly the case for one Mainer who supported Joe Biden for President but opted to vote for neither Gideon nor Collins for Senator. He explained to Ellen Barry for *The New York Times*, "the approach on the ads and campaigning was disgusting enough that I didn't want to vote for the person anymore, even though I agree with the policy stances" (2020).

Jackson and Carsey's subsequent examination conclude that arguments made supporting the negativity-mobilization hypothesis appear to be more substantial than those opposed (2007, 191). They conclude that negative ads are positive to democracy as an institution at large, because they contributed to voter turnout (2007, 192). Voter turnout in Maine for 2020 was already set to be a historic high, with over 70 percent of eligible voters reportedly said to be casting ballots (Murphy, 2020). In the end, roughly 78 percent of eligible Maine voters participated in the 2020 elections (Piper 2020a). Over 828,000 votes were cast compared to 616,996 total votes cast in the 2014 Senatorial race (Ballotpedia 2020; see also Ballotpedia 2014; Piper 2020a). It cannot

conclusively be said that these numbers were due to the levels of negativity influencing voter turnout. On the other hand, this "over-negativity" may have driven voters to turnout in Collins' defence instead, as one voter told Ellen Barry: "You don't need to tell us who Collins is… We've seen her for 30 years. She's had a relationship that was before Trump, and it's going to last after Trump" (2020). Another voter said, "Mainers reward someone who shows up, and she [Collins] does show up" (Barry 2020).

Candidate Quality

Supplementary to the effectiveness of negative campaigning is the phenomena of 'high-quality candidates' and the 'incumbent-quality advantage.' Pastine et al. further explore why incumbents are typically re-elected to the U.S. Congress (2015, 32). "Superior media exposure, franking privileges, fundraising advantages, and indirect office holder benefits like deterrence of high-quality challengers" are some of the advantages that incumbents enjoy, all of which apply to Collins (2015, 33). Arguably, Gideon was a 'high-quality challenger,' as Duquette et al. simply define a quality candidate as anyone who has had prior success in winning elective office (2015, 194). Gideon served in the Maine House of Representatives for seven years, half of which were as Speaker, which placed her in the role of being "part wheedler, part enforcer, part compromiser" (Lyall 2020). Further, it also takes unique circumstances for a high-quality challenger like Gideon to emerge, as Hall and Snyder allude, "It takes the right mix of incumbent vulnerability and national political climate" (2015, 494).

The only empirical evidence was seen through exit polling which ultimately showed that "strong leadership" in candidate qualities was the most important factor. 81 percent of Collins' voters believed her to be a strong leader, whereas only 12 percent of Gideon's voters sought leadership as her strongest quality. For Democrats, "good judgement" and Gideon's "ability to unite the country," were the most pertinent traits applicable (CNN, n.d.). However, there are always gaps in exit polls, and so the only way to conclusively determine if the phenomena of 'high quality candidates' and 'the incumbency advantage' had actually affected this election would require further research to produce empirical evidence.

Partisanship

Throughout her entire career, Collins has been able to pave a unique path of non-partisanship when needed. "Collins built her brand to withstand the winds no matter which way they blew" (Everett 2020b). In previous elections, Collins won due to a distinct voter coalition made of Republicans, Democrats and Independents (Nilsen 2020). To succeed in 2020, she had to find a way to navigate the massive polarization between Democrats and Republicans. Therefore, her campaign's message focused not on partisanship but on Collins' record as an "experienced, proven leader" (Nilsen 2020). Nowhere in the biography section on her campaign website are the words "Republican" or "Conservative" mentioned. Instead, the 'Meet Susan' section reiterates her record in the U.S. Senate: "A proven leader who is respected by colleagues on both sides of the aisle," "consistently ranked the most bipartisan senator," and "recognized by her colleagues as one of the hardest working members of Congress" ("Meet Susan" 2002).

Partisan messaging is critical when it serves in the candidate's best interest. Partisan messaging in campaigns will vary depending on "local partisan leanings, national partisan conditions, and the ad sponsor's identity," (Bergbower et. al 2015, 334). These scholars also find that candidates need to "appeal to the median voter," which has arguably always been Collins' target voters. Bergbower et. al all write that "the important issues and actors on the national scene can set the backdrop," and that "partisan messaging has more purchase in elections where the party is "favoured" by economic trends, presidential approval, and particular events" (2015, 335). In this campaign, 'particular events' included both the Kavanaugh confirmation, President Trump's first acquittal in addition to his plummeting approval ratings both nationally and in Maine. In addition, the economy was also turned upside down by the COVID-19 pandemic, despite Collins' support for an economic stimulus bill from Congress. Therefore, the current political climate did not favour the Republican Party led by Donald Trump. Thus, it was vital for Collins to distance herself from any mention or association with the Republican Party and Donald Trump if she wanted to retain the median voters' trust. In order to win this election, Collins had to gain back the trust of Democrats and 'Lincoln Project Republicans' who previously voted for her but have since favoured Gideon. Evidently, throughout the campaign, Collins refused to reveal who she would personally vote for president; a question Gideon repeatedly attempted to ruse Collins into revealing. Instead, Collins would respond with stating that Mainers didn't need her advice on whom to support (Lyall 2020).

The opportunity to gain back Mainers' trust and further defend Collins' record as a true non-partisan presented itself just weeks before Election Day. Although Collins previously sided with her Republican colleagues on both the Kavanaugh confirmation and President Trump's first impeachment, she strayed once more from the party line on one extraordinarily pertinent and timely issue: the vote to fill late Justice Ruth Bader Ginsburg's' Supreme Court seat. Previously, when a vacancy opened on the Supreme Court in 2016, the Republican-controlled Senate delayed the confirmation hearings for President Obama's nominee, Judge Merrick Garland, arguing that it was too close to Election Day. Instead, they argued that the incoming president should be the one to fill the seat, not outgoing President Obama, (Liptak and Stolberg 2020). Garland was nominated 237 days before Election Day 2016. Just weeks before Election Day, following Justice Ginsburg's death in September of 2020, Republicans in the Senate switched gears. They decided that not only they would go ahead with the confirmation hearings for Trump's Supreme Court pick Amy Coney Barrett, but they would also go on to confirm Barrett one week before Election Day 2020 (Liptak and Stolberg 2020). In the end, Collins and Senator Lisa Murkowski (R-AK) stood alone in their dissent against Amy Coney Barrett's confirmation to the Supreme Court during an election year. (Everett 2020a).

Conclusion

The purpose of this paper was to understand how Susan Collins was able to win her bid for re-election. The political, social, and economic landscape over the last six years had drastically changed in America following the change in leadership from President Obama to President Trump. This paper reviewed academic literature to understand whether or not negative campaigning, certain candidate qualities, or partisanship influenced the outcome of the election.

Primarily, it found that Collins' fluidity in her partisanship allowed her to defeat Gideon. As a saving grace, voting to not confirm Judge Amy Coney Barrett provided Collins with one last chance to convince Mainers that she was still their "proven leader" who stepped up when it mattered ("Meet Susan" 2020). Gideon responded to Collin's dissent against Coney Barrett's nomination as "nothing more than a political calculation" (Ohm 2020a). Ultimately, this vote proved to be a political resurrection for Susan Collins. Although Collins did not enjoy the advantage typically given to incumbents, the benefit of distancing herself from her own party paid off.

The implications of Collins' fluidity in partisanship were directly seen over a month and a half later on January 6, 2021, where five people; including one police officer were killed during an insurrection led by Trump supporters at the United States Capitol. The outgoing President was impeached for the second time on January 13, by the U.S. House of Representatives, for the charge of "Incitement of Insurrection" (Fandos 2021). By February 13, 2021, the former President was acquitted with seven Republican's voting to convict: Collins among them (Hughes and Ballhaus 2021). Going forward, if Collins is to maintain favourability within the Senate, and if she should seek re-election in 2026, her "country over party" attitude must continue to guide her decisions.

References

Barry, Ellen. 2020. "The Democrats Went All Out Against Susan Collins. Rural Maine Grimaced." *The New York Times*. November 17, 2020. https://www.nytimes.com/2020/11/17/us/maine-susan-collins.html

Ballotpedia. 2020. "Susan Collins (Maine)." https://ballotpedia.org/Susan_Collins_(Maine)

Bergbower, Matthew L., Scott D. McClurg, and Thomas M. Holbrook. 2015. "The Partisan Content of Candidate Messages in US Senate Elections." *Journal of Elections, Public Opinion & Parties* 25 (3): 333–50. https://login.ezproxy.library.ualberta.ca/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=p4h&AN=108328951&site=eds-live&scope=site

CNN. "Exit Polls." n.d. Accessed February 14, 2021. https://www.cnn.com/election/2020/exit-polls/senate/maine

Duquette, Christopher, Franklin G. Mixon, and Richard J. Cebula. 2017. "Candidate Quality and US Senate Elections." *Applied Economics Letters* 24 (3): 193–97. https://login.ezproxy.library.ualberta.ca/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=119379463&site=eds-live&scope=site

EMILY'S List. (@emilys_list). 2020. "Her vote for Brett Kavanaugh…" Instagram. September 20, 2020. https://www.instagram.com/p/CFx7jfCDAX9/

Everett, Burgess. 2020. "After Barrett meeting, Murkowski still opposes election-year confirmation." *Politico*. October 22, 2020. https://www.politico.com/news/2020/10/22/lisa-murkowski-opposes-amy-coney-barrett-confirmation-431219

Everett, Burgess. 2020. "Susan Collins lets loose with her career on the line." *Politico*. Updated October 7, 2020. https://www.politico.com/news/2020/10/07/susan-collins-maine-campaign-426815

Fandos, Nicholas. 2021. "Trump Impeached for Inciting Insurrection." *The New York Times*. January 13, 2021. https://www.nytimes.com/2021/01/13/us/politics/trump-impeached.html?searchResultPosition=12

Finney Boylan, Jennifer. 2020. "It's Not Easy Being an Optimist in Maine." *The New York Times*. October 14, 2020. https://nyti.ms/33XOAFf

FiveThirtyEight. 2020. "Latest Polls." Updated November 13, 2020. https://projects.fivethirtyeight.com/polls/senate/maine/

Foran, Clare. 2020. "Democrat Sara Gideon concedes Maine Senate race to Republican Susan Collins." *CNN*. Updated November 4, 2020.

https://www.cnn.com/2020/11/04/politics/maine-senate-race-susan-collins-sara-gideon/index.html

Gideon, Sara (@SaraGideon). 2019. "The only thing Trump learned is that Senator Collins isn't going to hold him accountable. It's time to replace her in the Senate." Twitter. February 17, 2020. 11:59 a.m. https://twitter.com/SaraGideon/status/1229480452588699649

Gray, Rosie. "Trump Defends White-Nationalist Protesters: 'Some Very Fine People on Both Sides.' *The Atlantic*. August 15, 2017. https://www.theatlantic.com/politics/archive/2017/08/trump-defends-white-nationalist-protesters-some-very-fine-people-on-both-sides/537012/

Hall, Andrew B., and James M. Snyder. 2015. "How Much of the Incumbency Advantage Is Due to Scare-Off?" *Political Science Research and Methods* 3 (3). Cambridge University Press: 493–514. https://login.ezproxy.library.ualberta.ca/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=edsrep&AN=edsrep.a.cup.pscirm.v3y2015i03p493.514.00&site=eds-live&scope=site

Hughes, Siobhan and Rebecca Ballhaus. 2021. "Senate Votes to Acquit Trump in Impeachment Trial." *The Wall Street Journal*. February 13, 2021. https://www.nytimes.com/2021/01/13/us/politics/trump-impeached.html?searchResultPosition=12

Illouz, Eva. 2020. "The key issue Black Lives Matter and #MeToo Have in Common." *Haaretz*. June 26, 2020. https://www.haaretz.com/us-news/.premium.MAGAZINE-the-key-issue-black-lives-matter-and-metoo-have-in-common-1.8949081

Jackson, Brooks. 2020. "Obama's Final Numbers." *FactCheck.Org*. Updated May 22, 2020. https://www.factcheck.org/2017/09/obamas-final-numbers/

Jackson, Robert A., and Thomas M. Carsey. 2007. "US Senate Campaigns, Negative Advertising, and Voter Mobilization in the 1998 Midterm Election." *Electoral Studies* 26 (1): 180-95. https://login.ezproxy.library.ualberta.ca/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=edselp&AN=S0261379406000643&site=eds-live&scope=site

Johnson, Keith. 2019. "Is the United States Really Leaving the Paris Climate Agreement?" *Foreign Policy Magazine*. November 5, 2019. https://foreignpolicy.com/2019/11/05/paris-climate-agreement-united-states-withdraw/

Kumar, Anita. 2020. "Trump's legacy is now the Supreme Court." *Politico*. September 26, 2020. https://www.politico.com/news/2020/09/26/trump-legacy-supreme-court-422058

Landler, Mark. 2018. "Trump Abandons Iran Nuclear Deal He Long Scorned." *The New York Times*. May 8, 2018. https://www.nytimes.com/2018/05/08/world/middleeast/trump-iran-nuclear-deal.html

Liptak, Adam, and Sheryl Gay Stolberg. 2020. "Shadow of Merrick Garland Hangs Over the Next Supreme Court Fight." *The New York Times*. September 19, 2020. https://www.nytimes.com/2020/09/19/us/ginsburg-vacancy-garland.html

Lyall, Sarah. 2020. "In Maine, a Race About the Issues Has Become a Referendum on Susan Collins." *The New York Times*. September 27, 2020. https://www.nytimes.com/2020/09/27/us/politics/sara-gideon-susan-collins-maine-senate.html

McCausland, Phil and Dareh Gregorian. 2020. "Democrat Sara Gideon concedes to GOP Sen. Susan Collins in Maine." *NBC News*, November 4, 2020. https://www.nbcnews.com/politics/2020-election/democrat-sara-gideon-concedes-gop-sen-susan-collins-maine-n1246042

"Meet Susan." n.d. *Susan Collins for Senator*. Accessed November 28, 2020. https://www.susancollins.com/meet_susan

Messenger, Robert. 2020. "Susan Collins Was Never Going to Lose." *The New York Times*. November 6, 2020. https://www.nytimes.com/2020/11/06/opinion/susan-collins-was-never-going-to-lose.html

Murphy, Edward D. 2020. "Maine on track for historic turnout in unprecedented election." *The Portland Press Herald*. Updated November 4, 2020. https://www.pressherald.com/2020/11/03/mainers-head-to-the-polls-in-unprecedented-election/

Murphy, Paul P. 2017. "White nationalists use tiki torches to light up Charlottesville march." *CNN*. Updated August 14, 2017. https://www.cnn.com/2017/08/12/us/white-nationalists-tiki-torch-march-trnd/index.html

Nilsen, Ella. 2020. "The future of the Senate may come down to Susan Collins." *Vox*. September 22, 2020. https://www.vox.com/21436005/maine-senate-susan-collins-sara-gideon

Ohm, Rachel. 2020. "Collins votes no on Barrett's confirmation, says she did not make decision on qualifications." *The Portland Press Herald*. Updated October 27, 2020. https://www.pressherald.com/2020/10/26/collins-breaks-with-party-to-oppose-barrett-confirmation/#goog_rewarded

Ohm, Rachel. 2020. "Sen. Collins ranks as least-popular senator in new poll." *The Portland Press Herald*. Updated September 14, 2020.

https://www.pressherald.com/2020/01/17/collins-ranks-as-least-popular-senator-in-new-poll/

Pastine, Ivan, Tuvana Pastine, and Paul Redmond. 2015. "Incumbent-Quality Advantage and Counterfactual Electoral Stagnation in the US Senate." *Politics* 35 (1): 32–45. https://login.ezproxy.library.ualberta.ca/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=poh&AN=100319523&site=eds-live&scope=site

Phillips, Tom, Fiona Harvey and Alan Yuhas. "Breakthrough as US and China agree to ratify Paris climate deal." *The Guardian*. September 3, 2016. https://www.theguardian.com/environment/2016/sep/03/breakthrough-us-china-agree-ratify-paris-climate-change-deal

Piper, Jessica. 2020. "Maine 2020 election turnout was among highest in US." *Bangor Daily News*. November 25, 2020. https://bangordailynews.com/2020/11/25/politics/maines-2020-election-turnout-was-among-highest-in-us/

Piper, Jessica. 2020. "Susan Collins poised to win 5th term after opening wide lead on Sara Gideon." *Bangor Daily News*. November 4, 2020. https://bangordailynews.com/2020/11/04/politics/susan-collins-poised-to-win-5th-term-after-opening-wide-lead-on-sara-gideon/

Sharp, David. 2020. "Collins, Gideon clash in final debate before Election Day." *The Associated Press*. October 28, 2020. https://apnews.com/article/senate-elections-susan-collins-elections-campaigns-maine-d31c74e57926aaf04e2e3aae7fa87022

Sharp, David and Patrick Whittle. 2020. "GOP Sen. Collins beats Gideon in hard-fought race in Maine." *The Associated Press*. November 4, 2020. https://apnews.com/article/election-2020-senate-elections-susan-collins-elections-portland-3a63ba840690d26daccb6ec2a1eaef59

Steinhauer, Jennifer. 2020. "Impeachment Trial Puts Susan Collins, Stung by Kavanaugh Backlash, Under Scrutiny." *The New York Times*. Updated October 23, 2020. https://www.nytimes.com/2020/01/18/us/politics/impeachment-susan-collins.html

The Lincoln Project. (@projectlincoln). 2020. "Susan Collins could have…" Twitter. October 26, 2020. https://twitter.com/projectlincoln/status/1320886317857857537?s=21

The New York Times. 2015 "The Iran Nuclear Deal: What You Need to Know." *The New York Times*. April 14, 2015. https://www.nytimes.com/2015/04/04/world/middleeast/the-iran-nuclear-deal-what-you-need-to-know.html?searchResultPosition=25

The New York Times. 2021. "Coronavirus in the U.S.: Latest Map and Case Count." Updated February 12, 2021. https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html

The Senate Majority. (@NRSC). 2020. "@SaraGideon will never stand up for our law enforcement." Twitter. September 24, 2020. https://twitter.com/NRSC/status/1309109412976644102?s=20