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2019-2020 Information

Foreword

It is with great pleasure that we present the newest edition of Politicus Journal. Volume Six of Politicus is a display of the outstanding work of Queen's University students in Political Studies and related fields. We are so proud of hard work from contributors, editors, and all our team at Politicus who put such exceptional work into this publication, we feel that despite the odds this has been one of our strongest publications yet!

We are grateful for the support of the Academic Commission of the Arts & Science Undergraduate Society for the resources and mobility they have granted us. We share this success with our 2019-2020 Editorial Board team and members of our 2020-2021 team who have jumped in quickly to help put finishing touches. We are endlessly thankful for all the hours you have put into making this possible. In addition to our dedicated team a special thanks also goes out to all the Professors who have been kind enough to make time in their busy schedules to support us. Lastly, to those who have contributed, thank you for joining us in our commitment to academic excellence. We are incredibly proud to showcase your outstanding work.

As our world plunges into a new reality we would like to encourage all our readers to embrace the diversity of selected topics and opinions we present in this issue. At this time of transition, confusion and change it felt more important than ever to encourage student pursuits of critical thinking, strong research, and analysis. We hope that these values come through and reading through this volume provides insight to all those who immerse themselves.

Thank you again for everyone's hard work and support, please enjoy Volume 6!

Sincerely,

Co-Editors-in-Chief, 2019-2020   Co-Editors-in-Chief, 2020-2021

Graeme Parsons & Mikhaela Connell   Claire Chilton & Rhianna Hamilton

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The Limitations of Marxist Development

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Though written over 150 years ago, The Communist Manifesto and other writings by Karl Marx continue to appeal to those looking to challenge the hegemonic capitalist system that dominates much of the world today. A possible reason for this is that many aspects of Marx's critique towards capitalism remain pertinent in today's society, such as mass inequality, worker exploitation, and commercial crises. As a descriptive text, Marx's writings are certainly enduring in the 21st century. However, as a theory of development, his ideas also contain a strong prescriptive element, whether or not this was his intention. As will be outlined later on, Marx envisioned a very particular transition towards a communist society. This process has, and continues to be, influential to those who ideologically subscribe to the communist project. However, Marx's theories are limited by the time and place in which he wrote and are thus dubious as a universal prescription for development. As such, this essay will problematize the progression towards communism that Marx outlines in The Communist Manifesto, based on the questionable assumptions that underpin it. It will demonstrate that adhering to Marx's prescription as a linear trajectory promotes the same violent accumulation and dispossession that he criticized. This argument will commence by illustrating that Marxist theory largely occurs within the European context, which suggests that its prescriptive elements are ill-suited for the world outside this setting. It will then highlight assumptions embedded in Marx's ideas that serve to promote some of the violent processes that construct his criticism of capitalist society, drawing on the works of Harvey, Levien, and Gandhi to deepen this analysis. Finally, this paper will present the example of land grabs in contemporary India to illustrate the consequences of taking a literal interpretation of Marx's proposed development theory outside of its intended context.

In The Communist Manifesto, Marx makes a number of observations about what he calls 'modern bourgeois' society. Marx believes that 'modern bourgeois' society, or the capitalist mode of production, arose because feudalism could no longer satisfy the rising demands of the market, as feudal relations of production became incompatible with increasingly developed productive forces. Consequently, the bourgeoisie capitalists seized the means of production from the feudal landowning class and revolutionized the mode of production. A part of this process is what Marx calls 'primitive accumulation', where producers, namely peasants who work and live off the land, are separated from the means of production through violence, predation, and force. This process ultimately prevents subsistence livelihoods, creating a class of free labourers. Marx believed the capitalist system to be unprecedented in that it simplified class antagonisms into two camps – the bourgeoisie and the proletariat, or the working class.[1] Marx recognized some inherent benefits in capitalism, such as the impressive technological advances that surpassed those of ancient civilizations like Greece and Rome, as well as

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[1] Karl Marx, The Communist Manifesto & Selected Writings (London: Pan Macmillan, 2018)

the end of feudal, patriarchal relations. However, Marx thought modern bourgeois society to be ultimately unsustainable, as evidenced by commercial crises of overproduction.[2] Furthermore, he believed that systematic exploitation of the proletariat would make a class struggle inevitable – eventually producing a revolution to cease the bourgeois relations of production. Because the bourgeois relations of production are dependent on labour, Marx believed that once the proletariat became organized and united enough, they ultimately held the power to carry out this vision.

Marx published The Communist Manifesto in the 1840's, largely inspired by the changes taking place in England and continental Europe. Throughout the 16th and 17th centuries, England became politically unified, developed into the largest single market in Europe and arguably the most prosperous country in the world. The 18th century however, witnessed rapid growth of England's industrial output which induced unprecedented social and political changes.[3] Workers were particularly affected, recruitment to the industrial labour force meant abandonment of rural, subsistence living and complete dependence on wages. Marx was also influenced by the French revolutions from 1789 onwards, as well as the English Civil War, which perhaps provoked his belief that the social inequities he witnessed in the 19th century could only be resolved with radical political upheaval.[4] Furthermore, Marx drew from utopian socialism in France, where some radical French Revolutionaries established plans for a new society, which would involve conditions like the elimination of ruling and possessing classes and state guarantees of material welfare.[5] Thus, it is important to note that Marx's writings largely occurred within a European context and were inspired by European ideas.

Some apparent flaws in Marx's approach, which illustrate the limits of his development prescriptions, are those assumptions embedded in his theory of primitive accumulation. One of such assumptions is the high value that Marx places on progress. In The Communist Manifesto, Marx denotes the transition from feudalism to capitalism to communism, suggesting that each stage improves upon its predecessor. While there is no doubt that Marx was highly critical of capitalism, he does not advocate any sort of return to a pre-capitalist society.[6] Underpinning his theory of development is the idea that society must continually move forward and improve upon itself. He thus emphasizes that class violence is a destructive yet necessary force. For instance, the clash between the bourgeoisie and the old feudal order, which initiated the age of capitalism, had beneficial effects in that it helped to end feudal relations, facilitate technological and organizational development, and introduce an era of scientific enlightenment.[7] It thus becomes apparent that Marx places "lit-

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2 Marx, The Communist Manifesto & Selected Writings.
3 Walker, Marx: His theory and its context, (London: Rivers Oram Press, 1978).
4 Walker, Marx: His theory and its context.
5 Walker, Marx: His theory and its context.
6 David Harvey, The New Imperialism, (New York; Oxford: Oxford University Press, 2005).
7 Harvey, The New Imperialism.

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tle if any value on the social forms destroyed by primitive accumulation".[8] Consequently, "while he ridiculed the modernization theorists of his day for neglecting this violent history [of primitive accumulation], he often seemed to share their assumption that the peasantry's 'annihilation' was both unavoidable and desirable".[9]

This element of his development plan has clear losers when implemented in the real world. Marxist theory sees little use for traditional society, and in 19th century Europe it would have been easy for him to take this assumption for granted. In this time and place, what he saw as primitive accumulation would already largely have occurred. However, the Marxist development doctrine can be particularly problematic when applied in those places where elements of traditional society still exist. A prominent example would be land dispossession of peasant farmers in rural India, which will be examined in greater detail later in this paper. Furthermore, Harvey notes that "within the Marxist/communist revolutionary tradition, [it was] often deemed necessary to organize the equivalent of primitive accumulation in order to implement programmes of modernization in those countries that had not gone through the initiation into capitalist development"[10], such as the forced collectivization of agriculture in the Soviet Union, China, and eastern Europe. Consequently, while Marx identifies primitive accumulation as one of the factors inherent to the destructive nature of capitalism, his proposed theory of development can actually be used to justify it, because, according to his theory, capitalism and accumulation must occur to make commu-

nism possible. As a result, Marx's ideas have dangerous implications for the peasantry that continues to exist in regions outside of capitalist Europe. These implications are suggestive of the issues that arise when Marx's prescriptions for development are extracted from their context.

While it cannot be known for certain, it is likely that this was not Marx's intention. However, what is clear is that, as previously emphasized, Marx was writing in a time and place where capitalism now reigned supreme and primitive accumulation had already occurred. Thus, he saw "primitive accumulation [as] a necessary though ugly stage through which the social order had to go in order to arrive at a state where both capitalism and some alternative socialism might be possible".[11] Consequently, it is evident that Marx believed modernity to be an essential prerequisite for the type of communist society he envisioned. So, although Marx is a leading thinker on the pitfalls of capitalism, he still believed that "there was something progressive about capitalist development and that this was true even for British imperialism in India".[12] His assumptions regarding the supremacy of modernization demonstrate how his development theory can be used to promote violent upheaval of the pre-capitalist class.

Harvey also critiques Marx's assumption that primitive accumulation is relegated to the initiation of the capitalist mode of production, thus outside of capitalism itself. Harvey argues that Marx takes for granted that primitive accumulation is not a continuous process throughout the life of capitalism, as evidenced by the "displacement of peasant populations and the formation of a landless proletariat [that] has accelerated in countries such as

8 Harvey, The New Imperialism, 163.
9 Michael Levien, "Introduction" in Dispossession without Development: Land grabs in neoliberal India (2018), 12.
10 Harvey, The New Imperialism, 165.

11 Harvey, The New Imperialism, 163.
12 Harvey, The New Imperialism, 163.

Mexico and India in the last three decades"[13], despite these countries having already adopted capitalist ideology. While Marx might argue that these countries are still in their accumulation stage, and thus not fully capitalist, accumulation continues to occur even in highly industrialized capitalist nations like Canada, as seen through the persistent dispossession of Indigenous land. For this reason, Harvey reframes primitive accumulation as 'accumulation by dispossession', with the distinction that it is a continual process, especially in the era of contemporary neoliberal capitalism.[14]

Levien further identifies some questionable assumptions inherent in Marx's writings in his depiction of what he calls 'proletarian redemption theory'.[15] Like Harvey, Levien notes the dubious assumption that dispossession is "confined to the origins of capitalism".[16] Moreover, he adds that Marx fails to recognize that dispossession is not only a process which allows for capitalist development, but is also a direct consequence of capitalism. This will be illustrated very clearly later on, where it will be shown that peasant farmers are subjected to land grabs in order to facilitate commercial development projects. Thus, Levien concludes that capitalism "create[s] systematic pressures to dispossess land," meaning that the process of accumulation by dispossession will occur indefinitely throughout the life of capitalism.[17]

Furthermore, the proletarian redemption theory assumes that the dispossession and violence which occur in the process of primitive accumulation "will ultimately be redeemed when working-class struggle enables the re-collectivization of property under socialism".[18] Levien notes this assumption is fundamentally ill-founded because it presupposes that the same peasantry which is dispossessed by primitive accumulation is automatically transformed into the revolutionary working class.[19] Alternatively, and perhaps even more unsettling, the theory suggests that the dispossession of the peasantry will be avenged a few generations later when their descendants become the revolutionary working class, rendering the current generation as sacrificial lambs for the greater good.

The writings of Mahatma Gandhi also challenge those assumptions underpinning Marx's theory of development. While both theorists take anti-capitalism stance and prioritize a more equal distribution of wealth, Gandhi rejects the idea that capitalism paves the way for the development of a more equitable society. Rather, he rejects the trappings of Western modernization altogether. Gandhi resented the idea that India's development should adhere to the Western prescription.[20] Thus, it can be assumed that Gandhi would reject Marx's Eurocentric development theory, because "India… has nothing to learn from anyone else".[21]

Furthermore, unlike Marx, Gandhi plac-

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13 Harvey, The New Imperialism, 145.
14 Harvey, The New Imperialism.
15 Levien, "Introduction".
16 Levien, "Introduction", 12.
17 Levien, "Introduction", 13

18 Levien, "Introduction", 9.
19 Levien, "Introduction".
20 Mahatma Gandhi, "What is True Civilization?" Indian Home Rule, (1922).
21 Gandhi, "What is True Civilization?", 51.

es a high value on the pre-capitalist social order, particularly in India, noting that "[Indians] have managed with the same kind of plough as it existed thousands of years ago," suggesting that society need not modernize to function effectively.[22] Thus, Gandhi believed that it was possible for the equal distribution of wealth to occur without being preceded by capitalist development. His suggested methods of accomplishing this were quite different from Marx. For example, he rejected the idea of class war, believing that "nothing enduring can be built on violence".[23] Rather, Gandhi believed that equal distribution of wealth could be achieved when individuals begin thinking of themselves as servants to society and hold their wealth or labour in trusteeship. Consequently, Gandhi would reject the notion that modernization is a necessary prerequisite for equality. Thus, he would likely resent the ways in which India continues to change in the name of modernization.

One prominent example of such changes, which have been alluded to earlier, is the abundance of land grabs which have been ongoing since India gained independence. Land grabs, in this case, broadly refers to the phenomenon in which land is forcibly seized from peasant farmers in order to use the land for public or private development projects. This includes commandeering land which is commonly held or used by the peasantry. Since India gained independence, land has been acquired for economic development under state-led capitalism. However, the land is increasingly being seized by the state on behalf of the private sector to develop high-end housing, shopping complexes, and Special Economic Zones (SEZs) as the Indian economy liberaliz-

es.[24] These land grabs disrupt the traditional livelihoods of peasant farmers and those who work on their land, often forcing them into the modernized capitalist juggernaut to find new work. Consequently, this process fits closely to Marx's theory of primitive accumulation, where land is seized for capitalist development and the peasantry becomes a landless proletariat.

These land acquisitions began under British colonial rule, with the passing of the Land Acquisition Act (LAA) in 1894.[25] The LAA established the doctrine of 'eminent domain', which asserts that "the state is the ultimate owner of land and can take over any tract for 'public purposes' provided it pays 'reasonable' compensation to the affected groups".[26] As such, the LAA was and continues to be key in perpetuating land grabs. Marx would see this process as inevitable due to the proliferating nature of capitalism, where the "need of a constantly expanding market…chases the bourgeoisie…over the whole surface of the globe".[27] While this particular development may have begun in Western Europe, "the bourgeoisie…draws all, even the most barbarian, nations into civilization".[28]

Similarly, Gandhi would see the ongoing process of land dispossession as having its origins in Western modernization. However, their viewpoints would fundamentally

24 Michael Levien, "The Land Question: Special Economic Zones and the Political Economy of Dispossession in India," The Journal of Peasant Studies, 39 no. 4, (2012): 933-969.
25 Levien, "Introduction".
26 Sarbeswar Sahoo, "Market Liberalism, Marginalised Citizens and Countermovements in India." Asian Studies Review, 41 no. 1, (2017): 7.
27 Marx, The Communist Manifesto & Selected Writings (London: Pan Macmillan, 2018), 25.
28 Marx, The Communist Manifesto & Selected Writings (London: Pan Macmillan, 2018), 26.

22 Gandhi, "What is True Civilization?", 51.
23 Mahatma Gandhi, The Essential Writings, (J.M. Brown, 1970).

differ on the implications of these land grabs. Gandhi would point to dispossessed farmers as an example of the harrowing consequences of modernization, giving justification to his cause of rejecting it. Marx might not necessarily endorse the land grabs, but he would see it as progress towards a future where communism could be possible, since his development theory depicts capitalism as the predecessor of communism. As Levien points out, the "sheer violence and state-driven expropriation were necessary to generate the two major prerequisites of capitalist social relations", which are the accumulation of capital and the creation of a proletariat with "nothing to sell but their labor power".[29]

Accordingly, Marx's influence is not a stranger to the perpetrators of Indian land grabs. The land grabs, even when they occur on behalf of private capital, are initiated by the state. As Marxist theory predicts, the "transition to capitalist development was and continues to be vitally contingent upon the stance of the state" due to their monopoly on violence and ability to define legality.[30] One example where the Marxist influence is pertinent is in the Indian state of West Bengal. This region is home to controversies like the proposed construction of the Tata Motors manufacturing plant which required the acquisition of over 1,000 acres of agricultural land.[31] Interestingly, West Bengal is led by a

Left Front government, headed by the Communist Party of India which is ideologically Marxist.[32] The Tata Motors project was aided and enabled by this government, as well as many similar projects which would require the Left Front government to seize roughly 30,000 acres of land from rural Indians.[33] When provoked by criticism from the public, the government "refused to reconsider the basic tenets of its development model", lending further credence to the notion that primitive accumulation is covertly embedded in Marxist development theory. Consequently, as Levien predicts, Marxists are transformed into "de facto modernization theorists".[34]

This essay has illustrated some inherently flawed assumptions embedded in Marx's theory of development, revealing the tensions between his idea of technological development and moral progress. Building on the work of Harvey, Levien, and Gandhi, it has been demonstrated that the communism which Marx envisions is predicated on the basis that capitalism precedes it. This presupposition ends up justifying violent accumulation to establish the necessary conditions of capitalism, in order to create a future in which communism is possible. Though Marx criticized this very process, the nature of his theory seems to require it, especially when applied outside the highly industrialized countries of Europe and North America, as illustrated by the case of land grabs in India.

While Marxist development theory is not without its flaws, it does have value in the

29 Levien, "The Land Question", 937.
30 Harvey, The New Imperialism, 145.
31 Kenneth Nielsen, "Contesting India's development? Industrialisation, land acquisition and protest in West Bengal." Forum for Development Studies, 37 no.2, (2010): 145-170.

32 Nielsen, "Contesting India's Development?".
33 Nielsen, "Contesting India's Development?".
34 Levien, "Introduction", 12.

21st century, especially when applied in those countries more similar to the contexts he was writing under. As Harvey notes: "struggles waged according to [Marx's] prescription bore remarkable fruit for much of the twentieth century, particularly in the advanced capitalist countries".[35] Such gains for the working class include improvements in material living standards and institutionalization of social protections exemplified in democratic welfare states such as those in Scandinavia. Furthermore, some would argue that Marxist theory is not useless for the developing world either, as the critique of capitalism in The Communist Manifesto provides "commonsensical explanations on the roots of social ills and alternatives to the dominant neoliberal framework".[36] Many of Marx's predictions regarding inequality and exploitation still hold true, as evidenced by the fact that "the world's 1,426 richest individuals have an aggregate net worth of US$ 5.4 trillion, which is more than the combined gross domestic product (GDP) of all South Asian countries and developing countries of Sub-Saharan Africa".[37] It is thus evident that Marx's moral reckoning of capitalism remains pertinent, even while his more prescriptive elements of societal development have fallen short of his ideals. Consequently, this paper does not advocate that Marxist development theory be discarded altogether. Rather, it cautions against a strictly literal interpretation of his theory as a prescriptive linear framework to achieve a communist society.

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35 Harvey, The New Imperialism, 170.
36 David Michael M. San Juan, "Why Marx Was Right: Third world edition", Journal of Developing Societies 33 no. 1 (2017): 2.
37 Juan, "Why Marx Was Right", 9.

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Institutional and Social Perspectives on Visible Minority Representation in Canadian Parliament

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Introduction

According to the 2016 Census of Population,[1] visible minorities constitute 22.3% of Canada's total population, with British Columbia (30.3%) and Ontario (29.3%) ranking at the top among all the provinces. Immigrants who arrived between 2011 and 2016 roughly make up 3.4% of Canadian population as of 2016. Visible minorities are defined as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour" in Canada's Employment Equity Act of 1986 (later amended in 1995).[2] As Canada labels itself as a multicultural society with considerably large populations from diverse ethnic and cultural backgrounds, it is often perceived as an inclusive and tolerant country. However, there have been concerns regarding the underrepresentation of visible minority groups in Canadian politics, especially in all levels of elected office. It seems to be somewhat questionable whether Canada is as democratic as it has been portrayed to be if much of its population is not fairly represented.

This paper aims to examine the political representation of visible minorities in Canada, mainly focussing on why they are underrepresented in the federal House of Commons and how the current situation can be improved. It will be argued that the disproportional representation of visible minorities in the House of Commons can be attributed to both institutional and social factors, so solutions could be directed to target them respectively. To be more specific, this paper will outline the barriers imposed by the electoral system and racial inequality in Canada and propose electoral reform and adjusted multiculturalism policies as potential solutions.

Definitions and Data

The concept of political representation is multidimensional. It is important to clarify its definitions before applying them to empirical findings. Hanna Pitkin presents four ways to view representation, including descriptive, substantive, symbolic, and formalistic, which lays a foundation for theoretical frameworks and contemporary debates on this topic. Formalistic representation is derived from Thomas Hobbes' theories, which indicate that people are represented if they authorize the representatives to act on their behalf.[3] Descriptive representation is concerned with how a representative legislature should be composed, which means the representatives should resemble or reflect the composition of society.[4] It depends on the characteristics of the representatives rather than what they do. Symbolic representation moves beyond the descriptive likeness, and argues that a representative can symbolize the people and then make them present with-

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1 "Census Program key indicators by indicator," Statistics Canada, accessed November 29, 2017, https://www12.statcan.gc.ca/census-recensement/stats/statind2016.cfm?LANG=E&GEOCODE=01.
2 Employment Equity Act, 1995 S.C., s. 3.

3 Hanna Fenichel Pitkin, *The Concept of Representation* (Berkeley and Los Angeles: University of California Press, 1967), 38.
4 Ibid., 60-61.

out their actual presence.[5] Lastly, in contrast with descriptive representation of merely standing in place for the people they represent, substantive representation addresses it as an activity in which representatives should act in the interest of these people.[6] While whether and how descriptive representation can translate into substantive representation yet remain unclear, scholars tend to research more on the descriptive dimension of representation due to its measurability, so it will be this paper's major focus as well.

In 2015, Canada's 42nd Parliament had a new record high of visible minority Members of Parliament (MPs). 14% of the seats in the House of Commons were occupied by 47 MPs with visible minority origins, and 83% of them were from the Liberal party, sitting in the government caucus.[7] According to the data assembled by Jerome Black, tracing back to the 1993 election, there have been fluctuations in both absolute numbers and percentages of visible minority representation in the House, instead of a steadily increasing trend.[8] Compared to previous record (9.1%) established in the 2011 election, visible minority representation has increased by 65% in 2015, which is generally viewed as a huge success. While the number of visible minority MPs being elected

is sufficient to keep up with the visible minority population growth in Canada over the past decades, it is still insufficient to narrow the representation gap. Despite the significant improvement in 2015, the percentage of visible minorities in the House is barely two-thirds of the visible minority population share in Canada. Indeed, visible minorities are numerically underrepresented in elected office.

Institutional Factors

The deficiency in representation of visible minorities is inseparable from the political institutions established in Canada, such as the electoral system. Canada employs a single-member plurality (SMP) system, which is also commonly referred to as the "first past the post". In every one of the 338 constituencies, the candidate who receives the most votes wins a seat in the House of Commons. After each election, the party with the largest number of elected representatives forms the Government.[9] One of the issues with the SMP system which has been criticized the most is that seats occupied by parties in the House may not be in accordance with the percentage of total votes received by them.[10] This electoral system is especially disadvantageous to visible minority groups because votes from them are often diluted in large constituencies, and the SMP system is closely tied to the party system's behaviour in Canada.

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5 Ibid., 92-93.

6 Ibid., 141.

7 Erin Tolley, "Visible Minority and Indigenous Members of Parliament," in *Canadian Election Analysis 2015: Communication, Strategy, and Democracy*, ed. Alex Marland and Thierry Giasson (Vancouver: UBC Press, 2015), 50.

8 Jerome H. Black, "The 2015 Federal Election: More Visible Minority Candidates and MPs," *Canadian Parliamentary Review* 40, no. 1 (2017): 16.

9 Elections Canada, *The Electoral System of Canada 4th Edition* (Gatineau: Chief Electoral Officer of Canada, 2015), 7-9.

10 John C. Courtney, "Representation, Plurality Voting, and the Democratic Deficit," in *Elections* (Vancouver: UBC Press, 2004), 139-41.

Constituency Size and Voter Equality

Before moving onto the descriptive dimension, another notion of representation serves as the pre-condition for this discussion. The size of constituencies determines the actual value of each vote; in other words, the more people live in a constituency, the less weight each vote carries. Here, representation is restricted to absolute voter equality. If visible minorities do not even enjoy equal voting rights with other Canadians, it would be unfair to consider them as being equally represented. Pal and Choudhry discuss how the voting power has been unevenly distributed both inter- and intra-provincially. As the Constitution particularly favours the Atlantic provinces, Manitoba and Saskatchewan, provinces like Ontario, British Columbia and Alberta have larger average population per riding due to their rapid population growth, which is mostly driven by visible minority immigrants.[11] Within each province, the Electoral Boundaries Readjustment Act (EBRA) sets out the rules for allocations of constituencies, and demands that "a manageable geographic size" should be among the considerations while ensuring the population of each electoral district is "as close as reasonably possible".[12] Therefore, a maximum variance of 25 percent from the provincial electoral quota is allowed. Since the rural areas are usually sparsely populated while the population is more concentrated in the cities, a rural-urban disparity is also evident.[13] In fact, visible minorities are more likely to reside in urban centres, especially in the provinces mentioned above, which to the greatest extent dilutes their votes. Even though

the Fair Representation Act remedied the inter-provincial inequality in 2011, it did not address disparities within each province.[14]

In order to achieve equal voting rights for all the visible minorities, Pal and Choudhry suggest that there are two potential areas for electoral reform: incorporating visible minorities as a part of "the community of interest" and placing limits on permissible variance from electoral quotas. The concept of communities of interests is another consideration mentioned in the EBRA. Pal and Choudhry think visible minority representation deserves to be taken into account when allocating constituencies, so that these communities' influence is not diminished.[15] Historically, the community of interest principle has only been used to justify rural over-representation, but the trade-off between rural voters and visible minority populations in city centres currently tilts too heavily in favour of the former. It would require a novel interpretation of this concept from the Electoral Boundaries Commissions to adjust the boundaries in order to ensure fair representation. Moreover, reducing the variance from 25 percent to 5 or 10 percent would directly result in greater voter equality and minimize the negative impact on visible minorities.[16] Despite bringing considerable challenges to practice, tighter limits on electoral quotas are arguably the most effective and straightforward way to address the problem, and it can only be achieved with legislative amendments through the legislature. These two solutions together could at least tackle with the geographical barriers embedded in Canada's political institutions.

11 Michael Pal and Sujit Choudhry, "Is Every Ballot Equal? Visible-Minority Vote Dilution in Canada," *IRPP Choices* 13, no. 1 (2007): 6-8.

12 Electoral Boundaries Readjustment Act, R.S.C., s. 15 (1985).

13 Pal and Choudhry, "Is Every Ballot Equal?" 6-8

14 Michael Pal and Sujit Choudhry, "Still Not Equal? Visible Minority Vote Dilution in Canada," *Canadian Political Science Review* 8, no. 1 (2014): 86.

15 Pal and Choudhry, "Is Every Ballot Equal?" 17-18.

16 Ibid., 21.

The Party System

Another factor which affects visible minority representation is the party system in Canada. Under the SMP system, visible minorities usually experience difficulties in being nominated to run for elections, since only one candidate from each party can enter this competition in each electoral district. A local nomination contest is held, in which members of the party's local association are eligible to vote and select the candidate. In ridings where the party is currently elected to office, the current MPs are called incumbents who in most cases do not face serious challenges in such contests.[17] This apparently narrows the opportunity for visible minorities to participate in politics as official representatives, which also means that the current situation of visible minority underrepresentation is less likely, or at least at a slower pace, to change.

On the other hand, on a more positive note, in ridings open to nomination contests, visible minority nominees are able to take advantage by mobilizing ethnic communities. They could sign up new party members to support them, and this is especially effective among the visible minorities because of their tightly knit social networks.[18] This strategy works the best for visible minority nominees in the most racially diverse ridings, but those scenarios may also be in favour of the party officials as well. It is not until the recent years when visible minorities have the tendency to outnumber their non-minority counterparts in

some districts to sway the votes, that political parties started to pay more attention to their votes. Black notes that the 2015 election was a highly competitive race between the three largest national parties, so all of them endeavoured to garner votes from every single segment of the Canadian society, including the visible minority groups. As a result, these parties nominated 150 visible minority candidates, 14.8% of their total candidate pool, and these candidates were purposefully placed in districts with large visible minority populations.[19] To sum it up, incumbency makes elected office less accessible for visible minorities, but open ridings concentrated with their populations may also give them an edge over the others to improve their descriptive representation.

However, as positive as this may seem, it still remains questionable whether political parties are genuinely motivated to represent visible minority groups in the parliament, or they simply want to win the so-called "ethnic votes".[20] The SMP system converts votes into seats, so it inevitably creates incentives for parties to "bridge the regional, linguistic and racial gaps with policies, leaders and candidates that appeal to as wide a cross-section of voters as possible".[21] This means Canada's brokerage parties usually address similar policy issues with different approaches,[22] but

17 Karen Bird, "Guess Who's Running for Office? Visible Minority Representation in the 2004 Canadian Election," *Canadian Issues* summer (2005): 82.
18 Ibid.

19 Black, "The 2015 Federal Election," 18-21.
20 Karen Bird, "'We are Not an Ethnic Vote!' Representational Perspectives of Minorities in the Great Toronto Area," *Canadian Journal of Political Science* 48, no. 2 (2015): 249-50.
21 Courtney, "Representation," 136.

none of them is dedicated to represent specific visible minority interests. Furthermore, parties like these produce strong party leadership and loyalty. Party leaders are the ones who decide party platforms and the rest of the party have to follow, with very little room for individual interference.[23] It then disconnects descriptive representation from substantive representation, and therefore undermines any positive effect on representation. Even if visible minorities get nominated and elected to office, there is no guarantee that they would really have the ability to "act for" their ethnic communities. Due to these characteristics of the party system mentioned above, it is possible that visible minorities have no choice but to vote for the party which relatively aligns with their interests the most, and focus more on the party platforms rather than individual candidates when they choose.

There could be two ways to solve the problems with the party system although each one of them contains certain flaws. The first one is through implementing ethnic quotas within political parties, which is one of the three types discussed by Karen Bird.[24] Having an ensured number of visible minority candidates running for office in each pan-ethnic party not only has the potential to raise descriptive representation, but also has some symbolic effect to improve visible minorities' attitudes towards the parties so that the risk of ethnic tension at the societal level can

be greatly reduced. This potential, however, is once again constrained by Canada's SMP system because the party quotas are not sufficient to guarantee visible minorities' presence in office; for example, parties could nominate visible minority candidates in the most competitive electoral districts, or the ones deemed virtually unwinnable, and the chance also depends on the party's own popularity among voters. The New Democratic Party (NDP) is the only party in Canada which has some kind of quasi-ethnic quotas in place so far. It sets a target that 50% of all candidates have to come from marginalized groups, including but not limited to visible minority groups.[25] As confirmed by Black's data, the NDP does not necessarily always have the highest percentage of visible minority MPs. The percentages have fluctuated between 4 and 5 % since 2006, only with the exception in 2011 (46.4%) when the party won seats in the most unexpected ridings.[26] Therefore, this clearly shows that ethnic quotas can be rather ineffective if the electoral system itself is not reformed.

Some scholars have suggested that visible minorities tend to do better in a proportional representation (PR) system. Countries like New Zealand and Germany employ a mixed-member proportional (MMP) system, which combines PR and SMP systems together by applying them separately to form one single government. Barker and Coffé studied the pattern of the MMP system in New Zealand, and discovered that visible minorities are more likely to be elected from a party list than from the electorate.[27] This finding demonstrates how visible minority candidates could benefit more from proportional representation rather

22 R. Kenneth Carty and William Cross, "Political Parties and the Practice of Brokerage Politics," in *Essential Readings in Canadian Government and Politics*, ed. Peter H. Russell, François Rocher, Debra Thompson and Amanda Bittner (Toronto: Emond, 2016), 161.
23 Carty and Cross, "Brokerage Politics," 162.
24 Karen Bird, "Ethnic quotas and ethnic representation worldwide," *International Political Science Review* 35, no. 1 (2014): 21-22.

25 Bird, "Guess Who's Running for Office?" 82-83.
26 Black, "The 2015 Federal Election," 17.
27 Fiona Barker and Hilde Coffé, "Representing Diversity in Mixed Electoral Systems: The Case of New Zealand," *Parliamentary Affairs* 71, no. 3 (2018): 615.

than from first past the post. However, it is important to note that the PR system does not always guarantee visible minorities' success, unless the party lists place them at the top, or at least evenly distribute them throughout the lists. If ethnic quotas are applied to party lists with strict ranking orders, they could promote visible minority representation in the most effective way. In addition, David Lublin also argues that ethnic heterogeneity produces more political parties in a country, but those ethnic parties achieve victory more easily in a PR system.[28] Different from the SMP system in which candidates from those smaller ethnic parties are less likely to receive the most votes in each riding and win seats in the House of Commons, seats directly correspond to votes in the PR system, which sets a lower threshold for ethnic parties to meaningfully participate in the political arena. From this perspective, a PR system, or at least a system with some PR features, opens opportunities for visible minorities to get elected and become more influential at the same time. Although Daniel Westlake has studied the electoral prospects offered by the PR system to radical right-wing parties and how they could consequently undermine the substantive representation of visible minorities in the parliament,[29] it would be out of this paper's scope to adequately elaborate on this argument and provide a response.

Social Factors

From the social perspective, it is often common for people to attribute visible minorities' underrepresentation to racial discrimination in Canadian society. One of the concerns with the PR system is that, in an open-list system where voters can rank their own preference of candidates, there is possibility that visible minority candidates bearing non-native names may get discriminated against. It has been proven to be the case in Switzerland,[30] so such possibility should not be dismissed when it comes to the discussion of Canada. This section examines whether discrimination has a negative impact on visible minority representation in Canada, and how racial inequality could contribute to their underrepresentation. Media's framing certainly plays a role in consolidating existing stereotypes, but Canada's multiculturalism policy does not necessarily mitigate this effect unlike what many people would otherwise expect.

Framing of Media

Black and Erickson studied data from the 1993 election, and reached the conclusion that visible minorities in Canada do not necessarily lose votes in elections due to their racial backgrounds and do not necessarily need to have more personal credentials in order to gain votes.[31] Given Canada's unique multicultural

28 David Lublin, "Electoral Systems, Ethnic Heterogeneity and Party System Fragmentation," *British Journal of Political Science* 47, no. 2 (2017): 376.
29 Daniel Westlake, "Multiculturalism, political parties, and the conflicting pressures of ethnic minorities and far-right parties," *Party Politics* 24, no. 4 (2018): 429-30.

30 Lea Portmann and Nenad Stojanović, "Electoral Discrimination Against Immigrant-Origin Candidates," *Political Behavior* 41, no. 1 (2019): 116-21.
31 Jerome H. Black and Lynda Erickson, "Ethno-Racial Origins of Candidates and Electoral Performance: Evidence from Canada," *Party Politics* 12, no. 4 (2006): 551-55.

traits, voter bias has not demonstrated significant influence on visible minority candidates' performance, although these two authors also recognize the persistent racial prejudice and stereotyping within Canadian society. For example, Erin Tolley examines how race is framed by the media in political news, especially with respect to electoral candidates with visible minority origins. During the production of news, a number of choices have to be made in terms of selection, construction, and consumption, which often takes place against a backdrop of "institutionalized whiteness".[32] Tolley has discovered that visible minorities are often portrayed differently from their white counterparts, based on stereotypical assumptions about their socio-demographic backgrounds, political viability and policy preferences, which may have negative impacts on their performance.[33] It becomes rather problematic if race is only accentuated when media report on visible minority candidates, not the white candidates. This shows that media coverage in Canada is indeed racialized even though it endeavours to achieve the so-called "colour-blindness".

However, despite these findings mentioned above, Tolley does not immediately draw the conclusion that media's racialized coverage does hinder the electoral success of visible minorities in Canada, which means there is probably more to unpack. This offers a great starting point for future research to focus on the nexus of media, discrimination, and electoral performance. Furthermore, Tolley's findings are mostly drawn from the 2008 federal election, so they have not kept up with the most recent changes taking place

in Canadian politics. In 2017, Jagmeet Singh won leadership of the federal New Democratic Party and became the first visible minority to lead a major Canadian party.[34] As an earlier commentary points out, Singh's bid for the party leadership position follows the trend of an increasing diversity in Canadian politics, but may still face certain challenges with racial and religious sentiments embedded in Canadian society.[35] How the media have presented Singh since he comes under the spotlight can be a good source to verify Tolley's concerns, which still requires further inquiries.

Racial Hierarchy

Another issue highlighted by Tolley is that media being racialized demonstrates the fact that multiculturalism in Canada does not equal to racial pluralism. In fact, multiculturalism itself is a part of a policy framework that integrates newcomers into Canadian society. According to Banting and Kymlicka, what has distinguished the Canadian model of multiculturalism from the European "failures" is that it predominantly focuses on economic integration such as employment, and social integration such as language acquisition.[36] As a result, multiculturalism would not lead to communal segregation and mutual incomprehension that could potentially divide a country

32 Erin Tolley, *Framed: Media and the Coverage of Race in Canadian Politics* (Vancouver: UBC Press, 2015), 165.
33 Ibid., 23-24.

34 Roshini Nair, "'A long time coming': Jagmeet Singh's victory a historic win for visible minorities," *CBC*, October 2, 2017, https://www.cbc.ca/news/canada/british-columbia/a-long-time-coming-jagmeet-singh-s-victory-a-historic-win-for-visible-minorities-1.4316002.
35 Aaron Wherry, "As Jagmeet Singh steps forward, is Canada ready for a non-white federal leader?" *CBC*, May 21, 2017, https://www.cbc.ca/news/politics/wherry-jagmeet-singh-1.4119920.
36 Keith Banting and Will Kymlicka, "Canadian Multiculturalism: Global Anxieties and Local Debates," *British Journal of Canadian Studies* 23, no. 1 (2010): 52-60.

if it solely addresses the irreconcilable differences among ethnic groups. When Prime Minister Pierre Trudeau first announced this policy in the House of Commons in 1971, he envisioned freedom for individuals to practice their own cultures while maintaining national unity.[37] This policy treats all ethnicities as equal citizens to encourage participation, and also facilitates interchange between cultural groups by assisting their acquisition of official languages. It seems that the celebration of diversity is more like a political rhetoric which conceals the ultimate purpose of national unity and civic integration. Therefore, it might not be surprising that multiculturalism policies fail to eradicate racial discrimination in Canada.

John Berry synthesized the psychological research conducted on multiculturalism policies over the past 40 years, including findings regarding acceptance of ethnocultural groups, acceptance of immigrants, and discrimination. While Canadians overwhelmingly acknowledge the importance of multiculturalism policies, a racial hierarchy is still evident.[38] Ethnocultural groups of West and North European backgrounds are usually viewed most positively, in contrast with those not of European backgrounds, namely the visible minorities. This hierarchy is also consensual because it is an implicit agreement among all of them about which groups are highly valued

in Canadian society and which ones are not. Similar attitudes are applicable towards immigrants, only except the fact that Canadians seem to be less willing to accept immigrants compared to those of the same origin but born and raised in Canada.[39] Lastly, in terms of discrimination, since self-reported experiences are rather subjective and case-specific, neither the frequency nor the severity can be accurately determined, but it is certainly undeniable that a higher than desired level of visible minorities have been treated unfairly for being different from the others at some point.[40]

While further research is needed to consolidate any conclusion made on visible minorities' political representation with subjective indicators of discrimination, there are also objective measurements available on the economic level to demonstrate the social inequality experienced by them. According to Berry, visible minorities on average receive lower income, compared to non-visible minorities, and the former have a higher poverty rate than the latter.[41] Even within the broad category of visible minorities, income ranges from the highest in the Japanese, Filipino and Chinese groups, to the lowest among the Korean, West Asian and Black groups. This is a very important indicator because tough financial conditions could impede visible minorities' participation in politics. If visible minority groups already lack the ability to satisfy their basic needs, they are less likely to enjoy the necessary resources to achieve political repre-

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37 P. E. Trudeau, "Announcement of Implementation of Policy of Multiculturalism within Bilingual Framework," in *House of Commons Debates* (Ottawa: Queen's Printer for Canada, 1971), 8545-46.
38 John W. Berry. "Research on multiculturalism in Canada," *International Journal of Intercultural Relations* 37, no. 6 (2013): 668-71.

39 Ibid., 669.
40 Ibid., 670-71.
41 Ibid., 671.

sentation. Technically speaking, Canada selects immigrants based on their education and employment skills, so these newcomers should be able to move into well-paid jobs quickly,[42] but it has turned out to be the opposite. What causes the difference here could possibly be traced back to the discrimination embedded in Canadian society as a result.

Research Gap and Proposed Solution

Scholars have not yet linked visible minority representation to multiculturalism policies so far in existing academic works. On the one hand, multiculturalism aims to integrate newcomers into Canadian society and help them succeed in career and life, which should have a positive effect on their political participation. On the other hand, since this policy does not specifically target historically prevalent discrimination with respect to race, it may still hinder visible minorities' performance in politics. There has not been a clear conclusion in terms of how multiculturalism policies interact with visible minority populations and the broader Canadian society. Black and Erickson's findings contradict those implied by Tolley, which means a more unified method is still needed to assess whether racial discrimination really contributes to visible minorities' underrepresentation in Canadian Parliament.

Despite such unsatisfactory outcomes, Canada's multiculturalism policies could be on the right track. At least to some extent, they have successfully integrated newcomers into this country by promoting a strong sense of citizenship and belongingness, which enhances the solidarity between different groups and the overall inclusivity in Canada. This integration process could encourage visible minority citizens to engage with political institutions, so it should not be entirely dismissed when

adjusting current policies. Although the correlation between discrimination and political representation has not yet been clear, in order to improve the situation and make continuous progress, future emphases should be placed on programs targeting social inequality and economic hierarchies. The relatively lower status of immigrants, compared to native-born visible minorities, deserves more attention as well. Many visible minorities in Canada are viewed as the "outsiders", especially in elite-level politics.[43] If visible minorities are not even considered as equally valued members of the Canadian society, Canada is still far from being a truly liberal democracy. The core of multiculturalism should be the empowerment of historically disadvantaged groups, and this could be achieved through a combination of both top-down and bottom-up approaches. Multiculturalism policies should, therefore, move beyond simply addressing the tolerance of diversity as a national myth, and instead highlight the shared qualities as human beings so that the immigrant-native divide might eventually be erased.[44]

Conclusions and Discussion

This paper mostly discusses visible minorities' underrepresentation from a descriptive perspective. Canada still has a long way to go until it fully achieves a reflective parliament with adequate visible minority MPs in proportion to their population. The overly flexible constituency size becomes a disadvantage for visible minorities when enjoying their voting rights. The party system, rooted in the SMP system, fails to make their voice

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42 Bird, "Guess Who's Running for Office?" 82.

43 Black and Erickson, "Ethno-Racial Origins of Candidates," 556.

44 Kim C. Matthews, "Perceiving Discrimination: Psychological and Sociopolitical Barriers," *Journal of International Migration and Integration* 7, no. 3 (2006): 384.

heard, which can be remedied with an alternative proportional representation electoral system enhanced by ethnic quotas. These two institutional factors are imperative, while the issue with racial inequality is also calling for action. Raising visible minority representation is impossible to be realized overnight, but if steps have been taken towards this ultimate goal with electoral reform and modified multiculturalism policies, it will gradually make a difference.

Referring back to the definitions of representation presented at the very beginning, some critical insights have been omitted in the interest of an appropriate scope for this paper, but they should be worth briefly noting here. Pitkin thinks that representation as a psychological feeling of being represented is too subjective and abstract, so her four dimensions of representation only consider the objective conditions for people to be represented.[45] This does not mean the former is totally of no value; in fact, it has been developed as a recent new approach to understand political representation. Andrew Rehfeld offers a theory to identify representation as "a relevant audience accepting a person as its representative".[46] This definition better explains the voters' attitude in group interviews conducted by Bird. Visible minority voters who participated in those interviews were not particularly concerned with policy responsiveness, but rather cared more about the quality of local services and ap-

proachability of the elected MPs in their communities.[47] They trusted the representatives to act in their best interests.[48] Sometimes, all they had hoped the representatives could do is to facilitate the communication with other ethnic groups, including their majority counterparts, serving as a "bridge".[49] In this case, visible minority voters are represented because they willingly accept the elected MPs to represent themselves, and it no longer matters whether they are actually from the same ethnic group. Therefore, it is clear that the concept of representation itself is extremely complex and open to various interpretations, so it requires further inquiries in a more systematic manner to gain a comprehensive view of this topic.

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45 Pitkin, *Representation*, 9-10.
46 Andrew Rehfeld, "Towards a General Theory of Political Representation." *The Journal of Politics* 68, no. 1 (2006): 2.

47 Bird, "We are Not an Ethnic Vote!" 258.

48 Ibid., 259.
49 Ibid., 265-66.

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Missing and Murdered Indigenous Women and Girls: The Role of Political Campaigns / Administrations in Undermining Violence Against Indigenous Women and Girls in Canada

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Introduction

The racialization of Indigenous bodies in Canada has facilitated both marginalization of and prejudice towards Indigenous people, with specific effects on Indigenous women.[1] Indigenous women have become a target of violence as a result of their racial and gendered positions with a disproportionate number having gone missing and been found murdered - characterizing the phenomenon known as Missing and Murdered Indigenous Women and Girls (MMIWG). However, despite its significance, this crisis is seemingly neglected in the context of government rhetoric and substantive action. Given this, I question: how is the MMIWG crisis represented in political administrations – specifically that of Harper versus Trudeau? This essay will argue that missing and murdered Indigenous women are not appropriately discussed in political contexts. Rather, they are undermined or discussed in broad terms of "Indigenous relations" that do not provide necessary nuanced accounts of the MMIWG crisis as can be seen through the Harper and Trudeau administrations respectively.

This paper is divided into five sections, organized as follows. In the first section, I provide contextual background on the marginalization of Indigenous peoples more broadly and the MMIWG crisis. The second section explains mainstream media's framing of Indigenous women in order to recognize the systematic invisibilization of the crisis. Section three assesses the Harper Administration's discussions on Indigenous peoples and women. Then, section four compares Trudeau's 2015 election campaign versus 2019 while engaging with his administration's actions towards solving the MMIWG crisis. I conclude in section five by summarizing how coverage and administrative solutions to MMIWG are lackluster and noting potential ways forward.

Key Terms and Contextual Background

Key Terms

For the purpose of this essay political campaigns will be discussed in the context of official campaign platforms. While press and media statements are also a key area of political campaigns, such facets will not be assessed in this essay. Moreover, political administrations will be characterized as official statements, engagements with communities, as well as broader actions such as policy creation or economic choices within an incumbency.

MMIWG will be defined as the sociological phenomenon in which the racial and gendered identity of Indigenous women characteriz-

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1 Kaitlyn Watson, "Missing and murdered indigenous women the role of grassroots organizations and social media in education," Canadian Woman Studies 33, no. 1-2 (2018), 209.

es them as a marginalized group leading to heightened violence, including the disproportionate rates at which Indigenous women go missing and become victims of homicide and sexual assault. Note that throughout this essay there is a deliberate difference in the noting of missing and murdered Indigenous women versus the capitalization in Missing and Murdered. Such writing is to differentiate between Indigenous women who have gone missing/murdered versus the characterization that is the MMIWG crisis.

Contextual Background

Prior to unpacking specifics on systemic racism and its influence on MMIWG, I will provide a brief overview of racism in Canadian beliefs regarding Indigenous people through vocalizing the first-hand experiences of Indigenous women in Canada and surveys on attitudes towards reconciliation.

Racism in Canadian Beliefs

Through a series of unstructured interviews with general questions to guide reflections on racism and discrimination, Leah found that Indigenous women experienced everyday racism such as being followed by security, ignored by sales staff, and refused service.[2] As emphasized by Verna, a Native Student Counselor and interviewee in Leah's

study, isolated incidences of racism are not the issue at hand but rather the way of thinking about Indigenous people.[3] Such sentiments are further proven by the work of Benoit, Green and Costman and their research on racist experiences of urban Indigenous women. Their study finds that individual racism – also called interpersonal racism – is a key part of the discourse that perpetuates inequality at the macro level, whereby pre-disposed ideas of Indigenous people reinforces systemic denial in access to areas such as health and shelter.[4] Day by day experiences of the interviewed women in Benoit et al. similarly included harassment in schools, being watched while shopping, and followed.

In addition to the above, it is necessary to underline Canadian perspectives of reconciliation and Indigenous people. While it is proven that both Indigenous peoples and non-Indigenous Canadians are in agreement regarding broader aspects of reconciliation, three key figures are to be discussed.[5] Firstly, 61 percent of non-Indigenous Canadians disagree that "Non-Indigenous Canadians have a collective responsibility to make up for the mistreatment of Indigenous Peoples

2 Ronnie Leah, "Aborignal Woman and Everyday Racism in Alberta: From Lived Experiences of Racism to Strategies for Personal Healing and Collective Resistance" The Journal of Human Justice 6, no. 2 (1995), 15.

3 Leah, "Aborignal Woman and Everyday Racism in Alberta.", 16.
4 Anita C. Benoit, Jasmine Cotnam, Doe O'Brien-Teengs, Saara Greene, and Kerrigan Beaver. "Racism Experiences of Urban Indigenous Women in Ontario, Canada: "We All Have That Story That Will Break Your Heart"" The International Indigenous Policy Journal 10, no. 2 (2019), 16-17.
5 The Canadian Reconciliation Landscape: Current Perspectives of Indigenous Peoples and Non-Indigenous Canadians Reconciliation Canada (2017), 02.

throughout history."[6] Secondly, 47 percent of non-Indigenous Canadians belief that "different worldviews / values [...]" serve as a barrier to reconciliation versus 21 percent of Indigenous people.[7] Finally, in the context of taking personal actions to support reconciliation, at best 22 percent of non-Indigenous Canadians agreed to substantive change (re: re-examining personal perceptions and attitudes).[8] These statistics broadly outline the implicit bias of non-Indigenous Canadians belief system by indicating: (a) apathy in providing reconciliation for historical injustices on a personal basis; (b) that despite lacklustre knowledge on Indigenous people, difference of "values" is seen as a large limitation to reconciliation; and (c) apathy in personal education and action on the ground-level. These collective findings from the stories of Indigenous women in the aforementioned studies and Reconciliation Canada indicate that Canadian attitudes about Indigenous people and reconciliation hold racist sentiments that can facilitate victimization and denial of recognition for active steps moving forward.

Systemic Racism

The injustices faced by Indigenous peoples in Canada are multifactored and nuanced. Through the ideological domination and imposition of colonial culture as well as the intergenerational effects of these points in history, Indigenous people are often oppressed and marginalized denying them access and opportunity. Acts of colonialism in Canada must be recognized as phenomena that are closely tied to both racism and sexism and that are directed at Indigenous people. Such actions dismantle

communities and work to enforce Western ideologies, including those of patriarchy and discrimination.[9] These sentiments are made evident through the tragedies of the residential school system, which effectively institutionalized sexual abuse and white complicity towards Indigenous people. While legislations have come about in the name of social justice claims, most directly seen through the Indian Act, these works contribute to the destabilization of Indigenous communities, perpetuating inequalities and contributing to violence against women and girls.[10] The Indian Act specifically is a source of oppression as it assigns unequal values to Indigenous people through social stratification, resulting in a cleavage between Indigenous people and the rest of Canadian society. Through a gendered lens, the impacts of colonialism mark a reversal in the status and treatment of Indigenous women, who held respected and sacred statuses prior to colonial domination. However, the imposition of colonial ideologies resulted in violence against this demographic.[11] Such histories warrant close attention to the topic of Indigenous women.

Indigenous women are marginalized by the reserve system, where adequate hous-

6 Ibid., 03.
7 The Canadian Reconciliation Landscape., 04.
8 Ibid., 05.

9 Watson, "Missing and murdered indigenous women the role of grassroots organizations and social media in education.", 204.
10 Seetal Sunga, "Dealing with Oppression: Indigenous Relations with the State in Canada," Ethics and Social Welfare 11, no. 2 (2017), 137. https://doi.org/10.1080/17496535.2017.1293118; Watson, "Missing and murdered indigenous women the role of grassroots organizations and social media in education.", 206-207.
11 Catherine E. Burnette and Timothy S. Hefflinger, "Identifying community risk factors for violence against indigenous women: A framework of historical oppression and resilience," Journal of Community Psychology 45, no. 5 (2016), 590. https://doi.org/10.1002/jcop.21879.

ing is not present and women lack mobility.[12] Furthermore, Indigenous women are excluded from self-governing systems through the effects of Indian Act, where through which the Canadian government imposed an elected chief and council system. Such a process undermines traditional Indigenous governance structures – segregating women to the periphery.[13] Finally, not only does on-reserve poverty and the absence of Indigenous women's political status result in marginalization, but a lack of legislation to protect Indigenous women engenders settings for violence. As a result, Indigenous women are made more vulnerable to exploitation. Thus, as a result of their raced, classed, and gendered identities, Indigenous women confront racialized violence, leading to their disappearances and murders.

Missing and Murdered Indigenous Women and Girls

The disappearances and murders of Indigenous women are commonplace. They are 4.5 times more likely to become victims of homicide than other women, face a higher likelihood of being sexually assaulted during their lifetime, and go missing at disproportionate rates – a crisis characterized as MMIWG.[14]

Reports find that almost two-thirds of Indigenous-women who are victims of violence fall under the age of 35, whereby approximately 63 percent are between the ages of 15 to 34.[15] Finally, it is necessary to highlight that 34 percent of Indigenous women who have reported violence experienced multiple such incidents of violence, i.e. two or more times.[16] Due to the scale and severity of violence faced by Indigenous women and girls in Canada, organizations recognize that MMIWG constitutes a national human rights crisis.[17] However, MMIWG goes largely unrecognized and the oppressions faced by Indigenous women are often reproduced through discourses and practices which systematically exploit the demographic.[18] While discussions of representation in academic research broadly discuss the lack of descriptive representation of women in politics, a nuanced outlook in engaging with the substantive representation of Indigenous women is overlooked.

12 Katherine Morton, "Hitchhiking and Missing and Murdered Indigenous Women: A Critical Discourse Analysis of Billboards on the Highway of Tears," Canadian Journal of Sociology 41, no. 3 (2016), 307.; Watson, "The role of grassroots organizations and social media in education.", 206.

13 Watson, "The role of grassroots organizations and social media in education.", 206.

14 Samira Saramo, "Unsettling Spaces: Grassroots Responses to Canada's Missing and Murdered Indigenous

Women During the Harper Government Years," Comparative American Studies an International Journal 14, no. 3-4 (2016), 204. https://doi.org/10.1080/14775700.2016.1267311

15 Shannon Brennan, Violent victimization of Aboriginal women in the Canadian provinces, 2009, Statistics Canada (Ottawa, 2011), 05.

16 Brennan, Violent victimization of Aboriginal women in the Canadian provinces, 2009, 05.

17 Watson, "The role of grassroots organizations and social media in education.", 204.

18 Kristen Gilchrist, ""Newsworthy" victims? ," Feminist Media Studies 10, no. 4 (2010), 376. https://doi.org/10.1080/14680777.2010.514110.

The Role of Media: Racism in Beliefs, Framing, and Representation

Given that many non-Indigenous Canadians have no immediate contact with Indigenous people in their day-to-day lives, media serves as a critical forum for understanding the roots of public perceptions and discourse connected to Indigenous identity. Research indicates that the representation of Indigenous people in media is either lackluster or characterized in a non-favourable demeanor. For example, Indigenous peoples are often presented as problem people who either have or create problems.[19] In line with the MMIWG crisis, researchers identify that subversive texts about Indigenous women reinforce a racialized violent discourse highlighting the role that mainstream media plays as a powerful force in perpetuating biases and stereotypes about Indigenous peoples.[20]

When underlining that news is a "constructed reality" manufactured by journalists, it becomes simpler to understand that news items are not selected. Rather, they are constructed according to what is considered "newsworthy". Accordingly, a choice of represented crime operates in news media, through which not all crimes are seen as equally newsworthy and preference is given to violence against females as a topic of considerable of attention.[21]

However, news media perpetuates a hierarchy of female victims. In other words, not all women who have experienced violence are treated equally and binary categories are created differentiating "good" from "bad" women. Within this framework, good women are seen as innocent and worth saving, whereas bad women are positioned as "unworthy victims and beyond redemption".[22] Traditionally, such binaries are developed based on stereotypical dualism, where characteristics of individuals are collapsed into simplified figures and split into bad and good halves.[23] This stereotypical dualism depends on racialized sentiments as seen through the constructed realities of white versus Indigenous.

Traditionally, middle-class white women have been constructed as "innocent" and "good" relegating racialized bodies to the status of "others". The process by which Indigenous women are racially marked is intrinsically linked with the material effects of the interconnected disadvantages they face. Through this, Indigenous women have become characterized as an unworthy victimized group, labelled as "high-risk". These sentiments imply that violence occurs against Indigenous women because they put themselves in positions of risk and are prone to deviance.[24] The usage of negative rhetoric towards Indigenous women undermines the seriousness of their victimization, gesturing to the public that crimes against this group do not matter. Furthermore, colo-

19 Rebecca Wallace, ""Warriors don't sleep til noon": colonial rhetoric and the framing of Indigenous recipients of welfare in Canadian print news, 1990–2015," Politics, Groups, and Identities (2019), 04. https://doi.org/10.1080/21565503.2019.1629311.

20 Taima Moeke-Pickering, Sheila Cote-Meek, and Ann Pegoraro, "Understanding the ways missing and murdered Indigenous women are framed and handled by social media users," Media International Australia 169, no. 1 (2017), 58. https://doi.org/10.1177/1329878X18803730.

21 Gilchrist, ""Newsworthy" victims?", 375.

22 Ibid.

23 Stuart Hall, "Discourse and Power " in The West and The Rest: Discourse and Power (Cambridge: Polity Press, 1992)., 215-216

24 Moeke-Pickering, Cote-Meek, and Pegoraro, "Understanding the ways missing and murdered Indigenous women are framed and handled by social media users.", 376.; Morton, "A Critical Discourse Analysis of Billboards on the Highway of Tears.", 304-306.

nial constructs of Indigenous bodies reinforce stereotypes of Indigenous women as sexually deviant and promiscuous. Such actions perpetuate the lack of current day coverage on MMIWG since Indigenous women are constructed as "willing victims".[25]

Through an interpretive content analysis, Gilchrist explores the differences in Canadian press coverage of missing and murdered Indigenous versus white women. Gilchrest unpacks the coverage of three Indigenous and three white female victims by engaging with factors such as amount of coverage, placement of news, as well as tones and themes. Gilchrist's research uncovered the following. Firstly, news articles discussing the women's cases showcased disparities, where white women were mentioned over six times more often in press, with 511 mentions respectively versus 82 mentions of Indigenous women. Secondly, thirty-seven percent of articles about white women appeared on the front page versus 25 percent of articles about Indigenous women. Moreover, articles about Indigenous women tended to be hidden amongst soft news and advertisement.[26] The poor placement of articles regarding Indigenous women holds two key implications: (1) it undermines the lack of urgency and social importance of the MMIWG crisis, which (2) reduces the lack of salience of these stories relegating the unsolved disappearances and murders of Indigenous women to the periphery. Finally, Gilchrist found that messages of resistance implicated the wom-

en through differing ways; white women had increased emphasis on the police doing "whatever it takes" while Indigenous women were made invisible through notions of unsolved mysteries and overall minimal press coverage.[27] These findings support the notion of systematic ignorance towards MMIWG, further proven through two administrations and campaigns of Canadian politics: The Harper administration and Trudeau 2015 versus 2019 administration.

Prior to analyzing these two administrations and their effects on MMIWG, I would like to emphasize that despite the aforementioned findings, Indigenous people are not mere victims regarding the adversities of missing and murdered Indigenous women. Through social media platforms, Indigenous people are practicing agency by honouring these women and highlighting the racialized contexts that constrain their people.[28] Thus, social media activism proves to be a new format for Indigenous self-determination. This tool serves as an important element in our understanding of new ways in which the MMIWG tragedies can be covered outside of the insufficient scope of traditional news media and lackluster administrations.

The Harper Administration

The Harper government's federal lead-

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25 Morton, "A Critical Discourse Analysis of Billboards on the Highway of Tears.", 304.
26 Gilchrist, ""Newsworthy" victims?", 380.

27 Ibid., 382.
28 Moeke-Pickering, Cote-Meek, and Pegoraro, "Understanding the ways missing and murdered Indigenous women are framed and handled by social media users.", 61.

ership, from February 2006 to November 2015, characterizes a period of time where Indigenous rights were seen as denied and belittled.[29] Through the systematic denial of the sociological roots and implications of violence against Indigenous women, the government avoided its role in producing resolutions. Before analyzing the systematic denial of MMIWG during the Harper administration however, it is important to note the broader ignorance towards Indigenous adversities during this period of governance.

On June 11, 2008 on behalf of the Canadian government, Prime Minister Stephen Harper issued a public apology as part of the process to address the government's role in the history of Indian Residential Schools.[30] The apology was delivered in a special joint session of the House of Commons and the Senate where Harper stated that the government recognized the policy of assimilation as wrong and that the long-lasting consequences of residential schools have caused adverse impacts on Indigenous culture, heritage, and language.[31] While the apology was well received by representatives of Indigenous communities at the joint session, Harper remained apathetic in the following years. Upon the release of the Truth and Reconciliation Commission (TRC), Harper indicated indifference. His comments regarding the TRC were limited to issuing a news statement thanking the TRC for its hard work.[32] These instances provide a glimpse of

the administration's dismissive approach towards Indigenous issues.

The alarming trends involving violence towards Indigenous women during the Harper years were downplayed. The "tough on crime" approach to social wellbeing under the Harper Government framed the occurrences of missing and murdered Indigenous women and girls as individual crimes rather than as an imminent crisis. Notably, Harper adamantly maintained that MMIWG could not be viewed as a "sociological phenomenon".[33] By framing MMIWG as a case of crimes, no context was provided to the crisis besides a legal transgression.[34] This emphasis on individual crimes and perpetrators deterred focus away from systematic inequities that fuel the perpetuation of violence against Indigenous women.[35] While findings indicate that the Harper administration noted that the statistical significance of missing and murdered Indigenous women warranted reports and explanations, the response remained apathetic. Personal statements from former Prime Minister Stephen Harper included: "we think this issue [missing and murdered Indigenous women/girls] has been studied to death", and that an inquiry "really isn't high on our [the administration's] radar, to be honest".[36] Leaving the crisis of missing and murdered Indigenous women unnamed distanced the government's role in increasing

29 Saramo, "Unsettling Spaces.", 205.
30 Note that in this context, the word "Indian" is used in consistency with historical titles and Harper's apology.
31 Stephen Harper, "Statement of Apology - to former students of Indian Residential Schools" (speech, Ottawa, ON, June 11, 2008), Government of Canada.

32 Mark Kennedy, "Harper shows little enthusiasm for 'reconciliation' report," Ottawa Citizen 2015. https://ottawacitizen.com/news/politics/harper-shows-little-enthusiasm-for-residential-schools-report
33 Saramo, "Unsettling Spaces.", 208.
34 Audra Simpson, "The state is a man: Theresa spence, loretta saunders and the gender of settler sovereignty", Theory and Event 19, no. 4 (2016), 03.
35 Saramo, "Unsettling Spaces.", 208.
36 Saramo, "Unsettling Spaces.", 208.; Simpson, "The state is a man.", 03.

representation and providing systematic solutions towards the issue, indicating inadequate discussions on the MMIWG crisis.

The Trudeau Campaign and Administration

Differing from the Harper administration was that of the Trudeau administration, where there was distinct recognition of the importance of the MMIWG crisis. The 2015 Trudeau Prime Ministerial election campaign marked a period for a potential new face in Canadian politics. The 2015 campaign was defined by the party leader's charisma, unifying discourse, and attention brought to the middle class, youth voters, and diverse identities. In comparison, the 2019 campaign addressed larger criticisms against Trudeau's administration, particularly seen through questions surrounding the pipeline and reminders of the SNC-Lavalin affair, which had led to the resignation of Canada's first Indigenous Attorney General and Justice Minister Jody Wilson Raybould.[37] Nonetheless, Trudeau characterized his 2019 campaign as "Choose Forward," emphasizing a progressive government for Canada. However, by analyzing Trudeau's campaigns and administration, this essay uncovers the lack of adequate groundwork in solving the MMIWG crisis outside of broad strokes of "Indigenous relations" in rhetoric.

Assessing Trudeau's Campaign

Methodology

To compare Trudeau's campaign remarks on the MMIWG crisis in 2015 versus 2019, this paper proceeds with a content analysis conducted as follows. Five sets of words or wording combinations were created to capture typologies associated with Indigenous peoples and MMIWG. In the first analysis (Figure 1), these words or wording combinations were tallied to quantify the emphasis placed on issues associated with Indigenous peoples and MMIWG. However, I recognize that it is further necessary to showcase the importance of the relative attention given to various topics in order to introduce a nuanced account of the emphasis placed on Indigenous issues, such as MMIWG, compared to others. In order to account for this facet in the analysis, the tallied results of Figure 1 were divided by total page numbers (resulting in Figure 2). Note that the results were divided by page number to avoid skewed results that could occur when dividing by total words, i.e. not having to divide by article words that are not characterizations of the campaign.

Results

As seen in Figure 1 below, there is an apparent increase in mentions of Indigeneity in the 2019 campaign when compared to 2015.

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37 "Trudeau and Wilson-Raybould: The crisis that could unseat Canada's PM," BBC News 2019. https://www.bbc.com/news/world-us-canada-47408239
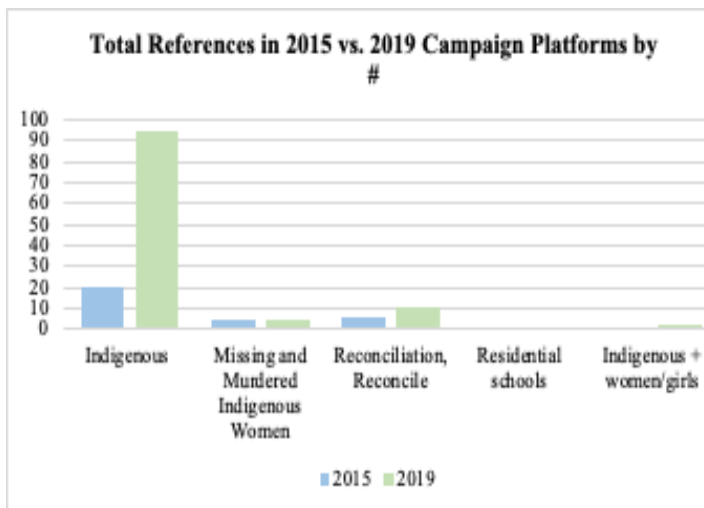
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Figure 1. Total references to each word or wording combination, Trudeau's 2015 versus 2019 official campaign platforms.
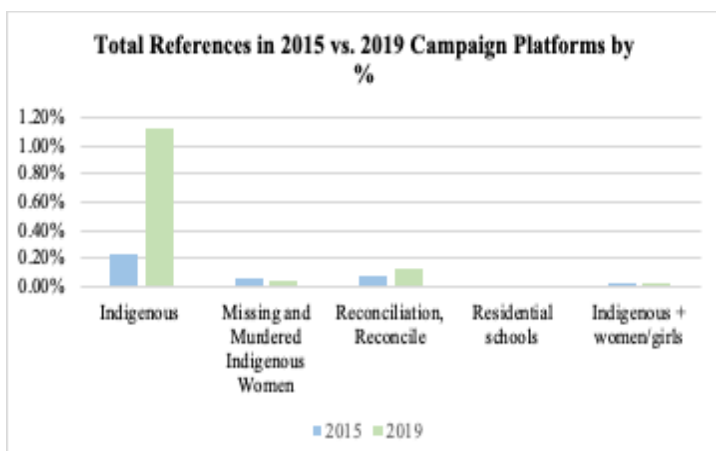

Figure 2. Total references to each word/wording combination by percentage, where word references by number were divided by the total number of pages, Trudeau's 2015 versus 2019 official campaign platforms.

However, Figure 2 broadly illustrates that while the 2019 campaign had increased mentions, therefore seemingly placing topics of Indigeneity of higher concern compared to 2015, the specific crisis of MMIWG and the vulnerabilities of Indigenous women/girls were rarely mentioned in the broad scheme of Trudeau's official campaign. In comparison, the words "Conservative" (referring to the Conservative Party of Canada) and "Scheer"

(referring to Conservative Party leader Andrew Scheer) held a greater frequency by 3.75 times than "Missing and Murdered Indigenous Women," and 7.5 times more than "Indigenous women/girls". While I recognize the political context in which opponents are mentioned during election campaigns, such findings broadly indicate the minimal representation of MMIWG in Trudeau's campaign, especially when compared against items independent of policy action.

When discursively analyzing the content itself, Trudeau's campaign simplified engagements with Indigenous people as "renewed relationships" based on "recognition, rights, respect, co-operation, and partnership" in 2015 and access to "clean, reliable energy" and "continued cooperation" in 2019.[38] The tragedies of MMIWG, were briefly discussed with the 2015 campaign promising a launch of a national public inquiry while the 2019 campaign conglomerated the MMIWG crisis into ideas of "reconciliation" and "Indigenous relations" as predicted. Through this brief content analysis, the evidence on the lack of appropriate engagements with MMIWG is seen, indicating the invisiblization of the crisis.

Assessing the Trudeau Administration

2015

The 2015 Trudeau government's focus on Indigenous policy grounded itself in the principle of reconciliation. Such rhetoric was seen as ambitious when compared to the Harper administration, which strained relationships between Indigenous peoples and the federal

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38 Liberal Party of Canada, A New Plan for a Strong Middle Class, 2015., 46.; Liberal Party of Canada, A Real Plan for the Middle Class, 2019, 59.

government.[39] The grounding of reconciliation as a central theme in "renewing the relationship with Indigenous people" however was eventually outweighed when economic priorities proved to take precedence, most prominently regarding the pipeline.[40] Nonetheless, Trudeau's 2015 administration involved a key promise when considering MMIWG, as indicated above, which was to establish a commission of inquiry into the number of missing and murdered Indigenous women and girls in Canada. This promise allowed the Liberals to distinguish themselves from the Harper government, which refused such a commission claiming that missing and murdered Indigenous women were an issue of individual criminality and not societal in nature.

The commission of inquiry was set up in December of 2015, shortly after Trudeau's election. The inquiry "addresses the violence against some of this country's [Canada's] most vulnerable citizens [Indigenous women] and identifies its systematic causes".[41] The Commission highlights that a space for truth about violence against Indigenous females has never

been opportune and that the commission of inquiry represents a step in a social undertaking to improve the safety of Indigenous women and girls together.[42] Yet, while the Commission marks a stride forward in recognizing the systematic vulnerabilities of Indigenous women, the organization faced criticisms due to an ill-defined mandate and lack of transparency. Critiques noted that the Inquiry left local communities and organizations to do much of the legwork required in order to identify survivors and families.[43] Furthermore, access to hearings associated with the Inquiry proved to be an issue for Indigenous people, where commutes were long and travel costs not covered, indicating a lack of consideration for the broader marginalization faced by Indigenous women regarding mobility.[44] Nonetheless, the Trudeau government refused to prolong the mandate of the commission beyond 2019, tabling its final report in June 2019 with 231 calls to justice and a call to recognize a colonial genocide.[45] While the Inquiry increased recognition of MMIWG, Indigenous women and girls continue to face violence since Trudeau's 2015 election, with 23 cases between 2015-2018.[46] With such evidence in mind, it is necessary

39 Thierry Rodon and Martin Papillon, "Renewing the Relationship with Indigenous Peoples: An Ambitious Discourse, Limited Accomplishments," ed. Lisa Birch and François Pétry, Assessing Justin Trudeau's Liberal Government: 353 promises and a mandate for change (Quebec: Les Presses de l'Université Laval, 2019), 179-181.
40 Leyland Cecco, "Pipeline battle puts focus on Canada's disputed right to use indigenous land," The Guardian 2019. https://www.theguardian.com/world/2019/jan/11/canada-pipeline-indigenous-trudeau-treaty
41 Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, (2019), 08.

42 National Inquiry into MMIWG., 08.
43 Maura Forrest, "Missing and murdered inquiry 'offloading' responsibility onto communities: NDP MP," National Post 2017. https://nationalpost.com/news/politics/missing-and-murdered-inquiry-offloading-responsibility-onto-communities-ndp-mp-claims
44 Forrest, "Missing and murdered inquiry 'offloading' responsibility onto communities"
45 Rodon and Papillon, "Renewing the Relationship with Indigenous Peoples.", 184.
46 "Missing and Murdered: The Unsolved Cases of Indigenous Women and Girls," (CBC News). https://www.cbc.ca/missingandmurdered/

to question the administration's intentions moving forward by asking if rhetoric of reconciliation and renewed relationships will be followed through in terms of policy. The lack of groundwork past the Inquiry's recognition of MMIWG calls to question the practices supported by the government that continue to elicit violence.

The Trudeau administration's broader practices call into question the process through which the MMIWG crisis was mitigated against on the ground level, specifically when analyzing the intersection of the pipeline and research on extractive industries. Research indicates that a number of industries including oil, gas, and mining extraction draws large numbers of men to Indigenous land, typically leaving Indigenous women vulnerable to increased violence.[47] In these positions, women face increased rates of depression, risk of poverty, and sexual assault and prostitution. Furthermore, the mining industry introduces addictive problems onto Indigenous men through to stress which is then passed onto women through abusive relationships and increased conflict.[48] The World Policy Journal summarises six case around the globe where industry was accompanied by increased reports of abuse including one in Canada. In 2011, during the first year of industrial construction in Fort St. James, British Columbia, sexual assault against Nak'azdli and Tl'azt'en First Nations women saw an increased report rate of 38 percent.[49] While these findings are

marked by the Harper administration, the broader understanding that extractive industries heighten vulnerabilities begs the question of how the Trudeau administration plans to avert abuses towards Indigenous women despite pipeline implementations. In practice, despite Trudeau's campaign promises of cooperation with Indigenous peoples and recognition of Indigenous affairs, his actions have proven differently where government action has left Indigenous women at risk of vulnerabilities engendered by MMIWG. This further emphasizes the undermining of the MMIWG crisis in political administrative contexts.

2019

An analysis of the 2019 administration at the time of this paper's writing would be lackluster given its recency. However, the cabinet selection points to potential inadequacy in the representation of MMIWG for the following years to come. The new Government's cabinet as it currently stands has no Indigenous representation.[50] The Minister of Indigenous Services seemingly lacks the identity facets to appropriately unpack the effects of racialization and sexism towards Indigenous women. This calls to question how Marc Miller (Minister of Indigenous Services) will be able to provide necessary services to Indigenous people more broadly, let alone the specific services and support necessary for Indigenous women and girls to avert the MMIWG crisis and solve the cases at hand.

47 Meehyun Nam Thompson and Emma Russell, "Industry and Violence against Indigenous Women," World Policy Journal 34, no. 4 (2017), 44.
48 Ginger Gibson and Jason Klinck, "Canada's Resilient North: The Impact of Mining on Aboriginal Communities" Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health 3, no. 1 (2005), 133.

49 Thompson and Russell, "Industry and Violence against Indigenous Women.", 44.
50 "Meet the New Cabinet: A quick look at the veterans as well as some fresh faces that will be calling the shots in Canada's newly sworn in minority government ", The Globe and Mail 2019. https://www.theglobeandmail.com/politics/article-trudeau-cabinet-full-list/

Conclusion: Moving Forward

Through the above engagements, we briefly see the lack of appropriate representation given to MMIWG as an epidemic despite the disproportionate rates of Indigenous women and girls who face violence. The lack of academic research looking at the specific intersection of administration practices and MMIWG further indicates the necessity of representation in this area of study. This essay provided a brief account to highlight the systematic invisiblization of MMIWG both in media and political administrations of either end of the political spectrum. My engagements with media, aided by the research of Gilchrist, showcases how the racialization of Indigenous women in media relegates their vulnerabilities and the MMIWG phenomenon to the fringes. The analyzation of the Harper versus Trudeau in both 2015 and 2019 begins to uncover the lack of ground work from administrations in appropriately representing MMIWG as an issue outside the broad scheme of "Indigenous relations," despite the specific gendered assumptions that underlie MMIWG. However, this essay's accounts only provide a stroke of development towards research on MMIWG in the political context, necessitating further research moving forward. Adopting an intersectional lens in both academic research and political developments, such as economic, health, and environmental sectors, could prove to be beneficial in both engaging with Indigenous women on the MMIWG crisis and ensuring appropriate substantive representation.

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    10.

Norm Antipreneurs in the UK

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Introduction

Brexit - British exit - is used to denote the United Kingdom's decision to leave the European Union. There has been much discussion over what drove the UK to vote 'leave' in the 2016 Brexit referendum; however, this paper asserts that the best way to explain Britain's withdrawal from the European Union is through the use of a constructivist lens. As such, it will be argued that Brexit is primarily due to the work of norm antipreneurs, who actively contested notions of pro-Europeanism promoted by the EU, and instead amplified Eurosceptic sentiments throughout the UK. This paper defines norm antipreneurs as "actors who defend the entrenched normative status quo against challengers".[1] It will begin by providing a brief overview of the constructivist lens from which concepts in the paper will be drawn. It will then establish Euroscepticism as the status quo in the UK. Next, it will demonstrate how antipreneurs amplified Euroscepticism by invoking a discourse of fear that promoted anti-immigrant sentiment. Finally, it will analyze how antipreneurs endorsed an exclusive British national identity as opposed to a European national identity by opting out of various EU policies to fuel Euroscepticism.

The Constructivist Lens

Constructivists are primarily concerned with the social construction of world politics. They state that world politics is a product of human consciousness and ideas that endow various social facts with meaning.[2] They explain that the structure of the international system is given meaning largely by the social context through which it is interpreted and that this structure constitutes the interests and identities of agents.[3] Constructivists view international relations as a sphere of social interaction in which ideas are shared, and agents create their identity in relation to one another.[4] They state that the intersubjective nature of ideas results in a logic of appropriateness, which actors in world politics abide by. Norms- defined as "a standard of appropriate behaviour for actors with a given identity"- shape the structure of the international system.[5] For constructivists, agents (states) and structures (global norms) are mutually constituted, meaning that they interact in such a way that they produce and reinforce one another.[6] Constructivists argue that "in an ideational international structure, [normative change] [is] the main

1 Alan Bloomfield, 2017, Norm Antipreneurs and the Theorising Resistance to Normative Change, Review of International Studies 42 (2): 319.

2 Martha Finnemore and Kathryn Sikkink, 2001, TAKING STOCK: The Constructivist Research Program in International Relations and Comparative Politics, Annual Review of Political Science 4 (1): 393.

3 Jeffrey Checkel, 1998, The Constructivist Turn in International Relations Theory, World Politics 50 (2): 325.

4 Alexander Wendt, 1992, Anarchy is What States Make of it: The Social Construction of Power Politics, International Organizations 46(2): 397-98.

5 Martha Finnemore and Kathryn Sikkink, International Norms and Political Change, International Organization 52(4): 891.

6 Checkel, The Constructivist Turn in International Relations Theory, 328

vehicle for system transformation".[7] In order to explain normative change, Finnemore and Sikkink suggest that norm diffusion is driven by 'norm antipreneurs',[8] that is, by actors who attempt to change the prevailing normative order according to new ideas or norms that they see as more fitting.[9] Normative change also involves norm antipreneurs, which are "actors who defend the entrenched normative status quo against challengers".[10] Antipreneurs employ a variety of means to resist new norms, including casting doubt, raising fear and obstructing actions by antipreneurs.[11] Actors in world politics can adopt or avoid certain practices prescribed by a norm or contest and resist a new norm depending on how it affects their interests.[12] They construct the international system by endorsing their interests through various norms and attempting to diffuse them throughout the system.

Euroscepticism and Anti-immigration Sentiments

Euroscepticism has been the status quo for citizens of the UK since the country joined the EU, and norm antipreneurs have taken decisive action to maintain it as such. The Euroscepticism that drove the UK to vote 'leave' in the Brexit referendum is not a new phenomenon; it has been entrenched in British society and has shaped the terms of Britain's membership in the EU.[13] In the 1990s, scholar Stephan George labelled the UK as the 'awkward partner' of the EU, stating that there was never a clear-cut 'permissive consensus' surrounding EU membership in the UK.[14] Antipreneurial political elites in the UK blocked the spread of pro-Europeanism norms by shaping public attitudes surrounding immigration, thereby increasing the already prevalent Euroscepticism within society. From the onset of the Union's creation, EU norm antipreneurs have attempted to diffuse pro-Europeanism sentiments throughout the member states. This is evident in the EU's actions to phase-out internal borders with the creation of the freedom of movement policy, which states that all citizens of the Union have the right to move and reside freely with other member states. Antipreneurs initially sought to block the diffusion of this norm by scrutinizing policies and claiming

7 Finnemore and Sikkink, International Norms and Political Change, 894

8 Ibid.

9 Alan Bloomfield and Shirley Scott, Norm Antipreneurs and the Politics of Resistance of Global Normative Change, (New York: Routledge) 2017: 1.

10 Bloomfield, Norm Antipreneurs and the Theorising Resistance to Normative Change, 319.

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14 Nicholas Startin, Have We Reached a Tipping Point? The Mainstreaming of Euroscepticism in the UK, 311.

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that they are far too permissive. However, this shifted with the rise of the United Kingdom Independence Party (UKIP), a hard-Eurosceptic right-wing populist party, who leveraged the discursive strategy of 'scaremongering' to mobilize the population in favour of Euroscepticism.[15]

In the UK, UKIP antipreneurs strategically constructed and spread fears surrounding immigration to foster discontent with EU membership among UK citizens. They propagated the idea that the influx of EU immigrants negatively affects the national economy, results in wage compression for the UK working class, and poses a significant threat to national security. Scholars have argued that antagonism towards immigrants "does not arise spontaneously from the cognitions of ordinary people but is mobilized by political actors".[16] Right-wing populist parties, such as UKIP, have been found to mobilize around political cleavages between the 'winners' of globalization and denationalization and the 'losers' of these processes.[17] UKIP did so by exploiting existing feelings "of vulnerability and anger over EU-imposed constraints on national policy by promoting an agenda of Euroscepticism".[18] This was achieved by framing immigration and particular types of migrants as "a 'threat' to society's security, welfare and identity".[19]

UKIP campaigns were deliberately centred around anti-immigrant rhetoric; their posters displayed messages such as: "We Must Break Free of the EU and Take Back Control of Our Borders".[20] These messages were strategically constructed to project the idea that there is a causal link between EU membership and immigration threats. They did so not only to enhance the validity of Euroscepticism but also to cast doubt on the arguments of pro-Europeanism antipreneurs. A study of the politicization of EU Freedom of Movement demonstrates that UKIP actors successfully "merged an anti-immigration agenda with Euroscepticism" to fuel rejection of the EU polity and the UK's membership therein.[21] The effectiveness of this strategy is displayed in the results of a 2015 survey of the British electorate, which revealed that almost 70% of respondents felt that immigration from the EU was 'too high'.[22] The survey also indicated that concerns about immigration were shared by almost all voters who backed leave, and around half of those who backed remain.[23] UKIP utilized anti-immigration rhetoric to elevate the status quo of Euroscepticism and block the diffusion of pro-Europeanism. In doing so, they were able to mobilize UK citizens to vote 'leave' in the Brexit referendum.

British Nationalism

In the UK, norm antipreneurs sought to

15 Bloomfield and Scott, Norm Antipreneurs and the Politics of Resistance of Global Normative Change, 242.
16 Jennie Portice and Stephen Reicher, 2018, Arguments for European Disintegration: A Mobilization Analysis of Anti-Immigration Speeches by U.K Political Leaders, Political Psychology 39(6) 2018: 1357.
17 Christof Roos, The (de-) Politicization of EU Freedom of Movement: Political Parties, Opportunities, and Policy Framing in Germany and the UK, Comparative European Politics 17(5) 2019: 635.
18 Ibid.
19 Ibid.

20 Harold Clarke, Matthew Goodwin, and Paul Whiteley Why Britain Voted to Leave the European Union (Cambridge: Cambridge University Press, 2017): 55.
21 Roos, The (de-) Politicization of EU Freedom of Movement: Political Parties, Opportunities, and Policy Framing in Germany and the UK, 646.
22 Clarke et al., Why Britain Voted to Leave the European Union, 112.
23 Ibid.

fuel Euroscepticism by promoting an exclusive British national identity and rejecting a European national identity. By doing so, these antipreneurs successfully fueled enough discontent with EU membership to reach a slim majority vote to 'leave' in the Brexit referendum. Norm antipreneurs actively contested the pan-European identity promoted by the EU, which reinforces multiculturalism and erodes exclusive national identities.[24] Research indicates that Euroscepticism is more prevalent in individuals who strongly identify with their national community.[25] This is significant given that UK citizens are the least likely of all EU member states to identify as European, instead, privileging their British national identity.[26] Due to their national identity, UK citizens are predisposed to Euroscepticism, and norm antipreneurs tried to strengthen this by opting out of specific EU policies to differentiate British national identity from European national identity.

Of all the EU member states, the UK is the least well-integrated, meaning that it is the least "European" country in the Union. The lack of UK integration can be seen in that the UK has the most policy opt-outs of any EU member state, holding four exemptions from EU policy areas. The decision to opt-out of various EU policies was a strategic choice on behalf of norm antipreneurs, who sought to promote British nationalism by distancing the UK from the EU. In the case of the UK's decision to opt-out of the EU Economic and Monetary Union, which aims to converge the economies of the euro-zone states, UK antipreneurs rejected participation in order to promote Euroscepticism and construct identities in opposition to pro-Europeanism.[27] The antipreneurs worked to construct a distinct British national identity by ensuring the maintenance of a separate British political economy. They did so to naturalize and preserve the UK's national differentiation from other EU member states and to encourage heightened Euroscepticism.[28]

By opting out of certain policies, UK antipreneurs used the strategy of casting doubt on the potential of an emergent norm.[29] Research demonstrates that radical right-wing and Eurosceptic parties, such as UKIP, "frame issues concerning EU [membership] in relation to those surrounding 'national identity' and 'sovereignty'".[30] These antipreneurial parties opposed the pro-Europeanism norm by demonstrating that the political elites do not support integration and projecting the idea

24 Liesbet Hooghe and Gary Marks, Calculation, Community and Cues: Public Opinion on European Integration, Economic and Social Research Council 6(4) 2015: 423.
25 Ibid.
26 Steve Corbett, The Social Consequences of Brexit for the UK and Europe: Euroscepticism, Populism, Nationalism, and Societal Division, The International Journal of Social Quality 6(1) 2016: 13.

27 Chris Gifford, The United Kingdom's Eurosceptic Political Economy, The British Journal of Politics and International Relations 18(4) 2016: 780.
28 Ibid.
29 Zahava, Resistance to the Emergent Norm to Advance Progress Towards the Complete Elimination of Nuclear Weapons, 64.
30 Roos, The (de-) Politicization of EU Freedom of Movement: Political Parties, Opportunities, and Policy Framing in Germany and the UK, 635.

that Britain is skeptical of EU policies. Given the importance of actors and institutions in creating legitimacy for an emergent norm, as explained by Finnemore and Sikkink, the absence of support from actors and institutions will work to block the emergence of a new norm. Thus, UK antipreneurs strategically opted-out of particular EU policies to maintain a separate national identity, which in turn would strengthen the Eurosceptic sentiments that led to Brexit.

Conclusion

The purpose of this paper was to assert that Britain's decision to leave the European Union was largely due to the work of norm antipreneurs, who actively contested notions of pro-Europeanism promoted by the EU, and instead amplified Eurosceptic sentiments throughout the UK. The use of the constructivist lens was valuable in this context because of its focus on the social construction of world politics and the importance of norms in shaping the international system. It is seen that political agents in the UK, norm antipreneurs, defended the entrenched normative status quo of Euroscepticism by leveraging fears of immigration associated with EU membership and promoting a distinct British national identity to strengthen Eurosceptic sentiments. In doing so, they were able to block the emergence of the pro-Europeanism norm and persuade the population to vote 'leave' in the 2016 Brexit referendum.

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To What Extent is International Human Rights Law, Really Law? An Analysis of Principles of Law in Relation to International Treaties

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Introduction

The establishment of the United Nations (UN) and international human rights law derives from various historical antecedents. The contemporary system in existence today can be traced back to the establishment of the League of Nations following the end of World War I. The operation of its bureau of institutions worked to protect minority rights by designing treaties, mandating territories, and founding committees such as the Committees of Three, which revised petitions motioned forward by minorities facing the infringement of their human rights.[1] International assemblies have contributed extensive jurisprudence towards the development of human rights law.[2] After the dissolution of the League of Nations, the UN Charter continued to pave the direction of human rights law following the consequences of World War II and the Holocaust, by documenting the aim of achieving "international co-operation in…promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion".[3] The UN did not enforce detailed obligations amongst its members, however, by establishing an internationally recognized mandate, it became challenging for states to avoid acknowledging human rights violations.

Today, the international legal system operates through the application of relative normativity by states, which can also be defined as customary international law.[4] States function and interact through non-binding normative standards that reflect the universal understanding of international obligations. This paper will assess the enforceability of International Human Rights Law as a system of norms by measuring its standards and functions against the criteria of the Rule of Law. This paper argues that ultimately International Human Rights Law cannot be legitimately defined as law when analyzed within the lens of the Rule of Law. More specifically, human rights laws are essentially adhered to out of common customs. Conversely, the rule of law

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1 Thomas Buergenthal, "The Evolving International Human Rights System Author," *Source: The American Journal of International Law*, vol. 100, 2006, https://www.jstor.org/stable/4126317?seq=1&cid=pdf-reference#references_tab_contents.
2 Buergenthal.

3 "Chapter I | United Nations," pararaph 3, accessed May 30, 2020, https://www.un.org/en/sections/un-charter/chapter-i/index.html.
4 Ulrich Fastenrath, "Relative Normativity in International Law," n.d., 307-308.

is an allegiant system of laws, institutions, and community commitment that communicate four universal principles. This will be demonstrated by first, discussing normativity in the context of international law with a focus on the European Union. Secondly, the relationship between the UN and other international bodies in regard to accountability will be discussed. Then, the Universal Declaration of Human Rights and the concept of just laws will be addressed. This will be followed by a discussion of the United States' violation of human rights for the African American community, as well as open government. Accessible and impartial dispute resolution and the enforcement mechanisms of international customary law will be analyzed and followed by a discussion of criticisms of the customary justice system. The first principle is accountability, which suggests that both the state and private actors are held accountable by legal rules. These legal rules must be coherent, publicized, and laws protect fundamental rights, with inclusion of the security of persons and contract, property, and human rights. The subsequent principle is just laws. To satisfactorily meet this standard, rules must be coherent, publicized, consistent, and applied evenly. Open government is the criterion specifying that the processes of legal enactment are administered transparently and are just and efficient. The final standard necessitates accessible and impartial dispute resolution. Justice must be delivered timely by competent, ethical, and independent representatives and neutrals who are accessible, have adequate resources, and reflect the makeup of the communities they serve.[5]

These principles are developed in accordance with universally accepted norms and guidelines to gauge how the rule of law is interpreted by the general public worldwide.[6] The combined principles establish a strong working definition of the rule of law.

Normativity & Customary International Law

The normativity of rules defines the quality of legal obligation. Since international law advances values such as the regulation of the use of force and protection of individual rights, the creation of a normative consensus is promoted in international conduct. The normative system functions to identify global pursuits of certain values and goals, thus guiding the direction of international relations.[7] Normative change is reflected in the traditional source of international law by the evolution of customary processes. International law is understood as "law" due to the acceptance of relative normativity by state actors.[8] The universal interpretation, the historic development, and current operations of international law, build the general understanding of law by states that acknowledge it, which most do in order to satisfy their own best interests.[9] States are essentially in control of the resolution of disputes that take place within their sovereignty. Therefore, isolated state actors are unable to secure a monopoly in international relations.[10] The process of customary law insulates

5 "Measuring the Rule of Law | World Justice Project," accessed May 30, 2020, https://worldjusticeproject.org/our-work/publications/working-papers/measuring-rule-law.

6 "Measuring the Rule of Law | World Justice Project."

7 Fastenrath, "Relative Normativity in International Law."

8 Fastenrath.

9 M. Ayoob, "Humanitarian Intervention and State Sovereignty," *The International Journal of Human Rights* 6, no. 1 (March 2002): 81–102, https://doi.org/10.1080/714003751, 81.

10 Charlotte Ku and Paul F Diehl, "EXCERPTED FROM International Law: Classic and Contemporary Readings SECOND EDITION," 2003, 4-6.

the pursuits of national or private interests from threats of anarchy, allowing political units to interact and coexist as sovereign actors and possessors of coercive power in global relations.[11]

To further expand on the international state system and states acknowledgement of the international legal system, this paper will examine a case study surrounding the degrees of state compliance within the European Union (EU). Differences in compliance varies amongst all states, with no limitations surrounding weak and powerful states as well as comparable homologous states. All member states of the EU are subject to the same legal requirements, but their data conveys that member state non-compliance with European laws vary from state to state. The UK and Italy are both powerful EU member states, however, Italy has a threefold record of non-compliance in comparison to the UK. [12] This variation can be explained by several factors, one of which is the theory of realism. Realism assumes that states operate out of self-interest, and realist scholars tend to be skeptical of formal agreements or treaties having influence on state behaviour. For example, Mearsheimer attributes self-interest as a legitimate factor of state compliance with standards of formal international agreements. States behave in such a manner because it is in their best interest and states would act this way even if treaties

failed to exist.[13] The balance of state power and influence also determines levels of compliance. The Ottawa Treaty banning landmines was ratified by 161 states. However, the three leading arms manufacturers – China, Russia, and the US, never ratified the treaty. The Ottawa Treaty has detrimental effects to these states in comparison to other states that may not manufacture arms and therefore, the treaty has heavier impacts upon states such as China, Russia, and the US. The design of treaties can motivate state behavior and so, the level of impact of treaties against states is a massive factor in compliance or noncompliance.[14]

There are multiple interpretations of what defines rule of law. In order to be considered a legal proposition, texts must be derived from a legal constitution or in extreme cases, a primary norm according to The Pure Theory of Law.[15] It is also argued that legal rule is characterized by its constitutional validity, therefore laws must be drafted through a law-creating process or be incorporated in legal order by some other form of constitutional matter.[16] H.L.A. Hart approaches normativity by arguing that the individual recognition of norms as

11 Ku and Diehl.

12 Börzel, Tanja A, Tobias Hofmann, Diana Panke, and Carina Sprungk. 2010. "Obstinate and Inefficient: Why Member States Do Not Comply With European Law." *Comparative Political Studies* 43 (11): 1363–90. https://doi.org/10.1177/0010414010376910

13 Mearsheimer, John J. 1994. "The False Promise of International Institutions." *International Security* 19 (3): 5–49. https://doi.org/10.2307/2539078.

14 Seeking Higher Ground. 2008. Seeking Higher Ground. Palgrave Macmillan US. https://doi.org/10.1057/9780230610095.

15 Hans Kelsen, "The Pure Theory of Law and Analytical Jurisprudence," Harvard Law Review 55, no. 1 (1941): 44-70, doi:10.2307/1334739, 55-56.

16 Marc G. Pufong, "State Obligation, Sovereignty, and Theories of International Law," *Politics & Policy* 29, no. 3 (September 1, 2001): 478–519, https://doi.org/10.1111/j.1747-1346.2001.tb00600.x, 490-492

legal norms is satisfactory enough in his legal philosophies.[17] This is based on the premise of understanding that the existence of a constitution is a luxury. Scholars such as Friedrich V. Kratochwil argue that state actors feel bound through the admission of legal norms and are reason enough to coerce and bind international actors without them questioning or needing to prove validity.[18]

There is, however, a significant difference between the assumption of being bound under the principle of good faith versus being formally bound to a strong piece of legislation that legitimately administers global norms via mechanisms of enforcement. While customary law may influence decisions of the courts, it still cannot be legitimately defined or applicable as rule of law by the definition of WJP. Instead, it is an element of existing laws or a suggestion in the direction of interpreting rules.[19]

Today, international human rights laws are strongly promoted and enshrined by various UN organizations: the Charter-Based system; the Treaty-Based System; the General Assembly and the Security Council; and Overall Achievement of the UN.[20] However,

none of these mechanisms offer legitimate legal measures as will be explored below. In the context of the WJP's definition of legal rule, the current normative system of customary law pertaining to International Human Rights Law as an enforceable system of norms, lacks functionality and the level of standard outlined in the WJP index criteria in order to be defined as a legitimate form of legal rule.

Accountability

Accountability is verified in states where the government as well as private actors are held liable under the law.[21] International human rights law is predominantly guided by the United Nations. UN organizations are limited to providing recommendations to member states, whereas the UN Security Council holds power to make judgements that member states are subsequently obligated to implement under the UN Charter.[22] However, many states continue to defy council deliberations and very rarely is this acknowledged by the UN, much less prosecuted under a system guided by customary law.[23] For example, Sudan is a state with a horrendous human rights track record. More than 200,000 people were murdered by the Janjaweed militias, which was backed by the Sudanese government.[24] The UN initially refused to categorize the "killing

17 William Starr, "Law and Morality in H.L.A. Hart's Legal Philosophy," *Marquette Law Review* 67, no. 4 (January 1, 1984), https://scholarship.law.marquette.edu/mulr/vol67/iss4/8, 375-378.
18 Kratochwil, Friedrich V. 1983. "Is International Law 'Proper' Law? The Concept of Law in the Light of an Assessment of the 'Legal' Nature of Prescriptions in the Internatonal Arena." ARSP: Archiv Für Rechts- Und Sozialphilosophie / Archives for Philosophy of Law and Social Philosophy 69 (1): 13–46. http://www.jstor.org/stable/23679687.
19 Douglas C Hodgson, "The Tuniso-Libyan Continental Shelf Case, 16 Case W. Res," *Case Western Reserve Journal of International Law*, vol. 16, 1984, 7-10.
20 Buergenthal, "The Evolving International Human Rights System Author," 783.

21 "What Is the Rule of Law? | World Justice Project," accessed May 30, 2020, https://worldjusticeproject.org/about-us/overview/what-rule-law.
22 "Chapter I | United Nations."
23 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization," accessed May 30, 2020, https://www.idlo.int/publications/customary-justice-program-design-impact-evaluation, 19-21.
24 Gardiner, Nile. 2007. "The Decline and Fall of the United Nations: Why the U.N. Has Failed and How It Needs to Be Reformed." *Macalester International* 19: 41. https://digitalcommons.macalester.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1363&context=macintl.

fields" of Darfur in the Sudan, as genocide.[25] Furthermore, Sudan was an active member of the UN Commission on Human Rights (now defunct) from 2002 to 2005. Sudan utilized its membership to block formal disapproval from the United Nations.[26] In order for both state and private actors (both firms and individuals) to be held accountable, they must be bound by a strong model of international enforcement. The delivery of state compliance in international customary law is compelled by social coercion, which implies that the insurance of normative commitment to customary law is perpetuated by the stigma towards the rejection of decisions or jeopardization of group congruity.[27] The balance of varying economic and political status within the arena of international actors indicates that powerful states have leverage (in context of the distribution of material capabilities) in their choice to uphold obligations of international customary law.[28] This also applies to the social resources of state and how they are perceived by others. The variation in the application of pressure in relation to the status of state power results in scenarios where states may ignore customs and/or be unresponsive to duties of compliance.[29]

Furthermore, the expectation that the state and private actors both share responsibility and accountability within a customary legal system can be disputed on the grounds of certain non-state actors fundamentally differing from states.[30] Private and non-state actors are subject to the standard of obligation within legitimate normative expectations in the customary legal system. International law lacks specific legal frameworks to direct process(es) of accountability regarding unlawful conduct of non-state actors and, as a consequence, obligations are ambiguous. The lack of legal identity results in cases where human rights violations occur but are not technically established as violations under international customary law.[31]

Violations can also occur in union of both state and non-state actors, for example, private military and security companies contracted by states have committed human rights violations but are not bound by the primary norms of international law to begin with.[32] Since state actors and non-state actors are not adequately and equally held liable or responsible under the international legal system, international human rights law does not pass the WJP criteria of accountability and thus cannot be regarded as an enforceable norm.

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25 Ibid.
26 Ibid.
27 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."
28 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."
29 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."

30 Jean D'aspremont et al., "Sharing Responsibility Between Non-State Actors and States in International Law: Introduction," *Netherlands International Law Review* 62 (2015), https://doi.org/10.1007/s40802-015-0015-0, 50-53.
31 D'aspremont et al.
32 Del Prado, José L. Gómez, "Impact on Human Rights of a New Non-State Actor: Private Military and Security Companies," *The Brown Journal of World Affairs* 18, no. 1 (2011): 151-69, www.jstor.org/stable/24590786, 151-153

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Just Laws

WJP defines "Just laws" as laws which are clear, publicized, and stable. Laws must be applied evenly and protect fundamental rights, particularly the security of persons and contract, property, and human rights.[33]

The Universal Declaration of Human Rights (UDHR) is the strongest proclamation of international human rights standards. Human rights are deemed enforceable when codified in conventions, covenants, treaties, or are recognized as customary international law.[34] The contents of UDHR have adapted and influenced a variety of systems of governance in the form of legislation such as the *Canadian Human Rights Act*.[35] The UDHR has inspired deep bodies of legality pertaining to human rights and is regarded to be clear, publicized, and stable in the context of the operational frameworks of customary international law.[36] However, in some cases, the UN and the UDHR do not hold power to truly protect fundamental rights. As previously highlighted in the analysis of accountability in state and non-state actor conduct, the clarity of these laws is subject to interpretation. In addition to this, acts of misconduct are not defined as civil or criminal and are generally perceived in terms of their interference to social cohesion instead.[37] This is a troublesome aspect of the customary legal system because customary leaders handle both types of cases in a similar manner.[38] These standards are not applied evenly as international law passes down the responsibility of adopting measures of legislation, in harmony with a state's particular constitutional process,[39] which is problematic considering discrimination is enshrined in many state laws. Customary systems are flexible since norms evolve to address the changing social conditions, economic standings, and intra-community politics of the state.[40] However, the flexibility offered to allow leaders to propose locally specified solutions, has counteracting effects as coherency and predictability can become absent in the application of rules that are applied differently to varying groups in the same position.[41] As of 2019, 77 states criminally prosecute individuals on the basis of their sexuality or gender identity.[42] Women continue to be subject to inequality and discriminatory reflections of this can be found in legal systems worldwide. The Irish *Protection of Life During Pregnancy Act* outlines legal limitations on abortions and women's reproductive health.[43] In the United States, codified laws regulate and limit women's rights to life

33 "What Is the Rule of Law? | World Justice Project."
34 Buergenthal, "The Evolving International Human Rights System Author."
35 "Human Rights in Canada | Canadian Human Rights Commission," accessed May 30, 2020, https://www.chrc-ccdp.gc.ca/eng/content/human-rights-in-canada.
36 Buergenthal, "The Evolving International Human Rights System Author."
37 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."

38 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."
39 "UN Enable - Overview of International Legal Frameworks," accessed May 30, 2020, https://www.un.org/esa/socdev/enable/disovlf.htm.
40 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."
41 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."
42 "Maps of Anti-LGBT Laws Country by Country | Human Rights Watch," accessed May 30, 2020, https://features.hrw.org/features/features/lgbt_laws/.
43 "Protection of Life During Pregnancy Act 2013," in *Women's Legal Landmarks : Celebrating the History of Women and Law in the UK and Ireland* (Hart Publishing, 2018), https://doi.org/10.5040/9781782259800.ch-085.

and health through barriers such as physician and hospital requirements, gestational limits, private insurance coverage, waiting periods, and parental involvement.[44] Various Islamic states have continuously repressed women's rights and some autocratic governments may permit and require doing so.[45]

The UN contributes strong mandates states should apply in responding to human rights violations. However, international laws are primarily suggestions, directions, and guidelines. This does not mean that international laws are not binding as rules are counterfactually valid. However, violations are more noticeable in contrast to compliance in spite of them. The international legal system's failure to provide enforceability and accountability stems from the precedence of state sovereignty, deeming international human rights law as a suggestion rather than a defined rule of law under the "Just law" criterion of WJP.

Open Government

The absence of accountability influences WJP's interpretation of rule of law in regard to the "open government" standard, which outlines the requirements of the enactment, administration, and enforcement of legal rules in an accessible, fair, and efficient manner.[46] The UDHR was drafted in consultation with the world's top experts and diverse representatives from a variety of legal and cultural backgrounds.[47] The UDHR satisfies WJP's Rule of law criteria by developing legal rules through processes with high standards of accessibility, fairness, and efficiency.[48] This is sustained by the reputation and historic accomplishments of the United Nations as a standing international institution.

Despite this, customary international law grants states veto power to conform to obligatory standards, thus rendering international human rights law at a shortfall of WJP's "open government" remaining requisites: administration and enforcement.

The United States has adopted reflections of customary human rights measures in correspondence with their constitutional processes. One example of this is the protection of individual rights as outlined in the Fourth Amendment of the Bill of Rights in the United States Constitution: citizens have the right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures and this right shall not be violated, nor warrants be issued other than upon probable cause describing the place to be searched, and the persons, or things to be seized.[49] However, the US police force, which is an extension of the state, has consistently and historically violated these rights whether it be through unlawful searches, or the seizure of a person's

44 "An Overview of Abortion Laws | Guttmacher Institute," accessed May 30, 2020, https://www.guttmacher.org/state-policy/explore/overview-abortion-laws.
45 Daniela Donno and Bruce Russett, "Islam, Authoritarianism, and Female Empowerment: What Are the Linkages?," *Source: World Politics*, vol. 56, 2004, https://about.jstor.org/terms, 583-584.
46 "What Is the Rule of Law? | World Justice Project."

47 "Universal Declaration of Human Rights | United Nations," accessed May 30, 2020, https://www.un.org/en/universal-declaration-human-rights/index.html.
48 "What Is the Rule of Law? | World Justice Project."
49 "Fourth Amendment Search And Seizure Contents," n.d.

life. There has been a disturbing historical scenario of discriminatory policing tactics and racial disparities in the US criminal justice system, resulting in unequal access to justice and overrepresentation of black citizens in the prison system.[50] The US is in violation of its international commitment surrounding the human rights of the black community. Movements such as the Black Panther Party and Black Lives Matter have cropped up as a result of the pattern of structural discrimination in attempt to hold the state accountable for its violations, including the US justice system. Under international human rights law, all levels of government are obligated to intervene to protect and guarantee human rights. This duty extends to the US police force, but violations and legal rules are not enforced within the US state system or the international customary law system.

Accessible and Impartial Dispute Resolution

Accessible and impartial dispute resolution requires that justice be delivered timely by independent, skilled, and ethical/neutral representatives who have adequate resources and reflect the composition of the communities to whom they are obligated.[51] The International Criminal Court and the International Court of Justice are the highest courts of resolution at the international level, and operate with no legitimate extension of authority outside of customary law. As argued, customary law is challenging to enforce in the absence of sound enforcement mechanisms, and places substantial pressure on states to understand and agree on what is fair and equitable.[52] Fairness and

equity are broad terms that can be swayed by power, status, and wealth between parties in dispute, discriminatory social standards, and the perspectives of group cohesion.[53] The US legal system has arguably failed in providing protection to the African American community and at times, turned the system into a weapon of perpetuating further injustice and discrimination.[54] On a global scale, the customary system can be interpreted as a set of functions controlled by a selection of significant individuals, which contradicts equity standards within the customary system since social norms and level of power tend to lay the foundations for resolution in regional levels.[55]

The current enforcement mechanisms of international customary law assist certain governments in manipulating and obstructing institutions created to uphold rights.[56] For example, the Chinese government detained citizens intending to engage with the UN on its human rights abuses.[57] Russia restricted attempts by the UN Security Council in addressing Syria's war crimes by casting 11 vetoes and leveraged it's position of power by promising withdrawal from a significant European body on hu-

50 "Human Rights in Canada | Canadian Human Rights Commission."
51 "What Is the Rule of Law? | World Justice Project."
52 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."
53 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."
54 Rebecca C. Hetey and Jennifer L. Eberhardt, "The Numbers Don't Speak for Themselves: Racial Disparities and the Persistence of Inequality in the Criminal Justice System," *Current Directions in Psychological Science* 27, no. 3 (June 3, 2018): 183–87, https://doi.org/10.1177/0963721418763931, 183-184.
55 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."
56 "World Report 2017 | Human Rights Watch," accessed May 30, 2020, https://www.hrw.org/world-report/2017.
57 "World Report 2017 | Human Rights Watch."

man rights in order to block the continuity of sanctions pertaining to Russian occupation in Crimea.[58] Other countries are adopting similar tactics, as exemplified by Turkey's threats of suspending budgetary support.[59]In another case, 7 million Yemeni civilians suffered air strike attacks on homes, markets, and hospitals, restriction of critical humanitarian aid, and starvation resulting in 1 million suspected cases of cholera after being targeted by the Saudi led coalition of Arab states. Houthi oppositional forces followed in similar fashion by setting up landmines, mobilizing child soldiers, and blocking essential aid.[60] However, proposed investigations of the attack were met with low level advocacy from the major suppliers of Saudi Arabian weaponry: the United States, the United Kingdom, and France.[61] States continue to operate in guidance of their own best interests, which includes conduct resulting in human rights violations.

International human rights law primarily functions by the legal implementation by an independent state. Some states may not have adequate resources, equitable institutions, or independent, ethical, and skilled representatives to deliver accessible and impartial dispute resolution. In a qualitative analysis of WJP's *Global Insights on Access to Justice 2019*, it was found that the average response rates to public citizens by government offices ranked 43%, the formal complaint or appeal process ranked 40%, and court/tribunal

rates ranked 48%.[62] Religious organizations in low-income countries play a prevalent role in offering legal guidance, for instance, some countries resolve personal state conflicts through religious courts and institutions.[63] Formal complaint systems are almost never used in low-income states which contrasts with high-income states, who almost never use religious organization systems.[64] Some states are subject to corruption by government officials and other agents of other public institutions, further complicating processes of accessible and impartial dispute systems.

Discussion

One common criticism of the customary justice system is that it often results in discriminatory conduct towards vulnerable groups such as women, minorities, children and the impoverished.[65] Accessible and impartial dispute resolution systems are dependent on independent state functions, which already challenges the enforcement of international human rights violations.

Saudi Arabia lifted the longstanding ban on women driving in early 2018 but authorized a wave of arrests of distinguished women's rights activists during the weeks leading up to the dissolution of the ban. Government influ-

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58 Ibid.
59 Ibid.
60 Ibid.
61 Ibid.

62 "Justice Policy Series, Part I: Access to Justice | Open Government Partnership," accessed May 30, 2020, https://www.opengovpartnership.org/documents/justice-policy-series-part-i-access-to-justice/.
63 Ibid.
64 "Justice Policy Series, Part I: Access to Justice | Open Government Partnership."
65 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."

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enced media outlets initiated targeted campaigns against those arrested and detained for serious crimes, including acts of publishing their photographs stamped with the word "traitor".[66] Saudi women still face various formal and informal barriers in making decisions or actions without the enablement of a male relative, and are bound to these guardianship policies from birth until death.[67] Gender barriers restrict dispute resolution in this case. Such practices violate the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which Saudi Arabia did ratify in 2000 in addition to other human rights conventions.[68] The UN Committee on Discrimination Against Women declared that Saudi Arabia take immediate action to end male guardianship of women in 2008, guidelines which Saudi Arabia agreed to in 2009 and once more in 2013. However, Saudi Arabia has failed to end discriminatory state practices and take adequate measures in combating offences as promised.[69] This issue stems from lack of implementation rather than the inadequacy of principles written into law. States are granted flexibility in how and when international commitments are implemented. Therefore, Saudi Arabia is in violation of its commitments in addition to the states failure to implement its commitments in a timely manner.

When coupled with certain states dis-

missing human rights obligations out of sovereign interest, and states without intention of adopting customary norms whatsoever, international human rights law lacks validity as an enforceable function of Rule of Law as specified by WJP.

Conclusion

The customary justice system is expected to be adapted by states universally but is not necessarily enforceable in the context of international relations and the rule of law. It lacks validity as an enforceable system of norms due to the dissonance of its elements in regard to the criteria of the Rule of Law: a) Accountability b) Just Laws c) Open government d) Accessible and Impartial Dispute Resolution.[70] However, there are cases where the protection of human rights were enforced by international intervention mandated by the UN, the issue does not solely lie in the definition of the rule of law by WJP. Enforceable intervention has not occurred because the principle itself is not enforceable. States operate within a deeply political realm and state behaviour cannot simply be reduced to the criteria by WJP. The elements of what Rule of Law constitutes is an ideal, in contrast to an institutional structure that can be accomplished.

The broad and incoherent system has the potential for corruption given the unsteady dynamic between states in regard to the imbalance of power and influence in the international system. Additionally, justice is not always delivered in a timely fashion and in cases where it is, conclusions may not be just.[71] International law within the customary system, and various state justice systems,

66 "World Report 2019: Saudi Arabia | Human Rights Watch," accessed May 30, 2020, https://www.hrw.org/world-report/2019/country-chapters/saudi-arabia.
67 "World Report 2019: Saudi Arabia | Human Rights Watch."
68 "OHCHR | Convention on the Elimination of All Forms of Discrimination against Women," accessed May 30, 2020, https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx; "World Report 2019: Saudi Arabia | Human Rights Watch."
69 "World Report 2019: Saudi Arabia | Human Rights Watch."

70 "What Is the Rule of Law? | World Justice Project."
71 "Customary Justice: From Program Design to Impact Evaluation | IDLO - International Development Law Organization."

differ fundamentally. They differ in function, conception of justice, equity, and rights. In a complex and evolving global system, the endorsement of customary norms is not a sustainable process of enforcing and applying international norms, especially international human rights law. The system design requires the nuanced examination of factors that are reflective of reality. The reality is, treaties and formal international agreements vary in the level of impact towards participating states. If impacts are detrimental, then states will lean towards decisions in its best interest rather than comply. International Human Rights Law will continue to function in an impaired manner until these factors are accounted for. Ultimately, International Human Rights Law cannot be legitimately enforced as law when analyzed within the lens of the Rule of Law.[72]

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72 "What Is the Rule of Law? | World Justice Project."

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The Salience of Migrant money: A Peruvian Analysis

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Introduction

Peru is often considered one of the fastest growing economies in the world. The country is often labeled as one of the richest in the world due to its exquisite cuisine, growing tourism industry, and astounding landscapes. In the last couple of decades, Peru has catapulted from the latter-half rank in countries and has defeated dictator-like oppression in government. Recently, remittances, defined as the money transfers sent by migrants to their family back home, have gained increasing attention from economists, political leaders, policy implementers, and researchers due to their massive growth in magnitude and their contribution to growing economies around the world. This is true especially in developing countries, where the number of remittances has grown over six-fold from an estimated $31-billion US in 1990 to over $200-billion US in 2005, with approximately one-fourth of this distribution directed towards Latin America and Caribbean countries (LAC).[1] The impact remittances have had on the Peruvian economy remains a fairly new and untried phenomenon. Given the abundance of attention remittances have gained in recent academia and the emergence of the Peruvian economy, many are quick to conflate the two as having a causal relationship, and yet, this is not the case.

In the case of Peru, there exists a unique pattern that suggests remittances can damage the economic status quo. This paper will explore the lack of influence remittances have on the Peruvian economy in contrast to countries with similar socioeconomic backgrounds. Specifically, it will argue that the lack of optimal use of remittances by the government has impacted Peruvian emigration, immigration and household prosperity. This will be demonstrated through an in-depth analysis of the role of remittances in Peru and the non-existent government support for those who migrate. More so, it will detail the government's inability to promote a more equal remittance economy within the country, resulting in a negative effect.

Finally, I will use a contrasting approach to delineate how the findings in this paper are unique to Peru by examining the role remittances play in neighboring countries and their respective economies. Moreover, I will showcase how Peruvian remittances do not follow a similar trend than that of other developing countries and much less, neighboring Latin American countries. In this paper, I focus on legal migrants who are accepted into destination countries. Through this analysis, I seek to answer some of the pressing political and economic concerns regarding the remittance economy of Peru.

Role of Remittances

Remittances are a major way by which the contribution of diasporas to the national economy is manifested. Remittances have the potential to impact the economic status quo of a country on both the macro and micro levels. While originally the concept of 'diaspora' had

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1 "Personal Remittances, Received (% of GDP) - Peru." The World Bank. IBRD IDA, February 12, 2019. https://data.worldbank.org/indicator/BX.TRF.PWKR. DT.GD.ZS?locations=PE.

negative connotations, relating to that of tragic and victimized groups fleeing a country, it is now a highly studied phenomenon due to the potential of simultaneously engaging in the economic, political, and cultural processes of both the host and home countries. Catalina Amuedo-Dorantes argues that especially across the developing world, policymakers are increasingly appreciative of the role diasporas play in supporting schemes for sustainable development in their home countries by transferring resources, knowledge, and skills.[2] Though this paper will exclusively focus on the transfer of resources in the form of money, it is important to understand the variances in remittances. While remittances can manifest themselves through tangible financial transfers, they can also be in the form of intangible knowledge or skills. Peggy Levitt identifies this different form of remittances as 'social remittances' and defines it as: "the ideas, behaviors, identities, and social capital flow from receiving – to sending-country communities."[3] The skills and knowledge attained abroad from migrants can engender entrepreneurial ventures and innovation when they return to their home country.

Distribution of Remittances Among Social Classes

Throughout this paper, the case studies of other developing countries such as Mexico, and Guatemala showcase the salience of remittances in the upbringing of their respective economies. However, is that necessarily true for all countries?

In 2015, LAC countries received a record-breaking amount of remittances, this could be partially due to the fact that new technology allows for lower costs in sending and receiving money internationally.[4] While Mexico and Guatemala trump this list in remittance-receiving countries, only 25-percent of Peruvian households reportedly received remittances in 2015, making up 22-percent of their income.[5] Trading Economics reports that in the second quarter of 2019, Peru has seen the highest-ever amount of remittances received in the amount of $844.72-million USD, which is a significant increase from an average of 387.42-million USD in 1990.[6] This figure makes up 1.5-percent of the national GDP.[7] These numbers emit the false notion that remittances stimulate the economy and should be given greater emphasis, however, due to the distribution of who receives remittances, it is evident that they do more harm than good for the economy.

Even though 2019 has been one of the most financially rewarding years in history in terms of receiving remittances, only 3.8-percent of the population in Peru are receiving

2 Amuedo-Dorantes, Catalina. "Remittances and their microeconomic impacts: evidence from Latin America." Migration, Trade, and Development (2006): 187.

3 Levitt, Peggy, and Deepak Lamba-Nieves. "Social remittances revisited." Journal of Ethnic and Migration Studies 37, no. 1 (2011): 1-22.

4 Rapoport, Hillel, and Frédéric Docquier. "The economics of migrants' remittances." Handbook of the economics of giving, altruism and reciprocity 2 (2006): 1135-1198.

5 Ibid.

6 Peru Remittances." Peru Remittances.

7 "Personal Remittances, Received (% of GDP) - Peru."

households.[8] Furthermore, of that staggeringly low statistic, only 4.7-percent of remittance-receiving families live in rural areas, while 95.3-percent live in urban areas of Peru.[9] While a common assumption relating to who receives remittances is that poorer households will typically make-up most of the receiving population – as a way to alleviate some of their financial burdens – this is clearly not the case for Peru. It becomes evident that only the wealthy families can take advantage of the luxuries of migrating to a developed country, while families in the lower quintile often cannot afford to migrate, or can only migrate to neighboring countries, in which their financial situation might worsen.

Direct or Indirect Economic Impact?

Remittance spending trends in Peru are aligned with the marginalizing effects of the distribution of remittances within social classes. Catalina Dorantes conducted a survey in 2002 that studied the spending habits of remittance-receiving families. More specifically, she wanted to answer the question, "have remittances had a direct economic impact on Peru?" The findings concluded that 75-percent of remittances received are spent on consumption purposes, including; food, maintenance, transportation, debt payments, and consumer goods, and 17-percent are spent on asset accumulation or savings, including; real-estate, tools, livestock, entrepreneurial ventures.[10] She specified that these percentages do not add up to one-hundred, because the remainder is for miscellaneous expenses. Furthermore,

Pablo Fajnzylber and Humberto Lopez study the relationship between saving habits of remittance-receiving families in their distinct social classes. He found that the upper fourth and fifth quintiles show an increase in savings if they are remittance-receiving households, however, the bottom three quintiles show a lack of variance in saving habits between remittance-receiving and non-remittance receiving households.[11] Given the statistics provided by the researchers, I argue that the low percentage of families who form part of the lower social class and receive remittances, use it purely for consumption purposes and cannot afford to invest or save the additional income. The income provided by their relatives working abroad forms part of their primary income for survival.

This finding provides partial evidence of the negative effects remittances may have on the Peruvian economy. If only a select few households, in the highest social classes, have the luxury of receiving remittances and investing or saving the additional income in education, medical care or non-essential consumption, this contributes to further marginalization of the lower class families and does not provide financial equilibrium or stability in Peru. Karsten Paerregaard identifies these investments as markers of prestige and wealth only available to upper-class families.[12]

Kirshman Sharma argues that in order to truly conceptualize the effects of remittances on the economy of a country, a good starting point is to measure its effect on poverty.[13]

8 Paerregaard, Karsten. Return to sender: the moral economy of Peru's migrant remittances. Univ of California Press, 2015.
9 Ibid.
10 Amuedo-Dorantes, "Remittances and their micro-economic impacts: evidence from Latin America, " 187.

11 Fajnzylber, Pablo, and J. Humberto Lopez, eds. Remittances and development: lessons from Latin America. The World Bank, 2008.
12 Paerregaard, Karsten. Return to sender: the moral economy of Peru's migrant remittances
13 Sharma, Krishnan. "The impact of remittances on economic insecurity." Journal of human development and capabilities 11, no. 4 (2010): 555-577.

According to Sharma, there are two effective ways to do this; firstly, using a poverty headcount index and secondly, measuring the depth of poverty, in other words, how far households are from the poverty line. To do that, I will draw on the Humberto Lopez and Pablo Fajnzlber's findings that within non-migrating households, 15-26 percent are below the poverty line, while migrating-and-remittance receiving households are 1-12 percent below the poverty line. This study aligns with the aforementioned findings that remittances are mostly made available to families with a higher socioeconomic status. I hypothesize that the 1-12 percentage of remittance-receiving families that are living below the poverty line, are encompassed within the 4.7-percent of families who receive remittances and live in rural Peru. These families use remittances as part of their primary (survival) income and can only expense the funds on necessary costs.

Though Peruvian remittances are mostly only exclusively available for wealthier families, who invest or save the additional income, Donald Cox and Emmanuel Jimenez put forth the Keynesian multiplier effect to measure its economic impact.[14] This theory states that even if remittances are spent on consumption or saving purposes, there will still be a benefit to the economy to the extent that at least some of the money is spent on local goods or services. In this way, remittances have an indirect, positive impact on the economy.

The Moral Economy of Remittances

Remittances are not only a form of altruism and additional income distribution; however, they are also a moral economy driven by migrant's commitment to their relatives back home. A moral economy is one that considers goodness, fairness, and kinship in its market configuration, as opposed to one that considers the market to be independent of these factors. Karsten Paeegaard finds that, especially in traditional and family-oriented countries such as Peru, where kinship is paramount, remittances are a "social mechanism through which migrants can fulfill multiple obligations to families and places of origin, while also enhancing their economic status and future."[15] Karsten Paerregaard coins this term "compromiso" (i.e. commitment), which refers to the commitment diaspora members make to support their families while they are away.[16] This evokes a "breadwinner" mentality and a notion of family being the driving force behind migration.

Similarly, Donald Cox argues that due to the moral economy of remittances, a significant reason for having children is for old-age security.[17] However, as it was previously argued, only the wealthiest families have the opportunity to form part of the 31.4-percent of migrants to travel to the United States, while the remaining lower quintile families must resort to a more economically attainable option. This bulk of migrants, desperate to find a

14 Cox, Donald, Zekeriya Eser, and Emmanuel Jimenez. "Motives for private transfers over the life cycle: An analytical framework and evidence for Peru." Journal of Development Economics 55, no. 1 (1998): 57-80.

15 Paerregaard, Karsten. Return to sender: the moral economy of Peru's migrant remittances.
16 Ibid.
17 Cox and Jimenez, "Social security and private transfers in developing countries: The case of Peru," 155-169.

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source of income, alongside migration control in the North in the 1990s, added a pressure for Peruvians to migrate to neighboring countries. Chile and Argentina became popular destinations due to the economic prosperity and demand for low-skill workers in the manufacturing industry.[18] In 2001, Argentina was hit with and economic crisis that daunted many migrants, leaving Chile as the pareto optimal destination. In theory, this seemed like the best alternative for families in the lower quintiles to send remittances back home – Chile being a neighboring country, shared language and cultural practices, and the vicinity of the country meant travel costs were not such a burden. However, given the unstable economic engagement in the Chilean labor market, many of the migrants that saw Chile in a prosperous light remained in low-skilled labor jobs with their economic situation remaining the same. This gave cause to difficulty in maintaining monthly remittances and family reunification, mostly because it was difficult to get time off and due to fear of not finding employment in rural Peru.

The option of migrating to a developed country is exclusively available to the upper quintile families in Peru. The lower status families are forced to illegally migrate, mostly to neighboring countries, where their situation often becomes even harder as they cannot travel back and forth due to fear of not being able to return. Despite the hardships all migrants face when leaving their family and finding employment abroad, the moral commitment of migrants and their families seem to prevail.

Historical Government Corruption

In other remittance-receiving countries, governments implemented policies that would benefit migrants and promote emigration for the purpose of receiving more remittances. For example, in India, remittances were first introduced in the oil-boom of the 1980s where numerous migrant workers traveled to West Asia and as a result, an inflow of remittances would benefit the foreign exchange reserves.[19] The same cannot be said for Peru. While the moral economics of remittances help explain some migratory movements of both poor and wealthy families, the migration "boom" began in the 1980s and it was not employment motivated. In Peru, the migratory 'boom' took place in the wake of economic problems during the first Alan Garcia administration,[20] and again in 1990 following then-President Alberto Fujimori's neoliberal politics which crippled the Peruvian economy.[21] Douglas Massey argues that this engendered a "sálvese quien pueda" (save yourself, if you can) mentality within citizens,[22] and equated to an increase of emigration from 46,596 in 1980 to 235,461 in 2001.[23] This was due to the unsustainable employment and wages that made it difficult for families to maintain themselves. The common response was to diversify their labor portfolios away from the local job market which gave rise to an increase in the number of migrants and diversity of foreign destinations. How-

18 Torres-Zorrilla, Jorge. "Remittances and income distribution in Peru." Journal of CENTRUM Cathedra 1, no. 1 (2008): 64-70.

19 Cox and Jimenez. "Social security and private transfers in developing countries: The case of Peru," 155-169
20 Sharma, "The impact of remittances on economic insecurity," 555-577.
21 Paerregaard, "The resilience of migrant money: how gender, generation and class shape family remittances in Peruvian migration," 503-518.
22 Massey, Douglas S., and Chiara Capoferro. "Sálvese quien pueda: Structural adjustment and emigration from Lima." The Annals of the American Academy of Political and Social Science 606, no. 1 (2006): 116-127.
23 Paerregaard, "The resilience of migrant money: how gender, generation and class shape family remittances in Peruvian migration," 503-518.

ever, the hyperinflation caused by the Garcia government resulted in primarily richer people migrating, while poorer families stayed back home or migrated to neighboring countries – which was shown in the previous section to have detrimental effects. Throughout the course of this paper, there is a noticeable juxtaposition between wealthier and poorer families and how they are affected by migration.[24] While Peru has done little-to-nothing to support economy stimulating phenomenon known as remittances, in the 2000s the Peruvian government implemented new policies that showed support for people involved in the diasporas. As a result, consular service costs were reduced and new programs of consular identification were instituted.[25] Whether this was done as a result of the massive hike in migration due to the economic instability at the time, or as an investment in future remittances is unknown, however, as this paper has shown, for Peru to calculate remittances as a contribution to home country development is a definite error as they lead to existing economic inequalities rather than ameliorating them. As Jorge Torres-Zorrilla argues, "Peru is far better off pursuing development strategies other than encouraging its population to migrate and remit".[26]

Comparison to Other Remittance-Receiving Developing Countries

It is without question that remittances have become increasingly important in the Latin American context. With LAC countries being one of the main destinations for remittances, they are now comparable to foreign direct investment flows (FDI), and are more than six times larger than official development assistance (ODC).[27] The former is a type of direct investment by an international company entering the Peruvian market in the form of a business operation or acquiring assets in an already existing Peruvian business, while the latter is an international aid flow designed to promote economic development by a multilateral development agency such as the United Nations (UN). The importance of remittances is calculated according to its relative effect on GDP, or the percentage of recipients within the country. Furthermore, remittances generate important contributions to the economic development of a country, such as a decrease in poverty and inequality reductions, as well as aggregate investment and growth. While this holds true for most remittance-receiving countries, Peru has a distinct pattern of migration and remittance-receiving population. It seems that the eligible population that can leave the country does so for good – following the "sálvese quien pueda' mentality. This, in turn, is the catalyst for a 'brain drain' population as higher-skilled/educated Peruvians have left the country due to fear of economic instability and low job employment. While countries such as India and Sri Lanka, who are apt to increase

24 Durand, Jorge. "The Peruvian diaspora: portrait of a migratory process." Latin American Perspectives 37, no. 5 (2010): 12-28.

25 Durand, "The Peruvian diaspora: portrait of a migratory process," 12-28.

26 Torres-Zorrilla, "Remittances and income distribution in Peru," 64-70.

27 Berg, Ulla D. Mobile selves: race, migration, and belonging in Peru and the US. NYU Press, 2017.

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their remittances, have specific financial incentives for emigrants such as special programs for return migrants, free managerial training for entrepreneurs, and reduced tariffs on imported equipment goods, Peru lacks this government aid for return migrants.[28]

Additionally, more than half of Peruvian migrants are women, predominately migrating to Chile. This is due to the significantly cheaper travel costs and the necessity for employment. While migration and remittances seem to reduce the poverty index in developing countries, in Peru it further marginalizes the lower quintile families. Approximately 92-percent of migrants are from urban areas and 40-percent of Peruvian remittances come from the United States.[29] Given the statics and facts from this paper, it is safe to assume that the wealthier families have the opportunity to migrate to a better-developed country (such as America) and send remittances to their families back home, with which they invest in furthering their generational wealth and markers of prestige. Remittances have led to an 11-percent poverty reduction in Nepal, 12-percent in Uganda, and 6-percent in Bangladesh, however, in Peru, remittances do not equilibrize income distributions.[30] In fact, when comparing migration across Latin America, most countries have families in all social classes who migrate for economic purposes, while in Peru this seems to be almost exclusively available to wealthier families.

Conclusion

Two important conclusions arise out of this paper. Firstly, Peru is a country where a high concentration of remittances in the higher strata of income is apparent. This has been shown to have detrimental effects on the economy because instead of increasing the national GDP or reducing poverty, the additional income is being invested in furthering the markers of prestige and wealth within families in the upper quintiles, and simultaneously further marginalizing the lower class families. The second conclusion that can be reached is that Peru is a unique case in this instance. Whereas most developing countries see families with more remittances belonging to the lower quintiles of the income distribution thereby reducing the poverty index, it is evident that Peru has fallen far short of its optimal utilization for remittances. Whether this is a deliberate course of action by the Peruvian government or the specific constraints on policy design and implantation requires further research to assess. However, for Peru to convert remittances into a viable investment, particularly in rural areas, instead of just a means to increase individual household prosperity, there must be a development in the utilization of emigration for productive use and diversification of livelihood options.

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The People's Republic of China as a Counter-Hegemonic Actor

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Introduction:

The implications and nature of China's rise is a subject of heavy debate within the discipline of International Relations. In this paper, I will explore this pivotal development through a neo-Gramscian lens to argue that China's policy of independent institution-building such as that of the Asia Infrastructure Development Bank (AIIB), its open desire to reshape the world system through global initiatives such as its Belt and Road Initiative (BRI), and its rejection of international norms as demonstrated by its activities in the South China Sea, demonstrate an open challenge to the US-led liberal international order and firmly identify China as a counter-hegemonic actor. In developing this argument, I will first briefly explore the mainstream perspectives of neo-realism and liberal institutionalism as they relate to China's rise, as these are two of the theoretical perspectives most typically applied to this subject. I will then apply foundational neo-Gramscian scholar Robert W. Cox's interpretation of hegemony as it relates to the global system to an investigation of how China developed economically within this system. In doing so, I will demonstrate how, despite the expectations of those dominant hegemonic forces which expected that China would "converge" to global norms by integrating itself into international institutions, China was in fact able to follow an independent path and pursue counter-hegemonic policies. Finally, I will explore how the global hegemony has reacted to such behaviour, and then conclude with some considerations regarding the future viability of the current hegemonic system.

Beyond the "big two" international relations theories

When analysing China's rise, it is common for scholars to apply Neo-Realist and Liberal-Institutionalist theories of international relations,[1] as these perspectives offer straightforward and admittedly powerful theoretical frameworks for understanding the decision-making behaviour of states in the context of a dynamic international system. However, while Neo-Realist and Liberal-Institutionalist theories offer compelling arguments regarding the manner in which China, the United States, and other regional actors behave and react to changes in regional and global security environments, they ignore or heavily de-emphasize the role that ideology or ideational factors play in the strategic calculations of states. In the following section, I will provide a brief overview of the most typical Neo-Realist and Liberal-Institutionalist arguments regarding the rise of China and identify ways in which an emphasis on ideology would

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1 John. J. Mearsheimer, "China's Unpeaceful Rise," Current History 105, no. 690 (2006); Kenneth N. Waltz, "Structural Realism after the Cold War," International Security 25, no.1 (2000).; Rosemary Foot, "Restraints on Conflict in the China-US Relationship," in Will China's Rise be Peaceful?, edited by Asle Toje (Oxford: Oxford University Press, 2017).; G. John Ikenberry, "Between the Eagle and the Dragon: America, China, and the Middle State Strategies in East Asia," Political Science Quarterly 131, no. 1 (2016).

greatly expand their analytical power.

Offensive realist John Mearsheimer's analysis of China's rise is a prime example of a mainstream Neo-Realist account of the nature of the China-US competition. According to Mearsheimer, the international system is an anarchical environment wherein the intentions of other states are unknown and thus the only guarantee of a state's survival is its ability to maximize its own power and become the undisputed hegemon in its own geographic region.[2] China, as a rising power, is compelled to build up its own military capabilities and establish itself as the predominant power in Asia, as this is the only way that it can ensure its own security. This power-maximizing behaviour in turn implicates the security of other regional states that feel threatened by the disproportionate growth of Chinese power, thus encouraging them to "balance" against Chinese ambitions. This pursuit of regional hegemony also naturally brings China into direct competition with the United States, an established global hegemon that already maintains a military presence in Asia along with a web of military alliances. The resulting security environment is one defined by great power competition, wherein China on one side seeks to exclude the United States from what it deems to be its sphere of influence, while on the other the United States and other regional states that feel threatened by China's rise seek to contain China and prevent it from becoming the regional hegemon.[3]

Conversely, John Ikenberry advocates for what could be described as a quintessentially Liberal-Institutionalist account of the China-US relationship. Ikenberry identifies East Asia as a space that is increasingly defined by overlapping economic and security hierarchies dominated by China and the US respectively.[4] This "dual hierarchy", wherein regional states rely on the US for security guarantees while simultaneously deepening their economic dependence on China, forms the basis for a regional order that Ikenberry argues is capable of restraining the aspirations of both great powers despite their increased competition for loyalty from regional "middle states". In this structure, incentives exist for all states in the region to acknowledge and operate within the dual-hierarchical order rather than challenge it. China has incentives to maintain its economic dominance over the region, which could be jeopardized if it pursues policies that are deemed too assertive by middle states, thus encouraging them to reduce their dependence on China and either strengthen their security relationship with the United States, or build up their own militaries.[5] The United States, on the other hand, has incentives to maintain its military support of regional allies as a counterbalance to Chinese military might and to preserve its position as a great power in Asia.[6] The middle states seek to gain the most from maintaining the dual regional hierarchy, as they can continue to both reap the benefits of China's economic growth while simultaneously preserving their security guarantees from the US, which serves to prevent China from becoming the regional hegemon. It is through such a balance of overlapping inter-

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2 Mearsheimer, *"China's Unpeaceful Rise,"* 160.
3 Mearsheimer, *"China's Unpeaceful Rise,"* 162.

4 Ikenberry, "Between the Eagle and the Dragon", 11.
5 Ibid, 30.
6 Ibid, 24.

ests that Ikenberry argues a stable coexistence in Asia between the United States and China can be maintained. However, this is predicated on a number of factors, including whether the US can remain a credible security provider to its Asian allies while also incentivizing Chinese participation in multilateral institutions.[7]

Neo-Realist perspectives such as those advocated by Mearsheimer take the position that states are compelled by the structure of the international system to pursue power as a necessary pre-condition for their survival. In contrast, and Liberal-Institutionalist theories such as those advocated by Ikenberry argue that international institutions restrain state behaviour by providing the means for conflict resolution and the convergence of state interests. Both neo-realism and Liberal Institutionalism hold essentially the same underlying assumption about state behaviour – that states are rational actors who prioritize their material interests including self-preservation above all else. Although this underlying assumption is not in itself invalid, both perspectives are limited by their adherence to a narrow understanding of state interests defined almost exclusively in material terms. Without discounting the relevance of material and structural factors, the over-emphasis of material and structural elements in determining state interests de-emphasises the central role that ideational factors and ideology play in the process of *how* states (or more specifically, the human agents that manage states) come to understand and characterize their states' interests in the first place. If state interests are themselves shaped in large part by non-material considerations such as understandings of justice and the social good, then in order to understand how states calculate their interests and behave in the international system, attention must be paid to the role that ideology plays in this process.

A shortcoming of Neo-Realist perspectives specifically can be found in their characterization of states as undifferentiated "black boxes" whose behaviour is determined in predictable ways by the structure of the international system alone.[8] This 'state absolutism' de-emphasises the significant influence that non-state actors such as powerful private interests and global institutions exert on state behaviour within the international system. Neo-Realism tends to represent economic matters as holding a subordinate position to national security concerns. However, this characterization is insufficient insofar as it implies that state decisions and security calculations are insulated from either the direct or indirect influences of private actors and their interests. Liberal-Institutionalist theories do address the central role that economic considerations and international institutions play in shaping and restraining state behaviour, but they do so almost entirely from the angle of analysing states' material interests. As such, they fall short of identifying the deeply interwoven relationship that exists between economic power and the dominant ideological forces within states, which themselves influence how states come to understand their interests.

To address this shared limitation, it is helpful to understand the interaction between the state and the private sector as a mutual relationship of cross-pollination, in the sense that the industrial and economic capacity of the private sector, which forms the basis of a state's material power, must be accounted for in the formulation of state policies and decisions. Furthermore, it is productive to view the private sector is an active, rather than passive, actor as

7 Ikenberry, "Between the Eagle and the Dragon", 28.

8 John J. Mearsheimer, "Structural Realism," in *International Relations Theories, Discipline and Diversity*, ed. Dunne, T., Kurki, M., and Smith, S. (Oxford University Press, 2010), 72.

the private sector directly engages in government lobbying and social campaigns that seek to promote specific policies that are favourable to its interests. The globalization of national economies further empowers private actors by decoupling their operations from the restraints of any single state, which in turn compels state actors, to accommodate private interests and ambitions, trend towards international integration and conform to liberal conceptions of world order.

Furthermore, in the 'free' societies of the Western world where there is relatively minimal centralized government control over the flows of information, the private sector naturally fills this space and has the power to use its plentiful resources to promote and normalize specific values and ideological positions that are friendly to its own objectives. By funneling resources into not only the shaping of public opinion but also (and arguably more importantly) into the proliferation of certain ideas throughout academia and policy-making spaces the norms within the state apparatus change. Specifically, the entire state apparatus up to the highest positions of government come to be occupied by individuals who have been socialized into embracing fundamental assumptions about their state's interests that are at the very least receptive to the goals of international capital. The dominance of liberal perspectives that champion international institutions, globalization, and free markets within Western governments, their institutions, and policy-making circles is a reflection of the close link that exists between the interests of international capital and the predominance of specific ideological positions.

While Neo-Realist theorists accurately identify China's intent to challenge the dominance of the US-led hegemonic system, their restricted interpretation of the rivalry as one of power-politics and military competition alone ultimately loses sight of the extensive and equally important competition that is taking place in the ideological realm. Likewise, liberal-institutional theorists, having similarly restricted their analysis to material considerations, appear over-confident in the ability of international institutions and economic interests to contain China's ambitions. These theorists fail to be attentive to the manners in which China is actively waging an ideological war against the moral foundations of these very institutions which underpin the established liberal international order.

The neo-Gramscian perspective developed by Robert W. Cox offers a powerful theoretical framework that accounts for this shared limitation of Neo-Realist and Liberal-Institutionalist theories. By actively incorporating ideology as a unit of analysis in addition to placing a well-needed emphasis on the interaction between private interests and the predominance of certain ideological perspectives, Cox's neo-Gramscian analysis offers a holistic framework through which the nature and implications of the ongoing China-US competition can effectively be assessed.

Robert W. Cox's understanding of hegemony:

Hegemony according to Cox is a system wherein a model of global organization, imbued with a specific set of power relations, is maintained by a dominant interest group, pri-

marily through its conditioning and socialization of subordinate actors into identifying their interests with the hegemonic model or viewing it as natural, rather than through the use of outright force.[9] Central to the post-WWII US-led hegemonic system that Cox identifies is the extensive proliferation of global institutions such as the World Bank, IMF, and OECD that help to constrain and define the interests of global actors, as well as the development of a globalized system of production.[10] Cox further argues that leading this hegemonic system is a "transnational class" that includes, but is not limited to, actors ranging from executives of multinational corporations and senior officials of international agencies to local managers of enterprises connected with the international production systems and finance ministry officials within countries. Cox contends that these actors have been brought up and educated within an ideological culture that seeks to propagate a specific normative model of international order.

Although Cox describes the global hegemony as an all-encompassing global structure, he does not argue that it is so monolithic in its control that the possibility for change is denied. To the contrary, he identifies that the global hegemony is quite susceptible to counter-hegemonic forces which may seek to threaten the hegemony's dominant position. One of the primary ways in which a counter-hegemonic actor might challenge the dominant hegemony is to repudiate its collective 'images' of social order, which include conceptions of justice and the social good. It is through this clash of opposing images, Cox argues, that the "material and institutional basis for the emergence of an alternative structure" becomes a possibility.[11] In the present context, China is the only world actor that not only challenges the global hegemony's dominant images but is also developing a set of alternative institutions to compete with the existing ones. To explore China's counter-hegemonic policies, it is first necessary to understand how the dominant hegemonic system contributed to China's rise.

Global hegemony and the development of China:

Starting in the late 1960s the US pursued a policy of rapprochement with China to exploit the fresh rift in Sino-Soviet relations and bring China into a Western orbit. While this marked the beginning of a process of hegemonic integration, it was upon the opening up of the Chinese economy following reforms under Deng Xiaoping in 1978 that the process picked up pace.

It was believed at the time that economic liberalization would lead China down a path of modernization and democratization, and that economic development would make China a responsible rule-abiding, international norm-observing actor as understood by the hegemonic system. This belief in an inevitable transformation contributed to China's admission into the World Trade Organization in 2001 and informed a US policy of economic engagement – the expected outcome of which is exemplified in George W. Bush's 2005 comment, "trade freely with China, and time is on our side."[12]

9 Robert W. Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," *Millennium: Journal of International Studies* 10, no. 2(1981); Robert W. Cox, "Gramsci, Hegemony and International Relations: An Essay in Method," *Millennium: Journal of International Studies* 12, no. 2 (1983).
10 Cox, "Social Forces, States and World Orders," 125.

11 Cox, "Social Forces, States and World Orders," 136.
12 Hal Brands. "Every President Since Reagan Was Wrong About China's Destiny." *Bloomberg*, July 7, 2019. https://www.bloomberg.com/opinion/articles/2019-07-23/every-president-since-reagan-was-

Evidently, institutional and economic forces of the global hegemony believed that by integrating China into the global system on a structural level, China would eventually become integrated on an ideational level and embrace liberal values as well. The reality, however, is that China has taken advantage of its new-found influence in the global system to pursue counter-hegemonic policies while resisting any attempts to socialize it into becoming a subordinate part of a larger system.

On May 5th, 2020, the US secretary of state to the Trump Administration, Mike Pompeo explicitly acknowledged this failure by the US to socialize China into becoming a compliant member of the global hegemonic system when he stated the following:

"For several decades we thought the regime would become more like us – through trade, scientific exchanges, diplomatic outreach, letting them into the WTO as a developing nation. It didn't happen. We greatly underestimated the degree to which Beijing is *ideologically and politically hostile to free nations* [emphasis added by author]".[13]

Furthermore, on May 20th, 2020, the White House published an official report that explicit-

ly states how:

[Since] the United States and the People's Republic of China (PRC) established diplomatic relations in 1979, United States policy toward the PRC was largely premised on a hope that deepening engagement would spur fundamental economic and political opening in the PRC and lead to its emergence as a constructive and responsible global stakeholder, with a more open   society.[14]

In effect, the US is not only admitting that it pursued a policy of hegemonic socialization towards China, but also that its foreign and strategic policy plays significant weight on the role of ideology in securing and maintaining a specific form of international order, and that the continued existence of this order is an indispensable foundation of the United State's global power.

China pursues a counter-hegemonic path:

A prime example of China taking advantage of its growing influence to pursue counter-hegemonic behaviour can be found in its initiation of the BRI, which seeks to reorganize the flow of global trade around a Eurasia-centric configuration in which China will be a central actor. China's BRI has been identified as a primary challenge for the Western-centric global system. Tarapore argues that the development of

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wrong-about-china-s-destiny

13 Michael R. Pompeo, "Secretary Michael R. Pompeo at a Press Availability: Remarks to the Press" (Statement, Washington, DC, May 20th, 2020), Department of State, https://www.state.gov/secretary-michael-r-pompeo-at-a-press-availability-6/

14 The White House, *United States Strategic Approach to The People's Republic of China,* accessed May 20, 2020, https://www.whitehouse.gov/wp-content/uploads/2020/05/U.S.-Strategic-Approach-to-The-Peoples-Republic-of-China-Report-5.20.20.pdf

infrastructure gives China leverage to influence preferences of partner nations and limit US influence while simultaneously enabling China to expand its military presence.[15] He also points out that China's shielding of partner countries harboring anti-American interests such as Pakistan through the BRI in fact emboldens them and encourages such anti-American behaviour. Thus, the BRI can be seen as representing a counter-hegemonic tool intended to reshape global power relations while simultaneously energizing counter-hegemonic elements of the global system to push back.

China's development of alternative international organizations is another strong indicator of its openly counter-hegemonic goals. Skidmore and Stephen argue that the AIIB's focus on infrastructure-led development demonstrates an "externalization of China's domestic political-economic model", which stands in stark contrast with the dominant liberal international order – itself a mechanism of global hegemony. Though Skidmore & Stephen note that China has been "profoundly changed" into conforming with a greater number of expectations and norms through its deeper integration with the international system, this does not necessarily demonstrate a submission to hegemonic socialization.[16] After all, China continues to push for the reorganization of world order along Sino-centric lines and seeks to develop a new system of global institutions independent of the current Western-dominated system. Thus, it can be seen that China's conformation to international norms better represents a stra-

tegic calculation that plays a part in a larger process of challenging global hegemony from the inside rather than an internalization of the hegemony's dominant "images" of social and world order.

Adding credence to the notion that China remains ideologically steadfast and that it is not gradually being socialized by the global hegemony is an internal-party communique from the Third Plenum of the Eighteenth Party Congress of the Chinese Communist Party that was leaked in 2013. This communique identifies seven political "perils", including Western constitutional democracy, "universal values", civil society, neoliberalism, free journalism, "historical nihilism" and questioning the nature of "socialism with Chinese characteristics".[17] The communique also expresses open acknowledgement of the central role of ideology in the ongoing struggle with the West, expressing that, although "historical experience has proven that failures in the economic sphere can result in major disorder, … failure in the ideological sphere can result in major disorders as well".[18] It continues by calling on the party leadership to "routinely analyze and study new developments in the ideological sphere" in order to be able to pre-emptively deal with any problems therein "swiftly and effectively".[19]

A final example of China's counter-hegemonic behaviour can be found in its continued and often aggressive enforcement of territorial claims in the South China Sea despite these actions violating international law as declared

15 Arzan Tarapore, "The U.S. Response to the Belt and Road Initiative: Answering New Threats with New Partnerships," *Asia Policy* 12, no. 1(2019) 34.
16 David Skidmore and Matthew D. Stephen, "The AIIB in the Liberal International Order," *Millennium: Journal of International Studies* 14, no. 2, iss. 4 (2016), 90.

17 "Document 9: A China File Translation: How Much Is a Hardline Party Directive Shaping China's Current Political Climate?," China File, 2013. https://www.chinafile.com/document-9-chinafile-translation?fbclid= IwAR3o9zCMgEuJVJVB93v3Ut2G5_pH0qm-JBSdh-t2URmqKEJbhPc7gJ-J_Jwg
18 Ibid.
19 Ibid.

by the Permanent Court of Arbitration in the Hague in 2016. China's rejection of international norms and the institutions that embody them could be seen as representing a direct challenge to the moral and ideological foundations of the world order on which the global hegemonic system relies. By asserting Chinese strategic and military objectives to be above the rules of international law and established sovereign borders, China is demonstrating that it refuses to compromise on its own vision of world order and its place within it, regardless of whether this vision contradicts the established practices of the dominant hegemonic model. In effect, China's behaviour demonstrates how the current global hegemony has failed to condition China into becoming a conforming actor, and now that it has grown so powerful and integral to world production, it can no longer be forced to conform. In spite of these challenges, however, the hegemonic system has not failed to react.

Global Hegemony's reaction to counter-hegemonic behaviour:

Perhaps one of the most indicative examples of the hegemonic reaction to China has been the United States' "Pivot to Asia" initiative, first introduced under the Obama Administration and continued under the Trump Administration. This initiative heralds the "shared responsibility [of nations] to uphold the rules and values that underpin a free and open Indo-Pacific" as well as the importance of commitment to "the core principles of the regional order at a time when these principles are under renewed threat" in its 2019 Indo-Pacific strategy.[20] Part of the "renewed threat" referred to

here is the previously-mentioned Chinese activity in the South China Sea, which has invoked a hegemonic reaction in the form of increased frequency of "freedom of navigation" naval patrols, not only by the US fleets, but also its close allies including the UK, France, and Japan.[21]

A second example of hegemonic counter-reaction is the ongoing Trump Administration's trade conflict with China. This behaviour demonstrates an implicit recognition that the policies of integrating China into the world system economically and institutionally have not had their intended effects, leading the US to attempt to contain the consequences of its actions. With this said, the Trump administration's policies have also targeted core elements of the global hegemony such as free trade and neo-liberalism - as is evident in the scrapping of the Trans-Pacific Partnership - which may indicate a separate undercurrent of counter-hegemonic forces at play. Cox identifies the domestic economic element of "national capitalists" as a distinct social force from the transnational class and argues that they stand to lose influence from increased globalization.[22] Thus, Trump's protectionist policies and rhetoric may represent a unique reaction among this particular national capitalist class which is threatened by both neo-liberal globalization and an economically dominant China.

Conclusion and the future of the global hegemony

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20 Michael R. Pompeo. *A Free and Open Indo-Pacific*, Department of State (2019), 4.
21 Ibid.
22 Cox, "Social Forces, States and World Orders," 125.

In this essay, I applied a neo-Gramscian lens to an analysis of China's rise to argue that its policy of independent institution building, pursuing initiatives designed to reshape world order, and a rejection of international norms that run counter to its interests all represent a stark rejection of the liberal global hegemonic order and mark China as an actor with counter-hegemonic aspirations. Having explored China's rise and the goals it seeks to achieve; the following question must be raised: is there a future for the liberal global hegemonic system that has defined world order since the end of WWII? As was outlined, there has been a predictable hegemonic reaction to China, but this is unlikely to be effective. A primary reason for this is that China has become too developed, powerful, and integrated into global production to be contained, and Chinese institutions offer an alternative to those of the hegemonic system that appeal to states disadvantaged by the current model or those who reject the practice of loans with conditions of domestic reform.

The true extent of the impact to global production and interstate relations caused by COVID-19 are yet to be fully appreciated, however strong anti-China sentiments in reaction to China's handling of the virus, in conjunction with unprecedented shocks to global supply chains may be a catalyst for the decoupling of Western economies from their reliance on China. Lastly, there is a domestic factor to consider. Counter-hegemonic forces in the form of the Trump phenomenon, Brexit, and other anti-globalization movements with far-right, exclusionary views pose a threat to the liberal internationalist ideals of the Western hegemonic system from within. If these movements continue to gain traction along with their skepticism towards the prevailing hegemonic order, China may be emboldened to take advantage of this internal schism by deepening its relationship with states that express such views. Ultimately, further research into the following two areas are will be essential going forward. The first is an exploration of how China as a counter-hegemonic actor may seek to take advantage of anti-liberal undercurrents within the West to further challenge the moral and ideological foundations of the hegemonic system. The second is how China will continue to promote its countervailing vision of global order and maneuver within a post-COVID-19 world where its reputation has been tarnished in the eyes of many states over its handling of the outbreak.

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Constructed Divisions: A Constructivist Analysis of Ireland's Border Tensions and Brexit

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Introduction

Cutting through mountains, forests, lakes, and seas, borders criss-cross our world in countless, often arbitrary, ways. The haphazard nature of these lines mean that the borderlands left on either side of the divisions are often fraught with tension and conflict stretching back centuries. Ireland's borderlands are no exception and have been a site of tension since King James I first began settling English and Scottish migrants in Ulster in the 1600s.[1] Centuries of hatred and violence would follow, most acute during the twentieth century. Following the 1916 Easter Rising, the stagnation of home rule negotiations during WW1, and the start of the Irish War of Independence, the British government attempted to quell insurgency and find a political settlement for the island. This resulted in The Government of Ireland Act of 1920, which granted home rule to two Irelands: Northern Ireland, made of five Ulster counties, and Southern Ireland, which would be the rest of the island.[2] The Southern Ireland envisioned by Britain would never materialise due to the War of Independence which would be fought until 1921 and result in what we know today as the Republic of Ireland, but it was through this rebellion and the aforementioned Act that the Irish border first came into form. This physical representation of the division between two national identities would become a symbol of the routinised relationships of conflict, and consequently would be a main target for erasure in the peace process following the Troubles.

Beginning in the late sixties, Irish Catholics living in Northern Ireland staged civil rights demonstrations to protest the inequitable treatment they were experiencing under a government effectively run by Unionist (or, pro-British) Protestants.[3] The government and police force responded violently, sparking a cycle of "tit-for-tat sectarian violence" throughout the country.[4] Direct rule was imposed by the British parliament in 1972, and the Provisional Irish Republican Army (IRA)

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1 Ronan McGreevy, "A History of Ireland for Outsiders: From Henry VIII to the Troubles," *Irish Times*, Mar. 6, 2019, https://www.irishtimes.com/news/ireland/irish-news/a-history-of-ireland-for-outsiders-from-henry-viii-to-the-troubles-1.3816898.

2 Peter Leary, "Introduction: 'on the opposite side of the street,'" in *Unapproved Routes: Histories of the Irish Border, 1922-1972* (Oxford Scholarship Online, 2016): 7, DOI: 10.1093/acprof:oso/9780198778578.001.0001.

3 Joseph M. Brown and Gordon C. McCord, "Northern Ireland's Troubles Began 50 Years Ago. Here's Why They Were So Violent," *Washington Post,* Aug. 22, 2019, https://www.washingtonpost.com/politics/2019/08/22/why-were-troubles-so-bloody-this-helps-explain/.

4 Ibid.

stepped up a 25-year armed campaign to end British rule in Northern Ireland.[5] From 1969 to 1994, 3500 people lost their lives and the border between the Republic and Northern Ireland became a symbol of the divisions being played out on frontlines in cities like Belfast.[6] This violent struggle would come to an uneasy end in 1998 with the Belfast Agreement. But for many, the stains of almost sixty years of fighting remain on their psyche. Central to the peace process spurred forward by the Belfast Agreement was diminishing the importance and visibility of the border, as to remove it from the public consciousness as a symbol of the conflict.[7] With nationalist divisions still running deep in many parts of the island, Brexit has brought the border back into focus, and with it, tension and fear is returning.

Much of the discussion thus far has been focused on the return of physical infrastructure and what it could mean for the relatively fresh wound of the Troubles.[8] This essay will use a constructivist approach to argue instead that current border tensions are a result of Brexit negotiations causing ontological insecurity through the fostering of an atmosphere of uncertainty. I will briefly explain my constructivist framework before applying Mitzen's theory of ontological security to an analysis of the Irish border. I will begin with partition in 1921, following important developments in the border's history up to and including Brexit. The essay will conclude with a brief discussion of what Brexit means for Ireland, and how stability could be preserved if a hard border is to return.

Theoretical Framework

Constructivism is a reflexive approach to international relations which assumes three main tenets: "ideas matter," they matter because they are shared, and ideas constitute interests.[9] Jeffery T. Checkel further defines these tenets thusly: ideas matter because they provide the shared social context through which a material object is interpreted, and they constitute interests through an agent's (state's) relationship with the broader structures (shared ideas and norms).[10] Bringing a constructivist lens to security studies allows for a broader understanding of how and why borders are constructed, and what their construction can do to the shared ideas and norms of the people on either side. I will be integrating the above understanding of constructivist theory with the concept of ontological security as identified by Jennifer Mitzen (2006). Although Mitzen focused on the implications of ontological security for structural realism and security dilemma theory, I wish to focus on its poignant implications for constructivist security thought, especially for border analysis.

As defined by Mitzen, ontological security is the feeling of certainty in ones' identity, which allows an actor to realise agency.[11] Actors achieve this security through routinizing relationships with others and then forming attachments to these social relations.[12] For

5 McGreevy, "A History of Ireland for Outsiders."
6 Ibid.
7 James Anderson, "Ireland's borders, Brexit centre-stage: a commentary," *Space and Polity* 22, no. 2 (2018): 257.
8 Anderson, "Brexit centre-stage," (2018); Leslie Budd, "Stalling or Breaking? Northern Ireland's Economy in the Balance," in *The Political Economy of Brexit*, ed. David Bailey and Leslie Budd (Newcastle upon Tyne: Agenda Publishing, 2017).

9 Jeffrey T. Checkel, "The Constructivist Turn in International Relations Theory," *World Politics* 50, no. 2 (1998): 326.
10 Ibid.
11 Jennifer Mitzen, "Ontological Security in World Politics: State Identity and the Security Dilemma," *European Journal of International Relations* 12, no. 3 (2006): 342.
12 Mitzen, 342.

states, identity is constituted by their social relationships with other states. This means that states can become attached to conflict because their conflictual routines sustain identity.[13] In the case of Ireland, we can see very clearly how the conflictual routines of Unionists and Nationalists have become identity sustaining – although violence is nowhere near the levels of the Troubles, the identities of the groups are still antagonistic and incompatible. This idea is reflected in constructivism and the attention it gives to identity. As Alexander Wendt argued in his pivotal constructivist paper "Anarchy is what States Make of it," identities and interests are based in the interactions between actors.[14] While interactions have been cooperative between both nations for some time now, the conflictual identities and interests that have been solidified through centuries of interaction will need more than just over twenty years of change to shift. Clearly, there are important connections between constructivist thought and ontological security that can provide valuable insight into why borderlands are so often sites of extreme tension. This framework will be used to argue that Brexit negotiations have caused the return of the very idea of a border, which in turn has created tension on both sides in the form of ontological insecurity.

Demonstration

I will demonstrate here that socio-cultural identities in Ireland have been constructed in such a way, for such a time, that actors

on either side of the border have become attached to their routines of division and conflict. The initial creation of the border in 1921 served to reinforce the power of the British state and bolster the loyal Ulster Unionists who enjoyed a majority in the six counties that make up Northern Ireland.[15] As one former customs officer noted in Katy Hayward's article, the border is not an Irish one as much as it is an English one, arbitrarily placed and promptly left behind.[16] Although it is largely regarded as a forgotten English object, it has served to reinforce divisions between multiple different identities in Ireland. Mitzen notes that a key attribute of a society's identity is its distinctiveness in contrast to other societies.[17] Indeed, in Ireland, we can observe these distinctions on two facets of political identity: Unionists and Nationalists, which define each group's relationship to the border. The Unionists wish to retain union with the UK, while the Nationalists seek the unity of the Irish Republic. These identities are generally seen to correlate with Protestants and Catholics respectively, however, the cultural and religious categories were subsumed such that 'Catholic' or 'Protestant' came to denote a national identity more so than a religious one, and this served as the foundation out of which the Troubles grew. In fact, it was the lack of recognition of the rights and freedoms of Irish Catholics in Protestant-dominated

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13 Mitzen, 347.
14 Alexander Wendt, "Anarchy is what States Make of it: The Social Construction of Power Politics," *International Organizations* 46, no. 2 (1992): 406.

15 Cathal McCall, "Culture and the Irish Border: Spaces for conflict transformation," *Cooperation and Conflict* 46, no. 2 (2011): 202.
16 Katy Hayward, "The Future of the Irish Border," *Renewal* 26, no. 4 (2018): 12.
17 Mitzen, "Ontological Security in World Politics," 352.

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Northern Ireland that sparked the civil unrest, not the imposition of border infrastructure.[18] Post-Brexit, we now also see Leave and Remain as divisive identities, which are highly politicised in relation to the border and not as consistent as the former identities.

It was only after militarisation began in the 1970s that the border would come to symbolise the violence and division in Ireland, as it created targets for Nationalist and Unionist militias, such as the Irish Republican Army and the Ulster Defence Association.[19] This routinization of conflict relations would continue for nearly thirty years, solidifying the identities of Northern Ireland and the Republic of Ireland as hostile and antagonistic. Northern Ireland is characterised in the public consciousness as the home of the Protestant Unionist who wishes to remain a part of the British kingdom. In contrast, the Republic is characterised as the home of the Irish Republican who seeks the unity of the island. These ideas have been inherently incompatible. The clash of interests (put very simply: stay with the Crown, or reunite with Ireland and be independent) and of cultural identities (very simply again: Protestant or Catholic), while often violent and resulting in harm for both nations, provided the actors with agency as they could be secure in the knowledge of how the other was likely going to act and react. This is what created a form of ontological security that was at odds with the physical security of both states – which, although seemingly incompatible, is in fact a perfectly compatible combination according to Mitzen.[20]

A process of creating dedicated spaces for cross-border, cross-cultural encounters, funded and guided largely by the European Union's (EU) Interreg and Peace programs, began after the removal of border infrastructure in 1992 with the introduction of the European Single Market.[21] In Cathall McCall's words, this was the beginning of "the reconfiguration of the border from a barrier to a bridge."[22] Britain and Ireland's simultaneous admission into the EU allowed the nations to begin seeing one another as equal counterparts in a larger, international setting.[23] The Republic of Ireland in particular was able to detach itself from an economic relationship of dependency on Britain and assert itself as a small but legitimate member of Europe.[24] It was in no small part because of the EU that the governments of Britain and Ireland were able to begin shifting their interests towards cooperation, gradually forming new routines and social relations. Border towns such as Derry-Londonderry look radically different today than they did a mere twenty years ago, a far cry from the fear and violence of the Troubles. The current border separating the two states is inconspicuous. The Common Travel Area and membership in the European Single Market effectively create an open border, allowing the free passage of people and goods from each side. Until Brexit, the peace process originating in the Good Friday Agreement (GFA) had largely relied on this border invisibility to minimize it as a politically charged representation of power and division.[25] process of conflict routinization that took place from initial partition of Ireland to the end of the Troubles.

Unfortunately, routinization can be

18 Anderson, "Brexit centre-stage," 257.
19 Evan Smith, "Brexit and the history of policing the Irish border," (Policy paper, History and Policy, 2016).
20 Mitzen, "Ontological Security in World Politics," 347.

21 McCall, "Culture and the Irish Border," 210.
22 Ibid.
23 Brigid Laffan, "Ireland, Britain, Northern Ireland and the European Dimension," *Working Papers in British-Irish Studies* no. 27 (2003): 2.
24 Ibid.
25 Anderson, "Brexit centre-stage," 257.

severely damaged when is it disrupted, often causing actors to revert to old identities and behaviours. Since social identities depend on routines, actors fear and will attempt to avoid the identity effects that disruption can cause.[26] In what is set to become the largest and longest disruption to routine for all of Ireland since the GFA, (even more so than the most recent reinstatement of direct rule in Northern Ireland, from 2002-07), Brexit has thrown the border's future, and in turn the stability of the island, into question. On January 11th, 2020, just before the UK and Northern Ireland left the EU at the end of the same month, the Northern Ireland Assembly reconvened after a three-year long stalemate. Although an overall step forward for the nation, at the time of publishing the Covid-19 pandemic has stalled political response to anything but the virus. Consequently, as of July 2020, the island still has no clear answer on what will happen now that the border has once again become an international frontier. The cooperative relationship between Ireland and Britain has largely been facilitated by their common EU membership according to both Hayward and McCall, and with the exit of Britain the possibility of physical border infrastructure is back on the table.[27] However, I would like to stress that it is not the threat of border infrastructure that creates the conditions for instability and insecurity. As discussed above, it is the ontological security of decades of conflict on the basis of identity that causes this tension. The process

of creating new relationships was so short-lived that when faced with Brexit uncertainties actors will return with ease to shared ideas of hostility and the security of conflictual relations. There is even some evidence that these conflictual relationships are already being practiced once again. In the lead up to Britain's withdrawal from the EU, calls for unity votes post-Brexit were renewed, with political parties like Sinn Féin calling for an All-Ireland Forum on Irish Unity after they won a historic plurality of Northern Ireland's Westminster seats.[28] As Irish Nationalist sentiment becomes louder, there is no doubt Unionist sentiment will follow in response.

Conclusion

Through historical analysis of the border, we are able to demonstrate that the inter-state relationship on the island of Ireland was conflictual from the beginning of Irish independence. The very imposition of the border in 1921 was meant as a reminder of British dominance, and we can trace the routinization of British-Irish tension right up until the present. Brexit now creates a unique problem for both the Republic and Northern Ireland. How can the peace process continue when so much uncertainty is causing ontological insecurity for all actors involved? Mitzen identifies ontological security as necessary for actors to exercise agency, and without it an actor can become paralysed, unsure of which dangers to confront and which to avoid.[29] The peace

26 Mitzen, "Ontological Security in World Politics," 360.
27 Hayward, "The Future of the Irish Border," 13; McCall, "Culture and the Irish Border," 210.

28 Dan Haverty, "With Parliament Voting for Brexit, Is Irish Unification Inevitable?" *Foreign Policy*, January 9, 2020, https://foreignpolicy.com/2020/01/09/irish-unification-brexit/.
29 Mitzen, "Ontological Security in World Politics," 345.

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programs facilitated by the EU and the GFA were in line with what Mitzen saw as the most probable solution to conflictual attachments: public sphere-oriented strategies that break down attachment to competition routines and create routines of interaction.[30] Unfortunately, funding had already been decreasing for EU supported peace programs when Brexit sealed the fate for cross-cultural border spaces.[31] With border questions back in policy discussions, Brexit has caused actors to begin thinking again of the separation and division between the two states. The scars of the Troubles are still deep and, while healing, the British and Irish governments will have to look to the model of cultural space creation offered by the EU if they wish to avoid a return to instability and conflict.

30 Mitzen, 363.
31 McCall, "Culture and the Irish Border," 214.

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