

# Michigan Journal of Political Science

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of Michigan



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## Letter from the Editors

Dear Readers,

Hello and welcome to the Winter 2022 Edition of the Michigan Journal of Political Science. This is our first edition with new leadership, and we are pleased to continue the legacy of MJPS in our latest edition showcasing exceptional undergraduate work from the winter of 2022. Originally founded in 1981, the Journal was created as a platform to share undergraduate work in Political Science to foster discussions on contemporary and thought-provoking political issues in a non-partisan, academic fashion. We hope you enjoy the thoughtful and creative arguments, made by students around the world, in this edition.

In this edition, you will find contributions drawn from undergraduate authors about notable empirical issues, public policy, theoretical concerns, and international relations. Our authors have composed original pieces ranging from the Covid-19 crisis in Canada to the Zapatistas conflict in Mexico to the history behind passing the monumental Bipartisan Campaign Reform Act of 2002. These written works buttress the longstanding demographic, theoretical, and political diversity within contemporary research. Pieces like “Globalism, NAFTA, and the Mexican Zapatista Resistance” explore the indigenous uprising birthed in the Chiapas region of Mexico. Meanwhile “Resource Management During Scarcity” shows how two specific case studies in California reconcile resource management policies with controlling climate change. Finally, “From Classical Democracy to Neoliberalism” observes the dynamism of the Canadian state. We hope these seven pieces will advance political science knowledge and research. Moreover, these pieces build on the understanding that institutional legacies continue to inform policy responses that undergird our systems of government.

We want to thank our Editors and particularly our Section Editors Amal, Alison, Bailey, and Selin for their hard work and leadership throughout this semester. We would also like to thank Senior Editor Ben McGraw for his commitment to this edition and congratulate him on his graduation from the University. The entire Editorial Board has brought the utmost attention to detail and quality of writing, and for that, we are tremendously grateful. Thank you to the Department of Political Science, and particularly Briana Akani, Brian Min, Joseph Johnson, and Dustin Hahn for giving us the platform and capability to grow our journal.

Our ultimate mission as a Journal has always been to promote free discourse on the most important issues. Because of your readership, we are confident that we can make the future of political science research more transparent, accessible, and thought-provoking.

Sincerely,

Lindsay Keiser & Kayla Zhang

Editors-in-Chief

# Table of Contents

<b>Letter from the Editors</b> .....	3
American Politics	
<b>Resource Management During Scarcity: A Case Study of Water Policy Implications in California Agriculture</b> .....	6
<i>Claire Everett University of Washington</i>	
<b>“The System Stinks”: How the Bipartisan Campaign Reform Act of 2002 Became Law</b> .....	26
<i>Mostafa El Sharkawy University of Toronto</i>	
Comparative Politics	
<b>The Impact of State Capacity on Communist Revolutions in Vietnam and Afghanistan</b> .....	40
<i>Reagan Brill University of Virginia</i>	
<b>The Invisible Influence of Privatization: COVID-19-Related Deaths in Public and Private Long-Term Care Homes</b> .....	50
<i>Ana Brinkerhoff University of Toronto</i>	
International Politics	
<b>Globalism, NAFTA, and the Mexican Zapatista Resistance</b> .....	60
<i>Madeline Susan Strasburg University of Wisconsin-Milwaukee</i>	
<b>A Stateless Nation: Governing Somalia in Civil War</b> .....	67
<i>Mostafa El Sharkawy University of Toronto</i>	
Political Theory	
<b>From Classical Democracy to Neo-liberalism: A Historical Analysis of Political Representation of Public Beliefs in Canada from the 1840s to the 2000s</b> .....	84
<i>Jacob Durack Ontario Tech University</i>	
<b>About the Michigan Journal of Political Science</b> .....	101

Section 1:

# American Politics

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## **Featuring:**

“Resource Management During Scarcity:  
A Case Study of Water Policy Implications in California Agriculture”

Written by Claire Everett  
University of Washington, Political Science Major, Class of 2023

“‘The System Stinks’:  
How the Bipartisan Campaign Reform Act of 2002 Became Law”

Written by Mostafa El Sharkawy  
University of Toronto, Politics and International Relations Major, Class of 2026

American Politics

# Resource Management During Scarcity: A Case Study of Water Policy Implications in California Agriculture

Claire Everett

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## Abstract

This research project seeks to understand resource management policy and its effectiveness in practice, especially as climate change exacerbates pre-existing scarcities. As a case study, I examine two policies that attempt to manage water use in California: the Central Valley Water Project Improvement Act (1992) and the Sustainable Groundwater Management Act (2014). I selected the latter as it focuses on the regulation of groundwater, a resource that had yet to be overseen in California, and the former because it is one of the most recent pieces of notable legislation that sought to improve the sustainable management of surface water. This project measures the effectiveness of these acts through the agricultural sector, given that the industry uses approximately 80% of the state's water supply; therefore, by measuring the growth of water intensive crops in the years following the passage of said legislation, this research provides a better understanding as to whether these acts were successful in curbing exorbitant water usage in a timely manner. After collecting data, I found that water-intensive crop growth decreased after the passage of the CVPIA, whereas growth was largely uncurbed after the SGMA in 2014. These results indicate the difficulty of passing effective groundwater management policy, as opposed to legislation regulating surface water resources.

### *I. Introduction*

As an increasingly water-stressed state, California continuously attempts to determine how to allocate and preserve water resources.<sup>1</sup> The frequent dry years that the state experiences necessitate thoughtful planning to decide who is allotted what amount of water, what systems of water distribution to employ, and when to employ conservation efforts. This issue is exacerbated because of how expansive the agricultural industry is in California: agriculture accounted for \$46.7 billion of the state's economy in 2013.<sup>2</sup> While this sector is a great asset to California and for the nation, the water that is required for these operations in a region that itself severely lacks this commodity makes balancing food production with water conservation critical. A considerable number of the dominant crops in California are water intensive, such as walnuts, almonds, and avocados; while these economically profitable crops are demanded across the world and predominantly grown in California, their high water demand makes production difficult to manage in such a dry region. Throughout the years, governing water resources has proven to be a challenge in the state with both a growing population and a strongly influential agricultural sector.

This paper seeks to investigate if California's management policies can curb high water use, using agricultural water consumption as a means of determining success. I attempt to highlight the importance of resource management policy due to its widespread and salient impacts on a region's wellbeing, demonstrating the precarious balance between water conservation and the economic asset of high value crop production, as well as the potential influence that large industries have on shaping policy to their benefit. California was chosen as the case study, given the extent to which

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<sup>1</sup> Null, Sarah, et al. "Managing California's Water: Insights from Interviews with Water Policy Experts." San Francisco Estuary and Watershed Science, vol. 10, no. 4, 5 Dec. 2012, 10.15447/sfews.2012v10iss4art5.

<sup>2</sup> Medina, Jose. Fast Facts on California's Agricultural Economy. 2014.

## American Politics

droughts and water rights continue to arise as prominent issues as well as the extensive agricultural system that is present within the state. The motivating question that guides this research is therefore: have California's water management policies curbed exorbitant water usage of agriculture in the state, particularly for water intensive crops? I explore this question by examining two policies that aim to regulate water use in California, the first being the Central Valley Water Project Improvement Act (1992). This policy was chosen because it focuses on the regulation of groundwater, a resource that had yet to be overseen in California. The second policy is the Sustainable Groundwater Management Act (2014), selected because it is the most recent piece of notable legislation that works to regulate surface water in California. In viewing how these two acts have influenced agricultural water use, this paper will shed light on the current and prospective state of the California water situation.

## II. *Water Rights in California*

Challenges with managing California's water continue to hold relevance for water policy today. The state's water supply issues date back to the settling of the region; throughout the 19th century, the American government pushed for farmers to take advantage of free land in the West.<sup>3</sup> This race to claim and tend the free land made farming an economical pursuit despite the arid nature of the terrain. Therefore, "rents from agriculture were as closely tied to the ownership of water as to the ownership of the land."<sup>4</sup> In the Western United States, the system by which water was distributed transformed as water scarcity proved to be an issue; in the Eastern side of the country, riparian water rights were typically employed, using an age-old system carried over from England. This structure allocates water usage to the landowners on the water source, giving them access to resources such as a river that naturally flows through their property.<sup>5</sup> On a stream course, all riparian rights holders have the same priority; however, if there is not enough of the resource for all users, domestic purposes for necessities like drinking and cooking are prioritized.<sup>6</sup> Riparian rights do not require any permits for use of the water resource. Further, ownership is not contingent on constant usage: a person is inherently entitled to the water on or adjacent to their land. This system—while practical for wet England and the Eastern United States—proved dysfunctional for the dry Western U.S. as riparian rights do not allow for water diversion or storage. Due to the water-scarce nature of the region and the need for irrigation in agriculture, it was necessary to divert water to areas where no water was available on site.<sup>7</sup> Thus, appropriative rights were born in the West, which allows for the diversion and transfer of water for reasonable and beneficial use. While some Western states solely use the appropriative system, California utilizes both the appropriative and riparian rights structure, meaning that riparian users hold priority for water usage, but water can still be transferred and stored through state-granted permits.<sup>8</sup>

California farmers will often form water-use contracts with a second party that owns rights through the riparian system, allowing the water to be transferred to the farmland for irrigation purposes.<sup>9</sup> While these systems have been necessary for agriculture in water-scarce climates, "long-term price and delivery contracts between water supply organizations and farmers are complicated by the unpredictability of precipitation and stream flow," meaning that droughts muddy the non-existent waters even further.<sup>10</sup> Some experts in the field go as far to claim that the water rights regimes

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<sup>3</sup> Hill, Anderson. *The Not so Wild, Wild West*. Stanford Economics and Finance, 2004.

<sup>4</sup> Hill, 2004.

<sup>5</sup> Nelson, K. S., and E. K. Burchfield. "Effects of the Structure of Water Rights on Agricultural Production during Drought: A Spatiotemporal Analysis of California's Central Valley." *Water Resources Research*, vol. 53, no. 10, Oct. 2017, pp. 8293–8309, 10.1002/2017wr020666. Accessed 15 Nov. 2020.

<sup>6</sup> California Water Boards. "Water Rights FAQs | California State Water Resources Control Board." [www.waterboards.ca.gov](http://www.waterboards.ca.gov), 18 Mar. 2021, [www.waterboards.ca.gov/waterrights/board\\_info/faqs.html](http://www.waterboards.ca.gov/waterrights/board_info/faqs.html).

<sup>7</sup> Hill, 2004.

<sup>8</sup> Nelson and Burchfield, 2020.

<sup>9</sup> Libecap, Gary D. "Institutional Path Dependence in Climate Adaptation: Coman's 'Some Unsettled Problems of Irrigation.'" *The American Economic Review*, vol. 101, no. 1, 2011, pp. 64–80, [www.jstor.org/stable/41038782?seq=1#metadata\\_info\\_tab\\_contents](http://www.jstor.org/stable/41038782?seq=1#metadata_info_tab_contents).

<sup>10</sup> Libecap, 2011.

## American Politics

in the West appear functional in wet years, but extreme droughts expose the overwhelming faults that plague the system.<sup>11</sup> While not the only factor at play, water rights play a large role in uneven resource distribution during droughts due to the rigid hierarchy of water rights. Many critique this priority system because it results in disproportionate water allocation, leading to inadequate water allotment in newly established farms and severe overuse of groundwater resources.<sup>12</sup> The parties who own water rights rented out to agricultural operations also play a role in dictating water use. While private organizations hold a significant portion of water rights, the state and federal government are the largest contractors, providing around 25% of California irrigation water each year.<sup>13</sup> Therefore, the state policies that attempt to control and conserve water have significant implications for the total agricultural water use in the state. This is typically not the case in wetter states with solely riparian rights.

Given the frequent droughts in the state and complicated water distribution system, dry periods are a point of great consideration for California's farming activity. Unsurprisingly, nearly all scholars in the field agree that droughts are a damaging occurrence for agricultural operations in California; no matter the policy and water rights system, a lack of water resources evidently has unfavorable implications for most industries and urban areas that depend on water. Several experts emphasize the harms inflicted upon the agricultural sector during droughts by calling attention to decreased production that could threaten food security and economic revenue.<sup>14</sup> Due to the state's contribution to domestic food supply and revenue that is earned from its agricultural exports, a dip in output could yield severe consequences. The water rights system and history of agriculture in the region suggest that agriculture may be disproportionately allotted for high water use. This relative advantage does not mean that agriculture is at its most productive during droughts—rather that there is a positive correlation between severity of a drought and water allotted to agriculture. This holds significant implications as California farmers have shifted to higher value crops like fruits and nuts, which make up 47% of irrigated crop acreage and 38% of farm water use due to their intense water demand.<sup>15</sup> These high-value goods tend to be “thirsty crops” that necessitate yearly irrigation, reducing the ability of farmers to withstand dry years.<sup>16</sup> This either results in reduced crop production or indicates that water is unsustainably used during droughts. Further, the high volume of these water-intensive crops grown in California indicate that if its agricultural output remains the same or marginally less after attempts to curb high water use, then these attempts may be largely ineffective.

While the research on water use in California is expansive, there appears to be a lack of research that attempts to empirically measure the effectiveness of major water management policies. This paper seeks to fill this gap in literature by understanding how two significant pieces of California water policy—the Sustainable Groundwater Management Act and the Central Valley Water Improvement Act—have influenced water use within the agricultural sector, which would indicate the level of these policies' success. By specifically looking at water-intensive crops and their cultivation levels after the implementation of these water management policies, new insights will surface as to the ability of California legislation to generate change regarding high water use. Specifically focusing on crops like walnuts, almonds, and avocados will highlight whether exorbitant water consumption is curbed by state policies, or if these practices have remained largely unimpeded by legislation.

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<sup>11</sup> Sugg, Zachary. “An Equity Autopsy: Exploring the Role of Water Rights in Water Allocations and Impacts for the Central Valley Project during the 2012–2016 California Drought.” *Resources*, vol. 7, no. 1, 13 Feb. 2018, p. 12, 10.3390/resources7010012. Accessed 16 Oct. 2019.

<sup>12</sup> Sugg, 2019.

<sup>13</sup> Nelson and Burchfield, 2020.

<sup>14</sup> Porkka, Miina, et al. “Causes and Trends of Water Scarcity in Food Production.” *Environmental Research Letters*, vol. 11, no. 1, 1 Jan. 2016, p. 015001, 10.1088/1748-9326/11/1/015001.

<sup>15</sup> PPIC Water Policy Center. *Water for Farms*. Apr. 2015.

<sup>16</sup> PPIC Water Policy Center, 2015.



## American Politics

**III. The Central Valley Project Improvement Act**

Turning to the policies themselves, a synopsis of the Central Valley Project Improvement Act (CVPIA) and details regarding its potential challenges follows. The CVPIA, passed in 1992, involves the management of surface water resources in California. This differs from the Sustainable Groundwater Management Act as there was surface water-related policy before enactment and had been at the forefront of California water management discourse. Surface water is subject to both the riparian and appropriative rights system and therefore has had a tumultuous history within the state. Its use and regulation have been contested since the beginning, particularly regarding agriculture. About 20 to 25 percent of the state's agricultural water is supplied by the Central Valley Project, a system of government owned canals and dams meant to regulate the San Joaquin and Sacramento rivers, and transport water.<sup>17</sup> In the 1980s, the decade before the act was passed, approximately 90 percent of Central Valley Project (CVP) water went towards agricultural use.<sup>18</sup> Some of the prevalent issues that were regularly voiced regarding the CVP included that water prices were set when contracts were signed, so water was provided for agricultural use at less than cost. This enabled increased agricultural water allotment and an unfair advantage based on the appropriative hierarchical system.<sup>19</sup> Further, the supply of CVP water outside of designated areas was prohibited, so urban areas—particularly those in the south struggling with high water prices and a general lack of water resources—could not receive CVP water. Although opposed by the agricultural industry, reform was desired, particularly due to the 1987-92 drought, in which agricultural CVP users continued to receive largely unchanged water quantities due to appropriative senior rights.<sup>20</sup> Despite narrowly passing due to lobbying efforts by agricultural interests and its packaging alongside accompanying legislation, the CVPIA entered effect at the cessation of the major dry period in 1992.

The CVPIA, while principally an attempt to protect aquatic wildlife such as anadromous fish populations in the California water basins, worked to substantially further efforts to improve water conservation and protect the San Joaquin Delta from depletion. The stated purpose of the act was “to achieve a reasonable balance among competing demands for use of Central Valley Project water” and “to increase water-related benefits provided by the Central Valley Project to the State of California through expanded use of voluntary water transfers and improved water conservation.”<sup>21</sup> The CVPIA came with features such as the limitation of water contracts to 25 years, differing from the previous lack of limits, and the requirement that renewals cannot occur without an environmental review.<sup>22</sup> Further, it is provided in section 3405 subsection A subsection B that the metering of water use is required, allowing the contracting agency to inform the state of “the monthly volume of surface water delivered within its boundaries.”<sup>23</sup> The CVPIA requirement reveals water usage and allows for judgment of the effectiveness of the act and the condition of water supplies.

Despite the general demand for regulation of water resources, the CVPIA has invited concerns regarding its effectiveness. Looking at section 2405 subsection E, the California Secretary of State was tasked with developing criteria for evaluating adequacy of all water conservation plans in consultation with the Secretary of Agriculture, the California Department of Water Resources, California academic institutions, and Central Valley Project water users.<sup>24</sup> The determination of water conservation standards with the continued input from the Central Valley Project water users and state agricultural ambassador provides a substantiated possibility for the industry to influence the policy

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<sup>17</sup>Fischhendler, Itay, and David Zilberman. “Packaging Policies to Reform the Water Sector: The Case of the Central Valley Project Improvement Act.” *Water Resources Research*, vol. 41, no. 7, July 2005, 10.1029/2004wr003786. Accessed 4 Sept. 2019.

<sup>18</sup>Fischhendler and Zilberman, 2005.

<sup>19</sup>Ibid.

<sup>20</sup>Ibid.

<sup>21</sup>Bradley, Bill. S. 484 - Central Valley Project Improvement Act. 1992.

<sup>22</sup>Bradley, 1992

<sup>23</sup>Ibid.

<sup>24</sup>Ibid.

## American Politics

in practice. Given that the Secretary of Agriculture and CVP water users—consisting mainly of farmers and other actors involved in agriculture—are involved in the decision making, they can help tailor water conservation plans to their benefit. Based on rational choice theory, it is logical to assume that individuals in the agricultural industry will work to allot themselves the highest possible water amount so that they can produce more crops and therefore earn a higher profit. It is therefore possible that the CVPIA also struggles with adequate effectiveness, due to the openness for lobbying and general influence. It is important to note, however, that it is a statutory requirement under California law that public input is incorporated into regulatory policies.<sup>25</sup> Therefore, the possibility for undue influence is no greater than with other regulations in the state. While the concern is not unfounded, it may simply be a part of the political process to which all other policies of similar nature are subjected. This makes the potential for influence and skewed effectiveness somewhat unclear.

The following section provides an overview of the Sustainable Groundwater Management Act and its subsequent challenges. Passed in 2014, it was the first piece of California state groundwater regulation, an increasingly valuable resource as droughts become more frequent and surface water is less of a viable option.<sup>26</sup> Within the appropriative rights system that California employs, farms that are allocated less surface water resort to utilizing groundwater, which can lead to the depletion of these water resources. Groundwater is used at a much higher rate and is at risk of overdraft, particularly during droughts when surface water is scarce. To this point, groundwater provides 40 percent of the state's water in wet years and up to 60 percent in dry years, which was the impetus for the act. The California drought that began in 2006 and took full effect in 2012 was draining groundwater resources and necessitated action to prevent severe overdrafting.<sup>27</sup> The overuse of groundwater supplies, known as overdrafting, is highly undesirable as it can lead to dried up water resources and lower water quality that is unsafe for both agricultural and urban use.<sup>28</sup> Therefore, in an effort to manage the use of groundwater, the act was passed in the form of a three bill legislative package: AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley), accompanied by subsequent statewide regulations.

The Sustainable Groundwater Management Act (SGMA) mandates the creation of local agencies in California for high and medium priority basins. These agencies are tasked with developing groundwater sustainability plans to mitigate groundwater overdraft within 20 years. Groundwater Sustainability Agencies (GSAs)—the local agencies created to form the plans—are designated a high level of authority under the SGMA, while the California Department of Water Resources is intended to provide regulatory oversight through evaluation of the plans and continual assistance with technical, financial, planning, and management practices. Simultaneously, the California State Water Resources Control Board (SWRCB) enforces the implementation of Groundwater Sustainability Plans (GSPs). The act defines sustainable groundwater management as the use of groundwater that can be maintained without causing undesirable results, with undesirable results being the chronic lowering of groundwater levels, unreasonable lowering of groundwater storage, significant degraded water quality, surface water depletions, unreasonable land subsidence, or significant seawater intrusion.<sup>29</sup> Within Bill SB 1319 (Pavley), it is clarified which basins are subject to agency oversight and which are only encouraged to enact these measures. As can be seen in Figures 1<sup>30</sup> and 2<sup>31</sup>, the groundwater basins prioritized in the SGMA align closely with

<sup>25</sup>Office of Administrative Law. Guide to Public Participation in the Regulatory Process. Office of Administrative Law. 2016.

<sup>26</sup>Owen, Dave, et al. "California Groundwater Management, Science-Policy Interfaces, and the Legacies of Artificial Legal Distinctions." *Environmental Research Letters*, vol. 14, no. 4, 17 Apr. 2019, p. 045016, 10.1088/1748-9326/ab0751. Accessed 17 Feb. 2022.

<sup>27</sup>California Department of Water Resources. "SGMA Groundwater Management." *Ca.gov*, 2014, [water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management](http://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management).

<sup>28</sup>Pavley, Fran. *SB 1168*. 2014.

<sup>29</sup>Pavley, 2014.

<sup>30</sup>California Agricultural Statistics Service. Gross Agricultural Production Value by County, 1999. 2000. Summary of Agricultural Commissioners' Reports.

## American Politics

the counties that are the highest producing agricultural regions. With the gray areas in Figure 1 being the counties with greater than \$1 billion in gross agricultural production and the tan areas in Figure 2 being basins required to develop GSPs, the two ranges show significant overlap. Therefore, although not an act specifically intended to limit agricultural groundwater use, it plays out this way due to the high amount of water consumption and overdrafting involved in California agriculture.

While the enactment of legislation aimed at regulating the use of groundwater in California has been long overdue and the SGMA is a significant step in the right direction, some argue the act is not efficient enough in practice to protect from the accelerated overdrafting of California groundwater sources. California groundwater has been rapidly diminishing since 2011, and the state's farmers have been pumping 4 to 5 times what can be replenished.<sup>32</sup> California groundwater is governed by correlative rights water law, meaning that groundwater rights are determined by land ownership. Landowners have the right to use a reasonable share of groundwater, and appropriative rights are implemented for the remainder.<sup>33</sup> Therefore, if a farm has access to groundwater on their property, it has essentially gone unregulated. This proves to be an invaluable resource to farms low on the appropriative rights priority chain and nearly all agricultural operations when surface water is scarce due to drought. The lack of groundwater regulation before the SGMA has led to a tragedy of the commons situation for the remaining groundwater supply, a pumping race in which many have overused the resources.<sup>34</sup> The urgency of the situation calls for immediate solutions; however, the SGMA has built in a delayed effectiveness of 20 to 30 years within the legislation. Although the act was passed in 2014 and implementation has already begun, the act is neither expected nor intended to be operative until at least 2034.<sup>35</sup> By the time this deadline is reached, there may not be any groundwater left to manage, given the current rate at which groundwater is being overused and the likelihood of drought in the upcoming years under the changing climate. This is furthered by the theory proposed by Kelly Nishikawa of the Environmental Protection Agency, that this prolonged implementation has the potential to encourage farmers to preemptively increase groundwater use until they face enforced limitation. Besides the issue of delayed effectiveness, the strength of the act itself has been called into question. Several of the terms and goals have been left undefined, such as 'sustainability' itself, meaning that the GSPs could be "subject to heavy farming industry lobbying, which could result in a watering down of the entire purpose of the act."<sup>36</sup> Further complicating its power to produce results, the act does not require the measurement of groundwater levels by either the pumpers or the GSAs; therefore, there is almost no way to verify that the rate of extraction is decreasing; this differs from the CVPIA, in which regular measurements of water levels are mandated. Without knowing who is pumping how much through the reporting of this data, the effectiveness of the SGMA goes largely unevaluated.<sup>37</sup>

#### **IV. Methodology**

This section details the methods that will describe the research conducted. As mentioned in the sections above, the SGMA and CVPIA have potential weaknesses in both their construction and implementation; given the differing ways in which groundwater and surface water have been handled, this section will measure how successful each of the acts were in the immediate years following their passing. Although the expected lag for the SGMA is built into the legislation of the act, measurement will offer perspective as to whether it has had any immediate positive or negative effect,

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<sup>31</sup> California Department of Water Resources. Statewide Map of Current SGMA Basin Prioritization. May 1, 2020. California Public Affairs Office.

<sup>32</sup> Nishikawa, Kelley, "The End of an Era: California's First Attempt to Manage Its Groundwater Resources through Its Sustainable Groundwater Management Act and Its Impact on Almond Farmers" in *Environmental Claims Journal* 28 (2016): pp. 206.

<sup>33</sup> Nishikawa, 2016.

<sup>34</sup> *Ibid.*

<sup>35</sup> Dickinson, Roger. AB 1739. 2014.

<sup>36</sup> Nishikawa, 2016.

<sup>37</sup> *Ibid.*

## American Politics

which is relevant given the severity of the groundwater situation in California. Further, evaluating the immediate effects of the CVPIA will provide a framework to understand implications of the differing legislative approaches to groundwater versus surface water and provide another means to holistically evaluate the water situation in California.

As agriculture accounts for roughly 80% of water usage in the state—and even higher percentages of groundwater and CVP water—agricultural production of water-intensive crops are employed to determine the functionality of the acts. The reason that water supply levels cannot be directly measured to make these judgments is because the SGMA require neither reports including groundwater level measurements nor the usage of groundwater. This creates a gap in understanding of the rate of groundwater consumption and how much is left in the ground. To fill in this gap through alternate means, this paper attempts to provide a correlative determination by recording the production of thirsty crops—almonds, walnuts, and avocados—before, during, and after the implementation of the SGMA. These crops are highly demanded across the world and predominantly grown in California; their cultivation requires high and regular amounts of irrigation, making the growth of these luxury crops problematic in the increasingly drought-stricken state. Due to the economic profitability and lobbying efforts by the agricultural industry, these crops continue to be produced in high volumes.

Additionally, groundwater has been the dominant source of California water since 2006 given the state of drought ongoing for the past two decades. Therefore, if the production of luxury crops maintains high growth levels after the implementation of the SGMA, it is an indication that the act is inadequate in efficiently mitigating exorbitant groundwater usage. For the sake of uniformity and providing an equitable comparison, the CVPIA is measured under the same methodology. While the CVPIA was passed in the last year of drought, the years following implementation were average rainfall years; therefore, this paper can operate under the assumption that surface water was the dominant source of California water for this period. It then becomes evident whether the CVPIA could curb exorbitant surface water use.

It is important to address, however, that the possibility of groundwater water usage in the 1987-1997 period cannot be fully accounted for. In the face of surface water restrictions, farmers could have used groundwater as an alternate source. Given the lack of groundwater record keeping, there is not a way to discover specific amounts used. Due to the evidence that groundwater is largely used in dry years, the analysis will be operating on the assumption that surface water was the primary source of irrigation in the years immediately following 1992.

This research is conducted through the measurement of acres harvested for almonds, avocados, and walnuts, from the years 1987-1997 and 2006-2020. Wheat serves as a control because it requires a comparatively low amount of irrigation. A grouping of several years preceding the enactment of each piece of legislation will be recorded for background data: 1987-1992 and 2006-present. As both acts were spurred by said droughts, starting with the first dry year in each set of data will give an idea of how water insecurity influenced and continues to influence legislation. Data spanning five to six years after enactment is also recorded to examine the increase, decrease, or stagnation of the acres harvested for each crop, a potential indication of effectiveness. The United States Department of Agriculture provides agricultural statistics in conjunction with the California Field Office, a culmination of databases dating back to 1980, titled the County Ag Commissioner's Data Listing. It is the main source of primary data collection for this project.<sup>38</sup> The data is compiled into comprehensive tables with the year expressed on the vertical column and crop type on the horizontal axis. The results are further translated into growth rate, which provides insight into the change from year to year. This lends a clearer view into how the acts influenced the pattern of crop growth. The data translated into growth rate will be reflected in a chart of similar format, this time also incorporating the unit price of the crops for each year measured.

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<sup>38</sup> USDA. "National Agricultural Statistics Service - California - County Ag Commissioners' Data Listing." [www.nass.usda.gov](http://www.nass.usda.gov), [www.nass.usda.gov/Statistics\\_by\\_State/California/Publications/AgComm/index.php](http://www.nass.usda.gov/Statistics_by_State/California/Publications/AgComm/index.php).

## American Politics

In anticipation of the results, this project expects that water-intensive crops will maintain steady levels of growth, or perhaps a slight increase following the SGMA. It is hypothesized that the act will have little impact thus far due to the 20-to-30-year buffer, and the possibility for an increase comes from the potential pre-emptive incentive for farmers to use more groundwater in the next 20 years or so, before the full effects of the act are realized. As for the CVPIA, it is expected to be somewhat more effective in the immediate years given the lack of a stated expectation of a lag in effectiveness. While there is the potential for lobbying, making it possible that there will not be a highly significant decrease in output growth, the prospect of this influence is unclear given the requirement for community input in all regulatory policies. Therefore, this research expects to find that the CVPIA has been more successful in curbing exorbitant agricultural water use to some degree.

**V. Data Collection of Crop Growth**

Pulling from the County Ag Commissioner's database, Tables 1 and 2 contain the number of acres harvested for both 1987-1997 and 2006-2020. The starting and ending year for each of the droughts, as well as the year in which the CVPIA and SGMA were passed, are labeled on the tables for clarity. No end date is included for the 2006-2020 period as the drought is ongoing to varying degrees. Figures 3 and 4 are intended to further clarify the information in a visual manner. While this information is relevant in beginning to evaluate the effectiveness of the SGMA and CVPIA, as mentioned in the methodology section, change in growth rate is a more accurate indicator of alteration in water use behaviors because it measures the individual crops by their percent increase rather than physical quantity; this helps avoid basing understanding on the wide variation in production levels by acreage. The creation of this statistic from the data within Tables 1-2 and 3-4 is hence necessary in gaining a more thorough comprehension. Therefore, the Tables 3 and 4, as well as Figures 5-14, are constructed with the growth rate that was formed from the collected data represented above. The annual growth rate, abbreviated AGR, is depicted as columns due to the overlap of data in the graphs. Further, the unit price—measured in U.S. dollars—is also incorporated into the following charts and crop-specific graphs to understand how profitability may play a role in production levels. Change in price may be a contributing factor for production increases or decreases in certain years, providing additional background as to why the CVPIA and SGMA is successful or unsuccessful in reducing high water use. Figures 7-10 independently depict each crop's annual growth rate and unit price within the period of 1987-1997. Figures 11-14, with data for the 2006-2020 period, also show the growth rate and unit price of the individual crops.

**VI. Data Analysis for the CVPIA and SGMA**

The following section unpacks the results detailed above, with an explanation of the findings and an interpretation of the potential causes. Looking at the primary tables and graphs (fig. 3 and 4), which record the collected amount of the selected crops, the number of acres harvested of almonds and walnuts has been rising since 2006, whereas avocado output remains steady, and wheat has been decreasing. This differs from the 1987-97 period in which the acres harvested of all four crops remain steady. Based solely off this data, it is presumed that the nut industry is rapidly growing despite attempts to curb high water usage. This story is more comprehensive; however, when looking at the growth rate and unit price regarding the crop-specific graphs following 1992, wheat and almonds lack a clear trend, with their growth rate fluctuating through the 10 years of increasing unit price. On the other hand, it appears as though a decrease in walnut and avocado growth rate began after the implementation of the CVPIA despite rising unit price. It is apparent that after 1992, the low or negative growth rate of output does not coincide with the rapidly increasing profitability. While the trend is not all-encompassing, given that not all the water intensive crops were affected, it does potentially indicate an immediate impact of the CVPIA, meaning that the act was somewhat able to curb exorbitant surface water use in a timely manner. With two of the three water intensive crops exhibiting a possible reaction to the passing of the CVPIA, these results exhibit a substantiated indication that the surface water policy has been

## American Politics

successful in practice. Moving to the SGMA, while there was not an increase in growth rate after its enactment, as hypothesized, the consistent rate of rapid growth, particularly within the nut industry, has not been altered significantly thus far. The growth rate for walnuts and almonds, despite the decreasing unit prices following 2014, continues to hold steady or increase. This does not hold true with avocados, which have been consistently decreasing prior to the enactment of the SGMA, and wheat, which continues to lack a consistent trend. However, with the majority of the measured water intensive crops holding consistent growth rates, the results illustrate a continued increase in water-intensive crop output due to the unwavering continuation of the positive levels of growth rate for almonds and walnuts. This means that the output is continuing to grow nearly as rapidly as it had before the enactment of the SGMA.

To reiterate the main findings, the data collected after the passing of the CVPIA shows that the growth rate of output for walnuts and avocados actually decreased following the passing of the act in 1992, despite the increasing unit price. However, after the SGMA was passed, the growth rate of walnut and almond production remained steadily high, pointing to the continuation of increasingly high output of water intensive crops, especially almonds. The consistent positive growth rate within the past two decades means that crops have doubled or tripled in output over time. As discussed in previous sections, failing to decrease water-intensive crop output in 2006-2020, through both acres harvested and growth rate, indicates that the agricultural water consumption has not been meaningfully lowered effectively or quickly by state policy. While the SGMA provided an opportunity for high groundwater water usage to fall, and thus curb the consistent growth rate, it has seemingly failed to do so in a timely manner, unlike the CVPIA. Again, the SGMA did build an expected lag of 20-30 years into the legislation, meaning that the act is expected to take effect anywhere from 2034-2044. The data line up with this intention as the act has yet to prove any effectiveness. Confirmation of this expectation is troubling, as the situation regarding California groundwater and its rapid depletion is time sensitive. The indication that the act has had nearly no influence on agricultural water consumption means that groundwater overdraft in the state may continue to be uncontrolled for the foreseeable future. The possibility that ineffectiveness may continue for the next 20 years calls into question what the groundwater levels will look like by the time this deadline rolls around. Based on the current trends of water intensive crop growth and the sustained drought in California, it is reasonable to consider that this resource will be past the point of managing. Compared to the regulation of surface water through the CVPIA, which appeared to have some significant impact, groundwater remains a largely unmanaged water resource in the state.

The recorded ineffectiveness of the SGMA based on the rate of water intensive crop growth prompts the consideration of why it fell short of efficient reduction of exorbitant water usage, particularly compared to the somewhat impactful CVPIA. While analysis of the full conglomeration of factors and causes is beyond the scope of this project, one overt facet that demands consideration is the power and influence of the agricultural industry. It is understood that negative effects of climate change, particularly in places with preexisting water stress, will “exacerbate the pressures on water resources and will increase political tensions associated with water reforms.”<sup>39</sup> Given the widespread effects of climate change on California, notably prolonged drought, it is no surprise that lobbying for water resources is extensive within the state. Throughout the country, agricultural lobbyists are a powerful force, with \$128.05 million spent on agribusiness lobbying in 2014 alone.<sup>40</sup> This is no different in California, the largest agricultural producing state in the U.S., where the industry continues to shape

<sup>39</sup>Esteban, Encarna, Ariel Dinar, and José Albiac. "Determinants of Water Lobbying: Irrigators' Behavior in a Water-Stressed Basin." *Water Policy*, vol. 21, no. 5, 2019, pp. 1107-1122. *ProQuest*, <https://www.proquest.com/scholarly-journals/determinants-water-lobbying-irrigators-behavior/docview/2311448295/se-2>, doi:<http://dx.doi.org/10.2166/wp.2019.148>.

<sup>40</sup>Felde, Kitty, and Viveca Novak. "The Politics of Drought: California Water Interests Prime the Pump in Washington." *OpenSecrets News*, 10 Apr. 2014, [www.opensecrets.org/news/2014/04/the-politics-of-drought-california-water-interests-prime-the-pump-in-washington/](http://www.opensecrets.org/news/2014/04/the-politics-of-drought-california-water-interests-prime-the-pump-in-washington/). Accessed 18 Feb. 2022.

## American Politics

policy relevant to agriculture. Its sway on protectionism of certain crops and livestock are particularly widespread; however, its influence on water policy is also prevalent. In 2013, California's largest agricultural water district—the Westlands Water District located in Central Valley—spent roughly \$600,000 on lobbying efforts, a rather high amount compared to other irrigation districts within the U.S.<sup>41</sup> Given the potential for lobbying within the SGMA, the influence of the agricultural industry is a plausible cause for the ineffectiveness of the act thus far. The GSAs formed under the SGMA often include agencies such as counties and water districts, but it is unclear who can be put on the board of directors. Due to this ambiguity, this paper hypothesizes that in particular regions and water districts, the agencies determining the sustainability plans may include those who are interested in limiting the effectiveness of the act. For example, the Westlands Water District—primarily made up of farmers and is heavily involved in agricultural lobbying—has its own GSA.<sup>42</sup> Further, the requirements of the SGMA tend to be vague and key terms are left undefined, further subjecting it to the possibility of lobbying. As for the CVPIA, there also exists a possibility for industry influence because of the openness for community involvement, a result of the statewide requirement for public input in the formation of regulatory policy. However, the community members—some of whom may be agriculturally interested people—are not solely involved in creating and implementing plans to carry out the legislation. While the GSAs under the SGMA, on the other hand, do have some oversight from the California Department of Water Resources and the California State Water Resources Control Board, it is primarily local agencies creating and carrying out the plans that put the SGMA into action. The CVPIA, while it does include the required community input, is still implemented by the state. Overall, the lobbying power of agricultural actors in California and opportunity provided within the act likely had a role to play in the lack of significant effectiveness of the SGMA, whereas the CVPIA was presumably not as impacted by the community input.

Another possibility for the difference in effectiveness between the SGMA and the CVPIA comes from the resources themselves: surface water and groundwater. The two resources, while both invaluable, are undeniably treated differently under California law, as seen in the two policies evaluated in this paper and the lack of any attempt to manage groundwater use before 2014. This phenomenon is not solely present in California. There are several broad hypotheses that attempt to explain why groundwater policy in varying states and countries have been largely ineffective. One frequently cited explanation argues that “lack of political will” is the underlying factor for unsuccessful groundwater policy, meaning that a state has the means to sufficiently control the resource but is not willing to do so.<sup>43</sup> There are several possible reasons for this unwillingness, one being that the state government is a potential beneficiary of the economic benefits provided by groundwater use.<sup>44</sup> The conflict with other state priorities is also noted as groundwater management may not be the highest ranking task for the government to carry out.<sup>45</sup> The likelihood of heavy-handed groundwater policy upsetting a large population of the state—particularly those involved in agriculture—may also be a contributing factor as politicians likely want to avoid implementing unpopular regulations.<sup>46</sup> Unwillingness may also stem from the conflicting goals of conserving groundwater and encouraging economic growth through agricultural production.<sup>47</sup> The lack of political will, caused by one or more of the previously stated motivations, potentially plays a role in the California case and helps to explain the ineffectiveness of the SGMA as compared to the relative success of the CVPIA.

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<sup>41</sup> Felde and Novak, 2014.

<sup>42</sup> Campbell, Kiti. Get to Know Your Groundwater Sustainability Agency: Westlands Water District. 2017.

<sup>43</sup> Molle, François, and Alvar Closas. “Why Is State-Centered Groundwater Governance Largely Ineffective? A Review.” *WIREs Water*, vol. 7, no. 1, 21 Oct. 2019, 10.1002/wat2.1395. Accessed 27 Feb. 2021. <sup>44</sup> Molle and Alvar, 2021.

<sup>44</sup> Molle and Alvar, 2021.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

**VII. Conclusion**

While the data and corresponding conclusions drawn within this research project are correlative rather than causal, there is indication that the strength and speed of the SGMA is lacking based on the output and growth rate of water intensive crops in California. Understanding the two different water resources that the acts concentrate on—surface water and groundwater—provides further insight into the non-uniform ways in which the commodity is regulated, along with information as to how they differ in their management challenges. Groundwater, often used in the face of drought, has long gone unmanaged and despite the landmark significance that the SGMA symbolized, has not lived up to the goal of protecting the resource for sustained future use. The growth rate of water intensive crops in the agricultural industry—luxury goods that are unnecessary and unable to sustain the growing population—remained nearly the same as it was before the passing of the historic SGMA. This is different from the CVPIA, passed years before and aimed at conserving and regulating the consumption of surface water, the legislation could enact more immediate change in water use. These two pieces of legislation and their degrees of effectiveness hold importance as the conservational efforts intended to preserve water resources in the drought-ridden state of California influence the future conditions of water availability.

Water conservation is an urgent issue in California. The state has suffered prolonged drought since 2006, and the situation is expected to endure as an issue that the state must face as climate change progresses. This necessitates early action so that the state is prepared in these coming years, particularly regarding the effective management of water resources so that the urban and agricultural regions have sufficient reserves in the long run. The problem is intensified by California's growing population: as the state acquires more residents, both from rising birthrates and immigration from other regions of the U.S. and world, the need to provide personal-use water increases. The need for crops that can efficiently feed this growing population will increase in tandem, rendering luxury crops that inefficiently use water unviable. Further, with the high demand for groundwater at the moment and likelihood of necessity in the future, the ineffective management of the commodity is increasingly concerning. Groundwater is at severe risk of overdraft, given high reliance on the resource due to the prolonged drought preventing sufficient surface water supply. The SGMA showed potential as a solution to help remedy this dilemma; however, the problem persists as the act has not yet shown indications of significant influence.

The continuation of uncurbed exorbitant water usage, unrivaled by particular economically profitable yet highly wasteful agricultural products, holds critical implications for the state. The passing of the SGMA was a meaningful starting point and showed a desire for change of groundwater management in California; however, the lack of immediate results for its regulation—likely caused in part by the lobbying influence of the agricultural industry and lack of political will—illustrates the necessity for implementation of policy with the actual strength to curtail high water use so that future resources will be available. California, and the West as a whole, has experienced issues with the management of water before the state even possessed official establishment; in the past, with the lower populations and more moderate environmental conditions, the problem has been put off or inefficiently dealt with time and time again. Due to the urgency posed by extreme weather conditions and the growing number of state residents, California is now faced with the choice to continue with inaction through low-efficiency solutions or to begin implementing potent legislation that can ensure sustained groundwater reserves for the coming years.



American Politics

Appendix

Figure 1: Gross Agricultural Production Value by County, 1999

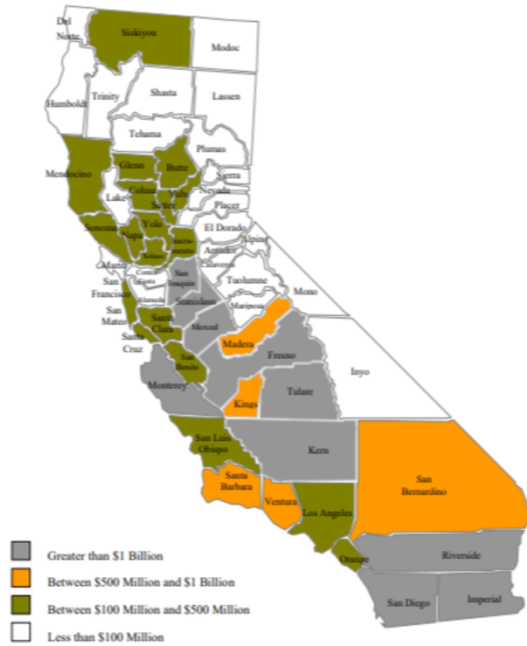
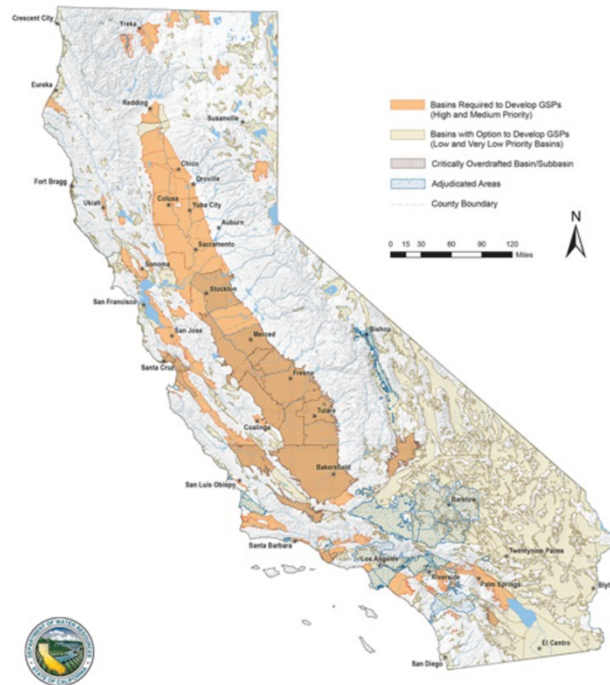


Figure 2: Map of Basins



American Politics

Figure 3: Crop Growth by Acres Harvested, 1987-1997 (K)

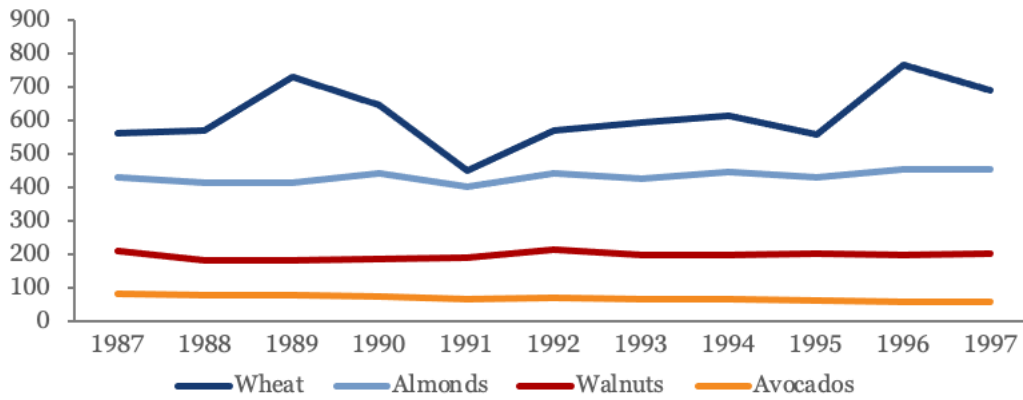


Figure 4: Crop Growth by Acres Harvested, 2006-2020 (K)

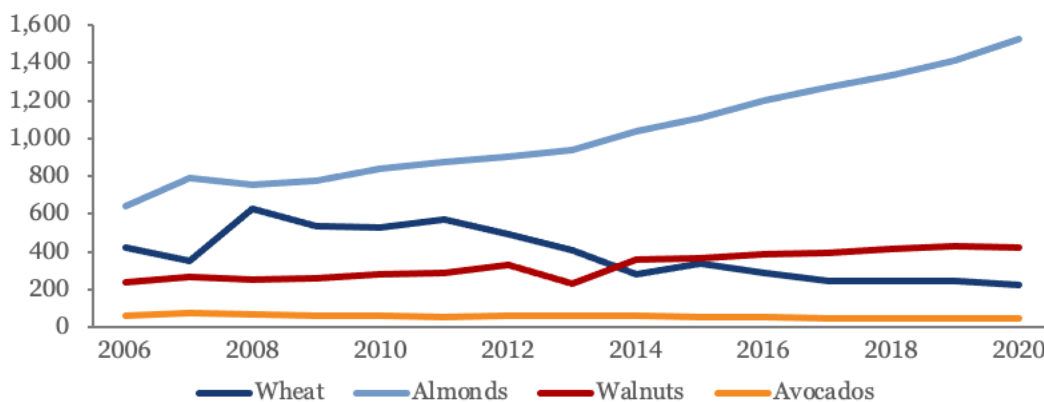
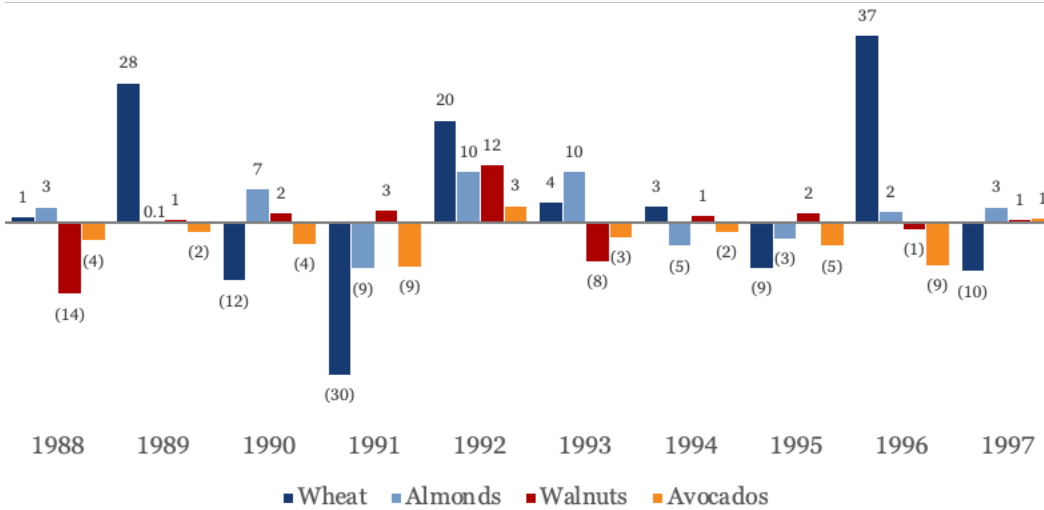


Figure 5: Crop Growth Rate, 1987-1997 (%)



American Politics

Figure 6: Crop Growth Rate, 2007-2010 (%)

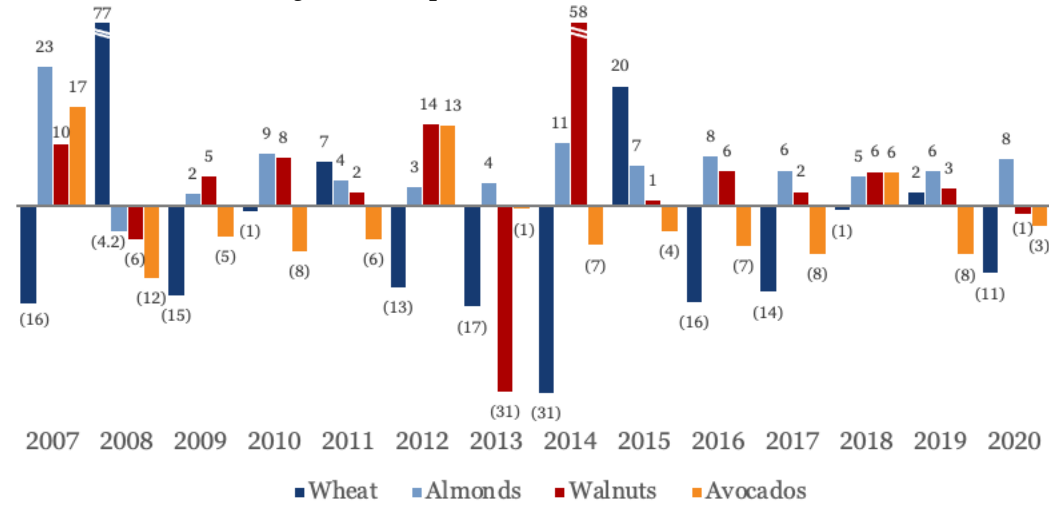


Figure 7: Wheat AGR (%) and Unit Price (\$), 1988-1997

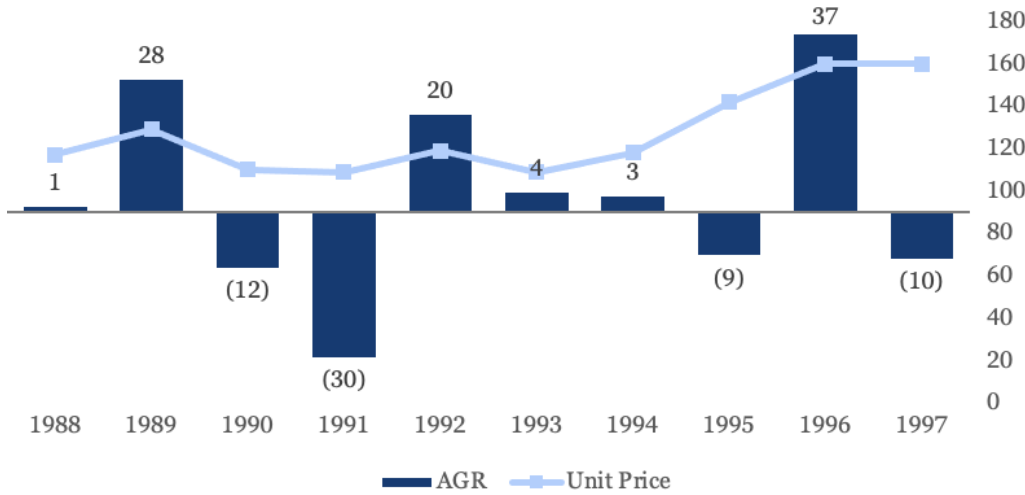
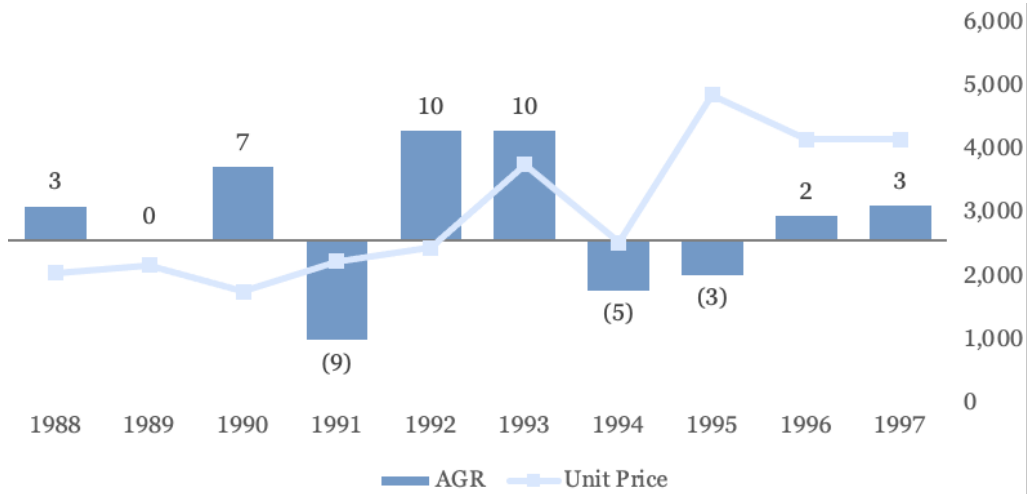


Figure 8: Almonds AGR (%) and Unit Price (\$) 1988-1997



American Politics

Figure 9: Walnuts AGR (%) and Unit Price (\$) 1988-1997

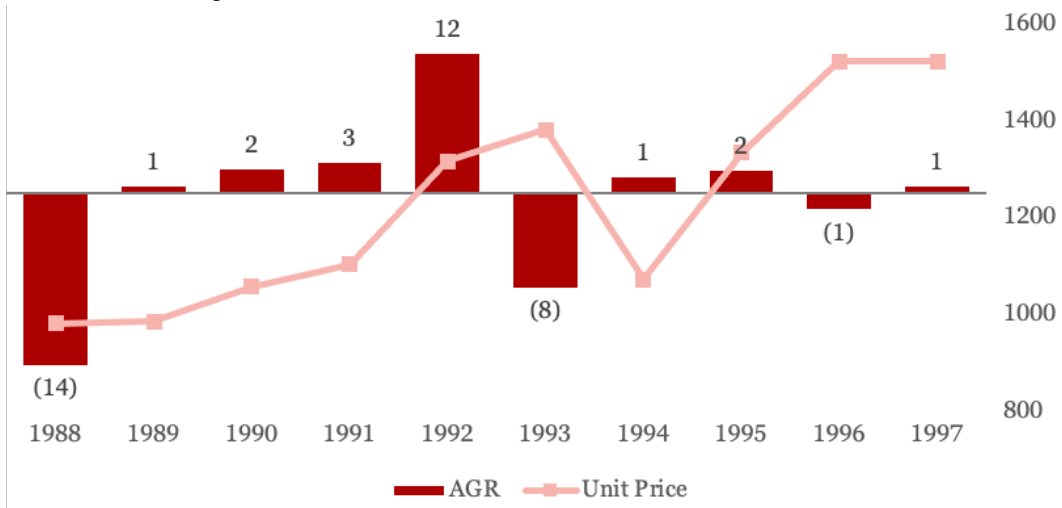


Figure 10: Avocados AGR (%) and Unit Price (\$) 1988-1997

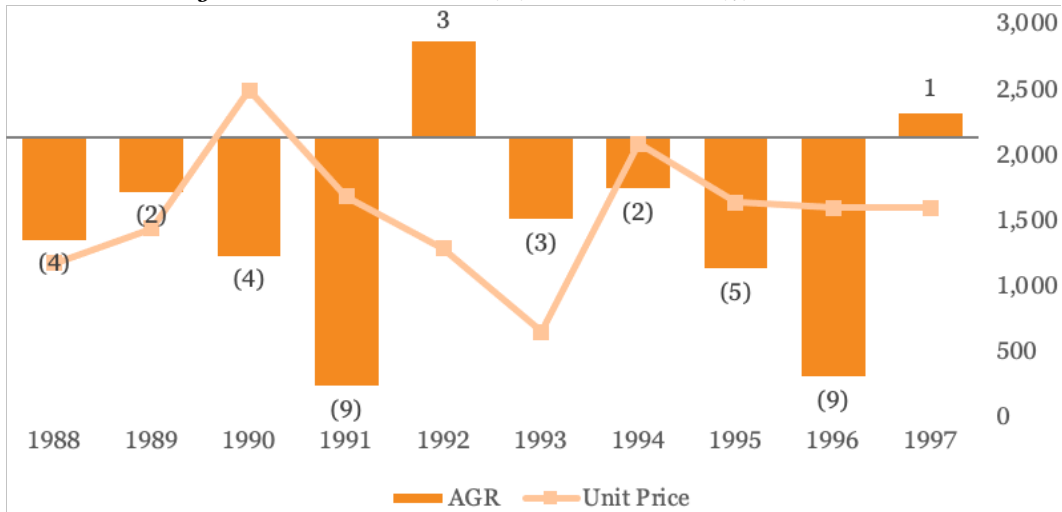
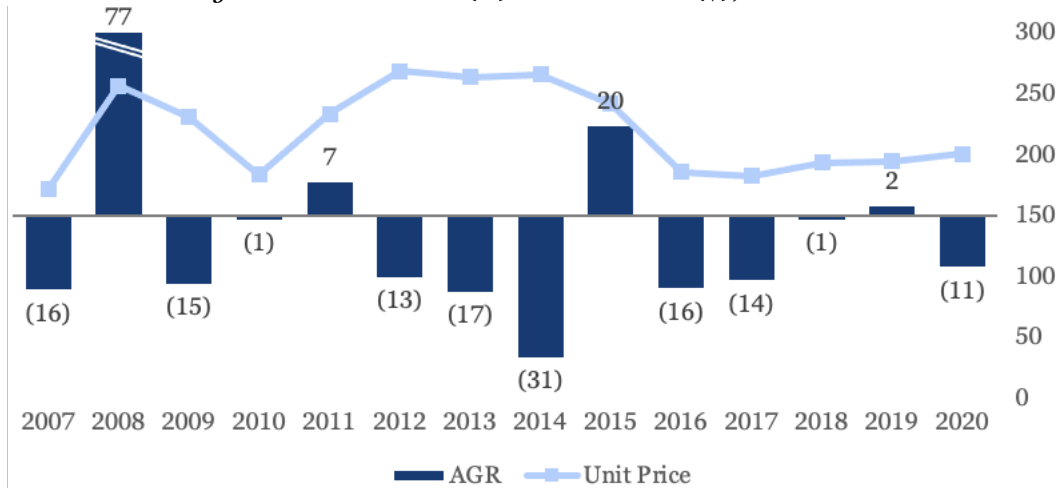


Figure 11: Wheat AGR (%) and Unit Price (\$), 2007-2020



American Politics

Figure 12: Almonds AGR (%) and Unit Price (\$) 2007-2020

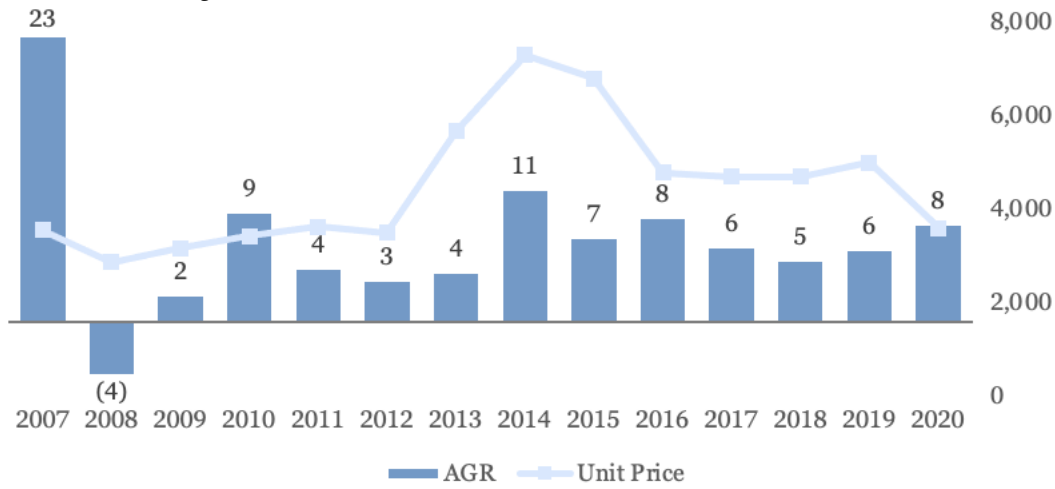


Figure 13: Walnuts AGR (%) and Unit Price (\$) 2007-2020

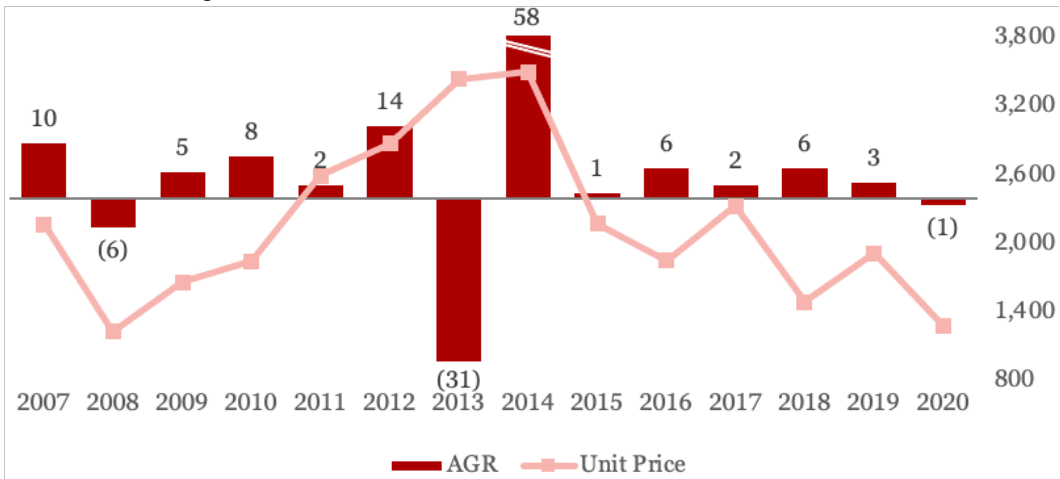
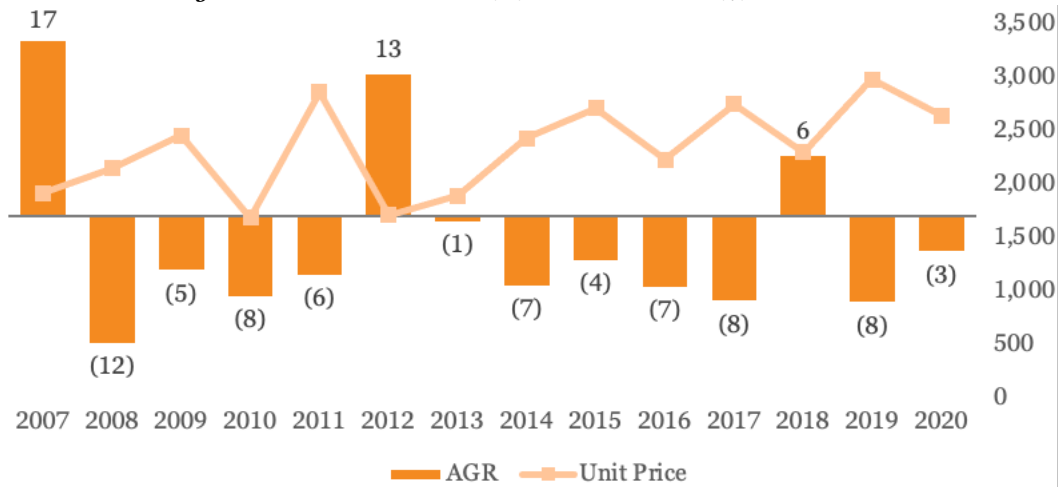


Figure 14: Avocados AGR (%) and Unit Price (\$) 2007-2020



## American Politics

Table 1 (Acres)

	Wheat	Almonds	Walnuts	Avocados	
<b>1987</b>	562,302	427,685	210,204	79,270	← Beginning of drought
<b>1988</b>	569,203	414,181	180,234	76,350	
<b>1989</b>	728,210	414,425	181,269	74,846	
<b>1990</b>	643,213	442,189	184,850	71,648	
<b>1991</b>	447,490	401,050	189,515	65,276	
<b>1992</b>	569,044	441,668	211,541	67,509	← End of drought; CVPIA passes
<b>1993</b>	592,917	423,604	194,957	65,901	
<b>1994</b>	612,756	443,636	197,679	64,669	
<b>1995</b>	557,151	429,113	201,467	61,614	
<b>1996</b>	765,163	439,003	198,718	56,335	
<b>1997</b>	690,299	453,294	199,820	56,825	

Table 2 (Acres)

	Wheat	Almonds	Walnuts	Avocados	
<b>2006</b>	422,967	642,661	239,973	64,180	← Beginning of drought
<b>2007</b>	354,165	790,161	264,517	74,767	
<b>2008</b>	626,176	756,898	249,789	65,844	
<b>2009</b>	533,325	773,029	262,125	62,472	
<b>2010</b>	528,763	840,634	283,090	57,747	
<b>2011</b>	568,155	876,195	289,809	54,561	
<b>2012</b>	491,846	904,581	329,112	61,856	
<b>2013</b>	409,884	940,160	228,223	61,519	
<b>2014</b>	283,220	1,039,225	359,793	57,475	← SGMA passes
<b>2015</b>	339,415	1,109,526	363,705	55,081	
<b>2016</b>	285,431	1,202,093	384,662	51,411	
<b>2017</b>	244,800	1,273,518	394,096	47,308	
<b>2018</b>	242,722	1,335,675	416,667	50,009	
<b>2019</b>	248,441	1,413,130	429,075	45,963	
<b>2020</b>	220,690	1,522,790	423,144	44,423	

Table 3 (AGR in % and Unit Price in \$)

Year	Wheat AGR	Wheat Unit Price	Almonds AGR	Almonds Unit Price	Walnuts AGR	Walnuts Unit Price	Avocados AGR	Avocados Unit Price
<b>1987-88</b>	1.23	117	3.16	2,045.00	-14.26	981.00	-3.68	1,181
<b>1988-89</b>	27.94	129	0.06	2,174	0.57	984	-1.97	1,446
<b>1989-90</b>	-11.67	110	6.76	1,751	1.98	1,056	-4.27	2,497
<b>1990-91</b>	-30.43	109	-9.3	2,235	2.52	1,102	-8.89	1,689
<b>1991-92</b>	20.46	119	10.13	2,447	11.622	1,316	3.42	1,293
<b>1992-93</b>	4.2	109	-4.09	3,764	-7.84	1,381	-2.96	656
<b>1993-94</b>	3.35	118	4.73	2,525	1.39	1,071	-1.87	2,090
<b>1994-95</b>	-9.07	142	-3.27	4,860	1.92	1,334	-4.72	1,641
<b>1995-96</b>	37.33	160	2.3	4,161	-1.36	1,522	-8.56	1,603
<b>1996-97</b>	-9.78	160	3.19	4,161	0.55	1,522	0.87	1,603

## American Politics

Table 4 (AGR in % and Unit Price in \$)

Year	Wheat AGR	Wheat Unit Price	Almonds AGR	Almonds Unit Price	Walnuts AGR	Walnuts Unit Price	Avocados AGR	Avocados Unit Price
<b>2006-07</b>	-16.27	172	22.95	3,571	10.22	2,161	16.5	1,914
<b>2007-08</b>	76.8	257	-4.21	2,882	-5.57	1,227	-11.93	2,150
<b>2008-09</b>	-14.83	231	2.13	3,189	4.94	1,659	-5.12	2,453
<b>2009-10</b>	-0.86	184	8.75	3,437	7.99	1,842	-7.56	1,685
<b>2010-11</b>	7.45	234	4.23	3,647	2.37	2,587	-5.52	2,861
<b>2011-12</b>	-13.43	269	3.24	4,518	13.56	2,870	13.37	1,711
<b>2012-13</b>	-16.66	264	3.93	5,681	-30.65	3,432	-0.54	1,890
<b>2013-14</b>	-30.9	266	10.54	7,319	57.65	3,495	-6.57	2,431
<b>2014-15</b>	19.84	242	6.76	6,819	1.09	2,166	-4.17	2,712
<b>2015-16</b>	-15.91	186	8.34	4,797	5.76	1,847	-6.67	2,226
<b>2016-17</b>	-14.23	183	5.94	4,712	2.45	2,325	-7.98	2,749
<b>2017-18</b>	-0.85	194	4.88	4,708	5.73	1,485	5.71	2,295
<b>2018-19</b>	2.36	195	5.8	5,021	2.98	1,908	-8.09	2,982
<b>2019-20</b>	-11.17	201	7.76	3,617	-1.38	1,275	-3.35	2,641

## American Politics

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## American Politics

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American Politics

**“The System Stinks”:  
How the Bipartisan Campaign Reform Act of 2002  
Became Law**  
Mostafa El Sharkawy

—  
**Introduction**

In March 2002, the McCain-Feingold Act, more commonly referred to as the Bipartisan Campaign Reform Act (BCRA), passed the U.S. Senate in a 60-40 vote.<sup>1</sup> A culmination of a 7-year legislative battle, the BCRA represented the biggest overhaul of the campaign finance reform system since the Watergate Scandal of 1973.<sup>2</sup> Despite bipartisan support in Congress, the BCRA received significant opposition from Republican Party (GOP) members for many years before its passage and even after it became law. Its Republican championship intrigued many observers as campaign finance reform was historically a Democratic Party objective.<sup>3</sup> Curiously, the BCRA was passed by a GOP-led Congress, enacted into law by a GOP President, and was maintained in a Supreme Court decision in 2003 by a majority of GOP-appointed justices. With this in mind, it would be reductive to characterize its passage as a product of regular legislative horse trading. Instead, one must consider the specific actors and events that created the favourable conditions for this kind of legislation to pass. As such, this paper will consider how the BCRA became law.

The prescribed role of the BCRA was to decrease the influence of money in politics. This reflects the public sentiment that money should not affect the decision-making of politicians in the United States.<sup>4</sup> A majority of Americans take issue with the influence of money in politics as it harms their perception of the democratic process and its integrity.<sup>5</sup> It is reasonable to assume that as rational actors, policymakers should be informed by sound logic and information as opposed to unaccountable and unregulated special interests. Corruption in politics often involves corporate and moneyed interests as they attempt to lobby politicians for their cause. With this in mind, understanding how such a sweeping law could pass yields a rigid framework for future use. It exposes interests and ideas integral to this kind of legislation. It also inquires whether there exist incentives for self-regulation, just as this bill did. The BCRA presented no inherent incentive for politicians who had benefited from maintaining the system through their election.<sup>6</sup> An analysis of the BCRA contributes to this understanding by unpacking the effect of individual actors, special interests, and bipartisan legislative events, especially in light of the hyper-polarized nature of today’s U.S. Congress.<sup>7</sup> Moreover, it stands at odds with rational theoretical models in policy studies.

<sup>1</sup>William M. Welch and Jim Drinkard, “Passage Ends Long Struggle for McCain, Feingold” *USA Today*, March 20, 2002. <http://usatoday30.usatoday.com/news/washdc/2002/03/21/usat-mccain.html>.

<sup>2</sup>Victoria A. Farrar-Myers and Diana Dwyre, “Campaign Finance Reform in the 105th Congress: A Tale of Unorthodox Policymaking,” in *Limits and Loopholes: The Quest for Money, Free Speech, and Fair Election* (Washington: CQ Press, 2008), 11.

<sup>3</sup>Raymond J. La Raja, *Small Change: Money, Political Parties, and Campaign Finance Reform* (Ann Arbor, MI: University of Michigan Press, 2008), 14.

<sup>4</sup>Russell Berman, “How Can the U.S. Shrink the Influence of Money in Politics?” *The Atlantic*, March 16, 2016. <https://www.theatlantic.com/politics/archive/2016/03/fix-money-in-politics/473214/>.

<sup>5</sup>Berman, “How Can the U.S. Shrink the Influence of Money in Politics?”

<sup>6</sup>In the American congressional system, the unique roles that U.S. Senators have as policymakers and elected officials can result in choosing between good policy and good politics. The nature of the BCRA, and other regulatory legislation, displays this very clearly. See: David R. Mayhew (2008) for an excellent understanding of American Senatorial politics.

<sup>7</sup>Scholars of American politics have characterized the polarization in Congress to be a product of ideological polarization within the Republican and Democratic Party which results in a polarization among the two major parties. For sociological and political research on this literature see: Abramowitz and Saunders 1998; DiMaggio et al. 1996; Fiorina, Abrams, and Pope 2005; McCarty, Poole, and Rosenthal 2009. Another group of literature refers to an ‘evangelization’ of the U.S. Congress. This research argues that evangelical congress people were inherently more religious and conservative in their policy beliefs and that they are more likely to be Republican

## American Politics

By utilizing the Multiple Streams Framework (MSF), this paper's theoretical foundations will rely on John Kingdon's key concepts—policy entrepreneurs, policy windows, and the three streams (policy, problem, and politics).<sup>8</sup> The paper will underscore the vital interests, institutions, and ideas that enabled the bill's passage. In particular, I will highlight specific policy entrepreneurs and their ideas, the nature of American legislative institutions, and public sentiment in the early 2000s. In line with the MSF, I will argue that the BCRA passed in 2002 because of a necessary alignment of a real problem stream spurred by the Enron Scandal, a politics stream exploited by Senator John McCain, and a policy stream articulated and refined by the seven-year work of senators. In unpacking the institutional factors, influence of interest groups, and political factors, this paper will demonstrate that only the policy window created for a short period in 2002—wherein the Enron Scandal, McCain effect, and familiarity of some earlier version of the BCRA in a past Congress—enabled the passage of this act. I should note that this paper will only look at the Senate bill of the BCRA, not the House version. For the sake of clarity, a focused look at its passage in the Senate best highlights the interests, ideas, and institutions at play. It also provides greater understanding of theoretical approaches.

I will begin by first providing a brief history of the BCRA, from 1995 to 2002. Then, I will explore each of the key interests, ideas, and institutions that led to the BCRA in its final form. I will apply the MSF to the BCRA's passage with special attention to Senator John McCain, as a policy entrepreneur, and the focused event of the Enron Scandal. Finally, I will revisit the argument in light of the analysis and briefly outline the avenues of future research in this policy area.

### **I. Background**

To analyze the passage of the BCRA, we must first understand the objective of the bill. The BCRA of 2002 was a formative piece of legislation on the issue of campaign finance reform in the United States. Since the Watergate Scandal, the US Congress has passed incremental, and largely ineffective laws to combat the influence of money in politics.<sup>9</sup> While earlier versions of the BCRA may differ semantically from the final version, its contents are similar. In short, the BCRA had three two main components: (1) the reduction of special interest influence by limiting 'soft money' spending, increasing 'hard money' limitations, and strengthening reporting requirements and (2) the regulation of electioneering communications on behalf of political candidates.<sup>10</sup> The regulations on 'soft money' were most significant as it was the most unregulated avenue of political fundraising. Before the BCRA, 'soft money' could go directly towards advertisements, 'issue ads,' and direct candidate campaigning. The BCRA mandated that 'soft money' would go towards general party-building activities.<sup>11</sup> The electioneering communications clauses meant that no organization, corporation, or union could place an 'issue ad' for a candidate 60 days prior to a general election.<sup>12</sup> An issue advertisement refers to advertisements that may target the policy position of a particular candidate, but stops short of encouraging or discouraging voting for that candidate.<sup>13</sup> On the whole, the BCRA dispelled the influence of moneyed interests and lowered the appearance of corruption on the part of U.S. legislators.

In 1995, Arizona's Republican Senator John McCain and Wisconsin's Democratic Senator Russell Feingold penned an op-ed calling for a comprehensive change to the

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than Democratic, see Mathew (2018). Complementing this research is Burrell Van Jr. (2021) who finds that the Tea Party Movement that emerged in the early 2010s is responsible for much behavioural polarization in Congress.

<sup>8</sup> John W. Kingdon, *Agendas, Alternatives, and Public Policies*. 2nd ed. (New York: HarperCollins College Publishers, 1995).

<sup>9</sup> La Raja, Small Change: Money, Political Parties, and Campaign Finance Reform, 43.

<sup>10</sup> U.S. Congress, Senate, *Bipartisan Campaign Reform Act (BCRA) of 2001*, S.27, 107<sup>th</sup> Cong., 1<sup>st</sup> sess. Introduced January 22, 2001, <https://www.congress.gov/bill/107th-congress/senate-bill/27>.

<sup>11</sup> Federal Elections Commission, "FAQ on the BCRA and Other New Rules", February 2005. [https://transition.fec.gov/pages/brochures/bcra\\_brochure.pdf](https://transition.fec.gov/pages/brochures/bcra_brochure.pdf)

<sup>12</sup> Federal Elections Commission, "FAQ on the BCRA and Other New Rules", February 2005.

<sup>13</sup> Christopher A Cooper, and Anthony J. Nownes. "Money Well Spent?: An Experimental Investigation of the Effects of Advertorials on Citizen Opinion," *American Politics Research* 32, no. 5 (September 2004): 549.

## American Politics

campaign finance reform laws.<sup>14</sup> Just two years later, the senators introduced the inaugural version of the Bipartisan Campaign Reform Act but failed to garner much attention from other legislators or the media.<sup>15</sup> The 1997 version of the BCRA hardly differed from the successful 2002 version; however, lack of political motivations and an unfavourable senatorial environment saw the bill fail to pass that year.<sup>16</sup> Another version of the bill was introduced in the House of Representatives in 1999 but was never brought to the Senate for similar reasons.<sup>17</sup> Until then, some version of campaign finance reform had been introduced in almost every congressional session, and legislators were becoming more familiar with its content. It also highlighted the sheer persistence of Senator McCain and others. This would become particularly useful to the MSF theoretical approach as discussed later. In each debate over the BCRA, critics explained that the bill posed a threat to Americans' First Amendment rights and that it did little to combat self-financed and wealthy political candidates.<sup>18</sup> Key among these critics was Republican Senator Mitch McConnell, who rallied against the BCRA continuously and even brought a lawsuit against the Federal Elections Commission in an attempt to strike it down.<sup>19</sup> Proponents of the bill insisted that while it was imperfect, the BCRA was a "step in the right direction."<sup>20</sup> Its main proponents were Democratic members of Congress, and only a fraction of Republicans would ultimately support the bill. In any other case, this kind of back-and-forth would persist until a reasonable concessionary amendment was made. A watered-down version of the bill would later pass.

Senators play a unique role in the American policy process. Unlike in other Western democracies such as Canada or the United Kingdom, senators play a strong individual role in creating, formulating, and passing a legislative agenda.<sup>21</sup> Either through bill sponsorship, where a senator plays the key role in policy formulation, or roll call voting, where other senators play a key role in decision-making, the U.S. Senate should be seen as a policymaking body.<sup>22</sup> Since the 1960s, the U.S. Senate has been thought of as taking a more individualistic approach with more policy entrepreneurship than in the past.<sup>23</sup> As such, it becomes an ideal body to distill the influence of individuals in the policymaking process of the United States.

## **II. *The Senate, the Senator, and the Republican Nominee: What interests and institutions helped the BCRA become law?***

In 2001, the outgoing Clinton administration was replaced by the Republican presidency of George W. Bush. During the Bush administration, the U.S. policymaking process could be expedited only for GOP interests. Republicans did not make campaign finance reform central to their legislative agenda, but control over the agenda could be useful to a diplomatic senator like McCain. This is especially important given the relatively broad autonomy that senators have in setting the legislative agenda and formulating policy.

More importantly, however, McCain's run for the GOP presidential nomination brought the issue of campaign finance reform and political corruption into the public eye. McCain was successful in assigning political weight to an issue that would otherwise not have been central to the GOP base. Coupled with George Bush's self-characterization

<sup>14</sup> Seth Gitell, "Making sense of McCain-Feingold and Campaign Finance Reform," *The Atlantic*, July/August 2003, <https://www.theatlantic.com/magazine/archive/2003/07/making-sense-of-mccain-feingold-and-campaign-finance-reform/302758/>

<sup>15</sup> Gitell, "Making sense of McCain-Feingold and Campaign Finance Reform."

<sup>16</sup> Rachel Condon, "Paying for America's Elections: The Bipartisan Campaign Reform Act and Information Access," *Documents to the People* 47, no. 4 (Winter 2019): 22.

<sup>17</sup> Condon, "Paying for America's Elections," 23.

<sup>18</sup> Condon, "Paying for America's Elections," 24.

<sup>19</sup> Mitch McConnell v. Federal Elections Commission, *Legal Information Institute*, October 2003. <https://www.law.cornell.edu/supct/html/02-1674.ZS.html>

<sup>20</sup> Senators Bennet and Daschle, speaking on S. 27, 107<sup>th</sup> Cong., 1<sup>st</sup> sess., *Congressional Record – Senate* (March 20, 2001): S2536, pt. <https://www.congress.gov/crec/2001/03/20/CREC-2001-03-20-pt1-PgS2536-2.pdf>.

<sup>21</sup> Wendy J Schiller, "Senators as Political Entrepreneurs: Using Bill Sponsorship to Shape Legislative Agendas," *American Journal of Political Science* 39, no. 1 (1995): 187.

<sup>22</sup> Schiller, "Senators as Political Entrepreneurs," 188.

<sup>23</sup> Colton C Campbell, *Leadership in the U.S. Senate: Herding Cats in the Modern Era*, (Boca Raton, FL: Routledge, an imprint of Taylor and Francis, 2018): 10.

## American Politics

as a “reformer with results,”<sup>24</sup> the president would have little political incentive to veto the bill. McCain framed this issue in an appeal to voters’ emotions; he argued that policy decisions should be dictated by the people, not special interests.<sup>25</sup> Thus, while he was ultimately denied the Republican nomination, his idea became a part of public discourse and a serious consideration for senators. Importantly, McCain became emblematic of the issue and framed it through the dangers of ‘soft money’ and electioneering communications to which he then presented a solution in the form of the BCRA. McCain’s campaign for the Republican nomination and the eventual election of a GOP president in 2000 were both key changes in ideas and institutions absent before 2002.

It is also important to highlight the role of John McCain, particularly in relation to the framing of this issue area. McCain’s commitment to bipartisanship in this policy area was persistent and avoided the perception of self-interest, especially as he continued to tie it to an altruistic good. In the eyes of the public, Senator McCain’s fight against ‘special interests’ was an admirable crusade and gave him an exclusive amount of legitimacy to introduce the bill. This is especially true after 2000 wherein the legislative and political interests aligned.

The U.S. Senate did not help advance this legislation but provided the necessary framework to allow for its passage. First, the Senate’s composition changed in the 2000 election to the advantage of BCRA reformers. Democrats won four new Senate seats, and a Republican senator defected to the Democratic side in 2000; all supported campaign finance reform.<sup>26</sup> Ordinarily, a Democratic seat gain would not be of any benefit to a Republican senator, but the bipartisan temperament of the Senate made this change useful to McCain and the BCRA. These seats were likely to net five new votes for the BCRA and therefore indicate a successful passage of the bill because of the 60-vote filibuster threshold in the U.S. Senate. Secondly, the Senate’s structure encourages compromise, which, in polarized environments, should lead to greater bipartisanship.<sup>27</sup> Recalling Senator McCain’s belief that reform in this area must be in a bipartisan manner, the institutional structure of the Senate was an advantage. Thus, this legislation succeeded because of the Senate’s bipartisan nature, not in spite of it.

### **III. Labor Unions and Political Scientists: How did special interests influence the BCRA?**

One of the greatest obstacles to this legislation was that it attempted to regulate and contain external forces pervasive in Washington D.C.. In the last few election cycles of the 1990s, national parties raised and spent at an exponential pace. By the 2000 election cycle, they had raised and spent \$495 million, largely from corporations and unions.<sup>28</sup> Special interest spending crossed political lines and made it increasingly difficult to find any partisan advantage to support campaign finance reform. Undoubtedly, special interests, including advocacy groups and corporations, played some role in this legislation’s passing. Public interest groups like the Centre for Responsive Politics took a particular interest in political party spending outside of FEC purview.<sup>29</sup> Following the 1996 election, Norman Ornstein, a political scientist with the conservative think-tank American Enterprise Institute, produced a report that pushed Senators McCain and Feingold to insist on keeping the ‘soft money’ provisions of the

<sup>24</sup> Walter Shapiro, “Remembering John McCain’s Campaign Reform Legacy,” *The Brennan Center for Justice*, July 25, 2017, <https://www.brennancenter.org/our-work/analysis-opinion/remembering-john-mccains-campaign-reform-legacy>

<sup>25</sup> Shapiro, “Remembering John McCain’s Campaign Reform Legacy,” July 25, 2017.

<sup>26</sup> Allan Cigler, “Enron, a Perceived Crisis in Public Confidence, and the Bipartisan Campaign Reform Act of 2002,” *Review of Policy Research* 21, no. 2 (February 2004): 243.

<sup>27</sup> Ross K. Baker, *Is Bipartisanship Dead?: a Report from the Senate*. (London: Routledge, 2016): 35. Baker also details the effect of the Senate filibuster on bipartisanship. While it does not materially affect the BCRA as many legislations face the Senate filibuster, it is an interesting procedural attempt by opponents to stall its passage. When evoked by a Senator, the bill in question must receive 60 votes to close debate on it and proceed to voting. This is in contrast to the regular 51 vote majority required for the 100-person U.S. Senate.

<sup>28</sup> Diana Dwyre and Robin Kolodny, “Throwing Out the Rule Book: Party Financing of the 2000 Elections,” In *Financing the 2000 Election*, ed. David Magleby (Brookings Institution Press, 2002), 133-162.

<sup>29</sup> Dwyre and Kolodny, “Throwing Out the Rule Book,” 133-162.

## American Politics

bill.<sup>30</sup> External proponents of this kind produced scholarly, non-partisan reports and advertisements about the dangers of excessive political party spending. As a result, lawmakers could not escape their claims or accuse them of partisanship.

Another major opposing force was organized labour, which made significant contributions in the 1990s and the 2000 election cycle. Most vocal of labour unions was the AFL-CIO, which after electing a new president in 1995, contributed over \$50 million to candidates in 2000 in addition to \$25 million on radio and TV advertisements criticizing vulnerable Republicans.<sup>31</sup> While Democrats and labour unions formed an informal alliance, the bipartisan nature of the BCRA meant that partisanship could not explain the decision to limit the main operational arm of organized labor. The AFL-CIO could not ally itself with the large number of GOP legislators opposing the BCRA. As such, their influence on the formation of the bill was limited. Much of their influence was concentrated in the ‘soft money’ provisions which they successfully relaxed, from a total ban to a \$2,000 limit for individuals and up to \$10,000 for local party committees.<sup>32</sup> This expanded their ability to spend more on “issue ads and direct candidate funding.”<sup>33</sup> The AFL-CIO joined the lawsuit brought by GOP Senator McConnell to strike down the BCRA in 2004.<sup>34</sup> While the bulk of labour union influence came after the passage of the BCRA and shaped its discourse in blue collar America, labour unions played a role in the soft money provisions of the bill. The precise effect is difficult to discern, but it would be unreasonable to argue that labour unions did not influence the formulation of certain BCRA provisions.

While labour unions opposed the BCRA on the ‘soft money’ provisions, advocacy, and interest groups—particularly conservative ones—opposed the bill entirely. Their line of argument followed the same logic: the BCRA limited their first amendment rights and infringed on their ability to inform their members of Congress’ work. Like political scientists in public interest groups, these opposition groups created a vulnerable environment for some legislators by pressuring their local senators to vote against the bill. And by virtue of their influence on their political campaigns, some threatened to pull the money they would have ordinarily given to them in the next election cycle.<sup>35</sup> These groups formed a part of the bill’s issue network—the group of actors committed to the policy goal—and in fending off the opposition.<sup>36</sup> For instance, the Campaign Reform Project’s Business Advisory Committee, though open to reform, was inherently right-leaning. Thus, their support for the bill helped increase its legitimacy with pro-business interests who may have otherwise opposed the bill.<sup>37</sup> The expansive issue network, which stretched from business interests to religious groups to issue advocacy organizations, forced a more all-encompassing bill. This was necessary for both senators in vulnerable political positions, who risked perceptions of partisanship, but also for the special interests who would ultimately dictate the voting position of the most vulnerable senators. If these special interest groups were not at least partially satisfied, the BCRA could not have passed in its current form.

<sup>30</sup> Thomas E. Mann, “Linking Knowledge and Action: Political Science and Campaign Finance Reform.” *Perspectives on Politics* 1, no. 1 (2003): 78. Mann, who was also in attendance at this meeting, also states that political scientists Anthony Corrado, Michael Malbin, and former journalist Paul Taylor were also invited. The group assessed the wreckage of spending in the 1996 election and based their report both on effectiveness and political viability.

<sup>31</sup> Robert G. Boatright, *Interest Groups and Campaign Finance Reform in the United States and Canada* (Ann Arbor, MI: University of Michigan Press, 2011), 57.

<sup>32</sup> John Curtis Samples, *The Fallacy of Campaign Finance Reform*. (Chicago: The University of Chicago Press, 2006), 243.

<sup>33</sup> Samples, *The Fallacy of Campaign Finance Reform*, 244.

<sup>34</sup> Mitch McConnell v. Federal Elections Commission, *Legal Information Institute*, October 2003. <https://www.law.cornell.edu/supct/html/02-1674.ZS.html>

<sup>35</sup> Audra L. Wassom, “Campaign Finance Legislation: McCain-Feingold/ Shays-Meehan - The Political Equality Rationale and Beyond,” *Southern Methodist University Law Review* 55, no. 4 (2002): 1802.

<sup>36</sup> Hugh Heelo, “Issue Networks and the Executive Establishment,” in *The New American Political System*, ed. Anthony King. (Washington D.C.: American Enterprise Institute, 1978): 87-107.

<sup>37</sup> Victoria A Farrar-Myers and Diana Dwyre, *Limits and Loopholes: The Quest for Money, Free Speech, and Fair Elections* (Washington DC: SAGE Publications, 2007): 20.

## American Politics

**IV. Applying John Kingdon's Multiple Streams Framework**

The MSF provides the most useful mechanisms in explaining how the BCRA passed in 2002. In creating this framework, Kingdon relied on American case studies, and so it is reasonable to assume that the MSF accounts for the unique role of U.S. legislators in policymaking and the American Congressional system.<sup>38</sup> I will use the MSF to define a clear policy, problem, and political stream that concur at a particular time—a policy window—to allow the passage of a policy like the BCRA. I also identify the key policy entrepreneur, Senator John McCain, and his role in this process.

*The Policy, Problem, and Politics Stream*

To Kingdon, the policy stream is the number of proposals and solutions discussed and revised in the policy world without being 'coupled' with a clear problem or a useful political angle.<sup>39</sup> We can understand the earlier versions of the BCRA in 1997 and 1999 as the existence of a solution without a clearly defined problem. McCain and Feingold's solution hardly aligned with any public sentiment that saw campaign finance reform as a real problem or political incentive for senators to support it. Republican John Doolittle's comments on the BCRA in the 105<sup>th</sup> Congress noted how he found the bill premature and that the problem had yet to be 'diagnosed' by the American public.<sup>40</sup> This suggests that the BCRA was just one policy solution option without a problem or political incentive. The final version of the BCRA is considered as one of the several alternatives presented at the time, like GOP Senator Chuck Hagel's compromise campaign finance bill.<sup>41</sup> This is consistent with Kingdon's understanding of a policy idea as a single alternative of many that policymakers couple with a problem.

The problem stream refers to the emergence of a pressing problem that requires the attention of policymakers, usually spurred by indicators, feedback, or focusing events.<sup>42</sup> Focusing events in particular, Kingdon explains, reinforce the perception of an existing problem and are supported by the personal experience of policymakers.<sup>43</sup> In our case, the Enron Scandal of 2001 serves as the focusing event, highlighting the problem of campaign finance and political corruption in Washington. Here began the first instance of coupling wherein the problem stream, through the Enron Scandal, and the policy stream, through the BCRA, meet. As Kingdon explained, the re-focusing of this problem was further supported by Senator McCain's own experience with political corruption as a member of the Keating Five. The Keating Five refers to the dealings between financier Charles Keating and five U.S. senators, including John McCain, in a scheme to trade campaign contributions for favours.<sup>44</sup>

In December 2001, the Enron Corporation, an American energy company, filed for the biggest bankruptcy petition in American history.<sup>45</sup> Enron executives and accountants were later revealed to have engaged in fraudulent accounting practices to hide their debts and toxic assets from investors.<sup>46</sup> To Washington's alarm, Enron had contributed sums of 'soft money' to both Democrats and Republicans in Congress, and President Bush had close relationships with Enron executives.<sup>47</sup> Policy entrepreneurs like John McCain and special interest groups like the Centre for Responsive Politics were quick to capitalize on this widespread example of cronyism and its connection to political corruption in order to highlight an obvious solution, the BCRA. By December of 2001,

<sup>38</sup> Kingdon, *Agendas, Alternatives, and Public Policies*. In this book, John Kingdon applies his framework to a number of American public policies, including healthcare, health insurance, transportation, and deregulation. Kingdon draws on conversations with Senators, Representatives, Congressional Staff and White House Staff.

<sup>39</sup> Kingdon, *Agendas, Alternatives, and Public Policies*, 117.

<sup>40</sup> Representative Doolittle, "McCain-Feingold Campaign Finance Reform Bill a Disaster for America," 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., *Congressional Record* 144 (daily ed. March 27, 1998): H1688.

<sup>41</sup> Andrew Taylor and Derek Willis, "As Campaign Finance Debate Nears, Maneuvers and Worries Intensify," *CQ Weekly* (March 17, 2001): 591.

<sup>42</sup> Kingdon, *Agendas, Alternatives, and Public Policies*, 206.

<sup>43</sup> Kingdon, *Agendas, Alternatives, and Public Policies*, 98.

<sup>44</sup> Dennis F. Thompson, "Mediated Corruption: The Case of the Keating Five," *The American Political Science Review* 87, no. 2 (1993): 370.

<sup>45</sup> John Gledhill, "The Enron Scandal: Global Corporatism against Society," *Social Analysis* 47, no. 3 (Fall 2003): 130.

<sup>46</sup> Gledhill, "The Enron Scandal: Global Corporatism against Society," 131.

<sup>47</sup> Gledhill, "The Enron Scandal," 130.

## American Politics

most Americans were both reminded of the problem of campaign finance reform, highlighted by the fraudulent practices of Enron<sup>48</sup>, and aware of the BCRA as a policy solution to it. Here, Kingdon's theory would argue that political corruption as a function of campaign finance laws morphed from a condition of American policymaking to a problem. Before this focusing event, many Americans and policymakers believed that the current campaign finance system, with its lack of regulation on the influence of money in politics, was merely a condition of Washington D.C.. As Senator Robert Byrd conceded, "money buys access."<sup>49</sup> However, after the Enron Scandal, some GOP policymakers appeared to see campaign finance reform as a solvable problem. One legislator, in changing his vote on the BCRA, commented that "Enron will drive the issue."<sup>50</sup> The press secretary for Common Cause, an issue advocacy group, explained that "the Enron Scandal put soft money back in the news".<sup>51</sup>

In the framework of the multiple streams, the Enron Scandal refocused attention on a real problem, but it was further supported by the experience of Senator John McCain, who was implicated in a political corruption scandal between 1987 and 1992. While Kingdon notes this is a minor indicator of a problem stream, it nonetheless bears some significance to McCain's own motivation, coupling these streams. While McCain was ultimately exonerated by the Senate Ethics Committee, many commented that he "exercised poor judgement."<sup>52</sup> McCain's commitment to campaign finance reform is often thought to have been a moral crusade to exonerate himself from the Keating Five scandal.<sup>53</sup> McCain himself drew direct links between this scandal and the need for campaign finance reform when speaking to supporters in 1999.<sup>54</sup> In line with Kingdon's understanding, this personal experience is considered as reinforcement for an already occurring policy process.

The final stream revolves around the politics of the issue, where Kingdon considers public sentiment, presidential administration changes, and partisan or ideological distributions.<sup>55</sup> Though I referenced some of these changes earlier, particularly the inauguration of a Republican Presidential administration, some attention should be given to ideological composition of the Senate, the national disposition, and the President's role. The American people were not enthused about campaign finance reform; however, that it was part of public discourse in 2000 is a feat for its kind of legislation. Polling data from 2000 and 2001 show that only some factions of the American public believed that campaign finance reform was a priority. In an ABC News poll from 2000, approximately 30 percent of voters said it was "important" or "very important".<sup>56</sup> Many of these respondents were committed McCain supporters in his bid for the GOP presidential nomination.<sup>57</sup> On its own, this hardly suggests a political incentive for senators to support campaign finance reform. However, in comparison to other legislation of this nature, it proves to be a relatively popular agenda item. Campaign finance reform was included in the list of issues voters could choose from in public opinions for the first time in many years.<sup>58</sup> Therefore, there is a reasonable argument that a political incentive existed.

The biggest catapult in the politics stream was not public opinion polls, but rather the change in the Senate's composition after the 2000 election. In the 2000

<sup>48</sup> Cigler, "Enron, a Perceived Crisis in Public Confidence, and the Bipartisan Campaign Reform Act of 2002," 246.

<sup>49</sup> Wassom, "Campaign Finance Legislation: McCain-Feingold/ Shays-Meehan - The Political Equality Rationale and Beyond," 1802.

<sup>50</sup> Karen Foerstel, "Campaign Finance Bill Finds New Energy in Enron Ruins," *CQ Weekly*, January 19, 2001, 168

<sup>51</sup> Foerstel, "Campaign Finance Bill Finds New Energy in Enron Ruins," 168.

<sup>52</sup> Peter Overby, "McCain made campaign finance a years-long mission," *NPR*, August 26, 2018, <https://www.npr.org/2018/08/26/572693293/mccain-made-campaign-finance-reform-a-years-long-mission>

<sup>53</sup> Dennis F. Thompson, "Mediated Corruption: The Case of the Keating Five," 370.

<sup>54</sup> Overby, "McCain made campaign finance a years-long mission."

<sup>55</sup> Kingdon, *Agendas, Alternatives, and Public Policies*, 145.

<sup>56</sup> Cigler, "Enron, a Perceived Crisis in Public Confidence, and the Bipartisan Campaign Reform Act of 2002," 243.

<sup>57</sup> Cigler, "Enron, a Perceived Crisis in Public Confidence, and the Bipartisan Campaign Reform Act of 2002," 243.

<sup>58</sup> ABC News, and The Washington Post. ABC News/Washington Post Poll, April 2000. [distributor], 2001-03-26. <https://doi.org/10.3886/ICPSR03053.v1>



## American Politics

election, the Democratic Party won four seats from their GOP counterparts. One Republican Senator, Thad Cochran, switched sides on the issue after 2000. Senator Cochran explained his decision by saying, "I've had it. The system stinks."<sup>59</sup> All five senators were pro-reform on this issue, and as such, one may argue that their election could be interpreted as public support for campaign finance reform and passage of the BCRA. Importantly, these five votes were necessary for Senator McCain and Feingold's effort to beat the Senate filibuster, which requires a 60-vote threshold. Key to Kingdon's conception of the politics stream is the process of bargaining and consensus-building within government.<sup>60</sup> The change in the Senate's composition made clear that some version of the BCRA would pass. It forced opponents to bargain with Senator McCain and other co-sponsors in an effort to contain the bill. In this case, Senate Majority Leader Trent Lott attempted to bargain with Senator McCain about the inclusion of an amendment that would have required labour unions to ask permission of their members before using any funds for political purposes.<sup>61</sup> Though the amendment ultimately failed, the attempt at bargaining is notable. Senator Lott later stated, "I obviously am still opposed to this bill...but I think we fought that battle for a long time. I think that the preference of the Congress is clear."<sup>62</sup> This concession demonstrates that a favourable Senatorial composition was necessary for the bill's passage.

Finally, the change in Republican administration created a necessary political environment for Senator McCain to force the BCRA onto President Bush, despite his personal opposition. President Bush had faced off with Senator McCain in the presidential primary, and McCain's insistence forced Bush to create a campaign finance reform platform.<sup>63</sup> Further, Bush's close relationship with the CEO of Enron also posed a political risk for the President should he veto the bill. As a member of the same party, President Bush had the natural inclination to support and advertise the legislative achievements of his Republican Senators—in a way that President Clinton before him could not—by simple political affiliation. President Bush's personal opposition to the BCRA but ultimate decision to sign it into law, conveys the potency of the political incentive, and by extension, the existence of a viable political stream.

### V. *The 'Coupling' and the Policy Window*

The previous three sections described each of the policy, problem, and politics stream, which Kingdon explains converge, or couple, at a policy window to solve the problem at hand. In the case of the BCRA, this policy window, or simply a particular moment in time, occurred at the 107<sup>th</sup> Congress. In this policy window, the BCRA had become the most viable and legitimate of policy options, the Enron Scandal had refocused attention on campaign finance reform, and the composition of the Senate and the Republican administration created a favourable environment for the bill's passage. To complete Kingdon's framework, I argue that the politics stream opened the policy window. The final piece of this puzzle was the necessary votes in the Senate and an opportune moment. After this point, the policy window had closed because policymakers felt like they had solved the issue. This is in line with Kingdon's understanding of why policy windows open and close.<sup>64</sup>

The coupling process for the BCRA is as follows: before the Enron Scandal, the BCRA was considered a solution without a problem. After the focusing event, the legislation became both pressing and plausible but lacked the necessary political incentive to see it pass. Policymakers at this point could not reach into the politics stream and create a politically expedient situation. However, one did occur as a result of

<sup>59</sup> Mark Green, *Selling Out: How Big Corporate Money Buys Elections, Rams Through Legislation, and Betrays Our Democracy*. (New York: Regan Books, 2002), 78.

<sup>60</sup> Kingdon, *Agendas, Alternatives, and Public Policies*, 159.

<sup>61</sup> David Nather, "Campaign Finance Bill Evokes Opportunity and Trepidation," *CQ Weekly* (March 2, 2002): 569.

<sup>62</sup> Karen Foerstel, "Daschle Trying to Beat the Clock on Campaign Finance Bill," *CQ Weekly* (March 9, 2002): 637.

<sup>63</sup> Cigler, "Enron, a Perceived Crisis in Public Confidence, and the Bipartisan Campaign Reform Act of 2002," 242.

<sup>64</sup> Kingdon, *Agendas, Alternatives, and Public Policies*, 168.

## American Politics

a change in partisanship within the Senate. Kingdon considers this a “change in the agenda.”<sup>65</sup> Put differently, a majority in the Senate, which sets its own agenda, decided it would change the agenda at the beginning of the 107<sup>th</sup> Congress to debate, deliberate, and eventually pass the BCRA. This all indicates a coupling of politics, policy, and problems that raised the issue of campaign finance reform high enough on the government agenda to lead to the passage of this piece of legislation.

### **VI. McCain: the Policy Entrepreneur**

Our discussion of Senator McCain up to this point has characterized him as the pioneer of the BCRA. Under Kingdon’s framework, Senator McCain is better referred to as the policy entrepreneur behind the bill—the actor that could unite the three streams. Kingdon refers to policy entrepreneurs as the “advocates who are willing to invest their resources, time, energy, reputation, and money to promote a position in return for anticipated future gain in the form of material, purposive, or solidary benefits.”<sup>66</sup> There can be no doubt that Senator McCain invested much of his time, energy, and reputation in bringing the BCRA into the public discourse between 1995 and 2002. In fact, some Republicans believed that he risked the success of the party in the 2000 election by incessantly campaigning on campaign finance reform.<sup>67</sup> As a result of opposing the conventional GOP position, McCain risked his position within the Republican Caucus. McCain possessed the qualities of an entrepreneur, which Kingdon argues includes authoritative decision-making, the ability to negotiate, and persistence.<sup>68</sup> As the so-called ‘consensus builder’ of the Senate, Senator McCain possessed the necessary bipartisan record and ideology to negotiate.<sup>69</sup> Paired with his authority as a U.S. Senator, McCain was well equipped as a policy entrepreneur. But most importantly, McCain was persistent. Senator McCain had spoken in favour of campaign finance reform since 1992, argued for bipartisan campaign finance legislation since 1995, and introduced an early version of the BCRA in 1997. It is difficult to uncouple Senator McCain from the passage of the BCRA; his tenacity and bipartisan spirit were necessary qualities for the ‘coupling’ of the streams and passage of the bill.

### **VII. Conclusion and Key Takeaways**

The Bipartisan Campaign Reform Act became law in 2002 because of a necessary alignment of mostly political forces in Washington D.C.. Despite Republican opposition then and now, vital interests and institutions provided the conditions that saw the BCRA pass the U.S. Senate. The constant stream of competing forces, from Republicans to special interests to institutional factors, nearly killed any hope of campaign finance reform numerous times. However, as this analysis shows, the BCRA passed, not out of rational thought or mediated thinking. Rather, it was a messy mix of bargaining, bipartisanship, politics, and scandal. Though this process might appear to be unique to the United States, future research should consider a comparative analysis of campaign finance reform laws in other Western countries. Future researchers might also consider the utility of Kingdon’s MSF in other instances of self-regulated legislation. It may yield interesting results about the role and motivation of policy entrepreneurship and senators’ policymaking and decision-making behaviour.

John Kingdon’s Multiple Streams Framework is a useful tool to categorize and explain the complex web of events and ideas between 2000 and 2001. In particular, it shows the existence and coupling of a policy option, a pressing problem, and a political incentive for legislators to act. Senator John McCain presented evidence of policy entrepreneurship and was supported by both personal experience with political corruption and institutional bipartisanship in the U.S. Senate.

<sup>65</sup> Kingdon, *Agendas, Alternatives, and Public Policies*, 174.

<sup>66</sup> Kingdon, *Agendas, Alternatives, and Public Policies*, 179.

<sup>67</sup> Overby, “McCain made campaign finance a years-long mission.”

<sup>68</sup> Kingdon, *Agendas, Alternatives, and Public Policies*, 180-181.

<sup>69</sup> Jerry Cornfield, “McCain tells backers to press on,” *Herald Net*, February 8, 2008, <https://www.heraldnet.com/news/mccain-tells-backers-to-press-on/>.

## American Politics

Against all odds, the Bipartisan Campaign Reform Act passed the United States Senate on a near party-line vote. Though it had been introduced many years earlier, a policy window opened in 2002 due to the persistent effort of Senator McCain, a set of institutional factors, and the impact of the Enron Scandal and 2000 Election. While many parts of this legislation were struck down in 2010 by the Supreme Court, one cannot discount the impressive layers of process, persistent policy entrepreneurship, and decision-making that produced the most comprehensive campaign finance reform legislation in American history.

## American Politics

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Section 2:

# Comparative Politics

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## **Featuring:**

“The Impact of State Capacity on Communist Revolutions in Vietnam and Afghanistan”

Written by Reagan Brill  
University of Virginia, History and Foreign Affairs Major, Class of 2022

“The Invisible Influence of Privatization:  
COVID-19-Related Deaths in Public and Private Long-Term Care Homes”

Written by Ana Brinkerhoff  
University of Toronto, Political Science Major, Class of 2022

# The Impact of State Capacity on Communist Revolutions in Vietnam and Afghanistan

Reagan Brill

## Introduction

The Cold War era witnessed communist revolutions in multiple countries around the world. However, many of them did not survive. To explain why this internal nation-building proved successful in some countries but not in others, I will analyze the communist governments in Afghanistan and Vietnam, with the former representing a failed regime and the latter being a successful one. I hypothesize that the reason communism failed in Afghanistan but gained traction in Vietnam is correlated to the level of infrastructural power held by each state. Michael Mann writes that infrastructural power is the “institutional capacity of a central state...to penetrate its territories and logistically implement decisions.”<sup>1</sup> Simply put, state capacity or infrastructural power refers to the state’s ability to carry out its desired policies throughout the country.

Using one of the three approaches to infrastructural power put forth by Hillel Soifer, which he coined the “national capabilities approach,” I will assess the level of infrastructural power held by each state. The national capabilities approach “sees power as the *capability* to exercise control” and measures infrastructural power by assessing “the resources at the disposal of the state for exercising control over society and territory.”<sup>2</sup> Applying these concepts to Vietnam and Afghanistan, three resources will be examined as indicators of infrastructural power: strength of alliances, state funding, and military capability. Using these three factors as indicators, I will assess each state’s level of infrastructural power to determine 1) which nation had greater state capacity and 2) how this state capacity contributed to the success or failure of indigenous nation-building in Afghanistan and Vietnam.

In order to prove the hypothesis that greater levels of state capacity are correlated with sustainable communist overtakings, there should be evidence of a central state with high infrastructural power in the successful case of Vietnam and an absence of such in Afghanistan. Thus, using the three indicators outlined above, Vietnam should have strong alliances, a continuous source of state revenue, and a functioning military in order to be classified as having high infrastructural power. The evidence for Afghanistan, on the other hand, should demonstrate the opposite to illustrate its low levels of state capacity. Furthermore, to conclude that the absence of a strong central state was the reason that communism in Afghanistan failed, the main difference between Vietnam’s and Afghanistan’s regimes should be the countries’ respective levels of state capacity.

A brief history of Vietnam leading up to the Second Indochina War (commonly known as the Vietnam War) will serve to establish the conditions inherited by the North and South Vietnamese governments. Next, an analysis of the evidence for North Vietnam’s state capacity will reveal how it was central to the Communists’ nation-building campaign. This will be coupled with a description of Afghan history leading up to the Communist coup in 1978, followed by an examination of the relevant evidence for infrastructural power. It will be revealed that minimal state capacity, not the implemented reforms, caused the state to fail.

<sup>1</sup> Michael Mann, “The Autonomous Power of the State: Its Origins, Mechanisms and Results,” *European Journal of Sociology / Archives Européennes de Sociologie / Europäisches Archiv Für Soziologie* 25, no. 2 (1984): 189

<sup>2</sup> Hillel Soifer, “State Infrastructural Power: Approaches to Conceptualization and Measurement,” *Studies in Comparative International Development* 43, no. 3–4 (December 2008): 236. <https://doi.org/10.1111/j.1468-2486.2008.00746.x>.



## Comparative Politics

**I. Vietnam: The End of World War II and the First Indochina War**

Prior to World War II, Vietnam was subject to brutal treatment by French colonial forces, which laid the foundation for the Communists' desire for a unified Vietnam, free from foreign influence. While under French control, however, Germany's conquest of France in May of 1940 strained its ability to retain control over its Southeast Asian colony. As a result, Japan saw its opportunity to move into the resource-rich region and established a protectorate over Vietnam in 1940. This granted the French the right to remain in Vietnam as figureheads while the Japanese exercised true power in the region. Watching a fellow Asian nation oust their French occupiers ignited a surge of nationalism and Asian pride within Vietnam, but their enthusiasm was short-lived as the Vietnamese people realized Japan's neglect paralleled that of the French occupation. For instance, in 1945, almost two million people died in a mass famine, during which the Japanese did nothing to alleviate their suffering. This continued colonization, coupled with a clear message that the Japanese were equally as indifferent to the Vietnamese peoples' wellbeing, only fueled the desire for freedom.

Following the fall of French dominance in 1940, communist revolutionary Ho Chi Minh returned to Vietnam where he founded the Independence League of Vietnam (Viet Minh). He and his communist leadership devised a strategy that capitalized on Vietnam's history of colonization by rallying the people around nationalism and anti-interventionism. Several events, including the 1945 famine, enabled Ho Chi Minh to garner public resistance against the Japanese and even raise an army of 5,000 soldiers.<sup>3</sup> Consequently, after the United States dropped two atomic bombs on Japanese cities in August 1945, the Vietnamese Communists were quick to assume authority following the quick, unexpected departure of their occupiers.

After the conclusion of the Second World War, on September 2, 1945, Ho Chi Minh proclaimed the establishment of the Democratic Republic of Vietnam (DRV) with the Indochinese Communist Party as the major political force in the new nation. However, the French recognized the economic value of the rubber-rich region and sought to restore their status as a world power after being humiliated by the Germans, beginning with the recolonization of Vietnam. Competition over control of the country came to a breaking point as Vietnamese communism sought to defeat its former French colonizer. The First Indochina War ensued between the weakened French and nationalist Vietnamese for almost ten years between 1946 and 1954. Misguided by overconfidence, the French found themselves in a war that they could not win, as the Viet Cong proved to be experts in guerrilla warfare and were driven by a desire for freedom from occupation. In 1954, at the Geneva Conference, the French agreed to remove their troops from the northern portion of the country, as Vietnam was partitioned into a communist northern and democratic southern half. This set the scene for another long war, as the North still sought a unified Vietnam under their nationalist communist regime.<sup>4</sup>

**II. State Capacity: North Vietnam and the NLF**

In order to orchestrate the country's unification under communism, North Vietnam needed, and demonstrated, high levels of state capacity. This infrastructural power enabled the DRV to exercise "broad-based mobilization of political and social forces in the south of Vietnam", which became embodied by the National Front for the Liberation of South Vietnam (NLF) established in 1960.<sup>5</sup> Hanoi's state capability can be measured by examining several factors that made its expansion into South Vietnam possible: 1) its alliances with the Soviet Union and China, 2) its financial resources garnered through a strict system of taxation, and 3) its ability to build a large, centralized military to fight for the communist cause.

In 1959, after the First Indochina War, a new constitution was drafted by the reformation of Ho Chi Minh's original Indochinese Communist Party, the Worker's Party

<sup>3</sup> George C. Herring, *America's Longest War: The United States and Vietnam, 1950-1975* (Boston: McGraw Hill, 2002), 6-7.

<sup>4</sup> Herring, *America's Longest War*, 8-10.

<sup>5</sup> Thiem Hai Bui. "Constitutionalizing Single Party Leadership in Vietnam: Dilemmas of Reform." *Asian Journal of Comparative Law* 11, no. 2 (December 2016): 219-34. <https://doi.org/10.1017/asjcl.2016.22>.

## Comparative Politics

of Vietnam (WPV). By this point, the Democratic Republic of Vietnam (DRV) had developed close alliances with the Soviet Union and China that supported the growth of its state infrastructural power. The help of the Soviet Union, widely regarded as the leader of the global Communist movement, contributed to the overall strength of the central administrative state, granting Vietnam easy access to key resources. First, the USSR provided advisors who could guide their domestic choices and leadership that was willing to back them in their foreign policy endeavors, as seen by the USSR's involvement in supplying the Communists with weapons, missiles, and fuel during the Vietnam War.<sup>6</sup> Similarly, China sent troops and military advisors to assist with training and strategic planning, and served as a vital supply route through which Soviet equipment was transported. These alliances served as valuable resources that contributed to the DRV's infrastructural power and thus augmented its ability to implement its reunification policy goal.<sup>7</sup>

Moreover, North Vietnam's state capacity was further demonstrated by its access to reliable financial resources. The NLF had several essential sources of revenue that aided the implementation of their unification campaign, including donations, the liberation or victory tax, threats, force, and manufacturing. Donations were often not voluntary at all, but rather were raised by coercing rural families into giving sums of money that were proportionate to their income. The NLF also began selling Viet Cong war bonds, which eventually produced 59 percent of their income within a year. Additionally, the NLF charged a victory tax on peasants living in areas that had been freed by the Communists. These taxes could be as high as 60 percent and their collection was strictly enforced.<sup>8</sup>

The NLF often threatened citizens using blackmail or force through robbery to obtain more funds, particularly against the wealthy capitalists who they saw as the antithesis to their cause. In addition, former U.S. Foreign Service Officer and leading analyst Douglas Pike wrote that the NLF "collected money from every economic activity it could at least partially control," which included Viet Cong soldiers who took whatever they needed and left behind receipts claiming that the peasants would be compensated after the war.<sup>9</sup> Using these methods, it is estimated that the NLF raised 80 percent of its revenue in South Vietnam, with Hanoi generating the rest.<sup>10</sup> Despite their subjectively harsh means of collecting funds, the NLF's ability to obtain financial means demonstrates the Communists' high levels of infrastructural power, which facilitated its unification campaign.

Lastly, the North Vietnamese's strong state capacity can be seen through its ability to raise a capable, unified fighting force to carry out its goal to unite the country. After the First Indochina War, North Vietnam consolidated the nation's defense under the People's Army of Vietnam in the North (PAVN) and began repairing the party's infrastructure. These two steps prepared the country to start an insurgency in South Vietnam by unifying its fighting forces and readying the party activists. Following their preparations, the Communist forces in the South targeted villages where they knew peasants had grievances against the South Vietnamese authorities. However, this strategy was often coupled with coercion or shaming to pressure village men to join the Viet Cong's fighting force. During this time, between 1965 and 1967, the Liberation Front's military increased from 85,000 to 100,000 soldiers and was further strengthened by 150,000 guerilla fighters. The Vietnamese Communists were able to demonstrate their ability to implement the policy of national unification through the strength and growth of their military might.<sup>11</sup>

<sup>6</sup> "The Vietnam War," BBC Bitesize, accessed December 10, 2021, <https://www.bbc.co.uk/bitesize/guides/z8kw3k7/revision/8>.

<sup>7</sup> Brian D. Taylor and Roxana Botea. "Tilly Tally: War-Making and State-Making in the Contemporary Third World." *International Studies Review* 10, no. 1 (March 1, 2008): 41. <https://doi.org/10.1111/j.1468-2486.2008.00746.x>.

<sup>8</sup> Taylor and Botea, "Tilly Tally," 39.

<sup>9</sup> Ibid.

<sup>10</sup> Taylor and Botea, "Tilly Tally," 40.

<sup>11</sup> Taylor and Botea, "Tilly Tally," 41.

## Comparative Politics

Given this evidence, it is clear that the Vietnamese Communists possessed high levels of state capacity that were crucial to implementing their policies. This degree of infrastructural power allowed the NLF to pursue a series of reforms as they rallied an insurgency in the South Vietnamese countryside. Vietnam's history of colonization and disconnected rule created an environment where the peasantry was likely to trust and support whatever group could provide for their safety and welfare. Thus, the NLF created a coalition with peasants who were being politically and economically excluded by the policies created under the South Vietnamese government (GVN) in an attempt to generate support for the Communist cause.<sup>12</sup> Marc Opper sums up the NLF's policies as:

(1) rent reductions; (2) protection of tenancy rights; (3) confiscation of landlord land as well as those who owed "blood debts" to the peasants; (4) redistribution of land to peasants; (5) recognition of landlord rights to their lands; and (6) protection of the land rights of medium landlords, churches, temples, and families of village councils.<sup>13</sup>

These reforms, possible due to the NLF's strong state capacity, sought to eliminate rural inequality and gain support for the Communist movement. The NLF was clearly capable and committed to the peasantry when no one else appeared to be, and the perpetuation of this narrative won over the countryside's support.

In sum, North Vietnam's infrastructural power during the Second Indochina War can be assessed by examining the state's capability to exercise control. By focusing on the power provided by alliances, government revenue, and military capabilities, there is evidence that North Vietnam had a strong, centralized state that facilitated its successful Communist revolution in the South. The North Vietnamese used their high levels of infrastructural power to spawn, fund, bring together, and fight alongside a rural insurgency that would eventually take over the nation.

### **III. *Afghanistan in the Mid-Twentieth Century: The Musahiban Dynasty***

The Musahiban family came to power on the heels of a civil war that overthrew King Amanullah, who reigned from 1919 to 1929. During his time as king, Amanullah attempted to centralize the Afghan state and push the Islamic clergy out of the government, implemented social reforms, and increased taxation. Opponents of these reforms created a strong alliance against him, demonstrated by the Khost Rebellion of 1924, during which several tribes in southeastern Afghanistan violently reacted to the king's reforms, resulting in the deaths of 14,000 Afghans.<sup>14</sup> The military eventually managed to put down the uprising, although Amanullah and his government's credibility were badly damaged. However, upon returning home from a world tour in 1928, King Amanullah attempted to reinstate his reform program, and this time the military was unable to quell the conservative coalition and their allies. The outcry forced Amanullah to abdicate and brought Nadir Shah and his Musahiban successors to power, who had watched the civil war unfold and vowed not to repeat Amanullah's mistakes.<sup>15</sup>

Consequently, Nadir Shah felt that the government's security was a top priority after seeing Amanullah's government come under fire. To ensure stability, he decided that there would be no reforms, modernizations, or political actions that could potentially threaten the regime. Instead, any economic or social reforms that were pursued were done gradually and were always justified as being aligned with Islamic values to be mindful of the conservative opposition that toppled Amanullah. Moreover, reforms were

<sup>12</sup> Marc Opper, "The Vietnam War, 1960-1975," in *People's Wars in China, Malaya, and Vietnam*, (Ann Arbor: University of Michigan Press, 2020), 205.

<sup>13</sup> Opper, "The Vietnam War," 206.

<sup>14</sup> Muhammad Kaṭib Hazārah Fayz and R. D. McChesney, *Kabul under Siege: Fayz Muhammad's Account of the 1929 Uprising* (Markus Wiener Publishers, 1999).

<sup>15</sup> Thomas Barfield, "Ch. 7: Weak Links on a Rusty Chain: Structural Weaknesses in Afghanistan's Provincial Government Administration." In *Revolutions and Rebellions in Afghanistan: Anthropological Perspectives*, (Berkeley: University of California Press, 1984), 176.

## Comparative Politics

adopted in the cities, but the government did not attempt to implement them in the rural areas, which effectively built two disconnected styles of living in Afghanistan. Successive rulers adopted the same methods for reforms, excluding the countryside so as to not upset provincial Afghans by asking them to give up their way of life. Over time, therefore, the segregated reforms created an increasing divide between urban and rural identity.<sup>16</sup>

As a result of Nadir Shah's reform implementation strategy, the provincial administration in the Afghan countryside was not accustomed to enacting or enforcing reforms, but rather were accustomed to maintaining the status quo. Official administration at the local level was done through an *arbab*, a direct link between the village and Musahiban administration who was often ignored and despised by the people for being corrupt and self-interested. Instead of following the *arbab*, peasants more often turned towards indigenous leaders for guidance and listened to a *bay*, who was regarded as honest and just to settle disputes. Therefore, when the Afghan Communists attempted to use this informal system of rural governance to implement significant reforms, the legacy of the Musahiban style of governance impeded their success.<sup>17</sup>

#### IV. *The Saur Revolution & the Legacies of the Musahiban Dynasty*

With the help of sympathetic units in the Afghan military, the communist overthrow of the Musahiban dynasty took place entirely in the capital of Kabul in April 1978. The Saur Revolution placed the new, secular People's Democratic Party of Afghanistan (PDPA) at the head of the old political structure that had been shaped by 50 years of conservative rule. The PDPA then unsuccessfully tried to use the disconnected provincial governing structure inherited from the Musahiban dynasty to enact radical reforms, as it lacked the state capacity to reform the rural governing system. To analyze the level of infrastructural power in Afghanistan, I will use the same three indicators as before: alliances, state income, and military capacity. This assessment will help to determine if Afghanistan did indeed have low levels of state capacity, which would imply an inability to carry out its desired policies.

#### V. *Afghan State Capacity*

Evaluating the measures outlined above, the Afghan government relied too heavily on its allies, did not generate enough state revenue, and did not have a centralized, unified military force to ensure its survival. It should be assessed, therefore, whether the absence of state ability to exercise control using those resources led to the ultimate failure of the PDPA. Looking at the first two indicators of state capacity, Communist Afghanistan's alliances and state funding were intertwined, which was one of the insurmountable faults in its ability to function as a state. After King Amanullah declared independence from British rule at the end of World War I, Afghanistan lost its financial support, leading Amanullah to create a system of taxation that only lasted until his ousting in 1929. The succeeding regime taxed mainly exports, but by the early 1970s, Afghanistan had one of the "lowest 'tax efforts'—the ratio of actual tax revenues to estimated tax capacity—in the world."<sup>18</sup> This definition is illustrated by the fact that in 1978, 85 percent of Afghans were peasants or migrants and the agricultural sector made up 60 percent of the state's total production, yet those groups did not pay any taxes. Thus, the PDPA did not capitalize on 85 percent of its population, contributing to its inability to implement their large-scale reforms.

Moreover, PDPA's reliance on foreign aid meant that the state's revenue flow was not self-sustaining. Foreign aid did not return to Afghanistan in a substantial way until the Soviet-Afghan War from 1979 to 1989 in response to the political threat posed by mujahideen rebels. During this period, in an effort to preserve the communist state, the USSR propped up the floundering PDPA with \$1.8 billion by 1986. While Afghanistan had the same ideological backing that Vietnam obtained from the Soviet Union, it ran into trouble when it became too financially dependent on the Cold War superpower. After

<sup>16</sup> Barfield, "Weak Links on a Rusty Chain," 177-79.

<sup>17</sup> Barfield, "Weak Links on a Rusty Chain," 180.

<sup>18</sup> Taylor and Botea, "Tilly Tally," 43.

## Comparative Politics

the Soviet forces departed in 1989, a fiscal crisis ensued, as “three-fourths of Afghanistan’s revenue came from gas wells and other projects run by Russian experts who also left in 1989.”<sup>19</sup>

Therefore, the relationship that Afghanistan built with the Soviet Union seemed to pivot on financial backing, which only temporarily contributed to the state’s ability to function and indicates low levels of infrastructural power. On the eve of the Soviet Union’s collapse, Afghanistan still did not have a sufficient source of self-generated, centralized revenue, which made it nearly impossible for the state to implement any reforms. Leading Afghanistan expert Barnett Rubin writes, “all major customs posts, the government’s principal sources of revenue in the absence of foreign aid or natural gas exports, were under the control of regional *shuras* that kept the revenue for themselves.”<sup>20</sup> Thus, it is evident that the state lacked a central source of money for implementing its policies, a clear indicator of low infrastructural power.

Not only did Communist Afghanistan rely too heavily on foreign aid without developing a sufficient system to generate internal revenue for the government, but it lacked a unified military force to ensure the government’s security or citizens’ compliance with the laws, the third measurement of infrastructural power. This was partially because Nadir Shah abolished the conscription lottery put in place by his predecessor, Amanullah, and reinstated a process of indirect selection by village elders. As a result, by 1978 the military was weak and fragmented under communist rule. Further evidence of this can be observed during the revolts of 1978-79, when the army essentially collapsed due to high rates of defections and mutinies that infiltrated the ranks. These symptoms of low state capacity culminated in the invasion of the Soviet Union in 1979 to save the struggling PDPA.<sup>21</sup>

Despite Soviet aid, by 1983, the size of the Afghan military had dropped from 110,000 troops before the war to 20,000-40,000 soldiers. After the Soviets’ departure, communist leader Mohammad Najibullah became frustrated by the problems that plagued the national military and instead became increasingly reliant on regional militias, granting more aid to their commanders. As Rubin writes, “most of the country’s territory and population remained beyond the reach of the state.” By 1990, the Afghan National Army seemed nonexistent compared to the militias, which consisted of twice as many soldiers and had access to the weapons left behind by the Soviets. This allowed the mujahideen fighting force to arise, although they were a “loose-knit collection of small fighting units” that were unable to unite to confront the Communists after the Soviets left. However, one group, the Taliban, would eventually consolidate a strong enough fighting force to take control of Afghanistan.<sup>22</sup>

The combination of limited taxation and overreliance on its Soviet ally for defensive and financial aid proved fatal for the Afghan Communist movement. The PDPA’s weak and fractured military left it vulnerable in the face of opposition and failed to defend the Communist state’s interests and policies. This prompted the Soviets’ invasion that forced the Afghan economy to become reliant on the USSR’s military and infrastructural aid. Ultimately, when the Soviets left Afghanistan, the country consequently lacked a sufficient source of revenue. These factors are clear indicators of weak state capacity and spurred the overall collapse of the PDPA in Afghanistan.

## VI. PDPA Reforms

Having established that the Afghan Communist regime had low infrastructural power, the following discussion of their attempted reforms will illustrate how minimal levels of state capacity led to poorly designed and executed reforms. First, the PDPA sought to address rural debt by destroying the feudal hierarchy, which they saw as burdening the peasantry with debt and increasing their poverty. The proposal abolished

<sup>19</sup> Taylor and Botea, “Tilly Tally,” 43-44.

<sup>20</sup> Taylor and Botea, “Tilly Tally,” 43-44; Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System*. (New Haven: Yale University Press, 2002), 272.

<sup>21</sup> Taylor and Botea, “Tilly Tally,” 45.

<sup>22</sup> Taylor and Botea, “Tilly Tally,” 45-46; Rubin, “The Fragmentation of Afghanistan,” 273.

## Comparative Politics

the old rural credit system without establishing an alternative, which, in the long run, contributed to the economic hardships faced by the peasantry.<sup>23</sup>

Additionally, the Afghan Communist Party tried to tackle land redistribution in the provinces. Despite the size of the country, there is limited fertile land, which meant that even if it was distributed evenly, each peasant would not get very much. While scholars debate the equality of land distribution before the PDPA came to power, the Communists believed that “4 percent of people owned about 50 percent of the arable land and 82 percent of the farmers owned only 35 percent of the land,” and thus saw the need for reform. The PDPA introduced land ownership limits and insisted that land could be confiscated and redistributed at any point, without compensation, to landless peasants. However, the PDPA overestimated the amount of surplus land and was therefore unable to fulfill their promise to those in need. As Afghan politician Anwar-ul-Haq Ahady writes, “The land redistribution program left many peasants still landless...and even the beneficiaries of the reform did not receive adequate land to support a family of five people.”<sup>24</sup>

Some might argue that those two reforms are evidence that the Afghan Communists misunderstood rural systems and simply made miscalculations that led to the demise of the regime. However, I argue that if the PDPA had possessed stronger infrastructural power, it could have been able to devote adequate resources to researching and calculating reforms. Additionally, greater state capacity could have allowed the PDPA to increase its presence in the countryside to see what sort of infrastructural changes the peasants desired. After all, that is what the National Liberation Front set out to do in South Vietnam. While I realize we can never observe this counterfactual, I believe that the absence of state capacity explains the failure of communism in Afghanistan more adequately than claims that the PDPA “did not know” the rural way of life. The reason that the PDPA made these miscalculations is because it did not have the resources at its disposal to adequately assess the provinces and implement productive reforms. This state capacity issue at the top trickled down into its decisions for the rest of society.

### VII. Conclusion

This paper seeks to answer the question of why communism succeeded in Vietnam but failed in Afghanistan during the mid-twentieth century. I hypothesize that the outcome of success or failure was correlated to the amount of state capacity that each regime possessed, where higher levels of state capacity would result in success and low levels would produce failure. In this instance, state capacity refers to each state’s infrastructural power as defined by Michael Mann: the “institutional capacity of a central state...to penetrate its territories and logistically implement decisions.” Thus, a state with high infrastructural power would have the capability to implement decisions throughout its entire territory. To measure the infrastructural power of the North Vietnamese and Afghan communists, I assessed alliances, state revenue, and military force as indicators of state strength.

In Vietnam, the Communists were successful in penetrating territory and implementing their policies, as seen by the National Liberation Front and Viet Cong’s success in unifying the country under communist rule. This success, I argue, was due to the Democratic Republic of Vietnam’s strong state capacity. The evidence suggests that it had a functioning, cooperative relationship with the Soviet Union and China, which provided both ideological, financial, and militaristic support to the young state. This strengthened North Vietnam’s infrastructural power by making it easier to execute its policy of reunification through weapons donations and strategic guidance during the Vietnam War. Second, North Vietnam’s strong state capacity was evidenced by its system of taxation to fund the implementation of its reforms in the South and thus propel its long-term goal of reunifying the country under communism. Lastly, Vietnam’s military force was unified, well trained, and grew over the course of the conflict. This is a final

<sup>23</sup> Anwar-ul-Haq Ahady, “Afghanistan: State Breakdown,” in *Revolutions of the Late Twentieth Century*, (Boulder: Westview Press, 1991), 174-5.

<sup>24</sup> Ahady, “Afghanistan: State Breakdown,” 175-76.

## Comparative Politics

indication of North Vietnam's infrastructural power. The military also contributed to Vietnam's successful communist nation-building by defeating the South Vietnamese and their American allies, ensuring that the NLF's reforms could be implemented throughout the territory.

Therefore, using alliances, funding, and military capability as measures for infrastructural power, it is evident that the North Vietnamese government wielded high state capacity. In turn, it was able to extend its influence to the South Vietnamese countryside, where Diem's regime had alienated the peasantry and subsequently enabled pro-communist sentiment to infiltrate the rural areas. Thus, based on this evidence, I conclude that high levels of state infrastructural power in North Vietnam were the root cause of their successful nation-building campaign.<sup>25</sup>

Afghanistan, on the other hand, demonstrated low levels of state capacity using the same three indicators. Just one year after the Saur Revolution and communist takeover in 1978, the Soviet Union was compelled to come to the aid of the faltering PDPA government. The Soviets poured significant amounts of funding and infrastructure resources into the Afghan government to the point that, after their departure, Afghanistan faced a fiscal crisis. This was coupled with the fact that Afghanistan did not have a substantial, stable source of revenue via taxation. Therefore, this combination of overreliance on Soviet aid in addition to the absence of a taxation system resulted in Afghanistan not having enough money flowing to the central state to implement its desired social and economic reforms. Moreover, Afghanistan's low levels of state capacity were shown through the absence of a central, unified military force. When the revolts against the PDPA began, the military was plagued by defections and quickly fell apart. By the time the Soviet Union collapsed, the Afghan Communists were relying on fractured, localized militias to keep the peace. Not only does this indicate low infrastructural power, but it also meant that there was no way for the government to enforce its policies throughout the country.

The weak state capacity shown in Afghanistan prevented the government from building the necessary coalitions that would support its government. Moreover, it inherited a system of provincial administration that was not accustomed to implementing radical change, and the central state was too weak to implement a new system of provincial governance that would respond to the wishes of the state. The combination of these state-capacity-based flaws led to the regime's collapse. Comparing this outcome to the results seen in the Vietnam case, it appears that a state's capability to exercise control using alliances, revenue, and military resources is essential to a successful, sustainable communist revolution.

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<sup>25</sup> Opper, "The Vietnam War," 216.

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Comparative Politics

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# The Invisible Influence of Privatization: COVID-19-Related Deaths in Public and Private Long- Term Care Homes

Ana Brinkerhoff

## Introduction

Comparative examinations of welfare states have continuously assessed the benefits and drawbacks of healthcare policies. Most recently, during the COVID-19 pandemic, much literature has focused on healthcare system capacity and efficiency within different welfare regime types. However, in these evaluations of comparative healthcare policies, scholars conceptualize the policy responses to the exogenous shock of COVID-19 differently than they would healthcare policy responses during times of stability.<sup>1 2</sup> Many scholars understand governance during times of crisis as isolated, immediate policy responses and argue that differences in *regime type* are conducive to disparities in policy responses and outcomes.

However, what explains instances in which governments in the *same* region, or of the same regime type, put forth similar healthcare policies in response to exogenous shocks that have diverging outcomes? I argue that the current literature cannot account for the role of the institutional legacy of privatization and its significant influence on diverging policy outcomes. To answer the research question, I first use the cases of Ontario's and British Columbia (BC)'s similar policy responses to safeguard residents in long-term care homes (LTCHs) from contracting COVID-19. I then challenge the existing literature on exogenous shocks that conceptualizes governance during times of instability as the result of isolated and immediate policy decisions rather than informed by pre-existing ones. To address this oversight, I use a historical-institutionalist framework to examine the role of institutional legacies and political structures in constraining and shaping different healthcare policy outcomes of the same policy response to exogenous shocks. Ultimately, I find that the institutional legacy of privatization of LTCHs in Ontario and British Columbia created the divergence in policy outcomes that are expressed in Ontario's higher death rates and a greater number of COVID-19 outbreaks in LTCHs as compared to BC's. I find the legacy of privatization most evident in shaping policies designed to intervene in governing the working conditions of LTCHs, the quality of care they provide, and their connection to the broader healthcare system. This legacy in Ontario worked to override these policies to produce poor working conditions, poor care, and no oversight. These realities then contributed to an environment in which deaths were more likely to occur relative to that of BC, because for-profit homes cut corners on service quality to maximize their profits. More broadly, I assert that we can better understand diverging policy outcomes in times of exogenous shocks when considering the institutional legacies of the different regions in which these policies are enacted.

### ***I. Cases of Ontario and British Columbia***

I rely on the cases of Ontario and British Columbia to examine their similar policy responses and diverging outcomes. Both provinces enacted several policies to protect residents in LTCHs during the COVID-19 pandemic between March 2020 and March

<sup>1</sup> Roberto Mora Rodríguez, *Political Communication and COVID-19: Governance and Rhetoric in Times of Crisis* (Milton Park, Oxon: Routledge, 2021).

<sup>2</sup> Amallesh Sharma, Sourav Bikash Borah, and Aditya C. Moses, "Responses to COVID-19: The Role of Governance, Healthcare Infrastructure, and Learning from Past Pandemics," *Journal of Business Research* 122, (2021): 597–607.

## Comparative Politics

2022.<sup>3 4</sup> These similar policy responses yielded diverging outcomes with evident differences in provincial death rates in LTCHs.

High death rates from COVID-19 in LTCHs point to the vulnerability of the resident population of these homes. Canada reported the highest percentage of deaths in LTCHs among all countries within the Organisation for Economic Co-Operation and Development, and these deaths constituted 80 percent of all COVID-19-related deaths country-wide.<sup>5</sup> Ontario and British Columbia enacted similar policies and protocols to protect residents and staff. These responses included immediate mask mandates for residents and staff, isolating COVID-19-positive patients to different rooms, and preventing LTCH staff from working at multiple homes to prevent the cross-spread of COVID-19.<sup>6 7</sup> Despite putting forth these mandates at similar times,<sup>8</sup> each province experienced different outcomes, particularly in the proportion of overall COVID-19 deaths in LTCHs. From March 2020 to March 2022, deaths in LTCHs constituted 70 percent of all COVID-19-related deaths in Ontario, while only making up 46 percent in British Columbia.<sup>9</sup> Additionally, Ontario was the only province in Canada that required assistance from the Canadian Armed Forces in containing COVID-19 outbreaks in LTCHs,<sup>10</sup> an outcome that demonstrates the severity of the outbreaks.

I operationalize the privatization of homes as a mechanism to understand this disparity in death rates. Many scholars posit that privatized LTCHs offer significantly worse care than their public counterparts.<sup>11 12</sup> This disparity in care sometimes occurs as a result of funding.<sup>13</sup> However, this cannot describe the cases of Ontario and British Columbia. Despite receiving the same proportional funding from the federal government, the two provinces follow different rates of privatization. Ontario and British Columbia allocate \$1,657 and \$1,680 to each resident, respectively.<sup>14</sup> In contrast, 57 percent of LTCHs in Ontario are for-profit,<sup>15</sup> while 32 percent of LTCHs in British Columbia are run by for-profit operators.<sup>16</sup> Additionally, questions of privatization emerge when considering the disparity in COVID-19-related deaths in for-profit homes compared to public homes. Seventy-eight percent of COVID-19-related deaths in LTCHs occurred in for-profit homes in Ontario,<sup>17</sup> while 45 percent of COVID-19-related deaths in LTCHs occurred in private homes in British Columbia.<sup>18</sup>

Due to the many similarities, it allows us to hold constant other possible confounding factors to better assess the effect of differences in privatization on death rates. First, both cases have similar capacities of LTCHs, a factor that may impact the

<sup>3</sup> Vaughn Palmer, "Single Site Strategy for Health Care Workers a Long Time in Coming," *The Vancouver Sun*, (Vancouver, BC) Apr. 10, 2020.

<sup>4</sup> Katherine DeClerq "Ontario Restricts Long-Term Care Home Workers to One Facility amid COVID-19 Pandemic," *CTV News* (Toronto, ON), April 14, 2020.

<sup>5</sup> Karina Roman, "New Post-Pandemic Standards for Long-Term Care Proposed to Federal Government," *Canadian Broadcasting Corporation* (Ottawa, ON) Jan. 27, 2022.

<sup>6</sup> Vaughn Palmer, "Single Site Strategy for Health Care Workers a Long Time in Coming," *The Vancouver Sun*, (Vancouver, BC) Apr. 10, 2020.

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<sup>9</sup> Nathan Stall et al., "COVID-19 and Ontario's Long-Term Care Homes," (Toronto, ON: COVID-19 Science Advisory Table, 2021).

<sup>10</sup> Conrad Joseph John Mialkowski, "OP Laser—JTFC Observations in Long Term Care Facilities in Ontario," 2020, 4th Canadian Division Joint Task Force Canadian Armed Forces.

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<sup>13</sup> Jeffrey D. Greene, "Cities and Privatization," *Policy Studies Journal* 24, no. 1 (1996): 135–44.

<sup>14</sup> Department of Finance Canada, "Major Federal Transfers," 2022.

<sup>15</sup> Bonnie Lysyk, "Covid-19 Preparedness and Management: Special Report on Pandemic Readiness and Response in Long-Term Care," (Toronto, ON: Office of the Auditor General of Ontario, 2021).

<sup>16</sup> Ernst and Young, "BC Ministry of Health Long-Term Care COVID-19 Response Review." Vancouver, BC: British Columbia Ministry of Health, 2020.

<sup>17</sup> Rob Ferguson, "Ontario's For-Profit Nursing Homes Have 78% More COVID-19 Deaths than Non-Profits, Report Finds," *The Toronto Star* (Toronto, ON), Jan. 20, 2021, sec. Provincial Politics.

<sup>18</sup> Tara Carman, "COVID-19 Outbreaks More Common in For-Profit Senior Residences in B.C.," *Canadian Broadcasting Corporation* (Victoria, BC), Feb. 4, 2021.

death rates.<sup>19</sup> Ontario and British Columbia operate beds in LTCHs at 98 percent and 95 percent capacity, respectively.<sup>20 21</sup> Because both cases report similar numbers of beds, the issue of overcrowding contributing to higher rates of death is less plausible.<sup>22</sup> In addition, both cases report similar resident demographics.<sup>23</sup> The aging populations are similar in proportion to the provinces' general populations, with people aged over 65 making up 18.1 percent and 19.2 percent of Ontario's and British Columbia's populations, respectively.<sup>24</sup> The size of the aging population similarly creates a demand for LTCHs as a service and thus may influence transmission and death rates.<sup>25</sup> In sum, if we hold these factors constant by selecting cases with many similar factors, we can examine the research question of diverging policy outcomes in similar regions with similar policy responses by focusing on the role of institutional legacies of privatization.

## II. Analysis

### *Theoretical Framework*

In response to the existing gaps in the literature, this essay attempts to address limitations by relying on other scholarly works that investigate governance during times of exogenous shocks. These works diverge in their findings: some works point to how extraordinary events can disrupt normal governance processes,<sup>26</sup> while other works posit that such events only reveal existing inefficiencies of governments.<sup>27</sup> Watson argues that because exogenous shocks are extraordinary by definition, they encourage a unique government response that deviates from traditional governance. However, this point of view does not consider the broader impacts of crises on governance, such as the legacies of certain policy patterns. In contrast, a minority of scholars contend that exogenous shocks, and in particular, the COVID-19 pandemic, reveal existing structural influences that shape government inadequacies in delivering social services and ensuring the safety of citizens.<sup>28 29</sup>

Scholars apply the main understanding of governance during times of crisis to many assessments of healthcare policies in response to exogenous shocks and conceptualize these policy responses as new, immediate policy decisions.<sup>30</sup> This understanding removes policy responses from the political and structural legacies in which they are developed and carried out. However, I attempt to examine policy decisions during exogenous shocks through a historical-institutionalist lens to reveal the institutional structures of existing healthcare policies that govern healthcare systems. One salient institutional legacy that scholars have paid less attention to in assessments of Canadian healthcare during exogenous shocks is the influence of privatization. Further analysis is needed on how this factor may impact provincial governance decisions and outcomes. Much literature considers Canada's different legacies of privatization within the provinces during times of stability and normal governance.<sup>31</sup> In general, some provincial governments actively favor the privatization of healthcare to address increasingly decrepit healthcare infrastructure.<sup>32</sup> Whiteside specifies that the drastic cuts in public services and social programs during the 1980s resulted in a healthcare system that relies on a neoliberal model for producing services that sacrifice quality and safety

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<sup>19</sup> Michael Liu.

<sup>20</sup> Ernst and Young.

<sup>21</sup> Bonnie Lysyk.

<sup>22</sup> Michael Liu.

<sup>23</sup> *Ibid.*

<sup>24</sup> Statistics Canada, "Demographic Estimates by Age and Sex, Provinces and Territories: Interactive Dashboard," Sept. 29, 2020.

<sup>25</sup> Michael Liu.

<sup>26</sup> Scott D. Watson, *International Order and the Politics of Disaster* (New York: Routledge, 2020).

<sup>27</sup> Kotschy, Rainer, and Uwe Sunde, "Income Shocks, Inequality, and Democracy," *The Scandinavian Journal of Economics* 123, no. 1 (2021): 295–326.

<sup>28</sup> *Ibid.*

<sup>29</sup> Stefani Milovanska-Farrington, "The Effect of COVID-19 as an Economic Shock on the Gender and Ethnic Gap in Labour Market Outcomes," *Studies in Microeconomics* 9, no. 2 (2021): 227–55.

<sup>30</sup> Scott D. Watson.

<sup>31</sup> Jeffrey Greene.

<sup>32</sup> Heather Whiteside.

## Comparative Politics

for profit. In addition, other scholars suggest that this model of healthcare contributes to latent effects such as overcrowding, long waitlist times, and insufficient healthcare professionals to serve the increasing demands of populations with complex medical needs.<sup>33</sup> These consequences are a result of the corporatization of healthcare services and the broader contexts that allow these developments to determine the quality of a large portion of Canada's healthcare.<sup>34</sup> <sup>35</sup> To challenge existing literature, I rely on Whiteside's argument that privatized services minimize operating costs and maximize profits in three key ways: by exploiting staff, cutting corners in service quality, and operating at an arm's length from government oversight. I use this critical argument of privatization and healthcare policies during times of stability and apply it to instances of healthcare policies during times of exogenous shocks to better understand how the same policy response can be enacted by governments and produce different outcomes.

*Empirical Findings*

In assessing this phenomenon of diverging policy outcomes, I rely on empirical evidence from the cases of Ontario and British Columbia. In particular, four organizations—the Auditor General of Ontario, the Canadian Armed Forces, the Office of the Seniors Advocate of British Columbia, and the firm Ernst and Young—independently produced reports that investigated COVID-19 in LTCHs. These sources provide insight into the differences in policy outcomes between the two provinces. In my examination, the legacy of privatization emerged clearly in operators' desire to maximize profits in three areas: the working conditions and exploitation of staff, the poor quality of care for residents, and the isolation of for-profit homes from oversight and integration into the public healthcare system. I extend Whiteside's argument of privatization, particularly with respect to working conditions, quality of care, and oversight of private services, to consider how even during times of crisis, the influence of for-profit services constrains healthcare policy outcomes. Although governments passed policies as interventions in Whiteside's three key areas to alter normal operations of LTCHs to protect people in response to the crisis, the maximization of profits and institutional legacy of privatization overrode these policies to produce poor working conditions, poor care, and no oversight in Ontario LTCHs. These diverging policy outcomes of Ontario relative to British Columbia are expressed in Ontario's significantly higher death rate of residents in LTCHs in general, and in privatized homes in particular.<sup>36</sup> <sup>37</sup>

*Poor Working Conditions*

Both the provincial governments identified the importance of protecting residents and staff by limiting the movement of staff between LTCHs.<sup>38</sup> Many personal support workers (PSWs), the healthcare workers most in contact with residents, work at multiple homes (Palmer 2020). This factor increased the risk of cross-contaminating homes due to workers traveling from a home infected with COVID-19 to a non-infected home and exposing residents and other staff to the virus. The British Columbia and Ontario governments restricted staff mobility from multiple homes on April 10, 2020, and April 14, 2020, respectively (DeClerq 2020; Palmer 2020).<sup>39</sup> <sup>40</sup>

However, the outcomes of these policies were different across the two cases. In Ontario, the vulnerability of the PSW profession allows for-profit homes to exploit workers. Many PSWs employed by for-profit homes reported that they were "overworked, burned out, and ha[d] no time off (some ha[d] not seen their families for weeks)"

<sup>33</sup> Lorena K. Lopez, Navisha Weerasinghe, and Tieghan Killackey, "The Contemporary Crisis of Hallway Healthcare: Implications of Neoliberal Health Policy on the Rise of Emergency Overcrowding," *Nursing Inquiry* Online, 2021.

<sup>34</sup> Michael LaGuardia, and Nelly D. Oelke, "The Impacts of Organizational Culture and Neoliberal Ideology on the Continued Existence of Incivility and Bullying in Healthcare Institutions: A Discussion Paper," *International Journal of Nursing Sciences* 8, no. 3 (2021): 361–66.

<sup>35</sup> Heather Whiteside.

<sup>36</sup> Michael Liu.

<sup>37</sup> Bonnie Lysyk.

<sup>38</sup> Katherine DeClerq.

<sup>39</sup> Ibid.

<sup>40</sup> Vaughn Palmer.

## Comparative Politics

(Mialkowski 2020, 5). Because PSWs do not belong to a union, PSWs did not have a collective body to resist working increasingly long shifts that were a result of the irregular high demand for PSWs during the COVID-19 pandemic. As a result of being tired and overworked, PSWs were unable to follow Infection Prevention and Control (IPAC) protocols.<sup>41</sup> <sup>42</sup> This reality points to an inconsistency between the policy's intended outcome—to prevent COVID-19 outbreaks—and the reality of its actual outcome, an inability to comply with IPAC protocols. In contrast, in British Columbia, the PSW profession is regulated and unionized, allowing workers in the profession to bargain for standardized hours.<sup>43</sup> Additionally, for-profit and public homes both provided an increase in pay for PSWs during the pandemic.<sup>44</sup> Even though a majority of PSWs work in public homes, PSWs employed by for-private homes receive similar wages and benefits, which eliminates the disparity in overworked PSWs found in Ontario.<sup>45</sup> <sup>46</sup> Moreover, in BC's LTCHs, operators employed internal mechanisms to ensure that staff members who contracted COVID-19 were incentivized to stay home from work, including the provision of some paid sick days and the conduction of additional contact tracing.<sup>47</sup> Finally, in British Columbia, the effort to restrict staff mobility was generally successful because LTCHs organized staff into shifts based on the single home they worked in, preventing staff from being overworked or needing to work in two homes, as was the case in Ontario.<sup>48</sup> <sup>49</sup> Ultimately, the PSW profession is more stable in British Columbia than in Ontario, a factor that makes it more difficult for for-profit homes to exploit PSWs.<sup>50</sup> Thus, the Ontario for-profit homes' prioritization of worker exploitation over safety describes the institutional legacy of Whiteside's finding that privatized services maximize profits through labour misuse.

Another factor to consider is that both provincial governments enacted policies to prevent staff in LTCHs from spreading COVID-19 from one home to another. However, cross-contamination occurred in many for-profit LTCHs in Ontario,<sup>51</sup> with one report pointing to the lack of Personal Protective Equipment (PPE) for workers. Workers reported feeling extremely unsafe because of the significant shortage of PPE.<sup>52</sup> The shortage was attributed to the overall for-profit LTCH working culture, which prioritized the maximization of the home's profits. For example, numerous workers reported that homes encouraged them to not change PPE between residents and that there was a "general culture of fear to use [adequate PPE] supplies because they cost money (masks, gowns, gloves, etc.)."<sup>53</sup> Staff who did attempt to use the proper number of supplies to comply with IPAC protocols were "afraid for their jobs on this issue."<sup>54</sup> This culture of maximizing profits shaped staff behavior and practices, created an unsafe working environment, and, ultimately, directly prevented staff from being able to follow the IPAC protocols designed explicitly to mitigate the spread of COVID-19, which runs counter to the original intention of Ontario's policy responses to protect residents and staff. In contrast, PSWs in British Columbia's for-profit homes changed PPE more frequently and attempted to follow IPAC protocols.<sup>55</sup> While LTCHs in British Columbia did not observe perfect compliance with IPAC protocols, compliance rates were more equal across all homes.<sup>56</sup> In addition, PSWs in LTCHs in the province did not fear for their jobs because

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<sup>41</sup> Bonnie Lysyk.

<sup>42</sup> Conrad Mialkowski.

<sup>43</sup> Ernst and Young.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

<sup>46</sup> Michael Liu.

<sup>47</sup> Isobel Mackenzie, "Review of COVID-19 Outbreaks in Care Homes in British Columbia," Victoria, BC: Office of the Seniors Advocate of British Columbia, 2021.

<sup>48</sup> Michael Liu.

<sup>49</sup> Isobel Mackenzie.

<sup>50</sup> Heather Whiteside.

<sup>51</sup> Michael Liu.

<sup>52</sup> Bonnie Lysyk.

<sup>53</sup> Conrad Mialkowski, 4.

<sup>54</sup> *Ibid.*

<sup>55</sup> Michael Liu.

<sup>56</sup> Ernst and Young.

## Comparative Politics

of the stability and protection of their profession and its high demand.<sup>57 58</sup> These factors point to the ability of PSWs to properly prevent outbreaks of COVID-19. In other words, the legacy of privatization of homes, such as the culture of maximizing profits by Ontario homes, did not appear to influence as much the behaviors of staff in British Columbia nor contribute to unsafe working conditions. The extent to which privatization creates unsafe working conditions and inhibits the prevention of COVID-19 may depend on the overall number of privatized homes in a province. This is observed directly in Ontario's large number of privatized LTCHs relative to BC. More generally, the crisis of the COVID-19 pandemic makes more visible the impact of Ontario's inadequate privatized healthcare services on its labor environment, which is realized in its poor working conditions and exploitation of workers.

*Poor Quality of Care*

Ontario and British Columbia's governments mandated that LTCHs follow IPAC protocols, such as mask and PPE mandates and isolation protocols for residents with COVID-19, on March 13, 2020, and March 16, 2020, respectively.<sup>59</sup> However, both provinces yielded different outcomes in the extent to which these policies ensured a good quality of care for residents. The for-profit LTCHs in Ontario observed poor compliance with IPAC protocols.<sup>60</sup> Once again, the theme of for-profit homes maximizing profits is present in the empirical data. One report observes that homes tried to minimize operating costs; this impacted PSWs' ability to deliver proper care to residents, as it made complying with IPAC measures harder for them.<sup>61</sup> For example, extra PPE was kept "under lock and key, [making it] not accessible [for] those who need it for work (PSWs)."<sup>62</sup> In addition, many for-profit homes did not follow isolation mandates. Lysyk found that staff housed residents with COVID-19 in the same rooms as residents who tested negative, exposing vulnerable residents to a high probability of infection. This malpractice facilitated "a near 100% contamination rate [emphasis added] for equipment, patients, and overall [facilities]."<sup>63</sup> These instances point specifically to how a culture of maximizing profits prioritizes cutting corners on provincially mandated practices over the health and safety of residents and staff. In contrast, British Columbia observed different realities and outcomes of its policy responses.<sup>64</sup> While LTCHs in British Columbia also observed poor IPAC compliance, most non-compliance was found in for-profit homes.<sup>65</sup> Similarly, because British Columbia has a significantly lower number of for-profit homes, IPAC compliance across all LTCHs was higher than Ontario's.<sup>66</sup> However, LTCHs in British Columbia did follow isolation protocols better because bedrooms in LTCHs in British Columbia tend to be smaller relative to Ontario's, and are not designed to house multiple residents.<sup>67</sup> For this reason, the legacy of privatization in British Columbia is less prevalent in influencing policy outcomes than in Ontario simply because British Columbia has fewer for-profit homes, and therefore more homes followed IPAC protocols on average. Ultimately, structures of privatization promote poorer service quality by for-profit entities cutting corners on services to maximize profits,<sup>68</sup> which allows for the disparity in provincial legacies of privatization to produce different outcomes of COVID-19 outbreaks in the respective LTCHs.

*Integration Into Healthcare Systems*

Finally, both provincial governments encouraged hospitals and LTCHs to share scientific knowledge and best practices relating to COVID-19. This response was intended

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<sup>57</sup> Michael Liu.

<sup>58</sup> Isobel Mackenzie.

<sup>59</sup> Michael Liu.

<sup>60</sup> Conrad Mialkowski.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*, 4.

<sup>63</sup> *Ibid.*, 7.

<sup>64</sup> Isobel Mackenzie.

<sup>65</sup> *Ibid.*

<sup>66</sup> Michael Liu.

<sup>67</sup> *Ibid.*

<sup>68</sup> Heather Whiteside.

## Comparative Politics

to provide secondary health services with up-to-date, effective strategies to prevent the spread of COVID-19. However, the case of Ontario presents evidence that the province's policy of sharing knowledge was not as successful in for-profit LTCHs. This was due to the broader structure of privatized services within Ontario's healthcare system.<sup>69</sup> Privatized homes are isolated from public healthcare services, including hospitals.<sup>70</sup> Lysyk points to the benefits of not-for-profit homes being partnered with hospitals. These homes received timely updates about best practices of COVID-19 and human capital virtually and, when mandates permitted, in-person, specifically with IPAC expertise.<sup>71</sup> Because for-profit homes are not partnered with local hospitals, as municipal homes are, and are not integrated into the public healthcare system, for-profit homes did not receive standardized best practices, nor the human capital that municipal and not-for-profit homes did.<sup>72</sup> For this reason, the privatization of homes isolated for-profit LTCHs and contributed to their deficiency in providing proper care to residents. In contrast, all of British Columbia's LTCHs are integrated into the healthcare system, regardless of operators. Liu et al. find that all homes received timely best practices and human capital.<sup>73</sup> This ability to share information and resources contributed to the homes' lower death rates.<sup>74</sup> Thus, the broader structure of BC's healthcare system compared to Ontario's presents significant benefits to all homes.<sup>75</sup> The influence of privatization on LTCHs is evident in the structure of Ontario's healthcare system and its isolation of privatized homes. Ultimately, the lack of integration of for-profit services demonstrates the specific influence of privatization on the outcomes of policies intended to govern entire healthcare systems.

### III. Conclusion

The influence of the legacy of privatization is observable within the empirical cases of Ontario and British Columbia, and reveals an important factor in explaining the disparity in COVID-19-related deaths in both provinces. Specifically, despite both provinces putting forth timely policy responses to prevent the spread of COVID-19 in LTCHs, Ontario and British Columbia reported significantly different policy outcomes. Across the areas of working conditions, quality of resident care, and the integration of homes within the broader provincial healthcare systems, the influence of privatization changes the realities of how similar policy responses govern these areas and, ultimately, produce diverging outcomes. This paper examines how privatization can explain differences in the outcomes of similar policies implemented to mitigate the spread of COVID-19 and found that the extent of privatization, and specifically the intention to maximize profits, can have an impact on the success of the policy.

More broadly, this paper addresses a gap in the literature that considers governance during times of crisis by providing an alternative historical-institutionalist approach to studying exogenous shocks and policy responses. This approach highlighted the salience of understanding institutional arrangements and legacies. It also revealed the underlying issues of privatization and its impact on providing poor-quality services. More specifically, this essay examines the effectiveness of healthcare and the welfare state, during times of instability. What is the true effectiveness of welfare states if they cannot deliver successful policy interventions during times of instability to support citizens? Future research may consider examining disparities in institutional legacy configurations of different welfare regime types and assessing the extent of their support for privatization relative to the effectiveness of their responses to exogenous shocks.

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<sup>69</sup> Bonnie Lysyk.

<sup>70</sup> Heather Whiteside.

<sup>71</sup> Isobel Mackenzie.

<sup>72</sup> Bonnie Lysyk.

<sup>73</sup> Michael Liu.

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*



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Section 3:

# **International Politics**

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## **Featuring:**

“Globalism, NAFTA, and the Mexican Zapatista Resistance”

Written by Madeline Susan Strasburg  
University of Wisconsin-Milwaukee, Political Science Major, Class of 2023

“A Stateless Nation: Governing Somalia in Civil War”

Written by Mostafa El Sharkawy  
University of Toronto, International Relations and Public Policy Major, Class of  
2023

## Globalism, NAFTA, and the Mexican Zapatista Resistance

Madeline Susan Strasburg

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On the evening of December 31st, 1993, Mexican President Carlos Salinas de Gortari relaxed on his private beach resort in coastal Oaxaca, surrounded by friends and family. They drank Dom Perignon while awaiting the arrival of the New Year. A celebration was to be had, as it was believed that the year 1994 brought promises of change for Mexico, an opportunity to bring Mexico into the first world.<sup>1</sup> With the enactment of the North American Free Trade Agreement (NAFTA), President Salinas presented an image that Mexico would finally be liberated of its status as a third-world country and become a nation of advanced living.<sup>2</sup> Though the Mexican politicians who enacted this policy had lofty goals for the country, as a whole, its shortsightedness in relationship to the indigenous populace ultimately led to grave injustices that persisted up to the recent era.<sup>3</sup>

NAFTA is a trade agreement that was contracted between Canada, Mexico, and the United States in 1994. It sought to eliminate the previously existing trade restrictions between the three countries, emphasizing the commercial relationship between the United States and Mexico. It also sought to lift regulation on the economic internal exchange of goods and services without the notable regulations once required between the three nation-states.<sup>4</sup> The idealistic promise of NAFTA was that of advancing Mexican civilization; this promise was a shared vision between the countries involved.<sup>5</sup> With hopes to lift the barriers of trade between Canada, Mexico, and the United States, NAFTA, Inc., a consortium of "100 large and small companies" and "CEOs of 60 large multinational corporations" brought hopes of increased standards of living, improved wages, and an influx of employment opportunities to Mexican workers.<sup>6</sup> NAFTA opened Mexico to a new type of economic relationship with the United States, giving the opportunity for American companies such as McDonald's, Walmart, and Starbucks to set up shop in Mexico. In turn, Mexican companies would be allowed to sell various products to the United States, with emphasis on fruits, vegetables as well as cheap labor. This inter-economic exchange resulted in massive GDP growth for both nations, and in 2015 alone resulted in a colossal one trillion-dollar multinational trade industry. The portrayal of NAFTA was economic excellence for all. However, whether intentional or not, the indigenous peasantry of Mexico were destined to suffer greatly from the treaty.

In the early hours of the first morning of 1994, at approximately 2:00 a.m., President Salinas received a call from his Secretary of Defense General Antonio Reveillo Bazan. He was calling concerning an insurrection occurring in the 31st Military Zone, a zone which has coverage of San Cristobal de las Casas, a Spanish colonial city positioned in the highland mountains of the southern state of Chiapas. General Bazan informed the president of a group of militant rebels who had besieged the city and announced they were igniting a full-fledged war upon the Mexican military and government.<sup>7</sup> The Zapatistas went on to wage a twelve-day war throughout Chiapas, garnering widespread international attention as they exposed the oppressive Mexican government.

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<sup>1</sup> Andy Gutierrez, *Codifying the Past, Erasing the Future: NAFTA and the Zapatista Uprising of 1994*, 4 *Hastings West Northwest Journal of Environmental Law & Policy* 143 (1997). pp. 883.

<sup>2</sup> Gutierrez, pp. 900.

<sup>3</sup> Gutierrez, pp. 904.

<sup>4</sup> Gutierrez, pp. 900.

<sup>5</sup> Paul Rich, "NAFTA and Chiapas" in *The ANNALS of the American Academy of Political and Social Science* 550, 1 (1997): pp. 72, <https://doi.org/10.1177/0002716297550001006>.

<sup>6</sup> Gutierrez, pp. 900.

<sup>7</sup> Gutierrez, pp. 884.

## International Politics

Recognized as the "poorest and most removed state" in Mexico, "forever-indigenous" Chiapas is home to a large and diverse Indian population, with a quarter of its populace identifying as indigenous.<sup>8</sup> A militant group formed from various indigenous backgrounds and who referred to themselves as the Ejército Zapatista de Liberación Nacional (EZLN), known as the Zapatista Army of National Liberation in English and colloquially as the Zapatistas. These "sons and daughters of poor farmers and plantation workers" proceeded to occupy four Chiapaneco towns, including San Cristobal de las Casas, Ocosingo, Altamirano, and Las Margaritas and demanded "work, land, housing, food, health, education, independence, liberty, democracy, justice, and peace".<sup>9</sup> The Zapatistas argued that the enactment of NAFTA was their final breaking point in what had been decades of economic policy that further disenfranchised the native people of Mexico with centuries of mistreatment.<sup>10</sup>

Reporters observed the Zapatista infantry to be "crudely fabricated weaponry – sticks carved in the shape of guns, some with knives or corrugated metal strapped to the barrel-like bayonets." In fact, there were platoons of Zapatistas who were, through some means or another, well-trained and armed with semi-automatic weapons.<sup>11</sup> Despite their arsenal and training, the Zapatistas were clearly no match for an established armed force. An example of asymmetrical warfare, the guerrilla armed forces of Zapatistas were unable to compete with the military capabilities of the Mexican army.<sup>12</sup> The Zapatistas decided to retreat when the Mexican army began using what reporters on site described as "gross human rights abuses."<sup>13</sup> There was a reported slaughtering of twenty-four guerrillas and one baby, with five bodies demonstrating signs of execution. By the end of the conflict, and after 300 deaths, the Mexican government heard the Zapatista's requests regarding NAFTA, which were opposite to their own.

Given the historical context, the fact that the indigenous uprising was birthed in Chiapas is unsurprising. Being the most resource-dense state in the country, with thirty percent of the nation's freshwater supply, Chiapas "remains as before: a rich land, and a poor people."<sup>14</sup> The Zapatistas, being highly politically aware, understood the implications of NAFTA and what it could mean for the future for indigenous peasantry not only in Chiapas but for all of Mexico.<sup>15</sup> On the day prior to the insurgence of those five Chiapaneco towns, the Zapatistas had released their *El Despertador Mexicano*, or Declaration of War, from the rural Lacandon Jungle. It began as such:

TODAY WE SAY ENOUGH IS ENOUGH!  
TO THE PEOPLE OF MEXICO:  
MEXICAN BROTHERS AND SISTERS:

We are the product of 500 years of struggle: first against slavery, then during the War of Independence against Spain led by insurgents, then to avoid being absorbed by North American imperialism, then to promulgate our constitution and expel the French Empire from our soil, and later the dictatorship of Porfirio Díaz denied us the just application of the Reform Laws, and the people rebelled and leaders like Villa and Zapata emerged, poor people just like us. We have been denied the most elemental preparation so that they can use us as cannon fodder and pillage the wealth of our country. They don't care that we have nothing, absolutely nothing, not even a roof over our heads: no land, no work, no health care, no food, no education. Nor are we able to freely and democratically elect our

<sup>8</sup> Australian Institute. "The Zapatista Movement: The Fight for Indigenous Rights in Mexico. Australian Institute of International Affairs." <https://www.internationalaffairs.org.au/news-item/the-zapatista-movement-the-fight-for-indigenous-rights-in-mexico/>

<sup>9</sup> General Command of the EZLN. "El Despertador Mexicano." Published December 31, 1993. <http://archive.oah.org/special-issues/mexico/zapmanifest.html>

<sup>10</sup> Belinda Linn Rincón. "Estas Son Mis Armas": Lorna Dee Cervantes's Poetics of Feminist Solidarity in the Era of Neoliberal Militarism" in *Women's Studies Quarterly* 42, 3 (2014): pp. 57.

<sup>11</sup> Gutiérrez, pp. 885.

<sup>12</sup> Australian Institute.

<sup>13</sup> Gutiérrez, pp. 884.

<sup>14</sup> Gutiérrez, pp. 892.

<sup>15</sup> Rincón, pp. 67.

## International Politics

political representatives, nor is there independence from foreigners, nor is there peace nor justice for ourselves and our children. (General Command of the EZLN, December 31, 1993)

To the indigenous peasantry of Mexico, globalized free trade meant competing directly with American farmers. Fear spread that whatever small margin currently exists for small food producers, most of whom were indigenous, it would be decimated by cheap imports from the United States. As one anthropologist noted, "marginal" shift in food production would be "bad news for the ninety percent of Chiapas communities already classified as economically 'marginal.'"<sup>16</sup> This volatility in the margin proved vital fuel for the rebellion and overarching indigenous movement.

Throughout the mid-1900s, latifundistas, or large landowners, began the process of buying land from ejidatarios, or the indigenous community-based landowners, and by the 1960s had managed to obtain sixty percent of the land in Chiapas while making up a mere 2.4 percent of the landowning population. On the other hand, ejidatarios owned a third of that amount, with their land comprising a third of the property value as that of the latifundistas. The ejidatarios petitioned the Mexican government to return a large portion of the land to the people and in 1945, the sitting President Manuel Ávila Camacho granted their request. Despite this victory for the ejidatarios, the latifundista cattlemen who occupied the land refused to leave for decades. Thirty years later, after the assassination of a predominant leader of the ejidatarios, an uprising took place and the ejidatarios began to reoccupy the land. They built houses and began farming the land once again. Shortly after the reoccupation of the land began, the Mexican army began "forcibly evicting the ejidatarios, burning their homes, and jailing their leaders."<sup>17</sup> This form of expulsion continued, with many Indians left for dead. Amnesty International deemed these killings to be deliberately political.

During the 1980s and the early 1990s, Mexican policy began to eliminate rural assistance programs to farmers, "cutting subsidies, technical assistance, and credit programs."<sup>18</sup> It was approximated that ninety percent of the population had been experiencing some form of malnutrition. Although major economic booms continued throughout Mexico during this period, Chiapanecos continued to earn wages that were severely below poverty lines. Nearly ninety percent of wage-earning people of Chiapas were earning less than 1,000 pesos per month or eighty American dollars. The population was highly uneducated, with forty percent of the population deemed illiterate. Chronic illness and addiction ran rampant across these communities. An estimated ninety percent of indigenous children were calorie or nutrient deficient.<sup>19</sup> Thus, it became evident to the indigenous population that the Mexican government cared more about ensuring land was profitable than that their people were supported with fair wages, ample resources, and the freedoms enjoyed by NAFTA's other two signatories.

Crucial to the Zapatista's claim of oppression was Article 27 of the Mexican Constitution. This clause previously guaranteed land redistribution to rural peasants - in Spanish, ejidatarios. It also required that ejidatarios were the only individuals allowed to work the land. The land could not be used for loans or as loan collateral and was subjugated to various government regulations.<sup>20</sup> Moreover, the ejido lands were not accessible to corporations or businesses for agricultural use, livestock grazing, or industrial forestry.<sup>21</sup> These land restrictions were highly beneficial to the communities it sought to serve. By 1990, fifty percent of the rural regions of Mexico umbrellaed under these protections, serving "approximately three million people organized into over 28,000 ejidos (communal farmland)."<sup>22</sup> This provision allowed indigenous Mexicans to grow

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<sup>16</sup> Gutiérrez, pp. 901.

<sup>17</sup> Gutiérrez, pp. 888.

<sup>18</sup> Gutiérrez, pp. 904.

<sup>19</sup> Gutiérrez, pp. 905.

<sup>20</sup> Rincón, pp. 62.

<sup>21</sup> Gutiérrez, pp. 899.

<sup>22</sup> Gutiérrez, pp. 900.

## International Politics

food for their own consumption and to maintain some authority over the land that had been in their communities for centuries.

Two years prior to the signing of NAFTA, in November 1991, President Salinas - the same President who signed the NAFTA treaty - proposed changes to Article 27 that would allow investors to buy, sell, and rent the regulated lands. Domestic corporations and businesses received the green light to acquire ejidos that had previously been restricted to them. It allowed for labor to be hired to work the land and included a program to register and title land so that it could be bought and sold. Within two months of the Salinas administration presenting the amendments to Congress, they had been approved and ratified in all thirty-one Mexican states.<sup>23</sup> These amendments, which later would couple with NAFTA, demonstrated that Salinas, as well as foreign and domestic politicians, were unopposed to overturning constitutional commitments previously guaranteed to the rural indigenous poor.<sup>24</sup> The amendments to Article 27 birthed the groundwork for NAFTA to be another tool to bring Mexican land into the global capitalist economy. The decimation of Article 27 ended what had been described by President Salinas as an "inefficient" use of land by the indigenous people, who were occupying it for the purpose of self-sufficiency instead of politicized desires for means of production and profit.<sup>25</sup> To Salinas, efficient land use and international economic competition were more important for Mexico than respecting the land of its indigenous communities.

Economic insights show that the loss of land can be strongly correlated with peasant migration into the United States resulting in the mass displacement of indigenous Mexicans. 850,000 households were forced out of the countryside and became refugees in their own country with the majority speaking only their indigenous language and being significantly unaccustomed to urban Mexican life. As a direct result, over 600,000 families left Mexico in a desperate, survival-like attempt to find employment on the American side of the Mexico-American border.<sup>26</sup> The loss of jobs for an impoverished population with already high unemployment rates was devastating. Speaking on this issue three years after NAFTA became law, Subcomandante Marcos, the lead spokesperson for the Zapatistas, asked the press, "Did the American people know that, in signing NAFTA, their government had become an accomplice in genocide... that the indigenous people of Mexico were now condemned to death?"<sup>27</sup> NAFTA resulted in thousands of displacements for a marginalized group of people who had been taking the brunt of the privatization of politics for decades.

As predicted by politicians and peasants alike, NAFTA's first year began with the massive influx of corn to Mexico from the United States. The Mexican population, particularly the indigenous, feared that their lands would be put up for sale to make room for corporate large-scale American corn farms. According to the United Nations Food and Agricultural Organization's Relative Trade Advantage Factor, the United States holds a significant advantage in the global market above Mexico regarding corn due to large-scale farming and being heavily subsidized by the government. On the other hand, Mexico had an even greater advantage above the United States regarding the growth and export of most fresh produce.<sup>28</sup> They had every reason to fear that their land would be exploited for its natural agricultural fertility and would be used to support the new trading power Mexico gained with NAFTA.

Mexican farms were struggling to maintain themselves in the new market, with many farmers beginning to sell their corn at a loss.<sup>29</sup> In the first year of NAFTA, American corn exports to Mexico increased ten times over, to three million metric tons. Two years later, in September of 1996, the United States had exported a staggering 6.3 million metric tons of corn to Mexico. Chiapas, a state that once primarily produced food for the consumption of Mexican consumers and local communities, began processing food for

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<sup>23</sup> Gutiérrez, pp. 899.

<sup>24</sup> Gutiérrez, pp. 998.

<sup>25</sup> Gutiérrez, pp. 900.

<sup>26</sup> Rich, pp. 83.

<sup>27</sup> Rafael Vicente. "From Vietnam to Chiapas, Twenty Years Before." 1994.

<sup>28</sup> Gutiérrez, pp. 881.

<sup>29</sup> Gutiérrez, pp. 904.

## International Politics

"agribusiness retailers, and intermediaries, whether at the international or national level."<sup>30</sup> A peasant leader named Luis Hernandez Navarro described NAFTA as being highly unbalanced to Mexico, particularly to the rural corn farming populations who are largely indigenous. With the average yield of corn in Mexico being 1.7 tons per hectare, while in the United States it is 7.5 tons per hectare, he expressed that deregulation of the food market, especially that of corn, would result in "an end to food self-sufficiency in Mexico, or what is left of it."<sup>31</sup> With the signing of NAFTA, Zapatistas argued that Mexico's indigenous peasantry would be "annihilated not with bullets or bombs but by the silent death of disease, of penury, of abandonment."<sup>32</sup> They were left with no choice but to persist against the system of a globalized free market that existed without checks and balances for the highly wealthy corporations and argued that they were being robbed of their dignity.

Just before NAFTA became international law, the United States government sold over \$214 million in military supplies under the administration of former American president George H. W. Bush. As a result, Mexico grew to have the second-largest military in Latin America. In the 1980s and 1990s, the United States, utilizing its influence in the International Monetary Fund and World Bank, began creating loan programs for countries such as Mexico to stabilize itself during the nation's economic depression. The expectations of those loans were that Mexico was to decrease its independent economic policy to allow for economic policy that depended on wealthier nations, such as the United States, for economic stability. Additionally, Mexico was expected to shift from a nation with economic protectionism requiring quotas and tariffs to a privatized market with foreign investment.<sup>33</sup>

These two major political actions were likely less independent from each other than is commonly perceived. In fact, they collectively laid a solid foundation for NAFTA to be successful for American companies in Mexico.<sup>34</sup> With a heavily armed Mexican government under this type of economic policy, a resistance such as that of the Zapatistas would not come to fruition. The insurrection of the Zapatistas in 1994 brought social instability to Mexico, with shaken confidence of international investors and a peso devaluation of fifty percent. This is partly why the government was swift to send military presence into Chiapas, although it was more for the purpose of suppressing the Zapatistas and less for the purpose of hearing out their requests. With the signing of NAFTA, Mexico created an image of being brought into the modern world. The insurrection that occurred on the night of January 1st, 1994 in San Cristobal de las Casas put Mexico in the global limelight of being a nation not of progress, but one of "racism, dispossession, marginalization, and repression."<sup>35</sup> As a result, it was in the most vital interest of Mexico to adequately suppress the pleas of the Zapatistas.

San Cristóbal de las Casas, a colonial city in the heart of Chiapas, is described by economists to now appear as a "NAFTA theme park." The home of the anti-imperialist Zapatista uprising just decades prior, the city now features a shopping center which includes a McDonald's.<sup>36</sup> The city is flooded with landless refugees from the countryside. At the same time, many indigenous workers are recruited as cheap labor for major global fast-fashion textile companies, such as India-based KN Knitwear and SpinTex, producing sportswear for major American companies such as Target.<sup>37</sup> With further expansion of American companies and corporations entering the Mexican market, the autonomous, community-funded sanctuaries created by the rebels continue to vastly contrast with the rest of the country. The Zapatistas have excluded themselves from national politics and

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<sup>30</sup> Gutiérrez, pp. 908.

<sup>31</sup> Gutiérrez, pp. 904.

<sup>32</sup> Ibid.

<sup>33</sup> Rincón, pp. 57-59.

<sup>34</sup> Rincón, pp. 60.

<sup>35</sup> John Ross. "Eleven Years After Zapatista Uprising, San Cristobal De Las Casas Becomes 'NAFTA Theme Park'." *Latin American Data Base* (2005): pp 1-2.  
<https://www.thefreelibrary.com/ELEVEN+YEARS+AFTER+ZAPATISTA+UPRISING%2C+SAN+CRISTOBAL+DE+LAS+CASAS...-a0127368535>

<sup>36</sup> Ibid.

<sup>37</sup> Ross, pp. 2.



## International Politics

domestic and foreign assistance altogether, seeking autonomy and self-reliance. Indigenous people continuously face massive conflict and struggle against the powers of a national agenda that has become "obsessed with free trade," wealth, and power.<sup>38</sup>

Zapatistas fully believe that the only way for indigenous survival "in the face of the brutal corporate globalization of the planet" is autonomy.<sup>39</sup> For the most part, the infrastructure of their communities is autonomous, with their schools, clinics, and co-ops. Indian children who never previously had educational opportunities now attend classes after the rebels overtook schools previously funded by American NGOs. Many other indigenous communities in Mexico have followed suit, with autonomous zones now existing in states such as Morelos or Guerrero. The Zapatistas argue that the focus of resistance should not be put on Chiapas directly but instead seek to fight neoliberalism in their personal context as a despotic global and systemic issue.

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<sup>38</sup> Isidro Morales. "Mexico's Post-NAFTA Privatisation Policies: the Case of the Petrochemical Sector" in *New Political Economy* 2, 3 (1997): pp. 430. <http://dx.doi.org/10.1080/13563469708406316>

<sup>39</sup> Rich, pp. 83-84.

## International Politics

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# A Stateless Nation: Governing Somalia in Civil War

Mostafa El Sharkawy

## Introduction

In 1991, the Republic of Somalia descended into a civil conflict which it still hasn't recovered from. Its long-standing civil war has labeled the country as a 'failed state' and while there has been no cessation of violence in Somalia, this label undermines the complexities of this conflict. Scholars have focused on specific elements of the civil war targeting the behaviours of actors, peacekeeping missions, and events. Although this valuable research draws a nuanced picture of the civil war, it largely ignores specific theoretical approaches that may explain seemingly unexplainable behaviours. More specifically, despite ethnic homogeneity and numerous attempts at peace, what explains the protracted violence? The war has presented unique challenges towards achieving national security, disincentivizing individual greed, implementing peace agreements, and executing the state-building project. I argue that the story of Somalia is fundamentally about governance where factions dominate a territory and thus, enjoy relatively higher levels of security than others. Bad governance is the decisive factor that formented the war.

This paper begins with a brief summary of the history of Somalia up to 1991, with particular attention to clan families and the colonial legacy. In the following section, I discuss the immediate causes of the civil war before highlighting the key events of the war itself. In this section, I present the first two theoretical understandings of human security and greed versus grievance—key consequences of ineffective governance. Despite some positive advancements, the paper asserts that domestic security has not been achieved in Somalia. It also argues that inefficient governance has perpetuated a cycle of greed which overshadows the underlying grievances in the war. Next, it discusses the repeated attempts at peace negotiations. Here, I consider explanations for why peace negotiations failed so often during the civil war. This paper contends that Somalia's state-building efforts are not futile and concludes with a discussion of Somalia's future policy implications and potential avenues for research on the topic.

### ***I. Civil War and Ethnic Conflicts: A Conceptual framework***

Civil wars are sometimes understood as synonymous with ethnic conflict. Civil wars are often based on ethnic divisions, but this is not true for all of them. Unlike many African countries, the majority of Somalis are members of one ethnic group.<sup>1</sup> As perhaps the most ethnically homogenous country in Africa, a civil war occurring in Somalia is a contradiction. Clan families serve as the primary identity marker in Somalia; even then, they are relatively fluid compared to traditional birth-based groups.<sup>2</sup> Ethnic conflicts generally refer to conflicts based on birth-based group identities like race or religion.<sup>3</sup> Under this criterion, the Somali Civil War is not considered an ethnic conflict as the country is dominated by one ethnic group. Rather, the root cause of the conflict is based on other clan identity markers and socio-economic factors.

### ***II. Somali Independence: From Colony to Republic to Dictatorship***

The notion of "Somali" people long preceded the nation of Somalia. Beginning in the 1400s, several clan groups interacted with various empires—here, the first evidence of Somali clans is recorded originating with the Hawiye people.<sup>4</sup> Between the 1400s and the

<sup>1</sup> Afyare Abdi Elmi and Abdullahi Barise. "The Somali Conflict: Root Causes, Obstacles, and Peace-Building Strategies," *African Security Review* 15, no. 1 (2006): 32.

<sup>2</sup> Abdi Elmi and Barise, "The Somali Conflict," 47.

<sup>3</sup> Ashutosh Varshney, "Nationalism, Ethnic Conflict, and Rationality," *Perspectives on Politics* 1, no. 1 (2003): 86.

<sup>4</sup>Abdi Kusow, "The Genesis of the Somali Civil War: A New Perspective." *Northeast African*

## International Politics

1800s, the area known as the “Horn of Africa” was occupied by Somalis who adopted nomadic culture and followed the Islamic faith.<sup>5</sup> However, the modern markings of Somalia became evident in the colonial administrations of British and Italian Somaliland. Though their relationship with local rulers began some four decades earlier, the British established the protectorate of British Somaliland in 1884 and administered the northern region in some capacity until 1960.<sup>6</sup> In a similar fashion, Italian ships first settled in the southern bay of Assab in 1885 and in 1889 the Italian protectorate extended down the Somali coast.<sup>7</sup> Over the years, the British and Italian Somalilands occupied the entire region that comprises the Republic of Somalia, excluding French Somaliland in modern-day Djibouti.<sup>8</sup> Under the colonial administration of Somalia, ethnic Somalis were scattered across multiple borders—while nomadic Somali communities once lived across the “Horn of Africa”, they were now restricted across Somalia, Kenya, Ethiopia, and Djibouti. This legacy lent itself to the concept of “Greater Somalia”, the idea that ethnic Somalia’s rightful territory is much larger than its current borders.<sup>9</sup> These legacies would become crucial in the leadup to the Civil War, particularly to the Somali-Ethiopian relationship.

In British Somaliland the road to independence accelerated following the Second World War and by 1956, competitive elections were underway.<sup>10</sup> Despite this, seats in the legislature were split along clan lines. One political party, the Somali Youth League, dominated the legislature and party representatives had little experience in managing western-style legislatures.<sup>11</sup> In the summer of 1960, the British administration had ceded total authority to the independent state of Somaliland.<sup>12</sup> In the south, following the Second World War, Italian Somaliland was returned to Italy under the AFIS trusteeship administration.<sup>13</sup> Between 1950 and 1960, this administration was tasked with leading Italian Somaliland to its independence within 10 years. Nonetheless, the exploitative extraction of natural resources by Italians prior to the War exacerbated the fight over basic resources like water.<sup>14</sup> The “Somalization” of public institutions in the south appeared to be complete by 1959 and in 1960 the Italian mandate of Italian Somaliland ended.<sup>15</sup> Just five days after British Somaliland gained its independence, representatives from the north and the south united the two territories to form the Republic of Somalia on July 1st.<sup>16</sup> Though its independence was a positive step, it was “year zero, the year everything has to start again.”<sup>17</sup>

At independence, the deep structural differences between the two former colonial administrations hampered the development of democratic political culture. The Somalis of the south had been planning for independence unlike northern Somalis, who had independence sprung on them. Thus, southern Somalis were better educated and prepared for governance.<sup>18</sup> As Ina Omame explains about the functioning of the Somali parliament, “our people [Northern Somalis] were not even prepared to learn the protocols, the public service and even basic governance.”<sup>19</sup> These issues demonstrate that Somalia’s governance problems predate its civil war and effective national governance

*Studies* 1, no. 1 (1994): 32-33.

<sup>5</sup> Alasow 2010, p. 3

<sup>6</sup> Oliver McPherson-Smith, “Better Off Alone: Somaliland, Institutional Legacy, and Prosperity” *Journal of the Middle East and Africa* 12, no. 2 (2021): 209.

<sup>7</sup> McPherson-Smith, “Better Off Alone,” 216.

<sup>8</sup> Jane Plastow, *A History of East African Theatre, Volume 1: Horn of Africa* (Springer International Publishing, 2020), 57.

<sup>9</sup> Cedric Barnes, “The Somali Youth League, Ethiopian Somalis and the Greater Somalia Idea, c.1946-48.” *Journal of Eastern African Studies* 1, no. 2 (2007): 278.

<sup>10</sup> Brock Millman, *British Somaliland: An Administrative History, 1920-1960* (Routledge, 2014), 267.

<sup>11</sup> Millman, *British Somaliland*, 267.

<sup>12</sup> Millman, *British Somaliland*, 267.

<sup>13</sup> Paolo Tripodi, *The Colonial Legacy in Somalia: Rome and Mogadishu: from Colonial Administration to Operation Restore Hope* (New York: St. Martin’s Press, 1999), 50

<sup>14</sup> Tripodi, *The Colonial Legacy in Somalia: Rome and Mogadishu*, 50.

<sup>15</sup> Tripodi, *The Colonial Legacy in Somalia: Rome and Mogadishu*, 100.

<sup>16</sup> Lidwien Kapteijns, *Clan Cleansing in Somalia: The Ruinous Legacy of 1991* (Philadelphia: University of Pennsylvania Press, Inc. 2012), 76.

<sup>17</sup> Tripodi, *The Colonial Legacy in Somalia: Rome and Mogadishu*, 100.

<sup>18</sup> Gérard Prunier, *The Country That Does Not Exist: a History of Somaliland* (London: Hurst & Company, 2021), 20.

<sup>19</sup> Prunier, *The Country That Does Not Exist*, 21.

## International Politics

was critical to the success of the Somali Republic. And despite the approval of a constitution in 1961, which precipitated a failed coup, Somalia's democracy grew feebler and more futile.<sup>20</sup> The task of establishing a functioning democracy without special considerations for ideological ambitions and localized governance through the clan-system resulted in makeshift solutions that fixed temporary issues in place of long-term ones. The lack of an established democratic culture allowed the rise of Siad Barre, a military commander, to the highest office in the land.

In 1969, following the assassination of the President, Siad Barre assumed the presidency and quickly suspended the constitution and banned political participation.<sup>21</sup> Espousing that "socialism unites, tribalism divides", Barre attempted to heal the divisions caused by clan-based systems by banning them all together.<sup>22</sup> Having ended Somalia's short-lived democracy, the Barre regime oversaw three key proximate causes of the civil war—repressive policies (particularly towards the clans), resource scarcity, and the Ogaden War. Here, early evidence for the debate between greed and grievance in civil war is presented. It also introduces the first conceptions of human security endangerment in Somalia.

### III. *Fertile Ground for Rebellion: Siad Barre, Clans, and Resource Scarcity*

The regime of President Barre centralized governance and, by extension, standardized identities across the country. Paired with a colossal military failure in the Ogaden War and a series of natural disasters, the lead-up to 1991 witnessed a fertile ground for rebellion. Despite his efforts to eradicate clannism in Somalia,<sup>23</sup> clan differences persisted in rural areas and more nomadic regions resisted the new hierarchical government structure.<sup>24</sup> Additionally, scholars have contended that the Barre regime actually antagonized clans by attempting to bring a foreign kind of political nationalism to Somalia's pre-colonial, clan-based nationalism.<sup>25</sup> His politicization and weaponization of clans and the clan system fomented a tense socio-political environment where Somalia's four major clan families competed for political authority and resources. Further, Barre's state authority was not used to centralize authority alone, but also to guarantee "the security of certain clans to the detriment of others."<sup>26</sup> Specifically, clans in the Northwest and Northeast were often targeted by the state and accused of supporting resistance groups. In fact, some historians have explained that upon ascending to the President's office, Barre separated clans based on whether or not they had supported the now ousted civilian government.<sup>27</sup> From this, the "enemy" clan category such as the Isaaq and the Darood suffered, while others like the Mareehaan sub-clan, to which Barre belonged, benefitted from state resources.<sup>28</sup> Instigating the tensions, Barre established a small network of clans that shared state resources as well.<sup>29</sup> The clearest manifestation of these clan divisions appeared in the state violence in 1988 and 1989 in the northwest region against the Isaaq clan. Here, the Barre regime unleashed clan-based violence including indiscriminate bombings, solitary confinement, rape, and torture in what amounted to a forgotten genocide.<sup>30</sup> Barre sowed the seeds of clan-based revolt against

<sup>20</sup> Tripodi, *The Colonial Legacy in Somalia: Rome and Mogadishu*, 106.

<sup>21</sup> Ismail I. Ahmed, "The Heritage of War and State Collapse in Somalia and Somaliland: Local-Level Effects, External Interventions and Reconstruction." *Third World Quarterly* 20, no. 1 (1999): 116.

<sup>22</sup> Ahmed, "The Heritage of War and State Collapse in Somalia and Somaliland," 117.

<sup>23</sup> Barre banned the use of terms like "ina'adeer" (meaning cousin) and "akils" (meaning lineage headmen). He also restricted the functions of clan elders. Several 1970s laws also restricted if not outlawed clannish connotations.

<sup>24</sup> Dominik Balthasar, "State Making in Somalia Under Siad Barre: Scrutinizing Historical Amnesia and Normative Bias." *The International Journal of African Historical Studies* 51, no. 1 (2018): 159.

<sup>25</sup> Mohamed Haji Ingiriis, "From Pre-Colonial Past to the Post-Colonial Present: The Contemporary Clan-Based Configurations of Statebuilding in Somalia." *African Studies Review* 61, no. 2 (2018): 57.

<sup>26</sup> Mohamed Haji Ingiriis, "State and Clan Violence in Somalia." *African Conflict and Peacebuilding Review* 8, no. 1 (2018): 80.

<sup>27</sup> Ingiriis, "State and Clan Violence in Somalia," 80.

<sup>28</sup> Ingiriis, "State and Clan Violence in Somalia," 80.

<sup>29</sup> Jean-François Bayart. *The State in Africa: The Politics of the Belly*. 2nd edition (Cambridge: Polity Press, 2013), 238.

<sup>30</sup> Kapteijns, *Clan Cleansing in Somalia*, 86.

## International Politics

his regime's repressive policies and cronyism. As one Isaaq woman recounts, Barre had threatened an Isaaq audience saying "how he would make them into beggars and refugees."<sup>31</sup> These experiences lend validity to the argument that Somalia's civil war has a basis in clan-based grievances. Although this may be true, I contend that greed plays a larger role in both causing and sustaining the war.

As a result of naturally occurring droughts as well as state-led corruption, prior to 1991 Somalia spiraled towards severe resource scarcity. Recent literature has established a causal link between climate variables, like natural disasters, and the fostering of conflict.<sup>32</sup> As mentioned above, the Barre regime exploited state resources for the benefit of a select few, thus leaving most Somalis without basic public goods. However, the arid nature of Somalia's climate and environment, which makes it especially susceptible to natural disasters,<sup>33</sup> overshadows the deliberate power relations that exacerbate such natural disasters. In a conceptual framework, the kind of resource scarcity experienced by Somalia prior to the war was structural, meaning that some groups had different access to the resources which created acute competition for such a resource.<sup>34</sup> The Barre regime enabled such competition on a sub-clan basis. Importantly, it is not the total amount of resources that induces conflict, but rather the inequitable access over such resources. That is to say, if the droughts of the 1970s had equally afflicted all Somalis and their access to water, there would have been less tension among clans. However, the inequities across resource access not only led to asymmetries in authority—clans which were closer to Barre's clan enjoyed more resources—but extenuated the consequences of natural disasters. The structural-led scarcity, however, ultimately created grievances and incentivized greed, especially for those which did not have a secure access to resources.

Finally, the Ogaden War of 1977 is commonly understood to have been the military blunder that weakened Barre's grip on power, antagonized clans, and depleted Somalia's resources. Returning to the concept of "Greater Somalia", Barre had envisioned his invasion of the Ogaden region of Ethiopia as the restoration of rightful Somaliland.<sup>35</sup> Previously, ethnic Somalis had lived in this region which had been gifted to Ethiopia by the British following the Second World War.<sup>36</sup> Barre's irredentist agenda materialized when he ordered the Somali National Army (SNA) to cross the border into Ethiopia on July 23, 1977.<sup>37</sup> Despite a numerical military advantage and unsteady governance in Addis Ababa, Somalia's advancement quickly stalled after significant backing for Ethiopia from the Soviet Union began.<sup>38</sup> After the full retreat of Somali soldiers on March 8, 1978, the war had cost Somalia half its military forces, some 20,000 people compared to Ethiopia's 65,000.<sup>39</sup> In the fallout of the Ogaden War, an attempted coup against Barre further entrenched his clan-based kleptocracy and repressive policies. Together with resource scarcity, greed, clan-based discrimination, and motivating grievance set the stage for a revolt against Barre in 1991.

#### **IV. Somalia at War: War Entrepreneurs, Human Security, and the Battle for Mogadishu**

The toppling of Siad Barre in 1991 by a coalition of clans left the country without a national government and a huge lack of any enforcement mechanisms that may have existed in the pre-war years. The clan coalition in the south soon descended into

<sup>31</sup> Mohamed Haji Ingiriis, "We Swallowed the State as the State Swallowed Us': The Genesis, Genealogies, and Geographies of Genocides in Somalia." *African Security* 9, no. 3 (2016): 242.

<sup>32</sup> See: Salehyan and Hendrix 2014; Percival and Homer-Dixon 1996.

<sup>33</sup> Christian Webersik, "Wars Over Resources?: Evidence from Somalia." *Environment: Science and Policy for Sustainable Development* 50, no. 3 (2008): 49.

<sup>34</sup> Ali Mohamed Abdinur and Ahmed Ibrahim Nageye, "Relationship Between Environmental Degradation, Resource Scarcity, and Civil Conflicts in Somalia." *Journal of Environmental Management & Tourism* 10, no. 2(24) (2019): 642.

<sup>35</sup> Belete Belachew Yihun, "Ethiopian Foreign Policy and the Ogaden War: The Shift from 'Containment' to 'Destabilization,' 1977-1991," *Journal of Eastern African Studies* 8, no. 4 (2014): 677.

<sup>36</sup> Muuse Yuusuf, *The Genesis of the Civil War in Somalia: the Impact of Foreign Military Intervention on the Conflict*. First edition (London, England: I. B. Tauris & Company, Limited, 2021), 11.

<sup>37</sup> G. Tareke, "The Ethiopia-Somalia War of 1977 Revisited," *The International Journal of African Historical Studies* 33, no. 3 (2000): 636.

<sup>38</sup> Tareke, "The Ethiopia-Somalia War of 1977 Revisited," 652.

<sup>39</sup> Yuusuf, *The Genesis of the Civil War in Somalia*, 35.

## International Politics

infighting and breaking off into individual sub-clan groups and militias.<sup>40</sup> While some have argued that Somalia's civil war began in 1982 with the Somali National Movement's (SNM) relocation to Ethiopia and particularly following Barre's bombing of the north, the descent to a national civil war truly began in 1991 following the Battle for Mogadishu and the removal of Siad Barre.<sup>41</sup> The SNM's opposition to the Barre regime was joint with the United Somali Congress (USC) who controlled much of the South in 1991. Although other actors also participated in the war in its early years,<sup>42</sup> the relationship between the SNM and the USC is significant because it brought to head the issue of national governance. In January 1991, USC leader, Ali Mahdi, announced that the USC-led government would govern the "whole of Somalia."<sup>43</sup> This announcement was largely rejected by the SNM and, in a unilateral fashion, the competing factions in the north undertook their own peace conferences, which eventually led to Somaliland's de facto independence in May 1991.<sup>44</sup> The independence of Somaliland is illustrative of the importance of governance in civil war. As the SNM consolidated power in the North it was able to operate as a state despite not having the international legitimacy of being one.

Outside of the limited violence in the quasi-autonomous state of Somaliland, the rest of the country became engulfed in violence despite the establishment of a USC-led transitional government in January of 1991 under Cali Mahdi.<sup>45</sup> The Mahdi-led USC faction clashed heavily with General Aided's faction and though they both came from the Hawiye clan, their individual lust for power and profit exacerbated their competing visions for Somalia.<sup>46</sup> Even the clan leaders could no longer assert their authority given the extent of the violence, so much so that they condoned looting in order to maintain some political authority.<sup>47</sup> One of the most disturbing episodes of violence occurred in what Kapteijns calls "clan cleansing" against those that shared Barre's clan background, his secret police, and anybody associated with the Darood, not as a clan group, but as a genealogical construct.<sup>48</sup> The clan-based violence at the onset of the war became the crucial factor that sustained the war; one poet writes, "Every enclosed space they turned into a grave."<sup>49</sup> It not only revitalized grievance and depleted resources, but it engraved a validation of violence that prevents the acquisition of human security for ordinary Somalis. The fighting in and around Mogadishu became the microcosm for the indiscriminate violence, warlordism, and material greed that ravaged the entire country.

*Greed versus Grievance*

While I have described extensively the causes of grievance leading up to and during the war, greed played a key role in sustaining the Civil War for many years. Its pervasiveness in Somalia's key areas has prevented the effective governance of the country. The battle for the control of Mogadishu made way for a war economy and warlord entrepreneurs who, without effective regulation, had a vested interest in continued violence. These entrenched interests, motivated by greed, overshadowed the existing grievances that played a larger role in causing the war. In the fight between the USC's Ali Mahdi and the breakaway Somali National Alliance's (SNA) Farah Aided, the violence in Mogadishu intensified dramatically.<sup>50</sup> With the lack of citizen protections in

<sup>40</sup> Prunier, *The Country That Does Not Exist*, 135.

<sup>41</sup> Kapteijns, *Clan Cleansing in Somalia*, 120.

<sup>42</sup> Alongside the USC in the south, the SNM in the north, the Somali Salvation Democratic Front (SSDF) controlled territory in Northeast Somalia. Additionally, the Somali Patriotic Front (SPF) controlled some territory in southwestern Somalia. These four rebel groups mounted the insurgency in the early years of the civil war. Following 1991, where the SNM evolved into the government of Somaliland and the USC played a key role in the governance of southern Somalia, the SSDF leadership founded the autonomous state of Puntland and the SPF split into one faction which joined the SNM in the north and another faction which declared the autonomous state of Jubbaland.

<sup>43</sup> Michael Walls, "The Emergence of a Somali State: Building Peace from Civil War in Somaliland." *African Affairs* (London) 108, no. 432 (2009): 80.

<sup>44</sup> Menkhaus, "The Crisis in Somalia: Tragedy in Five Acts," 81.

<sup>45</sup> Kapteijns, *Clan Cleansing in Somalia*, 130.

<sup>46</sup> Menkhaus, "The Crisis in Somalia: Tragedy in Five Acts," 81.

<sup>47</sup> Yuusuf, *The Genesis of the Civil War in Somalia*, 83.

<sup>48</sup> Kapteijns, *Clan Cleansing in Somalia*, 133.

<sup>49</sup> Yuusuf, *The Genesis of the Civil War in Somalia*, 78.

<sup>50</sup> Aisha Ahmad, *Jihad and Co: Black Markets and Islamist Power* (Oxford: Oxford University Press, Incorporated, 2017), 97.

## International Politics

the city, a class of warlords emerged to offer such protections in return for money, power, and a monopoly on the foreign aid that Somalia received. Paul Collier and Anke Hoeffler have argued that grievances do not explain rebel behaviour, rather it is the profit-seeking behaviour or greed of rebel organizations that present “the opportunity for rebellion.”<sup>51</sup> Warlords in Somalia were presented with ample opportunities, particularly in the absence of state authority, to continue the conditions of rebellion and sustain the war. Consistent with Collier and Hoeffler’s analysis, evidence suggests that warlords have taken advantage of the anarchy to charge a fee for security; one BBC correspondent in 2004 reported crossing seven separate security checkpoints before arriving at their hotel, paying an “entry fee” each time.<sup>52</sup> In a subsequent article, Collier and Hoeffler show that viability is equally as important as opportunity<sup>53</sup> and the absence of national authority in Somalia not only presented an opportunity, but a feasible way to seize economic means.

Considering this evidence, it would be reasonable to blame warlords for the Civil War. However, such a view would be reductionist. This is not to say that warlords have not perpetuated immense violence, nor that they should be in power; rather, it serves to illustrate the order and relative security they bring to ordinary Somalis. In Somalia’s unique civil war context, where no single rebel faction occupied a de-facto state role, pockets of hierarchy created by warlords and sometimes terrorist groups, bring order even for short periods of time. These have included the USC-led government in Mogadishu, the Somali Warlord Alliance, and the Islamic Courts Union.<sup>54</sup> Speaking about Al-Shabab’s governance of Southern Somalia in 2009, one refugee stated that “they do policing. They protect against thieves, they protect property, they do guard.”<sup>55</sup> Each actor has relied on warlordism for economic reasons, for better or for worse, and ultimately to sustain their power. It points to the larger relationship between warlordism, greed, and security—breaking the incentive structure that allows for reliance on warlords for security who, in turn, perpetuate a cycle of greed. Warlordism is critical to effective national governance. Some researchers have suggested that better business networks can lead to effective reconciliation because it disincentivizes young Somalis from joining warlord factions for economic reasons.<sup>56</sup> Warlords established a “balance of power” among themselves, preventing one faction from controlling the entire state.<sup>57</sup> This greed-motivated desire that sustains violence in Somalia is understood not as an irredentist or nationalist interest, but a business interest. It is for this reason that greed overshadows pre-existing grievances in the civil war. Furthermore, regions void of warlord activities, where elders reasserted political control, faced lower levels of violence.<sup>58</sup>

### Human Security

The elusive concept of human security has often been defined as the security from non-traditional threats like hunger, disease, and repression.<sup>59</sup> It reorients the concept of security around individual rights and the costs incurred by the individual during conflict.<sup>60</sup> I consider the most authoritative UNDP definition which includes seven elements of human security: economic, food, health, environmental, personal,

<sup>51</sup> Paul Collier and Anke Hoeffler. “Greed and Grievance in Civil War.” *Oxford Economic Papers* 56, no. 4 (2004): 569.

<sup>52</sup> “Living in Somalia’s Anarchy,” *BBC News*, November 18, 2004  
<http://news.bbc.co.uk/2/hi/africa/4017147.stm>.

<sup>53</sup> Paul Collier and Anke Hoeffler, and Dominic Rohner. “Beyond Greed and Grievance: Feasibility and Civil War.” *Oxford Economic Papers* 61, no. 1 (2009): 4.

<sup>54</sup> The United States has been reported to have funded and supported the “Alliance for the Restoration of Peace and Counterterrorism”, otherwise known as the Somali Warlord Alliance. This goes to show the international legitimacy that warlord factions can receive – their security guarantees are virtually unrivalled in fractured states like Somalia. See: David Morgan, “US funding Somali warlords – intelligence experts say” *Reuters*, June 05, 2006.

<https://reliefweb.int/report/somalia/us-funding-somali-warlords-intelligence-experts-say>

<sup>55</sup> Stig Jarle Hansen, *Al-Shabaab in Somalia: the History and Ideology of a Militant Islamist Group, 2005-2012* (New York: Oxford University Press, 2013), 84.

<sup>56</sup> Michael Keating and Matt Waldman. *War and Peace in Somalia: National Grievances, Local Conflict and Al-Shabaab* (New York, NY: Oxford University Press, 2018), 500.

<sup>57</sup> Ahmad, *Jihad and Co*, 98.

<sup>58</sup> Kimberly Marten, “Warlordism in Comparative Perspective.” *International Security* 31, no. 3 (2006): 53.

<sup>59</sup> Edward Newman, “Critical Human Security Studies.” *Review of International Studies* 36, no. 1 (2010): 78.

<sup>60</sup> Newman, “Critical Human Security Studies,” 78.



## International Politics

community and political security.<sup>61</sup> On virtually all accounts, human security is not afforded to Somalis as a consequence of bad governance during the Civil War. Human security loss in Somalia is also deeply interdependent.

The physical security of Somalis is perhaps the most violated element of human security today. The cycle of violence, and in some cases torture, rape, and indiscriminate killings, prevented Somalis from ascertaining the necessary level of personal security. While pockets of the country, like Somaliland, experience higher physical security, the existence of warlords and terrorist groups continues to endanger general physical security. The inability to effectively govern the conditions that led to the rise of the war, like clan-based violence and repressive policies prevented the achievement of physical security. The terrorist group Al-Shabab, which originated from the Camps of the Islamic Courts, has extenuated the threat on physical security. Its attacks on foreigners have displaced rural Somalis on the borders with Kenya and Ethiopia.<sup>62</sup> Another extenuating factor of the civil war has been the episodes of droughts, famine, and disease that claimed the lives of hundreds of thousands of Somalis.<sup>63</sup> According to the FAO, 73% of Somalia's population is undernourished and about 20% suffers from acute malnutrition.<sup>64</sup> This food insecurity has been augmented by health insecurity as well; the Food Security Assessment Unit of Somalia has pointed to the lack of health services for children and women as a causal factor for malnutrition.<sup>65</sup> Furthermore, the country suffers regular outbreaks of cholera, malaria, and tuberculosis, another endangerment of health security. Natural disasters are obviously inevitable, but their effects have been extenuated by bad governance. Consequently, the most chronically poor, malnourished regions are in central and southern urban Somalia.<sup>66</sup> Warlords' control of transport routes means that much international aid is looted<sup>67</sup> and whatever aid is distributed is done so on an allegiance, not need basis. The latter is certainly predicated on the clan-based grievances fomented under the Barre regime.

The lack of economic opportunities in Somalia has worsened economic security for most Somalis. While the economic situation of Somalia had been declining even prior to the Civil War, its magnitude increased during the war. The warlord business class monopolized whatever potential economic output that individual Somalis could access.<sup>68</sup> Youth unemployment in Somalia is at approximately 67 percent, causing deeper personal insecurity as young Somalis turn to militant groups for employment.<sup>69</sup> Community security, which refers to the survival of traditional cultures, was deeply endangered early in the Civil War but has since subsided. USC's targeting of Darood clan members sought to eliminate Darood Somalis, amounting to cultural insecurity. Finally, the complete lack of political institutions makes the call for political security moot. For most of the war, individual Somalis were more concerned with their survival than their protection of civil rights. Therefore, individual Somalis are at best afforded one element of human security, and even that is highly contingent on their location, clan, and local allegiance.

The discussion of human security in Somalia demonstrates that an interdependent network of consequences to the Civil War has not only caused human insecurity on many levels, but also made such insecurities co-dependent. That means food insecurity causes

<sup>61</sup> Roland Paris, "Human Security: Paradigm Shift or Hot Air?" *International Security* 26, no. 2 (2001): 90.

<sup>62</sup> The Dadaab refugee camp in Kenya houses approximately 300,000 Somali Refugees and is a sore point for the Somali-Kenyan relationship. See Besteman and Lehman in *War and Peace in Somalia: National Grievances, Local Conflict and Al-Shabab* (2019) for a deeper analysis of Al Shabab's influence on refugee displacements near the Jubba Valley region.

<sup>63</sup> John Norris and Bronwyn Bruton. "Twenty Years of Collapse and Counting: The Cost of Failure in Somalia." *The Center for American Progress* (2011), 9. For a comprehensive analysis of the famine in Somalia in 2011-12 which claimed the lives of 250,000 people see: Maxwell, Daniel and Majid Nisar. *Famine in Somalia: Competing Imperatives, Collective Failures, 2011-12* (Oxford University Press, 2016).

<sup>64</sup> Günter Hemrich, "Matching Food Security Analysis to Context: The Experience of the Somalia Food Security Assessment Unit: Matching Food Security Analysis to Context." *Disasters* 29 (2005): 568.

<sup>65</sup> Hemrich, "Matching Food Security Analysis to Context," 568.

<sup>66</sup> Hemrich, "Matching Food Security Analysis to Context," 569.

<sup>67</sup> Ken Menkhaus, "State Failure, State-Building, and Prospects for a 'Functional Failed State' in Somalia," *The Annals of the American Academy of Political and Social Science* 656, no. 1 (2014): 159.

<sup>68</sup> Ahmad, Jihad and Co, 97.

<sup>69</sup> "Six Things to Know about the Somali Economy," International Monetary Fund, April 11, 2017.

<https://www.imf.org/en/News/Articles/2017/04/11/NA041117-Six-Things-to-Know-About-Somalia-Economy>

## International Politics

further health insecurity, and personal security is likely unachievable if economic insecurity is not achieved. One consequence that has yet to be discussed is that of refugees and displaced Somalis. Much literature discusses the issues affecting refugees fleeing Somalia and its implications for the war.<sup>70</sup> In regard to human security, refugees face some of the most acute security issues, particularly in relation to personal and health freedoms. On average, 3,500 Somalis seek refuge each day and this rate has amounted to 800,000 refugees since 1991, with most fleeing to Kenya, Ethiopia, and even Yemen.<sup>71</sup> This does not include the more than 1.5 million internally displaced Somalis.<sup>72</sup> The ebb and flow of violence in Somalia, particularly in 1991, 2007, and 2011, has corresponded to higher numbers of refugees. The personal insecurity has been so great that Somali refugees arriving in Yemen view the situation there safer than back home.<sup>73</sup> A lack of institutional structure to return refugees or accommodate them within Somalia has made matters worse. Both Ethiopia and Kenya have militarily ventured into Somalia at different periods in response to some threat emanating from refugee issues.<sup>74</sup> This spillover effect on the neighbouring countries of Kenya and Ethiopia necessitates the achievement of human security for refugees.

### V. *Attempted Peace: Negotiations, Operations, and more Negotiations*

Over the course of the Civil War, Somalia has experienced 14 attempts at peace negotiations aimed at creating a government. It was on the 15<sup>th</sup> attempt that the goal was achieved, although with little long-term success. Peacekeeping missions, particularly at the beginning of the war, have attempted to subside the conflict with little success. If various factions have made the effort to negotiate for peace, then why have these negotiations been so unsuccessful? Research has noted that most civil wars are not ended by negotiations, rather when combatants converge about the outcome of further violence.<sup>75</sup> In Somalia, not until warlord factions, terrorist groups, and other actors like Somaliland and Puntland expect that violence no longer serves a purpose, can violence reach an end. However, such an outcome goes back to a number of incentives upheld by bad national governance. With the exception of Somaliland and Puntland, who no longer identify with the Civil War, there is little incentive for warlords, individual sub-clans, or terrorist groups to reach an agreement. It is true that each actor has their own incentive structure, but for the main actors—warlords and clans—greed and grievance incentivize the continuation of the war. This is not out of a desire to continue fighting, but rather the dislike of the alternative outcome: the dismantling of profitable business networks and ceding of local political authority.

The second element to the unsuccessful peace negotiations has been the implementation mechanisms for such agreements. As Stedman writes, there are several barriers to implementation including vague and expedient agreements, lack of coordination, and persistence of spoilers.<sup>76</sup> In Somalia, unclear expectations about the implementation of peace agreements have been exploited by non-state spoiler actors to

<sup>70</sup> For the health issues regarding Somali refugees see: Haakenson et al. 2006; Mondoni et al. 2018; Darcis et al. 2016; Carroll 2004; Nilsson, 2008 Ellis et al. 2008 and the Centers for Disease Control and Prevention's Morbidity and mortality weekly report. For literature on female refugees see: Pavlish, Noor and Brandt, 2010, Lewis, 2021; Robertson et al. 2006 For an excellent analysis of Somali Bantus's refugee experience see Bestman, 2016 and Frounfelker et al. 2017.

<sup>71</sup> Norris and Bruton, "Twenty Years of Collapse and Counting: The Cost of Failure in Somalia," xiv.

<sup>72</sup> Norris and Bruton, "Twenty Years of Collapse and Counting: The Cost of Failure in Somalia," 1.

<sup>73</sup> Norris and Bruton, "Twenty Years of Collapse and Counting: The Cost of Failure in Somalia," 13.

<sup>74</sup> Brian Hesse has argued that both the Kenyan and Ethiopian military expeditions in 2011 and 2006, respectively, were in response to threats from refugees and terrorism. See Brian J. Hesse, "Two Generations, Two Interventions in One of the World's Most-Failed States: The United States, Kenya and Ethiopia in Somalia." *Journal of Asian and African Studies (Leiden)* 51, no. 5 (2016): 582. In return, Al-Shabaab has attacked Kenya on multiple occasions, furthering the human suffering for individuals across borders. See: Cannon and Pkalya, 2019.

<sup>75</sup> Roy E. Licklider, *Stopping the Killing: How Civil Wars End* (New York: New York University Press, 1993), 258

<sup>76</sup> Stephen John Stedman, Donald S. Rothchild, and Elizabeth M. Cousens. *Ending Civil Wars: the Implementation of Peace Agreements* (Boulder, Colo: Lynne Rienner, 2002), 8.

## International Politics

ruin the agreements.<sup>77</sup> The persistence of spoilers is fundamentally due to the incentive structure mentioned above and leads back to the overarching issue of effective governance. Many of Somalia's past negotiations have inadequately addressed many facets of governance—the reclamation of a monopoly on legitimate use of force through demobilization and disarmament, fair representation of all parties, and prioritization of tasks. All of these point to a lack of state capacity, a central component to both implementation, and the prevention of a civil war relapse. Take for instance the Addis Ababa Agreement of 1993; despite gathering many factions, a commitment to a ceasefire, disarmament, and the establishment of a transitional government, the agreement failed because of a lack of state apparatus to achieve such goals.<sup>78</sup>

The subsequent peace and reconciliation conferences in Egypt, Kenya, and Djibouti negotiated on similar lines, but repeated violence constantly changed the balance of power and rendered the negotiations ineffective. The revolving door of actors made coordination difficult; the 2002 Technical Committee of the Intergovernmental Authority on Development had expected 300 delegates for its talks, but instead over 1,000 delegates arrived.<sup>79</sup> In an effort to accommodate all of them, the Committee arbitrarily divided the delegates into three groups and gave clan leaders more authority, despite inter-clan fragmentation.<sup>80</sup> Similar to many other peace negotiations, as they progressed, the conferences weakened and more actors drifted away<sup>81</sup> forcing more expedient, less developed agreements. These factors incentivized spoilers and dimmed the prospects of peace implementation. The ability to better organize competing factions, particularly during periods of lower violence, would incentive peace negotiations and by extension, its implementation. Consolidated factions like the Warlord Alliance and the Islamic Courts Union are better positioned to implement peace because of their ability to exert authority and govern broad swaths of territory.

#### VI. *Renewed Hope or Endless War? The “Failed State” Discourse and the New Republic*

To many international observers Somalia remains a “failed” state at worst and a “fragile” state at best, and despite the relative peace in recent years, an effective national government has yet to be achieved. Some, like Stephen Stedman, would argue that the role of civil war spoilers, particularly of elites, prevents such an arrangement because it threatens their power.<sup>82</sup> Others might point to economic conditions or the role of terrorist actors.<sup>83</sup> Somalia's current peace-building effort is effectively analyzed by relying on the typology developed by Charles-Phillippe David for peacebuilding. While Somalia is far from achieving a functioning national state, some evidence suggests that reconciliation and democratization are improving conditions. This highlights the importance of effective governance as a precursor to achieve other goals. While peace often precedes the state, some regions of Somalia have reversed that order. Efforts of state-building refers to the creation of state institutions to re-achieve statehood whereas peacebuilding is more closely related with the cessation of violence.<sup>84</sup>

<sup>77</sup> A spoiler actor is taken to mean an entity not interested in sustaining or implementing a beneficial peace process. Stephan Stedman writes that spoilers only exist when there is a peace process to be undermined because in a civil war it is rare that warring factions see peace as beneficial. Parties seeking to undermine that peace are considered spoilers. Stephan Stedman, “Spoiler Problems in Peace Processes” *International Security* 22, no. 2 (1997): 6.

<sup>78</sup> Karl DeRouen, Mark J Ferguson, Samuel Norton, Young Hwan Park, Jenna Lea, and Ashley Streat-Bartlett. “Civil War Peace Agreement Implementation and State Capacity.” *Journal of Peace Research* 47, no. 3 (2010): 342.

<sup>79</sup> Peter Woodward, “Somalia and Sudan: a Tale of Two Peace Processes,” *Round Table (London)* 93, no. 375 (2004): 476.

<sup>80</sup> Woodward, “Somalia and Sudan, a Tale of Two Peace Processes,” 476.

<sup>81</sup> Woodward, “Somalia and Sudan, a Tale of Two Peace Processes,” 477.

<sup>82</sup> Kelly M. Greenhill and Solomon Major, “The Perils of Profiling Civil War Spoilers and the Collapse of Intrastate Peace Accords,” *International Security* 31, no. 3 (2006): 7.

<sup>83</sup> Ken Menkhaus argues that the conditions for peace or state-building are not present in Somalia due to the absence of peace or a state. See: Kenu Menkhaus, “Somalia: ‘They Created a Desert and Called It Peace(building).’” *Review of African Political Economy* 36, no. 120 (2009).

<sup>84</sup> Charles-Phillippe David, “Does Peacebuilding Build Peace? Liberal (Mis)steps in the Peace Process.” *Security Dialogue* 30, no. 1 (1999): 26.

## International Politics

David posits that three elements underpin peacebuilding: some form of rehabilitation or reconciliation, the creation of security-related or socio-economic mechanisms between parties to prevent further violence, and an external intervention to create conditions of peace.<sup>85</sup> In practice, it must undergo a security-related, democratic, and socio-economic transition. While the conditions that rise to these transitions are often post-conflict, Somalia continues to experience conflict but has not ceased its reconciliation efforts. Somalia's Transitional Federal Institutions from 2006 began a roadmap towards peace and reconciliation which includes co-opting militia groups, reducing the size of parliament, tackling corruption, and planning elections.<sup>86</sup> The creation of a constitution and the 2012 election of a president through Parliament<sup>87</sup> were positive steps in the peace-building process and are evidence of rehabilitation. Parliamentarians' choice of exercising peaceful authority rather than violent means to organize themselves is the first of David's three peacebuilding elements. It is further justified by the efforts to cultivate civil society and inter-clan stability which is understood to bring reconciliation from the bottom up.<sup>88</sup> This reconciliation effort, as part of a democratic transition, has made significant progress as present-day Somalia prepares for parliamentary elections, paving the way for the election of a new president.<sup>89</sup> Some officials have called for the establishment of a one-man-one-vote system in Somalia.<sup>90</sup> These democratic transition milestones are integral to rehabilitating formerly warring factions and establishing peace.

On both security and economic dimensions, some evidence suggests that Somalia is moving in the right direction. Despite being without a central police force since 1991, three separate police forces in different parts of the country have lent some stability for sustainable institution-building. In Somaliland and Puntland, the regions operate with their own police forces creating favourable security conditions and preventing further violence.<sup>91</sup> While it is true that the regional nature of these institutions does not bode well for state-building, it is nonetheless creating more favourable conditions for peace. Similarly, socio-economic conditions improve in some parts of the country based on similar lines wherein institution-building is achieved at the expense of state-building. Private sectors in Somalia provide services in areas like electric and water grids, airport operations, seaport management, and even education, which would otherwise be provided by the state.<sup>92</sup> The viability of these critical services is important in preventing youth radicalization, although it also promotes opportunities for unregulated economies rampant with criminal activity. Despite creating relatively better conditions for peace by removing some of the incentive structures for violence, it does not create similar conditions for state-building.

I challenge David's insistence on external intervention in order to achieve peace. Early in the war, the UN set up two separate missions in Somalia which were unsuccessful. The U.S.-led mission had disastrous consequences for the U.S. itself and certainly did not keep the peace.<sup>93</sup> While the use of a third-party arbiter has historically been successful in civil war negotiations, it may not be true for peacebuilding. The

In this, David quotes then UN Secretary-General Boutros Boutros-Ghali as defining peacebuilding as "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse in conflict". Roland Paris and Timothy Sisk (2009) write about state-building as the establishment of statehood with an emphasis on institutional strengthening and construction of effective and legitimate government institutions as a sub-component of peacebuilding.

<sup>85</sup> David, "Does Peacebuilding Build Peace?", 27.

<sup>86</sup> Shaul Shay, *Somalia in Transition Since 2006* (Somerset: Taylor and Francis, 2017), 231.

<sup>87</sup> Shay, *Somalia in Transition Since 2006*, 237.

<sup>88</sup> Stephen Burgess, "A Lost Cause Recouped: Peace Enforcement and State-Building in Somalia." *Contemporary Security Policy* 34, no. 2 (2013): 318.

<sup>89</sup> Chrispin Mwakideu "Attacks intensify as Somalia prepares for presidential Election," *DW*, March 29, 2022. <https://www.dw.com/en/attacks-intensify-as-somalia-prepares-for-presidential-election/a-61293528>

<sup>90</sup> Sella Oneko and Alex Gitta, "Is Somalia ready for a one-person one-vote election?" *DW*, June 23, 2019.

<https://www.dw.com/en/is-somalia-ready-for-a-one-person-one-vote-election/a-49324124>

<sup>91</sup> Alice Hills, "SOMALIA WORKS: POLICE DEVELOPMENT AS STATE BUILDING." *African Affairs (London)* 113, no. 450 (2014): 93

<sup>92</sup> Ken Menkhaus, "Governance Without Government in Somalia Spoilers, State Building, and the Politics of Coping." *International Security* 31, no. 3 (2006): 90.

<sup>93</sup> Douglas Delaney, "Cutting, Running, or Otherwise? The US Decision to Withdraw from Somalia." *Small Wars & Insurgencies* 15, no. 3 (2004): 28.

## International Politics

existence of foreign influence may aggravate local actors and lead to a resurgence of violence. This is particularly true for Al-Shabab, which has made its dislike for Kenyan and AMISOM interventions clear.<sup>94</sup> In fact, the relative success of Somaliland's stability is almost entirely home-grown, without any such international intervention and even some international hostility.<sup>95</sup> Nonetheless, the African Union peacekeeping force of several thousand has helped preserve peace in government-controlled pockets.<sup>96</sup> It is this part of the security transition that benefits from effective control of territory. Where AMISOM and the current government can gain control, it eliminates the viability of warlords and terrorist groups.

Through efforts to achieve peace, some conditions for AMISOM success have been met—albeit few and far between. The security and socio-economic conditions are often operating in semi-governance structures between clans, private sector actors, and the government in Mogadishu. With the limited success this peacekeeping effort has achieved, it has shed light on the crucial nature of governance in Somalia. Somaliland in particular has provided a blueprint for why peacebuilding precedes, but is not separate from, state-building. In that region, a cessation of violence has created the favourable conditions to create a centralized state. The goal of effective national governance is the fundamental challenge facing Somalia, both for the preservation of peace and the viability of state building on a national level.

### VII. Conclusion

Somalia's protracted civil conflict has yet to reach a conclusion. While the violence has subsided for several years, new actors who emerged as a consequence of the Civil War—Al-Shabab—continue to extend the violence further. Though the original actors of the Civil War are now gone, from the war emerged an incentive structure predicated on ineffective, bad governance. The inability to govern the territory of Somalia has prevented the achievement of human security in several dimensions, both for Somalis in Somalia and for refugees. Furthermore, it has been the cause of 14 unsuccessful peace negotiations, for it gives spoilers an inherent advantage and forces expedient agreements. Through Somalia's promising peace-building efforts, the weakness of its national government is proving to be the most obvious obstacle. As a result, unregulated networks and economies emerge in the place of the state.

The study of the Somali civil war bears not just significant humanitarian significance, but significance for the study of civil war more broadly. The region's 20 years of violence causes frequent humanitarian crises which are often extenuated by natural disasters.<sup>97</sup> The Center for American Progress estimates that the financial costs since 1991 have exceeded \$55 billion USD and that the human cost is estimated between 500,000 to 1.5 million deaths.<sup>98</sup> As the war produces a spillover effect on neighbouring states, there is a further risk of destabilizing the region. Undoubtedly, Somalia's civil war is a severe case of human insecurity. For scholars of civil wars, the complexity of actors in Somalia makes it a unique case study to test preconceived notions about negotiations, state-building, peacekeeping, and peacebuilding. It presents researchers with various future avenues of research. For instance, the unique case of Somalia's *de facto* independent states; while Somaliland has been the subject of much research, it would be useful to explore Puntland, especially given that it does not seek total independence from Somalia.<sup>99</sup> Other research may explore the role of remittance payments from the Somali diaspora on the Somali economy and whether or not it is a sustainable factor in Somalia's economic transition. In any case, the study of the Somali Civil War, as this analysis has

<sup>94</sup> Mohamed Haji Ingiriis, "Building Peace from the Margins in Somalia: The Case for Political Settlement with Al-Shabaab," *Contemporary Security Policy* 39, no. 4 (2018): 525.

<sup>95</sup> Rakhiah Omaar, "Peace-Building and Democracy - Lessons of Somalia and Somaliland." *Whitehall Papers* 62, no. 1 (2004): 84.

<sup>96</sup> For AMISOM's mission see: Paul D. Williams, "Fighting for Peace in Somalia: AMISOM's Seven Strategic Challenges." *Journal of International Peacekeeping* 17, no. 3-4 (2013): 222-47.

<sup>97</sup> Ken Menkhaus, "The Crisis in Somalia: Tragedy in Five Acts," *African Affairs (London)* 106, no. 424 (2007): 358.

<sup>98</sup> Norris and Bruton, "Twenty Years of Collapse and Counting: The Cost of Failure in Somalia," 1.

<sup>99</sup> Hills, "SOMALIA WORKS: POLICE DEVELOPMENT AS STATE BUILDING," 93.

## International Politics

shown, is fundamentally about governance. Until the underlying structures that prevent effective national governance are resolved, Somalia's violence may not cease for good.

## International Politics

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Section 4:

# Political Theory

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**Featuring:**

“From Classical Democracy to Neo-liberalism:  
A Historical Analysis of Political Representation of Public Beliefs in Canada from  
the 1840s to the 2000s”

Written by Jacob Durack  
Ontario Tech University, Political Science Major, Class of 2022

# From Classical Democracy to Neo-liberalism: A Historical Analysis of Political Representation of Public Beliefs in Canada from the 1840s to the 2000s

Jacob Durack

## Introduction

This paper argues that the Canadian nation-state acts to sustain itself and remain relevant in Canadian liberal democracy. In developing that point, I will analyze three societal actors: the state, the wealthy class, and the general public (workers) throughout three eras: the classical era (ca. 1840-1945), the social democratic era (ca. 1945-1971), and the neoliberal era (ca. 1971-2008). Within these eras, this paper inspects how responsive the state was to the general public from the 1840s until 2008 in Canada. Throughout all three eras, Canadian governmental bodies underwent significant policy changes which reflected the state's favor of one actor over another. In analyzing the responsiveness of the state to the public, I observe the state to be dynamic at moments of crisis following times of path-dependent or unchanging political decision-making.

To provide context to analysis of state responsiveness, I will explore the fundamental aspects of the classical liberal era underpinning the basic structures of the state and the economy. I will discuss the ancient Athenian model of democracy, where the public would deliberate and influence policy decisions through direct votership.<sup>1</sup> From that idea, Canadian liberal democracy presents an alternative to the deliberative assembly of Athens by providing the public with the ability to decide on which representatives they believe will better create policy in the general interest of the majority.<sup>2</sup> A body of elected officials intended to represent the general public distinguishes liberal democracy from other forms of governance.<sup>3</sup> In electing these officials, everyone with the right to vote holds the same weight on their ballot.<sup>4</sup> Capitalism permeates liberal democratic states.<sup>5</sup> In the Canadian context, capitalism and elected representatives highlight the nature of liberal democracy that underpins this paper. Both remain relevant and constant throughout the three eras.

I will first illustrate the classical era as a time of public outcry and eventual realization of democratic enhancement albeit minimally. I will address some of the theoretical departures from the classical era into the social democratic era following the Second World War and lasting until the dissolution of the Bretton Woods monetary system in 1971. This paper will discuss public policy and the quality of the democratic experience during the social democratic period, where I argue that the state is highly responsive to the will of the public. To conclude, I will analyze the neoliberal era up until just prior to the subprime mortgage crisis of 2008. In doing so, this paper will highlight the influence of economic actors (the wealthy) in state actions which actively marginalized the working class. Further, the ways in which the Canadian nation-state transformed changed the nature of the different institutions, often igniting divisive attitudes between them. I will explore the discourses that justified such changes characterizing each era.

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<sup>1</sup> Nick Hewlett. Democracy: liberal and direct. In G. Browning, Halcli, & F. Webster (Eds.), *Understanding contemporary society: Theories of the present*. (SAGE Publications Ltd 2000). 165-177.

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Goran Therborn. "The Rule of Capital and the Rise of Democracy." *Classes and Elites in Democracy and Democratization*. (New Left Review 1977)

<sup>5</sup> Ibid

## Political Theory

In this historical context, this paper argues that in the Canadian liberal democratic system, it was not guaranteed that the state would uphold the interests of the general public any longer than required to maintain liberal democracy as a whole through reactive responses to crises. The state was more obligated to itself and the continuance of the status quo than to being democratic. Only when it faced legitimacy issues did it restructure itself, occasionally in the public's interest, depending on the nature of the issues that needed attention.

### **I. Theoretical Frame and Methodology**

Historically, Canada's political system and its key actors have followed a liberal democratic model, with little variation since 1840. Given this longstanding and broad acceptance of liberal democratic principles, one must ask what role the state (elected officials), economic actors (wealthy landowners and employers), and the public (citizens or workers) played in the development of Canada's liberal democratic state. To this end, I explore the following questions: How responsive is the state to Canadian citizens, and how accurate is this response to the political opinions and beliefs of the people, particularly given the power of wealthy landowners and employers?

In my analysis of liberal democracy, I focus on the connection between the state and everyday citizens. Using reports and newspaper editorials dating back to 1844, I attempt to capture a sense of the Canadian public's ideas and attitudes towards the actions of political leaders and the policies they impose. News articles are the oldest and most consistently available source of information that may reflect the ideas and opinions of the general public and are therefore essential for establishing and illustrating trends in thought and opinion. To discuss these attitudes, I use terminology such as 'the wealthy class' or 'upper and lower classes.' In doing so, I dichotomize the wealthy and the general public, placing them in a subjective social hierarchy outside of the state.<sup>6</sup>

As mentioned prior, I identify three historical periods that are distinct from each other when observing the characteristics of policies implemented by the state and the levels of public satisfaction or frustration with those policies. These three periods in Canadian liberal democracy are the classical era, social democratic era, and neoliberal era. As access to news media before 1844 was limited or nonexistent, I loosely define the classical liberal era as from 1840 until 1945. Further, I categorize the social democratic era from 1945 to 1971, and the neoliberal era from 1971 until 2008.

During the classical liberal era (ca. 1840-1945), advocacy for human rights, namely universal suffrage and workers' rights, was significant. While such rights were eventually realized, there was a notable time gap between public outcry and actual policy implementation. The following social democratic era (ca. 1945-1971) saw increased democratization for workers and the public. International bodies, such as the United Nations, enhanced the scope of human rights and influenced national governments to implement policies to improve those rights. The Canadian government better represented the public, with increased quality and decreased delay, through policies that reflected those expanded notions of human rights. Federal and provincial governments were more willing to tax the wealthier segments of the population and began to foster the growth of a robust middle class. Most recently, the neoliberal era (ca. 1971-2008) saw a shift in the state's priorities as governments disconnected from the interests of the general population in favor of the interests of the wealthy. Politicians increasingly emphasized neoliberal ideas (individualism, market liberalization and the retreat of the state from the provision of goods and services), and the public became inundated with neoliberal discourse from influential economic actors and elected officials via the news media. The result of this era is often characterized as a fragmentation of society into a multitude of conflicting, and often contradictory or misinformed, opinions and beliefs.

Research by Historical Institutional (HI) political theorists, such as Kathleen Thelen and Giovanni Capoccia, helps explain the overall historical patterns analyzed in this paper, at least until 2008. The common idea shared by HI theorists is that crises in liberal

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<sup>6</sup>Edward G. Grabb and Ronald D. Lambert. "The Subjective Meanings of Social Class Among Canadians." (*Canadian journal of sociology* 1982). 297-307

## Political Theory

democratic societies lead to paradigmatic shifts in political decisions by the state after extended periods of path-dependent policy trajectories.<sup>7</sup> Put simply, political decisions follow a rigid pattern with little deviation until major change is necessary. This common idea is readily observable in contracting and expanding involvement of the state in the economy and the lives of citizens throughout all three of the established eras. Further analysis through this theoretical lens finds that problematic policies persist, intensify, and often result in crises, referred to as ‘critical junctures’ which require the state to eventually address the core of the problem.<sup>8</sup> Other times, the state resists significant political change, and exogenous crises create a reason to alter the political paradigm or pattern of policymaking.<sup>9</sup> After such events, political leaders reconfigure policies to address the problems that need tending. Kathleen Thelen argues that institutions are not absolutely static because different organizations and institutions are constantly competing with each other.<sup>10</sup> Further, some conflicts are politically more consequential than others, meaning that some of those dynamic institutions have more influence than others over policy decisions that are power-laden.<sup>11</sup>

HI theorists further view the whole of a country as a set of policy structures, norms, and formal rules that motivate the actors within that system and are reflected in organizational frameworks and informal actions by people.<sup>12</sup> The rules and general codes of conduct tend to be firmly in place, and permeate any given state for sustained periods.<sup>13</sup> Other theorists like Giovanni Capoccia observe that political stagnation occurs when those in governmental positions resist change until the emergence of a critical juncture of legitimacy pertaining to liberal democratic institutions.<sup>14</sup> Thus, the term ‘path dependency’ is coined within the framework to describe the stagnation and persistence of policymaking paradigms. The state changes policy and the lives of its citizens, for better or worse, whenever it is required to sustain itself through and out of these critical junctures.

## II. *Classical Liberal Democratic Era (1840-1945)*

The political traits of the classical liberal era have their roots in the foundations of liberal democracy. Liberal democratic foundations apply to the other two eras, making the theoretical framework fundamental to this paper. Liberal democracy was inspired by Enlightenment era philosophers including John Locke and Thomas Hobbes.<sup>15</sup> For the public, liberal democratic ideas emphasized individualism, freedom, and protection from harm.<sup>16</sup> In theory, the state is responsible for the constitutional entrenchment of private property rights and individual liberties.<sup>17</sup> In practice, the protection of individual liberty and private property rights begat the pervasiveness and intensity of capitalism in Canada.<sup>18</sup>

Gary Hewlett distinguishes between the liberal democracy of modern societies and the direct democracy of ancient Athens.<sup>19</sup> Direct democracy was a deliberative process where the general public assembled and enjoyed unlimited power in policy making decisions.<sup>20</sup> Liberal democracy arose out of Athenian principles, but due to the growing complexity of society and the sheer number of people participating, representation replaced deliberation as the method of indirect policymaking through

<sup>7</sup> Kathleen Thelen. “Historical Institutionalism in Comparative Politics.” (*Annual review of political science* 1999) 369–404

<sup>8</sup> *Ibid*

<sup>9</sup> Giovanni Capoccia. “When Do Institutions ‘Bite’? Historical Institutionalism and the Politics of Institutional Change.” (*Comparative Political Studies*, July 2016). 1095–1127

<sup>10</sup> Thelen 369

<sup>11</sup> Capoccia 1095

<sup>12</sup> *Ibid*

<sup>13</sup> Thelen 370

<sup>14</sup> Capoccia 1095

<sup>15</sup> Gary Browning. Contemporary liberalism. In G. Browning, Halcli, & F. Webster (Eds.), *Understanding contemporary society: Theories of the present* (SAGE Publications Ltd 2000). 153-164

<sup>16</sup> *Ibid*

<sup>17</sup> *Ibid*

<sup>18</sup> Therborn 1977

<sup>19</sup> Hewlett 165

<sup>20</sup> *Ibid*

## Political Theory

elected officials.<sup>21</sup> As in ancient Athens, liberal democracy was exclusive when first conceived. Only land-owning men were allowed to vote, disconnecting a significant portion of the population from policy creation and deliberation (Hewlett, 2000). People had to trust representatives they did not select to implement policy in their interests. However, changing social norms and expectations in the classical liberal era changed the political landscape.<sup>22</sup>

Liberal democracy relies on coercion and consent to legitimize the decisions of officials in creating the rules that the public must follow.<sup>23</sup> If the people do not consent to the state's actions or rules, the state becomes illegitimate and illiberal.<sup>24</sup> Representatives must appear trustworthy due to the public's lack of direct involvement in policy making.<sup>25</sup> The state often acts to legitimize imposed policies that do not necessarily serve the public's desires.

Much of the continuity of the status quo in the classical era depended on discourses around the reasoning behind excluding certain groups from the electorate.<sup>26</sup> At various points in Canada's history, the electoral process excluded women, racial minorities, and Indigenous peoples. Often, those people were deemed incapable of making rational decisions and therefore incapable of voting.<sup>27</sup> For example, until the early 1900s, women were often deemed too mentally and emotionally unstable to take part in elections or policy creation.<sup>28</sup> Until 1960, Indigenous peoples could only participate in elections if they gave up their treaty rights and became enfranchised.<sup>29</sup> Public opinion eventually pushed against political exclusion in favor of universal suffrage. A news article from 1848 encapsulates the 'spirit of the age':

For myself when I feel the hand of power lie heavy on my brow, I care but little to know who oppresses me; and I am not the more disposed to pass beneath the yoke because it is held out to me by the arms of a million men. Government with them is a separate and distinct authority existing independently, not expressing the mind of the people, not representing their virtue and intelligence, but something set over them with a controlling and irresistible power, which it is unwarrantable to oppose. A bit is wanted in Canada for an improvement in the suffrage, and an increase of the representative body, and it is proper that the public mind should be fully made up upon it.<sup>30</sup>

Thus, people rejected the state's discourses used to justify the suppression of voter rights and pushed for universal suffrage. Despite these sentiments, the right to vote for women was not won for 68 years, when it was granted in 1916, during the First World War.<sup>31</sup> Tihomir Jovanovski and Mehmed Muric's economic policy analysis identifies a time lag of between six months and three years from the identification of a problem to the implementation of a policy.<sup>32</sup> However, advocacy for women's voting rights existed in the Canadian political atmosphere for much longer. Lag theory fails to explain such length in policy delay, and I argue that the federal government was aware of the public's demands

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<sup>21</sup> Ibid

<sup>22</sup> Terence Cuneo and Nicholas Wolterstorff. "Liberal Democracy as Equal Political Voice." In *Understanding Liberal Democracy*. (Oxford University Press, 2012).

<sup>23</sup> Cuneo, Terence, and Nicholas Wolterstorff. "The Paradoxical Role of Coercion in the Theory of Political Liberalism." In *Understanding Liberal Democracy*. (Oxford University Press, 2012).

<sup>24</sup> Ibid

<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> James Irvine Cairns and Alan Sears. *The Democratic Imagination Envisioning Popular Power in the Twenty-First Century*. (University of Toronto Press, 2012.)

<sup>28</sup> Ruth Bankey. "La Donna é Mobile: Constructing the Irrational Woman." (*Gender, place and culture : a journal of feminist geography* 8, 2001). 37–54.

<sup>29</sup> Olive Patricia Dickason and William Newbigging. *A Concise History of Canada's First Nations*. (Oxford University Press, 2015).

<sup>30</sup> "Universal Suffrage." *The Globe (1844-1936)*, Aug 12, 1848, pp.2

<sup>31</sup> Veronica Strong-Boag. "Women's Suffrage in Canada." *The Canadian Encyclopedia*. (Historica Canada June 20, 2016).

<sup>32</sup> Tihomir Jovanovski and Mehmed Muric. "The Phenomenon of Lag in Application of the Measures of Monetary Policy." (*Ekonomiska istraživanja* 24,2011): 154–163.

## Political Theory

for some time before increasing the scope of suffrage. In that case, the responsiveness of the state to the public was significantly hindered.

Coinciding with historical institutionalism, I argue that the First World War was a critical juncture during which voting rights were reformed for two reasons: (1) nearly all of Western humanity was at war; and (2) the Canadian men were in Europe, but an election was needed to uphold the integrity and legitimacy of liberal democracy in Canada in the absence of men.<sup>33</sup> Clearly, advocacy for universal suffrage had existed in the zeitgeist since at least 1848; however, suffrage for those other than land-owning men in elections was not realized until there was an election called in the absence of men. The Canadian government resisted public demand until World War I, when it had to change its political trajectory and allow women to vote in order to retain its relevance and legitimacy.

Beyond suffrage, other variants of public frustration with voting and election policy are evident throughout the remainder of the 19th century. An 1869 article looked at the decision of the federal government of Canada to reduce the number of polling days from two days to one.<sup>34</sup> This decision by the government was construed as a cynical attempt to change the electoral system in ways that would reduce turnout and democratic engagement.<sup>35</sup> On both sides of this issue, there was public mistrust of liberal democratic institutions. Two polling days would allow politicians too much time to restructure their campaigns overnight and 'bribe the public,' while one polling day would limit or suppress turnout.<sup>36</sup> Joseph Bessette argues that there is a persistent problem of liberal democratic states implementing policies that complicate elections or damage their integrity.<sup>37</sup> These damaging policies are observable in cases where a candidate won the popular majority vote yet lost the election, undermining perceptions of the election process and democracy as a whole.<sup>38</sup>

The classical liberal democratic era was a period when the general population increasingly advocated for enhanced liberal rights such as universal suffrage. The news articles illustrate a public mistrust in political representatives. Consistent with the ideas of classical liberal philosophers like John Stuart Mill, people appeared to consent to a representative democratic system, but the relationship between the public and the state was disconnected. Because there was little political will to respond to public advocacy for suffrage and voting reform, it took state actors nearly a century to recognize the public's will and allow women to vote. The state's lack of responsiveness to the public garnered a lack of trust in officials and negative sentiment towards decisions made by them. This analysis of the classical era is consistent with historical institutional frameworks that explain how the state initially resisted systemic challenges by the public. During World War I, the state eventually submitted to the demands of the people to have a free and fair election out of the necessity to have an election at all. The institutional decisions made at critical junctures remained path-dependent until other junctures, such as the Great Depression and the second World War, changed the paradigm.

### III. *The Social Democratic Era (1945-1971)*

Social democracy arose out of the failure of the economy during the classical era to serve the social well-being of citizens.<sup>39</sup> The initial establishment of capitalism was driven by the logic of classical liberalism that promoted unfettered capitalist growth, free of state intervention.<sup>40</sup> When economics was developing in the 1700s, it centered around the study of capitalism by scholars like Adam Smith. At the time, there was a strong notion that capitalism had internal features that would correct any ills in the market if left

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<sup>33</sup> Strong-Boag, 2016

<sup>34</sup> "Polling Days at Federal Elections." *The Globe (1844-1936)*, Nov 04, 1869.

<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Joseph M. Bessette, "Herbert J. Storing on the Problem of Democracy." (*Political science reviewer*2000): 70.

<sup>38</sup> Ibid

<sup>39</sup> John Stirling, "Globalisation and Labour: The New 'Great Transformation.'" *Capital & Class*. (Sage Publications Ltd, 2005).

<sup>40</sup> Tom Butler-Bowdon, *The Wealth of Nations: The Economics Classic*. (Capstone Publishing Ltd, 2010).



## Political Theory

unattended.<sup>41</sup> Classical economists conceptualized and promoted ideas of the invisible hand, the corrective force of the market, while asserting that state intervention created market instability.<sup>42</sup>

Classical economists believed that capitalism functions in neutral ways and that anyone can participate in the system with equal access to success.<sup>43</sup> However, events during the classical liberal era led to multiple crises of capitalism, particularly the Great Depression's economic impacts and the decimation of Western physical and economic infrastructure caused by World War II.<sup>44</sup> I argue that these are junctures during which the political paradigm changed significantly. The ensuing restructuring of the socio-economic system following those events is called the social democratic era.

Although the social democratic era was short, it has been labeled the golden age of capitalism. As a time of enhanced economic equality, democracy, and social citizenship, the period saw the establishment and consistent growth of a middle class, stable interest rates, and high profits for businesses.<sup>45</sup> The context for this shift was the low confidence in capitalism in the political zeitgeist of the West, including Canada, and the idealistic alternative to the capitalist system proposed by the Union of Soviet Socialist Republics (USSR).<sup>46</sup> Compared to the idealism of the Soviet Union and the expectations of what communism could have been if not derailed by narrow authoritarianism, capitalism was viewed as a source of inequality and poverty.<sup>47</sup> In response, the state acted to keep liberal democratic institutions and capitalism intact by transforming capitalist and democratic relations to work in the public's interest.<sup>48</sup>

During the 1930s, economist John Maynard Keynes envisaged the transformation of capitalism. Markets and modes of production would remain intact, but restrictions on wealthy actors would allow for a more equal distribution of money.<sup>49</sup> State-imposed policies revolved around the idea that when governments spend to support social programs, the economy benefits due to an increase in expendable income amongst the public.<sup>50</sup> The state managed the market through monetary policy taxing wealthy economic actors, controlling the inflow and outflow of capital, and reallocating wealth to the public through direct social safety nets and the creation of a robust consumer class through demand stimulus.<sup>51</sup>

A general lack of trust in the unregulated capitalist market alongside advocacy for social democratic ideas had been brewing in public opinion, vocalized by the public for much longer than what policy-lag theory would suggest as normal. In his 1911 book about the foundations of the welfare state, John Harley traced social democracy back to 1832 where scholars discussed state economic interventionism in promoting the wellbeing of citizens through providing goods and services.<sup>52</sup> In 1859, another news article reported on proposals for experimental farmers' markets regulated by the government to stimulate the economic wellbeing of farmers.<sup>53</sup> That point shows how disconnected elected officials can be in responding to the public because meaningful interventionism did not occur until ninety years later after 1945.<sup>54</sup>

Calls for social democracy intensified during the interwar period, as illustrated in the poetic article "This and that: welfare campaign."<sup>55</sup> The article was emotional, asking why the poor were ignored and how society could discard social equals due to their

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<sup>41</sup> Ibid

<sup>42</sup> Ibid

<sup>43</sup> Ibid

<sup>44</sup> Anthony Imoisi. "The Neo-Classical Perspective and Marxian Prediction of the Global Financial Meltdown." (*Acta Universitatis Danubius. Economica* 15, 2019): 278–290.

<sup>45</sup> Stirling 2005

<sup>46</sup> Arne Heise, and Ayesha Serfraz Khan. "The Welfare State of Liberal Democracy." (*World review of political economy* 2019): 220–245.

<sup>47</sup> Ibid

<sup>48</sup> Ibid

<sup>49</sup> Stirling 2005

<sup>50</sup> Ibid

<sup>51</sup> Ibid

<sup>52</sup> John Harley. *The New Social Democracy, a Study for the Times*. (King, 1911).

<sup>53</sup> "Market Regulations." *The Globe* (1844-1936), May 31, 1859.

<sup>54</sup> Paul Spicker. *The Welfare State a General Theory*. (SAGE, 2000).

<sup>55</sup> I.R. McK, "This and That: Welfare Campaign." *The Globe and Mail* (1936-), Nov 02, 1939.

## Political Theory

economic status.<sup>56</sup> Using a collectivist lens, the article highlighted the failure of capitalism to allocate resources equally and foster social harmony.<sup>57</sup> The conditions in capitalist societies were so undesirable in the classical liberal era that the state facilitated a compromise between workers and wealthy actors.<sup>58</sup>

The theoretical and conceptual underpinnings of the welfare state were encapsulated in the works of scholars like John Harley.<sup>59</sup> Laying the groundwork for what the welfare state would look like and how society would act, John Harley and other social democrats viewed capitalism and the individualistic foundations of liberalism as a source of social unrest.<sup>60</sup> During this era of unrest, the labor force and its capacity for collective action played a central role in the social democratic transformation. In the classical era, workers were disposable commodities, selling their labor on the market for a wage to simply sustain themselves. Workers' rights were considered outside of state responsibility prior to the social democratic era.<sup>61</sup> The workplace was deemed the private property of its owners, and the responsibility of the state was to uphold private property ownership.<sup>62</sup> There were no typical workdays, and no actual means for laborers to mobilize because while they could withhold their labor, they would eventually require some source of income.<sup>63</sup> The lack of worker protections resulted in a significant reserve of laborers who were desperate for any source of income. These surplus workers could easily replace striking employees making the labor force dispensable and unionization efforts unsustainable.<sup>64</sup> Still, with persistence and the eventual backing of the state, unions solidified around these issues and effected change.<sup>65</sup>

Many new developments arose from the new social democratic vision for Canadian society, including taxes on the wealthy that were intended to promote economic equality.<sup>66</sup> Keynesian demand-based policies revolved around the middle-class having money and stimulating the economy through consumer spending, ideally alleviating poverty while simultaneously promoting business growth.<sup>67</sup> Further, labor unions became increasingly robust as the state did more to uphold workers' rights.<sup>68</sup> The state's provision of affordable services for the general public was a significant way for workers to keep more of their money and spend it on goods, thus facilitating the supply of more goods.<sup>69</sup> Housing began to be regarded as a human right which was reflected in policies for public housing and rent-geared-to-income that allowed workers to live with dignity.<sup>70</sup>

In the late 1940s, public consensus was that welfare state policies were suitable for most people. Through unions, collective bargaining, and managerial economic policy, the working class became more involved in the democratic process.<sup>71</sup> One news article written in 1947 analyzed the mechanics of welfare budgets and spending in Ontario and noted that the budget reflected social democratic ideals and the ideals of the majority.<sup>72</sup> The budget provided funding for education and training to those in the lower classes, and the parliamentary language was of 'human investment' as opposed to 'workers' or 'laborers.'<sup>73</sup> Such discourse reflected a seemingly altruistic form of capitalism in how it treated the working class, converging with the opinions and beliefs of average Canadians since the mid-1800s.<sup>74</sup>

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<sup>56</sup> Ibid

<sup>57</sup> Spicker, 2000

<sup>58</sup> Ibid

<sup>59</sup> Harley 1911

<sup>60</sup> Ibid

<sup>61</sup> Spicker 2000

<sup>62</sup> Stirling 2005

<sup>63</sup> Harley 1911

<sup>64</sup> Imoisi 281

<sup>65</sup> Stirling 2005

<sup>66</sup> Spicker 2000

<sup>67</sup> Stirling 2005

<sup>68</sup> Spicker 2000

<sup>69</sup> Stirling 2005

<sup>70</sup> Gregory Suttor. *Still Renovating: a History of Canadian Social Housing Policy*. (McGill-Queen's University Press, 2016).

<sup>71</sup> Spicker 2000

<sup>72</sup> "Stressing Social Welfare." *The Globe and Mail* (1936-), Mar 12, 1947.

<sup>73</sup> Ibid

<sup>74</sup> Harley 1911

## Political Theory

After WWII, the state and the public seemed connected in a historical moment of harmony. However, the ideals of the wealthy class were beginning to intensify in the news media as they spoke out about the social democratic system. The anonymous author of the article "Intervention Invited" in 1947 reports that the wealthy were frustrated with state overreach into economic affairs. At the same time, the upper classes saw an important role for the state in stabilizing the prices of goods, primarily groceries.<sup>75</sup> The author blamed the owners of businesses for acting irrationally in the market and giving the government good reason to act to stabilize the economy, characterizing the role of the state as something temporary.<sup>76</sup> By the 1960s, political opinions began to diverge in the news media. The business community criticized the state for running 'irresponsible deficits' in creating demand.<sup>77</sup> According to John Gibson, the message from the state to the wealthy was passive and unresponsive.<sup>78</sup> At the same time, business owners advocated for tax breaks while the public, the state, and fragments of the business community saw the benefit of economic stimulus through state expenditure and supported deficit spending.<sup>79</sup> The early 1960s was a turning point in this analysis because this was the first significant point where the opinions of the wealthy were more publicly circulated.

It is widely agreed that the state acted in the public's interest in economic policy from the late 1940s until at least the early 1960s. The public enjoyed enhanced democratic power, mainly through deliberative, Athenian-style democracy in the workplace.<sup>80</sup> While the upper social class emerged near the end of this particular period to counter the democratic involvement and increased power of workers, the state largely ignored the voices of the business class until the onset of the neoliberal era in the 1970s.

In speculating about the context in which social democratic policies were implemented, the work of historical institutional theorists remains consistent with this paper. At the end of the Second World War, the transition from the classical liberal era into social democracy resulted from the need to address three major societal problems: the need to rebuild cities after WWII; dealing with the conditions that caused the Great Depression; and perhaps most importantly, keeping the capitalist system legitimate and relevant in the face of the idealism of communism. The Canadian liberal democratic state acted to preserve itself in this era, and in doing so, needed to make people believe in the capitalist-oriented liberal democratic system. The state had to shield the public from the unequal conditions embedded within classical liberal economics through managerial policy. The golden age of capitalism ensued, and the public was again convinced of the legitimacy of liberal democracy. Thus, for the first time, the state was very responsive to the wants and needs of the public.

#### IV. *The Neoliberal Era (1971-2008)*

Neoliberalism departed from the altruistic nature of welfare state policy and ideology and reverted to classicalism.<sup>81</sup> For workers, the neoliberal era reduced bargaining power and increased the precarity of working and living conditions through wage stagnation.<sup>82</sup> The relationship between government and the public began to fragment as neoliberalism solidified to become the dominant global monetary regime, with almost all countries engaged in the deregulation of their economies.<sup>83</sup> The public began to mistrust the ability of a representative government to act in their interests

<sup>75</sup> "Intervention Invited." *The Globe and Mail* (1936-), Nov 28, 1947.

<sup>76</sup> Ibid

<sup>77</sup> John Gibson. "Public Spending Criticized: Business Berated for Begging." *The Globe and Mail* (1936-), May 13, 1961.

<sup>78</sup> Ibid

<sup>79</sup> Bruce Macdonald. "Senate Hearings: CMA Official Backs Public Spending Idea." *The Globe and Mail* (1936-), Feb 17, 1961.

<sup>80</sup> Stirling 2005

<sup>81</sup> Rob Lambert & Andrew Herod. Neoliberalism, precarious work and remaking the geography of global capitalism. In R. Lambert & A. Herod (Eds.), *Neoliberal capitalism and precarious work: Ethnographies of accommodation and resistance*. Edward Elgar Publishing. 2016.

<sup>82</sup> Ibid

<sup>83</sup> Robert Howse. "From Politics to Technocracy—and Back Again: The Fate of the Multilateral Trading Regime." (*The American journal of international law*, 2002): 94–117.

## Political Theory

through policy.<sup>84</sup> Some members of the public believed in the logic of the neoliberal order, as noted in the *Globe and Mail* article by Ronald Anderson in 1970, which advocated for reduced public spending through the establishment of competitive business with fewer regulations on capital flows.<sup>85</sup> In Canada, the welfare state and its policies were still largely in place; however, there was a clear shift in political thought amongst the public and policymakers in the early 1970s.<sup>86</sup>

Neoliberalism came out of the collapse of the social democratic era due to the profitability crises that arose in the early 1970s.<sup>87</sup> First, the Bretton Woods institutions that upheld the organizational system fell apart in 1971. This coincided with U.S. President Richard Nixon's removal of capital controls, which alleviated the obligation for the wealthy to invest in the public sector through taxation, as they could move capital more freely around the world.<sup>88</sup> For Canada and much of the rest of the world, there no longer were institutional barriers to prevent interest rates and inflation from becoming volatile.<sup>89</sup> The state had less power to hold wealthy actors to account or to tax them in ways that adequately supported social programs because they were allowed to move their capital to other countries.<sup>90</sup> Without access to corporate taxes, the state could only provide social services to the public by going into debt with central banks. Meanwhile, the globalized, credit and debt-based monetary regime created an unstable global economy prone to crises.<sup>91</sup> Gregory Albo illustrates that this transformation arises from the defeat of leftist fiscal politics resulting in diminished power of labor unions and other mobilized organizations.<sup>92</sup> This shift decreased democracy for the public. The state became less concerned with the public as the source of its legitimacy and more concerned with supporting the desires of wealthy classes.<sup>93</sup> That transformation explains the general distrust in elected officials. However, it does not explain why some accept the logic of neoliberal economics, even though austerity measures often cut social services designed to support the public.

The logic of the neoliberal era was that corporations could not maximize profits in countries like Canada where wages and working regulations were high compared to elsewhere.<sup>94</sup> In light of this, the Canadian state worked to destabilize the power of labor unions and alleviate the costs of production so that businesses would not relocate.<sup>95</sup> Governments reduced taxes on corporations as incentives to stay, resulting in a 'race to the bottom.'<sup>96</sup> Countries worldwide rapidly deregulated tax policies and cut funding for social welfare programs so that corporations could profit domestically at the expense of workers.<sup>97</sup>

In one 1970 *Globe and Mail* article, there was a clear discursive push to remove state interference from economic affairs.<sup>98</sup> In that article, the president of a research company asserted that public spending was unquestionably wrong and asked how to reduce it through enhanced policy targets that could be achieved by private actors.<sup>99</sup> In his view, private enterprises were well suited to replace state involvement in policy to ensure that taxes would not continue to increase.<sup>100</sup> The shift from state to corporate

<sup>84</sup> Richard Wike, and Janell Fetterolf. "Liberal Democracy's Crisis of Confidence." *Journal of Democracy* 29, no. 4 (2018): 136-150. doi:10.1353/jod.2018.0069.

<sup>85</sup> Ronald Anderson. "Viewpoint: Competitive Management Plan Could Reduce Public Spending." *The Globe and Mail* (1936-), Jan 31, 1970.

<sup>86</sup> Spicker 2000

<sup>87</sup> Ronald McKinnon. "The Rules of the Game: International Money in Historical Perspective." *Journal of economic literature* 31, no. 1 (1993): 1-44.

<sup>88</sup> Ibid

<sup>89</sup> Ibid

<sup>90</sup> Ibid

<sup>91</sup> Richard Duncan. *The Dollar Crisis: Causes, Consequences and Cures*, Chapter 1, 5-23. (Wiley, 2003).

<sup>92</sup> Gregory Albo. "Neoliberalism, the State, and the Left: A Canadian Perspective." (*Monthly review* 2002) 46-55.

<sup>93</sup> Ibid

<sup>94</sup> Ibid

<sup>95</sup> Ibid

<sup>96</sup> David Kiefer, and Codrina Rada. "Profit Maximising Goes Global: The Race to the Bottom." *Cambridge journal of economics* 39, no. 5 (2015): 1333-1350.

<sup>97</sup> Ibid

<sup>98</sup> Anderson 1970

<sup>99</sup> Ibid

<sup>100</sup> Ibid

## Political Theory

involvement in the name of efficiency resulted in the entrenchment of neoliberalism in liberal democracy.<sup>101</sup>

According to Scott Matthews and Lynda Erickson, the more socially democratic a country was, the happier people were with taxation and public spending.<sup>102</sup> In contrast, the more neoliberal a country was, the more people supported the privatization of public services. A similar situation is apparent in Canada with the rise of neoliberalism, as public opinion shifted from an emphasis on collective contributions to society to one of individuality and personal responsibility.<sup>103</sup>

Perhaps the issue presented above was the product of aggressive campaigning for a neoliberal politic that emerged in the popular news media beginning in the 1960s. The reduction of public spending, the promotion of individualism to the point where people were blamed for their own poverty, and the increased push for the privatization of things like public education and healthcare intensified in the neoliberal era.<sup>104</sup> The entrenchment of the state in the economy meant that people viewed the state as a business, and neoliberal discourse has encouraged people to think of themselves in kind.<sup>105</sup> The reduction of spending and the increased 'freedom' of the market was welcomed by many, but the information presented to the public was not entirely accurate or informative.<sup>106</sup> Neoliberal discourse from the top-down provided people with a narrative that their tax dollars went towards supporting lazy people who chose not to work hard enough. In actuality, the government was so far in debt with the central banking system that they needed to privatize and deregulate nearly everything to balance budgets and appease corporate actors.<sup>107</sup>

At the same time, some people advocated for a model of direct democracy and rejected corporate power with its connection to the state. At a national campaign debate in the early 1990s, Dianne Francis criticized federal party leaders Audrey McLaughlin and Jean Chretien for discussing budgetary matters without real knowledge.<sup>108</sup> The public has the agency to decide what they want and has always possessed it, but liberal democratic institutions resist it for long periods highlighting the lack of responsivity of the state to the public. Finance and the debt-funded state have become central political topics since the onset of neoliberalism, yet Dianne Francis notes that politicians and citizens alike do not seem to know the real source of modern financial burdens.<sup>109</sup> Social democratic parties and actors pushed back against the treatment of the public as passive actors, such as in the *Financial Post* article by Rheal Seguin in 1995.<sup>110</sup> Here, it is argued that the federal government's deep connection to SNC Lavalin undermined Quebecois sovereignty by pushing the narrative that its business could be at stake if Quebec were to nationalize. According to those speaking for SNC Lavalin, Quebec's independence was an unnecessary economic risk. Thus, the federal government and SNC Lavalin aggressively campaigned to act in the interest of the Canadian corporations in the global economy, to elevate their position at the expense of those who wanted Quebecois sovereignty.<sup>111</sup>

Neoliberalism became embedded in the psychological schemas of everyday people.<sup>112</sup> Whether or not people were content with it, they had to act within the constraints of a liberal democratic system that did not prioritize the public. However, state and economic actors appealed to divided audiences and used targeted language

<sup>101</sup> Albo 55

<sup>102</sup> Scott Matthews and Lynda Erickson. "Welfare State Structures and the Structure of Welfare State Support: Attitudes Towards Social Spending in Canada, 1993-2000." (*European journal of political research* 2008): 411-435.

<sup>103</sup> Shawn Cassiman. "Resisting the Neo-Liberal Poverty Discourse: On Constructing Deadbeat Dads and Welfare Queens." (*Sociology compass* 2008) 1690-1700.

<sup>104</sup> Ibid

<sup>105</sup> Ibid

<sup>106</sup> Christina Pantazis. "Policies and Discourses of Poverty During a Time of Recession and Austerity." *Critical social policy* 36, no. 1 (2016): 3-20.

<sup>107</sup> Ibid

<sup>108</sup> Dianne Francis, "It's Time to Jettison Representative Democracy" *Financial Post*, Oct 05, 1993.

<sup>109</sup> Ibid

<sup>110</sup> Rheal Seguin. "Parizeau Broadens Scope of Referendum Struggle: Big Business Fights Social Democracy in Vote, Premier Says." *The Globe and Mail* (1996-), Sep 27, 1995.

<sup>111</sup> Ibid

<sup>112</sup> Carl Ratner. *Neoliberal Psychology*. (Springer, 2019).

## Political Theory

through the media when campaigning or making policy. Tracy Smith-Carrier and Andrea Lawlor analyzed the 2008 Ontario Poverty Reduction Plan (OPRP) and how it reduced government responsibility in reducing poverty.<sup>113</sup> In attempting to reduce poverty through austerity, the OPRP placed responsibility on the individual and played on the argument that neoliberalism allowed people to enjoy 'empowerment and dignity'.<sup>114</sup> The idea was that, by not giving hand-outs to those in poverty, people would feel more accomplished when they got out of poverty on their own.<sup>115</sup>

Although many scholars do not find the neoliberal policies of the era beneficial to the majority of people, many members of the public do. The article "Capitalism Saved" encapsulates that point, arguing that neoliberalism promotes global equality.<sup>116</sup> William Watson of the *National Post* measures the economic success of neoliberalism in terms of inflation rates across the globe, which, until recently, remained relatively stable thanks to austerity measures and reduced social spending.<sup>117</sup> Jennifer Jerit argues that many of the arguments for neoliberalism tend to be predictive.<sup>118</sup> For example, if Jennifer Jerit were to suggest to William Watson that perhaps governments should tax wealthy populations more and redistribute that wealth, Watson would argue that such a policy would cause inflation to increase.<sup>119</sup> These predictive appeals are often emotional and fear-inducing and used to resist social expenditure and taxation.<sup>120</sup> Jerit also points out that ad hominem attacks are more common than factual arguments.<sup>121</sup>

The political zeitgeist of the period reflects an ideological confusion among the general public and attempts by all societal actors to blame the consequences of neoliberal policies on one another. Historical institutionalists would point to the crises of the early 1970s to explain the paradigmatic shift in policy trajectory, but this time it was not in the interest of the people. The state broke from the general public and linked closely with the economic actors they relied on to stay relevant. The state relied on the economic actors to stay relevant because economic actors retreated from their responsibility to assist the state in providing goods for the public. As a result, the state needed to take on debt in exchange for the further deregulation of global capital. Much of the literature around this era demonstrates a lack of transparency by the state and economic actors as neoliberalism solidified through globalization and the deregulatory race to the bottom.

The consequences of these historical developments were public frustration and polarization. One segment of the public blamed the government for the conditions that the neoliberal era placed them in, while another segment of the population blamed corrupt economic actors and corporations. Some think neoliberalism is completely fine. The knowledge networks, particularly media outlets, that spread neoliberal discourse tended to either frustrate people or further embed the system's logic into the neoliberal psychological subject.<sup>122</sup> The answer to whether or not the state listens to the public is almost entirely no, because the state does not require the public to sustain itself in the neoliberal era. The campaigns leading up until election day tend to provide the public with options for making decisions informed by considering misleading, incomplete, or inaccurate information. The misleading information resulted from the lack of the state's need for the public to legitimize or consent to its actions, as its source of legitimacy became neoliberal discourse.

Thus, initiated by the departure of the Bretton Woods dollar to gold standard in the 1970's, the neoliberal era saw the emergence of a new global monetary regime that prioritized market dynamism, free trade, and free flowing global capital no longer tied to

<sup>113</sup> Tracy Smith-Carrier and Andrea Lawlor. "Realising Our (Neoliberal) Potential? A Critical Discourse Analysis of the Poverty Reduction Strategy in Ontario, Canada." (*Critical Social Policy* 37, 2017): 105–27

<sup>114</sup> Ratner 2019

<sup>115</sup> Ibid

<sup>116</sup> "Must Capitalism be 'Saved?': Time to Save Capitalism from its Unfettered Self, Feb. 28." *Toronto Star*, Mar 03, 2015.

<sup>117</sup> William Watson, "Maybe Neoliberalism Worked, After all." *National Post*, Nov 05, 2019.

<sup>118</sup> Jennifer Jerit. "How Predictive Appeals Affect Policy Opinions." (*American journal of political science* 2009): 411–426.

<sup>119</sup> Ibid

<sup>120</sup> Ibid

<sup>121</sup> Ibid

<sup>122</sup> Ratner 2019

## Political Theory

a tangible standard. Capital controls on big businesses saw corporations relocating their operations to parts of the world where labor was cheap in order to drive profit. No longer capable of aiding the public through taxation of those businesses, the federal government needed to act to sustain the structures institutionally built during the welfare state period by incurring tremendous debt. Conditions for lending money to governments, debtors required the government to reduce public spending at the expense of everyday citizens. Thus, neoliberal policies emerged not in the interest of the public, but the interest of the wealthy class. Neoliberal economics became entrenched in government bodies and the schemas of the general public through fear inducing discourse by political bodies, and aggressive advertising by the wealthy. The connection between the public and the state became weaker as the connection between the state and the wealthy became stronger and concrete. The neoliberal era saw the connection between the state and the public deteriorate significantly.

### V. Conclusion

As shown in this analysis, the political climate of the classical liberal era was one of advocacy and public outcry for the extension of voting rights, beginning as early as the 1840s.<sup>123</sup> Advocacy was resisted by the state for a long time, coinciding with Giovanni Cappocia's understanding of path-dependency; that the state resists significant changes until necessary.<sup>124</sup> Women and minorities' voices were underrepresented and largely ignored until the First World War, during which the absence of men in Canada presented the federal government with a challenge to remain legitimate. Thus, they allowed women to vote in 1916, prior to the federal election in 1917.<sup>125</sup> The state acted in its own best interest to stay relevant and present as the primary driver of political decision-making. Further, the link between the officials in the Canadian government and the Canadian people was weak in this era. However, the voice of the majority eventually prevailed through state-imposed policy such as rent geared to income that enhanced the democratic process minimally.<sup>126</sup>

Out of the catastrophic economic and political crises in the classical liberal era came the need for the state to exercise its power to keep liberal democracy intact. Consistent with Kathleen Thelen and Giovanni Cappocia's analysis, the World Wars and the Great Depression were sufficient in pressuring governments to reimagine the nature of capitalism and democracy.<sup>127, 128</sup> Calls for restructuring the economy and improving working and living conditions of the public grew at this juncture, culminating in the establishment of social democracy and the welfare state. This new paradigm lasted just shy of three decades.<sup>129</sup> The socio-economic pillars behind social democracy were collectivist, quasi-socialist understandings of human rights and Keynesian economic managerialism with demand-oriented economic stimulus.<sup>130</sup>

Public policy during the social democratic era included social assistance funded by the state through taxation of the wealthy, sweeping housing reform (as housing was newly considered a human right), and the expansion of social welfare services and subsidies.<sup>131</sup> Unions also became increasingly powerful, with the bargaining power of workers increasing during the social democratic era.<sup>132</sup> The connection between the state and the general public seemed strong, and the government briefly appeared to be responsive to the needs of the public, marking the 'golden age' of capitalism.<sup>133</sup> The state re-instilled public confidence in the system following the crises of the early 1900s. However, just as in the classical era, the state seemed only to respond to the public's will out of these crises

<sup>123</sup> Universal Suffrage 1848

<sup>124</sup> Cappocia 2016

<sup>125</sup> Strong-Boag 2016

<sup>126</sup> Suttor 2016

<sup>127</sup> Cappocia 2016

<sup>128</sup> Thelen 1999

<sup>129</sup> Raymond Blake., Penny Bryden, and Frank Strain. *The Welfare State in Canada Past, Present, and Future*. (Irwin Pub.1997)

<sup>130</sup> Spicker 200

<sup>131</sup> Suttor 2016

<sup>132</sup> Stirling 2005

<sup>133</sup> Ibid

## Political Theory

because social democracy had existed in the zeitgeist for over 100 years prior to the implementation of the welfare state.<sup>134</sup>

The social democratic era began to end when many of the regulations on capitalist markets were removed in the early 1970's.<sup>135</sup> Neoliberalism came into existence in the historical context of crises of corporate profitability and of confidence in the state to efficiently provide public goods.<sup>136</sup> Much of the literature on the early developments of neoliberalism points to the increasing power of workers as another key factor, as the power of unions grew too strong for the wealthy class to bear.<sup>137</sup> The structure of neoliberalism was such that the removal of the Bretton Woods monetary regime led to the unrestricted flow of capital on a global scale, so businesses were no longer restricted from moving their capital around the world.<sup>138</sup> The state catered to the wealthy class because, to attract their business to support the domestic economy, governments were required to keep wages and inflation stagnant, allowing businesses to profit.<sup>139</sup> Governments competed against each other to attract business through significant deregulation, participating in a 'race to the bottom'.<sup>140</sup> Further, due to the lack of state regulation on wealthy actors, governments have been forced to incur debt from financial institutions to provide public services, under the condition that governments cut spending for those services.<sup>141</sup>

The implications of the neoliberal development include public frustration because of cuts to social safety nets and services.<sup>142</sup> Discourses from economic actors and the state were prominent and circulated aggressively, dividing all three actors and fragmenting the public.<sup>143</sup> The public blamed either the government or the wealthy for their working and living conditions.<sup>144</sup> Meanwhile, the state was under scrutiny by the wealthy class because they were spending too much money on the public, causing imperfections in what they viewed to be the inherently perfect market.<sup>145</sup> Nevertheless, the state acted in the interest of the wealthy by spreading neoliberal discourse that justified austere policies that further deregulated and cut public spending.<sup>146</sup> The state, the wealthy, and the general public became embedded in neoliberalism, where every action is a transaction or an investment driven by 'hedonistic' calculus.<sup>147</sup> Such notions are underpinned by problematic and individualistic theoretical foundations, which blame massive portions of the population for their own economic marginalization.<sup>148</sup> This led to a scenario in which it was clear that the state did not represent the public. However, there was no real coherence in public opinion either, as public opinion became increasingly polarized following the onset of the neoliberal political structure and the coinciding monetary regime.

Thus, the state has responded to and acted for the public in different capacities throughout the classical liberal era, the social democratic era, and the neoliberal era. The classical era was a time of passive resistance or ignorance by the state to the public's wants, until the government acted out of necessity to remain relevant. The social democratic era brought about much of the same, although there were differences in the severity of the crises and the degree to which the state needed to act in the public's interest to sustain itself. The neoliberal era is utterly different from the other two. The state upheld its interests through economic actors at the expense of workers and people. The function of the state was to circulate discourse and misinform the public to perpetuate the status quo and maintain legitimacy. Therefore, does the state respond to the requests and demands of the public and provide them with the policies they want? In

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<sup>134</sup> Harley 1911

<sup>135</sup> McKinnon 30

<sup>136</sup> *Ibid*

<sup>137</sup> Therborn 1977

<sup>138</sup> Kiefer and Rada 1340

<sup>139</sup> *Ibid*

<sup>140</sup> *Ibid*

<sup>141</sup> Duncan 5

<sup>142</sup> Cassiman 1690

<sup>143</sup> Pantazis 3

<sup>144</sup> Wike and Fetterolf 136

<sup>145</sup> Butler-Bowdon 2010

<sup>146</sup> Smith-Carrier and Lawlor 105

<sup>147</sup> Ratner 2019

<sup>148</sup> *Ibid*



Political Theory

the classical era, partly; in the social democratic era, definitely but not perfectly; in the neoliberal era, not particularly.

## Political Theory

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