



Mapping Politics

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Letter from the Editors

We are grateful for the opportunity to work on *Mapping Politics*, the peer-reviewed political science journal of Memorial University. This volume has excellent scholarship that will be exposed to a wider audience than ever.

This issue marks the 7th year of *Mapping Politics*. Over the years, the journal has constantly enjoyed quality original submissions. This year, contributions range from political philosophy, public administration, voting behaviour, and contentious politics.

The journal represents valuable and unique opportunities for students interested in political science and relevant studies. Its influence has been enhancing. This year, we have made attempts to expand the readership of the journal. Firstly, we alter the publication format. The journal is now downloadable as a single PDF file. In this way, the access to the journal is more convenient. Secondly, we have listed the journal with the Council on Undergraduate Research. Thus, the work of Memorial's undergraduate scholars will be exposed to a broader, and potentially international, audience. This is good news for past and future contributors.

We would like to take this opportunity to thank all submitters. We sincerely enjoy reading the submissions, which cover a wide range of interesting and important topics. We hope you will submit again and suggest that your friends submit to our journal.

Thank you to Dr. Amanda Bittner and Dr. Russell Williams for supervising this edition of the journal. Thanks to editorial board members, Tanisha Connolly, Mike Fleet, Alex Marshall, Axel O'Young, and Christoph Pike for their dedication in reviewing the submissions.

We hope you enjoy Volume 7. Should you have any concern, please feel free to contact Emma at lho807@mun.ca or Mackenzie at mkk633@mun.ca

Sincerely,
L. Emma Huang and Mackenzie MacLeod

About Us

The Journal

Mapping Politics is an annual peer-reviewed journal produced by students in the Political Science department at Memorial University in St. John's, Newfoundland. We welcome submissions from Memorial students in all areas of political science including Newfoundland and Labrador politics, Canadian politics, international relations, media and politics, comparative politics, and political theory.

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A Feminist Critique on the Limits of Rawls

Conor Arsenault¹

Abstract

The general aim of this paper is to elaborate on the political philosophy of John Rawls, specifically his concepts such as the original position, the veil of ignorance, and the difference principle. In clarifying these concepts, it will be shown why Rawls has been so influential in the field of political philosophy. The specific aim of this paper, though, is to critique his theory of justice, often termed “justice as fairness,” as insufficient in dealing with gender inequality in society, such as the exploitation of women within the institution of the family. In doing so, a paradox will be presented, showing Rawls’ continual inability to back his claim that the principles of justice do not apply to the family, but that the family is imperative in cultivating one’s sense of justice. Realizing this, it will be argued that it is unjust for Rawls’ theory of justice to be applied in a society that believes in gender equality, as it is in opposition to feminist scholarship.

John Rawls’ *A Theory of Justice* is often considered the most important work of political philosophy of the twentieth century. A large part of this reason is because of the influence it has had on the thought of other political theorists. This influence, in many cases, is not that of praise; many thinkers have come to criticize Rawls. This paper will focus on one of these major criticisms, this being the failure to account for the subordination of women in society, specifically in Rawls’ lack of acknowledgment of the institution of the family. It will be argued, then, that although Rawls made significant progress in political philosophy, his theory should not be considered a complete theory of justice when it possesses such a flaw. First, Rawls’ thought will be praised, largely by discussing the originality of *A Theory of Justice*, notably in introducing the concept of the original position, the veil of ignorance, and the difference principle. Second, Rawls’ thought that the principles of justice only apply to the basic structure of society will be acknowledged, as well as an argument against distributive justice as being inefficient to deal with issues of feminism. This will lead, lastly, to the feminist thought that “the personal is political,” wherein there will be a thorough discussion in regards to Rawls’ brief thoughts towards the family and how he claims his principles of justice do not apply to it, as well as the

¹ **Conor Arsenault** is in his fourth year of Bachelor of Arts degree, majoring in philosophy and minoring in political science in Memorial University.

implications that arise from this. Most importantly, it will be argued that Rawls' theory contains a paradox, that is, that it does not seem that the family can be such an instrumental part of children's upbringing to appreciate justice when his principles of justice do not include the institution of the family. That being said, it will be concluded that although John Rawls' *A Theory of Justice* has been incredibly influential in political philosophy, it is unjust for it to be applied to society as a full theory of justice without fully accounting for gender equality.

Rawls' theory has been revolutionary in the field of political philosophy; to begin to understand this, his creation of concepts such as the original position and the veil of ignorance can be discussed. In short, the original position is his social contract argument: "The original position of equality corresponds to the state of nature in the traditional theory of the social contract" (Rawls, 1971: 12). Similar to the thought of social contract theorists such as Thomas Hobbes and John Locke, Rawls' original position is a thought experiment "to think, above all, about what is fair" (Hirschman, 1994: 1879). One could argue, though, that Rawls' social contract argument, that is, his idea of the original position, is more fair than past social contract theories. In fact, Rawls' theory of justice is often termed "justice as fairness," showing that fairness is at the heart of his idea of justice. To elaborate on Rawls' theory, Okin explains that "justice as fairness characterizes institutions whose members could hypothetically have agreed to their structure and rules from a position in which they did not know which place in the structure they were to occupy" (Okin, 1989: 94). This is exactly what the original position entails, that is, it is a hypothetical position wherein the individuals within the position choose the outcomes that will be as fair as possible for everyone, as no one knows where they will end up in the structure of society. No one wants to be disadvantaged; in choosing outcomes that are fair for everyone, no one would have to worry about being in a disadvantageous position in society.

More must be said on the original position. Kymlicka has called it "a device that prevents people from exploiting their arbitrary advantages in the selection of principles of justice," as one's arbitrary advantages, such as one's natural intelligence, work ethic, or physical strength should not have any role in determining what is fair for everyone in society (2002: 63). If arbitrary advantages did have a role in determining what is to be considered fair, it could be argued that most people would be biased in choosing principles of

justice. This leads to a crucial aspect of the original position, that is, that “the principles of justice that should regulate the basic institutions of society” as Okin explains, “are those that would be arrived at by persons reasoning in what is termed ‘the original position’” (1989: 90). Further, “‘the parties’ who deliberate there are rational and mutually disinterested [...] a ‘veil of ignorance’ conceals from them all knowledge of their individual characteristics and their social position,” thus one would have no idea of one’s race, class, religious orientation, or gender, to cite a few examples (Okin, 1989: 90). The main purpose of the original position, then, is to choose principles of justice that everyone, not knowing where they will end up in the hierarchy of society, would consent to, and the veil of ignorance is the lens that one looks through while in the original position: “The principles of justice are chosen behind a veil of ignorance” (Rawls, 1971: 12). To use an analogy, Kymlicka says that “the veil of ignorance is [...] an intuitive test of fairness, in the same way that we try to ensure a fair division of cake by making sure that the person who cuts it does not know which piece she will get” (2002: 63). In the original position, then, one is behind a veil of ignorance, and because of this “it should be impossible” for one to “tailor principles to the circumstances of one’s own case” (Rawls, 1971: 19). These two general concepts, in short, are a large part of what makes Rawls’ thought live up to the notion of being a theory of justice as fairness.

Another major reason that Rawls’ work in *A Theory of Justice* is often praised is because, in creating his system of justice, he showed that the prevailing equality of opportunity put forward by liberals is a form of injustice. In the former notion of equality of opportunity “people’s fate” was “in their own hands;” but “natural talents and social circumstances,” Kymlicka explains, “are both matters of brute luck” (2002: 58). It can be argued, then, that the previous conception of equality of opportunity depended on, in a large way, luck. Although merit is normally the word used to describe what comes of one’s actions when living in a welfare state, this does not account for the natural talents that individuals possess, that is, talents that individuals innately possess by birth. To use an example, if an individual is born with an immensely creative mind and desires to be an artist, this individual would have a much greater opportunity of being a successful artist than an individual who is born with an immensely unimaginative mind, and although the second individual may try very hard to become a successful artist, the first individual, simply by nature, will be a

better artist. Kymlicka uses the example of one being “born handicapped, or with an IQ of 140;” according to the previous conception of equality of opportunity, both the handicapped person and the person with an IQ of 140 would have to work just as hard to do whatever they may want to do, when in reality, the person with an IQ of 140, in most cases, would have a much easier time achieving their goals (2002: 58). The prevailing equality of opportunity argument, then, contains undeserved inequalities, and “if we are genuinely interested in removing undeserved inequalities, then the prevailing view of equality of opportunity is inadequate” (Kymlicka, 2002: 59). From this, Rawls creates the difference principle.

Rawls’ second principle of justice is often referred to as the difference principle. The difference principle is the thought that, in Rawls’ words, “all social primary goods - liberty and opportunity, income and wealth, and the bases of self-respect - are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored” (1971: 303). From this, two main points must be known; first, inequalities, for Rawls, are in some ways justified, and, second, if there is to be an inequality, it must be for the benefit of the least well-off in society. Kymlicka argues that this “is the single, simple idea at the heart of Rawls’ theory,” and that, in a way, it gives “the less well-off a kind of veto over inequalities” (2002: 55). To reincorporate the previous conception of equality of opportunity, it can be said that “under the prevailing idea of equality of opportunity [...] the less well-off have no veto over these inequalities, and no right to expect to benefit from them” (Kymlicka, 2002: 57). In taking into account the least well-off persons in society, then, Rawls comes to create his “general conception of justice” (Kymlicka, 2002: 55). One may wonder, here, why it is that Rawls does his theorizing by thinking about the least well-off individuals in society. If one thinks of the original position that was discussed, though, a connection can, and must, be made. In the original position, to restate, one looks through a veil of ignorance to choose principles of justice that would be fair for everyone, as no one in the original position knows where in society they will end up. In doing so, but in different words, one would be choosing principles of justice that would be most beneficial for the least well-off in society. Realizing this, Rawls’ theory comes full circle: “We are led to the difference principle if we wish to set up the social system so that no one gains or loses from his arbitrary place in the distribution of natural assets or his initial position in society without giving

or receiving compensating advantages in return” (Rawls, 1971: 102). To conclude with an example of an inequality that Rawls would find just, Hirschman explains that “inequalities in wealth and power” are “acceptable if they provide more adequately for those at the bottom than would an equal division of wealth” (1994: 1879). On the other hand, if an equal division of wealth would benefit those at the bottom just as much as those at the top, then that would also be just. In sum, what is just in every circumstance is that which will benefit those that are the least well-off in society.

Although Rawls’ theory, as was shown, has many reasons for praise, his theory can also be critiqued. Rawls’ justice as fairness is a form of distributive justice, and distributive justice is often insufficient to explain certain injustices. His “conception of justice,” then, provides “in the first instance a standard whereby the distributive aspects of the basic structure of society are to be assessed” (Rawls, 1971: 9). What this does, as the difference principle explained, is distribute social primary goods in society so that the least well-off will benefit the most. What this does not do, though, is account for the injustices against women, as will be argued. Further, it seems that distributive justice overlooks group-based oppression. Young, who argues that injustices are done to people based on the groups they belong to and not because of who they are individually, says that “social justice means the elimination of institutionalized domination and oppression” (1990: 15). To apply this to the main argument that will come of this paper, that is, that there is a feminist argument to be put against Rawls in regards to the family, his distributive justice does not seem to account for the oppression and domination of women in the private sphere. It can briefly be noted, then, that Rawls’ version of justice does not just overlook group-based injustices, but that it also overlooks injustices that happen in the private sphere. For this reason, “it is a mistake to reduce social justice to distribution” (Young, 1990: 15). Okin goes as far to say that Rawls’ distributive justice “fails entirely to address the justice of the gender system, which, with its roots in the sex roles of the family and its branches extending into virtually every corner of our lives, is one of the fundamental structures of our society” (1989: 101). Further, Hirschman says that Rawls is not justified in “drawing a line around justice that excludes private agencies of injustice,” and in realizing that this was done in a time where feminist values were well known in political philosophy, this including the awareness of private injustices against women,

it does not seem right for Rawls to have not done more to acknowledge them (1994: 1865).

Another critique of Rawls' theory is the impracticality of his original position argument, and since his original position argument is such a crucial aspect of his theory of justice, this critique, in a way, acts as a critique of his theory as a whole. For this paper, this critique will be presented from a feminist point of view. Okin describes Rawls as "disembodied and unembedded in any social or cultural reality," but for one to be aware of feminist values, one must be embodied in reality (2004: 1544). This is the case because, theoretically, all humans are said to be equal, but it is only in understanding the reality of women's lives that their subordination can be grasped. This subordination, Hirschman argues, is often due to the physical dominance, at least the majority of the time, of men over women: "The primacy of equal moral autonomy cannot survive the physical reality of the inequality of physical players" (1994: 1874). Even though the original position disregards sex and gender when individuals choose principles of justice, then, this still does not help the reality of women being dominated and oppressed in the private sphere. Hirschman further states that "the positive benefits of narrow Rawlsian justice" become "essentially meaningless, and its restrictions affirmatively harmful" when it does not account for the private sphere, which, as it is being argued, it does not (1994: 1866). Being "in the ineluctable physical reality of a sexed population, women, smaller, weaker, and more vulnerable in childbirth and nursing, will know that, as individual players, they will always come out at a disadvantage," and if Rawls' theory of justice is what societies adopt as their rulebook for justice, this will continue to be true (Hirschman, 1994: 1868). In other words, "if Rawls has his way and only the state can be held to any standards of justice," Hirschman asks, "what arguments can women make against these private oppressions?" (1994: 1876). That being said, there must also be standards of justice in the private sphere.

Another critique of the original position is that it disregards history and the status quo. This criticism comes from Nussbaum; she claims that Rawls "proceeds as if, at the level of the Original Position, the account is historically neutral, not biased in favor of the status quo in any given place and time" (2000: 64). This comes back to the notion, then, that Rawls is not anchored enough in reality. In acting like the original position is historically neutral, he is not accounting for the centuries of domination and oppression

against women. If there was no such thing as a status quo or if people's minds could spontaneously change for the better after years of thinking in a certain way, it could be argued that the original position being historically neutral could be justified. It seems, though, that people cannot simply forget about history, and that change, especially attitudinal change, normally takes a lot of time. That being said, although it makes sense that Rawls' original position is historically neutral because by definition it is indifferent to empirical circumstances, the reality of injustices towards women is far too apparent for the original position to be historically neutral and therefore neglect the fact that many people still view women as subordinate. Choosing principles of justice from the original position, then, although great for "public justice," does nothing to address the reality of "private anarchy," that is, wherein there is no law and the naturally stronger will rule, and the naturally stronger, as was previously argued, is usually men (Hirschman, 1994: 1875).

Rawls and the Family

From here, there can now begin a thorough discussion on Rawls' failure to adequately deal with the institution of the family; first, there must be more known about the common feminist argument that "the personal is political." In short, this motto calls for awareness of that which is often only considered to be of importance in people's personal lives, such as one's family life, as it is here that women face the greatest amount of injustice. Due to the injustice that women face in their private life, it should be brought out into the open, that is, into the public realm, so people can become aware and try to correct the injustices towards women. Rawls, though, does not appropriately address this. One of his many critics on this point is Okin; she critiques Rawls for being "trapped into the public/domestic dichotomy and, with it, the conventional mode of thinking that life within the family and relations between the sexes are not properly regarded as part of the subject matter of a theory of social justice" (1989: 92). Further, Rawls "does not consider as part of the basic structure of society the greater economic dependence of women and the sexual division of labor within the typical family," which are two consequences of women's private life that are disguised as just, when they are in fact unjust (Okin, 1989: 96). Hirschman thinks that this is the case because "for too long, we have been conflating what it means to be human with what it means to be male. If that

metaphysical assumption is not challenged, feminist theory can ultimately do nothing” (1994: 1880). In accepting Rawls’ theory, then, it seems that one would further be assuming that what is just for everyone is what seems to be just for males. This is, to restate, because Rawls does not adequately address the problem of gender equality, especially in the private lives of women; because of this, what he may have thought was to be just for everyone may be so theoretically, but not in practice.

Rawls is a liberal, and “the idea of the public and the private is intrinsically associated with liberalism;” this does not mean, though, that Rawls is justified in believing in the dichotomy of the public and the private (Newman and White, 2012: 29). To elaborate on liberalism’s view towards this, it is often said that “state authority should not extend to any intervention in the freedom of individuals to run their own lives beyond preventing people from harming one another” (Newman and White, 2012: 29). The public/private distinction, though, is “a distinction that has disfigured the lives of girls and women through the ages,” that is, to defeat what was said about liberalism’s right to only interfere when harm is involved, women have been harmed in the private sphere for a long time (Nussbaum, 2000: 67). That being said, state authority, or in this case Rawls’ theory of justice, should have the right to interfere in the private lives of people because of the fact that there is harm being done. All one has to do is acknowledge the harm, then, and then it is unjust if a liberal, such as Rawls, was to not acknowledge this harm. Rawls, though, either is somehow unaware of the harm that is done to women or just does not know how to incorporate it into his theory of justice, because he continually claims that his theory only applies to the basic structure of society (Nussbaum, 2000: 64). He claims that public rights are enough: “Since wives are equally citizens with their husbands, they all have the same basic rights, liberties, and opportunities as their husbands, and this [...] suffices to secure their equality and independence” (Rawls, 1997: 790). This last point, which was written after being aware of feminist criticisms against his theory, shows how, even over time and criticism, Rawls still seemed to think that legal equality in the public realm is all one needs to be fully equal to everyone else, regardless of gender. As feminists believe, though, this is certainly not the case.

Rawls also does not adequately address the sexual division of labour, that is, the relegation of tasks to the sexes, normally thought of as

disadvantaging women. First, though, this does not mean that Rawls is in any way a sexist or anti-feminist; in fact, speaking on how women should be compensated for labour at home that is unpaid if she divorces her husband who she depends on economically, he argues that to not think that women deserve this is a society that “does not care about women, much less about their equality” (1997: 793). That being said, Rawls still falls far too short of helping end the “unequal distribution of the unpaid labor of the family” (Okin, 1989: 4). Okin’s main criticism of Rawls in this regard is that “the prevalent gendered division of labor within the family is neglected” because the family “is assumed to be just” (1989: 9). Rawls’ assumption of the family being a just institution, though, does not make sense when one thinks of the sexual division of labour: “In societies characterized by gender (all current societies) a much larger proportion of women’s than men’s labor is unpaid and is often not even acknowledged as labor” (Okin, 1989: 95). This, quite simply, is unjust, that is, the assumption that the family is just is a false premise in his argument for not applying his principles of justice to the family. Rawls seems to have no plausible justification, then, for not acknowledging the sexual division of labour in the family. To further show the injustice of the sexual division of labour, Newman and White describe it as not just continuing on “the invisibility of women’s domestic labour,” but they say that it also “hides the abuse of women” (2012: 33). An example of this can be common domestic work such as cooking. Traditionally, and still in many families, women are to cook the majority of the meals for her husband and children. This is, of course, without pay. Many women carry this responsibility yet still have to work a job as well, and even though their husbands understand that they work a job, it is still often assumed that cooking is the responsibility of the wife. Examples such as this of the sexual division of labour Rawls assumes to be just, but, as was shown, he is not justified in assuming this. It may be possible that Rawls simply does not know how to approach the problem; Nussbaum goes as far to say that, “in practical terms, Rawls thinks that we cannot make rules for the division of labor in families” (2000: 60). Regardless of if he did not know how or if he was just unaware of it in his reasoning, his theory cannot suffice without acknowledging the sexual division of labour.

There is more to be said about Rawls’ assuming that the family is just. His “failure to remark upon a gendered division of labour in the family,” Okin argues, threatens “to undermine the development of a sense of justice

in the children” who are “to be the just society’s future citizens” (2004: 1548). The reason that this is such a crucial aspect is because, Okin says, “Rawls alone treats the family seriously as the earliest school of moral development. He argues that a just, well-ordered society will be stable only if its members continue to develop a sense of justice” (1989: 21). Rawls, then, claims that the family is where children first learn to be moral and to appreciate justice, but it does not seem plausible for children to learn to be moral and just in a way that values gender equality when Rawls does not account for the injustices of women in the family. To restate, the family is the place where “we learn to be just,” but if the family acts as Rawls thinks it should act, that is, as completely separated from the principles of justice that govern the basic structure of society, then the family will not be just, and children will be socialized to believe in a sense of justice that is fine with the subordination of women (Okin, 1989: 18). It can be easily argued that, without accounting for injustices such as the sexual division of labour in the family, the patriarchal and traditional ways of the family will persist. It is plausible that a young girl, then, will grow up believing that it is her duty to do housework, provide for the sexual needs of her husband, and also have a career. On the other hand, this may lead a young boy to grow up believing that housework is solely for his wife to do, as well as thinking that he deserves sexual favours from her and for her to give labour to his children for him, simply because this is what he seen from his parents growing up. Okin argues that first human interactions must be “based on equality and reciprocity rather than dependence and domination,” but many relationships within the traditional family are based on the latter (1989: 99). One can understand, then, that children “are likely to be considerably hindered in becoming people who are guided by principles of justice” in embracing Rawls’ theory of justice that, in many ways, neglects the injustices within the family (Okin, 1989: 17).

Nussbaum argues that Rawls thinks “of the family as pre-political” (2000: 65). In what has been said thus far, this makes sense; an example of this is that Rawls merely assumes that the family is just without actually taking the time to understand if it really is or not. If the family was pre-political, the justifiability of political institutions should be considered prior to the family. By adopting the feminist belief that the personal is political, though, it can be concluded that the family, in opposition to Rawls’ thought, is in fact political. In saying it is pre-political, then, one can understand, but not justify, Rawls’ idea that legal equality, as touched on earlier, is enough

for a husband and wife to be equal and for there to be a just family that will socialize children to believe in just principles. The fact is, though, this idea goes as far back as the time of Mill: “The equality of married persons before the law [...] is the only means of rendering the daily life of mankind, in any high sense, a school of moral cultivation” (1991: 517). That being said, legal equality is not enough; Okin argues that “until there is justice in the family, women will not be able to gain equality in politics, at work, or in any other sphere” (1989: 4). In other words, “a just family” is the “essential foundation” of “a just society,” wherein women have equal opportunities as men not just in the public sphere, but also in their private lives (Okin, 1989: 17).

Rawls’ Paradox

Rawls’ theory possesses a paradox. Okin claims that “because of his assumptions about gender,” that is, because he neglects gender, “he has not applied the principles of justice to the realm of human nurturance, a realm that is essential to the achievement and the maintenance of justice” (1989: 108). Despite this, Rawls continues to argue that the family is the first school of moral development and is therefore crucial for children to grow up to be just citizens. To make clear, Rawls does not apply his two principles of justice to the family, his two principles of justice being that which one is supposed to consult when wanting to know if an action is just, and yet he still believes that the family is the first school of moral development and that it is crucial in bringing up children to be just citizens. Another contradictory part of Rawls’ theory that Okin notices is that he claims families are “similar to other social associations such as universities and trade unions;” this “seems completely to neglect the crucial function of families in promoting a sense of justice in the young,” which he repeatedly argues for (2004: 1566). This previous “value of the family in securing the orderly production and reproduction of society,” that is, via the production and reproduction of just citizens, does not seem to hold as much weight when the family is compared to significantly less crucial institutions like universities and trade unions (Rawls, 1997: 793). To sum up, the words of Nussbaum can be used: “The family is one of the most non-voluntary and pervasively influential of social institutions, and one of the most notorious homes of sex hierarchy, denial of equal opportunity, and sex-based violence and humiliation” (2000: 59). In realizing that the family plays such a vital role in the production of a just society, Rawls should have tried harder to find a way to apply his two

principles of justice to the family. Because he did not do this, and does not seem to adequately address any feminist issues in his revisions of *A Theory of Justice*, Okin has stated that Rawls “almost completely ignores women” (2004: 1548). Although this is not the place to speak of Rawls’ character, it can be said from his work in political philosophy that, although being an innovative thinker, he failed to solve issues of gender equality, and therefore his theory of justice is inadequate and unable to be applied to a society in the hopes of making it fully just.

This paper has been, first, a brief discussion on the originality of the work of John Rawls, and then a thorough feminist critique of his work, specifically in regards to the family. His concepts such as the original position, veil of ignorance, and his second principle of justice, the difference principle, were explained, arguing that they are all innovative concepts that have taken place over prevailing concepts; this includes his defeat of the prevailing equality of opportunity argument, showing that past liberals did not account for natural inequalities. In critiquing his theory of justice as fairness, a form of distributive justice, it was said that distributive justice is insufficient to solve feminist issues, as well as his original position being too disengaged from the reality of women’s lives in society. In critiquing his work for not acknowledging the family, many crucial points were made, such as the fact that not applying his principles of justice to the family led his theory of justice to leave out the situations of women, not acknowledging the sexual division of labour in the family, as well as showing that some of his arguments about the family are contradictory, such as saying that the family is crucial for children’s moral development yet that his two principles of justice do not apply to it. In short, John Rawls was a revolutionary political philosopher, and it is assumed that he believed in gender equality and was thus a feminist, but his theory has been unable to help the problem of gender equality in society.

References

- Hirschman, Linda R. 1994. "Is the Original Position Inherently Male – Superior?" *Columbia Law Review* 94: 1860-1881.
- Kymlicka, Will. 2002. *Contemporary Political Philosophy: An Introduction*. Oxford: Oxford University Press.
- Mill, John Stuart. 1991. *The Subjection of Women*. In *On Liberty and Other Essays*, ed. John Gray. Oxford: Oxford University Press.
- Newman, Jacquetta and Linda A. White. 2012. *Women, Politics, and Public Policy: The Political Struggles of Canadian Women*. Oxford: Oxford University Press.
- Nussbaum, Martha C. 2000. "The future of Feminist Liberalism." *Proceedings and Addresses of the American Philosophical Association* 74: 47-79.
- Okin, Susan Moller. 1989. *Justice, Gender, and the Family*. New York: Basic Books.
- Okin, Susan Moller. 2004. "Gender, Justice and Gender: An Unfinished Debate." *Fordham Law Review* 72: 1536-1568.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge: Harvard University Press.
- Rawls, John. 1997. "The Idea of Public Reason Revisited." *Chicago Law Review* 64, No. 3: 765-807.
- Young, Iris Marion. 1990. *Justice and the Politics of Difference*. Princeton: Princeton University Press.

If you can't beat 'em, join 'em

Horserace polling in Canadian media and its electoral effects
Russell Cochrane²

Abstract

Questions of how people influence and skew polling outcomes as respondents have long been at the core of methodological debates for empirical political scientists. In the study of public opinion and voting intentions, though, this perspective can only treat one direction of the relationship between respondents and polls. This article intends to highlight the effects of this relationship's converse: the effects of polling on voter-intention. Bandwagon effects, underdog effects, and strategic voting are boiled down to their essences as functions of political expectations and it is argued that the publications of voter-intention polls (horse-race polls) during election periods can influence the expectations and calculations of prospective voters.

1. Introduction

Political news coverage is saturated with numbers. Issue specific polls are released in response to signals of contentious policy on the horizon, discussions of governments are conducted with a mind to popular approval, and, especially during election periods, horse-race polling forms the backbone of political entertainment. In horse-race polls, the public is shown the electoral scoreboard by way of forecasting electoral results. The publications of new voter intention polling results have become anticipated news events and give media personalities foundations on which they can weave narratives about the political fortunes of candidates and parties.

The research to follow is concerned with horse-race polling and whether or not the publishing of public opinion polls can influence voter-intentions during Canadian elections. I will focus on perceptions of candidate and party viability. This narrowing of the discussion on media effects is due to the nature of the information provided by horse-race polls which focus solely on likely political outcomes. The central contention of the

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paper is that Canadian horse-race polls not only measure but form voter-intentions due to their roles in projecting results and establishing political expectations.

After a brief summary of the literature at hand, two questions will need to be answered. The first question is of whether voter-intention polls alter perceptions of party or candidate viability. The second is whether perceptions of viability affect vote choice and if so, how so? The answers to come are, respectively, “Yes,” and “Yes: through bandwagon effects and strategic voting calculations.”

2. Bandwagons, underdogs, and political calculus

Studies to do with expectations of electoral success have been many, varied, and contradictory. Early research proposed the existences of both bandwagon effects, where people vote for the front-runner because of his or her lead (Hodgson and Maloney, 2012; Johnston et al., 1992, Butler, 2007; Evrenk and Sher, 2015; McAllister and Studlar, 1991), and their polar opposites, underdog effects. This latter type of effect supposes that upon forming expectations of election results, voters will tend toward the minority opinion (Gartner, 1976; Straffin, 1977).

While theories proposing underdog effects have largely faded from the literature for want of empirical backing, the bandwagon effect has maintained moderate support. Under the bandwagon moniker, the effect has been studied through successive British elections – an ideal environment given their multiparty system (McAllister and Studlar, 1991; Johnston et al., 1992), and, in America, the concept was tweaked to have vast explanatory power in presidential primaries. An elaboration upon what makes a bandwagon compelling is presented by many American theorists as “momentum,” or the self-enforcing advantages enjoyed by primary candidates who taste victory early. Factors like increased media exposure, fund raising capacities, and name recognition on a ballot are all benefits that campaigns derive from being perceived as likely to win and which reinforce that positive forecast (Bartels, 1988: 111-112; Popkin, 1991: 118-119).

In both British and American scholarships, however, researchers have had difficulty disentangling bandwagon or momentum effects on vote choice from the effects of “strategic voting” (see Alvarez et al., 2006; Evrenk and Sher, 2015; Butler, 2007: 85-91). Strategic voting, in its essence, is the idea that voters weigh their values in voting choices against their likelihoods of

assisting in an electoral victory. To most people, political choices are ordinal – ranked along a spectrum and subject to movement – rather than absolute and immovable. This means that in a multiparty system, if supporters of the third place party understand their prospects to be bleak and believe they can contribute to the election of their second choice – or the defeat of their third choice – they will vote out of line with partisan identification, ideology, and other standard filters through which we parse politics.

The first to discuss this in the Canadian context was Jerome Black. He adopted the expected utility model of rational voter decision-making as crafted by William Riker and Peter Ordeshook (1968) which attempted to create a rational voting calculus and asserted the necessity of voting efficacy: in order to fit the model as rational, a voter must in some way expect that their vote can create or break a stalemate (1978).

This model, however, is too restrictive. Do people only vote strategically when they expect the result to be down to the wire? What cues introduce the information required to buy this level of self-efficacy?

Specifically in the Canadian context, we should be working with a “feasible alternatives” model because it can account for sensitivity to projection information regardless of how spatially relevant it is. Under the expected utility model, strategic politics would only be even nominally conducted based on in depth local knowledge but we know this not to be true. People report their own political behaviours as strategic and accounting for national forecasts when it comes to Canadian federal elections (Johnston et al., 1992). Further study also demonstrates the centrality of strategic voting and poses that if the expected utility model was an apt description of voter behaviour, any third party would be completely incapable of sustaining itself, but as Merolla and Stephenson point out, even when it was impossible to imagine widespread success for Canada's New Democratic Party (NDP) or its predecessor, the Co-operative Commonwealth Federation (CCF), the organization had a floor of active support implying that active and calculating voters do not see voting for a loser as a completely pointless exercise (2007).

While it might be true that people vote strategically and do not like to “waste” a vote on an obvious dud (Lanoue and Bowler, 1998; Rickershauser and Aldrich, 2007; Bartels, 1988: 109), the calculation behind choosing between a first and second option is not likely to occur at the margins. Beyond this, expectations can provoke completely irrational vote choices

among casual observers who enter the fray based on a combination of psychological validations associated with pulling for the winner. Bartels likens these voters to Yankees fans who only pay attention if the team is in the playoffs and winning (1988: 112). Expectation effects are complex, many, and potentially, as it seems, contradictory.

3. Do polls affect viability perceptions?

In short: yes. Horse-race polling results can be broken down over time and trends in responses analyzed by pundits but this extremely prevalent element of media dialog surrounding elections centres around one piece of information: where, in terms of popularity, parties stand in relation to one another.

As touched on in the prior discussion of strategic voting literature, this kind of information is presented to voters on many levels. Federal polling results influence political expectations on provincial and riding levels (Johnston et al., 1992: 200) which implies that the consumers of polls and national news either understand that measures of popularity across the country have been reasonably accurate when weighted properly or that they are unable to separate information on federal and local levels in order to make competing predictions.

Cukierman (1991) explains that polls which tend to privilege informed perspectives reinforce themselves because they act as sources of political information. On issue based questions, exposure to media coverage of polling demonstrates a strong pressure on opinions to converge because media and opinion polling are considered to be trusted sources of political information.

In this sense, polls can be seen as extremely influential because even if the information isn't used in a rational strategic voting framework, it is broadly consumed – including by low-information voters. This means it can figure into what Popkin refers to as “low information rationality”: a process in which low-information individuals form opinions and courses of action based on what they perceive to be those of trusted sources of information (1991).

Given that we have seen that consumers of news media generally see public opinion polling as reliable,¹ it is a natural consequence that people generally trust the electoral projections made by pollsters and reported on in the news. Media coverage of polling, then, clearly has the ability to convince

audiences of the odds of each party forming government. Polling affects perceptions of viability.

4. Do people try to vote for a winner?

In my review of the literature, it was made clear that people do try to vote for winners but that the “why” that follows is difficult to break down. In order to assess the Canadian context, I considered studies pertaining to vote choice in competitive single member plurality systems: specifically, I examined the Canadian and British experiences. These cases were chosen because they have the capacities to demonstrate both kinds of viability effects. Bandwagoning should happen in all electoral systems to varying degrees if its underpinning logic is assumed to be true but strategic voting can only be meaningfully observed in scenarios where it is possible and fits a rational calculus. The conditions needed, then, are that there are three or more parties expected to clear some threshold of vote share and that the parties are sufficiently different such that people can build a clear hierarchy of preferences. This last bit is because people will never compromise and take their second choice if they see them as being little better than their third. In this section I will consider each effect in the contexts of Canadian and British elections.

4.1. Jump on the Bandwagon

Bandwagoning is an odd effect and is difficult to grapple with precisely because it is irrational. Understanding that someone will win an election, by all rational calculations, should not spur people to action in order to guarantee that victory. If victory is approaching certainty, even a rational supporter of the first place option would simply sit back and watch the triumph unfold.

The irrational qualities of bandwagon effects are why they do not apply to informed and active voters. People who are involved in the process and have a different and established vote choice have no interests hinging on their swing in support to the front runner (Popkin, 1991). If anything, the rational voter – whose interests will be discussed in the context of strategic voting – has an incentive to vote for the second place candidate if they choose to switch at all.

It's a worthy assumption, then, to say that bandwagon effects, in so far as they exist, occur among voters who:

- A) are low-information voters, and
- B) did not previously demonstrate a different political preference.

These people are typically non-voters or undecided voters. Merolla and Stephenson put forward an interesting analysis of as much in discussing the vote share held by Canada's NDP. The NDP, as a third party, routinely polled better than their turnout on election day and their divergence from predicted outcomes widened when the Liberal party were in second meaning that the instability of the NDPs vote share can be associated with the desire to defeat the Conservatives (2007). The focus for this section, however, is on bandwagon effects and the same study found that the NDP have a floor of support. If the bandwagon effect was truly present and self-enforcing as Bartels suggested in his analysis of presidential primaries (1988), then the NDP would have been squeezed out of existence after a few quick defeats.

This can be chalked up to information levels. Bartels, in forming his study, accepted the primary races are low-information events meaning that delegates approach the vote with only shaky preferences and the field of candidates, in terms of desirability, is relatively flat (1988). He ascribes momentum to the personalization of politics as well as the systemic effects of early strength.

As people with little information are bombarded both with personalizing images of politicians and their families and analysis which frames them as likely to win, they are being persuaded to modify how likable they see the front-runner as being. This occurs both in terms of the characteristics of the politician personally preferred by the voter as well as that voter's social understanding of how those traits should figure into their decision-making process (Popkin, 1991; Bartels, 1988; Butler, 2007; Evrenk and Sher, 2015).

McAllister and Studlar demonstrate this rationale in their study of British general elections. They found evidence of bandwagon effects occurring across three consecutive elections and minor evidence of projection effects (1991). During this period, polls were found to be self-enforcing but the number of people who voted for their second choice was low. This can be explained by a series of strategic considerations such as having no strategically viable alternative to a voter's first choice, having a voter's first choice projected to place second, or having their last choice poised to lose.

This suggests that bandwagon effects largely occur among people who haven't demonstrated a hard preference for any party or who were previously unlikely to vote. Butler (2007: 85) describes this process as mass media persuasion. Through media consumption, low-information voters are convinced to adopt what are framed as dominant ideals, their perception of which is likely to be reasonably accurate (Johnston et al., 1992: 204-205).

There is still a great deal of research to be done on the topic of bandwagon effects but it is safe to move past the question of whether they exist and onto the question of why they exist. Bartels (1988) offers a survey of identified psychological mechanisms which may contribute to our desires to side with the winner but little compelling electoral psychology research has been done on the topic.

4.2. Voting against rather than for

In the Canadian and British contexts, strategic voting offers a much more compelling account of vote instability as prompted by polling. This is because the two Westminster systems feature competitive third parties although in recent years, Britain's traditional third party, the Liberal Democrats, have been in dismal shape.

Evidence of strategic voting in a limited sense, however, is compelling. In British elections, it has been shown that a full half of voters will vote strategically when given the opportunity (Alvarez et al., 2006) and that supporters of third parties will frequently break the expected utility model and vote strategically even if they do not expect their second choice as being capable of overcoming their third (Evrenk and Sher, 2015). This suggests that British voters will frequently focus their strategic concerns against parties or candidates rather than for them – it is less so a half-a-loaf situation and more so a matter of spite.

Lanoue and Bowler support this claim in their findings that Canadian voters will vote strategically even in run-away races favouring their least favourite option (1998). This breaks the expected utility model of strategic voting but fits comfortably within the “feasible alternatives” model put forward by Johnston, Blais, Brady, and Crete (1992). This evidence suggests that tactical voting is common and that people do not fulfill the supposedly necessary condition of having an expectation of efficacy. It is not necessary to bank on making or breaking a tie in order to vote strategically. The race

being close, does, however, contribute to tactical voting's likelihood (Johnston et al. 1992: 200).

As Pease and Brewer discuss, viability influences vote choice in multiple ways and is projected by voters to influence others more deeply than themselves. This means that even when coverage of a political event is taken as bogus by a political spectator, they are still likely to see it as improving the viability of the candidates involved which can frame them as legitimate options (2008).

“Voters can, and do, take account not only of their preferences but also of a candidate's chances of getting nominated, or stopping another candidate” (Popkin, 1991: 126) The evidence above supports Popkin's conclusions, specifically when it comes to stopping undesirable candidates.

5. Conclusions

This essay has been a reading of the process of information gathering as it relates to polling. The publication of horse-race polls, as the first section has suggested, produces trusted sources of information for media consumers and focuses media dialog. The political theatre that plays out on the evening news when discussing the results from the latest voter-intention poll explores many narratives surrounding the rise and fall of parties but the one take-away for most viewers is the poll itself. Polling presents to voters a view of the scoreboard and, as such, the likelihoods of each party winning.

The second section asked whether the perception of a party being likely to win will change the votes of those that hold that perception. The answer was a resounding yes and is well supported through reams of electoral results. This was explained through two mechanisms.

The first is a form of low-information rationality called the bandwagon effect. This is a phenomenon that causes casual observers to support the front runner because The candidate represents a dominant ideal and offers senses of thrill and involvement. Through some mental acrobatics, we find ourselves in the winning camp by virtue of the victory party's likelihood of showing up.

The second explanation was that of strategic voting. Strategic voting has been present in multi-party systems since their inceptions but the ready availability of projection information makes the tactical considerations of the political landscape much more accessible to the low-information voters who

compose the majority of the electorate. The literature and the argument that followed strongly suggested that projections of success are particularly important factors in the election of the Canadian federal government.

Reference

- Alvarez, R. Michael, Frederick J. Boehmke, and Jonathan Nagler. 2006. "Strategic Voting in British Elections." *Electoral Studies* 25: 1-19.
- Bartels, Larry M. 1988. *Presidential Primaries and the Dynamics of Public Choice*. Princeton, N.J.: Princeton University Press.
- Black, Jerome H. 1978. "The Multicandidate Calculus of Voting: Application to Canadian Federal Elections." *American Journal of Political Science* 22, no. 3: 609-38.
- Butler, Peter Marshall. 2007. *Polling and Public Opinion a Canadian Perspective*. Toronto: University of Toronto Press.
- Evrenk, Haldun, and Chien-Yuan Sher. 2015. "Social Interactions in Voting Behaviour: Distinguishing between Strategic Voting and the Bandwagon Effect." *Public Choice* 162: 405-23.
- Gartner, Manfred. 1976. "Endogenous Bandwagon and Underdog Effects in a Rational Choice Model." *Public Choice* 25: 83-89.
- Johnston, Richard, Andre Blais, Henry E. Brady, and Jean Crete. 1992. *Letting the People Decide Dynamics of a Canadian Election*. Montreal: McGill-Queen's University Press.
- Lanoue, David J., and Shaun Bowler. 1998. "Picking the Winners: Perceptions of Party Viability and Their Impact on Voting Behavior." *Social Science Quarterly* 79, no. 2: 361-77.
- McAllister, Ian, and Donley T. Studlar. 1991. "Bandwagon, Underdog, or Projection? Opinion Polls and Electoral Choice in Britain, 1979-1987." *The Journal of Politics* 53, no. 3: 720-41.
- Merolla, Jennifer L., and Laura B. Stephenson. 2007. "Strategic Voting in Canada: A Cross Time Analysis." *Electoral Studies* 26: 235-46.

Pease, Andrew, and Paul R. Brewer. 2008. "The Oprah Factor: The Effects of Celebrity Endorsements in a Presidential Primary Campaign." *The International Journal of Press/Politics* 13: 386-400.

Popkin, Samuel L. 1991. *The Reasoning Voter: Communication and Persuasion in Presidential Campaigns*. Chicago: University of Chicago Press.

Rickershauser, Jill, and John H. Aldrich. 2007. "'It's Electability, Stupid' -- or Maybe Not? Electability, Substance, and Strategic Voting in Presidential Primaries." *Electoral Studies* 26: 371-80.

Riker, William H., and Peter C. Ordeshook. 1968. "A Theory of the Calculus of Voting." *American Political Science Review* 62: 25-42.

Straffin, Philip D. 1977. "The Bandwagon Curve." *American Journal of Political Science* 21, no. 4: 695-709.

Role of Multilevel Governance In Urban Public Transit

Jason D. Waters³

Abstract

In an increasingly urbanized society, Canadian governments face considerable challenges in guiding economic development and facilitating services within their jurisdictions. For densely populated and growing cities and regions, constant changes are difficult to plan for. This work considers two case studies, Toronto and Vancouver, to demonstrate the use of network management practices by provincial and federal governments. It is argued that unequal power relations necessitate network management in order to influence policy direction within a multilevel governance context.

In an increasingly urbanized society, Canadian governments face considerable challenges in guiding economic development and facilitating services within their jurisdictions. For densely populated and growing cities and regions, constant changes are difficult to plan for. The literature has devoted considerable attention to shifting patterns in government and to the emergence of governance arrangements. Public transit, in many large urban areas, is critical for alleviating traffic congestion and encouraging business investment in the local economy. In this paper the implementation and governance of public transit will be analysed as an example of multilevel governance. Using a network theory framework, it is argued that multilevel governance in public transit is characterized by unequal power relations. As a result different actors select policy instruments that will allow them to influence transit policy in favour of their preferences and interests. The paper will provide a summary of multilevel governance theory, policy instruments and constitutional arrangements. Case studies of Toronto and Vancouver will be analysed using these theoretical elements to demonstrate the governance arrangements in Canadian public transit service.

In policy and public administration governance refers to a wide-range of theories which seek to expand the study of politics away from government actors to include various societal, global and private interests (Chhotray and

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Stoker, 2010: 18). These theories are diverse and include network management theory, theories of delegation, social interpretive theories, the bounded rationality school and cultural institutional theory (Chhotray and Stoker, 2010: 26-46). In general, governance theories are concerned with smaller, more efficient government which, which engages civil society, and is characterized by legitimacy and accountability (Kjær, 2004: 10-11). Privatization, agencies, competition, decentralization and citizens' empowerment are all themes within governance (Kjær, 2004: 26-31), which may be reflected in various aspects of this analysis.

Where the focus of this paper is on multilevel governance, governance takes on a specific meaning focused on the "diffusion of power" (Harmes, 2006: 725) away from traditional levels of government directly associated with public transit. This diffusion creates an arrangement of "vertical interactions" between the federal, provincial and municipal orders of government (Young, 2012: 5-6). This can also be framed as decentralization, which promotes decision-making in a multilevel context. Directional guidance can come from a central authority, such as the federal government, but specific details are optimally left to local decision-makers who are more closely positioned to the policy problem and implementation (Kjær, 2004: 29). Young categorizes traditional forms of government as Type I and labels special purpose "agencies and authorities as Type II; the second type being of interest as this essay considers decentralized, multilevel decision-making (2012: 6). In this context network management theory will be adopted as the primary lens for analysis of transit policy and implementation.

Network management theory focuses on the management of networks of governments and other actors to set policy objectives and their implementation (Chhotray and Stoker, 2010: 27). This theory focuses on the way in which government guides the processes and outcomes of decision-making by networks by structuring networks and facilitating "joint decision-making" (Chhotray and Stoker, 2010: 27). In many cases this will involve the role of intergovernmental relations in public transit (Young, 2012: 7) and also the policy instruments used to engage other sectors of society. A range of formal and informal policy instruments are available to government actors in order to influence and manage these networks (Chhotray and Stoker, 2010: 28-29). These styles of involvement will be compared with Howlett's policy instruments below, including their role in managing networks.

Policy instruments or tools refer to the “means or techniques for achieving goals” which are available to government (Howlett, 2009: 74). Howlett has suggested that the type of instrument(s) selected depends on the policy level and level of government involvement desired. The policy level refers to the degree of abstraction that Howlett has typified as (1) “general abstract policy aims”, (2) “operationalizable policy objectives”, and (3) “specific policy targets” (Howlett, 2009: 75). In a network of multilevel governance, different levels of policy construction can be undertaken by actors. Not only can implementation take place separate from policy setting, but also different aspects of policy decision-making may happen separately.

Howlett has also pointed to four categories of resources available for use in implementing policy: information, authority, treasure, and organization that can be utilized in both substantive and procedural instruments (2005: 35-37). Substantive instruments refer to the provision of “goods and services” (Howlett, 2005: 35) that can be seen as analogous to Chhotray and Stoker’s formal category of network management (2010: 29). These could involve training, regulations, grants or direct administration (Howlett, 2005: 36). Related to informal network management are the procedural instruments that focus on intergovernmental relations and can include topical education, political agreements, research funding, or institutional reform (Chhotray and Stoker, 2010: 28-29; Howlett, 2005: 36-37).

While typologies such as those outlined by Howlett are useful in understanding the nature of different policy instruments, the most effective use of these instruments involves a combination or “blend” which are suitable for the context (Bressers and O’Toole, 2005: 135). It has been pointed out that “[i]nstruments are not parachuted onto an empty stage to debut a policy-relevant soliloquy” (Bressers and O’Toole, 2005: 135). The context for new policy instruments is complex and involves existing policy instruments (Bressers and O’Toole, 2005: 135), ideology and other social, political and economic considerations (Howlett, 2005: 41-42). The use of instruments in the context of governance is primarily concerned with steering both public and private actors to achieve desired outcomes (Howlett, 2005: 45) and can happen simultaneously at multiple levels. The relative power of each level of government depends on the constraints that exist: institutional/legal, political and fiscal (Table 2.5 in Howlett, 2005: 47).

One example of an institutional/legal constraint on instrument choice is the constitutional allocation of powers in Canada. Public transit generally is a municipal responsibility in Canada and municipalities are allocated to the provinces in s. 92(8) of the Constitution Act, 1867. Provinces create cities in legislation and have the ability to establish the varying “frameworks within which municipalities operate” (Young, 2012: 8). It has been suggested that the advent of modern federal involvement in municipal affairs came in 1998 with emergence of balanced federal budgets and growing literature demonstrating the need for “social investment” in Canada’s communities. This initial foray was targeted at children as an investment in Canada’s growing knowledge-based economy (Bradford, 2014: 12-14). Throughout the early 2000s, new federal initiatives emerged to bring together networks of actors and provide funding on important social challenges (Bradford, 2014: 14-15). While the constitutional context for municipal oversight rests with the provinces, the federal government has used its considerable spending power to influence and shape governance at the municipal level (Bradford, 2014: 14) including transit. While the federal spending power has been used to influence provincial policies since the early-twentieth century (Telford, 2003: 24) the more recent widespread influence of municipal affairs through the spending power appears to coincide with the emergence of multilevel governance in Canada.

Case Study 1: Toronto

Having outlined some of the basic concepts in multilevel governance, policy instruments and the constitutional context an analysis of two case studies will proceed. The cases to be considered are Toronto and Vancouver. These municipalities, including their public transit systems, have been studied at length and each case reflects different arrangements of governance networks.

For many years Toronto’s transit system was considered a model of effective planning and implementation. During the mid- to late-twentieth century “a visit to Toronto was almost mandatory for planning and transportation officials in North America” and around the world (Soberman, 2008: 191). Toronto gained attention as an example of excellent planning because it focused on subway construction at a time when most cities in North America were constructing expressways, which encouraged the use of private vehicles. Also of note was the creation of a “metropolitan form of

government” which centralized “land-use and transportation decision-making powers” (Soberman, 2008: 191).

Beginning in 1954, the Metropolitan Toronto area was serviced by a single transit authority, the Toronto Transit Commission (TTC). Representatives of the six municipalities oversaw the TTC: Toronto, Etobicoke, North York, Scarborough, York and East York, as a second-tier regional transit system (Golden and Slack, 2006: 35). The TTC utilizes an integrated model involving subways, streetcars, intermediate capacity rail transit (the Scarborough RT), and buses with a single-fare system (Soberman, 2008: 197). This is contrasted with models that have parallel, competing services offered by multiple transit authorities (Mees, 2005: 38-39) or that found in Montreal where multiple municipal authorities operate within a densely populated region (Breguet and Vaillancourt, 2008: 266). The integrated model was praised as largely responsible for Toronto’s transit success.

The context for transit and municipal government in Toronto has changed since 1998 and into the twenty-first century as Metro Toronto was amalgamated into the new City of Toronto (Soberman, 2008: 192). Additionally, the regional municipalities of Halton, Peel, York, and Durham have an increasing level of interconnectivity with Toronto and the TTC no longer represents the only dominant actor in providing transit services for those who visit, live in, or work in. Mississauga Transit, York Region Transit and GO Transit all operate within the City of Toronto, offering cross-boundary and regional services for commuters (Soberman, 2008: 201). While the TTC now serves a unified municipality, the greater regional context for the municipality has grown to include new areas that it does not primarily serve. Cross-border service by the TTC, Mississauga Transit and York Region Transit is minimal and is meant to ferry passengers to the neighbouring transit authority (Soberman, 2008: 201).

GO Transit does not simply provide cross-border services, but is a regional transit service offering services in the City of Toronto, the City of Hamilton, Halton Region, Peel Region, York Region, Durham Region, Wellington County, Dufferin County and Simcoe County (Soberman, 2008: 199). This service area is 8,300 km² and involves surface rail and buses (Soberman, 2008: 202). GO Transit was created in 1967 by the province and primarily serves to move commuters from surrounding areas to the downtown core of Toronto (Soberman, 2008: 199-200). As such it is a key

component of transit services in Toronto as many workers in the city live outside its boundaries in other municipalities (Soberman, 2008: 193-94).

In recent years GO Transit has been under the ownership and control of Metrolinx, an agency established by the province to “improve the coordination and integration of all modes of transport in the Greater Toronto and Hamilton Area” (Metrolinx.com, April 1, 2015). Metrolinx represents an effort by the province of Ontario to manage the network of transit authorities and services operating in a densely populated and interconnected area. GO Transit, PRESTO, Smart Commute, the Transit Procurement Initiative (TPI) and the anticipated Union Pearson Express all operate under the umbrella of Metrolinx.

PRESTO is a fare payment card that is used and accepted by eight transit authorities, primarily in the Greater Toronto and Hamilton Area (GTHA) but also in Ottawa (Metrolinx.com, April 1, 2015). The card is administered by the province through Metrolinx to facilitate the movement of people throughout GTHA in far less coercive manner than merging transit authorities or creating a new regional authority. This may be viewed as a formal intervention in network management through the use of a substantive policy instrument as outlined above. The province has opted to maintain a single-tier municipality structure with single-tier transit authorities, which are networked to promote cross-border commuting which is made easier.

It is interesting to note that unlike other transit authorities using the PRESTO card, the TTC is introducing the card gradually in its system (Metrolinx.com, April 1, 2015). This may be the result of the TTC’s relatively strong position within the area as a transit provider combined with the logistics of implementing a new payment system on such a large system. The TTC, as the transit authority with direct access to the largest centre of business and employment (Soberman, 2008: 194), has a relatively strong position in relation to the other authorities nearby. Transit authorities in municipalities, which are marketed as bedroom communities, might perceive greater value in an integrated payment system than the TTC might perceive. Additionally, the TTC operates a complex network of services, and upgrades to equipment will undoubtedly incur significant costs.

If PRESTO can be viewed as a formal intervention, Smart Commute may be an example of an informal intervention. Smart Commute is a service offered to employers and commuters to encourage them “to explore different

commuting options, such as carpooling, transit, cycling, walking, telework and flexible work hours” (Metrolinx.com, April 2, 2015). Smart Commute can work with employers to facilitate the development of employer commute programs. Primarily, Smart Commute is concerned with sharing information and encouraging employers to work with their employees to “ease gridlock while helping [commuters] save time and money” (smartcommute.ca, April 2, 2015).

The province, through Metrolinx, is also involved in facilitating the purchase of transit equipment and technology through TPI. This program, which “aims to reduce per unit costs,” has 29 participating municipalities and transit authorities, allowing for an “increase [in the] quality of vehicles procured, and provide an open and transparent procurement process” (Metrolinx.com, April 2, 2015). This program has a much wider scope than Toronto or the region around it. In fact the TTC does not participate in TPI, although GO Transit and many of the nearby authorities do (TPI, 2014: 6).

The Union Pearson Express (UP Express) is a new rail spur that will connect Union Station in downtown Toronto with Pearson International Airport in Mississauga. The UP Express offers several examples of how a service can be provided through multilevel governance and public-private partnerships. This initiative has leveraged the 2015 Pan Am/Parapan Am Games, which will be held in Toronto. The Games themselves are a multilevel governance project that involves the federal, provincial, and multiple municipal governments, as well as an array of other partners (Toronto2015.org, April 2, 2015).

The UP Express involves four stations connecting to TTC, GO Transit, Via Rail and the airport and utilizes the PRESTO payment card as one payment option (upexpress.com, April 2, 2015). While the route is operated by a provincial agency, private partners will provide some of the services on the UP Express. These include electronic ticket sales and wireless internet services. Rather than developing and implementing these services, which would take considerable technical expertise, the government agency has opted to contract out these services. The firm contracted to provide e-ticket services will include mobile phone ticket options for travellers, in addition to online sales and ticket sales through “travel sites such as Expedia and Kayak” (bytemark.co, November 6, 2014). The wireless internet (WiFi) service provider will design and install the service on both train carriages and in the stations (nomad-digital.com, February 9, 2015). Metrolinx wished to provide

modern commercial options to its customers and it selected a policy which incorporated private-sector involvement rather than providing the services itself.

The analysis of Toronto's transit network has thus far focused on provincial/municipal intergovernmental affairs and the role of private sector actors. The TTC offers an example of federal involvement to add to this analysis. In 1998, the province of Ontario cut all funding to the TTC (Horak, 2012: 234), both capital and operational, and urged a review of business practices with a preference for privatization (Mees, 2005: 40). Privatization did not proceed and as a result of continued lobbying by the city and focused efforts by the new City of Toronto Intergovernmental Relations office federal and provincial funding was secured by 2002 (Horak, 2012: 236). Federal funding for the TTC only supports capital costs as part of the Canadian Strategic Infrastructure Fund (CSIF), including a five-year federal-provincial-municipal CSIF agreement signed in 2004 (Horak, 2012: 235-36). Unlike the provincial involvement in transit, which includes agencies that provide direct services as well as facilitate education and procurement processes, the federal involvement is limited to infrastructure funding support under the Federal Spending Power. The ability of the federal government to influence transit will be shown on a broader scope in the following case of Vancouver.

Throughout this case study the use of network management by both the federal and provincial levels of government can be seen as they utilize formal and informal policy instruments to guide policy direction. The strongest example is seen in Metrolinx which employs a variety of programs and services within the transit sector. GO Transit is a direct, formal intervention by the province into a largely municipal service to facilitate the movement of commuters across municipal boundaries. Further, Metrolinx provides a series informal, non-compulsory services which aim to change commuter behaviour and encourage better business models for transit services. These programs do not impose compulsory standards for municipal transit agencies, nor do they impose direct penalties or incentives for residents and workers to change their behaviour. Rather, the province, through a network of programs and agencies seeks to influence individuals and transit agencies to relieve traffic congestion and lower pollution within a densely populated area.

Case Study 2: Greater Vancouver Regional District

The case of Vancouver differs from that of Toronto in two key ways: Vancouver, unlike many Canadian cities, has not been amalgamated with nearby municipalities; and only one transit authority exists in the Vancouver area. For the purposes of this study the Greater Vancouver Regional District (GVRD) will be the scope of focus because it is these twenty-one municipalities that are served by Translink, the transit authority (Hutton, 2012: 269). The GVRD is “a federation of municipalities administered by an appointed board made up of elected officials” and is separate from Translink (Hutton, 2012: 269). An element of this federated system is that it has not been imposed by the province and is established by the municipalities (Smith and Oberlander, 2006: 147). Some of the municipalities included in GRVD include the City of Vancouver, Richmond, Burnaby, Delta, New Westminster, Surrey, Langley, Port Coquitlam and Maple Ridge (Smith and Oberlander, 2006: 150).

The Vancouver transit authority, Translink has can trace its origins to the 1998 creation of the Greater Vancouver Transportation Authority (GVTA). Translink is the popular title by which the GVTA is known. The creation of Translink represented a decentralization of transit implementation and authority from the provincial level to a more local level where it was believed “that the needs of the Vancouver region were different from” the rest of the province (Smith and Oberlander, 2006: 163). Previously BC Transit, a provincial agency, had provided transit services throughout the province; Translink is, instead, governed by a board comprised of members selected from the GVRD (Smith and Oberlander, 2006: 163).

Translink carries unusual powers to levy taxes in order to fund its activities. Because Translink is indirectly elected, its leadership is seen as more removed from local accountability, there is a perception that “more fully empowered” officials are difficult to hold to account. Smith and Oberlander suggest that the GVRD, which was “primarily a forum where locally elected mayors and councillors could discuss, negotiate and make voluntary agreements” on regional issues, is now selecting representatives from amongst its members to exercise taxation and service implementation policies (2006: 162-64). Within a governance framework there is generally a desire to enhance accountability, especially as an opportunity to enhance citizen engagement. This governing structure appears to be inconsistent with those goals, however it is worth noting that the regional authority was

devolved from centralized provincial administration and might be seen as a progressive step toward more accountable transit service.

To bring some focus to the involvement of the federal government in Vancouver's regional transit services, the remainder of this section will focus on the RAV/Canada Line project. Like Toronto's UP Express, the RAV/Canada Line project was propelled by a major international event: the 2010 Vancouver Winter Olympics (Smith and Oberlander, 2006: 165). The project was first referred to as the Richmond-Airport-Vancouver (RAV) line (Smith and Oberlander, 2006: 164) but ultimately became known as the Canada Line at least in part as a reflection of "the federal government's financial support" (Hutton, 2012: 275). As a result it will be referred to as the Canada Line going forward in this paper.

The Canada Line project expanded service of Skytrain, a subsidiary of Translink, to include a line that would improve service, linking the airport and downtown Vancouver. The project was overseen by Canada Line Rapid Transit, Inc., "a Crown corporation of sorts" which was governed by representatives of the federal government, provincial government, Translink, local municipalities and the airport (Hutton, 2012: 275). This multilevel partnership encountered significant local resistance, especially within Translink, however provincial and federal influences helped to move the project forward.

While Richmond and the City of Vancouver, who saw themselves as benefiting significantly from the Canada Line expansion, enthusiastically supported the project, other municipalities had significant objections to the proposal and it was defeated twice by Translink's board before being approved on a third vote (Hutton, 2012: 275-76). One objection to the Canada Line was that the regional body had already established transit priorities, which the project was seen as disrupting (Smith and Oberlander, 2006: 165). It has been suggested that the provincial and federal pressure that led to the approval of the Canada Line (Hutton, 2012: 276) demonstrates that the decentralization of transit in the Vancouver region has not truly resulted in more local control over transit service (Smith and Oberlander, 2006: 165). It might also demonstrate the reality of multilevel governance and the relative power differences between the actors involved in this transit network (Hutton, 2012: 276).

Within a multilevel governance arrangement the federal and provincial governments have different instruments available to them to influence the

network of actors involved in a project like the Canada Line. A significant policy instrument for the federal government is its spending power, which it employed in this case. Federal funding for capital costs was announced at \$450 million (Smith and Oberlander, 2006: 165), which can be compared with much smaller amounts granted, including a \$26 million capital contribution to Metrobus in St. John's (Dunn and Pantin, 2012: 206) and \$8.1 million to Saint John (Marquis, 2012: 137). While the federal contributions cited for St. John's and Saint John were for considerably smaller projects, it is clear that the federal government viewed the Canada Line as an important policy objective and sought to encourage local and regional authorities to give it greater priority through substantial funding. The federal government lacks constitutional jurisdiction in this area and employed its most substantial option to advance its goals.

Provincial involvement in the project may reflect a more traditional example of "power politics" as suggested by Hutton because of the constitutional jurisdiction that the provincial government enjoys over municipal and local matters (2006: 276). However, the overall transit arrangement and the Canada Line project itself retain clear indications of multilevel governance at work as federal, provincial, regional, municipal and private interests interact to define and implement policy priorities. Private involvement in Translink is part of its corporate structure as it contracts out elements of its planning and implementation functions (Siemiatycki, 2008: 241). In the case of the Canada Line project, the province made private-public partnerships (P3s) a condition of funding (Smith and Oberlander, 2012: 165). A "special-purpose agency," Partnership BC was formed to encourage these types of arrangements throughout the province, both for funding and management purposes (Hutton, 2006: 276).

The use of network management by the federal government is more clearly illustrated in the case of Vancouver. While the Ontario provincial government held jurisdiction to more directly influence transit policy and commuter behaviour in Toronto, the federal government, influenced by New Public Management (NPM) ideas about appropriate government involvement in service delivery, encouraged private involvement in the Canada Line development by attaching P3 conditions to the funding it made available. At least some actors at all levels of government saw the Olympics as beneficial to Vancouver, its neighbours, British Columbia, and Canada. As a result Translink and other actors found the federal funding too attractive

to turn down even if they objected to the private sector's involvement in the new development. Further, although not all actors within the GVRD viewed the Canada Line as a priority, the substantial funding offered by federal government elevated its importance at the local level. Principally through its considerable funding capacity, the federal government was able to bring the Canada Line to realization by bringing existing networks and influencing the construction of new networks.

Conclusion

The cases of Toronto and Vancouver demonstrate the reality of multilevel governance in Canadian public transit policy and implementation. Toronto is a case of single-tier municipal government that is intensely interconnected with nearby municipalities and is served by multiple, interlinking transit authorities. Vancouver, particularly the GVRD, provides an example of two-tier municipal structure that is served by a single transit authority. In both cases multilevel governance involves federal, provincial, and local authorities as well as private actors. Although these represent two of the largest urban areas in Canada, and consider projects directly related to large-scale international events, it is clear that strict provincial-municipal relations no longer describe the range of transit arrangements present in Canada. Further examples, which are beyond the scope of this paper, can offer additional opportunities to study the variety of governance arrangements that can be found in Canada.

Although all levels of government are now involved in transit service in Canada, the roles available to them are limited by constitutional constraints. Federal involvement is largely limited to funding through the federal spending power. Although this reflects the inability of the federal government to pass legislation regarding transit the spending power does yield significant influence. This is in large part due to the opportunity that local authorities may perceive in the offer of sizeable funding. Provincial governments have the opportunity to directly involve themselves in transit operations both through their jurisdiction over municipalities and the creation of agencies.

This analysis has shown that multilevel governance characterizes public transit implementation in Canada. Toronto and Vancouver are two cases that demonstrate existing arrangements of transit, which are characterized by multilevel government involvement as well as private firms.

The nature of each level's involvement is determined both by its interests and the policy instruments it considers available and appropriate. Network theory provides a framework for viewing the role of policy instruments in influencing other actors, including bringing together actors to form networks or modify existing ones.

References

- Bradford, Neil. 2014. "The Federal "Communities Agenda": Metagovernance for Place-based Policy in Canada?" In *Canada in Cities: The Politics and Policy of Federal-Local Governance*, ed. Katherine A.H. Graham and Caroline Andrew. Montreal: McGill-Queen's University Press.
- Breguet, Bryan and François Vaillancourt. 2008. "Montreal's Public Transit System: Institutions, Financing, and Prospects." In *Managing and Financing Urban Public Transport Systems: An International Perspective*, ed. George M. Guess. Budapest: Local Government and Public Service Reform Initiative, Open Society Institute.
- Bressers, Hans Th.A. and Laurence J. O'Toole, Jr. "Instrument Selection and Implementation in a Networked Context." In *Designing Government: From Instruments to Governance*, ed. Pearl Eliadis, Margaret M. Hill and Michael Howlett. Montreal: McGill-Queen's University Press.
- Bytemark. November 6, 2014. "Bytemark To Provide Mobile Ticketing Solution for Metrolinx's Union Pearson Epress." <https://www.bytemark.co/news/2014/11/06/bytemark-provide-mobile-ticketing-solution-metrolinx-union-pearson-express> (accessed April 1, 2015).
- Chhotray, Vasudha and Gerry Stoker. 2010. *Governance Theory and Practice: A Cross-Disciplinary Approach*. Houndmills: Pulgrave Macmillan.
- Dunn, Christopher and Cecily Pantin. 2012. "St. John's, A City Apart: An Essay in Urban Exceptionalism." In *Sites of Governance: Multilevel Governance and Policy Making in Canada's Big Cities*, ed. Martin Horak and Robert Young. Montreal: McGill-Queen's University Press.
- Golden, Anne and Enid Slack. 2006. "Urban governance reform in Toronto: a preliminary assessment of changes made in the late 1990s." In *Metropolitan Governing: Canadian Cases, Comparative Lessons*, ed. Eran Razin and Patrick J. Smith. Jerusalem: The Hebrew University Magnes Press.

- Harmes, Adam. 2006. "Neoliberalism and Multilevel Governance." *Review of International Political Economy* 13, no. 5: 725-49.
- Horak, Martin. 2012. "Multilevel Governance in Toronto: Success and Failure in Canada's Largest City." In *Sites of Governance: Multilevel Governance and Policy Making in Canada's Big Cities*, ed. Martin Horak and Robert Young. Montreal: McGill-Queen's University Press.
- Howlett, Michael. 2005. "What Is A Policy Instrument? Policy Tools, Policy Mixes, and Policy-Implementation Styles." In *Designing Government: From Instruments to Governance*, ed. Pearl Eliadis, Margaret M. Hill and Michael Howlett. Montreal: McGill-Queen's University Press.
- Howlett, Michael. 2009. "Governance Modes, Policy Regimes and Operational Plans: A Multi-Level Nested Model of Policy Instrument Choice and Policy Design." *Policy Sciences* 42, no. 1: 73-89.
- Hutton, Thomas A. 2012. "Multilevel Governance and Urban Development: A Vancouver Case Study." In *Sites of Governance: Multilevel Governance and Policy Making in Canada's Big Cities*, ed. Martin Horak and Robert Young. Montreal: McGill-Queen's University Press.
- Kjær, Anne Mette. 2004. *Governance*. Cambridge: Polity Press.
- Marquis, Greg. 2012. "Multilevel Governance and Public Policy in Saint John, New Brunswick." In *Sites of Governance: Multilevel Governance and Policy Making in Canada's Big Cities*, ed. Martin Horak and Robert Young. Montreal: McGill-Queen's University Press.
- Mees, Paul. 2005. "Responding to the Complex Transport Needs of Dispersed Wealthy Cities: a Comparison of Melbourne, Australia and Toronto, Canada." In *Urban Transport Development: A Complex Issue*, ed. Gunilla Jönson and Emin Tengström. Berlin: Springer-Verlag.

Metrolinx. "Metrolinx Overview."

http://www.metrolinx.com/en/aboutus/metrolinxoverview/metrolinx_overview.aspx (accessed April 1, 2015).

Metrolinx. "Transit Procurement Initiative."

<http://www.metrolinx.com/en/projectsandprograms/tpi/tpi.aspx> (accessed April 2, 2015).

Nomad Digital. February 9, 2015. "Nomad Expands North American Footprint with UP Express Win." <http://nomad-digital.com/nomad-expands-north-american-footprint-with-up-express-win/> (accessed April 2, 2015).

Siemiatycki, Matti. 2008. "Delivering Transportation for a Livable City: The Case of Vancouver, Canada." In *Managing and Financing Urban Public Transport Systems: An International Perspective*, ed. George M. Guess. Budapest: Local Government and Public Service Reform Initiative, Open Society Institute.

Smart Commute. "What is Smart Commute?"

<http://www.smartcommute.ca/about-us/what-is-smart-commute/> (accessed April 2, 2015).

Smith, Patrick J. and H. Peter Oberlander. 2006. "Greater Vancouver: *l'exception canadienne métropolitaine*." In *Metropolitan Governing: Canadian Cases, Comparative Lessons*, ed. Eran Razin and Patrick J. Smith. Jerusalem: The Hebrew University Magnes Press.

Soberman, Richard M. 2008. "Transportation in Toronto." In *Managing and Financing Urban Public Transport Systems: An International Perspective*, ed. George M. Guess. Budapest: Local Government and Public Service Reform Initiative, Open Society Institute.

Telford, Hamish. 2003. "The Federal Spending Power in Canada: Nation-Building or Nation-Destroying." *Publius* 33, no. 1: 23-44.

Toronto 2015 Pan Am/Parapan Am. <http://www.toronto2015.org/> (accessed April 2, 2015). Union Pearson Express. “News/Announcements.” <http://www.upexpress.com/en/news/announcements.aspx> (accessed April 1, 2015).

Young, Robert. 2012. “Introduction: Multilevel Governance and Its Central Research Questions in Canadian Cities.” In *Sites of Governance: Multilevel Governance and Policy Making in Canada’s Big Cities*, ed. Martin Horak and Robert Young. Montreal: McGill-Queen’s University Press.

Dichotomous Dilemma

An Examination of American Public Opinion on Capital Punishment and How Measurements Affect Our Understanding of Public Opinion

Alex Wilkie⁴

Abstract

Capital punishment has been a controversial topic in American public opinion discourse. The history of American public opinion on capital punishment is a unique opportunity to study how public opinion changes, is measured, and affects policy outcomes. This article examines US capital punishment opinion trends throughout recent history and aims to determine the root causes of these trends. It argues that dichotomous polls of the past that measured support for capital punishment in yes/no responses provided a narrow understanding of capital punishment discourse for policy makers, which inevitably led to more visible support for capital punishment than current, more detailed forms of polling suggest. Dichotomous polls benefitted Republicans over Democrats in past presidential elections which influenced Supreme Court judicial appointments that would further shape capital punishment discourse.

Introduction

American public opinion on capital punishment has fluctuated significantly over the years. Complex capital punishment issues and opinions provide a unique examination of how public opinion is measured and interpreted, and how it affects policy outcomes. This paper will examine capital punishment opinion trends from the 1930s to the present day. It will examine the causes of these trends, how dichotomous polls produce skewed results, and how in-depth forms of polling provide a more nuanced understanding of opinions on capital punishment. Dichotomous response options are shown to be problematic within certain demographics, such as African Americans, because they distil complex opinions into simplified yes and no responses. Polls that use in-depth forms of measurement such as multiple response options, information levels, and criminal case vignettes produce different results from dichotomous polls that measure support through simplified answers. Polls involving more response options, higher

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levels of information, and criminal case vignettes suggest that the majority of the American public does not strongly support capital punishment as much as dichotomous polls lead policy makers to believe. Capital punishment is a complex issue that requires more detailed means to accurately measure public opinion that can be used to better interpret death penalty policies; simplified measurements of capital punishment that distil responses to dichotomous options provide skewed results and an inaccurate interpretation of death penalty support among the American public.

Historical Background

The American public's concern for the rise in crime rates during the late 1960s has greatly affected capital punishment policies. Public concern at that time allowed the Republican Party to initiate capital punishment discourse in support of the death penalty and to shape future death penalty policies through the Supreme Court. Data from the General Social Survey and Gallup polls shown below in figure 1 (Shirley and Gelman, 2013: 1) indicates that public opinion on capital punishment has fluctuated significantly for several decades. The sudden change from low support in the 1960s to increased support from the late 1970s to 1990s is largely attributable to a cultural shift in how the American public viewed crime policy from the elevated crime rates through 1964 to 1968 (Zschirnt and Randol, 2014). In 1968, the Republican Party took advantage of public concern and adopted a "punitive posture with regard to crime control policy, resulting in debates over crime control issues becoming a major feature of the national political environment" (Zschirnt and Randol, 2014: 320). Previously, there was no difference between the Republican and Democratic parties on crime policy and capital punishment issues. However, during the 1968 election, the Republican Party focused on traditional controls and law enforcement authority, while the Democratic Party focused on the root causes of crime, such as standards of living and racism (Zschirnt and Randol, 2014). Shirley and Gelman's research illustrates that "relative support for Republican presidential candidates over this timespan also tended to correlate with death penalty support during this time" (2013: 13). The Democratic Party's stance on crime policy did not coincide with popular public opinion, and arguably played a role in their loss of "five of six presidential elections between 1968 and 1988" (Zschirnt and Randol, 2014: 322). The Republican Party's decision to take advantage of public concern on rising crime rates

played a role in its dominance of past presidential elections and allowed capital punishment to be framed through a Republican lens of traditional authority.

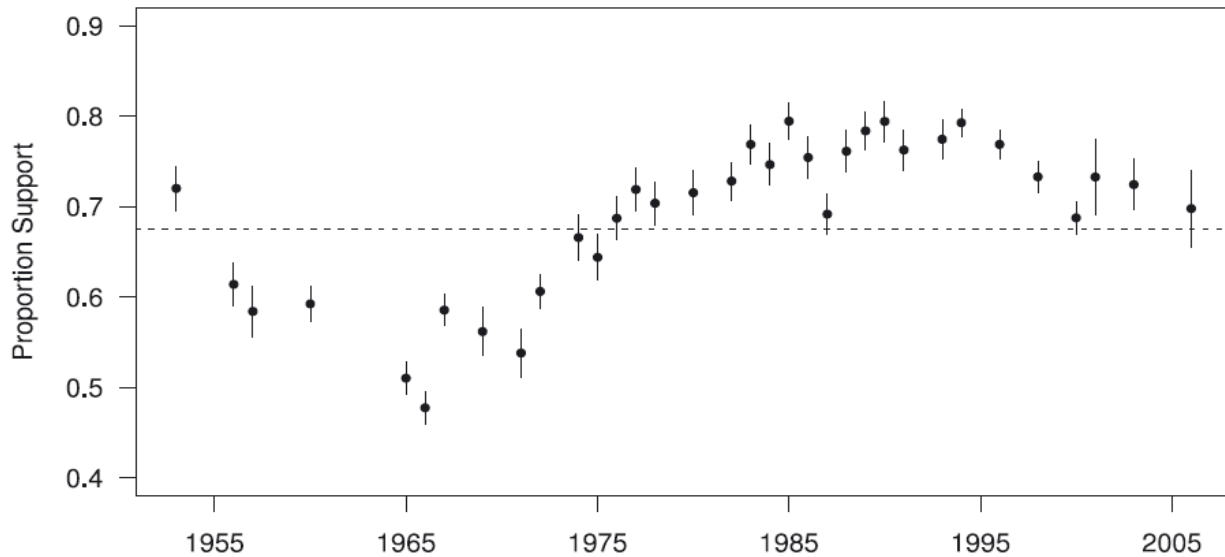


Figure 1. “Proportion of respondents who supported the death penalty by year (95% confidence interval), based on a combination of General Social Survey and Gallup polls: overall proportion of death penalty support across all years (67.5%)” (Reproduced from: Shirley and Gelman, 2013: 1).

Republican dominance in past presidential elections has allowed the party to shape the Supreme Court. Republican appointed justices, influenced by public opinion, played a key role in reshaping capital punishment policies that have arguably generated more support for capital punishment through the prevalence and persuasion of Supreme Court cases. Zschirnt and Randol’s research shows that justices appointed by Republican presidents since 1968 “have generally been more conservative in their voting behaviour in criminal procedure cases” (2014: 321). US capital punishment lowered from a peak “in legal executions of 199 in 1935... [and] fell to 82 in 1954” (Christianson, 2010: 184). Support for capital punishment continued to wane with low support measured at 42% in a 1968 poll (Zschirnt and Randol, 2014). Following this trend, the Supreme Court ruled in *Furman v. Georgia* (1972) that all existing death penalty statutes “violated the Eighth Amendment’s prohibition against cruel and unusual punishment” (Zschirnt and Randol,

2014: 326) because death sentences may be carried out in an arbitrary manner by juries without clear criteria for what constitutes capital punishment. The five justices in support of this motion were appointed prior to 1968, while the opposing four justices were appointed by Republican President Richard Nixon. In a Gallup poll from 1972 (Banner, 2002: 268), a few months before Furman, supporters outnumbered the opposed 50 to 42 percent. A few months after Furman, however, “support beat opposition 57 to 32 percent”: a drastic shift from an 8-point to 25-point margin in just seven months. The majority of individuals previously sentenced to the death penalty were then reaffirmed in *Gregg v. Georgia* (US Supreme Court, 1976). This case marked the beginning of the Republican majority in the Supreme Court with the appointment of Justice John Paul Stevens by President Gerald Ford. At a time when “the Court was increasingly called upon to decide whether and under what circumstances capital punishment could be carried out” (Zschirnt and Randol, 2014: 325), a Republican majority Supreme Court can be shown to play an influential role through the interpretation and affirmation of public opinion through legal action. Public opinion is “both a cause and a consequence of policies on capital punishment” (Shirley and Gelman, 2013: 26), and support continued to rise until the 1990s with an approval rating of 80%.

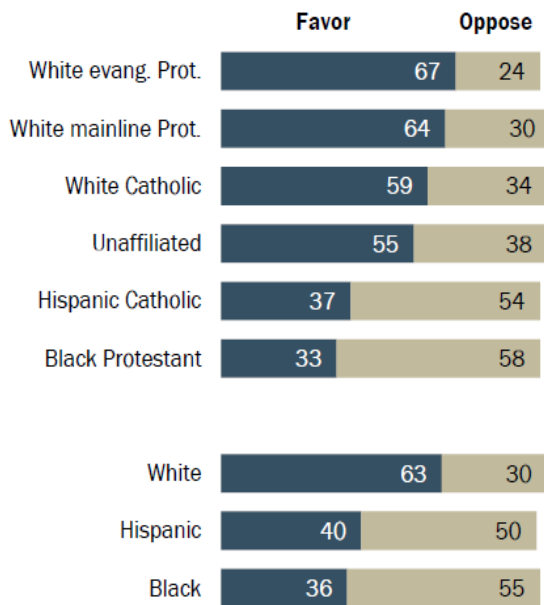
Current Trends

According to the Pew Research Center (Cooperman et al., 2014), while a majority of adults in the US still support capital punishment, the percentage has been on a gradual decline for the past two decades. Compared to the 80% approval rating in the 1990s, in 2011, 62% of US adults “favored the death penalty for murder convictions, and 31% opposed it” (Cooperman et al., 2014: 1). While support for capital punishment has declined in recent years, the Pew Research Center illustrates support for capital punishment in demographic groups and religious/racial groups in figures 2 and 3 shown below (Cooperman et al., 2013: 2-3). Several trends have persisted over time, such as Republicans being more likely to support capital punishment and Democrats being more evenly divided on the issue. Data based on demographic and religious/racial groups is important because specific groups consistently vote in different ways. Since racial minorities are more likely to oppose capital punishment, policy makers should consider the

effects of discrimination on the capital punishment process when forming capital punishment policies.

Support for Death Penalty Across Religious and Racial/Ethnic Groups

% of U.S. adults who favor/oppose the death penalty for those convicted of murder



Pew Research Center survey conducted March 21-April 8, 2013. RQ10. Whites and blacks are non-Hispanic only; Hispanics are of any race. Those saying "don't know" are not shown.

PEW RESEARCH CENTER

Support for Death Penalty Across Demographic Groups

% who support the death penalty for persons convicted of murder

| | Favor | Oppose | DK | N |
|----------------------|-------|--------|--------|-------|
| Total | 55 | 37 | 8=100 | 4,006 |
| Men | 58 | 35 | 6=100 | 1,930 |
| Women | 52 | 38 | 9=100 | 2,076 |
| Age 18-49 | 53 | 40 | 7=100 | 1,815 |
| 18-29 | 51 | 43 | 7=100 | 646 |
| 30-49 | 55 | 38 | 7=100 | 1,169 |
| Age 50+ | 58 | 33 | 9=100 | 2,128 |
| 50-64 | 60 | 32 | 8=100 | 1,115 |
| 65+ | 54 | 35 | 11=100 | 1,013 |
| College grad+ | 54 | 39 | 7=100 | 1,566 |
| Some college or less | 56 | 36 | 8=100 | 2,418 |
| Republican | 71 | 23 | 6=100 | 981 |
| Democrat | 45 | 47 | 8=100 | 1,423 |
| Independent | 57 | 37 | 6=100 | 1,309 |

Pew Research Center survey conducted March 21-April 8, 2013. RQ10. Figures may not add to 100% because of rounding.

PEW RESEARCH CENTER

Figures. 2/3: (Reproduced from: Cooperman et al., 2013: 2-3)

Problems With Past And Current Opinion Measurements

Past and many current measurements on capital punishment opinions are problematic because opinion is measured through dichotomous response options. All polling data discussed thus far in this paper has measured support for capital punishment in terms of dichotomous responses, such as "yes," "no," or "don't know." While polling companies and surveys have limited resources, dichotomous measurements are insufficient to interpret complex issues such as capital punishment. The fact that Supreme Court

decisions on capital punishment have “increasingly mirrored the American public’s views on the death penalty” (Zschirnt and Randol, 2014: 325) in the past is especially problematic if public opinion is measured in a simplified fashion that produces inaccurate results. When policy makers actively use public opinion polls to formulate policy, it is crucial that the data provided accurately represents the general public’s opinion.

If different forms of poll measurement can be shown to generate different results on public opinion, then policy makers may have formulated policies based on skewed and unrepresentative data. Dichotomous response polls that categorize individuals into simple categories of opposition or support leave no room for the various scenarios that are reviewed in court cases, or the multiple factors in an individual’s life that offer different reasons to both support and oppose capital punishment. If an individual supports the death penalty, but only in certain scenarios, their reasons for when the death penalty is not acceptable are not counted if the individual can only respond with a simple “yes.” While, according to recent polls, the majority of US adults still support capital punishment in some capacity, different forms of measurement lead to more representative results that can be used to better inform capital punishment policy.

Dichotomous Polls And African Americans

African American public opinion is particularly important in understanding how dichotomous response options skew interpretations of capital punishment. Based on dichotomous polling data, African Americans generally oppose capital punishment, but only by a small majority of 55% (Cooperman et al., 2014). According to Ramirez, “reducing opinions to a single bipolar point preference assumes there is no internal spatial variation within the individual” (2014: 79). Past polls with limited data would suggest that all respondents have a fixed opinion on various aspects of the death penalty. African Americans are influenced by competing factors to both support and oppose the death penalty (Ramirez, 2014). African Americans are more likely to live in violent areas, so supporting capital punishment is beneficial to deter crime. African Americans are also more likely to be falsely accused, discriminated against, and sentenced to the death penalty in cases of murder, so opposition towards capital punishment is beneficial to combat discrimination (Ramirez, 2014). Race “plays a role in how cases are prosecuted from beginning to end, ranging from the choice of which cases to

charge as capital cases to the empanelling of a jury who decides the ultimate fate of life or death” (Williams, 2009: 3). According to Ramirez, the Death Penalty Information Center, “indicates that 49% of new death row inmates in 2012 were African American, while only 35% were White” (2014: 78), despite African Americans composing approximately 13% of the US population. Additionally, from 1976 to 2008, “228 Black inmates were executed for killing white victims, whereas just 15 White inmates were executed for killing Black victims” (Williams, 2009: 4). African Americans are forced to weigh their opinions in terms of fair justice versus security. For these complex reasons, African Americans are also more likely to hold unstable opinions on capital punishment, which makes the demographic appear less informed about the issue, when their demographic actually tends to have more considerations and thought out opinions on the issue than white Americans (Ramirez, 2014). The complexity of and reasons for various opinions cannot be measured with dichotomous yes or no response options. Ramirez’s research, “shows that there may be important variability in opinions, even opinions toward a salient issue such as the death penalty” (2014: 91). Many African Americans who give a “no” response to oppose capital punishment may arguably be more swayed by the effects of racism on capital punishment policies, but the problematic environmental factors that prompt support for capital punishment for many of these individuals remain.

Multiple Response Options

Some of the overwhelming support for capital punishment in the past and present may be attributed to dichotomous polling measures. Offering various responses to university students creates a more sophisticated understanding of death penalty stances (Worthen et al., 2014). Worthen et al. conducted a survey that measures death penalty support with four response options to the question “Are you in favor of the death penalty for persons convicted of murder?”:

- (1) Never under any circumstances
 - (2) Only under certain extreme circumstances
 - (3) Sometimes under certain circumstances
 - (4) Always under any circumstances
- (2014: 166).

It is important to note that the survey was conducted at a university in the southern US, and is arguably not representative of the entire country. Worthen et al., however, argue that it is important to understand the attitudes of the more liberal and educated youth of society, “since these individuals may very well be at the forefront of a movement toward changes in capital punishment and regulations” (2014: 165). Worthen et al. found that more response options allow for a more “nuanced understanding of capital punishment” (2014: 173). The majority of their university sample did not strongly support the death penalty. While there was more support for the death penalty overall, the majority of responses fell within the “(3) Sometimes under certain circumstances” group. Although the study is of university students enrolled in sociology classes and not representative of the general public, the results have significant implications for how policy makers understand and interpret opinions on capital punishment. Some of the overwhelming support for the death penalty in the recent past and present may be attributed to individuals who support the death penalty, but only under specific circumstances. Dichotomous polls stated 80% of the adult population supported the death penalty in the 1990s, but these might have suggested to policy makers that 80% were strongly in favour, rather than in favour sometimes under certain, or even extreme circumstances.

Information Levels

Students with high information levels are more likely to select alternatives to capital punishment when given options, such as life imprisonment without parole; the majority of the population is not well informed on capital punishment, so higher information levels could show an increase in support for alternatives to capital punishment. Lee et al., provide a detailed survey on information levels of capital punishment among criminal justice university students, which shows that higher levels of information on capital punishment correlate with increased support for capital punishment alternatives (2013). Interpretation of the data should be taken with caution because of the “experimenter effect”; although the instructor played devil’s advocate to student’s responses, “having a proponent of the death penalty teaching the class may produce different results” (Lee et al., 2013: 645). While the experimental group in Lee et al.’s study did not change in levels of support for the death penalty for “some people convicted of first-degree murder” (2013: 656), students with high

information levels were more likely to select alternatives to capital punishment than less informed students. Since even criminal justice students were shown to have low levels of information on capital punishment at the beginning of the study, compared to the general public, the tendency for informed students to support capital punishment alternatives has significant implications (Lee et al., 2013). Those with low levels of information may be using heuristics to come to conclusions on the complex issue of capital punishment. But if individuals with low information levels are shown to vote differently from those with high information levels, this has significant implications for policy outcomes. If the general public is shown to be “more certain about their general support for the death penalty than under what specific circumstances to use it” (Lee et al., 2013: 645), then some opinions could be “largely based on inaccurate or missing information” (651).

The more information respondents have on specific court cases can also greatly change how we look at capital punishment in terms of demographic trends. Burgason and Pazzani presented respondents with vignettes of criminal cases that provide in-depth details to gauge support for capital punishment (2014). The study provides a unique outlook on capital punishment because there are thousands of possible variants between cases, victims, and criminals, which could all possibly end in a death sentence. If individuals are given time to reflect and consider the wide array of possibilities and unique circumstances of different criminal cases, then their opinions on the death penalty may greatly change. When such a complex issue is distilled to simple yes and no answers, it can “lead to inaccurate results of polls” (Burgason and Pazzani, 2014: 819). In particular, Burgason and Pazzani found “no evidence that sex, race, age, income level, having a family member that was a victim of murder, taking a death penalty class, or being a Republican directly affect public support for the death penalty as a punishment for murder” (2014: 827). If the voting trends of certain demographics disappear when individuals are given detailed information, many individuals may have different opinions than what is represented in simple yes, no, and even strongly support and somewhat support responses. Additionally, if opinions change when voters are given relevant and factual information on the issue, public opinion should be re-evaluated relative to the new information.

Conclusion and Implications

Capital punishment, like most complex policy issues, allows for a wide range of opinions among individuals. Complex issues make it more difficult to gauge and measure public opinion, and require sophisticated surveys that many polling firms may not have the time or resources to implement. It is important to examine how public opinion is measured on these issues because different measurements affect our understanding of the issue and possibilities for future policy outcomes. Overly simplified polls that boil complex issues down to dichotomous responses do not allow for a sophisticated understanding of how the public views capital punishment. Dichotomous polls used in the recent past could account for some of the overwhelming support for capital punishment, which would have affected the way capital punishment policy was implemented and understood by the Republican-majority Supreme Court. Explanations for African American demographic trends, multiple response options, information levels, and detailed criminal cases all differ from dichotomous polls in how public opinion is interpreted. Measurements that change our interpretations matter because these opinions are often taken into consideration when forming policy. Dichotomous polls of the past arguably “inform how contemporary shifts in public opinion on the death penalty may shape the Court’s future death penalty jurisprudence” (Zschirnt and Randol, 2014: 336). If different measurements result in different views on public opinion, the more detailed and sophisticated measures should be used to more accurately represent the public. If factors such as demographic trends, response options, information levels, and variability between criminal cases provide different interpretations of public opinion, and arguably suggest that there is less support for capital punishment than dichotomous polls, it becomes clear that more sophisticated measurements are needed to accurately gauge public opinion to better inform future capital punishment policies. Although many polling firms may not have the resources or time available for more detailed studies, oversimplified information can mislead policy makers about public opinion on capital punishment.

References

- Banner, Stuart. 2002. *The Death Penalty: An American History*. Massachusetts: Harvard University Press.
- Burgason, Kyle A. and Lynn Pazzani. 2014. "The Death Penalty: A Multi-Level Analysis of Public Opinion." *American Journal of Criminal Justice* 39.4: 818-38.
- Christianson, Scott. 2010. *The Last Gasp: The Rise and Fall of the American Gas Chamber*. California: University of California Press.
- Cooperman, Alan, Cary Funk, Elizabeth Sciupac and Erin O'Connell. 2014. "Shrinking Majority of Americans Support Death Penalty." *Pew Research Center*. 1-3.
- Lee, Gavin M., Robert M. Bohm and Lynn M. Pazzani. 2014. "Knowledge and Death Penalty Opinion: The Marshall Hypotheses Revisited." *American Journal of Criminal Justice* 39.3:642-59.
- Ramirez, Mark D. 2014. "Competing Pressures and Complex Choices: African Americans and the Death Penalty." *Race and Justice* 4.2: 75-97.
- Shirley, Kenneth E. and Andrew Gelman. 2014. "Hierarchical Models for Estimating State and Demographic Trends in US Death Penalty Public Opinion." *Journal of the Royal Statistical Society: Series A (Statistics in Society)* 178.1: 1-28.
- U.S. Supreme Court. *Furman v. Georgia*, 408 U.S. 238 (1972).
- U.S. Supreme Court. *Gregg v. Georgia*, 428 U.S. 153 (1976).
- Williams, Susan L. 2009. "Death Penalty." *Encyclopaedia of Race and Crime*. Ed. Helen Taylor
- Greene and Shaun L. Gabbidon. California: SAGE Publications. 182-185.

- Worthen, Meredith G. F., Forrest R. Rodgers and Susan F. Sharp. 2014. "Expanding the Spectrum of Attitudes Toward the Death Penalty: How Nondichotomous Response Options Affect our Understandings of Death Penalty Attitudes." *Criminal Justice Review* 39.2: 160-81.
- Zschirnt, Simon, and Blake M. Randol. 2014. "Institutionalizing the Culture of Control: Modeling the Changing Dynamics of U.S. Supreme Court Death Penalty Decisions." *International Criminal Justice Review* 24.4: 319-44.

Indigenous Social Movements in North America

A Comparison of The American Indian Movement and Idle No More
Susan Morrissey Wyse⁵

Abstract

Indigenous social movements throughout North America, while varying according to specific local contexts, often share common grievances, goals and obstacles. As these movements attempt to address issues such as land rights, self rule, and resources, activists have implemented vastly different strategies in order to accomplish their goals. This paper examines two indigenous social movements — The American Indian Movement, which was most active in the United States during the 1960s, and Idle No More, a Canadian aboriginal movement that began in 2012. The aim of this research is to understand how these movements' strategies and organizational structures have shaped their impact on indigenous rights in North America. In particular, the comparison focuses on the level of centralization within each social movement, as well as the use (or non-use) of confrontational and violent tactics. The research finds that while there are many similarities between both groups, the major differences in strategy and structure have presented their own unique challenges for each social movement.

Introduction

This paper examines two indigenous social movements in North America: the American Indian Movement (AIM), which originated in the United States during the 1960s, and Canada's recent Idle No More (INM) movement. These social movements, while varying both geographically and temporally, share many of the same grievances, goals and obstacles. For instance, each movement challenges state governments for the frequent abandonment of treaty obligations; advocates the preservation and resurgence of indigenous culture; and addresses many of the epidemic social problems within indigenous communities such as housing, education, and general standards of living. Despite the clear connections between both groups, however, there remain significant differences related to their strategy and organizational structure. This paper therefore compares the

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similarities and differences between the American Indian Movement and Idle No More, and asks how the strategy and organization of each movement shaped their impact on indigenous rights in North America.

Indigenous activism has existed in many forms for generations, and since the 1960s, there have been many individual protests arising as a response to a particular, immediate issue. In 1974, for example, the Ojibway Warrior Society occupied the Anicinabe Park in Ontario to protest against poor government treatment for First Nations people. In 1990, Cree and Inuit protesters from James Bay canoed near Parliament to call for a halt to the construction of a hydro-electric project. And in 2013, members of the Elsipogtog First Nation clashed with the RCMP in New Brunswick during protests against shale gas exploration in the area (CBC, 2015). Social movements, however, are defined by Charles Tilly and Sidney Tarrow (2007) as “a sustained campaign of claim making, using repeated performances that advertise the claim, based on organizations, networks, traditions, and solidarities that sustain these activities” (Tilly and Tarrow, 2007: 8). While this paper recognizes that many of the individual protests from indigenous groups in no way stand in isolation, and are rather part of a longstanding narrative on indigenous rights, there are also significant differences between the unique social movements within this larger indigenous rights movement. This paper therefore begins by situating each social movement within the larger context of the International Indigenous Rights Movement, while the following sections investigate two unique social movements, AIM and INM.

This paper argues that although the American Indian Movement was significant in bringing indigenous rights to the mainstream media, where indigenous concerns had been largely invisible until that point, the movement’s highly centralized structure and use of confrontational tactics ultimately led to their decline. Meanwhile, Idle No More has experienced significant challenges despite being a completely decentralized and nonviolent movement. Because INM is a very recent social movement, it is difficult to assess its level of “success” or “failure.” The final section of the paper therefore focuses on the benefits and challenges associated with INM being such a decentralized and nonviolent social movement.

In Context: International Indigenous Rights Movement

While strategies for indigenous resistance vary along with regional realities, many indigenous social movements have taken their concerns

beyond the state level and on to the realm of international politics. Relations between indigenous and colonial powers, however, have always been international in that treaties have always acknowledged that the original inhabitants were, in fact, “nations” (Niezen, 2000: 122). In recent decades, indigenous people have explored this international dynamic through international forums such as the United Nations (UN). Their success, at least on paper, has been significant. In 2007, for example, the UN Resolution, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), affirmed that “Indigenous peoples have the right to self-determination” (UN, 2007: 4). As well, the Resolution recognizes that the dispossession of indigenous lands, territories and resources has prevented indigenous people from developing in accordance with their needs and interests (UN, 2007: 2). Such efforts for international recognition reflect an attempt to achieve local freedom through the use of a global language — making claims of difference through a law that applies equally to all peoples, and insists on local control as a universal right (Muechleback, 2003: 241). While indigenous agendas are diverse, self-governance has been at the forefront for many indigenous social movements; this includes the hope of being able to maximize control over indigenous lands and resources, cultural and civil affairs, and the nature and quality of community life (Cornell, 2006: 8). Indigenous social movements like AIM and INM are therefore connected, not just because of their common goals, but also because of the larger context of such transnational efforts related to self-rule, land rights, and resources.

The American Indian Movement (AIM) (1968-1978): Strategy, Organization and Impact

AIM formed in Minnesota in 1968 as a response to local social issues that had arisen due to the American federal government’s relocation policies of the 1950s. During this time, the government terminated many programs in aid of Native American reservations and began relocating these populations to urban centres. Within these urban communities, indigenous people experienced significant poverty, unemployment, domestic violence and drug use (Baylor, 1996: para. 10). The movement quickly expanded beyond these issues, however, with a broadened political agenda that included the reorganization of the Bureau of Indian Affairs (BIA), the federal government’s adherence to treaty obligations, and also a renewed desire to embrace indigenous identities and culture (Schipper, 1986: v). Under the relatively-centralized leadership of just a few individuals, AIM focused its

message beyond its local community and started to gain national attention on this broadened political message.

During the 1960s civil rights era, subordinated groups within United States developed major social movements in order to gain civil liberties and end discrimination. By this time in American history, indigenous organizations were participating frequently in non-contentious political activity such as voting and lobbying government. However, as indigenous people represented less than 1% of the United States' population, the political impact of such action was quite limited (Baylor, 2007: 11). Young indigenous people were angry with low standards of living and were also frustrated that their cultures were being assimilated within larger urban centres. Despite such significant challenges, young indigenous people felt that they had no political agency to effect change. Inspired by confrontational black nationalist groups like the Black Panthers, who many saw to be more capable of bringing about change than the political activity of their elders, AIM's activity quickly moved to more militant approaches for reaching their goals (Schipper, 1986: v).

In the early 1970s, AIM's confrontational tactics proved to be highly effective for gaining media attention. Major confrontational events for AIM included the Bureau of Indian Affairs (BIA) occupation in 1972, where 500 AIM members forcibly took over and occupied the BIA for seven days; and Wounded Knee in 1973, where 200 AIM occupied the town, resulting in the death of both AIM and FBI members (Schipper, 1986: xix). Up until this time, indigenous grievances had been virtually absent from both mainstream media sources and serious political consideration. However, Tim Baylor's (1996) research into how the media framed indigenous protest at this time reveals that the radical and confrontational tactics gave public attention to AIM in a way unparalleled to any other indigenous rights group. Although there were other groups, such as the National Congress of American Indians, advocating similar issues, AIM consistently dominated the headlines (Baylor, 1996: para. 2). As activists gained momentum in their promotion of indigenous issues, some significant victories were achieved. The Menominee Restoration Act signed by President Richard Nixon in 1973, for example, restored full tribal status to Menominee Indians (Message, 2014: 110). While it remains contested whether AIM's tactics directly contributed to any political developments at the time, most scholars agree that such tactics did bring indigenous rights to the national agenda (Baylor, 1996: para. 3).

In *From Dictatorship to Democracy*, Gene Sharp argues that whatever the merits of violent resistance, it is sure to bring more significant state repression along with it. According to Sharp, “by placing confidence in violent means, one has chosen the very type of struggle with which the oppressors nearly always have superiority” (Sharp, 2010: 4). For AIM, confrontational tactics provided both benefits and challenges for the group. Tim Baylor (2007) points out that while AIM’s choice of confrontational, direct action tactics made strategic sense and was likely instrumental in achieving a number of positive outcomes, such tactics also place any organization using them at greater risk from social control agents (Baylor, 2007: 17).

AIM’s leadership was centralized with just a few people, such as Russell Means, Dennis Banks, and Clyde Bellacourt. These charismatic leaders developed strategy, and attempted to portray AIM with a unified voice, inspiring indigenous people across the country (Cook-Lynn, 2014: 14). The federal government cracked down on AIM’s activity, however, by focusing attention on these few leaders which eventually contributed to the dissolution of the entire movement. Following the occupations of 1972-73, for instance, AIM leaders were caught in years of expensive and time-consuming legal battles. As Sanchez et al (1999) notes, “it soon became clear that convictions — not to speak of justice — were beside the point. What was being accomplished, by foul means and fair, was the total disruption of the American Indian Movement, in what was emerging as a program to ‘neutralize’ AIM leaders all over the country” (Sanchez et al., 1999: para 16).

For AIM, two factors seem to have greatly contributed to the dissolution of AIM by 1978: confrontational tactics that pushed authorities to respond with aggressive state repression, and also the highly centralized leadership, whose role in violent activity eventually led to arrests and the disbandment of the movement. State repression came in the forms of violence, litigation and infiltration, and these strategies from the federal government effectively disintegrated AIM by 1978 (Baylor, 2007: 12). While it seems likely that AIM influenced the political agenda of its time and certainly had a lasting impact in the minds of many North American indigenous people, it is also likely that without AIM’s confrontational approach, state repression would not have been so aggressive, well-funded, or successful.

Idle No More (2012-current)

Idle No More emerged in 2012 as an online, social media-based response to Bill C-45, which was the Canadian Conservative government's Jobs and Growth Act. Within its 443 pages, this omnibus bill included a broad range of unrelated acts and regulations. Several of these measures, according to Canadian aboriginal activists, ignored constitutional treaty rights by altering legislation without any consultation with aboriginal groups (Xiu Woo, 2013: 183). In order to challenge the federal government on these issues, four young aboriginal women started a Facebook page titled Idle No More. Soon, the #IdleNoMore hashtag went viral on social media throughout Canada and beyond, with demonstrations occurring all across Canada, as well as London, New Zealand, Egypt, and elsewhere (Xiu Woo, 2013: 183).

Existing scholarship related to social movements and new media often argues that new technologies facilitate social movements so that they are more decentralized and less hierarchical, as there is a decline in the importance of traditional institutional structures (Garrett, 2007: 210-11). INM, in keeping with this assertion, has remained a largely grassroots and non-hierarchical effort (Barker, 2015: 47). The movement's online presence and media spokespeople often emphasize its lack of formal leadership, and organizers have resisted efforts to hand over leadership to national chiefs and other elected officials. Sylvia McAdam, one of the movement's original founders have stated that "[w]hile we appreciate the leadership's support of Idle No More, they cannot take the lead on this" (Bradshaw et al., 2013: para. 5). In another interview, McAdam claimed that "Idle No More has no leader. The founders might be considered guides or maintaining the vision, but Idle No More has no leader or official spokesperson" (Carlson, 2013: para. 6).

Despite the positive opportunities for a non-hierarchical and nonviolent social movement like INM, however, such qualities have also presented challenges. For instance, although INM lacks a formal leadership, where leaders could be targeted by authorities like AIM's leadership in the 1970s, certain individuals have come to represent the movement within the media. National chiefs, such as Chief Theresa Spence of Attawapiskat, have been associated with the movement due to their public appearances on related issues like housing shortages and poverty. The emergence of individuals like Spence as perceived-leaders has presented opportunities for the movement to be discredited, and without a formal voice to distance

themselves from unwanted leaders, it is difficult for INM to distinguish itself in the media. For example, when an audit of Attawapiskat revealed information that raised questions about Chief Spence's integrity, INM was tarnished alongside her (Xiu Woo, 2013: 186).

Another challenge that INM's lack of formal leadership has presented is the movement's inability to distance itself from the confrontational actions of other groups. For social movements representing minority identities like indigenous communities, a wider base of support from non-indigenous people is necessary if the movement expects to influence political decisions. Unlike AIM, whose confrontational tactics often created divisions between it and the general public, INM has made considerable effort to avoid confrontational approaches that create divisions between indigenous and non-indigenous Canadians. The movement has instead focused on marches, peaceful protest and even flash mob dances (Xiu Woo, 2013: 183). As Adam J. Barker (2015) points out, however, several recent blockades and other direct action tactics, which caused economic disruption for Canadian citizens, were unable to be separated from INM within the media (Barker, 2015: 58). When Sylvia McAdam was interviewed by the National Post on this issue, she argued that the purpose of INM is to educate Canadians about indigenous sovereignty and treaty rights, not to create conflicts: "if you have an impromptu blockade that doesn't follow the legal permits, then you're irritating the public and that's not the purpose behind Idle No More" (Carlson, 2013: para. 4-5).

The goals and strategies of the Idle No More movement vary considerably from those of the American Indian Movement. However, while it was the confrontational tactics and centralized leadership that led to the dissolution of AIM, it is the decentralized nature of INM that is presenting the greatest challenges for INM.

Conclusions

Although Canada and the United States are among the wealthiest countries in the world, each country includes indigenous communities with living standards far below the average standards of each country. In Canada, for instance, compared to non-Aboriginal people, Aboriginal people are more likely to have lower income, experience higher levels of unemployment, and live in housing in need of major repairs (Canadian Human Rights Commission, 2010: 3). This human rights record for Canada

has not gone unnoticed by the international community. In 2014, the UN General Assembly released its Report of the Special Rapporteur on the rights of indigenous peoples, which urged Canada to take considerable steps to narrow the well-being gap between Aboriginal and non-Aboriginal Canadians, and referred to the challenges for Aboriginal peoples in Canada as a “crisis” (Anaya, 2014: 20).

As Cornell (2006) points out, the significant inequality between indigenous and non-indigenous populations becomes even more outrageous when one considers that the wealth of these two countries has been built substantially on resources taken from indigenous people (Cornell, 2006: 1). One factor that therefore distinguishes indigenous social movements from other modern identity-based social movements is how indigenous agendas can frequently challenge state action. This is because indigenous land and sovereignty claims often come in direct conflict with local interests such as mining, hydroelectricity, and logging (Niezen, 2000: 132). This reality is reflected in the discrepancy between international and national action addressing indigenous rights; while non-indigenous support for international, abstract concepts is generally accepted by UN member states, support for local efforts is often greeted with considerably more skepticism. As Niezen notes, individual UN member states do not seem to be responsive to efforts to define and protect the right of indigenous peoples within their own territories (2000: 132). In light of such major conflicts between indigenous rights and national governments, it is unsurprising that indigenous social movements have struggled to have major breakthroughs within states. As Baylor (2007) asks, “did Indians represent just another ethnic group bound to be assimilated by American society, or did Indians embody something different and far more significant – nations?” (Baylor, 2007: 9).

Despite the similarities and connections between the American Indian Movement and Idle No More, each group represents a very different form of social movement. AIM was a hierarchical and confrontational group, which was inspired by other militant social movements of the 1960’s. These features of AIM greatly contributed to its success and also its eventual downfall. Meanwhile, Idle No More represents the kind of decentralized and non-hierarchical social movement that has been largely associated with new information and communication technologies. Despite the challenges that Idle No More faces, supporters of the group remain optimistic that it will

overcome misconceptions as the public becomes more comfortable with these forms of decentralized organizational structures. Considering the challenges Canada now faces with Aboriginal land claims, resource development in unceded territory, and the environmental costs associated with such development, if INM can overcome public perception, the social movement has much to offer indigenous and non-indigenous Canadians alike.

References

- Anaya, James. 2014. "Report of the Special Rapporteur on the rights of indigenous peoples." UN General Assembly, A/HRC/27/52/Add.2.
- Barker, Adam J. 2015. "A Direct Act of Resurgence, a Direct Act of Sovereignty': Reflections on Idle No More, Indigenous Activism, and Canadian Settler Colonialism." *Globalizations* 12(1): 43-65.
- Baylor, Timothy. 1996. "Media framing of movement protest: The case of American Indian protest." *Social Science Journal* 33(3): n/a.
- Baylor, Timothy. 2007. *The American Indian Movement's Strategic Choices: Environmental Limitations and Organizational Outcomes. in Sixty-Seven Nations and Counting.* ed by Mark B. Spencer and Rachel Tudor. Southeastern Oklahoma State University: Oklahoma: 9-19.
- Bradshaw, James, and Shawn McCarthy. "Idle No More protests beyond control of chiefs" *The Globe and Mail*. Written Jan. 1, 2013. Accessed April 2, 2015. <http://www.theglobeandmail.com/news/national/idle-no-more-protests-beyond-control-of-chiefs/article6841419/>.
- Canadian Human Rights Commission. 2010. "Report on Equality Rights of Aboriginal People." http://www.chrc-ccdp.gc.ca/sites/default/files/equality_aboriginal_report.pdf.
- Carlson, Kathryn Blaze. "Idle No More co-founder distances movement from planned blockades, hunger-striking Chief Spence." *The National Post*. Written Jan 15, 2013. Accessed April 2, 2015. <http://news.nationalpost.com/news/canada/idle-no-more-co-founder-distances-movement-from-planned-blockades-hunger-striking-chief-spence>.
- CBC. 2015. "Iconic First Nations Protests." <http://www.cbc.ca/news/canada/iconic-first-nations-protests-1.2125374>.

- Cook-Lynn, Elizabeth. 2014. "Twentieth-Century American Indian Political Dissent and Russell Means." *Wizazo SA Review* 29(1): 14-18.
- Cornell, Stephen. 2006. "Indigenous Peoples, Poverty and Self-Determination in Australia, New Zealand, Canada and the United States." JOPNA Harvard Project On American Indian Economic Development: John F. Kennedy School of Government Harvard University.
- Garrett, R. Kelly. 2007. "Protest in an Information Society: a review of literature on social movements and new ICTs." *Information, Communication & Society* 9(2): 202-224.
- Message, Kylie. 2014. *Museums and Social Activism: Engaged Protest*. Routledge: New York.
- Niezen, Ronald. 2000. "Recognizing Indigenism: Canadian Unity and the International Movement of Indigenous Peoples." *Comparative Studies in Society and History* 42(1): 119-148.
- Sanchez, John, Mary E. Stuckey, and Richard Morris. 1999. "Rhetorical exclusion: the government's case against American Indian activists, AIM, and Leonard Peltier" *American Indian Culture & Research Journal* 23(2): n/a.
- Schipper, Martin. 1986. "FBI Files on the American Indian Movement and Wounded Knee."
- Tilly Charles, Sidney G. Tarrow. 2007. *Contentious Politics*. Paradigm Publishers: Colorado.
- Wilkes, Rima. 2006. "The Protest Actions of Indigenous Peoples: A Canadian-U.S. Comparison of Social Movement Emergence." *American Behavioral Scientist* 50(4): 510-525.
- Xiu Woo, Grace Li. 2013. "Decolonization and Canada's 'Idle No More' Movement." *Arctic Review on Law and Politics* 4(2): 181-20