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LETTER FROM THE EDITOR

In a Day of Affirmation speech delivered at the University of Cape Town, Robert F. Kennedy made reference to a Chinese curse that is as relevant today as it was on that fateful day in 1966 – "May you live in interesting times." Recent economic crises, international political turmoil, regional conflicts and environmental concerns have certainly brought this equivocal proposition to fruition. Whether as political scientists we consider this to be a positive or a negative, it has nonetheless allowed for interesting debate and analysis of current affairs. By extension, the articles included in this year's edition of *Inquiry & Insight* reflect this tumultuous environment, and explore financial issues such as the minimum wage in Canada and the European sovereign debt crisis. Furthermore, this volume includes an analysis of China's foreign policy, human rights norms, and environmental politics – an increasingly relevant and influential field. Perhaps most reflective of these interesting times is an analysis of the 2011 Egyptian Uprising, informed by the first-hand experiences of the author in this revolutionary milieu.

The fourth volume of *Inquiry & Insight* includes works by both Master's and Ph.D. students from prominent universities around the world. With a record number of submissions received from a broader range of international institutions, this year's publication furthers the success of previous issues, and strives to perpetually improve the quality of work included. To this end, particular emphasis was placed on the originality of research, as well as conceptualization, operalization and methodology. In fact, the majority of the articles selected for publication provide analyses of original research in order to help further the theoretical, empirical, and normative understandings of political science.

I would like to express my gratitude to members of the Editorial Board, both internal and external, for their invaluable suggestions and insight. A special thanks is dedicated to Alexander Hudson (Assistant Editor) and David (Frogh) Kohyar (Layout/Webmaster) for going above and beyond to help see the vision for this year's journal come to life.

Sincerely,

Cristina Plesoianu

Editor-in-Chief

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NEOLIBERAL INTEGRATION, THE EUROPEAN MONETARY UNION AND THE EUROPEAN SOVERIGN DEBT CRISES

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ABSTRACT

This paper takes a critical political economy perspective to examine the process of monetary and financial integration within the European Union (EU). In contrast to other perspectives, which emphasize the political or symbolic aspects of the EU, it is argued that the formation of European Monetary Union (EMU) has been driven by a largely neoliberal logic. Using the critiques of neoliberalism developed by Gill (1995) and Peck and Tickell (2002), this paper critically analyzes this process of neoliberal integration. Although driven by a universalizing logic, the incomplete and contradictory implementation of neoliberal integration within the EU set the stage for a crisis of capitalism in the form of the sovereign debt crises, by institutionalizing key structural asymmetries between the Eurozone core and the periphery. However, the actions taken following the crisis have been aimed at consolidating and deepening neoliberal integration with policies designed to maintain the value of capital, whilst simultaneously disciplining labour through austerity conditions.

INTRODUCTION

Following the Second World War, the process of European integration proceeded in fits and starts, navigating an uneasy tension between a desire for integration and a reluctance to cede national control over key issues. Despite this, the European Union (EU) has become a key player internationally, and its currency, the Euro, has become second only to the US Dollar in international use (Dominguez, 2006: 68). However the European Monetary Union (EMU) is now facing perhaps its greatest challenge in the form of the sovereign debt crises, which have affected Greece, Ireland and Portugal; crises that appear poised to undermine the Eurozone itself. Mainstream perspectives tend to emphasize the political or symbolic aspects of European integration while often ignoring the social character of economic relations or the prevailing structural conditions of global capitalism.[1] The thesis pursued here is that the EMU is driven largely by a neoliberal logic; albeit one that has been implemented in a contradictory, uneven, and incomplete fashion. This fragmented implementation created the conditions leading to a crisis of capitalism that clearly revealed the structural imperatives of capital and the discipline of markets. Finally, this crisis has been used as a lever to further consolidate the neoliberal project at the heart of the EMU, by drawing on the disciplinary aspects of the global credit system (Soederberg 2005).

This article begins with an exploration of the theoretical perspective of Gill (1995), as well as Peck and Tickell (2002), conceptualizing neoliberalism and the neoliberal state (or in this case, regional organization). Subsequently, the formation of the EMU is examined, with particular attention paid to the international political economic context within which it was created, and demonstrates that the construction of the EMU was driven primarily by a neoliberal logic. The next section analyzes the structural asymmetries within the EMU, which resulted from its contradictory implementation, and demonstrates how these asymmetries contributed to the emergence of a sovereign debt crisis in 2009. The final section critically analyzes the policy responses and discourse of European elites, to demonstrate that the crisis has not changed the EMU's fundamentally neoliberal character, and has instead been used as a lever to further consolidate and deepen neoliberalism within the EU.

NEOLIBERALISM AND NEOLIBERAL STATES

Stephen Gill's 1995 article, "Globalisation, Market Discipline and Disciplinary Neoliberalism," develops the language necessary to analyze neoliberal restructuring. Neoliberalism, in its most basic form, refers to "the steadfast belief that political and social problems should be solved primarily

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[1] For an overview and critique of rationalist and constructivist accounts, see Maccartney 2011; for further mainstream perspectives on integration, see Pentland, 2000.

through market-based mechanisms as opposed to state intervention." (Soederberg, 2005: 938) Gill argues that what defines the present era is the emergence of a neoliberal 'market civilization,' configured by the power of transnational capital, involving a myth of capitalist progress, hierarchical social relations, and achieved through a combination of market discipline and localized political power (Gill, 1995: 399). Within this market civilization, Gill identifies the coexistence of two varieties of neoliberalism, which he terms 'oligopolistic' and 'disciplinary.' Oligopolistic neoliberalism involves on the one hand, protection for the strong and wealthy and a socialization of their risks, while on the other, market discipline for the weak (Gill, 1995: 405). Disciplinary neoliberalism "is a concrete form of structural and behavioural power" that combines the structural power of capital (through market discipline); the ability of capital to promote uniformity and obedience in political policies; particular instances of state power; and finally, panopticon-like surveillance (Gill, 1995: 411). These forms of neoliberalism are institutionalized through what Gill calls the new constitutionalism, which "are often implicit rather than explicit. Nevertheless, they emphasize market efficiency, discipline, and confidence; economic policy credibility and consistency; and limitation on democratic decision-making processes." (Gill, 1995: 412) As will be demonstrated below, the EMU itself is a practical realization of the new constitutionalism, and the response to the European sovereign debt crises has reflected the logic of both oligopolistic and disciplinary neoliberalism.

While these neoliberal forms have a clear political element, they also have a certain self-sustaining and intensifying logic resulting from state dependence on the market, which homogenizes and constrains political choices, as well as a fetishism of global finance where there appears to be "material relations between persons and social relations between things." (Marx, 1990: 166) Gill states: "Driven to raise operating finance on the more globalized financial markets, governments are pressured into providing a business climate judged attractive by global standards in order to win and retain foreign direct investment." (1995: 417) This is similar to observations made by Claudia von Braunmuhl (1978) and John Holloway (1995), who argue that capitalist political authority must be mediated nationally, and that a contradiction exists between the free movement of capital and the fixed national state necessary for its reproduction (von Braunmuhl, 1978: 176; Holloway, 1995: 123-126). These structural imperatives stemming from the international movement of capital often fail to be critically analyzed in accounts of European integration. Finally, Gill identifies a number of contradictions in this process:

> The logic of neoliberalism is contradictory: it promotes global economic integration (and hence the need for global public goods)… as well as undermining the traditional tax base and the capacity to provide public goods… Moreover, neoliberal macroeconomic policies, aligned to the ideology of the competition state, may generate a more conflicting inter-state dynamic that may prolong economic stagnation for the vast majority of the world's population through, for example competitive austerity and beggar-thy-neighbour currency depreciation… While capital tends towards universality, it

> cannot operate outside of or beyond the political context, and involves planning, legitimation, and the use of coercive capacities by the state. (Gill, 1995: 419-422)

These contradictions have played out almost verbatim in the case of the EMU.

Jamie Peck and Adam Tickell's 2002 article "Neoliberalizing Space," provides a similar perspective to that of Gill, focusing on the shift from what they call 'roll-back' to 'roll-out' neoliberalism. Through this shift, "the agenda has gradually moved from one preoccupied with the *destruction and discreditation* of Keynesian-welfarist and social-collectivist institutions (broadly defined) to one focused on the purposeful *construction and consolidation* of neoliberalized state forms, modes of governance and regulatory relations." (Peck and Tickell 2002, 384) In other words, neoliberalism constructs the rules of competition by shaping the metrics of value (Peck and Tickell, 2002: 387) while reproducing and deepening the forces which make this competition between geographic locations necessary, the free movement of capital with its attendant disciplinary effects (Peck and Tickell, 2002: 393). "The subsequent neoliberal 'settlement' had to be engineered through explicit forms of political management and intervention and new modes of institution-building designed to extend the neoliberal project, to manage its contradictions, and to secure its ongoing legitimacy." (Peck and Tickell, 2002: 396) The emphasis on the political construction of neoliberalism (which is often referred to in quasi-mystical terms as 'freeing' markets from the burdens of politics) overlaps broadly with Gill's new constitutionalism, and the logic of roll-out neoliberalism is similarly reflected in the EMU. Finally, the authors emphasize that "neoliberalism has demonstrated an ability to absorb or displace crisis tendencies, to ride-and capitalize upon-the very economic cycles and localized policy failures that it was complicit in creating." (Peck and Tickell, 2002: 400) It is precisely this ability that we see in the response to the European sovereign debt crises, where the crisis has been used to further consolidate and deepen neoliberalism within the EMU.

EUROPEAN FINANCIAL INTEGRATION

The European Monetary Union (EMU) was proposed in 1969, but has its institutional roots in the 1979 European Monetary System (EMS), which introduced fixed but adjustable exchange rates between the major European economies (Dominguez, 2006: 69). Despite a crisis in these fixed exchange rates in 1992, the European Central Bank (ECB) was formed in 1998, the Euro was introduced electronically in 1999, and physically in 2002 (Dominguez, 2006: 70). The Maastricht Treaty, which led to the creation of the Euro, includes a number of restrictions on the fiscal policies of EMU member states. In particular, the Stability and Growth Pact (SGP) calls for a maximum deficit-to-GDP level of 3 per cent, and a maximum debt-to-GDP level of 60 per cent, ostensibly under the threat of fines for noncompliance, although there have been widespread violations of these limits without consequence (Nelson et al., 2010: 2-3). In 2005, there was a revision of the SGP, which gave more flexibility

and discretion to member states in meeting these requirements, with little practical effect (ECB, 2011: 102). The Maastricht treaty established that the primary objective of the ECB was to maintain price stability (targeting a 2 per cent inflation rate), and support general economic policies of member states, although in practice the former has dominated ECB decision making (Dominguez, 2006: 71). Dominguez notes that "no provision was included in the Maastricht Treaty for the European Central Bank to act as a lender of last resort in the case of financial crisis, nor does the European Central Bank have supervisory powers over European banks-both of these roles are still held by the national central banks or other national authorities." (Dominguez, 2006: 71) While these policies and institutions reflect a neoliberal logic, it is a logic mediated by the local circumstances. In the case of the European Union, the tension between the desire for integration and a reluctance to cede national control forms the framework within which a neoliberal teleology of development is (unsuccessfully and partially) inscribed.

In order to understand the neoliberal project at the heart of the EMU, one must also understand both the domestic and international contexts of capitalism during its creation. In particular, the crisis of capital over-accumulation (i.e. an excess of capital, in this case financial capital, and a lack of readily available opportunities to create profit) has entailed the searching out of 'riskier' areas for investment (often in the forms of loans). In addition, this necessitated a development of finance and a removal of barriers to the flow of capital (Soederberg, 2005: 942). This extension of loans has also had the effect of compensating for real wage stagnation through both the extension of credit and household investments in stock markets (Maccartney, 2011: 60). Within the EU itself, France and Germany were faced with crises of capitalist accumulation in the mid-1990s, experiencing high unemployment. They responded through wage moderation, reduced social contributions for unskilled workers, and the development of more flexible employment contracts (Maccartney, 2011: 59). This breakdown in the traditional class compromise underpinning European capitalism was accompanied by a corresponding shift towards the paradigm of 'shareholder value.' German firms and banks, traditionally controlled by large blockholders, shifted to a more dispersed and decentralized management structure. This necessitated the "marketization of corporate control" through a development of more liquid financial markets for trading stock ownership (van Apeldoorn and Horn, 2007). The acceptance of shareholder value as the dominant paradigm, which accompanied this change in ownership structure, led German firms to seek more acquisitions and investments regionally, encouraging the reduction of financial transaction costs and the development of more liquid regional securities markets.

Initially, financial market integration was proposed by the European Commission (the political body of the EU), following a wave of liberalizing global financial services in the 1990s, and gained strong support from national governments and central banks (Bieling, 2006: 427). While it was clear that the Euro would accelerate financial integration, European elites realized that this push would be more effective if the EU simultaneously improved the regulatory framework to promote cross-border capital flows (Bieling, 2006: 428), echoing the process of 'roll-out' neoliberalism. The prevailing discourse surrounding

this integration was that of 'Eurosclerosis,' arguing that these changes were necessary to restore stagnant European economies to international competitiveness (in particular, relative to the United States) through the development of integrated financial markets (Bruff, 2010: 618). The twin push of monetary union and financial integration was designed to promote cross-border trade, investment, and ownership, through the reduction of transaction costs associated with differing regulatory structures and other barriers to the free movement of capital (van Apeldoorn and Horn, 2007: 225-226).

Two pieces of legislation were essential to this process, which represent both roll-out neoliberalism and the new constitutionalism. The first was the European Union's Lisbon Strategy, which aimed to make the EU "the cheapest and easiest place to do business." (Grahl, 2011: 33) The Lisbon Strategy sought to do this by imitating the US financial system and focused on the centrality of finance, the development of a liquid financial system with an emphasis on securities (stocks, bonds and derivatives), and the elimination of market and regulatory fragmentation (Grahl, 2011: 35). The second was the Financial Services Action Plan (FSAP), passed in 1999, which became a key component of the Lisbon Strategy. The FSAP "comprised 42 original measures, including over 30 directives, aimed at constructing a harmonized market in banking, insurance, investment, derivatives and commodities." (Maccartney, 2011: 61) It was underpinned by a consensus among European elites that integrated financial markets would be the key motor of European growth. As Bieling points out,

> It is repeatedly stressed that, without an integrated and dynamic financial market, the EU 'will forego the potential reduction in the cost of EU capital offered by the single currency,' with detrimental effects on competitiveness and employment. At the same time, it is also mentioned that solely an integrated financial market will direct sufficient capital and investment to the EU economy and strengthen the euro. (Bieling, 2006: 430)

The financial and monetary integration of the EU is driven by these structural imperatives of capitalism, which are made all the more acute by the forces of over-accumulation and the challenge presented by a robust, finance-driven and liquid US economy. While this neoliberal project at the heart of the EMU is driven by the structural power of capital in the form of disciplinary neoliberalism, it was also something that had to be politically engineered. Thus, the EMU becomes an institution through which the new constitutionalism and roll-out neoliberalism is embedded.

STRUCTURAL ASYMETRIES WITHIN THE EMU AND THE EUROPEAN SOVEREIGNTY DEBT CRISES

While European financial and monetary integration was driven by this neoliberal logic, its actual implementation has been incomplete, contradictory and fragmented. This contradictory implementation has institutionalized

structural asymmetries within the EMU (in particular, the 'competitiveness' gap between Germany and the Eurozone periphery), setting the stage for the European sovereign debt crisis. As Ian Bruff rightly cautions, institutional isomorphism cannot be assumed. This transnational project, once formulated at the European level, was able to penetrate member states in a uniform and complete manner that completely adhered to the logic of capital (Bruff, 2010: 618). Rather, this has been a process marked by difference, asymmetries, and the uneven exercise of coercive political power. Although the goal of the EMU was convergence in growth rates, interest rates, inflation rates and the like, the result has actually been a divergence between the core and the periphery of the Eurozone. This has often been presented as a 'failure' of surveillance (through the SGP), amidst the rush to lower barriers to capital circulation (ECB, 2011: 99), or as a conflict between the EMU's single monetary policy (exercised by the ECB) and independent fiscal policies exercised by member states (Feldstein, 2006). Similarly, the adoption of the Euro, and the promise of reforms and integration meant that peripheral economies were able to borrow at a more favourable rate (Nelson et al., 2010: 6). Feldstein argues that this tension has created a bias towards chronic deficits since excess spending does not cause a change in a country's interest rate or exchange rate, and states need to use fiscal rather than monetary policy to offset temporary economic weakness (Feldstein, 2006: 422). In other words, there has been a failure of market discipline to operate effectively.

        While these factors have played large roles in the build-up of sovereign debts, one component that was often ignored (at least until the time of the crisis) was labour 'competitiveness'. Because states do not control their currency (and so cannot devalue to make exports cheaper), they must become competitive by putting pressure on labour costs in order to increase relative productivity. Even the ECB has come to recognize this fact, noting that "for peripheral Euro area countries, which cannot devalue, the way to improve competitiveness is via domestic wage restraint and structural reforms to boost productivity." (Smaghi, 2011) This recalls Gill's warning against "competitive austerity and beggar-thy-neighbour currency depreciation," (Gill, 1995: 422) with labour repression replacing local currency depreciation (which is impossible because of the shared currency). Germany won this so-called 'race to the bottom' of labour costs, and has experienced large and continual current account surpluses, with the peripheral Eurozone economies experiencing corresponding current account deficits (Lapavitsas et al., 2010: 6). These imbalances were largely kept within the region. Two thirds of German exports remained in the Eurozone, and German banks (many of which were nationalized or bailed out during the subprime crisis) recycled surpluses through loans, foreign direct investment, and cross-border mergers and acquisitions in the periphery (Lapavitsas et al., 2010: 28). The reasons why individual states in the Eurozone periphery became recipients of loans and investment are diverse. What links them together, however, is their reliance on external funding to roll-over their debts, and therefore, they share a common dependence on the amorphous 'confidence' of the market.

        The case of Greece is instructive given its position as the catalyst for the sovereign debt crisis. Here, high government spending (in particular,

spending to implement the macroeconomic reforms which were meant to make the country a competitive destination for capital) met weak tax collection and a large informal economy (Nelson et al., 2010: 5). Similarly, high consumption, underpinned by rising levels of household debt was a key component of Greek integration into the Eurozone market (Lapavitsas et al., 2010: 17). Greece's rapid growth was fuelled largely by cheap credit, which was easily available due to banks in the core seeking investments for excess capital, and the elimination of the risk premium following the adoption of the Euro. These factors made Greece a 'risky' and profitable investment for capital, banking on the prospect of macroeconomic reforms and credit-fuelled growth. One absurdity of speculative investment is that even if core banks were to notice a bubble, there is no reason to liquidate their investments so long as they expect the bubble to continue inflating.

The European sovereign debt crises plaguing Greece, Ireland and now Portugal, have resulted from these widening current account imbalances and their financing with speculative capital (Grahl, 2011: 44). The crisis occurred when this speculative capital went into reversal, causing a jump in government borrowing rates (a de-linking from the converged Eurozone borrowing rate anchored by Germany). The already high levels of debt built up through a decade of asymmetries was compounded by the sub-prime crisis, during which governments borrowed on markets to bailout financial sectors, implement stimulus programs, and fund automatic stabilizers (such as unemployment benefits), while at the same time, experiencing declining tax revenues. The proximate cause of the European sovereign debt crisis came in October 2009, when the Greek government announced that its budget deficit had been revised to be twice as high as initially thought, leading to immediate credit rating downgrades and a jump in borrowing costs (Nelson et al., 2010: 3). While the ECB had initially extended liquidity to combat the sub-prime crisis, it rapidly cut back, and Eurozone banks shifted from holding long-term to short-term securities. "The result was credit shortage and accelerated recession across the Eurozone, including the periphery. These were the conditions under which states... began to seek additional loanable funds in financial markets." (Lapavitsas et al., 2010: 7) Following this were massive widening yields on government bonds, and the concern that other peripheral Eurozone economies (in particular, Portugal and Ireland) would soon face similar problems financing debt roll-overs. This opened up the possibility for speculative attacks on peripheral government bonds and the Euro itself. Also of concern was the spectre of 'contagion,' that losses on holdings of Greek debt would drive banks or other investors into bankruptcy, which would lead their investors into bankruptcy, and so on, leading to a cascade of failures reminiscent of the sub-prime crisis.

Consolidations of Neoliberal Governance

Despite neoliberalism's complicity in creating this crisis, what has followed has not been a fundamental rethinking of the neoliberal project, but instead, its reinforcement and consolidation. Drawing on the discourse and

policy actions of European elites and institutions (in particular, the ECB), this section argues that the response to the crisis has continued to follow the logic of capital (in particular, that of oligopolistic and disciplinary neoliberalism), and has used the crisis as a lever to advance the consolidation of the new constitutionalism and roll-out neoliberalism. Although the European sovereign debt crisis began in October 2009, the first response did not occur until May 2, 2010 when the EU and IMF provided Greece with a €110bn rescue package (Nelson et al., 2010: 1). This package was an attempt to avoid a Greek default and prevent financing concerns from spreading. It was contingent upon the implementation of economic austerity programs aimed at reducing public spending and reducing labour costs.   On May 10, 2010 the EU announced the creation of a Special Purpose Vehicle (SPV) called the European Financial Stability Fund (EFSF). This fund totalled €750bn and was to include €440bn (initially this amount was €250bn) from the European Council, and €250bn from the IMF. The fund was to assist distressed Eurozone countries by buying up government bonds (BBC News, May 10, 2010). Despite a one-day rally in the Euro and European markets, markets fell again May 11 over concerns that peripheral economies would not be able to implement the prescribed austerity measures, and that debt problems had only been postponed (Rinke and Groendahl, 2010). Similarly, Germany, and in particular the German political opposition, began to raise concerns about the inflationary effects of the bailouts and claimed that Germans would have to 'foot the bill' for the indiscretions of countries like Greece.

        Following these concerns, EU intervention quickly fell until December 2, when the ECB began an aggressive intervention into bond markets.   In particular, intervention occurred in Portugal and Ireland in order to maintain confidence in the solvency of those states and prevent further contagion (Atkins and Oakley, 2010).   It was not until March 13, 2011 that the EFSF was bumped up to its full €750bn capacity, which was announced alongside its replacement, the European Stability Mechanism (ESM). The ESM, to be launched in 2013 as a permanent crisis management framework, is based on the EFSF. It provides assistance to distressed Eurozone economies on the condition of stringent economic and fiscal adjustments (Spiegel, 2011a). These so-called 'austerity' conditions follow a neoliberal logic similar to that of the IMF's structural adjustment programs in the 1990s, and include the privatization of public assets, social spending cutbacks, and a shift to more flexible employment. Furthermore, Greek interest rates were reduced, and it was announced that both the EFSF and the ESM would have the authority to purchase and hold government bonds (Oakley, 2011a). On March 15, the European Commission agreed in principle upon the enforcement of fines originally stipulated by the SGP, although it continued to leave a significant degree of wiggle room. Furthermore, whether these fines will actually be implemented remains to be seen (Spiegel, 2011b). The ESM itself was officially announced on March 22 and spurred a leap in bond yields, again over concerns about simply postponing debt problems (Oakley, 2011b). EU officials continue to deliberate the nuances of crisis response. However, the final proposal will almost certainly continue to follow the neoliberal logic mapped out by the IMF's structural adjustment programs.

The response of European elites (in particular those associated with the ECB) is instructive in demonstrating the neoliberal logic at work. The response has been that of simultaneously providing liquidity while imposing austerity through loan conditionality in other words, maintaining the value of capital while disciplining labour. The liquidity provision has helped to maintain the value of bank investments in sovereign debt through bond market intervention, while attempting to complete the aforementioned 'race to the bottom' of labour costs. These reforms are given an air of inevitability, implying that submission to the logic of capital is both beneficial and necessary. This echoes the 'Eurosclerosis' discourse surrounding the creation of the EMU itself. An ECB speech plainly tows the neoliberal line stating that,

> In the end, the crisis-hit countries have no alternative: they have to make fundamental reforms to their banking systems, involving substantial restructuring and, in some cases, very significant downsizing. Liquidity support can help to reduce adjustment costs by smoothing the transition. But those costs should not be used as a pretext for delay. (Smaghi, 2011)

Financial markets are portrayed as testing the strength and resilience of the euro area as well as the willingness and ability of EU authorities to preserve the integrity, stability, and competitiveness (as a destination for capital) of the EMU. A recently released EC Task Force report recommended an enhanced surveillance framework aimed at preventing the emergence of, and combating existing, macroeconomic imbalances (ECB, 2011: 100-101). Responding to this, the ECB has noted that, while the proposals are a step in the right direction, there needs to be a "quantum leap" in economic governance to consolidate the functioning of the EMU (ECB, 2011: 101). The ECB argues that there needs to be stricter penalties applied for noncompliance; less discretion and more automaticity in discipline; and better data collecting and reporting on the macroeconomic conditions of member states (ECB, 2011: 108). The report focuses heavily on the themes of 'competitiveness,' 'confidence,' and the 'proper incentives' for member states, reusing the neoliberal discourse of the EMU's initial construction and justification. The need to recognize joint responsibility for stability in the Euro area, and the need to "take the historic opportunity offered by the reform process to fully exploit the current Treaty framework to strength euro area economic governance" is heavily emphasized in the report (ECB, 2011: 102). Hidden within this technocratic language of neoliberalism is the fact that these reforms are aimed at strengthening the power of capital relative to labour; liquidity mechanisms have maintained the value of investments while austerity conditions have reduced wages, imposed cutbacks in social services and necessitated shifts to more flexible employment.

While these reforms are ostensibly apolitical and technocratic, they must be imposed politically, often circumventing democratic decision making. Ironically, the ECB bases its arguments on the proposition that "the high degree of integration among euro area countries clearly justifies deeper economic union." (ECB, 2011: 101)   Rather than rethink the principles of neoliberal governance, the ECB argues that the only way to solve the contradictions

created by the incomplete neoliberal integration of the EMU is through a deeper process of neoliberalization.

CONCLUSION

The discourse of the ECB and European elites is not idle talk, but instead illuminates the guiding neoliberal principles behind the EMU. These principles are best captured by what Gill (1995) has called 'oligopolistic' and 'disciplinary' neoliberalism, and what Peck and Tickell (2002) have called 'roll-out' neoliberalism. The simultaneous liquidity provision and austerity conditions have protected the strong (largely German owners of capital) by maintaining asset values while imposing greater market discipline on the weak (labour in peripheral states), reflecting a deepening of oligopolistic neoliberalism. Similarly, the structural power of capital, made clear by the crisis, has imposed uniformity and obedience on peripheral European economies, frequently circumventing democratic decision making (witness the recent fall of Portugal's government and the subsequent regardless austerity). The increased surveillance and renewed push towards fines for budget violations completes this process of intensifying disciplinary neoliberalism, by furthering panoptic surveillance of member economies. Finally, these ideas are something that must be concretely engineered and embedded within institutions. The development of the FSM, as well as the policy developments of the EMU and EC reflects this as the process of roll-out neoliberalism; a purposeful construction and consolidation of neoliberal modes of governance (Peck and Tickell, 2002).

While this crisis occurred in large part due to an incomplete and contradictory neoliberal integration, deepening neoliberalism will not solve these contradictions. Rather, it will only make them more acute. Within the European Union, we are witness to a contradiction inherent in capitalism itself; the universal drive of capital and the necessity of a territorially defined political unit for its often coercive reproduction (von Braunmuhl, 1978; Holloway, 1995; Gill, 1995). Neoliberalism has sought to realize these universal pretentions of capital through precise political engineering; yet the result has been a deepening of this contradiction. As long as finance remains fetishized as a force to be submitted to, the process of European financial and monetary integration will continue to seen as commonsensical, inevitable, and necessary, even as crises continue to unfold. The debt crises plaguing the EU will not be solved by this process of neoliberal integration, but will instead continue to be displaced spatially and temporally, with subsequent crises increasing in magnitude as more and more liquidity must be provided to maintain 'confidence.' Unfortunately, it is likely that these crises will continue to be used as levers to advance and consolidate roll-out neoliberalism and the new constitutionalism within the EU, rather than prompt a fundamental rethinking of the neoliberal project.

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ASSERTIVE OR COOPERATIVE?

ASSESSING CHINA'S FOREIGN POLICY IN SOUTH CHINA SEA
DISPUTES, FROM 1970S TO 2000S

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ABSTRACT

This paper focuses on understanding the trend of China's foreign policy in the South China Sea disputes across four decades. The research is conducted through content analysis and text analysis of official documents. By tracking official political statements, this work seeks to examine the general pattern and key causal dynamics of Chinese foreign policy in disputes. On the basis of analysis of official documents across four decades, the paper argued that China has become more conciliatory and cooperative in the dispute. Improved economic relations and ASEAN regimes contribute to this positive change in Chinese foreign policy. A close analysis of two case studies, the Sino-Vietnamese disputes and the Sino-Philippines disputes, supports the arguments proposed here. Although it is difficult to specify the causal sequence of economic relations and China's policy change, this work suggests that the prioritization of economic cooperation over the dispute has become a significant feature in China's policy pattern since 2000. The paper also finds that ASEAN regimes, such as ASEAN Regional Forum, the 2002 Code of Conduct, and the Treaty of Amity and Cooperation, do have a constant role in Chinese policy consideration. Contradicting the realist perspective, this study's findings do not support the argument that the United States is a significant concern for China in its South China Sea policy.

INTRODUCTION

Recent territorial disputes in the South China Sea between China and its maritime neighbours re-ignite scholarly debates on China's foreign policy. Given the country's political and economic ascendance in the region, China's maritime disputes are very likely to alter power distribution in this area. As China becomes more active in asserting its territorial claims, the realist expectation that a state is likely to challenge the *status quo* as its power grows seems to be confirmed. Earlier works in this field have shown that territorial disputes are more likely to escalate into military conflict between states than other types of interstate disputes (Huth, 1996; Forsberg, 1996; Huth and Allee, 2002). This argument suggests extensive encounters between China and ASEAN countries in disputes are likely to bring these parties to conflicting relations. Furthermore, with the possibility of intervention from an extra-regional superpower - the United States - the situation in the South China Sea becomes more complicated. Thus, a study of China's policy towards the South China Sea disputes holds great importance since a thorough analysis of China's policy can help avoid the misperceptions between claimants.

This paper seeks to answer the following questions regarding the causal dynamics of China's policy in South China Sea disputes: Do we see an increasingly assertive China in the South China Sea disputes? What are structural factors that shape China's policy in the dispute? In order to address these questions, the paper is divided into four parts. The first part provides theoretical perspectives of the territorial dispute, including its causes and constraints. The second part is an evaluation of official Chinese documents on the South China Sea disputes from the 1970s to 2000s. Based on the resources from the *Renmin Ribao (People's Daily)* database, this part of the paper identifies key words and phrases in official documents, in order to assess factors underlying Chinese policy and its evolution over time. Built on the content analysis of part two, the third part conducts two in-depth case studies: Sino-Vietnamese disputes and Sino-Philippines disputes. Part four summarizes the findings of the study.

This research will contribute to the current theoretical and policy debates on international relations in Southeast Asia. China's behaviour in the South China Sea disputes offers a good case study for examining the applicability of both realism and neo-liberal institutionalism. Would the South China Sea disputes confirm the realist expectation that a rising power would challenge the *status quo*? What would happen when a rising power encounters international regimes in confrontational issues like territorial disputes? From a policy perspective, misperceptions pose a threat to both sides of a dispute. In order to avoid misperceptions, it is necessary to know the exact pattern and characteristics of Chinese foreign policy in the dispute. Therefore, a thorough analysis of China's policy pattern across several decades, focusing on official documents, will reveal more about the trajectory of Chinese foreign policy. Furthermore, researching China's policy by identifying structural factors across four decades will help predict the future trajectory of the country's behaviour in territorial disputes. This is vital to our understanding of the regional security environment.

LITERATURE REVIEW

A territorial dispute is a disagreement between states over their common borders, or between one country contesting the sovereignty right of another country on its homeland or colonial territories (Huth, 1996: 19). According to Fravel (2008: 10), a territorial dispute is defined by "conflicting claims made by two or more states over the ownership of the same piece of land." This paper adopts a definition of "territorial disputes" as disagreements over sovereign rights as well as military clashes resulting from the political contention of disputed territory. Diplomatic contention and military engagement are treated as different manifestations of a territorial dispute. Territorial disputes in the South China Sea involve the overlapping claims made by China, Taiwan, Vietnam, the Philippines, Malaysia and Brunei on the Spratly archipelagos and by China and Vietnam on the Paracel archipelagos (Emmers, 2003: 128).

Realism assumes that states pursue territorial disputes because of beneficial prospects. The value of the disputed territory, either objective or subjective, is one of the factors that cause the contests among claimants. Important components of a disputant's motivation include the strategic location of the territory (Kratochwil, Rohrlich, and Mahajan, 1985; Huth, 1996; Fravel, 2008), energy and resources that are needed for domestic economic development (Huth, 1996; Fravel, 2008; Drifte, 2008), a claim of justification based on historical/cultural heritage (Murphy, 1990), and co-ethnicity with the territory's population (Kahler, 2006). Domestic political dynamics can also drive a state into territorial disputes. Through the manipulation of the news and media reports, leaders construct the meaning of a dispute, shaping the perceptions of domestic audiences. Hence, territorial disputes can be a functional instrument employed by those in power to either convene the domestic support, or to dissipate political rivalry in a domestic political crisis (Murphy, 1990; Forsberg, 1996; Huth, 1996; Huth and Allee, 2002).

An integral question in understanding policy patterns concerns what constrains a state's behaviour in territorial disputes. Scholars from various strands of International Relations theory identify several behavioural constraints in a territorial dispute. Huth (1996) concludes that disputant dyads possessing certain characteristics, such as "common alliance," "previous settlement," "democratic regime type" and "a target with military allies," usually have a lower probability of territorial disputes. Generally speaking, realists believe that "balance of power" better explains the absence of territorial disputes. In particular, it is unlikely to see the escalation of territorial disputes when one side of a dispute has a strong ally. Commercial liberalism suggests that economic interdependence and free trade are likely to induce states to cooperate (Reus-Smit and Snidal 2008). Institutionalists, on the other hand, suggest a positive role for international institutions, and assert that they help states to reach and comply with agreements settling territorial disputes. The impact of institutions is more prominent when two disputant dyads share membership in an international organization that promotes the peaceful resolution of conflicts (Mitchell and Hensel, 2007: 734).

The South China Sea disputes share many similar characteristics with territorial disputes in other regions of the world, though they also exhibit distinctive features. However, some arguments applicable to other countries do not fit into the context of China's South China Sea disputes. China's historical justification for its claims in the South China Sea cannot explain its shifting attitudes toward rival claimants. As a matter of fact, China only officially raised the dispute with the Philippines in 1980s, long after the establishment of bilateral relationship. Although the strategic value of disputed archipelagos in the South China Sea was confirmed as an important factor directing Chinese policy-making in 1970s (Lo, 1989; Sokolsky, Rabasa and Neu, 2000: 12-13; Pehrson, 2006), this factor evaporated with the collapse of the Soviet Union. China's economic interest in energy and resources in the disputed region has been under debate for decades, but Lo (1989), and Zha and Hu (2006) question the salience of China's energy consideration in the early period of the disputes (1970s-1990s). Moreover, Chinese official documents also do not provide a clue on the energy issue since energy/resources were seldom mentioned. The argument on "co-ethnicity"[1] is also unsustainable because disputed targets – islets and archipelagos- are uninhabitable in the South China Sea. Furthermore, the influence of Chinese domestic politics on foreign policy patterns is difficult to determine. As an undemocratic state, internal information on its foreign policy decision-making process is hard to collect and verify. The Chinese foreign ministry does not provide a systematic compilation of foreign policy documents that are available to the public.

If the factors above are temporarily disregarded due to the limited resources of this study, several other factors are revealed that can explain changes in China's foreign policy across the four decades in question. First, the connection between China's economic cooperation with its neighbours and its dispute policy in the South China Sea has attracted great attention (Percival, 2007; Lanteigne, 2009), although the verification of the causal sequence is still pending (Garver, 1992: 155). Second, neo-liberal institutionalism suggests international institutions can alter a state's behaviour in confrontational issues, such as territorial disputes (Mitchell and Hensel, 2007: 734). China acceded to ASEAN regimes, such as the Treaty of Amity and Cooperation and the 2002 Code of Conduct. These regimes expect signatory parties to renounce the use of force and maintain the *status quo* and the stability in South China Sea. Third, the United States keeps a constant military presence in the Southeast Asia, which Mearsheimer (2003) argues is directed toward China. Although the U.S. military force has withdrawn from the Philippines since 1992, this superpower maintains a Visiting Forces Agreement that allows high-level military cooperation between the two countries. Moreover, the United States has resumed military communications with Vietnam. Both countries are rival disputants vis-à-vis China in the South China Sea. Therefore, an analysis of

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[1] The "co-ethnicity" argument in territorial dispute literature asserts that two states are more likely to engage in a territorial dispute when ethnic-brethren of the claimants reside on the disputed land. See Huth (1996).

these three factors may yield more insight and add to our understanding of South China Sea disputes.

In sum, the existing literature provides various accounts of possible factors that may influence China's policy pattern. However, an analysis of the historical context of the South China Sea disputes revealed that many of them are not viable for this study given the timeframe in question and the unavailability of data. Three factors - economic and trade cooperation, ASEAN regime membership, and the influence of the United States - are selected to support the argument that China has become more cooperative. Built on the existing data and the previous works of scholars, this study helps yield new findings and enriches our understanding of China's policy-making trends.

CONCEPTS AND METHODS

Due to the lack of transparency in China's foreign policy-making process, and the lack of Chinese foreign policy documents on South China Sea disputes in particular, an in-depth analysis of official documents that were recorded in government-owned newspapers offers a better approach for assessing these trends and the structural factors that are likely to influence policy patterns of China. Official documents are first-hand materials that reflect China's policy in the territorial disputes. These are the main sources used to support the arguments presented here, and will be supplemented by secondary sources, including works by early and current scholars. Here, policy patterns are determined from variations in statements found in Chinese official documents. These documents range from diplomatic announcements, to joint governmental communiqués, to conversations between leadership in formal settings. Policy patterns are also reflected in the analysis of general trends of bilateral relations.

This paper uses content and context analysis, along with historical analysis to assess China's policy pattern in the South China Sea disputes. The content and context of official document published in *People's Daily*, the official newspaper of the Communist Part in China, will be analysed in detail. According to Liao and Whiting (1973: 83),

> Since 1949, Jen-min Jih-pao (*People's Daily*) has been the most important newspaper in China and has acted as the major organ of the Party and government. Its international news is derived from foreign wire services, from the New China News Agency, and specially written items, but all items are subject to review at higher level and, in major instances, originate with the Ministry of Foreign Affairs.

As the conveyer of political orientations of the Chinese government, *People's Daily* reports all of China's foreign affairs, and is particularly responsible for publishing every diplomatic announcement. The archive of *People's Daily* contains 65 documents that are related to Sino-Vietnamese disputes from 1974 to 2010, and 67 documents from 1987 to 2010 related to

Sino-Philippines disputes. It includes diplomatic announcements and documents, leaders' conversations in state visits and at international conferences, and the joint governmental communiqué.

Two methods are used to identify relevant content in these documents. The first method is to identify the diplomatic tone of each document and to see the variation of tone in aggregated documents that cover the whole dispute period. The diplomatic tone refers to the official stance of a country in a document. As shown in the next section, three levels of intensity in diplomatic tone are identified: hostility/retaliation/ultimatum, strong discontent, and conciliatory/ cooperative/ friendly. Since the diplomatic tone is often a mix of two or three intensity levels, content analysis helps to identify which level of intensity is dominant in terms of its percentage in each document. This method can also help to trace the variation of intensity in diplomatic tones over time and reveals any remarkable change during the period in question.

The second method used to identify relevant content in official documents is to assess the relative importance of three structural factors that are theorized to influence China's policy in disputes: trade and economic cooperation, the impact of ASEAN regimes, and the influence of the United States. Key words and phrases that represent these three issue areas are identified through content analysis. The underlying assumption of this method is that the frequency of these words and phrases indicates the degree of political significance of the issue areas in relation to the South China Sea disputes. For example, if words and phrases concerning one issue area appear in official documents in some periods but not in others, one can infer that this issue area played a role in influencing Chinese policy pattern in those particular periods. This approach works to identify whether some structural factors are more important than others during a particular period, and indicates the variation in political significance of structural factors in the whole period of territorial disputes.

In addition to content analysis, context analysis is also used to identify issue areas that have an impact on China's policy in disputes. This involves an in-depth analysis of important policy documents, such as the joint governmental communiqués and joint governmental announcements. The joint communiqués and announcements are the official statements of consensus reached between two governments when they have a constructive bilateral interaction. The ranking of issue areas in this kind of document reflects policy priority. These documents normally begin with a summary of important achievements of recent years, and subsequently list key issue areas in bilateral relations. These issue areas are ranked in order of importance from highest to lowest. Here, an analysis of issue area rankings in governmental communiqués and governmental announcements will supplement the analysis of the policy pattern of China toward the South China Sea disputes as a whole.

THE ASSESSMENT OF CHINA'S DISPUTE POLICY: 1970S TO 2000S

Recent disputes have fuelled suspicion in academic and policy circles that China is becoming more assertive (Dreyer, 2011; O'Brien, 2011; Kotani,
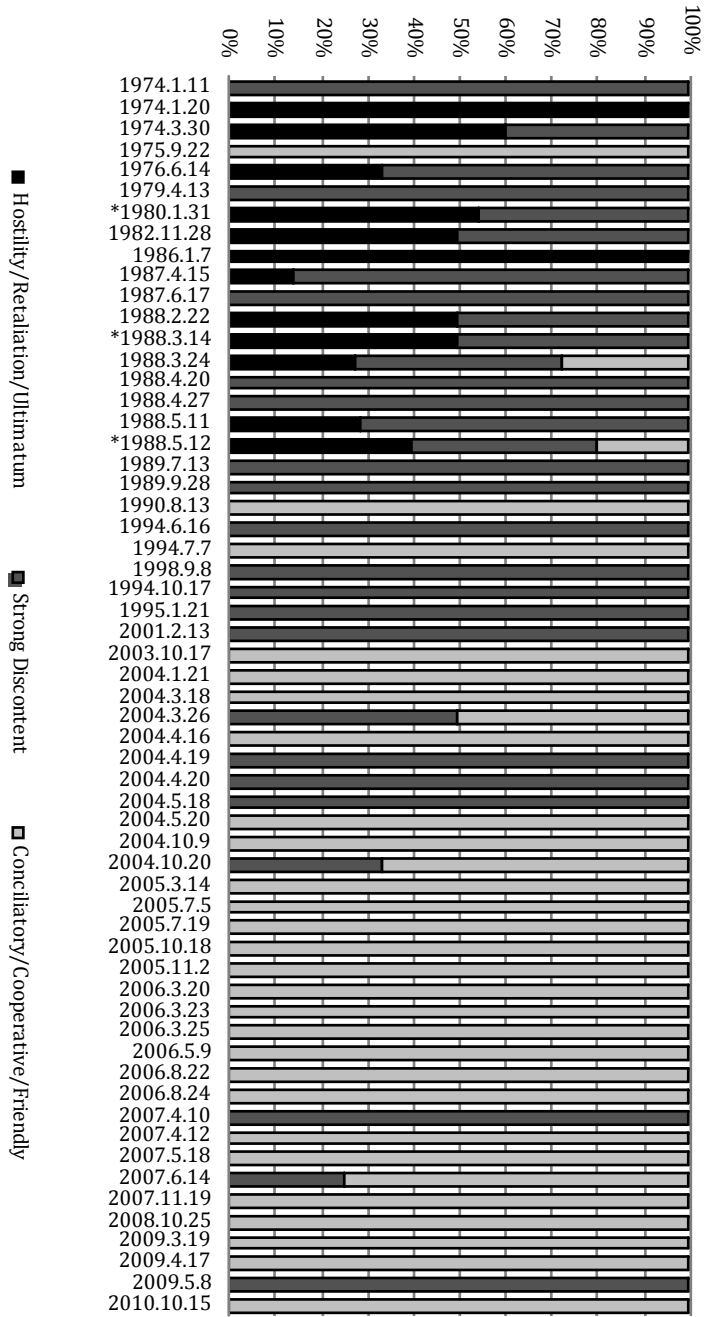
2011). However, an analysis of recent disputes cannot sustain an argument about the general tendency of China's foreign policy. To say that a country is challenging the *status quo* implies that its current foreign policy significantly deviates from its previous trajectory. The deviation can be more assertive and sometimes more aggressive than the standard practice. This can be measured by, for example, an increase in the use of military rather than diplomatic means in disputes, or an increase in the use of sterner language in diplomacy. If we take a close look at the historical trajectory of China's policy in the South China Sea disputes, the evidence, both military and diplomatic, does not support the "assertiveness" claims made by many observers.

Figure 1 and Figure 2 below provide graphical descriptions of the general trend of China's foreign policy in Sino-Vietnamese disputes, as measured by the intensity of diplomatic/political statements. Sino-Vietnamese disputes are the most important aspect of the South China Sea disputes, since intense competition occurred between the two countries on the islets in the South China Sea in 1974 and 1988. The disputes were a series of diplomatic, political, and military engagements between the People's Republic of China and two Vietnamese regimes: the Republic of Vietnam (RVN), and the Socialist Republic of Vietnam (SRV). China contested ownership of Paracel archipelagos with RVN, and of both Paracel and Spratly archipelagos with SRV. This was done through political and military means during the 1970s and 1980s. Two military clashes erupted between China and the two Vietnamese regimes in 1974 and 1988 respectively. After 1988, bilateral relations gradually returned to normal. During the 2000s, the two countries achieved significant improvements in their relations, and reached a consensus on the peaceful resolution of the South China Sea disputes.

In Figure 1, the period before 1989 is represented by a much higher percentage of hostile statements in comparison to 1990s-2000s. This early period has an average of 40%-50% "hostile" statements and 50%-60% of "strong discontent" among all types of diplomatic tones under examination. The prevalence of hostile statements corresponds to Sino-Vietnamese diplomatic tensions over the Spratly disputes in 1974 and 1988, which escalated into military clashes. Proclamations expressing hostility/retaliation/ultimatum subsided in the late 1980s. Since 2003, Chinese foreign policy is characterized overall by a high percentage of conciliatory and cooperative statements. As can be seen in Figure 1, with the exception of several dispute incidents in 2004, 2007, and 2009, there is a constant and strong presence of conciliatory-cooperative statements in official documents. 2004 marked a new beginning for the Sino-Vietnamese bilateral relationship. For the first time since the 1988 military clash, the two governments issued a joint communiqué. This positive diplomatic development is closely associated with China's changing policy that abandons a confrontational posture vis-à-vis Vietnam in territorial disputes.

The content analysis approach reveals a different Chinese policy pattern in disputes with the Philippines compared to that of Sino-Vietnamese disputes. The maritime disputes between China and the Philippines only surfaced in late 1980s. China's first official contestation over the territory with

FIGURE 1. The Distribution of China's Diplomatic/Political Statements in Sino-Vietnamese South China Sea Disputes

■ Hostility/Retaliation/Ultimatum   ▨ Strong Discontent   ☐ Conciliatory/Cooperative/Friendly

1974.1.11
1974.1.20
1974.3.30
1975.9.22
1976.6.14
1979.4.13
*1980.1.31
1982.11.28
1986.1.7
1987.4.15
1987.6.17
1988.2.22
*1988.3.14
1988.3.24
1988.4.20
1988.4.27
1988.5.11
*1988.5.12
1989.7.13
1989.9.28
1990.8.13
1994.6.16
1994.7.7
1998.9.8
1994.10.17
1995.1.21
2001.2.13
2003.10.17
2004.1.21
2004.3.18
2004.3.26
2004.4.16
2004.4.19
2004.4.20
2004.5.18
2004.5.20
2004.10.9
2004.10.20
2005.3.14
2005.7.5
2005.7.19
2005.10.18
2005.11.2
2006.3.20
2006.3.23
2006.3.25
2006.5.9
2006.8.22
2006.8.24
2007.4.10
2007.4.12
2007.5.18
2007.6.14
2007.11.19
2008.10.25
2009.3.19
2009.4.17
2009.5.8
2010.10.15

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

this disputant was publicized in November 24th, 1987, in *People's Daily*. This was a semi-official response to Philippine undersecretary of foreign ministry's claim that the Philippines have sovereignty over parts of the Spratly archipelago.[3] It was the first time China publicized a territorial claim against the Philippines in the twelve years following the establishment of diplomatic relations between the two countries. Some scholars interpret this incident as an unprecedented gesture by China to elevate territorial disputes to policy priority (Austin, 1998: 83). In 1995, another dispute caught international attention and caused worry in the Philippines and other Southeast Asian states. On May 16th, 1995, the Philippines discovered that China was constructing concrete structures on the disputed Mischief Reef. The Philippines immediately rebuked China's behaviour and proceeded to convene ASEAN states to collectively demonstrate against China. This collective action approach did receive anticipated results; the crisis did not escalate into diplomatic deadlock or military confrontation. Instead, these diplomatic and political efforts forced China to alleviate its neighbours' anxiety. Beginning in late 1995, three top leaders of the Chinese Communist Party, Qiao Shi (the Chairman of Standing Committee of the National People's Congress), Qian Qishen (the Vice-Prime Minister) and Jiang Zemin (the President), repeatedly reassured the visiting Philippine leaders that the Sino-Philippine friendship is much more important than any kind of dispute, and that both countries need a stable international environment for economic development.

        Figure 2 shows the dominant trend of conciliatory-cooperative statements that were used in Chinese official documents on Sino-Philippines disputes from 1988 to 2010. Although "strong discontent" has several apexes before 2000, the distribution of "strong discontent" and "hostility" is inconsecutive, only occurring in 1995, 1997, 1999, 2000 and 2009. This corresponds to several minor disputes between the two claimants. The only hostility displayed by Chinese diplomats was observed in 1995 and did not reoccur after the Mischief Reef incident. Figure 2 shows a contrast to Figure 1 in terms of the intensity of statements. Unlike China's disputes with Vietnam, the Sino-Philippines disputes are largely peaceful in nature.

        Figure 1 and Figure 2 indicate very different policy patterns observed in the two case studies. In spite of very intense territorial competitions during the 1970s and 1980s, China and Vietnam began to opt for a non-confrontational approach in dealing with their territorial issues after 2001. The Sino-Philippines disputes are characteristically different from the Sino-Vietnamese disputes. Statements expressing "strong discontent" that occurred in several inconsecutive years do not overwhelm the generally conciliatory tone used in Chinese official documents. Both cases reveal that China did not adopt an increasingly assertive posture in the South China Sea disputes over time, as the realist interpretation would expect. China did not challenge the *status quo* politically or militarily. Rather, China became more cautious in its diplomatic tone and behaved with more restraint in the disputed region. Moreover, the

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[3] Philippine Government Made an Unjustifiable Claim of Sovereignty Over Our Spratly Archipelago, *People's Daily*, November 24th, 1987.

FIGURE 2. The Distribution of China's Diplomatic/Political Statements in Sino-Philippines South China Sea Disputes
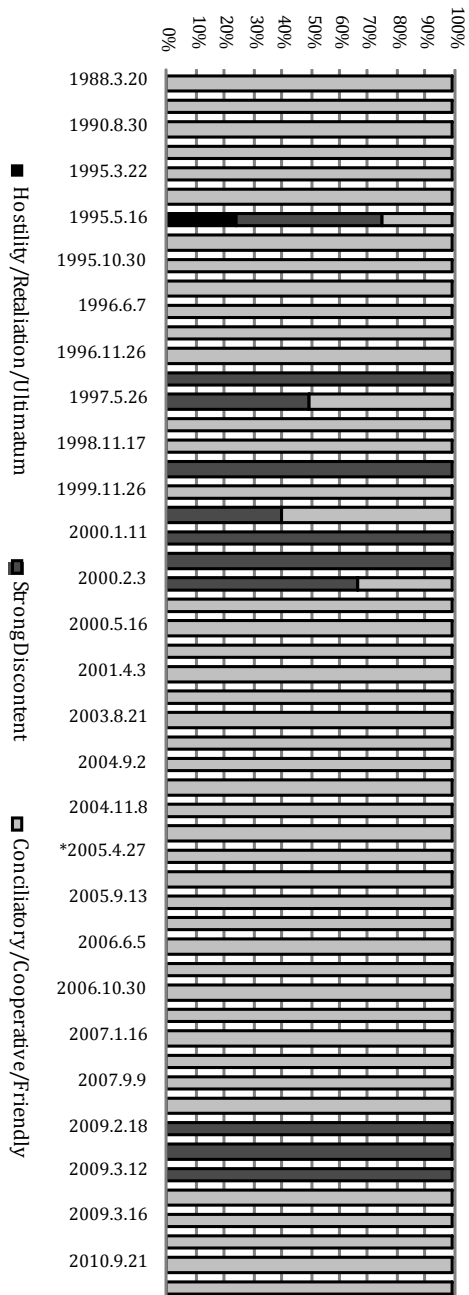
content analysis indicates that China shows willingness to accept conciliation and cooperation in the South China Sea disputes.

CASE STUDY: SINO-VIETNAMESE DISPUTES AND SINO-PHILIPPINES DISPUTES

The Sino-Vietnamese disputes began in an international environment influenced by the Cold War. This period was marked by ideological confrontation, hegemonic competition in the peripheral region, and mistrust between claimants. The Sino-Vietnamese disputes involved two Vietnamese regimes (Republic of Vietnam - "South Vietnam," and Socialist Republic of Vietnam - "North Vietnam"), and the People's Republic of China. In the 1970s-1980s, the relationship between China and the two Vietnamese regimes was mainly hostile and confrontational. Since the late 1980s, the two sides began a rapprochement, and gradually improved bilateral relations.

As shown in Figure 1, China's policy pattern in the Sino- Vietnamese disputes can be divided into three periods: the confrontational period (1974-1988), the low-key period (1989-1999), and the cooperative period (from 2004 until today). The confrontational period witnessed two military clashes on the Paracel and Spratly archipelagos. The first erupted in 1974 between China and the Republic of Vietnam, and the second in 1988 between China and the Socialist Republic of Vietnam. As was briefly addressed in the literature review, scholars provide several explanations for China's policy, including arguments on irredentism and geo-politics. The irredentist interpretation emphasizes the primordial attachment of China to the disputed islands because of its historical legacy as an empire (Fitzgerald, 1963; Fitzgerald, 1969; Yasenev and Stepanov, 1981). The geo-political interpretation views China's maritime disputes as having a more recent root; an instrumental strategy to counter the real or perceived threat from superpowers- especially the Soviet Union (Scott, 1975; Segal, 1985; Whiting, 2001). Lo (1989) provides a more comprehensive and convincing account of Chinese foreign policy in South China Sea disputes in the 1970s and early 1980s. While generally agreeing with the geopolitical interpretation, he argues that fearing that the Soviet Union would take advantage of the imminent collapse of RVN China was propelled to strike first in order to gain an upper hand in a deteriorating security environment (Lo, 1989: 63). In other words, China's first militarized dispute in the South China Sea was largely a spill-over of Sino-Soviet confrontations and competitions in the region. More recent scholarship supports Lo's argument (Zha and Hu, 2006: 151).

Geopolitical threats posed by the Soviet Union evaporated with the end of the Cold War, but political isolation and a reoriented national policy with an emphasis on economic development, induced China to seek reconciliation with Vietnam. Political isolation and economic imperatives produced an environment in which China had to switch to a low-key position in disputes. In the 1990s, there were only five official news statements (diplomatic announcements) on South China Sea disputes in *People's Daily*. This dearth of

reports, which contrasts that of previous decades, reflected China's unwillingness to publicly raise the territorial issue with Vietnam.

The cooperative period in the 2000s was a continuation of that in the 1990s. The economic cooperation deepened between the two claimants. ASEAN regimes also began to influence China's behaviour in a subtle way. In 2002, by accepting The Declaration on the Conduct of Parties in the South China Sea (also referred to as the 2002 Code of Conduct), China formally consented to maintain the *status quo* in the disputed region, and to renounce the use of force in dealing with future disputes. Should any dispute break out in the future, China is much less likely to confront Vietnam with military force, as it did in Paracel and Spratly clashes. The international environment presented China with an expanding market for economic prosperity and a diminishing leeway for an assertive policy in South China Sea disputes.

Corresponding to these dynamics, a clear policy pattern that emerged in the 2000s is the prioritization of economic and trade cooperation over territorial disputes. Although Sino-Vietnamese bilateral trade may have intensified since the two nations were in a state of hostility in the mid-1980s (Chang 1986), the positive impact of economic connection on Chinese policy patterns only began to be felt in the mid-2000s (according to the content analysis). References to "economic and trade cooperation" only appear since 2004 in *People's Daily*. Figure 3 shows a significantly high frequency of words/phrases that refer to economic and trade cooperation between China and Vietnam, observed in the documents between 2004 and 2010. This type of wording reached the highest frequency in the governmental communiqué on

FIGURE 3. The Frequency of Diplomatic/Political Statements: Sino-Vietnamese Economic and Trade Cooperation
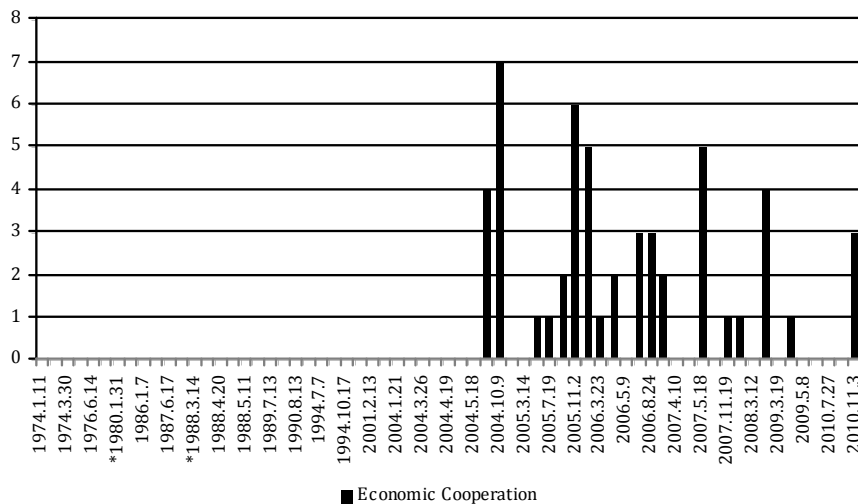
9 October, 2004, and maintained a relatively stable distribution in other official documents throughout the remainder of the 2000s. A comparison between Figure 3 and Figure 1 shows a co-variation between positive economic relations and conciliatory-cooperative statements during 2004-2010; the high percentage of conciliatory-cooperative statements coincides with a high frequency of "economic and trade cooperation" references.

A closer look at Figure 3 shows that the highest bars are located in 2004, 2005, 2006, 2007, 2008. In each of these years, there was a joint (press) communiqué or a joint government announcement issued by the two countries. The frequency of joint governmental declarations was a sign of constructive bilateral relations. A close examination of these key documents reveals more nuances. Content analysis shows that "economic and trade cooperation" was ranked above "South China Sea disputes" in all five joint (press) communiqués and joint governmental announcements.[4] In each of these documents, the section on "economic and trade cooperation" immediately follows the general summary of bilateral relations and party relations (which is the most important component of diplomatic relations between two communist countries). This suggests that economic and trade cooperation was the second most important aspect of Sino-Vietnamese relations in the 2000s, and outweighed the South China Sea disputes. Although text analysis does not find any evidence to support the causal sequence of economic and trade cooperation, and cooperative foreign policy, it strongly suggests the prioritization of economic relations over territorial disputes is a notable feature of Chinese policy since the mid-2000s.

Another important issue is how international regimes have influenced China's policy in the dispute. All China's rival disputants are members of ASEAN regimes. Since this institutional backdrop exerts some constraints on their behaviours, it is necessary to investigate the influence of ASEAN regimes on China's foreign policy. Figure 4 below shows the frequency of statements that express China's concerns with the ASEAN regime and the regional implications of disputes.

The red bars in Figure 4 indicate that China was not concerned about ASEAN regimes or the regional implication of its disputes during confrontational periods. In official documents, there was no reference to the ASEAN regime or regional stability between 1974 and 1988. Beginning in 1994, diplomatic announcements issued by the Foreign Ministry began to make reference to "maintaining regional peace and stability." This change indicates China's awareness of the regional implication of its maritime disputes with Vietnam, particularly the spill-over effects on neighbouring ASEAN countries. However, this initial concern was not salient until the mid 2000s. A relatively stable usage of "regional implication" is only seen after 2004. Between 2004

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[4] See, The Joint Governmental Communiqué of People's Republic of China and Socialist Republic of Vietnam (2004); Sino-Vietnamese Joint Announcement (2005); Sino-Vietnamese Joint Press Communiqué (2006); Sino-Vietnamese Joint Press Communiqué (2007); Sino-Vietnamese Joint Announcement (2008).

FIGURE 4. The Frequency of Diplomatic/Political Statements: China's Concern about the ASEAN Regime and the Regional Implication
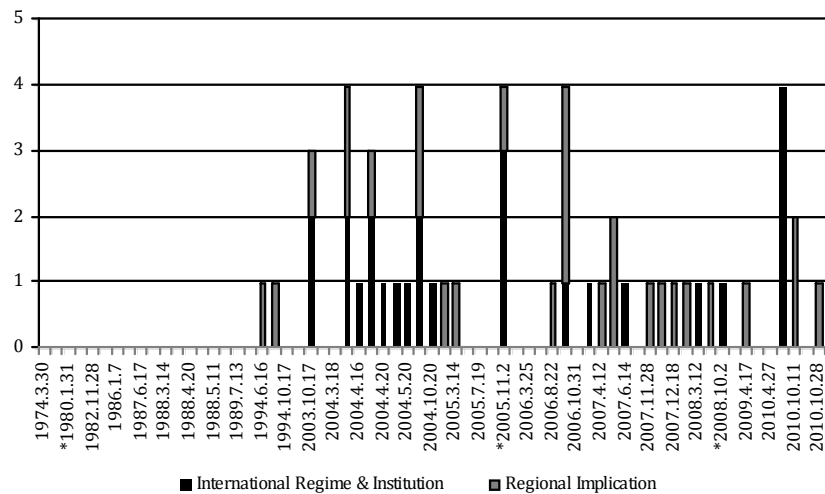
and 2010 there is a yearly occurrence of "regional implication" in official documents. This change demonstrates that China was increasingly concerned about non-claimant ASEAN countries' attitude toward the South China Sea disputes, despite China's opposition to multi-lateralizing the disputes.

Another feature of China's policy during the cooperative period is the impact of two ASEAN regimes: the Treaty of Amity and Cooperation and the 2002 Code of Conduct. These documents imply a responsibility for all parties to ASEAN regimes in South China Sea disputes to maintain the *status quo* in the region and refrain from taking provocative actions. The blue bars in Figure 4 show the number of references to the Treaty of Amity and Cooperation and to the 2002 Code of Conduct in official documents. There is a significantly high frequency of words/phrases that refer to "ASEAN regimes" (eleven times, to be specific) in 2004. These were found mainly in the proclamation of the joint communiqué. The distribution pattern stabilizes after 2004. Reference is made to ASEAN regimes three times in 2005, one time in 2006, two times in 2007, two times in 2008, five times in 2010. In all five Sino-Vietnamese joint communiqués, the 2002 Code of Conduct was referred to by both sides as the guiding principle of behaviour in the South China Sea. The frequent appearance of these wordings is an indicator of ASEAN regimes' relative success in bringing China into a multilateral framework. China at least verbally consents to maintain peace and stability in disputed waters. In fact, during the period of dispute incidents, China often insists on the 2002 Code of Conduct as a behavioural standard in the disputed region, to which both claimants should comply.

Finally, content analysis does not show a significant US influence on Chinese policy in the dispute. This seems to contradict some realist scholars' emphasis on the US' hegemonic role in Southeast Asia. Leifer (1980) and Percival (2007) argue that the US military presence in Southeast Asia has maintained order in this region. These scholars agree on the critical role played by the superpower in determining the security environment. Therefore, in this analysis, it is assumed that the United States should have an impact on China's policy that can be determined by analyzing Chinese official statements. However, contrary to the realist perspective, this study does not find that the United States received attention in China's official documents throughout most of the dispute period under consideration. At least by this measure, the United States was not a major concern for China in its South China Sea dispute policy.

References to the United States were identified in official documents in 2010 only, at the end of the examined period. These were responses triggered by Hillary Clinton's comment on recent disputes, asserting that the United States has a national interest in the South China Sea.[5] In total, only eleven references to the United States were found in 2010. According to this measurement, the United States is not shown to be a major factor influencing China's policy pattern in Sino-Vietnamese disputes during the majority of this time period. It is important to note that although the United States did not figure prominently in Chinese official documents, this does not undermine its influence in the region, or its impact on claimants' behaviour. Further work is required to study the role of the United States by separating the impact of this superpower from a seemingly bilateral setting of territorial disputes.

China's Policy Toward the Philippines in South China Sea Disputes

China's foreign policy in the Sino-Philippines disputes is very different from that of the Sino-Vietnamese disputes. As illustrated in Figure 2, the general tone of Chinese policy toward the Philippines is overwhelmingly conciliatory. During most of the dispute period, China showed a considerable degree of restraint toward the Philippines. Figure 5 shows the frequency of words/phrases in Chinese official documents that refer to economic and trade cooperation. The frequency distribution is relatively even and without significant interruptions. This indicates that Sino-Philippines economic relations have constantly been an important factor in the bilateral relations. But, content analysis findings are unclear on whether economic relations suppressed the territorial disputes before 2000. Economic and trade cooperation was an important topic in leadership meetings before and immediately after the 1995 Mischief Reef dispute. It likely indicates that the correlation between the dispute and economic relations is low before 2000.

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[5] The 18th ASEAN Regional Forum and Post-Ministerial Meetings, July 16th-28th, Bali, Indonesia.

However, the correlation seems to change after 2000. According to this study, since 2000, Sino-Philippine economic relations and China's dispute policy became somewhat interconnected. This means that after 2000, a higher frequency of references to "economic and trade cooperation" (shown in Figure 5) is positively correlated to that of the reference to "conciliatory and cooperative" statements shown in Figure 2. As can be seen from a comparison of these two figures, the frequencies of both conciliatory-cooperative wordings and those referring to economic and trade cooperation, increase concomitantly after 2000.

In the four joint communiqués, issued in 2000, 2002, 2004, and 2007, the discussion of economic and trade cooperation were ranked higher than the South China Sea disputes. It demonstrates a similar trend to prioritize economic relations over territorial disputes in the Sino-Philippines context. What distinguishes the Philippines case from the Vietnamese case is the degree to which economic relations are prioritized vis-à-vis territorial disputes. A close look at these joint communiqués reveals that not only was the economic relationship prioritized over the South China Sea disputes, but so were judicial

FIGURE 5. The Frequency of Diplomatic/Political Statements: Sino-Philippines Economic and Trade Cooperation

Economic and Trade Cooperation
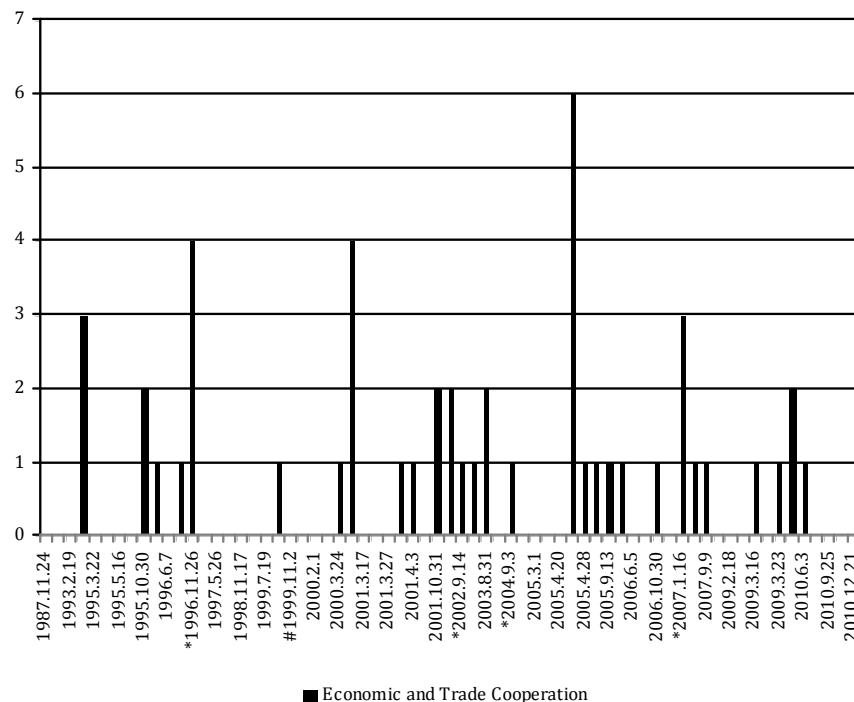
cooperation on transnational crime,[6] issues with Taiwan,[7] and military cooperation.[8]   The ranking indicates that territorial dispute was much less important in Sino-Philippines relations, compared to its position in Sino-Vietnamese relations. In the Sino-Vietnamese joint communiqués, the discussion on territorial disputes immediately follows the discussion on economic relations. This means that although the dispute is not important as compared to economic cooperation in Sino-Vietnamese relations, it nevertheless ranked above other issue areas.   For China, positive Sino-Philippines economic relations offered much more benefits than contesting the islets in the South China Sea. That is probably the reason why territorial disputes were de-emphasized in Chinese documents in relation to the Philippines.

How does an international regime like ASEAN influence China's policy in the Sino-Philippines disputes? Unlike politically isolated Vietnam (pre-1995), the Philippines are a founding member of ASEAN and a regional ally of the United States. This means China needs to deliberately consider these constraining factors in dealing with the Philippines, since it is highly possible that China's inappropriate actions would trigger chain reactions from non-claimant regional actors and even the United States. The words/phrases in Figure 6 that to ASEAN regimes (e.g. ASEAN, 2002 Code of Conduct, Treaty of Amity and Cooperation) and "regional implication" have a constant and stable distribution in Chinese official documents. This indicates that, from a Chinese perspective, the ASEAN regime is a constant concern in its policy considerations toward the Philippines. Regional implications are even more significant in the Sino-Philippines disputes than in the Sino-Vietnamese disputes. According to Figure 6, the phrases that refer to the 2002 Code of Conduct appear 23 times, whereas the references to regional implications appear 41 times. This strongly indicates that the Sino-Philippines disputes have wider regional implications that require particular attentions from Chinese foreign policy-makers.

The restraining power of the ASEAN regimes was particularly obvious immediately after the 1995 Mischief Reef incident.   The Philippines immediately convened ASEAN states to support its standing, and to China's surprise, ASEAN issued a public statement which rebuked China's behaviour at the first ASEAN-China Senior Official Meeting, held in that same year. This gave China a sense that the Sino-Philippine disputes were unlikely to be within the bilateral affair. A close look at the official statements of 1996 – a year after the Mischief Reef incident, shows ASEAN was frequently mentioned in leadership

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[6] Sino-Philippines Joint Governmental Communiqué Concerning Bilateral Cooperation Framework in 21st Century, 2000 May.

[7] Joint Press Communiqué between the Standing Committee of National Assembly of People's Republic of China and the House of Representatives of the Republic of the Philippines, 2002; Joint Communiqué between the People's Republic of China and the Republic of the Philippines, 2007.

[8] Joint Press Communiqué between the government of People's Republic of China and the government of the Philippines, 2004.

FIGURE 6. The Frequency of Political/Diplomatic Statements: The Impact of the ASEAN Regime and Regional Implications
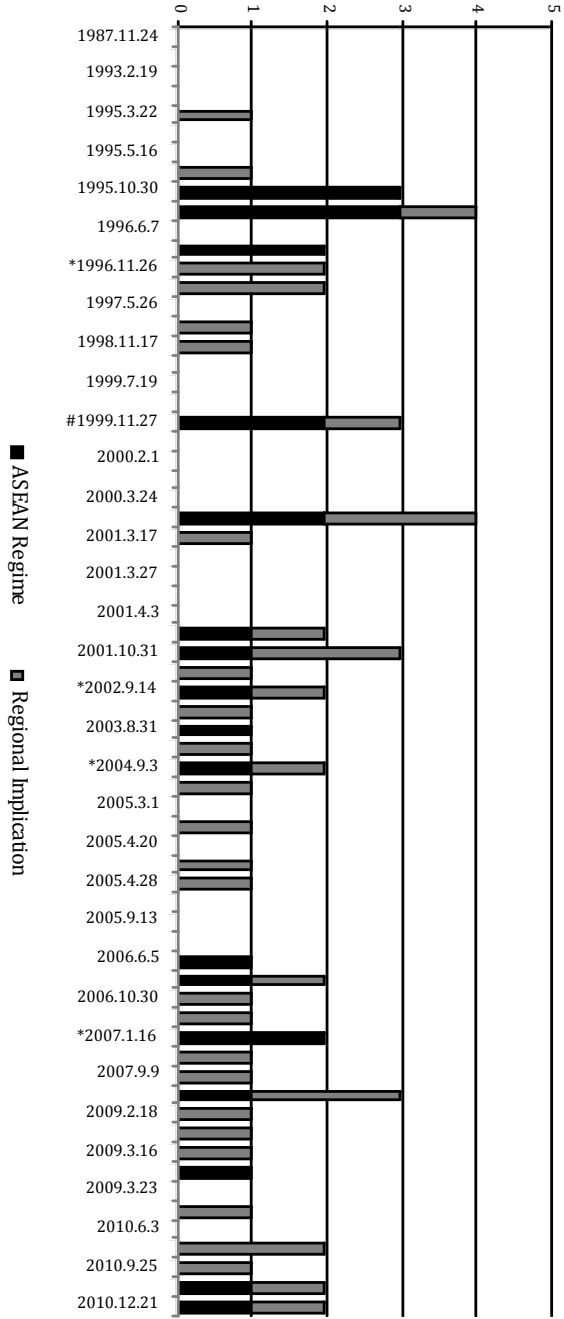
conversations between China and the Philippines. This demonstrates that China tried hard to reconcile with the Philippines and to pacify the anxiety of other ASEAN members. Therefore, China's concern about regional implications and the ASEAN regime did play a significant role in constraining its behaviour and reshaping its policy. Finally, the impact of the United States as a regional power was assessed in Sino-Philippines dispute relations. The content analysis shows that the United States barely influenced Chinese policy toward the Philippines in the South China Sea disputes. Throughout the three decades of dispute analyzed here, the United States was barely mentioned in Chinese official documents. The United States was only mentioned only three times in 2010. Although the Philippines have been a long-term ally of the United States, it seems that their military co-operation has not constituted a significant constraint on China's policy-making.

CONCLUSION

This study has examined China's policy pattern in the South China Sea disputes across four decades, as well as the impact of three structural factors on China's policy: economic relations, the ASEAN regime, and the impact of the United States. In-depth studies of the Sino-Vietnamese disputes and the Sino-Philippines disputes were provided in order to determine whether these three factors have a causal relationship with changes in China's policy patterns. Text analysis of official documents reveals the nuances in each case study and various trends in Chinese foreign policy.

Although content analysis was unable to identify the causal sequence of economic relations and the conciliatory-cooperative policies of China, the prioritization of economic relations over territorial disputes suggests another explanation for China's policy change in the South China Sea disputes. The findings also support an institutionalist account of China's policy pattern in the sense that the presence of ASEAN regime and ASEAN countries did move China to a cooperative posture in these disputes. Somewhat surprisingly, some realist arguments do not get much support from the findings in this analysis: the United States was not a significant concern in China's policy consideration.

Further research may be needed to analyze China's actual behaviour in disputes. Realists do not believe official documents convey China's real intentions. Rather, they postulate that an analysis of actions will reveal more about the gap between China's real intentions and official discourse. However, there are underlying risks to this type of analysis. A state's behaviour in a territorial dispute is often under contested interpretations and depends on the perspectives of different audiences. A state's behaviour in a territorial dispute is often under contested interpretations and depends on the perspectives of different audiences. Since the study of dispute behaviour relies on news reports, there could be contrasting depictions of a single dispute and the behaviour of claimants. For example, there were contrasting reports of which country initiated the first military attack in the 1974 Sino-Vietnamese Paracel clashes; the truth of which is yet to be determined.

The study of a state's policy from a behavioural standpoint also poses other difficulties for researchers. In the South China Sea disputes, with the exception of major military clashes, most conflicts were triggered by civilian ships sailing into disputed waters that subsequently escalated to state-level disputes. It is very difficult to know whether or not disputes were actually planned by states or were merely accidental. On the other hand, it is unjustified to argue that an analysis of official statements has nothing to do with state behaviour. Diplomatic announcements contain descriptions of state's behavioural response in disputes and joint communiqués summarize what two claimants have achieved in the management of the dispute. An analysis of behaviour may further contribute to the study of South China Sea disputes, but it may also suffer the problem of verification, with uncertainty over whether or not these actions are officially sanctioned, and represent a state's policy intentions.

In sum, this paper contributes to a longitudinal study of China's foreign policy pattern across four decades and the underlying forces that constantly shape and reshape its policy. Research of official documents traces the role of three key causal factors in China's policy pattern – economic and trade cooperation, ASEAN regimes and U.S. influence. By analysing official documents, the paper has the distinctive advantage of capturing the rhetorical nuances in China's official language regarding the South China Sea disputes. Therefore, this study was able to present a relatively holistic view of the changes in China's foreign policy patterns. The findings of this study indicate that China faces more constraints in South China Sea disputes than in previous decades, and therefore, for the sake of economic relations and due to the constraint of international institutions, it is unlikely to behave more assertively in future disputes.

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IMPLICATIONS OF THE GOLD STANDARD CERTIFICATION SCHEME FOR THE PERCEIVED LEGITIMACY OF THE CLEAN DEVELOPMENT MECHANISM

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ABSTRACT

The Clean Development Mechanism (CDM) is a major policy initiative linking northern and southern states' climate change mitigation efforts. Perceptions of fundamental tensions between its goals of providing cost effective emissions reductions for northern investors, and sustainable development benefits for southern hosts, have led to calls for either the abandonment of 'developmental' goals in order to minimize costs, or for significant intervention in the CDM market to maximize the provision of sustainable development benefits. This constitutes a legitimacy crisis for the CDM wherein proposed reforms seem likely to exacerbate the already tenuous perceptions of the mechanism's legitimacy. Global carbon offset certification schemes are designed to bolster market legitimacy by enhancing the credibility, integrity and quality of carbon offset credits. This paper examines the Gold Standard (GS) – the most prominent standard for the CDM market – for its potential to mitigate the CDM's aforementioned legitimacy crisis by reconciling the tensions shown to characterize the current market. It is concluded that while the GS has the potential to recognize and reconcile a broad array of interests, its efficacy in this regard remains closely tied to its ability to garner support beyond its currently limited, niche market.

INTRODUCTION

The Clean Development Mechanism (CDM), initially implemented as part of the Kyoto Protocol, has been viewed as the 'grand compromise' for north-south cooperation in multilateral climate change mitigation. It is vaunted for its ability to combine cost effective emissions reductions and sustainable development benefits for southern states under the auspices of a single market mechanism. The CDM is a market based mechanism which allows Annex I (northern) states,[1] with binding emission reduction commitments under the Kyoto Protocol, to earn Certified Emission Reduction credits towards meeting these commitments. This is done by implementing emission reduction projects in non-Annex I (southern) nations, where outdated technology, less-embedded infrastructure, and production of certain industrial gases banned in developed nations present opportunities to achieve emission reductions at a fraction of the cost of undertaking domestic reductions. In exchange for their participation, southern states are to gain from the transfer of various project-related 'sustainable development benefits.' The CDM is therefore, in theory, a 'win-win-win' mechanism (Hayward, 2006: 14) in that it simultaneously benefits participants economically (by providing low cost emissions reductions), environmentally (by maximizing the utility of a finite amount of resources available for climate change mitigation), and developmentally (through the transfer of 'clean' technologies and other sustainable development benefits to hosts).

Despite the rhetoric concerning the reconciliation of interests under the CDM, a number of studies suggest that fundamental tensions exist between the provision of sustainable development benefits and the generation of low cost emission reduction credits (see Sutter, 2003; Cosbey et al., 2005; Baumert, 2006; Pearson, 2007). As will be shown, this has resulted in calls for either the abandonment of the developmental goals of the mechanism altogether or for intervention in the market to ensure developmental benefits, even if it impedes cost minimization. This paper seeks to contribute to this debate by focusing on the oft-ignored issue of 'legitimacy,' defined below, suggesting that if one considers the context out of which the CDM arose (i.e. as a solution to the 'north-south divide' over responsibility for climate change mitigation), and the divergent expectations which various stakeholders hold as a result, the aforementioned proposals are likely only to harm perceptions of the CDM's legitimacy and hinder its future success. A suggested alternative to these polarizing propositions is to use global carbon offset certification schemes designed to bolster market legitimacy by enhancing the credibility, integrity, and quality of carbon offset credits. This paper examines the Gold Standard (GS) certification scheme's potential to reconcile the aforementioned tensions,

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[1] There are, admittedly, a wide range of actors (both public and private) engaged in the CDM market; however, as the CDM is the product of multilateral negotiations occurring between governments (albeit with input from other actors) and any reforms suggested would be negotiated for and approved by those governments, differentiations between private and public actors is not critical for this discussion of broader themes of legitimacy.

thereby strengthening stakeholders' perceptions of its legitimacy, and increasing its chances for continued success.

The concept of 'legitimacy' is notoriously complex to define. For example, Suchman (1995) argues that legitimacy consists of pragmatic, moral and cognitive aspects, while Bernstein (2005: 142) defines legitimacy as combining an empirical aspect (acceptance of a rule or institution as authoritative) with a normative component (wherein that authority is seen as possessing legitimacy as a result of its provision of reasons that justify it). For the purposes of this paper, however, legitimacy refers to a "generalized perception or assumption that the actions of an entity are desirable, proper or appropriate within some socially constructed system of norms, values, beliefs and definitions" (Suchman, 1995: 547). This definition is most fitting because it recognizes the subjective nature of legitimacy and the role that different normative perspectives and value systems play in determining what is considered 'legitimate' by any one actor, and is thus, instructive for understanding the divergent expectations of the CDM held by northern and southern states.

This paper begins by describing the emergence of the CDM as a solution to the north-south divide during the Kyoto Protocol negotiations, suggesting that despite the rhetoric of 'compromise' surrounding the creation of the CDM, northern and southern states nevertheless came to hold very different expectations of what the mechanism should offer. Drawing on both secondary literature and primary documents from multilateral climate change negotiation processes, this paper establishes legitimacy 'criteria,' informed by the differing norms, values, beliefs and definitions of northern and southern states, against which the current CDM and proposed reforms can be evaluated. Having demonstrated the roots of the aforementioned legitimacy crisis, the GS is examined and analyzed in terms of its potential to positively influence perceptions of CDM legitimacy. This paper concludes that while the GS has the potential to reconcile north-south interests under the CDM in a way that furthers the legitimacy requirements of both sides, there are a number of factors that may limit its efficacy in this regard.

THE GRAND COMPROMISE OF THE CDM

The CDM arose out of key northern states' refusal to participate in any emissions abatement regime, including the Kyoto Protocol, which failed to include southern states. This refusal was due to concerns about the ability of northern economies to remain internationally competitive if forced to implement environmental standards to which southern states were not subject. Furthermore, northern states expressed concerns that the immense increase in both population and industrialization in the developing world would undermine the positive impact of any regime that failed to include them (Jotzo, 2005). Southern states, however, viewed emissions caps as impediments to economic growth and development, and therefore insisted that, due to their historical responsibility for the majority of greenhouse gas (GHG) emissions and current ability-to-pay (see Shue, 1999), northern states would have to bear

the costs of any and all mitigation. Thus, due to its supposed ability to reconcile northern states' emphases on cost minimization with the development needs of the south, the CDM was praised as the "key that unlocks the barrier" to global cooperation in emissions abatement under the Kyoto Protocol (Repetto, 2001: 303).

It is important to realize, however, that despite the 'compromise' of the CDM, the fundamental demands of the north-south divide persisted beyond the conclusion of the Kyoto Protocol, leading to distinct and often competing expectations of what the mechanism should provide. The following section will outline these differing expectations and their implications for the perceived legitimacy of the CDM, from both the northern and southern perspectives.[2]

DETERMINING LEGITIMACY: DIVERGENT INTERESTS AND EXPECTATIONS

Northern states' priorities, which are well represented – at times overwhelmingly so – in the literature on climate change governance, have focused largely on minimizing the costs of meeting international emission reduction commitments and ensuring the substantive involvement of southern states in emissions mitigation initiatives. The quality and quantity of emission reductions generated by the CDM is an underlying concern for both north and south; however, only northern states have binding commitments under the Kyoto Protocol.   Many southern states believe themselves to have more pressing developmental priorities to attend to, despite their increased vulnerability to the impacts of climate change in the long run. As such, concerns over the CDM's environmental efficacy lay primarily with the north. As a result of these priorities, northern states tend to associate the 'sustainable development' benefits of CDM almost exclusively with GHG related impacts (including technology transfer) (Kim, 2003; Brown and Corbera, 2003). Put differently, northern states emphasize the 'sustainable' aspect of sustainable development.

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[2] The categories 'north' and 'south' are admittedly generalizations, and do not precisely represent the diversity of views held by the various states participating in the CDM. For example, the European Union has shown more sensitivity to southern proposals and claims than the United States, Australia or Canada (most notably relating to their willingness to support restricted use of flexibility mechanisms towards meeting Kyoto Protocol obligations). Also, there are significant differences between the expectations and priorities of large southern states such as China, India and Brazil and those of smaller, less industrialized states whose vulnerability to the effects of climate change are most pronounced (for example, Tuvalu). However, despite internal divisions amongst the Group of 77 and China, they tend to benefit from forming a united negotiating bloc in the context of climate change discussion and are likely to continue to do so in the future (see Kasa, Gullberg, and Heggelund, 2008; Gupta, 1999). Similarly, while these states may employ common moral claims and notions such as 'historical debt' and compensation for strategic reasons during negotiations, Suchman (1995: 579) suggests that actors often find it hard to avoid buying into their own 'initially strategic pronouncements.' This indicates that there will continue to be a certain draw towards commonality amongst southern states as long as moral claims are used to rationalize demands and expectations.

Conversely, southern states tend to emphasize the 'development' aspect of sustainable development. This is rooted in the belief that, because of historical and current inequalities in per capita emissions levels and general wealth between north and south, northern states have a 'historical debt' to southern states that are most vulnerable to the impacts of climate change. For example, Chinese officials state that the "right to development of developing countries should be adequately and effectively *respected and ensured* [italics added] in the process of global common efforts in fighting against climate change" (FCCC/AWGLCA/2009/MISC.1, 19). The Government of India also notes that "action on Climate Change *must enhance* [italics added], not diminish the prospects for development (Government of India, 2009: 11). Thus, southern states tend to demand ancillary project benefits above and beyond those directly related to GHG reduction. This is what Cosbey, Murphy and Drexhage (2007) refer to as the 'development dividend.'[3] An examination of southern states' criteria for what constitutes a 'sustainable development' benefit under the CDM confirms these priorities.[4] The transfer of significant sustainable development benefits above those directly related to GHG reductions, therefore, constitutes the first criteria of legitimacy against which the GS will be evaluated.

In order to ensure these benefits are forthcoming, southern states have also highlighted the importance of procedural and structural equity under the CDM. Many scholars have emphasized the importance of "procedurally fair rules" for cultivating participation in a given cooperative agreement (Neumeyer, 2001: 132). Procedural equity is thought to be particularly important as it allows those states who perceive their interests to be under-represented by a given decision or negotiation outcome in a regime, to feel that they have at least been formally recognized, increasing the likelihood that their interests will be worked into future agreements (Schlosberg, 1999). Procedural and structural equity are of particular relevance to southern states because of the common conception that the history of climate change negotiations and agreements has been "unkind" to southern states that lack the power and resources required to "distort free bargaining," which northern states possess (Shukla, 2005: 128). Procedural equity is therefore the second legitimacy criteria this paper will address. In the context of the CDM, procedural equity relates to the efficacy of a number of those procedures designed to ensure southern states can negotiate for, and achieve their desired benefits within the regime.

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[3] The 'development dividend' is defined as, "benefits to developing countries beyond those strictly related to climate change, in the area of economic growth through investment; technological evolution; poverty alleviation; environmental and health improvements" (Cosbey, Murphy and Drexhage, 2007: 30).

[4] For example, states as diverse as Malaysia, Ghana and Bangladesh all state that projects must bring direct and indirect sustainable development benefits – including social, economic and environmental to the host state (Ministry of Natural Resources and Environment, 2009; Environmental Protection Agency, 2009; Ministry of Environment and Forests, 2009; CDM Bangladesh, 2009).

EVALUATING THE CDM'S PROGRESS TO DATE

From the northern perspective, the CDM has been relatively successful. Approximately 5600 CDM projects were in the project pipeline as of December 2010, which are expected to deliver approximately 9500 million tonnes CO2-e reductions by the end of 2012 (UNEP-Risø Centre, 2010). Because of the low cost of emission reductions achieved through CDM project activities, the mechanism is overall expected to generate ten times more volume (in offsets produced and financial value) than Kyoto's Joint Implementation (JI)[5] mechanism during the first Kyoto compliance period (2008-2012). This officially makes it the 'world's largest offset market' (Wara and Victor, 2008). Some have expressed doubts, however, as to the quality and quantity of the offsets being produced under the CDM. With regard to the economic effects of the CDM, concerns have been raised about the high project transaction costs, as well as its ability to produce low cost emissions in large enough volume to meaningfully contribute to climate change mitigation efforts (Baumert, 2006; Neidenberger and Spalding-Fecher, 2006; Zenghelis and Stern, 2009). Regarding the environment, there are concerns that the structure of the CDM market offers investors and hosts alike incentives to overstate the host states' 'business as usual' emission levels, against which the emission reduction credits are calculated (Repetto, 2001; Millock, 2002; Haya, 2007; Schneider, 2007). This arguably allows for an "almost limitless" generation of emission credits (Bachram, 2004: 8). While these are undoubtedly important considerations, they are covered extensively in the literature on the CDM, making their further evaluation unnecessary.

The CDM has also been heavily criticized for lacking quality and quantity of sustainable development benefits transferred to host states. Concerns over the distribution of benefits are most prominent, as the market mechanism is seen to channel project investment towards large and relatively wealthy southern states that can offer large, industrial type projects, which are lucrative for investors but offer very little in terms of sustainable development benefits (Olsen and Fenhann, 2008; Cosbey et al., 2005). The lack of benefits associated with these projects is related, in part, to a pervasive structural inequality characterizing the CDM. For reasons of administrative practicality, and due to the difficulties associated with determining a universal definition of sustainable development, it remains "the host Party's prerogative to confirm whether a clean development mechanism project activity assists it in achieving sustainable development" (FCCC/CP/2001/13/Add.2).   This purportedly safeguards states' sovereign right to determine what constitutes 'development' in their national context, allowing them to maximize the developmental utility of proposed project activities. However, the cost minimizing nature of the

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[5] Joint Implementation is another 'flexibility mechanism' under the Kyoto Protocol. Joint Implementation is very similar in design to the CDM, however projects are implemented between Annex I (primarily developed/northern) states only and, as such, there are no expectations of or obligations to transfer any ancillary benefits. For a detailed account of these two mechanisms, see Prum (2007).

market mechanism and the highly competitive supply side of the CDM market often forces host states to 'attract' CDM project investment by setting very low sustainable development standards, as stringency in this realm often increases project costs and deters investment (Sutter and Parreño, 2005). Aspiring host states are therefore thought to have very little bargaining leverage with which to secure CDM benefits; essentially creating a 'race to the bottom' for CDM project standards (Brown et al., 2004; Humphrey, 2004; Bozmoski, Lemos and Boyd, 2008).

One should also note that while the technical and environmental outputs of the CDM regime are closely monitored by international authorities, the sustainable development benefits of CDM projects are only considered insofar as it is necessary for the initial project approval (Brown et al., 2004). Southern states themselves are also hesitant to mandate monitoring and verification of CDM project activities out of fear of deterring investment. Thus, it is not a requirement at the national or international level that the sustainable development benefits of CDM projects actually be realized. This suggests another instance of structural inequity under the CDM, as the procedures in place to safeguard and ensure the environmental and economic interests of the north are not extended to the protection of the demands and expectations of the south.

Another facet of the CDM with important implications for southern states' perceptions of its legitimacy is the use of 'stakeholder consultations.' Most CDM projects are developed by foreign consultants who lack understanding of local issues (Cosbey et al., 2005). Thus, local stakeholder consultations are an important tool that allows project developers to anticipate and avoid any possible environmental, economic, or social complication arising from a project, and helps ensure that any benefits provided are well-suited to local needs. Thus, before a CDM project activity can be approved, project developers must demonstrate that they have solicited stakeholder comments from host communities, in an "open and transparent manner," that "facilitates comments to be received from local stakeholders and allows for a reasonable time for comments to be submitted" (FCCC/CP/2001/13/Add.2).[6] While the quality of stakeholder consultations undoubtedly varies between projects, there nevertheless, seems to be a general trend towards minimizing the depth and scope of the process. This is done to ensure efficiency of the cost minimizing mechanism and expediency of the project approval process. In many instances project developers only consulted with a few carefully selected stakeholders (as determined by the local validating body) (Bozmoski, Lemos and Boyd, 2008). In others, the consultations were either done so late in the planning process that feedback received was unable to have any real influence over decisions (Lövbrand, Nordqvist, and Rindefjäll, 2007), or were simply not done at all (Liverman and Boyd, 2008). In one particularly damning example, the 'stakeholder comments' from two separate CDM projects, intended for two

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[6] "Stakeholders" in the context of the CDM are officially defined as "the public, including individuals, groups or communities affected, or likely to be affected, by the proposed clean development mechanism project activity (FCCC/KP/CMP/2005/8/Add.1).

entirely different locations in India were found to be identical (including the grammatical errors) (Gupta, Kazi and Cheatle, 2005). This indicates that at least one of the projects was submitted for approval with absolutely no effort made to consult with local stakeholders.

Largely due to the inadequacies of these consultative processes, many CDM projects have resulted in 'sustainable development benefits' that either exacerbated local inequalities, or were completely unsuited to the host locality (Sirohi, 2007). In some cases, lack of due diligence prevented project developers from anticipating and addressing adverse effects, such as unforeseen environmental harms (Lohmann, 2006; Haya, 2007) and displacement of local populations (Bachram, 2004; Gundimeda, 2004). These extreme cases have led some to dismiss the CDM as 'carbon colonialism' (Bachram, 2004), or as "a mechanism for land grabs, local conflicts and pollution," which "dispossesses local communities" (Harvey, cited in Cabello, 2009: 194). Under the CDM mandate, stakeholder consultations are implemented in such a way that the very essence and purpose of the participatory process is negated, reducing the process to little more than a bureaucratic inconvenience to project developers and investors. The negative impact on southern states' perceptions of the CDM's procedural legitimacy that results from the lack of stakeholder consultation is clear.

EVALUATING PROPOSED CDM REFORMS

The above discussion suggests that the current CDM lacks legitimacy, especially from the perspective of the south. This is particularly problematic if one considers that many of the reforms currently being proposed as ways to improve the CDM fail to consider the north-south divide, out of which the CDM arose, and which it was intended to mitigate. As such, suggested reforms ignore questions of legitimacy that arise from the fundamental demands of this debate. Consequently, this runs the risk of exacerbating north-south tensions instead of improving cooperation under the CDM. For example, southern actors have supported a number of methods of avoiding "market biases" (FCCC/KP/AWG/2009/MISC.8, 4), including the introduction of explicit and mandatory 'co-benefit' criteria. This was done to ensure project benefits above and beyond the reduction of GHGs, as well as to place limits on certain project types and locations, in order to encourage a more equitable distribution of benefits. Northern states, somewhat predictably, have largely opposed such reforms on the basis that they are likely to impede the efficacy of the market mechanism. They have argued vehemently that it is essential to "allow the market to determine what types of project activity to pursue" as this will ensure the lowest abatement costs (FCCC/KP/AWG/2008/MISC.7/Add.1, 7). This reflects a more general consensus in the literature on the CDM, which states that the provision of sustainable development benefits should not come at the cost of the market mechanism's ability to achieve its primary goal of providing low cost emission reductions (Bozmoski, Lemos and Boyd, 2008; Wara, 2006).

Pointing to an ineluctable tension between cost efficiency, and the provision of sustainable development benefits and procedural equity under the

market mechanism, some have argued that progress towards either of the CDM's dual aims might mean that the relationship between both fails. For example, Macdonald (2010: 16-17) suggests "end[ing] the charade that the CDM is somehow contributing to sustainable development," and instead earmarking it as a "pure market mechanism that might reduce emissions, but does not contribute to sustainable development." He concludes somewhat dramatically that the "schizophrenic mechanism" needs to be "freed from its hitherto impossible task of being two things at once" Macdonald (2010: 16-17). However, if one considers the initial debate leading to the creation of the CDM, and its symbolic and political importance for north-south cooperation, the illegitimacy and impracticality of such suggestions becomes clear. Abandoning the sustainable development benefits of the CDM would be tantamount to reducing it to a more geographically inclusive JI mechanism, which would undoubtedly be met with the same vociferous opposition from southern states. This was witnessed during the Kyoto negotiations, where the JI mechanism was chastised for letting northern states "off the hook" with respect to their environmental obligations (Silayan, 2005).

As Matsuo (2003: 9-10) noted at the onset of the CDM's implementation, it was expected that southern states would come to understand the "win-win nature of the market-based mechanisms" through their experiences with CDM projects, meaning that "the success of the CDM [would] bring the success of international climate mitigation efforts in a cost-effective manner" based on "mutual understanding and benefits." Sari and Meyers (1999: 3) similarly claim that, because the CDM is the only link between southern states and the Kyoto Protocol, its 'workability' is important not only to enable the effectiveness of global cooperation under the Protocol, but also to ensure southern states' willingness to participate in future global emissions agreement. Thus, a more historic and holistic analysis of the origins and purpose of the CDM suggests that its importance lies not only in its environmental, economic, or developmental impacts, but also in its ability to demonstrate the reconcilability of northern and southern interests under a market mechanism. Assuming the inevitability, if not the necessity, of both market mechanisms and meaningful southern engagement, there seems to be a pressing need to find a solution that can increase the CDM's legitimacy from a southern perspective by providing sustainable development benefits and procedural equity, while maintaining the cost minimizing benefits of the market mechanism. The remainder of this paper explores the potential for the GS to constitute such a solution.

THE GOLD STANDARD CERTIFICATION SCHEME

Initially created in 2003 by the World Wide Fund for Nature, the GS is a prominent carbon offset certification scheme that demands higher standards for CDM projects in exchange for higher prices on the global carbon market.[7]

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[7] The Gold Standard is now under the auspices of the Gold Standard Foundation, a

The GS operates on the principle that buyers will be willing to pay higher prices for GS certified offsets since they reduce reputational risks, and set minimum standards for sustainable development projects (Headon, 2009: 148). More specifically, the GS has been thought to address key 'loopholes' in the CDM (Langrock and Sterk, 2003, cited in Nussbaumer, 2008: 97). This paper will address only those aspects of the GS that have direct bearing on southern states' legitimacy criteria, as outlined above.

The first such factor is the explicit requirement that GS certified CDM projects make significant and explicit sustainable development contributions to the host community. To ensure this, the GS provides project developers with a 'Sustainable Development Assessment Grid' they must use to quantify and qualify the contributions made. This grid contains three categories; environmental (including air quality, water quality/quantity, soil condition, other pollutants, and biodiversity); social development (including quality of employment, livelihood of the poor, access to affordable and clean energy services, and human and institutional capacity); and economic and technological development (including quantitative employment and income generation, balance of payments and investment, and technology transfer and technological self-reliance) (Gold Standard, 2009b). It is clear that these categories correspond with the broader definitions of sustainable development benefits espoused by southern states. Thus, to the extent to which these criteria are followed, the GS has the potential to not only increase the sustainable development benefits of CDM project activities, but also to mitigate the 'race to the bottom,' demonstrated to be the result of structural inequalities inherent in the mechanism.

The GS also requires that project developers complete a 'Sustainability Monitoring Plan' to "assist in monitoring the impact of project activities on sustainable development and verifying that it has contributed to sustainable development" (Gold Standard, 2009a: VII.a.3). This could have positive impacts on the quality and quantity of sustainable development benefits of CDM project activities. Perhaps more importantly, however, such a requirement effectively puts the sustainable development demands of southern states on more equal footing with the economic and environmental priorities of the north, which are stringently monitored. This helps mitigate southern states' perception of the CDM as being structurally and procedurally biased towards the safeguarding of northern priorities.

Recognizing the importance of stakeholder consultations and the paucity of related processes under the current CDM framework, a third potential benefit of the GS is that it requires CDM project proponents to proactively invite local stakeholders (including all GS supported nongovernmental organizations active in the host country) to provide comments on proposed project activities. These consultations must be entered into both during the design phase, and prior to the commencement of construction or implementation of project activity, and must include at least

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non-profit organization under Swiss law (www.cdmgoldstandard.org). GS certification can also apply to offsets under the Voluntary Carbon Offset market.

one public consultation meeting open to anyone willing to attend (Gold Standard, 2009a: VIII.b.5). There is also a required stakeholder feedback round intended to cover all issues raised from the meetings, and to account for the attention paid to all received comments (Gold Standard, 2009a: VIII.d.1). Additionally, the GS requires project developers to complete "do no harm" assessments to uncover and account for any potential social or environmental impacts related to CDM project activity (Gold Standard, 2009a: VII.a.1). These assessments demand that proposed project activities account for a broad range of considerations, including respect for internationally proclaimed human rights; preservation of cultural property; recognition of, and accommodation for the unique needs of indigenous people; protection of project employees' freedom of association and rights to collective bargaining; utilization of the precautionary principle with regard to environmental challenges; and verification that the project activity does not degrade critical natural habitats and is not complicit in corruption (Gold Standard, 2009c: 2-5).

        The depth of these consultative processes and the due diligence required by the GS has the potential to positively influence southern states' perceptions of the legitimacy of the CDM in a number of ways. First, by ensuring the appropriateness of sustainable development benefits for the host locality and drastically reducing the potential for adverse impacts, the GS can simultaneously mitigate perceptions of procedural and structural inequality and increase acceptance of, and support for, the project activity itself. This would not only reduce the possibility for costly local opposition to involvement in specific project activities, but may also help link local issues to global ones. This will increase the chances that domestic populations will support their states' participation in the CDM at the international level (Goldschmidt, 2002). Thus, by capturing information concerning the potential ancillary implications of project activities and priorities of stakeholders – which regular CDM processes excluded for reasons of efficiency and expediency – the GS again, has the potential to increase southern states' perceptions of the CDM's legitimacy according to the criteria outlined above.

LIMITATIONS OF THE GOLD STANDARD

        As demonstrated above, the GS has the potential to increase the CDM's performance in key areas of importance to southern states', while maintaining the market structure demanded by the north. However, it is important to note some potential limitations to its efficacy in this regard. First, in order for the GS to improve perceptions of CDM legitimacy, it would have to offer a substantial and verifiable increase in the provision of sustainable development benefits. While the GS is too recent a development to have inspired much empirical research as to its effects, current studies give a mixed review. In Nussbaumer's (2008) study, comparing GS and Clean Development Carbon Fund (CDCF) labelled projects to similar non-labelled ones, it is discovered that most labelled

projects outperform non-labelled projects[8] in the realm of sustainable development (98). However, mixed results for environmental criteria lead the author to conclude that labelled projects do not "drastically outperform" similar non-labelled ones (Nussbaumer, 2008: 99). This somewhat disappointing finding may be explained by the fact that only those CDM projects that provide an energy service capable of catalyzing a transformation away from fossil fuel based energy system can qualify for GS certification (CAN, 2008). This means that the large scale industrial gas destruction projects that dominate the CDM pipeline, but which are notorious for lacking sustainable development benefits, cannot qualify.[9] As such, the GS may be restricted to tinkering in the margins of the CDM while leaving the large sources of inequality mentioned above untouched.

Arguably, the higher prices offered for GS certified credits could play a role in shifting investment patterns away from large scale industrial projects (and the relatively wealthy southern states which offer them), toward projects with more sustainable development benefits. However, as the average investment to produce a single CER unit from an HFC-23[10] destruction project is a mere $0.74 (compared to $3.70 for energy efficiency projects, $12.76 for fossil fuel switch projects, $18.98 for hydro projects, and $27.86 for geothermal projects) (Green, 2008), one might reasonably question the GS' ability to make a significant dent in the current market biases towards projects involving industrial gas destruction, considering the relative expense of project types qualified for GS certification.[11]

Southern states are also likely to resist any move towards top-down, 'one size fits all' definitions of sustainable development. This is consistent with their insistence during the initial Kyoto Protocol negotiations that they retain the authority to determine what constitutes 'sustainable development' in their own national contexts under the CDM (Boyd et al., 2009; MacDonald, 2010; Muller, 2008). However, one could reasonably argue that the criteria laid out by the GS are both broad and flexible enough that they will largely correspond with, or at least complement, southern states' own definitions of sustainable development, which, in any case, are not currently being enforced.

In addition to these concerns over quality, there are also quantitative considerations. Noting that the GS currently only demands a small share of the overall market, some analysts have expressed concerns about the potential for the GS to expand beyond an isolated, niche market. For example, Headon

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[8] GS projects exhibit this result slightly more often than CDCF projects.

[9] As of May 2011, such projects – consisting of HFCs. PFCs, and N20 reduction projects – constituted 71% of total CDM project activity (by number of credits generated) (http://cdmpipeline.org/cdm-projects-type.htm#1)

[10] HFC-23 is a by-product of HFC-22, a by-product used in refrigerants. While these compounds are outlawed in northern states under the Montreal Protocol, they are still widespread in many southern states. Because of the extremely high global warming potential of such gases, they are incredibly lucrative for project investors.

[11] All figures have been converted from Euros (€) (which Green originally used) to United States Dollars (USD) for the sake of consistency (conversion done December 2009 using current exchange rates).

(2009) suggests that the lacking "buy-in" of the GS means that the CDM will need to continue to capitalize upon the 'arbitrage' associated with 'unsustainable' CERs (154). Noting that as of April 2008 only 6 CDM projects had received GS certification, Nussbaumer (2008) points to the potential difficulty of finding buyers for GS certified credits, due to the high costs associated with obtaining certification. While there were a significant number of projects seeking GS certification as of December 2010, the Gold Standard Registry seems to suggest that only seven CDM projects are at the 'issuance' stage.[12]

This raises the question of what drives actors to seek GS certification. In their study of voluntary environmental initiatives, Kanna and Brouhle (2009: 167-169) point to the "desire for external legitimacy, a reputation as a good environmental citizen, and the view that it is the 'right thing to do'" as motivating factors, but conclude that the strongest driver is the anticipation of the introduction of regulatory pressures governing the area in which the voluntary initiative applies. However, this paper has argued that the GS has emerged because of a lack of regulation regarding sustainable development benefits in the CDM. Moreover, part of the GS' appeal is its ability to circumvent increased regulation of, or requirements for, the explicit inclusion of developmental benefits under the CDM, as doing so would affect the mechanism's cost efficiency. Without the anticipation of regulation to drive demand, the GS might therefore remain limited in its appeal to those actors for whom the adoption of such standards is necessary, for reasons of reputation. This notion of reliance on voluntary – and, therefore, innately volatile – motivations for investment in GS projects points to a final issue regarding the potential for the GS to positively influence southern perceptions of CDM legitimacy. This issue is the demand of southern states that mitigation and adaptation assistance, as well as sustainable development benefits, be both 'predictable' and 'sufficient.' This has been most notable in southern states' demand for 'assessed contributions' of northern states' gross domestic product (GDP), instead of having to rely on 'win-win' market mechanisms or voluntary measures, which are by nature, unpredictable (FCCC/KP/CMP/2008/MISC.2: 5; FCCC/AWGLCA/2009/MISC.4(II): 110). As a result of these fundamental demands, which are rooted in perceptions of northern states' 'historical debt,' the voluntary nature of the GS may, therefore, limit its ability to positively influence southern states' perceptions of the CDM's legitimacy.

CONCLUSION

This paper evaluated the GS' potential to offer a solution to the 'legitimacy crisis' of the CDM that results from tensions between northern and southern interests under the market mechanism. It was suggested that ahistorical evaluations of the CDM that fail to consider the north-south divide

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[12]The Gold Standard Registry for CDM projects is available online at https://gs1.apx.com/myModule/rpt/myrpt.asp

out of which the mechanism arose, tend to marginalize important legitimacy considerations when evaluating the purpose, and the potential of the mechanism. This evaluative lacuna has led to a series of suggested reforms that, if implemented, could have severe repercussions for continued perceptions of the CDM's desirability, value, and appropriateness. The GS has the potential to increase sustainable development benefits for southern states, and to mitigate perceptions of structural and procedural inequity inherent in the mechanism, in a way which complements, instead of contradicts, the efficacy of the market mechanism. However, the nature of the GS is such that it may remain limited in its ability to positively impact southern states' perceptions of CDM's legitimacy. Many of the constraints facing the GS can be seen as resulting from its reliance on market-based principles for its operation. For example, its reliance on a positive investment climate, informed by often volatile demands of corporate social responsibility and other reputational considerations, may be in contravention to southern states' demands. These demands dictate that they should be sufficient and predictable compensated for their high vulnerability to climate change, despite historically low emissions levels. Moreover, the proliferation of low risk, high yield projects under the profit maximizing CDM will likely relegate the GS to 'tinkering at the margins,' as the reputational benefits of purchasing GS certified offsets are unlikely to capture more than a minute portion of a CDM market, dominated by lucrative industrial project options.

Despite these criticisms, it is important to keep in mind that both the GS and the use of carbon markets as the primary means through which to mitigate global climate change are relatively new concepts. As such, determining the precise role and potential of market-based certification schemes, such as the GS, will be a central issue to be worked out during climate change negotiations in years to come. The conclusions reached in this paper are therefore not intended to condone or condemn the GS certification scheme, as doing so would be premature. Rather, they seek only to emphasize the need for future evaluations of any mechanism aimed at facilitating cooperation between north and south, in order to recognize and account for the existence of distinct, and often conflicting, definitions of legitimacy. Taking this into account will only increase the likelihood of finding a successful way to facilitate global cooperation in mitigating climate change.

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THE EGYPTIAN UPRISING

A MOVEMENT IN THE MAKING

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ABSTRACT

This paper will reflect on the causes that sparked the 2011 revolution in Egypt. It will use social movement theory to explain the formation of the Egyptian uprising that capitalized on domestic and international events to motivate and mobilize the masses. Tunisia's ousting of former President Ben Ali provided a political opportunity by igniting hope across the Middle East for similar change. This was combined with contentious domestic politics in Egypt that saw rising inflation, unemployment and an expanding youth demographic. The excessive use of force and state repression served as the starting point of resistance against a system that disenfranchised its masses. By looking at recent political history in Egypt, this paper will show how this movement learned from the weaknesses of previous political experiments with change. The pro-democracy ('Kefaya') movement and the Worker's strikes were two political junctures that sought institutional changes but fell short of their aims. The former was unable to incorporate all political parties and instead opened itself to attack by Mubarak's regime, while the latter was unable to frame the struggle in demands that appealed to everyone. The social movement in Egypt was successful largely because it ignored all ideological and religious differences in pursuit of regime change; it framed the struggle in ways that appealed to the masses; and it used indigenous processes and cultural framings that promoted and entrenched national unity.

INTRODUCTION

The Egyptian uprising, often referred to as a revolution, was sparked by a similar movement that began in Tunisia and led to the toppling of the Ben Ali government. There have been several attempts in the past to rally support behind change in Egypt. The most noteworthy of these was the 2005 pro-democracy movement, led by a group called Kefaya,[1] that gained traction in 2004-2005 (El Mahdi and Marfleet, 2009: 87; El Mahdi, 2011: 1013). This movement mobilized the Judges' Syndicate (El Mahdi, 2011: 1034) (the only union that remained free of government control), and worked to expose Mubarak's rigged elections, the lack of political plurality, and the lack of transparency and judicial independence. It was quickly crushed by the regime's brutal repression, two judges faced jail time, and Ayman Nour (the leader of Kefaya) was arrested and sentenced to five years in prison on charges of 'election fraud' (Farag, 2006; MacLeod, 2009). At the time, Kefaya couldn't survive the sheer force of the regime's crackdown because it was not successful in rallying support from the masses — it remained an elitist movement bridging some, but not all, political factions.

While the pro-democracy movement created temporary opportunities and openings for collaboration amongst political groups through 'cycles of protest' (El Mahdi and Marfleet, 2009: 88), certain political movements like the Muslim Brotherhood remained largely excluded from the political alliance and its democracy project. This allowed the Mubarak regime to co-opt the smaller political parties and weaken the movement for change (El Mahdi, 2011: 1030). This move illustrated Mubarak's unique approach to dealing with the political complexities in the country, namely resorting to alternating tactics between coercion and repression (the 'carrot' and the 'stick'). Other instances that involved cooperation amongst a large segment of society were the labour strikes that raged throughout the country in 2006, 2007 and 2008. The strikes were spearheaded by textile workers in Mahalla and Kafr el Dawwar, and led to more than 222 sit-in strikes, work stoppages, hunger strikes, and demonstrations involving thousands of participants.[2] The participants, with estimates ranging from 40,000 to 300,000 people, all fought for a higher

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[1] Kefaya was originally the slogan for The Egyptian Movement for Change but has become the more popular name of this group.

[2] The Strikers in Mahallah, and later in Kafr el Dawwar, were principal in inadvertently widening the political space. The workers simply wanted financial and social security. They also wanted to change the management in their factories, but these demands were not formulated in overtly political language, and carried no explicit political agenda. Further, upon gaining some concessions vis-à-vis the state taking notice and action, they called for a general strike across Egypt on April 6 (hence the name of the movement). The strike's success, however, was limited to Mahalla and Kafr el Dawwar, and did not extend to Cairo. The movement was able to encourage other unions to strike (i.e. Lawyers, Pharmacists and real estate tax workers). Many scholars agree that these were economic grievances that mobilized people to use political means (even when they did not necessarily envision a 'political' change) (Beinin and el-Hamalawy, 2007; Morrow and Omrani, 2007; Gopal, 2011; Matta, 2011).

minimum wage (to overcome crippling inflation in the prices of basic necessities), health benefits and job security (Morrow and Omrani, 2007).

The Mahalla strikes led to the creation of the April 6th movement (Matta, 2011). The April 6th movement emerged out of a need to support the growing workers' movement in 2008. It was started by a group of young activists who used social networking to publicize the Mahallah worker's demands, gain support for the cause and promote national solidarity by holding a nation-wide strike (Jacob, 2011). This was one of the first experiments in creating broad political support across groups to achieve national change. Again, while the workers were able to create unity within their factories, they were still unable to obtain large concessions in the political arena. This may be due to the framing of the struggle and the lack of political organization. The struggle was largely about economic grievances that did not translate into support outside of these sectors, and failed to gain mass support in metropolitan cities like Cairo and Alexandria (Dunkel, 2007). However, political parties and social groups have since learned of the power of collaboration and organization when aiming to oppose the state. For example, the recent shifts in the domestic political and economic landscape, and the success of the Tunisian uprising, led the Egyptian youth to adopt collective action strategies. .

Egypt's political contention laid the seeds for a social movement that gave way to a revolution.[3] Using a conceptual framework that draws on social movement theory, specifically framing consensus and mobilization, this paper will map out the formation of the social movement in Egypt. It will be argued that the significance of the most recent uprising, now called the "January 25 Movement" lies in its transformative potential, gaining traction as a cross-ideological movement that expressed its potential by forcing Mubarak to resign. This piece seeks to outline the broad contours of a 'peak moment' in a cycle of contention, and thus, will not address the important developments currently unfolding.

This paper purposely limits its analysis to the initial 18 days since this period demonstrates a powerful transformation of the attitudes (along with the social and political identity) of Egyptians, marked with fierce political engagement, and laying the foundation for a new political culture. This paper will first demonstrate how domestic and regional factors produced an environment conducive to change, by examining the political opportunity structures and contentious politics. Second, this article will use the conceptual tools from social movement theory; specifically, the framing process that exploited cultural symbols and national rhetoric to achieve consensus formation and mobilization. Furthermore, this paper will discuss how

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[3] The term 'revolution' is used here largely because this is the term being used by the Egyptian people. To qualify it, the struggle continues (despite Mubarak's resignation) to uproot and dismantle the structures of oppression and repression. There is a distinctive political consciousness that has emerged and continues to grow. Further, a fierce debate is taking place inside and outside of academic spaces regarding the future of the political landscape in Egypt. These are all signs of a deeply entrenched desire to replace the entire system. This is what Skocpol defines as 'social revolutions' (1979: 3-40).

mobilizing structures like the youth groups, intellectuals, artists, musicians capitalized on this framing process to produce, and more importantly, sustain the social movement.

This paper will focus mainly on the developments within Liberation Square (Cairo) to outline a rippling effect across Egypt. It will provide some broader historical background, shining light on two distinctive moments in Egypt's recent political history insofar as this is useful to understand the culture and symbolic resources utilized during the initial 18 days.   This paper will focus on key actors, symbols and protest repertoires, and will devote less attention to regime strategies. The role of these emerging actors illuminates the drastic shift in Egypt's political landscape that has widened the space for cross-ideological, inter-generational engagement.   This movement has increasingly incorporated women; politicizing gender and publicizing women. The aim of this study is to outline the trajectory of events that led to the Egyptian uprising, as well as the resources that were used to make it successful. Further, it provides useful insight into the potential problems of a nation-building project reliant on a leaderless 'revolution.' However, it is too early to speculate on the ramifications and consequences of this 'revolution' and whether it will bring about the comprehensive change it seeks.

METHODOLOGICAL APPROACH

The methodological approach of this study used to extract data for the 18 days was 'participant observation.' This approach included interviews in Liberation Square with ordinary people that joined the protests; movement organizers; and activists from different ideological backgrounds. In addition, NGO workers, taxi drivers, shopkeepers, and a network of people that observed, criticized, and participated in the revolution were interviewed outside Liberation Square. The anthropological or socio-cultural approach tends to rely heavily on observing and indeed participating in the practices and the events. The reactions, feelings, and thoughts of the people were witnessed firsthand by holding informal interviews, built on intimate relationships of mutual trust and understanding. This methodology was chosen because this study was one of the first studies deducing knowledge from the Egyptian revolution in progress in 2011. The methodology chosen relied heavily on ethnographic practice (via participant observation) largely because of the time this study was produced. In Egypt, as historical events were unfolding, there was an environment marred with suspicion and instability. This can explain why 'participant observation' was the most useful and effective strategy used in order for this study to deduce raw data.

Revolutions are always precarious and unclear with relatively little written about them. The type of social movement that emerged in Egypt (and the rest of the Middle East) has been the first of its kind in this region. However, this event carries certain characteristics that Sidney Tarrow describes in his research on social movements. This study shows that the Egyptian uprising followed the trajectory that Tarrow aptly identifies: wherein there are contentious politics that create political opportunities; these

opportunities are then capitalized on by mobilizing structures that use appropriate, indigenous and popular framings that are rooted in cultural, religious, socio-political and economic experience of the people. Thus, this work will apply Tarrow's understanding of revolutions in order to analyze and interpret the events of the Egyptian uprising.

CONTENTIOUS POLITICS

There is a distinctive interrelationship between political opportunities, contentious politics and social movements. When political opportunities arise vis-à-vis prospects for widening the political space, the way is paved for contentious politics to challenge the *status quo*.   As Sidney Tarrow articulates, contention is made possible when people "gain the external resources to escape their compliance and find opportunities in which to use them" (Tarrow, 1998: 71). Challengers do not necessarily have to understand political opportunity structures to seize the moment and ignite the process for change.   The challengers with mobilization capacity, strong resources, and deep grievances work to open up the space to those with fewer resources and less capacity. As Tarrow explains, "by challenging elites and authorities, 'early risers' reveal their opponents' vulnerability and open them to attacks by weaker players" (Tarrow, 1998: 77). This eloquently articulates why the social movement that evolved into a revolution began with middle-class youth and not with the general public. The shrinking middle-class was essential in mobilizing the masses to join the struggle. They were technologically-literate, educated and some were well travelled. They were able to frame the need for change as urgent and dire.

The use of contentious politics creates new opportunities for others; it constructs and frames claims, laying the groundwork for political mobilization. Tarrow expresses the process this way: "The opening opportunities provide external resources to people who lack internal ones; openings where there were only walls before; alliances that did not previously seem possible; and realignments that appear capable of bringing new groups to power." (1998: 89) The previous two experiments at mutual alliances (the Kefaya movement and the April 6 movement) failed because the divide-and-conquer strategy of the Mubarak regime always capitalized on ideological divisions to create weaknesses. However, this movement began with the middle-class but framed the struggle in a discourse that appealed to everyone in Egypt, regardless of their ideological positions.

Tarrow also articulates an inherent instability in these political opportunities since they can shift so easily from challengers to their allies, and ultimately to the elites and authorities—and so, they are not to be depended upon (1998: 89). Dieter Rucht further explains this by stating that political opportunities can be seen as assets not owned by any particular side, but as a product of a given environment (1996: 185). Both Tarrow and Rucht articulate the contentiousness of political opportunities and the subsequent control over outcomes. These opportunities are products of circumstances that work to open up the space but can be utilized by multiple conflicting and contending authorities. In the Egyptian revolution, new groups that were apolitical have

emerged during and especially after the 18 days, and are now claiming their own right to the political space (i.e. Salafi groups). This is an interesting dilemma for liberalists and secularists who fought for an open, democratic space, faced now with the risks of stricter Islamists taking hold of the new opportunities and capitalizing on their following within Egypt.

The practice of contentious politics arises in environments where there is potential for space to open up because of social inequalities, political/economic repression and, most importantly, a widening sense of grave injustice. In Egypt's case, the potential for change quickly resonated with the Egyptian youth, who were desperately seeking better living standards as they watched the unprecedented scenes of an Arab dictator forced from his throne in Tunisia. This came at a point in Egypt when a series of developments had revealed a process of political deliberalization, characterized by heightened conflict, economic inflation, and a tense environment over the upcoming presidential elections. In regards to the latter, the manner in which Hosni Mubarak has paved the way for his son, Gamal, to take over the presidency had been a matter of concern for many Egyptians for several years (Shenker, 2009; Brown et al., 2007; Souare, 2008; El Mahdi and Marfleet, 2009).[4] The younger Mubarak was speculated to be positioned to take the place of his father in September through a series of constitutional amendments, thus ushering in a new era of authoritarianism.[5] This reality, along with several key incidents explained in more detail below, has awakened the youth to the necessity for change. Domestic factors and political opportunities led to the existence of contentious politics in Egypt. These catalysts would later drive the masses to political defiance.

DOMESTIC REALITIES: STRUGGLE AND CONFLICT

On June 6, 2010, Khaled Said, a 27-year old man, was brutally murdered by state security forces outside a café in Alexandria. Images of his disfigured face circulated widely, earning severe condemnation from the Egyptian free media and the civilian population. Discussions about police brutality resurfaced and protests were held (Chick, 2010; Giglo, 2011).[6]

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[4] Gamal's appointment to future candidacy was discussed earlier in 2002 when Mubarak nominated Gamal to be head of the NDP's policy committee (Shenker, 2009; Brown et al., 2007; Souare, 2008; El Mahdi and Marfleet, 89).

[5] The fears were entrenched because it seemed to replicate the Syrian experience where Bashar al-Assad recently succeeded his father Hafez al-Assad; effectively transferring all powers from father to son and creating a new period of authoritarianism (Sobelman, 2001; Sadiki, 2009; Fisk, 2010).

[6] Khaled Said's death is important not because of the brutality involved, but because of the events following his death. The Facebook group, created by Wael Ghonim, has a significant youth following and has been instrumental in rallying the youth around a certain premise – the rejection of police brutality and oppression. Said's face appeared on posters, in videos, and banners in Liberation Square during the revolution, and in the commemorations thereafter. His death can also partially account for the demand made in the revolution to

Although these protests were quickly crushed by riot police, Khaled's death became the impetus behind youth mobilization and collaboration from those inside and outside Egypt. Wael Ghoneim, an Egyptian Google executive living in the U.A.E., created a Facebook group called 'We are all Khaled Said.' Wael spoke about his experience under solitary confinement for 12 days on Mona el-Shazly's show *'Ashira Masa'an,* and explained why and how he started the group on Facebook ('Ashira Masa'an, 2011). This group has over a million subscribers. It quickly became a forum to post footage and articles on police brutality, analyze and comment on the lack of freedoms in Egypt, as well as the relationship between the state and society. Wael Ghoneim's Facebook group was significant because it managed to help capitalize on a part of the population that was highly marginalized and neglected by Mubarak's system.

There is a substantial growth in the youth demographic in Egypt. In addition, technological literacy is also escalating, corresponding with 90% of Egypt's unemployed youth (McKena, 2011). Surprisingly, while the youth are unemployed (and lack the appropriate education background and the supporting infrastructure), their technological literacy and technical skills are on the rise. These factors can account for why the movement was largely organized and sustained by the Egyptian youth. As Tarrow notes, "from a simple resource mobilization point of view, those most likely to engage in contention would be people with the least to lose, since it is they who possess the greatest resources" (1998: 86).

Egypt's expanding youth population and the high unemployment rate among this group, appears to be the most critical factors in the push for serious change. According to the Canadian International Development Agency (CIDA), "more than a quarter of Egyptians are in the 15-to-24 age group. At least 90 percent of Egypt's unemployed are under 30 years of age" (McKena, 2011). This, combined with crippling poverty, produced the need for change and the incentives for the popular masses to participate. Economic stagnation and increasing inflation (discussed in greater detail below) left most of the poor out of the cycles of profit. As CIDA's report continues, "Egypt ranks 101 out of 169 countries on the United Nations Development Programme's 2010 Human Development Index... 15 million (18 percent of the population) live on less than US$2/day" (McKena, 2011). While these factors are not new realities (albeit the consequences of which were exacerbated in 2010), the potential for Gamal Mubarak's accession to power and the success of the Tunisian uprising changed the dynamics, rendering collective action necessary and inevitable.

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change the security apparatus and to punish police brutality (this demand was clearly outlined on a banner that hung in Liberation Square). Further, January 25 was chosen since it is a day in the Egyptian calendar marked for 'police commemoration.' Said's death was clearly a pinnacle point after which the youth started to understand and voice the need for political change. The significance of his murder also resonated with consistently louder and unyielding demands for changing the state security infrastructure after Mubarak resigned. The Sharaf government conceded to dismantling the state security apparatus (although this dismantling seems superficial without the necessary structural change — posing a conflict between the 'revolutionaries' and the current government).

An additional domestic factor that led to the Egyptian uprising was the parliamentary election held in November 2010. Mubarak fell ill and delegated the task of handling the elections to his son, Gamal Mubarak, and business tycoon, Ahmed Ezz (Essam El Din, 2010). The parliamentary elections were violent and overtly corrupt. Members of the Muslim Brotherhood were arrested in the masses, every political party pulled out of the elections in protest, and for the first time, the NDP exercised an overwhelming parliamentary monopoly (Essam El Din, 2010). The regime responded coldly to the harsh criticisms that permeated through debates and discussions regarding the elections. These corrupt elections, combined with the widely perceived transfer of presidential powers to the younger Mubarak,[7] signalled a closure of the already restricted political space.

In the same month as the presidential elections (November 2010), Copts — native Egyptian Christians — clashed with security forces in Omranaya district over protests, when authorities halted the renovations of a church (Stack and Slackman, 2011).[8] A month later, a bombing on New Year's Eve (December 2010) in Alexandria shocked the nation (Shahin and Kassem, 2011). Identity politics surfaced in both instances between the Muslim majority and the Christian minority of Egypt. Here again, the nation experienced a turn of events when the murder of Christians on New Year's Eve ignited and reinforced a sense of national solidarity. The media, religious leaders from both the Muslim and Christian faith, and the state coordinated efforts and launched a fierce campaign for national unity. Slogans, billboards and advertisements stated *Ana Masry wa did il iRhaab* (I'm Egyptian, Against Terrorism) (Hendawi and Michael, 2011). Symbols of unification like the Christian Cross together with the Muslim Crescent surfaced everywhere. Furthermore, many Muslims attended Coptic Christmas ceremonies to show their solidarity (Hassan, 2011). They stood guard and protected their Coptic brethren. Their presence was meant to ensure no attacks against the Copts.

These events took place against a backdrop of economic desperation that further exacerbated the situation and caused discontent among the Egyptian population. In addition, discussions of removing the remaining food subsidies that are the lifeline of the masses threatened to make matters worse

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[7] The perception that Gamal has already ascended to power is widely accepted for several reasons. To begin with, his close friends assumed powerful positions in a cabinet reshuffle in 2004. The constitutional amendments in 2005 and the reforms proposed and passed in 2006 severely limited real political competition and kept "power concentrated in the hands of the executive branch and the ruling party." (Brown et al., 2007) The constitutional reforms introduced and advocated Gamal Mubarak's new discourse on citizenship, away from Egypt's social history (Brown et al., 2007). All of these signs showed his increasing political prominence as he held the position of the NDP's influential Policies Secretariat (El-Ghobashy, 2005). These factors led many to believe Gamal was already ushered into power unofficially, working in the shadows of his father, pushing neoliberal economic reforms and establishing the role of technocrats like Ahmed Ezz.

[8] Christians clashed with police forces several times even after the bombings on New Year's Eve due to a lack of security and the state's inability to ensure protection for the Christian minority.

(Galal and Rifaat, 2005; El Far and Ibrahim, 2011; Chowdhury, 2007: 72).[9] Under former Prime Minister Ahmed Nazif, the Egyptian regime pursued a renewed commitment to privatization and neoliberal economic reforms in 2004, which encouraged foreign direct investment and privatized a large number of publicly-owned holding companies. Only nine companies remained under government control as of 2009 (El Far and Ibrahim, 2011; Chowdhury, 2007: 72). Egypt has recently privatized major sectors; most notably, the telecommunications, cement, electricity and gas sectors. Although the government adopted anti-trust laws in 2005, enforcement has been minimal. This is exemplified by the monopoly of business tycoons with close ties to the regime (Chowdhury, 2007: 72).[10] When these basic services were privatized, owners had the flexibility and the capacity to inflate prices. The poor and disenfranchised classes have suffered the consequences. For example, Telecom Egypt was partially privatized in 2005. Galal (2005) explains that a "price re-balancing" in the wake of privatization would amount to a rise in the price of local services and a decline in the price of national and international services, benefitting only large businesses while leaving individuals at a disadvantage. These reforms have taken a toll on both the poor and the disappearing middle class in Egypt. They have suffered from trade liberalization, cuts to infrastructure and currency devaluation.

These circumstances and events represented certain breakages within the system that helped mobilize the masses once political opportunities were created. This political repression and deliberalization, along with the excessive use of force by the state security apparatus, produced a moment of instability that manifested itself in sectarian strife. In authoritarian environments that repress options and prevent avenues to achieve political concessions through bargaining and coalition building, drastic structural change that includes removing the regime often arises as the inevitable solution. As Tarrow writes, "While authoritarian states systematically repress contention, the absence of regular channels for expressing opinion turns even moderate dissenters into opponents of the regime and forces them to pose the problem of regime overthrow as the condition for reform." (Tarrow, 1998: 85) Egypt's laws place severe legal restrictions on political organization. As Singerman articulates,

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[9] Mohamed El Far and Amir N. Ibrahim note that in 2006, the regime revoked essential subsidies like macaroni, beans, and butter. There were also discussions about the removal of subsidies from the remaining products. The lifting of subsidies had significant political consequences in the past. For example, when Sadaat raised the price of bread, there were national riots that raged across the country. It was so intense that he had to retract the policy (El Far and Ibrahim, 2011).

[10] The anti-trust laws have not been enforced effectively in Egypt, as evidenced by corporate giants like Talaat Mostafa, Ahmed Bahgat, or Shafeeq Gabr who own much of the market in Egypt. Ahmed Ezz, for example, exercised a monopoly over the steel industry and used his leverage to avoid legal action (El Far, Case Note: Cement Case in Egypt, 2009; Rasromani, 2006). The Egyptian Competition Authority (ECA) was unable to curb monopoly and enforce anti-trust laws due to its intricate relationship with the regime (El Far and Ibrahim, 2011).

> In Egypt…it is illegal to hold a meeting with a group that is not registered by the Ministry of Information. The state attempts to control and regulate every common mechanism that people use to further collective interests, such as unions, meetings of every kind, political parties, newspapers, voluntary associations etc. (1996: 3)

Contentious politics arises in situations of instability, or potential political instability, caused by shifts in regional circumstances or domestic economic, social or political restructuring. Political opportunities are contextual and dependent on the relationship to the regional and the international contexts (Tarrow, 1998: 77). Political opportunities do not necessarily give way to social movements, and require several resources in order to culminate in a widespread uprising that encompasses many groups, and draws intense solidarity. It needs "the forms of contention that people employ to gain support," collective action frames that provide their cause with legitimacy, and finally, mobilizing structures that facilitate collective acts (Tarrow, 1998: 90). In this regard, Tarrow states that contention needs to accompany a complex network of interpersonal ties or collective identity (constituting ideological unity and organizational fibre) in order for it to grow into a social movement (1998: 76). Identity politics was replaced by a (temporary) state of collective identity built on mutual interest (and to some extent, a familial bonding) discussed in detail below.

SOCIAL MOVEMENTS: THEORY AND PRACTICE

A critical juncture arose out of the new belief that mass protest can bring about change. Egyptians were glued to their television screens, watching Tunisians celebrate their victorious triumph, and marched on the streets shortly thereafter to achieve their own triumph (Ammar, 2011). A vibrant, passionate and rapidly changing political context is absolutely critical for the emergence and the success of a social movement. In "New Social Movements in a Political Context," Hanspeter Kriesi identifies a distinct correlation between political contexts and mobilization of new social movements. He examines the comparative strength and particular weaknesses of certain movements, and concludes by stating that "the political context is not only relevant to movement-specific patterns. Its impact on resource levels, external structuration, the transformation of goal orientations and action repertoires has been shown to be pervasive and systematic." (Kiresi, 1996: 104) In Egypt, the domestic and regional factors worked simultaneously to produce an opportune moment for mass political mobilization.

In Egypt, collaboration and mass mobilization was made possible for two main reasons. First, there was no single political party or group that took ownership of the protests on January 25 or the subsequent protests. Second, the earlier attempts at collaboration across groups mentioned above, and the long history of cooptation and repression, taught the groups that it was much more profitable to shelve any political or ideological differences and concentrate on their mutual interests — political and economic change.

Concerning the collective action required for political change, Tarrow writes "Social movements are not limited to particular types of action….[the] flexibility allows them to combine the demands and the participation of broad coalitions of actors in coalitional campaigns of collective action and to shift their focus both outside and inside the political process." (1998: 104) For the Egyptian people, the mistakes of the past became lessons learned. The movement's organizers were conscious of the opposition's previous mistakes, namely allowing the Mubarak regime to divide-and-conquer through coercion and repression. This time the movement encompassed Egypt's diverse ideological groups as one force to defeat the Mubarak regime, leaving their differences to be resolved at a later point. The repressiveness of the Mubarak regime provided a space for common ground and a specific target that united all the opposition movements and political groups.

Once Egyptians began to rally on the streets on January 25, a movement for change was formed. With the endorsement of the Muslim Brotherhood for the January 28 protest, the "Million Man March" began to look like a possibility (Beaumont and Shenker, 2011). The Million Man March was a term used to encourage as many people to come down to the square as possible. The reference to a 'million' was meant to emphasize the power in number that represented the people's will (public consent) to defeat the Mubarak regime. The Muslim Brotherhood possessed significant historical experience in opposing the regime and had a substantial following across Egypt. Their endorsement helped to publicize the cause and encouraged a significant number of people to join. There was a distinct understanding even in the movement's infancy that it was "now or never." If the movement's supporters did not take advantage of this moment, the opportunity would pass and they would continue to live in an oppressive state.

FRAMING

Social movements capitalize on contentious politics and the political opportunities that arise to bring about real change. They do this by using nationalist, cultural, and ideological discourse to frame the struggles in ways that speak to a broad audience. They also use mobilizing structures (networks of informal and formal organizations) to achieve these goals. As Tarrow states, "since social movements attempt to replace 'a dominant belief system that legitimizes the *status quo* with an alternative mobilizing belief system that supports collective action for change'…movement leaders proffer the symbols of revolt to gain support and mark themselves off from opponents." (1998: 106) To accomplish the goal of swapping one belief system for another in the interests of the movement, political issues are framed in strategic ways that allow for inclusive participation. In Egypt, these strategies also served as an ideological blanket[11] that allowed different groups (political, religious, cultural

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[11] Here, 'ideological blanket' is used to emphasize that there was no particular project that spoke to a specific political ideology. Instead, an inclusive and pluralistic multi-

and independent) to access pinnacle points against the Mubarak regime in hopes that they can create a broad national political project.

Framing processes are not only the work of the youth groups in Egypt but are also informed by political surroundings, political and social actors, the media and the state. In his discussion on the concept of collective action frames, Bert Klandermans writes, "the transformation of social issues into collective action frames does not occur by itself. It is a process in which social actors, media and members of a society jointly interpret, define and redefine states of affairs." (cited in Tarrow, 1998: 109-110) This was exemplified by the fierce debate over what the movement represented throughout the first 18 days. Alternative satellite media, Twitter, Facebook and YouTube were key conduits in shaping and moulding the movement, and provided a platform away from the state to discuss the issues at hand. The Egyptian regime, intent on 'managing' dissent, ensured state media presented a calm, protest-free Egypt in the earlier days by playing old movies and television shows. However, the alternative media presented a different reality. After the regime's tactic failed due to alternative media outlets, the state began to delegitimize the movement by claiming that innocent youth were being co-opted by foreign agents that wanted to destabilize the country. This was contested by members of the youth who insisting during television interviews that they wanted change.

A media battle between the state and the people in Liberation Square ensued over the movement's portrayal. The two opposing sides depicted the story as either foreign interference or a struggle for democracy. However, much of the Egyptian population was still undecided as to which side they stood on. The political context changed on a daily basis during those critical two and a half weeks. The media was able to rally the public behind the call for change by capitalizing on grievances against the state and by igniting public condemnation, using nationalist and patriotic discourse; cultural symbols; traditions; and values, to create cohesion and national unity. This reality is reaffirmed in Ghoneim's interview with Mona El-Shazly on *Al 'Ashira Masa'an* where he insists that contrary to state propaganda that constructs the youth as traitors working for foreign agendas, he, along with the rest of the youth, simply wanted a better Egypt. He argues that the youth wanted to regain their rights. He continues, "our agenda is simple: we love our country. We simply fought for it and wanted to make it better." (Al 'Ashira Masa'an, 2011)

In a 1988 article, Bert Klandermans' writes, "consensus formation results from the unplanned convergence of meaning in social networks and subcultures and takes place outside anyone's direct control. Within these networks and subcultures, processes of social comparison produce collective definitions of a situation" (cited in Tarrow, 1998: 113). In order for these definitions to render a social movement, there needs to be a process of consensus mobilization. As Tarrow states, "consensus mobilization consists of

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ideological framework exists, that veils the differences between people in hopes of working on a pluralistic national project. This was characteristic of the period before Mubarak resigned. However, this ideological blanket has since been lifted to reveal the multilayered and increasingly complex nature of the political landscape in the Egypt today.

deliberate attempts to spread the views of a social actor among parts of a population." (1998: 113) In retrospect, this process of consensus formation and mobilization was largely successful in rallying public condemnation of the regime and its brutal tactics. This success was the product of an interaction between the state on the one hand, and the media, social and political actors on the other.

The movement was able to capitalize on past and current grievances because of significant miscalculations by the state. Explaining the necessity of mobilizing grievances, Tarrow writes: "Social movements are deeply embedded in the work of 'naming' grievances, connecting them to other grievances and constructing larger frames of meaning that will resonate with a population's cultural predispositions and communicate a uniform message to power holders and others." (1998: 110) The youth, as exemplified by Asma Mahfouz and Mostafa el Naggar — two prominent youth activists and organizers of the Jan 25 protest — were able to empower themselves and the movement by capitalizing on the state's excessive use of force; by demanding their human dignity; and by emphasizing the people's economic grievances (The Egyptian Gazette). They altered national rhetoric to frame the movement in such a way that *they* — the youth — were cleansing their country of corruption and were fighting for the future of *their* nation (*Al 'Ashira Mas'an* Feb 7, 2011).

The youth were determined to have a peaceful protest and did not endorse or promote violence (Shuster, 2011). When the state responded to their protests with repression, it only served to reinforce their cause. In the earliest days, dramatic images of protesters running into the lines of riot police shocked millions of Egyptians who watched on television, and were part of the 'repertoires' of contention that surfaced and encouraged others to join the protests. People began to understand that their strength lay in numbers and became emboldened by the feelings of injustice when remembering decades of police brutality. Without having to adopt the slogan 'Enough' (like the movement Kefaya), the sentiment was painstakingly evident in their defiant actions, slogans and chants. As Gamzon (1992) states, "injustice frames" are the center of any social movement. Barrington Moore Jr. writes, "any movement against oppression has to develop a new diagnosis and remedy for existing forms of suffering, a diagnosis and remedy by which this suffering stands morally condemned." (cited in Tarrow, 1998: 111) In Egypt, the cure for the reaction of the riot police on January 25th became *Isqaat al Nizaam* – Regime Change. Gamson goes on to argue "it is insufficient if individuals privately adopt a different interpretation of what is happening. For collective adoption of an injustice frame, it must be shared by the potential challengers in a public way." (cited in Tarrow, 1998: 111) Police brutality, economic grievances, and the need to protect Egyptian human dignity proved to be strategic sensitive points that Egyptians could sympathize with. This is evidenced by the almost immediate spread of the protests in Liberation Square to major cities like Suez, Alexandria and Port Said.

The use of cultural symbols, ideas and values proved to be essential to the success of the framing process. According to Marc Howard Ross (2009), culture matters due to its ability to provide context and structure. He articulates, "culture does these things by organizing meanings and meaning-

making, defining social and political identity, structuring collective actions, and imposing a normative order on politics and social life." (Ross, 2009: 134) Culture shapes politics by affecting the public discourse and by assigning meaning to different political actions. Cultural analyses are useful in explaining the Egyptian revolution since the lines between the social and the political are very fluid. The social and the political spheres engage in a dialogical encounter that creates, derives, and assigns meaning. The dialectic in the interplay between the subjective and intersubjective understandings of culture is critical in explaining the capacities to utilize and exploit culture, in order to create social cohesion and a united stand against the regime. Ross distinguishes between subjective and intersubjective understandings of culture by stating, "subjective understanding emphasizes how individuals internalize individual values and attitudes that become the object of study, while the intersubjective focuses on the shared meanings and identities that constitute the symbolic, expressive, and interpretive part of social life." (Ross, 2009: 135)

The subjective understanding of culture is explained by how culture is rooted in a society. Over time and within spatial boundaries, cultural symbols and values are entrenched. This is a product of historical, political and economic circumstances, but also reflective of nationalist ideologies and religious indignations. The Egyptian culture is rooted in centuries of history and carries very strong indignations, traditions, and values that affect both Egyptians within Egypt and those in the Diaspora. While Egypt's culture is in a continuous state of development, the recent pace has been very slow. Repression in Egypt has resulted in a state of stagnation. The regime crushed decades of innovation/creation. The educational system and the saturation of authoritarianism into all facets of society arguably created apathetic and submissive individuals. There was, however, a significant shift in the cultural trajectory as a result of the 18 days of protest. The January 25 movement effectively broke many of the cultural taboos and stereotypes on protesting, political engagement, the possibilities for change, and revealed the mutual interests that exist between the richest and the poorest Egyptians.

The intersubjective understandings of how individuals come to internalize these values and attitudes are largely dependent on context and discourse. The media (which includes state media, alternative satellite media, and the internet) was essential in debating and developing these meanings. In an interview with CNN, Wael Ghoneim stated that demands were purposely about "what touches the people's lives." (CNN, 2011) Nationalist and religious discourses were fundamental in laying the conceptual grounds for determining what is and is not acceptable. These discourses were used in consensus formation, and subsequently, in the mobilization of the masses.

The Egyptian social movement was first framed as an appeal to regain human dignity. In a video log, Asma Mahfouz (a member of the April 6 movement) pleaded with Egyptians –specifically, Egyptian men– to come to the streets on January 25 and stand up in the struggle to regain their rights (Mahfouz V-Log, 2011). She explicitly stated that she was not part of any political party and that she was not talking about a political cause — she was talking about the right to one's dignity. This is significant for several reasons: first, she appeals to a very important cultural value — Arab dignity. In Arab

culture, this is considered to be priceless; it cannot be negotiated, exchanged, or traded. It constitutes their humanity, and without it, an Arab is considered worthless. Second, Asma manipulated discourses on gender norms and constructions by explicitly stating that Arab men needed to take responsibility, and if they were worried about her protection, they needed to stand with her and protect her. Here, she is exploiting the masculinity of an Egyptian man by saying that *she* will stand on January 25th and fight for the country and for her human dignity. Finally, she said to the men: *if you remain in your homes you are complicit in the regime's actions and you deserve the corrupt, unjust and (what she describes as) totalitarian Egypt of today*.

Mahfouz was exploiting masculinity that is rooted in patriarchal societies as a remedy to political apathy. In the Egyptian revolution, there was a delicate balance between using old cultural symbols and new meanings. This is reflected in the symbols adopted. Tarrow writes, "There is a paradox in the symbolic politics of social movements between developing dynamic symbols that will create new identities and bring about change, and proffering symbols that are familiar to people who are rooted in their own cultures" (1998: 107). This paradox can also be seen in the relationship between the Coptic Christians, the Muslims, and the Egyptian state. The campaign for unity between Copts and Muslims drew on ideas that have always resonated with their members in order to avoid sectarian strife. However, this time, the unity was used against the regime; in effect, casting out the state.

The slogans and chants of the revolution were constructed around anger over potentially imposing Gamal Mubarak as a President, the lack of political freedom, the violence and brutality of state security, and the economic pressures in Egypt. In addition, these slogans expressed solidarity between Christians and Muslims. This rhetoric was symbolic because it exploited the shortcomings of the regime and certain popular demands, which emerged from an inherent understanding that these chants would resonate with the masses. As Ross expressed it, "Culture…is a worldview containing specific scripts that shape why and how individuals and groups behave as they do, and includes both cognitive and affective beliefs about social reality and assumptions about when, where, and how people" will react and decode certain meanings (Ross, 2009: 137). The narratives and interpretations served as mechanisms to explain what was happening in Liberation Square (and in subsequent public centers across Egypt).

The protests also employed a range of old and new tactics to signify dissent. Egyptians, known for their sense of humour and flare for the dramatics, used comic relief, constructed amusing chants, and acted out scripts in Liberation Square. The people were keen to make the experience enjoyable and peaceful. This was not a protest in the traditional sense, resembling a carnival instead. People did not come to Liberation Square waving flags, chanting dry political slogans, loudly voicing demands, marching towards a consulate or an embassy. Instead, there were festivals complete with free food, popcorn, tea, live music, comedy skits, colourful slogans, political speeches, Christian and Muslim prayers, and of course, the national anthem recited at least four times a day. As Mario Diani (1995) writes, "challengers must frame their demands in ways that will attract followers and build on social networks, and connective

structures must link them to one another with a shared definitions of reality, of 'us' and 'them,' and of fundamental goals through changing seasons of opportunities and constraints." (cited in Tarrow, 1998: 105) The organizers created a safe, familial setting complete with entertainment in order to almost promote the protest as the place to be. This was useful in gaining legitimacy and public consent in their ideological war with the government (who was utilizing all channels necessary to discredit these protests as foreign interference) and to keep the people coming back to the square. The need to control Liberation Square at all times was essential for the survival of the Egyptian revolution. The social movement that emerged, like Mubarak's regime, would use binaries to win over the masses. By creating borders between those that wanted a free Egypt, the Egyptian social movement succeeded in winning over the public's emotions. National identity resonated loudly through this movement and the call for solidarity was a national outcry against what was deemed the pariah — Mubarak and his corrupt National Democratic Party.

National identity was used as a tactic to gain legitimacy by both the state and the opposition movement. The emotions that moved the masses to come to Liberation Square were the same emotions reflected in artistic work that adorned Egypt after the uprising. The feelings of brother/sisterhood and the captivating sense that the protesters were participating in constructing a new Egypt served as a muse for many artists at the time. Some politically motivated artists used their skills to visually represent the fight against the regime in an attempt to entrench national solidarity. Great creativity emerged during the revolution as buildings, sidewalks, metro stops, fences and walls were draped in verses of love for the country. Demands for freedom and democracy, and encouraging symbols and phrases denoting victory and triumph were depicted everywhere. The artistic outpouring converted Cairo into a collage of resistance, as stores, billboards, traffic barriers, concrete dividers, balconies, and windows displayed flags, nationalist symbols, and messages of solidarity. It became a nationalist tribute; an ode to Egypt culminating in a campaign to revive the nation.

CONCLUSION

Two competing narratives interacted with the political and social context during the 2010 Egyptian uprising —one existed within Liberation Square and the other outside. Non-state media outlets provided an alternative account of the mass protests that brought the country to a halt. This helped the social movement to gain the support needed to topple the Mubarak regime. The January 25 movement possessed the transformative potential to change the political and economic landscape in Egypt. Its ability to frame demands and injustices in ways that drew on old cultural symbols while adding new meanings broadened the movement. This strategic framing of demands was essential to create cohesion and unity across the various factions and groups. Mubarak, unaware that the rules of the game were changing, resorted to his old

divide-and-conquer policies.   This only served to further empower the movement.

This paper has outlined a 'peak moment' in cycles of contention within Egypt by examining the political and economic circumstances that weakened Mubarak's authoritarian grip over the country. It was argued here that the January 25 movement was largely successful because protesters were quick to capitalize on political opportunities that were made possible vis-à-vis the domestic and regional circumstances. Furthermore, the capacity to frame the cause in a way that appeals to the masses, and the mobilizing structures that would support the movement were highly instrumental in the movement's success. Egypt was susceptible to political crisis due to the recent ruptures within the system. These include Mubarak's succession; continued repression and corruption; the growing and technologically-literate youth demographic; economic concerns over rising inflation; and crippling social security. Both domestic political and economic concerns provided the opportunities for challengers to widen the political space. In addition, the Tunisian victory provided a revival and rejuvenation of the political struggle against an oppressor. By causing sustained disruption, the movement became more powerful than the state, and Mubarak's removal became possible.

This paper utilized the conceptual framework of social movement theory to explain the 2011 revolution in Egypt. In particular, the emphasis of social movement theory on instability, and the perception that it provides the opportunities for contentious politics, which are then framed and marketed to the masses was especially useful. If demands and injustices are framed successfully and absorbed by the people, a social movement can be born. By framing the cause as a fight for a decent and dignified livelihood, the movement emphasized serious indigenous realities and severe shortcomings of a corrupt regime. Furthermore, by using inflammatory rhetoric, religious symbols, and national slogans on sectarian groups to devise a force against the state, the movement was able to appeal to the emotions that make up the thrust for structural change.

This paper was concerned with the initial 18 days of the Egyptian uprising, drawing on historical realities in order to examine cultural and symbolic references. These historical realities were also used to demonstrate the transformative shift in Egyptian attitudes that have now become politicized, empowered, and emboldened, rendering them agents who perform and resist rather than passively become victimized. The Egyptian people created a cross-ideological movement, challenging the divisions that had for so long segregated them, preventing a mass movement, and providing Mubarak with the resources to utilize his divide-and-conquer strategies. The January 25 movement defied all expectations and its supporters managed to learn from the lessons of the past. Protesters used the repressive nature of Mubarak's regime as a point to unite all of them, despite their vastly different political ideologies and objectives. This strategy proved extremely successful in the fight against Mubarak but has since become a barrier to developing new political infrastructure or a new political system. A leaderless revolution has created a state of permanent instability with very little structure and strategy. Instead,

all previous political groups and movements are now engaged in a struggle for the political future of Egypt.

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WHO CARES ABOUT THE ENVIRONMENT?

AN ANALYSIS OF SUPPORT FOR ENVIRONMENTAL
PROTECTION IN CANADA

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ABSTRACT

Given the rise of environmental issues across Canada in domestic politics, as evidenced by the 2004 and 2008 Canadian federal elections, this study aims to contribute to our understanding of Canadian public opinion and the sources of attitudes regarding the protection of the environment. This study gleans insight into which factors – that is, socio-demographics, economic factors and value orientation – help explain variation in the distribution of support for environmental protection using multistage logistic regression models. The data used to infer links between support for environmental protection and socio-demographic, economic factors and value orientation is drawn from the 2004 Canadian Election Survey. The results generated in this study suggest that socio-demographic factors, especially gender and level of formal education, help to explain support for environmental protection. Moreover, the findings suggest that an individual's economic circumstances and social value orientation – that is, whether an individual espouses socially conservative or liberal goals – do not significantly affect their propensity to support environmental protection.

INTRODUCTION

Environmental issues, such as the governance of common-pool resources and climate change, have become more prominent in Canadian domestic politics. As a result, questions regarding levels of support for environmental protection and the sources of such attitudes arise. A variety of factors have been used to predict individual values and dispositions, such as early experiences, contextual factors and socio-demographics. The purpose of this study is two-fold: first, to establish which set of factors provide the most robust explanation of support for environmental protection, and second, to establish "who cares about the environment." The aim of this paper is to determine whether it is one's socio-demographic makeup, sense of economic security, social value orientation, or a combination thereof that helps to explain variation in support for environmental protection. This study is part of a growing body of research on Canadian public opinion and the sources of environmental attitudes, adding to our understanding of which Canadian's are most likely to exhibit support for environmental protection.

With regards to caveats, value orientations are particularly difficult to measure. Value orientation in this sense refers to whether individuals' espouse liberal or conservative social dispositions. Due to the difficulty of measuring this factor, this study infers particular value orientations "from a consistent pattern of emphasis on given types of goals" (Inglehart, 1990: 74). Values refer to core beliefs that "are related to conceptions of what is desirable and form the basis of judgments that citizens make about their social, economic, and political worlds" (Nevitte, 2002: 3). Social conservative goals are seen as those concerned with maintaining so-called traditional "family values," such as marriage between a man and a woman. Conversely, social liberal goals are those concerned with advancing a more progressive model (Blais et al., 2002: 102). In this sense, social liberals are concerned with issues related to "new politics," such as the need for self-expression, freedom, and quality of life (Nevitte, 2002: 7).[1] For the purpose of this study, a social liberal index composed of three questions related to social liberal goals is used to establish whether an individual's social value orientation affects their propensity to support environmental protection and is functional (*Cronbach's* score: .64).[2]

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[1] Note that this analysis is concerned with social values rather than economic values and, as such, differs from research that focuses on the extent to which the "old politics" of left-right cleavages explain variation in support of protecting the environment.

[2] A variety of arrangements were tested to produce the most robust, and yet parsimonious, index. Note that the index was based on standardized sample (N=1,245) and the questions used to identify respondents' social value orientation include: how much do you think should be done to reduce the gap between the rich and the poor; how much do you think should be done for women; and, how much do you think should be done for racial minorities. The index was coded as a dummy variable on a scale from 0 to 1 and is the sum of the three scores – that is, individuals' responses to the aforementioned questions - divided by 3. Additional variables considered include whether society would be better off if more women stayed home with their children and whether respondents' favour or oppose same-sex marriage.

Logistic regression models are used to establish which factors, and to what extent, they account for differences in support for environmental protection. Exogenous variables include age, educational attainment, gender, retrospective and prospective national economic perceptions, income and social value orientation. The results generated in this study suggest that socio-demographic factors, particularly gender and level of formal education, help to explain variation in the distribution of support for environmental protection. Furthermore, the findings suggest that an individual's social value orientation and economic circumstances do not significantly affect their propensity to support environmental protection.

THE "SCARCITY" AND "SOCIALIZATION" HYPOTHESES

Two hypotheses largely influence this study: the "scarcity" hypothesis and the "socialization" hypothesis. Together, they form the theoretical foundation of this paper. The scarcity hypothesis suggests that an individual's "material needs for physiological sustenance and safety" (Inglehart, 1981: 881) and, as such, sense of security, help to shape the way in which they structure their preferences and goals. That is, "an individual's priorities reflect the socioeconomic environment" within which they must operate (Inglehart, 1990: 68). As a result, an individual's motivation and, thus, behaviour is based on Abraham Maslow's theory of motivation and hierarchy of needs. Maslow suggests that "all organic states are to be understood as motivated and as motivating…an act has *more* than one motivation; [and] the appearance of one need usually rests on the prior satisfaction of another, more pre-potent need" (1970: 22). Accordingly, those unable to secure their pre-potent needs, such as physical security, sustenance and shelter, are understood as more likely to value goals such as creating jobs, rather than protecting the environment. In contrast, those who enjoy a greater sense of economic and physical security tend to be more concerned with issues related to "new politics." This implicitly assumes that once an individual obtains stable access to the keystones for survival and a relatively stable quality of life, they can afford to focus their energy on alternative ends.[3]

In contrast to the scarcity hypothesis, the socialization hypothesis suggests that an individual's goal structure "tends to crystallize by the time an individual reaches adulthood, with relatively little change thereafter" (Inglehart, 1990: 68). As such, early experiences, such as education, physical security and exposure to high-level thinking throughout pre-adult years, are seen as determinants of an individual's goal-structure. As Nevitte points out, "the socialization hypothesis draws attention to the importance of formative experiences in shaping durable value orientations" (1996: 12).

It is important to emphasize that neither the scarcity hypothesis nor the socialization hypothesis alone are capable of giving rise to sufficient

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[3] Here, a relatively stable quality of life refers to individuals that have fixed access to material needs for physiological sustenance and safety.

predictions or explanations regarding an individual's priorities. However, taken together, the scarcity and socialization hypotheses help analysts to make sense of the way individuals structure their goals and, as Inglehart suggests, "generate a coherent set of predictions concerning value change" (1990: 69).

Socio-Demographics, Economics and Social Value Orientation:

Literature pertaining to political attitudes and behaviour suggests that a number of factors can predict particular dispositions in relation to issues such as the environment and climate change (Skrenty, 1993; Inglehart *et al.*, 1996; Nevitte and Kanji, 1995; Kanji and Nevitte, 1997; Blake *et al.*, 1997; Blake, 2001). As noted, this study explores the relationship between socio-demographics, economic factors and social value orientation with regards to support for protecting the environment. Factors considered within this study include the level of education (university attendance and high school completion); gender; age; retrospective and prospective national economic perception; income; and social value orientation, differentiating the formation of socially liberal goal structures versus conservative ones. These independent variables and their expected interaction with the dependent variable are shaped by both the scarcity and socialization hypotheses, and are expected to explain variation in the distribution of support for protecting the environment.

Education:

As noted above, the socialization hypothesis suggests that one's formative experiences influence value orientation or well-founded dispositions. Thus, those exposed to distinct social milieus or environments where individuals are provoked to think critically about contentious issues (such as climate change, environmental degradation and governance of common-pool resources) are more likely to exhibit support for the environment. This should not be interpreted as positing that individuals cannot acquire knowledge and social awareness outside of the university setting; rather that those individuals who are exposed to particular circumstances that stimulate critical thinking (both inside and outside the classroom), are more likely to exhibit support for the environment. On this point, it is important to take into consideration that it is one's level of formal education, rather than their level of knowledge, that tends to shape their values (Inglehart, 1977: 77). Consequently, it is not necessary for an individual to have successfully completed university in order for contextual factors, such as attending university in itself, to influence their dispositions.

This analysis also looks at whether completing high school – that is, attaining a particular level of formal high school education - influences the propensity to support environmental protection. The same line of reasoning utilized above to account for university education is also utilized to help rationalize the use of this particular indicator [i.e. those exposed to distinct social milieus for a prolonged period (measured in terms of level of education)

affects their dispositions]. It must be noted that this analysis does not expect minute differences in individuals' level of formal education to provide significant variation. For example, it is not likely that an additional year of high school will greatly influence an individual's value base. Nevertheless, it is expected that some variation will occur, and that those who do not complete all of high school are less likely to support environmental protection due to a lack of socialization, though not necessarily a lack of knowledge.

Gender:

In regards to the scarcity hypothesis, the literature suggests that individuals who have secured the material needs for physiological sustenance and safety (thus, they have achieved physical security, employment security, material security, and food security), are more likely to be concerned with issues related to social equality and quality of life (Maslow, 1943: 374; Dalton, 1977; Hildenbrant and Dalton, 1978; and Miller and Levitin, 1976). If we are to accept this supposition, it seems reasonable to expect that women are less likely to support environmental protection due to their economic status. There is a lagging employment disparity among men and women. In fact, the employment rate for males 25 years and older in Canada is 9.8 percentage points higher than the employment rate for their female counterparts.[4] Additionally, "in 2003, average annual earnings were $24,800 for women and $39,100 for men" (Statistics Canada).[5]

Keeping these statistics and the scarcity hypothesis in mind, it seems reasonable to expect that women are more interested in job creation than protecting the environment. This particular hypothesis makes sense given the dichotomous nature of the dependent variable used to identify support.[6] Furthermore, the theoretical underpinnings of this analysis - the scarcity and socialization hypotheses – may lead to the expectation that women are less likely to support environmental protection. This is a logical inference given their lack of employment and resources security relative to men. Alternative hypotheses regarding gender and support for environmental protection do exist. For example, one argument suggests that women are more concerned

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[4] The employment rate for men and women over the age of 25 in Canada was 68% and 58.3% respectively, as of February 2011 (Statistics Canada - labour force characteristics by age and sex). Moreover, the participation rate for men and women over the age of 25 in Canada's labour force is 72.9% and 62.2% respectively - a 10.7% point difference. Note that the analysis provided here does not look at whether employment status affects the propensity to support environmental protection. Further research is required in this regard.

[5] This means women earned an average of 82 cents for every dollar earned by men—$16.27 versus $19.78 per hour – in 2003 (Statistics Canada – "More Women in the Work Force"). Note that employment data from 2004 are utilized, given the use of the 2004 Canadian Election Survey in this study.

[6] Indeed, the dependent variable used to infer an individual's propensity to support environmental protection is binary; respondents are asked to identify which policy initiative is more important: protecting the environment or creating jobs.

with family issues than they are with economic issues and, as such, are more likely to favour protection of the environment. However, this line of reasoning is set aside in this analysis with the understanding that women are often underemployed and earn less than men. As such, they are less likely to have access to material needs for physiological sustenance and safety (e.g. material and food security), and therefore, are less concerned with environmental protection and more concerned with job creation.

Age:

With respect to age, this analysis considers both the socialization and scarcity hypothesis. On the one hand, younger cohorts, consisting of those 34 years of age and younger, are seen as generally having less access to capital, and therefore, are less concerned with environmental protection and more concerned with ascertaining financial security. In contrast, older cohorts, consisting of those 55 years of age and older, have a tendency "to place less emphasis on money" than younger generations, as they are more likely to have secured the material needs for physiological sustenance and safety (Inglehart, 1981: 883). On the other hand, younger cohorts are perhaps inherently idealistic and "less likely to emphasize the importance of money than are the old" (ibid: 883). With this in mind, this analysis does not expect that age will provide robust insight as to which Canadians are likely to support environmental protection. Rather, it is expected that findings pertaining to age will be, for the most part, ambiguous. Although this outlook may seem pessimistic, it is a commonly supported argument. Nevitte and Kanji make this same assertion when stating that, "age differences never turn out to be significant" in regards to explaining environmental concern (1995: 96).

Income:

Turning to economic factors, the scarcity hypothesis suggests that an individual's level of income affects support for environmental protection. Given the ontological assumptions of the scarcity hypothesis, which suggest that "unmet physiological needs take priority over social, intellectual or aesthetic needs" (Inglehart, 1981: 881), this analysis expects that those who are more economically secure - that is, those who earn more than $80,000 - will be more likely to support environmental protection. In contrast, it is expected that those who are less economically secure - that is, those who earn less than $30,000 - will be less likely to support environmental protection.

Retrospective and Prospective National Economic Perception:

An individual's retrospective and prospective national economic perception seems a reasonable indicator of one's support for the environment. Keeping in mind the scarcity hypothesis put forward by Maslow (1943) and

applied by Inglehart (1977, 1984, 1990, 1994, 1996, and 1997), those who feel less secure about their economic well-being are more inclined to be concerned with issues related to the acquisition of pre-potent needs. As such, it seems reasonable to expect those who's retrospective and prospective national economic evaluations are positive, will be more likely to support environmental protection. This implies that individuals who feel Canada's economy has improved and will continue to improve in the coming year are more likely to be in a position to address issues related to "new politics."

The Social Value Index:

As noted above, this study uses a social value index composed of three questions to determine if the variation in support for the protection of the environment is explained by socio-demographic factors (such as education and gender), economic factors, or value orientation. These questions include:

- How much do you think should be done to reduce the gap between the rich and the poor: much more, somewhat more, about the same as now, somewhat less, or much less?

- How much do you think should be done for women: much more, somewhat more, about the same as now, somewhat less, or much less?

- How much do you think should be done for racial minorities: much more, somewhat more, about the same as now, somewhat less, or much less?

Put simply, the social value index is composed of questions pertaining to social goals. Social liberal goals are assumed to be those that are concerned with the need for self-expression, freedom, and quality of life (Nevitte, 2002: 7). Nevitte points out that those who are not preoccupied with material security "give priorities to aesthetic and intellectual needs and to the need for belonging" (Nevitte, 1996: 12). As such, questions regarding income disparity, status of women and racial minorities are reasonable indicators of social value orientation. This analysis expects the propensity to support environmental protection will be more likely among those who are socially liberal.

DATA AND METHODOLOGY

To test which factors help to explain meaningful variation in support for environmental protection, data from the Canadian Election Survey (CES)

conducted in 2004 is used.[7]   The 2004 CES is useful given the relevance of environmental issues during this federal election. Furthermore, this source is analytically significant since it has a larger random sample than the 2006 survey, considering that approximately 2000 respondents from 2004 were contacted again in 2006. Moreover, data collected during the 2004 study is used due to the limited availability of similar questions and sample sizes in the 2008 CES. Note that the variables utilized in this study to help explain variation in the distribution of support for the environment, and discussed above, are drawn from questions asked in the campaign period survey and the mail-back survey.

A multi-stage explanatory model is used to establish the extent to which the various exogenous factors selected – that is, socio-demographics, economics and social value orientation – help to explain support for protecting the environment. The multi-stage approach is appropriate since significant projection effects between the range of independent variables and support of environmental protection are expected (Miller and Shanks, 1996: 209). This model is a design that enables the analysis to draw inferences regarding which set of factors provides the most robust explanation of support for environmental protection.[8]   Moreover, this analysis utilizes logistic regression in order to establish whether the selected variables explain the variation in the distribution of support for the environment. Logistic regression is the most appropriate data analysis technique because the outcome variable and the expected explanatory variables are coded as a dummy variable, or, on a scale from 0 to 1 (Garner, 2008: 157).[9]

Variables pertaining to socio-demographics are introduced into the model first to establish the relationships between the selected variables and propensity to support environment protection (Model 1). Following this, economic factors are considered (including retrospective and prospective national economic perceptions and income), thereby establishing whether socio-demographics or economic factors influence an individual's decision to support the environment (Model 2). Subsequently, values and beliefs are taken into consideration, accounting for social value orientation to establish the degree to which dispositions affect an individual's propensity to support

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[7] Note that the 2004 CES uses a rolling cross-section (RCS) design, which "facilitates exploration of campaign dynamics" (Johnston and Brady, 2002: 283). That is, RCS is a design that enables analysts to capture campaign effects by taking a "one-shot cross-section and distribute interviewing in a controlled way over time" and tracing aggregate change on a day-to-day basis (Johnston and Brady: 283). For a further discussion of RCS, see Johnston and Brady (2002) and Garner (2008).

[8] A multi-stage approach refers to the order in which the independent variables that are expected to explain variation in support are introduced into the model.

[9] Logistic regression helps analysts to identify the propensity or probability that an individual will exhibit support for the environment. This method is appropriate given the objective of the research design – that is, to establish who cares about the environment. By coding the independent variables as dummy variables, the analysis is able to identify particular characteristics exhibited by respondents and assess their interaction with the dependent variable.

environment protection (Model 3). As noted, the social liberal index relating to social liberal goals was used to determine whether an individual's social value orientation influences their odds of supporting the environment. Note that Model 3 is of particular concern as it enables us to address both research questions; that is, which set of factors selected provide the most robust explanation, and who cares about the environment in Canada.

RESULTS AND ANALYSIS

The models adopted revealed five important findings. To begin with, of the indicators selected, the socio-demographics variable was the most meaningful predictor of support. Second, this study indicates that women are consistently less likely to support environmental protection than men. This is clear in all three models (displayed in Table 1), where being a woman negatively affects the chances of supporting environmental protection. Third, as expected, attending university increases the propensity of supporting environmental protection. Fourth, a positive prospective evaluation of Canada's economy negatively relates to support of environmental protection. This indicates that those who positively evaluated the nation's forthcoming

TABLE 1. Logistic Regression Estimates of Support for the Environment

	Model 1	*Model 2*	*Model 3*
Socio-demographics			
No High School Diploma	-.278 (.184)	-.272 (.190)	-.266 (.190)
Attended University	.253 (.125)*	.263 (.129)*	.250 (.130)*
Women	-.435 (.117)***	-.449 (.120)***	-.468 (.121)***
Under 35	-.096 (.169)	-.111 (.170)	-.092 (.171)
Over 54	-.138 (.129)	-.126 (.132)	-.113 (.132)
Economic			
Retrospective National Perception		.141 (.139)	.154 (.140)
Prospective National Perception		-.286 (.139)*	-.289 (.139)*
Low Income		-.072 (.155)	-.081 (.155)
High Income		-.123 (.146)	-.106 (.147)
Social Liberalism			
Social Liberal Index			.251 (.165)
Constant	-.046 (.120)	.037 (.138)	-.123 (.174)
Pseudo R^2	.0148	.018	.019
Log Likelihood	-838.552	-835.820	-834.668
N	1245	1245	1245

(*Note.* Cells contain un-standardized logistic coefficients with standard errors reported in parenthesis; *** $p \le .001$, ** $p \le .01$, * $p \le .05$, [a] $p \le .10$
"Marital status" is omitted and "attended university" borders statistical significance at p< .05, as p= .054 in Model 3. *Source:* 2004 Canadian Election Survey)

TABLE 2. Likelihood of Supporting Environmental Protection (*N*=1,245)

Attitudes	Chances of Supporting Environmental Protection (%)		
	Men	Women	Difference
Simply Gender	48.6	38.1	10.5***
Did Not Complete High School	40.3	30.4	9.9***
Attended University	53.4	42.6	10.8***
Social Liberal	51.2	39.8	11.4***

(*Note.* Cells contain the probability R supports environmental protection. Note that the probability of supporting environmental protection, without consideration for socio-demographics, economics or social value orientation, is 43%; *** p ≤ .001, ** p ≤ .01, * p ≤ .05, [a] p ≤ .10 *Source:* 2004 Canadian Election Survey)

economic performances are indeed less likely to support protection of the environment. This was an unexpected finding. Finally, the results of this study did not display the expected relationship between support for environmental protection, age, and income, as said factors did not significantly affect an individual's propensity to support the environment. As noted above, it was expected that older cohorts and high-income earners would positively interact with support for the environment, and that younger cohorts and low-income earners would negatively interact. The results of this study were contrary to this expectation. As noted above, it was expected that older cohorts and high-income earners would positively interact with support for the environment, and that younger cohorts and low-income earners would negatively interact. The results of this study were contrary to this expectation.

As noted, Table 1 shows socio-demographic patterns relating to education and gender, and their impact on an individuals' inclination to support environmental protection. Attending university has the expected positive impact on environmental support. In fact, attending university increases the odds of supporting environmental protection by 6.1-percentage points with all other factors held constant. In addition, gender is a significant predictor of support, though the opposite relationship is evident between environmental support and women, and environmental support and university attendance. Holding all other variables constant, women are 10.5-percentage points less likely than men to support environmental protection. It is important to note that gender is perhaps the most meaningful predictor of support for environmental protection. As illustrated in Table 2 above, men are significantly more likely to support environmental protection over job creation than women, accounting for both level for formal education and social value orientation. The findings of this study also indicate that positive prospective evaluations of the nation's economy have a small, but significant, negative impact on support. This finding is something of a paradox, as it challenges this analysis' theoretical underpinnings. It suggests that those who believe Canada's economy will improve over the next 12 months are in fact 7-percentage points less likely to support environmental protection than those who do not, with all other indicators held constant.

FIGURE 1. The Likelihood of Supporting Environmental Protection
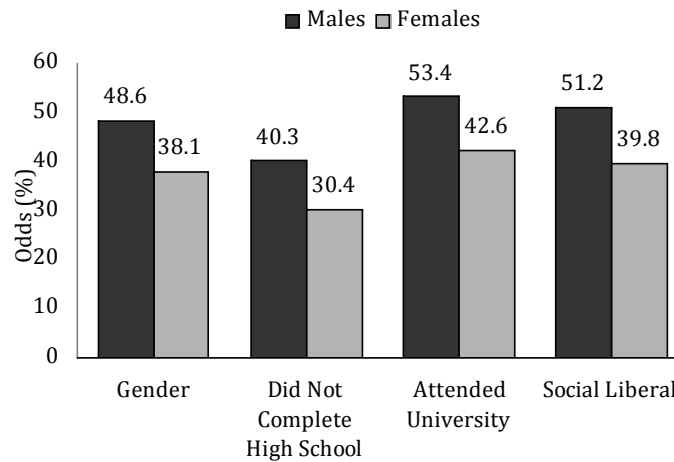
In regards to discrete changes (or elasticities after estimation), and noted above, the results indicate that attending university and being a male both positively and statistically significantly predict support for the environment.[10] In fact, men who attend university are 53.4% likely to support environmental protection. Figure 1 visually depicts levels of support, illustrating that men are consistently more likely to support environmental protection than women, accounting for 53.4% likely to support environmental protection. Figure 1 visually depicts levels of support, illustrating that men are consistently more likely to support environmental protection than women, accounting for both level of formal education and social value orientation.

In sum, socio-demographic factors were not the only consistent statistically significant predictors of support.[11] Individuals' prospective evaluation of the Canadian economy also explains variation in support for environmental protection. However, the findings of this analysis with regard to economic perception are rather perplexing. Unlike socio-demographic and economic factors, the social value index used does not predict support for the

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[10] Note that discrete changes refer to statistically significant changes in an individual's propensity to support environmental protection, given the presence of a particular factor. For example, women are 10.5-percentage points less likely than men to support environmental protection, and attending university increases the odds of supporting environmental protection by 6.1-percentage points.

[11] In this sense, consistent refers to independent variables that maintained a statistically significant relationship between the dependent variable despite other factors introduced into the multi-stage regression model.

environment or help to explain variation in the distribution of support. Nonetheless, these findings largely support this study's hypothesis and suggest that the chances of supporting environmental protection are greater among males and those who attended university. As noted here, and shown in Table 1, being a male and attending university consistently and significantly predicts positive support for environmental protection. This particular finding is the expected outcome based on the theoretical foundations of this work.

CONCLUSION

The results of the logistic regression analysis suggest that in comparison to economic and social value orientation indicators, socio-demographic factors are the most robust predictors of support for the environment. For the most part, these results support the "scarcity" and "socialization" hypotheses, which comprise the theory component of this study. Although the degree to which the models used here account for variation is humble (approximately 2%), socio-demographic factors, economic indicators, and social value orientation, nevertheless help to explain variation in the distribution of support for environmental protection. Despite the limitations of the model approach, the methodology employed here does help to shed some light on the factors at play and adds to our understanding of support for environmental protection in Canada.

The social value index, composed of indicators relating to issues of "new politics" such as the need for self-expression, freedom and quality of life, does not explain variation in the distribution of support of environmental protection. Furthermore, neither does income or age. However, education, gender and prospective national economic perceptions are able to shed some light on this issue. With regard to gender, the findings of this study, which indicate that males are consistently more likely to support environmental protection, are certainly contentious. By no means do these results suggest that women do not value efforts to protect the environment, but rather that they are more likely to support job creation as opposed to environmental protection. This claim makes more sense keeping in mind that the dependent variable utilized in this study is binary and, as such, enables links regarding both protection of the environment and job creation.

Furthermore, as was expected, attending university has a positive impact on the odds of an individual supporting environmental protection. This finding is not groundbreaking; however, it does challenge Nevitte and Kanji's observation that socio-demographic indicators do not significantly and consistently predict environmental concern (1995: 96). Future research should attempt to examine whether proximity to environment degradation or particular elements affects the chances that an individual is supportive of protecting the environment. This particular line of reasoning reflects Blake and Blake *et al.*'s work (1997; 2001) regarding Canadian public opinion and "the sources of environmental attitudes and the likelihood of such concern translating into action" (ibid: 451) in British Columbia. Moreover, future research should evaluate the relationship between subjective evaluations of

economic conditions (as was done in this study), and incorporate personal, socio-tropic retrospective and prospective economic evaluations, to account for both individual factors and contextual factors. Given the findings of this study, particularly levels of support for environmental protection among females based on the data and indicators used, future research should employ measures that do not frame environmental attitudes in terms of job creation or economic growth versus environmental conservation or protection.

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HUMAN RIGHTS AND CULTURAL DIVERSITY- IRRECONCILABLE DIFFERENCES?

INTERNATIONAL TREATIES AND DISSAGREMENTS IN THE UN GENERAL ASSEMBLY

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ABSTRACT

The objective of this study is to analyze whether the acceptance of international human rights norms is culture-dependent. Focusing primarily on regions of Africa, and using female genital mutilation (FGM) as a case study, the first part of the analysis provides a normative critique of cultural relativism as an argument against human rights. In the second part of the study, contingency tables are compiled for the signing and ratification of four seminal international human rights treaties, arranged by the culture of countries. The four treaties are the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention on the Rights of the Child (CRC). The results of this analysis only indicate a possible relationship between culture and signing/ratification of the ICCPR, though this indication is very weak. Plotting a disagreement factor in United Nations General Assembly (UNGA) voting on human rights issues, which took place between 1946 and 2008, shows that the United Nations' (UN) significant membership extension during the second half of the twentieth century has not led to a growth in disagreement over human rights issues. The study concludes that the most fundamental human rights norms are not culture-dependent, and that the possible relationship between culture and the acceptance of the ICCPR might be accounted for by political reasons.

INTRODUCTION

The universality of human rights is a topic that has been subject to extensive debates in the practice of international relations, as well as in political and legal theory. The supposed cultural relativity of human rights has been used to justify acts and legislation which many would consider to constitute violations of universal human rights norms, and of the fundamental ideals underlying these norms: the autonomy, freedom and dignity of human beings. Arguments asserting relativity on cultural grounds, although mainly employed with regard to civil and political rights, also appear in a number of other fields, including those of bioethical relevance.

The beginning of the twenty-first century was marked by the intensification of global population flows, as well as the appearance of new actors with multiple cultural norms on the international political scene. This has brought issues related to cultural diversity to the fore on many new levels. New actors are questioning the economic, political and legal fundamentals of the established international system, including the global human rights regime. These criticisms are regularly articulated in various international fora and necessitate critical analyses of the current human rights system. The system has gradually and consciously been built up through multilateral negotiations and treaties of more than six decades, and continues to grow via the drafting of ever more specific human rights treaties.

This study aims to provide part of the critique which deals with claims of culture-dependence. The first part of this article provides a normative account of the claim that current human rights norms are inventions of the West, and are consequently culturally biased. In this study, this is referred to as the "cultural argument." Secondly, the acceptance of four seminal international human rights treaties is analyzed here, with the aim of discovering whether there are truly persistent, irreconcilable differences in how different cultures see human rights, or whether assertions of the non-universal nature of these rights on the basis of cultural relativity are mere political messages. This analysis is meaningful because the cultural argument suggests that there is a relationship between culture and the acceptance of international human rights norms. It is argued here however, that the most fundamental norms underlying human rights have cross-cultural validity. Accordingly, assertions of their inapplicability on cultural grounds are not substantiated.

Thirdly, 62 years of voting in the United Nations General Assembly (UNGA) are analyzed here to see if major changes in the composition of the Assembly (caused by decolonization and the end of the Cold War) have affected the degree to which human rights have been debated. It follows from the cultural argument that changes such as decolonization and the breakdown of the USSR, which created a great number of new United Nations (UN) member states, should have led to the inclusion of a greater number of worldviews in the Assembly, and a corresponding growth in disagreement on the universality of human rights. The hypothesis explored here holds that this has not been the case, and that the multiculturalization of the UN has not affected the global acceptance of human rights in a negative way.

One human rights issue that has attracted significant public attention in recent years is the practice of *female genital mutilation* (FGM) or *female genital cutting*; a traditional practice in parts of North Africa (Welsh, 1995: 3).[1] With increasing migration from these regions, as well as the globalization of human rights issues and communication, this practice has become a problem of global concern. Opinions of the practice are diverse, ranging from fanatical acceptance, to indiscriminate defiance (Kratz, 2004). Those who accept the practice rely on cultural arguments first and foremost; that is, that the practice is a rite of passage for young women in many African communities, and as such, it is an inherent part of their culture, which cannot be avoided without being ostracized by the community (World Health Organization, 2010).

Within the context described above, the scope of this study extends to the analysis of universal human rights documents that contain principles contradicting traditional or cultural practices, such as FGM. Rather than going into the specifics of any local custom or tradition, the article examines the limits of the cultural argument in a broader sense. By weighing the most important philosophical arguments through a reciprocity-based approach, and analyzing the global practice of multilateral voting on human rights, the study at hand demonstrates that the cultural argument is neither normatively justified nor reflected in the way states subscribe to provisions of international law. Whether used to justify FGM or other "cultural" practices, the cultural argument can be used as a tool by the political leadership to preserve its dominance, or to pursue its short-term interests without concern for human rights.

HUMAN RIGHTS: WESTERN IDEALS?

The debate on the universality of human rights significantly expanded in the 1940s, parallel to the creation of the UN. From a realist paradigm, it can be argued that the idea inherent in creating a global regime for the propagation of human rights was that gross violations of human dignity had shown to be a strong predictor of aggression.[2] However, the liberal or idealist merit of the Charter of the UN is also remarkable, since, as Goodrich, Hambro and Simmons point out, its reference to human rights and dignity have served as a point of departure for further action to combat human rights violations (1969: 21). Or,

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[1] Although the phenomenon is referred to under several different names (often denoting slightly different practices), female genital mutilation and female genital cutting are the ones that are most commonly used in the scholarly literature. Since this study does not deal with language aspects, but rather with designing inquiry into the proposed cultural relativity of human rights, it refers to the same phenomenon and uses the same terminology as the World Health Organization (WHO) [i.e. female genital mutilation (FGM)]. According to the WHO, FGM "comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons" (World Health Organization, February 2010).

[2] Here I refer especially to the gross violations of civil and political rights of the populations of inter-war Germany and its allies.

as Goldstone and Kelly eloquently indicate, "domestic implementation of human rights is the ultimate goal of international law" (2006: 260).

The idea of fundamental human rights – rights to which every individual is entitled simply based on the merit of being human – precedes the UN Charter. The idea, in one form or another, is commonly attributed to a number of philosophers of the Western tradition, including both continental and Anglo-Saxon scholars, such as Grotius, Rousseau, Kant, Hobbes, Locke, Burke, Paine, Bentham and Rawls, among others (Halmai and Tóth, 2003: 36-54). The work of these scholars extended over several centuries, but all were from Europe or the United States. This fact is the basis of much criticism that asserts the limits of human rights on cultural grounds. Hence, the main argument used to criticize the conceptualization of human rights is that these are fundamentally Western values, nourished in the schools of Western philosophers, which have been projected to the non-Western world through colonization, and later through the post-1945 and the post-Cold War international political systems. Furthermore, it is argued that certain acts perceived as human rights violations by the West, are actually acceptable and can be reconciled with the local cultural context in other parts of the world. Implicitly or explicitly, this line of reasoning also contains the criticism that proponents of universal human rights norms are prone to "ethnocentrism," as opposed to "cultural relativism" (Schmale, 1993: 16). In this study, ethnocentrism is understood as placing one's own culture above other cultures, while cultural relativism is understood as considering various cultures as different, but at the same time, as equal.

Apart from the contestation of human rights based on the cultural argument, human rights are often said to be ineffective in many developing countries. In these environments, some leaders have asserted that not putting at least a provisional limit on rights is immensely counterproductive to development, which is, in the end, actually detrimental to the people. These arguments primarily refer to political rights, and are common in parts of Africa where the linguistically and ethnically diverse populations are said to be prone to "dissension," should political rights be guaranteed through a pluralist system (Pollis and Schwab, 1979: 10). These arguments were most often used, as Pollis and Schwab point out, "at a time when those states had to concentrate on national unity and on social and economic change" (1979: 10); namely the 1960s. However, an analysis of many of these African countries today shows that the above mentioned policies have, in fact, not led to prosperity throughout the past 50 years. Practices of imposing limitations on human rights continue to exist,[3] although this is often much less explicitly expressed by leaders of developing nations today.

The "ineffectiveness argument" is also closely linked to the cultural. As Pollis and Schwab point out, the pragmatic limitations of the 1960s slowly gained at least a partial cultural justification over the years, as "African leaders

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[3] At times, these limitations on human rights are reflected by large-scale social contention, such as the Arab Spring, the wave of revolutions that started in December 2010 in Tunisia, and subsequently spread through North Africa.

generally perceived [...] economic statism [...] as a specifically African solution to their monumental problems" (1979: 12). Considering the above statement, it is questionable whether the ineffectiveness argument is at all justified, or whether such limitations on human rights have the opposite effect on economic development, and are based on largely different motives (i.e. the political and economic gains of those imposing them).

The argument advanced in this article is not that human rights are universal in their acceptance, as they are clearly not. Rather, it is posited that arguments employed against human rights on cultural grounds are not defensible. The fact that people of different social and cultural background enjoy a vastly different set of rights does not strengthen the view that human rights are specific and limited to the West. As some scholars argue (see Falk, 2000), better coordination and cultural dialogue is necessary to facilitate global acceptance and compliance. Abdullahi Ahmed An-Na'im claims that "those in power must be induced to accept internal and external accountability in the interest of implementing and enforcing human rights standards" (1990: 332). Accountability is the spirit in which a better global consensus might be sought; in contrast to cultural relativism, which often plays on the "post-colonial guilt" of some Western countries. This is especially significant since a number of Western states had little or no influence on colonization, bipolarism, or – if the post-Cold War world is understood as a unipolar one – the hegemonic management strategies of the hegemon. These countries especially, but arguably the international community as a whole, have no responsibility to lower their expectations of sovereign nations, including those of the developing world in regards to accountability and the observance of human rights. Furthering the argument presented by Wolfgang Schmale, it can be said that it should be the common goal of all cultures to "protect the human being," (1993: 17) and that cultures aiming at the opposite can hardly be regarded as desirable.

Human rights are further criticized under the cultural argument based on the differing conceptualizations of the individual in Western and non-Western societies (see, for example, Pollis and Schwab, 1979: 1, 8). In these accounts, the Western individual is seen as atomized and, conversely, African and Asian societies as fundamentally communitarian.[4] Whether one sides with the above thesis or not, as Ruth Benedict points out,

> Society... is never an entity separable from the individuals who compose it. No individual can arrive even at the threshold of his potentialities without a culture in which he participates. Conversely, no civilization has in it any element which in the last analysis is not the contribution of an individual. Where else could any trait come from except from the behaviour of a man or a woman or a child? (cited in An-Na'im, 1990: 336)

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[4] It is important to note that such arguments tend to be weakened by recent trends of globalization and cultural interchange.

In other words, arguing that society or the community is more important in the non-Western world than in the West does not provide grounds for overly restricting the autonomy of individuals, as it is ultimately individuals that comprise the community. Cultural communitarianism is undoubtedly a factor influencing the specific content of social policies (social security, the extent of redistribution, and so forth), but it does not provide justification for dismissing the general idea underlying human rights, nor for oppressing the individual.

A neo-Marxist interpretation of the cultural argument holds that ambitions to enforce human rights globally are but an element of the cultural hegemony of the West. The idea underlying this argument is that cultures are basically perfect as they are, and all change that might be brought to them will cause them to decline in quality. Conversely, the argument holds that human rights have no relevance in certain cultures because they are alien to them (Kardos, 2003: 73). The argument of the unchanging nature of cultures is easily dismissed, since it is a truism that no culture has ever come in contact with another and remained unchanged by it. Even if one sides with those conservatives who, despite the above truism, still argue that change is inherently evil, it is almost impossible to maintain that norms contained in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), are evil and detrimental to some cultures. As Chris Brown puts it, "[i]f diversity entails that states have the right to mistreat their populations, then it is difficult to see why such diversity is to be valued." (cited in Scheipers, 2007: 224)

Any changes, even positive ones, may be perceived as negative by those possessing stakes in the ancien régime (An Na'im, 1990: 337). This reality supports the power argument – the idea that it is political motivation that propels leaders to fight against human rights – and discredits the cultural. As Jack Donnelly writes, a human rights norm can only be contested if it is proven that the norm is fundamentally irreconcilable with a certain cultural element; an element, which is "morally defensible," and such cases are rarely to be found today (1984: 410). The moral value and merit of the ICCPR and the ICESCR, the most comprehensive documents of what is called first and second-generation rights, is indeed very difficult to call into question. These treaties include civil and political (in the ICCPR); and economic, social and cultural rights (in the ICESCR). The ICCPR includes provisions on the right to life (Article 6) and physical integrity (Article 7), protection against slavery (Article 8), the right to liberty and security of the person (Article 9), as well as procedural fairness (Artices 14-17) and a number of individual liberties and political rights (Articles 18-27). Every state that is party to the ICESCR agrees "to take steps [...] to the maximum of its available resources, with a view to achieving progressively the full realization of" (Article 2.1) a number of fundamental rights including the right to work (Article 6), the right to social security (Article 9), the right to food (Article 11) the right to health (Article 12) and the right to education (Article 13). It would be difficult to find an individual of any cultural background who claims that he or she would be or, indeed, *is* better off without the rights and liberties the two documents prescribe, or that these rights and liberties are alien to his or her culture.

The principle of reciprocity, a term often used in connection with political obligation, provides a solid moral argument against human rights violations that have largely been, and in part continue to be, considered acceptable by some leaders. What is meant here by reciprocity or "fair-play" is the fundamental claim that individuals who benefit from the cooperation of others, are obligated to take part in that cooperation, and to refrain from becoming free-riders (Simmons, 1981). According to the rules of fair-play, free-riding is morally objectionable. The idea of reciprocity can easily be applied to human rights, which are ultimately horizontal claims of individuals directed towards each other, as well as vertical claims, towards the state. To quote An-Na'im, the moral basis for safeguarding human rights is that "one should not tolerate for another person any treatment that one would not accept for oneself" (1990: 345). These human rights violations include slavery, torture, and discrimination based on gender, sexuality, ethnicity, race, religion and so forth. Justification claims made on cultural grounds, and in particular, on religious grounds (such as Islamic Law or tribal traditions), violate both the accuracy and the generality requirement of the theories of political obligation, as they assert a priori theses, which, according to their proponents, ought to be perceived by humankind generally, but, in fact, are not. This is one of the greatest fallacies of the cultural argument.

Reciprocity can also be linked to the idea of tolerance. From the more radical version of cultural relativism, it logically follows that tolerance has no bounds. That is, that every deviation from a supposedly binding norm is in order, and has to be tolerated if it is (said to be) "cultural." As it is diffucult to conceive of a person whose tolerance is unlimited and indiscriminate, it can be stated that toleration generally has its limits. Projecting this notion to the interstate level, we can find three criteria for tolerance in John Rawls's description of "well-ordered regimes" in *The Law of Peoples:*

> ...that it respect the principles of peace and not be expansionist, that its system of law meet the essentials of legitimacy in the eyes of its own people, and that it honour basic human rights. (1993: 66)

Today, almost all governments claim to abide by the above three principles. However, while violation of the first criterion (non-aggression) is generally deemed intolerable and is strongly condemned by the international community, breaches of the second (legitimacy) and third criteria (respect for human rights) are much more common.

CULTURE AND HUMAN RIGHTS TREATIES

Claims asserting the illegitimacy of human rights documents are often expressed in connection with the representation of some developing countries in multilateral fora. According to this line of argument, no matter what kind of international treaty the permanent representative or national executive of a country accepts, the rules contained in the treaty in question might be completely irrelevant in the domestic cultural context. As Peter Berger states:

> [t]hese laws were [...] adopted [...] by a small clique of lawyers,
> bureaucrats and intellectuals who are highly westernized and most of
> whom have absolutely nothing to do with the cultures in which most
> of their fellow nationals live. (cited in An-Na'im, 1990: 349-50)

Similarly, An-Na'im makes mention of two examples of American-educated
Chinese and Lebanese officials who assumed a pro-Western stance in human
rights debates (1990: 350), however two examples are hardly representative of
foreign service worldwide. Furthermore, the frequent suggestion that diplomats
globally have become disloyal to their home countries and cultures does not
follow from the fact that indeed many of them have Western educational
backgrounds.[5] The decision to ratify treaties, to attach reservations to them,
and to represent certain points of view in multilateral negotiations is primarily
made by national executives and not by "a small clique" of government officials,
as cited above. Putting the onus on government officials and claiming that
proper cultural representation is not afforded in the international community is
a slippery slope that can lead to citizens requesting exemption from any rules or
laws they find contrary to their own personal (rather than national, regional,
etc.) culture.

Despite the argument that international treaties adopted are often
irrelevant to the cultural dynamics of domestic politics in developing nations,
the principle of fair-play or reciprocity once again becomes relevant. *Pacta sunt
servanda* (agreements must be kept), not only by liberal societies, but also, in
Rawlsian terms, by "well-ordered hierarchical" societies (Rawls, 1993). In fact,
as Goodrich, Hambro and Simons point out, the UN Charter "combin[es] justice
with respect for international obligations" (1969: 21). Rawls also states that it
is not the "law of peoples" that is based on international law, but the other way
around;

> The law of peoples [...] is a family of political concepts along with
> principles of right, justice, and the common good that specify the
> content of a liberal conception of justice worked up to extend to and
> apply to international law. (1993: 43)

In fact, international law reflects principles which are, in general, universally
agreed upon.

Looking at the acceptance rates of the treaties discussed in the second
part of this analysis, it can be argued that these can be considered universal or
general treaties (i.e. accepted by the vast majority of states), which in turn,
signal a universal understanding of justice, morality and other similar elements.
Universal authority is based on universal acceptance, which is possible through
satisfying the condition of *generality* (as in theories of political obligation).

These are the premises that make UN treaty and voting data
appropriate for the statistical analysis undertaken here. If leaders claiming to
represent their people and their culture accept certain norms as universal, and
as stemming from the right to dignity and autonomy of the human being, then

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[5] In fact, if doubt arises as to their loyalty, representatives are often recalled.

they cannot later claim that these norms are unacceptable on cultural grounds. International obligations, which, in the realm of human rights often fall short of being enforceable or even of being considered as binding, are not only horizontal obligations among states, but also vertical obligations of states towards their people.

METHODOLOGY

In order to make statistical analysis possible, a concept of culture is used that is similar to Roy Preiswerk's idea of "regional culture," in which "national cultures" are said to share a number of attributes with one another (cited in An-Na'im, 1990: 335). The operationalization of the culture variable is based on Samuel P. Huntington's (1996) seminal book, *The Clash of Civilizations and the Remaking of World Order*.

Based on Huntington's work, the culture variable has the following categories: Western, Orthodox, Islamic, African, Latin American, Sinic, Hindu, Buddhist, Japanese, and Anglophone Caribbean. Twenty countries do not fit into any of these categories. These are mainly small or mini states, but also include Ethiopia, Kenya and Israel. Hence, the dataset contains 172 countries. As I argue in previous work, the well-established Westminster-style parliamentarian system of the countries of the Anglophone Caribbean forms a strong basis for considering them distinct from the Latin countries of the region (Molnár, 2010: 35). The fact that twenty UN member states have to be left out of the analysis does, in fact, indicate that the theory and operationalization are imperfect. It is important to note however, that this study uses descriptive statistics to analyze countries, and does not use the recorded data to make inference about any "superpopulation." Therefore, the above imperfections do not undermine the study and its methodology.

It is worth noting that extensive debate has surrounded Huntington's work since its publication, especially with regard to its explanation and prediction of conflict as a "clash of civilizations." Some works have refined the relevance of some of Huntington's original concepts, such as religion, to his original argumentation (for a remarkable effort, see Katzenstein and Byrnes, 2006). Despite its contested nature, however, it is appropriate to use a Huntingtonian operationalization of the culture variable for a variety of reasons. First, Huntington's analysis is arguably one of the first and most comprehensive classifications of culture within International Relations literature. Second, simplistic as it may be from an anthropological perspective, it describes all the major cultures that have a voice in the UN, and tend to significantly influence international law-making and the observance of international norms. Third, stripped of its conflict-explanatory goal for which it was originally devised, the operationalization of the culture variable allows for considerably less criticism than the original theory in its entirety.

Admittedly, Huntington's classification does not acknowledge the multicultural nature of most societies. However, this simplification, which virtually means classifying a state's culture according to its primary (majority) and/or dominant culture, is in line with the simplifications politicians (and

diplomats) adopt when speaking in multilateral fora or subscribing to international obligations. This is also in line with the description of culture provided by Geert Hofstede and Gert-Jan Hofstede: culture is a relatively stable characteristic of a society, whose in-depth change is a slow and difficult process with questionable outcomes (2004); a process not very likely to be abruptly reflected in the day-to-day business of international politics. This does not contradict the argument presented earlier in the study, namely that societies influence each other through cultural exchange. All it means is that even when doing so, societies maintain their distinct cultural characteristics, and humanity does not mold into one global culture.

Data was aquired on the signing and ratification of the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). These treaties, along with their optional protocols and the Universal Declaration of Human Rights, are regarded as the most fundamental modern human rights documents, often referred to as the International Bill of Human Rights. They are regarded as such because they contain the most fundamental human rights norms in a broad understanding, and have served as a basis for elaborating subsequent human rights treaties.

Similar data was acquired on two arguably prominent narrow-scope documents pertaining to subjects who constitute the two largest groups of traditionally vulnerable individuals: women and children. The documents analyzed here are the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and the Convention on the Rights of the Child (CRC, 1989). A common dataset was compiled for the treaties, which contains the following two variables: culture (as discussed above) and acceptance (ratified, signed only, not signed).

Although strong theoretical arguments exist on why *soft law* (non-binding law, such as declarations and statements) is of high legal and especially political importance, the goal of the study is to produce comparable results, thus it analyzes documents of *hard law* (binding law, in this particular case – treaties[6]) exclusively. For this reason, and because the trebling of UN membership in the past six decades would further inhibit comparability, this study does not include the Universal Declaration of Human Rights; arguably the cornerstone of all human rights documents of the second half of the twentieth century and ever since. For similar reasons, it was not considered appropriate to use data on voting in the UN (for example, in the General Assembly, the Commission on Human Rights, or its successor, the Human Rights Council) for this analysis. Instead, UNGA voting data extracted from the dataset compiled by Erik Voeten and Adis Merdzanovic (2009) was employed to observe changes in the salience of human rights issues throughout the past six decades.

The Universal Declaration of Human Rights is a unique document and requires a closer analysis. Adopted by the UNGA in 1948, it is not a binding international treaty, but a declaration. Since its adoption, however, it has served as the basis of most international treaties pertaining to human rights. Because

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[6] Apart from treaties, hard law also includes UN Security Council resolutions and customary international law.

of this, and because the Universal Declaration was devised and voted on by a UN membership of only 56 countries, the document itself can hardly be considered representative of the United Nations as it is known today. Therefore, although it is historically invaluable, its statistical analysis would not produce results that could be compared to those provided in the following section of this study.

To discover whether the signing and ratification of international human rights treaties has been consistent with the cultural argument, multiple contingency tables were compiled. For all statistical analyses, version 2.13.0 of R – a language and environment for statistical computing with Deducer – was used; first, to test the hypothesis that there is no consistent relationship between the culture of countries, and their acceptance of international human rights norms. Secondly, UNGA voting data was used to test the second hypothesis: the expected absence of changes in disagreements as a result of the increasing multiculturalism of UN decision-making. A *disagreement factor* is developed for each human rights resolution adopted in the UNGA by dividing the number of votes against the resolutions by the number of those in favour. This approach avoids the problem of dividing by zero, as there are a number of resolutions that passed without a single "no" vote.

DISSCUSSION OF RESULTS

Tables 1-4 are the contingency tables for the signing and ratification of the ICCPR, the ICESCR, the CEDAW and the CRC, arranged by culture. The descriptives show that a relationship between culture and signing/ratification

TABLE 1. Signing and Ratification of the International Covenant on Civil and Political Rights

Culture	Ratified		Signed Only		Not Signed	
	%	Count	%	Count	%	Count
Western	100.00	38	0.000	0	0.000	0
Orthodox	100.00	16	0.000	0	0.000	0
Islamic	82.609	38	2.174	1	15.22	7
African	95.833	23	4.167	1	0.000	0
Latin American	95.455	21	4.545	1	0.000	0
Sinic	75.000	3	25.00	1	0.000	0
Hindu	100.00	3	0.000	0	0.000	0
Buddhist	66.667	4	0.000	0	33.33	2
Japanese	100.00	1	0.000	0	0.000	0
Anglo/Caribbean	75.000	9	0.000	0	25.00	3
Total	90.698	156	2.326	4	6.977	12

(*Note.* Compiled based on data on ratification and signing obtained from
http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en)

TABLE 2. Signing and Ratification of the International Covenant on Economic, Social and Cultural Rights

Culture	Ratified		Signed Only		Not Signed	
	%	Count	%	Count	%	Count
Western	94.737	36	2.632	1	2.632	1
Orthodox	100.00	16	0.000	0	0.000	0
Islamic	82.609	38	2.174	1	15.22	7
African	83.333	20	8.333	2	8.333	2
Latin American	95.455	21	4.545	1	0.000	0
Sinic	100.00	4	0.000	0	0.000	0
Hindu	100.00	3	0.000	0	0.000	0
Buddhist	66.667	4	0.000	0	33.33	2
Japanese	100.00	1	0.000	0	0.000	0
Anglo/Caribbean	66.667	8	8.333	1	25.00	3
Total	87.791	151	3.488	6	8.721	15

(*Note.* Compiled based on data on ratification and signing obtained from *http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en*)

is only suggested in the case of the ICCPR.[7] This coincides with the empirical phenomena that regimes most typically limit the civil and political rights of their citizens. To clarify, this suggested relationship between culture and signing/ratification does not support the normative content of the cultural argument. Rather, it is merely consistent with the way countries subscribe to international undertakings. This is particularly the case since democracy and human rights are inextricably linked to each other, and there are not many states in the world which do not claim to be democracies. Interestingly, however, the cultural argument is used exclusively by countries which are not democratic (Goldstone and Kelly, 2006: 271). It is not, however, realistic to propose, as Sami A. Aldeeb Abu-Sahlieh does, that countries – autocratic or otherwise – that do not identify with the current international regime for human rights should either try to reshape the UN to suit their preferences, or, if this proves to be impossible, withdraw from it (1993: 255). In fact, it is commonly argued that due to the rate of global interdependence, not even the most autocratic states can afford to completely abandon multilateralism (Goldstone and Kelly 2006: 282).

Table 1 shows that Western, Orthodox, and Hindu countries, as well as Japan, have unanimously ratified the ICCPR. It can be argued that these are the countries that have largely been under the influence of Western political thought and/or pressure. The only exception from this rule is the Anglophone Caribbean countries, which seem somewhat divided on the issue, regardless of their Westminster-style political systems and the fact that they are traditionally

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[7] As some of the cell counts are very low, largely due to the wide acceptance of the treaties, it would not be meaningful to conduct chi-squared tests of independence, as these would most probably produce biased results. Instead, descriptive statistics are analyzed.

considered to be under the "sphere of influence" of the United States (Molnár, 2010).

The ICESCR is less widely accepted than the ICCPR, with a ratification rate of only 87.79 per cent, as opposed to the 90.69 per cent rate of the ICCPR (see Table 2 above). The argument that human rights are "Western inventions" does not seem to be reflected in the acceptance of the treaty, as signing or ratification does not appear to follow a cultural pattern. Moreover, Western countries are divided on the issue while Sinic countries, for example, are not. The number of Sinic countries is small; however, this in itself does not explain their unanimous acceptance of the treaty. Instead, their acceptance of the treaty seems to be as a result of a greater dedication to social rights, as previously discussed. It can be argued, however, that these few signatories represent a population that is far greater than that of the numerous Western signatories; thus, the Sinic peoples are under-represented. This does not in itself say much about whether different national cultures classified as "Sinic" would be under-represented compared to those categorized as "Western." In any case, the division among Western countries appears meaningful; especially because the United States has not ratified the ICESCR.

Contingency table cell counts and distributions are very similar for the CEDAW to those of the first two treaties (see Table 3 below). However, ratification seems to be very common here, with only Iran, Somalia, Sudan and the United States opting out. This cannot be accounted for by shared cultural factors. It is more likely that widespread ratification is due to the specific political situation (for example, the volatility, weaknesses, or strengths of the central government) of these countries. This is arguably in line with Erik Voeten's finding that a relationship exists between "regime type" and voting; a

TABLE 3. Signing and Ratification of the Convention on the Elimination of All Forms of Discrimination against Women

Culture	Ratified		Signed Only		Not Signed	
	%	Count	%	Count	%	Count
Western	97.368	37	2.632	1	0.000	0
Orthodox	100.00	16	0.000	0	0.000	0
Islamic	93.478	43	0.000	0	6.522	3
African	100.00	24	0.000	0	0.000	0
Latin American	100.00	22	0.000	0	0.000	0
Sinic	100.00	4	0.000	0	0.000	0
Hindu	100.00	3	0.000	0	0.000	0
Buddhist	100.00	6	0.000	0	0.000	0
Japanese	100.00	1	0.000	0	0.000	0
Anglo/Caribbean	100.00	12	0.000	0	0.000	0
Total	97.674	168	0.581	1	1.744	3

(*Note.* Compiled based on data obtained from
http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en)

conclusion derived from a remarkable analysis of UNGA voting behaviour (2000: 213). However, this is not the kind of "culture" that the present analysis focuses on. Therefore, this study concludes that in this case, signing and ratification does not seem to follow a cultural pattern. In the case of the CRC, the results are largely similar, with only the United States and Somalia as non-ratifiers (see Table 4 below).

From the ratification data, it is evident that the ICCPR and the ICESCR, which are largely based on the principles set forth in the Universal Declaration of Human Rights, are widely-acknowledged sources of international law. Furthermore, it is worth noting that by the time they were adopted (1966), most African and Asian countries had already gained independence and, accordingly, were in a better position to influence the drafting of these documents than they had previously been (An-Na'im, 1990: 351). This is even more so in the case of the CEDAW and the CRC, adopted in 1979 and 1989 respectively.

According to the cultural argument, decolonization and the boom of UN membership in the decades under analysis should have caused an increasing diversity of opinions and, as a result, an increased culture-dependence of the acceptance of international human rights norms. Furthermore, these processes should have also caused significant steps backward with regard to the scope and specificity of the treaties. The findings of this study, however, are the exact opposite. The acceptance of the ICCPR has a connection to culture that seems substantively significant. This connection virtually disappears in approximately human being. It is also interesting to note that the trend in the scope of human rights treaties is broad to narrow over time. That is to say that the treaties adopted between 1990 and 2010 pertained to even more specific sub-fields of

TABLE 4. Signing and Ratification of the Convention on the Rights of the Child

Culture	Ratified		Signed Only		Not Signed	
	%	Count	%	Count	%	Count
Western	97.368	37	2.632	1	0.000	0
Orthodox	100.00	16	0.000	0	0.000	0
Islamic	97.826	45	2.174	1	0.000	0
African	100.00	24	0.000	0	0.000	0
Latin American	100.00	22	0.000	0	0.000	0
Sinic	100.00	4	0.000	0	0.000	0
Hindu	100.00	3	0.000	0	0.000	0
Buddhist	100.00	6	0.000	0	0.000	0
Japanese	100.00	1	0.000	0	0.000	0
Anglo/Caribbean	100.00	12	0.000	0	0.000	0
Total	98.837	170	1.163	2	0.000	0

(*Note.* Compiled based on data obtained from
http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en)

FIGURE 1. The Change of the Disagreement Factor over Time
(Ratio of No/Yes Votes on Human Rights Resolutions in the UNGA, 1946-2008)
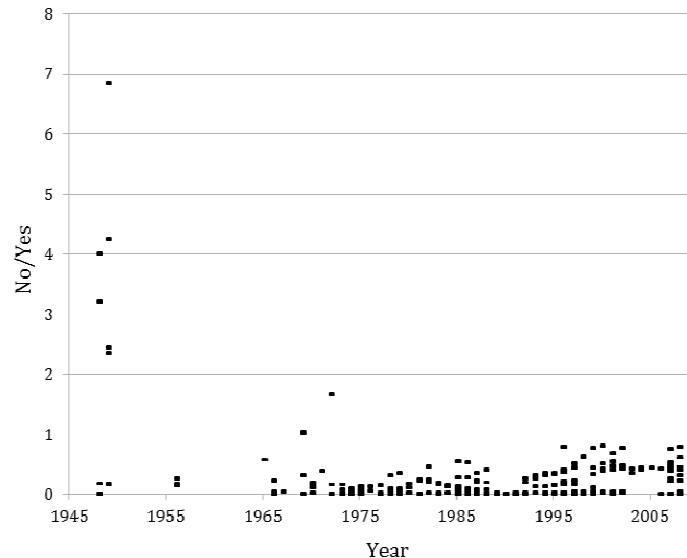
(*Note.* Data obtained from Voeten, Erik and Adis Merdzanovic. 2009. *United
Nations General Assembly Voting Data. http://hdl.handle.net/1902.1/12379*)

human rights, such as the Universal Declaration on the Human Genome and
Human Rights or the Universal Declaration on Bioethics and Human Rights (just
to name a few that are relevant to the FGM issue).

When analyzing disagreement in the UNGA, a similar conclusion is
reached. Plotting the disagreement factor over time shows that, with
remarkably high disagreement rates until the late 1940s, the ratio then
consolidates and stabilizes at a low value (see Figure 1). Neither the
decolonization of Africa and Asia, nor the end of the Cold War appears to have
had a positive effect on disagreement.

CONCLUSION

In the first part of this study, a reciprocity-based approach was used to
underline the cross-cultural validity of universal human rights norms. In the
second part, descriptive statistics were invoked to discover more about the
reality and dynamics of signing and ratifying international human rights
treaties and voting in the UNGA. The findings of this analysis suggest that
cultural diversity is a force that points in the direction of universal respect for
human dignity, and cannot be used as grounds to substantiate oppressive

practices. As is widely recognized, the motive behind employing such practices is power. Oppresive tactics are made possible by poverty, democratic deficit, weak or nonexistent governance, and corruption; none of which can be considered desired or defensible virtues of any culture. Ancient practices such as FGM only serve to uphold outdated power structures in societies that conservatives tend to label as traditional. Discovering whether the status quo is maintained because of a "privileged relation with divinities," (Kobila, 2003: 103) or due to other factors, would require a critique combining a theological and political science perspective. Although intriguing, this type of analysis remains a subject for further research.

The findings of this study suggest, however, that the answer is to be found in politics rather than in culture or theology. Although the role religion plays cannot be overlooked, there appears to be a much more convincing political aspect when talking about traditional societies. As Tom W. Bennett writes, citing Bohannan and extensive anthropological research, in the traditional precolonial societies of Africa, norms were not valued for themselves; they were more of a communitarian nature (1993: 270). This is consistent with the type of argument considered here, proposing Western individualism as an antithesis of non-Western communitarianism. It is doubtful, however, that after having been penetrated by Western tyranny and technology, and facing social "problems" that can indeed be weighed on a human rights scale (Western or otherwise), it is still legitimate to revert to this line of reasoning when discussing Africa.

The results of the study at hand do not suggest that the hypothesis (i.e. that human rights norms are *not* culture-dependent) can be rejected by any of the analyses performed. However, there is an impression of "culture-dependence" in the case of the ICCPR. This conclusion is in line with the logical and empirical outcome that it is civil and political rights whose limitation by oppressive regimes "makes the most sense." It also coincides with the criticism of human rights based on their alleged pro-Western slant. It should be noted that these criticisms, largely employed by countries of non-European traditions, usually consider Orthodox countries as Western. It seems that it is Western countries and countries with palpable Western influence [at least at the time of the ICCPR (1966)], which indiscriminately subscribe to it. It is further worth noting that these are also the countries that may have been over-represented in the drafting process of the ICCPR.

When looking at the other three fundamental treaties, the ICESCR, the CEDAW and the CRC, acceptance does not seem to be linked to culture, despite the fact that the ICESCR was adopted at the same time as the ICCPR. In the case of the CEDAW and the CRC, it can be declared with relative certainty that their acceptance and culture are not linked. The fact that the CEDAW and the CRC are almost unanimously accepted, even though they were adopted much later than the ICCPR and the ICESCR, does not seem to be a perverse result. This is due to the fact that UNGA voting shows that the extension of UN membership and the growing autonomy of former Western colonies, as well as countries of the former Eastern bloc, have not resulted in a proliferation of disagreement. These findings also support the hypothesis offered, indicating that human rights norms are not irreconcilable with cultural differences.

Taken as a whole, the results show that cultural diversity is not irreconcilable with human rights. The conclusion that the impediments to the acceptance of human rights have more to do with the "civil," or perhaps even more likely, the "political," generates further meaningful questions. Considering the present study as an exploratory venture and its results as a point of departure, future research can include the mapping and operationalization of such "civil" and "political" variables. Logistic regression analyses can be conducted to devise a model that best explains why some countries ratify or sign human rights treaties while others refuse to do so.

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RESPONDING TO THE CRISIS OF PROFITABILITY

THE FUNCTION OF THE MINIMUM WAGE
IN THE NEOLIBERAL ERA

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ABSTRACT

This paper seeks to account for the erosion of the real value of minimum wages in Canada during the neoliberal era. It finds that the state theory of James O'Connor (1974, 1984, 2002) provides a framework that is able to account for this change as their work explains from where the interests of capital and the state are derived. It explains the minimum wage, indeed all of the state's economic policy, as fulfilling two primary functions: legitimating capital accumulation and optimizing the conditions for accumulation. Early minimum wages performed these two functions by stabilizing the low-wage sphere of employment and warding off labour militancy. Neoliberal minimum wages responded to the profitability crisis in the late 1960s and were adopted more aggressively by capital and the state as a means of promoting overall wage austerity.

INTRODUCTION

On April 27, 2010, the city of New Westminster became the first Canadian city to enact "living wage" legislation. New Westminster joined the more than 140 U.S. municipalities that have enacted similar laws in recent years. Such policies respond to the ugly fact that so much work in Canada pays well below the threshold of a living wage, and that these brutal wage realities have worsened in recent decades. Before 1976, the majority of minimum wages in Canada were sufficient to keep a fulltime worker marginally out of poverty. For example, an urban British Columbian, working fulltime for that province's minimum wage in 1976 would earn 5 percent more than poverty-level wages.[1] A similar individual in 2002 would be earning 14 percent less than the amount needed to cross the poverty threshold. At the other end of Canada, a 1976 rural four-member family in New Brunswick, earning minimum wage, would have been 6 percent above the poverty line, whereas their 2002 counterparts would actually earn 12 percent below the poverty line. In 1976 Quebec, a single, urban, minimum wage worker would earn wages commensurate with the poverty line. If we again consider the 2002 equivalent, the pay received by this individual in 2002 would have been 23 percent below the poverty level.

Minimum wages in Canada have exhibited seemingly peculiar behaviour over the course of their hundred-year history. Following their implementation in the late-1910s and early-1920s—a product of a confluence of interest between workers and owners—provincial minimum wages were near or below poverty and exhibited blatantly patriarchal characteristics typical of concurrent legislation. Minimum wage rates grew in real value over the Fordist era (roughly 1945-1970), but following the crisis of profitability in the late-1960s, were allowed to fall significantly over the years between 1975 and 2000. Using the theory of James O'Connor, this paper attempts to explain how minimum wages in Canada have responded to the inherent tendencies of capitalist accumulation. It is hypothesized that as the rate of profit fell, minimum wages were adopted by capital and the state to suppress general wages. The function of minimum wages in Canada has, therefore, shifted from predominantly stabilizing low-wage spheres of employment to predominantly promoting wage austerity.

MINIMUM WAGES 1918-1975

Canada's first minimum wages can be traced back to the Gilded Age of capitalism. This era, roughly spanning the mid-1800s to early-1900s, was an epoch where capital owners exercised nearly absolute control of work and society, with massive inequality and little regulations. It consisted of untamed capital accumulation. For a variety of reasons, people flocked to cities to sell

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[1] Calculations made by author using Statistics Canada: Income Statistics Division (2010) Low Income Cut-off numbers.

their labour. This was an uncertain path, however, as they "might have skills one day which, with luck, would enable them to sell their labour power, but they could find these skills redundant the next." (Harman, 2008: 257) Generally speaking, people who could only survive by selling their labour —workers— found themselves completely at the mercy of those individuals who controlled the means of production —owners.

Thernstrom's seminal study of this era (1964) details such a situation in the United States. He concludes that the emerging industrial system "made the labour market highly unfavourable for the labourer... They were dispensable —their jobs could be learned in a few hours by immigrants who were desperate for work and willing to accept lower wages and inferior working conditions." (18) Capital was seldom obliged to capitulate to labour's demands. Instead, owners could easily substitute any worker for any other in a system that made them virtually interchangeable.

Workers' lives in this epoch consisted of extreme exploitation. Even young children were subordinated to capital's unrelenting quest for profit. *The Royal Commission on the Relations of Labour and Capital*, held by Parliament in 1889, provides the most telling examples. For instance, it states: "Many children of tender age, some of them not more than nine years old, were employed in cotton, glass, tobacco and cigar factories... Some of them worked from six o'clock in the morning till six in the evening, with less than an hour for dinner." (In Rhinehart, 2006: 32) This was the nature of the Gilded Age of capitalism; the social relations of production allowed workers' economic and political status to completely degenerate.

Consideration must also be given to gender relations in the Gilded Age. The status of women was that of mother and wife, not citizen. Frager and Patrias have accounted for the gendered social relations of production in their aptly titled work, *Discounted Labour* (2005). They elucidate how women's status as temporary or secondary earners meant that they were taken less seriously as working people. Women were thought to be earning extra money for leisure activity, sometimes called "pin money", or would only be supporting themselves for a few years until marriage. The Ontario Minimum Wage Board, for example, "clearly ignored the findings of their own investigators that many women workers were supporting others beside themselves." (Frager and Patrias, 2005: 106) Women generally occupied the specific sectors of production that were considered female. The results of this are explained by Frager and Patrias: "With so many jobs off limits to females, women workers' intense competition for the available 'women's work' helped keep their pay low." (2005: 31) These factors multiplied the extreme exploitation suffered by female workers, culminating in a sort of super-exploitation.

Having seen and documented the excessive inequality of the factory-production system, organized labour thought that "reformed political structures would enable everyone to enjoy the benefits of the industrial system." (Conrad and Finkel, 2003: 331) Minimum wage supporters, like A.O. Wharton of The Railroad Labour Board in the United States, agreed that legislation should be enacted to ensure that "The right of all workers, including common labourers, to a living wage [be] affirmed... which will insure the subsistence of the worker and his family in health and reasonable comfort." (In

Associated Press, 1922) These views expressed a regard for a more equitable distribution of income for all working people, not just for those workers represented by industrial unions. Further, organized labour's own interest was linked with that of its unorganized, low-wage counterparts. Unionized workers could not be certain that they would keep their jobs or rates of pay. Minimum wages would ensure them a wage-floor. Also, raising the wage floor could put inadvertent upward pressure on their remuneration. Thus, organized labour advocated minimum wages out of both altruism and self-interest.

Owners supported the minimum wage as a cohesive class. In 1919 they met at their National Industrial Conference. McCallum finds that this event is the first significant instance where capital "accepted some state intervention in the determination of wages." (1986: 36) Delegates such as the President of the Canadian Electrical Association spoke in favour of minimum wages, but only to a degree that would not impinge on profits. This was only after some cajoling and reassurance from the state. Quebec's minimum wage commission, for instance, stated that, "employers had to be convinced that the Commission was not erected to cause them trouble... or upset their industry." (In Copp, 1974: 47) The decision of industry to support minimum wages was not completely unanimous, but a broad consensus had been built between the state and capital.

The ownership class offered qualified support for the adoption of minimum wages for a variety of reasons. Some supported minimum wage legislation as a way to increase productivity and instil a greater fear of unemployment among workers by enticing them with stable wages. Levin-Waldman, in his study of the rhetorical evolution of minimum wage legislation (2000), noted the idea that minimum wages would create a motivation for workers to enter into the workforce. It was thought that minimum wages, despite the fact that their overall effect on wages across the economy would be negligible, would actually motivate the poor to work.

Capital was also convinced of the merits of minimum wage legislation as a macroeconomic necessity. In order that one may make profit from their production, they must sell what is produced. It was thought that low wages in The Gilded Age of capitalism had significantly inhibited the market for goods. Some economists therefore advocated for minimum wages as a way to stimulate general economic growth. (Levin-Waldman, 2000)

Capital's argument for minimum wages was furthered by the contempt for "parasitic" employers. This idea is best articulated by Marilyn Power (1999), and related primarily to the employers of women (because they paid the lowest wages). Power noted that if low-paying employers wanted to gain legitimacy, they would have to label employers who paid even lower wages as parasites. Levin-Waldman paraphrases her argument as follows: "Parasitic employers who paid less than the true social costs of labour could undersell their competition. They also were not motivated to lower costs further through innovations, organization, or production techniques." (2000: 136) In this way, capitalists actually sacrificed their most egregious offenders while saving the majority, that is, those who paid modestly higher wages. To be sure, it was not lost on working people that this meant that employers who paid dismal rates would benefit from the minimum wage legislation as a way "to protect them[selves] against the competitive undercutting of wages," (Levin-Waldman,

2000: 156) and thus avoid having to improve their own wages to lure or retain workers.

Power explains that parasitic employers forced other segments of society to support their ailing workers by paying wages below what is needed for subsistence. These workers "could be subsidized by poor relief from the state, or their earnings could be supplemented by the surplus incomes of other family members." (Power, 1999: 67) Those paying the lowest wages were therefore thought to be indirectly stealing from the sources of income that maintained their underpaid workforce. Employers labelled "parasites" were undermining the moral legitimacy of low wage industries and profiting from the charity afforded their impoverished employees.

It is within this context that Canada's first minimum wages were enacted. The first legislated minimum was in the year 1918 by the province of British Columbia. Five years later, Alberta, Manitoba, Ontario, and Saskatchewan had all enacted minimum wage laws. These laws were specifically targeted at women. Minimum wages for men were introduced in British Columbia in 1925. (Derry and Douglas, 1922) They were generally accepted as prudent labour legislation by the time of the Depression. They did not serve to eliminate poverty, however. Instead, minimum wages increased stability in low-wage sectors of the economy and leant moral legitimacy to low pay. As Copp's meticulous evaluation of the old working world in Montreal demonstrates: "The purpose of the regulation was to promote stability and legitimize the policies of the larger, more efficient firms. Minimum wage laws were not intended to raise overall wage rates; indeed in practice their effect was rather to provide a justification for low wages." (1974: 48)

Minimum wage boards served primarily the interests of the ownership class. They kept their eye on the most basic goal of smoothing out accumulation. For example, in its *Fifth Annual Report* the compliance board in Ontario stated that that the purpose was "...nothing more than the extension of wage payments which are already general... the average employer will support pressure being put on whom he considers an unfair competitor and a disgrace to his trade; but he will resent any effort which he considers as an attack on the trade in general." (In Copp, 1974: 39) Instead of being a source of wage justice and redistribution, Ontario's minimum wage board was implicitly and explicitly ratifying the low-wage and female-exploitative status quo by merely sacrificing the most obvious offenders. In 1928, Quebec's minimum wage board published a report stressing the stabilizing effect on wage rate competition: "according to the testimony of employers' representatives the putting into effect the minimum wage enactment, far from hurting their industry has rather stabilized it, suppressing the unfair competition of a small number of employers." (In Copp, 1974: 39)

The moralizing pretensions of early Canadian minimum wage legislation conformed to the popular notion of the time that a low-paid female worker's "need to manage on a tight budget would develop her moral fibre." (Frager and Patrias, 2005: 108) The board established by Ontario's 1920 Minimum Wage Act recommended wages of which McCallum concludes: "unless the woman managed to avoid spending the $20.00 per year allotted for doctor, dentist, and optician, she had to work full-time, fifty-two weeks a year, just to

stay out of debt. And even then, on the board's calculations, she would be $3.12 short." (1986: 44) The minimums set by the board were knowingly below subsistence. In general, Ontario's 1920 Minimum Wage Act mandated wages that were between $.75 and $2.25 below average industry wages. (McCallum, 1986: 48) Copp confirms the distinctly paternalistic attitude of Quebec's first Women's Minimum Wage Commission, which set a daily income for recreation or saving of $.25, recognizing women's propensity for "frivolous expenditures." (1974: 47) In Manitoba through the first three decades of the 1900s "the legislation and payment of minimum wages continued to make female employment an option sought after by Canadian employers" (Russell, 1991: 87) as the wages were low enough that they did not challenge exploitative employment relationships. Instead, the work of these boards conformed to the patriarchal social relations of the time and leant moral and legal sanction to extreme exploitation.

O'Connor's logic of capital hypothesis helps us to understand the derivation of class interests, especially those of the capitalist class. As noted, the Gilded Age was a time when capital exercised near total control of wage rates. Such economic asymmetry, derived in significant part from recent technological innovations, meant that the profitability of investments was not yet in apparent crisis. From such a strong position capital was able to sacrifice its noticeably lower-paying cohorts in order to solidify its dominant position in the larger body of society. To summarize:

1) Capital could *optimize the conditions of accumulation* in the extensive low-wage sphere by *inter alia* warding off organization drives in the low-wage sector and insuring a more stable supply of labour.

2) Capital (and the state) could l*egitimate* its exploitative accumulation practices by appearing flexible and responsive to the demands of working people.

3) Labour provided support for minimum wage policies that might ameliorate their declining standard of living, especially since working people had been injured by the introduction of new technologies and labour processes, innovations that are, indeed, the early manifestation of the shifting organic composition of capital destined to create accumulation crises and further social harm in capitalist societies.

Canada's economic progress leading up to 1945 set the stage for new social policy. Conrad and Finkel's survey of Canadian history helps set the context: "Scarred by the economic devastation of the 1930s and impressed with government's ability to plan for war, Canadians increasingly argued that planning for peacetime purposes could prevent another depression and improve the quality of living for everyone." (Conrad and Finkel, 2003: 443) Canadian politicians were open to alternatives to classical liberal laissez-faire non-interventionism. Industrial relations were affected by social democratic movements, communists, and a weary public convinced that unbridled capitalism had led to crisis and deprivation.   Such a volatile political

environment led "employers and the state, as well as the emerging labour hierarchy" to agree "that class harmony was perhaps the most valued commodity of the post-World War Two period." (Palmer, 1992) In order to secure capitalist accumulation Canadian owners and state representatives embraced and secured a new economic program that built on social and economic experiments of the inter-war period, including extensive industrial regulation such as minimum wage policy.

This new era, referred to here as "The Fordist era," was a shift toward Keynesian economics. John Maynard Keynes emphasized the demand side of economics, namely that public investment could maintain incomes and overall demand, thereby warding off economic downturns. Keynesian economics were able to maintain high levels of demand for mass-produced consumer goods by grudgingly permitting higher working wages and building public institutions that promoted consumption. (Workman, 2009: 12) Shortly after the Second World War the Canadian state embarked on a more ambitious social policy. "Minimum wages and programs for employment creation, farm subsidies, and public education were included in the definition; so, too, were universal programs, such as medical insurance, and narrower programs, such as social assistance and old-age pensions, that targeted certain groups." (Conrad and Finkel, 2003: 443) Fordism was a general shift toward labour relations that promoted social harmony by giving concessions to working people, such as union recognition, modest wage increases and protective social programs.

During the Fordist era real incomes and productivity grew steadily. For instance, the average weekly wages across the composite majority of Canadian industries rose from $67.90 in 1957 to $203.34 in 1975, a threefold increase in real incomes. (Meltz, 2008)[2] Income inequality declined, (Wallerstein, 2000) largely owing to labour militancy and a general acceptance of Keynesian demand-side economics as a solution to the market volatility of the inter-war period. (Workman, 2009) Canada's ten wealthiest families owned 54 percent of total wealth before 1970, a figure that had declined to 51 percent of total wealth by 1977. (Morisette and Zhang, 2006) The pressure to make these changes took the form of increased labour militancy. Conrad and Finkel describe this change as follows: "[W]orkers were no longer forced to submit silently to the dictates of government and hostile managers…They used strikes and work slow-downs tom combat companies that refused to accept the unions formed by the democratic votes of their workers." (2003: 433) Rising real incomes meant that the working class in Canada was relatively better off by the close of the Fordist era than they were at the end of WWII. Labour was able to make palpable economic gains throughout the years 1945-1970.

Capital's support of the state's shift toward a stronger economic role was unambiguous. Even before the war, members of the ownership class were lobbying the state to partake in a larger range of social functions. Finkel writes that a "veritable 'who's who' of Canadian manufacturing and finance wrote Bennett to pledge their support for the New Deal effort." (In Panitch, 1977: 352)

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[2] Data available at http://www.statcan.gc.ca/pub/11-516-x/sectione/4147438-eng.htm#2. Series E86-103. Dollars based on 1960 Standard Industrial Classification.

He goes on to list some members represented in this effort, including, but not limited to, the president of the Canadian Chamber of Commerce, presidents of multiple nation-wide banks, owners of multiple large manufacturing firms, and owners of the nation's largest construction conglomerates. The political goals of the state were very clear: they had to appear benevolent without undermining the optimal conditions for capitalist accumulation. As Finkel confirms, the policies were "meant to combat the communist threat" but "were not meant to redistribute wealth." (In Panitch, 1977: 353)

During this period, the minimum wage gradually increased. A study on Ontario's minimum wage in 1976 found that "each successive revision has raised the purchasing power of the minimum wage above its previous high point reached at the time of the preceding increase." (Aykroyd, 1977: 12) This means that the minimum wage's real value in Ontario steadily increased over the course of the 1960s and first half of the 1970s, which is similar to the overall increase in labour's wage. As the Fordist era was drawing to a close the minimum wage rose in real value by about 65 percent over the course of the six years between 1968 and 1974. (Aykroyd, 1977: 12) Appreciable minimum wage increases across the provinces took place throughout the Fordist era.[3]

The state theory included in this work helps us to understand these behaviours as they result from class interests. As noted, the Gilded Age was a time when capital exercised near total control of the labour process. This economic asymmetry, derived, in significant part, from technological innovation, meant that the profitability of investments was not yet in apparent crisis. It is argued that from such a strong position capital was able to sacrifice its noticeably lower-paying peers in order to solidify its dominant position in the larger body of society. The minimum wages that were enacted did not threaten the bulk of low-wage employers. They did, however, eliminate the most miserly bosses, therefore giving an air of legitimacy to low-wage work without threatening its profitability.

The dual legitimization/accumulation function of minimum wage policy persisted into the Fordist era. Labour's increased militancy allowed it to wrest some gains from capital. Concurrently, capital used the state to maintain its control of the fruits of labour. This is interpreted through the lens of O'Connor as a persistently dual-functioning policy. The minimum wage exhibited both the traits of optimizing and legitimating capital accumulation with a somewhat stronger emphasis on legitimating. As profitability declined, however, the legislation's character changed.

THE LOGIC OF CAPITAL AND THE STATE

Marxist state theory is concerned with the functioning of capitalist accumulation and how this economic system influences the public sphere.

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[3] Ontario's legislated minimum, when compared to other provinces', was actually not particularly high. In 1977, its rate was lower than that of nine other provinces, as well as Canada's federal rate. Ontario's minimum wage this year equalled less than ninety percent of seven other provinces' minimums (Canadian Manufacturers' Association, 1977: 30).

Capitalism constantly exhibits a downward tendency in the rate of profit. This inevitable fact is articulated by Marx's theory of the changing organic composition of capital. This theory is used by O'Connor (1984, 1974, 2002) to articulate more clearly the class interests that drive state policy. The state is embedded within this unstable system, and accordingly undertakes the two primary functions of first ensuring optimal conditions for accumulation, and second mediating class relations. The state is forced to deal with falling rates of profit by redoubling its effort to maintain an environment of optimal accumulation. Using this fundamental law as a starting point, O'Connor (1984, 2002) provides a detailed accounting as to how the state is able to aid owners' mitigation of the downward-tending rate of profit. His explanation addresses the state's dual roles: ensuring optimal accumulation and ensuring smooth class relations.

As competition leads to greater and greater investments in capital, profit rates fall. This is the decisive argument of Marx's *Capital* (1991). The profit rate is a function of surplus value (the difference between the value that workers produce and the amount they are paid) divided by total capital invested. Total capital invested consists of both variable capital (labour, raw materials, etc.) and constant capital (the means of production). This equation can be represented as follows:

$$\text{profit rate} = \frac{(\text{workers' value produced} - \text{workers' pay})}{(\text{variable capital} + \text{constant capital})}$$

This means that rising constant capital is inversely related to the profit rate. Kolakowski summarizes this seminal idea in his *Main Currents of Marxism*: "As technology progresses, and the amount of constant capital increases, less and less work is necessary to produce the same volume of goods; the ratio of variable to constant capital decreases, and so does the average rate of profit. This law of the diminishing rate of profit is a universal feature of capitalist production." (2005: 244) Competing capitalists, employing greater and greater quantities of constant capital in an effort to increase their own profits, are continuously forcing the industry-wide rate of profit lower by decreasing the socially necessary labour time imbued in each product.

It is important to note that this downward pressure does not manifest itself uniformly. The profit rate's decline can be altered by what Marx called "counteracting influences" that can "checking and cancelling the effect of the general law." (1991: 339) There are innumerable examples of this which Marx generally organizes into six main categories: increasing intensity of exploitation, depression of wages below the value of labour power, cheapening the elements of constant capital, relative overpopulation, foreign trade, and the increase of stock capital. (1991: 339-348) Each of these mitigating factors aims to restore the profit rate either by having workers produce a greater value of commodities or lowering the wages given to workers. While individual capitals are not concerned with the general decline in the rate of profit, they do undertake these measures in order to increase their own profitability. All of these factors may slow, or even halt the rate of profit's decline, however, its *tendency* to fall remains.

O'Connor assigns primacy to the inherent logic of capital. He makes explicit reference to Marx's economic analysis: "In the worlds of Marx's *Capital*, the fundamental economic problem is the falling rate of profit and hence the lack of capital to sustain economic growth." (1974: 47) This law of capital accumulation governs state actions. The state is organized with the intention of perpetuating capital's ability to accumulate wealth, mitigating the crisis-prone nature of capitalism. The state is constantly pressed to financially and morally support capital. In his work *Accumulation Crisis* O'Connor makes clear the importance of the inherent logic of capital from the outset: "It is well established that the effects of the present world crisis of capitalism are particularly debilitating in the traditional industrial sectors of the developed countries. During the 1960s and 1970s, average profit rates and the profit share of national income in the developed countries declined and average unemployment and/or inflation rates increased." (1984: 1)

The first function O'Connor attributes to the state is supporting capital accumulation. Carnoy describes O'Connor's interpretation of social investment as, "providing facilities without which private projects would be unprofitable, or providing incentives for private capital accumulation." (1984: 224-225) Stated differently, the state engages in projects that benefit capital but would not be profitable for it to engage in on its own. The costs of infrastructure and education, he contends, are primarily shouldered by the public while the benefits largely accrue to the ownership class. The state also engages in spending that keeps working people available to capital, such as unemployment insurance, injury compensation and, in the Canadian context, healthcare. The state, in effect, maintains a reserve army of workers. This reserve can be called on to engage in production when capital requires more employees, or it can be used as a threat against working people who demand greater compensation. While such social expenses have tangibly improved workers' lives, O'Connor posits that they greatly improve capital's prospects for accumulation.

O'Connor's other broad hypothesis regarding the function of the state consists of morally sanctioning, or legitimating, exploitation. The state's spending "attempts to cover the social costs of capitalist development—in essence, to maintain bourgeois hegemony and the legitimacy of the capitalist State itself." (Carnoy, 1984: 225) Gaining loyalty means quelling opposition to private appropriation of the fruits of labour by placating the citizenry. Carrots are offered, such as employment insurance and disability pay, which assure workers of the good nature of capitalism. O'Connor goes on to reconcile this state function with that of the optimizer of the conditions for accumulation: "the state has two major functions—'accumulation' and 'loyalty.' These two functions are contradictory, and it is the task of administrative rationality in every state agency to reconcile them." (2002: 70) This author proposes that O'Connor's theory that state policy is related to the falling rate of profit provides a *prima facie* answer to our central question, namely, what accounts for capital's shifting use of the minimum wage over the course of the twentieth century.

NEOLIBERALISM AND THE SHIFTING FUNCTION OF THE MINIMUM WAGE POLICY

The minimum wage fell sharply in real value during the 1980s.[4] This decline coincided with the neoliberal policy framework that responded to the profitability crisis of the late 1960s and early 1970s. In this atmosphere wage restraint became the leading policy goal; the state was trying to help restore the higher rates of profit. The policy function of the minimum wage evinces a profound shift from a device of low-wage stabilization to one promoting generalized wage austerity. That is, the neoliberal era has presented the state with an opportunity to use minimum wages in a new way that accentuates their accumulation opportunities by promoting wage restraint.

While the tendency of the rate of profit to fall has been a feature of capitalism generally, it became more pressing by the late 1960s. This phenomenon has been well documented in the American and European contexts (Dumeneil and Levy, 2002; Edvinsson, 2010; Heap, 1980; Izquierdo, 2007; Moseley, 1990, 1997, 1999) but is relatively under-studied in Canada. The most compelling Canadian accounts are by Smith and Taylor (1996) and Webber and Rigby (1986). Smith and Taylor find that the overall profitability of investment in Canada dove from a 1952 high of more than 17 percent to a 1991 rate of just under 9 percent. This means that investment in production was half as fruitful. (1996: 114) Similarly, in Canadian manufacturing Webber and Rigby noted a 15 percent decrease in the rate of profit between 1950 and 1981. (1986: 51) These studies show the gradual increase in fixed capital as a component of the organic composition of capital resulting in a similarly gradual decrease in the rate of profit. It is reasonable to conclude that capitalism in Canada has experienced a downward trend in its profitability.

As the falling rate of profit became evident, public policy in Canada predictably moved to counter this trend. The change in the prevailing policy paradigm that began in the early 1970s is termed "neoliberalism." Business and government devised many strategies to deal with the declining rate of profit. Cutting costs of production was the most obvious general remedy. This meant, primarily, a reduction in the share of income allocated to working people.[5] A myriad of tools have been employed both by capital and the state that fall under the umbrella of neoliberalism.

Capital took advantage of technological and financial developments which allowed it to restructure the production process in a way that cut labour costs. These strategies included domestic alterations of the production process, increasing the number of low-wage, unorganized jobs, and moving fixed capital

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[4] Minimum wage data outside that specifically cited are derived from statistics provided by the Government of Canada. Historic minimums are made available by Human Resources and Skills Development Canada, http://srv116.services.gc.ca/dimt-wid/sm-mw/menu.aspx?lang=eng. These numbers were divided by their respective consumer price indexes, which can be found on Statistics Canada's E-Stat, http://estat.statcan.gc.ca 'Prices and price indexes' Table 326-0021. (Accessed February-May 2010.)

[5] For a more complete discussion see Workman (2009).

around the globe, pitting workers from different regions with different standards of living against one-another. Canadian capital was not silent in its support for these initiatives. For example, Tom D'Aquino, the President and Chief Executive Officer of the Business Council on National Issues, and John Bulloch, the President of the Canadian Federation of Independent Business, released a joint statement in 1986 supporting trade liberalization. The document read, in part, "It would encourage greater specialization, lower production costs, and improved efficiencies for business of all sizes. It would improve our capacity to compete in our own market, in the United States market, and particularly in the highly competitive global marketplace." (4)

For its part, the state facilitated these changes by adopting a strictly anti-labour agenda, deregulating the movement of capital, cutting social programs, lowering expenditures, and privatizing public goods. These efforts were touted as promoting efficiency, eliminating government waste and taking advantage of the benefits of free markets. In reality they were part of a general effort by capital and the state, working in tandem to decrease wages. The MacDonald Commission Report was a document constructed at the behest of Prime Minister Brian Mulroney in 1985, geared toward assessing the prospect of free trade with the United States. Aptly illustrating its character, one academic stated, "Market liberalization, social adjustment, and limited government were the cornerstones of the Macdonald Commission's public philosophy." (In McBride, 2001: 74) The state worked to restore capital's profitability by undermining labour's bargaining power. The overall shift from a regulated and interventionist economic landscape to one of free markets and non-interventionism constitutes the transition neoliberalism. For its part, the minimum wage was adopted as a means of promoting general wage austerity.

Since Canada's turn to neoliberalism minimum wages have stagnated and decreased in real value. Newfoundland's minimum wage, after 1976, has only fallen by 10.4 percent, while those of New Brunswick, Quebec, Manitoba, Saskatchewan, Alberta, and British Columbia each declined by more than 20 percent (see Table 1). British Columbia saw the most marked decline over the same period, maintaining only three quarters of its 1976 value in 2007. (Workman, 2009: 85) Every province's minimum wage reached its apex in the mid-1970s after substantial increases over the previous three decades. By the late 1970s each province experienced a sharp decline through to the mid-1980s, and stagnated over the next twenty-five years. Finally, most minimums have increased slightly over the latter half of the 2000s. The graphic below. divides two example minimum wages, those of Alberta and Nova Scotia, into

TABLE 1. Minimum Wage Declines (2002 Dollars)

Province	ALTA	BC	MAN	NB	NFLD	NS	ONT	PEI	QUE	SASK
1976	8.84	9.65	9.49	9.00	8.04	8.04	8.52	8.04	9.23	9.00
2007	6.79	7.27	7.21	6.96	7.20	6.76	7.22	6.60	7.25	7.09
% Change	-23.3	-24.7	-24.0	-22.7	-10.4	-15.9	-15.3	-12.0	-21.5	-21.2

FIGURE 1. Minimum Wage Development
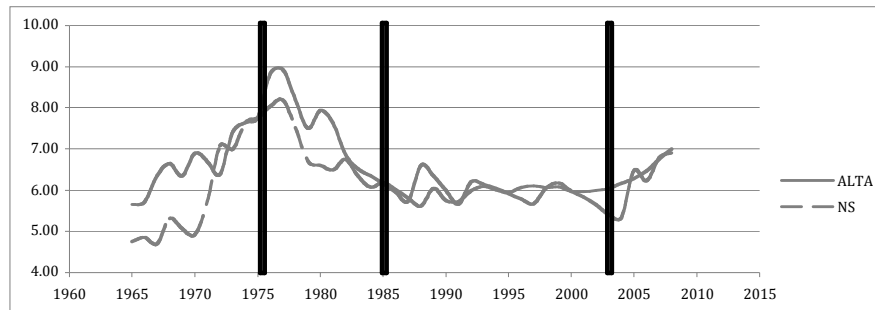
specific epochs. As is evident in Figure 1 above, these rates grew in real value over the Fordist era, then were eroded by inflation[6] until the mid-1980s, after which they largely stagnated, only increasing slightly after 2005.

These declines have allowed the wages of a large pool of Canadians to be corroded. Statistics Canada's Survey of Labour and Income Dynamics offers compelling data about this decline in minimum wages. Goldberg and Green (1999) conclude that 61 percent of minimum wage earners are adults. Of that number, only 12 percent are full-time students. This report confronts the myth that most minimum wage earners are teenagers who are supported by their parents' incomes. It has also become clear that a larger number of workers in Canada now receive an hourly wage that hovers preciously close to the minimum wage.

The minimum wage effectively anchors the low-wage sphere (See Table 2). This connection can be seen when lower-quartile and median wages are compared (see Table 2). In every province, save Alberta, the lower quartile wage is within $4.00 of the minimum wage.[7] One quarter of all working people in Manitoba, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, and Saskatchewan earn within $3.05 of their respective minimum wage. These poor wages are not only existent among non-standard employees. Canada's Survey of Income and Labour Dynamics has revealed that approximately 14 percent of full-time workers made less than $10 per hour in 2002. (LaRochelle-Cote and Dionne, 2009) Many Canadians unfortunately work within a small margin of the legislated minimum wage.

Real wages in Canada over the past three decades have stagnated. After years of growth, the average real hourly wage in Canada reached $21 (1992

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[6] Minimum wages are seldom, if ever, decreased in nominal terms. Instead, they are simply not increased for a sufficient time that inflated prices decrease their real value.

[7] These are hourly rates in 2007.

TABLE 2. Minimum and Lower-Quartile Wages, 2007

| Province	Minimum Wage 2007	Lower Quartile Wage	Amount Quartile Above Min. Wage
ALTA	$8.00	$13.65	$5.65
BC	$8.00	$12.00	$4.00
MAN	$8.00	$11.00	$3.00
NB	$7.25	$10.00	$2.75
NFLD	$7.50	$8.75	$1.25
NS	$7.60	$10.00	$2.40
ONT	$8.00	$12.00	$4.00
PEI	$7.50	$10.00	$2.50
QUE	$8.00	$12.00	$4.00
SASK	$7.95	$11.00	$3.05

(*Note.* Data obtained from Workman, 2009: 90)

dollars) in 1976 (see Figure 2). Over the following thirty years, however, it was tethered to the $21 mark. Average real hourly earnings between 1976 and 2006 tended to hover around the $21 mark, as shown in the figure above. The growth of Fordist era wages ends abruptly in the mid-1970s, and yields to thirty years of extremely limited growth. Such a trend reflects the neoliberal policy paradigm that had congealed by the early 1980s.

Furthermore, average annual earnings over the course of the twentieth century reveal stunning wage trends (see Figure 3 below). Between 1920 and 1950, average annual wages grew steadily. They grew by more than 34 percent per decade between 1940 and 1970. Unfortunately for workers, this rate of increase had halted in the mid-1970s. Between 1980 and 1990, annual wages grew by only 2 percent, compared to the almost 43 percent increase during the decade after 1950. The figure above indicates the relative changes in average annual earnings over the course of each decade. By the 1980s wage gains were largely halted.   The culture of anti-worker austerity that seemed to have developed[8] had manifested itself in the paycheques of working people.

According to O'Connor's state theory, these striking changes in the character of minimum wages are not surprising. They should be considered clear responses to capitalism's inherent tendencies. More specifically, the state and capital will always respond when faced with an emerging crisis of profitability. Returning to O'Connor's theory, this change can be conceptualized as a movement of minimum wages away from their legitimating function toward that of accumulation. While these functions have existed throughout the history of the minimum wage, only now is the latter emerging as the

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[8] For a more complete accounting of the levers used to promote wage austerity, see: Dumenil and Levy, 2004; Goldstein, 2008; Mcbride, 2001; and Workman, 2009.

FIGURE 2. National Average Hourly Wages (2005 Dollars)
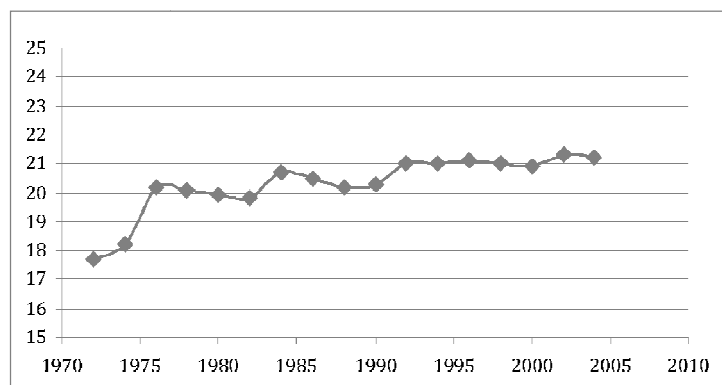
(*Note.* Data obtained from Russell and Dufour, 2007)

predominant feature.

        In their early years Canadian minimum wages existed somewhere closer to the legitimating side of the spectrum of functions. They served business by regulating the low-wage sphere and promoting harmonious class relations. As the Fordist era came to a close, however, they morphed into tools that could be wielded to depress overall wages. They are part of the larger policy paradigm referred to as neoliberalism, which greatly favours profit shares over wage shares. Throughout the past decades governments have been able to use increases in the minimum wage as an opportunity to send an economic signal that wages should never again outpace the rate of inflation. Indeed, in periods when the value of the real minimum wage is being eroded it drives home economic ideas about global wage competitiveness and generalized austerity. In this capacity the minimum wage is one of the more prominent regulatory mechanisms used as leverage to lower wages.

        The minimum wage is a high-profile policy that receives significant attention when governments announce legislative increases. A brief survey of the obiter surrounding legislative increases provides us with a glimpse into this relationship. New Brunswick's Liberal Party, for example, in justifying a minor increase of the provincial $8.25 minimum wage, quotes its Minister, Donald Arsenault, stating that "this *balanced approach* will continue to move us forward on our path to self-sufficiency and build a better future for New Brunswick [italics added]." (New Brunswick Liberal Party, 2010) The party goes on to assure business that to offset minor raises in the minimum wage as the concept of a training wage for inexperienced workers," will be proposed in upcoming legislative sessions. These reassurances are aimed at convincing the ownership class that the government will do everything in its power to insure

FIGURE 3. Percent Change in Average Annual Wages by Decade
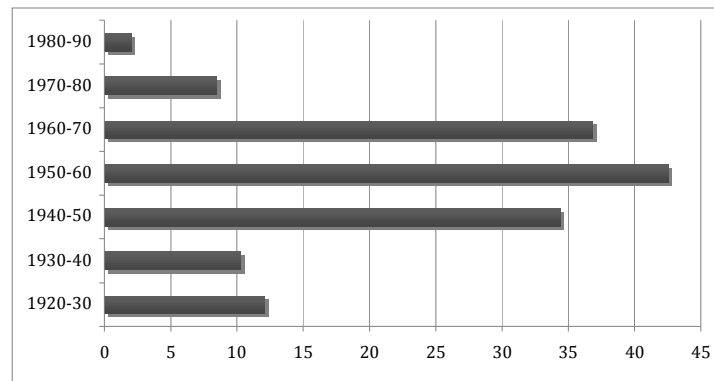
(*Note.* Data obtained from Rashid, 1993: Table 1)

that wages not rise beyond levels endorsed by industry, and the underlining fact that cautious increases will not outpace the rate of inflation is abundantly implicit.

State officials frequently make the issue of wage restraint front and centre. British Columbia's Finance Minister, Carole Taylor, is paraphrased by CBC as follows, "raising the minimum wage now — at a time of record low unemployment — would be a disincentive for investors." (CBC News, 2007) Such discourse, despite the fact that higher legislated minimums help wage-earners directly by raising the wage-bill, opportunistically uses an ambiguous language about the purportedly blended interests of owners and workers to push economic growth and promote wage restraint.

Capital has also contributed to the dialogue, emphasizing the link between the minimum wage and the importance of wage restraint. The Canadian Federation of Independent Businesses' regional director in New Brunswick has asked: "What is the point of increasing the minimum wage? We want to help the working poor and those living on lower incomes. And the first thing that would help them would be increasing the basic personal [income tax] exemptions." The CBC correctly paraphrased his basic point: "Helping workers make ends meet should be up to government and not businesses." (CBC News, 2009)

What might account for the recent upswing in the minimum wage? The recent trend suggests that the minimum wage lost its moral credibility during the long period of stagnation. In the theoretical language of this thesis the *legitimating function* of the minimum wage had been jeopardized. Stated differently, government had been alerted by civil society that minimums had fallen too low. Indeed, countless groups arose across Canada to press for

legislative raises in provincial minimum wages, pointing out that contemporary levels condemned recipients to a life of poverty. (Hewlett, 2005) One of the original campaigns dedicated to raising the minimum wage began in Ontario in 2003. The Ontario Coalition for Social Justice lobbied with enough success to convince the provincial New Democratic Party to include calls for a $10/hour minimum wage in its platform. The governing Liberals were convinced to raise the provincial hourly minimum wage to $8 over a span of several years. Similar groups such as Manitoba's Just Incomes Coalition, New Brunswick's Common Front for Social Justice, Quebec's Collective for a Poverty-Free Quebec and Prince Edward Island's Working Group for a Liveable Income have each joined in the movement for minimum wage increases. Multiple national students', women's, aboriginal, and labour groups have also contributed to the effort. In response to this political pressure minimum wages have exhibited modest growth. Every provincial government except British Columbia and Quebec increased their minimum wage by more than 10 percent between 2004 and 2008.

The slight restoration in the real value of the minimum wage in recent years has been guarded. When politicians endorse higher minimum wages their proposals are low enough so as to not challenge capital's optimal conditions of accumulation. The New Democratic Party's representative for Edmonton-Strathcona in Alberta's provincial legislature recently displayed such an overall emphasis on wage restraint. Rachael Notley has argued passionately and convincingly for an increased minimum wage. Her concern for working people and wage justice, however, is careful not to threaten capital accumulation. As she revealed in Alberta's provincial legislature on February 9, 2010, in her questions to government: "Why won't the minister stop being such a miser and give minimum wage workers the 12 cent raise they were promised... In this context this government has just grabbed 20 bucks a month out of their pockets. Twenty bucks a month won't bankrupt a business, but it will mean less food on their tables." (Province of Alberta, 2010: 47)

Minimum wages are well known to both workers and owners. They are discussed in a manner that promotes wage austerity by making the wage floor apparent. Letting them fall below their mid-1970s highs has brought this character of minimum wages to the fore. They continue to be touted as mechanisms for justice, but, as was described in the introduction to this paper, they often fail to raise individuals out of abject poverty. Minimum wages have changed in character. Their initial function, stabilizing and legitimizing the low-wage sphere, has not been abandoned. Perhaps more correctly, a new, more insidious feature has been adopted in the nature of their employment. They have seemingly developed the ability to exert downward pressure on wages by gaining public esteem.

CONCLUSION

To summarize, in the theoretical language of O'Connor's state theory, *the accumulation function of the minimum wage has always been in play.* At its

historical outset it stabilized the low-wage sector, and was permitted to rise in accordance with the increase of all wages during the Fordist era.

Its legitimating function was clear from the outset. It made the state appear benevolent and just, and it made public policy appear as though it genuinely balanced the interests of workers with those of the business community. This paper further argues that, at the outset of the neoliberal era, as the immanent tendencies of capitalist accumulation had begun to assert themselves, state and capital abandoned the Fordist public policy paradigm. Accordingly, the minimum wage was enlisted to drive home a message of wage austerity, and permitted to lose considerable real value. Thus, it shifted from being an instrument of wage stability in the low-wage sphere of the economy to an instrument that also promoted the generalized goal of wage restraint. The change in emphasis that is proposed is as follows: *the minimum wage evolved from being a policy of wage stabilization to being a regulatory mechanism promoting wage depression.*

It would appear, however, that this neoliberal goal challenged the legitimating aspects of the minimum wage. Public calls to ease up on its restrictiveness arose throughout the 2000s. Minimum wage restraint had gone too far. In recent years, therefore, there have been increases in the real value of the minimum wage, thereby bringing its moral authority back in line with its legal authority. Its *legitimating function* has been restored to round out its ever present *accumulation function*.

It is proposed that future research into the essential character of minimum wages will continue to require the use of O'Connor's logic of capital theory with emphasis placed on the rate of profit. Recent trends provide stunning empirical evidence that will heavily influence the way we discuss minimum wages.   It will be important for researchers to evaluate the interchange between legitimating and accumulation and establish whether the recent upswing in minimum wages persists. More importantly, it will evaluate whether this trend is a result of the erosion of the legislation's legitimating function or of the success of the neoliberal policy paradigm's temporary restoration of profitability. It is forecast that slight increases in minimum wages will most likely result from a combination of these two features, but with their continued existence minimum wages will not cease to evince the dual functions of optimizing and legitimating accumulation.

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