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FOREWARD

This is the eighth volume of the *UBC Journal of Political Studies*. To the best of my knowledge, no other Canadian undergraduate student-edited journal can claim so long a current unbroken string. The continuity and vigour of the journal testify to the vision of the founding editor, Marc Coward, and to the quality of undergraduate life at UBC. The Political Science Students Association is a key guarantee of continuity. Most important, of course, is the skill—diplomatic no less than editorial—of Marta Bashovski and her team.

This year's complement of papers may be the broadest based in the journal history. By my count, there are three papers in political theory, three in international relations, three in comparative politics, and two papers that span more than one subfield. Canadian politics as such may not appear, but at least two papers have strong Canadian themes. As always, the papers have passed through rigorous review, with the assistance of my colleagues.

In short, the *UBC Journal of Political Studies* shows what undergraduate education at a research university can offer. If our students are our mirror, I like what I see!

So congratulations to the editors and to the whole editorial team.

Richard Johnston
*Professor and Head,
 Department of Political Science, UBC*

EDITOR'S INTRODUCTION

There's something about politics (or, likely, many things) that engages our minds, draws us in. One of the first ideas we learn as undergraduates is Aristotle's maxim that "Man is by nature a political animal." Of course, I would add that woman too fits in, but the main premise remains. The diversity of opinion, the potential for discourse, and sometimes conflict, and above all, growth, communication and cooperation makes politics a field of incredible richness. This is reflected in the selection of undergraduate work represented in the eleven papers in this year's edition UBC Journal of Political Studies. From deconstructing the relationships between religion, society, liberty, the individual and the state, as Myles Estey, Julia Fenrich and Stephanie Markovich, Danica Michelle Waih-Manh Wong, and Sheena Bell do, to critiquing the inequities that continue to exist in Western Democracies and their relations with other states, as in the work of Angela Sterritt, Anna Wong and Sarah Gooding, to examining security issues as in the contributions from Ryan Cross, Kiel Giddens and Sam Leung, this year's papers illustrate both the range and quality of work produced in the Department of Political Science at UBC.

Of course, in a venture such as this, there are many many people involved whose help is invaluable. First, I would like to thank our talented, enthusiastic and all around excellent editorial board for all of their hard work over a very short period of time - Sheena Bell, Myles Estey, Stephanie Ho, Eric Ito, Sam Leung, Grace Lore, Sean Low, Tyson McNeil-Hay, Virginia Richards, Tobold Rollo, Rebecca Sewell, Joseph Szamuhel, and Danica Michelle Waih-Manh Wong. I would particularly like to thank the assistant editor-in-chief, Jamie McAllister, whose dedication and commitment were truly indispensable in this endeavour.

Throughout this journal's eight year history (which I understand places it as the longest running undergraduate journal in Canada), we have received a tremendous amount of support (both financial and otherwise) from both the Department of Political Science and the Political Science

Students' Association, without which this journal would not be possible. I'd like to thank Dr. Richard Johnston, Trish Mullen and Pamela Sheppard for their assistance in the production and promotion of this journal. A special thank you to our faculty supervisor, Dr. Angela O'Mahony, for her help and encouragement every step of the way!

As a student run, student edited journal, we rely on the expertise of faculty referees to maintain the level of quality and credibility required of published scholarly work. I would like to thank all of our faculty referees for taking the time to examine papers, make comments and contribute to this year's journal. To Dr. Barbara Arneil, Dr. Bruce Baum, Dr. Michael Byers, Dr. Colin Campbell, Dr. Hani Faris, Dr. Kenneth Foster, Dr. Kathryn Harrison, Dr. Laura Janara, Dr. Paul Marantz, Dr. Angela O'Mahony, Dr. Richard Price, Dr. Allen Sens, Dr. Campbell Sharman, Dr. Mark Warren – Thank you. Your help is critical and, always, much appreciated.

Finally, I would like to thank the authors of this year's selection of papers. We received over 90 submissions, and it is from this rich field that the eleven papers presented here emerged. Thanks for taking the time to go through the editing process and, of course, the engaging works that are the final contributions. A thank you also to *all* who submitted to this year's journal. It was very exciting to get such an enthusiastic response to the call for papers and to get a chance to see the diversity and quality of scholarship represented. I look forward to seeing and hearing about the growth of this journal in future years.

It's been a pleasure,

Marta Bashovski
Editor-in-Chief, 2006

CONTRIBUTORS

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Sheena Bell is a third year Honours political science student, minoring in French. Her interests in political science include political theory, Canadian politics and South Asian politics. Next year, Sheena plans to continue her studies in political science by attending the Institut des Etudes Politiques in Grenoble, France on exchange. She hopes to combine her love of French and politics and work as a co-op student for Foreign Affairs in Ottawa in the future.

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Ryan Cross is a fourth year international relations and human geography double major, and is currently a Simons Centre Student Disarmament Research Associate. His interests include human security, peace and security, European security, and ethno-political violence, with emphasis on mass atrocities and genocidal events from both psychological and political science vantage points. Ryan is an avid cyclist, enjoys hiking, and speaks German.

MYLES ESTEY

Myles first questioned his belief in God when he got in his first fight: Andrew Houst, circa age 5. In a utility closet, during Sunday school, it ripped all his buttons off his shirt. For the third straight morning, Myles awoke today to the downstairs apartment blaring terrible hip-hop. He prayed for some god to strike them down. Maybe it would have worked if he hadn't bloodied the nose of young Andrew. You never know.

JULIA FENRICH

Julia is in her final year at UBC, and will be receiving her BA in political science this May. Her time at UBC has sparked an interest in international relations and American politics. After graduation, Julia plans to take a year off from studying to travel and work. She would like to continue her education, working

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Throughout her 5-year degree in political science at UBC, Sarah has tried to enrich her studies with practical work experience. She hopes to work in the field of broadcast journalism, and plans to attend BCIT in the fall. While on exchange in Australia last year, a female professor revealed that she was a lesbian living with her partner and her two children. Her candid and inspirational teaching and experiences sparked an interest in Sarah, resulting in the writing of this paper.

SAM LEUNG

Sam Leung is a political science alumnus currently working for UBC Career Services. He has contributed to this journal for the last two years, first as a writer and then as an editor and writer. In designing the cover for this year's journal, Sam chose the campus's Goddess of Democracy as it symbolizes the political consciousness of the student body, something he hopes this journal will also capture.

STEPHANIE MARKOVICH

Stephanie is in fourth year Honours political science, with a special interest in International Affairs and comparative politics. She plans to enter law school at the University of Ottawa next September and then complete a Masters in International Affairs. She has no idea of what the future holds beyond that!

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Angela is a Gitxsan and Irish student, artist, writer and social justice activist. She is currently in her third year in political science and visual arts at UBC and works as an advocate at Justice for Girls- an NGO based out of Vancouver BC. In

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ANNA WONG

"Never doubt that a small group of thoughtful, committed people can change the world; indeed it's the only thing that ever has." Currently a third year political science Honours and co-op student at UBC, Anna's interest is in developing and building sustainable communities locally and abroad. Besides ambitions to change the world, Anna also loves running, the outdoors and good conversations.

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Danica is a third-year political science Honours and French Honours student. She is particularly interested in studying public policy, Canadian politics and international relations. Outside of school, Danica is deeply involved with the British Columbia Youth Parliament, for which she is currently serving as Attorney General and Minister of Corporate Relations. She also enjoys attending national and international student conferences, and working as an AMS tutor.

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ISLAMIC FUNDAMENTALISM AND NARCOTICS: AN UNCERTAIN FUTURE FOR THE UNITED STATES' ALLIANCE IN SOUTH ASIA

Kiel Giddens

In the South Asian region, Pakistan has been America's traditional ally, as it has been during the war in Afghanistan. However, this relationship is at risk because of regional Islamic extremist forces and regional troubles associated with the narcotics trade. These two factors may have a major effect on Pakistan's ability to maintain its alliance with the United States.

March of 2000, President Clinton said that "[t]he most dangerous place in the world, I think you could argue, is the Indian subcontinent and the line of control in Kashmir."¹ The region is plagued by prolonged conflict overshadowed by the nuclear threat from India and Pakistan. American relations in South Asia have been based on geo-strategic interests, and while Pakistan has traditionally been America's foremost ally, the relationship has gone through many struggles and tensions. Pakistanis believe that they have been treated unfairly in the relationship. Three major complaints include America's refusal to help Pakistan in the 1965 war with India, America's relative abandonment of Pakistan following the Afghan-Soviet war, and the discriminatory nature of US nuclear sanctions (which affected only Pakistan and not India until the May 1998 nuclear tests).² On the other hand, "Washington is troubled by the failure of democracy, the return to military rule, and the threat of Islamic extremism."³ These concerns, however, combined with continuous violence in Kashmir and Pakistan's nuclear succession, have been set aside as America has renewed its alliance with Pakistan because of the war on terror, with Pakistan playing an important strategic role in the war in Afghanistan.

Negative American policies during the first Afghan war, and subsequent events in Afghanistan during the 1990s, negatively affected Pakistan's position in the fight against terrorism, and compromised its stability. Afghanistan has become awash in illegal narcotics that have been used to fund terrorist activities, activities that may be termed 'narcoterrorism'. Corruption, instability, and a resurgence of radical Islamic fundamentalism have led to Pakistan's inheritance of many of the same problems in Afghanistan. The narcoterrorism of Afghanistan is interconnected so much with Pakistan that it creates an uncertain future for Pakistani-US relations, as relations are bound to be strained by Pakistan's internal situation.

Religious extremists were weapons of the CIA against the Soviets during the 1980s. Through the Pakistani Inter-Services Intelligence (ISI) agency, the CIA channeled money to bring Islamic extremists - the *mujahideen* (holy warriors) - to wage *jihad* (holy war) against the government in Kabul and its Soviet allies. An estimated 35,000 Muslim radicals from 40 Islamic countries joined the fight for Afghanistan between 1982 and 1992, many of whom were trained by the Pakistani Army. Along with the radicals in Afghanistan, tens of thousands of Muslims from the *madrasahs* in Pakistan went to fight. *Madrasahs* were religious schools funded separately from the central government and were centers of Islamic fundamentalism.⁴ The *mujahideen* funded much of their anti-Soviet operations with the production and sale of opium and heroin. This Afghan drug trade became a major source of income for Soviet resistance, and US officials consequently ignored this. In fact, the CIA and ISI even conspired to deploy drugs as a weapon against Soviet forces in Afghanistan, thereby aiding the *mujahideen* to establish themselves in narcotics production and trafficking.⁵ This situation would remain as the Islamist radicals in Afghanistan carried on their fight for control of the country in civil warfare.

Following the Afghan-Soviet war, the surge in production and trafficking of narcotics continued as the radicals in Afghanistan sought continued funding for the civil war, and a negative byproduct of the war was the effect of the drug problem on Pakistan. Domestic addiction had escalated steadily throughout the war, and by 1993, the UN estimated that Pakistan had 1.7 million drug addicts, making drugs a major social concern.⁶ This number has increased to over 5 million addicts today, giving Pakistan the distinction of having

the most drug addicts in the world.⁷ Along with this, Pakistan became a producer and exporter of heroin, much of it going to the US. Profitable poppy cultivation moved into Pakistan's Northwest Frontier Province (NWFP), which borders Afghanistan, an area where the control of the Pakistani government is traditionally weak.⁸ The US government placed sanctions on Pakistan under the Pressler amendment (for Pakistan's nuclear ambitions) following the war, which added to Pakistan's economic problems, and contributed to further corruption. Pakistan's weak institutions meant it had lax anti-corruption standards, and so profits from drug trafficking made their way into the pockets of government officials and many others in positions of power.⁹ A CIA report concluded that

Pakistan is at a stage in its development wherein corruption is simply the norm. Those who have any kind of influence or access to the corridors of political powers flout the laws of the land with impunity...the country's elite leaders, politicians, industrialists, generals, bankers, landlords with few exceptions use their positions to enrich themselves, their families, their relatives...¹⁰

Such corruption has allowed the narcotics problem to escalate and trafficking networks to form through the aid of such influential people. As corruption allowed the drug economy to continue in Pakistan, Islamic fundamentalists were able to capitalize on it as well, just as in Afghanistan.

By 1997, the Taliban, a fundamentalist Islamic group in Afghanistan, had gained control of Kabul and a sizeable portion of the country with the aid of Osama bin Laden and other former *mujahideen* of the 1980s *jihad* in Afghanistan. Pakistan supported a Taliban-controlled Afghanistan because it thought that the Taliban would give the Pakistani army strategic depth in Kashmir. The Taliban, its supporters in Pakistan, and Osama bin Laden's terrorist network all support insurgents in the Kashmiri struggle against Indian-controlled Kashmir.¹¹ The goal of the Pakistani ISI was to expand the narcoterrorism of these groups across national borders into Kashmir. The Taliban financed its capture of Afghanistan and its ensuing regime by collecting a 20 percent tax from opium dealers and traffickers in territory under its control.¹² The Afghan drug trade "funded the activities of all actors in Afghanistan including the Arab terrorists, the Taliban militia, their non-Afghan (including Pakistani and Arab) supporters, and [even] the anti-Taliban coalition, the Northern Alliance."¹³

Pakistan has many Taliban supporters, especially in the NWFP. The predominantly Pushtun Taliban emerged out of the Islamic *madrasahs* (seminaries) in Pakistan where they were living as refugees during the Soviet occupation.¹⁴ Thus, the fundamentalist ideas of the Taliban are essentially the same on the Pakistan side of the border.

The connection between the Taliban and Pakistani Islamic fundamentalism is represented by such Pakistani political parties as Jamiat-ul-Ulema-e-Islam (JUI), and other groups of radical Pakistani Sunni extremists. The JUI was a politically isolated party until the 1993 elections when it joined the ruling coalition of Benazir Bhutto's government. This gave the JUI access to political positions of power and contacts with the ISI and the military.¹⁵ By 1998, the JUI and radical Islamist parties with their militant auxiliaries had become a major influence in the provinces of NWFP and Baluchistan, and had increasing support in Punjab and Sind. These groups reflect anti-American stances and the continuation of the idea of *jihad*. The ISI has supported many extremist parties and organizations to carry out continued violent activities in Kashmir, many of which have been officially added to the United States' list of official "terrorist" organizations. The Pakistani connections with the Taliban and al-Qaeda do not necessarily have an organizational base, but "[i]n reality everything rests on personal connections, the connections of the *madrasahs*, chance meetings in training camps and community of interest."¹⁶

The idea of *jihad* is fundamentally the same among radical Islamic groups, as the Taliban, al-Qaeda, and Pakistani-Kashmiri terrorist groups are all interconnected for this purpose. A significant example of such a connection between Islamist radicals in Afghanistan is the case of Sheikh Omar Saeed, who was one of the Pakistani terrorists liberated during the Indian Airlines hijacking in 1999, and was later reportedly with the Taliban and bin Laden in Kandahar. Prior to his arrest, he trained in Afghan terrorist camps before being asked to go to India to carry out terrorist activities. Further links include the abetting of money transfers to Muhammed Atta, one of the perpetrators of the September 11 attacks, and also links to the former ISI director, Mahmud Ahmed, who was dismissed by General Musharraf because he was labeled an al-Qaeda agent.¹⁷ This example shows that Pakistani-Afghan terrorist links are based on personal connections that are transnational, and for the same reason, the *jihad* movement is transnational,

as terrorist activity is active in Afghanistan, Pakistan and Kashmir under the same pretext. This *jihad* culture of using terrorist means to achieve political ends is sustained in large part with Afghanistan's vast opium production and the support of traffickers on the border of Pakistan and Afghanistan.

While corruption and terrorist networks fuel the business of narcotics trafficking in Pakistan, the territorial problems in the NWFP and tribal areas along the border with Afghanistan sustain the supply end. The Federally Administered Tribal Areas (FATA) are situated within the NWFP along the Afghan border, and the tribal people of these areas are subject to laws outside of the control of the rest of the country. The laws and the political administration are based on hundred-year-old laws and customs from colonial rule with officials having much more power and autonomy.¹⁸ The central government has been unable to integrate these tribal areas since Pakistan's inception, making it difficult for Islamabad to control activities in the areas. Much of this is due to the fact that the area is a disputed border under the Durand Line, a tentative border established by the British Empire. These tribal agencies are the major centers of distribution for Afghani opium; it is processed and most is sent into mainland Pakistan, and from there abroad. At the same time, the regions are also mainstays for Islamic fundamentalists primarily because mainstream politicians are not allowed to enter them.¹⁹ The NWFP is awash in drug problems stemming from the FATA, and the NWFP lacks national development programs, making drug economy incentives greater as Afghani drugs flow through the area, destabilizing the socio-economic and political structures in place.²⁰

The use of 'narcoterror' has not decreased and will continue even after the fall of the Taliban in Afghanistan. Although reluctant to cut ties with the Taliban – thereby losing Afghanistan as a client state – Musharraf eventually acquiesced to US pressure, as American support, aid, and the lifting of previous sanctions made the trade-off necessary. This has not, however, removed Pakistan from the terrorist problem in Afghanistan, as the border areas of the NWFP and the FATA are essentially sanctuaries for pro-Taliban militants and Islamic extremists who are still staging violent attacks in Afghanistan. This has been made substantially worse by the fact that the MMA, a coalition of Islamic pro-Taliban fundamentalist parties that support *jihad* and export terrorism, has recently come into

power in the provincial government of the NWFP.²¹ President Bush has been praising the Pakistani military for its support, touting it as "incredibly active and very brave;" yet the US army in Afghanistan notes that an estimated 90 percent of attacks it faces originate in Pakistan. Although Pakistan has tens of thousands of troops along its border with Afghanistan, there are none in the tribal areas, which are the very place where the Taliban, al-Qaeda and other Islamic extremists are taking refuge and staging attacks.²²

The war on terror that is being waged cannot be confined to Afghanistan, and this poses serious difficulties for US policymakers, especially in its relationship with Pakistan. The culture of *jihad* that is spreading in Pakistan has given strength to fundamentalist Islamic parties, and the influence of the MMA is spreading. The apparent loss for the Taliban in Afghanistan does not mean that fundamentalists will change their principles. Many Pakistanis are coming to idolize Osama bin Laden as a hero, and the *jihadist* movement will most likely focus on Kashmir now.²³ There has been no means for intervention in problematic regions of Pakistan by the US or the Pakistani central government, and so radical institutions, radical religious parties, and the narcotics trade still remain very much intact. The Pakistani military and the ISI are both ripe with extremists and corruption, adding to its support for the *jihad* culture. As "Pakistan's drug czars boost their links with Islamic extremists" they will "cater to the needs of heroin addicts in the West and their country" in order to carry out terrorist activities.²⁴ As a result, Islamabad and Washington are faced with the task of maintaining their alliance and fight against terrorism amidst the unsteady record of prior relations and the problem of transnational narcoterrorism.

An American analyst described Pakistan as a "Colombia with nukes and Islamic fundamentalism."²⁵ The violent Islamic fundamentalism and terrorist threat in Pakistan could possibly lead to its "Talibanization," which would be an extremely dangerous global threat – a nuclear armed state influenced or possibly governed by radicals. Current US policy is to maintain stability by rewarding Musharraf's regime for its support in fighting al-Qaeda. This is despite the Pakistani central government's inability to effectively control the proliferation of narcotics trafficking and violence from radicals. An Independent Task Force from the Council on Foreign Relations has labeled education one of the biggest priorities in need of American aid, along with the strengthening of the economy,

of democracy and civil society.²⁶ This would help establish the rule of law to end corruption and the influence of the narcotics trade. With respect to security measures, the Task Force says that Washington needs to press harder for Musharraf to uphold its commitment to ensuring that Pakistan will not be a staging ground for *jihadi* attacks in Kashmir.²⁷ Pakistan must be transformed into a progressive and modernized society in order for it to be regionally secure and for it to effectively engage in the war on terror. The Islamic extremism that exists within Pakistan carries powerful anti-American sentiments, and relations between the countries are dependant on ensuring that Pakistan is a moderate Islamic state. Narcoterrorism is detrimental to Pakistan's stability, as cross-border connections of extremists in both Pakistan and Afghanistan are cause for insecurity.

NOTES

¹ BBC News, *Analysis: The World's Most Dangerous Place? President Clinton's visit to South Asia*, March 10, 2000 http://news.bbc.co.uk/1/hi/world/south_asia/687021.stm (accessed 15 March 2005).

² Dennis Kux, *Disenchanted Allies: The United States and Pakistan 1947-2000* (Washington, 2001), 365.

³ Kux, *Disenchanted Allies*, 367.

⁴ Ahmed Rashid, "The Taliban: Exporting Extremism," in *Foreign Affairs* 78:6 (Nov-Dec 1999): 31.

⁵ Amir Zada Asad and Robert Harris, *The Politics and Economics of Drug Production on the Pakistan-Afghanistan Border* (Cornwall, 2003), 50.

⁶ US Department of State, *International Narcotics Strategy Report*, March 1993 <http://www.state.gov/www/global/narcotics_law/1996_narc_report/swasi96.html> (accessed 15 March 2005).

⁷ Rashid, "The Taliban," 34.

⁸ Kux, *Disenchanted Allies*, 309.

⁹ *Ibid.*, 324.

¹⁰ Asad, *The Politics and Economics of Drug Production on the Pakistan-Afghanistan Border*, 50.

¹¹ Rashid, "The Taliban," 28.

¹² *Ibid.*, 33.

¹³ Samina Ahmed, "The United States and Terrorism in Southwest Asia: September 11 and Beyond," in *International Security* 26:3 (December 1, 2001): 81-82.

¹⁴ Rashid, "The Taliban," 24.

¹⁵ *Ibid.*, 26.

¹⁶ Mariam Abou Zahab and Oliver Roy, *Islamic Networks: The Afghan-Pakistan Connection* (New York: 2004), 58.

¹⁷ *Ibid.*, 58-59.

¹⁸ Asad, *The Politics and Economics of Drug Production on the Pakistan-Afghanistan Border*, 1.

¹⁹ Shiv Malik, "Where Bin Laden Can Still Roam Free," in *New Statesman* 134: 4728 (February, 2005), 35.

²⁰ Asad, *The Politics and Economics of Drug Production on the Pakistan-Afghanistan Border*, 3.

²¹ Frank G. Wisner II, Nicholas Platt and Marshall M. Bouton, "New Priorities in South Asia: US Policy Toward India, Pakistan, and Afghanistan," *Chairmen's Report of an Independent Task Force Cosponsored by the Council on Foreign Relations and the Asia Society* (New York, 2003) 59-60.

²² Malik, "Where Bin Laden Can Still Roam Free," 34-35.

²³ Zahab, *Islamic Networks*, 75.

²⁴ Brahma Chellaney, "Fighting Terrorism in Southern Asia," in *International Security* (Winter 2001/02) 103-104.

²⁵ Sebastian Mallaby, "Pakistan's Palaver Turns Democracy on Its Head," in *International Herald Tribune*, April 28, 2000, 6.

²⁶ Wisner, "New Priorities in South Asia," 62.

²⁷ *Ibid.*, 63.

SHIPS PASSING IN THE NIGHT: HISTORY AND THEORY OF JOHN STUART MILL

Sheena Bell

John Stuart Mill's conceptions of free speech and social and political freedom has fundamentally influenced the liberal tradition. However, his work has been critiqued by post-colonial scholars who argue that for Mill, these rights were by no means universal. Understanding the differentiated rights and responsibilities he ascribes to 'civilized' and 'backwards' societies reveals that Mill's work has had great consequences for modern liberal International Relations theory as well.

"The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm from others." John Stuart Mill,
On Liberty

John Stuart Mill, paragon of the individual right to liberty, free speech and political franchise, has greatly shaped the liberal tradition. This popular conception of Mill's liberalism, while accurate, belies the fact that for Mill these rights were by no means universal. For embedded within his celebrated harm principle is the qualification 'of a civilized community,' which indicates that Mill's celebration of individual rights and freedoms is exclusive, meant only for those peoples Mill considers "superior in civilization."¹ This is no theoretical oversight, but part of a comprehensive philosophy predicated on utility and progress; Mill dichotomizes nations as 'civilized' or 'barbarous' by placing them on a "general scale of humanity."² To maximize progress (and therefore utility), Mill argues that each requires a different approach to rights, government and morality. Many political theorists overlook this aspect of his theory, focussing on his adherence to social and political liberties, in a way in which Mill never did.³ He openly and frequently advocated imperialism and despotic government in 'backward' British

colonies such as India.⁴ Paradoxically, Mill's commitment to progress, growth and utility underpins his thought concerning both despotism in India and democracy in England. Although Mill justifies this inconsistency, an in-depth study reveals his liberalism is biased, privileging peoples from European, liberal societies and highlights the intimate and dependent relationship he draws between liberalism and barbarism. As we will see, Mill's theory regarding the tension between barbarism and civilization has been as influential to modern-day liberalism as his celebrated thoughts on individuality and political freedom.

Mill's relationship with colonialism is extensive: heavily influenced by his father, he worked in the East India Company (EIC) for 35 years. James Mill was extremely involved in the education of his son; his greatest work, *History of British India*, was hailed by John Stuart Mill as "if not the most, one of the most instructive histories ever written."⁵ James Mill felt that "the manners, institutions, and attainments of the Hindus, have been stationary for many ages; in beholding the Hindus of the present day, we...are carried back into the deepest recesses of antiquity."⁶ Indeed, for the elder Mill, the only hope for India lay in Westernization; however, he felt that colonialism would not truly benefit Britain itself but its presence in India "was crucial as the catalyst for progress."⁷ John Stuart Mill started working as an assistant to his father at age seventeen. Lynn Zastoupil argues that Mill matured as a thinker during his time with the administration, and his time with the EIC was highly influential.⁸ Further, he holds that *On Liberty* and *Representative Government* "represent the last stage of a complicated process of intellectual development in which European ideas and the British experience in India were interwoven."⁹ Yet in his flagrant over-generalizations of Indian society and of non-European society in general, we can see that Mill, like his father, "erased details of particular societies in favour of a single and narrow set of criteria placed along a scale of progress."¹⁰ Therefore, due to John Stuart Mill's extensive professional and personal experience with the workings of British colonialism, his opinions regarding colonial rule do not reflect "what yet another Victorian theorist thought should be done with India."¹¹ Rather, much of Mill's work demonstrates a strong commitment to colonialism shaped by decades of real-life experience.

Mill was very committed to the East India Company; his experiences there greatly influenced his theories of

government regarding India. He passionately defended the EIC from British moves to disband it, criticizing the appointment of short term governor-generals who thought in terms of 'English politics' and rarely stayed long enough to understand India's complexity. Mill sees the case in India as "a choice of despotisms": rule by those who are blind to Indian realities and guided by domestic interest (the British public) or by the EIC, a permanent civil service who have made the administration of India the chief work of their professional lives.¹² Clearly, Mill prefers the latter, declaring British India a "gain to civilization."¹³ However, it is crucial to note that neither Mill nor his father, despite their long, illustrious careers with the EIC, had ever studied an Indian language, travelled to India or met an Indian person.¹⁴ Mill was not ignorant of Indian affairs, but he was certainly no expert. Yet as Uday Mehta notes, what is most significant is "the sheer descriptive richness that Mill invokes, to justify both his anti-colonialism and his colonialism."¹⁵ To understand Mill's justifications for both democracy and despotism, therefore, we require a more detailed study of his theories of freedom and government.

The individual rights and freedoms enshrined in works such as *On Liberty* and *Representative Government* are the most recognisable as belonging to the Millian conception of liberalism; however, they only apply to 'culturally advanced' societies. Economics concern Mill; he advocated for greater worker management and limitations on inequality of wealth and income.¹⁶ Yet most famous was his commitment to freedom of speech; he asserts that silencing the expression of an opinion is "robbing the human race."¹⁷ He argued society should be an open forum for debate as a right opinion can "[exchange] error for truth" and a wrong opinion provides a "clearer perception and livelier impression of truth, produced by its collision with error."¹⁸ There are, therefore, no absolute truths: we can move closer to more complete human knowledge through discourse and constant refutation of received ideas. Mill states that all competent adults, regardless of sex, should be able to express themselves fully and participate in society and politics.¹⁹ However, his work in *On Liberty* applies to the domestic context: his principles of freedom valid only to advanced societies.²⁰ This argument for differentiated political freedoms is evident in Mill's work as "there ought to be no pariahs in a *full-grown and civilized nation*; no persons disqualified."²¹ As Uday Mehta argues, "Mill cherished not diversity *per se* but liberal diversity, that

is, diversity confined within the narrow limits of the individualist model of human excellence."²² Therefore, the egalitarian and 'progressive' ideas championed by Mill are not universalist: "Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion."²³ In his work Mill unambiguously advocated freedom of speech and political franchise only to those who would benefit from, and were ready for, political and social liberty.

According to Mill, advanced societies would gain from these rights and freedoms because they had all civilisational pre-requisites conducive to representative government and social liberty. To Mill, private property and intellectual and moral development are the great indicators of civilization.²⁴ He writes that civilized nations have sufficient knowledge in the "arts of life, and sufficient security of property and person, to render the progressive increase of wealth and population possible."²⁵ Once these have reached a sufficient level, a society would progress and benefit from greater freedoms. Mill invokes an intimate relationship between progress and utility. The principle of utilitarianism, that "actions are right in proportion as they tend to promote happiness; wrong as they tend to promote the reverse of happiness" is fundamental to Mill's philosophy.²⁶ Therefore, civilized societies require social and political freedom because these will foster greater utility. However, it is important to note that Mill's conception of utility is broad: it is "utility in the largest sense, grounded on the permanent interests of man as a progressive being."²⁷ Therefore, because 'civilized societies' could benefit most from great individual and political liberty, Mill provides a justification for his exclusion of non-European, or 'backwards' peoples from the right to free speech and autonomy.

Mill's conception of civilization and barbarism reveals a dependent relationship between liberalism and the 'other.' In his essay "Civilization," Mill actually defines civilization as the "direct converse or contrary of rudeness or barbarism."²⁸ By creating such a distinction, his concept of civilization becomes dependent on its counterpart: barbarism. Civilization, indeed, is constantly defined in terms of comparison: civilized nations are "happier, nobler, wiser."²⁹ Therefore, advanced nations have not achieved perfection; rather, they have only progressed further along the path. Passavant argues that "Mill's Orientalist politics...in fact

established the conditions of their possibility as a vehicle for defining the identity formation of the West and the preconditions for justified claims of right."³⁰ More disturbingly, barbarism and civilization are not simply defined abstractly: they also pertain to specific geographical areas. Mill writes that civilisational "elements exist in modern Europe, and especially in Great Britain, in a more eminent degree, and in a state of more rapid progression, than at any other place or time."³¹ Therefore, Mill's fully articulated conception creates a great divide between civilized nations and backwards societies and lays the philosophical justification for his support for imperialism.

Moreover, Mill champions individual rights but his concept of civilisational historiography subsumes them: members of a barbarous state seem to be equated to their society's place in the scale of progress. Hence the more advanced a state is, the more social and political freedom its members receive. It also works conversely; Mill writes that "as they range lower and lower in development, [representative] government will be, generally speaking, less suitable to them."³² This is a debate which continues today in democratization literature: the extent to which adherence to liberal values contributes to a nation's potential for stable democratic government. Many scholars argue that there are indeed some liberal values which are prerequisites for successful democratisation.³³ Mill clearly explains why he argues some societies require freedom of speech and others do not using his scale of progress and emphasizing its value in determining what was best for long-term utility. The protection of the individual against a powerful majority or dominant group as celebrated in *On Liberty*, as Habibi notes "is not applied to the uncivilized."³⁴ Nonetheless, it is also clear that Mill is according rights and freedoms to individuals in liberal European nations. His vision of pluralism is seriously compromised by the classification of societies as 'civilized' or 'advanced,' especially his dismissive nature towards those cultures he little understood.³⁵

We now turn to Mill's theory concerning 'backward' peoples: those infantile, culturally stagnant societies that lack the 'special requisites' needed to benefit from liberty. Mill argued "the first lesson of civilization is obedience"; he held an extremely paternalistic view toward what he regarded as immature cultures.³⁶ In *On Liberty*, he writes that his doctrine of liberty does not apply to children or to "those backward

states of society in which the race itself may be considered as in its nonage."³⁷ Considering that Mill's conception of backwards societies is geographical as well as theoretical, we can see that by arguing such societies should practise obedience, his argument reveals an ethnocentric dimension. Mill concerned himself with the progress of such societies, much like a parent is concerned with a child's development. In fact he argues that such societies "being, however, too low a state to yield to the guidance of any but...the possessors of force, the sort of government fittest for them is one which possesses force, but seldom uses it: *a parental despotism* or aristocracy."³⁸ Therefore, Mill views humanity as a global family: Britain as patriarch and its colonies as children who require an often rough hand to guide them to becoming full-grown and developed nations. In providing often harsh discipline and education, Britain, as a sort of 'civilisational ward', is simply doing what is best for its colonies: prioritizing long-term happiness over short-term wants.

Mill attributed the lack co-operation, discipline, private property and the requisite level of moral and intellectual development in barbarous nations to "the consequence of previous bad government."³⁹ Therefore, it was the responsibility of advanced, civilized nations to govern these 'rude' societies to higher levels of development.⁴⁰ Mill writes:

Subjection to a foreign government, notwithstanding its inevitable evils, is often of the greatest advantage to a people, carrying them rapidly through several stages of progress, and clearing away obstacles to improvement which might have lasted indefinitely if the subject population had been left unassisted to its native tendencies and chances.⁴¹

Despite his celebrated espousal of political franchise and representative government, Mill believes that "a civilized government, to be really advantageous to [a rude people], will require to be in a considerable degree despotic."⁴² Therefore, the individual freedom Mill champions does not apply here, as progress is best enhanced by the imposition of foreign government over peoples of barbarous societies.⁴³

How can these theories co-exist? For Mill, utility was "the ultimate appeal on all ethical questions": when considering 'backwards societies' civilisational progress may have superseded other liberal considerations such as social liberty, political franchise and short-term happiness.⁴⁴ Don Habibi

argues that Mill was able to champion both despotism and democracy due to his commitment to the 'growth ethic;' that is, utility or happiness was best served by progress, so much so that it overrode his other values.⁴⁵ Yet this argument depends on the notion that for Mill, utility was divorced from his other values of personal and political freedom. As already discussed, Mill's conception of utility is quite inclusive and therefore may include social and political liberty. However, it remains that Mill advocated what Pitts calls his "progressive colonial despotism."⁴⁶ This may seem a contradiction in terms; however, Mill had no qualms in imposing foreign rule on a backwards nation if the government was truly committed to progress toward instilling liberal values in the subject people. Mill was not advocating exploitative colonialism, as he argues those nations who rule colonies in their own interest are "selfish usurpers."⁴⁷ Therefore, Mill felt that the Raj was temporary: to last only until Indians had developed enough to benefit from the liberties enjoyed in advanced states. This long-term vision of Mill's theory of governance is founded in his belief that utility derived from civilisational advancement: utility is his "guiding purpose and the ultimate indicator of progress."⁴⁸

However there are some conceptual difficulties which arise when studying Mill's liberalism. If history is indeed the progression of one partial truth to the next, and these 'backward' states represent stagnation in a period of history England has surpassed, then do not these states represent a partial truth? In *On Liberty*, Mill argues that the silencing of opinions is an assumption of infallibility; yet if these states do contain truths it is 'robbing the human race' to deny them free speech and political franchise.⁴⁹ In fact, Mill does recognize that civilization has lost something during its advancement. He notes "there is, to say the least, no increase of shining ability, and a very marked decrease of vigour and energy."⁵⁰ In fact he argues the weight and the importance of the individual in civilized nations "[sinks] into greater and greater insignificance" due to the increase in mass movements though the spread of information and political franchise.⁵¹ He compares barbarism favourably with civilization in that savage peoples display courage and enterprise: two characteristics he finds lacking in his native England.⁵² Thus, Mill does recognize partial truths in these 'backwards' societies. However he does not go so far as to recognize globally what he champions

domestically in *On Liberty*, that these holders of partial truths deserve a place in deliberation and decision-making.

For Mill, free speech is the means to discover and spread truths on subjects of general concern; yet by arguing that repression of free speech is legitimate in societies such as India Mill is creating a "moral geography" that has repercussions in modern day.⁵³ In *On Liberty*, free speech has a dual purpose. It enhances individual development and it has a social role: the discovery of truth. Passavant calls this the "Millian paradigm."⁵⁴ As he argues, "on these grounds, speech that is unlikely to contribute towards truth, and persons unlikely to be able to push forward this progress, have no claim on speech rights."⁵⁵ This has great ramifications for Mill's liberalism, as it offers a "frame of inclusion and exclusion for identifying a people for whom freedom of speech is appropriate and those for whom it is not."⁵⁶ Passavant argues that this Millian paradigm is strongly linked to American conceptions of free speech. U.S. Presidents often define their nation in terms of its valued commitment to liberty and progress, most recently during the 'War on Terror.' Mill made similar claims that England was "the Power which, of all in existence, best understands liberty."⁵⁷ In both cases, when invoking a 'civilized' status, these nations reflect a colonial attitude reminiscent of Mill's distinction between civilized and uncivilized nations, and the corresponding political, social and moral rights accorded to each.

Applying these principles to the international context, Mill maintained only advanced nations had the right to non-intervention and even the right to be a 'nation;' this view has permeated the work of many modern international relations theorists. In "A Few Words on Non-Intervention", Mill argues that "to suppose that the same international customs, and the same rules of international morality, can obtain between one civilised nation and another, and between civilised nations and barbarians, is a grave error, and one which no statesman can fall into."⁵⁸ He therefore states that the right to non-intervention applies solely to relations between civilized nations. "Barbarians," he states, "have no rights as a nation; except a right to such treatment as may...fit them for becoming one."⁵⁹ This is not peripheral but central to Mill's liberalism: it "authorizes a particular voice to assume protection of 'freedom of speech'"; that is, free speech's social purpose in propelling humanity towards greater progress.⁶⁰ This is a fundamental justification for not only 18th century British imperialism, but

intervention in the 20th century. Echoes of Mill's liberalism appear with startling frequency in Huntington's 'West vs. Rest' conception in "Clash of Civilizations," Mill's sense of historical progression in Francis Fukuyama's *End of History*, and the right to intervene in 'outlaw states' in John Rawls' "The Law of Peoples."⁶¹ This unequal moral status articulated by Mill provided the justification of differential treatment towards Britain's European neighbours and its Asian and African colonies; further, it is re-incarnated in several major contemporary international relations theories.

In depth study of Mill has brought to light the very real and disturbing philosophical underpinning of his liberalism and the impact of his work today. He contradicts his own principles of diversity and tolerance in creating a scale of civilisational improvement which excludes certain groups from enjoyment of social and political liberties. Mill's theory disregarded equality, democracy, autonomy and pluralism in its push for progress: this led to a myriad of oppressive and paternalistic policies. The contradiction between Mill's celebrated theories on freedom and the history of aggressive British policy imperialism is striking. Mehta notes that it seems as "perhaps liberal theory and liberal history are ships passing in the night spurred on by unrelated imperatives and destinations."⁶² Progress and its potential to enhance utility provided the rationalization behind Mill's belief that British imperialism was not only consistent with, but critical to, his liberalism. Therefore, for Mill, history and theory were not separate ships at all. Rather, all humanity was aboard one ship, heading towards moral self-development, advancement and progress. While some societies were ready to chart their own course, others required development before taking control of their destiny.

NOTES

¹ J.S. Mill, "On Representative Government," in *On Liberty and other Essays*. (New York: Oxford University Press, 1998), 264.

² Mill, "On Representative Government," 257.

³ Political Theorists criticized for overlooking Mill's espousal of despotic government and limited political freedoms for what he calls 'backward societies' include K. C. O'Rourke in *John Stuart Mill And Freedom Of Expression: The Genesis Of A Theory* (New York: Routledge, 2001) and also Nadia Urbinati in *Mill On Democracy: From The Athenian Polis To Representative Government* (Chicago: Chicago UP, 2002). For reviews see Paul A Passavant, "Freedom's Archive," *Political Theory* 32, no. 5 (2004): 714-722.

⁴ See J.S. Mill "On Liberty", in *On Liberty and other Essays* (New York: Oxford UP, 1998), 15. See also J.S. Mill "On Representative Government," 209, 210, 233, 257, and especially 264.

⁵ J.S. Mill, *Autobiography*, Part I [book on-line] (New York: Columbia UP, 1924); available from <http://www.la.utexas.edu/research/poltheory/mill/auto/auto.c01.html> (accessed on 3 March 2006).

⁶ James Mill Qtd. in Don Habibi, "The Moral Dimensions of J.S. Mill's Colonialism." *Journal of Social Philosophy* 30 no. 1 (1999): 128.

⁷ Don Habibi, "The Moral Dimensions of J.S. Mill's Colonialism": 129.

⁸ Zastoupil argues that "Whereas James Mill and J.F. Stephen, for example, came to Indian Affairs with ideas and doctrines largely formed, Mill matured as a person and as a thinker in the context of Indian Administration." See *John Stuart Mill and India* (Stanford: Stanford University Press, 1994), 170.

⁹ Ibid., 170.

¹⁰ Jennifer Pitts, *A Turn to Empire* (Princeton: Princeton University Press, 2005), 141.

¹¹ Zastoupil, *John Stuart Mill and India*, 170.

¹² J.S. Mill, "On Representative Government," 455.

¹³ Ibid, 432.

¹⁴ See Habibi, "The Moral Dimensions of J.S. Mill's Colonialism": 132.

¹⁵ Uday Mehta, *Liberalism and Empire* (Chicago: University of Chicago Press, 1999), 71.

¹⁶ This paper will not focus extensively on Mill's work in political economy but rather explore his concepts of freedom of speech, representative government and his commitment to colonialism. See Uday Mehta, *Liberalism and Empire*, 98.

¹⁷ J.S. Mill "On Liberty," 21.

¹⁸ Ibid, 21.

¹⁹ J.S. Mill "The Subjection of Women", in *On Liberty and Other Essays* (New York: Oxford UP, 1998), 471.

²⁰ Beate Jahn. "Barbarian Thoughts: Imperialism in the philosophy of John Stuart Mill." *Review of International Studies* 31 (2005): 615.

²¹ See J.S. Mill, "On Representative Government," 329; emphasis added.

²² Bhikhu Parekh, "Liberalism and colonialism: a critique of Locke and Mill," in *The Decolonization of Imagination* (London: Zed Books, 1995), 95.

²³ J.S. Mill, "On Liberty," 14.

²⁴ Mill also argues for more specific requirements: "There is not a more accurate test of the progress of civilization than the progress of the power of co-operation." Discipline is also essential as it "[qualifies] human beings to accomplish all other things for which discipline is needed." See J.S. Mill "Civilization", Section II, [on-line]; available from <http://www.la.utexas.edu/research/poltheory/jsmill/diss-disc/civilization/civilization.html> (accessed 3 March 2006).

²⁵ J.S. Mill, "Civilization," Section I. [on-line]

²⁶ J.S. Mill "Utilitarianism," in *On Liberty and other Essays* (New York: Oxford UP, 1998), 137.

²⁷ J.S. Mill, "On Liberty," 15.

²⁸ J.S. Mill, "Civilization," Section I. [on-line]

²⁹ "We are accustomed to call a country more civilized if we think it *more improved; more eminent* in the best characteristics of Man and Society; *farther advanced* in the road to perfection; *happier, nobler, wiser.*" Emphasis added; see J.S. Mill, "Civilization" Section 0. [on-line]

- ³⁰ Paul Passavant, *No Escape: Freedom of Speech and the Paradox of Rights* (New York: New York University Press, 2002), 109.
- ³¹ J.S. Mill, "Civilization," Section I. [on-line]
- ³² J.S. Mill, "On Representative Government," 257.
- ³³ For further reading, see Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: Johns Hopkins UP, 1999), 64-77; and Juan J. Linz and Alfred Stephan, "Democracy and its Arenas," in *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, Johns Hopkins UP, 1996), 3-15.
- ³⁴ Habibi, "The Moral Dimensions of J.S. Mill's Colonialism": 15.
- ³⁵ This argument is also made by Jennifer Pitts in *A Turn to Empire*, 145.
- ³⁶ J.S. Mill, Qtd. in Passavant, *No Escape*, 99.
- ³⁷ J.S. Mill, "On Liberty," 14.
- ³⁸ See J.S. Mill, "On Representative Government," 233; emphasis added.
- ³⁹ *Ibid*, 210.
- ⁴⁰ In *Political Economy* Mill writes that the means to civilization is a "Better government, more complete security of property; moderate taxes...improvement of the public intelligence...and the importation of foreign capital." See Book I Ch. XIII. [book on-line]; available from <<http://www.econlib.org/library/Mill/mIP.html>> (accessed 3 March 2006).
- ⁴¹ J.S. Mill, *Representative Government*, 264.
- ⁴² J.S. Mill, *Representative Government*, 209.
- ⁴³ Indeed, Mill writes "despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end." See J.S. Mill, "On Liberty," 14-15.
- ⁴⁴ J.S. Mill, "On Liberty," 15.
- ⁴⁵ "So great was his commitment to human growth and progress that in cases of conflict, it overrode his other values. Freedom, autonomy, democracy, and (simple) happiness were subordinate to growth." See Habibi "The Moral Dimensions of J.S. Mill's Colonialism": 133.
- ⁴⁶ Pitts, *A Turn to Empire*, 126.
- ⁴⁷ They are "on a par in criminality with any of those whose ambition and rapacity have sported from age to age with the destiny of masses of mankind." See J.S. Mill, "On Representative Government," 454.
- ⁴⁸ Mehta, *Liberalism and Empire*, 103.
- ⁴⁹ See J.S. Mill, "On Liberty," 22.
- ⁵⁰ J.S. Mill, "Civilization," Section II.
- ⁵¹ J.S. Mill, "Civilization," Section II. However, it is important to note that Mill did not see every member of modern society as "no longer born to their place in life...but... free to employ their faculties." For example, in the *Subjection of Women* he argues that women have not yet achieved this state. See J.S. Mill *The Subjection of Women*, 484 and 488.
- ⁵² Jahn makes a very striking point: "In the domestic context, civilisation is lacking in the very characteristics – development of individuality, liberty, creativity – which supposedly make it superior to barbarism in the international context. And barbarism, in the domestic context, offers noble manifestations of human cultural development – including individuality, liberty, creativity – the lack of which in the international context make it inferior to civilization." See Jahn "Barbarian Thoughts," 614.
- ⁵³ Jahn, "Barbarian Thoughts": 615.
- ⁵⁴ Passavant, *No Escape*, 86.
- ⁵⁵ *Ibid.*, 89.

⁵⁶ Jahn, "Barbarian Thoughts": 615.

⁵⁷ J.S. Mill, "Representative Government," 451.

⁵⁸ J.S. Mill Qtd. in Jahn, "Barbarian Thoughts": 605.

⁵⁹ Ibid.

⁶⁰ Passavant, *No Escape*, 102.

⁶¹ Jahn discusses the relevance of Mill's liberalism in IR theory. See "Barbarian Thoughts": 616.

⁶² Mehta, "Liberal Strategies of Exclusion," 427.

THE ENVIRONMENTAL JUSTICE PARADIGM IN CANADA: ENVIRONMENTAL RACISM IN ABORIGINAL COMMUNITIES

Angela Sterritt

This paper looks at why environmental hazards, including pollution, resource depletion, and waste disposal tend to occur in higher frequency in areas occupied by people of colour. Colonial ways of thinking in Canada served as a pillar for the ruthless treatment of many Native nation's traditional territories. The paper seeks to establish further examples and explanations of environmental risks on reserves to demonstrate how Aboriginal people and their territories are treated with less regard than the white people in neighboring communities.

Racial minorities and poor people in North America find themselves living within a society that is plagued by discrimination. African Americans, Hispanics, Native Americans, Asians, and the poor have limited access to employment, education, and justice in comparison to most white North Americans. Social justice movements have challenged institutional inequities to give minorities equal access to rights that their more privileged counterparts enjoy. Similarly, disparities in the distribution of environmental risk and protection have recently been uncovered. The realization that "hazards, including pollution, resource depletion, and waste disposal" tend to occur in higher frequency in areas occupied by disadvantaged people has sparked a link between environmentalism and social justice.¹ While environmentalism traditionally looks solely at ecosystems of the non-human world, the environmental justice paradigm in the United States challenges green politics by re-conceptualizing an understanding of racial domination and its impact on environmental policy.² In Canada, the environmental justice paradigm is not a part of our overarching

political discourse, yet environmental racism is experienced heavily in many communities.

Indigenous³ people within Canada, in particular, present a unique case that deserves investigation. First, colonial ways of thinking deemed Aboriginal people as inferior, which justified the subjugation of their lives and territories. This racism acted as a pillar for the ruthless treatment of the traditional territories of many Aboriginal nations. Secondly, Aboriginal people were removed by force from their land and segregated on reserves through a process of colonization. This phenomenon physically separated the settler and Indigenous populations; Indigenous people were confined to allotted Indian (Crown) land while settlers were offered private property. Thus, Indigenous people, vulnerable to the racist and arbitrary decisions of the Crown, were more susceptible to environmental racism in particular. Thirdly, although there is ample anecdotal evidence of environmental risks on reserves, no rigorous comparisons of Aboriginal and non-Aboriginal communities have been made to confirm that Aboriginal people and their territories are treated with less regard than those of white people in neighboring communities. This paper will provide an analysis of the environmental justice paradigm in Canada by demonstrating the colonizer's explicit discrimination against Indigenous people, the disregard for Indigenous territories, and the subsequent denial of political power allocated to them.

In the United States, the environmental justice paradigm is clear; there is a political discourse that strongly acknowledges the disproportionate distribution of pollution, waste, and contamination in non-white communities. Ample empirical evidence in the U.S. consistently demonstrates inequities in environmental exposure in minority communities, allowing justice advocates to put pressure on governments to create policies that will deal with these injustices.⁴ The environmental justice movement in Canada is different from the United States' paradigm, as few if any comparisons have been drawn between the amounts of exposure to environmental risks experienced in white and non-white communities. Environmental racism in Aboriginal communities, however, is evident in Canadian history, throughout which an odious colonial relationship has been established between Native people and the Canadian government.

Colonization in Canada initiated a pattern of subjugation of Aboriginal people. Eurocentric ideologies asserted that Indigenous societies were not organized enough to own land and that 'un-Christian' religious values made Indigenous people sub-human.⁵ These racist assertions formed legal principles, such as the *Doctrine of Discovery*, and enabled Europeans to assert sovereignty over Aboriginal people and their lands.⁶ That is, settlers could justify their drive to disregard Aboriginal governing structures and land, and their development of 'Western' forms of agriculture and industry. New dominions of Canada could be legally acquired in various ways, including the settlement of unoccupied territory.⁷ Colonizers defined 'occupancy' as the cultivation of the land, and since many organized Indigenous nations were hunter and gatherer societies, much of Canada was considered unoccupied.⁸ Europeans therefore asserted that the Original People's title had been extinguished at the time of contact.⁹ This misguided belief reflected the inherent racist policies of the day that dictated settlers' actions.

Aboriginal Title to the land was eclipsed by colonial ideas of occupancy and ownership that were later supported in legal precedents. Canadian Court decisions have used ethnocentric views of ownership and colonial thinking to interpret case law in handing down decisions that perpetuate racist views of, and actions against, Indigenous people and their lands. A Privy Council decision in the *St. Catherine's Milling and Lumber CO. v. R* of 1888, for instance, held that Indians possess "[only a] personal usufructory right, dependent upon the good will of the Sovereign over which they enjoyed Indian Title."¹⁰ In other words, Indian Title was defined as the right to use the land, as opposed to the recognition of Indigenous ownership and jurisdiction. Non-Aboriginal people in contrast had the right to own property, known as fee simple title, and were even granted land through various acts such as the Homestead Act and the Veterans Land Act.¹¹ As a principle of common law, private ownership entails full rights to the property, and from the outset Aboriginal people were denied these basic rights. To this day, Title vested in the Sovereign (the Crown) makes it near impossible for Aboriginal people to protect their territories, as the land is more accessible to state and corporate development.

Provincial and federal governments in Canada have generally viewed land as a commodity to be exploited for profit. Monetary benefits are often reaped by a dominant white

system at the expense of Aboriginal people, their land, and livelihoods. An environmental paradigm in Canada is layered through a process of colonization that continues to prosper today. The Secwepemc people's struggle to regain title in their traditional territory in Skwelkwew'welt (occupied by the Sun Peaks Ski Resort), is a case in point. While their nation has used litigation to successfully prove that they still hold title to Skwelkwew'welt, the territory has been sold to Nippon Cable – a Japanese company that purchased the land from the provincial government in order to expand the Sun Peaks Ski Resort.¹² The expansion of the resort includes the clear-cutting of five mountains for additional ski runs, the development of drainage basins, the exploitation of water resources to make artificial snow, the expansion a golf course, and the construction of a mega hotel.¹³ Tens of thousands of predominantly non-Aboriginal people who come to ski, play golf, and snowboard in the area are blind to the injustices as they slide down the slopes of the mountains and sip cocoa inside the resort. Sun Peaks Ski Resort has already damaged Secwepemc mountains, water, and land used for hunting, gathering, fishing and spiritual purposes.¹⁴ In a Secwepemc person's words, "[t]he legal system has always been the machinery through which the settlers undermined our values and uses of the land to secure their economic and political interests".¹⁵ The Secwepemc people have relentlessly fought environmental injustices in numerous ways since 2001. Today the First Nations group continues to protest on the land, lobby Canadian and international governing bodies, and publicize their case worldwide. In addition, the Secwepemc have made allies with other First Nations groups who are also affected by environmental injustices in Canada. For example, the Secwepemc work closely with the St'at'imc Nation who have expressed their concerns with the Cayoosh Ski Resort since 2002.¹⁶ Both groups have worked to place national attention on Canada's refusal to recognize Aboriginal Title, and have made submissions to international bodies to bring further attention to the devastating environmental impact the developments will have on the land.¹⁷

From the General Motors Foundry dumping PCB's in Mohawk territory in Akwesasne, to Dow Chemical spills in the St. Clair River in Ojibway and Potawatomi territory on Walpole Island, to the exploitation and depletion of resources of the Cree Nation at Lubicon Lake, Aboriginal people in Canada have defended their Title, and established resistances to the ongoing

environmental injustices in hopes of changing colonial perceptions and environmental policy.¹⁸ It is not a coincidence that a majority of Aboriginal people live in communities with crumbling infrastructures, polluted rivers and lakes, toxic soil, and depleted resources. A largely white dominant executive and bureaucracy have instituted systematic racism with the imposition of Western forms of ownership and power on Aboriginal people.¹⁹

Paternalism and racism have been clearly articulated in legislation aimed at 'protecting' Indian people in Canada. The creation of the reserve system, imbedded in the *Indian Act*, was yet another racist tool colonizers used to perpetuate deficiencies in the lack of expected protection awarded to First Nations people. The inclusion of the reserve system in the Canadian constitution was implemented in order to 'civilize,' or assimilate, Indians and facilitate cultivation on the 'reserved' lands parceled out by the Canadian government. Removal of Indians from their traditional territories onto tiny pieces of land also served to protect them from further encroachment of the whites. This strategy of assimilation and protection has failed in numerous ways. The system not only fragmented Aboriginal lands and alienated Aboriginal people from their traditional territory, it also further isolated Aboriginal people from protections given to non-Aboriginal people. According to the government of British Columbia, "currently, British Columbia's environmental assessment and protection laws do not apply on Indian reserves".²⁰ To this day, Aboriginal people living on reserves do not have access to the same protection mechanisms as non-Aboriginal British Columbians. Surely it would seem just that environmental protection be given to Aboriginal reserve lands, and by extension to Aboriginal people, many of whom live in close proximity to those unprotected land.

As Aboriginal people have a close spatial and spiritual relationship with their traditional lands, territorial invasions often make Indigenous people highly vulnerable to environmental risks such as water and soil contamination, as well as resource exploitation and depletion. Many of these developments, subsequently, have had fatal consequences in Aboriginal communities. The James Bay Hydroelectric development had deadly impacts on the Cree and the Inuit people. The project involved harnessing the rivers of the James Bay watershed and the building of infrastructure including construction camps, a 700- kilometer long road, and airports

to accommodate the massive work crews.²¹ The government ignored the fact that the rivers passed through the traditional hunting grounds of the Cree and would have egregious impacts on the homes of 35,000 Cree.²² In response, the Cree and Inuit filed a joint suit to the Quebec Superior Court to have the development of the hydroelectric project declared unconstitutional. Both First Nations groups had to prove that they had a "prima facie" claim to the territory, but they had to face Eurocentric perceptions of ownership that discriminated against Aboriginal people. Premier Bourassa wrote in his book, *Power from the North*, "what once appeared to be a forbidding and barren land, only sparsely populated by the Inuit and Cree, now has become Quebec's new Frontier."²³

The second phase of the project, which was highly protested by the Cree, had many extremely detrimental impacts.²⁴ In 1981, eight children died from diarrhea, the cause determined to be from open sewers left from the construction sites.²⁵ In addition, the diversion of the rivers for the hydroelectric project flooded 3,861 square miles (10,000 km²) of land, resulting from the decomposed vegetation into mercury and eventually 64% of the population was infected with mercury poisoning.²⁶ In contrast, the white majority of the Bourassa government operating the venture profited lucratively from the sale of the power generated from the project. Still, the Cree and Inuit efforts to stop the development have been dramatic.²⁷ They have continued to publicly question the economic, social, environmental, and ethical implications of both phases of the development. The Cree's vocalized turmoil is an echoed sentiment of the experiences of many First Nations communities across Canada. Further, although the Cree continue to be affected by the impacts of the dam, the environmental and human atrocities tend to fall on deaf ears and fail to elicit concern or attention in general public discourse.

Racist policies that were created at the time of contact between First Nations people and white invaders remain intact today. White people have clearly benefited from these oppressive policies and have created a dynamic where a mainly white-ruling class position themselves paternally as the masters of Aboriginal people. Policy and legislation that has limited environmental protection and that has pronounced, rather than lessened, environmental risks in Aboriginal communities go far beyond Aboriginal Title and the Indian Reserve system.

Multinational corporations like Nippon Cable and Weyerhaeuser undermine the constitutional laws that protect Aboriginal Rights and Title and exploit the land through large-scale logging operations, deforestation, and careless waste disposal. A visit to any reserve in Canada will reveal the poor treatment and disregard of Indigenous people. The Cheam reserve is the home of a metal and household garbage dumpsite; the Kashechewan reserve recently faced a water contamination crisis (their water source is mostly purified sewage water); the Tsawassen Ferry Terminal has permanently devastated the Salish people's fisheries and polluted their shellfish; the last of the Musqueam people's hunting and fishing grounds were developed by the University of British Columbia; and the Mackenzie Pipeline continues to threaten the wildlife in the arctic region and the livelihood of the Dene People. Juxtaposed to the experiences of white communities, in a country that prides itself on the enjoyment and acceptance of diversity, inclusion, natural beauty, equality, and human rights, Indigenous people continue to question their asymmetrical experiences of racism, exclusion, and oppression in their traditional territories of what is now called Canada.

NOTES

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⁴ Robert D. Bullard, "Decision Making," in *Faces of Environmental Racism: Confronting Issues of Global Justice*, 2nd ed., Laura Westra and Bill E. Lawson eds. (Lanham: Rowman & Littlefield Publishers Inc, 2001), 3.

⁵ Thomas Berger, *A Long and Terrible Shadow* (Vancouver: Douglas and McIntyre, 1999), 20.

⁶ Helen Sharon Venne, *Our Elders Understand Our Rights: Evolving International Law Regarding Indigenous Rights* (Penticton: Theytus Books Ltd, 1998), 2.

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²⁰ Government of British Columbia, *Nisga'a Final Agreement: Environmental Assessment and Protection*, November 12 2004. <http://www.gov.bc.ca/arr/negotiation/nisgaa/docs/fact_environmental.htm> (accessed October 2005). http://www.gov.bc.ca/tno/negotiations/nisga'a/docs/fact_environmental.htm

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THE EUROPEAN SECURITY BLANKET

Ryan Cross

This paper argues that European security architecture is framed by NATO and the EU with a range of 'smaller' institutions playing an increasingly refined and specialized security role in the European space. Starting with a theory that articulated a European Security Triangle in the mid-nineties, this paper seeks to update this theory by introducing the concept of a 'blanket' of security provided by institutions and arrangements in, and extending from, the European core.

What makes Europe *secure* is an interesting question. In the years following the end of the Cold War, the 'architecture' of how this security was provided was theorized and conceptually established in various permutations and frameworks. However, models which may have worked in the past must be updated and revised to reflect contemporary realities. One of the models proposed in the mid-nineties was by Ole Wæver, who addressed the concept of a 'European security triangle.'¹ Building on Wæver's conception of European security architecture, this paper seeks to modify his model and bring it into the present as a viable conceptualization of European security ten years after its initial assessment, particularly as we begin to consider the second decade of the 21st Century.

Wæver's articulation of European security is that the 'organized anarchy' found within the European security architecture is built around three principal organizations: military power concentrated in NATO; wider legitimization and norm formation produced in the Organization for Security and Cooperation in Europe (OSCE); and the basic economic-political engine centered in the EU. Each of these institutions, Wæver suggests, cannot command the others, but must coexist amid a variety of push and pull forces. Connections between each of these three institutions exist and are outlined by Wæver: between NATO and the OSCE are the North Atlantic

Cooperation Council (NACC) and Partnership for Peace (PfP) initiatives. Along the NATO and the EU axis lies the Western European Union (WEU), and between the OSCE and the EU is the Balladur plan/stability pact (See Figure 1 – Wæver's Security Triangle). Furthermore, Wæver suggests that European Security architecture is based on a series of interlocking institutions: each institution exercises relative comparative advantage over the others in any particular field.

Written in 1996, Wæver's articulation is in need of refinement as the European Project has continued to evolve and in the process, has redesigned the European security landscape. The principal alteration to the 'triangle' is that the OSCE is no longer a principal security institution as Wæver had suggested. As Wæver had noted, "the strongest candidate for upsetting the balance and eventually transforming the system is the force of European Integration."² European integration has, in fact, upset this balance.

The increased scope of EU competencies has eroded the OSCE's ability to produce norms. While still a relevant organization, it has arguably been co-opted and is now used as a tool of the EU. This is seen in the case of the Baltic States, for example, during their pre-accession period into the EU. The EU had placed considerable emphasis on these nations meeting minority rights benchmarks for their Russian populations as stipulated by the OSCE as part of accession conditionality. The OSCE worked on programs and initiatives, and issued progress reports on the implementation of these reforms. The EU then used these progress reports to monitor the convergence of the reforms on accession conditionality, and issue statements congratulating progress or admonishing the lack thereof. In effect, the EU used the OSCE as a mechanism to assist states in meeting the EU's requirements for accession.³ This is not to say that OSCE has been maliciously duped into working as a front for the EU; rather its broad European membership – from Vancouver to Vladivostok, historical legacy of consensus finding among its membership, and its non-binding recommendations for its membership made it a perfect, non-politicized actor in assisting states' evolution towards EU norms. These characteristics place it in a similar role as the United Nations (UN), but on a regionalized scale. The role that the OSCE fills has become indispensable in the EU's ongoing efforts to avoid the creation of new dividing lines on the continent. The consensus seeking and trust building legacy of the OSCE is key in this regard. The OSCE's ability to work at

"conflict management, including conflict prevention through democratization, preventive diplomacy, third-party conflict resolution, and Postconflict security building" writes Hoopmann, are the OSCE's key attributes in securing Europe.⁴

Gradually, however, the OSCE's utility has been reduced as the EU gained in political stature. In *The Enlargement of the Organization for Security and Cooperation in Europe*, the authors suggest that the OSCE will gradually "eschew grand tasks and defer...to more tried and tested bodies such as NATO and the EU" and ultimately carry out "limited but necessary tasks."⁵ This has manifested itself in such developments as the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP), as well as in NATO's defence reform conditionality (discussed below). In particular, former NATO Secretary-General Javier Solana's *European Security Strategy* pushes into what was once an area of OSCE domain. The goal outlined in his strategy paper is that the EU promote a "ring of well governed countries" around the EU. To achieve this, the strategy calls for the EU to "extend the benefits of economic and political cooperation to our neighbours...while tackling political problems there." This signals that the EU is starting to operate in fields where the OSCE had claimed primacy in Wæver's conception of 'interlocking institutions.'⁶

NATO has also eroded the ability of the OSCE to claim a corner of the security triangle. The mechanisms discussed by Wæver (the NACC and PfP) have been upgraded in a sense. Mark Smith points to the alliance's ability to act as a "projector of internal security."⁷ To this end, he looks at the alliance's ability to engage with post-socialist nations to push for "transparency in defence policy and democratic civilian control," and work for the "stable reunification of Europe."⁸ Timothy Edmunds corroborates these observations by pointing to three major NATO influences on post-socialist states. First, he points to the notion that the "prospect of membership has acted as a motivation to further civil-military reform in post-communist Europe."⁹ This has applied pressure for applicant nations to "conform to NATO norms of democratic, civilian control of armed forces."¹⁰ Second, Edmund shows that NATO's provision of "advice, assistance and support programmes for democratic control of armed forces" has bolstered democratic reforms. His caveat here is that this is only the case in nations where democratic movements are already underway; NATO has had little effect

in nations where democratic movements are limited. Finally, he suggests that the above two trends have been reinforced by personnel exchanges between NATO headquarters and national, pre-membership, governments. Thus, there is an entrenchment of democratic norms in nations pushing for membership in the institution.¹¹ In his overall assessment of the organization, Smith suggests that NATO has undergone a shift away from its traditional role as a military-focused alliance, towards one with wider goals including the "development of democratic, civilian control of armed forces and military reform and restructuring."¹² However, an examination of NATO's attempts to reform and create a role for itself in the post-Cold War world is beyond the scope of this paper.

Smith argues it is the EU and NATO that form the foundation of international politics in Europe, and due to their Western European origin, they *must* expand to include a pan-European membership.¹³ His failure to mention the role of the OSCE in the process is an implicit indicator that it is not a prominent feature in European Security. The above mentioned *European Security Strategy* mentions the OSCE only once in the entire document, calling for it to be strong and effective, while at the same time clearly laying out a relationship with NATO. In their work on the EU's emerging ESPD, Salmon and Shepherd refer throughout to a 'NATO-EU complimentary security nexus for Europe,' but never to the OSCE.¹⁴ This evidence, while somewhat anecdotal, indicates that the OSCE is gradually losing its primacy as a European security institution providing a third of the European security architecture. What results is a relationship in which the EU and NATO exist as complementary poles in a bi-polar system. Thus, European security architecture has moved from Wæver's idea of interlocking institutions arranged in a security triangle, towards a system book-ended by the institutional pillars of NATO and the EU.

Wæver points to a number of organizations that stabilize his triangle, including the PfP, NACC, WEU, and the Balladur plan/stability pact. The complimentary bi-polar system articulated here must also account for these developments, and allow for 'mutually reinforcing institutions.' Although the EU has the institutional structure and is developing the mechanisms to become *the* definitive security institution, complementing NATO, there are others still involved. As Smith suggests, the EU would need

“considerable deepening” of identity and function to replace NATO.¹⁵ Similarly, I am not advocating that the EU replace or absorb NATO. Rather, the EU is continuing to expand, and in doing so is reducing the dependence on a plethora of security-related institutions in Europe. The security institutions and programs that constitute this area between the NATO-EU poles include the PfP and other NATO-led programs, OSCE, Council of Europe (COE), and EU-led initiatives such as Partnership and Cooperation Agreement (PCA), European Neighbourhood Policy (ENP), CFSP, and ESDP. Each of these can roughly be placed on a spectrum between the NATO - EU poles, and in doing so will create a European security blanket.

The European security blanket is made up of a spectrum of institutions and programs which range from the soft security institutions at the EU end of the continuum – for example the rule of law mission to Georgia, or development aid aimed at preventing conflict – to those closer to the NATO hard security end – such as military staff, joint planning programs, and interoperability training exercise (see Figure 2 – the European security blanket). A critical note on this conception is that it is still too early to tell if the EU’s foray into hard security (including, for example, the ability to project military power) with the development of ESDP will be successful, or how it will actually constitute itself on the ground and in its ultimate relations to NATO structures.

The reforming of Wæver’s European security triangle to bring it into line with current realities shows just how far the European project has advanced. Areas which were previously far from the EU’s domain are now firmly planted within its structure. NATO has transformed itself from simply a military organization engaging only with strictly military matters, to stipulating democratic governance as a precondition to membership in addition to other requirements. The blanket of mutually reinforcing institutions, which provide security in Europe, is continually being refined. As the EU continues to augment its structure, and increase its competencies, other organizations in the system refine themselves to fill areas where the EU is not involved. NATO’s utility in supplying hard security for Europe is for the time being absolutely necessary; it is the only institution on the continent with well-developed mechanisms for rapidly deploying hard power. The EU has made forays into this area, but the realistic realization of these capabilities seems far off (see figure 2).

While Wæver may have been correct in this assessment of European security architecture roughly a decade ago, his conception does not reflect the current situation. Many institutions perform a multitude of tasks, most with the same end goal, each with a different method. Thus, like a blanket with many pieces, each works in concert to keep the continent safe with NATO and the EU holding down the ends.

FIGURES –

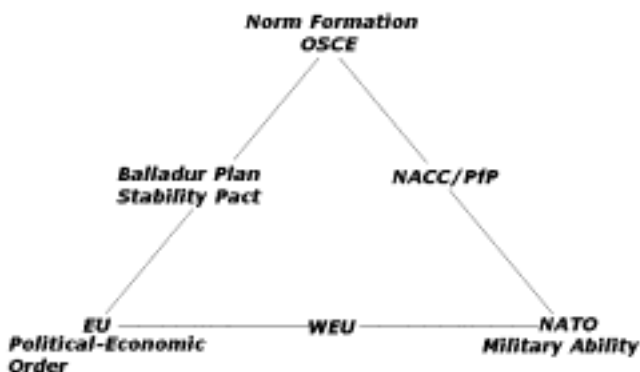


Figure 1 – Wæver's European security triangle

Source: Ole Wæver, "The European Security Triangle," in *Organized Anarchy in Europe. The role of States and Intergovernmental Organizations*, ed. Jaap de Wilde and Hakan Wiberg, (St. Martin's Press, 1996), 247.

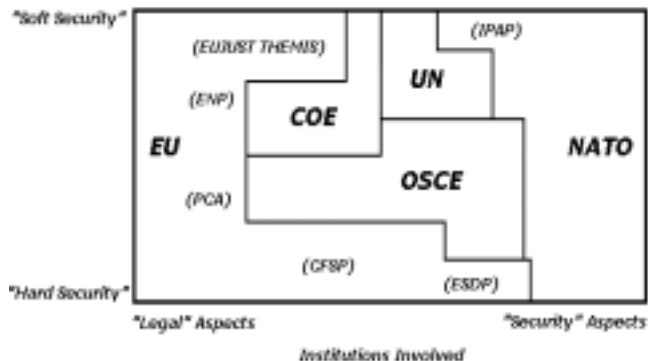


Figure 2 – European security blanket

NOTES

¹ Ole Wæver, "The European Security Triangle," in *Organized Anarchy in Europe: the Role of States and Intergovernmental Organizations*, Jaap de Wilde and Hakan Wiberg eds. (St. Martin's Press, 1996).

² Wæver, "The European Security Triangle," 265.

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- ⁷ Mark Smith, "NATO Enlargement and European Security," in *Security and Identity in Europe: Exploring the New Agenda*, Lisbet Aggestam and Adrian Hyde-Price eds. (St. Martin's Press, 2000), 73.
- ⁸ Ibid.
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- ¹⁰ Ibid.
- ¹¹ Ibid., 151-153.
- ¹² Ibid., 148.
- ¹³ This idea of *having* to expand is in line with the argument that post-socialist nations in central Europe had to 'rejoin' Europe – this discourse took on near moral argument like characteristics; see work by Kuus on the discourse surrounding EU/NATO enlargement in the Baltic States. For example, Merje Kuus, "Sovereignty for security?: the discourse of sovereignty in Estonia," in *Political Geography*, 21 (March 2002): 393-412.
- ¹⁴ Trevor C. Salmon and Alistair J.K. Shepherd, *Toward a European Army: A Military in the Making?* (Boulder, Co.: Lynne Rienner Publishers, 2003).
- ¹⁵ Smith, "NATO Enlargement and European Security," 81.

BELIEVING IN SEX: HOMOSEXUALS IN THE CHRISTIAN CHURCH

Myles Estey

This paper looks at the growing number of homosexuals aligning themselves with the traditionally homophobic Christian community. It reflects on the implicit challenge this trend poses for the presumption of a necessary contradiction in simultaneously identifying as a homosexual and pious Christian. At a broader level, the homosexual-Christian example suggests that concepts of identity are far more fluid than they often appear, and encourages the idea that they are open to change and re-evaluation.

Christianity has not been favourable to homosexuals. Biblical passages in Genesis 19, Leviticus 18: 22, 20 and Romans 1: 26-27 decry same-sex relations, and valorize heterosexual emotional and sexual interaction.¹ The historical adherence to these verses has long provided justification for the enactment of laws that punish, and even execute, those caught engaging in homosexual activity.² Furthermore, the practice of these beliefs has inculcated a more general perpetuation of hatred towards the purported sexual 'deviancy' that maintains a subordinate societal position for gay males and lesbians.

There are numerous arguments to be made against the legal and moral legitimacy of these practices, and certainly the underlying belief of this paper is that practicing hatred and discrimination towards gays and lesbians is both reproachable and unjustifiable. However, the following is not an explicit discussion of the normative nature of this relationship. It is an investigation into societal misconceptions regarding the boundaries of identity and the possibilities for self-identification. Specifically, the focus is on a growing number of homosexuals who are finding grounds to synthesize their religious and sexual lives, allowing them to simultaneously identify as practicing Christians and active homosexuals. This unique occurrence deeply questions what conventional

wisdom may dictate about the nature of personal identities within these groups. Most significantly, this marks an important challenge to the presumption of a necessary contradiction in simultaneously identifying as a homosexual and as a pious Christian, and furthermore demonstrates that concepts of identity are fluid, and far from immutable.

While the focus of this paper is to show a specific example of how two often-separate conceptions of personal and public identity are locating a common meeting ground where none previously existed, it holds greater implications. The two identities are frequently portrayed as diametrically opposed in ethos, and have been chosen for this reason. The hope is that such an antithetical example best illustrates that social demarcations of identities are not always as self-evident as they may seem. It is intended that the explication of the homosexual-Christian example will not only inform the reader about the specifics of the emerging homosexual-Christian identity, but also provide the reader with a basic infrastructure for critically examining political identities in general. That points of reconciliation are being found between two identities that have had such a history of tension, anger, hatred and even violence emanating from the conflict between their beliefs and practices, properly demonstrates the fact that the manner in which we choose to identify ourselves in the public, political world is always subject to change, and thus, not as easily categorized as we would believe. The growing number of homosexuals finding a social and political space to act in congruence with their personal belief systems exemplifies this point.

In the face of Biblical discriminatory literature, and often quite hateful church leaders and congregations, gays and lesbians have become increasingly active members in Christian communities.³ Often conceived as a paradox and even an impossibility - because of the *appearance* that the two identities are diametrically opposed - the increasingly visible existence of the homosexual Christian now speaks otherwise to this judgment, and challenges the common belief that "gay people [must] stand outside of religious life entirely, or [that they] are, perhaps, actively anti-religious."⁴ Realizing that boundaries of identities are not rigid, but instead fluid and open to change, has permitted the necessary space for homosexual-Christians to expand the very parameters of their identities, thereby challenging the assumption of a necessary contradiction between the two. Thus, by rejecting anti-gay sentiments often

espoused in the Church's official public statements, and through creating focused reinterpretations of Biblical lessons, homosexuals have located ample justification for their roles within the religious community.

In recent years, most notably since the rise of the gay rights movement of the 1960's, homosexuals have created a public space in Western society through which to legitimate and affirm their existence.⁵ Increasing tolerance towards gays saw the creation of 'gay ghettos' within major urban centers, where they could exist as a relatively segregated fringe community.⁶ However, for many this communal segregation has meant painful breaks from families, friends, life practices, jobs and organizations, including the Church. To avoid such alienation, growing numbers of gays and lesbians began to demand more full-fledged integration into the mainstream, in hopes of playing a more visible role within society.

Included in this trend, of course, is the Church, where historical choices available to those discovering the supposed tensions between their sexual and religious identities have typically been limited to three options: "to sit more or less quietly in a tolerant religious group, to quit organized religion altogether, or embrace a faith practice that is strictly homosexual" but is without the religious customs which the individual may value.⁷ Respecting such limited options necessitates ceding an element of one's life in order to accommodate another; a concession not all are willing to make. It has furthermore demanded silencing a dominant element of one's fundamental characteristics, either sexual or religious.

And while these practices have denigrated the actions and desires of homosexuals, and alienated them from the religious community, the Christian leaders and Christian organizations who condemn homosexuality have failed to fully demonstrate that there exists any truly Christian justification for the belief that homosexuality is objectively wrong. The Church has similarly been ineffective at proving that homosexuality is indeed a "devious" choice made by the individual. Historical Christian practice has largely assumed homosexual activity to be a decision, and has ignored the possibility of it being part of an innate infrastructure. As a result, there is burgeoning support behind the notion that homosexuality cannot be conceived of as either a conscious choice made by an individual at a given time or a lifestyle choice that can be altered at will; it is an intricate element of a person.⁸

Much like homosexuality is not an active choice, many see their lives as pious Christians to be a preordained obligation before God, and, likewise, not a choice.⁹ Thus, forcing an individual to choose between one fundamental identity or the other causes a potentially damaging spiritual rift. It can of course be contested that religious belief is a choice in a way that homosexuality is not, but ultimately, similarities must be seen between the two. True as it may be that an option for exit from the church is always available, a departure of this sort can never fully sever ties to one's history with either the dogma or the community. To view such a formal breaking from the Church as a sufficient means to leave behind all which one believes in greatly undermines the spiritual and emotional connectedness one may feel towards their God, their religion and its history, or their fellow parishioners.

For many, being 'born into' or 'brought up in' the Church instills a feeling similar to that of their sexuality: it is an inextricable part of them, for whatever reason.¹⁰ One who has been brought up accepting Biblical teachings as truth incorporates the lessons into self-definition, and the faith-based characteristics they create begin to function independently of the volition of the individual. Thus, "faith, [much like] one's sexuality, is not simply a choice; it informs a whole way of being...the choice [the only choice involved] is to affirm or deny a central part of one's being, the choice to live a life that does not deny, but confronts [personal] realities."¹¹ Religious orientation, as a fundamental approach to defining one's self, and one's actions, therefore does not differ from sexual orientation, in that they both exist at the very root of how people define themselves.¹²

The important similarity is that, whether innate in the scientific sense or not, homosexual and Christian self-identification instill in the individual characteristics he or she views as intrinsic conceptions of self. Having to prioritize one core personal characteristic over another causes difficult choices that not all are willing to make. Thus, for a Christian reaching the age of sexual maturity, becoming cognizant of the tensions between their innate feelings of sexuality and inner religious conviction can create a severe conflict. "Internal[izing] the conventional Christian sexual ethics that do not affirm homosexuality, gay Christians often experience a substantial amount of guilt and shame when they first become aware of their sexuality."¹³ For many, these feelings reveal in Biblical teachings ideas they would rather not

endorse, and have thus spurned a remorseless departure from the church. For others, the separation is not so painless and straightforward, and they must look for a means of reconciliation.¹⁴

These tensions are surely exacerbated by the virulence with which some of the dominant branches of Christianity publicly denounce both homosexual actions and actors. Indeed, "gay Christians are subjected to the Church's vocabulary of motives which labels their lifestyle as being unacceptable."¹⁵ It should be noted that, of course, not all churches endorse the dominant statements of the Church, and in fact several (although certainly a minority) actively accept gays into their communities, and encourage some of the Biblical reinterpretations expressed later in this paper. As these denominations' power and public presence is quite minimal in comparison, this essay's focus is on the *dominant* Church stances, as expressed by groups such as the Christian Right and the Vatican.¹⁶

The "Christian Right" – a relatively new term denoting an economically, socially and religiously conservative group of evangelical Protestants in the United States – has been particularly relentless in its assertion that homosexuality is a sin.¹⁷ Their public defamation of gays has played a visible role in media coverage surrounding the same-sex marriage debates in the United States, and has affixed a definitive link between the church and a rejection of homosexuality. Recent statements from the Vatican have confirmed their position that gays are a sinful, deviant class that should be absolutely denied the right to marriage, and barred from any position within the Catholic clergy, perpetuating official beliefs regarding the unequal rights of homosexuals.¹⁸ Though two brief examples, they nonetheless demonstrate that active public consternation of gays by prominent Church organizations creates the illusion that gays have no place in the Christian community.

However, perhaps it is the public views of the Church and its leaders, much more so than the relatively placid stance taken by the Bible, that make the gay and Christian lifestyles appear as irreconcilable. Certainly, while discussing this paper, I was met several times with some permutation of the question, 'is there really such a thing as a homosexual Christian? Are they crazy?' The apparent impossibility of meshing these two practices once appeared to me, and I believe appears to others, in the form of one simple question: 'how can one, as a

homosexual, align themselves with the Church, when both its leaders and participants actively condemn both them and their sexual community?' Answering this question will illustrate that the reconcilability of the two identities is possible, by showing how a focus on more general concepts within the Bible can reveal Church discrimination and contempt towards homosexuals to be unfounded, and even un-Christian. That there exist unfounded elements to prevailing Christian doctrines can open the door to the possibility of alternative interpretations which can legitimate the role of gays and lesbians within Christianity. Such reinterpretation of accepted norms is the necessary terrain for the fusing of the Christian and Homosexual identities.

Certainly, for religious homosexuals it demands a certain thick skin to maintain faith within a community where so many members officially reject you.¹⁹ However, ignoring the callous anti-gay statements is made significantly easier by sincere conviction in the legitimacy of making theological breaks from traditional, fundamental Biblical interpretations. Fluid analyses that juxtapose Christian thought and modern life permits a more tolerant belief system, and furthermore demonstrates to its believers the ways in which the conservative, anti-gay religious readings are rife with contradictions and inconsistencies.

One form of countering anti-gay sentiments has been through a creationist perspective. Creationist arguments suggesting the possibility of the dual gay-Christian (or Christian-gay) identity focus on the fact that since all things are created by God, they can therefore not be considered as evil or unhealthy, but instead natural and unavoidable.²⁰ Proponents of this belief expound the fact that since Christianity teaches to love and "celebrate the unique gifts of all God's diverse children," excluding, and exacting cruelty upon homosexuals violates one of the most central Biblical lessons.²¹ Moreover, it is argued, if homosexuals really are a deviant, evil class, Christian morality would dictate that a responsible Christian should be compassionate towards them in imitation of the practice of Jesus. Following the Bible's lessons in this regard would not only demand the true Christian help his fellow person, but would condemn the very un-Christian acts of torture, violence and hatred against homosexuals prevalent in both historical and modern times.²² These have no precedent in the Bible, and prove to many the

illegitimacy of both powerfully anti-gay Christians and their religious stances.²³

A further critique states that when the “church applies strict Biblical principles” to specific moral issues it “forfeits itself the opportunity to practice broad Christian principles.”²⁴ This ineptitude marks another means by which the anti-gay sentiments within the Church exhibit theoretical weaknesses. That the issue of “gayness” as a sin is focused on much more than commonly practiced sins, for example Greed, makes suspect any claims that all stigmatization of the practice is entirely rooted in Biblical teachings,²⁵ and suggests that perhaps the issue is a more general feeling of fear towards sexual freedom that *seeks* its justification in the Bible.

Other critiques contest that the Bible remains limited by its location in history. Many ideas espoused in the Bible have since been proved either wrong or inaccurate, and sexual liberty is one of the most poignant examples. Strict adherence to static Biblical codes ignores the progress of society through history, and thus passages that promote death by stoning for adulterers, suggestions that the earth is flat, or that condone slavery, have been seen as archaic, and dropped as currently applicable Biblical passages.²⁶ This provides gay Christians another example of how their sexuality is a selectively chosen moral issue, and not an absolute aspect of life. That the Church “always just focus[es] on the gay thing,” causes an oversight of the overarching principles and values that run throughout the Bible, and actually act in contrast to that of “good” Christians - ones who are loving, caring, compassionate and thoughtful.²⁷ That the Bible only briefly denounces homosexuality is dwarfed by the power of the overall moral lessons it teaches – lessons religious gays argue they follow as devoutly as any heterosexual.²⁸

Looking at just “the gay thing” has largely tended to perpetuate inaccurate stereotypes regarding the homosexual community and their lifestyle choices, to fuel prejudicial religious belief systems, and to ignore the Christian core of many queer people’s identities. Preconceived notions often assume “the homosexual life” [to be] one in which emotional commitments are fleeting, promiscuous sex is common, disease is rampant...and standards of public decency, propriety and self-restraint are flaunted,”²⁹ and have thus been dismissed as inaccurate, even proven wrong by the Christian homosexual community. Recent debates over same-sex marriage have brought into the public and political realm proof that a

growing number of gays and lesbians live their sexual lives in exactly the same fashion as the heterosexual norm: committed, long-term, responsible, respectful and loving relationships.³⁰ That the Church demands a heterosexual component to this relationship again reveals another manner in which it chooses to rail against the issue of sexuality and overlook what the homosexual community sees as issues of greater importance - essentially the emotional quality and Christian characteristics of the couple, not its sexual makeup.

Critics such as Andrew Sullivan have argued that "the refusal [of conservative Christians] to embrace public support for virtuous homosexuals runs counter to their entire social agenda."³¹ Again, official Church statements are rendered entirely hypocritical in denouncing the "lifestyle" of homosexuals, but then not giving any form of recognition when it can be shown that such a lifestyle remains entirely absent in many homosexuals, or that a great number also abhor the licentious nature of the so-called "gay-lifestyle."³² Yet another static (and negative) official Church position presents further evidence of the Church's unjustified stances against gays, and perhaps more importantly, further justification for reinterpretations that better adapt Christianity to modern times, and specifically, to homosexuals.

Acknowledging the hypocrisies and inconsistencies so intricately bound up in official Church beliefs creates a critical space for the homosexual to both reject these ideas, and reaffirm their own ability to exist as both Christian and homosexual. Solace can be found when one sees that the practices that discriminate against one's self are ill founded, and rooted in prejudiced, inaccurate and un-Christian views. Surely, this cannot fully insulate the community against the harm of hateful condemnation of their lives, or their presence in the Christian community. However, it does appear that there exists growing support behind the notion that "condemnation of gay people by religionists demonstrates the narrow-mindedness...of conventional religious metaphors."³³ Growing numbers of gays in religious congregations, as well as in the clergy of certain Christian denominations, demonstrates that change is occurring, and that being a homosexual and a Christian are not as incompatible a mix of identities as once believed.

Garnering public support behind the inaccurate assumption that Christians cannot be homosexuals, and vice-a-versa, has permitted evolution in the belief that these

identities can be fused. Gay Christian groups such as Gay Christian Outreach, the Rainbow Baptists, and Evangelicals Concerned (EC) now have increasing influence in Christian communities, and these groups are growing in number. The challenge that they have brought to the forefront of Christian sexual politics is largely a question of legitimacy regarding the separation of the two identities. Though not without criticism, gay friendly churches have sprung up throughout North America and the western world. The United Church of Canada, for example, has allowed gay ministers since 1988. Gay marriage, at the time of publication, is now legal in three countries, and in the public forum in many others.

These are but a few examples of the inroads that gay Christian advocates have achieved in the public sphere. And while they offer a success story of one movement, they offer greater insight into the fluidity of identities in general. Only recently the lifestyles of the homosexual and the Christian were an unthinkable combination. With current challenges by the gay community to accepted Christian norms beginning to bridge a gap in identities, a truly powerful example of the fluidity of personal mechanisms for identification has been made. Accompanying these changes appears to be a growing level of tolerance and acceptance towards gays, perhaps suggesting that removing the rigid boundaries by which we often draw throughout society may indeed be a potential process for positive increases in understanding. The success of this remains to be seen, and warrants further study.

However, if nothing else, attempts and successes in the reinterpretation of these identities have, at the very least, opened critical public and political space for those feeling affiliation to both. It is hoped that the examples provided can offer some insight not only into the justification and logic behind the meshing of two once-seemingly exclusive identities, but moreover to question the rationale for the creation of some of our identities in general.

As this essay has endeavoured to show, bridging these two identities does not force the compromising of one's beliefs. In fact, quite the contrary appears to be the case. Through reinterpretation and application of Biblical lessons, one can find much ground to refute the legitimacy of the anti-gay stances that have traditionally barred gays from active religious life, and to locate fulfilling new social roles. At its onset, the collision of the apparently incompatible personal identities may indeed be a painful one,³⁴ but the Christian homosexual

community demonstrates that it is far from impossible, and even quite fulfilling, to work through.³⁵ This challenges the apparent parameters of the Christian and gay communities, and demonstrates that identities are fluid, not fixed, and are able to be reshaped over time, without necessitating a contradiction in the conception of self.

NOTES

¹ Andrew K.T Yip, "Attacking the Attacker: Gay Christians Talk Back" in *The British Journal of Sociology*, Vol 48, no. 1. (March 1997): 113-127.

² Christie Davies, "Religious Boundaries and Sexual Morality" in *Que(e)rying Religion: A Critical Anthology*, Gary David Comstock and Susan E. Henking eds. (New York: Continuum, 1997), 39-60.

³ Edward R. Gray and Scott Thumma, introduction to *Gay Religion*, Edward R. Gray and Scott Thumma eds. (Toronto: Altamira Press, 2005), xii.

⁴ *Ibid.*, ix.

⁵ The concept of a "space from which to assert one's community" is used widely, but see for example: Mark Blasius, "An Ethos of Lesbian and Gay Existence" in *Political Theory* (Nov. 1992).

⁶ *Ibid.*

⁷ Gray, *Gay Religion*, xiv.

⁸ Andrew Sullivan in *Que(e)rying Religion: A Critical Anthology*, Gary David Comstock and Susan E. Henking eds. (New York: Continuum, 1997), 238-250.

⁹ Yip, "Attacking the Attacker," 113-127.

¹⁰ Leonarad Norman Primiano, "The Gay God of the City" in *Gay Religion*, Edward R. Gray and Scott Thumma eds. (Toronto: Altamira Press 2005) 7-29.

¹¹ Sullivan, 238-250

¹² Primiano, "The Gay God of the City," 7-29.

¹³ Yip, "Attacking the Attacker," 113-127.

¹⁴ Primiano, "The Gay God of the City," 7-29.

¹⁵ Yip, "Attacking the Attacker," 113-127.

¹⁶ Gray, *Gay Religion*, xii.

¹⁷ Didi Herman, *The Antigay Agenda: Orthodox Vision and the Christian Right* (Chicago: University of Chicago Press, 1997), 12-13.

¹⁸ See for example: Daniel Williams, "New Rules Will Affirm Pope's Stance on Homosexuality" *The Washington Post*, October 8, 2005.

¹⁹ "Gay Republicans" (Video recording) Wash Westmorelads: World of Wonder Productions, 2004.

²⁰ Yip, "Attacking the Attacker," 113-127.

²¹ Bishop John Shelby Spong, "Blessing Gay and Lesbian Commitments" in *Same Sex Marriage: Pro and Con*, Andrew Sullivan ed. (New York: Vintage Books, 2004), 67-71.

²² Toby Johnson, *Gay Perspective: Things Our Homosexuality Tells Us About the Nature of God and the Universe*. (Los Angeles: Alyson Books, 2003), 119-120.

²³ *Ibid.*, 120

²⁴ Yip, "Attacking the Attacker," 113-127.

²⁵ Sullivan, 238-250.

²⁶ *Ibid.*

²⁷ Yip, "Attacking the Attacker," 113-127.

²⁸ *Ibid.*

²⁹ Andrew Sullivan, "The Conservative Case" in *Same Sex Marriage: Pro and Con*, Andrew Sullivan ed. (New York: Vintage Books, 1997), 146–154.

³⁰ Ibid.

³¹ Ibid.

³² Yip, "Attacking the Attacker," 113–127.

³³ Johnson, *Gay Perspective*, 121.

³⁴ Rene Drumm, "No Longer an Oxymoron" in *Gay Religion*, Edward R. Gray and Scott Thumma eds. (Toronto: Altamira Press, 2005), 47–65.

³⁵ see for example, Sullivan, 238–250.

RECONCILING MULTICULTURALISM AND THE NEED FOR A NATIONAL IDENTITY IN CANADA: TAYLOR AND KYMLICKA COMPARED

Danica Michelle Waih-Manh Wong

As a multicultural nation, Canada is faced with the challenging and contradictory task of recognizing cultural differences while also building a unifying national identity. Communitarian Charles Taylor and liberal Will Kymlicka suggest two different ways Canada can reconcile these responsibilities. Of the two, Taylor presents the more convincing theory, suggesting that multiculturalism itself can be a unifying source of identity, while Kymlicka offers no similarly compelling source, and negates the need for a national identity altogether.

The difficulty of designing policies to deal with ethnic and cultural diversity is an issue that Canada has been struggling with since before Confederation. While Canada is not the only country forced to deal with this issue, it "is distinctive in having to deal with all three forms of diversity [immigrants, indigenous peoples and a sub-state nationalist movement] at the same time."¹ In addition, Canada's future is one in which "we are destined to be more, not less, ethnically and racially diverse than we are now."² It is therefore clear that coming up with a plan to solve problems arising from multiculturalism is a practical necessity rather than merely an academic exercise in Canada.

Charles Taylor and Will Kymlicka are two political thinkers who have proposed different theories on how liberal states, and Canada in particular, should reconcile cultural diversity. After summarizing Taylor's and then Kymlicka's main arguments, this essay will evaluate which of the two authors' theorizing is more convincing with regards to

multiculturalism in Canada. I will argue that overall, Taylor's theory is more compelling because, of the two, he is the only one to provide a convincing solution to the problem of Canada's lack of a unified national identity.

Before evaluating the validity of the authors' arguments, it is first necessary to outline each of their main points. Taylor and Kymlicka approach the issue of culture from two very different perspectives. Taylor starts from a communitarian perspective, while Kymlicka starts from a liberal egalitarian one. Taylor's theorizing is therefore most concerned with group and individual identity, whereas Kymlicka's argument is most concerned with creating equality between groups and protecting individual choice.

In "The Politics of Recognition," Taylor argues that multiculturalism demands that we work to recognize the authentic identity of others and that we do so for two main reasons. First, "misrecognition has now graduated to the rank of a harm," so to ignore or incorrectly recognize a group "can inflict a grievous wound, saddling its victims with a crippling self-hatred."³ Secondly, it is important that we each "learn to move in a broader horizon," following Gadamer's theory of a "fusion of horizons."⁴ Taylor also argues that we must protect the means by which people derive their authentic identities. As authentic identity is achieved through dialogical relations, this requires that we protect and encourage thick interpersonal relations.

While Kymlicka's theory is developed in many of his works, this essay will be based primarily on the statements he makes in *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Kymlicka argues that since membership in a minority culture is a kind of unchosen inequality, special rights for cultural groups are not only consistent with, but are required by liberal egalitarianism.⁵ That said, granting group-differentiated rights is only permissible where those rights provide external protection for groups and not internal restrictions on individual autonomy.⁶ He thus allows national minorities, which include founding nations and indigenous peoples, to claim self-government rights and special representation rights on intergovernmental decision-making bodies, and allows polyethnic immigrant groups to practice certain cultural customs and to hold some special representation rights in legislatures.⁷

Having outlined Taylor and Kymlicka's main arguments, it is now possible to evaluate their theories in terms of the

realities of multiculturalism in present day Canada. Given the limited space, this evaluation will be based on the way in which each philosopher addresses the problem of Canada's lack of national identity. Indeed, Canada's lack of an articulated national identity and the ongoing debate as to what motivates Canadian patriotism and civic participation is something that cannot be ignored when theorizing about Canadian multiculturalism.

Although it may seem obvious, the degree to which Canada is lacking a unitary national identity cannot be overstressed. Taylor himself notes that "a basic fact about Canada which we often have trouble accepting is that we are still far from achieving a universally agreed definition of our country."⁸ Kymlicka states, "attempts to construct a pan-Canadian identity have failed at their main goal – namely, to strengthen Canadian identity amongst the Québécois" – and have even "had the opposite effect."⁹

Clearly, the importance of national identity is not something to be taken lightly. Numerous authors agree that a unified national identity is necessary to maintain a functioning state. John C. Harles argues that "national integration is a fundamental task of any political system [because] periodically the state requires its members to make sacrifices for the good of the whole; without a sense of collective destiny, individuals would find it difficult to subordinate private interests to public welfare."¹⁰ Rhonda E. Howard-Hassmann agrees, suggesting that "citizenship requires a 'thick' sense of belonging; individual citizens of a country must feel that they have ties to other members."¹¹ She worries that "without a deep sense of shared citizenship, an emotional attachment of Canadians to the country and each other, little except common material goods will hold Canada's inhabitants together."¹² Finally, in "The Case for a United Canada," Daniel Johnson is adamant that "we must articulate a clearer, more compelling vision for Canada that will attract Quebecers and other Canadians to a renewed sense of common purpose."¹³

Furthermore, Canadian citizens themselves feel the need for a unified national identity. Following closely that which Kymlicka advocates, the dominant interpretation of section 27 of the Canadian Charter of Rights and Freedoms is that the government "should assist and encourage the integration (but not assimilation) of all immigrants."¹⁴ That said, Harles points out that "the ambiguity of Canadianness suggests that

conceptually there is little for immigrants to assimilate into, and no certain focus for their political identity."¹⁵ As such, in his summary of a study done on the integration of Lao immigrants in Canada, he found that when the study participants "indicate wariness about multiculturalism... their fundamental concern is not that the policy might serve to marginalize them economically but that it will isolate them socially and undermine the unity of their adopted country."¹⁶

Having laid out the reasons why a national identity based on some sort of unitary idea of "Canadianness" is important, it must be noted that multiculturalism, which focuses on underlining differences between different groups of citizens, can certainly undermine the creation of said national identity. Both Taylor and Kymlicka therefore unwittingly add to this problem, though Kymlicka more so than Taylor.

Taylor's "Politics of Recognition" encourages the widening of our horizons and greater understanding of each other's authentic identities, but his emphasis is on creating and recognizing individual identities. Wilson believes that Canada's multicultural policy is based on "the 'multicultural assumption': that is, that people's confidence in their own individual identity and place in the Canadian mosaic facilitates their acceptance of the rights of members of other groups to have their own place in Canadian society."¹⁷ Considering that this view of Canadian multiculturalism sounds very similar to Taylor's theory, one would expect the focus on individual identity to backfire. Patricia E. Roy argues that this has in fact been the case. She states that, "unfortunately, efforts to create confidence in individual identities seem to have weakened the national identity."¹⁸

As for Kymlicka, his theory of liberal multiculturalism is even more injurious to the prospect of creating a national identity. As noted, Kymlicka prescribes granting cultural minorities group-differentiated rights. Having been granted the rights to which they have legitimate claim, the cultural groups will then go on to live parallel lives with little interaction, except perhaps when further decisions affecting cultural rights need to be made. This is particularly the case for national minorities and indigenous peoples. Once these groups are given self-government rights in areas of cultural importance, so long as they do not restrict the free entry and exit of their members, they may limit their exterior interaction

to participating on the intergovernmental bodies on which they have special representation rights.

Given that federalism has in fact granted Quebecers what amounts to self-government rights in several areas including language laws and education, the suggestion above would lead us to believe that Quebec is no closer to feeling part of a united country. Daniel Johnson agrees with that logic, saying, "ironically, the tremendous progress that Quebecers made – with Canadian support – toward resolving their own concerns did nothing to increase their identification with Canada."¹⁹ Professor Gilles Paquet goes so far as to contend that Canada's multicultural "policy exacerbated jealousies and envy amongst minorities" in addition to "[making] no demands on new Canadians to adapt to the reality of a Canadian mainstream."²⁰ He is thus arguing that Canada's polyethnic rights have shifted the public's opinion about accommodating immigrant groups for the worse. He says that sadly, "the victims of ethnocentrism in Canada's past now stand accused of the practice in Canada's present and future."²¹

Having established the ways in which Taylor's and Kymlicka's multicultural theories hinder the creation of, much less the maintenance of, a unified Canadian national identity, it must be conceded that they do take the time to discuss this problem in some of their other works. Kymlicka does so in his 2003 article "Being Canadian." Taylor's thoughts on the issue are summarized and critiqued in an article by Mark Redhead.

In keeping with their strong commitments to the importance of cultural diversity, neither author makes the mistake of advocating that Canada pursue a "smelting pot" policy, which would be similar to the United States' "melting pot" concept except with a choice of two cultures in which to assimilate. As Wilson points out, "stripped of its rhetoric, 'the smelting pot' metaphor... is nothing more than racism and a perpetual inferior status."²² The fact that neither Taylor nor Kymlicka consider this to be a viable option is therefore to their credit but, again, is not surprising. Instead, Taylor argues that Canada's acceptance and even love of multiculturalism itself may actually be its unifying national identity. In contrast, and most surprisingly, Kymlicka argues that Canada can get by with only the thinnest of pan-Canadian identities, and does not even go into detail about what values that identity will incorporate.

Taylor addresses the problem of national identity by differentiating between two types of common good associated

with demands for cultural recognition. The first type is "the goods of a culture that makes conceivable actions, feelings, valued ways of life" and the second is "goods that essentially incorporate common understanding of their value."²³ An example of the first type is therefore Quebecers wanting to preserve the French language, while the equivalent second type is a general, universal understanding of the value of maintaining all peoples' native languages in Canada. As Redhead summarizes, "for Taylor it is only by articulating goods that can be of the second sort, goods that emphasize a shared sense of value, and not a particular identity, that one can find the means of holding a deep diverse polity together."²⁴

Taylor's thesis thus very neatly allows for different cultural rights so long as Canadians pursue them for the second reason as much, if not more, than the first. However, his theory is not without problems. The distinction between the first and second type of common good is not definitive. Sometimes goods can fall into both categories, and it is therefore difficult to determine whether people correctly cherish said good because it falls into the second category. Secondly, Redhead finds fault with Taylor's defence of cultural survival as a common good, particularly with regards to the francophone culture in Quebec. He says, "Taylor's defence of cultural survival is in itself an anathema for the health of that given culture."²⁵ This is because "cultures need to be treated as dynamic ever-changing entities and not, as Taylor is prone to doing, as entities with a static set of common goals, otherwise the culture ossifies and becomes unable to adapt to, and successfully cope, with the dynamic nature of life in an advanced capitalist society."²⁶

Nevertheless, Taylor's theory is hardly dismissible given the high level of support given to it by other theorists in the field. Patricia Roy quotes Daniel Stoffman's assertion that "Canadians' willingness to enrich their society by absorbing a steady flow of newcomers of various backgrounds is fundamental to the Canadian national character."²⁷ Harles pronounces, "multiculturalism itself offers an integrative identity, the Canadian identity."²⁸ Finally, in "Entry and Exit: Canadian Immigration Policy in Context," Thompson and Weinfeld assert that "multiculturalism has become an indispensable definition of [Canada's cultural identity] – the characteristics, along with national medical care and public broadcasting, that most distinguishes Canada from the United States."²⁹ These last two authors go so far as to suggest that the

mistaken Canadian "perception of an impending racial calamity" is nothing more than a reflection of "the heightened expectation that Canadians have of themselves as people of the 'multicultural mosaic': they have become intolerant of intolerance."³⁰

Kymlicka, however, explicitly considers Taylor's argument about the value of cultural diversity itself forming the foundation for an overarching Canadian identity and finds said thesis to be unlikely. He argues that Canadians "find the endless issues [cultural diversity] raised to be painful and tiring rather than exciting or enriching."³¹ He also denounces shared constitutional values and common history as possible bases for a pan-Canadian identity. He feels that the former is "too 'thin'" to serve as a basis for identity and discounts the latter by pointing out that the "French and English often have quite different view on Canadian history."³²

Astonishingly, after having discredited Taylor's argument as well as two others, rather than provide his own theory, Kymlicka negates the need for a theory of Canadian national identity altogether. He thinks that "having a strong Canadian identity is not a precondition for citizens to cooperate in... institutions."³³ Instead, he suggests that so long as Canada's political institutions remain trustworthy and effective in the eyes of its citizens, people will cooperate.

Kymlicka's thesis, or more accurately the lack thereof, seems weak when placed next to Taylor's. Kymlicka himself admits that "many will find this an unsatisfactory account."³⁴ Even if his thesis was not emotionally unsatisfying, it runs into further problems by failing to provide a solution for times of upheaval when the trustworthiness and effectiveness of national institutions is questionable. This is particularly troubling given the current political climate in Canada. Confidence in the Canadian government is extremely low. In fact, a recent poll conducted for the World Economic Forum found that of sixteen countries studied, Canada is one of the countries in which trust in government has fallen the most during the last year, after only Brazil, South Korea and Mexico.³⁵

In conclusion, Taylor and Kymlicka offer two conceptions of how Canada should harmonize its cultural diversity with its liberal institutions and mindset. Taylor offers a recognition argument while Kymlicka provides a theory of group-differentiated rights. In addition to their basic theories, the thinkers offer even more disparate arguments with regards

to how and from what foundation Canada can create a unified national identity. Taylor suggests that Canada's affinity for multiculturalism itself can be a basis for identity. Kymlicka argues instead that not only is Taylor incorrect, but that Canada can get by without an explicitly defined or deeply entrenched pan-Canadian identity. When these two assertions are considered in light of other articles on the subject and the current Canadian political climate, Taylor's national identity based on affirming multicultural values comes out far ahead of Kymlicka's. Thus, at least when considered from this angle, Taylor's theorizing with regards to multiculturalism in Canada proves to be more compelling than Kymlicka's.

NOTES

¹ Will Kymlicka, "Being Canadian," *Government and Opposition* 38, no. 3 (July 2003): 374.

² V. Seymour Wilson, "The Tapestry Vision of Canadian Multiculturalism," *Canadian Journal of Political Science* 26, no. 4 (Dec. 1993): 649.

³ Charles Taylor, "The Politics of Recognition" in *Multiculturalism*, ed. Amy Guttmann (Princeton, New Jersey: Princeton University Press 1994), 64 and 26.

⁴ *Ibid.*, 67.

⁵ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, (New York: Oxford University Press, 1995), 37 and 109.

⁶ *Ibid.*, 37.

⁷ *Ibid.*, 10-33.

⁸ John C. Harles quoting Taylor, "Integration before Assimilation: Immigration, Multiculturalism and the Canadian Polity," *Canadian Journal of Political Science* 30, no. 4 (Dec. 1997): 712.

⁹ Kymlicka, "Being," 377.

¹⁰ Harles, "Integration before Assimilation," 711.

¹¹ Rhonda E Howard-Hassmann, "'Canadian' as an Ethnic Category: Implications for Multiculturalism and National Unity," *Canadian Public Policy* 25, no. 4 (1999): 533.

¹² *Ibid.*, 527-528.

¹³ Daniel Johnson, "The Case for a United Canada," *Foreign Policy* 99 (Summer 1995): 79.

¹⁴ Harles quoting the Standing Committee on Multiculturalism of the House of Commons, "Integration before Assimilation," 713.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, 733.

¹⁷ Wilson, "The Tapestry Vision of Canadian Multiculturalism," 655.

¹⁸ Patricia E Roy, "The Fifth Force: Multiculturalism and the English Canadian Identity," *Annals of the American Academy of Political and Social Science* 358 (Mar. 1995): 201.

¹⁹ Johnson, "The Case for a United Canada," 87.

²⁰ Wilson quoting Paquet, "The Tapestry Vision of Canadian Multiculturalism," 659.

²¹ Wilson, "The Tapestry Vision of Canadian Multiculturalism," 661.

²² *Ibid.*, 648.

²³ Mark Redhead quoting Taylor, "Charles Taylor's deeply diverse response to Canadian Fragmentation: A Project Often Commented on but Seldom Explored," *Canadian Journal of Political Science* 36, no.1 (Mar. 2003): 65.

²⁴ Ibid., 65.

²⁵ Ibid., 72.

²⁶ Ibid.

²⁷ Roy quoting Stoffman, "The Fifth Force," 202.

²⁸ Harles, "Integration before Assimilation," 715.

²⁹ John Herd Thompson and Morton Weinfeld, "Exit and Entry: Canada's Immigration Policy in Context," *Annals of the American Academy of Political and Social Science* 538 (Mar. 1995): 194.

³⁰ Ibid., 194.

³¹ Kymlicka, "Being," 379.

³² Ibid., 378-379.

³³ Ibid., 381.

³⁴ Ibid., 382.

³⁵ GlobeScan, "Full Survey: Trust in Governments, Corporations and Global Institutions Continues to Decline," *World Economics Forum*, 14 December 2005, <<http://www.weforum.org/trustsurvey>> (15 December 2005).

ASPECTS OF THE CHRISTIAN INFLUENCE IN THE GEORGE W. BUSH PRESIDENCY: FAITH- BASED INITIATIVES AND PUBLIC IMAGE

Julia Fenrich

This paper discusses the aspects of religion that emerged in the first term of the George W. Bush presidency, focusing on the Faith-Based Initiatives and political appointees. Working from the concept of “unrestrained ideological entrepreneurship”, the paper concludes that Bush has succeeded in incorporating his personal Christian beliefs into his tenure as president.

Many political scientists and analysts have voiced concerns over the difficulties in studying the George W. Bush presidency because of the administration’s unwillingness to allow open discourse with its members and of its policies. Nonetheless, political scientists have analyzed the Bush presidency and many have pointed out its ideological nature. For example, Colin Campbell, in his paper “Unrestrained Ideological Entrepreneurship in the Bush II Advisory System”¹ illustrates how this tendency for pervasive ideology can have negative effects on the process of fair and receptive presidential advising. One aspect of the Bush presidency that has not remained hidden is its Christian nature. Bush has been open about the effect of religion on changing his life, and part of his 2000 campaign was based on his faith-based initiatives. A program that the president supports in Texas, “Prisoner Fellowship: Inner Change,” is a more obvious example of the attempt to institutionalize Christianity. Other aspects of the Bush presidency, such as speeches and political appointments, further demonstrate ways in which Christianity works its way into Bush’s work as president. One of the major goals of the Bush administration is to downsize government, and this can

be done conveniently by promoting and facilitating Christian organizations taking over the provision of social services. Although there has been no official legislation passed in support of the Faith-based Initiatives, "the president's faith-based initiative, as currently constituted, was created instead by a series of executive orders in 2001, 2002, and 2003 that created an Office of Faith-Based and Community Initiatives."² This paper will focus on how the Bush administration has been able to further its own Christian agenda through actual policy in the Faith Based Initiatives, but will also address how the administration has cultivated its public image in speeches and political appointees.

Background

There is a discernable struggle between church and state in the United States. Though the constitution is supposed to protect the separation of the two, Christian conservatives opposed to such a separation encourage any efforts by George W. Bush to incorporate Christianity into government. Although ideology and religion are two different entities, it seems that the George W. Bush administration has been able to incorporate the Christian-right's view into its ideology. This has been possible because Bush himself views Christianity as his saving grace. He has acknowledged that his own troubled past with excessive drinking and partying ended after he became a born again Christian. After his spiritual awakening, and through his work as governor of Texas, Bush was able to build up substantial alliances with conservative Christian groups across the country. He also sees himself in a sort of messianic role and therefore views it as his calling to strongly lead America through its times of hardship such as September 11th and the War on Terror. Using his influence as president, Bush has supported many Christian groups through "Faith-based Initiatives," which have their origins in his time as Governor of Texas and the Prisoner Fellowship Ministry that he helped establish.

Faith-based Initiatives

There are many programs in the faith-based initiatives, all of which cannot be discussed here. The three initiatives discussed here are abstinence-only sex education, Prisoner Fellowship: InnerChange, and education vouchers. Critics of the faith-based initiatives do not necessarily have a problem with providing funding for Christian non-profit groups that

provide social services since this has actually been done for some time. As long as these providers are not overtly religious, the process remains constitutional. The problem presents itself when these Christian providers are exempt from state regulations (such as requiring training for counselors), when Christian providers are the only providers, and when such organizations force their clients to adhere to their beliefs. Before the faith-based initiatives, and due to the Establishment Clause (of the First Amendment), it was illegal for the government to directly fund religious institutions. The faith-based initiatives essentially ease the regulations on faith-based programs and make it easier for them to discriminate against non-believers, or to try to convert them in the process of helping them. A recent job-training bill approved by Congress seems to illustrate this movement. "Americans United for Separation of Church and State says the House of Representatives was wrong to approve a job-training bill that would allow publicly funded religious agencies to hire and fire workers based on their religious beliefs."³

For Christian fundamentalists, sex and abstinence are sacred issues. Ideally, one would remain a virgin until marriage, and therefore abstinence, *not* birth control, is endorsed as much as possible. A passage from the New Catholic Encyclopedia illustrates this view: "this enables [the Christian] clearly to understand the sinfulness of artificial birth control, with its irreverent severing of the deep link between the ultimate love union and procreation."⁴ As part of the faith-based initiatives, abstinence-only sex education has been funded in schools across the U.S. But a study conducted by the U.S. House of Representatives Committee on Government Reform found that 11 of the 13 curricula contained misinformation and promoted gender stereotypes.⁵ For example, the following statement was found in the curricula: "the popular claim that 'condoms help prevent the spread of STDs' is not supported by the data".⁶ Eleven of the thirteen programs were also spreading the false belief that HIV/AIDS can be spread through tears and sweat. Advocates for Youth (a group that advocates for responsible and educated decisions on sexual behaviour) published a study concluding that abstinence-only sex education programs did not have a continued effect on the sexual behaviour of their participants:

Abstinence-only programs show little evidence of sustained (long-term) impact on attitudes and intentions. Worse, they show some negative

impacts on youth's willingness to use contraception, including condoms, to prevent negative sexual health outcomes related to sexual intercourse. Importantly, only in one state did any program demonstrate short-term success in delaying the initiation of sex; none of these programs demonstrates evidence of long-term success in delaying sexual initiation among youth exposed to the programs or any evidence of success in reducing other sexual risk-taking behaviours among participants.⁷

Religious rhetoric seems to overthrow empirical evidence, to show that the abstinence-only programs of the faith-based initiatives are effective. This would indicate that the Bush administration is more interested in promoting its own ideology and religious beliefs than promoting effective education tools.

Another example of the faith-based initiatives is the Prison Fellowship Ministries and its InnerChange program. The goal of this program is to rehabilitate prisoners through an intense Bible study routine that also includes basic job training and prison social events. Although limited preliminary studies have shown that graduates of the program have lower recidivism rates than those prisoners who do not enter the program, there are considerable concerns that should be taken into account as well. In her article "Jails for Jesus," Samantha Shapiro looks at the pros and cons of the InnerChange program at Ellsworth prison in Kansas. She points out that because of the superior treatment that participants of InnerChange receive, prisoners could be enticed to join just to have things such as pizza, musical instruments, and something as simple as a hug and respectful treatment. Also,

many inmates, however, don't join for the ideology. They do it to transfer from other parts of the prison system, and because completing InnerChange amounts to a get-out-of-jail-free card with the Parole Board: "We have a very positive relationship with the board. Sometimes they just give our inmates a green light and say, 'See you at work release.'"⁸

The InnerChange program is afforded luxuries that other regular prisoner programs do not receive because the Bush administration has earmarked specific funds for this program, while possibly, as the critics argue, taking funds away from other prisoner programs. By essentially starving other

prisoner programs of extra funds, the Bush administration can push prisoners into the InnerChange program. Shapiro goes on to point out that the Kansas government actually *saves* money by implementing InnerChange.

Kansas pays up to \$4,000 for each inmate who participates in a regular group-therapy program; InnerChange therapy costs the state only \$1,086 per inmate. What's more, the state saves money when inmates fulfill their requirements for vocational training or substance-abuse counseling through InnerChange.⁹

In addition, Roger Werholtz, secretary of the Department of Corrections admits "I'm interested in any kind of resources we can employ that will be effective on a low-cost or no-cost basis."¹⁰ By making the InnerChange option so much more cost effective than regular prisoner therapy programs, the Bush administration is making it very difficult for state prisons to operate on a secular basis. If the InnerChange option is more appealing only because it is cheaper and is able to offer its participants basic necessities such as extracurricular activities, better prison jobs, and the temptation of easy parole, then prisoners are likely to endure the religious indoctrination to escape gloomy prison life. This is not fair to prisoners who do not want to participate in the Christian lifestyle.

At Ellsworth, Muslim inmates like Michael Patterson say that their practices have been restricted since InnerChange arrived. While InnerChange inmates and their families are treated to a Christmas dinner shared with prison staff, this year the Ramadan feast (which Muslim inmates must pay for and their families can't attend) was denied.¹¹

Groups other than Christians also need permission to pray together in the prison. It seems only fair that if the prisons are going to actively endorse Christianity as a way of life and a way out of incarceration, then the prisons should also offer other religious options.

Educational vouchers (as part of the "No Child Left Behind" policy) are another way in which the Bush administration has been able to subtly promote its Christian preference. The rhetoric surrounding the vouchers claims to have the interests of the poor in mind, by claiming to give money to poorer families to send their children to private schooling. Many critics point out that rather than spending money to send children to private schools, the administration could try to improve the public school system that most people

admit is sub-par and in desperate need of extra funding. But for the Bush administration, the advantage of the educational vouchers is that it leads to more families sending their children to Christian schools since often times, most of the private schools available are Christian schools. "Eighty-six percent of all students enrolled in private elementary and secondary schools are in religiously based schools. There are 9,000 Catholic schools, with an enrolment of over 2.5 million students."¹² Despite opposition, the U.S. Supreme Court has given the government more leeway in terms of the Establishment Clause for providing educational vouchers because it does not constitute vouchers as direct funding. The Court has also determined that the vouchers are not unconstitutional even when the majority of private school options are religious; as was remarked, "a voucher program can be constitutional even if most of the private schools where they can be redeemed are religious in nature."¹³ This is due to the fact that the vouchers are given to parents so that if a child does attend a religious school, it has been an individual choice, rather than a direct payment from the government to a religious school. The Bush administration is thus able to encourage children to attend Christian schools.

Religiously inclined political appointees and their influence

Although in his article Campbell deals with ideological entrepreneurship, if we consider religion to be part of one's ideology, then his article can be applied to the discussion of Christianity in the Bush administration. An indication of when ideology is taken too far in government is described by Campbell as "unrestrained ideological entrepreneurship," and is when

two conditions prevail[:] [f]irst, the selection of political appointees has been influenced to a substantial degree by the ideological commitments of nominees. Second, the administration's decision-making process lacks conscious efforts to ensure that policy proposals receive testing under fire through intense countervailing review.¹⁴

There is evidence to show that both of these conditions have prevailed in the context of religious influence in the Bush administration. Esther Kaplan shows evidence of the first condition, and discusses how many of those working with Bush are religious. "Aside from Rove and Cheney, Bush's inner circle are all deeply religious: Rice is a minister's daughter, chief of staff Andrew Card is a minister's husband, Karen Hughes is a

church elder, and head speechwriter Michael Gerson is a born-again evangelical."¹⁵ Although some of these positions have changed with Bush's second term, there are still many religious people in the administration. Also, one cannot forget John Ashcroft, former U.S. Attorney General, who comes from a family of devout Pentecostal preachers. Ashcroft is primarily responsible for the Patriot Act, which critics say allows law enforcement officials to profile suspicious people based on race, religion, and nationality. John Doherty, former director of the White House Office of Faith-based and Community Initiatives under Bush, in a now infamous letter to Ron Suskind for *Esquire* magazine, painted a picture of an administration not keen on policy details: "On social policy and related issues, the lack of even basic policy knowledge, and the only casual interest in knowing more, was somewhat breathtaking..." Doherty goes on to claim that "this gave rise to what you might call Mayberry Machiavellis – staff, senior and junior, who consistently talked and acted as if the height of political sophistication consisted in reducing every issue to its simplest, black-and-white terms for public consumption, then steering legislative initiatives or policy proposals as far right as possible."¹⁶ The earlier discussion in this paper of faith-based initiatives seems to indicate that the effectiveness of these policies has not been thoroughly analyzed by the administration, and supports the second condition of Campbell's claim.

In an article in *Guardian Unlimited*, David Frum, a former Bush speechwriter, admits that the White House under control of the Bush administration is one of strong Christian influence. "According to Frum, the Bush White House is in the grip of Christian evangelism. The first words he hears on his first day at work are: 'Missed you at Bible study,' – a rebuke to his new boss, Gerson, from some unnamed Bush lieutenant. Attendance at such sessions were 'if not compulsory, not quite un-compulsory either.'"¹⁷

The influence of Michael Gerson as speechwriter and policy analyst has been quite profound on the public image Bush cultivated. Since this Bush administration is not prone to allowing casual press meetings, or un-scripted media question periods, the public bases much of its impression of the president on his public speeches.

One of the most important speeches that Bush has made thus far was his State of the Union Address in January 2002. The United States was reeling from the shock of a

horrible attack on its home soil, and Bush needed to show himself as a strong leader that the country could rally around. It was meant to be an inspiring and heartfelt speech, but critics point out that many religious references had been used to draw a so called “line in the sand” demarcating the enemy side from the U.S. side:

At the end of the speech, there seemed to be an uneasy sense that the President had just called for a new holy war: he named the enemy, he claimed God as his own, and he drew a bold line between good and evil – you were on one side or the other, and there was no gray area.¹⁸

A phrase from the speech that has become famous due to this religious and divisive nature is “axis of evil.” This axis was named, declared America’s enemy, and given warning that if they were un-cooperative, there would be dire consequences. Michael Gerson was responsible for this speech, and in an interview with David Frum at UC Berkley, Frum talks about how this phrase came about through himself and Gerson:

The phrase I originally used was “acts of hatred,” and Michael Gerson, the guy who hired me, looked at it and was sorted noodling around and said, “Well, the president has been calling the terrorists evil-doers,” based on, by the way, his favorite psalm, the 27th Psalm, where the psalm talks about being confronted by evil. And so tinker, tinker, tinker, “acts of hatred” becomes “axis of evil.” The president likes it, and bingo, the rest is history, to coin a phrase.¹⁹

The phrase evokes the language of the Old Testament and uses the idea of the duality of the constant battle between good and evil on earth. Bush’s favourite Psalm, Psalm 27, reads:

The LORD is the stronghold of my life-
of whom shall I be afraid?

When evil men advance against me
to devour my flesh,
when my enemies and my foes attack me,
they will stumble and fall.

Though an army besiege me,
my heart will not fear;
though war break out against me,
even then will I be confident.

From this passage, it is evident that Bush is drawing strength from the belief that God is on his side in the battle between the US (good) and terrorists and their supporters (evil). Bush is very effective at creating a theme and following through with it. When he declared the axis to be “evil” he then followed

through with the War on Terror ("though war break out..."). What some wonder is if this war had some religious motivation.

Michael Gerson, who is an evangelist himself, has been very successful in using his theological background to create speeches with many biblical references and imagery. Critics of Gerson's speeches say that this kind of Christian manipulation violates the values of the 'Wall of Separation' between church and state. According to more liberal analysts, in the United States there is not supposed to be domination of one religion, especially state-sponsored domination of one religion. But Gerson says that eliminating religious language from political discourse would be harmful. He claims that it would "flatten political rhetoric" and that "scrubbing public discourse of religion or religious ideas would remove one of the main sources of social justice in our history."²⁰

Just as President Bush sees Christianity as one of the guiding forces of his life, Gerson sees it as one of the guiding forces of social justice in the country. Although many of Bush's speeches are filled with the themes of "freedom" and "liberty", it seems that these are a possible smokescreen for the more fundamental Christian beliefs that both Gerson and Bush hold. This kind of bias seems dangerous to liberal watchdog groups like Americans United for Separation of Church and State:

Separation of church and state is the only principle that can ensure religious and philosophical freedom for all Americans. Church-state separation does not mean hostility toward religion. Rather, it means that the government will remain neutral on religious questions, leaving decisions about God, faith and house of worship attendance in the hands of its citizens.²¹

By promoting Gerson from speechwriter to policy and strategic planning adviser this year, Bush has signaled Gerson's importance to the Bush presidency. Despite the fact that Gerson lacks experience working in government, his theological background ensures him an important place in the Bush administration. "Gerson has had a larger role in policy than most speechwriters. He was a real intellectual leader in shaping some of the domestic and foreign policy themes...It just means that he'll have more time to focus on some of the broad policy that he helped develop."²² Some might be surprised to know that Gerson, a speechwriter, has also been

important in developing strategy for the before-mentioned faith-based initiatives.

Conclusion

This paper has attempted to show that despite the guarded nature of the Bush administration, it has not been guarded in its preferential treatment of Christian ideology and organizations. The personal importance of evangelism to Michael Gerson and George W. Bush has driven their efforts to promote Christian values through their faith-based initiatives and the public image Bush displays in his speeches. Though both men make claims as to the benefits of Christianity in helping sex education, prisoner rehabilitation, schooling, and political discourse, this paper has suggested empirical and some theoretical evidence against this. Although this paper cannot claim that this strong Christian entrepreneurship is detrimental in itself to politics in the United States, it can be shown that such an obvious preference for one religion is not fair or constitutional in the minds of many Americans, and leads to policies that have not been sufficiently analyzed through critical review.

NOTES

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⁸ Samantha Shapiro. "Jails for Jesus," in *Mother Jones* 28.6 (2003): 54.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Stephen V. Monsama, *When Sacred and Secular Mix: Religious Nonprofit Organizations and Public Money* (Lanham: Rowman & Littlefield Publishers, Inc., 1996), 9.

¹³ David M. Ackerman, "Educational Vouchers: Constitutional Issues and Cases," in *Report for Congress* (Washington: Congressional Research Service; The Library of Congress, May 20, 2003).

¹⁴ Campbell, "Unrestrained Ideological Entrepreneurship in the Bush II Advisory System," 74.

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¹⁶ John Dilulio, "Re: Your Next Essay on the Bush Administration," Personal Letter to Ron Suskind for Esquire Magazine, (October 4, 2002) <<http://www.ratical.org/ratville/CAH/Dilulio.pdf>> (accessed March 21, 2005).

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¹⁸ Caryn D. Riswold, "A Religious Response Veiled in a Presidential Address: A Theological Study of Bush's Speech on 20 September 2001," *Political Theology* 5.1 (2004): 39-48.

¹⁹ Quoted in Harry Kreisler, "Foreign Policy Ideas in the George W. Bush Administration: Conversation with David Frum," <<http://globetrotter.berkeley.edu/people4/Frum/frum-con3.html>> (accessed March 1, 2005).

²⁰ Michael Gerson, "The Danger for America is Not Theocracy", (speech given at the Ethics and Public Policy Center December 2004 in Key West Florida) <http://beliefnet.com/story/159/story_15943.html> (accessed March 1, 2005).

²¹ Americans United For Separation of Church and State, "Why Separate Church and State?"

²² Peter Baker, "Rove is Promoted to Deputy Chief of Staff," *Washington Post* (February 9, 2005): A21.

HIGHLY IGNORED POOR COUNTRIES: THE CASE FOR DEBT CANCELLATION

Anna Wong

Though achieving sustainable debt in Highly Indebted Poor Countries (HIPC) is part of the Millennium Development Goals, this target remains difficult to meet. This paper argues that debt cancellation is the necessary first step to reduce poverty and enable viable long term economic development. This paper will provide an overview of the HIPC Initiative, explore the critical issues, and address critiques and concerns regarding recent World Bank and International Monetary Fund decisions on debt cancellation.

A hush fell in the room as Stephen Lewis opened the Massay Lectures with the words: "I have spent four years watching people die."¹ In a condemnation of the Western world, Lewis appealed to the international community to fulfill its commitments as agreed upon in the Millennium Development Goals. Achieving sustainable debt in Highly Indebted Poor Countries (HIPC) was stated as goal number eight, but given current circumstances, this target remains difficult to meet. Debt cancellation is the necessary first step to reduce poverty and enable viable long-term economic development, and for lender countries to acknowledge their responsibility in the debt crisis. This paper will provide a brief overview of the HIPC Initiative, explore each critical issue in turn, and address critiques of debt cancellation as well as outline pressing concerns regarding recent World Bank and International Monetary Fund decisions on debt cancellation.

The World Bank (WB) and International Monetary Fund (IMF) created the HIPC initiative with the aim of ensuring that "no poor country faces a debt burden it cannot manage."² In the post-World War II period to 1996, individual lender countries and the Bretton Woods Institutions provided finances to developing countries through loans and structural adjustment programs.³ Debt first came onto the agenda of individual countries and businesses such as the Paris Club in

the mid-1950s. These groups began to grant relief of bilateral and commercial debts, and so provided the initial framework for rescheduling the debts of low-income countries. By the 1980s however, this model proved ineffective, and subsequent pressure from debtor countries and NGOs to form a better-coordinated international response to address the issue finally compelled the WB and IMF to launch the HIPC Initiative in 1996. For the first time, multilateral debt relief, consuming 80% of all debt, became eligible for relief from multilateral institutions.⁴ This initiative, based on reducing debts to serviceable levels, "defined in terms of targets for the ratios of debt to export earnings and public revenues,"⁵ was to be manifest in two key steps. First, at decision point the country receives debt service relief, having being committed to following an IMF program and developing a poverty-reduction strategy. Second, at completion point the country receives stock debt relief, having successfully implemented key economic reforms and gained the approval of the IMF and WB for their Poverty Reduction Strategy Paper. However, severe criticism condemned the initiative as being too slow and inflexible, plaguing the HIPC Initiative from the beginning. HIPC II was subsequently launched in response in 1999, and was designed to speed up the process by eliminating the fixed three-year wait time between decision and completion point. It also aimed to reduce the debt-export ratio, and focused on poverty by introducing the Poverty Reduction Plan.⁶ According to the World Bank, an overview of the initiative puts costs at approximately \$59.4 billion US, with 38 countries having been identified as an HIPC, 18 having reached the completion point, 10 having reached the decision point, and 10 remaining in the pre-decision point to date.

The adoption of the HIPC Initiative has placed poverty reduction on the agenda of developed nations. However, it is debt cancellation, not just debt relief that is necessary, as it will first and foremost enable effective poverty reduction in HIPCs. The high level of debt servicing causes governments to spend more in debt payments than in poverty reduction, rendering them unable to provide basic needs, and engaging them in a futile debt-repayment cycle. The level of debt HIPCs face, most of them in Africa and particularly Sub-Saharan Africa, is too large and unsustainable on a continent already ravaged by health, nutrition, and education problems. Currently, the debt of the world's 52 poorest and most indebted countries is £286 billion,⁷ and Africa faces the burden of paying at least \$10

billion in debt servicing each year.⁸ For most HIPC, the high debts require governments to spend more on payments at the expense of social expenditures. Noreena Hertz points out that “for every \$1 the West gives to developing countries in aid, these countries pay \$9 back in debt service.”⁹ For example, in 1998 Uganda was the first country to reach completion point under HIPC I. However, it quickly fell back into having unsustainable debt and has since undergone the process again, facing the possibility of another run. “In the mid-1990s, Uganda spent \$3 on health for every \$17 it paid in debt service, most of which went to multilateral lending institutions, such as the World Bank and the International Monetary Fund.”¹⁰ Evidence shows that the debt initiative fails to help HIPC reach levels of sustainable debt. This includes countries like Uganda that complete the plan and then fall back because the original amount of debt remains a heavy impediment. In order to service their debts, Hertz writes, “the world’s poorest countries...are forced to use up pitifully scarce resources.”¹¹

About “1.3 billion people in the world live in abject poverty, on less than U.S. \$1 per day, without access to basic nutritional requirements, health care, waste disposal, or adequate housing,”¹² and a great number of these people live in an HIPC. Because of the stock debt in HIPC, Millet and Toussaint argue that governments find it difficult to satisfy even basic human needs such as access to clean water, decent food, basic healthcare, primary education, decent accommodation and satisfactory infrastructure.¹³ Without these basic necessities, many HIPC are subject to diseases, particularly HIV AIDS. The World Health Organization cites that about \$27 billion a year is needed to combat the major infectious diseases and improve child health. In sub-Saharan Africa in 2001 alone, \$14.5 billion was spent on debt repayment, covering almost half of what would have been necessary to save millions of lives.¹⁴ In comparison, in the preliminary estimate of 2004, African countries spent 7.6% of their GDP on poverty reducing policies. What essentially occurs is a vicious cycle in which governments are unable to meet the basic needs of their people who are suffering from the effects of poverty. These effects, particularly fatal disease, then perpetuate the cycle by contributing to the HIPC’s inability to be industrious and repay the debt, which caused the conditions in the first place.

HIPC are currently in the midst of a vicious cycle of dependency on new aid and loans to pay off old debts. Building

on poverty reduction, any hope of long term development and growth depends on the development of strong public and private sectors, which also hinge on debt cancellation. As Sachs concludes, "to get out of...debt crisis, countries almost always require a sustained period of time in which the debt-servicing burden is sharply reduced or eliminated."¹⁵ In the relationship between GNP growth and debt, debt relief is much more effective in cases where debt has not yet reached a certain critical level. Anything over this critical level creates a "debt overhang," and as Bernhard Gunter argues, results in stifling investment, growth and development, meaning that even new loans and increased social expenditures will not be enough to rescue the country out of its unsustainable debt.¹⁶ HIPCs have continually surpassed this critical point since the 1980s, which means that any debt relief or aid that a country received under the HIPC Initiative has been like the act of putting a band-aid on a gaping wound – it is barely enough to treat the obvious symptoms, much less penetrate to heal the underlying problems.

The lack of funds available for social expenditures also means that HIPCs often lack the vibrant public sector that is crucial for facilitating private investment, which is in turn another necessity for long term development. The government has to play the key role in not only taking care of the basic well-being of citizens but also financing and developing the public sector, training citizens and establishing a safe environment ripe for economic growth and private investment. Millet and Toussaint argue that "infrastructures and essential public services are powerful factors of endogenous growth."¹⁷ It is highly improbable that prudent and rational individuals and businesses will invest in a country that is socially and economically unstable. Thus Froning argues that "countries must foster their own economic policies that attract private-sector credit and investment."¹⁸ The underlying message here is that a country cannot develop without a private sector. A strong public sector and private sector go hand-in-hand in development, and both depend on the ability of an HIPC to have a clean slate, and thus the capacity for spending public money to attract investment.

Other research shows that debt reduction creates incentives for indebted countries to continue to develop. Jean-Claude Berthelemy revisits Sachs' idea that debt reduction will create positive incentive for indebted countries to increase productivity because the fruits of their labour will be returned

to their own country. Using a two-period framework, in which the first period is the policy reform and the second period constitutes the consequences of those adjustments, Berthelemy notes that "if debt service obligations are reduced, at least part of the new income generated by first period investments will be available for second period consumption."¹⁹ This means that HIPC's have incentives to work harder to produce greater revenue since they know that this hard earned resource could be put into reform policies, instead of it being put to paying more debt. It is important to point out that HIPC's have not only been paying off the initial stock of debt but also the interest acquired from the original loan. Stephen Lewis writes that of the \$294 billion of debt incurred between 1970 and 2002, Africa paid back \$260 billion mostly in interest, and still owes more than \$230 billion.²⁰ The longer a debt remains unpaid, the more interest compounds, which increases the total amount of debt, casting a greater burden on the indebted country. Continual debt payments not only tax the limited resources of HIPC's but may actually impede motivation to work harder whereas debt reduction, and even more so debt cancellation, spurs motivation by allowing countries to enjoy the fruits of their labour.

The long-term development and growth of HIPC's remains not only an interest for each individual country, but also a heightened concern for the international community as a whole. Without an adequate solution to the HIPC problem, the Millennium Development Goals, with goal eight aiming "to develop a global partnership for development," remains nothing more than lofty rhetoric. In order to "deal comprehensively with developing countries' debt problems through national and international measures to make debt sustainable in the long term" the HIPC initiative must be taken even further to include debt cancellation.²¹ In an analysis of the HIPC initiative aimed at making debt sustainable, the UNDP Human Development Report 2003 states that "debt serving capacity should be assessed relative to the country's needs for achieving the Goals. For many countries this will require full debt cancellation."²²

Debt relief, on the other hand, has shown some progress. *Canada and the World Backgrounder* cites that in Benin, 54 percent of the money saved was funneled to health care,²³ and research on Tanzania and Zambia shows that debt relief has had modest positive macroeconomic effects. Under their model, debt relief in Zambia resulted in increased public

spending, and lower taxes resulted in a 0.2 percent GDP growth rate.²⁴ However, results have been minimal despite the lapse in time since the initiative was implemented and gives little hope for drastic improvement in the near future. Debt cancellation remains a reasonable first step and it serves as a test for the international community to follow through with its international commitments.

Not only is it important to discuss the dire effects of debt and the positive changes debt cancellation will bring, it is also important to address how HIPC's are responsible for the debt incurred in the first place. HIPC's today face an unfair burden because much of their debt was incurred under corrupt regimes. Patricia Adams writes that "this debt is not an obligation for the nation; it is a regime's debt, a personal debt of the power that has incurred it, [and] consequently it falls with the fall of this power."²⁵ It is crucial to remember that HIPC's incurred much of their debt through the 1960s and 1970s, a time of extensive borrowing in the name of development under illegitimate governments that mismanaged, and in many cases completely squandered, the loans. The loans were made by the Bretton Woods institutions and/or individual lender countries to governmental officials of HIPC's without the democratic consent of the people. Twenty years later the people currently living in HIPC's are taxed and forced to repay debts left by past governments, heavy debts that they had no choice in incurring or say in how they were spent. Alexander Sack argues that the main criteria for "deciding whether or not a debt can be passed from one government to another is what the money was used for. If it was used for the betterment of the nation - to build a hospital or train teachers for example - then the debt has to be repaid."²⁶ Though Iraq is not defined as a HIPC, it certainly ranks high in debt and is an example of how the \$162 billion Saddam Hussein acquired over his rule between 1979 and 2003 was clearly not spent on improving the lives of ordinary Iraqis but on wars, lavish palaces and private endeavors. Seen in this light, one must conclude that many HIPC's are unfairly prosecuted for loans they are not responsible for in the first place.

Furthermore, a compelling case can be made that the lenders have a large responsibility for the high level of debt incurred by HIPC's. Peters argues that the IMF and WB are partly responsible for the debt crisis due to the "administrative faults of over-elaboration, lack of understanding of less-developed economies and in some places downright

corruption mixed with over tenderness towards the national and sometimes parochial interests of the wealthier countries."²⁷ He cites the example of Zaire (now the Democratic Republic of Congo), where the IMF and WB funneled large amounts of aid, not to help its economy but because Zaire was geopolitically important during the Cold War. They also cite the inefficiency of structural adjustment programs, taking the example of establishing a small hut for fish farming in Bangladesh, arguing that projects were often unnecessarily complicated, uneconomic and insensitive to local needs. As the HIPC's could only owe the amount of money that others lent them, the IMF and WB must take some responsibility for loaning that amount of money in the first place. As Ditturs writes, "donors have to shoulder part of the responsibility of assuring that aggregate lending is consistent with debt service capability."²⁸ More than that, lenders and particularly institutions such as the IMF and WB, which were established specifically to aid developing countries, have the responsibility to see how these loans would be managed and how they could be paid back. Hertz goes further, saying, in response to the fiscally corrupt management of loans, that lenders have equal responsibility for debt because "the lender knew that monies would be used in such a way."²⁹ A shift in responsibility is necessary, then, from the current disproportionate liability on the debtors to the lenders. Though some argue that lenders are taking responsibility by providing debt relief, debt cancellation is not only a more responsible but also a much more effective long term solution. As discussed, any new loans or aid that currently flow into a HIPC only serves to bandage the problem, as the HIPC initiatives have shown, whereas pledging that same amount of new loan or aid to forgive and reduce the stock debt will reduce interest accrued and actually address the root problem.

Despite the increasingly overwhelming consensus for debt cancellation, opposition remains. One of the key arguments against debt cancellation is the fear that total debt cancellation will not foster economic prudence in the future. However, HIPC's have been punished and subjected to dire poverty for long enough, and teaching economic prudence by not canceling debt is unreasonably cruel. If teaching prudence is the goal, the international community should instead develop multilateral strategies giving equal responsibility to both lender and debtor, as well as strategies involving both parties to combat the problem.

Another key counterargument is the fear that once multilateral debt is cancelled, the WB and IMF will lose all power to control the policies of HIPC's. While these institutions may lose the direct control over HIPC's in the sense that they can no longer dictate how each aid dollar should be spent, it is unquestionable that HIPC's will continue to need aid, expertise and technology from wealthy nations for some time. Ties between developed and developing nations will remain and systems of accountability will be in place because HIPC's need to grow in partnership with the rest of the international community. In fact, given the failures of many structural adjustment programs of the IMF, it may be a positive change for HIPC's to be able to take control of their domestic policies so that programs will be locally sensitive and more effective.

A third counterargument is the fact that debt cancellation is unfair, as many poor and indebted countries remain outside the HIPC structure. Even with the recent announcement of debt cancellation for the 18 HIPC's that have reached completion point, 20 other HIPC's have yet to receive debt cancellation and many more are left without help because they are not considered an HIPC. This is in fact a valid criticism. To address it, debt cancellation should be expanded to the rest of the 20 HIPC's, and the HIPC Initiative to other least developed countries. As well, it is prudent to be cautious of the recent WB and IMF debt cancellation announcement. Though an agreement was been reached in principle in late September of 2005, the institutions have yet to specifically lay out how and when the debts will be cancelled. The international community does not have the best track record when it comes to international development; a quick look at the progress of countries that have signed on to the Millennium Development Goals reveal that many are far away from meeting their own set targets.

"Here you have," Stephen Lewis writes, "the poorest continent in the world paying off its debt, again and again, and forever being grotesquely in hock."³⁰ Lewis aptly captures the argument of the present analysis; that is, the reality for HIPC's, since their identification in the 1980s, has been an endless cycle of debt payments that have perpetuated poverty, crippled development, and caused great suffering for people taking a disproportionate amount of responsibility. As the international community is slowly realizing, forcefully pushed along by various powerful movements and individuals, debt cancellation is the first step in paving the way for HIPC's to

effectively develop. No longer are there substantive fears of economic collapse set off by canceling debt as in earlier decades. Today, debt cancellation is feasible. The amount of aid and new loans given can be much more effective if channeled towards debt cancellation. With the removal of debt as a foundation, HIPC's can then begin to implement and benefit from country-specific, domestically based poverty reduction strategies; this in turn will allow them to begin to address other pertinent issues, such as social and health concerns, fair trade, access to world markets for economic development, political stability, and freedom from genocide and intrastate conflict. Each of these issues requires extensive research and scope, an analysis of which is beyond the capabilities of this paper. Nonetheless, this paper points out that these concerns can only be effectively addressed by solving the debt crisis. Undoubtedly these issues will continue to arise in the international agenda, as the story of the implementation and impact of the recent debt cancellation announcement unfolds before us all.

NOTES

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LESBIANS, SINGLE WOMEN, AND THEIR RIGHTS TO IN VITRO FERTILIZATION SERVICES IN AUSTRALIAN SOCIETY

Sarah Gooding

Despite Australia's agreement to meet the obligations of the UN's Convention on the Elimination of Discrimination against Women and the federal government's Sexual Discrimination Act 1984, Australian states continue to limit the opportunity for lesbians and single women to have children by denying them access to In Vitro Fertilization services. This limitation demonstrates the severe inconsistencies between Australian federal and state laws and the federal government's insistence on maintaining a heterosexual two-parent family.

As an international citizen and a ratified member of several international human rights treaties, Australia has made commitments to the United Nations to abide by the codes and regulations of those treaties. In 1983, the Australian Government ratified the Convention on the Elimination of Discrimination Against Women (CEDAW), the first international treaty that sought to end discrimination against women in a variety of areas. A year later, the Australian government implemented this treaty with the creation of the Sexual Discrimination Act 1984 (SDA). Despite Australia's obligations to CEDAW and federal law under the SDA, its government continues to discriminate against women based on their marital status and sexual orientation. More specifically, the federal and state governments of Victoria, South Australia and Western Australia continue to deny lesbians and single mothers access to In-Vitro Fertilization (IVF) services without adequate legal justifications. This essay will argue that IVF services should be regulated in a non-discriminatory manner that is consistent with federal and international law, that protects the interests of the children

born through IVF services, and that does not impose a nuclear family structure.

I will begin by describing the inconsistencies between Australia's international and federal obligations, and the effects of Australian state infertility laws when applied to single women. I will then discuss the government's unproven position regarding same-sex parents that suggest there are negative repercussions for children raised by lesbian mothers. Finally, I will analyze the government's unjustified reinforcement of heterosexual norms and nuclear families in Australian society today. This essay will not discuss in great detail the consequences Australia has faced or will face in the future as result of their inability to meet international UN treaty obligations, nor will this essay examine the controversy between individual minority rights and majority views within a nation or a state. Rather, this essay is mostly limited to examining the decisions, positions, justifications and laws of the Australian federal government and how these relate to international treaties and state jurisprudence.

In 1983, the Australian government ratified CEDAW. This treaty is highly regarded by the international community for its concerns with discrimination against women, and by October 2004, 179 countries had ratified it.¹ In order to enforce legal commitment to CEDAW and bring domestic law into agreement with it, the Australian government passed the SDA.² In most areas, the SDA reflects CEDAW's treaty obligations by protecting women and ensuring their equality in relation to men and each other when taken as a whole.

The problem lies in the widespread inconsistencies between the federal SDA and state laws, such as the Victoria (VI) Infertility Treatment Act 1995 [ITA], the Western Australia (WA) Human Reproductive Technology Act 1991 [HRTA], and the South Australia (SA) Reproductive Technology Act 1988 [RTA]. These state acts are inconsistent with both CEDAW and SDA because they regulate women's access to infertility treatments based on marital status (infertility treatments are more readily accessible to married rather than single women). Since Article 1 of CEDAW defines discrimination as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms,"³ any restrictions on a woman's freedoms and human rights based on their

marital status would violate this international treaty. Further in the document, CEDAW specifically states areas of discrimination that need elimination, including "healthcare...marriage, family relations and reproductive freedom."⁴ With these eliminations in place, denying single women the right to have a family of their own or the right to the same healthcare services as married women would be a violation of this treaty. The SDA similarly prohibits sexual discrimination on the basis of marital status—Section 3 states that the SDA was enacted to 'eliminate, so far as possible, discrimination against persons on the grounds of sex, marital status...."⁵ Based on the above clauses, denying a woman access to IVF services constitutes discrimination against her marital status, and is a direct violation of international and federal law.

The *Mcbain v. State of Victoria* court case in 1999 best exemplifies the inconsistencies between international, federal, and state laws. In this case, a single woman named Lisa Meldrum was denied access to IVF services because she did not meet the qualifications of the Infertility Treatment Act 1995. Since the Act explicitly stated that IVF services are offered exclusively to married women with medically proven reproductive difficulties, Meldrum did not have the legal right to access it.⁶ When compared to the principles in CEDAW and SDA outlined in the previous paragraph, inconsistencies are apparent.

Intense debate ensued over the matter: the Catholic Bishops, given permission as a non-party to interpose and present their opinions regarding the case in front of the court, argued that the definition of "service" outlined in section 22(1) of the SDA, which states that all women must have equal access to medical services - is not inclusive of IVF procedures.⁷ They reasoned that IVF services could in no way be compared to a woman's natural pregnancy and is therefore in accordance with the Infertility Treatment 1995 (VI). Hence, Dr. McBain should not be permitted to perform IVF treatment on single women.⁸ In other words, the Catholic Bishops along with many other family organizations believed that restricting single women from IVF services was consistent with the SDA.

On the other hand, McBain and Meldrum argued that IVF treatment counts as a service outlined in Section 22(1) of the SDA, and that "it is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's sex, marital status...." Therefore

single women such as Meldrum should have proper access to IVF services.⁹ The Federal Supreme Court sided with McBain and Meldrum by reasoning that an IVF procedure was a 'service' and the Act, therefore, could not use a woman's marital status to deny her of it. However the Federal Court justified their decision on the grounds that "Victoria legislation restricting access to reproductive technology was inconsistent with the SDA,"¹⁰ rather than its *discrimination* against women on grounds of marital status. Because Section 109 of the Constitution states that federal law will always overrule in the event that it is inconsistent with state law, amendments to the ITA are necessary to allow single women's access to IVF services. An Inquiry commissioner for a similar case, Ms. Kohl, justified why single women should be given access to IVF services on the grounds that "marital status has no relevance to the type of medical treatment which should be available to women and it should not be a bar to obtaining the medical services which are readily available."¹¹

A similar situation is seen in the *Pearce v. South Australia Health Commission*, where a single woman seeking IVF services from a hospital was denied treatment in accordance with "Section 13 of the Reproductive Technology Act 1988 (SA), [which] specifies...that IVF procedures are only available for the benefit of married couples."¹² Unlike the previous case, however, the federal government chose to 'pass the buck' to the South Australian government, arguing that IVF services are within provincial jurisdiction and the case should be decided based on state law. Despite the differences in court proceedings, the ruling was similar to *McBain vs. State of Victoria*: "s.13 of the Reproductive Technology Act restricts the application of artificial fertilization procedures under license except for the benefit of 'married couples' ... [which] is inconsistent with the provisions of the SDA and as such is invalid by virtue of s109 of the Australian Constitution."¹³ Consequently, Ms. Pearce was given access to IVF services and the RTA was overruled as a state law. As a federation, Australia reserves for states the responsibility for deciding and acting upon certain areas of law including healthcare, meaning that many state governments feel justified in arguing for their right to determine whether a woman should have access to IVF services. However, this issue has become more than just an issue of healthcare. It has become a case of discrimination against women and the violation of human rights, which are issues reserved for the decision of the federal government and

the ruling of the Supreme Court. Both the McBain and Pearce cases demonstrate that aspects of sexual discrimination still exist in state regulations of IVF services. The federal government should take these cases as a sign to establish initiatives for realigning provincial legislation with its international and federal counterparts.

Since CEDAW preceded the SDA and gave rise to its existence, denying single women's access to IVF services violates Australia's obligations to the UN under CEDAW as well. This "undermine[s] Australia's strong record in advancement and protection of human rights."¹⁴ In other words, when the Australian federal government ignores international law such as CEDAW, Australia's reputation as an accountable, reliable and respectful international citizen is threatened. Elizabeth Evatt, the only Australian member of the Human Rights committee of CEDAW, argues, "a good international citizen would show respect for the international human rights system" and in doing this "it would reinforce the significance and universality of human rights standards and set an example for others to follow."¹⁵ The severe inconsistencies that exist between federal, international, and state law, and the difficulty which single women encounter when attempting to access IVF services show the failures of Australia as an international citizen. Due to the Federal government's disapproval of single women accessing IVF treatment, inconsistencies between federal, international and state law continue to exist. The Australian government is currently trying to amend portions of the SDA so that discriminating against single women seeking IVF services would not constitute a rights violation. Until the Australian government officially amends the SDA, however, it must legally ensure that state laws are consistent and accountable to both federal and international law.

Another social group that the Australian federal government excludes from IVF services is lesbians. The Prime Minister of Australia, John Howard, argued against their access to these services on grounds that "[IVF] primarily involves the fundamental right of a child within our society to have the reasonable expectation, other things being equal, of the care and affection of both a mother and father,"¹⁶ something that lesbian couples cannot provide. Several fertility centres in Australia have recently admitted to discrimination on grounds of sexual orientation in their application screening processes: "if a heterosexual couple went through their psychological assessment process and were determined to be 'completely

unsuited' to being parents, they would nevertheless be given access to the service, while a lesbian couple would be denied access regardless of suitability."¹⁷

But is it not also a child's right to have suitable and devoted parents raise them, regardless of their sexual orientation? Reputable child psychology studies have found no psychological differences between children raised by same-sex parents and children raised by heterosexual parents. Norman Ford in a recent work argues that children who grew up with lesbian parents "enjoyed stability in family living without experiencing the disruption of divorce or separation of heterosexual parents."¹⁸ In fact, Ford found that co-mothers were often more involved in their children's lives than fathers usually are in two-parent heterosexual families. He also claimed that "longitudinal studies found adult children from these lesbian families were well adjusted and related well with their mothers and partners."¹⁹ Likewise, London family and child psychologist Susan Golombok concludes that "aspects of family structure such as genetic relatedness, number of parents and the mother's sexual orientation, may matter less for the children's psychological adjustment than warm and supportive relationships with parents, and a positive family environment."²⁰

Discrimination against lesbians is an appropriate example of the federal government's inability to provide adequate legal justification to support their position of denying lesbians access to IVF services. Unjustified arguments such as John Howard's suggest that many Liberal government representatives have yet to evolve their traditional view on the family arrangement. Bob Horne, a representative of the Australian Labour Party, cited Professor Carl Wood's opinion in support of this, suggesting that the only motive for "the rejection of lesbians as suitable parents by artificial insemination or IVF may be due to homophobia as there is no evidence that they are less effective than heterosexual parents."²¹

A common fear among many members of society is that a child raised by same-sex couples will gravitate towards homosexuality when they grow up. Evidence from Kristen Walker shows that this fear is problematic because "the social science research simply does not support the idea that children of lesbians (or gay men) are more likely to be a lesbian or a gay man than their counterparts from heterosexual families."²² Further research on children from lesbian families specifies

that children raised by same-sex parents are not psychologically or emotionally effected by their parent's sexual orientation.²³ The grounds upon which the Liberal government bases their discriminations have thus fallen through; without viable evidence to suggest that lesbians are incapable of being good mothers or that they negatively affect their children, it should, without question, grant same-sex couples access to IVF services.

By denying IVF access to lesbians and single women, the Australian Government is essentially reinforcing the social norms of heterosexuality and the nuclear family structure. Australian political institutions have hitherto adhered to traditions of protecting the customary definition of marriage and the nuclear family,²⁴ as reflected in their legislation. For instance, the language used in state fertility laws such as the ITA (VI) "demands that the 'welfare' of children conceived through donor insemination be the 'paramount consideration for the doctor determining access to...IVF.'"²⁵ Noting how common child-centred language was in many state fertility laws, Jenni Millbank, a law professor at the University of Sydney, argued that "the inference as to how children's interests are best served is clear. No Single Mums. And especially No [Lesbians]."²⁶

Liberal representatives such as Alan Cadman and Peter Lindsay explicitly affirm this notion with the belief that giving lesbians access to IVF services threatens to destroy the traditional family unit.²⁷ Many Australian citizens and groups share similar opinions, and are certainly justified according to their own set of ingrained values and beliefs, which reason that lesbians and single women have chosen their lifestyle and must now accept the consequences. However, as influential governmental leaders in the public eye, openly expressing disapproval of a particular lifestyle or family structure through discourse and legislation imposes personal views of 'family' on the Australian public, and only perpetuates intolerance of alternative ways of life and conflict between different groups of society. It is interesting to note that "in reality less than 25 percent of the Australian population conforms to this hetero-nuclear model."²⁸ Despite these changing trends, the government still insists on adherence to this traditional norm because they believe it will help society cope with technological advances that seem to threaten natural reproduction and the family.²⁹ This argument, however, presumes a static definition of 'family' and completely ignores

its characteristics as a social phenomenon subject to social change. Furthermore, its equation to a stable and healthy childhood precludes important elements, such as commitment, that are essential to a stable relationship. Because the government's definition of a 'healthy' family cannot stand up to opposing arguments such as those noted above, their insistence on preserving a heterosexual, two-parent family in legislation is unjustified, and is essentially discrimination against women's marital status and sexual orientation;³⁰ There seems, then, little grounds for it to remain. In addition, it is arguable that these government standards infringe upon women's inherent right to procreate; therefore it must be considered unconstitutional to ban certain social groups, i.e. single women and lesbians, from using IVF services to have children.³¹

In summary, existing governmental regulations and conditions for screening suitable candidates for IVF services need modifications and better enforcement. As elaborated in the above discussion, rejecting an individual simply due to her personal lifestyle constitutes discrimination on unjustifiable grounds of sexual orientation and/or marital status. These are human rights violations according to CEDAW and SDA, and since the Australian government has agreed to these treaties, their stance on state infertility laws becomes unacceptable behaviour that undermines their international credibility. Although the government has attempted to defend their position by undercutting the value of same-sex families, their arguments are unsupported, and only serve to show an irrational fear of female-centred households in society. While these arguments signal to the Australian government that amendments in IVF services legislation are necessary, continued inaction on their part suggests that they are determined to defend their position and that they will fight to maintain the status quo, regardless of discord between internationally recognized and federally entrenched human rights on the one hand, and state laws and practices on the other.

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OBSTACLES AND OPPORTUNITIES: AN EXAMINATION OF BARRIERS TO WOMEN IN EGYPT WITH PARTICULAR EMPHASIS ON LAW AND RELIGION

Stephanie Markovich

Egypt has been home to a strong women's movement for over a century. However, the greatest barriers for the status of women are social and cultural, not religious. Further, the assumption that the recent rise of Islamic fundamentalism is inimical to women's rights is based on common distortions that situate women's involvement in such movements in relation to rigid categories of 'internalized oppression' or 'resistance', which mask the more complicated matrix of opportunities and social change.

In the Arab world, Egypt is looked to as an example, both because of its history of regional leadership and because it has been a pioneer in the adoption of development and modernization policies. Egypt has been home to a strong women's movement for over a century. Despite their achievements in the last half of the 20th century, significant inequalities still exist and those fighting for women's rights are forced to compete against, and cooperate with, other powerful forces, most prominent among them nationalism and Islamism. Thus it is impossible to separate the historical trajectory of the status of women in Egypt from the overarching socio-political conditions of the time.

This essay will begin with a brief synopsis of the gains Egyptian women have made over the past 50 years, and a general examination of the remaining laws that systematically discriminate against women. Then, using the case of female-headed households, it will take a closer look at how sexist cultural norms are enshrined within Egyptian social

institutions. It will then compare the role of women under these laws with the role of women in the Muslim religion generally, and the Islamic resurgence in particular. The essay concludes that the greatest barriers to the status of women are in fact social and cultural, not religious. Further, the assumption that the recent rise of Islamic fundamentalism is inimical to women's rights is based on common distortions which situate women's involvement in such movements in relation to rigid categories of 'internalized oppression' or 'resistance', and which masks the more complicated matrix of opportunities and social change.

Historical Development:

Before looking at the achievements of the Egyptian women's movement over the past half century, we must first define 'women's rights'. For the purposes of this essay we will use the term to denote social, political and economic equality between the sexes in law and in practice, in both the public and private sphere.¹

In Egypt, the fortunes of the women's movement can be clearly linked with the rise and fall of other socio-political forces (in particular, nationalism) that either co-opted the women's struggle or perceived it as a threat:

Tensions between civic forms of nationalism (which describe women as modern citizens who share rights and responsibilities in the process of nation-building) and cultural forms of nationalism (which depict women as symbols and safeguards of 'uncontaminated' culture) characterize post-colonial state formations.²

During the nationalistic Nasser era, women won the right to vote and run for office, were guaranteed government jobs after high school or college graduation and were declared equal to male Egyptians under the constitution.³ However, the conservative Personal Status laws of the 1920s and 1930s remained unchanged, continuing the institutionalization of patriarchy within Egyptian society.

Under Sadat, the reformed Personal Status laws (renamed Jehan's Law, after Sadat's wife) reaffirmed a woman's right to divorce, allowed a woman to travel without permission from her male guardian, and raised the legal age of marriage from sixteen to eighteen.⁴

During the 1980s, Jehan's Law was the subject of a political tug-of-war between feminist activists and Islamic groups who denounced the law as unconstitutional and "anti-

Islamic.”⁵ The law was repealed and then replaced with a new one that maintained some of the rights Jehan’s Law had granted. As this brief history indicates, the fortunes of the women’s movement in Egypt are inextricably linked to the country’s constantly changing socio-political conditions. Whereas previously “women’s rights within the ‘private’, family sphere [were] not only ignored, but also considered as standing outside the legitimate struggle for *quadiyyat al-mar’a* (women’s issues)”, the battle over the Personal Status Law indicates the post-*infatih*⁶ shift toward dealing with women’s rights more holistically and not just vis-à-vis the government.⁷

Contemporary Laws:

Today an Egyptian woman is not allowed to travel or leave the country without her husband’s permission and is required to have her husband accompany her in person to apply for a passport, while her husband is subject to none of these restrictions. In addition, nationality is only passed through the male kin and only males over the age of sixteen are required to have a state-issued identity card. Conversely the names of poor illiterate women are usually placed on their father’s or husband’s ID cards.⁸ This has major implications for the legal status of women because without an ID card, an individual cannot obtain a driver’s license, passport, or formal (public) sector job, nor access state services, to name a few examples. In other words, the citizenship of an Egyptian woman is not legally recognized as equal to that of an Egyptian man. In addition the process of obtaining a card is especially intimidating for a low-income Egyptian woman as it requires the cooperation of two government officials willing to vouch for her and, if she does not have a birth certificate (as is often the case with poor middle-aged women living in Cairo who were born in villages), the time and money necessary to travel back to her place of birth.⁹

In the realm of matrimonial law, despite having the right to divorce (and even then only if agreed to upon marriage), women cannot demand this unilaterally as can their husbands; instead they must go to court and prove that they have been harmed.¹⁰ With respect to prostitution, a woman is punished for having committed a moral crime while a man testifies as a witness and is then allowed to go free. Finally, according to the Egyptian Penal Code a man found guilty of rape will be sentenced to death unless he offers to marry the victim and she accepts.¹¹ Despite the fact that in Islam a marriage is not

religiously valid unless both parties freely consent to the union,¹² in most cases the victim is forced to comply with such an offer because as 'damaged goods' she will have no other marriage prospects and will shame her family (or even face an honour killing to 'restore dignity' to her family) if she remains single.

Cultural Norms and Social Customs: Female-Headed Households

As indicated, "It is clear that discrimination against women exists in the Penal Code. Such discrimination has no religious basis in Islam or Christianity, but is based on traditional and cultural norms that influence legislation and judges' use of their discretionary powers."¹³ One clear example of gender discrimination whose basis lies in socio-cultural practices is that against female heads-of-household (FHH). Even the difficulty in defining and measuring FHH demonstrates prejudice because culture and tradition may prevent a woman who is the household's main breadwinner and decision-maker from identifying herself as such. A woman living with an employed adult male is never officially recognized as the household's primary economic contributor, even if that male spends all his income on another wife or simply squanders his earnings while the female is forced to earn money for household expenses.

Given the inherent prejudice associated with even identifying FHH, it is not surprising that the law remains discriminatory towards them with respect to the distribution of social services. First, one of the major barriers for unmarried, abandoned, divorced or widowed women with no male provider is the fact that ID cards are necessary for any type of government social assistance.¹⁴ Second, it is almost impossible for a single female to obtain housing because of finances and the fact that the rent for government-subsidized housing projects must be in a man's name.¹⁵

Even if a single woman does manage to get an ID card, Egypt's social welfare system is unabashedly two-tiered and systematically stacked against females. The "mainstream" (contributory) system targets the individual; that is, full-time workers, the vast majority of whom are male. Its beneficiaries are considered rights-bearers who have paid for and are entitled to the service.¹⁶ The secondary (non-contributory) program targets the destitute and vulnerable, many of whom are female. In contrast to the respect bestowed upon beneficiaries of the

mainstream system, applicants to the secondary system are treated as 'charity cases' and carefully screened to weed out those who are 'lazy' or 'trying to cheat the system.' Worse, the system is based on a gendered interpretation of needs and roles, and often hinges on the subjective reading of government policies by skeptical bureaucrats. Divorced women are punished for initiating divorce and for not enduring abusive relationships, and never-married women are subjected to the humiliation of obtaining a doctor's certificate stating that they are a virgin before they are eligible for the 'chastity pension.'¹⁷ Women who apply for assistance because they are destitute must also endure the humiliation of a social worker visiting their community and interviewing neighbours to verify their status; consequently many women refuse to apply for assistance in order to avoid the social stigma¹⁸

Does Islam Constitute a Barrier to Women's Rights?

The opposition of some Islamic groups to the advancement of women's rights is often due to distortions of true Islamic doctrine. In many ways Islam is much more fair and equitable toward women than is actually reflected in Egyptian society. First, Islam clearly states that education is necessary for everyone to avoid ignorance in society. So while some Islamist leaders may be critical of the mixing of men and women in Egyptian universities, often their solution is not to prohibit women from getting an education; instead it is more specific instructions of modesty around male students, tutors and professors. Moreover, while in the West women pursuing higher education were initially relegated to 'soft' fields of art and home economics, when Egyptian women gained access to higher education in the 1950s enrollment was roughly balanced between the sexes and women had a significant presence in medicine and engineering¹⁹ (though, admittedly, females were conspicuously absent in Arabic and Islamic studies).

Despite significant achievements in access to education and strong religious support for the pursuit of knowledge, in 2001 there remained a 24% gap between male and female adult literacy rates.²⁰ Again, this is primarily because of cultural norms that favour males when it comes to education. Females are socialized to get married, look after the household or care for younger siblings, while males are sent to school to become breadwinners; this heightens income

disparity because girls are forced to give up the chance to learn skills that could help them find a job in the future.²¹

Second, one of the fiercest debates over women's rights in Egypt centered on the appointment of a woman judge. Yet the history of Islam includes female judges, and many other Muslim countries (Syria, Sudan and Yemen, for example) have women occupying adjudicatory positions. In this case there is clearly no religious justification for sex discrimination:

Rather, the constraint is purely cultural, based on grounds that are irrational, centered primarily around the inability of women to cope with the strenuous, stressful tasks of the judge, as not suited to her delicate nature, in addition to her highly sentimental, emotional makeup, which is likely to interfere with her ability to make sound decisions.²²

Because of these cultural constraints, only in 2003 was the first woman judge finally appointed in Egypt.²³

Another area in which there is a clear disjunction between cultural norms and religious edict is in the realm of matrimonial relations. Under Egyptian law a man is not guilty of adultery unless he is caught with another woman in the marital bed; a woman on the other hand "is an adulteress if she sleeps with another man anywhere."²⁴ The penalty for the murder of an adulterous spouse is also unequal according to gender; for a woman it means a life of hard labour, whereas for a man it is a crime of passion that justifies a reduced sentence.²⁵ Islamic doctrine on the other hand very clearly states that adultery is extremely difficult to prove and that in the unusual cases where the adulterers confess, both should be stoned to death.²⁶ This is obviously a brutal punishment but unlike formal Egyptian law it is one that penalizes both sexes with equal severity.

As this example implies, Islam strongly discourages divorce. Yet in contrast to the legal difficulty and social stigma of divorce outlined earlier, it stipulates that if a couple is unable to reconcile the husband must pay his ex-wife a lump sum in addition to the alimony and child support she receives.²⁷ Finally, the most barbaric discriminatory practice blamed on Islam is that of female circumcision. In fact this violent ritual originated in Africa and has no roots in Islam; it is practiced by both Muslims and Christians in Egypt and is absent in most Islamic countries. Unfortunately, it has become associated with Islam and after declining during the 1950s and 1960s, there has been an alarming rise in incidents of female circumcision

in the more rural, conservative areas of Egypt alongside the rise of Islamism.²⁸

Women and the Islamic Awakening

Despite the preceding analysis of the Muslim religion, many Western observers perceive the rise of Islamic fundamentalism (or Islamic Awakening, *al-Sahwa al-Islamiyya*) across the Middle East as inimical to the status of women in Egypt because they equate Islam with strict patriarchy and subjugation of women. Certainly not all Islamist groups support the Egyptian women's movement, and some dispute the very discussion of 'gender issues' because they consider the notion of gender to represent everything immoral, illicit and decadent imported from the West.²⁹ Worse, some translate the term 'gender' into the Arabic *jins* (sex), which many conservative Islamists interpret as an encouragement of "homosexuality, premarital sex and adultery."³⁰ It should be noted however that these ultra-conservative groups share the goals of living in accordance with Islam and eradicating foreign influence from Egyptian society with many female Islamic activists.

Overall, Islam is a surprisingly equitable religion whose resurgence can in some ways be considered an opportunity for women. For instance, the rise of female-oriented grassroots religious instruction offers women the opportunity to gain the knowledge of the Qur'an and *hadith* necessary to engage in religious debate on equal footing with male scholars:

Women's increasing familiarity and engagement with canonical sources - such as *hadith* commentaries - tends to push forms of juristic reasoning to address new areas of "problematizations" and points of concern that had hitherto been outside the purview of scholarly debate.³¹

To reconcile the many contradictions between modern reality and religious edicts, women in the piety movement become involved in reinterpreting religious debates in light of their contemporary day-to-day struggles:

Such attempts, while clearly bringing women's interpretive practices to bear upon the male exegetical tradition in new ways, also extend the logic and reach of this tradition into areas of practical and quotidian conduct that might have otherwise remained outside its purview.³²

This view of the Islamic revival stands in direct contrast to the conventional 'false consciousness' thesis that argues the resurgence of Islam merely represents the internalization by Muslim women of patriarchal norms, and reverses decades of hard-won gains for women. Yet some husbands *oppose* their wives' involvement in the movement and criticize the 'backwardness' of wearing the full-veil because it reflects badly upon the modern, upwardly-mobile image he is trying to project in society. In this situation, wives are actually able to gain the 'moral upper hand' in arguments with their less-than-pious husbands by continuing their involvement with the movement and praying for their husband's errant soul while at the same time fulfilling their obligations to the physical well-being of their family.

It is interesting here to note two points. First, a woman is responsible for the physical well-being of her husband *provided it does not interfere with her devotion to God*; her husband by contrast is responsible for *both* the moral virtue and physical and social well-being of his entire family.³³ Second, to return to the earlier point about religious education, the wife has leverage in the debate over whether or not she should continue her involvement in the Islamic movement against her husband's wishes precisely because both parties accept the importance of Islam as a given, a deep-seated truth among the majority of Egyptian society. A husband cannot offer a reasoned argument to justify his drinking, refusing to pray and forbidding his wife's pious behaviour if both parties share at least some common beliefs (the hereafter, God's wrath, etc.).

While the preceding analysis demonstrates that women's involvement in the Islamic revivalist movement cannot be interpreted as oppression, their participation cannot be understood, conversely, as the opposite, as solely a means of resistance against male-dominated, secular-liberal forces. As Mahmood argues, "the fact that discourses of piety and male superiority are ineluctably intertwined does not mean that we can assume that the women who inhabit this conjoined matrix are motivated by the desire to subvert or resist the terms that secure male domination":

While conceding that one of the effects of the mosque participants' pursuit of piety is the destabilization of certain norms of male kin authority....the terms and concepts deployed by women in these struggles are closed off by an undue emphasis on resistance.³⁴

The wearing of the veil, for example, is the most conspicuous and hotly-contested element of women's involvement in the Islamic revival. Depending on one's interpretation, it is either a potent symbol of Islamic oppression (women are forced against their will to hide behind the veil) or a functionalist strategy of resistance (the veil is a means of rejecting the Western commodification of women's bodies and of avoiding sexual harassment on public transportation, in the workplace, etc.).³⁵ Many of the women involved in the Islamic resurgence, however, were critical not only of those women who chose to flaunt their bodies by not wearing the veil or those who rejected the practice as simply a folk custom which became historically intertwined with religion, but also those who donned the veil without considering its ethical implications in terms of living and *acting* (not just dressing) in accordance with the virtue of modesty.³⁶ Views such as these highlight the importance of examining displays of religious fundamentalism not just in terms of oppression or resistance, but with a closer analysis of their deeper intentions.

Conclusion

Though women in Egypt have made some progress in gaining certain rights, significant judicial and political injustices remain, as demonstrated with the case of female-headed households. At the same time, these injustices do not correlate with Islamic doctrine.

Based on the evidence, this study can conclude that the greatest barriers to the status of women in contemporary Egypt are in fact social and cultural, not religious. Further, the assumption that Islamism is inimical to women's rights is based on common misconceptions which mask more complicated interactions between actors' intentions and social/political outcomes. Overall, this analysis reminds us that Western conceptions of 'feminism' differ greatly from those of Muslim-Arab women, and that to be effective women's issues must be dealt with in the same framework that created them.³⁷ This necessarily entails dealing with the issue of women and Islam, because Islam is a worldly religion that permeates many aspects of everyday life. Finally, as we have shown, the boundaries between religion, culture and law in Egyptian society are often unclear, leading to more confusion for outside observers and making it extremely difficult to determine the true origins of a particular practice.

NOTES

¹ Because this definition encompasses such a wide range of issues, it is not surprising to note that the Egyptian women's movement is quite divided in terms of goals and priorities.

² Nadjé Al-Ali, *Secularism, Gender and the State in the Middle East: The Egyptian Women's Movement* (Cambridge: Cambridge University Press, 2000), 54.

³ As cited in *Ibid.*, 68.

⁴ *Ibid.*, 74.

⁵ Al-Ali, *Secularism, Gender and the State in the Middle East*, 75.

⁶ *Infitah* refers to Sadats's 'open door' economic policies.

⁷ Al-Ali, *Secularism, Gender and the State in the Middle East*, 76.

⁸ Iman Bibars, *Victims and Heroines: Women, Welfare and the Egyptian State* (New York: Zed Books Ltd., 2001), 16-17.

⁹ *Ibid.*, 18-19.

¹⁰ *Ibid.*, 19. Recent changes have sought to expedite this difficult divorce process, but only if the wife agrees to relinquish her rights in divorce and to pay back the bride-gift she received upon her marriage, a seemingly large barrier to a poor, unemployed, urban single mother. Admittedly, recent changes have also included a 'pleasure alimony' based on the number of years a woman was married due to the fact that a divorcée faces social stigma and (if she is older) very little chance of finding employment or remarriage.

¹¹ *Ibid.*

¹² Madiha El-Safty, "Women in Egypt: Islamic Rights Versus Cultural Practice," in *Sex Roles* 51.5/6 (September 2004): 276.

¹³ Bibars, *Victims and Heroines*, 20.

¹⁴ Recall that many women do not have ID cards, and the process of obtaining one is often exceedingly difficult and intimidating.

¹⁵ Bibars, *Victims and Heroines*, 69.

¹⁶ *Ibid.*, 82.

¹⁷ *Ibid.*, 84.

¹⁸ *Ibid.*, 87. Using Moser's typology, Bibars argues that while single, divorced, abandoned or widowed women are legally-acknowledged as *de jure* heads of household, women who are the *de facto* heads due to their husbands or male relatives being temporarily absent for work, unable to work, or unwilling to provide for the household are perceived as dependents of the male and thus ineligible for social benefits. The state's welfare programs target widows, divorcees and deserted women, but not co-wives, wives of the unemployed or seasonally-employed men. In Egyptian society divorcees are perceived as failures and treated with distrust by other women who fear they may be after *their* men.

¹⁹ As cited in Fadwa El Guindi, "Gendered Resistance, Feminist Veiling, Islamic-Feminism," in *Ahfad Journal* 22.1 (2005): 67-68.

²⁰ El-Safty, "Women in Egypt": 275.

²¹ *Ibid.*, 276.

²² *Ibid.*, 276.

²³ *Ibid.*

²⁴ Bibars, *Victims and Heroines*, 19.

²⁵ As cited in *ibid.*

²⁶ *Ibid.*, 20.

²⁷ *Ibid.*, 276.

²⁸ *Ibid.*, 279.

²⁹ Al-Ali, "Gender and Civil Society in the Middle East," in *International Feminist Journal of Politics* 5.2 (2003):225.

³⁰ *Ibid.*

³¹ Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (New Jersey: Princeton University Press, 2005), 99.

³² *Ibid.*, 100.

³³ *Ibid.*, 182.

³⁴ Mahmood, *Politics of Piety*, 175.

³⁵ *Ibid.*, 16.

³⁶ *Ibid.*, 51.

³⁷ El Guindi, "Gendered Resistance, Feminist Veiling, Islamic-Feminism, 69.

BALLISTIC MISSILE DEFENSE: TECHNICAL DIFFICULTIES AND POLITICAL DANGERS

Sam Leung

This article argues that the U.S. Ballistic Missile Defense system is technologically unfeasible and politically dangerous. The faulty science of BMD is being ignored by policy makers in order to achieve misguided political objectives. Furthermore, the high cost of deploying a BMD system takes resources away from more effective security measures against more realistic threats. It recommends that the U.S. halt its BMD program and work with the international community against nuclear proliferation.

On December 17, 2002, the Bush administration announced it will begin work on a Ground-based Mid-course Defense (GMD) system to be deployed in September 2004.¹ This revival of a Ballistic Missile Defense (BMD) is technologically unfeasible, and will ultimately undermine U.S and global security. This paper will first examine the science of BMD, focusing on Bush's 'layered' system and how it leads to the weaponization of space. Second, it will consider how BMD causes an unraveling of the nuclear non-proliferation regime and escalates dangerous nuclear arms races. Finally, it contends that BMD diverts attention and resources from other much more pressing threats to U.S security. It recommends that the U.S halt the development of BMD, and work with the international community against nuclear proliferation.

The 'Technical Difficulties' of BMD

The Bush administration's proposed 'layered' BMD system aims to intercept short, medium, and long range missiles from North Korea and elsewhere in their boost, mid-flight, and terminal phase.² Heat-sensing satellites will detect the launch of Intercontinental Ballistic Missiles (ICBMs) from Asia while land and sea based radars will track them as they approach their target.³ Ground based interceptor missiles will carry Exo-atmospheric Kill Vehicles (EKV) that will have onboard infra-red sensors to steer it towards the missile and

destroy it with the force of impact.⁴ Currently, there are two interceptors in Vandenberg Air Force Base in California and eight at Fort Greely in Alaska; further deployments are pending for 2006 and 2007.⁵

To date the Missile Defense Agency (MDA) has conducted eleven interceptor test flights, only six of which met their test goals.⁶ More importantly, the interceptors have not been tested against realistic countermeasures as would be deployed in a real attack. In its mid-course phase, a hostile missile could deploy metallic decoys to simulate the radar signature of the missile.⁷ In the vacuum of space, decoys will travel at the same velocity as the missile (24000 km/hr, or 20 times the speed of sound), thus making it indistinguishable to the interceptor.⁸ The system will have no choice but to target them all, thus quickly exhausting its reserve of interceptors. The cost of sending more interceptors far outweighs the cost of such simple decoys, which any country capable of launching an ICBM could implement. In the terminal phase of its flights, the warhead could 'tumble' to evade interception or deploy Multiple Independent Reentry Vehicles (MIRVs) which would easily overwhelm the interceptors.⁹

While the Bush BMD plan aims to be able to intercept the missile throughout its trajectory, for strategic and technical reasons boost phase interception is the most preferred. At that phase, missiles are still close to enemy territory, and any harmful debris will only cause collateral damage on the other side.¹⁰ If interception fails at this phase, there is still time for another interception attempt. Furthermore, missiles move the slowest during boost phase, and the heat from the blast-off shows up clearly on radar.¹¹ Best of all, while it is ascending in the atmosphere it will not be able to deploy decoys or change trajectory, thus greatly increasing the chance of an interception.¹²

However, boost phase lasts only 3-4 minutes. As it takes 45-65 seconds to detect a launch, this leaves commanders very little time to decide whether to counter-launch.¹³ In practice, launch decision would be handed over to computer systems that will automatically strike down any rockets, whether they pose a real threat or not.¹⁴ Such complex systems are prone to glitches. During the Gulf War, the automated tracking system of Patriot missiles locked on to U.S. fighter crafts and shot down ally planes.¹⁵ Moreover, to make up for the short time of boost phase, interceptors must be close to the launch site; but some sites are located deep inland and cannot be reached in time by

sea-based missiles. This opens the door for the weaponization of space, since a space-based missile system will have no geographical limits.

The Weaponization and Pollution of Space

In fact, many skeptics see the real purpose behind BMD as an attempt to extend American military domination into space.¹⁶ The Bush plan calls for in-orbit experiments by 2010, and deployment of 3-6 space based interceptors by 2012.¹⁷ As stated in a Space Commission report, "In the coming period, the U.S. will conduct operations to, from, in and through space in support of its national interests both on the Earth and in space."¹⁸ This signals a clear move towards bringing warfare into space. As expressed in a U.S. Air Force Strategic Master Plan, space is to be seen as the ultimate high ground from which to exert U.S. dominance over the world:

Space force application systems would have the advantages of rapid global access and the ability to effectively bypass adversary defenses....[It] is the ultimate high ground of US military operations...ownership may mean instant engagement anywhere in the world.¹⁹

BMD is a public friendly façade that ensconces itself in 'defense,' while developing technologies that will have no effective defensive utility but great offensive capability against enemy satellites and forces on the ground.²⁰

Yet, even if the U.S can dominate space it will not gain any more security. Contrarily, if the U.S pushes forward with space weapons, it would stand to suffer the most, as its military and domestic economy depend on space technology more than any other country in the world.²¹ Satellites are intrinsically vulnerable targets. They can be tracked accurately on the ground and can be destroyed by small debris in their orbit.²² Furthermore, satellite communication is vital to the American economy which depends heavily on instantaneous information. Commercial satellites provided 80% of military intelligence for Operation Iraqi Freedom and GPS guided one third of the 30000 bombs dropped in Iraq.²³ Most dangerously, in time of war, if these 'eyes in the sky' are destroyed, commanders on the ground cannot see what the other side is doing and must assume the worst case scenario.²⁴ This increases the chance of nuclear weapons being used as the commander must assume that the enemy has already launched their weapons.²⁵ Even in a successful interception the harmful effects of missiles are not completely avoided. As argued in the NIMBY

protests of the Sentinel program, interception will still scatter the biological, chemical, or nuclear agents of the warhead over the path of the missile.²⁶ If the interceptions occur outside the atmosphere the agents could spread all over the globe causing widespread environmental damage.²⁷

BMD Undermines Deterrence and International Norms

In order to press ahead with BMD, the Bush administration has disregarded international agreements prohibiting Anti-Ballistic Missiles (ABMs), nuclear proliferation, and the weaponization of space. As stated in Bush's National Security Strategy (NSS),

to deepen missile defense cooperation ... the United States will seek to eliminate impediments to such cooperation [by reviewing] policies and practices governing technology sharing and cooperation on missile defense, including U.S. export control regulations and statutes.²⁸

This equates to a transfer of nuclear and missile technology to U.S. allies, which is a violation of the Nuclear Non-Proliferation Treaty (NPT) and the Missile Technology Control Regime (MTCR).

BMD also undermines the Mutually Assured Destruction doctrine. During the Cold-War, the superpowers were *deterred* from using nuclear weapons because they knew that a nuclear retaliation would cause unacceptable damage.²⁹ BMD opens the possibility that one side could strike first and then block a retaliatory strike. While this may seem like a solution to the nuclear stalemate, it creates an 'increase-it-or-lose-it' situation where one has an incentive to increase their arsenal to ensure it will overwhelm any defense.³⁰ This would encourage the stockpile of nuclear missiles, and lead to an erosion of the nuclear non-proliferation regime.

On June 13 2002, the U.S. abrogated the Anti-Ballistic Missile Treaty, declaring the treaty a "relic of the Cold-War."³¹ The next day, Russia declared it would no longer be bound by the START II provisions.³² China has recently postponed its ratification of the Comprehensive Test Ban Treaty (CTBT) and the Fissile Material Control Treaty (FMCT) in light of BMD developments.³³ Moving forward with BMD will certainly set back hard-won international nonproliferation efforts. Mid-course interception would violate the Limited Test Ban Treaty of 1963, which prohibits "radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted."³⁴ Space

based weapons directly violate Article IV of the 1967 Outer Space Treaty, which prohibits “placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction.”³⁵ It would also be accountable under the Liability Convention of 1972, which established procedures for determining the “liability of a state that damages or destroys space objects of another state.”³⁶ Furthermore, the Senate has failed to ratify the CTBT, thus placing the U.S. alongside international pariahs like North Korea and Iran.³⁷ Lastly, the NPT could be the next victim of BMD, as all actors are compelled to increase their arsenal to overwhelm or uphold a missile defense system. If the country that has the most nuclear weapons in the world refuses to abide by these treaties, states outside the non-proliferation regime will have an easy excuse not to join. Furthermore, the U.S. has withdrawn its negative security guarantee, declaring that it reserves the right to retaliate and even preemptively strike non-nuclear states with nuclear weapons.³⁸ This further dismantles the non-proliferation regime as states now have an incentive to abandon the NPT and seek nukes as a deterrence against American ‘world policing.’³⁹ BMD thus becomes a self-fulfilling prophecy, setting the conditions for inciting nuclear armed rogue states and fueling anti-American sentiments in both enemies and allies.

BMD Escalates Global Arms Race

More than the case against its faulty science, the most important argument against BMD is the international political instability it will cause. Whether the system will work or not, the development of BMD will in the interim cause problems with both enemies and allies alike. Bush’s plan to install radar stations and Aegis destroyers in Britain, Denmark and Japan has already been met by local opposition, who fear their involvement in BMD would make them targets.⁴⁰ Here in Canada, BMD has met fierce opposition, and was formally rejected by Prime Minister Paul Martin. Even after this decision, the issue continues to be a point of tension in Canada-US relations. BMD is driving a wedge between U.S. and its allies at a moment when multilateral cooperation is needed to convince states such as North Korea to abandon their nuclear weapons.

Since the Cold-War ended, relations between Russia and the U.S. have been remarkably amicable. As acknowledged in the NSS, the two sides have “moved from confrontation to

cooperation."⁴¹ Yet the development of BMD threatens to thwart this fledgling friendship. Russia has been opposed to the modification of the ABM Treaty. The American withdrawal from the treaty and insistence on BMD has prompted Russia to review its own nuclear posture. This gives the cash-starved Russian military an excuse to lobby for rearmament, a move that would in turn justify BMD deployment for the American military.⁴² In response to BMD, Russia has reportedly developed a new "hypersonic and highly maneuverable" weapon that will make "any missile defence useless."⁴³ It is also MIRVing its ICBMs and threatening to withdraw from the Intermediate-Range Nuclear Forces Treaty.⁴⁴

While Bush had invited Putin to cooperate on BMD, such an offer has never been extended to China. Since the implosion of the USSR, many American hawks have looked to China as the next 'evil empire' and aimed at its containment.⁴⁵ As stated in a Department of Defense Report, "China has the greatest potential to compete militarily with the United States and field disruptive military technologies that could over time off set traditional U.S. military advantages absent U.S. counter strategies."⁴⁶ BMD would be a more effective counter strategy against China as it has only about two dozen liquid fueled ICBMs.⁴⁷ This could prompt Beijing to accelerate arms production in order to reach the numbers necessary to overwhelm BMD. One estimate projects that, assuming its economic trajectory continue, China could easily deploy 600 ICBMs by 2020.⁴⁸

The Chinese themselves view BMD as a strategy to contain China's emergence as a regional power. They worry about BMD not as a defensive system but as an offensive weapon that extends and consolidates American military hegemony.⁴⁹ The above examination of BMD technology supports this view. Furthermore, they see BMD as a guise to transfer arms to China's rivals in the region, specifically Taiwan and Japan. BMD strengthens the American security guarantee to Taiwan, and may embolden Taipei to declare independence.⁵⁰ The deployment of BMD in Japan necessitates an integration of the American and Japanese military, which would drag Japan into a conflict in the Taiwanese Strait.⁵¹ Furthermore, crouched in 'defense' terms, BMD could spur political acceptance of remilitarization in Japan, which would exacerbate China's insecurity⁵² with a new *perception* of heightened threat.

The deployment of BMD will beget a nuclear arms race that will extend to the entire Asian Pacific. As China looks to Japan and Taiwan, India looks to China, and Pakistan looks to India. The continuing conflict between India and Pakistan over the region of Jammu/Kashmir is recognized globally as a nuclear flashpoint. All of the parties remain outside the NPT regime and see that nuclear weapons are vital to their national security. While an ally in the 'War on Terror,' Pakistan itself has been accused of sponsoring terrorist rebels in Kashmir, and selling nuclear technology to North Korea and other rogue states.⁵³ Furthermore, Pakistan has a continuous history of military coups; stockpile of nuclear weapons in such a volatile environment is a recipe for disaster.⁵⁴

BMD Diverts Attention and Resources from More Pressing Threats

The effect of a regional arms race would be far reaching and is ultimately against U.S security interests. With the erosion of international norms, the U.S will be more vulnerable to nuclear blackmail as the use of nukes becomes more acceptable. The stockpile of nuclear weapons increases the risk that nukes will fall into the hands of terrorists and 'rogue states'. Neither of these actors will need missiles to deliver their warhead. They could easily conceal 'dirty bombs' in cargo crates and ship them to any one of 361 U.S ports where over 90% of crates passes without inspection.⁵⁵ Given its dependence on global trade, it is unfeasible for the U.S to inspect all incoming cargo without impeding the flow of business. These weapons could be remotely detonated or armed with a timer. In fact, this method would be preferable to ICBMs which are expensive, require advance technology, and are traceable by radars and satellites to their origins.⁵⁶

Missile defense also undermines U.S security by diverting resources that would otherwise go to more effective security measures. The costs of BMD have been severely underestimated, and budget overrun is typical of all components of the program.⁵⁷ While the MDA claims that 300-600 interceptors can be deployed for 50 billion dollars, the American Physicist Society (APS) calculates that to intercept ICBMs from North Korea or Iran will require at least 1600 interceptors.⁵⁸ The launch cost alone will be about \$44 billion.⁵⁹ Since 1983, the U.S has spent \$98 billion on missile defense, and the Bush administration is expected to spend another \$60 billion over the next 5 years.⁶⁰ For the fiscal year 2005, the

administration has budgeted \$10.3 billion for BMD; in contrast, the Coast Guard received \$1.9 billion to secure 95000 miles of shoreline and \$160 million for container security programs.⁶¹ The administration is paying for an overpriced BMD system while underfunding vital programs at the cost of American security.

Conclusion

Ballistic Missile Defense is ineffective and cannot be deployed without disastrous environmental and political consequences. Yet it is being touted as the magic bullet for America's security problems. An examination into the Bush Administration's space weapons agenda reveals BMD as an offensive weapon rather than a defensive shield. Furthermore, BMD encourages the stockpile of nuclear weapons while eroding the international norm against the use of such weapons. In the post-Cold War era, no state can guarantee its own security without cooperation with other states. BMD is a diversion from other more pressing security concerns that will ultimately cost the U.S both financially and politically. The U.S should halt its BMD program and work with the international community against the real threats of terrorism, environmental degradation, and nuclear proliferation.

NOTES

¹ Office of the Press Secretary, "President Announces Progress in Missile Defense Capabilities," *The White House*, (17 December 2002), <<http://www.whitehouse.gov/news/releases/2002/12/20021217.html>> (accessed March 21, 2005).

² Wade Boese, "U.S. Missile Defense Programs at a Glance," Arms Control Association (Aug 2004) <<http://www.armscontrol.org/factsheets/usmissiledefense.asp>> (accessed March 21, 2005).

³ Lisbeth Gronlund et al., *Technical Realities: An Analysis of the 2004 Deployment of a U.S. National Missile Defense* (Cambridge: UCS Publications, 2004).

⁴ Ibid., *Technical Realities*, ix.

⁵ Rachel D'Oro, "Missile test failures sideline progress at Alaska's Fort Greely," *Anchorage Daily News* (Jan 7, 2006) <http://www.adn.com/news/alaska/ap_alaska/story/7338986p-7251040c.html> (accessed Feb 6, 2006).

⁶ D'Oro, "Missile test failures sideline progress at Alaska's Fort Greely."

⁷ Stanley Orman, *Faith in G.O.D.S.: Stability in the Nuclear Age* (London: Brassey, 1991).

⁸ Other counter measures include clouds of tinsels to diffuse radar signals (Orman, *Faith in G.O.D.S.*, 23-25).

⁹ 'Tumbling' refers to the helical trajectory of the warhead produced by fins or counter weights.

- ¹⁰ Richard L. Garwin, "Boost-Phase Intercept: A Better Alternative," *Arms Control Association*, (September 2000) <http://www.armscontrol.org/act/2000_09/bpisept00.asp> (accessed March 22, 2005).
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"-Well, at least I speak so therefore I must *be* something. -That's not true either, you know. Language was there before you. You can only say something by positioning yourself in the discourse." To this end, Marta is graduating in May 2006 with a degree in Honours political science, English literature minor. Before continuing on - graduate studies in political philosophy, cultural studies or some combination thereof - she plans to spend a year (or several) teaching in Japan, where she will gaze at her BA and generally contemplate life.

JAMIE MCALLISTER, ASSISTANT EDITOR-IN-CHIEF

"Was it not you who so often said then: 'I want to make you free'?...Know, then, that now, precisely now, these people are more certain than ever before that they are completely free, and at the same time they themselves have brought us their freedom and obediently laid it at our feet...There is no more ceaseless or tormenting care for man, as long as he remains free, than to find someone to bow down to, [and to do so *communally*]." Why is, and isn't, this so - and how do political institutions fit in?

SHEENA BELL

MYLES ESTEY

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Stephanie Ho is currently in her third year at UBC, completing a major in political science and minor in History. She is interested in comparative politics and public policy, with particular emphasis on media and interest group dynamics. Her interests in publishing and journalism has brought her to the Journal of Political Studies, where she has found the experience both enjoyable and rewarding.

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Born and raised in Vancouver, upon completing his BA in political science Eric hopes to continue into graduate studies at Concordia. His particular interests deal with environmental policy. Like Mark Twain, he firmly believes that one should never let schooling get in the way of education, though he also recognizes that this might just be a cheap, post hoc attempt at legitimizing truancy.

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Grace Lore and is a third year political science Honours major. She is particularly interested in Canadian and electoral politics and would eventually like to pursue a PhD.

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Sean Low is "that crazy totalitarian guy" in the 4th year political science Honours program. He believes that the Gramscian influence on liberal ideology is responsible for all the ills of modernity, and finds it supremely ironic that it is his liberal education that has allowed him to realize this. He would like to share his three favourite oxymorons: "Sustainable Development", "Representative Government," and "United Nations."

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After transferring from a commerce program at a different school, Rebecca has crossed the floor to the arts faculty where she is much happier. She is currently in 3rd year doing a combined degree in political science and philosophy. Her interests in political studies are broad, but her main focus is on political theory.

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Joseph is a third year Honours student in the political science department. Beyond undergraduate studies, his aim is to pursue political science or journalism studies at the graduate level. His interests lie in the areas of security issues and the intersection of post-structuralist cultural and political theory (especially that of Derrida and Beaudrillard).

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