

# 1 Democracy

Collapse of Soviet Union

- Democratic transitions
- Fukuyama: Western liberal democracy is the highest achievement

History builds towards culmination

**Marxist viewpoint:** Capitalism → Socialism → Communism (Marxist “Ideal”)

**Teleology**

- Philosophical study of design/purpose
  - All things have a purpose

**Marx** → End of communism = end of ideological history

**Fukuyama** → End of democracy = end of ideological history

- Democracies are value neutral
  - Democracies are a set of institutions that translate the will of majority into government through leaders and policy
  - Constitute free and fair elections
    - Majority votes, expresses concerns, winner can govern in office
  - Will of majority = good → outcome = good and vice versa
    - E.g. Hitler, Mussolini
- In abstract, democracies are good (civil society + human rights)
- Democracies exported as just elections are value neutral; democracies should emerge organically
- Preconditions for Democracy
  - Literacy and Education
    - Population should be informed
    - Imposes responsibility of being informed
    - (Negative) Used to limit vote (built in justification)
      - E.g. United States used to literacy to limit Blacks from voting after slavery became illegal
      - Illiteracy usually part of a section of society (race, gender, class, etc.)
      - Lower classes usually have different interests than wealthy
  - Middle Class
    - Content with status quo which gives stability to a society
  - Western Enlightenment tradition
    - 18th century (1700s)
    - Reason became primary source of authority for government
    - ∴ Some countries not cut out to be democratic
  - Reliable Bureaucratic Institutions

- Anyone who follows the rules will get what they asked for
      - Makes things predictable and equal
  - Political Culture of Tolerance
    - Supporters have to accept rights of opposition (may lead to violence if they don't)
    - System must be accepted as legitimate
      - E.g.: U.S. election 2000 (Bush v Al Gore) - spoiled ballots in Florida; winner declared by Supreme court
  - Urbanization
    - Easier to organize the population
      - Most people work in factories, part of trade unions
        - Catalysts for democracies
      - Gather to protest
        - Easier to create violence, chaos → more power
  - Low Birth Rates
    - Youth = destabilizing force
      - Never satisfied with status quo (opposite of middle class)

#### Modernization argument

- How nations transition from traditional to modern
  - Economically developed → preconditions → democracy
    - Preconditions create different kinds of people
    - Democracy cannot succeed if it doesn't rise organically

#### Moral arguments used to justify democracy

- Democracies produce other things of value
  - Secure political and civil freedoms
    - Citizens only exist in democracies
- Nothing inherently good about democracies (not instrumental)

Many countries are not ready for "freedom, rights, etc."

Authoritarians produce stability (middle class) → produce precond. of democracies

Dictatorship does not ensure it to be benign

Democracy limits concentration of power (it exhibits checks and balances)

#### The Unravelling of Democracy

- Corporations have created a "world government"
  - Tell universities what kinds of programs to have, students to produce, etc.
    - Goldcorp. Inc. at UofT
  - Control space
    - Gated communities, malls
      - Private space undermines democracy
        - Central park: lost of open space (public) designed for all as democratic park; Nathan Phillips Square

- Masses are indifferent + degraded
  - Sports = only form of entertainment
    - Spend time in entertainment instead of doing useful things like getting involved

Democracies are sustained by public places, civil society that is involved

- Being hollowed out by highest level of development
- Certain band of economic development is in which democracies thrive (not underdeveloped or overdeveloped)

1 viewpoint = it's arrogant of West to export democracy to countries where they are not ready (Afghanistan, Iraq, etc.)

## **1.1 Kaplan**

- 1) Democracies are value neutral that simply represent the will of the people
- 2) There should be a certain level of economic development as well as other preconditions (Literacy, a middle class, a political culture of tolerance, reliable bureaucratic institutions, urbanization, low birth rates) in order to have a successful democracy (it should occur organically rather than be forced/exported)
- 3) Corporation and increasing privatization are unravelling democracy. (Democracy cannot be successful not only when there is too little economic development but also too much.)

## **1.2 Sen**

3 Values of Democracy

- Democracy has 3 values in which it acts to enrich the lives of citizens:

1) Intrinsic Value

- Political and social participation
- Political freedom is part of human freedom and by exercising civil and political rights is a crucial part to having a good life for social beings
- To be prevented from political participation in a community is a major deprivation

## 2) Instrumental Value

- Generate political incentives
- Democracy should enhance the attention that people get in regard to expressing and supporting their views and political convictions (ex. Economic needs in an area, notice of corruption, etc)

## 3) Constructive Importance

- The practice of democracy gives citizens an opportunity to learn from one another and helps society to form values and priorities unique to itself

# 2 Participation

Liberalism - rights and freedoms

- Boundary between private and public
  - Limited the power of the people (Conservative idea)

Democracy - elections and voting (political participation)

- Extending power to the people (Radical idea)

Liberalism and democracy are not the same

- Illiberal democracy can exist where elections take place but the public knows nothing of what those in power do, due to a lack in civil liberties

Liberals

- Equality before the law
- Didn't envision political participation
- Were opposed to monarchy + democracy

Participation is not a paradox - Scholzman et al

- Who thinks it is and why?
  - Paradox: A statement that seems to contradict itself

Political participation is aimed at producing public good

- Non-excludable & non rivalrous (not diminished by overuse)
  - E.g.: Clean air, lighthouse, etc.

Rational choice theory

- Not rational to play a role in producing a public good
  - Be a "free rider"
    - Take advantage of good but not work in production of it

Why participate?

- Selective benefits
  - Members of Sierra club get access to magazine
- Expressive benefits
  - Enjoy participation: get a “high” off of it

Types of gratification

- Selective gratification
  - Selective material benefits
    - Potholes fixed in your neighbourhood
  - Selective social gratification
    - They enjoy it, its fun!
  - Selective civic gratification
    - You’ve fulfilled your civic responsibility
- Collective policy outcome
  - Really care about a certain issue
  - They participate because of identity obligation

Most peoples **don’t** participate because of selective **material** benefits

Most participate because of social + civic gratification

Politics will improve if citizens demand for change

Many people participate irrationally (61%)

- Motivation: Collective policy outcome

∴ Participation is a paradox

In 2011: “Canadians are not participating enough”

- Democracy is in trouble

In 2015: Highest turnout in 20 years

- Conservative support = steady
- Liberals support increased as participation increased

New voters matter

- 2008 Obama election
  - Mostly young people and black voters who usually don’t much
    - Young people discuss more online than old people

Institutionalized Participation

*It is an institution’s job to draw people in vote*

- Democratic institutions have a number of mechanism to channel participation

- Elections
  - Limited in time (happen once every 2-4yrs)
  - Involves formation of interest groups
    - Interest groups - formed around issues
      - bad because they can be powerful and wealthy & push for self benefit over public good
        - Interest of insurance companies = opposite of the interest of the people they insure
  - Offer “vertical accountability”
    - Incentive to keep promises = re-election

Political parties: A formal organization whose self-conscious primary purpose is to place and maintain people who will control the machinery of government

- Vehicle for mass participation
- Link between people and government (form opinions of supporters)
- Main goals
  - To minimize power
  - Persuade people to vote for them
- Types of parties
  - Pragmatic
  - Ideological
  - Personalistic

Representative Participation

- Elect leader to be in charge

Direct Participation

- Citizens make decisions themselves about policy
  - Small towns
    - “Town hall” meeting

Interest Groups

- Work primarily with money and buy political influence in Ottawa to change policies

Social Movements

- People making “noise” to get PM’s attention getting people involved

Social Accountability

- Organizations exert continual pressure on elected officials to expose/change policies, put new ideas on agenda
  - Pressure during periods between elections
  - Primarily done through non-institutional participation (outside system)
    - Goal: Draw attention by being disruptive

- Protest, marches

Solution: Participatory budgeting

- Incorporates citizens into policy-making process
  - Transparent (people are present and involved)
  - Produces buy-ins from citizens
  - Limits corruption
  - Officials can't make decisions behind closed doors
    - Less objections because public is involved
  - Can tell when money goes to the wrong place
  - Holds officials accountable to those engaged in process
- Intrinsic value
  - People believe it's a democratic exercise; glad to have a voice
- Extrinsic value
  - More likely to allocate money to poorest neighbourhoods
    - Changes patterns of wealth distribution
      - Liberals used to fear this
    - Changes policy outcomes
    - Institutions have impact on how decisions are made

Democracy

- Origin: Athens, Greece
- Spread after American & French revolutions
- Taken for granted

Participatory budgeting

- People vote on how money gets allocated
- Access to \$\$ info
- Listen to arguments about where money goes
- Decisions and binding

## **2.1 Wampler**

- Analyzes the opportunities created by participatory institutions in Brazil. These institutions expand accountability.
- PB= Participatory Budgeting
- Teaches us the 3 types of accountability: society, vertical, horizontal
- CSOs extend accountability, act in a social interest not just a material one.

## **2.2 Schlozman, Verba, Brady**

- Failure of rational choice theory
- People participate politically because they genuinely care about an issue

- People are inspired to vote on collective policy outcomes: 61% cite the desire to influence government policy as a reason to go to the polls
  - According to rational choice theory, this is irrational. Therefore rational choice theory must be wrong.
- The point of this article is to explain why people participate politically

## 3 Liberalism

The Glorious Revolution (1688)

- Parliamentary > monarchy (Political authority)
- Power to rule from people through parliament
  - Delegated; can be taken away
  - Must rule within the law of the land
    - Made by parliament
    - Interpreted through courts

John Locke (1690)

- Government arises because people choose government over state of nature because they seek protection

Thomas Jefferson - Declaration of Independence & Declaration of the Rights of Man (1789)

Principles of Classic Liberalism

- Personal freedom
  - Natural; we are born with it
  - Absence of coercion
    - Right to be left alone and do what you want (if it doesn't injure anyone)
  - Government interference is okay if it prevents harm to others; own good ≠ enough warrant
    - "Negative conceptions of freedom"
      - Freedoms of speech, religion, own private property, express political opposition
- Limited government
  - Role of government is to prevent harm
    - "Night Watchman State"
      - Protect public people + private property
    - Rights

- Protect from one another and state
  - Public and private sphere
    - Individual rights; don't come over government oversight
- Equality of Right
  - Individuals are equal under law (status= irrelevant)
  - Egalitarian ideal = only within the law
    - Doesn't imply econ., pol., etc. equality
  - Tension b/w equality + freedom
    - Freedom > Equality (when they clash)
- Consent of the governed
  - "People" = all men who own property
    - Have sovereign power
    - Those who own property should govern
    - Extended later on to minorities, women, etc.
  - Drive = religious freedom
    - Religious wars motivated with link between state and religion
  - State and religion
    - Need separation of church and state (secularism)
    - Accepting of all religions
      - 2011: Citizenship oath - must show face
        - Neutral rule?
          - Kenny (Min of Immigration) = Yes
            - NO b/c discriminates against some Muslim women
              - Would be okay if Canada was simply a democracy and not a liberal democracy as the motion was voted by majority and elected official brought it

If vote were extended, power would be given to the rabble

Liberal democracy = Constitutional Democracy

- Bill of rights
- Rule of Law
- Constitution (Highest and most supreme authority)
  - Limits to what government can vote on change/overtake of constitutional rights

### **Freedom and Equality**

Classical Liberalism (Conservative Party of Canada)

- Freedom = absence of government interference

19th Century Reform (British Liberal Party) - (Right after industrial revolution when there was vast disparity of wealth)

- Freedom = not natural condition
  - Had to be enabled/produced
  - “Night Watchman State” was not enough to protect
    - Agrees with caretaking state of Night Watchman State
  - Wealthy man has more freedom than poor
    - Job of government is to equalize freedom
      - Must redistribute without too much coercion
      - Tension between equality and freedom disappears
        - Freedom requires equality

Left = Equality

Right = Freedom and individual autonomy

Liberal Party until 1940s (Classic Liberalism)

- Representative government
- Individual rights
- Free market

Liberal Party for last 80 yrs (Mac. King)

- Mother’s Allowance (Mac. King)
- Universal healthcare (Pearson)
- Canada pension plan (Pearson)
- Charter of Rights and Freedoms (Trudeau)
- Liberal multiculturalism

Cultural Groups - What does the nation owe?

- National Minorities
  - Quebecois + First Nations
- Refugees
- Immigrants
- African Americans + Slave descendants

Types of Solutions == Liberal Democracy Ways

- 1) Assimilation
- 2) Privatization
- 3) Multiculturalism
- 4) Special Representation rights

### **3.1 Ryan**

- Distinguishes between classic and contemporary liberalism, and libertarianism. We are faced with “liberalisms” rather than liberalism.
- Connection between democracy and liberalism requires further analysis
- If democracy is just a matter of majority rule, it is a contingent matter whether the majority will subscribe to liberal views. If they do, it's a liberal democracy, but if not, then it's not.
- Both classical and modern liberalism deplore the advantages of monopolists and discrimination.
- Liberalism is an insecure system.

### **3.2 Constant**

**Thesis-** This article calls to our attention an important distinction: the difference between the liberty of ancients' (republics of antiquity like Rome and Sparta) and that of the moderns' (representative democracies which were born out of the enlightenment, French revolution and the American war of independence). *The liberty of the ancients was that of collective freedom and complete subjection of the individual to the authority of the group to which he is a part. Among the moderns, on the other hand, the individual is sovereign only in appearance, but independent in personal matters.* Benjamin Constant in this article tries to trace this difference between the ancients' and the moderns' back to its source.

#### **Arguments**

- All the ancient republics are geographically small. The small size of the republics of antiquity meant that each people attacked its neighbors or was attacked by them at some point. War was thus a constant occupation and threat of all ancient republics. And an equally necessary result of such mode of existence is that all these republics had slaves.
- The modern world is totally different from that. Even the smallest republics of the modern world are by far larger than the most of the largest ancient republics. The tendency of this large mass of people of the modern world is commerce not war. Furthermore, thanks to commerce, religion, moral and intellectual advancements, republics no more have slaves.
- *These differences will have inevitable results, which could explain the difference between the two liberties. The larger a state is, the invisibly smaller is the political and social importance of the individual. The abolition of slavery also meant that free population doesn't have time to gather in public to debate every political issue. And*

*commerce inspires in men an intense love of individual independence. As a result of commerce, people have witnessed that they could satisfy their desires with very minimal intervention from the authorities.*

### **Concluding points**

- *Individual independence is the first need of the moderns and none of the numerous and over-praised institutions of the ancient republics are no more admissible in modern times. However, constant doesn't totally denounce political liberty, instead he saw political liberty as a guarantee for individual liberty. For ancient liberty the danger was that men, exclusively concerned with securing their share of social power, might undervalue individual rights and freedoms. The threat of modern liberty is that we are too absorbed with our personal freedom that we might surrender too much of our political liberty, our guarantee for our individual liberty.*

## **4 Presidents and Parliament**

Two forms of democratic government (Equally democratic)

- Parliamentary
  - British Westminster
- Presidential
  - France

Systems usually depend on a country's colonial history or geography

Parliamentary

- "Unitary system of government"
- House of Commons (338 seats); Senate (105 seats)
- Leader of party w/ largest # of votes becomes Prime Minister

Britain

- Crown will ask winning party to form government

### **Possible Election Outcomes**

Majority

- Wins literal majority (170+ seats)

Plurality

- More than any other party but <170 seats
  - Minority
    - May not be able to get laws passed
    - "Vote of no confidence" can force an election

- Coalition
  - Joins w/ a smaller party to form a majority
    - Positives:
      - Less likely to get a vote of no confidence
      - Can say “Majority of Cdn...”
      - More likely to pass mandate
    - Negatives
      - Danger of falling apart
        - Likely lead to an election
      - Must compromise
        - Give up cabinet positions

Different parties have different options for calling an election

- Will usually call when they feel like they can win

Reasons for elections (No set schedule)

- Gov. parties call
- Vote of no confidence
- Coalitions fall apart

2007 (New rule)

- Elections in Canada must be held 3rd Monday in October every 4 years

Prime Minister is also an MP (Represents a riding)

- Justin Trudeau: Papineau, Québec

Confidence of House in Governing Party tested by whether or not legislation is passed on floor

4.1 Dickerson, Flannagan

## **4.2 Parliamentary System**

Canada – two chambers

### **House of Commons**

- Voters elect members
- Winning party leader becomes PM after the Crown (governor general) asks the winning party to form a government
- Majority or plurality party

### **Senate**

4.9 · 3 possible election outcomes:

#### **4.10 Majority government**

4.11 § Stronger

4.12 § Less likely to face a vote of no confidence

4.13 § Better mandate

#### **4.14 Minority government**

4.15 § Plurality win

4.16 § Necessary to keep the confidence of the House

4.17 § Responsible government

#### **4.18 Coalition government**

4.19 § Potential for the coalition to fall out, resulting in another election

4.20 o Passing Legislation:

- 4.21 o Parliament members set legislative agenda; initiating all legislative proposals
- 4.22 o These proposals are critiqued, analyzed, amending in the House; usually by committees
- 4.23 o Government has enormous power because they have the power to set the agenda
- 4.24 o Therefore, the cabinet controls what is and what isn't discussed in the House
- 4.25 o All significant legislation comes from the Cabinet
- 4.26 o Private member bills
  - 4.27 § Bills introduced by members who aren't represented in the House
  - 4.28 § "Backbenchers"
  - 4.29 § Can never involve the budget of the government
  - 4.30 § Rarely passed
    - 4.31 · First Reading – bill is considered read for the first time
    - 4.32 · Second – members debate the bill's principles
    - 4.33 · Committee stage – members study the bill clause by clause
    - 4.34 · Report stage – members can make other amendments
    - 4.35 · Third reading – members debate and vote on the bill
    - 4.36 · Senate – similar process
    - 4.37 · Royall assent – the bill receives RA after being passed by both houses

#### 4.38 o Voting in Parliamentary Systems

- 4.39 o Block voting

4.40 o MPs vote the way their party votes; they are loyal to their party, and don't make individual decisions – if they do not vote, they can be removed from their party

4.41 o Party discipline

4.42 o Free votes

4.43 § Specific votes allowing MPs to vote based on their personal bias

4.44 § Usually utilized when there is a controversial issue at hand (i.e., abortion, trade agreements, etc.)

4.45 o Official Opposition/The Opposition

4.46 o Largest opposition party in Canada

4.47 o Parliamentary procedures give the party special access to funds

4.48 o Second largest party

4.49 o Can legally criticize the government through institutional channels without fear of punitive consequences

4.50 o Represent an alternative to the ruling government's position(s)

4.51 o Important component of a democratic system

4.52 o The Senate

4.53 o Occupies the upper house in Canada

4.54 o Senators are not elected; they are selected and appointed by the PM

4.55 o Serve their term until the age of 75 (life-long term)

4.56 o Party in power tries to stack the Senate with senators from their party (i.e., Conservative government will have a Conservative-majority senate)

4.57 o Allows influence of the ruling party, even after the party is no longer ruling

- 4.58 o Similar to the House of Lords in the U.K.
- 4.59 o Mike Duffy scandal
- 4.60 o Senate reform- 2/3 of senators are under investigation
  - 4.61 § Most Canadians believe the Senate is unrepresentative and partisan; undemocratic
  - 4.62 § An electoral system is a possible solution to this problem
  - 4.63 § The problem with reforming the Senate is that institutions create invested interests, so it is difficult to change a long held tradition – the Senate will be resistant
- 4.64 o Has power to veto legislation (vote of no confidence)
- 4.65 o Plays a key role in looking at legislation passed in the House of Commons
- 4.66 o Head of State
  - 4.67 o Monarch (Queen Elizabeth)
  - 4.68 o Governor general is appointed by the Monarch (David Lloyd Johnston), but on advice from the PM (Stephen Harper); the Monarch then appoints the Governor General
  - 4.69 o The Monarch and Governor General have very limited power (they have to follow the “advice” of the PM)
  - 4.70 o Always a separation of Head of State and Head of Government in parliamentary systems; however, a Governor General is not a necessary feature of a parliamentary system
- 4.71 o Royal Assent
  - 4.72 o The method by which a country's constitutional monarch formally approves an act of that nation's parliament, thus making it a law or letting it be promulgated as law.

#### **4.73 Presidential System**

- 4.74 o The United States- Most influential presidential system in the world
- 4.75 o Fragmented, divided system in comparison to the parliamentary system
- 4.76 o Designed to segregate power
- 4.77 o People vote for both Senators and the House of Representatives (Members of Congress), and vote separately and directly for the President
- 4.78 o President has no connection to the Senate or the House
- 4.79 o President is not running as a member of congress, whereas in parliamentary systems, the PM is running as a member of the House of Commons
- 4.80 o Each branch of government has its own political mandate
- 4.81 o System of checks and balances
- 4.82 o Assigns much more power to the executive branch than a parliamentary system would
- 4.83 o Legislative and executive are distinct, separate branches; on the other hand, in a parliamentary system, the legislative and executive branches work together
- 4.84 o President gets final say on legislation (can veto the veto)
- 4.85 o President is both the Head of State and the Head of Government
- 4.86 o President chooses a cabinet from among the population; members of the Cabinet are not elected
- 4.87 o President still requires Senate approval for appointments made to Cabinet
- 4.88 o President has more free reign over he/she appoints to Cabinet than a PM, but less control over who he/she can appoint to the Supreme Court
- 4.89 o Separation of Powers
  - 4.90 o Different branches can be controlled by different parties
  - 4.91 o I.e., Democratic White House, Republican Senate

4.92 o Makes it difficult to pass policies – deadlock

4.93 o Electoral College

4.94 o The institution that elects the President and Vice-President of the U.S. every four years.

4.95 o Congressional Districts

4.96 o Number of elected representatives (congressmen) in the U.S. is legally fixed – represent the population

4.97 o U.S. Senators are elected every 6 years (2 per state) – represent the State

4.98 o Primary responsibility of the representatives is to vote the way their constituents would want them to vote

4.99 o Passing Legislation:

4.100 o Almost all bills originate in Congress then are passed on to the Executive

4.101 o Omnibus legislation – “all-or-nothing” principle

4.102 o Terms in Office and Impeachment

4.103 o No votes of no confidence

4.104 o President is in power until he loses an election

4.105 o Impeachment is the only way to get a President out of office (i.e., Watergate scandal, Monica Lewinsky scandal)

4.106 § Destructive compared to a vote of no confidence

#### LINZ – PERILS OF PRESIDENTIALISM

-“the vast majority of the stable democracies in the world today are parliamentary regimes, where executive power is generated by legislative majorities and depends on such majorities for survival”.

-“the only presidential democracy with a long history of constitutional continuity is the United States”

-“ A parliamentary regime in the strict sense is one in which the only democratically legitimate institution is parliament; in such a regime, the government’s authority is completely dependent upon parliamentary confidence.”

- “In presidential systems an executive ‘with considerable constitutional powers—generally including full control of the composition of the cabinet and administration—is directly elected by the people for a fixed term and is independent of parliamentary votes of confidence. [you see the difference? When Obama is president, only impeachment can get him out. When Harper is PM, if he loses the confidence of the House, as indicated by a vote, he can no longer be PM.]

-President: fixed term. PM/Parliament, not a fixed term (though there is a maximum period before elections need to be held again).

-President is both effective (head of government) and ceremonial (head of state); PM is effective (head of government).(Harper doesn’t have the same “aura” as Obama, not just for many reasons you might think of, but specifically because one is PM and one is President, and thus also endowed with “ceremonial” significance as head of state). (this is on p. 53)

- A problem: President and Legislature, though competing, both have democratic legitimacy. Who wins when there is a disconnect? How are conflicts resolved: “Since both derive their power from the votes of the people in a free competition among well-defined alternatives, a conflict is always possible and at times may erupt dramatically. There is no democratic principle on the basis of which it can be resolved, and the mechanisms the constitution might provide are likely to prove too complicated and aridly legalistic to be of much force in the eyes of the electorate. It is therefore no accident that in some such situations in the past, the armed forces were often tempted to intervene as a mediating power.” The US is an exception in normalizing this situation.

-A problem of fixed terms: “it breaks the political process into discontinuous, rigidly demarcated periods, leaving no room for the continuous readjustments that events may demand”. E.g.: if President dies and needs to be replaced, his successor might be from an ideologically different camp or just incompetent (54). The opposite case is where the successor would be voted for, as the successor to a PM would be.

-Contradictions of presidentialism: strong executive with popular legitimacy vs. suspicion of “personalization of power”(avoiding the cult of the leader, but creating a cult of the leader). To guard against this: (a) prohibitions on re-election (can’t have three terms of Obama), (b) impeachment mechanisms, independent judiciary, legislative “advice and consent powers over presidential appointments” (c) maybe even military opposition to the President! (54)

-Presidential systems are rigid, Parliamentary ones are flexible (this is his brief summary of the difference). The rigidity makes it less predictable (as, again, in the case of death of the President). By contrast “a prime minister can be changed without necessarily creating a regime crises”

-Presidential winner-takes-all implies zero-sum and hence conflict. Parliaments include power-sharing, coalitions, shared stake in the system. On the other hand, “the conviction that he possesses independent authority and a popular mandate is likely to imbue a president with a sense of power and mission, even if the plurality that elected him is a slender one”. You might say that in parliamentary systems there is more incentive to compromise.

-Zero sum + fixed term = well-defined temporal winners and losers (republicans were the losers this time for a clearly defined election cycle, e.g.). All of this “exacerbates...tension and polarization”. In some cases, “unless a strong candidate of the center rallies widespread support against the extremes, a presidential election can fragment and polarize the electorate”. This is less problematic when the majority of voters are centrists and reject extremes. But in polarized societies, it is a problem (57):

“societies beset by grave social and economic problems, divided about recent authoritarian regimes that once enjoyed significant popular support, and in which well disciplined extremist parties have considerable electoral appeal. do not fit the model presented by the United States. In a polarized society with a volatile electorate, no serious candidate in a single-round election can afford to ignore parties with which he would otherwise never collaborate”

-He has a section on the example of Spain, which I will not comment on, except to say that it is meant to support the previously made points about the moderating influence of a parliamentary system versus the polarizing influence of a presidential one, in polarized societies.

-note that he breaks up his argument into three sections: constitutional stability, electoral aspect, “style of politics”. On the style, he emphasizes again that it is difficult for the President to distinguish his roles as head of state and head of a clearly partisan political option (whereas in Canada, say, we have whatever PM we have as head of government, and Queen as head of state, without her partisan politicking collapsing the distinction)

-“Perhaps the most important consequences of the direct relationship that exists between a president and the electorate are the sense the president may have of being the only elected representative of the whole people and the accompanying risk that he will tend to conflate his supporters with ‘the people’ as a whole” (61)

-ministers: a president’s cabinet does not have to consist of anyone currently in government, which means that if he fires them, they’re gone. This created a high level of dependence on the president’s continuing support. In parliamentary systems, ministers and cabinet members are members of parliament and thus less dependent than their presidential counterparts.

-argues that parliamentary systems are actually very stable and are better able to withstand many a crisis than presidential systems are. He emphasizes the issue of succession after a loss of confidence or death often enough to say that this is one of his main points.

## 5 Truth and Reconciliation

Canada and the legacy of the Indian residential schools: Transitional Justice for Indigenous People in a Non-transitional Society Courtney Jung

- Transitional Justice: offering opportunities for re-inscribing the responsibility of states toward their Indigenous Populations, empowering Indigenous communities, responding to Indigenous demands, and rewriting History.

3 broad areas in which the government and Indigenous peoples may clash:

- The scope of injustices that transitional justice measures can address.
- Governments may use transitional justice to draw a line through history and legitimate present policy, while Indig. peoples may try to use the past to critique present policy and conditions
- Governments may try to use transitional justice to reassert their sovereign and legal authority, while Indig. peoples may try to resist this strategy.

The scope of Injustice:

- Racism, exclusion, betrayal, and forced assimilation
- Loss of land and sovereignty
- Loss of socioeconomic and political rights of citizenship.

In Canada, our scope of transitional justice measures are limited and we can only afford an apology and compensation to address the legacy of the residential school systems

Canada has issued two major government initiatives that proposed serious and wide ranging transformation of Canada- First nations relations- both failed.

1. The Royal Commission on Aboriginal Peoples
2. The Kelowna Accord

The Royal Commission on Aboriginal Peoples:

- was made to investigate the social, economic, and political conditions of the aboriginal peoples of Canada, and to develop recommendations to focus on the improvement of these conditions
- They visited 96 communities and went to hearings, consulted experts and came up with a report with recommendations
- 440 recommendations were made
- They were never fully fulfilled

The Kelowna Accord:

- A series of agreements between the government of Canada, first ministers of the provinces, territorial leaders, and the leaders of 5 national aboriginal organizations of Canada, including the assembly of first nations
- The accord committed the gov't to spending 5 billion dollars to improve the living conditions, employment, and education of aboriginal peoples
- The conservative government insisted later on that the accord "did not exist" in 2006, under the leadership of stephen harper
- A vote was issued but the conservatives ignored the vote.

Truth and Reconciliation: Looking back on a landmark week for Canada

TRC = Truth and Reconciliation Commission

- collected 6,740 statements from witness and recorded 1,355 hours of testimony. 94 recommendations presented in Ottawa this last week amidst four days of events and ceremonies attended by thousands.
- Commission was a requirement of the Indian Residential Schools Settlement Agreement reached in 2007, the largest class action settlement in Canadian history
- The effects of colonialism created a rift between aboriginals and non-aboriginals, the TRC writes.
- Sunday may 31st 2015: 10,000 people walked through downtown Ottawa to transform and renew the relationship b/w Aboriginals and other Canadians

### **Truth and Reconciliation Commission Urges Canada to confront "cultural genocide" of residential schools**

- Canada needs to move from apology to action if reconciliation with Aboriginals is to succeed
- CBC reported some of the recommendations including the implementation of the UN Declaration on indigenous Peoples
  - > It was launched with a mandate to explore the history and legacy of the residential school system, and the process has faced hurdles - including the replacement of commission members and battles with the government over documents
- The establishment and operation of residential schools were a central element of this policy, which can be best described as "cultural genocide"

Key recommendations:

- Health - health care rights
- Education - protects languages and cultures and closes the educational gap
- Justice - a commitment to eliminate the overrepresentation of aboriginal peoples in custody and in trouble with the law
- Public Inquiry - Creation of inquiry into missing and murdered aboriginal women and girls
- Monitoring - Monitoring and reporting the progress of reconciliation
- Language - Preserving the language
- Funding - 10 million dollars over 7 years for the national centre for truth and reconciliation
- Commemoration - The creation of statutory holidays to honour survivors
- Memorials - funding for memorials, community events, and museums

Honouring the Truth, Reconciling for the Future

Commission Activities:

- Reveal to Canadians the complex truth about the history and the ongoing legacy of the church-run residential schools, in a manner that fully documents the individual and collective harms perpetrated against the Aboriginal peoples, and honours the resilience and courage of former students, their families, and communities; and
- Guide and inspire and process of truth and healing, leading toward reconciliation within Aboriginal families, and between Aboriginal peoples and non-Aboriginal communities, churches, government, and Canadians in general. The process was to work to renew relationships on a basis of inclusion, mutual understanding, and respect

The Legacy:

- Prejudice still remains to this day:

Child welfare:

- Racist attitudes that aboriginals were unfit to take care of their children still remain and children are often taken away from their families and did not have their culture and language preserved
- Poverty in aboriginal families due to government policy is often at the heart of child welfare situations

Death and Abuse of children in Care:

- Pedophilia
- physical abuse

## **5.1 Jung**

## **5.2 Truth and Reconciliation**

# **6 Electoral Systems**

- Voting lodges sovereignty in the people . Logic is “people holding power”
- Government is legitimated and obligates citizens to abide by gov’t laws and policies because voting gives you rights and responsibilities (you have a hand in choosing the laws, you’re buying into the system) .
- Voting = Representative democracy

Representation:

- 1) Symbolic: eg the eagle symbolizes freedom in the US
- 2) An agent acting on your behalf eg a lawyer
- 3) Shared characteristics eg the argument that there should be more women in parliament or minorities in parliament

Representative is distinct from direct democracy. In direct people deliberated on a decision. But the population is too high so representative democracy is what we use now. Voters elect leaders who make decisions.

Historically most democracies have enlarged the voting franchise. Began with just male , white property owners who could vote.

- First criteria removed was property ownership (ie class)
- Then race removed as a criteria, however not in US
- Gender the last criteria removed around WWI in Canada

Different types of electoral systems: Majoritarian and Proportional

## **6.1 Dickerson, Flannagan**

### Elections and Electoral Systems

This chapter focuses on elections and the variety of systems that support them. Elections provide a crucial link between rulers and the ruled. Ideally, Elections channel the desires of the people and produce a government that reflects them. The electoral system depends on officials that will rule responsibly and in line with what they promised to citizens. For elections to be successful, they must be held at regular, predictable intervals, the society must value and allow freedom of speech and expression, and the ability to vote and run for office should be widely available.

Electoral Systems are the rules in place to turn votes into seats. There three main types of electoral system. In a **Plurality Majority**, single candidates are elected to certain constituencies. The system values stable, majority governments. In a **Proportional System**, parties run for seats in multi-member constituencies through a variety of formulas. The system values proportionality of results. **Mixed Systems** combine the previous two.

The way that people vote depends on many things including region, religion, ethnicity, gender, and community, the individual's values and beliefs, partisanship, and the political leaders present in the election. Elisabeth Gidengil believed that voter outcomes determined on sets of sociological and psychological conditions. As well as the individual, the climate of the election at hand is important to determining voting outcomes. Some elections seem to focus on a primary issue, such as free trade or government evaluation. The actions and events that take place in the running are crucial to voter outcome, as well a when in the election these things happen. Voter turnout occasionally depends on benign reasons such as laziness or satisfaction with the status quo, but when people don't vote due to political alienation, it is a bad reflection on democracy. Age and education are also variables that affect voter turnout.

### Representative Assemblies

Representative assemblies were once the central institution for managing the path of the legislature. The role of the assembly has slowly diminished, its primary job now being to discuss and publicize legislation drafted by the executive branch, after it has already been debated and approved by the cabinet. Its main power now lies in its ability to check the executive branch, evaluating and criticizing its roles and actions. The assembly's previous responsibilities are now distributed throughout the house, congress, bureaucracy, and parliamentary committees.

The Senate is also experiencing a decline of power. There is a general belief that the senate must be reformed, either by turning it into a house of provinces that protects the interest of certain regions, using the *Triple-E* approach used in the U.S.A, or abolishing it completely.

There are several types of representatives. Representatives are both a typical member of a group with values and beliefs, and agents who act on behalf of a principal. Trustees are representatives that act independently after election, relying on personal judgement, while delegates such as city councillors follow the instructions of their constituency. Party members are loyal caucus members who obey their leadership. **The Microcosm Theory** holds that a representative should be very similar in values and beliefs as those that they represent.

## **6.2 Norris**

- Outlines the main variants in electoral systems, consider the normative criteria underpinning debates about reform, evaluate the standards for choosing an electoral system
- Compares the results of elections in the 90s in 53 countries
- Heart of electoral system is translate votes to seats
- Proportional elections can produce indecisive outcomes, unstable regimes, disproportionate power for minor parties, lack of accountability and transparency
- Majoritarian system over reward the winner
- There is no single best regime

# **7 Race, Gender, Politics**

## **7.1 Marx**

- Race is made by the state. State policy establishes the categorization. States decide what counts as race.
- Civil wars in the US and South Africa: Black rights and status shaped the issue of these wars. In both the US and South Africa, the side that won was fighting for Black rights, but they did not impose these beliefs afterwards. Why? They were actually wanting white unity. In the US, North and South unified. This could only be accomplished through the exclusion of Blacks. This built a national identity.
- Second part of argument: 1960s, 70s there were Black Power and Black Consciousness movements in the US and South Africa. But not in Brazil. Why? Because institutionalized

racism makes exclusion more obvious. But because its institutionalized there is an opportunity to build a racial political group to fight against institutionalized racism.

## **7.2 Htun**

- Countries have laws to have representation for groups who have historically been under represented. People are to be represented by someone who looks like they do, this is a demographic reflection of society. And a state is not truly democratic unless it has a representation of society in the legislature. Laws of representation take 2 main forms: Quotas and Reservations.
- Talks about ethnicities and gender in political parties, women want candidate quotas while ethnic groups want reserved seats in legislatures
- Explanation:
- women transcend political parties (ie there are conservative women and liberal women), so candidate quotas for each party ensure that each party has a fair representation of women. There aren't "women's parties", because women span political parties but they just want representation within them. Gender quotas have the effect of a class action suit.
- On the other hand, ethnicity interests are coinciding with political cleavages, so they're most represented in group specific parties. Ethnicities have distinct political agendas.
- Case studies: Peru, India, France

# **8 Sovereignty**

## **8.1 Clarkson**

## **8.2 Brexit**

The term "Brexit" was coined to describe the prospect of the UK (Britain) exiting the EU, which became a reality in June of this year, when a referendum resulted in 52% of the UK voting to leave. The European union is "an economic and political partnership" among 28 European countries, which and allows tariff-free trade, and, for the most part, shares a currency. Both UK countries outside of England have voted against Brexit, generating concerns about Ireland's already fractured nation, and the overwhelming majority of Scotland that wanted to remain. The only way that the referendum could be overturned is if a general election was held.

The UK's new Prime Minister- Theresa May- intends to invoke Article 50 of the Lisbon Treaty by March of next year, which will begin the process of the split. The process will be tedious, as there are 43 years of agreements to discuss. The UK will choose which parts of EU legislation it will keep. The UK's goal is to preserve the free-trade agreement, while tackling immigration concerns. British people want to see less movement across its borders, however,

there is uncertainty about British people currently living in mainland Europe, and vice-versa. Since the announcement that the separation will go ahead, the value of the pound has dropped significantly, the prices of imported goods are expected to rise, and an increase in interest rates, mortgages, and loans is expected. The split will not affect Non-EU organizations and settlements, such as the European Court of Rights, and the EHIC European Health Card.

## **9 Climate Change**

### **9.1 Klein**

Summary of Chapters 1+2 of Naomi Klein's "This Changes Everything"

As soon ago as 2008, climate change was a major issue on both sides of the political spectrum. Today, a majority of people with conservative views deny it's existence, let alone talk about solutions. The issue of climate change fits perfectly into the liberal cultural cognition of egalitarian battles for social justice, equality, and reduction of corporate power. For conservatives, however, the idea of climate change threatens the intrinsic belief in the power of markets and large corporations that has underpinned their platform for decades. To admit that massive government intervention and freedom of industry is crucial would be to admit ideological defeat. For this reason, those with right wing views tend to believe that climate change is a hoax or a ploy to abolish capitalism, gathering "proof" from conventions, organizations, and scientists that are often funded by fossil fuel companies.

There is a clear correlation between economic privilege, and climate change denial. Positions of power are largely held by white men in developed countries who likely won't be impacted by the immediate effects of global warming such as severe droughts, storms, and rising sea levels, along with their structural and economic implications. The ability to "adapt" is a luxury, and by blaming climate change's victims for not adjusting, the rich and powerful deny their accountability. Free trade agreements block any kind of environmental policy, as countries within a trade union can accuse others of "illegal discrimination" if they favour environmentally conscious or local inputs over others. The fear of seeming "anti free trade" has kept governments from minimizing privatization, corporate deregulation, and tax cuts. Climate change policies like the Kyoto Protocol and UNFCCC are invariably followed and blocked by free trade organizations like WTO and NAFTA. Exporting labour can shift blame for emissions from a developed countries to those with lower wages and rights for workers. America often holds countries like china and india to blame for environmental degradation, while almost half of the production that takes place is for north american and european-consumed products. Developed countries are also not held accountable for transportation emissions. The ideology that views the planet as as an expendable resource also views employees as such.

For the past 20 years the need for environmental action has been ignored. This is largely due to short term, individualist, capitalist thinking. "Green technology" and the belief that we can fight climate change with human kind's ability to defy nature is only another manifestation of

capitalist beliefs that got us in this situation in the first place. We have been stalling while climate change's impact is becoming more dangerous. We now require policy that contradicts capitalist ideology, such as long term-planning, tough industry regulation, high taxes on the rich, and a favouring of the public over the private sector.

## **9.2 Smith**

Climate change arose on the international agenda in the late 1980s.

### CLIMATE CHANGE AND THE MULRONEY PROGRESSIVE CONSERVATIVES

- Conservative Prime Minister Brian Mulroney was even lauded as an international leader on the issue.
- Liberal environment critic Paul Martin declared that Progressive Conservative climate change policy was not leading, and in fact lagged behind that of such progressive states as those in Scandinavia
- the conference consensus was dismissed by key Canadian government officials who argued that, given that it was
- Environment Canada became marginalized in the policy process as it was regarded as too concerned with the "environment, rather than the effective or pragmatic responses acceptable to government
- Mulroney did attend the 1992 United Nations conference on environment and development, where the "framework convention on climate change" was presented, and Canada ratified the convention in 1994

### THE CHRETIEN LIBERALS AT KYOTO

- In 2002 Canada, under the leadership of Jean Chretien, ratified the Kyoto protocol, in spite of the absence of the United States from the agreement and in the face of provincial opposition
- The Canadian commitment could not or would not be met for several reasons: government capacity had been undermined through the imposition of significant cuts to the federal environmental bureaucracy; members of cabinet disagreed over policy tools, having engaged in public disagreements over regulation and taxation versus voluntary approaches (the former incurring the ire of Alberta); and the provinces, with jurisdiction over natural resources, were not onside for any significant reductions
- Canada also stayed in the international negotiations after the withdrawal of the United States from the protocol in March of 2001, although the US remained a member of the framework convention

### FROM MARTIN TO HARPER

- Conservatives took office in 2006, there was grave concern about the future direction of Canadian climate change policy
- Stephen Harper had apparently written to party members in 2002 to say that Kyoto was a "socialist scheme to suck money out of rich countries,"

- not only have the Conservatives rejected the Kyoto target, but they have extended the timeline and reduced the emissions reductions target. Canada will definitely not be in compliance with the targets of the Kyoto protocol
- These snapshots of Canadian climate change policy show remarkable consistency from one government to the next, in terms of an inability to genuinely tackle emissions reductions and in terms of self-interested behaviour, too often wrapped in internationalist rhetoric

#### ANALYSIS/CONCLUSION

- bl· political parties seem to matter less than other variables such as the role of the United States or the provinces
  - crucial to recall that Canada was then and is now nowhere near its Kyoto emissions targets.
  - successive governments have failed to reduce greenhouse gas emissions
  - all parties have missed or dismissed international commitments to emissions reductions
  - In 20 years, Canada has done little to reduce its greenhouse gas emissions
- the structure and style of political parties is more significant than the parties themselves in the development of Canadian climate change

## 10 War and Terror

### 10.1 Patterson

At the beginning of the 21st century most writing on Just War and the contemporary War on Terror is flawed for at least two reasons. (1) First, those who take Just War seriously, such as scholars operating from a religious worldview, forget the eminent practicality of Just War tenets. (2) Second, proponents of Just War usually fail to reflect on how modern warfare has changed since the time of Augustine.

#### MORALITY

Four ways just war theory is concerned with morals and ethics:

1. it values human life: "Just War theory's call for protection of innocents and critique of the methods of war is, at least in part, normative"
2. "it calls for accountability for one's actions"; "Regardless of the provocation, Just War theory argues that we are ethically responsible for how we choose to respond"
3. it focuses on the morality of motives, too. Motives and blame matter. Two warring sides may be equally bloody, but one side's motive might have been mass genocide, whereas the other side's motive was self-preservation or some other cause, etc.

4. “Just War theory’s presumption of order is a moral concept. The idea that war should proceed only on the basis of legitimate authority acknowledges that governments and law are the foundation of the good life.”

## PRACTICALITY

So yes, Just War theory has to do with morality.

BUT...it is also practical: “The doctrine of Just War is fundamentally pragmatic in its character and application”

- “Political leaders who can frame their war aims in terms of the moral high ground are much more likely to receive the necessary support of their constituents and the international community.”
- “Military leaders know that when their troops believe in the ‘rightness’ of their cause, they will fight better, longer, and harder against the enemy.”

The notion of “legitimate authority” is a practical one, too: “Since legitimate authority, at least in the modern world, means primarily states or their representatives (UN, NATO), only members of this exclusive club can ‘legitimately’ go to war. Thus, the notion of authentic authority buttresses not only the entire international system of independent states as we have it today, but also legitimates the domestic status quo within states.”

In other words, “legitimate authority is a pragmatic tool labeling internal threats to the state, regardless of their popular appeal, as illegitimate.”

One idea of just war theory is that you shouldn’t fight a war if it isn’t winnable. As the author points out, that is a pragmatic principle, as is the idea that war is a last resort. According to the argument, these are cost/benefit analyses, and not some other kind of distinct moral reasoning. These principles: don’t enter if you can’t win and don’t enter except as a last resort, concern the justice of going to war. There’s also the question of justice *during* war. The idea of proportionality and discrimination are both pragmatic:

- “Proportionality argues that a minimum of force should be used to accomplish objectives. Proportionality is perhaps the most utilitarian of all Just War tenets. It calls upon leaders not to lose their head and engage in costly conflict if there are cheaper (e.g. economic, diplomatic) options available to them.”
- “Furthermore, proportionality is prudent in that it realizes that sooner or later this war will end. How it is fought now, in terms of destructiveness and rancor, will have consequences for the length of the fighting, the cost of rebuilding, and the prospects for long-term peace and security upon cessation of hostilities.”

Discrimination means not targeting civilians.

- “In the context of warring governments, it is cheaper and less messy to keep battles on the battlefield. When civilians are attacked, all sorts of unpleasant and unintended consequences follow. For one thing, it becomes increasingly likely that if I bomb my opponent’s cities, then he will return the favor by destroying our wives and children.”
- “Similarly, when battle moves into the urban landscape, as Israel found out in Lebanon and in the Intifada, those who would traditionally be bystanders are now hard-to-pickout possible threats.” Indiscriminate attacks also “makes a political compromise between belligerents less likely as human passions are inflamed by the thirst for vengeance.”

## NEW WARS vs. OLD WARS

### *OLD*

“**First**, old wars were wars between legitimate authorities. This means, at least for the past four centuries, that **wars were fought between states**. This principle for Just War theory attempted to distinguish between corporate acts of criminal violence (e.g. piracy, outlawry) and wars waged by legitimate political entities.”

“**Second**, old **wars** between states **were generally a dispute over property**, defined primarily terms of land and its attendant natural resources.”

“**Third**, old **wars were fought by ‘combatants’**. Soldiers (or sailors, marines, or airmen) could take two forms: professionals and conscripts. Nonetheless, in both cases, **‘real soldiers’** or combatants were legitimate purveyors of, as well as targets, in war, distinguishing them from non-combatants and innocents.”

“The idea of distinguishing combatants from non-combatants implies the **fourth** condition of **old wars** — they **were to be fought away from civilians**.”

“In a sense, Just War theory represents an archetype, or perhaps a caricature, of a certain type of ‘civilized’ warfare: war fought between two armies on the battlefield, without pillaging the countryside, cities, or non-combatants.” (it doesn’t fit things like urban warfare well).

“**Fifth**, **Just War doctrine was developed** over centuries **when the tools of warfare were extremely limited** by today’s standards”

**Finally**, “Prior to the 20th-century, war could not be conceived as global or truly total.”

### *NEW*

Non-state actors who nevertheless claim legitimacy: “Those who attacked the US on 9/11 belong to no traditional political structure — they are fugitives from nearly every government on

earth. [...] However, unlike traditional outlaws, they claim a political and moral legitimacy based on religion.”

Not all officially uniformed soldiers: “how we should define the terrorist or guerrilla fighter: as a soldier, a civilian, or a bandit? The answer has become increasingly complex in recent years, with the introduction of female and child ‘soldiers’ and the migration of foreign nationals to serve in far-away causes”

No clear distinction between combatants and non-combatants: “terrorists see no distinction between combatants and noncombatants...[some] distinguish ‘holy’ from ‘damned’, usually along religious or racial lines [...] To the zealot, this means that warfare can and should be taken to the heart of the enemy, to their homes and cities, not to barren battlefields”

Weapons of Mass Destruction, environmental effects (dirt bombs), etc., things that you don’t worry about when you’re fighting hand to hand or knife to knife.

## Just War 2.0

“A revised Just War framework for the 21st century would have at its heart two concerns. The first is regard for human life: Just War doctrine values and protects individual men and women. [...] A second principle of Just War doctrine in the 21st century is that it should privilege issues of domestic and international security.”

When going into war (ad bellum), the question is RESPONSIBILITY (of states): When considering whether or not to go to war, policy makers should begin from the premise that the state has certain ethical and practical responsibilities. Instead of prevaricating over the old notions of right intention and likelihood of success, in the aftermath of 9/11 policy makers should ask ‘what is our responsibility to our citizens?’ and ‘what is our responsibility to the international system?’ “the state’s responsibility for self-defense motivates us to fight the War on Terror”

US has special responsibilities as sole superpower for at least two reasons: “First, in order to protect its citizens and its way of life in the long run, at times the US will have to act against threats such as rogue states and international terrorist organizations, even if the threats only indirectly affect the US but directly challenge the security of our allies and partners. Second, the contemporary international order with all its flaws, based largely on Pax Americana, is a time of unprecedented interaction, freedom, and security.”

## When engaged in war (in bello)

Proportionality newly defined: “the means employed should be proportionate to the gravity of (a) actual harm incurred or (b) the perceived threat.” “What would be a proportional response to perfect intelligence that a terrorist cell was putting the finishing touches on a nuclear device in a hardened bunker underneath a Syrian village? In a mosque? In a mosque in Tehran? It is

probable that in such a circumstance the collateral damage — civilians killed — would be extensive, but justified in foiling an attack on thousands or millions of other noncombatants.” (see page 127 for other examples)

Discrimination newly defined: “Discrimination simply means making a choice about who constitutes an active threat as distinguished from those who do not. ‘Active’ threats are those, whether in military uniform or not, who are actively waging or materially supporting conflict.”

When the war ends (post bellum):

“improved security is possible, absolute security is impossible.”

Post-settlement justice when possible: war crimes tribunals, etc.

Conclusion

“Deterrence, containment, interdiction, regime change — these are generally seen as pragmatic policies. However, the War on Terror can be fought morally when Western governments recognize that rogue groups and governments are the enemy, not civilian populations. States struggle ethically when they value human rights and when they seek post-war settlements that advance justice. Furthermore, the West invigorates its moral purpose when it holds dear to what it is fighting for — its values and way of life — rather than vengeance and annihilation.”

## **10.2 Doherty**

Since 9/11, Americans generally have valued protection from terrorism over civil liberties, yet they also have expressed concerns over government overreach and intrusions on their personal privacy.

## **10.3 Lewis**

### USA PATRIOT ACT & CIVIL LIBERTIES

- Month after 9/11 attacks in New York and Washington, Congress passed the USA Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001)
- Purpose: Deter and punish terrorist acts in US and around the world, enhance law enforcement, investigatory tools, etc
- Relaxed rules on surveillance by lowering standards for warrants but infringed freedom of speech and privacy
- Critics say Act isn’t needed, existing powers can work together to combat terrorism, and this Act makes govt powers too strong

- Intelligence agencies, military and police forces engage in spying and examining tons of data that don't even relate to war on terrorism (target innocent people, excuse is looking for potential suspicion patterns)
- There hasn't been a way to check accuracy of info law enforcement is getting
- Ron Paul (Republican Nomination) said Patriot Act is violating Constitution that's supposed to protect Americans against unreasonable search and seizure using warrants
- Paul said intelligence agencies are now getting US\$80 billion. Govt felt Americans have too much privacy and to be safer we must violate it. Sacrificed liberty for safety and security
- Many Americans feel like their liberties aren't being violated because there hasn't been another 9/11
- Early in his term, U.S. President Barack Obama said while torture would no longer be tolerated, anyone who took part in such activities would not face prosecution