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SAWP: Benevolent Foreign Aid or Mutually Beneficial Exploitation?

Giselle Poirier

Introduction

This essay explores the question: how does the Seasonal Agricultural Worker Program (SAWP), through its structure and regulations, create vulnerable workers as well as a power imbalance between the sending and receiving countries? In response, I will argue that vulnerability and exploitative relationships are created through the social and economic clauses of the SAWP. Furthermore, the SAWP creates a cycle of dependency where sending countries benefit from the remittances sent back by workers and the strengthening of diplomatic relationships. I argue that the SAWP necessarily involves an imbalance of power because the division of labour within the bilateral relationship between countries is an unequal one. I will begin with a brief overview of the SAWP's history, purpose, and importance to the Canadian economy. Then, I will examine how the SAWP maintains power imbalances on the micro and macro levels using both empirical evidence and as well as theories of exploitation. Since Mexico provides more workers through SAWP than any other

country, the majority of the academic literature on this topic focuses on the relationship between Canada and Mexico. Thus, I will limit my scope to the SAWP in the Mexican context.

Overview of the SAWP

The SAWP program, which has existed since 1966, annually moves 27,000 people from Mexico and the Caribbean into jobs on Canadian farms, and then back to their country of origin.^[1] The program operates on a “Canadian First” basis, meaning that employment opportunities for seasonal work must be made available to domestic workers first.^[2] Once an employer proves they were unsuccessful in hiring domestic workers to fill seasonal positions, they are supplied with the number of workers that they had requested.^[3] The program functions on three general principles: first, workers are authorized for employment during peak seasons when the supply of domestic workers is deemed inadequate. Secondly, workers are temporarily admitted to Canada for a minimum of 240 hours in six weeks or a maximum period of eight months.

^[1] Jenna L. Hennebry and Kerry Preibisch, “A Model for Managed Migration? Re-examining Best Practices in Canada’s Seasonal Agricultural Worker Program,”

International Migration 50, no. 1 (February 2012): 20, <https://doi.org/10.1111/j.1468-2435.2009.00598.x>.

^[2] “General Principles for SAWP,” Foreign Agricultural Research Management Services, February 26, 2024, <https://farmsontario.ca/things-to-know/general-principles-for-sawp/>.

^[3] Hennebry and Preibisch, 24.

Finally, workers are to be provided with suitable accommodations that meet provincial housing standards, receive the approved rates of pay, and are to be treated fairly and equitably by employers.^[4]

To be eligible for the SAWP, workers must be a minimum of 18 years of age, a citizen of a participating country, and be able to satisfy the immigration laws in both Canada and their country of origin.^[5] Under the program, workers are tied to a single employer for the duration of their contract and must return home at the end of that contract, as there is no pathway for permanent Canadian residency within the SAWP. The SAWP has been globally cited as a reference point for “best practice”^[6] in immigration because it is demand-driven, meaning it is not subject to quotas and caps.

Exploitation on the Individual Level

Mexican migrant workers face unequal positional power created through the social barriers and structural regulations that are in place within the program in that they foster an environment where workers are vulnerable to exploitation.

First, Mexican workers face social exclusion due to barriers which prevent them

from accessing English language training and subsequently are unable to communicate effectively with other English-speaking Canadians. Mexican workers do not have access to the English language training programs common in permanent residency pathways, and their long work hours leave little free time to pursue English as a second language classes.^[7] As a result, their interaction within the community that they reside in is severely limited, resulting in workers seeing their employers and their employers' families as the only representatives of Canadian society with whom they can interact in a personal fashion.^[8] This leads to a strong sense of trust with their employer (although it is one-sided) and creates a “feudal-type paternalistic relationship between the [employer] and his workers.”^[9] This also creates a concerning gap in Mexican workers’ ability to access healthcare services, because there is a “shortage of Spanish-speaking doctors in rural areas where Mexican workers are employed.”^[10] Seasonal workers already face struggles accessing health care in Canada (including a potential resulting risk of repatriation) with the problem only being compounded when workers are unable to properly communicate with the doctor.

^[4] General Principles for SAWP.

^[5] “Hire a Temporary Worker through the Seasonal Agricultural Worker Program: Program Requirements,” Government of Canada, January 30, 2024, <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural/requirements.html>.

^[6] Hennebry and Preibisch, 24.

^[7] Hennebry and Preibisch, 30.

^[8] Tanya Basok, “Seasonal Contract Workers and Domestic Labor: The Displacement Debate,” *In Defense of the Alien* 22 (1999): 77, <https://doi.org/https://www.jstor.org/stable/23141344>.

^[9] Basok, 77.

^[10] Basok, 73.

Thus, the SAWP is set up to create a separation between Canadians and seasonal workers; and it is a way of reinforcing their temporary existence in Canada by preventing any form of integration into Canadian society. Undeniably, language is important, and to deprive an entire group of people of their ability to meaningfully communicate with the local community in which they reside for the majority of the year is indefensible. This leads to isolation and alienation among farmworkers. While this mitigates the risk of workers becoming attached to the local community, it treats Mexican workers as lesser than their domestic counterparts. Their place in Canada is purely transactional—a way to fulfill economic needs.

One of the most unique and integral features of the SAWP is that there is no path to permanent residency through the program, meaning workers are not eligible to apply so long as they are in the program. This creates a class of temporary migrants who are permanent outsiders. The function of such a stipulation is that it allows the program to serve two purposes: “alleviate production problems in host countries while also serving as a proven anti-immigration strategy whose objective is to dissuade certain foreigners from establishing in those countries.”^[11]

Essentially, the SAWP “can be seen as a way of gaining workers while keeping down social costs.”^[12] What makes this harmful is that citizenship is the mechanism through which rights and protections are conferred. When workers cannot vote or collaborate (such as in a union), they have no means to advocate for their rights or challenge unfair situations.^[13] This stipulation is however greatly beneficial to the government. Having these workers in the country on a purely contractual basis means that Canada has no duty to allocate resources for integrating them into Canadian society. Likewise, their role means there is less of a duty on the state’s behalf to provide workers with certain citizenship rights, instead, this falls on Mexico.

Another notable restriction of the SAWP is that seasonal workers have no access to the labour market. This is appealing to many employers, who “prefer a captive labour force working and living under conditions of “transient servitude”: servitude because, as a condition of their right to live and work in Canada, workers are tied to particular employers who exercise immense control over their working and nonworking lives, and transient because the worker eventually returns to [their] own country.”^[14]

^[11] E. Zoe Castell Roldán and Yessenia Patricia Alvarez Anaya, “Migration and Dependency: Mexican Countryside Proletarianization and the Seasonal Agricultural Worker Program,” *Dialectical Anthropology* 46, no. 2 (June 2022): 163–82, <https://doi.org/10.1007/s10624-022-09661-w>.

^[12] Hennebry and Preibisch, 26.

^[13] Hennebry and Preibisch, 31.

^[14] Arthur Leigh Binford, “Assessing Temporary Foreign Worker Programs through the Prism of Canada’s Seasonal Agricultural Worker Program: Can They Be Reformed or Should They Be Eliminated?,” *Dialectical Anthropology* 43, no. 4 (May 21, 2019): 362, <https://doi.org/10.1007/s10624-019-09553-6>.

This is highly effective in ensuring that an employer will have their seasonal workforce for the full duration of the season; an estimated 98.5% of workers finish their contracts.^[15] In addition, this servitude takes away the workers' negotiating power. Unlike domestic workers, they cannot threaten to leave their jobs without putting their livelihood at risk. Therefore, workers must agree to employers' requests, such as working extra hours and/or on Sundays.^[16] Such unfree labour cannot exist in a liberal democratic society and therefore only foreign workers, tied to an employer by a contract, are in a position to satisfy the demand.^[17]

Mexican workers having no access to the labour market may not have malevolent intentions, because it serves as a way to ensure workers don't quit mid-season and leave employers struggling to fill roles in their absence. However, to tie workers to one employer who in a sense has the power to decide their fate in the program creates an environment where workers believe they must do whatever their employer asks, even if they feel it is unsafe, too demanding, or unfair. Notably, this results in workers who end up with a negligent or abusive employer having no way of addressing or remedying their situations (outside of contacting their consulate).

Another crucial part of the program is that workers can be repatriated at any time within their contract, with no formal appeal

process to fight repatriation. This creates a level of job insecurity that motivates workers to appease their employers at any cost. The potential for deportation is key to employers' ability to demand and obtain high levels of work intensity. Employers do not need to threaten deportation, or even threaten employees with dismissal because as a condition of the SAWP, workers have agreed to the terms of their contract and as such they know and fear repercussions of being "difficult."^[18] This results in many health problems that workers develop during their contact going unreported because they fear not being rehired the following year. One worker stated: "I was sick for a while but I didn't complain to the patrón. For if I tell him, he does not "ask" for me anymore and I am left without work."^[19] This worker waited until he returned to Mexico to seek medical care. This allows for exploitative practices. Studies into the conditions of the SAWP have revealed that "Mexican farm workers are expected to work six days and a half every week, including half a day on Sunday,"^[20] despite their contract stating that workers are entitled to a day of rest. While many seasonal workers welcome chances for extra income, they report that this structure is too exhausting. Particularly, the need to receive a positive review from an employer and be rehired results in a coercive offer, where any requests from an employer cannot be refused without future consequences.

^[15] Hennebry and Preibisch, 25.

^[16] Basok, 76.

^[17] Basok, 78.

^[18] Binford, 355.

^[19] Basok, 73.

^[20] Basok, 72.

Fear of being fired mid-contract indirectly encourages workers to push their physical and mental limits, by working through injuries they suffer on the job or pushing past exhaustion. What makes this so effective is that workers who are repatriated are typically blacklisted from the program. Consequently, this establishes a power structure that silences workers. If they complain about working conditions, someone else is willing to take their place and do what they cannot/will not do. In turn, employers gain an inflated sense of power, which allows them to treat Mexican workers in ways that would not be acceptable with a domestic workforce.

Having a fearful and obedient workforce is advantageous for Canada: “Due to the perishability of crops, Ontario fruit and vegetable growers require a core of workers who are always available when needed and who are unfree to quit their job or even to take time off.”^[21] By hiring workers willing to work without any time off, Canada reduces their loss of crops, leading to greater profits.

I will use Wertheimer's theory of mutually beneficial exploitation to illustrate how the SAWP is exploitative. In Exploitation, Wertheimer states that exploitation generally occurs when: “A takes unfair advantage of B.”^[22] Both parties consent and gain from

exchanging with each other, but the distribution of the social surplus gained through the exchange is unfair. A more detailed iteration of this exchange is: “A takes advantage of B's circumstances to get B to agree to a mutually advantageous transaction to which B would not have agreed under better or perhaps more just background conditions.”^[23] In the context of the SAWP, A is the Canadian employers and B is the seasonal workers. Workers recruited from Mexico are often from poverty-stricken areas identified as “Priority Attention Zones,”^[24] meaning those who enter the program do so because of the lack of economic opportunities at home. Correspondingly, employers take unfair advantage of the low pre-transaction baseline that the Mexican workers have to entice them to enter the program. While no one threatens to make the workers worse off if they do not participate in the program, their background conditions “force” them to take part in the program and agree to unfair terms, such as giving up the ability to apply for permanent residency and agreeing to not unionize. Employers contribute to this exploitation by utilizing seasonal workers as “mere instruments for private gain,”^[25] meaning they use these workers to reduce their operating costs and increase profits and global competitiveness, rejecting the better-

^[21] Basok, 69.

^[22] Alan Wertheimer, “Chapter 1: Overview,” essay, in Exploitation (Princeton, New Jersey: Princeton University Press, 1996), 10, <https://doi-org.libaccess.lib.mcmaster.ca/10.1515/9780691214511>.

^[23] Wertheimer, 27.

^[24] “Building Mutual Prosperity,” Canada In Mexico, October 8, 2021, <https://canadainmexico.com/canada-mexico-relationship/mutual-prosperity/>.

^[25] Wertheimer, 23.

paid, unionized domestic workforce.^[26]

Exploitation on the State Level

The power imbalances affecting workers on the individual level are also replicated at the state level, albeit in a different way. I will explore two ways in which the program motivates Mexico to participate despite the unfair distribution of decision-making power.

Firstly, the SAWP is a bilateral agreement where both the Canadian and Mexican governments work together to administer the program and engage in annual negotiations.^[27] However, there is an imbalance in how this work is divided, with Canada having the bulk of the decision-making power. Through political and economic advantages, Mexico is obliged to agree to the terms of the agreement even if work and benefits are unequally divided. Mexico's role within the program is to control all administrative tasks before and after the labour term. Their duties include "the recruitment, selection, and discipline of workers."^[28] Mexico's Ministry of Labour conducts the selection process, assigns workers to farms, and schedules their flights. Additionally, Mexico's Ministry of Health is mandated to carry out mandatory health screenings for all workers pre-departure. Also, Mexico's

Ministry of Labour is responsible for ensuring that Canadian employers fill out end-of-year evaluations and that all the workers return home at the end of their contract. Aside from these regulatory tasks, the Mexican Consulate bears the sole responsibility of handling labour disputes, conflicts and complaints from workers during their contract.^[29] While Mexico willingly engages in the program with Canada, their acceptance of this unequal division of labour can be attributed to the political and economic benefits that they receive, namely the remittances from worker's salaries and the fact that Canada's global political standing is higher than Mexico's, making the Mexican government feel obliged to accept the terms Canada proposes to remain the preferred source of seasonal workers.

To expand further, remitted income is a motivator which ensures compliance from Mexico as it is a source of income for development growth in exchange for exporting their low-income citizens. Remittances refer to "transfers of resources [namely money] from individuals in one country to individuals in another."^[30] In 2019, Canada received over 27,000 agricultural workers under the SAWP.^[31] Workers in the program typically send home

^[26] Hennebry and Preibisch, 21.

^[27] Hennebry and Preibisch, 24.

^[28] Hennebry and Preibisch, 29.

^[29] Hennebry and Preibisch, 29-30.

^[30] Steven Castles, "Comparing the Experience of Five Major Emigration Countries," essay, in *Migration and Development: Perspectives from the South* (United Nations Publications, 2007), 273, <https://publications.iom.int/books/migration-and-development-perspectives-south>.

^[31] Building Mutual Prosperity.

80% of their total income, with the remaining 20% spent on living expenses during their contract.^[32] Furthermore, for the average Mexican worker, “[their remitted income] represents 81.5% of their total household income.”^[33] All this resulted in the remittances sent to Mexico in 2019 totalling 218 million USD.^[34] To illustrate the impact that these remittances have on the local economy, “every [dollar] sent to Mexico generates a \$2.90 contribution to the country’s gross national product.”^[35] Thus, due to the sheer amount of remittances annually, Mexico has a great economic interest in upholding the program. The statistics depict how foreign workers are the main breadwinners for their households, and their wages made by the SAWP are used to support their families and invest in their future. Seasonal workers and their families are investing the money made in Canada back into Mexico’s economy, for education, repayment of debts, buying homes or land for farming, and more.^[36] In turn, they boost the local economy, allowing for economic

prosperity that would otherwise not be available to many. While the Canadian government suggests these benefits make the SAWP a form of foreign aid aimed at promoting a “better quality of life”^[37] and “combating poverty abroad.”^[38] The benefits conferred by the partnership are vastly unequal, undermining their claims of beneficence. For example, seasonal agricultural work is integral to the Canadian food system and ensures that sustainable Canadian-grown produce is available to Canadians. Seasonal workers make up 53% of Canada’s paid agricultural workforce and are the driving factor in helping the federal government achieve its Budget 2017 objectives to grow Canada’s annual agri-food exports from \$56 billion to \$75 billion by 2025.^[39] With the prevalence of what the Canadian Agricultural Human Resource Council calls the “growing labour gap” in the agricultural sector, having access to a reliable core of seasonal workers is essential to Canada’s economic interests.^[40] Furthermore, by creating a cycle of dependency Canada gains a reliable source

^[32] Lidia Carvajal Gutiérrez and Thomas G. Johnson, “The Impact of Remittances from Canada’s Seasonal Workers Programme on Mexican Farms,” *International Labour Review* 155, no. 2 (June 2016): 302, <https://doi.org/10.1111/j.1564-913x.2014.00022.x>.

^[33] Gutiérrez and Johnson, 302.

^[34] Building Mutual Prosperity.

^[35] Alejandro Portes, “Migration and Development: A Conceptual Review of the Evidence,” essay, in *Migration Development: And Perspectives from the South* (United Nations Publications, 2007), 21, <https://publications.iom.int/books/migration-and-development-perspectives-south>.

^[36] Building Mutual Prosperity

^[37] Building Mutual Prosperity

^[38] Building Mutual Prosperity

^[39] “A Review of Canada’s Seasonal Agricultural Worker Program,” Canadian Agricultural Human Resource Council, December 2017: 4, <https://cahrc-ccrha.ca/sites/default/files/2021-11/A%20Review%20of%20Canada's%20SAWP-Final.pdf>.

^[40] A Review of Canada’s Seasonal Agricultural Worker Program, 5.

of seasonal workers annually, with the number of workers joining the program steadily growing.^[41] In addition, so long as Mexico continues supplying low-skilled, low-income citizens, Canadian employers have a readily available pool of cheap labour who are willing to do strenuous work for minimum wage, rather than having to raise wages to attract domestic workers. Finally, Mexico gives Canada significant power by agreeing to the terms of employment under the bilateral agreement. This allows Canada to dictate what acceptable housing arrangements and work hours look like, and impose coercive limits on workers, thereby perpetuating the imbalance of power and reinforcing Mexico's dependency on Canada for economic opportunities.

Mexico's implicit role in the program means that they become partially responsible for creating the situations which allow for these power imbalances to take place. To connect back to Wertheimer's theory of exploitation, Mexico's role in the SAWP could be classified as a form of mediated exploitation, where "C (an individual or a group) authorizes or asks A to seek a benefit for C from a transaction with B."^[42] Thus, according to Wertheimer, both the Canadian and Mexican governments could be culpable for the exploitation of the seasonal workers. Canada asks Mexico to provide workers to fulfill its seasonal agriculture work, and in exchange, the remitted wages of these workers will be returned to the Mexican

economy, and Mexico will benefit from a strengthened diplomatic relationship with Canada. All three parties benefit to some degree, but it is clear both countries exploit the seasonal workers and Canada exploits both the Mexican government and the seasonal workers by using them as a means to an end – in this case, the economic gain of migration without the costs associated with permanent residency.

Conclusion

In conclusion, the SAWP, while seemingly beneficial for both sending and receiving countries, creates a system rife with exploitation. The program's structure, from limitations on worker mobility to the lack of a pathway to permanent residency, fosters a power imbalance that leaves workers vulnerable to their employer's control. In addition, Mexico's dependence on remittances creates a situation where the government prioritizes economic gain over the well-being of its workers.

^[41] Hennebry and Preibisch.

^[42] Alan Wertheimer, "Chapter 7: Unfair Transactions," essay, in *Exploitation* (Princeton, New Jersey: Princeton University Press, 1996), 210, <https://doi-org.libaccess.lib.mcmaster.ca/10.1515/9780691214511>.

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Castles, Steven. "Comparing the Experience of Five Major Emigration Countries." *Essay*. In *Migration and Development: Perspectives from the South*, 225–84. United Nations Publications, 2007.

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Conflict to Co-Workers: Consociationalism and Conflict Resolution in Northern Ireland and Bosnia and Herzegovina

Jacob Metzler

“I took back my hand and I showed him the door
No dollar of mine would I part with
this day For fueling the engine of bloody
cruel war In my forefather’s land far
away...”^[1]

Introduction

The Troubles, an implacable, convoluted ethno-religious conflict between primarily Catholic Irish nationalists and Protestant British unionists in Northern Ireland, links back to both centuries-old and, in the 20th century, very contemporary grievances.^[2] The conflict had been simmering for decades following the partition of Ireland in the 1920s, which left Northern Ireland in the United Kingdom, before it boiled over in the late 1960s.^[3] It started alongside the Northern Irish Catholic civil rights movement, a response to gerrymandered

voting districts in Northern Ireland, and the response to that movement.^[4] Its ending, however, is clear: in the spring of 1998, with The Belfast Agreement, better known as The Good Friday Agreement.^[5] Within the decade before the end of the Troubles, the Bosnian War broke out in 1992 and ended three years later in 1995, “with the thirty-fifth cease-fire since” it started.^[6] The Bosnian War traces back to how ethnicity in Yugoslavia, especially near the state’s end, began to be arbitrarily defined by various groups vying for power.^[7] The desire by various actors to create “ethnically pure” Yugoslavia successor states based on these arbitrary definitions, in a region so religiously and ethnically diverse, is the key cause of the Bosnian War and the atrocities that it consisted of.^[8] The agreement that ended the Bosnian War, The Dayton Agreement,

[1] Stanley Rogers, “The House of Orange,” track 10 on From Fresh Water, Fogarty’s Cove Music, 1984. Born and raised in Hamilton, Ontario, Stan Rogers wrote this song, during the middle of the Troubles, about wanting to leave the conflict in Northern Ireland behind.

[2] Máirtín Ó Catháin, “Overview of the Troubles,” in The Routledge Handbook of the Northern Ireland Conflict and Peace, eds. Laura McAtackney and Máirtín Ó Catháin (London and New York: Routledge, 2024).

[3] Ibid.

[4] Ibid.

[5] Hannes Mueller and Dominic Rohner, “Can power-sharing foster peace? Evidence from Northern Ireland,” Economic Policy 33, no. 95 (2018): 452.

[6] Leon Hartwell, “Conflict Resolution: Lessons from the Dayton Peace Process,” Negotiation Journal 35, no. 4 (2019): 444.

[7] Ibid.

[8] Ibid., 446.

and the Good Friday Agreement both implemented a form of political power-sharing known as consociationalism.^[9] In both cases, the levels of violence since the peace agreements and power-sharing systems were created have dramatically decreased.^[10] This potential to foster peace makes understanding consociationalism critical to alleviating other conflicts. This paper will examine the following question: What role does consociationalism power-sharing play in resolving conflict and fostering peace among conflicting groups? To explore this question, we will use the comparative Method of Agreement, further elaborated on in the methodology section of this paper. The methodology section will also briefly examine current research on the topic. Consociationalism is our independent variable. While explaining this paper's methodology, it will be highlighted and examined. Next, consociationalism will be discussed and reviewed in the cases of Northern Ireland and Bosnia and Herzegovina. Finally, this paper will argue

that consociationalism helps foster peace between conflicting groups.

Methodology

The Comparison

This paper will use a Method of Agreement comparison. This is a comparative design where the outcome of two phenomena is similar, and the variables are essentially different, except for one, which is the variable to which causality is inferred.^[11] So, if E, F, and X = Y, and A, B, and X = Y, there is evidence to suggest X causes Y. While The Troubles and the Bosnian War share some similarities, these are not substantial enough to ruin the comparison. Historically, both Ireland and the Balkans were manipulated by "Europe's great powers[.]"^[12] and "[t]he consociational structures created for Bosnia and ... Northern Ireland have broad structural similarities[;]"^[13] the latter of which is the variable we will look at. While both conflicts are ethno-religious,^[14] We know that not all ethno-religious conflicts have successful and long-lasting conflict resolutions.^[15]

[9] Sherrill Stroschein, "Consociational Settlements and Reconstruction: Bosnia in Comparative Perspectives," *Annals of the American Academy of Political and Social Science* 656 (2014): 97-98, <https://www.jstor.org/stable/24541765>.

[10] Mueller and Rohner, "Can power-sharing foster peace?," 452; Hartwell, "Conflict Resolution," 466.

[11] Payam Ghalehdar, "Mill's Method of Agreement and Method of Difference as Methods of Analysis in International Relations," *Oxford Research Encyclopedia of International Studies* (2022), <https://doi.org/10.1093/acrefore/9780190846626.013.701>.

[12] Éamonn Ó Ciardha, "Introduction," in *Politics of Identity in Post-Conflict States: The Bosnian and Irish experience*, eds. Éamonn Ó Ciardha and Gabriela Voivoda (London and New York: Routledge, 2016), 1.

[13] Stroschein, "Consociational Settlements and Reconstruction," 106.

[14] Aaron Edwards, "Northern Ireland: Still a Place Apart?," in *The Routledge Handbook of the Northern Ireland Conflict and Peace*, eds. Laura McAtackney and Máirtín Ó Catháin (London and New York: Routledge, 2024), 117-118; Hartwell, "Conflict Resolution," 446.

[15] Bumbla Mukherjee, "Why Power-Sharing Agreements Led to Enduring Peaceful Resolution of Some Civil Wars, but Not Others?," *International Studies Quarterly* 50, no. 2 (2006): 481-482, table 1, <https://www.jstor.org/stable/3693619>. See the table for numerous examples of failed peace resolutions.

However, one can argue that the similarities stop there. The first significant difference is the scale of the two conflicts. The Troubles ended with “[a] collective toll of 3,500 deaths and 47,000 injured” from all sides, both combatants and non-combatants.^[16] While the death toll of the Troubles is devastating, it does not compare to the “approximately 100,000 people[,]” mostly Bosniak Muslims, who lost their lives in the three years of the Bosnian War.^[17] Another critical difference between the two conflicts is the type of conflict each is. Scholars describe the Bosnian War, as the name suggests, as a war, regardless of whether it was a civil war or some less definable form of war.^[18] The Troubles is referred to primarily as just a ‘conflict.’^[19] The Second World War ravaged Bosnia and Herzegovina, a region which, until Dayton, was never ruled democratically.^[20] Northern Ireland, on the other hand, while it experienced German bombings in the Second World War, was far less devastated than the Balkans.^[21] Northern Ireland “has had a longer history of democracy” than Bosnia and Herzegovina.^[22]

[16] Ó Catháin, “Overview of the Troubles,” 7.

[17] Hartwell, “Conflict Resolution,” 445.

[18] Stroschein, “Consociational Settlements and Reconstruction,” 106; Hartwell, “Conflict Resolution,” 445. Stroschein uses the term “civil war” to describe the Bosnian War, while Hartwell says the war “was not a clear-cut civil war[,]” but was certainly still a war.

[19] Mueller and Rohner, “Can power-sharing foster peace?”

[20] Stroschein, “Consociational Settlements and Reconstruction,” 106.

[21] Ó Catháin, “Overview of the Troubles,” 23.

[22] Stroschein, “Consociational Settlements and Reconstruction,” 106.

[23] Mueller and Rohner, “Can power-sharing foster peace?,” 452; Stroschein, “Consociational Settlements and Reconstruction,” 103; Hartwell, “Conflict Resolution,” 466.

[24] Joanne McEvoy, *Power-Sharing Executives: Governing in Bosnia, Macedonia, and Northern Ireland* (Philadelphia: University of Pennsylvania Press, 2015), 3.

[25] Ulrich Schneckener, “Making Power-Sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation,” *Journal of Peace Research* 39, no. 2 (2002): 204, <https://www.jstor.org/stable/1555299>.

Regardless, both regions have emerged from their conflicts and have not seen levels of violence similar to the recent past.^[23] Considering that most phenomena, except the outcome of relative peace, are different, a Method of Agreement comparison is possible.

The Independent Variable

Consociationalism, a form of political power-sharing, is our independent variable. “Power sharing[,]” more generally, Joanne McEvoy writes, “is a form of government recommended for deeply divided territories where majoritarianism is not a fair, realistic option to promote peace. It brings together representatives of groups previously in conflict to govern the country together.”^[24]

Ulrich Schneckener describes consociationalism as “a specific form of consensus democracy, linked to ethnically segmented societies or, rather, to multinational polities, i.e. states or regions in which two or more ethno-national groups live.”^[25] Mueller and Rohner note that “in a consensual system with power-sharing both

the winner and the loser have incentives to stick to electoral politics[,]” which discourages violence, especially from the group that lost.^[26] “Consociationalism” also “leaves key decisions affecting different ethnic groups in the hands of community leaders[.]”^[27] Consociationalism is unique from other power-sharing systems because both sides can veto various decisions and, in turn, must accept that some of their decisions may be vetoed.^[28] To further build on this definition, we can add Laurence Cooley’s two forms of consociationalism: corporate and liberal.^[29] The groups sharing power in a corporate consociationalism system are “pre-determined” based on “criteria such as ethnicity or religion[,]” while a liberal consociationalism system leaves its groups “instead to emerge from elections.”^[30] Cooley notes that Bosnia and Herzegovina have a corporate system, while Northern Ireland has a more liberal one.^[31] In summary, consociationalism is a system of power-sharing based on consensus and veto rights, especially amongst community leaders of various groups.

The Cases

Northern Ireland and the Troubles

Having established consociationalism as our independent variable, we can apply it to two key case studies: Northern Ireland and Bosnia and Herzegovina. Starting with the case of Northern Ireland, Mueller and Rohner argue that, empirically, “the presence of power-sharing has … a strong and robust violence-reducing effect” on each group involved in the Troubles.^[32] In the discussion section of Mueller and Rohner’s article, Francesco Drago agrees with the two authors. Drago gives two reasons why power-sharing and conflict will have a relationship: “[C]onflict before the election may induce the ruling party to make ‘concessions’ in terms of power sharing” and “power-sharing leads to less conflict from the non-sectarian party with a lower seat share because the opportunity cost of bombs is higher than that of participating to the executive power.”^[33] The Good Friday Agreement and the Northern Irish power-sharing system achieve consociationalism by implementing consensus-based democratic safeguards.^[34]

[26] Mueller and Rohner, “Can power-sharing foster peace?,” 455.

[27] Melani Cammett and Edmund Malesky, “Power Sharing in Postconflict Societies: Implications for Peace and Governance,” *Journal of Conflict Resolution* 56, no. 6 (2012): 986, <https://www.jstor.org/stable/23414729>.

[28] Ibid., 109; Schneckener, “Making Power-Sharing Work,” 205.

[29] Laurence Cooley, “Consociationalism and the politics of the census in Bosnia and Herzegovina and Northern Ireland,” *Political Geography* 82 (2020): 1, <https://doi.org/10.1016/j.polgeo.2020.102248>.

[30] Ibid., 1.

[31] Cooley, “Consociationalism and the politics of the census,” 2.

[32] Mueller and Rohner, “Can power-sharing foster peace?,” 472.

[33] Francesco Drago, “Discussion,” in “Can power-sharing foster peace? Evidence from Northern Ireland,” Hannes Mueller and Dominic Rohner, *Economic Policy* 33, no. 95 (2018): 473. Emphasis on “before” in the original.

[34] “The Belfast Agreement: An Agreement Reached at the Multi-Party Talks on Northern Ireland,” Presented to parliament: April 1998, The Northern Ireland Office, 5,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1034123/The_Belfast_Agreement_An_Agreement_Reached_at_the_Multi-Party_Talks_on_Northern_Ireland.pdf.

These safeguards “ensure that all sections of the community can participate and work together successfully in the operation of ... institutions[.]”^[35] Through this system, the Good Friday agreement concluded the violence in Northern Ireland.

Bosnia and Herzegovina and the Bosnian War

The Bosnian power-sharing system is less celebrated than the Northern Irish one. Nikolaos Tzifakis claims, “[I]t is conventional wisdom that the local power-sharing Arrangements [set up by Dayton] have failed to work.”^[36] However, Tzifakis does not offer any sources for this argument. According to Tzifakis, “the ambiguity of the Accords was intended to facilitate consensus-building among the warring parties during the negotiations, but in practice, it represented a major obstacle in the peace implementation process.”^[37] Hartwell, on the contrary, writing 25 years since Dayton, notes that, while “it is clear that while [Bosnia and Herzegovina] continues to deal with serious ethnic divisions, the Dayton process ended the Bosnian War.”^[38] Tzifakis writes, “Perhaps it is no exaggeration to paraphrase Clausewitz and claim that all three Bosnian ethnic groups viewed the peace

process as a continuation of war by other means[.]”^[39] However, if this is indeed the case, any means of political conflict is still better than a military conflict that left 100,000 dead in three years.^[40] In “War and division in the golden valley: Sarajevo’s twentieth century,” Cathie Carmichael writes, “There has been very little urban violence in Sarajevo since 1996 and certainly no more than one would expect in a large city of almost 400,000 inhabitants. To have created peace by essentially dividing communities is a very high price to have paid, but perhaps the edifice of a state created at Dayton should suffice.”^[41] Dayton’s consociationalism system is far from perfect. However, it has saved countless lives and created a flawed but genuine peace.

Conclusion

Using a Method of Agreement comparison, this paper has demonstrated how consociationalism power-sharing systems positively affect the length and sustainability of peace. In both cases, Northern Ireland and Bosnia and Herzegovina, a sustained peace has existed for over two decades. Regardless of the flaws in the Dayton agreement or the length of the Troubles in Northern Ireland, violence has been limited

[35] The Belfast Agreement,” The Northern Ireland Office, 5.

[36] Nikolaos Tzifakis, “The Bosnian Peace Process: The Power-Sharing Approach Revisited,” *Perspectives* 28 (2007): 86, <https://www.jstor.org/stable/23616212>.

[37] *Ibid.*, 89.

[38] Hartwell, “Conflict Resolution,” 444-445.

[39] Tzifakis, “The Bosnian Peace Process,” 98.

[40] Hartwell, “Conflict Resolution,” 445.

[41] Cathie Carmichael, “War and division in the golden Valley: Sarajevo’s twentieth century,” in *Politics of Identity in Post-Conflict States: The Bosnian and Irish experience*, eds. Éamonn Ó Ciardha and Gabriela Voivoda (London and New York: Routledge, 2016), 47.

drastically compared to the height of both conflicts. We have shown a causal link between this peace and consociationalism power-sharing. Future research could expand the comparison to more countries that utilize this type of peace-sharing following conflicts, such as Lebanon.

“... For I’ve given my heart to the place I was born

And forgiven the whole House of Orange
King Billy and the whole House of
Orange.”^[42]

[42] Rogers, “The House of Orange.”

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<https://www.jstor.org/stable/23616212>.

The Impact of Political Institutions on the Voter Turnout of Generation Z

Julia Allan

Introduction

A political institution refers to all political aspects of a state and how they interact to create structure, norms and behaviours within a given society.^[1] This includes political actors, policies, and the various peripheral factors that shape the political world. In democratic political institutions, voters and the ability to vote are essential for democratic maintenance and sustainability. With the specific aspect of voter turnout being explored, its critical presence in democracy ensures the legitimacy of both its leader and the regime.^[2] As voter turnout is an essential feature in the upkeep of democratic values, the declining voter turnout of youth must be analyzed and understood in order to properly uphold Canadian democratic standards for future generations.^[3]

Generation Z, the current generation of adults born from 1997-2012, has the lowest global voter turnout among all eligible voting demographics.^[4]

For many years, these rationalizations have been dominantly demographic-based, indicating that factors such as age, education, and socioeconomic status primarily determine an individual's likelihood to participate in voting.^[5] Although these explanations provide important demographic insights into Gen-Z voting patterns, they neglect broader, systemic explanations. Through an examination of the evolving values and societal influences shaping the perspectives of Generation Z, alongside a comparative analysis of specific political frameworks, one may gain insights into the responses of modern youth and how it reflects in their electoral engagement. Through this research, it can be concluded that the three institutional components of media influence, level of civility among politicians, and electoral complications, impacts Generation Z's voter turnout, as it negatively alters political perceptions.

[1] Roberto Nisticò, "Political Institutions and Economic Development Over More Than a Century," *Structural Change and Economic Dynamics* 61 (2022): 201, <https://doi.org/10.1016/j.strueco.2022.02.013>.

[2] André Blais, Carolina Galais, and Daniel Mayer, "Is It a Duty to Vote and to Be Informed?" *Political Studies Review* 17, no. 4 (2019): 329, <https://doi.org/10.1177/1478929919865467>.

[3] Blais et al. "Duty to Vote," 329.

[4] John H. Parmelee, Stephen C. Perkins, and Brittany Beasley, "Personalization of Politicians on Instagram: What Generation Z Wants to See in Political Posts," *Information, Communication & Society* 26, no. 9 (2022): 1773, <https://doi.org/10.1080/1369118x.2022.2027500>.

[5] Filip Kostelka and André Blais, "The Generational and Institutional Sources of the Global Decline in Voter Turnout," *World Politics* 73, no. 4 (2021): 633, 636, <https://doi.org/10.1017/s0043887121000149>.

Generation vs. Age

The disparities between voter turnout in young adults and the rest of the population have been prevalent throughout many decades. Numerous teams and individuals have widely researched this topic, and they draw similar conclusions each time. Age and maturity are one of the oldest theories, as the correlation between brain development and becoming situated with one's rights and civil obligations is drawn upon.^[6] Indeed, maturity and place in the life cycle are influential on one's inclination to be a political participant, however, many recent studies suggest a different primary factor. The role of generational identity continues to be theorized as the main cause of low voter turnout for young adults.^[7] Many academics believe that societal evolution combined with the formation of different ideals and morals throughout the years cause young adults to no longer feel represented by politicians.^{[8][9]}^[10] This idea remains challenged by the previous, as Klecka attributes low participation to age rather than generation.^[11] As both opposing theories certainly hold validity to an extent, neither can be fully true. To suggest that age is not a factor when it comes to voter turnout completely ignores

the past century in which young adults consistently held the lowest voter turnout. Afterall, the statistics from the 1970's to 1996 show that the voter turnout for American youth ages 18 to 24 was almost consistently 20% lower than that of the average.^{[12][13]} To disregard generational factors, on the other hand, is to ignore the differences between each generation, as well as the evolution of society as a whole. Factors such as technological and economic growth, and the evolutionary changes society faces throughout the years, all sway the political habits of the public, as the transformative effect of globalization among generations is unique to each.^[14] Both generation and age must be considered as intertwining factors that affect public opinion both individually and collaboratively.

Generation Z

Being the first generation to grow up with social media, a heightened global awareness has challenged many previous social norms. This increased interconnectedness allows individuals to share common ideals, many of which revolve around authenticity and morality.^[15]

[6] William R. Klecka, "Applying Political Generations to the Study of Political Behavior: A Cohort Analysis," *Public Opinion Quarterly* 35, no. 3 (1971): 358, <https://doi.org/10.1086/267921>.

[7] Kostelka and Blais, "Generational and Institutional Sources," 636.

[8] Kostelka and Blais, 637.

[9] Klecka, "Applying Political Generations to the Study of Political Behavior," 358.

[10] Mark Strama, "Overcoming Cynicism: Youth Participation and Electoral Politics," *National Civic Review* 87, no. 1 (1998): 72, <https://doi.org/10.1002/ncr.87106>.

[11] Klecka, "Applying Political Generations to the Study of Political Behavior," 358.

[12] Klecka, "Applying Political Generations to the Study of Political Behavior," 358.

[13] Strama, "Overcoming Cynicism," 72.

[14] Kostelka and Blais, "Generational and Institutional Sources," 634.

[15] Parmelee et al., "Personalization of Politicians on Instagram," 1779.

In turn, Generation Z is significantly more dissatisfied with politics than any other generation, holding politicians accountable for anything ranging from bad policy decisions to disagreeable actions from decades past. One of the most influential movements led by Generation Z is the call for a ceasefire in the Gaza Strip.^[16] Not only did this international movement spread awareness of the occurring social and political wrongdoings, but held politicians, corporations, and even peers accountable for any actions that promoted injustice.^[17] Historically, politicians could operate with limited transparency, leaving society uninformed. In today's age of extensive documentation, any lack of transparency only serves to foster distrust, especially within young adults, as they already hold a skeptical view of politics.^[18] Growing up with extensive, and often undecipherable, information and misinformation, it is reasonable for Generation Z to be wary of the political realm, considering the stage of the lifecycle and the generational divide between themselves and politicians.^[19] Therefore, through the transparency of politicians, and the prioritization of

authenticity rather than perfection, especially on social media, improved trust in the government of generation Z may occur.

Media Influences

Being influenced by the internet and various media since birth, Generation Z is highly acclimatized to the consequences that bad actions can have on others, as it is advertised through multiple forms.^[20] News channels, documentaries, and clips are forms of everyday media that provide current or relevant events. Depicting smaller-scale stories of wrongdoings such as vandalism, and larger-scale stories such as violent crime, Generation Z has been significantly more exposed to the repercussions that ignorance poses. This increased exposure fosters self-awareness and subsequently enhances their sensitivity toward unethical conduct, ultimately resulting in a left-wing generation.^[21] Unlike previous generations, who may have been mobilized by hostile campaigns, Gen Z tends to disengage when they perceive politics as divisive or disconnected from real social issues, as they seek reform over frivolous conflicts.^{[22][23]} Therefore, campaign strategies rooted in negativity, and ignorance of social problems, are factors that heavily

[16] Mohamed Buheji, "How is Gaza Inspiring Gen-Z and Changing their Mindsets?," 2024. International Journal of Social Sciences Research and Development (IJSSRD) 6 (01): 2. https://lib-index.com/index.php/IJSSRD/article/view/IJSSRD_06_01_001.

[17] Buheji, "How is Gaza Inspiring Gen-Z and Changing their Mindsets?," 13.

[18] Parmelee et al., "Personalization of Politicians on Instagram," 1775, 1771.

[19] Blais et al. "Duty to Vote," 336.

[20] Kristian Niemietz, "Left Turn Ahead: Surveying Attitudes of Young People Towards Capitalism and Socialism". Institute of Economic Affairs Monographs No. 81 (2021): 50, <https://doi.org/10.2139/ssrn.3893595>.

[21] Niemietz, "Left Turn Ahead," 67.

[22] Parmelee et al., "Personalization of Politicians on Instagram," 1782.

[23] Corrine Hofmann, "How Generation Z Canceled the United States Government: An Analysis of Trust," Politics Honors Papers. 17 (2024). https://digitalcommons.ursinus.edu/pol_hon/17.

contribute to the absence of young people in the political world. This is not to suggest that Generation Z is completely absent, as there are certainly select avid participants, however, the frequent misalignment in values between politicians and today's youth does not create the desire to be a regular voter. So, while an especially important or controversial campaign could pique the interest of youth, and therefore pique the interest of their social network, youth may instead be further deterred from politics as a whole.^[24] Even so, politicians must break this intergenerational detachment and act to authentically address pressing social issues in the media to cater to young adults today, in order to create regular voters for the future.

It is stated that individuals with access to empowering channels are more likely to vote as they connect to and engage with a community.^[25] This applies heavily to Generation Z, as young people can be easily influenced, and are also in the stage of maturing that creates a sense of belonging and identity.^[26] Meanwhile, social media provides instant access and connection to communities and other people. Given that an individual in one's social network is eager to vote or passionate about politics, this hyper-

connection could indeed foster the same inclination in others.^[28] Opposingly, it is theorized that compared to previous generations, Gen Z's familiarity with media and similar technologies has ameliorated their ability to detect and dispel fake news.^[29] So, although social media could surely foster an inclination to participate in an upcoming election, the threat to the circulation of legitimate information and properly informed voting has yet to be fully examined. As the rest of Generation Z reaches voting age, it remains to be seen whether their heightened digital engagement will translate into increased voter turnout or if misinformation and political disengagement will counteract this potential.

Regular Voters

A general issue surrounding voter turnout is the number of regular voters or in other words, individuals who vote at nearly every election.^[30] With many marginal voters, meaning those who vote at select elections, and non-voters, a true representation of the eligible voter pool can never be attained.^[31] It has been proven that the majority of marginal voters and non-voters possess left-leaning political ideologies.^[32]

[24] Rizwan Tariq and Fatima Zeib, "Political Empowerment Among Young Voters: Social Media, Partisanship and the Moderating Role of Political Interest," *Comunicar* 31, no. 74 (2023): 104, <https://doi.org/10.3916/c74-2023-08>.

[25] *Ibid*, 104.

[26] Klecka, "Applying Political Generations to the Study of Political Behavior," 358.

[28] Kostelka and Blais, "Generational and Institutional Sources," 633.

[29] Buheji, "How is Gaza Inspiring Gen-Z and Changing their Mindsets?," 10.

[30] Anthony Fowler, "Regular Voters, Marginal Voters and the Electoral Effects of Turnout," *Political Science Research and Methods* 3, no. 2 (2015): 210, <https://doi.org/10.1017/psrm.2015.18>.

[31] Fowler, "Effects of Turnout," 210.

[32] Fowler, 208.

Similarly, several studies have shown that Generation Z tends to hold primarily left-wing values.^{[33],[34],[35]} Therefore, it must be assumed that most young individuals are likely to fall into this pattern of low voter turnout. Furthermore, given that deterrence from voting and politics is often enhanced by the media, the pool of leftist irregular voters will likely expand.

This is problematic when considering the oversaturation of right-winged individuals in the pool of regular voters and its influence on an accurately represented electorate.^[36] Aside from the obvious democratic concerns, a disproportionate turnout could sway results, and inevitably cause further political dissatisfaction and a further lack of participation.

Electoral Systems - Simplicity and Civility

As decreasing voter turnout has been established to be significantly problematic, run-off elections and ballot simplicity may be to blame.^{[37],[38]} By observing the negative shift in voter turnout when electoral systems pose added steps or inconveniences such as

[33] Parmelee et al., "Personalization of Politicians on Instagram," 1778.

[34] Niemietz, "Left Turn Ahead," 11.

[35] Keir Milburn, *Generation Left* John Wiley & Sons, 2019.

[36] Fowler, "Effects of Turnout," 205.

[37] Bryan Dettrey, and Leslie A. Schwint-Bayer. "Voter Turnout in Presidential Democracies" *Comparative Political Studies* 42, no. 10 (2009): 1317. <https://doi.org/10.1177/0010414009332125>.

[38] Andrew Reynolds, Marco Steenbergen, "How the world votes: The political consequences of ballot design, innovation and manipulation," *Electoral Studies*, Vol 25, Issue 3 (2006): 589, <https://doi.org/10.1016/j.electstud.2005.06.009>.

[39] Jeremy Rose, "Primary Runoff Elections and Decline in Voter Turnout, 1994-2022," (2022). <https://fairvote.org/report/primary-runoffs-report-2022/>.

[40] Ibid.

[41] Amelia Hassoun et al., "Practicing Information Sensibility: How Gen Z Engages with Online Information," 12.

[42] Alistair Clark. "The Effects of Electoral Reform on Party Campaigns, Voters, and Party Systems at the Local Level: From Single Member Plurality to the Single Transferable Vote in Scotland," *Local Government Studies* 47, no. 1 (2020): 88. <https://doi.org/10.1080/03003930.2020.1816544>.

complicated ballot layouts, the effects of institutional influence are clearly outlined. One example includes the regularly scheduled primary runoffs in the U.S House and U.S. Senate from 1994 to 2022, where voter turnout faced a median 40% decline after the first round of voting.^[39] Since eligible voters are more inclined to participate when the electoral process is simplistic, multiple opinions on a ballot and lengthy run-offs are least ideal.^[40] When considering the maturity levels of Generation Z as well, it is unlikely that they would want to engage in a multi-step process.^[41] This demonstrates how seemingly minor issues within political institutions can significantly alter the accurate representation of the eligible voter pool. In turn, more simplistic electoral systems that do not require a second or third round of voting have resulted in increased voter turnout.^[42]

Since the simplicity in structure, and decorum among actors are both important aspects in determining voter turnout, a system that takes both factors into account must be most effective. The single

transferable vote (STV) embodies both simplicity and civility, as one casts a single ballot with no run-off voting, and a decrease in party competition allows for a less hostile nature.^[43] This can be seen through the few countries that use this system, but most notably at a local level in 2007 Scotland, as the recent reform allows for a modern comparative analysis of the two systems.^[44] Given the decrease in conflict between actors, an increase in voter turnout occurred, ultimately proving the theory that negative campaign strategies deter voters.^[45] Although a few complications arose due to the new ballot structure, it is not to discredit the simplicity of the STV system, as turnout remained high in following years, and ballot rejections lessened.^[46]

Conclusion

Voter turnout can be influenced by many factors, both demographic and institutional. As factors such as age, race, education, and socioeconomic status are all influential, the influence of factors such as media and ballot structure are not diminished. By analyzing how age and generation work together to determine political engagement and opinions, the unique collective and political characteristics of Generation Z can be defined. Then, by examining how young adults interact with different forms of media and misinformation, the unlikelihood of becoming

a regular voter is addressed. Followed by the importance of civility and simplicity in politics through the connections of previous topics and real-world situations, a final conclusion may be drawn. The low voter turnout of Generation Z is indeed impacted by modern political institutions, as flaws such as widespread misinformation, normalized hostility between oppositions, and complicated and confusing electoral procedures, have painted a negative image of politics in the minds of youth. Perhaps by addressing these systemic challenges and developing a culture of transparency, partnership, and education, Generation Z will be more inclined to participate.

[43] Ibid, 88, 92.

[44] Ibid, 82.

[45] John H. Parmelee et al., "Personalization of Politicians on Instagram," 1781.

[46] Clark. "The Effects of Electoral Reform on Party Campaigns," 89.

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A Basic Overview of Interoperability as a Remedy for Digital Social Platforms

Jaskaran Aklia

Introduction

Digital platforms are increasingly subject to antitrust scrutiny by US and European regulators.^[1] This comes as no surprise: the largest digital platforms exhibit a level of dominance that seems insurmountable. Core to these trends are the special barriers of entry that digital platforms are particularly sensitive to, namely, network effects. These effects—where each new user amplifies the platform’s overall value—have resulted in “winner-take-all” outcomes that stifle competition, even when those rivals might offer superior technology.^[2] Traditional antitrust remedies such as divestitures and behavioral constraints may mitigate some aspects of dominant platform power, but they do not directly address the core problem of network effects.^[3] Interoperability, by contrast, offers a targeted strategy to neutralize these barriers: if platforms are required to share their user bases and features with competitors through open standards, the competitive playing field can

be leveled.^[4] This paper explores a broad overview of network effects, an introduction to interoperability, and how interoperability can serve as a meaningful remedy for digital platforms’ network-effect-driven dominance.

Traditional Remedies Fail to Address Network Effects

Among the slew of entry barriers that digital platforms benefit from, network effects are the most potent. Network effects describe the phenomena where the value of a given network increases with each marginal user.^[5] The more users a network has, the higher its value relative to other networks. To illustrate, imagine a potential user choosing between Instagram or a given general photo-sharing platform, Z. In this case, Instagram commands a user base of over two billion while platform Z has a user base several orders of magnitude smaller.^[6] Instagram’s user base is likely to capture the vast majority of the potential user’s friends, family, colleagues, and public persons of

^[1] Sorkin, Andrew Ross, Ravi Mattu, Bernhard Warner, Sarah Kessler, Michael J. de la Merced, Lauren Hirsch, and Ephrat Livni. 2024. “How Google’s Antitrust Defeat Might Transform Big Tech.” The New York Times, August 6, 2024, sec. Business. <https://www.nytimes.com/2024/08/06/business/dealbook/google-antitrust-tech.html>

^[2] Subcommittee on Antitrust, Commercial, and Administrative Law of the Committee on the Judiciary. 2019. “Investigation of Competition in Digital Markets.” U.S. House of Representatives.

^[3] Scott Morton, Fiona M., and Michael Kades. 2021. “Interoperability as a Competition Remedy for Digital Networks.” SSRN Scholarly Paper. Rochester, NY: Social Science Research Network.

^[4] Ibid.

^[5] Supra note 2

^[6] Brian Dean. 2025. “Instagram Users: How Many People Use Instagram in 2024?” Backlinko

interest, whereas Z will only cover a fraction. This discrepancy creates obvious complications for user experience on platform Z. These range from reduced content variety as fewer users result in less diverse and regularly uploaded content; weaker economic value due to lower advertising, monetization, and promotion capacity; decreased social capital, since users gain fewer opportunities for building influence and reputation; and immense relationship costs due to fewer meaningful and personal user interactions.^[7] Of course, one may argue that potential users may prioritize other qualities when picking platforms such as feature-richness and ease of use. However, the literature has consistently found that network externalities are a decisive factor when consumers choose which platforms to participate in, or at the very least, one of the most important factors that influence all others.^[8]

Network effects create strong barriers to entry which cannot be easily beat. Entrants seemingly require an already established base of users to overcome the advantages enjoyed by incumbents. Without such a base, the marginal user is likely to continue joining larger platforms, perpetuating the concentration of network externalities and the incumbent's dominant power. This creates a scenario where entrants fail due to reasons entirely unrelated to the merit of the

technology they offer. Indeed, it is possible that entrants may offer a flatly superior product to the incumbents and still fail. For regulators, this creates challenges as firms may reconsider joining the market potentially harming entry, innovation, long-term competitiveness, and consumer welfare. Only under extraordinary circumstances are firms able to overcome these barriers. Consider how Zoom's ascendance seems implausible without a black swan in the form of the pandemic while Bluesky's growth can be uniquely traced to the bizarre acquisition of Twitter by Elon Musk. If liability is found, the remedy to restore competition is not immediately obvious.^[9] Traditional remedies employed by the court may not be suited for digital markets. Consider divesture: though it may succeed in reducing an incumbent's market power, network effects are likely to persist leaving marketplace competition unaltered. For example, if Meta were forced to divest from Facebook and Instagram, although Meta's market power in areas such as advertising would decrease, divesture would be unable to target the network externalities enjoyed by the platforms. In other words, Instagram and Facebook's userbases are likely to be left intact. In fact, divesture may cause consumers harm in the long term due to loss of integration and data sharing which improves critical technologies such as ranking algorithms.

^[7]Supra note 2

^[8]Martin Kauschinger, Albert Letner, Maximilian Schreieck, and Nils Urbach. 2022. "Individual Enterprise Social Network Adoption: The Influence of Perceived Network Externalities and Perceived Social Capital Advantage." In . https://www.researchgate.net/publication/356604857_Individual_Enterprise_Social_Network_Adoption_The_Influe

^[9]Guggenberger, Nikolas. 2020. "Essential Platforms." SSRN Scholarly Paper. Rochester, NY: Social Science Research Network. <https://doi.org/10.2139/ssrn.3703361>.

Behavioral remedies may similarly fail due to timing. Digital markets are prone to “tipping” whereby even small advantages in network size can be reinforcing and lead to a single firm’s dominance; this applies even if the market initially begins with a large number of competitors.^[10] This winner-take-all nature provides platforms with extraordinary motivation to innovate in new markets. The cost of losing market share in this early stage is detrimental to a platform. It could mean the market tipping in a competitor platform’s favor and losing out on monopoly rents. As such, these conditions also provide powerful incentives to practice anti-competitive conduct and limit nascent competitors through acquisition or exclusion to gain market share. During this time, regulators may not be fully appreciative or cognizant of anticompetitive behavior that is taking place. Indeed, by the time regulators recognize examples of anticompetitive behavior, the market is likely to have already tipped in favor of a single dominant firm. Consider for example how regulators did not show much resistance over Facebook’s acquisition of Instagram in 2012. Regulators did not fully understand Instagram’s nascent revenue

scheme or the full data harvesting capacity that Instagram could provide.^[11] ^[12]

“In terms of whether Instagram may have the potential to compete with Facebook’s photo sharing app for advertising revenue, one third party told the OFT that it does not consider that Instagram provides significant marketing opportunities. The commercial opportunities are limited because consumers take and upload photos, but do not spend a significant amount of time in the app. This limits its attractiveness to advertisers for two reasons. First, eyeballs are not on the app for a significant period of time and second, limited user data is captured.”^[13]

At the same time, Facebook’s internal documents painted an entirely different perspective on the threats posed by Instagram. Infamously, Mark Zuckerberg in a 2012 email notes how “Instagram could hurt [Facebook]”; He supplies the snowballing nature of network effects and their potential disruptiveness to Facebook’s core platform as one of the primary motivations for the acquisition.^[14] It is only just recently that regulators fully contextualized the gravity of the merger. Now that the markets have tipped, any

^[10] Supra note 3

^[11] “Anticipated Acquisition by Facebook Inc of Instagram Inc.” 2012. ME/5525/12. Office of Fair Trading (UK).

^[12] “FTC Closes Its Investigation Into Facebook’s Proposed Acquisition of Instagram Photo Sharing Program.” 2012. Federal Trade Commission (FTC).

<https://www.ftc.gov/news-events/news/press-releases/2012/08/ftc-closes-its-investigation-facebooks-proposed-acquisition-instagram-photo-sharing-program>.

^[13] Supra Note 11

^[14] Newton, Casey. 2020. “Instagram Can Hurt Us”: Mark Zuckerberg Emails Outline Plan to Neutralize Competitors.” The Verge. July 29, 2020. <https://www.theverge.com/2020/7/29/21345723/facebook-instagram-documents-emails-mark-zuckerberg-kevin-systrom-hearing>.

behavioral remedies that attempt to force the firm to curb potentially anti-competitive behavior such as serial acquisition simply come too late. Even if regulators were able to consistently capitalize on these leads, modifying acquisition criteria is likely only to reduce market power, leaving platform network externalities in place.

Interoperability is a Ubiquitous Standard and Remedy

Interoperability remedies are structured in such a way that makes them uniquely predisposed to restoring competition in digital platform markets. Interoperability remedies work by moving network externalities experienced by a single firm to potentially the entire market.^[15] In doing so, the most significant barrier to entry faced by nascent competitors is removed thereby promoting entry and competition.

Interoperability is not a foreign concept to consumers. Indeed, interoperability, which can be understood broadly as cross-compatibility, exists in all varieties of goods and services.^[16] Consider how users on different email providers, such as Outlook and Yahoo, are able to send and receive emails from one another. Or how users of different phone providers, such as Bell and Rogers, are able to forward and receive calls from one another. Even users playing select

video games like League of Legends on different operating systems, such as Windows and MacOS, are still able to load into the same game and play with one another. Similar practices extend to SMS, Bluetooth technology, payment networks, healthcare systems, and cellular providers. This is to say that consumers and producers alike are well acquainted with interoperable systems and benefit from them.

In the legal realm, interoperability is not a novel approach to remedy. Its implementation has a storied history from Terminal Railroad Association, where the US Supreme Court first introduced interoperability as a remedy over divestiture, to remedies applied against AT&T in the late 70s to early 80s.^[17],^[18] The structural remedies applied to AT&T is a case particularly apt to explore for our purposes. AT&T possessed a monopoly over regional and long-distance telephone networks. Analogous to digital platforms, telephone networks were subject to network effects where the value of the network increased with each additional user. AT&T leveraged its long-distance lines to pressure small independent networks to integrate under unfavorable terms or lose access to AT&T's long-distance infrastructure.^[19] Choosing to lose access to the long-distance lines would dramatically reduce the value of the local networks as they

^[15] Supra note 3

^[16] Staff in the Office of Technology and the Bureau of Competition. 2023. "Interoperability, Privacy, & Security." FTC Technology Blog (blog). December 21, 2023.

^[17] "The Breakup of 'Ma Bell' | Federal Judicial Center." n.d. Accessed March 16, 2025. <https://www.fjc.gov/history/spotlight-judicial-history/breakup-ma-bell>.

^[18] "United States v. Terminal Railroad Ass'n, 224 U.S. 383 (1912)." n.d. Justia Law. Accessed March 16, 2025. <https://supreme.justia.com/cases/federal/us/224/383/>.

^[19] Supra note 17

would be unable to communicate with the rest of the country. On the other hand, AT&T denied access to its regional lines from long-distance firms which effectively locked out entry into the market.^[20] One of these firms denied access, MCI, directly challenged AT&T's practices culminating in a lawsuit that forced AT&T to interconnect its regional lines at reasonable terms. This illustrates a clear example of the court lessening entry barriers through interoperable standards. Long-distance firms could now compete in the long-distance telephone market without requiring possession of an established regional line network. The scenario reads analogous to present-day digital platform firms that find it almost impossible to compete without possession of an existing user base. These themes later influenced the ultimate breakup of AT&T which saw the court mandate interoperable standards for the baby bells and long distance lines. Notably, this restructuring did not hinder innovation; metrics such as patent filings remained stable or even increased, indicating a healthy and competitive environment conducive to technological advancement.^[21]

Interoperability in Practice

Interoperable standards can be extended to digital platforms. The exact features of how interoperability will look in practice depend on the nature of the digital platform. For example, interoperability applied to

Google will differ from interoperability applied to a digital social platform. This paper will focus on a dynamic interoperability standard applied to Twitter. The intuition for how such a standard may look in practice is deceptively simple. In this case, a dynamic interoperability injunction would involve Twitter establishing access rights to its platform for competitors. Such a standard may allow competitors to receive and engage with tweets, likes, and follows. For example, if Meta's Threads adopted this standard, they would be able to like and comment on posts from Twitter using Threads' own platform. Likewise, users of Twitter would be able to engage with posts and creators from threads. Any platform that chooses to adopt the standard could similarly tap into Twitter's network of users (and all other platforms using the standard). Entrants need not concern themselves with network effects. The network externalities and the value they provided to users that were previously contained to a single platform now extend to all participants of the standard.^[22] As such, they no longer exist as a barrier of entry to nascent competitors so long as they choose to adopt the standard. Such a remedy would require very few resources compared to the physical infrastructure used to implement the court-ordered interconnections in MCI. Likewise, the upkeep cost would also be substantially lower for the firm compelled to develop such a standard.^[23]

^[20]Supra note 17

^[21]Schnitzer, Monika, Martin Watzinger, and Monika Schnitzer and Martin Watzinger. 2023. "How the AT&T Case Can Inform Big Tech Breakups." ProMarket (blog). February 20, 2023.

^[22]Hovenkamp, Herbert. 2023. "Antitrust Interoperability Remedies." Columbia Law Review Forum, January, 1.

^[23]Supra note 3

The feasibility of such a standard is not in question. The AT protocol by Bluesky, an interoperable standard that any platform can adopt, provides a commercially successful proof of concept. Still, even with the existence of the AT protocol, critical questions remain. One very foundational question involves determining what features would be core to the open standard. Basic features, such as text posts, follow like and share may be common to the standard as they form the basic backbone of microblogging platforms. However, whether features such as polls, pictures, gifs, or videos constitute a core feature of the standard would face more scrutiny. If too many features are loaded in, it's possible the dominant firm loses the incentive to innovate on the platform in fear that its technology will always be subsumed to the benefit of its competitors. There is also the management of enforcing this standard. If access to the standard is revoked, which dominant firms have every incentive to do on pretextual grounds, it may prove disastrous for competitors. It falls on the court to ensure that disputes and concerns raised by the standard participants can be resolved rapidly to prevent a dominant firm from weakening nascent competitors. Perhaps the most challenging question involves pricing. The courts must determine a fair cost for interconnection that does not chill investment and is not so high as to effectively deny entrants access.

Conclusion

Interoperability is uniquely suited to combat the entry barriers most prominently used by today's largest digital platforms. Whereas divestitures and late-arriving behavioral sanctions might reduce an incumbent's market power, they often leave the incumbent's entrenched network advantages intact, thus continuing to deter new entrants. Interoperability is able to redistribute these externalities to all firms thereby encouraging entry and competition. That said, questions of feature selection, enforcement mechanisms, and pricing fairness remain unsettled. Also, it cannot be understated that interoperability cannot alone introduce competition. Indeed, As Morton et al stress, it is much more likely that interoperability is a necessary but not sufficient requirement for restoring competition. As digital platform markets continue to evolve—and as courts and regulators grapple with competition concerns—these issues underscore the importance of crafting remedies that both promote vibrant market participation and preserve incentives to innovate.

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A Lockean Critique: Corporate Accountability and the Common Good

Nimrat Kalirai

Introduction

Corporate personhood is a legal concept that grants corporations rights similar to those of individuals, such as owning property, entering contracts, and participating in lawsuits. Despite enjoying these rights, corporations often evade accountability for their ethical obligations, particularly regarding their social, environmental, and economic impacts. In response to growing public demand for greater corporate accountability, the concept of corporate social responsibility (CSR) has emerged. CSR encourages corporations to consider their broader societal impacts, beyond profit maximization.^[1] However, it remains a voluntary framework with no legal enforcement.^[2]

This paper argues that, like individuals, corporations must bear ethical responsibilities. Drawing on John Locke's focus on the ethical duties of individuals as outlined in *Two Treatises of Civil Government*, I extend his principles—the responsible use of property, consent of the governed, and natural rights—to corporations. Using a case study of Nestlé, I will demonstrate how corporate practices

often fail to uphold these principles and, by extension, the goals of CSR. Specifically, I argue that corporations must: (1) use resources responsibly to prevent harm to communities and the environment, (2) secure society's consent to operate, and (3) respect the natural rights of all stakeholders, not just shareholders. I contend that CSR must evolve from a voluntary framework into a legally binding ethical obligation.

Before advancing with my argument, I must acknowledge that Locke's principles have historically supported capitalist systems that prioritize private property and individual rights. His emphasis on the right to property and the pursuit of self-interest has been used to justify capitalist practices, including the expansion of corporate power and even systems such as chattel slavery, where individuals were treated as property.^[3] Locke himself states, "The preservation of property being the end of government," suggesting that protecting property is the primary purpose of government.^[4] While these interpretations of Locke's work focus heavily on individual ownership and might seem to conflict with my argument that corporations should bear ethical

^[1] Jason Fernando, "Socially Responsible Investing (SRI)," Investopedia, March 6, 2024, <https://www.investopedia.com/socially-responsible-investing-4689738>.

^[2] *Ibid.*

^[3] John Locke, *Two Treatises of Government* (Standard Ebooks, 2025), 181.

^[4] *Ibid.*, 165.

responsibilities, his emphasis on the common good and the welfare of the commonwealth indicate otherwise. By expanding on his concept of the common good and emphasizing his principles of property rights, consent, and natural rights, I will demonstrate how Locke's philosophy can also support the emerging concept of CSR.

The remainder of this paper is structured as follows: First, I will examine Locke's concept of the common good and its relevance to CSR, particularly in challenging corporations' narrow focus on profit maximization. Next, I will apply Locke's principles to a case study of Nestlé in three parts: (1) I will analyze Nestlé's failure to use resources responsibly through the lens of his theory of property rights; (2) I will evaluate how his concept of consent applies to corporate operations, focusing on Nestlé's disregard for public opposition; and (3) I will explore Locke's notion of natural rights, highlighting how Nestlé failed to respect the natural rights of all its stakeholders. The paper will conclude by arguing that CSR must evolve from a voluntary initiative into a legally binding ethical framework, grounded in the outlined principles.

CSR and Locke's Concept of the Common Good

Nestlé, one of the world's largest food and beverage corporations, operates in over 190 countries and generates more than \$90 billion USD in annual revenue.^[5] In its pursuit of profit, growth, and market expansion, Nestlé often adopts a self-serving approach, prioritizing its own interests at the expense of broader societal well-being. For example, the company has faced criticism for its water extraction practices in areas with limited access to clean water, such as Flint, Michigan, where it has been accused of depleting local water resources.^[6] This instance highlights the tension between corporate interests and the welfare of local communities.^[7]

Locke's philosophy of the common good offers an alternative to this corporate self-interest. He argues that individuals are not isolated entities but integral parts of a larger social and political framework, which he calls the 'commonwealth.' By extension, I argue that this principle also applies to corporations. Locke asserts, "whatever form the commonwealth is under, the ruling power ought to govern by declared and received laws... for all the power the government has, being only for the good of society."^[8] In the corporate context, the commonwealth represents a community governed by laws designed to benefit all its members collectively. Central to Locke's

^[5] Nestlé, "At a Glance," Nestlé Global, 2025, accessed April 28, 2025, <https://www.nestle.com/about/overview>.

^[6] Ellison, "Why Nestle Pays Next to Nothing for Michigan Groundwater," MLive, December 23, 2016, https://www.mlive.com/news/2016/12/why_nestle_pays_next_to_nothin.html.

^[7] Trubek, "As Flint Suffers and Nestlé Prospering, Many Are Asking: Who Owns the Rights to Michigan Water?," Belt Magazine, June 14, 2018, <https://beltmag.com/flint-nestle-michigan-water-rights/>.

^[8] Locke, Two Treatises of Government, 165.

theory is the concept of the common good, which asserts that individual rights and freedoms must be balanced with the well-being of the broader community.^[9] He writes, “the power of the society or legislative constituted by them can never be supposed to extend farther than the common good.”^[10] Taking a Lockean approach, corporations like Nestlé are not self-contained, profit-driven entities; they are integral parts of society with obligations that extend beyond financial gain. Rather than focusing solely on profits, corporations must consider their social responsibilities and assess the collective impact of their actions on the well-being of the communities they serve. As influential social actors, corporations have a responsibility to operate in ways that align with the common good despite not being formal, governing bodies. They should act in ways that contribute to the common good, taking into account the social, economic, and ethical consequences of their decisions. In this sense, Locke’s concept of the common good serves as the foundation for CSR.

1. Responsible Resource Use

Locke’s theory of property rights provides a useful framework for evaluating the ethical implications of resource extraction, particularly in cases like Nestlé’s water extraction in Flint, Michigan. He stresses the responsible use of natural resources,^[9] Locke, 16.

^[10] Locke, 161.

^[11] Mary Ellen Geist, “Flint: Nestle to the Rescue?,” Great Lakes Now, May 29, 2018, <https://www.greatlakesnow.org/2018/05/flint-nestle-to-the-rescue/>.

^[12] Ibid.

^[13] Ibid.

^[14] Locke, Two Treatises of Civil Government. 116.

^[15] Geist, “Flint: Nestle to the Rescue?”

asserting that individuals should only appropriate resources if they can do so without causing harm to others or depleting the resource. Nestlé’s large-scale water extraction in Michigan, especially in the White Pine Springs area, violates this principle.^[11] In 2019, an environmental group estimated that Nestlé’s extraction could lower local water levels by nearly 80% during peak demand.^[12] This severe depletion threatens the water supply for local residents, farmers, and wildlife, all of whom rely on this vital resource for daily needs, agriculture, and ecosystem preservation.^[13]

Locke’s theory posits that property rights are earned through the mixing of labour with natural resources, as he writes, “he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property.”^[14] In this context, Nestlé’s extraction can be seen as the company mixing its labour with water, thus claiming ownership of it. However, Locke introduces important limitations on this right to ensure the welfare of others.

The first limitation is sufficiency.

Locke’s proviso states that individuals may only appropriate resources if “there is enough, and as good left in common for others.”^[15] Nestlé’s actions directly conflict with this proviso. By extracting large quantities of water from ecosystems already struggling with drought, the company leaves

insufficient resources for local communities and wildlife. The estimated 80% reduction in water levels during peak demand would have a significant negative impact on Flint's residents, who are already grappling with a degraded public water supply.^[16] Local communities are left with inadequate resources, which underscores the violation of Locke's sufficiency condition.

Locke also introduces the spoilage limitation, which prevents individuals from appropriating resources in a way that results in waste or renders them useless. He states, "as much as anyone can make use of any advantage of life before it spoils, so much he may by his labour fix a property in. Whatever is beyond this, is more than his share, and belongs to others."^[17] Nestlé's water extraction practices violate this limitation, given they are driven primarily by profit motives. The company takes more water than can be responsibly used or replenished.^[18] Without significant investments in sustainability or conservation efforts, Nestlé's practice of extracting water from Michigan's aquifers contributes to the depletion of this vital resource.^[19] Locke's principle stresses that individuals should not take more than they can use without waste or harm. In this regard, Nestlé's water

extraction practices exemplify a disregard for Locke's principles of responsible resource use. Nestlé's failure to ensure that its actions leave enough for others and its over-extraction of water without regard for long-term sustainability reflect a neglect of the ethical obligations that Locke's theory places on property rights.

2. Secure Society's Consent to Operate

Locke's concept of consent provides a valuable framework for evaluating the ethical legitimacy of corporate actions. In 2017, Nestlé faced significant public backlash for its extraction of large quantities of groundwater at its White Pine Springs well in Michigan.^[20] The water was extracted for the company's bottled water products, but local residents were especially concerned about the depletion of their community's water resources.^[21] Over 80,000 people opposed the extraction, while only 75 supported it.^[22] Despite this overwhelming opposition, Nestlé was granted permits to increase its extraction rate to 400 gallons per minute.^[23] The community argued that Nestlé was profiting from public resources without providing adequate benefits to the local population.^[24] In fact, many felt that the company's operations were exacerbating the

[16] Geist, "Flint: Nestle to the Rescue?"

[17] Locke, *Two Treatises of Civil Government*. 117.

[18] Michigan Radio, "Company Formerly Known as Nestle Drops Water Withdrawal Permit," Great Lakes Now, October 26, 2021, <https://www.greatlakesnow.org/2021/10/nestle-water-withdrawal-permit/>.

[19] Garret. Why Nestlé Pays Next to Nothing for Michigan Groundwater.

[20] CBS, "Michigan Conservationists Say Nestlé's Pumping of Well Water Unsustainable," CBS News, May 14, 2018, <https://www.cbsnews.com/news/michigan-conservationists-say-nestles-pumping-of-well-water-unsustainable/>.

[21] CBS. Michigan Conservationists Say Nestlé's Pumping of Well Water Unsustainable.

[22] CBS. Michigan Conservationists Say Nestlé's Pumping of Well Water Unsustainable.

[23] Michigan Radio, "Company Formerly Known as Nestle."

[24] CBS. Michigan Conservationists Say Nestlé's Pumping of Well Water Unsustainable.

scarcity of local water.^[25]

This situation raises crucial ethical questions, particularly in relation to Locke's theory of consent. He argues, "To make good his title in else consent of the people; which being the only one of all lawful governments".^[26] He contends that governments are only legitimate when they act in the best interests of the people they serve. This principle can be extended to corporations, which, like governments, must obtain a "social license to operate" from the communities they impact.^[27] By ignoring public opposition and proceeding with their water extraction plans, Nestlé violated this social contract and failed to secure the consent of the Flint, Michigan community. Moreover, Locke writes, "when they are hindered by any force from what is so necessary to the society ... the people have a right to remove it by force."^[28] He suggests that when a government acts contrary to the will of the people, it loses its legitimacy, and the people are justified in resisting or removing it. Applying this concept to corporations, we see that when a company disregards the needs and well-being of the community, it forfeits its legitimacy to operate. In cases like Nestlé's, this loss of legitimacy could justify efforts to halt the corporation's exploitative practices. Their actions demonstrate how corporations that prioritize profit over the common good violate Locke's principle of consent. By

^[25] CBS.

^[26] Locke, *Two Treatises of Civil Government*, 5.

^[27] Will Kenton, "Social License to Operate (SLO)," Investopedia, 2023, <https://www.investopedia.com/terms/s/social-license-slo.asp>.

^[28] Locke, *Two Treatises of Civil Government*. 172.

^[29] Locke, *Two Treatises of Civil Government*. 107.

exploiting local resources without the approval of the community, Nestlé not only ignored the welfare of the people but also damaged its ethical standing within the social contract. Consequently, Nestlé's legitimacy to operate in this context is questionable. Just as governments that betray the trust of their citizens risk being overthrown, corporations that exploit communities for profit must also face scrutiny and potential actions to halt their harmful practices.

3. Respect the Natural Rights of All Stakeholders

Locke argues that every individual is entitled to natural rights, which are essential for the well-being of society. He writes, "being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions."^[29] This statement asserts that individual rights are not only personal concerns but also collective responsibilities that are vital for the stability and well-being of the community. In the corporate world, this philosophy dictates that corporations must respect and protect the natural rights of all stakeholders—not just shareholders. This includes employees, consumers, and the communities affected by their operations.

Nestlé's water extraction practices in Michigan illustrate a violation of these natural rights. While it could be argued that Nestlé benefits its shareholders by generating

profit, providing wages to employees, and offering products to consumers, the company's extraction of water disregards the rights of the local community. The residents of Flint, Michigan depend on this water for their daily lives, yet Nestlé's large-scale extraction depletes a vital natural resource, limiting access to clean water for both people and wildlife. Here, Nestlé prioritizes the financial gain of a few over the fundamental rights of the broader community. Just as individuals must respect one another's rights for a harmonious society, corporations must uphold the rights of all stakeholders. By prioritizing profit above all else, Nestlé disregards this obligation, creating an imbalance between its interests and the well-being of the local community. In a society—or "commonwealth," as Locke describes it—corporations must protect the rights of all affected parties. This ensures that profit-seeking endeavors do not come at the expense of the common good or the well-being of others.

The Bottom Line

While Locke's principles have often been used to justify capitalist practices, this paper offers an alternative perspective. By applying Locke's ideas to corporate behaviour, it becomes evident that corporations, like individuals, must bear ethical responsibilities. The case of Nestlé's water extraction in Flint, Michigan, viewed through Locke's principles of responsible resource use, consent, and the protection of natural rights, underscores the need for corporations to consider their societal impact

rather than focusing solely on profit. As a result, CSR should evolve from a voluntary initiative into a legally binding ethical duty, ensuring that corporations act in the collective interest and fulfill their obligations to all stakeholders. Only by doing so can we create a sustainable corporate environment that balances corporate interests with the common good.

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Exploring the Ethical Implications of Organ Viability Challenges in Medical Assistance with Dying (MAiD) in Canada

Ali Razaq

Introduction

Medical Assistance in Dying (MAiD) is a legal process in Canada that allows for patients to request a doctor or nurse to end their life using medication in specific circumstances. MAiD presents several ethical, procedural and emotional challenges. The decision to undergo the procedure often represents a compassionate end to suffering. Organ donation for MAiD recipients can serve as a meaningful final gesture. However, the criteria used to determine eligibility can also result in most cases yielding organs unsuitable for transplantation. This can change with the expansion of MAiD for mental illnesses. Beyond health factors, there are several ethical, religious and moral criteria surrounding the donated organs. Subsequently, the inability to use donated organs can lead to a second loss for the donor's loved ones and potential recipients.

Medical and Ethical Challenges of Organ Viability in MAiD

Evaluating organ viability in MAiD cases must factor in the physical conditions of the donors and the physiological impact of the

dying process. Patients opting for MAiD suffer from terminal conditions which often indicate a possible compromise in the viability of their organs. In a recent study conducted by Weiss et al., Transplant Quebec received 245 referrals for donation after MAiD, but the conversion rate to donors was fewer than one third.^[1] The 2021 revision of the law changed MAiD's criteria, removing the requirement for a person's natural death to be 'reasonable foreseeability.'^[2] To qualify, individuals must be over 18, eligible for public healthcare, provide consent, have a serious and incurable illness, and be in an advanced state of irreversible decline with intolerable suffering.^[3] Due to these standards, MAiD recipients have serious illnesses, such as advanced cancers, neurodegenerative disorders, and other severe health issues which significantly deteriorate organ function. These illnesses can render donor's ineligible somewhere along the screening and donation process. Beyond the prior health condition of the donor, the procedure involved in MAiD can contribute to organ viability issues. Some procedures can reduce

^[1] Matthew J Weiss et al., "Organ Donation after Medical Assistance in Dying: A Descriptive Study from 2018 to 2022 in Quebec," Canadian Medical Association Journal 196, no. 3 (January 28, 2024): E79–84, <https://doi.org/10.1503/cmaj.230883>.

^[2] Government of Canada, "Canada's New Medical Assistance in Dying (MAiD) Law," www.justice.gc.ca, March 17, 2021, <https://www.justice.gc.ca/eng/cj-jp/ad-am/bk-di.html#s1>.

^[3] Government of Canada, "Canada's New Medical Assistance in Dying (MAiD) Law."

oxygen flow or cause anoxic stress. This can compromise the organs' health. A study conducted in the Netherlands, mentions how the environmental and procedural steps, such as monitoring the patient using an arterial line, can help prevent ischemic damage to the organs.^[4] Taking precautionary steps to prevent damage can promote turnover rates.

^[5] Majority of the organs donated lack viability, making MAiD donations unlikely to solve the organ shortage issues facing Canadians.^[6] However, the introduction of MAiD for mental illnesses raises the question of whether it could help address the organ shortage while upholding individuals' autonomy over their bodies.

Impact on Donor Families and Psychological Considerations

MaID can be difficult for individuals and families to navigate. It marks an end of a battle with physical and/or mental illnesses. Within this challenging period, organ donation can serve as a sense of purpose and closure. For some, it can serve as a final gift to the world. However, if organs from a MAiD donor are deemed unsuitable for transplant, families can experience a second loss. This only causes further feelings of grief as the final gift of donation is unfulfilled.

The inability to carry out a loved one's last wish can leave families with lingering emotions of disappointment and distress.

Legal Framework Governing MAiD and Organ Donation

As discussed, many current MAiD recipients are ineligible to donate due to pre-existing physical conditions. This raises the question of whether MAiD should be extended to individuals with mental illnesses. Their organs are likely significantly more viable for donation. This raises ethical concerns regarding their autonomy. Currently, the Canadian government has delayed expansion until March 17, 2027. As per section 7 of The Canadian Charter of Rights and Freedoms, every person has the right to make decisions about their own lives and bodies^[7]. However, mental illnesses can impair judgment and decision-making capacity. Section 241.2 of the Criminal Code specifies that individuals requesting MAiD, must be fully capable of making health-related decisions^[8]. This requires balancing an individual's constitutional rights, with determining what is in the patient's best interest. Vulnerable individuals may feel pressured to opt for MAiD due to societal stigmas surrounding mental illnesses or a perceived burden on their families.

^[4] Nathalie van Dijk et al., "Organ Donation after Euthanasia in Patients Suffering from Psychiatric Disorders: 10 Years of Preliminary Experiences in the Netherlands," *Transplant International* 36 (February 9, 2023), <https://doi.org/10.3389/ti.2023.10934>.

^[5] *Ibid.*

^[6] *Ibid.*

^[7] Legislative Services Branch, "Constitution Acts, 1867 to 1982," Justice.gc.ca, 1982, <https://laws-lois.justice.gc.ca/eng/Const/page-15.html>.

^[8] Government of Canada, "Criminal Code," Justice.gc.ca (Government of Canada, 1985), <https://laws-lois.justice.gc.ca/eng/acts/C-46/>.

Cognitive and Decision-Making Capacity in MAiD Requests

A study conducted by Van Vuren et al., with 8,499 participants found that while some individuals who experience suicidal thoughts and behaviors (STBs) may see their condition worsen over a period of two years; the majority (about 70%) no longer reported STBs at follow-up.^[9] This suggests that suicidal thoughts may be temporary, and some individuals can move away from them over time.^[10] It's a reminder of the importance of support and compassionate care for those navigating mental health challenges. Ensuring that their decisions are genuinely voluntary and in good conscience presents a complex ethical challenge requiring revisions in the legislature.

Accessing capacity in an individual with a mental illness can be difficult. Mental health conditions may potentially affect cognitive ability, leaving patients in a state where they may not truly grasp the consequences of their actions. Research conducted by Benke et al. found that some individuals who suffer from schizophrenia or depression have deficits in their ability to make decisions.^[11] These impairments are

linked to cognitive inflexibility and emotional dysregulation, which can cause poor judgment and impulsive behaviour.^[12] For instance, the study highlights that patients with schizophrenia are often myopic, seeking immediate rewards, unforeseen long term consequences.^[13] An analogous impairment can be seen for patients with depression, where they are likely to avoid decision-making entirely, due to chronic pessimism and a lack of motivation.^[14] This raises concerns about their eligibility.

Policy and Safeguards

The process of determining whether an individual can make a rational decision regarding MAiD must be robust, involving mental health professionals and legal safeguards, to prevent premature decisions during acute episodes. As mentioned in a review paper written in Canada, it is difficult to predict whether mental illnesses can be irremediable.^[15] Potential requirements for MAiD for mental illnesses may include two comprehensive psychiatric evaluations, a cognitive function assessment, an assessment of suffering, risk assessment for coercion,

^[9] Cornelia Leontine van Vuuren et al., "Are Suicidal Thoughts and Behaviors a Temporary Phenomenon in Early Adolescence?," *Crisis*, March 31, 2020, 1–4, <https://doi.org/10.1027/0227-5910/a000680>.

^[10] *Ibid.*, 1–4

^[11] Theresa Benke et al., "Decision Making under Risk in Patients Suffering from Schizophrenia or Depression," *Brain Sciences* 11, no. 9 (September 7, 2021): 1178, <https://doi.org/10.3390/brainsci11091178>.

^[12] *Ibid.*

^[13] *Ibid.*

^[14] *Ibid.*

^[15] Justine Dembo, Udo Schuklenk, and Jonathan Reggler, "'For Their Own Good': A Response to Popular Arguments against Permitting Medical Assistance in Dying (MAID) Where Mental Illness Is the Sole Underlying Condition," *The Canadian Journal of Psychiatry* 63, no. 7 (April 10, 2018): 451–56, <https://doi.org/10.1177/0706743718766055>.

and clear written directions.^[16] An issue that arises with imposing various conditions to become eligible for MAiD is that individuals may end their lives without meeting established criteria.^[17] This situation would not only undermine the safeguards intended to protect the interests of patients but also eliminate the possibility of organ and tissue donation. Ultimately, this would lead to unnecessary loss of life and a failure of the healthcare system.

Societal and Systemic Impacts of Expanding MAiD

Seemingly allowing individuals with mental illnesses to access MAiD and then donate their organs can address suffering and enhance organ availability. As of December 31, 2023, over 3,427 Canadians were on waitlists seeking organ transplants.^[18] MAiD for mental illnesses could save multiple lives for others. The ability to donate organs can also provide individuals with a sense of purpose and dignity. It may also serve as closure to family members.

Conclusion

Whether MAiD for mental illnesses would be in the best interest of Canadians, hinges on underlying values with regards to life and preventing suffering. Some people may argue that alleviating intolerable

suffering is a compassionate response. Others may see it as a dangerous precedent that devalues life. Ultimately, integrating MAiD or mental illnesses may shift societal attitudes towards mental health and can create harmful stereotypes. It can also lead to decreased support and demand for mental health resources and treatment. Since access to mental health care varies widely across different regions and populations in Canada, adapting MAiD can fuel social inequalities. Affluent regions and well-funded urban areas have greater mental health support, while economically disadvantaged communities may lack these resources. This leaves vulnerable individuals with fewer alternatives, increasing their likelihood of seeking MAiD. Beyond individual circumstances, the broader implications include shifts in the perception of the healthcare system and the government. Perception of a lack of priorities and fear can create more harm than good, especially for the organ donation system. Building a system that is transparent, has strong safeguards and always has alternative treatments is vital. Recent advancements in telemedicine, online therapy, and artificial intelligence-based therapy models must be thoroughly explored and implemented prior to continuing the expansion of MAiD.

^[16] Justine Dembo, Udo Schuklenk, and Jonathan Reggler, “Decision Making under Risk in Patients Suffering from Schizophrenia or Depression,” 451–56.

^[17] Justine Dembo, Udo Schuklenk, and Jonathan Reggler, 451–56.

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