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PAIDEIA

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VOLUME 7, 2020



CAL POLY
Political Science
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PAIDEIA

JOURNAL OF POLITICAL SCIENCE

Volume 7
Spring 2020

*California Polytechnic State University
San Luis Obispo*



Not pictured: Mikayla Regier

It is my honor to welcome you to Volume 7 of Paideia. The seventh edition of Paideia continues its mission of showcasing excellent academic and professional work done by Cal Poly students and alumni. As always, the journal aims to reflect the diversity of our political science students' knowledge and intellectual curiosities.

It is also Paideia's goal to spark discussion on pressing political problems. This year, we took extra care to ensure that our students' articles tackled contemporary issues and challenged conventional notions about them. As you read on a wide range of political issues — energy and the environment, identity and values, technological surveillance, gender inequalities, and more — we hope that you feel engaged and develop a broader perspective on the complex challenges we face. We also hope you enjoy the Alumni Spotlights section, which highlights the achievements of Cal Poly political science graduates.

Volume 7 will be accessible by print and on the Kennedy Library's Digital Commons. It is our hope that by making the journal available online, we will contribute to academic work across the globe.

The Paideia team and I are delighted to serve Cal Poly San Luis Obispo's Political Science department and thank you for taking the time to explore Volume 7 of Paideia.

Ethan Gunnlaugsson
Executive Editor

California Polytechnic State University, San Luis Obispo

Published in the United States of America
by the Cal Poly Political Science Department
1 Grand Avenue, Building 47, Office 14
San Luis Obispo, CA 93407
<http://politicalscience.calpoly.edu/>

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The Future of Climate Change in the Supreme Court

Lauren Carrasco and Eireann O'Grady

Edited by Ethan Gunnlaugsson

Introduction

According to a Pew Research Center study conducted in late 2019, 60% of Americans are worried about climate change and consider it a major threat to the nation's well-being.¹ 62% see the effects of climate change in their own cities or communities.² These numbers also don't reflect the views of people below the age of 18, who will be voting and participating more in civic discourse in the coming years, and who are predictably going to be even more concerned about the issue of climate change. So, people are worried, and they understand it is a problem, but what do they think should be done?

¹ Funk, Cary, and Brian Kennedy. "How Americans See Climate Change and the Environment in 7 Charts," April 21, 2020

² Hefferon, Meg. "Most Americans Say Climate Change Impacts Their Community, but Effects Vary by Region." Pew Research Center. Pew Research Center, December 2, 2019

In another study done around the same time it was found that about two thirds of Americans blame the federal government for its inaction on the issue and call for them to start doing things quickly. American headlines and constituents constantly criticize the president and congress for their inaction on climate change, but they often leave out one of the three branches in their critique: the judiciary, particularly the Supreme Court. The Supreme Court is not an obvious option for climate change activists, but the court also didn't seem like an obvious avenue for massive change in education reform, marriage equality, or campaign finance laws. As more and more people look to the government to address climate change, it will be interesting to see the judicial branch's involvement, if there is any at all. This makes us pose the question: In consideration of principles cited in previous Supreme Court decisions, how will the Supreme Court rule on future cases relating to environmental degradation?

To attempt to answer this question we will first explain varying views on how the Constitution should be interpreted and the extent of power of the Supreme Court. We will then discuss past cases from the last 50 years that the court has heard about natural resources to hopefully gain some insight as to how the court might rule in the future when these cases inevitably come back up. From an analysis of these cases, we will pull main concepts and recurring themes from the case's majority opinions to gain insight into how the Court might rule in future cases.

The Role of the Judiciary and Judicial Interpretation

To understand both what the Supreme Court is thought to be instructed to do and how the Constitution directs its decisions is up for interpretation. Article III of the Constitution outlines the judicial system and the powers vested in the Supreme Court, specifically. Unproblematically, it says that there will be the Supreme Court and other lower courts that Congress can establish in which judges that sit on them are to continue doing so as long as they are behaving well. The Supreme Court is to have original jurisdiction with cases regarding ambassadors, consuls, and other public ministers and cases in which states are

a party. Additionally, it will have appellate jurisdiction over other cases because of an 1803 case called *Marbury v. Madison*, which established judicial review.¹ However, how far that power goes and to what extent it can get involved in the workings of the other two branches of federal government is very much up to debate.

The sides of the debate as to the extent of judicial power and the way to read the constitution fall into a few different categories. While it might seem straightforward, the nature of this branch is that its decisions are based on interpretation and there are few instances when the answer is obvious. This in theory allows for change and modernity as we progress as a country in all sorts of ways, such as technologically, in terms of population, or in responding to new crises. There are a few theories that are pertinent to the issue of constitutional interpretation for the Supreme Court. These will provide us with a theoretical framework to go about discussing the issue of climate change cases in the Supreme Court.

One way that people interpret the Supreme Court is through originalism. Originalism refers to the idea that the constitution was written to be interpreted exactly. There is a fixed meaning of the document, and therefore, questions that come up before the Supreme Court should apply the text of the constitution directly.² Textualism is a form of originalism that many justices and scholars have adhered to. It is very similar to originalism, but it goes a step further to ask its adherents to try to make law today as closely aligned with what the constitution says. The debates that arise among textualists and originalists have to do with the meaning of such words but do not consider the intent of the words that were written. It is because of this that they differ from intentionalism, another form of originalism. Intentionalists seek to find out how the people who wrote the Constitution intended their writings to be interpreted. Debates about

¹ *Marbury v. Madison* (United States Supreme Court February 24, 1803).

² Linder, Doug. "Theories of Constitutional Interpretation." *Theories of Constitutional Interpretation*

intention are complicated because we are unable to know exactly what they meant with each word they used, so it looks to trends and values that are weaved throughout the Constitution to determine intent.

On the other side of constitutional interpretation are non-originalism theories. These theories usually claim that the Constitution was intended to be a living document that contains plenty of opportunities for interpretations and diversions from what might traditionally be assumed to be true about the founders' reasoning. One type of non-originalism is pragmatism. Pragmatists lend much more weight to precedent and past decisions than originalists do and also sometimes support decisions that might seem 'wrong' in order to promote the common good or stability.³ Another theory is the natural law doctrine. This claims that the constitution and decisions are inconsistent and that instead we should focus on higher moral law to direct decisions.⁴

It might seem unnecessary to discuss the different ways people interpret the constitution if we are just focusing on how the Supreme Court will make decisions, but we can get good information and analysis from these theories. If we believe in textualism, then maybe we might argue that the Supreme Court should have nothing to do with climate change, as it is never mentioned explicitly in the constitution. If we think the constitution should be interpreted as an embodiment of values, then how do we decide which values to prioritize when making decisions about climate change policy. If one considers themselves as an intentionalist, how can we interpret the decisions and opinions of the founding fathers if they did not deal with issues like climate change? The point is, depending on how you look at the constitution, and therefore how you think the Supreme Court should make decisions, your view on how they ought to deal with an issue like climate change will be different. Because of the nature of climate change, in that it is a newly understood issue, it is probably most

3 Cross, Frank B. "The Theory and Practice of Statutory Interpretation in the Supreme Court" Essay. In *The Theory and Practice of Statutory Interpretation in the Supreme Court*, Stanford University Press, 2008.

4 Op. cit fn. 3

likely that if the Supreme Court is to make any decisions about it, it will come from a non-originalist perspective. We will analyze it as such.

History of Environmental Issues in the Supreme Court

Chevron U.S.A. Inc v. Natural Resources Defense Council, Inc 467 US 837 (1984)⁵

In 1984, the Court made a ruling regarding the Clean Air Act. The Clean Air Act of 1963 (CAA) intended to improve air quality nationwide by giving the federal government, via the EPA, the ability to regulate both stationary and mobile sources of air pollution. One power the EPA has under the CAA is the ability to set National Ambient Air Quality Standards (NAAQS). The CAA and later amendments, specifically amendments made in 1977, made it so states that did not meet these standards had to implement a plan in which plants had to apply for permits if they wanted to either create a new stationary source of pollution or change a current one. The EPA, who was in charge of implementing and monitoring this change, made it so plants were treated as a bubble: if a plant wanted to change a current source or add a new source, they only had to apply for a permit if the action was going to increase their total amount of pollution. The permitting process was quite stringent when a plant was going to increase their total pollution.

The Natural Resources Defense Council (NRDC) argued that this idea on behalf of the EPA was hypocritical as the intention of the Clean Air Act was to improve air quality by playing a more active role in the pollution process, so leaving it up to individual plants seemed counterintuitive. They wanted all new changes and added sources to go through the same process as if it was going to increase pollution. They believed this for a number of reasons, but they focused on how this would give individual plants too much control over their pollution and it would end up weakening the CAA.

5 *Chevron U.S.A. Inc v. Natural Resources Defense Council, Inc* (United States Supreme Court June 25, 1984).

When the Supreme Court got the case, it was tasked with answering the question as to whether the EPA interpreted the CAA correctly in implementing this policy. Specifically, whether or not it interpreted the term “stationary source” properly, as before then, stationary source was meant to define individual sources even within one plant. The Supreme Court had to determine if the EPA’s definition was a “permissible construction” because Congress had not discussed the bubble concept in its legislation. In the unanimous decision in favor of the EPA’s definition, Justice Stevens argued that because of the lack of legislative history, it seemed as if the EPA’s construction of the meaning of stationary source was permissible. The legislative history that Stevens did take into account was the fact that throughout the deliberations and actual text of the CAA, congress made sure to balance environmental and economic concerns. Congress did want to improve the air quality in the U.S. for a number of reasons, but it did not believe that meant that business had to suffer. That, in combination with the fact that Congress did not define “stationary source” to be very restrictive, which implied that it wanted it to be open to interpretation, meant that the EPA’s decision was permissible under the CAA.

Solid Waste Agency of Northern Cook County (SWANCC) v. United States Army Corps of Engineers 531 US 159 (2001)⁶

SWANCC v. United States Army Corps of Engineers began when SWANCC, an agency in charge of waste disposal in a county in Illinois, chose an abandoned gravel and sand pit as a new solid waste disposal site. This abandoned site had become home to some ponds that birds would permanently or seasonally visit. They knew they would have to fill in these ponds, so they reached out to the Army Corps of Engineers, who were in charge of issuing permits of this sort through the Clean Water Act (CWA). At the time, the CWA regulated ‘navigable waters,’ which it defined as waters of the United States and included intrastate waters when they would affect interstate commerce. The

Army Corps asserted their power because of the Migratory Bird Rule which they interpret to mean they can regulate intrastate waters that are the home to migratory birds because they may travel to other states and therefore affect interstate commerce. The Army Corps gets this from section 404(a) of the Act in which they are granted power to issue permits for projects in which dredged or fill material will be discharged into waters of the United States. The District Court sided with the Army Corps after they denied the permit. The Seventh Circuit court also sided with the Army Corps because the Commerce Clause allowed for Congress, in this case via the CWA, to regulate intrastate waters. The Supreme Court granted certiorari.

The Supreme Court disagreed with both lower courts and reversed in favor of SWANCC. Justice Rehnquist wrote the majority opinion. He said that when Congress passed the CWA they intended to maintain and restore America’s water, but within the Act they preserved the rights of states to deal with some of the efforts to do so. In other words, Congress thought states should continue to play the role as protectors of the waters within their state lines. Furthermore, Rehnquist writes that even though the money generated by bird watching and hunting might include migratory birds and people traveling across state lines, the Migratory Bird Rule exceeds the authority granted by the CWA. SWANCC attempted to alleviate their impact by offering alternatives for these seasonal birds, but it was still rejected by the Army Corps even though both local and state officials allowed it. While Rehnquist does not answer the question directly as to whether or not Congress has the right to write something like the Migratory Bird Rule because they find that the Army Corps misinterpreted the CWA, he does discuss the Commerce Clause at the end of the court’s opinion. He reiterates, as the Court has in the past, that the Commerce Clause is not unlimited and states still deserve control of things like seasonal ponds that host migratory birds that all occur within their borders.

⁶ Solid Waste Agency of Northern Cook County (SWANCC) v. United States Army Corps of Engineers (United States Supreme Court January 9, 2001).

*Rapanos v. United States 547 US 715 (2006)*⁷

This case is complicated because there was not a majority of justices that agreed on the reasoning behind their decision to form a majority opinion that then provides legal precedent. However, the plurality and dissenting opinions do bring up important and interesting concepts that might give us insight into the court's thoughts on climate change in the future. In 2006, the term 'navigable waters,' which the federal government was granted authority to protect because of the Clean Water Act, was defined as "waters of the United States." These waters can be regulated by the government under the CWA to restore and maintain their integrity. The Army Corps of Engineers was in charge of issuing permits if one wanted to discharge dredged or filled material into these navigable waters. This case began when John Rapanos filled in some wetlands on his property in Michigan. He did this without a permit, so the Army Corps of Engineers sued him. The district and appellate court sided with the Army Corps, citing the fact that their definition of navigable waters included wetlands like that on Rapanos's property, so he did not have the right to fill it in without adequate permission from them. Although Rapanos's name is in the case title, there were three other people involved in the case that had done similar things, so the Supreme Court consolidated them when it granted certiorari and heard the case.

The question the Supreme Court was attempting to answer in this case was whether or not the Army Corps of Engineers interpreted "waters of the U.S." correctly. In other words, did the CWA grant the federal government authority over wetlands like the one that Rapanos had filled in? The court ultimately decided that the CWA did not grant the Army Corps of Engineers the ability to stop Rapanos's project and those like it. Scalia, joined by three other justices wrote one opinion as to why this was the case and Kennedy filed a separate concurring opinion as to why he thought Rapanos was acting legally in his behavior. Scalia's opinion included a more restrictive definition of what

was considered navigable waters that could then be controlled by the CWA. According to Scalia, navigable waters means more than waters that are literally navigable, but only includes waters that are relatively permanent. Wetlands can only be under control of the Army Corps if they have continuous surface connection with a "water of the U.S." as defined above. Because of the broad nature of a term like 'waters of the U.S,' a definition as expansive as that of the Army Corps is not permissible to intrude on individual state's business.

Justice Kennedy, who provided the crucial vote to side with John Rapanos, wrote a concurring opinion that disagreed with the reasoning of Scalia's decision. Kennedy did not think that a wetland had to be adjacent to a body of water to be regulated under the CWA, but instead had to have a 'significant nexus' to one. This means that it can be regulated by the federal government through the CWA if a wetland will have a significant effect on a more traditionally understood body of water, even if they are not near each other. Kennedy came to this decision by looking at the intent of the CWA when it was written in 1972. He determined that it was intended to protect "the chemical, physical and biological integrity of the nation's waters." Kennedy ultimately sided with the plaintiffs though because he didn't think there was enough evidence provided that these specific wetlands would have led to such loss of integrity.

*Massachusetts v. Environmental Protection Agency 549 US 497 (2007)*⁸

In 2007, the Supreme Court issued its landmark decision in *Massachusetts v. EPA*, one of the first contemporary cases dealing specifically with climate change. Massachusetts, joined by several other states, brought suit against the Environmental Protection Agency to challenge the agency's lack of regulations on greenhouse gas emissions. §202(a)(1) of the Clean Air Act requires that the EPA should regulate the emissions standards for new motor vehicles that contribute to air pollution that could reasonably endanger public

⁸ *Massachusetts v. Environmental Protection Agency* (United States Supreme Court April 2, 2007).

⁷ *Rapanos v. United States* (United States Supreme Court June 19, 2006).

health and welfare. Air pollutant is defined as “any air pollution agent... including any physical, chemical...substance...emitted into...the ambient air.” The petitioners argued that §202(a)(1) of the Clean Air Act requires the EPA to regulate greenhouse gas emissions from new motor vehicles, as these emissions contribute to climate change and therefore, public health. The EPA denied the request to regulate greenhouse gas emissions, arguing that they are not able to regulate and that even if they were capable of regulating the emissions, more research would have to be conducted to truly understand the effects of these emissions on climate change and public health.

The Court agreed that Massachusetts and the other petitioners had standing to bring a suit against the EPA, as the “EPA’s steadfast refusal to regulate greenhouse gas emissions presents a risk of harm to Massachusetts that is both “actual” and “imminent.” The injury faced by the petitioners include environmental degradation and an increased spread of diseases. Experts stated that this is only the beginning of the environmental damage that will occur as a result of climate change. The EPA recognized the causal link between man-made greenhouse gas emissions, global warming, and climate change. However, the EPA maintains that any regulation of greenhouse gas emissions from new motor vehicles would be too insignificant to mitigate the effects of widespread climate change. The Court rejected this argument, stating that the EPA should chip away at the effects of climate change with one policy at a time. Just because regulating emissions from new motor vehicles would not completely reverse the effects of climate change, the regulation would not be insignificant.

The question presented to the Court was whether or not §202(a)(1) of the Clean Air Act allows the EPA to regulate greenhouse gas emissions from new motor vehicles because of the emissions’ contribution to climate change. The Court concluded that the EPA has the authority under §202(a)(1) of the Clean Air Act to regulate greenhouse gas emissions from new motor vehicles. However, the EPA had a unique argument as to why it does not have the power to regulate the emissions. The EPA presented an argument in which they claimed that post enactment Congressional actions (actions taken by Congress following

the adoption of the Clean Air Act) demonstrate that Congress would want the EPA to refrain from regulating greenhouse gas emissions as outlined in §202(a)(1). The EPA also tried to argue that even if they have the authority to regulate the emissions, it is not a good time to introduce these new regulations. The Court completely rejects both of these arguments. The Court says that the EPA never identified a clear example of Congress declining to regulate greenhouse gas emissions. While greenhouse gases may have not been specifically mentioned in the original text of §202(a)(1), Congress understands that to promote longevity of the Clean Air Act, the changing circumstances of the environment require flexible regulations. The Court explicitly states that the EPA is refusing to comply with a “clear statutory command.” The EPA cannot just choose to ignore a statutory obligation based on the uncertainties of climate change and the man-made impacts on global warming. The Court’s final decision was that the EPA has the ability to regulate greenhouse gases if it reaches an endangerment finding. The Court did not rule on whether the emissions are causing a danger to public health, they only stated that the EPA cannot avoid the statutory requirements to act if it does make an endangerment finding. Following the Court’s ruling in this case, the EPA found that greenhouse gas emissions are contributing to environmental degradation and in 2012, the agency introduced new rules to set limits on emissions.

American Electric Power Co., Inc. v. Connecticut 564 US 410 (2011)⁹

In 2011, the Supreme Court issued its decision in *American Electric Power Co., Inc. v. Connecticut*, another important case related to climate change. Several states and three private land trusts brought suit against five power companies, claiming that these power companies are the five largest emitters of carbon dioxide. The plaintiff asserted that these carbon dioxide emissions are a public nuisance under federal common law because of the contributions made to global warming by the emissions. The plaintiff sought injunctive relief from

⁹ *American Electric Power Co., Inc. v. Connecticut* (United States Supreme Court June 20, 2011).

the lower court, requesting that the emissions from the five power companies be capped and emissions limits be set for the following years. This would require a federal judge to set the emissions limits. The lower court dismissed the suit claiming that the legal question involved was too political to engage with. The Court of Appeals reversed this decision, saying that the plaintiff had standing to sue and that the plaintiff can argue that the defendants were violating federal public nuisance law. The Supreme Court granted certiorari. In a 4-4 vote, the Supreme Court stated that the plaintiff did have standing to sue the power companies based on the Court's ruling in *Massachusetts v. EPA*.

The states who sued the power companies wanted to use a federal common law to regulate carbon dioxide emissions. This would require individual judges at the district court level to rule on a case-by-case basis in order to control emissions. However, in accordance with its ruling *Massachusetts v. EPA*, the Court determined that the EPA and the Clean Air Act have authority over any federal common law. The EPA is in charge of the rulemaking process that sets emissions standards. While the EPA can delegate some power to individual states, EPA still has oversight power. While the Court reaffirmed the presence and threat of climate change, the Court stated that the EPA has total authority over the matter.

Common Themes

While these cases' details are different, the courts are different, and the time they were written are different, we have observed a few common themes that are present in multiple opinions. This is important because it might give us insight into how the courts might rule in future climate change cases when they come up. The themes we have observed are deference to states and their rights, the Cumulative Impact Doctrine, and attention to scientific detail.

Something that comes up frequently when discussing new federal regulations is the state's rights that might be affected by such rules. This is very apparent in the cases we have discussed in this paper. In *SWANCC*, Rehnquist says that states should continue to have control over certain bodies of water

within their borders even if the federal government thinks it might affect other states or their economies. In *Rapanos*, another case dealing with the Clean Water Act, the Court found that there are certain wetlands that should not fall under the jurisdiction of the federal government. In that case, the Court did not decide which wetlands necessarily applied to this rule, but they must have some impact on larger or more important bodies of water for the state's to lose their right to regulate them themselves.

The Cumulative Impact Doctrine refers to the extent of Congress's power through the Commerce Clause. The Commerce Clause is in Article I of the Constitution and says that Congress has the authority to regulate commerce with foreign nations, between states, and with Native American Tribes. The Cumulative Impact Doctrine allows for Congress to have more power over intrastate commerce because something that happens within a state might affect larger commerce trends when combined with other seemingly unimportant intrastate matters. In other words, it might not seem like Congress should get involved in individual state's business, but it can because those matters might affect interstate commerce. This concept is important in cases before the Supreme Court when discussing federal regulations on environmental issues as they need to be balanced with State's rights promised by the Constitution. For example, in *SWANCC* it is asserted that ponds that offer habitat to migratory birds do not fall under federal jurisdiction because this takes the Commerce Clause too far. The impacts of filling in such a pond are not large enough to warrant Congress getting involved in that state's business. Similarly in *Rapanos*, the fact that wetlands have any impact on larger bodies of water that might then affect interstate commerce is not enough to justify regulating all wetlands.

In these cases we also noted that the Justices talk quite a bit about scientific detail and seem to assert expertise when discussing them. For example, in *SWANCC*, Rehnquist talks about migratory birds and their habitats but does not cite expert evidence or information about such birds. In *Rapanos*, the discussion of the impact wetlands have on the areas and waters around them also does not include expert evidence on such an issue. Scalia says that wetlands

must have a continuous surface connection with larger bodies of water to regulate them under the CWA. This can be interpreted to mean that he believes for wetlands to have serious impacts on other bodies of water, it must have such a connection. This does not seem to be what experts on water science and experts on water pollution believe, but he thought this was the limit to which the federal government could regulate wetlands.

The Court also defers to the EPA frequently. In *Chevron*, the court argued that the EPA's interpretation of the term 'stationary source' was appropriate. The EPA was given deference here because Congress had not defined it clearly in their legislation or discussion of such legislation. When directly confronted with its first actual case dealing with climate change, the Court simply said the EPA must handle the emissions standards internally. Agreeing with the ruling in *Massachusetts v. EPA*, the Court also deferred to the authority of the EPA and the Clean Air Act in *American Electric Power Co., Inc. v. Connecticut*. The danger with deferring all authority to the EPA to handle issues related to climate change is that the EPA is a distinctly political body. While it has rule-making procedures in place, it is headed by a political appointee which can change when new presidents are elected. This can threaten progress that is made in regard to the prevention of climate change and environmental protection, in general, depending on which president is in office. In contrast, the Court is insulated from political whims and therefore, its decisions are more concrete and enduring.

Going Forward

While the Supreme Court has acknowledged the existence of climate change, it has continuously deferred to the EPA to regulate and mitigate the effects. In the coming years, it is hoped that the Supreme Court will take a stronger stance toward protecting the environment and human health as climate change increases. There are many climate change related lawsuits that are currently moving through the courts system. One important case that is currently in the 9th circuit is *Juliana, et al. v. United States, et. al.* The 21

plaintiffs in this case are all children and young adults who are claiming that the "government's actions and inaction, in the face of global warming, violate their 'fundamental constitutional rights to freedom from deprivation of life, liberty, and property.'"¹⁰ The plaintiffs are making a constitutional argument based on the Fifth Amendment Due Process Clause and the Fifth Amendment Equal Protection Clause, as well as a Public Trust Doctrine argument.¹¹ The plaintiffs are arguing that the defendants have violated their rights by allowing carbon emissions to increase, thus knowingly harming the plaintiffs' health.¹² While this case is still at the federal appeals level, it will be interesting to see if it makes its way to the Supreme Court.

If the Court grants certiorari for this case, it will be a pivotal time. The Court could either stick to the status quo and defer to the EPA, allowing it to continue to make political decisions about the environment, or the Court's opinion could shift and decide that protecting human health is vital and that climate change is negatively affecting this goal. The litigation for this case could take years to resolve. As the impact of human activities continues to increase global climate change, the Court's role in the matter will become more important. Leaving decisions to political bodies, such as the EPA and individual states, is threatening the health and welfare of average Americans--especially younger generations. It is hoped that in the near future, the Court will recognize the role of equal protection and due process in climate change litigation in order to preserve and protect our world and the health of humanity.

10 Schwartz, John. "Court Quashes Youth Climate Change Case Against Government." *The New York Times*. The New York Times, January 17, 2020. <https://www.nytimes.com/2020/01/17/climate/juliana-climate-case.html>.

11 Ibid

12 Scanlan, Marissa K. "Juliana v. United States: Does the Constitution Guarantee a Livable Planet for Our Kids?" *Vermont Journal of Environmental Law*. Accessed May 11, 2020. <http://vjel.vermontlaw.edu/topten/juliana-v-united-states-constitution-guarantee-livable-planet-kids/>.



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On International Institutions' Role in Renewable Energy Capacity Building

Ethan Gunnlaugsson

Edited by Mikayla Regier

Abstract

While concerns about climate change have grown steadily over the past couple of decades, hydrocarbon energy sources continue to be the status quo. However, international institutions have begun to lead a more serious global effort to address climate change by leading the transition to renewable energies. This paper explores beyond traditional notions of international institutions as lenders of capital and embodiments of international law to analyze how they work to expand renewable energy resources into developing countries, particularly by raising ambition, offering technical expertise, and facilitating cooperation. It follows the international relations theory of liberalism to frame the discussion, and much of the evidence comes from primary sources such as World Bank and United Nations reports or publications.

The Staying Power of Oil

On November 3, 2019, *The New York Times* reported that a flood of crude oil is coming from unlikely producers, even as concerns about climate change are growing.¹ According to the article, Brazil, Canada, Norway, and Guyana “stand to add nearly a million barrels a day to the market in 2020... on top of the current world crude output of 80 million barrels a day.”² Though Guyana currently doesn’t produce any oil at all, it alone is expected to produce 750,000 barrels a day by 2025 due to a string of discoveries by Exxon Mobil in its offshore waters. Energy experts believe that new production from the four nations will more than satisfy all the growth in global demand expected over the next two years. Additionally, energy historian Daniel Yergin argues that since all four countries are largely insulated from traditional geopolitical turmoil, they will add to global energy security.³ The new rise in production is likely to lower oil prices, which may complicate efforts to wean consumers and industries off their dependence on fossil fuels. At the same time, the Trump administration has declared a US objective to not only achieve energy independence, but “energy dominance.”⁴ This declaration coincides with new pipelines in Texas that are expected to increase US exports from 2.8 million to 3.3 million barrels a day next year.⁵ Increased production from these countries comes in the wake of growing acknowledgements that not all hydrocarbons in the ground can be tapped if climate change is to be controlled, but exploration decisions made years ago have a momentum that can be hard to stop.

Decisions to increase oil production in Europe and the Western hemisphere come at a surprising moment. In recent years, the global community

has ramped up its effort to combat climate change, as international institutions like the World Bank and the United Nations have implemented programs that intend to mitigate environmental harm. For example, the United Nations General Assembly adopted Resolution 70/1 called the “2030 Agenda for Sustainable Development” on September 25, 2015.⁶ Along with the resolution came a set of goals called the “Sustainable Development Goals” (SDGs) which lay out seventeen broad goals that aim to eliminate global poverty and “balance the three dimensions of sustainable development: the economic, social, and environmental.”⁷ Included in the seventeen goals are affordable and clean energy, responsible consumption and production, and climate action, and the UN works in coordination with the World Bank Group to achieve these goals.⁸ Furthermore, the United Nations Framework Convention on Climate Change passed the Paris Agreement, which entered force on November 4, 2016, with the aim of strengthening the “global response to climate change by keeping a global temperature rise this century well below two degrees Celsius above pre-industrial levels.”⁹ In order to achieve the two degree target, it recognizes that energy-related carbon dioxide emissions must be reduced by more than 70% by 2050 compared to 2015 levels, which can only be achieved with the massive deployment of renewable forms of energy.¹⁰ While bold initiatives to place higher emphasis on renewable energy have been launched, concerns about the global community’s effort to combat climate change have arisen. The United Nations Conference on Trade and Development (UNCTAD) recognizes that meeting the Agenda 2030 goals has “already fallen behind schedule” and that to achieve the goals in time will now require a “coordinated investment push on an

1 Clifford Kraus, “Flood of Oil is Coming, Complicating Efforts to Fight Global Warming,” *The New York Times* (November 3, 2019)

2 Ibid

3 Ibid

4 Donald J. Trump, “President Donald J. Trump is Ending the War on American Energy and Delivering a New Era of Energy Dominance,” (briefing, The White House, October 23, 2019)

5 Op. cit., fn. 1

6 Rick Gladstone, “United Nations Members Establish 15-Year Global Development Agenda,” *The New York Times* (August 3, 2015)

7 General Assembly Resolution 70/1, “Transforming our world: the 2030 Agenda for Sustainable Development,” (September 25, 2015)

8 United Nations Development Programme, “About the Sustainable Development Goals”

9 United Nations Framework Convention on Climate Change, “The Paris Agreement”

10 UNFCCC, “Clean Energy Can Meet 90% of Paris Energy-Related Goals,” (online report, July 25, 2017)

unprecedented scale and across the entire global commons” its 2019 “Trade and Development Report.”¹¹

As energy production and consumption is the largest contributor of greenhouse gas (GHG) emissions, transitioning to more eco-friendly sources of energy will be an essential aspect of the world’s fight against climate change. However, the discovery of new crude oil and the development of new techniques for extracting oil that was once inaccessible have compromised efforts to place more emphasis on renewables. While international institutions appear to be emphasizing responsible environmental stewardship, many nation-states are not. Norway, Canada, Guyana, and Brazil’s recent surges in crude oil production contradict their involvement in climate initiatives like the Paris Agreement and the 2030 Agenda. There can be a strong incentive for states to produce crude oil because it bolsters economic and energy security, so individual countries may place geopolitical interests above environmental interests. International institutions serve as a forum for states to work together to achieve common goals that cannot be achieved individually, so their role is important in mitigating the harmful effects of climate. As such, I’m led to ask the following research question: How do international institutions foster renewable energy development?

Theory

Political science literature over the last few decades has examined the role of international institutions in a myriad of reactive environmental areas, ranging from ocean protection to forest preservation and animal species endangerment.¹² However, it has come up short in examining the proactive role that international institutions, such as the United Nations and World Bank, can take in helping developing countries transition to renewables. I hope to contribute to the incomplete literature by introducing how institutions can

11 Mukhisa Kituyi, “Trade and Development Report 2019: Financing a Global Green New Deal,” (online publication, United Nations Conference on Trade and Development, 2019)

12 Marc A. Levy and Robert Keohane, “Institutions for Environmental Aid: Pitfalls and Promise,” (Cambridge: MIT Press, 1996)

play a proactive role by building state capacity in developing countries. As such, the theoretical paradigm that best frames and explains the answer to my research question is liberalism. Some primary assumptions of liberalism are that international institutions can help states produce absolute gains, resolve collective action problems, and overcome conflict and competition.¹³ Liberal scholars such as John Ikenberry hold that are “better suited to realizing human interests” than other alternatives and that “world politics requires new levels of political integration in response to relentlessly rising interdependence.”¹⁴ Liberalism believes that injustice is not inevitable and can be “moderated or even eliminated through institutional reform or collective action.”¹⁵ Lastly, liberalism holds that that arrangements between states are governed “by means of shared rules and principles.”¹⁶

Liberalism’s primary assumptions about how international relations works help me answer my research question by showing how international institutions can be effective in overcoming shared obstacles by means of cooperation between states. Increasingly, climate disruption is a mutual threat faced by the entire global community. Reliance on carbon-intensive energy sources is one of the greatest factors contributing to unsustainable GHG emissions, and emissions in one state rise into the atmosphere shared by the entire globe, making it everyone’s problem. Thus, the expansion of renewable energy resources in developing countries is an important measure to be taken in order to reduce the harmful effects of global climate change. However, due to various constraints such as lower technological or financial capacities in developing countries, some states on their own may not be able to emphasize low-carbon energy production. The notion of interdependence that is emphasized by

13 Shelley L. Hurt, “Building Blocks of International Relations,” *California Polytechnic State University*

14 Daniel Deudney and G. John Ikenberry, “Liberal World: The Resilient Order,” *Foreign Affairs*, Vol. 97, no. 4 (July/August 2018): 16-24

15 Karen A. Mingst and Ivan M. Arreguin-Toft, “Essentials of International Relations,” (New York and London: W.W. Norton, 2017)

16 Ibid

liberalism (in this case environmental and economic interdependence), creates a framework for international cooperation, which helps states achieve their mutual goals of reducing global GHG emissions and mitigating the harmful effects of climate change. Various initiatives created by international institutions, such as the UN's 2030 Agenda for Sustainable Development, include action plans for expanding developing countries access to renewable energy resources.

Methodology

To illustrate how international institutions foster renewable energy development, I use a qualitative methodology in the form of case study research. My unit of analysis is state capacity building, which is defined by Dr. Robert Keohane as "institutional capabilities and networks enabling countries to integrate development and environmental policies."¹⁷ The three case studies I focus on are: (1) facilitate investment, (2) implement regulatory environments and (3) incentivize infrastructure building. The empirical evidence I provide throughout my case studies draws heavily upon primary sources such as research publications, reports, and online databases from the World Bank and United Nations themselves. While searching through these sources, I uncovered a pattern of international institutions setting renewable energy goals, applying the resources needed to achieve them, and sharing their expertise in order to build state capacities in developing countries, thus helping renewable energies succeed.

Case Study 1: Facilitating Investment

The United Nations and World Bank work in many different capacities to generate investment in renewable energies by forming specific partnerships and initiatives. The World Bank has a large supply of money that it spends on renewable energy development. In particular, the Bank plays a significant role in mini grid investments (which are mostly solar powered), supporting

about 25% of mini grid investments in the developing world.¹⁸ However, the majority of loans or investments in renewables do not come from the World Bank's pocketbook itself. Rather, the World Bank serves largely as a technical advisor and a coordinator between other parties like development finance banks, private investors, national governments, and subnational governments. Various umbrella organizations of the UN such as its Development Program, Environmental Program, and Framework Conference on Climate Change serve in a similar manner. There is an abundance of initiatives that exemplify the UN and World Bank's work as coordinators.

On April 26, 2018, the UNDP reported that it formed a partnership with a Swedish impact investment platform called TRINE in the off-grid solar industry with the primary objectives of achieving SDG-7 and improving the quality of life in rural communities in Sub-Saharan Africa through innovative financing.¹⁹ They immediately set up a new initiative to scale-up private investment in "high-impact energy access projects with an immediate focus on Kenya," expanding later to other countries in the region.²⁰ Furthermore, the UNDP announced that it will assess and monitor the impacts of the projects using its own "Climate Action Impact Tool" which allows investors to quantify and track the social and environmental impacts of their investments to make informed decisions.²¹ With this announcement, the Director of the UNDP's Bureau for Policy and Program Support said that they are "excited to see a strong commitment from the private sector to invest in initiatives in rural Kenya that will strengthen communities, create jobs and empower women, and at the same time contribute to the country's climate change targets under the Paris Agreement."²² Through the UNDP's partnership with TRINE, the institution appeals to developing countries' desire

¹⁸ "This is What it's All About: Boosting Renewable Energy in Africa" (World Bank, online article, February 26, 2019)

¹⁹ "UNDP and TRINE partner to scale-up private investment in high-impact energy projects" (UNDP, online article, April 26, 2018)

²⁰ Ibid

²¹ Ibid

²² Ibid

¹⁷ Op. cit., fn. 12

to achieve other goals such as female empowerment or job creation. The UNDP also incentivizes investment by providing services to potential investors such as its impact tool and easier access to the investment platform, which enhances trust and transparency.

Another partnership announced by the UNDP on September 22, 2019 is the Climate Investment Platform (CIP). According to the program, the CIP is “an inclusive partnership welcoming all stakeholders from governments to international organizations to the private sector to scale-up climate action and translate ambitious national climate targets into concrete investments on the ground.”²³ Recognizing that energy accounts for two-thirds of global GHG emissions, the platform’s priority is the “global transition to clean energy.”²⁴ According to the Executive Director of the Green Climate Fund, the CIP will “catalyze investment for mitigation and adaption in developing countries” and simplify access to climate finance.²⁵ The CIP and the UNDP-TRINE partnership are only two examples amongst many that show how the UN and World Bank work to increase investment in renewable energies. Clean energy investment has been increasing worldwide as a result of their work. According to a study from the UNEP, investment in renewable energy is on course to total \$2.6 trillion from 2010 through the end of 2019.²⁶ While organized international efforts have been fundamental in achieving such high levels of investment, rapidly falling costs have also helped.²⁷ Increasingly, countries see renewables as a cheaper alternative to traditional energy sources, making it easier for international institutions to spur investment.

23 “New Climate Investment Platform Targets Increase in Flow of Capital to Clean Energy Projects” (UNDP, online article, September 22, 2019)

24 Ibid

25 Ibid

26 Will Mathis, “Clean Energy Investment is Set to Hit \$2.6 Trillion This Decade,” *Bloomberg* (September 5, 2019)

27 Ibid

Case Study 2: Implementing Regulatory Environments

Generating investment in renewable energies is a necessary but insufficient step for successfully expanding developing countries access to them. Without an enabling policy and regulatory framework, renewables cannot sustainably power a country over a long period of time. Countries must have policies that promote the use of renewables and deter reliance on fossil fuels. Enabling environments not only help generate initial investments in renewables, they ensure that they last. There are a number of ways in which international institutions work to create enabling environments for renewable energies; most of them come from an advisory standpoint because sovereign states make their own laws. When it comes to renewable energies, international institutions cannot legally mandate a country take any action, however, developing countries either succumb to their coercion or trust their guidance in creating environments that encourage the use of renewable energies.

In order to achieve universal access to affordable, clean energy (SDG-7), the UN and World Bank rely heavily on deploying decentralized (i.e. “off-grid” or “mini-grid”) renewable energy infrastructures. A primary reason for this is that 87% of people who currently live without electricity live in rural areas.²⁸ Deploying small, off-grid renewable energy networks target rural communities more efficiently than expanding vast energy infrastructures based in cities. However, countries must develop new policies that allow small-scale energy networks to succeed, and international institutions provide a deep understanding in this regard. For example, the International Renewable Energy Agency (IRENA) advises that fiscal and financial incentives can help to create a level playing with fossil fuels and support district energy infrastructure which could “enable the integration of multiple renewable heat options.”²⁹ Furthermore, IRENA recommends enabling regulatory measures related to “the right to generate and sell electricity, tariff-setting... and subsidies, grants, and

28 Op. cit., fn. 18

29 “Renewable Energies in a Time of Transition” (IRENA, online publication, 2018)

tax breaks” in the specific case of promoting mini-grids.³⁰ Given that different renewables have a unique set of needs, policies must be tailored to specific energy sources. For example, onshore wind and offshore wind require different incentives and policies in order to enable them.³¹ According to a World Bank report detailing lessons learned regarding the expansion of offshore wind, offshore wind is “driven by policy, requiring stable frameworks and phased procurement to draw competition and spur industrial development.”³² In order to help convert the World Bank’s knowledge into results, it created a new initiative in March 2019 led by the World Bank’s Energy Sector Management Assistance Program (ESMAP) to assist client country governments assess their offshore wind potential and draw upon the expertise of industry leaders to disseminate “global knowledge on offshore wind to support development in emerging markets.”³³ Through programs like ESMAP, the World Bank transfers its expertise to developing countries with the hopes that they can avoid mistakes that have already been made and ensure that a large supply of renewables take over their energy composition.

A major obstacle to the expansion of renewable energies in developing countries, despite their falling costs, is the lingering power of the fossil fuel industry. The World Bank offers a number of regulations to level the playing field between fossil fuels and renewable energies. For example, it recommends carbon taxes, fossil fuel subsidy reforms, or carbon pricing policies to incentivize renewables over fossil fuels.³⁴ While the relative importance of each of these policies is still being debated and researched, a combination of them should be employed in developing countries seeking to expand renewable energy usage. Furthermore, the World Bank recommends that countries develop policies that

³⁰ Ibid

³¹ “Going Global: Expanding Offshore Wind to Emerging Markets” (World Bank, online publication, October 2019)

³² Ibid

³³ Ibid

³⁴ “Tracking SDG-7: 2019 Energy Progress Report” (World Bank, online publication, 2019)

consider renewables’ integration into the broader energy system to ensure that they stay in the mix. Successful integration policies incorporate renewables in the heating and cooling, transport, and power end uses; in the larger economic system; and in consumers’ daily lives, according to a World Bank report.³⁵ Although these policy recommendations are largely optional, international institutions do seek to influence states as much as possible. Conditional loans from the World Bank, for example, offer investment for renewables only on the condition that a country adopts policies that the World Bank deems appropriate for the project’s success. The UN Conference on Trade and Development also encourages states to “cede, where appropriate, sovereignty to international bodies to establish international regulations and forge collective action in support of the global commons.”³⁶ On this note, it calls for developing countries to have greater participation in international decision-making in order to achieve the SDGs.³⁷

Case Study 3: Incentivizing Infrastructure Building

After renewable energy projects are funded and a regulatory and policy framework is set up that allows them to succeed and be competitive with fossil fuels, countries still need to have the capacity to set up physical renewable energy structures and maintain them over long periods of time. This involves contracting industrial development companies and hiring laborers manage and upkeep facilities. Often times, developing countries lack the state capacity to ensure that the construction and upkeep of facilities are carried out properly. To make sure that a renewable energy project is most likely to succeed, international institutions like the UN and World Bank oversee the project from start to finish. Furthermore, since renewable energy technologies are relatively new to developing countries, institutions provide technical assistance to train

³⁵ Ibid

³⁶ Op. cit., fn. 11

³⁷ Ibid

them on best practice. Many of the initiatives already discussed in this paper include funding for technical assistance in them.

For example, the ESMAP led World Bank initiative on offshore wind allocates funds for “in-country technical assistance activities and technical studies in response to requests from client governments.”³⁸ The “Climate Action Impact Tool” offered by the Green Climate Fund (GCF) branch of the UNDP also works to assess the effectiveness of projects and ensure maximum economic and environmental efficiency. It works not only to help investors make best informed decisions, but also allows the GCF to monitor effective delivery of projects and limit negative effects where initiatives are targeted.³⁹ If a project is not being implemented properly, the GCF will cease to distribute funds for the project whether they be in the form of a loan, grant, equity, or guarantee.⁴⁰ International institutions also bring countries together to encourage renewable energy sharing, which makes projects more efficient and durable. In April 2018, the UN Economic and Social Commission for Asia and the Pacific (ESCAP) adopted the Second Asian and Pacific Energy Forum which lays out a series of actions to encourage the sustainable use of energy.⁴¹ Actions included in the forum are “greater regional cooperation to facilitate cross-border infrastructure and energy trade to advance the 2030 Agenda for Sustainable Development.”⁴² By committing countries to work together, the UN enhances their energy security, creates cross-border jobs related to renewable energy development, and increases trade between regional partners. All of this helps to expand access to renewable energies in developing countries by promoting cross border sharing of capital, labor, technical knowledge, and finance. If a country doesn’t have a corporation that excels in mini-grid solar construction for example, an initiative

38 Op. cit., fn. 31

39 “Implementing Projects” (Green Climate Fund, online professional website)

40 Ibid

41 “The World Banks on Sunshine, UN says in Renewable Energy Report” (UN News, online article, April 5, 2018)

42 Ibid

such as the Asian and Pacific Energy Forum can connect them with another country who does.

Cross-border development is not always a result of renewable energy investment, as small-scale, local development frequently occurs too. Building renewable energy infrastructure in developing countries is different than in developed countries because there is less existing energy infrastructure. This is why international institutions emphasize the use of “off-grid” energy infrastructures. With the construction of off-grid infrastructure, the UNCTAD argues that income distribution in developing countries may improve.⁴³ Many of the jobs created by renewable energy investment are “inherently local to the area where investment occurs.”⁴⁴ To strengthen the capacity of local communities to build and maintain mini-grids, ESMAP offers a variety of solutions. They collect “capacity needs assessments” from communities before the project starts that identify gaps in training, management, and skills-based capabilities.⁴⁵ After identifying needs, ESMAP coordinates national-level and community-level trainings with a focus on technical certifications that are “relevant for mini-grid construction, operations, and maintenance.”⁴⁶ ESMAP also engages female-led households and small businesses in increasing the participation of all of society in the implementation of mini-grids.

Implications of My Research Findings:

Global climate action on an unprecedented scale is necessary in order to avoid a large-scale environmental breakdown and human conflict over depleting resources. Energy production and consumption currently accounts for two-thirds of global GHG emissions, making an energy revolution nothing short of vital to any potential fight against climate change. By generating investment, creating enabling environments for renewables to success, and overseeing their

43 Op. cit., fn. 11

44 Ibid

45 “Mini Grids for Half a Billion People: Market Outlook and Handbook for Decision Makers” (ESMAP, online publication, June 2019)

46 Ibid

proper implementation, international institutions have done much to expand renewable energy resources in developing countries. Without institutions, many developing countries would not have the political will nor state capacity to incorporate renewable energies in their economy as they do today. However, states still reserve their right to sovereignty, which limits the amount of influence that international institutions have in their decision-making and the overall impact of their fight against climate change. While climate impact has been limited, as displayed by countries' plans to continue to produce more oil, the work to expand renewables into developing countries comes with many positive implications.

By setting climate action as a top priority in the global community, institutions have brought the issue to states' attention and created a forum for them to work together. They have created shared goals amongst states, raised ambitions, and built credibility for themselves. In many cases, states have begun to work together to increase reliance on renewable energy and enhance their energy security. Developing countries have received technology and policy advice on how to implement renewable energy in their communities. There has also been a spike in job creation as a result of renewable energies, as the ILO estimates a net gain of 18 million jobs due to climate action and global employment in the renewable energy sector of 10.3 million in 2017.⁴⁷ As more countries transition to renewable energies, more fossil fuel industry jobs will be lost to new jobs in the renewable energy sector, likely creating tension and more backlash from oil companies and oil exporting states. Overall, if international institutions are able to bolster their push for renewables, short term conflict will be largely overshadowed by the success of avoiding climate catastrophe and bringing states together to fight for a common cause. While there is much more work to be done, international institutions have set the global community on the right path to fighting climate change by increasing its reliance on renewable energies.

47 Op. cit., fn. 11



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An Assessment of Technology, Oil Markets, and Development within the GCC

Ryan Christensen

Edited by Ian Levy

Abstract

Historically, the Middle East has been shaped by the abundance of oil and the world's unquenchable thirst for it. Since the formal arrival of the Arab nation states following British decolonization in the region after WWII, significant downward trending global demand for oil, or there lack-of, has never been a reality.¹ The evolution past hydrocarbon consumption is something that is both strongly debated and celebrated among those in developed economies, but the potential macroeconomic threat that such an evolution poses to oil dependent middle eastern countries managed by the Gulf Cooperation Council (GCC) is not yet fully understood.² In order to characterize any cause-effect relationship between the global transition from oil dependence, with the long-term development of the goals of the GCC for structural economic changes, this paper provides analysis on emerging technologies that act as disruptors within oil and related energy markets. With the future of oil remaining difficult to forecast, this paper seeks only to understand and highlight potential trends within the market that would define the developmental state of GCC member states. Through such research and analysis, this paper concludes that the future development of member states, and the entirety of the region, is under threat of irreparable damage given the potential disruptive effects emerging technology will have on oil and energy markets.

1 "Oil Maps of the Middle East." The British Library. The British Library, November 8, 2016.

2 "Gulf Economic Update: Economic Diversification for a Sustainable and Resilient GCC." World Bank Group (n.d.). Accessed January 19, 2020.

Background

Just as the world has historically been dependent on oil imports originating from the Middle East, the oil-exporting nations of the Gulf Cooperation Council (GCC) have disproportionately relied on oil exports to provide for their economy.¹ The United Nations Conference on Trade and Development (UNCTAD) classifies a country as being a commodity-dependent country (CDC) when it relies on a specific commodity export for more than 60 percent of total export value.² Those in the Middle East considered to be commodity-dependent countries reliant on oil exports include Saudi Arabia, Oman, United Arab Emirates, Bahrain, Iran, Iraq, Kuwait, Qatar, and Yemen. Upon gaining independence from colonial rule, many of the current oil exporting nations inherited the infrastructure for extraction which led to widespread nationalization of the oil industry within the region.³⁴ Even with exponential increases in demand for oil amidst widespread modernization in the latter half of 20th century, the once inherited industry quickly became the only industry for many countries within the Middle East, accounting for a disproportionate percentage of fiscal revenues and gross domestic product.⁵

Such dependence on oil exports over time in the Middle East can associate the regional economies with a macroeconomic phenomenon known as the “Dutch Disease.” The Dutch Disease largely describes a consolidation of capital assets into a specific commodity exports that weakens and erodes the domestic economy over time, crippling other industry growth.⁶

1 op. cit., fn. 1

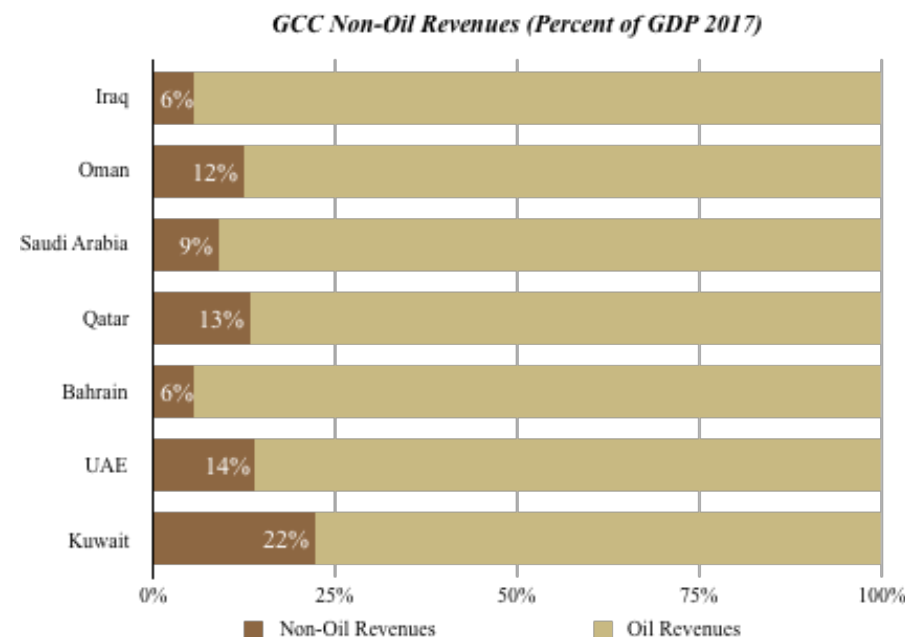
2 “State of Commodity Dependence 2019”, United Nations Conference on Trade and Development (n.d.). Accessed November 9, 2019.

3 op. cit., fn. 1

4 “The Political Economy of Oil in the Middle East.” Wharton Public Policy Initiative. University of Pennsylvania, March 23, 2017.

5 “World Economic and Financial Surveys”, International Monetary Fund (n.d.). Accessed December 31, 2019.

6 “Using Natural Resources for Development: Why Has It Proven So Difficult?” *Journal of Economic Perspectives*, 30, no. 1 (2016): 162–71.



Sources: IMF World Economic and Financial Surveys

The process of resource discovery and its subsequent export does not necessarily predestine an economy to suffer from the Dutch Disease. Established precedent dictates the need of relative separation of resource revenues from circulating into the rest of the domestic economy whilst directing those same revenues into development and diversification.⁷⁸ Among those seeking to escape the Dutch Disease, Norway remains a common model to emulate. Norway—which developed its offshore oil industry in the latter half of the 20th century—was careful not to introduce revenues acquired from oil exports into the domestic economy. Rather, Norway reinvested in itself, as well as a variety of other international markets, which resulted in a robust economy and a sovereign

7 Ibid.

8 Larsen, Erling. “Econometrics Laboratory.” Econometrics Laboratory. University of California, Berkeley. Accessed January 3, 2020.

wealth fund that in 2017, surpassed a one trillion dollar valuation.⁹ Unlike Norway, the oil industry among GCC member states was not approached with the same foresight and now faces an uncertain future.

Context

Excluding Yemen, Syria, and Iraq who, as of 2020, are actively experiencing violent conflict and civil war, there are countries in the Middle East that have not relied on oil exports: Jordan and Israel. Regarding the former, the Jordanian economy has never been able to materialize rapid economic growth comparable to its oil-exporting neighbors without similar oil reserves, but is nevertheless considered one of the healthiest economies in the Middle East through its diversification of industry in spite of its high unemployment rate.¹⁰ In Israel, despite a similar high unemployment rate, diverse industry, which includes a thriving high-tech and service industry, has led to a robust economy relatively independent of the future of oil.¹¹ The need to decrease regional reliance on oil exports has been collectively understood by all in the Middle East, but it has especially been acted on by member states who make up the Gulf Cooperation Council (GCC) which includes Saudi Arabia, Kuwait, United Arab Emirates (UAE), Qatar, Bahrain, and Oman, who collectively supply nearly a third of the world's oil.¹² Through several independent initiatives, GCC member states have attempted to reverse their dependence on oil and institute progressive economic reforms: Saudi Arabia's Vision 2030, Oman's Vision 2040, UAE Vision 2021, Qatar National Vision 2030, Bahrain's Vision 2030, as well as Kuwait's Vision 2035. The reforms ultimately have similar thematic goals, but individually approach their strategy to development differently.

Regarding Saudi Arabia, Vision 2030 was first introduced in 2016 by Crown Prince Mohammad bin Salman amidst his rise to power. The initiatives largely aim for economic diversification but also include reform efforts in the public sector that include liberalization and easing of long-held, conservative Islamic policies.¹³ Similarly, Oman's Vision 2040 has presented thematic goals aimed at economic revival, investment in citizens, and bureaucratic reforms, but tangible progress of the initiative is largely only seen in legislative reforms.¹⁴ The UAE's Vision 2021 —introduced in 2010— does not specify specific industries in their reforms, but has rather emphasized investment into small-medium size enterprises, as well as increased emphasis on education to stimulate an entrepreneurial and startup culture in the long term.¹⁵ Started in 2008, Qatar's National Vision 2030 focuses on investment in public sectors such as healthcare and education. Additionally, the Qatari government through its deregulation efforts, coupled with the harnessing of the significant international and expatriate populations, ultimately seeks to attract foreign direct investment (FDI) and industry into the country.¹⁶ As for Bahrain's Vision 2030, the focus lies more in economic reforms that include public-private partnerships (PPP) as well as capital investment by the government into high-performing and emerging industries.¹⁷ Lastly, Kuwait's Vision 2035 represents the second attempt of major reform by the Kuwaiti government. However, the Kuwaiti government remains vague in its policy, and the factors that forced the failure of Kuwaiti reform prior to Vision 2035 remain, likely to catalyze a similar fate for any active reforms.¹⁸

Despite the investment uncertainties and possible downsides recognized within the GCC, it is because of such aggressive domestic initiatives that many

¹³ Saudi Vision2030, Kingdom of Saudi Arabia § n.d..

¹⁴ Oman Vision 2040. Sultanate of Oman. Accessed January 29, 2019.

¹⁵ "Competitive Knowledge Economy." Vision 2021. United Arab Emirates. Accessed January 16, 2020.

¹⁶ Qatar National Vision 2030, State of Qatar § n.d..

¹⁷ Our Vision, Kingdom of Bahrain § n.d.

¹⁸ "Government Releases New Kuwait 2035 Strategic Plan." The Economist Intelligence Unit. The Economist, February 3, 2017.

⁹ Sleire, Sveinung. "It's Official: This Oil Giant Has Avoided Dutch Disease." Bloomberg. February 21, 2018.

¹⁰ Congressional Research Service. 2019. "Jordan: Background and U.S. Relations."

¹¹ Congressional Research Service. 2019. "Israel: Background and U.S. Relations in Brief."

¹² NCUSAR. "Arabia, the Gulf, and the GCC Blog." Arabia the Gulf and the GCC Blog, May 13, 2015.

outsiders and analysts remain optimistic of Middle East development. To illustrate, PricewaterhouseCoopers (PwC), in its “Middle East Economy Watch” focusing on economic outlook for 2020, expressed optimism in the region, pointing to the increasing presence and performance of Middle East enterprises in major emerging market indices, such as JP Morgan’s MSCI Emerging Markets Index. Additionally, substantial increases in FDI resulting from deregulation, the availability in public-private partnerships (PPP), and privatization efforts, have created a comfortable investment prospect for the firm.¹⁹ A cautious optimism is further expressed by the World Bank in its *January 2020: Global Economic Prospects*, “Among oil exporters, growth is expected to pick up to two percent in 2020. Infrastructure investment and an improved regulatory environment backed by business climate reforms are expected to support activity in the GCC.”²⁰ Lastly, the Boston Consulting Group (BCG) in assessing the region’s outlook directed its attention to consumer habits, ultimately implying a positive economic diagnosis of the region. The observation of consumers in the Middle East by BCG found an overwhelming 90 percent of consumers residing in the region had expressed a positive outlook for the future compared to comparable economies like that of the Russian Federation and Brazil whose consumers registered confidence levels 68 and 55 percent respectively.²¹

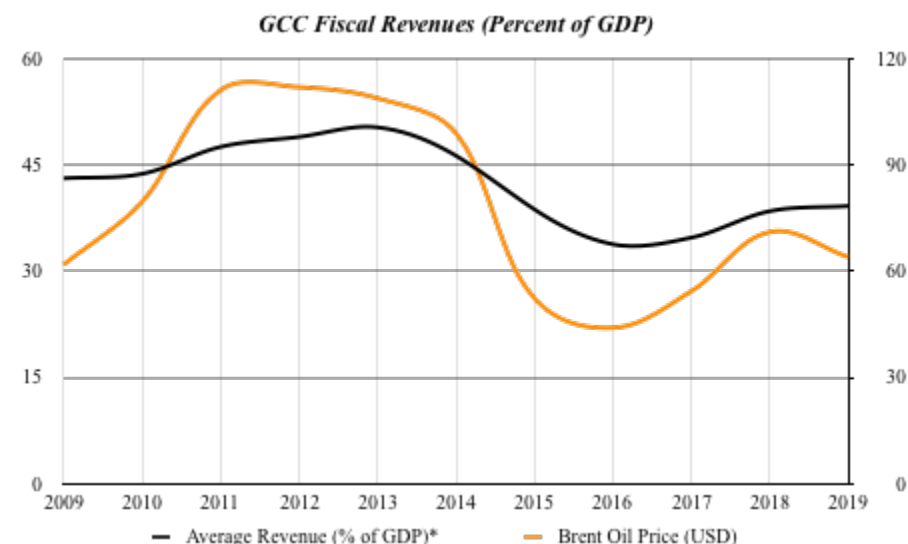
However, conventional understanding among forecasts and analysts surveying the region is incomplete. The downsides and long-term obstacles to development in the GCC are acknowledged by optimists and opportunists, but they are grossly understated. The niche pockets of investment opportunity are assessed without proper appreciation for the uncertainties within the oil market and the compounding effects the oil market can have on the region. To

19 “Middle East Economy Watch: Investment reforms and 2020 events offer growth prospects for GCC.” PricewaterhouseCoopers.

20 “January 2020 Global Economic Prospects.” World Bank Group (n.d.). Accessed January 11, 2020.

21 Rafih, Rami, Pablo Martinez, Markus Massi, Christiano Rizzi, and Chantal Chalouhi. “Optimism in the Gulf States Points to the Region’s Potential.” BCG. Boston Consulting Group, November 27, 2019.

illustrate such effects, in September, 2019, targeted attacks on Saudi oil facilities originating in Yemen caused a 14 percent increase in the price of oil prior to market close, solely due to speculation from international investors.²² The physical strain on actual oil consumption was never fully realized but the market acted regardless, testifying to the uncertainties and volatility in oil markets and the effects they have on the region as a whole. Given the disproportionate reliance on oil exports in the GCC for government revenues, any attempts to analyze the viability of development in the region must take into account the region’s relationship to volatility in the oil markets.



Sources: IMF Data Mapper, IMF

*Bahrain fiscal revenues not included

Brent Crude and West Texas Intermediate (WTI) are the most common benchmarks of oil pricing in the international markets despite them not being oil varieties originating in the Middle East.²³ While the price of Brent and WTI are

22 “Saudi Oil Attacks.” S&P Global. September 16, 2019.

23 “What’s The Difference Between WTI and Brent Crude Oil?” Yahoo! Finance, Yahoo!. January 3, 2020.

correlated, the GCC countries refer to Brent when pricing their own oil exports. The price of Brent and WTI are based on two factors: speculated and actualized demand of oil. Speculated demand refers to how international investors and retail traders perceive what the demand on oil relative to supply will be in the short-term. While in contrast, actualized demand or “derived demand” refers to physical demand of oil among oil consumers relative to the current circulation and supply of oil in global markets.²⁴ This combination of factors leading to high volatility within oil pricing is illustrated through the betas—or metric for securities that measures volatility — within common oil indices which overwhelmingly dictate that oil prices move approximately 50 percent more than the market within trading hours.²⁵

Despite the clear volatility of oil pricing, many continually attempt to forecast the demand and price of oil in the long-term. In OPEC’s “World Oil Outlook 2040”, oil demand in the long term “is expected to increase by 15.8 mb/d, rising from 95.4 mb/d in 2016 to 111.1 mb/d in 2040.”²⁶ Similarly, World Bank forecasts for long-term oil pricing holds that the average crude oil price will be approximately 55.6 US dollars in the year 2030.²⁷ Many such long term forecasts on oil demand and price recognize downsides with the shrinking markets in advanced economies but remain overwhelmingly bullish in forecasting oil demand within emerging and modernizing economies such as India and China.^{28,29} However, attempts to forecast oil price in the long term — similar to those assessing GCC investment viability— continue to be too deterministic and ignorant to the uncertainties of the region and commodity in question. Most notable among the threats to oil markets is emerging technology.

24 Paul Stevens, “The Geopolitical Implication of Future Oil Demand.” Chatham House.

25 “Betas by Sector.” NYU Stern. January, 2020.

26 “World Oil Outlook 2040.” Organization of Petroleum Exporting Countries (n.d.). Accessed January 10, 2020.

27 “World Bank Commodities Price Forecast.” October 29, 2019.

28 op. cit., fn. 28

29 “Commodity Markets Outlook: The Role of Substitution in Commodity Demand”, World Bank Group (n.d.). Accessed January 17, 2020.

Advances in technology have historically been incremental and sustained for only short periods of time; whereas, the previous theories and predictability behind innovation no longer stand as exponential advancement is normalized.³⁰ In recognizing the unpredictability of the future of technological progress, the following question arises: how will emerging technologies affect oil markets and the development of the GCC?

To answer the aforementioned question, this paper will not attempt to make conclusive macroeconomic forecasts. Rather, in acknowledging the already established relationship between oil demand, price, as well as regional economic health, analysis will be limited to trend recognition within two case studies that focus on emerging technologies that might be potentially disruptive to oil markets: electric vehicles, as well as alternative and renewable energy. And through such deliberation, the relative viability and vulnerability of future GCC development can be more accurately deduced and characterized.

Case Study: Electric Vehicles

Amidst significant advances in energy storage technology, arguably the most commonly understood potential threat to oil demand is the growing consumer market for electric vehicles (EVs). The oil industry relies largely on the continued use of internal combustion engine (ICE) vehicles. The European Union (EU), China, India, and United States remain the largest consumers of oil, constituting over half of the world’s total oil consumption.^{31,32} Among most countries, personal vehicles and commercial transportation represent the largest share of domestic consumption.³³ However, the rise and proliferation of EVs threatens to displace oil consumption and subsequently, its demand within what have historically been the largest target markets for oil exporters in the GCC. Contrary to popular belief, the EU and the United States are not the largest

30 Hagel, John, and John Brown. “From Exponential Technologies to Exponential Innovation.” Deloitte . Deloitte Touche Tohmatsu Limited, October 3, 2013.

31 “U.S. Energy and Information Administration” January 4, 2020.

32 “Eurostat: Oil and Petroleum Products - a Statistical Overview,” January 3, 2020.

33 op. cit., fn. 31

purchasers of GCC oil.³⁴³⁵ Rather, recent statistics from OPEC hold that China and India have been, and will continue to be, the largest markets for oil exports, “India and China are the two nations with the largest additional energy demand over the forecast period, both in the range of 22–23 mboe/d.”³⁶ In the past, the market for EVs has been almost exclusively associated with the advanced economies in the EU and United States. And while EV use does continue to grow in both the EU and the United States, the Indian and Chinese markets are experiencing and forecasting a similar transition into EV use which acts as an existential threat to oil-exporting countries within the GCC.

Despite being the largest importer of GCC oil exports, China is currently the largest market for new EV sales, and has nearly doubled its growth of EV sales annually with the notable exceptions of Q3 and Q4 in 2019 when government subsidies for EVs were temporarily rolled back. China, which began “subsidizing EV purchases in 2009 to promote the industry, has been gradually reducing handouts in the past few years to encourage automakers focus on innovating and competing on their own.”³⁷ Declining ICE vehicle sales in China suggest a negative correlation amidst the rising rate of EV sales.³⁸ Similarly, demand for oil related products has shown a negative correlation with growth of EV sales in China after years of a surging demand that supported years of positive cash flows in GCC economies and a rapid buildup of liquid assets.³⁹ In 2018, China’s oil consumption is reported as being approximately 13.5 million barrels per day (bpd).⁴⁰ The forecasted demand for oil in China is predicted

34 op. cit., fn. 4

35 op. cit., fn. 22

36 op. cit., fn. 28

37 “Electric Car Stocks Jump as China Signals Lull in Subsidy Cuts.” Bloomberg News. Bloomberg, January 13, 2020.

38 Bullard, Nathaniel. “China Is Winning the Race to Dominate Electric Cars.” Bloomberg Opinion. Bloomberg, September 20, 2019.

39 Kemp, John. “Oil Consumption Tracking Is All about Asia.” Reuters. Thomson Reuters, December 12, 2019.

40 Ibid.

to peak in 2030 before steadily declining, a process that can be potentially accelerated by unforeseeable advances in EV technology and affordability among China’s growing middle-class.⁴¹ Continued uncertainty and concern over the future oil consumption habits in China has been at times acknowledged by OPEC, “overall energy demand in China by 2040 has been reduced by more than 3 mboe/d in the WOO 2017, compared to last year’s projections.”⁴²

As for India, current estimates hold that the country’s demand for oil products will surpass China, with daily consumption expected to surpass 6 million bpd in 2024, compared to the 4.4 million bpd consumed in 2017.⁴³ The largest sector of oil consumption in India is diesel, which is primarily concentrated in commercial transportation, ultimately accounting for 41 percent of the country’s total consumption.⁴⁴ Similar to China with the increasing purchasing power of citizens, OPEC remains optimistic of the Indian market stating, “recent projections see India as the single largest contributor to future energy demand.”⁴⁵ And while India is currently not near China’s growth in terms of EV development or use, similar forces are in motion which threaten analysts’ predictions of India compensating for declining oil demand in China. For example, internal efforts are being made and directed by the Indian government to spur growth within its EV market, “[the] Indian government has claimed that all new cars sold in India will be electric after 2030.”⁴⁶⁴⁷ Similarly, the Indian-multinational conglomerate and their subsidiary, Tata Motors Limited —known for making Jaguar Land Rover Automotive profitable after its acquisition of the

41 Cheng, Evelyn. “China’s giant middle class is still growing and companies from Walmart to start-ups are trying to cash in.” CNBC News, CNBC. September 30, 2019.

42 op. cit., fn. 41

43 “India’s Oil Demand Growth Set to Overtake China by Mid-2020s, IEA Says.” CNBC News. CNBC, January 10, 2020.

44 “U.S. Energy and Information Administration: India Profile.” January 4, 2020.

45 op. cit., fn. 28

46 Shah, Aditi. “India Approves \$1.4 Billion Electric Vehicle Incentive Scheme.” Reuters. Thomson Reuters, February 28, 2019.

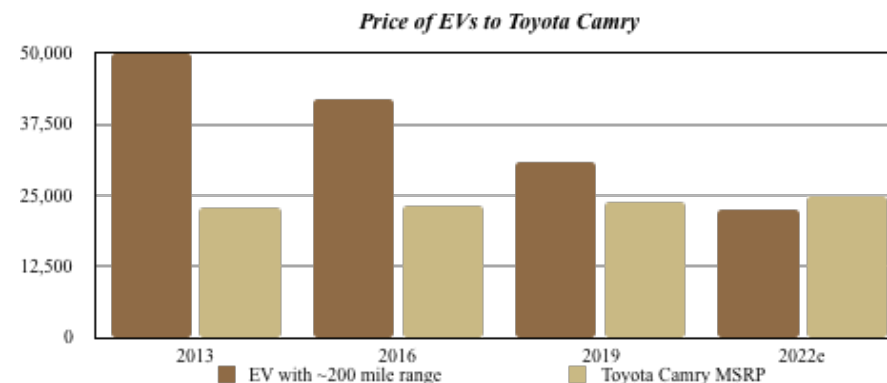
47 op. cit., fn. 28

company— recently announced in 2020 of their intentions in entering the EV market, “As far as Tata Motors is concerned, we want to establish ourselves as leaders in the EV space. We have taken up the mission that we should be ahead in terms of EV technology.”⁴⁸

The rapid proliferation of electric vehicles —especially within emerging and developing economies— is a relatively unanticipated occurrence that is by in large, a result of the decreasing costs of EV technology. The most expensive component of electric vehicles has long been and continues to be the lithium-ion battery that acts as the energy storage in electric vehicles.⁴⁹ However, the price of lithium-ion batteries is being quickly outpaced by the improvements in energy storage efficiency within the batteries themselves. One statistic given by EV industry leader Tesla, claims that while internal pricing of the EV batteries has increased by 50 percent since Tesla’s inception, storage capacity has increased more than 60 percent.⁵⁰ Production capacity of EV batteries is rapidly improving with more car manufacturers entering the market who are by and large, directly or indirectly subsidized by their respective governments. Furthermore, lithium is not a scarce mineral, and the anticipated demand of lithium has caused widespread investment into extraction operations leading to global output in 2019 anticipated as being 18 percent higher than production levels in 2018.⁵¹

Through economies of scale, a clear trend in declining costs emerges that inevitably will allow India and China with lower rates of GDP per capita than those seen in advanced economies, enter the consumer EV markets to the detriment of the oil exporters of the Middle East, “the cost of a 200-mile EV to

drop below \$23,000 placing it at a lower price point than 50% of passenger cars sold in the U.S.”^{52,53}



**Includes five-year cost of ownership*

Sources: NADA Guides, Ark Invest Management LLC

In addition to companies and private capital, which drive growth and bring down costs in the EV industry, governments around the world have entered into international agreements that would otherwise detract consumers away from further ICE vehicle purchases. Regarding the Chinese and Indian market prospects in which the GCC has nested their future, both the Chinese and Indian governments have signed the Paris Agreement to reduce their net carbon emissions and fossil fuel expenditure.⁵⁴ Per the agreement, the Chinese government must peak carbon-dioxide emissions by 2030 while also having alternative energy sources constituting approximately 20 percent of total energy expenditure by 2030.⁵⁵ Similarly, while current emissions in India do not compare to China, the government is under similar mandate to enact reforms

48 “Eyeing Leadership Position in Electric Vehicle Segment: Tata Motors.” The Economic Times. The Economic Times of India, January 26, 2020.

49 Hayes, Adam. “Why Are Tesla Cars So Expensive?” Investopedia. January 29, 2020.

50 Ibid.

51 “World Lithium Production and Consumption - DIIS.” SteelGuru News. SteelGuru, January 8, 2020.

52 “World Bank: GDP per capita,” World Bank National Accounts Data and OECD National Accounts Data Files. January 14, 2020.

53 Dr. Arthur B. Laffer, “Disruptive Innovation: New Markets, New Metrics.” Ark Invest Research, Ark Invest LLC.

54 “Climate Action Tracker.” January 19, 2020.

55 “Climate Action Tracker: China Profile.” January 19, 2020.

aimed at reducing carbon emissions before they evolve into those of advanced economies.⁵⁶

While the environmental concerns and objectives are voiced and drawn up by governments, they ultimately reflect public sentiment and will likely support further proliferation of EV technology in an incalculable way as consumer habits increasingly reflect the shift toward EV technology. Any attempt to accurately forecast future oil demand in China, India, and other emerging markets beyond the immediate future is unlikely to succeed. With automobile companies rushing to market, the proliferation of EVs, as well as the rate of improvement in technological capability being exponential, the GCC countries cannot afford to anticipate the status quo in oil markets and oil pricing to remain the same whilst multilateral efforts are underway to directly or indirectly undermine oil consumption itself.

Case Study: Alternative and Renewable Sources of Energy

Shifts in oil demand are not limited to ICE-containing markets acting as oil consumers, it also extends into the energy industry itself. Estimates place alternative and renewable energy sources around 25 percent of total energy consumption in 2035, before growing to 34 percent by 2050.⁵⁷ According to the British Petroleum (BP), the transition into the new energy age will be unprecedented, “[R]enewables are set to penetrate the global energy system more quickly than any fuel previously in history.”⁵⁸ Among the many types of renewable and alternative sources of energy acting as more prominent threats to the oil market than others, solar, wind, and biomass present the biggest challenge to the GCC.⁵⁹

Biomass Energy and the Petrochemical Industry

Biomass as an energy source refers specifically to biofuels, biopower, and related bioproducts. While projecting a significantly smaller market share than that of solar and wind sources, the threat biomass poses to oil exported from the GCC is significant due to the variety of forms biomass energy can take.⁶⁰ Middle East oil exports are not restricted to areas with significant consumption from ICE vehicles. A significant amount of oil exports are shipped for the purposes of industry, manufacturing, and basic energy consumption.⁶¹ Despite projections of oil consumption for transportation purposes depreciating over time, the petrochemical industry is forecasted as continuing to grow.⁶² Aside from China, two of the largest importers of oil for purposes outside transportation are Japan and South Korea. Both countries—despite having significant investment in oil refining—have mediocre domestic oil reserves that has caused them to be reliant on the GCC for their respective energy needs.⁶³ As of 2017, Japan imported 40 percent of its oil from Saudi Arabia, 24 percent from the UAE, 7.3 percent from Qatar, and 6.9 percent from Kuwait.⁶⁵ Similarly as of 2017, South Korea imported 27 percent of their oil from Saudi Arabia, 13 percent from Kuwait, 10 percent from Iraq, and 8.2 percent from the UAE.⁶⁶

Given such reliance on the GCC for energy needs coupled the uncertainties that accompany such dependence, South Korea and Japan have funneled resources into alternative sources of energy that has included

⁶⁰ Ibid.

⁶¹ op. cit., fn 31.

⁶² “Global Energy Perspective 2019: Reference Case.” McKinsey Energy Insights, McKinsey & Company.

⁶³ “U.S. Energy and Information Administration: Japan Profile.” January 5, 2020.

⁶⁴ “U.S. Energy and Information Administration: South Korea Profile.” January 6, 2020.

⁶⁵ “The Observatory of Economic Complexity: Japan Imports.” January 6, 2020.

⁶⁶ “The Observatory of Economic Complexity: South Korea Imports.” January 7, 2020.

⁵⁶ op. cit., fn. 41.

⁵⁷ “BP Energy Outlook 2019 Edition.” Centre for Energy Economic Research and Policy, Heriot-Watt University, BP.

⁵⁸ Ibid.

⁵⁹ “Renewable energy explained.” U.S. Energy and Information Administration, June 7, 2019.

investment into solar, wind, and biomass energy sources.⁶⁷⁶⁸ In Japan, corporate “green-project-bonds” have been issued to provide companies with adequate resources for further development of alternative and renewable energy projects, “[F]rom a demand perspective, Japan’s clean-energy needs look set to increase on the back of a national goal to raise the share of renewables in the fiscal year 2030 power-supply mix to 22% to 24%, compared with 16% as of 2017.”⁶⁹ As for South Korea, investment into alternative and renewable energy has been largely focused on solar and wind development while biomass energy sources remain sparse.⁷⁰ However, analysts note that South Korea’s initial ambitious plans to transition into renewables includes biomass investment and will remain a viable, and statistically significant alternative, “[W]hilst these Japanese and Korean investment plans have been largely focused on solar and offshore wind, we believe biomass also offers substantial growth potential.”⁷¹⁷²

Aside from the petrochemical industry being potentially usurped by biomass energy’s introduction, companies such as Chevron, Royal Dutch Shell, and ExxonMobil as well as other oil companies are conducting research into viable, and scalable biofuels that will imitate and replace hydrocarbons within existing ICE vehicles.⁷³⁷⁴⁷⁵ Thus, due to the dual use potential that biomass energy holds as well as a growing petrochemical industry amidst a shrinking transportation sector, biomass energy threatens to displace GCC oil exports

67 “Japan Renewable Energy Corporation: Power Plants.” January 7, 2020.

68 “Research Activities: Biorefinery Center.” Graduate School of Engineering - Faculty of Engineering - Kobe University. January 7, 2020.

69 “Japan’s Boom in Renewables after Fukushima.” Goldman Sachs. August 12, 2019.

70 “South Korea could be the next biomass market leader.” Asian Power News. Asian Power, May 14, 2019.

71 “South Korea Boosts Renewable-Energy Investments by 60%.” GreentechMedia, July 28, 2008. (*Archived*)

72 *op. cit.*, fn. 71

73 “Biofuels: turning trash into treasure.” Chevron Corporation. May, 2015.

74 “Biofuels: Our Projects Around the World.” Shell Global, Royal Dutch Shell PLC.

75 “Innovating energy solutions: Research and development highlights.” ExxonMobil Corporation. July 15, 2019.

regardless of how small its market share is compared to other alternative and renewable energy sources.

Solar and Wind

While only useful in the generation of electricity, the renewable and alternative energy markets are predicted as being dominated by solar and wind, making up 50 percent of total electricity generation by the year 2050.⁷⁶ Despite being only capable of generating electricity, the net result of wind and solar technology is largely the same as biomass energy: decreased dependency on hydrocarbon imports. The proliferation of solar and wind technology is by and large, a consequence of initial investment into the technology by the Chinese government. Outside of the environmental considerations justifying investment, the attractiveness on renewables like that of solar and wind —especially from the perspective of the Chinese government— is the ability to localize energy sources in a way that retains domestic control and limits vulnerabilities to global supply chains, “China sees peak coal generation and emissions in 2027, as the world’s biggest electricity system reaches 37% renewables penetration.”⁷⁷⁷⁸ The initial investment into renewable technology made by the Chinese government has ultimately sparked wider-global investment, significantly bringing down the costs of producing what was once expensive technology such that it could directly compete with conventional energy sources, “[R]enewables will become cheaper than existing coal and gas in most regions by 2030.”⁷⁹

Furthermore, solar and wind energy has become so cheap to produce in India, that analysts forecast India’s renewable energy industry supplying approximately 67 percent of the country’s electricity needs by the year 2050. Moving fastest among all in the development of renewables is Europe who, “[B]y 2040, renewables make up 90% of the electricity mix in Europe, with

76 “New Energy Outlook 2019: Executive Summary.” BloombergNEF, Bloomberg. 2019.

77 *op. cit.*, fn. 26

78 *op. cit.*, fn. 77

79 *op. cit.*, fn. 63

wind and solar accounting for 80%.⁸⁰ The rapid development of solar and wind infrastructure poses a threat to oil exports in the GCC, regardless if the country in question acts as an importer of GCC oil. Aside from the complementary relationship renewable energy sources like solar and wind has with EV technology, it is the additional oil available for export from already energy-transition economies like that of Europe that would oversaturate the global oil market, bringing the prices of oil down for GCC countries whose fiscal revenues and domestic growth are much more reactive to changes in oil price.

Implications for Development in the Middle East

The displacement of global demand for oil by emerging technologies is seemingly inevitable. The effects of such displacement on the price of oil — whether speculative or actual— will remain unknown. While the permanency and length of disruption in oil pricing remains undetermined as well, severe enough shocks within the global markets as they stand today will invariably affect the oil exporting nations of the GCC, and the region as a whole.

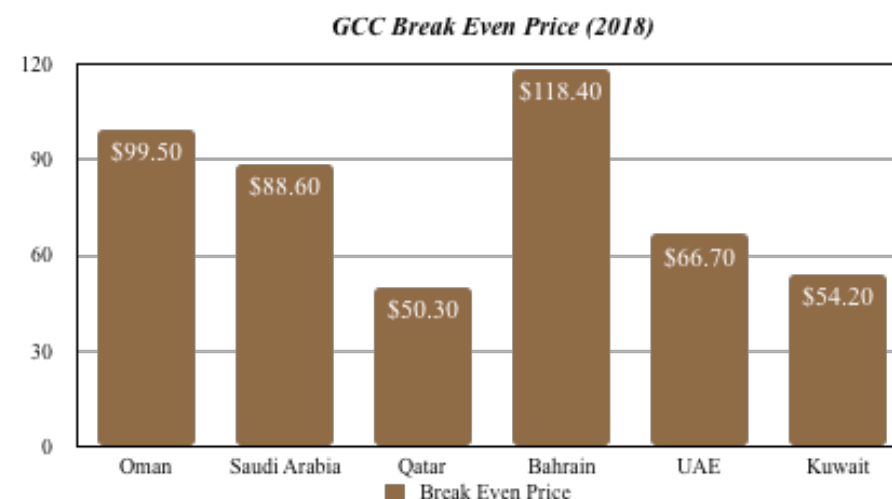
The most probable consequence of seemingly inevitable oil depreciation is the crippling of many, if not all, of the GCC economies. The GCC initiatives —Saudi Arabia’s Vision 2030, Oman’s Vision 2040, UAE Vision 2021, Qatar National Vision 2030, Bahrain’s Vision 2030, and Kuwait’s Vision 2035— have required significant government spending and borrowing in recent years to curb long term vulnerability and reliance on oil. Such initiatives have drastically deteriorated the fiscal balances of the governments before investments have had a chance to properly mature, “[D]ebt levels continue to trend upwards across the GCC, as some countries returned to debt markets to finance fiscal deficits.”⁸¹ And given further uncertainty in the region, further FDI is under threat of being stifled as GCC debts continue to gain interest and mature.

Deficit spending under normal economic circumstances would be expected for a country transitioning their entire economy. But the ability of the

⁸⁰ op. cit., fn. 77

⁸¹ op. cit., fn. 2

GCC to borrow, and finance diversification efforts relies entirely on the short-term health of the oil sector, “[T]he recovery of non-oil sectors across the region continues to depend on government stimulus policies.”⁸² With ever-shifting prices of oil not always fulfilling the price required by some members of the GCC to ensure positive cash flows, such damage to the regional economies is arguably already underway, but will be even more severe with the growth of EVs as well as alternative and renewable sources of energy. The vulnerability of economies in the GCC to the volatility of oil markets, coupled with an inability of the governments to finance and stimulate their economies amidst the depreciating value of oil, a number of negative, compounding effects on the region become possible.



Sources: IMF Breakeven Oil Prices, Macrotrends

From 2010 to 2012, across the Middle East and North Africa, the Islamic world underwent a revolution that is now known as the Arab Spring. Beginning in Tunisia, protests across the Arab world broke out over the mixture of authoritarian governments and low standards of living. Due to relative strength of the oil-exporting economies at the time, the GCC largely escaped

⁸² Ibid.

widespread regime changes caused by the mass protests. With the exception of Bahrain who was able to violently suppress resistance with the help of 1,500 soldiers from Saudi Arabia and the UAE, the GCC member states escaped the chaos of the Arab Spring.⁸³ Similar uprisings to those of the Arab Spring cannot be ruled out given the uncertainty of oil and the extent to which the GCC still remain vulnerable, “many of the countries currently dependent upon oil are likely to face increasingly serious economic problems and, as a result, domestic political unrest. This risks fueling regional conflicts that could further destabilize the MENA region.”⁸⁴ Among many of the GCC economic initiatives are civil reforms and promises to push towards relative liberalization of conservative Islamic law. Such unprecedented attempts at public appeasement by historically conservative Islamic governments, GCC governments lend further credence to the likelihood of the Arab Spring returning for the oil-rich nations.

Furthermore, the potential effects of destabilization following the progression of emerging and disruptive technologies is not only limited to regime change, but also threatens to cause violence throughout the region as well. Following the American invasion of Iraq and the death of Saddam Hussein, political and economic vacuums created the foundations for protracted insurgency that spilled over into neighboring countries.⁸⁵ GCC countries, like most countries in the Middle East, contain a disproportionately high number of unemployed individuals that are under threat of being displaced with any severe disruptions in the domestic economy.⁸⁶ Such an absence of opportunity for growth that would strike GCC countries following oil’s crash, holds a high probability of catalyzing similar insurgent and terrorist movements seen in post-Saddam Iraq.

83 “Arab Spring.” Encyclopædia Britannica, Encyclopædia Britannica, inc. August 23, 2019

84 op. cit., fn. 26

85 “Iraq’s Post-Saddam Insurgency.” Council on Foreign Relations. November 14, 2006.

86 op. cit., fn. 82

Furthermore, at the height of Iraq’s spiral into violent insurgency, surrounding countries —namely Iran— attempted to amplify the conflict by funding and supporting Shia militias within the country. Similar instances of unconventional warfighting are continually used by Iran in the Strait of Hormuz, Yemen, and the Levant to build popular support for the regime domestically.⁸⁷ A similar environment of unprovoked violence between states should be expected following a collapse of oil markets and the economies of the GCC, “We can expect conflict over oil market share, linked to a contest for hegemony in the Middle East, as oil-producing countries in the region and elsewhere in the world struggle to disguise their economic failure.”⁸⁸ The GCC is currently undergoing a conflict between each other that has been limited to economic action, but an escalation to violence cannot be ruled out with oil’s depreciation and the existential threat to various regime’s survival.

Thus, while the extent to which oil will be demanded in the future remains largely unknown, the impact emerging technologies will have in disrupting oil markets and the economies of the GCC warrants further investigation into economic and security vulnerabilities within GCC member states. The development of the oil-exporting economies of the GCC seemingly has a grim future that requires wider international involvement and action in order to avoid consequences that will inevitably extend far beyond the GCC.

87 Berman, Illan “Exploiting Iran’s Imperial Overstretch.” American Foreign Policy Council. January 7, 2020.

88 op. cit., fn. 26



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Impact of Export Crops on Developing Countries

Isabella Abelgas

Edited by Lauren Carrasco

Abstract

The purpose of this study is to examine the impact of export crops on developing nations. Many Westerners fail to recognize where our food comes from and the ethical and environmental consequences of our consumption habits. This paper uses qualitative methodology in the form of case studies to examine the repercussions of our consumption of different export crops. The case studies used in this research are the shrimp aquaculture industry in Thailand, the cocoa production in West Africa, and the quinoa farming practices in Peru and Bolivia. In Thailand, officials have found numerous cases of slave labor in the shrimp aquaculture industry. In West Africa, there has been copious evidence of child labor in cocoa production. Lastly, in Peru and Bolivia, the Western demand for quinoa has left the indigenous and local population stripped of their abundant natural superfood, causing greater inequality throughout the region. In response to these findings, governments should take responsibility and implement greater regulations of these industries and their malpractices. Not only this, but consumers should put pressure on these industries to ensure ethical practices.

Real World Observation

On October 15th, 2019, The New York Times reported that in recent years, Americans have consumed over 1.5 billion pounds of shrimp each year.¹ This article uses the shrimp industry to highlight how Western countries devalue food and are generally ignorant to the processes that bring food to the dinner table. Shrimp consumption has negative environmental and ethical consequences. Due to years of overfishing and the overall degradation of the oceans, shrimp are no longer able to breed and repopulate in the ways they should naturally.² This is because the ecosystems that shrimp are reliant on have been used at unsustainable rates.³ As a result of the declining wild shrimp populations, shrimp aquaculture has become necessary to meet the high and steadily increasing international demand for shrimp. Currently, most of the shrimp consumed in the U.S. are farmed internationally.⁴ However, the shocking reality of this is that international shrimp aquaculture has been exposed in the last few decades for its inhumane slave labor practices and overall lack of regulation. This industry demonstrates the environmental and ethical repercussions that food consumption can have.

The New York Times article draws attention to the prevalence of slave labor in the shrimp industry. This demonstrates how the shrimp industry overall does not represent change. In 2015, The Guardian conducted an investigation on the world's largest shrimp supplier, a Thai company called, Charoen Pokphand (CP Foods), and found that the company uses fishmeal produced by slaves to feed its shrimp.⁵ Men that were able to escape reported that they were sold, beaten, tortured and witnessed other slaves being murdered. Some of the

1 Melissa Clark, "What Should We Think About Shrimp?" *The New York Times* (November 8, 2019).

2 Ibid

3 Louis Lebel, Rattanawan Mungkung, Shabbir H. Gheewala, and Phimpakan Lebel, "Innovation cycles, niches and sustainability in the shrimp aquaculture industry in Thailand" *Environmental Science and Policy* Vol. 13(4) pp.291-302

4 Melissa Clark, "What Should We Think About Shrimp?" *The New York Times* (November 8, 2019).

5 Kate Hodal, Chris Kelly and Felicity Lawrence, "Revealed: Asian slave labour producing prawns for supermarkets in US, UK" *The Guardian* (June 10, 2014).

United States' largest supermarkets, such as Costco, Walmart, and Safeway all sell shrimp from CP Foods and other Thai suppliers that use slave labor.⁶ When asked for a response, these companies reported that they "are working to ensure...that the supply chain is cruelty free."⁷ Others claim that the "supply chain is quite cloudy," and emphasize how difficult it is to monitor the labor practices abroad. These companies all emphasize that it is the responsibility of the Thai government to regulate and investigate these practices. Overall, this represents the lack of progress in this industry. Despite all of the modernization and industrialization within the country, the United States still profits off of slave labor and exploitative practices as it did before.

The shrimp industry is one example of how American consumerism impacts the development potential for other nations. The increasing demand for shrimp in the United States alongside the overall devaluation of food perpetuates the use of slave labor and other cruel practices. Thailand lacks governmental stability to establish and enforce human rights laws. Therefore, as a developed nation with established labor laws, it is unacceptable for the US to denounce slave labor in within its borders while profiting off of exploited labor abroad. In addition, it is unacceptable to be profiting off of such grotesque and inhumane practices when considering that the United States prides itself on being "the land of the free." Lastly, American companies claiming ignorance and blaming the lack of transparency of the supply chains simply does not excuse purchasing products produced by slaves. Despite companies promises to ensure cruelty free supply chains; the massive deregulated demand for outsourced consumer goods in the United States enables foreign countries to continue to exploit cheap labor. Seeing the blurred lines of labor and the underlying corruption leads me to ask the following research question: How does the emphasis on export crops impact developing countries?

6 Robin Mcdowell, Margie Mason and Martha Mendoza, "AP Investigation: Slaves may have caught the fish you bought" *The Associated Press* (March 25, 2015).

7 Ibid

Conventional Wisdom

The common existing belief throughout the world is that globalization is beneficial for all countries both economically and socially. In a poll by the Pew Research Center, it found that around the world, 81% of the 44 countries surveyed believe that international trade is good.⁸ The existing belief is that globalization increases jobs and has a positive effect on developing nations. In another poll by the Pew Research Center, it found that 66% of those in developing nations believe that international trade creates jobs, while only 20% of Americans believe that to be true.⁹ We have seen this to be true, especially with major corporations offshoring their production. Although this provides employment for workers in developing countries, it does not provide avenues for development. Developing countries are stuck within the cycle of either being enslaved, as seen in the shrimping industry, and perpetuating the lack of development, or are left working in jobs with unlivable wages. Therefore, although globalization does provide job opportunities for underdeveloped countries, it does not help these countries build the infrastructure needed for greater success. If anything, it only creates a greater inequality between periphery countries and core countries.

Overall, the conventional wisdom is misleading. Globalization absolutely does have its strengths, however, it seems that it positively benefits certain types of countries rather than others. In the case of trade globalization, capitalist countries have been able to reap the benefits from exploiting labor abroad in many different ways. In a study looking into trade globalization, researchers emphasized the importance of education for increasing wages. However, their findings show that globalization is only “positively associated with education in developed countries but negatively associated with education in developing countries.”¹⁰ Therefore, it is misleading to assume that globalization

8 Bruce Strokes, “Most of the world supports globalization in theory, but many question it in practice” *Pew Research Center* (September 16, 2014).

9 Bruce Strokes, “Americans have dim view of trade’s impact on jobs and wages” *Pew Research Center* (September 17, 2014).

10 Babones, Salvatore J “Trade globalization, economic development and the importance of education-as-knowledge” *Journal of Sociology* (March 2010) Vol.46(1), pp.45-61

has a positive global impact, when in reality, in many cases globalization only helps developed countries become more successful while developing countries continue to struggle.

Methodology and Evidence

In order to examine the impact of export crops on developing countries, I will be using qualitative methodology in the form of case study research. The case studies for my analysis of export crops are shrimp, quinoa and cocoa. To examine these case studies, I use a combination of primary and secondary sources, such as the U.S. Trafficking In Persons Report, CRS Report for Congress on Child Labor in West African Cocoa Production, US Department of Labor Reports, International Labour Organization Reports, Press Statements, United Nation Reports, as well as a number of different peer-reviewed journal articles and articles by non-partisan news sources.

Theory

The theory that best explains and frames my research question is postcolonial theory. This theory challenges Eurocentrism and considers how politics in both core countries and periphery countries are still impacted by the effects of colonialism today.¹¹ This theory was formed around the mid-twentieth century in response to decolonization in general, specifically India’s struggle for freedom from British rule.¹² Scholars, writers, and philosophers such as Mahatma Gandhi and Franz Fanon all began publishing works that openly criticize the impacts and long-term effects of colonialism.¹³ Overall, the core assumptions of this theory are “structured around eradicating global inequality (with a politicized anger about the diverse forms of poverty and discrimination that global inequality perpetuates.)”¹⁴ Therefore, this theory is inherently critical

11 Uday Chandra, “The Case for a Postcolonial Approach to the Study of Politics” *New Political Science* (2013) Vol. 35, No.3. pp 479-491

12 Constance Goh, “The Democratic Promise: The Individual Within the Community (Postcolonial Studies) *Peter Land Inc., International Academic Publishers* (2012) pp. 201

13 Ibid

14 Ibid

of colonialism and hegemonic powers that serve to perpetuate global inequality and poverty. This theory also gives a voice to the subaltern, which are those who are exploited by colonialism and silenced by other theories.¹⁵ This is the best theory to frame my research question especially because the question revolves around agriculture and aquaculture in developing nations.

Case Study: Slave Labor in Fishing Industry

As previously mentioned in the Real World Observation section, the Thai shrimping and fishing industry is pervaded with human trafficking and slave labor. Although measures have been taken in response to the surge of media exposés in 2015, recent reports and articles still question whether or not the Thai government is making sufficient efforts towards improving their state of trafficking. In 2015, the Thai government published their Annual Country Report on Anti-Human Trafficking. Out of 474,334 inspections of fisheries, there were not any reports of forced labor.¹⁶ This completely contradicts the interviews of workers carried about by Human Rights Watch, as well as multiple investigations by other credible news sources. This government report demonstrates the suspicious activity and lack of regulation in enforcing laws to fight against slave labor and trafficking by Thai officials.¹⁷

During that same year, the United States released its annual Trafficking in Persons Report, which ranks different countries on a scale depending on the levels of human trafficking that exists in a given country, as well as its active efforts to combat these issues. It also offers recommendations for what the country can and should do to ensure that all labor is not forced and all traffickers are adequately punished.¹⁸ Thailand was ranked Tier 3 on this report,

¹⁵ Ibid

¹⁶ Royal Thai Government, “Trafficking in Persons Report 2015: The Royal Thai Government’s Response” (2015).

¹⁷ “Hidden Chains: Rights Abuses and Forced Labor in Thailand’s Fishing Industry” Human Rights Watch (January 23, 2018).

¹⁸ United States Department of State, “Trafficking in Persons Report 2015” (June 2015). The following paragraph cites copiously from this source. Readers should assume that any data or quotes reported without a footnote attached was taken from this source.

which is the highest rank in trafficking. This means that the government does not comply with the minimum standards, and that the country is not making any significant efforts towards complying. According to this report, many of the human trafficking victims are immigrants. The report discloses: “Workers from Burma, Cambodia, Laos, China, Vietnam, Uzbekistan, and India migrate willingly to Thailand seeking employment, often with the assistance of relatives and community members or informal recruitment networks.” However, these immigrants end up being “forced, coerced or defrauded” into exploitative labor. However, this issue is not only caused by the traffickers themselves. Human trafficking and slave labor are perpetuated by corrupt Thai officials. Not only do some officials not play their part in reporting these issues when they occur, but some officials at the borders accept bribes and payments to smuggle trafficking victims in Thailand. Other military officials even sold asylees to fishing vessels known for their use of slave labor. Therefore, the Thai government is not only faced with the issue of tackling trafficking and slave labor in multiple industries, but it also is faced with the issue of corruption within the government. As a result of this, the Human Rights Watch encourages both the United States and European Union to be skeptical of improvements to the industry made by the Thai government, because despite the statements of positive progress, the corruption within this government demonstrates how not all of this evidence can always be accepted as fact.¹⁹

Fortunately, there has been some improvement in the Thai shrimping and fishing in recent years. As of 2019, Thailand is no longer Tier 3 in the United States’ Trafficking in Persons Report and is now considered Tier 2.²⁰ This means that Thailand still does not comply with all of the minimum standards, however it is taking considerable and significant strides toward falling under these standards. Many of the preventative laws speak directly towards the issue

¹⁹ Hidden Chains: Rights Abuses and Forced Labor in Thailand’s Fishing Industry” *Human Rights Watch* (January 23, 2018).

²⁰ United States Department of State, “Trafficking in Persons Report 2019” (June 2019). The following paragraph cites copiously from this source. Readers should assume that any data or quotes reported without a footnote attached was taken from this source.

of fishing and shrimping in the country. The Command Center for Combating Illegal Fishing (CCCIF) implemented greater inspection points. At these points, inspectors checked the workers for any noticeable signs of trafficking and abuse such as bruises, cuts, or swelling. In addition, they also interviewed the workers about their experiences. In addition, fishing vessels were also required to return to ports on a monthly basis. This is in response to reports of trafficking victims being out at sea for years at a time. Overall, this system is still flawed, because many immigrants are still working on these fishing vessels, and many of these interviews are carried out through interpreters. Therefore, there is still the existing fear that these workers are being enslaved and exploited. However, with increasing pressure, the Thai government is taking the necessary steps to protect trafficking victims and punish illegal fishing vessels.

Case Study: Child Labor in Cocoa Production in West Africa

Cocoa is an exploitative industry created entirely due to colonization. Most of the cocoa that is consumed is grown in West Africa, and therefore many assume that cocoa is native to this region. However, cocoa trees are actually native to Central America.²¹ When the Spanish colonized Central America, they brought back cocoa to Europe, and chocolate began to spread throughout the continent amongst the wealthier populations. In response to the growing popularity, the Spanish brought cocoa seeds to plant in West Africa where the climate was ideal for cocoa and there was easy sea access from both the Americas and Europe.²² Therefore, the cocoa industry was built entirely due to colonization for the enjoyment of Europeans and Americans.

Around the year 2000, almost two decades ago, the cocoa industry was exposed for its abuse of child labor. While people in the West were blissfully enjoying chocolate, children across the world were being trafficked and forced into child labor. To start, it is important to define what child labor is. The International Labour Organization defines child labor as “work that deprives

21 Helen Ludlow, “Ghana, cocoa, colonialism and globalisation: introducing historiography” *Yesterday and Today* (2012). Pp. 01-21

22 “History of Cocoa” *Cocoa From Ghana*

children (which are people aged 5-17) of their childhood, potential, and dignity.”²³ Therefore, not all work by children is automatically deemed as child labor, just work that is particularly “mentally, physically, socially or morally dangerous,” and interferes with children’s access to education.²⁴

In 2002, the International Institute of Tropical Agriculture conducted a study on child labor in cocoa producing countries in West Africa; Cameroon, Côte d’Ivoire, Ghana, and Nigeria.²⁵ This was one of the first investigations of child labor and trafficking in the cocoa industry because prior to this, all of the accusations were “largely anecdotal.” It was found that children are involved in all parts of the cocoa production process. This includes clearing land with machetes or burning the land with fire. Children were also found spraying and ingesting harmful pesticides, carrying over 100 pound bags of cocoa beans, and cutting cocoa pods with machetes.

Data shows that more than 60% of children in cocoa labor are younger than 14 years old.²⁶ To put this into a Western perspective, this means that the vast majority of these children working in the hazardous conditions of cocoa production are elementary to middle school aged. This draws an important contrast because in the United States, and other Western developed nations where children this age are much more protected. In addition to the hazardous working conditions that these children face, most are not even being compensated for their labor. In Côte d’Ivoire 87% of permanent labor in cocoa farming came from family labor, meaning that these children are often working for their family and not paid at all. This demonstrates the relationship between poverty and child labor. Many families in developing countries rely on their children’s labor for

23 “What is Child Labour?” *International Labour Organization*

24 Ibid

25 Nicolas Cook, et al. “Child Labor in West African Cocoa Production: Issues and U.S. Policy” (online report, U.S. Library of Congress, Congressional Research Service, July 13, 2005). The following paragraphs cite copiously from this source. For any data that is reported without a footnote, readers can assume that this data is taken from this CRS report.

26 Ibid

survival.²⁷ The other unpleasant reality is that about 4% of child laborers do not have any familial ties; meaning about 12,000 children were trafficked into cocoa labor.²⁸ Therefore, in addition to the dangerous and strenuous work these children do every day, they also deal with the “trauma of coercion” and “lack of freedom.”²⁹

Lastly, this hazardous labor also severely impacts access to education. Roughly ⅓ of these children never attended school at all, while only 34% of child laborers are enrolled in school. This severely impacts the Ivory Coast’s development potential. As aforementioned in the conventional wisdom section; education is critical for increased wages. Therefore, the alarmingly small rates of children enrolled in school shows the minimal potential for increased wages and overall development. However, this data is from almost 20 years ago, which brings to question what is the current state child labor in cocoa? What efforts has the US made towards eradicating child labor?

In 2001, Senator Tom Harkin and Representative Eliot Engel created a rider to an agricultural bill that required all chocolate that is free of slave labor to be indicated so on the packaging.³⁰ This bill passed the House of Representatives, making it one step closer for chocolate companies to be legally obligated to label their products “slave free.”³¹ Companies such as Hershey’s, Nestle, and Mars would not have been able to do so. These companies compromised with a voluntary protocol to eradicate the worst forms of child labor in cocoa farms.³² Worst forms of child labor is defined by the International Labour Organization as “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children,” as well as “the use, procuring of a child for prostitution...

27 “Global Estimates of Child Labour: Results and Trends 2012-2016” *International Labour Organization* (2017) pg.13

28 Cook, “CRS Report” *U.S. Library of Congress* (2005).

29 Ibid

30 “Harkin-Engel Protocol on Chocolate and Child Slavery Set to Expire on July 1” *Global Exchange* (June 20, 2005).

31 Ibid

32 Ibid

or illicit activities,” and “work which by its nature or the circumstances in which it is carried is likely to harm the health, safety, or morals of children.”³³ The protocol is made up of a six article plan; all working towards the end goal: that by 2005, the chocolate industry will implement standards of public certification that ensures that the cocoa was grown without any use of child labor.³⁴

Unfortunately, the results were unsuccessful. This protocol absolutely led to progress and meaningful improvements, however the industry failed to meet the 2005 deadline. The next deadline was set for 2008, then when they failed to reach this it was set for 2010, and it is currently set for 2020. More recent studies show that according to the U.S. Department of Labor, as of 2018 over 2 million children in Côte d’Ivoire and Ghana harvest cocoa for chocolate. To make matters worse, these two countries alone supply 60% of the world’s cocoa. Therefore, statistically, if not stated otherwise, the chances of chocolate consumed being a product of child labor are very high. After being questioned by the Washington Post in 2019, Hershey, Mars, and Nestle, the United States biggest chocolate producers, could not guarantee that their chocolate was produced without any child labor.³⁵ These companies argue that they “still cannot identify the farms where all their cocoa comes from, let alone whether child labor was used in producing it.”³⁶

Case Study: Quinoa

Over the past decade, an ancient Andean plant native to Peru and Bolivia called quinoa has exploded in the Western market.³⁷ For many years, quinoa was dismissed by colonizers and the West entirely. Former President of Bolivia, President Morales announced to the UN General Assembly that “the grain was

33 “The Worst Forms of Child Labour” *International Labour Organization*

34 “Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor” *Chocolate Manufacturers Association* (2001)

35 Peter Whoriskey and Rachel Siegel: “Cocoa’s Child Labors” *The New York Times*

36 Ibid

37 “Origin and History” *Food and Agriculture Organization of the United Nations*

undervalued...in the aftermath of the conquest of many South American lands and the ensuing colonial domination, quinoa harvesting had been severely suppressed.”³⁸ During Spanish colonial rule, the colonizers prioritized growing crops such as wheat and barley, especially because quinoa was dismissed as “the food of the Indians.”³⁹ Yet in recent years, quinoa has been featured in numerous articles, magazines, news channels, and often referred to as a new “superfood.”⁴⁰ Quinoa has grown in the markets exponentially due to its vast health benefits. Research shows that quinoa is rich in protein, fiber⁴¹, iron and other antioxidants such as magnesium, lysine and manganese.⁴² As a result, this grain has become extremely popular in the increasingly health conscious Western world.

In the midst of this growing popularity, the Food and Agriculture Organization of the United Nations (FAO) declared the year 2013 as the “International Year of Quinoa.”⁴³ The FAO commends Andean farmers for their sustainable practices without using any chemicals or genetic modifications. In many cases, the Andean farmers still use ancestral and cultural practices to cultivate quinoa. The FAO suggests that this sustainable production of a crop with such vast health benefits has a meaningful impact on global food security and with more support can have even greater implications for the world.⁴⁴ For example, quinoa does not require much water for successful cultivation and has a particular tolerance to drought. Therefore, quinoa has great growing

38 “General Assembly Launches International Year of Quinoa, with Secretary-General Saying Extraordinary Grain Could Have Significant Impact on Anti-hunger Fight” *United Nations* (February 20, 2013).

39 Ibid

40 Jamie Lauren Kieles, “The Superfood Gold Rush” *The New York Times* (May 2, 2017).

41 Intelli Kaur and Beenu Tanwar, “Quinoa Beverages: Formulation, Processing and Potential Health Benefits” *Romanian Journal of Diabetes Nutrition and Metabolic Diseases* (May 1, 2012).

42 Julie Wilcox, “7 Benefits of Quinoa: The Supergrain of the Future” *Forbes* (June 26, 2012).

43 “Quinoa” *Food and Agriculture Organization of the United Nations*

44 Ibid

potential for food security especially in the wake of the growing environmental threat of water shortages from the rapid changes in climate.⁴⁵ In addition to applauding the environmentally friendly practices, the UN also stresses the global importance of family farming that is primarily used in quinoa production. In 2019, the UN introduced the “UN Decade of Family Farming: 2019-2028.”⁴⁶ This is an effort to give more support in terms of resources and policies for family farmers, considering that “80% of the food” in the world come from small scale family farmers that grow food using sustainable, and eco-friendly practices.⁴⁷ It discusses how family farmers “[play an important role in] eradicating hunger and shaping the future of food” and how sustainable family farming feeds the world and contributes to food security.⁴⁸ However, this does not paint an accurate picture for quinoa and the implications that these exports have on the developing world.

First, based on research conducted in 2016, the Top 5 importing countries of quinoa in the year 2015 were the United States, Canada, France, the Netherlands, and Germany.⁴⁹ The Top 5 importers of quinoa are all G7 countries, meaning that they are the largest and most advanced economies in the world.⁵⁰ Therefore, any food insecurity that exists in these countries are caused by political decisions and irresponsible allocation of resources rather than reasons associated with climate, infrastructure, or food shortages that primarily cause food insecurity in developing nations. Furthermore, the sustainable production of quinoa from family farmers that is intended to increase food security throughout the world are not being exported to developing countries

45 “General Assembly” *United Nations*

46 “Introducing the UN Decade of Family Farming” *Food and Agriculture Organization of the United Nations*

47 Ibid

48 Ibid

49 “The Quinoa Quest: A look into current and future markets” *Trade for Development Centre* (March 2016).

50 “The G7 and the Future of Multilateralism” *Council on Foreign Affairs* (August 20, 2019).

that are poverty and food insecurity stricken, but rather to some of the countries who need this resource the least. Not only this, but quinoa does not even serve the food insecure in the top importing countries. For example, at Trader Joe's, eight ounces of quinoa is sold for three dollars, while thirty ounces of rice is also sold for three dollars.⁵¹ Therefore, quinoa is not an affordable option for low income families that struggle with food insecurity.

In addition, the rising demand for quinoa abroad creates concerns for the native people in Peru and Bolivia. While quinoa farmers see the benefits of a rising demand and subsequent rise in income; other natives can no longer afford this staple crop in their diets.⁵² Some have had to turn to unhealthy alternatives like Western imported pasta, rice and processed junk food to sustain themselves in the midst of the rising cost of their staple crop. Not only this, but the demand for quinoa is growing exponentially. The Bolivian government generally sees this rapid growth in demand as beneficial for their economy, with unwavering support from former President Morales. However, many fear that without proper regulation, this can potentially lead to huge economic disparities and vast income inequalities in the country.

Similarly, many critics are especially concerned with the environmental degradation caused by this sudden increase in production. Part of the reason that quinoa has a high drought tolerance and requires less water relative to other crops as aforementioned, is that historically, the ancestral farming practices of quinoa require long fallow periods.⁵³ Fallow periods are the time that soil can rest and restore fertility. However, due to the high demand, farmers have not been able to follow these same practices, thus leading to soil degradation and a smaller yield of quinoa. Not only this, but the ancestral practices of quinoa production largely consist of manual labor. Before the sudden western demand,

51 This price is based on the prices listed on the Trader Joe's website for the Organic Sprouted Tricolor Quinoa and the Brown Rice as of December 12th, 2019.

52 Dan Collins, "Quinoa brings riches to the Andes" *The Guardian* (January 14, 2013).

53 S.-E. Jacobsen, "The situation for Quinoa and Its Production in Southern Bolivia: From Economic Success to Environmental Disaster" *Journal of Agronomy and Crop Science* (May 22, 2011).

family farmers continued to use manual labor. However, the increasing demand and production requires use of tractors, sowing machines and other machinery that have never been used before on this and damage the soil quality and fertility. This demonstrates the evident negative environmental implications, and this unsustainable production also destroys the land of the indigenous population. Overall, environmentalists argue that there needs to be an urgent adjustment in the current production of quinoa.⁵⁴ Although there are vast economic benefits for the individual family farmers, their practices simply cannot sustain the growing demand and may cause the region to be permanently destroyed.

One argument in favor of the rising quinoa production is that the higher prices of quinoa create greater incomes for quinoa farmers, and thus benefit the rest of the economy.⁵⁵ The farmers are able to use their extra spending money and further support other areas of the economy that they otherwise couldn't have. However, this theory makes the unfortunate mistake of applying a western capitalist perspective to a completely different environment. First, this fails to recognize the core of the issue. People who rely on this food are not able to afford it, and though this may in some ways benefit the quinoa farmers themselves and some other small business owners, it does not take away from the fact that this overproduction of food for the West takes away from the native people. Not only this, it decimates the land as previously discussed. Therefore, although the quinoa farmers themselves may benefit from it in some ways, there are far more costs of this rapid quinoa production.

So What? Implications of the Research Findings

These three individual case studies demonstrate the repercussions of immense pressure and emphasis on export crops in developing countries. In these three case studies, the United States and European Union were often

54 T. Winkel, et al., "The Sustainability of Quinoa Production in Southern Bolivia: from Misrepresentations to Questionable Solutions." *Journal of Agronomy and Crop Science*. (March 29, 2012).

55 Marc F. Bellemare, et al., "Foods and Fads: The welfare impacts of rising quinoa prices in Peru" *World Development, Elsevier*, (2018).

the primary importers of these goods. This economic growth without proper regulation encourages these developing countries to maximize their profit as much as they can. For many, these export crops become the country's primary source of profit. Although this economic progress is important, the lack of regulation and encourages corruption, exploitation and perpetuates a vicious cycle of poverty.

Based on these case studies, it is crucial for Western countries as well as large corporations to take greater responsibility in ensuring that their food has been ethically sourced. It is crucial that corporations know the extensive ins and outs of the labor in their supply chains. As a developed country, there is no excuse as to why some of our biggest corporations continue to purchase export crops and support the use of slave labor, child labor, human trafficking, and environmental decay. This mass consumption of export crops from developing countries have grave implications for their development potential, and it is the responsibility of consumers in the United States to be more conscious of this. Western consumers need to be cognizant of their buying power, and the ways that their food choices impact less developed countries. Moving forward, they need to demand more from the companies in which they buy food, and not be complacent in the perpetuation of slavery and child labor.



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Freedom Begets Unfreedom: Capitalism's Dependency on Slave Labor

Elsa Bassett

Edited by Eireann O'Grady

Abstract

While many people are aware of the existence of slave labor in the global economy, there is a gap between capitalism's perception as a positive system and the use of slave labor as a means for profit and power. This paper will analyze how slave labor undermines the global capitalist system as it relates to human rights and market support. As capitalism claims both to provide human rights, and participation in the market as consumers for all people, the two case studies will focus on how both these principles are violated and made void through the existence of slave labor. The paper focuses specifically on the slave labor in the fishing and clothing industries and finds that capitalism heavily relies on slave labor in order for G7 countries to maintain global power over the Global South, where most slave labor exists. The paper concludes with a discussion regarding the reliance of capitalism on slave labor and what that might mean for the future of capitalism if it continues on its current trajectory.

Slave Labor in the Thai Fishing Industry

On September 21, 2019 *The Guardian* published an article discussing the violence experienced by slaves in the Thai fishing industry and how that labor benefits the rest of the world.¹ In Thailand, boys and men are tricked onto fishing ships and forced to work through the use of electric shock treatment, sleep deprivation, and drugs, among other things.² The article details the dehumanization that accompanies working on the Thai fishing ships, explaining the violence experienced and witnessed by workers every single day.³ Kate Kennedy, a former executive officer of Hagar Australia, an organization dedicated to restoring the lives of human trafficking survivors, explained the challenges in her work attempting to rescue boys out of slavery. She states that even after working with the men and boys, “a number ended up just going back to the fishing industry. It was the only way they knew how to live.”⁴ While the article focuses only on the experiences of those in forced labor in the Thai fishing industry, this is an issue in many other countries and industries all over the world. It is estimated that about 40.3 million people are living their lives as slaves, meaning that there are 5.4 victims of slave labor for every 1,000 people in the world.⁵ To explain why this might be the case, a report by the International Labor Organization published in 2014 says that slave labor utilized by capitalist powers brings in an extra \$150 billion in illegal profits.⁶

While there seems to be an acknowledgement of slave labor as a means for profit, the action being taken to fix this issue reflects how the continued use of forced labor implicates the global capitalist system. According to the *New York Times Editorial Board*, after the Thai fishing industry's dependence on slave

labor was brought to public attention, Congress passed legislation to close a loophole in the Tariff Act of 1930 that prohibited imports made by forced labor, but exempted those goods if American domestic production could not meet the demand.⁷ Even with this loophole closed, the United States continues to support this \$6.5 billion Thai fishing industry through several means, including pet food sold at supermarkets by using “trash fish” sold under the table.⁸ While the efforts to stop trafficking in the Thai fishing industry have been highly publicized, few effective steps have actually been taken by the Thai or American governments. An article published by *Human Rights Watch* in 2018 speaks to the ways that the shortcomings of Thai law has continued to allow those being trafficked to remain in bondage, which includes an example wherein the Thai government inspected the conditions of 474,334 fishery workers and failed to identify even one case of forced labor.⁹ Forced labor in the Thai industry has remained extremely prevalent. A large-scale survey of 496 fishers in 2012 noted that almost one in five workers “reported working against their will with the menace of penalty preventing them from leaving.”¹⁰ While the fishing industry is just one area of labor exploitation that is being used for capitalist profit, it represents a highly evolved system that has been relied upon for years with no change.

While there is awareness of the existence of slave labor, there is no action being taken by capitalist powers to reduce the use of slave labor in general. The continuity of slave labor throughout history reflects a reliance on the use of such labor in the fishing industry, as well as other sectors, as a means to decrease the cost of labor and to produce maximum profit. Countries such as the United States are highly dependent on these imports, relying on developing countries

1 Steve Dow, “‘Such Brutality’: tricked into slavery in the Thai fishing industry,” *The Guardian* (September 21, 2019).

2 Ibid

3 Ibid

4 Op. cit., fn. 1

5 Ibid

6 International Labor Organization “ILO says forced labor generates annual profits of US\$ 150 billion,” (online report, May 20, 2014).

7 *The Editorial Board*, “Slave Labor on the High Seas,” *The New York Times* (February 20, 2016).

8 Op. cit., fn. 1

9 Daniel Murphy, “Hidden Chains: Rights Abuses and Forced Labor in Thailand's Fishing Industry,” *Human Rights Watch* (January 23, 2018).

10 Ibid

to provide about 50 percent of all their fisheries exports.¹¹ It stands to reason that the United States would use its power to keep the imported prices as low as possible. The evidence seems to suggest that the United States government, and the governments of other countries, may not be fully committed to the task of ending modern slavery.¹² The prevalence of globalization in the current economy brings to question the role that it has played in furthering the use of slave labor. The continued use of slave labor by capitalist powers leads me to ask the following research question: How does the existence of slave labor undermine the modern global capitalist system?

Understanding Capitalism

The conventional wisdom is that Americans believe capitalism to be a positive system. In a poll by the *Pew Research Center* of registered voters, the non-partisan research found that 65 percent of Americans have a positive view of capitalism because it fuels prosperity and is linked to the country's success, while 33 percent of Americans have a negative view of capitalism due to its relation to inequality and corruption.¹³ In another poll conducted by *Gallup*, researchers found that 60 percent of Americans have a positive outlook on capitalism and its relation to free enterprise.¹⁴ These polls suggest that the majority of Americans view capitalism as a positive system that gives people the opportunity for socioeconomic mobility and maximization of profits. Furthermore, this implies that the American positive outlook on capitalism is directly related to the success of the United States in the global economy.

The conventional wisdom seems to suggest that all people are equally benefitting from the current global capitalist economy, while failing to acknowledge the ways that capitalism interacts differently with different people

11 U. Rashid Sumaila, Christophe Bellman, and Alice Tipping, "Fishing for the Future: Trends and Issues in Global Fisheries Trade," *The E15 Initiative* (December 2014).

12 Op. cit., fn. 7

13 "In Their Own Words: Behind Americans' Views of 'Socialism' and 'Capitalism,'" *Pew Research Center* (October 7, 2019).

14 "Americans' Views of Socialism, Capitalism Are Little Changed," *Gallup* (May 6, 2016).

groups. There has been much debate by economic theorists as to whether the capitalist system allows for consumer sovereignty, individual choice, and material progress¹⁵ or whether it is labor exploitative and inherently distributes resources unequally.¹⁶ It is clear, however, that the driving force of global capitalism is, and always has been, the exploitation of the working class by capitalist owners, as well as of periphery countries by countries in the center.¹⁷ The development of capitalism created a basis for underdevelopment in an effort to generate greater economic development in G7 countries.¹⁸ It assumes that periphery countries have become the means through which developed countries achieve capitalist accumulation.¹⁹ This has occurred in two ways. First, it has occurred through the colonial relationship between center and periphery countries that focused on the trade of raw materials produced by colonies and traded to Europe for the production of manufactured goods. Second, it has occurred because the capital owners have ensured that the benefits of investments flow back to the countries at the center of capitalism, effectively guaranteeing that the benefits of the periphery countries are minimal.²⁰

Capitalism has been set up in order to create economic development for owners of production. This information is necessary to understand why slave labor is still allowed to exist in the world today. There is a lack of recognition of the unequal relationship between the owners of production and the labor force that allows laborers to be exploited for the means of greater capital. Capitalism's use of slave labor is opposite to the belief of most Americans that it brings about

15 Michael Novak, *The Spirit of Democratic Capitalism*, ed. 1. (New York: Simon & Schuster, 1990)

16 Samuel Bowles and Herbert Gintis, *Democracy and Capitalism*, ed. 1. (New York: Basic Books, 1986)

17 Will Hout, "Classical Approaches to Development: Modernization and Dependency," *The Palgrave Handbook of International Development*, J. Grugel D. Hammett, eds. (New York: Palgrave, 2016): 21-39.

18 Richard Peet and Elaine Hartwick, *Theories of Development: Contentions, Arguments, Alternatives* (New York: The Guilford Press, 2015).

19 Op. cit., fn. 17

20 Ibid

an opportunity for freedom for all. In fact, it weakens the claim that the capitalist system strengthens the human rights of all who operate under its power. In addition to the moral controversies of slave labor, it also undermines market support. Without earning wages, enslaved workers are unable to participate in the economy as consumers and may decrease the profit margins of capitalist powers at more macroeconomic levels. While the claims of capitalism as providing humans rights and generating market support for all suggest that slave labor would be counterproductive to its cause, there is ample evidence that slave labor does indeed exist. The public claims of capitalism mislead people to believe that capitalism is an entirely positive system when in actuality, the basis of capitalism as an opportunity for freedom and success ignores the unfreedom of millions across the world.

Case Study: Weakens the Human Rights Claim

While capitalism does not explicitly claim to protect human rights, it *does* claim to be a vehicle for profit and success for all. An article published on December 10, 2016 in the *Oxford University Press* discusses that although global human rights do not explicitly include economic rights, global capitalist structures focus on the transfer of wealth from the poor to the rich, widening the inequality gap and adding to the degradation of human rights for those most vulnerable in society.²¹ The United Nations' definition of human rights encompasses the "right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, and the right to work and education." In addition, the UN Practitioners' Portal on Human Rights-Based Approaches to Programming outlines six human rights principles: universality and alienability, indivisibility, interdependence and inter-relatedness, non-discrimination and equality, participation and inclusion, and accountability and rule of law.²²

21 Tony Evans, "Does Globalizing Capitalism Violate Human Rights?," *The Oxford University Press* (December 10, 2016).

22 UN Practitioners' Portal on Human Rights Based Approaches to Programming, "The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies" (online report, 2003).

This case study will be expanding upon the principles of non-discrimination and equality, and accountability and rule of law as they relate to the ways that slave labor weakens capitalism's human rights claim. Non-discrimination and equality refers to the idea that all individuals are equal as human beings and by the inherent dignity of every person, all human beings are entitled to their rights without discrimination of any kind.²³ The principle of accountability and rule of law explains the duty of the state to be answerable for the observance of human rights.²⁴

As mentioned earlier, one of the most prevalent industries in which slave labor is found to violate these human rights is the fishing industry. Most prominently in Thailand, men are tricked into migrating to Thailand from countries such as Cambodia and Malaysia in order to claim a job promised to them, only to find out they have been sold onto a fishing ship.²⁵ The State Department's 2018 Human Rights Report on Thailand outlines the fact that those in the informal working sector (the fishing industry is considered part of this category) do not fall under the laws providing universal health care for all citizens, nor do they qualify for the social security program that is required to be provided for all employed persons.²⁶ A *Human Rights Watch* article emphasizes the importance of including fishers in the social security program as a needed effort to protect them if they suffer an occupation-related accident or illness.²⁷ The harsh and violent working conditions that these fishing laborers experience only adds credence to the issue of the lack of laws regarding health care and social security. The International Organization for Migration reports that workers are typically forced to work eighteen to twenty hours per day and are allowed minimal food

23 Op. cit., fn. 22

24 Ibid

25 Op. cit., fn. 1

26 United States State Department, "Thailand 2018 Human Rights Report" (online report, 2018).

27 Anti-Slavery International, "Joint Statement on Thai Fishing Industry," *Human Rights Watch* (August 17, 2018).

and water.²⁸ The same report details the dangerous working conditions workers experience, such as working through their exhaustion on heavy equipment with little training or access to medical assistance when injured.²⁹ In addition, workers report witnessing and experiencing extreme violence by the ships' captains, a clear violation of the United Nations' Statement of Human Rights.³⁰ According to the 2013 United Nations' Inter-Agency Project on Human Trafficking, 59 percent of migrant fishers reported witnessing a fellow fisher killed by boat captains or senior crew members.³¹

The clothing industry is another widely successful global industry with a high prevalence of slave labor. Many countries are dependent on the Bangladeshi labor force to provide approximately 80% of the labor for clothing production.³² A Congressional Research Service report from 2013 about Bangladesh's political and strategic developments explains the vulnerability of undocumented immigrant women to abuse and health risks in the clothing industry over other people groups.³³ At factories in India, another country with high amounts of slave laborers, most of the workers are young women and children between the ages of 14 and 22, from the lowest two caste classifications.³⁴ In Bangladesh, workers are forced to toil in cramped areas with little fresh air or proper exit routes.³⁵ These working conditions have led to increasing amounts of fires and

28 International Organization for Migration, "Trafficking of Fishermen in Thailand" (online report, 2011).

29 Ibid

30 Op. cit., fn. 28

31 United Nations' Inter-Agency Project on Human Trafficking, "Phase III [2007-2013]" (online report, 2013).

32 Bruce Vaughn, "Bangladesh: Political and Strategic Developments and U.S. Interests," (online report, U.S. Library of Congress, Congressional Research Service, August 14, 2013).

33 Ibid

34 Martje Theuws and Pauline Overeem, "Flawed Fabrics: The Abuse of Girls and Women Workers in the South Indian Textile Industry," Center for Research on Multinational Corporations, India Committee of the Netherlands (online report, 2014).

35 Mary Jane Bolle, "Bangladesh Apparel Factory Collapse: Background in Brief," (online report, U.S. Library of Congress, Congressional Research Service, January 10, 2014).

building collapses, including one on April 14, 2013, reported by *The New York Times* to have killed over 1,100 people that brought up questions about the commitment of local factory owners, Bangladeshi officials, and global brands to provide safe working conditions.³⁶ India's working conditions are similar; women are forced to live in bed-less rooms connected to the factories, sharing toilets with 35-45 other people.³⁷

The principle of accountability and rule of law in the context of human rights is also frequently violated across both the fishing and clothing industries. The state fails to fulfill its obligation to be answerable for human rights violations, and workers experience hardship trying to report inhumane working conditions. The U.S. State Department's 2018 Human Rights Report of Bangladesh reveals that weak regard for the law in Bangladesh enables government officials to keep workers in these oppressive conditions as a means of creating profit through their forced work.³⁸ In 2012, a *New York Times* article reported the death of a man named Aminul Islam, who was killed amidst a protest organized to fight for workers' rights, just several days after he was told that his "advocacy for workers was hurting a country where garments exports drive the domestic economy."³⁹ Additionally, the United Nations Inter-Agency Project on Human Trafficking report in 2013 identified that a hotline set up in Thailand as a resource for those in forced labor would only respond to about one-third of the cases they received.⁴⁰ Furthermore, the International Labor Organization's adoption of the Protocol of 2014 to the Forced Labor Convention of 1930 emphasizes the requirement of governments to support the due diligence of businesses to actively identify, prevent, mitigate, and account for how they

36 Julfikar Ali Manik and Jim Yardley, "Building Collapse in Bangladesh Leaves Scores Dead," *The New York Times* (April 24, 2013).

37 Op. cit., fn. 34

38 United States State Department, "Bangladesh 2018 Human Rights Report" (online report, 2018).

39 Jim Yardley, "Fighting for Bangladesh Labor, and Ending up in Pauper's Grave," *The New York Times* (September 9, 2012).

40 Op. cit., fn. 31

address and manage their human rights impact.⁴¹ The Sexual Harassment of Women at Workplace Act of 2013, passed by the India's Ministry of Women and Child Development, also requires that companies have internal complaints committees to address workers' charges.⁴² Victims of the fishing industry are often kept in prison while awaiting action on the cases against them,⁴³ which demonstrates the lack of regard given to the laws relating to the way in which firms and states are supposed to respond to complaints about human rights violations. Workers also lack the right to form unions and bargain collectively, which are rights promised under the International Labor Organization's Freedom of Association Convention.⁴⁴ Laborers are typically unaware of these rights, as employers strongly discourage the forming of unions,⁴⁵ or are not willing to risk dismissal or abuse by trying to join a union once learning what they are.⁴⁶

Across both industries, there are many similarities in which those enslaved are denied access to their universal, basic human rights. The most prevalent features lacking in the human rights of those enslaved include the vulnerability of women and migrant workers that allows them to receive unequal treatment under the law. They are forced to work in harsh and violent labor conditions with little or no regulation by law enforcement. It is clear that these abuses not only violate human rights, as they impede upon the principles of non-discrimination and equality, as well as accountability and rule of the law; they also infringe upon the capitalist ideals of the right to individualism, which gives every person the ability to make their own choices regarding labor and economic well-being. As there is an increase in the prevalence of modern slavery, there seems to be disregard around the implementation of existing legislation, which

41 Ibid

42 Op. cit., fn. 34

43 Op. cit., fn. 31

44 International Labor Organization, "Labor Relations (Public Service) Convention, 1978" (online report, 1978).

45 Op. cit., fn. 35

46 Op. cit., fn. 34

allows for gaps in the protection of human rights.⁴⁷ Capitalist powers seek to maintain their development status and increase their profits through various government's negligent attitude about preventing slave labor and punishing its perpetrators.

Case Study: Undermines Market Support

Even if one views capitalism as a system that allows for the least regulation on industry and the maximization of profit, slave labor is still undermining capitalism. In other words, even when human rights are not part of the equation, slave labor still undermines capitalism's core goals and ideals. Capitalism relies on consumers to participate in the market economy through earning wages. It also depends on a system of producers and consumers who participate in both producing and consuming in order to run efficiently. This case study focuses on how the existence of slave labor undermines market support in the context of workers' ability to participate in the market economy, as well as how it impacts the market efficiency of the global economy.

In both the clothing and fishing industries, forced labor reveals the choice of firms to ignore the existing laws on minimum wage requirements. A Minimum Wage Systems Report from the 2014 International Labor Conference outlines the necessity for workers to receive a minimum wage to be paid for their services within a given time period, which is guaranteed by law and covers the "minimum needs of the worker and his or her family."⁴⁸ The report also emphasizes the implementation of minimum wage as necessary to ensure conditions of fair competition between employers.⁴⁹ About 50 percent of people trapped in slave labor in the clothing industry are in debt bondage, meaning they are working off a debt incurred upon them by the recruiters who promised them

47 Walk Free Foundation, "Global Slavery Index" (online report, 2018).

48 International Labor Office, "Minimum Wage Systems" (online report, International Labor Conference, 103rd Session, 2014)

49 Ibid

a job and sold them into slavery.⁵⁰ Because they are working off a debt, they are not receiving pay and unable to participate in the market as consumers. One way that young women and children end up in debt bondage, working in the textile industry, is through recruiters capitalizing off of poor farmers. Recruiters will go to poor farming villages in India and convince parents to send their children to work in the spinning mills during summer holidays.⁵¹ At the end of the two months, when it is time for the child to go back to school, their salary is withheld, and they are pressured to remain for another month.⁵² Often, the choice to not go back to school in order to receive their wages and to remain in the factories forces the children to drop out of school all together.⁵³ This is just another way that forced labor contributes to the inability of workers' to participate in the market. This example impacts the child not only in the short-term, but also the long-term, as the child loses their opportunity for an education and will likely remain in the poverty from which further education might have removed them. In addition, workers are promised, without a written contract, that they will receive a lump sum at the end of three years of work. However, they are often unaware of the amount of money they should receive by the end of their three years and often do not even end up getting paid.⁵⁴ In Thailand's fishing industry, laborers have similar experiences, with ship captains withholding the bulk of a worker's wages until the end of the fishing expedition, which can last between two to six years.⁵⁵ One difference between India's textile industry and Thailand's fishing industry is that Thai labor law guarantees a minimum wage

50 Larissa Luy, "Managing Risks Associated with Modern Slavery – A Good Practice Note" (online report, World Bank Group, International Finance Corporation, January 30, 2019)

51 Op. cit., fn. 34

52 Ibid

53 Ibid

54 Ibid

55 Solidarity Center, "Out of Sight, Out of Mind: Human Trafficking and Exploitation of Migrant Fishing Boat Workers in Thailand" (online report, 2009).

to all workers.⁵⁶ India's minimum wage laws exclude certain industries such as spinning mill workers.⁵⁷ When workers are unable to participate as consumers, they lack the funds they need to support themselves, their families, and their communities.⁵⁸ Furthermore, due to forced labor's prevalence in global trade, women in particular lose opportunities to benefit from this trade. This loss of opportunity limits the access to education for women in slave labor, which can limit their access to better employment.⁵⁹

Not only are individual workers unable to participate in the market economy, but evidence also suggests that forced labor does not always have positive impacts on overall market efficiency. The 2017 World Trade Report explains how global trade has impacted firms and individuals in different regions unevenly.⁶⁰ Typically, workers are worse off due to low labor mobility.⁶¹ There are also drawbacks for businesses and governments. A paper published by the *United Nations University* lays out the potential costs of slave labor that are paid by firms and the state that may be impacting market efficiency, beginning with the costs of firms to maintain employees and the costs of coercion.⁶² Because forced labor differs from many day jobs, in that workers are not only working, but also living in their places of business, there is an added cost of food and accommodations for workers, no matter how low quality those may be.⁶³ Firms also have costs related to ensuring that the risks and costs of

56 Op. cit., fn. 55

57 Ibid

58 United Nations Conference on Trade and Development, "Guidance on Corporate Responsibility Indicators in Annual Report" (online report, 2006).

59 Organization for Economic Cooperation and Development, "Trade, Employment and Labor Standards: A Study of Core Workers' Rights and International Trade" (online report, 1996).

60 World Trade Organization, "World Trade Report: Trade, Technology, and Jobs" (online report, 2017).

61 Ibid

62 Juliette Faure, "Forced Labor: Does it Make Economic Sense?" *United Nations University* (October 2015).

63 Ibid

punishment are higher than slaves' incentives to defect or take action against their oppressors.⁶⁴ Forced labor creates a lack of investment in human capital, as is it often associated with labor-intensive production that requires low-skilled workers.⁶⁵ This contributes to the stagnation of economies that run on slave labor at the basis of their production chain.⁶⁶ Finally, the added cost of low productivity can impact market efficiency, since workers who do not receive pay are not as incentivized to produce as quickly as possible, and the economy runs at lower than optimal productivity levels.⁶⁷ According to these costs, the withholding of payment to employees can negatively impact businesses.⁶⁸ At a General Assembly meeting on October 11, 2018, where unilateral trade practices were discussed, Salim Baddoura, President of the United Nations Conference on Trade and Development, noted the ways in which approaching trade from a multilateral view rather than unilateral could allow the global economy to promote consumption and sustainable production.⁶⁹ This viewpoint demonstrates that there are benefits to approaching global capitalism and trade, and therefore forced labor, from a perspective that benefits all countries rather than just those in power. A report by the Organization for Economic Cooperation and Development argues that prohibiting forced labor and regulating non-discrimination in employment are likely to improve the efficiency of market outcomes, and that there is no concrete evidence to suggest that countries with low labor standards exhibit a better global export performance than countries with high labor standards.⁷⁰ While slave labor lowers the labor costs of production, it adds other costs to the upkeep of systems that maintain slave

⁶⁴ Ibid

⁶⁵ Op. cit., fn. 62

⁶⁶ Op. cit., fn. 59

⁶⁷ Op. cit., fn. 60

⁶⁸ Op. cit., fn. 58

⁶⁹ United Nations, "Unilateral Trade Practices, Measures Harm Most Vulnerable Nations, Speakers Say, as Second Committee Takes Up Macroeconomic Policy" (online report, U.N. General Assembly, October 11, 2018).

⁷⁰ Op. cit., fn. 59

labor; this brings up the question as to whether slave labor costs or paid labor costs are more costly in the long-run.

At local and business levels, it seems that the elimination of slave labor and the implementation of minimum wage laws would be beneficial. Local communities would have greater economic development, as workers are able to participate as consumers and contribute to their communities. Businesses can rely on the elimination of added costs brought on by slave labor to generate greater profit levels. The global capitalist economy relies on the exporting and importing of goods by developing countries in order to produce goods demanded by the rest of the world. The reliance on slave labor undermines the ability of slave laborers to participate in the market, which means about 40.3 million people⁷¹ are unable to contribute to the growth of the capitalist economy.

Implications of Research Findings

It is apparent that the existence of slave labor contributes to the violation of human rights and the undermining of market support because slave workers cannot contribute to the market economy. In addition, the research supports the idea that forced labor may not be as effective for market efficiency as paid labor. These research findings are important because they reveal a failure to address the ways that today's capitalist structure relies on the use of slave labor. While slave labor is what allows capitalist powers to increase their capital and maintain their positions of power globally, the research suggests that the very things that capitalism stands for are violated through the existence of forced labor. Interestingly, Americans see capitalism as an overwhelmingly positive system, despite a high prevalence of slave labor that lies at the foundation of capitalism.

As my research question suggests, slave labor undermines the modern global capitalist economy because it violates the human rights claims and undermines the market support that capitalism claims to embody. However, even

⁷¹ International Labor Organization, "Global Estimates of Modern Slavery: Forced Labor and Forced Marriage" (online report, 2017).

with evidence of these violations existing, slave labor still remains an important aspect of the capitalist structure. The awareness of the existence of slave labor in society brings about questions as to the priorities of capitalist powers and their citizens, since action has not, and is not, being taken to regulate the use of forced labor. It also begs the question: Can capitalism exist outside of slave labor, or is slave labor so central to the existence of capitalism that the system would crumble without it? It forces us to consider whether the ideals capitalism claims to support are valid and if the agenda of global capitalism differs from the one shared with the average American. As more of the global society situates itself within the capitalist structure, capitalist powers will continue to find ways to utilize slave labor to create profit. The American belief in the freedom brought by capitalism realizes a disconnect between the implications of capitalism on oppressed people groups and the financial gain available through the capitalist economy. What is made clear through this research is that capitalism and slave labor cannot coexist while capitalism continues to be defined and understood in its current state. There must either be a shift toward an acknowledgement of the unfreedom of millions as a core tenet of today's capitalism, or a radical move to rid capitalism of its reliance on slave labor in order to allow the belief of freedom through capitalism to finally ring true.



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Theories on Government Surveillance: A Review of Literature Exploring the Panopticon

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Abstract

In 2013, whistleblower Edward Snowden leaked confidential information revealing numerous mass surveillance programs by the National Security Agency, used to watch citizens without their knowledge or consent. Edward Snowden is now wanted in the United States for violating the Espionage Act. In a world increasingly dependent on technology, issues of privacy and security often circulate the news and current events. One of the leading concepts in surveillance theory is the panopticon, where a central observation tower is placed in a prison with a guard stationed inside. Because the guard can see all the inmates, but the inmates cannot see the guard, the prisoners never know if they are being watched, in turn, affecting their behavior. This literature review breaks down the three phases of the panopticon, and how the concept has developed and changed over time. The review concludes with an examination of the implications that new technologies hold for legislation, in that it is imperative to update laws to reflect the capabilities of increasingly intrusive technologies.

Introduction

On June 5th, 2013, the newspaper *The Guardian* released a story about the National Security Agency's (NSA) newest development, PRISM. This surveillance program allows the NSA to collect data from ordinary citizens using their online activity on products made by corporations such as Microsoft, Yahoo, Google, and Apple.¹ The unleashing of this information sparked a wave of incriminating leaks worldwide, which revealed numerous mass surveillance programs by the NSA, all of which threaten and compromise the privacy of people around the globe. The information regarding these surveillance programs was brought to *The Guardian* by Edward Snowden, a whistleblower and privacy advocate who is now wanted in the United States for theft of government property and two counts of violating the United States Espionage Act.² His NSA leaks have forced citizens to reconsider our ideas of privacy in the digital age. However, government surveillance theories have been a topic of study and debate far before Snowden's time, dating back to the late 1700s.³ The purpose of this literature review is to discuss the leading ideas in surveillance theory, and examine how they have developed over time. As an increasingly controversial and popular topic in today's political climate, government surveillance and its implications for law and the 4th Amendment are crucial to consider. Although there are countless debates surrounding surveillance, this literature review will focus on how prominent theories of surveillance have developed, changed, and even been eradicated with increasingly sophisticated technologies.

Phase 1: Exploring the Panopticon

The first phase in surveillance theory building includes the panoptical theories. Panopticism is a type of power that is applied to individuals in the form

of continuous supervision, which eventually causes them to act differently than they normally would without such supervision.⁴ Jeremy Bentham identified four types of panopticons, with the prison-panopticon being the most famous. The prison-panopticon builds off the idea of a prison designed as a circular building, with an inspector in the central tower, who oversees the activities of convicts in their cells in a top-down surveillance model.⁵ This creates an illusion of constant surveillance within that space. With an invisible omnipresence, any given prisoner is not *actually* watched constantly, but they believe they are. Bentham believed that the illusion of constant surveillance would lead to punishment becoming unnecessary because eventually, everyone would act in a disciplined way, no longer out of fear, but simply because it is what they have internalized as rationale principle.⁶ Bentham's vision wasn't to create a "society of control," but rather have discipline become so internalized that the need for an inspector would be exhausted. The goal was never to have an all-seeing inspection (which doesn't even happen *with* the central inspector), but rather to obviate the need for the Panopticon.⁷

The next type of panopticon that Bentham identified is the pauper-panopticon. The difference between the pauper and prisoner panopticon is that people of all ages from a variety of backgrounds entered the pauper-panopticon voluntarily, unlike the prisoner panopticon. Intended for individuals or for families, the "paupers" were given room and board, as well as a small stipend, in exchange for their labors.⁸ Certain groups of paupers were entitled to some

4 Koops, Bert-Jaap. "Bentham, Deleuze and Beyond: An Overview of Surveillance Theories from the Panopticon to Participation." *The Journal of Philosophy & Technology* 30, no. 1(2017): 9-37.

5 Ibid.

6 Timan, Tjerk. "Surveillance Theory and Its Implications for Law." *The Oxford Handbook of Law, Regulation, and Technology* 10, no. 1(2017): 731-753

7 Koops, Bert-Jaap. "Bentham, Deleuze and Beyond: An Overview of Surveillance Theories from the Panopticon to Participation." *The Journal of Philosophy & Technology* 30, no. 1(2017): 9-37.

8 Elmer, Greg. "A Diagram of Panoptic Surveillance." *New Media & Society* 5, no. 2 (2003): 231-247.

1 Schuster, Stefan. "Mass surveillance and technological policy options: Improving security of private communications." *Computer Standards and Interfaces* 50, no.1(2017): 76-82

2 Ibid.

3 Timan, Tjerk. "Surveillance Theory and Its Implications for Law." *The Oxford Handbook of Law, Regulation, and Technology* 10, no. 1(2017): 731-753

privacy on certain occasions. For example, they could utilize blinds for marital sex or for seeking advice in certain situations from the “Guardian Elders,” who were older paupers supposedly immune to corruption.⁹ The pauper-panopticon lead to more complex methods of control than the prisoner-panopticon, for example, the paupers could now be surveilled by the “Guardian Elders”, by the guards monitoring well-kept records on each of them, or by the stricter rules on feeding and heating.¹⁰

The chrestomathic-panopticon, the third type of panopticon, relies on a day school where one inspecting master can supervise over six hundred pupils without being seen.¹¹ This functioned both as a protection against mistreatment for the pupils as well as ensured responsive training. The problem with chrestomathic-panopticism, however, is that panoptic control can only be exercised while the pupils are in school. Outside of school, they are out of the panoptic gaze.¹²

The fourth and final type of panopticon is the constitutional-panopticon. Here, instead of the government watching its citizens, it is the citizens watching the government. This surveillance on government functionaries is used to prevent misrule.¹³ The newspaper plays a key role in constitutional-panopticism. The newspapers deliver information concerning the potential misrule and examine and criticize it. Thus, inspection and surveillance are no longer central but rather dispersed.¹⁴ The use of bottom-up surveillance, often referred to as anti-

surveillance, monitors government officials using panoptic methods in order to ensure good government.¹⁵

Although many scholars now argue that panopticism is outdated and no longer realistic in modern times, the metaphor of the panopticon continues to influence government surveillance theorists today.¹⁶ Previously, theorists such as Bentham argued that the panoptic age should be seen as a stage in the transition to a non-panoptic utilitarian era, where misrule is minimized as a result of internalized discipline.¹⁷ However, philosophical thinkers such as Michel Foucault use the panopticon as a metaphor for other aspects of society, arguing that disciplinary power still can produce a docile individual, by leading to the internalization of morals, values, and control.¹⁸ This control can be exercised by other state institutions besides prisons, such as mental hospitals or schools.

Phase 2: Post-Panoptical Theories and Concept

The second phase of surveillance theory is a shift of focus from government to corporations, networks, and surveillant assemblages. This occurred in the late 1970s, with a rise of consumer capitalism and the emergence of computers.¹⁹ Gilles Deleuze is called the founding father of post-panoptical literature. He claimed that discipline and rationality are no longer the goals and driving force of the governing surveillance, and a shift has occurred from a disciplinary society to control society.²⁰ Corporations now represent the primary actors in a globalized society, and global corporations make a profit from an

9 Koops, Bert-Jaap. “Bentham, Deleuze and Beyond: An Overview of Surveillance Theories from the Panopticon to Participation.” *The Journal of Philosophy & Technology* 30, no. 1(2017): 9-37.

10 Ibid.

11 Timan, Tjerk. “Surveillance Theory and Its Implications for Law.” *The Oxford Handbook of Law, Regulation, and Technology* 10, no. 1(2017): 731-753

12 Koops, Bert-Jaap. “Bentham, Deleuze and Beyond: An Overview of Surveillance Theories from the Panopticon to Participation.” *The Journal of Philosophy & Technology* 30, no. 1(2017): 9-37.

13 Koops, Bert-Jaap. “Bentham, Deleuze and Beyond: An Overview of Surveillance Theories from the Panopticon to Participation.” *The Journal of Philosophy & Technology* 30, no. 1(2017): 9-37.

14 Ibid.

15 Timan, Tjerk. “Surveillance Theory and Its Implications for Law.” *The Oxford Handbook of Law, Regulation, and Technology* 10, no. 1(2017): 731-753

16 Koops, Bert-Jaap. “Bentham, Deleuze and Beyond: An Overview of Surveillance Theories from the Panopticon to Participation.” *The Journal of Philosophy & Technology* 30, no. 1(2017): 9-37.

17 Ibid.

18 Timan, Tjerk. “Surveillance Theory and Its Implications for Law.” *The Oxford Handbook of Law, Regulation, and Technology* 10, no. 1(2017): 731-753

19 Fuchs, Christian. “Political Economy and Surveillance Theory.” *Critical Sociology* 39, no. 5 (2013): 671–687.

20 Elmer, Greg. “A Diagram of Panoptic Surveillance.” *New Media & Society* 5, no. 2 (2003): 231–247.

increasing amount of digital data that people generate in daily transactions.²¹ These corporations differ from nation-states because they don't strive for the progress of society as a whole, they instead strive to control specific aspects of the market. Modulation, the idea that what is valuable one day may not be the next, prompts surveillance. Individuals are unaware of who is being surveilled and what these corporations are looking for, which suggests that post-panoptical surveillance is more concerned with controlling citizens than it is with disciplining them. Deleuze argued that discipline allowed for a long-term, stable society, while corporations focus on more short-term results using constant control via continuous monitoring.

Post-panoptic surveillance is driven by a desire to bring systems together, which leads to an increased convergence of formerly discrete surveillance systems and an exponential increase in surveillance capacity. The shift in focus from individuals as people to a "dividual" is what marks this phase as unique. A dividual is a product of a created consumer profile, where whole beings and physical bodies are no longer of interest to surveillance, rather, corporation surveillance seeks representation of parts of individuals from data trails. Surveillance is now focused on the construction of consumer profiles, where a person's data-body (what they purchase, stored as data) becomes more important than their real bodies.²²

Kevin Haggerty and Richard Ericson developed the idea of a surveillant assemblage, arguing the end to the panopticon. Drawing on the idea of Deleuze's control societies, surveillant assemblage emphasized a shift in focus from territorial to de-territorialized forms of social control, where surveillance isn't hindered by location anymore, and people can be watched just about anywhere.²³ Haggerty argues that with increasing technologies, it is harder

21 Timan, Tjerk. "Surveillance Theory and Its Implications for Law." *The Oxford Handbook of Law, Regulation, and Technology* 10, no. 1(2017): 731-753

22 Ibid.

23 Elmer, Greg. "A Diagram of Panoptic Surveillance." *New Media & Society* 5, no. 2 (2003): 231-247.

to give surveillance a single purpose. New purposes for surveillance include deterrence, consumption, and entertainment.²⁴ Additionally, Haggerty claims that in the post-panoptic era, awareness of surveillance by the surveilled is no longer required for most prominent projects to achieve their goals. However, it is also important to note that these thinkers don't view surveillance as completely negative, but can offer possibilities for entertainment, pleasure, and counter-power.

The idea of surveillant assemblages in the post-panopticon era also calls on neo-Marxist surveillance theory. Karl Marx saw surveillance as a fundamental aspect of the capitalist economy.²⁵ He contended that surveillance is coercive, and is used to control and discipline workers, which leads to surveillance capitalism and, in turn, political domination.²⁶ This inevitably leads to further control by the government.

Phase 3: Contemporary Conceptualization

The third phase in surveillance theory essentially represents a hybrid of phases one and two. A multitude of factors can be used to identify contemporary conceptualization. After 9/11, American citizens and the government have been in constant unease, fearing the next attack.²⁷ This warranted an increase in surveillance by the government, where every citizen is under the threat of being monitored, for example, with body scanners at airports.

On the other hand, there has also been an increase in ideas built off Deleuze, including dataveillance and social sorting. Dataveillance means that through computational means and digital information, it has become much

24 Koops, Bert-Jaap. "Bentham, Deleuze and Beyond: An Overview of Surveillance Theories from the Panopticon to Participation." *The Journal of Philosophy & Technology* 30, no. 1(2017): 9-37.

25 Fuchs, Christian. "Political Economy and Surveillance Theory." *Critical Sociology* 39, no. 5 (2013): 671-687.

26 Ibid.

27 Schuster, Stefan. "Mass surveillance and technological policy options: Improving security of private communications." *Computer Standards and Interfaces* 50, no.1(2017): 76-82

easier for governing actors to trace individuals or groups than was possible with the previous forms of surveillance.²⁸ As a result, it becomes increasingly unclear where data is residing and what it is being used for. Social sorting is targeting a specific demographic, again, with no knowledge of where the data goes.²⁹

In the contemporary age, there has been a shift away from top-down institutional analysis. The role of social media continues to affect mass surveillance. Social media strikes a paradox: we are letting ourselves be watched collectively and voluntarily. This phenomenon is called the panopticommodity, where being watched is becoming an asset and social norm with platforms like Youtube and Twitter. Haggerty argues that this is participatory surveillance, where citizens actively engage in surveillance as “watchers” on the Internet, while simultaneously participating voluntarily in the role of being watched.³⁰

Another way surveillance continues to shift away from the top-down model is through sousveillance. Sousveillance is a mode of monitoring in which citizens watch governing bodies from below (the opposite of surveillance).³¹ However, many thinkers counter this argument by raising the point that citizens rarely get to choose whether or how we are monitored, and we are often not fully aware of the monitoring, making sousveillance difficult, if not impossible.³²

Modern surveillance techniques can occur in a multitude of ways. The types of surveillance technologies vary widely and depend on the intended goal and actual uses of surveillance. Implied surveillance is surveillance that is

mimicked or faked, which is a fairly low-cost deterrent to theft and vandalism.³³ This can be achieved through non-functioning cameras and stickers falsely claiming an area is monitored. Another type of surveillance is overt, where the surveilled are informed of surveillance, such as in a workplace, where retail security systems warn customers that they are being watched.³⁴ The last type of surveillance is covert, which is hidden surveillance, where the surveilled are supposed to be unaware, which can be unlawful if not on a legal basis, and is commonly used in law enforcement, espionage, and crime.³⁵ All these various forms are utilized in modern surveillance theory.

Conclusion

As with most developments in the modern world, surveillance technology is developing at a much faster rate than legislation can keep up. The increased and more developed use of surveillance begs the question: What legal implications do these advancements hold? As of right now, there are no laws that seamlessly integrate the physical and digital spaces that people occupy simultaneously.³⁶ Nevertheless, with an ever-increasing digital presence, it is imperative that citizens are protected in both spaces.

The Fourth Amendment protects citizens against unreasonable searches and seizures. However, in two landmark cases of the 1970s, *Smith v. Maryland* and *United States v. Miller*, the Supreme Court held that people are not entitled to an expectation of privacy in information they voluntarily provide to third parties, a legal proposition more commonly known as the Third-Party Doctrine.³⁷ This doctrine allows the government access to a vast amount of digital information

28 Koops, Bert-Jaap. “Bentham, Deleuze and Beyond: An Overview of Surveillance Theories from the Panopticon to Participation.” *The Journal of Philosophy & Technology* 30, no. 1(2017): 9-37.

29 Ibid.

30 Dinev, Tamara. “Internet privacy concerns and beliefs about government surveillance – An empirical investigation.” *The Journal of Strategic Information Systems* 17 no.3 (2008): 214-233

31 Timan, Tjerk. “Surveillance Theory and Its Implications for Law.” *The Oxford Handbook of Law, Regulation, and Technology* 10, no. 1(2017): 731-753

32 Schuster, Stefan. “Mass surveillance and technological policy options: Improving security of private communications.” *Computer Standards and Interfaces* 50, no.1(2017): 76-82

33 Ibid.

34 Schuster, Stefan. “Mass surveillance and technological policy options: Improving security of private communications.” *Computer Standards and Interfaces* 50, no.1(2017): 76-82

35 Ibid.

36 Timan, Tjerk. “Surveillance Theory and Its Implications for Law.” *The Oxford Handbook of Law, Regulation, and Technology* 10, no. 1(2017): 731-753

37 Thompson, Richard. “The Fourth Amendment Third-Party Doctrine” *Congressional Research Service* 7, no. 1(2014): 1-3

about individuals, including the websites they visit, the emails they've sent, and the numbers they dial. As demonstrated with the panopticon, however, citizens often are completely unaware as to what information is being collected and the extent to which it is monitored. This has led to a plethora of concerns about whether or not this doctrine is still viable, even when considering the major technological and social changes that have occurred over the past several decades.

The Third-Party Doctrine needs to be updated and revisited to understand what exactly can be considered a reasonable expectation of privacy, both in the physical and digital realms. This encourages a call to action for lawmakers, to find ways of ensuring that legal and regulatory frameworks are capable of addressing the challenges of converging, hybrid surveillant infrastructures. These frameworks must be flexible enough to address rapidly moving technological capabilities and their longer-term consequences, especially when considering how surveillance continues to expand with these advances.

On December 14th, 2017, Chairman of the Federal Communications Commission Ajit Pai voted with the majority of the FCC to repeal net neutrality. Net neutrality is the idea that Internet Service Providers should treat all data on the Internet equally, meaning that Comcast and Verizon should not be able to slide some data into "fast lanes," thus discriminating against other material. Pai's decision is problematic for a number of reasons. These companies should not be allowed to block access to services like Skype, Netflix, or Hulu, in an effort to encourage users to keep a cable package or buy a different video-streaming service.

Perhaps what is even more troublesome is the way Internet Service Providers choose which data to slide in the "fast lane." In order to filter and throttle traffic, ISPs must conduct data monitoring. After learning about an individual's interests and tendencies from their online activity, these providers can sell this data to the highest bidder. In line with panopticism, there is no way to know what information is being extracted, when it is being extracted, or for what exact purpose. Consequently, no one will ever know for certain if

and when their online actions are being watched, or who has access to their information.

The effects of surveillance will endure in shaping our right to privacy as citizens, and it is the job of the law to clearly define what we can reasonably expect to keep to ourselves in the digital age. Moving forward, it would be interesting to explore the opinions of futuristic surveillance theorists, and what direction they think surveillance theory is heading. Although government surveillance will certainly be around for as long as a central government exists, it is worthwhile to study these theories to understand how and why we are being watched, and the effects that surveillance has on our own lives.



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China's Digital Silk Road: Creating A Global Surveillance System

Mason Zeller

Edited by Ethan Gunnlaugsson

Abstract

Global society has welcomed China onto the global stage of technological and structural development. This paper explores the implications of a subset of their Belt and Road Initiative, the digital Silk Road, and show why that global trust is misplaced. This paper examines China's recent and complex ways of implementing 5G networks throughout the developing world and how it uses them to prey on these countries both physically and technologically to increase its power. Through qualitative methodology involving case studies, it explores the "loan trap" method China is using with its partnering countries and the predatorial themes that it demonstrates. Furthermore, it explores China's ability to collect data from these countries. Finally, it demonstrates how China is selling its at-home surveillance abroad, primarily to illiberal and nondemocratic regimes. The findings reveal how Chinese companies are already underway in massive infrastructure projects such as surveillance or data-collecting, and how that has caused these countries to be in heavy debt resulting in a further reliance on China. Importantly, these neo-imperialist interests are directly related to a clashing culture war involving the future of the internet and deciding how regulated (or free) it will actually be around the globe in the upcoming years.

Real World Observation

Wired reported last year on a technological subset of China's Belt and Road Initiative¹ (BRI), dubbed "the digital Silk Road," which will have the capability to control much of the world's high-capacity online services.² Spanning nearly 70 countries, the digital Silk Road will be accompanied and communicated through fiber optic cables that run along rail lines and underwater and will transport unfathomably large amounts of data across thousands of miles with no delay.³ Fiber optic cables are thin pure synthetic pieces of glass through which pulses of light encoded with tens of thousands of gigabytes of data are sent each second by laser. While these fiber optic cables have been around for a while, China's situation is unique in that the 5G equipment used to connect the fiber will only be handled by a few Chinese companies, including Huawei and ZTE. The capacity for network providers to more effectively monetize their service and the power to "network slice," which allows providers to create "multiple customized virtual private networks for particular customers or applications,"⁴ are crucial elements of China's 5G plans. These network attributes allow China to connect all partnering countries to its global market in 5G. In short, it will have created its own extraterritorial internet of high-capacity services.

China was an early adopter of government-controlled internet. Alvin Toffler's *Third Wave Theory*, which claimed the world is moving from the Industrial Age (second wave) to the Information Age (third wave),⁵ heavily influenced early 2000s Chinese President Jian Zemin, who recognized the capability to connect his people with a newly popular internet. China was quickly losing the capability to control and monitor its people with the rapid and unexpected rise of online users. As such, China initiated the Golden

1 Catherine Troutwein, "All Roads Lead to China: The Belt and Road Initiative, Explained" *PBS* (June 26, 2019)

2 Susan Crawford, "China Will Likely Corner the 5G Market—and the US Has No Plan" *Wired* (February 20, 2019)

3 Nadege Rolland, "A Fiber-Optic Silk Road" *The Diplomat* (April 2, 2015)

4 Ibid

5 "The Great Firewall of China: Background" *Stanford.edu* (June 1, 2011)

Shield Project, a database-driven surveillance system capable of accessing every citizen's record and connecting China's security organizations.⁶

One aspect of the long-lasting project was Zemin's plan to deploy the idea that the internet can advance democratic communications, hiding his ulterior motives. An example of this is Weibo, which is considered the Chinese Twitter, where accounts run by state and local level bureaucrats, courts, public security agencies, propaganda offices, and other state and local officials communicate with citizens who can voice their concerns. While these sights may give off the impression of being transparent, beneath the surface they are not. Transnational companies also participate in the Chinese censorship. Western companies such as Google, Yahoo and Microsoft all have agreed to fully comply with the country's laws. In more recent years, the nation has expanded censorship overseas and aimed to control the public's thoughts on foreign affairs. In 2012, large swaths of anti-Japanese protests boomed across China against Japan's claims over the Diaoyu Islands. In 2016, the election of an anti-China leader in Taiwan provoked China's cyber nationalists to "occupy" Taiwanese websites with pro-mainland content.⁷ At times, digital nationalism has progressed into hacking attacks. Last year, Chinese hackers attacked the website of a South Korean conglomerate at odds with Beijing. Having the most sophisticated censorship programs in the world is attractive to some countries, as China exported this technology to developing countries such as Cuba, Zimbabwe, and Belarus already.⁸ As China's Belt and Road Initiative expands, there will be a major change in the world because of its ability to sell its 5G internet to developing countries.

China's ability to censor and manipulate much of the world's population poses a number of security and humanitarian issues.⁹ The digital Silk Road's

6 Simon Feyer, "China's scary lesson to the world: Censoring the Internet works" *Washington Post* (May 23, 2016)

7 Ibid

8 Ibid

9 "How Will the Belt and Road Initiative Advance China's Interests?" *China Power* (May 8, 2017)

attraction to developing countries is simple. China offers massive loans to construct digital infrastructure projects that boost economic growth to countries with large infrastructural problems and scarce resources to fix them.¹⁰ One fear of the 5G networks is China's backdoor ability to take in massive amounts of information and expand its intelligence in developing countries.¹¹ The 5G networks and fiber optic cables Huawei and ZTE export are the same ones used in China, raising fear that the cables and networks would have the same access capabilities as they do in China. Another worry is the ability of 5G carriers to monopolize networks and act as gatekeepers to the internet. This means that a few Chinese companies such as Huawei and ZTE, which control data-rich services (i.e. logistics, telemedicine, education, virtual reality, telepresence) would be able to control its global market over 5G.¹² China using their own equipment to spy globally would not be an unreasonable belief.¹³ Furthermore, an additional implication of these fiber cables, which may be the project's hidden intentions, is to have much of the world's internet to be powered by Chinese companies. The close connection between private enterprises and the state of China, along with data that shows how Huawei has the largest contribution to mobile infrastructure equipment in the world, shows that the digital Silk Road could have a large impact on the lives of hundreds of millions in developing nations.^{14,15} China's intentions to implement its 5G networks across the developing world leads me to ask the following research question: How is China leveraging its 5G networks built along fiber optic cables to gain power in the developing world?

10 Nathaniel Taplin, "One Belt, One Road, and a Lot of Debt" *Wall Street Journal* (May 2, 2019)

11 Ibid

12 Ibid

13 "China dismisses 'absurd' African Union HQ spying claim" *BBC* (January 29, 2018)

14 Cindy Lee and Sean Creehan, "The State Strikes Back: The Diminishing Role of China's Private Sector" *Federal Reserve Bank of San Francisco* (July 12, 2019)

15 Lucy Hooker & Daniele Palumbo, "Huawei: The rapid growth of a Chinese champion in five charts" *BBC* (May 20, 2019)

Conventional Wisdom

The conventional wisdom as to whether China has good intentions with its implementations of these networks is positive for Beijing. In a global poll by *Pew Research Center*, non-partisan research found that 34% had confidence in China as a world leader, compared to the 27% who had confidence in the United States.¹⁶ This is significant because the US is China's main competitor in the field of technological development and as a leading global economic power. It shows that it may be globally accepted for China to grow economically and expand their technological power. While the polling data shows support for China, the conventional wisdom is incomplete. Several more factors should be considered in order to understand trust in China's authoritarian regime. One is the competitive nature of the global market. Since nearly all forms of technology relating to surveillance and data collecting are moving quickly, it creates a race to who can create the fastest and cheapest of everything. China appears to be attempting to corner their side of the market, and with strong success. In addition, the world has seen neoliberal markets and economies cause stagnation, as seen in the case that the U.S has the highest number of "always poor" in G7 nations, as well as global wealth inequalities that are the highest they have been since 1920.¹⁷ However, this global poll shows that people ranked their trust of China's dictatorship over the United States even with their knowledge of human rights violations. Moreover, this shows that even if BRI's intentions were poor, it would make little impact. So, global trust is misplaced, as many do not know the full implications of their "digital silk road." Yet China as a global leader in new technologies is accepted, which is incredibly alarming.

16 "Trump's International Ratings Remain Low, Especially Among Key Allies" *Pew Research Center* (October 8, 2018)

17 Nicolas A. Ashford and Ralph P. Hall, "Technology, Globalization, and Sustainable Development" (Yale University Press, 2011)

Theoretical Paradigm

China's extension of a digital Silk Road can be seen as an attempt to maximize its power in the international systems. It is carving up resources in the developed world, such as an untapped digital network that spans half of the world and much of the global population. A recent UN report states even the least developed countries are reaching an extremely narrow "digital divide,"¹⁸ with China leading the way. It can sell surveillance and A.I equipment to these countries as the installation process, and handling will be much easier with the networks already implemented. Within that, China can extract all the data gathered from these systems; from facial recognition, phone contacts, texts, calls, places of work, and fingerprints.. Additionally, even if there were no further steps in the digital silk road for many of the partnering countries, Chinese companies and possibly even the Chinese government still have access to the internet patterns and information from all technology used by these developing countries. This is in concurrence with a weak United States allegiance in many developed and developing countries. Many European nations, for example, are letting companies such as Huawei build on top of their already extensive manufactured networks, rather than build completely new US manufactured networks.¹⁹ Developing nations such as Cambodia and Bahrain are following in these footsteps, with many more coming soon after. From this, China is using the methods of data collection, surveillance, and dependency to gain and secure their power in the developing world.²⁰

Case Study: Dependency

China's BRI development, and more specifically its "digital Silk Road," has been largely paid through extending massive loans, not grants, to developing countries. As a result, many of these countries are facing massive debts that are

18 "World's most vulnerable countries on track to achieve universal Internet access by 2020 – UN report" *United Nations* (January 24, 2018)

19 Emily Fang "China's Tech Giant Huawei Spans Much Of The Globe Despite U.S. Efforts To Ban It" *NPR* (October 29, 2019)

20 Ibid

now unpayable. A \$420 million contract was announced in 2018 for a railway powered by Chinese fiber optic cables to be built connecting Djibouti and Ethiopia. The line was built and is operated by two Chinese companies and was financed in part by the partially state run Exim Bank of China.²¹ China's Jiangsu Etern Co Ltd announced in 2016 that it signed a deal worth \$1.1 billion to strengthen the power grid network in Bangladesh.²² In Malaysia, a \$16 billion project was loaned by China for the electrified East Coast Rail link project, a 430 mile line that would have connected the country's ports on the South China Sea and the Straits of Malacca.²³

When China shows up with promises of heavy investment and easy credit, it is easy to join. The main reason most countries took the loans, as developed through government reports and speeches given by state leaders, is simply that China's offer was too appealing.^{24,25} The developing countries were tired of being neglected by institutional investors such as the IMF and World Bank while they still had major infrastructure and technological needs unmet.²⁶ However, these contracts tend to be opaque and come with hidden consequences.^{27,28} China does not yet disclose information about its overseas

21 Henry Wismayer, "A Remarkable Rail Journey into the Horn of Africa's Past, and Future" *NYT* (April 8, 2019)

22 "China's Etern signs \$1.1 billion Bangladesh power grid deal" *Reuters* (October 13, 2016)

23 Bhavan Jaipragas, "Malaysia to go ahead with China-backed East Coast Rail link" *South China Morning Post* (April 12, 2019)

24 Rex Tillerson, "Remarks – Secretary of State Rex Tillerson on U.S.-Africa Relations: A New Framework" (speech, Fairfax Virginia, March 6, 2018)

25 Lauren Ploch Blanchard and Sarah R. Collins, "China's Engagement in Djibouti" (online report, U.S Library of Congress Congressional Research Service September 14, 2019)

26 Brahma Chellaney, "China's Debt-Trap Diplomacy" Australian Strategic Policy Institute

27 Isabella Neuweg, "China is investing in developing countries – what is it really up to?" *London School of Economics* (June 21, 2018)

28 "The 'New Great Game': China's Debt-Trap Diplomacy" *European Foundation for South Asian Studies* (October 2017)

development finances, and furthermore it has opted out of international reporting systems such as the OECD's Creditor Reporting System and the International Aid Transparency Initiative, both of which are global systems used to follow loans.²⁹ China's offering of loans are accompanied by debt-servicing conditions, such as access to natural materials, markets, or contracts. Venezuela's \$50 billion debt has caused them to start shipping oil barrels directly to China at market price to pay it off.³⁰

Another case is Sri Lanka, where one project ballooned their Chinese debt.³¹ The thriving port of Colombo was the country's largest. However, another port was constructed nearby, to the dismay of Sri Lankan economic experts. Nevertheless, construction finally broke ground during former President Mahinda Rajapaksa's tenure, as he wanted to revive Chinese connections, while also receiving money from the Chinese construction company which went directly to his campaign, as confirmed by the *New York Times*.³² The first phase of the Hambantota Port project was built through a \$307 million loan from the Exim Bank of China at 6.3% interest. It was never meant to replace the commercial port of Colombo. Rather, it was used to transport Cargo between China, India, Pakistan, and Bangladesh, all connected using undersea fiber optic cables. The result was disastrous. The port only attracted 34 ships in 2012. In 2016, statistics obtained by local media from Sri Lanka showed that the port was almost operating at a loss, with \$11.81m in revenue and incurred expenses of \$10m.³³ After the defeat of Rajapaksa in 2015, the government of Sri Lanka attempted to severely limit Chinese money as their debt was gathering up. These attempts failed as the country realized they were already bound to China. The partially state-owned China Merchants Port Holdings loaned \$1.1 billion to Sri Lanka in

29 "How to use our global Chinese official finance data" *Aid Data Organization*.

30 "Venezuela, China ink deal to boost oil output" *China Ministry of Commerce* (November 19, 2016)

31 Maria Abi-Habib "How China Got Sri Lanka to Cough Up a Port" *New York Times* (June 25, 2018)

32 Ibid

33 Ibid

return for an 85% stake and a 99-year lease on the Hambantota port.³⁴ Their debt was so large that they had to sell it to China, completely diminishing the returns on the port. These activities, while on their own create huge implications for the future development of Asia and Africa, lead to stronger security concerns about China's commercial, technological, economic, and military development, and the idea of using the debt as leverage for these programs.

China uses the contracts as bait by having vague sets and terms as well as debt-servicing conditions. The natural evolution of this is for all these developing countries to now be at the hands of China. The Kiel Institute for World Economy, a non-profit research institute and think tank from Germany, recently published in June of 2019 a massive report stating that nearly half the debt owed to China from these countries is "hidden."³⁵ "Hidden" means that the borrowing is not reported or recorded at official institutions such as the IMF or World Bank. Kiel writes that "between 2000 and 2017, other countries' debt owed to China soared ten-fold, from less than \$500 billion to more than \$5 trillion — or from 1% of global economic output to more than 5%." They state that China has now become the world's largest creditor, passing the World Bank and IMF. For 50 developing countries which have borrowed from China, that debt has increased on average from less than 1% of their GDP in 2015, to more than 15% in 2017.³⁶ All of this, from the unknown amount of debt owed to the now imbalanced power dynamic, is highly problematic for a few reasons. The first is the "hidden" debts to China. Since these contracts were opaque and allowed debt-serviced conditions, countries such as Venezuela, Iran and Zimbabwe owe China so much that it has become hard to track. China also never officially disclosed that any money at all was loaned to these three countries, which makes tracking the debt even harder.³⁷ Djibouti's Chinese debt has risen so much in

34 Ibid

35 Sebastian Horn, Carmen Reinhart and Christoph Trebesch "China's Overseas Lending" *Kiel Institute for World Economy* (June, 2019)

36 Ibid

37 Ibid

the past decade that it is now equivalent to 70 percent of the country's GDP.³⁸ Just as bad is Kenya, who is \$50 billion in debt, and more than 72% of that is to China.³⁹ In 2018, Malaysia had to cancel two multi-billion dollar projects because it could not pay off its loans.⁴⁰ Myanmar is trying to renegotiate a \$10 billion 5G port project, and Nepal wants to halt construction on two Chinese-built and powered hydroelectric dams.⁴¹ The other problem is the balance of power. Before a tour of Africa, former U.S. Secretary of State Rex Tillerson said this when talking about U.S. aid to Africa compared to China. "This stands in stark contrast to China's approach, which encourages dependency using opaque contracts, predatory loan practices, and corrupt deals that mire nations in debt and undercut their sovereignty."⁴²

Case Study: Data Collection

In a 2016 speech at a national cybersecurity conference, a transcript provided by the Chinese newscast that broadcasted it said that Chinese president Xi Jinping called for core internet technologies (such as operating systems), which are deemed critical to national and economic security, to be "secure and controllable"—meaning that the government would have broad discretion, even without specific written regulations, to decide how it protects information networks, devices, and data.⁴³ It shows that the Chinese Communist Party leadership is quite open about its intention to replace the liberal international order with its own authoritarian vision, a project that clearly extends to the digital sphere.⁴⁴ The specific intention here is data collection. While China has

³⁸ Ibid

³⁹ Ibid

⁴⁰ John Pomfret "China's debt traps around the world are a trademark of its imperialist ambitions" *Washington Post* (August 27, 2018)

⁴¹ Ibid

⁴² Ibid

⁴³ "Xi Jinping: Independent Innovation Promotes Network Power" *Xinhuanet* (April 21, 2016)

⁴⁴ UN Human Rights Watch "UN: Unprecedented Joint Call for China to End Xinjiang Abuses (online report, July 10, 2019)

been successful in selling their networks to democratic, developed nations, many of the early adopters of these networks and cables were illiberal and non-democratic regimes, as the idea of data collecting as well as surveillance technology is appealing to many of these governments.⁴⁵⁴⁶⁴⁷ China also didn't pose security concerns, as these countries' governments already desire to police their people and tap into their devices. Zimbabwe and Kenya, both rated "partly free" by Freedom House Index, have partnered with Chinese companies to make advances in artificial intelligence and facial recognition to create sophisticated data collecting systems, all backed by a 5G network powered by Huawei.⁴⁸⁴⁹ Additionally, according to the Ministry of Commerce of China, in 2015, Tanzania was selected as the pilot country for the China Africa Capacity building, giving Beijing substantial influence over the Tanzanian government for its future development in technological infrastructure.⁵⁰ This shows that like many other countries, Tanzania would have to completely comply with Chinese rules if they want to follow through with the project. Since 2015, Tanzania has passed a cyber-crime law and subsequent restrictions on internet content and blogging activity that parallel China's content controls,⁵¹ showing the combination of data collection and surveillance at play here. To further show Africa's ever-growing importance to Beijing, China was recently implicated in

⁴⁵ Brookings Institute "Exporting Digital Authoritarianism" (online report, August 26, 2019)

⁴⁶ Richard Fontaine and Daniel Kliman "On China's New Silk Road, Democracy Takes a Toll" *Foreign Policy* (May 16, 2018)

⁴⁷ Kevin Wei Wang, Jonathan Woetzel, Jeongmin Seong, James Manyika, Michael Chui, and Wendy Wong "Digital China: Powering the Economy to Global Competitiveness" *Mckinsey Global Institute* (December, 2019)

⁴⁸ Freedom House "Freedom in the World" (2018)

⁴⁹ Paul Mozur, Jonah M. Kessel and Melissa Chan "Made in China, Exported to the World: The Surveillance State" *New York Times* (April 24, 2019)

⁵⁰ China Ministry of Commerce "The Belt and Road Initiative and China-Tanzania Relations" (online report, May 11, 2017)

⁵¹ Hilary Matfess and Jeffery Smith "Africa's Attack on Internet Freedom" *Foreign Policy* (July 13, 2018)

a collecting scheme surrounding the Chinese-built African Union headquarters in Ethiopia.⁵² The claim states that confidential data in the IT network of the Union was sent through cables every night for five years to Shanghai, where it would be stored. This shows China weighed the cost and resources to make the Union headquarters and connect with Africa and deduced the information it would steal would be extremely beneficial to its overall goal of controlling nearly all aspects of the technological world.

To exemplify Chinese technological influence in developing countries, the first item that greets passengers arriving at the airport in Lusaka, the Capital of Zambia, is an advertisement for the Bank of China.⁵³ Driving past the signs and into the city, there are two futuristic looking buildings. One is the ZTE Zambia headquarters and the other is the Huawei National Data Center, which shows how Zambia allows strong Chinese influence within its borders. A drafted cyberlaw is scheduled for debate in the National Assembly early next year in which Zambia would create an agency with the power to determine whether information published online threatens national security, punishable by jail time, emphasizing how tight its monitoring is online. A few years ago, the government blocked at least four websites by using a technique typically associated with censorship in China, according to the Open Observatory of Network Interference, a global network that collects data on internet tampering. It couldn't prove Chinese equipment was involved, but its report cited information that Zambia had installed internet monitoring and blocking equipment from ZTE and Huawei, backed by the fiber optic cables, showing the stronghold they have in this country. The Huawei National Data Center, which was mentioned earlier, handles all Zambian government data and storage.

A policy brief from the Australian Strategic Policy Institute warns of an ambitious vision for Chinese officials. The Chinese company Global

52 Maily Fiddler "African Union Bugged by China: Cyber Espionage as Evidence of Strategic Shifts" *Council on Foreign Relations* (March 7, 2018)

53 Sheridan Proso "China's Digital Silk Road Is Looking More Like an Iron Curtain" *Bloomberg* (January 9, 2019)

Tone Communications Technology, a subsidiary of a state-owned enterprise involving the Central Propaganda Department, is collecting ten terabytes of data a day⁵⁴ from its cloud computing services. This means Global Tone has access to its global partners cloud storage and can pull it up at any time. The data ranges from online translation services, speech and video recognition software, photo library, and more. Essentially everything that someone would normally keep private from others, Global Tone has preserved. Moreover, not only is China transferring its technology to these countries, it's also inviting those governments' officials and media elites to China for training on how to control dissent and manipulate online opinion.⁵⁵

Case Study: Surveillance

An increasingly important dynamic in Chinese 5G is what China is calling "smart" or "safe" cities, which appeal to developing illiberal and non-democratic regimes. Smart cities are surveillance zones used by the developing nations to track the movement of every citizen and used by China to collect all this data from cameras. Earlier this year, Uzbekistan received a \$150 million loan from China as a way to introduce 5G networks in its largest cities.⁵⁶ Kyrgyzstan has also seen rising interest from China's tech giants, with Huawei now connecting eight in every 10 Kyrgyz residents to the outside world.⁵⁷ Furthermore, 90% of Tajikistan's telecommunications infrastructure is powered by Huawei. In Kazakhstan over 2,000 cameras have been installed by Huawei and powered by their networks.⁵⁸ According to findings made by the Center for Strategic and International Studies, "71 percent of Huawei's 'Safe City'

54 Samantha Hoffman "Engineering global consent: The Chinese Communist Party's data-driven power expansion" *Australian Strategic Strategy Institute* (online report, October 14, 2019)

55 Michael Abramowitz and Michael Chertoff "The global threat of China's digital authoritarianism" *Washington Post* (November 1, 2018)

56 Bradley Chardine, "China's Surveillance State Has Eyes on Central Asia" *Foreign Policy* (November 15, 2019)

57 Ibid

58 Ibid

agreements are in countries with an average rating of “partly free” (44%) or “not free” (27%) by Freedom House between 2009-2018.”⁵⁹ In relation, 59 percent of Huawei’s agreements are with countries located in Asia (37%) or sub-Saharan Africa (22%), and 42 percent of Huawei’s agreements are in lower-middle-income. This means a few things. First, income appears to be almost as strong of an indicator for the implementation of “smart” cities as Freedom rating. Presumably, Huawei’s cities are as popular as they are in developing nations for not only the amount of surveillance control given to the purchasing government, but for its price tag as well. The other takeaway is that while this technology may sound like it is in the early stages, there are still a decent amount of developing countries who have 5G capabilities and “smart” cities but are only connected through the monopoly of China.

In Ecuador, the police have gone off the streets and moved inside as they watch footage from the 4,300 camera places across the country that cost billions of dollars and are shipped from China.⁶⁰ With an employee size of 3,000, police are armed with joycons as they shift through cameras searching for drug deals, muggings, and murders. An investigation discovered a darker side to the already dystopian surveillance where it was found that the footage also goes to the country’s feared domestic intelligence agency, which under the previous president, Rafael Correa, had a lengthy track record of following, intimidating and attacking political opponents. It was confirmed that current President Lenin Moreno also receives this information. “[China] is advertising it as the future of governance” said Adrian Shahbaz, research director of Freedom House. It is about controlling as many as possible, and for many of these developing nations, the easiest way to this success is surveillance. Ecuador’s system was largely made by Huawei. In a statement, Ecuador’s government said, “Huawei provides technology to support smart city and safe city programs across the

59 Center for Strategic and International Studies “Watching Huawei’s ‘Safe Cities’” (online report, November 4, 2019)

60 Paul Mozur, Jonah Kessel, Melissa Chan “Made in China, Exported to the World: The Surveillance State” *New York Times* (April 24, 2019)

world.” Hanging from poles and rooftops from the Amazonian Jungle to the Galapagos Islands, the system allows the police to track phone calls and texts, emails, and even tap into microphones in cars. The massive loans Beijing hands out allow governments who could not previously afford it to receive access to the systems. Ecuador received a Chinese designed surveillance system financed by Chinese loans. In exchange, China received large portions of Ecuadorian oil reserves. Chinese infrastructure projects including dams and refineries followed. It is the same blueprint of the predatory loan trap method mentioned previously. Stories about muggings, kidnappings, and murders all continued. Many Ecuadorians believe that the cameras have done little to nothing to stop crime. In one city alone, there are over 800 cameras, with only 30 police officers watching.⁶¹ That means most of the time no one is on the other side. No one can prevent crime in the moment it is happening, reminding that these are used much more for watching and following rather than crime prevention. As of 2019, 18 countries, including Zimbabwe, Uzbekistan, Pakistan, Kenya, and the United Arab Emirates are using Chinese-made intelligent monitoring systems, and 36 have received training in topics like “public opinion guidance,” which is typically a euphemism for censorship.⁶² China is providing these leaders the necessary tools on how to work and control these newly implemented networks. This means that not only is Chinese infiltrating these developing countries directly through their networks, but they are giving them the opportunity for their governments to be just like the dominant Asian power and follow China into this new world.

Playing out in Ecuador is part of a larger ideological contest between the U.S. and China for dominance over the future of technology and global influence. Companies from both countries sell tech products around the world, but Chinese businesses are offering a wide range of gear and relatively cheap financing in countries from Zimbabwe to Vietnam. They have an advantage

61 Ibid

62 Ibid

in developing nations such as Ecuador, which are looking to modernize their technology infrastructure. The backbone of all these surveillance systems and AI systems are the 5G networks that are so sought after.

So What? Implications of the Research Findings

The main ways China is leveraging their 5G networks in developing countries are through dependency, data collection, and surveillance. The implications of these findings are dystopian. Chinese companies such as Huawei and ZTE have already made significant developments in Asia and Africa, from undersea cables to “smart” cities to inviting leaders to China for them to learn how these systems work. Not only are these companies deep in development, the countries paying for this construction are deeply in debt. So, now there are Chinese systems in countries who now have a complete reliance on China. The predatory imperialist nature of this can have some dire consequences. China can absorb these countries’ debts to them as a way to gain political dominance and natural resources, creating a monopoly in the area. Another possible consequence is that developing and connecting infrastructure will reduce costs and time of development. It will also allow for a broader range of goods to be traded as well less regulatory hoops to jump through. China already has a huge part of the market, but if it is able to limit the freedom of choice in where these developing countries buy international products from, it create a dependency on China, which could blow up the free market and could lead to a global clash. Furthermore, the amount of data Chinese companies can extract from their networks and fiber optic cables is unfathomable. With the speed of 5G, these companies, and potentially the Chinese government, could have access to hundreds of millions of people and their personal information. It can use it to further A.I capabilities, censor the people’s voice, or spy on any one person. China can also sell this, as data selling is a \$200 billion industry.⁶³ As developing countries start to be more cautious, developed countries need to step

63 Lois Beckett, “Everything We Know About What Data Brokers Know About You” *ProPublica* (June 13, 2014)

up and advance their 5G capabilities as China is selling the cheapest and fastest, making the decision on who to buy from easy.

The United States guided the growth of the internet for nearly five decades, allowing for free, open ended systems.⁶⁴ But it is not anymore. There is not a race to 5G, per se, but rather a contest over 5G influence in the developing world. The struggle comes because the US simply does not have the base stations that China and more specifically Huawei have. China’s aggressive R&D in the BRI allowed them to cement themselves in many developed and developing nations. The close relationship of the government of China with technological companies like ZTE and Huawei works in its favor here, as it can collaborate and work on 5G technologies at home while infrastructure allows it to put the networks abroad at the same time. This does not work the same way in the United States as the contracts and subcontracts between private and public create a tangled web of barriers that is much more of a mess than the streamlined process of China. Other countries are making their decisions too, showing they are fine opting for less sovereignty. The world is splitting into realms of Chinese led internet and non-Chinese led internet, with the United States hoping to take control of the latter. The way that the internet functions has implications for the future of global democracy because it enables the ability of policy makers, as well as their critics, to deliver their messages. This security already appears broken in many parts of the world, where Chinese 5G networks have taken control over the spread of information. Proponents for an open global internet should show the pathway to freedom and resist the terror from companies and governments hoping to take over internet sovereignty.

64 Adam Segal “When China Rules the Web” *Foreign Affairs* (September 2018)



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Failure to Protect is Failing Women

Sara Barnes

Edited by Mikayla Regier

Abstract

“Failure to protect” is a domestic child abuse law that exists in every state. This law prosecutes parents who fail to protect their children from the abuse of another. While the law applies to both men and women, it has been proven in many courtrooms to disproportionately affect women and is often used as a catalyst for mothers losing custody of their children, perpetuating victimization from abusive men. This paper covers specific cases of failure to protect, and from a feminist perspective, it examines the repercussions of these cases. The intent is to show the devious nature of this law and provide background information as to why this law is problematic.

Introduction

Domestic violence reform perplexes policy makers and legal theorists alike as it is riddled with laws which deceptively harm more than just the perpetrators. The feminist legal field especially focuses on these defective laws, as they affect women disproportionately more than men. One substantial contention in the domestic violence legal field is “Failure to Protect”, a state level law that in some form exists in all fifty states with punishments that range anywhere from minor civil action to life sentences.¹ To summarize, this law dictates that “parents or caretakers may be charged with a form of criminal or civil penalty called ‘failure to protect’ when they do not prevent another person from abusing the children in their care.”² Simply put, failure to protect serves as a child abuse bystander law, where those who do not actively attempt to prevent abuse against their own children are punished, along with the person actually performing the abuse. This law has been shown to affect women and minorities unjustly. As one advocate stated, “In the 16 years I’ve worked in the courts, I have never seen a father charged with failure to protect when the mom is the abuser. Yet, in virtually every case where Dad is the abuser, we charge Mom with failure to protect.”³ Mothers being consistently charged under this law is an extension of mother blaming, an idea that allows the legal system to blame mothers simply because they are women.⁴ It also furthers abuse for the bystander as they are more often than not also victims of the perpetrator’s violence. This law on paper may not seem to be a feminist issue, but in

1 Talley, Tim. “Group Takes Aim at Oklahoma’s Failure-to-Protect Law.” *Business Insider*, September 29, 2018.

2 Fugate, Jane. 2001. “Who’s Failing Whom? A Critical Look at Failure-to-Protect Laws.” *New York University Law Review* 76 (1): 272–308.

3 Ibid

4 Marissa Stanziani, and Jennifer Cox. “The Failure of All Mothers or the Mother of All Failures? Juror Perceptions of Failure to Protect Laws.” *Journal of Interpersonal Violence*, (October 2017).

practice it has proven over time to target mothers and further trauma to women beyond the physical abuse they endured.

Roadmap

To provide a complete analysis of the concept of failure to protect, this paper will define connection theory, a feminist concept coined by prominent theorist Robin West, which explains why women are unjustly most affected by this law in terms of mother blaming. Next, three major court cases will be analyzed, one that stands as precedent and two modern day cases that display the severity of the punishments the court is dealing out. From these cases, I will evaluate how mother blaming contributes to outcomes in failure to protect cases, how punishments serve as an extension of victim blaming, how minority communities are disproportionately affected, and that even though the laws are state laws and differ slightly from each other these laws have created a national and feminist epidemic.

Theory

Mother blaming is rooted in the legal system, as parenting has always been highly gendered.⁵ The idea of parenting being a gendered doctrine has been studied tremendously by feminist theorists, and one of the most prominent concepts is Robin West’s connection theory. West focuses on the fact that “the central insight of feminist theory of the last decade has been that woman are ‘essentially connected,’ not ‘essentially separate,’ from the rest of human life, both materially, through pregnancy, intercourse, and breast-feeding, and existentially, through the moral and practical life.”⁶ In the eyes of West, because a mother births a child, that child is forever linked to her. If children are both materially and existentially connected to their mothers then the logic follows- at least in a patriarchal society- that the mother is then in charge of all aspects of the child’s life, including and especially protection. If she fails to meet

5 Ibid

6 West, Robin. “Jurisprudence and Gender.” *The University of Chicago Law Review* 55, no. 1 (1988): 1–72

expectations society, and more importantly, the courts, will view her as a bad mother. Past research and case law have demonstrated that “bad” mothers are perceived as highly culpable when their child is victimized by a third party, effectively creating an atmosphere of “mother-blaming.”⁷ Connection theory lays the groundwork for mothers being held accountable for any failing of caretaking and being found guilty in failure to protect cases.

Legal Implications

In order to understand the extent of these laws in applicability, it is appropriate to start with the case that set precedent. This landmark case, *State v Williquette*, took place in 1983 in Wisconsin, making it all the way to the Wisconsin Supreme Court. 29-year old Terri Williquette’s husband was sentenced to prison for abusing their two young children. Soon after, Terri herself was charged with two accounts of child abuse for allegedly knowing about the abuse and doing nothing to stop it. The Court cited the state’s failure to protect laws and rejected Williquette’s argument that an act of commission rather than an act of omission is a necessary element of a crime.⁸ Instead, they characterized the essence of a crime as a “wrongful” act.⁹ This response defines a crime as not something a person must physically commit themselves, but something in which a person can be charged for allowing a wrongful act to be carried out. *State v Williquette* now serves as precedent nationwide and has set the groundwork for the punishment of abuse bystanders.

Since 1983 and the case of Terri Williquette, countless failure to protect cases have been tried, and with varying punishments. For example, in Oklahoma City in 2006, a man beat his girlfriend’s three-month-old daughter to the point of breaking her ribs when she was left in his care.¹⁰ The mother of the abused

7 Op. cit., fn. 4

8 *State v. Williquette* (Wisconsin Supreme Court 1986).

9 Ibid

10 Kaplan, Sarah. “A Battered Woman Will Stay in Prison for failing to Protect Her Kids from Her Abuser. He Was Released 9 Years Ago.” *The Washington Post*. WP Company, 24 Sept. 2015. Web. 28 May 2019

child, Tondalo Hall, was sentenced to thirty years in prison for failing to report the abuser, although she was not present at the time of the abuse.¹¹ As of 2019, Hall is still in prison. The abuser received ten years in prison, eight of which were absolved. He is now free.¹² Candis Cassioppi was beaten by her husband while she was pregnant.¹³ She immediately called the police and received medical attention.¹⁴ Directly after giving birth, the child was removed from Cassioppi’s custody due to the fact that she had abuse on her medical record but had never pressed charges against her abuser¹⁵. Williquette, Hall, and Cassiopi all personally experienced the shocking implications of failure to protect laws while dealing with the trauma that accompanies being abused and witnessing the abuse of their own children.

Despite the fact that these laws unjustly affect women more than men, there are other complications entwined, especially the perpetuation of trauma that comes from victim blaming. A study published in the *Journal of Interpersonal Violence* conducted an experiment that simulated a failure to protect case with 310 participants. This experiment found that “participants in conditions where the defendant was a victim of domestic violence were more likely to find the defendant guilty, compared with participants in conditions with no history of domestic violence.”¹⁶ This finding shows that the women being tried not only have been abused, but since they are victims, they are also more likely to face punishment. By punishing women in some cases even more than the abuser, it places the blame for the abuse on the woman and negates her own tragic experience. This victim blaming shifts scrutiny from the abuser to the abused, and “as a result, ‘failure to protect’ regimes not only fail to solve the initial problem

11 Ibid

12 Ibid

13 Brico, Elizabeth. “State Laws Can Punish Parents Living in Abusive Households”. *Talk Poverty*. 25 Oct. 2019

14 Ibid

15 Ibid

16 Op. cit., fn. 4

of the abuse by failing to remove the abuser himself from the home or from the victim's life, but also have a chilling effect on victims' willingness to seek assistance from very important state actors for fear of implicating themselves in a possible child welfare proceeding."¹⁷ Victim blaming internalizes the idea that there is nowhere for a woman to turn to for help, as the system is pinned against her. This idea allows abuse to continue in an endless, vicious cycle that furthers the trauma the woman feels from not only witnessing the abuse of her children and surviving abuse herself, but also being punished for a situation most likely out of their own control.

What about Child Protective Services?

Victim blaming and the trauma that accompanies it does not stop at initial punishment dealt out by the court. Studies have found that some men have taken the failure to protect law as an opportunity to purposefully further abuse their partners by reporting themselves so as to create legal and custodial punishment for the mothers of the abused children. Recorded cases have shown that perpetrators have fabricated abuse claims especially when Child Protective Services is involved.¹⁸ In these cases, abusers would victimize their children, call Child Protective Services to report that the mother abused the children, and then wait for the caseworkers to figure out that the perpetrator was actually the man and not the mother.¹⁹ This action seems like a futile thing to do, as the abuser himself will surely face punishment, but he does so knowing that the woman will be charged for not reporting the abuse herself. The case of Tondalo Hall is a perfect example of this, since she is still facing punishment while the abuser is not. This notion has gone as far as even men reporting themselves as abusers to Child Protective Services, while claiming that the mother was

17 Ballou, Kate. 2017. "Failure to Protect: Our System's Chronic Punishment of Victims of Domestic Violence." *Notre Dame Journal of Law, Ethics & Public Policy* 31 (2).

18 Nichols, Andrea J. 2014. *Feminist Advocacy: Gendered Organizations in Community-Based Responses to Domestic Violence*. Lanham: Lexington Books.

19 Ibid

present during the violence and did nothing to stop it.²⁰ Some men who abuse their children have realized that the system is skewed in their favor because they know they will face less punishment than the women they are abusing, and they use this as a tactic to further perpetrate violence against women.

Not only is the mother potentially facing jail time when faced with a failure to protect charge, but there is also the looming threat of those charges affecting a custody battle, which frequently follows the involvement of Child Protective Services. It has been shown that "in custody contests between parents, failure to protect children from the adverse effects of exposure to violence is often used to overcome a presumption or a preference that favors the child's primary caretaker."²¹ This means that once a failure to protect charge is brought up in court, the chances of custody being granted to the mother decreases significantly. This outcome is especially true because "increasingly, many states have enacted legislation that allows family courts in state custody proceedings to remove custody from battered mothers on the grounds that by remaining in contact with their attackers or by existing in an abusive relationship, the mothers are unfit on the grounds that they have 'failed to protect' their children from domestic violence."²² Taking a child away from their mother is extremely harmful, which is something that abusers are well aware of and use to their advantage. And when these children are removed from "battered mothers" they are often placed in the foster care system. Actions like this not only overwhelm Child Protective Services with an influx of children who need to be homed, but also increases both the chance that the child will suffer more traumatic stress and that they will be abused again, as this is a recurring issue in foster care systems.²³

20 Ibid

21 Harris, Leslie. 2010. "Failure to Protect from Exposure to Domestic Violence in Private Custody Contests." *Family Law Quarterly* 44 (2): 169–95.

22 Op. cit., fn. 17

23 Ibid

Disproportionate Impact on Minority Communities

While the problems that stem from failure to protect are systematically harming women, they also have had a disproportionate effect on minority communities. Remember Tondalao Hall- who is still in prison today fifteen years after her conviction for failure to protect? Data from Oklahoma, the state where she was tried, show “black women are incarcerated for failing to protect at a rate of 214.1%, reflecting rampant racial and gender-biased policing.”²⁴ 214.1% is an outrageous amount, especially when taking into account the fact that women are already tried for failing to protect significantly more than men. Statistically, this means that for every white woman that is incarnated for being the victim of abuse, there are 214 more black women in jail with her. And this discrepancy does not only affect the mothers facing these charges, but also their children. Minority women are more likely to have their children removed from them rather than being offered services to help when Child Protective Services is involved.²⁵ This fact is reflected in deeply somber statistics, such as “black children make up more than two-fifths of the foster care population, though they represent less than one-fifth of the nation’s children.”²⁶ These women and their children are abused and have to live with the fact that their children were abused, yet the criminal justice system continues to persecute them further.

There are two main “rationales” for why failure to protect affects minority women more. According to legal feminist scholar Leti Volpp in her publication “Feminism versus Multiculturalism,” mainstream feminists have been thought to believe that within other ethnic groups “there exist communities of people who think it may be perfectly appropriate to engage in domestic violence, namely, those who are too ignorant, too primitive, too

24 Finoh, Maya, and Jasmine Sankofa. “The Legal System Has Failed Black Girls, Women, and Non-Binary Survivors of Violence.” *American Civil Liberties Union*. N.p., 28 Jan. 2019. Web. 28 May 2019.

25 Roberts, Dorothy. “Race and Class in the Child Welfare System.” *Frontline*. PBS, November 2015. Web. 2 March 2020.

26 Ibid

backward to know any better.”²⁷ While this seems like an outrageous sentiment in the United States today, there is still a belief that has been unconsciously instilled that minority cultures are more disposed to violence and accepting of those violent tendencies. Another factor that contributes to the unreasonable discrepancies in minority women being affected by failure to protect is that the face of the domestic violence movement is seen as a white, married woman from a higher socioeconomic class, or the “ideal survivor” as is common in most social movements.²⁸ This is problematic because “individuals who do not fit this preconceived “model” were often ignored, or worse, excused as justifiable victims in the eyes of those who saw domestic violence as strictly a ‘white woman’ issue.”²⁹ This combination of deep-seated, racist, and simply erroneous thought of non-white tendencies toward violence and not fitting into the idea of a “perfect victim” contributes to minority women facing a harsher legal system.

How to Fix this Failure

Failure to protect is a legal policy that has plagued the United States with increased prosecution of abused women. While both men and women can be abusers, this specific law targets women who are involved with male abusers. There have been countless court cases that prove just how extreme the punishment can be- especially in comparison to that which the abusers face- from Williquette’s case in 1983 that set precedent to more modern cases such as that of Tondalo Hall. The reason women are the sole protectors of children and thus can be punished for failing to do so can be linked back to Robin West and her early feminist connection theory. As a policy, failure to protect comes with countless complications from being a form of victim blaming to repeatedly inflicting trauma on victims of abuse themselves and their children. Failure to protect also disproportionately affects women of color more as they are not

27 Volpp, Leti. 2001. “Feminism Versus Multiculturalism.” *Columbia Law Review* 101 (5): 1181–1218.

28 Gabriel, Raquel J. 2007. “Minority Groups and Intimate Partner Violence: a Selected Annotated bibliography.(Bibliography).” *St. Thomas Law Review* 19 (3).

29 Ibid

seen as the stereotypical victim, making them more likely to be prosecuted. Failure to protect is riddled with problems and continually punishes women for being victims, rather than providing them with the protection and resources they deserve. Abused women and children should absolutely not have to suffer more. The American legal system should be helping these victims escape their abusers. Child Protective Services should be providing aid and resources to women and children affected by violence, not imprisoning the mothers and ripping the children away from their families and homes. The U.S. government needs to step in on a federal level and take the blame for abuse away from mothers of children and place it on the actual abuser. This could be accomplished by funding a Child Protective Service that has the ability to help rather than harm.



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How Age Affects Wage: A Contemporary Examination of the Gender Pay Ratio

Mikayla Regier & Ian Levy

Edited by Ethan Gunnlaugsson

Abstract

The differences between males and females stem from a biological perspective. We tend to accept these differences as a way of life. But how different are men and women when the focus is centered on the workforce? According to their paychecks, men and women are quite different. The gender pay gap is entirely dependent on many convoluted factors where there is no solution that every state can accept. If there was a federal law protecting equal pay, we would expect the pay gap to shrink. A multitude of factors contribute to explain the gender pay gap, but our research conducts the differences between men and women are consistent throughout occupational differences, regional differences, and parental status. When women reach 25-30 years of age, there is a stabilization of their wages while men's wages tend to increase. We display how age affects the wage gap between men and women in various job occupations, regional differences, as well as parental positions. Most research indicates the motherhood penalty is the reason the pay gap continues. But after evaluating research from states with the strongest equal pay laws to the weakest, we conclude that motherhood is not the sole contributor to the wage gap. Regardless of motherhood status, the pay gap endures. The current workplace environment encourages gender relationships to wage, but that does not mean decreasing the gap is not within our grasp.

Getting to the Root of the Question

The question of the gender pay gap continues to puzzle the general public and infuriate countless women in the workplace. One of the most intriguing aspects of the controversy is the sheer variety of factors, explicit and implicit, that perpetuate the pay gap. Because of the vast complexity of confounding variables, the running metaphor we will use to describe the gender pay gap is a forest. There are many trees in a forest, with each tree having its own history. In this paper, the trees are the various factors that contribute to the pay gap, including the motherhood penalty, differences in policy in different states, and occupational differences for specific female dominated industries. Since we don't want to lose sight of the entirety of the forest, we must narrow our scope to the select trees which make the forest so dense. Our primary focus is centered on age and how it affects women in the workplace. We will use a meta-analysis of age to examine the existence of the gender pay gap, regardless of motherhood status, region, and type of occupation. A forest is accurate because ultimately there is no 'one size fits all' solution. No magic bullet solution will make the gender pay gap disappear. The most critical issues associated with the gender pay gap comprise a few significant trees in our forest. Age is not a choice, just as it is not something we can prevent. We all, however, can acknowledge that there grows a stark difference between women and men, as both age in the workplace and the pay gap widens. The density of this topic is why we need to study the strongest and tallest trees (those most pervasive and deeply rooted), while embracing the impact of the forest, and how we can adjust our policies to understand the future of our next generation of working women.

Tackling the Forest Through the Trees

Defining the Pay Gap

The gender pay gap is a well-studied issue, and thus, has been defined time and time again. In our opinion, Yavaline Aly from Bridgewater University has the best definition as "unadjusted and the difference between median

earnings of men and women relative to median earnings of men."¹ The pay ratio is often discussed along a similar line of the pay gap, but the pay ratio refers to how much one party is paid differently than the other.² The gender pay gap is a complicated issue that covers the United States coast to coast. Depending on where a person lives in the United States, the pay gap effect is different. For instance, we chose to focus our research primarily on California and Louisiana, the blatant opposites regarding the pay gap, and we studied the effect of policy enacted by each state to protect vulnerable groups on the wrong side of the gap. Several factors will be brought to light in this paper as to why the gender pay gap exists. As we fluctuate according to why women are typically paid less than men for similar work, it is essential to understand there are many contributors to the gender pay gap. Our research displays how motherhood, regional differences on the basis of how strongly state laws support equal pay, and types of occupations are all instrumental in the gender pay gap.³ However, one factor produces the most consistent evidence that the gender pay gap will continue to be a part of an American society: age.

The Impact of Age

The existing discourse on the gender pay gap often relies heavily on maternity leave and women's choice of industry to circumnavigate a much broader and more complicated discussion. Some of the existing literature tends to focus on women's so called "choices" to enter industries that typically pay women less.⁴ Other scholars point to maternity leave as empirical evidence that women will spend less time in the workforce, and thus, show that the pay gap

1 Aly, Yavaline. (2017). The Gender Wage Gap: Causes, Consequences, and Remedies. In BSU Honors Program Theses and Projects. Item 243.

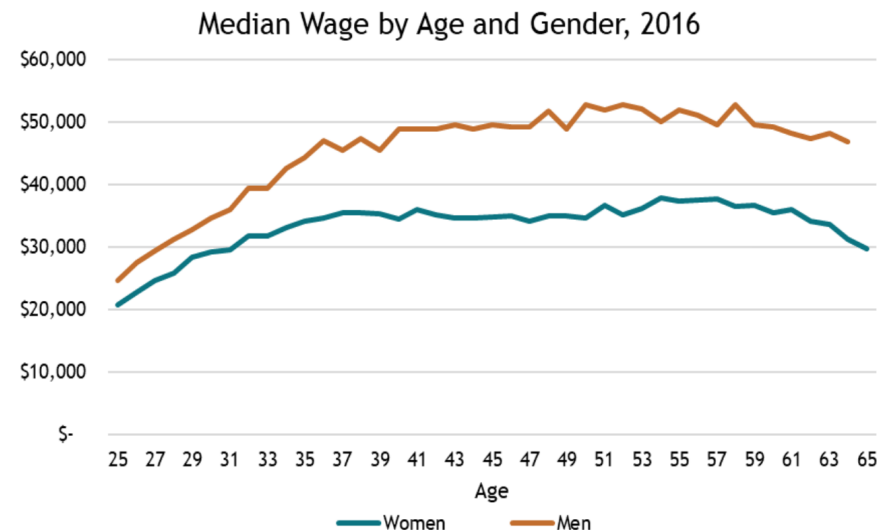
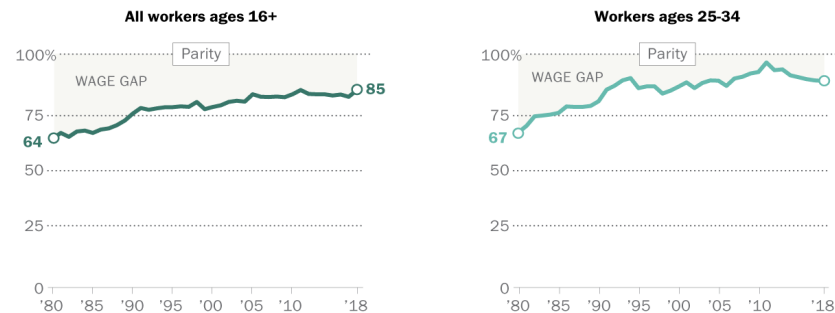
2 "State Data." *Women in the States*, Status of Women in the States.

3 Gal Shayanne, and Sonam Sheth. "7 Charts That Show the Glaring Gap between Men's and Women's Salaries in the US." *Business Insider*. Business Insider, March 31, 2020.

4 O'Neill, J. (2003). "The gender gap in wages, circa 2000." *American Economic Review*, 93(2), 309-314.

The gender pay gap is narrower among young adults than among workers overall

Median hourly earnings of U.S. women as percentage of men's median among ...



Source: California Competes calculations of American Community Survey 2016

is not as clandestine as it sounds.⁵ These aspects of the gender pay gap expose truth, but the differences between California and Louisiana show a prominent repetition of how age is actually a major influencer over why women are typically paid less than men. This graph from *California Competes* illustrates how age affects both men and women in the workplace. We interpret this information to show that when women mature between their late 20s to their early 40s, their salaries fail to grow at the same rate as men of the same age.⁶

The Pew Research Center also delves into the question of the gender pay gap in the United States, and its findings suggest the age argument is consistent regardless of job occupation and parental status. In 2018, information found by the Census Bureau manifests how young people age 25-28 entering the workforce have a smaller pay gap than women and men age 29-41 in the workforce.⁷ Why is this significant? The pay gap is broken down into many factors as to why it exists, but with this information, we can infer that young women will not be admitted into most industries with a glaring gender pay gap. Although the gender pay gap will persist, it will be more difficult to view. When working women reach approximately 40 years in age, they achieve the peak of the pay gap. With subtle differences between men and women within their paychecks, it can be difficult to identify why and where the pay gap is widening the most.⁸ In the Department of Industrial Relations, the “California Equal Pay Act” takes into account ageism to prohibit employers discriminating both men and women on the basis of age, but employers can simply name other reasons that are ‘factors other than sex’ to determine a promotion or a demotion

⁵ Miller, K., & Vagins, D. J. (2018). The simple truth about the gender pay gap. *American Association of University Women*.

⁶ “The Gender Pay Gap in California.” *California Competes*, 10 Apr. 2018.

⁷ Graf, N., Brown, A., & Patten, E. (2018). The narrowing, but persistent, gender gap in pay. *Pew Research Center*, April, 9.

⁸ Leitsinger, Miranda. “Women in California Are Still Paid Less Than Men. How Some Female Leaders Want to Change That.” *KQED*, 3 Apr. 2019.

to certain employees even when it falls under issues based on age.⁹ These factors are structured around gender roles while not being specifically stated as a gender issue.

Motherhood Penalty

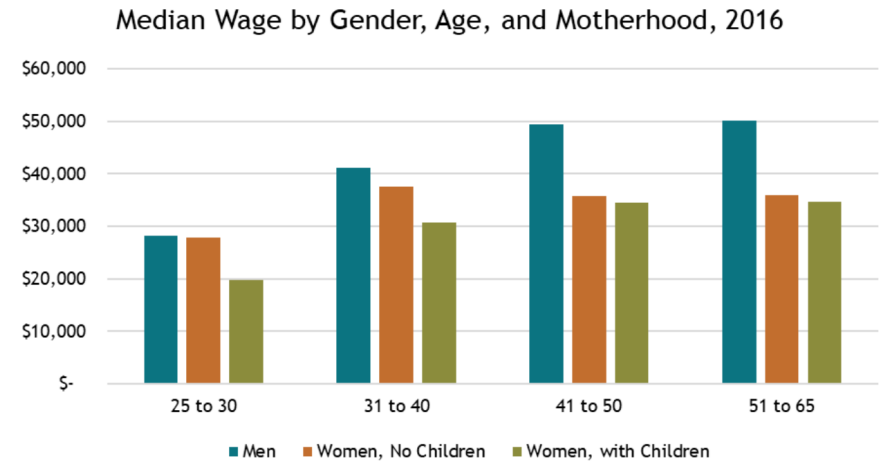
Nothing is more precious and natural than bringing new life into the world, but motherhood comes at a high price. This not only includes the cost of carrying and raising a child, but the cost associated with the mother losing employment opportunities, benefits, and an immediate decrease in wage.¹⁰ The motherhood penalty is defined as “holding women back from leadership positions and contributing to the wage gap. In fact, women get a 4% pay cut for each child they have, compared to men who get a 6% pay increase on average”.¹¹ Under a Harvard University study with the Women in Public Policy Program, an experiment was done to determine the differences in pay between mothers and nonmothers in the workplace. The study concluded that mothers had a 10% difference in their compensation ratings compared to nonmothers. Mothers were also considered to be six times less likely than nonmothers to be recommended for hire or promotion. With lower starting salaries, lower competency ratings, and lower likelihood of promotion, mothers are clearly disadvantaged to nonmothers.¹² If age is the greatest tree, then motherhood has grown the highest from its shadow. The motherhood penalty is difficult to escape.

9 Myers, John. “Equal Pay Bill Heads to Governor’s Desk for Promised Signature.” *KQED*, 1 Sept. 2015.

10 “Women’s Earnings in California – 2018 : Western Information Office.” *U.S. Bureau of Labor Statistics*, U.S. Bureau of Labor Statistics, 2018.

11 Zalis, Shelley. “The Motherhood Penalty: Why We’re Losing Our Best Talent To Caregiving.” *Forbes*, Forbes Magazine, 22 Feb. 2019.

12 “Getting a Job: Is There a Motherhood Penalty?” *Gender Action Portal*, Harvard Kennedy School.



Source: California Competes calculations of American Community Survey 2016 five-

We need to take into account the laws in place to protect mothers in securing their jobs and ensuring the transition from delivery to home care is a smooth one. The question is, how strong are these laws, and can we claim to protect mothers when the motherhood penalty is still in full force? First, some laws exist to protect women if they choose to become pregnant and need assistance for their maternity leave. In California, if working women follow the guidelines, they will be able to apply for Pregnancy Disability Leave. However, those guidelines are strict and are more prominently applied to women in higher-paying jobs of which are already covered through health benefits.¹³ Women are protected by the Pregnancy Disability Leave only if they have worked under their employer for at least a year and have worked at least 1,250 hours during that last year.¹⁴ This makes it difficult for women who work hourly or seasonal jobs that may not be available year-round. This continues to limit women’s abilities to secure proper health benefits during and after pregnancy. Clearly, the lack of accountability for this classification of working women, the law within

13 Guerin, Lisa. “Maternity Leave and Paid Time Off for Pregnancy in California.” *Nolo*, 15 Jan. 2019.

14 Guerin

California which is notorious for being strong to defend women, tends to neglect working women who fall under the motherhood penalty just when they need the government support the most.

If the problem was solely the motherhood penalty, then we could conclusively indicate that nonmothers and men in the workplace would be paid the same amount for similar types of work. However, the evidence suggests that regardless of motherhood, women are consistently paid less than men. Although the motherhood penalty may contribute to the pay gap, it is not the only reason the pay gap continues to exist and grow.

Regional Differences

We chose California and Louisiana for our scope of how the gender pay gap fluctuates regionally to highlight the moderating variable of how strongly state laws were litigated to protect equal pay and prohibit workplace discrimination. California has the most narrow gender pay gap in the country which may be surprising based on the previous evidence that California still suffers from a gender pay ratio over 10%,¹⁵ but Louisiana has the largest gender pay gap in the country with an astonishing 31% for their gender pay ratio.¹⁶ Location should not reflect pay beyond the cost of living in a particular area.¹⁷ However, we know this is not the case because we are focusing on the ratio for gender pay which already takes into account the high cost of living in California compared to the lower cost of living in Louisiana. Overall, California was considered having the lowest pay ratio gap. The strength of the state laws protecting equal pay yield this result.¹⁸ This thought process is consistent with Louisiana's Equal Pay state law that is considered weak under the information

by "State Data" in 2019.¹⁹ Although California has done the best job thinning the forest, the trees are still stacked and continue to pile.

The Official Seal of the State of Louisiana published the "Louisiana Equal Pay Act" with Senate's approval in 2016. Little to no difference in the gender pay ratio since the act was enforced.²⁰ By using state policies as a moderating variable to determine why the gender pay ratios are so vastly different, we can better identify how regions affect the gender pay gap. Another major policy issue is the use of employers "using prior salary history in setting current pay and prohibiting employees from discussing their wages."²¹ In California, this practice is prohibited because it can incentivize employers to use women's salaries from before leaving their previous workplace after a number of years, usually for the purpose of child care. This practice also ignores inflation, the number of years worked before leaving, and job experience. Without the protection of updated and revised Equal Pay Acts, working women are more vulnerable to outdated practices that hurt their chances of higher pay and, therefore, widening the gender pay ratio.²² This explains why California updates their equal pay laws once every few years to better facilitate working women and working mothers more specifically.²³ Louisiana does not have a statewide ban on prior pay disclosure. Only the city of New Orleans bans the screening of prior pay to determine employment pay. The city cannot rely on pay history to negotiate salaries, but that practice is legal in all other cities within Louisiana.²⁴ This shows a strong sense of neglect in equal pay policies throughout nearly all of Louisiana.

19 "State Data" see footnote #2

20 "Senate Approves the Louisiana Equal Pay Act." *Official Seal of the State of Louisiana*, 12 Apr. 2016.

21 Miller, K., & Vagins, D. J. (2018). The simple truth about the gender pay gap. *American Association of University Women*.

22 "California Equal Pay Act." *Labor Commissioners Office*, Department of Industrial Relations, Mar. 2019.

23 Leitsinger

24 Tornone, Kate. "A Running List of States and Localities That Have Outlawed Pay History Questions." *HR Dive*, December 20, 2018.

15 Gal and Sheth

16 Nielson, Kate. "The Gender Pay Gap by State: An Interactive Map." *AAUW*.

17 Daniels, Jeff. "Apple, Salesforce among 'Inaugural Signatories' in State-Led Push to Close Gender Pay Gap in California." *CNBC*, CNBC, 2 Apr. 2019.

18 Nielson

Occupational Differences

Aside from the motherhood penalty and regional differences in policies regarding equal pay, a contentious discussion point in the pay gap literature is the effect of occupational choices of women. Some argue this may be a non-discriminatory way that the gender pay gap exists.²⁵ Women do not have to choose low paying jobs. However, many argue that even within the same field women are paid less than their male counterparts.²⁶ Particularly in Louisiana, women in female dominated industries are paid less than men in occupations such as nursing, food service, and entertainment.²⁷ One of the reasons for this is the aforementioned motherhood penalty. When a woman's career is interrupted by childbirth, women often come back and find their salary unchanged.²⁸ This is unlike their male counterparts who have the ability to promote and earn raises, and new hires that are offered salaries adjusted for inflation.²⁹ While this issue varies between California and Louisiana based on different policy strengths, it holds true across occupations.

Furthermore, others make the argument that occupational choices don't necessarily mean non-discriminatory practices.³⁰ Part of the debate over occupational choices as a contributor to the gender pay gap is that, in general, women dominate fields that are lower paying than men.³¹ For example, some typically women dominated fields are nursing, teaching, and sales. These fields offer lower beginning salaries and fewer promotions than more male dominated

fields like engineers, technicians, and managers.³² Occupations are difficult to choose because there can be few to choose from, but once the choice is made, it is predestined that women will be paid less than men regardless of male or female domination in the occupation. As women work together, the density of the forest follows them whether they choose to go.

Theory

Our theory takes a specific approach to the discussion of gender pay ratio and examines the impact of age on the gender pay gap in California and Louisiana, holding a myriad of aforementioned moderating variables constant. Put simply, as the age of a woman increases, her opportunities to promote or attain equal status jobs to men in the same field decrease. We define the phenomenon of women having disproportionately more difficult times attaining promotions or other equal growth opportunities as deprived workplace mobility. Deprived workplace mobility heavily affects the gender pay gap. Because of the strong intersection between age and the other moderating variables, we highlight how age acts as the most troublesome of the trees due to its consistent nature.

While designing the theory for this paper, we were cautious defining age as our variable of focus. While the root of this paper is to observe the impact of a woman's age on the gender pay gap, age itself can be spurious since it's really the consequences that come with age that deprive the workplace mobility of women as they get older.³³ For this reason, we have to clarify that age, for this paper, includes both age-based discrimination in hiring practices for women, as well as the other variables that come with age such as the motherhood penalty and career interruptions. Age is the tree that spawned the forest.

25 O'Neill, J. (2003). The gender gap in wages, circa 2000. *American Economic Review*, 93(2), 309-314.

26 Hollowell, K. (2017). Mind the gap: Bridging gender wage inequality in Louisiana. *Louisiana Law Review*, 77(3), 833-878.

27 Hollowell

28 Miler and Vagins

29 Miller and Vagins

30 O'Neill

31 Anderson, Tracy, et al. "The gender pay gap." *Final Report to the Women and Equality Unit, Cabinet Office Women and Equality Unit, London* (2001).

32 Rytina, Nancy F. "Earnings of Men and Women: A Look at Specific Occupations." *Monthly Labor Review*, vol. 105, no. 4, April 1982, p. 25-31. HeinOnline.

33 Bertrand, M., Goldin, C., & Katz, L. F. (2010). Dynamics of the gender gap for young professionals in the financial and corporate sectors. *American Economic Journal: Applied Economics*, 2, 228-55.

Our second variable, as defined earlier, is deprived workplace mobility. This idea encompasses anything that interrupts a woman's career and prevents her from either being promoting or coming back to an industry at equal pay to men in her same position. The largest career interruptions were the motherhood penalty and regional differences in policies that support equal hiring practices, particularly when a woman returns to work and is offered a reduced salary.³⁴

Our final variable is the gender pay ratio which was defined earlier.³⁵ Because this paper is a meta-analysis of the effect of age on the gender pay gap, we are measuring the extent to which age affects the pay gap. Our purpose is to provide evidence that the gender pay gap widens as women age, and that age is consistent, even when holding other variables like motherhood constant.³⁶ It must be mentioned that we are only delving into one aspect of the gender pay gap with great detail which is age and the workplace consequences for aging.

While age is an important factor in the gender pay gap, it is certainly not dispositive of the problem. Importantly, maternal status, location, and occupational choices are all major contributing factors³⁷. Furthermore, these factors are not mutually exclusive and often work in tandem with one another making it difficult to differentiate between the effects of each on the gender pay gap. Some of the largest gender pay gap disputes are over the intersection of these variables, specifically, the factors often seen as less explicitly discriminatory like occupational choices and motherhood.³⁸ They seem less discriminatory because women have the right to choose where they work and whether or not to

become a mother. However, any way a woman wants to live her life, it should be expected to be paid less than men regardless.

Since age is highly intersectional and spans across motherhood, regional differences, and occupations, the likelihood for spurious results is much higher. Part of the benefit of a meta-analysis, however, is that multiple perspectives can be a tactic for isolating the effect of age while not losing sight of the grander picture. In other words, we identify the trees without losing sight of the forest.

How to Free Ourselves From the Forest

The title of this paper, 'How Age Affects Wage' is meant to capture a much broader issue in the gender pay gap discussion than simply chronological age. Evidence of age-based discrimination of women exists, and future research should be done isolating age as a variable of discrimination in hiring practices. The purpose of this paper was a contemporary meta-analysis examining the amalgam of sexual discrimination in the workplace that come with age. From examining the motherhood penalty, to defining the more modern regional policy-based discrimination approach, to the discrepancies of choices women have in the workplace, this paper sought to describe the inconsistencies in hiring practices affecting older women and the pay-ratio in California and Louisiana. The question is not, does the gender pay gap exist? The question is, how do we make it extinct? By strengthening equal pay laws to be more inclusive and using less vague vernacular, we could see changes occur to benefit all working women. California indicates a narrowing of the gap once efforts to reform the Equal Pay laws were more specific and dealt with protecting maternal leave. If Louisiana were able to enforce their Equal Pay laws to be applied to all working women, we would see a major shift in the wage gap. Unfortunately, this research does not imply the wage gap will disappear, but it does illustrate the promise of narrowing. Continuing to support Equal Pay laws would be one of the most successful ways to benefit women in the workforce. Aging is inevitable. As we age, we make decisions that contribute to how we will be paid. Choices like to become a parent, working in different types of occupations, or where we choose

34 Miller, K., & Vagins, D. J. (2018). The simple truth about the gender pay gap. *American Association of University Women*.

35 "PAY GAP: Definition in the Cambridge English Dictionary." *PAY GAP | Definition in the Cambridge English Dictionary*, Cambridge Dictionary.

36 Gal and Sheth

37 Miller, K., & Vagins, D. J. (2018). The simple truth about the gender pay gap. *American Association of University Women*.

38 Mandell, Lisa Johnson. "Where Women Work: 20 Most Common Occupations." *AOL.com*, AOL, 15 July 2016.

to live all impact our potential earnings. Obviously, these decisions should not dictate our paychecks. These choices reflect gender pay gap discrimination in a multitude of ways. We need to be aware of these consequences and prepare for our futures: one tree at a time.



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Language and the Education of Quechua Children: Whose Perspective Matters Most?

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Abstract

Disparities in educational access for indigenous Peruvians can stand as a model for bringing understanding to the complex relationships that exist between the government, various nongovernmental organizations (NGOs), and the indigenous people that receive this education. With a particular focus on Quechua communities in rural Peru, a greater understanding serves to illuminate the importance of speaking Spanish as opposed to Quechua and how that serves one's future economic and social success. Though the parents of these children desire for them to learn Spanish so that they may achieve a higher social status, the NGOs and the government are deciding to have these children learn in Quechua instead of Spanish as a means of cultural preservation. It's critical that all the groups align their views and practices, using the parents and community leaders for guidance, and work together to create the best system of education possible for the country's indigenous children.

The Broad Issue of Indigenous Rights in Peru

Despite the fact that as a global society, and on an individual country level, it is often claimed that developments are being made in the promotion and solidification of indigenous rights, such developments often are not actually as progressive as they are made to be. Often in countries where indigenous populations exist, they have fewer rights and are impacted disproportionately by different issues such as a lack of land rights, inequalities in education and issues of citizenship rights and recognition compared to non-indigenous citizens.¹ In many Latin American countries there is diversity in the indigenous populations that often comprise a significant portion of the overall populations. For example, in Peru, there are 6.5 million people who identify as indigenous, representing about a quarter of the country's total population. This means Peru has the second largest indigenous population in Latin America.²

Simply because indigenous people make up a meaningful portion of a given population does not mean that they are easily granted the same rights as other citizens, nor does it mean that with certain granted rights, they are well enforced or afforded with the actual desires of the indigenous populations in mind.³ This broad idea of the government granting rights has an interesting history in Peru that appraises understandings concerning specifically the education of indigenous children.

Educational access functions as a case study for group-specific rights in Peru, and indigenous rights broadly in Latin America, because the system

of advocating for educational rights can be generalized to other issues, such as women's rights or land rights. Both sides of the argument agree that education itself is elemental to economic or social success, as well as being seen as an integrated member of Peruvian society.⁴ However, there is a fundamental disagreement about whose educational ideas and values should take precedence when making decisions about education: those of the family, or those of the government and the Non-Government Organizations (NGOs).

Though Peru, in some respects, is seen as a leader in granting rights to their indigenous citizens, equal educational access for indigenous children is one area where Peru has fallen short. This is evident primarily in the government's insistence in teaching the indigenous Quechua speaking children in Quechua only, rather than in Spanish or both languages. This further exacerbates a lower position in a society that is relatively immobile because being able to speak Spanish, and often English, is a necessity to have any hope of upward economic and social mobility.⁵ Children's access to equal education is one specific facet of indigenous rights that is contentious, and by examining how the education of indigenous children is treated in Peru we can open up a conversation to include indigenous rights more generally in Peru, Latin America, and globally.

History and Peru's Double-Sided Reputation

The issue of the restriction of indigenous rights and status in Latin America has roots in the Spanish colonialism of Latin America and the systems of stratification the Spanish put in place to exert force over the indigenous

1 Raquel Y. Fajardo, "Peru: Pluralist Constitution, Monist Judiciary – a Post-Reform Assessment," in *Multiculturalism in Latin America: Indigenous Rights, Diversity and Democracy*, ed. Rachel Sieder (New York: Palgrave Macmillan, 2002), 157; Maria Elena García, "The politics of community: Education, indigenous rights, and ethnic mobilization in Peru," *Latin American Perspectives* 30, no. 1 (2003): 75; Ariel Taylor, and Michelle D. Bonner, "Policing Economic Growth: Mining, Protest, and State Discourse in Peru and Argentina," *Latin American Research Review* 5, no. 1 (2017): 115.

2 Stéphanie Rousseau, and Anahi M. Hudon, "Paths Towards Autonomy in Indigenous Women's Rights: Mexico, Peru, Bolivia," *Journal of Latin American Studies* 48, no. 1 (2016): 45.

3 Fajardo, Pluralist Constitution, 157; García, Politics of Community, 76.

4 Patricia Ames, "Language, Culture and Identity in the Transition to Primary School: Challenges to Indigenous Children's Rights to Education in Peru," *International Journal of Educational Development* 32, no. 3 (2012): 459, accessed September 22, 2019, doi: 10.1016/j.ijedudev.2011.11.006; Lorenza B. Fontana, "Identity Policies of Education: Struggles for Inclusion and Exclusion in Peru and Colombia," *Journal of Education Policy* 34, no. 3 (2019): 351; García, Politics of Community, 78.

5 García, Politics of Community, 78.

peoples.⁶ The system of stratification set up by the Spanish used racial identity as the basis for determining where one stood hierarchically.⁷ The Spanish or those of Spanish descent had the highest status, followed by those who were mestizo (mixed Spanish and indigenous) and finally, the lowest rank was held by the indigenous peoples.⁸ Clawson argues that racial mixing caused the race-based classification to develop further levels of stratification that took into account one's occupation, where one lived, and the language(s) one spoke.⁹ In this classification system, at the top were the Spanish who held top governmental positions and lived in the cities, followed by the mestizos who may have held some type of "higher" position outside of the city or lower level positions within the city, and finally the Incas (what the indigenous population in Peru was referred to at the time the Conquistadors led by Francisco Pizarro) would have been laborers and did not speak Spanish, but rather their indigenous languages.¹⁰ The system of stratification, though not as overt today as it was at the time of the Spanish conquest, still appears to hold some place in modern Peruvian society in how rights are afforded to the Quechua and maintained.

When looking at indigenous rights in Peru there are two main perspectives: those who see Peru as a leader in indigenous rights and those who see Peru as a nation that has a long way to go to improve the rights of its indigenous citizens. In a technical report from The World Bank on indigenous land rights in Latin America, Peru is classified as having a "superior legal framework" for establishing and following through with those rights.¹¹ This means that the structure, legally, exists to have these granted rights enforced.

6 George M. Fredrickson, *Racism: A Short History* (Princeton: Princeton University Press, 2002), 562-585; David L. Clawson, "Latin America: Physical Diversity and Cultural Heritage," in *World Regional Geography*, ed. David L. Clawson and Merrill L. Johnson (Upper Saddle River: Pearson, 2004), 574.

7 Clawson, *Physical Diversity*, 574.

8 Clawson, *Physical Diversity*, 574.

9 Clawson, *Physical Diversity*, 574.

10 Clawson, *Physical Diversity*, 574.

11 Roque R. Ortega, *Models for Recognizing Indigenous Land Rights in Latin America*, (Washington, D.C.: The World Bank, 2004), 2.

Peru is recognized by the World Bank as one of the first Latin American countries to have granted these rights when it ratified its 1979 constitution.¹² Even then, The World Bank acknowledges that Peru has had some weaknesses in how it continued to grant and enforce these rights to their indigenous citizens in the years following its 1979 constitution up until its 1993 constitution. In fact, this report states that its 1993 constitution weakened these rights granted in the 1979 constitution because in the earlier constitution the government was granted the ability to buy and sell the land of the indigenous groups.¹³ Raquel Fajardo discusses many of the weaknesses in some of the areas where Ortega and The World Bank saw strengths, in their writing about the progression of the Peruvian constitution. For example, the government didn't recognize Peru's indigenous languages, including Quechua, and it was only with the publication of the 1979 constitution that "the multicultural nature of the nation was formally recognised."¹⁴ One factor that could be contributing to this poor maintenance of granted rights is a lack of a unified and active political movement among the indigenous communities, which Oliart referred to as the "Peruvian anomaly."¹⁵ Among distinct communities, as opposed to the indigenous population at large, there has been a pursuit of achieving and protecting their rights as Peruvian citizens and "not as 'cultural others.'"¹⁶ They often refer to the existing laws as a way to signify that they deserve more than a stratified social location.¹⁷ This legal framework, which serves as a general background for understanding the legally granted indigenous rights today, and this refusal to signify more than a 'cultural other', combine to create what can be defined as the contemporary 'race

12 Ortega, *Models*, 9.

13 Ortega, *Models*, 9.

14 Fajardo, *Pluralist Constitution*, 157.

15 Patricia Oliart, "Indigenous Women's Organizations and the Political Discourses of Indigenous Rights and Gender Equity in Peru," *Latin American and Caribbean Ethnic Studies* 3, no. 3 (2008): 291.

16 Oliart, *Women's Organizations*, 291.

17 Oliart, *Women's Organizations*, 291-292.

and ethnic' relations between the Quechua and the government, NGOs, whites, mestizos, urban Spanish-speaking Peruvians, and other indigenous groups.¹⁸

Theories of Group Position, Race Discrimination, and Social Distance

When explaining race and ethnic relations between indigenous populations and the Spanish, historically, or the Quechua and the government and NGOs contemporarily, Blumer's group position theory works well as a framework. Blumer's group position theory will first be used as a lens to explain group position historically in Peru, and then as an explanation for group position today, which will be applied within Reskin's race discrimination theory. Massey and Bitterman's overview of Robert Park's ecological theory will also be used to support and explain the formation and later continuation of group position theory.

Group position theory states that there has to be "positional arrangement of [...] racial groups,"¹⁹ and this is present due to the stratification based on the origin of one's parents.²⁰ Additionally, the dominant group, in this case either the Spanish or the greater Peruvian population, depending on the context, must incorporate certain features when viewing themselves with respect to the group being treated as 'Other,' the Quechua. The first feature the dominant group must embrace is a sense of superiority over the second group. The second feature is a notion that the other group is different from the dominant group. Thirdly, the dominant group must have a feeling of "propriety" of certain areas of advantage.²¹ There is a fourth feature, group threat, that has some applicable context in the historical model, but in the contemporary model of education doesn't fit quite

as well, so it will not be discussed²². When examining the first three features of group position theory, the third feature in the context of these issues is less overt than the first two but is nonetheless still relevant. In Blumer's theorization of these ideas of difference, superiority and "propriety", each creates specific circumstances that could be thought of as creating various disparities (i.e. differences in the rights of indigenous and non-indigenous peoples in Peru).

By using Blumer's theory to look at various educational problems that are examples of difference, superiority and "propriety" as disparities, this framework can be built into Reskin's theory of race discrimination. This theory describes an overarching system of race discrimination where within there exists a type of positive feedback loop of discrimination leading to disparities, which lead to further discrimination, in what Reskin refers to as 'über discrimination.'²³ An example of discrimination historically that would have started this race discrimination system in Peru that still exists today would have been the system of classification the Spanish set up in Peru by distinguishing between groups and granting membership to certain strata based on "how Spanish" someone was.²⁴ This has led to disparities, such as unequal outcomes in education and differences in how and what children are taught in Peru depending on their identity and where they live.²⁵ These educational disparities also exist relationally to other disparities to create what Reskin refers to as über discrimination or meta-discrimination. In a positive feedback loop this meta-discrimination will lead to further disparities, which will lead to an even larger system of meta-discrimination.²⁶ This system will continue to fuel itself perpetually unless certain actions are taken to find "leverage points" to upend and work on the existing system and fundamentally change it instead of

18 Ames, Language, Culture and Identity, 454 – 462; Lorenza B. Fontana, "Identity Policies of Education: Struggles for Inclusion and Exclusion in Peru and Colombia," *Journal of Education Policy* 34, no. 3 (2019): 351-373; García, Politics of Community, 76.

19 Herbert Blumer, "Race Prejudice as a Sense of Group Position," *The Pacific Sociological Review* 1, no. 1 (1958): 4.

20 Clawson, Physical Diversity, 574.

21 Blumer, Group Position, 4.

22 Blumer, Group Position, 4.

23 Barbara Reskin, "The Race Discrimination System," *Annual Review of Sociology* 38, (2012): 18-19.

24 Clawson, Physical Diversity, 574; Reskin, Race Discrimination, 18.

25 Fontana, Identity Policies, 356; Reskin, Race Discrimination, 18 – 19.

26 Reskin, Race Discrimination 19.

temporarily fixing only a small piece of the system.²⁷ According to this theory, the current problems surrounding the education system won't necessarily be resolved unless the race discrimination system in Peru is transformed and the disparities are eliminated.

Finally, Massey and Bitterman discuss how spatial distance is reflective of social distance.²⁸ This, in context, means that first, the social distance that the Spanish created by putting into place a stratification system caused physical distance to result.²⁹ It can even be argued that the resulting spatial distance causes even greater social distance as a result of the original social separation. Just as in Reskin's theory, the result is a continuous feedback loop. The "system" that exists today concerning the physical separation of indigenous Peruvians from the rest of the greater population is a reflection of first, that social stratification system. Second, it is a reflection of the current circumstances that cause and exacerbate social distancing, such as discrepancies in education and lack of direct communication between the indigenous communities and the government because of deeper more institutional issues and things as simple as language barriers.

The Conflict of the Community, NGOs, and Government

The inequalities in education can be sorted into root sources and response factors. Ames points out that among these root factors are extremely high poverty rates among Quechua speaking children (about eighty percent) compared to Spanish speaking children (about forty percent) and less money being spent per child for indigenous children.³⁰ The response factors of these circumstances are that indigenous children perform worse in school compared to other children, and they have higher rates of repetition and drop-out rates.³¹

To aid in reducing some of these inequalities, the government passed legislation in 1972 which declared that children have a right to be educated in their own language and implemented bilingual education in areas where Spanish was not the predominant language.³² This bilingual education system was intended to educate all children, in all echelons of society, in both Spanish and Quechua, but it only exists in the rural indigenous communities.³³ Some of its effects work against this goal.

To implement this educational reform, the government started going to specific communities (along with officials from NGOs and teachers from urban areas) to announce that they were going to pilot a program that would involve replacing the Spanish instruction in the schools with Quechua.³⁴ The government officials and NGOs argued that this change would be implemented solely to benefit the children and even stated that if the children spoke Quechua they would have more of a voice when advocating for themselves and their communities.³⁵ Leaders and parents in the indigenous communities disagreed. Rather, they "perceive[d the change] as the imposition of education in *Quechua*."³⁶ This is because Spanish is a necessity, to be a part of the broader society as opposed to just existing within it as an "invisible citizen."³⁷ The parents wanted their children to have the hope of being able to lift themselves out of poverty, and saw learning Spanish as the first step in that process.³⁸ Denying them the opportunity to learn Spanish in school was perceived as an attempt to prevent them from improving their future outcomes.

32 Ames, Language, Culture and Identity, 460; Fontana, Identity Policies, 356 – 357; Maria E. García, *Making Indigenous Citizens: Identities, Education, and Multicultural Development in Peru* (Stanford: Stanford University Press, 2005), 75 – 76.

33 Fontana, Identity Policies, 356 – 357; García, Politics of Community, 71.

34 García, Making, 71.

35 García, Politics of Community, 76.

36 García, Politics of Community, 76.

37 García & Lucero, Sin Indígenas, 162.

38 García, Politics of Community, 80.

27 Reskin, Race Discrimination 16.

28 Doug S. Massey, and Brooks Bitterman, "Explaining the Paradox of Puerto Rican Segregation," *Social Forces* 64, no. 2 (1985): 307.

29 Massey and Bitterman, Paradox, 307.

30 Ames, Language, Culture and Identity, 455.

31 Ames, Language, Culture and Identity, 454.

These groups that decided to implement this change in the educational systems of these indigenous schools argued that learning in Quechua was important not only for the academic success of the children, since learning to read and write in the language a student speaks at home is easier than doing that in a language they don't know, but also for the preservation of Quechua language and culture.³⁹ Although language is a critical piece of any culture, there are other elements that make up a culture. These parents want their children to learn Quechua, but prefer that it be taught to them at home, while in school they should learn Spanish.⁴⁰ These individual pieces come together to create what Reskin would refer to as a race discrimination system. The forced change of language instruction, root causes, and response factors (in addition to other contributing circumstances discussed) are each individual discrepancies, as Reskin would refer to them, that culminate to create a system of race discrimination, or *meta-discrimination*.⁴¹

It is important to recognize that the choice to change the language of instruction in the name of cultural preservation is made from a place of privilege. The government officials and NGO members are predominantly of middle to high socioeconomic status, are from cities, speak Spanish, and often speak a second language such as English or French. It can then be argued then that these changes to the language of instruction being made are an exercise of Blumer's theory on group position. The primary feature, superiority, could be summed up in an NGO member explaining that it is important that these parents are involved in their children's education, but that they may not have the ability to make the best decisions for their children.⁴² This exhibits superiority because these government and non-governmental officials and other individuals believe they somehow understand the difficulties and discrimination experienced by these indigenous groups (and how to overcome them) better than the groups

themselves. The interaction is also an example of the second feature: difference. The NGO leader (from the perspective of García, who was recounting the incident) positioned themselves as more knowledgeable than the parents, and therefore better equipped to make decisions.⁴³ These NGO leaders and officials from the Ministry of Education appear to have a sense of propriety over their ability to make these decisions themselves as opposed to having the parents and community members make these decisions or making these decisions in collaboration with them, which would be an example of Blumer's third aspect of group position theory.⁴⁴

Broadening the exploration of the Peruvian education system and its education of indigenous children to include a more historical understanding, it becomes clear that indigenous children were only included starting in the mid-twentieth century, and a generation or two ago, children were forbidden from speaking Quechua at all in school.⁴⁵ Today in schools the children must wear uniforms and remove their shoes, which hides anything that would identify them as indigenous aside from the fact that they speak Quechua.⁴⁶ It's difficult to perceive cultural preservation as a priority if the only acceptable expression of that identity in schools is the indigenous language. Being able to identify what educational social justice is and really understanding the opportunity costs of not teaching these children to speak Spanish is necessary before progress can be made on an agreement between all sides about what the language of instruction should be, and at what costs will ensue if "cultural preservation" is achieved.

There are compelling arguments on both sides in wanting the language of instruction to be in either Spanish or Quechua. It's hard to know of the obvious "right" choice, but it is important, even vital, that the government and the NGOs actually weigh the parents' wishes when making decisions like this. Given that indigenous communities are in a much better position to know their

39 García, Politics of Community, 76.

40 García, Politics of Community, 78.

41 Reskin, Race Discrimination, 19.

42 Blumer, Group Position, 4; García, Politics of Community, 70 – 95.

43 Blumer, Group Position, 4; García, Politics of Community, 70 – 95.

44 Blumer, Group Position, 4; García, Politics of Community, 70 – 95.

45 Ames, Language, Culture and Identity, 454; García, Politics of Community, 77 – 78.

46 Ames, Language, Culture and Identity, 459.

own experiences and needs, it could be reasonably argued that they should have more of a say. These parents are sending their children to school in the first place so that they may have the opportunity to overcome the discrimination that exists in their society and the best way for them to do this, from their perspective, is by learning Spanish.⁴⁷ This idea of “saving” a culture, especially without discussing it with the communities, should be thought about more carefully, especially when contrasted with the economic and social consequences of denying these individuals the opportunity to learn Spanish.

The Implications of Bilingual Education Systems and Where to Go Next

Peru has not lived up to its reputation as a leader of indigenous rights because the government has not been proactive in enforcing and protecting them. Education is an area that is especially complex due to the actions of NGOs in their efforts to “assist,” which has led to further complications for the indigenous citizens. Education is also important to focus on because it is a method of social mobility.

The intricate relationship between the Peruvian government and their indigenous citizens has led to many problems with how education is afforded to people within the indigenous communities. This relationship was further complicated by the NGOs and their differing views with the community leaders. By not consulting with the families about which language their children’s education should be taught in, there were miscommunications and an even further lack of communication entirely. When developing a course of action for education it is vitally important that the views of the parents and community members be sought out and taken seriously rather than discounted by the government and NGOs as a form of misunderstanding.⁴⁸

The scope of this paper is limited to the very specific circumstances of one particular indigenous ethnic group within Peru. A possible research

opportunity would be to examine educational opportunities and associated outcomes for indigenous peoples from other Latin American countries, similar to the research presented in this paper. This would be useful for learning whether these educational inequalities are unique to this specific ethnic group in Peru, or if similar inequalities exist for indigenous groups in countries that have different sets of indigenous rights. Other research that could be conducted within Peru could be comparing the circumstances and experiences in the education of children of different groups within the same cities, such as Lima, Cusco, Arequipa, and similar metropolises. This would most likely involve comparing those who live in the urban centers versus those who live in peri-urban areas on the outer areas of the cities. Area-specific research, whether conducted in Peru or some other Latin American country, can be applied to other regions outside of Latin America because the problems experienced and the research conducted can serve as a model for expanding and examining indigenous rights outside of Peru.

As indigenous rights movements become more prevalent and seen as being of greater importance, it would be reasonable to predict that the voices of the communities and the parents of these children will gain a stronger influence, and those with the most intimate knowledge of their children’s situations will have more of a say in their futures. With that power, they will be able to advocate for themselves, as individuals who understand the severity of what is at stake, and for their children so that they may have the education they need, in a language necessary to be the most productive and vocal Peruvian and global citizens possible.

⁴⁷ Ames, *Language, Culture and Identity*, 459.

⁴⁸ García, *Politics of Community*, 80.



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Identity and Values in the Brexit Debate

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Edited by Mikayla Regier

Abstract

This paper asserts that differing beliefs in regards to identity and values were more “to blame” in Britain’s Leave vote than the asserted socioeconomic revolt of the working class. As is necessary to understand the current situation, discussion of Britain’s colonial and imperial history and current existence is explored, drawing from post-colonial theory, to understand how a continuing legacy of racism and neocolonial imperialism continues to impact British society. Furthermore, Britain’s invariably tense relationship with the European Union is examined from its very first days in the European Economic Community to the recent tumult of withdrawal negotiations. A distinction is drawn between the concepts of “Englishness,” “Britishness,” and “Europeanness,” each with increasingly inclusive definitions, and each is explored in relation to its effect on a Leave or Remain vote. A link is drawn between a strictly English identity and opposition to multiculturalism and immigration; these are similarly viewed in a broader context of Islamophobia, rising hate crimes, and a desire for British exceptionalism.

The June 2016 Brexit referendum, subsequent general elections, and the increasing polarization of British society have proven that the vote was not as cut-and-dry as simply Leave versus Remain. It was perpetuated as an amalgamation of the working class against the elites, the North versus the South, England against the other nations, and traditionalists versus the so-called globalists. While it may have been the popular narrative put forth by the media, Brexit at its core was not so much a working-class revolt as a deep-seated conflict over identity, values, and priorities in a changing and increasingly complex Great Britain.¹ On a micro level, an individual's socioeconomic status and privilege (or lack thereof) impacted their own vote; this is also reflected by the tendency of historically similar racial, geographic, and economic groups to vote similarly. Reasons for the vote itself were multifaceted, as were those who chose one side over the other; political decisions were in turn fueled by economic status and social stature. For the purposes of this essay, "identity" will be defined as the characteristics that make up who one person or a people group is, and "values" will be understood as the priorities and principles that govern one's thoughts and choices.

As the definition stated, there are two different forms of identity, collective and individual, both of which will be explored in the paper. An important concept for the understanding of the Brexit vote is the notion of "Britishness:" who counts as being British? In Gurinder Bhambra's TED talk, she detailed racist and derogatory statements said to her in the weeks and months following the vote.² People seemed to doubt the ability for her, as someone of South Asian descent, to be truly British. As unfortunate as it may be, for Dr. Bhambra and many other Black and Minority Ethnic (BAME) British citizens, "Britishness" seems to inherently equate to whiteness. She and many other BAME British citizens are written off by people who do not believe

1 Mondon, Aurelien, and Aaron Winter. "Whiteness, Populism and the Racialisation of the Working Class in the United Kingdom and the United States." *Identities* 26, no. 5 (December 6, 2018): 510–28

2 TEDx Talks. 2017. "Everything you know about Brexit is wrong | Gurinder Bhambra | TEDxBrum." December 11, 2017. Video, 14:59

that someone who does not look like them could ever enjoy the full rights and privileges of citizenship. In these instances, the concept of "going back to where you came from" is invoked, where it is inherently assumed that if someone does not fit the concept of the British ideal, they are by virtue of their skin color less worthy of the title of British citizen. It is suggested that this narrowing of what it means to be British, and more broadly European as a whole, is more of a response to the introduction of people who society deems to "not fit in" rather than an ontologically defined state of identity.³ In essence, the argument is that it is more of a question of "who is not" rather than "who is." Non-English cultures, such as Irish and Western European, who have been present in Britain for long enough are seen as having sufficiently integrated and are no longer the usual targets — with notable exceptions such as the pervasive Troubles. There must then be a new scapegoat for people's bigotry and intolerance, who are now more commonly Muslims and Eastern Europeans.⁴

Within the topic of identity, there is also the concept of "Europeanness," which takes into account both aspects of individual and collective identity. Curtice and others have noted that those who felt a strong sense of "Europeanness" were much less likely than those who strongly identified with "Englishness" to vote Leave.⁵ This implies a broader sense of belonging than the more insular one of feeling purely "English." They felt connected to a Europe that they saw as working for them, rather than chipping away at dearly-held values. An affinity towards a European identity may also imply increased awareness of the privileges and abilities that citizenship in the European Union confers, such as freedom of movement and reciprocal educational benefits. As with many rises in populist and nationalist movements — particularly in the United States during and after

3 Ammaturo, Francesca Romana. "Europe and Whiteness: Challenges to European Identity and European Citizenship in Light of Brexit and the 'Refugees/Migrants Crisis.'" *European Journal of Social Theory* 22, no. 4 (July 16, 2018): 548–66

4 Burnett, Jon. "Racial Violence and the Brexit State." *Race & Class* 58, no. 4 (April 4, 2017): 85–97

5 Curtice, John. "Why Leave Won the UK's EU Referendum." *JCMS: Journal of Common Market Studies* 55 (July 26, 2017): 19–37

the election of Donald Trump — assumptions are made about immigrants: they are believed to be draining social services and taking jobs that could belong to a local resident, without contributing to the economy.⁶ Britain has always had a somewhat tense relationship when seeking to integrate ethnicities other than English into society and Empire. This was seen in the 1707 accession of Scotland and the 1801 union with Ireland, as both regions retain strong regional identities.⁷ There have always been people excluded from British, and more narrowly English, identities and society. Interestingly so, both Northern Ireland and Scotland voted to remain while England chose Leave — Northern Ireland by approximately 11%, and Scotland by 24%.⁸ With such strong local and regional identities, Northern Irish and Scottish voters naturally would have felt less obligated to go along with the predominant English Leave vote and more willing to cast their ballots for the other option.

The stereotypical Brit is white, Christian, and often a “pull yourself up by your bootstraps” sort of working-class citizen. Consequently, some Leave voters sought to protect Britain from the “intrusion” of people who they see as not fitting this model. Many of these people are immigrants, sometimes arriving in the United Kingdom due to EU policy regarding refugees from the Middle East. The European Commission notes that the “CEAS [Common European Asylum System] consists of a legal framework covering all aspects of the asylum process and a support agency - the European Asylum Support Office (EASO).”⁹ With asylum seekers and refugees officially being processed through a centralized, standardized system run by the European Union, Britain had significantly less control over the regulations governing their own borders. The Center for Social Investigation at Nuffield College stated that a desire for “the UK to regain control over EU immigration” was the top reason for nearly

6 Curtice, “Why Leave Won,” 19-37.

7 Gardner, Andrew. “Brexit, Boundaries and Imperial Identities: A Comparative View.” *Journal of Social Archaeology* 17, no. 1 (January 17, 2017): 3–26.

8 “EU Referendum Results.” *BBC News*. BBC, June 23, 2016

9 The Common European Asylum System (CEAS), The Common European Asylum System (CEAS) § (n.d.)

40% of Leave voters.¹⁰ With decisions regarding immigration, refugees, and asylum-seekers being made some 200 miles away in Brussels, the idea that those instituting such laws do not have the best interests of Britain at heart is all the more pervasive.

While immigration and related concerns were chief in the mind of many Leave voters, it is merely a symptom of a larger issue. Ashcroft and Bevir posit that “[t]he Brexit vote was in large part about pluralism in culture, nationalism and citizenship.”¹¹ Here, the concept of collective identity, which is ascribed to a group, is particularly relevant. This posited “threat to social cohesion and security” was believed to have been brought about by the introduction of increased cultural diversity and religious pluralism. In actuality, such remarks are thinly-veiled appeals to xenophobia, Islamophobia, and racism. It is not inherently dangerous or an issue to be proud of one’s country. However, when the fabric of one’s identity is wrapped up in denying the rights that they themselves enjoy to anyone who does not fit their “ideal,” it becomes destructive. Those who see a multicultural Britain as an asset to society are juxtaposed against those for whom this is a threat. “Voting or visibly campaigning for the UK to remain in Europe was taken by some to be a form of betrayal.”¹² While for many, a vote for or against Brexit was a “right versus wrong” debate, this assertion takes it even further. Protecting British interests was seen as incompatible with a continuing membership in the European Union. Remain voters had a different image of what a strong and forward-thinking Britain could look like, but those reasons were deemed inferior to the protectionist and isolationist ideals of many Leavers. The mantra of Sadiq Khan, London’s mayor and himself the son of Pakistani immigrants, has emerged as a hopeful call to those who are feeling continually ostracized by what they see as a Britain unwelcoming to people who look,

10 CSI Admin. “People’s Stated Reasons for Voting Leave or Remain.” CSI Nuffield | Centre for Social Investigation, Nuffield College, Oxford. Centre for Social Investigation, April 25, 2018.

11 Ashcroft, Richard, and Mark Bevir. “Pluralism, National Identity and Citizenship: Britain after Brexit.” *The Political Quarterly* 87, no. 3 (August 17, 2016): 355–59.

12 Burnett, “Racial Violence,” 85-97.

speak, or worship like them: “You are welcome here.” Immigrants to the UK, particularly Muslims and those from Eastern Europe, are seen as “undermining and irreversibly transforming” the political and social landscape of the United Kingdom.¹³ “The referendum result was taken by some as affirmation that the country was not only now ‘theirs’, but that it was theirs ‘again.’”¹⁴ A return to being “theirs again” implies a desire to return to the time in British history in which people of diverse cultures, religions, and backgrounds were not tolerated in society, let alone welcomed and seen as a strength.

In order to understand how modern values impacted the Leave vote, it is imperative to understand the history of colonial oppression that Britain still operates and benefits from. This strongly ties into the concept of British exceptionalism and lingering desires for the “glory days” of the British Empire. According to Bhabra and others, Britain as a country was perfectly content with taking advantage of its colonial subjects and territories, whether for natural goods, labor, or financial exploitation.¹⁵ However, it was in the heightened 20th century migration of these people, many of whom were BAME, that threatened to upend the status quo. When these migrants began asking for the privileges of citizenship to which they were entitled, Great Britain responded by passing the Commonwealth Immigrants Acts, restricting such migration. This principle can easily be applied to the modern day; a vote for Leave and continuing restriction of migration could be viewed as a modern-day Immigrants Act.¹⁶

An example of the fight between different values is the disagreement between cultural and economic priorities. Many Leave voters were, at least to a degree, aware of the economic benefits of remaining a part of the European Union and its single market. In addition, many agreed that this was a positive; they recognized that Britain was economically better-off remaining. However,

¹³ Burnett, “Racial Violence,” 85-97.

¹⁴ Burnett, “Racial Violence,” 85-97.

¹⁵ Bhabra, Gurminder K. “Locating Brexit in the Pragmatics of Race, Citizenship, and Empire.” In *Brexit: Sociological Responses*, edited by William Outhwaite, 91-100. London: Anthem Press, 2017.

¹⁶ Bhabra, “Locating Brexit,” 91-100.

the benefits were not enough to outweigh perceived threats to British culture and way of life. In this respect, it is clear that a consistent question of values that impacted the vote was just that — what *should* be valued? It is also important to make the observation that the populist and nationalist values that fueled Brexit were not a uniquely British phenomenon, no matter what some may believe. Populism is not an ideology belonging solely to left or right-wing governments and parties; however, its appeal to the conservative UKIP and Brexit movements cannot be overstated. Returning to a “traditional” society that eschews multiculturalism, feminism, environmentalism, and other progressive ideals is the hallmark of many right-wing governments, including the Trump administration in the United States.¹⁷ The authors also noted that support for such populist parties and candidates can partially be understood as a response to the “erosion of [people’s] privileges and status.”¹⁸ With their backs up against the wall, both Leave and Trump voters felt as if they were losing their country to the “dangerous newcomers,” and that the only remedy was to reprioritize as an isolationist, nationalist nation.

There is also the value of strength; the idea that being part of the EU was misplacing Britain’s priorities, funds, and desires fueled some Leave voters. Giving up some legislative power to the EU and European Parliament was weakening Britain’s legitimacy as a great power on the world stage. Beginning with the British Empire and following with the Commonwealth, Britain has grown used to “being on top” of whatever multinational alliance it is a part of, and laments having to give up that treasured place for a more democratic approach.¹⁹ The EU is not believed to be passing legislation or prioritizing ideals seen as “British” priorities, so why should Britain support the EU? While this may be a classic example of the “quid pro quo,” it was a sentiment commonly expressed. As seen by the presence of the 1975 referendum on membership in the

¹⁷ Inglehart, Ronald, and Pippa Norris. “Trump, Brexit, and the Rise of Populism: Economic Have-Nots and Cultural Backlash.” *SSRN Electronic Journal*, August 2016.

¹⁸ Inglehart and Norris, “Trump, Brexit, and the Rise of Populism.”

¹⁹ Bhabra, “Locating Brexit,” 91-100.

then-EEC, Britain has long had a contentious relationship with Brussels. Britain is not a nation that is used to having to seek permission for anything, let alone give up legislative and executive power that would otherwise be consolidated on a national level. The United Kingdom does not use the Euro and is not in the Schengen zone, showing that there is also a historical trend towards rebellion against EU “overreach.”

On a more specific note, there was significant disagreement on what Britain’s national cultural and social values should be. In this vein, traditionalism, protectionism, and nationalism are juxtaposed with multiculturalism, integration, and “progressive” ideals such as feminism and environmentalism. A driving factor in the reorganization of British cultural values was the increasing levels of immigration, particularly by Muslims and Eastern Europeans seen as “bent on colonizing Europe” with their “foreign” ideas and way of life.²⁰ Despite the fact that Muslims only comprise approximately 5% of EU residents or citizens, they are constantly made the scapegoat for any violent crime or attack happening within a country’s borders, without taking into account that far more attacks are perpetrated by far-right and breakaway separatist movements.²¹ The European Union is often seen as unfairly promoting such ideals and pushing higher rates of immigration and increased accession of refugees and asylum-seekers; therefore, those who are against such values as-is are naturally less likely to have supported Britain remaining in the EU. To some, the growing belief that racial, cultural, and geographic diversity is an asset to society is not only untrue, but a “threat to social cohesion and security.”²²

It is entirely understandable for a society to value defense, security, and keeping themselves safe from harm. However, many ideas of “who” and “what” make their lives less safe are at their best unfounded and at their worst, wildly

20 Ozkirimli, Umut. “‘And Peoples Concerns Were Genuine: Why Didn’t We Listen More?’: Nationalism, Multiculturalism and Recognition in Europe.” *Journal of Contemporary European Studies* 20, no. 3 (October 22, 2012): 307–21

21 Ozkirimli, “And Peoples Concerns were Genuine,” 307-21.

22 Ashcroft and Bevir, “Pluralism, National Identity, and Citizenship,” 355-59.

Islamophobic, xenophobic, and racist. If one does not fit into the mold of what it means to be a stereotypical British citizen, they are inherently ostracised, deemed “less than” and “not our kind of people.” This was an easy area for pro-Leavers to use fear tactics to spurn support for an independent Britain, but nowhere was it more obscenely obvious than in the United Kingdom Independence Party’s (UKIP) “Breaking Point” campaign. As the BBC notes, the blatantly racist poster, portraying refugees seeking asylum in the EU, played heavily into stereotypes about Britain’s immigrant community and the refugees set to arrive; namely, that they were a threat to the nation and that the EU had created that threat.²³ The espoused phenomena of globalization, hailed by some as a new frontier for free trade and an opportunity to share human and financial capital, has been viewed with more contempt in recent years.²⁴ Whether intentional or not, this can serve as an example of the alarming “dog-whistle politics,” wherein an opposition to globalization functions as thinly-veiled hostility towards immigrants, refugees, and asylum-seekers.

Additionally, the ideal of British exceptionalism, tying in with the concept of traditionalism, was a notable value in motivations for Leave votes. The belief that the European Union “systematically diminished British influence” was a compelling cause for the Leave campaign.²⁵ This evokes the idea that there was a time in history when Britain was highly influential and incredibly powerful, and that it is that time and place in history to which the country must be returned. The article also noted that “national collective narcissism...is a robust predictor of adopting populist views.”²⁶ In this context, collective narcissism can be understood as a functional synonym for exceptionalism. This also extends

23 “Michael Gove ‘Shuddered’ at UKIP Migrants Poster.” *BBC News*. BBC, June 16, 2017. Michael Gove ‘shuddered’ at UKIP migrants poster.

24 Bhambra, Gurinder K. “Brexit, Trump, and ‘Methodological Whiteness’: on the Misrecognition of Race and Class.” *The British Journal of Sociology* 68, no. 1 (November 8, 2017): 214–32

25 Marchlewska, Marta, Aleksandra Cichocka, Orestis Panayiotou, Kevin Castellanos, and Jude Batayneh. “Populism as Identity Politics.” *Social Psychological and Personality Science* 9, no. 2 (October 4, 2017): 151–62

26 Marchlewska et al, “Populism as Identity Politics.” 151–62.

beyond the basic idea of exceptionalism to suggest not only that British culture is the one to be emulated, but that no other culture is close enough to have any significant value. For those who adhere to this notion, there is a lingering belief that there is something innate in the very fabric of “traditional” British society that makes it different from any other and worthy of preservation. They fear losing this, and thus are more likely, as proven by Marchlewska *et al*, to have supported the Leave campaign. While the results are far from damning, 46% of voters agreed that “being a member of the EU undermined Britain’s distinctive identity.”²⁷ If retaining this unique identity and way of life is framed to be a key British value, without which one can forfeit their very right to “Britishness,” it is only natural to want to protect it at all costs.

It is clear that neither the Brexit vote nor issues of identity and values are as dichotomous as they are often made out to be. They are all made up of shades of grey; there are hundreds of reasons that people voted Leave, as there are hundreds of aspects that make up one’s identity. Many of the diverging values also surrounded issues of race and ethnicity (who is in and who is out) and were responses to policies and practices of the European Union surrounding immigration and multiculturalism. It is unclear how this process will impact Britain and the wider European community in the months and years to come; it is possible that society will come to act as a foil of the United States, with an increasingly polarized and hyper-partisan society. To progress as a society, Great Britain as a whole must realize that diversity in nationality, religion, immigration status, and culture is a strength, rather than a weakness, and act accordingly.

27 Curtice, “Why Leave Won,” 19-37.



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Occupy and the Failure of the Urban Left

Isaac Schick

Edited by Lauren Carrasco

Abstract

This piece examines the Occupy Wall Street movement, its motivations, and ultimately its failure to build a broad political base. We look at the role of the city and the rural in our understanding of American cultural differences, and how these differences ultimately led to the splintering of what could have been a broad populist movement. Instead we see the creation of two populist movements made up of two distinct groups--one young, urban and educated, and the other older, rural and blue collar. These two groups characterize not just the divide between the populist Occupy and the populist MAGA movements, but more broadly the status of American politics today. With economic insecurity being felt by both of these movements, why then could they not be further apart politically? This is examined by looking more deeply at some of the differences in the cultural anxieties and visions of America and the world, felt by members of the Occupy movement and those of what we will refer to as the “white working class”. Beyond economic woes is the cultural battle being fought over what role the rural and the urban shall play in America’s future. Gone seem the days of “Little House on the Prairie”, where the rural was seen as a noble and moral counterbalance to the decadence of the urban Babylon.

Occupy Wall Street was a movement that occurred in 2011, aimed at a flurry of various political topics, with economic anxieties being at the forefront.¹ Some will argue that Occupy Wall Street (OWS) was a success, that its ultimate goal was to inspire thousands to take up the mantle of change and challenge the neoliberal order. That neoliberalism (being a broad term for institutions and individuals that promote liberalism and free market capitalism)² had pushed too hard and too fast, and now those negatively affected had a banner under which to challenge it. The neoliberal global order has since been challenged and is arguably on the decline.³ What the OWS movement never would have expected is that the largest opposition to the neoliberal elite is not coming from the failed Bernie Sanders campaign or the increasingly liberalized French “socialist” party, but from populist nationalist movements on the right. These movements have taken up positions of power across the western and non-western worlds, and in their essence, they are still championing the anti-liberalization mantra of the OWS movement. Though few in the OWS movement would associate with this rising political front, they are truly just two sides of the same reaction to increased globalization and economic liberalization. After giving a few listens to Steve Bannon (former executive chairman of Breitbart News and former White House Chief Strategist under President Trump) or Tucker Carlson (host of Tucker Carlson Tonight on Fox News), one might begin to hear talking points that are nearly verbatim to that of people like Bernie Sanders. In a segment on the Loan Shark Prevention Act, Tucker Carlson chastises Republicans for not working with Bernie Sanders to help protect Americans from credit card debt. ““No doubt many Republicans in Congress will oppose this bill, if only because of who sponsored it (being Bernie Sanders and Alexandria Ocasio Cortez).”⁴ So how then did the OWS movement fail to forward a strong left-wing populist

1 Conan, Neal. “Op-Ed: Occupy Wall Street Protesters’ Goals.” NPR, NPR, 17 Oct. 2011

2 Kenton, Will. “Neoliberalism.” Investopedia, Investopedia, 28 Apr. 2020

3 Sumner, Scott, et al. “Gérard Araud on the Decline of Neoliberalism.” *Econlib*, 29 Apr. 2019

4 Phifer, Donica. “Fox News’ Tucker Carlson Praises Alexandria Ocasio-Cortez, Bernie Sanders for Work on Loan Shark Prevention Act.” *Newsweek*, *Newsweek*, 11 May 2019

movement, while Trump was able to successfully gain political power using right-wing populism? To understand this, one must have an understanding of the OWS movement in relation to the “global city”, how the movement pushed for a re-examining of “the right to the city” and how the movement failed to engage working class whites, largely in rural areas. To understand these events, one must first have any understanding of what set them all off to begin with, the Great Recession.

The 2008 recession reshaped America more than any other single event since 9/11 and is arguably the event that OWS was truly reacting too. According to Pew, the average U.S. household lost \$5,800 from September 2008 to the end of 2009,⁵ with some of the hardest industries hit being blue collar and low-skilled labor jobs. This included cement and construction product manufacturing, lumber and other construction material wholesalers, and the hardest hit, building material and supplies dealers.⁶ While these workers tend to be overwhelmingly middle-aged, blue collar and, with no college degree, the OWS movement was made up of people that were almost none of these things. The recession in 2008 was also followed by an extremely slow recovery, with many in manufacturing never seeing their jobs return to the US, as trade deals like the Trans-Pacific Partnership and the North American Free Trade Agreement lead to outsourcing from the US to Mexico and Southeast Asia.⁷ These were the people who became the backbone of Trump’s takeover of the “Brexit States” as Michael Moore (a self-avowed socialist) called them, being Ohio, Wisconsin, Pennsylvania, and Michigan. These people were almost completely absent from the OWS movement, but a group that wasn’t absent is also the most politically apathetic group in America, young people.

5 “The Impact of the September 2008 Economic Collapse.” *The Pew Charitable Trusts*,.

6 Bukszpan, Daniel. “Industries Hit Hardest by the Recession.” *CNBC*, *CNBC*, 29 Jan. 2014, ww.

7 Wallach, Lori. “NAFTA at 20: One Million U.S. Jobs Lost, Higher Income Inequality.” *The Huffington Post*, *TheHuffingtonPost.com*, 8 Mar. 2014

It is safe to say that OWS was made up of largely young people, with 64% of the protesters being under the age of 34 years.⁸ This is understandable in part, since young people were also disproportionately affected by the 2008 financial crash, with student loan debt rising to the forefront of issues nationally. Young people are now overwhelmingly racked with debt and have little prospect of owning a home at any point in the future, something their parents and grandparents' generation saw as part of becoming middle-class.⁹ Occupy can be seen in many ways as a youth takes over the Right to the City, a city that they can no longer afford to live in. This perspective of Occupy makes sense and fits into the notion of Wall Street being a symbolic and literal representation of the nation's economy. The youth increasingly are seeing the economy as unfair towards them, trapping them in a system where they will always be working to pay off a debt to large banks they despise. As Steve Bannon put it in his Munk Debate with David Frum, "The Millennials are nothing more than 18th century Russian serfs right now, they're better fed, they're better clothed, they're in better shape, they have more access to information. They don't own anything and they're not going to own anything."¹⁰ Occupy was their way of taking on these forces, and to a large extent take back the rights they believe have been lost, the right to own their own home, live without debt, find a middle-class job, all things the post-1950s American dream promised. This physical occupation of what the millennials saw as "their" economic assets was done so strategically, since Wall Street was seen as the head of the snake, and due to the idea of the global city, the movement could be duplicated virtually anywhere.

Wall Street is well known in the United States, and to an extent across the world, as the financial heart of America and the global economy. This plays a key role in the Occupy movement beyond Manhattan, since to occupy the

8 Staff, The Week. "The Demographics of Occupy Wall Street: By the Numbers." The Week - All You Need to Know about Everything That Matters, *The Week*, 20 Oct. 2011

9 Madrigal, Alexis C. "Why Housing Policy Feels Like Generational Warfare." *The Atlantic*, Atlantic Media Company, 13 June 2019

10 "Munk Debate: The Rise of Populism." *YouTube*, Munk Debates, 2018

economy, the global city is key. Michael Moore, director of "Capitalism: A Love Story", said it best when he stated that the Occupy movement is truly about Wall Street. Though every local bank in every town can and should be occupied, it is Wall Street that truly needs to be destroyed. To Michael Moore, Wall Street as a global entity has its hands in every city and town in the country, causing everyone to some extent to lose their right to the city.¹¹ This is where Occupy could have become a much larger movement than it ended up being; it could have joined in solidarity with a group that was also hurting but lacked the "professional activists" that OWS had: the white working class.

Something thrown around by liberal pundits is 'why do poor whites constantly vote for republican candidates seemingly against their own economic interests?'¹² It seems to be a puzzling question if one believes that only economic interest governs how one votes (assuming liberals have poor people's best economic interests in mind). If this were the case, then perhaps OWS would have received the support from Middle Americans, but it didn't, despite the fact that they are also experiencing isolation from the city. We can see this in a study by PRRI: college educated whites are twice as likely to identify with OWS than working class whites, with millennials identifying more with OWS than older generations.¹³ Working class whites are feeling isolated in part, the same way the millennials are feeling isolated, with their belief in the American dream coming into question. According to a study by The Guardian, poor whites are more likely to believe their lives are worse off than their parents¹⁴ (a good indicator as to their belief in the American Dream). This is similar to 49% of millennials who believed the American dream is dead in a Harvard University

11 Moore, Michael. "The Purpose of Occupy Wall Street Is to Occupy Wall Street." *The Nation*, 29 June 2015

12 Rensin, Emmett. "The Smug Style in American Liberalism." *Vox*, Vox, 21 Apr. 2016,

13 Jones, Robert P, and Daniel Cox. "Beyond Guns and God: Understanding the Complexities of the White Working Class in America." *PRRI*, 2012

14 Graham, Carol. "Is the American Dream Really Dead?" *The Guardian*, Guardian News and Media, 20 June 2017

study.¹⁵ If millennials dealt with this perceived loss of their right to the city and economic dream by going and occupying those who they believed had taken it, why would the working-class whites not do accordingly? This is because unlike the millennials, the working-class whites are not just economically alienated, but culturally so too.

During the election of Donald Trump in 2016, Trump won the rural vote by 62%,¹⁶ the largest margin victory since 1980.¹⁷ These people can be seen quite literally as the backbone to Trump's victory, a group that is increasingly disillusioned by the American dream, that have not recovered much since the 2008 crash, and own very little — sounds familiar? Many wondered and are still wondering how a group like this could support a multi-millionaire from New York but not the OWS movement. OWS focused almost entirely on the right to the city in an economic sense, with the millennials occupying their economic dream, but when it comes to culture, millennials already dominate the city. Every major city in America now caters to the Millennial, even at the expense of the working-class people of color that used to dominate these urban centers. The perception of the city is now increasingly one of art houses, studio apartments, micro-brewing, and fusion food restaurants — the new bourgeois. In an article by Esri, multiple studies are cited that show that cities all across America are catering more and more towards millennial consumers with an increasing number of businesses being run by millennial owners.¹⁸ Millennials who grew up in the suburbs are now the market dominant force in the urban center, and their dominance is only set to increase as time goes on.¹⁹ This issue

15 *Survey of Young Americans' Attitudes toward Politics and Public Service*. Harvard University Institute of Politics, 2015

16 Morin, Rich. "Behind Trump's Win in Rural White America." *Pew Research Center*, Pew Research Center, 17 Nov. 2016

17 CBS News/*The New York Times* interviews with 12,782 voters as they left the polls as reported in *The New York Times*, November 9, 1980, p. 28. 1976 data are from CBS News interviews.

18 Thompson, Helen. "Millennial Customers and Workforce Move to Big Cities." *Turning Analysis into Action*.

19 Kolko, Jed. "Where the Fast-Growing Jobs Are." *Jed Kolko*, 9 Dec. 2015.

is central to the cultural isolation of the working-class white population, which is usually defined as whites without a college degree (Approximately forty percent of the adult population in the US).²⁰ Historically they have been seen as humble folk, "salt of the earth" with the move to the suburbs being something like Ebenezer Howard's fusing of urban and rural life. In old movies, the rural is seen as a moral counter balance to the decadence of the city, giving rural folks a central role in the beating heart of the American identity. This is beginning to change, however, with the millennial generation increasingly rejecting these cultural narratives, taking the right to the city away from those "rednecks" of the countryside, making them strangers in "their own" country.

Now that it has been established that the city is increasingly becoming dominated by the millennial generation, that the millennial generation dominated the OWS movement, and that both millennials and working class whites share similar concerns regarding economic anxieties, I will explore the underlying reason the working class whites did not support OWS (and through that, why OWS ultimately failed to gain the political power it could have otherwise received). Cultural anxiety tops the charts of reasons why people voted for Donald Trump, beyond economic anxiety, the anxiety related to feeling as though you are a stranger in your own country was the most reliable way to predict if someone voted for Donald Trump.²¹ It is no surprise then that working-class whites are disproportionately likely to feel this way.²² It can be easy for many to discount these concerns by the working-class whites as simply backlash against "progress," but I'd argue these concerns do not come from a place of "privilege" but one of cultural identity in an area where that matters far more than the city.

20 Emmons, Bill, et al. "The White Working Class: National Trends, Then and Now." *St. Louis Fed*, Federal Reserve Bank of St. Louis, 23 Dec. 2019

21 Jones, Robert P., Daniel Cox, and Rachel Lienesch. "Beyond Economics: Fears of Cultural Displacement Pushed the White Working Class to Trump | PRRI/*The Atlantic* Report." PRRI. 2017.

22 Green, Emma. "It Was Cultural Anxiety That Drove White, Working-Class Voters to Trump." *The Atlantic*, Atlantic Media Company, 12 May 2017

With the city being a global space, national identity is beginning to matter less and less. This has largely to do with the increased connection that cities have with a global marketplace, and increased globalization of companies and products. Now every city can have a Banana Republic, McDonald's, Forever 21 and so on, while the internet creates a common culture between city dwellers that could be nations apart. This new global city has led to Americans increasingly considering themselves "Global Citizens,"²³ which may be at the heart of the divide between the white working class and their millennial countrymen. Rural areas have almost always had a strong sense of national identity, largely because they are not global cities, they are largely homogeneous and with a stronger sense of group identity. Unlike the city, the country has less immigration to it, hence less multiculturalism and less individualism. Few people move out to a rural community to "make it" in the big outdoors; the countryside is more for starting a family and entrenched working-class communities without much higher education. These communities are deeply tied to the identity of the nation, as with only 16% of the US population, people from rural areas dominate the military with 40% of enlisted men and women.²⁴ This much more nationally focused identity plays a large role in the deepening fissure between working class whites and millennials, though it is important to make a note on working class white millennials.

Some may believe that this data points towards more of a generational divide between the millennials and those older, and not a divide between the city and the countryside, yet this is not so. The following data was cited from an article by *The Atlantic* which evaluated a study done by *PRRI* and *The Atlantic*.²⁵ When working class whites under the age of 30 were polled on whether they were Republican or Republican-leaning, or Democrat or Democratic-leaning,

23 Garza, Frida. "Survey: People Are Increasingly Identifying More as 'Global Citizens' than National Citizens." *Quartz*, Quartz, 4 May 2016

24 Scott, Jessie. "7 Reasons Small Towns Are the Most Patriotic Places." *Successful Farming*, Successful Farming, 30 June 2016

25 Green, Emma. "It Was Cultural Anxiety That Drove White, Working-Class Voters to Trump." *The Atlantic*, Atlantic Media Company, 12 May 2017

there was a 57%-27% split in favor of Republican and Republican-leaning. This is compared to working class whites 65 and up, who were a little more than half Republican and Republican-leaning and over a third Democrat and Democratic-leaning. The political divide between the city and the rural only increases as the demographics get younger, meaning age is not the main issue. The cultural anxiety that America's countryside is feeling is quickly becoming the focal point of the American political divide, and identity is the main issue. 68% of the white working-class fear that America is losing its identity, and 62% feel as though immigration is threatening the country's culture, a fear that displays diametric opposition to the culture of the "global city."

A conclusion that could be drawn from this is that the reason the white working class did not join the millennial OWS movement is because these two groups ultimately have opposing views on where America should be going culturally, even if they share common economic anxieties. Furthermore, these differences have everything to do with the culture of the urban and the culture of the rural, especially in an increasingly globalized world, with many questioning national identity. The banks and neoliberals may be to blame for both the "serfdom" of the millennials and the joblessness of the working-class whites, but it is identity that truly divides these two groups, something that seems to only be getting more divisive as time goes on. The question now is, why is this the reason that OWS failed to build political influence the same way that the populist right was able to with the rise of Donald Trump?

This largely has to do with the fact that the working-class white population is larger and less politically apathetic than the city dwelling millennials. The 18-29-year old demographic is still the lowest voting demographic in the country,²⁶ and even out of the very politically active demonstrators, only 51% said they voted in the previous election, and 25% had already declared they did not plan on voting in the next election.²⁷ This is then coupled with the fact that America's

26 "Voter Turnout Demographics." *United States Elections Project*

27 The Week Staff. "The Demographics of Occupy Wall Street: By the Numbers." *The Week - All You Need to Know about Everything That Matters*, The Week, 20 Oct. 2011

30 largest cities have an average voter turnout of 20 percent, and cities in general trail behind less urban surrounding areas in voter turnout by 5 to 15 percent.²⁸ It is clear that the urban youth vote has many built in problems to it, with very little actual political power being commanded. Meaning that in order for any movement propagated by such a small and generally apathetic demographic to gain steam, they would need to reach a broader base, which did not happen in 2011. Ultimately this failure to gain a broader base of working-class Americans also failed to give the movement the legitimacy it needed, of representing the “99%.”

One could argue that the movement started by OWS is not dead, with Bernie Sanders’ policy being largely adopted by the Democratic Party, but the idea that OWS was the voice of the 99% is dead. After the Left failed to engage the working-class whites with OWS, the Right was able to capture the cultural and economic anxiety with the rise of Donald Trump. The combination of economic nationalism to defend low-skilled jobs and an opposition to cultural progressivism helped Trump gain the legitimacy that the largely young, college educated and disproportionately socialist OWS movement never could. Now America is split, with increasing partisanship on both sides, and one of the best ways this can be shown is in the political map. Islands of urban “global cities” in a sea of red rural nationalists, watching as blue creeps up from the border. This is what makes up the US political divide today, and it is unclear whether these issues related to identity will be solved any time soon; only time will tell.

28 Lind, Diana. “Cities Lead the Nation in Many Ways, but Not in Voter Turnout.” *TheHill*, The Hill, 7 Dec. 2016

Alumni Spotlights



Emily Matthews

By Drew Navarre

Emily Matthews graduated from Cal Poly in 2017 with a bachelor's degree in Political Science, a concentration in International Relations and minors in Environmental and Religious Studies. She is currently an associate at SCRB Strategies (formerly SCN Strategies) where she works on political campaigns.

While she attended Cal Poly, Emily was involved in the religious studies club and played water polo for the club team. Along with conducting research for the political science department, she was also on the Paideia team for three years and served as the executive editor during her final year. While she was at Cal Poly, Emily stressed the importance of taking advantage of as many resources as possible. She attended alumni talks, spoke with professors, and explored career options. Emily believes that having internships allows you to explore your interests and gain critical real-world experience.

Emily came into Cal Poly with the goal of becoming a lawyer. After taking some pre-law classes, however, she decided that was not the field for her and investigated other options for the rest of her time at Cal Poly. She chose the international relations concentration as she found the classes more interesting. Along with a different educational perspective, she also branched out to different fields of work during her time at Cal Poly. With a little push from her professors, Emily found The Washington Center in D.C. where she worked as a research assistant assembling briefings and conducting research about water, sanitation, and hygiene. With this experience, she took on the Cal Poly mantra and learned that while her position was an excellent experience, it was not what she was looking for in a career. By interning in a field other than what she expected to do, she learned valuable skills and insights for the rest of her career.

After graduating, Emily travelled to Southeast Asia before starting the rest of her career. She then worked for a digital consulting firm where she fundraised for red to blue congressional candidates such as Katie Porter, Katie Hill, and Josh Harder. Additionally, she worked to market candidates to a larger digital audience.

Emily is now an associate at SCRB Strategies where she advises and helps run campaigns. On the day to day, her job includes conducting research with pollsters, performing opposition research, and creating mail and TV plans. In our interview she joked that her job is basically to create all of the “annoying ads” you see for candidates running for political campaigns. One of her main duties as a project manager is to implement guidelines from strategic partners to the real world. She has worked on campaigns for Governor Gavin Newsom, Lieutenant Governor Eleni Kounalakis, Oakland Mayor Libby Schaaf, No on Prop 6, and No on Prop 10. During her time at Cal Poly, she had an internship with SCRB Strategies, which was the first place in her career where she felt like she was where she belonged. Ever since then, she has worked to get into campaigns and further her career by taking as many campaign opportunities as she could.

One moment in her career Emily is particularly proud of is when Oakland Mayor Libby Schaaf was re-elected, as this was the first time in 16 years that an Oakland mayoral candidate was reelected. She felt a sense of personal accomplishment, as she was the only associate working on the campaign and wrote and produced all the mail and TV ads herself. Additionally, she raised \$300,000 for Schaaf's campaign.

Emily believes that her success comes from her rigorous work ethic. She is able to have a career that she not only benefits from, but also has an invested interest in. She works hard when she needs to, specifically during campaign season where tasks can get cumbersome, and she sets her mind to accomplishing her goals. Her work ethic would be futile, however, without her passion for her career. A large part of her success comes from a place of passion and caring about the future of our political system rather than focusing on personal wealth.

Looking back at her time at Cal Poly, Emily most appreciates the work ethic Cal Poly encouraged. She gives credit to the political science professors, specifically global politics professor Dr. Hurt, for preparing her for real life, while at the same time not "holding her hand." She appreciates that professors encouraged her to work hard for the end result and polish her writing skills. Emily also stressed the importance of having mentors around. By having mentors, she was able to seek guidance from people with more experience and have a push when she was feeling unmotivated or uninspired.

For current political science students, Emily suggests exploring what is out there and to go beyond what you think you can do. She also hopes that current students find professors that will push you when you need it. She credits Professors Leithner, Williams, Battle, and Lowham for being encouraging when she needed help.



Lihau Jackson

By Kendall Warther

Despite its small-town location, Cal Poly played an integral role in pushing United States Foreign Service Officer Lihau Jackson to think globally. Having previously attended college in Hawaii and having transferred to Cal Poly during the latter half of his college career, Lihau primarily credits his move to the central coast of California and the contrast between the area's relative isolation and international affairs' wide scope, along with current Global Politics professors like Dr. Craig Arceneaux, with inspiring him to expand outwards and eventually pursue a career as a diplomat with the U.S. Department of State's Foreign Service.

Upon graduation from Cal Poly, Lihau was determined to earn a master's degree. Rather than enter graduate school immediately following his graduation, Lihau was encouraged by Cal Poly history professor Dr. Tom R. Trice to study a critical language overseas in a place that was interesting to

him: Russia. While living in Russia, Lihau studied Russian and taught English informally. He recommends using teaching English abroad, or joining the U.S. Peace Corps, as ways to transition into international service careers, especially for those looking to save on costs. He also believes that many competitive graduate schools value overseas experience and critical language skills as much or more than an impressive undergraduate record. Following his time spent in Russia, Lihau earned a Master of Arts at American University's School of International Service and noted that most students in his program were fluent in at least one foreign language.

Currently serving as a Foreign Service Officer stationed in Serbia, Lihau explained that the testing process for becoming a Foreign Service Officer not only analyzes traditional intelligence and knowledge, but also focuses on one's ability to think on their feet, think across and within cultures, and study languages to look for nuance. He believes that some characteristics that bring success in the Foreign Service include the aforementioned skills, as well as the ability to work well on a team, dexterity when navigating cultural differences and language translation, and flexibility. In terms of flexibility, Lihau explained that Foreign Service Officers are required to move every two to three years, and although some assignments are in Washington D.C., most are overseas. He described a balance existing within an officer's variety of location assignments, meaning one's standard of living and security can vary greatly between assignment locations. There are some posts where families are not permitted to accompany officers, often due to challenging local conditions or security threats. "Family time suffers. It does," Lihau admitted. "But...you do find this almost secondary family just with a lot of our colleagues here by going through this shared experience." Lihau later emphasized that the camaraderie amongst Foreign Service Officers and their embassy colleagues is unrivaled.

Lihau proceeded to offer further insight into the process of becoming a Foreign Service Officer. After one passes a written Foreign Service Officer Test, completes essays assigned online, passes a day-long in-person exam, and is granted a security clearance, they are then added to a rank-order registry,

based on their in-person test score. Candidates that test for fluency in many foreign languages can receive bonus points to their score. When openings within the Foreign Service become available, applicants on the registry are extended invitations, based on their rank order. Not everyone on the registry ultimately receives an invitation, and candidates who do not within 18 months must start over. Those invited begin a diplomatic training course called A-100, that covers U.S. history, diplomacy, trade craft, and even niceties like proper introductions and table manners. It is during this training that many lifelong relationships are formed between fellow trainees. Lihau described his fellow officers as “like-minded people who are fascinated by foreign languages and understanding the way that the world works and how we, as Americans, fit into that.” The camaraderie Lihau described in the Foreign Service is not limited to just American officers, but extends to include diplomats from embassies of other countries, as well. “You’re never really alone,” Lihau stated, recounting coworker-organized road trips and thanksgiving dinners held overseas with American, Canadian, Mexican, and German colleagues.

As a Foreign Service Officer, Lihau is often tasked with assisting Americans, including explaining why things are the way they are overseas. This can include coordinating overseas evacuations, visiting arrested Americans in jail, helping replace lost or stolen travel documents, or assisting American parents with finalizing an overseas adoption. It can also include speaking to foreign audiences about U.S. policy, coordinating cultural exchanges, analyzing a country’s economic outlook, or coordinating trip logistics for a visiting U.S. Senator. To him, the Foreign Service is the intersection of doing something he loves, doing it overseas, and doing it for a worthy cause. He explained that diplomats are present before, during, and after conflicts, perpetually peace-keeping and building relationships. Despite these prideful claims, he conceded when I inquired about his long-term plans. While Lihau enjoys his role in the service immensely, he looks forward to one day residing in the United States, permanently. “Home is home,” he stated.

Eager to help current students, Lihau offers a few specific points of advice to current Cal Poly students. Firstly, he suggests students travel whenever possible beyond the central coast, California, and even the United States. Secondly, he advises students to take academic risks in choosing the courses they enroll in outside of their major. Lihau accredited several general education courses for “changing my thinking and maybe even my direction in pretty substantial ways.” Thirdly, Lihau encourages students to study overseas, should they have the chance, and to be both strategic and creative with their choice of destination. Predictably, Lihau proposes studying a foreign language, particularly a critical one such as Mandarin, Arabic, Russian, or Turkish, and highlighted generously funded scholarships such as the Boren, Fulbright, Gilman, and Critical Language Scholarship programs. Lastly and most passionately, Lihau encourages students and graduates alike to seek an internship with the Department of State. “And it sounds like a plug for the person I work for, and it is,” he joked, but he reiterated that this is “because my internship at the U.S. Embassy in Moscow was a life changing experience.” Throughout the interview, Lihau emphasized that students should not feel pressured to immediately enter a job field or graduate program following their graduation. “Take a little bit of time, whether it’s volunteering within your community, going overseas, studying a language,” he suggested. To Lihau, it would seem that the worst decision is a rushed one.



Markie Jorgensen

By Drew Navarre

Markie Jorgensen graduated from Cal Poly in 2013 with a bachelor's degree in Political Science and a concentration in Pre-Law. When she was a student at Cal Poly, Markie played intramural soccer and was involved in the Phi Kappa Alpha honor society. Currently, she is an associate attorney at Paul Plevin Sullivan & Connaughton LLP where she works on employment and labor litigation.

Coming into college, Markie was not sure what kind of career she wanted to pursue. She found it valuable that Cal Poly's Political Science Department allowed her to explore her options by taking introductory classes for all concentrations: Pre-Law, Global Politics, and American Politics. She eventually declared a concentration in Pre-Law and became passionate about the legal profession. This led to Markie exploring a multitude of jobs and internships. She first interned for Tardiff Law Offices as a file clerk. Here, she

further gained an understanding of what it meant to be an attorney as well as valuable observation skills. The next year, she worked at Wendt & Abel as a legal secretary. This was a more hands-on internship where she was able to correspond with clients and do some introductory form building. Additionally, she was introduced to the atmosphere of family law, which often entails high emotions and stressful situations dealing with divorce settlements and child custody.

After graduating from Cal Poly, she went on to law school at UC Davis. She chose UC Davis for its reputable law school and collaborative environment. She maintains that the environment made a huge difference in law school as it was not cutthroat, and it was more relaxed than other law schools. Not many people say they outright enjoy law school, so Markie stating that she actually furthered her interest and passion for law comes as a bit of a welcome surprise. During her first year, she joined a couple of clubs and eventually ended up working for SLO City Attorney Christine Dietrick during the summer. She was grateful to be in a familiar environment while at the same time being able to put her new skills that she acquired in law school to use. In her second year, she was a part of *Law Review*, a prestigious legal journal where she was able to practice legal skills such as writing and editing. She was also a teaching assistant for Legal Research and Writing and Torts 1L classes. That summer, she worked at Simpson Thacher & Bartlett's Palo Alto office doing general business litigation as well as research and memo writing. In her final year, she was elected managing editor of *Law Review* where she oversaw the journal and publications within it. In 2017, Markie then graduated in the top 5% of her class and passed the bar exam.

After passing the bar, Markie started working as an associate attorney at Cooley, a large international law firm in San Diego. She continued to do general business litigation before getting hired at Paul, Plevin, Sullivan & Connaughton, a top management-side labor and employment firm. During her time at Cooley, Markie honed her legal research and critical thinking skills directly out of law school. Markie also pointed out that one of the benefits of working at a large

law firm is being able to work on cutting-edge litigation. Her work involved representing companies and academic institutions being sued by employees and students. At Paul Plevin, Markie learned case management and strategic thinking skills by managing deadlines, correspondence, fact investigation, and briefing on each of her cases with supervision from a firm partner. Markie is grateful to Paul Plevin partners for their trust in her skills, which allowed her autonomy over her work and helped her gain more confidence in her abilities to handle a busy workload. She feels that she is more in charge of her work and has more on her plate. In fact, she notes that one of the biggest successes from her career was being able to produce timely, good work product while managing nineteen current matters.

Throughout both her academic and professional career, Markie recalls feeling imposter syndrome often. When she was in law school, she was overwhelmed by the number of students with ivy league and UC undergraduate degrees. She noted in her interview with Paideia that at the start of law school she would have felt lucky to finish in the top half of her class and never expected to graduate within the top 5%. However, throughout law school she realized that Cal Poly prepared her for the challenges of law school and is grateful for the education she received in undergrad, and specifically credits her time at Cal Poly for developing a passion for law.

Out of all the professors that Markie had, she believes Professor Den Otter had the biggest impact on her decision to pursue a legal career. Professor Den Otter introduced her to the Socratic method and prepared her for law school through his tough exams and vast intellectual discussion of the readings.

When asked what advice she would give to current political science students, Markie exclaimed, “Don’t listen to the naysayers about getting a political science degree.” She recalls many people questioning why she was getting a political science degree and suggested that current students ignore the critics and do as much as they can to explore their options. She stated that political science is a broad field with many avenues for careers. Moreover, she stressed the importance of internships as they help you discover and solidify

interests and build a professional network. At the end of the day, she suggests that students “go for it and don’t hold back.”



Aaron Thiele

By Kendall Warther

Alumnus Aaron Thiele's decision to enter the world of politics was largely informed by his studies as a Political Science major at Cal Poly. The more political science and international relations courses he took, the greater Aaron's interest in the subjects became, he described. Although he recounted his initial view of domestic politics as being "petty," Aaron held an internship in Washington D.C. during his enrollment at Cal Poly and his postgraduate career has consisted mainly of working in our nation's capital.

Between graduating from Cal Poly and beginning his position as a staff assistant in the United States House of Representatives, Aaron worked in the San Luis Obispo area. Eventually, he cold-called the Chief of Staff and after meeting in person, concluded he was never going to get a job in D.C. while living in California. A few weeks later, Aaron moved in with his aunt in Bethesda, Maryland. After applying for jobs both on and off the hill, he became an intern

in the Office of the Majority Whip. Once summer interns arrived, Aaron found himself searching for work again. Soon enough, he got a call when his former office's staff assistant decided to leave. Speaking to his experience entering the world of Washington, Aaron claimed that "the hardest job to get is the first one... it's just about being in the right place at the right time. By the time you see a job posting on a Congressional website, the office has already used their contacts and reached out to everyone they know." So how do you ever get a job on the hill to start with? "Start local," Aaron advised. "Everyone has a local office. All politics are local."

When asked about his most impactful job roles, Aaron testified that his experience at the Department of the Interior was the most eye-opening of his positions in Washington. He admitted that there is neither a strategic way to prepare for these jobs nor any amount of political science classes that can teach one how to deal with congressional affairs. Aaron attributed his job skills as resulting almost exclusively from work experience. "No one is an expert on these issues until they deal with them," Aaron admitted. "Know what you don't know and don't be afraid to ask questions."

As a current Advisor at the Office of Congressional and Legislative Affairs at the United States Department of the Interior, Aaron explained that each day looks different, but that many include the following: congressional hearings, nominations and confirmations, requests for briefings, and what Aaron refers to as "Flavor of the Day." "Flavor of the Day" speaks to the dynamism of any job in politics. Whatever's on the news dictates what happens. When asked, Aaron replied that the best part of his job is his ability to impact change within individual communities and lives. He shared a story of a man who has lived in a small town his whole life and was promised by President Kennedy 50 to 60 years ago that the federal government would invest in a water project in his town. After decades of activism, the project was approved and the man broke down in tears. On the other hand, Aaron described the worst part of his job as witnessing the use of political calculus in decision-making, especially during

electoral years. Despite this, Aaron insisted the divisiveness of DC politics is often over-emphasized, claiming that everyone wants to accomplish goals and enact legislation.

For students dreaming of working on the hill, Aaron suggests asking current staff to grab a cup of coffee. “Everyone’s happy to help. Don’t be afraid to ask.” He also emphasized the importance of asking questions, giving simple tasks as much attention as complex ones, and being willing to adapt to any work environment. For students dreaming of working on the hill and acquiring a hobby, take up softball. According to Aaron Thiele, most congressional offices have softball teams.



Bill Edmonds

By Kendall Warther

Bill Edmonds' career in the United States military began early in his life. As a junior in high school, he enlisted in the United States Army through a program called Split Option. The program allowed Bill to undergo basic training over the summer between his junior and senior year in high school and then attend a monthly drill weekend with his local National Guard unit during his senior year. He identifies his decision to enlist in the Army as a turning point for him, both academically and personally.

After two semesters of taking classes in Cal Poly's Natural Resources Management Department, Bill decided he was unprepared for college and wanted more life experience. So, he transferred from the National Guard and went on Active Duty, joining the Army's 75th Ranger Regiment. Bill eventually became an infantry Team Leader and participated in Operation Desert Storm. When he was ready to return to the university, he was accepted for an early

discharge with the understanding that he would attend a commissioning program and later return as a military officer. He returned to Cal Poly, where he joined the university's Reserve Officers' Training Corps and earned a Bachelor of Arts in Political Science in three years. While Bill had entered college intending to become a California Fish and Game Warden or a Forest Ranger, his travels and his experiences in the Army Rangers changed his perspective on life and inspired him to pursue his newfound interest in international relations. Bill describes political science professor, Dr. Cruikshanks, as being his greatest source of guidance during his time at Cal Poly. While Dr. Cruikshanks acted as Bill's mentor, Bill acted as Dr. Cruikshanks' teaching assistant. "I really appreciated him, his mentorship and his passion for students and teaching." He fondly recalls how proud Dr. Cruikshanks was of him at graduation and wishes he had kept in touch with his former professor.

At the time of his graduation, Bill applied to and was accepted into many graduate programs, but he was eager to get back into the world. Now, however, he wishes he had spent more time in higher education. Looking back, Bill considers his time at Cal Poly as one of the most enjoyable times of his life. Instead of pursuing a graduate degree, Bill chose to return to active duty as a newly commissioned Infantry officer upon graduation and then join Special Forces. Over the course of his career, he would serve as a platoon leader, executive officer, Operational Detachment – Alpha commander, Special Operations Intelligence Officer, Executive Officer, Intelligence Advisor, and Strategic Counterterrorism Planner before being sent by the military to pursue a Master's of Science in Defense Analysis at the Naval Postgraduate School. A decade later, Bill completed a second Masters of Arts degree at King's College of London. Bill describes his experience in London as being quite different from his time at the Naval Postgraduate School, primarily due to the changes in himself the previous ten years. While his first master's thesis was on improving the decision-making processes the military uses to find, capture and kill terrorists, his second graduate degree and research focused on how the ancient Buddhist practice and psychology of Dependent Origination could build resiliency in

service members before going to war and help healing service members when they return home traumatized by their experiences. This shift from better killing to better helping reflects a transformation in Bill's thinking.

Bill describes his career path in the military as being unusual. For several years, he was focused mostly on becoming a special forces officer. Unfortunately, his professional drive caused rifts in his personal life, which led to a rearrangement of his priorities and changes in his approach to decision-making. Bill's perspective changed; the first half of his career was focused on promotions and advancement, whereas the second half of his career was focused on family, with career becoming a distant second. "My focus was on choosing assignments based upon where the job was located, the lifestyle the location provided my family and I, and if the new job was fun, and not just career advancing." This approach led Bill to find some unique military assignments, many of which were not even in the military. He describes the time spent working for various non – DoD departments or agencies in Washington D.C – the National Counterterrorism Center, the Central Intelligence Agency, and the Department of Justice as both "enjoyable and eye-opening."

Since graduating from Cal Poly, Bill Edmonds has held numerous positions over the course of his 30+ years in the military. Currently, he resides in Germany and is assigned to Special Operations Command – Africa where his work focuses on understanding Chinese and Russian activities that are harmful to African people. When asked to elaborate on what working in Special Operation Forces looks like, Bill answered that possible roles are numerous. One of the most unique assignment Bill's been tasked with was when he was the Deputy Commander of the United States military effort to capture or kill Joseph Kony and to stop his Lord's Resistance Army, a cult which had roamed across Central Africa since the 1980's, killing upwards of 20,000 people, while pillaging villages, raping women, and turning boys into child soldiers. Eventually, six of the seven leaders of the Lord's Resistance Army were either killed or turned over to the International Criminal Court for crimes against humanity. Joseph

Kony, the founder of the Lord's Resistance Army, is the only indicted leader not captured or killed, and is now presumed to be dead from natural causes.

In his current assignment at Special Operations Command – Africa, Bill is tasked with finding opportunities through which the U.S. can better the lives of Africans. His work often requires identifying Chinese and Russian practices that are harmful, particularly the bribing of local and national African leaders in order to gain rights for the extraction of natural resources. The United States sees many of China's policies within Africa as harmful rather than helpful for Africans. Bill is stationed in Germany because Germany hosts a large contingent of United States military and provides easier access to the African continent. He does not live on a base, but in a small, vibrant college town called Tübingen, which Bill says is similar to San Luis Obispo, but with quaint German castles and winding, narrow cobblestone streets.

For those interested in pursuing a career in national security, Bill encourages them to find opportunities to experience the world, to leave the comforts of home and country, and to help those who are less fortunate. "I would suggest they do it in a way that resonates with their character," he elaborated, "for me, that was the military. For me, joining the military was probably the best decision that I made in my life." Bill praised his time in the United States military for instilling core character traits that have benefited him over his entire life. If one is unable to leave the country, Bill advises them to find ways to expand their horizons, to go outside of their own comfort zones, but to do this within their own community. He also recommends that people see through the many euphemisms which work to distance civilians from the harsher realities of combat, such as the most used euphemism of "war," which Bill says is "a tiny word to say a nation makes the choice to participate in organized killing." He proceeded to explain that participating in organized killing may be necessary. "There are truly evil people in the world that need to be stopped" he explained. "However, even when war is necessary, war is never just and always immoral. We when we make this choice, we must remain mindful that we're also choosing to risk the wellbeing of young Americans." Bill describes these as "invisible

wounds,” which are the “psychological, emotional, social, behavioral, and spiritual impacts on a person’s psyche.” When asked, Bill said that one of the greatest challenges – and sorrows – of a career in national security, particularly a career in the military, is the requirement to kill and “being able to do that without compromising your own goodness in the process.” Bill has authored several books, and he regularly speaks and teaches to communities and universities on these subjects. He says his current focus is on “how subjective experiences change our entire body, including our brain, potentially impairing our innate ability to feel and show love, to create and sustain friendships, to maintain self-control, and to feel and show trust.”

To pursue a career similar to his, Bill believes it important to want to do good in the world and warns against the misbelief that one person cannot make a difference. “I would say that is the only way that we can affect change in the world. When individuals believe that they can make a difference, and then act on that belief, the world becomes a better place,” Bill asserted. He also went on to say that contemplative practices, particularly practicing mindfulness and yoga, are beneficial in his line of work.

When invited to offer advice to students and recent graduates, Bill emphasized that students should appreciate their opportunity to be enrolled in an institution of learning and to take their time. As Americans, he also believes it is important to travel and see oneself from another perspective. “When we never leave our hometowns, we become insular and xenophobic. It’s important to get out and intermingle with other languages, cultures, and histories. You become a better person by doing so,” Bill explained. He advises all students and graduates to pursue the path that makes them most happy and that they are passionate about. When one does that, he is certain that other opportunities will arise.

Acknowledgements

First, we would like to extend our thanks to the Political Science Department for its support and guidance of Paideia for the last seven years. Without the passion from the department, Paideia would not be possible.

To the Political Science Alumni Advisory Board, thank you for aiding us in connecting the journal to alumni and ensuring that the journal receives the funding it needs to continue its mission.

Dr. Shelley Hurt, we are beyond grateful for your unwavering support and enthusiasm for Paideia, your encouragement has never ceased to motivate us. Thank you for providing us with your “Writing Requirements Packet,” which aids immensely in the writing and editing of our articles.

Dr. Matthew Moore, thank you for continuously and generously providing Paideia with your “Suggestions for Writing Papers” that elevates our editorial process.

Furthermore, thank you to all the Professors in the Political Science Department for allowing members of Paideia to come to speak at your classes and for inspiring students to achieve their best work.

Additionally, thank you to Lily Curtis and Jen Jacobsen for all your help throughout the logistical needs of publishing Paideia.

To Cal Poly’s Graphic Communication Department and Colleen Twomey, we would be lost without your assistance in connecting us with an extremely talented graphic designer. Julianne Chiang, your speed and talent were critical to the success of Volume 7, and with your help, the journal has achieved a beautiful, polished design.

Thank you Riley Heubner for opening up your studio on a weekend and taking photographs for us. They turned out wonderfully and add professionalism to the journal.

We are so appreciative of the featured Cal Poly alumni, who graciously allowed us to interview them and provided current students with valuable insights to the success they can achieve with a degree in political science. You all serve as wonderful models for what political science students can achieve.

To the student authors published in this year’s edition, we extend our congratulations. Your papers are a joy to read, tackle extremely important issues, and will provide others with a deeper perspective.

We also extend a deep gratitude to the co-founders of the journal, Joi Sullivan Rogers and Katie Magnus. Your innovative senior project has become integral in providing students with the opportunity to have tangible representations of their work published. We are extremely grateful for the framework you created to allow Paideia to succeed.

Lastly, we are, as always, extremely thankful for our department chair and faculty advisor Dr. Anika Leithner. In addition to all you do on and off campus, you were able to dedicate critical time to answering our questions and guiding the journal to success. You gave us the help we needed to navigate the complexities of publishing a journal and were always a source of support.