

The ROHATYN CENTER *for* GLOBAL AFFAIRS
STUDENT ACADEMIC JOURNAL | VOLUME 4

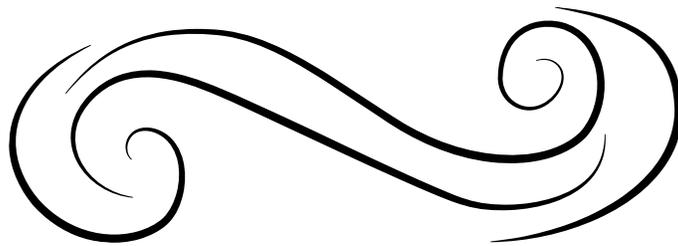
GLOBAL READER



2020

The ROHATYN CENTER *for* GLOBAL AFFAIRS
STUDENT ACADEMIC JOURNAL | VOLUME 4

GLOBAL READER



Student Editors

Elizabeth (Lilly) Cady '23
Isabella Antúnez de Mayolo Mauceri '20.5
Sabrina Roberts '21
Suria Vanrajah '22

Editor & Designer

Aine McAlinden
Program and Outreach Fellow
Rohatyn Center for Global Affairs

Printed May 2020



Middlebury College
Rohatyn Center for Global Affairs



Foreword

We are pleased to present the fourth edition of the *Global Reader*, Middlebury College's interdisciplinary undergraduate academic journal providing a platform for exceptional student work addressing global issues. Published by the Rohatyn Center for Global Affairs and spearheaded by our Rohatyn Student Advisory Board, the *Global Reader* has addressed diverse themes over the years ranging from migration and trafficking to food insecurity and water politics. This year, we bring you incisive research on globalization, the impact of border policies on marginalized groups, and international coordination in space debris management, among other topics, as well as a creative work of historical fiction.

The *Global Reader* seeks to advance the Rohatyn Center's mission to reach across boundaries of discipline, geography, and culture to engage students' capacity for rigorous analysis and independent thought in a rapidly changing world. Now, more so than ever, we are immensely proud of the students who have brought this mission to life with their inspiring and continued engagement. Even while life as we know it has come to a staggering halt, our student writers remain committed to the dissemination of knowledge of global affairs, each author shedding light on a unique topic of global relevance on this ever-changing and increasingly complex planet.

This edition of the *Global Reader* would not have been possible without the support of the many entities who helped bring it to life. I would like to thank first and foremost the Rohatyn Student Advisory Board, whose assistance in the editing process has been invaluable, for both their discerning attention to detail and their dedication to the purpose of this journal. Their input in the selection process allowed us to put together a cohesive collection of works that speak to the mission of the *Global Reader*, each from their own perspective. In tying together the creative and stylistic elements of the journal, I would like to express my gratitude to Valerie Costello, Middlebury's graphic design expert, and Emina Mahmuljin and Cathy Collins, printing specialists, whose diligent work have ensured the highest quality of output year after year. Lastly, I am endlessly grateful to the Rohatyn Center staff, particularly associate director Charlotte Tate and director Tamar Mayer, for their ongoing support, not only of the *Global Reader*, but of all student endeavors in the field of global affairs—both at Middlebury and around the world.

As you turn the pages of this publication, I invite you to open your mind and give your full attention to these writings, a mere snapshot of the stunning work produced by Middlebury College students this year. Perhaps it will remind you that even as the world changes more rapidly than ever, there will only be more bridges to be built, more knowledge to be produced, and more rigorous analysis and independent thought to come.

Sincerely,

Aine McAlinden
Program & Outreach Fellow
Rohatyn Center for Global Affairs



Table of Contents

6	The Rohingya Crisis and Kashmir Conflict: How States Subject Unwanted Groups to Hypervisibility and Invisibility via the Use of Borders Catherine Blizzard, Class of 2020
13	The Arab Spring: The Path to Tunisian Democracy and Syrian Civil War Bella Burke, Class of 2023
17	Neocolonialism and the Search for Paradise: American Retirees in Panama Sophia McDermott-Hughes, Class of 2023
21	The Coca-Cola-ized Global Food System Jessica Buxbaum, Class of 2023
25	International Coordination in Near-Earth Orbit: The Role of Governments in Orbital Debris Management Aditya Jain, Class of 2022
31	Deconstructing Biomedicine: How Immigrant Women Negotiate for Reproductive Choice in France Kaja Aagaard, Class of 2022
36	Illegible Subjects, Impossible Borders: Transgender Latina Women as Subjects of State Violence Grace Vedock, Class of 2020
45	Her Demands Gloria Escobedo, Class of 2023



Catherine Blizzard '20

The Rohingya Crisis and Kashmir Conflict: How States Subject Unwanted Groups to Hypervisibility and Invisibility via the Use of Borders

Abstract

This paper analyzes how states subject certain groups to hypervisibility and invisibility via the use of borders. The paper focuses on two case studies, the Rohingya Crisis in Myanmar and the Kashmir Conflict in India, and lays out citizenship laws enacted after both countries gained independence from Britain to the present day. These laws provide the basis for the paper's core argument which argues that states subject unwanted groups, be it religious, indigenous, or ethnic minorities, to hypervisibility and invisibility via restrictive laws and practices of erasure. Furthermore, states use the border as a method of enclosure via military force and later exclusion through the crafting of restrictive laws intended to render unwanted groups stateless. This process occurs slowly over time, is episodic in nature, and depends on the current political climate. The paper culminates with a section on the dangerous power of state sovereignty and its ability to adapt to our globalizing world.

Author's note

The words "Myanmar" and "Burma" are used interchangeably throughout this essay. Burma changed its name to Myanmar in 1989; however, government documents often still refer to Myanmar as Burma today.

In the early hours of August 25th, 2019... army battalions began to cleanse the land ... Massacres spread like waves. At least 10,000 men, women and children were slaughtered—stabbed, beheaded, quartered, set on fire, shot. Babies were pried from their mothers' arms and tossed in fires. Some were cut into pieces. Women were abducted, locked in houses, bitten and gang raped, their breasts cut off, before they, too, were set aflame. (Topol)

The violence recounted in this *New York Times* excerpt against the Rohingya, a stateless religious and ethnic minority group living in Rakhine State, Myanmar, is not new. For decades, the government of Myanmar has rendered this Muslim minority population both hypervisible and invisible through the implementation of increasingly exclusionary laws (MacLean 83-95). This phenomenon is not just occurring in Myanmar. Across the world nation-states are attempting to marginalize minority populations as they simultaneously militarize and harden their borders. At the advent of the modern state, nation-states began grappling with the increased movement of people and goods. Through the mapping of borders and introduction of passports, the nation-state had the opportunity to create an imagined

version of its citizens and of who was to be included, and more importantly, excluded (Scott 82-83). However, as the sovereign state has expanded in power, so too have borders. The proliferation of borders in the era of modern state sovereignty has not only militarized the walls and barbed wire dividing antagonistic states, but it has also produced the idea of a border that has expanded beyond physicality and towards a method of control and exclusion, as seen throughout the implementation of state policies and laws targeting unwanted groups. As Mezzadra and Neilson eloquently describe, "borders are spaces in which the transformations of sovereign power and the ambivalent nexus of politics and violence are never far from view" (3-4). States have developed a heterogeneous view of the border, enabling them not only to build insurmountable militarized walls, but also to craft policies that work to promulgate the imagined, and therefore, desired population.

This paper aims to analyze how states make certain groups hypervisible or invisible via the use of borders and how this unfolds over time. I argue that states subject unwanted groups, be it religious, indigenous, or ethnic minorities, to hypervisibility and invisibility via restrictive laws and practices of erasure. Furthermore, I argue that states use the border as a method of enclosure via military force and later exclusion through the crafting of restrictive laws

intended to render unwanted groups stateless. This process occurs slowly over time, is episodic in nature, and depends on the current political climate. Among the plethora of case-studies available, I am focusing on both the Rohingya crisis in Myanmar and the Kashmir conflict in India, as they are ongoing crises, and they represent how differently this process can unfold.

In a span of three months, from August to October 2017, satellite images show that at least 288 Rohingya-inhabited villages in Rakhine State, Myanmar were burned (Burma: New Satellite Images). These events caused over 530,000 Rohingya to flee to Bangladesh, and the Human Rights Watch reports that “the Burmese military destroyed hundreds of Rohingya villages while committing killings, rapes, and other crimes against humanity” (Burma: New Satellite Images). However, the government’s violent actions of ethnic cleansing and practices of erasure are traceable throughout the passage of several exclusionary laws since Burma gained independence from Britain on January 4, 1948. After Burma gained independence, the state incorporated a surprisingly broad view of nationalism and allowed various ethnicities to participate fully within the newly sovereign state (Mukherjee 26-43). However, the Prime Minister, U Nu, fought against several communist insurgencies and struggled to maintain a stable government. In 1962, Ne Win and the Burma Socialist Programme Party (BSPP) seized power and created a military regime that ruled for 26 years. His dictatorship allowed for no other active political parties, and his military government began the process of slowly enacting laws and military operations that targeted the Rohingya Muslim ethnic minority (Mukherjee 26-43).

The *Constitution of Burma*, ratified on January 4, 1948, states that “every person, both of whose parents belong or belonged to any of the indigenous races of Burma” is a citizen. Furthermore, “every person in any of the territories included within the Union, at least one of whose grand-parents belong to any of the indigenous races of Burma” is a citizen. It further states that every person who was alive during the ratification of this constitution gains citizenship (*Constitution of Burma* Ch. II Act 10, Fundamental Rights). The Constitution also states that Parliament has the power to create new laws that “may provide for the admission of new classes of citizens or for the termination of the citizenship of any existing classes” (*Constitution of Burma* Ch. II Act 12, Fundamental Rights). The Union Citizenship (Election) Act, enacted in 1948, aimed to elucidate the boundaries of citizenship within the newly independent state of Burma as well as clarify which indigenous groups were to be included for full citizenship (Maung). The act clarifies that in section 11 of the Constitution “any of the indigenous races of Burma shall mean the Arakanese, Burmese, Chin, Kachin, Karen (Kayah), Mon or Shan race and such racial group as has settled in any of the territories included within the Union as their permanent home from a period anterior to 1823 A.D.” Furthermore, this law asserts that any person who qualified for citizenship under section 11 of the Constitution must reapply for citizenship (Maung). In 1949, the Burmese government passed the *Residents of Burma Registration Act* which requires

all residents to “provide their particulars” in order to receive a registration card “as proof of identity.” The law further lists reasons as to how the registration card will be used, such as “for deregistration of those who ought to be excluded” (*Residents of Burma Registration Act*, Sec. 4 Act. 1).

In 1978, Ne Win’s Burma Socialist Programme Party instituted Operation Dragon King, also known as Na-Ga-Min, to check the immigration status of those residing in Kachin and Arakan (Sahana, Jahangir, and Anisujjaman 44-60). Ne Win’s authoritarian government continued to institute new laws regarding citizenship, the most restrictive being 1982’s *Burma Citizenship Law*. This law created three tiers of citizenship: citizen, associate citizen, and naturalized citizen. Chapter II section 3 defines nationals “such as the Kachin, Kaya, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period anterior to 1823 A.D. are Burmese citizens (*Burma Citizenship Law* ch.II Sec. 3). The next section states that the government has the right to decide whether “any ethnic group is national or not” and clarifies that associate citizenship is allotted for those who applied for citizenship under the Union Citizenship (Election) Act of 1948. An associate citizen is also not entitled to all rights in which citizens are entitled. The third tier of citizenship, naturalized citizenship, is for “persons who have entered and resided in the State anterior to 4th January, 1948, and their offspring born within the State may... apply for naturalized citizenship to the Central Body, furnishing conclusive evidence” (Maung). Most importantly, this act repealed the Union Citizenship (Election) Act of 1948.

In 2010, the country began to liberalize, and the first free elections were held in 2015. However, the military still grasps considerable power and has led grievous attacks against the Rohingya in Rakhine, increasing in gravity in 2017 (“Myanmar Country Profile”). The most recent constitution was ratified in 2011, and chapter 9, which focuses on citizenship, does not mention the three-tiered citizenship system incorporated into the *Burma Citizenship Law* of 1982 and instead states that “a citizen of any Member State of the Federal Union shall be a citizen of the Federal Union.” This includes if the parents of said person are citizens. “Every person who is a citizen at the time of adoption of this Constitution shall be a citizen of the Federal Union” (*Burma Citizenship Law* Sec.6). In the past ten years, practices of erasure perpetrated against the Rohingya via the Burmese military have forced over half a million Rohingya to flee to neighboring countries, most notably Bangladesh. The United Nations and Human Rights Watch have documented particularly egregious incidents dating back to 2004 (Matthew and Hassan).

On the Streets of Srinagar, Kashmir’s biggest city, security officers tied black bandannas over their faces, grabbed their guns and took positions behind checkpoints. People glanced out the windows of their homes, afraid to step outside... Just about all lines to the outside world – remained severed. (Yasir, Raj, and Gettleman)

Kashmir, a semi-autonomous state situated in the Himalayas along the border with Pakistan, is ground-zero for a protracted sovereignty dispute between India and Pakistan (Bhat). Intermittent violence along the contentious border has caused increasing unrest in Kashmir, a state with a majority Muslim population within a majority Hindu nation. Throughout the 70 years of unrest, “more than 80,000 - 100,000 have died” and Kashmir Valley, “now hosts the bloodiest and most densely militarized control zone on the globe” (Bhat 78). In 2019, the violence escalated, causing the Indian military to lockdown the valley, cutting off all internet communication, including apps such as WhatsApp, to the outside world. Furthermore, the government instituted a strict curfew and shut down all primary and secondary schools as well as arrested over 500 political dissidents (Qureshi 2). Furthermore, in a letter to United Nations Security Council, the Pakistani representative asserts that “India’s repression in occupied Jammu and Kashmir has intensified in recent months, including through the use of draconian laws such as the Jammu and Kashmir Public Safety Act of 1978, the Jammu and Kashmir Preventive Detention Act of 1974 as well as the Armed Forces” (Qureshi 2). He further reports that human rights violations continue as Indian troops have killed unarmed demonstrators who protested past the stringent curfew: “In sum, the entire territory has been transformed into a massive military prison” (Qureshi 2).

On August 15th, 1947, India gained independence from Britain, detailed in the Indian Independence Act of 1947. Not only did this law create two new independent nations, India and Pakistan, but it also facilitated one of the largest mass migrations as the Hindu population migrated into India, the Muslim to Pakistan, and the Sikh to Bangladesh (“1947 Indian Independence Act”). As this separation occurred, Kashmir, along with the other states, were given the option to either “join India or Pakistan or declare independence” (Bose 155-203). Many states effortlessly joined either India or Pakistan based on religious ties; however, Kashmir, situated along the border of India and Pakistan, had a large Muslim population and associated trade and business with Pakistan. This problematic situation has served as the basis of a 70-year sovereignty dispute between Pakistan and India. Kashmir’s most prominent political group at the time, the Jammu and Kashmir National Conference (NC) was invested in joining Pakistan; however, the Indian government accused Pakistan of raiding Kashmir. Thus began the first of many intermittent battles along the border, and Kashmir was suspiciously incorporated into Indian territory (Bose 155-203). The Karachi Agreement, signed on July 27, 1949, established a cease-fire line and also stated that both Indian and Pakistani troops had 30 days to evacuate the areas beyond the cease-fire line (Shrinagesh Sec.2a). Constitutionally, India was granted statutory autonomy under Article 370 with respect to the State of Jammu and Kashmir (*Constitution of India* Art. 370). According to this constitution and Bose in *Contested Lands*, “the government of Kashmir retained jurisdiction on all matters except foreign affairs, defense, and currency and communications” (Bose 297). However, Article 370, first ratified in the November 1965 Constitution, includes the clause that “the President may, by public notification, declare that this article

shall cease to be operative...” (*Constitution of India* Art. 332). Throughout the 1950s and 1960s, the Kashmir Valley continued to experience episodes of violence, as India tried to influence the Kashmir government by imprisoning Abdullah, leader of the NC. Following the arrest of Abdullah, the Plebiscite Front formed as a political party to decide to which country Kashmir should belong. The Indian government then instituted the Preventive Detention Act, which resulted in 350 arrests and police raids.

In 1972, Pakistan and India agreed to sign the Simla Agreement: the two nations would “put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent” (Gandhi and Bhutto). The Sheik-Indira Accord of 1975 reaffirmed Article 370 of the *Constitution of India* and occurred right as Abdullah was reinstated (Beg). Fast-forward to August 9, 2019: after months of intense lockdown and military control over the Kashmir Valley, Prime Minister Modi signed the Jammu and Kashmir Reorganization Act, 2019 into law. It states, “there shall be formed a new Union territory to be known as the Union territory of Ladakh comprising the following territories of the existing State of Jammu and Kashmir, namely – Kargil and Leh districts” (“The Jammu and Kashmir Reorganization Act, 2019” Sect. II Act.4). This law not only divides Jammu and Kashmir into new districts, but it also strips Kashmir of its statutory autonomy. Those in Jammu and Kashmir currently remain trapped, living in fear under tight military control with limited access to the outside world.

The ensuing violence plaguing the Rohingya and Kashmiri represents only the most recent incidents that these two groups have endured for centuries at the hands of exclusionary government policies. When analyzing how states make certain groups hypervisible and invisible via the use of borders, the laws passed by the various Burmese governments since 1947 provide indisputable evidence that the government of Myanmar created policies of erasure targeted explicitly at the Rohingya. The major laws passed by the Burmese government all appear to attack the question of citizenship in regard to indigenous and ethnic minorities. As previously mentioned, the Constitution of 1948 states that “every person, both of whose parents belong or belonged to any of the indigenous races of Burma” is a citizen and further stipulates that anyone alive during the ratification of this constitution is given citizenship (*The Constitution of the Federal Republic of the Union of Burma* Ch.II Act.10). The next law, the Union Citizenship Act of 1948, explicitly clarifies which “indigenous races of Burma” have Burmese citizenship: the “Arakanese, Burmese, Chin, Kachin, Karen (Kayah), Mon or Shan race and such racial group as has settled in any of the territories included within the Union as their permanent home from a period anterior to 1823 A.D.” (Maung). The Rohingya loosely fall under the term “Arakanese”; however, the term is used more commonly to define the Buddhist sector of the Arakanese, which are referred to simply as Arakanese or Rakhine. The Muslim Arakanese are commonly referred to as “Rohingya,” so, although the Rohingya are technically included in the Constitution’s definition of “indigenous,” the Union Citizenship Act does not fully affirm that they are citizens of Burma (McKenna). The 1949 Registration Act

required residents to request a registration card and stated explicitly that it could be used without prejudice for whatever reason the government deemed fit (*Residents of Burma Registration Act*). This law not only provides the ability for the state to surveil the Rohingya population, but it also forces the resident to state to which ethnic group they belong which, in turn, allows government officials to easily discriminate against ethnic minorities (*Residents of Burma Registration Act*). In addition, this law asked for “residents” not “citizens,” which provides convincing evidence that the Rohingya were possibly already excluded from citizenship at this point (*Residents of Burma Registration Act*). The next action in which the government attempted to chip away at the autonomy and validity of the Rohingya was with Operation Dragon King in 1978. This military operation launched by the Burmese military government attacked the citizenship of purported “illegals” and immigrants (Sahana 45). However, many of these immigration checks took place in Rakhine state, leading strongly to the conviction that the Burmese government was aiming the law against the Rohingya, among other unwanted ethnic minorities.

During the 1970s, the Burmese government crafted carefully worded laws that vaguely excluded the Rohingya from citizenship; however, the introduction of the 1982 citizenship law set the government’s plan of erasure into motion. The act both rewrote the definition of “indigenous” to exclude the Arakanese and, in section 76, explicitly repealed the Union Citizenship (Election) Act of 1948. Furthermore, as previously noted, the law created three tiers of citizenship: full, associate, and naturalized (*Burma Citizenship Law*). In order to obtain full citizenship, the applicant must be included within one of the national ethnic races listed, and the ethnicity’s permanent home must have been in Burma prior to 1823. This first tier of citizenship blatantly excludes the Rohingya as a national indigenous race and, therefore, they are already explicitly excluded from the rights and privileges associated with full citizenship. The second tier, associate citizenship, focuses on allowing those who are considered citizens under the 1948 citizenship act to receive associate citizenship. However, many Rohingya were unaware of the 1948 citizenship law and therefore could not qualify for associate citizenship under this law. In addition, naturalized citizenship applies to those who “have not yet applied under the Union Citizenship Act, 1948” and section 44 stipulates that the applicant “must be able to speak well one of the national languages.” This third tier also excludes all of those who did not apply under the Union Citizenship (Election) Act because the Rohingya language is not one of the approved national languages (Haque 454). The 1982 citizenship act blatantly and effectively excluded the Rohingya from obtaining citizenship, except for those who were able to obtain naturalized citizenship; however, the Rohingya protested and refused to accept naturalized citizenship out of refusal to accept lesser rights and privileges under Burmese law.

Through the passage of increasingly restrictive laws targeting the Rohingya, the Burmese government has been able to render this group invisible. However, they are not only stripped of citizenship and rendered stateless, but, simultaneously, they are made hypervisible through the various restrictions on their movement. Amnesty International reports that the Rohingya

“must routinely apply for permission to leave their village, even if it is just to go to another village. This practice does not apply to the Rakhine population in the Rakhine state” (“Myanmar: The Rohingya Minority” 13). Furthermore, a *New York Times* expose, “The Schoolteacher and the Genocide,” interviews a schoolteacher who routinely mentions the restrictions imposed on him and the Rohingya in the capital city of Sittwe. “The villagers heard that... Rohingya were herded into a few city blocks, ensnared by barbed wire and couldn’t leave. They had been living in a Ghetto ever since” (Topol). The Rohingya have not only been hyper-surveilled within a physical border of barbed wire and restrictions on the freedom of movement, but they have also been ensnared by a hypothetical border—the border of citizenship—one from which they are now excluded. These laws clearly show how the government of Myanmar has rendered this group both hypervisible and then invisible through practices of erasure. Through the enactment of such laws, the government practiced erasure by lawfare and then moved onto the phase of spacio-cide erasure, which “describes the systematic dispossession, occupation, and destruction of an ethnic group’s living space” (MacLean 90). In 2017, the government began a rapid policy of spacio-cide erasure through “clearance operations,” where they burned Rohingya villages to the ground, and “bulldozers flattened burned, damaged and even surviving structures and vegetation, erasing every trace of the Rohingya communities, while also destroying criminal evidence” (“Report of the Independent International Fact Finding Mission” 11). Furthermore, the claim that the government plans to repatriate and resettle the Rohingya on their previous lands only masks the evidence that “almost all the houses to be constructed for displaced communities are designated for non-Rohingya” (“Report of the Independent International Fact Finding Mission”). Human Rights Watch even has aerial videos and photos that confirm this report (Burma: New Satellite Images). These reports show widescale erasure produced by restrictive government laws that not only subjected the Rohingya to further surveillance, but that also erased their identity as citizens of Myanmar. From being enclosed and subjected to restrictions of movement, they are now excluded from the very borders that once locked them in.

When analyzing these laws, the process of making the Rohingya both hypervisible and invisible occurred very slowly, yet methodically, throughout the military rule from 1962 to 2011. However, coincidentally, with civilian rule and democratization, the newly founded quasi-civilian government instead rapidly increased the plans of erasure against the Rohingya, resulting in the use of borders both to enclose and exclude this minority group. These events do not appear to be cyclical, rather episodic and dependent on the current political climate. With a change of power, the Rohingya experienced increased marginalization, both with independence from British rule and following the 2011 transition from a military junta to civilian rule. If the political climate continues to be in favor of these exclusionary policies against the Rohingya, then these events could become more frequent and violent in nature.

Kashmiris are currently under hyper-surveillance by the current Hindu nationalist government. They have been living trapped, surrounded by a border of fighter troops meant to keep

them contained, while simultaneously, they are being excluded from the world of digital communication. Although the Indian government has not followed the same practices of erasure as the government of Myanmar, they have continuously used the Line of Control between Pakistan and India as an opportunity to develop a highly militarized border, and they have only recently begun to use the border as a method of controlling and surveilling the majority Muslim population of Jammu and Kashmir. Kashmir was originally given special status as a semi-autonomous state (*Constitution of India* Sec.370). However, the militarized border along the contentious Line of Control with Pakistan has ensnared the Kashmiri into numerous bloody battles and Abdullah led many pro-independence or pro-Pakistani protests, some violent, against India (Qureshi 1). Although the Indian government does not appear to blatantly discriminate against and surveil the Muslim population in Kashmir, the Preventative Detention Act of 1974 and the Armed Forces Act enabled the detention of Kashmiri political leaders and the supply of 700,000 troops to be stationed in the incessant war region (Qureshi 2). The passage of these laws attacked the autonomy and political opinions allowed under Article 370 of the Constitution and slowly, yet methodically, attempted to surveil political “dissidents” and sway elections in favor of pro-India policy (Bhat 77-86). The violence and intense surveillance, making Kashmiris hypervisible in the eyes of the government, has dramatically increased, and is contingent on the rise of Modi and his Hindu nationalist government. This Hindu nationalism sentiment appears to drive the most recent revocation of Article 370. On August 5, 2019, the Indian Government revoked the special status of both states after forcibly placing government officials in power within Kashmir (Yasir, Raj, and Gettleman). This only increased tension within the highly volatile region and also increased surveillance of the population.

These recent events show how the Indian government has used a combination of laws and military force as a hypothetical and physical border, in which the Kashmiri are encased. Whether Modi’s government will continue to marginalize this population is yet to be determined; however, the hypervisibility and eruptions of violence appear to be linked to the current political climate. With Modi in power, it is possible that this population could experience restrictive laws similar to what the government of Myanmar has exerted on the Rohingya. Both of these events occurred slowly and episodically until the eruption of new restrictive laws and military action, contingent on the current political climate. Just as the Myanmar government strategically crafted laws to erase the Rohingya from the Burmese national identity, the Indian government also appears to be crafting laws to make the Kashmiri hypervisible while also attempting to subdue the majority Muslim state within the majority Hindu nation.

These two case studies show how states have the ability to craft exclusionary laws that make groups both hypervisible and invisible. Although these studies follow differing trajectories, both point to the ease at which states can use borders, and therefore laws, as a method of control and exclusion. Furthermore, the Rohingya Crisis and the Kashmir Conflict convey the increasingly dangerous power of state sovereignty. In Wendy Brown’s book, *Walled States, Waning Sovereignty*, she argues that the walls and

barriers states are erecting along their borders represent the last attempt at sovereign states to grasp onto their power (19-54). In addition, she eloquently adds that “absent the protection of a sovereign state, the nation stands vulnerable, violable, and desperate. Walling restores an image of the sovereign and his protective capacities” (Brown 143). However, I argue that the sovereign state is adapting, rather than waning. States have not only begun militarizing and hardening their borders, as seen along the U.S.–Mexico border, in Israel and Palestine, and along the Line of Control between Pakistan and India, but sovereign states have begun to implement laws that use the border as a method either of control and surveillance or of exclusion. These instances show that state sovereignty is adapting. As Reece Jones states, the sovereignty is reasserting itself, not waning. As with Brown, I do agree that sovereignty is threatened by the introduction of globalization; however, apropos of the laws analyzed throughout these two case studies, I argue that sovereignty appears to be adapting as globalization increases. Furthermore, this ability to adapt shows how dangerously powerful state sovereignty could become.

As borders become more militarized and state sovereignty adapts, more nations are subjecting unwanted populations to exclusion and hyper-surveillance through a variety of laws as well as physical violence. The Chinese government has forcibly removed the Uighurs, a minority Muslim ethnic group in western China, to detention camps where they have little access to the outside world or hope for release (Ramzy and Buckley). Unfortunately, international organizations and international human rights laws have failed to impede sovereign nations from practicing hyper-surveillance and erasure. The Universal Declaration of Human Rights was championed as a major success in protecting the rights of vulnerable individuals. The articles directly address many of the incorrigible acts of genocide and other human rights abuses that states are committing against the most vulnerable of their populations. Article 13 states that “(1) Everyone has the right to freedom of movement and residence within the border of each state.” In addition, Article 15 states that “(1) Everyone has the right to a nationality” and “(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality” (“Universal Declaration of Human Rights”). However, these lofty laws stripped groups of their protection and rights and instead shifted the focus towards individual rights. In addition, the United Nations has repeatedly released statements of condemnation against nations who commit crimes against humanity; however, these condemnations fall short of producing effective prosecution against state perpetrators. In the case of Myanmar, an international fact-finding mission produced by the Human Rights Council concluded that “the serious crimes under international law have been committed that warrant criminal investigation and prosecution... The critical element of the crime is ‘genocidal intent’” (“Report of the Independent International Fact-Finding Mission” 16 Sec.VI). The United Nations Security Council used the independent study as valuable evidence to condemn the human rights abuses in Myanmar, and each nation stated that the government of Myanmar committed crimes of genocidal intent. However, I argue that the sovereign state can easily ignore these condemnations. In Kashmir, the Office of the United Nations High Commissioner for Human Rights produced

a report stating that there is an “urgent need to address past and ongoing human rights violations and to deliver justice for all people in Kashmir” (Office of the UN High Commissioner). While these reports are incredibly important in addressing the human rights abuses occurring across the world, they and their international laws prove weaker than state sovereignty. If state sovereignty continues to adapt and overpower international law, the policies and use of borders that make unwanted groups hypervisible and invisible could become the new normal and acceptable in the eyes of other states.

The beginning of this essay opens with a quote from a *New York Times* expose detailing the life of a Rohingya schoolteacher. He recounts the violence and discriminatory policies placed on his village and he tells of his meticulous note-keeping as well as of how he rebuilt the village school to provide education for even the poorest of students. He talked of fleeing as a child in the 1990s and again in 2012. He recounted all of these memories from a refugee camp in Bangladesh. The article’s subtitle states: “He dreamed of educating the children in his village. But soon he learned that it was dangerous for the Rohingya to dream” (Topol). If these policies become acceptable, then many more unwanted ethnic minority groups across the world will also learn that it may be too dangerous to dream.

Works Cited

- Ahmed, Naeem. “India’s Changing Policy on Kashmir.” *Pakistan Horizon*, vol. 53, no. 4, 2000, pp. 23-38.
- Bhat, Sabzar Ahmad. “The Kashmir Conflict and Human Rights.” *Race & Class*, vol. 61, 2019, pp. 77-86.
- Beg, Mirza Mohammad Afzal. *Sheikh-Indira Accord*. Indian Government, 13 Nov. 1974, https://www.satp.org/satporgtp/countries/india/states/jandk/documents/papers/sheikh_indira_accord_1975.html.
- Bose, Sumantra. *Contested Lands: Israel-Palestine, Kashmir, Bosnia, Cyprus, and Sri Lanka*. Harvard University Press, 2010.
- Brown, Wendy. *Walled States, Waning Sovereignty*. New York, Zone Books, 2017.
- Burma Citizenship Law*, Rangoon: Socialist Republic of the Union of Burma, 1982.
- “Burma: New Satellite Images Confirm Mass Destruction.” *Human Rights Watch*, 28 Oct. 2017. <https://www.hrw.org/news/2017/10/17/burma-new-satellite-images-confirm-mass-destruction>.
- “Burmese Refugees in Bangladesh: Still No Durable Solution.” *Human Rights Watch*, 10 Jun. 2015. <https://www.hrw.org/report/2000/05/01/burmese-refugees-bangladesh-still-no-durable-solution>.
- Constitution of Burma*. Constituent Assembly of Burma via Myanmar Library, Rangoon, 24 Sept. 1947. http://www.myanmar-law-library.org/IMG/pdf/constitution_de_1947.pdf.
- Constitution of India*. Lucknow, Eastern Book Co., 2012.
- Darusman, Marzuki. Statement by Mr. Marzuki Darusman, Chairperson of the Independent International Fact-Finding Mission on Myanmar, at the 37th Session of the Human Rights Council, OHCHR, 24 Oct. 2018. <http://webtv.un.org/search/marzuki-darusman-chairperson-of-the-independent-international-fact-finding-mission-on-myanmar-on-the-situation-in-myanmar-security-council-8381st-meeting/5853018577001>.
- Ganguly, Sumit et al. “India, Pakistan, and the Kashmir Dispute: Unpacking the Dynamics of a South Asian Frozen Conflict.” *Asia Europe Journal*, vol. 17, no. 1, pp. 129-143, 15 Aug. 2018. <https://link.springer.com/article/10.1007%2Fs10308-018-0526-5#citeas>
- Gandhi, Indira and Zulfikar Ali Bhutto. *Agreement on Bilateral Relations between the Government of India and the Government of Pakistan (Simla Agreement)*. Simla, 2 Jul. 1972. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/simla_agreement_1972.pdf
- Haque, Md. Mahbul. “Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma.” *Journal of Muslim Minority Affairs*, vol. 37, no. 4, Feb. 2017, pp. 454–69. <https://doi.org/10.1080/13602004.2017.1399600>.
- Jones, Reece. *Violent Borders: Refugees and the Right to Move*. London, Verso, 2017.
- Lobo, Nicole-Ann. “The Crackdown in Kashmir: Another Casualty to Narendra Modi’s Hindu-Nationalist Agenda.

- Commonweal*, vol. 146, no. 15, 2019. https://link-gale-com.ezproxy.middlebury.edu/apps/doc/A603846862/AONE?u=vol_m58c&sid=AONE&xid=07fe4d92.
- MacLean, Ken. "The Rohingya Crisis and the Practices of Erasure." *Journal of Genocide Research*, vol. 21, no. 1, 2018, pp. 83–95. doi.org/10.1080/14623528.2018.1506628.
- Maung, E. *The Union Citizenship (Election) Act, 1948*. Supreme Court of the Union of Burma and Chairmen, Laws Translation Committee, Burma Gazette, 1949. [http://eudocitizenship.eu/NationalDB/docs/1948%20Union%20Citizenship%20Act%20\[ENG\].pdf](http://eudocitizenship.eu/NationalDB/docs/1948%20Union%20Citizenship%20Act%20[ENG].pdf)
- McKenna, Amy. "Arakanese." *Encyclopædia Britannica*, 8 Sept. 2010. <https://www.britannica.com/topic/Marsi-ancient-Italian-people>.
- Mezzadra, Sandro, and Brett Neilson. *Border as Method, or: The Multiplication of Labor*, Duke University Press, 2013.
- Mukherjee, Kunal. "The Ethnic Minority Question and Rohingya Crisis in Contemporary Myanmar." *Journal of Muslim Minority Affairs*, vol. 39, no. 1, Feb. 2019, pp. 26–43. <https://doi.org/10.1080/13602004.2019.1575021>.
- "Myanmar Country Profile." *BBC News*, 3 Sept. 2018. <https://www.bbc.com/news/world-asia-pacific-12990563>.
- "Myanmar: The Rohingya Minority: Fundamental Rights Denied." *Amnesty International*, 18 May 2004. <https://www.amnesty.org/en/documents/ASA16/005/2004/en/>.
- Qureshi, Makhdoom Shah Mahmood. *Letter to the United Nations Security Council from the Permanent Representative of Pakistan to the United Nations*. Ministry of Foreign Affairs, Islamabad, Pakistan, 13 Aug. 2019. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2019_654.pdf
- Ramzy, Austin, and Chris Buckley. "‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims." *The New York Times*, 16 Nov. 2019. www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html.
- Residents of Burma Registration Act*. Burma Library, 1949. https://www.burmalibrary.org/docs12/The_Residents_of_Burma_Registration_Act-1949.pdf
- "Report of the Independent International Fact-Finding Mission on Myanmar." *Human Rights Council*, Sept. 2018. https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf
- "Rohingya-Krise: Ein Humanitärer Und Menschenrechtlicher Alptraum." *ZEIT ONLINE*, 28 Sept. 2017. <https://www.zeit.de/gesellschaft/zeitgeschehen/2017-09/rohingya-myanmar-vereinte-nationen-appell-frieden>.
- Sabha, Lok. *The Citizenship (Amendment) Bill, 2019*. Indian Parliament, 1 Aug. 2019.
- Sahana, Mehebab, Selim Jahangir, and Md. Anisujjaman. "Forced Migration and the Expatriation of the Rohingya: A Demographic Assessment of Their Historical Exclusions and Statelessness." *Journal of Muslim Minority Affairs*, vol. 39, no. 1, Feb. 2019, pp. 44–60. <https://doi.org/10.1080/13602004.2019.1587952>.
- Scott, James C. *Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed*, Yale University Press, 1998.
- Shrinagesh, S. M. "Karachi Agreement." *United Nations Commission for India and Pakistan, Karachi*, 29 Jul. 1949. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/karachi_agreement_1949.pdf
- Smith, F. Matthew and Tirana Hassan. "The Government Could Have Stopped This: Secretarian Violence and Ensuing Abuses in Burma's Arakan State." *Human Rights Watch*, 31 Jul. 2012. <https://www.hrw.org/report/2012/07/31/government-could-have-stopped/sectarian-violence-and-ensuing-abuses-burmas-arakan>.
- Socialist Republic of the Union of Burma. *Burma Citizenship Law*. 15 Oct. 1982. <https://www.refworld.org/docid/3ae6b4f71b.html>.
- The Constitution of the Federal Republic of the Union of Burma*. Federal Constitution Drafting and Coordinating Committee, Yangon, 12 Feb. 2008. (in Burmese and translated into English)
- "The Jammu and Kashmir Reorganization Act, 2019." Ministry of Law and Justice, The Gazette of India, New Delhi, 9 Aug. 2019.
- Topol, Sarah A. "The Schoolteacher and the Genocide." *The New York Times*, 8 Aug. 2019, <https://www.nytimes.com/2019/08/08/magazine/rohingya-genocide-teacher.html?searchResultPosition=12>
- "Universal Declaration of Human Rights." *United Nations*, <https://www.un.org/en/universal-declaration-human-rights/>.
- "Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019." *Office of the United Nations High Commissioner for Human Rights*, 8 Jul. 2019. https://www.ohchr.org/Documents/Countries/PK/KashmirUpdateReport_8July2019.pdf
- Yasir, Sameer, Suhasini Raj, and Jeffrey Gettleman. "Inside Kashmir, Cut Off From the World: 'A Living Hell' of Anger and Fear." *The New York Times*, 10 Aug. 2019. <https://www.nytimes.com/2019/08/10/world/asia/kashmir-india-pakistan.html>.
- "1947 Indian Independence Act." *Living Heritage: Parliament and Empire*. UK Parliament, <https://www.parliament.uk/about/living-heritage/evolutionofparliament/legislativescrutiny/parliament-and-empire/collections1/collections2/1947-indian-independence-act/>.



Bella Burke '23

The Arab Spring: The Path to Tunisian Democracy and Syrian Civil War

Abstract

When Mohammed Bouazizi self-immolated in front of a Tunisian government building in 2010, he started an unprecedented series of uprisings in the Middle East and North Africa (MENA) region: the Arab Spring. For many years, scholars and politicians have discussed whether or not this region's governments are capable of achieving democracy, and while Tunisia manifests a democratic success story, the ongoing civil war in Syria predicts a different future. This paper investigates the reason for the different outcomes of the Arab Spring in Syria and Tunisia through a comparison of each country's sectarian divisions, military response, and resistance movements. Ultimately, I find that Syria's patrimonial military and sectarian divisions allowed the regime to stay in power while Tunisia's relatively homogenous society and professional military paved the way to democratic transition, which implies that democracy in the MENA region is within reach.

While self-immolation is a devastating way to start a revolution, Mohammed Bouazizi did exactly that in front of a Tunisian government building on December 17, 2010, marking the beginning of the Arab Spring. Bouazizi's sacrifice triggered 28 days of protests in Tunisia—coined the Jasmine Revolution—that culminated in the ousting of the authoritarian president, Zine El Abidine Ben Ali, and which eventually allowed Tunisia to write a new constitution that championed democratic principles. The countries that followed in Tunisia's footsteps, however, did not experience the same democratic transition. For example, the uprisings in Syria—beginning on March 15, 2011—caused a civil war ongoing to date, now with more than 400,000 Syrian fatalities. In this paper, I will explore the question of why the Arab Spring led to democracy in Tunisia, yet civil war in Syria. I argue that Bashar Al-Assad's construction of a patrimonial military in Syria allowed the regime to capitalize on the country's sectarian divisions and undermine the creation of a united opposition. In contrast, the homogeneous population and professional military in Tunisia allowed a broad coalition of groups to unite against the regime to build a democratic government.

An analysis of the Arab Spring in its relationship to democracy qualifies Tunisia and Syria as suitable for a comparative study. Freedom House, a Washington-based think tank that investigates democracies and non-democracies worldwide, rated both Tunisia and Syria "Not Free" in 2010. Now, however, Freedom House rates Tunisia "Free," while Syria's freedom rating has actually declined. These

countries reflect the two extremes of the possible outcomes of the uprisings: Syrians face extreme and violent repression, while Tunisia has transitioned into a moderately successful democracy. What lies before us is a natural experiment of two countries of similar size, both former French colonies, going through the same revolutionary wave. While the events in Syria uphold the sentiment that Arab countries are incapable of democracy, Tunisia's democratic transition predicts a different future for the Middle East and North Africa region.

Beginning with a discussion of the sectarian division in Syria, I will argue that the opposition was unable to create an effective front against the regime. I will then explain how President Bashar Al-Assad controlled the media to prevent the resistance from gaining power. Thereafter, I describe how Assad constructed a patrimonial military, and how its violent response keeps the resistance at bay. Finally, I will explain how the military instills fear within Syrian people, forcing the population to unauthentically support the regime. Following a similar order, I will then discuss what made Tunisia a democratic success story. I begin with an explanation of Tunisia's homogenous population that effectively used the media to its advantage. Then, I will describe the critical role of Tunisia's professional military that defended the Tunisian people instead of the regime. Finally, I will present how the Tunisian working class was instrumental in pressuring the political elite to create democratic change.

Authoritarian regimes depend on coercion and social support to stay in power. When citizens rise up

in protest, the authoritarian regime needs to be able to suppress the movement to avoid political change. It is when the regime cannot deter mobilization—typically due to a lack of support from armed forces—that the regime fails. During the Arab Spring, “nearly every authoritarian regime in the region scrambled to concoct the ‘right’ mix of repression and cooptation in hope of stemming the protest” (Bellin 127).

Although the divides between Islamic sects in Syria were firmly grounded, the opposition was not always crippled by sectarian divisions. In fact, the opposition used inclusive rhetoric to create a coalition against the Assad regime in the name of democracy. They used slogans such as “No Sunni, no Alawi, no Kurd, and no Arab, we all want freedom” (Hof and Simon 16). Regardless of their religious and ethnic differences, the opposition thought of democracy and “freedom” first, and their religious sects second.

Despite the efforts of the opposition, the Assad regime capitalized on the divides within Syrian society in order to remain in control. Bashar Al-Assad used a “sectarian survival strategy,” in which he actively promoted the divide between the dominant Sunni Muslim population and the Alawi sect, a smaller sect of Islam of which the Assads are a part (Hof and Simon 18). Though the opposition initially preached a unity of all sects, it amounted to a Sunni majority, while the Alawites were “most of the troops, intelligence operatives, and police” (Hof and Simon 15). The Alawi-dominant regime used the evident sectarian divisions to create the image of competing identities. The regime spread the idea that the Sunnis were a violent group, which not only increased sectarianism, but also caused the Alawi to arm themselves long before necessary (Hof and Simon 18). Thus, the regime prepared itself for a violent war with the opposition. Shortly after the first uprisings, the regime set the precedent that “any challenge to the regime emanating from the Sunni majority would be met, in the main, by an Alawite response,” which painted a clear picture of which Syrian identities were in conflict (Hof and Simon 14).

Furthermore, the Assad regime controlled the media to prevent the opposition from employing it to facilitate organization. Assad kept electronic and print media regulated to prevent the coverage of protests that had the potential to inspire support for the opposition. The regime also engaged the Syrian Electronic Army, which used the internet to undermine online support for the opposition and inhibited the electronic organization of protests (Droz-Vincent 44). Additionally, the regime exiled foreign journalists to prevent the outside world from seeing the events inside the Syrian border, which simultaneously blocked aid from reaching the opposition. The varied tactics the regime used to manipulate the media greatly hindered the resistance’s chances of removing Assad.

In addition to crippling the opposition, Assad constructed a patrimonial military which proved essential to the success of the regime. To the greatest extent that he could, Assad “sloughed off the less loyal parts of the armed forces” in order to compose a military with maximum regime loyalty (Allinson 307-308). Assad further created allegiance by appointing dozens of family members to high level positions. In fact, at the start of the uprisings, when teenage graffiti artists faced violent punishment

for painting anti-regime art, it was Rami Makhoul, a cousin of Assad, who directed the torture of the teenagers (Hof and Simon 15). Further, Assad’s military had more than enough manpower—upward of 400,000 troops—to suppress the revolution, with numbers larger than any other Arab country at the start of the uprisings (Brownlee 39). Though the immense size did require the regime to employ troops that were not die-hard loyalists, Assad manipulated their ability to hold positions of power through placing them at the periphery (Hof and Simon 18). Thus, Assad had assembled a military that would surely remain loyal to the regime and suppress the resistance.

The military’s response was key to crushing the democracy-driven opposition in Syria. Assad used the military to “terrorize particularly the Sunni population into submission,” which emphasized the sectarian division between the Sunni majority and the Alawi regime that hinders the ability to create a united opposition (Hof and Simon 18). Further, some active-duty military, along with intelligence officials and other regime loyalists, have supplemented military action. The regime commissions the group *Shabiha* to “terrorize regime opponents and civilian populations deemed pro-opposition” (Hof and Simon 19). With the forces of the military and the *Shabiha* favoring Assad, the opposition stood (and stands) little chance in overthrowing the regime.

Impressively, Assad generated regime loyalty among the Syrian people through instilling fear with military violence and repression (Hof and Simon 14). Many Syrians were faithful to Assad not because they agreed with the practices of the regime, but because it was—and still is—their “best chance of survival” (Hof and Simon 18). With the strength of the regime’s military, identifying as part of the opposition had the potential to be lethal. The regime’s consistent use of inhumane practices did not bode well for an expansive support base, yet “the rise of sectarianism and jihadi extremism played to the advantage of the Assad regime in influencing the ‘silent majority’ to stay with the government, not out of the conviction, but because they see it as the lesser evil” (Droz-Vincent 56). Therefore, though many did not truthfully support the regime, they feared the plausible alternative: a jihadi extremist group in power. With this reality, the Syrian people were trapped into unauthentically supporting the regime, which prevented the Syrian opposition from gaining an effective support base that could promote democratic transition.

In contrast, authentic support for the resistance surged in Tunisia, which is partly due to Tunisia’s relatively homogenous society. Divisions among different Islamic sects are non-existent because the population is nearly exclusively Sunni Muslim (Masri XXVII). The absence of sectarian divisions allowed for minimal identity conflicts in the opposition, which allowed different groups to unite under their common Tunisian identity. The opposition made up of “large cross-class coalitions, involving revolutionary youth, union activists, Islamists, and the urban poor” worked in harmony to protest the regime, which in itself is exemplary of the unique quality of Tunisian society that allowed it to fight for democratic change (Droz-Vincent 39).

However, divisions did exist among Islamic and secular political groups. Yet, the two elite forces worked together to topple the Ben Ali regime. Despite their ideological differences, “leading

secular liberals began to ask whether they might have more in common with at least some Islamists than with Ben Ali," which made a united opposition feasible (Stepan and Linz 23). Additionally, the Ennahda party, the nation's "long-repressed Islamic opposition party," was similarly amenable in its ways (Boubekeur 108). The leaders of this party began to argue that "democracy was not only acceptable but necessary," which allowed the party to join with the secular forces against Ben Ali, something that the Alawites and other minorities could not do in Syria (Stepan and Linz 23). The fact that the political elite compromised their partisan identities for the betterment of their country was crucial in the collapse of the Ben Ali regime, as they were able to work together to make change.

While Assad controlled the Syrian media, the united Tunisian resistance employed it to mobilize against the regime. The Tunisian opposition achieved substantial strength in numbers through the media by generating widespread awareness and support for the uprisings (Droz-Vincent 44). In the Jasmine Revolution, the opposition turned to "Twitter, both to learn from on-the-ground sources, and to rapidly distribute updates" (Lotan et al. 1376). Thus, the resistance could stay thoroughly connected due to the rapid nature of the internet, which made for a large turnout at demonstrations. Moreover, *Al Jazeera* covered the demonstrations in real time, a luxury that was not afforded to Syrians. This technology generated more interest and concern, consequently encouraging many to join the opposition themselves (Droz-Vincent 44). The media created a network for activists to coordinate mobilizations and generate support, to which can be attributed the fall of Ben Ali (Hinnebusch 211).

The professional Tunisian military did not save Ben Ali like the patrimonial Syrian military saved Assad. In fact, the Tunisian military existed outside of the political sphere and was relatively small in size (Bellin 34). Ben Ali lacked loyalty from high-ranking officials that controlled the responses to the uprising, which, in the end, made the regime virtually powerless. Although the military did not immediately stray from the regime, killing approximately 80 protestors, the military quickly lacked the will to continue to support Ben Ali (Bellin 137). The Tunisian army stopped interacting with demonstrators, and actually ensured that the protests remained safe and prevented violence (Ghanem 22). Thus, the protestors could continue to fight for change with a sense of relative security. The military officially sided with the opposition when Ben Ali ordered the military to use force against the protests in the cities, but the top general, Rachid Ammar, refused his orders, and the regime was left without a military on January 9. On January 14, the military finally removed Ben Ali from power, and he fled to Saudi Arabia (Brownlee 38). Ultimately, the military's decision to remain professional sealed the outcome of the Jasmine Revolution.

The Tunisian working class was similarly instrumental in the collapse of the regime. Since Ben Ali came to power in the 1980s, Tunisia institutionalized neoliberal economic policy (Allinson 301). The capitalist development undergone in Tunisia empowered the "working class, the most consistently pro-democratic force" (Allinson 299). The Tunisian General Union of Workers (UGTT)—a representative organization for the broader Tunisian working class—was "crucial in the 2010-2011 uprising"; in fact, it

was "the networks of UGTT activists" that allowed the uprisings to reach the rural areas of Tunisia. Further, it was the UGTT that coordinated the series of strikes that ended the Jasmine Revolution with the collapse of the regime (Allinson 302).

In Syria, however, there was no comparable independent labor organization that was able to generate strong uprisings like the UGTT. Although Syria has a history of strong labor movements, the Syrian working class had the lowest level of participation in the uprisings compared to any other country in the Arab Spring (Allinson 300). Because the regime "was not matched by organized challenge from a labour movement on the other side" like it was in Tunisia, the opposition lacked a similar fighting chance (Allinson 308).

The UGTT was the driving force in Tunisia that pushed government officials to realize democratic change. The Tunisian working class outperformed Syria's by not only contributing to the fall of the regime, but also by serving as a major advocate for democratic transition. In the first interim government, several members of the old regime still held important government positions. Because these officials were too closely related to the regime, the UGTT, through protest, successfully pressured the elite to force them into resignation (Allinson 302). Their efforts eradicated the presence of politicians that had the potential to threaten democracy. Additionally, the UGTT spearheaded protests that pushed the elite to create the National Constituent Assembly in October 2011, which promised Tunisians that a new constitution would be written by people that they elect (Allinson 302). Further, UGTT leadership also participated in the summer of 2013 dialogue that concluded that the constitution would maintain democratic principles, instituting a technocratic government as well as parliamentary and presidential elections (Allinson 303).

The pro-democracy working class influenced a pro-democracy political elite that made Tunisian democracy a reality. By the end of 2013, the Ennahda party—a front-running Tunisian political party—surrendered its devotion to Islam-inspired constitutional elements such as sharia law and unequal rights for women (Boubekeur 119). The party's willingness to forbid these practices and redefine itself as a party of "Muslim democrats" was critical in instituting a constitution that created a truly free and democratic country (Masri XXVI).

Due to the relentless nature of the working class and the cooperation of the political elite, the country was able to achieve democracy while the Assad regime maintained its power. As soon as 2015, Tunisia "had adopted a progressive constitution, held fair parliamentary elections, and ushered in the country's first ever democratically-elected president" (Masri XXVI). By no means, however, is Tunisian democracy perfect. Yet, "Tunisia will continue to be governed by a consensus between its strong secular and Islamist forces" (Ghanem 23). The ability of two ideologically opposed groups to cooperate in the governing of Tunisia is a promising reflection of democratic determination. Rather than focusing on their differences, the groups acknowledge their common trait as people who want a better Tunisia.

In short, two countries that experienced the same Arab Spring have followed significantly different trajectories. The patrimonial Syrian military coupled with the country's sectarian

divisions has caused the Assad regime to remain victorious over the opposition. In contrast, Tunisia's ability to create a united opposition that convinced the military to remain professional allowed Tunisia to begin its democratic transition. These cases imply that the future for Arab countries is uncertain, but democracy is achievable under certain conditions.

Works Cited

- Allinson, Jamie. "Class Forces, Transition and the Arab Uprisings: A Comparison of Tunisia, Egypt and Syria." *Democratization*, vol. 22, no. 2, 2015, pp. 294–314, doi:10.1080/13510347.2015.1010812.
- Bellin, Eva. "Reconsidering the Robustness of Authoritarianism in the Middle East: Lessons from the Arab Spring." *Comparative Politics*, vol. 44, no. 2, Jan. 2012, pp. 127–149, doi:10.5129/001041512798838021.
- Boubekeur, Amel. "Islamists, Secularists and Old Regime Elites in Tunisia: Bargained Competition." *Dynamics of Transformation, Elite Change and New Social Mobilization*, Feb. 2018, pp. 107–127, doi:10.4324/9781315622279-6.
- Brownlee, Jason, et al. "Why the Modest Harvest?" *Journal of Democracy*, vol. 24, no. 4, 2013, pp. 29–44, doi:10.1353/jod.2013.0061.
- Droz-Vincent, Philippe. "'State of Barbary' (Take Two): From the Arab Spring to the Return of Violence in Syria." *Middle East Journal*, vol. 68, no. 1, 2014, pp. 33–58, www.jstor.org/stable/43698560. Accessed 29 Jan. 2020.
- Freedom House. Freedom House, www.freedomhouse.org.
- Ghanem, Hafez. "Spring, But No Flowers." *The Arab Spring Five Years Later*, Brookings Institution Press, 2016, pp. 7–38, www.jstor.org/stable/10.7864/j.ctt1657tv8.
- Hinnebusch, Raymond. "Introduction: Understanding the Consequences of the Arab Uprisings – Starting Points and Divergent Trajectories." *Democratization*, vol. 22, no. 2, 2015, pp. 205–217, doi:10.1080/13510347.2015.1010807.
- Hof, Frederic C., and Simon, Alex. "Sectarian Violence in Syria's Civil War: Causes, Consequences, and Recommendations for Mitigation." *The Center for the Prevention of Genocide, United States Holocaust Memorial Museum*, www.ushmm.org/m/pdfs/20130325-syria-report.pdf.
- Lotan, Gilad, Erhardt Graeff, Mike Ananny, Devin Gaffney, Ian Pearce, & danah boyd. "The Arab Spring| The Revolutions Were Tweeted: Information Flows during the 2011 Tunisian and Egyptian Revolutions." *International Journal of Communication*, vol. 5, 2011, p. 1376, ijoc.org/index.php/ijoc/article/view/1246/643.
- Stepan, Alfred, and Juan J. Linz. "Democratization Theory and the 'Arab Spring.'" *Journal of Democracy*, vol. 24, no. 2, 2013, pp. 15–30.



Sophia McDermott-Hughes '23

Neocolonialism and the Search for Paradise: American Retirees in Panama

Abstract

This paper argues that the presence of American retirees living in concentrated enclaves throughout Panama represents a neocolonial variation on the continuing legacy of American imperialism. The paper situates this argument within the larger context of American interference throughout Panamanian history, centered around the control and defense of the Panama Canal and Zone. Since it gained control of the Canal in 1999, the Panamanian government has encouraged American migration, ceding public land, relinquishing sovereign taxation rights, paving the way for the creation of colonial communities and occupied spaces, and submitting to foreign influence in local governance. The Panamanian government and elites arguably benefit from the presence and revenue of American retirees, but common people suffer.

Panama has never truly achieved sovereignty. From the moment of its putative independence, Panama relied on and was deeply connected to the United States. This paper argues that the presence of colonies of American retirees in the country represents yet another neocolonial variation on the continuing legacy of American imperialism. Since it gained control of the Canal in 1999, the Panamanian government has encouraged American migration, ceding public land, relinquishing sovereign taxation rights, paving the way for the creation of colonial communities and occupied spaces, and submitting to foreign influence in local governance. The Panamanian government and elites arguably benefit from the presence and revenue of American retirees, but the people suffer.

Historical Context

Understanding the ramifications of the current situation requires placing it in context in the history of American imperialism in Panama from the days of its foundation as a nation-state. The United States supported Panama's independence from Gran Colombia on November 3, 1903, under the condition that the new nation allow the U.S. to build a canal through their territory. The treaty for the new Panama Canal was negotiated without Panamanian oversight. According to this treaty, the United States gained sovereign rights over the Canal and a ten-mile zone surrounding it, known as the Canal Zone, in perpetuity. The Zone was a colony within a sovereign nation; it had its own laws, police, courts, and jails and was protected by the U.S. military. The United States was also guaranteed the right of unilateral

intervention in Panama in defense of the canal (Van Alstyne 299). Legally, this clause meant that the U.S. government could (and would) justify interfering in Panamanian affairs whenever it deemed such action necessary for the security of American assets, effectively establishing Panama as a client state.

Decades of submitting to U.S. imperialism bred resentment throughout Panama. On January 9, 1964, an altercation between "Zonian" (United States' citizens living in the Canal Zone) and Panamanian students within the Zone led to rising tensions as Panamanians amassed on the Zone border in protest. The situation escalated, resulting in Canal Zone police firing on the crowd, killing several Panamanians. Anti-American riots consumed Panama City for the next three days; these events came to symbolize the American military occupation of the Canal Zone and imperial influence over the country as a whole (Jordan 38-66).

In 1977, U.S. President Carter and Panamanian President Torrijos signed the Torrijos-Carter treaties, in which the U.S. agreed to hand over control of the Canal and Zone on January 1, 2000 (Van Alstyne 300). The George H. W. Bush administration cited the treaties as justification for the 1989 U.S. military invasion into Panama to oust dictator Manuel Noriega, who had begun to ally himself with several communist nations. While the international community condemned the United States' invasion of Panama, the second Torrijos-Carter treaty still grants the U.S. the open-ended right to interfere with Panamanian sovereign affairs whenever the "neutrality," or friendly relationship with the U.S. and its allies, of the country and Canal is under threat,

effectively locking Panama into the American sphere of influence for perpetuity (Van Alstyne 299-301).

American Retirement in Panama

The ability of the United States to intrude on Panamanian sovereignty whenever it deems necessary to maintain the “neutrality” of the Canal constitutes only one aspect of its continued neocolonial presence in the country. This paper focuses on another: the settler colonialism of American retirees. When the U.S. relinquished control of the Canal and Zone in 1999, Panama’s government instituted sweeping neoliberal policies to increase foreign direct investment and attract foreign migrants, including American retirees (Benson, “Class, Race, Privilege” 24). These policies and the presence and practices of American retirees in Panama constitute a new form of colonialism, one perpetuated by the Panamanian government to the detriment of its own people.

Panama is considered to be an optimal country for foreign retirees, especially for Americans. The *New York Times*, *Los Angeles Times*, *Wall Street Journal*, *USA Today*, *National Geographic*, *International Living’s* “Annual Global Retirement Index,” and the *Modern Maturity Magazine* (published by the American Association of Retired People) have all featured Panama as a top retirement destination (Warshaw 5). One major reason for its popularity is the *pensionado* visa program, which grants residency rights for life to foreign migrants in Panama with a monthly pension of \$1,000 or more from a government program or private corporation. Migrants who purchase Panamanian real estate valued at or exceeding \$100,000 have their required pension decreased to \$750 per month. After the U.S. relinquished control of the Canal in 1999, Panama created the *pensionado* visa and passed “legislation promoting land markets and the sale of previously public land” as part and parcel of wide-scale efforts to attract foreign direct investment through property ownership. (Benson, “Class, Race, Privilege” 23-24). Incoming retirees primarily settle in nine different “tax-free zones,” specially designated areas where foreign residents are exempt from income tax for 15 years (see map). Unsurprisingly, these zones are widely-considered the most beautiful areas of the country and host the most popular tourist attractions. In essence, Panama ceded great swaths of some of the most beautiful and economically viable public land to foreigners just as they regained control of the Canal Zone, trading one form of colonialism for another (Jackiewicz and Craine 15).

The *pensionado* visa program also brings associated benefits, many of which are very similar to those enjoyed by U.S. employees of the Canal Zone. In the 1977 Torrijos-Carter Treaties, Panama tried to renegotiate the taxation terms for Canal Zone employees, who, though they lived and worked in Panama, were exempt from Panamanian taxes. According to Rebecca Harrigal, “Panama saw the right to tax as linked to the sovereign right” (Harrigal 559). The United States government, aiming to maintain its colonial control, believed it would set a “bad precedent” to grant Panama sovereign rights over any aspect of the Canal Zone, and ultimately, negotiations ended with the maintenance of the status quo (Harrigal 559). Nevertheless, decades after this dispute, the Panamanian government has enacted similar policies

themselves. Under the *pensionado* visa program, rich foreign retirees pay 15 percent less in Panamanian national taxes. Similar to the Canal Zone employees, they are exempt from duty fees for importing up to \$10,000 worth of household goods, including cars, and receive a wide array of discounts, including on plane, boat, and bus tickets, health care costs, hotel stays, restaurant meals, and many more (Warshaw 7). In 1977, the Panamanian government acknowledged that such policies violated their state sovereignty, yet they themselves perpetuate similar ones today.

In addition, the *pensionado* visa program and its associated benefits bring comparatively wealthy migrants to Panama, a developing country with already high levels of income inequality. Migrants’ pensions, mandated to be \$750 or more, significantly



Zone 1, La Amistad: Located in the provinces of Chiriqui and Bocas del Toro, characterized by the presence of La Amistad International Park and Baru National Park. The structure is composed of 61 attractions (47 are natural and 14 are cultural) which make this zone propitious for ecological tourism. The main areas of this zone are concentrated in Boquete and to a lesser extent Cerro Punta, Volcan and the Sereno River.

Zone 2, Bastimentos: The province of Bocas del Toro has one of the largest Marine Parks in the country which includes beach areas, reefs and the presence of the Afroantillian culture which is most present in the architecture of the city of Bocas del Toro. The tourist areas of this zone are made up of 78 attractions (58 are natural and 20 are cultural), predominating sandy, white beaches and crystalline waters which are ideal for diving and ecological tourism.

Zone 3, Arco Seco: The Arco Seco is conformed by the coastal areas of the provinces of Herrera and Los Santos, unique for their traditions and socio-cultural events which attract large amounts of visitors.

Zone 4, Farallon: Farallon includes 80 kilometres of Pacific Coast, distributed between the provinces of Panama and Cocolé. Its tourist potential is comprised of 24 natural attractions of which 17 are beaches and the remaining attractions are in the area of the Anton Valley for ecological tourism.

Zone 5, Metropolitan: The principal attractions are related with Panama City, shopping, business activities, historical and cultural attractions as well as the natural parks that surround it. This zone has 126 attractions (72 are natural and 54 cultural).

Zone 6, Portobello: Portobello is located in the province of Colon; it consists of beaches and innumerable diving areas, a National park and an assembly of Historical Monuments. Zone 6 accounts for 82 attractions (54 are natural and 28 are cultural) mainly reefs for underwater explorations and ruins of the forts of Portobello.

Zone 7, San Blas: The Caribbean of the Kunas, an exotic place due to its islands and areas of coral reefs and white sandy beaches guards one of the most traditional and native of the Americas.

There are 200 attractions in this zone (173 are natural and 27 are cultural). Its potential is characterized by more than 300 coral based islands and associated white sandy beaches.

Zone 8, Archipelago de Las Perlas: Composed of more than 30 islands and 83 beaches in the Pearl Island Archipelago, complimented by ample coral reefs and innumerable sport fishing areas. Zone 8 is made up of 136 attractions all of which are natural, characterized by beaches and fishing spots.

Zone 9, Darien: The tourist potential of this zone is made up of 72 attractions (39 natural and 33 cultural). The main attraction is the Darien National Park declared by UNESCO as a Biosphere Reserve ideal for the ecological and adventure tourism, additionally it integrating the indigenous groups that live in this zone.

exceed the average household monthly income in the areas in which they live. In the Chiriquí province, the location of the “tax-free zone” of Boquete, the average household income is \$433 per month. In Bocas del Toro, another “tax-free zone” and popular destination for American retirees, it is \$400. A common adage to describe the situation is, “The Americans live on \$500 a week; the Panamanians on \$500 a month; and the Indians on \$500 a year” (Benson, “Postcoloniality and Privilege” 322). Foreign non-citizens, with much higher income levels than the average Panamanian, receive benefits and siphon off scarce money and

resources that could go to aiding citizens who actually need it.

Due to their concentration in these “tax-free zones,” American retirees create separate, colonial communities centered around shared social, political, and geographical spaces very similar to the Canal Zone. These structures govern local policy, occupy land, and exclude Panamanians, as did colonial governments and colonial elites. Americans in Boquete, for example, organize politically around “Tuesday Morning Meetings,” where they debate and decide on collective courses of action for local issues and act as a quasi-governmental entity, all without consulting the broader Panamanian public (Benson, “Class, Race, Privilege” 29). They hold monthly potlucks and social events for their community. Many businesses, such as gourmet grocery stores and expensive restaurants, cater exclusively to the American retirees. Those establishments price their goods out of reach for most Panamanians (McWatters 109-113). These factors combine to create “social segregation... branding all social establishments, activities and events with an identity, according to the perspective of the community, that is distinctly either *ours* or *theirs*” (McWatters 111). This colonial-style segregation extends to residential areas as well. American retirees create “occupied spaces” as they cluster in gated communities, retirement homes, elite high-rises, and isolated rural enclaves which exclude Panamanians economically, linguistically, and sociologically (Jackiewicz and Craine 5). Property values far exceed what the average Panamanian can afford, residents almost exclusively speak English, and communities are marketed specifically to foreign audiences, implicitly marking these areas as distinctly American (McWatters 72). For example, Casa Solution, “the leading real estate agency in Boquete Panama,” advertises properties in Valle Escondido, a gated community in Boquete, writing on their website, “Valle Escondido is the luxurious residential development credited as a major factor in starting the wave of expats coming to Panama for a better lifestyle.” The website’s default language is English, and the homes listed begin at \$200,000 and reach over \$800,000, far too expensive for ordinary Panamanians in the area, whose average household income is \$433 per month (“Valle Escondido”). These “insulated communities protected by the security of their neighbors, gates, and guards” echo the militant occupation of the Canal Zone, a similarity clear to many Panamanians (Jackiewicz and Craine 21-22). They represent mini colonies within a sovereign state and breed Panamanian resentment towards American retirees.

In addition, American retirees, most of whom are not Panamanian citizens, fall neatly in with Panamanian elites, just as the Canal Zone residents once did. The Americans exercise undue influence over regional politics, as government officials seek out their opinions and cater to their desires over those of actual citizens. In 2008, the Panamanian Minister for Science personally came to speak to assembled expats at one of Boquete’s “Tuesday Morning Meetings,” as government representatives of different levels frequently do. These meetings, in which local issues are discussed and disputed with government officials, take place in private and are conducted in English, without the participation of everyday Panamanian citizens (Benson, “Class, Race, Privilege” 29).

The local political influence of American retirees plays into a greater system of political exclusion of Panamanian citizens. An analysis of 10 Latin American and Caribbean countries found that “Panama is one of the countries in this study with the lowest levels of support for and participation in local government.” The study also noted that “trust has systematically fallen” in many public institutions and that “more than three-quarters of the population believe corruption among government officials is very or somewhat widespread” (Pérez and Seligson 18; 49). Panamanians feel increasingly disenfranchised by, removed from, and distrustful of their government, especially at the local level where foreigners exercise the most influence.

Perhaps partly out of a sense of guilt about their obvious socioeconomic privilege relative to their Panamanian neighbors, American retirees often engage in charitable actions in their local communities. Many express tremendous pride regarding their contributions. As Benson writes in “Postcoloniality and Privilege,” “The cultural dominance inherent to the postcolonial relationship is enacted through the migrants’ positive assessments of the changes they have brought about” (323). Their status as community benefactors places them in a position of perceived moral superiority, reenacting earlier colonizers’ notions of the “white man’s burden,” wherein the morally, mentally, and technologically superior white man must save the helpless and ignorant native (Kipling). American retirees further undermine their generosity by frequently giving conditions for their aid and trying to control development projects. For example, Benson writes, “They would organize for important equipment to be shipped to Panama, but only agree to its distribution to the local community if it was used on their terms” (“Postcoloniality and Privilege” 325). Ironically, in attempting to absolve themselves of the guilt they feel regarding their privilege, they actually exercise that privilege and power to control local politics and projects.

While the national economy has benefited from neoliberalism and foreign direct investment, including the migration of American retirees, the population has seen little in return. Panama has a robust and rapidly growing economy compared to other countries in the region, but poverty and unemployment persist, especially in rural areas (Pérez and Seligson 1-9). Nonetheless, the Panamanian government continues to push these policies and encourage the migration of American retirees in pursuit of neoliberal fantasies of widespread economic growth and progress.

Conclusion

Panama has ceded public land, relinquished sovereign taxation rights, and prioritized American financial concerns over those of its citizens. In consequence, American retirees have crafted colonial communities and exercised undue influence over local policies and projects, drowning out Panamanian voices. These practices constitute a new form of colonialism, yet the ramifications of the presence of these retirees extends past the geopolitical. They also apply added pressure on crumbling infrastructure, drive property and food prices up, and increase the level of waste and demand on local resources (Spalding 81). Panama is selling itself to American retirees to the benefit of the national elites and the detriment of its people.

Works Cited

- Benson, Michaela Caroline. "Postcoloniality and Privilege in New Lifestyle Flows: The Case of North Americans in Panama." *Mobilities*, vol. 8, no. 3, 2013, pp. 313–330, doi: 10.1080/17450101.2013.810403.
- . "Class, Race, Privilege: Structuring the Lifestyle Migrant Experience in Boquete, Panama." *Journal of Latin American Geography*, vol. 14, no. 1, 2015, pp. 19–37, doi:10.1353/lag.2015.0009.
- Harrigal, Rebecca L. "Interpreting the Panama Canal Treaty and Taxation of Panama Canal Commission Employees: O'Connor v. United States." *The Tax Lawyer*, vol. 41, no. 2, 1988, pp. 557–565. *JSTOR*. <https://www.jstor.org/stable/20769236>
- Jackiewicz, Edward L, and Jim Craine. "Destination Panama: An Examination of the Migrant-Tourism Foreign Investment Nexus." *Recreation and Society in Africa, Asia, and Latin America*, vol. 1, no. 1, Mar. 2010, pp. 5-29. <https://journal.lib.uoguelph.ca/index.php/rasaala/article/view/1498>
- Jorden, William J. *Panama Odyssey*. University of Texas Press, 2014.
- Kipling, Rudyard. "White Man's Burden." *Internet History Sourcebooks*, Fordham University, sourcebooks.fordham.edu/mod/Kipling.asp.
- McWatters, Mason R. *Residential Tourism: (De)Constructing Paradise*. Channel View Publications, 2009.
- Pérez, Orlando J., and Mitchell A. Seligson. "The Political Culture of Democracy in Panama: 2006." *Latin American Public Opinion Project*, Vanderbilt University, Feb. 2007.
- Spalding, Ana K. "Lifestyle Migration to Bocas Del Toro, Panama: Exploring Migration Strategies and Introducing Local Implications of the Search for Paradise." *International Review of Social Research*, vol. 3, no. 1, Jan. 2013, pp. 67–86., doi:10.1515/irsr-2013-0005.
- "Valle Escondido, Boquete, Panama Houses and Condos for Sale." *Valle Escondido*, Casa Solution, 22 Nov. 2019, www.casasolution.com/residential-developments/photos-valle-escondido-premier-gated-community-in-boquete-panama/.
- Van Alstyne, Richard W. "The Panama Canal: A Classical Case of an Imperial Hangover." *Journal of Contemporary History*, vol. 15, no. 2, 1980, pp. 299–316, doi:10.1177/002200948001500205.
- Warshaw, Allison. "Move Over, Florida: Retirement in Panama." *Perspectives on Business and Economics*, vol. 25, 2007.



Jessica Buxbaum '23

The Coca-Cola-ized Global Food System

Abstract

This essay, using insights from various food scholars and anthropologists, will expand the scope of Robert J. Foster's original work in his book *Coca-Globalization: Following Soft Drinks from New York to New Guinea* to make three distinct, yet related claims. First, food corporations make, package, and sell to consumers products and brands that play to pre-existing human instincts, intuitions, and customs, ultimately shaping public cravings, desires, and perceptions in their corporate image. Second, the unprecedented power food corporations enjoy is both a cause and an effect of international commodification; food corporations then use this leverage over minds and eating habits to influence public health and international economies. Finally, this corporatized and commodified global food system, created and sustained by and for corporations, has hijacked personal tastes, community consumption habits, and global economies to an extent that will be nearly impossible to correct, despite some concerted and effective efforts.

How people around the world access food and drinks, and which food and drinks are available to whom, has become intimately linked with the processes of globalization and commercialization that have infiltrated nearly every facet of human life. As multinational food and drinks corporations, in addition to agrochemical companies like Monsanto, gain financial leverage in the global market and secure fierce control over basic natural resources like land and water, consumers' agency in deciding what to put into their bodies is stripped away. At the same time, the United States healthcare system and those of other developed countries have become overwhelmed by people suffering from heart disease, diabetes, and cerebrovascular diseases, three of the most common causes of death in the U.S., all of which are largely caused or exacerbated by the toxic diets and processed foods and drinks that have become so ubiquitous on the American and global markets. More people today die from obesity than starvation. In the short run, these companies provide bursts of energy and enjoyment in the form of cheap, caloric products, and a magnitude of food that could feed the world over. But in the long run, as these corporations' bottom lines grow, inequality in food access and food sovereignty increases, and independence from and agency over the corporatized food system shrinks nearly to zero. This essay will unpack this multifaceted phenomenon through the framework of the Coca-Cola Company, which Robert J. Foster explores in detail in his book *Coca-Globalization: Following Soft Drinks from New York to New Guinea*.

With the advent of branding and international

trade innovations, food and drink corporations like Coca-Cola have flooded the markets with products designed to capitalize on consumers' biological, social, and symbolic predispositions. Evolutionarily, humans are designed to crave the caloric succulence of sugary foods; however, the history of mass sugar and junk food consumption begins only somewhere around the fifteenth and sixteenth centuries. Abraham Ortelius remarked in 1572, "whereas before, sugar was only obtainable in the shops of apothecaries, who kept it exclusively for invalids, today people devour it out of gluttony... What used to be a medicine is nowadays eaten as food" (qtd. in Montanari 121). Centuries later, understanding the power and ubiquity of the human sweet tooth, the Coca-Cola Company bottled, branded, and built a corporate empire based on liquid sugar designed for mass consumption. Their sustained campaigns since World War II worked wonders in the United States and around the world: "By 1985, Americans drank more soft drinks than tap water" (Foster 65). Coca-Cola's success, however, does not exist in a vacuum; rather, it is inextricably linked to the cataclysmic rise of the sugar market, an associated rise in fat consumption, and changes in public attitudes toward food and drink consumption itself:

In spite of sharp declines during the war, sucrose production resumed its remarkable climb after 1945. From 1900 to 1970, world production of centrifugal sugar increased by about 500 percent, according to one source; another estimates the increase as being more like 800 percent... Average per-capita annual consumption of food fats and processed

sugars in the United States in 1979 reached 265 pounds. (Mintz 197)

The United States, home to the Coca-Cola Company, quickly took its place as a leader in sugar and fat consumption; as a world leader on nearly every other front, as well, the health effects of these consumption habits permeated beyond borders. In his book *Stuffed and Starved*, journalist Raj Patel notes that, “omitting Mexico City, where obesity rates are the highest in the country, the closer a Mexican family lives to its northern neighbours and to their sugar- and fat-rich processed food habits, the more overweight the family’s children are likely to be” (Patel 12). The Coca-Cola Company is one of many corporations to capitalize on human cravings and shape them so that they may better contribute to their profit margin. But to meet this end, corporations have had to manipulate minds in addition to bodies.

The social and symbolic influences of Coca-Cola and similar companies are equally, if not more, powerful influencers of consumer desires and perceptions. The Coca-Cola Company first laid roots internationally during World War II. The company opened bottling plants with government sponsorship in places like Papua New Guinea and North Africa so that troops could still have access to Coca-Cola while overseas:

[Soldiers’] testimonials often equated Coca-Cola with America by identifying the pair as precisely what the soldiers were fighting to defend... But these testimonials also expressed a symbolic equation of Coca-Cola with “home”—home remembered in terms less encompassing and more intimate than those of political ideologies. For example, “to have this drink is just like having home brought nearer to you; it’s one of the little things of life that really counts. I can remember being at Ponce de Leon Park, watching the [Atlanta] Crackers play baseball as I filled up on Coca-Cola and peanuts. It’s things such as this that all of us are fighting for.” (Foster 41)

The rhetoric surrounding Coca-Cola at this time creates such a strong association between the commodity and its consumption, and memories of home and country, one is nearly tempted to recall the imagery of stories like Austin Clarke’s *Pigtails & Breadfruit* or *Babette’s Feast*, in which food carries with it genuine memories, stories, and emotions; however, the memories and stories of Coca-Cola are instead a tactful fabrication by the corporation, created, in effect, to brainwash consumers into believing the product is greater than the sum of its parts, i.e., sugar and chemicals.

Brand cultivation and control make these fabrications possible and extremely powerful. Foster argues that the brand, not the product itself, is what motivates consumers in a globalized food system to make consistent purchases. He cites Kevin Roberts and his theory of “Lovemarks” to describe a phenomenon that the Coca-Cola Company spearheaded in the food and drink industry: “Anything can be a Lovemark... Lovemarks connect your company, your people, and your brands; Lovemarks inspire loyalty beyond reason; Lovemarks belong to your customers; Lovemarks are the ultimate premium profit generator” (qtd. in Foster 28). What makes a Lovemark possible is a detachment from the producer and reattachment to the consumer. This

means labor must be cheap, unskilled, and hidden from view; this, in effect, turns on its head Roland Barthes’ theory that food gains value from the care and attention put into its creation or cooking process (Barthes 22). Meaning is instead created through advertisements and efforts by the company to embed the brand with meaning and its products into society. In today’s globalized, commodified food system, Foster claims that consumers will latch onto the product not because of its inherent worth, but because of the values with which the brand imbues it.

A corporation, therefore, is most concerned with its ability to control the “meaning” of its brand. In the Coca-Cola Company, “the management of meaning—of brand image—was precise and deliberate, creating an orientation to the product itself that bordered on unabashed commodity fetishism” (Foster 53). Efforts by the Coca-Cola Company and other corporations involved in the global food system have been striking in their aggression and effectiveness. In one instance, an Indian photographer well known in the advertising industry put a provocative billboard in the middle of a busy area in an Indian town depicting a dry water pump and the words, “Drink Coke.” A subsidiary of the Coca-Cola Company then threatened the photographer “with legal action on the grounds that he had caused ‘incalculable damage to the goodwill and reputation of the brand Coca-Cola’” (Foster 229). In another instance on the other side of the globe, Ignacio Chapela, a professor at the University of California, Berkeley, faced severe backlash from biotechnology corporations in the food industry after his research found that “corn in Oaxaca showed traces of contamination from genetically modified maize (illegal in Mexico since 1998)” (Patel 151):

Soon after the publication of the article, he was subjected to a broad front of character assassination on the internet, by an “Andura Smetacek” and a “Mary Murphy,” who had carped that his paper hadn’t been peer reviewed (it had) and that Ignacio Chapela was more an activist than a scientist (it is possible, as Einstein was, to be both). In the end, emails from these names were traced back to servers named “gatekeeper2.monsanto.com” and “bw6.bivwood.com,” Bivwood belonging to the Bivings Group, Monsanto’s digital PR firm. Emboldened, other pro-biotech researchers took up the smear campaign authored at Monsanto’s headquarters. They called for his resignation. (Foster 152)

At the same time that the power of branding has increased and the food system has become overwhelmingly commodified, commercialized, and globally interconnected, corporations have increased their right to control not only their brand and its image, but free speech and the flow of information, too.

On the global front, complete control over brand representation and information has allowed corporations to pursue what Foster refers to as “glocalization”: a process by which corporations shape-shift and assimilate their products and brands in order to be more acceptable to different cultures, with the ultimate end goal in mind being to increase market share and create new consumer markets. In short, glocalization makes “a worldly thing part of their world”—anyone’s world (Foster 5). In the 1970s, the fast food industry, a distinctly American enterprise, began to

change shape and, thus, take root around the world. The apparent irony of fast food in France, where esteemed culinary tradition is so intrinsically linked to the nation's identity, was tempered somewhat by the industry's ability to shapeshift and "glocalize":

Though viennoiseries sell foods that are traditionally French, and have brand names that retain a French identity... they also embody characteristics in production, marketing, and restaurant design that resemble fast food hamburger restaurants. France is one of the few European countries to have responded to the expansion of American fast food by successfully adapting traditional national foods to the fast food formula. (Fantasia 207)

Coca-Cola employed similar tactics, only more intentionally and to a greater degree. Under CEO Douglas Daft in 2000, Coca-Cola began to behave more like "a multibranded drinks company with a fat portfolio of beverages, carbonated and non-carbonated—juices, teas, coffee, and water" (Foster 68). A statement released by the company in 2000 explained that "this realignment will better enable the Company to serve the changing needs of its customers and consumers at the local level and ensure that Coca-Cola complements the local culture in every community where it is sold... No matter where we operate around the world, we're a local business" (qtd. in Foster 69).

In addition to their products, the Coca-Cola Company, like other industrial food corporations, also had to "glocalize" their advertisements, and, in effect, the "meaning" of the brand and its products. In 1997, marketing researchers asked Papua New Guineans to give their opinions on various Coke and Pepsi television advertisements. On the whole, participants found one Coke ad to be the most culturally recognizable, enjoyable, and effective. The ad in question was placed in a small, every-village setting, included people of all ages, depicted "innocent good times, and the celebration of tradition... And unlike the Pepsi ad, the exclusion of girls and women from the foreground of the action obviates certain messages of sexual impropriety" (Foster 139). Foster explains the ad's success like this:

Coca-Cola is easily incorporated into local traditions—a piece of modernity entirely compatible with valued ancestral customs... Papua New Guineans can determine themselves collectively—as a collective individual—not by breaking free from tradition or joining an international youth culture, but rather by staying put, incorporating and domesticating the material culture brought in, no matter what the obstacle, from the outside. (Foster 138-139)

In general, a truly interconnected and commercialized global food system has been made possible and controlled by industries, corporations, and brands willing to assimilate their products to local customs.

Once Coca-Cola and other brands like it had success in culturally integrating their products into markets around the world, they then had to find their feet semiotically; in other words, consumers had to decide what Coke and other globally commercialized food products meant to them and what their

place in society would be. Much of this process can be explained with Mary Douglas' theories about the semiotics of meals and drinks and understood as the byproducts of changes to worldwide eating and drinking habits: "Admission to even the simplest meal incorporates our guest unwittingly into the pattern of solid Sunday dinners, Christmases, and the gamut of life cycle celebrations. Whereas the sharing of drinks... expresses by contrast only too clearly the detachment and impermanence of simpler and less intimate social bonds" (Douglas 258). The implications of global consumption trends toward increased social snacking, eating and drinking as background activities to daily routines, and away from classical mealtimes are all compatible with Douglas' observations. Coca-Cola's symbolic integration in Papua New Guinea is particularly congruous with Douglas' social analysis of meals versus drinks:

Survey participants infrequently indicated that they drank soft drinks at home... Instead, soft drink consumption occurred in the context of shopping, lunching with fellow workers or students, "spinning" (pleasure outings), or attending sporting events. Most soft drink consumption, therefore, occurred in the presence of others—with others also consuming—as a manifestly extra-household social activity. (Foster 127)

However, soft drinks and other commercialized commodities have also been understood and used semiotically in ways theorists like Douglas or corporate producers never could have predicted. For example, pervasive advertising and availability of Pepsi-Cola in Mexico has in relatively recent years led to Tzeltal Mayan elders in Southern Mexico using the soft drink as an integral part of a particular religious rite (Foster 20). Although, ultimately, this fusion of culture and history with modern commercialism adds to the corporation's bottom line, it is an outcome that advertisers neither intended nor could have predicted. Such inconsistency between the producers' expectations and the consumers' usage of a product reveals quite plainly that the product itself is not the end of the commodity chain; instead, consumers play an indisputable role in re-embedding and creating intimately personal meanings for global commodities (Foster 23). Although this fact does grant consumers a small degree of power and independence from corporate influence, corporations are still able to use this to manipulate global perceptions.

Throughout World War II and after, the Coca-Cola Company worked hard to depict Coke as a "global high-sign" (Foster 42). It represented friendship and community, and "its availability outside the United States bespoke its appeal to universal tastes and values" (Foster 42). Foster cites Richard Wilk and his theory of "organized diversity" to explain the implications of Coca-Cola's rhetoric: "Like certain versions of contemporary American multiculturalism, difference gains legitimacy precisely because of its uniform manifestations. That is, the celebration of particular kinds of (usually commodified) differences—say, in food, dress, or music—entails the suppression of other kinds, say in moral and political values or concepts of personhood" (Foster 36). Put differently, "one meaningful consequence of investing Coca-Cola with qualities of ubiquity and universality was to ren-

der the *absence* of Coca-Cola as symbolic of radical difference and invidious distinction” (Foster 43). Evidently, global food corporations have the power to shape not only personal preferences or local economies but an entire network of perspectives among global peoples, and ultimately ostracize those who don’t contribute to their bottom line.

Understanding the place and power of commodified, commercialized products and their corporate branding, one must then turn toward the corporations themselves to understand how they have achieved this unprecedented power over the global food system, what they do with it, and what role consumers have in engaging with and challenging them. Throughout history, producers’ and sellers’ profit margins have perhaps been the strongest influencer of general consumption habits. Even famines and food shortages, beginning in the sixteenth and seventeenth centuries with the rise of capitalism, had less to do with a real lack of food and more to do with a populace that was unable to afford it and a ruling class unwilling to let prices crash. This led to food riots and social stratification that has not abated in recent years, only taken different forms (Montonari 108-109). The sheer financial magnitude of international food corporations like Coca-Cola has granted them political influence, as well: “In 2002, the company’s associates contributed \$849,208... while associates of Coca-Cola Enterprises contributed \$436,956 [in PAC money]” (Foster 162). In the early 2000s, the big sugar industry won a battle over the flow of information against the World Health Organization when, at the request of sugar lobbyists, the public health group agreed to withdraw a recommendation that no more than ten percent of a person’s daily calories should come from sugar (Foster 224). This can be easily understood as a victory not only for the sugar industry, but for all producers of sugar-filled, commercial food products as well.

The challenges this kind of corporate power poses to consumers are immense and plentiful. In India, legal and cultural battles are being waged between activists, citizens, and corporations over the privatization of natural resources like groundwater (Foster 232). Around the world, nutritional foods are being distributed sparsely and unevenly:

In the US, people of colour and the poor have access to environments that are more likely to lead to obesity, while their richer and whiter counterparts are more likely to have access to foods that are fresh, nutritious and lower in salt and fat. Across a range of neighbourhoods in the US, the poor ones are not only likely to have four times fewer supermarkets than rich ones, they’re three times more likely to have places to consume alcohol. (Patel 274-275)

There are efforts to regain food sovereignty and independence from corporate influence, but they generally only address side effects of this broken system, rather than addressing the system itself. In Washington, D.C., anthropologist Ashanté M. Reese observed residents with limited food sovereignty and food access demonstrating resilience and resistance through community gardens. These gardens provided community members with a gathering place and a shared endeavor, in addition to fresh, organic food that would otherwise be less accessible, if not entirely inaccessible (Reese 113). However, grocery stores remain far and away the main food source for the majority of

Americans in cities, so for residents victimized by the global food system and trapped in food deserts, the benefits of a community garden are mostly symbolic of the true structural change needed in urban areas (Reese 45). Other consumers around the world have used their buying power and shareholder status to influence multinational food and drinks corporations around the world to behave more ethically and responsibly. For example, at the 2002 annual shareholder meeting for the Coca-Cola Company, “three of the four shareholder proposals on the agenda concerned corporate responsibility with regard to the environment (container recycling), human rights (code of conduct), and ethical business practices in China” (Foster 188). In fact, the Coca-Cola Company did ultimately yield to some of these proposals, developing new recycling programs and goals, providing healthcare to African workers, and claiming to address working conditions in Colombia, among others. But these campaigns can never be truly democratic: “It is a bargaining between unequals, in which one side wields more control over the transaction and often commands more information about the issues being negotiated” (Foster 208). Corporations may advertise their efforts to “do the right thing,” but that is usually only because doing so has become popular among shareholders and consumers, and therefore fashionable in the corporate world. In other words, companies will largely only act responsibly to the degree that it helps their bottom line.

The act of consumption is an intimate part of the human experience. However, biological instincts and the desire for food to hold meaning and be eaten in community, as well as changes in global consumption habits, have been hijacked by corporations, whose only concern is their bottom line. Advertising and the management of brand and product meaning has granted commercialized food and drinks products a powerful place not only in the global market, but in homes and communities as well. Companies controlling the global food system have been able to leverage this influence to continually flood global markets with processed, commercialized products with little concern for the health and well-being of their buyers. Food and drink corporations have become political, financial, cultural, and social entities with unprecedented power. Changes to this global order would require not only fundamental shifts in global structures and consumer habits, but concerted opposition to biological and social instincts as well.

Works Cited

- Barthes, Roland. “Toward a Psychosociology of Contemporary Food Consumption.” *Annales: Economies, Societes, Civilisations*, no. 5, Sept.–Oct. 1961, pp. 977-987.
- Fantasia, Rick. “Fast Food in France.” *Theory and Society*, vol. 24, no. 2, Apr. 1995, pp. 201-243.
- Foster, Robert John. *Coca-Globalization: Following Soft Drinks from New York to New Guinea*. New York: Palgrave Macmillan, 2008.
- Mintz, Sidney W. *The Power of Sweetness and the Sweetness of Power*. Deventer: Van Loghum Slaterus, 1988.
- Montanari, Massimo. *The Culture of Food*. Blackwell, 1994.
- Patel, Raj. *Stuffed and Starved: The Hidden Battle for the World Food System*. Brooklyn: Melville House, 2007.
- Reese, Ashanté M. *Black Food Geographies: Race, Self-Reliance, and Food Access in Washington, D.C.* UNC Press, 2019.



Aditya Jain '22

International Coordination in Near-Earth Orbit: The Role of Governments in Orbital Debris Management

Abstract

The essay studies global warming solutions to address the social dilemma posed by space debris in near-Earth orbit. International coordination in the short run and adaptive governance through public-private partnerships in the medium-long run are essential to managing debris effectively. International coordination requires enhanced global institutions that are capable of negotiating incentive compatible agreements and graduated penalties for enforcement. A uniform debris price is one such agreement that limits debris creation and penalizes non-compliers. Moreover, partial decentralization of the commercial industry in space could allow the industry to grow and encourage private solutions in response to governmental demand in the medium-long run. Broadening space commerce requires clearer liability and ownership laws.

Acknowledgement

I am grateful to Professor Akhil Rao for his continuous support, guidance and critical feedback.

The maxim *everybody's property is no one's property* aptly describes an open-access resource.

As demand to use the resource increases, it becomes increasingly hard to manage its efficient use. The central issue is that no actor has the incentive to limit present use for future profits since every actor has an incentive to free ride on the benefits. Overused by every actor but valued by no one, the open-access resource is likely to be exploited: an example of a market failure known as the “tragedy of the commons.” The large amounts of orbital debris in near-Earth orbit represent such a market failure that is costly to all spacefaring actors.

Near-Earth orbit is the “region in outer space that contains satellites in orbit around the earth” (Weeden and Chow 167). The Inter-Agency Space Debris Coordination Committee (IADC) defines space debris as “all man-made objects including fragments and elements thereof, in Earth orbit [sic] or re-entering the atmosphere that are non-functional” (5). Debris particles as small as paint flecks “could damage or destroy any spacecraft in their path” (Moltz, “Crowded Orbits” 25). The U.S. military currently tracks about nineteen thousand orbital objects greater than two inches in diameter (National Aeronautics and Space Administration). However, the amount of debris tracked is only a small percentage of the total orbital debris (Carrico et al. 407).

The study of orbital debris management, which includes debris mitigation and removal, is import-

ant not only because of the security risks it poses to spacecrafts but also because it is concerned with problems of international coordination and enforcement mechanisms. Perfect coordination could achieve debris removal and perfect enforcement could prevent debris creation. Coordination and enforcement are the desired solutions to social dilemmas, but they remain elusive in arguably the most pressing market failure threatening the world today: global warming. Near-Earth orbit provides a unique setting to study coordination and enforcement since actors here are mutually interdependent and sovereignty is not defined by borders. The management of orbital debris is further complicated by gaps in the regulatory regime, and orbital mechanics such as the limited ability of spacecrafts to maneuver themselves in orbit.

This essay studies how the orbital debris externality in near-Earth orbit could be internalized by international action and coordination. Firstly, it outlines concepts from space politics, global warming solutions, and common-pool resource (CPR) theory. It then considers an application of global warming solutions to the orbital context. Further, it considers the role of non-state actors in addressing this market failure and finally establishes the importance of adaptive governance—international coordination in the short-run and national-private partnerships in the medium-long run. It advocates for partial decentralization of space commerce and the development of

clearer liability and ownership laws for private actors. Lastly, it advocates for legal and political avenues for further research based on caveats in the proposed actions.

Environmental Concepts for Space Governance

The prevalent literature on space management and debris removal is largely economic or legal in nature. In order to analyze the topics from a governance perspective instead, this section outlines the following concepts in turn: environmental security in space, coordination and cooperation, self-enforcing agreements, and CPR design principles.

Space Politics

In studying the history of space security policymaking, Moltz (“Politics of Space Security” 57) observes that space activities (scientific, commercial, or military) that witnessed enduring cooperation also experienced a greater environmental interdependence. For example, since a debris-generating explosion could render orbital bands unusable for national use, militaries have exercised restraint in conducting such explosions so as not to encourage other militaries to conduct them. The example shows that governmental policy in space could be guided by something more than short-term national interests. To that end, risks from orbital debris could influence coordination since debris creation poses risks for every actor.

Global Warming Solutions

Using the classic game theory example of the Prisoner’s Dilemma, Barrett studies whether a climate catastrophe threshold could induce coordination or cooperation among countries for climate action (235). In a strategic game played by two actors in mutual agreement, coordination implies that the dominant strategy of each actor aligns with the goal of the agreement, whereas cooperation implies that the dominant strategy for at least one actor is to defect from the goal. Coordination is more desirable than cooperation to achieve a common goal (Barrett 242) since mechanisms to enforce cooperation are often weak.

Weitzman explores the efficacy of a self-enforcing uniform carbon price that could prompt countries to take adequate action against global warming. In an internationally binding minimum carbon price, self-interest is countered by the incentive for each country to negotiate a higher price, and a country gains from continuing the agreement rather than ending it due to the environmental benefits of abatement (and punishment for defecting). Uniform carbon price is in contrast to an agreement where n countries negotiate n emissions quotas and each country has the “free-riding desire” to secure for itself a lenient emissions cap (Weitzman 45). The results have policy implications advocated for in Common-Pool Resource (CPR) theory.

Common-Pool Resource (CPR) Theory

Nobel Prize winner Ostrom’s design principles for sustainable governance of CPRs capture best practices that prevent overharvesting of CPRs. Weeden and Chow examine those principles in the context of the space domain to highlight specific governance issues on which to focus space sustainability efforts. Initial efforts should address updating the liability regime with graduated penalties, inclusion of emerging non-state actors in

policymaking (166), and the development of an adaptive governance that is flexible in its structure overtime (167). The authors’ recommendations address the open-access nature of near-earth orbit through governance strategies, an approach absent from the mainstream academic literature on space management, in which economic models formalize that active debris removal decreases costs to operators (Muller et al. 8) and decreases collision risks (Klima et al. 14). Legal challenges to space governance stem from continuous state ownership (Muñoz-Patchen 245) and the lack of clarity on private property rights (Salter 312). However, economic solutions and legal challenges fail to consider the international and commercial nature of the debris problem in a multilateral and interdependent space environment. Lacking a relevant framework in the current literature on orbital debris management, I rely on solutions for global warming and climate change to inform my analysis.

Global Warming Solutions in the Orbital Context

In studying space debris, “the analogy to global climate change... is both useful and daunting” (Weinzierl 187). Both orbital debris and greenhouse emissions pose negative externalities on every other actor in the environment. Moreover, a climate catastrophe is analogous to Kessler Syndrome—the theoretical scenario in which debris creates collisions that lead to more debris (Kessler and Burton 2637). The analogy to climate change, which faces the same issue of coordination failure among governments as orbital debris management, is “useful” because climate solutions can be transposed to the orbital context. However, the analogy is “daunting” because efforts for collective action to combat climate change have failed so far. This section discusses self-enforcing agreements and uniform carbon price in the context of orbital debris management.

A Self-Enforcing Treaty

Barrett finds three possible outcomes for an international environmental agreement regarding a potential climate catastrophe. Firstly, signatories coordinate if the catastrophe is known with certainty and the impact of the catastrophe is high relative to the cost of abatement. In fact, such a treaty would necessarily “sustain full participation” (241) of all countries. This is because when the benefits of “steering clear of the threshold” are very high, countries have a stronger incentive to prevent catastrophic climate change. Secondly, then, if the benefits of steering clear of a threshold are low relative to the cost of abatement, the incentive to prevent a catastrophe is weak and a treaty does not act as a coordinating device (240). Thirdly, if the threshold that triggers climate catastrophe is not known with certainty, coordination collapses, as the preferred strategies of some countries no longer align with the treaty, which then yields a cooperative outcome at best.

Barrett’s findings allow us to discuss the possibility of active debris removal. The “impact of catastrophe” is equivalent to collision risks after a collision cascade. It is unlikely that all spacefaring actors would agree on a catastrophic threshold for debris since there is a large amount of unidentified debris. There are estimates of over 100,000 pieces of untracked debris of sizes 1–10cm² and tens of millions of pieces of debris less than 1cm²

(Carrico et al. 1). Then, in an agreement aimed to bring space actors together for debris removal, signatories would by default be engaged in a “cooperative” game. This is consistent with the incentive of every actor to free ride on the benefits of another actor’s debris removal. Cooperation, however, is a weaker enforcement mechanism than coordination. Indeed, Weinzierl believes that “centralized action” is important for successfully managing space debris (187). In the absence of a catastrophic debris threshold, strategies to promote collective action could help the signatories meet the goal of the agreement through incentive compatibility.

Such strategies, I believe, would require altruism. Barrett’s findings imply that countries would not automatically coordinate towards debris removal since each country would be less willing to provide a public good, a good that is non-excludable and non-rivalrous. A more informed realization of the long-term risks of the collision of space assets with debris could encourage governments to act. The decision by the U.S. Departments of Defense and State to share information on Space Situational Awareness (SSA), despite it being deemed too sensitive previously, could encourage the actors to better understand collision risks (Moltz, “Politics of Space Security” 326) and collaborate among each other. Indeed, the U.S. and Australia announced the Space Situational Awareness Partnership in late 2010 which guaranteed benefits for both countries (325). Altruistic measures could reduce mistrust between nations and encourage international coordination.

Uniform Pricing of Space Debris

Pricing as a mechanism to reduce congestion in orbits is not a new idea. Hanson proposes a Pigouvian price on debris (144). Rao et al. examine the effect of a uniform orbital use fee (OUF) on the value of the space industry. In Hanson’s Pigouvian debris price model, a Pigouvian tax (a tax on negative externalities) would be levied on any operator whose space operations have created debris—and thereby increased collision. In contrast, the OUF would be paid by every spacefaring operator that increases the risk of collision in space by deploying space assets. Since a uniform debris price targets debris creation rather than collision risk, it is more similar to Weitzman’s uniform carbon price than an OUF.

Weitzman proposes an internationally harmonized but nationally collected carbon price (such as carbon tax or cap-and-trade system). The revenues are recycled domestically. The self-enforcement nature of such a uniform carbon price arises out of its incentive compatibility. The extra cost to a nation from a higher emissions price is “exactly offset by its extra benefit from inducing all other nations to simultaneously lower their emissions via the higher price” (35). Ultimately, the desirability of a uniform carbon price lies in three characteristics: cost-effectiveness (ease of implementing), one-dimensionality (there is only one quantity to negotiate rather than n different quantity-targets), and its self-enforcing nature (32).

A uniform debris price would have the same characteristics; in fact, it would be more cost-effective. It should be easier to negotiate and implement since an agreement for debris mitigation comprising only the major space polluters (Russia, U.S., China)

must be easier to put in place than an agreement comprising all the major carbon-emitting countries. However, a uniform debris price does little in and of itself for active debris removal. To that end, nationally collected revenues could be used to fund debris removal.

The issue of non-compliance still remains—the ability to monitor and discipline actions is missing in space (Weinzierl 187). If countries could levy adequate punishments on non-compliant acts such as debris creation, every participant would find it advantageous to enforce the uniform price. Indeed, Weitzman suggests “tariff-based penalties on imports from non-complying nations” (47). International coordination to prevent the depletion of the ozone layer provides a practical analogy for enforcement (Weinzierl 187). The success of the Montreal Protocol is partly credited to its inclusion of trade sanctions as an enforcement mechanism to achieve the goals of the treaty. However, Weeden and Chow believe that strict enforcement mechanisms could deter actors from committing to an agreement for fear of having their sovereignty limited (170). Graduated penalties, as advocated by Ostrom (“Beyond Markets and States” 652), could be incorporated in the agreement. Third parties such as the Permanent Court of Arbitrators, which includes the Panels of Arbitrators and Experts for Space-related Disputes, could hold actors accountable. Overall, coordination based on incentive compatibility and enforcement through graduated penalties could dominate the free-riding incentive.

Adaptive Governance and the Potential for Private Solutions

The discussion so far has centered around governmental collaboration that is unlikely to be seen in its pure form due to the major role of private actors in the space industry. The emergence of a decentralized commercial sector is part of a movement termed “NewSpace.” U.S. Policymakers and NASA have begun to delegate activities to space companies. For instance, the Commercial Orbital Transportation Services government-private partnership saw NASA as a customer and partner to commercial companies, including SpaceX. Indeed, funding for NASA has fallen from 0.7 percent of the GDP in the 1960s to around 0.1 percent of the GDP in 2018 (Weinzierl 173). On the other hand, investment in NewSpace startups has increased from less than \$500 million per year from 2001-2008 to roughly \$2.5 billion each year from 2015-2017 (Bryce Space and Technology i).

Given the quick growth of NewSpace, neglecting commercial interests in space governance and security policymaking is “shortsighted” (Moltz, *The Politics of Space Security* 350). However, I believe that debris management is a governmental problem in the short-run with scope for a more polycentric approach in the medium-long run. I propose an “adaptive governance” model where the structure of debris management would include more commercial actors over time. In order to pave the way for such an adaptive governance, governments should allow for partial decentralization of commercial activities and enhanced legal institutions to preserve social objectives.

Decentralization could stimulate economic activity in space and allow national agencies to focus on the provision of public goods such as security and space exploration (Weinzierl 183). Technological awards could promote entrepreneurship in space.

Public-private partnerships could provide initial demand for commercial services. Despite these advantages, I advocate for only partial decentralization since cooperation amongst self-interested rational actors does not necessarily ensure a rational outcome in and of itself (Ostrom, "Reflections on the Common" 4). Negative externalities of broader commercialization such as inequality of wealth and debris creation should be regulated by binding legal enforcements. A uniform debris price applied to all spacefaring actors would further internalize the externality. However, in order to facilitate a private-public negotiation, existing institutions would have to develop enhanced capabilities.

In a decentralized private order, actors would mitigate debris creation and practice debris removal in so far as there is demand for it. However, there is no strong evidence suggesting such a private order in the near future since the current market includes only a few private companies that remove debris (for example, Astroscale Holdings Inc.). In the absence of private market solutions, polycentric approaches to the issue are possible but international coordination is needed in the short run to establish both governmental and commercial commitment to debris removal. Further, decentralization of space commerce across the globe could nurture space commerce by preserving market competition. Yet, a major obstacle to broader commercialization of space is the absence of clearly delineated private property rights.

Caveats

This section examines the following caveats in turn: (1) private property rights, (2) the disproportionate effects of international coordination, (3) implications of a decentralized space commerce regime, and (4) how open-access complicates debris removal.

Firstly, the international liability regime for outer space is outdated. Lack of clarity on property rights prevents private actors from enclosing parts of the orbital commons. The issue is part of a more general question of whether what applies to state parties also automatically applies to private entities in the state. Kornuta et al. argue for an interpretation of the law that does not preclude private ownership and does not hold private actors internationally responsible for their actions in space (62). Lack of clarity on private ownership rights creates ambiguity about whom the actors think the management of the resource is benefiting and who the specified users are. For example, in the asteroid mining industry, companies may need assurance that their operations would not be interfered with by competing companies (62). Partial enclosure of near-Earth orbit could limit debris by preventing actors from entering enclosed orbital bands or holding them accountable for any debris created in these bands.

Secondly, a uniform debris price and an internationally coordinated debris mitigation treaty would be ideal responses to the debris market failure. However, the solutions are based on abstract models that do not assume disproportionate costs and benefits to different countries. Moltz notes that "perceptions of inequality by latecomers to space" act as a hurdle to cooperative space governance ("Crowded Orbits" 112). Under a uniform carbon price, is it fair for "latecomers" to pay the same debris price as the major space polluters? "Latecomers" would benefit less from collision risk reduction than major polluters who are

likely to have a larger number of assets in space. Rao et al. make note of these "distributional effects" (3). Hanson describes them as "unfortunate, but perhaps inevitable" (144). Financial transfers from actors who benefit disproportionately more to those who benefit less could help remedy the problem (Rao, Personal interview). However, "latecomers" may be hard to negotiate with in the first place. Altruistic measures such as sharing of SSA may prove strategic.

Thirdly, decentralization of space commerce raises many questions with no clear answers. The questions are still worth outlining. First, with an increase in space tourism, deep space exploration, and other private space services, would the risk of operating in space, i.e., the "risk inherent in space," increase too (Weinzierl 184)? Second, how could governments then ensure safety standards? Additionally, how could historic examples inform our understanding of the risks of decentralization of commerce? Finally, to what extent is the decentralization of commerce likely, and even desirable for companies across the world?

Lastly, the open-access nature of near-Earth orbit makes space accessible to every satellite operator. In an open-access setting, one could expect satellite launches to increase with a decrease in the probability of collision risks (the rationale being that operators are able to discount future benefits less steeply). To the extent that the goal of debris removal is to reduce collision risks for everyone, could open-access counteract the benefits? Studies offer different answers based on the assumptions of their models. Muller et al. expect satellite launches to decrease after active debris removal (7). They assume that the probability of satellite destruction in space is not dependent on the number of satellites launched. On the other hand, Rao et al. find that debris removal is Pareto inferior to open-access (2), i.e., at least one actor is worse off since open access could lead to an increase in space operations which may eliminate any reduction in collision risk from debris removal. However, they assume that runaway debris growth cannot occur. Since governments have been known to base security decisions on environmental factors (Moltz, "Politics of Space Security" 57), the effect of open-access on benefits from debris removal could significantly influence the willingness of governments to provide the public good.

Conclusion

The space environment is "congested, competitive, and contested" (Harrison 123). Of the various emerging issues in space that include traffic management and radio-frequency conflicts, orbital debris serves as an example of a market failure similar to global warming. Most of the space debris has been created in the past 10 years and its accumulation in low-earth orbit is adding to the crowding of orbits (Weinzierl 186). In an interdependent space environment, environmental factors could create institutional demand for debris management. This essay has used learnings from global warming solutions and CPR theory to recommend enhanced institutions, new treaties for debris removal, and a uniform debris price. Incentive-compatible coordination, achieved through altruistic strategies, and enforcement through graduated penalties should underlie collective action. Debris management should be effected through an adaptive governance approach that is characterized by an increase in national-private

partnerships overtime. However, adaptive governance is contingent on governments fostering space commerce through measures such as the partial decentralization of the industry and development of clear ownership and liability regimes for private actors.

Enhancing institutional capabilities to allow for international coordination in solving social dilemmas is difficult and time-consuming. Climate change is the evidence. The possibility of coordination is reliant on political regimes' ability to trust each other. In order to build trust, nationalist measures such as the militarization of space should be replaced with confidence-building measures such as the sharing of data. Moreover, current dispute resolution mechanisms within the international system are outdated since they lack "triggers in the space environment" (Weeden and Chow 171). Further research should look into how to best suit international law to address modern environmental factors in space.

Furthermore, there is a need to research topics in outer space management from a political economy and philosophy perspective. This essay develops guidelines for national and international action, but they do not by themselves translate to intent. Political philosophy could offer different paradigms to think about the topic. Political science and history could offer insights into how to develop institutional capabilities for greater international coordination in the outer space realm. Also, historic examples of successes and failures in coordination could add nuance to this essay's argument. They could help us understand why unilateral action may or may not be better than collective action, and how to remedy the disproportionate benefits of debris management. Studying strategic games between latecomers and "established" actors could help clarify cooperation incentives for latecomers. This research could also benefit from and contribute to the study of social dilemmas in humanitarian settings. Also, there is a need for research into the decentralization of space commerce in different regional contexts, and how this deregulation might translate to an increase in private-national partnerships.

International action in the short run is essential to correcting the tragedy of the commons manifested in collisions risks in near-Earth orbit. The action outlined in this essay is two-fold: intergovernmental coordination and partial decentralization of space commerce. Further research should establish to what extent these actions remedy the orbital debris market failure in the short and long run. Significant topics of study include the dissipation of debris removal benefits by the open-access nature of space, and the effect of deregulation on fostering the space commerce industry. Overall, preserving the freedom of the orbital commons warrants a rigorous study of issues posed by its open-access nature, to which short-term international coordination and long-term polycentric governance is a plausible solution.

Works Cited

- Barrett, Scott. "Climate Treaties and Approaching Catastrophes." *Journal of Environmental Economics and Management*, Elsevier, vol. 66, issue 2, 2013, pp. 235-250. doi. org/10.1016/j.jeem.2012.12.004.
- Bryce Space and Technology. *Start-Up Space: Update on Investment in Commercial Space Ventures*. Bryce Space and Technology, 2018. www.brycetech.com/reports/report-documents/Bryce_Start_Up_Space_2018.pdf.
- Bienhoff, Brad Blair, et al. 2019. "Commercial Lunar Propellant Architecture: A Collaborative Study of Lunar Propellant Production." *REACH 13*, vol. 13, Mar. 2019. doi. org/10.1016/j.reach.2019.100026. 61-62.
- Carrico, Timothy, et al. "Investigating Orbital Debris Events Using Numerical Methods with Full Force Model Orbit Propagation." *2008 AAS Space Flight Mechanics Meeting, At Galveston, TX*, American Astronautical Society, 2008.
- Chang, Kenneth. 2011. "Debris Gives Space Station Crew Members a 29,000-M.P.H. Close Call." *The New York Times*, 28 Jun. 2011, www.nytimes.com/2011/06/29/science/space/29junk.html.
- Hanson, Ward. "Pricing Space Debris." *New Space*, vol. 2, no. 3, Sept. 2014, pp. 143-44, doi:10.1089/space.2014.0010.
- Harrison, Roger G. "Unpacking the Three C's: Congested, Competitive, and Contested Space." *Astropolitics*, vol. 11, no. 3, Sept. 2013, pp. 123-31. *Taylor & Francis Online*, doi. org/10.1080/14777622.2013.838820.
- IADC. *IADC Space Debris Mitigation Guidelines*. IADC-02-01, Inter-Agency Space Debris Coordination Committee, Sept. 2007, www.unoosa.org/documents/pdf/spacelaw/sd/IADC-2002-01-IADC-Space_Debris-Guidelines-Revision1.pdf.
- Iannotta, Becky. "U.S. Satellite Destroyed in Space Collision." *SpaceNews*, 11 Feb. 2009, www.spacenews.com/u-s-satellite-destroyed-in-space-collision/.
- Kessler, Donald J., and Burton G. Cour-Palais. "Collision Frequency of Artificial Satellites: The Creation of a Debris Belt." *Journal of Geophysical Research: Space Physics*, vol. 83, no. A6, 1978, pp. 2637-46. *Wiley Online Library*, doi:10.1029/JA083iA06p02637.
- Klima, Richard, et al. "Space Debris Removal: A Game Theoretic Analysis." *Games*, vol. 7, no. 3, Sept. 2016, p. 20. www. mdpi.com, doi:10.3390/g7030020.
- Kornuta, David, et al. "Commercial Lunar Propellant Architecture: A Collaborative Study of Lunar Propellant Production." *REACH*, vol. 13, Mar. 2019, p. 100026. *ScienceDirect*, doi:10.1016/j.reach.2019.100026.
- Milman, Oliver. "James Hansen, Father of Climate Change Awareness, Calls Paris Talks 'a Fraud.'" *The Guardian*, 12 Dec. 2015. www.theguardian.com/environment/2015/dec/12/james-hansen-climate-change-paris-talks-fraud.
- Moltz, James Clay. *Crowded Orbits: Conflict and Cooperation in Space*. Columbia University Press, 2014. *JSTOR*, www. jstor.org/stable/10.7312/molt15912. Accessed 28 Jan. 2020.
- . *The Politics of Space Security: Strategic Restraint and the*

- Pursuit of National Interests, Third Edition*. Stanford University Press, 2009, www.sup.org/books/title/?id=31357.
- Muller, Catherine, et al. "Economic Valuation of Debris Removal." *Atelier Sirius, Toulouse*, Space Institute for Research on Innovative Uses of Satellites, 2017.
- Muñoz-Patchen, Chelsea. "Regulating the Space Commons: Treating Space Debris as Abandoned Property in Violation of the Outer Space Treaty." *Chicago Journal of International Law*, vol. 9, no. 1, 8 Aug. 2018.
- National Aeronautics and Space Administration. "Orbital Debris." *Quarterly News*, vol. 22, issue 2, 2018. www.orbitaldebris.jsc.nasa.gov/quarterly-news/#.
- Ostrom, Elinor. "Beyond Markets and States: Polycentric Governance of Complex Economic Systems." *The American Economic Review*, vol. 100, no. 3, 2010, pp. 641–72. JSTOR.
- . "Reflections on the Commons." *Governing the Commons: The Evolution of Institutions for Collective Action*, Cambridge University Press, 2015, pp. 1–28.
- Rao, Akhil, Matthew G. Burgess, and Daniel Kaffine. "Orbital-Use Fees Could More than Quadruple the Value of the Space Industry." Working paper.
- . Personal interview, 18 Jan. 2016.
- Salter, Alexander William. "Ordering the Cosmos: Private Law and Celestial Property Rights." *SSRN Electronic Journal*, 2016, doi:10.2139/ssrn.2840856.
- Telser, L. G. "A Theory of Self-Enforcing Agreements." *The Journal of Business*, vol. 53, no. 1, 1980, pp. 27–44.
- Weeden, Brian C., and Tiffany Chow. "Taking a Common-Pool Resources Approach to Space Sustainability: A Framework and Potential Policies." *Space Policy*, vol. 28, no. 3, Aug. 2012, pp. 166–72. *ScienceDirect*, doi:10.1016/j.spacepol.2012.06.004.
- Weinzierl, Matthew. "Space, the Final Economic Frontier." *Journal of Economic Perspectives*, vol. 32, issue 2, 2018, pp. 173–92, doi:10.1257/jep.32.2.173.
- Weitzman, Martin L. "Can Negotiating a Uniform Carbon Price Help to Internalize the Global Warming Externality?" *Journal of the Association of Environmental and Resource Economists*, vol. 1, no. 1/2, 2014, pp. 29–49. JSTOR, www.jstor.org/stable/10.1086/676039.



Kaja Aagaard '22

Deconstructing Biomedicine: How Immigrant Women Negotiate for Reproductive Choice in France

Abstract

For decades, Malian women living in France have negotiated with the state and their families for reproductive rights. Yet a long history of racism and biomedically-informed scholarship in clinical settings frequently dismisses them on grounds of ignorance and negligence, assumptions that Western social scientists too often fail to reject in their studies of fertility. This essay seeks to illuminate the ways in which immigrant women do act to achieve bodily autonomy, particularly within political, religious, and familial institutions outside of the biomedical sphere. Ultimately, I argue that interpretations of reproductive negotiation must be diversified in order to better deconstruct a woman's "ignorance" within cultures of shame, silence, and medicalized maternity.

The history of biomedical contraception is tenuous. While hailed in contemporary society as a symbol of modernity and reproductive choice, it has been—and continues to be—enforced upon women in contexts of racism, colonialism, and draconian population control (Kaler 27; Sargent, "Counseling" 152). In France, healthcare professionals advocate for the "modernization" of immigrant women with biomedical contraception; that is, the prescription of a pill or intrauterine device (IUD) in place of a "traditional" method. In particular, researchers cite low levels of contraceptive use among immigrant women as a result of low educational attainment (Poncet 468). Lack of reproductive education is indeed a cause for concern. Yet the solutions that the French biomedical establishment have developed to ameliorate this problem are remarkably inappropriate. Of specific concern is the interpretation of fertility within a wholly biomedical context, which I define as a context in which medicine is only biologically informed, without regard for culture or heritage. Because research has acknowledged the importance of these factors in immigrant women's reproductive decisions, it seems necessary to uncover how these contexts may inform their interactions with a biomedical healthcare system.

This is a question of the present day and the history of France since the 1970s, when immigration—specifically from African nations and former French colonies, like Mali—began to increase ("Historical Evolutions in Figures"). Immigration crises in recent years and anti-immigrant sentiments and legislature in European nations make this topic of research increasingly salient. Malian immigrant communities

in France have been chosen for this study in particular because they form a large portion of France's immigrant population, and they have interacted to a great extent with the country's healthcare system (Sargent, "Reproductive Strategies" 31). Thus, this essay asks: what strategies do Malian immigrant women in France use to negotiate for reproductive choice in the face of challenges from the biomedical establishment?

"Tightrope Walkers": Maternity in Scholarship

Questions of the influence of French biomedicine on the bodies of Malian women are ultimately rooted in the colonial history of the nation. Historian Richard Parks describes women's experiences of reproductive negotiations during the colonial period as a "tightrope between modern and indigenous, liberated and subjugated, civilized and native" (116). The presentation of these dichotomies is misleading; not only is the language antiquated, but medical anthropology—the present study included—has acknowledged significant historical cultural diffusion between colonized and colonial nations that renders any dichotomy of "modernity" moot (Flint 6). Nevertheless, the diffusion itself may be so contentious that the allegory of an unstable tightrope is apt. As Malian women continue to walk a "tightrope," interacting with both Malian and French maternity cultures, it is necessary to investigate what fertility practices define each culture. This paper draws on both past and present trends to answer this question.

As the source material for this study is considered, it is important to note that the majority of it has been written by American and European authors and international aid organizations. Little research has

been done on Malian fertility by Malians themselves. My sources range from international research reports to in-depth ethnographies to biomedical research journals, all of which are primarily informed by biomedical approaches to healthcare. A purely biomedical view of historical and contemporary fertility is valuable, yet it frequently fails to address the nuanced ways in which Malian women may view healing and healthcare professionals. For example, shame—*maloya* in Maninka, a local Malian dialect—is recognized by medical anthropologists as a serious barrier to a woman's decision to seek treatment for herself and her children, but it is frequently mistaken for ignorance or neglect by many healthcare professionals (Holten 13). For example, medical anthropologist and midwife Liane Holten was shocked to find during her fieldwork in rural Mali that mothers frequently did “nothing” when faced with a child's illness (9). Holten makes an important note, however, that nuanced cultural norms like *maloya* upend the extent to which inaction can accurately be interpreted as ambivalence or ignorance. What the available scholarship reveals is that a biomedical approach to studying a Malian woman's interest in her healthcare falsely paints her as ignorant and frequently puts her at significant risk of being dismissed. Consequently, understanding how fertility fits into a wider perception of “group health” in Malian immigrant communities is integral to appreciating the myriad ways in which women negotiate for their health inside and outside of the sphere of biomedicine.

This paper seeks to disprove Liane Holten's conclusion that Malian mothers may not be ignorant but are still “doing nothing” when it comes to healthcare. In fact, historical and contemporary evidence shows that not only are women *not* ignorant, but they are especially *not* passive in negotiating for their reproductive interests. These negotiations are often subversive and covert out of necessity, but they are also frequent and notable. Thus, Malian women have continued a trend of negotiating for reproductive choice in France, in new—and yet still largely unacknowledged—ways.

“Laying Hens”: Medicalizing Maternity and Illusory Choice

Medical anthropologist Carolyn Sargent has studied reproductive strategies in Malian immigrant communities in France since the early 2000s. Her interdisciplinary research approach has produced two findings which are of particular significance for this investigation. First, Malian women in French health clinics have been shown to suffer within a hierarchical, individualized care system that disenfranchises them in remarkably inappropriate ways. Second, their own attempts to reappropriate their reproductive rights often involve ingenuity and manipulation of systems outside of the medical sphere. Thus, research that has so far focused on women's health in traditional biomedical care settings—hospitals and clinics, for example—may inaccurately present Malian women as passive participants in their own healthcare negotiations.

Sargent cites numerous examples of implicit and explicit biases displayed by French health workers in their interactions with Malian mothers. One nurse describes the women as “laying hens,” a doctor complains that another woman will “make us another one [baby] this year,” and mothers themselves report

other hurtful, racialized comments and assumptions of ignorance (Sargent, “Counseling” 152). Beyond these explicitly racist encounters, Sargent correctly identifies a more nuanced, yet still harmful, bias in the French maternal healthcare system: an expectation that Malian women living in France must be modernized, and that they must therefore use contraceptives. There is the pill or the IUD, she explains, but “neither” is not an “acceptable option” (“Counseling” 152).

What these observations reveal is a medicalized view of maternity among French healthcare workers, in which the solutions to health and healing predicaments lie with the biomedical establishment. It is a view that Richard Parks has traced back to historical maternal health clinics in the French colonies of north and west Africa. Parks identifies a Western obsession with the “hygienic and scientific management” of the body that first developed during the end of the 19th century and was especially pervasive in colonial Africa, where disease management and population control were, perversely, of special interest to colonial officials (118). Evidence of numerous power imbalances can be extracted from his analysis of medicalization: between “alienated laypeople” and their physicians, and between those who could afford medical expertise and those who could not (118). These imbalances become gendered and racialized—and therefore more striking—when applied to the case of maternity in colonial Africa, specifically. Parks observes the development of obstetrics and gynecology as male-dominated fields, and, consequently, a reduction in maternal authority over pediatric and reproductive healthcare (118). Moreover, one can draw from his interpretation of the medicalization of maternity the analogy of a double-edged sword: medicalization could “assimilate... outside” women into modernity, but it also had the power to maintain colonial power hierarchies (119).

Parks' analytical framework for unpacking the colonial context of maternity is still extremely relevant to Sargent's observations in contemporary France. In each case, “outside” women are assumed to become assimilated into the world of “modern” healthcare through the use of biomedicine, and at the interest of the physician rather than the woman herself. Symptoms of—and solutions for—her care are medicalized; pregnancy becomes a health issue only, to be solved with a pill or an IUD. While medical anthropologists consistently recognize maternity as a complex and multi-faceted phenomenon involving numerous actors and interests—religious, economic, and political—it becomes unnaturally linear by Sargent's account. Consequently, control of maternity becomes informed primarily by the physician's power to diagnose.

Doctor-patient relationships are also destabilized; women are at once hyper-responsibilized for their health and yet simultaneously beholden to their physicians. Sargent describes one instance of this seemingly contradictory power imbalance between a mother and her social worker: for years, the woman was repeatedly counseled on the benefits of contraception—thereby making her responsible for her reproductive health—while at the same time treated as passive and ignorant (“Polygamy” 1969). Sargent rightly critiques the social worker's failure to appreciate how the mother's own religious and personal interests informed her reproductive decisions; she was not blind to the benefits of

contraception, but simply uninterested. As this example demonstrates, the colonial-era legacy of medicalized maternity narrows the definition of a “modern woman” to one which fits French biomedical standards and, in the process, proves the illusory nature of reproductive “choice”; truly, these women have no say in the matter.

In fact, Sargent has consistently observed in her research instances of birth control prescriptions without “explanation to [or, consequently, consent of] the clients” (“Counseling” 152). The prescription is slipped in among other discharge papers instead, and the new mother may begin to use contraception unknowingly. Sargent chooses to use the term “ambiguous” to describe this practice of imposing contraception, but “unethical” is more apt; many women are justifiably frustrated by the lack of transparency in French reproductive counseling (“Counseling” 152). Accusations of questionable ethics and racism in these encounters become even more damning when one notes that many conservative French politicians and physicians are decidedly pro-natal with respect to the “authentically French,” viewing contraception favorably only when it is imposed upon immigrant communities (Sargent, “Counseling” 147-8). In all, Sargent’s observations prove that an overly medicalized view of maternity among French healthcare professionals is tied to inappropriate and racist perceptions of immigrant women as ignorant and unable to control or regulate their bodies independently.

“Ignorant Women”: Contextualizing Silence

While Sargent has shown that these beliefs are pervasive in the French biomedical community, they are decidedly untrue. Regard should first be given to Sargent’s observation that French physicians and nurses assume that Malian women are ignorant of their reproductive choices. While this trend is by no means universal, it does from the available evidence seem to be remarkably widespread (Poncet 469). On the other hand, the “*ancienne équipe*,” an older group of nurses practicing “woman-centered midwifery” in French hospitals, complain that medicalization is reducing the physician’s appreciation for the “cultural context” of the woman’s life (Sargent, “Counseling” 150).

In fact, Sargent herself fails to fully deconstruct these assumptions of ignorance. She does note, for example, that Malian mothers tend to be rather silent and extremely patient in their interactions with doctors and nurses, which may contribute to perceptions of ignorance (“Counseling” 151). She does not, however, make any effort to explain these behaviors, despite their importance as indicators of the ways in which Malian women negotiate for reproductive choice. Women’s silence is observed frequently in Sargent’s writing, and it is attributed to errors of interpretation, miscommunication, or deference to a husband (“Counseling” 151). However, Holten has observed other explanations for a woman’s silence in negotiations with healthcare professionals. Shame culture, for example, advises that women not seek out medical attention or care, as it brings *maloya* to the husband for his failure as a family provider. In this way of thinking, a woman also takes on shame when she asks for help in a healthcare consultation (13). Moreover, consultations that take place in biomedical settings—such as a clinic or hospital—may silence a woman as she becomes reserved in an unfamiliar setting.

Sargent’s analysis and research methodology may benefit from acknowledgement of these considerations. For example, the majority of the interactions that she observes take place in a hospital setting between an older, female nurse, a young mother, and (potentially) a translator. Sargent—herself a woman of intellectual authority and maturity—is present in most cases, too (“Polygamy” 1964). Holten has observed that in healthcare consultations taking place in Mali, young mothers are generally less candid in front of older women, from whom they may be afraid of inviting disdain. The nature of Sargent’s interviews then seems strikingly unnerving for young mothers: having just given birth, they are surrounded by older women in an unfamiliar setting and questioned about their private sexual practices. For many readers, their silence may be largely unsurprising. If it is Sargent’s intention to disprove the assumed ignorance of migrant mothers, she—and other medical anthropologists, too—must do more to deconstruct their silence. At the same time, Holten’s observations and the words of the *ancienne équipe* should be a reminder to biomedical professionals that they must learn to advise on the terms and expectations of their patients.

“Passive Women”: Evidence of Agency

While unpacking the medicalization of maternity does much to explain and deconstruct assumptions of Malian mothers’ ignorance, it may also illuminate the consistency with which these women actively negotiate for their reproductive interests in a complicated group health network that extends beyond the biomedical sphere. Much like the *ancienne équipe*, medical anthropologists and social researchers have for some time acknowledged how a “cultural factor” can inform a woman’s reproductive decisions (Maire 625). While the *équipe* uses culture to heal, however, biomedical researchers have unfortunately been more inclined to cite it as an explanation for the “cling[ing]” of immigrant mothers to “tradition” (Lichere 63). This description is remarkably inappropriate, for two reasons. First, all mothers, regardless of culture, adhere to maternity traditions—from gender reveals to prayers for fertility. There is nothing to make any one tradition better than another. Second, the word “cling” is an inaccurate descriptor, one that paints a mother’s reproductive choices as uninformed and glosses over the complex relationship that she may have with her family and cultural traditions. It is important to understand what those traditions are, and how a Malian woman may interact with them.

In Mali, the vast majority of citizens are Muslim, and most live in rural villages in the south of the country (Holloway 2). The religious and spiritual sanctity of birth can be identified in many traditions: the secrecy of maternity, the association of miscarriages with bad luck, and the incantations used during birthing procedures to ensure a healthy baby and mother (Lichere 63; Holloway 6; Holten 37). Carolyn Sargent has also identified traditional Islam as a primary source of cultural and religious pressure for high rates of childbearing; at least in theory, only 40 days of abstinence are allowed after a child is born (“Reproductive Strategies” 39). At the same time, there are strong trends of medical pluralism in the country, and traditional birthing practices are frequently used in tandem with biomedical procedures. For example, it is normal for village midwives to attend birthing

certification courses in the country's capital (Holten 2).

Despite these cultural and religious observances, the available scholarship suggests that family dynamics are the most significant factor affecting a rural woman's reproductive choices. A wife's fertility is important for the economic stability of the family; more children are frequently equated with more productivity, and Holten has identified bride-price traditions as evidence of an economy of fertility in Mali (28). It is also typical for rural women to marry into families outside of their home villages and subsequently to become "strangers" in new and unfamiliar communities (Holten 28). Many households are polygamous, and there is an expectation of *badenya*—group solidarity—for the entire extended family; an individual's personhood and, consequently, their health, is intimately tied to others (Holten 25; 28-29). Thus, a rural Malian wife is not only outnumbered, but also economically and socially beholden to her husband's family—her reproductive choice is consequently reduced.

Although strong cultural and familial pressures tend to restrict fertility practices in rural Mali, women's perceptions of motherhood are remarkably diverse. As one rural midwife explained to Kerri Holloway, a visiting American Peace Corps volunteer, "we thank God [when] we have a new baby" (Holloway 9). However, Holloway goes on to describe the same midwife as frustrated by the prospect of her own future pregnancies. She postulates that the young mother has come to regret ever moving to her husband's village; she has married a man to whom she refers only as "that guy" and has found herself responsible for the legacy of a family of belligerent in-laws (Holloway 22; 29). Still, she maintains that she will "wait again" before her next child. There is no indication of whether her wait will be supported by contraceptive use or simply adamancy for abstinence. Holten tells a similar story of a mother of seven who once attempted to abort a pregnancy because she was "young and did not like [the village of her husband]" (8).

These stories begin to reveal the strategies that rural Malian women use to maintain and regain bodily autonomy in a patriarchal society that disenfranchises them. While a mother may see joy and the work of God in her pregnancy, she might also—even simultaneously—view it as a burden that ties her to an unwanted husband and extended family. In these cases, many women actively manipulate their fertility status, but may do so secretly in order to avoid censure from the families and husbands to whom they are socially indebted (Center for Reproductive Rights). For example, many women choose to use biomedical contraception covertly. In doing so, they not only avoid a pregnancy, but also ensure their own social freedom and bodily independence from *badenya*. Where contraceptives have previously been used as perverse tools of social regulation in colonial Africa, women now increasingly reappropriate them for their own use, on their own terms (Kaler 27). Future research that more accurately addresses the use of "covert contraception" among women is needed, and it will certainly illuminate the extent to which Malian women do indeed display reproductive agency through the use of contraceptives.

Still, contraception is only one method among many that Malian women use to access reproductive choice. In France, for example, the immigration process and life in a

new country creates numerous opportunities for women to reconstruct religious and familial fertility traditions to their advantage. Moreover, there is ample evidence that many of these reproductive negotiations take place outside of the hospital. First, religious traditions are frequently used by women to justify their choice to use—or not use—contraception. Carolyn Sargent identifies either choice as a sign of a woman's "agency and pragmatism" in the face of pressures from conservative husbands and the controlling French government. Some women, informed by conservative religious knowledge, view contraception as a "white person's thing" that is not tolerated by Islam ("Reproductive Strategies" 40). The vast majority of mothers, however, consider contraception not only religiously justifiable but also extremely important to their lives. In most cases, they argue that the pain of childbirth makes avoiding pregnancy reasonable, or that parents should not have children for whom they cannot afford to care (Sargent, "Reproductive Strategies" 40-41). Notably, imams themselves frequently argue that contraception is not prohibited in the Qur'an (Sargent, "Reproductive Strategies" 40). The increasingly vivacious discourse in Malian immigrant communities regarding the righteousness of contraception is clear evidence of the central role that Malian women have in speaking and agitating for their reproductive rights.

Likewise, changing trends in *badenya* resulting from immigration patterns have created new opportunities for women to manipulate cultural and political systems to their advantage. In France, extended family structures typically fall apart through the immigration process: fathers tend to immigrate first and later send for their wives. One interpreter in a clinical setting noted presumptuously that "Paris is not 'the village'... there is only the wife and her husband" (Sargent, "Counseling" 151). Thus, in France, a woman may suddenly find herself beholden only to her husband, children, and co-wives, without added pressures from an extended family network. Sargent has interviewed numerous young women who arrive in France, manipulate anti-polygamy legislation to divorce their husbands, and then set out on their own ("Polygamy" 1963). The legal process can be incredibly challenging, but it also provides women with an escape from unwanted marriages and, possibly, unwanted children.

Malian women's manipulation of religious knowledge and legal processes to reclaim bodily autonomy are important examples of active negotiations for reproductive control that fall outside of the sphere of biomedicine. The ingenuity and resourcefulness of their negotiations contradict the contentions of French physicians and even ethnographers, like Liane Holten, who claim that cultural norms leave women struggling to represent their own interests. Instead, Malian women continue to prove their abilities to use political and religious systems, as well as biomedicine, to upend hierarchies of power—in both Mali and France.

Conclusion

The experiences of Malian immigrant mothers in France help to illuminate the complexity of reproductive negotiations that take place between a woman and her world. Claims laid upon her body are made by numerous actors—political, religious, and familial—and so she must negotiate with them in equally

numerous arenas. French biomedicine has so far failed to adjust its fertility treatment protocols to account for this complexity. It can be argued without undue optimism, however, that biomedicine need not fail women; indeed, Malian mothers have proven that biomedical contraceptives may be powerful tools of autonomy when reappropriated by women themselves. Thus, women's increasing agitation for reproductive agency has the potential to fuel a movement towards holistic reproductive medicine—a system in which reproductive choice, rather than bigotry, guides treatment.

Works Cited

- “Claiming our Rights: Surviving Pregnancy and Childbirth in Mali.” *Center for Reproductive Rights and Association des Juristes Maliennes*, 2003, www.reproductiverights.org/sites/default/files/documents/bo_mali_eng_part1.pdf.
- “Historical Evolutions in Figures.” *French Office for the Protection of Refugees and Stateless Persons (OFPRA)*, République Française, 2018, www.ofpra.gouv.fr/fr/l-ofpra/l-ofpra-en-chiffres/evolutions-historiques-en-chiffres.
- Holloway, Kerri. *Monique and the Mango Rains: Two Years with a Midwife in Mali*. Waveland, 2007.
- Holten, Liane. *Mothers, Medicine and Morality in Rural Mali*. Berlin, LIT, 2013.
- Flint, Karen E. *Healing Traditions: African Medicine, Cultural Exchange and Competition in South Africa, 1820-1948*. Ohio University, 2008.
- Kaler, Amy. *Running After Pills: Politics, Gender and Contraception in Colonial Zimbabwe*. Heinemann, 2003.
- Lichere, F. “Medical Follow-Up for Pregnant Women Who Cling to Tradition.” *Journal de Gynécologie Obstétrique et Biologie de la Réproduction*, vol. 20, no. 1, 1991, pp. 63-68.
- Maire, E., R. Ecochard and P. Broussard. “From the Prescription of Contraceptives to Their Application: A Study of the On-Going Use of Contraceptive Methods in Immigrant Circles during the Post-Partum Period.” *Contraception, Fertilité, Sexualité*, vol. 27, no. 9, 1999, pp. 625-632.
- Parks, Richard C. “Regenerating Women: The Assertion of Reproductive Control.” *Medical Imperialism in French North Africa: Regenerating the Jewish Community of Colonial Tunis*. University of Nebraska, 2017, pp. 115-138.
- Poncet, L. C., N. Huang, W. Rei, Y.C. Lin and C. Y. Chen. “Contraceptive Use and Method among Immigrant Women in France: Relationship with Socioeconomic Status.” *European Journal of Contraception and Reproductive Health Care*, vol. 18, no. 6, 2013, pp. 468-479.
- Sargent, Carolyn. “Counseling Contraception for Malian Migrants in Paris: Global, State, and Personal Politics.” *Human Organization*, vol. 64, no. 2, 2005, pp. 147-156.
- Sargent, Carolyn. “Reproductive Strategies and Islamic Discourse: Malian Migrants Negotiate Everyday Life in Paris, France.” *Medical Anthropology Quarterly*, vol. 20, no. 1, 2006, pp. 31-49.
- Sargent, Carolyn. and Cordell, D. “Polygamy, Disrupted Reproduction, and the State: Malian Migrants in Paris, France.” *Social Science and Medicine*, vol. 56, no. 9, 2003, pp. 1961-1972.



Grace Vedock '20

Illegible Subjects, Impossible Borders: Transgender Latina Women as Subjects of State Violence

Abstract

How do borders function in the modern world? How do marginalized groups—namely, transgender Latina women seeking asylum in the United States—experience border violence? This piece contextualizes state violence within the field of critical border, policing, and surveillance studies, situating modern approaches to border studies within broader discourses about how borders facilitate violence, how state apparatuses replicate marginalization on the basis of race and gender, and how the U.S. immigration system has developed since the late 19th century. Drawing on a multidisciplinary combination of contemporary political theory, Foucauldian analysis, and interviews of subjects who have experienced border violence, I argue that transgender women arouse a dual anxiety in the modern state, as they simultaneously transgress the imposed borders of the gender binary and physically cross a heavily militarized border between two sovereign nations.

In “What is a Border?” Etienne Balibar proposes that borders are heterogeneous—they are not constrained to the discourse of geopolitics, nor are they easily simplified or succinctly distilled into a transcendent definition of what comprises them. This revolutionary envisioning of borders can be easily extrapolated to evaluate the myriad formations of borders in the modern world. Physical and metaphysical borders exemplify the modern state’s fixation on rationalizing, standardizing, and refashioning human beings in order to facilitate administration. As James Scott argues in *Seeing Like a State*, the movement of people across, between, and beyond borders produces anxiety on behalf of the state, which seeks to simplify and consequently regulate individuals, extending citizenship and recognition to those which it deems legible and easily administered (4-5).

Nowhere is this formation more impeccably embodied than in the contemporary crisis of abuse against transgender asylum-seekers in U.S. immigration detention¹. Trans women arouse a dual anxiety in the modern state, as they simultaneously transgress the imposed borders of the gender binary and physically cross a heavily militarized border between two sovereign nations. The security apparatuses that oversee the detainment and surveillance of trans immigrants represent a concerted effort on behalf of the state to simplify and make legible people that the state cannot or refuses to read as legible.

The most prominent example of the state’s refusal (or inability) to read trans subjects as legible is the fact that trans women are often detained in men’s

facilities, denied access to vital hormone treatment, and arbitrarily put in solitary confinement (Human Rights Watch). Absent a gender expression that corresponds with the sex designation on an individual’s passport, the state can neither fathom nor accept trans immigrants, on the basis that their identity is not compatible with proper (or legible) citizenship. Many trans women flee their home countries due to violence and non-acceptance of their gender identities; consequently, many are regularly abused, assaulted, and rejected by fellow immigrants and state apparatuses alike, leading to an increasing death toll as President Trump ramps up immigration enforcement and funding for mass detainment along the U.S.–Mexico border. Trans immigrants are trans-gender and trans-border subjects—precisely the converse of the legible and stable subject that James Scott posits as desirable by the state.

Drawing heavily on Adam McKeown’s sociohistorical account of U.S immigration policy, Wendy Brown’s theory of walls and modern sovereignty, critical trans studies scholars’ research on securitization in the post-9/11 United States, and contemporary accounts of immigration detention, I will explore how U.S. government entities, specifically Immigration and Customs Enforcement (ICE), have administered the dehumanization of trans women immigrants by producing their detainment as a spectacle and their “illegal” status as anxiety-provoking. By melding gender and trans studies scholars’ work with historical and theoretical work on borders and violence, I will produce an analysis of the contemporary crisis that

expands on the extensive cache of research on immigration at the U.S.–Mexico border and takes into consideration the unique anxiety that trans women’s gender, race, class, and immigration status produces in a conservative, largely anti-immigration U.S. government.

Borders, Violence, and Liminality

From whence does border violence arise? This question is fraught with historical, racial, and spatial violence that, according to Jean-Jacques Rousseau, originated with “the first person who, having enclosed a plot of land, took it into his head to say this is mine and found people simple enough to believe him” (8). In reality, the concept of borders is amorphous, contested, and ever-changing. It is impossible to enumerate all of the ways in which border violence is constituted by the very presence of borders themselves, but Reece Jones succinctly explains this phenomenon as such: “the existence of the border itself produces the violence that surrounds it” (5).

Sovereignty plays a key role in buttressing the role of borders and border fortifications in the modern world. In *Walled States, Waning Sovereignty*, political theorist Wendy Brown writes: walls “deepen the crises of sovereignty to which they also respond” (10). In a world increasingly constituted by neoliberalism and transnational migration, “sovereign nation-states no longer exclusively define the field of global political relations or monopolize many of the powers organizing that field, yet states remain significant actors in that field, as well as symbols of national identification” (Brown 36). Rather than being articulations of state power, walls are expressions of the diminishing of state power in an era marked by political and economic globalization (Brown 39). Walls are emblematic of anxious states trying to navigate a post-Westphalian global political landscape. The anxiety states feel about “sovereign impotence,” as Brown puts it, functions theatrically, producing walls that project power and efficiency even when there is great evidence to the contrary (37). Drawing on Machiavelli’s claim that politics is heavily theatrical, Brown claims that walls are “spectacular screens for fantasies of restored sovereign potency and national purity” in an increasingly unstable and mobile world (9). Particularly in the post–Cold War Western world, walls are icons of the supposed triumph of liberal politics, despite the marked surge in nationalism, xenophobia, secessionism, and migration-related violence.

Walls are “unsuccessful, expensive, and ineffective ventures” that generate imaginary stability and homogeneity, bolstering nationalisms and encouraging vigilantism in border spaces (Brown 9). Border fortifications comprised of massive and expensive state surveillance, law enforcement, and physical infrastructure, such as that seen along the U.S.–Mexico border, become spaces in which violence accompanies waning sovereignty and the suspension of the rule of law.

The U.S.–Mexico Border and the American Model

The border between what is now the United States and Mexico was established on land that Comanches, Apaches, and other native American tribes had continually occupied for over

10,000 years (Alvarez 2). American victory in the U.S.–Mexico War coincided with westward expansion, American imperialism, displacement of Native peoples, and infrastructural development. The extent to which territorial expansion and control played a role in establishing the border cannot be overstated; in fact, a border dispute was “the premise upon which the United States declared war on Mexico in 1846” (Alvarez 3). Codified in Article V of the Treaty of Guadalupe Hidalgo of 1848, the border was first mapped by a team of land surveyors from both parties in the wake of the U.S.–Mexico War and the signing of the Treaty. Between 1891 and 1896, the final mapping of the borderline was completed, producing the cartographic line that persists to this day (Alvarez 3).

The origins of border control on this border are intricately tied to developments in American immigration policy. Adam McKeown writes in *Melancholy Order*: the “enormous legal, political, and administrative effort” put into enforcing America’s earliest immigration laws, including the Chinese Exclusion laws of 1882, catalyzed experiments in border control (122–123). After the idea of “free” migration was replaced with migration as commerce, the nation became the sole arbiter of identification and control (McKeown 90). States accumulated the power to define, identify, monitor, and restrict certain populations based on desirability, often viewed through the lens of capitalist productivity (McKeown 96). Gradually, border control was envisioned as an integral part of modern statehood, manifesting the American desire to preserve an imaginary, racialized homogeneity (McKeown 123). Increased attention paid to migration control became, as McKeown writes, the “unilateral sovereign prerogative” of the modern state (149). At the border, the state possesses the power to assert its power through exclusion and restriction, creating notions of acceptable citizenship, producing violence, bolstering the ties between political, military, and police entities, and restricting immigration under the auspices of threat reduction. Restrictions on Chinese immigration to America in the late 19th century were informed by a newfound focus on migration control and subsequently facilitated the creation of a security state to “properly police [the nation] against threats” (McKeown 150). The border, itself a dichotomy between two sovereign nations, begets further dichotomies between Western and non-Western, legal and illegal, and documented and undocumented.

That border control became a “precondition of sovereignty” speaks to the deeply entrenched American belief in violence as a means of control, codified in immigration law and processes that McKeown deems the “American model” (214). Proceduralization obscured the racist origins of American immigration law, recasting invasive procedures and racial exclusion as “the impartial administration of law” (McKeown 240). The process of transforming migration and border control into a heavily militarized, expensive, and bureaucratic process reinforced the dichotomies at the origins of American immigration law; the rationalization and scientific fixation on procedure bolstered the image of America as lawful and civilized, whereas immigrants comprised an illegal, uncivilized counterweight (McKeown 240–241). This

American model entrenched institutionalized, rigorous exclusion on “undesirable” immigrants, concentrating power in the hands of immigration authorities and border control, and facilitating the obsessive documentation of immigrants that persists into the present day (McKeown 250-251). Abstract legal categories were created to buttress new immigration procedures, making border agents the arbiters of migrants’ identities and livelihoods: officials had the power to define “people and activities that were outside of the law” and consequently decide how to compartmentalize, monitor, and punish categories of people deemed “illegal” (McKeown 250). Bureaucratic immigration procedure possesses immense symbolic power which is experienced through the process of admission, exclusion, and policing at the border.

The notion that nationhood inherently constitutes exclusion prevails in contemporary discourse on immigration. Senior White House Advisor Stephen Miller has justified the Trump administration’s harsh immigration policies by claiming: “You cannot conceive of a nation without a strong, secure border. It is fundamental and essential to the idea of sovereignty and national survival to have control over who enters and doesn’t enter the country.”²

U.S. Policy at the Border

The modern detainment of trans immigrants and the overwhelming denial of trans asylum claims is, of course, occurring simultaneously with the militarization of the southern border under President Trump, increased media attention to the prolonged detainment of migrants, and racist attacks articulated by the president against Latinx immigrants. However, the detainment and mistreatment of trans immigrants is not new, nor are dehumanization, mass deportation, and criminalization of immigrants in general unique to the Republican Party. Through a policy called “Prevention through Deterrence,” implemented during the Clinton Administration, the federal government purposely funneled migrants away from urban centers and into the harsh Sonoran Desert in southern Arizona (de Leon 28-35). By forcing migrants into more hostile terrain, deterrence could be achieved, in theory, without the erection of an entire wall. The federal government acknowledged in a 1997 memo that death of aliens would be a “success” of prevention through deterrence (de Leon, “The Land of Open Graves”). Migrant life, in this memo and in consequent administrations’ harsh immigration enforcement and continuation of Prevention through Deterrence, is constructed as expendable—the outcome of shunting border enforcement onto the already fatal environment of the Sonoran Desert. Roxanne Doty has described crossing the U.S.–Mexico border as a process in which the migrant subject is reduced to “bare life”—that is, whose death has little or no consequence (599-601). Migrant death was never an unintended consequence of border enforcement; the very articulation of the desert as an apt venue for crossing posits migrants as worthy of death for attempting the brutal journey (Jimenez 21-24). The costs of crossing through the desert are immense, nearly insurmountable, and almost always fatal. Data shows that, in the years since the 1997 memo, migrant deaths in the Sonoran Desert have more than quadrupled (see Figure 1.1), as have deportations (see Figure 1.2). Building on Doty’s conception of “bare life,” anthropologist Jason de Leon

has argued that the deaths of migrants in the Sonoran Desert are rendered invisible by the focus on Trump’s wall as an exclusive site of border policing and by the lack of historical engagement with bipartisan U.S. policies enacted to deter migration through the southern border. Prevention Through Deterrence, de Leon claims, should be understood as the normalization of dehumanization; it is the foundation upon which other dehumanizing regimes, such as deportation and detainment, must be understood (“A View from the Train Tracks”). These phenomena are inherently symbiotic. The entire border space is suspended in a state of permanent exception, in which migrant death and detainment are not acceptable but encouraged by increasing funds for border-related law enforcement, rising xenophobia, nationalist vigilantism, and lack of public outcry over the thousands of migrant deaths that occur on U.S. soil (de Leon 28).

That migrant life is constructed as expendable is key to understanding detainment and abuse of trans asylum-seekers in ICE custody. Inhabiting a marginalized gender identity subjects trans women to additional danger not experienced by other migrants. Often fleeing sexual violence, stigma, and death threats in their home countries, trans asylum-seekers face additional barriers to entry while being reduced to a different kind of “bare life”: one in which sexual violence, denial of access to hormone treatment, and purposeful detainment in facilities that correspond to an incorrect version of their gender identity are commonplace.

Trans Visibility, Backlash, and State Violence

Michel Foucault writes in *Discipline and Punish*: “visibility is a trap” (253). Trans bodies, because of their non-normativity, are inherently hyper-visible. Noted trans studies scholar Aren Aizura notes that, within a society that privileges capitalist modes of extraction and value produced by labor and resource extraction, “being a somebody means visibility: becoming a population, becoming (part of) a class, becoming clockable”³ (Fischer 5). This hyper-visibility is facilitated by techniques of biopolitical management, such as state surveillance, documentation, and self-monitoring. State surveillance and modern intelligence-gathering are profoundly gendered processes, as evidenced by decades of trans scholarship exemplifying the contentious relationship trans bodies have with state power. Portrayals of trans bodies as deceptive, untruthful, and incomprehensible render trans people not easily identifiable, which produces anxiety on behalf of the state. Compounding the state’s anxiety about trans bodies are intensely racialized surveillance and detainment procedures around America’s borders (Beauchamp 46-55). Trans Latina migrants live at the nexus of multiple oppressions, experiencing racial and gender violence within the highly militarized, hostile, and xenophobic space of the U.S.–Mexico border.

Mia Fischer argues that increased media visibility of transgender individuals does not just coincide with a documented rise in violence against trans communities. Visibility, and attempts to gain political and social capital via visibility politics, actually result in “increased surveillance and regulation of trans people by the security state” (5-6). Fischer challenges the progress narrative often invoked to prove rising equality, acceptance, and civil rights for LGBT Americans by highlighting how material realities of trans livelihoods are inscribed on the body through state violence

and surveillance (6). Being recognized as a trans subject creates a “double bind,” in which visibility seemingly produces protection and safety but also generates violence and increased surveillance (Fischer 14). Trans studies scholar Toby Beauchamp concurs, writing in his critique of state surveillance: “transgender and gender-nonconforming bodies are bound up in surveillance practices. . . that underpin U.S. military and government constructions of safety” (47).

In a post-9/11 political environment marked by increasing securitization and militarization of law enforcement, gender normalization that occurs at borders intensifies. Surveillance marks the trans body as deviant and dangerous, contradicting political advocacy efforts that increase visibility of trans bodies in media (Beauchamp 49). Failure to conform to a medicalized understanding of gender marks the trans body not only as illegible, but also as constituting a security threat (Beauchamp 47). The U.S. Department of Homeland Security emphasized in its 2003 advisory to security personnel that “terrorists will employ novel methods to artfully conceal suicide devices. Male bombers may dress as females in order to discourage scrutiny” (Beauchamp 46). Surveillance procedures at borders and airports alike are well-documented sites of biopolitical management (Lyon 291-310). Post-9/11 surveillance and security procedures intensify gendered scrutiny. States rely on easily classifiable gender; trans identities inherently disrupt state processes of legibility, problematizing non-conforming gender identities while reinforcing hegemonic ideas about what constitutes medico-biological gender (Curry and Mulqueen 559-560).

Passports are another problematic site of illegibility for trans subjects, whose identities often do not match or directly contradict the information provided on official passports and documentations. Passports and other forms of identification have become notorious within transgender advocacy movements as evidence of state refusal to acknowledge gender nonconformity⁴. That passports became internationally recognized markers of identity—and the proliferation of which was accompanied by an increase in state authority over migration and mobility control—set a dangerous precedent for trans subjects long before trans migrants were visibly subjected to the whims of state power (McKeown 102). As an indicator of legality and citizenship, passports replicate the aforementioned double bind, creating impossible and illegible trans subjects on paper while facilitating state violence and surveillance of trans bodies.

Do You See How Much I’m Suffering Here?

There are similarities among many trans accounts of detainment and border-related violence. These accounts reveal the disturbing extent to which detainment facilitates state violence, often in the forms of sexual violence and denial of medical care. Deaths of asylum-seeking trans women in U.S. custody have raised the profile of these issues.

In 2016, Human Rights Watch produced an 88-page report documenting mistreatment of trans Latina asylum-seekers at the U.S.–Mexico border and revealing the scope of these similarities. Interviews were conducted by Human Rights Watch (HRW) with 28 transgender women in 7 U.S. cities—San Francisco, Washington D.C., Houston, New York, Phoenix, Tucson, and Los

Angeles—and in four detention facilities in California and Texas. All 28 interviewees had direct experience in detention facilities along the U.S.–Mexico border; some were seeking asylum, and some had been granted asylum. A video that corresponds with the report features interviews with two high-level staff members of the Transgender Law Center—Flor Bermudez and Iso Noyola—who specialize in translatina and immigration policy, as well as an interview with Bamby Salcedo, a high-profile transgender activist and president of TransLatin@ Coalition, an organization which advocates for transgender immigrants who reside in the United States.

Nicoll Hernandez-Polanco and Monserrath Lopez, who were held in detention facilities by U.S. Customs and Border Patrol (CBP) and Immigration and Customs Enforcement (ICE) between 2014 and 2015 upon seeking asylum in the United States, relay stories to HRW that have now become typical within news reports and narratives about immigration detention. Both women fled their native countries, Guatemala and Honduras, respectfully, due to sexual assault, harassment, gang violence, and violence they experienced for being transgender, only to find the same abuse replicated in immigration detention. Nicoll explains to the interviewer in Spanish that “I came here seeking asylum in this country because I didn’t want to suffer anymore, and here I am going through it all again” (HRW Video).

According to the American Civil Liberties Union (ACLU), transgender women in ICE custody are generally detained with men. Additionally, 13 percent of all trans people in ICE custody were held in solitary confinement in 2017 (Rice 1-2). Sexual assault of trans Latina asylum-seekers is disturbingly common, due in large part to their extended exposure to law enforcement officials, mishandling of asylum claims, and indefinite detention in men’s facilities. Both women were placed in a men’s detention center, putting them at higher risk of sexual assault; both women note that immigration officials failed to protect them or intervene when they were repeatedly sexually harassed and assaulted, even though such intervention is required under the Prison Rape Elimination Act of 2003 (PREA), enacted to deter sexual assault in prisons and detention⁵.

One of the most common justifications given for the disproportionate use of solitary confinement for trans detainees and prisoners is that solitary confinement—or “protective custody”—is enacted for the subject’s own protection (“Still Worse Than Second-Class” 6-7; 13-14). Such an excuse ignores the common fact that trans subjects are often detained in facilities that do not match their gender expression, which puts trans people at a higher risk for sexual assault (Kulak 2). It also gives credence to the hegemonic construction of trans subjects as inherently threatening. Andrea Albutt, President of the UK Prisoners Association, made this assumption clear in a 2018 interview, during which she claimed: “to put all men who declare they are women into women’s prisons would be very damaging. You do get trans prisoners who are going through the [transition] process who still look very masculine” (Lamble 7-12). This assertion constructs gender as a visual threat, reinforcing the state’s inability to read trans subjects as legible.

The interviews conducted by HRW confirm that these practices are common and dangerous. After Nicoll shares a story of

being sexually harassed, Isa explains in the video that “when trans women are placed by the state into a male facility, you’re setting them up for sexual violence to occur” (HRW Video). Flor then adds: “Many of them [transgender women] are talking about being sexually abused, raped, sexually harassed, physically beaten, and most of them are put in isolation ‘for their own protection,’” visibly connoting “for their own protection” in quotations to indicate frustration with the procedure (HRW Video).

Compounding the disturbing pattern of solitary confinement and abuse of trans women in ICE detention is the fact that federal agents often punish women who report sexual harassment and assault by placing them in solitary confinement, with the intent to discourage further reports (Dart). Solitary confinement is often used as a retaliatory measure, in both ICE custody and in U.S. prisons. For victims of sexual abuse, solitary confinement can compound trauma and render the detainee vulnerable to abuse by guards (ACLU 13-14). Monserrath describes in grotesque detail a sexual assault that occurred while she was in ICE custody, which she reported to authorities. “I asked them to help me and no one listened,” she explains to the interviewer (HRW Video). Authorities ultimately found her responsible for the assault which occurred in a men’s detention facility: “they said I was also responsible for pretending to be a woman, because I was seducing him” (HRW Video). Assault against transgender women is often used to justify solitary confinement under the auspices of protecting transgender women from sexual abuse. Nicoll, however, disputes this claim, noting that she should not have been placed in a men’s facility, and that her experiences with abuse came directly from guards (HRW Video). The Department of Homeland Security’s Office of the Inspector General (OIG) expressed concern about the lack of transparency regarding the use of solitary confinement in ICE custody; despite a 2013 ICE policy promising to limit solitary confinement, the OIG found that ICE did not adequately document or provide reason for continued confinement of certain detainees (ICE Directive 11065.1).

Detainment in prison-like facilities produces the violence that increased border patrol is allegedly supposed to reduce. Both Nicoll and Monserrath were eventually granted asylum after experiencing extensive sexual abuse in detainment facilities. Nicoll notes that while seeking asylum she was treated like a prisoner, despite being the victim—not the perpetrator—of crime. The frustration with the punitive and violent detainment process is also echoed by Monserrath, who fled Honduras after being kidnapped, tortured, and sexually assaulted by gang members in Honduras, who cut off her hair and “told her she should disappear” (HRW Video). Although her asylum claim was eventually granted and she now resides in the United States, she insists that the trauma she endured in detention remains with her. Further, it is indicative of the experience many transgender women have in detention facilities along the U.S.–Mexico border.

Sexual assault and detainment in men’s facilities are common experiences among trans Latina asylum-seekers. So, too, is denial of access to medical care—specifically, hormone treatment. Nicoll explains that she was denied access to hormone therapy while in detention; without the intervention of her lawyer, she would be unable to access these medications. At this point in the video, Flor explains: “another one of the problems transgender women

in immigration face is the lack of access to medical care as well as access to HIV medication and hormone replacement therapy. We see many [transgender women] waiting for month and months without continuation of their hormone treatment,” which can lead to painful and fatal side effects (HRW Video). One of the solutions that HRW proposes asks ICE to “provide prompt and uninterrupted access to HIV/AIDS treatment and hormone therapy for all individuals in immigration detention who require it, and barring ICE from detaining individuals in facilities that are unable to meet these requirements” (HRW Video).

HRW’s video and corresponding report are parts of a larger activist campaign to stop the detention and abuse of transgender immigrants. Since the video was posted in 2016, it does not account for the changes in immigration policy enacted by the Trump Administration, which have notably led to outrage over the deaths of transgender asylum-seekers in U.S. detention centers. Many of these deaths—including the high-profile deaths of Roxsana Hernandez Rodriquez and Johana “Joa” Medina Leon—have been a result of denied access to medical care, which is a problem highlighted in the video as a primary concern for transgender women in detention facilities (Critchfield; Moore). That this remains a cause of concern and outrage indicates the significance and persistence of the problem.

HRW and the ACLU have played key roles in raising awareness, performing research, and documenting the experiences of trans asylum-seekers. Art has been another medium through which activists have depicted and resisted border violence against queer and trans subjects. Mexican artist Julio Salgado’s “I Am Undocuqueer!” project envisions a politics of resistance that elevates queer/trans undocumented bodies through art, history-telling, and community organizing (Wu) (see Figures 1.3-1.4). A self-proclaimed “activist,” Salgado reclaims the pejorative “undocumented” by making collective marginalization visible and exposing interlocking oppressions—race/ethnicity, gender, sexuality, nationality, and documentation status—as superficial (Hart). Salgado is one of many “artists” working at the intersection of art, immigration advocacy, and queer activism. In his latest work commissioned by the San Francisco Museum of Modern Art, Colombian artist Carlos Motta pays homage to artists and activists who are deconstructing binaries of gender and nationality through queer immigration advocacy (see Figures 1.5-1.6). These modes of creative resistance reveal a small but growing constituency of “illegible” state subjects that reject the colonial imposition of borders and the structural violence that inevitably constitutes them.

In this paper, I have illustrated the multiplicity of historical and sociopolitical forces that shape the plight of transgender Latina asylum-seekers: their detainment by ICE paradoxically replicates and in many cases worsens the very conditions from which they were seeking asylum. These women experience a uniquely harsh iteration of Americanized border violence precisely because of the dual anxiety they arise in the modern state.

End Notes

1. I use “transgender” and “trans” to signify non-compliance with the assumed stability of and relationship between biological sex, gender expression, gender identity, sexuality, and the gender binary. These identities include a range of non-normative gender practices and expressions, most commonly reduced to a rejection of sex assigned at birth. For a detailed discussion of sex/gender distinctions, and the assumed congruence between them, see: Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, Routledge Books, 1990.

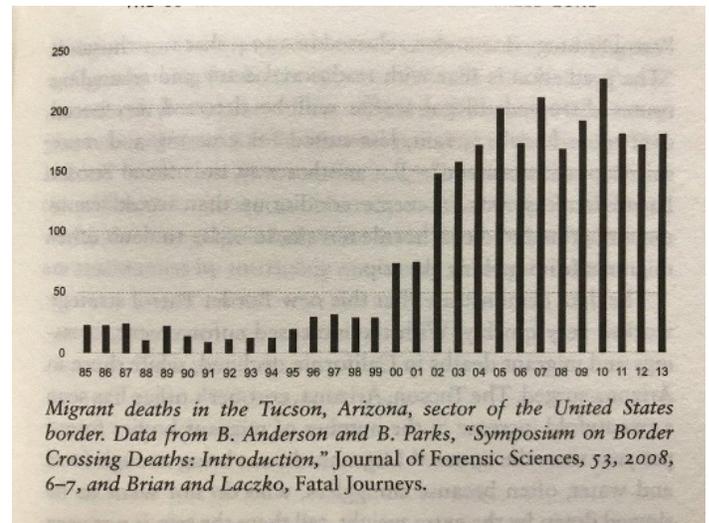
2. It should be noted that Miller has come under fire for harboring white nationalist beliefs, though at the time of writing he remains a senior advisor for immigration policy. See: “Stephen Miller’s Affinity for White Nationalism Revealed in Leaked Emails,” *Southern Poverty Law Center*, November 12, 2019.

3. See also Dan Irving’s critique of political economy in “Normalized Transgressions: Legitimizing the Transsexual Body as Productive,” in *The Transgender Studies Reader 2*, Routledge Books, 2013, pp. 15-29.

4. Responding to an abrupt change in State Department language regarding sex/gender markers on U.S. passports, an executive from the National Center for Transgender Equality said, “this move seems designed to frighten, confuse and keep transgender people from exercising their full rights under the current policy—the same policy we fought for and won in 2010.” Lilly Dancyger, “For Trans People Seeking Passports, State Department Abruptly Changes Language,” *Rolling Stone*, 13 Sept. 2018.

5. On the ICE.gov webpage, the agency maintains that, in compliance with PREA, “U.S. Immigration and Customs Enforcement (ICE) has a zero-tolerance policy for all forms of sexual abuse or assault.” “PREA: Overview,” updated 7 Aug. 2019, <https://www.ice.gov/prea#wcm-survey-target-id>

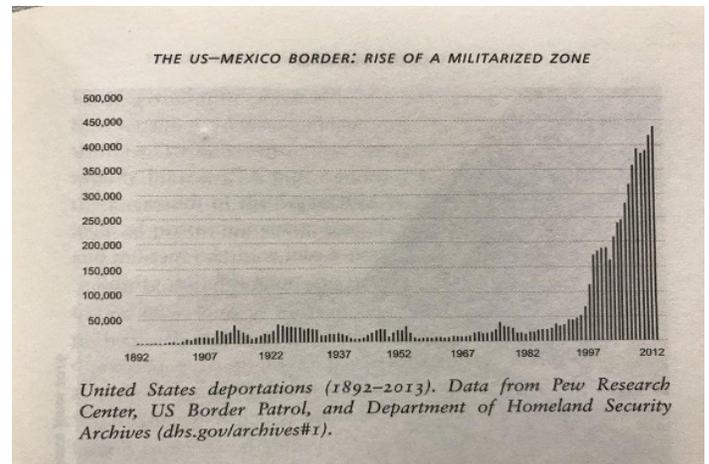
Figure 1.1: Migrant Deaths in the Tucson, Arizona, sector of the United States Border



This graph shows an increase from approximately 30 deaths in 1997, the year that the Prevention Through Deterrence memo was published, to nearly 175 deaths in 2013, the latest year recorded. This increase spans three presidential administrations: two Democratic and one Republican.

Source: Reece Jones, *Violent Borders: Refugees and the Right to Move*, Verso Books, 2016.

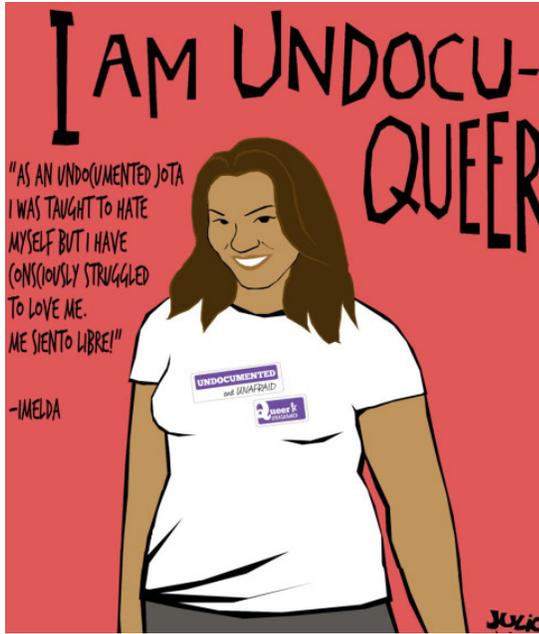
Figure 1.2: United States Deportations (1892-2013)



Similar to the preceding graph, this data reveals more than a threefold increase in deportations between 1997 and 2012.

Source: Reece Jones, *Violent Borders: Refugees and the Right to Move*, Verso Books, 2016.

Figure 1.3: Salgado's I Am Undocuqueer!



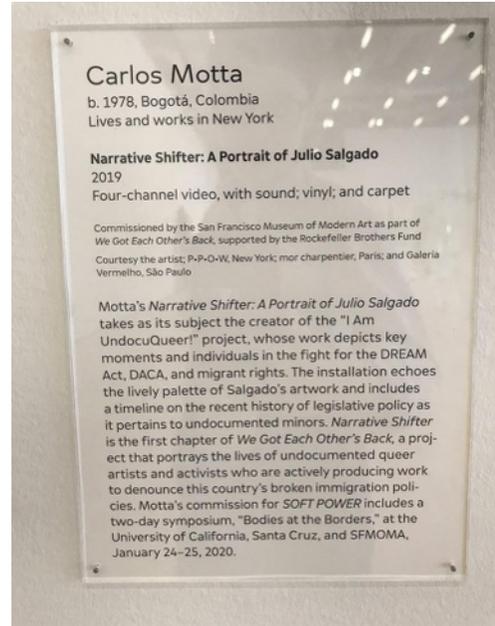
In Undocuqueer, Salgado paints realistic portraits of undocumented queer migrants living in the United States. Quotes are attributed to these subjects, who agree to expose themselves despite the risks inherent in voicing their undocumented and queer identities. Source: <https://juliosalgadoart.com/post/15803758188/i-am-undocuqueer-is-an-art-project-in>

Figure 1.4: Salgado's I Am Undocuqueer!



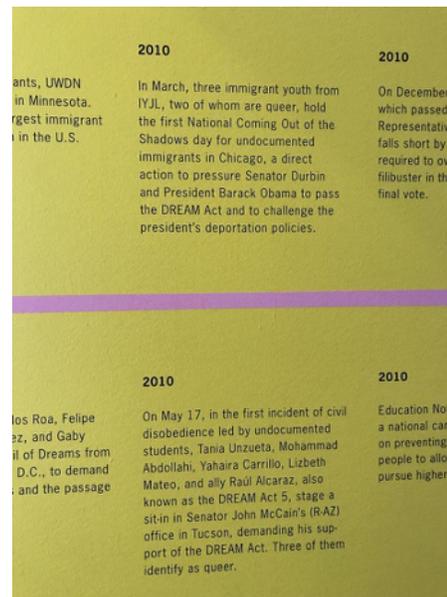
The quote on this portrait reads: "Because I can't be one without the other." This speaks to the intertwined lived oppressions of undocumented queer subjects, whose existence is criminalized, and whose sexualities and gender identities render them further marginalized within undocumented communities. Source: <https://juliosalgadoart.com/post/15803758188/i-am-undocuqueer-is-an-art-project-in>

Figure 1.5: Motta's Narrative Shifter, part of We Got Each Other's Back



This mixed-method work pays homage to Salgado and other activists who are involved in trans/queer immigration advocacy. Here, a description of the work is displayed at the San Francisco Museum of Modern Art. I visited the installation in November 2019.

Figure 1.6: Motta's Narrative Shifter



Carlos Motta created a timeline of queer immigration advocacy, spanning decades and presidential administrations. Special attention was paid to President Obama's DREAM Act and corresponding activist efforts to maintain DACA (Deferred Action for Childhood Arrivals), which has faced legal challenges during the Trump administration.

Works Cited

- Alvarez, C.J. "The United States–Mexico Border." *Oxford Research Encyclopedia*, 2017, <https://oxfordre.com/americanhistory/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-384?print=pdf>. Accessed 6 Dec. 2019.
- Balibar, Etienne. "What Is a Border?" *Politics and the Other Scene*. Translated by Christine Jones, James Swenson, and Chris Turner, Verso Books, 2002.
- Brian, Tara and Frank Laczko, editors. "Fatal Journeys: Tracking Lives Lost during Migration." *International Organization for Migration*, UN Migration, 2014.
- Brown, Wendy. *Walled States, Waning Sovereignty*. MIT Press, 2017.
- Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. Routledge Books, 1990.
- Critchfield, Hannah. "Migrants Inside ICE's Only Transgender United Decry Conditions." *Phoenix New Times*, 12 Jul. 2019, <https://www.phoenixnewtimes.com/news/transgender-migrants-decry-conditions-new-mexico-icedetention-11325981>.
- Curray, Paisely, and Tara Mulqueen. "Securitizing Gender: Identity, Biometrics, and Transgender Bodies at the Airport." *Social Research: An International Quarterly*, vol. 78, no. 2, 2011, pp. 557-582.
- Dancyger, Lilly. "For Trans People Seeking Passports, State Department Abruptly Changes Language." *Rolling Stone*, 13 Sept. 2018, <https://www.rollingstone.com/culture/culture-news/transgender-passport-sex-gender-state-department-723984/>.
- Dart, Tom. "Activists Say Woman Put in Solitary after Reporting Assault by Detention Guard." *The Guardian*, 15 Feb. 2018, <https://www.theguardian.com/us-news/2018/feb/15/immigrant-woman-sexual-assault-solitary-confinement-ice-texas>.
- de Leon, Jason, Eduardo Garcia, and the Undocumented Migration Project. "A View from the Train Tracks." *Sapiens*, 2016, <https://www.sapiens.org/culture/prevention-through-deterrence/>
- de Leon, Jason. *The Land of Open Graves*. University of California Press, 2015.
- . "The Land of Open Graves." 3 Oct. 2019, Middlebury College. Lecture.
- Doty, Roxanne Lynn. "Bare Life: Border-Crossing Deaths and Spaces of Moral Alibi." *Environment and Planning D: Society and Space*, vol. 29, no. 4, Aug. 2011, pp. 599–612.
- Fischer, Mia. *Terrorizing Gender: Transgender Visibility and the Surveillance Practices of the U.S. Security State*. University of Nebraska Press, 2019.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Vintage Books, 2012.
- Hart, Carrie. "The Artivism of Julio Salgado's I Am Undocuqueer! Series." *Working Papers on Language and Diversity in Education*, vol. 1, no. 1, University of North Carolina, 2015.
- Jimenez, Maria. "Humanitarian Crisis: Migrant Deaths at the U.S.–Mexico Border." *American Civil Liberties Union*, 2009, <https://www.aclu.org/legal-document/humanitarian-crisis-migrant-deaths-us-mexico-border>
- Jones, Reece. *Refugees and the Right to Move*. Verso Books, 2016.
- Kulak, Ash Olli. "Locked Away in SEG 'for Their Own Protection': How Congress Gave Federal Correction the Discretion to House Transgender (Trans) Inmates in Gender-Inappropriate Facilities and Solitary Confinement." *Indiana Journal of Law and Social Equality*, vol. 6, no. 2, 2018, pp. 299-325.
- Lamble, Sarah. "Rethinking Gendered Prison Policies: Impacts on Transgender Prisoners." *The Howard League for Penal Reform*, vol. 16, 2010, pp. 7-12.
- . "Why Context Matters in the Trans Prisoner Policy Debates." *Harm and Evidence Research Collaborative*, The Open University, 9 Sept. 2019, <https://oucriminology.wordpress.com/2019/09/09/let-women-prisoners-decide-on-trans-policy-sounds-democratic-but-is-misleading-and-risks-feeding-a-wider-trend-of-anti-trans-groups-using-women-prisoners-for-their-own-political-agen/>.
- Letter from Kathleen M. Rice, Congresswoman, and Other Members of Congress, to Secretary of Homeland Security Kirstjen Nielsen. 30 May 2018. https://kathleenrice.house.gov/uploadedfiles/2018.05.30_lgbt_immigrants_in_ice_detention_letter_to_sec_nielsen.pdf.
- Lyon, David. "Under My Skin: From Surveillance Papers to Body Surveillance." *Documenting Individual Identity: The Development of State Practices in the Modern World*, edited by Jane Caplan and John Torpey, Princeton University Press, 2001, pp. 291-310.
- Moore, Robert. "Transgender Woman Migrant Who Had Been in ICE Custody Dies after Falling Ill." *The Washington Post*, 2 Jun. 2019, https://www.washingtonpost.com/immigration/transgender-woman-migrant-who-had-been-in-ice-custody-dies-after-falling-ill/2019/06/02/d194528a-85a6-11e9-98c1-e945ae5db8fb_story.html.
- Office of the Inspector General, Department of Homeland Security. "ICE Field Offices Need to Improve Compliance with Oversight Requirements for Segregation of Detainees with Mental Health Conditions." U.S. Department of Homeland Security, 29 Sept. 2017, pp. 4-5, <https://www.oig.dhs.gov/sites/default/files/assets/2017-11/OIG-17-119-Sep17.pdf>
- Rousseau, Jean-Jacques. *Discourse on the Origin of Inequality*. Hackett Classics, 1992.
- Scott, James C. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Yale University Press, 1998.
- Stryker, Susan, and Aren Z. Aizura, editors. *The Transgender Studies Reader 2*. Routledge, 2013. <http://ezproxy.middlebury.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cat07528a&AN=mlc.b3669714&scope=site>.
- U.S. Customs and Border Protection. *National Border Patrol Strategy*. Washington, DC: U.S. Border Patrol, 2005.
- U.S. Immigration and Customs Enforcement (ICE), Directive

11065.1: "Review of the Use of Segregation for ICE Detainees," 4 Sept. 2013. <https://www.immigrantjustice.org/sites/default/files/Segregation%2520Directive%2520%2528Sept%25202013%2529.pdf>.

Wu, Harrick. "'Undocu-Queer' Artist Julio Salgado on Creative Resistance." *KQED*, 5 Jul. 2018, <https://www.kqed.org/arts/13836333/undocu-queer-artist-julio-salgado-on-creative-resistance>

"Stephen Miller's Affinity for White Nationalism Revealed in Leaked Emails." *Southern Poverty Law Center*. 12 Nov. 2019, https://www.splcenter.org/hatewatch/2019/11/12/stephen-millers-affinity-white-nationalism-revealed-leaked-emails?gclid=CjwKCAiA27LvBRB0EiwAPc8XWXhp6rbYFOqZfy0ghq4wMu-Rkx9n2azee-laGFjSCURzD97nfck77XxoCs9YQAvD_BwE

"Still Worse Than Second-Class: Solitary Confinement of Women in the United States." *American Civil Liberties Union*, 2019. https://www.aclu.org/sites/default/files/field_document/062419-sj-solitaryreportcover.pdf

"US: Transgender Women Abused in Immigration Detention." *YouTube*, uploaded by Human Rights Watch, 16 Mar. 2016, <https://www.youtube.com/watch?v=2WwkZ-k92ltY>

"'Do You See How Much I'm Suffering Here?' Abuse against Transgender Women in U.S. Immigration Detention." *Human Rights Watch*, 2016. https://www.hrw.org/sites/default/files/report_pdf/us0316_web.pdf



Gloria Escobedo '23

Her Demands

Abstract

Home to the indigenous Purépecha people, Cherán is historically known to be one of the most violent municipalities in the state of Michoacán, México. The Purépecha have suffered from acute crimes, including rape, kidnappings, murder, and environmental destruction of their forests as a result of the Mexican government colluding with illegal loggers. In 2011, an uprising led by a group of women banned police, politicians, and any form of the Mexican government from their village. Since then, the village has successfully governed its own people and achieved autonomy, leading to a drastic decrease in crime and restoration of their invaluable forests. The present narrative is a rendition of the actual events that happened in Cherán right before the uprising from the perspective of a 12-year-old girl as she witnesses environmental destruction in her community. The characters in the narrative are fictional. Cherán's history shows that communal effort results in the community's prosperity.

Chapter 1: Mushrooms for All

“¿Lista querida?” my father asked.
“Lista,” I exclaimed, extending my hand. He gripped my little hand tightly in his and began to walk toward the front entrance of our home. As he opened the door, the sun greeted my eyes. We stepped out into the streets. My father's big feet followed mine. All around, I saw the beautiful community of Cherán, México. As we made our way towards the forest, my eyes became enchanted by the dear streets and small shops of our community. We passed my neighbor Hilda's house, who was outside planting flowers. “Pick the good ones for me, Maria,” she exclaimed.

I smiled, “¡Por supuesto, Hilda!”

As we continued to walk, I saw small houses built close together on narrow, winding roads. I saw Fita playing soccer with Lola. “Ven a jugar con nosotros,” Lola called out, but I shook my head.

“No tengo tiempo,” I cried out, “tengo que llevar a mi papá a la bosque.”

Down the block, women and men were gathered, selling fresh fruits and vegetables at every street corner. At the end of the neighborhood was the Iglesia Bautista Independiente Luz y Salvación; it was there where the people of Cherán united under the grace of God.

After walking for some time, we neared the edges of the village. The houses blended with the tall, mighty trees. The roads all faded into dirt paths. I clung onto my father tightly, making sure he did not lose sight of me. We reached a gravel road that served as an entrance to the forest. I smiled and looked at

my father. I knew exactly where we were. My eyes begged him to let me go ahead.

My father said to me, “Don't get too far ahead, okay? I still need you to guide me from here. If I do not see you in front of me, I might get lost! Wait for me at our spot?”

Giggling, I studied the road ahead of me and took a deep breath. I stomped my feet hard and fast. The small gravel eventually turned into bigger pieces of rock. Finally, I saw tiny specks of mushrooms, tall trees, and small animals.

My feet stopped. The muscles in my legs relaxed and grounded themselves. There I was, standing in the middle of the forest with the tall, mighty trees guarding my body. The leaves soaked up the warm, dazzling sun, making the veins of each leaf distinguishable. I turned and focused on what was at the center of the trees: mushrooms. I walked over and squatted down. I reached for one, but a familiar voice shouted, “Don't touch!”

I gasped, launching to my feet. Father was standing beside a tree. “Mi amor, what did I tell you about waiting for me?” he said as he walked closer to me.

“But Papá,” I said to him, “We've been doing this for years now. I think I would know which ones are good and which ones are bad.”

“Then, let's test your skills. Which ones can we pick and take back home to sell?” he chuckled. My eyes were overwhelmed by looking at the bed of mushrooms that laid before me. I scanned the field, making a note of the ones with red tops. I pointed at them, indicating that they were poisonous. He looked at me and nodded, “Now, which are the good ones?”

This was much harder to recognize. Most of the mushrooms in the field were white. I squatted closer. I got down on my hands and knees to look below the tops of the mushrooms and noticed that the insides were entirely hollow. I looked at another bunch. They were filled with brown hair-like fibers stemming from their cores to the very rims. Estos son buenos. I got up confidently on my two feet and looked at my father. “Estos, Papá, son los que podemos vender,” I said, pointing. “The ones right next to them are poisonous!”

My father looked at me and smiled humbly, “Good job, mi amor. Now, let’s get to the picking.” This was our weekly ritual. Just me and my father, picking mushrooms as we always did every Saturday afternoon to sell in our community.

From the corner of my eye, I saw something move. I turned my head and saw two men carrying a chainsaw. Startled by the sight of these strangers, I dropped my mushrooms and screamed, “Papá, Papá! What are those men doing?” My father thrust his mushrooms onto the ground and turned to look where my eyes lingered. As they approached a tree with a chainsaw, father ran towards them, shouting to get them away. “Esta tierra no es la tuya,” he screamed. I had never seen such anger radiate from his body. The two men scurried away to a nearby truck that already had some lumber. My father walked towards me with a serious face.

“Who are they Papá?”

“Maria, if you ever see them again, make sure you let me know. It is not the first time that I have seen them,” he said to me. “They are illegal loggers. They are ruining our forest and our village. They are taking away our resources.”

“Papá, no, they can’t do that! The trees are too beautiful to cut down,” I shouted at him.

“We have to keep the forest safe. If you ever see them, you let me know right away.” I nodded. “Do you have your mushrooms?” my father asked with a softer look on his face.

I looked down at the ground. “I must have thrown my sack in the air when I got scared,” I said sullenly. My father snickered. Together we picked up all the mushrooms. With the sun beginning to set, we started on our way home. My smiling mother was there waiting for us.

“It’s time for bed, Maria,” she said. Mother and Father grabbed both of my hands and walked me to my room. As always, I reached for the rosary hanging from my bedroom door-knob and kneeled beside my bed. Mother and Father kneeled on either side of me, holding the rosary with me. We prayed to show our gratitude to our Blessed Father for our mushrooms. After prayer, my mother and father tucked me into bed. My eyelids were heavy. Rosary in hand, I drifted into a deep slumber.

Chapter 2: Could’ve, Would’ve, Should’ve

The next Saturday, my father came to my room and sat on my bed. “Are you ready to go back to the forest?”

I looked at him and giggled, “Papá, didn’t I tell you that Lola, Fita, and I are going to play outside today?”

“Oh, yes, I forgot.” He kissed my forehead, “Just be careful.”

“I will, Papá. Don’t worry. Are you still going to go?”

“Sí, we are running out of mushrooms. I’ll see you later today,” he said.

“I hope you find lots. Don’t get lost without me,” I exclaimed.

“Te veré más tarde esta noche, mi amor.” He kissed my forehead again and shut the door to my bedroom.

After playing soccer with Lola and Fita all day, I was called in from the kitchen window. The sun was beginning to set. As I made my way inside, I felt something was wrong. Father had not arrived yet from the forest. “Mamá,” I looked at her. “Have you heard from Papá?”

My mother gave a reassuring smile, “I’m sure he will come back soon, hija.”

I panicked, “What if he got lost on his way there? Or on his way back?”

My mother giggled, “If it makes you feel better, I’ll stay up tonight until he comes back home. Now, let’s finish making dinner so that it is ready for your father.”

We ate in silence. Father was the one who would be the first to ask how our days went. Without him, dinner was lonely and quiet. A concerned expression began to appear on my mother’s face. “Maria, se está haciendo tarde, ¿Por qué no te acuestas?” I sat there at the kitchen table and began to feel sick. Something churned in my tummy.

We have done this so many times. It doesn’t make sense that he got lost. I should have gone with him. I should have gone with him. I should have gone with him.

I got up from the chair at the dining table and ran to the front door. My hands grabbed the handle to open it. Mother rushed behind me, pressing one hand on the door and slamming it shut.

“No,” she yelled, “It’s too late to go outside to look for your father. Go to your bed, my love, please.” Reluctantly, I dragged myself to my room and closed the door behind me. I grabbed the rosary and collapsed onto my bed. I wept, knowing that my father was missing with no sunlight to guide him home. Where are you, Papá? I held the rosary close to my chest as the night faded into darkness.

Morning came, and I saw my mother pacing the kitchen floor. She turned to look at me, with tired dark eyes, and told me to follow her. We spent that day knocking on each door in our community. I was getting tired of the conventional answers each neighbor gave to us:

Knock knock

“¿Has visto a mi padre José?”

“¿Tu padre ha desaparecido?”

“Si desde anoche.”

“No, no lo hemos visto, pero rezamos por él.”

Everyone was praying for his safe arrival. With each knock, the guilt in my stomach began to churn more. In my head, I yelled at my father. You should know the way. We have done this so many times Papá, you should have known the way... I should have gone with you.

Mother and I returned to an empty home. From then on, every night we knelt in front of my bed and faced the window, sharing my rosary in our hands to pray.

A week after my father’s disappearance, my mother invited me to go to the mercado with her. We walked down the same path I would take with my father to head to the forest, my mind spiraling. “Where could he be?” I followed my mother down the

path. Before reaching the mercado, my mother stopped in the middle of the street, eyeing a white truck that seemed to carry fresh-cut logs from the forest. She cried in frustration, "I am so tired of them, Maria! They have been stealing from our forest. It's ours to take care of, not to destroy. Before you were born, there were so many more trees here," she cried, "After going to the mercado, we're going to Hilda's house." I nodded.

Night fell. I found myself in Hilda's living room, my mother and five other women speaking quietly in the room next to me with the door shut. My ears pressed against the door to hear the conversation. The voices of the women grew louder in frustration. "Church," one woman said.

"Truck," said another.

I scratched my head in confusion as another said, "Fire." And finally, I heard my mother's voice, "Illegal loggers."

I needed to hear more of the conversation. I pressed my hands against the door and tried to lean in closer.

"They will most likely be entering next weekend," my mother continued.

"But how do we stop them? They will come in groups, and they can attack us. They have already threatened our lives. We have to be careful."

"We're going to have to act quickly and make a scene big enough that it will attract other people. We need to send out a signal, too, before the attack," my mother said, but then, there was complete silence.

What? What could this all mean? What is happening? Who is entering next weekend? What will my mother be doing? I can't lose her too. I heard the women shuffle in the room. Quickly, I walked to the other side of the living room and pretended that I was observing a photo on a shelf. My mother stormed out of the room and grabbed me tightly by the wrist. "Maria, vamos a la estación de la policía." We walked out of Hilda's house and made our way to the police station.

Even now, I can clearly remember the pattern of the white and blue bricks on the walls. I watched my mother approach a man in uniform behind a counter, as I stood behind, gripping her arm tightly and trying to relieve myself of the growing guilt inside. I paid close attention to the details she began to recall of the day Papá went missing. He was wearing his favorite grey t-shirt, dark blue jeans, and a green cap. Although it seemed like forever, it was only seven minutes before the officer said he had all the information that he needed. "You are all set."

"Are we not going to get documents of this report?" my mother asked.

"You won't be needing any," said the officer. "You should be getting an update within a week."

My mother eyed the officer suspiciously but then turned to the door. "Vamos querida."

Chapter 3: Becoming

A week after filing the report, my mother woke me up, "Prepárate para la misa."

"¿Tan temprano?" The sun was just beginning to rise.

"Sí, no podemos llegar tarde," she scolded back.

It was still early morning when we entered the church. A group of nine women were seated together, praying the "Our

Father" aloud. I sat in a pew next to a window while my mother ran with another woman up the back staircase to the bell tower. Curious, I got up and followed after them. When I reached my mother, she was ringing the bells rapidly, flooding the streets with noise. From the bell tower window, I saw the group of women run towards a familiar white truck filled with wood near one of the entrances of Cherán. The women blockaded the truck from leaving our pueblo. I finally understood what these women had been planning to do. Eager to be a part of the women's efforts, I walked over to help my mother ring the bells. I wanted to show Mamá how strong I could be. I stood in front of her, gripping the rope tightly. I thrust with all my strength to pull the cord. A big bang of sounds echoed inside the church and throughout Cherán. The noise continued to grow, now coming from the outside. I peered outside from the window again and saw a cascade of our community members joining the women.

"Vamos," my mother said, running down the stairs. My feet tried to keep up with her, as the staircase swiftly passed beneath me. By now, people were approaching the truck the women were trying to block. I looked to my right; an older group of teenagers were setting off fireworks to alert the community of the loggers in our midst. For a few moments, I stood still. The vivid lights of the fireworks, the loud shouts, and the church bells all filled me with strength.

I ran to help a group of teenagers put up barricades at one of the entrances to Cherán. Two older guys agreed that they would stay by the barricade to ensure no one else entered Cherán. I sprinted back to the front of the church, where I found people wrestling and detaining the illegal loggers. Behind me, Mamá was running towards the truck with another woman. The woman poured gas all over the truck, and my mother pulled out a match. She ignited an entire box of matches and furiously threw it on the truck. A rush of hot air enveloped my body. Mother's eyes reflected the fiery red flames. Cherán went silent for a moment. And then, boom! And my mother, chanting, "¡Recuperemos nuestro Cherán!"

Members of the community patrolled the illegal loggers as we waited for the authorities inside the church. After a few minutes, they came inside, seemingly unworried about the situation. "Are you not going to arrest those evil men? They are damaging our communities and ruining our forests," Mamá cried.

"We are arresting them," one officer said, carefully escorting the criminals to a car.

"I want to know about my husband. Where is he? My daughter and I filled out a report last week. A week is more than enough time to have at least an update. I demand an update now!"

"What is his name?" asked the officer who had assisted us with our report last week.

"Jose Ramos."

"There has not been a missing person filed under the name of Jose Ramos."

"I want to know where my Papá is, please," I cried.

"Do you perhaps have any paperwork?"

"You said we didn't need any," mother scolded the officer.

"I am sorry, ma'am, but if there is no paperwork you can provide for us, we cannot help you," said the officer as he escorted the last

illegal logger out of the church.

I knew that something was wrong. Why did the officers seem so nice to the illegal loggers? And why did they say that we did not file a missing person's report? This was not making sense to me. I stood there in the church, holding my mother's hand. My mother's face became distant as the officers drove away, leaving her with no answers.

Two years have passed, and now my community has started its own government, one that is more humane, transparent, and reflective of the needs of the town after the government of México did nothing to help us to stop the illegal loggers. Our newly formed Council of Elders is based solely on mutual trust. Since overthrowing the government and removing the illegal loggers, we have found a vault with documents left behind by the federal government. Thanks to these documents, we were able to confirm that the government was colluding with the illegal loggers and bringing crime to our community.

I am now fourteen, sitting in my own office at the Council. A black and grey microphone hangs in the room, with cables running alongside the walls into speakers. Next to it is an outdated computer and a radio. I turn it on. "Purekua" comes on. As I begin my daily task of organizing documents, the melody of the song captivates my mind. Humming along, I am reminded of the first time I became involved with the Cherán K'eri.

I was thirteen at the time, determined to become a part of the Council's radio network. I asked one of the Elders, Leticia, to let me use the public radio. Of course, her initial response was no.

"What are you going to even talk about?" she had asked me. "You can't use the radio to your own liking. I'll tell you this: if you find something worth talking about, come to me and ask. I'll let you know if you can use it."

I remember smiling brightly at Leticia. I accepted this challenge. After work, I felt compelled to revisit the path I used to take into the forest with my father. My father was as mighty as a tree. Papá always emphasized how the forest is the foundation of life for our community, our livelihood, and our culture. When I finally reached the forest, I stood in the bed of mushrooms. I remember feeling captivated by how much the forest had flourished, just as our community prospered, ever since we had eliminated the corrupt Mexican institutions. This needs to be known. I said a silent prayer, thanking God and my father for the strength to discuss the Cherán Revolution on the radio.

The next day I returned to the Council and discovered an office space set up with Cherán's radio network, a computer, and speakers that were left by the previous government. Hungry for knowledge, I woke up the sleeping computer and began to scavenge information about Indigenous rights. I came across a webpage, "The Zapatista Movement: The Fight for Indigenous Rights in México," published by the Australian Institute of International Affairs. I began to read:

The Zapatista Army of National Liberation (EZLN), originated in Chiapas, México, formed in response to

the negligence and corruption of the Mexican government. The North American Free Trade Agreement (NAFTA) granted opportunities to the United States and Canada to purchase indigenous sacred land. With the exponential rise of oppression, the EZLN declared war on the Mexican Government on January 1, 1994. After 11 days of war and 300 deaths, the EZLN demanded independence in their negotiation. However, it will be a difficult goal to accomplish. Due to NAFTA regulations, México is required to follow certain expectations from Canada and the U.S. Years would have to pass until the Mexican Congress passed a domestic law honoring the request of the Zapatistas in 2001. The Rights of the Indigenous People are protected by articles 2, 4, and 133 of the Mexican Constitution. Article 2 recognizes ethnic diversity and establishes the criteria for self-determination, social determination, social organization, normative systems, and elections of authorities. (Godelmann)

I admired how the Zapatista people were able to resist the government. If it were not for them, Cherán would not have been able to declare autonomy either. I am thankful for the amendments of the constitution that have enabled us to declare independence.

My eyes shifted over from the screen to a document on my desk titled, "The Spring P'urhépecha: Resistance and Good Government." I read the following:

The community of Cherán agreed, on June 1 following, not to participate in state elections scheduled for the 13th of November that year. The decision and the request of the mayor's resignation were brought to the Electoral Institute of the State of Michoacán. On August 26, approximately 2,000 individuals signed a petition to grant Cherán to self-govern. The petition was sent and denied by the Electoral Code. The community of Cherán was outraged. The decision was appealed and was brought to the Electoral Court of the Judicial Power of the Nation. The villagers of Cherán used the constitutional framework that was added to the constitution after the rise of the Zapatista. The Superior Court ruled in favor of the community of Cherán. (Mandujano Estrada)

As I skimmed through the document, my heart began to race with excitement. Everyone needs to know about this! We were, after all, nearing the first anniversary of independence. Later that day, I went up to Leticia. I was on my way to hosting my own radio segment.

As I reflect on what has occurred in the past two years, I hear a click. The song "Purekua" stops. I look up from my desk and see that Marco has switched off the radio.

"Maria, snap out of it. It's time to get back to work." He raises his eyebrows.

"Sorry, Marco, I just got carried away by a memory I have with that song"

"It's fine, just please get back to organizing the documents."

He leaves the room.

I nod. I begin sifting through the stack of documents before me, which contain the names of the illegal loggers who colluded with the Mexican federal government. The next file contains the profile of a logger named Juan Martinez. The statement reads, "Juan Martinez kidnapped Jose Ramos on Saturday, April 2, 2011. Jose Ramos was brought to México City and is being kept in the custody of the Mexican Government. Ramos was seen policing the forest several times and harassing loggers." Following the statement is a torn and half-finished missing person's report. The top reads, "Jose Ramos." I feel my stomach sink into itself. My hands begin to shake.

"Papá?" I whisper to myself.

I lean into the papers and kiss his name.

"Are you still in México City? You must be there. Please be there. Please."

I hear someone enter the office. Marco comes in again. I slowly slide Juan Martinez's profile to him. My glossy eyes gesture for him to read it. Marco picks up the papers and begins to scan the document. He looks up at me with widened eyes.

"Voy a buscar a mi padre," I whisper.

Works Cited

- Agren, David. "The Mexican Indigenous Community That Ran Politicians out of Town." *The Guardian*, Guardian News and Media, 3 Apr. 2018, www.theguardian.com/world/2018/apr/03/mexico-indigenous-town-banned-politicians-cheran.
- Aguilera, Susana Maria. *Security, Autonomy, and Indigenous Justice: The Alternative Security Model of Cherán, Michoacán*. 2016. University of California, San Diego, Masters Thesis.
- Cárdenas, Lourdes, et al. "Life without Politicians: A Mexican Indigenous Community Finds Its Own Way." *Truthout*, Truthout, 5 Dec. 2016, www.truthout.org/articles/life-without-politicians-a-mexican-indigenous-community-finds-its-own-way.
- Godelmann, Iker Reyes. "The Zapatista Movement: The Fight for Indigenous Rights in Mexico." *Australian Institute of International Affairs*, 30 Jul. 2014, www.internationalaffairs.org.au/news-item/the-zapatista-movement-the-fight-for-indigenous-rights-in-mexico.
- Hincapié Jiménez, Sandra. "Acciones Colectivas de Innovación Democrática Local En Contextos de Violencia / Collective Actions of Local Democratic Innovation in Contexts of Violence." *Revista Mexicana de Sociología*, vol. 77, no. 1, 2015, pp. 129-156. www.jstor.org/stable/43497021?seq=1#metadata_info_tab_contents.
- Mandujano Estrada, Miguel. "La Primavera P'urhépecha; Resistencia y Buen Gobierno en Cherán K'eri." *Bajo Palabra*, no. 9, 2015. *EBSCOhost*, doaj.org/article/244095c135234b72bc2ec7466e30ac96.
- Pressly, Linda. "Cheran: The Town That Threw out Police, Politicians and Gangsters." *BBC News*, BBC, 13 Oct. 2016, www.bbc.com/news/magazine-37612083.
- Román-Burgos, Denisse. "We Are Indigenous of the Purhépecha People' Hegemony, Multiculturalism and Neoliberal Reforms in Mexico." *Dialectical Anthropology*, vol. 43, no. 3, Sept. 2019, pp. 259-277. *EBSCOhost*, doi:10.1007/s10624-019-9542-0.
- Salazar, Giovanna. "The Cherán Indigenous Community's Remarkable Road to Self-Rule in Mexico." *Our World*, United Nations University, 24 Apr. 2015, www.our-world.unu.edu/en/the-cheran-indigenous-communities-remarkable-road-to-self-rule-in-mexico





Rohatyn Center for Global Affairs
Robert A. Jones '59 House
148 Hillcrest Road
Middlebury, VT 05753