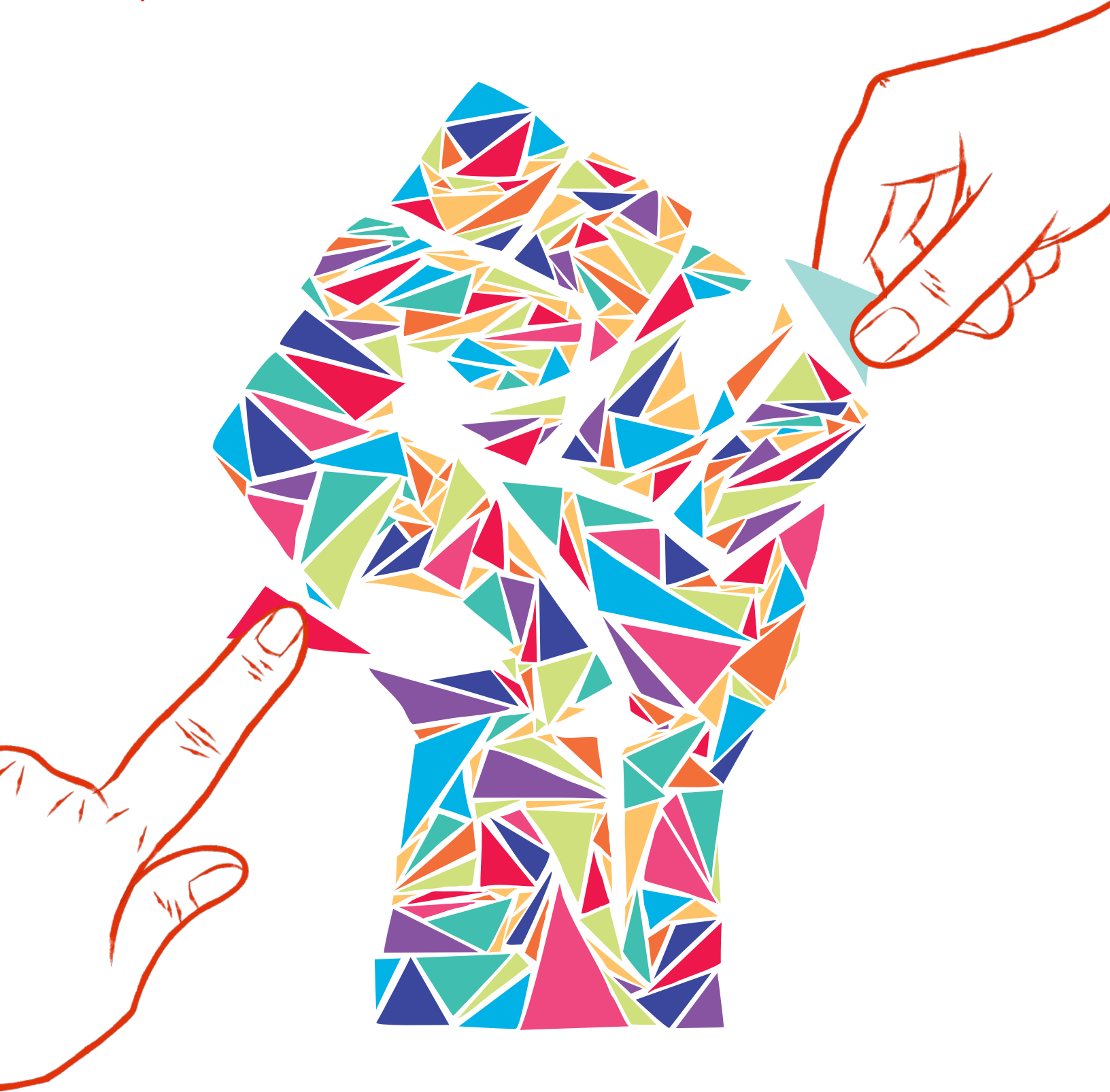


PROGRESSIVE POLICY REVIEW

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STAFF

Adina Goldin

Aneesa Andrabi

Daniel Turner

Eleni Neyland

Jamie Wu

Joseph Leone

Ketaki Zodgekar

Merrit Stüven

Mia Appelbaum

Paul Sédille

Peter Skopec

Rachel Carle

Ruth Foster

Stephen Dwyer

Will Mulhern

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The *Progressive Policy Review (PPR)* is a student-run publication dedicated to racial, social, environmental, and economic justice for all through transformative policy change and popular mass movements. *PPR* contributes to these efforts through scholarship, commentary, and creative media on injustices worldwide and the policies best suited to addressing them equitably, sustainably, and justly.

PPR provides an inclusive platform for scholars, artists, movement leaders, members of impacted communities, and students to analyze and discuss progressive solutions to current crises.

We are currently accepting pitches (100-200 words) for our online publication. All voices are welcome to contribute.

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Progressive Policy Review

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Copiedited by Nicole Alysha Lewis
Designed by Casey Williams | <https://caseylynnwilliams.com>
Typeset in Mohave and Corbel

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EDITORIAL WELCOME

The *Progressive Policy Review (PPR)* is dedicated to advancing racial, social, environmental, and economic justice for all through transformative policy change and popular mass movements.

PPR was founded in 2020, and the events of the past two years have only reaffirmed our conviction that progressive thought and action are more necessary than ever. In our first year, we published online content that considered questions of global justice in the wake of the COVID-19 pandemic. We reflected on social and racial justice as the Movement for Black Lives gathered strength in the United States and across the globe. And we offered real-time analysis of political crises shaking the foundations of the global order, including the 6 January 2021 insurgency at the US Capitol and the surge of Palestinian solidarity in the wake of the Sheikh Jarrah evictions and the May 2021 Unity Intifada.

Entering this academic year, there was some cause for optimism. President Biden's election and a Democratic majority in the US Congress offered an opening for historic reforms following the wave of popular unrest in 2020; vaccines against COVID-19 were becoming widely available; and the 26th Conference of Parties in Glasgow held out the prospect of a new global coalition to

prevent catastrophic climate change.

Yet, Democrats' accomplishments have fallen far short of the party's lofty campaign rhetoric. Major reform programs proposed by the Biden administration have stalled in the face of Senate and special interest opposition. The Republican party has continued to radicalize, and political leaders on the mainstream left have failed to set out a progressive alternative. The equitable provision of vaccines across the world has failed, as our authors aptly predicted last year, while poor leadership and partisan differences have exacerbated the disastrous impacts of the pandemic in the United States.

At the point of writing, the ongoing Russian invasion of Ukraine is driving a humanitarian disaster while destabilizing the global political order. For the first time in decades, we write with the threat of nuclear war looming over the planet. The tragedy in Ukraine compounds a global refugee crisis, itself a product of new and escalating conflicts over the past year in Afghanistan, Ethiopia, and Myanmar. Our position is that democratic mobilization and radical ideas, across nation states, will be necessary to address these challenges.

The problems facing our world keep compounding, and stale, unimaginative

solutions are failing to resolve them. Thinkers, practitioners, and activists around the world need to unite around a radical alternative. Transformative change, championed by popular mass movements, can deliver the racial, environmental, social, and economic justice we need.

Themes: Global Reparative Justice, Reimagining US Institutions, Labor Organizing

A core tenet of *PPR* is that all struggles for justice are interconnected. We cannot neatly parse out the struggles for racial, economic, social, or environmental justice, nor can we draw a fine line between the local, the national, and the global.

The articles in this volume reflect that interconnectedness: an unjust global system, designed for and in the interests of the wealthy states; the legacy of carbon-fueled growth in those wealthy states; and the inability of that global system to deliver justice for all, including those within wealthy nations. So long as the rules are rigged in favor of the few, we will have to continue to champion the many.

There are three broad themes in this journal's content: the centrality of

reparative justice in our policy solutions; the need for radical institutional deconstruction and rebuilding; and the role of labor and class politics in delivering this change.

Joseph Leone opens this edition by considering the role of migration as a means to achieve redistributive and reparative justice. He explores whether this is possible in the context of a settler colony like the United States, examining the relationship between Indigenous sovereignty and migrant justice. This becomes more pressing and pointed in a world of climate change-driven migration, as set out by Mustafaen Kamal in his article. Ketaki Zodgekar takes the example of Barbados' shift to a republic in late 2021 to present the case for more expansive economic reparations to undo the legacy of exploitative colonial and post-colonial international relationships.

These articles point to underlying injustices in the global system and their role in shaping wealth and power inequities over generations. The trajectory of individual states and the global system cannot be separated, nor can the wealth of rich nations be separated from the immiseration of the rest.

The next cluster of articles consider the path to racial, social, and environmental justice in the United States. Aneesa Andrabi sets out the case for reparations as a means to closing the racial homeownership gap in Massachusetts. This gap reflects both historic discrimination and contemporary failings to treat housing as a right rather than an asset. Rose O'Brien makes a parallel argument for reparations to address environmental racism in North Carolina, and Adina Goldin shows how American states are exploiting the labor of incarcerated workers to respond to increasingly severe climate disasters.

Addressing these historic and contemporary injustices must be accompanied by a more progressive vision for managing our environment for all. Sara

Amish evaluates the agenda of the Biden administration, seeing hope for a broader idea of conservation that pushes beyond a romanticized nature and into our everyday lives.

Next, Ben Lefkowitz sets out a strategy for progressive change within the Haredi Jewish community in the United States. He argues that antisemitism, the evolving character of Whiteness in the United States, and the legacy of exclusive economic institutions combine to create community-specific challenges. Overcoming these challenges will require reparative justice and targeted anti-poverty campaigns. Leah Kessler proposes a similar transformative agenda for foster care in the United States, based on a radical dismantling and reconstruction of foster care as a community-based, anti-poverty body.

Then, Grace Ramsey makes the economic case for drug decriminalization. Grace goes beyond arguments for equity and compassion, suggesting that the opportunity cost of criminalization is too high. Public money in the United States would be better spent on poverty alleviation and employment programs, with a view to ultimately reducing demand for drugs and minimizing harms.

A third cluster of writers reflect on recent trends in the US labor movement. Sam Thorpe reviews the emerging academic consensus on the failure of US labor market institutions socially and economically. This new consensus creates an opportunity for win-wins, promoting both equity and efficiency in the economy.

Merrit Stüven recounts federal, state, and local pandemic policymaking that failed to substantially improve the lives of workers, including essential workers especially. She argues that union organizing provides a sustainable route to building worker power and the pressure needed to create effective policy change.

Finally, Stephen Dwyer considers the barriers to organizing set up by the structure of the US labor market, with

an expansion of sub-contracting for low-paid workers being used to prevent conventional organizing. A revised Wagner Act, supporting organizing for the 21st century, may be a necessary condition for a new class politics in the United States.

These policies and recommendations will not address all of the challenges facing the United States or the world. But we hope the articles in this journal will help our readers imagine a practical and equitable alternative for our societies. Such alternatives are not optional. They are necessary.

- *Editorial team of the Progressive Policy Review*



Global Reparative Justice

REDISTRIBUTIVE MIGRATION IN THE UNITED STATES:

Can migration play a decolonizing role in a settler colony?

Joseph Leone

The US withdrawal from Afghanistan after 20 years of war has spurred public debate on what is owed to Afghans seeking to migrate to the United States. Against this backdrop, I first engage with E. Tendayi Achime's argument for "migration as decolonization" to argue that the United States is morally obligated not only toward all Afghan migrants but to all migrants from the post-colonial Third World, as well as those from the Second World and possibly even all would-be migrants worldwide.¹ Then, I examine what this form of "migration as redistributive justice" means in the context of the United States as a settler colony built on Indigenous land, and whether this opening of borders can be considered decolonization without engaging with questions of Indigenous sovereignty. Through the work of Raquel A. Madrigal and others, I examine the tensions and possibilities of solidarity between migrant justice and Indigenous sovereignty in order to reach a truly anticolonial vision for migration as decolonization.

What the United States Owes: Migration as Decolonization

When the United States finally withdrew its armed ground forces from Afghanistan in August 2021, ending its nearly 20-year invasion and occupation of the country, the US public, news media, and elected officials began to debate what exactly the United States owed to Afghans hoping to flee the country.² Most contested was the question of *which* Afghans were owed anything at all.

Many on the nativist right argued against any responsibility on the part of the US government to admit Afghan would-be migrants, stoking the usual fears of white replacement and securi-

tized Islamophobia.³ However, among those who recognized that the United States might bear some responsibility toward those caught up in its failed war, the dominant argument put forward by liberal and centrist commentators maintained that the United States was obligated to grant asylum first and foremost to the Afghans who had collaborated with the US war effort—translators, drivers, and those in other support roles—or to Afghan women, particularly those from urban centers, whose lives would be fundamentally reshaped under Taliban governance.^{4, 5}

Recognizing the scale of devastation wrought by the US war in Afghanistan, and the questionable morality of the special cases carved out above, many on the left and from human rights orga-

¹ In using the terms *First World*, *Second World*, and *Third World*, I am following E. Tendayi Achime's example and using them for their analytical and historical significance. In this article, I use the term *Global South* synonymously with *Third World*. As she writes, "I use 'First World' to refer to the former colonial powers of Western Europe, as well as the British settler colonial nations of Australia and North America. 'Third World' refers to the peoples and territories that Europe colonized between the second half of the eighteenth century and the twentieth. While some view these terms as offensive or anachronistic, they are analytically significant for the imperial histories and politics they invoke." (E. Tendayi Achime, "The Postcolonial Case for Rethinking Borders," *Dissent*, 2019, <https://www.dissentmagazine.org/article/the-post-colonial-case-for-rethinking-borders>.) While some view these terms as offensive or anachronistic, they are analytically significant for the imperial histories and politics they invoke.

² The withdrawal marked, at least, an end to the United States' conventional military operations in the country. As a US drone strike on 29 August 2021 suggests, the withdrawal will likely not mark a complete end to all U.S. military and so-called counter-terrorism operations in the country; although, at this time, the nature and scale of continued US intervention remains unknown.

³ For one prominent example, see Tucker Carlson, "Tucker Carlson: We don't know who the Afghan refugees are," Fox News, 28 August 2021, <https://www.foxnews.com/opinion/tucker-carlson-afghan-refugees>.

⁴ For one prominent example, see David Zucchino and Najim Rahim, "As U.S. Withdraws, Afghan Interpreters Fear Being Left Behind," *New York Times*, 10 June 2021, <https://www.nytimes.com/2021/06/10/world/asia/afghan-interpreters-us-visas.html>; for a critique of the Good Native Informant trope, see Sunaina Maira, "'Good' and 'Bad' Muslim Citizens: Feminists, Terrorists, and U. S. Orientalisms," *Feminist Studies* 35, no. 3 (2009): 631–656.

⁵ For a critique of the West's obsession with saving Muslim women, see Lila Abu-Lughod, *Do Muslim Women Need Saving?* (Cambridge: Harvard University Press, 2013).

nizations took a bold, more expansive stance: that all Afghans, if they so choose, should be entitled to refugee status in the United States.⁶ The moral argument here is clear: the lives, safety, and means of economic survival of all Afghans have been fundamentally shaped (and in most cases harmed) by the United States' 20-year war effort in their country.

This moral argument is a compelling one and a fundamentally redistributive one, as it seeks to repair at least some of the harm imposed by the United States onto Afghans by enabling them to migrate and seek greater prosperity and opportunities within the United States—the economic superpower responsible for ravaging their native lands. This argument is a hyper-specific version of the post-colonial obligation to rethink borders described by E. Tendayi Achiume, who contends that “[c]itizens in Third World countries in which First World countries intervene should not be considered political strangers; they are political siblings or cousins, with rights that should include entry and inclusion through migration.”⁷ This argument holds that Afghans are entitled to membership within the US polity, resulting from the United States' intervention in Afghanistan.

But if US action entitles Afghans to full, unrestricted entry to the United States, where else might that moral obligation apply? Surely, Iraqis, Vietnamese, Libyans, Somalis, and Yemenis are also entitled to these redistributive migration rights, given the direct US military interventions in their countries. Where does this leave Indonesians, Nicaraguans, Salvadorans, and Guatemalans, in whose countries more covert and US-backed paramilitary violence have similarly created instability and fueled migration? When discussing the tragedies at the US-Mexico border, many advocates have argued that US policies in Central America have created certain moral obligations to welcome

migrants from these countries. Do these moral arguments not also apply to migrants from countries facing economic devastation as a result of US sanctions, such as Iran, Cuba, and Venezuela? What about countries suffering from the US-led international economic order, enforced through the policies of the International Monetary Fund and World Bank, such as Lebanon, Tunisia, and Zimbabwe? Similarly, are climate migrants entitled to full membership in the US political community due to the United States' singular role in producing the climate crisis?

Rather than suggesting that the argument for including all Afghan migrants in the United States is a slippery slope, I raise these questions to force us to take a more rigorous moral approach to what the United States, as the global hegemon, owes the people of the world—particularly the Global South.

Achiume's full argument is much more expansive than one of simple bilateral relationships of intervention, arguing that the colonial and neocolonial powers of the Global North, or First World, “have no right to exclude Third World migrants, for reasons tied to the distributive and corrective justice implications of the legacies of colonialism.”⁸ After centuries of brutality, displacement, and wealth extraction from the colonized world for the benefit of Europe and its settler colonies, such as the United States, the people of nominally independent post-colonial states were left robbed of land and resources, beleaguered by both the wreckage of colonialism and the ongoing harms of neocolonialism, and wielding only what Achiume labels *quasi-sovereignty*:

The political experience of many Third World citizens is quasi-sovereignty: self-determination pursued haltingly and under constraints imposed by First World nation-states and their international institutions and transnational corporations, in collaboration with Third World political elites unaccountable to their

people.⁹

Given these ongoing structural injustices, Achiume makes a distributive justice argument for “migration as decolonization.” This argument rejects the prerogative of First World nations to exclude Third-World migrants and enables those migrants to shift power within the continuing colonial relationship via their full inclusion within the wealthy colonial metropole.¹⁰ Critical to Achiume's argument is that these obligations apply to all migrants, including economic migrants, and not just those migrants that fall under protected international legal categories, such as refugees and asylees.

Achiume provides clear historical justification for this argument while examining how Britain's colonial domination of Zimbabwe, as one example, continues to shape and subordinate the country and its citizens long after its formal independence. However, her argument extends beyond individual relationships between a specific colonizing country and its former colonies to one encompassing the distribution of power and resources in the global system:

The structural subordination of the Third World as a whole to the First World as a whole should negate the right of *any* First World country to exclude *any* Third World person, whether or not that specific country colonized the country of nationality of that specific person. The benefits to the First World of neocolonial subordination—and its ethical implications—go far beyond discrete bilateral relations between former colonial powers and the nations they colonized.¹¹

This framework reveals that the United States' redistributive obligations to welcome migrants extend well beyond Afghanistan. Not only must the United States open its borders to the victims of its wars but to the whole Global South, which continues to suffer from the structural domination of colo-

nialism and the US-led global post-war economic and political order. Achiume explicitly explains that the United States is no exception to her conception of colonial powers, arguing that “US informal imperial intervention in parts of the world it never formally colonized has created similar relationships to subordinated nation-states.”¹²

Achiume is clear that she is not making a cosmopolitan argument for open borders but rather “a distributive justice argument rooted in particular political and economic relations with long histories.”¹³ She explains that it is “an argument for sovereign responsibility for the unequal relations forged by sovereign intervention.”¹⁴ However, given the US’ uniquely interventionist role as the primary economic superpower and global hegemon throughout the post-war era, and especially since the disintegration of the Soviet Union, I argue that its redistributive obligations extend even further, potentially as far as fully open borders for all.

The colonial relations between the First and Third Worlds were and are uniquely destructive and exploitative and should be the focus of this and any other redistributive proposal. In addition to those unequal relations, the United States bears redistributive obligations to the Second World as well and possibly to significant components of the First World. Presiding over the global neoliberal economic order, the United States and its transnational corporations and international institutions have extracted wealth from and exploited many countries of the former Communist Bloc. Through shock therapy and other forms of economic coercion, the United States has profited and produced immense economic hardship in these countries, leading to greater migration flows leaving these states in the post-Cold War era.¹⁵ While this relationship is not necessarily colonial, and nowhere near synonymous with the enormous, racialized destruction wrought upon the

Global South, the unequal relations created through US intervention in the Second World also impose moral obligations on the United States toward migrants from these countries.

It is also worth asking if the US state and economic violence wielded within the First World itself do not also come with moral obligations toward migrants from these countries as well. Does the United States’ intervention in the Greek Civil War of the 1940s—supporting the right-wing, British-installed Greek government and providing them with napalm to use on their Greek communist opponents—impose any moral obligations on the United States?¹⁶ Do the austerity policies of the IMF, alongside the European Union, toward countries like Greece, Spain, and Portugal impose any obligations on the United States? While the majority of climate migrants are projected to come from the Global South, would climate migrants from the Global North not also be entitled to some justice from the United States?

The answers to these questions are not as clear as those governing the United States’ decolonial obligations toward the Third World. However, one possibility is that the United States’ hegemonic, interventionist role in world affairs obligates it toward a system of open borders to migrants worldwide or something close to it. Like Achiume’s argument, this is not a cosmopolitan one but a redistributive one. Based on the structures of exploitation described above, one could certainly expand Achiume’s argument of distributive justice to argue that the United States has an obligation—however unequal—to provide free migration and complete political inclusion to all who want it. Whether or not one agrees that this argument should extend toward the Second and First Worlds as well, it is clear that the United States at least has such an obligation to the formerly colonized people of the Third World or Global South.

6 “What’s Next for Afghans Fleeing the Taliban?: Questions and Answers,” Human Rights Watch, 9 September 2021, <https://www.hrw.org/news/2021/09/09/whats-next-afghans-fleeing-taliban>.

7 Achiume, “Rethinking Borders.”

8 E. Tendayi Achiume, “Migration as Decolonization,” *Stanford Law Review* 71 (2019): 1517.

9 Achiume, “Rethinking Borders.”

10 Achiume, “Migration as Decolonization.”

11 Achiume, “Rethinking Borders.” Emphasis in original.

12 Achiume, “Rethinking Borders.”

13 Achiume, “Rethinking Borders.”

14 Achiume, “Rethinking Borders.”

15 Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Metropolitan Books, 2007).

16 Vincent Bevins, *The Jakarta Method: Washington’s Anticommunist Crusade & the Mass Murder Program that Shaped Our World* (New York: PublicAffairs, 2020), 15-17.

Is Migration Decolonization in a Settler Colonial Context?

What this analysis has largely ignored up to this point is that the United States, in addition to being a First World neo-colonial superpower, is itself a settler colony built upon—and continuing to engage in—the domination and dispossession of Indigenous lands and communities.¹⁷ Achiume refers to her proposal as “migration as decolonization,” but what does such an open, redistributive system mean in the context of ongoing US settler colonialism?¹⁸ For Indigenous nations fighting for their sovereignty, is this method of redistributive justice for US colonialism abroad in tension and contradiction with decolonial justice within the settler colony? Or are these fights for justice complementary and in relationship and solidarity with one another?

While the United States’ moral obligations toward the Global South to engage in “migration as decolonization” are clear, such a policy would be unjust and not truly anticolonial if it is at the expense of Indigenous movements for sovereignty and decolonization. To understand if such a migration policy—whether exclusively for the people of the Third World or in the form of open borders to all—can be just, it is essential to examine how Indigenous anticolonial thought and movements engage with migrant justice and the idea of freedom of movement from the Global South to the settler colonial parts of the Global North.

The borders of the United States, a settler colonial state, are certainly antithetical to the sovereignty of Indigenous communities whose lands lie within or transcend those colonial borders. In fact, settler states use borders as a tool to advance their colonial project and disrupt and destroy Indigenous nations. Liam Midzain-Gobin describes how borders are productive of settler coloniality and not merely its product.¹⁹ Settler

states wield borders against Indigenous communities, Midzain-Gobin describes, “not only in having contemporary state borders built on top of existing national boundaries, but also in using internal bordering practices such as identity cards and travel passes to forcibly localize Indigenous peoples to specific territories—primarily First Nation reserves in the case of Canada—defined by the settler state.”

The United States’ militarized international borders cut through and divide Indigenous nations, such as the Tohono O’Odham Nation, whose land extends across the US-Mexico border, and the Haudenosaunee Confederacy, whose land is crossed by the US-Canada border.²⁰ These settler borders, their policing, and their militarization are an affront to Indigenous sovereignty, and their dismantling is an important component of decolonization.

Opening settler state borders to free migration, however, is not synonymous with dismantling them, which reveals potential tension between “migration as decolonization” and Indigenous sovereignty. In her dissertation titled “Immigration/Migration and Settler Colonialism: Doing Critical Ethnic Studies on the U.S. – Mexico Border,” Raquel A. Madrigal explores this tension between sanctuary for the undocumented and sovereignty for the Indigenous, arguing that “while the undocumented struggle seeks rights and inclusion from the settler colonial US state, Indigenous sovereignty requires the complete dismantling of the U.S. settler colonial structure.”²¹ She argues that “dominant and popular cultural discourses on the U.S.-Mexico border typically portray critical perspectives from non-Indigenous frameworks” and that “the reality of sanctuary as it exists today requires Indigenous erasure, genocide, removal, and dispossession of Indigenous land.”²²

²³The United States adopting a reparative migration system like the one described by Achiume is still a choice that

reifies the sovereignty of the settler colony, not that of Indigenous nations.

One should also not assume that Indigenous sovereignty automatically implies a borderless future. As Midzain-Gobin describes, members of the Wet’suwet’en nation, through the Unist’ot’en Action Camp, have used borders and checkpoints toward decolonial ends to assert their sovereignty in their land, reasserting this power against the Canadian settler state. Midzain-Gobin writes:

The checkpoint serves to close off the territory to those who do not gain the permission of the Camp’s leaders. Importantly, entry to the territory is contingent upon individuals answering questions that the Wet’suwet’en have asked visitors to their territory for thousands of years. The questions—which centre around the purpose of the visit, a person’s history working for government and industry associated with the ‘development’ they are seeking to block, and what skills the individual has to share with the Wet’suwet’en—are intended to allow the Wet’suwet’en to “keep the integrity of the land,” as they have been tasked with since time immemorial.²⁴

Sovereignty here involves the repurposing of colonial tools of bordering for decolonial purposes, while also employing traditional Wet’suwet’en practices toward visitors. It is important to note that the use of checkpoints and borders in direct opposition to the settler colonial state does not imply that identical practices would be used in a sovereign and decolonized future toward migrants and visitors who are not engaged in a settler colonial project. It is also significant that the long-standing Wet’suwet’en engagement with visitors is premised not on racialized exclusion, as in settler colonies, but on maintaining the integrity of the land.

Indigenous sovereignty should thus be at the core of the struggle for migration justice. Madrigal’s engagement

with the relationship between migrant justice and Indigenous sovereignty at the US-Mexico border, focused primarily on the Tohono O’odham Nation, leads her to argue that “Indigenous sovereignty in relation to land is fundamental to the undocumented immigrant and migrant struggle; that it is the starting point for the undocumented immigrant, and migrant movement in the United States.”²⁵ Recognizing that undocumented migrants are marginalized and racialized others in the eyes of the settler state, she engages with the literature on *subordinate settlers and arrivants*—categories used to describe the uneven role and relations played by those brought or participating in a settler project while also subordinate to it and not its primary actors, like undocumented migrants or enslaved people forcibly brought to the settler colony.²⁶ Madrigal argues that “the tensions between sovereignty and sanctuary puts sanctuary at risk of maintaining a subordinate/settler/arrivant status unless it actively relates its plight on all accounts to be accountable and responsible to and with Indigenous sovereignty.”²⁷

What is crucial for Madrigal is the existence of a “critical relational framework” connecting these issues.²⁸ Madrigal believes the struggles for migrant justice and Indigenous sovereignty are linked and must be pursued together, arguing for “an anticolonial/de-colonial praxis of justice and solidarity is crucial, but one that is critically relational, that addresses both undocumented immigrant and migrant concerns and Indigenous sovereignty.”²⁹ In articulating a decolonized future, she explains that the vision is that Tohono O’odham people “can take back their ancestral birthright of sovereignty, and relate in better ways to undocumented immigrants and migrants journeying through their land.”³⁰

This critically relational approach can be seen in a number of Indigenous-mi-

grant solidarity movements across the world’s settler colonies. In the settler colony of Australia, the Aboriginal Provisional Government (APG) issues Aboriginal passports, asserting sovereignty independent from the Australian State. As Monika Batra Kashyap writes, “[E]ven though the Australian government refuses to officially recognize the Aboriginal Passport, Indigenous people have been able to use the Passports to re-enter Australia for nearly thirty years.”³¹ She explains how Aboriginal activists created an Aboriginal Passport Ceremony to issue passports to asylum seekers and other migrants detained or otherwise excluded by the Australian settler government:

The Aboriginal Passport Ceremony movement was initiated in 2012 when President of Australia’s Indigenous Social Justice Association, Ray Jackson, tried to issue Aboriginal Passports to two Tamil asylum seekers who had been detained for three years in a Sydney detention center [. . .] Jackson was ultimately denied access to the detention center and was unable to issue the detainees Passports, but this act of solidarity and resistance sparked a movement of Indigenous/immigrant solidarity.³²

Soon after, Jackson and Sydney-based immigrant rights activist Rihab Charida together developed the idea of the Aboriginal Passport Ceremony, and:

[they] were soon inundated with requests to attend the “Welcome to Aboriginal Land Passport Ceremony,” at which over 200 immigrants received Aboriginal Passports after signing a pledge recognizing the sovereignty of Aboriginal and Torres Strait Islander peoples. For Jackson, the Ceremony reinforced Aboriginal sovereignty and self-determination while welcoming immigrants into Aboriginal lands. For Charida, the Ceremony presented a chance for immigrants to protest Australia’s legitimacy as the sovereign power of the land.³³

This critically relational dynamic

¹⁷ Achiume does not ignore that the United States is a settler colony. Her *Dissent* essay explicitly acknowledges that Europe’s satellite settler colonies shared in the bounty of the wealth extraction from the Third World, but her essay does not explore what this redistributive migration means for sovereignty of Indigenous nations in those settler colonies.

¹⁸ Achiume, “Migration as Decolonization.”

¹⁹ Liam Midzain-Gobin, “Decolonizing Borders,” *E-International Relations*, 12 January 2019, <https://www.e-ir.info/2019/01/12/decolonizing-borders/>.

²⁰ Angela R. Riley and Kristen A. Carpenter, “Decolonizing Indigenous Migration,” *California Law Review* 109, no. 1 (2021): 69. Riley and Carpenter also raise the important fact that many asylum seekers at the US-Mexico border are themselves Indigenous, forced to flee their lands. This too requires significant attention in formulating a decolonial migration system.

²¹ Raquel A. Madrigal, “Immigration/Migration and Settler Colonialism: Doing Critical Ethnic Studies on the U.S.-Mexico Border” (PhD dissertation, University of New Mexico, 2019), 159.

²² Many of the prominent discourses in the US that do include reference to Indigenous rights in relation to the U.S.-Mexico border focus on the fact that many Central American immigrants are themselves Indigenous and fleeing violence against their communities, which of course has significant implications. Even fewer discourses engage with the rights of Indigenous communities in the destination country, in this case the United States.

²³ Madrigal, “Immigration/Migration,” 170.

²⁴ Midzain-Gobin, “Decolonizing Borders,”

3.

²⁵ Madrigal, “Immigration/Migration,” 159-160.

²⁶ Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011); Madrigal, “Immigration/Migration,” 27-29; Eve Tuck and K. Wayne Yang, “Decolonization Is Not A Metaphor,” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 18, <https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554>.

²⁷ Madrigal, “Immigration/Migration,” 174.

²⁸ Madrigal, “Immigration/Migration,” 29-31.

²⁹ Madrigal, “Immigration/Migration,” 180.

³⁰ Madrigal, “Immigration/Migration,” 181.

³¹ Monika Batra Kashyap, “Unsettling Immigration Laws: Settler Colonialism and the U.S. Immigration Legal System,” *Fordham Urban Law Journal* 46, no. 3 (2019): 570.

³² Kashyap, “Unsettling Immigration Laws.”

fighters for the rights of migrants facing the exclusionary violence of the settler state while advancing and foregrounding the struggle for Indigenous sovereignty in Aboriginal lands.

Kashyap also points to other examples of Indigenous-migrant solidarity that center issues of sovereignty and the shared and intersecting struggles of both groups—including the network No One Is Illegal (NOII), founded in Montreal, which focuses on building these alliances “based on dismantling settler colonialism through the affirmation of Indigenous self-determination and the welcoming of immigrants to live in respectful relationship to existing communities and the land.”³⁴ With both migrant and Indigenous communities working in partnership, NOII centers the need for migrants to embrace their responsibility in this relationship to work to dismantle settler colonialism.

These alliances are not merely tactical partnerships, where co-equal parties with separate grievances unite against a common oppressor, but instead recognize the primacy of achieving Indigenous sovereignty as the non-negotiable foundation of solidarity and justice. Without this commitment, redistributive migration would not be liberatory. Both of the above examples point to possibilities of critical relationality and solidarity between migrants and Indigenous nations in pursuit of migrant justice and Indigenous sovereignty. These examples reveal paths for how migration could act as redistributive justice for colonialism abroad while also advancing decolonial justice within the settler colony itself.

Conclusion

Migration justice advocates are right to argue that the United States is morally obligated to welcome all Afghan migrants who seek to enter the country. The violence and material damage of the 20-year US war in Afghanistan re-

quire redistributive, reparative justice. As Achime argues, migration can serve a redistributive decolonizing role to address the unequal relations caused by such colonial intervention. Further, her theory of “migration as decolonization” obligates the First World to allow full migration and inclusion to all Third-World migrants to disrupt the continuing relationship of neocolonial subjugation. Expanding on Achime’s argument, I suggest that the United States, given its uniquely interventionist and extractive hegemonic role in the post-war global system, owes this sort of redistributive justice to both the Third and Second Worlds, if not to all migrants from across our warming globe.

The United States’ existence as a settler colony raises important questions for this theory of “migration as decolonization” and whether an open system of redistributive migration to a settler colony constructed atop Indigenous land can, in fact, be considered decolonial. To imagine a truly decolonial form of migration justice in a settler colony, it is essential to ground that vision in the anticolonial struggle for Indigenous sovereignty. As Madrigal argues, true solidarity between movements for migration justice and Indigenous sovereignty must be critically relational, with advocates for migrant justice understanding and relating their struggle to be accountable to and with Indigenous sovereignty. Exhibiting this critical relational framework in action, several current alliances between advocates for migrant justice and Indigenous sovereignty demonstrate what migration as decolonization can look like in the context of a settler colony. These efforts chart the path towards the redistributive, reparative justice that is needed, creating a foundation for future solidarity and praxis. [Δ](#)

Joseph Leone is a master of public policy candidate at the John F. Kennedy School of Government at Harvard Uni-

versity, focusing on human rights, global justice, and social movements, particularly in Southwest Asia and the United States. He is the current managing editor of the *Journal of Middle Eastern Politics and Policy* and a member of the editorial board of the *Progressive Policy Review*. He holds a bachelor’s degree in international relations from Tufts University.

³³ Kashyap, "Unsettling Immigration Laws," 571.

³⁴ Harsha Walia, *Undoing Border Imperialism*, (Chico: AK Press, 2013): 98, as cited in Kashyap "Unsettling Immigration Laws," 572.

EXPLORING MAJOR OBSTACLES FOR POLICYMAKING ON CLIMATE MIGRATION

Mustafaen Kamal

Introduction

Climate change is irrecoverably altering the environments in which a large portion of the world's population lives. Consequently, communities are having to move from their homes and seek lives in more habitable areas. Climate migration is viewed as an adaptive response to environmental change and is one of the most direct ways humans can respond to the changing environment. As climate change worsens, with little sign of dramatic policy reform in sight, the projected number of climate refugees is increasing.¹ The Stern Review, a major British governmental study, suggested that the number of persons affected by displacement would reach approximately 200 million people by 2050.² The GRID Report of 2018 suggested that more than 50 percent of current global refugees are environmental refugees, and that proportion is set to grow.³ There is a pressing need for a coherent and global protocol for climate refugees. This will be particularly helpful for unexpected climate disasters, which have increased significantly in the last decade.⁴ However, such an accord has been difficult to reach due to reasons that this essay illuminates.

The literature on climate change migration remains nascent. There are three fundamental issues that have prevented an effective and targeted multi-

lateral climate refugee policy. Firstly, there is an enumeration problem that prevents effective policymaking. Major research in the space has been criticized for their flawed methodology, and an inability to measure the problem has left policymakers unwilling or unable to implement effective policies. Secondly, there is a rights deficit facing climate refugees. The current legal framework has not evolved with climate change in mind and remains inadequate for climate refugees to seek protection with. Moreover, many climate refugee agreements do not sufficiently account for the needs of developing countries or the needs of climate refugees themselves. Thirdly, there is a funding deficit, which has prevented meaningful resources from being devoted to help offset the costs of climate migration.⁵ This is reflective of the lack of political will within wealthier nations to grapple with the consequences of climate change.

Enumeration Deficit

The first issue with gathering data on climate refugees is isolating climate as a push factor and distilling it from other factors that drive people to leave their homes. As Laczko and Aghazaram highlight, “[E]nvironmental migration is multicausal, it is difficult to distinguish the environment as its sole driver except for some movements linked to natural disasters.”⁶ An International Or-

¹ Jonathan T. Park, “Climate Change and Capitalism,” *Consilience: The Journal of Sustainable Development* 14 (2015): 189–206.

² Nicolas Stern, *The Economics of Climate Change: The Stern Review* (Cambridge: Cambridge University Press, 2006). However, as we discuss below, there are issues with estimation.

³ “Global Report on Internal Displacement,” Norwegian Refugee Council, 2018, <https://www.internal-displacement.org/global-report/grid2018/downloads/2018-GRID.pdf>.

⁴ Melissa C.K. Phillips et al., “The Effect of Climate Change on Natural Disasters: A College Student Perspective,” *Weather, Climate, and Society* 7, no. 1 (2015): 60–68.

⁵ Frank Biermann and Ingrid Boas, “Preparing for a Warmer World: Towards a Global Governance System to Protect Climate Refugees,” *Global Environmental Politics* 10, no. 1 (2010): 60–88.

⁶ Global Migration Data Analysis Centre: Data Briefing Series 2, International Organization of Migration, 2016.

ganization of Migration (IOM) report claims that deciding “causality between economic ‘pull’ and environmental ‘push’ is often highly subjective.”⁷ For example, a declining fish population may not directly make a fisherperson move from their home, but the threat of losing business due to declining income may. International frameworks have yet to make clear whether this would be an environmental push factor, an economic driver, or both. The Foresight report outlined a typology that suggested there are only five drivers of migration: economic, social, political, environmental, and demographic. The report suggests that “economic and social factors are the most important” and are only accentuated by the other factors.⁸ This conception seems to simultaneously treat environmental factors as important enough to constitute a distinct head but also a mere background factor.⁹ This cosmology makes it unclear to policymakers whether to create an overarching economic framework for refugees that is sensitive to environmental concerns or devote resources to create a focused policy that tackles environmental factors that may cause people to migrate.

Disparate organisations have different interpretations of what constitutes a refugee. For example, the UNHCR is bound to Article 1 of the 1951 Convention, which was expanded in 1967, as it is the pre-eminent definition in international law.¹⁰ However, other organisations employ distinct definitions. The US Committee for Refugees and Migration uses a definition that only includes “those who are in need of protection and assistance.” The defining characteristic of this group is “their inability to repatriate due to continued fear of persecution in their homelands and the absence of permanent settlement opportunities in their countries of asylum.”¹¹ This is a restrictive definition and would not account for many settled asylum seekers. Moreover, there has

been a tendency within the media to exaggerate the numbers of refugees. Media outlets often include “anyone who has been forced to leave their usual place of residence by circumstances beyond their control” within their definition of refugees.¹² Whether climate refugees are included within the parameters of certain definitions depends on the motives of different agents.

Secondly, there are several practical issues which prevent the efficient data collection of refugees. The most overarching is resource scarcity in the locations where refugees are present. Eighty-five percent of the world’s refugees are in developing countries, and a third are present in the world’s least-developed countries.¹³ These nations, and organisations within them, are often strapped for resources and may prioritize other policy goals over the enumeration of refugees. The World Refugee Report stated that enumeration often only becomes a realistic possibility when refugees are settled within camps, and often that results in a large underestimation. The report states: “[G]iven the fluidity of most refugee situations, counting refugees is at best an approximate science.”¹⁴

One confounding factor of enumeration is the fast-developing role of technology. Artificial Intelligence (AI) modelling allows policymakers to predict, with greater certainty, how migrant flows and settlement will look in the event of climate disasters. Much of anti-refugee rhetoric revolves around the uncertainty of what migration will result in and leads to a consequent lobbying for inaction.¹⁵ If AI technology is assiduously used by interest groups and sympathetic political agents, then many worries that are founded on a lack of information can be quashed. However, technology (and specifically mass data) can hinder the aspirations of forced migrants. Artificial intelligence products, technology apps, and social media platforms are all controlled by financially

elite nations and institutions. There is an inherent incentive to present data in a way that would please shareholders or the electorate, which of course does not account for the interests of refugees. Social media provides spaces for far-right and anti-migrant voices to form communities. McAullife outlines how some of these online communities have successfully lobbied for extremely defensive policies at both the national and local level.¹⁶ Migrants are also often in fear of seeking basic financial and health services because they are concerned about data sharing that might lead to hostile parties finding out their whereabouts.¹⁷ Even technology that is helpful for refugees is not in their own possession. For example, the AI that maps refugee routes is likely to be based in laboratories across Ivy League institutions or elite research centers. This produces questions of agency and consent, many of which are ignored by policies regarding refugees.

Rights Deficit

The 1951 Refugee Convention and 1967 Refugee Protocols—collectively the principal multilateral agreements that seek to delimit the obligations and responsibilities of states toward refugees—do not specifically create a rights regime for environmental refugees, and due to the language used within these accords, environmental refugees are left without significant legal recourse. Three factors prevent robust legal protection for environmental refugees.

Firstly, the primary refugee agreements were drafted in a time when climate change was not as widely understood or prioritized by the sovereign nations that were party to them. In fact, the first serious international engagement with environmental change occurred almost two decades after the Refugee Convention at a NATO Conference in 1969.¹⁸ It was not until the UN Environ-

mental Program of 1985 that the UNHCR started targeting resources to facilitate the protection of climate migrants. This came after an emerging acceptance of climate science. Today, climate science remains ahead of any multilateral agreement to assist populations who are affected by it. The COP26 was hailed as a seminal moment for the world's attitude toward climate change, yet there is no indication that the recent Groundswell Report—which predicts 216 million climate refugees by 2050—had a significant role in discussions.¹⁹ The summit left many observers disappointed, so much so that the convener Alok Sharma was left in tears in the closing plenary.²⁰ The summit failed to deliver the sweeping reform that had been widely anticipated.²¹ Refugees International lamented the lack of concrete progress and has stated that COP26 is yet another example of the "slow and cumbersome" pace of international accords.²²

Secondly, there was a Eurocentric emphasis in its formulation. For example, in the 1951 Convention, the accord was restricted to those whose circumstances were a "result of events occurring before 1 January 1951", and States had an option of interpreting this through the lens of "events occurring in Europe or elsewhere."²³ Although some nations dropped that restriction after ratifying the 1967 Protocol, the very fact that the foundational agreement on the subject of refugees was largely concerned with a particular region of the world necessarily excludes some of the predominant interests of smaller countries from the ideological milieu in which these conventions were born. Many countries were still colonized in 1951 and 1967 and thus did not have a sufficient international voice to express their unique concerns. Of course, the domination of wealthier countries continues in the present day.

Thirdly, climate refugees are currently inadequately protected under inter-

national law.²⁴ Climate refugees are not actually considered *refugees* under the Refugee Convention. As a recent IOM report states, "[L]abels are important," and one's legal status varies enormously depending on if one is considered a refugee or a migrant.²⁵ Although it is common for campaigners to refer to "environmental refugees" when advocating on their behalf, this is "not accurate under international law."²⁶ Under the Refugee Convention definition, a refugee is a person who:

[O]wing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.²⁷

Phenomena such as sea levels rising or greenhouse gas emissions are unlikely to be considered persecuting forces. Climate refugees would have to establish a fear of persecution based on their "race, religion, nationality, membership of a particular social group or political opinion."²⁸ However, "the impacts of climate change [. . .] are largely indiscriminate, rather than tied to particular characteristics."²⁹ The requirement for refugees to be unable or "unwilling to avail himself of the protection of that country" is unlikely to apply to climate refugees. This characterization envisages political refugees who are being persecuted by their own governments. This is rarely the case for climate refugees, as their own governments may have tried to assist them.³⁰

The 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems (OAU Convention) adds the phrase "'refugee' shall also apply to every person who [is

7 Migration and Climate Change: IOM Migration Research Series 31, International Organization of Migration, 2008.

8 "Foresight: Migration and Global Environmental Change," Final Project Report, The Government Office for Science, London, 2011.

9 Katrina Wyman, "Responses to Climate Migration," *The Harvard Environmental Law Review* 37, no. 1 (2013): 167-216.

10 Migration and Climate Change, IOM Migration Research Series.

11 UN General Assembly, "Protocol Relating to the Status of Refugees," *United Nations Treaty Series* 606 (1967): 267.

12 "The State of the World's Refugees 1993: The Challenge of Protection," United Nations High Commissioner for Refugees, 1 January 1993.

13 National Academies of Sciences, Engineering, and Medicine, *Forced Migration Research: From Theory to Practice in Promoting Migrant Well-Being: Proceedings of a Workshop* (Washington, DC: The National Academies, 2019).

14 "The State of the World's Refugees."

15 "UNHCR Strategy on Digital Identity and Inclusion," United Nations High Commissioner for Refugees, 2018.

16 Marie McAuliffe, "The link between migration and technology is not what you think," World Economic Forum (blog), 14 December 2018, <https://www.weforum.org/agenda/2018/12/social-media-is-casting-a-dark-shadow-over-migration/>.

17 "World Migration Report 2020," International Organization for Migration, 2019.

18 Kai F. Hünemörder, *Die Frühgeschichte der globalen Umweltkrise und die Formierung der deutschen Umweltpolitik (1950–1973) [Early history of the environmental crisis and the setup of German environmental policy]* (Stuttgart: Franz Steiner Verlag, 2004).

19 Viviane Clement et al., "Groundswell 2: Acting on Internal Climate Migration" (report), The World Bank, 2021.

20 "COP26: Alok Sharma fights back tears as Glasgow Climate Pact agreed," *BBC News*, accessed 11 March 2022, <https://www.bbc.com/news/av/world-59276651>.

21 "Alok Sharma fights back tears."

22 Kayly Ober, "COP26: 5 Takeaways for Climate Migration and Displacement" (blog), Refugees International, 24 November 2021, last accessed 28 January 2022, <https://www.refugeesinternational.org/reports/2021/11/23/cop26-5-takeaways-for-climate-migration-and-displacement>.

23 "Convention Relating to the Status of Refugees," *United Nations Treaty Series* 189 (1951): 137.

24 Wyman, "Responses to Climate Migration."

25 Migration and Climate Change, IOM Migration Research Series.

26 Migration and Climate Change, IOM Migration Research Series.

27 UN Refugee Convention 1951, *supra* note 56, Art. 1(A)(2): 1967 Protocol Art. 1(2).

28 "Convention Relating to the Status of Refugees."

29 Jane McAdam, "From Economic Refugees to Climate Refugees? Review of *International Refugee Law and Socio-Economic Rights: Refuge from Deprivation* by Michelle Foster," *Melbourne Journal of International Law* 10, no. 2 (2009): 579-595.

affected by] external aggression, occupation, foreign domination or events seriously disturbing public order.” It is not inconceivable that climate change may qualify as an event that disturbs the public order. However, the vagueness of such a definition and its vulnerability to legal argumentation mean that refugees have at best a tenuous claim. This example highlights the need for a new and robust regime to protect climate refugees.

As Docherty and Giannini make clear, “[T]he problem of climate-induced migration is sufficiently new and substantial to justify its own legal regime instead of being forced within legal frameworks that were not designed to handle it.”³¹ Although there have been subsequent agreements, and indeed those that attempt to be conscious of the differing needs of smaller nations, climate migration is a subject that suffers from several unfortunate legacies. This section has attempted to highlight how inadequately protected refugees are under the current anachronous system of legal rights they are afforded.

Funding Deficit

The third predicament that policymakers face when addressing climate refugees is the lack of resources available to assist refugees and host nations during the period of their migration and settlement.

Firstly, the issue of climate refugees disproportionately affects developing countries, which are often resource scarce and have other domestic priorities that would outrank the need to tackle climate migration.³² The World Bank indicates that just three regions in the global south—Southeast Asia, Latin America, and Sub-Saharan Africa—will produce 143 million additional climate refugees by 2050.³³ For example, the Sahelian region of northern Nigeria is extremely vulnerable to climate change and is likely to receive a significant rise

in the number of climate refugees in the near future.³⁴ If you juxtapose this to the precarious domestic financial situation—where Nigeria is facing its deepest recession in two decades, 40 percent of Nigerians are currently living below the poverty, and Human Development Index (HDI) ranks it 150th out of 157 measured countries—it is clear that Nigeria will struggle to muster the resources required to adequately address the issue effectively.

There is no central pool of resources that can assist developing countries in combating climate change induced migration. Currently, assistance from developed countries is on an ad hoc basis. Efforts are often not directed specifically at climate migration, but rather climate change more broadly. For example, the Special Climate Change Fund accepts voluntary donations from states to help address adaptation and other climate change problems.³⁵ Alongside climate migration, the fund is focused on addressing: “adaptation; technology transfer and capacity building; energy, transport, industry, agriculture, forestry and waste management; and economic diversification.”³⁶ This lack of focus on climate refugees specifically necessarily means the funding is inadequate for a growing problem. Secondly, when one relies solely on the charitable will of sovereign notions, the volume of capital will be lower than when there are binding multilateral conventions requiring states to maintain regular funding. Two other sources of funding that suffer from the same two pitfalls are disaster relief funding and development funding. Both lack focus on climate refugees and are reliant on the voluntary donations of sovereign states.³⁷ There is a need for a central pool of funds that can assist developing countries in addressing the issue, but there seems to be a lack of political appetite for such a fund.

It is difficult to envisage significant financial and practical assistance from developed countries due to the current

political climate. It is clear that migration and climate change are often controversial issues separately, and the combination is an electorally divisive matter in western democracies.³⁸ There has been little political mobilization to devote resources to climate migration. Western democracies are currently subject to “short-term economic and political interests which are making states reluctant to deal with two of the biggest challenges of our time.”³⁹ For example, the European Union has currently been in a stalemate over the renegotiation of the Common European Asylum System for seven years, and this shows no sign of abatement. Domestic electorates are growing suspicious of migration. Alexander Betts argues that we need to spend less time admonishing this fact and spend more time creating a political ecosystem that views refugees positively in terms of the cultural and economic progress they can create.⁴⁰ Of course, the instrumentalization of refugees as a vehicle for socioeconomic progress is problematic. However, it has become an unfortunate staple of the Western political ecosystem where mere altruism has stopped being sufficient. This is a long project to embark on, but it is necessary to get lasting protection for current and future refugees.

Conclusion

Each stage of policymaking regarding climate refugees is riddled with obstacles that make comprehensive and coordinated strategies difficult to achieve. Policymakers are unable to correctly measure the predicament at hand and thus are left unable to create proportionate and targeted policies to address them. They also face an anachronistic legal and funding framework that has stunted the innovation required to keep abreast of vast changes in our understanding of climate change as well as refugee flows.

The research presented can be used

to test whether any new proposals to tackle the climate migration crisis overcome the difficulties that have hindered past responses. This is a defining moment for global response to climate change, and stakeholders suggest that we are headed towards a catastrophe if climate migration is not addressed in conjunction with climate change. We must coordinate enormous international efforts to overcome the challenges of the past.^Δ

Mustafaen Kamal is a Frank Knox Fellow at Harvard Law School, where he is due to complete a master of law degree in May 2022. Previously, Mustafaen has studied at Oxford University, the London School of Economics and Political Science, and at Cambridge University, where he was a Laidlaw Scholar. Mustafaen's Laidlaw Scholarship was focused on migrant rights, and this is a passion he continued at Harvard, where his theses have centered on related topics.

³⁰ Bonnie Docherty and Tyler Giannini, "Confronting a rising tide: A proposal for a convention on climate refugees," *The Harvard Environmental Law Review* 32, no. 2 (2009): 349-403.

³¹ Docherty and Tyler, "Confronting a rising tide."

³² Although the literature on climate migration pertaining to developing countries is more substantial, there have been several attempts to highlight those developing countries will be affected too (e.g., the United States).

³³ Kanta Kumari Rigaud et al., "Groundswell: Preparing for Internal Climate Migration" (report), The World Bank, 2018.

³⁴ *Migration and Climate Change*, IOM Migration Research Series.

³⁵ UNFCCC Conference of the Parties 7, Marrakesh Climate Change Conference, 8th Plenary Meeting, 2001.

³⁶ Marrakesh Climate Change Conference

³⁷ Wyman, "Responses to Climate Migration."

³⁸ Gregory White, *Climate Change and Migration: Security and Borders in a Warming World* (Oxford: Oxford University Press, 2011), 138-139

³⁹ Chiara Scissa, "Recognition and Protection of Environmental Migrants in International Law," in *Dignity in Movement: Borders, Bodies and Rights*, ed. Jasmin Lilian Diab (E-International Relations, 2021), 4.

⁴⁰ Alexander Betts, *The Wealth of Refugees: How Displaced People Can Build Economies* (Oxford: Oxford University Press, 2021), 23.

REPUBLICANISM IS JUST THE FIRST STEP. TRUE INDEPENDENCE FOR BARBADOS DEMANDS TRANSFORMATIVE CHANGE.

Ketaki Zodgekar

On 30 November 2021, Barbados became a republic. Nearly 400 years after the first British ship arrived on the island and exactly 55 years after independence from British colonial rule, Prime Minister Mia Mottley conducted a ceremony replacing Queen Elizabeth II with Dame Sandra Mason as the head of state. Bells chimed across the capital, steel drum orchestras performed in celebration, and Bajan pop star Rihanna was declared a national hero. As the news broke, people sent their congratulations, hailing an end to British colonial influence and celebrating the beginning of a new era of independence and self-determination.

But, in a world without reparations, in the shadow of third-world debt, how free is Barbados, really? Even though Barbados has separated itself from the UK symbolically, and the Queen no longer has jurisdiction over the nation's laws and policies, ongoing neo-colonial financial conditions continue to devastate Barbados' economy and limit its political possibilities. A meaningful rebuke of colonization necessitates more transformative action. A democratically elected head of state is a crucial first step, but true independence from Western influence necessitates debt cancellation and reparations.

Debt Cancellation

The next step on the path to true independence from colonial power is the cancellation of the debt Barbados owes to Western financial institutions. When Barbados won independence in 1966, it received no compensation from Britain. Appallingly, the only compensation the British government ever did fund during the process of decolonization was £20 million to slave owners, which they only finished paying off in 2015.¹

In the years after independence, Barbados borrowed from the International Monetary Fund in order to build up infrastructure for its tourism sector—now the country's main source of income—supplement spending on public services, and deal with oil price shocks and the decline of the once-prosperous sugar industry.² Low living standards meant many Bajans left the island in search of economic opportunity, further cementing a cycle of economic decline and public borrowing to address it. By 2017, Barbados' national debt was \$7.9 billion, over 175 percent of the GDP, the highest in the Caribbean and Latin America.^{3, 4, 5} This necessitated a drastic, IMF-driven sovereign debt restructuring in 2018. This process resulted in mass lay-

¹ Claire Milne, "This is what we know about the government loan to pay slave owners compensation after slavery was abolished in 1833," Full Fact, 2 July 2020, <https://fullfact.org/economy/slavery-abolition-act-loan/>.

² Michael McGregor Howard, *The Economic Development of Barbados* (Kingston, Jamaica: University of the West Indies Press, 2006).

offs of government workers, lower corporate tax rates, and privatization of public services, all in the name of alleviating the burden of debt on Barbados' government.^{6, 7, 8} Then, economic conditions worsened during the pandemic, when the cessation of tourism hit the economy grievously.

Though republicanism means that bills in Barbados' parliament no longer require royal assent by the Queen, they are still conditional on the tacit approval of Western financial institutions, which can impose harsh controls on public spending as long as Barbados is in debt to them. Debt cancellation would sever the ties of financial obligation Barbados still has to the IMF, allowing true independence not just in name but in financial and legislative ability.

Debt cancellation is possible. Small steps toward a more prudent understanding of debt are already in progress. During the 2018 debt restructuring, Barbados negotiated a clause ruling that in the event of a natural disaster—as ruled by a meteorological agency or the World Health Organization—debt repayments would be suspended for two years.⁹ This clause is particularly essential for an island nation facing existential threat from rising sea levels and extreme weather events. Given that financial institutions show some willingness to accept that, in times of crisis, debt relief is necessary, perhaps a wider understanding of what constitutes *crisis* would impel institutions to permanently cancel debt. Climate breakdown, economic decline, and pandemic devastation are already in progress. Debt should be cancelled now.

Reparations

Barbados had to take out loans in the first place because colonizers extracted wealth and resources from the nation and enslaved Bajan people, selling the products of their labor. This process went on for hundreds of years to the

sole financial benefit of Britain. The real historic debt is owed in the other direction—from Britain to Barbados. Reparations are a necessary transformative policy intervention, one which would facilitate true independence.

For a long time, Caribbean nations have been working together to articulate demands for reparations. In 2014, Caricom, an intergovernmental organization of 15 Caribbean states, unanimously approved a 10-point plan for reparatory justice, which calls for European investment in public health, cultural institutions, education, technology, and for the cancellation of debt.¹⁰ Reparations from Britain to Barbados are a moral imperative but also a precondition for sustainable improvements in living standards. In 2020, Barbados' GDP per capita was \$13,660, and Britain's was over three times higher—at \$42,455.¹¹ Even within Barbados, economic inequality is dramatic and racialized. The top 1 percent of earners' average household income is 10 times the national average, and White residents own most of the land, even though they are just 2.5 percent of the population.^{12, 13} Flows of resources and funding for public services from the UK to Barbados would start to repair this crisis of inequality.

Philosopher Olúfẹ́mi Táíwò's constructive view of reparations is particularly salient for a nation in Barbados' environmental position. He argues for an approach to reparations centered around demands for climate justice, pointing to divest-invest strategies, torching tax havens, and putting land into community control as essential actions.¹⁴ A good starting point the UK can take for reparative action is returning Bajan land, which many British descendants of slave-owners still own—for example, sitting Conservative Member of Parliament Richard Drax, who, in 2017, inherited the Drax Hall plantation in Barbados.¹⁵

Without reparations, Barbados will continue to be on an unequal footing

with the UK, tied to it by an unaddressed history of exploitation. Reparative action would work to re-balance the injustices of the past and put Barbados on a stronger path toward prosperity, independent of the UK.

Belt and Road

In Barbados' new republican era, there are other geopolitical factors at play in a world shaped by colonization, which might also complicate full financial independence. In February 2019, Barbados signed onto China's Belt and Road Initiative, agreeing to increased developmental ties with China, which agreed to provide particular assistance on infrastructure projects.¹⁶ Questions remain about the conditions attached to this investment and to what extent it will preserve Barbados' financial independence. The hope is that proper reparative action and debt relief, built on a strong foundation of republicanism, would reduce Barbados' need to enter into opaque, potentially exploitative financial agreements with other countries. Instead, these three transformational factors would set the nation up to take on public policy challenges independently in environmentally sustainable and socially equitable ways.

Looking Forward

Barbados' new republican status is nevertheless a profoundly important and symbolic first step on the road to true independence for all post-colonial nations. Crucially, it has important potential to mobilize other countries into republicanism. The last big wave of independence happened in the 1970s, when Guyana, Trinidad, and Dominica all dropped the Queen as head of state. Many expected the next wave to happen after Queen Elizabeth II's passing, but it is happening sooner.

The uprisings of 2020 opened up a debate about the legacy of colonization

and slavery to a wider audience. More are learning about the extractive colonial encounters that create our present reality of stark global inequality, questioning the ongoing economic and political influence Western governments have in developing nations, and demanding change. Barbados' uncoupling from the monarchy is intimately bound with this political movement, which is gaining ground in other countries, from Jamaica to Canada. Barbados both energizes movements for republicanism around the world and provides a constitutional blueprint for how they can go about it.

To use a term coined by scholar Adom Getachew, Barbados is *worldmaking*.¹⁷ Getachew argues against the view of postcolonial nationalisms as parochial and fixated on nation-building above all else, instead positing that national independence movements disrupted traditional ideas about state sovereignty, articulating an internationalist "ambitious vision of global redistribution."¹⁸ By challenging entrenched colonial power and asserting the right to debt relief and reparations, Barbados is mobilizing movements internationally and in the process it is "reordering the world [. . .] to create a domination-free and egalitarian international order."¹⁹

In sum, any repudiation of lasting colonial dominance is a powerful step in the right direction. But there is a lot left to do before Barbados, and other developing, post-colonial nations, can be truly independent. ▲

Ketaki Zodgekar is a Frank Knox Fellow and master of public policy student at the John F. Kennedy School of Government at Harvard University. She is interested in human rights and social movements, with a focus on migration, gender, LGBTQ+ communities, and decolonization. Before coming to Harvard, Ketaki worked for a think tank in London. Ketaki holds a master's degree in philosophy and politics from the Uni-

versity of Edinburgh. She is also an editor at Project Myopia and co-Chair of the Progressive Caucus at the Harvard Kennedy School.

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4 "Barbados: National Debt."

5 Zubin Deyal, Laura Giles Alvarez, and Kimberly Waithe, "Economic Growth, Debt, and Fiscal Adjustment: Barbados' Tripartite Challenge," Policy Brief, Inter-American Development Bank, 2019, https://publications.iadb.org/publications/english/document/Economic_Growth_Debt_and_Fiscal_Adjustment_Barbados%E2%80%99_Tripartite_Challenge.pdf.

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Reimagining US Institutions

IT'S TIME FOR MASSACHUSETTS TO PAY REPARATIONS TO CLOSE THE RACIAL HOMEOWNERSHIP GAP.

Aneesa Andrabi

Governor Charlie Baker is hoping to bridge the racial homeownership gap in the state of Massachusetts. While his plan is promising, it's not enough.

Massachusetts has the sixth-highest racial homeownership gap in the country. White people are almost twice as likely to own homes as Black people. In Boston, the average net worth of a Black family is \$8, and \$247,500 for a White family.¹

Governor Baker proposed to spend \$1 billion of COVID relief funds on affordable housing and \$300 million to expand homeownership opportunities to first-time homebuyers in communities hurt most by the pandemic.² This is a great start but does not address the root causes of the Black-White homeownership gap. As Mehrsa Baradan succinctly said, "Wealth is where past injustices breed present suffering."³ So let us look back to the origins of this stark racial disparity.

The Origins of the Racial Homeownership Gap

In the 1990s, economists at the Boston Federal Reserve authored a paper confirming that racial discrimination in lending practices was rampant through-

out the 20th century in Massachusetts. The researchers evaluated mortgage market data and scrutinized lenders' claims that lower mortgage rates of Black people were due to weaker credit histories. The data showed a denial rate for Black and Hispanic applicants that was two to three times higher than the denial rate for White applicants. In fact, high-income minority applicants were more likely to be turned down than low-income White applicants.^{4, 5}

Nationwide, Black Americans have historically been disenfranchised by both public and private institutions in the housing market. Racist lending practices began in the 20th century and explicitly existed in law for at least 35 years, drastically curtailing the ability of Black Americans to accumulate generational wealth.

From the 1930s to the 1960s, the Federal Housing Authority (FHA), established in 1934, provided mortgages only for "non-risky" homes. The federal government reinscribed and sponsored racism by calculating this "risk" by race. Black neighborhoods were redlined and banned from receiving federally insured mortgages. Redlining went beyond FHA-backed loans; the real estate industry also prevented Black families from accessing private loans, justifying these

¹ Akilah Johnson, "That was not a typo: The median net worth of black Bostonians really is \$8" *Boston Globe*, 11 December 2017, <https://www.bostonglobe.com/metro/2017/12/11/that-was-typos-the-median-net-worth-black-bostonians-really/ze5kxC1jJelx24M3pugFFN/story.html>.

² Nik DeCosta Klipa, "How the Baker administration wants to use COVID-19 relief funds to close the racial homeownership gap," *Boston.com*, 7 July 2021, <https://www.boston.com/news/local-news/2021/07/07/baker-covid-19-relief-funds-racial-homeownership-gap/>.

³ *Explained: The Racial Wealth Gap*, Netflix, 23 April 2018.

⁴ Larry Bean, "Landmark Boston Fed paper confirmed racial discrimination in Boston's mortgage market," Federal Reserve Bank of Boston, 7 October 2021, <https://www.bostonfed.org/news-and-events/news/2020/10/landmark-boston-fed-hdma-paper-recapped.aspx>.

⁵ Notably, this paper was released at the same time the State of Massachusetts repealed rent control, spurring statewide evictions and displacement of Black families.

decisions as measures to mitigate mortgage risk.

Restrictive covenants and predatory agreements further excluded Black Americans from the market. The mid-20th century saw White homeowners and Homeowners Associations enacting racially restrictive covenants—contractual agreements to not sell to Black people—which further prevented wealth accumulation. White real estate agents also sold homes to Black families “on contract,” an exploitative agreement that combined the responsibilities of homeownership with the disadvantages of renting.⁶ These predatory housing contracts, actively used in the 1950s and ‘60s, allowed buyers to pay large down payments for homes and make monthly installments at high interest rates, but buyers could not gain ownership until the contract was paid in full. At the same time, the contract seller could evict the buyer at any time and held the deed. No laws existed to protect the buyers. Predatory contracts thwarted Black Americans’ aspiration to acquire homes through *predatory inclusion*, strategically allowing Black Americans to participate in homeownership but on unfair terms that precluded building generational wealth.

Although the Fair Housing Act of 1968 ultimately outlawed such exclusionary laws, this was no immediate fix, and racist lending policies exist to this day. Most recently leading up to the Great Recession, major banking institutions like Wells Fargo doled out a new predatory loan: subprime mortgages. Large banks steered Black borrowers into these dicey mortgages, which led to vast amounts of foreclosures.⁷ During the height of the housing boom in 2007, large financial institutions charged Black Americans and Latinos higher rates and fees on mortgages, even though they qualified for stronger deals. Several banks were later charged and tried by the US Justice Department, ul-

timately agreeing to settle and pay out millions of dollars.

Today’s real estate industry and homeowners’ associations still perpetuate racial housing inequity by lobbying for exclusionary zoning that prevents density and bans rent control measures, displacing residents. The 21st-century real estate lobby combined with the power of homeowners associations are an ongoing form of settler colonialism.

Professor Keeanga-Yamahtta Taylor puts it well: “The quality of life in U.S. society depends on the personal accumulation of wealth, and homeownership is the single largest investment that most families make to accrue this wealth. But when the housing market is fully formed by racial discrimination, there is deep, abiding inequality.”⁸

The Path to Reparations

If Black households were historically denied the ability to acquire wealth, one might believe, as Governor Baker does, that providing Black households with mortgages now could reverse-engineer the resulting inequity. But the sheer amount of wealth accumulation lost by Black Americans who were legally excluded from obtaining one of the only assets to achieve economic mobility in the 20th and 21st centuries is **on a far more drastic scale that demands transformative policy solutions that explicitly serve Black Americans.**

In the past few years, local and state governments have begun trying to address the nation’s racial homeownership gap. Just this summer, two Boston City councilmembers issued an ordinance calling to assess reparations and their impact on the civil rights of Black Bostonians. The cities of Amherst and Cambridge are researching reparations, as is the State of California.^{9, 10, 11} The city of Evanston, Illinois, is providing reparations to Black families (and their descendants) who faced government-based housing discrimination.¹²

Many critics of race-based reparations argue that there is no operational precedent and that it is too complex for the government to administer this kind of compensation. However, recently, Professors Cornell Brooks and Linda Bilmes from the John F. Kennedy School of Government at Harvard University show how the US government actually has a long history of providing reparations to many people, just not to Black Americans. From providing funds to Japanese Americans who were victims of internment in the 1940s to the families of 9/11 victims, the United States has in total provided trillions of funds in federal settlements in its history.

Governor Baker’s down-payment assistance and discounted mortgages to lower-income households, however, are race neutral. His policies do not explicitly target loans to Black families, nor do they account for the wealth lost over decades of racist housing policies. The race-blind approach does little to actually close the racial homeownership gap. Instead, the state government needs to directly link monetary value to these historical wrongdoings and pass legislation that pays reparations to descendants of Black families in Massachusetts. The State of Massachusetts could begin by analyzing the present value of land in 20th-century Massachusetts. Economist William Darity has provided several comprehensive methodologies to enumerate reparations from slavery, Jim Crow laws, and segregation. One technique that could apply to housing-based reparations is calculating the difference between average Black and White per capita wealth and providing direct reparations to close the gap.

Ta-Nehisi Coates wrote, “It is as though we have run up a credit-card bill and, having pledged to charge no more, remain befuddled that the balance does not disappear. The effects of that balance, interest accruing daily, are all around us.” Without paying reparations to Black families and their descendants

who experienced housing discrimination, the balance will not disappear.¹³△

Aneesa Andrabi is a policy professional, passionate about data-driven, effective policy that advances both equity and sustainability. She spent the last three years working in the Office of Los Angeles Mayor Eric Garcetti. As infrastructure manager on the City Services team, Aneesa helped direct the mayor's agenda on mobility and infrastructure. During the pandemic, she spearheaded the City's response effort for vulnerable seniors and developed a first-in-the-nation program that worked with small restaurants and taxicabs to provide meals to 20,000 low-income seniors. Previously, she worked at HR&A Advisors, Inc., a national urban development advisory firm. Aneesa graduated from Swarthmore College's Honors program with a bachelor of arts in political science and public policy.

She is currently pursuing a master's degree of public policy at the John F. Kennedy School of Government at Harvard University. While at HKS, she has received two competitive fellowships: the Center for Public Leadership Spring fellowship and the Taubman Center Transition Term fellowship.

⁶ Ta-Nehisi Coates, "The Case for Reparations," *The Atlantic*, 22 May 2014, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

⁷ Coates, "Reparations."

⁸ Keeanga-Yamahtta Taylor, *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership, Justice, Power, and Politics* (Chapel Hill: The University of North Carolina Press, 2019), 261.

⁹ "Amherst Creates Fund To Pay Reparations To Black Residents", *WBUR*, 24 June 2021, <https://www.wbur.org/news/2021/06/24/amherst-reparations-fund-approved>.

¹⁰ Brandon L. Kinglonger, "Cambridge City Council To Explore Reparations for Slavery, Restitution for War on Drugs", *The Harvard Crimson*, 24 September 2021, <https://www.thecrimson.com/article/2021/9/14/city-council-sept-14/>.

¹¹ Madeline Holcomb, "California passes a first-of-its-kind law to consider reparations for slavery", *CNN*, 1 October 2020, <https://www.cnnphilippines.com/world/2020/10/1/california-law-reparations-for-slavery.html>.

¹² Rachel Treisman, "In Likely First, Chicago Suburb Of Evanston Approves Reparations For Black Residents", *NPR*, 23 March 2021, <https://www.npr.org/2021/03/23/980277688/in-likely-first-chicago-suburb-of-evanston-approves-reparations-for-black-residents>.

¹³ The policy recommended solely assesses reparations for housing discrimination. This does not include the reparations that should be evaluated towards Black Americans impacted by 200 years of slavery, 90 years of Jim Crow laws and 60 years of segregation. This analysis also does not include the failure of the US federal government to provide previously enslaved people with property ownership after slavery, which also contributed to initial loss of wealth accumulation.

THE (ENVIRONMENTAL) CASE FOR REPARATIONS

Rose O'Brien

In 1982, the rural Black community of Warren County was locked in a standoff with the State of North Carolina. The state had just made plans to dump 6,000 truckloads of carcinogenic soil that had been poisoned by a New York businessman into a landfill nearby.¹ As the trucks rolled into town in mid-September, residents laid down in the road, picketed, and were carried away by law enforcement. That day, organizer Ben Chavis coined the term *environmental racism* to define the now-international discussion on environmental risk, public health, and racial discrimination.² In this article, I will outline the case for reparatory measures owed to Black Americans affected by environmental racism in North Carolina, which will include broad lessons for the United States as a whole.

Why Race Predicts Environmental Risk

Since the Warren County protests, incidents of environmental injustice have replayed regularly in the news, from lead poisoning in Flint, Michigan, to high cancer rates in “Cancer Alley,” Louisiana. Yet while coverage often focuses on race as a factor along with income, the data is clear that race is the

factor that most powerfully predicts environmental hazards, such as air pollution, municipal solid waste facilities, toxic waste sites, and lead poisoning.³ For example, Black children are twice as likely to have asthma or experience lead poisoning as white children, even with income class held constant.⁴

The concentration of these environmental risks in Black communities stems from the federal policy of redlining, a 20th-century practice that has had lasting effects on the generational wealth of American families. The Federal Housing Authority, established in 1934, was complicit in refusing housing loans to African American communities—outlined in red on city maps—while at the same time supporting the construction of entire neighborhoods that were mandated as Whites only.⁵ As communities became more segregated, residents were more vulnerable to other forms of racism, including city development that placed landfills, chemical factories, and hazardous waste in Black communities. As a result, African Americans today are exposed to air that is 38 percent more polluted and are 75 percent more likely to live in a neighborhood that borders a factory than White counterparts.⁶ Adverse health outcomes due to proximity to environmental risk are long lasting,

1 Renee Skelton and Vernice Miller, “The Environmental Justice Movement,” NRDC, 17 March 2016, accessed 22 February 2022, <https://www.nrdc.org/stories/environmental-justice-movement>.

2 Darryl Fears and Brady Dennis, “This Is Environmental Racism,” *The Washington Post*, 6 April 2021, accessed 18 October 2021, <http://www.washingtonpost.com/climate-environment/interactive/2021/environmental-justice-race/>.

3 Robert D. Bullard, “Race and Environmental Justice in the United States Symposium: Earth Rights and Responsibilities: Human Rights and Environmental Protection,” *Yale Journal of International Law* 18, no. 1 (1993): 319–36.

4 Bullard, “Race and Environmental Justice.”

5 Terry Gross, “A ‘Forgotten History’ Of How The U.S. Government Segregated America,” NPR, 3 May 2017, <https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america>.



PCB landfill protest, September 15, 1982

Warren County: Afton: PCB landfill protest, 15 September 1982. Jerome Friar Photographic Collection and Related Materials. North Carolina Collection Photographic Archives, Wilson Library, The University of North Carolina at Chapel Hill.

ranging from COVID-19 morbidity, lower birth weight, increased cancer rate, and an unquantifiable burden of health care costs in communities of color.

I have seen this play out in my own hometown of Winston-Salem, North Carolina. From 1912 through the 1960s, a city ordinance formally prevented Black homeownership in certain areas of town.⁷ The city remains divided along racial lines: East Winston is predominantly Black and Latino, and some tracts of West Winston are 95 to 100 percent White.⁸ In 2015, hazardous waste was discovered in a neighborhood that is 98.5 percent non-White. Below the Hanes-Lowrance Middle School, carcinogenic chemicals tetrachloroethylene (PCE) and trichloroethylene (TCE) were identified in an underground plume

seeping from the chemical waste dump across the street.⁹ Although the school district knew of the leak for decades, it had not conducted extensive air quality testing to assess the threat. Residents of the surrounding community had unknowingly been exposed to potential carcinogens for almost 30 years.

Repairing Environmental Injustice in NC

First and foremost, the state needs to create reparatory programs and compensation for Black North Carolinians suffering adverse health effects due to segregation. To address current harms, reparations should include compensation for medical complications resulting in injury or death in high-risk zones, along with housing subsidies to promote

mobility. As the state works to clean up these high-risk zones, so-called “Superfund sites,” it should appropriate revenues from the recently reinstated Superfund Tax to invest in the necessary clean-up and testing that Black communities need to stay informed.¹⁰ Instead of selling brownfields—formerly developed and contaminated land—to outside contractors, the state should establish community land trusts that would allow residents to integrate brownfields into long-term redevelopment plans. Not only would this reduce risk of gentrification, but it would also allow Black communities to determine the future use of local natural resources. Lastly, the Department of Environmental Quality (NCDEQ) should require that all new industrial facilities are prepared to commit to community health bonds in the

case of a chemical accident.

While these programs may seem extensive to some, reparatory programs and direct compensation are commonplace in the United States. As Harvard Kennedy School faculty Rev. Cornell William Brooks and Dr. Linda Bilmes outlined in their most recent research:

If you are a Christmas tree grower and you have any problem with your Christmas tree crop [. . .] there is a program for you...they are normal; they are part of the concept that when people are affected by something that impairs their livelihood or their health or their bodies, that the government will step in and provide some compensation.¹¹

Consider that racist housing policies in the 20th century have resulted in worse health outcomes for Black Americans, due to toxins in their food, water, and air. If the US government is compensating miners who suffer from black lung disease, why not Black Americans in high-risk areas who suffer from respiratory illnesses?

Achieving these gains in North Carolina will be no easy task. The coal ash pits, hog farms, tobacco factories, and coastal pipelines that account for so much of our state's pollution also represent considerable wealth and political lobbying power.¹² While deaths caused by long-term exposure to pollution may be less visible in the public eye than racism in the form of police brutality, they are fruits of the same tree. Addressing and redressing the environmental risks imposed by federal, state, and private-sector discrimination is a step in the right direction for proponents of both anti-racism and public health and would be a breath of fresh air for North Carolina's communities of color that have long borne the brunt of our ecological burdens. **Δ**

Rose O'Brien is a student in the master of public policy Class of 2023 in the John F. Kennedy School of Government at Harvard University. Prior to

coming to the Kennedy School, she worked at the University of Chicago as a program manager working on projects related to social enterprise and community economic development. Since 2016, she has worked extensively with refugee and immigrant communities in the United States and Italy. Rose was a Fulbright Scholar in Sardinia and is currently attending HKS on a Kennedy Fellowship. She is originally from Winston-Salem, North Carolina.

6 Lesley Fleischmann and Marcus Franklin, "Fumes Across the Fence Line: The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities," NAACP and Clean Air Task Force, 2017, http://www.catf.us/wp-content/uploads/2017/11/CATF_Pub_FumesAcrossTheFenceLine.pdf.

7 Elizabeth A. Herbin-Triant, "Winston-Salem's Residential Segregation History," *Winston-Salem Journal*, 17 May 2019, accessed 22 February 2022, https://journalnow.com/opinion/columnists/elizabeth-a-herbin-triant-winston-salem-s-residential-segregation-history/article_gd4b4aa1-0b02-571f-afbc-3e5921b1ea43.html.

8 "Select Demographic Info - Forsyth County, NC," accessed February 22, 2022, <https://mapf.maps.arcgis.com/apps/webappviewer/index.html?id=81eeb33669f8450eac5c48484cod30a7>.

9 Bertrand M. Gutierrez and Arika Herron, "Schools sit on contaminated earth," *Winston-Salem Journal*, 27 January 2015, accessed 18 October 2021, https://journalnow.com/news/local/schools-sit-on-contaminated-earth/article_2cea7cc4-a43b-11e4-b12a-e7379fc9680a.html.

10 Joce Sterman, Andrea Nejman, and Alex Brauer, "Families sickened by toxic sites are paying for cleanup. A new tax works to change that," *WZTV*, 3 February 2022, <https://fox17.com/news/spotlight-on-america/families-sickened-by-toxic-sites-are-paying-for-cleanup-a-new-tax-works-to-change-that-congress-lead-contamination-lupe-valdovinos-environment-environmental-exide-technologies-los-angeles-usc-study-california-mark-lopez-east-yard-communities>.

11 "The U.S. pays reparations every day—just not to Black America," PolicyCast podcast, 3 February 2022, accessed 22 February 2022, <https://www.hks.harvard.edu/more/policycast/us-pays-reparations-every-day-just-not-black-america>.

12 Gail Powell, "Tales of Environmental Racial Injustice in North Carolina," Interfaith Creation Care of the Triangle, 9 October 2020, accessed 19 October 2021, <https://interfaithcreationcare.org/environmental-injustice-theses/>.

HOW THE CLIMATE CRISIS COMPOUNDS RISKS FOR INCARCERATED WORKERS

Adina Goldin

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The summer of 2021 was marked by a series of climate-fueled disasters: heat waves with disastrous consequences, dramatic rainfall and intense thunderstorms, an earlier and potentially more destructive hurricane season, and nearly 100 wildfires raging across the country. The increasing intensity and destructiveness of natural disasters and extreme weather events is one of the most tangible ways that humans are already experiencing the climate crisis.

We're no longer surprised by stories about record-breaking disasters, and emergency declarations are becoming more frequent as these disasters cause more damage and threaten more lives. And, while these disasters are in the news every day, one of the less-visible aspects of how states prepare for and respond to them is their reliance on incarcerated workers.

Incarcerated Workers, Past and Present

The Thirteenth Amendment, which nominally ended slavery in the United States, permits involuntary servitude "as punishment for crime whereof the party shall have been duly convicted,"

an exception taken advantage of by virtually all American prisons.¹ Not only are incarcerated people forced to work under threat of punishment, they are excluded from labor protections and can be sent to work under any circumstances, including in response to dangerous natural disasters.

California's incarcerated firefighter program is the country's largest and best known, with a fire camp program that has been in operation since 1915 and, as of May 2021, housed about 1,600 incarcerated people.² Of course, California is not the only state utilizing this practice. A majority of states' emergency plans include deploying incarcerated people for emergency and disaster response.³ Incarcerated workers can be tasked with anything from fighting fires to cleaning up after oil spills, and they are paid an average of \$0.14 to \$0.63 per hour for this vital work, if they are even paid at all.⁴

As climate change drives up the frequency and intensity of these disasters, states are pushing some of their most vulnerable residents to the frontlines of the response. From an environmental justice perspective, incarcerated workers are a doubly vulnerable frontline community. Prisons and jails are fre-

1 Whitney Bennis, "American Slavery, Reinvigorated," *The Atlantic*, 21 September 2015, <https://www.theatlantic.com/business/archive/2015/09/prison-labor-in-america/406177/>.

2 "Conservation (Fire) Camps," California Department of Corrections and Rehabilitation, accessed 7 March 2022, <https://www.cdcr.ca.gov/facility-locator/conservation-camps/>.

3 J. Carlee Purdum and Michelle A. Meyer, "Prisoner Labor Throughout the Life Cycle of Disasters," *Risk, Hazards & Crisis in Public Policy* 11, no. 3 (2020): 296–319.

4 "Prisoners," *Disasters Deconstructed* podcast, 13 April 2020, accessed 7 March 2022, <https://DisastersDecon.podbean.com/e/52e15-prisoners/>; J. Carlee Purdum, "Prisoners Who Fight Wildfires and Clean up after Hurricanes Get Paid as Little as 14 Cents an Hour," *MarketWatch*, 16 September 2020, <https://www.marketwatch.com/story/prisoners-are-fighting-fires-in-western-us-states-and-getting-paid-as-little-as-14-cents-an-hour-2020-09-15>.

5 William Omorogieva, "Prison Preparedness and Legal Obligations to Protect Prisoners During Natural Disasters" (student paper, Columbia Law School Sabin Center for Climate Change Law, 2018).

6 Jessica Lipscomb, "Unpaid Florida Prisoners Being Used to Clean Up After Hurricane Irma," *Miami New Times*, 28 September 2017, <https://www.miaminewtimes.com/news/unpaid-florida-prison-inmates-being-used-on-hurricane-irma-cleanup-labor-crews-9701867>.

7 Tanushree Jain, "How the Climate Crisis and Pollution Disproportionately Impact Marginalized Communities," *The Berkeley Group*, 16 December 2020, <https://insights.theberkeleygroup.org/how-the-climate-crisis-and-pollution-disproportionately-impact-marginalized-communities-2f645bd9f89f>.

8 Wendy Sawyer, "U.S. Incarceration Rates by Race" (infographic), Prison Policy Initiative, 2020, <https://www.prisonpolicy.org/graphs/raceinc.html>.

quently overlooked or deliberately ignored in preparing for disasters, and incarcerated people are then “used to clean up the mess” in the disasters’ wake.^{5, 6}

We also know that the effects of the climate crisis are already being disproportionately felt by people of color.⁷ In a country that incarcerates Black people at about five times the rate it incarcerates White people, the practice of deploying incarcerated workers to respond to disasters will certainly have unequal impacts.⁸ This practice is likely to expand as climate-fueled disasters get worse and more dangerous; earlier this year, legislators in Arizona passed a new law authorizing the state Department of Corrections to more than quadruple its number of incarcerated firefighters in anticipation of a “busy fire season.”⁹ Arizona pays incarcerated firefighters just \$1.50 per hour when they’re fighting an active fire and much less for other firefighting tasks.¹⁰

It can be extremely difficult for incarcerated firefighters to find employment after leaving prison due to discriminatory hiring practices. California’s Assembly Bill 2147 makes it possible for incarcerated people who’ve served at the fire camps to have their records expunged, but the pathway is still difficult in places like Arizona.^{11, 12} This is emblematic of a deep hypocrisy in American culture. As a society, we are comfortable relying on incarcerated workers until the moment they leave prison.

Climate Change and Incarcerated Workers

Climate change is exacerbating the dangers these workers face. Fire seasons are getting longer, and wildfires are becoming more intense. There have been 15 fires in the United States that caused \$1 billion or more in damages since 2000, and 2020 saw five of California’s six largest fires on record.¹³ And while incarcerated firefighters are rela-

tively more visible, it’s important to remember that incarcerated people are working in other disaster response settings too, including hurricanes.¹⁴ Hurricanes are becoming more destructive as warming sea temperatures drive higher wind speeds and more precipitation. Incarcerated workers can be deployed to clean up the debris, as they were in Florida after Hurricane Irma in 2017.¹⁵ All of this means incarcerated workers are facing increasingly dangerous conditions for little to no compensation—and it’s only getting worse.

Some argue that working while incarcerated serves a rehabilitative function, but the coercive nature of incarceration and the incentives around performing this kind of work raise ethical questions. As Corene Kendrick, Deputy Director of the ACLU National Prison Project, told me in an interview, incarcerated people sometimes choose this type of work because it can feel more meaningful or redemptive than other options, and it offers a chance to be outside and get physical exercise. But it also means being exposed to extremely dangerous conditions for little to no pay and without the kinds of protections that non-incarcerated workers are afforded.

One formerly incarcerated person said that serving as a firefighter “seemed like one of the best things [she] could possibly do in prison,” but she also said she was “horrified about the fact that California is so incredibly over reliant on a prison population [. . .] to backfill the state budget.”¹⁶

The history of the American prison system is inextricable from the history of American slavery, and it’s not hard to see that connection in this context. The low cost of incarcerated labor may create a perverse incentive for governments to incarcerate more people. In a recent study of prison labor data in colonial and postcolonial Nigeria, economists Belinda Archibong and Nonso Okibili found that the profitability of certain

crops drove up incarceration rates in areas where those crops were grown.¹⁷

And while it’s true that incarcerated people working in disaster response aren’t technically making money for the prisons, the practice is often framed as a cost-saving measure.¹⁸ Instead of providing adequate funding for disaster management and response, states are “using inmate labor to close the budget gap,” said Arizona State Representative Kristin Engel.¹⁹ Research by Texas A&M Hazard Reduction and Recovery Center’s Drs. Purdum and Meyer suggests that states whose emergency plans included the use of incarcerated workers tend to experience more federally declared disasters and have higher rates of incarceration.²⁰

The Path Forward

Emergency planning varies state by state, and it isn’t always evident which state agency has jurisdiction over the decision to involve incarcerated workers in disaster response. While lawmakers have traditionally taken a backseat to local leaders in responding to disasters, the necessity for strong state leadership in response to COVID-19 may set a new precedent, Dr. Samantha Montano, author of the forthcoming book *Disasterology: Dispatches from The Frontlines of The Climate Crisis*, told me.

But one thing is abundantly clear. Too many states take the labor of incarcerated people for granted. As we prepare for increasingly dangerous disasters, we have an opportunity to rethink who provides the essential labor of responding and protecting us, and how we value those efforts.▲

Adina Goldin is an editor of the *Progressive Policy Review* and a second-year master of public policy student at the John F. Kennedy School of Government at Harvard University. She is focused on state and local policy and politics and is

committed to building progressive capacity at the state level. Before coming to the Kennedy School, Adina helped build an organization dedicated to electing progressive women to state and local office.

⁹ Adrian Skabelund, "Arizona to Train 700 Inmates as Wildland Firefighters," *The Arizona Daily Sun*, 17 March 2021, <https://www.firerescue1.com/inmate-firefighters/articles/arizona-to-train-700-inmates-as-wildland-firefighters-ikFUy25EIJVrgQ7s/>.

¹⁰ Dale Chappell, "Arizona Pays Prisoners Pennies on the Dollar to Fight Fires, All in the Name of Saving Money," *Prison Legal News*, 1 February 2021, <https://www.prisonlegalnews.org/news/2021/feb/1/arizona-pays-prisoners-pennies-dollar-fight-fires-all-name-saving-money/>.

¹¹ Alex Riggins, "California Bill Gives Hope of Employment to Formerly Incarcerated Firefighters — but Will It Work?," *San Diego Union-Tribune*, 21 September 2020, <https://www.sandiegouniontribune.com/news/public-safety/story/2020-09-20/new-california-bill-ab-2147-raises-hopes-of-employment-for-formerly-incarcerated-firefighters-but-prisoner-reentry-experts-question-effectiveness>.

¹² Catie Green, Sinead Hickey, and Miles Green, "Female Inmate Firefighters Build Character but Often Can't Use Fire Skills after Release," *The Arizona Republic*, 14 January 2021, <https://www.azcentral.com/story/news/local/arizona/2021/01/14/perryville-prison-female-firefighting-crew/4149011001/>.

¹³ "Wildfires and Climate Change," Center for Climate and Energy Solutions (blog), 22 July 2021, <https://www.czes.org/content/wildfires-and-climate-change/>.

THE CASE FOR A NEW PARADIGM IN LAND CONSERVATION:

A changing climate and a long overdue need for equity are forcing us to rethink how we conserve and protect public lands

Sara Amish

Sepia-toned pictures of a bear eating bread stuck out the window of a Model T. Towering trees casting shadows on a winding dirt path, as families, couples, and olive-green, flat-brimmed hats pass by. National parks have become a quintessential part of childhood memories and family road trips. Ken Burns called them “America’s Best Idea” in his incredibly popular 2009 documentary. First conceived in 1871 during Ferdinand Hayden’s expedition to explore Yellowstone, permanent protection of land through either national parks or other avenues became the primary strategy to advance environmental goals.

However, while land conservation provided the public incredible access to public lands, public hasn’t meant equal access, particularly for Indigenous communities. When the Hayden expedition gave its report to Congress to make the case for a national park, it focused on the inhospitable terrain of Yellowstone, emphasizing the unfarmable conditions. To do so, the expedition deliberately ignored the Indigenous presence in the park. The expedition itself documented signs of Indigenous tribes that used the area. However, in the final report, Hayden endeavored to show that the land wasn’t being “used,” so Congress would

allow it to be preserved.¹ And it worked. President Ulysses S. Grant signed the first national park into law a year later. This created a paradigm that persisted throughout the creation of the national park system. For example, Glacier National Park cut the Blackfeet Tribal territory in half, carving away sacred space. This legacy continued as more national parks were created, establishing a model for land conservation that persists to this day.

This model of conservation relies on a myth that there are perfect, untouched, wilderness spaces, and if we could wall those away, regardless of what is happening outside those spaces, these places would always remain. This myth ignores the fact that, prior to European colonization, this land was inhabited for centuries and was actively managed by tribes. We can’t continue just protecting land based on this myth without seriously considering both the inequity of the conservation practices as well as the impracticality of trying to capture a climate enveloped behind impervious borders. Kyle Whyte writes about climate change as an intensifier of colonialism, both in reference to the resettlement of tribes due to climate change as well as the process of colonialism negatively impacting the envi-

¹ Megan Kate Nelson, “The Big Business Politics Behind the Formation of Yellowstone National Park,” *Time*, 1 March 2022, accessed 7 March 2022, <https://time.com/6145391/the-big-business-politics-behind-the-formation-of-yellowstone-national-park/>.

² Kyle Whyte, “Indigenous Climate Change Studies: Indigenizing Futures, Decolonizing the Anthropocene,” *English Language Notes* 55, no. 1 (2017): 153–62.

ronment.²

While a revolutionary idea at the time, drawing impermeable boundaries between *protected* and *unprotected* land has drawbacks. For example, resident Yellowstone wolves are killed as they venture beyond the park boundary into Montana, where hunters can take up to 20 wolves per season. While this regulation was recently amended, it still speaks to the overlap between ecological and political boundaries.³

Additionally, as climate change continues to warp ecosystem function, and nature shifts in response, the pristine environments tucked away within park borders are drifting further north and being stretched thin by the changing climatic conditions. Protection of a political boundary does not reflect the shifting the ecological boundary. Land protection has been criticized as “fortress conservation” because this method creates an iron boundary between protected and vulnerable and makes both landscapes vulnerable.⁴

The Biden administration released its “30 by 30” plan, which aims to protect 30 percent of land by 2030. This plan is one of the most ambitious land conservation goals by the federal government, especially outside the presidential power to nominate national monuments. While this plan does acknowledge that tribal voices have been largely excluded in previous land conservation initiatives, it fails to take significant steps to critically rethink what conservation should be and merely seeks to accelerate the pace. It ignores that we are at a crossroads of both equity and climate change. Continuing to build fortresses is no longer effective and has never been equitable.

The plan starts by essentially redefining conservation to include working lands. These are ranching, grazing, and logging lands that are under active management to enhance their conservation value. While that kind of management is incredibly important and

does acknowledge land beyond strictly protected land, it falls short of addressing some crucial questions. It appears there is a shift from conserving land to conserving ecosystem function: ensuring all the cogs—animals, biotic processes—are in place to allow the ecosystem to continue providing clean air, water, and wildlife habitat. The plan stops short of really engaging and rethinking what conservation means and how to sustain it long term, especially as the land beneath our feet is changing.

Such an approach would push beyond this dichotomy between conserved and vulnerable lands to instead center management techniques. Fundamentally, those actions are what will build the resiliency of lands. In many ways, the “30 by 30” already does this; it just doesn’t name it. This doesn’t mean conservation has no place anymore. Often land conservation plays an important role in preserving natural ecosystems and relationships. For example, Wyoming has recently protected the land used by mule deer for their migration. But the work doesn’t stop at protection, and often it shouldn’t start with protection. The role of management needs to be named and centered to move beyond simply protecting land.

Doing this would also allow the “30 by 30” plan to fulfill another major promise: honoring tribal sovereignty and incorporating Indigenous voices. However, these fundamental tenets require a relinquishment of land. Historically, the federal government has been slow to relinquish such control. The National Bison Range is an excellent example of this. The range is on the land of the Salish Kootenai Tribe but was historically managed by the federal government, despite the Salish Kootenai’s award-winning wildlife management program. The range was finally transferred to care of the tribe in 2021, after years of advocacy.⁵ Tribes doing conservation and management should be receiving federal support through “30 by

30,” just as ranchers do. To fulfill these promises, the “30 by 30” plan needs to provide ways for federal control to be relinquished to allow for tribal management.

As climate change impacts increase, it is time to reconsider what the purpose of conservation should be. We can’t just build a wall around specific places of value. These places will face the same climate pressures as anywhere else. And we can’t create wilderness. Wilderness never existed “without the footprint of man,” to quote the 1960 Wilderness Act. Now is the time to consider the intent behind “America’s best idea,” ensuring that idea serves all people and acts to provide both refuge and resilience in the face of climate change. [Δ](#)

While pursuing her master’s of public policy, [Sara Amish](#) serves on the executive committee of the Climate Energy and Environment PIC as well as a Research Assistant with the Arctic Initiative at the Belfer Center. Graduating from Montana State University with a degree in biology, focusing on conservation biology and ecology, Sara applies systems thinking to the intersection of biological and human systems. From trail guiding in Yellowstone National Park to serving as an AmeriCorps with a regional land trust, Sara has found a multitude of ways to advance conservation and protection of natural resources. Moving forward, Sara is looking forward to moving back to the Western United States to advance collaborative natural resource governance.

³ Kyle Dunphey, "More Yellowstone wolves killed this season than any since the species was reintroduced in 1995," Deseret News, 9 January 2022, <https://www.deseret.com/utah/2022/1/9/22872711/can-you-hunt-wolves-20-yellowstone-wolves-killed-montana-wyoming-idaho-hunters-wolf-hybrid-gianforte>.

⁴ "Fortress Conservation," *Outside/In*, 5 November 2020, accessed 18 January 2022, <http://outsideinradio.org/shows/fortressconservation>.

⁵ Anna V. Smith, "Reclaiming the National Bison Range," *High Country News*, 26 January 2021, accessed 11 February 2022, <https://www.hcn.org/issues/53.2/indigenous-affairs-tribes-reclaiming-the-national-bison-range>.

A PROPOSAL FOR A PROGRESSIVE STRATEGY AND OUTLOOK ON HAREDIM

Benjamin Lefkowitz

Introduction

I grew up halfway in the Modern Orthodox community, which is itself halfway between the Haredi (ultra-Orthodox) and secular worlds. In college, I was drawn to critical theory and progressive thought because they allowed me to make sense of my place between worlds, my multifaceted identities, and histories of violence and trauma. Those ideas in turn made me rethink a community I had only known through glimpses, stereotypes, and second cousins. I began to believe that Haredi isolation isn't barbarism, but a response to the trauma of modernity. That Haredi poverty is a particular unrelationship with capitalism, rather than an indication of laziness. That the Haredi world deserves to survive and persist, both for what it can teach us about our own society and because it has a right to. That the community is dynamic and changing, just like our own.

Unfortunately, this perception isn't widespread. Recently, there has been a flurry of Netflix series on the Haredi world, capturing global attention and shining light on severe issues within the community: the experience of those who challenge community authority and norms; queer and women Haredim;

and those who attempt to leave. However, these series (with names like *Unorthodox* and *My Unorthodox Life*) simultaneously fetishize the community and condemn it as backwards, violent, and static.

There needs to be a better progressive approach to Haredim. Progressive ideas demand justice and political equality. Anything else is hypocrisy. Yet, just as there is violence toward the community, there is also violence within the community, and to neglect it is also hypocrisy. Progressives are *chayav*—obligated by their beliefs—to engage with and condemn both violences simultaneously.

This is an outline of a progressive platform toward Haredim, emphasizing policy and political strategy, an attempt to bridge two worlds and complete both. I begin with a basic description of Haredim and an argument for the necessity of adopting this platform. I then describe my platform in four principles: 1) anti-imperialism; 2) restorative justice; 3) anti-poverty; and 4) suffering within the community. In the last principle, I deal with the paradox outlined above and argue that progressives should seek to assist—but not affect change—within the community by amplifying the voices of Haredi and ex-Haredi activists but

not intervening or condemning.

Who Are the Haredim? A Quick Overview

The Haredim (singular: Haredi) are Jews who practice a particular style of Judaism known for its ritual intensity and strict adherence to traditions.¹ Haredi society tends to be highly isolationist from the secular world. This is a product of the community's beginnings as traditional Jews that sought to resist secularization, assimilation, and westernization during the 19th and 20th centuries. Haredim believe their isolation is necessary to preserve an ancient tradition with benefit to the world, especially after the destruction of the European Jewish world during the Holocaust. Haredi society is very complex and diverse.

Due to the community's isolationist nature, Haredim use independent justice and education systems, maintain charity organizations that function as internal welfare and wealth distribution schemes, and many even use a massive private ambulance system called Hatzalah. The system is led by renowned rabbis who hold incredible authority on everything from who followers should vote for to who they should marry to how to use community resources. This "state within a state" is called *Daas Torah*, the belief that Torah scholarship should dictate everything in one's life.

The Jewish People Policy Institute estimated in 2013 that there are 318,000 Haredim in America, about 6 percent of the entire American Jewish population at the time. The community is growing rapidly. Pew Research Center reported in 2021 that 3 percent of Jews over 65 reported being Orthodox (two-thirds of whom are Haredi), in comparison to 17 percent of all Jews under 30.² The greatest concentration of Haredi communities are in Brooklyn and Queens, New York City. Others are in New York suburbs, less in the adjacent states, with a few

communities scattered around other parts of the country, such as in Chicago and California.

Why Should Progressives Care About Haredim?

Economic Disadvantage

Anti-Semitic stereotypes of Haredim have presented the community as wealthy landlords and as puppet masters controlling government.³ In reality, some parts of the Haredi community are highly economically disadvantaged. For example, the poverty rate in Kiryas Joel, New York, reached 48 percent in 2017, with a median income of \$31,277 per household in 2019 (with an average of 5.83 persons per household).⁴

Reasons for high Haredi poverty are complex. One source is Haredim refusal to engage in secular education, which leads to a severe lack of basic math, science, and social studies, locking Haredim out of many professional fields. Another is that Torah study is an extremely important value in Haredi society, and men will often prefer more free time over better pay for this reason. Many men study full time and rely on their wives' labor and stipends from their community, which redistributes wealth through charity.⁵

Due to the reasons cited above, some might argue that the economic status of the Haredim is a choice; however, that statement is untrue and deeply problematic. As described above, Haredim have not adopted capitalist psychology, seeking *parnassah*—a living wage—instead of capital accumulation. The community values preservation of tradition and identity over assimilating into White Anglo-Saxon Protestant (WASP) financial values and culture. The systemic punishment for that choice is violent and crippling poverty.

Ethnic Discrimination

Anti-Semitism is on the rise, ranging from micro-aggressions to full-on violence. Haredim are the targets of a very high share of these incidents, despite being around 6 percent of the American Jewish population (as of 2013).⁶ Haredim were violently attacked or massacred three times in 2019 alone (in Poway, California; Jersey City, New Jersey; and Monsey, New York).⁷ Haredim are also subject to constant assaults and beating, as well as other forms of discrimination. They are a bigger target of anti-Semites than other Jewish groups in part because of their distinctive dress (black suits, fedoras, and often sidelocks for men; conservative clothes and wigs for women) and tendency to live in concentrated urban areas, making them an easy target of anti-Semitic attacks. Their cultural difference makes them, to anti-Semites, a textbook, caricature Jew.

Expanding the Progressive Coalition

Haredi society is predominantly socially conservative, and the Haredi population is only about 6 percent of the total American Jewish population. However, two factors make Haredim potential and important allies to progressives: 1) Haredi leadership has historically been highly strategic about endorsements, supporting whichever leading candidate pledges to preserve the community's autonomy and produce welfare/tax policy in its favor; and 2) Haredim are highly concentrated and have a very high voter rate that corresponds strongly with endorsements from leadership, often making them decisive voters in local and municipal elections. Haredi endorsements can help push progressive candidates into power in New York City and New York State, as well as in towns such as Lakewood, New Jersey, and Monsey, New York. Haredi social conservatism is a very low political

priority, since it is usually treated as an ethic internal to the community, not something to be imposed on neighbors. However, progressives should care about and act to support those marginalized and harmed in the community, as I will describe below. Progressives can offer Haredim policies that the center-left and right cannot: strong welfare and anti-poverty programs; reform of state institutions to effectively serve non-English speaking and non-WASP-normative populations; a focus on preventing white supremacy and antisemitism; and combating the systemic inequality that is often at the root of anti-Haredi violence.

A Progressive Platform Toward Haredim: Four Principles

The following is a proposal for progressive discourse around, and policy affecting, the Haredi community. It focuses on points of intersection and common interest between the progressive movement and the Haredi community.

1) Anti-Imperialism and Cultural Understanding

The Haredi community is a victim of an American system that values White cis-heteronormativity and relies on cultural homogeneity—a common language, set of belief and values, history, and identity—to distinguish citizens from subjects.

Much of this stems from neoliberal ideology that has prioritized intervention in the community as the primary method of interaction with the Haredi community. For example, former New York Mayor Bill DeBlasio has attempted to combat Haredi poverty by intervening in the private Haredi education system and requiring an expanded secular curriculum. A progressive solution would be to publicly fund the Haredi education system as public schools, rather than treating them as private, and to fund

rabbinically approved job and skills-training courses (with attached stipends to support parents) as an alternative to high school and university education.⁸

Progressives can recognize the collective trauma of state intervention rooted in the Haredi community and rebuild institutions and policy that works with, rather than upon, it. The most important step is to establish and strengthen official channels of communication and negotiation between civil authorities and Haredi leadership, which holds a strong monopoly on both authority and communication in Haredi society.

2) Restorative Justice and Community-Building

Haredi communities often have histories of tension with neighbors, often communities of color, and often leading to anti-Semitic violence. Haredim have often responded by building close ties with police and supporting anti-crime measures, which exacerbate rather than solve the issues underlying the violence. One precedent-setting example is the 1991 Crown Heights Riot, caused by the minimal response of police and ambulances to a Black child hit by a Haredi driver, resulting in the child's death. Several Haredim were beaten on the street, and one was killed. Tensions still remain between the Black and Haredi communities.

There are other sources of intercommunal tension. Haredim often move en masse to new neighborhoods with cheap housing, often appearing as an "invasion" to local residents and potentially displacing other economically vulnerable communities.⁹ The Haredi relationship with gentrification is complicated and often differs between communities—or even within one.¹⁰

Progressives can offer an alternative to police violence, housing struggles, and inter-communal tensions by promoting, hosting, and even legally for-

1 The term *Haredi* comes from a Hebrew word meaning "to tremble (before God)," similar to the name *Quaker*, and is often used by Haredim to describe themselves.

2 Lindsey Bodner, "The Future is Haredi," *eJewish Philanthropy*, 24 May 2021, <https://ejewishphilanthropy.com/the-future-is-haredi/>.

3 These perceptions stem from two sources: classic anti-Semitic tropes, exacerbated by Haredi cultural insularity and visual difference; and awareness of actual economic and racial oppression, of which Haredim are a convenient (and nearby) scapegoat.

4 "Poverty in Kiryas Joel, New York", *Welfare Info*, accessed 1 March 2022, [https://www.welfareinfo.org/poverty-rate/new-york/kiryas-joel#:~:text=The%20poverty%20rate%20in%20Kiryas%20Joel%20is%2048.0%25,line%20in%20the%20last%20year.](https://www.welfareinfo.org/poverty-rate/new-york/kiryas-joel#:~:text=The%20poverty%20rate%20in%20Kiryas%20Joel%20is%2048.0%25,line%20in%20the%20last%20year.;); "QuickFacts: Kiryas Joel Village, New York," United States Census Bureau, accessed 1 March 2022, <https://www.census.gov/quickfacts/kiryasjoelvillagenewyork>.

5 Haredi women in Israel tend to have low wages and low hours, due to time spent taking care of large families and lack of college and comparable high school education. While there is insufficient socioeconomic data on American Haredim, the situation is likely very similar. Haredi women in Israel often go into education and social work, even when there is low demand in those fields. Haredi schools often offer training only for those professions because economic decisions in the community are often made according to tradition or word of mouth, and education and social work are viewed as fitting the perceived social role of women towards children and empathy. Sources: Tali Heruti-Sover, "Ultra-Orthodox Women Work Less, Earn Less – and Not by Choice, Study Shows," *Haaretz*, 30 April 2019, <https://www.haaretz.com/israel-news/.premium-ultra-orthodox-women-work-less-earn-less-and-not-by-choice-study-shows-1.7183349>; Nitsa (Kaliner) Kasir, Shlomit Shahino-Kesler, and Asaf Tsachor-Shai, "Part-Time Work by Choice or by Necessity? Factors Impacting the Number of Hours Worked Among Haredi Women," *The Haredi Institute of Public Affairs*, 1 August 2018, <https://machon.org.il/en/publication/part-time-work-by-choice-or-by-necessity-factors-impacting-the-number-of-hours-worked-among-haredi-women/>. (Disclosure: I have worked with the Haredi Institute of Public Affairs in the past.)

6 "Haredi Demography in the United States and the United Kingdom," the Jewish People Policy Institute, accessed 1 March 2022, http://jppi.org.il/uploads/Haredi_Demography_The_United_States_and_the_United_Kingdom.pdf.

7 "Poway Synagogue Shooting," *San Diego Union Tribune*, accessed 1 March 2022, <https://www.sandiegouniontribune.com/topic/shooting>; Michael Gold, Nick Corasaniti, and William K. Rashbaum, "Jersey City Shooting Updates: 6 Killed, Including an Officer," *The New York Times*, 10 December 2019, <https://www.nytimes.com/2019/12/10/nyregion/jersey-city-shooter.html>; Rebecca Liebson et al., "5 Wounded in Stabbing at Rabbi's Home in N.Y. Suburb," *The New York Times*, 28 December 2019, <https://www.nytimes.com/2019/12/28/nyregion/monsey-synagogue-stabbing-anti-semitic.html>.

malizing restorative justice and community discussion sessions. If a violent incident happens, a progressive government can circumvent the police by engaging the involved communities in discussion that will provide restorative justice, communication, and a way forward for both sides to prevent retributive acts. Promoting intercommunity discussions can also prevent housing tensions and crises before they occur.¹¹

3) *Anti-Poverty*

Welfare, food stamps, and social safety net programs would highly benefit many Haredi communities and have the potential to be the crux of any Haredi support for progressive candidates. Particular attention should be given to programs that support large families (Haredim average five children per family, as of 2013), such as subsidized daycare and per-child food subsidies.¹² Rent subsidies are very helpful. Rent caps will upset Haredim invested in real estate and might cut down on profits that would be redistributed to the rest of the community, potentially upsetting leadership. However, rent caps would benefit struggling Haredi families.¹³

Programs that provide subsidized job and skill training to women can be particularly impactful, since they would help raise the power of women in the Haredi community; help struggling Haredi families escape poverty; and are in line with Haredi gender-norms (ritual and rabbinical matters are almost entirely male-dominated, while secular jobs, often seen as less important, are open to women). These programs would have to be approved by leadership in order to attract participants.

4) *Suffering Within the Community: Amplification, Not Intervention*

As expressed above, Haredi society is very socially conservative. Women

are kept out of leadership positions. They are expected to marry young (often in arranged marriages), have five or more children, and live a very restricted life. Men can deny their wives a divorce, making the wife an *agunah*—unable to remarry. This can mean social death if their husband flees or being chained in an unwanted marriage if he does not. LGBTQ Haredim must keep silent under pain of ostracization from the community.¹⁴

For progressives seeking to protect the oppressed and vulnerable—women, *agunot* (plural of *agunah*), and queer Haredim—there are two groups to keep in mind: those suffering within the Haredi community and those who leave it and are in need of emotional, educational, social, and financial support. Progressives have a moral duty to call attention to, and take action toward, these groups. At the same time, strong condemnation of Haredi culture overall, or calls for intervention in it, reaches back to a history of violent imperialism both in American institutions and against Haredim, and is likely to be defined by deep lack of understanding of the community, making those options both violent and ineffective. Progressives are caught between ignoring the voices of abused Haredim, especially women and queer folk, and justifying imperialism and intervention into a community that holds deep collective trauma against both.

The answer to this false choice is amplification, not intervention. By this I mean that progressives should go out of their way to amplify and publicize the voices of those seeking change within the community and those who leave it, without seeking government intervention in the Haredi school system, court system, media, or home.

For those seeking change within the community, progressives can help by educating themselves on the issues and allying with activists. For example, the Haredi world is currently reeling from a

major Me Too scandal, in which some victims were shamed for the suicide of the abuser, and Haredi media refused to report on the revelation.¹⁵ In a rare show of grassroots political action, Haredi activists plastered physical and digital walls with posters saying "We believe the victims" and demanded that leadership denounce the abuser and all of his work. This display of public activism from within the community has swayed many Haredi rabbis and shifted public opinion. By calling attention to these activist groups and reaching out to them, while remaining respectful of and seeking to learn about Haredim, progressives from outside of the community can amplify and aid voices of change within it. For those who leave the Haredi community, progressives can amplify their voices and stories and give them the support they need. This means calling attention to, and raising funds for, organizations like Eshel, founded by ex-Haredi transgender activist Abby Stein, and Jewish Queer Youth.^{16, 17}

Conclusion

Progressives should attempt to build an alliance with, and platform toward, Haredim on the basis of anti-imperialism, restorative justice, and anti-poverty. Instead of ignoring, condemning, or intervening in violence within the community, progressives should seek to partner with and amplify Haredi voices for change, and support those who leave it, while remaining respectful and educated about the community overall. By adopting this platform, progressives can work to uplift Haredim from systemic and ethnic violence and broaden their coalition for change. ▲

Benjamin Lefkowitz is a master of public policy candidate at the John F. Kennedy School of Government at Harvard University. He is a board member of Kulanu, an organization that supports isolated, emerging, and returning Jew-

ish communities. He graduated from Wesleyan University in 2020 with a degree from the College of Social Studies (high honors) and a certificate in Jewish and Israel studies.

8 The city's relationship with the Haredi community during coronavirus exacerbated and exemplified the problem. DeBlasio failed to effectively communicate with, understand, or effectively regulate Haredim during the coronavirus lockdowns of 2020. DeBlasio reacted to flouting of coronavirus restrictions by lambasting the entire community on Twitter and personally crashed the crowded outdoor funeral of a major rabbi to shut it down.

In reality, Haredim had a difficult time complying with a system of coronavirus restrictions that did not take the community's unique circumstances into account, such as quarantining with large families in small apartments, in-person-only rituals, a centuries-old communal trauma of state restrictions on religious practice, and, in some communities, difficulties in living with limited or no internet, or without it.

The New York City government could have better protected everyone had it negotiated with Haredi leadership to find a mandate that the community could comply with and trusted Haredi leadership to amplify and enforce pandemic rules.

9 Joseph Berger, "Uneasy Welcome as Ultra-Orthodox Jews Extend Beyond New York," *The New York Times*, 2 August 2017, <https://www.nytimes.com/2017/08/02/nyregion/ultra-orthodox-jews-hasidim-new-jersey.html>.

10 Samuel Stein, "The Making of Satmar Williamsburg," *Jewish Currents*, 23 November 2021, <https://jewishcurrents.org/the-making-of-satmar-williamsburg>.

11 For example, a Haredi community seeking to expand into the neighborhood of a community of color could be offered new housing options somewhere else, built with the distinct needs of the Haredi community in mind. Or new Haredi housing can be strategically integrated into the neighborhood in a way that does not displace or threaten local residents.

12 "Haredi Demography—The United States and the United Kingdom," in *The Jewish People Policy Institute Annual Assessment 2013-2014*, ed. Barry Geltman and Rami Tal (The Jewish People Policy Institute, 2014) http://jppi.org.il/uploads/Haredi_Demography_The_United_States_and_the_United_Kingdom.pdf.

13 Note that poverty rates vary in the highly diverse Haredi world, and while some, like the Satmar, might strongly support these policies, others, such as Chabad or the Litvish, tend toward the middle class and would not.

14 It's worth noting that ostracization from the community is a horrific ordeal. The ostracized, having grown up in severe isolation from the outside world, are cut off from anyone they have ever known. They are expected to start a new life completely from scratch in a secular world they know little about, might not have any skills or education necessary to make a living in, and might not even speak the language of. The family of the ostracized will be shamed and might be refused marriages or entrance into Haredi schools. The ostracized might harbor extreme feelings of guilt for the rest of their lives, especially if they are a woman who has left several children behind.

15 Isabel Kershner, "A #MeToo Moment Shakes Israel's Ultra-Orthodox," *The New York Times*, 30 January 2022, <https://www.nytimes.com/2022/01/27/world/middleeast/a-metoo-moment-shakes-israels-ultra-orthodox.html>.

16 "Our Mission," Eshel, accessed 1 March 2022, <https://www.eshelonline.org/eshels-mission/>.

17 Andrew Silow-Carroll, "Program for Orthodox LGBTQ youth gets \$1 million to expand across US," *Times of Israel*, 27 December 2021, <https://www.timesofisrael.com/program-for-orthodox-lgbtq-youth-gets-1-million-to-expand-across-us/>.

PROGRESSIVE ALTERNATIVES FOR FOSTER CARE

Leah Kessler

In this era of responsibility, we must face the uncomfortable reality that society is failing our children.¹ This is true on many fronts, but especially so in our foster care institutions. I've witnessed it firsthand, and every way I try to convey the trauma and atrocities seems to fall flat. But what would happen if we didn't look away? What would it take for us, as progressives, to move from the loneliness of realization toward the solidarity of awareness?

Our present-day American child welfare system operates as a family regulation system—one that is rooted in settler colonialism and intentionally designed to surveil and punish Black, poor, and other marginalized communities. Child welfare encompasses all stages of government oversight, from initial referrals of maltreatment and abuse to the removal of children from their families and subsequent placement into foster care. As wards of the state, these children live under the auspices of foster parents, while their biological parents complete mandated service and visitation plans to regain custody of their kids—an outcome that is achieved only 54 percent of the time.² Today, about 21 percent of children in foster care nationwide are Black—compared to only 14 percent of the nation's

youth—and about 75 percent of child removals and family separations are due to poverty-related neglect.³ To create a system that supports families and keeps children safe, I propose completely dismantling foster care and rebuilding it by implementing anti-poverty policies and investing in community-based services.

The most effective way for child welfare systems to ensure a child's safety and permanency with their family of origin is to invest in relieving child poverty. Our government's refusal to provide poverty-centered policies—higher minimum wage, guaranteed income, universal health care, high-quality childcare and preschool, paid family leave, and affordable housing—is a choice to condemn children to poverty, a predicament then criminalized by our child welfare institutions. The Biden administration's recent failure to extend the Child Tax Credit expansion is just another example of this country's violent endorsement of child poverty.⁴ We need to divest from this oppressive family regulation system—a multibillion-dollar apparatus that funnels most of its money to out-of-home care—and invest in community-based interventions.⁵ More specifically, we need to shift control of child welfare to Black communities to

¹ Barack Obama, "President Barack Obama's Inaugural Address," 20 January 2009, <https://obamawhitehouse.archives.gov/realitycheck/node/2213>.

² "Adoption and Foster Care Analysis and Reporting System (AFCARS) Report #28," United States Department of Health and Human Services, Administration for Children and Families, 19 November 2021, <https://www.acf.hhs.gov/cb/report/afcars-report-28>.

³ "Child Population by Race," Annie E. Casey Foundation Kids Count Data Center, September 2021, <https://datacenter.kidscount.org/data/tables/103-child-population-by-race>; "AFCARS Report #28."

⁴ Zach Courtney, "Child Poverty Soaring under Biden and the Democrats," *The Minnesota Daily*, 20 February 2022, <https://mndaily.com/271081/opinion/courtney-child-poverty-soaring-under-biden-and-the-democrats/>.

⁵ Isabela Baghdady, "Professor Dorothy Roberts Talks Dismantling the Child Welfare System at Penn Event," *The Daily Pennsylvanian*, 16 November 2021, <https://www.thedp.com/article/2021/11/dorothy-roberts-penn-law-child-welfare>; Dorothy Roberts, *Shattered Bonds: The Color Of Child Welfare* (New York: Basic Books, 2002).

⁶ JMacForFamilies website, accessed 11 March 2022, <https://jmacforfamilies.org>.

enable more community input and improve service delivery in home- and community-based settings. Efforts for these policies are being put forth by organizations like JMacForFamilies and leading abolitionist thinkers in this field like Dorothy Roberts.⁶

In addition to abolishing the family regulation system, we need to improve the quality of childcare children receive in their foster homes. When I was a case planner at a foster care agency, I had 13 kids on my caseload at any given time. Of the many families I worked with, I can think of only one for whom a foster care system was definitively needed. This child experienced unimaginable physical, sexual, emotional, and medical trauma—inflicted on them by two adults who were tasked with ensuring their safety, security, and well-being. We need to create a governmental safeguard for children who are in such legitimately unsafe homes without using racism and poverty as justification for mass family separations. In this alternative form of foster care, I propose employing foster parents, who currently serve in voluntary, unpaid, full-time childcare positions.

There is a huge demand for foster parents, and state agencies do not have the luxury of turning away applicants who meet the low bar of entry. When foster parents do not adequately fulfill their role as caregiver, they further traumatize children in their care. Agencies encourage foster parents to love children who are often coping with severe trauma and behavioral issues while simultaneously preparing to return kids to their biological parents. Foster parents' incentives often conflict with those of the agency and/or biological parents. As primary caregivers, foster parents have the power to obstruct parent-child visitation and communication, try to adopt a kid despite a goal of reunification with the child's parent(s), and refuse their caregiving responsibilities altogether—duties that are then assumed by the case planner.

By providing foster care organizations with hiring, firing, and disciplinary capabilities—tools in a typical employer-employee relationship—foster parents would be held to higher standards and expectations. This policy will also incentivize more people to apply to this position and enable agencies to raise the barrier of entry via higher job qualifications. Employing non-kinship foster parents will rectify ground-level inefficiencies and better align their interests and incentives with those of the state-contracted agency they work for. Having better trained, supported, and paid caregivers could lead to improved quality of care, decreased rates of child abuse and neglect, and a reduction in the number of placement changes. While children would be the main beneficiary of this proposal, employing foster parents would effectively make them colleagues with case planners, allowing case planners to focus on assisting families of origin. While this idea is new, it has been implemented with varying levels of success and with growing support from childcare professionals. In 2007, Milwaukee launched the pilot professional foster parent program, Wraparound Milwaukee, for adolescent girls who want to be reunited with their parents; in 2016, the Illinois Department of Children and Family Services launched a pilot program to test the effectiveness of professional foster care for children requiring therapeutic services; and in 2016, Texas's Arrow Child and Family Ministries (a faith-based private agency) licensed 13 professional foster homes.^{7, 8, 9}

For too many kids, families, and communities, foster care is a generational and draconian reality. I worked with one mom, who—like the overwhelming majority of parents caught by our family regulation system—grew up in foster care herself. In the process of her case with her 11-year-old daughter, she found an out-patient program that worked for her, got clean, and lost and

regained the legal rights to her daughter. Her family would eventually stay together and be discharged from care. When I asked her how she did it, she said, "Sometimes when you have your arm in the mouth of a lion, you have to stop struggling to get free and pat its head so it lets go of you." This survival strategy for those faced with the most unimaginable destruction—that of the bond with their child—is the sign of a sick system, one that is intentionally kept out of sight. I believe that the solutions I proposed are possible, but only if we pursue them together. [△](#)

Leah Kessler is a master of public policy student at the John F. Kennedy School of Government at Harvard University who focuses on child welfare, anti-poverty, and climate justice policies. Prior to HKS, she worked as a law clerk at an employee rights' litigation firm, before serving as a case planner at a foster care agency in New York City.

⁵ Isabela Baghdady, “Professor Dorothy Roberts Talks Dismantling the Child Welfare System at Penn Event,” The Daily Pennsylvanian, 16 November 2021, <https://www.thedp.com/article/2021/11/dorothy-roberts-penn-law-child-welfare>; Dorothy Roberts, *Shattered Bonds: The Color Of Child Welfare* (New York: Basic Books, 2002).

⁶ JMacForFamilies website, accessed 11 March 2022, <https://jmacforfamilies.org>

⁷ Wraparound Milwaukee website, accessed 11 March 2022, <http://wraparoundmke.com/>.

⁸ Teresa Wiltz, “In Some States, Foster Parents Have Become Professionals,” *Governing*, 20 February 2019, <https://www.governing.com/archive/sl-foster-parents-professionals-workers.html>.

⁹ Arrow Child & Family Ministries, accessed 11 March 2022, <https://www.arrow.org/>.

THE ECONOMIC CASE FOR DRUG DECRIMINALIZATION

Grace Ramsey

The riotous and thriving 100-billion-dollar American illegal drug industry has not been weakened by decades of escalating criminal punishments; in fact, it has been bolstered. Drug criminalization effectively keeps sellers trapped in involvement with the drug market by weakening their ties with legitimate, formal routes of obtaining income. Further, criminalization directly incentivizes dangerous behaviors, such as the use of synthetic opioids and higher potency products that increase deaths. Our drug policy has failed to reduce the sale of illicit drugs or the overdoses associated with their use. The removal of criminal penalties for drug use and sale will end these side effects and free up resources to tackle the core problems—poverty and the lack of a biosocial understanding of addiction—leaving us with truly effective and sustainable drug policy.

Why criminal punishment cannot work

Criminal punishment for drug distribution and trafficking does not deter offenders. The decision to participate in the illicit market is an economic one, in which access to other financial resources operates as the most effective deterrent. Felony convictions reduce access to alternative streams of income from

legitimate institutions, keeping low-income perpetrators trapped as labor for the drug market.

Interpreting drug trafficking as an economic decision to participate in a risky informal market allows for a more useful evaluation of the penalties associated with its prosecution. Economist Steven Levitt and sociologist Sudhir Alladi Venkatesh estimate that street dealers make an average of \$2,400 a year, at approximately 20 hours a week—far below the poverty line.¹ Nearly 80 percent of these street dealers also held low-paying jobs at some point in the year.² This indicates that involvement in street dealing is a supplement to already inadequate compensation or opportunity in the formal sector.

Extreme poverty amplifies this dynamic. Sellers see the market as a kind of tournament, in which their labor increases the chances that they move up within the ranks of the hierarchy—as only few do—to earn the 10- to 20-fold increase in pay associated with a leadership position in a drug syndicate.³ This dynamic is particularly salient in low-income communities where decently paying formal employment options are severely limited.

For those arrested and convicted, incarceration for drug sales heightens

¹ Steven D. Levitt and Sudhir Alladi Venkatesh, "An Economic Analysis of a Drug-Selling Gang's Finances," *Quarterly Journal of Economics* 115, no. 3 (2000): 755-789.

² Ryan King and Marc Mauer, "The Economics of Drug Selling: A Review of the Research," The Sentencing Project, 2003, <https://static.prisonpolicy.org/scans/sp/5049.pdf>.

³ Levitt and Venkatesh, "Drug-Selling Gang's Finances."

the financial incentive to return to the criminal market. This is a result of the standard difficulty finding legitimate employment that ex-offenders face; most formal employers are uninterested in hiring workers with a criminal background. The Prison Policy Initiative estimated that the unemployment rate for formally incarcerated people is 27 percent—worse than the height of the Great Depression.⁴ A lack of opportunities in the formal sector makes illegal drug sales a more viable option for convicts. It is essential to note that this vicious cycle is especially destructive in communities of color, considering that Black Americans are imprisoned at a rate five to seven times higher than Whites.⁵ Half of all prisoners with a sentence of more than a year for a drug crime are also Black, despite their overall proportion of the population being about 13 percent.⁶ The situation is so severe that one in three Black men can expect to be imprisoned in their lifetime.⁷

Further, those convicted of drug trafficking face punishment add-ons that the typical offender is spared, including denial of access to government financial resources like nutrition and cash assistance. Temporary Assistance for Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP) were banned federally for those convicted of drug crimes in 1996 as part of the Personal Responsibility and Work Opportunity Reconciliation Act.⁸ States were given the option to modify or opt out of the ban; however, seven states still have a full TANF ban, one still has a SNAP ban, and over a third of all states have a modified version of the ban in place.⁹ Cody Tuttle, an economist at the University of Texas, found in a 2019 study that Florida's ban on SNAP benefits for those convicted of drug trafficking is associated with a 9 percentage point increase in the likelihood of recidivism for financially motivated crimes.¹⁰ This is unsurprising, considering SNAP benefits made up 20 percent of the income

of the average drug trafficker.¹¹ Further, Crystal S. Yang, a Harvard economist, found that SNAP and TANF access can reduce the likelihood of recidivism within one year by 10 percent.¹² The banning of access to TANF and SNAP incentivizes criminal behavior in offenders by whittling away at their limited resources and making drug trafficking even more economically desirable.

Criminalization doesn't deter sellers; it hurts consumers

With a vulnerable and steady labor supply in place, the criminal drug market continues to push out product. In addition, the complete lack of quality control or regulatory oversight in a criminal market inherently motivates increased potency and adulteration of these products. This leads directly to the uncontrollable rates of opioid overdose in the United States, with over 90,000 deaths in 2020—a 30 percent increase from the year before.¹³

Increased potency is a key driver of these overdoses in the United States. The synthetic opioid fentanyl, which is 50 to 100 times stronger than heroin, has become increasingly prevalent in the drug supply. In fact, over 70 percent of overdose deaths involve fentanyl.¹⁴ The matter of transportation in distribution is essential to explain this. Interception of illicit drug shipments at borders and through the postal system has become a recently popular tactic in the enforcement of criminalization, despite it being ineffective at reducing drug use or deaths.¹⁵ As interdiction efforts and penalties for trafficking and distribution of illicit drugs increase, the risk associated with transporting the product increases. If a seller can get the same revenue for one shipment of fentanyl as they could from 50 shipments of heroin through a risky border, the choice is obvious.

Once distributed to sellers, the fentanyl is often "cut" heterogeneously into heroin or other substances, which is extremely risky for accidental overdose.

The fact that consumers have no access to civil or criminal recourse if they receive an adulterated product leaves sellers with no incentive to ensure the safety of their products. Competing "firms" that are selling drugs similarly do not have access to enforceable property rights or contracts. Violence is the primary method of dispute resolution when legal routes are denied.¹⁶ Death, disease, and violence are currently the status quo policy outcome in the United States for sellers, buyers, and outsiders.

Well, what now?

There is an effective policy alternative available: the removal of criminal penalties for drug use and sale, with expungement of past offences. This would mean that no one who is found to be in possession of illicit substances would be criminally punished for it. However, they would still be liable for civil penalties, and anyone who had committed a violent crime in the course of trafficking would still be prosecuted appropriately. Expungement would retroactively hide non-violent drug offenses and unsaddle individuals who are attempting to engage in the legal job market from the stigma of a past conviction and the weight of other ineffective policy side effects, such as TANF and SNAP bans. The overall harms of drug use for consumers would also decline, as evidenced by the fact that decriminalization has shown a decline in overdose and injection drug use-related viruses and no increase in drug use in the more than 25 countries around the world that have implemented it.¹⁷ These are the goals of drug policy—to reduce harm and overdose—and this is how to do it.

Decriminalization may sound radical or untenable, but that conception is only a result of criminalization being the unchallenged status quo for so many decades. Decriminalization is feasible, compassionate, evidence based, and effective. Although an onerous undertaking, this is the only policy approach that will address the factors that drive

individuals into the drug trade. It would also free up the estimated 46 billion dollars a year the United States spends on drug prohibition activities for meaningful policy interventions.¹⁸ That money could be funneled into poverty alleviation and employment programs that reduce the incentive for economic engagement with the drug market. Funding could also be directed to research that seeks to better understand the biological underpinnings of addiction and treatment programs that implement those findings in order to fundamentally reduce demand for illicit drugs. There is a real, tested structure of policy available to us that will save lives and money, guaranteed. Why do we insist on charging forward with criminalization?^Δ

Grace Ramsey is a master of public policy candidate at the John F. Kennedy School of Government at Harvard University. She focuses on substance use policy and criminal justice reform. Before attending the Kennedy School, she worked in Los Angeles, supporting people experiencing homelessness and their transition into permanent housing.

⁴ Lucius Couloute and Daniel Kopf, "Out of Prison & Out of Work: Unemployment among Formerly Incarcerated People," Prison Policy Initiative, 2018, <https://www.prisonpolicy.org/reports/outofwork.html>.

⁵ E. Ann Carson and William J Sabol, "Prisoners in 2011," U.S. Department of Justice, Bureau of Justice Statistics, 2012, <https://bjs.ojp.gov/content/pub/pdf/p11.pdf>.

⁶ Alana Rosenberg, Allison K. Groves, and Kim M. Blakenship, "Comparing Black and White Drug Offenders: Implications for Racial Disparities in Criminal Justice and Reentry Policy and Programming," *Journal of Drug Issues* 47, no. 1 (2016): 132-142.

⁷ "Criminal Justice Facts," The Sentencing Project, 2020, <https://www.sentencingproject.org/criminal-justice-facts/>.

⁸ Marc Maurer and Virginia McCalmont, "A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits," The Sentencing Project, 14 November 2013, <https://www.sentencingproject.org/publications/a-lifetime-of-punishment-the-impact-of-the-felony-drug-ban-on-welfare-benefits/>.

⁹ Darrel Thompson and Ashley Burnside, "No More Double Punishments: Lifting the Ban on SNAP and TANF for People with Prior Felony Drug Convictions," The Center for Law and Social Policy, 2021, <https://www.clasp.org/publications/report/brief/no-more-double-punishments>.

¹⁰ Cody Tuttle, "Snapping Back: Food Stamp Bans and Criminal Recidivism." *American Economic Journal: Economic Policy* 11, no. 2 (2019): 301-327.

¹¹ Tuttle, "Snapping Back."

¹² Crystal S. Yang, "Does Public Assistance Reduce Recidivism," *American Economic Review: Papers and Proceedings* 107, no. 5 (2017): 551-555.

¹³ Holly Hedegaard et al., "Drug Overdose Deaths in the United States, 1999–2020," National Center for Health Statistics Data Brief 428, Centers of Disease Control and Prevention, National Center for Health Statistics, 2021, https://www.cdc.gov/nchs/products/databriefs/db428.htm#section_1.

¹⁴ "Synthetic Opioid Overdose Data," Centers of Disease Control and Prevention, 2021, <https://www.cdc.gov/drugoverdose/deaths/synthetic/index.html>.

¹⁵ Louis J. Rodrigues, "Drug Control: Increased Interdiction and Its Contribution to the War on Drugs," US Government Accountability Office, 25 February 1993, <https://www.gao.gov/products/t-nsiad-93-4>.

¹⁶ Levitt and Venkatesh, "Drug-Selling Gang's Finances."

¹⁷ "Approaches to Decriminalizing Drug Use & Possession," Drug Policy Alliance, 2015, https://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA_Fact_Sheet_Approaches_to_Decriminalization_Feb2015_1.pdf.

¹⁸ Jeffrey Miron, "The Budgetary Effects of Ending Drug Prohibition," The Cato Institute, 23 July 2018, <https://www.cato.org/tax-budget-bulletin/budgetary-effects-ending-drug-prohibition-#estimates-for-expenditures-and-tax-revenue>.



Labor Organizing

WAGES DON'T EQUAL MARGINAL PRODUCT. THAT MATTERS FOR POLICY

Sam Thorpe

Economic teaching and policy-making often take for granted the idea that workers are paid what they're worth. According to this framing, impersonal market forces dictate wages, and workers are compensated according to the value they create for their employer, which economists call *marginal product* (MP). Labor markets are said to work like any other market: workers with a given level of education and skills are relatively interchangeable and are hired based on the relationship between labor supply and firm demand (where $wage = MP$). The simplicity of the equation suggests that wages tend to be fairly set by market forces and should thus be beyond manipulation by policymakers. Most professional economists would freely admit that $w = MP$ is an oversimplification, missing the nuance present in real labor markets. Yet this language has still found its way into websites used to teach economics to high schoolers, textbooks intended for non-specialists, and even Congressional Budget Office estimates of the effects of the minimum wage.^{1, 2, 3}

The problem? Outside of textbooks, this conventional model often fails to represent how wages are determined in the real world. In recent decades, a growing number of economists have

begun to investigate long-standing assumptions about wage setting. Their research suggests that many of these assumptions are not just oversimplifications but actually skew analysis in a particular direction, creating flaws that present major implications for policy.

There are three primary reasons why wages in real labor markets aren't simply based on perfectly competitive supply and demand. First, what economists call *frictions* may prevent workers from moving easily between jobs.⁴ In the perfectly competitive model, workers are able to simply leave their job and pick up another one effortlessly. By comparison, in the real world, whether it's time and energy spent searching for alternative positions, costs to move geographically to work for a new employer, or needing to keep a job for its health insurance benefits, anything that ties workers down to their jobs creates frictions that can result in lower wages. Research describing how these frictions significantly depress wage levels has been widely accepted and has appeared in numerous macro and microeconomic models since at least the early 2000s.⁵

Second, market concentration of employers, sometimes called *monopsony power*, also allows firms to push wages down as their employees have fewer

¹ "Just as in any market, the price of labor [...] is determined by the intersection of supply and demand." ("Labor Market Equilibrium and Wage Determinants," Boundless Economics, accessed 11 March 2022, <https://courses.lumenlearning.com/boundless-economics/chapter/labor-market-equilibrium-and-wage-determinants/>.)

² See, for one of many examples, N. Gregory Mankiw's *Principles of Economics* (8th ed.), pp. 367: "A profit-maximizing firm chooses the quantity of labor so that the value of the marginal product ($P \times MPL$) equals the wage (W)." (N. Gregory Mankiw, *Principles of Economics* 8th ed. (Boston: Cengage Learning, 2017).

³ "All employers [...] have incentives to hire until an additional worker would generate less in revenue than he or she would cost to employ. That extra cost of a new worker's employment is called the marginal cost." ("The Effects on Employment and Family Income of Increasing the Federal Minimum Wage," Congressional Budget Office, 2019, <https://www.cbo.gov/system/files/2019-07/CBO-55410-MinimumWage2019.pdf>.) More recent reports, including this one from 2019, have included some discussion of monopsony power and market concentration, but continue to rely on the assumption that, in most markets, concentration is low and $w=MP$.

⁴ In labor economics, these are often formally modeled as search frictions. For a review, see Dale T. Mortensen, "Markets with search friction and the DMP model," *American Economic Review* 101, no. 4 (2011): 1073-91 and citations within.

⁵ E.g., Robert E. Hall, "Labor-market frictions and employment fluctuations," *Handbook of macroeconomics* 1 (1999): 1137-1170.

alternative employment options.⁶ In a perfectly competitive world, labor markets would provide dozens of possible employers for any given job in any local area, and employers would need to compete with one another for workers by raising wages. In reality, there are often just a few options. If you're a pharmacist, you may only get to choose between working at a Walgreens or CVS; if you're a nurse, the choice may be between the only two hospitals within a reasonable commute. Over the past five years, economists have found that local labor markets are increasingly dominated by a remarkably small number of employers. Based on the definition from the Federal Trade Commission, more than 50 percent of labor markets in America are considered "highly concentrated," indicating that workers in a particular occupation have only a few alternative employment options.⁷ The best available estimates suggest that when the number of firms in a market is cut in half (i.e., market concentration doubles), wages tend to be least 10 percent lower and thus workers are significantly underpaid in more concentrated markets.⁸

Third, many firms make some level of excess profits (rents), and their owners can decide whether or not to share those profits with workers (rent sharing). In a perfectly competitive market, firms would not make a profit beyond the minimum necessary for them to perform their productive activities. But in reality, firms often do make profits beyond this level and thus face questions about how much of the yield to share with workers relative to shareholders and management.^{9, 10} Rent sharing has the potential to actually raise wages *above* marginal product when firms do well. But new evidence shows that rent sharing has been falling sharply with rank-and-file workers since the 1980s, not because of falling profits but because of increasing portions of rents flowing to shareholders and top executives.¹¹

Each of these findings have significant policy implications. And when taken together, their ramifications are even more profound. In a world where wages equal marginal product, direct government intervention into wage setting—such as with minimum wages or wage subsidies—inefficiently pushes wages above the market level, which would lead to increases in unemployment. Similarly, strong unions and taxation on top earners would also increase unemployment through inefficiently high and low wages respectively. But the logic of $w=MP$ falls apart in the real world, where labor markets are characterized by frictions, monopsony power, and excess profits. Instead, these new developments in economic research point to the historic suppression of wages for rank-and-file workers and illustrate the importance of minimum wages and unions as mechanisms to ensure that all Americans are paid what they deserve. Moreover, this research suggests that if high earners are winning a greater share of rents than low earners, redistributive taxation may not just be more progressive but also more economically efficient. This empirically grounded understanding of labor markets further highlights the need for more specific interventions, like banning non-compete agreements that increase monopsony power and job frictions and pushing for greater worker ownership of firms, which allows workers greater voice in rent-sharing decisions.^{12, 13}

Many of these policies have been long-standing progressive priorities, often supported by arguments around fairness and equality. But there is now clear evidence that they may be desirable on purely economic terms as well. Within the last few years, more and more economists have come to agree that "industry consolidation and weaker competition in the United States meaningfully constrain [innovation and wages]." ¹⁴ These same scholars are increasingly rejecting the predominant

assumption that wages equal marginal product in real labor markets. Economics is changing. The way that we approach labor market policy needs to change with it. [Δ](#)

Sam Thorpe is in his final year at Williams College, where he studies economics and public policy. His research focuses on how imperfect labor markets generate inequality and exploitation and how policy can be used to address these issues. After Williams, he will work on public economics research at the University of Chicago Booth School of Business

⁶ For a review by one of the founders of modern monopsony theory, see Alan Manning, "Monopsony in labor markets: A review." *Industrial and Labor Relations Review* 74, no. 1 (2021): 3-26.

⁷ José Azar et al., "Concentration in US labor markets: Evidence from online vacancy data," *Labour Economics* 66 (2020): 101886.

⁸ Efraim Benmelech, Nittai K. Bergman, and Hyunseob Kim, "Strong Employers and Weak Employees: How Does Employer Concentration Affect Wages?," *Journal of Human Resources*, 14 December 2020; see also Brad J. Hershbein, Claudia Macaluso, and Chen Yeh, "Monopsony and Concentration in the Labor Market: Evidence from Vacancy and Employment Data," 2019 Meeting Papers 1336, Society for Economic Dynamics.

⁹ See, for example, Laura Power and Austin Frerick. "Have Excess Returns to Corporations Been Increasing Over Time?," *National Tax Journal* 69, no. 4 (2016): 831-845; along with Chad Syverson, "Macroeconomics and market power: Context, implications, and open questions," *Journal of Economic Perspectives* 33, no. 3 (2019): 23-43, for a review of the macroeconomic implications of firm market power.

¹⁰ See, for example, David G. Blanchflower, Andrew J. Oswald, and Peter Sanfey, "Wages, profits, and rent-sharing," *The Quarterly Journal of Economics* 111, no. 1 (1996): 227-251; see also David Card et al., "Firms and labor market inequality: Evidence and some theory," *Journal of Labor Economics* 36, S1 (2018): S13-S70.

¹¹ Anna Stansbury and Lawrence H. Summers. "The Declining Worker Power Hypothesis," *Brookings Papers on Economic Activity* (2020).

¹² Evan P. Starr, James J. Prescott, and Norman D. Bishara, "Noncompete agreements in the US labor force," *The Journal of Law and Economics* 64, no. 1 (2021): 53-84.

¹³ "Employee Ownership & Economic Well-being: Household Wealth, Job Stability, and Employment Quality among Employee-Owners Age 28 to 34," National Center for Employee Ownership, 2017, https://www.ownershipconomy.org/wp-content/uploads/2017/05/employee_ownership_and_economic_wellbeing_2017.pdf.

¹⁴ "Competition," Chicago Booth: The Initiative on Global Markets (blog), 20 July 2021, <https://www.igmchicago.org/surveys/competition/>.

COVID-19 POLICYMAKING FAILED US WORKERS

Labor organizing can deliver where legislators have stalled

Merrit Stüven

The pandemic prompted many to think about how work shapes our own lives. It also highlighted how reliant we all are on the labor of others. While higher-paid workers transitioned to remote work, others had little choice but to continue going to their jobs in person. These workers exposed themselves and their families to infection with little to no government support. And while society categorized their work as essential, the United States government failed to meet their needs—not just for pandemic workplace protection but their more fundamental needs for jobs that, pandemic or not, respect their labor.

Policymakers have failed to harness the pandemic to fundamentally reshape the working conditions of those who need it most, leaving workers to take on this task by themselves. Through the examples of hazard pay and paid sick leave, this article critiques local and state approaches, which do not provide enough coverage and consistency, as well as the United States' federal response, which still falls vastly short of meeting workers' needs.

In the face of these shortcomings, workers are continuing to seek out labor organizing as the pathway to achieving workplace protections and rights. I argue

that, as the pandemic continues, the labor movement has more potential to actually address the needs of workers and create pressure for policymakers.

The rise and fall of essential workers

During the pandemic's early waves in the spring and summer of 2020, essential workers—who stock our grocery shelves, drive our buses, and care for our sick loved ones—were held up as the backbone of our society. At least rhetorically, our society recognized and praised their labor. But even in those early days of support, we did not truly acknowledge that many essential workers did not have a choice in continuing to go to their jobs.

Essential workers are often low paid, especially outside of the health care system.¹ Facing the insecurity of the pandemic, most do not have a safety net to fall back on.² Even in the early pandemic, as we were uplifting the work of some, other essential labor was barely recognized, including the labor of farm workers and domestic workers.^{3, 4} These workers are predominantly people of color and often immigrants. They are not just invisible to the average consumer; they are also systematically ex-

¹ Celine McNicholas and Margaret Poydock, "Who Are Essential Workers?: A Comprehensive Look at Their Wages, Demographics, and Unionization Rates," Economic Policy Institute (blog), 19 May 2020, accessed 6 March 2022, <https://www.epi.org/blog/who-are-essential-workers-a-comprehensive-look-at-their-wages-demographics-and-unionization-rates/>.

² Annie Lowrey, "Don't Blame Econ 101 for the Plight of Essential Workers," *The Atlantic*, 13 May 2020, <https://www.theatlantic.com/ideas/archive/2020/05/why-are-americas-most-essential-workers-so-poorly-treated/611575/>.

³ Madeline Leung Coleman, "Essential Workers Are Being Treated as Expendable," *The Atlantic*, 23 April 2020, <https://www.theatlantic.com/ideas/archive/2020/04/farmworkers-are-being-treated-as-expendable/610288/>.

⁴ "6 Months in Crisis: The Impact of COVID-19 on Domestic Workers," National Domestic Workers Alliance, 2020, https://www.domesticworkers.org/wp-content/uploads/2021/06/6_Months_Crisis_Impact_COVID_19_Domestic_Workers_NDWA_Labs_1030.pdf.

cluded from workplace protections and rights.⁵ When we did acknowledge essential workers, it was to hold up their continued work as noble and selfless. At the same time, our political system failed to provide them a meaningful safety net.

Entering year three of the pandemic, workers in the service industry, agriculture, health care, and education are continuing to work in unsafe conditions with few protections. But our public discourse has moved on; the term *essential workers* has largely disappeared from our vocabulary.⁶ With this waning public attention, we are at risk of completely losing any momentum the pandemic built to materially improve working conditions and workplace protections in the United States. In hastily trying to return to normal, we are not just erasing the continued hardships workers are facing but also exposing them to continued health risk and economic precarity in largely unchanged working conditions.

How do we reform US workplace protections?

For progressive policymakers, the immediate response to poor workplace protection is to fundamentally change the United States' approach to labor rights and workplace protections. However, there is not enough political will, and too much active opposition, for a federal legislative solution to workers' needs, and local and state approaches do not have enough reach to substantially uplift workers. These shortcomings have been illustrated by attempts at pandemic policymaking.

Localized Approach: Hazard Pay

There have been local efforts to provide relief and, at least temporarily, give essential workers more security. One policy that gained momentum at the local level is hazard pay, which helps to

compensate workers not just for the additional risk they are facing at their jobs but also for the higher costs of going to work, such as finding increasingly expensive childcare. Hazard pay has been implemented in several places in the United States, including for grocery store workers in Los Angeles in 2021, and in Seattle, where hazard pay is still in effect as of February 2022.^{7, 8} But calls to expand these local solutions have not gained momentum. Both workers, including those at Walmart and Amazon, and institutions like Brookings and the Economic Policy Institute have called for wider implementation of hazard pay.^{9, 10, 11} Local efforts failed to translate into federal action. One House bill seeking to introduce hazard pay for federal employees never made it out of committee, and the proposed HEROES act, which included \$200 billion in hazard pay, was rejected as "unrealistic" by Republican lawmakers.^{12, 13, 14} With hazard pay mandates remaining only at the local level, a patchwork of protection for workers emerges, leaving many out.

While local and state protections can provide meaningful security and relief to covered workers, localizing workplace protection enables large employers to continue evading regulation. For example, in response to local hazard pay mandates, Kroger shut down several of its grocery stores to avoid increasing pay at those locations.¹⁵ A local approach enables this response from businesses, who prioritize profit maximization over worker safety and well-being, as well as over the provision of goods and services to local communities. As long as our policies are implemented in patchworks, companies will continue to find ways around them. Hazard pay is just one example of this dynamic. We need federal mandates to elevate the baseline of protections and rights that US workers can expect and employers must provide.

Federal Approach: Paid Sick

Leave

While some policies, like hazard pay, failed to break through at the federal level, the pandemic did generate federal action on workplace protection—though these opportunities were not capitalized on to create a lasting safety net for workers. The most prominent example is paid sick leave. Few things have highlighted the inadequacy of the US workplace protections like a pandemic in a country where many workers—just over half of workers at the 123 largest US service-sector employers—do not have access to paid sick leave.¹⁶

The Families First Coronavirus Response Act and American Rescue Plan Act expanded access to paid sick and family leave, enabling workers to take paid time off when they or their family members are ill.^{17, 18} However, the coverage, despite its federal implementation, left out many workers. Some provisions applied only to federal employees while others provided exemptions for both employers with less than 50 and more than 500 employees, cutting out a significant share of employers.¹⁹ As of March 2021, with the help of these temporary pandemic provisions, 77 percent of private-sector employees had access to paid sick leave.²⁰ But leave access was skewed by occupation and by income: only 59 percent in service occupations and only 33 percent in the bottom 10 percent of earners had access to paid sick leave.^{21, 22} With this patchwork of coverage, and expiration dates staggered throughout 2020 and 2021, employees were more comprehensively covered than pre-pandemic, but access to paid sick leave was inequitable and, for many, temporary.

The federal approach to increasing paid sick leave during the pandemic was not entirely ineffective. It did expand the safety net for many workers. However, those most in need of this safety net were not adequately protected. And, most importantly, these federal protec-

tions were short lived, failing to systematically change US workplace protection. The additional leave requirements mandated by the Families First Coronavirus Response Act expired on 31 December 2020. The American Rescue Plan Act extended federal tax credits for employers providing leave until 30 September 2021 but did not extend the mandate, meaning that leave provision was once again at the employer's discretion. And as federal mandates expired, the companies that were exempt from the mandates but implemented new policies—either out of concern for their employees or to prevent negative press—have also scaled back the protections they added during the pandemic's early peaks.²³ In aggregate, as we think about a post-pandemic United States, little has changed in terms of workers' guaranteed access to paid sick leave and other essential workplace protections.

The short-term nature of pandemic policies constitutes a failure at both the federal and local level. It is vital that policymakers provide immediate support for those currently working in unsafe conditions. But implementing this support temporarily in the face of a global pandemic is not enough. People face precarious and unexpected situations throughout their working lives; they need safety nets during these individual crises just as much as during a global one. Systemic solutions to workers' needs to take time off work, be paid livable wages, and have rights and dignity in the workplace are needed. This is not only because we need to be prepared for future shocks like COVID; without more ambitious policies to protect workers, employers' financial interests will continue to win out over workers' wellbeing.

A comprehensive federal solution would provide workers with the long-term security they need while forcing employers to adjust to a higher baseline of workplace protection and labor costs. However, in the current political envi-

ronment, more pressure is needed until federal lawmakers will prioritize workers' needs. The pandemic was not enough to create this pressure, but labor organizing and the discontent the pandemic has created for workers across industries, may be able to create that pressure.

The Way Forward: Labor Organizing

With federal, state, and local policies failing to provide comprehensive and sustainable workplace protections, workers themselves are mobilizing to fight for better conditions. The US labor movement had been gaining momentum before the pandemic, with monumental strikes in recent years, including the West Virginia teachers' strike in 2018 and 31,000 Stop & Shop workers on strike in 2019.^{24, 25} However, COVID has given labor organizing a new boost.

There has been discussion within the labor movement of whether the current momentum is actual or perceived—meaning if more organizing is happening now or if the public is simply more aware of ongoing labor activity—perhaps through social media and news coverage.²⁶ In terms of union elections and strike actions, the labor movement is definitely not at a peak; both are happening at lower rates than pre-pandemic.^{27, 28} However, it is difficult to compare organizing during a global pandemic to the organizing that happened before. We do not yet have the perspective to understand how COVID changed people's ability and willingness to engage in either formal union activity or more informal labor protests and organizing.

Coverage of labor organizing, and with it its accessibility to the public, is changing. In January 2022, Steven Greenhouse wrote about the resurgence of the labor beat for the Nieman Foundation at Harvard.²⁹ He comments on increased national media attention to unions and strikes but also to workers'

⁵ Kaitlyn Henderson, "Why Millions of Workers in the US Are Denied Basic Protections," Oxfam America Politics of Poverty, 20 November 2020, <https://politicsofpoverty.oxfamamerica.org/why-millions-workers-us-are-denied-basic-protections/>.

⁶ Adam Johnson, "As Disciplining Labor Becomes Priority Among Political Elite, Terms 'Essential' and 'Frontline' Worker Fall Out of Favor With NYT," The Column (blog), 14 January 2022, <https://thecolumn.substack.com/p/as-disciplining-labor-becomes-priority>.

⁷ Paulina Firozi, "Nation's Most Populous County Mandates Extra \$5 in Pandemic 'Hero Pay' for Some Grocery Workers," *Washington Post*, 24 February 2021, <http://www.washingtonpost.com/business/2021/02/24/hero-pay-grocery-workers/>.

⁸ Sarah Grace Taylor, "Seattle City Council Votes to Keep Hazard Pay for Grocery Workers," *The Seattle Times*, 25 January 2022, <https://www.seattletimes.com/seattle-news/politics/seattle-city-council-votes-to-keep-hazard-pay-for-grocery-workers/>.

⁹ Abha Bhattarai and Christopher Ingraham, "Workers Call on Walmart, Amazon and Other Retailers to Bring Back Hazard Pay Ahead of Holiday Rush," *Washington Post*, 23 November 2020, <http://www.washingtonpost.com/business/2020/11/23/retail-workers-pandemic-pay/>.

¹⁰ Molly Kinder, "COVID-19's Essential Workers Deserve Hazard Pay. Here's Why—and How It Should Work," Brookings (blog), 9 April 2020, <https://www.brookings.edu/research/covid-19s-essential-workers-deserve-hazard-pay-heres-why-and-how-it-should-work/>.

¹¹ Peter Dorman and Lawrence Mishel, "A Majority of Workers Are Fearful of Coronavirus Infections at Work, Especially Black, Hispanic, and Low- and Middle-Income Workers: Those Facing Risks Are Not Proportionately Receiving Extra Compensation," Economic Policy Institute (blog), 16 June 2020, accessed 6 March 2022, <https://www.epi.org/publication/covid-risks-and-hazard-pay/>.

¹² US Representative Donald Payne Jr., "Hazardous Duty Pay for Frontline Federal Workers Act," H.R. 2744, 21 April 2021, <https://www.congress.gov/bill/117th-congress/house-bill/2744>.

¹³ Bill Fay, "Updated Details on the HEROES Act: Stimulus Checks, Hazard Pay, Rental Aid, Etc.," Debt.org, 18 November 2020, <https://www.debt.org/blog/heroes-act/>.

¹⁴ Sarah Hansen, "McConnell Vows The Next Stimulus Bill Will Be The Last One," *Forbes*, 29 May 2020, <https://www.forbes.com/sites/sarahhansen/2020/05/29/mcconnell-vows-the-next-stimulus-bill-will-be-the-last-one/>.

¹⁵ Eli Rosenberg, "Kroger to Close More Stores Instead of Giving Workers Hazard Pay," *Washington Post*, 17 February 2021, <http://www.washingtonpost.com/business/2021/02/17/kroger-qfc-closing-hazard-pay/>.

¹⁶ Daniel Schneider and Kristen Harknett, "Essential and Vulnerable: Service-Sector Workers and Paid Sick Leave," The Shift Project (blog), 15 April 2020, <https://shift.hks.harvard.edu/essential-and-vulnerable-service-sector-workers-and-paid-sick-leave/>.

¹⁷ "Families First Coronavirus Response Act: Employee Paid Leave Rights," US Department of Labor, accessed 6 March 2022, <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>.

rights and working conditions more broadly. Greenhouse emphasizes that this resurgence is interconnected with COVID, as labor has been one of the dominant media frames for the pandemic. Large mainstream publications from NBC News and *Time* to *The Guardian* are publishing pieces on momentum in the US labor movement and how the pandemic has shown workers the value of labor organizing.^{30, 31, 32} Beyond traditional media, social media has helped amplify the message of the labor movement and brought wider public attention to union elections and strikes. Additional coverage for the labor movement is not just about publicity; reporting on organizing activity doesn't just inform workers about the contractual wins of others but also shows them what they too could win if they organized.

While overall numbers of strikes and new elections may not be higher than in previous years, the impact of labor organizing has definitely been on display during the well-publicized wave of organizing and strikes that marked the fall of 2021. Notably, workers that were categorized as essential in the early pandemic were well represented in these labor actions, from food processing at Kellogg's, Frito-Lay, and Nabisco to hospital workers and nurses in Chicago, California, Massachusetts, and beyond.^{33, 34, 35, 36} Workers who have been told their labor is essential to the functioning of our society but are not seeing working conditions or compensation that reflect this value are coming together to demand change. They are pushing for contracts that provide better pay, protect from coercive practices like forced overtime, and guarantee protections like health care and regular schedules.

Like local and state mandates, workplace organizing can create a patchwork of protections. A vast majority of workers continue to not have union representation and cannot negotiate for their rights.³⁷ But unlike with local and state mandates, workers are in control of the

labor movement and can create pressure even when there is little legislative momentum. Even if political will is lacking to meaningfully improve workplace protections locally or federally, workers can continue to organize. In doing so, they not only create better working conditions for themselves, they also work to raise our baseline by shifting the expectations of workers and the perceived consequences for employers.³⁸ In the wider context of the labor market, this shift may happen more slowly but within industries and local contexts the demands of workers at one company or location can quickly affect the expectations of workers at others, as seen currently through organizing at Starbucks.³⁹ Until federal legislators are willing to act to formally increase this baseline of workplace protections and rights, the labor movement is working to raise expectations.

Conclusion: Building organizing momentum in the face of stagnant policymaking

Continued growth and increasing strength in the US labor movement will be required to move the needle on any of the policies that are essential to protecting workers, not just during a sudden crisis like COVID but under regular conditions. While some local and state politicians are pushing for policies to better protect workers, these mandates can only go so far. Too many workers are left uncovered and unprotected with a localized approach, especially in conservative states. At the federal level, neither party is prioritizing the kind of baseline protections all workers should have, never mind pushing through imaginative and bold mandates to help workers gain control of their lives and re-imagine work as dignified and fulfilling. Only with increased pressure from organized workers, including both essential workers who critically need better protection and white-collar workers

who hold power in our economy, will policies that really center the needs of workers be implemented. △

Merrit Stüven is a master of public policy student at the John F. Kennedy School of Government at Harvard University, focused on issues of economic and social equity, with specific interests in labor rights, unions, and worker rights. She holds a bachelor of arts degree in political science and human rights from Macalester College and, before graduate school, worked for humanitarian and international development organizations and proudly served as a workplace representative for her union. Merrit is a member of the editorial board of the *Progressive Policy Review* and Co-Editor-in-Chief of the *Gender Policy Journal* at HKS.

¹⁸ "New Guidance Regarding American Rescue Plan Act Sick/Family Leave Tax Credit," ADP, 21 June 2021, <https://www.adp.com/spark/articles/2021/06/new-guidance-regarding-american-rescue-plan-act-sickfamily-leave-tax-credit.aspx>.

¹⁹ "Number of Employer Firms in the U.S. 2017, by Employment Size," Statista, 20 January 2021, <https://www.statista.com/statistics/487741/number-of-firms-in-the-us-by-employment-size/>.

²⁰ "Economic News Release: Employee Benefits in the United States Summary," US Bureau of Labor Statistics, 23 September 2021, <https://www.bls.gov/news.release/ebs2.nro.htm>.

²¹ "Employee Benefits in the U.S."

²² Elise Gould, "Two-Thirds of Low-Wage Workers Still Lack Access to Paid Sick Days during an Ongoing Pandemic," Economic Policy Institute (blog), 24 September 2021, <https://www.epi.org/blog/two-thirds-of-low-wage-workers-still-lack-access-to-paid-sick-days-during-an-ongoing-pandemic/>.

²³ Chris Marr and Paige Smith, "As Amazon, Walmart Cut Covid Sick Days, Paid Leave Push Revives," Bloomberg Law, 14 January 2022, <https://news.bloomberglaw.com/daily-labor-report/as-amazon-walmart-cut-covid-sick-days-paid-leave-push-revives>.

²⁴ Jane McAlevey, "The West Virginia Teachers Strike Shows That Winning Big Requires Creating a Crisis," *The Nation*, 12 March 2018, <https://www.thenation.com/article/archive/the-west-virginia-teachers-strike-shows-that-winning-big-requires-creating-a-crisis/>.

²⁵ Alexia Fernández Campbell, “The Largest Private Sector Strike in Years Is Over. Supermarket Workers Won,” *Vox*, 22 April 2019, <https://www.vox.com/2019/4/22/18511066/stop-shop-workers-union-strike-contract>.

²⁶ Luis Feliz Leon and Maximillian Alvarez, “Viewpoint: Beneath Striketober Fanfare, The Lower Frequencies of Class Struggle,” *Labor Notes*, 29 October 2021, <https://labornotes.org/2021/10/viewpoint-beneath-striketober-fanfare-lower-frequencies-class-struggle>.

²⁷ “United States,” *Union Election Data*, accessed 6 March 2022, <https://unionelections.org/data/national/>.

²⁸ “Economic News Release: Major Work Stoppages (Annual) News Release,” US Bureau of Labor Statistics, 23 February 2022, https://www.bls.gov/news.release/archives/wkst-p_02232022.htm.

²⁹ Steven Greenhouse, “From Covid-19 to #MeToo, The Labor Beat Is Resurgent,” *Nieman Foundation*, accessed March 6, 2022, <https://nieman.harvard.edu/articles/labor-unions-pandemic/>.

³⁰ Ahiza García-Hodges, “From Essential Status to Strikes, 2021 Was the ‘Year of the Worker,’” *NBC News*, 28 December 2021, <https://www.nbcnews.com/business/economy/essential-status-strikes-2021-was-year-worker-rcna9459>.

³¹ Ian Kullgren, Brian Eckhouse, and Deena Shanker, “U.S. Labor Unions Are Having a Moment,” *Time*, 17 October 2021, <https://time.com/6107676/labor-unions/>.

³² Michael Sainato, “They Are Fed up: US Labor on the March in 2021 after Years of Decline,” *The Guardian*, 21 December 2021, <https://www.theguardian.com/us-news/2021/dec/21/labor-organizing-pandemic-decline>.

³³ Chris Isidore, “Kellogg Strike Will End after Workers Agree to New Contract,” *CNN*, 21 December 2021, <https://www.cnn.com/2021/12/21/business/kellogg-strike-ends-contract-vote/index.html>.

³⁴ Sara O’Brien, “Frito-Lay Strikes Ends as Kansas Workers Strike Union Contract,” *CNN Business*, 24 July 2021, <https://www.cnn.com/2021/07/24/business/frito-lay-strike-union-contract-topeka-kansas/index.html>.

³⁵ Neil Vigdor, “Nabisco Workers End Week-long Strike After Reaching New Contract,” *The New York Times*, 19 September 2021, <https://www.nytimes.com/2021/09/19/business/nabisco-union-strike.html>.

³⁶ Laura Doan, “Nearly Half of the 140,000 Who Went on Strike in 2021 Work in Health Care,” *CBS News*, 22 February 2022, <https://www.cbsnews.com/news/health-care-workers-strike-2021/>.

³⁷ “Union Members 2021,” *News Release* (U.S. Bureau of Labor Statistics, January 20, 2022), <https://www.bls.gov/news.release/pdf/union2.pdf>.

³⁸ Asha Banerjee et al., “Unions are not only good for workers, they’re good for communities and for democracy,” *Economic Policy Institute*, 15 December 2021, <https://www.epi.org/publication/unions-and-well-being/>.

³⁹ Alina Selyukh, “Starbucks Union Push Spreads to 54 Stores in 19 States,” *NPR*, 31 January 2022, <https://www.npr.org/2022/01/31/1076978207/starbucks-union-push-spreads-to-54-stores-in-19-states>.

CAN UNIONS STILL DO WHAT UNIONS ARE SUPPOSED TO DO?

Stephen Dwyer

Amazon executives' celebration was short lived. Only half a year after management had dissuaded workers from unionizing at a plant in Alabama, the US National Labor Relations Board called for an election rerun after finding evidence that Amazon had illegally interfered with the initial elections.¹ Other petitions from Amazon workers to unionize in New York City and Canada give progressives cause for applause.² Indeed, unionization at Amazon could reinvigorate unionization efforts across the country. However, deeper economic trends from the past two decades threaten to mute workers' voice despite successful unionization. Progressives should be wary of clapping too loudly, else they miss these warning signals.

Before taking a closer look, it's necessary to lay out the economic backdrop against which these trends are unfolding: the continuation of a half-century rise in inequality, which has now reached historic levels. Its consequences include widening material gaps in income and wealth, decreasing labor standards, increasingly precarious and unpredictable work arrangements, and the rise of populism.^{3, 4, 5, 6} COVID-19, which was once predicted as a great equalizer, proved instead to exacerbate material inequality, highlighting the

plight of essential workers who often experience a lack of both respect and job security.

Economists have been trying to understand inequality for decades. And despite their disagreements, multiple studies have found that trends in deunionization explain at least 10 to 20 percent of the past half-centuries' rise in inequality.^{7, 8} A recent study from Farber et al. also confirmed that unionization explains a significant portion of the decrease in income inequality experienced during a period in the mid-20th century known as the "Great Compression."⁹ Some also find that unionization particularly helps low-wage workers.^{10, 11} In other words, giving workers a voice and bargaining power through unionization helps to lower inequality.

It is against this backdrop that a newer, equally worrying trend has appeared. Since the 1990s, inequality seems to be increasingly growing between firms rather than within firms.¹² More and more, firms are choosing to domestically outsource—a fancy term for *subcontract*—low-skill workers.¹³ This means that food-service workers and janitorial-service workers may spend all of their working hours physically cooking meals for Facebook employees or cleaning bathrooms for Harvard faculty while not

¹ Julia Love and Jeffrey Dastin, "U.S. labor board official orders Amazon to redo union vote at Alabama warehouse," *Reuters*, 29 November 2021, <https://www.reuters.com/business/amazon-alabama-facility-ordered-re-run-union-election-us-labor-board-2021-11-29/>.

² Sara Ashley O'Brien, "Amazon faces possible union election at New York warehouse," *CNN Business*, 27 January 2022, <https://www.cnn.com/2022/01/26/tech/amazon-union-election-new-york-staten-island/index.html>.

³ John Cassidy, "Piketty's Inequality Story in Six Charts," *The New Yorker*, 26 March 2014, <http://www.newyorker.com/news/john-cassidy/piket-tys-inequality-story-in-six-charts>.

⁴ David Howell, "From Decent to Lousy Jobs: New Evidence on the Decline in American Job Quality, 1979-2017," *Equitable Growth* (blog), 30 August 2019, <http://www.equitablegrowth.org/working-papers/from-decent-to-lousy-jobs-new-evidence-on-the-decline-in-american-job-quality-1979-2017/>.

⁵ Daniel Schneider and Kristen Harknett, "It's About Time: How Work Schedule Instability Matters for Workers, Families, and Racial Inequality," *The Shift Project*, 16 October 2019, <https://shift.hks.harvard.edu/its-about-time-how-work-schedule-instability-matters-for-workers-families-and-racial-inequality/>.

⁶ Lubos Pastor and Pietro Veronesi, "Inequality Aversion, Populism, and the Backlash Against Globalization," Working Paper Series, National Bureau of Economic Research, August 2018, <https://doi.org/10.3386/w24900>.

⁷ John DiNardo, Nicole Fortin, and Thomas Lemieux, "Labor Market Institutions and The Distribution of Wages, 1973-1992: A Semiparametric Approach," *Econometrica* 64, no. 5 (1996): 1001-1044.

⁸ David Card, Thomas Lemieux, and W. Craig Riddell, "Unions and wage inequality," *Journal of Labor Research* 25, no. 4 (2004): 519-559.

⁹ Henry S. Farber et al., "Unions and Inequality over the Twentieth Century: New Evidence from Survey Data," *The Quarterly Journal of Economics* 136, no. 3 (2021): 1325-1385.

¹⁰ Brigham R. Frandsen, "Why Unions Still Matter: The Effects of Unionization on the Distribution of Employee Earnings," (manuscript, MIT, 2012).

¹¹ Lawrence M. Kahn, "Wage Inequality, Collective Bargaining, and Relative Employment from 1985 to 1994: Evidence from Fifteen OECD Countries," *Review of Economics and Statistics* 82, no. 4 (2000): 564-579.

¹² David Card, Jörg Heining, and Patrick Kline, "Workplace Heterogeneity and the Rise of West German Wage Inequality," *The Quarterly Journal of Economics* 128, no. 3 (2013): 967-1015.

¹³ Deborah Goldschmidt and Johannes F. Schmieder, "The Rise of Domestic Outsourcing and the Evolution of the German Wage Structure IZA," NBER Working Paper 21366 (2015).

being employed by Facebook or Harvard. Instead, they work for a subcontractor that bids against other subcontractors to provide lower-cost services to these high-wage organizations. In this process, workers become separated from the employer that ultimately pays their salary and directs their work.

When low-skill workers remain within a firm, both collective bargaining efforts and cultural notions of fairness and equality have historically led to the sharing of economic rents with all workers, regardless of skill level. When those same low-skill workers are pushed outside of firms' boundaries, those rents remain within the firms. Competitive bidding processes that drive down the contract prices that these firms pay further reduces wages. Altogether, research has shown that this can lead to a 10-15 percent wage penalty, with one study suggesting that an entire one-third of the rise of inequality from 1978 to 2013 can be explained by this phenomenon alone.^{14, 15}

In the United States, collective bargaining—the process in which typically low-wage workers collectively negotiate better pay and working standards—legally happens at the firm level. Thus, low-wage workers who are pushed out of high-wage firms and subcontracted into new firms lose their legal right to collectively bargain directly with those high-wage firms. Additionally, antitrust legislation prohibits industry-wide price or standards setting, which could serve as an alternative solution. And since low-wage workers tend to benefit the most from unionization, sorting those same workers out of high-wage firms threatens to nullify the majority of the benefits unionization has historically offered.

That is not to say unionization has become irrelevant. The aforementioned study also found that another one-third of inequality could be explained by rising earnings inequality in mega-firms (10,000+ employees) like Walmart and Amazon.¹⁶ By helping the employees

who have become the protagonists of recent news, civil and governmental efforts to strengthen and protect unionization efforts can help reverse earnings inequality in these settings. Unions can still help decrease inequality, but by significantly less overall than before.

With the exception of the rise of the gig economy, representatives, policy-makers, and citizens alike have largely ignored these new realities.¹⁷ Yet, if current trends are left unaddressed, the already critiqued U-shape graph of inequality may come to more closely resemble a J, in which inequality surpasses historic peaks. Thus, even though some unionization efforts might succeed, if progressives fail to consider domestic outsourcing in their policies, a majority of workers may remain without the voice they deserve. This would likely lead to that J-shaped economic future, an increase in low-wage workers moving toward populist demagogues, and further consolidation of economic power away from workers and in the hands of private firms.¹⁸

When compared to the past, the makeup of workplace personnel now looks less different in person than on human resource documents. Policymakers will need new types of labor institutions to protect workers' voices. As David Card and his colleagues from the National Bureau of Economic Research pointed out in a 2018 paper, "achieving significant increases in unionization in the service sector probably requires moving outside the Wagner Act framework," referring to the dominant legal framework for worker organizing in the US. New and innovative models of labor-capital relations offer promising, worker-voice enabling, complementary solutions to these rising trends.^{19, 20} At a minimum, US leaders must move past the villainization of a few megafirms and instead find ways to empower all workers.

I hope workers at Amazon successfully unionize in their struggle for voice.

But even if they do, I will hold my applause—for this is only an intermission. △

Stephen Dwyer is an editor of the *Progressive Policy Review* and a second-year master of public policy student at the John F. Kennedy School of Government at Harvard University. Broadly, he wants to understand the causes and consequences of inequality and research organizational alternatives to standard firm structures. Stephen has worked with scholars from Harvard, MIT, INSEAD, the Organisation for Economic Co-operation and Development, and Center for Strategic and International Studies on topics related to organizational design, the future of work, and global political economy. Stephen will pursue a PhD in the fall of 2022.

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¹⁵ Jae Song et al., "Firming Up Inequality," *The Quarterly Journal of Economics* 134, no. 1 (2019): 1-50.

¹⁶ Song et al., "Firming Up Inequality."

¹⁷ Kate Conger and Kellen Browning, "California's Gig Worker Law: What to Know," *The New York Times*, 23 August 2021, <https://www.nytimes.com/2021/08/23/technology/california-gig-worker-law-explained.html>.

¹⁸ Anna Stansbury and Lawrence H. Summers, "The Declining Worker Power Hypothesis: An Explanation for the Recent Evolution of the American Economy" (Working Paper Series, National Bureau of Economic Research, May 2020), <https://doi.org/10.3386/w27193>.

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²⁰ Barbara Dyer, "Worker Voice in America's Working Future," Good Companies, Good Jobs, accessed 11 March 2022, <https://gcgj.mit.edu/our-work/digests/worker-voice-america%E2%80%99s-working-future>.

JOURNAL STAFF

Adina Goldin is a second-year master of public policy student at the John F. Kennedy School of Government at Harvard University. She is focused on state and local policy and politics and is committed to building progressive capacity at the state level. Before coming to the Kennedy School, Adina helped build an organization dedicated to electing progressive women to state and local office.

Aneesa Andrabi is a policy professional, passionate about data-driven, effective policy that advances both equity and sustainability. She spent the last three years working in the Office of Los Angeles Mayor Eric Garcetti. As infrastructure manager on the City Services team, Aneesa helped direct the mayor's agenda on mobility and infrastructure. She spearheaded the City's response effort for vulnerable seniors, including launching disaster relief and vaccine equity programs. Previously, she worked at HR&A Advisors, Inc., a national urban development advisory firm. Aneesa graduated from Swarthmore College's Honors program with a bachelor of arts in political science and public policy. She is currently pursuing a master of public policy at the John F. Kennedy School of Government at Harvard University.

Daniel (Dan) Turner is a Frank Knox Fellow and master of public policy candidate at the John F. Kennedy School of Government at Harvard University, with an interest in political economy, industrial and urban policy.

Eleni Neyland is a first-year master of public policy student at the John F. Kennedy School of Government at Harvard University, focusing on poverty, inequality, and labor. Prior to HKS, Eleni worked in Democratic political organizing. She also completed a Fulbright in Malaysia. She is originally from

Massachusetts and holds a bachelor of arts degree in government from Hamilton College.

Jamie Wu is a Rangel Fellow and a master of public policy student at the John F. Kennedy School of Government at Harvard University, with interests in US foreign policy, human rights, and migration. Before coming to HKS, she worked in Congress, law, and immigration advocacy. She also completed a Fulbright ETA in Taiwan. Jamie graduated from Williams College with a bachelor of arts in history, comparative literature, and French.

Joseph Leone is a master of public policy candidate at the John F. Kennedy School of Government at Harvard University, focusing on human rights, global justice, and social movements, particularly in Southwest Asia and the United States. In addition to being a member of the editorial board of the *Progressive Policy Review*, he is the managing editor of the *Journal of Middle Eastern Politics and Policy*. Joseph holds a bachelor of arts degree in international relations from Tufts University.

Ketaki Zodgekar is a Frank Knox Fellow and master of public policy student at the John F. Kennedy School of Government at Harvard University. She is interested in human rights and social movements, with a focus on migration, gender, LGBTQ+ communities, and decolonization. Before coming to Harvard, Ketaki worked for a think tank in London. Ketaki holds a master's degree in philosophy and politics from the University of Edinburgh. She is also an editor at Project Myopia and co-Chair of the Progressive Caucus at the Harvard Kennedy School.

Merrit Stüven is a master of public policy student at the John F. Kennedy School of Government at Harvard University, focused on issues of economic and social equity, with specific interests in labor rights, unions, and worker rights. She holds a bachelor of arts degree in political science and human rights from Macalester College and, before graduate school, worked for humanitarian and international development organizations and proudly served as a workplace rep for her union. Merrit is a member of the editorial board of the *Progressive Policy Review* and co-Editor-in-Chief of the *Gender Policy Journal* at HKS.

Mia Appelbaum is a first-year master of public affairs student at the John F. Kennedy School of Government at Harvard University. She completed the first part of her dual master's degree at Harvard Divinity School in 2021, where she studied religion, ethics, and politics, as well as religion, literature, and culture. Mia's work most recently focused on examining the role of religion in mutual aid networks, and vice versa. She holds a bachelor of arts degree from New York University and is originally from New York City.

Paul Sédille is a Belfer Center Allison Fellow and a joint MPA-MBA candidate at the John F. Kennedy School of Government at Harvard University and Stanford Graduate School of Business. His interests cover US-China relations and the role of media polarization and disinformation in great power competition. Prior to Harvard, he was working as a Chinese-language reporter for HKO1, Hong Kong's leading Cantonese media.

Peter Skopec is a second-year master of public policy candidate at the John F. Kennedy School of Government at Harvard University. His professional interests include predatory lending and financial reform, clean and equitable transportation, and public health. Prior to HKS, Peter spent eight years in advocacy and organizing, most recently as the director of a public interest advocacy group in Madison, Wisconsin. He holds a bachelor of arts degree in political science and international studies from Northwestern University.

Rachel Carle is a master of public policy candidate at John F. Kennedy School of Government at Harvard University, with a focus on environmental issues, economic injustice, and state violence. Previously, Rachel worked in the US office of the global justice organization ActionAid. She has served as a Critical Language and Fulbright-Hays Scholar and has conducted research in Cambodia, Indonesia, Nicaragua, and the US-Mexico border. Rachel holds bachelor's degrees in global development and English from the University of Virginia.

Ruth Foster is a Frank Knox Fellow and master of theological studies candidate at Harvard Divinity School, focusing on religion, ethics, and politics. She is passionate about reproductive justice, grassroots peacebuilding, youth empowerment, and democracy in deeply divided societies. Previously, Ruth worked in the nonprofit sector in London. She holds a master's degree in religious studies from the University of Edinburgh and is originally from Northern Ireland.

Stephen Dwyer is a second-year master of public policy student at the John F. Kennedy School of Government at Harvard University. Broadly, he wants to understand the causes and consequences of inequality and research organizational alternatives to standard firm structures. Stephen has worked with scholars from Harvard, MIT, INSEAD, the OECD, and CSIS on topics related to organizational design, the future of work, and global political economy. Stephen will pursue a PhD in the fall of 2022.

Will Mulhern is a master of public policy candidate at the John F. Kennedy School of Government at Harvard University. He is passionate about achieving a just clean energy transition and using quantitative analysis to advance progressive causes. He holds a bachelor's degree from the University of Wisconsin-Madison.

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Contributors

Adina Goldin

Aneesa Andrabi

Benjamin Lefkowitz

Grace Ramsey

Joseph Leone

Ketaki Zodgekar

Leah Kessler

Merrit Stüven

Mustafaen Kamal

Rose O'Brien

Sam Thorpe

Sara Amish

Stephen Dwyer

The *Progressive Policy Review (PPR)* is a student-run publication dedicated to racial, social, environmental, and economic justice for all through transformative policy change and popular mass movements. PPR contributes to these efforts through scholarship, commentary, and creative media on injustices worldwide and the policies best suited to addressing them equitably, sustainably, and justly.

PPR provides an inclusive platform for scholars, artists, movement leaders, members of impacted communities, and students to analyze and discuss progressive solutions to current crises.

We are currently accepting pitches (100-200 words) for our online publication. All voices are welcome to contribute.

To submit a pitch or get more information about the journal, please email us at ppr@hks.harvard.edu or visit our website, ppr.hkspublications.org.

