## Globalization and the Transformation of Cultures & Humanity:

# A Curriculum and Toolkit for the Efflorescence of Ecological Literacy in Legal and Business School Education

Robert Alan Hershey\*

Alt=s noble to be good, and nobler to teach others to be good, and less trouble.@

**BMark Twain** 

"We are the great abbreviators. None of us has the wit to know the whole truth, the time to tell it if we believed we did, or an audience so gullible as to accept it."

-Huxley

"I'm all for progress. It's change I can't stand."

-Mark Twain

Robert Alan Hershey is a Professor on both the Law and American Indian Studies Faculties and Director of Clinical Education for the Indigenous Peoples Law & Policy Program at the University of Arizona. He received his law degree from the University of Arizona College of Law in 1972. In 1972 and 1973, he worked as Staff Attorney for the Fort Defiance Agency of Dinebeiina Nahilna Be Agaditahe (DNA Legal Services) on the Navajo Indian Reservation. Thereafter, as a sole practitioner, Professor Hershey specialized in Indian affairs. From 1983 to 1999, he served as Special Litigation Counsel and Law Enforcement Legal Advisor to the White Mountain Apache Tribe, and, from 1995 to 1997, as Special Counsel to the Pascua Yaqui Tribe. Professor Hershey has also served continuously from 1989-present as Judge Pro Tempore for the Tohono O=odham Judiciary, and he is a past Associate Justice for the Yavapai-Prescott Indian Tribal Court of Appeals. He has been a member of the White Mountain Apache, Hopi, Pascua Yaqui, and Tohono O=odham Tribal Courts. He has taught American Indian Law at the University of Puerto Rico Escuela de Derechos and at the University of Deusto in Bilbao, Spain, and has taught a version of this course in Summer 2005 at the University of Victoria in British Columbia. For the past nineteen years he has taught Indian/Indigenous/Aboriginal law at the University of Arizona James E. Rogers College of Law. His current courses include Indigenous Peoples Law and Policy Clinical Education (which promotes and assists the self-determination of Aboriginal communities in the southwestern United States and worldwide), Advanced Topics in Indian Law, and Globalization, Future Life, and the Transformation of Culture. Email correspondence: hershey@law.arizona.edu.

#### **ACKNOWLEDGEMENTS**

I am deeply grateful for the hard work and dedication of my former and present students who helped make this manuscript possible:

DeAnna Rivera

Amanda Banat

Stacy Butler

Amanda Kucich

Vanessa Picard

Shasta Kilminster

Nicole Ong

Kevin Linoue

Megan Hendricks

Danielle Hiraldo

Pankaj Raval

Ryan Dreveskracht

I want to heap special praise for those that contributed solidly to the crafting of text and footnotes:

Ron Gard

Eric Pavri

Joel Feinman

Lastly, and with sincere admiration, I thank Barbara Lopez, a colleague at the law school, who worked tirelessly to prepare the manuscript for production.

#### **Table of Contents**

Page #

#### The Intro

### Background to the Syllabus

- Why Question Globalization?
- Redefining Progress
- The Confluence of Population with Food & Water Access, Safety, and Security
- Population
- Food and Water: Access, Safety and Security
- The Environment and Technology: On the Precipice or In the Crevasse?
- The Collision of Technology, Intellectual Property and Cultural Survival
- The Industrialization of Digitization
- Creating the Corporate Utopia: Transnationalism, the W.T.O. and the I.M.F.
- Globalization and its Significant and Special Impacts on Indigenous Communities
- Solutions/Conserving Communities
- The Future

The Course Papers

The Course Syllabus

The Outro

Bibliography

Websites

Magazines

Academic Presses

Organizations & Periodicals

Websites for Technology & the Internet

Websites for Indigenous Peoples

Websites for Industry

Video/Media

Education

#### THE INTRO

The *esoteric* quality of legal education has been known to deliver absurd twists of language, confoundedness, and meaninglessness.<sup>1</sup> I have looked for another modifying adjective and have found that the word, "esoteric," immediately follows "esophoria" in my dictionary, a condition of a squint in which the eyes turn inward toward the nose, and am reminded of the old story about how lawyers squint at gnats and swallow camels to make their point; so I'll keep the word "esoteric" here. The law systematizes and legitimizes procedures for looking backwards, where constant references to stodgy bastions of precedent dilute and make parsimonious the urgency, the emergency, of social justice. Should we, as law and business school professors, myopically emphasize legal scriptures and procedural complexities in area by area of practice? Should we not be educating, in equal measure and with immediacy, humane social dialogue, the tactics of public civility, and furtherance of egalitarian values?<sup>2</sup> The place in which each young attorney and MBA student finds himself or herself, and where they will continue to find themselves as they season, and their own satisfaction with that time and space of our

<sup>&</sup>lt;sup>1</sup> One author suggests that law instruction is part "ideological training for willing service in the hierarchies of the corporate welfare state." Duncan Kennedy, *Legal Education as Training for Hierarchy, in* THE POLITICS OF LAW 40 (David Kairys ed., 1998). The law also toys with the imagination. If I had a television, I would have watched the former CBS series, "Century City," covering the ground of a small Los Angeles law firm in the near future. "In the pilot episode, a widower whose 7-year old son is dying of an incurable liver disease wants to clone his son's cells to develop a baby who could donate a portion of his liver to save him. Unfortunately, he illegally smuggled the cloned cells into the United States from Singapore, where cloning is legal, and his future embryo was confiscated at customs." Alessandra Stanley, *Law Firm of Tomorrow: Like 'The Practice,' but with Engineered Genes*, N.Y. TIMES, Mar. 16, 2004, at B1.

<sup>&</sup>lt;sup>2</sup> I must confess that when I began writing this tome many years ago, I felt that our system of legal education emphasized – to quote one of my older colleagues – the "making of horse collars" in a rocket-ship age, and I had written thusly in an earlier iteration. But I do find today a dynamic change in the way we have become forward thinkers and questioners of the future. *See, e.g.,* Alberto Bernabe-Riefkohl, *Tomorrow's Law Schools: Globalization and Legal Education,* 32 SAN DIEGO L. REV. 137 (1995); Thomas D. Morgan, *Educating Lawyers for the Future Legal Profession,* 30 OKLA. CITY U. L. REV. 537 (2005). *See infra* note 61. *See also* MARJORIE A. SILVER, THE AFFECTIVE ASSISTANCE OF COUNSEL: PRACTICING LAW AS A HEALING PROFESSION (challenging the legal profession's gladiatorial paradigm).

hypermodern world,<sup>3</sup> remarkably is dependent on how ever fast the world turns and to what extent we instill in them the practice to take moments to answer questions of the soul B how values are created B in the face of numbing and desensitizing stimulus that has become western culture.<sup>4</sup> This "Globalization" class, then, was designed to be just one example to educators of a blended curriculum in the field of law, economics, sociobiology,<sup>5</sup> human geography,<sup>6</sup> philosophy, ecological literacy<sup>7</sup> and human justice.

I'm lazy in esotery. So, instead, I teach impending doom, resilience, heartbreak, hope, action, paying attention. In the early part of my legal career, after I returned from living and working on the Navajo Indian Reservation, I was wonderfully good at knowing that I did not know much, and I did not pretend to. But, I could always smell the intangible scents of trouble, like Humphrey Bogart in film noir, and my recognitions came to me as strong as newly coated varnish in a dive boat's kitchen galley mixed with the vapors of morning bacon grease. I like to think that this class is about reaching into infinite space and grabbing odors from the back of minds. I want our young lawyers to wear orange jumpsuits to watch red sunsets, to be alive sensuously, to be urgent, to be called to awareness. In essence, my class explores humanity and

\_

<sup>&</sup>lt;sup>3</sup> Aptly thought out in Charlene Spretnak, The Resurgence of the Real: Body, Nature, and Place in a Hypermodern World (1997).

<sup>&</sup>lt;sup>4</sup> See Joanna Macy, Widening Circles: A Memoir (2001). *Cf.* Edward Said, Culture and Imperialism (1993); Homi Bhabha, The Location of Culture (1994).

<sup>&</sup>lt;sup>5</sup> The word "sociobiology" was coined by John Paul Scott in 1946, at a conference on genetics and social behavior, and became widely used after it was popularized by Edward O. Wilson in his 1975 book, SOCIOBIOLOGY: THE NEW SYNTHESIS.

<sup>&</sup>lt;sup>6</sup> See Human Geography: Society, Space and Social Science (Derik Gregory, Ron Martin & Graham Smith eds., 1994); Edward W. Soja, Postmodern Geographies: The Reassertion of Space in Critical Social Theory (1989); David Harvey, Justice, Nature, and the Geography of Difference (1995); Jared Diamond, Guns Germs and Steel: The Fates of Human Societies (1999); Jared Diamond, Collapse: How Societies Choose to Fail or Succeed (2004).

<sup>&</sup>lt;sup>7</sup> This term derives from the great mind of David Orr, a Professor of Environmental Studies and Policies and Chair of the Environmental Studies Department at Oberlin College. *See* DAVID W. ORR, ECOLOGICAL LITERACY: EDUCATION AND THE TRANSITION TO A POSTMODERN WORLD (S.U.N.Y. Press 1992). FRITJOF CAPRA, THE HIDDEN CONNECTIONS: A SCIENCE FOR SUSTAINABLE LIVING (2002).

inhumanity in an accelerated world.<sup>8</sup> It asks, as capitalism approaches universality, what are the legal, social, and community obligations that accompany global participation? Does money equal wealth?<sup>9</sup> How do technological innovations enhance, displace, or devalue human existence and culture?<sup>10</sup> If public morality supposedly resounds in the law, then is morality increasingly bound to perpetual consumption?<sup>11</sup> Should we not rethink the very nature of human progress?<sup>12</sup>

<sup>&</sup>lt;sup>8</sup> Man's inhumanity to man was articulated by Robert Burns, in *From Man Was Made to Mourn: A Dirge* (1785), <a href="www.phrases.org.uk/meanings/244100.html">www.phrases.org.uk/meanings/244100.html</a>. *See also* ROBERT A. WILLIAMS, JR., LIKE A LOADED WEAPON (2005).

<sup>&</sup>lt;sup>9</sup> See Thorsten Veblen, The Theory of the Leisure Class (1899) (republished 2001). The subject of Veblen's examination, the newly emergent middle class arising at the turn into the twentieth century comes to full fruition by the end of the twentieth century in the process of globalization. A contemporary book that makes good on Veblen's argument within the present is Robert H. Frank, Luxury Fever: Money and Happiness in an Era of Excess (1999). See also Frank Ackerman & Lisa Heinzerling, Priceless: On Knowing the Price of Everything and the Value of Nothing (2004).

<sup>&</sup>lt;sup>10</sup> See, e.g., Leo Marx, The Machine in the Garden: Technology and the Pastoral Idea in America (1964); David Noble, Forces of Production: A Social History of Industrial Automation (1984); Harry Braverman, Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century (1974); Michael Foucault, The Order of Things: An Archaeology of the Human Sciences (1966); Katherine M. Hayles, How we Became Post-Human: Virtual Bodies in Cybernetics, Literature and Informatics (1999); and Donna Haraway Simians, Cyborgs and Women: The Reinvention of Nature (1991); Bill McKibben, Enough: Staying Human in An Engineered Age (2003); Allen Buchanan, From Chance to Choice: Genetics and Justice (2000).

an ideological triumph, see Gary Cross, An All-Consumption in America occurring not as a natural process but as an ideological triumph, see Gary Cross, An All-Consuming Century: Why Commercialism Won in Modern America (2000); Lisabeth Cohen, A Consumer's Republic: The Politics of Mass Consumption in Postwar America (2003); Stuart Ewen, PR!: A Social History of Spin (1996); and Roland Marchand, Creating the Corporate Soul: The Rise of Public Relations and Corporate Imagery in American Big Business (1998); Jeffrey Kaplan, The Gospel of Consumption, Orion 38, May/June 2008. For analyses of nineteenth and early twentieth century origins of consumerism in America, see William Leach, Land of Desire: Merchants, Power and the Rise of A New American Culture (1993); Richard Ohmann, Selling Culture: Magazines, Markets, and Class at the Turn of the Century (1996). See also Thomas Friedman, The Inflection Is Near?, NY Times, March 8, 2009, at sec.wk, p. 12; Joan O'C. Hamilton, This is Your Brain on Bargains ("decision neuroscience"), Stanford Mag., November/December 2008, at <a href="https://www.alumni.stanford.edu/news/magazine/2008/novdec/features/brainbuy.html">www.alumni.stanford.edu/news/magazine/2008/novdec/features/brainbuy.html</a>. "Does the Free Market Corrode Moral Character?," <a href="https://www.templeton.org/market">www.templeton.org/market</a>.

<sup>&</sup>lt;sup>12</sup> My cupboard of books from the statuesque parents of historical and contemporary philosophy is, undeniably, sparse, as is my understanding of the "isms" that are created by the conscriptors and shortchangers of masters' works when it serves their own polemic.

Yet, as a law professor, I have become somewhat saturated in prose, both consciously and inadvertently, from my dialectical engagements, from my glances into the wordy world of erudition, like Bogart in the African Queen, when you tug a boat through marshy swamps, you're bound to attract some leeches. So, dutifully, I will point to the works of Karl Marx, in particular CAPITAL: A CRITIQUE OF POLITICAL ECONOMY (1867), and THE GERMAN IDEOLOGY (1845). Therein began an important critical rethinking of the apparent idea of progress. Marx saw the commonly promoted idea of progress as an ideological obfuscation concealing the true course of history. Marx's project involved revealing history's true dynamics, thereby advancing history toward its ultimate condition of liberation. In contrast to Marx's replacement of a bourgeois notion of progress with a "true" advancement of

My first series of seminars began in the fall of 1998; they came across like a shotgun blast. The current human condition exploded from the strikes of pellets of planetary atrocities. The classes were bridges into the soul of human unkindness, somewhat lamenting and nostalgic toward a yesteryear that supposed, admittedly idealistically and naively, mankind/ womankind/humankind was at some time "kinder before." Of course, this is a silly utopian notion, probably derived from a painting hung on the wall above my grandmother Frieda's goofy lumpy couch, which showed happy Romanians—really, happy Romanian maidens—in a thatchcovered wagon drawn by a chestnut mare in the 1600's, 1700's or 1800's—who knows—in front of a thatched-roof cottage with a warm woodstove fire within—I could see the smoke from the chimney stack—surrounded by happy chickens and barnyarders on a happy dirt road with no manure, no mud and no discrimination against Jews and Gypsies. My naiveté is having created for myself utopian iconography to change the natural discordant behavior of humans into healthy floral arrangements of egalitarian kindness. Does the golden age always lie in the past, never in the future? 13 What happened at the dawn of humanity that made us so vengeful yet passionate for art and music? My learned-later-in-life knowledge of history countermands, does battle, with my dream that people conduct their lives altruistically. 14 "Kinder before?" From where on earth

hic

history, Jean Baudrillard a century later in The Consumer Society: Myths and Structures (1970), rigorously advanced an argument that the term progress itself is a Western, liberal construct from which liberation cannot be achieved. Similarly, Michel Foucalt rejected Marxism and ideologies in general, believing that many forms of progress were more about controlling people than liberating them. He departed from the view that rational knowledge produces objective accounts of reality and represents progress in directing human life. MICHEL FOUCAULT, THE ORDER OF THINGS: AN ARCHEOLOGY OF THE HUMAN SCIENCES (1994). See also ARTHUR HERMAN, THE IDEA OF DECLINE IN WESTERN HISTORY (1997).

<sup>13</sup> See Arthur Herman, The Idea of Decline in Western History (1997). On my bedtime plate tonight with vegan, gluten-free cookies: Plato's *Timaeus and Republic*, Bacon's *New Atlantis*, Butler's *Erewhon*, Huxley's *Brave New World*, More's *Utopia*, Campanella's *Civitas Solis*, Fenelon's *Voyage en Solente*, Cabot's *Voyage en Icarie*, Morris's *News from Nowhere* and Lytton's *Coming Race*, Chernyshevsky's *What Is To Be Done?*, not necessarily in this order. SillyUtopians. I've invited all of them to a party at Friedrich Nietzsche's cave night club, the "*Thus Spoke Zarathustra*." *See also* Jim Holt, *You Are What You Expect: The Future of Optimists and Pessimists*, N.Y. Times, Jan. 21, 2007.

<sup>&</sup>lt;sup>14</sup> The Countermands: Daniel Jonah Goldhagen, Genocide, Eliminationism, and the Ongoing Assault on Humanity (2009); Derrick Jensen, The Culture of Make Believe 2004; Jonathan Glover,

could I have come to such thought? Please indulge me in a very short tale to try for an answer—

my gestalt—for it is within my compositional structure that I from somewhere learned to care, be
heartbroken by atrocity, be repaired and inspired by showers of illustrious dignity, and be
doomed to repeat these emotional fluctuations that inhabit me whenever I teach this class.

I was born and raised in Hollywood and a thousand times skateboarded down the Avenue of the Stars. Bill Williams, the television star who played Kit Carson signed my toy holster in Palm Springs when I was nine (and, no doubt, I have been atoning as an Indigenous human rights attorney ever since. The recalled memory and attendant guilt was too much to bear.) I saw *El Cid* starring Charlton Heston six times in two days at the Carthay Circle Theater and never wondered *why* the million Middle-Eastern fellows all dropped to the ground and parted like the Red Sea in superstitious-fearful-admiration when El Cid, the Spaniard, rode on horseback out from the castle down the long expanse of oceanfront. I mean, he was dead and strapped upright to the saddle, for goodness sake! I knew *zero* about the word *Moor*. It was all about the gleam of the sword, its raised point glistening from under the weight of heaven's

Hu

HUMANITY: A MORAL HISTORY OF THE TWENTIETH CENTURY (1999); ADAM HOCHSCHILD, KING LEOPOLD'S GHOST (1998); HUGH THOMAS, THE SLAVE TRADE (1997); RICHARD B. FRANK DOWNFALL: THE END OF THE IMPERIAL JAPANESE EMPIRE (1999); ROBERT A. WILLIAMS, JR., THE AMERICAN INDIAN IN WESTERN LEGAL THOUGHT: THE DISCOURSES OF CONQUEST (1990); EDWARD SAID, ORIENTALISM (1978); RICHARD SLOTKIN, REGENERATION THROUGH VIOLENCE (1973); EDUARDO GALEANO, MEMORY OF FIRE (TRILOGY), (1985, 1987, 1988); DAVID STANNARD, AMERICAN HOLOCAUST: COLUMBUS AND THE CONQUEST OF THE NEW WORLD, (1992); HOMER, THE ILIAD (Samuel Butler trans.).; JOSEPH CONRAD, HEART OF DARKNESS (1989); MARGARET SAYERS PEDEN & ANTONIO MUNOZ MOLINA, SEPHARAD (Harcourt 2003); THE MALLEUS MALEFICARUM OF KRAMER AND SPRENGER, (Montague Summers ed., 1971); KONRAD CHARMATZ, NIGHTMARES: MEMOIRS OF THE YEARS OF HORROR UNDER NAZI RULE IN EUROPE 1939-1945 (2003); ELI WISEL, NIGHT (1982); ROGER S. GOTTLIEB, THINKING THE UNTHINKABLE: MEANINGS OF THE HOLOCAUST (1990); KURT BUERGER, APPALLING FACTS: LETTERS FROM GERMAN CONCENTRATION CAMPS (1934); DREW GILPIN FAUST, THE REPUBLIC OF SUFFERING; DEATH AND THE AMERICAN CIVIL WAR (2008); SUSAN SONTAG, DEATH KIT (1967); STEPHEN O'SHEA, THE PERFECT HERESY (2001); KURT VONNEGUT, ARMAGEDDON IN RETROSPECT: AND OTHER NEW AND UNPUBLISHED WRITINGS ON WAR AND PEACE (2008); DAVID PARK, THE TRUTH COMMISSIONER (2008). For more on the idea of looking backwards, see RAYMOND WILLIAMS, in The COUNTRY AND THE CITY (1973), in which he uses a metaphor of an escalator that is forever carrying us nostalgically back in time and critically cautions us to resist such a temptation. For a text looking forward, cf. Walter Benjamin's classic essay, Theses on the Philosophy of History, in ILLUMINATIONS (1969). Benjamin, too, looks at nostalgia but alludes to Paul Klee's painting of an angel to characterize history as an angel forever facing backwards as it is blown forward into the future, a metaphor for the advancement and forward motion of history.

beams. Ditto for *Lawrence of Arabia* and Peter O'Toole's blue eyes. Again, the glisten. I spent my high school English literature class drawing surfboards. I was stampeded at Pacific Ocean Park by a horde of girls screaming insanely when Jan and Dean<sup>15</sup> came to sign autographs. I saw Kooky park cars for Efrem Zimbalist, Jr. at 77 Sunset Strip. Southern California in the 1950's and 1960's was sublime, the middle-class idyll. Perhaps that is why it was also so wickedly delusional.

The sunsets are giant rainbows lasting for an hour. The seasons here make no sense: in the morning it is spring, at noon it is summer, and the desert nights are cold without it ever being winter. It is a kind of suspended eternity in which the year is renewed daily, with the guarantee that it will be like this each day, that every evening will be that rainbow of all the colours of the spectrum in which light, after having reigned all day long in its indivisible form, in the evening fragments into all the nuances of colour that make it up, before it finally disappears. Nuances which are already those of the instant rainbow catching fire in the wind on the crest of the Pacific waves.

This is the invulnerable grace of the climate, privilege of a nature that completes that insane richness that is man's.

This country is without hope. Even its garbage is clean, its trade lubricated, its traffic pacified. The latent, the lacteal, the lethal – life is so liquid, the signs and messages are so liquid, the bodies and the cars so fluid, the hair so blond, and the soft technologies so luxuriant, that a European dreams of death and murder, of suicide motels, of orgies and cannibalism to counteract the perfection of the ocean, of the light, of that insane ease of life, to counteract the hyperreality of everything here.

Hence the phantasy of a seismic fracture and a crumbling into the Pacific, which would be the end of California and of its criminal and scandalous beauty. For it is unbearable, while one is still alive, to pass beyond the difficulty of being, simply to pass into the fluidity of sky, cliffs, surf, and deserts, into the hypothesis of happiness alone.

But even the seismic challenge is still only a flirtation with death; it still forms part of the natural beauty, as do history or revolutionary theory, whose hyperrealist echoes come here to die with the discreet charm of something from a previous existence. All that remains of a violent and historical demand is this graffiti on the beach, facing out to sea, no longer calling upon the revolutionary

<sup>&</sup>lt;sup>15</sup> Of *Surf City*, *Dead Man's Curve* and *The Little Old Lady from Pasadena* (the terror of Colorado Boulevard) fame.

masses, but speaking to the sky and the open space and the transparent deities of the Pacific.

## PLEASE, REVOLUTION!

And yet is it irrelevant that the largest naval base, that of the Pacific 7<sup>th</sup> Fleet – the very incarnation of American worldwide domination and the greatest firepower in the world – also contributes to this insolent beauty? In the very place where the beautiful magic of Santa Ana blows, the desert wind that crosses over the mountains to stay for four or five days, before scattering the fog, scorching the earth, making the sea sparkle, and crushing those who are used to the mist – the most beautiful thing about the Santa Ana is spending the night on the beach, swimming there as if it were daytime, and tanning, like vampires, under the moonlight.

This country is without hope.

We fanatics of aesthetics and meaning, of culture, of flavour and seduction, we who see only what is profoundly moral as beautiful and for whom only the heroic distinction between nature and culture is exciting, we who are unfailingly attached to the wonders of critical sense and transcendence find it a mental shock and a unique release to discover the fascination of nonsense and of this vertiginous disconnection, as sovereign in the cities as in the deserts. To discover that one can exult in the liquidation of all culture and rejoice in the consecration of indifference. <sup>16</sup>

I should have known better, learned better, or at least looked for more. My grandparents, whose ancestors remain nameless to me to this day, fled Hungary from centuries of annihilation. My parents never spoke of this and changed their last names to avoid discrimination, yet I managed a secondary education in science and creative writing without having to study, much less *feel*, the messiness of conquest, racism and world criminalities. Or, perhaps, I just forgot about, maybe even hid from, the painful episodes of humans dominating and brutalizing other humans. <sup>17</sup> Everything was blonde; the blacks and the browns were blonde—even the blues were

<sup>&</sup>lt;sup>16</sup> JEAN BAUDRILLARD, AMERICA 121-123 (Verso 1988).

<sup>&</sup>lt;sup>17</sup> I hope that I am now just reflecting from poor memory and that I wasn't quite such a shallow boy-thenman. Of course, there was sympathetic pain in my youth: The assassinations of John Kennedy, the Reverend Martin Luther King, Jr. and Bobby Kennedy; the Vietnam War; rages of the Watts riots in Los Angeles; the potent violence against red and black people of color; the wayward idealism of the 1960's; and the genocide and denigration of cultures and species worldwide. JAMES PIERSON, CAMELOT AND THE CULTURAL REVOLUTION: HOW THE ASSASSINATION OF JOHN F. KENNEDY SHATTERED AMERICAN LIBERALISM (2007); GERALD L. POSNER, KILLING

blonde. I felt no hatred and gave none. Somehow, I put together an ignorant idealism believing that people were still unilaterally virtuous and that humanity's altruism was the natural state. 18 Then, of course, most of us were awakened, transformed in college times by knowledge that comes from older age, a wearisome awareness of the threats of wars and environmental degradation. <sup>19</sup> And, I never worried whether water would pass from the faucet when I turned the tap.

We, with our propensity for murder, torture, slavery, rape, cannibalism, pillage, advertising jingles, shag carpets, and golf, how could we be seriously considered as the perfection of a four-billion-year-old grandiose experiment? Perhaps as a race, we have evolved as far as we are capable, yet that by no means suggests that evolution has called it quits. In all likelihood, it has something beyond human on the drawing board. We tend to refer to our most barbaric and crapulous behavior as "inhuman," whereas, in point of fact, it is exactly human, definitely and quintessentially human, since no other creature habitually indulges in comparable atrocities. This negates neither our occasional virtues nor our aesthetic triumphs, but if a being at least a little bit more than human is not waiting around the bend of time, then evolution has suffered a premature ejaculation.<sup>20</sup>

Most certainly, I am not uniquely experienced in riding in the emotional chariots of eco-

THE DREAM, JAMES EARL RAY AND THE ASSASSINATION OF MARTIN LUTHER KING, JR. (1998); DAVID E. KAISER, AMERICAN TRAGEDY: KENNEDY, JOHNSON, AND THE ORIGINS OF THE VIETNAM WAR (2000); BAO NINH, THE SORROW OF WAR (1993); DAVID L. LEWIS, ET AL., THE CIVIL RIGHTS MOVEMENT IN AMERICA: ESSAYS (1986). I am now remembering how we used to "duck and cover" drill under our desks at school to help us survive, oh so naively, the blast of shards of window glass blown and rained upon us from the always threatened nuclear explosion that came to us in nightmares and daydreams when the jets popped the sound barrier.

11

<sup>&</sup>lt;sup>18</sup> The French philosopher, Jean François Lyotard, undermined the universalist principles of the Enlightenment, and he argued that we no longer believe in the "meta-narratives" of the progress of history, the knowability of everything by science, and the possibility of absolute freedom. See JEAN FRANCOIS LYOTARD, THE POSTMODERN CONDITION: A REPORT ON KNOWLEDGE (1979); JUST GAMING (1979); THE DIFFERENCE (1983). See *infra* note 37.

<sup>&</sup>lt;sup>19</sup> See, e.g., Arthur Clark, 2001: A Space Odyssey (1960); Harper Lee, To Kill a Mockingbird (1960); J.D. SALINGER, CATCHER IN THE RYE (1964); KEN KESEY, ONE FLEW OVER THE CUCKOO'S NEST (1963); ANTHONY BURGESS, CLOCKWORK ORANGE (1962); RACHAEL CARSON, SILENT SPRING (1962); JOSEPH HELLER, CATCH 22 (1962); BETTY FRIEDAN, THE FEMININE MYSTIQUE (1963); KURT VONNEGUT, JR., SLAUGHTERHOUSE-FIVE, OR, THE CHILDREN'S CRUSADE: A DUTY-DANCE WITH DEATH (1969); TRUMAN CAPOTE, IN COLD BLOOD: A TRUE ACCOUNT OF A MULTIPLE MURDER AND ITS CONSEQUENCES (1967); MALCOLM X, THE AUTOBIOGRAPHY OF MALCOLM X (1965). See also PSYCHO (1960); Dr. STRANGELOVE OR: HOW I LEARNED TO STOP WORRYING AND LOVE THE BOMB (1964); BUTCH CASSIDY AND THE SUNDANCE KID (1969); BONNIE AND CLYDE (1967); THE GRADUATE (1967); EASY RIDER (1969); ROSEMARY'S BABY (1968); ALLEN GINSBERG, HOWL (1959); JACK KEROUAC, ON THE ROAD (1997); JACK KEROUAC, VISIONS OF CODY (1972); HUNTER S. THOMPSON, HELL'S ANGELS: A STRANGE AND TERRIBLE SAGA (1999).

<sup>&</sup>lt;sup>20</sup> TOM ROBBINS, HALF ASLEEP IN FROG PAJAMAS 326 (1994).

literate life; despondency, positiveness, pessimism, hope, defeat, fear, anger, irrationality, actuation, integrity all sway me. And, of course, ideals have made me heartsick.

There is a thing in me that dreamed of trees,
A quiet house, some green and modest acres
A little way from every troubling town,
A little way from factories, schools, laments,
I would have time, I thought, and time to spare,
With only streams and birds for company,
To build out of my life a few wild stanzas.
And then it came to me, that so was death,
A little way away from everywhere.

There is a thing in me still dreams of trees.

But let it go. Homesick for moderation,
Half the world's artists shrink or fall away.

If any find solution, let him tell it.

Meanwhile I bend my heart toward lamentation
Where, as the times implore our true involvement,
The blades of every crisis point the way.

I would it were not so, but so it is. Who ever made music of a mild day?<sup>21</sup>

My clarity is also my enemy. Like Horas, I weighed hearts against a feather all the while sipping port with clowns. At my age, you would have thought I had to be using a sandalwood staff to support my dreams for us all on this planet. But, for the past two years, I have been carving a different walking stick, one from the timbers of harshness. I have been compelled to whittle, to shave away the moroseness I generate when my eyes see inhumaneness and unkindness abound, and to be uncompelled to be personally responsible to arrest all offending conduct and subsequently judge it. Still, I have had to ask myself, how could I continue to champion and venerate a landscape of legal ecology when all around me, most political and

12

<sup>&</sup>lt;sup>21</sup> Mary Oliver, A Dream of Trees, <u>www.gratefulnesss.org/poetry/dream of trees.htm</u>

consumeristic paths led to hubris and the annihilation of humanity.<sup>22</sup> A bit dramatic, to be sure; but remember, I am from Hollywood.

To answer myself, I embarked on a quest, an adventurous, metaphoric crusade, one promoted by a student who became a friend during the two years we worked together. As a candidate for a joint Juris Doctor degree at the law school and a Doctorate in English, he kept annoying me with his insistence that I could find explanations for the human condition by studying postmodernity and its antecedents. Until that past year, however, my own personal dogma rejected classroom words that began with "neo" or "post." "Deconstruction," "normative" and "relativism" were also particularly distasteful. I must confess that I really had not spent an adequate amount of time considering what "modern"/"postmodern"/"modernity"/ "postmodernity"/"modernism"/"postmodernism" or the "neos" or the "isms" meant. To me,

<sup>22</sup> See Clive Thompson, Global Mourning: How the Next Victim of Climate Change Will Be Our Minds, WIRED 70, January 2008; Joanna Macy, The Greatest Danger, Yes!, Spring 2008, at p. 53. What is the measure of my own happiness? Darrin M. McMahon, The Quest for Happiness, WILSON QUART. 62 (Winter 2005).

<sup>&</sup>lt;sup>23</sup> Ron Gard was this student, a gifted and supremely intelligent foil. He was responsible for a solid portion of the near text and footnotes on modernism and postmodernism.

I am attracted to *Theory Trading Cards*, the brainchild of Professor David Gauntlett of Bournemouth University in Great Britain. He "wryly merges theory and pop-culture on his website, <a href="www.theory.org.uk">www.theory.org.uk</a>." *See* Patricia Leigh Brown, *Go Fish (or, Deconstruct This)*, N.Y. TIMES, Mar. 21, 2004, at sec. 4, p. 2. *See also*, Arif Dirlik, *Whither History? Encounters with Historicism, Postmoderinism, Postcolonialism, Futures*, Feb. 2002.; Hans Bertens, The Idea of the Postmodern (1995); Charles Jencks, What is Post-Modernism? (1996); Anthony Giddens, The Consequences of Modernity (1991). Contrary to my own dogma, I came across this excellent distillation of why utilizing the term "postmodern" is ultimately a very useful thing. It comes from Edward Soja (department of human geography, UCLA); and, as you can see from the passage, he too was initially quite opposed to, even hostile toward, the term "postmodern". But he comes around...

In the late 1960's, however, with the onset of a crisis-induced fourth modernization, this long-lasting modern critical tradition began to change. Both Western Marxism and critical social science appeared to explode into more heterogeneous fragments, losing much of their separate cohesiveness and centralities. And as we approach another *fin de siecle*, alternative modern movements have appeared to compete for control over the perils and possibilities emerging in a restructured contemporary world. Although they remain controversial and confusing terms, filled with disparate and often disparaging connotation, postmodernity, postmodernization and postmodernism now seem to be appropriate ways of describing this contemporary cultural, political and theoretical restructuring; and of highlighting the assertion of space that is complexly intertwined with it.

Initially suspicious of too hasty a 'rush to the post', I once toyed with the idea of creating a new journal called *Antipost* to do battle not only with postmodernism but also with the multiplying array of other post-prefixed 'isms', from postindustrialism to poststructuralism. I am now, as is obvious from my titular commitment, more comfortable with the epithetic label postmodern and

labels attempt to simplify that which cannot or should not be so simple. They categorize. Once labeled, ideas usually still need an explanatory qualifier—an "in other words"—because an agreement of definition requires an understanding of the socio-ethnological-educational

its intentional announcement of possibly epochal transition in both critical thought and material life. I continue to see the present period primarily as another deep and broad restructuring of modernity rather than as a complete break and replacement of all progressive, post-Enlightenment thought, as some who call themselves postmodernist (but are probably better described as antimodernists) proclaim. I also understand the suspicious antagonism of the modern left to the presently dominant neo-conservative and obfuscating whimsy of most postmodernist movements. But I am convinced that too many opportunities are missed by dismissing postmodernism as irretrievably reactionary.

SOJA, *supra* note 6, at 4-5.

Utilizing the term allows us to recognize and explore important changes that make the contemporary environment qualitatively different than a previous one. This holds true even if the term, in its overall incarnation, embodies ambiguity, contradiction, overblown and extreme claims (and thereby forces us to qualify it incessantly when we use it). In certain respects, when we use a term, we might be outright wrong, but in other respects the use of the term highlights the change in conditions that inarguably have taken place. *Compare* MICHAEL HARDT & ANTONIO NEGRI, EMPIRE (Harvard Univ. Press 2000), *and* MICHAEL HARDT & ANTONIO NEGRI, MULTITUDE: WAR AND DEMOCRACY IN THE AGE OF EMPIRE, (Penguin 2004) *with* SOJA, *supra* note 6, *and* GIDDENS, *supra* note 24. *See also* PETER ROBERTS, REREADING LYOTARD: KNOWLEDGE, COMMODIFICATION AND HIGHER EDUCATION, ELECTRONIC JOURNAL OF SOCIOLOGY (1998).

The criticism of postmodernism as ultimately meaningless rhetorical gymnastics was demonstrated in the Sokal Affair, where Alan Sokal, a physicist, proposed and delivered for publication an article purportedly about interpreting physics and mathematics in terms of postmodern theory, which he had deliberately written in a completely nonsensical fashion, including several in-jokes mocking postmodernism. It was nevertheless published by *Social Text*, a "cultural studies" journal active in the field of postmodernism, as a serious postmodernist work. Sokal arranged for the simultaneous publication of another article describing the former as a successful experiment to see whether a postmodernist journal would publish any nonsensical article with big words that flattered the editors' political views, triggering an academic scandal. Sokal later published a book with Jean Bricmont called *Intellectural Impostures*, which expands upon his criticism of postmodernism.

\* \* \* \*

The linguist Noam Chomsky has suggested that postmodernism is meaningless because it adds nothing to analytical or empirical knowledge. He asks why postmodernist intellectuals won't respond as "people in physics, math, biology, linguistics, and other fields are happy to do when someone asks them, seriously, what are the principles of their theories, on what evidence are they based, what do they explain that wasn't already obvious, etc.? These are fair requests for anyone to make. If they can't be met, then I'd suggest recourse to Hume's advice in similar circumstances: to the flames.

#### http://en.wikipedia.org/wiki/Postmodernism.

Still, why do we need even to explain our "condition"? Maybe, all the "isms" are merely attempts at describing our *aspirations* to civility via iconographic sounds. The myth of transcendence. In the end, though, how does a jolly nihilism or postcolonial chatter feed a hungry people?

background of each perceiver to the conversation. As I grappled with these mouthfuls, however, I began to unburden myself from the arrogated responsibility of saving an unsaveable planet. I had been so full of sheer folly and wrapped myself in a buffalo coat of stress believing that inhumanity had been reconstituted anew and could be eradicated by the force of my will. What I needed was a concise refresher lesson in the history of cruelty. Let me, then, tell you of my journey and gather here some thoughts on the twentieth century with particular attention to Modernism and Postmodernism.

The end of the nineteenth century in America was a time of perceived increasing unification, in spite of the many tumultuous social and political rifts present within American society. Though such things as waves of immigration and reconstruction following the Civil War created powerful tensions and social strife, <sup>25</sup> nonetheless there were many cultural forces that had developed throughout the nineteenth century that were coming together by the end of that century to produce palpable notions of national unity.

Consider the following technological innovations:

- In 1862, Lincoln signed the Pacific Railway Act, authorizing the building of the first transcontinental railroad. The golden spike was driven in 1869.
- The telegraph appeared in America in the 1840s and began to be used for dispatching trains in the 1850s. In 1881, the Postal Telegraph entered the market. Until 1877, all rapid, long-distance communication depended on the telegraph.
- The first telephone line was installed in 1877, and by 1880 there were nearly 48,000 telephones in the U.S. (Transcontinental service would not appear until 1915.)
- Standardized time zones, driven by the railroads' need to make schedules uniform, were implemented in 1883 in the United States. Within one year, 85% of all cities having a population over 10,000, about 200 cities, were using standard time.
- The first automobiles manufactured in the U.S. appeared in the 1880s. In 1901, Olds produced 425 cars and was the leading manufacturer from 1901-1904. Ford installed the first conveyor belt assembly line around 1913-1914. (A single

15

<sup>&</sup>lt;sup>25</sup> See, e.g., <u>www.history.howstuffworks.com/american-history/railroad-expansion8.htm</u>; Mark A. Yanochik, *et. al.*, *Railroad Construction and Antebellum Slave Prices*, 84 Soc. Sci. Quart. 723 (2003).

Model T was assembled in 93 minutes in assembly line production. The Model T was originally introduced in 1908.)

What sits behind this array of technological development is a fundamental transformation of American culture. What is just as important as the introduction of these individual inventions is the development of social institutions and the establishment of social normative interactions. Chief among these are the U.S. corporation and new formations of capital and social practices surrounding capital. As Alan Trachtenberg writes in *The Incorporation of America: Culture and Society in the Gilded Age*:

My purpose in this book can be described as an effort to find appropriate words and names for the powers which transformed American life in the three decades following the Civil War.... I am concerned chiefly with effects of the corporate system on culture, on values and outlooks, on the "way of life." ...I mean not only the expansion of an industrial capitalist system across the continent, not only tightening systems of transport and communication, the spread of a market economy into all regions \*\*\*, but also and even predominantly, the remaking of cultural perceptions this processed entailed. By "the incorporation of American" I mean, then, the emergence of a changed, more tightly structured society with new hierarchies of control, and also changed conceptions of that society, of America itself.<sup>26</sup>

One can recognize within the social thinking of this period, a perceived notion of social unity and triumph carrying forward as an extension and culmination of the Enlightenment Project—late sixteenth and seventeenth century thinking initiated by figures such as Rene Descartes <sup>27</sup>---rational thought later coupled with scientific practices that promised to produce a flawless human societal condition through secular human mental capabilities and understanding. Charles Darwin and Karl Marx, figures often noted as two of the most important thinkers of the nineteenth century, both fit within such thinking, with systems that promised to explain

16

<sup>&</sup>lt;sup>26</sup> ALAN TRACHTENBERG, THE INCORPORATION OF AMERICA: CULTURE AND SOCIETY IN THE GILDED AGE 3-4 (1997). *See also* ROBERT H. WIEBE, THE SEARCH FOR ORDER: 1877-1920 (1991).

<sup>&</sup>lt;sup>27</sup> See Michael Losonsky, Enlightenment and Action From Descartes to Kant: Passionate Thought 11 (2001).

rationally and scientifically the "big picture," and thereby allow us to engineer desirable societal conditions. <sup>28</sup>

The Modern period is usually approximated as 1914-1945. I am not going to treat "Modernity" (that is, the philosophical concept) head on. Instead, I am going to sketch a number of themes arising out of literary Modernism and allow those themes to render, through their iconography, the cultural condition of the period.<sup>29</sup>

Without question, the culturally transformative event of World War I is the watershed moment initiating and forever marking the Modern period. It is noted that the United States did not experience WWI with the same degree of psychological trauma that the United Kingdom and Europe did. Nonetheless, its impact remains great, and the transformations in world interconnectivity deeply penetrated the U.S. gestalt. In literature, the work of the High Modernists<sup>30</sup> ruled this period, and theirs was the dominant material taught until that hold began

<sup>&</sup>lt;sup>28</sup> Professor Marc Loth describes the period which lasted from the end of the seventeenth century to the end of the nineteenth century as the "epoch of modernism... characterized by what John Dewey has named 'the quest for certainty.'" Marc A. Loth, *Limits of Private Law: Enriching Legal Dogmatics*, 35 HOFSTRA L. REV. 1725, 1736-1739 (2007).

<sup>&</sup>lt;sup>29</sup> Modernism and Postmodernism are so often confusing because they simultaneously refer to different conceptual frameworks. In general, people use these terms when referring to one of the three following categories: (1) a historical period exhibiting a cultural condition; (2) a philosophy; and (3) an artistic movement or description. It is useful to employ parallel technology in order to make clear which of these three you are referring to:

<sup>1.</sup> Modern (or the Modern period) and Postmodern (or the Postmodern period) to refer to the historical period exhibiting a particular cultural condition;

<sup>2.</sup> Modernity and Postmodernity to refer to a given philosophy;

<sup>3.</sup> Modernism and Postmodernism to refer to an artistic movement or description.

This doesn't solve all problems because the terminology isn't perfect. In category 1, for example, people will use Postmodern to talk about the historical period that corresponds to it (roughly 1965 to the present), but rarely will people use Modern to talk about the period corresponding to that term. They are far more likely to say something like "the Modernist period" or simply "Modernism". This may be because of the standard usage in history of "modern history", referring to everything from the Enlightenment forward. Even more common is a collapsing of the terminology in categories 2 and 3 above. People often use Modernism or Postmodernism when referring to the philosophy that corresponds to these terms. The problem with that is the confusion it creates in separating the philosophical ideas from the particular artistic practices the terms now historically refer to.

I propose, and here will use, the above terminology so that I can more clearly indicate when I am referring to a historical period, when I am referring to a philosophy, and when I am referring to particular artistic practices. There is often overlap, and each category is of course influenced by the others because they exist simultaneously within a cultural milieu, but they are distinguishable and it is useful to think of them individually.

<sup>&</sup>lt;sup>30</sup> Notable High Modernists include: T.S. Eliot, Ezra Pound, Gertrude Stein, Ernest Hemingway, and James Joyce. *See* MARIA DIBATTISTA, HIGH AND LOW MODERNS: LITERATURE AND CULTURE, 1889-1939 (1996).

to be broken in the late 1960's.<sup>31</sup> The High Modernists were predominantly American expatriates living abroad after the war and strongly marked by the war experience.

Their work rendered a world shattered. The hoped for unity promised by the advancements of the nineteenth century was destroyed, ironically, by the very means by which the advancements had been achieved. Technological and mechanical means, innovation, new materials, communication, and social uniformity produced not a utopia, but a dystopic world of destruction and brutality on a scale never before experienced. Marx had written of alienation as a condition experienced by workers in a modern system of capitalism. This resulted from a capitalist system that functioned to organize labor, organize markets, specialize the tasks of manufacturing, assign individual unskilled tasks to each individual, and then siphon off as much of the worker-created surplus value as possible in order to benefit the owner capitalist.

WWI in many respects revealed, universalized, and made far more brutal this same mechanized process. What it made devastatingly clear was that the cause served and ends produced ultimately failed as noble endeavors. "Noblesse Oblige," the "obligation of nobility" felt by many well-bred English subjects to defend England and carry high English ideals into the world, crumbled when confronted with the realities of WWI. Soldiers went into battle expecting the sort of tactics that had been employed in earlier conflicts. What they experienced was the first true modern warfare, mechanized destruction on a mass industrial scale.

<sup>31</sup> It, of course, took some time for alternative works to enter the canon more fully. This includes American domestic modernist writers, regional movements such as the Harlem Renaissance, and other alternative U.S. cultural artistic movements. Even today, however, there remain vestiges of the tradition proclaiming the High Modernists are the "truly important" authors to study.

18

<sup>&</sup>lt;sup>32</sup> Throughout history, technology has created massive problems and unforeseen consequences. One such example is the connection between the railroad system and the near extinction of the American bison. *See* Dean Lueck, *The Extermination and Conservation of the American Bison*, 31 J.LEGAL STUD. 609, 639-644 (2002).

<sup>&</sup>lt;sup>33</sup> KARL MARX, THE COMMUNIST MANIFESTO.

A great deal of literature was written attempting to convey this experience. Among the most noted is Ezra Pound's poem, "Hugh Selwyn Mauberley," published in 1920. The intensity of personal disillusionment is strongly captured in the final stanzas:

There died a myriad, and of the best, among them, for an old bitch gone in the teeth, for a botched civilization,

charm, smiling at the good mouth, quick eyes gone under earth's lid,

for two gross of broken statues, for a few thousand battered books.

The perceived pointlessness of WWI is evident, but so, too, is the loss of faith in the British Empire and Western ideals. Pound's England is a "bitch gone in the teeth;" the British Empire is a "botched civilization" that finally produces not enlightenment, but merely "two gross of broken statues" and "a few thousand battered books."

This loss of faith in Western ideals is underscored earlier in the poem:

These fought, in any case, and some believing, pro domo, in any case .....

Some quick to arm, some for adventure, some for fear of weakness, some from fear of censure, some for love of slaughter, in imagination, learning later...

Some in fear, learning love of slaughter; died some pro patria, non dulce non et décor ...

Walked eye-deep in hell believing in old men's lies, then unbelieving came home, home to a lie, home to many deceits, home to old lies and new infamy; Pound tells us that some died "pro patria" ("for country"), but it was "non dulce et décor" ("not sweet and right"). This is a direct invocation of Wilfred Owen's famous WWI anti-war poem "Dulce et Decorum Est." Vehemently contesting the deep-seeded tradition of noblesse oblige, Owen's poem includes the following lines:

If you could hear, at every jolt, the blood come gargling from the froth-corrupted lungs, obscene as cancer, bitter as the cud of vile, incurable sores on innocent tongues, -- my friend, you would not tell with such high zest to children ardent for some desperate glory, the old Lie: Dulce et decorum est Pro patria mori.

Dying for one's country, Owen found, like so many of his generation, is not sweet and right.

Through horrifying imagery, Owen reveals the zestful imparting of such thinking for what it truly is: "an old Lie."

In conjunction with WWI and events happening at the beginning of the twentieth century, it is also important to recognize that the Modern period followed on and coincided with the long colonial phase of Britain's history. Matthew Arnold published his famous poem "Dover Beach" in 1867 and *Culture and Anarchy* in 1868, both already indicating deep concerns about the condition of modern British culture and its ability to stave off anarchy. Likewise, Joseph Conrad's *The Heart of Darkness*, published in 1902, focused on "the lie" that had to be told to conceal the true condition of contemporary Western culture. When Marlowe, the narrator of *Heart of Darkness*, returns to England after having seen the state of inhuman anarchy that Colonel Kurtz fell into in the Congo, he is forced to confront Kurtz's betrothed. Faced with her innocence and purity, the narrator feels he has no choice but to lie to her of Kurtz's last words. Rather than admit that Kurtz's last words were of the inevitability of succumbing to the abyss—

"The horror!"—the narrator tells Kurtz's betrothed that his last words were of his love for her.

This literary incident is widely recognized as representative of the imperial position of England touting its colonial oversight as *enlightening* to colonial entities ("bringing light to the dark places of the earth") rather than as inherently corrupting the parties on both sides of the colonial equation. The "lie" in effect stands for the modern notion that modern forces will supposedly produce societal well being, when in fact those forces will ultimately produce only new and more intensive forms of subjugation and domination.

The motif of Western culture shattered and fragmented in the Modern period is present and recurrent in cultural representations throughout this time. This motif is reflected in Ernest Hemingway's "stoic code" that calls on the individual to quietly and gracefully bear up under the Godless condition of the modern world. It is also reflected in Gertrude Stein's "eternal present" ("a rose is a rose is a rose is a rose") that suggests we are always moment-to-moment individually composing anew the world as we know it. Likely the greatest statement, and certainly one of the most influential, of existing in a culture of fragmentation is found in T.S. Eliot's poem "The Waste Land."

Published in 1922 (the same year as James Joyce's *Ulysses*), "The Waste Land" contains numerous elements underscoring the theme of cultural fragmentation. Eliot employs numerous languages of Western culture (and even some Eastern ones) to demonstrate the inability of the individual in Modern times to comprehend the cultural references one unavoidably encounters. Similarly, depictions of different class positions, from the refined aristocracy to the coarse working class, portray the multivalent structure of Modern society. Though the voices of these classes are interwoven throughout this poem, they produce a discordant effect indicative of the

experience of Modern living. Equally powerful as these elements, however, is the very theme of the poem.

The poem throughout portrays a quest for regeneration – a renewal of cultural forces allowing a rebirth and advancement of Western culture, but no regenerative forces can be found:

- "April is the cruelest month" (an ironical statement speaking of spring),
- "a heap of broken images,"
- "the dead tree gives no shelter...and the dry stone no sound of water,"
- "The wind / Crosses the brown land, unheard," "Here is no water, only rock / Rock and no water and the sandy road." "If there were the sound of water only... / Drip drop drop drop drop drop / But there is no water"

Rain finally does come ("In a flash of lightening. Then a damp gust / Bringing rain"), but even this long hoped for action is inadequate to renew life. One of the last narrative voices conveys the final condition:

I sat upon the shore Fishing, with the arid plain behind me Shall I at least set my lands in order? London Bridge is falling down falling down falling down

The thunder speaks, calling finally only for sympathy and control, all that seemingly can be had within the condition of the Modern world.

Parallel to this movement in the poem is a quest for the Holy Grail, the cup from which Christ drank at the last supper. Symbolically in Judeo-Christian culture, the Grail again supposes regeneration, a renewal through Christ and through God's greater plan. Just as nature fails to deliver a solution to the condition of a failed and fragmented culture, so too spirituality is impotent to bring salvation: "I have heard the key / Turn in the door once and turn once only /

We think of the key, each in his prison / Thinking of the key, each confirms his prison," and finally the narrative voice finds himself "Fishing, with the arid plain behind him." If indeed this is an attempt to spiritually fish for the souls of men, the attempt fails on this dry unregenerative plain.

Eliot's poem, along with the other poems and authors I've discussed, effectively conveys a dominant cultural motif emergent at this time. The Modern period was one of great disillusionment, a period rife with a sense that Western culture, rather than achieving the promised ideals of enlightenment, was instead falling into chaos and anarchy—and in many ways this was occurring as a result of the very means that were supposed to produce the cultural enlightenment. It is important to recognize, however, that for such a disillusionment to occur, there first had to be a true belief that the ideals of Western culture were superior, that Western ideals could produce enlightenment. As Eliot writes in the last lines of "the Waste Land," "These fragments I have shored against my ruin." Western culture is problematic, fragmented, and perhaps producing dystopia rater than utopia, but nonetheless one should presumably cling to it against all encroachments. This is the dichotomy that lies at the heart of much Modern thought: however fragmented and impotent the Modern condition might have revealed Western enlightenment ideals to be, Western culture still contains within it fragments "the best that has been thought and said in the world" (to invoke Arnold's famous phrase from Culture and *Anarchy*). This belief ultimately is a key point that divides Modernity from Postmodernity.

Arguably, postmodernism reached its peak in the 1960s and 1970s.<sup>34</sup> An oftenentertained question is whether Postmodernity is an extension of Modernity or a decided break

23

\_\_\_

<sup>34 &</sup>quot;As with all stylistic eras, no definite dates exist for the rise and fall of postmodernism's popularity.
1941, the year in which the Irish novelist James Joyce and British novelist Virginia Woolf both died, is sometimes used as a rough boundary for postmodernism's start." <a href="http://en.wikipedia.org/wiki/Postmodern\_literature">http://en.wikipedia.org/wiki/Postmodern\_literature</a>.
The prefix 'post', however, does not necessarily imply a new era. Rather, it could also indicate a

from it.<sup>35</sup> Postmodernity is its own philosophical beast, though it understandably presents some elements that are common to both or at least closely related. I will touch on some Postmodernist literary representations shortly, but since I have established a Modernist cultural groundwork, I believe it will be more effective to proceed here by offering some of the philosophical thinking that articulates the Postmodern cultural condition/period.<sup>36</sup>

Most obvious, I believe, is that throughout the concepts articulated in Modernity, there is a striving for "mastery" or control. In contrast, the Postmodernity seems fairly free of such striving and seems not only to recognize, but also to embrace the "freeplay" it finds at the heart of knowledge construction. It is easy to see, however, why the idea of "freeplay" taken to its extreme unnerves people. At its extreme, it seems to say that all knowledge construction is a decentered and relativistic "game." This becomes a central problem. Western liberal

reaction against modernism in the wake of the Second World War (with its disrespect for human rights, just confirmed in the Geneva Convention, through the atomic bombings of Hiroshima and Nagasaki, the Holocaust, the bombing of Dresden, the fire-bombing of Tokyo, and Japanese-American internment). It could also imply a reaction to significant post-war events: the beginning of the Cold War, the civil rights movement in the United States, postcolonialism (Postcolonial literature), and the rise of the personal computer (Cyberpunk fiction and Hypertext fiction).

Some further argue that the beginning of postmodern literature could be marked by significant publications or literary events. For example, some mark the beginning of postmodernism with the first performance of *Waiting for Godot* in 1953, the first publication of *Howl* in 1956 or of *Naked Lunch* in 1959. For others, the beginning is marked by moments in critical theory: Jacques Derrida's "Structure, Sign, and Play" lecture in 1966 or as late as Ihab Hassan's usage in the *The Dismemberment of Orpheus* in 1971. *Id.* 

<sup>35</sup> KEITH TESTER, LIFE AND TIMES OF POST-MODERNITY (1993). It is not uncommon to see this question linguistically signaled through written queries such as: "Post-Modernity or Postmodernity?"

<sup>37</sup> In fact, Jean Francois Lyotard, another philosopher most associated with theorizing postmodernity (see

<sup>&</sup>lt;sup>36</sup> A pedigree was first given to postmodernism in the early 1970s by the literary critic Ihab Hassan in his book, *The Dismemberment of Orpheus: Toward a Postmodern Literature* (1971). This book is somewhat confusing to read, itself being one of the first critical works to adopt a postmodern mode. What it most gets noted for is the binary list it established distinguishing Postmodernity from Modernity. This list is not without its problems, of course, and it should not be taken too much as orthodoxy. It's important to remember that it was created fairly early in the postmodern paradigm. A lot of thinking and writing on the subject has occurred since then. It's useful generally, however, because many of the binary observations it made were fairly accurate, and it really helped many people crystallize in their thinking the kinds of divisions that can be found between Modernist and Postmodernist thinking and practices. Actually, this binary list wasn't added until the 1982 edition, though the argument was fully developed in the earlier edition of the book. The list, and it's not being added until the later edition of the book, tends to reinforce the argument that the way we think about Modernity now has to some extent been defined in retrospect in opposition to Postmodernity in order to help with the defining of Postmodernity.

enlightenment thinking said, essentially, through pure rational thought and good practices (e.g., *science*), all problems eventually can be solved. The Modern crisis began to reveal, through sudden and shocking experiences (e.g., WWI), that this doesn't seem to be the case.

Postmodernity came along and said that of course it's not the case and it never was. Such thinking and objectives were delusional in the first place. There never was any objective, pure thought. All construction of knowledge is always already bound up with power relations, and therefore contains within it and reflects those power relations.<sup>38</sup>

Lyotard, supra note 18) authored another book entitled JUST GAMING. The linguistic aspect of postmodernity and the decentralized nature of knowledge, is most often associated with the philosopher Ludwig Wittgenstein. David Gruender, *Wittgenstein on Explanation and Description*, 59 J. PHIL. 523 (1962). And in instances of domination and subjugation, making knowledge a game allows the reader to disengage and allows the subjugated to resist. At the same time, however, in its less extreme strains, this freeplay creates a powerful tool for negotiation by those who were dominated and subjugated under Modernist conceptualizing. *See also* CHRIS ROJEK & BRYAN S. TURNER, THE POLITICS OF JEAN-FRANCOIS LYOTARD (2002).

Feminist authors also manifested alternative voices in the last half-century. *See* Betty Friedan, The Feminine Mystique (1963); Kate Millett, Sexual Politics (1970); Robin Morgan, Sisterhood is Powerful, An Anthology of Writings from the Women's Liberation Movement (1970); Maya Angelou, I Know Why The Caged Bird Sings (1970); Toni Morrison, Song of Solomon (1977). *See also infra note* 61.

<sup>38</sup> Foucalt questioned whether rational knowledge represents progress in directing human life. See FOUCAULT, supra note 10. Postcolonial theory is key here. Gayatri Spivak wrote a now very famous essay entitled Can the Subaltern Speak?, in which she explored the very division I point to, though it's cast in somewhat different terms. Postcolonial thought doesn't really question the notion of competing constructions of knowledge and the ability of power relations to prevent some knowledges ever from appearing. It does, however, wrestle with the problem of whether strongly dominated subjects will be able to manifest their positions. I'm similarly going to sidestep the question of relativism because I think it's a non-issue. More often than not, it's those in positions of power that want to decry relativism because it threatens their domination. Theorists who work seriously with relativistic concepts, on the other hand, don't tend to throw around relativism wildly. Instead, they tend to work very close to the ground, building counternarratives and demonstrating how those narratives have been foreclosed through social and cultural structures. See, e.g., HOMI BHABHA, THE LOCATION OF CULTURE 171 (1994) ("To reconstitute the discourse of cultural difference demands not simply a change of cultural contents and symbols.... It requires a radical revision of the social temporality in which emergent histories may be written, the rearticulation of the 'sign' in which cultural identities may be inscribed."). This "rearticulation" is bringing rise to the voice(s) of those who previously have been closed out of any place in the cultural discourse, which is to say that they have been given no role in the constitution of knowledge formation. It is not to say that all things are equal, but that everyone should be given a voice as part of the social collective, especially those that have historically been precluded from such a position.

Carrying his point a step further, Bhabha argues that the marginalized are in fact uniquely and beneficially positioned to formulate important alternative discourses. He writes:

[I]t is from those who have suffered the sentence of history...that we learn our most enduring lessons for living and thinking. There is even a growing conviction that the affective experience of social marginality... transforms our critical strategies. It forces us to confront the concept of culture outside *objets d'art* or beyond the canonization of the "idea" of aesthetics, to engage with culture as an uneven, incomplete production of meaning and value, often composed of incommensurable demands and practices, produced in the act of social survival.

Id. at 172.

Postmodernism totally accepts fragmentation, ephemerality, discontinuity, and the chaotic, and it "swims, even wallows, in the fragmentary...currents of change as if that's all there is."

America is the original version of modernity. We [Europe] are the dubbed or subtitled version. America ducks the question of origins; it cultivates no origin or mythical authenticity; it has no past and no founding truth. Having known no primitive accumulation of time, it lives in a perpetual present. Having seen no slow, centuries-long accumulation of a principle of truth, it lives in perpetual simulation, in a perpetual present of signs. It has no ancestral territory. The Indians' territory is today marked off in reservations, the equivalent of the galleries in which America stocks its Rembrandts and Renoirs. But this is of no importance – America has no identity problem. In the future, power will belong to those peoples with no origins and no authenticity who know how to exploit that situation to the full. Look at Japan, which to a certain extent has pulled off this trick better than the U.S. itself, managing, in what seems to us an unintelligible paradox, to transform the power of territoriality and feudalism into that of deterritoriality and weightlessness. Japan is already a satellite of the planet Earth. But America was already in its day a satellite of the planet Europe. Whether we like it or not, the future has shifted towards artificial satellites.

America is neither dream nor reality. It is a hyperreality. It is a hyperreality because it is a utopia which has behaved from the very beginning as though it were already achieved. Everything here is real and pragmatic, and yet it is all the stuff of dreams, too. It may be that the truth of America can only be seen by a European, since he alone will discover here the perfect simulacrum – that of the immanance and material transcription of all values. The Americans, for their part, have no sense of simulation. They are themselves simulation in its most developed state, but they have no language in which to describe it, since they themselves are the model. As a result, they are the ideal material for an analysis of all the possible variants of the modern world. No more and no less in fact than were primitive societies in their day. The same mythical and analytic excitement that made us look towards those earlier societies today impels us to look in the direction of America. With the same passion and the same prejudices.

In reality, you do not, as I had hoped, get any distance on Europe from here. You do not acquire a fresh angle on it. When you turn around, it has quite simply disappeared. The point is that there is really no need to adopt a critical stance on Europe from here. That is something you can do in Europe. And what is there to criticize which has not been criticized a thousand times before? What you have to do is enter the fiction of America, enter America as fiction. It is, indeed, on this

26

<sup>&</sup>lt;sup>39</sup> DAVID HARVEY, THE CONDITION OF POSTMODERNITY 44 (1989).

fictive basis that it dominates the world. Even if every detail of America were insignificant, America is something that is beyond us all . . .

America is a giant hologram, in the sense that information concerning the whole is contained in each of its elements. Take the tiniest little place in the desert, any old street in a Midwest town, a parking lot, a Californian house, a Burger King or a Studebaker, and you have the whole of the U.S. – South, North, East, or West. Holographic also in that it has the coherent light of the laser, the homogeneity of the single elements scanned by the same beams. From the visual and plastic viewpoints, too: things seem to be made of a more unreal substance; they seem to turn and move in a void as if by a special lighting effect, a fine membrane you pass through without noticing it. This is obviously true of the desert. It is also the case with Las Vegas and advertising, and even the activities of the people, public relations, and everyday electronics all stand out with the plasticity and simplicity of a beam of light. The hologram is akin to the world of phantasy. It is a threedimensional dream and you can enter it as you would a dream. Everything depends on the existence of the ray of light bearing the objects. If it is interrupted, all the effects are dispersed, and reality along with it. You do indeed get the impression that America is made up of a fantastic switching between similar elements, and that everything is only held together by a thread of light, a laser beam, scanning out American reality before our eyes. In America, the spectral does not refer to phantoms or to dancing ghosts, but to the spectrum into which light disperses.

On the aromatic hillsides of Santa Barbara, the villas are all like funeral homes. Between the gardenias and the eucalyptus trees, among the profusion of plant genuses and the monotony of the human species, lies the tragedy of a utopian dream made reality. In the very heartland of wealth and liberation, you always hear the same question: 'What are you doing after the orgy?' What do you do when everything is available – sex, flowers, the stereotypes of life and death? This is America's problem and, through America, it has become the whole world's problem.

All dwellings have something of the grave about them, but here the fake serenity is complete. The unspeakable house plants, lurking everywhere like the obsessive fear of death, the picture windows looking like Snow White's glass coffin, the clumps of pale, dwarf flowers stretched out in patches like sclerosis, the proliferation of technical gadgetry inside the house, beneath it, around it, like drips in an intensive care ward, the TV, stereo, and video which provide communication with the beyond, the car (or cars) that connect one up to that great shoppers' funeral parlour, the supermarket, and, lastly, the wife and children, as glowing symptoms of success. . . everything here testifies to death having found its ideal home.

The microwave, the waste disposal, the orgasmic elasticity of the carpets: this soft, resort-style civilization irresistibly evokes the end of the world. All their

activities here have a surreptitious end-of-the-world feel to them: these Californian scholars with monomaniacal passions for things French or Marxist, the various sects obsessively concerned with chastity or crime, these joggers sleepwalking in the mist like shadows that have escaped from Plato's cave, the very real mental defectives or Mongols let out of the psychiatric hospitals (this letting loose of the mad into the city seems a sure sign of the end of the world, the loosing of the seals of the Apocalypse), these obese individuals who have escaped from the hormone laboratories of their own bodies, and these drilling platforms – 'oil sanctuaries' – keeping watch in the night, like grand casinos, or extraterrestrial spacecraft.

Ravishing hyperrealism Ecstatic asceticism Multi-process tracking shot Interactive multi-dimensionality Mind-blowing

Western Digitals
Body Building Incorporated
Mileage unlimited
Channel Zero

Seedy bar in Santa Barbara. The billiard player's red braces. Foucault, Sartre, and Orson Welles all standing together at the counter, talking to each other, strangely convincing, strikingly like the originals. 'Cocktail scenery.' The smell of violence, the stale odour of beer. 'Hustling is prohibited.'

Sex, beach, and mountains. Sex and beach, beach and mountains. Mountains and sex. A few concepts. Sex and concepts. 'Just a life.'

Everything is destined to reappear as simulation. Landscapes as photography, women as the sexual scenario, thoughts as writing, terrorism as fashion and the media, events as television. Things seem only to exist by virtue of this strange destiny. You wonder whether the world itself isn't just here to serve as advertising copy in some other world.

When the only physical beauty is created by plastic surgery, the only urban beauty by landscape surgery, the only opinion by opinion poll surgery. . and now, with genetic engineering, along comes plastic surgery for the whole human species.

This is a culture which sets up specialized institutes so that people's bodies can come together and touch, and, at the same time, invents pans in which the water *does not touch* the bottom of the pan, which is made of a substance so homogenous, dry, and artificial that not a single drop sticks to it, just like those bodies intertwined in 'feeling' and therapeutic love, which do not touch – not

even for a moment. This is called interface or interaction. It has replaced face-to-face contact and action. It is also called communication, because these things really do communicate: the miracle is that the pan bottom communicates its heat to the water without touching it, in a sort of remote boiling process, in the same way as one body communicates its fluid, its erotic potential, to another without that other ever being seduced or even disturbed, by a sort of molecular capillary action. The code of separation has worked so well that they have even managed to separate the water from the pan and to make the pan transmit its heat *as a message*, or to make one body transmit its desire to the other as a message, as a fluid to be decoded. This is called information and it has wormed its way into everything, like a phobic, maniacal leitmotiv, which affects sexual relations as well as kitchen implements.<sup>40</sup>

Obviously, I have been searching for my own fragmented free fall, my free-for-all-free-fall. My own Timbuktu.

A town made of pastry dough and starlight. A mirage you can walk around in—if you can stand the heat. Solitary, sealed, and shuttered, it wears a mask beneath a mask behind a veil. Timbuktu. A dehydrated Venice, crumbling into a plexus of dust canals. Conceived when the sphinx lay down with the goldbug at a campsite half as old as time. The Sahara crackles in every bite of its bread, the ashes of dead books blow through the streets; the lost wisdom of a dozen races is buried under its drifts, never to be jiggled by the archaeologist's spade. Timbuktu. A city only an adventurer would risk, only a romantic would forgive, only a nomad would find inviting, only a camel could love. 41

Kiss me, Snow White, and wake me from my own pragmatism. I know that many readers have known that the world has always been a cruel place, but please bear with me a smidgen longer. You're in the weather the whether you're in. Umberto Eco makes us read one hundred pages of William Baskerville's daily life in an Italian abbey before his fourteenth century crime caper becomes a ripper. <sup>42</sup> I won't ask you to accompany me on a journey into the

<sup>&</sup>lt;sup>40</sup> JEAN BAUDRILLARD, AMERICA 76, 28-33 (Verso 1998).

<sup>&</sup>lt;sup>41</sup> Tom Robbins, Half Asleep in Frog Pajamas 237-238 (1994).

<sup>&</sup>lt;sup>42</sup> UMBERTO ECO, THE NAME OF THE ROSE (1984). Professor Eco also explains his idea of postmodernism as a kind of double-coding:

I think of the postmodern attitude as that of a man who loves a very cultivated woman and knows that he cannot say to her, "I love you madly," because he knows that she knows (and that she knows he knows) that these words have already been written by Barbara Cartland. Still there is a solution. He can say, "As Barbara Cartland would put it, I love you madly." At this point, having avoided false innocence, having said clearly it is no longer possible to talk innocently, he will

Tao, the I Ching, the Bagavad-Gita, or the battle for God.<sup>43</sup> Heaven forbid I ask you to start blowing kisses at the mythological tales of Joseph Campbell.<sup>44</sup> Instead, I want to contemplate Nicholson Baker's dazzling reappraisal of everyday rituals and objects on a one-story escalator ride and his new shoelaces.

As soon as my gaze fell to my shoes, however, I was reminded of something that should have struck me the instant the shoelace had first snapped. The day before, as I had been getting ready for work, my *other* shoelace, the right one, had snapped, too, as I was yanking it tight to tie it, under very similar circumstances. I repaired it with a knot, just as I was planning to do now with the left. I was surprised – more than surprised – to think that after almost two years my right and left shoelaces could fail less than two days apart. Apparently my shoe-tying routine was so unvarying and robotic that over those hundreds of mornings I had inflicted identical levels of wear on both laces. The near simultaneity was very exciting – it made the variables of private life seem suddenly graspable and lawabiding.

I moistened the splayed threads of the snapped-off piece and twirled them gently into a damp, unwholesome minaret. Breathing steadily and softly through my nose, I was able to guide the saliva-sharpened leader thread through the eyelet without too much trouble. And then I grew uncertain. In order for the shoelaces to have worn to the breaking point on almost the same day, they would have had to be tied almost exactly the same number of times. But when Dave, Sue, and Steve passed my office door, I had been in the middle of tying one shoe – *one shoe only*. And in the course of a normal day it wasn't at all unusual for one shoe to come untied independent of the other. In the morning, of course, you always tied both shoes, but random midday comings-undone would have to have constituted a significant proportion of the total wear on both of these broken laces, I felt – possibly thirty percent. And how could I be positive that this thirty percent was equally distributed – that right and left shoes had come randomly undone over the last two years with the same frequency?

I tried to call up some sample memories of shoe-tying to determine whether one shoe tended to come untied more often than another. Wheat I found was that I did not retain a single specific engram of tying a shoe, or a pair of shoes, that dated

nevertheless say what he wanted to say to the woman: that he loves her in an age of lost innocence.

Quoted in John W. Nixon, *Modernism and Postmodernism: An Overview*, <a href="https://www.rewardinglearning.org.uk/microsites/historyofart/gce/support/documents">www.rewardinglearning.org.uk/microsites/historyofart/gce/support/documents</a> 03.10.07/30820u.pdf, from UMBERTO ECO, POSTSCRIPT TO THE NAME OF THE ROSE (1984).

<sup>&</sup>lt;sup>43</sup> See Karen Armstrong, The Battle for God: A History of Fundamentalism (2000); Karen Armstrong, The Great Transformation: The Beginning of our Religious Traditions (2006).

<sup>&</sup>lt;sup>44</sup> Even though it would be my want. *See*, *e.g.*, Joseph Campbell, Myths of Light: Eastern Metaphors of the Eternal (2003).

from any later than when I was four or five years old, the age at which I had first learned the skill. Over twenty years of empirical data were lost forever, a complete blank. But I suppose this is often true of moments of life that are remembered as major advances; the discovery is the crucial thing, not its repeated later applications. As it happened, the first *three* major advances in my life – and I will list all the advances here –

- 1. shoe-tying
- 2. pulling up on Xs
- 3. steadying hand against sneaker when tying
- 4. brushing tongue as well as teeth
- 5. putting on deodorant after I was fully dressed
- 6. discovering that sweeping was fun
- 7. ordering a rubber stamp with my address on it to make bill-paying more efficient
- 8. deciding that brain cells ought to die

-- have to do with shoe-tying, but I don't think that this fact is very unusual. Shoes are the first adult machines we are given to master. Being taught to tie them was not like watching some adult fill the dishwasher and then being asked in a kind voice if you would like to clamp the dishwasher door shut and advance the selector knob (with its uncomfortable grinding sound) to Wash. That was artificial, whereas you knew that adults wanted you to learn how to tie your shoes; it was no fun for them to kneel. I made several attempts to learn the skill, but it was not until my mother placed a lamp on the floor so that I could clearly see the dark laces of a pair of new dress shoes that I really mastered it; she explained again how to form the introductory platform knot, which began high in the air as a frail, heart-shaped loop, and shrunk as you pulled the plastic lace-tips down to a short twisted kernel three-eighths of an inch long, and she showed me how to progress from that base to the main cotyledonary string figure, which was, as it turned out, not a true knot but an illusion, a trick that you performed on the lacestring by bending segments of it back on themselves and tightening other temporary bends around them: it looked like a knot and functioned like a knot, but the whole thing was really an amazing independent pyramid scheme, which much later I connected with a couplet of Pope's:

Man, like the gen'rous vine, supported lives; The strength he gains is from th'embrace he gives. 45

Perhaps, I too would have wished upon myself the escapism of a *Vagabond Wordsmith*, free to fly past the didactical storm clouds and into the ceruleum blue Poetic Sky. I assume that

31

<sup>&</sup>lt;sup>45</sup> NICHOLSON BAKER, THE MEZZANINE (1986).

is why I have been given to re-reading *Naked Lunch*;<sup>46</sup> the great postmodern war novels *Catch-*22,<sup>47</sup> *Slaughterhouse Five*,<sup>48</sup> and *Gravity's Rainbow*;<sup>49</sup> *White Noise*;<sup>50</sup> *Gain*;<sup>51</sup> *The Painted Bird*;<sup>52</sup> and what is considered to be one of the principal works of the Beat Generation, *Howl*.<sup>53</sup>

Who scribbled all night rocking and rolling over lofty incantations Which in the yellow morning were stanzas of gibberish,

Who cut their wrists three times successively unsuccessfully, gave up and were forced to open antique stores where they thought they were growing old and cried,

\*\*\*

Who dreamt and made incarnate gaps in Time & Space through images juxtaposed, and trapped the archangels of the Soul between 2 visual images and joined the elemental verbs and set the non and dash of consciousness together jumping with sensation of Pater Omnipoteus Aeterna Deus.

\*\*\*

and rose reincarnate in the ghostly clothes of jazz in the goldhorn shadow of the band and blew the suffering of America's naked mind for love into an eli eli lamma lamma sabacthami saxophone cry that shivered the cities down to the last radio with the absolute heart of the poem of life butchered out of their own bodies good enough to eat a thousand years. 54

We cannot deny postmodernism its range. Dick Hebdige, in his "Hiding in the Light," commends:

When it becomes possible for people to describe as 'postmodern' the décor of a room, the design of a building, the diegesis of a film, the construction of a record, or a 'scratch' video, a television commercial, or an arts documentary, or the 'intertextual' relations between them, the layout of a page in a fashion magazine or critical journal, an anti-teleological tendency within epistemology, the attack on the 'metaphysics of presence' a general attenuation of feeling, the collective chagrin and morbid projections of a post-War generation of baby boomers confronting disillusioned middle-age, the 'predicament of reflexitivity, a group of

<sup>&</sup>lt;sup>46</sup> WILLIAM S. BURROUGHS, NAKED LUNCH (1961)

 $<sup>^{47}</sup>$  Joseph Heller, Catch-22 (1959 / 1961).

<sup>&</sup>lt;sup>48</sup> Kurt Vonnegut, Slaughterhouse Five (1969).

<sup>&</sup>lt;sup>49</sup> THOMAS PYNCHON, GRAVITY'S RAINBOW (1973).

<sup>&</sup>lt;sup>50</sup> DON DELILLO, WHITE NOISE (1985).

<sup>&</sup>lt;sup>51</sup> RICHARD POWERS, GAIN (1998).

<sup>&</sup>lt;sup>52</sup> JERZY KOSINSKI, THE PAINTED BIRD (1965); JERRY KOSINSKI, BEING THERE (1970).

<sup>&</sup>lt;sup>53</sup> ALLEN GINSBERG, HOWL AND OTHER POEMS (1956).

<sup>&</sup>lt;sup>54</sup> *Id.* at 13-16.

rhetorical tropes, a proliferation of surfaces, a new phase in commodity fetishism, a fascination for images, codes and styles, a process of cultural, political or existential fragmentation and/or crisis, the 'de-centring' of the subject, an 'incredulity towards metanarratives', the replacement of unitary power axes by a plurality of power/discourse formations, the 'implosion of meaning', the collapse of cultural hierarchies, the dread engendered by the threat of nuclear self-destruction, the decline of the university, the functioning and effects of the new miniaturised technologies, broad societal and economic shifts into a 'media', 'consumer' or 'multinational' phase, a sense (depending on who you read) of 'placelessness' or the abandonment of 'placelessness' (critical regionalism) or (even) a generalised substitution of spatial for temporal coordinates: when it becomes possible to describe all these things as 'postmodern' (or more simply using a current abbreviation as 'post' or 'very post') then it's clear we are in the presence of a buzzword. 55

And the novelists speak to us without the fixation of time, yet with temporal sensitivity, in pastiche, of technoculture and hyperreality, paranoia, temporal distortion, racism, colonialism, underground conspiracies, synchronicity, entropy, preterition, rampant consumerism, capitalism predominantly concerned now with the production of signs, images, and sign systems rather than with the commodities themselves, radical medicalization, media saturation, novelty intellectualism, the disintegration and re-integration of the family, of escape fantasies, and the potentially positive virtues of human violence, as in *Blade Runner*. They can make nonsense of cruelty or give it the proportionately of horror it deserves. They can make no sense of no sense with nonsense. Authors can make us desire to live a thousand cultural lives. They can erase straight lines and make crisp marks across the fates of educators. Yet, can we forget about so much headspin and take the advice of the plucked parrot in Tom Robbins' *Fierce Invalids Home From Hot Climates?* The defeathered macaw admonishes us, "People of zee wurl, relax."

\_

<sup>&</sup>lt;sup>55</sup> Dick Hebdige, Postmodernism and the Other Side, in JOHN STORY (Ed.), CULTURAL THEORY AND POPULAR CULTURE: A READER (2006).

<sup>&</sup>lt;sup>56</sup> See also Max Barry, Jennifer Government (2003); Bruce Sterling, Holy Fire (1996); Jeanette Winterson, The Stone Gods (2008); Jiang Rong, Wolf Totem (translated by Howard Goldblatt (2008).

<sup>&</sup>lt;sup>57</sup> TOM ROBBINS, FIERCE INVALIDS HOME FROM HOT CLIMATES (2000). Robbins also guides us with

But when we look at a photograph memorializing West African refugees or starving children be speckled by flies on their lips in Sebastian Salgado's famed photographs, can we relax? Can we rejoice in witnessing the sharp orange cirrus clouds lolling a Sonoran Desert sunrise while at the same time agonize over the incessant rape of women and children in the eastern Congo. Can postmodernism help get us through the night?

Or, must we "retrace our steps:"

Then an Israeli Sophocrat named ben-Yeshu wrote a book, *A Critique of Utopias*, that greatly impressed his colleagues in Southern Europe, America and Africa. From a detailed and learned analysis of some seventy *Utopias*, including Plato's *Timaeus* and *Republic*, Bacon's *New Atlantis*, Campanella's *Civitas Solis*, Fenelon's *Voyage en Solente*, Cabot's *Voyage en Icarie*, Lytton's *Coming Race*, Morris's *News from Nowhere*, Butler's *Erewhon*, Huxley's *Brave New World*, and various works of the twenty-first to the twenty-fourth centuries, he traced the history of man's increasing discontent with civilization as it developed and came to a practical conclusion: that 'we must retrace our steps, or perish.'

He recommended 'anthropological enclaves', the setting aside of small territories in Lithuania, North Wales (which had escaped the devastation of South Wales and England), Anatolia, the Catalan Pyrenees, Finland and Libya, and the recrection there, as far as possible, of social and physical conditions as they had existed in prehistoric and early historical times. These enclaves were to represent successive stages of the development of civilization, from a Palaeolithic enclave in Libya to a Late Iron Age one in the Pyrenees; and were to be sealed off from the rest of the world for three generations, though kept under continuous observation by field-workers directly responsible to the Anthropological Council. Ben-Yeshu's theory was that 'these experiments will supply the necessary data as to when and why the freight train of civilization leapt the rails.' <sup>58</sup>

Honestly, I am not very good at this head play, this paronomasia.<sup>59</sup> Did I film the wind or capture the winded? My upbringing geared me more toward a scientific life, and a

Erleichda (lighten up) in TOM ROBBINS, JITTERBUG PERFUME (1984).

<sup>&</sup>lt;sup>58</sup> ROBERT GRAVES, SEVEN DAYS IN NEW CRETE (1949).

<sup>&</sup>lt;sup>59</sup> There are others so much more qualified. Modernity recognized the fragmentation of Western culture and its impotency to unify. Postmodernity moved past the lamentation, recognizing that the vision of unity was a false one from the start, that it was built into the structures of Western liberal enlightenment thinking, and reinforced through deep components of that structure such as capitalism and science. *See* Charles Jencks, What is Postmodernism? (1996); Hans Bertens, The Idea of the Postmodern (1995). And, in this order, David Harvey, Spaces of Hope (2000); David Harvey, The Condition of Postmodernity (1989); Mike Featherstone, Consumer Culture and Postmodernism (1991); David Lyon, Postmodernity (2d ed. 1999); Peter Gay,

shortcoming in the vocabulary of history and philosophy I regrettably acknowledge. My own neglect raises the fear that our current educational system, <sup>60</sup> with an emphasis on structure, scientific reductionism— science fixation—will mean fewer and fewer will study, let alone spend the time to recall the brutalities of the past. These last few years, I have read to saturation the panoramic accounts of historic and contemporary barbarism. Why? Not to be obsessively cynical, for sure. But because I had to stomp on my naiveté. Let me now search for those embers of dignity still left in the world from which to keep the fires lit in my heart.

\* \* \*

For me, reality is an agreement, and I am continuously enthralled by how many of my students long to study, in law and business school, those authors and adventurers that are conscientiously trying to add egalitarian kindness to the fabric of human-to-human relations. This paper, an example of my classroom experience, is meant to challenge those educators that have always thought to incorporate their personal ideals and healing talents onto the framework of legal and business education. 61 The years turned and the Syllabus 62 responded to and included the works of brilliant, thoughtful humanists, futurists, ecologists, economists, naturists,

MODERNISM: THE LURE OF HERESY FROM BAUDELAIRE TO BECKETT AND BEYOND (2007).

<sup>&</sup>lt;sup>60</sup> See Howard Gardner, Frames of Mind: The Theory of Multiple Intelligences (1983); Sir Ken Robinson, The Element (video), www.psfk.com/2009/03/video-sir-ken-robinson-the-element.html/.

<sup>&</sup>lt;sup>61</sup> Several movements within the legal discipline, such as critical race theory, feminism, and indigenous peoples rights, have sought a greater humanist perspective in legal training and study. See, e.g., RICHARD DELGADO & JEAN STEFANCIC, CRITICAL RACE THEORY: THE CUTTING EDGE (2d ed. 1999); DERRICK BELL, RACE, RACISM, AND AMERICAN LAW (2000); CATHERINE MACKINNON, FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW (1987); CAROL GILLIGAN, IN A DIFFERENT VOICE (1982); ROBERT A. WILLIAMS, JR., THE AMERICAN INDIAN IN WESTERN LEGAL THOUGHT: THE DISCOURSES OF CONQUEST (1990); S. JAMES ANAYA, INDIGENOUS PEOPLES IN INTERNATIONAL LAW (2d ed. 2004). Carol M. Rose, The Moral Subject of Property, 48 Wm. & MARY L. REV. 1897 (2007); Robert Glennon, Tales of French Fries and Bottled Water: The Environmental Consequences of Groundwater Pumping, 37 ENVTL. L. 3 (2007); Ronald F. Wright & Marc L. Miller, Dead Wrong, 2008 UTAH L. REV. 89 (2008). Economists have also had their day. See, e.g., E. S. SCHUMACHER, SMALL IS BEAUTIFUL (2000); HAZEL HENDERSON, BUILDING A WIN-WIN WORLD: LIFE BEYOND GLOBAL ECONOMIC WARFARE (1996); HAZEL HENDERSON, ETHICAL MARKETS: GROWING THE GREEN ECONOMY; STEPHEN MARGLIN, THE DISMAL SCIENCE (2008); JOHN KENNETH GALBRAITH, THE GOOD SOCIETY: THE HUMANE AGENDA (1997); MALCOLM GLADWELL, THE TIPPING POINT (2002); STEVEN D. LEVITT AND STEPHEN J. DUBNER, FREAKONOMICS (2005); AMITAI ETZIONI, From Empire to Community (2004).

<sup>&</sup>lt;sup>62</sup> The Syllabus begins on Page \_\_\_\_\_ ahead. The Tool Kit follows.

scholars, cultural theorists, literary theorists, historians, and political illusionists. The energies of the writers and filmmakers are dynamic, responding to the magnificent drama of breath, what we call life on earth. I have been fascinated and frustrated, at times unhappily, with rearranging a galactic overabundance of information. Like Benjamin DeCasseres ("My studies in speculative philosophy, metaphysics, and science are all summed up in the image of a mouse running in and out of every hole in the Cosmos hunting for the Absolute Cheese."), I scour the pantheons and catalogue an upside-down world. Better I should have forever been contented by my comic book mentor in the 60s, Mr. Natural. When asked what was the meaning of life, this wizened *bon vivant* replied, in two separate majestic epiphanies of good taste, "twas ever thus" and "don't mean shit."

## I fear the following quote:

This data glut has turned us all into the Jorge Luis Borges fictional character Funes the Memorius whose brain is fantastically receptive but utterly unselective. He can recall every leaf of tree he saw 30 years ago, but lets important things slide right through his consciousness. We don't know what to do with vast amounts of useless information we ingest. We can't sweat it out or excrete it or trash it. It stays in perfectly stored somewhere taking up space forever. The result is a kind of low-level tension as if we are perpetually preparing for an exam that never comes. As if we've been sent out to gather branches in the woods, we pick up everything and put down nothing until we buckle under the weight of the impossible load.<sup>63</sup>

I fear more Kalle Lasn's description of our contemporary society:

Post-modernism is arguably the most depressing philosophy ever to spring from the western mind. It is difficult to talk about post-modernism because nobody really understands it. It's allusive to the point of being impossible to articulate. But what this philosophy basically says is that we've reached an end-point in human history. That the modernist tradition of progress and ceaseless extension of the frontiers of innovation are now dead. Originality is dead. The avant-garde artistic tradition is dead. All religions and utopian visions are dead and resistance to the status quo is impossible because revolution too is now dead. Like it or not, we humans are stuck in a permanent crisis of meaning, a dark room

\_

<sup>&</sup>lt;sup>63</sup> Thomas de Zengotita, *Numbing of the American Mind: Culture As Anesthetic*, HARPER'S MAG., Apr. 2002.

from which we can never escape.<sup>64</sup>

I rarely fear Tom Robbins:

Sarah Bernhardt was such a powerfully popular, awe-inspiring actress that when she toured in North America her performances invariably sold out, even though she spoke hardly a word of English. Whatever play she did, Shakespeare, Moliere, Marlowe, or whatever, she did in French, a language few nineteenth-century Americans could comprehend. Theatergoers were provided with librettos so that they might follow the action in English. Well, on at least a couple of occasions, ushers passed out the wrong libretto, a text for an entirely different drama than the one that was being staged. Yet, from all reports, not once did a single soul in those capacity crowds ever comment or complain. Furthermore, no critic ever mentioned the discrepancy in his or her review.

\*\*\*

We modern human beings are looking at life, trying to make some sense of it, observing a 'reality' that often seems to be unfolding in a foreign tongue—only we've all been issued the wrong librettos. For a text, we're given the Bible. Or the Talmud or the Koran. We're given *Time* magazine and *Reader's Digest*, daily papers, and the six o'clock news; we're given schoolbooks, sitcoms, and revisionist histories; we're given psychological counseling, cults, workshops, advertisements, sales pitches, and authoritative pronouncements by pundits, soldout scientists, political activists, and heads of state. Unfortunately, none of these translations bears more than a faint resemblance to what is transpiring in the true theater of existence, and most of them are dangerously misleading. We're attempting to comprehend the spiraling intricacies of a magnificently complex tragicomedy with librettos that describe barroom melodramas or kindergarten skits. And when's the last time you heard anybody bitch about it to the management?<sup>65</sup>

My collection of authors is, of course, by no means complete. Other educators have filled their own resource coffers with their favorite visionaries and have, no doubt, designed curriculum to sustain their own comment on the world. Still an infant, the syllabus searches for a continued sharing of wisdom and resources that can be passed along to a bevy of like-minded

37

<sup>&</sup>lt;sup>64</sup> Kalle Lasn & Bruce Grierson, *A Malignant Sadness*, ADBUSTERS #30, June/July 2000. *See also* Clive Thompson, *Global Mourning: How the Next Victim of Climate Change Will Be Our Minds*, WIRED, January 2008, at p. 70.

<sup>&</sup>lt;sup>65</sup> TOM ROBBINS, HALF ASLEEP IN FROG PAJAMAS 97-98 (1994).

educators. The class is a small stream trying to find its way into the big river. I encourage teachers to use this Syllabus as a table upon which can be placed your own favored advocates.

# The Syllabus

Why Question Globalization?

The word, *globalization*, is spoken everywhere and is emblematic.<sup>66</sup> To some it means worldwide economic homogenization. To others it connotes prosperity under the guise of "free trade."<sup>67</sup> Is globalization meant to imply the structure of an international corporate marketplace, the rise of religious evangelicalism around the globe, <sup>68</sup> a sanction of academic elite speaking professionally in English, transformations in culture that are promoted by western values, or all of the above? Is it the global standardization of economic accounting to measure and declare what is considered wealth, success, and growth? Is a global legal order coming? Is globalization a symbol of injustice, inequality, poverty, and unfair hegemonic trade rules?<sup>69</sup> Does it mean slavery or selling your kidney to avoid starvation?<sup>70</sup> Does it mean trading your child for a

<sup>66 &</sup>quot;Globalization" has become a ubiquitous term. The field of sociology, however, offers some useful starting points for grasping many of the fundamental connotations of this term. For earlier "key ideas" primers, see MALCOLM WATERS, GLOBALIZATION (1995); GLOBALIZATION: THE READER (John Beynon & David Dunkerley, eds., 2000); BARRIE AXFORD, THE GLOBAL SYSTEM: ECONOMICS, POLITICS, AND CULTURE (1995); MARTIN ALBROW, THE GLOBAL AGE: STATE AND SOCIETY BEYOND MODERNITY (1996); and JOHN TOMLINSON, GLOBALIZATION AND CULTURE (1999); THE WORLD ECONOMY (John Williamson and Chris Miller, eds., 1991). More contemporary writings include ROBERT REICH, SUPERCAPITALISM: THE TRANSFORMATION OF BUSINESS, DEMOCRACY, AND EVERYDAY LIFE (2007); Herman Daly, *Relations Among Nations: How to Go Global Without Being Globalized*, ORION 11 (September/October 2006); Pankaj Ghemawat, *Why The World Isn't Flat*, Foreign Policy 54 (March/April 2007); Moisés Naim, *Think Again: Globalization*, FOREIGN POLICY 28 (March/April 2009); Jeffrey D. Sachs, *A User's Guide to the Century*, THE NATIONAL INTEREST 8 (July/August 2008); The Grey Chronicles, *Is Globalization Dead?*, <a href="http://reyadel.wordpress.com/2009/07/02/is-globalization-dead/">http://reyadel.wordpress.com/2009/07/02/is-globalization-dead/</a>.

<sup>&</sup>lt;sup>67</sup> But see Joseph E. Stiglitz and Andrew Charlton, Fair Trade for all: How Trade Can Promote Development (2006); Clive Crook, Beyond Belief, The Atlantic Magazine 44, October 2007.

<sup>&</sup>lt;sup>68</sup> JOHN MICKLEWAIT & ADRIAN WOOLDRIDGE, GOD IS BACK: HOW THE GLOBAL REVIVAL OF FAITH IS CHANGING THE WORLD (2009). Does science make belief in God obsolete? *See* www.templeton.org/belief.

<sup>&</sup>lt;sup>69</sup> See DAVID HARVEY, A BRIEF HISTORY OF NEOLIBERALISM (2005). Devised by David Ricardo in 1817, the principle of comparative advantage has been championed, until recently, as the most significant tool in the economist's toolbox. See Clive Crook, Beyond Belief, THE ATLANTIC, October 2007, at p. 44.

<sup>&</sup>lt;sup>70</sup> See E. Benjamin Skinner, A World Enslaved, FOREIGN POLICY 62, March/April 2008. Devised by David Ricardo in 1817, the principle of comparative advantage has been championed, until recently, as the most significant tool in the economists' toolbox. See Clive Crook, Beyond Belief, THE ATLANTIC, October 2007, p. 44. Andrew Cockburn, 21<sup>st</sup> Century Slaves, National Geographic 2, September 2003. See also Albinos Being Slain for Body

television? The string of questions, ascriptions, labels and logos is endless.<sup>71</sup> And the answer to whether *it* is working depends on who is asked and, in my world, whose dignity is respected by the machinations of globalization.<sup>72</sup> Western peoples generally go about their daily lives without

Parts in Africa, Arizona Daily Star, June 8, 2008, Sec. A, p. 19; William Saletan, Shopped Liver: The Worldwide Market in Human Organs, www.slate.com/toolbar.aspx?action=print&id=2164177.

<sup>71</sup> Globalization is really a painting of the earth whose rendering can never be fixed. The colors are always moving. Some eloquent souls have made valiant attempts to draw the contours of the doctrine, and I provide some of their titles here as referential. David Korten, The Failure of Bretton Woods, in THE CASE AGAINST THE GLOBAL ECONOMY (Jerry Mander & Edward Goldsmith eds., 1996) (hereinafter MANDER); Helena Norberg-Hodge, The Pressure to Modernize and Globalize, in MANDER 33; Marten Khor, Global Economy and the Third World, in MANDER 47; Maude Barlow and Heather-Jane Robertson, Homogenization of Education, in MANDER 60; Richard Barnett and John Cavanagh, Homogenization of Global Culture, in MANDER 71; Edward Goldsmith, Development as Colonialism, in MANDER 253; Peter Berger, Four Faces of Global Culture, THE NAT'L INT., Fall 1997; Moises Naim, The Five Wars of Globalization, FOREIGN POL'Y, Jan./Feb. 2003, at 29; MISHA GLENNY, MCMAFIA: A JOURNEY THROUGH THE GLOBAL CRIMINAL UNDERWORLD (2008); Philip Jenkins, The Next Christianity, ATLANTIC MONTHLY, Oct. 2002, at 53; Somini Sengupta & Larry Rohter, Where Faith Grows, Fired by Pentecostalism, N.Y. TIMES, Oct. 14, 2004, at A1, A10; Amy Chua, A World on the Edge, WILSON Q., Autumn 2002, at 62; Lawrence Friedman, Erewhon: The Coming Global Legal Order, 33 STAN, L.J. 347 (2001); Benjamin R, Barber, The Uncertainty of Digital Politics, HARV. INT'L. REV. (2001); Amartya Sen, Universal Truths: Human Rights and the Westernizing Illusion, HARV. INT'L. REV. (1998); Richard Falk, World Prisms: The Future of Sovereign States and International Order, HARV. INT'L. REV. (1999); Stephen A. Marglin, Development as Poison: Rethinking the Western Model of Modernity, HARV. INT'L. REV. (2003); Barbara Stark, Women and Globalization: The Failure and Postmodern Possibilities of International Law, 33 VAND, J. TRANSNAT'L L, 503 (2002); Edward Said, The Clash of Ignorance, THE NATION, Oct. 22, 2001; Tina Rosenberg, The Free Trade Fix, N.Y. TIMES MAG., Aug. 18, 2002, at p. 28 sec. 6; Steven A. Ramirez, Market Fundamentalism's New Fiasco: Globalization As Exhibit B in the Case for a New Law and Economics, 24 MICH, J. INT'L L. 831, (2003) (reviewing JOSEPH E. STIGLITZ. GLOBALIZATION AND ITS DISCONTENTS (2002)); John Ralston Saul, The Collapse of Globalism, HARPER'S MAG., Mar. 2004, at 33; The Ecologist Report: Globalizing Poverty, THE ECOLOGIST, Sept. 2000; William Greider, The Future of Globalization, www.washingtonpost.com/wp-dyn/articles/A35990-2003Oct2.html; Bill Movers Interviews Union Theological Seminary's Joseph Hough, NOW WITH BILL MOYERS, www.commondreams.org/views03/1027-01.htm (broadcast Oct. 24, 2003); Jay Griffiths, Time's Singed Chariot, THE ECOLOGIST, May 2003, at 15; Doug Henwood, Beyond Globophobia, THE NATION, Dec. 1, 2003, at 17; Charlotte Denny, Global Economy Must Adjust to Include Millions it Puts in Poverty, THE GUARDIAN/UK, Feb. 25, 2004; Andrew Cockburn, 21st Century Slaves, NAT'L GEOGR., Sept. 2003, at 2; Peter Landesman, The Girls Next Door, N.Y. TIMES MAG. 30, Jan. 25, 2004, at sec. 6; Larry Rohter, Tracking the Sale of Kidney on a Path of Poverty and Hope, N.Y. TIMES, May 23, 2004, at A1, A8; Nicholas Wood, For Albanians, It's Come to This: A Son for a TV, N.Y. TIMES, Nov. 13, 2003, at A1, A3; Paul Watson, In South India, the Way Out is Often Suicide, LA TIMES, May 30, 2004, at A9; The Puzzle of Governance in an Integrated Global Economy, BROOKINGS REV., Spring 2003; Tyler Cowen, The Fate of Culture, Wilson Quarterly 78, Autumn 2002; Jeff Chang, It's a Hip-Hop World, Foreign Policy 58, Nov/Dec 2007; Pankaj Ghemawat, The World's Biggest Myth, Foreign Policy 52, Nov/Dec 2007; Bruce Mau, Design and the Institute Without Boundaries, www.massivechange.com. Recent adventuresome authors include: FAREED ZAKARIA, THE POST-AMERICAN WORLD (2008) PAUL COLLIER, THE BOTTOM BILLION: WHY THE POOREST COUNTRIES ARE FAILING AND WHAT CAN BE DONE ABOUT IT (2007); and JAMES FALLOWS, POSTCARDS FROM TOMORROW SQUARE: REPORTS FROM CHINA (2009).

As a Professor of Indigenous Law and Policy, I have studied the genocide of Indigenous peoples and have explored the long, historical polemic and legal sophistry of colonization. A number of authors argue that economic globalization is still imperial hegemony by empires with only a change in name. Goldsmith, *supra* note 71. Should our measurements of "success" or "failure" not be measured by currently accepted economic indicators, but rather by the degree to which we respect the dignity of all peoples and all species in residence on this planet? *See* WILLIAM MCDONOUGH, ARCHITECTS, THE HANOVER PRINCIPLES: DESIGN FOR SUSTAINABILITY (1992). In the

considering the impact *Globalization* has on every other person in the world.<sup>73</sup> We often fail to question where the various products we consume originate, and mistakenly believe that our daily consumptive habits constitute little more than a drop in a large bucket of world problems.<sup>74</sup> We

text sections ahead, I explore the need for new characterizations of progress.

<sup>73</sup> See Jared Diamond, What's Your Consumption Factor?, www.nytimes.com/2008/01/02/opinion/02diamond.html?ei=5070&en=6e301caad83.... Whereas the Western perspective is often blind to its impact on non-Western regions, the non-Western regions are paradoxically brought into interaction, but then potentially systematically prevented from having a voice to speak their positions. See, e.g., Gayatri Spivak, Can the Subaltern Speak?, in MARXISM AND THE INTERPRETATION OF CULTURE (1988).

See Mona Hymel, Consumerism, Advertising, and the Role of Tax Policy, 20 VIR. TAX REV. 347 (2000); Mona Hymel, The Population Crisis: The Stork, the Plow, and the IRS, 77 N. CAR. L. REV. 13 (1998). A trio of articles comprises Shopping and the American Way of Life, in WILSON O., Winter 2004. Robert J. Samuelson, Shop 'til We Drop?, at 22; Paco Underhill, Inside the Machine, at 30; and Daniel Akst, Buyer's Remorse, at 42. There seems to be no end to shopping for identity modification and style. See YOUTH KNOWS NO PAIN (documentary: Better Living Through Plastic Surgery, 2009); Randy Cohen, "Should Photos Come With Warning Labels?," www.ethicist.blogs.nytimes.com/2009/10/20/should-photos-come-with-warning-labels;Alex Kuczynski, A Lovelier You, With Off-the-Shelf Parts, N.Y. TIMES, May 2, 2004, at sec. 4, p. 1, 12; Daphne Merkin, Keeping the Forces of Decrepitude at Bay, N.Y. TIMES MAG., May 2, 2004, at sec. 6, p. 64; Mary Tannen, Unnatural Selection, N.Y. TIMES MAG., May 2, 2004, at sec. 6, p. 78; Natalie Angier, Short Men, Short Shrift. Are Drugs the Answer?, N.Y. TIMES MAG., June 22, 2003, at sec. 4, p. 12; Warren St. John, Metrosexuals Come Out, N.Y. TIMES, June 22, 2003, at sec. 9, pp. 1, 5. Scientific inquiry into the precise recipe for human facial formation may allow doctors to soon perform fetal interventions to correct what is or will be considered a birth defect. Can fetal cosmetic surgery be far behind? See Jeff Miller, G Is For Genes and Faces, UCSF MAG., Aug. 2002, available at http://pub.ucsf.edu/magazine/200208/g.php; Paul Trainor, Development: The Bill of Qucks and Duails, 299 SCIENCE 523 (2003). www.sciencemag.org/cgi/content/summary/299/5606/523. Obsession with stature in increasingly crowded, competitive China is dramatized by the cutting of shinbones in two to make legs longer. Craig S. Smith, Risking Limbs for Height, and Success, in China, N.Y. TIMES, May 5, 2002, at A3.

See also Benjamin R. Barber, Consumed: How Markets Corrupt Children, Infantilize Adults, AND SWALLOW CITIZENS WHOLE (2007): KATHERINE ASHENBURG, THE DIRT ON CLEAN: AN UNSANITIZED HISTORY (2007); PAMELA PAUL, PARENTING, INC: HOW WE ARE SOLD ON \$800 STROLLERS, FETAL EDUCATION, BABY SIGN LANGUAGE, SLEEPING COACHES, TODDLER COUTURE, AND DIAPER WIPE WARMERS - AND WHAT IT MEANS FOR OUR CHILDREN (2008); ELIZABETH ROYTE, BOTTLEMANIA: HOW WATER WENT ON SALE AND WHY WE BOUGHT IT (2008); SARAH E. IGO, THE AVERAGED AMERICAN: SURVEYS, CITIZENS, AND THE MAKING OF A MASS PUBLIC (2007); WILLIAM B. IRVINE, ON DESIRE: WHY WE WANT WHAT WE WANT (Oxford Univ. Press 2005; JULIET B. SCHOR, BORN TO BUY: THE COMMERCIALIZED CHILD AND THE NEW CONSUMER CULTURE (2004); VIRGINIA POSTREL, THE SUBSTANCE OF STYLE: HOW THE RISE OF AESTHETIC VALUE IS REMAKING COMMERCE CULTURE AND CONSCIOUSNESS (2003); SUSIE ORBACH, BODIES (2009); JAMES J. FARRELL, ONE NATION UNDER GOODS: MALLS AND THE SEDUCTION OF AMERICAN SHOPPING (2003); EVELYN WELCH, SHOPPING IN THE RENAISSANCE: CONSUMER CULTURES IN ITALY 1400-1600 (2005); Robe Walker, Consumed: The Duet of Washer and Dryer, N.Y. TIMES MAG., Jan. 11, 2004, at sec. 6., p. 16 (Whirlpool is publishing a whole suite of products tied to the idea of the laundry room as 'family studio.'); Olive Thompson, There's a Sucker Born in Every Medial Prefrontal Cortex (with the help of brain scanners, scientists are refashioning themselves as 'neuromarketers.' Can they finally make advertising a science?), N.Y. TIMES MAG., Oct. 26, 2003, at sec. 6, p. 54; Michael Fitzgerald, Predicting Where You'll Go And What You'll Like, N.Y. Times, June 22, 2008; GEORGE A. AKERLOF & ROBERT J. SHILLER, ANIMAL SPIRITS: HOW HUMAN PSYCHOLOGY DRIVES THE ECONOMY AND WHY IT MATTERS FOR GLOBAL CAPITALISM (2009).

Susan Strasser traces Trash Trends from 1800's America to Present Day in *A Social History of Trash*, ORION, Autumn 2000 (there existed little trash before the "twentieth century." Stylistic changes made perfectly good items obsolete. "Disposable products offered deliverance from the obligation to care for things."). *See also* ELIZABETH ROYTE, GARBAGE LAND: ON THE SECRET TRAIL OF TRASH (2006); DANIEL IMHOFF, PAPER OR PLASTIC:

are the Great Pretenders.<sup>75</sup> "What needs explaining is our equanimity in the face of staggering developments. How can we go about our business when things [global warming, cloning, genetic engineering, artificial intelligence, robotics] are happening? How can we just read the article, shake our heads, turn the page?"<sup>76</sup> Reality is indistinguishable from fabrication as we are flooded with sheer quantities of information.<sup>77</sup>

I venture to say few people place in their comprehension that the amount of land that supports human life is minute in comparison to the Earth as a whole. To drive this point in the classroom, I produce an apple—*Malus Domestica*<sup>78</sup>, which aptly functions as a metaphor for the

SEARCHING FOR SOLUTIONS TO AN OVERPACKAGED WORLD (2005); HEATHER ROGERS, GONE TOMORROW: THE HIDDEN LIFE OF GARBAGE (2005); LISABETH COHEN, A CONSUMER'S REPUBLIC: THE POLITICS OF MASS CONSUMPTION IN POSTWAR AMERICA (2003). . William McDonough has brought into our conscious the concept of "away," where "culture is here, nature far away." William McDonough & Michael Braungart, A New Geography of Hope: Landscape, Design and the Renewal of Ecological Intelligence in Extreme Landscapes: The Lure of Mountain Spaces (2002). In Europe, Extended Producer Responsibility laws require manufacturers, not the government or consumers, to take responsibility for the environmentally safe management of their product when it is no longer useful or discarded. See generally Noah Sachs, Planning the Funeral at the Birth: Extended Producer Responsibility in the European Union and the United States, 30 HARV. ENVT'L L. REV. 51 (2006).

And our lack of satisfaction with – a personal dark side of – consumption has been chronicled in significant publications: JOHN DEGRAAF, DAVID WANN, & THOMAS NAYLOR, AFFLUENZA (2001); Kalle Lasn and Bruce Griersen, *Malignant Sadness*, ADBUSTERS, June/July 2000; Charles Shaw, *Are You Unhappy? Is It Because of Consumer Addiction?*, www.alternet.org/story/82013; Peter C. Whybrow, American Mania: When More Is Not Enough (2005); Gregg Easterbrook, The Progress Paradox: How Life Gets Better While People Feel Worse (2004); David Callahan, The Cheating Culture: Why More Americans Are Doing Wrong to Get Ahead (Harcourt 2004). No doubt the medical literature is over-brimming with pharmaceutical responses to the spread of what we label as clinical depression stemming from life style choices. *See, e.g.*, Kalman Appelbaum, *Pharmaceutical Marketing and the Invention of the Medical Consumer*,

www.plosmedicine.org/article/info:doi/10.1371/journal.pmed.0030189; DAVID HEALY, LET THEM EAT PROZAC: THE UNHEALTHY RELATIONSHIP BETWEEN THE PHARMACEUTICAL INDUSTRY AND DEPRESSION (2004). See also Robert H. Frank, Why Living in Rich Society Makes Us Feel Poor, N.Y. TIMES MAG., Oct. 15, 2000, at sec. 6, p. 62 (Special Issue. Spending, How Americans Part With Their Money); Elizabeth Austin, But I Don't Want to Be a Millionaire: How the Media Makes it Hard To Be Middle Class, WASH. MONTHLY, October 2000, www.commondreams.org/views/100600-104.htm; James Vlahos, Americans are Spending Millions on Mood-Altering Drugs for Their Cats and Dogs. Is It Because We've Driven Them Mad?, N.Y. TIMES Mag., July 13, 2008, at page 38.

<sup>&</sup>lt;sup>75</sup> See David Ehrenfeld, Pretending, ORION, Autumn 2000.

<sup>&</sup>lt;sup>76</sup> Zengotita, supra note 63.

The Marxist Frankfurt school in Germany, for example, criticized mass culture as integrating all peoples into the status quo and intensifying capitalism. The school's work was particularly influential from the 1930s until the 1950s and set the stage for British Cultural Studies. Douglas Kellner, *The Frankfurt School and British Cultural Studies: The Missed Articulation* (2006), *available at* http://www.gseis.ucla.edu/faculty/kellner/essays/frankfurtschoolbritishculturalstudies.pdf.

<sup>&</sup>lt;sup>78</sup> The wild apple is *Malus Sieversii*. The Latin word for "evil" is malum, and the plurual in Latin for both apple and evil is "mala." Language constructs power and vice versa.

Earth. Factor Cutting the red fruit into four equal slices, I ask my students to recognize that three of the four quarters represent the ocean. Aside from our insatiable desire to pillage natural oceanic life and technologically ascend to being "marine pastoralists" on fish farms, we do not yet grow plant crops on the surface of seawater. I offer these three segments of "genus Malus of ocean" to the students. It helps them to digest my polemic. Of the remaining quarter, one half of it represents the inhospitable places on earth that do not support human life, such as the polar areas, deserts, swamps, or very high and rocky mountains. Cut away and discard. The remaining eighth is cut again into quarters, and three of the four pieces represent places where humans cannot grow food as they are locations on the earth that are too rocky, steep, have poor soils, or are highways and cities. The remaining piece is a tiny 1/32 of the apple; the peel is the entire amount of worldly topsoil upon which all of the food for all of humankind grows.

Because of erosion and overfarming, over 25 billion tons of topsoil are diminishing each year. Disproportionately, it takes anywhere from five hundred to one thousand years to replace 1" of topsoil. Section 1.

Inhabiting a world of its own, to the side of this geophysical reality, the words "free trade" have taken on a moral undertone akin to "democracy" and "freedom." Yet the connections and consequences of the deregulated and unrestricted movements of goods, money,

\_

<sup>&</sup>lt;sup>79</sup> This exercise comes from Zero Population Growth, Inc., A World of Six Billion Wall Chart and Activity Guide: Thought Provoking Activities on Population, Resources, and Our Environment (2000)

<sup>&</sup>lt;sup>80</sup> Peter F. Drucker, Beyond the Information Revolution, ATLANTIC MONTHLY, Oct. 1999.

<sup>&</sup>lt;sup>81</sup> MICHAEL L. MCKINNEY & ROBERT M. SCHOCH, ENVIRONMENTAL SCIENCE: SYSTEMS AND SOLUTIONS 325 (2003).

 $<sup>^{82}</sup>$  Id.

 $<sup>^{83}</sup>$  William Finnegan, The Economies of Empire: Notes on the Washington Consensus, HARPER'S MAG. May 2003.

and services must be exposed to a light different from the glare of its faith-based creedo. 84

Granted, most of us can afford a cup of coffee every day, but at what costs?

The buzzing world would not go away. Without opening my eyes, I hit the clock radio. My brain managed to hold one coherent thought: caffeine.

**Beans.** I staggered into the kitchen to brew a cup of coffee. It took 100 beans—about one-sixtieth of the beans that grew on the coffee tree that year. The tree was on a small mountain farm in the Antioquia region of Colombia. The region was cleared of most of its native cloud forests at the turn of the century: the fertile valley bottoms by cattle ranchers and the less productive hillsides by poor farmers who planted coffee and fruit trees. Colombia's forests make it a biological superpower: though the country covers less than 1 percent of the Earth's land surface, it is home to 18 percent of the world's plant species and more types of birds than any other nation.

Dense, manicured rows of *Coffea Arabica* trees covered the farm, growing under the strong tropical sun. For most of this century, coffee grew on this farm in the shade of taller fruit and hardwood trees, whose canopies harbored numerous birds, from keelbilled toucans to Canada warblers. In the 1980s, farm owners sawed down most of the shade trees and planted high-yielding varieties of coffee. This change increased their harvests. It also increased soil erosion and decimated birds, including wintering songbirds that breed near my home. Biologists report finding just 5 percent as many bird species in these new, sunny coffee fields as in the traditional shaded coffee plantations they replaced.

With the habitats of birds and other insect eaters removed, pests proliferated and coffee growers stepped up their pesticide use. Farmworkers wearing shorts, T-shirts, and sloshing backpacks sprayed my tree with several doses of pesticides synthesized in Germany's Rhine River Valley. Some of the chemicals entered the farmworkers' lungs; others washed or wafted away, only to be absorbed by plants and animals.

Workers earning less than a dollar a day picked my coffee berries by hand and fed them into a diesel-powered crusher, which removed the beans from the pulpy berries that encased them. The pulp was dumped into the Cauca River. The beans, dried under the sun, traveled to New Orleans on a ship in a 132-pound bag. For each pound of beans, about two pounds of pulp had been dumped into the river. As the pulp decomposed, it consumed oxygen needed by fish in the river.

43

The aphorism "a rising tide lifts all boats" has become associated with the idea that general economic improvements will benefit everyone in the economy, and therefore governments should focus on free market policies that will improve the economy. The rapid economic growth in America during the 1960s seemed to support this view, but recently economists have questioned an uncompromising belief in this dogma. *See, e.g.,* James R. Hines, Jr. et al, *Another Look at Whether a Rising Tide Lifts All Boats in* THE ROARING NINETIES: CAN FULL EMPLOYMENT BE SUSTAINED? (2001), *available at* <a href="http://www.econ.ucdavis.edu/faculty/hoynes/publications/HHK-Final.pdf">http://www.econ.ucdavis.edu/faculty/hoynes/publications/HHK-Final.pdf</a>.

The freighter that carried my coffee was made in Japan and fueled by Venezuelan oil. The shipyard built the freighter out of Korean steel. The Korean steel mill used iron mined on aboriginal lands in the Hamersley Range of western Australia.

At New Orleans, the beans were roasted for 13 minutes at 400°F. The roaster burned natural gas pumped from the ground in Texas. The beans were packaged in four-layer bags constructed of polyethylene, nylon, aluminum foil, and polyester. They were trucked to a Seattle warehouse in an 18-wheeler, which got six miles per gallon of diesel. A smaller truck then took the roasted beans to my neighborhood grocery store.

**Bag** I carried the beans out of the store in a sealed, wax-lined paper bag and a large brown paper sack, both made at unbleached kraft paper mills in Oregon. (Sometimes I bring my own canvas grocery bag, but this time I forgot.) I brought them home in my car; it burned one-fifth of a gallon of gasoline during the five-mile round-trip to the market

**Grinder** In the kitchen, I measured the beans in a disposable plastic scoop molded in New Jersey and spooned them into a grinder. The grinder was assembled in China from imported steel, aluminum, copper, and plastic parts. It was powered by electricity generated at Ross Dam on the Skagit River in the Washington Cascades.

I dumped the ground coffee in a gold-plated mesh filter made in Switzerland of German Steel and Russian gold. I put the filter into a plastic-and-steel drip coffeemaker.

Water I poured eight ounces of tap water into the appliance. The water came by pipe from a processing plant. Originally it came from the Chester Morse Reservoir on the Cedar River on the west slope of the Cascades. An element heated the water to more than 200°F. The hot water seeped through the ground coffee and dissolved some of its oils and solids. The brew trickled into a glass carafe; I poured it into a mug with a "Made in Taiwan" sticker hidden underneath. Later, I washed the mug, using much more water than I drank from it.

**Sugar** I measured out two teaspoons of sugar. It came from cane fields—former sawgrass marshes—south of Lake Okeechobee in Florida. Water that used to flow across these marshes and into the Everglades is now drained into canals and sent directly to the ocean. Or else it irrigates the fields, where it picks up nutrients and pesticides. Populations of all vertebrates—from turtles to storks—have fallen 75 to 95 percent in Everglades National Park. In November 1996, Florida voters rejected a plan to tax sugar growers to help pay for efforts to restore the Everglades.

**Cream** I stirred in one ounce of cream. The cream came from a grain-fed dairy cow in the Skagit Valley north of Seattle. The cow liked to wade into a stream to drink and to graze on streamside grasses and willows. As a result, the water got warmer and muddier, making life difficult for the coho salmon and steelhead trout living in the stream.

**Wastes** The cow's manure was rich in nitrogen and phosphorus. The soils of the cow pasture were unable to absorb all the manure, so it washed into the stream when it rained. The infusion of nutrients fertilized algae; decaying manure and algae absorbed oxygen from the water, making life still more difficult for fish.

Two hours after I finished my morning cup, my body had metabolized the coffee. Most of the water and some nutrients passed into the Seattle sewer system. They were carried by Cedar River water and mixed with other organic and inorganic wastes. They traveled under the streets of the city to Seattle's West Point sewage treatment plant on the shores of Puget Sound, next to Discovery Park.

There the solids were filtered, concentrated, digested, and sterilized with screens, settling tanks, bacteria, and chlorine. An engineer deemed the sewage sludge clean enough for agriculture, and a trucker hauled it to pulpwood tree farms for use as fertilizer and soil conditioner. An underwater pipe carried the treated liquids a mile into Puget Sound. The flushing of the tides would eventually carry the liquids into the Pacific Ocean.<sup>85</sup>

Individuals do have planetary impacts on a daily basis as the coffee story proves. But they also have a great deal of difficulty paying attention to the ramifications of our abundant choices each day. During the course of this class, the consequences of individual consumption will become more transparent and surprising, and to some, "free trade" may cause more questions than answers.

# Redefining Progress

When the now infamous Exxon-Valdez oil tanker crashed in the 1980s, causing unspeakable human and environmental damage, the incident registered as a positive addition to the world economy. 86 Framing the oil spill in such a light requires the following logic: after the crash, untold dollar amounts were spent on the clean-up. Jobs were created. Local traders who may have been reliant on the flora and fauna contaminated by the spill were forced to exchange

<sup>85</sup> Alan Durning & John Ryan, Stuff: The Secret of Life of Everyday Things, 7 NORTHWEST ENVIRONMENTAL WATCH (Sightline Institute 1997) (used with permission, <a href="www.sightline.org/site/free-use-policy">www.sightline.org/site/free-use-policy</a>). I thank them for their graciousness. Stuff also chronicles the secret life of hamburgers, tennis shoes, newspapers, and soda. Students recognize the primacy of this small book as a teaching tool. See also www.storyofstuff.com; The 2007 Green Guide, An Ecosystem of One's Own, VANITY FAIR, May 2007, at 203 (The Second Annual Green Issue) (example of one's daily ecological footprint; meanings of food labels); Marketplace Blogs: Greenwash Brigade, <a href="https://www.marketplace.publicradio.org">www.marketplace.publicradio.org</a>.

THE PEOPLE BOMB: WHEN WILL OVERPOPULATION EXPLODE? (Turner /CNN Special Reports 1992).

monies for goods and therefore joined the monetary market economy. In sum, unexpected expenses called for unexpected spending. That spending resulted in economic growth. And, therefore, economists looked upon the Exxon-Valdez tragedy as a remarkable catalyst that inspired a boom in the world's financial markets.

These morbid calculations are the gruesome colors economists use to paint the latest, twenty-first century portrait of "progress." As the definition of "progress" becomes increasingly synonymous with monetary exchange—hence wealth—those who have cultivated that narrow standard have a vested interest in making it appear effective. Two methods for maintaining this illusion that monetary wealth is the best marker are creative Gross Domestic Product (GDP) calculations and state-sanctioned, consumption-inducing tax incentives. Put simply, as money surfaces from savings accounts and enters the market, an economy's GDP rises. In a free market—the kind created by international free trade agreements such as GATT 191

There are, however, new economic quantification movements that call for including externalities in measures of economic progress. Adbusters: Thought Control in Economics (September/October 2009) (*see* Resources & Provocations); Hazel Henderson, Creating Alternative Futures: The End of Economics (1996); Stephen A. Marglin, The Dismal Science: How Thinking Like an Economist Undermines Community (2008); Partha Dasgupta, Economics: A Very Short Introduction (2007); Partha Dasgupta, *Nature and the Economy*, J. Applied Ecology 475 (2007); Partha Dasgupta, *The Place of Nature in Economic Development*, in Dani Rodrik & Mark Rosenzweig, Eds., Handbook of Development Economics (forthcoming 2010); Robert H. Frank, Luxury Fever: Money and Happiness in an Era of Excess (2000); Robert H. Frank, The Economic Naturalist (2007); <a href="http://www.robert-h-frank.com">http://www.robert-h-frank.com</a>. *See also* fn [58], <a href="https://www.robert-h-frank.com">supra.Cf.</a>. Arthur C. Pigou, The Economics of Welfare (1932) (Pigouvian Taxes).

<sup>&</sup>lt;sup>88</sup> To be fair, some wealthy entrepreneurs, Andrew Carnegie, for one, advocated that the new upper class of the self-made rich had a responsibility of philanthropy, to distribute fortunes to be put to good use, not to be wasted on frivolous expenditure. Andrew Carnegie, *Wealth* ("*The Gospel of Wealth*"), NORTH AMERICAN REVIEW, June, 1889, at p. 653.

But see Ted Halstead & Clifford Cobb, The Need for New Measurements of Progress, in Mander 197; Frank Ackerman & Lisa Heinzerling, Priceless (2005). This system for measuring our values is, in essence, fixed or rigged, and it presupposes that our insatiable [design] for consumption should only be measured by "cheapness." See also William Greider, The Soul of Capitalism (2003); Paul Hawken, Amory Lovins, & Hunter Levins, Natural Capitalism (2000); Kevin Phillips, Numbers Racket: Why the Economy Is Worse Than We Know, Harper's Magazine 43, May 2008.

<sup>&</sup>lt;sup>90</sup> See generally Mona Hymel, Consumerism, Advertising, and the Role of Tax Policy, 20 VA. TAX REV. 347 (2000).

<sup>&</sup>lt;sup>91</sup> GENERAL AGREEMENT ON TARIFFS AND TRADE 1994, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, 33 I.L.M. 1153 (1994); Cmd 7258; 148 BFSP 759; 61 Stat (5) A3, (6)

and NAFTA<sup>92</sup>---that constant input of cash flow is prized<sup>93</sup> and indicates incalculable achievement regardless of the character of the incident that spurred that so-called progress.<sup>94</sup>

Destructive occurrences like the Exxon-Valdez crash, therefore, generate the absolute need for a more critical analysis of GDP calculations. Simply examining what economists *include* in these calculations falls short of thorough inquiry; it is equally, if not more important to look at what aspects of daily life economists *exclude* from the calculations. All of the realities of peoples' days not marked by the passing of monies from the one set of hands to another are *not* computed into (or out of) the GDP. Work involving parental child care in the home or on the savannah, or walking ten miles while head-balancing a 15-pound bucket of water gathered from a communal well, according to the GDP analysts, is not included in the calculation of the nation's economic growth. Similarly, the work of cultures and societies that privilege local, sustainable development in which foods grown communally or individually are harvested for local consumption is also an untallied contributor to economic gain because none of these

12

<sup>1365; 4</sup> Bevans 639; ATS 23 (1948); Can TS 27 (1947); SATS 5 (1949); 1 Vert A 11; Peaslee 706 [hereinafter GATT].

<sup>&</sup>lt;sup>92</sup> NORTH AMERICAN FREE TRADE AGREEMENT 1993, Dec. 17, 1992, 32 I.L.M. 605; HR Doc. No. 103-159; 103 Cong. 1<sup>st</sup> Sess. (1993) [hereinafter NAFTA].

David C. Korten, *The Failure of Bretton Woods, in* MANDER 22-23. [Also – cite – historical connection to nineteenth century colonialism and imperialism abroad, Congo, French and Algeria, British and India.] GYAN PRAKASH, AFTER COLONIALISM: IMPERIAL HISTORIES AND POSTCOLONIAL DISPLACEMENTS (1995).

<sup>&</sup>lt;sup>94</sup> The study of political economy has long recognized capitalism's ongoing need to expand, to seek out new sources of surplus profit as compensation for the inherent falling rate of profit that occurs within an established economy. For a cogent analysis of the political policies of economic growth that the United States has pursued since World War II, see ROBERT M. COLLINS, MORE: THE POLITICS OF ECONOMIC GROWTH IN POSTWAR AMERICA (2000).

<sup>95</sup> Megan McArdle, *Misleading Indicator*, THE ATLANTIC 36, November 2009; Tali Woodward, *The Nature of the Fiscal World*, CONSERVATION MAG., <a href="http://www.conservationmagazine.org/articles/v10n1/the-nature-of-the-fiscal-world/">http://www.conservationmagazine.org/articles/v10n1/the-nature-of-the-fiscal-world/</a> (January-March 2009).

<sup>&</sup>lt;sup>96</sup> THE PEOPLE BOMB: WHEN WILL OVERPOPULATION EXPLODE? (Turner/CNN Special Reports 1992). Marilyn Waring outspokenly criticized the concept of GDP, particularly in how it excludes traditionally female work from its calculation, in her 1995 documentary, *Who's Counting?*. See also the United Nations System Accounting Standards (UNSAS), available at <a href="http://www.un.org/auditors/panel/docs/UNSAS.pdf">http://www.un.org/auditors/panel/docs/UNSAS.pdf</a>.

Norberg-Hodge, *supra* note 71, at 38-41 (relying on field work she conducted in a Ladakh village on the Tibetan Plataeu).

situations results in the exchange of—usually foreign—monies. <sup>98</sup> We are also being asked to quantify the "existence value" of nature, thereby turning all aspects of life into a numerical equation. <sup>99</sup>

Within this narrow framework, all monetary flow into the cash economy adds (and adds and adds) to economic growth. Economists, in settling on this marker of progress, have decided to exclude any factors that might *subtract* from GDP calculations. While analysts may concede that GDP calculations stall once in a while due to recessions in general economic growth, no non-monetary factors exist to subtract from the GDP. As a result, social problems such as poverty, the denigration of public healthcare systems, <sup>101</sup> meager educational standards, <sup>102</sup> ethnic violence <sup>103</sup> and environmental degradation fail to reduce the final number produced by GDP analysis. <sup>104</sup> Progress has succumbed to the connotation of what can be bargained for cheapest.

\_\_\_

<sup>&</sup>lt;sup>98</sup> See IMF/World Bank policies such as Structural Adjustment Programs. Suzanna Dennis and Elaine Zuckerman, Gender Guide to the World Bank and IMF Policy-Based Lending (2006), <a href="http://www.genderaction.org/images/GA%20Gender%20Guide%20to%20World%20Bank%20and%20IMF%20FINAL.pdf">http://www.genderaction.org/images/GA%20Gender%20Guide%20to%20World%20Bank%20and%20IMF%20FINAL.pdf</a>.

<sup>&</sup>lt;sup>99</sup> See E.O. Wilson, What Is Nature Worth?, WILSON Q., Winter 2002; DAVID HARVEY, JUSTICE, NATURE, AND THE GEOGRAPHY OF DISTANCE (1996); ACKERMAN & HEINZERLING, supra note 89; Janny Scott, An Environmentalist on a Different Path; A Fresh View of the Supposed "Wilderness" and Even the Indians' Place in It, N.Y. TIMES, Apr. 3, 1999, at B7...

See Neela Banerjee, *The Nation: There's No Accounting; The Economy's Apples and Oranges*. (In 1937, Simon Kuznets, who was later awarded the Nobel Prize for creating many of the techniques which we use today to measure economics, advocated the measuring of environmental degradation. Until it became politically controversial and was discarded, The Bureau of Economic Analysis did so measure this degradation in its first assessments.)

Ronald J. Glasser, We Are Not Immune: Influenza, SARS, and the Collapse of Public Health, HARPER'S MAG., July 2004, at 35.

Hagit Elul, Making the Grade, Public Education Reform: The Use of Standardized Testing to Retain Students and Deny Diplomas, 30 COLUM. HUM. RTS. L. REV. 495, 499 (1999).

<sup>&</sup>lt;sup>103</sup> See Amy Chua, World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability (2003); Norberg-Hodge, *supra* note 71.

Rebecca Solnit, *Winged Mercury and the Golden Calf*, ORION 14 (September/October 2006); Michael Shnayerson, *A Funny Thing Happened on the Way to the Throne*, VANITY FAIR, May 2007, at 182 (calling for the labeling on the product itself of the environmental costs of getting that product to market.) *See also* Robert Repetto, *Accounting for Environmental Assets*, SCIENTIFIC AMER., June 1992, at 94-100.

Compulsory addition accounting is aggravated by state-sanctioned tax incentives that encourage over-consumption. For example, in her article *Consumerism, Advertising, and the Role of Tax Policy,* Professor Mona Hymel argues that, as advertising leads to increased American consumerism, "existing federal tax laws encourage advertising through preferential tax treatment that, in essence, subsidizes advertisers." In a broader scope, the Organisation For Economic Co-Operation and Development (OECD) has extensively explored the multi-faceted relationships between environmental taxes and trade. 107

There has always been significant fear that Western-centric global machinations, whether hegemonic by virtue of military or economic forces, would transform the world into a uniperfect, Western-dominated, homogenized, global culture. Certainly, in the wake of its path to differing continents, cultures, and peoples, the concept of Western progress has altered several

<sup>&</sup>lt;sup>105</sup> See Report: Environmentally Harmful Subsidies, Challenges for Reform, OECD PUBLISHING 2005. As a result of a tax loophole, small-business owners and the self-employed received large tax deductions when they purchased gas guzzlers like the Cadillac Escalade, Ford Excursion, and Hummer vehicles, which qualified for the deduction precisely because of their large size. Danny Hakim, In Tax Twist, Big Vehicles Get the Bigger Deductions, N.Y. TIMES, Dec. 20, 2002, at C1. People with very high incomes frequently used accelerated depreciation as a tax shelter until those tax loopholes were closed. Ford Fessenden, Alternative Tax Hits Home the Hardest, N.Y. TIMES, Apr. 15, 2007, at 14WC. Congress repeatedly proposes fossil fuels' subsidies for the traditional producers of oil, gas, and coal that contribute most heavily contribute to global warming. Editorial, Warming Trends, N.Y. TIMES, Aug. 3, 2003, at sec. 4, p. 10. See Doug Koplow, Ten Most Distortionary Energy Subsidies, www.earthtrack.net.

Mona Hymel, *Consumerism, Advertising, and the Role of Tax Policy*, 20 Va. Tax Rev. 347, 352 (2000). *See* Stephen Fishman, Tax Deductions for Professionals 313 (2007) ("Almost any type of business-related advertising is a currently deductible operating expense.") *See also* William Grieder, *Citizen GE, in* Mander; Gregg Easterbrook, *All This Progress Is Killing Us, Bite by Bite*, N.Y. Times, Mar. 14, 2004, at sec. 4, p. 5.; Alan Thein Durning, Yoram Bauman, & Rachel Gussett, Tax Shift: How to Help the Economy, Improve the Environment, & Get the Tax Man Off Our Backs, (NW Envt. Watch 1998); <a href="https://www.rprogress.org/sustainable economics/about sustainable economics.htm">www.rprogress.org/sustainable economics/about sustainable economics.htm</a>.

107 *See* OECD (Organisation For Economic Co-Operation and Development) Special Reports: 1)

Implementation Strategies for Environmental Taxes (1996); and 2) Managing the Environment: The Role of Economic Instruments (1994). See also J. Andrew Hoerner and Benoit Bosquet, Environmental Tax Reform: The European Experience, <a href="https://www.rprogress.org/newprograms/sustEcon/euro-execsumm.htm">www.rprogress.org/newprograms/sustEcon/euro-execsumm.htm</a> (Center for a Sustainable Economy); Elisabeth Rosenthal, Motivated by a Tax, Irish Spurn Plastic Bags, NY TIMES, February 2, 2008, <a href="https://www.nytimes.com/2008/02/02/world/europe/02bags.html?ei-5070&en=455612e136">www.nytimes.com/2008/02/02/world/europe/02bags.html?ei-5070&en=455612e136</a>; The Eighth Global Conference on Environmental Taxation, www.worldecotax.org.

Richard Barnett and John Cavanagh, *Homogenization of Global Culture, in* MANDER 71-77 (discussing youth preferences for Western music, television, etc.); *Cf.* Amartya Sen, *Universal Truths: Human Rights and the Westernizing Illusion*, HARV. INT'L REV., Summer 1998, at 40-43 (warning, in part, against too easily blaming western cultures for homogenization). *See also* Peter L. Berger, *Four Faces of Global Culture*, THE NAT'L INT., Fall 1997, at 26-27; Public Citizen, Global Trade Watch, <a href="http://www.citizen.org/trade/">http://www.citizen.org/trade/</a> (last visited Apr. 20, 2008).

aspects of daily life: education, <sup>109</sup> family and gender roles, <sup>110</sup> wealth <sup>111</sup> and even health, <sup>112</sup> the nation-state itself, <sup>113</sup> and the very meaning of what is "human." <sup>114</sup>

Proselytization of capitalism—itself a religious orthodoxy—has left its mark and with it, its lexical buzzwords: progress, efficiency, competitiveness, productivity. 115 Yet, for example, if the Protestant work ethic resoundingly makes American workers outpace their European counterparts, 116 how have we come to call or value "productivity" as the elimination of humans by technology from the self-esteem of work? 117 Is speed appropriate to democratic deliberation? 118

<sup>&</sup>lt;sup>109</sup> See generally Maude Barlow & Heather-jane Robertson, Homogenization of Education, in MANDER.

Norberg-Hodge, *supra* note 71, at 42. .

Norberg-Hodge, *supra* note 71, at 35 (discussing how village citizens now consider themselves 'poor' when, prior to Western imposition, they always had 'enough').

See generally Martin Khor, Global Economy and the Third World, in MANDER 47-59.

See generally Richard Falk, World Prisms: The Future of Sovereign States and International Order, HARV. INT'L REV., Summer 1999. Once established, our PBWiKi will invite educators from the world at large to provide instruction materials from their culturally nuanced portfolios.

<sup>114</sup> See Carl Elliot, Humanity, 2.0, WILSON Q., Autumn 2003, at 13 ("Transhumanists believe that human nature's a phase we'll outgrow, like adolescence. Someday, we'll be full-fledged adult post-humans, with physical and intellectual powers of which we can now only dream." What are the economic consequences of becoming a robot?). Though their arguments are situated on quite different grounds from one another, a cadre of theorists within the humanities have for some time argued that conditions common to globalization have already created a post-human condition. See MICHAEL FOUCAULT, THE ORDER OF THINGS: AN ARCHAEOLOGY OF THE HUMAN SCIENCES (1966); KATHERINE M. HAYLES, HOW WE BECAME POSTHUMAN: VIRTUAL BODIES IN CYBERNETICS, LITERATURE, AND INFORMATICS (1999); and DONNA HARAWAY, SIMIANS, CYBORGS, AND WOMEN: THE REINVENTION OF NATURE (1991).

NATURE (1991).

115 The clash of continents regarding the orthodoxy of capitalism – between the United States and Europe – is aptly explored by Stephen Thed, in *Europe's Philosophy of Failure*, FOREIGN POLICY, January/February 2008, p. 54 (the author contends that European schoolchildren are taught that capitalism and entrepreneurship are savage, unhealthy, and immoral concepts).

Niall Ferguson, Why America Outpaces Europe (Clue: The God Factor), N.Y. TIMES, June 8, 2003, at sec. 4, p. 3. See MAX WEBER, THE PROTESTANT ETHNIC AND THE SPIRIT OF CAPITALISM (1930); Russell Conwell, Acres of Diamonds (exhorting the Christian and godly duty to attain riches), <a href="https://www.americanrhetoric.com/speeches/rconwellacresofdiamonds.htm">www.americanrhetoric.com/speeches/rconwellacresofdiamonds.htm</a>. See also Elbert Hubbard, A Message to Garcia (originally published without title, 1899) ("don't ask questions, get the job done") <a href="https://www.en.wikipedia.org/wiki/A Message to Garcia">www.en.wikipedia.org/wiki/A Message to Garcia</a>; JOHN LOCKE, THE SECOND TREATISE OF GOVERNMENT (1952); THOMAS HOBBES, LEVIATHAN (1976).

JEREMY RIFKIN, THE END OF WORK: THE DECLINE OF THE GLOBAL LABOR FORCE AND THE DAWN OF THE POST-MARKET ERA (1995). See Jeremy Rifkin, Return of a Conundrum: As Technology Devours Jobs at an Increasing Rate, the Conflict at the Heart of the Market Economy is Becoming Irreconcilable, GUARDIAN/UK, Mar. 2, 2004.

Neil Postman often makes the point that when a new technology is introduced into a culture, that culture is forever and permanently changed through and through. The change is not additive but ecological. It permeates like a thimble full of red dye dropped into a barrel of water. Every molecule in that barrel of water is transformed

The four horsemen of my apocalypse are called Efficiency, Convenience, Profitability, and Security, and in their names, crimes against poetry, pleasurable, sociability, and the very largeness of the world are daily, hourly, constantly carried out. These marauding horsemen are deployed by technophiles, advertisers, and profiteers to assault the nameless pleasures and meanings that knit together our lives and expand our horizons.

I'm listening to a man on the radio describe how great it is that there are websites where musicians who have never met or conversed or had any contact at all can lay down tracks together to make songs. While the experiment sounds interesting, the assumption sounds scary—that the complex personal, creative, and cultural collaborations of music-making could be unnecessary and you just need the digital conjunction of some skill sets. The speaker seems to believe that the sole goal is the production of songs, sundered from the production of social ties and social pleasure. But music has always been an occasion for people to get together—in rehearsals, nightclubs, parties, festivals, park band-shells, parades, and other social spaces. It is often the soundtrack to bodies in conjunction, whether marching or making love. 119

Our understanding the distinction between price and cost is critical to sustaining a healthy quality of life. An alternative to GDP accounting is the Genuine Progress Indicator (GPI). Although cash generated is still an important component of progress measurement, the GPI adds a cost factor to the GDP measurement. It evaluates such factors as resource depletion, pollution, long-term environmental damage, non-market transactions and income distribution. The assertion behind this proposal is that if other methods of accounting do not factor in less tangible costs such as these, the national and international well-being will inevitably decline as those factors are increasingly ignored. Indeed, national well-beings have declined, despite an increased GDP. 121

\_\_\_th

though that fact may not be immediately evident. Similarly, if you drop the internet or the telephone or TV into an existing culture, you don't end up with an internet plus that old culture, you end up with an utterly new culture. *See* NEIL POSTMAN, TECHNOPOLY: THE SURRENDER OF CULTURE TO TECHNOLOGY (1993). *See also* NEIL POSTMAN, BUILDING A BRIDGE TO THE 18<sup>TH</sup> CENTURY (1999).

Benjamin R. Barber, *Uncertainty of Digital Politics*, HARV. INT'L REV., Spring 2001 (A world where everything is for sale is not a world hospitable for democracy). *See also* SATISH KUMAR, .

Rebecca Solnit, A Fistful of Time, ORION 14 (September/October 2007).

<sup>&</sup>lt;sup>120</sup> See Redefining Progress Projects: Genuine Progress Indicator, <u>www.rprogress.org/projects/gpi</u>. See also Catherine Rampell, *Alternatives to the G.D.P.*, NY TIMES, October 30, 2008, www.economix.blogs.nytimes.com/2008/10/30/alternatives-to-the-gdp.

Redefining Progress, *Nation's Economic Health Overstated by \$7 Trillion*, www.commondreams.org./news2004/0311-03.htm; www.rprogress.org. *See also* Kumar Venkat, *What Kind of Productivity Do We Need?*, GREENBIZ.COM, Apr. 1, 2004, www.commondreams.org/views04/0401-09.htm; Erla

Thus, we should no longer concede to such erroneous systems of accounting progress. Progress should be defined broadly to account for the total well-being of every human, not simply those who have greatest access to the global markets. Even measuring simple things, like general discontent with the construction of a high rise blocking a community's view of nature, should be factored-in as a way of providing a counter-balance. Isn't progress really the triumph of laughter over dogma?

Zwingle, *Cities*, NAT'L GEOGR. 70, Nov. 2002 (Series: Challenges for Humanity). Economic ranking does not necessarily measure a corresponding well-being quantified by longevity, education, and standard of living. *See* the United National Human Development Index. Despite being the ninth largest economy, Brazil has the highest number of armored vehicles and homicides, greatly surpassing many "developed" nations. Bangkok residents suffer high degrees of pulmonary disease. In Lagos, Nigeria, after three decades of oil production, the proportion of the population living in poverty has doubled). *See* THE FAILED STATES INDEX, FOREIGN POLICY 82 (July/August 2009).

122 See Jonathan Rowe, *Our Phony Economy*, Harper's Magazine, June 2008. Different measurements of societal well-being have been utilized in the recent past, say, during the Nixon administration, like distribution of wealth or income across all of society as an indicative factor. James Conaway, Vanishing America: In Pursuit of our Elusive Landscapes (2007); Rebecca Solnit, *Finding Time*, Orion, <a href="https://www.orionmagazine.org/index.php/articles/346">www.orionmagazine.org/index.php/articles/346</a>; Curtis White, *The Ecology of Work*, Orion 27, May/June 2007; David C. Korten, When Corporations Rule the World (2001). In the Himalayan kingdom of Bhutan, the king has made Gross National Happiness (GNH), rather than GDP, its priority. Andrew C. Revkin, *A New Measure of Well-Being From a Happy Little Kingdom*, N.Y. Times, Oct. 4, 2005; Brook Larmer, *Bhutan's Enlightened Experiment*, Nat'l Geographic, March 2008; Stephan Herrera, *Healthy, Wealthy and Wise? The Himalayan Kingdom of Bhutan Wants to Show that Modernization Can Be Enlightened*, Technology Review 60, August 2005; Seth Mydans, *Recalculating Happiness in a Himalayan Kingdom*, N.Y. Times, May 7, 2009, at Sec. A, p. 8.

<sup>123</sup> To be sure, other indexes and organizations exist to calculate prosperity and measures of well-being. See, e.g., www.happyplanetindex.org; Ecological Footprint of Nations, www.redefiningprogress.org; State of the Planet, www.oecdwash.org (Organization for Economic Cooperation & Development); The new Economics Foundation, www.neweconomics.org; Calvert-Henderson Quality of Life Indicators, www.calverthenderson.com/index.htm; Dow-Jones Sustainability Indexes, www.sustainability-indexes.com; Living Planet Report, www.panda.org/new faces/publications/lwing planet report/index.cfm; World Economic Forum Global Competitive Report, www.weforum.org/site/homepublic.nsf/Content/Global+Competitiveness+Program; Report to the Club of Rome, www.dieoff.org/page25.htm; Millennium Ecosystem Assessment, www.millenniumassessment.org/en/index.aspex; Mercer's Quality of Living Survey, www.mercer.com/qualityofliving?siteLanguage=100; The Globalization Index, FOREIGN POLICY 68, November/December 2007. See also Stephen A. Marglin, The Dismal Science: How Thinking Like an ECONOMIST UNDERMINES COMMUNITY (2008); BILL MCKIBBEN, DEEP ECONOMY: THE WEALTH OF COMMUNITIES AND THE DURABLE FUTURE (2007); Nathan Cardinal, Adding+ Subtracting, Alternatives Journal 39 (2007); David C. Korten, Better Than Money, Yes! 37, Fall 2007; Abra Pollock, Stemming the Trickle-Up Effect: Finding Alternative Economics, www.commondreams.org/archive/2007/10/11/4478/print/; the Intercontinental Network for the Promotion of the Social Solidatrity Economy (RIPESS); Tom Turnipseed, The Big Question on this Labor Day: What's the Economy for Anyway?, www.commondreams.org/views06/0904-28.htm; Herman E. Daly, Relations

housing, education); www.hazelhenderson.com.

124 Attributed to Benjamin DeCasseres. *But see* BRUCE BUENO DE MESQUITA, THE PREDICTIONEER'S GAME: USING THE LOGIC OF BRAZEN SELF-INTEREST TO SEE AND SHARE THE FUTURE (2009).

Among Nations: How to Go Global Without Being Globalized, ORION 11, September/October 2006; Ames Esty, The New Wealth of Nations, <a href="www.americanscientist.org/template/AssetDetail/assetid/37221">www.worldmapper.org</a> (territories are resized to reflect numerous conditions, e.g., sanitation, poor water, slum growth, poverty, wealth,

The Confluence of Population with Food & Water Access, Safety, and Security

Currently, the world's population is at 6,769,189,967 people. The *industrialized* world constitutes only one-fifth—or twenty percent—of that number, the uses 80% of the earth's energy. Humans consume forty percent of the earth's primary productivity. Obviously, as population increases, the amount of available resources that are demanded diminishes. This imbalance results in a scramble for solutions, and the widening chasm

<sup>125</sup> U.S. Census Bureau, WorldPOPClock, www.census.gov/cgi-bin/ipc/popclockw (last visited March 26, 2009) (registering as 6,769,189,967 at 17:32 GMT). The world population increased from 3 billion in 1959 to 6 billion by 1999, a doubling that occurred over 40 years. The world population is projected to grow to 9 billion by 2042, an increase of 50 percent that will require 41 years. Population projections must necessarily be coupled with demographic trends. *See* Elizabeth Leahy and Sean Peoples, *Projecting Population*, www.worldwatch.org/node/6067; www.os-connect.com/pop/p2ai.htm; www.wamu.org/programs/dr/09/04/22.php (Diane Rehm Show).

<sup>&</sup>lt;sup>126</sup> The term developed country, or advanced country, is used to categorize countries with developed economies in which the tertiary and quaternary sectors of industry dominate.

<sup>127</sup> Government of Canada, G8 Website, www.g8.gc.ca/members-en.asp (last visited Feb. 6, 2004) (offering population statistics on the G8 nations, totaling 1,229,300,000 people); *see also* Sea Island Summit 2004 Official Website, <a href="https://www.g8usa.gov/c10476.htm">www.g8usa.gov/c10476.htm</a> (stating that, "[t]he G8 Summit brings together the leaders of the world's major industrial democracies: Canada, France, Germany, Italy, Japan, Russia, the united Kingdom, and the United States...[and the] European Union...."). Using the numbers from the U.S. Census bureau and Canada's G8 information, the world's industrialized nations comprise one-fifth of the earth's population.

THE PEOPLE BOMB: WHEN WILL OVERPOPULATION EXPLODE? (Turner/CNN Special Reports 1992); David C. Korten, *The Failure of Bretton Woods, in* MANDER 24; Wolfgang Sachs, *Neo-Development: 'Global Ecological Management,' in* MANDER 241. The United States alone consumes 40 percent of the world's oil supply on a daily basis. We are most certainly within the "Age of the Hydrocarbon Man." DANIEL YERGIN, THE PRIZE: THE EPIC QUEST FOR OIL, MONEY, AND POWER, 1993. "Humanity's Way of Life is on a collision course with geology." Tim Appenzeller, *Oil*, NAT'L GEOGRAPHIC, June 2004, at 80, 88 (products made with oil). *See also* [UN Tables, ILO].

See Richard Manning, *The Oil We Eat: Following the Food Chain Back to Iraq*, HARPER'S MAG., Feb. 2004, at 37 (the planet's "primary productivity" is the name for the total amount of plant mass created by the earth in a given year, what Manning calls the "total budget for life." The current rate of species extinction is 1,000 times greater than that which existed before humans dominated the earth).

<sup>130</sup> See Evan Osnos and Laurie Goering, World's Giants to Alter Food's Equation: As China and India Rise, Diets Change and Demands Soar, www.commonnames.org/archive/2008/05/11/8881/print; "Wealthy Nations Buying Up Land For Food," MARKETPLACE, www.marketplace.publicradio.org/display/web/2008/05/09/land grab.

FUTURE (2004). The comprehensive practical and ideological dilemmas of population decision-making and control have been well chronicled. See e.g., MATTHEW CONNELLY, FATAL MISCONCEPTION: THE STRUGGLE TO CONTROL WORLD POPULATION (2008); Carter J. Dillard, Rethinking the Procreative Right, 10 YALE HUM. RTS. & DEV. L.J. 1 (2007); Diana D.M. Babor, Population Growth and Reproductive Rights in International Human Rights Law, 14 CONN. J. INT'L L. 83 (1999). Cf. LEONARD SCHLAIN, THE ALPHABET VERSUS THE GODDESS: THE CONFLICT BETWEEN WORD AND IMAGE (1998); Amy Waldman, States in India Take New Steps to Limit Births, N.Y. TIMES, Nov. 7, 2003, at A1, A6; David Rohde, India Steps Up Effort to Halt Abortions of Female Fetuses, N.Y. TIMES, Oct. 26, 2003, at A3.

between the number of people and the amount of non-renewable resources manifests itself in state-sanctioned population control mechanisms, <sup>132</sup> a perceived scarcity of food, <sup>133</sup> rapid reductions in potable water, <sup>134</sup> and state tax incentives that aggravate each of these outcomes. <sup>135</sup>

### **Population**

In some fashion, all world nations—and the families within them—are reconceiving their reproduction choices, for there are many historical, ancestral, and cultural understandings of what constitutes a family. Some societies have, in the past, successfully sustained themselves by honoring the conception of multitudes of children per family. Households of great size obviously engendered both a sense of collective inter-dependence and burden.<sup>136</sup> Why have

All these recitations similarly beg the question of just *who* has a "population problem." Is it the voracious consuming family with two children in western societies, or is it the impoverished mother with ten children in Zambia whose husband has died from AIDS? How can the choice be either-or and the solutions proposed by industrialized nations be so quixote as to deny their own responsibilities toward planetary stewardship?

In the text, shortly ahead, I relate other dimensions, which are how western civilizations are confronting human longevity or population 'shortfalls.' *See* Theodore Roszak, *Our Demographic Destiny: Longevity and Gender in the 21<sup>st</sup> Century, in* LAPIS: THE INNER MEANING OF CONTEMPORARY LIFE, Issue 11, Summer 2000; Susan Dominus, *Life in the Age of Old, Old Age*, N.Y. TIMES MAG., Feb. 22, 2004, at sec. 6, p. 26; Joseph Kahn, *The Most Populous Nation Faces a Population Crisis*, N.Y. TIMES, May 30, 2004, at sec. 4, pp. 1, 5.

<sup>132</sup> The People Bomb: When Will Overpopulation Explode? (Turner/CNN Special Reports 1992).

sec. wk, p. 3; Norberg-Hodge, supra note 71.(referring to an "artificial scarcity" of competitive markets at the local level); Hodge argues that the centralizing forces of globalization pull people out of rural areas toward urban centers, which culminates in a scarce job market. While the rural economy remains, albeit hindered by urban growth, the centralization of the market economy fosters a competitive perception that there is only scarcity, erasing the way rural people defined abundance prior to the market economy. Hodge's phrase is also helpful in assessing the world's food supply: the perpetual re-definition of what constitutes "enough" food by industrialized standards fosters the perception that there is scarcity where there is still "enough" according to pre-market economy standards. Corporate Lies: Busting the Myths of Industrial Agriculture, in FATAL HARVEST: THE TRAGEDY OF INDUSTRIAL AGRICULTURE (2002) (highlighting the seven deadly myths of industrial agriculture). See <a href="https://www.centerforfoodsafety.org">www.centerforfoodsafety.org</a>; <a href="https://www.fatalharvest.org">www.fatalharvest.org</a>.

134 See generally Maude Barlow, Blue Gold: The Global Water Crisis and the Commodification of the

World's Water Supply, INTERNATIONAL FORUM ON GLOBALIZATION, June 1999, (special report) available at <a href="http://www.thirdworldtraveler.com/Water/Blue Gold.html">http://www.thirdworldtraveler.com/Water/Blue Gold.html</a>.

<sup>135</sup> See generally Mona Hymel, *The Population Crisis: The Stork, The Plow, and the IRS*, 77 N.C. L. REV. 13 (1998); BBC News, *The EU's Baby Blues*, Mar. 27, 2006, available at <a href="http://news.bbc.co.uk/2/hi/europe/4768644.stm">http://news.bbc.co.uk/2/hi/europe/4768644.stm</a>.

136 That sense of interdependence is also born from tragedy. A large number of children born to a husband

That sense of interdependence is also born from tragedy. A large number of children born to a husband and wife is in many societies, a pretension of, or actual demarcation of prosperity. Increased numbers also portend a sense of social security for the parents in later life, as it has been tragically expected that many children in a household would perish at a young age. *See e.g.*, Theodore Harney MacDonald, Third World Health: Hostage to First World Wealth (2005). A paradoxical consequence of allopathic medical outreach into communities that previously had no choice but to accept child death as commonplace is the survival of greater

industrialized societies curtailed large families?<sup>137</sup> Today, populations are fluid, and national decisions respecting optimal population sizes are confused, burdened, and influenced by migration,<sup>138</sup> identity politics, religious ideology, and real or imagined—or politically reimagined—measures of resource sufficiency.<sup>139</sup> It is hard to fathom world population pressures being ameliorated by fanfare, grace, and the authority of international accord.<sup>140</sup>

numbers of children within each family structure. In turn, the burdens to feed each member is exacerbated. Whether couples and communities faced with burgeoning populations in the face of compelling obstacles to nutrition, clean water, and sanitation will choose smaller family units is as much a function of personal choice as it is societal traditions, the empowerment – or lack thereof – of women to chose their family's size, disease, the pressures of religion toward contraception, and state interference to name but a few.

137 Lonnie W. Aarssen, Why Is Fertility Lower in Wealthier Countries? The Role of Relaxed Fertility-Selection, 31 POPULATION & DEV. REV. 113-126 (2005). And, for an excellent, concise description of the implications of communal transformations occurring with the movement from pre-modern to modern historical conditions, see Anthony Giddens, The Consequences of Modernity (1990).

<sup>138</sup> See World Commission on the Social Dimensions of Globalization, www.ilo.org/fairglobalization/lang-en/index.htm; World Migration Tops 120 Million, Say ILO, www.ilo.org/public/english/bureau/inf/pr/2000/2.htm; Global Commision on International Migration, www.gcim.org; OECD (www.oecd.org/topic/0,2686,en 2649 37415 | | | | 37415,00.html; INTERNATIONAL MIGRATION (Publication on behalf of the International Organization for Migration, www.iom.int/jahia/jsp/index.jsp), www.blackwellpublishing.com/journal.asp?ref=0020-7985; Global Business Network, Globalization and Migration from a Global Perspective, www.gbn.com/ArticleDisplayServlet.srv?ard=35692; Celia W. Dugger, Half the World Soon to be in Cities, U.N. Reports, www.nytimes.com/2007/06/27/world/27cndpopulation.html?hp=&pagewanted=print; Roger Cohen, Migration Makes Flux the New World Order, www.nytimes.com/iht/2007/03/27/world/IHT-27globalist.1.html?pagewanted=print; Jim Yardley, In a Tidal Wave, China's Masses Pour From Farm to City, N.Y TIMES, September 12, 2004; sec. wk, p. 6; Jason DeParle, Sending It All Back Home, N.Y. TIMES, April 22, 2007, sec. 6, p. 50; Michael Ardon, To Head Off Mass Migration, Set a Global Minimum Wage, www.commondreams.org/news02/0123-03.htm; Chris Hawley and Sergio Solache, Mexico Draws Dire Picture for Migrants, USA Today, Sec. A, p. 9; John Gallup & Jeffrey Sachs, Location, Location: Geography and Economic Development, HARVARD INT'L. REV., Winter 1998/1999. It is not my intent to wade into the immigration debate here, though no doubt an entire year's worth of classes could be constructed around the issue. Consider the language surrounding the topic (["growing the economy"]) connecting to [food subsidies, international trade agreements, export economies, technology, transfers, debt relief – to name a few. See The Udall Center for Studies in Public Policy, Immigration Policy Program, www.udallcenter.arizona.edu/immigration; Immigration Policy Center, www.immigrationpolicy.org; National Immigration Law Center, www.nilc.org; Pew Research center reports on Immigration, www.pewresearch.org/topics/immigration; DAVID BACON, THE CHILDREN OF NAFTA: LABOR WARS ON THE US/MEXICO BORDER (2004); CATHERINE MCKERCHER & VINCENT MOSCO, KNOWLEDGE WORKERS IN THE INFORMATION SOCIETY 214 (2007); ROBERTO CORTES CONDE, et al., THE LATIN AMERICAN ECONOMIES: GROWTH AND THE EXPORT SECTOR, 1880-1930 (1985); J. Edward Taylor & Philip L. Martin, The Immigrant Subsidy in US Agriculture: Farm Employment, Poverty, and Welfare, 23 POPULATION & DEV. R. 855 (1997).

139 For a compendium of and links to organizations addressing overpopulation and sustainability, see www.ecofuture.org/pop/orgs.html. See generally STATE OF WORLD POPULATION: UNLEASHING THE POTENTIAL OF URBAN GROWTH, United Nations Population Fund, www.unfpa.org/swp; Robert Engelman, Population: What To Do When There Are Too Many Of Us, www.alternet.org/module/printversion/87520; Robert Engelman, Population and Sustainability, SCIENTIFIC AMERICAN EARTH 3.0 22 (Summer 2009); EARTH ISLAND JOURNAL, THE POPULATION ISSUE (Summer 2009); 1972 Rockefeller Commission Report: Population and the American Future, www.population-security.org/rockefeller/001 population growth and the American future.htm; National Security Study Memorandum 200, www.population-security.org/28-APP2.html; Population and Its Discontents, WORLD-

As free-market economics spread across the globe, and with them, their philosophy of fierce individualism, independence and interdependence increasingly come into conflict. Some contend the industrialized world has conned a masquerade of self-centered and brutal fifteenth century colonialism in an effort to maximize its wealth at the continued expense of less-industrialized nations.<sup>141</sup>

One strategy used in the renewed colonial agenda is numerical population control. With little to no regard for local family planning traditions, international agencies (which are funded and sustained by industrialized nations) create universal education programs to teach people

WATCH, September/October 2004; NPG Special Report, *Our Demographic Future: Why Population Policy Matters to America*, <a href="www.npg.org/specialreports/demofuture/demofuture\_section2htm;">www.npg.org/specialreports/demofuture/demofuture\_section2htm;</a> <a href="www.undp.org/hdr2001/back.pdf">www.undp.org/hdr2001/back.pdf</a>; <a href="Population Studies">Population Studies</a>: A Journal of Demography, <a href="www.landf.co.uk/journals">www.landf.co.uk/journals</a>; Religion & Ethics, <a href="mass-birth-control-1.shtm">Mass Birth-control Programs</a>, <a href="www.bbc.co.uk/ethics/contraception/mass-birth-control-1.shtm">www.bbc.co.uk/ethics/contraception/mass-birth-control-1.shtm</a>; Rosemary Radford Ruether, <a href="www.religiousconsultation.org/ruether.htm">Comments From a Christian Perspective on Religion and Population Policy</a>, <a href="www.religiousconsultation.org/ruether.htm">www.religiousconsultation.org/ruether.htm</a>; ELAINE LEEDER, THE FAMILY IN GLOBAL PERSPECTIVE (2004).

<sup>140</sup> See Garrett Hardin, The Tragedy of Commons, 162 SCIENCE 1243-1248 (1968), available at http://dieoff.org/pages95.htm. I begin with Garrett Hardin not out of complete obeisance, but because he is regarded as western media's iconic flashpoint. Like us all, he has sympathizers and detractors. See, e.g., Gregg Easterbrook, The Tragedy of Garrett Hardin, WALL St. J., Oct. 21, 2003, at A26 (Op. Ed. Obituary). Though hardly without controversy in his views on government-imposed population control, his commentary on how people behave relative to our commons is highly instructive. ("He spoke wisely of the need to temper materialism.: 'The maximum is not the optimum' was Hardin's best aphorism. He insisted that future generations make a legitimate claim on us today." Id.) What glares at me is the fact that the United States has not debated nor declared a policy on an ultimate numerical population in relation to sustaining its current levels of consumption. Perhaps, the absence of such national thinking comes from a perspective of empire, manifest destiny, and a choice to ignore natural limits. That has been the idea of America fondly recalled and practiced. See Frederick Jackson Turner, The Frontier in AMERICAN HISTORY (1920); RICHARD SLOTKIN, REGENERATION THROUGH VIOLENCE: THE MYTHOLOGY OF THE AMERICAN FRONTIER (2000); RICHARD DRINNON: THE METAPHYSICS OF INDIAN HATING AND EMPIRE BUILDING (1997). Rather, the dialogue here gravitates to abortion, contraception, and immigration. See also Betsy Hartmann, Population Control in the New World Order, 2 DEV. IN PRAC. 210 (1992); Population Reference Bureau, www.prb.org. The turbidity of international trade wars over subsidies and claimed unfair trade practices is exemplicative. See generally Paul Hawken, N30: Skeleton Woman in Seattle, THE SUN, Apr. 2000.; Elizabeth Becker, U.S. Subsidizes Companies to Buy Subsidized Cotton, N.Y. TIMES, Nov. 4, 2003, at C1, 2; Editorial, Welfare Reform for Farmers, N.Y. TIMES, Nov. 10, 2003, at A22 (Harvesting Poverty Series, www.nytimes.com/harvestingpoverty). See also the discordant behavior of nations over the Kyoto Protocol on Climate Change, Andy Stone & Brian Wingfield, Don't Expect Much From the Next Kyoto, www.forbes.com/2009/04/10/Kyoto-Copenhagen-climate-change-business-washington-energy.html.

141 Obviously, this statement has been the subject of great debate and rancor. *Compare* Goldsmith, *supra* note 71; LIFE AND DEBT (2001); *with* JOSEPH STIGLITZ, GLOBALIZATION AND ITS DISCONTENTS (2002); JAGDISH N. BHAGWATI, IN DEFENSE OF GLOBALIZATION (2007); ZYGMUNT BAUMAN, GLOBALIZATION: THE HUMAN CONSEQUENCES (2000). There is a growing awareness that the modern global agenda has not simply been about progress. Instead, colonial rule has given way to post-colonial relations, often raising the contention that the developed world has encroached on the less developed world for its own benefit. *See* DAVID BACON, *supra* note 127; KENNETH E. BAUZON, DEVELOPMENT AND DEMOCRATIZATION IN THE THIRD WORLD: MYTHS, HOPES, AND REALITIES 42 (1992).

about twentieth century contraception methods. 142 Sadly, the agencies' programs and solutions are near-Swiftian in their implementation. Whereas Jonathon Swift satirically proposed turning poor Irish children into delicacies for the wealthy as a way to solve Ireland's 18<sup>th</sup> century urban population problem, <sup>143</sup> the solutions that the international agencies in the 21<sup>st</sup> century currently use are implemented without satire. 144

A tragic consequence of an emphasis on numerical population control is infanticide. 145 Although this phenomenon is associated most often with cultures outside the so-called Western world, 146 the fervor to have a baby of a certain sex, a certain phenotype, a certain intelligence, etc. is becoming less of a cultural issue and more of a class issue. 147 Given the strides in human

<sup>&</sup>lt;sup>142</sup> THE PEOPLE BOMB: WHEN WILL OVERPOPULATION EXPLODE? (Turner/CNN Special Reports 1992).

<sup>&</sup>lt;sup>143</sup> Jonathan Swift, A Modest Proposal, in RESPONDING TO LITERATURE 1521-1527 (J. Stanford ed., 1992). <sup>144</sup> I don't mean to condemn all international family planning outreach nor deny developing nations their constructive population control techniques. See World Health Organization, Reproductive Health, www.who.int/reproductive-health/family\_planning/index.html; Guttmacher Institute, www.guttmacher.org/guidelines/guidelines ipsrh.html; International Planned Parenthood Federation, www.ippf.org/en; Population Matters: Policy Brief (Rand Program of Policy-Relevant Research Communication), www.rand.org/pubs/research\_briefs/RB5063/index1.html; Population Action International, www.populationaction.org; [China]: Family Planning Policy and Practice in the People's Republic of China, www.uscis.gov/files/nativedocuments/prchn95-001.pdf; Family Planning in China, www.news.xinhuanet.com/zhengfu/2002=11/18/content 63386.htm; Database of Population and Family Planning Laws, Policies and Regulations – China,

www.unescap.org/esid/psis/population/database/poplaws/law\_china/chtitle.htm; Government White Papers, www.china.org.cn/e-white/familypanning/index.htm; National Population and Family Planning Commission of China, www.npfpc.gov.cn/en/index.htm; [India]: Population and Family Planning Policy, www.countrystudies.us/india/34.htm; India and Family Planning: An Overview,

www.searo.who.int/linkfiles/family planning fact sheets india.pdf; FPA India, www.fpaindia.org; [Indonesia]: Family Health International, www.fhi.org/en/RH/Pubs/wsp/fctshts/Indonesia.htm; Indonesia and Family Planning; An Overview, www.searo.who.int/LinkFiles/Family Planning Fact Sheets indonesia.pdf; Political Management on the Indonesian Family Planning Program, www.gutmacher.org/pubs/journals/3002704.html; [Philippines]: Family Health International, <a href="https://www.fhi.org/en/RH/Pubs/wsp/fctshts/Philippines3.htm">www.fhi.org/en/RH/Pubs/wsp/fctshts/Philippines3.htm</a>; Population Action International: Famil Planning in the Philippines,

www.populationaction.org/Press\_Room/viewpoints\_and\_statements/2008/04\_24\_P.

THE PEOPLE BOMB: WHEN WILL OVERPOPULATION EXPLODE? (Turner/CNN Special Reports 1992). See also Gendercide Watch, Case Study: Female Infanticide, available at http://www.gendercide.org/case infanticide.html, (last visited Mar. 5, 2004) (defining female infanticide as "the intentional killing of baby girls due to the preference for male babies and from the low value associated with the birth of females"); David Rohde, India Steps Up Effort to Halt Abortions of Female Fetuses, N.Y. TIMES, Oct. 26, 2003, at A3.

<sup>146</sup> Gendercide Watch, Case Study: Female Infanticide, available at http://www.gendercide.org/case infanticide.html, (last visited Mar. 5, 2004) (asserting that female infanticide "remains a critical concern in a number of 'Third World' countries today").

<sup>&</sup>lt;sup>147</sup> See generally Elaine Leeder, The Family in Global Perspective: A Gendered Journey (2003)

genome research, for example, couples who can afford to make these family-planning decisions may one day be able to do so without the taboo associated with "infanticide." As scientific findings and moralistic definitions fuel the debate over what constitutes human life, the topic of infanticide will fall farther and farther from the human rights discussion table into the trough that serves up so much political debate. In the meantime, however, the issue of infanticide as a desperate family-planning tool, aimed disproportionately at female babies, <sup>149</sup> receives greater attention than its underlying cause: international and domestic pressure on and by certain states to keep their numerical population down. <sup>150</sup>

Rising longevity and falling fertility have also contributed to a new demographic time bomb. For example, though China has decreased its increase in population through a pronounced policy of one-child per family—most characteristically a male child—the median age of its people will soar in the next 35 years. <sup>151</sup> Biotechnology's quickening race to find a

(also at http://books.google.com/books?id=G3v2rSiGFxoC&printsec=frontcover&dq=elaine+leeder).

FROM CHANCE TO CHOICE: GENETICS AND JUSTICE (2000); Rebecca Leung, *Change the Sex of Your Baby; New Technology May Allow Couples to Design the Perfect Baby*, CBS News (Aug. 11, 2004), available at <a href="http://www.cbsnews.com/stories/2004/04/13/60II/main611618.shtml">http://www.cbsnews.com/stories/2004/04/13/60II/main611618.shtml</a>; *Controversial Study Allows Parents to Pick Baby's Sex*, ABC News (Oct. 26, 2005), available at <a href="http://abcnews.go.com/WNT/Health/Story?id=1253458">http://abcnews.go.com/WNT/Health/Story?id=1253458</a>. The social challenges of genetic selection will be discussed further along in the text.

Gendercide Watch, Case Study: Female Infanticide, available at <a href="http://www.gendercide.org/case\_infanticide.html">http://www.gendercide.org/case\_infanticide.html</a>, (last visited Mar. 5, 2004) (arguing, "in all cases, specifically female infanticide reflects the low status accorded to women in most parts of the world; it is arguably the most brutal and destructive manifestation of the anti-female bias that pervades 'patriarchal' societies').

The dogma and doctrines of religious orthodoxies play a vital, compounding and confounding role in the formulation of state sanctioned population control. *See, e.g.,* MATTHEW CONNELLY, FATAL MISCONCEPTION: THE STRUGGLE TO CONTROL WORLD POPULATION (2008); *Rosemary Radford Ruether, Comments from a Christian Perspective on Religion and Population Policy,* www.religiousconsultation.org/ruether.htm.

See Joseph Kahn, *The Most Populous Nation Faces a Population Crisis*, N.Y. TIMES, May 30, 2004, at sec. 4, p. 5 ("China's aging will lop multiple percentage points off its [economic] growth rate, [its] growing surplus of men will produce severe social stress, creating an army of bachelors that some believe could be more welcomed to commit crimes or even wage wars..."); *see also* Sharon LaFraniere, *Chinese Bias for Baby Boys Creates a Gap of 32 Million*, NY TIMES, April 11, 2009 at Sec. A, p. 5; Louisa Lim, *China Demographic Crisis: Too Many Boys, Elderly*, www.npr.org/templates/story/story.php?storyID=89572563; TYRENE WHITE, CHINA'S LONGEST CAMPAIGN: BIRTH PLANNING IN THE PEOPLE'S REPUBLIC, 1949-2005; VALERIE M. HUDSON & ANDREA M. DEN BOER, BARE BRANCHES: THE SECURITY IMPLICATIONS OF ASIA'S SURPLUS MALE POPULATION (2005). Once again, these demographic conclusions are overshadowed by contemporary economic measurements of progress, discussed above. The recent erosion of population controls and migrations from the countryside caused by economic forces has led China to experiment with abolishing the legal distinctions between urban residents and peasants. Access to housing

genetic formula manipulable for sustained life will undoubtedly and haphazardly change the experience of old age. <sup>152</sup> In Europe, where births have decreased from 2.38 to 1.45 children per woman over the past thirty years, nations have had to "import" population to perform certain functions of labor. <sup>153</sup> In India, there was momentum to craft a national bill limiting members of Parliament and State legislatures to two children thereby provoking critical complaints of social engineering in a democracy and discrimination toward members of lower castes. <sup>154</sup> As divergent and factioned are our burgeoning peoples of the world, we will all, in differing manners, feel the accelerated pressure to sustain, or even maintain, a quality of life in which food and water are not only givens, or access to a right, but for most on this planet, are luxuries. <sup>155</sup>

# Food and Water: Access, Safety and Security

The urgency for some societies to deaccelerate birthings is coupled with and aggravated by yet another aspect of the industrialized nations' colonial agenda: control over the world's resources, <sup>156</sup> specifically its food supply. <sup>157</sup> I ask you, "What is your relationship to food?" <sup>158</sup>

rights, education, medical care and Social Security had, since the 1950's, been tied to a system of residence permits known as *hukow*. *See* Joseph Kahn, "China to Drop Urbanite-Peasant Legal Differences", N.Y. TIMES, Nov. 3, 2005, *available at* http://www.nytimes.com/2005/11/03/international/asia/03china.html?pagewanted=print.

<sup>&</sup>lt;sup>152</sup> See Susan Dominus, Life in the Age of Old, Old Age, N.Y. TIMES MAG., Feb. 22, 2004, at sec. 6, p. 26; Gregory M. Fahy, M.D., Cellular Immortality: An Exclusive Interview with Stem Cell Pioneer Michael D. West, Ph.D., LIFE EXTENSION, Nov. 2003, at 72.

<sup>153</sup> Kevin Sullivan, Booming Ireland Plays Catch-up: Influx of Immigrants Strains its Schools, Other Infrastructure, CHI. TRIB., Oct. 28, 2007, at 16; Elizabeth Rosenthal, European Union's Plunging Birthrates Spread Eastward, N.Y. TIMES, Sept. 4, 2006, at A3. See also Russell Shorto, Childless Europe: What Happens to a Continent When It Stops Making Babies?, N.Y. TIMES, June 29, 2008, Magazine, p. 34; Sharon Lerner, The Motherhood Experiment, N.Y. TIMES, March 4, 2007, Magazine, p. 20.

Amy Waldman, States in India Take New Steps to Limit Births, N.Y. TIMES, Nov. 7, 2003, at A1.

<sup>155</sup> See generally Richard P. Cincotta, Robert Engelman, Daniele Anastasion, *The Security Demographic:* Population and Civil Conflict After the Cold War (Population Action International, Special Edition for Woldwatch Institute State of the World Library Subscribers 2003), <a href="https://www.population.org">www.population.org</a>.

<sup>156</sup> For a powerful formulation arguing that colonial rule continues to be carried out in the contemporary era, albeit under very different circumstances and with very different implications for individual nation-states of all sizes, *see* Michael Hardt and Antonio Negri, EMPIRE (2000). For a more optimistic statement of potential positive outcomes for such a situation, see their follow-up work, MULTITUDE: WAR AND DEMOCRACY IN THE AGE OF EMPIRE (2004).

<sup>157</sup> See generally Special Report, The End of Plenty: The Global Food Crisis, NAT'L GEOGRAPHIC 26,

For most of you, I suspect your answer is not the same as my honored author-friend, Gary

Nabhan:

Eating is perhaps the most direct way we acknowledge or deny the sacredness of the earth. It has been a year now since I began my modest attempt to focus on the foods of my local landscape, and I have decided that it has been more like an extended meditation than a diet or an experiment. I have brewed and chewed over my relationship to desert soils and salty waters, to

June, 2009; Bryan Walsh, The Real Cost of Cheap Food, TIME MAG. 30, August 31, 2009; Issue, Food for Everyone: How to Grow a Local Food Revolution, YES MAG., Spring 2009; Issue, The Pleasures & Politics of Food, THE WILSON QUART. 29, Summer 2003; Issue, Food Fights, N.Y. TIMES MAG., October 12, 2008; Stephen Doyle and Zack Zavislak, Feed the World: The Future of Food: How Science Will Solve the Next Global Crisis, WIRED 188, November 2008; Helen Cushing, Feeding the Machine, LIVING PLANET 56, Winter 2001; Karen Lehman & Al Krebs, Control of the World's Food Supply, in MANDER 122-130; Richard Manning, The Oil We Eat: Following the Food Chain Back to Iraq, HARPER'S MAG. 37, Feb. 2004; Vandana Shiva, A World View of Abundance, ORION, Summer 2000. Ten corporations control 65% of proprietary seed for major crops. Four firms account for 50% of the proprietary market alone. Lynda Waddington, "Monsanto, Big Ag has 'troubling' control over seed market, report finds," THE IOWA INDEPENDENT, December 29, 2009; www.gmwatch.eu/component/content/article/10558-the-worlds-top-ten-seed-companies-who-owns-nature. They also control global agri-chemical and pest control market. Only two companies, Cargill and Archer Daniels Midland, contol three quarters of the global trade in grain. Charlie Kimber, It's Not Just McDonald's: Corporations that Control World's Food, SOCIALIST WORKER ONLINE, Aug. 10, 2002, available at http://www.socialistworker.co.uk/art.php?id=5070; Geoffrey Tansey, Food for Thought: Intellectual Property Rights, Food, and Biodiversity, HARV. INT'L REV. 54, Spring 2002; Barbara Kingsolver, A Fist in the Eve of God. in SMALL WONDER 93 (2002); Kathleen McAfee, Genetically Modified Morals: A Global Food Fight, INT'L HERALD TRIBUNE, Fri., June 13, 2003, www.commondreams.org/views03/0613-09.htm. Cf. Donald G. McNeil, Jr., When Real Food Isn't an Option, N.Y. TIMES, May 23, 2004, at sec. 4. pp. 1, 12; www.foodandwaterwatch.org. Food leads us directly into our relationships with [Animal Rights]: (see Virginia Morell, Minds of Their Own: Animals Are Smarter Than You Think; NATIONAL GEOGRAPHIC 36, March 2008; Craig Holdrege & Steve Talbott, The Question Science Won't Ask, ORION 24, July/August 2006); Confined Animal Feeding Operations factory farming – CAFOs (see Michael Pollan, An Animal's Place, N.Y. TIMES, Nov. 16, 2002, Magazine, p. \_\_\_\_; Michael Pollan, Our Decrepit Food Factories, N.Y. TIMES, December 16, 2007, Magazine, p. 25; Michael Pollan, Cattle Futures, N.Y. TIMES MAG., January 11, 2004, p. 11; Michael Pollan, Power Steer, N.Y. TIMES MAG., March 31, 2002, at Sec. 6, p. 44; Nathanael Johnson, Swine of the Times: The Making of the Modern Pig, HARPERS MAGAZINE 47, May 2006; Emily Dugan, Exposed: The Long, Cruel Road to the Slaughterhouse; www.commondreams.org/archive/2008/02/13/7030/print; Editorial, The Worst Way of Farming, N.Y. TIMES, May 31, 2008, www.nytimes.com/2008/05/31/opinion/31sat4.htl?ref=opinion-pagewanted=print; Environmental News Service, Farm Animal Industry Must Change, Says Pew Commission, www.commondreams.org/archive/2008/04/30/8622/print); Pew Commission on Industrial Farm Animal Production, www.neifap.org/issues/environment); [Truck Safety]: (See Marc Lacey and Ginger Thompson, As Clinton Visits Mexico, Strains Show in Relations, NY TIMES, March 24, 2009, www.nytimes.com/2009/03/25/world/americas /25 mexico.html?\_r=1&scp=1&sq=mexican%20trucks&st=cse); [Farm Subsidies]: (see Farm Subsidy Database, www.ewg.org/farm), N.A.F.T.A., labeling (see Editorial, Origins of Our Food, N.Y. TIMES, July 4, 2007, www.nytimes.com/2007/07/04/opinion/04wed1.html?ei=5070&en=7372f606af9065; Andrew Martin, Meat Labels Hope to Lure the Sensitive Carnivore, N.Y. TIMES, October 24, 2006, www.nytimes.com/2006/10/24/business/24humane.html?ei=5094&en=82e0811a0b; AP Staff Writers, Italian Farmers Protest Food Labeling, www.commondreams.org/archive/2007/07/12/2476/print; hungry people eating rare wildlife, food safety and food borne illness, F.D.A. regulation of pesticides, genetic engineering, transgenic fish, corn as contraceptives, bulimia in Fiji, potatoes that glow when they need water because a firefly gene told them to. Coca-Cola has identified 32 "beverage occasions" each day, and in hundreds of countries. See Seth Stevenson, I'd Like To Buy The World a Shelf-Stable Children's Lactic Drink, N.Y. TIMES MAG., Mar. 10, 2002, at sec. 6, p. 38.

ancient traditions and modern trade networks, and to other lives: those of my human, plant, and animal neighbors.

Today, I will eat the last of last year=s squash for dinner, but this winter squash is too big to core as my grandfather once demonstrated to me. I will layer between its steamed slices onions and native spices, then sauté them in sunflower oil. And as I take the first mouthful, I will close my eyes and see if it tastes of home. Because I have farmed squash, studied them, painted them, and even hand-pollinated them, their taste reminds me of a long vine of connections. 159

Is your relationship closer to a two-week-old refrigerated unwashed pot of Coney Island clam chowder?

> Red and brown, white and fungus blues, Penicillin, streptomycin, green goddess dew, Filled with spice and chewy balls, Erythacin, achromycin, canned mandarin orange Terramycin, perimycin, and seasoning salt, Sauce agar-spread colonies all grown for you. Pneumonia, arthritis, fever, or dandruff, Tetani, welchii, diptheriae, more? Per se or not, it's still a risk. So with toweled hands I hold the casket, And run outside to find a basket. And trichinosis hides in ham, Then what is there inside a clam?

Or, how many of us have made a meal "at the end of the shortest food chain of all. What I had in mind was a dinner prepared entirely from ingredients I had hunted, gathered and grown myself."160

My wager in undertaking this experiment is that hunting and gathering (and growing) would perforce teach me about the ecology and ethics of eating that I could not get in a supermarket or fast-food chain or even on a farm. Some very basic things: about the ties between us and the species (and natural systems) we depend upon; about how we decide what in nature is good to eat and what is not; and about how the human body fits into the food chain, not only as an eater but as a hunter and, yes, a killer of other creatures. For one of the things I was

<sup>&</sup>lt;sup>159</sup> Gary Paul Nabhan, Coming Home to Eat, ORION, Summer 2000, at 32-40, available at http://www.portlandcc.org/cominghome.htm.

<sup>160</sup> MICHAEL POLLAN, THE OMNIVORE'S DILEMMA: A NATURAL HISTORY OF FOUR MEALS 277 (Penguin Press 2006).

hoping to accomplish by rejoining, however briefly, this shortest and oldest of food chains was to take some more direct, conscious responsibility for the killing of the animals I eat. Otherwise, I felt, I really shouldn't be eating them. While I'd already slaughtered a handful of chickens in Virginia [on Polyface Farm], the experience had disconcerted me and left the hardest questions untouched. Killing doomed domesticated animals on the assembly line, where you have to keep pace with the expectations of others, is an excellent way to remain only semi-conscious about what it is you're really doing. By contrast the hunter, at least as I imagined him, is alone in the woods with his conscience. 161

<sup>161</sup> *Id.* at 280-281. Pollan writes:

Anthropologists marvel at just how much cultural energy goes into managing the food problem. But as students of human nature have long suspected, the food problem is closely tied to...well, to several other big existential problems. Leon Kass, the ethicist, wrote a fascinating book called *The Hungry Soul: Eating and the Perfection of Our Nature*, in which he teases out the many philosophical implications of human eating. In a chapter on omnivorousness, Kass quotes at length from philosopher Jean-Jacques Rousseau, who in his *Second Discourse* draws a connection between our freedom from instinct in eating and the larger problem of free will. Rousseau is after somewhat bigger game in this passage, but along the way he offers as good a statement of the omnivore's dilemma as you're likely to find:

...nature does everything in the operations of a beast, whereas man contributes to his operations by being a free agent. The former chooses or rejects by instinct and the latter by an act of freedom, so that a beast cannot deviate from the rule that is prescribed to it even when it would be advantageous to do so, and a man deviates from it often to his detriment. Thus a pigeon would die of hunger near a basin filled with the best meats, and a cat upon heaps of fruit or grain, although each could well nourish itself on the food it disdains if it made up its mind to try some. Thus dissolute men abandon themselves to the excesses which cause them fever and death, because the mind depraves the senses and because the will still speaks when nature is silent.

Guided by no natural instinct, the prodigious and open-ended human appetite is liable to get us into all sorts of trouble, well beyond the stomachache. For if nature is silent, what's to stop the human omnivore from eating anything -- including, most alarmingly, other human omnivores? A potential for savagery lurks in a creature capable of eating *anything*. If nature won't draw a line around human appetite, then human culture must step in, as indeed it has done, bringing the omnivore's eating habits under the government of all the various taboos (foremost, the one against cannibalism), customs, rituals, table manners, and culinary conventions found in every culture. There is a short and direct path from the omnivore's dilemma to the astounding number of ethical rules with which people have sought to regulate eating for as long as they have been living in groups.

'Without virtue' to govern his appetites, Aristotle wrote, man of all the animals 'is most unholy and savage, and worst in regard to sex and eating.' Paul Rozin has suggested, only partly in jest, that Freud would have done well to build his psychology around our appetite for food rather than our appetite for sex. Both are fundamental biological drives necessary to our survival as a species, and both must be carefully channeled and socialized for the good of society. ('You can't just grab any tasty-looking morsel', he points out.) But food is more important than sex, Rozin contends. Sex we can live without (at least as individuals), and it occurs with far less frequency than eating. Since we also do rather more of our eating in public, there has been a more elaborate cultural transformation of our relationship to food than there is to sex.

Michael Pollan, *The Anxiety of Eating: An Excerpt from The Omnivore's Dilemma*, reprinted in THE SUN, May 2006, at 13, 16-17.]

Certainly, our connections to food stem from personal cost-benefit judgments; yet our choices have lost their profoundness. For most in society, it involves the unthinking acceptance of commercialization, long-haul transportation, and mass scale production. Did this begin as a conscious compromise of our attention to the integrity of what we place into our bodies, or was the choice superimposed upon us by those corporations that advocate large economics of scale and advertisers of sugar, antibiotic, and preservative laden products?<sup>162</sup> When did we lose the slow food meal?<sup>163</sup> How come we don=t all shop in organic supermarkets, but if someone wants pesticide-laden food, that person must go to a small specialty shop and pay more?<sup>164</sup> Why, as lawyers, do we conjure up food hate laws, <sup>165</sup> ease guidelines on pig sanitation (right to farm

<sup>&</sup>lt;sup>162</sup> Lehman & Krebs, supra note 157; Stuart Laidlaw, Secret Ingredients: The Brave New World OF INDUSTRIAL FARMING (2003); RAJ PATEL, STUFFED AND STARVED: THE HIDDEN BATTLE FOR THE WORLD FOOD SYSTEM (2008); PETER CHAPMAN, BANANAS: HOW THE UNITED FRUIT COMPANY SHAPED THE WORLD (2008); FELICITY LAWRENCE, NOT ON THE LABEL (2004); STAN COX, SICK PLANET: CORPORATE FOOD AND MEDICINE (2008); Marc Lappe & Britt Bailey, Against the Grain: Biotechnology and the Corporate Takeover of YOUR FOOD (1998): VANDANA SHIVA, STOLEN HARVEST: THE HIJACKING OF THE GLOBAL FOOD SUPPLY (1999): WENDELL BERRY, THE MEAT YOU EAT: HOW CORPORATE FARMING HAS ENDANGERED AMERICA'S FOOD SUPPLY (2004); ERIC SCHLOSSER, FAST FOOD NATION: THE DARK SIDE OF THE ALL-AMERICAN MEAL (2001); BETTY FUSSELL, RAISING STEAKS: THE LIFE AND TIMES OF AMERICAN BEEF (2008): ANDREW RIMAS & EVAN D.G. FRASER. BEEF: THE UNTOLD STORY OF HOW MILK, MEAT, AND MUSCLE SHAPED THE WORLD (2008); PAUL ROBERTS, THE END OF FOOD (2008); Nicholas D. Kristof, Pathogens in Our Pork, NY TIMES, March 15, 2009, at sec. wk. p. 13; Michael Pollan, The Way We Live Now: The (Agri)cultural Contradictions of Obesity, NY TIMES, October 12, 2003, at sec. 6, p. 41; E. Melanie Dupuis, Nature's Perfect Food: How Milk Became America's Drink (2002); E. Melanie Dupuis, The Body and the Country: A Political Ecology of Consumption, in New Forms of Consumption, Consumers, Culture and Commodification (M. Gottdeiner, Ed.) 131 (2000); George Ritzer and Seth Oradia, The Process of McDonaldization Is Not Uniform, Nor Are Its Settings, Consumers, or the Consumption of Its Goods and Services, in New Forms of Consumption, Consumers, Culture and Commodification (M. Gottdeiner, Ed.) 33 (2000).

<sup>&</sup>lt;sup>163</sup> See www.slowfood.com. The automation of lunch is a major industry in Europe. John Tagliabue, *In Italy, the Vending Machine Bakes; Inventor Takes Human Touch Out of the Recipe for Fresh Pizza*, NY TIMES, March 14, 2009, at sec. B, p. 4. For a list of voices in the sustainable food movement and the Eat Well Guide, *see* CULTIVATING THE WEB: HIGH TECH TOOLS FOR THE SUSTAINABLE FOOD MOVEMENT, Eat Well Guide Publishers, 2008. *Cf.* TOM STANDAGE, AN EDIBLE HISTORY OF HUMANITY (2009).

Suggested by my colleague, Mona Hymel. The argument by agribusiness giants that petroleum contaminants are required to generate large-scale quantities of food to feed an ever increasing population merely begs the question of why our societies have accepted centralized control over food production, distribution, and safety. The same can, and will, be said concerning the commodification of water or other mandatory necessities for life (e.g., medicines). *But see*, Andrew Martin, *Is a Food Revolution Now in Season?*, NY TIMES, March 22, 2009, at sec. Bu, p. 1 (discussing the new political climate in Washington embracing local food production).

<sup>&</sup>lt;sup>165</sup> See generally Colleen Lynch, Disregarding the Marketplace of Ideas: A Constitutional Analysis of Agricultural Disparagement Statutes, 18 L.J. & Com. 167, 182 (1998); Eileen Gay Jones, Forbidden Fruit: Talking About Pesticides and Food Safety in the Era of Agricultural Product Disparagement Laws, 66 BROOKLYN L. REV. 823, 842 (2000/2001); David Bederman, Food Libel: Litigating Scientific Uncertainty in a Constitutional Twilight Zone, 10 DEPAUL BUS. L.J. 191, 192 (1998); Bederman et al, Of Banana Bills and Veggie Hate Crimes: The

laws), <sup>166</sup> shrink the definition of foreseeable harm, or attempt to enact laws limiting liability for the unintended consequences of genetically engineered food? <sup>167</sup>

In a global economy, will farmers and countries be able to choose what they eat, what they produce, what type of agricultural methods they employ, or whether they continue to farm at all?<sup>168</sup> Will climate change inform those choices?<sup>169</sup> Working under the assumption that numerical overpopulation results in a shortage of food for an ever-increasing number of mouths, agribusinesses offer a reduced-cost, heightened-risk alternative to naturally-grown foods.<sup>170</sup> Some agribusiness proponents argue that genetically-modified (GM) foods and the monocropping methods used to manufacture them will help feed the world's undernourished population.<sup>171</sup> While it can be true that these foods *may be priced* lower than naturally-grown

Constitutionality of Agricultural Disparagement Statutes, 34 HARV. J. LEGIS. 135, 156 (1997); Sheldon Rampton and John Stauber, Shut Up And Eat: The Lessons of the Oprah Trial; THE NATION 10, Feb. 16, 1998.

But see the work of Tom Linzey of the Community Environmental Legal Defense Fund, www.celdf.org.

Please have a look at these articles: Julie A. Davis and Lawrence C. Levine, *Biotechnology=s* Challenge to the Law of Torts, 32 McGeorge L. Rev. 221 (2000); Richard Revesz, *Environmental Regulation*, Cost-Benefit Analysis, and the Discounting of Human Lives, 99 COLUMBIA L. Rev. 941 (1999); and Mari Matsuda, On Causation, 100 COLUM. L. Rev. 2195 (2000).

Agriculture, International Forum on Globalization (2007); <a href="www.cornucopia.org">www.cornucopia.org</a>; <a href="www.environmentalcommons.org">www.environmentalcommons.org</a>; <a href="www.environmentalcommons.org

PAUL ROBERTS, THE END OF FOOD (2008); WILLIAM R. CLINE, GLOBAL WARMING AND AGRICULTURE: END-OF-CENTURY ESTIMATES BY COUNTRY (2007). Which farmers will be able to take advantage of climatic changes? See Hope Shand, Corporations Grab Climate Genes, <a href="https://www.commondreams.org/archive/2008/05/13/8911/print/">www.commondreams.org/archive/2008/05/13/8911/print/</a>; Rick Weiss, Firms Seek Patents on 'Climate-Ready' Altered Crops, www.commondreams.org/archive/2008/05/13/8930/print/.

Wendell Berry, *The Whole Horse: The Preservation of the Agrarian Mind, in* The Fatal Harvest Reader 42 (A. Kimbrell ed., 2002); Daniel Imhoff, *Community Supported Agriculture: Farming with a Face on It, in* Mander 426; Lehman & Krebs, *supra* note 157, at 128-30; Nabhan, *supra* note 159; *cf.* Robert Paarlberg, *The Global Food Fight*, Foreign Affairs, May/June 2000, at 24 [claiming that GM foods can help relieve poverty and malnutrition in less developed nations]; Ford Runge & Benjamin Senauner, *A Removable Feast*, Foreign Affairs, May/June 2000, at 40. *See also* Bill Marsh, *The Overflowing American Dinner Plate*, NY Times, August 3, 2008, at sec. BU, p. 7.

<sup>&</sup>lt;sup>171</sup> See generally Peter Pringle, Food, Inc.: Mendel to Monsanto -- The Promises and Perils of The Biotech Harvest (Simon & Shuster 2003); Paarlberg, supra note 170, at 24; Runage & Senauner, supra note 170, at 40; Craig Canine, Building a Better Banana, Smithsonian 96, October 2005; Honor Hsin, Bittersweet Harvest: The Debate Over Genetically Modified Crops, Harv. Int'l Rev. 38, Spring 2002; Lawrence Busch, Assumptions about Biotechnology and Agriculture, 10 MSU-DCL J. Int'l L. 57 (2001). Report, Failure to Yield:

foods, <sup>172</sup> records of the health implication of GM foods are spotty at best. <sup>173</sup> What is well documented, however, is the impact such agribusinesses have had on landscape and culture. <sup>174</sup>

Evaluating the Performance of Genetically Modified Crops, UNION OF CONCERNED SCIENTISTS, April 14, 2009; Pamela Ronald, Tomorrow's Table for Nature, http://network.nature.com/people/tomorrows-table/blog; Cormac Sheridan, Report Claims No Yield Advantage for Bt Crops, www.nature.com/nbt/journal/v27/fall/nbt0709-588.html. But see Clare Hope Cummings, Artificial Foods and Corporate Crops: Can One Escape the 'Frankenstate'?, www.alternet.org/module/printversion/83301; www.themeatrix.com; [Food Safety Review, Spring 2002]; Special Report: GM Crops, THE ECOLOGIST, July/August 2003; John Robbins, Are Genetically Modified Foods the Answer to World Hunger?, EARTH ISLAND J. 26, Winter 2001-02. Jennifer Ackerman, Food: How Safe? How Altered?, NAT'L GEOGR. 2, 32, May 2002 (Series: Challenges for Humanity); Jim Lobe, Risks of Genetically Modified Foods Under Global Debate, ONE WORLD.NET, Feb. 23, 2004 (discussing the Cartagena Protocol on Biosafety); Contamination of Conventional Seed with Genetically Engineered Material Prompts Call to Protect Organic Seed (press release), www.commondreams.org/news2004/0025-13.htm (discussing findings of Union of Concerned Scientists showing widespread contamination of conventional seed); Lawsuit Challenges Open-Air Testing of Genetically Engineered 'Biopharm' Crops (press release) www.commondreams.org/news2003/112-10.htm; Mike Geniella, Mendocino County Voters Ban Biotech Crops, Animals, SANTA ROSA PRESS, Mar. 3, 2004, www.commondreams.org/headlines04/0303-02.htm. See also Cecily G. Monsman, Nanotechnology and the Future of Agriculture (Dec. 15, 2003) (unpublished manuscript); Jim Thomas, Nano Cuisine, THE ECOLOGIST 11, April 2004; www.etcgroup.org.; Genetic modification is but one of a long list of technologies whose placement into human life introduces us to the *precautionary principle*, a contrarian doctrine to the all speed ahead role technological invention generally pushes us. The "precautionary" concept will be discussed ahead in the text. See generally Carolyn Raffensperger, Precaution and Security: the Labyrinthine Challenge, WHOLE EARTH 34, Fall 2002; Amory B. and L. Hunter Lovins, A Tale of Two Botanies, WIRED, Apr. 2000.

On the safety of food, in general, *see* IAN SHAW, IS IT SAFE TO EAT?: ENJOY EATING AND MINIMIZE FOOD RISKS (2005); Schlosser *supra*; Michael Pollan, *Cattle Futures?*, N.Y. TIMES MAG., Jan. 11, 2004, at sec. 6, p. 11; Eric Schlosser, *Bad Meat: The Scandal of Our Food Safety System*, THE NATION, Sept. 16, 2002, at p. 6; Eric Schlosser, *Fast Food Nation*, THE ECOLOGIST 40, Apr. 2004; Marian Burios, *Warily Searching For Safer Beef*, N.Y. TIMES, Dec. 31, 2003, at D1, D4.

172 See Michael Pollan, The (Agri) Cultural Contradictions of Obesity, N.Y. TIMES MAG., Oct. 12, 2003, at sec. 6, p. 41; Jennifer Clapp, WTO Agricultural Trade Battles and Food Aid, 25 THIRD WORLD Q. 1493 (2004); Jim Lobe, Fast-Food Giant Ignores Rights of Workers, ONEWORLD.NET, Mar. 16, 2004, www.commondreams.org/headline04/0316-10.htm; Michael Pollan, A Flood of U.S. Corn Rips at the Heart of Mexico's Farms, THE ECOLOGIST 6, June 2004.

173 STUART LAIDLAW, SECRET INGREDIENTS: THE BRAVE NEW WORLD OF INDUSTRIAL FARMING (2003); BRIAN TOKAR, REDESIGNING LIFE?: THE WORLDWIDE CHALLENGE TO GENETIC ENGINEERING, McGill-Queens University Press, 2001; SCHLOSSER, supra note 162; Andrew Kimbrell, Seven Deadly Myths of Industrial Agriculture, THE FATAL HARVEST READER 3 (A. Kimbrell ed., 2002); Lehman & Krebs, supra note 157, at 123; Ellen Ruppel Shell, New World Syndrome, ATLANTIC MONTHLY, June 2001 at 53; Carey Gillam, Biotech Crops Cause Big Jump in Pesticide Use: Report, www.commondreams.org/print/49514.

Norberg-Hodge, supra note 71, at 45; see generally BRIAN TOKAR (ED.), GENE TRADERS & BIOTECHNOLOGY, WORLD TRADE AND THE GLOBALIZATION OF HUNGER (2004); Donald L. Bartlett and James B. Steele, Monsanto's Harvest of Fear, Vanity Fair 156, May, 2008; Ellen Ruppel Shell, New World Syndrome, ATLANTIC MONTHLY, June 2001; Shiva, supra note 157; SCHLOSSER, supra note 162; Michael Pollan, The Futures of Food: The Industry Has Found a Way to Co-opt the Threat from Organics and 'Slow Food.' Remember the Meal in a Pill?, N.Y. Times Mag., May 4, 2003, at sec. 6, p. 63; Matt Lee and Ted Lee, The Next Big Flavor: Searching For the Taste of Tomorrow, id. at 66; Amanda Hesser, Vintage Cuts, id. at 72; Danylo Hawaleshka with Brian Bethune and Sue Ferguson, Tainted Food,

www.macleans.ca/shared/print.jsp?content=20040126\_73971\_73971 (Kraft to develop nanoparticles that can change food color, flavor, and nutrient value to suit a person's health or palate); Gary Ruskin, *The Fast Food Trap: How Commercialism Creates Overweight Children*, MOTHERING MAG., Nov./Dec. 2003; Kate Zernike, *Is Obesity the Responsibility of the Body Politic?*, N.Y. TIMES, Nov. 9, 2003, at sec. 4, p. 3; Carl Hulse, *Vote in House Bars Some Suits Citing Obesity*, N.Y. TIMES, Mar. 11, 2004, at A1.

As GM food businesses purchase lands rich in biodiversity with the intention of growing one crop for export purposes, the communities living on or near that land lose the balanced diet that comes from eating fresh, diverse foods grown locally. Losing that connection to local food contexts diminishes a community's connection to their land and, often, to their very understanding of themselves as people. 176

On a daily basis we are all confronted with demystifying the claims of competing food advocates in the face of often hidden, or worse, ignored, worldwide starvation and economic disparity.<sup>177</sup> Or, we should be. We argue the scientific certainty of safety of bioengineered

The relationship between advertising images and eating behavior is well studied and commented. *See generally*; Susan McKenna, *Critical Interventions: Eating Behaviors, Gendered Experiences, and the Mass Media*, 34 EXPOSURE 25, (2001); Ann Marie Barry, *Starving in the Midst of Plenty: The Relationship Between Advertising Images and Eating Disorders, id.* at 12; Kathryn Sylva, *A Conversation with Emma Thompson, id.* at 30. *Cf.* ROY PORTER, FLESH IN THE AGE OF REASON (2004); SUSIE ORBACH, BODIES (2009).

On the issues of labor, migration, and immigration relative to agribusiness policies and practices, *see generally* DAVID BELL & GILL VALENTINE, CONSUMING GEOGRAPHIES: WE ARE WHERE WE EAT (1997); Jeffrey Sachs and John Gallup *Location, Location: Geography and Economic Development*, HARV. INT'L REV., Winter 1998/1999. *See also* Victoria Burnett, *Fruit Picking Causes Strife in Andalusia as Natives' Job of Last Resort*, NY TIMES, March 16, 2009, at Sec. A, p. 5.

For commentaries on non-biotechnological visions for 21<sup>st</sup> century agriculture, *see* Arnie Cooper, *Earthy Delights: Cultivating a New Agricultural Revolution: An Interview with Michael Ableman*, The Sun 4, June 2003; Michael Pollan, *Getting Over Organic*, Orion 11, July/August 2003; Bioneers Food & Farming Initiative, *available at* <a href="http://www.bioneers.org/node/10">http://www.bioneers.org/node/10</a>; Wendell Berry, *In Defense of the Family Farm*, in Home Economics (1987); *Special Report on Slow Food*, The Ecologist, Apr. 2004; Corby Kummer, The Pleasures of Slow Food: Celebrating Authentic Traditions, Flavors, and Recipes (2002).

To learn more about the principles and examples of *fair trade*, the following sources are good introductory cards: Mark Hayes & Geoff Moore, *The Economics of Fair Trade: A Guide in Plain English* (2005), *available at* <a href="http://www.udbs.dur.ac.uk/fairtraderesearch/The%20Economics%20of%20Fair%20Trade%20plain%20guide.pdf">http://www.udbs.dur.ac.uk/fairtraderesearch/The%20Economics%20of%20Fair%20Trade%20plain%20guide.pdf</a>; Andrew Downie, *Fair Trade in Bloom*, NY TIMES.

www.nytimes.com/2007/10/02/business/worldbusiness/02trade.html?hp=&pagewant; Love Your Food, UTNE READER, May/June 2002; Julia Moskin, Helping the Third World One Banana at a Time, NY TIMES, Wed., May 6, 2004, at D1, D3; Make Trade Fair, www.oxfamamerica.org.

Daniel Imhoff, Community Supported Agriculture: Farming with a Face on It, in MANDER 426-28); Nabhan, supra note 159. But see James E. McWilliams, Free-Range Trichinosis, NY TIMES, April 10, 2009, at Sec. A, p. 19.

A, p. 19.

176 Norberg-Hodge, supra note 71, at 45; Ellen Ruppel Shell, New World Syndrome, in ATLANTIC MONTHLY, June 2001; Shiva, supra note 157; see also DeAnna M. Rivera, 'Comfort Food' in the Global Kitchen: It Just Ain't Like Mom's Anymore... RED INK: A NATIVE AMERICAN STUDENT PUBLICATION 120 (9.2/10.1 of 2002) (noting Indigenous peoples' unique connection to community lands and their particular issues with globalized food markets); Brad Stone & Matt Richtel, Eater, Meet Your Farmers, And Say Hello, NY TIMES, March 28, 2009, at Sec. B, p. 1.

Sec. B, p. 1.

177 Shouldn't the citizens of each city or municipality demand that its elected leadership calculate and report the number of days the on-hand food supply for the community will last? *See generally* PAUL ROBERTS, THE END OF FOOD (2008).

crops, which transport themselves in processed packaging under long-haul conditions. We make cost-benefit judgments over how much control we, individually, choose to make in what we put into our bodies – what we consider, or not, nourishment. But we do know that certain events are happening. 178

A handful of companies control large percentages of the world's seeds and they often systematize schemes for claiming patents to them—patents on life 179---in contravention of plantbreeders rights. 180 When Monsanto, the world's largest agricultural-biotechnology company, purchased Seminis, the world's largest vegetable seed company, it acquired the rights to 3,500 fruit and vegetable seed varieties, including 75 percent of the tomato seeds and 85 percent of pepper seeds commercially available. 181 Just two companies, Cargill and Archer Daniels Midland, control seventy-five percent of the market in transportation of grain. Food advertisements are domineering. 183 Cultures are being steamrolled into reformation of food practices and are being launched away from bioregional sustainable farming and into the waters of export-dominated food production. 184

<sup>&</sup>lt;sup>178</sup> American society's limited but slowly growing awareness of food production conditions and food content has even led to the emergence of exposes on these topics that, within their market niches, have become quite popular. See, e.g., SCHLOSSER, supra note 162; The Real Cost of Cheap Food, supra note 157; POLLAN, supra note 160; Food, Inc., www.foodincmovie.com; Greg Critser, Fat Land: How Americans Became the Fattest PEOPLE IN THE WORLD (2003); and MORGAN SPURLOCK, SUPER SIZE ME (Hart Sharp Video, 2005).

In the text just forward, I source the controversy over intellectual property rights to fundamental components of life. See, e.g., Vandana Shiva on TRIPS, WHO CONTROLS THE WORLD, http://whocontrolstheworld.com/experts/vandana-shiva-on trips; Interview with Vandana Shiva: The Role of Patents in the Rise of Globalization, www.inmotionmagazine.com/global/vshiva4 int.html; Geoffrey Tansy, supra note 157.

<sup>180 &</sup>quot;Plant breeders" is a term used to describe the person or entity who breeds a new variety of plant and can claim title in that new plant variety. See generally Plant Breeders' Rights, www.en.wikipedia.org/wiki/Plant breeders' right; JACK R. KLOPPENBURG, SEEDS AND SOVEREIGNTY: THE USE AND CONTROL OF PLANT GENETIC RESOURCES (1988).

Paula Bock, The Seed Saver: In Plant Propagation, Our Past and Future are Preserved, PACIFIC NORTHWEST, Apr. 17, 2005.

<sup>182</sup> Charlie Kimber, It's Not Just McDonald's: Corporations that Control World's Food, SOCIALIST WORKER ONLINE, Aug. 10, 2002, available at http://www.socialistworker.co.uk/art.php?id=5070.

<sup>&</sup>lt;sup>183</sup> See Hymel, supra note 74. Professor Hymel demonstrates how American tax laws actually encourage over-consumption. She recommends reversing current tax mechanisms that privilege non-sustainable practices. Advertising to Children: The Debate, The Ecologist 16, April 2004.

Vandana Shiva, supra note 157. But see G. Pascal Zachery, The Coming Revolution in Africa, WILSON

So, how we acknowledge the given role food has within each culture is necessarily dependent upon how we *value* it. Not an earth-shaking statement in itself. But how we come to terms with the *price* of food in relation to its ultimate cultural *cost* means examining just what viewpoint is being globalized. If it is maximum profits for transnational corporations, then that is one value. If it is competition for control over world food production, that is another. If it means increasing participation, locally, in the decision-making over what we eat, that is still another. <sup>185</sup>

I have focused thus far on food, but another life-sustaining resource—water—is rapidly being diverted away from communities in less-industrialized nations. In the essay, "Blue Gold: The Global Water Crisis and the Commodification of the World's Water Supply," Maude Barlow suggests that the industrialized nations are perpetuating a growing social inequity in the distribution of clean water, increasingly harming those communities that are most severely in need of potable water. Barlow goes on to describe the fissures created in communities, within nations, and across continents because of commercial water privatization, appropriation, and exportation and argues that access to water is a basic human right. She queries: Who owns

\_

QUARTERLY 50, Winter 2008.

<sup>185</sup> See Michael Pollan, supra note 160. But see David A. Taylor, Does One Size Fit All? Small Farms and U.S. Meat Regulations, www.pubmedcontrol.nih.gov/articlereader.fcgi?artid=2599784 (The U.S. system for food safety and inspection exacerbates the centralization of American farming to the detriment of the local food movement.)

Maude Barlow, Blue Gold: The Global Water Crisis and the Commodification of the World's Water Supply, INTERNATIONAL FORUM ON GLOBALIZATION, June 1999, (special report) available at <a href="http://www.thirdworldtraveler.com/Water/Blue\_Gold.html">http://www.thirdworldtraveler.com/Water/Blue\_Gold.html</a>. See also Tara Lohan, Maude Barlow: The Growing Battle for the Right to Water, <a href="www.alternet.org/module/printversion/76819">www.alternet.org/module/printversion/76819</a>. "Some analysts see clean water as poised to supplant oil as the world' most contested natural resource." William J. Broad, With a Push from the U.N., Water Reveals Its Secrets, N.Y. TIMES, Jul. 26, 2005, at F.

<sup>187</sup> Id.; DAVID ALEXANDER MCDONALD, THE AGE OF COMMODITY: WATER PRIVATIZATION IN SOUTH AFRICA (2005); VANDANA SHIVA, WATER WARS: PRIVATIZATION, POLLUTION AND PROFIT (2002); ROBERT GLENNON, UNQUENCHABLE: AMERICA'S WATER CRISIS AND WHAT TO DO ABOUT IT (2009); MAUDE BARLOW, BLUE COVENANT: THE GLOBAL WATER CRISIS AND THE FIGHT FOR THE RIGHT TO WATER (2008); Peter Gleick, Report on a Looming Water Crisis, <a href="https://www.nrp.org/templates/story/story.php?storyID=16654226&C=emaf">www.nrp.org/templates/story/story.php?storyID=16654226&C=emaf</a>; John Vidal, Cost of Water Shortage: Civil Unrest, Mass Migration and Economic Collapse, <a href="https://www.commondreams.org/headlines06/0817-02.htm">www.commondreams.org/headlines06/0817-02.htm</a>; DIETER TELEMANS, TROUBLED WATERS (2007); Robert Glennon, Tales of French Fries and Bottled Water: The Environmental Consequences of Groundwater Pumping, 37

water? Should anyone? Should it be privatized? What rights do transnational corporations have to buy water systems? Should it be traded as a commodity in the open market? What laws do we need to protect water? What is the role of the government?<sup>189</sup> How do those in water rich countries share with those in water poor countries? Who is the custodian for nature's lifeblood? How do ordinary citizens become involved in this process? 190

The globalization course syllabus, then, is an attempt to wade through the puddles of cynicism and map the legal-cultural intersections of population, food, and now increasingly the multinational dynamism of water.

LEWIS & CLARK ENVR. LAW 3 (2007); Kelly Stewart, Siphoning the Globe: Water Exhibit Exposes Worldwide Crisis, January 18, 2008, www.alternet.org/module/printversion/72376.

<sup>188</sup> *Id.* Barlow has articulated ten principles for the protection of water:

- 1. Water belongs to the earth and all species.
- 2. Water should be left where it is whenever possible.
- 3. Water must be conserved for all time.
- 4. Polluted water must be reclaimed.
- 5. Water is best protected in national watersheds.
- 6. Water is a public trust to be guarded at all levels of government.
- 7. An adequate supply of clean water is a basic human right.
- 8. The best advocates for water are local communities and citizens.
- 9. The public must participate as an equal partner with the government to protect water.
- 10. Economic globalization policies are not water sustainable.

See also Marc Clayton, Is Water Becoming 'The New Oil'?: Population, Pollution and Climate Put the Squeeze on Potable Supplies and Private Companies Smell a Profit. Others Ask, Should Water be a Human Right?, www.commondreams.org/archive/2008/05/30/9305/print.

<sup>189</sup> A recent book, critical to these questions, is ROBERT GLENNON, UNQUENCHABLE: AMERICA'S WATER CRISIS AND WHAT TO DO ABOUT IT (2009).

See Right to Water, <u>www.righttowater.ca</u>.

The Environment and Technology: On the Precipice or In the Crevasse?

Environmentalists make terrible neighbors, but they make great ancestors.
- David Brower

The Universe is a communion of subjects, not a collection of objects.

- Thomas Berry

We humans behave as though we are apart from, not a part of, our environment, that nature is an entity to be conquered, diminished, and calculated. 191

The modern self is a discrete and separate subject in a universe that is other. It is the economic man of Adam Smith; it is the skin-encapsulated ego of Alan Watts; it is the embodied soul of religion; it is the selfish gene of biology. It underlies the converging crises of our time, which are all permutations of the theme of separation – separation from nature, from community, from lost parts of ourselves. It is at the heart of all the usual culprits blamed for the ongoing destruction of ecology and polity, such as human greed and capitalism. <sup>192</sup>

The human condition may, indeed, be predisposed to challenge, but it is equally absorbed in self-deception, arrogance, and the capacity for false choices. How else do we create economies of toxicity, then establish cost-benefit arithmetic formulas for totaling the diminishment of life?<sup>193</sup>

<sup>191</sup> See Robert A. Williams, Jr., The Savage as the Wolf: Indigenous Peoples Rights in the Western Imperial Imagination (Draft) (Forthcoming); Richard Bernheimer, Wild Men in the Middle Ages: A Study in Art, Sentiment, and Demonology (1952); Ronald L. Meek, Social Science and the Ignoble Savage (1976); Eric R. Wolf, Europe and the People Without History (1982); Anthony Pagden, The Fall of the Natural Man: The American Indian and the Origins of Comparative Ethnology (1982); Lynn White, Jr., The Historical Roots of Our Ecological Crisis, <a href="https://www.zbi.ee/~kalevi/lwhite.htm">www.zbi.ee/~kalevi/lwhite.htm</a>. See also Carol M. Rose, Given-Ness and Gift: Property and the Quest for Environmental Ethics, 24 Environmental L. 1 (1994).

<sup>&</sup>lt;sup>192</sup> Charles Eisenstein, *Down with Descartes*, ORION 11, May/June 2008.

<sup>193</sup> See Frank Ackerman & Lisa Heinzerling, Priceless: On Knowing the Price of Everything and the Value of Nothing (2004); Jay Griffiths, Artifice v. Pastoral: The World of Fakery And Its War On All Things Natural, Orion 20, March/April 2009; Curtis White, The Barbaric Heart, Orion 30, May/June 2009; Richard Revesz, Environmental Regulation, Cost-Benefit Analysis, and the Discounting of Human Lives, 99 Colum. L. Rev. 941 (1999); Mari Matsuda, On Causation, 100 Colum. L. Rev. 2195 (2000); Martha C. Nussbaum, The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis, 29 J. Legal Studies 1005 (2000); John Tierney, Life: The Cost-Benefit Analysis, N.Y. Times, May 18, 2003, at sec. 4, p. 14; Jim Holt, The Human Factor: Should The Government Put a Price on Your Life?, N.Y. Times Mag., Mar. 28, 2004, at sec. 6, p. 13.

We design things to be "thrown away" when, really, there is no *away*. <sup>194</sup> The prominent architect, William McDonough, states succinctly that our labyrinthine regulatory schemes for measuring, monitoring, and sanctioning industrial interactions with the environment <sup>195</sup> are just signals of design failure. <sup>196</sup> And David Orr, a pioneer in environmental literacy in higher education and Chair of Environmental Studies at Oberlin College, writes:

#### The Next Industrial Revolution

The Next Industrial Revolution is the emerging transformation of human industry from a system that takes, makes, and wastes to one that celebrates natural, economic, and cultural abundance.

#### The First Industrial Revolution

The industrial framework that dominates our lives now is fairly primitive. It is conceived around a one-way manufacturing flow – what is known as a "cradle to grave" lifecycle. This cradle to grave flow relies on brute force (including fossil fuels and large amounts of powerful chemicals). It seeks universal design solutions ("one size fits all"), overwhelming and ignoring natural and cultural diversity. And it produces massive amounts of waste – something that in nature does not even exist.

Consider looking at the industrial revolution of the  $19^{th}$  century and its aftermath as a kind of retroactive design assignment, focusing on some of its unintended, questionable effects. The assignment might sound like this: Design a system of production that

- Puts billions of pounds of toxic material into the air, water, and soil every year
- Produces some materials so dangerous they will require constant vigilance by future generations
- Results in gigantic amounts of waste
- Puts valuable materials in holes all over the planet, where they can never be retrieved
- Requires thousands of complex regulations to keep people and natural systems from being poisoned too quickly
- Measures productivity by how few people are working?
- Creates prosperity by digging up or cutting down natural resources and then burying or burning them
- Erodes the diversity of species and cultural practices

Does this seem like good design assignment?

Even though none of these things happened intentionally, we find this "design assignment" to be a limited and depressing one for industries to perpetuate – and it is obviously resulting in a much less enjoyable world.

WILLIAM McDonough & Michael Braungart, Cradle to Cradle: Remaking the Way we Make Things (2002). *Cf.* David Korten, *Cowboys in a Spaceship*, in When Corporations Rule the World 25-56 (2<sup>nd</sup> ed., 2001).

ed., 2001).

195 "The Environment." How vast is our range of definition? See generally Glenn Adelson et al.,
Environment: An Interdisciplinary Anthology (2008); Chris C. Park, The Environment: Principles and
Applications (2001); Gabriele A. Kütting, Environment, Society, and International Relations (2000);
Paul Shepard, Nature and Madness (1998).

William McDonough, *supra* note 74; McDonough Braungart Design Chemistry, LLC, *The Next Industrial Revolution*, <u>www.cradletocradle.com/c2c\_nir.htm</u>:

Each of us Americans, on average, has 190 potentially toxic organochlorine compounds in our fatty tissue and body fluids, and several hundred other chemicals that maybe harmful to our health. \*\*\* [T]he privacy of the body has been violated without our knowledge or permission, and with little accountability by those responsible. The ubiquity of pollution means that responsibility is difficult to ascertain. Still more difficult to determine is which of hundreds or thousands of chemicals, mixing in ways beyond our comprehension, caused exactly what pathologies in our bodies. We know that some of these substances, singly or in combination, undermine health, reproductive potential, intelligence, ability to concentrate, and emotional stability – hence the capacity to pursue and experience life, liberty, and happiness. In some cases the effects will manifest far into the future, placing perpetrators beyond the reach of the law and leaving their victims without remedy. What then is the meaning of the constitutional guarantees in the Fifth and Fourteenth Amendments that we cannot be deprived of life, liberty, or property without "due process of law?" Do these include property of the body?<sup>197</sup>

Many have agonized over the environment for decades. <sup>198</sup> But even Thomas Jefferson, recognized for his concerns over intergenerational debt, could not have imagined the magnitude of the forthcoming intergenerational ecological debt that is most assuredly our legacy. <sup>199</sup> The

#### A New Design Assignment

We are proposing a new design assignment where people and industries set out to create the following:

- Buildings that, like trees, are net energy exporters, produce more energy than they consume, accrue and store solar energy, and purify their own waste water and release it slowly in a purer form.
- Factory effluent water that is cleaner than the influent.
- Products that, when their useful life is over, do not become useless waste, but can be tossed onto the ground to decompose and become food for plants and animals, rebuilding soil; or, alternately, return to industrial cycles to supply high quality raw materials for new products.
- Billions, even trillions of dollars worth of materials accrued for human and natural purposes each year.
- A world of abundance, not one of limits, pollution, and waste.

Welcome to the Next Industrial Revolution.

Groups like the World Watch Institute, Environmental Defense, The National Resources Defense Council, The Center for Biological Diversity, Greenpeace, and the Indigenous Environmental Network are recognizable names in a panoramic landscape of organizations dedicated to environmental awareness and stewardship. See Appendix [Websites and Organizations].

David W. Orr, Law of the Land, ORION 18, 19, Jan./Feb. 2004.

<sup>&</sup>lt;sup>198</sup> For a history of environmentalism and its relation to global ethics, *see* NICHOLAS LOW, GLOBAL ETHICS AND THE ENVIRONMENT (1999); PAUL HAWKEN, BLESSED UNREST (2007); JAMES CONAWAY, VANISHING AMERICA (2007); Lynn White, Jr., The Historical Roots of Our Ecological Crisis, www.zbi.ee/~kalevi/lwhite.htm; Liz Galst, Global Worrying: The Environment Is In Peril And Anxiety Disorders Are On The Rise, What's the Connection, PLENTY 55, August/September 2006.

See State of the Planet [blog from the Earth Institute], www.blogs.ei.columbia.edu; Michael Klesius,

writings in this Section of the course examine globalization's multiple forms—economic, political, cultural, scientific, and legal—at their intersections with the environment and technology.

As discussed earlier, one of the primary assumptions serving pro-globalization advocates is that monetary economic growth equals development equals progress. <sup>200</sup> A domino effect is catalyzed: people and land are put to use. Within the current development model, large businesses and the industrialized nations that subsidize them determine for all others what "use" looks like. 201 Then, the nationalistic ideology, presumptively technocratic, born in one industrialized nation spreads to and across several others bringing with it consequences that were either unimagined or actively disguised: <sup>202</sup> extinction of plants and animals, <sup>203</sup> transmission of

The State of the Planet, NATIONAL GEOGRAPHIC 103, September 2002; The Worldwatch Institute, Vital Signs 2007-2008: The Trends That Are Shaping Our Future (2007); Jane Goodall, Life is Hanging By a Thread, April 23, 2007, www.commondreams.org/archive/2007/04/23/684; Jonathan Porritt, Edging Closer to Meltdown, RESURGENCE 10, September/October 2006; Jeff Goodell, The Prophet, ROLLING STONE 59, November 1, 2007; Mike Davis, Slum Ecology, ORION 17, March/April 2006; MILLENNIUM ECOSYSTEM ASSESSMENT, www.millenniumassessment.org; STATE OF THE PLANET 08, www.earth.columbia.edu/Sop2008; Wade Davis, The End of the Wild, LAPIS, Issue 8; YANN ARTHUS-BERTRAND, EARTH FROM ABOVE (3rd Ed. 2005); Murray Whyte, Burtynsky's Account: Adding up the Price that Nature Pays, N.Y. TIMES, Jan. 4, 2004, at sec. AR34, AR37.

<sup>&</sup>lt;sup>200</sup> Thomas Berry, *Technological Triumphalism*, LAPIS, Issue 8 (1999) (describing the present global monetary market economy as "Economism," a system that allows corporate economic powers to dominate the world's democracies. "Will we humans accept the universe as the controlling context of existence or will we insist that the human be accepted as the controlling context of existence? Controlling implies the setting of limits and determining patterns of relationship. Will we accept our status as functioning within the greater community of existence or will we humans insist that the greater community of existence accept its status within the determination imposed by the human?"); see generally AMATYRA SEN, DEVELOPMENT AS FREEDOM (2001) (arguing that the current understanding of development hinders the notion that development can be used as a tool of freedom. Sen argues that such a notion is practicable only when a people also asserts the required self-determination to define freedom for itself). For a history of the role of "growth" in the United States in the second half of the twentieth century, see Robert M. Collins, More: The Politics of Economic Growth in Postwar America (2000). For a stronger counter-argument, see CHARLES DERBER, PEOPLE BEFORE PROFIT (2002). See also WILLIAM GRIEDER, ONE WORLD, READY OR NOT: THE MANIC LOGIC OF GLOBAL CAPITALISM (1997).

William Finnegan, The Economics of Empire: Notes on the Washington Consensus, HARPERS MAG., May 2003, at 45, available at www.mindfully.org/WTO/2003/Economics-Of-EmpireMay03.htm (asserting, "the [World] Bank's self-description as a 'pro-poor' development agency is at best self-deluding.... The Bank's core constituencies remain the corporation and the poor-country bureaucrats and politicians whom it entrenches").

<sup>&</sup>lt;sup>202</sup> See generally, World Watch Institute, supra note 198; Managing Planet Earth, N.Y. TIMES, Aug. 20, 2002 (Science Times Special Reports); David Ehrenfeld, Pretending, ORION, Autumn 2000; Jerry Mander, Technologies of Globalization, in MANDER 344-359; Neil Postman, Staying Sane in a Technological Society: Six Questions in Search of an Answer, LAPIS, Issue 7 (1998); Jim Yardley, China's Economic Engine Needs Power (Lots of It), N.Y. TIMES, Mar. 14, 2004 at sec. 4, p. 3 (adding a middle-sized country every two years in terms of energy use). Exemplative and the social costs of mining for gold. See Jane Perlez and Kirk Johnson, "Behind

diseases, <sup>204</sup> climate change, <sup>205</sup> fresh water under pressure, <sup>206</sup> devastation of marine life, <sup>207</sup>

language loss, <sup>208</sup> pollution, <sup>209</sup> deforestation, <sup>210</sup> introduction of foreign species, <sup>211</sup> and sprawl. <sup>212</sup>

Gold's Glitter: Torn Lands and Pointed Questions", N.Y. TIMES, Oct. 24, 2005, <a href="https://www.nytimes.com/2005/10/24/international24gold.html?ei=5094&en=9998871">www.nytimes.com/2005/10/24/international24gold.html?ei=5094&en=9998871</a>; and Jane Perlez and Lowell Bergman, "Tangled Strand in Fight Over Peru Gold Mines, N.Y. TIMES, Oct. 25, 2005, <a href="https://www.nytimes.com/2005/10/25/international/americas/25GOLD.html?ei=5094&en=99998871">www.nytimes.com/2005/10/25/international/americas/25GOLD.html?ei=5094&en=99998871</a>.

See generally David Quammen, Planet of Weeds, HARPER'S MAG., Oct. 1998; J. PATRICK LEWIS, SWAN SONG: POEMS OF EXTINCTION (2003); PETER D. WARD, UNDER A GREEN SKY: GLOBAL WARMING, THE MASS EXTINCTIONS OF THE PAST, AND WHAT THEY CAN TELL US ABOUT THE FUTURE (2007); RICHARD ELLIS, TIGER BONE AND RHINO HORN: THE DESTRUCTION OF WILDLIFE FOR TRADITIONAL CHINESE MEDICINE (2005); BRYN BARNARD, DANGEROUS PLANET: NATURAL DISASTERS THAT CHANGED HISTORY (2003); Christopher Cokinos, The Consolations of Extinctions, ORION 44, May/June 2007; Julia Whitty, Animal Extinction – The Greatest Threat to Mankind, April 30, 2007; www.commondreams.org/archive/2007/04/30/862/print; James Randerson, The Edge of Oblivion: Conservationists Name 25 Primates About To Disappear, October 26, 2007, www.commondreams.org/archive/2007/10/26/4838/print; An Epidemic of Extinctions: Decimation of Life on Earth, May 16, 2008, www.commondreams.org/archive/2008/05/16/8992/print; Alison Benjamin, Threatened Species Red List Shows Escalating 'Global Extinction Crisis', September 12, 2007, www.commondreams.org/archive/2007/09/12/3792; Back in the Crosshairs, CONDE NAST TRAVELER, Apr. 2005, at 88 (hunting safaris as conservation); Natasha Singer, See the Last Cloud Leopard, Outside Mag., May 2004, at 87. Extinction also promotes Frozen Zoos. See Alisa Opar, All Creatures Great and Small, Plenty 50, August/September 2007.

<sup>204</sup> See Harvard Working Group, Globalization, Development, and the Spread of Disease, in MANDER 161-70; Paul Epstein, Is Global Warming Harmful to Health?, SCI. AM., Aug. 2000; David Ehrenfeld, Pretending, ORION, Autumn 2000; Mander, supra note 202; MARK JEROME WALTERS, SIX MODERN PLAGUES AND HOW WE ARE CAUSING THEM (2003) (humankind is causing radical change to the natural world, the mutation and spread of known diseases and the emergence of new epidemics as a consequence); FRANK HERBERT, THE WHITE PLAGUE (1982); Elizabeth Rosenthal, As Earth Warms Up, Virus From Tropics Moves to Italy, NY TIMES, December 23, 2007.

<sup>205</sup> Pentagon Report (Peter Schwartz and Doug Randall, authors), An Abrupt Climate Change Scenario and its Implications for U.S. National Security, Oct. 2003 (link reported at Ruth Rosen, Imagine the Unthinkable, S.F. CHRON., Apr. 1, 2004); Jürgen Scheffran, Climate Change and Security, BULLETIN ATOMIC SCIENTISTS 19, May/June 2008; Bill McKibben: Warning Skies: The Deeper Aspects of Climate Change, LAPIS 11; Tom Gjelten, Intel Report Eyes Climate Change – Security Link (National Intelligence Assessment), www.npr.org/template/story/story.php?storyId=91819098; NATIONAL SECURITY AND THE THREAT OF CLIMATE CHANGE, www.securityandclimate.cna.org; S.1018, The Global Climate Change Security Oversight Act, www.washingtonwatch.com/bills/show/110 SN 1018.html; Working Group on Climate Changes and Development, Report: Up In Smoke, www.neweconomics.org/ gen/news upinsmoke.aspx; Second report: Africa - Up in Smoke, www.iied.org/pubs/display.php?o=9560IIED (International Institute for Environmental Development); TIM FLANNERY, THE WEATHER MAKERS: HOW MAN IS CHANGING THE CLIMATE AND WHAT IT MEANS FOR LIFE ON EARTH (2006); ELIZABETH KOLBERT, FIELD NOTES FROM A CATASTROPHE: MAN, NATURE, AND CLIMATE CHANGE (2006); MARK LYNAS, HIGH TIDE: THE TRUTH ABOUT OUR CLIMATE CRISES (2004); JOSEPH ROMM, HELL AND HIGH WATER: GLOBAL WARMING—THE SOLUTION AND THE POLITICS—AND WHAT WE SHOULD DO (2007); JAMES GUSTAVE SPETH, RED SKY AT MORNING: AMERICA AND THE CRISES OF THE GLOBAL ENVIRONMENT (2004); DONELLA MEADOWS, JORGEN RANDERS, AND DENNIS MEADOWS, LIMITS TO GROWTH (2004); PAUL AND ANNE EHRLICH, ONE WITH NINEVEH: POLITICS, CONSUMPTION, AND THE HUMAN FUTURE (2004); ROSS GELBSPAN, BOILING POINT (2004); Global Warming (Special Issue), AUDOBON MAG., December 2003; John Broome, The Ethics of Climate Change, SCIENTIFIC AMER. 96, June 2008; Gretel Ehrlich, The Future of Ice, SHAMBHALA SUN 28, January 2005; Bill McKibben, The Submerging World, ORION 26, September/October 2004; M. Martin Smith and Fiona Gow, Is It Time To Mess With Mother Nature, UTNE 18, July/August 2008; Robert D. Kaplan, Waterworld, THE ATLANTIC 60, January/February 2008; Andrew C. Revkin, As China Goes, So Goes Global Warming, NY TIMES, December 16, 2007, Sec. wk, p. 3; Center for American Progress, Top 100 Ways Global Warming Will Change Your Life, September 29, 2007, www.alternet.org/module/printversion/63895; Charles Wohlforth, On Thin

Ice, ORION, Mar./Apr. 2004, at 46; Clifford Krauss, Eskimos Fret as Climate Shifts and Wildlife Changes, N.Y. TIMES, Sept. 6, 2004, <a href="www.nytimes.com/2004/09/06/">www.nytimes.com/2004/09/06/</a> international/Americas/06Canada.html?8hpib; Jim Lobe, Global Warming Has Arrived: Arctic Study, ONEWORLD.NET, Nov. 1, 2004; Steve Connor, Meltdown: Arctic Wildlife is on the Brink of Catastrophe, INDEPENDENT/UK, Nov. 11, 2004; Alister Doyle, As Ice Thaws, Arctic Peoples at Loss for Words, Reuters, Nov. 22, 2004; Alister Doyle, Dangerous' Global Warming Possible by 2026 - WWF, Reuters, Jan. 30, 2005; Michael McCarthy, Global Warming: Scientists Reveal Timetable, INDEPENDENT/UK, Feb. 3, 2005; Bill McKibben, Small Changes: On Not Quite Getting It, <a href="www.onononline.org/pages/om/05-20m/McKibben.html">www.onononline.org/pages/om/05-20m/McKibben.html</a>; Ian Sample, Warming Hits Tipping Point, Guardian/UK, Aug. 11, 2005; Michael Harrison, World's Top Firms Fail to Tackle Climate Changes, INDEPENDENT/UK, Sept. 15, 2005; Andrew Buncombe and Severin Carrell, Melting Planet: Species Are Dying Out Faster Than We Have Dared Recognize, Scientists Will Warn This Week, INDEPENDENT/UK, Oct. 2, 2005; Steven Lee Myers, Andrew C. Revkin, Simon Romero & Clifford Krauss, Old Ways of Life are Fading as the Arctic Thaws, N.Y. TIMES, www.nytimes.com/2005/10/20/science/earth/20arctic.ready.html?pagewanted=print.

Many people see potential military consequences to global warming. *See, e.g.*, United States General Accounting Office (GAO) Report to the Chairman, Committee on the Budget, House of Representatives, *Energy Security: Evaluating U.S. Vulnerability to Oil Supply Disruptions and Options for Mitigating Their Effects*, GAO/RCED-97-6; Clifford Krauss, *Canada Reinforces its Disputed Claims in the Arctic*, NY TIMES, Aug. 29, 2004 at A3; Simon Romero, *Peru Guards Its Guano As Demand Soars Again*, NY TIMES, May 30, 2008, <a href="https://www.nytimes.com/2008/05/30/world/americas/30peru.html?ei-5070&en=da0zcc4f5">www.nytimes.com/2008/05/30/world/americas/30peru.html?ei-5070&en=da0zcc4f5</a>; Casey Bush and Joshua Seeds, *Apocalypse Found: Cotan, Cell Phones and Crisis in the Congo*, April 19, 2008, <a href="https://www.commondreams.org/archive/2008/04/19/8389">www.commondreams.org/archive/2008/04/19/8389</a>; William Langewiesche, *Stealing Weather*, VANITY FAIR 172, May 2008.

Global warming and the resulting melting ice caps have plowed a way for new shipping lanes across the Arctic. See, e.g., Doug Struck, Melting Arctic Makes Way for Man, WASH. POST, Nov. 5, 2006, at A1, available at <a href="http://www.washingtonpost.com/wp-dyn/content/article/2006/11/04/AR2006110401173.html">http://www.washingtonpost.com/wp-dyn/content/article/2006/11/04/AR2006110401173.html</a>; John Roach, As Arctic Ice Melts, Rush is on for Shipping Lanes, More, NAT'L GEOGRAPHIC, Feb. 25, 2005 available at <a href="http://news.nationalgeographic.com/news/2005/02/0225\_050225\_arctic\_landrush.html">http://news.nationalgeographic.com/news/2005/02/0225\_050225\_arctic\_landrush.html</a>; Jamie Wilson, Global Warming Will Leave Arctic Ice Free, GUARDIAN, Nov. 3, 2004, available at <a href="http://www.guardian.co.uk/science/2004/nov/03/environment.environment.">http://www.guardian.co.uk/science/2004/nov/03/environment.enviro

Global warming has also led to a number of lawsuits. *See, e.g.*, David Kravets, *Federal Judge OK's Global Warming Lawsuit*, ASSOCIATED PRESS, Aug. 25, 2005 (Friends of the Earth v. Watson); Richard Black, *Inuit sue US over Climate Policy*, <a href="www.bbc.co.uk/l/hi/sci/">www.bbc.co.uk/l/hi/sci/</a> tech/4511556.stm.b; Stephen Faris, *Conspiracy Theory*, THE ATLANTIC 32, June 2008.]

Some see adaptations and opportunities. Naomi Klein, *Disaster Capitalism: The New Economy of Catastrophe*, HARPER'S MAGAZINE 47, October 2007; Gregg Easterbrook, *Global Warming: Who Loses – And Who Wins?*, THE ATLANTIC 53, April 2007; Marketplace, *Seeing Opportunity in Rising Oceans*, January 28, 2008, <a href="https://www.marketplace.publicradio.org/display/web/2008/01/28/planb">www.marketplace.publicradio.org/display/web/2008/01/28/planb</a> pml saltwater farming; Stephen Faris, *Ice Free: Will Global Warming Give Greenland Its Independence?*, NY TIMES Mag., July 27, 2008, at p. 20; Michael McCarthy, *Holiday at the End of the Earth: Tourists Pay to See Global Warming in Action*, May 3, 2007, <a href="https://www.commondreasm.org/archive/2007/05/03/939">www.commondreasm.org/archive/2007/05/03/939</a>; James Fallows, *China's Silver Lining*, THE ATLANTIC 36, June 2008.]

Can climate change be manipulated? *See, e.g.*, Pete Geddes, *Geoengineering and Climate Change*, January 31, 2007, <a href="www.free-eco.org/articleDisplay.php?id=543">www.free-eco.org/articleDisplay.php?id=543</a>; Wayne Hall, *Climate Change and Geoengineering: International Large Scale Manipulation of the Global Environment*, September 25, 2007, <a href="www.globalresearch.ca/index.php?content=viewArticle&code=HAL20051020&artic">www.globalresearch.ca/index.php?content=viewArticle&code=HAL20051020&artic</a>]

See also Intergovernmental Panel on Climate Change, www.picc/ch/

Some see the term "global warming" as fostering images of complex scientific dispute and economic sacrifice and, therefore, advocate the use of a different vocabulary of words. *See* John M. Broder, *Struggling to Save the Planet, With a Thesaurus*, NY TIMES, May 2, 2009 at Sec. A, p. 1.

Fen Montaigne, *Water Pressure*, NAT'L GEOGR. 2, Sept. 2002 (Series: *Challenges for Humanity*); Maude Barlow, *supra* note 187; ROBERT GLENNON, UNQUENCHABLE: AMERICA'S WATER CRISIS AND WHAT TO DO ABOUT IT (2009); ROBERT GLENNON, Water FOLLIES: GROUNDWATER PUMPING AND THE FATE OF AMERICA'S FRESH WATERS (2004). For controversies surrounding dams, internationally, *see generally* www.irn.org, www.narmada.org, www.probeinternational.org.

PAUL MOLYNEAUX, SWIMMING IN CIRCLES: AQUACULTURE AND THE END OF WILD OCEANS (2007);

RICHARD ELLIS, THE EMPTY OCEAN: PLUNDERING THE WORLD'S MARINE LIFE (2003); [Nature-Oceanographic report at www.nature.com (2003), reported at Andrew C. Reukin, Commercial Fleets Slashed Stocks of Big Fish by 90%, Study Says, N.Y. TIMES, May 15, 2003, at A1, A12; Headlines, Rapid Growth of 'Dead Zones' in Oceans Threatens Planet, AGENCE FRANCE PRESSE, Mar. 29, 2004, available at <a href="https://www.commondreams.org/headlines04/0329\_01.htm">https://www.commondreams.org/headlines04/0329\_01.htm</a>.; Plastic is Drastic: World's Largest 'Landfill' is in the Middle of the Ocean, <a href="https://www.mindfolly.org/Plastic/Ocean-Plastic-Landfill-Agalita1nov02.htm">www.mindfolly.org/Plastic/Ocean-Plastic-Landfill-Agalita1nov02.htm</a>. See also The Cetacean Community v. Bush, et. al., 386 F.3d1169 (9th Cir. 2004) (denying standing to the world's cetaceans -- whales, porpoises and dolphins -- to bring suit in their own name under the Endangered Species Act, the Marine Mammal Protection Act, the National Environmental Protection Act and the Administrative Procedure Act) (The Navy Sonar Case); 33 U.S.C. 1951 (2006) (Marine Debris Research Prevention and Reduction Act).

John Noble Wilford, World's Languages Dying Off Rapidly, NY TIMES, September 18, 2007, <a href="https://www.nytimes.com/2007/09/18/world/18cnd-language.html?hp=&pagewanted=print">www.nytimes.com/2007/09/18/world/18cnd-language.html?hp=&pagewanted=print</a>; Claire Soares, The Languages of Extinction: The World's Endangered Tongues, <a href="https://www.commondreams.org/archive/2007/09/19/3951/print">www.commondreams.org/archive/2007/09/19/3951/print</a>. Jack Hitt, Say No More, N.Y. TIMES Mag., Feb. 29, 2004, at sec. 6, p. 52.

Pollution comes in many forms: CHEMICAL [STATE OF THE EVIDENCE: WHAT IS THE CONNECTION BETWEEN THE ENVIRONMENT AND BREAST CANCER? (Nancy Evans, ed., 3d ed., 2004), www.breastcancerfund.org; www.saefcosmetics.org; STACY MALKAN, NOT JUST A PRETTY FACE: THE UGLY SIDE OF THE BEAUTY INDUSTRY (2007); Mark Schapiro, Toxic Inaction: Why Poisonous, Unregulated Chemicals End Up In Our Blood, HARPER'S MAGAZINE 78, October 2007; Mark Schapiro, Exposing a Toxic U.S. Policy, NPR Interview, www.npr.org/templates/story/story.php?storyID=16616951&sc=emaf; Leslie Kaufman & Gardiner Harris, Environmental Group Reveals Toxic Chemicals in a Range of Consumer Items, NY TIMES, September 17, 2009; www.healthstuff.org; David Ewing Duncan, The Pollution Within, NAT'L GEOGRAPHIC 116, October 2006; Alan Weisman, Polymers Are Forever, ORION 17, May/June 2007; Heather Gehlert, I'll Have My Cosmetics With A Side of Infertility, Please, October 25, 2007, www.alternet.org/module/printversion66074; Toxics Release Inventory, www.epa.gov/tri; www.scorecard.org/general/tri/tri gen.html; Pesticide Action Network North America; CHEMICAL TRESPASS: Pesticides in our Bodies and Corporate Accountability, May 2004, www.panna.org; Sandra Stein Graber, "The Pirates of Illiopolis: Why your kitchen floor may pose a threat to national security", ORION, May/June 2005, at 16: "Poison Plants", http://www.oceana.org/mercury/report/html (mercury contamination) [exportation of pesticides/eg/James Colopy, Exportation of Pesticides, 13 UCLA J.Env. L. & Pol'y 167 (1994/1995); Rottendam Convention] Paul Meller, Europe Proposes Overhaul of Chemical Industry, N.Y. TIMES, Oct. 30, 2003, at W1 [REACH, infra]: But see RACHEL CARLSON, SILENT SPRING (1962): Toxic Flame Retardants Found in U.S. Breast Milk, REUTERS, Sept. 23, 2003, available at wysiwyg://22/http://reuters.com/finance... pe=governmentFilingsNews&fromEmail=true; Mindy Pennybacker, Green Guidance: Plastic Containers for Water and Food, WORLD-WATCH 8, Mar./April 2004; Gina Kolata, Farmed Salmon Have More Contaminants than Wild Ones, Study Finds, N.Y. TIMES, Jan. 9, 2004, at A10; [AIR]: www.questia.com/library/air-pollution.jsp; Keith Bradsher, China's Car Culture Hits Some Potholes, N.Y. TIMES, Jan. 11, 2004, at sec. 4, p. 4; WATER [National Tapwater Quality Database, www.ewg.org/tapwater/findings.php; www.questia.com/library/water-pollution.jsp; OCEANIC [CARL J. SINDERMANN, OCEAN POLLUTION: EFFECTS ON LIVING RESOURCES AND HUMANS (1995); Susan Casey, Our Oceans Are Turning Into Plastic...Are We?, February 20, 2007 www.bestlifeonline.com/cms/publish/travel-leisure/Our oceans are turning into pl...; Stephen Leahy, Drowning in an Ocean of Plastic, June 5, 2004, www.wired.com/print/science/discoveries/news/2004/06/63699; David Ferris, Message n a Bottle, SIERRA 44, May/June 2009; Statement of Sylvia A. Earle, Select Committee in Energy Independence and Global Warming, U.S. House of Representatives, April 29, 2008; Steve Connon, Warmer Seas Will Wipe Out Plankton, Source of Ocean Life, January 19, 2006, www.comondreams.org/cgibin/print.cgi?file=/headlines06/0119-01.htm ]; GENETIC [Scientific Article on Genetic pollution of Gene-Altered Crops, <u>www.organicconsumers.org/gefood/gepollution.cfm</u>; Andrew Pollock, "Genes from Engineered Grass Spread for Miles, Study Finds, <a href="https://www.nytimes.com/2004/09/21/business/21grass.html?hp">www.nytimes.com/2004/09/21/business/21grass.html?hp</a>)]; NOISE [(Garret Keizer, Sound and Fury, HARPERS' MAG., Mar. 2001; ELECTROMAGNETIC [An Interview with Andrew Marino, with Casey Walker, www.instituteforinquiry.org/inquiries/marino%20html.php; ROBERT BECKER, THE BODY ELECTRIC: ELECTROMAGNETISM AND THE FOUNDATION OF LIFE (1985); Arthur Firstenberg, Killing Fields, THE ECOLOGIST 22, June 2004]; NANOTECHNOLOGY AND GREY GOO [www.en.wikipedia.org/wiki/grey goo]; www.enwikipedia.org/wiki/nanotechnology]. TRASH (GENERALLY) [Elisabeth Rosenthal, New Rules Lead Europe to Dump Trash Abroad, NY Times, September 27, 2009.]

DERRICK JENSEN AND GEORGE DRAFFAN, STRANGELY LIKE WAR: THE GLOBAL ASSAULT ON FORESTS (2004); Alex Shoumatoff, *The Gasping Forest*, VANITY FAIR 272, May 2007; Michael McCarthy, *Nature Laid* 

And when the multi-national businesses have finished their work, often, according to Wolfgang Sachs, the people and land are left behind, too spent to yield anything fruitful for generations.<sup>213</sup>

#### David Quammen writes:

[O]ur Planet of Weeds will indeed be a crummier place, a lonelier and uglier place, and a particularly wretched place for the 2 billion people comprising [the] absolute poor. What will increase most dramatically as time proceeds, I suspect, won't be generalized misery or futuristic modes of consumption but the gulf between two global classes experiencing those extremes. Progressive failure of ecosystem functions? Yes, but human resourcefulness \*\*\* will probably find stopgap technological remedies, to be available for a price. So the world's privileged class -- that's your class and my class -- will probably still manage to

Waste: The Destruction of Africa, June 11, 2008, <a href="www.commondreams.org/archive/2008/06/11/9555">www.commondreams.org/archive/2008/06/11/9555</a>; Dan Box, Harvesting the Forests, The Ecologist 18, June 2003; Leapfrogging the Law (logging in Wichi territory in Argentina), The Ecologist 20, June 2003; Juan Forero, A Swirl of Foreboding in Mahogany's Grain, N.Y. TIMES, Sept. 28, 2003, at A8; James Gorman, For Billions of Birds, an Endangered Haven, N.Y. TIMES, Sept. 23, 2003, at D1, D4; Larry Rohter, Loggers, Scorning the Law, Ravage the Amazon Jungle, N.Y. TIMES, Oct. 16, 2005, at A8; Alex Shoumatoff, The Gasping Forest, VANITY FAIR, May 2007, at 272; Elizabeth Rosenthal, New Jungles Prompt a Debate on Saving Primeval Rain Forests, NY TIMES, January 30, 2009, sec. A, p. 1. But see William Yardley, Loggers Alter Ways in Green Economy, NY TIMES, March 29, 2009.

<sup>211</sup> ALAN BURDICK, OUT OF EDEN: AN ODYSSEY OF ECOLOGICAL INVASION (2005); www.en.wikipedia.org/wiki/Invasive\_species; Felicity Barringer, *Where There's No Room for All Three of Them*, N.Y. TIMES, Mar. 5, 2004, at A10 (human domesticity of Santa Cruz Island has dramatically altered the local ecosystem); *Global Warming Prognosis: Hundreds of New Species of Animals and Plants to Appear on Earth*, PRAVDA, May 25, 2004, *available at* <a href="http://english.pravda.ru/science/19/94/377/12911\_warming.html">http://english.pravda.ru/science/19/94/377/12911\_warming.html</a>; *New Species Found in Earth's 'Refrigerator*.' MSNBC.com, June 25, 2004, *available at* <a href="http://www.msnbc.com/id/5295635/">http://www.msnbc.com/id/5295635/</a>.

Megacities (Nat'l Geographic Channel television broadcast 2007), FRITZ W. WAGNER, THE
INTERNATIONAL FACE OF URBAN SPRAWL: LESSONS LEARNED FROM NORTH AMERICA (2006); JAMES HOWARD
KUNTSLER, THE GEOGRAPHY OF NOWHERE: THE RISE AND DECLINE OF AMERICA'S MAN-MADE LANDSCAPE (1994);
JAMES HOWARD KUNSTLER, HOME FROM NOWHERE: REMAKING OUR EVERYDAY WORLD FOR THE 21<sup>ST</sup> CENTURY
(1998); CAROLYN JOHNSEN, RAISING A STINK: THE STRUGGLE OVER FACTORY HOG FARMS IN NEBRASKA (2003);
ALAN THEIN DURNING, THE CAR AND THE CITY: 24 STEPS TO SAFE STREETS AND HEALTHY COMMUNITIES (2006);
How Transportation Shapes America, DWELL 194, April, 2008; William W. Buzbee, Urban Sprawl, Federalism,
and the Problem of Institutional Complexity, 68 FORDHAM L. REV. 57 (1999); Anthony DePalma, Crossing Their
(Flight) Path: Development and Sprawl Replace DDT as Top Threat to Bald Eagles, N.Y. TIMES, Jan. 31, 2004, at
A12. Cf. John Nivala, Constitutional Architecture: The First Amendment and the Single-Family Home, 33 SAN
DIEGO L. REV. 291 (1996) ("The exterior design of a private single-family house is a First Amendment-protected
expression for the inhabitants."); Chrstopher Caldwell, Revolting High Rises: Were the French Riots produced by
Modern Architecture, N.Y. TIMES MAG., Nov. 27, 2005, at 28; [Murray Whyte, Burtynsky's Account: Adding Up
The Price That Nature Pays, N.Y. TIMES, Jan. 4, 2004, at AR 34 (photographing the ravages of heavy industry) Add (YANN ARTHUS-BERTRAND) EARTH FROM ABOVE.

<sup>213</sup> Wolfgang Sachs, *Neo-Development: 'Global Ecological Management,' in* MANDER 243-44 I am sure (Dr.) Sachs has his detractors. Economic globalization is seen by many as the only method for increasing national, and hence, individual wealth and prosperity. *See, e.g.*, THOMAS L. FRIEDMAN, THE LEXUS AND THE OLIVE TREE: UNDERSTANDING GLOBALIZATION (2000); JAGDISH N. BHAGWATI, IN DEFENSE OF GLOBALIZATION (2007). *But see* International Forum on Globalization, Rio +10 Summit, *available at* <a href="http://www.ifg.org/un.html">http://www.ifg.org/un.html</a>. An interesting new book by FRANKLIN FOER, entitled How SOCCER EXPLAINS THE WORLD: AN UNLIKELY THEORY OF GLOBALIZATION (2004), originally though its pages would validate Tom Friedman's conclusion that economic globalization leads to greater civility between nations, but Fore discovered that the globalizing force of soccer, in most instances, dramatically, really allowed for the commodification of tribal hatreds.

maintain themselves inside [a] stretch limo, drinking bottled water and breathing bottled air and eating reasonably healthy food that has become incredibly precious, while the potholes on the road outside grow ever deeper. Eventually the limo will look more like a lunar rover. Ragtag mobs of desperate souls will cling to its bumpers, like groupies on Elvis' final Cadillac. The absolute poor will suffer their lack of ecological privilege in the form of lowered life expectancy, bad health, absence of education, corrosive want, and anger. Maybe in time they'll find ways to gather themselves in localized revolt against the affluent class. Not likely, though, as long as affluence buys guns. In any case, well before that they will have burned the last stick of Bornean dipterocarp for firewood and roasted the last lemur, the last grizzly bear, the last elephant left unprotected outside a zoo. <sup>214</sup>

But, to stem the tide of these massive environmental—and therefore human—degradations, industrialized nations and the international monetary agencies that they run must broaden their narrow notion of growth. <sup>215</sup> In his article, "Growth Has Reached Its Limit," Robert Goodland looks to a report by a Dutch ecological economist who asserts that what the world needs *least* as a mechanism for reaching ecological sustainability is an increase in national income. <sup>216</sup> Instead, what the report suggests is that in place of the current push for quantitative growth, nations should be looking toward strategies for qualitative growth. <sup>217</sup> Similarly, David Morris asserts, it is time to re-examine the validity of the doctrine of free trade and what we consider "external" consequences of that trade. <sup>218</sup> Under the present model of development, environmental degradation is considered something external to economic growth, something that

-

<sup>&</sup>lt;sup>214</sup> Quammen, supra note [203] at page 69.

<sup>&</sup>lt;sup>215</sup> Wolfgang Sachs, Neo-Development: Global Ecological Management, in MANDER 252.

<sup>&</sup>lt;sup>216</sup> Robert Goodland, *Growth Has Reached its Limit, in MANDER 215*. The Korean writer, Ko Un, says that we will never ameliorate the political and economic strains between cultures until we adopt a posture of minimum ownership.

Will we be a people characterized by consumerism and self-gratification or will we make the well-being of all life the organizing principle of our culture. This is the defining question of our time....

<sup>--</sup> M. G. H. Gilliam, ORION, July/August 2007

See also Barry Lopez, Ed., The Future of Nature: Writings on a Human Ecology (2007).

MICHELLE FRATIANNI, et al., CORPORATE, PUBLIC, AND GLOBAL GOVERNANCE: THE G8 CONTRIBUTION (2008). In Bhutan, the king has made Gross National Happiness (GNH), rather than GDP, its priority. Andrew C. Revkin, *A New Measure of Well-Being From a Happy Little Kingdom*, N.Y. TIMES, Oct. 4, 2005.

David Morris, Free Trade: The Great Destroyer, in MANDER 226.

need not be counted in the total evaluation of successful growth.<sup>219</sup> Yet Morris challenges proglobalization advocates to answer the question, "external to what?"

How do we integrate into our complex politics, and into domestic and international jurisprudence, the rights of species, <sup>220</sup> the rights of ecosystems, <sup>221</sup> and how do we discern the interests of nonhuman entities? Some will, of course, argue that we have already, that there are numerous laws in existence that address the family of the environment. <sup>222</sup> But,

[o]ur individual and collective failure to comprehend and act on the connectedness of things is pervasive and systemic.... Responses intended to solve one problem become the causes of later problems because governments commonly deal with the coefficients of problems, not with the system that created the problem in the first place. The Clean Air Act of 1970, for example, required scrubbing power-plant emissions, but the substances so removed were deposited on land, becoming a land-use problem. The effect, to this and other cases, has been a kind of shell game in which problems are simply moved from air, to water, to land, and back again. \*\*\* Environmental laws seldom prevent or solve environmental problems. At best they render problems somewhat more manageable while providing ample opportunity for legal wrangling over the permissible rates by which the citizenry is poisoned and the land degraded. <sup>223</sup>

Similarly, William McDonough relates the parable that if you are traveling north to Canada at 100 miles per hour, but you really want to go south to Mexico, it doesn't much help to slow to 80 or even 20 mph.<sup>224</sup> We are pretending again. We are forgetting that the environment

<sup>220</sup> Winter v. Nat'l Res. Def. Council, 129 S. Ct. 365 (2008).

<sup>&</sup>lt;sup>219</sup> See citations, supra notes 87, 120.

See David Orr, Law of the Land, ORION 18, January/February 2004; Kari Volkmann-Carlsen, The Emancipated Earth, UTNE 74, May-June 2009; Mary O'Brien, Standing Up For This World, ORION 56, September/October 2004; Cormac Cullinan, If Nations Had Rights: What Would We Need to Give Up?, ORION 26, January/February 2008; Wild Law: Does Nature Have Rights?, THE ECOLOGIST, June 2007.

See, e.g., Endangered Species Act, 16 U.S.C. § 1531 et seq. (1973); National Environmental Policy Act, 42 U.S.C. § 4321 et seq. (1969); Clean Air Act, 42 U.S.C. § 7401 et seq. (1955); Clean Water Act, 33 U.S.C. § 1294 et seq. (1977); Resource Conservation and Recovery Act, 42 U.S.C. § 6901 (1976); N.A.F.T.A.'s (environmental provisions); (pollution trading laws); United Nations Framework Convention on Climate Change (UNFCCC), Kyoto Protocol, Dec. 11, 1997 (the United States has signed, but not yet ratified); Biodiversity Convention; (Int'l Envir. laws) (1992); David W. Orr, Law of the Land, ORION (2004), available at <a href="http://www.orionmagazine.org/index.php/articles/article/133/">http://www.orionmagazine.org/index.php/articles/article/133/</a>.

<sup>&</sup>lt;sup>223</sup> Orr, *supra* note [221], at 21-22.

<sup>&</sup>lt;sup>224</sup> Talk by William McDonough at Bioneers 2000, *Designing the Next Industrial Revolution* (Oct. 2000), available at <a href="http://www.greenmac.com/bioneers/McDonough/">http://www.greenmac.com/bioneers/McDonough/</a>.

is not apart from us. Our sense of interdependence—on each other as persons, as communities, and on our local environment—has been waning for generations. That recognizable interdependence is being replaced by a notion that Thomas Berry calls "Economism," a system in which humans believe, among other things, that the earth must change for our economic purposes. But, "instead of checking the DOW every hour on the hour [should we not] be checking the oxygen balance." Does not climate change force us to reevaluate not only our physical spaces, but our mental spaces as well? Should planetary warming be shaking us with fever, undercutting our abstractions and getting us back to animal breathing life and the awe of gravity. Should we get beyond hope? What is the future of environmentalism? Trade has occurred for millennia within prismatic colorations, spectral shades from civility to cruelty. The vagaries of trade also have much to do with geographic location and technological force. When technology is thought of as triumphant, there exists a human tendency to arrogate it, to make it hegemonic.

\_

<sup>&</sup>lt;sup>225</sup> Bill McKibben, *Planet Protectors*, ORION 16, July/August 2007. Brooke Williams from Moose, Wyoming wrote a letter to Orion quoting Studs Terkel: "Most people have work that is too small for their spirits." ORION 13, July/August 2007.

<sup>&</sup>lt;sup>226</sup> See E.O. Wilson, *Problems Without Borders*, VANITY FAIR 164, May 2007.

 $<sup>^{227}</sup>$  See David Abram, The Spell of the Sensuous (1996).

<sup>&</sup>lt;sup>228</sup> Derrick Jensen, *Beyond Hope: Removing a Major Stumbling Block to Acting on Behalf of the Earth*, ORION 14, May/June 2006.

<sup>&</sup>lt;sup>229</sup> See Ross Robertson, A Brighter Shade of Green: Rebooting Environmentalism for the 21<sup>st</sup> Century, What is Enlightenment 42, October-December 2007; Robert Frenay, Pulse: The Coming Age of Systems and Machines Inspired by Living Things (2006). See also Global Consultations: Toward a Strategic Framework on Climate Change and Development for the World Bank Group, www.worldbank.org/wbsite/external/topics/environment/extcc/o,,c...

<sup>&</sup>lt;sup>230</sup> PHILIP D. CURTIN, CROSS-CULTURAL TRADE IN WORLD HISTORY (1984); <u>www.historyworld.net/wrldhis/plaintexthistories.asp?historyid=ab72</u>; JACQUE BARZUN, FROM DAWN TO DECADENCE, 500 YEARS OF WESTERN CULTURAL LIFE (2000); HUGH THOMAS, THE SLAVE TRADE (1997).

<sup>&</sup>lt;sup>231</sup> Jared Diamond, Guns, Germs, and Steel: The Fates of Human Societies (1997); Jared Diamond, Collapse: How Societies Choose to Fail or Succeed (2005); Jeffrey Sachs & John Gallup, *Location, Location: Geography and Economic Development*, Harv. Int'l Rev., Winter 1998/1999. A good deal of critical work on the formation of spatial geographics, focusing on the relationship between human agency, technological force, economic dynamics and the production of cultural spaces, has been undertaken by the emergent field of human geography. For significant foundational statements, *see* David Harvey, The Condition of Postmodernity (1989); Soja, *supra* note 6; and Derek Gregory, Ron Martin and Graham Smith, Human Geography: Society, Space and Social Science (1994).

Technological innovations are always offered, promoted, and accepted in the best light before any serious discussion is embraced as to the consequences of their introduction to the structures and health of human societies. Why did we not reason beforehand that sprawl and polluted cities would be an outcome of the automobile? Why have we chosen to sit before radiation screens (televisions and computers) for several hours each day to the delight of commercial advertisers? Why are we not debating criminal sanctions for the creation of knowledge-based weapons of mass destruction? Are values always determined by a cost-benefit analysis? Why have we even coined an economic term for undisturbed nature:

Aexistence value@?<sup>237</sup> "Is Humanity Suicidal?"<sup>238</sup>

JERRY MANDER, IN THE ABSENCE OF THE SACRED: THE FAILURE OF TECHNOLOGY AND THE SURVIVAL OF THE INDIAN NATIONS (1991); Neil Postman, Staying Sane in a Technological Society: Six Questions in Search of

An Answer, LAPIS, Issue 7. Technology, often, eclipses the law. While last year we were debating how to include the Indigenous perspective into the frames of compensation for Indigenous knowledge, or whether royalties or monetary payments were even appropriate, this year we must acknowledge that computer anonymity and information sharing has surpassed even the colonizers= own language and TRIPS schemes. Technology has now come to define dynamics of power between fast and slow societies. See JEREMY RIFKIN, TIME WARS, (1987).

JAMES HOWARD KUNTSLER, THE GEOGRAPHY OF NOWHERE (1993). Compare Alan Thein Durning, *The Car and the City*, Nw. Envt. Watch, Apr. 1996.

JERRY MANDER, FOUR ARGUMENTS FOR THE ELIMINATION OF TELEVISION (1977-78). In 1900, the word "television" was coined by Constantin Perskyi, a Russian scientist, at the Paris World's Fair. In 1948, television sales nearly quintupled in the United States after the 1947 Dodgers-Yankees World Series. Of course, we could broaden the inquiry surrounding the television and computers to include the commercial interests of "media culture," or "mass media," and their effects on society. *See, e.g.*, BEN H. BAGDIKIAN, THE MEDIA MONOPOLY (1983, revised through 2000). *See also* ALETHA C. HUSTON, ET AL., BIG WORLD, SMALL SCREEN: THE ROLE OF TELEVISION IN AMERICAN SOCIETY (1992).

<sup>&</sup>lt;sup>235</sup> Bill Joy, Why the Future Doesn=t Need Us, WIRED, Apr. 2000 at

<sup>&</sup>lt;sup>236</sup> Conference, *Cost-Benefit Analysis: Legal, Economic, and Philosophical Perspectives*, 29 J. Legal Stud. 837-1177 (2000); Frank Ackerman & Lisa Heinzerling, Priceless: On Knowing the Price of Everything and the Value of Nothing (2004).

<sup>&</sup>lt;sup>237</sup> Ah, Wilderness! See Sam Howe Verhovek, The Void Without The 'Great Beyond', N.Y. TIMES, Feb. 18, 2001, at sec. 4. See also Herman Daly, The Illth of Nations and the Fecklessness of Policy: An Ecological Economist's Perspective, Post-Autistic Econ. Rev., Nov. 24, 2003, available at <a href="http://www.paecon.net/PAEReview/issue22/Daly22.htm">http://www.paecon.net/PAEReview/issue22/Daly22.htm</a>. How nature is and has been valuated, can also be found in the esteemed writings of the geographer David Harvey, David Harvey, Justice, Nature, and the Geography of Distance (1996).

Edward O. Wilson, *Is Humanity Suicidal?*, N.Y. TIMES MAG., May 30, 1993 at 6. *See also* PAUL SHEPPARD, NATURE AND MADNESS (Univ. Georgia Press 1982). Jean Baudrillard's later work, such as America (1989) and ILLUSION OF THE END (1995), carries his post-Marxist critique finally to a nihilistic conclusion, suggesting not only that contemporary society has erased time and history, but that humanity itself, as a concept, is suicidal. The emerging field of ecopsychology—and Glenn Albrecht in particular—uses the phrase "solastalgia" to describe a hitherto unrecognized psychological condition, pain experienced when one recognizes that the place one loves and resides is under assault. *See* Daniel B. Smith, "Is There an Ecological Unconscious?", N.Y. TIMES MAG.,

The technologies of globalization often come to us from widespread commercial pursuit, usually accompanied by advertising benefits to health and lifestyle, and without ethical ballast. They are introduced into societies as rosy-cheeked sweethearts and become pervasive, difficult to dislodge, before there exists any process to articulate and evaluate the totality of effects they cause.<sup>239</sup> We are barraged with high-tech headlines about biofuels, <sup>240</sup> cloning, <sup>241</sup> artificial

January 31, 2010. See also Theodore Roszak, The Voice of the Earth (1992); American Psychological Association, Psychology and Global Climate Change: Addressing a Multifaceted Phenomenon and Set of Challenges (2009), available at <a href="http://www.apa.org/science/about/publications/climate-change.aspx">http://www.apa.org/science/about/publications/climate-change.aspx</a>; GREGORY BATESON, STEPS TO AN ECOLOGY OF MIND (1972).

Supra note 202. For example, nuclear power came without a debate as to its financial, military, and environmental consequences. Obviously, the automobile represented freedom from having manure in the streets and independence. But did we conduct a systematic analysis of whether we wanted the creation of cement cities, cancer-causing air pollution, solid waste problems, rapid depletion of the world's resources, paving of the landscape deep into the wilderness, manufacturing by a small number of companies wielding gigantic power, a change in the method of making goods to mass production, the assembly line, worker alienation, alcoholism, corporations conspiring to restrain alternative transportations, wars over oil supplies, the corruptness of the elite in OPEC countries, and then the separateness of being alone in an automobile. What about television? Bill McDonough asks why are we selling people hazardous waste?:

If I had a TV hiding behind this podium and I told you I had an amazing object that provides incredible service, but before I tell you what it does, let me tell you what it is and then you tell me whether you want this in your house: It has 10,360 chemicals, it's full of toxic heavy metals, has an explosive glass tube and we think you put it at eye-level with your children and encourage them to play with it. Do you want this in your house?

Designing the Next Industrial Revolution: A talk by William McDonough at Bioneers 2000, available at <a href="http://www.greenmac.com/bioneers/McDonough/">http://www.greenmac.com/bioneers/McDonough/</a>.

Computers may be the single most important instrument for the acceleration of the centralization and simultaneous decentralization of power. They are also changing the world in ways imaginable but not necessarily manageable. See Nicholas Carr, Is Google Making Us Stupid?, THE ATLANTIC 56, July/August 2008. See also Andrew Kimbrell, Technology, Who Chooses?, YES! A J. OF POSITIVE FUTURES 12, Fall 2001; Janine Benyus, Mother Nature's School of Design, id. at 16; Richard Sclove, Reclaiming Choice, id. at 22; Jerry Mander, Unplug Your Brain, id. at 26. Prior to its pervasive introduction to society, had we debated nanotechnology, biotechnology, cell phone toxicity, brain fingerprinting/cognitive profiling with functional magnetic resonance imaging? For a century-old account on technology's relationship to human activity, see H.G. Wells, Anticipations of the Reaction of Mechanical and Scientific Progress Upon Human Life and Thought (1902). It seems that consumers will buy technology products before their utility is clear. See Rob Walker, Dumb and Dumber 2.0, NY Times Mag., January 28, 2009, at p. 16 (speaking about Amar Bhide's recent book, "The Venturesome Economy"). See also Anand Giridharadas, A Pocket-Size Leveler in an Outsize Land, NY TIMES, May 10, 2009.

<sup>240</sup> *The False Promise of Biofuels*, Special Report from International Forum on Globalization and the Institute for Policy Studies, by Jack Santa Barbara, September 2007.

LEE M. SILVER, REMAKING EDEN: HOW GENETIC ENGINEERING AND CLONING WILL TRANSFORM THE AMERICAN FAMILY (1998); Gary Rosen, What Would a Clone Say?: A Humanist Case Against Therapeutic Cloning, NY TIMES Mag., November 27, 2005; Brian Alexander, Free to Clone: Does the First Amendment Protect Scientific Research?, NY TIMES MAG., September 26, 2004.

intelligence, <sup>242</sup> spyware, <sup>243</sup> synthetic biology, <sup>244</sup> geoengineering, <sup>245</sup> robotics, <sup>246</sup> nanotechnology, <sup>247</sup> biotechnology, biopharmaceuticals, genetic therapy, <sup>248</sup> designing children's birth traits, <sup>249</sup> downloading our consciousness into computers, becoming transhuman, <sup>250</sup> all heralding the "dawn of a coming utopia of health and wealth, and yes, perhaps even immortality itself."<sup>251</sup> This techno-utopian vision—what I call *science fixation*—is becoming an omnipresent reality for our societies.

# E. F. Schumacher writes, in *The Slenderest Knowledge:*

<sup>&</sup>lt;sup>242</sup> LEE GUTKIND, ALMOST HUMAN: MAKING ROBOTS THINK (2007).

<sup>&</sup>lt;sup>243</sup> See Naomi Klein, China's All-Seeing Eye, Rolling Stone, May 29, 2008, at p. 59; David Shenk, The World of High Tech Surveillance, Nat'l Geographic, November, 2003, at p. 2; Damon Darlin, Software That Monitors Your Work, Wherever You Are, NY TIMES, April 12, 2009, at Sec. BU, p. 4; The Unblinking Eye, WIRED 50, November 2008.

http://en.wikipedia.org/wiki/Synthetic\_biology; Michael Spector, A Life of Its Own: Where Will a Synthetic Biology Lead Us?, THE NEW YORKER, Sptember 28, 2009, available at http://www.newyorker.com/reporting/2090/09/28/090928fa\_fact\_spector; www.synetheticbiology.org; www.synbiosafe.eu/forum; BioFab Group, Engineering Life: Building a FAB for Biology, SCIENTIFIC AMERICAN 44, June 2006; Oliver Morton, Biology's Near Forbidden Fruit, NY TIMES, February 11, 2005, www.nytimes.com/2005/02/11/opinion/llmorton.html; Oliver Morton, Life, Reinvented, WIRED 169, January 2005.

<sup>&</sup>lt;sup>245</sup> See, e.g., The Problems of Geo-Engineering: Every Silver Lining has a Cloud, ECONOMIST, January 29. 2009, available at http://www.economist.com/science/displaystory.cfm?story\_id=13013035; Alan Robock, 20 Reasons Why Geoengineering May Be a Bad Idea, BULLETIN ATOMIC SCI. 14 (May/June 2008); Shading the Earth, NAT'L GEOGRAPHIC 24, August 2009: William Langewiesche, Stealing Weather, VANITY FAIR 192, May 2008: Sharon Begley, The 'Geo-Engineering' Scenario, NEWSWEEK, Nov. 23, 2007, available at http://www.newsweek.com/id/71691; William J. Broad, How to Cool a Planet (Maybe), N.Y. TIMES, June 27, 2006, available at http://www.nytimes.com/2006/06/27/science/earth/27cool.html (using geo-engineering to fight global

warming).

246 Jordon Pollack, Ethics for the Robot Age, WIRED 91, January 2005 (Should robots carry weapons?

THE EVOLUTION OF HUMAN ROBOT Should we feed them?); DAVID LEVY, LOVE AND SEX WITH ROBOTS: THE EVOLUTION OF HUMAN ROBOT RELATIONSHIPS (2007); P.W. Singer, Robots at War: The New Battlefield, WILSON QUARTERLY, Winter, 2009 at p. 30: Steve Featherstone, The Coming Robot Army: Introducing America's Future Fighting Machines, HARPER'S MAG., February 2007; Robert S. Boyd, Pentagon Exploring Robot Killers That Can Fire On Their Own, available at http://www.commondreams.org/print/39991.

<sup>&</sup>lt;sup>247</sup> Carole Bass, Nanotech: Why Something So Small Can Be So Dangerous, June 23, 2008, www.alternet.org/module/printversion/89166; Special Report: Nanotechnology, THE ECOLOGIST, May 2003.

Steven Pinker, *My Genome, My Self*, NY TIMES Mag., January 11, 2009, at p. 24.

<sup>&</sup>lt;sup>249</sup> See text infra.

<sup>&</sup>lt;sup>250</sup> Carl Elliot, *Humanity 2.0*, The Wilson Quarterly 13, Autumn 2003; N. Katherine Hayles, How WE BECAME POSTHUMAN: VIRTUAL BODIES IN CYBERNETICS, LITERATURE, AND INFORMATICS, excerpt at https://www.press.uchicago.edu/Misc/Chicago/321460.html. RONALD BAILEY, LIBERATION BIOLOGY (2006); Transhumanism, www.enwikipedia.org/wiki/Transhumanism; Mind Uploading, www.enwikipedia.org/wiki/Mind transfer; Image: Posthuman Future, www.enwikipedia.org/wiki/Image:Posthuman\_Future.jpg; Donna Haraway, "A Cyborg Manifesto: Science, TECHNOLOGY, AND SOCIALIST-FEMINISM IN THE LATE TWENTIETH CENTURY," in SIMIANS, CYBORGS AND WOMEN: THE REINVENTION OF WOMEN (1991).

<sup>&</sup>lt;sup>251</sup> David Smith, 2050 - And Immortality Is Within Our Grasp, www.observer.guardian.co.uk/uk news/story/0,6903,1489635,00.html.

With the rise of materialistic Scientism the soul disappeared from the description of man—how could it exist when it could be neither weighed nor measured?—except as one of the many strange attributes of complex arrangements of atoms and molecules. Why not accept the so-called "soul" as an *epiphenomenon* of matter, just as, say, magnetism has been accepted as such? The Universe was seen simply as an accidental collocation of atoms. If the great Cosmos is seen as *nothing but* a chaos of particles without purpose or meaning, so man must be seen as *nothing but* a chaos of particles without purpose and meaning—a sensitive chaos perhaps, capable of suffering pain, anguish and despair, but a chaos all the same—a rather unfortunate cosmic accident of no consequence whatever.

I am not arguing for Chicken Little or dreaming the dream of a Luddite here. But should we not be asking questions beforehand designed to provide an insight into the ways in which technology insinuates, or will intrude, itself into our cultures? Neil Postman<sup>252</sup> proposes six:

- 1. What is the problem to which this technology is a solution? Postman argues that technology should not be created if it is not solving a relevant problem.
- 2. Whose problem is it? The people who will benefit from the technology should be the people who pay for it.
- 3. What new problems will be created by solving an old one? We should think in an open eyed way about the consequences of technology before we create it.
- 4. What people and institutions will most seriously be harmed? If the groups supposedly benefiting from the technology are actually being harmed by it, that technology is not a good idea.
- 5. What changes in language are being enforced by new technologies and what is being gained and lost by such changes? When we attach a word with a social meaning to a new technology, that technology often changes the meaning of the word and unthreads part of the social fabric.
- 6. What sorts of people and institutions acquire special economical and political power because of the technological change? The transformation of technology into a product always realigns economic and political power.

Will Postman's questions find Salamancan<sup>253</sup> forums outside of corporate and military laboratories when those technologies sought to be treated involve life-altering regimes?<sup>254</sup> Will

<sup>253</sup> Columbus' request for financing to sail to the New World was referred by the monarchs to the scholars at Salamanca in order to debate the significance and potential success of the prospective voyage.

Neil Postman, Staying Sane in a Technological Society, LAPIS MAGAZINE, Apr. 27, 2007, available at <a href="http://www.lapismagazine.org/index2.php?option=com\_content&do\_pdf=1&id=7">http://www.lapismagazine.org/index2.php?option=com\_content&do\_pdf=1&id=7</a>. See also Technology, Who Chooses? UTRE READER, Fall 2001.

Corporations increasingly sponsor scientific research. See Philip Mirowski & Robert Van Horn, The Contract Research Organization and the Commercialization of Scientific Research, 35 Soc. Studies of Sci. 503 (2005). The military also provides funding. See Joseph Alpher, From the Bioweapons Trenches, New Tools for Battling Microbes, 284 Science 1754 (1999). Debates regarding technological innovations are now generally

the convergence of computational genetic engineering, nanotechnology, and robotics (GNR) lead to dangerous mechanical plagues?<sup>255</sup> We are now replicating and evolving processes that have thus far been confined to the natural world, and they are now to become part of the realms of human endeavors and destined for widespread knowledge and commercial uses. <sup>256</sup> We are aggressively pursuing the promises of new technologies within the now unchallenged system of global capitalism and its manifold financial incentives and competitive pressures.<sup>257</sup>

Bill Joy, the co-founder of Sun Microsystems, in a sobering article, entitled "Why the Future Doesn't Need Us,"258 asks:

outside of power politics, in alternative forums, such as the International Forum on Globalization, Foundation on Economic Trends, The International Center for Technology Assessment, etc. See e.g., Nancy D. Campbell, Suspect Technologies: Scrutinizing the Intersection of Science, Technology, and Policy, 30 SCI., TECH., & HUMAN VALUES 374 (2005); Hildy Teegen, et al., The Importance of Nongovernmental Organizations (NGOs) in Global Governance and Value Creation: An International Business Research Agenda, 35 J. INT'L. Bus. Studies 463 (2004). See also LEE M. SILVER, CHALLENGING NATURE: THE CLASH OF SCIENCE AND SPIRITUALITY AT THE NEW FRONTIERS OF LIFE (2006); David Rejeski, A Very, Very Small Opportunity: How Science and Security Can Avoid a Collision Over Nanotechnology, ORION 11, July/August 2007; Institute for Ethics and Emerging Technologies (IEET) (www.ieet.org); Jacques Ellul Society, www.deepecology.org/jacques.html; JACQUES ELLUL, THE TECHNOLOGICAL SOCIETY (1964); International Center for Technology Assessment (www.icta.org); Foresight and Governance Project (Woodrow Wilson Center) (www.wilsoncenter.org/index.cfm?fuseaction=topics.home&topic id=1414; Association of Professional Futurists (www.profuturists.com); GeneWatch (www.gene-watch.org); Foresight Institute (www.foresight.org); Clock of the Long Now (www.longnow.org). I do not see any major comings together of governmental and scientific communities to debate whether something should be prevented from exploration other than, perhaps, human cloning or stem cell research. I think this is really more of a parochial or religious issue in the United States than it is one involving the consequences of genetic manipulation of naturally occurring systems of life. I leave the question of just what is "natural" for another time.

Special Report, Nanotechnology, THE ECOLOGIST, May 2003.

See, e.g., [Nanotech, Robotic, Genetic Research]; John Gantner, Nanotech: Up and Atom, ALTERNET, (Sept. 8, 2004), www.alternet.org/envirohealth/19812/; MICHAEL CRICHTON, PREY (2003): Kenneth Chang, Not Scientific Fiction: An Elevator to Space, N.Y. TIMES, Sept. 23, 2003, at D1, D4. [Synthetic Biology] [Oliver Norton, Life, Reinvented, Wired Magazine, 01/2005, p. 169; Oliver Morton, Biology's New Forbidden Fruit, www.nytimes.com/2005/02/11/opinion/11morton.html?pagewanted=print&position=; Bio Fab group, Engineering Life: Building a FAB for Biology, SCI. AM., June 2006, at 44.

<sup>&</sup>lt;sup>257</sup> Proponents of knowledge-based wealth celebrate technology's gains and foresee a richer world. See ALVIN TOFFLER & HEIDI TOFFLER, REVOLUTIONARY WEALTH (Alfred A. Knopf 2006). Laws may encourage the development of new technologies, as well. For example, patents enjoy limited immunity from antitrust laws. See, e.g., HERBERT HOVENKAMP, et al., IP AND ANTITRUST (2002). One field vigorously exploring such questions, albeit through fictional forms, is the recently developed genre of cyberpunk literature. As the generally recognized foundation text, see WILLIAMS GIBSON, NEUROMANCER (REMEMBERING TOMORROW) (1984). As precursors, see VERNOR VINGE, TRUE NAMES (1981); JOHN SHIRLEY, CITY COME A-WALKIN' (1980); and the novels of Philip K. Dick. The field has since become heavily populated with authors and titles. As a genre, it is often credited with predicting many technological innovations and cultural conditions that followed after the fictional speculations. ("Cyberspace", for example, was coined by Gibson in Neuromancer.)

258 Wired, April, 2000. Accord, An Interview with Bill Joy, Wild Duck Rev. 36, Winter 2000. See also

In our time how much danger do we face not just from nuclear weapons but from all of these technologies? How high are the extinction risks? What are the moral implications here? If we must move beyond the earth this quickly in order for the species to survive, who accepts responsibility for the fate of those (most of us after all) who are left behind?

The only realistic alternative he sees is relinquishment, to limit development of the technologies that are too dangerous by quashing our search for certain kinds of knowledge. This is an extraordinary assertion for students to debate. The human desire to learn, to understand, to create, to profit, to exploit, to dream, being stalled when some organization, some international component organization, some nation-state, tells you to brake your quest for knowledge. Who would be in control? Who could?<sup>259</sup> What way could we even regulate or verify the closing of a mind given our strong claims to property, privacy, and freedom of action?<sup>260</sup>

Barry Commoner, Unraveling the DNA Myth: The Spurius Foundation of Genetic Engineering, HARPER'S MAG. 39, Feb. 2002.

<sup>&</sup>lt;sup>259</sup> How and when should judges make Aprofoundly normative judgments about the social allocation of risk and who should bear the burden of scientific uncertainty or controversy. . . . @ Lucinda M. Finley, *Guarding the Gate to the Courthouse: How Trial Judges Are Using Their Evidentiary Screening Role to Remake Tort Causation Rules*, 49 DEPAUL L. REV. 335-336 (1999).

 $<sup>^{260}</sup>$  Timothy Ferris, The Science of Liberty: Democracy, Reason, and the Laws of Nature (2010); Brian Alexander, Free to Clone: Does the First Amendment Protect Scientific Research? If so, the debate over cloning will have to begin all over again, N.Y. TIMES MAG., Sept. 26, 2004 at sec. 6, p. 26. The following articles all discuss the implications of the First Amendment on the right to conduct scientific research. They are available on Hein Online, http://heinonline.org/HOL/welcome?collection=journals. John Robertson, The Scientist's Right to Research: A Constitutional Analysis, 51 S. CAL. L. REV. 1203 (1977); James Ferguson, Scientific Inquiry and the First Amendment, 64 CORNELL L. REV. 639 (1979); Robert O'Neil, Scientific Research and the First Amendment: An Academic Privilege, 16 U.C. DAVIS L. REV. 837 (1983); James Ferguson, Scientific and Technological Expression: A Problem in First Amendment Theory, 16 HARV. C.R.-C.L. L. REV. 519 (1981); Richard Delgado and David Millen, God, Galileo and Government: Toward Constitutional Protection for Scientific Inquiry, 53 WASH. L. REV. 349 (1978); Steven Goldberg, The Constitutional Status of American Science, 1979 U. ILL. L. REV. 1; Michael Davidson, First Amendment Protection for Biomedical Research Note, 19 ARIZ. L. REV. 893 (1977) (discussing scientific research as a protected First Amendment right and the government must show compelling interest in order to establish policies and regulations that abridge that right); Elizabeth Price Foley, The Constitutional Implications of Human Cloning, 42 ARIZ. L. REV. 647 (2000); Comment, Considerations in the Regulation of Biological Research, 126 U. Pa. L. REV. 1420 (1978). More recent articles that are available on Westlaw and Lexis are: Gary L. Francione, Experimentation and the Marketplace Theory of the First Amendment, 136 U. PA. L. REV. 417 (1987); Peter M. Brody, The First Amendment, Government Censorship and Sponsored Research, 19 J. COLLEGE & UNIV. L. 199 (1993); and Roy G. Spece, Jr. and Jennifer Weinzierl, First Amendment Protection of Experimentation: A Critical Review and Tentative Synthesis/Reconstruction of the Literature, 8 S. CAL. INTERDISC. L.J. 185 (1998). See also Sweezy v. New Hampshire, 354 U.S. 234, 262-63 (1957) (Frankfurter, J., concurring: "Freedom to reason and freedom for disputation on the basis of observation and experiment are the necessary conditions for the advancement of scientific knowledge"); IRA H. CARMEN, CLONING AND THE CONSTITUTION: AN INQUIRY INTO GOVERNMENTAL POLICY MAKING AND GENETIC EXPERIMENTATION, U. Wis. Press (1985), reviewed by Barry J. Swanson, 84 Mich. L. Rev. 658 (1986); Nathan A. Adams, Creating Clones, Kids & Chimera: Liberal Democratic Compromise at the

What Joy proposes we do to assure the perpetuation of our human species is a labyrinthic challenge. Whether it can be answered in front of an environmental catastrophe remains to be seen. Satish Kumar, the eloquent philosopher and educator who is the Director of Programme of Schumacher College in England, and also the editor of Resurgence magazine, once related to me a story that his mother told him when he was a young man. She said that "when God created time, he made a lot of it." Her point, obviously, was to grasp that humans were always in such a hurry. <sup>261</sup> All our technologically-driven processes seem to be designed, from my senses, around

Crossroads, 20 Issues L. & Med. 3 (2004). But see Gary Rosen, What Would a Clone Say? A Humanist Case Against Therapeutic Cloning, N.Y. TIMES MAGAZINE, Nov. 27, 2005 at 19. See also MICHEL HOUELLEBECQ, THE ELEMENTARY PARTICLES (Vintage Books 2000).

Could artificial intelligence become a legal person? Lawrence B. Solum, Legal Personhood for Artificial Intelligences, 70 N.C. L. REV. 1231 (1992); Frank Pasquale, Two Concepts of Immortality: Reframing Public Debate on Stem-Cell Research, 14 YALE J.L. & HUMAN. 73 (2002). See also <a href="http://www.aaai.org/AITopics/html/">http://www.aaai.org/AITopics/html/</a> robots.html (informative website with links to AI-related articles, facts and sources). See Ellen Ullman, Programming the Post-Human: Computer Science Redefines 'Life,' HARPER'S MAGAZINE, Oct. 2002, at 60; RAY KURZWEIL, THE SINGULARITY IS NEAR: WHEN HUMANS TRANSCEND REALITY (2006); William Sims Bainbridge, Cyberimmortality: Science, Religion and the Battle to Save Our Souls, THE FUTURIST, Mar.-Apr. 2006; Ray Kurzweil, Reinventing Humanity: The Future of Machine-Human Intelligence, THE FUTURIST, Mar.-Apr. 2006; John Markoff, The Coming Superbrain, NY TIMES, May 24, 2009; The Conscience of the Machine, PHILOSOPHY Now, March/April 2009.

Should machines be awarded patents? If a computer-generated work is copyrightable, who is the author? Arthur R. Miller, Copyright Protection for Computer Programs, Databases and Computer-Generated Work: Is Anything New Since Contu, 106 HARV. L. REV. 977 (1993). See also The Gentle Rise of the Machines, THE ECONOMIST, March 11, 2004; Mark Peplow, Introducing the Robo-Scientist -- Could Robots Take Over From Graduate Students in the Lab?, available at <a href="http://www.nature.com/news/2004/040112/fall/040112-9.html">http://www.nature.com/news/2004/040112/fall/040112-9.html</a>. For an article on the current fad of robot toys, see <a href="http://www.usatoday.com/tech/news/robotics/2004-08-31-robotics.htm">http://www.usatoday.com/tech/news/robotics/2004-08-31-robotics.htm</a>. Jordan Pollack, in Ethics for the Robot Age, WIRED, Jan. 2005, at 71, asks: "1. Should robots be humanoid?" "2. Should humans become robots?" "3. Should robots excrete byproducts?" "4. Should robots eat?" "5. Should telerobotic labor be regulated?" "6. Should robots carry weapons?" "7. Should machines be awarded patents?" A timely and critical piece of writing is P. W. Singer, Robots At War: The New Battlefield, THE WILSON QUARTERLY, Winter 2009, at p. 30. See also Steve Featherstone, The Coming Robot Army, HARPER'S MAG., February 2007. I ask you: Are these questions being discussed in law and business school? Cf. Ryan Calo, A Short Tour of Robot Case Law, www.cyberlaw.stanford.edu/node/6094.

University and federal scientists have just reconstructed the 1918 influenza virus that killed fifty million people worldwide. The United States Department of Health and Human Services published the full genome of this virus on the Internet in the GenBank database. It is argued that to disseminate the genome -- as such a weapon of mass destruction -- was "extremely foolish". *See* Ray Kurzweil and Bill Joy, *Recipe for Destruction*, N.Y. TIMES, Oct. 17, 2005. The authors press for international argreements to limit such publications. How odd it was to read of this resurrection of a near-century-old virus and the ethical debate surrounding the human passion for research after just studying H. G. Wells' telescopic prognostications, written in 1901, of the attributes of the future ethical men of science and industry in the 20<sup>th</sup> Century. H. G. Wells, Anticipations of the Reactions of Mechanical and Science and industry in the 20<sup>th</sup> Century. H. G. Wells, Anticipations of the Reactions of Mechanical and Science and industry in the 20<sup>th</sup> Century. H. G. Wells, Anticipations of the Reactions of Mechanical and Science and industry in the 20<sup>th</sup> Century. H. G. Wells, The Conquest of Time (Watts & Co. 1942).

what can basically be accomplished *next*, and about how we can be *remunerated* for our inventions immediately. <sup>262</sup> We are striving to make the future the past in the present.

In English, there is a quaint expression, "making good time," a colloquialism that if taken literally implies that time is something that can be crafted or manufactured, and either poorly so or else expertly, a notion every bit as fanciful and illogical as naming a star "sitting trouser"---until one becomes acquainted with quantum physics, whereupon one learns that time, as measured by clocks on earth, is, indeed, a contrivance, a thing we have conveniently made up. Moreover, the "better" time we make, which is to say, the faster we go, the less time there is, so that "by the time" we reach the speed of light, there is no time at all, indicating, perhaps, that the only good time is a dead time. Something else to ponder is that if higher science has justified the figure of speech, "making good time," might not it someday validate the name, "sitting trouser," as well?<sup>263</sup>

I once heard -- the best place I can recall from where is the ether (yet my wife reminds me that it was she who advised) -- that during the Italian Renaissance (and I am sure, to not be accused of being [Italian-peninsula] centric, in other cultures as well), some peoples' jobs were to grow and tend the trees that would be used as the scaffoldings for the construction of churches to be built over the course of the next two or three centuries. Whether these arborists were content or not, I cannot say, and I don't mean to infuse a sense of romanticism, either. But can we imagine, today, our work being *complete in the incompletion?* That we will not see, let alone enjoy, the fruits of our labor, especially when generally all our economic markers of wealth are based upon completed transactions or upon speculation in future market events.<sup>264</sup> In our rush

K

KUMAR, NO DESTINATION: AN AUTOBIOGRAPHY (2004). I am excited to have all my Globalization students purchase the Life Expectancy Watch, a time monitoring apparatus for monitoring and displaying an approximate time remaining in a lifespan of an individual. See <a href="https://www.kirchersociety.org/blog/?p=496">www.kirchersociety.org/blog/?p=496</a>.

Henry Steck, Corporatization of the University: Seeking Conceptual Clarity, 585 Annals Am. Acad. Pol. & Soc. Sci. 66, 68 (2003); Jeremy Rifkin, Time Wars: The Primary Conflict in Human History (1987). Who controls the definition of time is often contentious. See Michelle Stacy, Clash of the Time Lords: Who Will Own the Measure of Our Days?, Harper's Magazine 46, December 2006; Mecca Time, PRI's The World, <a href="https://www.theworld.org/?q=node/17464&answer=true">www.theworld.org/?q=node/17464&answer=true</a>. See also <a href="https://www.timeday.org">www.timeday.org</a> (Take Back Your Time campaign); Foundation for the Law of Time, <a href="https://www.lawoftime.org">www.lawoftime.org</a>; The LongNow Foundation, www.longnow.org.

<sup>&</sup>lt;sup>263</sup> TOM ROBBINS, HALF ASLEEP IN FROG PAJAMAS 283 (1994).

<sup>&</sup>lt;sup>264</sup> I, of course, can appear to be cynical and envision a 15<sup>th</sup> Century stock market that speculates on whether the trees will be tall enough to harvest in 10, 20 or 30 years; but, I wouldn't be cynical, because I can now invest in the weather forecasts to purchase snow insurance. Allweather Insurance Agency,

for "progress/productivity/efficiency", where do we place a precaution on the pace of what we call "development"?<sup>265</sup>

If we have made the ultimate compromise by surrendering to industrial market forces the decision-making over what we put into our bodies as food, will we not also be inclined or predisposed to compromise anything else in life? Is this not the inherent failure of cost-benefit analysis, that there are no absolutes or moral imperatives?<sup>266</sup>

\* \* \*

http://www.allweatherinsurance.com (last visited April 7, 2009). See also Carl Ludwig Holtfrerich & Friedrich Von Metzler, Frankfurt as a Financial Center: From Financial Trade Fair to European Banking Centre 77 (1999).

The Precautionary Principle, from the German word *Vorsorge* -- "forcaring" -- that "[w]hen an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established," has found its way significantly into the literature. Carolyn Raffensperger, *Precaution and Security: The Labyrinthic Challenge*, WHOLE EARTH, Fall 2002, at 34, 35. *See* JOEL TICKNER, CAROLYN RAFFENSPERGER & NANCY MYERS, THE PRECAUTIONARY PRINCIPLE: A HANDBOOK (1998); CASS R. SUNSTEIN, LAWS OF FEAR: BEYOND THE PRECAUTIONARY PRINCIPLE (2005); Nancy Myers & Carolyn Raffensperger, *Precaution Primer*, YES! MAG., Fall 2001, at 43; Gary E. Merchant, *From General Policy to Legal Rule: Aspirations and Limitations of the Precautionary Principle*,111 ENVTL. HEALTH PERSP. 1799 (2003). *See also* Samuel Lowenberg, *Precaution is for Europeans*, N.Y. TIMES, May 18, 2003, at OP-ED14; Science and Environmental Health Network, <a href="https://europa.eu.int/comm/dgs/health\_consumer/library/pubs/pubb/pub07\_en.pdf">https://europa.eu.int/comm/dgs/health\_consumer/library/pubs/pubb/pub07\_en.pdf</a>; Center for Responsible Nanotechnology, <a href="https://europa.eu.int/comm/dgs/health\_consumer/library/pubs/pubb/pubb/pubb/">https://europa.eu.int/comm/dgs/health\_consumer/library/pubs/pubb/pubb/pubb/pubb/</a> en.pdf; Center for Responsible Nanotechnology, <a href="https://ewww.crnano.org/precautionary.htm">www.crnano.org/precautionary.htm</a>.

Just who are the watchdogs with foresight?

See generally International Center for Technology Assessment, <a href="www.icta.org">www.icta.org</a>; Association of Professional Futurists, <a href="www.profuturists.com">www.profuturists.com</a>; Woodrow Wilson International Center for Scholars: Foresight and Governance Project, <a href="www.foresightandgovernance.org">www.foresightandgovernance.org</a>; Foresight International, <a href="www.foresightinternational.com.au">www.foresightinternational.com.au</a>; World Futures Studies Federation, <a href="www.www.wfsf.org">www.wfsf.org</a>; Institute for Alternative Futures, <a href="www.altfutures.com">www.altfutures.com</a>; Global Earth Observation System of Systems, <a href="http://www.earthobservations.org">http://www.earthobservations.org</a>.

Industry: Shaping Tomorrow...Anticipate the Future, <a href="www.shapingtomorrow.com">www.shapingtomorrow.com</a>; The Herman Group: Management Consultants, Speakers, Futurists, <a href="www.hermangroup.com/futurespeak">www.hermangroup.com/futurespeak</a>; Acceleration Watch, <a href="http://www.accelerating.org">http://www.accelerating.org</a>; <a href="www.synbiosafe.eu/forum">www.synbiosafe.eu/forum</a> (email forum). <a href="mailto:see also">See also</a> Asilomar Conference on Recombinant DNA (1975).

Articles: Tom Lombardo, *Thinking Ahead: The Value of Future Consciousness*, THE FUTURIST, Jan.-Feb. 2006; J. Clarence Davies, *Managing the Effects of Nanotechnology*, Project on Emerging Nanotechnologies, *available at* <a href="http://www.wilsoncenter.org/events/docs/Effectsnanotechfinal.pdf">http://www.wilsoncenter.org/events/docs/Effectsnanotechfinal.pdf</a>; Jonathan C. Peck, *The 2029 Project: Achieving an Ethical Future in Biomed Research and Development*, Institute for Alternative Futures, *available at* <a href="http://www.altfutures.com/2029.asp">http://www.altfutures.com/2029.asp</a>; Richard A. Slaughter, *Futures Studies as a Civilizational Catalyst*, FUTURES, Apr. 2002; Jerome C. Glenn & Theodore J. Gordon, *Update on the State of the Future: Environmental Sustainability, Global Partnerships Against Terror, Technology, and Drug Availability Figure in Humanity's Future*, THE FUTURIST, Jan. 2006;

[See Appendix \_\_\_\_\_.]

<sup>266</sup> [See citations, supra note 193.

It is tempting at this point in the Syllabus to feast with the students upon creative solutions for ecological sustainability. There exist many large knapsacks full of champion ideas. <sup>267</sup> But I prefer to defer the jellyroll and keep the students at the edge of the moraine a bit longer...well, really some weeks longer. There are still more ecological and cultural phenomena to be connected within our globalized world.

#### **Biocolonization**

Property law has evolved most completely by virtue of startling new technologies. <sup>268</sup>

From plants to people to what we call "information," <sup>269</sup> the horizon line that once upon a time restrained our awareness of the end of landscapes of physical and ephemeral things has been expanded. Science and engineering have made us jump quickly into new legal and ethical understandings of just what it is we call property and what its attendant rights to ownership are in a globalized, free-market economy. We are now genetically manipulating animals for research; human cells and genes have been patented; <sup>270</sup> the meat we eat may contain genes from humans; the plants we eat may contain genes from fish; in Third World countries, kidneys, eyes and skin are sold in a flourishing market for body parts. <sup>271</sup> If humans are to colonize biology -- biocolonization -- what questions are we supposed to ask and then answer? <sup>272</sup> Should we alter the genetic structure of the entire living kingdom in the name of utility or profit? Is there a limit to the number of types of human genes that should be allowed to be engineered into other animals? Should the generic integrity of the biotic community be preserved? Is there something sacred about life or should life forms, including the human body and its parts, be viewed simply

\_

<sup>&</sup>lt;sup>268</sup> See generally citations, supra notes 239-257; discussion of Carol Rose's articles in Marc R. Poirier, Property, Environment, Community, 12 J. ENVTL. L. & LITIG. 43 (1997).

<sup>269</sup> See John Perry Barlow, Selling Wine Without Bottles: The Economy of Mind on the Global Net,

<sup>269</sup> See John Perry Barlow, Selling Wine Without Bottles: The Economy of Mind on the Global Net, <a href="http://www.eff.org/IP/idea\_economy.article">http://www.eff.org/IP/idea\_economy.article</a> (describing the shift from physical property rights to what might be called electronic intellectual property rights).

Stefan, Lovgren, *One-Fifth of Human Genes Have Been Patented*, www.nationalgeographic.com/news/2005/10/1013\_0501013\_gene\_patent.html; Michael Crichton, *Patenting Life*, February 13, 2007, www.commondreams.org/cgi\_bin/print.cgi?file=/views07/0213-25.htm.

<sup>&</sup>lt;sup>271</sup> Kimbrell, *supra* note 71, at 141-44. *See also* Michele Goodwin, *The Body Market: Race Politics & Private Ordering*, 49 ARIZ. L. REV. 599 (2007).

The questions that follow in the text are recited verbatim from Andrew Kimbrell's article, *id. See also* Richard Lewontin, *Genes in the Food*, <a href="http://www.nybooks.com/nyrev/WWWarchdisplay.cgi?20010621081R">http://www.nybooks.com/nyrev/WWWarchdisplay.cgi?20010621081R</a>, and Richard Lewontin, *After the Genome, What Then?*, <a href="https://www.nybooks.com/nyrev/WWWarchdisplay.cgi20010719036F">www.nybooks.com/nyrev/WWWarchdisplay.cgi20010719036F</a>.

as commodities in the new biotech marketplace? Is the genetic makeup of all living things the common heritage of all or can it be appropriated by corporations and governments?<sup>273</sup>

In trade-related intellectual property agreements (TRIPS), <sup>274</sup> can we ask/demand other cultures to answer these aforementioned questions in the same way that a western mind would answer them? Is there an assumption that the local use of a naturally occurring biological substance does not create wealth but waste, and that wealth is created only when corporations commercialize the resources used by local communities?<sup>275</sup> When a transnational corporation goes bioprospecting <sup>276</sup> in indigenous communities for plants or for the DNA from these plants and the DNA from the indigenous peoples living there, <sup>277</sup> what are the prospectors' obligations to those societies including understanding how knowledge is constructed, valued and held, the successful negotiation of the panoply of issues surrounding informed consent, and the appropriateness of and/or manner of compensation?<sup>278</sup> Can we respect the finality of an indigenous community's rejection of an offer to privatize their human heritage? Do indigenous

 <sup>&</sup>lt;sup>273</sup> See Antonio Regaldo, *The Great Gene Grab*, TECHNOLOGY REVIEW, Sept./Oct. 2000.
 <sup>274</sup> Agreement on Trade-Related Aspects of Intellectual Property Rights, http://www.wto.org/english/tratop\_e/trips\_e/t\_agm0\_ehtm; see Vandana Shiva, North-South Conflicts in Intellectual Property Rights, 12 PEACE REVIEW 501 (2000).

<sup>&</sup>lt;sup>275</sup> See Vandana Shiva and Radha Holla-Bhar, Piracy by Patent: The Case of the Neem Tree, in MANDER 147. See also Captain Hook Awards for Biopiracy, www.captainhookawards.org.

<sup>&</sup>lt;sup>276</sup> "Bioprospecting involves searching for, collecting, and deriving genetic material from samples of biodiversity that can be used in commercialized pharmaceutical, agricultural, industrial, or chemical processing end products." Bioprospecting – Fact Sheet, http://hawaii.gov/lrb/rpts06/bioconfs.html.

Pacific Island's Rpt., Nov. 2000; CORI HAYDEN, WHEN NATURE GOES PUBLIC: THE MAKING AND UNMAKING OF BIOPROSPECTING IN MEXICO (2003); Shane Greene, Indigenous People Incorporated? Culture as Politics, Culture as Property, in Pharmaceutical Bioprospecting, 45 Current Anthropology 211 (2004).

<sup>&</sup>lt;sup>278</sup> See Paul Heald, The Rhetoric of Biopiracy, 11 CARDOZO J. INTL'L & COMP. LAW 519 (2003); Charles R. McManis, Intellectual Property, Genetic Resources and Traditional Knowledge Protection: Thinking Globally, Acting Locally, 11 CARDOZO J. INTL'L & COMP. L. 547 (2003); Graeme Austin, Re-Treating Intellectual Property? The WAI 262 Proceeding and the Heuristics of Intellectual Property Law, 11 CARDOZO J. INT'L & COMP. L. 333 (2003).; Kerry ten Kato & Sarah Laird, The Commercial Use of Biodiversity: Access to Genetic Resources and Benefit Sharing, Earth Scan Pub. (1999); Darrell Posey, Intellectual Property Rights and Just Compensation for Indigenous Knowledge, 6 ANTHROPOLOGY TODAY 13 (1990); Michael Halwood, Indigenous and Local Knowledge in International Law: A Preface to Sui Generis Intellectual Property Protection, 44 McGill L. J. 953 (1999); Kuel-Jung Ni, Legal Aspects of Prior Informed Consent on Access To Genetic Resources: An Analysis of Global Lawmaking and Local Implementation Toward an Optimal Normative Construction, 42 VAND. J. TRANSNAT'L L. 227 (2009); Steven M. Rubin and Stanwood C. Fish, Biodiversity Bioprospecting: Using Innovative Contractual Provisions to Foster Ethnobotanical Knowledge, Technology, and Conservation, 5 Colo. J. INT'L ENVT'L. L & PoL'y 23 (1994). See also additional references, infra note 550.

cultures have the power to say "no"?<sup>279</sup> Who constitutes the decision-making authority within indigenous societies?<sup>280</sup>

## Genetic Rights

The marriage of genes and computers has propelled us into the biotech century. <sup>281</sup> Genetic engineering is really a double misnomer. It moves genes but it's not about genetics. Its engineering implies an understanding of the causal mechanisms that link actions to effects. But nobody understands the mechanisms by which genes, interacting with each other and the environment, express traits. 282 And transgenic manipulation inserts foreign genes into random locations, for example in a plant's DNA, to see what happens. That's not engineering; it's the industrialization of life by people with a narrow conceptualization of it. 283 Will the laboratory replace nature?<sup>284</sup> Issues of control, piracy of the necessary genes from nature, genetic pollution, genetic discrimination<sup>285</sup> and commercial eugenics<sup>286</sup> are all disturbing. In a society that is

<sup>&</sup>lt;sup>279</sup> Please *see* the Text, *infra* at \_\_\_\_\_, for a larger discussion on the wherewithal of Indigenous communities to object to outsiders' attempts to exploit or harvest biotic, and hence traditional, property from that culture. See Craig Benjamin, Biopiracy and Native Knowledge: Indigenous Rights on the Last Frontier, NATIVE AMERICAS 22, June 1997; Michael A. Gollin, Biopiracy: The Legal Perspective, www.actionbioscience.org/biodiversity/gollin.html; Mario Osava, Creating a Network Against Biopiracy, March 28, 2006, www.commondreams.org/cgi bin/print.cgi?file=/headlines06/0328-09.htm; Martin Khor, A Worldwide Fight Against Biopiracy and Patents on Life, www.twnside.org.sg/title/pat-ch.htm; Europe Pacific Solidarity Bulletin, Human Rights Movement Condemns Research in Tonga, www.antenna.nl/ecsiep/bulletin/bull8-4/6.html; Amy Harmon, DNA Gatherers Hit a Snag: The Tribes Don't Trust Them, NY Times, December 10, 2006, Sec. A., p. 1.

<sup>&</sup>lt;sup>280</sup> See, e.g., Graham G. Watkins & Maureen A. Donnelly, Biodiversity Research in the Neotropics: From Maureen Conflict to Collaboration, 154 PROC. ACAD. NAT. SCI. PHILA. 127 (2005)/

<sup>&</sup>lt;sup>281</sup> JEREMY RIFKIN, THE BIOTECH CENTURY: HARNESSING THE GENE AND REMAKING THE WORLD (1998).

<sup>&</sup>lt;sup>282</sup> Craig Holdrege & Steve Talbott, *The Questions Science Won't Ask*, ORION, 24 (2006).

<sup>&</sup>lt;sup>283</sup> Jeremy Rifkin, The New Genetic Rights Movement: Resisting Life as a Commodity, LAPIS, Issue 14. See also Symposium: Biotechnology and the Law, 32 McGeorge L. Rev. 85 (2000); Alan Buchanan, From Chance TO CHOICE: GENETICS AND JUSTICE (2000).

284 *Id.* 

<sup>&</sup>lt;sup>285</sup> What happens if you are doing genetic screening prior to birth and it shows a potential that the child will develop a genetic defect and will require medical care in the future? What if your insurance company agrees to pay for an abortion but not for the medical care for the life of the child as the expense was preventable by terminating the pregnancy? See Eric Rakowski, Who Should Pay for Bad Genes?, 90 CAL. L. REV. 1345 (2002). Could your child sue you for bringing her/him into the world destined to be debilitated, infirm and in pain? P.L. 10-233, 122 STAT. 881 (Genetic Information Non-Discrimination Act of 2008).

beginning to consider life as perfectible by engineering standards, the real casualty of all this is a loss of empathy; how empathetic are we likely to be to any child growing up that does not conform to the homogenized standards our companies and engineers have set up? We are changing the criteria for what it means to be normal by advancing technologies for genetic selection and altering the natural course of evolution in a radically accelerated timeframe.<sup>287</sup>

Bill McKibben describes a dangerous world in which genetic engineering could potentially make it possible for people to enhance their children's intelligence, height, looks and even athletic ability.<sup>288</sup> The danger lies not only in a future in which all human beings may be

<sup>286</sup> See Bill McKibben, *infra* at note 288; Armand Marie Leroi, *Eugenics in the Womb*, The ATLANTIC 36, April 2007; Amy Harmon, *Genetic Testing + Abortion = ???*, NY TIMES, May 13, 2007, Sec. 4, p. 1; Elizabeth Weil, *A Wrongful Birth?*, NY TIMES MAG. 48, March 12, 2006. *See also* MALA SEN, *supra note* 138.

<sup>&</sup>lt;sup>287</sup> Of course, we do this much slower and non-genetically already -- cosmetically -- in a myriad of ways: *See* Special Report: Here Comes the Super Human: How Science Will Help Us Live Longer, Smarter, Stronger, POPULAR SCIENCE, September 2005; Bonnie Zylbergold, *The End of Natural Beauty*, October 5, 2007, <a href="www.alternet.org/module/printversion/64439">www.alternet.org/module/printversion/64439</a>; Ron's Angels Egg Auction, <a href="www.ronsangels.com/auction.html">www.ronsangels.com/auction.html</a>; Sperm Auction, <a href="www.ronsangels.com/sperm.html">www.ronsangels.com/sperm.html</a>; Cryos International Sperm Bank, <a href="www.cryos.dk">www.cryos.dk</a>; *The Swan* (textelevision broadcast 2004); <a href="mailto:prediction-broadcast">prediction-html</a>; Sperm Auction, <a href="www.cryos.dk">www.cryos.dk</a>; *The Swan* (textelevision broadcast 2004); <a href="prediction-broadcast">prediction-html</a>; Cryos International Sperm Bank, <a href="www.cryos.dk">www.cryos.dk</a>; *The Swan* (textelevision broadcast 2009); <a href="Kim Erickson">Kim Erickson</a>, <a href="prediction-broadcast">DROP-DEAD GORGEOUS:</a> PROTECTING YOURSELF FROM THE HIDDEN DANGERS OF COSMETICS (2002); <a href="Phillip Lee Miller, Life Extension Revolution: The New Science of Growing Older Without Aging (2006)">prediction-html</a>; <a href="mailto:prediction-broadcast">Prediction-html</a>; <a href="mailto:prediction-broadcast">Prediction-html

Against Perfection, The Atlantic 51, April 2004; N. Schichor, J. Simonet and C. Canano, Should We Allow Genetic Engineering? A Public Policy Analysis of Germline Enhancement, Developmental Biology, www.devbio.com/article.php?id=172; Brian Tokar, Redesigning Life: The Worldwide Challenge to Genetic Engineering (2001); Bill McKibben, The Posthuman Condition, Harper's Magazine 15, April 2003; Richard Hayes, In the Pipeline: Genetically Modified Humans?, Multinational Monitor, www.ratical.org/coglobalize/mmGMhumans.html; Next News, Should Genetic Modification on Children Be Banned, US News & World Report, www.usnews.com/usnews/tech/nextnews/archive/next040526.htm; Genetics and Society, Inheritable Genetic Modification, www.genetics-and-society.org/technologies/igm/arguments.html; Maxwell J. Mehlman, Wondergenes: Genetic Enhancement and the Future of Society (2003); Masha Gessen, Blood Matters: From Inheritable Illness to Designer Babies, How the World and I Found Ourselves in the Future of the Gene (2008); Colin Gavaghan, Defending the Genetic Supermarket (2007); Maxwell J. Mehlman and Kirsten M. Rabe, Any DNA to Declare? Regulating Offshore Access to Genetic Enhancement, 28 Amer.J.L. & Med. 179 (2002); Andy Miah, Engineering Greater Resilience or Radical Transhuman Enhancement, Studies in Ethics, Law, and Technology, Berkeley Electronic Press,

www.bepress.com/self/vol2/iss1/art5/?sending=10127; Gene Watch, www.gene-watch.org; Casey Walker, Interview with Richard Hays, Wild Duck Review, May 31, 1999, available at

http://www.geneticsandsociety.org/article.php?id=3078; Designer People, E MAG., Jan./Feb. 2001; Worldwatch Publication: Beyond Cloning: The Risks of the Rush to Human Genetic Engineering and the Larger Agenda of the Human Biotech Industry, WORLDWATCH, July/Aug. 2002. But see e.g., Why Get Treated with BOTOX Cosmetic?, http://www.botoxcosmetic.com/why try botox/index.aspx; cf. Ann Hulbert, The Prodigy Puzzle, NY TIMES MAG.

genetically programmed to possess certain abilities, but also in the fact that it will become a vicious, never-ending cycle. Those parents with a child of IQ of 150 may be satisfied in the beginning, but ultimately disappointed and unhappy because the next batch of children could be manipulated to have an IQ of 170. What types of laws will we need to create to prevent discrimination from the "enhanced" human toward the "normal" human? Should there be an end to gene patents? Should genetic materials be made part of the commons and placed into collective patent banks? We must be asking, as well, what extraordinary advantages have resulted from the privatization of genetic patents? How much cultural shift would it take to persuade people to snort a line or two of transgenic bacteria to ward off the flu? \*\*\* If the arsenal for disease prevention continues emptying, the decision will become more focused: how do you weigh the fears of knowingly disrupting our own natural habitat with transgenics versus the fear of taking no action in the face of new epidemics?" 293

<sup>64,</sup> November 20, 2005.

<sup>&</sup>lt;sup>289</sup> See Lee Silver, Remaking Eden (1998).

<sup>&</sup>lt;sup>290</sup> Mary Breen Smith, An End to Gene Patents? The Human Genome Project Versus the United States Patent and Trademark Office's 1999 Utility Guidelines, 73 U. COLO. L. REV. 747 (2002).

<sup>&</sup>lt;sup>291</sup> Janet Hope, Biobazaar, The Open Source Revolution and Biotechnology (2008); Vandana Shiva, Monocultures of the Mind: Perspectives on Biodiversity and Biotechnology (1993). However, some argue that patents are needed to encourage the development of biotechnologies. *See, e.g.*, Andrew J. Fletcher, et al., Principles and Practice of Pharmaceutical Medicine (2002); Leon Kass, *Change and Permanence: Reflections on the Ethical-Social Contract of Science in the Public Interest*, 17 In Vitro 1091 (1987).

<sup>&</sup>lt;sup>292</sup> Pamela J. Smith, *Patent Rights and Trade: Analysis of Biological Products, Medicinals and Botanicals, and Pharmaceuticals*, 84 Am. J. AGRIC. ECON. 495 (2002) (arguing that patents strengthen the market power of U.S. drug companies); Sally Smith Hughes, *Making Dollars Out of DNA: The First Major Patent in Biotechnology and the Commercialization of Molecular Biology*, 1974-1980, 92 ISIS 541 (2001).

<sup>&</sup>lt;sup>293</sup> Jack Hill, "7. Case Study: Chagas' Diease; Location: Guatemala; Building a Better Bloodsucker," N.Y. TIMES MAGAZINE, May 6, 2001, *available at* <a href="http://www.nytimes.com/2001/05/06/magazine/7-case-study-chagas-disease-location-guatemala-building-a-better-bloodsucker.html?pagewanted=all">http://www.nytimes.com/2001/05/06/magazine/7-case-study-chagas-disease-location-guatemala-building-a-better-bloodsucker.html?pagewanted=all</a>. See also Ronald J. Maynard, Controlling Death: Compromising Life: Chronic Disease, Prognostication, and the New Biotechnologies, 20 MED. ANTHROPOLOGY Q. 212 (2006).

### *The Industrialization of Digitization*

Information is a verb, not a noun, something that happens in the field of intersection between minds.<sup>294</sup> Information is an action which occupies time rather than as a state of being which occupies physical space. It is experienced rather than possessed. What about our system of copyright makes accommodation for expressions that do not at some point in time become fixed or for cultural expressions that lack a specific author or inventor?<sup>295</sup> Will copyrights fade

For legal and regulatory aspects of digital technology, *see* Berkman Center for Internet and Society, <a href="http://www.cyber.law.harvard.edu">http://www.cyber.law.harvard.edu</a>; Information Law Institute, <a href="http://www.law.nyu.edu/ili/index.html">http://www.law.nyu.edu/ili/index.html</a>; Computer Professionals for Social Responsibility, <a href="http://www.cpsr.org">http://www.cpsr.org</a>; Electronic Frontier Foundation, <a href="http://www.eff.org">http://www.eff.org</a>; and OpenNet Initiative (ONI), <a href="http://www.opennetinitiative.net">http://www.opennetinitiative.net</a>.

For Internet Governance and Infrastructure, see World Summit on the Information Society, <a href="http://www.itu.int/wsis">http://www.itu.int/wsis</a>; The Growth and Development of Cyberspace Law in the United States: Highlights of the Past Decade, <a href="http://www.gseis.ucla.edu/iclp/decade.html">http://www.gseis.ucla.edu/iclp/decade.html</a>; The Internet Engineering Task Force, <a href="http://www.ietf.org">http://www.ietf.org</a>; The Internet Society (ISOC), <a href="http://www.ietf.org">http://www.ietf.org</a>; The Coalition for Networked Information (CNI), <a href="http://www.cni.org">http://www.ietf.org</a>; The Internet Corporation for Assigned Names and Numbers (ICANN), <a href="http://www.icann.org">http://www.icann.org</a>.

Regarding Copyright/Copyfight, *see* Creative Commons, <a href="http://www.creativecommons.org">http://www.creativecommons.org</a>; Electronic Frontier Foundation, <a href="supra">supra</a>; Digital Copyright Reference Sources on the Web, www.law.wayne.edu/Litman/classes/digitalcopyright/reference.html; Corante, <a href="http://www.corante.com">http://www.corante.com</a>; Freedom to Tinker, <a href="http://www.freedom-to-tinker.com">http://www.freedom-to-tinker.com</a>; Public Knowledge, <a href="http://www.publicknowledge.org">http://www.publicknowledge.org</a>; Free Culture Movement,

http://www.virtualschool.edu/mon/ElectronicFrontier/WineWithoutBottles.html (last viewed June 24, 2009). A decade ago, in Selling Wine Without Bottles, Barlow considered issues related to the free exchange of ideas in the digital age. For Barlow, "free information" is synonymous with the democratizing potential of the internet and with freedom of expression. Barlow contends that information is *by definition* something that gains value through circulation, and digital technology presents an opportunity for unleashing or increasing the power of information because the means for sharing, copying, and receiving information are available to more people than ever before. It seems almost quaint to make an argument for what many of us have come to take for granted. But threats to the free exchange of information via digital means are increasing in number, sophistication, and power. Without a forceful response from the rest of us, digital information may swiftly become very expensive, highly mediated, and available only under very specific terms (think Google helping China censor the internet in that country, think a "pay-to-play" format for all internet activities, think the relegation of political minorities to the outskirts of the internet.) The term "free information" is taken from the quote "information wants to be free" by Stewart Brand. STEWART BRAND, THE MEDIA LAB: INVENTING THE FUTURE AT M.I.T. 202 (1987).

I would be way out of my league to attempt, in this course or any other for that matter, to explain how contemporary copyright dilemmas and challenges are treated within our present and prospective legal systems. And I shall not do so now. Please tune in to Professor Lawrence Lessig for his great wisdom. Lawrence Lessig, Free Cultures (2004); Lawrence Lessig, The Future of Ideas (2001); and Lawrence Lessig, Code and Other Laws of Cyberspace (1999); <a href="http://www.lessig.org">http://www.lessig.org</a>. See also The Center for Internet and Society, <a href="http://www.cyberlaw.stanford.edu">www.cyberlaw.stanford.edu</a>; Madhavi Sunder, IP3, 59 Stan. L. Rev. 257 (2006); Laurence R. Helfer and Graeme W. Austin, <a href="https://www.lessig.org">https://www.lessig.org</a>. See also The Center for Internet and Society, <a href="https://www.cyberlaw.stanford.edu">www.cyberlaw.stanford.edu</a>; Madhavi Sunder, IP3, 59 Stan. L. Rev. 257 (2006); Laurence R. Helfer and Graeme W. Austin, <a href="https://www.lessig.org">Human Rights and Intellectual Property: Analysis and Sources</a>, in Paul L. C. Torremans (ED.) Intellectual Property and Human Rights (forthcoming). I am chiefly concerned at this point in the semester to highlight some of the sociological and, hence, cultural manifestations of this relatively new, though highly accelerated, technology. Barlow argues that ethics are more important than rules, so that information economics in the absence of objects will be based more upon relationships than on possession. See also Jeremy Rifkin, The Age of Access: The New Culture of Hypercapitalism Where All of Life is a Paid-for Experience (2001).

in importance as we create new definitions of "ownership" and "information"?<sup>296</sup> How are we to keep ubiquitous electronic information from being freely exchanged and combinable?<sup>297</sup> What

http://www.freeculture.org; Copyright Criminals, http://www.copyrightcriminals.com.

For Politics and Digital Democracy, see Center for Digital Democracy, <a href="http://www.democraticmedia.org">http://www.democraticmedia.org</a>; OpenDemocracy.net, <a href="http://www.opendemocracy.net">http://www.opendemocracy.net</a>; The Center for Responsive Politics, <a href="http://www.opensecrets.org">http://www.opensecrets.org</a>; Center for Digital Government, <a href="http://www.centerdigitalgov.com/center/digitalstates.php">http://www.opensecrets.org</a>; Center for Democracy and Technology (CDT), <a href="http://www.centerdigitalgov.com/center/digitalstates.php">http://www.centerdigitalgov.com/center/digitalstates.php</a>; The Center for Democracy and Technology (CDT), <a href="http://www.cett.org">http://www.cett.org</a>; Media Channel, <a href="http://www.mediachannel.org/atissue/cyber">http://www.mediachannel.org/atissue/cyber</a>; The Progress and Freedom Foundation, <a href="http://www.pff.org">http://www.pff.org</a>; International Institute for Democracy and Electoral Assistance (IDEA), <a href="http://www.idea.int/index.cfm">http://www.idea.int/index.cfm</a>.

Looking for Culture Jamming websites, *see* Adbusters, <a href="http://www.adbusters.org">http://www.adbusters.org</a>; The Billboard Liberation Front, <a href="http://www.billboard.liberation.com">http://www.billboard.liberation.com</a>; The Yes Men, <a href="http://www.theyesmen.org">http://www.theyesmen.org</a>; RTMark, <a href="http://www.trmark.com">http://www.trmark.com</a>; Media.org, <a href="http://www.jam.media.org">http://www.jam.media.org</a>; Advertisers Anonymous, <a href="http://www.critpath.org/illcompute/myfault.html">http://www.critpath.org/illcompute/myfault.html</a>; Google Bombing, SARAH MILSTEIN & RAEL DORNFEST, GOOGLE:

http://www.critpath.org/illcompute/mytault.html; Google Bombing, SARAH MILSTEIN & RAEL DORNFEST, GOOGLE THE MISSING MANUAL 286 (2004); Audio Collages of Political Speeches,

http://www.diymedia.net/collage/truth.htm; Podcasting,

http://www.masternewmedia.org/news/2005/05/20/where to submit your podcasts.htm and http://www.podcast.net.

For links to Alternative Media, *see*, *e.g.*, Alternative Press Center, <a href="http://www.altpress.org">http://www.altpress.org</a>; CommonDreams, <a href="http://www.alternet.org">http://www.commondreams.org</a>; Alternet, <a href="http://www.alternet.org">http://www.alternet.org</a>; Independent Media Center, <a href="http://www.indymedia.org">http://www.alternet.org</a>; Independent Media Center, <a href="http://www.zmag.com/we/user.htm">http://www.alternet.org</a>; Znet, <a href="http://www.zmag.com/we/user.htm">http://www.zmag.com/we/user.htm</a>; [InvisibleAmerica] [etc.]

Respecting the Digital Divide, *see*, *e.g.*, Community Technology Centers Network, <a href="http://www.ctcnet.org">http://www.ctcnet.org</a>; The Digital Divide Network, <a href="http://www.digitaldivide.net">http://www.digitaldivide.net</a>; SeniorNet, <a href="http://www.seniornet.org">http://www.seniornet.org</a>; The Web Accessibility Initiative, <a href="http://www.w3.org/WAI">http://www.w3.org/WAI</a>.

For some Global Projects, *see*, *e.g.*, Global Voices Online, <a href="http://www.globalvoicesonline.org">http://www.globalvoicesonline.org</a>; CIVICUS, <a href="http://www.civicus.org">http://www.civicus.org</a>; OneWorld.net, <a href="http://www.oneworld.net">http://www.oneworld.net</a>.

Descriptions for the majority of these websites can be found in Appendix [\_\_\_\_].

transformed the nature of copyright so that it now applies to everybody's everyday behavior, it has become more important, not less, that our copyright rules embody a deal that the public would assent to." JESSICA LITMAN, DIGITAL COPYRIGHT: PROTECTING INTELLECTUAL PROPERTY ON THE INTERNET (2001). From the standpoint of society the major goal of copyright is to smooth diversity's path by giving creators special rights to exploit their work. If copyright becomes meaningless, will it still be possible to make work for small, specialized audiences, or will an awful shrinking homogeneity set upon our futures? *See generally* John Perry Barlow, *supra* note 269; Charles Mann, *Who Will Own Your Next Good Idea*, ATLANTIC MONTHLY, Sept. 1998; Esther Dyson, *Intellectual Value*, WIRED, Jul. 1995; Kevin Kelly, *What Will Happen to Books?*, N.Y. TIMES MAG., May 14, 2006, at Section 6, Page 43; Randall Stross, *Will Books Be Napsterized?*, NY TIMES, October 4, 2009; Tim Arango, *Rights Clash on YouTube, and Videos Disappear*, NY TIMES, March 23, 2009, Sec. B, p. 1. LAWRENCE LESSIG, CODE AND OTHER LAWS OF CYBERSPACE 333 (1999).

PRACTICE (2006). There was a parallel economy developing, getting ideas into the marketplace faster than competitors who base their protection on the fear of litigation. *See*, *e.g.*, YIJUN TIAN, RE-THINKING INTELLECTUAL PROPERTY: THE POLITICAL ECONOMY OF COPYRIGHT PROTECTION IN THE DIGITAL ERA (2008); Get Bit Torren, <a href="https://www.bittorrent.com">www.bittorrent.com</a>. Many countries are moving down the path towards liberating, rather than restricting, access and use of digital information. Among the more liberal international copyright initiatives, France has advanced plans to legalize P2P (<a href="http://news.com/2100-1025">http://news.com/2100-1025</a> 3-6034897.html), Australia is considering legislation that expands "fair use" of copyrighted material (<a href="http://www.efa.org.au/Issues/IP">http://www.efa.org.au/Issues/IP</a>) and the widespread adoption of Creative Commons licenses (<a href="http://www.creativecommons.org">www.creativecommons.org</a>) for public-sector information (<a href="http://www.guardian.co.uk/technology/2008/feb/14/freeourdata.intellectualproperty">http://www.guardian.co.uk/technology/2008/feb/14/freeourdata.intellectualproperty</a>), the United Kingdom is holding hearings on the detrimental impacts of DRM on public libraries (<a href="http://news.bbc.co.uk/go/pr/fr/-2/hi/technology/4675280.stm">http://news.bbc.co.uk/go/pr/fr/-2/hi/technology/4675280.stm</a>, 2006/02/03 09:57:30), and even South Korea has implemented policy that allows individuals to download for personal use (<a href="http://times.hankooki.com/1page/nation/200601/">http://times.hankooki.com/1page/nation/200601/</a>

is the governance and what are technological artifices that need to be designed for the special protection of indigenous knowledge which now, more than ever before, seeks human rights recognition in opposition to or in contravention of the universal march toward open access?<sup>298</sup>

## Digital Technology

Digital Technology is clearly one of the most significant developments of the last 30 years. The rapid ascension of the Internet has transformed society around the world, and has had a profound impact on our lives, culture, language, commerce, science and government. It has changed how we talk, how we view the world, even how we think and what we consider "real." German ornithologists have found some birds that are singing the songs of cell phone ringtones. As they are drawn to the increasing amounts of food and green space in modern cities, the birds simply adapt to their environment. In the "evolutionary playground" we find birds imitating human sounds, now imitating digital sounds. As we think about the ways that we humans adapt to our changing environment and the more subtle impacts of technology, I like to remember those birds chirping a Nokia corporate jingle, or better still, Sketches of Spain by Miles Davis. To what extent are we transformed by digital technology, in what subtle ways do we adapt to our world and redefine our natural condition. It's easy to identify carpal tunnel syndrome, or the impact of video games on a youthful sense of reality, but we almost remember the less evident side-effects. The birds . . .

kt2006011616503411990.htm). Yale University recently described "Access to Knowledge" as "an umbrella term that encompasses the humanitarian, creative, entrepreneurial and scholarly elements of the copyfight. Access to Knowledge (A2K) is also the name of a proposed treaty at the UN copyright agency, WIPO, which sets out the information rights every nation should guarantee to its archivists, educators and disabled people. It would be the first treaty to establish minimum user rights for copyrighted works, including limits on DRM." The "Yale Access to Knowledge (A2K) Initiative aims to build an intellectual framework that will protect access to knowledge both as

the basis for sustainable human development and to safeguard human rights."

See also Jonathan Lethem, *The Ecstasy of Influence: A Plagiarism*, HARPER'S MAG., February 2007. [See Text, infra at \_\_\_\_\_.]

The Internet is a disruptive technology: rapidly developed, widely embraced, and having a profound impact on countless aspects of life:

Disruptive technologies are those innovations that have a dramatic impact on how the whole of society works, plays, and learns. The discovery and exploration of electricity in 1873 is an example. Still, it was nearly forty-six years before electricity saw mass use in the United States (with "mass use" commonly defined as 25 percent of the population using an innovation). The gas automobile, equally as disruptive, took fifty-five years to reach mass use. Mobile phones burst on the technology scene more recently but have quickly become a staple of American life. Even with high costs and poor service as initial barriers to entry, mobile phones took only thirteen years to become a mass-use innovation. The modern Web, however, wins the rate-of-adoption race by achieving mass use in only four years. . . . this rate of adoption still tells us something about the usefulness and accessibility of the Web, about how quickly we manage to adopt change in today's world, and about how ready we are for the convergence of our media experiences.

One result of researching the Internet (and digital technology more generally), intensively and over the course of the past year, is my realization that it's all about "control." *Who* controls *What*, and *How* and *Why* do they control it? The struggle for mastery is sometimes between governments and private entities, but lately it seems the tension is most pronounced between commercial forces working in cooperation with, or at least supported by government (via favorable regulatory legislation, for example) and citizen groups and non-profits that value things other than the usual commercial imperatives. <sup>300</sup>

One other theme that is inescapable is the "language of liberty" that permeates these technology discussions. One cannot help but note that in the discourse around all things Internet, the competing sides both use language that resonates with expressions of fundamental

Mark David Milliron & Cindy L. Miles, *Education in a Digital Democracy: Leading the Charge for Learning About, With, and Beyond Technology*, EDUCAUSE REV., Nov./Dec. 2000, at 50-52, *available at* http://www.net.ir/library/pdf/ERM0064.pdf.

<sup>300</sup> See, e.g., Electronic Frontier Foundation, www.eff.org; Jeffrey Chester, Will Google's Greed Ruin the Internet?, October 6, 2007, www.alternet.org/module/printversion/64214; Christopher Caldwell, Intimate Shopping: Should Everyone Know What You Bought Today?, NY TIMES MAG 13, December 23, 2007; Nicolas Carr, Is Google Making Us Stupid?, THE ATLANTIC 56, July/August 2008; Christine Rosen, The Myth of Multitasking, THE NEW ATLANTIS, Spring 2008.

democratic ideals. Access should be *free*; networks and code should be *open*; there is a need for an intellectual *commons*; technology companies are providing services that will lead to *democratic societies*; and the Internet has the potential to fulfill our nation's constitution in the form of a *digital democracy*. Granted this language is hyperbolic, yet it also offers reasons to be hopeful. It is hyperbolic in that many of the promises are yet to be realized; hopeful in that these democratic ideals are alive and well and motivating many concerned citizens to become involved in shaping their digital destiny. In fact, it is difficult to describe many of the virtues of the Internet and other digital technologies without resorting to such language. It is almost as if this technology is inherently democratic and fosters idealism. It is a decentralized structure of servers and routers and pipelines that is truly more than the sum of its parts. It was created in large part by people cooperating, taking chances, and experimenting outside of corporate settings, and many of the individuals who were drawn to the technology in its infancy were activists and progressives.<sup>301</sup>

### Digital Democracy

The promise of the Internet to change democratic politics was one of the most-widely heralded forecasts in the early days of the Internet age. Digital Democracy is essentially about using the Internet to educate and inform people, to grow an informed citizenry that can then become more engaged in local and national politics. But more than that, it is about realizing the potential of the technology to develop new manners of political involvement. The topic

.

<sup>&</sup>lt;sup>301</sup> See John Markoff, What the Dormouse Said: How the '60s Counterculture Shaped the Personal Computer Industry (2005); Keenan Mayo and Peter Newcomb, An Oral History of the Internet: How the Web Was Won, VANITY FAIR, July, 2008 at p. 96. But see Save the Internet: Fighting for Internet Freedom, <a href="https://www.savetheinternet.com">www.savetheinternet.com</a>; Kim Dixon, Lawmaker Plans Bill on Net Neutrality, REUTERS.com, available at <a href="http://www.reuters.com/article/technologyNews/idUSTRE4AC7SU20081114">http://www.reuters.com/article/technologyNews/idUSTRE4AC7SU20081114</a>.

<sup>&</sup>lt;sup>302</sup> But see Benjamin R. Barber, The Uncertainty of Digital Politics: Democracy's Uneasy Relationship With Information Technology, HARV. INT'L. REV. 42 (Spring 2001).

remains in the forefront of both civic-spirited online initiatives and the more mainstream media. 303 In short, the idea was that the voice of the people could be expressed widely and conveniently, and that the processes of popular decision-making could therefore expand to include the many, with the Internet helping close the gap between citizens and their representatives. Unfortunately, political theorists and proponents of digital democracy became disillusioned when faced with some of the same problems that plague civic participation in the real world—uninformed people tended to congregate around their existing biases and didn't really want to engage in civil discussions with people who didn't share their beliefs. The Internet revealed some other basic truths: people prefer porn and commerce to politics and populism!

\_

A recent book by Barry Hague titled *Digital Democracy: Discourse and Decision Making in the Information Age* addresses these questions: "Is direct democracy in the age of remote communication possible? Examining the impact of information and communication technologies (ICTs) and their consequences for political institutions, *Digital Democracy* offers a critical assessment of the concept of an emergent electronic democracy." Barry N. Hague & Brian D. Loader, Digital Democracy: Discourse and Decision Making in the Information Age (1999).

### Access & Digital Divide

The *Digital Divide* is the gap that separates the technological haves from the have-nots. It has typically been construed as the disparate educational, commercial, and communication-based experiences/opportunities available to those with Internet access and computers versus those without. But that is not the only relevant aspect; as broadband technology becomes more the norm, the digital divide grows to include online inequities between those Internet users who can afford access to premium services and those who cannot. It is already happening: sponsored content becomes favored over unfettered speech, and products of conglomerate culture, rather than the cross-fertilization of ideas, holds sway." So access to technology such as computers is one way of thinking about it—but the next user phase, Internet use, is increasingly important and can be thought of as the Internet Divide. 304

Policy & the Future of the Internet – Freedom to Connect, Social Software, and Open Access

There is a battle taking place now for control of internet governance, and the winning approach will determine to what extent information is free in the future. When John Perry Barlow wrote *Selling Wine Without Bottles*<sup>305</sup> 10 years ago, contemplating the "nature of information" was a way to ask questions about the evolving meaning and value and control of information; might it reveal *how* it could remain free in the digital age? Today, however, the question of how to ensure free information on the Internet is best answered by asking a different

\_

<sup>304</sup> Solid majorities in the U.S., Canada and Western Europe are internet savvy, but in Pakistan and Indonesia, fewer than 10% say they go online as do only 15% of Russians and 14% of Indians. About a third in Poland, Turkey and China say they access the internet. Unsurprisingly, in all societies, education level and income are the predominant determinants of those who use technology, with those who have higher education levels and larger incomes more likely both to use computers and to access the internet.

<sup>&</sup>lt;sup>305</sup> Barlow, *supra* note 269.

question: who is responsible for the governing standards and functions of the network itself? When Barlow asked how IP law might evolve to deal with digital information, he recognized, presciently, that "the "terrain" itself—the architecture of the net—may come to serve many of the purposes which could only be maintained in the past by legal imposition. <sup>306</sup> IP law, the architecture of the net, and the future of free information all merge in internet governance.

The complete history and various complexities of internet governance far exceed the scope of this discussion. But some basic facts are helpful: The Internet Corporation for Assigned Names and Numbers, (ICANN) was created in 1998 to manage the assignment of domain names and IP addresses. In most of its official statements and proposals regarding internet governance, the European Union has consistently criticized ICANN as a unilateral body controlling matters of global import without a foundation in global forums and not subject to outside review. The criticism of ICANN is pervasive, not so much for what it does but for its awkward position as a U.S. created and pseudo-private entity. American administrative law experts have criticized ICANN for similar reasons.

Commercial interests also seek to control the internet in ways that discourage democratizing the web. A recent article in the Nation presents the current state of commercial strategies for re-defining the way we all will access and use the Internet. It is an alarming picture for anyone who values the potential of the Internet as a tool for something other than commercial transactions and one-way information exchange.

<sup>&</sup>lt;sup>306</sup> *Id*.

www.icann.org. ICANN recently announced that it will allow Internet addresses to be displayed with non-Latin characters. *See* http://www.pcadvisor.co.uk/news/index.cfm?newsid=3205201.

<sup>308</sup> See <a href="www.icannwatch.org">www.icannwatch.org</a>; Erich Luening, Ralph Nader Renews Criticism of ICANN, <a href="www.news.cnet.com/Ralph-Nader-renews-criticism-of-ICANN/2100-1001">www.news.cnet.com/Ralph-Nader-renews-criticism-of-ICANN/2100-1001</a> 3-264334.html; ICANN: The Debate Over Governing the Internet, 2001 DUKE L. & TECH. REV. 0002 (2001) available at <a href="http://www.law.duke.edu/journals/dltr/articles/2001dltr0002.html">http://www.law.duke.edu/journals/dltr/articles/2001dltr0002.html</a>; U.S. Lawyers Criticize ICANN, WIRED.COM (Feb. 2001), available at <a href="http://www.wired.com/politics/law/news/2001/02/41699">http://www.wired.com/politics/law/news/2001/02/41699</a>.

The nation's largest telephone and cable companies are crafting an alarming set of strategies that would transform the free, open and nondiscriminatory Internet of today to a privately run and branded service that would charge a fee for virtually everything we do online . . . Verizon, Comcast, Bell South and other communications giants are developing strategies that would track and store information on our every move in cyberspace in a vast data-collection and marketing system, the scope of which could rival the National Security Agency. <sup>309</sup>

Under this scheme, entities with the most money would get preferred treatment, and those without such financial leverage would have a much more difficult time participating.

Furthermore, the cost to use the Internet would increase substantially under a corporate "pay-to-play" scenario.

To make this pay-to-play vision a reality, phone and cable lobbyists are now engaged in a political campaign to further weaken the nation's communications policy laws. They want the federal government to permit them to operate Internet and other digital communications services as private networks, free of policy safeguards or governmental oversight. Indeed, both the Congress and the Federal Communications Commission (FCC) are considering proposals that will have farreaching impact on the Internet's future. Ten years after passage of the ill-advised Telecommunications Act of 1996, telephone and cable companies are using the same political snake oil to convince compromised or clueless lawmakers to subvert the Internet into a turbo-charged digital retail machine. <sup>310</sup>

### Network Neutrality

To combat efforts by large corporations to essentially take control of the flow of information on the Internet, public-interest groups and some new media companies are advocating federal policies that require "network neutrality."

Without proactive intervention, the values and issues that we care about--civil rights, economic justice, the environment and fair elections--will be further threatened by this push for corporate control. Imagine how the next presidential election would unfold if major political advertisers could make strategic payments to Comcast so that ads from Democratic and Republican candidates were more visible and user-friendly than ads of third-party candidates with less funds. Consider what would happen if an online advertisement promoting nuclear power prominently popped up on a cable broadband page, while a competing message

<sup>310</sup> *Id*.

<sup>&</sup>lt;sup>309</sup> Jeff Chester, *The End of the Internet?*, NATION, Feb. 1, 2006.

from an environmental group was relegated to the margins. It is possible that all forms of civic and noncommercial online programming would be pushed to the end of a commercial digital queue.

But such 'neutrality safeguards' are inadequate to address more fundamental changes the Bells and cable monopolies are seeking in their quest to monetize the Internet. If we permit the Internet to become a medium designed primarily to serve the interests of marketing and personal consumption, rather than global civic-related communications, we will face the political consequences for decades to come. Unless we push back, the "brandwashing" of America will permeate not only our information infrastructure but global society and culture as well. <sup>311</sup>

Net Neutrality is about the impact of communication and information technology on politics and civic engagement, society and innovation. Is the Internet properly viewed as a "common carrier?" Who is responsible for ensuring that the infrastructure is properly developed and maintained? Perhaps the market is the best solution: profit-driven initiatives may be an answer for ensuring that adequate resources are directed towards infrastructure maintenance, research and development. Net Neutrality also conceives that internet service providers should not be allowed to discriminate between data from one source versus data from another.<sup>312</sup>

www.cdt.org/international/censorship/20080505gofa.pdf); Dixon, supra note 285.

<sup>311</sup> Id

Yahoo pays a premium to the service provider. In this scenario, the absence of enforced NN leads to a world where the best service goes to the one who can afford to pay the premium. Similarly, data could be relegated to a lower level of service based on political motivations. If a search engine such as Google received funds from the Democrats, a Google search for "presidential debate" might return a list of sites that have a bias (explicit or covert) in favor of the Democratic party or candidates. A recent example of network discrimination occurred when certain broadband providers blocked Vonage voice data transmissions, because Vonage was competing with the phone company that controlled the phone lines there. One major advocacy group is the Annenberg Center for Network Neutrality, who recently released a set of principles that they believe must guide future development of the public Internet markets for broadband access. To read the detailed descriptions, go to <a href="http://www.netneutrality2008.org/Resources\_files/Aronson.doc">http://www.netneutrality2008.org/Resources\_files/Aronson.doc</a>. See also Common Cause, Keep the Internet Free and Open! Network Neutrality Fact Sheet,

http://www.commoncause.org/site/pp.asp?c=dkLNK1MQIwG&b=1234951 (last visited Apr. 23, 2008); Common Cause, Think the Internet Will Always be Open? (link is broken); Consumers Union, Importance of the Internet: Public Support for Net Neutrality, Jan. 18, 2006,

http://www.consumersunion.org/pub/press\_releases/003060.html; Free Press, "Dead End for the Internet?" (link is broken); Free Press, "Internet Freedom Under Fire: Act Now" (link is broken); Larry Lessig, Lessig Blog; MobuzzTV on Net Neutrality; H.R. 4780 [109<sup>th</sup>]: Global Online Freedom Act of 2006, www.govtrack.us/congress/bill.xpd?tab=main&bill=h109-4780 (for subsequent history, see Analysis of The Global Online Freedom Act of 2008 [H.R. 275] at The Center For Democracy & Technology,

The "Freedom to Connect" movement emphasizes the idea that the "need to communicate is primary, like the need to breathe, eat, sleep, reproduce, socialize and learn."<sup>313</sup> The Freedom to Connect, they argue, "belongs with Freedom of Speech, Press, Religion and Assembly. Each of these freedoms is related to the others and depends on the others, but stands distinct. Freedom to Connect, too, depends on the other four but carries its own meaning. Unlike the others, it does not yet have a body of law and practice surrounding it. There is no Digital Bill of Rights. Freedom to Connect is the place to start."<sup>314</sup>

FTC includes such concepts as Network Neutrality and the "Infrastructure of Democracy." The movement places primary importance on the openness of the Internet, being both the main reason for its success so far, as well as the most critical value as we move forward. It emphasizes the role of the individual in this policy debate. Essentially, it strives to incorporate the social software techniques of user participation in tackling the larger policy questions. The Center for Democracy and Technology, for example, calls for the internet to be "open, innovative, and free." The Center argues that government agencies should use the internet to provide more information from the public. Thus, the organization calls on lawmakers to prevent efforts to limit the information available to the public and to ensure that such information can be equally accessed by users of all major platforms. <sup>317</sup>

The "Technology Liberation Front" blog 318 includes a fairly comprehensive list of high tech public policy issues: First Amendment & free speech concerns; regulation of e-commerce

<sup>&</sup>lt;sup>313</sup> F2C: Freedom to Connect, <a href="http://freedom-to-connect.net/2006/">http://freedom-to-connect.net/2006/</a> (last visited Apr. 23, 2008).

 $<sup>^{314}</sup>$  *Id*.

<sup>315</sup> Center for Democracy and Technology, Digital Democracy,

http://www.cdt.org/legislation/110th/2007congress-agenda-digital-democracy.php (last visited March 11, 2009).

<sup>1</sup>*a*.

<sup>&</sup>lt;sup>317</sup> Id

<sup>&</sup>lt;sup>318</sup> Technology Liberation Front, <a href="http://www.techliberation.com/">http://www.techliberation.com/</a> (last visited Apr. 23, 2008).

markets and online services; privacy regulation; SPAM; spectrum management policy and wireless issues; broadcast television and radio regulation; media ownership / concentration concerns; traditional telecom regulatory policy; broadband Internet deployment policy; cable regulation; VoIP issues; network regulation and open access mandates; Internet taxation; online gambling; cyber-surveillance issues; and the role of the Federal Communications Commission and other regulatory agencies in the Information Age. Add to that the obvious issues of copyright law and internet governance.

In *Code*, Lawrence Lessig dismisses the argument that the Internet is uncontrollable (or that those trying to control it must be stopped from doing so). Such a completely hands-off approach, he argues, is not only incorrect but undesirable. His argument is basically that cyberspace is based on code and it is the control of that code—the design of the Internet's "architecture"—that we need to focus on. Controlling individuals is far more difficult and less likely to succeed; control the code—create the right architecture—and the behavior will follow. The code is where the law is implemented, where the Internet's promise may be realized or foreclosed. Someone is always making decisions about implementing code, and that will continue to be the case. To assume that all code will be developed in concert with any single set of ideals or values is to deny the variety of values among a diverse population. Lessig acknowledges that commerce influences cyberspace and that this leads to regulations of all sorts. What freedoms do we want to guarantee in cyberspace? "In this realm, code is the most significant form of law, and it is up to lawyers, politicians and citizens to decide what values code embodies."

<sup>&</sup>lt;sup>319</sup> *Id* 

<sup>&</sup>lt;sup>320</sup> LAWRENCE LESSIG, CODE VERSION 2.0 (2006).

#### Information Commons

Lawrence Lessig and many others argue for the need to preserve an *information commons*. The concept of the information commons emphasizes some of those principles that also apply to the natural commons: preservation, thoughtful progress, etc. In light of the growing trend to propertize information and to extend the definitions of what can be owned and protected, there is an increasing need to architect cyberspace in ways that preserve an information commons. The idea of an online commons is especially timely now. There is a very real sense that the Internet as we know it is under attack, and that pending legislation and commercial activities will unalterably change the Internet for the worst unless citizens act forcefully and quickly to preserve the public interest. 322

A growing number of bloggers around the world are emerging as "bridge bloggers:" people who are talking about their country or region to a global audience using various forms of participatory media such as podcasts, photo sharing sites, and videoblogs. *See, e.g.,* www.droppingknowledge.org; www.gaia.com.

<sup>321</sup> See generally LESSIG, id.; Kevin J. Harrang, Challenges In The Global IT Market: Technology, Creative Content, And Intellectual Property Rights, 49 ARIZ. L. REV. 29 (2007); Robert S. Boynton, The Tyranny of Copyright, NY TIMES MAG. 40, January 25, 2004; Creative Commons, <a href="www.creativecommons.org">www.creativecommons.org</a>; Copy Left, <a href="www.enwikipedia.org/wiki/Copyleft">www.enwikipedia.org/wiki/Copyleft</a>; GNU General Public License; Electronic Frontier Foundation, <a href="www.enf.org">www.eff.org</a>; Jonathan Lethem, The Ecstasy of Influence: A Plagiarism, HARPER'S MAGAZINE 59, February 2007; Joy Garnett and Susan Meiselas, On the Rights of Molotov Man: Appropriation and the Art of Context, HARPER'S MAGAZINE 53, February 2007; "Harvard Law Faculty Votes for 'open access' to scholarly articles," <a href="www.law-harvard.edu/news/2008/05/07">www.law-harvard.edu/news/2008/05/07</a> openaccess.php.

<sup>322</sup> The Internet Archive <a href="www.archive.org">www.archive.org</a>, is a 501(c)(3) non-profit that was founded to build an 'Internet library,' with the purpose of offering permanent access for researchers, historians, and scholars to historical collections that exist in digital format. Founded in 1996 and located in the Presidio of San Francisco, the Archive has been receiving data donations from Alexa Internet and others. In late 1999, the organization started to grow to include more well-rounded collections. Now the Internet Archive includes texts, audio, moving images, and software as well as archived web pages.

There are many interesting examples of this potential on the internet. One is the Global Voice Project, <a href="www.globalvoicesonline.org">www.globalvoicesonline.org</a>, with the mission to compile some of the most interesting voices and conversations from around the world, provide a forum for an international exchange of ideas, and even help train citizen journalists.

#### Official Organization and a Democratic Internet

Numerous "official" organizations are focused on the issues of internet governance. The UN-sponsored World Summit on the Information Society is one. 323 Since 2003, a "working group on internet governance" (WGIG) has been creating a sluice-full of proposals. 324 In The Democratic Republic of Cyberspace, Bill Thompson points out some flaws in the approach being taken by WGIG. He worries that "the future development of the network [will be] open to capture by two very powerful interests – private corporations and national governments – to the exclusion of civil society."<sup>325</sup> Invoking some of Lawrence Lessig's ideas about software, he notes that "Lessig's dictum that 'code is law' cuts both ways, and a clear but largely unexplored implication is that our political decisions must be implemented in software if they are to have any effect."326 He continues that "we should aim to govern the internet in accordance with its own principles: those of distributed responsibility, disintermediation and peer review."327 Similar concerns have been raised by the EU. Thompson describes the elements necessary to achieve this approach to governance. They are some of the same elements that comprise what is referred to as Social Architecture on the Internet, and EU proposals also emphasize these ideas.

The Social Architecture movement overlaps somewhat with what has been touted as "Web 2.0." Common themes include the idea that the Internet embodies some of the best democratic principles: equal representation, equal access, and participation by all members of a

<sup>323</sup> http://www.itu.inst/wsis/index.html

http://www.wgig.org

Bill Thompson, The Democratic Republic of Cyberspace?, OPENDEMOCRACY.NET, Sept. 14, 2005, available at http://www.opendemocracy.net/globalization-accountability/cyberspace 2832.jsp.

<sup>&</sup>lt;sup>327</sup> *Id*.

The term "Web 2.0" gained widespread use after the first O'Reilly Media Web 2.0 conference in 2004. See Tim O'Reilly, What is Web 2.0, Sept. 30, 2005, http://www.oreillynet.com/pub/a/oreilly/tim/news/2005/09/30/what-is-web-20.html.

community; that recent technological developments can ensure that ideas are expressed without fear of reprisal or censorship; and that tools of internet commerce can be employed in the political arena as well, such as the peer review process that facilitates transactions, on Ebay, for example. There is a widespread understanding of the unique requirement within internet governance that certain democratic exchanges are fundamental to the character of the Internet itself and must also be part of its governance. Principles and tools from social architecture can help to achieve this end. If such elements become part of internet governance, information will be more free than not.

Web 2.0 has influenced the way IT companies view the digital divide. Investor Group Against Digital Divide (IGADD) was founded by Craig Warren Smith as a way to bridge the free-market approach to the digital divide with government calls for subsidies to close the gap. 329 Mr. Smith met with Tim O'Reilly of Web 2.0 as well as industry executives like Bill Gates, and researchers in the U.S. and Indonesia in order to develop a plan to close the digital divide, beginning in Indonesia. 330 The nongovernmental organization solicits the support of academics, investors, corporations and volunteers to provide greater broadband access, and while the organization encourages the democratizing potential of increased internet access, it also hopes to provide the private sector with larger markets. Thus, it remains to be seen whether IT companies, working with nongovernmental organizations, can close the digital divide in a way that encourages a digital democracy.

<sup>&</sup>lt;sup>329</sup> Investor Group Against Digital Divide, *IGADD*, *Its History and Principles*, <a href="http://www.digitaldivide.org/dd/History%20of%20IGADD.pdf">http://www.digitaldivide.org/dd/History%20of%20IGADD.pdf</a> (last visited March 11, 2009). <a href="https://www.digitaldivide.org/dd/History%20of%20IGADD.pdf">https://www.digitaldivide.org/dd/History%20of%20IGADD.pdf</a> (last visited March 11, 2009).

#### Where is the Internet Headed?

Of course, one of the hallmarks of the digital era is rapid change, and perhaps the evolution of the web has lead to some solutions: tools that have developed in the last few years point the way to more successful endeavors in digital democracy. Wikis, for example, build communities of regular users over time, lending stability and credence to the interactive features. People build reputations, sustain conversations over time, and collaborate, which leads to accuracy and cumulative knowledge. Furthermore, the nature of the often chaotic, honest, populist experience of interactive internet chat rooms or bulletin boards lends itself not so much to disciplined, tolerant, evolutionary exchange of ideas; on the other hand, they do lend well to activities like motivating gatherings and polling opinions. Weblogs and social software are making it easier than ever for people to connect and organize themselves without the blessing of some centralized authority figure. However, thus far, digital democracy is much like non-digital democracy: a world full of contrary views that are expressed in noisy, divergent ways, where it is difficult to make important decisions in a timely manner. Moreover the advent of the internet

\_\_\_

<sup>331</sup> Of course, Internet *conversations* are not confined solely to populist democracy. Social Networking has achieved skyrocket status. *See generally* Christine Rosen, *Virtual Friendship and the New Narcissism*, THE NEW ATLANTIS, <a href="https://www.thenewatlantis.com/archive/17/rosen.htm">www.thenewatlantis.com/archive/17/rosen.htm</a>; LINTON FREEMAN, THE DEVELOPMENT OF SOCIAL NETWORK ANALYSIS (2006); Nancy Scola, *Despite Negative Press*, *Facebook is a Powerful Agent for Social Change*, April 24, 2008, <a href="https://www.alternet.org/module/printversion/83196">www.alternet.org/module/printversion/83196</a>; Michael Hirschorn, *The Web 2.0 Bubble*, <a href="https://www.theatlantic.com/doc/200704/social-networking?ca=7WNQOomNzh%2FViB6i">www.theatlantic.com/doc/200704/social-networking?ca=7WNQOomNzh%2FViB6i</a>; Peggy Orenstein, *Growing Up on Facebook: Can You Forge Your Future Self When You Never Learn The Present?*, NY TIMES Mag., March 15, 2009, at p. 11. The Internet can also be used to harass, humiliate, and torment strangers. *See* Mattathias Schwartz, *Malwebolence*, NY TIMES Mag., August 3, 2008, at p. 24.

Here is some recent data on the "blogosphere" – over 35.3 million personal web logs (blogs) are currently tracked & monitored by an organization called Technorati:

<sup>•</sup> The blogosphere is doubling in size every 6 months

<sup>•</sup> It is now over 60 times bigger than it was 3 years ago

<sup>•</sup> On average, a new weblog is created every second of every day

<sup>• 19.4</sup> million bloggers (55%) are still posting 3 months after their blogs are created

<sup>•</sup> Technorati tracks about 1.2 Million new blog posts each day, about 50,000 per hour

creates new problems beyond the issue of governance, such as the structures of e-commerce, <sup>333</sup> crime, <sup>334</sup> and networking site fatigue. <sup>335</sup> Twitter and Tweets? <sup>336</sup>

#### Digitalization and the Environment

Among the many problems associated with the rapid and widespread ascent of digitalization in our era, the issue of environmental damage is profound. A recent article entitled "Where Computers Go to Die -- and Kill" by Elizabeth Grossman provides a detailed accounting of the complex and urgent issues attached to the information revolution and discarded hardware. In short, "more than 50 percent of our recycled computers are shipped overseas, where their toxic components are polluting poor communities. Meanwhile, U.S. laws are messy, and industry and Congress are resisting efforts to stem 'the effluent of the affluent." Grossman describes the intricacies and impacts of what one interviewee called the "persistent failure by the U.S. federal government to stop the dumping of millions of used computers, TVs, cellphones and other electronics in the world's developing regions, including those in China, India, Malaysia, the Philippines, Vietnam, Eastern Europe and Africa."

<sup>&</sup>lt;sup>333</sup> David Barboza, "Google and the Big Music Labels Are Betting On Free Downloads in China," NY TIMES, April 6, 2009, at Sec. B, p. 4. Here is just a recent example. I have neither the time nor inclination to write comprehensively on the myriad of issues surrounding commerce and the Internet. *See generally*, <a href="https://www.1888articles.com">www.1888articles.com</a>; Kenneth C. Laudon & Carol Guercio Traver, E-Commerce: Business, Technology, Society (5<sup>th</sup> Ed.) (2009).

<sup>&</sup>lt;sup>334</sup> See generally Internet Crime Complaint Center, <u>www.IC3.gov</u>. There too exists a world of controversy over file-sharing and copyright infringement. See, e.g., Eric Pfanner, "Four Convicted in Internet Piracy Case," (Pirate Bay), NY TIMES, April 18, 2009 at Sec. B, p. 1.

<sup>&</sup>lt;sup>335</sup> "Folks of All Ages Are Becoming Fatigued by Networking Sites," AZ Daily Star, April 9, 2009, at Sec. p. 5.

<sup>336</sup> See Claire Cain Miller, Putting Twitter's World to Use, NY TIMES, April 14, 2009 at Sec. B, p. 1.

<sup>&</sup>lt;sup>337</sup> Elizabeth Grossman, *Where Computers Go to Die – and Kill*, SALON.COM, Apr. 10, 2006, http://www.salon.com/news/feature/2006/04/10/ewaste/.

<sup>&</sup>lt;sup>339</sup> *Id.* This article is must-reading for anyone seeking to understand the nexus between technology, globalization, market-forces, international politics (treaties, etc), and the environment. *See also* Nancy Weil, *E-Waste Dumping Victimizes Developing Nation, Study Says*, PCWORLD.COM (Oct. 31, 2005), *available at* <a href="http://www.pcworld.com/article/123285/ewaste\_dumping\_victimizes\_developing\_nations\_study\_says.html">http://www.pcworld.com/article/123285/ewaste\_dumping\_victimizes\_developing\_nations\_study\_says.html</a>.

Significant complaints aside, the Internet most assuredly can help in the move towards a more environmentally sustainable world. It can improve our capability to understand the science of environmental degradation and communicate that knowledge to public and private decision makers. The Internet can also improve environmental policy by increasing international equity and participation in the policy development processes. Finally, it can help decrease resource waste and associated pollution by improving the efficiency of economic activity. The exploitation of these fundamental opportunities is not predestined, however, and will require an ongoing elaboration of the Internet's role in global environmental sustainability. 340

[Over a billion computers are now in use worldwide -- over 200 million in the United States, which has the world's highest per capita concentration of PCs. The average life span of an American computer is about three to five years, and some 30 million become obsolete here each year. According to the International Association of Electronics Recyclers, approximately 3 billion pieces of consumer electronics will be scrapped by 2010. Overall, high-tech electronics are the fastest-growing part of the municipal waste stream both in the U.S. and Europe.

The EPA estimates that only about 10 percent of all obsolete consumer electronics are recycled. The rest are stored somewhere, passed on to second users, or simply tossed in the trash. The EPA's most recent estimate is that over 2 million tons of e-waste end up in U.S. landfills each year. As Jim Fisher of Salon reported in 2000, a toxic stew from discarded computers leaches into groundwater surrounding landfills.

The U.S. may be one of the world's biggest consumers of high-tech electronics, but unlike the European Union or Japan, the U.S. has no national system for handling e-waste. Unless a state or local government prohibits it, it's currently legal to dump up to 220 pounds a month of e-waste, including CRTs and circuit boards, into local landfills. Several dozen states have introduced e-waste bills, and a handful of U.S. states -- California, Maine, Maryland, Massachusetts, Minnesota, Washington -- have recently passed substantive e-waste bills, some of which bar CRTs from their landfills. E-waste bills have also been introduced in the House and Senate, but neither would create a national collection system.

The export of e-waste has been discussed in Congress but no legislation to regulate this trade has yet been introduced.] *Id.* 

See also Guan Hua Xing, et. al., Environmental Impact and Human Exposure to PCBs in Guiyu, an Electronic waste Recycling Site in China, 35 ENVTL. INT'L. 76 (2009)

<sup>340</sup> Grossman, *supra* note 337. *See also* DEANNA J. RICHARDS, ET AL., INFORMATION SYSTEMS AND THE ENVIRONMENT (2001). We have yet to consider the Internet's increasing thirst for electricity and that demand's compounded effects on the environment.

#### Conclusion

What are the humanitarian costs of the global evolution into a worldwide information economy? Just as "environmentalism was a belated response to the industrial revolution, the Yale Access to Knowledge (A2K) Initiative aims to build an intellectual framework that will protect access to knowledge both as the basis for sustainable human development and to safeguard human rights."<sup>341</sup>

Here is how they frame the debate.

Multinational corporations, elite policymakers, and other proponents of expansive intellectual property regimes argue that increasing intellectual property rights and corporate control over knowledge best serve society's interests. Yet ample evidence suggests that the reverse is true: increasingly, widespread access to knowledge and preservation of a healthy knowledge commons are the real basis of sustainable human development. Despite a growing body of evidence suggesting that maximizing intellectual property monopolies, disabling communication infrastructures, and restricting the development of essential technology with digital rights management schemes are harmful and misguided, these outmoded approaches continue to dictate global legal norms and shape national legal infrastructures. Not surprisingly, incumbent property owners desire to maintain their preeminence and resist sharing the intellectual property which they view as the source of their power. The goal of the A2K Initiative is to counterbalance the distorting force of these tendencies by supporting the adoption and development of effective access to knowledge policies.

The Impact of Digital Technology on Indigenous Peoples

If indigenously founded Internet resources and technologies are any indication of Indigenous peoples' willingness to embrace the technological era, the answer is that many Indigenous communities see telecommunication and computer technologies as a way to improve, rather than hinder, self-sufficiency, preservation of culture, real sovereignty, and general

342 Id

114

<sup>&</sup>lt;sup>341</sup> Information Society Project, About A2K, <a href="http://isp.law.yale.edu/">http://isp.law.yale.edu/</a> (last visited Apr. 23, 2008).

economic conditions.<sup>343</sup> As noted in one 1999 Benton Foundation study, "[a]mong the tools recognized by tribes as essential to their future growth are telecommunications and information technology, and tribes are looking for opportunities to acquire the level of technological infrastructure that will ensure their place on the Information Superhighway."<sup>344</sup>

Currently, Indigenous peoples are utilizing tools such as video conferencing technology, digitization of documents, and radio broadcast over the Internet. The majority of these technologies are used to preserve and promote Indigenous culture, tradition, history, and human rights advocacy. Further, "[t]he Internet is used by [I]ndigenous groups for e-mailing, chat rooms, radio stations, video-conferencing, and simple information-gathering by looking at Web sites." Today, there are multiple organizations dedicated to the utilization of technology in Indigenous communities, such as educational programs promoting and addressing the technology needs of Indigenous peoples. 347

World Summit on the Information Society

In December of 2003, more than 11,000 people from over 175 Native Nations assembled in Geneva, Switzerland to discuss "bridging the divide" between developed and developing nations. The United Nations and the International Telecommunication Union assembled the World Summit on the Information Society (WSIS) with Indigenous people's particular needs in mind – seeking to gain equitable access to technologies while retaining "rights, cultural"

<sup>&</sup>lt;sup>343</sup> See generally AJ Johnson, A New Understanding of Culture and Communication: The Impact of Technologies on Indigenous Peoples, http://www.ischool.utexas.edu/~vlibrary/edres/pathfinders/ajohnson/pathfinder.html (last visited May 11, 2009).

<sup>&</sup>lt;sup>344</sup> James Casey, Randy Ross, & Marcia Warren, Native Networking: Telecommunications and Information Technology in Indian Country 7 (1999), *available at* <a href="http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content">http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content</a> storage 01/0000019b/80/17/95/39.pdf.

<sup>&</sup>lt;sup>345</sup> *Id. See* Christine Zuni Cruz, *Shadow War Scholarship, Indigenous Legal Tradition, and Modern Law in Indian Country*, 47 WASHBURN LAW JOURNAL 631 (2008).

<sup>&</sup>lt;sup>346</sup> *Id*.

<sup>347</sup> Can :

<sup>&</sup>lt;sup>348</sup> Jamie Brown & Tara Tidwell Cullen, *Indigenous Peoples Bridging the Divide: Indigenous Peoples at the World Summit on the Information Society*, 29 CULTURAL SURVIVAL Q. 13, 13 (2005).

identities, traditional territories, [and] resources."<sup>349</sup> Indigenous peoples themselves, it was articulated, are best at deciding how and when they access and use new technologies.<sup>350</sup>

In March of 2004, the Aboriginal Canada Portal and Connectivity Working Group hosted another conference in Canada, where Indigenous peoples from around the world discussed and shared work they were already doing to make themselves a part of the information society. This included "online applications for improving public health and governance, the role of new technology in Indigenous media and the arts, and the influence the digital revolution has on culture, gender, and the U.N. Millennium Development Goals."

Finally, in November of 2005, the Phase II of the WSIS was held in Tunis, Tunisia. The purpose of the event was to continue the dialogue initiated in Phase I of the WSIS, and to "review actions to date in relation to international Indigenous connectivity, to share regional experiences regarding the same, including best practices and challenges, to explore the viability of, and issues regarding, an International Indigenous Portal, and to allow participants the opportunity to craft an International Indigenous e-strategy in the post-WSIS environment . . . , ,352

Phase II of the WSIS concluded by issuing six recommendations: 1) An Indigenous-led initiative; 2) analysis of existing sites and portals;<sup>353</sup> 3) thematic focus of an international Indigenous portal; 4) information and communications (ICT) development and broader

 $<sup>^{349}</sup>$  Id.

<sup>&</sup>lt;sup>350</sup> *Id.* "Some American Indian tribes, for example, refuse to put information about their cultures online because they believe that traditional knowledge should be passed on in specific ways to specific peoples . . . ." *Id.* at 14.

 $<sup>^{351}</sup>$  *Id*.

<sup>&</sup>lt;sup>352</sup> Indigenous Peoples and the Information Society, *Report of the Second Phase of WSIS Parallel Event, Final Report* 1 (Nov. 14, 2005), *available at* http://www.aboriginalcanada.gc.ca/cac/2006forum/site.nsf/vGraphics/Agenda/\$file/Final\_report.pdf.

<sup>&</sup>lt;sup>353</sup> A "portal" is defined as "a web presence or other services that promote universal connectivity and offer a broad array of information and resources." *Id.* at 2.

development issues; 5) cooperation between Indigenous portal initiatives; 6) international Indigenous portal architecture and content. 354

Indigenous Cultures and the Internet

The current era has been termed the "age of information," and this term generally carries a positive connotation. In Native societies, however, a dichotomy exists between those who embrace the Internet as a tool to protect, maintain, and promote cultural diversity, and those who believe that the Internet serves only to endorse capitalist ideals and sanction products of the modern industrial society. 355 This dichotomy provokes the question, is the Internet friend or foe of Indigenous peoples?

Dr. Sharon Bohn Gmelch and Reuel Daniels 356 argue that "the Internet provides Indigenous peoples with opportunities that simply did not exist before," which empowers Native communities to compete economically on the global level, but on their own terms. <sup>357</sup> First, Gmelch and Daniels argue that the Internet provides opportunities for Indigenous economic development by creating a global market for businesses and products; making possible the participation of Indigenous communities in the global economy – on their own terms; and enhancing long-term economic viability. PEOPLink serves as an ideal illustration.<sup>358</sup> Working through local nonprofit organizations, PEOPLink provides "over 100,000 [I]ndigenous artisans in 20 countries with Internet training and web space," allowing people in remote villages

<sup>&</sup>lt;sup>354</sup> *Id.* at 3-4.

<sup>355</sup> See EarthWatch Institute, Diversity in the Age of Globalization, http://www.wadsworth.com/anthropology\_d/special\_features/ext/earthwatch/rt.html [hereinafter EarthWatch] (last

visited May 11, 2009).

356 "Dr. Sharon Bohn Gmelch is a former Earthwatch scientist and professor of anthropology at Union
Revel Danie College. She has conducted cultural research in Ireland, Newfoundland, Barbados, and Alaska . . . . Reuel Daniels, an anthropology major at Union College, wrote her senior thesis on the impact of the Internet on [I]ndigenous peoples." *Id.*357 *Id.* 

<sup>&</sup>lt;sup>358</sup> See generally PEOPLink – E-Commerce Linking People, About, <a href="http://www.peoplink.org">http://www.peoplink.org</a> (last visited May 12, 2009).

spanning the globe to trade and sell their crafts internationally. Likewise, "[s]earch engines like <a href="www.lycos.com">www.lycos.com</a> permit people living in urban centers from Germany to Japan to learn of village-run rainforest lodges and native-led botanical tours. Second, the Internet promotes Indigenous self-determination and cultural diversity by contributing to the sense of organization and autonomous self-governance, even to those communities within repressive regimes, often through online bulletin boards, mass e-mailings, and general websites. The Internet allows these communities to share strategies, and mobilizes a world community of advocates and activists, who[se] exert political and economic pressure and lend other aid. Self Finally, websites and other web-based media create spaces where Indigenous peoples art, language, culture, histories, and traditions can be shared, learned, promoted, and distributed. No longer does such knowledge reside only in the minds of elders or in dusty tomes in distant libraries.

Similarly, Dr. John Afele<sup>364</sup> argues that Native peoples "should aim to digitize the oral cultures of [I]ndigenous groups, who are the majority after all, and identify complementary knowledge from global resources."<sup>365</sup> Assuming that Indigenous peoples can actively assert dominance over the reflection of their own knowledge, in a primarily western-dominated medium, Dr. Afele asserts that "there is ample room for all cultures to be represented on the Internet."<sup>366</sup> Realizing the untapped potential that these areas present, technology-based corporations are increasingly expanding into Indigenous communities. Accordingly, "there are

<sup>&</sup>lt;sup>359</sup> EarthWatch, *supra* note 355; *see also* UNITED NATIONS, BUREAU OF DEVELOPMENT POLICY, E-COMMERCE FOR DEVELOPMENT: THE CASE OF NEPALESE ARTESIAN EXPORTERS, *available at* http://sdnhq.undp.org/e-gov/e-comm/nepal-artisans-exec-summ.pdf.

<sup>&</sup>lt;sup>360</sup> EarthWatch, *supra* note 355.

<sup>&</sup>lt;sup>361</sup> *Id*.

<sup>&</sup>lt;sup>362</sup> *Id*.

<sup>363</sup> Ld

<sup>&</sup>lt;sup>364</sup> "Dr. John Afele, originally from Ghana, is director of the International Program for Africa at the University of Guelph, Ontaro . . . and director of Village Telecom in Ghana." *Id*.

Id.

<sup>&</sup>lt;sup>366</sup> *Id*.

no longer technological barriers to deployment of information technology anywhere in the world today; it is political will and imagination of institutions that will determine how much a culture benefits from the Internet." <sup>367</sup> Dr. Afele argues that it is up to Indigenous peoples themselves to assert dominance in this area, and realize the exceptional ways in which this media can be tailored to local situations.

Robyn Kamira, <sup>368</sup> on the other hand, argues that the Internet serves only to reinforce negative stereotypes that have plagued Indigenous communities since their first encounters with what has now become the dominant voice in society. 369 According to Kamira, "[g]overnment databases collect abundant data about [Indigenous peoples] with no predetermined purpose, and publish it with little regard for context or benefit to [those people]. Instead, [Indigenous peoples] are subjected to research findings from these databanks that continue to reinforce the most negative stereotypes." 370 As such, because colonizers are the ones with the resources to be in control of this information, the Internet, for the most part, is only a modern tool for further colonization. And, there is always the risk that others, who have no stake in Indigenous peoples integrity or survival, will circulate stories, histories, cultures, and traditions devoid of respect for the principles underlying the veracity of those principles. Although there may be reason to believe otherwise, history has shown that the stories of "[I]ndigenous peoples worldwide . . . have been told and manipulated by others, only to be reduced to fantasy, novelty, myth, and untruth. [Indigenous] knowledge was validated, discarded, or modified to suit a strategy of colonization, conquering both geography and knowledge systems."371

<sup>&</sup>lt;sup>368</sup> "Robyn Kamira is from the Maori tribal groups of Te Rarawa and Te Aupouri. She works with [I]ndigenous communities in New Zealand on issues in information technology, and is pursuing a Ph.D. at Aukland University on the subject." *Id.*369 See id.

<sup>&</sup>lt;sup>370</sup> *Id*.

<sup>&</sup>lt;sup>371</sup> *Id*.

Which view is correct? Assuming that the Internet does present a threat to the value of Indigenous peoples' culture and tradition, is there a way to prevent the devaluation indicated by Kamira? Or, does the benefit conferred to Indigenous communities, as indicated by Gmelch, Daniels, and Alefe, outweigh the harm that the dispersion of sensitive information may cause? Are the values even commensurable? If they are, what values should be assigned where? Indigenous communities vary vastly around the world, culturally, physically, religiously, linguistically, and economically. Is there *one* resolution to this quandary? Can there be? Shouldn't it be left up to Indigenous communities, themselves, to decide whether to become caught up in this "age of information"?

Websites for Indigenous Cultures and the Internet

What follows is a general review of internet electronic media tools contemporarily used.

- 1) American Indian Resources: <a href="http://www.sdhistory.org/arc/arc\_ind.htm">http://www.sdhistory.org/arc/arc\_ind.htm</a>. A general list of resources from the South Dakota State Archives.
- 2) The Aniu Museum: <a href="http://www.ainu-museum.or.jp/english/english.html">http://www.ainu-museum.or.jp/english/english.html</a>. This website features background about Japan's indigenous Aniu population. Illustrated essays discuss traditional diet, maintenance of sustenance, agriculture, clothing, housing, religion, marriage, and family life.
- 3) Aniu of Japan: <a href="http://ankn.uaf.edu/IEW/ainu.html">http://ankn.uaf.edu/IEW/ainu.html</a>. A small collection of annotated links to resources about the Aniu culture. Part of a series on world indigenous cultures from the Alaska Native Knowledge Network, University of Alaska Fairbanks.
- 4) Aniu: A Spirit of Northern People: <a href="http://www.mnh.si.edu/artic/features/ainu">http://www.mnh.si.edu/artic/features/ainu</a>. A website featuring images, text, and audio covering topics such as spiritual traditions, trade, homes, arts, language, and other aspects of Ainu culture.

- 5) At-LA North American Cultural/Ethnic Resources: <a href="http://www.at-la.com/@la-amer.htm">http://www.at-la.com/@la-amer.htm</a>. General links to American Indian Studies/Canadian First Nation/Native American resources.
- 6) Australian Indigenous Peoples: Aboriginal and Torres Straight islander Inhabitants of Australia: <a href="http://www.trinity.wa.edu.au/pldiffurc/indig/">http://www.trinity.wa.edu.au/pldiffurc/indig/</a>. An extensive collection of links to websites related to indigenous populations in Australia.
- 7) **Digital Librarian: American Indian Studies**: <a href="http://www.digital-librarian.com/american\_indian\_studies.html">http://www.digital-librarian.com/american\_indian\_studies.html</a>. Links to general resources.
- 8) First Nations Development Institute: <a href="http://www.firstnations.org">http://www.firstnations.org</a>. "Founded in 1980, First Nations Development Institute is a national American Indian-led 501(c)(3) non-profit organization. Through a three-pronged strategy of educating grassroots practitioners, advocating systemic change, and capitalizing Indian communities, First Nations Development Institute is working to restore Native control and culturally-compatible stewardship of the assets they own be they land, human potential, cultural heritage, or natural resources and to establish new assets for ensuring the long-term vitality of Native communities."
- 9) **Indianz.com**: <a href="http://www.indianz.com">http://www.indianz.com</a>. News, information, and entertainment from a Native American perspective.
- 10) **Indigenous Australia**: <a href="http://www.dreamtime.net.au">http://www.dreamtime.net.au</a>. This site includes links to information regarding storytelling, cultures, and histories of Australian indigenous peoples. Features timelines, audio, and video about cultural heritage, spirituality, family, land, and social justice.

- 11) **Indigenous Peoples**: <a href="http://www.nzdl.sadl.uleth.ca/cgi-bin/library?a=p&p=about&c=ipc">http://www.nzdl.sadl.uleth.ca/cgi-bin/library?a=p&p=about&c=ipc</a>.

  A library of over 500 documents relating to indigenous peoples throughout the world, including Native American tribes, the Maori, Australian Aborigines, the Sami, and others.
- 12) **Indigenous Peoples Issues and Resources**: <a href="http://indigenouspeoplesissues.com">http://indigenouspeoplesissues.com</a>. Links to "information, news, articles, and resources for those concerned about, and for, indigenous peoples around the world."
- 13) **Indigenous Peoples Ligature**: <a href="http://www.indigenouspeople.net/ipl\_final.html">http://www.indigenouspeople.net/ipl\_final.html</a>. An archive of cultural material by the indigenous peoples of the world, ranging from literature and music to prayers and history. Contains a listing of tribes, chiefs, and the complete texts of key documents, such as tribal constitutions.
- 14) International Indian Treaty Council (IITC): <a href="http://www.treatycouncil.org">http://www.treatycouncil.org</a>. A site featuring news, action alerts, treaties and related documents, and materials such as prisoners, racism, and human rights. The organization is dedicated to promoting indigenous "sovereignty and self-determination . . . and the recognition and protection of indigenous rights, treaties, traditional cultures, and sacred lands."
- 15) Iowa State University American Indian Resources on the Web:
  <a href="http://www.lib.iastate.edu/collections/eresourc/ai.html">http://www.lib.iastate.edu/collections/eresourc/ai.html</a>. Links to indexes and abstracts, general resources, and electronic journals.
- 16) **Island of the Spirits**: <a href="http://www.pbs.org/wgbh/nova/hokkaido">http://www.pbs.org/wgbh/nova/hokkaido</a>. Website of the 1999 PBS Nova documentary on the Aniu indigenous peoples of Japan. Features cover the origins of the Ainu, Aniu legends and beliefs (about animals such as the crane, the bear, and the flying squirrel), and animal migration.

- 17) Minneapolis American Indian Resource Center's Resource and Referral Center:

  <a href="http://www.airr.net/non/default.asp">http://www.airr.net/non/default.asp</a>. A website designed to help Native people and social service workers find Native cultural and social services. "The system currently lists over 230 organizations designed to assist Native people and the list continues to be updated and expanded."
- 18) National NAIDOC: <a href="http://www.naidoc.org.au">http://www.naidoc.org.au</a>. General information on the National Aborigines and Islanders Day. The holiday is actually held throughout Australia during the first full week of July to "celebrate the history, culture, and achievements of Aboriginal and Torres Straight Islander People."
- 19) Native American Resources: <a href="http://www.cowboy.net/native">http://www.cowboy.net/native</a>. A list of internet resources available. Includes links to locally hosted URLs, Native American organizations, tribal homepages, Indian education and learning resources, government resources, and native art and culture.
- 20) Native Maps: <a href="http://www.kstrom.net/isk/maps/mapmenu.html">http://www.kstrom.net/isk/maps/mapmenu.html</a>. GIS maps that "window" Native information about Pre-contact Native North America. Active State maps for reservations in MN, WI, MI, CA, AK, ND, SD, NY, AZ (linked-to AZ is historical background of Navajo-Hopi Black Mountain land dispute and page of links on this dispute), NM, WA, OR; Canada treaty maps; Canadian Bands-by-provinces, contact info; Material culture maps; Pre-contact housing information.
- 21) **Native Web**: <a href="http://www.nativeweb.org">http://www.nativeweb.org</a>. "Information from and about indigenous nations, peoples, and organizations around the world." Includes an annotated directory of related websites, job listings, and a discussion forum.

22) Northwest Regional Educational Laboratory: Indian Education Resources:

<a href="http://www.nwrac.org/links/indian.html">http://www.nwrac.org/links/indian.html</a>. Links to general Northwest Native American resources.

### 23) Oklahoma Department of Libraries: American Indian Resources:

http://www.odl.state.ok.us/usinfo/topiclists/us-native.htm. Links to websites from the U.S. Government, Oklahoma's Congressional Delegation, Oklahoma's Federal Information Libraries, historical publications, informational brochures, "today in history," and special collections in the Oklahoma Depository Library.

## 24) Oregon State University, American Indian Initiatives:

http://oregonstate.edu/dept/indian/indian\_resources.html. Links to American Indian information, American Indian organizations, and news and events throughout Indian Country.

# 25) Traditional Knowledge Digital Library

http://www.tkdl.res.in. Thousands of years' worth of traditional Indian remedies, medicines, cures, and practices have been put on the public domain and, it is hoped, out of the reach of western biotech companies.

- 26) **Virtual Library American Indians**: <a href="http://www.hanksville.org/Naresources">http://www.hanksville.org/Naresources</a>. Website providing "information resources to the Native American community . . . . The information is organized, insofar as possible, to make it useful to the Native American community and the education community."
- 27) **Linda Woodward-Geiger**: <a href="http://www.woodward-geiger.com/cherokee\_indians.htm">http://www.woodward-geiger.com/cherokee\_indians.htm</a>. Cherokee Indian Resources.

### 28) The World Wide Web Virtual Library: Indigenous Studies:

<a href="http://cwis.org/wwwvl/indig-vl.html">http://cwis.org/wwwvl/indig-vl.html</a>. A virtual library site directing visitors to sites about native peoples of Africa, Asia, the Middle East, Central and South America, Europe,
 <a href="https://www.library.ndm.ntml">North America, Melanesia, Polynesia, and Micronesia.</a>

### 29) University of Arizona, James E. Rogers College of Law: ArizonaNativeNet:

http://www.arizonanativenet.com/. ArizonaNativeNet is a virtual university outreach and distance learning telecommunications center devoted to the higher educational needs of Native Nations in Arizona, the United States and the world through the utilization of the worldwide web and knowledge-based and technical resources and expertise. It is a vital resource for Native Nations seeking to strengthen their nation-building efforts through telecommunications-based higher education, leadership and management training, and distance learning programs.

# 30) University of New Mexico School of Law: Indian Law Resources:

http://lawschool.unm.edu/indian/resources.
"This resources page provides links to many established Indian law organizations and institutions, as well as links to various on-line Indian law research materials."

#### 31) University of Wisconsin American Indian Resources on the Web:

http://www.uwec.edu/LIBRARY/research/guides/aislinks.htm. Includes general links, gaming, genealogy, health, history, culture, archeology, museums and historical societies, treaty rights/law, and Wisconsin Indian information.

#### 32) The U.S. Gen Web Project: Native American Resources:

http://www.rootsweb.ancestry.com/~usgwnar. General resource list. Includes mailing lists, general resources, state/county projects, and state resources.

# Creating the Corporate Utopia: Transnationalism, the W.T.O. and the I.M.F.

Can you recall the imagery of the earth from the orbiting rockets in the 1960's—earth as a *blue marble*—and how supposedly that was going to be such a unifying image that it would give rise to a new conceptual paradigm? And then that never happened. Remember Arthur Jensen's Corporate Cosmology speech in Paddy Chayefsky's film, *Network*?<sup>372</sup> (Jensen is the head of a television network and brings Howard Beale, that channel's anchorman, into his boardroom to speak to him after Beale has said things on the air that threaten the sale of the network to a Saudi company.) Here is Jensen's speech:

You have meddled with the primal forces of nature, Mr. Beale, and I won't have it, is that clear?! You think you have merely stopped a business deal -- that is not the case! The Arabs have taken billions of dollars out of this country, and now they must put it back. It is ebb and flow, tidal gravity, it is ecological balance! You are an old man who thinks in terms of nations and peoples! There are no Russians. There are no Arabs! There are no third worlds! There is no West! There is only one holistic system of systems, one vast and immense, interwoven, interacting, multi-variate, multi-national dominion of dollars! Petro-dollars, electro-dollars, multi-dollars!, Reichmarks, rubles, rin, pounds and shekels! It is the international system of currency that determines the totality of life on this planet! That is the natural order of things today! That is the atomic, subatomic and galactic structure of things today! And you have meddled with the primal forces of nature, and you will atone! Am I getting through to you, Mr. Beale? (pause) You get up on your little twenty-one inch screen, and howl about America and democracy. There is no America. There is no democracy. There is only IBM and ITT and AT&T and Dupont, Dow, Union Carbide and Exxon. Those are the nations of the world today. What do you think the Russians talk about in their councils of state -- Karl Marx? They pull out their linear programming charts, statistical decision theories and minimax solutions and compute the price-cost probabilities of their transactions and investments just like we do. We no longer live in a world of nations and ideologies, Mr. Beale. The world is a college of corporations, inexorably determined by the immutable bylaws of business. The world is a business, Mr. Beale! It has been since man crawled out of the slime, and our children, Mr. Beale, will live to see that perfect world in which there is no war and famine, oppression and brutality -- one vast and ecumenical holding company, for whom all men will work to serve a

<sup>&</sup>lt;sup>372</sup> NETWORK (1976).

common profit, in which all men will hold a share of stock, all necessities provided, all anxieties tranquilized, all boredom amused.

In a nutshell, this is the reason that the iconography of the globe, "the blue marble", doesn't function as a unifying paradigm: globalization, happening at exactly the same time that the global image arrived, overtakes and subsumes it. Iconography doesn't exist apart from culture, it arises out of it. Before the "blue marble" could ever become an operable icon, the cultural experience was transformed by international economics. The transnational corporation was a much stronger—which is to say, more fundamental—force than the image produced by the space shots. Sure, it's pretty, but it doesn't stand a chance against corporate cosmology. <sup>373</sup>

We cannot begin to understand globalization, or the philosophical *-isms* that have accompanied it, without first understanding the Corporation. The Corporation is both the rudder and the engine of the global economy. It is still true that most business organizations, both in the United States and in other countries, are not corporations but some form of small sole proprietorship or partnership.<sup>374</sup> However neither the family farmer, the single motel owner, nor the restaurateur sits at the NAFTA and GATT negotiating tables. More so than any other form of business organization, it is corporations that influence, if not dictate, international trade policy, prices, and labor standards.<sup>375</sup> In the United States and Western Europe in particular it is

<sup>&</sup>lt;sup>373</sup> Cf. Andrew G. Kirk, Counter Culture Green: The Whole Earth Catalog and American Environmentalism (2007).

<sup>&</sup>lt;sup>374</sup> Based on tax filings, as of 2001 there were 18,328,000 sole proprietorships in the U.S., 5,136,000 corporations, and 2,132,000 "unincorporated associations." U.S. Census Bureau, *Statistical Abstract of the United States* 483 (2004).

<sup>&</sup>lt;sup>375</sup> For a brief overview of Transnational economic activity in the globalizing economy, and for an encapsulation of the evolution of predominantly nation-based companies into the pattern of multinational corporations we now observe, *see* Cynthia A. Williams, *Corporate Social Responsibility in an Era of Economic Globalization*, 35 U.C. Davis L. Rev. 705 (2002) *and* Linda A. Mabry, *Multinational Corporations and U.S. Technology Policy: Rethinking the Concept of Corporate Nationality*, 87 Geo. L.J. 563, 568-576 (1999).

Fifty-one of the top 100 economies in the world are corporations; the top 200 corporations' combined sales are bigger than the combined economies of all countries minus the biggest nine; that is, they surpass the economies of 182 countries. *See* Sarah Anderson & John Cavanagh, "Top 200: The Rise of Global Corporate Power, Global Policy Forum, <a href="www.globalpolicy.org/socecon/tnes/top200.htm">www.globalpolicy.org/socecon/tnes/top200.htm</a>. It is estimated that transnational corporations spend well over one-half as much money in advertising as the nations of the world combined spend on public

corporations that pump oil, grow food, and build homes. 376 But while it is the Corporation that feeds us, clothes us, and warms us, it is also the Corporation that bribes governments, promotes fear, spies, operates sweatshops, and pollutes our water and air. 377

Corporations no longer limit themselves to simply selling things. Achieving success in the global economy now demands that corporations sell ideas and commodify meaning in addition to products, a demand which companies (and consumers) readily comply with. The Nike "swoosh" symbol is now the most popular tattoo in North America; if we buy its product, we are inspired and inspirational. Diesel jeans are a way to live. Benetton is diversity, promising political and cultural tolerance; McDonalds is hip, and drinking Coke is an act of rebellion.<sup>378</sup> Yet, could we argue as well that the only inspiration Nike produces is to encourage exploiting inexpensive overseas labor, or that the only cultural tolerance Benetton produces is a homogenized ideal of style borne out of painstaking cultural appropriation. The corporate search for brand meaning had been incredibly lucrative, but also "an enormously predatory process, and a transformative process in our culture." <sup>379</sup> It has penetrated into the halls of public education, with corporations providing teachers with free curriculum lauding the coal industry,

education. The structural adjustment programs (SAPs) (these tools to recolonize, promote large scale deregulation, enforce social spending cuts, lower corporate tax rates, expand the export of natural resources and agricultural products, devalue currency and remove restrictions on foreign investment) all inure to the benefit of transnational corporations. The systems of corporate role are global finance, global industrial production, global product distribution, resource control, banking, insurance and education. See Tony Clarke, Mechanisms of Corporate Rule, in THE CASE AGAINST THE GLOBAL ECONOMY AND FOR A TURN TOWARD THE LOCAL (J. Mander & E. Goldsmith, Edu. 1996). See also Panos Mourdoukoutas, The Global Corporation: The Decolonization of INTERNATIONAL BUSINESS (1999).

<sup>&</sup>lt;sup>376</sup> In some parts of the world, it is the oil companies that assume the neglected or corrupted responsibilities of government. See Brian Ellsworth, The Oil Company As Social Workers, NY TIMES, March 11, 2004, Sec. W. p.p., 1, 7. Sometimes the outcome of this usurpation can be violent. See "Ken Saro-Wiwa and 8 Ojoni People Executed: Blood on Shell's Hands," <a href="www.archive.greenpeace.org/comms/ken/murder.html">www.archive.greenpeace.org/comms/ken/murder.html</a>; "Standing Before History: Remembering Ken Saro-Wiwa," PEN World Voices Festival, www.pen.org/viewmedia.php/prmMID/3240/prmID/1831.

<sup>&</sup>lt;sup>377</sup> NAOMI KLEIN, THE SHOCK DOCTRINE: THE RISE OF DISASTER CAPITALISM (2007); TIM SHORROCK, SPIES FOR HIRE: THE SECRET WORLD OF INTELLIGENCE OUTSOURCING (2008).

<sup>&</sup>lt;sup>378</sup> See Naomi Klein's seminal work, "No Logo: Multinationals and the Appropriation of Meaning, Lapis, Issue 13. 379 *Id*.

bioengineered foods, and timber logging.<sup>380</sup> When activists have attempted to protest this process, corporations have insisted that their free-speech rights protect their efforts and allow them to engage in a wide range of questionable practices.<sup>381</sup>

Corporations have also done a great deal of good. Millions of lives have been saved by drugs manufactured by pharmaceutical companies. Telecommunications giants have facilitated a revolution in human interaction. Construction firms have built damns, bridges, roads, and canals that have fostered economic development and a higher standard of living for many. But the Corporation needs no further help in spreading the message of its benevolence. Its self-promotion spills out of every newspaper, radio, and television on the planet, twenty-four hours a day, seven days a week. Again, it is not the critics of the Corporation that set trade policy, or tax rates. Therefore, while we should acknowledge the good corporations have done, we should not be shy about confronting their more ignoble attributes. They can fend for themselves.

It is also true that corporations come in all shapes and sizes, and that their behavior runs the gamut from pure profit engines to concerned, ecologically conscious organizations that measure success by factors other than the bottom line. But in analyzing the causes and effects of globalization we reach the unfortunate conclusion that corporate selflessness and the prioritization of social justice and environmental benevolence are exceptions to, rather than the

<sup>&</sup>lt;sup>380</sup> See John F. Borowski, "Teachers Beware: Corporate America has Invaded the Schools!" CommonDreams News Center, April 17, 2003, available at http://www.commondreams.org/views03/0417-09.htm
<sup>381</sup> See Kasky v. Nike, Inc., 27 Cal. 4<sup>th</sup> 939, 45 P.3d 243 (Cal.2002). Nike responded to allegations that false statements made by corporate officers regarding the company's overseas employment practices—specifically worker maltreatment—qualified as protected speech under the 1<sup>st</sup> amendment and were thus immune from California's unfair competition and false advertising laws. The United States Supreme Court dismissed its previously-granted Writ of Centiorari as improvidently granted. Nike, Inc. v. Kasky, 123 S.Ct. 2554, 156 L.Ed.2d 580 (2003)

<sup>580 (2003).

382</sup> See, e.g., Ford Motor Company 2000 Corporate Citizenship Report, <a href="http://www.ford.com/serve...And">http://www.ford.com/serve...And</a>
Culture&LEVEL3=buildingRelationships. Of course, ecological consciousness within corporate paradigms brings along the whole notion of corporate social responsibility. See Cynthia A. Williams, Corporate Social Responsibility in an Era of Economic Globalization, in Symposium - Corporations Theory and Corporate Governance Law, 35
U.C. Davis L.Rev. 523, 705 (2002); Symposium - Corporate Social Responsibility: Paradigm or Paradox?, 84
Cornell L.Rev. 1133-1355 (July 1999). See also MICHAEL HOPKINS, CORPORATE SOCIAL RESPONSIBILITY AND INTERNATIONAL DEVELOPMENT (2007).

rule of, corporate behavior.<sup>383</sup> Far too often corporations have asserted themselves, and more particularly their bottom lines, at the expense of larger society. This predilection was laid bare by former U.S. Supreme Court Justice Lewis F. Powell, in a memorandum he wrote to the U.S. Chamber of Commerce in 1971.<sup>384</sup> In 6,000 words, Powell stated that the executive officers in charge of the "American System" must combat rising popular demands for change by giving less regard to a corporation's public and social responsibilities, and more concern to "protecting and preserving the system itself,"<sup>385</sup> a goal accomplished through the aggressive pursuit and consolidation of political power.<sup>386</sup>

When analyzing a phenomenon as variable and controversial as corporate behavior, it is important to qualify our terms, and to think succinctly. With this in mind, it is helpful to discard, or at least to tamper down, the use of Aristotelian universality. We are educated and accustomed to think of the world in terms of absolutes: democracy *is* good, dictatorship *is* bad. While handy and easy to employ, such logic all too often blurs necessary and proper distinctions that should be made when discussing any matter, especially one as prone to misunderstanding as the

<sup>&</sup>lt;sup>383</sup> In his article, *The Rules of Corporate Behavior*, Jerry Mander dispels the notion that corporations are neutral structures whose harms to people and the environment are caused by the greed and heartlessness of the leaders within the corporation. Instead, corporations are compelled to operate by a set of rules regardless of the personal feelings of those working within the corporation. It is these rules that produce the harmful effects of a corporate-led global economy. The number one rule of the corporation is profit, followed by growth. Other rules shaping corporate actions include competition and aggression, amorality, hierarchy, quantification, linearity, segmentation, dehumanization, exploitation, ephemerality, mobility, opposition to nature and homogenization. Jerry Mander, *The Rules of Corporate Behavior*, *in* THE CASE AGAINST THE GLOBAL ECONOMY AND FOR A TURN TOWARD THE LOCAL (Jerry Mander & Edward Goldsmith, eds., 1996). *See also* Joel Bakan, THE CORPORATION: THE PATHOLOGICAL PURSUIT OF PROFIT AND POWER (Free Press, 2004); LAWRENCE E. MITCHELL, CORPORATE IRRESPONSIBILITY: AMERICA'S NEWEST EXPORT (2001); DAVID A. WESTBROOK, BETWEEN CITIZEN AND STATE: AN INTRODUCTION TO THE CORPORATION (2007); Dirk Matten, et al., *Behind the Mask: Revealing the True Face of Corporate Citizenship*, 45 J. Bus. Ethics 109 (2003); S. James Anaya, Indigenous Peoples in International Law (2004).

<sup>&</sup>lt;sup>384</sup> Full text available at <a href="http://reclaimdemocracy.org/corporate\_accountability/powell\_memo\_lewis.html">http://reclaimdemocracy.org/corporate\_accountability/powell\_memo\_lewis.html</a>.

<sup>&</sup>lt;sup>386</sup> Dave Wheelock, "The Pencil Warrior: Lewis Powell's Memorandum was a Blueprint for Corporate Takeover," *CommonDreams News Center*, February 23, 2006, available at <a href="http://www.commondreams.org/views06/0223-25.htm">http://www.commondreams.org/views06/0223-25.htm</a>.

Corporation. Our educational and cultural mediums ceaselessly churn out the following syllogism:

Economic growth *is* good.

Corporations *are* necessary to promote economic growth.

Therefore corporations *are* good.

This presumption—more accurately this series of presumptions—forces us to accept a theory of corporate behavior that is absolute and unswerving. It ignores the reality that words stand for ideas, and that the idea of the Corporation is colored with emotional and historical bias. In order to escape from such bias, to be able to approach the subject with an open mind, a first item of business should be to re-order our thinking. We should reject the "dictatorship of the "is," and embrace the openness of relativity. Reforming society's presumptions to more closely mirror reality,

Economic growth *can be* good.

Corporations *can be* necessary to promote economic growth.

Therefore corporations *can be* good.

The advantage of such a reordering is that our corporate flaws become more apparent. If economic growth can be good, perhaps it can also be bad. And if the Corporation can be necessary to such growth, and to economic plenty and freedom in general, then it can also serve as a roadblock to such goals. This should be our true starting point—a recognition of how universality colors our subject with prejudice, and a solution to the obfuscation such biases causes. In analyzing where the Corporation fits into globalization, this new perspective more accurately considers what the Corporation means and does.

-

<sup>&</sup>lt;sup>387</sup> See Margaret M. Bryant, Understanding English, in 18 AMERICAN SPEECH 288 (1943).

<sup>&</sup>lt;sup>388</sup> For an analysis of the ramifications of Aristotelian universality and a proposed solution to its problems see Alfred Korzybski, Science and Sanity (New York: Institute of General Semantics 1933).

The Legislative and Judicial Origins of Corporate Power

According to its most exuberant supporters, the Corporation means greatness, liberty, and plenty. "The limited liability corporation is the greatest single discovery of modern times," proclaimed Nicholas Murray Butler. "Even steam and electricity would be reduced to comparative impotence without it." The Corporation is hailed for having played a decisive role in the ideological battles of the 20<sup>th</sup> century, battles won so handily by capitalism and its corporate sibling that some voices were even heard to proclaim that the end of history itself was upon us, an end whose portents were "liberal democracy in the political sphere combined with easy access to VCRs and stereos in the economic." 390 Central to such contentions is the belief that the Corporation, and the neo-liberal economic policies that have gone hand-in-hand with its current success, are organic, seemingly inevitable outgrowths of human progress and economic evolution. <sup>391</sup> The modern-day Corporation is popularly conceived as having its roots in Roman and medieval corporate bodies, such as towns and universities, as well as in merchant and tradesman guilds. 392 The purpose of such assertions is to provide the Corporation with the popular legitimacy a distinguished historical lineage often confers.

> Something that has worked for a long time is good. The Corporation *has* worked for centuries. Therefore the Corporation is good.

Unfortunately for this syllogism, it may contain a flawed reading of history. The Corporation, with all of its current legal characteristics, has not been working unchanged for a

132

<sup>&</sup>lt;sup>389</sup> JOHN MICKLETHWAIT & ADRIAN WOOLDRIDGE, THE COMPANY: A SHORT HISTORY OF A REVOLUTIONARY IDEA xxi (New York: Modern Library 2003).

<sup>&</sup>lt;sup>390</sup> Francis Fukuyama, *The End of History?*, THE NAT'L INTEREST, Summer 1989, full text available at http://www.marion.ohio-state.edu/fac/vsteffel/web597/Fukuyama history.pdf.

<sup>&</sup>lt;sup>391</sup> See John Micklethwait & Adrian Wooldridge, The Company: A Short History of A REVOLUTIONARY IDEA (New York: Modern Library 2003), for a clear example of such ideological commitment. Micklethwait and Woolridge claim that the company is the "basic" unit of modern society. It is significant to note how easily such a universality can percolate through elite consensus: both men are senior editors and writers for *The Economist* magazine. *See also* DAVID HARVEY, A BRIEF HISTORY OF NEOLIBERALISM (2007). <sup>392</sup> *Id*.

long time. The trade guilds and burial societies known to ancient Roman law did not exist under the theory of collective personality that corporations benefit from today. When the idea of collectivity began to evolve in Medieval corporate bodies such as towns, its purpose was to unify individuals within an existing group, in contrast to the Corporation of today which is a purely fictional entity separate and apart from its constituent members. Corporate members of these centuries past did not enjoy limited liability—arguably the single greatest factor that has allowed modern corporations to flourish—but were instead subject to joint and several liability.

When the true progenitors of the modern Corporation emerged in the seventeenth century as the "chartered company," they acted as accomplices to imperialist conquest. Acting under a charter sanctioned by the Dutch monarch, the Vereenigde Oost-Indische Compagnie (VOC), or Dutch East India Company, defeated Portuguese forces and established itself in the Moluccan Islands in order to profit off the European demand for spices. Investors in the VOC were issued paper certificates as proof of share ownership, were able to trade their shares on the original Amsterdam stock exchange, and were explicitly granted limited liability in the company's royal charter. However, the ambitions and influence of the VOC on modern commerce paled in comparison to its more famous imperial rival, the English East India Company.

Labeled by both contemporaries and historians as "the grandest society of merchants in the universe," the East India Company would come to symbolize the dazzlingly rich potential of the Corporation, as well as new methods of business that could be tragically brutal and

<sup>&</sup>lt;sup>393</sup> Corporations, in 3 DICTIONARY OF THE MIDDLE AGES 606 (Joseph R. Strayer ed., 1982).

<sup>&</sup>lt;sup>394</sup> Gerald E. Frug, *The City as a Legal Concept*, 93 HARV. L. REV. 1059, 1089 (1980).

<sup>&</sup>lt;sup>395</sup> H. Ke Chin Wang, *The Corporate Concept (Or Fiction Theory) In the Year Book Period*, 58 LAW Q. REV. 498, 507 (1942).

<sup>&</sup>lt;sup>396</sup> For a good overview of the history of the chartered company as a tool and enabler of early European imperialism, see OM PRAKASH, EUROPEAN COMMERCIAL ENTERPRISE IN PRE-COLONIAL INDIA (Cambridge Univ. Press, 1998).

exploitive. <sup>397</sup> On December 31, 1600, the English monarchy granted the company a fifteen-year monopoly over trade to and from the East Indies and Africa. By 1611 shareholders in the East India Company were earning an almost 150 percent return on their investment. Subsequent stock offerings demonstrated just how lucrative the Company had become; its first stock offering in 1613-1616 raised £418,000, and its second offering in 1617-1622 raised £1.6 million. 398 However, as can be seen with modern-day corporations, such tremendous profits came at a terrible environmental, cultural, and human cost. Not surprisingly, it was history's foremost critic of the capitalist system who cast his scathing eye towards the Company's practices in India, and sought to publicize their horrific brutality.

The profound hypocrisy and inherent barbarism of bourgeois civilization lies unveiled before our eyes, turning from its home, where it assumes respectable forms, to the colonies, where it goes naked. Did they not, in India...resort to atrocious extortion, when simple corruption could not keep pace with their rapacity? While they prated in Europe about the inviolable sanctity of the national debt, did they not confiscate in India the dividends of the rajahs, who had invested their private savings in the Company's own funds? While they combated the French revolution under the pretext of defending "our holy religion," did they not forbid, at the same time, Christianity to be propagated in India, and did they not, in order to make money out of the pilgrims streaming to the temples of Orissa and Bengal, take up the trade in the murder and prostitution perpetrated in the temple of the Juggernaut? These are the men of Property, Order, Family, and Religion. <sup>399</sup>

It is important to note that the British East India Company did not only attract the ire of revolutionaries and socialists. Adam Smith, the patron saint of laisser-faire capitalism, saw in the Company the most extreme abuses of the corporate form. His main thesis on the subject posited that the Company had failed as an efficient economic producer because 1) it had moved away from its original incarnation as a trading organization, and refocused its activities on the transfer of wealth within India, and 2) Company servants simultaneously began to focus their business

(MacMillan 1991).

 $<sup>^{397}</sup>$  John Keay, The Honorable Company: A History of the English East India Company xxii <sup>398</sup> *Id*.at 113.

<sup>&</sup>lt;sup>399</sup> Karl Marx, The Future Results of British Rule in India, N.Y. DAILY TRIB., July 22, 1853, at A2.

efforts on this lucrative transfer of wealth, and ignore more traditional commercial activities in favor of what began to resemble outright extortion. 400 Some scholars have claimed that Smith's critique of these practices does not expose his disdain for the joint-stock form, but rather his concern over the negative effects of monopoly as practiced by the era-specific imperial trade organizations. 401 However, recent events in corporate America may suggest that such exploitive behavior, based on a corporation forfeiting actual trade in favor of wealth transfer, is not a mere historical curiosity. 402 But more importantly for Adam Smith, the East India Company did demonstrate inherent flaws in the corporate form. The division between owners and managers in a joint-stock company, and the limited legal liability this division was based on, guaranteed that stockholders would be apathetic about a company's activities as long as the company continued to be profitable. Just as worrisome, the laws of agency upon which the corporate form was based allowed for boards of directors to be so autonomous from and unconstrained by stockholder wishes that directors became negligent and ultimately self-interested in the management of the corporation. It is worth quoting Smith's argument at length, in order to get a feel for just what he thought about the Corporation in its eighteenth-century form.

The trade of a joint stock company is always managed by a court of directors. This court, indeed, is frequently subject, in many respects, to the control of a general court of proprietors. But the greater part of those proprietors seldom pretend to understand anything of the business of the company, and when the spirit of faction happens not to prevail among them, give themselves no trouble about it, but receive contentedly such half-yearly or yearly dividend as the directors think proper to make to them. This total exemption from trouble and from risk, beyond a limited sum, encourages many people to become adventurers in joint stock companies, who would, upon no account, hazard their fortunes in any private copartnery...directors of such companies, however, being the

<sup>&</sup>lt;sup>400</sup> Gary M. Anderson & Robert D. Tollison, *Adam Smith's Analysis of Joint-Stock Companies*, 90 J. Pol. Econ. 1250-1251 (1982).

 $<sup>^{401}</sup>$  *Id* 

<sup>&</sup>lt;sup>402</sup> The fall of the Enron corporation stemmed largely from the company's attempt to create new energy trading markets, and its strategy of trading paper wealth in order to maintain the appearance of profitability. For a thorough analysis of Enron's missteps and ultimate destruction, see KURT EICHENWALD, CONSPIRACY OF FOOLS (Broadway Books, 2005).

managers rather of other people's money than of their own, it cannot well be expected that they should watch over it with the same anxious vigilance with which the partners in a private copartnery frequently watch over their own. Like the stewards of a rich man, they are apt to consider attention to small matters as not for their master's honour, and very easily give themselves a dispensation from having it. Negligence and profusion, therefore, must always prevail, more or less, in the management of the affairs of such a company. It is upon this account that joint stock companies for foreign trade have seldom been able to maintain the competition against private adventurers. They have, accordingly, very seldom succeeded without an exclusive privilege, and frequently have not succeeded with one. 403

Contemporary economists and historians have placed this criticism in its proper context by noting that Smith's concerns applied only to joint-stock companies, which were monopoly firms chartered for a specific purpose. They claim that at the time of Smith's writing such companies did make sense, given the enormous risks of trading with the other side of the world. Furthermore, they state that the more conservative and popular form of doing business, the general partnership, proved inefficient in the newly industrializing world because unlimited liability hampered a partnership's ability to raise large amounts of capital. 404 With such limitations encumbering older forms of business, they argue it was both necessary and proper for the Corporation to emerge as the business form that could most practically and efficiently greet and exploit the revolutionary changes of industrialization and global trade. Such arguments continue to employ universalist presumptions.

> Efficiency is good Corporations *are* the most efficient method of business organization Therefore corporations are good

This presumption is loaded with ambiguities. Such supposedly normative values as "efficiency" and "good" are frequently left undefined. All too often their expression adopts the absolute legitimacy of the perfect form, when these values are in fact relative to time and place.

<sup>&</sup>lt;sup>403</sup> Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations 741 (Oxford, Clarendon 1976) (1776). 404 *Id*. at 45.

What is considered "efficient" on Wall Street may be a rapid exploitation of oil resources in the Niger Delta, with profit maximization hinging in part on the conscious ignorance of the effect such exploitation may have on the environment and local Indigenous cultures. For the Ogoni people of the Delta, destruction of their traditional landholdings and cultural milieu is decidedly *inefficient* for their "good," which is contingent on their continuation and flourishing as a people. <sup>405</sup> Yet despite their one-sidedness, these propositions (reflecting, at least until lately, western capitalist ideology) have dominated the history of the Corporation for the last 200 years.

By the beginning of the nineteenth century, government policy on both sides of the Atlantic began to change, reflecting the growing popularity of the proposition that corporations were riding the economic wave of the future. In 1819, the U.S. Supreme Court granted corporations a plethora of rights they had not previously recognized or enjoyed. 406 Corporate charters were deemed "inviolable," and not subject to arbitrary amendment or abolition by state governments. The Corporation as a whole was labeled an "artificial person," possessing both individuality and immortality.

Near the same time, British legislation was similarly freeing the Corporation from the shackles of historical restrictions. In 1844 Parliament passed the Joint Stock Companies Act, which allowed companies to incorporate without a royal charter or an additional act of Parliament. Ten years later, England enshrined into law the preeminent hallmark of modern corporate law—limited liability. Acting in response to increasing pressure from newly emerging capital interests, Parliament passed the hallmark Limited Liability Act in 1855, which established

<sup>&</sup>lt;sup>405</sup> I would also throw the idea that corporations themselves act as nation-states. In Nigeria, where oil production in the Delta regions is far away from the capitol, Lagos, the firm is often looked upon to provide general governmental responsibilities such as health care, clean water, sanitation. IKE OKONTA & ORONTO DOUGLAS, WHERE VULTURES FEAST: SHELL, HUMAN RIGHTS, AND THE OIL IN THE NIGER DELTA (2003).

<sup>&</sup>lt;sup>406</sup> Trustees of Dartmouth College v. Woodward, 17 U.S. 518 (1819).

<sup>&</sup>lt;sup>407</sup> Sean M. O'Connor, *Be Careful What You Wish For: How Accountants and Congress Created the Problem of Auditor Independence*, 45 B.C. L. REV. 741, 749 (2004).

the principle that any corporation could enjoy limited legal liability on both contract and tort claims simply by registering as a "limited" company with the appropriate government agency. 408 This revolutionary switch from unlimited to limited liability prompted a writer for the English periodical *Economist* to write in 1855 that "never, perhaps, was a change so vehemently and generally demanded, of which the importance was so much overrated." The glaring inaccuracy of the second part of this judgment was recognized by the same magazine more than seventy-five years later, when it claimed that, "The economic historian of the future ... may be inclined to assign to the nameless inventor of the principle of limited liability, as applied to trading corporations, a place of honour with Watt and Stephenson, and other pioneers of the Industrial Revolution."

By the end of the nineteenth century the forces of limited liability, state and national deregulation, and vastly increasing capital markets had colluded to give birth to the Corporation in its modern-day form: as a legally immortal organization enjoying every-greater state and national deregulation. In the infamous *Santa Clara County v. Southern Pacific Railroad* decision, the then-Chief Justice of the United States Supreme Court declared that corporations were recognized legal persons, protected by the equal protection clause of the fourteenth amendment. This and latter rulings made clear that corporations were now free and clear of the legal shackles of personal liability and accountability. Beginning with New Jersey and Delaware, U.S. states engaged in a race to the bottom in their attempts to create more and more

-

<sup>&</sup>lt;sup>408</sup> Limited Liability Act, 18 & 19 Vict., ch. 133 (1855) (Eng.), cited in Paul G. Mahoney, *Contract or Concession? An Essay on the History of Corporate Law*, 34 GA. L. REV. 873, 892 (2000).

<sup>&</sup>lt;sup>409</sup> Quoted in Graeme G. Acheson and John D. Turner, *The Impact of Limited Liability on Ownership and Control: Irish Banking, 1877-1914*, School of Management and Economics, Queen's University of Belfast, *available at* http://www.ehs.org.uk/ehs/conference2004/assets/AchesonTurnerPaper.pdf.

<sup>410</sup> ECONOMIST, Dec. 18, 1926, at 1053, as quoted in Mahoney, *supra* note 25, at 875.

<sup>&</sup>lt;sup>411</sup> For an excellent graphical depiction of the differences between the "Classic Corporation" (before 1860) and the "Modern Corporation" (after 1900), see TED NACE, GANGS OF AMERICA: THE RISE OF CORPORATE POWER AND THE DISABLING OF DEMOCRACY 71 (San Francisco, Berrett-Koehler Publishers, Inc. 2003).

<sup>&</sup>lt;sup>412</sup> Santa Clara County v. Southern Pacific Railroad, 118 U.S. 394 (1986).

liberal and, therefore, more lucrative incorporation regulations. 413 The decline of restrictions on mergers and acquisitions encouraged a wave of corporate consolidation: from 1898 to 1904, 1,800 U.S. corporations were consolidated into 157. 414 The modern corporate era had begun.

#### Corporate Criminality

In his landmark and controversial study of the organization of American society, the sociologist C. Wright Mills cast his analytical gaze on what he labeled "the Corporate Rich," who caused him to reflect that, "[t]o be truly rich is to possess the means of realizing in big ways one's little whims and fantasies and sicknesses." <sup>415</sup> British and American legal reforms of the nineteenth century had allowed the company to evolve into the far more wealthy and powerful Corporation, whose new-found privileges and riches would make the corporate history of the twentieth century a story of both legal prosperity and illegal excess.

In the wake of Enron, WorldCom, and a host of other scandals, the modern-day corporations' propensity to illegality has been popularly recognized and increasingly condemned. 416 In a recently published and exceptionally detailed study, Lawrence Salinger chronicled in 1000 pages the history, scope, and continuing problem of corporate criminality. 417 Some legal scholars have accounted for this illegality by positing that corporations which adhere to the strict letter of regulatory and statutory law are at a "competitive disadvantage" when compared to the businesses which choose, with varying degrees of frequency, to operate outside

<sup>413</sup> JOEL BAKAN, THE CORPORATION: THE PATHOLOGICAL PURSUIT OF PROFIT AND POWER 14 (New York,

Free Press 2004).

<sup>&</sup>lt;sup>415</sup> C. WRIGHT MILLS, THE POWER ELITE 163 (London, Oxford Univ. Press 1956).

<sup>&</sup>lt;sup>416</sup> For a contemporary sampling of corporate crime, see <a href="http://www.corporatecrimereporter.com/">http://www.corporatecrimereporter.com/</a> (last

visited Apr. 23, 2008).

THE ENCYCLOPEDIA OF WHITE COLLAR & CORPORATE CRIME (Lawrence M. Salinger, ed., New York, Sage 2004).

of the law. 418 This remains true despite the plethora of legal recourses that already exists to address corporate malfeasance, including most states' statutory ability to suspend or repeal corporate charters. 419 Such preexisting regulatory schemes all too often fail to deter corporate criminality because corporate executives make a rational decision to skirt the law due to a low likelihood of criminal or civil sanction, versus a high potential for increased revenue and/or cost-savings. 420 One potential solution is the proposed "Corporate Death Penalty Act" (CDPA), which would mandate the involuntary dissolution of any corporate entity that commits three or more illicit acts. 421 While such measures have been labeled draconian, advocates of this reform claim it is necessary in light of increasing government hostility and/or inability to pursue meaningful prosecution of corporate criminality. 422 Yet measures that may help deter corporate wrongdoing such as the CDPA could only operate effectively in a climate of transparency and disclosure. Unfortunately, recent geo-political events have allowed corporations to erect everhigher and more opaque walls around their finances and operations. 423

<sup>&</sup>lt;sup>418</sup> Mary Kreiner Ramirez, *The Science Fiction of Corporate Criminal Liability: Containing the Machine through the Corporate Death Penalty*, 47 ARIZ. L. REV. 933, 942 (2005).

<sup>&</sup>lt;sup>419</sup> 19 Am. Jur. 2D Corporations §§ 2391-2417 (2004). See also Press Release, Humboldt County, CA Passes Measure Limiting Corporate Political Power, <a href="https://www.gp.org/press/pr-2006-06-08.shtml">www.gp.org/press/pr-2006-06-08.shtml</a>.

<sup>&</sup>lt;sup>420</sup> Ramirez, *supra* note 418, at 962-963.

<sup>&</sup>lt;sup>421</sup> Id. at 973. See also Special Report, Stand Up To Corporate Power, YES MAGAZINE, Fall 2007.

<sup>&</sup>lt;sup>422</sup> The Corporate Crime Reporter's 2005 report, entitled "Crime without Conviction," profiles thirty-four cases in which prosecutors have been confronted with evidence of corporate wrongdoing, yet have chosen to enter into either non-prosecution or deferred prosecution agreements with potential criminal companies. *See* Corporate Crime Reporter, *Crime Without Conviction: The Rise of Deferred and Non Prosecution Agreements*, Dec. 28, 2005, *available at* <a href="http://www.corporatecrimereporter.com/deferredreport.htm">http://www.corporatecrimereporter.com/deferredreport.htm</a>.

The non-profit group Common Cause issued a report in 2003 detailing how dozens of companies successfully lobbied Congress to insert provisions in the Homeland Security Act that deny the public information about health, safety, and environmental problems that may occur at any corporate facilities labeled "critical infrastructure" sites. See Common Cause, *Agenda For Secrecy*, Mar. 14, 2003, *available at* <a href="http://foi.missouri.edu/terrorismfoi/agendaforsecrecy.pdf">http://foi.missouri.edu/terrorismfoi/agendaforsecrecy.pdf</a>.

"Free" Trade

One of the infamous Millian "fantasies" realized by the corporate elite in the last decades has been the phenomenon of international free trade. As originally conceived by Adam Smith and David Ricardo, free trade was envisioned as the primary economic method of ensuring widespread global prosperity. Smith believed that tariffs and quotas on goods acted as an impediment to world trade, while Ricardo argued that if countries were allowed to engage in unfettered trade in those goods they most excelled at producing, all trading partners would benefit in the end. 425

After World War II, the economic philosophies of Smith and Ricardo were advanced by the victorious Allied powers as a means of creating "a dynamic world economy in which the peoples of every nation will be able to realize their potentialities in peace, and enjoy increasingly the fruits of material progress on an earth infinitely blessed with natural riches." To this end the Bretton Woods conference of 1944 created the World Bank, the International Monetary Fund (IMF), and the General Agreement on Tariffs and Trade (GATT) as institutional means of advancing "economic globalization—erasing economic borders to allow free flow of goods and money." However, operating under the rubric of "neoliberalism," these policies and institutions have been criticized as masking exploitive practices of richer nations at the expense of the poorer.

<sup>424</sup> See Smith, supra note 403.; David Ricardo, Principles of Political Economy and Taxation (New York, Prometheus 1996).

<sup>427</sup> *Id*.

<sup>&</sup>lt;sup>425</sup> *Id.* For a modern analysis of the relevance of Smith and Ricardo's justifications for free trade (labeled "absolute advantage"), see John Cassidy, *Winners and Losers: The Truth about Free Trade*, THE NEW YORKER, Aug. 2, 2004, at 26-30.

<sup>&</sup>lt;sup>426</sup> U.S. Secretary of Treasury Henry Morgenthau, opening session of the 1944 Bretton Woods Conference, as quoted *in* David C. Korten, *The Failure of Bretton Woods, in* THE CASE AGAINST THE GLOBAL ECONOMY AND THE TURN TOWARD THE LOCAL 21 (1996).

Promoted as "the mechanism to allow global trading that would see all nations prospering and developing fairly and equitably," neo-liberalism has often epitomized the growth of corporate power and excess. <sup>428</sup> This has largely been due to the neoliberal preference for privatization, deregulation, and floating interest rates at the expense of social spending and government oversight. These policies, pushed by IMF and World Bank lending practices as the "Washington Consensus," have often served the bottom line of trans-national corporations far more than the interests of individual and communities. <sup>429</sup> In his widely publicized—and occasionally demonized—critiques of the Washington Consensus, Joseph Stiglitz, Chief Economist and Senior Vice-President of the World Bank from 1997-2000, has stated that,

The (Washington) consensus policies often assumed the worst about the nature and capability of governments and made that one size fit all. That resulted in a strong bias against basing policy advice on an analysis of what [economic] interventions are appropriate in what contexts or to build the institutions or capacity of states to intervene effectively. 430

In this brief overview, Stiglitz demonstrates how a political assumption—that governments are generally poor at running their own economies—leads to political decisions to encourage public ownership societies to privatize and deregulate, which often precipitate economic crises, such as the 1994 Mexican crash<sup>431</sup> and the 2001 Argentine crash<sup>432</sup>.

\_

<sup>&</sup>lt;sup>428</sup> For an excellent, highly detailed source that addresses neoliberalism among other contemporary issues, see <a href="http://www.globalissues.org/">http://www.globalissues.org/</a>. See also Kenneth F. Scheve and Matthew F. Slaughter, A New Deal for Globalization, Foreign Affairs 34, July/August 2007.

<sup>&</sup>lt;sup>429</sup> For an overview on the practices of trans-national corporations, and the social, environmental, and economic disturbances they often cause, see <a href="http://www.corpwatch.org">http://www.corpwatch.org</a>.

<sup>&</sup>lt;sup>430</sup> Joseph E. Stiglitz, *Post Washington Consensus*, Initiative for Policy Dialogue, at 3, *available at* <a href="http://www2.gsb.columbia.edu/faculty/jstiglitz/download/website/the">http://www2.gsb.columbia.edu/faculty/jstiglitz/download/website/the</a> post washington consensus.pdf.

<sup>&</sup>lt;sup>431</sup> For a description of the role the IMF, World Bank, and Inter-American Development Bank played in the 1994 Mexico crisis, see Moisés Naím and Sebastian Edwards, Mexico 1994: Anatomy of an Emerging Market Crash (1998).

<sup>432</sup> Greg Palast uses internally generated IMF and World Bank documents to demonstrate how the policies of these institutions inexorably led to 2001 crash. The neoliberal program enacted in Argentine consisted of four main steps: 1) Capital-market liberalization, 2) privatization, 3) market-based pricing, and 4) free trade. By the end of 2001, when all of these steps had been implemented, the Argentine middle class was joining the poor in rooting through the garbage for food. See Greg Palast, The Road to Ruin: The World Bank/IMF Takeover in Four Easy Steps, HARPERS MAG., Mar. 2003, at 48-51.

These historical examples reinforce one of Stiglitz's prime hypotheses: there is no theoretical or historical proof that applying neoliberal policies of economic globalization will lead to efficient outcomes. This conclusion has been echoed by other leading economic thinkers such as Richard Freeman, who has consistently argued that there is no empirical evidence that proves trade liberalization causes economic growth. These observations have been embraced in both the developing world, which has experienced first-hand the negative impact of neoliberal policies, and the developed western nations. France's rejection of the European Union's draft Constitution was interpreted as a sign that much of Europe was hesitant to adopt globalization as a blueprint for the future. As one analyst wrote,

Whether in the form of populist rhetoric, anti-globalization street protests, or the destruction of genetically modified corn fields, this activity gives the impression of a continent determined to resist the integration of global markets and cultures. 436

Other critics on the European left have offered more strident observations. In 2004 the European United Left Group issued a "Collective Understanding of Globalization" that described an alternative view of globalization as experienced by both European and African peoples. This "understanding" castigated globalization as a process almost wholly driven by the demands of corporate capital, and one that is "inherently unequal and produces unequal benefits."

-

<sup>433</sup> Stiglitz, supra note 430, at 4.

<sup>&</sup>lt;sup>434</sup> Gordon Campbell, *The Free Market Fantasy*, LISTENER, Oct. 18, 2003, at 32.

<sup>&</sup>lt;sup>435</sup> But see Kenneth Rogoff, The IMF Strikes Back, Foreign Pol'y 39, Jan./Feb. 2003; The Case for Globalization, Economist, Sept. 23-29, 2000; Peter Marber, From Third World to First Class: The Future of Emerging Markets in the Global Economy (1999).

<sup>436</sup> Philip H. Gordon, *Globalization: Europe's Wary Embrace*, YALEGLOBAL ONLINE, (Nov. 1, 2004), available at <a href="http://yaleglobal.yale.edu/display.article?id=4790">http://yaleglobal.yale.edu/display.article?id=4790</a>. But see Claudio Celani, London's Democratic Party is Pro-Globalization, Anti-FDR, available at <a href="http://www.larouchepub.com/eiw/public/2007/2007\_20-29/2007\_22-29/2007\_22-29/2007\_22-29/2007\_22-29/2007\_22-29/2007\_22-29/2007\_22-29/2007\_22-29/2007\_22-29/2007\_22-29/2007\_22-29/2007\_23-29/2007\_22-29/2007\_23-29/2007\_20-29/2007\_23-29/2007\_20-29/

<sup>&</sup>lt;sup>437</sup> "Globalization, Europe and Africa: Towards a Solidarity Agenda," Meeting of the European Left Group on Globalization and Africa at the European Parliament, Apr. 15-17, 2004, *available at* <a href="http://www.sverwer.dds.nl/text.htm">http://www.sverwer.dds.nl/text.htm</a>.

Additional criticism has been levied against globalization over how the policies of international organizations can clash with international human rights. The UN High Commissioner for Human Rights has gone on record stating that WTO rules conflict with international human rights treaty provisions regarding individual and community rights to clean food, water, health, and self-determination. Indeed, the UN's concern over the issue led it to implement a "Global Compact" program in 1999, in an attempt to encourage transnational corporations to voluntarily embrace human rights, fair labor standards, clean environmental policy, and anti-corruption practices.

Despite the increased frequency and credibility of voices criticizing neoliberalism, the push toward globalization has continued on with a great deal of forward momentum. This often-myopic drive has been inspired and directed by multi-national corporations, whose agenda has centered less around tariff reduction and more on the imposition of "a complex set of non-trade rules covering investment, property rights, and domestic sovereignty that will profoundly limit the policy choices of those countries where the factories are built, the capital invested. The highly lauded and intensely vilified North American Free Trade Agreement (NAFTA) contains provisions that, under the label of "free trade," operate to threaten the sovereignty of signatory nations at the expense of foreign investors. The "proportional sharing" provision contained in chapter six of the agreement grants signatory nations the right to share in other country's natural

<sup>&</sup>lt;sup>438</sup> Leif Utne, *The WTO: An Utne Field Guide*, UTNE READER, Nov.-Dec. 2005, at 73. *See also* "Top Reasons to Oppose WTO," <u>www.globalexchange.org/campaigns/WTO/opposeWTO.html</u>.

<sup>439</sup> See http://www.unglobalcompact.org/. See also S. James Anaya, supra note

<sup>&</sup>lt;sup>440</sup> William Greider, *Why the WTO is Going Nowhere*, THE NATION, Sept. 4, 2003) *available at* http://www.thenation.com/doc/20030922/greider.

<sup>441</sup> North American Free Trade Agreement between the Government of Canada, the Government of the United Mexican States, and the Government of the United States of America, full text available at <a href="http://www.sice.oas.org/trade/nafta/naftatce.asp">http://www.sice.oas.org/trade/nafta/naftatce.asp</a>. David Bacon, supra note 138; J. Enrique Espinosa, Jaime Serra, John Cavanagh, G. Sarah Anderson, Happily Ever NAFTA?, FOREIGN POLICY 58, Sept./Oct. 2002; See also THE ECOLOGIST REPORT, GLOBALIZING POVERTY: THE WORLD BANK, IMF AND WTO - THEIR POLICIES EXPOSED, Sept. 2000; MAUDE BARLOW, THE FREE TRADE AREA OF THE AMERICAS: THE THREAT TO SOCIAL PROGRAMS, ENVIRONMENTAL SUSTAINABILITY AND SOCIAL JUSTICE (IFG Special Report 2001).

resources in perpetuity. This allows, for example, foreign water corporations to exploit Canada's abundant freshwater supplies regardless of domestic Canadian concerns for conservation. Although the Mexican government did not agree to these provisions in regard to its domestic oil production, Article 27 of the Mexican Constitution was amended to allow foreign energy companies unprecedented access to crucial subsidiary industries, such as contract labor and pipeline construction and support.

The story of NAFTA is but one example of how the corporate backers of globalization have promoted the erosion of national sovereignty at the expense of multinational corporate power. In his excellent study of globalization and the current scope of corporate power, David Korten demonstrates how international financiers generally see the power of the Corporation as properly supplanting many of the roles formerly played by national and local governments. He cites the comments of Kenichi Ohmae, managing director of the consulting firm McKinsey & Company Japan, in order to demonstrate the extent of the new multinational corporate elites' hunger for more prestige and power.

Multinational companies are truly the servants of demanding consumers around the world...When governments are slow to grasp the fact that their role has changed from protecting their natural resource base from outside economic threats to ensuring that their people have the widest range of choice among the best and cheapest goods and services from around the world—when, that is, governments still think and act like the saber-rattling mercantilist ruling powers of centuries past—they discourage investment and impoverish their people. Worse, they commit their people to isolation from an emerging world economy, which, in turn effectively dooms them to a downward spiral of frustrated hopes and industrial stagnation. 445

<sup>&</sup>lt;sup>442</sup> NAFTA at Ten Series, *Undermining Sovereignty and Democracy: The Ten Year Track Record of the North American Free Trade Agreement*, Pub. CITIZEN, Jan. 2004, at 4.

 $<sup>^{443}</sup>$  Id

 $<sup>^{444}</sup>$  David Korten, When Corporations Rule the World 127 (1995).

<sup>&</sup>lt;sup>445</sup> *Id.* at 129-130.

Yet when governments follow Ohmae's prescription, and abdicate their responsibilities to protect and defend their citizens in favor of economic development, the results have often been far from impressive. In the eighties and nineties, the government of Mexico aggressively courted multinational corporations in an effort to encourage them to build manufacturing facilities for exporting goods. These facilities, popularly known as *Maquiladoras*, were successful at improving the profit margin of their corporate parents, but largely unsuccessful at providing a better life for their underpaid employees. 446 This failure of globalization to raise the standard of living for its most directly affected participants has been attributed to the Mexican government's refusal to promulgate legal and educational reforms to accompany the changing economy and better prepare its citizens for its new economic and political realities. 447

The problems created by *Maquiladoras* are but one example of globalization's impact on national politics. In her study of corporate social responsibility, law professor Cynthia Williams describes how globalization "undermines the practical ability of nation-states to regulate the totality of activities of transnational companies in a dispassionate, objective fashion." <sup>448</sup> This occurs both through corporations' abilities to "shop around" to different countries in an effort to do business in whatever nation has the most favorable and least restrictive regulatory structure, and because corporations are increasingly able to influence what laws governments pass and enforce in the first place. 449 Williams shows how this is especially true in the areas of environmental and labor regulation (or deregulation as the case may be), when countries that

<sup>&</sup>lt;sup>446</sup> See Jen Soriano, Globalization and the Maquiladoras, MOTHER JONES, Nov. 24, 1999, available at http://www.motherjones.com/news/special\_reports/wto/soriano1.html. But see David A. Gantz, New Changes for the Maquiladoras: Legal and Policy Implications of NAFTA Article 303 for United States-Mexico Trade, 30 DENVER J. INT'L. L. & POL'Y 1, 4 (2001).

<sup>&</sup>lt;sup>447</sup> Sanford E. Gaines, NAFTA as a Symbol on the Border, 51 UCLA L. REV. 143, 174 (2003).

<sup>&</sup>lt;sup>448</sup> Cynthia A. Williams, Corporate Social Responsibility in an Era of Economic Globalization, 35 U.C. Davis L. Rev. 705, 725 (2002).

449 *Id*.

contemplate strict standards and controls may suffer from this decision by missing out on a corporate presence that will seek a more libertarian environment in which to do business.<sup>450</sup>

A darker picture of multinational corporations' intent to interfere with the sovereignty and democratic operation of national governments was lately painted by former economist John Perkins. <sup>451</sup> Perkins writes about his work for MAIN, a pseudonym for a large U.S. energy and consulting corporation that pursued investment projects around the globe. He describes how, during his first days in training, he was told by a superior that

[t]here were two primary objectives of my work. First, I was to justify huge international loans that would funnel money back to MAIN and other U.S. companies (such as Bechtel, Halliburton, Stone & Webster, and Brown & Root) through massive engineering and construction projects. Second, I would work to bankrupt the countries that received these loans (after they had paid MAIN and the other U.S. contractors, of course) so that they would be forever beholden to their creditors, and so they would present easy targets when we needed favors, including military bases, UN votes, or access to oil and other natural resources. 452

It was these nefarious motivations that caused Perkins to label himself and others engaged in similar schemes as "EHMs:" economic hit men. 453

## Beyond the Balance Sheet

Perkins' experiences make clear that there is as aspect to Corporationism that has been historically ignored, or even perceived as unmentionable. Corporations unquestionably pursue their business models with an eye toward increasing the bottom line. But somewhere along the path to profit corporate behavior ceases to be strictly economic, and begins to encroach on other more sociological, and even metaphysical spheres of human interaction.

-

<sup>&</sup>lt;sup>450</sup> *Id.* at 727-735.

<sup>&</sup>lt;sup>451</sup> JOHN PERKINS, CONFESSIONS OF AN ECONOMIC HIT MAN (2004).

<sup>&</sup>lt;sup>452</sup> *Id*. at 15.

<sup>&</sup>lt;sup>453</sup> Perkins continues on to chronicle what happened to elected officials who refused to acquiesce to such corporate pressure—Perkins claims that Ecuadorian President Jaime Roldós and Panamanian President Omar Torrijos were both assassinated for refusing to allow multinational corporations to profit at the expense of their nations' sovereignty.

In his unpublished philosophical discourse on globalization, Ron Gard makes an excellent study of the numerous aspects of "material cultural spaces" that corporations occupy, thereby affecting individuals' lives in ways that transcend traditional economic theory. He cites Althusser and Marx for the proposition that accurate conceptions of economic production cannot be separated from the social relationships that underlie all human actions. While laws and regulations lead to relative systemic stability at any one point, significant shifts in patterns of accumulation (such as the agricultural revolution, the industrial revolution, and globalization) radically alter both cultural and individual identity. While such a conclusion may be facially obvious, Gard is careful to demonstrate how important it is to recognize that economic organization in general, and the Corporation in particular, affect not just the "superstructure" of society, but can and have fundamentally altered individual identities and even bodies. Gard recognizes this as, "[t]he near constitutive role corporations have come to play in the formulation of individual identity within contemporary hyper-commodified social conditions."

Corporationism's "near constitutive role" has not only affected the individual and their social space, but has also cast a shadow over society's communal spaces. Garrett Hardin's seminal 1968 article, *The Tragedy of the Commons*, examined the impact of individualism and the pursuit of self-interest on natural resources that humanity has long held to be the fair property of all. In 2004, the Program on Corporations, Law & Democracy redefined the commons most relevant to today's world as, "We the People's promised authority to govern, the power to

<sup>&</sup>lt;sup>454</sup> Ron Gard, *Bodies, Corporate and Corporeal: Understanding How the Forces of Globalization are Dematerializing Our Subjectivity* (unpublished substantial paper, U. of Ariz. Fall 2005) (on file with Indigenous Peoples Law & Policy Program, U. of Ariz.).

<sup>&</sup>lt;sup>455</sup> *Id.* at 24.

<sup>456</sup> *Id.* at 29.

<sup>&</sup>lt;sup>457</sup> *Id.* at 68.

<sup>&</sup>lt;sup>458</sup> Hardin, *supra* note 140.

<sup>459</sup> See http://www.poclad.org/.

make decisions about matters affecting nature and society."<sup>460</sup> Seen in this light, corporations have further revolutionized social space through the "theft of our right to self-governance," which has and continues to allow the corporate agenda to trump both ecological and sociological concerns. Aided by Supreme Court doctrine and the global trade regime inaugurated by Bretton Woods,

[t]he corporation has once again become, as in colonial times, not only a commercial or economic institution but a governing institution. The few who wield the constitutional rights of the giant corporation, along with their complicit public officials, decide policies on investment, production, technology and work; foreign and military policy; policies on energy, agriculture, pharmaceuticals, and the environment, including natural resources like water, minerals and forests; policies on social issues like welfare, health care, transportation, education and more. 462

A quick, cursory examination of the track record of modern life is enough to reveal the often-depressing totality of the corporation's influence over individual space, physical communal space, and humanity's political and philosophical inheritances. *Corpwatch.org*'s list of issues involving corporate power is divided into thirty-two entries, which run the gamut from war profiteering to the prison industry to human rights. It is not an exaggeration to state that corporations now hold sway over tremendously important matters of life and death. Union Carbide's employment of untested technologies and unproven designs in their chemical plant in Bhopal, India led to the gassing death of thousands in 1984. Unocal's partnership with the dictatorial State Law and Order Restoration Council of Burma allowed it to profit from the rape,

<sup>460</sup> Mary Zepernick, *The Impact of Corporations on the Commons*, Address at the Harvard Divinity School's Theological Opportunities Program, Oct. 21, 2004, *available at* http://www.poclad.org/articles/zepernick02.html.

<sup>&</sup>lt;sup>461</sup> *Id*.

<sup>462</sup> *Id*.

<sup>463</sup> See http://www.corpwatch.org.

<sup>464</sup> Chemical Industry Archives, *The Inside Story: 18<sup>th</sup> Anniversary of Bhopal Disaster*, Dec. 10, 2002, available at <a href="http://www.chemicalindustryarchives.org/dirtysecrets/bhopal/index.asp">http://www.chemicalindustryarchives.org/dirtysecrets/bhopal/index.asp</a>.

intimidation, forced relocation, and slave labor of the Burmese people. However, and even entire organizations seek to hold corporations responsible for such abuses, had even entire communities try to exert what pressure they can to mitigate and alleviate the more detrimental effects of 21st century corporationism. However, despite the best efforts of the dedicated and well-meaning, one must appreciate the full scope of the problem to be confronted.

The "-ism" of Our Time

This discussion began by presenting a different, non-Aristotelian interpretation of the Corporation, and its history and functioning. Despite what many in the western—and ever-more commonly eastern—world are led to believe, corporationism exists entirely in a relative value matrix. Corporations do good, but they also do bad. Corporations can help people, and can assist millions in making their lives more comfortable, but they can also wreck tremendous destruction upon the earth and all of its inhabitants. While politicians and interest groups struggle to interpret such behavior as proof of the rightness of this or that philosophy, many have failed to recognize a stunningly simple axiom; capitalism, it all of its pain and glory, is and has been for hundreds of years, *the* dominant ethos of the industrialized world. Accordingly,

[i]t should go without saying that it is capitalism that most defines our national character, not Christianity or the Enlightenment...As Henry Osborne Havemeyer, president of the sugar trust, acknowledged in 1899, 'Business is not a philanthropy...I do not care two cents for your ethics. I don't know enough of them to apply them...And as a business proposition it is right to get all out of a business that you possibly can...' Capitalism has not believed and does not believe in the Authority of Christ's spiritual vision nor does it feel constrained by

<sup>&</sup>lt;sup>465</sup> LAWRENCE E. MITCHELL, CORPORATE IRRESPONSIBILITY: AMERICA'S NEWEST EXPORT 22 (2001).

<sup>&</sup>lt;sup>466</sup> *See* The Centre for Corporate Accountability at <a href="http://www.corporateaccountability.org/">http://www.corporateaccountability.org/</a>, Corporate Accountability International at <a href="http://www.stopcorporateabuse.org">http://www.stopcorporateabuse.org</a>, Global Exchange at <a href="http://www.stopcorporateabuse.org">http://www.stopcorporateabuse.org</a>.

<sup>467</sup> E.g. Berkeley, CA, City Council, "Resolution on Corporate Constitutional Rights," <a href="http://reclaimdemocracy.org/personhood/berkeley\_resolution.html">http://reclaimdemocracy.org/personhood/berkeley\_resolution.html</a>; THOMAS LINZEY & ANNEKE CAMPBELL, BE THE CHANGE: HOW TO GET WHAT YOU WANT IN YOUR COMMUNITY (2009).

<sup>&</sup>lt;sup>468</sup> William Finnegan, *The Economics of Empire*, HARPER'S MAG., May 2003, at 41.

Kant's Enlightenment ethic, which argued that human beings should be treated as ends, not means. It can't even be said to believe in utilitarianism's calculating approach to benefit: 'the greatest good for the greatest number.' Such a precept causes good capitalists a sort of painful suspicion that they might be distracted from the immediate goal of maximizing profit. 469

It is supremely important to remember this history in any discussion of globalization and the corporation. When one looks at the excesses, and when activists lament the destruction of Indigenous land and culture in favor of oil exploration, when protestors rage against free trade policies that destroy subsistence agriculture, <sup>470</sup> it is not the corporations, or even corporationism, that is to blame. Such tragedies are, quite simply, the nature of a beast created over two hundred years ago. <sup>471</sup> Money, wage work, and private property rights accreted to form the system that is paving over the world. Corporations and globalization are only the latest facets of the self-interested orientation of world affairs. Thus in homage to historical and intellectual honesty, contemporary perception should be reformulated:

Globalization *both* creates and destroys Globalization *is* but the latest manifestation of the Capitalist impulse Therefore it *is* Capitalism that both creates and destroys

The refusal to adopt this relativist interpretation has been a barrier to a more nuanced and complete understanding of the current global economic order. Many fear that such truthful interpretation of the capitalist impulse must, by default, lead to the adoption of a creaking and rickety Marxist ideology. But the creation of the aggregate identity of the proletariat still did not relieve society from the burden of money, of production, of those economic activities that have alienated people down through the ages, regardless of the political orientation of their particular national system. Profit maximization, whether measured by market share or the domino effect,

<sup>&</sup>lt;sup>469</sup> Curtis White, *The Spirit of Disobedience: An Invitation to Resistance*, HARPER'S MAG., Apr. 2006, at 32.

<sup>&</sup>lt;sup>470</sup> See Paul Hawken, Remembering the Battle of Seattle, ODE 58, June 2007.

<sup>&</sup>lt;sup>471</sup> See Arnie Cooper, Everybody Wants To Rule The World, THE SUN 5, September 2007 (Interview with David Korten).

still reigns supreme. What is missing, and what many resent most about globalization—even if they do not realize it—is the spiritual.

The tyranny and totality of the Corporation is forcing more and more of us to confront the fundamentally uncomfortable question of what it means to be a human being. The triumph of capitalism and the latest "end" of economic history is forcing people to belatedly realize that the systems and philosophies that so many have defended with life and limb may not be worth such unquestioning sacrifices. For as Madison Avenue so ironically reminds us, the worst example of universalist logic is that "money is everything." Globalization, and the increasingly precarious position of individuals in relation to corporationism, is finally forcing the world to consider seriously the relativist contention that, while money is many things, it is not every thing.<sup>472</sup>

## The New Industrial Revolution

The world abounds with criticism; what it sadly and sorely lacks is solutions. Neither NAFTA, the IMF, nor the World Bank are going to go away any time soon. 473 On the contrary, ever-expanding transportation and communications technology will ensure that the world will keep getting smaller, and communities from the smallest village to the largest nation will become increasingly dependant on each other. 474 This reality demands that progressive activists and educators seek to modify the "anti-globalization" agenda; for in this day and age being antiglobalization is, like Kurt Vonnegut said about writing anti-war novels, as futile as being anti-

<sup>&</sup>lt;sup>472</sup> Cf. Carleen Hawn, The Gospel According to Adam Smith, ODE 39, June 2008; WILLIAM J. BAUMOL, ROBERT E. LITAN, AND CARL J. SCHRAMM, GOOD CAPITALISM/BAD CAPITALISM and THE ECONOMICS OF GROWTH AND PROSPERITY (2007).

<sup>&</sup>lt;sup>473</sup> Such international organizations are currently engaged in a variety of projects. See, e.g., NGAIRE WOODS, THE GLOBALIZERS: THE IMF, THE WORLD BANK, AND THEIR BORROWERS (2006); MICHAEL BLIM, EQUALITY AND ECONOMY: THE GLOBAL CHALLENGE 151 (2005) (discussing microlending); MICHAEL DAVENPORT: INVESTMENT INCENTIVES IN COMMONWEALTH DEVELOPED COUNTRIES AND THE WTO (2003).

<sup>&</sup>lt;sup>474</sup> See Alan Greenspan, Globalization and Innovation, Speech at the Conference on Bank Structure and Competition, Chicago, IL (May 6, 2004) available at http://www.federalreserve.gov/BoardDocs/Speeches/2004/200405062/default.htm.

glacier. 475 Likewise, the transnational corporations that are the constituency of globalization are not likely to change their monopolist, extractive, profit-driven ways. While proposals such as the Corporate Death Penalty Act, 476 and the activities of groups such as the Program on Corporations, Law & Democracy 477 are intriguing, they will probably remain the fancy of academics and activists, and are unlikely to become economic or political reality. This is not to say that change is not needed; it is, and urgently. Methods of production, distribution, and consumption are in need of a revolutionary overhaul if humanity is to close out the twenty-first century with any degree of prosperity and ecological security. However, in order to succeed the needed revolution cannot call for the overthrown of capitalism, corporationism, or globalization, but must instead remake these institutions so that they become instruments of sustainable plenty. 478

Architect and industrial designer William McDonough has called for a new industrial revolution, to "crank the wheel of industry in a different direction to produce a world of abundance and good design—a delightful, safe world that our children can play in." In his seminal work *Cradle to Cradle*, McDonough writes that growth and consumption are not

.

479 William McDonough, *Designing the Future*, NEWSWEEK, May 16, 2005, *available at* http://www.msnbc.msn.com/id/7773650/site/newsweek/.

<sup>&</sup>lt;sup>475</sup> Kurt Vonnegut, Slaughterhouse-Five 4 (1999).

<sup>&</sup>lt;sup>476</sup> Ramirez, *supra* note 74.

<sup>477</sup> See http://www.poclad.org/

<sup>478</sup> See Peter Barnes, Capitalism 3.0 (2006); Paul Hawken, Amory Lovins, & L. Hunter Lovins, Natural Capitalism: Creating the Next Industrial Revolution (1999); Paul Hawken, The Ecology of Commerce: A Declaration of Sustainability (1993); Paul Hawken, N30: Skeleton Woman in Seattle, Orion, Spring 2000. See also Ernst Ulrich Weizsacker, Amory B. Lovins, L. Hunter Lovins, Factor Four: Doubling Wealth, Halving Resource Use (1997); Stewart Brand, The Clock of the Long Now: Time and Responsibility (1999); Ethical Guidelines for the Norwegian Government Petroleum Fund, <a href="https://www.regjeringen.no/nb/dokumentarkiv/Regjeringen-Bondevik-II/Finansdeparteme">https://www.regjeringen.no/nb/dokumentarkiv/Regjeringen-Bondevik-II/Finansdeparteme</a>; The Most Sustainable Corporations in the World, <a href="https://www.global100.org">www.global100.org</a>; Mark B. Baker, <a href="https://githening.the Toothless Vise: Codes of Conduct and the American Multinational Enterprise">https://www.findarticles.com/p/articles/mi m2465/is 2 30/ai 62053052/</a>. [See Text, infra at / Solutions]

\*\*Topical Survey Infra at / Solutions | Solu

problems in and of themselves. 480 In an ironic interpretation of the infamous Gordon Gekko doctrine, <sup>481</sup> McDonough describes how human greed for new products, for building and consuming is good—greed works. But it need not take the form of the second industrial revolution, of poorly designed factories that pump toxins into our water and air, or poorlyimplemented development programs that further impoverish the communities they intend to enrich. This "cradle to grave" product flow ensures ever-worsening pollution, expenditure of non-renewable resources, and expensive and wasteful regulation of human and industrial systems. McDonough pointedly argues that the necessity of regulations is a signal of design failure, and as an alternative he advocates perpetual "reuse:" returning consumer products to the environment as "biological nutrients," or to industry as "technical nutrients" that can be infinitely recycled.482

On the surface this may appear to be a vain attempt to swim up the stream of the "natural" course of ecological and commercial development. But upon closer examination, cycles of extraction, consumption, and waste represent a decidedly unnatural development paradigm. McDonough's vision, and efforts to comfortably merge consumption and profit with social and environmental sustainability, have followed the path of biomimicry. In short, biomimicry looks to natural systems of production and recycling, and seeks to design processes whereby human activities mimic those found in nature, for example, the production of "a solar cell inspired by a leaf." <sup>483</sup> Translated to a dynamic system, biomimicry:

- 1. Considers waste as a resource.
- 2. Diversifies and cooperates to fully use the habitat.

 $<sup>^{480}</sup>$  William McDonough & Michael Braungart, Cradle to Cradle: Remaking the Way We MAKE THINGS (North Point Press 2002).

<sup>&</sup>lt;sup>481</sup> WALL STREET (20<sup>th</sup> Century Fox 1987).

<sup>&</sup>lt;sup>482</sup> McDonough, *supra* note 480

<sup>&</sup>lt;sup>483</sup> See http://www.biomimicry.net/. See Janine Benyus, Biomimicry: Innovation Inspired by Nature (1997).

- 3. Gathers and uses energy efficiently.
- 4. Optimizes rather than maximizes.
- 5. Uses materials sparingly.
- 6. Doesn't foul our nest.
- 7. Doesn't draw down resources.
- 8. Remains in balance with biosphere.
- 9. Runs on information.
- 10. Shops locally. 484

Far from being utopian or even unnatural, such a system represents a closer, more comfortable, less violent, and far more sustainable relationship between humanity and its home. Economies incorporating such principles would herald the creation of a truly integral culture, which has been eloquently described as

...[a] new way of looking at the world. It seeks to integrate all the parts of our lives: inner and outer, masculine and feminine, personal and global, intuitive and rational, and many more. The hallmark of the integral culture is an intention to integrate-to consciously bridge differences, connect people, celebrate diversity, harmonize efforts, and discover higher common ground. With its inclusive and reconciling nature, an integral culture takes a whole-systems approach and offers hope in a world facing deep ecological, social, and spiritual crisis. 485

Lest we dismiss such a vision as a mere fairy tale, consider the extent to which such principles have already been put into action. A German corporation manufactures a paint that mimics the surface of a lotus leaf, allowing buildings coated with it to stay cleaner longer, and resist mold and mildew. Aviation experts are examining the small bumps on the flippers of humpback whales, which allow the animals to glide through the water with less drag, and are trying to build them into airplane wings in order to allow for faster and more fuel-efficient flights. The Green roofs cover the corporate campuses of the Gap and Ford Motor Company, naturally manufacturing oxygen and recycling rainwater. Seven World Trade Center, an office

<sup>484 &</sup>quot;Ecosystem Dynamics," biomimicry.net, http://www.biomimicry.net/eco\_dynam.html (link is broken)

<sup>&</sup>lt;sup>485</sup> DAVID C. KORTEN, THE POST-CORPORATE WORLD 215 (Berrett-Koehler Publishers 1999).

<sup>&</sup>lt;sup>486</sup> Douglas Gantenbein, *Back to the Drawing Board*, PLENTY, Apr.-May 2006, at 64.

<sup>&</sup>lt;sup>487</sup> *Id.* at 66.

<sup>&</sup>lt;sup>488</sup> McDonough, *supra* note 480.

building constructed in New York City to replace one destroyed on September 11, 2001, was constructed with stone floors that generate heat in the winter and absorb heat in the summer. An atrium lobby naturally ventilates the building and filters its air, and the roof collects rainwater that reduces sewage otherwise dumped in the city's sewer system.<sup>489</sup>

Biomimicry, and William McDonough's cradle-to-cradle production cycle, are not ventures that seek to overthrow capitalism and globalization, but rather efforts to overhaul it. Such attempts recognize that corporationism, globalization, and the profit impulse will not disappear anytime soon. In order to ameliorate the often destruction and non-sustainable byproducts of these systems, we must use the tools they provide us. We must sell our way out of ecologic and demographic crises by marketing green energy, perpetually re-useable newspapers, building sewer systems that cause gardens to grow, and constructing buildings that are incorporated onto the landscape rather than blasted into it. 490 We cannot continue to allow the things we use to transform our culture for the worse, but must instead use a new, more integral culture to transform the things we use into products that profitably and sustainably enrich our lives. We can, and we should, embrace the fecundity of the world, and in doing so we need not sacrifice the natural abundance that gives us comfort. The change required may be complex, but it is the antithesis of unnatural, and it will ensure that our economic and political systems truly serve our human needs, rather than having the needs of the systems we create define and destroy their human masters.

<sup>&</sup>lt;sup>489</sup> Robin Pogrebin, *How Green is My Tower?*, N.Y. TIMES, Apr. 16, 2006, at 26.

<sup>&</sup>lt;sup>490</sup> See Green Business Guide (2008) (unpublished manual, available at hershey@law.arizona.edu.

Globalization and Its Special and Significant Impacts on Indigenous Communities

Many of the themes discussed thus far in the text have particular urgency for the world's Indigenous peoples. Indigenous systems of collective economic production and distribution do not conform to capitalism's emphasis on individual accumulation. <sup>491</sup> The two worldviews may indeed be antithetical. <sup>492</sup> Indigenous societies generally view "resources" in a very different way from that of global industry's commodity-centered calculus. <sup>493</sup> Around the world, a good number of Indigenous groups have over centuries or millennia successfully sustained economies in one particular place and ecosystem. The co-adaptation of people with other elements of their ecological systems has meant that the integrity and functioning of these systems has been sustained even as the communities' culture developed and changed historically. These economic arrangements should be seen not as separate from, but as one component of, entire cultural

<sup>&</sup>lt;sup>491</sup> This phenomenon is not new, although processes of globalization have increased the scale and frequency of such conflicts of perspective. The contradictions between indigenous and capitalist modes of production, and the tensions generated by their intersection, have deep historical roots in the process of colonization. Anthropologist Eric Wolf's classic Europe and the People Without History (Univ. of Cal. Press, 1982) is one of the most comprehensive works on this theme.

<sup>&</sup>lt;sup>492</sup> Victoria Tauli-Corpuz, an Igorot activist from the Philippines, summarizes the difference when she writes that:

<sup>[</sup>i]ndustrialized culture regards our values as unscientific obstacles to modernization and thus worthy of ridicule, suppression, and denigration. The industrial world also views our political, social, and land-tenure traditions as dangerous: our collective identities; our communal ownership of forests, waters, and lands; our usufruct system of community sharing, and our consensus decision-making are all antithetical to the capitalist hallmarks of individualism and private property." *Our Right to Remain Separate and Distinct, in* PARADIGM WARS: INDIGENOUS PEOPLES' RESISTANCE TO ECONOMIC GLOBALIZATION 10-11 (hereinafter PARADIGM WARS) (Jerry Mander and Victoria Tauli-Corpuz, eds., 2005).

<sup>&</sup>lt;sup>493</sup> A leader of the Indigenous Network on Economies and Trade, Secwepemc author Arthur Manuel writes: Mainstream economists tend to value development strategies solely in terms of their wealth generation potential for industry and governments. So resources are viewed in strictly monetary terms. But indigenous peoples consider the value of land and resources in far broader, more integrated terms, including cultural, social, spiritual and environmental values, and their sustainability. Among indigenous peoples, decisions about caring for resources and the environment are usually made as part of a collective process, where the community takes into account a full spectrum of values and benefits other than short-term economic gains.

Indigenous Brief to WTO: How the Denial of Aboriginal Title Serves as an Illegal Export Subsidy, in Paradigm Wars 177. See also Stephen Cornell & Joseph P. Kalt, Eds., What Can Tribes Do? Strategies and Institutions in American Indian Economic Development (1992); Angelique A. EagleWoman, Tribal Nation Economics: Rebuilding Commecial Prosperity in Spite of U.S. Trade Restraints—Recommendations for Economic Revitalization in Indian Country, 44 Tulsa L. Rev. 383 (2008).

understandings that include sacred interactions with the world. 494 Indigenous economies can thus be seen to be sustainable to the extent to which the holders of culture interact in a culturally appropriate way with the world around them, including those elements of the world known to modern scientists as "natural resources." In many areas Indigenous people have sustained communities from time immemorial, and the ecological systems of which they are a component have maintained relative richness and resilience to natural perturbations such as drought or fires. The ecosystems that have been remained predominantly under control and care of Indigenous peoples thus tend to be characterized by high biodiversity, abundant renewable resources, and relatively unexploited nonrenewable resources. The great irony of globalization is that this very sustainability of their economies now makes their territories and knowledge valuable targets as commodities in a globalized economy.

Indigenous people have not passively acceded to the penetration of extractive capitalism into their communities. The following section thus not only reviews how globalization impacts Indigenous people, but also describes how Indigenous communities resist or negotiate in order to defend their territories and cultural integrity.

Economic policy, when set on a global scale, can undermine the political gains that Indigenous peoples may have made within the legal systems of nation states. Victor Menotti of the International Forum on Globalization has written of how World Trade Organization (WTO) authority is diminishing the sovereignty of nation states over their land, water, genetic material, and public services. The General Agreement on Trade in Services (GATS), for example,

494 For an attempt to correlate levels of knowledge of a ecosystem with the number of generations that a people have been living in a particular place, and a description of the means by which knowledge of sustainable

economic practices becomes incorporated into the sacred practices and beliefs of a community, see F. Berkes, C. Folke, and M. Gadgil, *Traditional Ecological Knowledge: Biodiversity, Resilience, and Sustainability, in* BIODIVERSITY CONSERVATION 281-289. (C.A. Perry, ed.) (Kluwer Academic Publishers, 1995).

<sup>&</sup>lt;sup>495</sup> Victor Menotti, *How the World Trade Organization (WTO) Diminishes Native Sovereignty, in* PARADIGM WARS 46-57. Undeniably, the legal and political systems of the nation-state have also enabled the

favors the privatization of systems (such as those for water distribution) that serve the general public but without an equitable provision of services that is often at odds with maximization of profits. 496 Structural adjustment programs (SAPs) imposed as a condition of loans from global finance agencies such as the World Bank also often mandate privatization. The effects on Indigenous peoples and other poor people can be devastating. World Bank-mandated SAP privatization of coal mining in the Indian state of Orissa in the 1990s, for example, resulted in contamination of rivers, increased rates of fluoride poisoning, infections, and cancer, displacement of towns, and power rates that increased by 500%. 497 The World Bank and IMF have also made water privatization a prior condition for granting loans and debt reductions. 498 Structural adjustment programs also weaken national-level environmental and labor laws that Indigenous communities may have relied on in previous struggles to maintain control over territory and resources. 499

Other new international trade rules also negatively impact Indigenous peoples. 500 For example, Article I of the General Agreement on Tariffs and Trade (GATT) prohibits national governments from restricting imports specifically from any single other WTO member nation.

persecution of indigenous peoples; nevertheless, Menotti's point that some hard-fought gains on a national level are put at risk by WTO authority is well taken.

<sup>&</sup>lt;sup>496</sup> Investment in infrastructure to provide water to a small village, for example, may not make business sense if the number of users is too small or too poor to provide a return on the initial construction costs. A national or local government agency may choose to pursue such a project either out of social responsibility or in response to political pressure, but a private company is less likely to do so. Additionally, costs of basic services such as water often rise under privatization as companies seek to increase profits, a change that can result in a loss of access for poor people. See also Water Rights of Indigenous Peoples, CULTURAL SURVIVAL QUARTERLY, Winter 2006.

<sup>&</sup>lt;sup>197</sup> Victoria Tauli-Corpuz, World Bank and IMF Impacts on Indigenous Economies, in PARADIGM WARS 40.

<sup>&</sup>lt;sup>498</sup> Antonia Juhasz, Global Water Wars, in PARADIGM WARS 88-93.

<sup>&</sup>lt;sup>499</sup> Tauli-Corpuz, *supra* note 497, at 42-43. For a specific overview of how a SAP resulted in an impoverishment of small-scale farmers as measured by household nutrition studies, see Wycliffe Chilowa, The Impact of Agricultural Liberalization on Food Security in Malawi, FOOD POLICY 23(6): 553-569 (1998). For an examination of how SAPs lead to environmental degradation as rural people are forced into vulnerable situations, see David Kaimowitz, Graham Thiele, and Pablo Pacheco, The Effects of Structural Adjustment on Deforestation and Forest Degradation in Lowland Bolivia, WORLD DEVELOPMENT 27(3): 505-520 (1999).

<sup>&</sup>lt;sup>500</sup> See generally, Symposium: Trade and Foreign Investment in the Americas: The Impact on Indigenous Peoples and the Environment, 14 MICH. ST. J. INT'L. L., Issues 2 & 3 (2006).

This article thus makes it impossible for national governments to restrict imports from other WTO countries with questionable human rights, labor, or environmental records and thus disallows a potential safeguard for the rights of Indigenous peoples.<sup>501</sup>

Article III of GATT, together with its corollary Articles V and XI, requires governments to treat all imported goods "no less favorably" than locally produced goods and bans restrictions on imports. Victor Menotti writes of how this feature of GATT "prevents any government from favoring or protecting it own local industries, or farmers or cultures that might otherwise by overwhelmed by globe-spanning corporations bringing vast amounts of cheap imports that make local or Indigenous economies non-viable". <sup>502</sup> Similar "free trade" policies under NAFTA have already been demonstrated to undercut the livelihoods of small-scale Mexican corn farmers, many of whom are Indigenous, who are unable to compete with cheap, mass-produced grain from the US. <sup>503</sup>

Another set of WTO rules, the Agreement on Agriculture, further weakens the ability of nations to set up barriers to imports and also prohibits the internal support of domestic producers through low-cost credit, price supports, and subsidized seeds and fertilizer. WTO agriculture rules, rather than safeguarding the rights of indigenous producers and small-scale farmers, are thus specifically designed to favor the large-scale production of luxury exports, leading to monocultural production of cash crops and associated environmental problems and ecological vulnerability. The Agreement on Sanitary and Phyto-Sanitary Measures (SPS) limits the

<sup>&</sup>lt;sup>501</sup> Menotti, supra note 495, at 495. Chillingly, Menotti notes that under current GATT rules it would thus have been impossible to boycott South African goods during apartheid.

Gonzalo Fanjul and Arabella Fraser, *Dumping without Borders: How U.S. Agricultural Policies are Destroying the Livelihoods of Mexican Corn Farmers*, OXFAM BRIEFING PAPER No.. 50 (2003).

William Robinson deals extensively with this topic of Nontraditional Agricultural Exports (NTAEs) in his magisterial work on how current trends represent a qualitative shift in the interaction of the global and local economies. Transnational Conflicts: Central America, Social Change, and Globalization (2003). Victor Menotti shares Robinson's perspective when he writes:

ability of national governments to regulate or monitor imports of transgenic foods. 505 Vicente Fox's ambitious Plan Puebla-Panama is a well-known example of how the transportation infrastructure to facilitate this export-based economy often appropriates Indigenous people's lands without their consent. 506

Many large-scale infrastructure projects, often funded through loans from the World Bank, regional multilateral banks (e.g., the Inter-American Development Bank and Asian Development Bank), and more recently by the U.S. Export-Import Bank and the Japan Bank for International Cooperation (JBIC), represent threats to Indigenous peoples' autonomy and resources. <sup>507</sup> The World Bank-funded Polonoroeste highway project through Indigenous lands in the Amazon rain forest, for example, brought colonizers, deforestation, and disease epidemics to the region. Pipeline construction, damming of rivers, and toxic contamination from industrial development are other dangers for indigenous peoples of the Amazon. 508 In order to promise returns on the investment of the international lending institution, these projects are so large in scale that it would be difficult to account for local needs, even if the desire to do so existed. 509

WTO rules on farming are essentially designed to "open up" foreign markets for large-scale luxury export producers. The rules therefore offer great incentives for nations to emphasize expanding and supporting export-oriented industrial agricultural production at the expense of small, traditional, indigenous producers who grow food for local markets and communities. Discriminating in favor of this kind of massive monocultural production – especially when it is of exotic commodities not usually produced in a locale, such as export beef, or luxury vegetables, or soya, or exotic flowers - brings enormous environmental problems on lands that have often been occupied by indigenous peoples for millennia. Aside from the various pollutions from industrial intensive production, large new infrastructure systems are required to bring the products from distant locations to seaports and airports and then across oceans. Very often these new roads, canals, pipelines, and ports are built directly on indigenous lands, without prior approval, causing huge conflict" (emphasis added).

Menotti, *supra* note 495, at 51.

<sup>&</sup>lt;sup>505</sup> Menotti, <mark>supra</mark> note 495 at 52.

<sup>&</sup>lt;sup>506</sup> Briefing Reports, in PARADIGM WARS 148-149.

Tauli-Corpuz, supra note 497, at 37.

<sup>&</sup>lt;sup>508</sup> Janet Lloyd, Atossa Soltani, and Kevin Koenig of Amazon Watch provide specific case studies in their chapter *Infrastructure Development in South American Amazon, in* PARADIGM WARS 76-82.

Solve Regarding dams, indigenous rights organizations have achieved partial progress. In the 1994 Manibeli

Declaration more than 2000 civil society organizations called for comprehensive review of all World Bank-funded dam projects. Responding to consistent pressure, in 1998 the World Bank agreed to support the creation of the

A major impact associated with large infrastructure developments such as highways and dams is the resettlement of Indigenous communities that have developed sacred knowledge of, and connections with, specific places. Not only can removal from homelands be traumatic for those moving, but the impacts on the areas receiving the displaced people can also be devastating. From 1976 to 1986, Indonesia's Suharto government used a \$630 million World Bank loan to resettle millions of people in order to relieve population pressure and to provide a labor force for export crops such as cacao, coffee, and palm oil. On the receiving island of Irian Jaya (West Papua), the influx of 300,000 Javanese has been a root cause of decades of ethnic conflict with Melanesians speaking 224 different languages, and the biodiversity of the island has come under threat from large mining operations and cash crop plantations. <sup>510</sup>

Resource extraction generally, whether for minerals, forest products, or even genetic information and environmental knowledge, underlies many of the negative impacts of

W

World Commission on Dams, with specific memberships reserved for indigenous groups' representatives on both the commission council and a consultative forum. The WCD process has since been widely praised by indigenous peoples both because of the required indigenous membership and because the final WCD guidelines for sustainable dam development fully recognize indigenous peoples' right to "free prior and informed consent" (FPIC) and establishes that FPIC is a process whereby each stage of a project cycle is subject to prior agreement by potentially affected indigenous and tribal peoples. However, various indigenous organizations have since accused the Bank of failing to act on WCD recommendations, as the Bank has only committed to using the reports produced by the Commission as a "valuable reference" and has not incorporated its major recommendations into its revised policy on indigenous peoples and its other mandatory safeguard policies. Tom Griffiths provides a detailed account of this process in his excellent critical summary of World Bank actions to include participation of indigenous peoples, and the shortcomings and failings of such actions. See especially INDIGENOUS PEOPLES AND THE WORLD BANK: EXPERIENCES WITH PARTICIPATION 8-10 (Forest Peoples Programme, 2005), available at www.forestpeoples.org/documents/ifi\_igo/wb\_ips\_and\_particip\_jul05\_eng.pdf.

Tauli-Corpuz, supra note 497. See also Victoria Tauli-Corpuz and Parshuram Tamang, Oil Palm and Other Commercial Tree Plantations, Monocropping: Impacts on Indigenous Peoples' Land Tenure and Resource Management Systems and Livelihoods, United Nations Permanent Forum on Indigenous Issues, Sixth Session, E/C.19/2007/CRP.6, May 7, 2007. Given such impacts, one wonders why the US would continue to support large World Bank-funded infrastructure projects. Lawrence Summers, then Undersecretary of International Affairs at the Treasury Department, offered a partial explanation when he estimated in a 1995 Congressional hearing that for every \$1 that the US contributes to World Bank, US corporations get \$1.30 in procurement contracts (40). See also Ana Natsvlishvili, The Impact of Globalization on Human Rights in the Developing World: Transnational Corporations and Human Rights—The Masterpieces of Globalization in the Era of Democratized Violence (2007), available at <a href="http://www.nottingham.ac.uk/shared/shared\_levevents/conference/2007\_March\_PG\_Natsvlishvili.pdf">http://www.nottingham.ac.uk/shared/shared\_levevents/conference/2007\_March\_PG\_Natsvlishvili.pdf</a> (discussing toxic practices of the Freeport-McMaron mining company in Indonesia).

globalization on indigenous peoples.<sup>511</sup> The well-known example of Royal Dutch Shell's actions in the Niger Delta illustrates an oft-repeated pattern. <sup>512</sup> The corporation has been extracting oil from the region for half a century but few if any benefits have come to Indigenous peoples such as the Ogoni and Ijaw. Associated infrastructure construction and pollution from processing operations has heavily contaminated the air, water, and soils of the Delta. In the 1960s, Nigeria was almost self-sufficient agriculturally, but in the 1970s the national economy became dependent on revenue from oil exports that brought great wealth to elite classes in the country. Because of corruption in government, Nigeria began to accumulate a \$9 billion external debt. When oil prices dropped, the national government faced the prospect of defaulting, at which point the IMF offered a \$5 billion loan tied to a SAP designed to cut funding for social services, privatize government-owned agencies, and encourage further dependence on exportable oil and cash crops. By the early 1990s, Shell's own armed police forces together with the Nigerian military (who, in the words of one former military officer, were paid by Shell to "sanitize" the people in the area of Shell's five oil fields) put down indigenous resistance by razing villages and executing opposition leaders.<sup>513</sup>

Extraction of mineral, wildlife, and forest resources from Indigenous peoples' territories has, of course, a long history intertwined with European colonization.<sup>514</sup> In recent decades,

<sup>&</sup>lt;sup>511</sup> See generally Suzana Sawyer and Terence Gomez, *Identity, Power, and Rights: Paradoxes of Neoliberalism in the Context of Resource Extraction* (2007).

<sup>512</sup> The Niger Delta situation is well-known perhaps only because active resistance by local populations has drawn press coverage. A February 2006 N.Y. Times article, for example, focused on the abduction of foreign workers and several acts of pipeline sabotage by "Nigerian militants," noting only in one sentence at the end that "militancy in the delta.... is rooted in the extreme poverty of the majority who live there." *Nigerian Militants Assault Oil Industry, Abducting 9 Foreigners.* N.Y. TIMES, Feb. 19, 2006.

<sup>&</sup>lt;sup>513</sup> For a more detailed account of Shell's history in the Niger Delta region, see Oronto Douglas & Ike Okanta, *Ogoni People of Nigeria vs. Big Oil, in* PARADIGM WARS 128-132.

<sup>&</sup>lt;sup>514</sup> See Michael Halewood, Indigenous and Local Knowledge in International Law: A Preface to Sui Generis Intellectual Property Protection, 44 McGill L. J. 953 (1999); Nancy Kremers, Speaking With a Forked Tongue in the Global Debate on Traditional Knowledge and Genetic Resources: Are U.S. Intellectual Property Law and Policy Really Aimed at Meaningful Protection for Native American Cultures?, 15 FORDHAM INTELL. PROP. MEDIA & Ent. L.J. 1 (2004).

however, Indigenous groups have faced outside exploitation of another valuable resource: their DNA. For example, because they offered the potential for asthma treatments, blood samples from Indigenous inhabitants of Trista de Cunha in the South Atlantic were sold to a Californiabased company. The company subsequently sold the samples' biotechnology rights to the German pharmaceutical company Boehringer Ingelheim for \$70 million. 515 Commentators have noted that the Indigenous groups from which genetic material is taken see little if any of the profits made by Western corporations who use that material. 516 In 1994, an international consortium of academic researchers and government institutions organized the Human Genome Diversity Project (HGDP) to collect information on how the human genome varies among populations. The project design required that blood and tissue samples be taken from hundreds of Indigenous communities around the world.<sup>517</sup> Indigenous populations were to be a specific focus of the project because, in the words of HGDP researcher Ken Kidd, "remote populations make perfect laboratories" because their genetic materials are assumed to have mixed less with people outside the community. 518 The project drew vehement criticism from both specific Indigenous communities and from international organizations such as UNESCO, the Rural Advancement Foundation International, and the World Council for Indigenous Peoples. Project critics contended that the HGDP would lead to expropriation of intellectual property from Indigenous communities, violate the human rights and societal norms of many Indigenous

<sup>&</sup>lt;sup>515</sup> Cindy Hamilton, *The Human Genome Diversity Project and the New Biological Imperialism*, 106 SANTA CLARA L. REV. 619-643 (2001).

<sup>&</sup>lt;sup>516</sup> See especially Marouf Hasian, Jr. & Emily Plec. Remembrances of Things Past: A Postcolonial Critique of the Human Genetic Diversity Project, in New Approaches to Rhetoric 120-21 (Patricia Sullivan and Steven Goldzwig, eds. Sage Publications 2004). See also Kimbrell, supra note 71, at 131-45.

<sup>&</sup>lt;sup>517</sup> Benjamin Pimentel, *DNA Study of Human Migration: National Geographic and IBM Investigate Spread of Prehistoric Peoples around World*, S.F. CHRON., Apr. 13, 2005, at A1.

Ouoted in Paul Salopek, *Genes Offer Sampling of Hope and Fear: Cures Possible, But Groups Worry about Exploitation* CHI. TRIB, Apr. 28, 1997, at 18.

people, and take advantage of nebulous and culturally inappropriate standards of consent and consultation. 519

The original design of the HGDP was scaled back considerably as the outcry over its aims and methods caused funding to dry up by the late 1990s. 520 On April 13, 2005, however, the National Geographic Society and IBM jointly announced the launch of the five-year Genographic Project, which expressly aims to complete the unfinished work of the HGDP. 521 The Genographic Project aims to collect 100,000 blood samples from indigenous populations around the world and analyze them genetically, creating a collection of blood samples 100 times larger than that of the HGDP. 522 Dr. Spencer Wells, a population geneticist at the society who is leading the program, said he hoped to head off charges of exploitation by offering money to the tribes for education and cultural preservation, 523 but the Indigenous People's Council on Biocolonialism has already called the new project "a recurrent nightmare...essentially the same project we defeated years ago". 524 It does seem, however, that opposition to the HGDP

<sup>&</sup>lt;sup>519</sup> For an eloquent critique of the HGDP, see Debra Harry. *The Human Genome Diversity Project:* Implications for Indigenous Peoples, available at www.hartfordhwp.com/archives/41/024.html 1995. See also Steve Connor, How Accusations of Racism Ended the Plan to Map the Genetic Diversity of Mankind, THE INDEP. (LONDON), Sept. 10, 2001, at 3; Kimbrell, Biocolonization, supra note 71, at 142; Hasian, Jr. & Plec, supra note 516, at 113, 119; and Hamilton, supra note 515, at 620-25. Advocates for indigenous peoples portrayed it as a "vampire project" for extracting valuable medical information from the blood of endangered tribes in return for virtually nothing, while the potential for commercial exploitation of this information (via gene patenting) raised suspicions that Western drug companies would develop and patent lucrative new treatments based on the DNA of the poor and dispossessed. These arguments are well-summarized by journalist Nicholas Wade, Geographic Society is Seeking a Genealogy of Humankind, N.Y. TIMES, Apr. 13, 2005, at A16. 520 Connor, id. at 3-4.

<sup>521</sup> For example, Dr. Cavalli-Sforza, project leader of the HGDP, is an advisor to the Genographic Program. Wade, *supra* note 29, at 16). In another telling statement, the new project leader, Spencer Wells, wrote recently, "We sincerely believe this may be the last generation for many indigenous populations and we are eager to collaborate with them." Last Chance for Indigenous Gene Research, THE AUSTRALIAN, May 10, 2005, at 39. Regarding the Genographic Program, see also Benjamin Pimentel, DNA Study of Human Migration: National Geographic and IBM Investigate Spread of Prehistoric Peoples around World, S.F. CHRON., Apr. 13, 2005, at A1; and John Vidal, *History Repeated*, THE OBSERVER, Apr. 20, 2005, at 12.

<sup>&</sup>lt;sup>522</sup> Wade, *supra* note 29, at 16.

<sup>&</sup>lt;sup>523</sup> *Id* at 16-17.

<sup>&</sup>lt;sup>524</sup> Quoted in Vidal, 12.

influenced the design of the new project, as genetic information and materials will be less available to expropriate commercially. 525

Even apart from their own genetic code, many Indigenous people find that other aspects of their knowledge of the world are valuable to and targeted by external entities.

Specific WTO rules such as the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPs), which permits the patenting of life forms, facilitate un- or undercompensated extraction of this information. Taking advantage of Indigenous knowledge about the uses of plants or animals can greatly reduce research costs for companies that can then file for patents for exclusive control over usage information or genetic materials. For example, South Africa's Council for Scientific and Industrial Research (CSIR) researched San peoples' knowledge of the appetite suppression properties of the Hoodia cactus, secured a patent on a substance within the plant in 1997, and then licensed its development rights to the pharmaceutical company Pfizer via another company, Phytopharm. In 2003, after vigorous objection, the CSIR agreed to share 0.003% of its net profits with the San, although Pfizer and Phytopharm shares go untouched. As part of the deal, San peoples are prohibited from using their own knowledge of the plant for any commercial development on their own. Vandana

<sup>&</sup>lt;sup>525</sup> Importantly, genetic material from the projects will not be cultured into new cell lines as it was in the HGDP. The material will stay in the form of raw DNA, which degrades over time and is not easily shared. Use by other scientists and appropriation via patenting is thus made more difficult. *See* Wade, *supra* note 29, at 17. A spokesman for IBM has stated that no medical studies will be conducted and no data commercialized, although it does not appear that such uses are explicitly prohibited. *See Our Family Tree*, NEW SCIENTIST, Apr. 16, 2005, at 6.

<sup>526</sup> See generally Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions/Folklore, www.wipo.int/tk/en. Article 27.3(b) of TRIPs is crucial in privileging rights of life sciences companies to exclusive use over patented life forms, although the patent-seekers need to demonstrate some modification of the organism. For a more detailed discussion of this article and other mechanisms by which farmers who practice traditional seed saving and sharing are criminalized because the seeds that their communities developed are now "owned" by corporations, see Vandana Shiva, *TRIPs Agreement: From the Commons to Corporate Patents on Life*, in PARADIGM WARS 68-71.

<sup>&</sup>lt;sup>527</sup> See Debra Harry. High-Tech Invasion: Biocolonialism, in PARADIGM WARS 62. Harry also discusses the 2006 meetings of Convention on Biological Diversity (CBD) Ad-hoc Open-ended Working Group on Access and Benefit Sharing. While these meetings are likely to better specify (on the nation-state level) how benefits of commercializing genetic resources should be distributed between industrialized and developing countries, the focus

Shiva has noted the irony of a situation where corporations seek patents to exclusively control the marketing and sales of products derived from Indigenous knowledge, but argue against the restriction of research by Indigenous communities who, they say, want to "lock up" this information that should be available to all human beings.<sup>528</sup>

Another threat to the sovereignty of indigenous peoples comes from what might seem like a benign global movement: nature conservation. Ramachandra Guha has written eloquently of how the concept of wilderness as "untrammeled by man" (an idea developed and codified largely in the United States) has been applied inappropriately in other cultural contexts, notably in India and Africa. Guha argues that American emphasis on wilderness can be "positively harmful when applied to the Third World," citing an example where the creation of tiger reserves in India (pushed for by American environmental groups) resulted in the physical displacement of several Indigenous communities. hour 5 million people worldwide have been forced to leave their ancestral lands in the name of conservation and land preservation, and these same people are often criminalized as poachers when they return to their own lands to harvest game or plants. In other cases, people are allowed to remain but their traditional subsistence activities are heavily regulated or outlawed. For example, since the establishment of the Biosphere

on "benefit sharing" even if indigenous peoples receive some compensation obscures the important stipulation that the nation-state will be granted absolute sovereignty over genetic resources even if located on indigenous lands.

<sup>&</sup>lt;sup>528</sup> See Shiva, supra note 526, at 72.

<sup>529</sup> See Ramachandra Guha. Radical American Environmentalism and Wilderness Preservation: A Third World Critique, 11 Envil. Ethics 75 (1989). Guha goes on to argue that because environmentalism has become equated with wilderness preservation, environmental problems that impinge far more directly on the lives of the poor -- e.g., lack of fuel and fodder, water shortages, soil erosion, and air and water pollution -- have not been adequately addressed. Finally, he contends that an overemphasis on wilderness protection in the United States has caused the environmental movement to lose sight of the greater problem of overconsumption of resources, essentially reinforcing such consumption by preserving small parcels of undeveloped land without questioning the unsustainable economic and ecological basis of the society as a whole.

<sup>530</sup> See Mark Dowie. Conservation Refugees, in Paradigm Wars 108; Mark Dowie, Conservation Refugees, Orion, www.orionmagazine.org/indext.php/articles/article161. See also Mark Dowie, Eviction Slip, Guernica, www.guernicamag.com/features/556/post\_1/index.php; Jim Igoe, Conservation and Globalization: A Study of National Parks and Indigenous Communities from East Africa to South Dakota (Thomas/Wadsworth Case Studies on Contemporary Social Issues 2004).

Reserve of the Upper Gulf of California, a community of Cucapá Indians who live near the mouth of the Colorado River has struggled to regain the right to legally fish in their traditional waters. Bruce Braun has described how environmental groups have sometimes also played to images of Indigenous peoples as primitive in order to advance their own organization's agendas. Braun writes, "What qualifies a place as wilderness is its ability to appear to lie outside human history," and that as a corollary wilderness designation requires that any Indigenous people that inhabit or inhabited the area be portrayed "as a natural culture, at home in the wild." He further describes how environmental groups have used wilderness designation as a lever to wrest forest resource management away from an indigenous community in British Columbia, writing, "[t]o the extent that the Nuu-chaa-nulth appear properly indigenous, Clayoquot Sound can be situated in a mythical place outside modernity and thus a place that both deserves preservation and requires a modern representative to speak in its name."

In the most drastic cases, when people are removed from their lands, the absence of an Indigenous population who previously could guard and watch over the lands also opens the newly "protected" area to outside poachers, squatters, cattle ranchers, renegade loggers, and exotic animal hunters, and biodiversity thus tends to decrease without indigenous people. The huge parks and reserves that are created in so-called developing nations often involve a "debt-for-nature swap" that encourages the home country to set aside conservation land in a deal with a large conservation NGO (e.g., WWF, The Nature Conservancy, or Conservation International).

-

<sup>&</sup>lt;sup>531</sup> The Mexican national press has been closely monitoring this situation and the tensions that it has created with mestizo fishermen. A good overview is Julieta Martínez, *Peligra Etnia Cucapá en Baja California*, EL UNIVERSAL, Apr. 24, 2005, at 1.

<sup>&</sup>lt;sup>532</sup> See Bruce Braun, The Intemperate Rainforest: Nature, Culture and Power on Canada's West Coast 88, 94 (Univ. of Minn. Press 2002)

Dowie, *supra* note 530, at 110-112. At the end of his essay, Dowie sounds a somewhat positive note, writing that some conservation organizations are learning "from bitter experience that national parks and protected areas surrounded by angry, hungry people [are] doomed to fail." He quotes one WWF official in Borneo: "It is becoming increasingly evident that conservation objectives can rarely be obtained or sustained by imposing policies that produce negative impacts on indigenous peoples."

Much of the funding for these NGOs comes not from individuals, but from large foundations, the World Bank, the Global Environmental Fund, USAID, and transnational corporations. 534

Ecotourism is sometimes touted as a way to reconcile opposing goals of conservation and development, but sometimes neither set of goals is likely to benefit local people. Jobs created tend to be low-wage positions such as porters and maids, and people are drawn into this wage economy as conservation aspects of the projects curtail their access to use the land or sea. Exposure to the consumer culture of tourists makes some people think of themselves, possibly for the first time, as being "poor," and indigenous people often find their identities and rituals commoditized and trivialized as attractions for the visitors. <sup>535</sup>

Although even the most local-seeming of resource extraction projects are tied into the global commodities market (through mineral or timber prices, for example), some environmental pressures that impact indigenous people, such as climate change, are more obviously generated on a global scale. Sheila Watt-Cloutier, Chair of the Inuit Circumpolar Conference, testified in 2004 before the US Senate to review the impacts of global warming on the Inuit, who she termed "the canary in the global coal mine." Watt-Cloutier warned of melting sea ice, rising sea level, thawing permafrost, relocation of communities, and declining marine wildlife populations.

Noting that the Inuit have the highest suicide rate in North America and engage in destructive behaviors related to unemployment and poverty, she argues that what saves many Inuit is a return to the sea ice and traditional subsistence hunting. In her words, "If climate change takes

<sup>&</sup>lt;sup>534</sup> Dowie, *supra* note 530, at 108.

<sup>535</sup> Suzanne York, *Mixed Promises of Ecotourism, in* PARADIGM WARS114-119.. The essay is overall highly critical of ecotourism as a way to strengthen indigenous communities, but notes that if carefully controlled and designed by local people at all stages of the process, it can bring meaningful benefits to a community. For example, the Toledo Ecotourism Association of Belize and RICANCIE of Ecuador were founded by local indigenous groups and seek to carefully distribute the benefits of such tourism equally among participating villages. *See id.* at 118-19.

that source of wisdom away from us, just as we are coming through our struggle with modernization, then I profoundly fear for my people."<sup>536</sup>

Indigenous peoples are also threatened by the global market in Indigenous artifacts, religious objects, and art styles. Sacred objects are sometimes stolen or surreptitiously purchased from Indigenous territories, or they pass into the realm of private collection via archaeological excavation. There have been proposals to reduce export controls in "source" countries as part of larger trade deregulation, but archaeologist Neil Brodie has argued against deregulation of the illegal international trade, claiming that the market for and theft of these objects would thus only increase. Terri-Lynn Williams-Davidson, former Executive Director of Environmental-Aboriginal Guardianship through Law and Education (EAGLE), has discussed impacts of the loss of these irreplaceable objects, but has also described a growing global industry of imitation Indigenous art (often mass produced) and the demoralizing effects that the trivialization of sacred objects has on indigenous people. Sale WTO and NAFTA rules make it difficult for Indigenous people to appeal to their national governments for import barriers against mass-produced imitations. Native artistic production becomes less viable and communities are increasingly pressured to accept proposals to develop or industrialize their territories. Williams-

<sup>536</sup> Sheila Watt-Cloutier. Climate Change in the Arctic, in PARADIGM WARS 84-87; BRUCE ELLIOT JOHANSEN, GLOBAL WARMING IN THE 21ST CENTURY: MELTING ICE AND WARMING SEAS 333 (2006). See also Haider Rizvi, Climatic 'Life and Death' Issue for Native Peoples, www.commondreams.org/archive/2008/04/24/8491; Alexei Barrionuevo, Amazon's 'Forest Peoples' Seek a Role in Striking Global Climate Agreements, NY TIMES, April 6, 2008; Wizipan Garriott, Climate Change: Mitigation Processes of Indigenous Peoples (unpublished paper prepared for Victoria Tauli-Corpuz by the Indigenous Peoples Land & Policy Program, University of Arizona Rogers College of Law) available by request at hershey@law.arizona.edu; IPCCA: Indigenous Peoples and Climate Change in International Processes, www.unutki.org/default.php?doc id=98.

<sup>537</sup> Neil Brodie, Export Deregulation and the Illicit Trade in Archaeological Material, in Legal Perspectives on Cultural Resources 85-99. (Jennifer R. Richman and Marion P. Forsyth, eds., 2004. See also Patty Gerstenblith, From Steinhardt to Schultz: The McClain Doctrine and the Protection of Archaeological Sites, in id. at 100-118.

<sup>538</sup> Terri-Lynn Williams-Davidson, Sacred Objects, Art, and Nature in a Global Economy, in PARADIGM WARS 98-104.

<sup>&</sup>lt;sup>539</sup> For example, Pueblo artists in New Mexico commonly lament the now-widespread sale of imitation Pueblo pottery manufactured in China.

Davidson describes how international trade rules (such as the investor-state mechanisms of NAFTA and the "national treatment" clause of the WTO) are specifically written to supercede laws of (or agreements with) "sub-governments" such as Indigenous nations, if such laws or agreements have the effect of inhibiting the intentions of the international trade rules. <sup>540</sup>

## Negotiation and Consultation

Indigenous peoples face numerous challenges and threats associated with globalization, but it is crucial to note that many do not passively accede to domination by global market forces. Resistance, negotiation, and consultation are common features of Indigenous peoples' interactions with transnational corporations and international economic policy bodies, but the definition and content of these terms play out very differently for different communities. Much depends on the specific history of communities' interactions with various governments, corporations, academic institutions, or NGOs, and on the legal framework that conditions relations of power among all of these entities. For example, one can contrast the vulnerability of Huaorani Indigenous communities in Ecuador who sought compensation for oil drilling on their lands<sup>541</sup> with the relatively stronger position of various First Nations opposed to a major natural gas pipeline proposed to run south from Canada's Mackenzie Delta.

The Huaorani example suggests that corporations will take advantage of situations in which the absence of the nation-state as intermediary results in direct negotiation of a corporation with an indigenous group. In 2001 AGIP Oil of Italy, in return for the right to build oil wells on Huaorani lands, agreed to compensate six communities with a total of 50 kg of rice

171

<sup>&</sup>lt;sup>540</sup> Williams-Davidson, *supra* note 538, at 102-103. *See also Graeme Austin, Re-Treating Intellectual Property?: The WAI262 Proceeding and the Heuristics of Intellectual Property Law*, 11 CARDOZO J. INT'L & COMP. LAW 333 (2003).

<sup>&</sup>lt;sup>541</sup> See William Langewiesche, Jungle Law, VANITY FAIR 226, May 2007.

and sugar, a bag of salt, 2 footballs, 15 plates and cups, 34 cans of tuna and sardines, some medicines, a radio, a battery and solar panel, and \$3500 to build a school room. 542

In contrast, the Deh Cho First Nation and other native groups in Canada have thus far successfully resisted the construction of a \$6 billion, 800-mile natural gas pipeline from the Mackenzie River Delta to Alberta. Proponents of the plan argue that it will bring thousands of jobs and necessary infrastructure such as roads and bridges to Indigenous territories, although even pro-pipeline newspaper editorials admit the "evidence from other gas development projects that domestic violence, drug abuse, alcohol abuse, and cultural dislocation can all increase." Various First Nations have used the intermediary mechanisms available to them via provincial and federal governments to mount legal challenges to the consortium of oil companies charged with building the project and to engage in legally mandated consultation processes. For example, in February 2006 the Dene Tha, a 2,500-member indigenous group, sought a judicial stay of all environmental hearings by a review panel until their right to participate in negotiations was recognized. 544

Despite the weakened power of the nation-state relative to global commerce bodies such as the WTO, Indigenous peoples in some nations are better able to assert their rights than Indigenous groups in others. For example, according to anthropologist Susan Crate, native peoples in northern Canada have been able to apply their experience at negotiating the terms of the pipeline project to drive a harder bargain with the backers of a diamond mine in the

<sup>&</sup>lt;sup>542</sup> See Janet Lloyd, Atossa Soltani, & Kevin Koenig, *Infrastructure Development in the South American Amazon*, in PARADIGM WARS 78.

<sup>&</sup>lt;sup>543</sup>Author, *Pipeline Dreams*, OTTAWA CITIZENS, May 9, 2005, at A14. *See also* Robert Collier, *Battle for Canada's Underground Resources*, S.F. CHRON., Mar. 24, 2005; Clifford Krauss, *Trout Lake Journal: Natural Gas or Nature in Canada's Far North*, NY Times, Oct. 20, 2003, *available at* <a href="http://www.nytimes.com/2003/10/20/world/trout-lake-journal-natural-gas-or-nature-in-canada-s-far-north.html?n=Top%2FReference%2Ftimes%Topics%Fsubjects%2FPipelines; *Imperial Oil Strikes Tentative Deal With Dehcho on Mackenzie Pipeline Land Access*, CBCNEWS.CA, Feb. 16, 2009, *available at* <a href="http://www.cbc.ca/canada/north/story/2009/02/16/cp-dehcho-mgp.html">http://www.cbc.ca/canada/north/story/2009/02/16/cp-dehcho-mgp.html</a>.

<sup>&</sup>lt;sup>544</sup> Author, *Pipeline Review Challenged*, THE GAZETTE (Montreal), Feb. 20, 2006, at A12.

Northwest Territories, ensuring guarantees of employment for local workers and active participation in the environmental impact assessment process. Crate compares this experience with that of the Viliui Sakha, an indigenous group in northern Russia, who were not consulted or involved when the former USSR established diamond mines and collective farms to serve outside workers in their traditional homelands. In several Viliui Sakha towns, Crate has documented serious health problems and environmental degradation caused by mining operations and waste runoff. 545

National and state laws can indeed still offer some protection for Indigenous communities actively resisting extractive industries of transnational corporations. Another anthropologist, Carol MacLennan, has documented how the Mole Potowatomi Ojibwa stopped an Exxonsponsored copper and nickel mine in their traditional territory in Michigan's Upper Peninsula. The local Ojibwa government allied with environmental groups such as Trout Unlimited to stop the mine not through the permitting and EIS process, but by successfully lobbying for a new Michigan state law to put a moratorium on sulfide mining. The new law employed the precautionary principle, placing the burden of proof on mining companies to show a commitment to safe practices and a history of safe practices in other mines. 546

Nation-state involvement, however, can also work against Indigenous groups, particularly when elements of the state collude with global corporate interests. A 2005-2006 *New York Times* series, "The Cost of Gold", investigated environmental abuses and ethically questionable payments made by New Orleans-based company Freeport-McMoRan to the Indonesian military

-

Susan Crate, Cows, Kin, and Karats, Presentation at Society for Applied Anthropology Annual Meetings, Vancouver, British Columbia (Mar. 31, 2006).

<sup>&</sup>lt;sup>546</sup> Carol MacLennan, Mining and Environmental Justice on the South Shore of Lake Superior, Presentation at Society for Applied Anthropology annual meetings, Vancouver, British Columbia (Mar. 30, 2006). For historical context, see Alice McCombs' 1995 article on other successful Ojibwa efforts to block American and Canadian mining corporations from establishing operations in their territories, <<u>www.native-net.org/archive/nl/9511/0362.html></u>

Indonesia. And the Grasberg gold and copper mine on the island of Papua in Indonesia. Rock tailings from the operation, the largest gold mine in the world, have choked downstream rivers and estuaries with acid-leaching debris, but close relations between the company and the repressive Suharto dictatorship stifled potential protest for decades. The *Times* reporters uncovered a history of hidden payments to Indonesian military officers from 1998 to 2004 after years of company espionage of environmental groups and Amungme and Komoro tribal leaders' communications failed to prevent 1996 riots in which local protestors destroyed equipment, shutting down the mine and its mill for three days. The \$20 million in payments included more than \$200,000 in 2003 to the Indonesian police Mobile Brigade, a paramilitary force cited by the U.S. State Department "for numerous serious human rights violations, including extrajudicial killings, torture, rape, and arbitrary detention."

It is worth noting that the Indonesian government was not a monolithic entity in these dealings. Even while officials at all levels of the Indonesian military were accepting bribes from Freeport-McMoRan to quash opposition to the mine, the Indonesian government's environment minister, Sonny Keraf was pressuring other agencies to hold the company accountable for its destruction of rivers, forests, and fish. Although Freeport-McMoRan avoided paying any compensation, another large transnational gold mining corporation, Newmont, settled a civil lawsuit in an Indonesian court in February 2006 by agreeing to pay \$30 million for environmental and social programs to mitigate the impacts of its pollution of Indonesia's Buyat Bay. The trial was a rare case of a major American corporation facing criminal charges in a developing country where it is a major foreign investor. 548

<sup>&</sup>lt;sup>547</sup> The best overview of the situation can be found in Jane Perlez and Raymond Bonner, *Below a Mountain of Wealth, a River of Waste*, N.Y. TIMES, Dec. 27, 2005, at A1. See also a Reuters report published in the *Times: After Clashes, Indonesian Troops Guard Gold Mine*, N.Y. TIMES, Feb. 25, 2006, at A7.

<sup>&</sup>lt;sup>548</sup> On the Newmont case, see two articles by Jane Perlez in the N.Y. TIMES: *Gold Mining Company to Pay* 

A commonly legislated solution to conflicts between Indigenous groups and other parties (be they extractive corporations, government agencies, or even universities) is mandatory consultation, but there is often fundamental disagreement about what constitutes adequate consultation. Industry and government initiatives to consult with Indigenous communities often result from economic and legal necessity, involve tight timelines, and tend to be issue-specific; in contrast, Indigenous representatives often express a desire to establish longer-term partnerships that address specific issues but within broader historical contexts. More important than whether native populations are "consulted" is the nature of the process, important questions being: Who controls the timetable and terms of consultation? How are participants in the process identified and notified? Do Indigenous people have the authority and resources to set the boundaries of the discussions? Is the interaction informational in nature ("We are going to do this, so get ready for it") or do Indigenous peoples have the right to accept or reject proposed actions? Finally, are recommendations of Indigenous groups taken seriously and/or acted upon? Finally, are recommendations of Indigenous groups taken seriously and/or acted

Indonesia \$30 Million, Feb. 17, 2006, at A4; and Indonesian Says Waste from Mine Tainted Fish, Feb. 4, 2006, at A5.

<sup>&</sup>lt;sup>549</sup> This generalized description is drawn from the conclusions of an extensive specific study. *See* Richard W. Stoffle, María Nieves Zedeño, & David B. Halmo, AMERICAN INDIANS AND THE NEVADA TEST SITE: A MODEL OF RESEARCH AND CONSULTATION 203-07 (Bureau of Applied Research in Anthropology, Univ. of Arizona) (U.S. Government Printing Office, 2001); DWIGHT G. NEWMAN, THE DUTY TO CONSULT: NEW RELATIONSHIPS WITH ABORIGINAL PEOPLES (2009).

Intellectual Property and the Malaysia Bar Council's Intellectual Property Committee – Joint Conference [Australia Human Rights Commission Report], <a href="www.hreoc.gov.au/about/media/speeches/speeches">www.hreoc.gov.au/about/media/speeches/speeches</a> president/2006/200609; Charles R. McManus, <a href="mailto:Intellectual Property">Intellectual Property</a>, Genetic Resources and Traditional Knowledge Protection: Thinking Globally, Acting Locally, 11 CARDOZO J. INT'L & COMP. L. 547 (2003); Graeme Austin, Retreating Intellectual Property?: The WAI262 Proceeding and the Heuristics of Intellectual Property Law, 11 CARDOZO J. INT'L & COMP. L. 333 (2003); Michael Halwood, Indigenous and Local Knowledge in International Law: A Preface to Sui Generis Intellectual Property Protection, 44 McGill L.J. 953 (1999); Kerry Ten Kato & Sarah Laird, The Commercial Use of Biodiversity: Access to Genetic Resources and Benefit Sharing (1999); Jack Kloppenburg, Jr., Intellectual Property Rights: The Politics of Ownership, <a href="www.culturalsurvival.org/ourpublications/csq/article/no-hunting-biodivers">www.culturalsurvival.org/ourpublications/csq/article/no-hunting-biodivers</a>; The Manukan Declaration of the Indigenous Women's Biodiversity Network (IWBN); Chidi OGUAMANAM, International Law and Indigenous Knowledge: Intellectual Property Rights, Plant Biodiversity, and Traditional Medicine (2006); Convention on Biological Diversity, International Regime on Access and Benefit Shaaring, <a href="www.cbd.int/abs/regime.shtml">www.cbd.int/abs/regime.shtml</a>; Who Owns Native Culture?,

Thomas Griffiths' descriptions of World Bank initiatives to increase "participation" by native peoples are instructive.<sup>551</sup> In 1991, the World Bank adopted revisions to an earlier directive on Indigenous peoples known as Operational Directive 4.20 (OD4.20). Indigenous leaders criticized the World Bank at the time because the policy was not developed in consultation with Indigenous peoples, and criticized the new policy for not meeting international standards on the rights of Indigenous peoples, not specifying that securing Indigenous land and resource rights be an essential precondition for project appraisal and approval, not expressly prohibiting forced relocation, and not recognizing the Indigenous right to free prior and informed consent (FPIC) to any developments proposed on their lands and territories. After lengthy internal consultations among Bank staff and governments, the World Bank released its first draft of a revised Indigenous Peoples Policy to the public in 2001 as "OP4.10". Public consultations from July 2001 to February 2002 involved 25 meetings of over 1000 "stakeholders" in total. However, Indigenous peoples who engaged with the process complained that crucial documents were not provided ahead of time for meetings, translation was inadequate, and time schedules were too tight to permit for adequate and meaningful responses by Indigenous representatives. 552

In a "Collective Statement on Multilateral Development Banks and Indigenous Peoples' Rights" the Fourth Session of the UN Permanent Forum on Indigenous Issues objected to the World Bank's use of the phrase "Free Prior Informed Consultation" rather than "Free Prior Informed Consent" even though Indigenous representatives had explicitly rejected that language

www.williams.edu/go/native; Traditional Knowledge Digital Library, www.tkdl.res.in.

The following account is drawn from Tom Griffiths, INDIGENOUS PEOPLES AND THE WORLD BANK: EXPERIENCES WITH PARTICIPATION 4-11 (Forest Peoples Programme, 2005), *available at* www.forestpeoples.org/documents/ifi igo/wb ips and particip jul05 eng.pdf.

<sup>552</sup> On page 7 of his report, Griffiths quotes an unnamed indigenous representative to a roundtable called by the World Bank in response to these critiques: "It is not a question of how many consultation meetings the Bank has carried out. It is a question of whether or not indigenous peoples who took part in those meetings feel that they have enjoyed proper participation and to what extent they consider that their concerns are being addressed in the revised policy." For other indigenous representatives' responses to this October 2002 meeting at Bank headquarters, see www.forestpeoples.org/documents/ifi igo/wb ip round table summary oct 02 eng.pdf.

during participation in the creation of the policy revision. The new revision also did not incorporate their recommendations for third party verification of the existence or non-existence of "broad community support" for proposed projects. In May 2005, the World Bank Board of Directors approved OP4.10 without significant changes.

## Alternatives and Possibilities

Seneca leader John Mohawk wrote of a philosophy of wealth that provides a counter to global market forces, and that underlies many Indigenous communities' efforts to assert control over their own development. In his words:

We want to have a different kind of discussion; we want to talk about "subsistence". Subsistence living has nothing to do with materialism. People who live a subsistence life don't think of it as, 'Oh, I got seven pounds of fish today; I'm therefore materially well off.' They *are* materially well off, but they don't see the world that way. They see themselves living in the world and in a relationship to the world that is not only that the world nurtures them, but that they have a reciprocal obligation to nurture it. They're here to maintain its survival as a coherent thing. That's what subsistence really is about. Subsistence isn't an economic exchange. It's a cultural, spiritual, social exchange that's intended to go on for generations. In fact, it's the most moral relationship with nature that humans have ever devised. It's a way of dealing with that which is greater than we are in a respectful and coherent and sane manner. 553

The ability of an Indigenous group to shape such a relationship with the rest of the world depends greatly on its ability to control what happens within its own territory. Debra Harry describes various efforts by indigenous groups to control outsiders' access to and use of their lands. In the US, the Navajo and Cherokee nations, among other tribes, have established Institutional Review Boards that researchers need to clear before working on tribal lands.

2) a reliance on reason to comprehend the world and solve problems, 3) an emphasis on individualism and improvement, and 4) with an acceptance of individual happiness (rather than group welfare) as the supreme good. His most-cited statement on the subject is *Technological Innovation and Western Values*, TECHNOLOGY AND SOCIETY, 20: 499-520 (1998).

177

<sup>&</sup>lt;sup>553</sup> John Mohawk, *Subsistence and Materialism*, *in* PARADIGM WARS 23. Other scholars have focused on what such a philosophy contrasts with. Indian economist Arunoday Saha has written eloquently of how the promotion of Western technologies is inexorably bound with: 1) the desire to control nature to serve human needs,

Harry's own organization, the Indigenous Peoples Council on Biocolonialism, has developed the "Indigenous Research Protection Act", a model law that tribal governments can adapt to protect their people and resources against unwanted research, and to regulate research to which the tribe consents. 554

Geographer Anthony Bebbington has noted that various Indigenous federations in Ecuador have consciously employed production-boosting Green Revolution technologies in order to stem out-migration of their youth, which is viewed as a bigger threat to group solidarity and identity than the introduction of new technologies. Bebbington argues that any dichotomy between "Indigenous" and "modern" forms of agriculture and technology mostly exists in the realm of rhetoric – in real life, most Indigenous peoples will employ those elements of new technologies that they find useful and appropriate. 556

Again, however, the issue becomes one of control. Many Indigenous societies have long been impacted by the actions of outsiders, and these actions have long been tied to transnational market forces; but globalization shifts the locus of control into ever more delocalized realms –

befra Harry. High-Tech Invasion: Biocolonialism, in PARADIGM WARS 63-66. Text of the model law can be found at <a href="https://www.ipcb.org/publications/policy/files/irpaintro.html">www.ipcb.org/publications/policy/files/irpaintro.html</a>. See also Process of Conducting Research on the Hopi Reservation, Arizona, <a href="http://cals.arizona.edu/pubs/natresources/az1466.pdf">http://cals.arizona.edu/pubs/natresources/az1466.pdf</a> (last visited April 12, 2009); <a href="https://cals.arizona.edu/pubs/natresources/az1475.pdf">process of Conducting Research on the San Carlos Apache Reservation, Arizona, <a href="http://cals.arizona.edu/pubs/natresources/az1475.pdf">http://cals.arizona.edu/pubs/natresources/az1475.pdf</a> (last visited April 12, 2009); <a href="https://www.nptao.arizona.edu/research/index.cfm">www.nptao.arizona.edu/pubs/natresources/az1475.pdf</a> (last visited April 12, 2009); <a href="https://www.nptao.arizona.edu/research/index.cfm">www.nptao.arizona.edu/research/index.cfm</a>; <a href="https://www.nptao.arizona.edu/research/index.cfm">Martha Macintyre</a>, <a href="https://www.nptao.arizona.edu/research/index.cfm">Informed Consent and Mining Projects: Some Problems and a Few Tentative Solutions</a>,

www.minerals.csiro.au/sd/certification/MacintyrePriorInformedConsentand Mining.pdf; Natalie Piguemal, Four Principles to Guide Research with Aboriginals, POLICY OPTIONS 49 (December 2000); International Work Group for Indigenous Affairs, <a href="www.iwgia.org">www.iwgia.org</a>; DWIGHT G. NEWMAN, THE DUTY TO CONSULT: NEW RELATIONSHIPS WITH ABORIGINAL PEOPLES (2009).

The outmigration of young people seeking wage economy jobs, an increasingly transnational movement linked to global flows of capital and labor, is a disruptive social force in many indigenous communities. Duncan Earle and Jeanne Simonelli have noted, for example, that large-scale emigration from lowland Chiapas has threatened to undermine community solidarity in autonomous Zapatista regions. *See* especially Uprising of Hope: Sharing the Zapatista Journey to Alternative Development 193-94 (Alta Mira Press, 2005).

 $<sup>^{556}</sup>$  Anthony Bebbington. *Modernization from below: An Alternative Indigenous Development?*, in Economic Geography 69(3): 274-292 (1993).

from local government to national government to international finance markets where little accountability is conceivable. 557

Several Indigenous people do not passively accept globalization's impacts, however. For example, Mayan populations in southern Mexico and Central America have pushed their governments to scale back the Plan Puebla-Panama (a \$10 billion regional infrastructure "megaproject" sponsored with loans from the Inter-American Development Bank, the Central American Bank for Economic Integration, and the World Bank) because they would be unable to control the imposition and impacts of highways, energy grids, dams, oil pipelines, and industrial zones on their lands. In Bolivia, World Bank loans (with conditions to privatize a water system) generated an ultimately successful resistance movement in Cochabamba, Bolivia in which Indigenous groups allied with other local farmers, labor groups, environmentalists, and human rights activists to end monopolistic control of the city's water by the San Francisco-based Bechtel Corporation. 559

Many Indigenous organizations around the world are devising ways to meet the changing needs of their populations, adopting that which they consider appropriate (and rejecting that which does not) while actively defining their relationships with global consumer capitalism. The book *Paradigm Wars*, published by the International Forum on Globalization, provides a partial listing (including contact information) of active Indigenous organizations in an appendix and is a good place for educators to direct their students. <sup>560</sup> Many of these organizations integrate

<sup>&</sup>lt;sup>557</sup> Anthropologist Sidney Mintz's SWEETNESS AND POWER (Penguin Books, 1986), for example, demonstrates how increasing consumption of sugar in industrializing societies of Europe directly impacted the lives of Caribbean peoples during the colonial period.

<sup>558</sup> See PARADIGM WARS 148-49 for an overview of the Plan Puebla-Panama. The partial success of vehement Zapatista opposition to the Plan is outlined by Duncan Earle and Jeanne Simonelli, *supra* note 555.

559 See Antonia Juhasz. Global Water Wars, in PARADIGM WARS 90-91.

Another book by the International Forum on Globalization, ALTERNATIVES TO ECONOMIC GLOBALIZATION (2004), provides further detail about what it terms "People's Alternative Initiatives" –efforts around the world to build local economies responsive to local needs. *See* especially pages 253-267. The most famous

specific political action with efforts to revitalize language and culture, pursuing locally controlled "development" – in contrast to the blunt and sometimes harmful instruments of international aid agencies and financial institutions.

Achievements in the larger context of international policy have also helped in local battles. Victoria Tauli-Corpuz has written that increasing recognition of human rights of collective groups, as opposed to individual rights, has been one of the most important advances for Indigenous peoples in the past two decades. New spaces for Indigenous rights advocacy include the UN Permanent Forum on Indigenous Issues, the establishment of which was an important step because for years indigenous peoples were frustrated at having to present their arguments in reductionist terms of human rights, the environment, or biodiversity. The triumphant culmination of Indigenous human rights advocacy is bound in the UN Declaration on the Rights of Indigenous Peoples passed by the UN General Assembly in 2007. And important victories in international courts, such as the decision in the Inter-American Court of Human Rights to hold the state of Nicaragua responsible for permitting a company to build roads

efforts at alternative development are probably those of the Zapatistas autonomous regions in Lacandon jungle. Zapatista "solidarity economics" of partial disengagement from the market economy is well-described in Earle & Simonelli, *supra* note 555, at 179-210. To their credit, the authors rightly acknowledge (although they do not stress the point) that without Zapatista soldiers (both the initial attention from the armed takeover and the threat of disruption that could perturb the investor-friendly climate of Mexico), the new directions in autonomous development and government that they describe might not have been possible.

<sup>561</sup> See United Nations Declaration on the Rights of Indigenous Peoples,
http://www.un.org/esa/socdev/unpfii/en/declaration.html, also available at http://www.iwgia.org/sw248.asp
(International Work Group for Indigenous Affairs); see also "Plain Language" version of the [Draft] Declaration,
www.iwgia.org/sw1592.asp; Victoria Tauli-Corpuz, The Prospects Ahead, in PARADIGM WARS 183. See also page
16 of her essay Our Right to Remain Separate and Distinct in the same volume. There are a number of NationStates who have reformed or articulated Indigenous respect in their national constitutions. See Bartolomé Clavero,
Cultural Supremacy, Domestic Constitutions, and the Declaration on the Rights of Indigenous Peoples,
http://www.derechosindigenas.org/wp-content/uploads/2008/06/americanconstitutions-declaration.pdf; S. JAMES
ANAYA, INDIGENOUS PEOPLES IN INTERNATIONAL LAW (2<sup>nd</sup> ed 2004) (See citation p. 94, note 161). Cf. David Orr,
Law of the Land, ORION 18, January/February 2004).

and log forests on Awas Tingni lands (enforcement of the decision was made a condition for a World Bank loan to Nicaragua), signal a movement towards Indigenous collective rights. <sup>562</sup>

These pages thus far have focused on negative impacts, but some aspects of globalization can also work to the advantage of an Indigenous group. For example, the presence of NGOs or other outside entities may sometimes limit the ability of national governments, powerful companies, or local elites to violently repress Indigenous movements for social justice. Even the rules of the WTO may sometimes be useful to an indigenous organization in its local political battles. Secwepemc leader Arthur Manuel, for example, argues that Canadian refusal to recognize Indigenous rights and sovereignty in areas logged of softwood lumber constitutes an illegal export subsidy under the guidelines set out by the WTO. The U.S. unilaterally imposed high tariffs on Canadian softwood lumber imports, which it claimed where heavily subsidized by Canada – an "unfair trade practice" under WTO rules. The Canadian constitution recognizes and affirms Aboriginal Title to all lands that have not been the subject of treaties between Canada and Indian nations. Manuel focuses on British Columbia, where there have been no such treaties for almost all of the logged lands. He argues that the Canadian government thus acted illegally by giving free logging concessions on forest lands to corporations. Neither the government nor

\_

<sup>&</sup>lt;sup>562</sup> Symposium, The Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, 19 ARIZ. J. INT'L & COMP. L. – 2002, available at <a href="http://www.law.arizona.edu/Journals/AJICL2002/contents-v19n1.cfm">http://www.law.arizona.edu/Journals/AJICL2002/contents-v19n1.cfm</a>. See also "International Human Rights Commission Admits Hul'Qumi'Num Treaty Group Case, <a href="http://indigenouspeoplesissues.com/index.php?option=com\_content&view=article&id=3020%3Ainternational-human-rights-commission-admits-hulquminum-treaty-group-case&catid=52%3Anorth-america-indigenouspeoples&Itemid.

<sup>&</sup>lt;sup>563</sup> Janet Lloyd, Atossa Soltani, and Kevin Koenig provide examples in *Infrastructure Development in South American Amazon, in* PARADIGM WARS 76-82. In another example, the Accompaniment Project of the Network in Solidarity with the People of Guatemala places volunteers side-by-side with indigenous rights activists who might otherwise be at higher risk of retaliation for their political activities. www.nisgua.org/G.A.P. text.htm

<sup>564</sup> One can argue that even WTO rules which work against indigenous groups may not have teeth in all cases. Terri-Lynn Williams-Davidson notes that Article 46 of the Vienna Convention on the Law of Treaties states that while rules such as those of the WTO normally trump domestic laws, they do not do so in the case of "fundamentally important" internal laws. She argues, specifically with regards to Canada, that fiduciary obligations to aboriginal interests are of such fundamental importance. *See* Williams-Davidson, *supra* note 538, at 103-04.

<sup>&</sup>lt;sup>565</sup> Arthur Manuel. *Indigenous Brief to WTO: How the Denial of Aboriginal Title Serves an an Illegal Export Subsidy, in PARADIGM WARS 172-178.* 

the companies have compensated Indian nations neither for the use of the resource nor for damage to the lands, and he argues that these actions are thus an illegal subsidy for Canadian softwood exports. He also states that the government actions violate the "prior informed consent" requirement before any development is to take place on Indigenous peoples' lands (ILO, Convention on Biological Diversity Article 8j, and pending UN Draft Declaration on the Rights of Indigenous Peoples). Manuel argues that this basic argument can be useful for Indigenous people around the world who fight the extraction of timber, oil, minerals, fish, freshwater, etc. from their lands. Manuel's organization, the Indigenous Network on Economies and Trade has at least received an audience (via acceptance of amicus curiae briefs in 2002) from the WTO, which he says is "the first time ever that the WTO or any other trade bureaucracy officially accepted substantive Indigenous submissions on a pending case, thus finally recognizing our legal standing" (emphasis in original). Manuel sees this acceptance of the briefs by the WTO as showing promise that Indigenous people can find *some* new opportunities in globalization, as this otherwise "dangerous bureaucracy" provides a medium through which Indigenous people can seek justice via the "hard" enforcement mechanisms (e.g. sanctions) of trade law (as opposed to the harder-to-enforce "soft" mediums of human rights and environmental law).

Given what sometimes seems like the inevitability of globalization, it is inspiring that those people who value health, security, and community can sometimes refashion its manifestations into tools of resistance and solidarity. In fact there is good reason for hope. The resistance of many Indigenous people to the effects of globalization has arisen not from abstract concerns, but from real struggles for control over and access to their land, knowledge, and resources. It is from these local, real-life struggles that a movement of Indigenous peoples

around the world has grown.<sup>566</sup> In part it is by their efforts that "globalization" is not accepted as a nearly-unquestioned "good" the way that "development" (or more recently, "sustainable development") is in popular discourse.

For educators who want to include studying impacts on Indigenous peoples into their globalization curriculum, it is crucial not to lose sight of the issue-specific, pragmatic nature of Indigenous resistance movements. It's necessary to differentiate between particular places and situations, tied to real local histories—it's neither useful nor interesting to students to make blanket statements about how "Indigenous culture" has been affected by globalization. It is hoped that this curriculum provides a framework and resources with which to begin this task.

#### Conserve Communities/Solutions

When I first began writing this tome, I envisioned only a short introduction to the accompanying Syllabus. But somewhere along my journey, it began to metamorphosize into a chimera, a utopian or unrealized dream.

How is one to live a moral and compassionate existence when one is fully aware of the blood, the horror inherent in life, when one finds darkness not only in one's culture but within oneself? If there is a stage at which an individual life becomes truly adult, it must be when one grasps the irony in its unfolding and accepts responsibility for a life lived in the midst of such paradox. One must live in the middle of contradiction, because if all contradiction were eliminated at once, life would collapse. There are simply no answers to some of the great pressing questions. You continue to live them out, making your life a worthy expression of leaning into light. <sup>567</sup>

We live in a world poised between the crude decimation of life and the wondrous eclipse of that heartache when we bite into a majestically purple, orange, yellow, red, black, blue and

<sup>567</sup> BARRY LOPEZ, ARCTIC DREAMS (1986).

-

<sup>&</sup>lt;sup>566</sup> PARADIGM WARS provides numerous examples of pan-indigenous movements to block WTO expansion at a 2003 Cancún summit, declare solidarity against the patenting of life forms, seek protection for small-scale agricultural producers, and lobby for recognition of the right for indigenous groups to annul projects on their lands to which they do not give free prior informed consent. See esp. pages 11, 50, 59-60, and 218-220.

perfectly ripened peach, plum, nectarine, raspberry, blackberry, and, of course, blueberry. Our heartache erased, momentarily, by the exhilaration of sweetness and water.

My heart is moved by all I cannot save. So much has been destroyed I have cast my lot with those who, age after age, perversely, with no extraordinary power, reconstitute the world. <sup>568</sup>

Dancing on a razor's edge between the agonies and the ecstasies, we are asked to find that fine intellectual and energetic arabesque among the horrors and an ascendancy toward beauty. <sup>569</sup> By which trajectory comes solace. Only the letter "s" intervenes between laughter and slaughter.

So the class kills you. It kills me. Then I navigate, then you navigate, from the addictive and repetitive narratives of what is wrong, away from those storms that could swallow our boats whole, toward the "narratives of imagination and correction."

This is the story without apologies of what is going *right* on this planet, narratives of imagination and conviction, not defeatist accounts about the limits. Wrong is an addictive, repetitive story; Right is where the movement is. There is a rabbinical teaching that holds that if the world is ending and the Messiah arrives, you first plant a tree and then see if the story is true. Islam has a similar teaching that tells adherents that if they have a palm cutting in their hand on Judgment Day, plant the cutting. Inspiration is not garnered from the recitation of what is flawed; it resides, rather, in humanity's willingness to restore, redress, reform, rebuild, recover, reimagine, and reconsider. "Consider" (con sidere) means "with the stars"; reconsider means to rejoin the movement and cycle of heaven and life. The emphasis here is on humanity's *intention*, because humans are frail and imperfect. People are not always literate or educated. Most families in the world are impoverished and may suffer from chronic illnesses. The poor cannot always get the right foods for proper nutrition, and must struggle to feed

<sup>&</sup>lt;sup>568</sup> Adrienne Rich, "Natural Resources," *The Dream of a Common Language: Poems 1974-1977* (W. W. Norton 1993), p. 60.

Compare these parallel paths of emotional negotiation: Carla A. Wise (interview with Mary Wood), Green All the Lawyers, UTNE 46, September-October 2008; Jori Finkel, Back to Nature, in Pictures and Action (re: Sebastiao Salgado), NY TIMES, May 31, 2009. See also Joanna Macy, The Greatest Danger, YES! Mag. 53, Spring 2008; David Swick, We Live In The Best of All Times (interview with Alice walker), SHAMBHALA SUN 45, May 2007; Paul Hawken, To Remake the World, ORION 60, May/June 2007; Studs Terkel, On Hope and Activism, <a href="http://www.commondreams.org/views03/1111-09.htm">http://www.commondreams.org/views03/1111-09.htm</a>; STUDS TERKEL, HOPE DIES LAST (2004); Kseniya Simonova, Sand Animation, <a href="http://www.youtube.com/watch?v=518XP8prwZo">http://www.youtube.com/watch?v=518XP8prwZo</a>; James Lovelock, Making Peace with Gaia, RESURGENCE 59, September/October 2006; Terry Tempest Williams, Finding Beauty in a Broken World (interviewed by David Medaris), available at <a href="http://www.thedailypage.com/daily/article.php?article=24345">http://www.thedailypage.com/daily/article.php?article=24345</a>.

and educate their young. If citizens with such burdens can rise above their quotidian difficulties and act with the clear intent to confront exploitation and bring about restoration, then something powerful is afoot. And it is not just the poor, but people of all races and classes everywhere in the world. 'One day you finally knew what you had to do, and began, though the voices around you kept shouting their bad advice' is Mary Oliver's description of moving away from the profane toward a deep sense of connectedness to the living world.

Although the six o'clock news is usually concerned with the death of strangers, millions of people work on behalf of strangers. This altruism has religious, even mythic origins and very practical eighteenth-century roots. Abolitionists were the first group to create a national and global movement to defend the rights of those they did not know. Until that time, no citizen group had ever filed a grievance except as it related to itself. Conservative spokesmen ridiculed the abolitionists then, just as conservatives taunt liberals, progressives, do-gooders, and activists today by making those four terms pejoratives. Healing the wounds of the earth and its people does not require saintliness or a political party, only gumption and persistence. It is not a liberal or conservative activity; it is a sacred act. It is a massive enterprise undertaken by ordinary citizens everywhere, not by self-appointed governments or oligarchies. 570

Must we inculcate an enlightened restraint on demand,<sup>571</sup> or ameliorate the political and economic strains between cultures by adopting a posture of minimum ownership.<sup>572</sup> What is the distinction between "eco-efficient" and "eco-effective"?<sup>573</sup> Do we recognize that calls for "sustainable development" both contribute to and detract from "a language which speaks to the future's shadow? "Sustainable" is the language of balance and limits; 'development' is the language of the expectation of *more*."<sup>574</sup>

The pressing questions today are: "After Development, What? What concepts? What symbols? What images?

In order to find an alternative language, one must return to the past—to discover the history of those invented certitudes that are the mythological crystallization points around

185

<sup>&</sup>lt;sup>570</sup> PAUL HAWKEN, BLESSED UNREST 4 (Viking 2007). *See also* Paul Hawken, "How To Stop Our Economic Systems From Stealing," <a href="http://www.alternet.org/story/54920?page=4">http://www.alternet.org/story/54920?page=4</a> (Hawken discusses social movements as humanity's immune response to political corruption, economic disease and ecological degradation.)

<sup>&</sup>lt;sup>571</sup> Wolfgang Sachs, *The Virtue of Enoughness*, NPQ Special Issue 1999, page 10.

<sup>&</sup>lt;sup>572</sup> KO UN, THE SOUND OF MY WAVES (TAIZE ANTHONY, trans. 1993).

<sup>&</sup>lt;sup>573</sup> William McDonough and Michael Braungart, *The Next Industrial Revolution*, The Atlantic Monthly, October 1998.

<sup>&</sup>lt;sup>574</sup> Ivan Illich, *The Shadow Our Future Throws*, NPQ Special Issue 1999, page 14.

which modern experience is organized, certitudes like "need," "growth," "participation," "development."

\* \* \*

The 'human condition' once described a way of life bound by immutable necessities. Each culture cultivated commonly shared desires or projects of a symbolic nature. In the instance I just described, before transportation and refrigeration, or scientifically produced seed strains, great varieties of food, like blue corn, were grown, complex diets formalized, and seasons ritualized. "The Good" was defined within the "commons"--- life bounded by accepted limits.

'Development,' on the other hand, is one of those modern terms which expresses rebellion against the "necessity" that ruled all societies up to the 18<sup>th</sup> century. The notion of "development" promises an escape from the realm of necessity by transforming the "commons" into "resources" for use in satisfying the boundless "wants" of the possessive individual.

'Development' combines a faith that technology will free us from the constraints which bound all past civilizations with the root certainty of the 20<sup>th</sup> century: evolution. As interpreted by optimistic politics, 'evolution' becomes 'progress.' The term 'underdevelopment,' in fact, was first used by Harry Truman in 1949, when the colonialism shattered by World War II 'revealed' a world that was not on the track of industrial growth.

Parallel to the construction of this idea of industrial progress, another concept, which implied the assent of the 'masses' to development, came into vogue: participation. Since development reduces the constraints of necessity, people must, for their own good, transform their vague and sometimes unconscious desires into 'needs,' which then must be fulfilled.

'Needs' redefine 'wants' as 'lacks' to be satisfied by 'resources.' Since 'wants' are boundless, resources become 'scarce' because of the value 'lack' places upon them. This is the basis for the insatiable demand for more.

'Needs' are not 'necessities.' They are 'wants' that have been redefined as claims to commodities or services delivered by professionals from outside the vernacular skills of the community. The universal appearance of "needs" during the past 30 years thus reflects a redefinition of the human condition and what is meant by 'the Good.' 575

We ask more questions than there are stars; some are reverential, existential, others practical or silly or dreamy. I have some, you have some, and they come by way of our soulkeepers, the Indigene, schoolyard bullies, wisewomen and wisemen, the wrong-headed and

<sup>&</sup>lt;sup>575</sup> Id

the wisecrackers, boilerroom cokers, Acapulco surf-divers, beer brewers, apes, chimps, and frogs, cows, cats, and dogs, slugs, pugs, and thugs, snow, ice, and wind, and you get the point.

After several weeks in the course, we all have balanced calamity and nurture, studied the forensics of why we are here, in our trepidant ecological condition, at this moment of human existence on Planet Earth. Our journeys forward necessarily are individual, seeking like-minded realities. Who do I consult—who are my philosophical virtuosos?—to create my utopian version of the future of human life?

'Tell me, what do your Golden Archives contain, more or less?'

'A hundred volumes exactly. The Myths of Crete. The Myths of the Ancient World. The Brief History of the World in nine volumes. The Canon of Poetry in fifteen. Four books of ancient melodies: two of recent ones. The Book of Sums and Numbers. Twenty-eight Registers—of plants, birds, fishes, stars and so on. Thirteen Manuals—of surgery, dyeing, metallurgy, navigation, meteorology, apiculture and so on. Twelve dictionaries. Three Books of Maps. Five volumes of The Book of Precedents. Five volumes of The Book of Secrets, The Book of Death. And that's all. It took a century or more for these records to be gathered, sorted, simplified and engraved on gold plates, but once this had been done the subsequent additions and emendations weren't very numerous. The editors spent as much thought on discussing what didn't need to be included, as on what did. They argued that it was better to record too little than too much.'

When I questioned See-a-Bird further, he told me that the archives gave no information whatever about philosophy, advanced mathematics, physics or chemistry, nor about the motivation of any machine more complicated than the waterwheel, pulley or carpenter's lathe. Silver plates, he said, were used for records which, though believed to be durable, were still on probation. For example, every poet on the occasion of his 'acceptance' was given twenty small silver plates on which to record his life's poems; it was assumed that no poet could write enough true poems in his lifetime to cover more than twenty. He was expected to keep a record on clay-boards of all he wrote and consult his friends, from time to time, as to which of them, if any, should be transferred to silver. He might take their advice or not, as he pleased, and everyone respected him if he 'kept his plates bright' until he was about to become an elder, when he could judge the value of his work more objectively. If he kept his plates bright to the end, this earned him posthumous praise, whether or not a poem worthy of engraving on either silver or gold was found among his clay-boards. See-a-Bird quoted the record of Solero: 'the Goddess tormented him greatly and when he was killed by the fall of a poplar at the shrine of Mari the Silent, a pile of clayboards and slates were found on his cupboard-top. There are now forty plates in gold of Solero, who had kept his silver plates bright.'

'Never to commit one's poems to silver seems an easy way of getting a poetic reputation. In practice, does anyone ever use up his plates?'

'The poet Robnet had used all his twenty within a year of receiving them.'

'The Goddess must have tormented him pretty badly.'

'She did. She also put into the minds of his poet-friends to present him with twenty-one more plates, three from each so that she could torment him further.'

'He could surely have kept his poems on clay-boards like Solero?'

'The Nymph Fand, whom he loved, wouldn't let him do so.'

'What happened then?'

'He used all the new plates within six months; and then he took his life and became Fand's servant.'

'Say that again!'

'When the Goddess torments a man beyond his power to suffer further he goes to her principal shrine, removes his name from her register, and expires. He's re-born under a new name into the servants' estate; unless, of course, as sometimes happens, he has expired completely.'

'What did Fand do then?'

'She took another young poet as her lover; and presently disappeared.'

'You mean, that the jealous Robnet strangled her and disposed of her remains?'

'But I had said the wrong thing again and had to make another apology. No: Fand, it seems, simply disappeared. 576

On the Island of Mallorca in the Balearics, in a small northwestern town called Deia, at the base of the Sierra Tramuntana, the houses are crafted of indigenous stone and

<sup>&</sup>lt;sup>576</sup> ROBERT GRAVES, SEVEN DAYS IN NEW CRETE (Quartet 1975).

topped in red tiles. There is a small hilltop cemetery in the village entered via an arched gateway of lime-washed cob and chunks of rock. Next to a wondrously radiant dark green jade plant lies the grave of Robert Graves. In the year 2000, I plucked a fat branch and nurtured it in moist kerchief until it came into soil several weeks later. It grows still today alongside admiration of the late author of *The White Goddess*. A short walk away from Graves' rest, down the town's escarpments, past the sweet smell of tangerines, is a majestic *cala* of cerulean blue. This memory is where I go when I read my newest collection of authors-provocateurs. I have scribed some of them here next to a compendium of titles, from which materials I compose the Syllabus. An extended compilation of my resources is found in the Appendices following the latest Course Syllabus.

<sup>&</sup>lt;sup>577</sup> ROBERT GRAVES, THE WHITE GODDESS (Vintage Books 1948).

#### **BOOKS AND ARTICLES**

- Abram, David
   THE SPELL OF THE SENSUOUS
   (Pantheon Books 1996)
- Ackerman, Frank & Heinzerling, Lisa
   PRICELESS: ON KNOWING THE PRICE OF EVERYTHING AND THE VALUE OF NOTHING (The New Press 2004)
- Barnes, Peter CAPITALISM 3.0 (Quill/William Morrow 1997)
- Bass, Rick
   The War of the Senses
   ORION, September/October 2004
- Benyus, Janine BIOMIMICRY Quill/William Morrow 1997
- Berry, Thomas

  The Mystique of the Earth
  CADUCEUS, Spring 2003
- Berry, Wendell

  The Idea of a Local Economy
  ORION, Winter 2001, p. 28
- Brown, Lester R.
   Plan 2.0: Rescuing a Planet Under Stress And A Civilization In Trouble (W. W. Norton & Co. 2006)
- Cokinos, Christopher The Consolations of Extinction ORION, May/June 2007, p. 44
- Declarations of Interdependence, Special Section, ORION, Winter 2002
   What the World Needs Now, Special Section, ORION, Winter 2002
- Eisler, Riane
  THE REAL WEALTH OF NATIONS: CREATING A CARING ECONOMICS
  (Berrett-Koehler 2007)

#### • Hawken, Paul

BLESSED UNREST: HOW THE LARGEST MOVEMENT IN THE WORLD CAME INTO BEING AND WHY NO ONE SAW IT COMING (Viking Press 2007)

#### • Hawken, Paul

To Remake The World ORION 60, May/June 2000

#### • Illich, Ivan

The Shadow Our Future Throws NPQ Special Issue 1999, p. 14

#### • International Forum on Globalization

PARADIGM WARS: INDIGENOUS PEOPLES RESISTANCE TO ECONOMIC GLOBALIZATION (Sierra Club Books 2005)

#### • Jensen, Derrick

Beyond Hope

ORION, May/June 2006

#### • Korten, David

Agenda For a New Economy: From Phantom Wealth to Real Wealth Berrett-Koehler 2009

#### • Kumar, Satish

Following in Gandhi's Footsteps

LAPIS, Issue Nine

#### • Kurzweil, Ray

THE SINGULARITY IS NEAR

(Viking Press 2005)

#### • Mander, Jerry & Goldsmith, Edward

THE CASE AGAINST THE GLOBAL ECONOMY

(Sierra Club Books 1996)

#### • McDonough, William & Braungart, Michael

CRADLE TO CRADLE: REMAKING THE WAY WE MAKE THINGS

(North Point Press 2002)

#### • McDonough, William & Braungart, Michael

The Next Industrial Revolution

(THE ATLANTIC MONTHLY, October 1998)

#### • McKibben, Bill

DEEP ECONOMY: THE WEALTH OF COMMUNITIES AND THE DURABLE FUTURE (Times Books 2007)

#### • Okot p'Bitek

SONG OF LAWINO

(Heinemann 1966)

#### • Orbach, Susie

Bodies: Big Ideas/Small Books

Macmillan 2009

#### • Orr, David

Law of the Land

ORION, January/February 2004

#### • Pollan, Michael

IN DEFENSE OF FOOD – AN EATER'S MANIFESTO

(Penguin Press 2008)

#### • Pollan, Michael

THE OMNIVORE'S DILEMMA

(Penguin Press 2006)

#### · Roszak, Theodore

The Ecology of Wisdom

Lapis, Issue Seven

#### • Sachs, Jeffrey

COMMON WEALTH: ECONOMICS FOR A CROWDED PLANET

(Penguin Press 2008)

#### • Sachs, Wolfgang

The Virtue of Enoughness

NPQ Special Issue 1999, p. 10

#### • Sale, Kirkpatrick

There's No Place Like Home

THE ECOLOGIST, Mar2001, Vol. 31 Issue 2, p40

#### • Shepard, Paul

NATURE AND MADNESS

(U. Georgia Press 1982)

 Singer, P. W.
 Wired for War: The Robotics Revolution and Conflict in the 21<sup>st</sup> Century The Penguin Press 2009

# Stillgoe, John OUTSIDE LIES MAGIC: REGAINING HISTORY AND INSPIRATION IN EVERYDAY PLACES Walker and Co. 1998

- Stillgoe, John LANDSCAPE AND IMAGES University of Virginia Press 2005
- Terkel, Studs
   On Hope and Activism
   http://www.commondreams.org/views03/1111-09.htm
- Tutuola, Amos
  THE PALM-WINE DRINKARD
  (Grove Press 1984)
- Weisman, Alan
   THE WORLD WITHOUT US
   (St. Martin's Press 2007)
- Wilson, Edward O. THE FUTURE OF LIFE (Alfred A. Knopf 2002)
- Wolkomir, Richard and Joyce Reading the Messages in Everyday Things SMITHSONIAN, April 2000, p. 75
- Zinn, Howard

  The Optimism of Uncertainty

  <a href="http://www.commondreams.org/views04/1108-21.htm">http://www.commondreams.org/views04/1108-21.htm</a>

In the Syllabus just ahead, I have annotated the works of these and several other philosophical architects who are bending the light toward a recognition of a global ecology. I am reluctant to usurp your imagination by reducing their large canvasses to small miniatures of

words. Here, in summation I am referential and remain cognizant of my role as a toolmaker, as a clearinghouse.

It, too, is daunting to collate and destill the vast literature, for example, on climate change and proposals for turnaround.<sup>578</sup> Likewise, there exist numerous publications and organizations for socially responsible investing and microlending,<sup>579</sup> to transformational economics.<sup>580</sup>

Environmentalism is all around us. <sup>581</sup> Love may not be everywhere, but green certainly is in our hair. <sup>582</sup> From biomimicry <sup>583</sup> to solar power initiatives, <sup>584</sup> everyone seems to have

Now: The Handbook for Taking Action in Your Community (2007); Yes! Theme Issue: Climate Solutions, Yes!, Spring 2008; Andrew C. Revkin, A Shift in the Debate Over Global Warming, NY Times, April 6, 2008; James Lovelock, Making Peace with Gaia, Resurgence 59, September/October 2006; Carol M. Rose, From H20 to CO2: Lessons of Water Rights for Carbon Trading, 50 Ariz L. Rev. 91 (2008); The Low Carbon Catalogue, NY Times Mag., April 20, 2008; Carla A. Wise (Interview of Mary Wood), Green All the Lawyers, UTNE 46, September-October 2008 (atmospheric trust obligation); David F. Victor & Joshua C. House, A New Currency: Climate Change and Carbon Credits, Harvard Int'l. Rev. 56, Summer 2004; Anja Kollmuss, Carbon Offsets 101: A Primer on the Hottest – And Trickiest – Topic in Climate Change, World Watch 9, July/August 2007; Victoria Schlesinger, Carbon Rush: Will The Environment Emerge as the Winner?, Plenty Mag 87, June/July 2008; Jay Walljasper, Down and Dirty, ODE 51, June 2008; BioMass, www.valcent.net/i/misc/Vertigro/index/html. See also note [1], supra.

note [\_\_\_], supra.

579 See generally Muhammad Yunus, Banker to the Poor: Micro-Lending and the Battle Against World Poverty (1999); Joseph Hart, The New Capitalists: Is it Possible to Make Money and Really Make a Difference?, UTNE 39, May/June 2006; Karol Boudreaux and Tyler Cowen, The Micromagic of Microcredit, The Wilson Quarterly 27, Winter 2008.

<sup>&</sup>lt;sup>580</sup> David Leonhardt, *The Big Fix*, NY TIMES Mag., February 1, 2009 at p. 22.

<sup>&</sup>lt;sup>581</sup> PAUL HAWKEN, BLESSED UNREST (2007); Wiser Earth, <u>www.wiserearth.com</u>; WORLD SOCIAL FORUM, <u>www.forum.socialmundial.org.br</u>; Modern Landscape Ecology, WHOLE EARTH, Summer 1998; RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT, <u>www.unep.org</u>.

<sup>&</sup>lt;sup>582</sup> See THE GREEN MIND, NY TIMES MAG, April 19, 2009; Stephen Leahy, *Toward a Green Economy*, www.commondreams.org/archive/2007/06/01/1602; GREEN GUIDE, *The Resource for Consuming Wisely*, NATIONAL GEOGRAPHIC, Summer 2008; The Green Guide: For Everyday Living, www.thegreenguide.com; *The Low Carbon Catalogue*, NY TIMES MAG, April 20, 2008; Peter Miller, *Saving Energy: It Starts at Home*, NAT'L GEOGRAPHIC 60, March 2009; Janet Paskin, *Blue Sky Thinking*, ODE 42, January/February 2008; Alex Williams, *Buying Into the Green Movement*, NY TIMES, July 1, 2007, sec. 9, p. 1; Charles Komanoff, *Whether Wind?*, ORION 30, October 2006. *But see* "Green Sprawl," UTNE, March-April, 2009, p. 11.

<sup>&</sup>lt;sup>583</sup> Janine Benyus, Biomimicry: Innovation Inspired by Nature (1997); Tom Mueller, *Biomimetics: Design by Nature*, National Geographic, April 2008; David Kapfer, *The Sincerest Form of Flattery: Janine Benyus on the Virtues of Imitating Nature*, The Sun 5, September, 2009; *Evolution Meets Creation*, Sustainable Industries 22, August 2009.

<sup>584</sup> George Johnson, *Plugging in the Sun*, NAT'L GEOGRAPHIC 28, September 2009; Leslie Kaufman, *Harnessing The Sun, With Help From Cities*, NY TIMES, March 15, 2009; Kate Galbraith, *Europe's Way of Encouraging Solar Power Arrives in the U.S.*, NY TIMES, March 13, 2009, at sec. B, p. 1. Bob Audette, *Senator Backs New Solar Power Initiative*, <a href="www.commondreams.org/archive/2008/07/03/10082">www.commondreams.org/archive/2008/07/03/10082</a>; 10 Million Solar Roofs Act of 2008, S. 3224; American Solar Energy Society, <a href="www.ases.org">www.ases.org</a>; Carolyn P. Johnson, *Innovation Fuels Solar Power Drive, New Technology To Help Make Such Generation Feasible*, BOSTON GLOBE, July 11, 2008, <a href="www.commondreams.org/archive/2008/07/11/10284">www.commondreams.org/archive/2008/07/11/10284</a>; Go Solar, California!, <a href="www.gosolarcalifornia.ca.gov">www.gosolarcalifornia.ca.gov</a>; The

answers for the world. 585 Honor? 586 Wonder? Simplicity? Listening? Hardness? Love? Responsibility? Resolution? Subtlety? Grace? Militancy?<sup>587</sup> Dignity?

#### Militancy

*Only when the well runs dry do we learn the worth of water.* 

#### -- Benjamin Franklin

The word "militancy" is a provocation, especially within the current world atmosphere of fear.

By militancy I don't mean blind rage or violence. The world has more than enough of both already. I'm talking about loving something so much that you are willing to organize your community and stop the forces that threaten it. Gandhi was a great militant. He tried to melt the hearts of his British opponents, but when most of their hearts didn't melt, he organized a mass nonviolent resistance campaign that pushed them out of power whether they wanted to abdicate or not. Gandhi wasn't willing to wait around until the British imperialists changed their minds about colonialism being a good thing. 588

I, too, do not mean to promote here the tactics of what has been poorly labeled "radical environmentalism," <sup>589</sup> for there are many non-violent manners of protest. <sup>590</sup> Numerous

Vote Solar Initiative, www.votesolar.org. But see Felicity Barrington, Environmentalists in a Clash of Goals, NY TIMES, March 24, 2009, at sec. A, p. 17.

http://chronicle.com/temp/rcprint.php?id=x4b3czpc6vjdzhjb8mz4mnctyxsn/fhz.

<sup>585</sup> Special Section, What the World Needs Now, ORION 17, Spring 2002; JEFFREY SACHS, COMMON WEALTH: ECONOMICS FOR A CROWDED PLANET (2008); Bioneers, www.bioneers.org; KENT E. PORTNEY, TAKING SUSTAINABLE CITIES SERIOUSLY: ECONOMIC DEVELOPMENT, THE ENVIRONMENT, AND QUALITY OF LIFE IN AMERICAN CITIES (2003); Hannah Cassidy, Forty Initiatives That Are Changing Our World, RESURGENCE 70, September/October 2006; What the World Needs Now, ODE 52, January/February 2008; ODE, 11 Things We Can Learn From The Rest Of The World, www.alternet.org/story/65847; Susan Saulny, Cutting Out the Middleman, Shoppers Buy Slices of Farms, NY TIMES, July 10, 2008,

www.nytimes.com/2008/07/10/us/10farms.html?adxnnl=1&pagewanted=print&adxn.

<sup>&</sup>lt;sup>586</sup> David P. Barash, *How Did Honor Evolve?*,

These eleven questions are explored by various commentators in the Special Section of ORION, supra note 585.

Steve Chase, *Militancy*, ORION 40, Spring 2002.

<sup>&</sup>lt;sup>589</sup> See Matt Rasmussen, Green Rage: Radical Environmentalists Are Caught Between Their Love of Earth, Trespass of the Law, and the U.S. Government's War on Terror, ORION 60, January/February 2007.

See generally Mark Kurlansky, Nonviolence: The Hidden History of a Revolutionary Idea, ORION 58,

September/October 2006; James P. Troxel, The Recovery of Civic Engagement in America, in BEYOND PRINCE AND MERCHANT: CITIZEN PARTICIPATION AND THE RISE OF CIVIL SOCIETY (John Burbridge ed. 1998); James P. Troxel,

organizations promote "Culture Jamming" and "Reality Hacking," and the following compendium references some of my favorites:

- The Yes Men, <u>www.commondreams.org/news2007/0615-04.htm</u>; <u>www.yesmen.org</u>
- The Meatrix, www.themeatrix.com
- Cows with Guns, www.cowswithguns.com
- The Rukus Society, <u>www.rukus.org</u>
- The Onion (ONN), www.theonion.com
- Merry Pranksters of the New Economy: RT Mark, UTNE 110, November/December 2000
- Pranks, <u>www.pranks.com</u>
- Alex Rivera, Cybraceros, www.invisibleamerica.com/whycybraceros.shtml
- The Bubble Project, <u>www.thebubbleproject.com</u>
- The Center for Tactical Magic, www.tacticalmagic.org
- Critical Art Ensemble, www.critical-art.net
- McDonald's Videogame, www.mcvideogame.com
- Persuasive Games: Disaffected, www.persuasivegames.com/games/game.aspx?game=disaffected
- Humor Feed, www.humorfeed.com
- Biotic Baking Brigade, www.asis.com/~bbb, and, of course,
- Adbusters, <u>www.adbusters.org</u> <sup>591</sup>

"Creating a 'Civil Society' in the Workplace," www.ica-associates.ca/Resources/CivilSocietyatWork.pdf; GENE SHARP, THE METHODS OF NONVIOLENT ACTION: PART TWO OF THE POLITICS OF NONVIOLENT ACTION (Harvard U. Center for Int'l Affairs, Extending Horizons Books 1973); James Geary and Marco Visscher, *New Model Army*, ODE 54, May 2008; Julia Silverman, *Hundreds of Professors Hold Green Teach In*, Associated Press, February 1, 2008, <a href="https://www.commondreams.org/archive/2008/02/01/6792">www.commondreams.org/archive/2008/02/01/6792</a>; [Sonja Katyal]; Chaddus Bruce and Erica Alini, *Inside a Hacker School*, FOREIGN POLICY 93, November/December 2007; Rebecca Solnit, *Some Monsters Die Slowly: Attention Deficit and Activism Don't Mix*, ORION 12, January/February 2007; Sharon LaFraniere, *Facing Counterfeiting Crackdown*, *Beijing Vendors Fight Back*, NY TIMES, March 12, 2009, at sec. A, p. 6.

<sup>591</sup> There are many graphic activists. *See, e.g.*, Beandrea Davis, *Graphic Activist*, UTNE 20,

What ultimately derives from these *jammers* is a translation of serious rebukes into gargantuan fun and pith. We are all ready for that, for to contain the agonies of inhumanities in one's body without a smile in one's heart is to court terrible sickness. My wife has said that what I must do is be joyful while holding hands with sorrow.

#### On Happiness

The joy of delusion, <sup>592</sup> the pathologies of hope, <sup>593</sup> the quest for happiness, <sup>594</sup> the secrets of happiness, <sup>595</sup> the futile pursuit of happiness, <sup>596</sup> the science of happiness, <sup>597</sup> authentic happiness, <sup>598</sup> the importance of collective joy, <sup>599</sup> the happiness gene, <sup>600</sup> the search for happiness. <sup>601</sup> Please, *Zazen*! <sup>602</sup>

The class needs an antidote. I originally designed an academic, scholarly-like segment in

January/February 2008; PAUL JOBLING & DAVID CROWLEY, GRAPHIC DESIGN: REPRESENTATION AND REPRODUCTION SINCE 1800 (1997). Caryn Jones, *An Alternative Universe Where Beautiful People Have Repulsive Babies*, NY TIMES, October 8, 2006.

- <sup>592</sup> Daniel Gilbert, Stumbling on Happiness (2006).
- <sup>593</sup> Barbara Ehrenreich, *Pathologies of Hope*, HARPER'S MAGAZINE 9, February 2007.
- <sup>594</sup> Darrin M. McMahon, *The Quest for Happiness*, WILSON QUARTERLY 62, Winter 2005; The Happiness Project, http://www.happiness-project.com
  - <sup>595</sup> STEPHEN POST AND JILL NEIMARK, WHY GOOD THINGS HAPPEN TO GOOD PEOPLE (2007).
  - <sup>596</sup> Jon Gertner, *The Futile Pursuit of Happiness*, NY TIMES MAG., September 7, 2003, \_\_\_\_\_, p. 42.
- <sup>597</sup> Bruce E. Levine, *The Science of Happiness: Is It All Bullshit?*, July 4, 2008, www.alternet.org/story/90411; Cover Story, *The Science of Happiness*, TIME MAG.,

www.time.com/time/2005/happiness; World Database of Happiness, www.worlddatabaseofhappiness.eur.nl.

- <sup>598</sup> MARTIN E. P. SELIGMAN, AUTHENTIC HAPPINESS (Free Press 2002); D. T. Max, *Happiness 101: Can Classes on Positive Psychology Teach Students Not Just To Feel Good But Also To Do Good?*, NY TIMES MAG., January 7, 2007, p. 46; Authentic Happiness, <a href="www.authentichappiness.sas.upenn.edu/Default.aspx">www.authentichappiness.sas.upenn.edu/Default.aspx</a>.
- <sup>599</sup> BARBARA EHRENREICH, DANCING IN THE STREETS: A HISTORY OF COLLECTIVE JOY (Henry Holt & Co. 2007); Laura Barcella, *Barbara Ehrenreich on the Importance of Collective Joy*, April 7, 2007, www.alternet.org/story/50126.
  - <sup>600</sup> Robert Michael Pyle, *The Happiness Gene*, ORION 68, May/June 2006.
- <sup>601</sup> ERIC WEINER, THE GEOGRAPHY OF BLISS: ONE GRUMP'S SEARCH FOR THE HAPPIEST PLACES IN THE WORLD (Twelve 2007).
- <sup>602</sup> Traleg Kyabgon Rinpoche, *Training the Mind to Transform Adversity into Awakening*, SHAMBHALA SUN 37, May 2007; Mandalit del Barco, *Laughter Yoga: Relaxing, If A Bit Kooky*, <a href="https://www.npr.org/templates/story/story.php?storyId=6641178">www.npr.org/templates/story/story.php?storyId=6641178</a>; TED Talks: Matthieu Ricard, *Habits of Happiness*, <a href="http://www.ted.com/index.php/talks/view/id/191">http://www.ted.com/index.php/talks/view/id/191</a>.

positive psychology, 603 complete with "satisfaction" and "optimism" workcharts. Then I recalled the *Human Be-In*, the *Holy Man Jam* in San Francisco, in Golden Gate Park in the Summer of Love. Baba Ram Das (Dr. Richard Alpert) and assorted *Enlightened Beings* sat cross-legged on the dais surrounded by a zillion seekers of enlightenment, many of whom had, admittedly, inhaled. After a seeming-decade of enlightened, swirling words, Alan Watts took his turn to speak. He stayed silent for a time, then intoned ever so slowly, "ha ha ho ho hee hee," and he continued to so voice "ha ha ho ho hee hee" until the park had erupted in fits of riotous laughter.

Next to that memory, I discovered an article by Jeff Gill entitled, "Messages of Peace Are Blowin' In The Wind." <sup>604</sup> Art teachers in Coconut Creek, Florida, he explained, had formed the community project "Pinwheels for Peace." Middle school students planted windmill-like paper crafts—with a peace smbol center—by a fence at their school. The organization <sup>605</sup> claims that over 1 million pinwheels were spinning for peace, in 2006, in more than 2400 locations around the world. Later that same day, I googled Prairie Home Companion and aired its annual "Joke Show."

So, for me, what I and my students needed, I recognized, was to simply laugh. This forthcoming semester, as noted in the Syllabus, I will spend one week's class—three hours—having a chuckle and reminding ourselves of the importance of side-splitting. We'll be "FUNdamentalists," "Optimystics," practice "Fun Shui", commit random acts of comedy, and undergo "absurdiveness training." Please bring your very best laughter. "People of zee wurl, relax."

<sup>603</sup> See citations in note \_\_\_\_\_supra

<sup>&</sup>lt;sup>604</sup> Jeff Gill, *Messages of Peace Are Blowin' In The Wind: GMS Students Plant 'Pinwheels for Peace'*, THE GAINESVILLE TIMES, September 22, 2007, <a href="https://www.commondreams.org/archive/2007/09/22/4030">www.commondreams.org/archive/2007/09/22/4030</a>.

<sup>605</sup> www.pinwheelsforpeace.com.

<sup>606</sup> Swami Beyondananda, *Life Purpose: Ten Guides to Enlightenment*, www.aspirenow.com/Purpose 0201 Swami 10 Guidelines to Enlightenment.htm.

#### **The Course Papers**

It has been the temperament of my students, in these many semesters, to write on such following themes:

- \$ End subsidies for fossil fuels
- \$ Gas taxes
- \$ Micro Lending/Micro Credit: A Positive Example of Globalization and a Solution to Poverty
- \$ Renewable energies
- \$ Climate Change: Mitigation Processes of Indigenous Peoples
- \$ Next industrial revolution
- \$ Re-thinking schools
- \$ Natural capitalism
- \$ Ecology of commerce
- \$ The Historical Roots and Contemporary Manifestations of Corporate

  Sponsorship of American Education
- \$ Bodies, Corporate and Corporeal: Contemporary Cultural Anxieties and the Search for Corporate Accountability
- \$ Nanotechnology and the Future of Agriculture
- \$ The Timber Trade and Pest Infestation: An Example of the Environmental and Human Health and Cultural Dangers of Deregulated International Trade
- \$ The Preservation of Native Languages: Toward a Global Model
- \$ Processes of Change in the Global Diet: Effects on Human Health, Culture, and the Environment

- \$ The Conflicting Domestic and Foreign Policies of the United States Government
  Concerning Toxic Substances and Dangerous Labor Practices
- \$ Media Mergers and the First Amendment
- \$ Overpopulation in the United States: Why We Should Care and What We Need to

  Do About It
- \$ Armed Conflicts and Globalization: Creating Instability in Indigenous Societies of Guatemala and Colombia
- \$ The Adbusters Dilemma: Promoting Equal Access and Protecting Commercial

  Speech in the Wake of Conflicting First Amendment Jurisprudence
- \$ Life Saving Medicine and Pharmaceutical Profits
- \$ The Jetsons as Educational Programming? Just Ask the FCC! A Report on the FCC=s Children=s Television Act of 1996
- \$ The Price of Gold
- \$ A Plea for Corporate Social Responsibility
- \$ Shareholder Activism
- \$ Human Rights Litigation in Domestic Courts: A Practical Solution or a Diversion

  Away From Effective International Enforcement?
- \$ Globalization and Mental Health
- \$ Origins of Censorship in China and Its Manifestations in Contemporary Society

  Via Advertising and the Internet
- \$ The Effects of Globalization on American Indian Communities: Sexually

  Transmitted Diseases

- \$ The Importance of Saving An Endangered Species: The Increasing Extinction of Languages
- \$ Animal Rights: The Need for a New Ethics
- \$ The Pacific Islands and Globalization
- \$ The Debate Over Female Genital Mutilation: Policies and Practices and the Impact on Global Relations
- \$ The Commodification of Water: What Will Stop the Lexus From Stealing the Olive Tree's Water?
- \$ Global Village or Gated Community? US Immigration and Globalization in the
  Twenty-First Century
- \$ Ecotourism: Creating Alternatives in the World's Largest Industry
- \$ For Geography
- \$ Battle Against the English Tide: Quebec's Language Laws
- \$ Seeking Control, Safety, and Choice: A Call for Consensual Consumption
- \$ Globalization and Oil in Nigeria: A Blessing and a Curse
- \$ Local Currencies and North American Indian Tribes
- \$ Transgenic Crops on a Global Scale: Saving Grace or Damnation?
- \$ The Congo Basin: Foreign Logging Companies Don't Just Take Trees They

  Drive the Bushmeat Business
- \$ A Right or a Riot? Where Does Protest Cross the Line?
- \$ Anorexia and Bulimia: Just Another Cultural Export
- \$ Skinny White Women: Globalization and the Exportation of an Unattainable

  Beauty Standard

- \$ Internationalizing and Globalizing the Risks of Western Science:
  Xenotransplantation
- \$ Veggie Libel: What Your Grocer Isn't Telling You
- \$ The Case for the Cow: The Human Obligation to Respond to Animal Cruelty in United States Slaughterhouses
- \$ Writhing in Their Skins: Children and the Perils of Modern Food Consumption
- \$ Progress: The Evolution of its Meaning
- \$ Foreign Direct Liability: Holding Multi-National Corporations Responsible for Environmental Harms and Human Rights Abuses Abroad
- \$ Country of Origin Labeling of Agricultural Food Products as a Step to Achieve Food Sovereignty
- \$ The Human Right to Remove Proprietary Ownership of Medicines
- \$ The Consequences of International Aid
- \$ Grazing Laws
- \$ Pollution Credits and Permitting (As Opposed to Rethinking Consumption)
- \$ Sustainability as a Social Negotiation of Values
- \$ The Role of Corporations as De Facto Nation States in Abandoned Reaches of the World
- \$ Television in Schools
- \$ Disease, Demography, and Ecological Change
- \$ Can United States Court Decisions Be Challenged in Chapter 11 NAFTA Cases
- \$ Genetic Engineering as a Global Commons
- \$ Designing Children<sup>607</sup>
- \$ Oil Extraction in Africa: Conflicts of Abundance

<sup>&</sup>lt;sup>607</sup> Eric Rakowski, Who Should Pay for Bad Genes, 90 CAL.L.REV. 1345 (2002); [McKibben]

- \$ Labeling of Organic and Genetically Modified Foods and Issues Surrounding the Codex Alimentarius
- \$ Corporate Sponsorship and Ownership of Research Generated on Campus
- \$ The Commercialization of Third World Health Care
- \$ Media Licensing
- \$ Whether Intellectual Property Laws Can Withstand Technological Devices And Whether Intellectual Property Can or Should Be Compensable At All
- \$ The Current Scope of the Foreign Corrupt Practices Act
- \$ Taxation of Reproductive Rights
- \$ International Human Slavery, Prostitution and the Trade in Human Organs
- \$ The Value of Diamonds
- \$ Frequency and Noise Pollution
- \$ Criminalization of Breast Feeding
- \$ Congressional Power to Limit Liability for Technological Harm
- \$ Liability for the Introduction of a Foreign Disease or Species
- \$ The Law of Robots
- \$ The Genetic Engineer=s and Nano-Technician's Code of Ethics
- \$ Compensation for the Taking of Property vs. Responsibility to Perform Civic

  Good
- \$ Whether Regulations Are a Symptom of Design Failure 608

 $<sup>^{608}</sup>$  William McDonough & Michael Braungart, *The Next Industrial Revolution*, ATLANTIC MONTHLY, Oct. 1998.

- \$ The Aspiration of Laws Toward an Integration of Human Society=s Material,

  Spiritual, and Ecological Elements<sup>609</sup>
- \$ Religious Distinctiveness and Environmental Conceptions
- \$ The Militarization of Space

Set forth here is the Syllabus and Bibliography (amended through [1/10]). I recognize that I only have, in the course of one semester, enough time to skip stones across a lake, stressing in the sessions only a pebble=s bounce of information on each massive subject. But my overall goal is to give the class a platform from which to question assumptions, values, and authority, hopefully throughout the students' lives. I am designing an online interactive version of this course that will to continue to supplement itself with the works of new visionaries. If you want to participate in this clearinghouse, kindly write to me at <a href="herebey@law.arizona.edu">hersbey@law.arizona.edu</a>.

204

\_

 $<sup>^{609}</sup>$  McDonough,  $\underline{\it supra}$  note 72; Edward O. Wilson, Consilience: The Unity of Knowledge, (Knopf 1998).

#### THE COURSE SYLLABUS

### GLOBALIZATION SYLLABUS FALL 2010

Wednesdays

#### Week 1 8/25/2010

#### **Orientation**

- Introductions, Expectations, Grading and Classroom Participation
- Review of the Syllabus
- Steve Allen's "Meeting of Minds"

From 1977 to 1981, Steve Allen, the originator of the Tonight Show, created a television variety chat show format that featured "guests who played important roles in the drama of history." The show was scripted, yet allowed for spontaneous discussion among three characters at each episode. Guests included Plato, Socrates, Aristotle, Thomas Aquinas, Marie Antoinette, Thomas Paine, Cleopatra, Francis Bacon, Florence Nightingale, Thomas Jefferson, Attila the Hun, Elizabeth Barrett Browning, Voltaire, and Charles Darwin.

Students are expected to select a character of their own choice out of history and prepare, in conjunction with two other characters chosen by classmates, an hour-long discussion on Globalization and the Transformation of Culture from their individual's unique historical perspective. These segments of "Meeting of Minds" are scheduled for presentations during the last weeks of the semester.

#### Weekly Papers

To earn a final grade, students are required to submit 8 three-page commentaries upon and new critical research analyses stemming from the reading assignments in Weeks 2-6, 9-10, with the 8<sup>th</sup> paper tailored specifically to Globalization and the Special and Significant Impacts to Indigenous Peoples.

#### • Retention of Consumer Packaging and Garbage for Two Weeks

Students are expected to learn about their own personal consumptive habits by retaining all packaging and garbage they will accumulate over the first two weeks of the class. They will then photograph their own social history of trash – their "wealth" – and help build a classroom/classmate photoshop portrait of consumption.

#### • Readings for Course

Written just below are the **Articles, Required** and **Suggested Texts** that have comprised many of the past semesters' readings. New materials and those that comprise this semester's

requirements are marked by an in the margin adjacent to the reference.

The readings for this course contain copyrighted material the use of which has not always been specifically authorized by the copyright owner. I am making such material available in an effort to advance understanding of environmental, political, human rights, economic, democracy, scientific, and social justice issues, etc. I believe this constitutes a 'fair use' of any such copyrighted material as provided for in section 107 of the US Copyright Law. In accordance with Title 17 U.S.C. Section 107, the material is distributed without profit to those who have expressed an interest in receiving the included information for research and educational purposes. For more information go to: <a href="http://www.law.cornell/edu/uscode/17/107.shtml">http://www.law.cornell/edu/uscode/17/107.shtml</a>. If you wish to use copyrighted material for purposes of your own that go beyond 'fair use', you must obtain permission from the copyright owner. [Copyleft] [Creative Commons Legal Code ©©]

#### **Required Readings:**

- 1. Durning, Alan Thein & Ryan, John C., "Stuff: The Secret Life of Everyday Things," 7 NORTHWEST ENVIRONMENTAL WATCH, 1997.
- 2. Mander, Jerry & Goldsmith, Edward (Eds.), *The Case Against the Global Economy*, Sierra Club Books 1996 (or paperback).
- 3. Mander, Jerry (International Forum on Globalization), *Manifesto on Global Economic Transitions*, www.ifg.org.
- 4. Peter Barnes, Capitalism 3.0, Berret-Hoeler Publishers
- 5. Supplemental Materials

#### **Recommended Readings:**

- Brand, Stewart, Whole Earth Discipline, Viking Press 2009
- Frank Ackerman & Lisa Heinzerling, *Prices: On Knowing the Price of Everything and the Value of Nothing*, The New Press (2004).
- Joel Bakan, *The Corporation: The Pathological Pursuit of Power*, Viking Canada (2004).
- James Howard Kuntsler *The Long Emergency*
- Edward O. Wilson, *The Future of Life*, Knopf (2002).
- Paul Hawken, Blessed Unrest: How The Largest Movement In The World Came Into Being And Why No One Saw It Coming, Viking Press 2007.
- Michael Pollan, In Defense of Food: An Eater's Manifesto, Penguin Press 2008
- David Abram, The Spell of the Sensuous: Perception and Language in a More-Than-Human World, Pantheon Books 1996
- Ray Kurzweil, The Singularity is Near, Viking Press 2005
- Janine M. Benyus, Biomimicry: Innovation Inspired by Nature, William Morrow Co. 1997
- McKibben, Bill, Deep Economy: The Wealth of Communities and the Durable Future, Times Books/Henry Holt 2007

- David Korten, Agenda for a New Economy, Berrett-Koehler Publishing (2009)
- www.ted.com
  - DVD: "The Ad and the Ego" (California Newsreal)
    - Week 1 Reading Assignments



Story of Stuff, www.storyofstuff.com.

2. Ryan, John C., & Durning, Alan Thein, Stuff, The Secret Life of Everyday Things, NORTHWEST ENVIRONMENTAL WATCH 1997.

An eye-opening book that follows the everyday consumption habits of a typical middle-class person in Seattle, Washington. The authors trace the astonishing expenditure of energy and natural resources in commonly used food and products, such as coffee, computers, cars, and French fries. While significantly increasing the reader's awareness of his or her own daily consumption patterns, Ryan and Durning suggest ways to minimize the amount of energy and resources the typical North American consumes.



3. www.ecoliteratelaw.com

### <u>Week 2</u>

- Discussion: Consumption, Advertising, Trash
  - **Discussion: Globalization & Culture**

History, Place, Time, Religion, and their relationships to the environment and consumption/hidden consequences.

- **Video Opportunities:** 
  - Human Footprint (National Geographic 2008)
  - *Illicit: The Dark Trade* (National Geographic 2008)

#### • Week 2 Reading Assignments

1. Mona Hymel, *Consumerism*, *Advertising*, and the Role of Tax Policy, 20 Virginia Tax Review 347 (2000).

This article unveils the disturbing ways in which U.S. tax policy subsidizes advertisements that are enormously successful in promoting greater consumption and encourages Americans to spend, consume and, consequentially, waste more. Hymel's article shows how tax policy goes beyond the sphere of economics and into the realm of socio-cultural behavior, as it influences consumption and consumerism. She reveals the flaws and failures of current tax policy through the lenses of Judge Joseph Sneed's seven persuasive tax policy purposes and details the social, psychological, and environmental impact of current American consumption levels.

2. Susan Strasser, A Social History of Trash, ORION, Autumn 2000.

This article traces "trash trends" from 1800's America to present day. Strasser begins by describing the pre-Industrial Era cultural propensity for recycling waste: worn clothing was mended or turned into rags, broken household items were fixed or sold to the "junk man" who used them in other repairs. Most Americans produced little trash before the twentieth century. With the rise of mass production and mass distribution, households were transformed from closed systems to open ones, using products from factories and leaving the packaging at the curb. By the 1920's, the principle of fashion—obsolescence on the basis of style—was applied to material goods, and Americans began to throw things away not because they were useless, but because new ones looked better. Recycling became associated with poverty and backwardness. Strasser ends the article by discussing the resurgence of recycling in modern American society, beginning in the 1970's. Sorting trash for recycling has become a moral act for some Americans, and recycling programs have been largely successful. This article also includes inserts about the advantages of recycling and organizations that provide resources for those with recycling initiative.

3. Jeffrey Kaplan, *The Gospel of Consumption*, ORION, May/June 2008. <a href="http://www.orionmagazine.org/index.php/articles/article/2962">http://www.orionmagazine.org/index.php/articles/article/2962</a>

The Gospel of Consumption tells us that consumers can be manipulated to think that there is no limit to consumption. The push in the late 1920's was to define the customer's needs to produce a society that was obsessed with the acquisition of material goods. Manufacturers decided to produce more than what the consumer needed. Kaplan describes how Kellogg realized the impact that the longer work hours had on employees and their inability to be efficient workers. Kaplan implies that the American society has become obsessed with the idea of working to consume. As a consequence, the relationships of many American families are strained.

4. The Big Ideas of 2008, *Carnation Milk*, ADBUSTERS No. 75. http://www.adbusters.org/magazine/75

Is seeing believing? This article questions the concept of believing only what you can see. The author explores the marketing strategies of different companies to make its product more appealing to consumers. Over the years, many companies have marketed their brand to imply that natural ingredients were used in the making of its product. The article points out that although a cow or a wheat field was displayed on the packaging, it does not mean that the natural ingredients were used to make that product. The author suggests that consumers have begun to rely heavily upon the products' packaging to describe the nutrients in the food and have associated the quality of the food being produced with a certain brand. The article includes research that has linked hyperactivity in adolescences with food and drink additives that has been found in snacks and juices that children are consuming.

## 5. The 2007 Green Guide, *An Eco-System of One's Own*, VANITY FAIR, May 2007. <a href="http://www.vanityfair.com/culture/features/2007/05/greenguide200705">http://www.vanityfair.com/culture/features/2007/05/greenguide200705</a>

This article depicts the daily consumption of an average American from the time he/she wakes up to time they go to sleep. Alone, the United States' gross domestic product equals those of several different countries. Americans are controlling the majority of resources which produces more money to consume more products. The author describes the use of coltan in the manufacturing of the 200 million plus cell phones registered in the United States and how the efforts to obtain this mineral are affecting the existence of the gorillas in their environment. Not to mention, the rain forests that are at stake because of the 110 pounds of sugar that American consume each year. The idea behind this article is to make consumers aware of what they are consuming, where the product is coming from and what it takes to make the product.

# 6. Chris Carrol, *High Tech Trash*, NATIONAL GEOGRAPHIC, January 2008 http://ngm.nationalgeographic.com/2008/01/high-tech-trash/carroll-text

The increasing use of electronic devices by Americans is providing waste that is affecting not only Americans but other parts of the world. *High Tech* explores the evils of e-waste and the unregulated form of exporting recyclables. Carroll describes how in 2005 Americans threw away between 1.5 and 1.9 million tons of computers, televisions, cell phones and many other electronic devices. Unfortunately, for countries like China, Ghana and many other parts of Asia and Western Africa, America's e-waste is becoming a chop shop for memory chips, copper wire and drives. The author describes in Ghana, how tons of electronics are brought daily to be scavenged for parts. Once the electronics are dropped off, the televisions or computers are broken down to extract the copper wires to eventually be sold for scrap. At the same time the electronics are dissembled the levels of lead, neurotoxin and other deadly toxins are incredibly high. Once the valuable pieces are claimed, the electronics are thrown in inlets and eventually washed away to the ocean. The article explains how states and local governments are trying to regulate the exportation of recycling in an effort to prevent the harmful reactions to e-waste. However, because the federal government has yet to institute minimum requirements for recycling, there are still large quantities of e-waste that is being shipped to countries like China and Ghana.

# 7. Matthew Power, *The Magic Mountain: Trickle-Down Economics in a Philippine Garbage Dump*, HARPER'S MAGAZINE, December 2006 <a href="http://www.harpers.org/archive/2006/12/0081312">http://www.harpers.org/archive/2006/12/0081312</a>

Payatas and Pier 18 dump sites have become a way of life for many of the people outside of Manila in the Philippines. Author Matthew Power describes how the Payatas dump site became national news in 2000 when the overpowering 130 foot mountain of trash collapsed and killed hundreds of people who lived and worked at the Payatas dump site. The author examines the aftermath of the collapse and the everyday life of the Payatas and Pier 18 sites. Daily on an average 7,000 tons of the city's garbage is dumped at one of these sites. In response to the increase of workers at the sites, local officials instituted an organic-garden training program. Once the student completed the program a portion of land was given to grow organic foods. Power explains how over 10,000 scavengers visit the site to scour for aluminum, wire, etc in exchange for money. In the end, thousands of people have become dependent on their findings at these dump sites. For many, scavenging has become a way of life.

#### 8. Packaging, Collection of Articles:

• Tom Zeller, Jr., *Recycling: The Big Picture*, National Geographic, January 2008 http://ngm.nationalgeographic.com/2008/01-high-tech-trash/recycling-text Zeller takes a look into the world of recycling. Is it worthwhile to recycle? According to the author, recycling has been proven to be better for the environment and conserves more natural resources than the traditional landfills and burning of waste. The most common recycled object in the United States is a car battery, where the disposing process is heavily regulated. On the other hand the article explains how Europeans are leading in the advancement of recyclable package materials. Denmark and Sweden are exceeding a 100 percent in the recycling of paper and glass packaging materials. Zeller also explains how states are requiring more companies to take part in the recycling business.

#### • Daniel Imhoff, *Thinking Outside of the Box*, http://findarticles.com/p/articles/mi\_m0GER/is\_/ai\_97116312?tag=artBody;col1

Thinking Outside of the Box is an article that describes different possible forms of packaging. According to Inhofe one third of the gross solid waste is packaging materials. The idea is to create a demand for the manufacturers to invent more recyclable packaging materials. The question of paper or plastic seems to be the unanswered question of the recycling world. Regardless of material there are consequences for any material that is used packaging. The answer becomes which of the two evils are more eco-friendly. Extended Producer Responsibility (EPR) laws have forced manufacturers to assume responsibility over recycling their own packaging, especially in relation to international trade. The author introduces the newest forms of packaging materials to include bioplastic, earth shells and edible packaging, ecobottle, molded fiber and no-label refillable bottles. The article concludes with ways consumers can help with recyclable packaging. For instance, buying products in bulk and consuming less.

### • Sara Bloom, *How is Germany Dealing with its Packaging Waste?*, http://findarticles.com/p/articles/mi\_m0GER/is\_/ai\_97116313?tag=artBody;col1

Author Sara Bloom presents Germany's form of recyclable packaging. The article explains how the Dual System Deutschland (DSD) has created a logo for manufacturers to use to identify that they have prepaid for recycling. The consumer can identify this logo and separate the packaging materials into their proper collection bins. With the increasing need for land in Germany, many of the country's waste was being shipped to France. Bloom points out that although there was a decrease in packaging waste after the adoption of the Packaging Ordinance requiring consumers to pay twenty-five cents per can deposit, there has been a significant increase in packaging waste and it continues to grow in Germany.

#### • Anne Chick, *Toward a Common Policy for Europe*, http://findarticles.com/p/articles/mi\_m0GER/is\_2002\_Winter/ai\_97116313/pg\_3

The adoption of the 1994 European Packaging and Packaging Waste Directive has provided a foundation for Europe to base its recycling systems. The article describes how some countries like Austria, Germany and Sweden are mandating manufacturers to assume the responsibility of recyclable packaging cost. On the other hand, countries like the United Kingdom and the Netherlands require the manufacturer to cover the cost and the local governments to supervise the collection of the recyclable packaging. Then there are countries like Belgium, Denmark, Finland, France, Ireland, Italy, Luxembourg and Spain where manufacturers and local governments share the responsibility of collecting and separating the cost of the recyclable packaging. These are just examples of how countries can be proactive in the recycling business.

#### • Better Naked than Packaged, http://findarticles.com/p/articles/mi\_m0GER/is\_/ai\_97116313

The German Association for the Protection of the Environment and Nature has enlisted a campaign to completely eliminate the excessive packaging instead of recycling. The article suggests that the "better naked than packaged" slogan is the solution to packaging problem. Awards are given to supermarkets with the least amount of packaging. Solutions to the packaging problem are engaging the consumer in the plight to reduce excessive packaging. The article describes how some stores allow the consumer to bring their own containers for meat and other stores do not package fruit, vegetables, cheese and similar products. The idea behind this campaign is to make the consumer aware of how the product is being packaged and what the consumer can do to eliminate the excessive packaging problem.

• Janine M. Benyus & Dayna Baumeister, *Packaging from the Porcupine Fish (and other Wild Packagers)*,

#### http://findarticles.com/p/articles/mi\_m0GER/is\_/ai\_97116313?tag=artBody;coll

This article brings forth the notion that packaging products can mimic some of the natural "packaging" of organisms and other wildlife creatures. The concept of substituting the traditional form of packaging with "expand and collapse" mechanisms, cellular matrixes, optimal packagings and color without paint provides a solution to many of the worlds recyclable packaging dilemmas. The article suggests that studying natural life and how seed cases can be used for air-tight packaging or how sea cumber's skin stiffens when needed can prevent materials from breaking. The article concludes with the idea manufacturers could study these organisms and produce a packaging material that is natural so that recyclable materials will no longer be needed.

9. Extended materials on Consumption and Advertising.

10. Kalle Lasn and Bruce Grierson, *Malignant Sadness*, ADBUSTERS June/July 2000. Have we gained power and wealth for a piece of our soul? This is the essential question posed by

Lasn and Grierson, who reveal the haunting statistics surrounding the "epidemic" of clinical depression in present-day America. The authors explore possible explanations for the fact that Americans are suffering unprecedented rates of depression: increasing social isolation, hyper-commercialized modern life, the electronic environment created by TV and the Internet, a consumer capitalist culture focused on consumption rather than human connectedness, the lack of spirituality in day-to-day life, and the postmodern crisis of meaning all factor into the authors' analysis. The article ends by rejecting the current "pop a pill" treatments for depression and calling for individual examination of the big question, "What am I doing here?"

11. Jerry Mander & Edward Goldsmith (eds.), *The Case Against the Global Economy*, Sierra Club Books (1996) (hereafter Mander)

\$ Chp. 2: David Korten, *The Failure of Bretton Woods*.

The Bretton Woods conference of 1944 created the World Bank, the International Monetary Fund, and the General Agreement on Tariffs and Trade (GATT). In this article, David Korten, president of the People-Centered Development Forum in New York, asserts that the Bretton Woods promise of a harmonious global economy has failed because of two erroneous assumptions: enhanced world trade benefits everyone, and economic growth would not be constrained by the limits of the planet. Korten discusses the ecological limits to growth that to have already been reached, and the shift in resource

ownership from the poor to the wealthy in the face of increasing scarcity. He argues that the global economy has translated into economic injustice, empowering the world's wealthy at the expenses of other people, species and the ecosystem. Global corporate monopolies and elite domination of the global economy are also, in Korten's view, contributors to the problems of globalization. Korten recommends economic localization and public discussion as the first steps toward remedying the failures of Bretton Woods.

### • Chp. 3: Helena Norberg-Hodge, *The Pressure to Modernize and Globalize*.

Before she became director of the International Society for Ecology and Culture, Helena Norberg-Hodge spent three decades as the first foreigner to live among the Ladakhis of the Himalayas. Located on the Tibetan Plateau, Ladakh was isolated from the forces of modernization until 1962, when the Indian Army linked it by road to the rest of India. Here, Norberg-Hodge testifies to the transformation of Ladakhi culture that resulted from exposure to consumerism, government bureaucracy and tourism. Ladakhi self-confidence declines, the youth reject their ancestors' culture, traditional skills are no longer taught, local food is no longer produced, violence is born. Norberg-Hodge skillfully draws the connection between the loss of a local economy and the loss of a local community's bonds of interdependence. Her anecdotal description of one culture's disintegration in the face of globalization fuels her overarching theme: modern culture produces environmental and social problems, which inevitably lead to the breakdown of community and the undermining of personal identity.

## • Chp. 4: Marten Khor, Global Economy and the Third World.

Khor believes that the global economy has led to the degradation of the environment and the deterioration of human health in the Third World. He highlights a number of examples to support this thesis. Transnational companies have shifted production operations to the Third World, capitalizing on Third World countries' relaxed industrial standards while exposing Third World people to toxic and hazardous materials. Transnational food companies have replaced traditional agricultural methods with industrial methods dependent upon pesticide and technology. Traditional fishing methods have been lost within the surge of modern trawling practices that destroy fish populations and habitats. Tropical forests have disappeared at the rate of millions of acres per year. All of these environmental and social hazards are part of what Khor classifies as the drain of resources from south to north on a global scale. Khor considers the greatest challenge of the world today to be the creation and establishment of a new economic and social order.

#### • Chp. 5: Maude Barlow and Heather-Jane Robertson, *Homogenization of Education*.

With the creation of the Canada-U.S. Free Trade Agreement and NAFTA, Canadian culture is eroding under new and invasive reforms modeled after American individualism, entrepreneurship and competitiveness. Barlow and Robertson use the transformation of the Canadian educational system as a model for the American and transnational takeovers occurring in many aspects of Canadian life. The new free trade policies advanced by NAFTA require Canada to treat U.S. companies as if they were Canadian, allowing them to bid on public contracts, including those surrounding education. As a result, where Canada once treated education as a common heritage, education is now being increasingly privatized and corporate-sponsored. American fast-food chains will soon be able to provide cafeteria services in Canadian schools. American "for profit" educational services can mass market in Canada. University research, once valued for its public good, is now proprietary. Curriculums are negotiated with corporate sponsors. Across North America, political forces are pushing for an academic common market in North America, which Barlow and Robertson believe will lead to the disintegration of Canadian authority in education.

## • Chp. 6: Richard Barnett and John Cavanagh, Homogenization of Global Culture.

With the increasing globalization of Western media sources, traditional forms of entertainment and music in diverse communities across the globe are being replaced by cookie-cutter Western popicons, television shows, and music stars. This replacement potentially degrades and even distinguishes traditional cultural experiences and values in favor of a homogenized, Western product. Because teachers, community leaders, and parents are finding it hard to compete with these new images and trends, Hollywood has become a prominent source of education and values among children and others in poorer countries.

### • Chp. 22: Edward Goldsmith, Development As Colonization.

The central thesis of this article is that multi-national and World Bank development of third world nations is merely one more instance of colonialist domination, masked in the guise of humanitarian agency and good will. The goal of this development is once again to extract valuable raw materials and exploit cheap labor sources which, in turn, will serve to maintain the standard of living the first world has become accustomed to. What we are witnessing today in the third world is essentially first world capitalism gone cannibalistic. Today's method of colonialism is simply packaged in more politically acceptable paper.

#### • Chp. 28: William Grieder, *Citizen GE*.

Using the example of General Electric, Grieder demonstrates the ways in which corporate influence permeates throughout American political, legal, social, and educational systems. Of particular concern to Grieder is the fact that corporations are not democratically run, but rather represent the will and objectives of a few elite. Indeed, GE's involvement in the various realms of American society are largely self-serving. For example, GE submitted amicus curiae briefs and "whispered" into the ear of the president's legal counsel on several occasions when legislation negatively affecting corporations was at stake. GE was also substantially involved in orchestrating tax policy changes that reduced their own tax burden. In examining the case of GE, Grieder questions why although considered as a sort of American "citizen," corporations like GE enjoy far more advantages and protections than the average citizen.

#### \$ Chp. 29: Kai Mander and Alex Boston, Wal-Mart: Global Retailer.

Wal-Mart, the largest American retailer, is seeping into small towns around the country, suffocating small, family-owned stores and communities. With its eyes glazed over by the possibility of infinitely greater profits, Wal-Mart aspires to become the first global retailer. Thanks in large part to the Uruguay Round of GATT rules, Wal-Mart will enjoy greater freedom in spreading its manufacturing or retail business abroad. Typically, retailers like Wal-Mart seek countries that show little concern for the environment, employee welfare, or fair labor wages. As Wal-Mart moves into more and more close-knit communities, it destroys neighborhood stores or markets by substituting local and middle-man stores with its mass-produced, cheaply made, and self-distributed goods. This chapter tells the story of Sam Walton, founder of Wal-Mart, and demonstrates his seemingly demonic drive to accumulate wealth and success at any price.

12. Marglin, Stephen, The Dismal Science: How Thinking Like an Economist Undermines Community (2008).

#### \$ Chp. 13: From Imperialism to Globalization by Way of Development

In this chapter, Marglin discusses the cultural impact of western economics on communities outside of the west. Cultural change in the Third World is packaged with the spread of globalization. However, Marglin does not believe that cultural destruction is a necessary corollary of the spread of technologies that improve the quality of life. He believes that most people worldwide want access to these types of technologies and he does not dispute that. He instead focuses on how cultures can remain intact when these technologies are delivered. He believes that cultural intervention is limited and that the west should refrain from simply supplanting other cultures with a western vrsion. Marglin uses the case of female genital alteration as an example. First, he suggests we recognize there are a variety of practices that vary in the amount of suffering caused and their impact on sexual sensitivity. Rather than lumping them together as either female circumcision or female genital mutilation, we should recognize the variance and determine which of the practices are outrageous. Then we should pinpoint the grounds of our opposition to those practices, and we should think of suitable solutions, rather than outright cultural intervention. For example, if our opposition stems from health risks associated with the procedures, we should advocate the use of antiseptics and anesthetics and, if need be, hospitalization. Using this and several other examples, Marglin argues that it is possible to continue spreading technology while minimizing the negative impact on non-western cultures.

213. Peter Berger, Four Faces of Global Culture, THE NATIONAL INTEREST, Fall 1997.

Cultural globalization is inherent in economic globalization, but what does cultural globalization look like? In this article, Berger argues that cultural globalization is a complex phenomenon with at least four faces. The first, what Berger calls the "Davos" culture, is comprised of the elite businessmen that accompany global economic processes. This yuppie and distinctly Western culture occupies the boardroom and the political arena. The second is the "Faculty Club," a culture of Western intelligentsia carried across geographic borders by foundations, academic networks and multinational agencies. The third face is the "McWorld" culture: the popular culture that embraces American music, fashion and fast food on a global scale. The fourth face of global culture is Evangelical Protestantism. This missionary-type force inculcates the Protestant ethic into new territories, bringing about radical changes in relationships, educational systems and traditional hierarchies. Berger notes that all four faces of global culture share two traits: they are all Western, and they are all dependent upon English. A nuanced understanding of cultural globalization must take into account the homogenizing forces of these four faces, and the resistances to them. Berger believes that understanding the multiplicity of cultural globalization is a necessary precursor to dialogue between contending civilizations. Like the Barber article listed below, this article is written in response to Samuel Huntington's *Clash of Civilizations*.

#### 14. Martin Walker, Globalization 3.0,

http://www.wilsoncenter.org/index.cfm?fuseaction=wq.essay&essay\_id=358325

Globalization 3.0 refers to a shift in world power with China and India as forerunners where the Western world no longer controlled the rules for world trade. China's pledged investments to Latin America in the sum of \$100 billion for oil and a billion dollar fund to help develop Africa has made China a leading economic giant. Will poor countries be able to compete with the old world giants because of this transition in globalization?

15. Moisés Naím, *The Five Wars of Globalization*, FOREIGN POLICY 29, January/February 2003.

Currently governments around the world are fighting five global wars: illegal international trade in drugs, arms, intellectual property, people and money. Naím argues that these global wars cannot be won unless governments rethink the ways they wage these wars. Rather than conceptualizing them as law enforcement problems we should view them as a new global trend. All of these problems have no geographical boundary, no traditional notions of state sovereignty; they pit governments against market forces and bureaucracies against networks. To effectively win this battle, Naím proposes that governments develop more flexible notions of sovereignty, strengthen existing multilateral institutions, devise new mechanisms and institutions and move from prohibition of certain trades to developing better regulations.

#### 16. Philip Jenkins, *The Next Christianity*, ATLANTIC MONTHLY 53, October 2002.

Jenkins argues that Christianity is gaining popularity as well as mutating in ways that Westerners do not see. As a result of this growth and mutation, conflicts within different sects of Christianity will ultimately leave the deepest mark in the twenty-first century. This article gives an in-depth historical analysis of Christianity beginning with the Reformation, Counter-Reformation and how different denominations have branched out in recent years. Jenkins points out that the success of highly supernatural churches – such as the Pentecostal Christians – should be seen as a direct by-product of urbanization. These churches gain support because of how they interpret the horrors of everyday urban life in supernatural terms. Furthermore, disease, exploitation, pollution, drugs, and violence also explain why people might be easily convinced that they are under siege from demonic forces. These extremist denominations are becoming evermore popular around the world, including countries in Africa where Muslims and Christians jostle for political influence. Jenkins fears that in these countries it will ultimately prove fatal if religion is used as a reason to fight or dies for one's cause.

### 17. Amy Chua, A World on the Edge, WILSON QUARTERLY 62, Autumn 2002.

In numerous countries around the world that have pervasive poverty and a market-dominated minority, democracy and markets, which are goals that should ultimately be obtained, can create violent backlashes against a particular ethnic minority if swiftly implemented. Markets concentrate wealth in the hands of market-dominated minorities while democracy increases the political power of the impoverished majority. Chua states that in the eyes of the impoverished majority, the minority wields outrageously disproportionate economic power relative to the majority. Once given political power, the danger lies in widespread backlash, violence and rage against the market-dominated minority. As Chua explains, market-dominated minorities exist everywhere in the world, and a combination of democracy and markets have historically caused violent backlashes in the Philippines, Serbia, Rwanda (genocide), Indonesia, Israel and the United States (9/11).

18. Gary Hufbauer & Joseph E. Stiglitz, *The Fair Play Debate (Free Trade/Fair Trade)*, THE NATIONAL INTEREST, May/June 2008.

[Abstract]

### 19. John Ralston Saul, *The Collapse of Globalism*, HARPER'S MAGAZINE 33, March 2004.

This article argues that the grand theory of globalization has collapsed in recent years and the world is currently experiencing a resurgence of nationalism as its replacement. Saul begins exploring the reasons for why globalization received such wide-spread initial support during the 1970s and what ultimately led to its demise in the late 1990s. The attraction of globalization was that, in theory, it offered a solution to almost all difficult economic and social problems including high inflation and unemployment. Unfortunately, the results did not meet the expectations of the economists. Not only did the power of the nation-state weaken, the gap between the rich and the poor grew bigger, the costs of public utilities increased for consumers, while CEO's salaries increased to 1,000 times the pay of average workers. Moreover, corporate ineptitude triggered its ultimate decline. The resurgence of nationalism is evident in the fact that Malaysia refused to follow global rules during the Asian economic crisis in 1998 as well as the United States' unilateral stance toward a possible war with Iraq. Saul believes that with the death of globalization comes the idea of choice, a choice of whether to retreat to negative nationalism or positive nationalism.

### 20. Lawrence M. Friedman, *Erewhon: The Coming Global Legal Order*, 33 STAN.L.J. 347 (2001).

This article outlines how globalization has changed culture, international law and has levered a gradual consensus toward human rights. Friedman first argues that the globalization of trade is now an international business, which is dependent on the rise of global culture. As the global culture becomes more homogeneous, law will increasingly become more global as well. The use of English as the predominant language in international trade means that U.S. ways of thinking about and writing contracts are likely to influence other countries' customs. Second, globalization has made global problems such as genocides in third-world countries and environmental destruction more personal. The notion of human rights makes it difficult for the rest of the world to be indifferent to wholesale slaughter. Ultimately, borders will mean less both culturally and economically and the global village will be nowhere – yet everywhere.

### 21. Benjamin R. Barber, *The Uncertainty of Digital Politics*, HARVARD INTERNATIONAL REVIEW, Spring 2001.

Technology may not necessarily be an ally to democracy. Technology tends to mirror, rather than transform, societies. Therefore, societies composed of weak citizens and flailing democracies will likely only reflect and perhaps, magnify, these political inadequacies as technology takes increasing prominence in their community. While the latest Internet advances are being touted as educational and cultural opportunities, the Internet is largely comprised of commercial entrepreneurship, benefiting companies rather than individuals. In addition, the speed at which the Internet passes knowledge may interfere with the deliberative and patient nature of representative democracy. The speed at which information is transferred also presents a danger in that it allows unedited, overly simplistic, or completely false information to be championed at random. Most alarming, the sheer volume of information we now ingest ignores our inability to process that information and use it wisely. We should not assume that technology enhances or promotes democracy. Indeed, technology has the potential to support democracy, so long as a ground-level community of citizens is able to subscribe to it.

## 22. Amartya Sen, *Universal Truths: Human Rights and the Westernizing Illusion*, HARVARD INTERNATIONAL REVIEW, Summer 98.

Sen examines why the discourse on human rights has been characterized as the imposition of Western values on non-Western cultures, particularly Asian traditions. At the same time that Western values have not always championed freedom and equality, Asian traditions have not always eschewed

freedom and equality in favor of order and discipline. The oversimplified categorization of Western or non-Western societies as representative of one or two sole values is misguided. Thus, rather than divide societies, human rights can unite diverse traditions and cultures by focusing what is universally essential to valuing human life.

# 23. Richard Falk, World Prisms: The Future of Sovereign States and International Order, HARVARD INTERNATIONAL REVIEW, Summer 1999.

Falk examines world order and the prominence of the sovereign state amidst the mercurial nature of globalization. International peace and security efforts will most likely be replaced by traditional peace keeping methods involving unilateral action by dominant military states. The international sector will, in turn, continue to serve as a champion of human rights and developmental concerns. Regional power structures, such as the European Union, will continue to develop and strengthen while the nation state struggles against regional structures and attempts to re-emerge as a regulator amidst global market forces. World cities will either compete with or enhance states in their climb to the level of transnational actors. The uncertainty of the future world order leaves open opportunities for the sovereign nation state to either step up and increase its role in world markets and forces, or be swept along with the tide.

# 24. Stephen A. Marglin, *Development as Poison: Rethinking the Western Model of Modernity*, HARVARD INT'L REVIEW, Spring 2003.

Marglin argues that the development of technology and production of the Western culture has rapidly spread to other societies. As a result, it has undermined indigenous cultures' way of experiencing, seeing, understanding and living. This is a direct result of the Western culture's economic and market-driven society. Marglin argues that there are five assumptions of modern Western culture that undermine the concept of community and culture which is perceived to be the "right" values and beliefs: individualism, self interest, the privileging of rationality, unlimited wants, and the rise of the moral and legal claims of the nation-state on the individual. A consequence of these assumptions is that people do things for efficiency and abandon other old, traditional and more community-oriented methods. Rather than relying on the community to achieve a particular goal (bar-raising) which fosters mutual interdependence, people rely on efficiency and economics (insurance) to achieve the same goals. However, relying on efficiency prevents mutual economic dependence, which fosters and builds personal relationships. To remedy this problem Marglin suggests that local communities should do two things: 1) decide which innovations in organization and technology are compatible with the core values the community wishes to preserve; 2) practitioners and theorists should be less arrogant in thinking that they are liberating people from ignorance, oppression of tradition and superstition.

#### References:

- Barbara Stark, Women and Globalization: The Failure and Postmodern Possibilities of International Law, 33 VAND. J. TRANSNAT'L L. 503 (2002).
- Kenneth G. Dau-Schmidt, *Dividing the Surplus: Will Globalization Give Women a Larger or Smaller Share of the Benefits of Cooperative Production?* 4 IND. J. GLOBAL LEGAL STUD. 51 (1996).

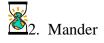
## Week 3

- Discussion: Economics, Demographics, Markers of Progress
- Video Opportunities:
  - "Who's Counting" (Bullfrog Films)

### **Readings for Week 3:**

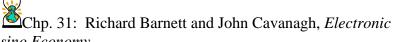
1. RIANE EISLER, THE REAL WEALTH OF NATIONS, Chapter 2, *Economics Through a Wider Lens* 

This chapter describes more efficient, caring, and accurate forms of determining economic prosperity, using economic indicators which take into account our personal, social and environmental challenges. Eisler argues that a cross-disciplinary approach to economics, which takes into account the larger social system ofo which economics is just a part, will better serve our society. She describes the differences between domination politics, in which the government or large corporations control natural resources and the means of production, and partnership politic, which value caretaking functions and are less concerned with domination and more with receiving insight and input from all levels of necessary hierarchies. She notes that Western Capitalism systems and Soviet-style Communist systems are both domination systems, and have thus failed to significantly raise the value of life for the majority of their citizens or protect the environment. Instead of furthering these systems, Eisler argues for adopting a partnership system by embracing caring activities as necessary for our economic growth. She suggests adopting "Seven Steps Toward a Caring Economics," including realizing how devaluating caregiving has negatively affected our economic policies, changing economic indicators to value caregiving, and educating all people about the importance of caregiving. She argues that only by adopting caring economic systems can we meet individual, organizational, social, and environmental needs.



\$ Chp. 17: Ted Halstead and Clifford Cobb, *The Need for New Measurements of Progress*.

Halstead and Cobb, both economists, argue that the Gross Domestic Product (GDP) is inherently flawed because it measures progress solely by the volume of production and consumption. As a result, America's societal well-being is declining while the GDP is on the rise. The authors point out a number of problems with the GDP measuring system: it does not account for the depletion of natural resources, it counts family breakdown and disease as economic boons, it takes no account of income distribution and it ignores the drawbacks of living on foreign assets. As an alternative, Halstead and Cobb have created the Genuine Progress Indicator (GPI), which adds a cost side to the GDP growth ledger. Among other things, the GPI evaluates resource depletion, pollution, long-term environmental damage, non-market transactions and income distribution. The GPI suggests that national well-being has steadily declined since the 1970's, and that the costs of current economic activity are beginning to outweigh the benefits. The authors also apply the GPI to developing nations currently controlled by the GDP-based World Bank and the IMF. They conclude that the GDP fails to recognize the social and ecological costs of globalization.



### Money and Casino Economy.

In this article, Barnet and Cavanagh offer a condensed history of the changes in financial activity that produced the modern "casino economy." A worldwide deregulation of global financial systems, coupled with radical changes in the scale and speed of financial communications technology, leaves us poised for a global economic collapse. The authors argue that globalization demands a deregulated financial services industry. The buying and selling of monetary products has become a business in itself, and investments have little to do with production or commerce. Barnet and Cavanagh paint a haunting portrait of a global investment network where trillions of dollars are exchanged at the touch of a keypad, far beyond the reach of government control. The authors warn that in this vast electronic network, entirely dependent upon computer technology, one breakdown in the global banking system (be it from fraud, a virus or a flash of lightning) could send the world into financial panic. If and when this economic catastrophe does occur, innocent workers and civilians will suffer the resulting injuries.

# \$ Chp. 38: Susan Meeker-Lowry, Community Money: The Potential of Local Currency.

In this article, Meeker-Lowry surveys modern community efforts to create local currency. She begins by highlighting the ways in which conventional monetary systems, such as the federal dollar, malfunction in society. As a result of the problems presented by national currency, a number of groups have successfully created local currency systems. The author provides a number of inspiring examples of communities who trade and barter their skills and crafts with other community members. These groups create their own units of exchange and keep track of credits and debts through a central coordinator. Local businesses often join in, and the services available through the local currency system encompass any number of fields, including law, home repair, childcare, food, gardening—even language lessons. These programs allow communities to regain independence and "unplug" from the federal system. Resources stay within the community, emphasizing local sustainability. Unlike conventional money, which is based on scarcity, community currencies are designed to include everyone who wants to participate, and everyone's time is valued. Meeker-Lowry offers refreshing insight into the cooperation and interconnectedness engendered within local currency communities.

# 3. Marglin, Stephen, *The Dismal Science: How Thinking Like an Economist Undermines Community* (2008).

#### Preface

The premise of this book is that as economic development proceeds, community is lost. Marglin concedes that the state is one cause of diminishing communities. However, he also believes that markets, with economics as their disabler, are another cause of the demise of community. Marglin was impacted by a stay in India after graduate school in which he experienced human life that was based upon a sense of community. As a professor in India, Marglin realized that western economics was foreign to his young student. He began to think about the cultural specificity of economic theory. Marglin began to question how much a culture can change, or can "grow" based on a western model, without losing his identity. This book is an attempt to answer that question.

#### • Chp. 1: *Economics, The Market, and Community*

Marglin argues that a self-regulating market system bears a large portion of the responsibility for undermining community. Economics "celebrates the self-interested, calculating individual." Marglin thinks that economics rests on foundations such as basic assumptions about the self-interested individual, rational calculation, unlimited wants, and the nation-state. On the other hand, markets have promoted economic growth, the problem is that economists do not balance the gains and losses created by markets.

Economics supports the market by providing a means to internalize externalities, suggests that the market's imperfections do not matter because they are too small or can be overcome, and relies upon the assumption that economic agents rationally calculate their individual self-interest in continuing consumption, quite apart from any ties of community other than nation-state. Marglin illustrates this point through the lens of the North American Free Trade Agreement (NAFTA). Economists claim that NAFTA has benefited both sides of the U.S.-Mexico border: consumers in the U.S. can buy Mexican good, and Mexican consumers on the other side of the border can purchase imported Oscar Mayer sliced ham. Morever, economists brag that NAFTA created jobs for Mexicans. However, NAFTA also destroyed jobs by outsourcing manufacturing jobs from small town U.S.A. to Mexico and by destroying the agricultural economy in Mexico. The result was the destruction of small manufacturing towns in the U.S. and the even more dramatic devastation of Mexican villages. Moreover, these results were predicted prior to the enactment of NAFTA. Such devastation was an actual deliberate strategy for what Marglin describes as "bringing the Mexican peasant into the twenty-first century-kicking and screaming if necessary." Thus, while economics and the free market may be touted by some as possessing the ability to modernize or create progress, it does so with extremely high collateral damage: the loss of the community.

4. Kirkpatrick, Sale, *An Illusion of Progress*, THE ECOLOGIST, July/August 2003. <a href="http://www.theecologist.org/pages/archive\_detail.asp?content\_id=208">http://www.theecologist.org/pages/archive\_detail.asp?content\_id=208</a>

The reality of the state of our ecosystem is blurred by the illusionistic actions that are taken to fix our environment. To many, the problem with our environment is deemed fixable. What people don't realize is the extent of the damage that is being done to natural resources by pollution and consumption. Sale points out the example of toxic waste dumps when toxins are still being produced; or the continued mass production of wheat while not considering the consequences of pesticides and soil erosion. The purpose of the article is to inform the readers that we are only hitting the surface of the environmental problems. The author wants the readers to educate others on how to lessen their footprint and become aware of the true state of our ecological system.

5. Nathan Cardinal, *Adding & Subtracting*, ALTERNATIVES JOURNAL, 2007 http://findarticles.com/p/articles/mi\_hb6685/is\_2-3\_33/ai\_n29361465?tag=content;col1

Nathan Cardinal explains how British Columbia's economic growth per capita is equated and how a significant number of factors are not included in the gross domestic product (GDP) calculation. According to this article, the GDP should not be the only indicator of a nation's wealth. The example given is the Exxon oil spill which caused the nation's GDP to rise by not measuring the disastrous effect the spill had on the environment other than to account positively for clean-up costs. The author suggests adopting the Genuine Progress Index (GPI).

6. Jonathan Rowe, *Our Phony Economy*, HARPER'S MAGAZINE, June 2008. <a href="http://www.harpers.org/archive/2008/06/0082042">http://www.harpers.org/archive/2008/06/0082042</a>

Similar to Cardinal's article, Jonathan Rowe describes how the gross domestic product (GDP) takes into account strictly expenditures.

7. Lourdes Beneria, [Author: Gender, Development and Globalization: Economics as if People Mattered], Adbusters Big Ideas 2008

http://www.adbusters.org/magazine/75

The interview between Lourdes Beneria and Tom Green illustrates Beneria's thoughts on the "science" behind economics. Beneria points out that economics is still a very biased field in favor of male gender and has refused to incorporate power relationships into its equations.

8. Gilles Raveaud, Neocon Indoctrination – The Mankiw Way, ADBUSTERS BIG IDEAS 2008.

http://www.adbusters.org/magazine/75/Economic Indoctrination.html

- N. Gregory Mankiw is a leading professor at Harvard University. Under Mankiw's teachings students learn that the market is the solution to all problems. If a problem continues, the market does not exist or it is imperfect. According to Mankiw, the theory of supply and demand can be applied to all issues. Raveaud suggests that Mankiw has given little reference to the gap between the rich and poor in the United States. Mankiw has also distorted economic theory by not presenting how the market has harmed our environment and eliminated the importance of societal relationships.
- 9. Herman Daly [Formerly: Senior Economist, Environmental Department World Bank, ADBUSTERS BIG IDEAS 2008.]

http://www.adbusters.org/magazine/75

Daly pushes the envelope by examining the concept of economics and its relationship to happiness. He describes how new research on happiness has proven not to be directly related to growth, which defies many economists' theories. The article poses the question of what less growth would look like. However, less growth is a theory that the field of economy does not consider. The author wants future economists to question the theories of economy in the hopes of transforming the reality of free trade.



10. Rebecca Solnit, Finding Time, ORION, September/October 2007.

http://www.orionmagazine.org/index.php/articles/article/346

Rebecca Solnit entices the reader to slow down their lives and revert to a more sociable nature. The article examines our current society and has defined it as efficient, convenient, profitable and secure. The new trend to be efficient, convenient, profitable and secure drives the idea to consume.

11. Curtis White, *The Ecology of Work*, ORION, May/June 2007. http://www.orionmagazine.org/index.php/articles/article/267

This article explores how contemporary everyday work has changed over the years and is the source of environmental jeopardy. White portrays that our society is wrapped in the idea of consumption yet to the diminishment of fundamental goods. Instead of planting a garden and fishing for food, our society has lost the true meaning of work. The author recommends that a new culture needs to be formed.

12. John Gallup & Jeffrey Sachs, Location, Location: Geography and Economic Development, HARVARD INT=L REVIEW, Winter 1998/1999.

Gallup and Sachs of the Harvard Institute for International Development (HIID) identify correlations between geographic location and relative poverty. Despite the benefits of modern development, 85 percent of the world consists of developing countries that are falling farther and farther behind the advanced countries in relative income levels. Two unmistakable geographical correlations exist: tropical countries are almost all poor and coastal economies enjoy higher incomes than landlocked counterparts. Further, geography is not the sole determinative factor; countries in favorable geographic localities have failed to thrive under socialist economic and political systems. Comparatively, Northern Hemisphere, temperate zone, coastal, non-socialistic, and non-war torn countries have the highest incomes. Concluding that geography, alongside social and political and economic institutions, does in fact matter, four main policy implications are suggested. First, heightened scrutiny must be given to landlocked countries; second, policymakers should examine the likelihood and desirability of large-scale migrations from geographically disadvantaged regions; third, population policy must be reexamined; and fourth, a closer look must be taken at non-traditional forms of aid, such as for basic science on tropical agriculture and tropical public health.

# 13. Theodore Roszak, *Our Demographic Destiny: Longevity and Gender in 21<sup>st</sup> Century*, LAPIS, Issue Eleven.

Theodore Roszak, a professor of History at California State University, Hayward, concludes in this piece that he is not surprised at all that this time in our history when women are finally coming into their own is the world examining the messy complexities of nature and revisiting many of its problems with far more sensitivity and understanding. While he suggests that the future belongs to age, more importantly, female baby boomers are determined to find empowerment and fulfillment. This quest will translate to the rest of society, a society that has been characterized by a male dominated ethic. The implications will touch everything from our reliance on technology to the restoration of the environment.

#### Recommended

14. Carl Elliot, *Humanity* 2.0, WILSON QUARTERLY 13, Autumn 2003. http://www.tc.umn.edu/~ellio023/documents/humanity.pdf

Humanity 2.0 describes a world where humans are nearly a thing of the past. The idea of transitional humans dominating our society will enhance the quality of life. Many transhuman advocates declare that disease will no longer be an issue and eternal death will be a thing of the past with the option of freezing heads or bodies to be "reanimated" in the future. Critics of transhumanists question the impact it will have on society. They are worried that our society has become dependent on cosmetic surgery and botox, and how transhumanism will affect the price of one's life if its popularity continues to grow.

# 15. Robert Repetto, *Accounting for Environmental Assets*, SCIENTIFIC AMERICAN, June 1992.

Natural resources are often not properly accounted for on national accounting reports, which is most detrimental to low-income countries that are usually most dependent on natural resources for employment, revenues, and foreign exchange earnings. This anomaly is based upon the fact that natural resources are considered to be so abundant that they have no marginal value or that natural resources are free gifts of nature so that there are no gifts of nature to be written off. Policymakers are thus apt to further the interests of the economy at the expense of the environment. Repetto suggests that the true definition of income must encompass the notion of sustainability. The author then exemplifies the problem with a case study of the devastation of Costa Rica's natural environment, with the worst fate falling upon its forests. The results of improper accounting were brought to bear with the forests; considering that there was a declining rate of deforestation in recent years, asset depreciation has increased dramatically because the hardwoods being destroyed have become more valuable. Further unaccounted for were the resultant losses in wildlife habitat, tourist attractions, and the like, which have not been yet monetarily quantified. With similar accounting deficiencies being brought to bear in other low income countries, it is incumbent upon the U.N. Statistical Commission and the U.N. Statistical Office to devise an accounting system that accurately and effectively integrates economic and environmental values.

16. PETER MENZEL, MATERIAL WORLD: A GLOBAL FAMILY PORTRAIT, Sierra Club Books 1994.

# DECLARATION OF CHARACTER and HIS/HER DESCRIPTION FOR STEVE ALLEN'S MEETING OF MINDS PRESENTATION (5%)

# Week 4

• Discussion: Population, Food, Water & Health Security, Safety, Access

### • Video Opportunities:

- "The People Bomb" (CNN 1992)
- "The Red Dirt on Farmer John" (2005)
- "Flow: For Love of Water," www.flowthefilm.com (2008)
- "Alex Rivera, "Cybraceros," www.invisibleamerica.com/www.cybraceros.shtml
- "Food, Inc." (2008)

Book: Peter Menzel & Faith D'Alluisio, Hungry Planet: What the World Eats (Ten Speed Press 2005), <a href="https://www.time.com/time/photogallery/0,29307,1626519,00.html">www.time.com/time/photogallery/0,29307,1626519,00.html</a>

Book: DIETER TELEMANS, TROUBLED WATERS (Exhibitions International/BAI 2007)

Exhibition: Water: H<sub>2</sub>0=Life, www.alternet.org/story/72376

### **Readings for Week 4:**

1. Robert Engleman, *Population & Sustainability*, SCIENTIFIC AMERICAN 3.0, www.scientificamerican.com/Earth3.

Engleman begins with the premise that, these days, more people mean less for each: less water, less land, more expensive food. He then asks whether a realistic reduction in population growth could actually help us to be more environmentally sustainable. The number of humans on the planet is not the only problem. The way we live and behave, our considerable consumption, is another important factor. The wealthiest, most industrialized nations, and not the most populated, have traditionally been most responsible for greenhouse gas emissions. However, slowing population growth would still cut down on carbon emissions. Engleman believes that both population and consumption are the problem, and together they expand humans' environmental impact exponentially as time goes on. In the hot button world of "population control," Engleman proposes a strategy endorsed by 179 nations at a United Nations conference in Cairo in 1994. This strategy involves improving reproductive health. Engleman argues that women do not want more children, but want to have more for the children that will reliably become healthy adults. Thus, if women could raise healthy children, they would, on their own, have fewer children. Moreover, women need to be given aces to contraceptives and education.

2. Garrett Harden, *The Tragedy of Commons*, at <a href="https://www.dieoff.org/page95.htm(1968">www.dieoff.org/page95.htm(1968</a>).

In his now famous piece, Harden describes the population problem as the sort belonging to the class of "no technical solution problems." As our population grows exponentially, our resources must logically decrease. Harden characterizes the problem as one of the difficulties of defining what the maximum good is for each person when values are so different. This problem as a whole has been characterized as the tragedy of the commons, with which we are all now familiar. The troubles of the tragedy of the commons appear with the public lands, pollution, and even free parking. Yet, the U.N. and others still see the family as the natural and fundamental unit of society and are happy to leave decisions regarding the size of the family to the family itself. Harden thinks that it is a misstep to allow the control of breeding to be left to appeals to conscience, which has both long and short term disadvantages. The solution, as Harden sees it, is a set of mutually agreed upon coercion, some sort of social arrangement that produces responsibility. In this case, while the notion of the commons works fine with low population density, it fails, and consequently infringes upon individual's personal liberties, as every new enclosure of the commons is made; thus, Harden argues we must relinquish our freedom to breed.

3. Russell Shorto, *Childless Europe*, NY TIMES MAG., June 29, 2008. http://www.nytimes.com/2008/06/29/magazine/29Birth-t.html?pagewanted=1& r=1&ref=magazine

Shorto examines the decline of birthrates in Europe and its effects on the European economy. The birthrates in Southern and Eastern Europe have declined to below 1.3 children per couple. Even in Italy, where there is a monetary incentive to reproduce, women are having fewer children. Contrary to what many people may believe, it is the stay at home mothers who are having fewer children compared to the working mothers. The growing concern is the lack of young workers contributing to the country's pension funds.

4. Mona Hymel, *The Population Crisis: The Stork, The Plow, and the IRS*, 77 NORTH CAROLINA LAW REVIEW 13 (1998).

Tax policy can function as an economic and social tool to influence behavior. The U.S. Congress, however, has failed to use this tool in addressing problems of overpopulation in this country. Instead, as Professor Mona Hymel argues, current tax policy exacerbates problems of overpopulation in three specific areas: reproductive rates, the strain on agricultural and natural resources, and the overconsumptive lifestyle of U.S. citizens. As it functions now, the U.S. tax system has a pronatalist bias, it fails to encourage sustainable farming practices and the conservation of resources, and it actually encourages overconsumption. This pattern can be altered, however, through proposals made by Professor Hymel such as environmental taxes, preferential treatment for practices such as organic farming, and the elimination of tax exclusions that encourage urban sprawl, to name a few. Since the United States sets the pace for the world on important social issues, Professor Hymel argues that it is imperative for the country to take the lead on addressing the catastrophic effects of overpopulation. Tax policy provides a viable place to start.

5. Mander:

Chp. 10: Karen Lehman and Al Krebs, Control of the World=s Food Supply.

Domestic and international food trade policies implemented by governments around the world have separated people from the food they eat, placed the world's food supply under the control of multinational corporations and threatened the biological wealth of the planet. Ownership of the food industry is now concentrated in the hands of agrigiants, who substitute capital for efficiency and technology for labor. In the U.S., the family farm is rapidly disappearing. Internationally, indigenous culture is disappearing as local food is rejected in favor of less expensive imports. Urban areas are

becoming overpopulated as displaced farmers migrate away from farms that have been in their families for generations. Real choice and quality have all but vanished from the dinner table. Perhaps most frightening, the World Trade Organization has enabled multinational corporations to patent the genetic material for crops that farmers have been cultivating for hundreds of years. The authors thoroughly describe these predators to the world's food supply, offering convincing support for the assertion that rejecting agribusiness in favor of local produce is a central element to relocalizing economy.

## \$ Chp. 36: Daniel Imhoff, Community Supported Agriculture: Farming with a Face on It.

In this article, Imhoff offers an uplifting description of Community Supported Agriculture (CSA), a business model that allows local farmers to produce organic produce for families who subscribe to the farm's services. CSA is an appealing solution to the problems presented by current farming practices. As agribusiness continues to dominate the industry, the average food product travels over 1300 miles before it reaches the family dinner table, waxed, irradiated and packaged. 10 calories of energy are required to create just 1 calorie of food. On a CSA farm, community members pay a share of the farm's operating expenses in the spring, and then receive fresh-picked organic produce once a week during the farming season (about 30 weeks of the year). The average CSA crop travels to a neighboring dinner table in a recyclable bag, and arrives there at a below market price. CSA farms bring communities together with workdays and educational programs, providing consumers with knowledge of how and by whom their food is grown. Imhoff's article portrays Community Supported Agriculture as a simple and successful way to re-establish relationships between people and the planet.

### 6. Wendell Berry, *The Whole Horse*, in The FATAL HARVEST READER 39 (2002).

Berry argues that although industrialism provides individuals with innumerable commodities, it is ultimately unsatisfying because it alienates individuals from their families, communities and the natural world. It is dependent upon environmental distinction. In order to be interconnected to the things around us, individuals should embrace a lifestyle of agrarianism. Agrarianism is about supporting the local economy and being loyal to a way of life that conserves and cherishes the land and natural resources within our local community. Berry also argues that agrarianism isn't necessarily a "phase" in which human society must go through and then leave behind. Furthermore, agrarianism does not mean "turning back the clock," because it's about adapting to local economies and cultures. The biggest problem agrarianism faces is the WTO, which institutionalizes the industrial ability to turn every product in the world into a commodity, ultimately destroying the environment and our natural world.

# 7. Vandana Shiva, A Worldview of Abundance, ORION, Summer 2000.

Using India as an example, Shiva speaks out against the damaging effects of globalization on agricultural biodiversity. Farmers in India spent hundreds of years studying and cultivating many varieties of rice, only to have them patented by a Texas-based agribusiness. Shiva claims that the patenting of seed is absurd: it denies nature's role in biodiversity and criminalizes farmers who engage in historic seed gathering traditions. Genetic engineering also destroys biodiversity, as corporate food producers ignore ecological systems and homogenize agricultural planning. Globalization equals food totalitarianism: agribusiness, supported by trade law, is slowly chipping away at our right to culturally appropriate food, our right to safe food and our right to a relationship with the harvest. Shiva believes that the only way to fight for biodiversity is to refuse to cooperate with unjust laws. She outlines several recent movements in favor of food democracy, and calls for solidarity between consumers and producers of ecological agriculture. Ultimately, change happens when we view species and plants not as property, but as kin.

### 8. Gary Nabhan, Coming Home to Eat, ORION, Summer 2000.

When Nabhan realized that the food he ate more or less defined the way he lived his life, he set out on a fifteen-month long project: 4 out of every 5 meals he ate would come from the region in which he lived—the Sonoran Desert. This article is a journal of his experience. He plants squash inside a satellite dish, roasts mescal, eats road kill, networks with other local growers, and introduces his neighbors to the caper-like taste of roasted cholla buds. Along the way, he recalls family dinners, contemplates the meaning of "homemade taste," appreciates a connection with traditional Native American culture, and learns that eating is "the most direct way we acknowledge or deny the sacredness of the earth." His project culminates in a 230-mile walk across the Sonoran Desert, fostering a sense of community among would-be desert-eaters. Nabhan inspires his readers to re-connect with their own sense of place and to find sustenance there.

9. Barbara Kingsolver, Small Wonder: Essays – A Fist in the Eye of God (Harper/Collins 2003).

http://www.motherearthnews.com/Nature-Community/2002-08-01/A-Fist-In-The-Eye-of-God.aspx

The essay, A Fist in the Eye of God, examines the ethical question of genetic engineering. The author describes the theory of evolution as the foundation of all natural life. All living things have different genetics, which produces diversity in our environment and our food. Many agriculture companies are investing in genetic engineering to support our industrialized economy. Food allergies and other harmful illness are directly linked to genetically engineered foods. Unfortunately, engineered seeds are contaminating more of our naturally produced food. According to some studies, the United States is subject to losing all its naturally grown corn because of the genetic engineered contamination.



10. Virginia Morell, Minds of Their Own: Animals Are Smarter Than You Think,

http://ngm.nationalgeographic.com/2008/03/animal-minds/virginia-morell-text

Researchers are beginning to rethink their initial conclusion on animals' cognitive ability. The article suggests that animals are more like humans than researchers have thought in the past because of their cognitive ability. Many species, other than great apes and other primates closely related to humans, have demonstrated the ability to learn new skills, solve problems, and make distinctions among various objects. Parrots, for example, have been taught to speak English words, to tell researchers what they want, and to distinguish between items based on color, shape and material. Crows have demonstrated an ability to make tools in order to accomplish a specific task. Such research suggests that cognition is an inherited trait that is possessed not only by mammals, but across various species with ancestral histories very different than our own.

11. Donald G. McNeil, Jr., When Human Rights Extend to Non-Humans, NY TIMES, July

http://www.nytimes.com/2008/07/13/weekinreview/13mcneil.html

The author explores the legislation within the Spanish Parliament's Environmental Committee, which extends limited rights to chimpanzees, bonobos, gorillas and orangutans. The committee based its decision on the Great Ape Project. The Great Ape Project found that chimpanzees' DNA make-up is anywhere between 95- 98 percent the same as humans. The article explains that if the Parliament passes the legislation, it will be illegal to kill apes excluding self-defense. McNeil acknowledges that once these rights are given, the cultural practices that involve animals will be in question. The author brings up the issue of bullfighting in Spain and how the bull's rights may be established as well.

12. Craig Holdrege & Steve Talbott, *The Question Science Won't Ask*, ORION, July/August 2006.

#### http://www.netfuture.org/2007/Jan1607\_166.html#2

This article explores the science of tampering with organisms. Scientists have long ignored the way organisms live and adapt in a natural state, assuming that genetic mutations are accidents. However, recent research has demonstrated that organisms actually genetically adapt to their surroundings. Holdrege and Talbott argue that if scientists are to continue experimenting with genetic modification of plants and animals, they need to focus on the organisms' natural propensities, rather than just human utility. While it is impossible for organisms to live in isolation without affecting one another, we should only modify plants and animals in a responsible manner.

# 13. Thomas Nagel, *What Is It Like To Be A Bat?* http://organizations.utep.edu/Portals/1475/nagel\_bat.pdf

In a philosophical article, Nagel sets out to explain why we presently do not understand the relationship between the mind and the body. He states that consciousness is what makes it impossible for us to solve the mind-body problem. The fact that consciousness exists in different organisms means that there is a specific meaning of what it is like to be that organism, a way of being that only that organism understands. Nagel uses the experience of the bat to illustrate the point that, because we have a certain point of view, it is impossible to understand the consciousness of another living being. We could imagine what it is like to be a bat—but if we imagine ourselves with webbed hands and hanging upside-down, we do not understand the bat's consciousness, we understand what it would be like for us to be a bat. We do not possess a language that allows us to describe the experience of the bat, but this does not mean that the bat does not have experiences just as rich as our own. Experience is therefore completely subjective, and it is impossible to understand what it is like for the experiencing organism, like the bat, except from that one point of view—the point of view of the bat. Thus, we cannot understand the true nature of the bat's experiences from observing the bat's physical operation. Nagel proposes a different method to close the gap between the subjective and the objective: we should pursue a more objective understanding of the mental by itself. We should develop a new method, independent from the imagination, to think about the subjective character of experience. This could be used for humans, say, to explain to someone who was born blind what it is like to see. In any event, Nagel believes that any physical theory of the mind cannot be put forth until there is a better understanding of the more general problem of the subjective and the objective.

14. Michael Pollan, *An Animal's Place*, NY TIMES, November 10, 2002. <a href="http://query.nytimes.com/gst/fullpage.html?res=9500EFD7153EF933A25752C1A9649C8B63">http://query.nytimes.com/gst/fullpage.html?res=9500EFD7153EF933A25752C1A9649C8B63</a>

As animal rights activism has gained momentum in Europe, many consumers are beginning to realize the transition that takes place in the process of converting meat from animals. Europe has increased its attention to animals and factory farms. More regulations have been implemented toward animals that are housed before being killed. According to the article, it is industrialization that is contributing to the inhumane suffering of animals in the meat process. Pollan highlights a visit to a good farm, where animals are living in a natural state and do not appear to suffer before being killed. The article encourages more good farms to fix the inhumane conditions under which animals are being kept and raised, and encourages more consumer awareness.

# 15. Emily Dugan, *Exposed: The Long, Cruel Road to the Slaughterhouse*, THE INDEPENDENT/UK, February 13, 2008.

http://www.independent.co.uk/life-style/food-and-drink/news/exposed-the-long-cruel-road-to-the-slaughterhouse-781364.html

Dugan examines the conditions under which animals are being transported in order to be considered home reared. In many instances, horses, pigs, sheep and chickens are hauled days at a time to end up being killed once they arrive at their destination. During the transit, animals are dying from diseases, heat exhaustion, hunger and stress because of the minimum allowable standard of care. The article recommends that animals should be killed prior to their transit to eliminate the inhumane conditions during transport.

# 16. Andrew Kimbrell, ed., *Seven Deadly Myths of Industrial Agriculture*, The Fatal Harvest Reader, Island Press, 2002.

This article exposes readers to seven common myths of industrial agriculture. First, contrary to what most people think, the world is currently experiencing a food surplus, not a food shortage. The reason so many people in the world are still facing a food shortage is because global corporations favor growing luxury high profit foods rather than staple foods. Peasants are also forced off their land by agricultural corporations, unable to grow their own crops and forced to work at low-paying jobs. Second, food is not as clean and safe as one thinks. More pesticides are used on crops than ever before which leads to increased cancer risk. Preserved and prepackaged meals are also high in calories, sugar and fats. Third, there are huge environmental, health and social costs associated with industrial agriculture. Widespread use of pesticides and herbicides are harmful degraders of the environment, and some are assuredly carcinogenic. Fourth, bigger farms don't necessarily produce better foods. Big farms often use more synthetic chemical pesticides, fertilizers and antibiotics per unit of production, which increase potential adverse health and environmental effects. Fifth, whereas people think they are being offered more choices, industrial agriculture is actually causing a loss of diversity of foods. Furthermore, foods sold in supermarkets often do not provide sufficient information on their labels. Sixth, contrary to what one thinks, intensive farming methods do not protect the environment, but rather chemical pesticides and fertilizers kill wildlife, decrease biodiversity, and increase pesticidal resistance. Lastly, biotech crops will only increase industrial agricultural problems by consolidating control of the world's food supply in the hands of a few large corporations.

### 17. Ellen Ruppel Shell, New World Syndrome, ATLANTIC MONTHLY, June 2001.

This article presents a case study of the effects of Western eating habits on the people of Micronesia. The author interviews indigenous people for whom death by heart disease and diabetes is increasingly common. The grocery shelves that once held fruit now hold sugar and salt-laden imports. Obesity is on the rise. Other countries in the South Pacific look much the same. These nutrition-related illnesses are only the latest development in the history of destruction of the South Pacific, added to a list that includes smallpox, influenza and STD's. The people of the South Pacific are genetically ill-equipped to handle the high-fat and high-sugar formulations of Western diet, but economically ill-equipped to eat anything else. Shell brings home a powerful message: as Westernization infiltrates traditional cultures, it not only changes the economic systems and the transportation methods, it changes the way the people eat, drink and die.

18. Arnie Cooper, Earthly Delights: Cultivating A New Agricultural Revolution: An Interview With Michael Ableman, THE SUN, June 2003.

## http://www.thesunmagazine.org/\_media/article/pdf/330\_Ableman.pdf

Michael Ableman is a small farmer from California who has maintained one of the oldest organic farms for over twenty years. In the interview, Michael explains how consumers must go beyond organic and buy locally grown food to save the environment. Industries need to consider the benefits of growing and selling for a regional market. Once industries begin to think local, it will produce an eco-friendly market saving energy, water and fuel. The article illustrates how Michael is concerned that people have become detached from the manual work of farming. As a result, the safety and quality of food has declined. Michael argues that smaller farms are more productive than large industrial farms and provide more variety for consumers.

19. Arnie Cooper, Lost in the Supermarket: Michael Pollan On How The Food Industry Has Changed The Way We Eat, THE SUN 4, May 2006.

### http://www.thesunmagazine.org/issues/365/lost\_in\_the\_supermarket

Lost in the Supermarket descries Michael Pollan's new book addressing the question of "what should I eat?" Pollan explores the evolution fo how humans have determined what to eat and how industry has changed our consumption patterns. According to this article, most families do not eat together, which is a reflection of industry. From microwave dinners to energy bars, industry is making sure that consumption is individual and on-the-go. Industrialization has drastically influenced our food consumption, from the way we treat our animals to the amount of food we consume. Michael Pollan challenges consumers to become more food-savvy and understand where our food is coming from.

20. Michael Pollan, *The Anxiety of Eating: An Excerpt from The Omnivore's Dilemma*, THE SUN 13, May 2006.

## http://www.thesunmagazine.org/issues/365

This article explores how omnivores have manipulated their natural instincts for meat and vegetables. Pollan explains how omnivores have naturally been attracted to cuisines that solved the dilemma of what to eat. For example, combining raw fish with wasabi reduces the threats posed by uncooked fish. However, the food industry has increasingly shifted natural evolutions and inclinations.

21. Michael Pollan, *The (Agri)Cultural Contradictions of Obesity*, New York TIMES MAGAZINE, Oct. 12, 2003, section 6, page 41.

Researchers predict that today's children will be the first generation of Americans whose life expectancy will actually be shorter than that of their parents. The main reason is that children are growing up obese and diabetic, which is indirectly caused by the huge food surplus in the U.S. Ever since the 1970s when the U.S. faced a food shortage, subsequent administrations have subsidized farmers on a consistent basis to the point where the U.S. now produces so much food that food companies create "supersize" consumer products to increase their profits. Annual subsidies to farmers now amount to \$19 billion and average Americans now consume 200 more calories [day?] than Americans did 25 years ago. This is disastrous for other countries as well, because it is driving out farmers in other countries such as India since it's cheaper for people in those countries to buy American corn rather than their own. Pollan argues that the U.S. should resolve the problem of food overproduction by resorting to a policy created and used during the New Deal. Namely, the federal government should give the farmer an option of "nonrecourse plan" to use the corn as collateral for the full value of his crop. This way, if the market improved, the farmer can sell his crops and repay the government back, or if the market failed to improve the farmer could discharge his debt simply by handing his crop over to the government.

22. Donald L. Bartlett & James B. Steele, *Monsanto's Harvest of Fear*, VANITY FAIR, May 2008.

#### http://www.vanityfair.com/politics/features/2008/05/monsanto200805

Monsanto is a company with patents to genetically modified (GM) seeds, which allows farmers to save the steps of cleaning and replanting seeds each harvest. The idea behind the GM seed is that the farmer can use Monsanto's own herbicide known as Roundup to kill weeds without drastically affecting the crops. On the other hand, farmers are required to purchase new seeds each year. Monsanto polices farmers to determine if they are reusing or sharing the seeds after the harvest. Numerous investigations and lawsuits have been launched in an effort to protect the company's patent. Monsanto has dominated the agriculture industry since the 1980's. The artificial hormone, BST, which is injected in cows to increase milk production, has negative side effects. As a result, some dairy farmers have begun to label their product as "BST free" to alert the consumer. In response to the labeling, Monsanto has increased its efforts, mainly through legislation, to make illegal the casting of products in this manner.

23. G. Pascal Zachary, *The Coming Revolution in Africa*, WILSON QUARTERLY, Winter 2008.

### http://www.wilsoncenter.org/index.cfm?fuseaction=wq.essay&essay\_id=359819

According to the article, farmers in Africa are beginning to flourish because the cost of land is low, the prices for crops are rising and the output is extremely high. In recent years, flowers have exceeded coffee as the leading export with vegetables and fruits not too far behind. However, critics are skeptical about the future of farmers because too many factors are involved. Farmers need to consider climate changes, the possibility of corrupt governments, and population as factors that might hinder the rise of sustained agricultural productivity.

24. Charles C. Mann, *The Rise of Big Water*, VANITY FAIR 122, No. 561, May 2007. http://www.vanityfair.com/politics/features/2007/05/bigwater200705

The Rise of Big Water illustrates how private companies are taking over the water supply of many countries and the negative effects that are resulting in the transfer. The example given by the author explains how government officials of Changzhou have polluted the city's water by allowing industries to take over and flush waste into the city's canals. Instead of the government addressing the pollution problem, the city opted to privatize the water supply. The problem with private water companies as the article points out is that the cost of water has risen, with the hope that consumers will conserve their water intake. However, it is the poorer cities that are being affected the most. The idea of allowing the market to determine the cost of water is leaving many people without water. Mann is concerned that countries are going into large sums of debt, instead of considering other possible solutions to resolve water pollution.

#### Recommended

#### 25. Robert Paarlberg, *The Global Food Fight*, FOREIGN AFFAIRS, May/June 2000.

In the midst of the genetically modified (GM) crop revolution European consumers and American industry are fighting, developing nations are losing. That is the premise of this pro-GM article, which begins by tracing the history of GM crops from their early developments in America in the 1980's. Paarlberg glosses over the role of patents and pesticides in GM's early successes in America. He then criticizes the "phobic" boycott of GM crops by European consumers, a widespread backlash that resulted in significant bans of GM crops in Europe.

Meanwhile, in America, some manufacturers have stopped buying GM ingredients in order to prevent a boycott of their products. It is unclear what the debate over GM foods will do to international trade agreements; whether restricting GM imports will be justified under a precautionary principle or whether countries seeking to limit them will have to prove with scientific certainty that such products are harmful. Paarlberg argues that the global snafu over GM crops hurts developing nations the most. He claims that the poverty and malnutrition in developing nations could be abated by GM foods, if they could get them. Farmers in Kenya could reduce crop loss due to pests by planting crops engineered to contain an insect-killing toxin, malnourished Asians could eat Vitamin A enriched rice, and higher yield the GM crops would reduce the need to clear new farm land in sub-Saharan Africa. Unfortunately, according to Paarlberg, the GM crop revolution will not reach the countries that need it until private companies develop crops for the tropics, developing nations recognize intellectual property rights for corporations patenting seeds, and public-sector support for agricultural development is renewed. Some readers might wonder whether Paarlberg has correctly identified the winners and losers in the GM battle.

25a. Union of Concerned Scientists, *Failure to Yield: Evaluating the Performance of Genetically Engineered Crops*, March 2009. www.UCSUSA.org/food and agriculture/science and impacts/science/failure.

25b. Cormac Sheridan, *Report Claims No Yield Advantages For B+ Crops*, NATURE BIOTECHNOLOGY (2009). www.nature.com/nbt/journal/v27/n7/fall/nbt0709-588.html

26. C. Ford Runge and Benjamin Senauer, *A Removable Feast*, FOREIGN AFFAIRS, May/June 2000.

The authors present a pro-globalization perspective on the crisis of food security and how to address it. The world will be less able to feed itself in the 21<sup>st</sup> century, a fact which necessarily leads to the conclusion, in the author's view, that the world's need for food is best addressed by free food trade, allowing surpluses to take care of deficits elsewhere. Certainly, expecting countries to be self-sustaining won't work—developing nations demonstrate the pitfalls of a self-sufficiency approach to food. Attempts at self-sufficiency in the later half of this century have only lead to heavy government subsidies and limitations on the nutritional variety of agriculture. The authors define GATT and WTO as "mutually managed mercantilism based on compromises" and argue for WTO negotiation of food trade agreements. Genetically modified (GM) crops promise to be the vehicle for opening up the scope of global food trade. The GM issue involves agriculture, trade, environment and food security—it demands a global structure of rules. Runge and Senauer concur with Paarlberg's claim that GM crops can solve the problems of developing nations. They argue that we can address food security best by liberalizing trade, forming a global organization to organize and assess environmental issues, and creating emergency food provisions for developing countries to cope with shifts in the global food market.

27. Geoffrey Tansey, Food for Thought: Intellectual Property Rights, Food, and Biodiversity, HARVARD INT'L REVIEW. 54, Spring 2002.

http://www.harvardir.org/articles/971

Intellectual property rights (IPR) are increasingly changing the face of agriculture markets. Tansey points out that IPRs are unevenly distributed and the rules for enforcement are causing major debates. Patenting of seed has sown much confusion and, because of uneven distribution, many small farmers and undeveloped countries are being excluded from the benefits. The article points out that patents have the potential to commercialize farming everywhere and will continue to put small local farmers out of business. The author suggests that a balance needs to exist to address the concerns of the public and the private entrepreneur.

28. Maude Barlow, *Blue Gold: The Global Water Crisis and the Commodification of the World=s Water Supply*, (Special Report) International Forum Globalization, June 1999.

Demand for water will soon surpass global supply, and governments are advocating for the commodification of water. Water scarcity has already produced social conflict around the world. The future of water lies in the hands of those leading the globalization regime: corporations and financial institutions motivated by the desire to remove all trade barriers and privatize all resources. Technology is being introduced which would allow water to be shipped around the world, bottled thousands of miles from its source, consumed thousands of miles from where it is bottled. Barlow argues that this water crisis, along with the commodification of water, will translate into social inequity, increased incidents of disease, an insecure food market and mass environmental destruction. On behalf of the International Forum on Globalization, Barlow insists that access to water is a basic human right. This report calls upon local communities to protect their water resources, and proposes ten principles to help protect water from future destruction.

# Week 5

### • The Environment on the Precipice

- Video Opportunities:
  - "What A Way To Go: Life At The End Of Empires",

www.whatawaytogomovie.com

- "Everything's Cool: A Toxic Comedy About Global Warming" (2007)
- "Blue Vinyl" (
- "Manufactured Landscapes" (Edward Burtynsky) (Zestgeist Films 2007)
- "Guns, Germs and Steel" (NATIONAL GEOGRAPHIC 2005)
- "The Age of Stupid" (2009)
- "2012" (2009)
- Exhibition: David Maisel, "Black Maps"
- Exhibition: Sebastiao Salgado, "Genesis"

### **Readings for Week 5:**

- 1. Mander:
  - Chp. 7: Edward Goldsmith, *Global Trade and the Environment*.

The central premise of this article is that the global economy is directly at odds with the needs of our environment. Goldsmith outlines the ways in which economic growth in the name of globalization inevitably produces environmental destruction. Third world countries are transformed into consumer cultures, increasing global resource consumption levels. Globalization's emphasis on export leads to the annihilation of indigenous cultures and the destruction of native lands. The increased transportation necessary to support export trade translates into more pollution and inroads into previously inaccessible land. In order to stay competitive in the global market, nations are reluctant to adopt any environmental regulation that could increase corporate costs. Deregulation aids in the steady destruction of the environment, as international organizations like the GATT view environmental laws as illegal barriers to trade. Goldsmith's recitation of the statistics surrounding environmental destruction brings home his

message: "there can be no trade and no economic development on a dead planet."

# \$ Chp. 13: Harvard Working Group on New and Resurgent Diseases, Globalization, Development, and the Spread of Disease.

The authors of this chapter have spent over ten years working together to research issues of disease through the lens of globalization. Here, they provide an overview of the effects of globalization and environmental destruction on infectious disease. When Americans predicted twenty-five years ago that infectious disease had been virtually eliminated, they apparently did not predict globalization. After listing a haunting number of statistics about the rise of disease in the modern world, the authors follow a pathogen through the environmental pathways that enable it. The large-scale movement of people and goods throughout the world make it more likely that carriers of disease will reach areas where none previously existed. Because the IMF and World Bank have imposed cutbacks in sanitation and public health in many developing nations, once a carrier arrives, the disease is highly like to spread. As environmental degradation reduces biodiversity, the colonization of disease is made easier. With increasingly unpredictable changes in climate (again, produced by environmental degradation) some areas are left more vulnerable to disease. Finally, as the gap between rich and poor grows, those marginalized by the development process are left more vulnerable to disease, and less likely to have health resources.

# \$ Chp. 18: Robert Goodland, Growth Has Reached Its Limit.

Goodland is the environmental adviser to the Environmental Department of the World Bank. His article is focused on increasing awareness of the environmental limits to the global economy. As he points out, Earth's resources are approaching empty, and we must rethink our notions of growth in order to sustain our lives on this planet. Human biomass appropriation, climate change due to environmental destruction, rupture of the ozone shield, land degradation and diminishing biodiversity are all evidence of Goodland's assertion that we have already reached our limit of consumption. While Goodland's outlook on the probability of change in global policy is bleak, he does offer some basic recommendations for slowing down expansion of the global economy.

## \$ Chp. 19: David Morris, Free Trade: The Great Destroyer.

Morris deconstructs the ideologies of free trade and demonstrates that the rhetoric supporting the global economy is not living up to its promises. He identifies key postulates of free trade—the adoration of bigness, the need for global markets, and the law of comparative advantage—and then neatly tears them down. The promises of globalism appear empty when seen through Morris' acrid critique. By juxtaposing the theory with the reality, Morris demonstrates that the doctrines of free trade and globalism are in fact approaching absurdity.

# \$ Chp. 21: Wolfgang Sachs, Neo-Development: >Global Ecological Management.=

Sachs argues that there are two ways to conceptualize the task of global ecology. The first—that the depletion of Planet Earth has become so great it is time to shake off Western values and retire from the development race—has virtually no voice when compared to the second, dominant ideology. Around the globe, those in power understand global ecology as a matter of "sustainable development"—a technocratic effort to keep development afloat against the drift of plunder and pollution. The global economy means no society can achieve well-being independent of development. Development has come to mean continued growth at the maximum productive capacity of the planet. According to Sachs, it is

this unquestioned link between ecology and development that will prevent the Earth from recovering from its increasing devastation.

2. Lynn White, Jr., *The Historical Roots of our Ecological Crisis*, www.zbi.ee/~kalevi/lwhite.htm

Lynn White describes the history of science, technology and ecology in order to better understand our current views of the world and the roots of the modern ecological crisis. From the translation of Islamic texts into Latin, to the invention of a more efficient plow, to the victory of Christianity over pagan religions, White analyzes man's ever-changing vision of his place in the world. What she finds is that as human beings began to see themselves as the center of the universe and began to develop technologies that allowed them to alter the world more efficiently, they developed an exploitative view toward nature that led to the development of today's environmental problems. White sees the roots of the modern ecological crisis in the marriage of science and technology, in the medieval view that man could exploit nature, and the Christian view that humans are the center of the universe. White then presents an alternative Christian view, that of St. Francis of Assisi, who preached to the birds and fought against the belief that human beings ruled the earth. She urges us to reject the idea that nature exists solely to serve human beings and instead understand that all parts of nature are equally important.

# 3. Jay Griffiths, Artifice v. Pastoral: The World of Fakery And Its War On All Things Natural, ORION 20, March/April 2009.

Griffiths discusses how human beings are so gullible and easily tempted by the artificial. As a result, humans are losing contact with natural things that make the world a beautiful place. The younger generation of the Inuit can no longer hunt and instead rely on jobs and housing supplied by the government—because the government made them attend a white school and they forgot their native ways. As a result, when a man took his son to try to hunt, though he did not possess that skill, they never came back and their bodies were recovered days later. Griffiths discusses a news story about a young man who jumped from a parking garage after deliberating for several hours. A large crowd gathered, heartlessly daring him to jump, which he eventually did. They took pictures of his dead body and posted them on the Internet. The crowd had become so desensitized by television and the Internet that they failed to sympathize with, or even recognize, the young man's pain and the possible ending to his life. In Guantanamo Bay, artificial language is used to label torture as "enhanced interrogation techniques." The courthouse is artificially called "Camp Justice." The notorious prison is artificially surrounded by open oceans on three sides. Through all these examples and more, Griffiths laments our descent into a world of the artificial and rejection of the pastoral.

4. Curtis White, *The Barbaric Heart: Capitalism and the Crisis of Nature*, ORION 30, May/June 2009.

White believes that behind capitalist corporations and the individuals who run them is a mentality that he refers to as the Barbaric Heart. While White credits the Barbaric Heart for what appears to be admirable (its strength, energy and willingness to take risks), he also believes that the Barbaric Heart is shallow and lacking. It is dangerous because it does not question its actions. It equates success and virtue with winning, which leaves an emptiness that is filled with consumption. Moreover, the Barbaric Heart does not realize the suicidal nature of its activities. White believes that the Barbaric Heart cannot be taught the nature of its ways, but instead must be displaced by thoughtfulness. He believes that we need to create a culture that is primarily satisfied by beauty and that we need to see ourselves as the universe, merely an animal among animals.



# 5. David Quammen, *Planet of Weeds*, HARPER'S MAGAZINE, October 1998.

In this article, author Quammen presents evidence that Earth is heading towards another mass extinction, one that would rival those of the Permian or Cretaceous. Between the years 1600 and 1900, humanity had caused the extinction of about 75 known species, mostly mammals and birds; between 1900 and 1979, humans had extinguished about another 75 known species, a rate well above the rate of known losses during the Cretaceous extinction. What is most worrisome is the numbers of species extinctions that go unrecorded; some putting that number as high as 25,000 plant and animal species. Two of the most significant factors contributing to this problem include land conversion and human population growth, coupled with increasing poverty levels. Significant as well to the current mass extinction are invasive species, which have had the effect of the extinction of less competitive, less opportunistic native Some researchers suggest that humans are the consummate invasive species; we're geographically widespread, we have a remarkable reproductive rate, and we're incredibly good at coopting and monopolizing resources. Thus, it will take a real significant change in the Earth's ecosystem to affect humans; perhaps a bad thing as change is needed now.

### 6. Christopher Cokinos, *The Consolations of Extinction*, ORION, May/June 2007. http://www.orionmagazine.org/index.php/articles/article/268

Cokinos examines the evolution of nature and the extinction of species that persists today. The article exerts the author's feelings about the extinction. He specifically examines the era since the Permian, when 95 percent of all living creatures that existed during that time have become extinct today. The idea of extinction does not end in the Permian Era. It continues throughout the twenty-first century. The article does not intend to convince the reader of the helplessness of extinction, but to invoke awareness of the environment. He concludes by recognizing that extinction is natural.



# 7. Alisa Opar, All Creatures Great and Small, PLENTY MAG., August/September

2007.

### http://www.plentymag.com/magazine/all creatures.php

In this article, Opar researches a team in San Diego that has created a frozen zoo. The frozen zoo stores samples from more than 7,000 animals from different species. Researchers at the zoo have multiplied animals that were on the verge of extinction to inhabit the wild again. Although extinction is considered a natural process, extinction rates have increased rapidly because of pollution and environmental destruction. This presents a testy topic for it champions a technological fix to humancaused degrading activity.

8. Mark Schapiro, *Toxic Inaction*, HARPER'S MAGAZINE, October 2007. http://www.harpers.org/archive/2007/10/0081742

Toxic Inaction explores the extent of toxins that exist in commonly used products. Chemicals in products include stain repellents, flame-retardants and pesticides. These chemicals have proven to result in cancer, liver or thyroid imbalances. The author also explores the lack of United States' government regulation regarding theses toxins. The United States Toxic Substances Control Act of 1976 gave the federal government the authority to follow chemicals used by industries and allowed the government to place restrictions on those that they found to be harmful. However, the chemicals already on the market were excluded from the requirements. This exclusion affected up to 95 percent of the chemicals in public use. The article compares the implications of the European policy to address toxins: REACH stands for

Registration, Evaluation and Authorisation of Chemicals. Under REACH, industry regulations are more strenuous compared to those in other developed countries. The idea behind REACH is to act as a preventative measure unlike the US policy. REACH requires industries to take more responsibility of the health of consumers.

### 9. David Ehrenfeld, *Pretending*, ORION, Autumn 2000.

Ehrenfeld argues that our high tech society as a whole has been 'pretending' when confronted with strong warning signals about the possible future plight of our ecosystem. For example, consider the science of genetic engineering. Touted as a miracle, scientists today are pretending that their technology works as claimed, is stable, and is safe, that the euphoria of 1960 is still scientifically justified, in spite of the dangers we have since learned of, including the possible creation of virulent pathogens and disease resistance among disease organisms. Another example comes at the hands of pollution control and risk management. We pretend that we know every effect of a pollutant, that we can accurately monitor releases, and we understand environmental thresholds. And the final example that Ehrenfeld provides is that of nuclear missile defense: he questions why the public pretends that this shield is possible, when it truly is not and never will be. He concludes by suggesting if we don't wake up and stop pretending, our world will wither, our security will vanish, and all the pretending in the world will bring us no comfort.

#### 10. Wade Davis, *The End of the Wild*, LAPIS, Issue Eight.

In this short article, Davis argues that the capacity to forget, a fluidity of memory, is a frightening human trait. The complete extermination of the American passenger pigeon, the destruction of the buffalo, and the nearly complete deforestation of Haiti are the examples that Davis points to. He is shocked to realize how effortlessly we have removed ourselves from these ecological tragedies. These events were unmitigated ecological disasters that robbed us and the future of something unimaginably precious. This century will be remembered as the era in which men and women stood by and either passively endorsed or actively supported the massive destruction of the biodiversity of this planet. The most important challenge of our times, Davis argues, is to quell this flame of destruction and reinvent the poetry of diversity.

# 11. David W. Orr, Law of the Land, ORION 18, January/February 2004.

This article argues that the time is now ripe for an amendment to the Constitution guaranteeing the right to a healthy environment. The author argues that because the Declaration of Independence claims, "all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the Pursuit of Happiness," then no generation has a right to take away the unalienable rights of future generations by destroying the environment. Although federal regulation such as the National Environmental Policy Act of 1969 (NEPA) and the Endangered Species Act of 1973 (ESA) have been passed, they have had no dramatic effect in protecting the environment because they have been watered down for other major economic interests. The author also believes that lawyers and judges should be more educated in environmental and ecological issues.

### 12. John Broome, *The Ethics of Climate Change*, SCIENTIFIC AMERICAN, June 2008. http://www.sciam.com/article.cfm?id=the-ethics-of-climate-change

Some economists have found themselves immersed in an ethical challenge about current climate change. According to the World Health Organization, annual death rates from global warming have reached 150,000 since 2000. So why are we not reducing our consumption patterns? The article further identifies that the majority of economists are not considering the ethical question of what should be done about the climate change in the market of discounted rates. The author concludes that ethical questions should be addressed to determine the current sacrifices consumers need to make for our future well-being.

13. Jürgen Scheffran, *Climate Change and Security*, BULLETIN OF THE ATOMIC SCIENTISTS, May/June 2008.

In this article, Scheffran looks at recent research on global warming and its societal effects. The author notes that environmental changes resulting from climate change will affect more than human living conditions; they may threaten the fabric of our society. Depending on the level of vulnerability to global warming, societies may or may not be able to cope with major environmental changes. A look at history points to some possibilities. For example, in "the year without a summer" of 1816, during the Little Ice Age, Europe erupted in social unrest and violence. And the environmental issues faced by 18<sup>th</sup> and 19<sup>th</sup> century Europeans do not begin to compare to the climate change we can expect in the future. Scheffran looks at such impending problems as the degradation of freshwater resources and environmental migration and discusses what their impact may be on the lives of those who have to face them.

14. Derrick Jensen, *Beyond Hope*, ORION, May/June 2006. http://www.orionmagazine.org/index.php/articles/article/170

This article proclaims that hope takes you away from the present and leads you to the future of the unknown. *Beyond Hope* suggests that instead of hoping that legislatures will make the right decision to save the environment, we should take action. When we give up on hope, we can begin to act to save the planet. The author concludes that losing hope in our environment does not mean that we are miserable and do not care. It means that you cherish and love the environment enough to take the state of affairs into your own hands and act.

15. Special Feature, A Brighter Shade of Green: Rebooting Environmentalism for the 21<sup>st</sup> Century, WHAT IS ENLIGHTENMENT

http://worldchanging.com/extra/Worldchanging WIE.pdf

A Brighter Shade of Green examines the evolution of environmentalism into the 21<sup>st</sup> century. The idea of going green has transcended into the idea of staying green or a brighter shade of green. Some traditional environmentalists are scared of the new tools used in fighting the war to save our planet. On the other hand, some modern environmentalists have embraced the use of technology to conserve and revolutionize the idea of conservation.

#### Recommended

16. Special Issue, *Energy's Future: Beyond Carbon*, SCIENTIFIC AMERICAN, September 2006.

http://www.sciam.com/sciammag/?contents=2006-09

- 17. [Global Warming: Both Sides, Wilson Quarterly, Spring 2003] <a href="http://www.wilsoncenter.org">http://www.wilsoncenter.org</a>
- 18. Paul Epstein, *Is Global Warming Harmful to Health*, SCIENTIFIC AMERICAN, August 2000.

In this article, Epstein argues that there are several less familiar effects that global warming could have on our society, namely the expansion of the incidence and distribution of many serious medical disorders. Heat waves, revised weather extremes, and the spread of infectious diseases are some of the more obvious possibilities, that will also tend of have a larger effect on the developing world. Perhaps one of the greatest concerns is a warmer global environment that favors the mosquito and all the diseases

relayed by this insect: malaria, dengue fever, yellow fever, and encephalitis, to name a few. Further, global warming will also likely elevate the incidence of waterborne diseases, especially with more extreme and frequent drought and flood events. To most effectively combat this problem, a multicomponent solution is in order: a comprehensive surveillance system to predict oncoming outbreaks, a climatological prediction system to tell when conditions become conducive to outbreaks, and a system to attack global warming itself.

19. Richard Grove, Climatic Fears: Colonialism and the History of Environmentalism; Gary P. Sampson, The Environmentalist Paradox: The World Trade Organization's Challenges; Carl Pope, Race To The Top: The Biases of the WTO Regime, HARVARD INTERNATIONAL REVIEW, Winter 2002.

Climatic Fears, by Richard Grove. This article explores the history of colonial environmentalism during the 1700-1800s based mainly on the fear of climate change. Due to massive deforestation on colonial islands which scientists linked to rainfall reduction, forest-reserve legislation during the 1700s began to appear throughout the British, French and Dutch empires. Specifically, the Forest Department established in India in 1864 saved many forests in that country whereas in China and Thailand (where no significant reserve system developed) the forests have now largely disappeared. Grove argues that similar policies of state land-use reservation could be presently adopted in the U.S. as well as in other countries. The underlying assumption is that private capital interests could not be trusted to safeguard and conserve resources on which environmental stability as well as longer-term economic well-being depended.

The Environmentalist Paradox, by Gary P. Sampson. Despite decades of success, the WTO and GATT have recently been met with much criticism, especially from NGOs. Much of the concern surrounds the notion that liberalized trade can be harmful to the environment, especially in developing countries. Yet, this must be balanced by the fact that economic growth can also generate additional resources that improve the environment. Further, removing market restrictions can mean an improved functioning of markets, and enhanced competition can mean that fewer scarce natural resources are required to produce the same level of output. Additionally, WTO rules are often criticized as unwanted intrusions into the domestic affairs of sovereign states despite the fact that member governments often consider WTO rules to be quite democratic. Sampson argues that this constant clash really isn't within the purview of the WTO at all; in fact, it has specifically left room for other international treaties to establish environmental standards and compliance mechanisms. In a perfect world, global policies founded upon a coherent approach to trade, the environment, and other social and economic matters would be formulated. Yet, countries are unwilling to forgo national sovereignty and accept strong compliance mechanisms in treaties negotiated under the auspices of the UN. Therefore, the best we can hope for is continued support of the WTO and the recognition of its true place in global governance.

Race to the Top, by Carl Pope. In this article, Pope reminds us that environmentalists are not really looking for sweeping changes to come from the WTO, yet are most interested in seeing that the WTO does not worsen those problems or some how act against sustainability. The most environmental damage is caused by commodity production and those industries are, for the most part, export driven. Where the WTO fails is in impliedly allowing subsidies in the form of environmental degradation. Further environmental injustice occurs when countries are barred from limiting imports based on the way products were produced, even if the production methods directly damaged the global commons. At the forefront of these concerns are the oceans and their resources; no other commodity can be so easily exploited by just one rogue country. Trade restrictions, or in the very least the threat thereof, are integral parts of the trade equation even though trade economists often disapprove of them. Further complications arise when considering the three different commons; the seas, the atmosphere, and the genetic diversity of the biosphere are all vulnerable in different ways. Pope argues the solution will come from global environmental treaties and increased scrutiny of the WTO's agenda. He believes that a rules-based trading system can be environmentally neutral or even protective.

### 20. Peter Sauer, *The Monarch Versus the Global Empire*, Orion, Spring 2001.

In this article, Sauer describes how the monumental conservation efforts to protect the monarch butterfly decades ago is now being threatened by massive U.S. agribusiness (occupying 49% of all land in the U.S.) that characterizes milkweed and the monarch as infestations. The problem is just as severe in Mexico where GATT and NAFTA implementation brought incredibly rapid economic and social transformations, including the acquisition and industrialization of vast tracts of forest-, range-, and farmland by foreign corporations. Just as in the U.S., globalization affected the smaller Mexican farmer. This problem is striking developing countries across the world. As concessions are made to foster foreigners, the nation's domestic agriculture collapses, dependency on more expensive imported food rises, and hundreds of thousands of farmers are displaced. All of this turns to economic collapse, and in a snowball effect, the devastation of natural systems is exemplified by the destruction on the monarch's habitat that was originally protected with great efforts. U.S. consumerism, the force that drives the globalization of agriculture and international trade on this continent, is killing the monarch. Sauer concludes by suggesting that those in the first world have a responsibility to realize that their lifestyles and financial security are dependent upon and contribute to the devastation of tropical forests and the oppression of the forest's peoples.

#### References:

• Ackerman, Frank & Heinzerling, Lisa, *Priceless: On Knowing the Price of Everything and the Value of Nothing*, THE NEW PRESS (2004).

\$ Richard Revesz, Environmental Regulation, Cost-Benefit Analysis, and the Discounting of Human Lives, 99 COLUM. L. REV. 941 (1999).

"The loss of human life resulting from environmental contaminants generally does not occur contemporaneously with the exposure to those contaminants. Some environmental problems produce harms with a latency period whereas others affect future generations. One of the most vexing questions raised by the cost-benefit analysis of environmental regulation is whether discounting, to reflect the passage of time between the exposure and the harm, is appropriate in these two scenarios. The valuations of human life used in regulatory analyses are from threats of instantaneous death in workplace settings. Discounting, to reflect that in the case of latent harms the years lost occur later in a person's lifetime, is appropriate in these circumstances. Upward adjustments of the value of life need to be undertaken, however, to account for the dread and involuntary nature of environmental carcinogens as well as for higher income levels of the victims. By not performing these adjustments, the regulatory process may be undervaluing lives by as much as a factor of six. In contrast, in the case of harms to future generations, discounting is ethically unjustified. It is simply a means of privileging the interests of the current generation. Discounting raises analytically distinct issue in the cases of latent harms and harms to future generations. In the case of latent harms, one needs to make intra-personal, intertemporal comparisons of utility, whereas in the case of harms to future generations one needs to define a metric against which to compare the utilities of individuals living in different generations. Thus, the appropriateness of discounting should be resolved differently in the two contexts."

### \$ Mari Matsuda, On Causation, 100 COLUM. L. REV. 2195 (2000).

In this Essay, Professor Matsuda argues that the narrow focus of tort law perpetuates very real, and remediable, social harms. Using tort causation doctrine as her starting point, Matsuda demonstrates how the tort system sacrifices human bodies to maintain the smooth flow of the economic system. Time after time, tragedies occur: school systems fail, first graders shoot each other, women live in constant fear of rape. Yet each tragedy is met with the same systematic response: those without resources, those least able to correct the harm, are considered the legal cause of the harm. The economic and corporate interests that created the structure in which these tragedies occurred are absolved of legal and moral responsibility.

Professor Matsuda proposes two changes to this system. First, when determining legal cause, we must expand tort liability in consideration of the ability of defendants to avoid, prevent, and redress social harm. Second, we must exchange our egocentric notion of responsibility for a communal and connected understanding of social responsibility. For instance, when I walk over a homeless man on my way to law school, I must recognize that it is not just a social failing that caused his plight; it is a personal failing on my part. Professor Matsuda argues that we exist in, and benefit from, a society that makes his position possible, and under current understandings of responsibility, even inevitable.

# \$ Martha C. Nussbaum, *The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis*, 29 J. LEGAL STUDIES 1005 (2000).

In all situations of choice, we face a question that Nussbaum calls "the obvious question": What shall we do? But sometimes we also face, or should face, a different question, which she calls the "tragic question": Is any of the alternatives open to us free from serious moral wrongdoing? Discussing cases of tragic conflict from literature, philosophy, and contemporary life, she argues that it is valuable to face the tragic question where it is pertinent because facing it helps us think how we might design a society where such unpalatable choices to not confront people, or confront them less often. Cost-benefit analysis helps us answer the obvious question; but it does not help us either pose or answer the tragic question, and it frequently obscures the presence of a tragic situation, by suggesting that the obvious question is the only pertinent question. Nussbaum applies these reflections to thinking about basic entitlements of citizens, such as might be embodied in constitutional guarantees.

# \$ William W. Buzbee, *Urban Sprawl, Federalism, and the Problem of Institutional Complexity*, 68 FORDHAM L. REV. 57 (1999).

In both state and federal politics, the ills associated with urban sprawl and the political opportunities these problems present are once again hot topics of discussion. Urban sprawl causes many direct and indirect societal and environmental harms. As part of this analysis of institutional complexity and federalism, this article looks at lessons from the history of environmental law to assess whether transformative political and legal reforms are likely to arise and remain effective in combating ills associated with urban sprawl.

### \$ Garret Keizer, Sound and Fury, HARPER'S MAGAZINE, March 2001.

In this essay, Keizer argues that quiet is the most assailable form of wealth. Conflicts between anti-noise campaigners and the modern loud, indignant societies contain an implicit cultural symbolism. Those who dismiss the noise issue as "merely aesthetic" are, of course, ignoring the well-documented medical and psychological effects of noise. They are also forgetting that, in the context of relationships, aesthetics can become ethics. Keizer also finds it very interesting that noise disputes are informed by class conflict; those with lower incomes are more likely to suffer from noise than the affluent.

#### \$ Mark Dowie, *Nuclear Caribou*, ORION, January/February 2009.

Dowie discusses the nuclear renaissance and its effect on Indigenous populations through the lens of the Indigenous peoples of Canada. As existing nuclear resources dwindle and as attention focuses on the desire to produce alternative fuels, the nuclear industry is experiencing a resurgence. Because nuclear energy depends on uranium, uranium mining companies are jumping at the chance to capitalize on this trend. However, nuclear energy is not the carbon-free energy source that it is claimed to be. Mining and transporting uranium, building nuclear power plants, and even running the power plants require energy from fossil fuels. Moreover, uranium mining and transportation are extremely hazardous and a spill can contaminate ecosystems for thousands of years, as well as poison local drinking water and food supplies. And those most likely to be affected by such byproducts of nuclear energy are the world's most poor and disenfranchised citizens. About 70% of the worlds' uranium is located beneath Indigenous communities in Africa, Asia, Australia, North America and South America. Mining companies therefore attempt to

mine uranium from those sources, where the people are desperate for income and politically marginalized, and thus less likely to oppose or resist mining. As Dowie points out, uranium mining is becoming "a worldwide challenge to the sovereignty of Indigenous communities."

# Week 6

- The Environment and Technology
  - Control of Innovation
- Biotechnology/Biocolonization and the Patenting of Life

#### **Readings for Week 6:**

- 1. Mander:
- \$ Chp. 30: Jerry Mander, Technologies of Globalization.
- "... biotechnology, robotics, global computer networks, global television, the production and dumping of toxic, and of industrial expansion. . . . export-oriented pesticide-intensive agriculture, and long distance commodity transport. All of these technologies and processes are intrinsic aspects of a globalized economy. Given the evidence [of the multiple harms caused by these technologies], however, we still hesitate to draw conclusions about the political drift of modern technologies. We cling to the idea that technologies are "neutral," just as we like to think of science as "value free"; that it is only a matter of access. This chapter argues that the very idea that technology is neutral is not itself neutral, as it leads to passivity to technology's onrush and unconsciousness about its role in the globalization process. Energy technologies, automobiles, television, and computers are examined further in this light."

2. Bill Joy, Why the Future Doesn=t Need Us, WIRED, April 2000.

Joy is the Chief Scientist at Sun Microsystems and has spent his life designing new computer technology. This article, which blends interviews with colleagues, Joy's favorite philosophies of science, and a bit of soul-searching, reveals Joy's self-doubt about the real contribution of technology as he explores the possibility that intelligent robots could dominate human life. This seemingly implausible suggestion becomes believable as Joy unveils a potentially hazardous combination of expanding technology and societal attitudes. Unintended consequences are a commonly accepted component of scientific development. Despite the unforeseen harms of past technology, scientists still fail to understand the consequences of their inventions while they are in the rapture of innovation. Society unquestioningly accepts revolutionary breakthroughs in technology. We are now only thirty years away from robots with human-level computing skills. Technology has advanced to the point that the replicating and evolving processes of the natural world are about to become realms of the human endeavor. Robots will, for the first time, have self-replicating capabilities and could be produced from readily available materials meaning that humans, or even robots themselves, could unleash a robot species on the world. Joy draws from the events surrounding the creation and use of nuclear weaponry to illustrate the need for clear ethical constraints on technology. He recommends limiting our pursuit of some types of knowledge. Truth seeking clearly has negative consequences, and society must begin to differentiate between knowledge and right before we unleash something we cannot undo.

3. Neil Postman, Staying Sane in a Technological Society: Six Questions in Search of an Answer, LAPIS, Issue Seven.

This article poses six questions designed to provide insight into the ways in which technology intrudes itself into culture. Postman recommends the questions be considered on two levels: one's own relationship to technology, and society's relationship to technology. (1) What is the problem to which this technology is a solution? Postman argues that technology should not be created if it is not solving a relevant problem. (2) Whose problem is it? The people who will benefit from the technology should be the people who pay for it. (3) What new problems will be created by solving an old one? We should think in an open-eyed way about the consequences of technology before we create it. (4) What people and institutions will most seriously be harmed? If the group supposedly benefiting from the technology is actually being harmed by it, that technology is not a good idea. (5) What changes in language are being enforced by new technologies, and what is being gained and lost by such changes? When we attach a word with a social meaning to a new technology, that technology often changes the meaning of the word and unthreads part of our social fabric. (6) What sorts of people and institutions acquire special economical and political power because of technological change? The transformation of technology into a product always realigns economic and political power.

4. Thomas Berry, *Technological Triumphalism*, LAPIS, Issue Eight.

The controlling force in the present-day is what Berry dubs "Economism," a philosophy by which humans, the democratic system and the natural world are dominated by corporate economic powers. Berry surveys the expansive reach of Economism—first it controls people, then it controls the planet, then it controls the universe—and concludes that the fatal flaw in Economism is its belief that it must change the way Earth functions, making Earth subservient to corporate power. This belief represents an inversion of the natural order—Berry argues that humans must recognize their place in the universe's system, rather than try and force the universe to conform to the Economism system. As Berry points out, humans—despite what they think—do not have the tools by which to control planetary functioning. He outlines three conditions that he believes are necessary in order to shed the ideology perpetuated by Economism: the universe is composed of subjects to be communed with, not exploited; the human is a subsystem of Earth; the planet will never again function as it has in the past. According to Berry, efforts to outsmart the Earth will only succeed in destroying human life.

5. Ellen Ullman, *Programming the Post-Human*, HARPER'S MAGAZINE, October 2002.

In this article Ullman searches for the answer to the question, "What unique element, if any, separates us from machines?" Her quest first led her to question, "What is human?" Computer scientist Herbert Simon offers a circular idea to this question. He believes that human life is artificial, like a computer. Therefore in order to learn about the mind, one should study a computer. However, Ullman refuses to accept Simon's theory, arguing that human thinking is more than just rational thought and rule-based, conscious thinking. Ullman also refuses to accept the theory taken by Alife researchers that human beings are merely accidents, part of the highly accidental set of entities that exist in order to be studied. Ullman postulates that in the end, it is emotion that separate humans from machines. She argues that in order to get at the heart of intelligence, one must look at the "irrational," the opposite of "logical." Not only are emotions critical to rational thinking, but she questions whether it could ever be simulated. Could an entity without a body, without sensory organs, that cannot die, that cannot fear, possibly be analogous to human beings? Ultimately, Ullman concludes that the "magical quality" in human beings that separates us from machines is the ability to recognize our own kind – the ability to recognize each

other from among all others. The task to simulate such a self-identifying sentient creature in her opinion is too complex and will ultimately fail.

6. Book Review, Robert Frenay, Pulse: The Coming Age of Systems and Machines Inspired by Living Things (Farrar, Straus & Giroux 2006)

Chet Raymo highlights the themes that author Robert Frenay portrays in the book *Pulse*. According to Raymo, *Pulse* introduces a new promise for the future-biotechnology or the "new biology." The author of *Pulse* believes that a new civilization is emerging into our society. The idea presented is that agricultural and industrial "revolutions" are ending. The advances in technology have allowed biotechnology to rise to the forefront. Frenay reveals that the "new biology" will treat machines as organisms and humans will be responsible for its evolution. *Pulse* acknowledges the Americans' mass consumption patterns will end human development. Frenay suggests sustainability through "new biology" will drive the future.

7. P. W. Singer, *Robots at War: The New Battlefield*, THE WILSON QUARTERLY 30, Autumn 2008.

Singer discusses the increasingly prevalent role robots are playing in American warfare. By 2008, the number of robots being used by the United States military was projected to be as high as 12,000. These robots do tasks that humans would otherwise have to do, often preventing human casualties, but using them also raises difficult questions. One question is whether the U.S. will be more willing to go to war when soldiers can wage war by remote control, thousands of miles from the battlefield, and make it home in time to help their kids with homework. Another question is what the human role in war will be as robots become more intelligent and more autonomous. Singer cites the case of the U.S.S. *Vincennes* which was equipped with an Aegis radar system that was capable of identifying enemy missiles and planes and defending against them. The Aegis system mistook an Airbus civilian plane for an Iranian fighter plane. Although the humans on board the ship could have overridden the system, they trusted the computer and shot down the plane, killing all 290 passengers. If humans become obsolete in warfare, are robots capable of making the kinds of moral decisions that soldiers need to make? These questions serve as a reminder that although robots at war may seem like a good solution to the human cost of warfare, they also could lead to very serious problems.

8. Wendell Wallach, et al., *The Consciousness of the Machine*, PHILOSOPHY NOW 4 et seq., March/April 2009.

Anderson compiles a sample of articles regarding the development of a new academic field known as Machine Morality, Machine Ethics, Friendly AI, Artificial Mortality, or Roboethics. This field deals with the moral questions posed when computerized systems develop to a point where they act in such varied circumstances that designers and engineers will be unable to predict how they will behave with new inputs. Once machines become this sophisticated, they will need to make moral decisions. However, questions arise as to whether machines can make moral decisions, whether humans want machines to make moral decisions, and what or whose morality such decisions should be based on. Wallach presents several articles on the subject. First, Wallach's own article, *The Challenge of Moral Machines* discusses the basic issues created by evolving technology. In *Will Robots Need Their Own Ethics*, Steve Torrence questions whether we need to develop moral systems in robots and concludes that we must develop a special ethics for robots to use. James H. Moor, in *Four Kinds of Ethical Robots*, believes that we cannot avoid robot ethics and explains different ways that robots can be made ethical. In *Machines and Moral Reasoning*, Thomas M. Powers discusses how a robot could follow Kant's moral imperative. Finally, in *How Machines Can Advance Ethics*, Susan Leigh Anderson and Michael

Anderson explain their experimentation with building ethical machines and hypothesize about their future research in the field.

### 9. Barbara Ehrenreich, *Pathologies of Hope*, HARPER'S MAGAZINE, February 2007. http://www.harpers.org/archive/2007/02/0081363

Ehrenreich examines the effects of hope and describes in this article her battle with cancer. She illustrates that the idea of hope masked the reality of her disease. According to the author, ideas of having positive attitudes have changed the way American society copes with reality. The "cult of positivity" has even spread to a discipline of study within many psychology departments. The article highlights studies that suggest positive people have a greater likelihood of living longer lives. There are exceptions to the rule of positivity. Certain professions have to consider worst-case scenarios instead of the positive. The author suggests ignoring the idea of hope. Instead, take control of your life and take actions to improve your situation.

# 10. Edward Hoagland, *Endgame: Meditations on a Diminishing World*, HARPER'S MAGAZINE, June 2007.

#### http://www.harpers.org/archive/2007/06/0081544

Hoagland describes the depletion of a natural world to which he had become accustomed. Not only are plants and animals disappearing from nature, but also the "human way of life" has changed. Humans no longer embrace nature as a means for living. The author pleads for a reversal of our consumption patterns because the rate of change in our environment is resulting in the extinction of all natural life. Hoagland notes that every human action has a reaction on nature, as when he put out food for a local family of foxes: soon the mice, to which he had become so accustomed, had disappeared. He argues that even as it becomes more trendy to embrace nature, humans choose to do so in an unnatural way. He describes a neighbor who, after cutting down natural flora and fauna, built a private lake which he filled with frogs. The neighbor later poisoned all of "his" frogs because they were too loud. Hoagland argues that we have reached a point where we can no longer continue to consume nature, because we have nearly destroyed it all while seldom replenishing what we have taken. He concludes that whether our society dies away will depend on whether we re-evaluate our lifestyles in order to make room for the survival of the earth.

#### Recommended

#### 11. Nanotechnology, Special Report, THE ECOLOGIST, May 2003.

This is a useful and practical article describing the precise nature of nanotechnology and how it has already affected our lives – maybe without us even realizing it! The author connects nanotechnology to everyday consumer products and reveals how products containing nanoparticles exist everywhere. Products utilizing nanotechnology include sunscreen and cosmetics (titanium dioxide nanoparticles), scratch-resistant coatings on ophthalmic lenses (aluminum oxide nanoparticles), antimicrobial bandages (silver nanoparticles), rechargeable batteries (lithium titanate nanoparticles), tennis rackets (carbon nanotubes) and tennis balls (nanoclay particles). The article further describes corporate nano-plans and how nanotechnology affects food, agriculture, medicine, environment, and the military.

#### 12. Mander:

\$ Chp. 11: Andrew Kimbrell, *Biocolonization: The Patenting of Life and the Global Market in Body Parts.* 

Kimbrell is an activist lawyer who has successfully brought many of the era's landmark legal actions against corporate excess in the area of biotechnology. In this article, he marches out the "parade

of horribles" that have occurred at the hands of the biotechnology industry since the Supreme Court approved the patenting of a life form in 1980. Animals are now genetically manipulated for research purposes. Human cells and genes have been patented. The meat we eat may contain genes from humans; the plants we eat may contain genes from fish. In Third World countries, kidneys, eyes, and skin are sold in a flourishing market for body parts. Scientists from North America and Europe are invading indigenous cultures and patenting their native plants while mapping out the genetic makeup of the people themselves. Kimbrell warns his readers that the destructive force of biotechnology will not stop unless a mass movement for biodemocracy rejects the patenting of life in all forms, forever.

\$ Chp. 12: Vandana Shiva and Radha Holla-Bhar, *Piracy by Patent: The Case of the Neem Tree.* 

Shiva and Holla-Bhar discuss the threats that patenting of native plants poses to indigenous people through the lens of the neem tree in India. For centuries, the neem tree provided multitudinous benefits to the people of India, so much that it was called the "blessed tree." Ghandian movements in India prompted research into the neem tree that would encourage the manufacture of local Indian neembased products. In the late 1970's, however, the benefits of the neem tree came to the attention of a multinational chemical corporation, which promptly patented a form of neem extract. A number of corporations now hold patents on various derivatives of the neem tree, leaving the people of India in an uproar. From India's standpoint, the multinational corporations were given the Indian people's knowledge of the neem tree's value for free, but now the people may be deprived of free use of the plant.

13. Paul Heald, *The Rhetoric of Biopiracy*, 11 Cardozo J. Int'l & Comp. Law 519 (2003).

Heald's essay examines the consideration of *sui generis* intellectual property rights for "long-term occupant communities." Advocates for long-term occupant communities (LTOC) want to ensure the existence of these communities, preserve bio-diversity and the survival of traditional knowledge. Biopiracy is a result of large corporations going into LTOC, acquiring their knowledge and use of a particular plant, and not sharing their profits. Advocates of LTOC are requesting the implementation of new intellectual property rights that will protect the knowledge and resources of these communities. Heald declares that new intellectual property rights are not the answer to this epidemic. There are even more threatening occurrences. LTOC are encountering corrupt governments, loggers and the disappearance of the biodiversity. Heald advocates a relationship between several large corporations and LTOC to maintain biodiversity as well as help the communities preserve traditional knowledge.

14. Charles R. McManus, *Intellectual Property, Genetic Resources and Traditional Knowledge Protection: Thinking Globally, Acting Locally*, 11 Cardozo J. Int'l & Comp. Law 547 (2003).

This article outlines the global efforts to sustain local cultural biodiversity. Trade-Related Aspects of Intellections Property Rights (TRIPS) under the auspices of the the World Trade Organization (WTO) must address, collectively, patent development and biodiversity. Industrialized corporations pirate the developing world's genetic resources. International organizations are aware of the instability of the world's biodiversity. Many countries and research institutions are collaborating to sustain and conserve traditional knowledge. The International Cooperative Biodiversity Groups (ICBG) is a collaboration of several organizations attempting to secure the intellectual property of the people of Aguaruna in Peru. The ICBG-Peru Project produced a "know-how license" to ensure the people of Aguaruna the payment of licensing fees through the disclosure of traditional plant knowledge. The project has also produced a patent application that acknowledges the people of Peru as the providers of the traditional plant

knowledge. The essay also explains other global measures taken to ensure the rights of the country that is providing the resources.

15. Graeme Austin, Retreating Intellectual Property? The WAI 262 Proceeding and the Heuristics of Intellectual Property Law, 11 CARDOZO J. INT'L & COMP. LAW 333 (2003).

Austin argues that intellectual property law needs to be expanded to thoroughly protect indigenous folklore. He discusses the various treaties have been drafted attempting to protect such rights, focusing on the WAI 262 claim of the Maori of New Zealand. However, he cautions that various issues remain, including the definition of folklore, the scope of protection, determining the beneficiaries of protection, and defining any defenses or exceptions to the laws. Moreover, decolonization creates further complexities as various nations attempt to reconstitute the relationship between the government and indigenous peoples.

#### Reference:

- Kerry ten Kato & Sarah Laird, *The Commercial Use of Biodiversity: Access to Genetic Resources and Benefit Sharing*, EARTHSCAN PUB. (1999).
- Michael Halwood, *Indigenous and Local Knowledge in International Law: A Preface to Sui Generis Intellectual Property Protection*, 44 McGill Law Journal 953 (1999).

"A number of parties are 'squaring off' over the question of who should share the benefits derived from the exploitation of genetic resources and biotechnology. One of the fault lines that divides disputants is between developed and developing countries; another is between local communities and the dominant socio-economic cultures of the countries within which they are situated. The globalization of intellectual property laws through international trade agreements such as TRIPs and NAFTA has contributed to developed countries' reaping the lion's share the benefits derived from the exploitation of genetic resources. In this article, Halwood analyzes the development, in international law, of means by which local communities and developing countries could increase their own control over others' use of their biological resource-related innovations. Exactly how these norms should be implemented in domestic law, however, is far from clear. The author argues that one plausible means of implementation would be through policies to increase the participation of indigenous communities in resource management decision-making. Another possible means would be through the creation of national sui generis intellectual property laws to protect indigenous and local knowledge. At least in theory, vesting intellectual property rights in indigenous and local communities over their innovations would assist them to stop undesired use of their knowledge and/or compel compensation when it is used."

# OUTLINE OF MEETING OF MINDS PRESENTATION, SOURCES & BIBLIOGRAPHY DUE (5%)

16. Antonio Regaldo, *The Great Gene Grab*, TECHNOLOGY REVIEW, September/October 2000.

Just as the human genome was being completely deciphered, genomics corporations began patenting the individual genes by the hundreds with thousands more patent applications awaiting review. The future of health care, Regaldo argues, hangs in the balance. As this race to patent continues, no congressional vote or Supreme Court decision has ever directly addressed the question of whether human genes should be patentable at all. The basic logic proffered for allowing gene patenting is that genes captured and identified in the lab aren't in their natural form, yet they have been copied, abbreviated,

spliced, or otherwise altered. However, there is no clear result to any of these patents; useful drugs (and hence profits) are not guaranteed; only basic scientific findings are now being patented. If that is the case, how far should the patent extend? Does any drug founded upon a particular patented gene belong to the owner of that patent? If patents continue to be allowable, should patent sharing be mandated in order to encourage the most research possible? Will market forces provide a solution? And what of public opinion? These are just some of the questions considered by Regaldo.

17. Jeremy Rifkin, *The New Genetic Rights Movement: Resisting Life as a Commodity*, LAPIS, Issue 14.

Despite decades of contemporaneous, albeit independent, development, genes and computers have finally crossed paths as advanced computers are used to decipher, download, manage, and exploit genes. This marriage is propelling us into the biotech century. Rifkin finds significant problems with the genetic engineering experiments that go beyond what nature intended, such as the recombining of the DNA of fireflies and tobacco plants resulting in plants that glow around the clock. Rifkin fears the answers to all of the unasked questions, most significantly, will the laboratory replace nature? Issues of control, piracy of the necessary genes from nature, genetic pollution, genetic discrimination, and commercial eugenics also all disturb Rifkin. In a society that is beginning to consider life as perfectible by engineering standards, the real casualty of all of this is a loss of empathy; how empathetic are we likely to be to any child growing up that does not conform to the standards our companies and engineers have set up? Rifkin, still a strong advocate of science, suggests a genetic rights movement, using this new science to better understand our relationship to nature, helping us to become a steward, partner, and caretaker of the natural world.

18. Bill McKibben, Designer Genes, ORION, May/June 2003.

McKibben describes a dangerous world in which genetic engineering could potentially make it possible for people to enhance their children's intelligence, height, looks and even athletic ability. The danger lies not only in a future in which all human beings may be genetically programmed to possess certain abilities but also in the fact that it will ultimately become a vicious, never-ending cycle. Those parents with a child of IQ 150 may be satisfied in the beginning but ultimately disappointed and unhappy because the next batch of children could be manipulated to have an IQ of 170. Furthermore, what if a child genetically programmed with a gene giving her artistic talent decides she wants to become an athlete instead? There are also problems regarding unanticipated dangers of genetic modification. What if the programming is unsuccessful and turns the child into a moody person, or causes him to be unable to read and write? Additionally, what if the parents of a child successfully programmed decide they picked the wrong package and wanted something else instead? McKibben argues that this world of genetic arms race could be stopped if everyone makes a conscious, political choice to say no to this kind of technology.

19. Eric Rakowski, Who Should Pay for Bad Genes?" 90 CAL.L.REV. 1345 (2002).

The law review article gives a legal as well as philosophical perspective on whether parents are legally liable to a child born with "bad genes," i.e., a life not worth living, if they could have prevented its birth. It also explores the issue of who should bear the financial burden of paying for medical expenses as well as other social costs associated with a child born with bad genes. Rakowski argues that three parties could theoretically pay for accommodating the genetic disadvantages of someone with bad genes: the disadvantaged themselves, their parents, and the community generally. Rakowski gives elaborate analysis on this issue with arguments on both sides. He also asks whether a person must exist before his right can be violated. While he doesn't have an answer to this question, he proposes that everyone has a

right not to have been brought into existence with a life not worth living. He also believes that because people generally want to avoid having a child whose lives are not worth living, states don't necessarily have to coerce parents to do genetic testing for certain horrible diseases; they could simply provide subsidies for screening, contraception, abortion or other services that may help.

#### References:

• Richard Lewontin, *Genes in the Food*, http://www.nybooks.com/nyrev/WWWarchdisplay.cgi?20010621081R

While humans have been genetically modifying plant and animal species for centuries, never before have we been able to cross-distant species creating transgenic organisms. These transgenic DNA transfers are used in agriculture to provide crop plants with resistance to pests or herbicides. While seemingly benign, the real problem is that there is simply no limit to what could be done if it were worth someone's while to do it. There are five general issues that surround the debate over GMOs: threats to human health, possible disruption of natural environments, threats to agricultural production from a more rapid evolution of resistant pests, disruption of third-world agricultural economies, and principled objections to unnatural interventions. While no unequivocal conclusions have been drawn, Lewontin is concerned that what government regulation there is has been founded upon data supplied by parties whose prime concern is not the public good, but private interest. Yet, Lewontin correctly reminds us that this commercialization of agriculture has been happening for over a century now; the creation and adoption of genetically modified organisms are the latest steps in this long historical development of capital-intensive industrial agriculture.

• Richard Lewontin, *After the Genome, What Then?* www.nybooks.com/nyrev/WWWarchdisplay.cgi?20010719036F

In early 2001, within a day of each other, both Celera Genomics' commercial project and the publicly funded International Human Genome Sequence Consortium published their results of mapping nearly the entire human genome. Ironically enough, each project had supporters from the "opposing" side; in all, more than 500 authors were noted by the two publications. Lewontin then points out that now that we know the human genome sequence, we are absolutely no closer to understanding what it is to be human. We know how many genes there are, and where they exist on the "map", but only really know how a small handful of them actually work. What now must be turned to in full force is the "proteome," the complete set of all the proteins manufactured by an organism. Since there are supposedly far more proteins than there are genes, this will be a huge undertaking indeed. So far, the dream of gene therapies has come unfulfilled, but proteomics has arrived to bear the full burden.

 Elizabeth Price Foley, The Constitutional Implications of Cloning, 42 ARIZ. L. REV. (2000); available at http://www.law.arizona.edu/Journals/ALR/ALR2000/vol423/foley.pdf

"Not since the ground-breaking work of Gregor Mendel, a mid-nineteenth century monk who founded the science of heredity, had genetic understanding made such a large leap. Perhaps it means something slightly broader but still not so broad as to encompass cloning, such as any form of sexual procreation (which would include ARTs such as IVF or artificial insemination) but not asexual procreation. Thus, if one accepts the family values argument as sufficient for justifying a ban on human cloning, the ineluctable conclusion is that a similar ban on the use of adoption or ARTs, such as IVF or artificial insemination, likewise would be legally justifiable. While such stigmatization may initially manifest itself in feeling sorry for such children, such children are likely in the end to become the object

of a form of contempt: the contempt that the (supposedly) spontaneous, natural, and unplanned would tend to feel toward the (supposedly) manufactured and allegedly artificial. Such a numerical limitation on the use of donor sperm, according to the ASRM, makes the risk of procreation amongst close blood relatives essentially nonexistent and also naturally reduces the risk of a loss of genetic diversity that might otherwise be caused by the repetitive use of a single individual's sperm."

• Lisa A. Karczewski, *Biotechnological Gene Patent Applications: The Implications of the USPTO Written Description Requirement Guidelines on the Biotechnology Industry*, 31 McGeorge L. Rev. 1043 (2000).

"Generally, satisfying the written description requirement does not present a significant obstacle for the patent applicant. According to the USPTO, the written description requirement will not be met unless it is made apparent to those skilled in the art or science that the inventor was in possession of the claimed invention at the time of filing the patent application. In *Graham v. John Deere Co.* the United States Supreme Court articulated the modern test for obviousness, composed of three requirements: (1) the courts must determine the scope and content of the prior art; (2) the courts must ascertain the differences between the prior art and the claimed invention; and (3) the courts must resolve the level of ordinary skill in the relevant art. Over the past two centuries, as United States patent law transformed from a central claiming system to the modern peripheral claiming system in use today, the purpose and function of the written description requirement has changed. The next step under the guidelines involves an evaluation as to whether the patent application meets the written description requirement. Under the European Biotechnology Directive, Recitals 22 through 24 embody a 'written description' requirement for comparison with United States patent law.

• *Symposium, Biotechnology and the Law*, Excerpted Introduction from Professor Franklin A. Gevurtz, 32 McGeorge L. Rev. 85 (2000).

This Symposium inaugurated what is hoped to become a series of symposia dealing with the legal issues facing the biotechnology industry.

The Project begins with an article from Professor Raymond Coletta, one of the founding members of the Society for Evolutionary Analysis in Law and, as such, a proponent of the law and biology discipline. Professor Coletta's article focuses on the essential feature of biotechnology, which is that this technology entails altering the natural course of evolution in a radically accelerated time frame. This fact raises profound ethical questions which, in turn, pose fundamental challenges for the law. Professor Coletta's paper goes beyond the difficult issues, to suggest an even more staggering ethical and legal implication of biotechnology. Drawing upon the theory of evolution, he discusses how our species' sense of ethics, and our rules of law, might themselves be the product of biological evolution. If so, does biotechnology create the prospect that humans could reengineer their sense of right and wrong, and, in turn, mean that, instead of the law controlling genetic development, genetic development will control the law?

The next article is from Professor Kojo Yelpaala. In his article, Professor Yelpaala examines the intellectual property issues raised by biotechnology development. Biotechnology has set off a debate over the extent to which companies can claim exclusive intellectual property rights in biological research results. The economic importance of this debate became even more evident when not so long ago, the prices of biotechnology company stocks plummeted in reaction to statements by President Clinton and English Prime Minister Blair, which some interpreted as calling into question the ability of companies to exercise exclusive rights over the results of mapping the human genome. Professor Yelpaala further argues that deciding upon an appropriate intellectual property regime for biotechnology requires answering fundamental questions as to the purposes and nature of property.

The third article is from Professors Julie Davies and Larry Levine. Their article looks at the tort law issues raised by biotechnology. Much of tort law has developed in reaction (often a delayed reaction) to technological developments. For example, both common law tort doctrine and alternative statutory

compensation regimes have developed to deal with injuries to workers due to the new manufacturing technologies introduced in the industrial revolution, the deaths and injuries resulting from the advent of the automobile, and harms to consumers resulting from the mass production and distribution of potentially dangerous products. Additionally, Professors Davies and Levine consider the challenges posed to the existing tort system by biotechnologically created harms. They look at whether biotechnology poses issues of sufficient complexity and novelty to merit special legal treatment, such as an overall exemption from tort liability or a refusal to apply strict liability in the biotechnology context. Professors Davies and Levine discuss how injuries resulting from biotechnology may arise and try to anticipate how courts will deal with these cases.

Professor Franklin A. Gevurtz considers some of the business organization issues facing the biotechnology industry. From a business organization standpoint, what strikes one about the biotechnology industry is the sheer magnitude of the dollars involved, both in terms of funding research and development, and in terms of potential liability if things go awry. I shall look at a couple of the implications for business organization issues which these huge dollar sums entail.

The final article is by Judith Cregan, a recent graduate of the McGeorge School of Law, who worked in the biotechnology arena prior to attending law school. Ms. Cregan highlights some of the problems with the current regulatory regime for experimental gene therapy, and proposes several specific reforms in order to enable society to better realize the promise of gene therapy.

- Mary Breen Smith, *An End to Gene Patients? The Human Genome Project Versus The United States Patent and Trademark Office's 1999 Utility Guidelines*, 73 U. COLO. L. REV. 747 (2002).
- Symposium, Kirsten Rabe Smolensky, Creating Children With Disabilities: Parental Tort Liability for Preimplantation Genetic Intervention, 60 HASTINGS L. REV. 299 (2008).

### Week 7 10/6

### • Atrocity Week

### • Video Opportunities:

- The Greatest Silence: Rape in the Congo (2008)
- *War Dance* (2007)
- *The Cove* (2008)
- The Rape of Europa (2008)
- At The Edge Of The World (2009)

Book: Alessandra Mauro (Ed.), My Brother's Keeper: Documentary Photographers and Human Rights (Contrasto 2007)

Website: Sebastiao Salgado, www.terra.com.br/sebastiaosalgado/el/chooseproject.html

#### **Readings for Week 7:**

1. Jeffrey Gettleman, Rape Epidemic Raises Trauma of Congo War, NY TIMES, October 7, 2007

http://www.nytimes.com/2070/10/07/world/africa/07congo.html

Gettleman describes the violent rapes committed against women in the Congo. The article explains that in 2006, 27,000 sexual assaults against women were committed. Officials are claiming that the assailants are refugee militias, known as Hutu, who have fled from Rwanda and are hiding in the forests. According to the article, the assaulted women are finding no relief. Families and communities are rejecting the raped women as well. The article describes how a woman's husband divorced her because he claimed she was "diseased" after the rape. The author explains that the United Nations Peacekeepers are stepping in to provide relief for these women. Even though peacekeepers are intervening, resources are still limited.

# 2. *Should Rape Be Considered A Weapon?*, NPR, June 21, 2008, www.npr.org/templates/story/story.php?storyID=91692457

This is an interview that takes place on the "Day to Day" talk show with the filmmaker, Lisa Jackson, in reference to her newest film, "Greatest Silence: Rape in the Congo." In 2006-2007, Jackson documented the rape epidemic in the Congo. According to Jackson, 5 million people have died because of the war in Congo and ¼ million women have been raped. A United Nations debate has elevated rape to a security issue and addressed prevention instead of reaction. Jackson proposes that security patrols be imposed on routes where women are going to the market, gathering firewood, etc. She also addresses the involvement of UN peacekeepers, many of whom have taken part in the rape epidemic. According to Jackson, the government sends guilty peacekeepers back to their countries for punishment. Yet, the countries rarely punish these men.

3. Mark Jenkins, *Who Murdered the Virunga Gorillas?*, NATIONAL GEOGRAPHIC, July 2008 <a href="http://www.ngm.nationalgeographic.com/2008/07/virunga/jenkins-text">http://www.ngm.nationalgeographic.com/2008/07/virunga/jenkins-text</a>

Last year a family of gorillas was brutally murdered in Virunga National Park. The park is located in the Democratic Republic of the Congo and is home to many natural resources, such as charcoal, as well as many rival armed soldiers trying to win the war with funds from charcoal production and sales. Charcoal is the main source of energy in Kivu. In the mist of this economic war, a Congolese organization, the Institute for the Conservation of Nature (ICCN), is trying to protect the wildlife of the Virunga National Park. Unfortunately, the exploitation of these natural resources continues to endanger the wildlife. The fight to save the park and the animals within has angered many of the guerilla armies. Jenkins suspects that the gorilla killings took place because one ranger was incorruptible.

# 4. Colin M. Turnbull, *The Mountain People*, <a href="http://www1.dragonet.es/users/markbcki/trnbll.htm">http://www1.dragonet.es/users/markbcki/trnbll.htm</a>

This is a book review of *The Mountain People* by Colin Turnbull. Turnbull is an anthropologist who studies the Ik, an indigenous group located in the mountain area of Uganda, Sudan and Kenya. According to the article, the book examines the Ik after the tribe was forced to settle on the eastern edge of a Ugandan National Park because the people were no longer allowed to hunt in the national site. The Ik's new land lacks resources to feed the village and forces the people to steal cattle. Turnbull questions the "civilized" belief that humanity is essentially good.

5. Bryan Mealer, *The River Is A Road: Searching For Peace In The Congo*, HARPER'S MAGAZINE, October 2007

http://www.harpers.org/archive/2007/10/0081740

Mealer illuminates his journey along the Congo River in a search for "peace." The article describes this 3,000-mile river as once a bountiful source of beauty, then Belgium colonialization. The Congo gained its independence from Belgium in 1960. Throughout the article, Mealer struggles with his romanticized notion of how presidential elections bring peace and stability to the Congo. The conditions of the public barges shattered Mealer's vision of the river. Boats are packed with disease and traders who make a living hustling everyday items to the ship's visitors. In the end, Mealer suggests that the war in the Congo is not over. The people are still fighting poverty and hunger. Peace and revitalization of the river is far from existent.

6. Olivia Judson, *The Selfless Gene*, THE ATLANTIC, October 2007 <a href="http://www.theatlantic.com/doc/200710/generosity-and-evolution">http://www.theatlantic.com/doc/200710/generosity-and-evolution</a>

The Selfless Gene addresses the question of nature versus nurture. Olivia Judson examines the way groups interact with each other because of its genetic composition and its communal attitude. The article describes how the evolutionary process explains generosity. Judson's mentor, William Hamilton, defines generosity as altruism. However, the idea of a true altruist would become extinct because of its constant need to help others.

# Week 8 10/13

### • Happiness Week

### **Readings for Week 8:**

2005. http://www.wilsoncenter.org

The Quest for Happiness examines the different aspects of pursuing happiness. McMahon implies that the idea of happiness has historically ethical, philosophical and religious thought associated with the term. However, Aristotle excluded happiness from his list of emotions. According to the article, Aristotle viewed happiness as an activity to express the emotion of virtue. McMahon believed that Christianity shaped the idea of happiness. Thomas Jefferson transformed the term when he referenced the pursuit of happiness in the United States Declaration of Independence. McMahon considers happiness a western idea and concludes that modern history is the quest for happiness.

This article is an interview between Barbara Ehrenreich and Laura Barcella with Alternet. Barbara is promoting her new book *Dancing in the Streets*, which examines the evolution of "communal celebration" and societal resistance. *Dancing in the Streets* suggests that humans need to dance, sing and revel in a communal state. According to Ehrenreich, all cultures are alike in which they all have singing and dancing. Barbara believes that if societies reverted back to communal festivities humans would be a lot more joyful.

3. A Prairie Home Companion Joke Programs, American Public Media.

Note: This week, the students will bring into the classroom their recommendations for and stories of happiness.

## Week 9

- The Internet and Access to Knowledge
- Creating the Corporate Utopia: Transnationalism, The World Trade Organization and the International Monetary Fund
- Video Opportunities:
  - "Life and Debt" (DVD 2003)
  - "Bamako" (2006)
  - "China Blue" (Teddy Bear Films 2006)

#### **Readings for Week 9:**

1. Charles Mann, Who Will Own Your Next Good Idea, THE ATLANTIC MONTHLY, September 1998.

Copyrights have been increasingly gaining in importance: the copyright industry has grown almost three times as fast as the economy as a whole and in 1997, copyrighted material contributed more than \$400 billion to the national economy. However, as intellectual property is being converted into electronic form, new problems are being created. The same digital technology that is making copyrights ever more valuable, threatens to make it next to worthless at the hands of piracy. Nothing is safe: the author chronicles the problems seen by the book, software, and music industries. Copyright is in fact a bargain between the public and the publishers and the proper distribution of information is the key. And what sort of information? To the author and several of his sources, the debate essential to democracy depends on the national supply of substantive facts, argument, and expression, not the per capita quota of zeroes and ones. This highlights the benefits of copyright: smoothing diversity's path by giving creators special rights to exploit their work. So, a balance must be struck, especially to preserve certain fair uses that are currently widely engaged in.

2. John Perry Barlow, Selling Wine Without Bottles: The Economy of Mind on the Global Net, available at <a href="https://www.eff.org/idea\_economy">www.eff.org/idea\_economy</a>

Barlow remarks that the riddle of digital property is that we strive to reproduce and distribute this information, how can we expect to protect it? The difficulty is that digital technology has detached information from the physical plane, where property law has always found a basis. Since the inception of this body of law, the real value was in the conveyance and not the thought conveyed; in other words, the bottle was protected, not the wine. As we move into the future, we will further remove the artists from the reward for the utility or pleasure others may find in their works. Barlow argues then that all legislation and litigation should be stayed until we have a much clearer picture of enterprise in Cyberspace and our knowledge of what it is exactly we are trying to protect. It is this latter point that Barlow then focuses on; he attempts to define information as three separate concepts: as an activity, a life

form, and a relationship. Based upon these, he attempts to decipher the best course of action for the future of this ever-changing body of law.

#### Current website for John Barlow:

http://w2.eff.org/Misc/Publications/John\_Perry\_Barlow/HTML/idea\_economy\_article.html

3. LAWRENCE LESSIG, CODE: AND OTHER LAWS OF CYBERSPACE (2000) (Selected Chapters)

LAWRENCE LESSIG, REMIX: MAKING ART AND COMMERCE THRIVE IN THE HYBRID ECONOMY (2008) (Selected Chapters)

LESSIG BLOG: <a href="http://www.lessig.org/blog">http://www.lessig.org/blog</a>

4. Madhavi Sunder, IP3, 59 STAN. L. REV. 257 (2006).

Sunder believes that the traditional practice of viewing intellectual property solely through an economic lens is insufficient in a digital age. As technology becomes available to more people allowing them to "rip, mix and burn," as basic food items are being patented, and as the economy becomes more and more knowledge-based, Sunder argues that intellectual property law needs to be viewed from a cultural lens as well. She examines what she calls IP³, which is the convergence of intellectual property, identity politics and the Internet Protocol in order to develop a system of intellectual property law that would allow for greater democratization.

5. Laurence R. Helfer & Grae	me W. Austin, Human Rights and Intellectual Property:
Analysis and Sources, in	(forthcoming)
	[Abstract]

6. Benjamin R. Barber, *The Uncertainty of Digital Politics*, HARVARD INT'L REVIEW, Spring 2001. <a href="http://www.harvardir.org/articles/999">http://www.harvardir.org/articles/999</a>

The Uncertainty of Digital Politics addresses the relationship between new technological communications and democracy. Barber lists several general concerns in reference to technology. They are: information technology is not globally universal; new communication technology is rapidly changing; there is a stigma attached to older technology; and new technology reflecting culture that makes it rather than altering it. Since new technology reinforces a consumers' society through marketing and advertising, there is an increased pressure toward uniform democracy. However, because there is currently no single democracy, the development of one democracy may be damaging to others. The internet's speed, which is its primary virtue, is also its greatest vice: it promotes unfiltered and unthinking venting that does not necessarily lead to well-conceived ideas and threatens to overload us with news, opinions, and theories. Moreover, the internet divides us as we each connect to the internet via a solitary interface. Concerns such as these lead Barber to question whether a democratic cyber-community is feasible. Barber concludes that whether or not this is possible depends on the quality of political institutions, rather than of our technology.

7. Joy Garnett and Susan Meiselas, *On the Rights of the Molotov Man: Appropriation and the Art of Context*, HARPER'S MAGAZINE, February 2007.

http://www.harpers.org/archive/2007/02/0081386

The article confronts the idea of documenting history and its context. Joy Garnett, an artist, replicated Susan Meiselas' photograph of the Molotov Man. Meiselas argued that Garnett's painting misrepresents the context of history. Garnett used a portion of Molotov Man in a series documented as the "Riot" as inspiration for her collection. However, the original photograph included a man holding a rifle

and throwing a Molotov bomb at the last Somoza National Guard garrison. Meiselas argued that the picture does not present a riot, but an act of liberalization of the Sandinistas from the Somoza reign. Since she published the picture of Molotov Man, many forms of the photograph have surfaced. Meiselas is concerned that the replicas of the photograph are out of context, and argued that artists must work harder to maintain the portrayed context of history.

8. Jonathan Lethem, *The Ecstasy of Influence: A Plagiarism*, HARPER'S MAGAZINE, February 2007, <a href="http://www.harpers.org/archive/2007/02/0081387">http://www.harpers.org/archive/2007/02/0081387</a>

Jonathan Lethem confronts the history of plagiarism and intellectual property rights. According to Lethem, the use of another's intellectual property is nothing new. Bob Dylan used inspiration from old films, Shakespeare, and F. Scott Fitzgerald.

9. Tom Robbins, *In Defiance of Gravity*, HARPER'S MAGAZINE, September 2004 <a href="http://www.harpers.org/archive/2004/09/0080199">http://www.harpers.org/archive/2004/09/0080199</a>

Robbins wants to evoke new life into American literature. He understands that literature imitates life, but suggests that writers should include humor and imagination into "naturalistic narratives." The article challenges American writers to incorporate wisdom, playfulness and magic to their pieces of work.

10. Christine Rosen, Virtual Friendship and the New Narcissism, THE NEW ATLANTIS, October 2007.

#### http://www.thenewatlantis.com/publications/virtual-friendship-and-the-new-narcissism

The idea of virtual friendships has reached new heights with the popular MySpace and Facebook social websites. Rosen addresses the social concerns related to virtual networks. She suggests these social networking sites are creating or affirming social behaviors. The term "friends" is used to identify people who are in your social network. What is missing with the use of this term is the natural face-to-face interaction that develops a friendship. Adolescences are becoming socially handicap with the use of these virtual social networks. The need for status continues within the virtual world. Many people are in a race to identify as many "friends" as possible to determine their status. These relationships are socially handicapping many people because they are consumed with the activity online and not their community that surrounds them. Rosen concludes the article by stating that there are positive attributes to virtual networks like staying in touch with old friends and meeting new ones. However, whether the virtual relationships are satisfying has yet to be determined.

## 11. WILLIAM THOMPSON, THE DEMOCRATIC REPUBLIC OF CYBERSPACE http://www.opendemocracy.net/globalization-accountability/cyberspace\_2832.jsp

"The age of the internet has brought with it exciting, fresh ideas about the disintermediation of power and peer accountability. But who is responsible for the standards and functions of the network itself? Bill Thompson charts the history of internet governance, reflects on what has been lost as accountability passes from the hands of the geeks to those of the politicians and lawyers, and offers his proposal for redressing the democratic deficit." Thompson foresees a forum of net governance where the masses are free to communicate and discuss without intermediaries. The forum will be founded upon a reputation system that weighs more heavily the opinions of those who have participated and provided good advice in the past. He feels that central governance must not be completely done away with, but suggests that the United Nations should provide necessary centralized guidance.

## 12. <u>www.idorosen.com/mirrors/robinsloan.com/epic/ols-master.html</u> or www.robinsloan.com/epic

This "documentary" catalogues the future of media up to the year 2014. According to this fictional account of the future of mass media, papers become outdated as all news is online. Bloggers and social networkers are able to create their own news leading to a future where all citizens are awash in a mass of news, some of it credible but much of it not.

# 13. Kevin Kelly, "What Will Happen to Books?", The New York Times Magazine, Sunday, May 14, 2006, p.43.

#### http://www.nytimes.com/2006/05/14/magazine/14publishing.html

The author describes the movement to create digital libraries. The movement aims to create universal libraries incorporating as many books as possible, along the lines of the great library in Alexandria. A digital library will be democratic as it will proved the masses with access to millions of books. However, it will be even more revolutionary because it will create a new means of sorting books by linking them based on subject matters. Readers will be able to click on a link in a footnote and immediately be taken to a different book. Each book will cease to exist independently and will instead be part of a larger whole.

#### 14. Mander:

#### \$ Chp. 26: Tony Clarke, Mechanisms of Corporate Rule.

In this article, Clarke highlights the tools by which multinational corporations have essentially taken control over the people and nations of the world. He begins by describing the "corporate state alliance," a behind-closed-doors council made up of leading multinational corporations who work together to promote policies that serve their interests. This alliance has effectively overridden many of the powers and tools of national governments, and in place of those national governments, the WTO now serves as a global governing body for transnational corporate interests. Global systems have been usurped by transnational corporations and banks via global finance, global industrial production, global production distribution, resource control, banking, insurance, education, patenting of life forms and cultural cloning. Clarke ends the article by calling for a citizens' manifesto, a social movement in which all people of the world demand control over their own economic, social and ecological future.

# \$ Chp. 27: Jerry Mander, *The Rules of Corporate Behavior*.

Mander dispels the notion that corporations are neutral structures whose harms to people and the environment are caused by the greed and heartlessness of the leaders within the corporation. Instead, corporations are compelled to operate by a set of rules, regardless of the personal feelings of those working within the corporation. It is these rules that produce the harmful effects of corporate-led global economy. The number one rule in a corporation is profit, followed by growth. Other rules shaping corporate actions include competition and aggression, amorality, hierarchy, quantification, linearity, segmentation, dehumanization, exploitation, ephemerality, mobility, opposition to nature, and homogenization. When weighed against these rules, concern for mankind and nature inevitably lose out, and any corporate employee who puts ecological and social concerns ahead of the corporate rules loses his job. Corporations are not people. Thus corporations cannot feel shame or remorse, and will never be motivated to change when faced with moral arguments against their actions.

## \$ Chp. 32: Richard Grossman and Frank Adams, *Exercising Power Over Corporations Through State Charters*.

Grossman and Adams take the reader back to a time when corporations did not rule the Earth. By describing the history of the corporation, the authors point out that states gave corporations the right to exist via state charters of incorporation. These charters require corporations to obey all laws, serve the common good and do no harm. Over time, corporate special interests began to invade the legislatures, and court decisions began to give corporations constitutional rights. Eventually, corporations grew in power, becoming the principal instrument of the concentration of economic power and wealth. Grossman and Adams advocate for taking back control of state charters of incorporation, thereby setting in motion organizing efforts to recharter new enterprises that do not have the vast privileges and immunities enjoyed by today's corporations.

#### 15. LAWRENCE MITCHELL, CORPORATE IRRESPONSIBILITY

Mitchell argues that, while American corporations are viewed by many with wonder due to their creation of material well being that allows many to live the American dream, while others view American corporations with horror. The horror stems from the fact that limited liability allows corporations to externalize their costs of production on others, that corporate layoffs treat workers as disposable and factory closings destroy entire communities, and that the disparity between the fabulously wealthy and the very poor continues to widen. Mitchell reminds the reader that not all nations want this to happen to them; that the acquisition of wealth is not their main priority. Right now American corporations strive to maximize short-term profits while limited liability encourages irresponsibility. Therefore, unless changes are made in cultural and business norms, exporting corporations will not help developing nations.

### 16. Naomi Klein, *No Logo: Multinationals and the Appropriation of Meaning*, LAPIS, Issue 13.

Klein believes that a conversation about reigning in multinational corporations necessarily includes mention of the role that the corporate brand plays in our sense of social meaning. As a rule, corporations know that they have to sell more than a product to beat out the competition—they have to sell meaning. This brand mania is changing the way we conceptualize politics (Benetton), community (Apple) and inspiration (Nike). It also separates the company from the product—the company creates the meaning, the product comes from wherever it is cheapest. Klein argues that brand imaging depends on free trade, but that the harmful effects of free trade on developing nations completely contradict the social meaning those products are imbued with. The author celebrates increasing incidents of protest against brand image and in favor of human rights.

#### Recommended:

# 17. Cynthia A. Williams, *Corporate Social Responsibility in an Era of Economic Globalization* in Symposium – Corporations Theory and Corporate Governance Law, 35 U.C. DAVIS L. REV. 523, 705 (2002).

This article examines whether corporations have specific social responsibilities besides maximizing profit. Currently, mainstream corporate law theorists believe that corporations owe responsibility only to their shareholders. In contrast to this view, the "irresponsible" position conceptualizes the corporation as a nexus of implicit and explicit contracts between shareholders, bondholders, managers, employees, suppliers and customers. As a result, corporations ought to consider the implications of their actions on these other constituents as well. Unfortunately, Williams argues that current regulatory law and contract are unable to protect the interests of these constituents. Developing countries usually attract outsourcing. Because the standards of living in these countries are raised, regulatory standards remain low and companies exploit this lack of regulation for their financial benefit.

Furthermore, evidence also suggests that in order to compete for investment on the basis of low wages it is causing wages to remain low in many developing countries. The author also goes on to mention the impact of corporate governance on economic inequality and the effects of globalization on countries' redistributive policies and concludes that taxation and redistribution fail to fully remedy the concerns of corporate social responsibility.

18. Mary Kreiner Ramirez, *The Science Fiction of Corporate Criminal Liability:* Containing the Machine Through the Corporate Death Penalty, 47 ARIZ. L. REV. 933 (Winter 2005).

Ms. Ramirez argues that, although corporations are legal entities just as humans are and can commit crimes in the same way humans can, because corporations are soulless, they cannot truly be punished. She suggests replacing the worst human offenders on the board of directors with others in order to deter against criminal conduct. A different recourse could be "three strikes" type laws that would force a change in management or dissolve the corporation after three convictions. In this way, corporations would be given similar incentives to behave legally as are individuals while enjoying the benefits of legal entity status.

#### Reference:

• Symposium B Corporate Social Responsibility: Paradigm or Paradox?, 84 CORNELL LAW REVIEW 1133-1355, July 1999.

This volume of the Cornell Law Review features articles by the scholars featured at a Cornell symposium on social responsibility. The articles include: Commonalities and Prescriptions in the Vertical Dimension of Global Corporate Governance, by Lawrence A. Cunningham; Why They Give at the Office: Shareholder Welfare and Corporate Philanthropy in the Contractual Theory of the Corporation, by Henry N. Butler and Fred McChesney; Corporate Social Responsibility: Dangerous and Harmful, Though Maybe Not Irrelevant, by Yoshira Miwa; Social Responsibility of Corporations, by Peter Nobel; Fiduciary Duties as Residual Claims: Obligations to Nonshareholder Constituencies From a Theory of the Firm Perspective, by Jonathan R. Macey; and Transcript: Corporate Social Responsibility: Paradigm or Paradox?, from the symposium.

• Ford Motor Company 2000 Corporate Citizenship report, www.ford.com/serve...AndCulture&LEVEL3=buildingRelationships

"During the past year, we built and nurtured relationships with people inside and outside Ford with diverse perspectives on sustainability and corporate citizenship . . . This report shares our evolving vision of sustainable mobility and our plans for action on three strategic issues: creating business value, addressing climate change and protecting human rights. Included is a review of our environmental, economic and social issues and performance." This report includes an overview of Ford's renovation of the Rouge plant in Dearborn, Michigan. Sustainability architect William McDonough re-designed the plant to include a living roof, water conservation systems and solar power.

#### 19. Mander:

\$ Chp. 8: Ralph Nader and Lori Wallach, *GATT*, *NAFTA*, and the Subversion of the Democratic Process.

When the Uruguay Round of the General Agreement on Tariffs and Trade was signed in 1994, not a single United States Congressman who signed it was willing to also sign an affidavit asserting that he had read the 500-page document. In other countries, some governments did not even translate the agreement into their own language prior to signing it. In this article, Nader and Wallach outline the details of the GATT agreement and explain the consequences of the uninformed votes that made it a

reality. The crux of their argument is that GATT, and the global laws it creates, has the power to effectively wipe out the democratic process, and with it local, state and national governments' ability to protect the environment, health, labor and human rights. International rules, which protect corporate interests almost exclusively, can trump national governments' rules. All elements of the negotiation, adoption and implementation of the free trade agreements exclude citizen participation. Countries have given up their control over corporate behavior. The result is a global, non-democratic political system in which people lose, nations lose, and corporations win.

#### 20. Paul Hawken, N30, Skeleton Woman in Seattle, ORION, Spring 2000.

When the WTO met in Seattle on November 30<sup>th</sup>, 1999, more than 700 organizations and more than 40,000 people protested in the streets. This diary by Paul Hawken recounts the protesting experience. Human rights activists, labor activists, indigenous people, steel workers and farmers faced off against the Seattle Police Department, the Secret Service and the FBI. Delegates to the WTO meeting were unable to get past protestors to reach the opening ceremonies. Protestors blocking key points of entry were clubbed, gassed and beaten. Police armed with military weaponry launched tear gas into the crowd. Black blocs broke the windows of multinational corporations but left local businesses untouched. The WTO meeting eventually ended in a stalemate. Hawken layers his anecdotal description of the protest with a critique of globalization. This article is a well-crafted portrayal of the two sides of the globalization debate at their most passionate moment.

21. William Finnegan, The Economics of Empire, HARPER'S MAGAZINE, May 2003.

Finnegan gives a lucid and comprehensive account of the effects of free trade and globalization on every corner of the globe and on every aspect of our lives. He demonstrates that the U.S. is a hypocritical country in terms of espousing the doctrine of free trade. While the U.S. shoves the free trade doctrine to every country in the world, it practices (when it pleases) protectionism. For example, when it's in the U.S. interest to raise tariffs and give subsidies to its own farmers it does so willingly. When other countries do so, it's condemned. This article also shows how free trade economics have destroyed many countries in Latin America, such as Argentina and Bolivia in recent years, as well as the role of the IMF. and the World Bank. It also describes some free trade success stories, such as China and the Four Tigers of Asia. Even those countries however, have strict capital controls and China has gone slowly with privatization. Moreover, Finnegan points out that free trade and economic growth which most regard as an overall social good, is not always so. For instance, some growth is so unequal that it heightens social conflict and increases repression. Furthermore, there is growth so environmentally damaging that it takes away a society's quality of life. The truth is, in many countries, a dominant ethnic minority is reaping almost all of the benefits of free trade while the poor and working class bear the burden and absorb all of the harms resulting from globalization.

#### Recommended

22. Kenneth Rogoff, *The IMF Strikes Back*, FOREIGN POLICY 39, January/February 2003. This article attempts to respond to some major criticisms of the IMF. First, critics say that the IMF loan programs impose harsh fiscal austerity on countries that have tight budgets. Second, IMF loans encourage those who finance the fund to invest recklessly. Third, IMF advice to countries suffering debt only aggravates economic conditions. Fourth, the fund pushes countries to open themselves up to destabilizing flows of foreign capital. Rogoff responds by asserting that the harsh fiscal austerity is not really true because the country that needed the money to begin with was already in an economic crisis. The fact that the IMF insists on being paid should not be seen as the IMF forcing the country to cut domestic programs. Second, Rogoff claims that creditors are in fact being paid, and not receiving subsidies from the Fund. Therefore, the moral hazard theory is not all true. Third, IMF advice doesn't

necessarily aggravate economic conditions. The source of the problem is that these countries are not well regulated. In countries that have succeeded with IMF help, the reason is because their developed domestic financial markets were extremely well regulated. Fourth, the IMF should not encourage countries to just shut their doors. The fund provides a forum for exchange of ideas and eliminating it will not solve any fundamental problems.

# 23. J. Enrique Espinosa, Jaime Serra, John Cavanagh, Sarah Anderson, *Happily Ever NAFTA*?, FOREIGN POLICY 58, September/October 2002.

This group of articles is a series of debates over whether NAFTA – nine years after its inception – has produced beneficial results in the U.S. and Mexico or if it created more problems than it resolved. Cavanagh and Anderson argue that NAFTA was a "Bad Idea that Failed" because although the amount of trade increased between the U.S. and Mexico during these nine years, it failed to reduce poverty or raise wages in Mexico. Furthermore, NAFTA also failed to improve broader social goals such as creating jobs or cleaning the environment. In fact, NAFTA makes it more difficult for countries to tackle environmental problems because of the provision in the agreement (Chapter 11) that allows foreign investors to sue governments directly over an act that might devalue their investment. On the other hand, Serra and Espinosa argue that NAFTA was a success because exports from Mexico to the U.S. have grown tremendously in the nine years. In fact, it doubled those of the rest of the Latin American countries. They also argue that because of inflation and a series of massive devaluations, real wages actually increased for Mexican workers. While Serra and Espinosa seem to admit to several facts asserted by Cavanagh and Anderson, such as the environment getting worse and Mexican corn growers being driven out of business by the low U.S. corn prices, they attribute these problems to lack of funding for government services and justify the corn problem by the fact that overall the benefits of NAFTA outweigh the harms caused.

# 24. Kevin C. Kennedy, *Trade and Foreign Investment in the Americas: The Impact on Indigenous Peoples and the Environment*, 14 MICH. ST. J. INT'L. L. 139 (2006).

Kennedy raises several issues regarding the free trade agreements to which the United States is a signatory. For example, what impact have free trade agreements, which focus on natural resource extraction, have on foreign environments? Do multinational corporations have a social responsibility to the peoples of other countries whose lives they can affect so powerfully? How can intellectual property rights be utilized to protect traditional knowledge? These and other questions serve as a reminder that free trade agreements are not only economic treaties, but have vast environmental and social impacts that need to be recognized.

# 25. Mindahi Crescencio Bastida-Munoz and Geraldine A. Patrick, *Traditional Knowledge and Intellectual Property Rights: Beyond TRIPS Agreements and Intellectual Property Chapters of FTAS*, 14 MICH. ST. J. INT'L L. 259 (2006).

The authors describe the way that globalization is chipping away at indigenous peoples' traditional knowledge as well as destroying ecosystems were indigenous peoples used to live sustainably. In order to deal with the destruction of these ecosystems, pharmaceuticals are embarking on multimillion dollar campaigns to obtain as much traditional knowledge about plants as possible before this information has been completely eroded. The authors argue that current intellectual property law is ill-served to protect the rights of indigenous peoples. Lifelong patents allow corporations to become monopolies over pharmaceuticals. Because these corporations are driven by lucrative goals in favor of private rights, sovereign governments can be overwhelmed by transnational corporations and lose control of bioethics. The authors therefore call for revisions of the TRIPs Agreement to provide meaningful protection for biodiversity and traditional knowledge.

26. Suzana Sawyer and Terrence Gomez, *Identity, Power, and Rights: Paradoxes of Neoliberalism in the Context of Resource Extraction* (unpublished manuscript).

#### References:

\$ The Ecologist Report: *Globalizing Poverty: The World Bank, IMF and WTO—Their Policies Exposed*, September 2000.

The World Bank, IMF and WTO global alliance has delivered worldwide wreckage, but its greatest hardships have fallen on the world's ever growing ranks of impoverished people. This issue of The Ecologist Report is dedicated entirely to articles suggesting various approaches to resolving the crisis of poverty. The first section of the publication focuses on the World Bank: its philosophies, its contributions to a destructive African oil project, its role in a plan to relocate Chinese farmers to Tibet, and an interview with its Governor. The second section focuses on the International Monetary Fund (IMF): the effects of its structural adjustment programs, its role in the famine in Ethiopia, its contributions to the financial crisis in Asia, and how it increases the poor's burden of debt. This section on the IMF also includes an article by Joseph Stiglitz, former World Bank Chief Economist, in which he speaks out against IMF, and an article addressing whether IMF should be reformed or abolished. The third section focuses on the World Trade Organization (WTO): the constraints it places on the world's poorest nations; its threat to Third World Farmers; what new WTO issues will mean to the South; how it hurts banana farmers, babies and AIDS victims; and the issues surrounding Southern access to Northern markets. This section includes an interview with WTO Director-General Mike Moore, an article questioning the wisdom of reforming the WTO, and the NGO's manifesto for change. The final section of *The Ecologist Report* is dedicated to solutions and campaigns for reform. It includes an article in favor of localization, and a piece on how to get involved. As a whole, this issue presents a very thorough overview of the arguments against globalization.

• Maude Barlow, The Free Trade Area of the Americas: The Threat to Social Programs, Environmental Sustainability and Social Justice (IFG-Special Report 2001).

"The Free Trade Area of the Americas (FTAA), currently being negotiated by 34 countries of the Americas and Caribbean, is intended by its architects to be the most far-reaching trade agreement in history . . . it goes far beyond NAFTA in its scope and power [and] would . . . create a new trade powerhouse with sweeping authority over every aspect of life in Canada, the Americas and the Caribbean. [FTAA] will give unequalled new rights to the transnational corporations of the hemisphere to compete for and even challenge every publicly funded service of governments, including health care, education, social services, culture and environmental protection. The proposed FTAA also contains new provisions on competition policy, government procurements, market access and dispute settlement that, together with the inclusion of services and investment, could remove the ability of all the governments of the Americas and the Caribbean to create or maintain local or national laws, standards and regulations to protect the health, safety and well-being of their citizens and the environment they share. Once again . . . this free trade agreement will contain no safeguards in the body of the text to protect workers, human rights, social services or health and environmental standards . . . However, the stakes for the people of the Americas and the Caribbean have never been higher; it appears a confrontation is inevitable."

• *The Case for Globalization*, THE ECONOMIST, September 23-29, 2000.

The focus of this issue of *The Economist* is on promoting globalization as the best possible future for the world economy. The editorial defends globalization as a moral cause. Three major articles are devoted to the globalization topic. One article explores the problems presented by protests against the WTO, specifically because they are growing increasingly successful. Another article addresses how new

technology will affect the world economy by making it more efficient and boosting its growth. The third article argues that while high oil prices will reduce growth and lift inflation, forecasts of the exact size of the impact should be treated with care. This issue of *The Economist* offers an interesting counterperspective to *The Ecologist Report* of September 2000.

### Week 10

#### • Bioregionalism and Conserving Communities

#### **Readings for Week 10:**

- 1. Mander:
- \$ Chp. 34: Wendell Berry, Conserving Communities.

Berry takes a personal look at the effects of globalization on his family trade—farming. That microcosmic glance then expands ever outward as the author addresses the macrocosmic harms of globalization and free trade on community. For local farmers, globalization means agribusiness, which means the complete loss of farming culture. For all communities, a postagricultural world means a postdemocratic, postreligious and postnatural world. Berry argues that a new political scheme is beginning to take form: a two party system comprised of the global economy vs. the local community. Speaking out in favor of the local community system, Berry offers a recommended set of rules—question innovation, include local nature in the community, supply local needs first, and so on. He also offers some common sense steps for bringing local communities back to power. The article offers compelling arguments for sustaining life on earth through rejection of the global economy system.

# \$ Chp. 37: David Morris, Communities: Building Authority, Responsibility, and Capacity.

David Morris works for the Institute for Local Self-Reliance. In this article, he outlines the ways in which American society has lost its sense of community, and makes some practical recommendations for getting it back. By emphasizing local authority, local responsibility and local capacity, Morris argues, communities can actually become more economically efficient and socially productive. Morris recommends we reduce our sense of scale. Small-scale projects, as proven by studies of schools, banks and manufacturing facilities, are actually more efficient, democratic and environmentally benign. He advocates we get rid of our reliance on private cars and trucks. Private transportation systems require wasteful subsidy by the government, as well as demand nearly one third of city land. Morris also recommends focusing on local sources of energy. When we use the energy sources available in our community—sun, wind, water—we minimize the need to import non-renewable resources. Finally, trade agreements should emphasize local responsibility by setting minimum, not maximum, environmental and social standards. By moving away from a global standard that is so often under-protective, communities will be better able to protect their local farms and businesses.

#### \$ Chp. 40: Kirkpatrick Sale, Principles of Bioregionalism.

Sale, a well-known author and contributing editor of *The Nation*, advocates for bioregionalism as an alternative to globalization. Bioregionalism is a paradigm for human existence based on the premise that we should be "dwellers in the land," understanding the limits of resources around us and living in harmony with the unique ecologies of distinct regions of land. Sale argues that there are three key concepts to bioregionalism: know the land, learn the lore, and realize the potential. Bioregional boundaries are multi-layered. Ecoregions are the widest, defined by natural plants and soils. Within ecoregions are georegions, defined by physiographic features such as rivers and mountain ranges. Within

georegions are morphoregions, defined by distinct life forms on the surface and the land forms that gave rise to those clusters of life. Communities exist within morphoregions, such that the community identity is intricately bound to the features of the environment surrounding it. Bioregionalism depends on a very different notion of scale than globalization. Communities are designed to be self-sufficient and self-perpetuating. Economies are likewise self-contained, rather than global. Sale argues that bioregionalism, with its focus on decentralization and sustainability, is a far healthier alternative for the people and the planet.

#### 2. Marglin, Stephen, The Dismal Science

#### \$ Ch. 4: Individualism

Marglin begins this chapter with the (perhaps) obvious point that "[i]ndividualism is one way of being in the world rather than the only way." He makes this point because individualism is such a central aspect of both economics and the ideology of modernity that it is easy to lose sight of such an obvious statement. According to Marglin, the market requires the self-interested individual to function well. This is because mainstream economics has always focused on how efficiently economic institutions deliver goods. For some, efficient economic systems serve to maximize the "slice of the pie" for society as a whole. For libertarians, the goal is to maximize one's own slice. However, in mainstream economics, individualism plays a pivotal role in society; by self-serving actions, individuals promote efficient production and distribution when mediated by the market. Four other assumptions are necessary to show how individuals serve the market: given preferences, universal agency, radical subjectivism, and selfinterest. However, Marglin shows how each of these fundamental assumptions are full of holes---a problem which questions the ability for economics, or the market, to determine what is best for society. Rather than having a given set of preferences, humans experience changing preferences. Because changing preferences is a social process, one that requires social interactions, it leads away from individualism. Individuals also lack complete agency; rather, agency is a function of relationships with other members of society. Individual preferences may be overridden by group standards. Humans feel a moral duty to act for the benefit of others, as opposed to always feeling self-interested. These holistic assumptions co-exist with individualist assumptions in modern societies. The problem is that, in the modern West, individualism and holism are out of balance—holism has "gone underground." In order to economics to suggest a way that will really benefit society as a whole, it needs to take into account holist assumptions as well.

#### 3. Wendell Berry, *The Idea of a Local Economy*, ORION, Winter 2001.

"We have an environmental crisis because we have consented to an economy in which by eating, drinking, working, resting, traveling and enjoying ourselves we are destroying the god-given world." Berry criticizes globalization, claiming that it allows corporations to dominate the world market, buying cheap and selling high; destroy land-using economies; infiltrate political systems and promote a series of misaligned assumptions about what is important to the world's people. As an alternative, Berry argues in favor of the local economy concept. The idea of a local economy rests on the principles of neighborhood and subsistence: people within a community protecting what they have in common, exporting only their surplus and rejecting imports that threaten local production or the rights of people and the environment elsewhere. By utilizing local economy systems, people can regain control over their communities, governments and resources.

4. Richard & Joyce Wolkomir, Reading Messages in Everyday Things, SMITHSONIAN, April 2000.

The authors profile John Stilgoe, Professor of History of Landscape Development at Harvard University. Stilgoe is an expert on urban and rural landscapes, reading them for revelations into the changes in human lifestyle and economy over the past several hundred years. He studies potholes, clothing, the configuration of parking spaces and other everyday, ordinary things. From these observations he can explain the migration of industry from North to South to abroad, why professors don't need elbow patches on their tweed jackets, and the reasoning behind housing regulations that required car garages to be built of concrete. Stilgoe claims that period studies are valuable tools for future planning, as well as windows into our vanishing past.

#### 5. Theodore Roszak, *The Ecology of Wisdom*, LAPIS, Issue Seven.

Roszak, is the author of The Longevity Revolution and the True Wealth of Nations, a comprehensive study of the cultural and ecological implications of longevity. In this article, Roszak embraces the increasing longevity of humans as a new age of discovery. He speaks out against the political argument that America cannot afford the aging Baby Boomer generation. According to Roszak, the number of healthy, secure senior citizens in a country should be an indicator of its economic success. As people age, their values change and they become more focused on introspection, home and family, while less focused on consumerism. The fact that the wisdom of the elders is regarded as a cost to society, rather than a gain, reveals a flaw in the ideologies of industrial economy.



# 6. Wolfgang Sachs, AThe Virtue of Enoughness", NPQ Special Issue 1999.

Sachs takes issue with the Worldwatch Institute's State of the World report, which addresses the problem of increasing demand and dwindling resource supply by advocating for efficient resource According to Sachs, by making production central to the economic worldview, management. Worldwatch ignores the possibility that societies can function on an intermediate level of consumption. Sach argues that there are certain things in life that cannot be viewed as resources, but that should nonetheless have a place in our worldview of value. Similarly, societies should not be conceptualized only by their production, such that well-being is equal to well-having. Humans are not driven solely by concerns for efficiency, and a system that measures the world by efficiency, resources and management undercuts social values, such as culture, community and connectedness, that are necessary to prevent resource depletion.

#### References:

27. Ivan Illich, *The Shadow Our Future Throws*, NPO Special Issue 1999. http://www.brandon.multics.org/library/Ivan%20Illich/shadow.html

Illich explains that the notion that humans are destroying themselves has gone from being viewed as radical extremism to common knowledge. He argues that the current problems of our society must be viewed from their historical beginnings: the lack of clean water in urban centers springs from the reduction of native crops and destruction of farming communities. By understanding this, we can see how things society views as "needs" are really derived from "wants," from the never ending goal to develop. On the bright side, he sees how resourceful individuals with no other options have managed to survive in the bleakest environment, such as citizens of the "City of the Dead," the poor living in the cemeteries of Cairo. Illich concludes that "life" can only be separated from "death of nature" by creating a self-regulating lifestyle where an ecological man protects life and defends against the depletion of natural resources.

# 8. Alain Touraine, *Neo-Modern Ecology*, NPQ Special Issue 1999 http://www.digitalnpq.org/archive/2004\_fall/26\_touraine.html

Touraine has defined himself as being neo-modern. Neo-modern extends from the term post-modern. The idea behind neo-modernism is that people can live in a world where the environment and "cultural initiatives" are equal. Touraine suggests that ecological movements will change the modern society and ecology relationship. He agrees that man must release his Industrial Revolution era belief that he can dominate and control nature. However, he disagrees that ecology requires man to surrender himself to domination by nature; rather, man should continue to take charge of his own actions. As a neo-modernist, Touraine believes that man can continue to create culture, but must seek an equilibrium between this cultural initiative and the environment. To do so, human rights must provide a check for reason, and ecology must provide a check for industrial development. Humans will be the center in the sense that they will create their own senses of self, but they will not take center stage in the cosmos. Touraine believes that it is our choice to allow the West to prosper by creating a balance between remaining modern and becoming ecological.

# 9. William McDonough and Michael Braungart, *The NEXT Industrial Revolution*, ATLANTIC MONTHLY, October 1998.

When environmental decline first hit the radar screens of industrial developers, they devised a new system known as eco-efficiency that was intended to lessen the impact of industry on the environment. According to McDonough and Braungart, eco-efficiency cannot result in long-term success because it works within the system that caused the environmental problems in the first place. Instead, the authors advocate for a reshaping of human industry, a plan of action known as The Next Industrial Revolution. This new approach to industry starts with manufacturing products designed for reuse and recycling. When consumers are done with a product, the manufacturer takes the product back, breaks it down and puts it back into the system. As an example, McDonough and Braungart describe their compostable upholstery fabric, manufactured from nontoxic chemicals using a process that does not pollute the air or water. When the carpet wears out, the manufacturer takes it back and reuses the materials. McDonough and Braungart also explain how The Next Industrial Revolution can change agriculture, shoes and architecture. With focus on equity, economy and ecology, these leaders of The Next Industrial Revolution promise that a better, safer system is on the horizon.

## 10. Matt Tyrnauer, *Industrial Revolution, Take Two*, VANITY FAIR, May 2008. http://www.vanityfair.com/culture/features/2008/05/mcdonough200805

The article profiles the work of William McDonough, an architect and co-founder of the Cradle to Cradle movment. Cradle to Cradle anticipates that, in order to maintain our way of life, humans must learn to design and build sustainably. Thus, all organic products must return to the earth to feed its "biological metabolism," while everything else must be recycled as "nutrients" for our "technical metabolism." McDonough, who has reportedly worked with such companies as Google, WalMart, and Whole Foods, as well as the city of San Francisco and several Chinese municipalities, believes that "[i]f we understand that design leads to the manifestation of human intention, and if what we make with our hands is to be sacred and honor the earth that gives us life, then the things we make must not only rise from the ground but return to it, soil to soil, water to water, so everything that is received from the earth can be freely given back without causing harm to any living system." Therefore, good design does not reduce waste, but eliminates the entire concept of waste. According to McDonough, by utilizing sustainable design, we can undo the damage caused by the Industrial Revolution and create a sustainable future.

#### 11. Declaration of Interdependence

Prior to September 11, 2001, the United States had completely lost touch with global issues, and had become focused on internal affairs. It had become the naysayer at the UN when it came to such matters as the environment and human rights. Throughout most of the world, environmentalism is a luxury that few can afford to embrace. This is not the case in the US, where an environmental awakening first took place in the 1960s. This awakening was also spreading throughout the industrialized world, as people recognized that industrialization had produced dire consequences. Environmentalism alarmed the governments of these nations, as economic growth depended on land use and the destruction of natural resources. Thus, the UN became a forum for organizing environmentalists and scientists throughout the developed world in an attempt to develop smarter means of growth. At the same time, an international civil society was developing in the post-WWII era, including NGOs, and the development of transnational corporations transformed civil society into an unprecedented transnational force. Unfortunately, isolationism and consumerism in the US has prevented our civil society from becoming a self-conscious political force. However, September 11 provided us with a striking example of how intertwined our fate is with the rest of the world. Civil society should be utilized to make environmentalism and human rights central issues, because if we do not deal with these issues now, our children and grandchildren will have to do it for us.

#### 12. What the World Needs Now: Twelve Honest Answers, ORION, Spring 2002.

#### 13. The Earth Charter

According to <a href="www.earthcharterinaction.org">www.earthcharterinaction.org</a>, "[t]he Earth Charter is a declaration of fundamental ethical principles for building a just, sustainable and peaceful global society in the 21st century. It seeks to inspire in all people a new sense of global interdependence and shared responsibility for the well-being of the whole human family, the greater community of life, and future generations. It is a vision of hope and a call to action." The charter acknowledges that such goals as the eradication of poverty, sustainable living, equitable economic development, and human rights are interconnected. The charter thus provides an inclusive and integrated framework for achieving these goals. The charter began as a United Nations initiative, but was carried out by an international civil society initiative. The charter encourages us to work internationally and seek a common ground in order to accomplish shared objectives.

#### 14. Thomas Berry, *The Mystique of the Earth*, CADUCEUS, Spring 2003.

Thomas Berry is "geologian" whose lifework consists of promoting a new relationship between humans and the earth. The article is an interview between Caroline Webb and Thomas Berry in reference to his vision for an "Earth Democracy." Berry believes that human destruction of the earth is directly related to the theory of law. He advocates for a human world that exists equally with the natural world. According to Berry, a hierarchical system should not exist that allows humans to dominate the environment. He believes that a proper relationship should exist between human technology and natural technology. He argues that it is impossible to have health humans on a sick planet: to have healthy humans, the earth must be healed first. The United States Constitution, according to Berry, serves to protect only human things at the expense of the planet. By giving humans property rights, the Constitution enshrines our appetite to devour everything around us, rather than to preserve it. However, destroying the Earth will inevitably prevent us from having a healthy human economy. Thus, Berry argues that humans must understand the natural order, first, and then find our place in it second, rather than trying to fit the natural order into a human world. This environmental structure must also extend to the legal realm, and laws must be fit into the context of the Earth as a whole in order for humans to survive.

# 15. Rick Bass, *The War of the Senses*, Orion, September/October 2004. <a href="http://www.orionmagazine.org/index.php/articles/article/13">http://www.orionmagazine.org/index.php/articles/article/13</a>

Written nearly immediately preceding the 2004 presidential election, Bass writes of his memories of the previous four years under the Bush administration. He mourns the period when we briefly stood together after September 11<sup>th</sup>, before the war in Iraq ripped the United States further away from the respect of the world. However, Bass also points out that Americans were at war before September 11<sup>th</sup>: minorities and homosexuals lost rights; the environment was attacked and protections were stripped away; the battle between seniors for affordable prescriptions and pharmaceutical companies for profits; wars of insensitivity and simply not paying attention. However, Bass felt Americans could rise to the fight, stating "Bravery is how you might respond when under relentless or horrific attack: When you hold your ground and fight back. Courage, I think, is different, and harder to attain: To fight when you might not have to; when no one would know the difference." Bass calls on Americans to exercise courage so we leave our children and grandchildren with inspiration, rather than destruction.

## 16. Studs Terkel, *On Hope and Activism*, <a href="http://www.commondreams.org/views03/1111-09.htm">http://www.commondreams.org/views03/1111-09.htm</a>

Terkel, who was then over 90 and had lived through the Great Depression, World War II, and the Civil Rights movement, explains that hope remains even in the most desperate of times. His book, *Hope Dies Last*, took its title from a Spanish saying relied upon by farmworkers in the days before Cesar Chavez: "La esperanza muere última." When we have lost everything else, hope will be the one thing that remains, and to lose hope means to lose everything. However, more than hope is required to make the world a better place. Terkel argues that we must act, that activists truly contribute to the world, even if they cannot make it perfect. Terkel then compiled brief biographies of activists he believed had made an impact: Elaine Jones, director of the NAACP Legal Defense Fund; Eliseo Medina, former organizer for Cesar Chavez and executive vice president of the Service Employees International Union (SEIU); Usama Alshaibi, sound engineer at the Chicago Historical Society, independent filmmaker, and newly sworn-in U.S. citizen who immigrated from Iraq where he was born the son of a Palestinian mother and an Iraqui father. This article provides inspiration to continue hoping and begin acting to make such hopes a reality.

#### 17. David Korten, The Post-Corporate World: Life After Capitalism, LAPIS, Issue Nine.

Korten argues that capitalism has hampered democracy, the market, and human rights. He analogizes the current state of capitalism to a disease. He thinks that the market is not itself a problem but that capitalism "is to a healthy market economy what cancer is to a healthy body." In order to cure this "cancer," Korten states that we must eliminate limited liability corporations and create a post-corporate world. Some of the actions Korten suggests are ending the legal fiction that corporations are people, excluding corporations form politics, implementing campaign finance reform, and regulating international corporations. Korten admits that eliminating the prominence of corporations from our society will be difficult but feels that human rights and democracy cannot co-exist with capitalism. In the end, Korten argues that political and spiritual awareness is the "best immunological defense against invasion by the capitalist cancer."

# 18. Derrick Jensen, *Beyond Hope*, ORION, May/June 2008 <a href="http://www.orionmagazine.org/index.php/articles/article/170">http://www.orionmagazine.org/index.php/articles/article/170</a>

Jensen, an environmentalist, has lost most hope in saving the planet. He thinks, however, that this is a good thing. Jensen believes that false hopes keep humans chained to a system that is destroying the environment. False hope leads us to believe that the system will change, that companies will stop polluting, and that a new president or piece of legislation will make everything okay. This leads to inaction, and inaction hinders progress. Hope takes us away from the present and makes us powerless: it leaves us longing for a future condition over which we have no agency. On the other hand, if we realize

that we do have some type of agency, we no longer need to hope; we can work and change and better the world around us. If we allow ourselves to feel desperation at the same time we love our environment, we can realize how dire our situation truly is and we can do something about it.

19. Alice Walker, We Live in the Best of Times (Interview with David Swick), SHAMBHALA SUN, May 2007.

http://www.shambhalasun.com/index.php?option=com\_content&task=view&id=3091&Itemid=0

Alice Walker is a writer and activist, whose current book is *We Are the Ones We Have Been Waiting for*. The article is an interview with David Swick addressing her concerns in the new book. Walker believes that perfection lies within imperfection and the world is constantly teaching us things. Walker relies on her spirituality and yoga to alleviate her stress in life. She believes that *We Are the Ones We Have Been Waiting for* is a book that considers our current economic and political state. The book allows the reader to step back and mediate about the current political situation of our country.

20. Terry Tempest Williams, *Finding Beauty in a Broken World* (Interview with David Medaris). www.thedailypages.com/daily/article.php?article=24345

21. Gene Sharp, *The Methods of Nonviolent Action* (Extending Horizons Books)

Sharp provides a collection of nonviolent action, divided into various categories. Formal statements include public speeches and petitions, among others. Group representations may involve picketing or group lobbying. Boycotts of various groups fall into categories involving actions taken by workers, middlemen, and managers. Symbolic public acts refers to demonstrations such as displaying flags or symbolic colors, destroying one's own property, and public prayer or worship. Altogether, Sharp has compiled 198 different kinds of nonviolent action, which can form the basis for activism that is both nonviolent and effective.

22. Mark Kurlansky, *Nonviolence*, ORION 58, September/October 2006

### Week 11

• Meeting of the Minds Presentations

#### Week 12 11/10

• Meeting of the Minds Presentations

### Week 13

Meeting of the Minds Presentations

#### Week 14 11/24

• Thanksgiving Holiday – no classes

#### Week 15 12/1

- Meeting of the Minds Presentations
  - Concluding Assessments

#### The Future

I would like to present a number of other subjects, namely:

- \$ The Arms Race in Space
- \$ Robots in War
- \$ The Legal Ramifications of Extending Life
- \$ The Global Economic Issues of the Drug War
- \$ Gender Issues Involving Birth Control and Infanticide
- \$ The Complex Socio-Economic Inquiries Surrounding Immigration and Migration
- \$ Languages and Their Looming Extinction
- \$ The Power and Pervasiveness of Oil
- \$ The Remaking of Cities
- \$ A Global Language
- \$ Slow Cities
- \$ Slow Food
- \$ Jury Nullification in Ecological/Environmental Protest Trials
- \$ And Then Some

For my own extended reading and, perhaps, for you as well, I have earmarked AThe Alphabet Versus The Goddess@ (where surgeon Leonard Schlain explores the conflict between word and image, proposing that alphabetic literacy reconfigured the human brain to usher in the reign of patriarchy and misogyny); Jonathan Glover=s AHumanity: A Moral History of The Twentieth Century;@ AFrom Dawn to Decadence: Five Hundred Years of Western Cultural Life,@ by Jacques Barzun; "Power, Politics, and Culture: Interviews with Edward Said;" Jeremy

Rifkin's, "The European Dream;" "Disaster Capitalism," by Naomi Klein; Michael Pollan's "In Defense of Food;" E. S. Schumacher's "A Guide for the Perplexed;" The Weather Makers," by Tim Flannery; "A Natural History of the Senses," by Diane Ackerman; esteemable Eduardo Galeano's, "Upside Down: A Primer for the Looking Glass World" and "Mirrors";" Richard Ellis' "Tiger Bone & Rhino Horn;" "The Fruit Hunters," by Adam Leith Gollner; Fiammetta Rocco's "The Miraculous Fever-Tree;" Okot p'Bitek's, "Song of Lawino;" "The Palm-Wine Drinkard," by Amos Tutuola; "Ghostwalk" by Rebecca Stott; "The Rise of the Indian Rope Trick," by Peter Lamont; Mohammed Hanif's, "A Case of Exploding Mangoes;" Susie Orbach, "Bodies;" "Justice," by Michael J. Sandel; Robert Glennon's "Unquenchable;" Stewart Brand's "Whole Earth Discipline;" and "The Bottom Billion" by Paul Collier.

The Course Bibliography, which by no means intends to be complete and is always looking for suggestions of interdisciplinary titles to add, is appended to this article along with a collection of websites and magazine name references. A partial list of organizations from which I have drawn sustenance is also included. Your recommendations to additional sources are appreciated.

#### The Outro

A former member of the class mused that he was being taught, systematically, how the human race is destroying itself, and that we were presiding over the watch. I admit the course is not as delectable as chocolate soufflé, that it has a very tart edge. As it is an elective, it attracts generally students tending to egalitarian convictions. The class hopefully satisfies yearnings to speak about the actual world around students while they are in law school and to make sense of their futures in it. You don=t have to memorize tax codes, the rules of courtroom procedure, or rules of evidence. All you have to do is feel engaged in the quality of life for those around you.

A person was walking along a beach where hundreds of starfish had washed upon the shore. Every so often she would stoop down, pick up one of the starfish and place it back into the tide of the ocean. This ritual was being watched by a man sitting on a sandy bluff that overlooked the shoreline. After a small number of the echinoderms had been returned to the sea, the perched observer came down from the dune, approached the starfish rescuer, and exclaimed, "What are you doing? With so many starfish, everywhere around us, you can't possibly make a difference?" The walking woman thought for a moment and replied: "It makes a difference to that starfish."

\* \* \*

In any dark time, there is a tendency to veer toward fainting over how much is wrong or unamended in the world. Do not focus on that. There is a tendency too to fall into being weakened by perseverating on what is outside your reach, by what cannot yet be. Do not focus there. *That is spending the wind, without raising the sails.* \*\*\*

\* \* \*

One of the most calming and powerful actions you can do to intervene in a stormy world is to stand up and show your soul. *Soul on deck shines like gold in dark times.* \*\*\*

\* \* \*

There will always be times when you feel discouraged, but I do not keep a chair for it; I will not entertain it.

\* \* \*

WHEN A GREAT SHIP IS IN HARBOR AND MOORED, IT IS SAFE, THERE CAN BE NO DOUBT. BUT THAT IS NOT WHAT GREAT SHIPS ARE BUILT FOR.

-- Clarissa Pinkola Estes

#### GLOBALIZATION & TRANSFORMATION OF CULTURE

#### Professor Robert Alan Hershey

#### 01/10 BIBLIOGRAPHY

#### **Books**

Ableman, Michael

From the Good Earth: A Celebration of Growing Food Around the World

Harry N. Abrams 1993

Ableman, Michael

On Good Land: The Autobiography of An Urban Farm

Chronicle Books 1998

Abram, David

Spell of the Sensuous

Pantheon Books 1996

Abundene, Patricia

Megatrends 2010: The Rise of Conscious Capitalism

Hampton Roads Publishing Company 2005

Ackerman, Frank and Heinzerling, Lisa

Priceless: On Knowing the Price of Everything and the Value of Nothing

The New Press 2004

Adams, Brooks

Law of Civilization and Decay

MacMillan, 1896

Adams, James

The Next World War: Computers are the Weapons and the Front Line is Everywhere

Hutchinson 1998

Ahamed, Liaquat

Lords of Finance: The Bankers Who Broke The World

The Penguin Press 2009

Akerlof, George A. and Shiller, Robert J.

Animal Spirits: How Human Psychology Drives the Economy and Why It Matters

For Global Capitalism

Princeton University Press 2009

#### Akpan, Rev. Uwem

Say You're One Of Them Little, Brown & Co. 2008

#### Albrow, Martin

The Global Age: State and Society Beyond Modernity Stanford University Press 1996

#### Alder, Ken

The Measure of All Things The Free Press 2002

#### Alexander, Christopher

The Nature of Order, An Essay on the Art of Building and the Nature of the Universe, Vol. 1, The Phenomenon of Life

The Center for Governmental Structure 2002

#### Ali, Tarig

The Clash of Fundamentalisms: Crusades, Jihads, & Modernity Verso 2002

#### Allen, Steve

Meeting of Minds Hubris House/Crown Publishers 1978

#### Alvarez, Sonia E. ed.

Cultures of Politics, Politics of Cultures Westview Press 1998

#### Ambrose, Stephen E.

Nothing Like It In the World: The Men Who Built the Transcontinental Railroad, 1863-1869 Simon and Schuster 2000

#### Anaya, James

Indigenous Peoples in International Law Oxford University Press 1996

#### Anderson, Walter Truett

The Future of the Self: Inventing the Post Modern Person Tarcher/Putnam 1997

#### Andrews, Lori B.

The Clone Age: Adventures in the New World of Reproductive Technology Henry Holt & Co. 1999

#### Angell, Marcia

The Truth About The Drug Companies: How They Deceive Us and What To Do About It Random House 2004

#### Anyi, Wang

The Song of Everlasting Sorrow: A Novel of Shanghai Translated by Michael Berry and Susan Chang Egan Columbia U. Press 2008

#### Appleyard, Bryan

Brave New Worlds, Staying Human in the Genetic Future Viking 1998

#### Armstrong, Karen

The Battle for God Knopf 2000

#### Ashenburg, Katherine

The Dirt on Clean: An Unsanitized History Farrar, Straus & Giroux 2007

#### Atkins, Pepter & Bowler Ian

Food in Society: Economy, Culture, Geography Arnold 2001

#### Arthus-Bertrand, Yann

Earth From Above Harry N. Abrams 2002

#### Bagdikian, Ben Haig

The Media Monopoly Beacon Press 1983 (revised through 2000)

#### Bailey, Ronald

Liberation Biology: The Scientific and Moral Case for the Biotech Revolution Prometheus Books 2005

#### Bain, David Howard

Empire Express: Building the First Transcontinental Railroad Viking 2000

#### Bakan, Joel

The Corporation: The Pathological Pursuit of Profit and Power Free Press 2004

#### Baker, Nicholson

Human Smoke: The Beginnings of World War II, The End of Civilization

Simon & Schuster 2008

#### Baker, Stephen

The Numerati

Houghton Mifflin Company 2008

#### Barber, Benjamin R.

Consumed: How Markets Corrupt Children, Infantilize Adults, and Swallow Citizens

Whole

W. W. Norton & Company 2007

#### Barber, Benjamin R.

Jihad vs. McWorld

Ballantine Books 1995

#### Barcott, Bruce

The Last Flight of the Scarlet Macaw: One Woman's Fight to Save

the World's Most Beautiful Bird

Random House 2008

#### Barlett, Peggy F., ed.

Urban Peace: Reconnecting with the Natural World (Urban and Industrial Environments)

MIT Press 2006

#### Barlow, Maude & Clarke, Tony

Blue Gold: The Fight to Stop the Corporate Theft of the World's Water

The New Press 2002

#### Barnard, Bryn

Dangerous Planet: Natural Disasters That Changed History

Crown Publishers 2003

#### Barndt, Deborah

Women Working the NAFTA Food Chain

Second Story Press 1999

#### Barnes, Peter

Capitalism 3.0: A Guide to Reclaiming the Commons

Berrett-Koehler 2006

#### Barnet, Richard & Muller, Ronald E.

Global Reach: The Power of the Multinational Corporation

Simon & Schuster 1974

#### Barrie Axford

The Global System: Economics, Politics, and Culture

Polity Press 1995

#### Barzon Jacques

From Dawn to Decadence: 500 Years of Western Cultural Life

Harper Collins 2000

#### Bateson, Gregory

Steps to an Ecology of Mind

U. Chicago Press 1972

#### Baudrillard, Jean

Illusion of the End

Stanford University Press 1995

#### Baudrillard, Jean

America

Verso 1989

#### Baudrillard, Jean

The Consumer Society: Myths and Structures

Sage Publications Ltd 1998

#### Baumol, William J., Litan, Robert E. & Schramm, Carl J.

Good Capitalism, Bad Capitalism and the Economics of Growth and Prosperity Yale U. Press 2007

#### Becker, Robert O. & Selden, Gary

The Body Electric

Wm. Morrow & Co. 1985

#### Benjamin, Walter

Theses on the Philosophy of History

Illuminations 1968.

#### Bentley, Peter J.

Digital Biology: How Nature is Transforming Our Technology and Our Lives

Simon & Schuster 2002

#### Benyus, Janine M.

**Biomimicry** 

Quill/William Morrow 1997

#### Berlin, Isaiah

The Roots of Romanticism Princeton University Press 1999

#### Berman, Morris

The Twilight of American Culture W.W. Norton & Co. 2000

#### Berman, Paul

Terror and Liberalism W.W. Norton & Co. 2003

#### Bernheimer, Richard

Wild Men in the Middle Ages: A Study in Art, Sentiment, and Demonology Cambridge University Press 1952

#### Bernstern, Peter L.

The Power of Gold John Wiley & Sons 2000

#### Berry, Thomas

The Dream of the Earth Sierra Club Books; 2<sup>nd</sup> edition 2006

#### Berry, Wendell

Jayber Crow Counterpoint 2001

#### Berry, Wendell

The Meat You Eat: How Corporate Farming Has Endangered America's Food Supply St. Martin's Press 2004

#### Berry, Wendell

The Unsettling of America: Culture & Agriculture Sierra Club Books 1996

#### Bertens, Hans

The Idea of the Postmodern Routledge 1995

#### Bethell, Tom

The Noblest Triumph: Property and Prosperity Through the Ages St. Martin's Press/Palgrave/MacMillan 1998

#### Beynon, John and David Dunkerley, eds.

Globalization: The Reader

Routledge 2000

#### Bhabha, Homi K.

The Location of Culture

Routledge 1994

#### Bhide, Amar

The Venturesome Economy: How Innovation Sustains Prosperity in a More Connected

World

Princeton University Press 2008

#### Bickerton, Derek

Bastard Tongues: A Trailblazing Linguist Finds Clues to our Common Humanity in the

World's Lowliest Languages

Hill & Wang 2008

#### Bigelow, Bill & Peterson, Bob (Eds.)

Rethinking Globalization: Teaching for Justice in an Unjust World

Rethinking Schools Press 2003

#### Birkerts, Sven

Readings

Graywolf Press 1999

#### Birnbaum, Norman

After Progress: American Social Reform and European Socialism in the 20th Century

Oxford University Press 2001

#### Blaise, Clark

Time Lord: Sir Sanford Fleming and the Creation of Standard Time

Pantheon Books 2002

#### Blinder, Alan

Central Banking in Theory and Practice

MIT Press 1998

#### Blustein, Paul

The Chastening: Inside the Financial Crisis that Rocked the Global Financial System and

Humbled the IMF

Public Affairs 2001

#### Bobbitt, Philip

Terror and Consent: The Wars for the Twenty-First Century

Alfred A. Knopf 2008

#### Bobrick, Benson

Wide As The Waters: The Story of the English Bible and the Revolution it Inspired Simon & Schuster 2001

#### Bodley, John H.

The Power of Scale M.E. Sharpe 2002

#### Bogle, John C.

The Battle for the Soul of Capitalism Yale University Press 2006

#### Bonanno, Alessandro

From Columbus to ConAgra: The Globalization of Agriculture and Food Univ. Press of Kansas 1994

#### Botton, Alain de

Status Anxiety Pantheon Books 2004

#### Bourdieu, Pierre

Distinction: A Social Critique of the Judgment of Taste Harvard U. Press

#### Bové, Jose, Dufour François

The World is Not For Sale: Farmers Against Junk Food Verso 2001

#### Bowe, John

"Nobodies": Modern American Slave Labor and the Dark Side of the New Global Economy
Random House 2007

#### Bowers, C.A.

Education, Cultural Myths, and the Ecological Crisis: Toward Deep Changes State Univ. of N.Y. Press 1993

#### Bradsher, Keith

High and Mighty: SUVs – the World's Most Dangerous Vehicles and How They Got That Way
Public Affairs 2002

#### Brands, H.W.

What America Owes the World Cambridge University Press 1998

#### Bronson, Po

The Nudist on the Late Shift Random House 1999

#### Brooks, Rodney A.

Flesh and Machines: How Robots Will Change Us

Pantheon Books 2002

#### Brown, John Seely & Duguid, Paul

The Social Life of Information

Harvard Business School Press 2000

#### Brown, Lester

Plan B 2.0: Rescuing a Planet Under Stress and a Civilization in Trouble

W. W. Norton & Co. 2006

#### Brown, Lester

Outgrowing the Earth Earth Scan U.K. 2005

#### Brown, Phil

Toxic Exposures: Contested Illnesses and the Environmental Movement

Columbia U. Press 2007

#### Brubaker, Pamela K.

Globalization: At What Price

Pilgrim Press 2001

#### Bruinius, Harry

Better for All the World: The Secret History of Forced Sterilization and America's Quest

for Racial Purity

Alfred A. Knopf 2006

#### Buchanan, Allen, Brock, Dan, Daniels, Norman & Wikler, Dan

From Chance to Choice: Genetics and Justice

Cambridge Univ. Press 2000

#### Buck, Susan

The Global Commons

Island Press 1998

#### Bueno de Mesquita, Bruce

The Predictioneer's Game: Using the Logic of Brazen Self-Interest to See and

Shape the Future

Random House 2009

#### Burger, Julian

Report from the Frontier From Cultural Survival 1987

#### Burleigh, Michael

The Third Reich: A New History

Hill & Wang 2000

Burtless, Gary; Lawrence, Robert Z.; Litan, Robert E.; and Shapiro, Robert J., Eds.

Globaphobia: Confronting Fears About Open Trade

Brookings, 1998

#### Burr, Chandler

The Emperor of Scent: A Story of Perfume, Obsession, and the Last Mystery of the

Senses

Random House 2003

#### Buruma, Ian

The Missionary and the Libertine: Love and War in East and West

Vintage Books/Random House 2000

#### Busch, Lawrence

The Eclipse of Morality: Science, State, and Market

Aldine de Grayter 2000

#### Cahn, Naomi

Test Tube Families: Why the Fertility Market Needs Regulation

NYU Press 2009

#### Calthorpe, Peter and Fulton, William

The Regional City: Planning for the End of Sprawl

Island Press 2001

#### Campbell, Greg

**Blood Diamonds** 

Westview Press 2002

#### Canetti, Elias

Crowds and Power

Farrar, Straus and Giroux 1984

#### Cannadine, David

Ornamentalism: How the British Saw Their Empire

Oxford University Press 2001

#### Carney, Judith A.

Black Rice: The African Origins of Rice Cultivation in the Americas Harvard University Press 2002

#### Capra, Fritjof

Web of Life Anchor 1997

#### Castronova, Edward

Synthetic World: The Business and Culture of Online Games U. Chicago Press 2005

#### Cavanagh, John; Wysham, Daphe; & Arruda, Marcos

Beyond Bretton Woods: Alternatives to the Global Economic Order Pluto Press 1994

#### Chace, James

Acheson: The Secretary of State Who Created The American World Simon & Schuster 1998

#### Chang, Leslie T.

Factory Girls: From Village to City in a Changing China Spiegel & Grau 2008

#### Chaplin, Heather & Ruby, Aaron

Smartbomb: The Quest for Art, Entertainment and Big Bucks in the Videogame Revolution
Algonquin Books of Chapel Hill 2005

#### Chapman, Peter

Bananas: How the United Fruit Company Shaped the World Canongate 2008

#### Chatwin, Bruce

The Songlines Viking Penguin 1987

#### Christianson, Gale E.

Greenhouse: The 200 Year Story of Global Warming Walker & Co. 1999

#### Chua, Amy

Day of Empire: How Hyperpowers Rise to Global Dominance – And Why They Fall Doubleday 2007

#### Chua, Amy

World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability
Doubleday 2003

#### Clarke, Peter

Keynes: The Rise, Fall, and Return of the 20<sup>th</sup> Century's Most Influential Economist Bloomburg Press 2009

#### Cline, William R.

Global Warming and Agriculture: End-of-Century Estimates by Country The Peterson Institute for International Economics 2007

#### Cohen, Lizabeth

A Consumer's Republic: The Politics of Mass Consumption in Postwar America Alfred A. Knopf 2003

#### Collier, Paul

The Bottom Billion: Why the Poorest Countries are Failing and What Can Be Done About It
Oxford University Press 2007

#### Collins, Robert M.

The Politics of Economic Growth in Postwar America Oxford University Press 2000

#### Conaway, James

Vanishing America: In Pursuit of Our Elusive Landscapes Counterpoint Press 2007

#### Connelly, Matthew

Fatal Misconception: The Struggle to Control World Population Harvard U. Press 2008

#### Conley, Dalton

Elsewhere, U.S.A. Pantheon Books 2009

#### Conroy, Michael E.

Branded: How the 'Certification Revolution' is Transforming Global Corporations New Society Publishers 2007

#### Crichton, Michael

Next

Harper Collins 2006

#### Critser, Greg

Fat Land: How Americans Became the Fattest People in the World Houghton Mifflin Co. 2003

#### Cross, Gary

An All-Consuming Century: Why Commercialism Won in Modern America Columbia University Press 2000

#### Croteau, David & Hoynes, William

Media/Society: Industries, Images, and Audiences Pine Forge Press 2002

#### Curtin, Philip D.

Cross-Cultural Trade in World History Cambridge University Press 1984

#### Cushman, Philip

Constructing the Self, Constructing America: A Cultural History of Psychotherapy Addison-Wesley Pub. 1995

#### Damasio, Antonio R.

Descartes' Error: Emotion, Reason and the Human Brain G. P. Putnam 1994

#### Das, Gurcharan

India Unbound Knopf 2001

#### Dash, Julie

Daughters of the Dust Dutton Book 1997

#### Davenport-Hines, Richard

The Pursuit of Oblivion: A Global History of Narcotics W.W. Norton & Company 2002

#### Davidson, Eric A.

You Can't Eat GNP Perseus Books 2001

#### Davidson, Jenny

Heredity (Novel) Soft Skull Press 2003

#### Davis, David Brion

Human Bondage: The Rise and Fall of Slavery in the New World

Oxford University Press 2006

#### Davis, Erik

TechGnosis: Myth, Magic and Mysticism in the Age of Information

Three Rivers Press 1998

#### Davis, Linda H.

Badge of Courage, The Life of Stephen Crane

Houghton Mifflin 1998

#### Davis, Wade

One River: Explorations and Discoveries in the Amazon Rain Forest

Simon & Schuster 1996

#### DeGraaf, John, Wann, David, and Naylor, Thomas

Affluenza

Berrett-Koehler Pub. 2001

#### Deloria, Jr., Vine

The Metaphysics of Modern Existence

Harper & Row 1979

#### Demos, John

The Enemy Within: 2,000 Years of Witch Hunting in the Western World

Viking 2008

#### DePalma, Anthony

Here: A Biography of the New American Continent

Public Affairs 2001

#### Dershowitz, Alan M.

The Genesis of Justice

Warner Books 2000

#### deSoto, Hernando

The Mystery of Capital

Bantam Press 2000

#### Diamond, Jared

Collapse: How Societies Choose to Fail or Succeed

Viking 2005

#### Diamond, Jared

Guns, Germs, and Steel: The Fates of Human Societies

W.W. Norton & Co. 1999

#### Dillon, Patrick

Gin: The Much-Lamented Death of Madam Geneva

Justin, Charles & Co. 2003

#### Dirlik, Arif

Whither History? Encounters with Historicism, Postmodernism, Postcolonialism Elsevier Science Ltd 2001

#### Domhoff, G. William

The Power Elite and the State: How Policy is Made in America

A. de Gruyter 1990

#### Doherty, Brian

Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian

Movement

Public Affairs 2007

#### Dowden, Richard

Africa: Altered States, Ordinary Miracles

Public Affairs 2009

#### Doz, Yves L., Santos, Jose, and Williamson, Peter J.

From Global to Meta-National

Harvard Business School Press 2001

#### Dreher, Rod

Crunchy Cons: How Birkenstock Burkeans, Gun-Loving Organic Gardeners, Evangelical Free-Range Farmers, Hip Homeschooling Mamas, Right-Wing Nature Lovers and Their Diverse Tribe of Countercultural Constructives Plan to Save America (Or At Least the

Diverse Tribe of Countercultural Constructives Plan to Save America (Or At Least the Republican Party)

Republican Farty)

Crown Forum 2006

#### Drinnon, Richard

Facing West, The Metaphysics of Indian Hating and Empire Building University of Oklahoma Press 1980

#### D'Souza, Dinesh

The Virtue of Prosperity: Finding Values in an Age of Techno-Affluence

The Free Press 2000

### Dupuis, E. Melanie

Nature's Perfect Food: How Milk Became America's Drink New York University Press 2002

### Durning, Alan Thein

The Car and the City Northwest Environmental Watch 1996

# Durning, Alan Thein & Ryan, John C.

Stuff: The Secret Life of Everyday Things Northwest Environmental Watch 1997

### Easterbrook, Gregg

The Progress Paradox: How Life Gets Better While People Feel Worse Random House 2004

### Easterly, William

The White man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good
The Penguin Press 2006

### Eatwell, John & Taylor, Lance

Global Finance at Risk: The Case for International Regulation The New Press 2000

#### Egan, Dave & Howell, Evelyn A.

The Historical Ecology Handbook: A Restorationist's Guide to Reference Systems Island Press 2001

### Ehrenreich, Barbara

Bright-Sided: How the Relentless Promotion of Positive Thinking Has Undermined America Metropolitan Books 2009

#### Ehrenreich, Barbara

Dancing in the Streets: A History of Collective Joy Henry Holt & Co. 2006

#### Ehrlich, Paul

The Population Bomb Ballantine Books 1968

#### Ehrlich, Paul & Anne H.

One With Nineveh Island Press 2004

### Eichengreen, Barry

The European Economy Since 1945: Coordinated Capitalism and Beyond Princeton University Press 2007

#### Eichenwald, Kurt

The Informant

Broadway Books 2000

### Elias, Amy J.

Sublime Desire: History and Post-1960s Fiction (Parallax: Re-Visions of Culture and

Society)

Johns Hopkins University Press 2001

### Ellis, Richard

The Empty Ocean: Plundering in the World's Marine Life

Island Press 2003

### Elshtain, Jean Bethke

Who Are We? Critical Reflections and Hopeful Possibilities

William B. Eerdmans Publishing 2000

### Emerson, Ralph Waldo

Complete Writings

Wm. H. Wise & Co. 1929

#### Epstein, Richard A.

Principles for a Free Society: Reconciling Individual Liberty with the Common Good

Perseus Books 1998

#### Erickson, Kim

Drop Dead Gorgeous: Protecting Yourself From The Hidden Dangers of Cosmetics

McGraw Hill 2002

#### Ettlinger, Steve

Twinkie, Deconstructed

**Hudson Street Press 2007** 

## Etzioni, Amitai

From Empire to Community: A New Approach to International Relations

Palgrave MacMillan 2004

#### Evans, Gareth

The Responsibility to Protect: Ending Mass Atrocity Crimes Once And For All

**Brookings Institution Press 2008** 

### Ewen, Stuart

PR!: A Social History of Spin

Basic Books 1996

#### Faludi, Susan

The Terror Dream: Fear and Fantasy in Post-9/11 America

Metropolitan Books 2007

#### Farmer, Paul

Pathologies of Power

University of California Press 2003

### Farrell, James J.

One Nation Under Goods: Malls and the Seduction of American Shopping

Smithsonian 2003

### Faust, Drew Gilpin

The Republic of Suffering: Death and the American Civil War

Alfred A. Knopf 2008

# Faux, Jeff

The Global Class War: How America's Bipartisan Elite Lost Our Future -

And What It Will Take To Win It Back

John Wiley & Sons 2006

### Featherstone, Mike

Consumer Culture and Postmodernism

Sage 1991

### Fenby, Jonathan

France on the Brink

Arcade Publishers 1999

#### Ferguson, Niall

Empire: The Rise and Demise of the British World Order and the Lessons for Global

Power

Basic Books 2003

### Ferguson, Niall

The Cash Nexus: Money and Power in the Modern World, 1700-2000

Basic Books 2001

### Ferguson, Niall

The War of the World: Twentieth-Century Conflict and the Descent of the West

The Penguin Press 2006

## Ferguson, Niall

The Ascent of Money: A Financial History of the World

The Penguin Press 2008

# Fernández-Armesto, Felipe

Near A Thousand Tables: A History of Food

The Free Press 2002

### Fernández-Armesto, Felipe

Civilizations: Culture, Ambition and the Transformation of Nature

The Free Press 2001

#### Fisher, Helen

The First Sex: The Natural Talents of Women and How They Are Changing the World

Random House 1999

### Flannery, Tim

The Weather Makers: How Man is Changing the Climate and What It Means for Life on

Earth

Atlantic Monthly Press 2006

### Flannery, Tim

The Eternal Frontier: An Ecological History of North America and Its Peoples

Atlantic Monthly Press 2001

### Foer, Jonathan Saffran

**Eating Animals** 

Little, Brown & Company 2009

#### Fogel, Robert William

The Fourth Great Awakening & The Future of Egalitarianism

University of Chicago Press 2000

### Folbre, Nancy

The Invisible Heart: Economics and Family Values

The New Press 2001

## Foley, Conor

The Thin Blue Line: How Humanitarianism Went to War

Verso 2008

#### Foucault, Michele

The Order of Things: An Archaeology of the Human Sciences

Pantheon 1970

# Foucault, Michel

Power/Knowledge: Selected Interviews and Other Writings, 1972-1977

Harvester Press 1980

# Fradkin, Philip L.

Wallace Stegner and the American West

Alfred A. Knopf 2008

#### Frank, Robert H.

The Economic Naturalist

Basic Books 2007

#### Frank, Robert H.

Luxury Fever: Money and Happiness in an Era of Excess

The Free Press 1999

### Frank, Thomas

One Market Under God

Doubleday 2000

### Frantz, Douglas & Collins, Catherine

Celebration, U.S.A.: Living in Disney's Brave New Town

Henry Holt & Co/Owl Books 2000

### Fraser, Antonia

Marie Antoinette: The Journey

Nan A. Talese/Doubleday 2001

## Fraser, Nancy

Justice Interruptus: Critical Reflections on the "Postsocialist" Condition

Routledge 1997

#### Freeman, Charles

The Closing of the Western Mind: The Rise of Faith and the Fall of Reason

Alfred A. Kropf 2004

### Freese, Barbara

Coal: A Human History

Perseus Publishing 2003

#### Freire, Paulo

Pedagogy of the Oppressed

Continuum, 1993 (New Rev. 20th Anniversary Ed.)

# Frenay, Robert

Pulse: The Coming Age of System and Machines Inspired by Living Things Farrar, Straus & Giroux 2006

#### French, Howard

A Continent for the Taking Alfred A. Knopf 2004

### Frieden, Jeffry A.

Global Capitalism: Its Fall and Rise in the Twentieth Century W. W. Norton & Co. 2006

# Friedlander, Saul

The Years of Extinction: Nazi Germany and the Jews, 1939-1945 Harper Collins 2007

### Friedman, Benjamin M.

The Moral Consequences of Economic Growth Alfred A. Knopf 2005

#### Friedman, Thomas L.

The Lexus and the Olive Tree Farrar, Straus & Giroux 1999

# Friedman, Thomas L.

The World is Flat: A Brief History of the Twenty-First Century Farrar, Straus & Giroux 2005

#### Friedman, Thomas L.

Hot, Flat, and Crowded: Why We Need a Green Revolution—and How It Can Renew America
Farrar, Straus & Giroux 2008

### Fukuyama, Francis

Our Posthuman Future: Consequences of the Biotechnology Revolution Farrar, Straus & Giroux 2002

### Fukuyama, Francis

The Great Disruption: Human Nature and the Reconstitution of Social Order Free Press 1999

#### Furet. François

The Passing of an Illusion: The Idea of Communism in the Twentieth Century University of Chicago Press 1999

# Fussell, Betty

Raising Steaks: The Life and Times of American Beef

Harcourt 2008

#### Gabaccia, Donna R.

We Are What We Eat: Ethnic Food and the Making of Americans Harvard Univ. Press 1998

#### Galeano, Eduardo

Upside Down: A Primer for the Looking-Glass World

Metropolitan Books/ Henry Holt & Co. 2000

### Gamwell, Lynn

Exploring the Invisible: Art, Science and the Spiritual

Princeton U. Press 2002

#### Gantner, John D.

The Hypomaniac Edge: The Link Between (a Little) Craziness and (a Lot of) Success in

America

Simon & Schuster 2005

### Gardner, Howard

Intelligence Reframed

Basic Books 1999

### Garrett, Laurie

The Coming Plague: Newly Emerging Diseases in a World Out of Balance

Farrar, Straus, &. Giroux 1994

#### Garrett, Laurie

Betrayal of Trust: The Collapse of Global Public Health

Hyperion 2000

### Garten, Jeffrey E.

The Mind of the CEO

Basic Books 2001

#### Gartner, John D.

The Hypomanic Edge: The Link Between (a Little) Craziness and (a lot of) Success in

America

Simon & Schuster 2005

### Gately, Iain

Tobacco: The Story of How Tobacco Seduced the World

Grove Press 2002

### Gavaghan, Colin

Defending the Genetic Supermarket Routeledge-Cavendesh 2007

### Gay, Peter

Modernism: The Lure of Heresy from Baudelaire to Beckett and Beyond W. W. Norton & Company 2007

### Geertz, Clifford

Available Light: Anthropological Reflections on Philosophical Topics Princeton University Press 2000

# George, Robert P. and Tollefsen, Christopher

Embryo: A Defense of Human Life Doubleday 2008

### Gessen, Masha

Blood Matters: From Inherited Illness to Designer Babies, How the World and I Found Ourselves in the Future of the Gene Harcourt 2008

#### Gibbon, Edward

The Decline and Fall of the Roman Empire Hurst 1845

### Gibson, William

Pattern Recognition G. P. Putnam's Sons 2003

### Giddens, Anthony

Runaway World: How Globalization is Reshaping Our Lives Routledge Press 2000

#### Gilbert, Daniel

Stumbling on Happiness Alfred A. Knopf 2006

#### Gilmour, David

The Long Recessional: The Imperial Life of Rudyard Kipling Farrar, Straus & Giroux 2002

### Glassner, Barry

The Gospel of Food: Everything You Think You Know About Food is Wrong Ecco/Harper Collins 2007

#### Glennon, Robert

Unquenchable: America's Water Crisis And What To Do About It

Island Press 2009

#### Glennon, Robert

Water Follies: Groundwater Pumping and the Fate of America's Fresh Waters Island Press 2002

### Glenny, Misha

McMafia: A Journey Through the Global Criminal Underworld Alfred A. Knopf 2008

### Glover, Jonathan

Humanity: A Moral History of the Twentieth Century Yale University Press 2000

# Goldhagen, Daniel Jonah

Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity Public Affairs 2009

### Goldsmith, Edward et al.

Imperiled Planet: Restoring Our Endangered Ecosystems MIT Press 1990

#### Goldthwaite, Richard A.

Wealth and the Demand for Art in Italy, 1300-1600 John Hopkins University Press 1993

#### Gonzalez, Juan

Harvest of Empire: A History of Latinos in America Viking 2000

# Goodall, Jane

Harvest for Hope: A Guide to Mindful Eating Warner Books 2005

## Goodall, Jeff

Big Coal: The Dirty Secret Behind America's Energy Future Houghton Mifflin 2006

#### Goodstein, David

Out of Gas: The End of the Age of Oil

W.W. Norton & Co. 2004

#### Goodwin, Jason

Greenback: The Almighty Dollar and the Invention of America Henry Holt/John Macrae 2002

### Goodwin, Jason

Lords of the Horizons: A History of the Ottoman Empire Henry Holt & Co./Macrae/Owl Books 1999

### Gottlieb, Anthony

The Dream of Reason: A History of Western Philosophy from the Greeks to the Renaissance W.W. Norton & Co. 2000

#### Graham, Jorie

Sea Change: Poems Ecco/Harper Collins 2008

### Gratzer, Walter

Terrors of the Table: The Curious History of Nutrition Oxford University Press 2005

### Gray, Chris Hables, Editor

The Cyborg Handbook Routledge 1995

### Gregory, Derik, Ron Martin, and Graham Smith, eds.

Human Geography: Society, Space and Social Science Palgrave Macmillan 1994

#### Greider, William

Who Will Tell The People? The Betrayal of American Democracy Simon & Schuster 1992

#### Greider, William

One World, Ready or Not: The Manic Logic of Global Capitalism Simon & Schuster 1997

#### Greider, William

The Soul of Capitalism: Opening Paths to a Moral Economy Simon & Schuster 2003

#### Hailes, Julia

The New Green Consumer Guide Simon & Schuster 2007

# Hammond, Allen

Which World? Scenarios for the 21st Century Island Press 1998

# Haraway, Donna

Simians, Cyborgs, and Women: The Reinvention of Nature Free Association 1991

### Harding, Stephan

Animate Earth: Science, Intuition and Gaia Green Books, UK 2006

### Hardt, Michael & Negri, Antonio

Empire

Harvard University Press 2000

### Harford, Tim

The Undercover Economist Oxford University Press 2007

## Harrison, Lawrence E. and Huntington, Samuel P. (eds.)

Culture Matters: How Values Shape Human Progress Basic Books 2000

### Harvey, David

Spaces of Hope

University of California Press 2000

### Harvey, David

Justice, Nature, and the Geography of Difference Blackwell Publishers 1996

### Harvey, David

The Condition of Postmodernity: An Inquiry into the Origins of Cultural Change Blackwell 1989

## Hastings, Max

Retribution: The Battle for Japan, 1944-45 Alfred A. Knopf 2008

#### Hauser, Marc D.

Moral Minds: How Nature Designed Our Universal Sense of Right and Wrong Ecco/Harper Collins 2006

### Hawken, Paul

**Blessed Unrest** 

Penguin Group 2007

### Hawken, Paul

Nature's Operating Instructions: The True Biotechnologies

Sierra Club Books 2004

#### Hawken, Paul

The Ecology of Commerce

Harper Business 1993

### Hawken, Paul, Lovins, Amory, & Lovins, Hunter

Natural Capitalism

Little Brown 2000

#### Hayles, Katherine M.

How We Became Posthuman: Virtual Bodies in Cybernetics, Literature, and Informatics

U. Chicago Press 1999

### Healy, Kieran

Last Best Gifts: Altruism and the Market for Human Blood and Organs

U. Chicago Press 2007

### Hedges, Chris

War Is A Force That Gives Us Meaning

Public Affairs 2002

### Henderson, Hazel

Creating Alternative Futures: The End of Economics

G.P. Putnam's Sons 1980

### Henderson, Hazel

Building a Win-Win World: Life Beyond Global Economic Warfare

Berrett-Koehler Publishers 1996

## Henderson, Helen Kreider, with Hansen, Ellen, eds.

Gender and Agricultural Development

University of Arizona Press 1995

# Henriques, Diana B.

The White Sharks of Wall Street

Scribner 2000

#### Herbert, Frank

Dune

1965

#### Herman, Arthur

The Idea of Decline in Western History

The Free Press 1997

### Herne, Brian

White Hunters: The Golden Age of African Safaris

John Macrae/Holt/Owl Books 1999

### Hertsgaard, Mark

Earth Odyssey: Around the World in Search of Our Environmental Future

**Broadway Books 1998** 

### Hesse, Hermann

The Glass Bead Game (Magister Ludi)

Rinehart & Winston 1969

### Himanen, Pekka

The Hacker Ethic: and the Spirit of the Information Age

Random House 2001

### Hine, Thomas

I Want That! How We All Became Shoppers

Harper Collins Pubs. 2002

# Hiney, Ton

On the Missionary Trail: A Journey Through Polynesia, Asia, and Africa with the

London Missionary Society Atlantic Monthly Press 2000

#### Hochschild, Adam

King Leopold's Ghost

Houghton Mifflin Co. 1998

### Hodgson, Godfrey

The Myth of American Exceptionalism

Yale University Press 2009

# Hoffman, David E.

Oligarchs: Wealth and Power in the New Russia

Public Affairs 2002

#### Homer-Dixon, Thomas

The Upside of Down: Catastrophe, Creativity, and the Renewal of Civilization Island Press 2007

# Hoogvelt, Ankie M.M.

Globalization and the Post-colonial World: The New Political Economy of Development Macmillan 1997

### Horwitz, Tony

A Voyage Long and Strange: Rediscovering the New World Henry Holt & Company 2008

# Huffington, Arianna

How to Overthrow the Government Harper Collins 2000

# Hughes, Lindsey

Russia in the Age of Peter the Great Yale University Press 1998

### Hughes, Thomas P.

Rescuing Prometheus Pantheon Books 1998

### Humphreys, Stephen

Between Memory and Desire: The Middle East in a Troubled Age University of California Press 1999

### Hunt, Lynn

Inventing Human Rights: A History W. W. Norton & Company 2007

### Huntington, Samuel P.

The Clash of Civilizations and the Remaking of World Order Simon & Schuster 1996

## Huxtable, Ada Louise

The Unreal America: Architecture and Illusion New Press 1997

### Ierley, Merritt

The Comforts of Home: The American House and the Evolution of Modern Convenience Clarkson Potter 1999

### Igo, Sarah E.

The Averaged American: Surveys, Citizens, and the Making of a Mass Public Harvard U. Press 2007

#### Imhoff, Daniel

Paper or Plastic: Searching for Solutions to an Overpackaged World Sierra Club Books 2005

#### Imhoff, Daniel

Farming with the Wild: Enhancing Biodiversity on Farms and Ranches Watershed Media, Sierra Club Books 2003

# Irvine, William B.

On Desire: Why We Want What We Want Oxford University Press 2005

#### Issenberg, Sasha

The Sushi Economy: Globalization and the Making of a Modern Delicacy Gotham 2008

### Iyer, Pico

The Global Soul Knopf 2000

### Jacobs, Jane

The Nature of Economies The Modern Library 2000

#### Jacobs, Jane

Systems of Survival: A Dialogue on the Moral Foundations of Commerce and Politics Random House 1992

### Jacobson, Michael F., and Mazur, Laurie Ann

Marketing Madness Westview Press 1995

# James, Laurence

Raj: The Making and Unmaking of British India Little, Brown & Co. 1997

#### Jencks, Charles

What is Post-Modernism? Academy Press 1996

### Jenkins, Palden

Healing the Hurts of Nations: The Human Side of Globalization Gothic Image Publications 2003

# Jenkins, Philip

The Next Christendom: The Coming of Global Christianity Oxford University Press 2002

#### Jensen, Derrick

The Culture of Make-Believe Chelsea Green, USA 2004

### Johnson, David Cay

Free Lunch: How the Wealthiest Americans Enrich Themselves at Government Expense (And Stick You With The Bill)
Portfolio Hardcover 2007

# Kagan, Jerome

Three Seductive Ideas Harvard University Press 1998

### Kagan, Robert

The Return of History and the End of Dreams Alfred A. Knopf 2008

#### Kammen, Michael

American Culture, American Tastes: Social Change and the 20th Century Knopf 1999

### Kaplan, Robert D.

The Coming Anarchy: Shattering the Dreams of the Post Cold War Random House 2000

### Karlinger, Joshua

The Corporate Planet: Ecology and Politics in the Age of Globalization Sierra Club Press 1997

#### Karsh, Efraim & Karsh, Inari

Empires of the Sand: The Struggle for Mastery in the Middle East,1789-1923 Harvard U. Press 1999

#### Kass, Leon R.

Life, Liberty and the Defense of Dignity: The Challenge for Bioethics Encounter Books 2002

### Kate, Kerry ten & Laird, Sarah A.

The Commercial Use of Biodiversity

Earthscan 1999

### Kaufman, Michael T.

Soros: The Life and Times of a Messianic Billionaire

Knopf 2002

### Khanna, Paraq

The Second World: Empires and Influence in the New Global Order

Random House 2008

### Kimbrell, Andrew, Ed.

Fatal Harvest: The Tragedy of Industrial Agriculture

Island Press 2002

### Kirk, Andrew G.

Counterculture Green: The Whole Earth Catalogue and American Environmentalism

U. Kansas Press 2007

### Kitcher, Philip

Science, Truth, and Democracy

Oxford University Press 2001

### Klein, Naomi

The Shock Doctrine: The Rise of Disaster Capitalism

Metropolitan Books 2007

### Klutz, Editors

The Encyclopedia of Immaturity

Klutz 2007

#### Knupp, Fred and Horn, Miriam

Earth: The Sequel, The Race to Reinvent Energy and Stop Global Warming

W. W. Norton & Co. (2008)

#### Kolbert, Elizabeth

Field Notes from a Catastrophe: Men, Nature and Climate Change

Bloomsbury 2006

# Kolko, Joyce

Restructuring the World Economy

Pantheon Books 1988

## Kolsbun, Ken with Sweeney, Mike

Peace: The Biography of a Symbol

National Geographic 2008

### Korten, David C.

Agenda for a New Economy: From Phantom Wealth to Real Wealth

Berrett-Koehler 2009

### Korten, David C.

The Great Turning: From Empire to Earth Community

Berrett-Koehler 2006

### Korten, David C.

When Corporations Rule The World

Berrett-Koehler/Kumarian Press 1995

### Kotkin, Joel

Tribes: How Race, Religion & Identity Determine Success in the New Global Economy

Random House 1993

### Krech, III, Shepard

The Ecological Indian B Myth and History

W.W. Norton & Co. 1999

### Kristof, Nicholas D., and WuDunn, Sheryl

Thunder From the East: Portrait of a Rising Asia

Knopf 2000

#### Knopp, Fred and Horn, Miriam

Earth: The Sequel, The Race to Reinvent Energy and Stop Global Warming

W. W. Norton & Co. (2008)

### Krugman, Paul

The Return of Depression Economics

N.W. Norton & Co. 1999

## Krugman, Paul

The Accidental Theorist

W.W. Norton & Co. 1998

#### Kunstler, James Howard

World Made By Hand

Atlantic Monthly 2008

### Kunstler, James Howard

The Long Emergency: Surviving the Converging Catastrophes of the Twenty-First

Century

Atlantic Monthly Press 2005

#### Kunstler, James Howard

Geography of Nowhere: The Rise and Decline of America's Man-Made Landscape Simon & Schuster 1993

#### Kunstler, James Howard

Home From Nowhere: Remaking Our Everyday World for the 21st Century Simon & Schuster 1996

#### Kurlansky, Mark

Salt: A World History Walker & Co. 2002

#### Kuttner, Robert

Everything For Sale: The Virtues and Limits of Markets Knopf 1997

### Lacy, Sarah

Once You're Lucky, Twice You're Good: The Rebirth of Silicon Valley Gotham Books 2008

### LaFeber, Walter

Michael Jordan and the New Global Capitalism W.W. Norton & Co. 1999

#### Laidlaw, Stuart

Secret Ingredients: The Brave New World of Industrial Farming McClelland & Stewart 2003

### Lakoff, George, and Johnson, Mark

Philosophy in the Flesh Basic Books 1999

#### Lambrecht, Bill

Dinner at the New Gene Cafe Thomas Dunne Books 2001

#### Landes, David S.

The Wealth and Poverty of Nations W. W. Norton & Co. 1999

### Lane, Robert Edwards

The Loss of Happiness in Market Democracies

Yale Univ. Press 2000

# Lappe, Marc & Britt Bailey

Against the Grain: Biotechnology and the Corporate Takeover of Your Food

Common Courage Press 1998

### Lappé, Francis Moore and Anna

Hope's Edge: The Next Diet for a Small Planet

Tarcher/Putnam 2002

### Lasn, Kalle

Culture Jam

William Morrow 1999

### Laszlo, Pierre

Citrus: A History

U. Chicago Press 2007

# Lawrence, Felicity

Not On The Label

Penguin Books, U.K. 2004

### Leach, William

Land of Desire: Merchants, Power and the Rise of A New American Culture

Pantheon Books 1993

#### Lears, Jackson

Rebirth of a Nation: The Making of Modern America, 1877-1920

Harper Collins 2009

# Lears, Jackson

Fables of Abundance: A Cultural History of Advertising in America

Basic Books 1994

## Lears, T. J. Jackson

No Place for Grace: Antimodernism and the Transformation of American Culture

Pantheon Books 1981

#### Leeder, Elaine

The Family in Global Perspective: A Gendered Journey

Sage Publishers (2003)

### Lessig, Lawrence

Code: And Other Laws of Cyberspace

Basic Books 2000

# Lessig, Lawrence

Remix: Making Art and Commerce Thrive in the Hybrid Economy

The Penguin Press 2008

### Levenson, Barry M.

Habeas Codfish: Reflections on Food and the Law

Univ. Wisconsin Press 2001

### Levine, Lawrence W.

The Opening of the American Mind

Beacon Press 1996

### Levy, Adrian and Scott-Clark, Cathy

The Stone of Heaven: Unearthing the Secret History of Imperial Green Jade

Little, Brown & Co. 2002

### Levy, David

Love and Sex with Robots: The Evolution of Human-Robot Relationships

Harper Collins 2007

### Lewis, J. Patrick & Wormell, Christopher (Illus.)

Swan Song: Poems of Extinction

Creative Education 2003

#### Lewis, Michael (Ed.)

Panic: The Story of Modern Financial Insanity

W. W. Norton & Co. 2008

### Lieber, James A.

Rats in the Grain: The Dirty Tricks and Trials of Archer Daniels Midland

Four Walls Eight Windows 2000

#### Limerick, Patricia Nelson

The Legacy of Conquest

W.W. Norton & Co. 1987

### Lindsey, Brink

The Age of Abundance: How Prosperity Transformed America's Politics and Culture

Collins 2007

## Lopez, Barry, Editor

The Future of Nature: Writing on Human Ecology From *Orion* Magazine

Milkweed Edition 2007

# Lopez, Barry and Guartney, Debra, Editors

Home Ground: Language for an American Landscape

Trinity Univ. Press 2007

### Lopez, Barry

Resistance

Alfred A. Knopf 2004

#### Lovenheim, Peter

Portrait of a Burger as a Young Calf

Harmony Books 2002

# Lovins, Amory; Von Weizsacker, Ernst; and Lovins, Hunter L.

Factor Four: Doubling Wealth, Halving Resource Use: The New Report to the Club of

Rome

Earthscan Publication 1997

#### Luce, Edward

In Spite of the Gods: The Strange Rise of Modern India

Doubleday 2007

#### Luttwak, Edward

Turbo Capitalism: Winners and Losers in the Global Economy

Harper Collins 2000

### Lynas, Mark

High Tide: The Truth About our Climate Crisis

Picador 2004

### Lyon, David

Postmodernity

Univ Of Minnesota Press (2nd ed.) 1999

#### Maalouf, Amin

In the Name of Identity: Violence and the Need to Belong

Arcade Publishing 2001

#### Machiavelli, Niccoló

The Prince

University of Chicago Press 1985, 1998

### MacLeod, Alistair

Island: The Complete Stories W.W. Norton & Co. 2001

# Macy, Joanna

Widening Circles: A Memoir New Catalyst Books 2007

### Macy, Joanna

World As Lover, World As Self – Courage for Global Justice and Ecological Renewal Parallax Press 2007

### Malcomson, Scott L.

One Drop of Blood: The American Misadventure of Race Farrar, Straus & Giroux 2000

# Mander, Jerry & Goldsmith, Edward (eds.)

The Case Against the Global Economy Sierra Club Books 1996

#### Mander, Jerry

Four Arguments for the Elimination of Television Quill 1977, 1978

#### Mann, Charles C.

1491: New Revelations of the Americas Before Columbus Alfred A. Knopf 2005

### Mansfield, Howard

The Same Ax, Twice: Restoration and Renewal in the Throwaway Age University Press of New England 2000

### Marchand, Roland

Creating the Corporate Soul: The Rise of Public Relations and Corporate Imagery in American Big Business University of California Press1998

#### Marglin, Stephen A.

The Dismal Science: How Thinking Like an Economist Undermines Community Harvard University Press 2008

# Marmot, Michael

The Status Syndrome: How Social Standing Affects Our Health and Longevity Henry Holt & Company 2004

### Martin, Judith

Miss Manners' Guide For the Turn-of-the-Millennium Simon & Schuster 1990

### Marx, Karl

Capital: A Critique of Political Economy International Publishers 1867

### Marx, Karl

The German Ideology International Publishers 1845

# Marx, Leo

The Machine in the Garden: Technology and the Pastoral Idea in America 1964
Oxford Univ. Press Ed. 1999

#### Matthiessen. Peter

The Birds of Heaven: Travels with Cranes Northpoint Press 2001

#### Matthiessen, Peter

Tigers in the Snow Northpoint Press 2000

### Matthiessen, Peter

Snow Leopard Viking Press 1978

#### Mauro, Alessandra, Editor

My Brother's Keeper: Documentary Photographers and Human Rights Contrasto 2007

### Maybury-Lewis, David

Indigenous Peoples, Ethnic Minorities, and the State Allyn & Bacon, Cultural Survival Studies in Ethnicity and Change 1997

### Mayer, Ann Elizabeth

Islam and Human Rights: Tradition and Politics Westview Press 1999

#### Mazower, Mark

Dark Continent: Europe's Twentieth Century Knopf 1999

# McChesney, Robert W.

The Problem of the Media: U.S. Communication Politics in the 21<sup>st</sup> Century Monthly Review Press 2004

# McChesney, Robert W.

Rich Media, Poor Democracy: Communication Politics in Dubious Times U. Illinois Press 1999

### McCrum, Robert, Cran, William G., & MacNeil, Robert

The Story of English BBC Publications 1986

### McDonough, William & Braungart, Michael

Cradle to Cradle: Remaking the Way We Make Things North Point Press 2002

### McGrath, Alister

In The Beginning: The Story of the King James Bible and How It Changed a Nation, a Language, and a Culture Doubleday 2001

Enough: Staying Human in an Engineered Age Henry Holt 2003

### McKibben, Bill

Enough: Genetic Engineering and the End of Human Nature Bloomsbury 2003

### McKibben, Bill

Deep Economy: The Wealth of Communities and the Durable Future Times Books/Henry Holt & Co. 2007

#### McMichael, Philip

The Global Restructuring of Agro-Food Systems Cornell Univ. Press 1994

#### McNeill, J.R.

Something New Under the Sun: An Environmental History of the Twentieth Century World W.W. Norton & Co. 2000

#### McWhoter, John

Doing Our Own Thing: The Degradation of Language and Music and Why We Should, Like, Care
Gotham Books 2003

#### Meadows, Donella H.

The Limits to Growth: A Report for the Club of Rome's Project on the Predicament of

Mankind

Universe Books 1972

#### Meek, Ronald L.

Social Science and the Ignoble Savage Cambridge University Press 1976

#### Menzel, Peter

Material World: A Global Family Portrait

Sierra Club Books 1994

#### Merchant, Carolyn

The Death of Nature: Women, Ecology, and the Scientific Revolution

Harper & Row 1980

### Meyers, Norman, with Kent, Jennifer

Perverse Subsidies

International Institute for Sustainable Development 1998

## Micklethwait, John and Wooldridge, Adrian

God is Back: How the Global Revival of Faith is Changing the World

The Penguin Press 2009

#### Micklethwait, John and Wooldridge, Adrian

A Future Perfect: The Essentials of Globalization

Crown Business 2000

#### Miller, Marc L. and Fabian, Robert N., Editors

Harmful Invasive Species: Legal Responses

ELI 2004

#### Milton, Giles

Nathaniel's Nutmeg

Farrar, Straus & Giroux 1999

#### Mohammadi, Ali

International Communication and Globalization

Sage Publications 1997

### Mokhiber, Russell & Weissman, Robert

Corporate Predators: The Hunt for Mega-Profits and the Attack on Democracy

Common Courage Press 2003

## Molyneaux, Paul

Swimming in Circles: Agriculture and the End of World Oceans

Thunder's Mouth Press 2007

# Morgan, Richard K.

Market Forces

Ballantine Books 2005

### Morris, Charles R.

Money, Greed, and Risk: Why Financial Crises and Crashes Happen

Times Books 1999

#### Mowlana, Hamid

Global Communication in Transition

Sage Publications 1996

### Moynihan, Ray and Cassels, Alan

Selling Sickness: How the World's Biggest Pharmaceutical Companies Are Turning Us

All Into Patients

Nation Books (1st edition) 2006

# Mundy, Liza

Everything Conceivable: How Assisted Reproduction is Changing Men, Women, and the

World

Alfred A. Knopf 2007

### MySpace Community, with Taudte, Jeca

MySpace/Ourplanet: Change is Possible

The Bowden Press/Harper Collins 2008

#### Nace, Ted

Gangs of America: The Rise of Corporate Power and the Disabling of Democracy

Barrett-Koehler Pub. 2003

#### Naim, Moises

Illicit: How Smugglers, Traffickers and Copycats are Hijacking the Global Economy

Doubleday 2005

## Nancy, Jean-Luc

The Creation of the World or Globalization

SUNY Press 2002

#### Neuhaus, Richard John

American Babylon: Notes of a Christian Exile

Basic Books 2009

#### Newton, Julianne Lutz

Aldo Leopold's Odyssey

Island Press 2006

### Nichols, John

The Milagro Beanfield War Ballantine Books 1996

#### Nisbett, Richard E.

The Geography of Thought: How Asian and Westerners Think Differently ... and Why The Free Press 2003

### Nixon, Rob

Dreambirds: The Strange History of the Ostrich in Fashion, Food, and Fortune Picador USA 2000

### Noble, David F.

The Religion of Technology Knopf 1997

### Noble, David

Forces of Production: A Social History of Industrial Automation Knopf 1984

### Nordhaus, Ted and Shellenberger, Michael

Breakthrough: From the Death of Environmentalism to the Politics of Possibility Houghton Mifflin 2007

### Northwest Environmental Watch

Varied texts

#### Novello, Dan

The Lazlo Letters: The Amazing, Real-Life Actual Correspondence of Lazlo Toth, American!

Workman Pub. Co. 1997

## Nunberg, Geoffrey

The Way We Talk Now: Commentaries on Language and Culture From NPR's "Fresh Air"

Houghton Mifflin 2001

#### Nussbaum, Martha C.

Upheavals of Thought: The Intelligence of Emotions Cambridge University Press 2001

#### Ohmae, Kenichi

The End of the Nation State, The Rise of Regional Economies The Free Press 1995

#### Ohmann, Richard

Selling Culture: Magazines, Markets, and Class at the Turn of the Century Verso 1996

### Oliver, Mary

New and Selected Poems Beacon Press 2005

# Oliver, Mary

Why I Wake Up Early Beacon Press 2004

### Oliver, Mary

Owls and Other Fantasies Beacon Press 2003

# O'Meara, Patrick, Mehlinger, Howard D., & Krain, Matthew Globalization and the Challenges of the New Century: A Reader

Indiana University Press 2000

#### Orbach, Susie

Bodies: Big Ideas/Small Books Macmillan 2009

### Orr, David W.

Nature of Design: Ecology, Culture and the Human Intention Oxford University Press 2004

### Orr, David W.

The Last Refuge: Patriotism, Politics and the Environment in an Age of Terror Island Press 2004

## Orr, David W.

Ecological Literacy: Education and the Transition to a Postmodern World (SUNY Series in Constructive Postmodern Thought)
SUNY Press 1992

#### Paehlke, Robert C.

Democracy's Dilemma: Environment, Social Equity and The Global Economy MIT Press 2003

## Pagden, Anthony

The Fall of the Natural Man: The American Indian and the Origins of Contemporary

Ethnology

Cambridge University Press 1982

### Pagden, Anthony

Worlds at War: The 2,500-Year Struggle Between East and West

Random House 2008

### Paine, Jeffery

Father India

Harper Collins 1998

# Palast, Greg

The Best Democracy Money Can Buy

Pluto Press 2002

#### Park, David

The Truth Commissioner

Bloomsbury 2008

### Parker-Pope, Tara

Cigarettes: Anatomy of An Industry From Seed to Smoke

The New Press 2001

#### Paterson, Matthew

Automobile Politics: Ecology and Cultural Political Economy

Cambridge U. Press 2007

#### Pattinson, Shaun D.

**Influencing Traits Before Birth** 

Ashgate Pub. 2002

#### Paul, Pamela

Parenting Inc.: How We Are Sold on \$800 Strollers, Fetal Education, Baby Sign

Language, Sleeping Coaches, Toddler Couture, and Diaper Wipe Warmers - And What It

Means For Our Children

Times Books/Henry Holt & Company 2008

### Peden, Margaret Sayers & Munoz Molina, Antonio

Sepharad

Harcourt 2003

## Pendergrast, Mark

Uncommon Grounds: The History of Coffee and How it Transformed Our World Basic Books 2000

### Perkins, John

The Secret History of the American Empire: Economic Hit Men, Jackals, and the Truth About Global Corruption
Dutton 2007

#### Pernick, Ron & Wilder, Clint

The Clean Tech Revolution: The Next Big Growth and Investment Opportunity Harper Collins 2007

#### Perry, Richard J.

... From Time Immemorial: Indigenous Peoples and the State University of Texas Press 1996

#### Peters, Rebecca Todd

In Search of the Good Life: The Ethics of Globalization Princeton Press 2006

#### Peterson, Dale

Eating Apes Univ. Calif. Press 2003

#### Peterson, Matthew

Automobile Politics: Ecology and Cultural Political Economy Cambridge Univ. Press 2007

#### Peterson, Peter G.

Gray Dawn: How the Coming Age Wave Will Transform America -- and the World Times Books 1999

#### Pierson, Melissa Holbrook

The Place You Love is Gone: Progress Hits Home W. W. Norton & Company 2006

### Pigou, Arthur C.

The Economics of Welfare AMS Press 1978 (original pub: Macmillan 1932)

### Pinker, Steven

The Blank Slate: The Modern Denial of Human Nature Viking 2002

#### Pipes, Richard

Property and Freedom

Knopf 1999

#### Plomer, Aurora

The Law and Ethics of Medical Research: International Bioethics and Human Rights Routledge-Cavendish 2005

#### **POCLAD**

Defying Corporations, Defining Democracy Apex Press 2001

### Porritt, Jonathan

Capitalism As If The World Matters

Earthscan, U.K. 2005

### Porritt, Jonathan

Playing Safe: Science and the Environment

Thames & Hudson 2000

#### Porter, Roy

Flesh in the Age of Reason

W.W. Norton 2004

### Posey, Darrell A., and Dutfield, Graham

Beyond Intellectual Property Rights: Toward Traditional Resource Rights for Indigenous

Peoples and Local Communities

International Development Research Centre, Canada 1996

#### Postel, Sandra

Last Oasis: Facing Water Scarcity W. W. Norton & Company 1992

### Postman, Neil

Amusing Ourselves to Death: Public Disclosure in the Age of Show Business

Viking 1985

## Powers, Richard

Gain

Farrar, Strauss, Giroux 1998

#### President's Council on Bioethics

Beyond Therapy: Biotechnology and the Pursuit of Happiness

Regan Books 2003

### Price, Jennifer

Flight Maps: Adventures With Nature in Modern America

Basic Books 1999

### Princen, Thomas, Maniates, Michael and Conca, Ken, Editors

Confronting Consumption

MIT Press 2002

#### Pringle, Peter

Food, Inc.: Mendel to Monsanto -- The Promises and Perils of Biotech Harvest Simon & Shuster 2003

#### Purdy, Jedediah

Being American: Liberty, Commerce, and Violence in an American World Alfred A. Knopt 2003

### Quammen, David

Monster of God: The Man-Eating Predator in the Jungles of History and the Mind W. W. Norton & Company 2008

#### Quammen, David

The Song of Dodo: Island Biogeography in an Age of Extinctions Scribner 1996

### Ramo, Joshua Cooper

The Age of the Unthinkable: Why The New World Disorder Constantly Surprises Us And What We Can Do About It Little, Brown & Company 2009

### Rampton, Sheldon & Stauber, John

Trust Us, We're Experts Tarcher/Putnam 2001

### Reader, John

Potato: A History of the Propitious Esculent

Yale University Press 2009

## Rees, Martin

Our Final Hour: A Scientist's Warning: How Terror, and Environmental Disaster Threaten Humanity's Future in This Century – on Earth and Beyond Basic Books 2003

#### Reich, Robert B.

Supercapitalism: The Transformation of Business, Democracy, and Everyday Life Alfred A. Knopf 2007

### Reich, Robert B.

The Future of Success

Knopf 2000

#### Reid, T.R.

Confucius Lives Next Door: What Living in the East Teaches Us About Living in the

West

Random House 1999

### Reiser, Marc

Cadillac Desert: The American West and Its Disappearing Water

Penguin Books 1993

### Repcheck, Jack

Copernicus' Secret: How the Scientific Revolution Began

Simon & Schuster 2008

### Rieff, David

A Bed For The Night: Humanitarianism in Crisis

Simon & Schuster 2002

# Rifkin, Jeremy

Age of Access

Tarcher/Putnam 2000

### Rifkin, Jeremy

**Biosphere Politics** 

Crown Publishers 1991

### Rifkin, Jeremy

Times Wars

Henry Holt & Co. 1987

# Rifkin, Jeremy

Entropy

Viking Press 1980

## Riley, Mary

Indigenous Intellectual Property Rights: Legal Obstacles and Innovative Solutions Alta Mira Press 2004

#### Rimas, Andrew and Fraser, Evan D. G.

Beef: The Untold Story of How Milk, Meat and Muscle Shaped the World

William Morrow/Harper Collins 2008

### Ritz, Dean, ed.

Defying Corporations, Defining Democracy Apex Press 2001

# Ritzer, George

The McDonaldization of Society (Rev. Ed.) Pine Forge Press 2004

# Ritzer, George

The Globalization of Nothing Pine Forge Press 2004

# Ritzer, George

McDonaldization: The Reader Pine Forge Press 2002

# Roberts, Paul

The End of Food Houghton Mifflin Company 2008

### Robbins, John

Dict For A New America Stillpoint 1987

### Robinson, Sir Ken

The Element Viking Books 2009

### Rocco, Fiammetta

The Miraculous Fever-Tree: Malaria and the Quest for a Cure that Changed the World Harper Collins 2003

### Roche, Daniel

France in the Enlightenment Harvard University Press 1998

## Roddick, Anita

Take It Personally: How to Make Conscious Choices to Change the World Harper Collins 2001

# Rogers, Heather

Gone Tomorrow: The Hidden Life of Garbage New Press 2005

### Rojek, Chris

Leisure and Culture Macmillan 2000

# Rojek, Chris

The Politics of Jean-Francois Lyotard: Justice and Political Theory Routledge (1st edition) 1998

### Romm, Joseph

Hell and High Water: Global Warming – The Solution and the Politics – And What We Should Do Harper Collins 2007

# Rong, Jiang

Wolf Totem

The Penguin Press 2008

# Rosen, Jonathan

The Talmud and the Internet: A Journey Between Worlds Farrar, Straus, & Giroux 2000

## Rosenblatt, Roger

Consuming Desires Shearwater/Island Press 1999

#### Ross, Andrew

The Celebration Chronicles Ballantine Books 1999

### Rosseau, Jean Jacques

The Social Contract

Dutton 1955 (www.books.google.com)

#### Roszak, Theodore

The Voice of the Earth Phanes Press 2002

#### Rothchild, David (Ed.)

Protecting What's Ours: Indigenous Peoples and Biodiversity South and Meso American Indian Rights Centre 1997

#### Rothman, Sheila M. & Rothman, David J.

The Pursuit of Perfection: The Promise and Perils of Medical Enhancement Pantheon Books 2004

# Rothschild, David de, Editor

Earth Matters

**DK Publishing 2008** 

# Rotker, Susana (ed.)

The Memoirs of Fray Servando Teresa de Mier

Oxford University Press 1999

# Roy, Arundhati

**Power Politics** 

South End Press 2001

# Royte, Elizabeth

Bottlemania: How Water Went On Sale and Why We Bought It

Bloomsbury 2008

# Royte, Elizabeth

Garbage Land: On the Secret Trail of Trash

Back Bay/Little Brown 2006

# Ryan, John C. & Durning, Alan Thein

Stuff, The Secret Lives of Everyday Things

Northwest Environment Watch 1997

# Sachs, Jeffrey

Common Wealth: Economics for a Crowded Planet

The Penguin Press 2008

# Saffron, Inga

Caviar

Broadway Books 2002

# Sagoff, Mark

The Economy of the Earth

Cambridge U. Press 1988

# Sahlins, Marshall

Stone Age Economics

Aldine-Atherton 1972

### Sahlins, Marshall David

**Evolution and Culture** 

University of Michigan Press 1960

#### Said, Edward

Culture and Imperialism

Random House/Vintage Books 1993

### Said, Edward

Interviews: Power, Politics, and Culture

Pantheon Books 2001

# Said, Edward

Orientalism

Vintage Books 1979

# Sale, Kirkpatrick

The Conquest of Paradise

Knopf 1990

# Sale, Kirkpatrick

After Eden: The Evolution of Human Domination

Duke University Press 2006

# Sandel, Michael J.

Justice: What's the Right Thing To Do?

Farrar, Straus & Giroux 2009

### Sanford, Bruce

Don't Shoot the Messenger: How Our Growing Hatred of the Media Threatens Free

Speech for All of Us

Free Press 1999

### Santoro, Michael A.

Profits and Principals: Global Capitalism and Human Rights in China

Cornell U. Press 2000

# Santos, Boaventura de Sousa

Toward a New Common Sense: Law, Science, & Politics in the Paradigmatic Transition

Routledge 1995

# Saul, John Ralston

On Equilibrium: Six Qualities of the New Humanism

Thunder's Mouth Press 2004

### Schaeffer, Robert K.

Understanding Globalization: The Social Consequences of Political, Economic and

Environmental Change Roman Littlefield 2004

# Scheuer, Jeffrey

The Sound Bite Society: Television and the American Mind Four Walls Eight Windows 1999

### Schlosser, Eric

Fast Food Nation: The Dark Side of the All-American Meal Houghton Mifflin 2001

### Schor, Juliet

Born to Buy: The Commercialized Child as the New Consumer Culture Scribner 2004

### Schumacher, E. F.

Small is Beautiful HarperCollins 2000

# Segre, Gino

Faust in Copenhagen: A Struggle for the Soul of Physics Viking 2007

# Sen, Amartya

Development as Freedom Knopf 1999

# Sen, Amartya

Late Victorian Holocausts: El Niño Famines and the Making of the Third World Verso 2001

# Sen, Amartya

Identity and Violence: The Illusion of Destiny W. W. Norton & Company 2006

### Sennett, Richard

The Craftsman Yale U. Press 2008

# Sennett, Richard

The Corrosion of Character W.W. Norton & Co. 1998

# Sharp, Gene

The Politics of Non-Violent Action Extending Horizon Books P. Sargent Pub. 1973

### Sheehan, James J.

Where Have All The Soldiers Gone? The Transformation of Modern Europe Houghton Mifflin Co. 2008

# Shepard, Paul

Nature and Madness U. Georgia Press 1982

# Shiva, Vandana

Earth Democracy South End Press 2005

# Shiva, Vandana

Water Wars: Pollution, Profits, and Privatization South End Press 2002

### Shiva, Vandana

Stolen Harvest: The Hijacking of the Global Food Supply South End Press 1999

# Shiva, Vandana

Biopiracy: The Plunder of Nature and Knowledge South End Press 1997

# Shlain, Leonard

The Alphabet Vs. the Goddess: The Conflict Between Word and Image Viking/Penguin 1998

# Shorrock, Tim

Spies for Hire: The Secret World of Intelligence Outsourcing Simon & Schuster 2008

# Shorto, Russell

Descartes' Bones: A Skeletal History of the Conflict Between Faith and Reason Doubleday 2008

# Shulevitz, Uri

How I Learned Geography Farrar, Straus & Giroux 2008

# Sides, Hampton

Blood and Thunder: An Epic of the American West Doubleday 2006

### Silko, Leslie Marmon

Almanac of the Dead: A Novel

Simon & Schuster 1991

# Silver, Lee M.

Challenging Nature: The Clash of Science and Spirituality at the New Frontiers of Life Nature 2006

# Simic, Charles

That Little Something: Poems

Harcourt 2008

# Singer, Peter

One World: The Ethics of Globalisation

Yale U. Press 2004

# Singer, Peter

Writings on an Ethical Life

Ecco Press/Harper Collins 2000

# Singer, P. W.

Wired for War: The Robotics Revolution and Conflict in the 21st Century

The Penguin Press 2009

# Skidelsky, Robert

Keynes: The Return of the Master

Public Affairs 2009

# Slotkin, Richard

Regeneration Through Violence

Harper Perennial 1973

# Soja, Edward W.

Postmodern Geographies: The Reassertion of Space in Critical Social Theory

Verso 1989

### Solnit, Rebecca

River of Shadows: Eadweard and Maybridge and the Technological Wild West

Viking 2003

### Sparrow, Bartholomew

Uncertain Guardians: The News Media as a Political Institution

Johns Hopkins U. Press 1999

# Speth, James Gustave

Red Sky at Morning: America and the Crisis of the Global Environment Yale University Press 2004

# Spivak, Gayatri

Can the Subaltern Speak? University of Illinois Press, 1988

# Spretnak, Charlene

The Resurgence of the Real Addison-Wesley 1997

# Stanislaw, Joseph and Yergin, Daniel

The Commanding Heights: The Battle Between Government and the Marketplace That Is Remaking the Modern World Simon & Schuster 1998

### Stannard, David E.

American Holocaust Oxford University Press 1992

#### Starr, Paul

The Creation of the Media: Political Origins of Modern Communications Basic Books 2004

#### St. Clair, William

The Door of No Return: The History of Cave Coast Castle and the Atlantic Slave Trade Blue Bridge 2007

# Standage, Tom

An Edible History of Humanity Walker & Company 2009

# Stavenhagen, Rodolfo

Ethnic Conflict and the Nation-State St. Martin's Press 1996

#### Stavenhagen, Rodolfo

The Ethnic Question: Conflicts, Development and Human Rights United Nations University Press 1990

### Steffen, Alex (Ed.)

World Changing: A User's Guide to the 21<sup>st</sup> Century Abrams 2008

# Stegner, Page

The Selected Letters of Wallace Stegner Shoemaker & Hoard 2007

# Sterling, Bruce

Holy Fire Spectra 1997

### Stevens, William K.

The Change in the Weather: People, Weather, and the Science of Climate Delacorte Press 1999

# Stiglitz, Joseph E.

Globalization and Its Discontents WW Norton & Co. 2002

# Stiglitz, Joseph E. & Charlton, Andrew

Fair Trade for All: How Trade Can Promote Development Oxford University Press 2006

# Strasser, Susan

Waste and Want: A Social History of Trash Henry Holt & Co/Metropolitan/Owl Books. 1999

### Strasser, Susan

Never Done: A History of American Housework Pantheon Books 1982

### Striffler, Steve

In the Shadows of State and Capital: The United Fruit Company, Popular Struggle, and Agrarian Restructuring in Ecuador, 1900-1995 Duke University Press 2002

### Stille, Alexander

The Future of the Past Farrar, Straus & Giroux 2002

# Stuart, Tristram

The Bloodless Revolution: A Cultural History of Vegetarianism From 1600 to Modern Times

W. W. Norton & Company 2007

### Subcomandante, Marcos

Our Word Is Our Weapon Seven Stories Press 2001

# Sullivan, Bob

Gotcha Capitalism: How Hidden Fees Rip You Off Every Day and What You Can Do

About It

Ballantine Books 2007

# Sunstein, Cass

Republic.com

Princeton Univ. Press 2001

# Swanson, Peter

Water: The Drop of Life Northword Press 2001

# Szasz, Andrew

Shopping Our Way to Safety: Have We Changed from Protecting the Environment to

**Protecting Ourselves** 

U. Minn. 2007

# Takaki, Ronald

A Larger Memory

Little, Brown & Co.

# Tannahil, Reay

Food in History

Stein and Day 1973

# Taylor, Alan

American Colonies 1400-1800

Viking 2001

### Telemans, Dieter

**Troubled Waters** 

Exhibitions International/BAI 2007

### Tenner, Edward

Our Own Devices: How Technology Remakes Humanity

Vintage Books 2004

### Terkel, Studs

Hope Dies Last

Granta Books, UK 2004

# Thaler, Richard H. & Sunstein, Cass R.

Nudge: Improving Decisions About Health, Wealth and Happiness

Yale University Press 2008

# Thomas, Dana

Deluxe: How Luxury Lost Its Luster

The Penguin Press 2007

# Thomas, Hugh

The Slave Trade: The Story of the Atlantic Slave Trade: 1440-1870

Simon & Schuster 1997

# Thompson, Dorothy, Ed.

The Essential E.P. Thompson

The New Press 2001

### Thurow, Lester C.

Building Wealth: The New Rules for Individuals, Companies, and Nations in a

**Knowledge-Based Economy** 

Harper Collins 1999

# Thurtle, Phillip

Data Made Flesh: Embodying Information

Routledge 2004

# Tierney, Patrick

Darkness in El Dorado: How Scientists and Journalists Devastated the Amazon

W. W. Norton & Co. 2000

# Toffler, Alvin & Toffler, Heidi

Revolutionary Wealth

Alfred A. Knopf 2006

### Tokar, Brian

Redesigning Life?: The Worldwide Challenge to Genetic Engineering

McGill-Queen's U. Press 2001

# Tolstoy, Leo

Anna Karenina

Random House 1939

# Tomlinson, John

Globalization and Culture

University of Chicago Press 1999

### Tonello, Michael

Bringing Home the Birkin: My Life in Hot Pursuit of the World's Most Coveted

Handbag

William Morrow/Harper Collins 2008

# Trachtenberg, Alan

The Incorporation of America: Culture and Society in the Gilded Age Hill & Wang 1982

# Tudge, Colin

The Tree: A Natural History of What Trees Are, How They Live, and Why They Matter Crown Publishers 2006

#### Turchi, Peter

Maps of the Imagination: The Writer as Cartographer San Antonio Press 2004

### Turnbull, Colin

The Mountain People Touchstone 1987

### Vanderbilt, Tom

Traffic: Why We Drive The Way We Do (And What It Says About Us) Alfred A. Knopf 2008

# Vargas Llosa, Mario

The Feast of the Goat Farrar, Straus & Giroux 2001

# Vasquez, Ian, Ed.

Global Fortune: The Stumble and Rise of World Capitalism Cato Institute 2000

# Veblen, Thorsten

The Theory of the Leisure Class Penguin Books 1899 (republished 2001)

### Verdery, Katherine

The Political Lives of Dead Bodies: Reburial and Postsocialist Change Columbia U. Press 1999

# Victoria, Franciscus de (in) Williams, Jr., Robert A.

The American in Western Legal Thought: The Discourses of Conquest 96-108

# Viroli, Maurizio

Niccolo's Smile: A Biography of Machiavelli Farrar, Straus & Giroux 2000

# Volkov, Solomon

The Magical Chorus: A History of Russian Culture from Tolstoy to Solzhenitsyn Translated by Antonia W. Bovis Alfred A. Knopf 2008

# Vonnegut, Kurt

Armageddon in Retrospect: And Other New and Unpublished Writings on War and Peace G. P. Putnams's Sons 2008

# Waley-Cohen, Joanna

The Sextants of Beijing: Global Currents in Chinese History W.W. Norton & Co. 1999

# Wallach, Lori & Sforza, Michele

Whose Trade Organization? Corporate Globalization and the Erosion of Democracy Public Citizen 2001

# Wallerstein, Immanuel

The Age of Transition: Trajectory of the World System 1945-2025 Zed Books 1996

# Walters, Mark Jerome

Six Modern Plagues and How We Are Causing Them Shearwater Books 2003

# Walters, Reece

Eco Crime and Genetically Modified Food Rutledge-Cavendesh 2007

### Ward, Diana Raines

Water Wars: Drought, Flood, Folly, and the Politics of Thirst Riverhead 2003

# Ward, Peter D.

Under a Green Sky: Global Warming, the Mass Extinctions of the Past, And What They Can Tell Us About Our Future Harper Collins 2007

# Warner, Jessica

Craze: Gin and Debauchery In An Age of Reason Four Walls Eight Windows 2003

# Warsh, David

Knowledge and the Wealth of Nations: A Story of Economic Discovery W. W. Norton & Company 2006

# Waters, Malcolm

Globalization

Routledge 1995

### Weatherford, J. McIver

Savages and Civilization: Who Will Survive

Crown Publishers 1994

### Weber, Lauren

In Cheap We Trust: The Story of a Misunderstood American Virtue

Little, Brown & Company 2009

### Weber, Max

The Protestant Ethic and the Spirit of Capitalism

Unwin Hyman 1930

# Weibe, Robert

The Search for Order: 1877-1920

Hill and Wang 1967

### Weiner, Eric

The Geographic of Bliss: One Grump's Search for the Happiest Places in the World

Twelve 2007

# Weisman, Alan

The World Without Us

St. Martin's Press 2007

# Weinstein, Donald; Bridwell Library

Girolamo Savonarola: Piety, Prophecy, and Politics in Renaissance Florence

Bridwell Library (Dallas, TX) 1994

### Welch, Evelyn

Shopping in the Renaissance: Consumer Cultures in Italy, 1400-1600

Yale University Press 2005

### Wells, H. G.

Anticipations of the Reaction of Mechanical and Scientific Progress Upon Human Life

and Thought

Harper & Brothers 1902

### Weston, David

In the Dust of Kilimanjaro

Island Press 1997

# Wheatcroft, Andrew

The Enemy at the Gate: Habsburgs, Ottomans and the Battle for Europe

Basic Books 2009

### Whybrow, Peter C.

American Mania: When More Is Not Enough

W. W. Norton & Company 2005

# Williams, Raymond

The Country and the City

Oxford University Press 1973

### Williams, Robert A., Jr.

The Savage as the Wolf: Indigenous Peoples Rights in the Western Imperial Imagination

U. Minnesota Press (forthcoming)

### Williams, Robert A., Jr.

Like a Loaded Weapon

U. Minnesota Press 2005

#### Williams, Robert A., Jr.

The American Indian in Western Legal Thought: The Discourses of Conquest

Oxford University Press 1990

### Williams, Wendy and Whitcomb, Robert

Cape Wind: Money, Celebrity, Class, Politics and the Battle for Our Energy Future on

Nantucket Sound

Public Affairs 2007

# Williamson, John and Chris Milner, eds.

The World Economy

Harvester Wheatsheaf 1991

### Whitman, Marina v. N.

New World, New Rules: The Changing Role of the American Corporation

Harvard Business School Press 1999

# Wills, Garry

Papal Sin: Structures of Deceipt

Doubleday 2000

### Wilson, Edward O.

The Creation: An Appeal to Save Life on Earth

W. W. Norton & Company 2006

# Wilson, Edward O.

The Future of Life

**Knopf 2002** 

# Wilson, Edward O.

Consilience, The Unity of Knowledge

Knopf 1998

# Witte, Jr., John, and van der Vyver, Johan D., eds.

Religious Human Rights in Global Perspective: Legal Perspectives

M. Nijhoff Publishers 1996

# Wolf, Eric R.

Europe and the People Without History

University of California Press 1982

# Wolf, Eric R.

Envisioning Power: Ideologies of Dominance and Crisis

University of California Press 1999

# Wolfe, Alan

Moral Freedom: The Impossible Idea That Defines the Way We Live Now

W.W. Norton & Co. 2001

# Worldwatch Papers

Varied texts

World Watch Institute

### Wright, Ronald

A Short History of Progress

House of Anansi Press 2004

# Wuerthner, George & Matteson, Mollie Yoneko

Welfare Ranching: The Subsidized Destruction of the American West

Foundation for Deep Ecology 2002

### Yehoshua, A.B.

A Journey to the End of the Millenium

Doubleday 1999

# Yoerg, Sonja I.

Clever As A Fox: Animal Intelligence and What It Can Teach Us About Ourselves

Bloomsbury 2001

# Young, Michael W.

Malinowski's Kiriwina: Fieldwork Photography 1915-1918 University of Chicago Press 1998

# Zakaria, Fareed

The Post-American World W. W. Norton & Company 2008

# Zakaria, Fareed

The Future of Freedom Illiberal Democracy at Home and Abroad W.W. Norton & Co. 2003

# Zbarsky, Ilya & Hutchinson, Samuel

Lenin's Embalmers Harvill Press 1999

# Zunz, Olivier

Why the American Century University of Chicago Press 1998

# Zunz, Oliver

Making America Corporate, 1870-1920 University of Chicago Press 1990

#### WEBSITES

- 1. <a href="www.adb.org">www.adb.org</a> [Asian Development Bank (ADB)]: A general description of the Asian Development Bank and the programs it initiates, oversees, and funds, such as immunization programs, water programs, hunger and nutrition campaigns, regional cooperation agreements, gender and development programs, etc. The site includes statistics and data conclusions of the ADB, as well as reports detailing conclusions made and strategies proposed for various programs.
- 2. <a href="www.aed.org">www.aed.org</a> [Academy for Educational Development] Founded in 1961, AED is an independent, nonprofit organization committed to solving critical social problems in the U.S. and the world through education, social marketing, research, training, policy analysis and innovative program design and management. Areas of focus include health, education, youth development, and the environment. The website contains a description of each of the main fife AED programs groups and includes information on the projects and initiatives undertaken by each program. The site also includes annual AED reports, summarizing the problems and solutions they have undertaken over the relevant year.
- 3. <a href="www.africaaction.org">www.africaaction.org</a> [Africa Action]: Africa Action is an organization that works for political, economic and social justice in Africa. Africa Action provides information and analysis and attempts to mobilize the public to change the policies and policy-making process of U.S. and multinational institutions toward Africa. The website includes information on Africa Action's programs and provides copies of reports that have been published on a variety of topics, including debt relief, global health fund updates, and the African Union. The site also contains links to other African Information and action resources.
- 4. www.alonovo.com [socially responsible shopping]
- 5. www.alternet.org
- 6. <a href="http://www.apec.org">http://www.apec.org</a> [Asia-Pacific Economic Cooperation]: The Asia-Pacific Economic Cooperation (APEC) is composed of 21 member economies of cultural diversity and varying levels of economic development. Since its formation in 1989, APEC has expanded to become the primary vehicle for promoting trade liberalization and economic cooperation in the Asia Pacific Region. APEC works toward "open regionalism", using regional trade and investment liberalization to strengthen the multilateral trading system and expand the global economy. This website provides information about APEC's goals, its member states, and their collective action plans.
- 7. www.archive.org: The Internet Archive
- 8. www.asknature.org [Biomimicry Design Portal]
- 9. www.ban.org

10. <a href="https://www.bepress.com/gj">www.bepress.com/gj</a> [Global Jurist]: Global Jurist offers scholarly cyber-debates on issues of globalization, international law, legal anthropology, and law and economics.

# 11. <a href="http://bioneers.org">http://bioneers.org</a>

- 12. <a href="http://www.bukopharma.de/english">http://www.bukopharma.de/english</a>: This a the English version of a German website called Buko Pharma Kampange. The purpose of the site is to monitor and discuss the marketing practices of the pharmaceutical industry in developing countries and in Europe. The website offers information on why the pharmaceutical industry might be causing more harm than good in the developing world and what can be done about it. Although it is more limited than the German sight, it still offers some decent articles on the subject.
- 13. <u>www.bullfrogfilms.com</u>: BullFrog Films is a leading source of independent environmental educational films. This site lists all of their films and you can order any of the films from the website. The site also has information about upcoming feature films and their subject matter.
- 14. www.business-ethics.com
- 15. <a href="www.buzzflash.com">www.buzzflash.com</a>: Access everything from the latest news articles from your favorite independent sources to senate roll call votes on this website. This is an incredibly comprehensive database for news information and announcements. You can access sources by periodical, columnist, and even look at a pretty thorough database of political cartoons. This site is excellent place to go to catch up on current events using sources from outside the mainstream.
- 16. www.cdproject.net [Carbon disclosure project]
- 17. <a href="www.cid.harvard.edu">www.cid.harvard.edu</a> [Center for International Development at Harvard University] Created under a joint effort of the Kennedy School of Government and Harvard Institute for International Development, CID is Harvard's cross-disciplinary center for research on sustainable international development. Includes downloadable policy papers, special reports, working paper series, research papers, and datasets. Invaluable links to development organizations, including development banks, non-profit development organizations, government development agencies, research centers, relief agencies and more. Includes information on events and seminars, such as the International Conference on Globalization of Research and Development, and includes downloadable conference papers and documents.
- 18. <a href="www.citizen.org">www.citizen.org</a>: This is the website for Public Citizen, a national, nonprofit consumer advocacy organization founded by Ralph Nader. Public Citizen's goal is to represent consumer interests in Congress, the executive branch and in the courts. The site offers information about upcoming consumer legislation and issues. The safety and affordability of prescription drugs is just one example of the issues you will find on this website.
- 19. www.cleanairwatch.org
- 20. www.climateprogress.org

- 21. <a href="www.commondreams.org">www.commondreams.org</a>: Common Dreams is a progressive news wire that offers links to current sources on globalization issues. Updates and statements from many activist around the world are offered on this site. This is an excellent resource for research and to find more information regarding specific topics of interest. A great place to find out more about important figures in globalization.
- 22. <u>www.commondreams.org/community.htm</u> [America's Progressive Community...over 120 groups linked]
- 23. <a href="http://commercialalert.org">http://commercialalert.org</a>: Commercial alert is a nonprofit organization whose mission is to keep the "commercial culture within its proper sphere, and to prevent it from exploiting children and subverting the higher values of family, community, environmental integrity and democracy." Offers suggestions on what companies to boycott or write letters to in order to influence their free trade policy. The site also offers mission statements for the organization in specific areas (i.e. government, health) that can be reviewed before you decide to join the organization.
- 24. <a href="http://www.corporatecrimereporter.com">http://www.corporatecrimereporter.com</a>
- 25. <a href="www.corpwatch.org">www.corpwatch.org</a>: The purpose of this website is to help inform and mobilize activists to work against corporate led globalization. The purpose of the site is to organize and build grassroot movements to work for human rights, labor rights, and environmental justice around the world. The site offers educational information along with information on how and when to get involved. Corpwatch's website is at the forefront of its fight against corporate globalization.
- 26. <a href="http://www.c2ccertified.com">http://www.c2ccertified.com</a>
- 27. www.cspinet.org [Center Science Public Interest]
- 28. www.csrwire.com [corporate Social Responsibility]
- 29. www.cthings.com
- 30. www.cursor.org
- 31. <a href="www.dinegreen.com">www.dinegreen.com</a>: The website for the Green Restaurant Association is all about dining in healthy, organic restaurants. This site has a map of ecologically sound dining establishments and offers tips on how to operate an environmentally friendly restaurant. This is a great site for those who love to travel but have a hard time finding places to meet their dietary restrictions when on the road. Now you can order Dinegreen's first publication to learn more about ecological impacts of energy, recycling, candles, organic food, recycled products, chlorine-bleached paper, genetically-modified foods, cleaning chemicals, and more.
- 32. www.droppingknowledge.org

- 33. <a href="www.earth-policy.org">www.earth-policy.org</a> [Earth Policy Institute]
- 34. <a href="www.earthtrack.net">www.earthtrack.net</a> [Subsidies]
- 35. www.eastwestcenter.org
- 36. <a href="www.edf.org">www.edf.org</a> [Environmental Defense Fund]
- 37. <a href="www.eff.com">www.eff.com</a>: The site for the Electronic Frontier Foundation is dedicated to protecting free speech in new technologic formats. The EFF was founded to protect free speech on the Internet and its website includes links to pending legislation, as well as upcoming events for activists interested in this subject. Also posted are articles and speeches regarding corporate activity with respect to free speech on the Internet. You can subscribe to an action center to get current updates and the latest news.
- 38. www.elsevier.com
- 39. <u>www.elsevier.com/homepage/sai/encyofenergy/tab.htm</u> [Encyclopedia of Energy]
- 40. www.en.wikipedia.org/wiki/Encyclopedia of Life [Encyclopedia of Life]
- 41. <a href="https://www.etcgroup.org">www.etcgroup.org</a> [Monitoring Power, Tracking Technology, Strengthening Diversity]
- 42. <a href="www.ewg.org">www.ewg.org</a>: Website for the Environmental Working Group, an organization whose mission is to give out information regarding cutting edge technology in the environmental world. This is a great site for people interested in finding environmental friendly products and services. You can also learn more about technologies that can be used on a widespread scale to help the environment. They have reports from different scholars and agencies on topics like pesticides, drinking water and farm subsidies. You can arm yourself with statistical data from this site.
- 43. <a href="www.fair.org">www.fair.org</a>: Website for Fairness and Accuracy in Reporting, a national media watchgroup that criticizes media bias and censorship. The focus of the website is expose soft journalism and encourage hard-hitting, accurate reporting. Website offers a Women's Desk and Racism Watch Desk to analyze the effects of sexism and racism in the media and to combat the marginalization of minority groups in the news. You can sign up for an action alert with the organization or access alternative news sources.
- 44. <a href="http://faculty.plattsburgh.edu/richard.robbins/legacy">http://faculty.plattsburgh.edu/richard.robbins/legacy</a> [Global Problems and the Culture of Capitalism]: This website contains an incredibly rich number of resources related to globalism and capitalism. The Online Global Reader contains a number of articles and exercises that explore the implications of globalization and the spread of capitalism. The site also contains links to a number of articles and exercises, divided along various themes-corporations, the consumer, labor, the nation-state, population, hunger, the environment, indigenous peoples and ethnic conflict, and health.

- 45. <a href="https://www.foresight.org">www.foresight.org</a>: Website for the Foresight Institute. The Institute's mission is to help new emerging technologies come together with humanity to improve living conditions. Foresight focuses on nanotechnology, the possible ability to build materials and products with atomic precision. The Institute uses the website, not only to inform, but to also improve public and private dialogue on the issue. The site offers articles to help inform people about nanotechnology and its possible applications.
- 46. www.fromthewilderness.com
- 47. www.gene-watch.org
- 48. <u>www.globalideasbank.org</u>: This is a really fun website. It allows surfers to post new and inventive ideas on how to solve some of the world's problems. There is an annual award to the best idea. Global Ideas Bank is an interactive organization with the goal of using the ideas of everyday people in order to help prevent and repair some of the destruction of globalization.
- 49. www.wfs.org/fsurv.htm [Future Survey]
- 50. <a href="www.globalforestwatch.org">www.globalforestwatch.org</a>: This site provides information on logging, mining, and other development activities within and around the world's forest as, or before, it happens. One of the truly great features of this website is the availability of maps that chart the decline of forest acreage around the world. It also offers links to publications and other information sources about the status of the world's forest and the impact of development. The maps are particularly helpful in showing the enormity of this problem.
- 51. www.globalonenessproject.org
- 52. <a href="www.globalpublicpolicy.net">www.globalpublicpolicy.net</a>: This website is part of a U.N. initiative to examine the difficulties of globalization, the challenges they create and the possible impact Global Public Policy Networks might have on them. This is a good site to learn more about Public Policy and how nations share that type of information. It is also a good site to look for proposed governmental solutions to the problems of globalization from an academic and real world perspective.
- 53. www.greenmoneyjournal.com
- 54. www.grist.org [Environmental News and Commentary]
- 55. <a href="www.health-track.org">www.health-track.org</a> (www.health-track.org</a> (www.health-track.org): This is the website for Trust for America's Health, an organization whose goes is to protect public health from environmental health threats. You can look up your state's health statistics and for publications on health risks in your area. You can also discover disease clusters in your state. This is a good site for information linking environmental factors to health issues.
- 56. <a href="www.hrw.org">www.hrw.org</a>: This is the website for Human Rights Watch, an organization whose goal is to investigate and expose human rights violations, protect human rights, and help the world

hold human rights violators responsible. You can access information by country or by topic and track the progress of the international criminal court. You can also get information about ongoing campaigns against human rights violation and sign up for a newsletter informing you about the organization's progress and what you can do to help human rights.

# 57. www.idealbite.com

58. <a href="www.ifg.org">www.ifg.org</a>: The International Forum on Globalization website is the product of sixty leading activists, scholars, economists, researchers and writers, representing 60 organizations in 25 different countries around the world. The IFG is a think tank focused on dealing with globalization and educating the public about the consequences of economic free trade. The site offers information about IFG's activities as well as educational material on the World Bank and other globalization actors.

# 59. www.inthesetimes.com

### 60. www.isria.com

- 61. <a href="www.janes.com">www.janes.com</a>: Website for Jane's Information Group, which consists of publishers of periodicals further the public's knowledge of global defense, aerospace, and transportation. This site allows access to information about air, naval and land technological defense advancements. This site will help you learn more about the products of warfare and how they are promoted. This site has information about many types of military products and statistics. For example you can access a crime center database to learn more about products and tactics used by police forces in different nations.
- 62. <a href="www.longnow.org">www.longnow.org</a>: The Long Now Foundation was established in 1996 in an effort to promote measuring time on a slower and better level. The purpose of this slowed time line is to promote better thinking. How? By fostering projects that develop over a longer time, the Foundation hopes that it will help creators and inventors to consider the impact and consequences of their proposed development in the long run. There is a time chart on the website that shows the future projects of the Long Now Foundation and helps reveal their perspective on time.
- 63. <a href="www.mcdonough.com">www.mcdonough.com</a>: William McDonough is a world renowned architect who designs efficient, environmentally sound structures and products. You can learn more about Mr. McDonough through this site and about his design philosophy. You can also look access some of his speeches and learn more about his design firm. This a comprehensive site for those looking for information on the "New Industrial Revolution." There are numerous articles to read about Mr. McDonough's work and progress.

### 64. www.mcdonough.com/cradle\_to\_cradle.htm

65. <a href="www.mclaughlin.com">www.mclaughlin.com</a>: The McLaughlin Group is a daily news show dedicated to in depth reporting on national and world stories. The news hour is famous for its comprehensive story telling and for its great commentaries. This site offers a chance to find out the station

and time where the News Hour is aired in your area. You can also review old news reports and comment on the stories covered and the panelists on the show. If you are a fan of the News Hour this site will add to your enjoyment of the show and your understanding of the stories covered.

66. <a href="www.mcspotlight.org">www.mcspotlight.org</a>: This is an interesting website in its global activism since it focuses, mainly, on one perpetrator. This site is dedicated to exposing the activities and wrongdoings of McDonalds around the globe. As the website points out, McDonald's spend \$2 billion dollars a year on expansion and advertising. The site offers a counterbalance to the pop culture icon. You can access reports, news bulletins and contribute to a debate room.

# 67. www.multinationalmonitor.org

- 68. <a href="www.newdream.org">www.newdream.org</a>: This site is designed to offer educational information and information on available resources for consumers looking to have less impact on the planet. The site is designed to help both individual and institutional consumers find the best possible products for a healthy lifestyle and planet. The site offers a link to post your ideas and a link to suggestions for personal actions you can take to start living a healthy life and protect the environment. Great site if you want to let AOL know how you feel about junk mail.
- 69. <a href="www.nofreelunch.org">www.nofreelunch.org</a>: No Free Lunch is an organization made up of health care providers who want to get the pharmaceutical industry out of guiding medical care. The purpose of the site is to inform both the public and other medical care professionals about the tactics used by the pharmaceutical companies to influence patient treatment. You can access evidence that pharmaceutical promotion does in fact influence physician behavior and the ways in which this is counter productive to good patient care. If you know someone in the health care industry or would like to discuss this problem with your own physician, this is a great site to get information.

### 70. www.novica.com

- 71. <a href="www.nrdc.org">www.nrdc.org</a>: National Resource Defense Council is a non-profit organization dedicated to protecting natural resources and creating a healthy environment for all living things. You can learn more about nuclear waste, clean air, global warming, and other environmental issues. You can access environmental articles and look at the NRDC's environmental fact of the day.
- 72. <a href="https://www.nybooks.com">www.nybooks.com</a>: The New York Book Review site offers reviews of books, articles, poems, etc., that covers a wide gamut of topics, from politics to the environment. You can search their archives for a review of a particular book of interest or browse their current postings for books you might want to read. You can also access other literary web pages and how to find the materials you are interested in.
- 73. <a href="www.oneworld.net">www.oneworld.net</a> [One World] A consolidation of various One World organizations from around the globe, One World was established to promote human rights and sustainable development. This website includes link to specific county One World sites. It also contains

editor's letters and informational topics, such as ethical consumerism, fair trade, immigration, climate change, biodiversity, genetic engineering, land rights, and population. Each informational guide includes a background of the issue and useful links that provide current updates involving the issue from around the world. The site also contains publications, essays, and debates from a selection of think tanks that explore the latest topics in international human rights and sustainable development.

- 74. <a href="https://www.orionsociety.org">www.orionsociety.org</a>: If you like the periodical publication Orion you should check out the Orion Organization's website. You can review the current issue of the magazine and order it online. You can also learn more about the Orion Society and its dedication to grassroots organization and activism. If you want tips on how to organize activities in your community this is a wonderful site. There is a list of member organizations you can contact for help or information. You can also check out the Orion Organization's other publication, Afeild Orion.
- 75. <a href="https://www.paywatch.org">www.paywatch.org</a>: Recent events have made this webpage all the more interesting and relevant. This site lists the top paid CEOs in the country and their salaries. It also has suggestions about what you can do about runaway corporate salaries. Executive Paywatch is run by the AFL-CIO. You can learn more about corporate affairs including how their stock is doing in relation to how their executives are doing. This site has an action center and even a games link. This site is a great source for information on how corporations are really run.
- 76. www.thepoint.com
- 77. www.projectcensored.org
- 78. <a href="https://www.pbs.org">www.pbs.org</a>: This site is pretty self explanatory. You can get program listings as well as times and channels from the public broadcasting site. This is a great source for educational materials and the really good news is you can make a donation all year long just by going on line. You can also learn more about PBS and why it is so important.
- 79. <a href="https://www.questia.com">www.questia.com</a> [on-line Library of Books and Journals]
- 80. <a href="www.rachel.org">www.rachel.org</a>: This is the homepage for the Environmental Research Foundation, an organization whose main goal is to help people find information related to their fight for environmental justice at the grassroots level. The hope is that this struggle will help democracy around the world. The site is dedicated to fostering grass-roots action by informing citizens. This site can even be accessed in Spanish. The site has a great list of related organizations as well as other, more specific websites that might be useful to community activists.
- 81. <a href="www.rafi.org">www.rafi.org</a>: The homepage for the Rural Advancement Foundation International (now the ETC Group Action group on erosion, technology an concentration) is designed to help in the development of socially responsible development in technologies and to the conservation of sustainable development in agricultural biodiversity to the benefits of rural and indigenous groups. You can access publications in each of the sub-issues of the group, erosion,

technology, and concentration. This site also offers resources in Spanish. The site also has a really great political cartoon link.

- 82. www.rethink-dispatches.com
- 83. www.rff.org [Resources for the Future]
- 84. www.righttowater.ca
- 85. <a href="https://www.rprogress.org">www.rprogress.org</a>: Redefining Progress is yet another progressive non-profit agency working for sustainable development in different public sectors. The purpose of the organization and their site is to create public policy procedures and suggestions that create policies and tools that encourage accurate market prices, protect resources, and push for a sustainable economic system. Like the other pages, you can access articles. This site is a great place to start looking and thinking about solutions to some of the problems in globalization.
- 86. <a href="https://www.sightline.com">www.sightline.com</a>: The Sightline Institute (formerly the Northwest Environmental Watch) is dedicated to observing the environmental status of a particular region and passing along that information to the public. You can get information about sustainable communities and how your own region stacks up. This site has proposed solutions like Green Taxes and information on how to get involved in creating environmentally sound communities. It is a great web page for activists who desire working at the community level.
- 87. <a href="www.slowfood.com">www.slowfood.com</a>: The Slow Food movement was founded in Italy as a reaction to the increased pace of life due to global economics and the influx of "American" style eating and restaurants. At the center of the movement is the idea that communities should slow down and consider what, how, and when they are eating. You can find slow food restaurants around the world on this site and access information about events organized by the organization. If you like to eat this is a website definitely worth visiting. It has a great link on what the organization calls taste education, which is sensory training for your mouth.
- 88. www.social-ecology.org [Institute of Social Ecology]
- 89. <a href="www.socialstudies.com">www.socialstudies.com</a>: Although this site is primarily designed for teachers it is a neat place to search for materials on a variety of social issues. You can purchase many great books and other tools at this site or find out what is new in the world of social studies. This is an all encompassing site for the social studies buff and a site you should recommend to anyone you know in education.
- 90. www.ssireview.org [Stanford Social Innovation Review]
- 91. www.technation.com
- 92. www.techsoup.org

### 93. www.ted.com

### 94. www.terrain.org

95. <a href="www.terralingua.org">www.terralingua.org</a>: Terralingua is an organization that works on an international scale to help preserve cultural and biological diversity. The organization focuses on preserving the diverse languages of the world and also investigates the connection between biological and cultural diversity. You can learn more about the many languages of the planet and about ongoing projects sponsored by the organization. There is also a list of Terralingua's partners around the world and the work they are focusing on.

# 96. www.testtubefamilies.blogspot.com

97. <a href="www.thecampaign.org">www.thecampaign.org</a>: This is the website for the national movement to have genetically engineered foods labeled. The site offers information on the drawbacks of genetically engineered food and the importance of getting it labeled. The site also helps you contact Congress to urge them to support measures against genetically engineered food and labeling laws. You can also find out about activities the organization is supporting in your state. This is a great site for information about the food you buy everyday in the grocery store.

### 98. www.themeatrix.com

99. <a href="www.thenation.com">www.thenation.com</a>: The Nation is a progressive weekly magazine that focuses on U.S. politics. The magazine and its website are a great source for alternative opinions on major current events. You can access articles, email the magazine, and order the publication to be delivered to your home. Some of the world's most prolific writers, theologians, academics and policy makers submit articles to this magazine.

# 100. www.tmcm.com [Too Much Coffee Man]

101. <a href="www.tompaine.com">www.tompaine.com</a>: Tom Paine is another progressive political magazine that goes outside the mainstream to cover stories in an in depth and less biased manner. The publication tried to focus on stories that the major media outlets overlooked or missed or were just too afraid to cover. Along with The Nation's website, you can become very well informed on different issues of the day. You can also make submissions to the magazine through this website.

# 102. www.truemajority.com

103. <a href="www.un.org">www.un.org</a>: [United Nations] Under the Economic and Social Development heading, there is information about the Population and Aging World Assembly, World Summit on Sustainable Development, and the United Nations Environmental Protection Agency, including the convention and treaties of UNEP. This site also includes a number of interesting press releases on globalization.

104. <a href="www.unesco.org">www.unesco.org</a>: The United Nations Educational, Scientific, and Cultural webpage offers a variety of resources in many different languages. You can learn more about this branch of the U.N, read its mission statement, and look at proposed programs. This is a good site for links to the webpages of other international organizations as well as the United Nations Homepage. This is a great source of information about the United Nations and provides useful resources to figuring out what exactly the U.N. is supposed to be doing. The site also provides some ideas about how to use the U.N. in a more efficient manner.

105. <a href="https://www.unesco.org/shs/most">www.unesco.org/shs/most</a> [Most Clearing House-Management of Social Transformations]

106. www.vanityfair.com/culture/features/2007/05/greenguide200705 [Green Guide]

107. <a href="www.verdant.net">www.verdant.net</a>: This website is dedicated to helping people overcome consumerism. This is a must visit website for every North American. The site offers an interesting mix of resource materials as well as informative suggestions on how to get rid of consumerism in your personal life. For example, learn how to grow most of your own food and what companies have some of the most egregious behavior. This is a site that attacks one of the most prominent prongs of globalization head on.

108. <a href="http://www2.etown.edu/vl/intldev.html">http://www2.etown.edu/vl/intldev.html</a> [Virtual Library on International Development]: An incredible collection of links and resources related to tissues in international development, including development and development aid, economy and finance, environment, human rights, international relations, social, cultural, and socio-economic themes. Included within these topics are categories such as migration, urbanization, health, education, poverty, sustainable development, climate change, desertification, and water.

109. <a href="www.wcfia.harvard.edu">www.wcfia.harvard.edu</a>: The Weatherhead Center for International Affairs at Harvard University is a foundation set up to support academic research on international, transnational, and comparative topics. It also supports research into policy analysis and the study of countries and regions besides the United States. The site allows you to access past research topics and findings. You can also discover more about ongoing research and projects that the Center is involved with. The Center has several fields of inquiry relevant to issues of globalization. This is a great site for academic research information.

- 110. www.whocontrolstheworld.com
- 111. www.wie.org
- 112. www.wiserearth.com

113. <a href="www.worldbank.org">www.worldbank.org</a> [World Bank]: Provides a general description of the world bank. Includes downloadable data, statistics, and reports that discuss poverty, health care, infrastructure solutions, natural resource use, and other topics. Also includes country-specific information on development.

### 114. www.worldchanging.com

115. <a href="www.wri.org">www.wri.org</a> [World Resources Institute]: A global think tank that combines research with practical solutions to protecting the earth and improve people's lives. Contains a number of well-written and insightful articles on a variety of environmental topics, including biodiversity, governance and institutions, business and economics, climate change and energy, agriculture and food, population and human well-being, and resource and material use. Under the Earth Trends section, the site contains data and country-specific information for each environmental topic.

# 116. <a href="http://www.wri.org/news">http://www.wri.org/news</a> [World Resources Institute]

117. <a href="www.wto.org">www.wto.org</a> [World Trade Organization]: General information about the WTO, including statistical data on world trade, annual reports and studies, and background papers on topics that the WTO addresses, such as agriculture, e-commerce, intellectual property, trade and environment, and trade and development. Includes legal texts of the WTO agreements and dispute settlements. Also includes interesting downloadable Position Papers submitted by NGOs on a variety of topics, such as "WTO and Multilateral Trade", "Trade and Environment's New Agenda", "Developing Countries and the Multilateral Trading System", and "Sustainable Development – The spiritual Dimension." There are also a number of downloadable WTO Working Papers that detail the results of staff research on a variety of topics.

### 118. www.zaadz.com

### WEBSITES FOR TECHNOLOGY AND THE INTERNET

# **Legal/Regulatory Aspects of Digital Technology**

- 1. **Berkman Center for Internet and Society**, a research program attached to the Harvard Law School, is committed "to explor[ing] and understand[ing] cyberspace, its development, dynamics, norms, standards, and [the] need or lack thereof for laws and sanctions." Its scholars and fellows address a wide range of Internet-related issues, including governance, privacy, intellectual property, antitrust, content control, and electronic commerce. And true to its open-source principles, according to the site, "we build, use, and freely share an open software platform for free online lectures and discussions." <a href="http://cyber.law.harvard.edu/">http://cyber.law.harvard.edu/</a>
- 2. **Information Law Institute**, The Information Law Institute at New York University School of Law provides an academic center for studying the effects of contemporary choices concerning the legal rules affecting the production, manipulation, storage, and dissemination of, and access to, information in the digitally networked society. <a href="http://www.law.nyu.edu/centers/ili/index.htm">http://www.law.nyu.edu/centers/ili/index.htm</a>
- 3. Computer Professionals for Social Responsibility, a "public-interest alliance of computer scientists and others concerned about the impact of computer technology on society," has served as the conscience of the high-tech sector for nearly 20 years. Originally concerned with computer use by the military, CPSR has expanded its brief over the years to include a wide range of areas in which digital technology affects society (most notably privacy and computers in the workplace). With the rise of interest in the "National Information Infrastructure" spurred by the Clinton/Gore administration, CPSR began to address public-interest Internet issues, and the Seattle chapter launched the Seattle Community Network in 1994. <a href="http://www.cpsr.org">http://www.cpsr.org</a>
- 4. **Electronic Frontier Foundation** was established in 1990 "to protect our fundamental rights regardless of technology; to educate the press, policymakers and the general public about civil liberties issues related to technology; and to act as a defender of those liberties." Issues under consideration by EFF include privacy and encryption; government and activism; intellectual property and fair use; Net culture and online community; censorship and free expression; spamming, cybersquatting, and other abuses; and the information infrastructure. <a href="http://www.eff.org/">http://www.eff.org/</a>
- 5. **Information Society Project at Yale Law School:** "The Information Society Project at Yale Law School is an intellectual center addressing the implications of the Internet and new information technologies for law and society, guided by the values of democracy, human development, and social justice." <a href="http://www.isp.law.yale.edu">http://www.isp.law.yale.edu</a>
- 6. **OpenNet Initiative (ONI)** The ONI mission is to investigate and challenge state filtration and surveillance practices. Our approach applies methodological rigor to the study of filtration and surveillance blending empirical case studies with sophisticated

means for technical verification. Our aim is to generate a credible picture of these practices at a national, regional and corporate level, and to excavate their impact on state sovereignty, security, human rights, international law, and global governance. <a href="http://www.opennet.net/">http://www.opennet.net/</a>

### **Internet Governance and Infrastructure**

- 1. **World Summit on the Information Society**, a project of the International Telecommunication Union (ITU, the agency of the United Nations that is responsible for the regulation, standardization and development of telecommunications worldwide). <a href="http://www.itu.int/wsis/">http://www.itu.int/wsis/</a>
- 2. The Growth & Development of Cyberspace Law in the United States: Highlights of the Past Decade. An interesting list containing an overview of highlights in the development of U.S. Cyberspace Law over the period 1986-1996. <a href="http://www.gseis.ucla.edu/iclp/decade.html">http://www.gseis.ucla.edu/iclp/decade.html</a>
- 3. **The Internet Engineering Task Force.** The Internet Engineering Task Force is a large open international community of network designers, operators, vendors, and researchers concerned with the evolution of the Internet architecture and the smooth operation of the Internet. <a href="http://www.ietf.org">http://www.ietf.org</a>
- 4. **The Internet Society (ISOC)** is a professional membership society with more than 100 organization and over 20,000 individual members in over 180 countries. It provides leadership in addressing issues that confront the future of the Internet, and is the organization home for the groups responsible for Internet infrastructure standards, including the Internet Engineering Task Force (IETF) and the Internet Architecture Board (IAB). <a href="http://www.isoc.org">http://www.isoc.org</a>
- 5. **The Coalition for Networked Information (CNI)** is an organization dedicated to supporting the transformative promise of networked information technology for the advancement of scholarly communication and the enrichment of intellectual productivity. <a href="http://www.cni.org/">http://www.cni.org/</a>
- 6. The Internet Corporation for Assigned Names and Numbers (ICANN) is an internationally organized, non-profit corporation that has responsibility for Internet Protocol (IP) address space allocation, protocol identifier assignment, generic (gTLD) and country code (ccTLD) Top-Level Domain name system management, and root server system management functions. As a private-public partnership, ICANN is dedicated to preserving the operational stability of the Internet; to promoting competition; to achieving broad representation of global Internet communities; and to developing policy appropriate to its mission through bottom-up, consensus-based processes. <a href="http://www.icann.org">http://www.icann.org</a>
- 7. **Internet Governance Project:** This is an interdisciplinary consortium of scholars with experience in Internet governance. The website has articles on a variety of issues and debates regarding Internet governance.

  <a href="http://www.internetgovernance.org">http://www.internetgovernance.org</a>
- 8. F2C: Freedom to Connect: [ http://www.freedom-to-connect.net

- 9. Save the Internet [ http://www.savetheinternet.com
- 10. Working Group on Internet Governance http://www.wgig.org

# **Copyright / Copyfight**

- 1. Creative Commons "We use private rights to create public goods: creative works set free for certain uses. Like the free software and open-source movements, our ends are cooperative and community-minded, but our means are voluntary and libertarian. We work to offer creators a best-of-both-worlds way to protect their works while encouraging certain uses of them to declare "some rights reserved." Thus, a single goal unites Creative Commons' current and future projects: to build a layer of reasonable, flexible copyright in the face of increasingly restrictive default rules." <a href="http://creativecommons.org">http://creativecommons.org</a>
- 2. **Electronic Frontier Foundation (EFF)**. From the Internet to the iPod, technologies are transforming our society and empowering us as speakers, citizens, creators, and consumers. When our freedoms in the networked world come under attack, the Electronic Frontier Foundation (EFF) is the first line of defense. EFF broke new ground when it was founded in 1990 well before the Internet was on most people's radar and continues to confront cutting-edge issues defending free speech, privacy, innovation, and consumer rights today. From the beginning, EFF has championed the public interest in every critical battle affecting digital rights. <a href="http://www.eff.org/about/">http://www.eff.org/about/</a>
- 3. **Corante** is a trusted, unbiased source on technology, business, law, science, and culture that's authored by leading commentators and thinkers in their respective fields. Corante also produces premium conferences and publications that help decision-makers better understand their industries and the world around them. <a href="http://www.corante.com/">http://www.corante.com/</a>
- 4. **Freedom to Tinker**. A blog, focused on issues related to legal regulation of technology, and especially on legal attempts to restrict the right of technologists and citizens to tinker with technological devices. http://www.freedom-to-tinker.com/
- 5. **Public Knowledge** is a group of lawyers, technologists, lobbyists, academics, volunteers and activists dedicated to fortifying and defending a vibrant information commons. Our first priority is to stop any bad legislation from passing—laws we think would slow technology innovation, pick market winners, shrink the public domain, or prevent fair use. We work to assure the future remains open, and that democratic principles and cultural values—openness, access and the capacity to create and compete—are given new embodiment in the digital age. <a href="http://www.publicknowledge.org/about">http://www.publicknowledge.org/about</a>
- 6. **Free Culture Movement.** The mission of the Free Culture movement is to build a bottom-up, participatory structure to society and culture, rather than a top-down, closed, proprietary structure. Through the democratizing power of digital technology and the Internet, we can place the tools of creation and distribution, communication and collaboration, teaching and learning into the hands of the common person -- and with a truly active, connected, informed citizenry, injustice and oppression will slowly but surely vanish from the earth. We believe that culture should be a two-way affair, about participation, not merely consumption. We will not be content to sit passively at the end of a one-way media tube. We refuse to accept a future of digital feudalism where we do not actually own the products we buy, but we are merely granted limited uses of them as

long as we pay the rent. We must halt and reverse the recent radical expansion of intellectual property rights, which threaten to reach the point where they trump any and all other rights of the individual and society. <a href="http://www.freeculture.org/">http://www.freeculture.org/</a>

7. **Copyright Criminals**: This is a Sampling Sport (10 min Work in Progress) http://www.copyrightcriminals.com/

# **Politics/Digital Democracy**

- 1. **OpenDemocracy.net** is pioneering a new type of independent media based on exchange and participation. Our readers and writers span all continents. We cover the key questions of our time with contributions from renowned authors and marginalised voices. We publish clarifying debates which help people make up their own minds. We use the web to build and map intelligent discussions, which we accumulate and expand daily. OpenDemocracy stands for human rights and democracy. We support these concepts as an opening, rather than with closed definition. <a href="http://www.opendemocracy.net">http://www.opendemocracy.net</a>
- 2. **The Center for Responsive Politics** is a non-partisan, non-profit research group based in Washington, D.C. that tracks money in politics, and its effect on elections and public policy. The Center conducts computer-based research on campaign finance issues for the news media, academics, activists, and the public at large. The Center's work is aimed at creating a more educated voter, an involved citizenry, and a more responsive government. <a href="http://www.opensecrets.org/about/index.asp">http://www.opensecrets.org/about/index.asp</a>
- 3. The Center for Digital Democracy [
  <a href="http://www.democraticmedia.org">http://www.democraticmedia.org</a>
- 4. **Center for Digital Government** The Center for Digital Government is a national research and advisory institute on information technology policies and best practices in state and local government. <a href="http://www.centerdigitalgov.com">http://www.centerdigitalgov.com</a>
- 5. The Center for Democracy and Technology (CDT) is a 501 (c) (3) non-profit public policy organization dedicated to promoting the democratic potential of today's open, decentralized global Internet. Our mission is to conceptualize, develop, and implement public policies to preserve and enhance free expression, privacy, open access, and other democratic values in the new and increasingly integrated communications medium. CDT promotes its own policy positions in the United States and globally through public policy advocacy, online grassroots organizing with the Internet user community and public education campaigns, and litigation, as well as through the development of technology standards and online information resources. <a href="http://www.cdt.org/">http://www.cdt.org/</a>
- 6. The Center for Internet and Society at Stanford Law School: "The CIS brings together scholars, academics, legislators, students, programmers, security researchers, and scientists to study the interaction of new technologies and the law and to examine how the synergy between the two can either promote or harm public goods like free speech, privacy, public commons, diversity, and scientific inquiry. The CIS strives as

well to improve both technology and law, encouraging decision-makers to design both as a means to further democratic values." <a href="http://www.cyberlaw.stanford.edu">http://www.cyberlaw.stanford.edu</a>

- The DeWitt Wallace Center for Media and Democracy supports a policy of a democratic free media throughout the world. <a href="http://www.pubpol.duke.edu/centers/dewitt/about.html">http://www.pubpol.duke.edu/centers/dewitt/about.html</a>
- 8. **MediaChannel** is a media issues supersite, featuring criticism, breaking news, and investigative reporting from hundreds of organizations worldwide, focused on issues pertaining to Digital Democracy. As the media watch the world, we watch the media. <a href="http://www.mediachannel.org/atissue/cyber/">http://www.mediachannel.org/atissue/cyber/</a>
- 9. **The Progress and Freedom Foundation** The Progress & Freedom Foundation was founded in 1993 to study the digital revolution and its implications for public policy. A news site rather than an interactive site. Offers updates on US government policy on the Internet, as well as papers regarding computer technology (e.g. discussion papers on whether or not Microsoft is a monopolist). Pro-market approach. http://www.pff.org/
- 10. International Institute for Democracy and Electoral Assistance (IDEA) Created in 1995, the International Institute for Democracy and Electoral Assistance (IDEA), an intergovernmental organization with member states from all continents, has a mandate to support sustainable democracy worldwide. IDEA operates at an interface between those who analyze and monitor trends in democracy and those who engage directly in political reform or act in support of democracy at home and abroad. IDEA works with both new and long-established democracies, helping to develop and strengthen the institutions and culture of democracy. It operates at international, regional and national level, working in partnership with a range of institutions. http://www.idea.int/index.cfm
- 10. The Technology Liberation Front [
  [Pro Industry, Anti-regulation perspective]
  http://www.techliberation.com

### **Culture Jamming Websites**

- 1. **Adbusters** are a global network of artists, activists, writers, pranksters, students, educators and entrepreneurs who want to advance the new social activist movement of the information age. Our aim is to topple existing power structures and forge a major shift in the way we will live in the 21st century. To this end, Adbusters Media Foundation publishes Adbusters magazine, operates this website and offers its creative services through PowerShift, our advocacy advertising agency. <a href="http://www.adbusters.org/">http://www.adbusters.org/</a>
- The Billboard Liberation Front. Encouraging the masses to use any means possible to commandeer the existing media and to alter it to their own design. <a href="http://www.billboardliberation.com/">http://www.billboardliberation.com/</a>

- 3. The Yes Men are a group of culture jamming activists who practice what they call "identity correction". They pretend to be powerful people and organizations and then use their newfound authority to espouse what they think those groups really believe. The Yes Men's most famous prank is placing a "corrected" WTO website at gatt.org (GATT is the treaty that led to the WTO). The fake site began to receive real emails from confused visitors, including invitations to address various elite groups on behalf of the WTO, which they obligingly took up. Showing up in newly-purchased suits, The Yes Men gave speeches encouraging corporations to buy votes directly from citizens, arguing that the US Civil War was a waste of money because Third World countries now willingly supply equivalent slaves, and claiming that people should listen to the WTO, not the facts, because the WTO had a lot of experts. Their experiences were documented in the film The Yes Men, distributed by United Artists, as well as the book The Yes Men: The True Story of the End of the World Trade. <a href="http://www.theyesmen.org/">http://www.theyesmen.org/</a>
- 4. **RTMark** is an activist art collective that subverts the "Corporate Shield" protecting US corporations. RTMark is itself a registered corporation, which brings together activists who plan projects with donors who fund them. For their first prank, in the 1990s, they swapped the electronics of talking Barbie and GI Joe toys and then returned them to the store. They then issued a message as the "Barbie Liberation Organization." <a href="http://www.rtmark.com/">http://www.rtmark.com/</a>
- 5. **Media.org.** Culture jamming has a long history. From Abbie Hoffman to Adbusters, this honorable occupation helps change the world for the better. Jamming is not yipping about yourself or playing fetch for some corporate master. Hacks are jams. Building a site to fill a void in your community is a jam. Jamming is helping to change the world around you. We here at media.org like to do our small part. <a href="http://jam.media.org/">http://jam.media.org/</a>
- 6. Google Bombing. From wikipedia: "... the entire notion of "Google bombs" might be better described as "link bombing," given that these campaigns can certainly have an effect on other search engines, as well. All major search engines make use of link analysis and thus can be impacted. So, a search for "miserable failure" on June 1, 2005 brought up the official George W. Bush biography number one on Google, Yahoo and MSN and number two on Ask Jeeves. On June 2, 2005, Yooter reported that George Bush is now ranked first for the keyword 'failure' as well as 'miserable failure' in both Google and Yahoo. Other large political figures have been targeted for Google bombs . . . "Google bombing" was added to the New Oxford American Dictionary in May 2005. <a href="http://www.en.wikipedia.org/wiki/Google\_bomb">http://www.en.wikipedia.org/wiki/Google\_bomb</a>
- 7. **Audio Collages of Political Speeches.** Politics is the practice of doublespeak. Fortunately, through the magic of creativity and relatively cheap digital audio editing tools, the speech of political creatures can finally be unspun, and the truth laid bare. These are galleries of translations of popular politicians as made by audio collage artists from around the planet. They are (as far as we know) works in the public domain and may be freely shared and used as fodder for further translation projects. <a href="http://www.diymedia.net/collage/truth.htm">http://www.diymedia.net/collage/truth.htm</a>

8. **Podcasting.** *Courtesy of WFMU's Blog:* "Podcasting allows you to time-shift listening to radio shows you can't usually catch, and gives you access to all sorts of amateur programmers who are going online with a wide variety of good, bad, and ugly programming. While lots of mainstream radio content is either unavailable as a podcast or requires you to give up some money to do so, there's plenty of choices when it comes to subscribing to free podcasts. Too many really."

<a href="http://www.masternewmedia.org/news/2005/05/20/where\_to\_submit\_your\_podcasts.htm">http://www.masternewmedia.org/news/2005/05/20/where\_to\_submit\_your\_podcasts.htm</a>
and <a href="http://www.podcast.com">http://www.podcast.com</a>

### Alternative Media

- 1. **Alternative Press Center** "is a non-profit collective dedicated to providing access to and increasing public awareness of the alternative press." Its site maintains both an extensive Online Directory of alternative press publications (everything from *Abafazi*, the Simmons College Journal of Women of African Descent, to Z Magazine, a political monthly) and Alternative Viewpoints on the Internet, links to more than 425 independent online resources. For more than a quarter of a century, the Alternative Press Index has been recognized as a leading guide to the alternative press in the United States and around the world. <a href="http://www.altpress.org/">http://www.altpress.org/</a>
- 2. **Alternet**, a project of the Independent Media Institute, "provides a mix of news, opinion and investigative journalism on subjects ranging from the environment, the drug war, technology and cultural trends to policy debate, sexual politics and health issues." Most impressive is the site's fully searchable article database of more than 7,000 stories from over 200 sources. Updated daily with the latest stories of note from alternative outlets across the country (with a means of easily e-mailing an article to friends and colleagues), Alternet also hosts an active forum in which users actively discuss news and events. <a href="http://www.alternet.org/">http://www.alternet.org/</a>
- 3. **Independent Media Center** "is a network of collectively run media outlets for the creation of radical, accurate, and passionate tellings of the truth." Best known for its efforts to provide grassroots coverage of the World Trade Organization protests in Seattle in late 2000, a decentralized network of Indy Media centers now includes some 30 affiliates worldwide and another 28 across the US. Searchable in nine languages across multiple media (photos, videos, audio, and print), the IMC site also offers extensive opportunities for users to publish their own multimedia material, as well as opportunities to discuss current events and issues. <a href="http://www.indymedia.org/en/index.shtml">http://www.indymedia.org/en/index.shtml</a>
- 4. MediaChannel "is concerned with the political, cultural and social impacts of the media, large and small," in an effort "... to provide information and diverse perspectives and inspire debate, collaboration, action and citizen engagement." Resources on the site include special reports, action toolkits for journalists and teachers, forums for discussion, an indexed directory of hundreds of affiliated groups, and a searchable database of online media issues. Updated daily, the site offers links to breaking stories and opinion from news outlets in the US and abroad. <a href="http://www.mediachannel.org/">http://www.mediachannel.org/</a>

5. **Znet**, billing itself as "a community of people committed to social change," presents a dizzying array of resources and links, drawing on *Z Magazine* and organized around several themes: Crises and Struggles ("a series of 'subsites' devoted to ongoing hotspots and movements"), Watch Sites (everything from animal rights watch and anarchy watch to queer watch and race watch), Activism, and Parecon (participatory economics). Regular updates provide links to news and commentary from leading members of the alternative press corps. <a href="http://www.zmag.org/weluser.htm">http://www.zmag.org/weluser.htm</a>

6.	<b>Invisible America</b>	
	http://www.invisible	america.com

#### **Digital Divide**

- 1. **Investor Group Against the Digital Divide:** This organization connects academics and IT executives in order to close the digital divide, starting with Indonesia. <a href="http://www.digitaldivide.org/dd/igadd.html">http://www.digitaldivide.org/dd/igadd.html</a>
- 2. **The Digital Divide Network**, produced by the Benton Foundation, examines "the causes and effects of the divide from four distinct angles: technology access, literacy and learning, content, and economic development." The site features a number of success stories and "best practice" strategies, along with a full complement of useful Web links. <a href="http://www.digitaldivide.net/">http://www.digitaldivide.net/</a>
- 3. **SeniorNet**, approaching the digital divide issues from a different perspective, "provides adults 50+ access to and education about computer technology and the Internet to enhance their lives and enable them to share their knowledge and wisdom." In addition to a Web site that is full of tips and advice for those new to computers, SeniorNet also plays host to an online community, with active discussion forums and chat rooms, as well as overseeing more than 200 Learning Centers across the country where seniors can receive hands-on computer training. <a href="http://www.seniornet.org/php/default.php">http://www.seniornet.org/php/default.php</a>
- 4. **The Web Accessibility Initiative** serves as a useful reminder that millions of Americans have other barriers to overcome. A project of the World Wide Web Consortium, WAI is committed to leading the Web to its full potential by "promoting a high degree of usability for people with disabilities." In coordination with organizations around the world, the project "pursues accessibility of the Web through five primary areas of work: technology, guidelines, tools, education and outreach, and research and development." Especially as new incarnations of the Web (via interactive TV, for example) become nominally more "user-friendly," the work of WAI will become all the more important in ensuring that no one is needlessly left behind. <a href="http://www.w3.org/WAI/">http://www.w3.org/WAI/</a>

## **Global Projects**

1. **Global Voices Online** is a non-profit global citizens' media project, sponsored by and launched from the Berkman Center for Internet and Society at the Harvard Law School.

Global Voices is your guide to the most interesting conversations, information, and ideas appearing around the world on various forms of participatory media such as blogs, podcasts, photo sharing sites, and videoblogs. Each day they link to 5-10 of the most interesting blog posts from their regions in the "daily roundups" section. A larger group of contributing bloggers is posting daily features in the left-hand Weblog section, shedding light on what blogging communities in their countries have been talking about recently. <a href="http://www.globalvoicesonline.org/">http://www.globalvoicesonline.org/</a>

- 2. CIVICUS "is an international alliance dedicated to strengthening citizen action and civil society throughout the world," with a vision of creating a "worldwide community of informed, inspired, committed citizens engaged in confronting the challenges facing humanity." Targeting specific areas for citizen action (building democracy, promoting gender equality, fostering justice, promoting social inclusion, and fighting poverty) CIVICUS offers an Internet toolkit designed to assist its 522 member organizations to increase their online effectiveness. CIVICUS also offers an online Civil Society Index Survey, a diagnostic tool designed to assess the health of civil society in a particular nation by measuring the relative levels cooperative behavior, public-interest activities, voluntarism, freedom of speech and assembly, and similar civil society staples. <a href="http://www.civicus.org">http://www.civicus.org</a>
- 3. OneWorld.net, with 11 different national editions of its news and information site (including a version for the United States) "is an internet community of 978 organizations leading the way for human rights and sustainable development worldwide." Drawing on the resources of its member organizations, OneWorld offers news and analysis, special reports, campaigns (covering such issues as climate change, debt repayment, and the digital divide), and selective online shopping opportunities ("Putting the 'ethical' back into e-commerce"). Impressive overall, OneWorld has an agenda for its US site that is as idealistic as it is ambitious, seeking "to enhance the knowledge of U.S. citizens about international affairs/development. OneWorld US hopes to stimulate discussion and debate about international affairs and policy alternatives in the United States and encourage action leading to greater peace, justice, and equality at the global level." <a href="http://www.oneworld.net/">http://www.oneworld.net/</a>
- 4. The Global Media Project at The Watson Institute for International Studies: "The goal of the Global Media Project is to see what lies behind and beyond the screen, to study the expanding role of media in war and peace, and to produce new documentary media for human rights, cultural understanding, sustainable development, and global security. It does so by bringing under one roof academic researchers, policy practitioners, and media producers, who together can provide critical analytical tools for international media makers, as well as create challenging *global-interest media*." http://www.watsoninstitute.org/globalmedia

5.	World Summit on the Information Society	[
	http://www.itu.int/wsis/index.html	

6.	Blog Critics Magazine: ["An interactive community in which writers and readers from around the globe talk about stories, issues and products."] <a href="http://www.blogcritics.org">http://www.blogcritics.org</a>

## **Bloody Everything – The Thinker**

1. Lawrence Lessig at Stanford Law School. Lawrence Lessig is a Professor of Law at Stanford Law School and founder of the school's Center for Internet and Society. He has won numerous awards, including the Free Software Foundation's Freedom Award, and was named one of Scientific American's Top 50 Visionaries, for arguing "against interpretations of copyright that could stifle innovation and discourse online." Professor Lessig is the author of Free Culture (2004), The Future of Ideas (2001) and Code and Other Laws of Cyberspace (1999). He chairs the Creative Commons project, and serves on the board of the Free Software Foundation, the Electronic Frontier Foundation, the Public Library of Science, and Public Knowledge. Professor Lessig teaches and writes in the areas of constitutional law, contracts, and the law of cyberspace. http://www.lessig.org

## Big Media Meets Its Match – Utne Reader

1. A Media Reformer's Handbook [Additional Books, Websites and Blogs] http://www.utne.com/2007-07-01/Politics/Big-Media-Meets-Its-Match.aspx

#### **INDUSTRY WEBSITES**

Agri America (<a href="http://agri-americamarketing.com">http://agri-americamarketing.com</a>)

American Solar Energy Society (www.ases.org)

Beef USA (www.beef.org)

Biotechnology Industry Organization (www.bio.org)

Chevron Texaco (www.chevrontexaco.com)

Competitive Enterprise Institute (www.cei.org)

Container Recycling Institute (www.container-recycling.org)

Corante [Tech News Filtered Daily] (www.corante.com)

Council for Biotechnology Information (www.whybiotech.com)

Exxon Mobil (www.exxommobil.com)

Fair Trade Federation (www.fairtradefederation.com)

Gazprom (www.gazprom.ru)

Global Arcade (www.globalarcade.org)

Global Business Network (www.gbn.com)

International Council on Nanotechnology (<a href="http://icon.rice.edu">http://icon.rice.edu</a>)

Levi's (www.levistrauss.com)

National Cattlemen's Beef Association (www.beefusa.org)

Net impact (<a href="http://www.netimpact.org">http://www.netimpact.org</a>)

New Resource Bank (www.newresourcebank.com)

Shell (www.shell.com)

SoL Forum on Business Innovation for Sustainability (www.solonline.org)

Solectron (www.solectron.com)

Soy Growers (www.soygrowers.com)

Sustainable Development International Corporation (<a href="www.smartoffice.com">www.smartoffice.com</a>)

TechNet (www.technet.org)

Unilever (<a href="www.unilever.com">www.unilever.com</a>)

#### **VIDEO/MEDIA**

[Planet Green – The Discovery Channel] 24 hour all environmental cable

Sundance Channel [Green Programming]

A Crude Awakening: The Oil Crash

Affluenza

Atomic Café

Bamako

Black Gold (www.blackgoldmovie.com)

Blue Vinyl (Bullfrog)

Build Green (Bullfrog)

Bullfrog Films (www.bullfrogfilms.com)

Burden of Dreams (Werner Herzog)

China Blue

Close to Eden

**CNN People Bomb** 

Dersu Uzala

Discovery Network (Planet Green) (<u>www.planetgreen.discovery.com</u>)

Earth Cinema Circle (www.eccfilms.com)

The Element [Sir Ken Robinson] (www.psfk.com/2009/03/video-sir-ken-robinson-the-

element.html

Escape From Afluenza

Everything's Cool: A Toxic Comedy About Global Warming (2007)

Farming the Seas (Bullfrog)

Fast Runner

Fitzcarraldo (Herzog)

Flow (www.flowthefilm.com)

Food, Inc.

Frankensteer (Bullfrog)

Fritz Lang's Metropolis

Herdsmen of the Sun (Werner Herzog)

In the Hands of the Raven

Kundun

Life (Bullfrog)

Life and Debt

Life Running Out of Control (Bullfrog)

Manufactured Landscapes (2007) [Zeitgeist Films]

Men With Guns

Network

One Week (Buster Keaton) (1920)

Our Political Environment: Environmental Policy, Corporate Ethics, and Global Warming: A

video interview with Peter Matthiessen (October 2004)

www.oriononline.org/pages/00/curwis/index curwis.html

Recycled Life (2006)

Sundance Channel: The Green (www.sundancechannel.com/thegreen)

The Cove (2008) (www.menemshafilms.com)

The Future of Food (www.thefutureoffood.com)

The Garden

The Lorax

The Real Dirt on Farmer John

The World (Shijie)

The Yes Men Fix the World

Thomas Berry's The Great Story

Toxic Bust (Bullfrog)

Utne: A media Reformer's Handbook (July-Aug '07)

What a Way to Go: Life at the End of Empire Where Green Ants Dream (Werner Herzog)

www.homelands.org/worlds/specials.html [Worlds of Difference]

www.insightmedia.com

http://www.lannan.org [Readings and Conversations Series]

www.linktv.org

www.npr.org

www.pangeaday.org

#### **EDUCATION**

Aprovecho Research Center (<u>www.aprovecho.net</u>)

Bainbridge Graduate Institute (<a href="www.bgiedu.org">www.bgiedu.org</a>)

BIJA Vidyapeeth School of the Seed India/Int'l College for Sustainable Living

California Institute of Integral Studies (www.ciis.edu)

Earth Institute at Columbia University (<a href="www.earth.columbia.edu">www.earth.columbia.edu</a>)

Earth Island Journal's Environmental Education Directory

Earth University (www.earth-usa.org)

Ecoversity (www.ecoversity.org)

Education for Sustainability (www.gcrio.org/edu/pcsd/toc.html)

Education for Sustainability Western Network (www.efswest.org)

Environmental Change Institute (www.eci.ox.ac.uk)

Global Development and Environmental Institute at Tufts University (www.ase.tufts.edu/gdae)

Globalization Research Network

Goddard College (www.goodard.edu)

Institute for the Study of Planet Earth (www.ispe.arizona.edu)

Islandwood (www.islandwood.org)

Oberlin College (www.oberlin.edu)

Occidental Arts & Ecology Center (<a href="www.oaec.org">www.oaec.org</a>)

Pacific Institute for Climate Solutions (www.pics.uvic.ca)

Presidio School of Management (<a href="http://www.presidiomba.org">http://www.presidiomba.org</a>)

Regenerative Design Institute (www.regenerativedesign.org)

Renewable Appropriate Energy Laboratory (<a href="http://rael.berkeley.edu">http://rael.berkeley.edu</a>)

Rocky Mountain Institute (www.rmi.org)

Santa Fe Institute (www.santafe.edu)

Schumacher College (www.schumachercollege.org.uk)

Sustainable Communities Network – Resources and Organizations that Promote Sustainability

Education (www.sustainable.org/living/education.html)

Sustainable Table (www.sustainabletable.org)

The Globalism Institute

The Ponderosa Project (<a href="http://www2.nau.edu/~ponder-p">http://www2.nau.edu/~ponder-p</a>)

## **MAGAZINES**

Adbusters (<a href="http://www.adbusters.org">http://www.adbusters.org</a>)

Américas (http://www.oas.org/americas)

Atlantic Monthly (<a href="http://www.theatlantic.com">http://www.theatlantic.com</a>)

Bulletin of the Atomic Scientists (http://www.thebulletin.org)

The Compendumn Newsletter (<a href="www.ecoprojects.org">www.ecoprojects.org</a>)

Cultural Survival Quality (http://www.culturalsurvival.org)

Development in Practice (http://www.developmentinpractice.org)

Dissent (http://www.dissentmagazine.org)

E (http://www.emagazine.com)

Earth Island Journal (www.earthisland.org)

Earthwatch (<a href="http://www.earthwatch.org">http://www.earthwatch.org</a>)

Ecological Complexity [Int'l J. on Biocomplexity in the Envir. and Theoretical Ecology]

(http://www.elsevier.com/wps/find/homepage.cws\_home)

Ecological Economics [Transdisciplinary J. of the Int'l society for Ecological Economics]

(http://www.ecoeco.org)

Ecological Home Ideas (www.ecologicalhomeideas.com)

Econ Journal Watch (www.econjournalwatch.org)

The Ecologist (<a href="http://www.theecologist.org">http://www.theecologist.org</a>)

The Economist (<a href="http://www.economist.com">http://www.economist.com</a>)

Ethnos (http://www.tandf.co.uk/journals)

Foreign Affairs (http://www.foreignaffairs.org)

Foreign Policy (http://www.foreignpolicy.com)

Gene Watch (www.gene-watch.org) [Council for responsible Genetics]

Global Environmental Politics Quarterly (<a href="http://www.mitpressjournals.org/loi/glep">http://www.mitpressjournals.org/loi/glep</a>)

Green Money Journal (www.greenmoney.com)

Harper=s Magazine (<a href="http://www.harpers.org">http://www.harpers.org</a>)

Harvard International Review (http://hir.harvard.edu)

The Hedgehog Review (www.hedgehogreview.com)

In Context: A Quarterly of Humane Sustainable Culture (http://www.context.org)

Intelligence Report (www.splcenter.org) [Southern Poverty Law Center]

International Forum on Globalization News (http://www.ifg.org/news.htm)

Journal of Industrial Ecology (www.yale.edu/jie)

Lapis (http://www.lapismagazine.org)

The Nation (www.thenation.com)

National Geographic (http://www.nationalgeographic.com)

Native Americas (http://www.nativepeoples.com)

New Internationalist (http://www.newint.org)

New Solutions (<u>www.communitysolution.org</u>)

New York Review of Books (http://www.nybooks.com)

New Yorker (http://www.newyorker.com)

NPQ (New Perspectives Quarterly) (http://www.digitalnpq.org/home.html)

Orion & Orion Afield (http://www.orionsociety.org)

Parabola (<a href="http://www.parabola.org">http://www.parabola.org</a>)

Plenty (www.plentymag.com)

Poultry Press (www.upc-online.org)

Population Studies: A Journal of Demographics (www.tandf.co.uk/journals)

Resurgence (<a href="http://www.theresurgence.com">http://www.theresurgence.com</a>)

Science (<a href="http://www.sciencemag.org">http://www.sciencemag.org</a>)

Science, Technology & Human Values (www.sth.sagepubs.com)

Scientific American (http://www.sciam.com)

Social Science Quarterly (www.interscience.wiley.com/journal)

Space and Culture: International Journal of Social Spaces (Sage Pub.)

(http://www.spaceandculture.org)

Terra Nova: Nature and Culture (http://www.terrain.org/terranova)

The Sun (http://www.thesunmagazine.org)

Utne Reader (http://www.utne.com/daily.aspx)

Whole Earth (formerly CoEvolution Quarterly) (<a href="http://www.wholeearth.com/index.php">http://www.wholeearth.com/index.php</a>)

Wild Duck Review (www.wildduckreview.com)

Wilson Quarterly (http://www.wilsoncenter.org/index.cfm?fuseaction=wq.welcome)

The World & I (http://www.worldandi.com)

World Trade (<a href="http://www.worldtrademag.com">http://www.worldtrademag.com</a>)

World Watch (www.worldwatch.org)

YES (<a href="http://www.yesmagazine.org">http://www.yesmagazine.org</a>)

Z (<a href="http://www.zmag.org">http://www.zmag.org</a>)

# **ACADEMIC PRESSES**

Altamira Press (http://www.altamirapress.com)

Ashgate Publishing (www.ashgate.com)

CAB International (<a href="http://www.cabi.org/home.asp">http://www.cabi.org/home.asp</a>)

Cambridge University Press (http://www.cambridge.org)

Carolina Academic press (www.caplan.com)

Chelsea Green (http://www.chelseagreen.com)

Dream Change (www.dreamchange.org)

Edward Elgar Publishing (www.e-elgar.com)

Island Press Environmental Sourcebook (www.islandpress.org)

Kumarian Press (www.kpbooks.com)

MIT Press (www.mitpress.mit.edu)

New Society Publishers (<u>www.newsociety.com</u>)

Pine Forge Press (<a href="www.pineforge.com">www.pineforge.com</a>)

Population Reference Bureau (www.prb.org)

Rethinking Schools (www.rethinkingschools.org)

Roman & Littlefield Publishers (http://www.rlpgbooks.com)

Routledge-Cavendish (<a href="http://www.routledgelaw.com">http://www.routledgelaw.com</a>)

Sage Publications (www.sagepub.com)

Teaching for Change (www.teachingforchange.org)

University of California Press (www.ucpress.edu)

# 9/10 BIBLIOGRAPHY Organizations and Periodicals

Adbusters Media Foundation (<u>www.adbusters.org</u>) 1243 W. Seventh Ave., Vancouver, BC V6H 1B7, Canada

Alliance for Climate Protection (www.wecansolveit.org)

Alliance for Wild Ethics (www.wildethics.org)

American Agricultural Movement (<u>www.aaminc.org</u>) 24800 Sage Creek Rd., Scenic, SD 57780

American Anthropological Association (<u>www.aaanet.org</u>)

Animal Copyright Foundation (http://www.animalcopyright.org)

Ashes and Snow (www.ashesandsnow.org)

Aspen Institute (www.aspeninstitute.org)

Bank Information Center (<u>www.bicusa.org</u>) 733 15<sup>th</sup> St NW, Ste. 1126, Washington, DC 20005

Basel Action Network (www.ban.org)

Biomimicry Institute (<a href="http://www.biomimicryinstitute.org">http://www.biomimicryinstitute.org</a>)

Bioneers (www.bioneers.org)

Collective Heritage Institute, 901 W San Mateo Rd., Ste L, Santa Fe, NM 87505

Border Ecology Project (BEP)
PO Drawer CP, Bisbee, AZ 85603

The Bubble Project (www.thebubbleproject.com)

California Institute for Integral Studies (<u>www.ciis.edu</u>) 1453 Mission St., San Francisco, CA 94103

Campaign for a Commercial-Free Childhood (www.commercialfreechildhood.org)

Canadian Centre for Policy Alternatives (<u>www.policyalternatives.ca</u>) 75 Albert St., Ottawa, Ontario K1P 5E7, Canada

Carbon Disclosure Project (www.cdproject.net)

Carbon Fund (<a href="www.carbonfund.org">www.carbonfund.org</a>)

Center for Alternative Technology (www.cat.org.uk)

Center for Biological Diversity (www.biologicaldiversity.org)

Center for Cognitive Liberty (http://www.cognitiveliberty.org)

Center for Conservation Biology

Center for Ecoliteracy (Fritjof Capra) (<u>www.ecoliteracy.org</u>) 2522 San Pablo Ave., Berkeley, CA 94702

Center for Food Safety (www.centerforfoodsafety.org)

Center for Global Development (www.cgdev.org)

Center for Health, Environment & Justice (<a href="www.chej.org">www.chej.org</a>) (formerly Citizen's Clearinghouse for Hazardous Wastes) PO Box 6806, Falls Church, VA 22040

Center for Human Ecology (www.che.ac.uk)

Center for International Environmental Law (CIEL) (<a href="www.ciel.org">www.ciel.org</a>)
1367 Connecticut Ave. NW, Ste 300, Washington, DC 20036

Center for Investigative Reporting (ww.muckraker.org) 131 Steuart St., Ste. 600, San Francisco, CA 94105-1238

Center for Responsible Nanotechnology (www.crnano.org)

Center for Sustainable Environments (www.environment.nau.edu)

Center for Tactical Magic (www.tacticalmagic.org)

The Chronicle of Higher Education (<a href="http://chronicle.com">http://chronicle.com</a>)

Center for Study of Responsive Law (<u>www.csrl.org</u>) PO Box 19367, Washington, DC 20036

Citizens Environmental Laboratory (formerly National Toxics Campaign)

Jobs & Environment Campaign, 160 2<sup>nd</sup> St., Cambridge, MA 02142-1502

Commercial Alert (www.commercialalert.org)

Communitree (www.communitree.net)

Community Environmental Legal Defense Fund (www.celdf.org)

Computer Professions for Social Responsibility (<u>www.cpsr.org</u>) PO Box 717, Palo Alto, CA 94302-0717

Consumer Project on Technology (www.cptech.org)

Correlates of War (www.correlatesofwar.org)

Cordillera Women's Education and Resource Center [no website]
P.O. Box 7691, GARCOM Baguio City 752, DAPO 1300 Domestic Road, Pasay City,
Philippines

Council on Economic Priorities (www.ic.org)

Council for Responsible Genetics (<u>www.gene-watch.org</u>) 5 Upland Rd, Ste 3, Cambridge, MA 02140

The Council of Canadians (<u>www.canadians.org</u>) 502-151 Slater St, Ottawa, Ontario K1P 5H3, Canada

The Cousteau Society (<u>www.cousteausociety.org</u>)

Calypso Log and Dolphin Log, 870 Greenbrier Circle, Ste 402, Chesapeake, VA 23320

Critical Art Ensemble (CAE) (http://www.critical-art.net)

Cultural Survival (<u>www.cs.org</u>)

Cultural Survival Quarterly, 215 Prospect St., Cambridge, MA 02139

Culture Change (<u>www.culturechange.org</u>)

Data Center (www.datacenter.org)

Corporate Responsibility Monitor, 1904 Franklin St., Ste 900, Oakland, CA 94612

Daybreak Magazine: American Indian World Views P.O. Box 315, Williamsville, NY 14231-0315

Democracy: A journal of Ideas

The Development Group for Alternative Policies (<u>www.developmentgap.org</u>) 927 15<sup>th</sup> St. NW, 4<sup>th</sup> Fl., Washington, DC 20005

E.F. Schumacher Society (<u>www.schumachersociety.org</u>) 140 Jug End Rd, Great Barrington, MA 01230

Earth First! Journal (www.earthfirstjournal.org)

Earth First! The Radical Environmental Journal, PO Box 3023, Tucson AZ 85702

Earth Island Institute (www.earthisland.org)

Earth Island Journal, 300 Broadway, Ste. 28, San Francisco, CA 94133

Earth Justice (www.earthjustice.org)

Earthwatch Institute (www.earthwatch.org)

Earthworm: The Environmental Journal (formerly Buzzworm: The Environmental Journal) 2305 Canyon Blvd., Ste. 206, Boulder, CO 80302

Ecumenical Coalition for Economic Justice (www.socialjustice.org.nz)

Electronic Frontier Foundation (www.eff.com)

Elmwood Institute (www.electrictao.net)

Elmwood Newsletter and Global File, 2522 San Pablo Ave, Berkeley, CA 94702

Environmental Change Institute (www.eci.ox.ac.uk)

Environmental Defense Fund (www.edf.org)

Environmental Investigation Agency (www.eia-international.org)

Environmental Working Group (www.ewg.org)

Equipo Pueblo (www.equipopueblo.org.mx)

Francisco Field Jurado 51, Colonia Independencia, 03630 México, D.F., México

Fairness and Accuracy in Reporting (FAIR) (www.fair.org)

112 W. 27<sup>th</sup> St., New York, NY 10001

Fair Trade Foundation (www.fairtrade.org)

Fair trade Labeling Organizations International

Fifth Estate (www.fifthestate.org)

4632 Second Ave., Detroit, MI 48201

FINCA (www.villagebanking.org)

FOCUS on the Global South (<u>www.focusweb.org</u>) c/o CUSRI, Chulalongkorn University, Prachuabmoh Building, Bangkok, Thailand

Food Democracy Now (<u>www.fooddemocracynow.org</u>)

Food First/Institute for Food and Development Policy (<u>www.foodfirst.org</u>) 398 60<sup>th</sup> St., Oakland, CA 94618

Food and Water Watch (www.foodandwaterwatch.org)

Forest Ethics (www.forestethics.org)

Foundation for Deep Ecology (www.deepecology.org)

The Foundation on Economic Trends (<a href="http://www.foet.org/">http://www.foet.org/</a> (<a href="http://

1660 L St NW, Ste 216, Washington, DC 20036

Friends of the Earth (www.foe.org)

U.S.: 1025 Vermont Ave. NW, Washington, DC 20005 International: PO Box 19199, 1000 gd Amsterdam, The Netherlands (www.foei.org)

Friends of the River (<u>www.friendsoftheriver.org</u>) 915 20<sup>th</sup> St, Sacramento, CA 95814

Garrison Institute (www.garrisoninstitute.org)

Global Exchange (<u>www.globalexchange.org</u>) 2017 Mission St., Suite 303, San Francisco, CA 94110

Global Forest Watch (<u>www.globalforestwatch.org</u>)
World Resources Institute, 10 G St NW, Washington, DC 20002

Global Oneness Project (www.globaloneness.org)

Global Public Policy Project (<a href="www.globalpublicpolicy.net">www.globalpublicpolicy.net</a>)

Global Witness (www.globalwitness.org)

Global 100 (www.global100.org) [100 most sustainable corporations]

Green Biz (<u>www.greenbiz.org</u>)

Green Chimneys (www.greenchimneys.org)

Green Committees of Correspondence (<u>www.global.greens.org.au</u>) GPO Box 1108, Canberra City, ACT 2601, Australia

Green Letter

P.O. Box 14141, San Francisco, CA 94114

Greenopia (www.greenopia.com)

Green Party (<u>www.greenpartyus.org</u>) P.O. Box 57065, Washington, DC 20037

Greenpeace (<u>www.greenpeace.org</u>) *Greenpeace*, 1436 U St. NW, Washington, DC 20009

Green Shield (www.greenshieldcertified.org)

Guernica (http://www.guernicamag.com)

The Humane Society of the United States (<u>www.hsus.org</u>) 2100 L St NW, Washington, DC 20037

Humanitas Journal (www.nhinet.org/hum.htm)[check] 214 Massachusetts Ave NE, Ste 303, Washington, DC 20002

Independent Media Center (www.indymedia.org)

Indian Law Resource Center (<a href="www.indianlaw.org">www.indianlaw.org</a>)
601 E. St. SE, Washington, DC 20003
or
602 N Ewing St., Helena, MT 59601

Indigenous Environmental Network (www.ienearth.org)

Institute for Agriculture and Trade Policy (IATP) (<u>www.iatp.org</u>) 1313 5<sup>th</sup> St. SE, Ste 303, PO Box 80066, Minneapolis, MN 55408

Institut d'Etude sur la Globalisation Economique 42 rue de Sorbier, 75020 Paris, France

Institute for Ethics and Emerging Technologies (<a href="www.ieet.org">www.ieet.org</a>)

Institute for Local Self-Reliance (<u>www.ilsr.org</u>) 2425 18<sup>th</sup> St. NW, Washington, DC 20009

Institute of Native Knowledge (<a href="http://instituteofnativeknowledge.org">http://instituteofnativeknowledge.org</a>)
PO Box 261, Arcata, CA 95521

Institute of Noetic Sciences (www.noetic.org)

Institute for Policy Studies: Working Group on the World Economy (<u>www.ips-dc.org</u>) 733 15<sup>th</sup> St NW, Ste. 1020, Washington, DC 20005

Institute for Reverential Ecology (www.reverentialecology.org)

Institute for the Study of Planet Earth (www.ispe.arizona.edu)

Institute of Science in Society (www.i-sis.org.uk)

International Center for Technology Assessment (<u>www.icta.org</u>) 666 Pennsylvania Ave SE, Ste. 302, Washington, DC 20003

The International Forum on Globalization (www.ifg.org)

The Thoreau Center for Sustainability, 1009 General Kennedy Ave. #2, San Francisco, CA 94129 (several publications with extended bibliographies and websites)

International Indian Treaty Council (<a href="www.treatycouncil.org">www.treatycouncil.org</a>)

Treaty Council News, 2390 Mission St., Ste 301, San Francisco, CA 94110

International Journal of Cultural Property (Cambridge U. Press)

International Labor Rights Education and Research Fund (ILRERF) (<u>www.laborrights.org</u>) 733 15<sup>th</sup> St NW, Ste 920, Washington, DC 20005

International Rivers Network (<a href="www.irn.org">www.irn.org</a>)

World Rivers Review, 1847 Berkeley Way, Berkeley, CA 94703

International Society for Ecology and Culture (ISEC) (www.isec.org.uk)

US: P.O. Box 9475, Berkeley, CA 94709

UK: Foxhole Dartington, Devon TQ9 6EB, United Kingdom

Ithaca HOURS (www.ithacahours.org)

P.O. Box 6731, Ithaca, NY 14851

Jacques Ellul Society

Jane Goodall Institute (www.janegoodall.org)

Journal of Industrial Ecology (<a href="www.yale.edu/jie">www.yale.edu/jie</a>)

KIVA (<u>www.kiva.org</u>)

The Land Institute (<u>www.landinstitute.org</u>) 2440 E. Water Well Rd., Salina, KS 67401

Lannan Foundaton (www.lannan.org)

LETS (Local Exchange Trading System) (<a href="www.gmlets.u-net.com">www.gmlets.u-net.com</a>)
Landsman Community Services, Ltd.

1600 Embleton Crescent, Courtenay, BC V9N 6N8, Canada

Long Now Foundation (www.longnow.org)

Media Channel (http://www.mediachannel.org)

Media Venture Collective (www.mediaventure.org)

Mexican Action Network for Free Trade (RMALC) (<u>www.rmalc.org.mx</u>) Explanada 705, México D.F., 11000, México

Minority Rights Group Reports (www.minorityrights.org)
Minority Rights Group Int'l, 379 Brixton Rd, London SW9 7DE, United Kingdom

Mohawk Nation (<u>www.ratical.org/AkwesasneNs.html</u>) *Akwesasne Notes*, A Journal for Natural and Native Peoples

P.O. Box 366, Rooseveltown, NY 13683

Mother Jones (www.motherjones.com)

The Foundation for National Progress 731 Market St., 6<sup>th</sup> Floor, San Francisco, CA 94103

The Nation (www.thenation.com)

33 Irving Pl., New York, NY 10003

The National Abortion and Reproductive Rights Action League (<u>www.naral.org</u>) 1156 15<sup>th</sup> St., Ste 700, Washington, DC 20005

National Audubon Society (<a href="http://www.audubon.org/">http://www.audubon.org/</a>)
Audubon, 700 Broadway, New York, NY 10003

National Coalition Against the Misuse of Pesticides (<u>www.beyondpesticides.org</u>) 701 E St. SE #200, Washington, DC 20003

The National Family Farm Coalition (<a href="http://www.nffc.net/">http://www.nffc.net/</a>)
110 Maryland Ave. NE, Ste 307, Washington, DC 20002

Natural Capital Institute (www.naturalcapital.org)

Natural Resources Defense Council (<u>www.nrdc.org</u>) 40 W. 20<sup>th</sup> St., New York, NY 10011

New College of California (<u>www.newcollege.edu</u>) 766 Valencia St., San Francisco, CA 94110

New Dimensions Radio (www.newdimensions.org)

New Internationalist (www.newint.org)

New York Open Center (<u>www.opencenter.org</u>) 83 Spring St., New York, NY 10012

The New Yorker (<u>www.newyorker.com</u>)
4 Times Square, New York, NY 10036-6592

North American Congress on Latin America (NACLA) (<u>www.nacla.org</u>) 475 Riverside Dr., Ste 454, New York, NY 10115

Oceanic Society (<u>www.oceanic-society.org</u>)
Fort Mason Center, San Francisco, CA 94123

Open Architecture Network (www.openarchitecturenetwork.org)

Open Societies Institute (http://www.soros.org)

Organic Consumers Association (www.organicconsumers.org)

Oxfam (www.oxfam.org.uk) / (www.oxfamamerica.org)

Organization for Economic Cooperation and Development (www.oecdwash.org)

Pacific Institute for Studies in Development, Environment, and Security (www.pacinst.org)

Pangea Day (www.pangeaday.org)

Pele Defense Fund (www.earthjustice.org/about\_us/clients\_coalitions/pele\_defense\_fund.html)

The People Centered Development Forum (PCDForum) (<a href="http://www.pcdf.org">http://www.pcdf.org</a>) c/o IPSA, 2100 L St NW, Washington, DC 20037

Pesticide Action Network (PAN)

North America (<u>www.panna.org</u>): 49 Powell St., Ste 500, San Francisco, CA 94102 International (<u>www.pan-international.org</u>)
Database (<u>www.pesticideinfo.org</u>)

Pew Commission on Industrial Farm Animal Production (www.ncifap.org/issues/environment/)

Pew Internet and American Life Project (<u>www.pewinternet.org</u>)

Planet Drum Foundation (<a href="http://www.planetdrum.org/">http://www.planetdrum.org/</a>)

Raise the Stakes, The Planet Drum Review, Box 31251, San Francisco, CA 94131

Planned Parenthood Federation of America (<u>www.plannedparenthood.org</u>) 810 Seventh Ave., New York, NY 10019

Plenty Magazine (www.plentymag.com)

Polaris Institute (<u>www.polarisinstitute.org</u>) 312 Cooper St., Ottawa, Ontario K2P 0G7, Canada

Population Action International (www.populationaction.org)

Population Connection (formerly Zero Population Growth) (<u>www.populationconnection.org</u>) *ZPG Reporter*, 1400 16<sup>th</sup> St. NW, Ste 320, Washington, DC 20036

Post Carbon Institute (www.postcarbon.org)

Privacy Journal (www.privacyjournal.net)
P.O. Box 28577, Providence, RI 02908

PROBE International (<u>www.probeinternational.org</u>)
225 Brunswick Ave., Toronto, Ontario, M5S 2M6 Canada

Processed World (www.processedworld.com)
41 Sutter St., #1829, San Francisco, CA 94104

Program on Corporations, Law, and Democracy (POCLAD) (<a href="www.poclad.org">www.poclad.org</a>)
P.O. Box 246, S. Yarmouth, MA 02664-0246

Project on Emerging Nanotechnologies (www.nanotechproject.org)

Prometheus Institute for Sustainable Development (www.prometheus.org)

Public Citizen (<u>www.citizen.org</u>)

Global Trade Watch, 1600 20<sup>th</sup> St NW, Washington, DC 20009

Public Media Center (<u>www.publicmediacenter.org</u>) 466 Green St., San Francisco, CA 94133

Push Institute (www.pushthefuture.org)

Rainforest Action Network (<u>www.ran.org</u>) 221 Pine St., Ste 500, San Francisco, CA 94104

Reclaim the Commons (www.starhawk.org/activism/activism-writings/reclaim commons.html)

Reclaim the Democracy (<u>www.reclaimdemocracy.org</u>)

Resurgence

Rethinking Schools (http://www.rethinkingschools.org)

Redefining Progress (<u>www.rprogress.org</u>) 1904 Franklin St., 6<sup>th</sup> Fl., Oakland, CA 94612

Research Foundation for Science, Technology and Ecology (<a href="http://www.navdanya.org/index.htm">http://www.navdanya.org/index.htm</a>)

A-60 Hauz Khas, 110 016 New Delhi, India

Rights and Resources Initiative (www.rightsandresources.org)

Rocky Mountain Institute (<u>www.rmi.org</u>) 1739 Snowmass Creek Rd., Snowmass, CO 81654-9199

The Rukus Society (<a href="http://www.ruckus.org">http://www.ruckus.org</a>)

Schumacher College (www.schumachercollege.org.uk)

Science and Environmental Health Network (<u>www.sehn.org</u>)

Sea Shepherd Conservation Society (<a href="www.seashepherd.org">www.seashepherd.org</a>)
22774 Pacific Coast Highway, Malibu, CA 90265

Sebastiao Salgado (www.masters of photography.com/S/salgado/salgado.html)

The Seventh Generation Fund (<u>www.7genfund.org</u>) P.O. Box 4569, Arcata, CA 95518

Sierra Club (<u>www.sierraclub.org</u>)

Sierra, 85 Second St., 2<sup>nd</sup> Fl., San Francisco, CA 94105-3441

Slow Food (www.slowfood.com)

Society for Risk Analysis – Europe (<u>www.sraeurope.org</u>)

The South and Meso-American Indian Rights Center (<a href="http://saiic.nativeweb.org">http://saiic.nativeweb.org</a>)
P.O. Box 7829, Oakland, CA 94601

Southeast Regional Economic Justice Network (SREJN) (<u>www.rejn.org</u>) P.O. Box 240, Durham, NC 27702

Southwest Network for Environmental and Economic Justice (SNEEJ) (<u>www.sneej.org</u>) P.O. Box 7399, Albuquerque, NM 87194

Student Environmental Action Coalition (SEAC) (<u>www.seac.org</u>) P.O. Box 31909, Philadelphia, PA 19104-0609

Sustainable Agriculture, Food and Environmental Alliance (SAFE) 94 White Lion St., London N1 9 PF, United Kingdom

Take Back Your Time (www.timeday.org)

Tällberg Foundation (www.tallbergfoundation.org)

TED [Technology, Entertainment, Design] (www.ted.com)

Terralingua (www.terralingua.org)

Terrapin Bright Green (www.terrapinbrightgreen.com)

Texas Center for Policy Studies (<u>www.texascenter.org</u>) 44 East Avenue, Ste 306, Austin, TX 78701

Third World Network (TWN) (<u>www.twnside.org.sg</u>) 228 Macalister Road, Penang, Malaysia

Trans Fair USA

The Transnational Institute (www.tni.org)
Paulus Potterstraat 20, 1071 DA Amsterdam, The Netherlands

Transparency International

The Trumpeter: Journal of Ecosophy (<a href="http://trumpeter.athabascau.ca">http://trumpeter.athabascau.ca</a>)
Athabasca University, 1 University Dr., Athabasca AB T9S 3A3, Canada

TOES USA - The Other Economic Summit (<a href="http://www.toes-usa.org">http://www.toes-usa.org</a>)
777 UN Plaza, Ste 3C, New York, NY 10017

Unesco (World Heritage Center) (www.unesco.org/en/69)

Union of Concerned Scientists (<u>www.ucsusa.org</u>) 2 Brattle Square, Cambridge, MA 02238

United for Peace (<u>www.unitedforpeace.org</u>)

Unrepresented Nations and Peoples Organization (www.unpo.org)

Eisenhowerlaan 136, NL-2517 KN The Hague, The Netherlands

US: Americas Coordination Office, 444 N. Capitol St., Ste 846, Washington, DC 20001

Utne Reader (http://www.utne.com/)

1624 Harmon Place #330, Minneapolis, MN 55403

Vast Sky (<u>www.vastsky.org</u>)

Whole Earth Review (http://www.wholeearth.com/index.php)

1408 Mission Ave., San Rafael, CA 94901

Wilson Center (www.wilsoncenter.org) [Foresight and Governance Project]

Worldwatch Institute (www.worldwatch.org)

1776 Massachusetts Ave. NW, Washington, DC 20036-1904

World Wildlife (<u>www.worldwildlife.org</u>) & (<u>www.panda.org</u>)

World Resources Institute (http://www.wri.org)

Wrenching Debate Gazette

Richard Grossman, Publisher, 1801 Connecticut Ave. NW, 2<sup>nd</sup> Fl, Washington, DC 20009

Wuppertal Institute for Climate, Environment, Energy (<u>www.wupperinst.org</u>)

PO Box 10 04 80, 42004 Wuppertal, Germany

Yann Arthus-Bertrand (www.yannarthusbertrand.org)

Yes Men (http://www.theyesmen.org)

Zero Population Growth (<u>www.zpg.org</u>) [now called Population Connection, see above] *ZPG Reporter*, 1440 16<sup>th</sup> St NW, Washington, DC 20036