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Editors' Note

Welcome to the latest issue of The PPE Review: Philosophy, Politics and Economics! Following the success of our previous issues, we are very pleased to present this newest edition. The confluence of philosophy, politics and economics as academic disciplines allows for a wide range of ideas, hypotheses, and methodologies, and this is reflected in the range of articles in this issue.

Philosophy, Politics and Economics aims to encourage this kind of multidisciplinary discourse and investigation, especially among high school students who may be contemplating a career that involves one or more of these fields. Once again we received many submissions for this issue, and while many impressive articles were received, we selected the seven that best exemplified the combination of the three disciplines. Thank you again to all scholars who took the time and effort to send us your articles. We hope to read your future work and congratulations to the newest crop of PPE scholars!

Michelle Beauchamp, PhD

Philosophy, Politics and Economics Editor-In-Chief

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Security Over Surveillance in the US

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Chadwick International School

Introduction

One of the biggest issues in regards to human rights in the 21st century is that of mass surveillance. Mass surveillance refers to systems in which governments, corporations, or other institutions use in order to spy on a significant portion of a population at once. Examples of mass surveillance include data tapping, video and audio recording, keeping records of individuals' phone and Internet use, and tracking the locations of individuals. Mass surveillance has been justified in order to prevent terrorism and maintain national security, but has been used against large groups of people regardless of any suspected wrongdoing. In recent years the legitimacy of the use of mass surveillance has come into question in my countries across the world. For instance, the governments of the United States and the United Kingdom, according to a report on the obligations of states in safeguarding human rights, confirmed that the right to privacy in the digital age is not currently sufficiently protected and respected. This report made it clear that the surveillance practices of many countries do not meet the standards of national policies, international laws, and practices. This revealed that mass surveillance of these countries did not conform with international human rights laws. A report by the Human Rights Watch indicated that the U.S. and U.K. need to reform their surveillance practices and laws.

International Spying Networks

Amnesty International has pushed governments to accept that they have lost the debate over mass surveillance. For instance, Edward Snowden has provided intelligence-gathering to the public in order to end mass surveillance. Other agencies such as Privacy International have been in the forefront of ending mass surveillance in the governments of the United States and United Kingdom. Even though the British government has been silent on the issue, a law was passed based on international spying networks to maintain the ability of the governments to regulate metadata concerning all users in the country. This law required telecom and internet companies to retain all data, regardless of whether their users were under wrongdoing or not.

Snowden warned international governments that human rights needed to be protected even in the midst of the mass surveillance era. Governments continued to expand and maintain mass surveillance even when parliaments, courts, and human rights bodies condemned the practice. It was in this atmosphere that

the American Congress passed the USA Freedom Act in order to lead by example to reduce surveillance powers since the revelations of Snowden. The Snowden disclosures helped millions of people to realize their rights include their most intimate secrets. They also came to understand that the government was not entitled to engage in their secrets. Both international and national bodies of experts had not been clear in their intentions until the moment when Snowden revealed the human rights violations that is inherent in indiscriminate mass surveillance. It is, therefore, time for governments to reform their programs regarding mass surveillance.

Protection of Mass Surveillance

Many governments have yet to realize that mass surveillance is a violation of the rights of humans. The passage of the USA Freedom Act indicates that mass surveillance can be rolled back, and similar measures can be taken by the more intrusive powers of the United Kingdom and France. Technology and legal experts have been appointed by international institutions and governments such as the United Nations and the Council of Europe in order to better address this issue (Simmons, 2009). While policy-making bodies discuss or set new intelligence bills that curtail the unfettered use of mass surveillance, current whistle-blowing organizations should have protection from backlash for their efforts.

Mass surveillance has its roots in communications. Countries such as France, Finland, Denmark, Pakistan, Netherlands, and Switzerland have ensured that new intelligence bills are passed in order to conduct mass surveillance operations. Mass surveillance is made more possible by the initiation of technological advances, which are today more powerful, cheaper, and more widespread than they have been in the past. These technical capabilities are available to world governments, including those of the United States and the United Kingdom. In the coming days, many of the intelligence may be available to numerous countries, providing the basis for mass surveillance (Bauman et al, 2014).

Background Information

The public's view on mass surveillance is still nebulous. According to the results of a Gallup poll from June 2013, when asked if they approve of the government's efforts to investigate terrorism by "compiling telephone call logs and Internet communications," only thirty-percent of the polled Americans demonstrated support, while fifty-three percent disapproved. A CBS News poll result indicated that fifty-eight percent of the United States' citizens disapprove of the government's surveillance actions (Newport, 2013). On the other hand, other surveys from Pew Research Center and *The Washington Post* found that fifty-six percent of the public support the government's collection of phone call records. The various survey results suggest that Americans are currently somewhat flexible with their views of mass surveillance, and many of them are still in the process of establishing their opinions.

International Institutions Conducting Mass Surveillance

The United States' National Security Agency (NSA) and the Federal Bureau of Investigation (FBI) are responsible for many of the international and U.S. institutions that conduct mass surveillance. One example of a large international institution is ECHELON, a secret surveillance network which spies on satellite communications. The history of ECHELON goes back to themid-1900s. In 1947, a secret treaty

was signed by U.S., U.K., Canada, Australia, and New Zealand which allowed these countries to monitor communications of other world powers. The alliance of these powers came to be known as “the Five Eyes.” During the Cold War, ECHELON was used primarily for military and diplomatic purposes. Today, however, the development of computers makes it possible for ECHELON to spy on industrial targets and private individuals (Perrone, 2001). Another example of a government surveillance program is PRISM, through which the NSA collects communications from at least nine internet companies in the United States (Greenwald, 2013). Commercial partners involved in this program include Microsoft, Google, Facebook and Apple. More examples include Tempora, which has partnerships with the U.K. government and the United States’ NSA, and XKeyscore in the United States, which works with other institutions in Germany and Sweden. XKeyscore was initially a private computer system that was first utilized by the NSA for searching and assessing universal internet data which it gathers on a daily basis. The program has been shared amongst other spy agencies around the world. There is quite a number of other institutions conducting mass surveillance such as MUSCULAR, Lustre, Project 6 and Stateroom (Nakashima, Gellman & Miller, 2013).

All these institutions have been conducting their activities in a tense situation where priorities seem to conflict: the pursuit of security and the upholding of human rights. Mostly led by the NSA, mass surveillance institutions and programs have been declared a failure to governmental surveillance practices and policies by human rights organizations (Pillayz, 2014). These organizations accuse mass surveillance programs of hindering efforts to ensure accountability for any violations to human rights or even spread awareness of ongoing human rights violations, despite international agreements on the obligations of governments to protect its people’s rights. The actions of these institutions have led to various scrutiny procedures along with current national and global legislation guided by several recent court judgments and information compiled from a wide range of sources that include thorough questionnaires sent to all these organizations in the states, regionally and globally.

The USA Freedom Act

After Edward Snowden revealed information about the National Security Agency’s collection of bulk data in 2013, which stirred the American community with the issue of individuals’ liberty and privacy, Congress took action to terminate the Patriot Act on June 1, 2015, and replaced with the USA Freedom Act the next day. The purpose of this act was to protect civil liberties, to improve transparency of information sharing with citizens, and to secure national security (Judiciary Committee, 2015). Via the Foreign Intelligence Surveillance Act (FISA) the American government now needs court approval to intake relevant sources of telephone metadata, and only for authorized investigations. These investigations must pertain to foreign power and clandestine activities (Brandeisky, 2014). However, loopholes exist in the modified act. Primarily, the bill is not specific enough and the wording of the act is overly broad. As such, the language used in each case is ambiguous and left open for interpretation. This leaves the NSA the opportunity to retain access to individuals’ personal phone records (Cohn and Kayyali, 2014). Furthermore, certain programs, such as Gumfish and Mystic, are left untouched by the new act. These programs allow the NSA to spy on Americans through computer cameras and to record and store voice

recordings of citizens' phone calls for at least five years (Rall, 2015). The faults in these regulations fail to address the issue of the public's privacy and liberty.

Intelligence Bills

Although Amnesty International and other human rights organizations condemn mass surveillance as a human rights violation, many governments still have not followed through with limiting their surveillance programs. For example, intrusive surveillance still exists in the United Kingdom and France despite the passage of the USA Freedom Act (Cohn & Kayyali, 2014). The development of excessive mass surveillance practices has been made possible by technology and legal experts who are appointed by policy-making bodies. Spying programs based in the United States and the United Kingdom have been shrouded in secrecy as other governments seek to develop their own government surveillance programs (Dowley, 2002).

International and national expert bodies have determined that mass surveillance violates human rights. Therefore, governments ought to reform their indiscriminate programs that encompass mass surveillance. A number of countries such as the Netherlands, France, Denmark, and Switzerland have made the efforts to discuss intelligence bills. Other bills should also be initiated to increase the surveillance powers of the authorities. Advances in technology, which make technology more cheap, powerful, and widespread, are enough to make intelligence bills possible. In the coming days, capability in mass surveillance will be available to numerous intelligence agencies, not just in the U.K. and U.S. An Amnesty International report indicates that checks and balances are required in order to introduce proper parliamentary oversight and judicial control. In other words, current mass surveillance structures must be dismantled and replaced by accountable measures that respect the rights of human beings

Over the past several years, it is becoming more and more typical in the digital age for people to carry devices like smartphones and laptops everywhere. These devices consume and store personal data of their users, often without their knowledge. Private telecommunication companies hold data on their customers' records of calls, texts, and search histories. The government, under the name of security, can demand private companies for unlimited access of personal data. This raises the question of human rights violations and privileges in regards to human dignity and freedom. This issue arose and came to the forefront of public consciousness when Edward Snowden, a former employee at the Central Intelligence Agency, revealed unauthorized information about the government's surveillance on American citizens. According to Snowden, over the past five years the National Security Agency (NSA) has been collecting telephone metadata of every citizen and has kept this data in an encrypted storage facility in Utah. However, mass surveillance is not something new. In fact, government surveillance in the United States has existed for more than a hundred years. Government surveillance programs date back to the First and Second World Wars.

During this time, the government tracked citizens' interactions in foreign countries. The U.S. military reviewed international correspondence which came through the U.S. Postal Service and cable companies during the First World War. Throughout the Second World War, official organizations such as the War Department and Office of censorship took over and monitored transmissions of communication between the United States and any other foreign country (Hadley 2013). Then, seven years after the war,

the U.S. government started to secretly establish authorized groups to conduct mass surveillance (Reuters, 2013). These official groups include Black Chamber, National Security Agency, and the Federal Bureau of Investigation.

Research questions

In order to arrive at the objectives of this paper, the following research questions will act as a guide for uncovering relevant information. What is the purpose of mass surveillance? When did the surveillance begin?

- i. Which countries actively engage in mass surveillance practices?
- ii. How does mass surveillance affect human rights?
- iii. Has Snowden protected human rights?
- iv. What are the contributions of Amnesty International in condemning excessive violation of human rights?

Mass surveillance is the process through which a constituent group or population is subjected to indiscriminate monitoring, which interferes with the fundamental right of personal privacy. Under mass surveillance, organizations collect and generate data on individuals without limitations. All aspects of the lives of individuals can be captured through mass surveillance. Governments have the potential to conduct mass surveillance by generating, collecting, and processing information about large groups of people. They do not even need to be suspected of any wrongdoing since the immense scale of mass surveillance circumvents proof of crime (Dowley, 2002).

According to Amnesty International, mass surveillance violates human rights in several aspects. Firstly, the premise of public surveillance is that in order to be just, it can only be targeted against individual based on sufficient and adequate evidence of wrongdoing and authorized by a strictly independent authority, such as a judge (O'Carroll, 2015). However, with the onset of mass surveillance, this principle is abandoned and treats everyone as criminals, spying and watching over their daily lives. Furthermore, with mass surveillance, governments violate fundamental rights like freedom and privacy, although governments ought to guarantee freedom to all innocent citizens. Until someone is proven guilty, society must presume that one is innocent. This means that governments must suspect someone for a misdeed before restricting its freedom. Nonetheless, mass surveillance does the opposite of this; it restricts privacy and freedom of all upright citizens. In addition, mass surveillance restrains one another important factor, free speech, especially online.

The internet is idealized as a place where debates flourish and where people can exchange thoughts freely—anononymously if they desire. Now, however, governments watch over and control information online. In offline society, this kind of control is a violation of human rights, and this standard should be extended to internet activity, as well. The private data that governments attain can specifically target journalists and political activists, which restricts their ability to practice their freedom of speech. In fact, in the summer of 2015 Investigatory Powers Tribunal (IPT) claimed that the United Kingdom's Government Communications Headquarters (GCHQ) has been spying on Amnesty International, an organization which campaigns for human rights, along with nine other NGOs (Hogarth, 2015). The purpose of GCHQ's operations is not yet clear. Finally, the United Nations has declared that Article 17 of

the International Covenant on Civil and Political Rights is violated by mass surveillance. Article 17 clearly states, “individuals have the right to share information and ideas with one another without interference by the State, secure in the knowledge that their communication will reach be read by the intended recipients alone.” However, world governments and other institutions continue to impinge on this international law of privacy.

In September 2015, Edward Snowden, a former employee of the Central Intelligence Agency who released classified information about the U.S. government’s mass surveillance, launched a new campaign to stop mass surveillance, called the “Snowden Treaty.” Also known as the International Treaty on the Right to Privacy, Protection against Improper Surveillance, and Protection of Whistleblowers; the Snowden Treaty is a proposed international treaty that will encourage countries to stop mass surveillance and protect citizens’ right of privacy. David Miranda claims that the treaty was developed with the help of legal, privacy, and technology experts to demand the privacy of all people around the world. Because he was taking asylum in Russia at the time, Edward Snowden delivered his message about this campaign via video at a private forum in New York. Snowden stated the he believes this work will be difficult and it may take years to complete. However, he hopes that this will “build popular pressure to convince governments to recognize privacy as a fundamental human right and to provide internationally-guaranteed protections to whistleblowers who come forward to expose government corruptions” (Hussain, 2015).

Literature Review

Surveillance issues can be dated back to the times of the Magna Carta in 1215, when it became desirable for nobles to monitor and check the wealth of the English King John. In recent year, the explosion of technological development has made it possible for surveillance to be conducted on a much larger scale. Privacy of the individual citizen is no longer upheld as governments want to identify the wealth of thousands of people without their consent. Ever since, there has been an extraordinary growth in mass surveillance through which governments in the United Kingdom and other states call for technological and political development (Perrone, 2001).

Several governments have their own surveillance programs, or are complicit with mass surveillance. Many populations are currently under investigations, using techniques that have been practiced for a long time. The oldest forms of surveillance involve national databases. Some of the older techniques of investigation include census registration in order to keep records of individuals’ identification. In more extreme examples, there has been marking or tattooing of individuals to keep track of them. In the modern world, it is much easier for governments to watch over their people. Mass surveillance can be conducted without the consent or knowledge of people and stored in searchable databases, making that information much more accessible to government agents (Dowley, 2002). An example of such surveillance is conducted through closed-circuit television cameras (CCTV).

Mass surveillance is an issue which affects many types of people. Neither the rich nor the poor should be comfortable with exposing their privacy to the government. International surveillance bodies have introduced checks and balances, which they use to provide oversight and judicial controls within surveillance systems. Snowden sparked the debate on the legitimacy of the mass surveillance in 2014 when he exposed surveillance operations under the U.K. and the U.S. governments (Bauman et al., 2014).

International human rights organizations such as Amnesty International have been at the forefront of intelligence-gathering. Through the work of these international bodies, many people have come to understand intimate secrets of the government and other unspoken sentiments. Despite the claims that surveillance violates human rights, governments and other wealthy personnel have chosen to distort the information released to the public (Amnesty International, n.d). It is necessary to introduce systems of checks and balances in order to ensure the public gets an accurate understanding of government operations.

The role of parliamentary oversight and judicial control is explained in a seven-point plan that aims at protecting the rights of humans in the present day. Privacy International and Amnesty International called on the government to introduce balances and checks, which involve parliamentary oversight, which ensures that international human rights laws are upheld by surveillance institutions. With judicial controls, independent authorities such as judges can approve, with sufficient evidence, warranted investigations into wrongdoing without delving into indiscriminate spying. Parliamentary oversight is overseen by independent and transparent parliamentary and judicial processes in order to check the power of surveillance programs. These processes ought to be governed by sufficiently detailed policies and rules, which are made available to the public, so that complete transparency can be achieved. Even though many governments are still unwilling to admit they are at fault, the passage of the USA Freedom Act makes it evident that it is possible to make progress in rolling back unchecked surveillance operations (Bauman et al., 2014).

As warned by Edward Snowden in 2013, mass communication programs of surveillance by the United States has been conducted in an indiscriminate manner. There are no clear guidelines of scrutiny and the abuse of rights arising from such operations has been highly opposed by Amnesty International and Privacy International. According to Amnesty International (n.d.), mass surveillance has been termed as gross violation and infringement of human rights of any person. Particularly, it is a deprivation of one's rights to privacy while denying individuals their rights of freedom of expression.

The subject of programs of mass surveillance have immensely interfered with operations of human rights activist groups such as Amnesty International. Dealing with the burden of mass surveillance, bodies like Amnesty International cannot sufficiently document and prevent the abuse of human rights. The sources of Amnesty International, for instance, usually take individual risks in exposing evidence of the abuses on human rights. For such reasons, Amnesty International exercises caution to make sure that the confidentiality of its communications and the identities of its sources (Amnesty International, n.d.). Because of intrusive mass surveillance measures, it becomes more difficult to protect the anonymity of whistleblowers. As such, mass surveillance directly affects human rights organizations' ability to expose ongoing injustices in the world. Despite opposition coming from Congress, courts, and international bodies concerned with human rights, the United States' government has continued to propagate its ambitions on mass surveillance.

Human rights organizations have been taking action to contest widespread use of mass surveillance activities. For example, in April 2015, Amnesty International announced plans to challenge the British government's surveillance programs in the European Court of Human Rights. Amnesty International argues that there are several legal flaws and loopholes that allow the government to spy in its citizens indiscriminately. These flaws include collecting data from foreign spy agencies without obtaining any

warrants, permitting surveillance programs to pry into social media networks such as Facebook or Twitter with no just cause, and ignoring international human rights laws. Amnesty International claims that all possible outlets within the British legal system have been exhausted, and that the last recourse is to seek international courts. (Amnesty International April 2015).

Privacy International has also been at the forefront in challenging surveillance programs in the U.K. In July 2016, Privacy International exposed a bulk of documents which revealed that British spy agencies such as MI5, MI6, and GCHQ has been collecting data on unwitting citizens by accessing telephone records since 1984, with the introduction of the Telecommunications Act. The law allowed surveillance agencies to eavesdrop on citizens, collect data from locations and durations of phone calls, and work in almost completely secrecy. This means that agencies could operate nearly unchecked when delving into the lives of ordinary citizens. Privacy International has announced plans to challenge these practices in a hearing at the Investigatory Powers Tribunal (Burton 2016).

Perhaps the greatest contributions these organizations can claim is the raising of public consciousness of the issue. Although polled citizens seem to be split on the appropriateness of mass surveillance in principal, people are becoming more aware of the great extent that surveillance programs spy into their personal lives. Edward Snowden revealed to the public that privacy rights of individuals are currently being infringed upon all over the world. Surveillance operations are being conducted in at least 193 countries globally. Every day, the NSA tracks about 5 billion cellular phone calls. Every month, 42 billion internet users have their email, browsing histories, and internet usage data stored in NSA databanks. Revelations such as these have brought outrage among the public. Amnesty International reports that seventy-one percent of people across the world strongly oppose NSA spying on mobile phone and internet data (Amnesty International March 2015). As revelations of mass surveillance programs and the complicities of governments across the world become more apparent, public opposition should continue to rise.

As public consciousness becomes more outspoken against mass surveillance activities, law-making bodies should follow suit and introduce measures that protect against indiscriminate spying against civilian populations. The United Nation's General Assembly has been reexamining the issue of human rights in the digital age. In December 2014, the General Assembly passed a resolution which requires "any digital surveillance program must be compliant with the right to privacy, and that any interference with the right to privacy must not be arbitrary and must be conducted on the basis of a legal framework, which is publicly accessible, clear, precise, comprehensive and non-discriminatory" (Zalnieriute 2015).

International bodies have also begun to enforce individuals' right to privacy in the practices of private companies. In April 2014, the Court of Justice of the European Union (CJEU) declared data retention laws illegal under EU regulations, because of the extent that they interfere with the private lives of ordinary citizens. Under this new directive, the CJEU forced the Google search engine to comply with the "right to be forgotten" for individuals, and delete outdated information as requested by the individual (Zalnieriute 2015). The steps made by these international bodies to restrict mass surveillance practices in both government and private organizations demonstrate that progress is being made to address the issue on a global scale.

Conclusion

Mass surveillance is an issue unique to the modern world, made possible by rapid technological advances in the recent years. Technology has been a double-edged sword. The global network of communications has made it possible to freely share information with people from all over the world, but it has also made it possible for malignant agents to intercept that information and spy on those who wish to exchange ideas. The right to freely exchange ideas and information without fear of repercussion is a vital human right, necessary for making the world a freer place. For example, informants and whistleblowers rely on anonymity and the right to privacy for exposing injustices and human rights violations. When they are faced with the threat of surveillance institutions prying into their private life, their ability to bring about an end to abuses becomes compromised. It is for this reason that human rights organizations such as Amnesty International and Privacy International have been campaigning so hard to limit the powers of surveillance institutions to indiscriminately spy on large groups of people at once. They have brought the issue to the forefront on public consciousness in order to raise awareness of the privacy and rights violations that are occurring. Organizations such as these are also putting pressure on governments and international policy-making bodies to effect legislation to curb mass surveillance practices.

These policy-making bodies have been responding to some degree. Organizations such as the United Nations and the European Union have introduced resolutions to protect the privacy of ordinary citizens. The United States government has also allowed some protections in the USA Freedom Act. However, progress has been mixed. These laws and regulations have loopholes that can be taken advantage of by spying networks, and are not easily enforced. While public opinion of mass surveillance is generally negative, there is still a significant amount of the population who remains unsure on the issue.

Human rights organizations ought to continue their efforts in raising awareness about the subject of mass surveillance, and the extent in which surveillance programs violates privacy rights of ordinary citizens. Public opinion, along with the continuing campaigns of NGOs should force policy-making bodies to redouble their efforts in introducing laws and regulations which protect individuals' rights to privacy and expression. New laws need to be passed which are free from loopholes and ambiguities, which currently hinder protections. There should be added transparency so that the public has a better understanding of how surveillance institutions operate. Finally, there should be a system of checks and balances introduced, so that a single organization does not have unrestrained power to spy as they please; they must be answerable to courts, parliaments, and other administrative bodies. Until the problem of indiscriminate mass surveillance can be addressed, individuals' fundamental human rights will continue to be infringed.

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Game Theory Analysis of Samsung and LG

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In a competitive duopoly, two well-entrenched rival firms battle for dominance in the form of market share. Such a duopolistic model can be constructed with rival firms Samsung and LG, both of which are successful manufacturers of electronic appliances. Though a simplification from the real world, where there are other manufacturers of these goods, the Samsung-LG rivalry is a good candidate for game theoretical analysis. Using game theory, it is possible to ascertain which strategy each actor should use to attempt to maintain its customer base and try to expand at the expense of the other.

From a game theoretical perspective, both Samsung and LG should be viewed as players attempting to maximize their profitability at the expense of the other (Hill & Jones, 2008). Each company should be viewed as an actor in search of its most optimal strategy for maximizing profits. The ideal strategy for each player would be a dominant strategy, a strategy that produces better outcomes than any other strategy regardless of what the other player does. This is important, because both Samsung and LG can count on their rivals to take advantage of any missteps and to counter any threatening move (Zimmerman, 2002). At the same time, each company will want to consider the actions of the other, since it is possible that by so doing they could further optimize their strategy. This will be particularly true for either of them if they are unable to achieve a dominant strategy (Zimmerman, 2002; Hill & Jones, 2008).

In their competition for the loyalty of customers, Samsung and LG can resort to at least two key strategies, and possibly three. First, they can try to appeal to customers on the basis of price and value, offering either the same value at a lower cost or greater value at the same or higher cost (Hitt, Ireland, & Hoskisson, 2009). This might be simplified as the “value” strategy, though in actuality it is more than one strategy. Each company has the option to develop either high-end products with correspondingly higher prices, or to focus on offering value at a discount.

When two firms are locked into steep competition for the same market, offering the same value at a lower cost may be an invitation to a price war. Price wars, in which firms competitively slash prices to obtain or keep market share from each other, are notoriously ruinous to the wellbeing of the firms who engage in them (Etro, 2007; Henderson, 1997). The classic model of a price war has a kind of terrible death-spiral logic: once one actor has lowered their prices, the other *must* lower them to avoid losing massive numbers of customers to the first, and so on. This scenario has played

out before, with predictably calamitous results that affirm the profound inadvisability of engaging in a price war.

For example, in 1992 American Airlines, Northwest Airlines, and a number of other American carriers engaged in an all-out price war, with each carrier trying to at least match the ever-dropping lowest rate, and set the lowest rate whenever possible (Rao, Bergen, & Davis, 2000). The result: demand for air travel went up, and all carriers found themselves losing money. In fact, the record losses of that year have been estimated to exceed all the profits reaped by the industry in its entire history up to that point (Rao et al., 2000). Taking an example more relevant to LG and Samsung, in 1999 Sprint and MCI engaged in a price war over rates (Rao et al., 2000). AT&T soon joined in, and all three promptly suffered dropping stock prices (Rao et al., 2000).

A rational actor, therefore, should avoid engaging in a price war in the knowledge that it would quite likely cause more harm than it would be worth. Indeed, winning a price war is typically a Pyrrhic victory at best (Henderson, 1997). Firms still succumb to the temptation to slash prices in an effort to undersell their competitors at times, but the fact that the consumer economy is not convulsed by constant price wars suggests that most firms understand the ruinous nature of price wars and avoid them most of the time (Henderson, 1997). For large, diversified companies like LG and Samsung, the picture is complicated by the fact that they have subsidiaries in various fields. A price war between the two of them in the cellphone market, for example, could easily spill over to other sectors in which they are competitors.

If a rational actor should avoid a price war under all circumstances, this begs the question as to what such an actor should do if its opponent decides not to play by these rules. Suppose LG were to suddenly slash its prices on cell service. If slashing its prices to keep pace with LG would be a poor strategy for Samsung to play, what strategy should it pursue instead? The answer is clear: an actor in such a situation must rely on a strategy other than offering the exact same value at the same, or lower, price. This means the actor must achieve some kind of differentiation, setting their product or service offerings apart in the minds of their consumers.

Ironically and yet fittingly, the airline industry provides one of the best examples of how to avoid a price war in an industry prone to them. The airline industry is particularly vulnerable to price wars because there are very high fixed costs associated with getting an airplane into the air, and the marginal cost of adding one more passenger is vanishingly small (Henderson, 1997; Brandenburger & Nalebuff, 1996). Through the innovation of frequent flyer miles, airlines reward customer loyalty. This practice did not prevent the disastrous price war of 1992, but it is a compelling and workable alternative to such price wars (Brandenburger & Nalebuff, 1996; Schramm, 1998).

Frequent flyer miles speak to a broader truth: in reality, a great many customers in a great many sectors have a tendency to pick favored brands and stay loyal to them, at least up to a point. This is not to suggest that customers are not also value-maximizers who appreciate good deals; rather, it is the observation that many customers stick with what they know so long as it works for them (Henderson, 1997; Brandenburger & Nalebuff, 1996). In fact, in many cases price wars have been launched in response to imagined or greatly overblown threats, with firms desperately slashing prices in response to a fundamental misreading of a given situation.

Both Samsung and LG would benefit from engaging customer loyalty to maintain their existing customers. However, this strategy should not be the only strategy they have recourse to. While maintaining existing customers is of tremendous importance, it is also desirable for them to attract new customers. Since price differentiation and price wars are not really an option, both companies would benefit from a product differentiation strategy.

Differentiation of products is ideal for both companies since it is a “safe” strategy that will not evolve into a price war between them. This strategy also has the considerable advantage of having the potential to both attract new customers and retain the loyalty of existing customers. As each company constantly produces products of superior quality, this may create the perception among each group of consumers that there is no substitute for their preferred brand available on the market. Although each competing company may have a similar product, the differentiation strategy focuses on the quality or design differences that the other will not have. The business gains an advantage in the market, as customers view the product as unique (Kelchner, n.d.; Linstädt & Müller, 2009). This method can kill two birds with one stone, inasmuch as it will both encourage new customers and reward the loyalty of existing customers. Both companies can adopt this strategy; it is so compelling that it is arguably the dominant strategy for each actor to take.

There are several areas in which the two companies can display product differentiation. The first strategy they can apply is quality differentiation. Quality is defined as a product feature such that, at fixed prices, all consumers desire higher levels of it (Economides, 1989). While producing products of higher quality might also mean needing to charge higher prices, consumers are willing to pay higher prices in exchange for products of higher quality. For example, Sony once dominated the market for radios and CD players with its Walkman line, despite the fact that these devices were more expensive than competitor products (Baldwin, 2008). Customers liked Walkmans because they provided the highest quality, most consistent performance, and best sound delivery of any device on the market (Baldwin, 2008). Specifically for LG and Samsung, they have various areas where they can display quality differentiation. They can work on improving sound quality for music listening devices and phones, and HD quality for laptops and televisions.

Another strategy the two companies can apply is design differentiation. Along with quality, design has emerged as one of the biggest factors the customers consider when purchasing products. For example, Apple has used the unique designs of its products to gain and keep customers. Through their constant emphasis on minimalistic design, Apple has carefully cultivated a hyper-loyal fan base among customers. There are even people who refer themselves as “Apple Maniacs.” In attempt to compete with Apple, experts say that all of the smartphones, new Ultrabook laptops, and tablets are primarily copying Apple’s iPhone, MacBook Air, and iPad designs (Bajarin, 2012). However, Apple remains the most successful since they were the first to come up with an innovative design. In the same manner, design can be a differentiating factor for Samsung and LG as well.

Another strategy both Samsung and LG can adopt is the innovation and launch of new products. This strategy carries certain special risks of its own, but it also carries the prospect of special rewards as well. The development and launch of new products tends to be costly; it is likely that no matter what they are trying to create, both Samsung and LG will have very large sunk costs

long before they begin to reap any returns (Kretschmer, 1998). The key risk each company faces in trying to bring a new product to market is that it will be rejected by consumers, turning a costly investment into a costly loss. Consumers may reject a product because they see no practical value for it. It is also possible for two or more companies to innovate their own versions of what is essentially the same product, in which case a key risk is that the market will not be big enough to sustain two competing offerings (Kretschmer, 1998).

However, a successful new product may produce windfall profits for the company that developed it (Lambertini, 2011). A successful new product will more than recompense a company for everything it has put into developing, testing, and marketing and distributing the product. Moreover, the case can be made that electronics companies like Samsung and LG should introduce new products on a somewhat regular basis. After all, new products will help them to retain loyal customers and generate buzz and excitement about their offerings. Given how competitive the market in consumer electronics can be, it would be unwise for Samsung or LG to fail to innovate. Failure to innovate is almost certainly the surest way for either company to lose market share and be displaced by the other (Lambertini, 2011).

A dominant strategy for innovation needs to be bold enough to produce competitive new products that will enable the company to reap considerable profits. At the same time, it needs to be cautious enough to avoid creating more products than the market is ready for. For both Samsung and LG, finding their dominant strategy will mean striking a careful balance. On the one hand, innovation requires significant outlays and is generally associated with a non-zero risk of failure. A firm could attempt too much innovation too soon, burning through crucial resources at an unsustainable rate. On the other hand, a firm could fail to innovate sufficiently, leaving itself vulnerable to more capable competitors (Clarke & Weyant, 2002).

In addition to requiring certain outlays of resources ahead of time, a further drawback of innovation under a capitalist system is inefficiency attendant upon a successful innovation (Clarke & Weyant, 2002). After all, if all actors in a competitive system—say LG and Samsung—were to share all of their knowledge and capacities, they would create a more efficient system than the one that obtains under capitalism, where the entire purpose of innovation is to generate knowledge and capabilities which are intentionally withheld from the other actor(s) in the system (Clarke & Weyant, 2002). This is an unavoidable outcome if the innovating actor is to maximally profit from their innovation. If LG were to innovate some new feature that made their phones load web pages 10% faster, for example, it would be in their interest to withhold this knowledge from Samsung so that they could profit from sales of their newly-improved phones. On the other hand, if they were to share this knowledge, and if it had the same effect on Samsung's phones, then both companies could produce phones that were 10% faster, and all consumers would benefit (Clarke & Weyant, 2002).

While capitalism may require certain inefficiencies as a consequence of innovation, the paradox is that these inefficiencies are actually responsible for a vastly more productive and efficient system than would result if all actors were to share all knowledge. An actor who successfully innovates under capitalism has an incentive to maximize the returns on their investment in that innovation by keeping the knowledge or capability to themselves for as long as

they can, usually however long patent laws will allow (Clarke & Weyant, 2002; Kanodia, 2014). While this produces some inefficiency in the market because other actors are denied the use of that knowledge or capability, it is also necessary for incentivizing innovation in the first place (Friedman, 1962). It is only by starting the story in the middle, or near the end, that one can conclude that the capitalist system of private property, proprietary information, and free markets is more inefficient than an alternative system in which all actors shared their knowledge freely. Because of the rewards to be gained from developing and keeping proprietary knowledge under a capitalist system, more actors are incentivized to invest more resources and more effort into developing this knowledge. With more actors investing more heavily in innovation, there will be a greater number and variety of goods and services on the market than there would otherwise be (Friedman, 1962).

It is precisely this paradox of innovation and efficiency under a capitalist system that delineates the ground rules for the optimal amount of innovation for both LG and Samsung. Both actors must first carefully assess the market and their own performance, in order to get an idea of what kinds of innovation are likely to be well-received and to take stock of their own ability to undertake innovative efforts (Bhattacharya, d'Aspremont, Guriev, Sen, & Tauman, 2014; Clarke & Weyant, 2002). Once they have ascertained a fair picture of the market and their own capabilities, both firms should undertake innovative efforts at a rate that will not endanger their performance in the time required to innovate and bring a new product or service to market. It will also be necessary for each firm to take stock of the innovative efforts of the other, as each will need to ensure that they are able to keep pace with the other (Bhattacharya et al., 2014; Gritsevskiy & Nakicenovic, 2002).

The need to keep pace with a competitor is a fundamental factor affecting innovation in a competitive market system. Both LG and Samsung will need to innovate not only to maximize profits, but also because each can expect the other to innovate. There is, therefore, value in innovating in order to preempt a competing actor (Bhattacharya et al., 2014; Friedman, 1962). Returning to a previous example, if LG innovates a process or feature that allows its phones to load web pages 10% faster, it will have an advantage if Samsung's phones load web pages at roughly the speed of LG's phones before the innovation. It would therefore be in Samsung's interests to innovate ahead of time, in order to maintain a competitive position vis-à-vis LG as much as possible. Of course, the same logic works both ways, with the result being a competitive arms race of innovation (Bhattacharya et al., 2014).

While innovation proceeds on competitive logic, it can also have effects which inadvertently promote the wellbeing of competing actors through a phenomenon known as spillover. This is the term given to any aspect of an actor's research efforts which will tend to have a positive, beneficial effect on other actors with which the first actor is competing (Clarke & Weyant, 2002). If Samsung innovates a new, sleeker, more efficient design for a phone, LG may be inspired to create their own new design without actually copying Samsung. In other words, merely by seeing what Samsung has done, LG might be inspired and motivated to develop their own formulation. This is an example of spillover because some aspect of Samsung's idea, in this case an idea for a new phone design, has 'spilled over' to affect LG (Clarke & Weyant, 2002).

The intensity of competition will also tend to inevitably affect the rate of innovation, and thus the optimal level of resource expenditure on innovation for any given actor. In a less competitive environment, there will be relatively less incentives for expenditure on innovation than in a more competitive environment (Clarke & Weyant, 2002). The intensity of competition, then, will in turn condition the tendencies of any given actor to invest in innovation. In the two-actor system of LG and Samsung, the competition may reasonably be assumed to be relatively high, since both are competing to sell smartphones and other devices to the same pool of customers (Clarke & Weyant, 2002; Croson, 2014). However, there are other strategies each of them might pursue to reduce the extent to which they are pressured by competition with the other.

An actor may pursue a variety of strategies to reduce its level of direct competition with another actor, but all of them have the same basic design and the same basic ends: enabling the actor to acquire a leading position in a particular market segment in which the other actor is relatively disadvantaged, or can be made to be relatively disadvantaged. The key insight here is that “the market” for a commodity or service is typically not one large, homogeneous market, but rather a whole composed of many heterogeneous and quite distinct parts (Afuah, 2009). Different demographics have different consumer preferences and values, and companies can take advantage of this by marketing specifically to them. This is precisely why the automobile industry, for example, has such an assortment of vehicles of different types. A Honda Civic, a Chrysler minivan, and a Lamborghini, for example, are each positioned very differently in the marketplace, and are likely to appeal to very different segments. The Honda Civic is an affordable option for a wide variety of working professionals, students, couples, and families. The minivan is most likely to appeal to larger families in the middle-income range. The Lamborghini is a luxury automobile, the exclusive preserve of the well-to-do who want to make a bold fashion statement through their choice of vehicle (Afuah, 2009).

Segmentation offers significant advantages to marketers willing to specialize, but there is another approach to specialization that can also confer tremendous benefits: niche marketing. As previously seen, a firm can attempt to differentiate itself from the competition through quality and by offering different sorts of products, and it can do so either generally or to appeal to specific segments. A more pronounced version of this is the strategy of appealing to niche markets. A niche market is a small area of trade within the economy, often involving specialized products (Dalgic, 2006). Niche marketing differs from marketing to segments in that it is focused on the needs of individual customers, not ostensibly homogeneous segments, and it is designed to fill specific needs rather than cater to a particular chunk of the market (Dalgic, 2006).

Niche marketing, then, is specialized instead of focused-but-generalized in the manner of marketing to segments (Dalgic, 2006). Since niche strategies are commonly used by smaller companies, many consider niche markets to generate insignificant financial gain for the major companies. However, niche markets have two noteworthy advantages: 1). There is little or no competition, and 2). The niche marketers end up knowing the target customers so well that they meet their needs better than other firms that are casually selling to such niche segments. As a result, the niche marketers achieve high margins because of the added value to the goods and services (Dalgic, 2006). These characteristics of niche market require less investment and carry fewer risks

while generating higher profits (margins) for the companies. It can also increase brand loyalty as well (Dalgic, 2006; Grübler & Gritsevskiy, 2002).

Moreover, niche markets often develop into mass markets. One notable example is Facebook, which was originally developed as a niche specifically for Harvard students. Facebook spoke to specific individual needs for communication, and did so in a way that allowed for individual variation and customization. As such, it is practically a textbook example of niche marketing (Tellis, 2013). Facebook's conversion to a mass market was due to two key reasons: customers' changing tastes, and the advance and diffusion of technology (Tellis, 2013). Changing tastes meant customers wanted more out of Facebook, and the diffusion of laptops and other technology meant more people wanted to be on social networks like Facebook (Moorthy, 2014; Tellis, 2013; Telser, 2009). A company that successfully applies such a strategy will gain a reputation as a leading innovator.

Aware of these benefits, Samsung and LG, in fact, have been applying niche strategies in a variety of their subsidiary companies. For example, in 2013, LG entered a niche market by releasing a smartphone with a flexible organic light emitting diode (OLED) (Wilcox, 2016). By applying a niche strategy, LG has gained the ability to avoid direct competition with other major companies. Ultimately, it is fair to say that LG will be considered revolutionary if the curved screen display ever emerges as a trend (Wilcox, 2016).

Targeting a specific range of customers might first seem like a strategy that would be unable to produce major financial gain. However, it is a method with considerably lower risks (Entrepreneur Staff, 2014; Li & Whang, 2014). While it might not lead to immediate results in fiscal terms, it has a possibility to build up to a major gain when viewed long term. In the end, all major markets were once niche markets. In the end, this points to the fundamental logic of competition between LG and Samsung: each must innovate and diversify in order to reduce the pressure of competition from the other. Pursuing a niche market is the logical outcome of such a struggle, as is the broadening of that niche market into a mass market.

Both Samsung and LG are locked in a competitive struggle to provide the best value to customers. In the real world, this competition is a much more complex process, involving as it does other actors who offer similar products. There are also the numerous segments to be considered, and the fact that both companies and other competitors offer a variety of different products. Nonetheless, the model presented and considered here demonstrates important game-theoretical principles with applications to the real world. First, it is clear why Samsung and LG do not, as a matter of course, engage in price wars: such a strategy would almost certainly be badly damaging to both of them. Brand loyalty provides both companies with a certain amount of security, provided they continue to deliver satisfactory value to established customers. Such strategies as innovation, product differentiation, and the promotion of quality standards are all aimed at increasing consumer enthusiasm for their products. Segment- and niche marketing strategies focus on better serving specific customers. In the end, both Samsung and LG should pursue sufficient innovation, but not too much, and some mixture of these other strategies in order to maximize their success.

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Combating the Rise of Islamophobia in Europe

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While many millions of Muslim people have resided in Europe for decades or even centuries, there has recently been an influx of Muslim immigrants and an accompanying escalation in ‘Islamophobia’, which is contributing to significant discrimination against Muslim people throughout the European continent. Muslim people in Europe are consistently subject to pervasive human rights violations from the restriction of freedom to practice religious customs to employment discrimination to outright violent attack.

Such discrimination is unacceptable. This essay seeks to first understand Islamophobia and explore the conditions in Europe that have contributed to the rise in Islamophobia. Then, several examples will illustrate the injustices that Muslim people face and demonstrate the lack of concern for Muslim welfare. And finally, this essay will discuss methods of combatting Islamophobia and methods of empowering Muslim people to better stand up for themselves in the face of adversity.

I. Understanding Islamophobia

According to the Pew Forum, Europe is home to 44 million Muslims, amounting to more than 6% of the total European population. With increased immigration as a result of recent events in Syria, that number is on the rise (Pew). Muslim people contribute valuably to Europe’s colorful multicultural society and thus western culture in general. European democratic values encourage freedom of religion and expression, but these values seem to exclude the rights and freedoms of Muslim people. Muslims are frequently discriminated against, a pattern that must be ended.

Although discriminations faced by Muslims seldom makes the headlines in popular media – thus the lack of public awareness on such a grave matter – discrimination against Muslims are becoming increasingly prevalent. Discriminations experienced by Muslims encompass diverse forms of assaults, ranging from small-scale acts such as verbal abuse to more pernicious attacks such as targeted physical violence. Discrimination against Muslims is also alarmingly pervasive through matters directly linked with basic necessities such as employment. This trend raises significant concern in tandem with the recent migrant influx into Europe. The instability in the

Middle East, from the tumult of the Arab Spring to the expansion of the Islamic State, has continued to promote immigration to desperate immigrants, many of whom subscribe to the Muslim system of belief, into Europe in the hopes of better lives and a better community. However, the reality paints a grim landscape for the Muslim standing across the Europe society, tainted by negative stereotyping and prejudice derived from a recent string of terrorist attacks concocted by extremist Islamic terrorist groups.

In one of the relevant General Policy Recommendations published by The Council of Europe's European Commission against Racism and Intolerance (ECRI), Recommendation No. 8 on combating racism while fighting terrorism (2004) recognized the following:

"As a result of the fight against terrorism engaged since the events of 11 September 2001, certain groups of persons, notably Arabs, Jews, Muslims, certain asylum seekers, refugees and immigrants, certain visible minorities and persons perceived as belonging to such groups, have become particularly vulnerable to racism and/or to racial discrimination across many fields of public life including education, employment, housing, access to goods and services, access to public places and freedom of movement."

Such unfounded bigotry has continued to accuse blameless Muslim populations, imbuing them with a stereotypical image of a terrorist. ECRI General Policy Recommendation No. 5 also notes that Muslim communities are subject to prejudice, which "may manifest itself in different guises, in particular through negative general attitudes but also to varying degrees, through discriminatory acts and through violence and harassment" (as cited in EUMC, 2006, p.60).

The term Islamophobia best describes such discriminatory acts aimed at Muslims without justification, but solely for their religious associations. Although the term is widely used, there does not yet exist a universally, legally agreed upon definition of Islamophobia, nor has social science concluded a common definition. The Council of Europe published a document in 2005 named 'Islamophobia and its consequences on Young People', which referred to Islamophobia as:

"the fear of or prejudiced viewpoint towards Islam, Muslims and matters pertaining to them. Whether it takes the shape of daily forms of racism and discrimination or more violent forms, Islamophobia is a violation of human rights and a threat to social cohesion" (as cited in EUMC, 2006).

Regardless of the clarity of the term, there have been persistent efforts to combat Islamophobia in forms of policy and action, and they are undertaken within the broad concepts of racism on the borderline with religious discrimination. Such types of discrimination are universally accepted and established with internationally agreed standards by Governments and international organizations, namely the United Nations and the Council of Europe and United Nations. ECRI General Policy recommendation No.7 defines racism as "the belief that a ground such as race, colour, language, religion, national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons" (as cited in EUMC, 2006). The baseless discrimination against a certain religious group, or general phenomenon observed under the term Islamophobia is a serious infringement of several human rights under the Universal Declaration of Human Right (UDHR). The Article 2 (UN, 1948) of the UDHR states that everyone is entitled to all the rights and freedoms... without distinction of any kind, such as race, colour,

sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The rights of any believer in any religion must be respected with entitlement to exercise individual freedom in its full capacity, equality in opportunities, and non-discrimination in any grounding in social situations.

There have lately been a number of factors contributing to discrimination against Muslims in Europe. Regardless of the motivations for such harmful stereotypes, there must be greater efforts put forth to protect the wellbeing of Muslims in Europe. To not take action in protecting this wellbeing would directly and irrefutably violate the UDHR.

II. A catalyst for prejudice

Since the terrorist attacks in New York City on 11 September 2001, there has undoubtedly been a climate of suspicion surrounding Muslims at large. However, there have also been a number of other recent factors that have fueled this suspicion and driven it towards more violent and pervasive outbursts. Such factors include a massive influx of Muslim refugees fleeing the Syrian conflict to seek asylum in other European countries and a major upswing in random violent terrorist attacks committed around Europe by purported Muslims in the name of Islam. These actions have painted the Muslim population with a broad brush with many Europeans believing that Islam is the singular source of all the biggest troubles facing Europe. While stereotyping an entire population based on the actions of few is never an appropriate response, it is nonetheless important to examine the factors that have led to such Islamophobia.

First, the Syrian Civil War has displaced an estimated 4 million refugees since the conflict began in 2011. The Syrian Civil War began when rebel militant forces overthrew the regime of President Bashar al-Assad following many years of oppression in the region. The bloodbath that ensued provided the perfect chaos for the Islamic State (IS) to move into Syria to begin a campaign of Islamism, a political ideology that attempts to closely ally itself with teachings of Islam, which has then spread throughout the continent. Syria is a hotbed of activity for the major players in IS, which has prompted the fleeing of millions of Syrians who have left behind their families, homes, jobs, and businesses to escape the warzone (Rodgers et al, 2016). However, due to religious prejudice and false association, there are many Europeans who view such refugees under the same umbrella attitude as they view IS terrorists.

Additionally, this influx of refugees has created many complications for European governments and citizens who are struggling to contend with the situation, according to a 2016 report from BBC News. There do not yet exist enough homes or jobs or medical resources for every refugee, and it is difficult to process the refugees for background checks. Thus, many refugees have wound up in slums throughout Europe or else have entered European countries illegally. Many Europeans do not believe that it is the financial responsibility of their governments to support Syrian refugees, nor do they feel safe accepting refugees given the aforementioned stereotypes and prejudices.

Second, there has been the unfortunate timing of several terrorist attacks throughout Europe in the name of Islam that have been falsely associated with the influx of refugees. As reported by CNN News, in November of 2015, the Islamic State claimed credit for a series of attacks in Paris,

which included a coordinated sequence of open gunfire and explosions in venues such as nightclubs and movie theaters, ultimately killing more than 130 people. When the IS claimed responsibility, it became difficult for European citizens to separate the idea of “Islamic State” from “practicers of Islam”, and thus Muslims throughout France and Europe faced nasty backlash, regardless of the fact that they were not affiliated with the attacks, IS, or radical Islam.

Then, BBC News reports that there were the coordinated suicide bombings in Brussels—two at the airport and one at a Metro Station—that killed 35 people and injured 340 others. IS also claimed responsibility for these attacks on the basis that Belgium has been part of a government coalition against the Islamic State. Again, many average, unassuming Muslims suffered from the backlash of this tragedy for the same reasons as those following the Paris attacks. In all, there have so far been 14 terrorist attacks in the name of Islam in the European Union alone.

And finally, according to a 2016 Pew Report on European attitudes towards Muslims, there is the misplaced sense of blame for the economic decline of Europe as a whole. In 2007 and 2008, the world economy took a massive turn for the worse when governments from around the world were forced to bailout major financial institutions. In the European Union, several union states such as Spain, Greece, and Portugal were unable to repay their debts as a result of real estate bubbles, recession, and general globalization. In times of economic hardship, it is a documented trend for people to falsely blame parties such as immigrants and the lower class. This scapegoating can be witnessed in rhetoric such as Donald Trump’s wherein he blames America’s declining economy on Mexico’s “exporting crime and poverty” (Wilkinson). Such a notion is, of course, absurd given that the brunt of the responsibility for America’s economy lies with big banks making irresponsible and unethical lending decisions. However, attitudes in Europe are similarly absurd, with citizens blaming immigrants for the loss of jobs and overall bad economy.

There is an obvious disconnect between the organization of the Islamic State and other extremist terrorist cells and general Muslims who wish to practice their faith in peace. People in Europe and around the world fear what they do not understand and there has been precedent of danger and violence from those from the “nation of Islam”. This, coupled with the scapegoating of responsibility for the current economic climate in Europe, has led to the unfair, unjust, and unacceptable persecution and mistreatment of Muslim people throughout the continent. There needs to be greater concerted effort to bring information, understanding, and acceptance to Europe regarding the state of Muslim welfare.

III. The consequences of Islamophobia in Europe

The stark reality of life for Muslim population is that discrimination is on an increasing scale across Europe. According to Met Police statistics, Hate crimes against Muslims in London have risen by 70% throughout 2014 only. Figures for the 12 months up to July 2015 indicated there had been a significant increase in Islamophobic crimes compared with the previous 12-month period, soaring from 478 to 816. MAMA, an organization that monitors Islamophobic attacks, noted women as the primary targets of abusive threats and physical attacks (as cited in Adesina & Marocico, 2014). A study conducted by the Cambridge’s Centre of Islamic Studies on anti-Muslim discrimination revealed that almost all, whether male or female, felt they had experienced

prejudice. One Muslim man living in the north of England acknowledged the public eye towards the Muslim community, stating that, “there is definitely an atmosphere” (Hargreaves, 2016). Unsurprisingly, a tendency has been observed wherein it is acceptable and normal to view hostility and violence towards Muslims, and prejudice against Muslims does not always carry the same social stigma as that against other ethnic and religious groups (Muhammad, Ray, & Privot, 2013). Amidst this hostile atmosphere, Islamophobia continues to affect the Muslim community, while not receiving sufficient attention in contrast to the gravity of the matter.

Discriminations faced by Muslims range on a wide scale, but everyday accounts comprising the previously mentioned “atmosphere” comprise being ignored in shops, being stared at on public transport, or having difficulties accessing leisure. While such acts may not have been intended in criminal nature, these acts are always described as hurtful. Also such acts often lead to the dramatically increased fears of criminal victimization particularly among relatively more vulnerable older Muslim women whose religious affiliation is more likely to be conspicuous due to hijab (Hargreaves, 2016). The Racism in Europe report published by the European Network Against Racism (ENAR) in 2012 revealed everyday cases of discriminations across Europe. The reported cases revealed that in France, some doctors or other healthcare workers have refused to treat patients based on ethnic origin or religion. Moreover, in some cases doctors have demanded ethnic minority patients (usually Muslim men with beards and Muslim women wearing the headscarf) to wear ‘neutral clothing’. In Spain, Muslims and people of Arabic origin face greater problems accessing bars and leisure premises compared to other groups.

Discrimination is also widespread throughout real life situations directly linked with basic necessities, such as employment. In the UK, Muslims receive the greatest penalties from their racial orientations out of 14 ethno-religious groupings in the UK with regard to avoiding unemployment. Muslim men were up to 76 per cent less likely and 65 percent for women to have a job of any type compared to white British Christians of the same age and with the same qualifications. This is not solely the case in the UK, but a phenomenon commonly observed throughout the whole Europe. In Bulgaria, the unemployment rate triples to 35 to 50% in the Muslim community, compared to the overall unemployment rate of 12% (Report Archive, 2015).

The case is aggravated when the focus shifts to employment of Muslims in managerial positions or professional occupations, and also among female employees. The case is the worst in France, where 85% of Islamophobic acts target women. Female Muslims have long found themselves in the midst of controversy regarding their attire, especially on the traditional headscarf, hijab. Several discriminatory cases were reported in Germany on teachers’ harassment on female Muslim pupils, not because of their academic ability or misconduct but for wearing headscarves. Such discrimination unfortunately turned out to be institutional in some countries exemplified in Italy where a Bill was introduced to ban the wearing of veils because it is considered “oppressive” regardless of the opinion of Muslim women. In Poland and Spain, cases have been reported where Muslim women who wear hijab are often rejected for public-facing jobs or asked to remove the hijab when dealing with clients. Ironically, sometimes human rights and equality were exploited as means of justification as in the Netherlands where some employers have banned the veil in the workplace, arguing that the ban is justified under equality and human rights laws (Bellomy, 2015).

If they are fortunate enough to enter the workplace, Muslims in Europe may face a very discriminatory atmosphere. The French youth face hardships due to the job crisis and have been unfortunately led to believe that their jobs have been taken by Muslims. As a result, Muslims in France have been forced to pay two bills; one for taking their jobs and the other for creating a bad economy (Bellomy, 2015). This is also believed to heighten a socioeconomic tension, which stems from discrimination, under-qualified job applicants, underfunded schools, and language barriers. In the underprivileged suburbs, both Muslims and non-Muslims can feel the strongest tension. The French workplace is full of discrimination. Muslims obtain few opportunities as a result of isolation.

The inconvenient truth of the matter is that the increasingly widespread discrimination is going beyond the scale of everyday life, but also demonizing the Muslim population en masse leading to more detrimental acts of physical violence. The recent surge of terrorism, exemplified by 2015 Paris attacks, is further fuelling the antagonism of Islamophobic hate-mongers across Europe. Yassesr Louati of the Collectif Contre l'Islamophobie en France (Collective Against Islamophobia in France) told Deutsche Welle, German international broadcaster that on the very same night of the dreadful Paris attacks back in November 2015, CCIF received numerous reports of the attacks against Muslims. The reports displayed hate crimes through various forms such as vandalized mosques and restaurants owned by Muslims. In Nanterre, a commune in the western suburbs of Paris, a woman with a 5-month-old baby was pushed and cursed at by an old man. Most female victims were wearing some form of religious attire at the time of the attacks, making them easy targets, adding that the government of France had done little to condemn attacks against Muslims. Tell MAMA, a Britain-based NGO that tracks hate crimes against Muslims, has reported that such attacks have increased threefold in the UK since November 13. One hundred fifteen incidents were registered in the week following the attacks alone. Aiman A. Mazyek, head of the Central Council of Muslims (ZDM), said that attacks were on the rise in Germany, as well, mentioning hate words scrawled on an Islamic community center in the western city of Saarbrücken on November 17 (DW, 2015).

Given this evidence, it can be understood that the stakes are much higher for Muslims in day-to-day European life than for the average European. While the odds of being victim to a terrorist attack are relatively low, almost every Muslim man or woman in Europe will tell you that they have been victim to prejudice and discrimination, if not outright violence. This trend cannot be allowed to stand. The past has taught us time and time again that conflicts based on religious or racial discrimination will always but the perpetrators on the wrong side of history. In 2016, we must actively pursue the betterment of welfare for minorities. In order to do this, there must be both a shift in thinking on the part of non-Muslim people and an increase in resources for empowerment for Muslims.

IV. Combatting Islamophobia

As in most cases of prejudice, education is often a key missing component. In order to protect the rights and freedoms of Muslims in Europe, there must be a shift in the general attitude towards Muslims. This process begins with education.

Separating Islam the religion from IS, the terrorist extremists, is paramount to this process. This separation can be simplified as such: what is the difference between a Muslim and an Islamist? Soner Cagapty of the Washington Institute offers the following explanation: “While Islam is the faith of 1.4 billion people, Islamism is not a form of the Muslim faith or an expression of Muslim piety. Rather, it is a political ideology that strives to derive legitimacy from Islam. Islam and Islamism are not synonymous, and there is even a tension between the two... So if Islam is a faith, then what is Islamism? It can be best described as an "anti-" ideology, in the sense that it defines itself only in opposition to things. That is, Islamism stands not for but against.”

Anyone who subscribes to this logic must understand that first, the vast majority of Muslims do not subscribe to this ideology and are, in fact, attempting to flee from its reaches as much as any non-Muslim. Europeans are, by and large, especially skilled in understanding the dangers of radical political ideologies, as the Nazi regime in the Second World War demonstrated such dangers. Why, then, are so many Europeans unable to make this separation? In order to drive this separation, the media and government legislation must strive harder to draw the line and citizens must try harder to recognize it.

Second, there must be greater legislation protecting the rights and freedoms of Muslims in Europe (Amnesty). However, this is difficult when there are actually much more legislation attempting to restrict these freedoms than protect them. One of the primary debates regarding Islam and Muslim expression is the use of the hijab and the niqab, the headscarf and full-face veil worn by some Muslim women. Muslims argue that it is their fundamental right to express their religious views as they see fit and that the headscarf is an expression of their religious identity (Mohammad 2010). Opponents, however, argue that wearing any clothing as a requirement of religious beliefs is at odds with the values of democratic society and regard the headscarf as a cultural practice rather than a religious one. In France, Belgium, and Russia, the wearing of headscarves in public is strictly prohibited. In other countries such as the Netherlands, such a ban has been ruled ‘unconstitutional’. In other countries such as Spain, the UK, Germany, and Italy, such bans are at the discretion of the individual state, town, or school (Amnesty). With the diversity in such restrictions as those listed above, it is currently impossible to agree on what exactly constitutes freedom and therefore what exactly constitutes discrimination. There must be a unified approach to this disparity, which demonstrates that everyone has freedom to express his or her religion... except Muslims. Legislation must be imposed to protect religious freedoms rather than restrict them. To not do so is discrimination, no matter how you justify it.

Third, there must be greater accuracy and media recognition in the reporting of discrimination against Muslims in Europe. The media is in the unique and privileged position to report on individual people with individual stories, but Muslim struggles are sorely under-represented, misrepresented, or even vilified in the media (Poole, 41). The media regularly reports statistics on the rise of crime due to increased immigration and is quick to denigrate Muslim

criminals, but stories of everyday discrimination against Muslim individuals, especially women, is sadly underreported.

Several NGOs and activism groups are campaigning to bring awareness to these issues. In 2012, Amnesty International released a report entitled “Choice and Prejudice: Discrimination Against Muslims in Europe”, which catalogues the incidences of discrimination as proof of its existence. The report concludes with a number of recommendations for legislation to combat discrimination, which is broken up into specific recommendations for several individual European countries as well as the European Commission (Amnesty). Amnesty International is a highly reputable and influential organization whose advice is generally regarded with care. That said, the countries mentioned in this report have yet to repeal any legislations as recommended by the organization.

V. Empowering Muslims to take action

There are a number of organizations committed to improving circumstances for Muslims in Europe. One of these organizations is MEND, which stands for Muslim Engagement and Development, a group from Britain whose goals are twofold: advocacy and community. MEND seeks to “empower and encourage British Muslims within local communities to be more actively involved in British media and politics” (MEND). MEND’s list of objectives features aims such as “...to equip Muslims with the skills, resources and materials necessary for them to play a more active role in society... to provide commentary and analysis on the high volumes of news content and coverage that maligns Islam and Muslims and foments Islamophobia in the UK and across Europe ... and to enable active citizenship and participation by British Muslims in furtherance of its aims to create a more inclusive and tolerant Britain.” With MEND, British Muslims have participated in a number of campaigns to encourage political involvement and to demand fair media coverage on social issues affecting Muslims (www.mend.org.uk).

The Open Society Foundations also “work to build vibrant and tolerant societies whose governments are accountable and open to the participation of all people” through a variety of educational and community activities. The Open Societies Foundations have particular interest in greater tolerance of Muslims in Europe and through their web publications, Muslims from around Europe are given a voice to expose discriminatory practices. Additionally, the Open Society Foundations offer grants to those with initiatives to solving fundamental open society challenges whether they be based on social, religious, or political issues (www.opensocietyfoundations.org).

The Pew Research Center is a “non-partisan fact tank” that strives to research and promote legitimate, verifiable statistical information about religious representation in communities all around the world. The Pew Research Center has done a great deal of research on Muslim influence in Europe and has made their findings openly available to a variety of news outlets for unbiased information. The Center also researches public perception of different religious influences around the world and based on these findings, other advocacy groups can have proof with which to defend their points of view or initiatives (www.pewglobal.org).

These three groups and many other advocacy initiatives throughout Europe contribute to the spread of information and education, leading to the empowerment of Muslim representation in government matters and ultimately, the shifting of the European attitude.

While Islamophobia continues to be rampant throughout Europe as a result of growing struggle, citizens Muslim and non-Muslim alike must rally to protect religious freedoms and rights. History has taught us that persecution of any sort is to be actively prevented, but such active prevention must be further encouraged and supported. The only way to address Islamophobia is through the simultaneous shift in attitude and empowerment of Muslims.

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The Right to Speak: Free Speech Issues in Somalia

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Introduction

The concept of democracy is intricately interwoven with that of human rights. According to John Locke, the main reason men unite under a government is for the preservation of, among other things, their liberties (Barber 2004). Freedom of speech is one of the most important freedoms, and as such, any state following a democratic principle must protect and preserve the right to free speech (Baker and Gallicchio 1989). But while Western democracies prize this basic liberty, not all burgeoning democracies uphold this important element of true democracy.

Somalia is one such nation that has a tarnished human rights record in regards to free speech, as suppressive politicians and militia groups threaten the journalists who take on the arduous task of working in the most dangerous and deadliest state in the world for outspoken media persons (United States Department of State 2004). In fact, according to the National Union of Somali Journalists (NUOSJ), between 2007 and 2012, 44 journalists were murdered specifically for their writing, and more than 250 reporters had to flee their country after receiving death threats (The National Union of Somali Journalists 2012). Despite the fact that the provisions of Article 18 of Somalia's 2012 Constitution guarantee both freedom of speech and freedom of the press, the practical realization of the spirit of this document is far from reality in Somalia as it works towards achieving a parliamentary democracy (The Federal Republic of Somalia 2012).

The long-running armed conflict between Transitional Federal Government (TFG) and a handful of rebel groups hinders the enjoyment of human rights envisioned in the constitution, and the struggle has forced media companies to align themselves with political factions. For example, the largest rebel group, Al-Shabaab has previously demanded that most of the radio stations in Southern Somali close (Human Rights Watch 2016). The few media companies that survived have been taken over by rebel groups and thus are incapable of producing objective reports. With media houses crippled, journalists compromise their editorial independence to receive financial aid from corrupt politicians, which further undermines the objectivity of the press in Somalia (Freedom House 2016). Although the TFG remains an ardent supporter of large news organizations like Horn

Afrik and Radio Shabelle, many other radio stations nonetheless find it difficult to operate under the constant pressure from the violent militia groups (Freedom House 2016).

Making matters worse, Somali journalists also do not receive any support from the legislative framework, which has been accused of breaching “the freedom of expression through both acts and omissions on the parts of the State” (Freedom House 2016). The Somali penal code, for instance, does not address crimes committed against the media and journalists, creating a legal loophole that allows state actors and rebel militias to use violence and forceful threats to silence the voice of the media (Freedom House 2016; Human Rights Watch 2016). The unprotected reporters, as a result, inevitably give in to the imminent danger and consequently to the demands of merciless militia groups.

Recognizing the issue of freedom of speech and the press as paramount to a thriving democracy, the central authorities in Mogadishu have been trying to ameliorate its inadequate legal frame and relieve the media companies from the undue pressure of armed factions. However, there have been several cases in which some local politicians were unwilling to cooperate with Mogadishu. Rather than playing towards state aims, these local politicians, on the grounds of unprofessional journalistic practices and the protection of national security, have restricted the media’s right to disseminate information in a free and objective manner. (Human Rights Watch 2016).

When considered together, these incidents seem to prove that government instability in Somalia along with a lack of a proper financial and legal support for journalists do result in a hostile environment for free expression in Somalia. Therefore, the TFG can use the examples of and resources provided by international news media and global organizations like the United Nations to fix the way it approaches freedom of speech. However, the third party cannot force any meaningful change upon the Somali government; rather, genuine protections of the right to free speech must come from within Somalia itself if it wants to advance towards a truly mature democracy.

Literature Review

Various international instruments recognize the right to freedom of expression (Vickers 2002). The conventions include the Universal Declaration of Human Rights (UDHR), the International Convention on Civil and Political Rights (ICCPR), and the European Convention on Human Rights (ECHR). The relevant provisions of these treaties guarantee every person a right to receive or to express one’s ideas without persecution. These treaties safeguard the right to freedom of speech because they assert that this essential liberty defends the right holder’s personal autonomy and the interests of those who receive the information. On the same grounds, the International Covenant on Economic, Social, and Political Rights (CESCR) requires state parties to guarantee and respect the economic and religious freedom—which are also considered fundamental human rights—without any form of discrimination. Somalia is a state party to both the ICCPR and the CESCR, and thus the TFG is legally bound to protect the freedoms outlined in these treaties (Casey-Maslen 2014). The liberties stipulated in both the ICCPR and the CESCR are also legally established in Somalia’s constitution, as its Article 3 contains a provision requiring

recognition and enforcement of all the human rights treaties to which Somalia is committed (Saul and Sweeney 2015).

Until 1975, there had been hardly any cases of human rights violations in Somalia (Ingiriis 2016). And though this does not mean that the media was completely independent of the far-reaching influence of the government, the media outlets and journalists were relentless in accusing the ruling regime of both corruption and maladministration. Additionally, before the mid-1970s, the government did not practice policies like arresting or detaining journalists based on what they wrote. During this period, therefore, free speech in Somalia thrived, and the broadcasters from different media companies—especially the reporters from BBC Somalia—frequented the region without any fear of arrest or abuse (Ingiriis 2016).

However, a drastic turnaround of events occurred when the ruling regime petitioned the British government, through its embassy in London, to close the BBC Somalia in 1975 (Ingiriis 2016). The action signaled an imminent emergence of an absolutist power, and from that moment, the people of the country have experienced suppression of freedom of speech as well as that of political associations. As a direct corollary of this petition, all forms of art in the 1970s through the 1980s had been designed to appease the regime and not reflect the reality on the ground (Ingiriis 2016). This suppressive trend continues to this day.

Currently, the laws protecting individuals' right to speech are only applied in theory, and Somalia ranks first in Africa as the most dangerous region for journalists (Freedom House; Null Freedom 2009). In the year 2007 alone, eight individuals working for the media were killed, 53 journalists were taken into custody, and more than 55 ran out of the country for their reporting (Freedom House; Null Freedom 2009). Five media outlets were closed down in 2007, too. In the following year, three journalists were murdered, and many became victims of extrajudicial arrests and kidnappings (Freedom House; Null Freedom 2009). Initially, between the years 1990 and 2006, only foreign journalists were the target of these attacks (Sambrook and Mosdell 2016). However, after Ethiopia invaded Somalia in 2006, the situation on the ground changed, and the rebel group Al-Shabaab began killing local Somali journalists as well (The National Union of Somali Journalists 2012). The situation for journalists grew direr over the years, and over 30 reporters lost their lives between 2011 and 2012 (The National Union of Somali Journalists 2012). Before their deaths, many of the victims had reported negatively on the Al-Shabaab militia or tried to come close to the truth about politically sensitive issues such as corruption (Warah 2014). Despite the public and systematic nature of these homicides, the government has not convicted any suspects related to the murders of these journalists (Lisosky, Henrichsen and Cramer 2011). Thus, instead of cementing its central power and laboring to undermine the influence of militia groups in its transitional democracy, the TFG has remained relatively negligent in suspending laws that suppress freedom of expression.

Regional Freedoms

The situation in Somalia is not unique in East Africa, as the Ethiopian government also limits freedom of expression. Despite the fact that Ethiopia has enacted several laws and ratified several instruments to protect freedom of speech, media outlets that are critical of the government

face heavy sanctions (Church 2016). In a similar manner to the Somali transitional government, the Ethiopian government has also arbitrarily arrested journalists, bloggers, and other media persons, and those who criticize the government are often kidnapped or held in custody without formal charges filed against them (United Nations Human Rights Commission 2015; Freedom House 2016).

Likewise, in Sudan, prepublication censorship and the practice of extrajudicial detainment persist, as the Sudanese journalists have been reported to face physical harassment and unlawful incarceration. For example, in June 2014, Hassan Ishaq of *Al-Jarida* was held in custody after attending the speech of the leader of the opposition party in West Kordofan (Freedom House 2016). Ishaq was tortured and detained without charge for over three months. In the same year, NISS (National Intelligence and Security Service) agents arrested prominent journalists: Abdul Rahman al-Ajib of *Al-Youm Al-Taliand*, and Ahmed Al-Nour of the London-based *Al-Hayat*. While people tried to express their anger towards the wrongdoings of government with peaceful demonstrations, the central authorities in Addis Ababa (the capital of Ethiopia) used violence to quell these protests (Sudan: No space for free expression 2013).

On the other hand, Kenya remains as one of the most democratic nations in Africa. Although its history has been splashed by the lengthy dictatorship of President Jomo Kenyatta and that of Daniel Arap Moi, the 2010 Constitution of Kenya provides robust protection for freedom of speech in the nation. The ratified Constitution also binds the nation to international legal instruments governing free expression such as International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights (Iginio 2015). Just as the Constitution, so the politicians and administrators in Kenya aspire to foster an environment that safeguards free speech. In September 2014, when major Kenyan media outlets that feared political retaliation refused to cover a nationwide opposition rally held to voice concerns over Kenya's security, the inspector general of the Kenyan police immediately banned all county and divisional police commanders from speaking directly to journalists. The inspector left the Nairobi-based police spokesperson as the only point of contact for the press. Thanks to these hard-working public officials, Kenyan journalists remain audacious, uncompromising, and pluralistic in their reporting (Freedom House 2015).

Brief Historical Outline of Somalia and Free Speech

From its proximity to hinterlands of Ethiopia and Arabian Peninsula, and from their rich production of gums, ostrich feathers, and cinnamon, Somali city-states had for centuries enjoyed their status as central trading outposts among Asia, Africa, and Europe. Since the classical period, the *Berbers*—ancestors of the modern Somalis—boasted superior shipbuilding technologies. They built a unique vessel known as *beden*—an agile, single or double-mast boat with a tall stern-post (Johnstone, 1989; Chittick, 1976). These ships effectively exported and imported their goods to many different nations, including Phoenicia, Egypt, Greece, Persia, and Rome (Lewis and Janzen, Somalia 2014). Their vigorous maritime activities eventually contributed to an establishment of a lucrative international trade network that lasted for centuries.

By the seventh century, many different polities came into existence. The most prominent among them was the Sultanate of Mogadishu, founded by Sultan Fakr ad-Din (Gray 1975). Mufasa dynasty eventually replaced the Sultanate's original ruling family, and it later forged a close relationship with Ajuran Sultanate—a powerful nation that ruled the Southern half of the Horn of Africa from the thirteenth to the late seventeenth century. As the region entered the Medieval Era, Somalia was divided into three major nation-states: Ajuran Sultanate, Warsangali Sultanate, and Ifat Sultanate (Lewis 1980). The Ajuran ruled Southern coast of the Horn of Africa; Warsangali had control over the Northeastern, and Ifat, replaced by Adal Sultanate in 1415, dominated large parts of modern-day Djibouti, Eritrea, Ethiopia, and Somalia. All three Muslim states shared borders with Christian Solomonids in hinterlands of Ethiopia, and they initially enjoyed friendly relations. However, a rivalry between Christians and Muslims in the region ignited when the Sultanate of Ifat annexed Shewa in 1285 (Ki-Zerbo and Niane 1998).

Six centuries after the initial confrontation between Solomonids and Muslims, the British landed on the Horn of Africa in 1888. The British signed several treaties with the Somali Sultans and established a protectorate that would become known as British Somaliland. Britain, however, expressed little interest in its East African Protectorate, as they merely wanted to “secure a supply market, [to] check the traffic in slaves, and to exclude the interference of foreign powers” (Samatar 1989, p. 31). The Protectorate was only a source of supplies for the Indian outpost held in Aden, so the British administrative infrastructure did not extend beyond the coastal areas of the country (Samatar 1989). When Italy occupied Somalia as a part of its 1940 East African Campaign, Britain did not bother to waste its resources and immediately evacuated their government officials, soldiers, and civilians. Although Britain restored their control over Horn of Africa region after the six-month occupation of Italy, British politicians retained their indifferent attitude toward Somalia. By 1947, Britain held a budget of only 213, 139 Great British Pounds—approximately 9.8 million 2016 United States Dollars—for the administration of Somaliland (Ofcansky and Berry 1993). On June 26, 1960, the British government granted independence to Somalia.

Immediately following independence, leaders from British and Italian-ruled Somaliland arrived in Mogadishu and formed a unified state headed by a president with full executive powers given to a prime minister who answered to the voice of the National Assembly (Fitzgerald 2002). For the next nine years, parliamentary democracy was the law of the land, and the people lived in a political environment which respected freedom of expression. During this time, the Somali people were as politically free as those in long-established Western democracies. However, six days after the assassination of the president Abdirashid Al Shermake on October 15, 1969, a coup d'état ensued (Fitzgerald 2002). The Somali Army took over the government without any armed opposition, and both Major General Mohamed Siad Barre and the Supreme Revolutionary Council (SRC) assumed power and changed the country's name to the Somali Democratic Republic. The SRC banned political parties, dissolved the parliament, suspended the constitution, and arrested members of the Shermake administration. The Somalia's industry and land programs were nationalized, and the newly-formed government began to emphasize the region's historical and religious links with Arab countries. In 1974, Somalia joined the Arab league, and in 1976, the SRC disbanded and was replaced by the Somali Revolutionary Socialist Party (SRSP). In a similar

manner to SRC, the SRSP also focused on the Islamic style of governance and upheld the tenets of scientific socialism. Ultimately, as the Barre regime amalgamated the Marxist principles with local Islamic customs, the state ideology eventually fused with the state religion (Fitzgerald 2002).

Barre's government, however, grew increasingly unpopular, and the regime eventually collapsed in 1991, as the rival militias captured Mogadishu (Hogg 2008). Barre was forced to leave the country, and the government dissolved. The decentralized and unstable armed factions assumed power, disrupted public order, and paralyzed the city's infrastructure. Having observed the dire situation in Somalia, the United Nations Security Council unanimously passed the Resolution 794 and subsequently dispatched a coalition of peacekeepers called the Unified Task Force (UNITAF) to maintain peace and order within Somalia. But some militias that had seized power following the usurpation of Barre regime misinterpreted the presence of UNITAF as a threat to their hegemony, and some skirmishes took place in Mogadishu between armed factions led by Mohamed Farrah Aidid and the UN peacekeepers (Hogg 2008). After having incurred many casualties from a series of battles against Aidid, the United Nations eventually withdrew all their forces from Somalia on 3 March 1995. Soon after the withdrawal of the UN troops, Aidid declared himself the president of Somalia in June 1995.

Aidid's quest to expand his power in the Southern half of Somalia continued. Even after his death in 1996, the power struggle between different local militias did not halt, and almost 350,000 Somalis lost their lives from starvation, diseases, and violence (Hogg 2008). In 2001, the fighting continued to such an extent that even the innocent international aid workers had been abducted and assaulted on a daily basis. Consequently, the United Nations pulled all its aid workers out of the country. Four years later, the fourteenth interim government returned to Somalia, but its arrival brought neither a long-lasting stability nor a significant change on the human rights front. Rebel groups and pirates kept on hijacking food shipments from the United Nation's World Food Program, which caused the suspension of the program, and division among militias resulted in many deadly gun battles. By 2008, the UN Security Council once again renewed its effort to quell the violence in Somalia, but still the haunting shadow of war and famine troubles the lives of ten million Somalis (Hogg 2008).

Government Instability: A Complex Effect on Free Speech in Somalia

In his *Anarchy Unbound*, Leeson notes that immediately following the state collapse in 1991, Somali people started to enjoy greater freedom of expression. Until 1991, the Barre regime suppressed free speech and censored the media heavily, and most forms of free expression were crimes punishable by death. But after the usurpation of Barre, thirty-two private newspapers and radio and television stations started providing access to the general public, and satellite-based telecommunication services began to transmit international news services. Authorities in Somaliland and Puntland tried to restrict the free speech of media companies, but to little avail; their attempts to censor media were generally underfunded and chaotic. Accidentally, Somalia under statelessness took a step toward an informed, democratic society that endorses liberty of expression.

Nonetheless, Somalia was not necessarily better off in anarchy than it had been with a strong central government because the nation's quality of general welfare decreased significantly. In fact, when the interim government came into place, the life expectancy, access to sanitation and to telephones, adult literacy rate, and combined gross enrollment of Somalia enhanced to a level tantamount to that of Ethiopia, Kenya, and Djibouti between 1990 and 2005 (Leeson 2014). Therefore, Somali leaders must aspire to harness a stable, transparent political system operated by officials who are willing to work towards the state aim: guaranteeing free expression for outspoken journalists and individual citizens. A clean and centralized government can prevent the local officials from manipulating the truth and alleviate any undue pressure that corrupt officials can exert upon the media. The removal of this pressure will eventually encourage the press corps to discuss issues freely and to supply the public debate with more objective information. As the people gain access to an increased flow of high-quality information, they will obtain the ability to scrutinize, evaluate, and criticize the government's decision-making process (UNESCO 2014). And without unreasonable interference from public bodies, the press will also be able to publish opinions of multiple perspectives, including a side that supports the plans and initiatives of the government, a party that is not necessarily in accord with the government, and the views of political moderates that fall in between the two extremes. Then, the Somali public will learn about the opinions from both ends of political spectrum, and they will be less likely to accept government policies uncritically or be negligent about politics.

Moreover, the people of Somalia will be provided with the opportunity to engage in real public debate about what their government is doing. This open political discourse is important because the debate that takes place on a public stage does more than provide an opportunity for citizens to speak openly about the government policies. In fact, this open discussion not only allows citizens to analyze issues within Somalia in a global context, but also empowers them to monitor, implement, and contribute to government's decision-making process. Ultimately, these debates will act as a watchdog that stifles potential corruption and wrongdoing among the officials (UNESCO 2014). Then, the Somali political realm will restore its liveliness to a pre-1969 level and eventually earn the public's trust back.

For these reasons, establishing a moderately powerful government that promotes the right to free speech and expression is an essential task to both humanitarian pursuit and pragmatic interest of the Somali government. A government that supports liberty of expression can facilitate circulation of information among its people and empower public decision-making. Currently, the Somali transitional government remains as a fledgling institution with the opportunity to make life better for Somalis just out of reach. But to achieve the lasting peace and prosperity in Somalia, it is imperative that the TFG establish itself as a centralized political institution potent enough to champion the freedom of expression and to maintain welfare programs.

Cooperation Between International Organizations And the Somali Government

Alongside free expression and press, the right to free speech forms the basis of a successful democracy. Together, these liberties facilitate the dissemination of information and enable the public to make an informed decision about issues affecting themselves and their government. In

an attempt to break itself off from the legacy of anarchy and that of Barre's regime, the Somali TFG has been recently adding articles in the Constitution and passing laws that foster a political environment friendly to the right to free speech. However, the implementation of this freedom faltered, as some suppressive laws remain in effect and various military factions continue to limit the activity of press and journalists. Somali government does not necessarily have tools at its disposal to ameliorate the *status quo*. Therefore, in order to resolve these problems and help Somalia pave its road towards a mature democracy, the United Nations must encourage the Somali TFG in widening the space for the people of Somalia to have a say in both legislation processes and an ongoing formation of the central government. Other international organizations can also promote free speech in Somalia by keeping the issue high on the agenda in their engagement with the UN Human Rights Council, General Assembly, and Security Council, and providing Somali law enforcement with technical support to ensure investigations into crimes that specifically target media workers (United Nations Assistance Mission in Somalia; Office of the United Nations High Commissioner for Human Rights 2016).

Also, the multi-national NGOs must educate Somali journalists and help them produce objective and high-quality reporting. Since 2011, Free Press Unlimited (FPU) has been working in Somalia to help train journalists. The programs implemented by this non-profit organization have encouraged the Somali reporters to distance themselves from biases and to give a voice to minorities who are frequently excluded and overlooked in a typical Somali political discourse (Free Press Unlimited 2014). The programs initiated by the Free Press Unlimited mostly targeted radio journalists—as radio is the most widely-used information source in Somalia—and they have been successful. For example, a broadcast given by a Free-Press Unlimited-trained journalist persuaded and prompted the transitional government to take measures to prevent rape from occurring in refugee camps (Free Press Unlimited 2014). As it has been, education of journalists supported by international organizations must continue for the efficient distribution of information among the Somali public.

Meanwhile, politicians in Somalia must either revise or withdraw any measure limiting freedom of expression and initiate a reform of the penal code to close loopholes that abet the nationwide persecution of journalists. Likewise, the central authorities in Mogadishu should stay true to the president's signing of the 2016 Human Rights Commission Bill and pledge to uphold the international standards for the protection of human rights that the bill stipulates. The establishment of a properly-resourced and independent official Human Rights Commission of Somalia can also play a leading role in setting up a healthy, long-lasting democracy in the land. The Commission will generate an atmosphere that forwards human rights for all, including the right to free expression (United Nations Assistance Mission in Somalia; Office of the United Nations High Commissioner for Human Rights 2016).

With the upcoming 2016 electoral process and the universal adult suffrage elections envisaged in 2020, the safe and free functioning of a vibrant media in the nation and the unhampered political activity of the Somali population have become more critical than ever before. Therefore, the Somali Transitional Government must strive to champion the right to free speech

not only to guarantee a conducive environment for the future elections but also to achieve the kind of democracy that will bring both an enduring freedom and peace unto the Somali people.

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Race to Space

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Introduction

The “Race to Space” was a competition between the US and the Soviet Union for supremacy in space technology. This had significant impacts in the world, as it led to the emergence of new technologies that facilitated more explorations that could benefit mankind (Shaghghi & Antonakopoulos, 2012). The end of the World War II in the mid-20th century resulted in a newfangled battle, the Cold War, a period when the democratic and capitalist United States of America were in a battle for world supremacy with the communist Soviet Union. As time passed, the commencement of the late 1950s saw the world enter into yet another battle: the competition for space technological improvement, military strength, and the economic might (Sean, 2012). Though the “Space Race” had significant disadvantages such as life loss and the exacerbation of tension between the US and the Soviet Union, the results of this competition were positive for the world.

Numerous inventions and innovations resulted as the two competing sides aspired to be the first to launch a spacecraft into the earth’s orbit and send the first man to the moon. The race was important to the US and the Soviet Union because winning it would not only prove which country was superior in technology, but also demonstrate which one had a higher military might. The Space Race may have been fueled by the threat of nuclear weapons and the competition to build rockets that would launch nuclear weapons (Matt & Lishock, 2004).

The “Race to Space” started in 1955 when the US announced that it would launch a spacecraft. Following the announcement, the Soviet Union responded by indicating its intention to launch one as well. The Soviet Union’s focus was to beat the US by being the first country to launch an artificial satellite. Secrecy shrouded the race as each country strived to improve its rocket technology. The Soviet Union and the US were constantly engaged in a psychological war of words revolving around technology and military supremacy, but neither of the two publicized its rocket technology. Both rivals relied on German technology and personnel for research. Eventually, the Soviet Union triumphed over the US by launching the first satellite, the sputnik 1, on October 4 1957 (Yanek, 2013). The Soviet Union’s achievement was an unpleasant surprise for Americans and incentivized them to work harder (Barnett, 2013). The hard work culminated in the launch of

Explorer 1, the first US satellite, four months later (Matt & Lishock, 2004). Following the launches of these two satellites, both nations engaged in a number of missions that sought constantly to demonstrate each country's superiority over the other. From orbiting the Earth to sending a man into space and the moon, both the US and Soviet Union attempted to claim achievements as their own for propaganda purposes. As space was a completely new territory, both nations were scrambling to assert their dominance over the new frontier (Kuhn, 2007). Achievements in space became the new way to project power during the Cold War, and both the US and Soviet Union sought to become the supreme force in the solar system (Collins, 1999).

Background Information

The detonation of the atomic bomb in Hiroshima and Nagasaki did more than just end the Second World War. Some scholars and analysts argue that the bomb was used by the US to ward off the Soviets in future conflicts. The United States did this by creating fear in the international landscape by illustrating the power they had with the push of a single button. After the Hiroshima and Nagasaki bombing, the Soviet Union saw the US as a significant threat to their military might. They responded by developing a nuclear arsenal as well, resulting in what was to be known as the Cold War. The development of nuclear weapons would later on be called the "Arms Race," and the continuous launching of missiles, rockets, and other ballistics would lead to the development of the "Race to Space" (Stares, 1985). Inevitably, as rockets and missiles fired higher and higher into the air, the question arose of what lay above the Earth's atmosphere—and whether humans could harnessing the upper regions to man's benefit.

The Space Race began in Germany in the 1930s when the Nazis manufactured ballistic rocket missiles capable of traveling at the speed of light and at high altitudes. This was then followed by the US versus Russia's battle for space supremacy (Devezas, 2012). Both the US and the Soviet Union invested heavily in military and space explorations after seeing the significant military benefits from the Nazi's technology. The Russian referred to their space explorers as cosmonauts which implies them to be the 'sailors of the universe,' while the American's astronaut title implies their explorers to be the 'star sailors.' Despite these sugarcoated titles, the "Space Race" was not initially a success for the two nations, as it was marred by numerous accidents. Numerous astronauts lost their lives through the frequent launch fails that proved to be fatal (Collins, 1999). In order to explore the new frontier, sacrifices were made.

A New Frontier

Though some historians deem the US and the Soviet Union as the pioneers of the space explorations through the "Space Race," it was the Germans who are deemed as the initiators of rocket science. The German lead scientist Werner von Braun had achieved the launching of the sub-orbital space flight, which had occurred in 1942. The von Braun's rocket designs appealed Adolf Hitler. Hitler then ordered the manufacture of more rockets with explosives which were then known as the V-2. The V-2s majorly targeted England and led to the deaths of nearly 2,750 English civilians. The Americans and Russians saw this as an opportunity to expand their rocket inventions and attempted to lure von Braun into their countries. It was the Americans who won the von

Braun's battle by acquiring his services (Brzezinski, 2007). Nevertheless, the Russians made numerous inventions in rapid succession thereby making them the first country to launch an artificial satellite.

The Soviet Union dealt the first blow in the war for space on October 4, 1957, with the launch of the Sputnik 1. This event—sending off the Sputnik 1 to become the world's first artificial satellite in the earth's orbit—played a significant role in changing the world amid the tensions of the times, and marked new beginnings of contemporary space explorations (Brzezinski, 2007). The international community, especially the US, were shaken to the core by the “Sputnik Moment.” Media erupted, and as a result, the launch of the Sputnik 1 created a sense of urgency, fear, and nationalism among Americans. Suddenly, Americans were truly wondering if the US's global hegemony was at risk.

Later in November of the same year, the Soviet Union launched another artificial rocket into space, dubbed the Sputnik II. The significance of the Sputnik II was not just its successful launch. The satellite also sent a dog—named Laika—up in space inside the its shuttle, making her the first large organism to be propelled into space (Williams, 2016). Her brief survival in outer space proved to the international community that contact between humans and space was possible in the near future and that humans ourselves could explore the depths of this new frontier.

After the launch of the Sputnik II, the US proceeded to launch its own satellites, the Explorer I & II and the Vanguard I, in direct response to the Soviet Union. It is believed that the US would have triumphed over the Soviet Union to become the first nation to send a man to orbit the Earth, had they used existing military rockets (Collins, 1999). However, since President Eisenhower saw this as a means to encourage warfare, scientists were compelled to use research rockets as an alternative. In the eyes of Dwight D. Eisenhower, President of the US during the three launches, the country could not show any weakness to their Cold War rivals, but they also could not actively promote warfare with the use of military technology (Sambaluk, 2015). With the US public believing that the then President Eisenhower was failing them by allowing the Soviet Union lead in the “Space Race,” the succeeding president, John F. Kennedy was perceived as a significant solution to the space standoff. President Kennedy assured the US populace that he would restore its lost pride following the launch of Sputnik I and II (Brzezinski, 2007).

The second breakthrough by the Soviet Union occurred with the launch of the Vostok I. This mission accomplished a truly remarkable feat: Yuri Gagarin became the first man to be sent into space. As the world reacted to the momentous event, John F. Kennedy, the newly elected President of the United States, challenged the nation to put the first man on the moon by the end of the decade. This challenge would soon become a reality.

The Apollo program was designed to land humans on the moon and bring them back safely (Williams, 2016). These missions were largely successful and left a lasting legacy on human race. The famous quote, “one small step for man, one giant leap for mankind” by Neil Armstrong—the first man on the moon—resonated throughout the world as he took his first steps on the moon's surface. For so long, the goal of the US had been to put a man on the moon, and the achievement seemed to have ended the Space Race. With a combination of Gorbachev's *glasnost* and *perestroika* policies creating problems in the Soviet Union, and lack of money to fund its space

program, the country backed out of the Space Race. The small step taken by Neil Armstrong in 1969 permanently placed the Soviet Union behind.

Though it is clear that there was a great rivalry regarding space, there were also conflicts taking place on planet Earth during this period of time. The Cold War had impacts on virtually all aspects of the both the Soviet Union and United States. The pressures which emanated from the arms race, and the developing threat of nuclear weapons fueled the Cold War standoff (Collins, 1999). Along with that, nationalistic propaganda created additional duress on both nations, as the media played a significant role in heightening the rivalry between the two superpowers. The construction of the Berlin Wall in 1961, the Cuban Missile Crisis of 1962, and the outbreak of war in Southeast Asia are all examples of conflict that occurred on Earth, shedding light on the various contentions that stemmed from the ideology difference between the US and Soviet Union.

The Rivalry between Superpowers

The “Space Race” was a manifestation of the Cold War itself, with the rivalry between the US and Soviet Union analogous to the one present during the Cold War. As a result of this ongoing battle between the two superpowers, space achievements became a key symbol in both US and Soviet Union propaganda during the height of the Cold War in the 1950s and 1960s.

The launch of the Sputnik caused a “crisis” in the US and led many to question the value of liberalism and democracy in the modern world (McDougall, 1985). Both the Soviet Union and the US responded to this pivotal moment by capitalizing on the hysteria. The Soviet Union was quick to acknowledge its achievements as evidence of communisms’ superiority and the West’s inferiority, while the US tried to downplay the incident by quickly launching a satellite of their own (McDougall, 1985).

Throughout the 1960s, the Soviet Union continued to win out over the American space program. The Soviet Union’s successful launch of Yuri Gagarin into space in 1961 was viewed as another “Sputnik” moment (McDougall, 1985). Once again, the Soviet Union promoted its success as a sign of communist superiority and Western capitalism’s inferiority. Despite these setbacks, the US responded by capitalizing on the public’s fear of falling behind the Soviet Union. The US was able to generate enthusiasm about the space program throughout the 1960s—a positive outcome from the seemingly dire situation (Hardesty & Eisman, 2007). As a result, educational programs, scientific institutions, and an emphasis on schooling were all developed in the United States. This ability to foster enthusiasm and funding would eventually led to the US’ triumph over the Soviet Union in the Space Race, culminating in the Apollo 11 mission—where Neil Armstrong became the first man to walk on the moon (Roach, 2004).

The year 1958 resulted in a new rush in which the US launched the Explorer I, an initiative of the US army with von Braun as the project leader. The then US leader Eisenhower also authorized the creation of the National Aeronautics and Space Administration (NASA), which was solely dedicated to space explorations. Eisenhower also authorized two national security-inclined space programs aimed at operating within the NASA programs. The first (the US Air Force) was involved in assessing military strength in space. The second was under the Central Intelligence Agency (CIA). Yet another agency, the National Reconnaissance Office—which was to remain

classified until the 1990s codenamed Corona—made use of orbiting satellites to amass intelligence on both the Soviet Union and its allies.

The Soviet Union beat the US once again in the Space Race through their launching of the Lunar II, the first space exploration to reach the moon. Following the sending of the Soviet Union's Yuri Gagarin to become the first man to orbit the earth in the Vostok I, the US continued with their own projects in hopes to one-up their rivals. One, referred to as "Project Mercury," was a culmination of launches that strived for manned orbital flight. The first test flight took place in March 1961, before the Soviet Union's Gagarin launch (Cadbury, 2006). Under Project Mercury, the US sent the first American (Alan Shepard) to space in May the same year. Later on, an American (John Glenn) became the first American to orbit the earth in 1962. In the meantime, yet another undertaking, the famous "Project Apollo," was still underway.

Between 1961 and 1964, the federal government increased NASA's financial plan by nearly 500 percent, thereby involving 34,000 NASA workers as well as 37,000 employees in industrial and university contracts (Shull, 1989). However, there was a significant setback in 1967 when three astronauts succumbed to a fire that broke in a launch simulation (Cadbury, 2006). In December 1968, the US bounced back and launched the Apollo 8, the first manned space exploration that orbited the moon. In July the following year, Neil Armstrong became the first man to land and walk on the surface of the moon, an event that concluded the long-standing "Space Race." Though the US had suffered setbacks, in 1955 (Sputnik) and 1961 (Gagarin), the 1969 Apollo moon landing represented the competition's climax moment. While before the moon landing, the playing field in the media seemed to be level between the US and Soviet Union, following 1969, propaganda surrounding the "Space Race" became less of a competition and more of an indication of the superiority of liberalism, capitalism and western values.

The US's perceived 'triumph' over the Soviet Union led to the fading of interests in lunar mission between the two countries in the 1970s. The US and the Soviet Union later joined hands in the Apollo-Soyuz mission that took three American astronauts into space in an Apollo aircraft which orbited around the earth. The Apollo-Soyuz was a Soviet-manufactured space device called the Soyuz (Cadbury, 2006). This was later followed by a handshake between the US and the Soviet Union commanders of the two space crafts. The handshake symbolized a significant enhancement of the otherwise tense US-Soviet Union Relations. Eventually, the Apollo-Soyuz project successfully wrapped up the long-standing Space Race, thereby resulting in improved US-Soviet Union relations (Rechtschaffen, 1964).

Media was coupled with all of these events during the "Race to Space." Therefore, despite the ups and downs nature of propaganda during the "Space Race," analysis of the biased media during the time period is a useful tool to understanding the Soviet Union and the US relations during the Cold War.

Exchange

The "Space Race" affected the modern world in many different ways. Specifically, the competition transformed technological life across the globe, which still influences societies to this day. For instance, NASA made the discovery of the computer microchip in an attempt to develop

a device that would help navigate and control spaceships. Not only did the microchip help with navigation and guidance, it also enabled people to achieve productivity in other spheres of life. However, the computer microchip is not the only example of an innovation that stemmed from technology developed during the “Space Race”—the microwave, laser pointers, laptops, and even satellite television all fall into this category.

Apart from technological breakthroughs, discoveries of the mysteries of space also aroused curiosity among both scientists and the public. The technological and intellectual epiphanies gave man the resources to create a globalized world for the betterment of the living. Photographs of weather and earth resources have helped the human race prepare the world for natural disasters, and lives have been saved in the process. Communication has also become easy and efficient due to satellite connections. Consequently, the world has become interconnected, and, in a sense, smaller due to the ease of communication. Furthermore, globalization has become a reality within nations as technology continues to bring the world closer through communication (Steven, 2000).

In addition, scientists have invented safer ways to explore space, mainly by utilizing robots instead of humans. This practice makes the process of scientific discoveries less costly while reducing dangers. However, some argue that the desire to discover more about space by humans cannot be quenched by use of robots, as they do not have human senses and may lack the ability to make conclusions after exploration (Parry, 2009). For this reason, humans are likely to find new ways of making discoveries without robots, that are cost effective and safe. The competition that raged between the US and the Soviet Union during the “Race to Space” culminated in huge technological developments that affected many other spheres of life. The fact that the US tried to overtake the Soviet Union in the race to space made it possible for the involved parties to make discoveries in education, science, and technology that the world celebrates today, setting a precedent for future breakthroughs.

Future Endeavors

Though the world has achieved much in terms of space exploration, governments and agencies have only scratched the surface of what is to come. The universe is infinitely vast, and the potential it holds can only be imagined. Though the current technology is advanced, it is still limited, and holds scientists back from further exploration. However, governments and agencies are persistent in exploring the unknown. The solar system, Mars, the Moon, and asteroids remain targets for organizations like NASA. Examining what scientists already know—with more precision—is one goal of such organizations, and discovering what is unknown through observation is another. People are constantly using instruments like the Hubble Telescope to observe and chart the unknown, and organizations strive to create better technology to help them in future endeavors (Dunbar, 2016).

The future for space exploration is filled with potential, not only in exploration, but in other aspects as well. With this exploration comes the increase of technological aptitude and the increase of overall knowledge in the field of science. Theories and ideas that were previously unanswerable will be proven and disproven by reaching out into the darkness. Even more questions will be asked,

and some will be answered. By continuing to investigate space, scientists will continue to further their information about the universe.

Conclusion

The “Space Race” started out as a conflict between two governments. It began as a fight for technology and information—a show of strength and power. This conflict incited propaganda, hate, and resentment. Though there seemed to be many negatives at that time, in retrospect, many positives arose from this altercation. Exchanges of information and technology sparked a new era of electronics and gadgets introduced to both scientists and the public. The competition fostered education and intellectual discussion, and motivated organizations to strive to break standards and expectations. The “Race to Space” set a precedent for exploration that is still maintained to this date, that will continue in the future.

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Social Entrepreneurship in Building our Economy

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Branksome Hall Asia

- ◆ Introduction: the definition of social entrepreneurship and its relation to the creation of jobs. More social entrepreneurs and performance. The unemployment crisis and the role of the public and private sectors in the implementation of employment programmes. The increase in the number of small business openings despite the poor entrepreneurial activity of the poor performing countries.

Thesis statement: *Social entrepreneurship is playing a pivotal role in establishing our economies through the creation of jobs*

- Background information: the significance of social entrepreneurship. The role played by social entrepreneurs in driving economic and social empowerment. Social entrepreneurship in the developing countries. How does it raise the economy? The concept of entrepreneurial thinking as well as the innovative solutions that drive social change. Social entrepreneurship is crucial to economic and sustainable development.
- Research questions: (i). what is the link between social entrepreneurship and the economy? (ii). Can entrepreneurial skills impact social entrepreneurship? (iii). is social entrepreneurship a good source of employment? (iv). Are there classic examples of social entrepreneurs? (v). what role do private and public sectors play in building the economy?
- Literature review: the funds for social entrepreneurs and how they receive them. Promoting the community through entrepreneurship. Questions that link social entrepreneurship, job creation and the economy.

The characteristics of the profit-oriented social entrepreneurs and the mission-driven social entrepreneurs

Social entrepreneurs and their business strategies; the strategies for Non-profit income entrepreneurs and the mission-driven strategies of the For-profit entrepreneurs

Serving the economy through social entrepreneurship; assess the significance of social entrepreneurship on the activities of entrepreneurs; the activities of social entrepreneurs that contribute to the society -developing business in a socially-responsible manner.

- Conclusion: social entrepreneurship is essential in developing the economy. Its aim is achieved through the efforts of private and public social entrepreneurs. Many countries have obtained a stable equilibrium through social entrepreneurship. Rendering services to the economy and the people is the goal of social entrepreneurship. Many have found rewarding jobs both at a personal level and national level - addressing economic challenges today

In the modern world, business is an ever-evolving entity. Different aspects of organizational management and a company's impact on its community and its larger environment is an increasingly significant consideration within the greater global economy. A prime example of such consideration is the rise of the field of social entrepreneurship. With roots that trace back to the 1950s, social entrepreneurship is an approach for self-starters who wish to reap the rewards of their company not in profit margin but rather in beneficial impacts on that company's community. The concept of social entrepreneurship has expanded exponentially over the past decade, with an increasing number of business entities assuming it as their corporate model. In light of recent instances of substantial unemployment, one of the most impressive aspects of a social entrepreneurial model is its ability to benefit communities through the creation of job opportunities. Thus, as this paper will argue, social entrepreneurship is playing a pivotal role in supporting our global economies through the creation of new jobs and employment programs.

In addition to providing a brief history of the evolution of social entrepreneurship and its many facets today, the task for this study is to grapple with the following research questions. The first is a consideration of the link between social entrepreneurship and the economy. The effort will be made to lay out the connections between these two aspects to reinforce the centrality of social entrepreneurship's role in job creation. Next, the role of traditional entrepreneurial skill in the success of social entrepreneurship will be examined. Having reviewed these characteristics, the next task will be to examine how these employment opportunities feed back into the success of a given economy. Finally, this study will conclude with potential barriers that face social enterprise ventures alongside a discussion of plausible funding sources for such ventures.

Before one can embark on tackling such research questions, it is important to first examine the evolution of social entrepreneurship itself. The concept emerged from the original heritage of entrepreneurship, which can be traced back to the 18th century. The word "entrepreneur" was first used in 1723, and it was derived from a much earlier modified French verb *entreprendre*, meaning

"to undertake" (Sobel, 2008). The first gentleman to refer to the notion of entrepreneurship was Irish-French economist Richard Cantillon, In his landmark publication, *Essai sur la Nature du Commerce enGénéral*(*Essay on the Nature of Commerce in General*), published in 1730 and translated into English in 1755, Cantillon introduced the rudimentary basis for the entrepreneurial spirit (Cantillon& Higgs, 1964. In those pages, Cantillon outlined an entrepreneur as an individual who worked with more risky business prospects that bore more uncertain financial outcomes, (a theme that would be explored to a greater extend in the work of his later followers in the field of economics). Cantillon also believed that the entrepreneur was a means for creating equilibrium within an economic market (Rothbard, 1995).This sense of equilibrium, which was disputed by later economists, could be the earliest evidence for the potential benefits of social entrepreneurship, particularly within the realm of job creation.

In the generations following, other notable economists also picked up on the concept and potential of entrepreneurship. French economist Jean-Baptiste Say, for instance, outlined elements of entrepreneurship in his 1803*Traité d'economiepolitique* (*A Treatise on Political Economy*) (Say, Prinsep& Biddle, 1834).As part of his groundwork for a principle that would become known as "Say's Law," which basically suggests that all supply and demand will eventually achieve equilibrium in the market, Say suggested that the entrepreneur played a pivotal role in the market's return to equilibrium by facilitating the movement of goods from lesser demand arenas to those of greater demand. In essence, this conceptualization, which has since been challenged, nevertheless also supports the current popularity of social entrepreneurship: if businesses go to where the need for that business, and accordingly its jobs, is the greatest, then the social benefit will be maximized and a greater sense of economic equilibrium will be achieved (Kates, 1998).

English philosopher and economist John Stuart Mill also explored the concept of entrepreneurship. In his landmark book, *Principles of Political Economy*, published in 1848, Mill emphasized the risks associated with entrepreneurship. Unfortunately, Mill erred in his encapsulation of this risk in that he mistakenly merged two types of distinct risk into one entity.

As scholar Bruce McDaniel has pointed out:

John Stuart Mill started associating the risk of the entrepreneur to make changes with the risk for the capitalist in hopes of a profit. Mill rightly recognized both endeavors as taking a risk; but he confused the underlying issues by combining both endeavors as if there was only one activity, and the risks in each were seen as a collective risk (McDaniel, 2002).

It was not until a century later that economists rectified this amalgam: Austrian-American Joseph A. Schumpeter repositioned the role of entrepreneurship as a positive force within the economy and as one distinct from capitalism (Schumpeter, 1947).

With the understanding of entrepreneurship evolving at a rapid pace into the 20th century, it should come as no surprise that this was the same era in which the concept of social entrepreneurship debuted. The term itself first appeared in Howard Bowen's book, *Social Responsibilities of the Businessman*, published in 1953 (Bowen, Johnson, 1953).In this significant publication, Bowen argued for the importance of corporate social responsibility and, in doing so,

relied on the term "social entrepreneur" in various instances as a means for encouraging a greater social good and it is still considered today one of the landmark publications on the topics of ethical practices for businesses. From the days of Bowen's initial publication, the popularity and study of social entrepreneurship has grown at an incredible pace. Economists and business analysts are discussing the implementation and effectiveness of social entrepreneurship, particularly since Charles Leadbeater's watershed book on the topic, published in 1996 (Leadbeater, 1997).

In addition to these more theoretical analyses of the implications and effectiveness of the social entrepreneurial approach, business innovators (and entrepreneurial sorts) have embarked on the creation of businesses that follow a social entrepreneurial model for the past forty years. A key example was William Drayton, who founded Ashoka: Innovators for the Public, in 1980. Drayton's non-profit has since become recognized globally as a model for innovative solving of global problems. The same can be said of British entrepreneur Michael Young, who founded The School for Social Entrepreneurs (SSE) in 1997. Thus far, the SSE has produced more than 1,000 social entrepreneurs through their campuses throughout England as well as internationally at campuses in both Canada and Australia.¹ Thus, not only has theory shown the potential benefits, but those who have implemented such models have seen dramatic social reward.

Some might argue that the rising popularity of social entrepreneurship is simply a fad, with the term itself merely a buzz word for young generations. The positive return, though, to the community, suggests that social entrepreneurship can have widening efforts in cultural, social and environmental goals. Indeed, in an effort of making them self-sustaining, social entrepreneurship organizations have engaged in practices that seem to double the role played by conventional investors in the community (Dempsey & Sanders, 2010). Thus, it seems that social entrepreneurship can be seen as have an exponential impact on the larger community, soliciting results from across the investors and entities that are involved. One of these key benefits has been the creation of jobs, which thereby strengthens the economy. Thus, social entrepreneurship is far from a passing fad; it is rather the path forward for sustained job growth and economic sustainability overall.

One of the key advantages of social entrepreneurship and its spread around the globe is its accessibility. In the modern world, we can access everyone everywhere through the facilities of the internet. It is through this virtual portal in part that social entrepreneurship has developed. Creating online communities has helped many people to share ideas and goals despite their geographical location. Accordingly, social objectives and goals have been met through the dissemination of useful information online and thus have contributed to several beneficial outcomes. One such benefit is that, by propagating the functions and roles of social entrepreneurship, many stakeholders have come together to pull resources and skills at one center. Another benefit as been increased interaction between the varied skill-sets of different segments of the population and the professional world. Together, such benefits advance the goals of social entrepreneurship in creating a robust social economy.

The social economy has continued to be a focus of economic policy in modern times, especially given the evidence that suggests such an economy supports the creation of employment opportunities (Abu-Saifan, 2012). Thus, in light of the research, implementation, and promotion of social entrepreneurial endeavors, it seems that the field is no longer a subsidiary function by companies engaging in a corporate social responsibility. Rather, it is a stand-alone venture that has proven influential in the establishment of stable societies and the elevation the living standards in our communities.

In a look back through history, one can point to evidence that suggests that the idea of a social entrepreneurship-based economy has been at least a peripheral notion for some time. As mentioned in earlier pages, significant economists throughout history have explored the potential of entrepreneurship as a social good, or even, as proposed by Bay, an equalizing force to an otherwise unpredictable market. What is more, larger governmental agencies in recent years have even tiptoed around the notion of such social entrepreneurial practices as a means of rectifying struggling markets. As mentioned in the 2003 Commission of the European Communities Report, for example, "in the history of European countries, the idea of building a shared future for the whole continent has been at the same time a hope and a challenge. After the devastating destruction of World War II, the continent finally turned the page, as more and more countries within its boundaries chose a path of increasing integration that would help prevent the rise of new conflicts" (Commission of the European Communities, 2003, p 11). Thus, in other words, the focus shifted from war to building economies through the solving of societal challenges.

An important part of such a process has been the implementation of a socio-economic model shared by those nations with common objectives. Such models, for instance, have been seen with the European Union (EU), a united political body that took root as early as 1945 and evolved over the subsequent 50 years. To return to the 2003 Commission of the European Communities Report once more:

The treaties that gave birth to the European Union recognize that a balanced economic growth, which strives to achieve full employment and social progress, is one of the fundamental principles that can lead to a growing integration among the people of Europe. Economic and social cohesion is a guiding principle that can be found in all the acts that compose the long process which has led, starting in 1945, to the unification of Europe (p. 11).

From this perspective, one could argue that the creation of the EU could be interpreted as an early attempt at a political system that rallied behind the benefits of social good.²

As such examples illustrate, the worth of social cohesion has been both a guiding belief in many choices of economic policy as well as a basic foundation for an integrated vision of growth in many parts of the world (Commission of the European Communities, 2003). This stems in part

from the fact that social enterprises are based on three fundamental objectives. The first goal is that all collective action must be considered to be more effective than the actions of an individual. In other words, a united economy must function as well or better than if everyone functioned as an independent entity. The second goal is that everyone in the society offers value contributions to the welfare of all. The third and final aim is to achieve progress through the creation among communities a standard desired level of welfare for every individual. When that standard can be raised, it will be considered as a qualification for economic development and growth. It is within this final goal that one senses the importance of the welfare of the public. Indeed, this has been one of the most enduring and innovative inventions of this modern age (Weeraardena & Mort, 2006). It has left an enduring mark on the correlation between the market and the society, and it offers a fitting entrée into an argument for the importance of social entrepreneurship as a means of ensuring this welfare through the act of job creation.

The previously cited report published by the Commission of European Communities provides direct evidence that general entrepreneurship benefits the greater good of the united European community. According to their 2003 findings, smaller firms outpaced larger ones in both growth and the creation of new jobs. They cite, for example, data from the Netherlands tabulated between 1994 and 1998 that showed that less than 10% of the country's fastest growing firms produced two-thirds of the country's new jobs (Commission of the European Communities, 2003). Furthermore, those countries within the shared community that had higher rates of entrepreneurial endeavors exhibited an inversely lower unemployment rate. These numbers have not changed much today. According to the 2015 reports of the United States Bureau of Labor Statistics, start-up firms – most less than 10 employees in total and less than one year old – provided 60% of new jobs in the United States (United States Bureau of Labor and Statistics, 2016).

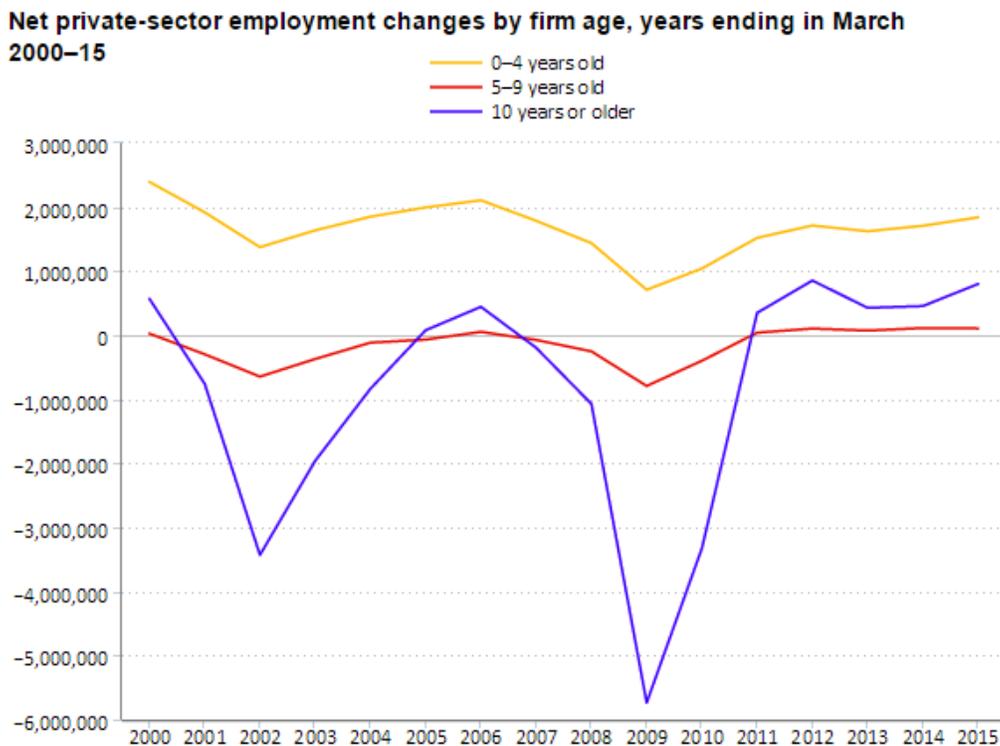


Figure 1: courtesy of the Bureau of Labor Statistics 2016

Thus, it seems that the data suggest that entrepreneurship provides solid support for job creation.

Why is this an improvement over conventional means of job creation? The traditional strategy of economic policy focused on the creation of jobs through boosting private growth and investment. Some scholars, however, see this model as antiquated. Such was the argument proffered by Pavlina Tcherneva (2012), who argues that the employment rate should be the main target to encourage economic growth. As she argues quite succinctly:

Growth declines when investment and consumption fall. Investment falls when sales fall. Sales and consumption fall when employment falls. To reverse this vicious cycle, policy must begin by fixing the unemployment situation, which will then lead to a recovery in sales and consumption, which in turn will improve business conditions and profit expectations – all of which will finally boost investment and growth. Growth, in other words, is a byproduct of strong employment, not the other way around.

In other words, Tcherneva concludes that a bottom-up approach, one that focuses on job development, can serve as the essential stimulus for economic prosperity. In light of this approach as well as the previously stated data that reflects the influence of entrepreneurial ventures in the creation of jobs, it seems that an emphasis on entrepreneurship would be crucial to further developing the stability and prosperity of the global economy.

If such success can be achieved with entrepreneurship, why cannot this same outcome be accomplished with social entrepreneurship? The mechanisms are essentially identical – social entrepreneurial ventures produce relatively the same number of jobs as entrepreneurial ventures – and of course social entrepreneurial ventures come with the added benefit of boosting the overall social good. Thus, one could argue that this approach has been vehemently anchored through social entrepreneurship.

While a social entrepreneurial focus could be key to securing the prosperity and stability of the global economy, a drastic change of economic thinking is needed to enable its success. First, the private sector must be encouraged through incentives that encourage businesses to embrace social entrepreneurial ventures. One means to elicit such encouragement, for example, proposed by Hervieux, Gedajlovic, and Turcotte is to remove bottlenecks imposed on corporate business. By alleviating these pressures, these scholars believe that businesses at all scales would be more receptive to supporting social entrepreneurial ventures. Their logic stems from the fact that most businesses provide goods and services that are in demand within some segment of the population. Thus, if Company One, based within a social entrepreneurial model, produces such a good for which others are willing to pay, and if outside Company Two enjoys incentives to work with Company One, then the pressures of the market will ensure the continued success of both companies and, accordingly, the consistent creation of jobs as Company One. In short, creating sustainable solutions in the society comes by creating opportunities for everyone and building a strong economy.

The achievement (and sustainability) of economic wealth through job development, though, goes beyond a focus on isolated issues or emphasis on the sale of a single service or product. As argued by Cukier, Rodrigues, Trenholm, and Wise (2009), social entrepreneurs must be cognizant of the plethora of issues and interdependencies at hand when entering a larger social and corporate network. In a social entrepreneur can simultaneously focus on both local and global issues, he or she can tackle each of these issues and at the same time cause mutually-reinforcing developments that can lead to economic and social change. These successes lead to both good works and good reinvestments, allowing for the acceleration of economic and social impact.

One can also point to emerging policy research and briefs that reiterate the importance of social entrepreneurial inclusiveness for economic development. The challenge, though, has been in the translation of these matters into policies and their establishment. There is a lot of attention focused, for example, on the contributions of small and medium enterprises (SMEs), organizations who are recognized by many global organizations, such as The United Nations and the World Trade Organization, as key promoters of economic innovation.³ Economist Simon Teasdale has argued that such SMEs serve as important for the creation of employment and their contribution towards internal economic development (Teasdale, 2011). Through such studies, social entrepreneurship is given the opportunity to showcase the added value of conducting business and creating strong socio-economic effects.

Adding further support to the creation of such a market is that it is also supported by a substantial amount of literature. Economists and scholars all point to the potential of social entrepreneurship as a key solution to the state of unemployment. Evidence suggests that social economy organizations such as associations, cooperatives, and foundations have played a significant role in creating employment in their respective areas. At the same time, recent focus has fallen on the role of social entrepreneurs as a means of assistance for the poor. Such was the position argued effectively by Alvord, Brown and Letts (2004), who argued that policy was pursuing the part played by these social entrepreneurial organizations in the integration of the poor and vulnerable into the workforce. Through such innovative business models, many have been able to secure jobs. As a result, one can argue that the social enterprise concept meets both economic and social objectives that contribute to social inclusion, labor market and development of the economy.

Social enterprises are private and autonomous organizations offering services and good with an explicit objective to benefit the community. The management of social enterprises is usually done by a group of people or investors for whom the material interests are subject to limits. This way, it has been possible to encourage uniform growth and development. Focus is given to a wide and distributed democratic structure of governance and allows for participation of various stakeholders. As a result, the quality of employment in the social economy is remarkably strong and, as argued by Weerawardena and Mort (2006), can better address the challenges affecting the community at large. It goes without saying that unemployment is one of the major issues affecting our societies, and so it would seem that if a social entrepreneurial outlook could yield such improvement, it would be foolish not to pursue it. What is more, if it bears the potential benefit of improving the status or quality of life for society's more vulnerable populations, one could argue that the establishment of such an approach is most ethical. Such a benefit is reinforced upon consideration of the fact that, alongside such improvements, there would arguably be a greater consciousness for the quality of both jobs and workplace conditions.

With these potential benefits laid out, why does one not see a more widespread and immediate adoption of a social entrepreneurial economic infrastructure in the modern world? The steps for such a model are unfortunately plagued by limitations and challenges. Presently, social entrepreneurs tend to be limited in their abilities to fully implement their social agenda, thereby minimizing the ultimate impact they bear on the market. According to professor Ash Amin, it is even logical to question the ability of social entrepreneurs to meet such promises since most of them struggle to maintain their businesses while also creating a significant social impact (Amin, 2009). Part of this struggle stems from, particularly in the developing world, the social entrepreneur's overdependence on donations to support sustainable job creation programs. Indeed, it would seem that stable revenue development is important for building and developing economies yet is difficult to secure.

Fortunately, social entrepreneurs have myriad new options for funding in today's global economy. According to analyst Bert Helmsing, social enterprise initiatives have become sophisticated and increased in numbers (Helmsing, 2015). Indeed, many countries have shown interest in the concept over the years due to the pressure and need to grow and develop economies.

At the same time, scholar Alicia Plerhoples points out that entities are being created to meet the funding and financial needs of the entrepreneurs (Plerhoples, 2013). These entities can meet the needs that grant programs and debt /equity investments failed to consider. Furthermore, according to experts Tulchin and Lin (2012), people have explored other options such as social philanthropy and social venture capital to increase the social value and profitability of their social enterprises. Innovative options have also been created by a number of financial institutions, governments and community-based foundations.

Even so, Plerhoples (2013) suggests that while some entrepreneurs may have the time to explore all possible sources for support or funding, others do not have access such a wealth of information. In these cases, some social enterprises are limited in development because they need to secure adequate finances to make their effort worthwhile. In some instances, even before seeking funding, they have to overcome numerous hurdles, such as weak capacity, insufficient government support, and lack of networks before their efforts prove successful. It is, therefore, critical for them to explore all the options for capital.

Thus, social enterprises must consider a wide range of external options to secure the success of their venture. The first category, according to expert Grace Davie, is that of conventional finance (Davie, 2011). In this market, entrepreneurs can seek equity by selling a portion of their business to private firms. They may also solicit capital from friends or family. If they are able to build trust with banks and credit unions, these enterprises can find a considerably high amount of funding, however, as Helmsing (2015) points out, it can be a struggle for banks to fully understand and/or embrace the social enterprise venture proposed. If large banks cannot supply funding, though, social entrepreneurs can also turn to the market of microfinance institutions, sustainable banks, and community banks.

The second category of the external sources of funding for enterprises is social investors (Davie, 2011). In the contemporary world, many investors are interested in social and community efforts (Tulchin & Lin, 2012). Various words are used to describe such efforts, including "social responsible investing," "slow money," and "patient capital." Such options offer better terms than the conventional lenders, and hence it is possible for the entrepreneurs to grow significantly within a short time using this source of funding.

The third category of external funding is the philanthropic grants. Such funds will often be offered as gifts by an organization or a wealthy person (Davie, 2011). Tulchin & Lin (2012), however, explain that such an option cannot be relied upon entirely because such gifts are typically smaller in scale and difficult to renew. While an enterprise will not be required to repay these gifted funds, the source is of low capital; at the same time, many other social enterprises are undoubtedly competing for those smaller gifts, making such donations a relatively inconsistent stream of revenue. Securing a stronger relationship with a very wealthy patron could establish a steady stream of funds, but even these relationships can fall prey to changes in that wealthy individual's aims or investment strategies. As such, it can be hard to get sufficient funding, which in turn leads to little growth and sustainability.

The fourth category of external sources of funding is from the public sector. Here, governments can offer entrepreneurs a chance to win contracts. While such contracts can offer the

stable, consistent funding that is lacking in other social enterprise revenue sources, Plerhoples (2013) argues that the process to attain such contracts is both highly competitive and lengthy. To increase ones success in this bidding process, Davie (2011) suggests enterprises should partner with organizations that are familiar with some of the relevant processes. By teaming with such an entity, the social enterprise will allow itself the opportunity to focus on its development and overall social impact rather than becoming mired in the intricacies of the contracting process.

Equally important, a social entrepreneur should consider options for internal funding. Such options forces the social entrepreneur, according to Davie (2011), to control their expenses and enhance cash turnover in order to get more cash flow. For instance, they may want to get prompt payments to avoid losses in business. Money can be collected in advance and discounts paid within a short time. Proper management of the existing capital can also help an entrepreneur save funding for an investment. In addition, social enterprises can consider crowd funding. Here, networks are created to help pool money and other important resources. The internet platform has come in handy to help build such networks.

Clearly, there are many financial options for social entrepreneurs. Nevertheless, Malin Gawell (2013) suggests that it is critical that such entities take each strategic option into full consideration before making final choices (Gawell, 2013). Foremost, the enterprises must understand how the financiers will make decisions. For instance, while banks will be keen on issues such as return on investment (ROI) and debt service coverage, donors and governments will consider the impact an enterprise will have on the community or society. Another consideration to make is the necessary networks and access to information on a given social enterprise's aims. Tulchin & Lin (2012) suggest, for example, that having details about the people or organizations that can help build supportive community is critical.

Perhaps most essential for success in acquiring funding is to build a remarkable credit history. Such is the crucial credential argued by Davie (2011), and it is undoubtedly even more so within the banking sector. Enterprises must also formalize venture and offer reports to the financial institutions. Doing so will make it easy for the lenders to understand both the ability and desire of an enterprise to repay the loans. At the same time, Tulchin and Lin (2012) stress that it is wise to ensure that the governance of the enterprise is transparent and that experienced managers are appointed to run the entity.

Professor Helen Haugh (2007) asserts that social enterprises are birthed from the social economy sector and have been closely related to the third sector and non-profit sector. As a result, most social enterprises adopt the legal and political frameworks typical of the non-profit sector. They may, therefore, not replace the concepts of non-profit sector and social economy, but will instead focus on coming up with civic initiatives that achieve social objectives. For instance, the enterprises deliver social or community services, such as education or healthcare, to the underprivileged groups in the community.

While the infrastructure of social enterprises often mirrors these other organization, Helmsing (2015) asserts that social enterprises tend to go far beyond the offerings of for-profit businesses in terms of their reach to the poor or underprivileged parts of the population. The local population may have a high demand for such far-reaching services, and quite often the social

enterprise is able to deliver said services at an affordable rate because they can maximize their resources such as subsidies, grants and donations. Gawell (2013) agrees to such a statement and further adds that the social enterprises make more impact in the community than the non-profit organizations because of several distinct elements that define them. First, they are engaged in the production of goods and services instead of relying on grants to deliver services. Second, since the enterprises are managed by a group of citizens, they are likely to receive more grants and donations from organizations.

Stephanie Berzin (2012) adds that shareholders may also be offered a chance to infuse a social enterprise with capital, which will in turn help the enterprise to grow and remain sustainable. What is more, the social initiatives are created by citizens who belong to a community that shares a specific need. As such, it is easy to maintain the dimension for the enterprise to remain sustainable. In other words, if the social enterprise is designed with the needs of a specific community in mind, it will be better able to respond and adjust to those needs to ensure their ongoing success. The distribution of profit is also prohibited in such entities, making it possible to avoid the profit maximizing behavior of the corporate world.

In addition, Mair and Ganly (2010) suggest that social enterprises are an effective tool of delivering policy objectives in social settings. They achieve this by engaging the stakeholders in the community to deliver services to specific groups within a given economy. In the process, they are able to identify the gaps in service delivery and hence come up with unique solutions. This integration of the marginalized people, such as the disabled or minority groups, into a greater social exchange leads to more substantial social cohesion and inclusion in communities. Training and skills are also developed in the process, making it possible for the community to grow and develop (Gawell, 2013). Further, by the virtue of social enterprises' support of a more civil society, mobilizing community resources and enhancing active citizenship becomes a reality.

With the benefits of such social enterprise established in previous pages, the final question to contemplate is which locations will benefit most immediately from the promotion of social entrepreneurship. Defourny and Nyssens (2008) hold that social enterprises can have more impact in rural settings than in urban settings. Rural residents tend to have a strong sense of community. Social networks are also denser in such settings. As such, the citizens have higher levels of trust and willingness to participate in different initiatives that social enterprises create. In fact, scholar Boris Urban (2013) argues that the co-dependencies and reciprocities that characterize rural settings make for a perfect environment to encourage social enterprises. As a result, social enterprises will have lot of impact in rural settings than in urban settings because, in such a rural locale, the entity will strive to understand and satisfy the needs of the local community (Helmsing, 2015). As such, they must work collectively to build the confidence of the community members to support a venture. Such is not achievable if human capacity is not built through training and development. It means that by having social enterprises in rural settings, communities are empowered significantly.

As this paper has revealed, social entrepreneurship should be seen as an essential presence in encouraging the stability and prosperity of the economy. It should be seen as a mechanism that could both boost local business in a given community while also improving other societal aspects,

specifically with the creation of new jobs. Given the rampant presence of unemployment in today's global economy, it seems that social entrepreneurship might be the perfect salve for remedying unemployment and working to equalizing social economies. Though barriers exist to the emerging variation on traditional entrepreneurship, resources are available to facilitate both the initial development and ongoing success of social enterprises. Thus, the present is an ideal time to encourage the development of social entrepreneurship as a means of bettering the world overall.

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Excessive Punishment in US Prisons

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Introduction

The concept of human rights is not fixed and can vary between geography, culture and across time. Likewise, the purpose, severity and scope of punishments also differ and is contextually based on a host of factors. While different marginalized groups have fought successfully for their civil rights and greater acceptance into the societal mainstream, the rights of prisoners have often been overlooked. Whether intentionally or unintentionally, prisoners' human rights have been infringed upon under the guise of criminal punishment in the United States, as well as in many other countries around the world. The goals of criminal punishment serve dual purposes of restitution and deterrence and the state has many tools at its disposal to achieve those goals. But are there instances in which punishments cross the line into actions considered excessive? Whereas the Eighth Amendment to the United States Constitution prohibits the cruel treatment, the matter has somewhat been taken lightly and applied unevenly across cases and certain demographic groups, including prisoners (Frase, 2004). At its broadest interpretation, the Eighth Amendment prohibits cruel and unusual punishment. But equally important is what the Eighth Amendment implies. Notably, not providing good medical care, protection from physical harm, brutality and good living conditions while in prison as well as protection from sexual assault, rape, and sexual harassment can amount to excessive punishment and even a violation of a prisoner's human rights (Robinson, 2001). While the principles of human rights are fundamentally held in the United States and other western democracies, whether or not these ideals are factored into determining the appropriate punishment is not always universal or automatic. This paper will examine human rights within the context of the criminal punishment, its history, goals and effectiveness, and whether certain actions, or inactions, violate the inalienable rights of prisoners.

Background information

The very act of imprisonment is punishment in and of itself. Prisoners lose many aspects of freedom, including the freedom to move, work and even vote. Even the notion of privacy is extremely limited. While imprisonment, as determined by a fair and open trial, is not itself a violation of human rights, the actions by officials and prison conditions can facilitate, directly or

indirectly, abuse that can constitute a violation of prisoners' human rights. For example, prison conditions should not include the unnecessary and wanton infliction of more pain, nor should punishments be grossly inconsistent with the severity of the crime. Despite the establishment of such checks and balances, some prisoners find themselves at the mercy of unruly prison wardens or a criminal justice system that does not prioritize their human rights.

The notion and goals of criminal punishment have evolved and changed over time, along with what constitutes an appropriate punishment. There are two key concepts that underlie today's theory of punishment. The first is that criminal punishments "should be based on the concept of retribution and that the punishment should match the severity of the crime," and second, that criminal punishments are meant to "mitigate the social costs of crime" (Teichman, 2012). Sentencing criminals prison time is one of the most effective and immediate ways to address a committed crime by providing a victim an opportunity to air out grievances during the trial process and preventing the perpetrator unable to further transgress. However, if the duration or the severity of the sentence is unreasonably excessive, the initial purpose of punishment is obscured and can ultimately deprive prisoners of his or her human rights. Punishments, such as torture, are prohibited in many democracies, but capital punishment and executions, are still utilized for the most egregious of crimes. However, that does not mean the death penalty is not fraught with moral and ethical conundrums. If criminal punishments are intended to right a wrong and to prevent a criminal from committing further crimes, any punishments deemed excessive or disproportionate to the crime committed, could have unintended consequences. The distinction between what is or is not excessive is blurred and depends on a variety of different factors and perspectives. Take for instance capital punishment. While it can be argued that the death penalty is the ultimate violation of an individual's human rights, handing down multiple life sentences can be viewed as just and fair. For example, Chammy Thipyaso, a criminal from Thailand was sentenced to 141,078 years in prison and another prisoner, Charles Scott Robinson, was sentenced to 30,000 years in the United States (Belsie, 2013; Hubbard, 2012). This kind of strategy does not contradict human rights, and, instead, provides a rational amount of punishment that not only addresses the crime committed, but it also provides a symbolic gesture that society is attempting to make what is broken whole again.

The relationship between severity and effectiveness of a sentence is crucial for determining the appropriate level of punishment. This aspect guarantees accuracy for prisoners since not all punishments require extreme punishments (Ashcroft, 2011).

Research Questions

In order to examine the issue of excessive punishment in prisons, this research paper will be guided by the following questions:

1. What are the goals of punishment and does it work?
2. What are human rights?
3. To what extent does excessive punishment violate human rights?
4. Which rights have been abused and how? Is the government concerned about the issue?
5. How can human rights be addressed on the issue of excessive punishment in prisons?

Literature Review

What constitutes crimes and their appropriate levels of punishment vary from state to state. Academics have criticized the Supreme Court for its failure to articulate a constitutional basis of criminal law. In other words, the Supreme Court has left the question of what constitutes a crime to state legislatures (Stinneford, 2012). Furthermore, states can classify certain crimes as more egregious than others (felonies versus misdemeanors), which can trigger a new set of rules and guidelines when it comes to meting out punishments. As such, there can be huge disparities between the types and severity of criminal punishments between states. But at its core, for any punishment to be justified, it must fulfill at least one of the following criteria: retribution, restitution, rehabilitation, incapacitation, or deterrence (Storm, 2010) and that punishments need to communicate a symbolic message to an offender as well as the victim (Townsend, 1997).

To determine whether a particular punishment can constitute a violation of human rights, we must first define what human rights are. A simple and widely accepted definition of a human right is “a universal moral right, something which all men, everywhere, at all times ought to have, something of which no one may be deprived without a grave affront to justice, something which is owing to every human being simply because he is human” (Cranston, 1973). This statement, while very open ended, grants certain rights to human beings just for existing. To be more specific, a human right can take on “additional characteristic of being assertable, in a manner of speaking, ‘against the whole world’” (Renteln, 1988). Prisoners’ personal liberties are curtailed by the very nature of imprisonment and while that may limit one’s ability to “assert” their rights, that alone does not constitute a human right violation. To determine a violation requires a closer examination of crime and its commensurate punishment.

The social purposes of punishment have changed over time. In the early 20th century, many leading thinkers viewed those who commit crimes as a product of heredity, social circumstances and struggle. Rehabilitation, then, was viewed as a way to address these social ills and remained a central part of the American criminal justice system. The Supreme Court, for example, consistently espoused this view in a series of court cases: in 1949, it declared that “retribution is no longer the dominant objective of the criminal law. Reformation and rehabilitation of offenders have become important goals”; that “deterrence and reformation in place of retaliation and vengeance as the motivation for public prosecution” in 1952; and that narcotics addiction was an illness that needed to be treated, rather than punished, in 1962 (Alschuler, 2003). The shift away from the rehabilitation model towards more punitive measures was a function of social instability of the 1960s and 1970s. Americans became skeptical of the government’s ability to control social order in the midst of the upheavals of Vietnam, Watergate, the Civil Rights movement and the expanding drug culture. In 1974, an influential article titled “What Works?” questioned the very legitimacy of rehabilitation programs. The article empirically evaluated rehabilitation programs in England and America and found that “rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism.” Later studies would find that the 1974 article was too pessimistic, but doubt was already sowed within the public imagination.

Defining the actual need for criminal punishment has also been up for debate through American history. There are schools of thought, which argue that punishments themselves do not usually explain why it exists in the first place. In other words, punishments “serve only to conceal the truth, that the scheme of punishment is a barbaric system of revenge, by which society tries to 'get even' with the criminal” (Grazia, 1952). Additionally, psychiatric criminologists and social advocates believe that there is an emotional component to crime, that criminals who break laws are fundamentally sick and are a product of broken families, poor economic circumstances and neighborhood conditions. Indeed, Supreme Court Justice Felix Frankfurter asked in 1945, “What have we better than a blind guess to show that the criminal law in its present form does more good than harm?”(Grazia, 1952). The very nature of crime is called into question. Criminal law is more concerned about society’s wellbeing than that of the individual and that its utmost purpose is to serve the welfare of the common good. William White, a renown American psychiatrist, shared this line of thinking, seeing crime as something that was historically determined by society. Benjamin Karpman, a disciple of White’s, believed that “criminal behavior is an unconsciously conditional psychic reaction over which [the criminals] have no conscious control” (Grazia, 1952). He advocated that society has to treat them as psychically sick people who need medical treatment rather than punishment.

But the factors that determine whether a punishment is excessive varies. Determining whether certain punishments are effective a dependent on society. In other words, behaviors, which are changeable, should be eliminated with the use of the appropriate level of punishment as defined and supported by society’s values. The psychological model demonstrates that punishment can be eliminated through a conditioned response. This learned response helps to eliminate the targeted negative behavior (Levitt, 1995). Prisons are also considered a site for rehabilitation in addition to punishment. According to physiological research, punishment should aim change behavior and that mild punishment can be effective in leading to more positive outcomes. Punishment can also be effective depending on the frequency of application, its immediacy, and the very exact process through which the punishment is carried out to positively reinforce pro-social behavior (Frase, 2004).

In prisons, administrators can employ a variety of tactics to encourage more social behavior. Some of the strategies include: penalties, fines, and reprimands. These strategies are effective for each individual and help to discourage crimes in societies. Retribution is a reasonable criterion to employ when determining the severity of the penalty. Unlike restitution, which depends on the particular needs of the victims, the criteria of retribution are reliable, as critics are not related with the felons in any circumstances, and that retribution is often viewed as a way to make society whole again.

Rehabilitation is the most favorable and respected criteria amongst all criteria, since it prioritizes the betterment of both the criminal and society. Through mandatory education in the prison such as vocational training, counseling, and drug treatment, offenders are offered the opportunity to improve themselves without threats or coercion (Cassidy, n.d). When prisoners are rereleased into society, there is a social expectation that the offender will reintegrate successfully within society and that any criminal proclivities are either erased or controlled. All punishment

can be assigned for the purpose of retribution and deterrence—mainly fines for restitution, mandatory counseling and treatment center placement for rehabilitation as well as incarceration, execution and house arrest for incarceration (Cassidy, n.d). Despite the many different avenues of addressing crime, the support for criminal punishment remains high with the public. Three quarters of the public believe that extreme punishment is the solution to crime and that future crimes can be prevented through incapacitation, particularly when the general public feels unsafe (Reynolds, 2000). Since 1991, the most violent crimes include robbery, rape, and assault. Furthermore, there are more than 119 million victims who have been recorded by the National Crime Victimization Survey (NCVS, U.S. Department of Justice, 1994). Public opinion is a significant factor that can determine the severity of duration of certain punishments.

The severity of punishment will typically be determined by the harshness of the crime committed. At the turn of the century, a number of penal policy changes were proposed by the Gladstone Report in the United States, which suggested that rehabilitation would be the ideal form of punishment for offenders. In 1910, Winston Churchill indicated that the then criminal justice system should work towards a discovery of curative processes during criminal punishments. This ideal was embraced until the 1950s, when some leaders voiced arguments that the benevolence of rehabilitation would cripple the criminal justices' potential. In 1962, the Model Penal Code was issued by the American Law Institute that endorsed retribution as only a limiting principle, emphasizing indeterminacy and treatment in sentencing. For example, it required that every penitentiary sentence be for at least one year so that prison administrators could adequately diagnose each inmate. Furthermore, this model code provided the principal alternative to the traditional test of legal insanity. Much of the post-World War II efforts to substitute treatment for punishment had focused on the terms of the "insanity defense." The Model Penal Code's formulation was a success, having been adopted by about half the states and every United States Court of Appeals but one (Alschuler, 2003).

A philosophical debate has since prevailed in jurisdictions across the globe. Specifically, a moral justification for punishment has been debated based on two schools of thought—namely the utilitarian and the retributive models (Townsend, 1997). Utilitarian philosophers argue that an act is good and moral if its consequences cause the happiness for the majority. Thus, whereas a punishment may be evil, it is justified if its positive effects outweigh its negative effects. Retributive philosophers, on the other hand, suggest that punishment should be imposed even when benefits are not accrued from the process. Here, punishment is seen as a moral response to crime. Furthermore, the punishment imposed should be proportional to the offense's seriousness. Both schools of thoughts have weaknesses, which makes it difficult for the criminal justice system to select the most appropriate approach to punishing offenders. For instance, the utilitarian theory, in a sense, argues that an infringement of human rights through criminal does not matter as long as the common good is achieved after punishment (Townsend, 1997).

In the United States, the Eighth Amendment protects citizens against excessive and cruel punishments—a basic human right enshrined in the country's founding documents. It states, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments" (U.S. Const. amend. VIII). The Eighth Amendment has been key to protecting

numerous U.S. citizens from the injustices of unfair legal outcomes, everything from the establishment of bail to prison sentencing is protected under this amendment.

While the Eighth Amendment constitutes an important concept that protects criminals from excessive punishments and preserves a fundamental human right, it is not—and has not been—perfect. The interpretation of the Eighth Amendment has changed along with society and the composition of the Supreme Court. For example, the amendment did not protect African Americans from unjust sentences during the Jim Crow era in the South from 1870s to the 1950s (Urofsky). The execution of 14-year-old George Stinney Jr. in Alcolu South Carolina demonstrates just one example of a failure of the Eighth Amendment to protect citizens against cruel and unusual punishment (Bever, 2014). In a sham trial that only lasted a day and with inadequate representation, Stinney was found guilty and sentenced to death on the electric chair—the youngest person ever executed in the U.S. (Bever, 2014). Despite the inaccuracy and questions surrounding his guilt as well as his young age, the court still sentenced him to death, a verdict many today see as cruel and unusual. Stinney's verdict is only one of many cruel and unusual punishments handed down to African Americans during the Jim Crow era and demonstrates the unequal and unfair application of the Eighth amendment in the United States history.

Today, controversy continues to surround the question whether the Eighth amendment can or should be extended to non-U.S. citizens. Many analysts argue that the amendment does not extend to terrorists because they are not citizens of the United States. These individuals argue that torturing terrorists—even without conviction—is permissible because the Geneva Convention—international rules regulating war—as well as the constitution do not protect these individuals. Despite this belief, many believe that the Eighth Amendment extends even to non-U.S. citizens and even to suspects in terrorism cases. Recent civil cases in the United States have sought convictions against government officials who violated suspected terrorists' freedoms through torture, including high ranking government officials (Cohen, 2012). While the Eighth Amendment were enshrined in the United States' bill of rights, its protection wasn't always extended to both U.S. citizens and non-citizens from cruel and unusual punishments and human rights violations.

The state is not the only actor that can perpetuate human rights violations. Prisoners can be victimized by other prisoners. Rape remains a pressing issue that is largely ignored by administrators and the general public. The Eighth Amendment prohibits cruel and unusual punishment and both federal and state courts have decided that sexual harassment, assault and rape fall within that prohibition. However, that has “done very little to mitigate the widespread legal and personal repercussions of America's most open secret”(Cheryl Bell, 1999). One of the most influential studies examining the rape of male prisoners found that up to “22% of male inmates had been coerced or persuaded into some form of sexual contact in prison, some- times by guards” and that male inmates who were victimized at least once before faced a significantly higher risk of repeat violations. Women, in particular, face an increased risk of rape or sexual coercion from prison guards than other prisoners. Recent studies show that the number of women in prisons has increased and that reports of rape and sexual coercion has also increased correspondingly(Cheryl Bell, 1999). According to Bureau of Justice Statistics, more than 70,000 individuals out of 1,570,861 prisoners were sexually victimized in one year as a result of indifferent supervision by

correction officers. More shockingly, correction officers were found again to be willing participants in sexual coercion: 12.2% of staff-on-inmate sexual activity in Nebraska (Meng, 2016).

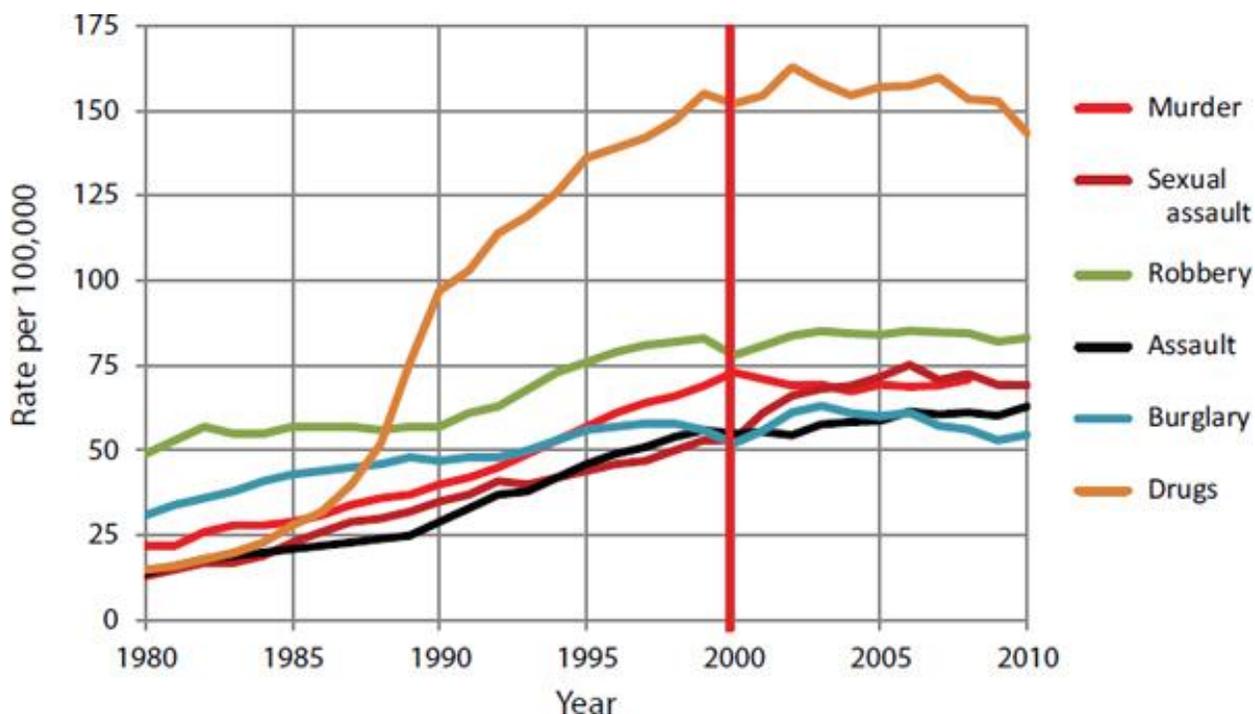
Rape and sexual coercion within prisons are viewed as human rights violations, just as much as they are considered violations outside of prison. In December 1996, the Human Rights Watch, a leader in the fight against sexual abuse in prisons, released a report, *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons*, that documented the pervasive sexual harassment, sexual abuse and privacy violations perpetrated by male guards against female inmates at eleven state prisons. The report found that “male officers have not only used actual or threatened physical force, but have also used their near total authority to provide or deny goods and privileges to female prisoners, to compel them to have sex or, in other cases, to reward them for having done so.” The report further criticizes the United States government for its failure to conduct proper investigations into these serious allegations and for its inability to protect the women who reported the abuses in the first place, which leaves them vulnerable to further victimization and retaliation. The Human Rights Watch argued that the United States complicity of sexual abuse is in direct violation of the U.S. Constitution and the various international human rights treaties the United States agreed to. Despite these damning findings, there has been little down at the highest echelons of government to institute any changes that would even begin to address the permissive culture that allows and fosters sexual abuse.

Infringing upon a prisoner’s human rights can even occur after time served. Many would argue that once a criminal serves his or her sentence, that their debt to society is paid. But a criminal record is permanent and can lead to a life of disenfranchisement. In the United States, it is difficult for prisoners to work because of social stigma, or they encounter obstacles in finding appropriate housing, financial and social support and the right to vote. For instance, approximately 4 million people are currently debarred from voting and several states also treat them unqualified to be elected to public office or to serve as jurors (Husak, 2007). Husak further states that “almost two-thirds of all ex-offenders convicted in state court are rearrested within three years, and one-third returns to prison because of parole violations” (Husak, 2007). The persistence of unemployment, and the deprivation of political, economic and social rights eventually tempts ex-convicts to recommit crimes.(Alschuler, 2003)

The very notion that prisoners still retained any civil rights after conviction and sentencing was not always a given. It is a concept that was and continues to be fought for. The prisoners’ rights movement can be viewed in the context of other social movements in the United States. Movements to increase the rights of women, gays and other minorities provides a template for advocates and inmates who are pressing for more just treatment within prison. While each social movement has its own history and motivations, “general trend has been to extend citizenship rights to a greater proportion of the total population by recognizing the existence and legitimacy of group grievances” (Jacobs, 1980). Today’s prisoners, who are majority African American and increasingly Latino, are organizing to increase their rights. The idea of imprisonment becomes mass imprisonment when “it ceases to be the incarceration of individual offenders and becomes the systematic imprisonment of whole groups of the population”(Jacobs, 1980).Furthermore, “minorities are disproportionately represented behind bars: 12.6% of all black men ages 25 to 29

are in jails or prisons, compared with 1.7% of similarly aged whites” in 2005 (Husack, 2007). This large percentage is extraordinary and warrants further study.

On the other hand, the use of excessive punishments can have a detrimental impact on corrections officers and prison administrators as well as the prisoners. Correction officers are human beings just like everyone else and they feel a sense of shame and guilt when having to exact criminal punishments, including executions. Not only do these punishments instill a sense of guilt, but they also influence the daily routine of correction officers. For instance, one correction officer divulged, “At night I would awaken to visions of executed inmates sitting on the edge of my bed” (MacAndrew, n.d). This highlights the psychological agony experienced by correction officers along with the already large amount of people who oppose barbarous punishments. Furthermore, some argue that the prisoners’ rights movement has demoralized prison staff: “There is some basis to believe that today's correctional officers are more insecure, both morally and legally, about their position vis-a-vis inmates (Jacobs and Crotty 1978) than were their predecessor” and that it has made it more difficult to maintain order and control over inmates: “The prisoners' rights movement has brought about significant limitations on the punishments that can be used against prisoners. Starvation, whipping, standing at attention, and exposure to freezing temperatures have been eliminated” (Jacobs, 1980).



(<http://www.nap.edu/read/18613/chapter/4#48>)

Capital punishment is a topic that engenders much debate for both those who support it and oppose it. The United States stands alone among Western democracies for not only convicting people for capital punishments, but also for carrying it out. The abolition of the death penalty around the world is driven by a better understanding of human rights. Some nations like Spain abandoned the death penalty in 1995, stating that: “the death penalty has no place in the general penal system of advanced, civilized societies.... What more degrading or afflictive punishment can be imagined than to deprive a person of his life?” In a similar vein, Switzerland abolished its death penalty because it believes it was a “flagrant violation of the right to life and dignity”(Dieter, 2002). Kofi Annan, the former United Nations Secretary General went on the record, saying: “The forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process”(Bentley, 2007).

Despite the fact that the United States was founded on the principles of certain “unalienable rights of man,” the general concept and lens of human rights is rarely applied within the U.S. In fact, discussions of human rights are almost exclusively focused on countries outside of the United States. The United States is very quick to express concern about human rights violations in other countries but uses different criteria and terminology when examining itself. Instead of human rights, the United States uses terms like “civil rights” or “constitutional rights,” thus the discussion of the death penalty in the United States excludes even discussing potential human rights abuses. It is because of this split that most Americans view the death penalty within the context of fairness, risk of error or simply an issue of morality rather than one about inalienable human rights(Dieter, 2002).

The Eighth Amendment of the Constitution has been used as an argument against the death penalty with limited success. The federal courts’ consideration of the death penalty “begins with the assumption that it is constitutional and that it is not a “cruel and unusual punishment.” That is chiefly because the death penalty clearly existed as a legal punishment at the time the Eighth Amendment was adopted in 1791, thereby demonstrating the founding fathers’ constitutional approval” (Dieter, 2002).Furthermore, the ratification of the Fifth Amendment, which guarantees due process to individuals seemed to provide a fail safe protection for defendants facing capital punishment. As such, many challenges to the death penalty is rooted within procedural deficiencies, including the selection of juries, a defendant’s right to a lawyer and the seemingly arbitrary application of the death penalty.

While the Supreme Court consideration of the death penalty does not factor human rights, these procedural challenges have helped to shape its approach to capital punishment. For example, while the Supreme Court has “rejected the notion that the punishment itself is cruel and unusual because of its taking of human life,” it has consistently narrowed the class of crimes eligible for death. Interestingly enough, the Court determined “that the death penalty was a disproportionate punishment for the crime of rape in which the victim did not die.” The Court reached a similar finding in the case of robbery. Even felony murders in which the “defendant did not intend to kill or harm the victim and did not demonstrate a reckless indifference to human life by his actions, are not punishable by death, even if a victim dies” (Dieter, 2002).

In addition to exempting certain types of crimes from the death penalty, the Supreme Court has also exempted certain groups of people. In 1986, the Court found that the legally insane may not be executed and in 1988, it declared that defendants 15 years of age or younger at the time the crime was committed may not be executed, though the Court eventually raised the age to 18.

Conclusion

There is a fine line that separates punishment from excessive punishment. While the motivations of criminal punishment have changed with time, its underlying goal remains twofold: restitution and deterrence. But therein lies the problem. How does society balance the needs of the many against the needs of the few? Incarceration and prison time were meant to provide offenders an opportunity to reflect upon their crimes, while giving prison administrators the chance to diagnose and provide activities that would encourage pro-social behavior—the concept of rehabilitation provided the bedrock foundation of the criminal justice system in the United States. However, the shift towards more punitive forms of punishment took hold during times of social instability and amid the general public's fear of crime that was spiraling out of control. The purpose of criminal punishment and incarceration is meant to prevent further crimes, but the lack of oversight and accountability over prisons can actually facilitate, or give the unintended appearance of complicity of, treatment that violates human rights. What the evidence shows that that the determination and the meting out appropriate punishments is not an isolated incident, but rather, it is part and parcel of a larger process by which the victim, the perpetrator and society at large participates; that what constitutes human rights and violations of those rights are context based that can change between geographies and across time. The discussion of the death penalty further illustrates this principle, as the ideas of human rights is excluded from deliberation and instead, these conversations are couched within concepts of constitutionality and fairness. The debate over excessive punishment will not abate soon. If anything, the evidence shows that as long as the definition of human rights continues to change, what constitutes excessive punishment will change alongside it.

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Socially Responsible Investing (SRI) as a Vehicle to End Apartheid

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I. The Aims and Concepts Behind the Socially Responsible Investing

According to researcher Jean Mardfin, Socially Responsible Investing (SRI) is “politically correct” or “conscience” investing. That is, if investors want to manifest both the financial gain and social impact, they can engage in SRI utilizing various strategies. These strategies, according to the SRI community, have gradually developed into four types: portfolio screening, shareholder advocacy (or shareholder activism), community investing, and divestiture.

The least common type of SRI is community investing, which is mainly offered to the “poorest of the poor,” – those who are socially marginalized, work for small businesses, or live in rural areas. The primary goal of this type of investing is to reduce the community’s dependency on government subsidies, rather than to build profit for investors. The group helps the community obtain funds from five major sources that encourage investors to donate: Community Development Bank, Community Development Credit Union, Community Development Loan Fund, Community Development Venture Capital, and Micro-enterprise Programs. Through these, the organizations can provide services like affordable loans and housing. This aspect of community investing has been accepted in many parts of the world, such as Australia, the U.S., many parts of Africa, and EU member countries whereby they develop options, priorities, and target groups to endorse their initiatives (Guay, Doh & Sinclair, 2004).

In contrast to the community investing, shareholder activism and portfolio screening—both of which are practiced within companies—are the most popular form of SRI. Companies perform portfolio screening in order to “screen out” products that pose harm to society. The three general methods of screening include “all or nothing”, “proportionate and secondary impact”, and the “best of industry.” “All or nothing” screening is an extreme form whereby companies or investors decide not to export or buy any products that lead to societal damage. This method of screening was most prevalent against apartheid when students boycotted consumer goods from companies that had subsidiaries in South Africa. Unlike this method, “Proportionate and Secondary Impact” goes through the process of judging. After evaluating the primary and

secondary impacts of the company's practices, companies continue their practices while striving for minimal negative social impact. The majority of companies currently operating endorse this method of screening. Finally, companies employing the "best of Industry" method continue their practices as long as these do not violate their pre-selected specific social value. These companies specifically aim for solutions to specific issues, such as protecting the environment.

Whenever investors believe that their company does not have a proper screening system, socially responsible investors, otherwise known as "impact investors" or "responsible investors," can pressure companies to adopt more scrupulous screening, by raising their voices through shareholder activism. Most of these investors value ESG (Environmental, Social, and Governmental) integrity. In recent years, shareholder activism for climate change and global warming has increased, obligating companies to reduce emissions, invest in clean energy sources, or invest in sustainable energy. Industries such as coal mining are also targeted because their business practices have negative environmental impact.

Finally, investors perform divestment as a "last resort" for companies that are utterly recalcitrant on ESG criteria. Investors sell the company assets in the form of stocks and equities to force companies to practice SRI. Governments also encourage companies to divest by enacting legislations specially aimed at corporate divestiture. Along with screening and shareholder activism, the divestment method was the most popular method used against the apartheid. Because apartheid posed an imminent and impending threat to the South African community, investors forced companies to make quick responses by selling off their assets.

II. A Brief History of Apartheid and Early Efforts to Confront Apartheid

South Africa is a diverse nation, with many different ethnic groups and 11 official languages. The racial divisions in South African society go beyond just black and white, and predate the apartheid era (Marks, 1987). Racial inequality in South Africa began with the process of European colonization. The two largest indigenous groups in the area that is now called South Africa were the Bantu and Xhosa people, each with distinct languages that are still spoken today. During the Apartheid era, four ethnic groups were recognized: Whites, Blacks, Coloureds, and Indians (MacDonald, 2006). White referred to European settlers, who were of primarily English or Dutch origin, and Black referred to the indigenous peoples of the area. The racial category Coloured is a bit more complicated; it refers to a multiracial mix of backgrounds between various African groups, European, South and Southeast Asian. This group typically speaks Afrikaans (the South African dialect of Dutch) and has a distinct and shared culture despite its diverse origins. The rights of Coloured people in South Africa varied in different times and contexts; sometimes they were treated more like whites, sometimes they were treated more like blacks, and many Coloured people were involved in the struggle against apartheid. Indians were brought to South Africa as slaves and indentured servants starting in the early nineteenth century, and had intermediate citizenship status in the apartheid regime (MacDonald, 2006). Other Asian populations such as Chinese and Malays were present in smaller numbers, and there were not always systematic rules determining their citizenship and rights. Some East Asian groups, like the Japanese, were occasionally treated as "honorary whites."

The Portuguese explorer Bartolomeu Dias first landed in southern Africa in 1487, but merchants and explorers continued to travel regularly through this area as a part of the spice trade to the East Indies (Ross, 1983). Settler colonialism began in 1652, as Dutch Settlers founded a station that would later become Cape Town. The British took over Cape Town in 1806, and many of the Dutch, some of whom had lived in South Africa for several generations by this point, moved North to avoid British rule. Throughout the late 1800s, wars were fought between the Boers (the name of the Dutch settlers), the British, and the indigenous Zulu for control of the land that is now South Africa (Judd & Surridge, 2003). The struggle for European control of South Africa gained new urgency with the increasing number of mineral resources discovered in the late 1800s, including gold and platinum. By 1910, the British colonists controlled the country, called the Union of South Africa (Judd & Surridge, 2003). After British control became firmly established, the British and the Dutch settlers, who had been enemies in several wars, began to cooperate to ensure white control of the new nation and its resources.

On May 26th 1928, South Africa's United Party under the control of Jan Smuts was ousted by *Herenigde Nasionale Party's* leader, Daniel François Malan. Malan garnered massive political support from his championing of racial segregation and the disenfranchisement of black South Africans, who were viewed as a threat to white South Africans. Said Malan: "I do not use the term 'segregation', because it has been interpreted as fencing off, but rather 'apartheid', which will give the various races the opportunity of uplifting themselves on the basis of what is their own." (Giliomee, 2003). This preposterous and baseless prejudice led South Africa to a new era characterized by segregation and rampant racial tension, while promoting Malan to enshrine even more rigorous xenophobic policies propounded from the reports of Fagan Commission and Sauer Commission.

The National Party, a white nationalist political group mostly composed of Afrikaners, took power in the 1948 elections, and began implementing codified racial restrictions to maintain overall social and economic control, such as: [1] moving Black South Africans to reservations, [2] limiting voting rights and political representation to whites, [3] prohibition of mixed marriages, and [4] requiring passbooks to control the movement of Blacks (Pfister, 2005). Some of these efforts had begun in the colonial era, but were intensified and more strictly enforced during the apartheid era. Soon afterwards, the core of South African legislations permeated with apartheid policies, including Immorality Prohibition of Mixed Marriages Act (1949) that criminalized interracial marriage. Furthermore, the Prevention of Illegal Squatting Act (1951) allowed the state to remove informal black South African sectors in shantytowns and the Bantu Education Act (1953) created separate educational facilities for black and white students. Further legislation created firm racial divisions in access to public space. The Reservation of Separate Amenities Act (1953) denied black South Africans the right to enter public facilities; and most importantly the Group Areas Act (1950) that designated white and black people in separate residential and commercial area, which indicated an utter marginalization of blacks from business and political spheres.

In the early 1960s, many Sub-Saharan African nations were gaining independence, beginning with Ghana in 1957, causing many white South Africans to fear that pan-Africanism

might spread to their country (Joyce, 2007). Philosopher and civil rights activist Achille Achebe calls the apartheid phenomenon *genomic turn*, which refers to the misuse of genetic science to promote racist pseudoscience to justify racial hierarchies. This provoked massive non-violent civil resistance, which manifested clearly that blacks would resist by any means until the culture of “mutual resentment” disappeared (Achebe, 2003). In 1912, the African National Congress (ANC) was founded to organize the “defiance campaign”, a non-violent protest inspired by Mahatma Gandhi. Rallies, demonstrations, sit-ins, campaigns, and postcards filled the streets of major cities like Durban, Port Elizabeth, and Cape Town. These cities were considered to represent an embodiment of white supremacy.

Nelson Mandela, a lawyer and ANC Leader, rose to prominence in the 1940s and 50s (Lodge, 2006). He and his supporters were imprisoned by the apartheid regime on Robben Island from 1964-1982, where they performed forced labor in a lime quarry. Demands to “Free Mandela!” became a common refrain from the international community, as well as efforts from the UN Security Council. He was ultimately released in 1988, as the new leader of the South African National Party, earning legal recognition for the ANC and taking steps to repeal apartheid (Lodge, 2006). After the end of apartheid in 1994, Mandela would become the first black President of South Africa.

Despite the non-violent efforts to curb apartheid, military forces prosecuted protesters. As liberal sociologist Matthew Yglesias argues, non-violent civil resistance was “difficult to sustain collective action”, indicating that non-violent resistances were sporadic and intermittent by its nature. Though Gandhi was undoubtedly a precursor of non-violent protests, to some extent, he believed that “Though violence is not lawful, when it is offered in self-defense or for the defense of the defenseless, it is an act of bravery far better than cowardly submission.” The apartheid government had a powerful, modern military that even included nuclear weapons (Von Wielligh & von Wielligh-Steyn, 2015). Therefore, internal resistance of either a non-violent nor militant nature was unlikely to be successful on its own. The South African activists would need sustained support from the international community in placing both economic and moral pressure on the apartheid regime.

III. Methods Used by Socially Responsible Investors

Many historians point to the Sharpeville massacre as an incident that catalyzed the new paradigm of SRI movement in South Africa. On March 21st, 1960, approximately 7000 South Africans, organized by the anti-apartheid organization Pan-Africanist Congress (PAC), assembled in front of the Sharpeville police station to initiate their non-violent anti-apartheid protest. The overriding goal of this protest was to abolish the laws whereby black South Africans were coerced by the government to carry “internal passports”, which they had to show to white people to enter “white” areas, which included all metropolitan areas and towns. Although Robert Sobukwe, a leader of the PAC, notified the Sharpeville police station that their protest would be non-violent, when the protest started, 300 policemen subdued protesters using violence. During this resistance, 69 were killed and 300 were severely wounded. The protest became a symbol of anti-apartheid movement, as PAC “succeeded in attracting people previously unengaged in

organized politics” as well as “thousands of local residents” who lived in close vicinity to the township, a residential area for black South Africans only (Lodge, 2011). On March 30, the South African government proclaimed a “state of emergency,” allowing armed forces to arrest protesters indiscriminately. This led to further death of innocent civilians; however, it also heightened social tension and “reinforced perceptions that South Africa was in a state of crisis” (Lodge, 2011). Furthermore, as historian Seidman notes, “a growing international movement focusing on economic sanctions as a way to undermine South African apartheid, a movement for what was called socially responsible investing” emerged (Seidman, 2007). This movement ushered in unprecedented strategies within international community against apartheid. Social investors exploited their shareholder activism “to prevent enterprises in South Africa from intensifying apartheid whose outputs were mainly from the exploitation of black South Africans and illegal migrants” (Richardson, 2008). The dynamism of such ethical behaviors developed into three main arenas: Divestment Campaign, Sullivan Principle, and the Churches.

IV. The Student Divestment Campaign

The divestment activism against apartheid has been described as “part and parcel of the anti-apartheid movement in the United States, especially the wing of the movement that has galvanized the support of thousands of college and university students across the country” (Jenkins, 1989). According to a scholar Herbert Blumer, in contrast to the general anti-apartheid movement “that had only a general direction, toward which they move in a slow, halting, erratic, yet persistent fashion,” the divestment movement was a “specific social movement” that had “well defined objective or goal which it seeks to reach.” (Blumer, 1978) Thus, this enabled divestment activists, mainly students, to maximize their leverage in working towards the ultimate goal of achieving liberation of Black South Africans.

In one of her studies, Janice Love argues that although the divestment movement focused on the above ultimate goal, in the long term, it sought to achieve four main objectives: “efforts to enact sanctions against South Africa; initiatives to send direct aid; efforts to promote research and publication about apartheid; and corresponding efforts to educate the American public about apartheid” (Love, 1985). Love clarifies that divestment activists were able to construct these well-defined short term and long-term objective because the movement had what was called a “discernable organizational structure” (Love, 1985). Unlike previous anti-apartheid movements that employed non-routinized activities such as sit-ins, picketing, marches, and demonstrations, the divestment campaign was organized by students in university campuses with clear structures and initiatives.

According to Jenkins, along with the Sharpeville massacre of 1960, the “precipitating event” of the student divestment movement was the involvement of student organizations like Students for a Democratic Society (SDS) and Student Non Violent Coordinating Committee (SNCC) in civil rights causes (Jenkins, 1989). Like apartheid, the civil rights movement in the U.S. focused on racial equality. Although their efforts led to the enactment of civil rights bill by president Johnson and Kennedy, de facto changes in black rights did not materialize even until 1970s. It is therefore logical to argue that their thirst of social justice “translated their passion

about domestic racial issues into a deep concern for the plight of similarly oppressed black South Africans” (Jenkins, 1989). In such a climate, the breach of human rights, compounded with cataclysmic political events in South Africa, prompted students to bring new wave of protest. As demonstrated in the civil rights campaign, these student organizations not only already effectively institutionalized, but also encouraged the spread of knowledge and best practices across campuses and around the nation. As a result, the number of colleges and universities employing divestment strategy increased from 53 in 1985 to 155 in 1988 (Knight, 1990). Though many conservatives held that the sole purpose of school is for education, many activists and educators conceived divestment campaign as “basically educational” and thus “never really expected to have any practical impact on South African economy” (Jenkins, 1989).

The student divestment campaign had three major waves. The first wave began on March 19th, 1965, when 600 students protested in front of the Chase Manhattan Bank, a company that invested major assets in South African industries and firms. The protest included activists and leaders from student NGOs and even some notable civil rights institutions, such as SDS, SNCC, Congress of Racial Equality (CORE), National Christian Federation (NSCF), and the Pan African Student Organization of America. After the Sharpeville massacre, these student protesters wanted to disentangle any financial links between U.S. corporations and the South African government. In response to ongoing protests, the South African government initiated military expansion. From 1960 to 1970, the government’s military expenditure increased by 600% (Jenkins, 1989). By 1965, the government had established their own military industry called Armaments Development and Production Corporation (ARMSCOR) to “produce and export wide assortment of weaponry” (Jenkins, 1989). Despite their military expansion, not only were the United Nations and the U.S. obstinate to impose economic sanctions against the apartheid nation, large conglomerates even enabled and aided this expansion by investing huge foreign capital. Naturally, banks with plenty of foreign reserves became the primary target of the early divestment campaign. After a brief period of capital flight after the Sharpeville massacre, banks bailed out the South African government to replenish its budgets. Part of the bank’s motivation was to maintain a favorable relationship with a country that had plenty of natural resources. The divestment campaign identified these corporate actions in support of the apartheid government as promoting the same injustices that occurred within its own country. Therefore, the purpose of the student protest at the Chase Manhattan Bank was not only to bar any investments from the Bank, but also to meet their broader objective of forcing “all U.S. firms to withdraw from South Africa” (Jenkins, 1989). Their ultimate goal, as Phillip Randolph, a co-chairperson of student led body American Committee on Africa (AOCA), stated: “what we wish to accomplish is to make clear to ourselves, to our fellow countrymen, and to our government, that Americans must disengage systematically from the injustices of the apartheid regime.” (qtd. in Jenkins, 1989)

The second wave of the student divestment movement in the U.S. encountered greater institutionalization of student groups and the expansion of their active regions. While many student organizations had begun to divert their primary objective to American involved issues such as Vietnam War, NSCF and AOCA had successfully introduced their campaigns to

university campuses (Jenkins, 1989). Most notably, in Stanford, students organized the Stanford Committee on Responsible Investing (SCRIP), Stanford African Student Association (SASA), and Stanford out of South Africa (SOSA) which collaborated with each other to organize and raise awareness of their campaign. Their success astonished faculty members at Stanford and led Don Kennedy, a former president of the Stanford University, to participate in the protest (Ervin, 2011). Furthermore, with 40% of its members being female, these organizations also addressed women's rights in South Africa, with issues such as corrective rape that existed alongside the racial oppression (Ervin, 2011). Accounts of the protest from Bob DeGrasse, a former Stanford University student, summarize how vigorous and lively the protest was:

It is 7:45 pm, Monday, May 9. I have just been arrested for trespassing in the Old Union at Stanford University. I'm standing at the back door of the Union, my hands bound by plastic handcuffs, surrounded by a dozen Sheriff's Deputies. I am accompanied by three fellow demonstrators. Each of us is firmly in the grasp of two deputies. I joke with a deputy at the door about the long night ahead for both of us. He addresses his fellow officers: "Are you ready, gentlemen? Okay, here we go." The doors open, TV cameras light up. I hear: "Stanford legal assistance, please call out your name." Each of us responds. Then clapping and cheering flood the courtyard behind the Union. "The People, United, Will Never Be Defeated." As we march to the waiting van I can only smile, for I am deeply moved by the outpouring of support from the more than 500 people gathered (DeGrasse, 1977.)

Student activists that took roles in the second wave of divestment protest practiced "selective" divestment (Jenkins, 1989). Rather than practicing "total divestment", which means to force all companies to withdraw their products from South Africa, students themselves analyzed the impacts of exporting a particular product—a process known as screening—to identify what product posed a biggest threat in intensifying the apartheid. As a result of this, students mainly targeted companies that produced weapons that took an integral part in the military expansion initiative taken by the South African government. Divestment organizations in Columbia University and Harvard University, for instance, urged Bravo Company Manufacturing, a biggest arms exporter, to withdraw from selling weapons to the apartheid regime. That way, divestment organizations were able to lessen the military violence in South Africa that ultimately decimated thousands of innocent lives.

The last wave of divestment campaign was far more influential than the past two movements. As Jenkins wrote, "the third wave of divestment campaign was a well coordinated, nation-wide phenomenon" (Jenkins, 1989). Coalitions of groups organized by AOOA and others used innovative tactics, including sit-ins, marches, blockades, and the formation of shanties which were broadcasted through media. "Appearing first at Cornell in 1985, by the Fall of 1986 virtually every active divestment local had constructed a shanty" (Jenkins, 1989). By virtue of these coordinated and nation-wide efforts, 75 U.S. colleges and universities decided to divest all stocks related to South Africa between 1985 and 1987, and by the end of September 1986, the

total amount of divestment amounted to \$18.5 billion, which far surpassed the total amount of divestment made by U.S. companies (Jenkins, 1989). But on top of these measurable impacts, the three consecutive waves of the divestment campaign, as explored in next few sections, catalyzed the creation of universal Sullivan Principle, an ethical code of conduct for all U.S. corporations, as well as the state and federal actions.

V. Episcopal Church

While student activists led the SRI by encouraging firms to divest and divesting themselves, the Episcopal Church employed a different mechanism of SRI to protest apartheid: shareholder activism. During the 1960s, although the members of Episcopal Church constituted a mere 1.5% of the entire population of U.S., one study showed that about 15% of the U.S. Congress and about 21% of leading U.S. corporate executives were members of the Episcopal Church (Wuthrow, 2002). In addition, many plutocrats and shareholders of conglomerates had their own religion that also emphasized social equality and justice. Because of this religious penetration within the business cycles of U.S., the Episcopal Church decided to take advantage by persuading shareholders to activate their activism to affect the corporate decision.

Amongst many divestment actions taken by shareholders from Episcopal Church, the most significant event occurred in August 1971. Influential Episcopalian John Hines filed a shareholder resolution with General Motors, a company with more than 10 subsidiaries in South Africa. This resolution, known as the General Convention Resolution, formally requested the Executive Council to withdraw General Motors from the South African community (Wuthrow, 2002). When the resolution was not endorsed, Hines wrote a letter to the CEO of GM and attended shareholder meeting himself to present the church's shareholder resolution (Wuthrow, 2002). The resolution, supported by Leon Sullivan, who emerged as a leader of SRI in the next several decades, successfully persuaded other shareholders and even corporate executives. This ultimately paved the way for GM to divest from South Africa.

Using similar methods to the GM divestment campaign, the Episcopal Church made significant contributions in forcing other influential corporations and banks like IBM and the Chase Manhattan Bank of New York to divest from South Africa. In assessing the impacts made by the Episcopal Church, Timothy Smith, an executive director of the Interfaith Centre for Corporate Responsibility (ICCR) notes that "Without the Episcopal Church's initial leadership, there would be no socially responsible investment movement" (Pierce, 1992). He believes that the model of shareholder activism reflected by the Episcopal Church "served as a model" and a guideline for other religious organizations willing to practice SRI and thus made "measurable impacts on the society" (Pierce, 1992). In sum, the Episcopal Church not only rendered major corporations like GM and IBM to re-evaluate the ethics including apartheid South Africa as a key business partner, but also the shareholder resolution itself demonstrated that the influence of religious organizations cannot be overlooked even within the highest echelons of the business world.

VI. Sullivan Principles and other American businesses

In the early 1960s, major international corporations engaged in rent-seeking behaviors, mainly because companies emphasized profit “as only business of business.” Especially during the Cold War era, large conglomerates forayed into African countries, building subsidiaries and sweatshops. As of 1972, more than \$900 million was invested and 300 subsidiaries were built in South Africa, as companies were able to exploit cheap black South African labor (Richard, 1976). Even large American banks like Chase Manhattan bank and New York Citibank, for example, sent loans that nearly totaled \$777 million as of 1976 (Richard, 1976). According to Richard Knight, an executive of consultancy firm in South Africa, “the South African economy does need bolstering, for its balance of payment deficit.” (Richard, 1976) He predicted that if jobs were provided to more than 250,000 black South Africans; the country would be expected to grow by 6.5% annually. However, loans were, for example, used to build private companies such as Electrical Supply Commission (ESCOM) and Iron and Steel Corporation (ISCOR), to extract abundant natural resources and import these raw materials to other countries. These extractive industries did not create local infrastructure or create reliable jobs for black South Africans. Moreover, the US government encouraged these companies and banks like Chase Manhattan because they brought profits and precious metals that served as pivotal means to the Cold War.

Businesses soon realized that the apartheid is not a situation that any individual, family, or company should support or respect. Through SRI, more than \$3.71 trillion was contributed to end the apartheid era (Renneboog, Ter Horst & Zhang, 2008). During the 1970s, people of color faced restrictions and challenges to their voting rights, and created social and political structures for organizing that could then be applied to other issues once their own demands were met, including bringing an end to apartheid. These victims of discrimination withdrew their investments from South Africa (Sparkes & Cowton, 2004). As the civil rights movement turned its attention to South Africa, companies began to realize that they would suffer if a move to end apartheid was not initiated. It is believed that companies feared their downfall and thus made efforts to invest responsibly. Large corporations that control a substantial percentage of the country’s economy create huge investments that can create rapid change if SRI is adopted. In addition, many companies such as the Continental Bank of Chicago had investments in South Africa (Sparkes & Cowton, 2004). The efforts to end apartheid would eventually restore a regular trade environment to the nation, and help businesses and banks with preexisting investments to proceed with their businesses in South Africa.

Soon afterwards, the new paradigm of SRI was laid due to the school divestment campaigns, which led to the emergence of Sullivan principle: a moral code of conduct that companies operating in South Africa had to comply with. Reverend Leon Sullivan, an employee of General Motors in South Africa, introduced the Sullivan principle in 1977 after observing the systematic dehumanization of black South Africans in various townships where sweatshop laborers were squeezed by abhorrent conditions of factories and racial segregation. When he was young, Sullivan became a pastor of the Baptist church that gave him early inclinations toward humanitarianism and philanthropy –this pushed Sullivan to pioneer a patronage program (The Leon H. Sullivan Foundation, 2003). Comparing himself to Robin Hood, Sullivan believed that

he was obliged to “take from the rich and give to the poor” in order to make the world “wake up and do more for Africa” (Sullivan, 1976).

Sullivan summarizes his motivation as following: "In 1974 I met with hundreds in South Africa and I realized that apartheid was sinful...when I was getting on the plane to go home, the police took me to a room and told me to remove my clothes. A man with the biggest I have ever seen said, 'We do to you what we have to.' I stood there in my underwear, thinking, 'I'm the head of the largest black church in Philadelphia and I'm on the board of directors of General Motors. When I get home, I'll do to you what I have to'" (Sullivan, 1999). In 1976, Sullivan convened executives representing some top 17 companies, including General Motors and IBM, in an effort to persuade them to design renewed, ethical corporate codes that would influence behaviors of subsidiaries operating in South Africa. Although many companies were originally skeptical in terms of the feasibility of such reform on the grounds that it required legal limits to be extended too much, many realized Sullivan's genuine passion. The chairperson of Caltex, a multinational oil company, wrote: “Caltex is, as you know, strongly opposed to apartheid and will seek to [fulfill the principles] so far as that is possible within the laws of South Africa” (J.M. Voss to Sullivan, 1977, quoted by Seidman in *Beyond the boycott*).

Therefore, the first version of Sullivan principles' statement provided basic guidelines about the need for corporations to employ practices within the bounds of “ethical development”: “express our support for universal human rights”, “promote equal opportunity”, “respect our employees”, “provide a safe and healthy workplace” and “promote fair competition.” At the beginning, however, the Sullivan principle was often condemned to have accelerated “distrust between the corporations and their critics” (Sethi & Williams, 2012). In spite of some resistance, pension funds—one of the largest capital possessed by institutional investors who play a significant role in determining the outcomes of the stock market—gradually began to “adhere” to the Sullivan principle starting in the 1980s (Richardson, 2008). Many states, led by Connecticut, blocked pension funds from accessing South Africa unless investors adhered to the Sullivan principle.

Large states like Massachusetts devised state ordinances to help prevent pension funds, no matter the purpose, entering South Africa. The federal government also enacted the Comprehensive Apartheid Act of 1986, which explicitly stated that all businesses must “comply with Sullivan principle” (Richardson, 2008). Furthermore, Sullivan's entrepreneurial leverage as a director of General Motors persuaded other conglomerates and municipalities in the United States to abide by the tenets of Sullivan principle. Two years after the Sullivan principle was introduced, more than 75 percent of companies in United States either volunteered or faced coercion by Sullivan to adopt the principle. Otherwise these companies would be publicly defamed by Sullivan who himself was posed to “embarrass and chastise” companies that did not make a “first step to deal with apartheid” (James, 1980). Signatory companies that embraced the Sullivan principle were therefore charged with more pressure in corporate decision-making insofar as every decision they made regarding loans to South Africa was done at the risk of the company's reputation (Sethi & Williams, 2012). Companies operating in Johannesburg and mining companies had to carefully review their outsourcing in South Africa. More so, the

divestment movement not only increased the awareness of loathsome apartheid throughout the world but also pressured the United States congress to enact economic sanctions against South African government. The movement also facilitated the political enfranchisement of black people in South Africa. Post-apartheid, South Africa was able to elect its first ever- democratically elected black president, Nelson Mandela.

While the Sullivan principles were founded for the South African government, they have since been modified and applied around the world, especially pertaining to multinational organizations working in multicultural settings. These principles urge shareholders to be accountable and respectful as well as responsible and sustainable.

VII. Impacts of Socially Responsible Investing

Divestment campaigns vitalized countries that were previously opposed to establishing an international divestiture movement to implement economic sanctions against the apartheid regime. This dramatic reversal of international attitude was epitomized by the UN from the 1960s to 1980s. When the UN General Assembly drafted a non-binding resolution calling for the establishment of United Nations Special Committee against Apartheid and economic sanctions—which would terminate all loans and investments to South Africa—many Western countries opposed the resolution. The most vociferous opponents were Britain and the U.S., who opposed economic sanctions for practical reasons. According to Paul Lansing, a scholar of apartheid, the Charter Administration, plagued with U.S. officials at that time, “continued the longstanding American policy of neither encouraging nor discouraging U.S. investment in South Africa” because it considered South Africa an important ally (Lansing, 1981). Thanks to its unique geopolitical position, South Africa “controlled the shipping routes around the Cape of Good Hope, which are vital for transforming Persian Gulf oil” (Lansing, 1981). In addition, South Africa possessed huge natural resources, such as coal and chromite, which U.S. was heavily reliant upon. For similar reasons, Britain also opposed economic sanctions on South Africa and instead claimed, in collaboration with U.S., that “sanctions would have the effect of persuading the South African Government to change its policies.” Moreover, demonstrating the U.S. position, Lansing notes, “the Portuguese revolution and the subsequent withdrawal of its forces from Mozambique and Angola left the United States with few friends in southern Africa. South Africa was also instrumental in the negotiated independence of Zimbabwe, her neighbor to the north” (Lansing, 1981). Due to these important factors, U.S. and Britain rejected economic sanctions in 1960s, as they had done when violating the trade embargo on Rhodesia due to their need to import chromium.

However, these perspectives did not carry into the 1980s when SRI movement reached its crescendo. Pressured and persuaded by divestment campaigns, as of 1986, many major trading partners of South Africa, including EC, Japan, and U.S, imposed economic sanctions on South Africa. In August 1984, the UN had successfully implemented a new resolution calling for economic sanctions. Taking further steps, in December 1989, with a majority vote, the General Assembly proclaimed the “Declaration on Apartheid and its Destructive Consequences in

Southern Africa,” an international consensus calling for the establishment of a non-racial democratic regime.

The efforts of American businesses to end apartheid by endorsing Sullivan principles gathered further momentum as more than 200 U.S. companies decided to divest from South Africa, with U.S. direct investment falling from \$2.3 billion to \$1.3 billion by 1998 (Knight, 1990). While the Sullivan principle proved to be extremely influential within the American business cycle, Richard Knight states “U.S. investment in South Africa is clearly not at an end. More than 130 U.S. companies still have subsidiaries in South Africa.” (Knight, 1990) Although many of these U.S. subsidiaries in South Africa still endorsed Sullivan principles, these companies aimed for loopholes in the framework and supplied products “via licensing, franchising, and distribution agreements” (Knight, 1990). As Knight describes, “supermarkets in South Africa often look like supermarkets in the U.S. with Kellogg's cereals, Colgate toothpaste, and Coca-Cola” (Knight, 1990) Though many of these products were not weapons the violation of common corporate practices by large conglomerates urged federal courts and states to get involved to remove the loopholes.

Starting with San Francisco, which amended its legislation in 1978 from stipulating that companies adopt screening to permanently banning any investment in banks and subsidiaries in South Africa, approximately 22 countries and 90 cities took “binding economic actions against companies doing businesses in South Africa” (Knight, 1990). The landmark statutory movement against apartheid at the state level was the enactment of Comprehensive Anti-Apartheid Act on August 15th, 1986 that “required the United States to adjust its actions toward South Africa to reflect the progress made by South Africa in establishing a nonracial democracy” (U.S. Congress, 1986). This bill was introduced by Congressman Ronald Dellums and Howard Wolpe, who were both members of the Republican Party and the House of Africa Subcommittee. Both wanted to end America’s long trajectory of resistance of the anti-apartheid campaign that had been apparent since the presidential era of Richard Nixon, who discouraged anti-apartheid campaigns on grounds that “such revolutionary fervor could only play into the hands of communists” (Jetani, 2013). Succeeding Nixon, Ronald Reagan condemned anti-apartheid legislations as “utterly repugnant” and thus vetoed the bill (Jetani, 2013). However, Dellums and Wolpe, championed by many influential corporate executives, successfully persuaded the congress and ultimately, Nixon’s veto was overridden by the two-thirds majority. When the bill was enacted, all American companies were provided with several official “Codes of Conduct”: “(1) desegregating employment facilities; (2) providing equal employment opportunity for all employees; (3) assuring that the pay system is applied to all employees; (4) establishing a minimum wage and salary structure; (5) increasing the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by apartheid; (6) taking reasonable steps to improve the quality of employees' lives outside the work environment; and (7) implementing fair labor practices by recognizing the right of all employees to unionize” (U.S. Congress, 1986). This legal enforcement decreased aggregate export to South Africa by 35% between 1985 and 1988; however, as Knight argues, “a major weakness of the Act is that it does little to prohibit exports to South Africa, even in such areas as computers and

other capital goods” (Knight, 1990). One researcher also noted that even after the Act was universalized, “most of South Africa's foreign trade was still with the United States, Britain, West Germany, France, Italy, and Japan. These countries sold South Africa 79 percent of its \$8.2 billion worth of imports and bought 78 percent of its \$12.4 billion worth of exports” (Davis, 1993).

To supplement this weakness, the federal court introduced another legislation: the Budget Reconciliation Act of 1987. While eliminating tax deductions on products sent to South Africa, the Act extended trade sanctions by imposing double taxations on those products. Compared to America’s average 30% tax bill on exports, tax bill for profits in South Africa increased from 57.5% to 72% (Knight, 1990). Companies, now overburdened by these taxes, faced deficits if they managed huge subsidiaries operating in South Africa. Thus, not only did the Act reduce aggregate exports to South Africa, but also compelled companies to pull their subsidiaries from exploiting local resources.

In sum, both the international actions and federal actions that were catalyzed by the SRI movement imposed extreme pressure on the South African economy. The loss of foreign direct investment (FDI) and the exit of trade partners ravaged South African economy by creating a large-scale capital flight. The highest capital outflow recorded was R9.2 billion in 1985, a year when U.S. corporations initiated involvement in disinvestment (Knight, 1990). Because of this, the value of Rand, South Africa’s currency, dropped alarmingly against foreign currencies. This led South Africa’s exchange rate to be unstable, the rand to be devalued, and for foreign currency to be overvalued against the rand. With the conjunction of devaluation of rand and overvaluation of the dollar, imports to South Africa became expensive, which in turn caused a high inflation rate of 12 to 15% between 1985 and 1990 (Knight, 1990). In light of the fact that South Africa imported nearly 95% of its computer equipment, the decline of foreign trade signified that South Africa was not only losing foreign reserves, but also sophisticated foreign technologies. Although the South African government introduced exchange controls, prohibiting the sale of rand and other currencies to foreign countries, it failed to gain foreign loans and funds to ameliorate its reserves. Naturally, South Africans applied pressure to the government to withdraw discriminatory frameworks and make concessions to UN’s proposal of establishing a non-racial democracy.

VIII. Criticisms of the Socially Responsible Investing

Despite the successes of SRI, the movement also garnered criticisms. The most dominantly held criticism was that SRI was inflicting massive hardships on South African people. Lansing notes that “divestment is ill-advised, for it may precipitate an economic decline in South Africa which will have the most adverse affect upon South African blacks” (Lansing, 1981). Because South Africa had a relatively high unemployment rate, the escape of American subsidiaries in South Africa ironically triggered more economic hardships. Newspapers like the Rand Daily Mail went further by predicting that “divestment, if taken to its logical conclusion and applied on a sufficiently wide scale, would create the danger of wide-spread social unrest in

South Africa” because more than 60% of black South Africans would lose their jobs if SRI continued (Lansing, 1981). The Regan administration reflected this concern through “constructive engagement”, which opposed divestment and economic sanctions against South Africa in recognition of the negative externalities while encouraging a dialogue between white South African leaders and the UN. Margaret Thatcher, a former British prime minister, also contended that if the UN were to impose economic sanctions, South Africa “would inherit a wrecked economy and the prospects for all people there would be infinitely worse than they will be if we save that economy and come” (Thatcher, 1989).

The negative repercussions of divestment were not limited to the South African economy. In recognizing that the “current demands for divestment come when the United States is growing ever more dependent upon foreign countries for vital natural resources,” Lansing argues that “American dependence upon South African chromite and platinum cannot be ignored” (Lansing, 1981). This meant that if more businesses promote SRI, the American economy and American citizens would be at risk. This also impacted countries outside U.S. because at that time, South Africa exported 33% to 50% of the world’s gold.

Furthermore, the student-led divestment movement had many structural flaws. First, it did not have “hierarchy of goals” that encouraged students to maintain consistency. Instead, the divestment movement, as some scholars argue, centered on a narrow objective of exalting the status of divestment in response to U.S. corporations, intractable university policy makers, and high-portfolio activists who viewed divestment as a tool that threatens domestic economy. (Jenkins, 1989) Due to the presence of opponents, the ultimate goal of divestment movement changed from eradicating apartheid to defending its own mechanism. Whenever this ultimate goal was met, for instance when the federal government adopted sanctions against South Africa, the institutional strength of divestment movement therefore declined. Moreover, the divestment movement relied heavily upon media coverage. In the early 1980s, the media coverage of one protest in student campus led to another on a different student campus. When the South African government censored all media coverage from 1985 to 1987, divestment campaigns were used South Africa’s “shanty towns” as a symbol of their protest as well as the hardship of apartheid system (Jenkins, 1989). Although their new symbol received enough media coverage, it gradually lost public attention as the government readily censored the media coverage of the divestment protest. Therefore, the student divestment movement demonstrated that its mechanism was “not only susceptible to governmental suppression under some circumstances, but also that mass media’s attention span is limited” (Jenkins, 1989).

IX. Conclusion

Although criticisms on SRI still remain controversial, I argue that the achievements of SRI far outweigh its minor flaws. In fact, some highlighted criticisms can be counter-argued because when apartheid was finally abolished in 1994 and Nelson Mandela was inaugurated, Mandela requested the UN and U.S. to remove economic sanctions and legislations that barred any economic ties between South Africa and other countries. The UN and U.S. both amended their laws and U.S. corporations abandoned corporate divestiture. Then, trading of crucial South

African natural resources burgeoned once again. Moreover, despite the structural flaws of student divestment campaigns, it can be argued that those campaigns precipitated further SRI movement, for instance the creation of Sullivan principle, which in turn contributed the most towards eradicating apartheid.

I strongly believe that the core value of the SRI movement against apartheid was two fold. First, the movement served as an alternative to existing approaches that aimed at constructing social justice and peace. These acts were mostly non-violent civil disobedience that was apparent during the civil rights campaign and the initial strategies aimed at ousting the apartheid regime. Just before SRI emerged, public opinion viewed non-violent approaches suspiciously as they believed that the approach was too moderate and sporadic; to them, SRI strategies quenched their thirst because this mechanism was more organized and structured by nature and had posed an observable threat to the South African economy. Second, the movement against apartheid demonstrated that SRI is a versatile and an adaptable tool. Before apartheid, SRI had been practiced in a very small-scale, mainly by religious organizations to screen out products that they conceived as dangerous to the society. However, during the apartheid regime, the aspects of SRI were not only practiced by religious organizations, but also by the federal government, large conglomerates, student divestment organizations, and international organizations like the UN for the greater social cause of rectifying the entire prejudicial system of a country. It was at this point that the equation of SRI as a versatile tool was established. Since then, successful strategies and aspects of SRI have been reflected in many arenas, for instance to restore justice in the anarchic areas of Sudan and more recently to lessen environmental damages. Without the anti-apartheid movement to prove the versatility of the SRI mechanism, SRI adoption and implementation, and indeed transnational social justice movements more broadly, would be more limited today.

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