

WE REAP WHAT WE SOW: USING POST-DISASTER DEVELOPMENT PARADIGMS TO  
REVERSE STRUCTURAL DETERMINIST FRAMEWORKS AND EMPOWER SMALL  
FARMERS IN MISSISSIPPI AND HAITI

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*. . .Because of the interrelationships among crops, a major shortfall in the U.S. harvest could tip global grain and soy markets into chaos. It would affect the prices of food made directly from these commodities, such as bread, pasta and tortillas, and food made indirectly, such as pork, poultry, beef, milk and eggs. . . 'The rest of the world is less able to pay high prices for food. What's annoying for us is life-threatening elsewhere. . .'*

Jerry Hirsh<sup>1</sup>

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## I. INTRODUCTION

The tragic 2010 earthquake in Haiti put the island in the forefront of everyone's mind for a period of time. Five years earlier, the social inequities unveiled by Hurricane Katrina, similarly

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<sup>1</sup> Jerry Hirsch, *Corn is king -- and therefore a growing problem*, L.A. TIMES, Mar. 2, 2008, <http://articles.latimes.com/2008/mar/02/business/fi-corn2?pg=3> (quoting Lester R. Brown, the president of the Earth Policy Institute).

pulled at the world's heart strings. The images broadcast during these natural disasters revealed unimaginably poor areas of the world. When placed face-to-face with the abject poverty of the perennially poor, observers often have similar reactions of awe and dismay, and at times, even guilt. They ask themselves: how can people live like this? It is important to note that, although these narratives of poverty seem isolated and unique, they, in fact, are not. Rather, natural disasters over the past five years have revealed poverty to be the norm for a huge segment of the world, not the exception. This realization raises a number of daunting questions: What does this reality mean for us as we charge forward into the twenty-first century? What responsibilities do we, as a collective, owe to the less fortunate? In the context of disasters, these questions force us to consider ultimately what should be the adequate approach to development in a world where a substantial part of the population lives in abject poverty.

Thus, although these questions are hard to tackle at once, the recent events in Haiti, as well as everyday experiences in place like New Orleans's Ninth Ward and the Mississippi Delta – two abjectly poor parts of the richest nation in the world – should a priori lead us to re-evaluate our assumptions about these areas as well as our approaches to development. For example, one popular assumption is that the residents of these areas are wholly responsible for the poor and deplorable conditions in which they live. This perspective, if not rectified, can lead to post-disaster decisions that completely exclude these poor individuals, who are often perceived as wrongdoers. This re-evaluation is particularly relevant in the context of development plans, as illustrated by the protests generated by the initial post-Katrina plans for New Orleans.<sup>2</sup> It is also pertinent to current discussions of Haiti which hint at future plans to “decentralize” the population in Port-au-Prince.<sup>3</sup> Finally, this needed re-evaluation can help prevent further neglect of the millions of poor residents suffering from the declining economy and lack of resources of post-disaster Mississippi and Haiti.

This article attempts to dismantle these false assumptions and offers a development model geared toward breaking the cycle of poverty, dependency and structural determinism created by the popular redevelopment models. It does so by discussing common policies, which help explain the pattern of economic disenfranchisement and disempowerment that link Mississippi, located in one of the richest countries in the world, to Haiti, one of the poorest nations in the world. The goal of the article is to extrapolate some key lessons from studying the pre-disaster structures in Mississippi and Haiti in order to develop better post-disaster economic development models for these disaster-stricken areas. Furthermore, the article considers the environmental movement as a possible vehicle for helping to implement the policies proposed. It also investigates how individuals within these deterministic structures can be empowered to overcome the structural realities that help perpetuate poverty and environmental oppression.

In doing so, this article borrows from Critical Race Theory's notion of structural determinism to denounce the hierarchical structures promulgated by seemingly neutral agricultural regulations and to further highlight the common realities faced by small farmers all over the world. Further, it identifies farming policies from the United States and the global market that help to perpetuate the inequities faced by small farmers. Consequently, it posits a reform of agrarian policies as a way to create sustainable markets in post-disaster areas so as to

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<sup>2</sup> See generally Michele Alexandre, *Love Don't Live Here Anymore: Economic Incentives for a More Equitable Model of Urban Redevelopment*, 35 B.C. ENVTL. AFF. L. REV. 26 (2008) (discussing the fact that the initial post-Katrina redevelopment plans triggered protests from community members leading to a revision of these plans).

<sup>3</sup> See Raymond A. Joseph, *A Marshall Plan for Haiti*, WALL ST. J., Jan. 30, 2010, at A13 (discussing post-earthquake redevelopment plan for Haiti).

help counter the detrimental pattern established by pre-disaster discriminatory practices. It analyzes some structural and policy-based problems that have had detrimental effects on poor regions like Haiti and the Gulf Coast of Mississippi. Disasters like Hurricane Katrina and the 2010 earthquake in Haiti exacerbate these problems and serve as reminders that these disparities need to be eradicated as part of the implementation of post-disaster development plans.

As a result, this paper is divided into eight parts. Part II discusses the application of the structural determinism theory to agricultural policies affecting regions like Mississippi and Haiti. Part III identifies the presence of pre-disaster detrimental structures in Mississippi and discusses the challenges faced by rural Mississippi residents pre- and post-Katrina. Part IV analyzes the structural inequities faced by Haitians, particularly the residents of the rural regions of Haiti, prior to the earthquake of January 2010. Part V discusses the effects of American agricultural policies on small farmers domestically and abroad. Part VI considers a model for post-disaster development that attempts to reverse the oppressive effects of current agricultural policies. Finally, Part VII explores the environmental movement's potential for helping to implement post-disaster development plans.

## II. STRUCTURAL DETERMINISM AND INTERNATIONAL AGRICULTURAL POLICIES

Structural determinism is a controversial<sup>4</sup> and hotly debated theory that posits that overarching and dominant structures can intrinsically work to subordinate disadvantaged individuals.<sup>5</sup> It is a doctrine coined by Critical Race scholars who “contend [that a] racist legal structure controls the lives of minorities in order to keep them subordinate to whites.”<sup>6</sup> This contention has been criticized as denying agency and self-determination to subordinated groups.<sup>7</sup> Critics accuse Critical Race scholars of perpetuating deterministic doctrines by portraying subordinated groups as helpless.<sup>8</sup> These objections, however, ignore the possibility that agency and coercion are not necessarily mutually exclusive. In fact, they often co-exist. Thus, while admittedly, agency, even in the midst of oppression, often exists, such agency does not exclude the potential existence of a deterministic structure. The presence of agency during segregation, for example, does not negate the pervasive effects of the de jure and de facto Jim Crow systems on the lives of blacks historically and today. Though individuals often find ways to succeed despite repressive structures, our task is to ensure that hierarchical assumptions are not embedded into structures causing certain members of society to be relegated to predetermined roles. Undoubtedly, extreme resilience may help certain individuals rise above these pre-established limitations. This fact should not, however, serve as a justification for maintaining oppressive structures that require Herculean efforts from disadvantaged groups. Understanding the effects of

<sup>4</sup> See generally Reginald Leamon Robinson, *Human Agency, Negated Subjectivity, and White Structural Oppression: An Analysis of Critical Race Practice/Praxis*, 53 AM. U. L. REV. 1361 (2004).

<sup>5</sup> Derrick A. Bell, Jr., *Property Rights in Whiteness: Their Legal Legacy, Their Economic Costs*, 33 VILL. L. REV. 767, 767-68 (1988).

<sup>6</sup> Kimberly L. Alderman, *Slave Artists As Powerful Reality Creators: Taking Responsibility And Rejecting Race Consciousness*, 33 T. MARSHALL L. REV. 261, 263 (2008).

<sup>7</sup> See Robinson, *supra* note 4, at 1395 (“By embracing structural determinism and by asserting that blacks cannot subvert *white* structural oppression, Race Critics have effectively reinscribed blacks as victims. That is, *white* structural oppression victimizes blacks, browns, yellows, and reds, and in response, they can do nothing--no words, no telling, no pointing, no hollering! Nothing!”).

<sup>8</sup> See generally Reginald Leamon Robinson, *The Shifting Race-Consciousness Matrix and the Multiracial Category Movement: A Critical Reply to Professor Hernandez*, 20 B.C. THIRD WORLD L.J. 231, 241 (2000).

hierarchical structures on the lives of the disadvantaged is particularly important when devising post-disaster development plans.

The presence of deterministic structures can be detected when analyzing the administration of farming policies and practices domestically and abroad. The marginalization and deprivation historically experienced by oppressed groups in Mississippi and Haiti confirm an overarching structure that defies geographic limitations and go beyond the rationales considered by these three theories. The structure in question is largely constructed and affected by agricultural regulatory policies, which constrain small farmers' abilities to make a living.<sup>9</sup> The agricultural policies create a hierarchical structure that places big farming at the top and small and poorer farmers at the bottom. Reforming this regulatory structure is essential to post-disaster development efforts. The hierarchical structure in question is a modern manifestation of a race-based hierarchy promulgated by the agricultural policies of the twentieth century. As evidenced by the various settlements of law suits alleging racial and gender discrimination by the United States Department of Agriculture (USDA) against black, Latino and women farmers, race, and, even gender, were used for decades by the USDA to maintain power in the hands of some while excluding others.<sup>10</sup> Moreover, a close look at the current implementation of agricultural policies indicate that class is now being used as a tool for perpetuating hierarchical structures, thereby still maintaining a structure where some are disproportionately disadvantaged and are excluded from benefits. As it stands, the structure of current domestic and international agricultural regulations creates a pattern of dependency that worsens in times of disaster.<sup>11</sup>

This detrimental structure has, in great part, contributed to the depletion of resources and of human capital in poor areas like Mississippi and Haiti. This depletion, in turn, has been a great obstacle to achieving sustainability and self-dependence in these regions. Furthermore, it has rendered these residents vulnerable to onerous working conditions as they migrate to other locales in search of work.

The view that farming policies substantially contribute to the depletion of poor communities and often lead to mass migration is, however, not shared by all scholars. Some scholars have preferred to explain the depletion of human and economic capital in areas like Mississippi and Haiti using such theories as Economic Dependency Theory, Urban Bias, and Modernization.<sup>12</sup> Economic Dependency Theory maintains that the depletion of resources in rural areas in developing countries is directly correlated with foreign investments.<sup>13</sup> Proponents of the theory "[i]n general . . . have argued that foreign investment 'pushes' peasants to the city, where they are unable to find high-paying employment."<sup>14</sup> Some scholars argue that this is not a

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<sup>9</sup> See *infra* Part VI.

<sup>10</sup> The black farmers' lawsuit, *Pigford v. Glickman*, 185 F.R.D. 82, 85 (D.C. Cir. 1999), is the original example of such law suits. Recently, President Obama announced settlements in law suits brought by Latino and women farmers against the USDA (See also Release No. 0100.11, United States Department of Agriculture, Agriculture Secretary Tom Vilsack and Assistant Attorney General Tony West Announce Process to Resolve Discrimination Claims of Hispanic and Women Farmers, <http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&contentid=2011/03/0100.xml>).

<sup>11</sup> *Id.*

<sup>12</sup> See generally York W. Bradshaw, *Urbanization and Underdevelopment: A Global Study of Modernization, Urban Bias, and Economic Dependency*, 52 AM. SOC. REV. 224 (1987), available at <http://www.jstor.org/stable/2095451>.

<sup>13</sup> *Id.* at 226.

<sup>14</sup> *Id.*

negative outcome. They explain that the motivating push occurs because:

[f]oreign investment in manufacturing may establish a climate conducive to townward migration. Rural inhabitants may perceive that increased industrial activity will establish a superior quality of life in cities relative to that found in rural areas. This argument is related to the so-called ‘bright lights’ theory of urbanization, which asserts that people in the countryside are attracted to the supposed opportunity offered by the exciting city.<sup>15</sup>

Others have explained rural isolation in poor countries by pointing to the pitfalls of Modernization and Urban Bias.<sup>16</sup> According to proponents of Modernization, “urban expansion is part of the natural transition from a traditional (agrarian) society to a modern (industrial) nation. Accordingly, rapid urbanization is a positive feature that should be encouraged.”<sup>17</sup> Lastly, Urban Bias takes issue with the beneficence assumed by proponents of Modernization and maintains that “government policies biased in favor of metropolitan areas have prompted migration from country to city . . . This stress on urban development may promote temporary economic growth in poor countries, but it will not produce the type of long-term, equitable development that is possible only through aiding agriculture.”<sup>18</sup> Still, while Urban Bias is correct in pointing out the pitfalls of Modernization, it still fails to address the roots of the historical disenfranchisement of rural inhabitants.

Thus, Economic Dependency Theory, Modernization and Urban Bias, while addressing some of the patterns in the rural/urban flux in poor countries, do not adequately explain the uniform pattern of deprivation faced by historically marginalized groups across continents and geographical boundaries. Economic Dependency Theory, for example, helps explain the pattern of migration that occurred from the rural areas to the cities, but ignores the structural reasons that explain why agriculture became difficult for small farmers. Similarly, Urban Bias and Modernization both identify characteristics that help motivate migration to the cities, but overlook the root causes that created a perfect environment in which these two phenomena could thrive.

Critical Race Theory’s identification of determinist forces within structures, however, achieves that goal in a more accurate fashion. For instance, as will be discussed below, in the agricultural context, domestic and international trade policies—through decades of discrimination against black farmers in the United States and the encouragement of the mass production of energy-related products like corn, through subsidies to large farming entities and international restrictions on exportation—have contributed to the disenfranchisement of small farmers around the world.<sup>19</sup> This disenfranchisement is all the more palpable and destructive in disaster-affected areas.

### III. RURAL ISOLATION IN MISSISSIPPI, DISCRIMINATORY DOMESTIC PRACTICES WITH REGARDS TO SMALL FARMERS AND CHALLENGES PRE- AND POST-KATRINA

A visit to the Mississippi Delta paints a stark and painful picture for which those living

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<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 225.

<sup>17</sup> Bradshaw, *supra* note 12, at 224.

<sup>18</sup> *Id.*

<sup>19</sup> *See infra* Part VI.

in the rest of America are likely unprepared. The landscape, resources and basic standard of living in this region are far below what one has to come to expect in America,<sup>20</sup> begging the question as to how such conditions could exist in one of the richest countries in the world. In addition, Mississippi leads the nation with 29.3% of the population living in poverty.<sup>21</sup> Mississippi's farming areas are now deserted and dejected,<sup>22</sup> leaving the former farm population and their descendants at a loss.<sup>23</sup>

Before Hurricane Katrina, litigation, initiated by a group of black farmers, had helped shed light on governmental farming practices and policies that disenfranchise small farmers in Mississippi. The Black Farmers class action suit provides a vivid illustration of such disenfranchisement.<sup>24</sup> Black farmers from across the nation brought a suit alleging racial discrimination by the United States Department of Agriculture (USDA).<sup>25</sup> In 1999, a United States District Court approved the consent decree settling the case.<sup>26</sup> After this first settlement was administered, overwhelming demand from late claimants who did not know about or had been unable file in the first suit led to a more recent and more encompassing settlement.<sup>27</sup> The story behind the black farmers' class action—which alleged racial discrimination in the allocation of farm loans and assistance—depicts what often happens to poor people who can no longer afford to live on the land because of oppressive systems and structures.<sup>28</sup>

Black farmers in the United States have been one of the most persistently oppressed classes of underrepresented individuals. Over the last century, the class of black farmers and their ownership of land have shrunk dramatically from 17% in the 1920s to just 3% in 1991.<sup>29</sup> Discriminatory practices and a lack of access to resources and capital<sup>30</sup> are some of the factors that have contributed to the demise of the black farmers' class.<sup>31</sup> The erosion of the class of black

<sup>20</sup> Gilbert M. Gaul & Dan Morgan, *A Slow Demise in the Delta: U.S. Farm Subsidies Favor Big Over Small, White Over Black*, WASH. POST, June 20, 2007, at A01, A10, available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/06/19/AR2007061902193.html> (noting that, while \$200 million in crop subsidies went largely to white-owned commercial farms over a five-year period, only \$11 million in Rural Development grants went toward restoring impoverished downtown areas in majority-black Delta towns). See generally Debbie Elliott, *Mississippi Delta's Economy, Way of Life Fading*, NPR.ORG (June 6, 2005), <http://www.npr.org/templates/story/story.php?storyId=4675562>.

<sup>21</sup> Marion Wright Edelman, *Now is the Time to Bail Our Poor Children and Families Out of Poverty*, THE HUFFINGTON POST (Jan. 26, 2009, 12:17 PM), [http://www.huffingtonpost.com/marian-wright-edelman/now-is-the-time-to-bail-o\\_b\\_160915.html](http://www.huffingtonpost.com/marian-wright-edelman/now-is-the-time-to-bail-o_b_160915.html).

<sup>22</sup> *Id.*

<sup>23</sup> See generally Cassandra Jones Havard, *African-American Farmers and Fair Lending: Racializing Rural Economic Space*, 12 STAN. L. & POL'Y REV. 333, 333 n.7 (2001).

<sup>24</sup> See generally *Pigford v. Glickman*, 185 F.R.D. 82, 85 (D.C. Cir. 1999).

<sup>25</sup> *Id.* at 82.

<sup>26</sup> SETTLEMENT FACT SHEET, IN RE: BLACK FARMERS LITIGATION (Feb. 23, 2010), [http://bishop.house.gov/images/stories/issues/Settlement\\_Fact\\_Sheet.pdf](http://bishop.house.gov/images/stories/issues/Settlement_Fact_Sheet.pdf).

<sup>27</sup> *Restore funds for black farmers*, BOSTON GLOBE (Feb. 2, 2010), [http://www.boston.com/bostonglobe/editorial\\_opinion/editorials/articles/2010/02/23/restore\\_funds\\_for\\_black\\_farmers/](http://www.boston.com/bostonglobe/editorial_opinion/editorials/articles/2010/02/23/restore_funds_for_black_farmers/).

<sup>28</sup> *Id.*

<sup>29</sup> U.S. CENSUS BUREAU, *Resident Population by Race, Hispanic Origin, and State: 2008* (May 14, 2009), <http://www.census.gov/compendia/statab/2010/tables/10s0019.pdf>.

<sup>30</sup> Audrey G. McFarlane, *Race, Space, And Place: The Geography of Economic Development*, 36 SAN DIEGO L. REV. 295, 333 (1999).

<sup>31</sup> See *Pigford v. Glickman*, *supra* note 10. See also Havard, *supra* note 23, at 333 ("African-American

farmers in Mississippi had a substantial effect on the region. Mississippi is composed predominately of rural areas with only one major city. Black farmers once represented a substantial portion of the population of Mississippi. As the class of black farmers shrank, Mississippi experienced a rapid increase in poverty and dependence in the region.

To fully understand the particular plight of former farmers and workers in these areas, one need only recall the economic dependency and disenfranchisement which resulted in masses of African Americans in the United States, after the Emancipation Proclamation, having to rent out their agricultural services via sharecropping with onerous and oppressive terms. At that time, other African-American farmers found themselves having to partition their land for economic reasons. Many others lost their land as a result of discrimination at the hands of the USDA, the department in charge of issuing farming loans. Until the settlement of the black farmers' class action suit in 1996, black farmers' legal claims against the discriminatory practices of the USDA fell on deaf ears.<sup>32</sup> Due to all of these factors, the extreme paucity and deprivation in rural areas like Mississippi's Delta stand in sharp contrast to the rest of America.

While it is undeniable that various levels of poverty exist throughout the United States, this article focuses on the agricultural issues faced by small farmers in Mississippi because it represents one of the most drastic examples of stagnation, regression and extreme poverty in the United States. Moreover, the conditions in the Delta, for example, mirror those of some of the poorest countries in the world, such as those faced by rural inhabitants in Haiti and generations of Haitian sugar cane cutters in the Dominican Republic. Economic isolation and physical/land deprivation are two of the key issues faced by many residents of Mississippi that parallel key problems faced by Haitians and Haitian sugar cane cutters in the Dominican Republic. This similarity, considering America's standing as one of the richest and most developed countries in the world, is baffling.

Although Mississippi belongs to one of the richest nations in the world, parts of the state mirror the paucity that exists in some underdeveloped countries. Like Haiti, a country frequently dubbed the poorest in the Western hemisphere, Mississippi is often classified as the poorest state in the nation.<sup>33</sup> Mississippi ranks lowest in the country in educational attainment, standard of living and environmental safety for inhabitants.<sup>34</sup> With 37% of the state's population consisting of African Americans, Mississippi is the state that comes the closest to a "majority minority" population.<sup>35</sup> A great part of that population is plagued by economic and social woes that date back decades.

Mississippi's economic isolation is due in great part to the dearth of resources that

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farmers account for about 3% of American farmers, owning less than four million acres of land as of 1991. There are reported annual losses of an average of fifty thousand acres resulting in a projected net loss of \$2.5 million. This compares to ownership in 1920, when African-Americans owned fifteen million acres of land and 17.4% of farm operators were black. Lack of capital and access to financing and additional technological changes are cited as primary reasons for the decline.") (citing *Pigford v. Glickman*, 185 F.R.D. at 85).

<sup>32</sup> See *Pigford v. Glickman*, *supra* note 10, at 85. The Consent Decree has been extended for late claimants and late, late claimants.

<sup>33</sup> Les Christie, *The richest (and poorest) places in the U. S.*, CNNMONEY.COM (Aug. 31, 2007), [http://money.cnn.com/2007/08/28/real\\_estate/wealthiest\\_states/](http://money.cnn.com/2007/08/28/real_estate/wealthiest_states/).

<sup>34</sup> David Boston, *Poverty Rates in Mississippi*, SUITE101.COM (July 20, 2008), [http://poverty.suite101.com/article.cfm/poverty\\_in\\_mississippi](http://poverty.suite101.com/article.cfm/poverty_in_mississippi) ("Mississippi has the highest poverty rate in the country, and communities along the Mississippi River have the highest poverty rates in the state.").

<sup>35</sup> See U.S. CENSUS BUREAU, *supra* note 29.

resulted from industrialization and unfavorable farming policies. Industrialization not only removed farming resources from the Delta without replacing them with other viable alternatives, it also depleted its human capital by triggering a chronic pattern of migration. Commentators, for example, have “explained the [phenomenon] when telling a story from the 1940s in the delta of Mississippi about Richard Hopson, manager of the Hopson plantation outside of Clarksdale, who wrote a letter to all of the plantation owners in the Delta urging them to mechanize the picking of cotton as rapidly as possible to alleviate ‘the Negro situation,’ as he called it. That started a wave of migration that lasted almost twenty years. About five million sharecroppers were refueged [*sic*], in my way of thinking, into every urban area of the country.”<sup>36</sup> These migrants were economically displaced, and as their main means of subsistence had been taken away from them, they had to learn anew how to make a living. The situation was worse, or at least equally dire, however, for the population of former farmers who remained in the rural areas of the Delta. As industries took root in the cities, the Delta became gradually neglected.

Structural inequities in farming policies played a substantial role in accelerating the demise of regions like the Delta. Black farmers, formerly a large class, now represent a small percentage of Mississippi’s farming population.<sup>37</sup> The group of black farmers decreased by 98%, from 926,000 black farmers in 1920 to 15,000 farmers in 1992. While there was a decline in white farmers, the disparity is great between the two groups. White farmers experienced “an overall decline of 65% by 1992. . . [but despite the poverty experienced by many tenant farmers, many farmers] were getting along and many more wanted to remain on the land. Among those, were black farmers who have subsequently lost land they once owned.”<sup>38</sup> In addition to the aforementioned depletion of resources and discriminatory laws, farming policies favoring large farmers over small ones further helped to disenfranchise farmers. Earl Butz, the secretary of Agriculture under President Nixon is credited for implementing policies that encouraged and favored large scale farming over small farming operations.<sup>39</sup> For decades, the United States’ agricultural policy encouraged farmers to grow big and overproduce, thereby causing

the utter destruction of the family farm and the resulting depopulation of rural America. Unfortunately, Earl Butz’s, ruthless “get big or get out” and “adapt or die” mantras lived on long after his stint in the nation’s capital. In 1935, there were 6.8 million farms in the United States with an average size of 155 acres. By 2002, there were only 2.1 million farms with an average size of 441 acres. Therefore, the total number of farms declined by 70% in just sixty-seven years, but the amount of land in agricultural production stayed fairly constant as bigger farms purchased smaller farms that could not survive.<sup>40</sup>

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<sup>36</sup> Luis Mirón, Joan Wynne & Bob Moses, Commentary, *The Roots & Presence of “Sharecropper Education” in the Nation: Educational Apartheid in the Sister Cities of New Orleans and Miami*, 5 STAN. J. C.R. & C.L. 133, 134 (2009) (quoting Interview by Victor Cary with Robert P. Moses, President, Algebra Project, <http://www.essentialschools.org/resources/253>).

<sup>37</sup> See U.S. CENSUS BUREAU, *supra* note 29 (stating that black farmers only represented 3% of farmers in 1991, a change 17% in 1920).

<sup>38</sup> Spencer D. Wood & Jess Gilbert, *Re-entering African-American Farmers: Recent Trends and a Policy Rationale* 2 (Univ. Wis. Land Tenure Ctr. N. Am. Series, Working Paper No. 12, Mar. 1998), available at <http://www.landloss.org/Wood%20--%20Returning.pdf>.

<sup>39</sup> Richard Goldstein, *Earl L. Butz, Agriculture Secretary Forced out by Comments, Dies at 98*, N.Y. TIMES (Feb. 4, 2008), <http://www.nytimes.com/2008/02/04/washington/04butz.html>.

<sup>40</sup> William S. Eubanks II, *A Rotten System: Subsidizing Environmental Degradation and Poor Public Health with Our Nation’s Tax Dollars*, 28 STAN. ENVTL. L.J. 213, 228-29 (2009).



With the disenfranchisement of small farms, discriminatory practices by the USDA, and the fragmentation of black land ownership through repeated partitioning of the land via tenancy in common, black farmers suffered exponentially greater economic isolation than the majority of white farmers. Finally, the eradication of the anti-discriminatory branch of the USDA closed the door for a number of years on any opportunities for redress, thus increasing their isolation.

As time progressed, the disparity faced by black farmers all over the world progressively destroyed them. As individual farming became generally difficult in rural areas, Mississippi's human capital underwent great erosion. Faced with a decaying community, most of the state's talented youth fled to better opportunities, and those who stayed continue to face hopelessness, crime and deep poverty. Individual farmers' inability to achieve sustainability emerged as an enduring problem during this period due to a persistent pattern of discrimination by the USDA against black farmers. The first incarnation of the Black Farmers Lawsuit documented decades of discrimination by the USDA against black farmers in selectively awarding loans and sustainable care to American farmers.<sup>41</sup>

Similar to small and black farmers in Mississippi, farmers internationally, including in Haiti, have faced structural challenges that have made farming nearly impossible for them. The discriminatory pattern in agricultural practices in the United States lies in great part in the lending practices of the entities regulating farm loans as well as the multi-lateral agreements among countries affecting farmers internationally.

Domestically, supervision over farm loans is handed over to the USDA. The USDA allows for the election of local farmers in a county as representative agents in the lending process.<sup>42</sup> Critics highlight a flaw in the USDA's power sharing with local representatives—its failure to monitor and establish accountability.<sup>43</sup> Instead, the USDA assumes neutrality in lending, which the lawsuits of the past two decades have proven do not exist.<sup>44</sup> For example, “the local farmers charged with determining eligible borrowers are themselves eligible for the same USDA loan funds. Second, unlike a traditional lender, the denial of a USDA loan request entitles the applicant to an administrative review of that decision. The administrative review process becomes a proxy for the inherent conflict of interest in the loan eligibility scheme. For African-American farmers, the lack of neutrality in the decision-making process and the suspension of the administrative process used to challenge denials combine to create a political system that limits their economic rights.”<sup>45</sup> This bias in the administration of loans is problematic because small farmers particularly depend on the USDA as a loan provider when unable to secure loans anywhere else.<sup>46</sup> These small farmers

favor USDA loans for several reasons. First, most small farmers tend to be unable to obtain credit from commercial institutions. Second, the interest rates on USDA loans are generally lower than rates from commercial lenders. Finally, USDA has a special interest rate for ‘low-income, limited-resource’ borrowers, and subsidized interest rates are available for guaranteed loans. Limited resource borrowers are low-income farmers who do not qualify even

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<sup>41</sup> Havard, *supra* note 23, at 333-34.

<sup>42</sup> Havard, *supra* note 23, at 334.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 333-34.

<sup>45</sup> *Id.* at 334.

<sup>46</sup> *Id.*

under normal USDA loan programs and who need to maximize their incomes from farming.<sup>47</sup>

Local representatives in USDA's lending board are elected from the county and form a committee to make lending decisions.<sup>48</sup> These representatives elect an executive who is in turn responsible for helping farmers apply for loans.<sup>49</sup> The elected executive committee member in turn recommends the applicants to receive the loans.<sup>50</sup> Both the county executive and committee members receive remuneration from the USDA.<sup>51</sup> As a result, conflicts of interest are almost inevitable. In communities that are particularly polarized, traditionally marginalized individuals risk being left out. Considering that small farmers are disproportionately of color in certain areas of the country, these rules have had serious detrimental effects<sup>52</sup> for African American farmers.<sup>53</sup> Over the years, the USDA has been heavily criticized for discriminatory practices in administering and distributing loans.<sup>54</sup> These criticisms and a documentation of these structural inequities culminated in the filing of *Pigford v. Glickman*.<sup>55</sup> The suit resulted in a complex

<sup>47</sup> *Id.*

<sup>48</sup> Havard, *supra* note 23, at 334.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 334-35. *See also* *Pigford v. Glickman*, *supra* note 10, at 86.

<sup>52</sup> *See generally* Waymon R. Hinson & Edward Robinson, "We Didn't Get Nothing:" *The Plight of Black Farmers*, 12 J. AFR. AM. STUD. 283, 286 (2008).

<sup>53</sup> Mark A. Bunbury, Jr., "Forty Acres and a Mule" . . . *Not Quite Yet: Section 14012 of the Food, Conservation, and Energy Act of 2008 Fails Black Farmers*, 87 N.C. L. REV. 1230, 1235-36 (2009) ("After receiving numerous discrimination complaints from black farmers, the USDA launched an investigation into the practices of the Farm Service Agency, the agency that worked under the USDA in the county committee and supervisor system. The study overwhelmingly concluded that minority farmers were being unfairly treated. Timothy Pigford, along with many other black farmers seeking redress for past discrimination committed by the USDA, filed lawsuits against the USDA. The lawsuits were consolidated into a class action, *Pigford v. Glickman*, and resulted in the largest civil rights settlement in American history. The plaintiffs in *Pigford* claimed that the USDA racially discriminated against black farmers and failed to investigate or inquire about discrimination complaints made by black farmers between 1983 and 1997. The farmers alleged, among other things, that they had to wait longer for loan approval than their white counterparts, and, as a result, many were on the brink of financial ruin. Eventually, the USDA and the black farmers reached a settlement and the court approved a consent decree.").

<sup>54</sup> Havard, *supra* note 23, at 334 ("As a financial intermediary, USDA's credit-granting procedures are atypical. First, in contrast to a traditional lender, there is a lack of neutrality in the lending process. The local farmers charged with determining eligible borrowers are themselves eligible for the same USDA loan funds. Second, unlike a traditional lender, the denial of a USDA loan request entitles the applicant to an administrative review of that decision. The administrative review process becomes a proxy for the inherent conflict of interest in the loan eligibility scheme. For African-American farmers, the lack of neutrality in the decision-making process and the suspension of the administrative process used to challenge denials combines to create a political system that limits their economic rights.").

<sup>55</sup> *Id.* at 335 ("The *Pigford v. Glickman* class action suit arose after the plaintiffs, four hundred and one African-American farmers, alleged that USDA willfully discriminated against them when they applied for farm operating, ownership, disaster, and emergency loans. When a farmer's loan application was denied on the basis of race or some other discriminatory basis, the farmers were to file an administrative claim with the Equal Opportunity Office and also with the USDA Secretary or the Office of Civil Rights Enforcement and Adjudication (OCREA). Minority farmers allege that with the dissolution of OCREA in 1983, the complaints filed failed to be processed, investigated, filed, or forwarded. At best, farmers received a cursory denial to the claim, but most received no response whatsoever. Some farmers alleged that their claims were not investigated because they were lost, destroyed, or thrown away. The Office of Inspector General of

consent decree, the aftermath of which is still being felt, as with the recent agreement by the United States government to extend the settlement in its second re-incarnation to late filers.<sup>56</sup> The Pigford decision was also instrumental to leading the way to President Obama's approving of recent settlements against the USDA benefitting Latino and women farmers.<sup>57</sup> These types of settlements, however, are only retrogressive measures and do not alone provide farmers with the means of achieving sustainability prospectively. Still, they do reveal a window into pre-disaster established structures present in the United States farming policies and provide examples of the types of deterministic oppressive structures that need to be dismantled. Still, beyond the discriminatory behavior of the USDA, there are additional ongoing policies that obstruct small farmers' path to sustainability.

This pattern is perpetuated by preferential structures established by legislative decisions relating to farming.<sup>58</sup> For example: "From 2001 to 2005, the federal government [in the United States] spent nearly \$1.2 billion in agricultural subsidies to boost farmers' incomes and invigorate local economies in this poverty-stricken region of the Mississippi Delta. Most residents are black, but less than 5 percent of the money went to black farmers."<sup>59</sup> Consequently, "many of these towns are trapped in a long, painful death spiral, plagued by poverty, crime and unemployment. More than 100,000 people—nearly a quarter of the population—have fled in recent decades in search of a better life."<sup>60</sup> Black farmers' failure to sustain themselves is, again, largely influenced by this disparate distribution of aid and allocation of resources for farmers. Similarly, in 2007, a Washington Post investigation found that,

From 2001 to 2005, the Agriculture Department awarded \$1.18 billion in subsidies but just \$54.8 million in Rural Development grants for housing, new businesses, water systems and other projects . . . . Farm subsidies are meant to tie growers over when prices fall or when disasters strike. The Rural Development grants, on the other hand, are supposed to help small, struggling

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USDA determined that minority farmers lost land and farm income due to the agency's discriminatory practices. In addition, the Office of the Inspector General stated that the agency failed to act in good faith, that the process for resolving complaints failed or was too delayed, and that many favorable decisions were reversed.

The Pigford v. Glickman class certification was eventually granted for all African-American farmers who: (1) farmed, or attempted to farm between January 1, 1981 and December 31, 1996; (2) applied for participation in a federal farm credit or benefit program with USDA during that time and who believed that they were discriminated against on the basis of race in USDA's response to the application; and (3) filed a discrimination complaint on or before July 1, 1997.

After almost two years of litigation, a consent decree was issued. First, all class participants waived their right to appeal the decision of the adjudicator as well as to seek further review of these matters before any court or tribunal. Second, the consent decree divided parties eligible for compensation into two different classes based on the amount of evidence the claimant possesses, Track A and Track B, to prove that the discriminatory action occurred. 25,105 claims were filed under the consent decree as of March 14, 2001, with 21,285 (or 99.4%) accepted under Track A, and 196 or .06% of the claims accepted for processing under Track B.").

<sup>56</sup> *Restore funds for black farmers*, *supra* note 27.

<sup>57</sup> Release No. 0100.11, United States Department of Agriculture, Agriculture Secretary Tom Vilsack and Assistant Attorney General Tony West Announce Process to Resolve Discrimination Claims of Hispanic and Women Farmers, <http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&contentid=2011/03/0100.xml>

<sup>58</sup> *See generally* Eubanks, *supra* note 40.

<sup>59</sup> Gaul & Morgan, *supra* note 20.

<sup>60</sup> *Id.*

communities....Yet in the Delta, farm subsidies are massive, while Rural Development money is relatively scanty.<sup>61</sup>

This policy of favoring big farming conglomerates results in economic disparities.<sup>62</sup> Additionally, the policy results in racial disparities, as the majority of farmers targeted by legislation are large conglomerates; small farmers, who are disproportionately African-Americans, are left to struggle with very little resources.<sup>63</sup> In the Mississippi Delta,

[F]armland has been passed down from generation to generation and built up through acquisitions, with whites controlling most of the land. In Bolivar County, [for example], whites now own 421,000 acres . . . while blacks own 22,000 acres. Because farm subsidies are based on farm size and production, most of the payments go to the large operations.<sup>64</sup>

This reality is the direct result of historical fragmentation of land ownership by black farmers and of their disenfranchisement for over a century.<sup>65</sup>

While politicians admit that Mississippi's economy is highly dependent on agriculture,<sup>66</sup> legislative decisions reveal a selective choice as to the type of farming the government chooses to support. This policy choice not only has a disproportionate effect on communities of color, but is also in direct contradiction with the government's purported goals.<sup>67</sup> Furthermore, "since the wealthiest corporations receive double compensation by both securing the largest profits through sales and acquiring the largest governmental subsidies based on their yields, they are apt to monopolize the market and push smaller competitors to the wayside."<sup>68</sup> This underlying disparity is stark and troubling to many observers.<sup>69</sup>

The challenges faced by poor farmers in Mississippi were aggravated after the destruction caused by Hurricane Katrina. Hurricane Katrina worsened the dependency of poor individuals<sup>70</sup> by depleting the resources in the regions and causing mass scale destruction. On 29

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<sup>61</sup> *Id.*

<sup>62</sup> Eubanks, *supra* note 40, at 228-29.

<sup>63</sup> Wood & Gilbert, *supra* note 38, at 44.

<sup>64</sup> Gaul & Morgan, *supra* note 20.

<sup>65</sup> Wood & Gilbert, *supra* note 38.

<sup>66</sup> Gaul & Morgan, *supra* note 20, at A10 ("Sen. Thad Cochran (R-Miss.) said the importance of agriculture to the Mississippi Delta economy is 'undeniable' because it contributes hundreds of millions in state and federal taxes and is 'a driving force' behind progress there in the past few years.").

<sup>67</sup> *Id.* ("The wide disparity between subsidies for farmers and Rural Development money for agriculture communities highlights one of the contradictions of federal farm policy, which favors big agriculture over small farms and poor rural towns. In the Delta, it has helped to preserve a two-tiered economy and a widening economic chasm between the races . . .").

<sup>68</sup> Eubanks, *supra* note 40, at 233.

<sup>69</sup> Gaul & Morgan, *supra* note 20 ("The policy choice that Congress has made is so stark," said Charles W. Fluharty, director of the Rural Policy Research Institute at the University of Missouri at Columbia. "You see the effects in lots of poor rural communities. But the tragedy is exacerbated in the minority communities.").

<sup>70</sup> See generally Keith Aoki, *Race, Space, and Place: the Relation Between Architectural, Modernism, Post-Modernism, Urban Planning, and Gentrification*, 20 *FORDHAM URB. L.J.* 699 (1993) (focusing on the issues faced by the rural (as opposed to urban) poor; the less common, and thus even more needed, analysis).

August 2009, Hurricane Katrina landed, “decimat[ing] every mile of Mississippi’s inland coastland. Hundreds were killed, thousands were left homeless and more than a million were affected by the storm.”<sup>71</sup> The economic challenges Mississippi faces, already dire, have worsened for poor inhabitants, farmers and merchants.<sup>72</sup>

#### IV. REALITIES AND CHALLENGES IN HAITI PRE- AND POST-DISASTER

The disenfranchisement suffered by black farmers in Mississippi is duplicated globally in various forms. All around the world, small farmers are being marginalized and their contributions made useless as a result of agreements entered into by their governments and various interested players. Further exploration reveals that similar structures to that denounced in Mississippi are duplicated in other parts of the world, as evident in the images of post-earthquake Haiti.<sup>73</sup> Around the globe, indigenous farmers have been left without outlets or infrastructure to help sustain themselves and their livelihoods. Over time, they have fallen prey to large industrial conglomerates that exert fiscal and political pressure on their governments to limit small and indigenous farmers’ ability to grow their traditional crops.<sup>74</sup>

The conditions in Haiti present similarities to the situation in Mississippi. Like Mississippi, the once predominantly rural population of Haiti has found itself the object of neglect and scorn.<sup>75</sup> Faced with these obstacles, migration to the capital – or to anywhere in the world with opportunities for obtaining menial jobs – has been the primary option available to these former farmers.<sup>76</sup> Haiti, formerly a major producer of sugar, coffee and rice, has now found itself dependent on importation rather than its own production.<sup>77</sup> Former farmers and descendants of farmers now turn to migration to cities and others countries in order to earn a living. As a result, one of the most prevalent means of subsistence for Haitians is to work as sugar cane cutters in the Dominican Republic.<sup>78</sup>

The onerous conditions faced by Haitian sugar cane workers in the Dominican Republic date back decades. Sugar is one of the main products of the Dominican Republic, and Haitian workers have long made up the main labor force on its sugar plantations. The usurious terms of employment, as well the coercive recruitment tactics sometimes employed by both the Dominican Republic and corrupt Haitian leaders, have been heavily criticized by human rights watch

<sup>71</sup> HURRICANE KATRINA PHOTOS, VIDEOS, AND OTHER INFORMATION: AFTERMATH OF KATRINA ON THE MISSISSIPPI GULF COAST, <http://www.photosfromkatrina.com/> (last visited February 8, 2011).

<sup>72</sup> See generally Gaul & Morgan, *supra* note 20, at A10.

<sup>73</sup> See *Haiti Earthquake Pictures: Photos of the Disaster*, THE HUFFINGTON POST (Jan. 13, 2010, 12:38 AM), [http://www.huffingtonpost.com/2010/01/13/haiti-earthquake-photos-video\\_n\\_421155.html](http://www.huffingtonpost.com/2010/01/13/haiti-earthquake-photos-video_n_421155.html)

<sup>74</sup> See, e.g., Amelia M. DeAngelis, Note, *Coffee, Mexico’s Other Bean: An Examination of the Globalization of the Coffee Industry, Its Impact on Mexican Villages, and the Possibility of Surviving the Grind*, 3 WASH. U. GLOB. STUD. L. REV. 887, 892 (2004) (discussing the effects of government and industrial land-use policies on small-scale Mexican coffee farmers).

<sup>75</sup> See generally Douglas E. Matthews, *Economic Sanctions and Economic Strategies: Toward Haiti’s Integration Into the World Economy*, 6 ST. THOMAS L. REV. 281 (1994); Felicia Swindells, *U.N. Sanctions in Haiti: A Contradiction Under Articles 41 and 55 of the U.N. Charter*, 20 FORDHAM INT’L L.J. 1878, 1939-43 (1997).

<sup>76</sup> See Swindells, *supra* note 75, at 1944-45.

<sup>77</sup> See Matthews, *supra* note 75, at 296.

<sup>78</sup> See Michele E. Gorden, Comment, *Haitian Forced Labor in the Dominican Republic*, 15 COMP. LAB. L.J. 206, 213 (1994).

groups.<sup>79</sup> Every year, Haitians face racism and deplorable conditions as cane cutters in the Dominican bateyes<sup>80</sup> so as to be able send some money home to their families. The forced labor of Haitians

[W]as legitimized [in the 1950s] through an agreement between Haiti's dictator "Papa Doc" Duvalier and the Dominican government. Until the fall of the Duvalier dynasty in 1986, the Dominican government paid Duvalier \$2 million every year for the right to recruit up to 20,000 Haitian forced laborers to cut Dominican cane. After succeeding Duvalier, President Aristide publicly opposed the "Contract," causing a shortage of cane cutters in the Dominican Republic. Desperate to maintain the production of the nation's main export, Dominican government officials resorted to an underground recruitment drive that resulted in widespread and coercive labor practices and forced more Haitians onto sugar plantations.<sup>81</sup>

Given the prospect of making money off of the high demand for workers,<sup>82</sup> the Haitian government has historically been one of the main contributors to the supply of Haitian sugar cane cutters to the Dominican Republic.<sup>83</sup> This is so despite the government's knowledge of the deplorable conditions faced by Haitians in the Dominican Republic.<sup>84</sup> During the Duvalier regime, governmental representatives would often pick poor people off the streets and drop them at the Dominican border to enlist them for work in the cane plantations.<sup>85</sup> The Haitian and Dominican governments each reap the benefits of abusive labor conditions for Haitians in the Dominican Republic. The Dominican Republic, however, still serves as one of the most popular destinations for poor Haitians when the climate in Haiti deteriorates. Furthermore, the Haitian government often attempts to maintain order, or the current power and economic structure, by dumping people in the Dominican Republic, or by encouraging individuals to voluntarily migrate.<sup>86</sup> Furthermore, as the Haitian farming industry has drastically shrunk in the last few decades, poor Haitian farmers have increasingly turned to sugar cane cutting in the Dominican Republic.

<sup>79</sup> INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, SITUATION OF HAITIAN MIGRANT WORKERS AND THEIR FAMILIES IN THE DOMINICAN REPUBLIC, <http://www.cidh.org/countryrep/DominicanRep99/Chapter9.htm>.

<sup>80</sup> See Stacie Kosinski, Note, *State of Uncertainty: Citizenship, Statelessness, and Discrimination in the Dominican Republic*, 32 B.C. INT'L & COMP. L. REV. 377, 382-383 (2009) ("... many Haitians are driven to work in the Dominican, traditionally in the sugar cane plantations . . . though widespread discrimination and prejudice against Haitians permeates society and limits access to nationality.").

<sup>81</sup> INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, *supra* note 85.

<sup>82</sup> *Id.*

<sup>83</sup> Cf. Daniel S. Ehrenberg, *The Labor Link: Applying the International Trading System to Enforce Violations of Forced and Child Labor*, 20 YALE J. INT'L L. 361, 369 n.50 (1995).

<sup>84</sup> See Gorden, *supra* note 78 ("Supervisors and inspectors serve the interests of the Dominican and Haitian governments, the primary interest being the enforcement of a system of cheap labor that is beneficial for both nations. Haiti benefits by virtue of the millions of dollars paid for the bilateral agreement to provide workers to the Dominican Republic, and the Dominican Republic benefits from the virtually free Haitian labor. This symbiotic relationship necessarily precludes the protection of the Haitian workers' rights.").

<sup>85</sup> See Ehrenberg, *supra* note 83, at 369-70.

<sup>86</sup> *Id.*

As in Mississippi, deterministic structures aggravate the already precarious conditions faced by Haitians in the Dominican Republic. In the Dominican Republic, color and nationality are used as proxy for race, placing individuals with lighter skin pigmentation and those born of Dominican parents on top and individuals with darker skin pigmentation and those born of Haitian parents at the bottom.<sup>87</sup> As a result, hierarchies based on color and status facilitate the perpetuation of inhumane treatment of Haitians in the Dominican Republic. Based on this structure, Haitian workers in the Dominican bateyes (the sugar cane plantations) inevitably end up at the bottom of the ladder.<sup>88</sup> The sugar cane industry is owned by the Dominican government and affluent Dominicans and is sustained by a steady influx of Haitian labor.<sup>89</sup> Few Dominicans are willing to do the grueling work of the cane plantations,<sup>90</sup> or to accept the stigma associated with working in these settings.<sup>91</sup>

Furthermore, the way the laws are set up in the Dominican Republic support the perpetuation of this Haitian underclass. Haitians have very little legal standing in the country, including those who reside there long term and those who have children while living in the country.<sup>92</sup> For example, children born of Haitian parents are routinely refused Dominican citizenship.<sup>93</sup> Through discriminatory citizenship laws,<sup>94</sup> the racial hierarchy supporting the marginalization of Haitians has been maintained for generations.<sup>95</sup> Additionally, Dominicans of Haitian descent have systematically been denied the right to Dominican citizenship in violation of the American Convention on Human Rights.<sup>96</sup> As it stands, the Dominican Republic is the only country in the Americas that departs from the practice of *jus solis* (grant of citizenship based on birth soil). With respect to the legal status of Haitians in the Dominican Republic:

[H]istorical animus, discriminatory government policies and legislation and anti-Haitian public sentiment act as barriers to systematic birth registration for people who have in many cases resided in the country for generations . . . . an estimated two to three million [Haitian] individuals—between twenty to twenty-five percent of people residing in the Dominican Republic—are not documented. Some estimates suggest that at least one-fifth of these individuals are children.<sup>97</sup>

The migration of Haitians to the Dominican Republic persists despite these deprivations because the Dominican Republic is economically more stable than Haiti<sup>98</sup> and provides the only

<sup>87</sup> See Kosinski, *supra* note 80, at 382-83.

<sup>88</sup> See Gorden, *supra* note 78, at 213.

<sup>89</sup> See Ehrenberg, *supra* note 83, at 369.

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> Stephanie Hanes, *Dominican Citizenships Put Into Doubt*, PULITZER CENTER (Dec. 16, 2010), <http://pulitzercenter.org/articles/haitian-citizenships-dominican-republic-constitution-change>.

<sup>94</sup> See Kosinski, *supra* note 80, at 383.

<sup>95</sup> Hanes, *supra* note 93.

<sup>96</sup> *Id.*

<sup>97</sup> Kosinski, *supra* note 80, at 382.

<sup>98</sup> Laura Jaramillo & Cemile Sancak, *Growth in the Dominican Republic and Haiti*:

viable option for many poor Haitians, particularly those from the rural areas. Once occupied by farming, many poor Haitians become unable to find adequate employment in urban areas.

Consequently, in addition to the responsibility borne by the Dominican Republic's condoning of the human rights violations against Haitians in the Dominican Republic, a major source of the problem still resides in the absolute erosion of the Haitian agricultural industry. The plight of these poor individuals living in rural parts of Haiti without any land with which to support themselves has, unfortunately, flown under the radar. Like Mississippi, Haiti is a formerly agricultural region where the poor have endured neglect and ostracization. The similarities between Haiti and Mississippi with respect to the isolation and deprivation faced by rural inhabitants and to governmental failure to allocate adequate resources to small farmers are striking. In both regions, the plight of poor farmers can be traced to the absence of opportunities for achieving independence and sustainability. In order to achieve meaningful change in both areas, however, discriminatory stratifications specific to each milieu as well as the overarching hierarchy present in domestic and international farming regulations must be reformed.

#### V. AGRICULTURAL POLICIES DISPROPORTIONATELY BURDENING POOR FARMERS DOMESTICALLY AND INTERNATIONALLY

This article by no means advances the argument that agriculture alone is the means through which all societal ills will be cured. Instead, it simply posits that an overhaul of agricultural policies can reinstate substantial means of sustenance for a great number of the poor, and create much needed and vibrant markets in small communities.

International and domestic policies perpetuate globally the class hierarchical structure, i.e. rich and big farmers at the top and poor farmers at the bottom, identified above. This structure, through the means of multi-national agreements entered into by World Trade Organization members regarding farming, exports, and subsidies, lead to the disenfranchisement of poor farmers in poor regions like Haiti and Mississippi.<sup>99</sup> Subsidies are incentives awarded to certain farmers whereby they receive monetary rewards to mass-produce certain crops and/or neglect other ones.<sup>100</sup> For example, subsidies for over-production of corn are common, while growing other, healthier crops have become uneconomical.<sup>101</sup> The surplus of the overproduced crops grown in the United States is then shipped abroad at cheaper prices.<sup>102</sup> Large American farmers traditionally receive certain commodities and benefit from these subsidies, while the cheaper overproduced American crops cause devaluation of the crops grown by farmers abroad.<sup>103</sup> Certain multinational agreements also limit certain countries' exports, thereby limiting the opportunities and livelihood of farmers in these countries. These types of export restrictions often

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*Why has the Grass Been Greener on One Side of Hispaniola?* 4 (Int'l Monetary Fund, Working Paper No. 63, 2007), available at <http://www.imf.org/external/pubs/ft/wp/2007/wp0763.pdf>.

<sup>99</sup> See generally Tom Philpott, *The Butz Stops Here: A Reflection on the Lasting Legacy of 1970's USDA Secretary Earl Butz*, GRIST (Feb. 7, 2008; 10:31 AM), <http://www.grist.org/article/the-butz-stops-here>.

<sup>100</sup> See Eubanks, *supra* note 40, at 238. See also Frank A. Seminerio, *A Tale Of Two Subsidies: How Federal Support Programs for Ethanol and Biodiesel Can be Created in Order to Circumvent Fair Trade Challenges under World Trade Organization Rulings*, 26 PENN ST. INT'L L. REV. 963, 971-72 (2007-2008).

<sup>101</sup> See Eubanks, *supra* note 40, at 238.

<sup>102</sup> *Id.* at 235.

<sup>103</sup> See Seminerio, *supra* note 100, at 970-74.



change the farming landscape of particularly dependent countries.<sup>104</sup>

Measures such as grants of subsidies and restrictions on exports became common in the United States following World War I,<sup>105</sup> when the United States began to fear a decline in international demand for food.<sup>106</sup> Yet, until recently, the intent behind these measures was to protect small American farmers. Unlike the original farm bill, however, the new farming regulations no longer make protection of small farmers a priority. For example, Congress enacted the Farm Security and Rural Investment Act in 2002,<sup>107</sup> which remained the controlling statute through 2007. The goals of the Act were twofold: 1) to create payment mechanisms for farmers participating in the subsidy programs; and 2) to implement measures designed to protect American agriculture.<sup>108</sup> Unfortunately, these methods protected American agribusiness at the expense of poor developing countries, and also tended to support large farming conglomerates to the detriment of small farmers.

On the international front, United States' subsidies for corn are blamed for destroying corn prices in Mexico.<sup>109</sup> Millions of individuals depend on corn in Mexico.<sup>110</sup> But the increase of subsidies to American farmers for the production of corn has caused prices of Mexican corn to fall to 70% between 1994-2003.<sup>111</sup> As a result, Mexican farmers have found it hard to compete.<sup>112</sup> The circumstances in Mexico are not unique; similar struggles triggered by American subsidies of various crops are also experienced by farmers in other developing nations.<sup>113</sup>

These policies cause detriments to small farmers both in the United States and abroad. In America, the subsidies program disproportionately benefits large farmers despite its mandate to service American farmers<sup>114</sup> by leaving poor American farmers even more vulnerable than before.<sup>115</sup> Small farmers<sup>116</sup> abroad,<sup>117</sup> no longer able to compete due to the market being saturated

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<sup>104</sup> *Id.* at 978-79 (discussing agreements under the World Trade Organization's (WTO) Agreement on Agriculture)

<sup>105</sup> *See also* Eubanks, *supra* note 40, at 218-19 ("The nation's overzealous planting during the 1920s combined with innovative advances in both mechanization and soil inputs led to vast overproduction of most crops.")

<sup>106</sup> Seminerio, *supra* note 100, at 966 ("[W]ith the War's end came the decline of European demand for agricultural products."). *See also* Eubanks, *supra* note 40, at 218-19.

<sup>107</sup> Pub. L. No. 107-171, 116 Stat. 134 (2002). *See also* Eubanks, *supra* note 40, at 215 (arguing that since the Act reaches so many areas of social policy, "its deceptive name prevents the public from recognizing its true costs and implications," and so "Farm Bill reform must start 'with the recognition that the 'farm bill' is a misnomer; in truth, it is a food bill [among other things] and so needs to be rewritten with the interests of [the public] placed first").

<sup>108</sup> *Id.*

<sup>109</sup> *See* Seminerio, *supra* note 100, at 971-73.

<sup>110</sup> *Id.* at 971.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> *Id.* (noting the effects of American subsidies on African edible corn exports, Malaysian palm oil prices, and Haitian rice consumption).

<sup>114</sup> Eubanks, *supra* note 40, at 221 ("The decisions made by those in power have . . . transformed rural America into a wasteland of large commercialized farms and abandoned fields that once served as symbols of hope to the families that depended on their plentiful yields.")

<sup>115</sup> Seminerio, *supra* note 100, at 973-75 (describing the effects on the cost of food and living, cost shifting down raw material and commodity supply chains, and other associated domestic externalities arising from agricultural subsidies, concluding "it can be argued that the frustration and despair caused by these policies undermine American security.").

with traditionally grown crops like corn and rice, are forced to find means of subsistence in factories and other menial jobs, or else attempt to migrate to other countries. These limitations, in turn, lead to increased poverty and migration.<sup>118</sup> For example,

. . . America's commodity subsidies have numerous detrimental effects on the health of the world's agricultural economy. Just as immense overproduction of subsidy-dependent commodity crops depresses domestic prices, American subsidies result in depressed global commodity prices that severely affect the ability of farmers in the developing world to survive financially. . . . '[W]hen subsidies lead to increased production with little increase in consumption, as is typical with agricultural commodities . . . [the result is] lower prices for producers, lower incomes for farmers, and more poverty among poor farmers in the Third world.' In response to depressed global cotton prices, for example, an estimated 40,000 cotton farmers in India committed suicide between 1996 and 2005, while thousands more sold one of their kidneys on the black market for approximately \$800. West Africa was similarly devastated by declining cotton prices spurred by American cotton subsidies which led West African farmers to state, "[t]he more we produce, [t]he more we export, [t]he poorer we get."<sup>119</sup>

Mass production of crops like corn and rice, combined with onerous multinational agreements restricting exports, creates a growing dependency on imported goods in poor countries like Haiti. This dependency further helps eradicate farming industries in these locales. Consequently, as small farmers in Mississippi struggle to compete with the big farming industries which are constantly aided by governmental subsidies, small farmers in poor countries like Haiti have to compete in a world where mass produced crops cause their local crops to become undervalued. It is thus not surprising that Haitians in search for a better life, like many in other dependent countries, have been migrating en masse for the past few decades.<sup>120</sup>

In addition to disadvantaging small farmers in the United States and abroad, subsidies might also impact availability of healthy crops as some farmers who receive subsidies are often discouraged from growing fruits and vegetables on certain acres. Research shows that:

[F]armers [receiving subsidies] are not completely free to plant what they want. In general, producers seeking subsidies for "covered commodities" may not plant fruits or vegetables on base acres. This "fruit and vegetable" limitation was widely reported to be the result of efforts to mollify fruit and vegetable growers because they receive very little direct support in the farm bill relative to producers of covered commodities.<sup>121</sup>

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<sup>116</sup> See Eubanks, *supra* note 40, at 235-39 (discussing ways in which the United States' agricultural policies perpetuate hunger and malnutrition throughout the developing world, foster widespread and extreme poverty, pose a worldwide public health danger, and exacerbate global inequality).

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> *Id.* at 234.

<sup>120</sup> Gaul & Morgan, *supra* note 20. See generally Elliott, *supra* note 20.

<sup>121</sup> DOUG O'BRIEN, NAT'L AGRIC. L. CTR., WORLD TRADE ORGANIZATION AND THE COMMODITY TITLE OF

These policies<sup>122</sup> can consequently also be detrimental to society-at-large<sup>123</sup> because they potentially present public health risks. Increasingly, manipulation of food production could limit access to healthy foods.<sup>124</sup> Restricting the production of healthy crops can have a disproportionate effect in poor areas like Mississippi, where chronic poverty, obesity, and a dearth of job options<sup>125</sup> create a variety of health problems.<sup>126</sup>

Furthermore, restrictions placed on the growing of crops by the subsidy system bear immense costs<sup>127</sup>:

Every American pays for commodity crops five distinct times: (1) at the supermarket checkout, (2) with federal taxes that predominantly line the pockets of subsidized agribusiness, (3) with federal taxes for environmental cleanup costs paid by the government because of poor environmental protection standards in the Farm Bill, (4) through individualized medical costs linked to obesity, diabetes, asthma, malnutrition, hunger, and other illnesses caused by the Farm Bill, and (5) with additional federal taxes paid to collectively buttress healthcare programs such as Medicare, Medicaid, and emergency room care for patients of lower socioeconomic status who often fall ill as a result of the Farm Bill-induced food system. It is only when the majority of American taxpayers and policymakers understand the true costs of industrial agriculture that the necessary changes can be made to fix the nation's rotten agricultural system.<sup>128</sup>

In light of this interconnected experience of small farmers in the United States and farmers abroad, any reconstruction of post-disaster areas such as the Gulf Coast and Haiti must consider the ways in which the structure of agribusiness and agricultural policies have greatly disempowered these regions. A revision of current agrarian policies and practices in these locales must also take place if meaningful change is to occur.

## VI. A MODEL FOR POST-DISASTER DEVELOPMENT IN HAITI AND MISSISSIPPI

In rebuilding Haiti and in continuing the re-development of the Gulf Coast, some key lessons should be learned from the above examination of the determinist nature of agrarian

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THE NEXT FARM BILL: A PRACTITIONER'S VIEW (Apr. 2006), [www.nationalaglawcenter.org/assets/articles/obrien\\_wto.pdf](http://www.nationalaglawcenter.org/assets/articles/obrien_wto.pdf).

<sup>122</sup> Eubanks, *supra* note 40, at 239-40.

<sup>123</sup> *Id.* at 224-25 ("In 1972, [Secretary of Agriculture Earl] Butz pushed even more aggressive policies as he urged farmers to 'plant from fencerow to fencerow' to maximize yields of commodity crops regardless of the consequences," leading to large-scale environmental destruction, including deforestation, drained wetlands, and water pollution.).

<sup>124</sup> See MICHAEL POLLAN, *THE OMNIVORE'S DILEMMA: A NATURAL HISTORY OF FOUR MEALS* 52 (2006).

<sup>125</sup> Eubanks, *supra* note 40, at 214-15 ("The statute drives public health policy in the United States and is a predominant reason that our nation suffers from record levels of obesity, heart disease, diabetes, and asthma. At the same time, this statute implements policies that result in severe malnutrition and hunger both domestically and abroad.").

<sup>126</sup> See POLLAN, *supra* note 124.

<sup>127</sup> Dan Morgan et al., *Farm Program Pays \$1.3 Billion to People Who Don't Farm*, WASH. POST, July 2, 2006, at A01.

<sup>128</sup> Eubanks, *supra* note 40, at 239-40.

policies.<sup>129</sup> While it is unrealistic to anticipate that all disenfranchised individuals would turn to farming if given the opportunity, the current agriculture policies present great obstacles to sustainable farming by small farmers. In fact, evidence shows that current farmers are desperately trying to hold on to farming by “turning to alternative crops, catfish and dairy goats as they struggle to hold on to small patches of land across the South[.]”<sup>130</sup> Thus, facilitating farming options for small farmers would allow potential farmers, as well as current farmers, to make a living and contribute to local markets.

The current agricultural structure<sup>131</sup> not only guarantees the exclusion of small farmers, it also creates nefarious public health consequences that prove costly to individuals and society. Critics of the current farming system advocate that the government shift agricultural policy to support sustainable farming,<sup>132</sup> but post-disaster development efforts should not be limited to that option.<sup>133</sup> The eradication of traditional farm life in the United States and Haiti and dependence abroad on importation of overproduced goods are evidence of the need to re-arm inhabitants with the tools necessary to become sustainable farmers.<sup>134</sup> In the last twenty to thirty years of mass migration to urban areas or to richer countries, in attempts to find alternative means of livelihood, millions of individuals have grown up unfamiliar with the idea of using the land for communal or individual sustainability.<sup>135</sup>

In Haiti, for example, L’Artibonite, formerly a major source of rice production, was depleted and made obsolete by international overproduction, onerous loan terms, and neglect.<sup>136</sup> In Mississippi, the vast land once dedicated to agriculture is now left uncultivated in key parts. With over a million individuals homeless in Haiti and with the depletion of economic capital experienced in Mississippi,<sup>137</sup> post-disaster redevelopment efforts should focus on re-developing areas suited for agriculture, and on making them safe for cultivation. Many displaced Haitians, for instance, might want to return to a rural, agriculture-based lifestyle, especially considering that the past rural lifestyle was only abandoned when the option to farm sustainably was taken away.<sup>138</sup> There is, especially in Haiti, a post-disaster opportunity to introduce farming as a highly valued option to the Haitian society that international trade agreements and local failures previously made obsolete.

As generations of individuals become increasingly removed from the possibilities offered by agriculture, the big farming industrial complex will continue to monopolize the

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<sup>129</sup> See generally Eubanks, *supra* note 40.

<sup>130</sup> Jennifer Dixon, *Black Farmers Struggle To Save Proud Life Style*, KENTUCKY NEW ERA, Oct. 10, 1991, at 6C.

<sup>131</sup> See Eubanks, *supra* note 40. See generally *Id.*

<sup>132</sup> William S. Eubanks II, *The Sustainable Farm Bill: A Proposal for Permanent Environmental Change*, 39 ENVTL. L. REP. NEWS & ANALYSIS 10493, 10493 (2009) [hereinafter Eubanks, *The Sustainable Farm Bill*].

<sup>133</sup> Eubanks, *supra* note 40, at 215.

<sup>134</sup> See generally Eubanks, *supra* note 40.

<sup>135</sup> Eubanks, *The Sustainable Farm Bill*, *supra* note 132, at 10494-97 (describing how agricultural policy has promoted unsustainable agribusiness and driven out numerous small family farms).

<sup>136</sup> Rory Carroll et al., *Haiti homeless reach 2 million*, GUARDIAN.CO.UK (Jan. 21, 2010; 12:20 GMT), <http://www.guardian.co.uk/world/2010/jan/21/haiti-homeless-reach-2-million>.

<sup>137</sup> *Id.*

<sup>138</sup> Nicolai Ouroussoff, *A Plan to Spur Growth Away From Haiti’s Capital*, N.Y. TIMES, Mar. 30, 2010, at C1, <http://www.nytimes.com/2010/03/31/arts/design/31planning.html?pagewanted=print>.

market<sup>139</sup> and lobby, if not checked, for the laws to benefit them exclusively.<sup>140</sup> Consequently, in both Mississippi and Haiti, it is crucial for any post-disaster development plan to include allocations for the creation of agricultural programs and schools designed to create new generations of small farmers. As the obesity rate in America and abroad steadily climbs, the cost of these programs would be far outweighed by the benefit of decreasing health risks and medical costs.<sup>141</sup> Public awareness should highlight the fact that the medical costs and health risks we currently experience are partly the results of a farming policy overly focused on the quantity of food rather than on quality and nutrition.<sup>142</sup> Consequently, continued public emphasis on the issue is imperative.

A focus on creating new generations of small farmers will also ensure that individuals will become not only healthier, but also more self-sufficient and less dependent on the state. For example, without falling prey to an overly romanticized image of life back on the land for everyone, the creation of two or three small farms in every hundred mile radius, in both Mississippi and Haiti, would not only encourage self-dependency<sup>143</sup> but would also foster much needed local markets, which would greatly benefit the immediate local communities.<sup>144</sup> Such small agricultural enclaves and models are not new. They existed at various times, even during Jim Crow, as generations of blacks were more knowledgeable about this particular means of self and community sustainability.

However, attempts at creating more sustainable agriculture and more viable markets in local communities should not be interpreted to mean that poor populations should be wholly relocated to rural areas. In fact, post-disaster plans geared towards fostering a new sustainable agriculture should be implemented with caution<sup>145</sup> so as to avoid displacement. The same arguments against displacing vulnerable individuals raised in the urban development context also apply in the rural context.<sup>146</sup> These reform efforts, in all development contexts, must take place with the participation and will of the local community and with the understanding that these efforts might not be suitable to everyone.<sup>147</sup>

The pitfalls inherent in the proposed rebuilding plans for Port-au-Prince illustrate the importance of this precaution.<sup>148</sup> The current plan “[p]repared by a group of urban planners from the Haitian government agency responsible for the country’s development . . . is built around a bold central idea: to redistribute large parts of the population of Port-au-Prince to smaller Haitian cities[.]”<sup>149</sup> This call for a mass displacement of the residents of Port-au-Prince to rural areas

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<sup>139</sup> Eubanks, *The Sustainable Farm Bill*, *supra* note 132, at 10496-97.

<sup>140</sup> See generally DENNIS KEENEY & LONI KEMP, A NEW AGRICULTURAL POLICY FOR THE UNITED STATES, INST. FOR AGRIC. AND TRADE POL’Y AND THE MINNESOTA PROJECT 10-11 (July 2003), available at <http://www.mnproject.org/publications/New%20Agricultural%20Policy%20for%20the%20US.pdf>.

<sup>141</sup> Michael Pollan, *You Are What You Grow*, N.Y. TIMES MAG., Apr. 22, 2007, available at <http://www.nytimes.com/2007/04/22/magazine/22wwlnlede.t.html>.

<sup>142</sup> *Id.*

<sup>143</sup> See Eubanks, *The Sustainable Farm Bill*, *supra* note 132.

<sup>144</sup> See generally Eubanks, *supra* note 40.

<sup>145</sup> *Id.*

<sup>146</sup> See generally Alexandre, *supra* note 2.

<sup>147</sup> *Id.*

<sup>148</sup> Ouroussoff, *supra* note 138.

<sup>149</sup> *Id.*

must be highly scrutinized. This is all the more important since the plans for decentralizing Haiti were conceived before the earthquake, in 1987, out of a desire to decentralize political power, “[shrink] the capital and [revive] provincial cities. . . . enshrined as a goal in the post-Duvalier constitution.”<sup>150</sup> An agrarian focus should not serve as an excuse to displace poor individuals under the guise of rebuilding. Nor should post-disaster planning be usurped as a means of redistributing political power. The fact is that the slums of Port-au-Prince and the proliferation of the bidonvilles had been considered an eyesore for decades way before the quake by many wealthy Haitians and by foreign investors.<sup>151</sup> Decentralization and massive redistribution of populations to the provinces would be an inequitable way of removing these eyesores without fully addressing the economic and structural inequities faced by poor Haitians.

Equitable post-disaster development plans require that all sectors be alert to the perpetuation of such inequities. Plans to create the agriculture centers proposed in this article should be accompanied by proposals to also develop resources for individuals in urban areas so as to empower those who chose to stay in the capital or in cities instead of returning to a rural lifestyle.

These proposals also require that governmental and non-governmental organizations obtain a commitment from world organizations to create systematic educational programs designed to educate willing individuals on how to maximize their lands and grow healthy crops. Further, sustainability cannot occur without the cooperation of multi-national companies and that of developed countries. If the policy of overproduction continues, the possibility of creating smaller, self-sustaining markets is unlikely to be realized. In the wake of concern for the future of the economy of post-disaster regions, there is an opportunity to encourage the rejection of policies that inhibit sustainable farming. Developed countries should consider creating a post-disaster multi-national agreement designed to remove the structural obstacles placed on small farmers. These measures will be to the advantage of the developed countries, as they will continue the good will created in response to the earthquake, while not constituting a great cost to them. In addition, sustainable farming can eventually lead to financial independence, thereby diminishing the social cost of supporting dependent individuals.

The costs of rebuilding are of course undeniable. However, because rebuilding post-disaster entail a certain amount of inevitable and unavoidable costs, post-disaster settings present perfect opportunities to implement more equitable plans than those implemented pre-disaster. Implementing the proposed plans, such as the creation of sustainable farming options to generate local markets and the shifting of subsidies from a focus on large farmers to a re-focus on small farmers in post disaster areas like Haiti and Mississippi, will in the long run reap rewards by creating areas that are more sustainable and consequently less dependent on local governments and international aid. Additional benefits, such as grants of subsidies to small farmers and the promotion of healthy crops, could also greatly benefit governments and individuals by helping to reduce the cost of health care.<sup>152</sup>

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<sup>150</sup> *Id.*

<sup>151</sup> See, e.g., Comment to *What Do You Suggest for a Better Haiti?*, THE RENE PREVAL BLOG (Jan. 22, 2008; 2:58 PM), <http://prevalhaiti.com/messages.php/5740/0/1>; Comment to *What Do You Suggest for a Better Haiti?*, THE RENE PREVAL BLOG (Jan. 8, 2008; 4:57 PM), <http://prevalhaiti.com/messages.php/5589>.

<sup>152</sup> See, e.g., Eubanks, *supra* note 40.

## VII. POTENTIAL FOR THE ENVIRONMENTAL MOVEMENT TO DISMANTLE THE DETERMINIST STRUCTURE IN AGRICULTURE

The environmental movement can be useful in helping to implement these post-disaster proposals. Environmental experts should be consulted and should serve as springboards for helping to set up and implement sustainability-focused programs and curricula. Environmental models used both domestically and internationally to teach sustainability can be very helpful. For instance, the model implemented by Marjorie Carter in the Bronx, who with the Sustainable Bronx Project created job training programs to teach residents how to dispose of forestation, waste cleanup and landscaping, can be helpful to teaching individuals to sustain local farming projects.<sup>153</sup> So too can the example of environmentalist and Nobel Prize Winner Wangari Maathai be helpful in teaching ways to create programs designed to teach local community members reforestation and other methods essential to achieving sustainability.<sup>154</sup> Consequently, ongoing efforts by grassroots environmental activists can serve as useful models for implementing sustainability-based programs.<sup>155</sup> Similarly, the agrarian reform proposed in this article can be implemented on local levels as well as delegated to community activists and leaders trained in those fields. The model put forth by the Sustainable Bronx Project, for example, can be adapted to the farming context and can be used to help design programs geared toward the creation of small, diverse, and sustainable local markets<sup>156</sup> in post-disaster areas. Such environmental projects can thus facilitate the implementation of the proposed post-disaster development models and render them adaptable to the particularities of specific locales and groups.

## VIII. CONCLUSION

In attempting to extrapolate lessons from existing hierarchical structures in pre-disaster Haiti and Mississippi, one is able to better assess what should be the adequate post-disaster development models for these areas. The problematic pre-disaster agricultural policies affecting farmers in Mississippi and Haiti must be changed in order to help promote sustainability and the creation of small-scale, self-sufficient markets. While it is unrealistic to expect developed nations to devalue profits, changing farming policies so as to allow for the creation of small sustainable farms and markets can be beneficial to developed as well as developing countries. For example, the proposed changes in agrarian policies and practices can lead to governmental savings in medical costs while still allowing big farms and governments to maintain a successful farming industry.<sup>157</sup> Change, however, will come only by studying the hierarchical structures present in specific locales in order to understand fully the intricate problems faced by individuals in specific areas.<sup>158</sup> Without careful scrutiny of these hierarchical structures and a comprehension as to how they operate, no justice-based movement can survive without somehow becoming part of the already-established hierarchy.

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<sup>153</sup> SUSTAINABLE SOUTH BRONX, <http://www.ssbx.org/> (last visited Feb. 4, 2011).

<sup>154</sup> *Kenyan ecologist wins Nobel prize*, BBC NEWS (Oct. 8, 2004), <http://news.bbc.co.uk/2/hi/africa/3726024.stm>.

<sup>155</sup> See Eubanks, *supra* note 40.

<sup>156</sup> *Id.* at 306.

<sup>157</sup> *Id.* at 306-07.

<sup>158</sup> Jodi Soyars Windham, *Putting Your Money Where Your Mouth Is: Perverse Food Subsidies, Social Responsibility, and America's 2007 Farm Bill*, 31 ENVIRONS ENVTL. L. & POL'Y J. 1, 8 (2007).