

**Spatial Governance  
and the Privatization of Sovereignty**  
Reign Commodore

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## Research Abstract

Globalization and neoliberal ideology is an interconnected framework that irreversibly shapes the operations of contemporary state governance. In the scope of critical geopolitics, I use comparative research on Chile and the United States to reveal the unprecedented spatial conditions for international sovereignty imposed by multinational corporations and private-sector companies with key stakeholderhip in democracies around the world. The definition of sovereignty is contextualized in the Western rationale for spatial belonging that compartmentalizes a public into protected subjects or suspected threats. Identifying the weaknesses inherent in political sovereignty by engaging with the research of critical geopoliticians Duncan Weaver and John Agnew, and surveillance studies scholar Simone Browne, I analyze the modern reconfiguration of state decision-making and its effects on public sovereignty. With focus on the United States' and Chile's processes of neoliberal transformation, I creatively recount my observations and reflections on two concentrated zones of sacrificed public sovereignty, Quintero-Punchaví, Chile and New Orleans, USA. I engage the physical constructions of space that I observed through surveillance, security, and management of public goods with their respective political-economic analyses. My aim in this research is to offer a critically discursive position that serves not to denounce economic privatization unequivocally but rather critique its encroachment upon the inherent vulnerabilities of established sovereign structures.

## Chile 1973 vs. 1990: Voting “No.”

Advertising for the consumption of hope— “NO,” represented a battle between firms in a market. Following the seventeen years of dictatorship entwined with poverty, mass-imprisonment, torture and killing, the oppositional “NO” plebiscite ran in 1990 against the dictator Pinochet placed the correct price on freedom.<sup>1</sup> The presidential campaign facilitated by advertisers posed an incredible irony to the individuals, firms, and governments who’d amassed power by deteriorating market-regulating economic policies in the name of free-market competition. Chile’s 1988 plebiscite initially intended to prove that Pinochet’s rule was democratically desired to an international audience. For a country suffocated by fear, the only option out of the laissez faire dictatorship was to strategize within the market itself. The oppositional “No!” campaign to Pinochet gave Chileans the possibility of hope for the everyday. The experiment of a neoliberal society was a battle of the markets and people didn’t need to know the entire doctrine of Chicago school economics to get ahead of the system. In the battle of laissez-faire policies, people resisted neoliberalism by competing in the stock of freedom.

Chile’s violent history is echoed by a deep generational silence, a wound that the country’s 34<sup>th</sup> and 36<sup>th</sup> president, Sebastián Piñera, would provoke. In October of 2019, millions of Chileans occupied Santiago’s streets demanding equal, social, and economic rights specifically describing “decent pensions, housing, quality public education, and healthcare.” With close ties to the economic doctrine that mounted radical societal change during Pinochet’s dictatorship 50 years prior, President Sebastian Piñera, “responded with a state of emergency decree and deployed the army and police to suppress the protests.”<sup>2</sup> Sparking civil unrest was the raised

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<sup>1</sup> Larraín, Pablo, dir. No, 2013.

<sup>2</sup> “Eyes on Chile.” [www.amnesty.org](http://www.amnesty.org), 14 Oct. 2020, [www.amnesty.org/en/latest/research/2020/10/eyes-on-chile-police-violence-at-protests/](http://www.amnesty.org/en/latest/research/2020/10/eyes-on-chile-police-violence-at-protests/).

Santiago metro fare. The Estallido Social (social uprising) was a response by the Chilean people to the growing inequalities within the country that pressed on public wounds that'd barely begun to heal.<sup>3</sup> One month into the movement, the Human Rights Amnesty Watch would report that commanders of the Chilean police force, Los Carabineros de Chile had killed 31 people and injured over 12 thousand.<sup>4</sup> A signature injury from Chilean authorities to protestors included assaults on the eyes, which the movement would interpret as an assault on the people's perspective and ability to counter-surveil the State.

Awfully reminded of the violence of Pinochet's dictatorship under Piñera's presidency, Chileans across the country called for a revision to the 1980 constitution left by Pinochet's dictatorship. Initially, people's struggles were at the center of calls for progressive change in Chile, especially Indigenous voices calling for the recognition of Chile as a plurinationalist state. Plurinationalism is an idea that refers to several nations coexisting "within the boundary of a single state" and is "understood as an organizing framework for a set of policies and a system of rights for Indigenous groups."<sup>5</sup> Many right-wing politicians in Chile threatened by the idea of plurinationalism worked to dominate the trajectory of the constitution referendum, arguing that plurinationalism would only sow instability and insecurity like neighboring plurinational states in the region, Ecuador and Bolivia. Research from Mapuche activist and human rights lawyer, José Alywin, objects the nationalist right-wing argument emphasizing that plurinationalism

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<sup>3</sup> Cox, Loreto, Ricardo González, and Carmen Le Foulon. 2023. "The 2019 Chilean Social Upheaval: A Descriptive Approach." *Journal of Politics in Latin America*, October. <https://doi.org/10.1177/1866802x231203747>.

<sup>4</sup> "Eyes on Chile." [www.amnesty.org](http://www.amnesty.org)

<sup>5</sup> August 29, Nick Burns |, and 2022. 2022. "Chile Could Become 'Plurinational.' What Does That Mean?" *Americas Quarterly*. August 29, 2022. <https://www.americasquarterly.org/article/chile-could-become-plurinational-what-does-that-mean>.

pertains to “rights rather than slogan,”<sup>6</sup> and the right for many nations within one state to self-determine.

The nation-state is a catalyzing force of neoliberalism and globalization in the name of security and stability. Plurinationalism in Chile poses not a threat not to the unity of the state, but to the discrepancies in a state’s protection over its citizens and subjected bodies. Chile’s political and economic contexts given the calls for plurinationalism provoke a curiosity about the uncharted territory of legal legitimacy in the sovereign relationship between people and the forces that govern them. Following the paper-trail left by the national security rhetoric against plurinationalism, this paper aims to discover how systems of power have evolved from the core concept of sovereignty. This essay explores the process of regulating the lived space and the quotidian behavior of a public as a means of occupying sovereign authority. What makes this regulation significant is the unprecedented condition of sovereign authority being privatized by non-state actors and institutions.

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<sup>6</sup> Alywin, José. “Foundations and Frameworks of Human Rights Lecture” November 20, 2023, Lof Trankura, Currarehue

## **Interdisciplinary Methods Overview**

It is through the spatial mode of governance that we can observe the privatization of sovereignty and this essay utilizes interdisciplinary and historical perspectives to uncover how mechanisms of spatial governance are shaped by neoliberal privatization. The Peace of Westphalia (1619) is an event known as the founding of sovereign ideology and subsequent international law. Working with critical geopolitics scholars such as Duncan Weaver and John Agnew's research, I frame their arguments on Westphalian and relational spatiality in conversation with economic contexts and theorization of neoliberal shock therapy. Further investigating the tension between property rights and human rights that ultimately arise in the locating of sovereignty, I use Simone Browne's research on the evolution of surveillance practices to analyze property rights and security used against intersectional state subjects excluded from the narrative of contracts and obligations between state and subject.

Having witnessed multiple governments, populations, and quotidian realities across the Americas, I have settled on New Orleans and Quintero-Punchaví as spatial examples where private firms occupy sovereign authority by becoming stakeholders in public decision-making. Quintero-Punchaví, a bay area north of Valparaíso, Chile, is a declared sacrifice zone. Using Naomi Klein's research on economic shock therapy, I recount the neoliberal transformation of Chile that started with the 1973 military coup and argue how said economic policy set the stage for a sacrifice zone like Quintero-Punchaví to exist today. In my observations on Quintero-Punchaví as a sacrifice zone, I shift tone significantly to describe the spatial arrangement of the area. In my second case study on New Orleans, I compare the conditions for neoliberal revolution as seen in Quintero-Punchaví to the economic shock present in New Orleans' post Hurricane Katrina. I focus on the privatization of public education in New Orleans' after

Hurricane Katrina by defining and analyzing the use of education vouchers, otherwise known as ESAs. While my arguments illuminate the inefficiency of economic privatization, they do not object economic privatization entirely. Rather, this essay centers how economic privatization only becomes unprecedented and concerning when it trespasses the sovereign frameworks forming international law and national security.



## Theorization on Spatiality, Sovereignty and Privatization

The universal scale locating the existence of people, events and concepts is commonly understood as space. Working with French philosopher and sociologist Henry Lefebvre's conception "of a spatial triad of (a) spatial practice of perceived space; (b) representations of space, or conceived space; and (c) spaces of representation or lived space," the relational configuration of space occurs between the interactions of people and their physical environment.<sup>7</sup> Space's malleability speaks to its political shaping, and spatiality reveals the inequal distribution of lived space allotted to people based on hegemonic body politics. Critical geopolitics analyze systems governing humanity in relation to the geographical factors informing humanity such as ethnicity, nationality, resources, and territory. What frames these systems of governance for global society is the concept and practice of sovereignty.

Although sovereignty manifests independently throughout various nations and peoples worldwide, the modern international legal system standardizes sovereignty as a net neutral relationship between the State and its subjects. Responsibilities for both parties to each other are considered to contribute to the overall growth of the nation in its ability to compete with other sovereign territories. Political geographer John Agnew contextualizes in his question, 'Where is sovereignty?' the idea of a "Hobbesian excuse."<sup>8</sup> The "Hobbesian excuse" coined by Agnew defines "borders and the obligations of its subjects to it because of the protection it affords them." This relationship between state power and its participants implied by Hobbes draws from the Peace of Westphalia, a series of peace treaties that took place in the European Westphalian cities, Osnabrück and Münster in 1648. The Peace of Westphalia concluded the Thirty Years

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<sup>7</sup> Duncan Weaver, *Spatiality and World Politics*, p. 18

<sup>8</sup> Agnew, John. n.d. "Where Is Sovereignty?" [www.academia.edu](https://www.academia.edu/1872918/Where_is_Sovereignty). Accessed April 29, 2024.  
[https://www.academia.edu/1872918/Where\\_is\\_Sovereignty](https://www.academia.edu/1872918/Where_is_Sovereignty).

War throughout Central Europe and established that a nation has the right to rule itself without subjugation from forces outside its borders.<sup>9</sup> Such seventeenth century theory would subject a linear carving and allotting of space for all bodies considered in a public, rationalizing the placement and belonging of an individual in a spatial schema of Westphalian sovereignty.

The United Nations Human Rights Charter represents a central component of international law deriving from sovereign understandings following the Peace of Westphalia. Although the charter is pivotal to the international legal system, it is not the only reference point nations have for governance and international relations. The Manden Charter is a historic human rights legislation originating from the West African Malian Empire in the 13<sup>th</sup> century.<sup>10</sup> The Manden Charter closely parallels the Peace of Westphalia in its laws for land, property rights, and human rights after the kingdom faced its Battle of Krina (1235). The closest document representing Western political theory during the time of the Manden Charter is the Magna Carta (1215). The Magna Carta is significant as it established a “legal system by which the king had to abide, instilling protections for the clergy and nobility.”<sup>11</sup> Unfortunately, the context of feudal kingdoms and societal structure limit the Magna Carta’s applicability for human rights in modern democracies, implying the need to broaden the of pool of historical reference points used in politics and economics.

The Manden Charter is often questioned in its standing as humanity’s first human rights charter, however the Manden charter governed one of the most complex tasks a State is faced

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<sup>9</sup> Patton, Steven. 2019. “The Histories the Peace of Westphalia and It Affects on International Relations, Diplomacy and Foreign Policy.”

[https://digitalcommons.lasalle.edu/cgi/viewcontent.cgi?article=1146&context=the\\_histories](https://digitalcommons.lasalle.edu/cgi/viewcontent.cgi?article=1146&context=the_histories).

<sup>10</sup> “KOUROUKAN FOUGA -INDIGENOUS CONSTITUTION of ANCIENT MALI the Manden Charter Translated from French.” n.d. [https://ccaf.africa/books/The\\_Manden\\_Charter.pdf](https://ccaf.africa/books/The_Manden_Charter.pdf).

<sup>11</sup> “Magna Carta.” n.d. LII / Legal Information Institute.

[https://www.law.cornell.edu/wex/magna\\_carta#:~:text=The%20Magna%20Carta%20created%20a](https://www.law.cornell.edu/wex/magna_carta#:~:text=The%20Magna%20Carta%20created%20a).

with: the efficacy of balanced property and human rights. Written in the charter's first article under a section named "Property Rights," article 32, states: "There are five ways to acquire property: buying, donation, exchange, work and inheriting. Any other form without convincing testimony is doubtful."<sup>12</sup> The modern trajectory of governance has steered far its original conception, and the Manden Charter is one of many reference points needed to ground the development of sovereignty practices.

In explicit conversation Agnew's point of view, critical geopolitics scholar, Duncan Weaver coins and challenges the spatial orientation describing unilateral power divisions and world politics, Westphalianism. In "Spatiality and World Politics," Weaver contextualizes the roots of Westphalianism in the absolutist Newtonian and Cartesian framework of space that oriented the world into finite sections of space where borders and binaries are solidified and "non-overlapping."<sup>13</sup> This Newtonian scale of finite spatial belonging situates borders as indiscriminate and citizenship as territorial while the "Cartesian cogito" represents one's relationship to the nation space their existence resides in. The French Philosopher Descartes famously states, "I think therefore I am," self-compartmentalizing human existence in the navigation of a politicized Newtonian space, based on his experience.<sup>14</sup> Descartes' perspective neatly places, and inadvertently, empowers an individual's assimilation into Westphalian spatiality by describing it as a standard "rational mind without distinct social or spatial roots." Furthermore, the human individual is "an undivided, autonomous, rational subject with clear boundaries between "inside" and "outside," i.e., between self and "other."<sup>15</sup>

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<sup>12</sup> "KOUROUKAN FOUGA -INDIGENOUS CONSTITUTION of ANCIENT MALI the Manden Charter Translated from French." n.d. [https://ccaf.africa/books/The\\_Manden\\_Charter.pdf](https://ccaf.africa/books/The_Manden_Charter.pdf).

<sup>13</sup> Duncan Weaver, *Spatiality and World Politics*, p. 4

<sup>14</sup> The Editors of Encyclopaedia Britannica. 2023. "Cogito, Ergo Sum | Philosophy." In *Encyclopaedia Britannica*. <https://www.britannica.com/topic/cogito-ergo-sum>.

<sup>15</sup> Duncan Weaver, *Spatiality and World Politics*, p. 5

In exchange of the sovereignty between a state and its subjects, sovereignty is complicated by the governing authority's calculation of risk and property, making a public hegemony of cartesian cogito impossible. Westphalian frameworks that Hobbes' and Descartes' ideas fell into describe an individual's right to protection from the state based on the subjects obligated to the territory. However, precondition for these protections in the context of sovereignty yields to property rights more than human rights. Rooting legal protections within a nation are property rights, "the theoretical and legal ownership of resources and how they can be used."<sup>16</sup> The functioning of many political and legal systems today derives from dehumanizing societal hierarchies where people were labeled as property, resulting in a gray area within the sovereign contract of state-subject obligations.

Agnew's question of "Where is sovereignty?" sets up critical investigation into spatial governance and its subsequent policies of privatizing public sovereignty. No nation or entity has succeeded in centralizing sovereignty into a stationed headquarters, that said, sovereignty is not a territorial concept, but a spatial relationship shaped by governing authorities. Governing power, however, should not be mistaken as only elected state officials as contemporary geopolitics reveal how private corporations and firms are increasing in sovereign power through the process of neoliberal globalization. Westphalian sovereignty and corresponding 17<sup>th</sup> century theorists such as Hobbes and Descartes promote binary conditions of spatial governance and public participation, blurring human rights and property rights. Subsequently, Westphalian spatiality extends the parameters of sovereign authority to private corporations, firms, and even State-sanctioned corporations. The legal implications of such governmental order on an international

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<sup>16</sup> Kenton, Will. n.d. "Property Rights: The Ins and Outs." Investopedia.  
[https://www.investopedia.com/terms/p/property\\_rights.asp#:~:text=Property%20rights%20define%20the%20theoretical.](https://www.investopedia.com/terms/p/property_rights.asp#:~:text=Property%20rights%20define%20the%20theoretical.)

scale coincide with historical precedents for governance such as the Manden Charter's restrictions on assuming property through means other than "buying, donation, exchange, work and inheriting."

Historically, oppressed classes of a population possess intersectional identities prescribed by the state such as state participant and foreigner, state subject and threat. This renders intersectional bodies unrecognizable as undivided, autonomous citizens under Cartesian, Hobbesian, and Westphalian objectivism. Subsequently, spaces of regulation, namely, institutions where sovereignty can be privatized such as incarceration, enslavement, and surveillance were designed as pacifiers and assimilators for these unlawful bodies. Uncovering the archives of evolving surveillance and security practices on intersectional bodies in her research, *Dark Matters: On the Surveillance of Blackness*, Simone Browne helps support the idea that excluding intersectional bodies from sovereign spatial protections delegitimizes democracy and freedom, continuing conflict and instability between many regions and nations today.

The Brookes Ship (1788) and the Panopticon (1791) are two diagrams highlighted in Browne's research to relocate the evolving structures of surveillance.<sup>17</sup> Jeremy Bentham's diagram of the panopticon was an architectural document that aimed to maximize oversight for "the unverified few [who] could watch the many" in any space "where persons were to be kept under watch: prisons, schools, poorhouses, factories, hospitals, lazarettos, or quarantine stations."<sup>18</sup> The panopticon is a circular building that keeps prisoners alongside its exterior and places watcher(s) within a central tower. Its design works to reveal the spatial jurisdiction of surveillance that claims and regulates one's body, mind, and movement throughout their

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<sup>17</sup> Simone Browne, *Dark Matters: On the Surveillance of Blackness*, 2015

<sup>18</sup> Simone Browne, *Dark Matters*, p. 33

associated space. In Jeremy Bentham instructions for his readers in how to visually conceptualize the panopticon, he states:

“(1) Each cell has in the outward circumference, a window, large enough, not only to light the cell, but, through the cell, to afford light enough to the correspondent part of the lodge. (2) The inner circumference of the cell is formed by an iron grating, so light as not to screen any part of the cell from the inspector's view. (3) Of this grating, a part sufficiently large opens, in form of a door, to admit the prisoner at his first entrance; and to give admission at any time to the inspector or any of his attendants.”<sup>19</sup>

By way of light, mirrors, narrow paths and partitions, Bentham positions the watcher as an ambiguous entity granted complete discretion by architectural design. Viewing surveilled subjects without their ability to detect, the panopticon modernizes surveillance into no longer a traditional action performed by a defined figure or personnel, but rather a perennial authority subjecting spatial provisions for behavior and existence.

The panopticon tips the playing field of surveillance by making the surveille no longer identifiable yet the multiple surveilled hyper-visible. The action of surveillance therefore evolves from an action with finite location into an entity that embodies any declared area. The panopticon grants either a private or state company dominance on the spatial configuration of a population through the ability to manufacture permanent surveillance over populations’ “lived, lived in, and lived through” space regardless of if a guard is inside or outside of the inspector’s lodge.<sup>20</sup> Browne reiterates historian Marcus Rediker to state that “the slave ship was “a mobile,

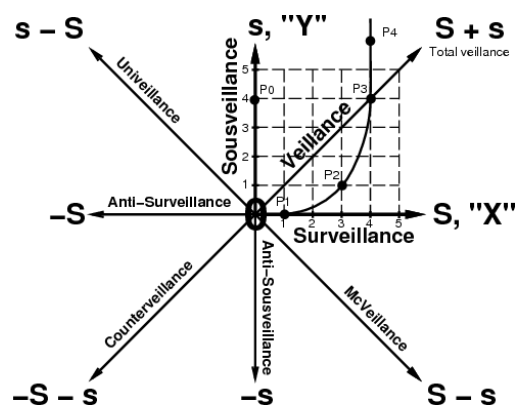
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<sup>19</sup> Bentham, Jeremy. 2001. “IDEA of a NEW PRINCIPLE of CONSTRUCTION a PLAN of MANAGEMENT in a SERIES of LETTERS, WRITTEN in the YEAR 1787, from CRECHEFF in WHITE RUSSIA. TO a FRIEND in ENGLAND.” [https://ics.uci.edu/~djp3/classes/2012\\_01\\_INF241/papers/PANOPTICON.pdf](https://ics.uci.edu/~djp3/classes/2012_01_INF241/papers/PANOPTICON.pdf).

<sup>20</sup> Duncan Weaver, *Spatiality and World Politics*, p. 18

seagoing prison at a time when the modern prison had not yet been established on land.”<sup>21</sup> In doing so, she emphasizes how the panopticon was created out of a demand for spaces of ownership and imprisonment, but also uncovers how the perspective of blackness pierces from the other side of the lens, an all-encompassing surveillance.

Citing the diagram, “Description of a slave ship”, Browne compares the Brookes Ship diagram with Bentham’s panopticon, noting how the “schematic diagram of a maritime prison is populated with tiny figures dressed in loincloths to represent the legally allotted amount of enslaved human cargo that the slave vessel, *Brooks* could transport under the Dolben Act of 1877, an act that regulated slave carrying and overcrowding.”<sup>22</sup> The Brookes ship diagram published en mass by British abolitionists worked to expose the cruelty of transatlantic slavery by advocating for spatial justice. More interesting however is that the vantage point imposed by British abolitionists still voided black bodies deemed as property from being agents in their own emancipation. In being reduced to their loincloth by the most progressive colonial voices at the time, complex and intelligible transatlantic black perspectives posed a paradox for the Brookes Ship diagram. In the simultaneous humanizing and dehumanizing that worked to emancipate a slave, the slave was emancipated as a slave, not as a human body.



While the panopticon is a regulatory space of sovereignty designated for intersectional bodies disrupting the Hobbesian and Westphalian undivided identity, the Brookes ship diagram represents the limits of Westphalian abolition in that it fails to imagine the

<sup>21</sup> Simone Browne, *Dark Matters*, p. 42

<sup>22</sup> Simone Browne, *Dark Matters*, p. 46

agency and spatial right of minoritized bodies. The surveilled population descends from enslaved, incarcerated, indentured populations. As intersectional bodies, the surveilled population is both the internal participant and external non-participant in the colonial state rendering them a spatial distortion, or irrational subject. The resulting suspicion defaulted on intersectional bodies calls for agency in their survival and these tactics are employed in Simone Browne's expansions on Steve Mann's veillance plane. Steve Mann's veillance plane is foundational in surveillance studies as he graphically represents the power of veillance as it fluctuates between empowered and subjected parties. Sousveillance depicted in the positive y-axis of the graph is described as the enhanced ability for "people to access and collect data about their surveillance and to neutralize surveillance." Focusing on the positive x-y plane, Browne uses a three-dimensional interpretation of the graph to introduce the term dark sousveillance, "a way to situate the tactics employed to render one's self out of sight, and [as] strategies used in the flight to freedom from slavery as necessarily ones of undersight."<sup>23</sup>

Browne's research explores the archives tied to surveillance studies' evolution, particularly Jeremy Bentham's conceiving of the panopticon. Bentham's panopticon was drafted in his diaries documenting his voyage from Constantinople to Smyrna in 1785, in which he'd described his surroundings as "a cramped Turkish caique with 24 passengers on the deck, (notably) all Turks; besides 18 young Negresses (slaves) under the hatches."<sup>24</sup> Sitting with the neglected perspective held by the women and girls subjected to enslavement, Simone Browne provokes the impossibility of the panopticon given the primogeniture of dark sousveillance amongst intersectional, black bodies. Bentham designed the panopticon by imagining a vantage of undetected watching, revolutionary for surveillance practices at the time; however, the

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<sup>23</sup> Simone Browne, *Dark Matters*, p. 21

<sup>24</sup> Simone Browne, *Dark Matters*, p. 31



panopticon's ironic design flaw is in the inability to conceptualize the who being surveilled. The Panopticon to the Brookes Ship represents a spectrum between the oppressive and progressive perspectives from dominant societal bodies on the treatment of intersectional bodies. In both instances, the sousveillance of intersectional bodies is unimagined and underestimated.

Browne uses the metaphor of physics' most pressing unsolved mystery, dark matter, to visually and spatially describe the existence of blackness and its mechanisms for countersurveillance. In physics, dark matter, "unlike normal matter, [...] does not interact with the electromagnetic force. This means it does not absorb, reflect, or emit light, making it extremely hard to spot. In fact, researchers have been able to infer the existence of dark matter only from the gravitational effect it seems to have on visible matter."<sup>25</sup> Simone Browne turns Steve Mann's two-dimensional veillance—three-dimensional, intersecting the relational restructuring of space that occurs from dark matter with sousveillance. From Browne, the relationship between the surveilled, enslaved, and incarcerated subject to the state and overseeing power attests to the shaping of sovereign space. Both the vantage point of those surveilling from the inspectors lodge, and those enacting sousveillance back into it are "charting possibilities and coordinate modes of responding to, challenging, and confronting a surveillance that was almost all-encompassing."<sup>26</sup>

The spatial orientation that Henry Lefebvre's theorization on space falls into, relational spatiality, is described by Duncan Weaver in *Spatiality and World Politics* as a holistic spatial understanding of society that challenges Westphalian conceptions by more accurately describing orderings of place, power, and people. Deepening relational spatiality and Lefebvre's ideas on

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<sup>25</sup> CERN. 2023. "Dark Matter | CERN." Home.cern. CERN. 2023. <https://home.cern/science/physics/dark-matter#:~:text=Unlike%20normal%20matter%2C%20dark%20matter.>

<sup>26</sup> Simone Browne, *Dark Matters*, p. 21

the possibility of spatial influence occurring from people rather than just the political and regulatory systems at play, is Browne's reiteration of dark sousveillance that expands on the role surveilled bodies play in shaping sovereign space. In conjunction, the two theories demonstrate how dark sousveillance is a spatial claim to power. Similar to how dark matter can only be measured by the gravitational effect it has on physical matter due to the limitations of modern science, dark sousveillance charts the possibility of the women and girls trapped beneath Bentham's caïque encapsulating the panopticon's critical design flaw, the miscalculation of the space their bodies take up.

Broad interpretations left by Westphalian sovereignty leave enough room for the concept to be misused and operationalized. The panopticon is critical to interrogate the theorization of surveillance, but the ideal prison was never built according to its exact design. Moreover, Browne's research also expands on Didier Bigo's analytical model of social control, the banopticon which modernizes the panopticon's everyday use in spatial governing. The banopticon describes an intersection of the panopticon and modern technology where "those whom the state abandons [through incarceration, enslavement, and more] are often based on a racialization of risk." Ultimately, the banopticon operates under the framework of binary Westphalian security narratives: "trusted traveler programs that speed up border crossings for preapproved travelers who provide some form of biometric-based verification, or free trade zones where goods can be manufactured, transported, imported, and exported without duties or other barriers to trade."<sup>27</sup>

The banopticon is inspired by the panopticon's conception of surveillance without detection via architectural design based on its ability to spatially regulate populations through

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<sup>27</sup> Simone Browne, *Dark Matters*, p. 38

technological design. The critical differentiator between the panopticon and the banopticon however is the assumption of who is holding oversight power. In the panopticon, the state and federal authority is assumed to occupy the inspector's lodge providing jurisdiction over prisons, mental hospitals and government ran institutions. The banopticon conversely accounts for private, non-state jurisdiction over state-sanctioned spaces of public subjection. Considering the Westphalian framing that "sovereign space is perennial, fixed, and ceaseless," non-state bodies capable of successfully shaping a state's spatial governance over a public by privatizing public resources adduces a gray area for legal governance.<sup>28</sup>

Privatization specifically refers to the process or positioning of firms and corporations as overseers of public goods. In terms of privatizing spatial governance, public spheres of life such as education, social security, healthcare, and the environment are monetized and managed by unelected financial stakeholders. The fundamental logic of sovereignty framing international law is based on state provided protection and reciprocal obligation from a state subject, all to solidify the security of a nationalized border. However, when the state participates in the sacrificial selling of its public subjects, it poses an unprecedented dilemma for modern governance.

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<sup>28</sup> Duncan Weaver, *Spatiality and World Politics*, p. 4

## Case Study 1: Neoliberalism and Privatization in Chile

Economic journalist Naomi Klein explores in her research the global order of neoliberalism and economic shock therapy and debunks the macroeconomic and international relations perspective that neoliberal economic policy methods work to solely curb hyperinflation and stimulate economic growth in low-income economies. Rather, she describes how neoliberal economic shock therapy entails the cyclical process of creating and exploiting economies in crisis. In the long-run, neoliberal ideology works to position multinational corporations and private-sector companies as key stakeholders in democracies around the world. Through the nexus of free trade agreements, foreign aid, and more, neoliberalism pushes an agenda of economic hegemony where firms, corporations, governments, and individuals amass unrestricted access to another state's resources. For low-income nations that are rich in natural resources especially, the goal of neoliberalism often infringes on the sovereign protections a public possesses against non-state interests and subjugation.

The legacies of Chile's dictatorship under Augusto Pinochet (1973-1990) exemplify the contemporary trend in international relations of corporate prioritization and dominance in state decision-making and spatial governance. Chile is often referred to as the "foundational laboratory" of radical neoliberalism because it revealed the environment necessary to introduce privatizing policies affecting ownership of public goods, systems, and bodies.<sup>29</sup> Before Augusto Pinochet assumed power in 1973, explicit plans to economically reform the country had been developing for many months. Between 1956 and 1970, the USAID helped launch a selective program between the University of Chicago and Santiago's Universidad Catolica for Chilean

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<sup>29</sup> Lima, Felipe Costa. 2021. "Chile and the Overcoming of Neoliberalism: Countering Authoritarianism and the Self-Regulated Market." E-International Relations. July 14, 2021. <https://www.e-ir.info/2021/07/14/chile-and-the-overcoming-of-neoliberalism-countering-authoritarianism-and-the-self-regulated-market/>.

students to pursue advanced degrees in the economics department (Klein, 2006). Most notably, in the University of Chicago's economics department was Professor Milton Friedman, Nobel-prize-winning economist controversial for his free-market economic policies implemented in dictatorships and authoritarian regimes around the world.

Passionate about deregulation, free trade, and privatization, Friedman versed his students in pervasive market distortions that arose from federal funding dispersed amongst non-profitable public institutions. His premise initially focused on the conditions necessary to implement radical economic policies that would first halt the economy but then generate economic growth by means of strategic government investing. Inspired by economic innovation, several of Friedman's students would eventually become formidable officials throughout the Chilean government, playing significant roles in Pinochet's presidential coup that ousted the socialist elected president, Salvador Allende. Klein describes the Chicago School's economic framework as the "counterrevolution," a response to global trends of colonial resistance and socialist economies disrupting the ideals of international trade.<sup>30</sup>

Central to the study of macroeconomics is the analysis of the US and the great depression, describing it as a point in history that established the need for market regulation through policy regulations. Considered the grandfather of macroeconomics, John Maynard Keynes, ideas of price controls and federal wages were the antithesis to Friedman's economics. Milton Friedman's central argument was the US economy failed immediately after the New Deal. Keynesian economics and President Roosevelt's New Deal were described by Friedman as "mix-match" economic policies which created mass distortions within the economy. These distortions of government price regulations on goods, government funding for public support programs such

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<sup>30</sup> Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*, 2007

as education and healthcare restricted maximum production and profit possibilities within an economy according to Friedman. As Klein would put, “the core of such sacred Chicago teachings was that economic forces of supply, demand, inflation, and employment were like the forces of nature, fixed and unchanging. ... these forces existed in perfect equilibrium, supply communicating with demand the way the moon pulls the tides.”<sup>31</sup> Friedman’s ideology would be especially inspiring to his Chilean students witnessing their country suffer from inflation and poverty, and the USAID funded UChicago and Universidad Catolica program would equip students with the power to drill radical neoliberal policies into the core of their government.

While Pinochet’s coup poured bombs over the capital city buildings on September 11, 1973, the right-wing newspaper, *El Mercurio*, printed copies of *El Ladrillo*, a five-hundred-page manual to reform Chile's economy. Written by a cohort of Friedman’s students, copies of *El Ladrillo* ("The Brick") were placed on the desks of newly appointed government and military officials. To make sure their envisioning of an improved Chile succeeded, the Chicago Boys facilitated the first year and a half of Chile’s economic policies under Pinochet’s dictatorship. Pinochet “privatized some, though not all, state-owned companies (including several banks); he allowed cutting edge new forms of speculative finance; he flung open the borders to foreign imports, tearing down the barriers that had long protected Chilean manufacturers; and he cut government spending [aka public goods] by 10 percent—except the military, which received a significant increase.”<sup>32</sup> These implemented policies granted by Pinochet’s coup would represent the first win for Chicago school economics, the shock of a country made its public malleable to a complete reshaping.

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<sup>31</sup> Naomi Klein, *The Shock Doctrine*, p. 94

<sup>32</sup> Naomi Klein, *The Shock Doctrine*, p. 97

Naomi Klein's argument on economic shock therapy starts in the investigation of the McGill psychological experiments conducted in Canada by psychologist Ewen Cameron. The McGill experiments of sensory deprivation to induce mental regression for human test subjects inspired a renaissance for torture and fear tactics used in national security. Specifically, the CIA adopted Cameron's findings into what would become the "Kubark manual," (1963) a step-by-step guide on how to expel information and reset the consciousness of an imprisoned subject, in other words, innovative methods of torture.<sup>33</sup> Klein's research highlights the Kubark manual's application on democracies around the world to set the conditions for neoliberal economic policies. Chile was the first example of sensory deprivation, isolation, and shock implemented on a mass-scale to pacify the public amidst violent change to their survival and livelihood.

When Friedman and the Chicago Boys suggested relaxed price controls for common goods, families became bankrupt in their attempts to provide food for their children. Pinochet's policies also privatized social security, meaning elected politicians no longer controlled public finances but individuals and companies did; instead of governments investing public money back into the public sphere, private companies have no obligations to the public while using their resources. These policies intentionally subjected the Chilean public to a despair and terror capable of rendering a people numb to their society's accelerated regression. Referencing the declassified CIA report, Klein reifies how "the generals knew that their hold on power depended on Chileans being truly terrified." The manifestation of this terror included the arrest of "roughly 13,500 civilians" who were "loaded onto trucks, and imprisoned."<sup>34</sup>

The Chicago Boys' success on the scale of their own economic provisions were disastrous and unjustified in the use of public terror and repression. Reiterating Friedman's economics, the

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<sup>33</sup> Naomi Klein, *The Shock Doctrine*, p. 49

<sup>34</sup> Naomi Klein, *The Shock Doctrine*, p. 93

Chicago Boys emphasized to Pinochet the need to withdraw government involvement in all areas of public funding so that the “natural” laws of economics could “rediscover their equilibrium.” In the same vein, inflation present from “unhealthy organisms in the market” would be combatted by privatizing government funded public institutions. However, Pinochet’s presidency did not see the desirable GDP and inflation rates the Chicago Boy predicted. Instead, inflation in 1974 reached a world breaking record of 375%, and Klein notes that this level is almost twice the top inflation level that was seen during Allende’s presidency. Without price controls, free trade policies inspired by Friedman’s opinions on national borders over-controlling trade and production caused Chileans to lose their jobs to cheap imports flooding the country. As a result, local businesses were decimated by impossible competition and unemployment rates skyrocketed throughout the country.<sup>35</sup>

Former student of Friedman and main author of *El Ladrillo*, Sergio de Castro and the other Chicago Boys argued “(in true Chicago fashion) that the problem [with Chile’s failed economy during the start of Pinochet’s dictatorship] didn't lie with their theory but with the fact that it wasn't being applied with sufficient strictness.” Essentially Sergio de Castro believed that “the economy had failed to correct itself and return to harmonious balance because there were still “distortions” left over from nearly half a century of government interference. For the experiment to work, Pinochet had to strip these distortions away via “more cuts, more privatization, more speed.”<sup>36</sup> This viscous cycle of implementing neoliberalism through violence and justifying its failures by a lack of speed and intensity testifies to the role privatization plays in shaping the sovereign relationship and spatial governance between a State and its subjects. Policies such as the selling of “five hundred state-owned companies and banks” to private-sector companies,

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<sup>35</sup> Naomi Klein, *The Shock Doctrine*, p. 101

<sup>36</sup> Naomi Klein, *The Shock Doctrine*, p. 97



privatization of social security, radical cuts to government spending, and obsolete price controls incentivized multinational corporations to invest their company's interests in Chile's.

In examining the gray area of sovereignty induced by its privatization, the cyclical justification of intentional violence in the name of societal and economic progress poses more dangers to the legitimacy and stability of a nation. Corporations benefiting from Pinochet era policies have industry plants concentrated in areas called "sacrifice zones" throughout Chile which are examples of unprecedented spatial governing practices enacted over a society. Sacrifice zones are not remote areas that industry plants operate in but are instead declared spaces that integrate the bodies of people with corporations bodies. These corporations are subject to minimal or zero obligations to the Chilean state and public as legal frameworks favor the interests of multi-million-dollar industry production.<sup>37</sup> These companies are thus able to avoid accountability for the harm induced on the people assumed as sacrificial within these zones. One example of the realities of living in a sacrifice zone is in the bay of Quintero and Puchaví. Quintero-Puchaví is a sacrifice zone located just North of the Chilean coastal city, Valparaiso.

Major foreign and state companies like Chile's national Codelco and the United States' Aesgner locate their production headquarters in Quintero-Puchaví, threatening the survival of Chilean citizens. In 2011, over forty children in an elementary school minutes away from Chile's National Copper Corporation, Codelco, "fell ill from a cloud of toxic gases." The government showcased its minimal care for the disaster as it moved the affected children to another school just two kilometers away. This movement would reveal the effective measures of spatial

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<sup>37</sup> Saavedra, Anita Peña. 2019. "Historic Victory for Citizens of Chile's 'Sacrifice Zone.'" OpenDemocracy. June 24, 2019. <https://www.opendemocracy.net/en/democraciaabierta/historic-victory-citizen-of-chile-sacrifice-zone/>.

governance used to protect the interests of private and industrial property. The regulations that corporations must adhere to in Chile are incredibly poor, and while the World Health Organization recommends that “maximum exposure to sulfur dioxide is 20 ug/m3,” Chile’s environmental waste regulations are 250 ug/m3, over ten times the WHO’s regulation.”<sup>38</sup>

An additional industry plant operating in Puchaví is the US electric company, Aesgner. The industry plant is said to have been illegally approved by an Environmental Study Declaration that investigated the corporation's new activities, rather than legally approved by an Environmental Impact Study assessing the effects of the corporation's new activities.”<sup>39</sup> Though the company is in a legal dispute involving the Supreme Court with residents of the Puchaví community because of environmental contamination, daily industry operations continue.

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<sup>38</sup> Saavedra, Anita Peña. 2019. “Historic Victory for Citizens of Chile’s ‘Sacrifice Zone.’ 2019

<sup>39</sup> “Suprema Falla a Favor de Comunidad de Puchuncaví Y Obliga a AES Gener a Presentar EIA En Proyecto de Planta Desalinizadora.” 2021. El Mostrador. August 20, 2021.  
<https://www.elmostrador.cl/cultura/2021/08/20/suprema-falla-a-favor-de-comunidad-de-puchuncavi-y-obliga-a-aes-gener-a-presentar-eia-en-proyecto-de-planta-desalinizadora/>.

## **On-site Observations of Quintero-Punchaví as a Sacrifice Zone**

*Precision of timing captures idly these entangled continuums of possibilities, and limitations, like a righteous dance from freedom at its origins— the body to move and tell such stories. Born into an abyss of order, precedent fate, and restriction; the machine moves and works, systems work, and in a lifetime, we find ourselves blurred. I interrogate these moments where I sit at the crossroads between raw wounds and political band aids. Swirling highway roads up the hills on Ruta E-30-F, the pungent aroma of synthetic compounds seep into my recollection of home and belonging. We were less than ten-minutes driving away from the beach, which I knew only because I'd measure the five-minute distance between the first and second gas exhausts funneling fumes through red and white stretched tens of feet into the sky. In the foreground of my veillance the smoke reverberated the symphony of borrowed melancholy. Indebted to primogeniture, a paradoxical veneration to the ancestors once before inhabiting these coasts subtly echoed like a hummingbirds resonance. Right between the fractals of caving land and trespassing signs bedazzled in graffiti, proof of life was still a resistance that could stain.*

*Codelco's copper waste refinery was beautiful to the unsuspecting eye. I'd step out of our cohorts bus and onto a ground I'd yet to realize was saturated in man-made edges of jagged black stone plaguing what was left of the horizon. Viewing from behind the fence, vibrant green moss in a short bush length divided the gloomy waters. Shrubs tracing the bottom of the gate wore beige hues of decay. Warming the landscape were aloe vera leaves that peaked in concentrated sects of the periphery. The only physical object standing taller than barbed wire scratching the membrane on the sky were steel pipes forty feet apart connecting the landlines. Even in the sun, the heavens reaped a permanent delirium. What made of this town were scattered skeletons— scaffolding to cradle the industry plant in its infant growing stages. Or*

*possibly, the building is complete and fulfills its maximum capabilities with the least number of resources necessary.*

*I cannot confirm whether the buildings resembling normal home structures sitting amidst the mechanical biosphere, one-story homes with cemented walls and windows, are inhabited by people or not. There was a grim silence to Quintero-Punchavi. We had been told that from the Chilean state's perspective, sacrifice zones were seen as a necessary evil. This makes such orchestration of space in Punchavi a State concession. In a zone where there are people, sacrifice is to void evidence of their life. Men expelled to corridors behind the shore gaze upon a divided highway spotted by sprawling white trucks. Not to be confused with a ghost town, flesh and generational bones occupy these streets even if the pavement tries to siphon each note made by the beat of one's step.*

*Thereof, it was people who drove the trucks and the switched levers to run the machinery. But was every human in sight assumed to be a worker? Even if they were not, where do they go to prove otherwise. Where do mothers go to buy their children a snack after the tides crash into coastal youths? Nowhere on the mile stretch of faded crimson pillars carrying a dock are there men selling goods like the chocolate covered strawberries found closer to the city's center. North and South of my standing, there is no slide or reverence of play to consolidate the memories of exploration and joy for children. Instead, they stand 10 inches in the water with their pants rolled up, just arm's length from the enchanting forcefield of a docking ship. Within the grace of trespassing parameters, the youth run through pockets of Aesgner's shadows that ever so slightly glimmer the rainbows of metallic film coating the sand. Sousveillance from meters away, I excavate a seashell flaunted in contrapasso. It's eggshell skin lacquered in hues of magenta and emerald green.*

*Pacing through the sand in tennis shoes, the conjecture of freedom finds me. The sign reads: "Warning: By local resolution C.P. QUI NR 12.600/42 of March 21, 2011, establishes: Prohibition of transit and carrying out fishing and sports activities in a perimeter of so MTS in the environment of industrial facilities and it is the cause of summons to the Maritime Prosecutors Office." I'd seen only two guards so far, lined in lime yellow jackets, but they were not the central forces policing the people. It was rather the muzzle of oxygen, demanded in full and supplied in lies. When asking where is sovereignty, we ask who she lies with, as the nation has always been a feminized subject protected by her children's knights. Who does she yield for, as the men confident in their justified hypotheses strangle her choice to pave fate for a people. Residing bodies recognized as sovereign citizens of the state, possessing state-granted protections, yet these bodies are not human. Only the hearts of engines get to dance.*



Image 1: Aesgner Industry Plant, Quintero-Punchaví, Chile



Image 2: Copper Waste Refinery for the National Company Codelco



Image 3: Residential area in the Quintero-Punchaví sacrifice zone.

## Case Study 2: Neoliberalism and Privatization in the United States

The role that the United States played in Chile's conversion to a neoliberal economic system during the Pinochet era makes corporate capture on US territory no surprise. Considering his close relation with President Nixon and the Secretary of State Henry Kissinger who facilitated Chile-US foreign policy in the 1970s, Milton Friedman would be the common denominator of corporate capture and privatized sovereignty for both Chile and the United States. Daily life for US Americans post-9/11 resembled the crisis of Pinochet's coup in 1973, making fertile the grounds for neoliberal policies in US government. After the bombing of the World Trade Center, the resultant War on Terror and security apparatus in the US evolved tremendously and turned homeland security into a prosperous industry that generated numerous profits for private security corporations out of US tax dollars.

The privatization of United States security was unique in that state officials held both public government and private corporate titles. The former vice president of the US under President George Bush, Dick Cheney, held decision-making power during the US war on Iraq and simultaneously possessed almost two hundred thousand shares in the Halliburton energy (oil) company. His support in the invasion of Iraq and the acquisition of the country's oil reserves as he owned generous amounts of the Halliburton corporation exemplified the shift in modern democracies where corporations become financial stakeholders in the government's decision-making. As Naomi Klein writes in her chapter of *Shock Doctrine: A Corporatist State*, "The war-profiteers aren't just clamming to get access to the government, [and US tax dollars] they are the government."<sup>40</sup>

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<sup>40</sup> Naomi Klein, *The Shock Doctrine*, p. 393-394

Conditions of national emergency as seen after 9/11 can give leeway for exceptional protocol that inflates authority of the sovereign power resulting in hyper-surveillance and hyper-privatization. Connecting the discrepancies between the principle versus practice of sovereignty and state-subject contracts and Michael J. Glennon's research, "Double Government and National Security," Glennon's describes the United States governance as distinguished in two doctrines, Madisonian and Trumanite. Glennon's definition of Madisonian and Trumanite governance draws upon the economic journalist, Walter Bagehot's interpretation of double government in mid-19th century Britain. Parallel to the theatrics of monarchy versus the practice of parliament in Great Britain that influenced the public's willingness to be governed, are the isolated presidencies that transformed systems of governance.

James Madison's presidency (1809-1817) is remembered by its rude awakening to the demands of foreign politics. Considered one of the greatest historical breaches in United States security was the burning of the White House and several governmental buildings by British Armed forces in 1814 is considered as one of the greatest breaches of United States security in the country's history.<sup>41</sup> Madison's presidency established a legacy for US foreign policy in the face of international threats to its sovereignty, and the subsequent symbolism became institutionalized in what Glennon conditions, Madisonian governance. Furthermore, Glennon describes the the significance of Madisonian governance as it adheres to the English businessman and journalist, Walter Bagehot's five required attributes: "historical pedigree, ritual, intelligibility, mystery, and harmony" that then "inspire a sense of duty, a felt obligation on the part of the public to obey." Ultimately, "Pedigree is the Madisonian institutions' strong suit."<sup>42</sup>

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<sup>41</sup> "The Burning of Washington." n.d. WHHA (En-US). Accessed April 29, 2024.  
<https://www.whitehousehistory.org/the-burning-of-washington#:~:text=The%20young%20national%20capital%20at>.

<sup>42</sup> Michael Glennon, *National Security and Double Government*, 2014, p. 35



Trumanite governance, on the other hand, is an evolution of Madisonian governance in that foreign policy inscribes a global doctrine of peace set by an American military framework. Complementing Madisonian governance, Trumanite governance describes the unelected bureaucracy and technocracy of national security officials that originated under President Truman. Glennon expands upon the circumstances that have allowed Trumanite national security bureaucracy to become increasingly independent of democratic control. Madisonian reliance on technocratic expertise conducted in secrecy and behind the symbolism of elected governance leaves national security to largely operate outside the realms of visible legislative, executive, and judicial governance. Specifically, Trumanite governance describes an apparatus of decision-makers whose expertise on geopolitical risk assessment and national security exist outside the jurisdiction of public involvement.

The consolidation of confusion, loss, change, and fear brought to New Orleans after Hurricane Katrina resembled Chile's 1973 coup in that it created a hospitable space for neoliberalism. Whether crisis is man-made or a product of nature, it is to be exploited in the logic of Friedman economics. New Orleans is a geographically vulnerable city and given its rich history of enslavement and segregation that framed major sectors of society like education and security, its exploitation was inevitable. In 2004, the State of Louisiana requested funding to develop "an in-depth contingency plan for a powerful hurricane," from the Federal Emergency Management Agency (FEMA). FEMA refused the government's request in favor of the private firm, Innovative Emergency Management, that was offered overtime \$1 million in contracts. The Innovative Emergency Management firm ultimately failed to create a contingency plan according to its eight-month report, and FEMA's protection of New Orleans demonstrated not only the privatization of sovereign authority but the operations of double government as there

exists one “weak, underfunded, ineffective public sector on the one hand, and a parallel richly funded corporate infrastructure on the other.”<sup>43</sup>

Before Friedman died in 2006, he wrote his last article published by the Wall Street Journal on the changes necessary for New Orleans education in the wake of Hurricane Katrina. In the article, “The Promise of Vouchers,” Friedman states that Hurricane Katrina provided “an opportunity to radically reform the educational system” into a competitive and profitable market. For nearly two decades, politicians in New Orleans have pushed for the privatization of public education reviving Friedman’s economics in the sentiments of “parent and school choice.”<sup>44</sup> Education Savings Accounts, otherwise known as ESAs, are one of the latest strategies employed by policymakers to shift public dollars away from public education almost 20 years after Hurricane Katrina. ESAs are government-authorized savings accounts that give eligible families access to their child’s portion of public education funding (MFP) available for that school year, which in 2024 is around \$5,500 per New Orleans student. Policymakers in the state of Louisiana are proposing a 3-year plan to implement ESA legislation with the goal of making ESAs available to all students as early as 2028. If successful, participating Louisiana students would abide by a three-tier scholarship system where special needs students receive up to \$15,000 a year, low-income students \$7,500 a year, and higher-income students \$5,100 a year.<sup>45</sup>

There are currently thirteen states in the United States running ESA programs and Louisiana policymakers are seeking to join the trend, claiming that ESAs will save money for taxpayers

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<sup>43</sup> Naomi Klein, *The Shock Doctrine*, p. 516-517

<sup>44</sup> Friedman, Milton. 2005. “The Promise of Vouchers.” *Wall Street Journal*, December 5, 2005, sec. Opinion. <https://www.wsj.com/articles/SB113374845791113764>.

<sup>45</sup> Wall, Patrick. 2024. “What Are Education Savings Accounts? Jeff Landry Says They’d ‘Put Parents Back in Control.’” *NOLA.com*. March 15, 2024. [https://www.nola.com/news/education/jeff-landry-esa-education-savings-account-school-voucher/article\\_4806826e-e216-11ee-a9d4-4f3aa7ad27a0.html?utm\\_source=email&utm\\_campaign=nolafrontpage&utm\\_medium=newsletter&utm\\_content=articlelink#uid=7ef9efd3f9de3f942c3e51785f61b262](https://www.nola.com/news/education/jeff-landry-esa-education-savings-account-school-voucher/article_4806826e-e216-11ee-a9d4-4f3aa7ad27a0.html?utm_source=email&utm_campaign=nolafrontpage&utm_medium=newsletter&utm_content=articlelink#uid=7ef9efd3f9de3f942c3e51785f61b262).

and provide increased educational opportunity for students.<sup>46</sup> ESAs are presented as a win for equitable education because they assist families in paying for educational services to meet the unique needs of their child, including private school tuition, supplemental materials, technological devices, transportation, and supposedly saving tax-payer dollars. These opportunities presented by ESAs are especially appealing to families with students who have special needs, who are attending failing schools, and who are below the poverty line. However, a central flaw in this legislation is its lack of oversight and accountability measures to ensure educational security for vulnerable families. As New Orleans's schools operate primarily in a public charter system, ESAs hold the potential to change the landscape of the City's education entirely. The House Representative who drafted ESA legislation HB33 in 2022, argues that "it's time for the education community to feel [the] market pressure."<sup>47</sup> This treatment of education as a private, competitive market is not new. As ESAs embody Friedman's idea of an "educational free market" where the pressure of competition forces quality options to rise to the top, it is critical to ask who "profits" and who doesn't in this system.

The Louisiana State Constitution addresses the right to education in Article VIII, which is titled "Education." Specifically, Section 1 of Article VIII states: "The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system." Section 13(B) of Article VIII discusses the Minimum Foundation Program (MFP), which is the formula used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools, as well as to equitably allocate the funds to

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<sup>46</sup> "Education Savings Accounts." n.d. The Policy Circle. Accessed April 29, 2024. <https://www.thepolicycircle.org/minibrief/education-savings-accounts/#:~:text=There%20are%20currently%20ESA%20programs.>

<sup>47</sup> Daigle, Adam. 2022. "What Is an Educational Savings Account? It Could Be the next Controversial Topic for State Lawmakers." The Acadiana Advocate. February 25, 2022. What is an educational savings account? It could be the next controversial topic for state lawmakers.

parish and city school systems. This section states: “The State Board of Elementary and Secondary Education, or its successor, shall annually develop and adopt a formula which shall be used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools as well as to equitably allocate the funds to parish and city school systems.”<sup>48</sup> The inclusion of the MFP in the state constitution suggests a commitment to providing a foundational level of education across the state. According to Louisiana's constitution, education is a human right that the state government must protect—it is not a product to be advertised and sold. The free-market model that promotes educational choice through ESAs undermines the state’s constitutional commitment to providing all children with a foundational level of public education.

Efficient economies must possess certain characteristics that ESA programs fail to meet, such as all consumers and sellers having equal and good information about the market and individual choices not affecting others. ESAs are incompatible with a free-market model by these economic standards, one family’s choice does affect the entire market and institution of education.<sup>49</sup> Referencing a Forbes article that analyzes the fiscal sustainability of public schools, tax-credit funded ESAs can also disadvantage taxpayers in a similar manner that directly state-funded ESAs would. As stated in the article, ESAs “are often these days teamed up with tax credit scholarships, a program that allows contributions from individuals or organizations, with donors reimbursed by the state in the form of tax credits.”<sup>50</sup> Effectively, a given ESA budget reflects the

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<sup>48</sup> Adrinda Kelly, Reign Commodore, *The Negative Long-Term Impacts of Education Savings Accounts (ESAs)*. New Orleans. BE NOLA Inc.

<sup>49</sup> Greene, Peter. 2023. “Economist Douglas Harris Makes the Free Market Argument against Vouchers.” *Forbes*. October 21, 2023. <https://www.forbes.com/sites/petergreene/2023/10/31/economist-douglas-harris-schools-cannot-fit-a-free-market/?sh=5d24de442014>.

<sup>50</sup> Greene, Peter. 2021. “Six Big Problems with Education Savings Accounts.” *Forbes*. February 21, 2021. <https://www.forbes.com/sites/petergreene/2021/02/01/six-big-problems-with-education-savings-accounts/?sh=7f4c2ae9ea2>.

amount of dollars a state is not collecting in taxes that year, and such decrease in fiscal funding is guaranteed to cause cuts in public school services and programs available to all students in a state.

Any loss of public education access is detrimental to a state as ESA funded programs are not subjected to the laws protecting vulnerable families that public schools are. For example, lack of government regulation permitted by ESA legislation can allow for private education services to set prices to their liking, even if the amount is greater than what is available in a student's education savings account. In the likely event that families cannot afford sufficient education services with their ESAs, public schools are critical in making sure that every child learns regardless of financial circumstances. In making ESAs eligible to all kinds of students regardless of need, states with large scale ESA programs suffer from high unexpected costs to launch and sustain the program. Even in lawmakers attempts to contain costs, competition amongst parents increases the demand for additional funding into ESAs. For example, New Hampshire "allocated a modest \$129,000 for a new ESA program in 2021. Just three years later, the state is now paying \$24 million for the program."<sup>51</sup>

ESAs are an attempt from state governments to address important issues of educational quality and access, but ESAs unfortunately do not confront the root of the issue. Public schools in cities throughout the country are not struggling because of government involvement, contrary to arguments from economists like Milton Friedman. Rather, they are struggling because of the historic marginalization of Black and Brown communities socially, economically, and politically. (making clear racial aspect but not abt race and connecting back to big picture—specifically go to the privatization of sovereignty: children not in schools bc no public schools is

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<sup>51</sup> Greene, Peter. 2021. "Six Big Problems with Education Savings Accounts." Forbes. February 21, 2021.

a security issue, heightened by the racialization of risk) Remembering the spatial configurations of the banopticon and the racialization of risk, the lack of public infrastructure raises the rates irascible child poverty and associated violence, ultimately contributing to the flaws present in the United States education system.

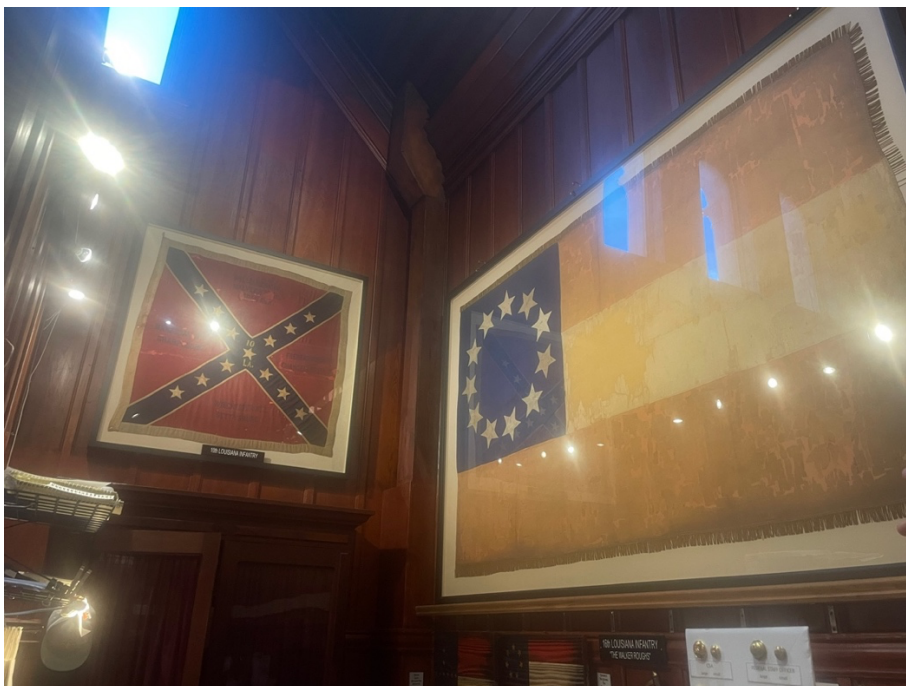
## **On-site Observational Reflections of New Orleans as a Sacrifice Zone**

*“Lies that have lived for 40 years should be considered like truths. Article 18: We should respect the law of primogeniture” (Manden Charter).*

*In this moment, I do not see color. I understand our country’s instrument of black and white film to capture the waltz between bloodlines. The cadence of my heartbeat leads my steps with numbness. The elevated building knocks itself off center following the bearing of my weight. Returning from the home I’d just made on the Santiago Universidad Catolica metro station where I saw the body of my nation at play, I landed on these docks of our Mississippi port. Young girls reveling in 19th century nights embedded miles deep into my bones, lead me from the bayou to these steps. Venerated in my skin is a graveyard. The man at the front desk greets me in accordance with our ghosts. His warmth reanimates in color the mundane rhythm of civil war; I dance. We stand at the edge of this shotgun home, and piercing in the depths of my peripheral is an ornament of my supposed death. The Wall Street men whose compositions I’d study from my childhood window differed from the Southern man’s gesture. There was an emotion to him that made sensible the ordinance of antebellum blues. Just over six foot tall and in a shroudy posture, he accepted my debit card and asked me if I wanted a receipt. “Yes, thank you.” I receive a totem reading, Confederate Memorial Hall Museum, New Orleans Louisiana, \$10.00 flat with no tax.*

*This nation’s concession from 1865 trickles down like summer rains on the New Orleans’ Bywater paraded by sovereign knights from Blackwater. My steps through the museum echo the screeching wood to the alarm those worshipped under the glass below. After the man hands me my ticket, his confusion begs me to stay just within reach. Dazed in front of his stories, his final words capture my attention. He explains that the confederate flag celebrated today is not the*

*original confederate flag. In fact, the original confederate flag used by the Southern states resembled too much of the union flag. Soldiers who met on the fields of war killed their comrades simply because distinguishing between the embodied militant of their causes failed to hold enough significance. Both flags placed their union of stars in a square on the top left corner, filling in the blank space with red, white, and blue stripes. The confederacy would make the transition to its notorious arrangement of stars within the hollows of an X, a differentiation made for the emergency state of battle. Symbols changing; yet the residuals of our actions remain scattered in the lands of ancestors and descendants. The extended time demanded between me and this man resemble the epitome of America's simplicity. We fill the room with our ancestors, and our beings embody the jaded essence of our republic's truths. We are two parallels of history simultaneously conjoining in time. Our daily interactions ocellate within the tensions of our parallels. There is no precedent for my being here. I am a distortion thrown into the coordinate graphing of place. Face to face on the edges of our polarity, we chill our skin under the breeze left by what our panopticon forgot to look for.*







## Case Studies Discussion

The elaborate system of protections offered to machine bodies by the state through legal measures sets a new precedent for sovereign relationships between the public and the state. There is a legal crossroads for public sovereignty in the face of neoliberal violence transforming public sovereignty into private firm-governed markets. Sacrifice zones differ from free-trade zones which are recognized by international law and legal precedents, but both of the designated spaces share the same properties. As Browne mentions, free trade zones (FTZ's) are contemporary manifestations of the banopticon in that they are “designated sites licensed by the Foreign-Trade Zones (FTZ) Board (Commerce Secretary is Chairperson) at which special customs procedures may be used. Such procedures allow domestic activity involving foreign items to take place prior to formal customs entry.”<sup>52</sup>

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<sup>52</sup> 54. n.d. “About FTZs.” Wwww.trade.gov. <https://www.trade.gov/about-ftzs>.

Quintero-Punchaví is a spatial configuration of sacrifice that parallels the benefits of free-trade laws given its legal advantages for foreign industry and corporate operations. However, the proclaimed sacrifice zone lacks the legal due-process FTZs are recognized for. Similarly, is New Orleans. New Orleans is a haven of entrepreneur opportunity that exploits the city's vulnerability and exposure to crisis. The rapid movement to privatize the entire city's sphere of public education post-crisis delegitimizes the constitutional standards set for public goods. In New Orleans post-Katrina, the banopticon played out as a zoned, spatial racialization of risk. Whether it be State officials, private firms, or international legal institutions, entities empower themselves as the overseer within the inspector's lodge, able to watch and regulate subjects to it because of an assumed undivided and objective nature of the citizen. However, the unilateral prerequisite for state provided protections leaves the divided, intersectional citizen scaled on a spectrum of suspicion.

Naomi Klein partially uses ethnography to retell her experiences of visiting Iraq and New Orleans while these places were in declared states of emergencies. She describes a private technocratic nexus of security officials contracted by governments to perform public-interest duties. Remarkably, was the private security company named Blackwater that received government contracts to secure the livelihoods of those facilitating reconstruction in both New Orleans and Baghdad.<sup>53</sup> Contracted parties like Blackwater created what Klein terms green-zones, zones of security available to a public that can pay. Green-zones and their counterpart red-zones descend from a binary of Westphalian acceptance and rejection that operates as the inspector and inspected, the incarcerator and incarcerated.

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<sup>53</sup> Naomi Klein, *The Shock Doctrine*, 2007

In declared states of crisis like Pinochet's coup, Piñera's national state of emergency, and New Orleans' post-Katrina, red-zones and green-zones represent the Westphalian spatiality of homogeneity within a boundary. Within these zones, one's body is either presumed as a state-subject or a state enemy. Privatization in the spheres of public government exacerbate these tensions between spaces protecting public safety and spaces regulating public livelihood. Privatization is not an inherent negative to spatial governance; these case studies rather display what privatization can do if we allow it. The tension between public protection and public sacrifice will reach its maximum elasticity if privatization continues to evolve without introspection. The idea that the ends can justify the means is central to neoliberal decision-making. However, we must recognize when these means fail and adjust our ends accordingly before trying again. Even affirmed in vain of Niccolo Machiavelli (1532), "when you take hold of a state, you must assess how much violence and cruelty will be necessary and get it over with at once, so as not to have to be cruel on a regular basis [otherwise] you'll never be able to count on your subjects, since with all the violence you're handing out they won't be able to count on you."<sup>54</sup>

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<sup>54</sup> Niccolo Machiavelli, *The Prince*, 1532 p. 37

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