

# Illegal fishing and hunting as resistance to neoliberal colonialism

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**Abstract** This essay offers a critical overview of how neoliberal colonialism has nurtured wildlife crime in many contexts, and discusses future research avenues opened by incorporating a critique of neoliberalism into wildlife criminology studies. Specifically we suggest neoliberalism's tendency to convert nature into alienable property and exclude people who do not accept subjugation as eco-rational subjects has created its own brand of wildlife crime by construing those participating in previously acceptable subsistence and recreational activities as criminal deviants. We suggest this phenomenon is widespread, occurring in North America, Europe, and the global south, and promotes ever more draconian deterrence models for addressing wildlife crime. We conclude by suggesting that future research should include analyses of (1) how people violating harvest regulations frame the political context and its impact on their livelihoods, (2) how the subjectification process linked to neoliberal colonialism influences wildlife crime, (3) how alienation of labor contributes to illegal wildlife harvest, and (4) the spatial geography of how neoliberal colonialism influences illegal wildlife harvest.

**Keywords** Colonialism · Governmentality · Neoliberalism · Poaching · Wildlife

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## Introduction

A vibrant and growing body of scholarship has recently begun to target wildlife crime, but has largely omitted the perspective offered by critical examination of the hegemonic neoliberal regime as a driver of wildlife crime. Illegal wildlife trade and its associated crimes have become the third most valuable illegal market in the world [1–3]. In addition to supporting a massive illegal market, with all its associated social problems, illegal hunting and fishing reduce wildlife and fisheries stocks important to livelihoods [4], threaten endangered species [5], support quasi-warfare between paramilitary ranger units and illegal harvesters around protected areas [6], and is growing globally [7]. The dominant focal areas of wildlife crime scholarship can largely be divided into a tripartite of (1) drivers of deviance, (2) profiling the perpetrators, and (3) categorising the crime [3]. Most studies adopt theoretical frameworks linked to rational choice [8] and opportunist [9, 10] models of behavior although green criminological scholarship sometimes extends beyond these limitations. We argue that much of the research rooted in these models, at least where illegal hunting is concerned, reflects neoliberal hegemony, including the premise that individuals are cost-effective actors constantly attempting to optimize behaviour [11, 12], and we suggest that critique of that hegemony is needed to more creatively conceptualize wildlife crime and imagine [13] alternative responses to mitigate its potential harms.

Our inclusion of neoliberal colonialism in the title of this essay begs for definitions. We adapt Ramutsindela's [14] description of post-colonialism in defining neoliberal colonialism. He uses the term as a referent for contexts where people have not personally been subjected to colonial rule, but are required to accept western "concepts of nature" [14]. This approach to colonialism focuses on historically oppressive structures, and is often used to frame state protected areas as oppressive structures rooted in a western dualism between people and nature and reliant on neoliberal economic hegemony [15–18]. Our use of the term, *neoliberal colonialism*, then specifies neoliberal market hegemony as the oppressive colonial structure, and indicates the currency and ubiquity of colonialism, rather than assuming it is merely a historical phenomenon.

Neoliberalism reflects neoclassical economic ideals whereby people act as rational, self-interested, benefit maximizers and interact with each other primarily through markets [19]. It differs from classical liberalism in that it goes beyond assuming the market will ensure optimal distribution of resources to demanding state interference and control to protect the free market from social, cultural, and political infringement. In conservation contexts, neoliberal colonialism requires converting everything into alienable property (commodification), and establishing a strong state to secure that property and entitlements to it (commercialization).

Several scholars, argue that conservation biology has followed the trend toward noncritical acceptance of neoliberalism as an essential organizing principle [20, 21]. This generalized acceptance facilitates further expansion of global capitalism [19, 22] by simultaneously stimulating and concealing existing political contradictions, appropriating and misrepresenting social and political activity, and disciplining dissent [20]. When applied to conservation, neoliberalism leads to valuing nature in terms of capital, assuming that economic growth and nature conservation are compatible, and suppressing or delegitimizing alternatives to the previous two claims. While

this commodification and commercialization may produce immediately positive results, it obscures the diversity of abiotic, biotic, political, and social factors [21], flattening conservation to fit into the confines of neoliberal economics [20]. Further, its emphasis on consensus as both universally desirable and possible conceals existing political hegemonies, while marginalising those who would challenge those hegemonies [23]. Büscher et al., [20] note that neoliberalism is manifest through specific governmentalities that provide “techniques and technologies for managing people and nature” (p. 5).

Foucault’s concept of governmentality provides a useful lens for critically evaluating the role of neoliberalism in crime generally [24, 25], and in wildlife crime specifically. Governmentality refers to how we rationalize the use of power to create subjects from the level of the state down through smaller institutions and eventually to how we discipline ourselves [25]. We contend dominant models for understanding wildlife crime (e.g., those based on rational choice theory or opportunism) reflect affinities with neoliberal governmentality [24, 25] because they suggest people violate wildlife laws when benefits outweigh costs particularly when opportunities skew the balance towards benefits [3]. Neoliberal governmentality hence shifts power from the welfare state to individuals who are seen as rational benefit maximizers [25]. This shift is created and maintained by state power, and is not natural in the sense of being pre-social. Rather, the state uses power to move part of the social sphere into the economic domain by expanding competition (e.g., trade agreements) and inventing market systems as needed for individuals and groups to use (e.g., air pollution markets, wildlife-tourism markets) [25]. The state shifts control from state institutions to individual people who presumably act as rational benefit maximizers, and then maintains the new configuration of control [25]. Goldman [26] suggested “eco-governmentality” required a special breed of rational benefit maximizers labeled ‘eco-rational subjects.’ Creating these subjects required providing people with property rights, the ability to realize values from local nature, and the ability to acquire skills needed to both capitalize on nature and be accountable for impacts on nature.

In this essay we argue that critically evaluating impositions of neoliberal governmentality onto wildlife conservation (neoliberal colonialism) confers two novel perspectives on wildlife criminology, its attendant fields of interest, and to wildlife conservation practitioners. Namely, the lens (1) directs attention to the roots of wildlife crime where other models focus on proximate causes, and (2) highlights new avenues for wildlife criminology research previously obscured by uncritical acceptance of neoliberal hegemony. We herein also seek to highlight instances where this perspective provides novel insights about responding to wildlife crime, which in the context of this article is primarily taken to mean illegal hunting.

Although we believe these arguments demonstrate the value of questioning neoliberal colonialism’s influence on wildlife management, it does not necessarily follow that neoliberal models are always inappropriate or that governments must always institutionalize neoliberal colonialism. Some scholars have argued laws promoting conversion of fish and wildlife resources into neoliberal commodities are beneficial [27] and that overpopulation and globalization make exploitation inevitable under other models of fish and wildlife management [28]. Indeed, even scholars who acknowledge that alternatives to neoliberal hegemony may reduce crime do not claim such alternatives will stop it [29, 30]. Even if neoliberal models for wildlife conservation are appropriate

in some cases given current global socio-economic contexts [28], ignoring their current hegemony is tantamount to ignoring the broader context of wildlife crime. A critical examination of neoliberal colonialism may explain both the presence of fish and wildlife related crime, and motivations to participate in such crime more completely than other theoretical approaches which dominate the literature on poaching [12]. In this essay we highlight how neoliberal colonialism has produced wildlife crime in many contexts ranging from North America to Africa, and discuss future research avenues opened by inclusion of neoliberal critique within wildlife criminology studies.

## Making sense of wildlife crime

Most research attempting to address the question “why do people commit wildlife crime” turns to rational choice theory [31–33] but, as noted, this approach is proving increasingly inadequate in addressing potential underlying socio-political drivers to many forms of wildlife crime. When departing from this approach, considerable research on illegal harvest of wildlife tends to adhere to a “drivers of deviance” typology, whose individual level focus pays limited attention to structural factors, let alone historical processes, like neoliberal colonialism. Muth and Bowe Jr’s [34] ten part typology for drivers of deviance comprises several perspectives: recreational satisfaction, thrill killing, trophy poaching, gamesmanship, protection of self and property, commercial gain, household consumption, poaching as rebellion, poaching as a traditional right and disagreement with game and wildlife regulations. Economics, particularly micro-economics, play a dominant role in the literature [35, 36]. This perspective presumes violators of wildlife crime are driven by utility-maximisation, and decisions to violate law emerge from weighing the threat, severity and immediacy of sanctions against the benefits accrued through illegal harvest [1, 8, 37–39]. The classical deterrence doctrine appears to be challenged in practice, where people simply do not behave in ways rational subjects are expected to according to utility-maximisation models. These exceptions are often explained by either acknowledging crime is a social phenomenon and invoking norm or trust theories [40] or suggesting the maximisation is still occurring but researchers neglected to account for – and commodify – immaterial goods such as social status [41]. Although these studies may offer comprehensive accounts of wildlife crime, we suggest that neoliberal hegemony has veiled an even simpler explanation in many cases. It has criminalized traditional livelihood or recreational activities, and the “deviants” never actually deviated from such practices, but show remarkable continuity in harvesting and culturally endorsed practices. For example, Liles, et al. [42] found that while *tortugueros* (turtle egg collectors) in El Salvador rely on egg sales to enable purchase of basic necessities, they also valued egg collection as a culturally validated practice that strengthened their sense of connection with turtles. When the Salvadoran government made egg collection illegal, the offense to local values was as important as the loss of economic benefits.

Hence our contention is that neoliberal colonialism has, in some ways, created a particular brand of modern wildlife crime. This argument may be somewhat tautological given that neoliberal hegemony characterizes the vast majority of policy contexts in which wildlife crime occur, and crime is by definition the violation of rules about

legitimacy established and consecrated by the current hegemonic state, possessing no inherent pre-social reality [43]. Thus the legitimacy of laws that criminalize certain acts should be assessed in part by the degree to which they are grounded in moral and cultural domains [44]. To this claim, we offer the rejoinder that crime needs to be partially dislodged from its policy context, and be more thoroughly analysed in terms of the mediated interaction between the hegemonic state, its subjects and the construction of deviance [45]. It is only by doing so that we can uncover the degree to which wildlife conservation rules are perceived as legitimate reflections of morality or systematic efforts to consolidate authority.

This insight, moreover, is important because not only has the vast majority of wildlife criminology scholarship adhered to neo-classical economics, but in some respects the field has focused its lens narrowly on criminal motivations and profiling criminals [12], in a way that obscures critique of the governmentality (including laws) that defines what constitutes wildlife crime in the first place. Stated otherwise, if local users reject state imposed alienation from wildlife resources, reject their subjectification as eco-rational subjects, or reject state sanctioned sale or entitlements to wildlife resources and act upon their beliefs in contravention of legal structures, the neoliberal hegemony defines them as *de facto* poachers. Cultural and critical criminology has begun to remedy this deficiency, but scholars within green criminology note a need for such perspectives within environmental criminology [46].

A relatively new neoliberal hegemony, in contrast to old colonial legacy, over previously shared resources creates the context for wildlife crime [47, 48]. At minimum this process had occurred on 13 % of the earth's land area and 2 % of the ocean area delineated as protected areas by 2012 [49]. Most commercial fisheries, many small-scale fisheries, and wildlife management contexts in Africa and Asia demonstrate the impacts of neoliberal colonialism via commodification and control by market forces, with market hegemony reinforced by state support [47, 50]. These models can be subsumed under neoliberal colonialism of wildlife resources because the state converts wildlife and wildlife habitat into commodities [51] and excludes indigenous users from ownership and use unless they become compliant eco-rational subjects [26]. State-led models, almost invariably involve delineating resources, encircling them by protected areas, and then protecting them from locals or allocating them through various entitlements in an effort to protect existence (i.e., value of knowing they exist), scientific, recreational, and utilitarian values [17, 18]. The growing private protected area phenomenon that promoters describe as generating alternatives to traditional state-led models simply makes the hegemony of private sector revenue more transparent [52, 53].

In less obvious cases of neoliberal colonialism of wildlife resources, such as the "North American Model of Wildlife Management," the process is veiled behind rhetoric suggesting shared resources and exclusion of fish and wildlife from markets [54, 55]. In these contexts, modern wildlife management systems refer to the resources as "commonly held" as part of a "public trust" [56, 57]. This rhetoric obfuscates what are property rights by any other name because the underlying systems allow land-owners to charge fees for access, and utilize government resources to police wildlife and fisheries in ways that ensure only those paying for entitlements established by the state have access. The fish and wildlife resources are simply allocated in government created and controlled markets with hunters and anglers specified as the consumers.

The US outfitting industry, comprised by private business enterprises, provides one such example. Indeed, some hunters perceive outfitters as an extension of the state attempting to micro-manage and ultimately take away what were once public resources, either through bureaucracy or systems of land leasing [57]. Even local scale communal management such as the institutions of local collective action made famous by Elinor Ostrom [58] may support neoliberal hegemony in part by requiring commodification of resources, policing them (but locally), and allocating them through entitlements (again locally) [47].

Neoliberal colonialism has isolated local people from fish and wildlife and criminalized many traditional forms of wildlife harvest and recreational wildlife use. Even after independence from colonial powers, many new governments in Africa inherited and supported historical fisheries and wildlife management plans rooted in neoliberal governmentality, often under pressure from the international community, which recast traditional practices as poaching [50, 59, 60]. For example, post-colonial game policies in Kenya criminalized the Waata peoples' hunting based culture and provided political capital for persecuting them [61]. The Waata concealed their identities during censuses to avoid persecution, and were thus rendered invisible when Kenya gained independence in 1964. Thus post-colonial game policies not only rendered the Waata people criminals, they rendered them invisible politically and powerless to address their concerns through legal channels in the new government.

Examples of this phenomenon exist beyond the stereotypical cases in Africa. In El Salvador, neoliberal colonialism led to a ban on harvesting sea turtle eggs [42]. The policy was intended to protect globally valuable existence and aesthetic values for sea turtles but also engendered a wildlife crime problem because locals lacked the skills needed to be the eco-rational subjects dictated by the new economy (e.g., becoming tour guides) and saw no viable alternatives to their traditional livelihoods within the new policy regime. An eventual solution involved allowing residents to sell eggs to hatcheries. This approach maintained reliance on neoliberal governance, but succeeded, in part, because regulators chose to adapt the market in ways that avoided criminalizing traditional livelihoods. Similarly, in Mexico one island community relied on wild meat, eggs, and selling feathers for subsistence prior to bans on hunting starting in the 1950s [62]. Again, the new tourist economy replacing the previously subsistence based livelihoods required skills and assets of an eco-rational subject which were not held by the locals whose livelihoods were criminalized.

Although it may be tempting to assume wildlife crime associated with neoliberal colonialism emerges directly from colonial powers, or their legacy being passed down to local governments, this is not necessarily the case. Indeed, modern wildlife conservation and associated laws in the United States were created by social elites (e.g., Theodore Roosevelt) who celebrated a model of wildlife conservation that rejected tenets of wildlife management espoused by colonial powers [63]. Somewhat ironically, the "North American Model" of wildlife conservation operates far more similarly to the colonial models it purported to reject than to the forms of wildlife management it supplanted. Indeed the North American Model entailed bounding wildlife resources, and stripping all entitlements to terrestrial wildlife and some entitlements to fisheries from commercial and subsistence users, and reallocating those entitlements to recreational hunters and anglers [63]. A major portion of "serious" wildlife crime in the United States thus presently occurs because hunters with non-recreational interests still attempt

to access the resource to which they no longer have entitlements. These developments have been praised as good for wildlife and people [55], but they raise questions about the impacts of criminalizing livelihoods through neoliberal colonialism.

The development of illegal wolf killing in the Nordic countries provides another example of this phenomenon. As part of the European Union's Habitats Directive (Council Directive 92/43/EEC, 1992) to reintroduce large carnivore populations in member states, wildlife regulations were instated that criminalized traditional and culturally ingrained responses to wolves in Sweden, Finland and Norway. Local populations of hunters and livestock farmers in these nations were made to either accommodate what the EU decrees a global resource for future generations, or become criminals. Many chose the latter course adopting what Liberg et al., [64] labelled the "shoot, shovel, and shut up" approach. This marks a reorientation from cultural conceptions on tending to one's own land, and an erratic departure from lifestyle continuities of actively hunting wolves for bounties and the payment of state debts [3, 65]. In France, Mischi [66, 67] termed the supranational criminalisation of traditional harvesting and hunting practices the 'Europeanization' of rural space, and the disciplinary appropriation of natural resources by an emerging elite. In these cases neoliberal colonialism still exists even if the state operates as an agent for the market and entitlements are reallocated rather than allocated for the first time.

In a forward-looking perspective, the critique on neoliberal colonialism can help elucidate the shortcomings and opportunities of present policing and punitive aspects of wildlife crime. Whether people are eco-rational actors, or merely rational actors, the primary response to wildlife crime has heretofore been increasing the costs of illegal behaviour [24], even to the point of shoot-on-sight policies for poachers [38]. The preoccupation with deterrence has engendered some problematic developments, including a wide-ranging weaponization and technological investment in enforcement that are often seen as deep injustices by local communities, who may not see law enforcement for any other domain than wildlife protection. Scholars have begun to recognise the pathologies in draconian enforcement measures, suggesting that these serve as confirmations of oppressive power structures [68], stigmatize offenders to the point where they move further toward the periphery of society [3], disproportionately target the working class of most socio-economic contexts [68–70] and, as exemplified in Britain's bloody poaching wars with the 'Blacks', promote the escalation of violence between user groups and enforcers [71, 72].

Responses to illegal harvesting that fail to question neoliberal hegemony may promote injustices and eventually backfire. For example, the scholarship focused on micro-economic models of deviance suggested persistent poaching mandated more extreme law enforcement measures (e.g., shoot-on-sight policies) to counter the extreme economic benefits of illegal hunting [38]. Shoot on sight policies, however, create social justice concerns because poor people are usually the ones being shot on sight, and extremely harsh penal codes can encourage a cycle of progressively more violent retaliations between those harvesting wildlife illegally and the rest of society [3, 72]. Despite neoliberal colonialism dominating wildlife conservation efforts throughout the twentieth century, scholars started acknowledging its impacts around 2005 [16, 17, 73, 74]. The compelling narratives about conservation refugees expelled from protected areas in these studies, suggest profound impacts from neoliberal colonialism that should extend to all facets of life including illegal harvest of wildlife.

## Insights for research

The lens of neoliberal colonialism highlights four productive avenues for future research on wildlife related crime. First, it is worth considering whether people violating harvest regulations recognize the neoliberal context and its impact on their livelihoods, or if this represents aesthetic framing imposed by scholars [75]. If local users recognize and oppose the presence of such an authority structure, it may additionally be worth recharacterizing their illegal practices as potential acts of resistance in addition to serving practical livelihood and recreational purposes [76]. Current research on Europeanization of wildlife and rural space suggests such people may explicitly recognize and reject some aspects of neoliberalism by mobilizing political dissent in the form of new social movements and counterpublics as well as informal, everyday acts of resistance toward the regulatory regime which extend beyond the wildlife crime context [3, 67, 76]. Many of these studies, however, were not designed specifically to address wildlife crime.

A second key area of research would be exploring how the subjectification process linked to neoliberal colonialism influences wildlife crime. Specifically, the form of governmentality promoted by neoliberal colonialism emphasizes creation of subjects who control themselves by rationally weighing costs and benefits of options [25, 77]. In wildlife crime contexts, most studies accept this rational subject paradigm as given rather than attempting to explore whether imposing the paradigm actually creates deviant behavior. Doing the latter opens up a more critical understanding of the political and cultural dimensions of criminalization, which can contribute to producing what Fitzgerald et al., [78] called “A structurally and politically informed version of labelling theory”. Choice experiments [79] would provide one avenue to explore how subjects weigh different factors including ecological considerations [26], political perceptions of individual rights or social responsibility [80], and more traditional economic costs and benefits. Additional research questions relate to whether self-subjugation promoted by neoliberal colonialism promotes or counters wildlife crime, in what contexts, and why.

A third potentially fertile area for research would be exploring how alienation of labor (by both people and nature) contributes to illegal wildlife harvest. Neoliberal colonialism erases both natural (e.g., fish and wildlife) and human labourers by alienating them from the products of their own labour [21, 81]. Neoliberal scholars may question causal assertions regarding why natural and human labourers are ignored, but share an uneasy agreement with neo-Marxists that ecosystem workers of all kinds receive too little attention. Neoliberals suggest the problem lies in inadequate commodification of labour rather than in the capitalist system [25], and respond with prescriptions for better operationalizing human [82] and natural capital [83]. Future wildlife criminology research would do well to explore how alienation influences illegal behaviours, and the degree to which well-articulated forms of human and natural capital address such challenges.

A fourth area of research related to alienation would be exploring the geography of how neoliberal colonialism influences illegal wildlife harvest. Although such research remains a future goal, similar veins of work in general criminology [24], and protected areas contexts [17] illuminate some pertinent considerations. Herbert and Brown [24] suggest neoliberal hegemony encourages governmentality projects focused on small scales (i.e., individuals and small-scale communities), focuses on making those units



rational and responsible, and seems to promote deterrence (e.g., punishment and policing) over rehabilitation [84, 85]. The small scale focus is intuitive given the rational economic actor paradigm. The emphasis on creating rational subjects relates to a tendency to exclude people who will not conform to the bounds established for physical [86] and political spaces [87] in society, often by imprisoning them. Wildlife crime research could explore whether similar patterns exist in wildlife crime contexts. Wildlife criminals may emerge in parallel with other deviant groups who are excluded from political and physical spaces reserved for eco-rational subjects by neoliberal colonialism. Criminal theory grounded in a neoliberal perspective (e.g., broken window and situational crime prevention theory) frames perpetrators as social predators and deemphasizes the victimizing role of larger economic forces [24]. Content analysis studies on media associated with wildlife crime [88], could explore whether this hypothesized relationship is occurring in wildlife crime contexts. Such studies could build on previous framing research exploring how some poachers were framed as likable rogues or social bandits standing up for injustices rather than criminals at large [12, 72]. Neoliberal colonialism may contribute to a rapid shift in such historical framing of illegal wildlife harvesters towards framing illegal harvest more negatively.

Igoe and Brockington [17], note that neoliberalisation itself often territorializes landscapes in ways that control and exclude local people. These changes create new types of values for wildlife and fisheries and often make them more available to national and international elites. As the foregoing examples illustrated, current nature protection directives in the EU, North America, and the global south appropriate previously local resources and consecrate them for global, future, research and recreational use rather than traditional harvesting. Research on illegal wildlife harvest should therefore explore whether local residents recognize this territorialisation of wildlife resources, and if the territorialisation explains either prevalence of or perspectives on illegal harvest among both groups.

Finally, recognizing and critiquing the neoliberal context of wildlife crime may help create a more honest assessment of deterrence models. For instance many studies [89, 90] suggest ever more draconian sanctions are needed to stop poaching, and in some cases (e.g., white rhinos) species will probably go extinct unless poaching is stopped. That said, neoliberal models of governmentality would never dictate stopping wildlife crime or extremely harsh penalties. Rather neoliberal models suggest optimal outcomes would emerge when the negative demand curve for wildlife crime (set by sanctions) is perfectly balanced with the positive supply curve (set by market values for products of wildlife crime) [25, 91]. This assertion, however, simply has not been tested, it has been assumed along with many other attributes of neoliberal hegemony underlying research on wildlife crime.

## Conclusions

Our critique of neoliberal colonialism's tendency to criminalize the livelihoods of socially marginalized people should not be interpreted as a call to turn a blind eye toward poachers. The brand of wildlife crime created by converting nature in alienable property and excluding people who do not accept subjugation as eco-rational subjects is still crime, and those who break laws are still deviating from social norms for

acceptable behaviour [76]. Indeed, continuing banned practices often reflects more than simply ignoring the law. It is in itself a political statement, and the very idea of breaking the law may reflect radicalization of some marginalized groups [3]. Conceiving of wildlife crime as a response to neoliberal colonialism may help explain the radicalization process, how alienation of labor contributes to illegal wildlife harvest, and ultimately why poaching has become such a rampant problem in many post-colonial locales. In these contexts, and even in wealthier nations where a third or more of the money dedicated to wildlife management is allocated to law enforcement, the sanctioning agent typically lacks ability to enforce rules on the ground [7, 92]. Finally, a critique of neoliberal colonialism may enable awareness that, although creating opportunities for local individuals to engage in eco-tourism, and hiring them as game wardens may be beneficial, it simply rationalizes neoliberal colonialism rather than addressing its limitations. These critical perspectives toward the neoliberal colonialism that pervades the study of wildlife crime offer possibilities for reimagining humans and wildlife as beings that extend far beyond the preset eco-rational subject templates of neoliberal ideology; beings whose conscious interconnectedness may enable conservation approaches that match the complexity and diversity of the places they influence.

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