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# Table of Contents

**Letter from the Editor**  
i

**Research Articles**

- **MASTERFUL REHEARSAL, AN ANALYSIS OF THE WORK OF JAMES EDWIN CROFT**  
  *Michael Gabriel*  
  1

- **IMPLICATIONS OF FAMILY PLANNING ON CHILD LABOR: A GHANAIAN CASE STUDY**  
  *Leah Singleton and Taegan Dennis*  
  27

- **CASE STUDIES OF SELECTIVE INCORPORATION**  
  *Sarah Warren*  
  41

- **THE ECONOMIC IMPACT OF ASYLUM MIGRATION IN SWEDEN**  
  *Brian Austin Westergom*  
  57

**Creative Works**

- **HUNTER MCDANIEL**  
  79

- **ADDISON MATHIS**  
  82

- **JUVAIR ANDREW**  
  85
Letter from the Editor

Dear Reader,

In the three years I have been involved in undergraduate research, I have seen innovative, inspiring, and ambitious research conducted by my fellow undergraduates. I am excited to share with you the work of eight outstanding undergraduate researchers and artists in the Spring 2018 edition of *The Owl*. Included articles feature work from Music, Social Sciences, and History, and the artists offer photographs and digital art.

Over the years, I have seen many students become involved in research on campus as well as conduct research abroad. This edition showcases the global mindset of our undergraduate community through studies of Swedish economics and family planning practices in rural Ghana. While globally conscious, FSU undergraduates also explore the legacy and teaching practices of a prominent Music professor and study how the US Supreme Court protects citizens’ rights.

I am thankful for the dedicated faculty and graduate mentors who offer their time and expertise to assist undergraduates in research. I look forward to the continued tradition of excellence and innovation in undergraduate research at Florida State. I hope these articles and creative works will inspire you, as they have for me, to practice the spirit of inquiry so prevalent in these pages.

In *Vires, Artes, Mores,*

Laura Miller
Editor-in-Chief
MASTERFUL REHEARSAL,
AN ANALYSIS OF THE WORK
OF JAMES EDWIN CROFT

Michael Gabriel

Abstract

In the American wind band community, the legacy of James Edwin Croft (Director of Bands, Emeritus of The Florida State University) as a teacher, conductor, and pedagogue is formidable. His work as a band leader and a commissioner of new works for wind ensemble has contributed to the growth of the band genre to the current day. It is the purpose of this document to offer insight on this legacy by analyzing specific instrumental ensemble teaching elements including rehearsal structure and time distribution—mainly through the study of pacing. These resources are offered in light of the fact that relatively few public records exist that document the late Dr. Croft’s teaching. When coupled with the discussed rehearsal recordings, this case study should serve as a functional guide for professionals seeking to learn from the master teacher, responsible for producing many high-level performances, new works for the genre, and numerous teachers from his programs.
Overview

Analysis of the teaching techniques of James Edwin Croft will reference the piece *Triumph* (1993) by Michael Kemp Tippett. The document will reference rehearsals of the Florida State University Wind Orchestra under the direction of Croft, video-recorded between the dates of February 10, 1993 and March 16, 1993. Other repertoire was rehearsed by the ensemble in this period, however the following analysis will exclusively study Croft’s work on *Triumph*.

Much credit for the existence of this project is due to John A. Lychner, who video recorded all ensemble rehearsals led by Croft during the Spring Semester of 1993 as a practicum project for a graduate course. These tapes, recorded originally in VHS form were converted to DVD by the author.

Because of the subjective nature of rehearsal observation, this chapter is constructed under a specific taxonomy constructed by the author to help the reader discern systematic details within the analysis and make further transfers. This structure is heavily influenced by the literature referenced in the review below.

Review of Literature

The foundational document behind this investigation is the doctoral dissertation of Alan W. Mills, which provides a comprehensive study of Croft’s life and teaching career.¹ From an analytical perspective however, the literature review for this project specifically focused on aspects of rehearsal theory relating to pacing. Those resources which the author studied in depth for purposes of terminology and taxonomy for this project are listed below:

*Teaching Discipline* by Charles and Clifford Madsen² functioned as a foundational text for terminology and taxonomy for the experimental/observational portion of this project. Specifically relating to the investigation in this study, Chapter 4 discusses the ideas of classroom cues, contingencies, lesson/disciplinary preparation, teacher approvals and disapprovals, and habit construction. Part II of the text entitled “Behavior Principles Applied” outlines a series of 140 observed classroom behavior scenarios with instructor-applied behavior modification plans. This resource has a specific connection to this project, as Clifford Madsen (Coordinator of Music Education and Robert O. Lawton Professor of Music, Florida State University) served as the Thesis Director for this document.

*The Effects of Knowledge of Instructional Goals on Observations of Teaching and Learning* by Jacqueline Henninger³ investigates the habits of teacher observers in evaluative/observational scenarios. This study directly relates
to the nature of this project, as this investigation of Croft is based solely on rehearsal tape observation. “Subjects directed the majority of their attention to the teachers observed. Experienced teachers, in contrast, direct their focus of attention toward student behavior, a result that has been demonstrated in previous research. It is important, then, that music education majors learn to focus on the behavior, performance, and progress of students when observing their own teaching and the teaching of others…This heightened awareness of student behavior and student progress would undoubtedly enhance the quality of their teaching.”

Empirical Description of the Pace of Music Instruction by Robert Duke, Carol Prickett, and Judith Jellison is again directly transferable to this project, as it investigates the central rehearsal aspect of this thesis: pacing. “The data from the examples used in this investigation suggest that the perceived pace of instruction in music is proportional to the rate of student performance opportunities, rather than to the overall percentage of class time devoted to student performance…The difference between these two measures of student performance time is not trivial. Of course, if students are to perform more frequently in a given time period, the mean duration of individual performance episodes and episodes of teacher activity must be shorter…This conceptualization of a fast-paced rehearsal or class-frequent, generally brief performance episodes, and brief episodes of teacher activity-is consistent with most conceptualizations about effective instruction…We hope that this research not only provides interesting information about the relationships between various aspects of timing and observers’ perceptions of pace, but also suggests a mechanism by which pacing in instructional interactions may be operationalized and quantified.” This study is in essence an attempt at such a quantification.

The Perception of Pacing in Music Classrooms and Its Relationship to Teacher Effectiveness and Teacher Intensity by Jason Silveira is an experimental study which investigated teacher pacing in an attempt to identify its relationship with teacher effectiveness and intensity. Based on the data obtained, it appears that these constructs are very closely related; increased pacing in rehearsal is shown to correlate with perceived teacher effectiveness. In effect, this investigation of Croft functions as an outgrowth of this thesis, while also containing the quantification aspect described in the previous source by Duke, Prickett, and Jellison. This study by Silveira additionally contains an extensive literature review for potential further investigation on rehearsal technique and its relation to pacing.
Taxonomy:

Part 1: Rehearsal Chronology:
- Structure
- Time Distribution Analysis
- Pacing Analysis
- Rehearsal Function and Continuity

Part 2: Analysis of Conductor’s Musical Priorities
- Verbal feedback/repeated concepts
- Musical elements returned to from the score

Part 3: Analysis of Conductor’s Teaching Strategies
- Details of feedback delivery
- Qualitative notes of rehearsal environment/culture

Part 4: Analysis of Gesture
- Qualitative observations
- Conductor’s personal reflection

For reference of the reader, Macro rehearsal time refers to time in which every ensemble member is playing their part in the given music. Micro rehearsal refers to time elapsed in which not every ensemble member plays their part in the given music, as requested by the conductor. Instruction refers to time in which the conductor gives any kind of verbal direction, which includes any type of feedback, comment, or instruction. Extended stops in the rehearsal for student questions, errata clarification, or breaks were eliminated from data calculations at the author’s discretion and are documented.
**Part 1: Rehearsal Chronology**

“The structure of my rehearsals is probably best underscored by the old phrase, ‘the best laid plans’...I have always had the best intentions and certainly block out time allotments and objectives, but attribute the problem of suspect planning to discovery: discovering in practice what I didn’t in preparation.”

**A. Structure**

**Rehearsal Calendar**

Table 1: Florida State University Wind Orchestra 2/10/1993–3/16/1993 Rehearsal Calendar

<table>
<thead>
<tr>
<th>Rehearsal</th>
<th>Date of Rehearsal</th>
<th>Length of Rehearsal</th>
<th>Time Spent on Triumph</th>
<th>Triumph Rehearsal Focus</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>W 2/10/93</td>
<td>1hr 30 min</td>
<td>45 min</td>
<td>Read through</td>
</tr>
<tr>
<td>2</td>
<td>M 2/15/93</td>
<td>1hr 45 min</td>
<td>45 min</td>
<td>First 3/4 of the piece</td>
</tr>
<tr>
<td>3</td>
<td>W 2/17/93</td>
<td>1hr 45 min</td>
<td>1hr 15 min</td>
<td>In-depth rehearsal of first 2 section; read-through of last 3</td>
</tr>
<tr>
<td>4</td>
<td>M 2/22/93</td>
<td>1hr 45 min</td>
<td>30 min</td>
<td>4th and 5th sections</td>
</tr>
<tr>
<td>5</td>
<td>W 3/3/93</td>
<td>1hr 45 min</td>
<td>30 min</td>
<td>Full piece read-through. Emphasis on first 3 sections</td>
</tr>
<tr>
<td>6</td>
<td>M 3/8/93</td>
<td>1hr 45 min</td>
<td>1hr 45 min</td>
<td>Rehearsal on full piece in continuity</td>
</tr>
<tr>
<td>7</td>
<td>W 3/10/93</td>
<td>1hr 50 min</td>
<td>50 min</td>
<td>All-encompassing/in three segments</td>
</tr>
<tr>
<td>8</td>
<td>M 3/15/93</td>
<td>1hr 30 min</td>
<td>1hr</td>
<td>Dress Rehearsal</td>
</tr>
<tr>
<td>Concert</td>
<td>W 3/16/93</td>
<td>—</td>
<td>16 min</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>15hr 20 min</td>
<td>7hr 30 min</td>
<td></td>
</tr>
</tbody>
</table>

**Concert Program**

Circus Polka (1942)  Igor Stravinsky (1882-1971) Arranged by Patrick Dunnigan


**B. Time Distribution Analysis**

1. What is the time comparison between full-ensemble playing (Macro) and isolated playing (Micro)?
2. How much time was spent in rehearsal on verbal instruction (teacher) versus ensemble playing (Macro and Micro)?
3. What is the distribution of *Macro-Directed Feedback* versus *Micro-Directed Feedback*?

4. How much time is spent by the conductor giving *Feedback* versus regrouping the ensemble with no feedback?

**Time Distribution Raw Data**

<table>
<thead>
<tr>
<th>Rehearsal</th>
<th>Macro Play Time</th>
<th>Micro Play Time</th>
<th>Instructional Time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total (minutes)</td>
<td>Total (%)</td>
<td>Total (minutes)</td>
</tr>
<tr>
<td>1</td>
<td>28:57</td>
<td>68.4</td>
<td>1:07</td>
</tr>
<tr>
<td>2</td>
<td>25:06</td>
<td>54.0</td>
<td>8:18</td>
</tr>
<tr>
<td>3</td>
<td>38:33</td>
<td>52.5</td>
<td>9:21</td>
</tr>
<tr>
<td>4</td>
<td>10:27</td>
<td>35.4</td>
<td>6:54</td>
</tr>
<tr>
<td>5</td>
<td>24:01</td>
<td>66.7</td>
<td>1:57</td>
</tr>
<tr>
<td>6</td>
<td>46:34</td>
<td>49.8</td>
<td>12:09</td>
</tr>
<tr>
<td>7</td>
<td>27:51</td>
<td>57.4</td>
<td>3:03</td>
</tr>
<tr>
<td>8</td>
<td>28:11</td>
<td>55.0</td>
<td>3:09</td>
</tr>
<tr>
<td>Average</td>
<td>28:43</td>
<td>54.9</td>
<td>5:45</td>
</tr>
</tbody>
</table>

Table 2. Time Distribution Raw Data

---

![Rehearsal Frame Distribution (Percentage)](image)

Figure 2: Rehearsal Frame Distribution by Percentage
As gleaned from the data of Figures 2 and 3, the majority of rehearsal time over the long term was allocated to allow students to play for a majority of the time (specifically in Macro context). On average, this Macro playing time constitutes fifty-five percent of a given rehearsal (Figure 3). There are several justifications for this phenomenon. The players of the Florida State University Wind Orchestra are advanced musicians who have been charged by the conductor to maintain a high level of individual preparation for rehearsals; precious ensemble time is not spent fixing elementary issues. With this expectation, the conductor must budget time appropriately to ensure ensemble (rather than individual) progress in rehearsals. In addition, the thin scoring of the work (how instruments are directed to play in certain sections of the music) is conducive to a high amount of full ensemble playing. Almost every measure of this work is chamber music in nature—there is no full-ensemble (“tutti”) music until the last note of the piece. Thus, breaking these thin textures down into even smaller rehearsal units in most cases with this piece would be unnecessary. With respect to rehearsal technique, it was also observed that the conductor incorporated Micro-directed feedback/instruction in a full-ensemble context, directing attention to specific groups while keeping the rest of the ensemble engaged.
The following figures will lead discussion on the balance of total ensemble playing time versus total feedback time from the conductor. Time distribution and rehearsal pacing will be analyzed in reference to three rehearsal elements: Ensemble *Macro* Playing time, *Micro* Playing time, and Conductor *Instruction* time.

**Distribution of Verbal Instruction versus Student Playing**

<table>
<thead>
<tr>
<th>Rehearsal</th>
<th>Instruction (minutes)</th>
<th>Total Playing (minutes)</th>
<th>Instruction (%)</th>
<th>Total Playing (%)</th>
<th>Ratio (Playing: Instruction)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11.7</td>
<td>30.1</td>
<td>28.0</td>
<td>72.0</td>
<td>2.57</td>
</tr>
<tr>
<td>2</td>
<td>13.1</td>
<td>33.4</td>
<td>28.2</td>
<td>71.8</td>
<td>2.55</td>
</tr>
<tr>
<td>3</td>
<td>25.5</td>
<td>48</td>
<td>34.7</td>
<td>65.3</td>
<td>1.88</td>
</tr>
<tr>
<td>4</td>
<td>12.2</td>
<td>18.1</td>
<td>40.3</td>
<td>59.7</td>
<td>1.48</td>
</tr>
<tr>
<td>5</td>
<td>10.0</td>
<td>26.0</td>
<td>27.0</td>
<td>73.0</td>
<td>2.60</td>
</tr>
<tr>
<td>6</td>
<td>34.8</td>
<td>58.8</td>
<td>31.2</td>
<td>68.8</td>
<td>1.69</td>
</tr>
<tr>
<td>7</td>
<td>17.6</td>
<td>31</td>
<td>36.2</td>
<td>63.8</td>
<td>1.76</td>
</tr>
<tr>
<td>8</td>
<td>19.9</td>
<td>31.4</td>
<td>38.8</td>
<td>61.2</td>
<td>1.58</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>18.1</strong></td>
<td><strong>34.6</strong></td>
<td><strong>33.1</strong></td>
<td><strong>67.0</strong></td>
<td><strong>2.01</strong></td>
</tr>
</tbody>
</table>

Table 3: Distribution of Verbal Instruction versus Student Playing
Figure 4: Distribution of Verbal Instruction versus Student Playing (Minutes)

Figure 5: Distribution of Verbal Instruction versus Student Playing (%)
The overarching observation from this data shows that playing time consistently holds a critical mass of these rehearsals, averaging 67% of their total length.

**Pacing Analysis**

![Average Frame Lengths per Rehearsal (seconds)](image)

All *Macro* playing frames are relatively long, averaging 40 seconds in length. The two outliers from this mean fall under *Rehearsals 1* and *4*. As expected, *Macro* frame lengths in the first rehearsal were significantly higher than the average (59 seconds) because this rehearsal was designed to function as a read-through for the players to establish performance tempos and hear the piece in relative continuity to aid their preparation. Excessive rehearsal activity in the read-through would likely prove ineffective. The other variation from the mean falls under *Rehearsal 4*, where *Macro* frames are significantly shorter than the mean (26 seconds). As visualized by Figures 4-6, *Rehearsal 4*, this means that the session was very detail-oriented and quickly paced: there was ample instruction with particularly short frame lengths.

*Instruction* (feedback) spans are consistently short across the rehearsal cycle, averaging 16 seconds in length, suggesting that there was an overall quick pace to all rehearsals in this cycle. This data demonstrates consistent and efficient rehearsal technique: the conductor gives an instruction, the ensemble reacts,
and the conductor provides feedback with a new instruction. This cyclic application is consistent across all recorded rehearsals with very little variation. It is the author’s conclusion that this consistency is the critical aspect of efficient pacing and keeps ensemble members engaged, even over rehearsals stretching over ninety minutes (for one piece).

C. Rehearsal Function and Continuity

“Every rehearsal must have variety, challenge, and that moment of satisfaction that provides performers with a sense that this has been a worthy use of time and effort. This is the same affect that keeps those of us who have had long careers recalling past moments with such pleasure.”

The figure below plots distribution of rehearsal elements in context of the

![Rehearsal Frame Distribution (Percentage)](image)

Figure 7: Rehearsal Frame Distribution by Percentage

Data plotted from this cycle reveals an identifiable long-term shape in three stages:

**Stage 1: Orientation and Growth**

*Rehearsal 1*, as previously discussed within the context of *Macro* frames,
served as an orientation to the piece: Croft’s main objective was to give the players an understanding of the structure and tempos of the work. Because of the intricacy of the piece, it is important for the players to have this type of “immersive” experience with the music before taking the significant amount of time necessary to perfect their individual parts.

Compare Rehearsals 1 and 2 in Figure 7 and notice the trends in the three rehearsal data points. Macro rehearsal percentage decreases: the ensemble has already been oriented to the piece, which eliminates a need for playing through for sake of comfort. Micro rehearsal percentage increases dramatically, which represents the initiation of a detail-oriented rehearsal process. Instructor feedback remains nearly constant between the first and second rehearsals. This represents a trend for the entire rehearsal cycle: the conductor’s feedback and directions serve simply as guidance to the players, with no over-explanations to complicate the task.

Rehearsal 3 follows the same general trend as Rehearsal 2, with slight variations. Note the steeper incline of the Feedback curve (slope 6.6) of Figure 7, and its nearly-inverse relationship with the declining Micro curve (slope -5.2). This inverse relationship suggests that the time not used in detailed micro-ensemble playing was supported by increased explanations and feedback from the conductor.

**Stage 2: Critical Point**

Rehearsal 4 is key in the continuity of the rehearsal process: it is the most intensive rehearsal in the entire cycle with regard to pacing and detail, and functions as the pivot point of the cycle. Notice in Figure 7 that Rehearsal 4 functions either as a peak or valley point for each of the three sets of rehearsal element data: it is the lowest point of Macro playing, and the highest point for Micro playing and conductor feedback. This inversion of the typical rehearsal time distribution demonstrates the intensive nature of the session. Micro playing and conductor feedback percentages are high in this session because there is a high attention to detail, requiring frequent stops and corrections: the majority of the rehearsal (64.5%) is spent decontextualizing the music and addressing details.

A fast rehearsal pace accompanies the detailed nature of this rehearsal. This promotes efficiency in time management, and keeps players engaged/on task in a stage of the rehearsal process that many may consider tedious. Notice the supportive data of Figure 6: rehearsal frame segments (Micro and Instruction frames) on average last no greater than fourteen seconds: the conductor gives
focused instruction, to which the players respond. The players either execute
the task correctly or incorrectly. If performed incorrectly, the conductor will
either give more specific feedback, or simply have the players try again. When
the task is eventually performed correctly, the conductor acknowledges the
correction and continues on to a new instruction, either initiating another
detail-oriented rehearsal frame (Instruction to Micro to Instruction/Feedback) or
prompting the entire ensemble to regroup and play until the next detail-ori-
ented frame is prompted (Instruction to Macro to Instruction/Feedback to Micro
to Feedback, etc.). A key assumption in this task with players of this caliber is
that the conductor music be insistent on appropriate correctness; one will note
in observing the rehearsal process throughout the entire cycle that Detail-Ori-
ented Rehearsal Frames, depicted below, (Figure 8) will be repeated liberally
until the conductor is satisfied with the result.

Figure 8: Detail-Oriented Rehearsal Frame Diagram

With regard to pacing, notice additionally that the average length of Macro
frames drops significantly below its mean in Rehearsal 4. This suggests that
full-ensemble (Macro) playing was additionally used as part of the Detail-Ori-
ented rehearsal technique, often interchangeably with Micro playing. This
decision whether to rehearse details of a passage with the full group or with
a smaller subset was made at the conductor’s discretion, depending on the
texture of the passage (which instruments are playing), the primary goal(s) of
the rehearsal frame(s), and the desired pacing.
Stage 3: Refinement

To achieve equilibrium following the Critical Point of the rehearsal cycle, Rehearsal 5 focused on integrating the detailed progress made into musical continuity. Notice the radical difference in data points in Figure 7 from Rehearsals 4 to 5 which reflects this change in structure. As suggested by the superimposed black dashed arrows of Figure 7, the trends in the three data areas invert following the meridian Rehearsal 4. This signals a long-term symmetrical structure in time distribution and supports appropriate pacing for an upcoming concert. In support of this trend, observe the relationship between all three data areas from Rehearsals 5 and 1; the time distributions between the two sessions are nearly identical. This data suggests that both of these sessions in the long term carry the same function: they are meant to orient the ensemble to the specific work, i.e. Rehearsal 1, which functions as an orientation for fresh players, while Rehearsal 5 re-orient players to the work after the intense saturation of detail work from Rehearsal 4. In other words, Rehearsal 5 functioned as compensation from the meridian (Rehearsal 4) of the rehearsal process.

Rehearsal 6 functioned as a slight counteraction to this compensation while still supporting the overall data trends superimposed with black dotted arrows in Figure 7. In a sense, Rehearsal 5 represents a continuity focus; Rehearsal 6 complements this session with a detailed focus. (This statement is not meant to imply that the “continuity” rehearsal is devoid of attention to detail. It is simply underscoring the primary objective of the rehearsal session.) This main focus between continuity and detail oscillates between the remaining rehearsals until the performance--notice how the data trends are approached for each of the three data areas from Rehearsals 5 through 8.

With respect to the continuity of data trends, a note should be made regarding the final rehearsal of the cycle (Rehearsal 8—Dress Rehearsal). With ensembles containing younger players, it would generally be expected for the time distribution of the group’s final rehearsal to mimic the data of Rehearsal 1, creating a true symmetry to the overall rehearsal structure. While the time distribution of Rehearsal 8 is similar to the distribution of Rehearsal 1, it is evident in the relatively high percentage of conductor feedback in this dress rehearsal (38.9%) that the session is still in a relatively detail-oriented mode. This somewhat unusual dress rehearsal time distribution is still appropriate given the maturity of the players in the ensemble, as previously discussed. Additionally, the ensemble has already been consistently reinforced in the
continuity of the piece throughout the rehearsal process (namely in *Rehearsal 1*); another session focusing on simply playing through the work without rest may not be the most appropriate use of time given the skill of the players and the advanced difficulty of the music. Therefore, this functions as the capstone of a continual structural strategy in the rehearsal process: the idea of having one session with intense focus to detail followed immediately by a session to integrate these details into continuity. Here, session integrating *Rehearsal 8*’s details into continuity is the concert.

**Part 2: Musical Priorities**

To complement the analysis offered in the previous section of this chapter, a time distribution analysis with respect to sections of the selected work (*Triumph* by Michael Tippett) will show a new angle on Croft’s rehearsal structure. In lieu of a full analysis, ideas and musical excerpts (reproduced with permission) from the author’s musical analysis will be referenced throughout this section. Time distribution analysis will reflect rehearsal time spent on each of the five large sections of Tippett’s work. (see Figure 9)

![Figure 9: Form Diagram, Triumph](image)

**Rehearsal Time Distribution Table with Respect to Musical Form (minutes)**

<table>
<thead>
<tr>
<th>Rehearsal Section</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>Total (hours)</th>
<th>Total (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>8:42</td>
<td>9:48</td>
<td>25:18</td>
<td><strong>21:48</strong></td>
<td><strong>11:00</strong></td>
<td>10:00</td>
<td>14:36</td>
<td>10:30</td>
<td>1:51:42</td>
<td>26.1</td>
</tr>
<tr>
<td>B</td>
<td><strong>14:00</strong></td>
<td><strong>31:48</strong></td>
<td><strong>31:00</strong></td>
<td>11:48</td>
<td>7:00</td>
<td><strong>24:42</strong></td>
<td>12:00</td>
<td><strong>21:24</strong></td>
<td><strong>2:33:24</strong></td>
<td><strong>35.9</strong></td>
</tr>
<tr>
<td>C</td>
<td>11:54</td>
<td>0:00</td>
<td>10:18</td>
<td>0:00</td>
<td>10:48</td>
<td>23:42</td>
<td><strong>17:00</strong></td>
<td>9:18</td>
<td>1:23:00</td>
<td>19.5</td>
</tr>
<tr>
<td>A’</td>
<td>5:12</td>
<td>0:00</td>
<td>4:18</td>
<td>0:00</td>
<td>3:20</td>
<td>16:50</td>
<td>0:00</td>
<td>12:30</td>
<td>0:42:10</td>
<td>9.8</td>
</tr>
<tr>
<td>Coda</td>
<td>3:42</td>
<td>0:00</td>
<td>6:24</td>
<td>0:00</td>
<td>4:42</td>
<td>10:12</td>
<td>6:30</td>
<td>5:48</td>
<td>0:37:18</td>
<td>8.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>43:30</strong></td>
<td><strong>41:36</strong></td>
<td><strong>77:18</strong></td>
<td><strong>33:36</strong></td>
<td><strong>36:40</strong></td>
<td><strong>85:26</strong></td>
<td><strong>50:12</strong></td>
<td><strong>59:30</strong></td>
<td><strong>427:34</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Table 4. Rehearsal Time Distribution Table with Respect to Musical Form (minutes)
Rehearsal Pacing with Respect to Musical Form:

As evidenced by the data in time distribution, the conductor determined that Section B (Passacaglia) of Triumph’s form required the highest degree of attention. It was the first section to receive heavy rehearsal time and was a section that was continuously reinforced throughout the rehearsal cycle.
(Figures 10-11). In an objective sense, this unit of music in itself is the most difficult in the entire work. In sheer duration, it is longer than any other section. It is also set in a complex meter, upon which polymetric elements (two or more rhythmic patterns being played on top of one another) are superimposed, creating substantial difficulty in ensemble coordination. Many of these polymetric elements are very technically demanding, necessitating an even greater need for extended rehearsal time. Rehearsed in tandem with the passacaglia was the ternary form Section A. Section A was always rehearsed before B to retain the piece’s continuity, even though A generally received less overall rehearsal time than B because of its lower demand level: the section is short and, with the exception of chamber-like coordination, did not require extensive rehearsal. These two sections as a unit reflect the musical efforts of the first half of the rehearsal process.

The second half of the work (Sections C, A’ [second A], and Coda), C received the heaviest portion of rehearsal for the remainder of the cycle. Sections A’ and Coda received in-depth rehearsal time complementary to C, though at a lesser magnitude. Section C is more extensive in length and technical demand than the other two sections, and even so the A’ section is mainly a recapitulation, and need not receive extensive rehearsal when A has already been polished. The Coda, though virtuosically intense for some instruments, is short and ostinato-based. With proper preparation (mainly from the upper brasses and woodwinds), this section can be rehearsed quickly and efficiently. It is thus the final section in the rehearsal process to be finalized. Beginning with Rehearsal 5, the musical focus of the rehearsal process shifts to prioritize sections C, A’, and Coda (Figure 11). Between Rehearsals 4 and 5, note the complement to the shift in rehearsal pacing discussed in the previous section of this chapter: similarly to the shift in pacing, there also exists a complementary meridian for musical prioritization. Notice that peaking in Rehearsal 6, there is a shift in focus towards the latter three sections of the work. This is complemented by the pacing trends highlighted in the accompanying graph reviewing rehearsal frame distribution (Figures 12 and 13). While Rehearsal 6 was the most detailed rehearsal for this latter half of the music, it should be noticed that this detail is explored in a way that still serves the purpose of continuity in the Refinement section of this rehearsal cycle. This structure requires careful planning before the start of the rehearsal process, assuming that the conductor is able to anticipate how much rehearsal time is necessary to appropriately rehearse the first two sections, so the remainder of rehearsal time (in this case, Rehearsals 5-8) can be designed to rehearse the second half of the work while reinforcing continuity on the entire piece.
Discussion:

It is clear through the data analysis that Croft formulated a long-term plan for approaching *Triumph* before the first rehearsal. The “hourglass” Macro to Micro to Macro shape concerning rehearsal time distribution (Figure 17) is common for rehearsal frames/units within particular rehearsals, however it is rare to observe this shape unfold over the course of a concert cycle, especially with the deliberate interweaving of particular sections in the piece’s form. (Figure 16) While this rehearsal shape is not always applicable for all rehearsal situations with all musical ensembles (often, groups will have a different length of time to prepare for a performance, or they may be playing literature of a different difficulty level), it may be valuable for teachers and conductors to recognize this rehearsal shape as a planning option. In this particular case, the plan was successful because it was idiomatic to the given amount of rehearsal time (relatively little), musical difficulty (very high) and ensemble skill level (high). At a distance, this rehearsal shape may appear risky to school teachers—conductors would generally opt to have too much rehearsal time rather than too little. However, this rehearsal situation functioned positively in a way that challenged the students, and empowered them to come to rehearsal aptly prepared, with an imminent performance looming.

“Last night [the premiere performance], we gave birth. But it was a premature birth. This was not a fully developed child. There were moments that were
just wonderful. So as we look at it now, the child is there and it’s laid out in its swaddling clothes and we see, thank heavens, the fingers are there and the facial features are all there.”

For teachers and conductors reading this document who will likely not have an ensemble/rehearsal situation similar to that of the FSU Wind Orchestra, it
is more important that one adopts *some type* of long-term rehearsal plan/shape devised for their concert cycle, and not just blindly mimic the results above in a way that is not idiomatic to their situation, given variables of repertoire, ability level, and available rehearsal time.

**Pacing and Feedback:**

Rehearsal pacing in many situations relates directly to student engagement in ensemble settings. In this case study, it was generally regulated in a manner which allowed students to play for as long as possible. Any feedback given to the ensemble was concise (on average 16 seconds in length per instance), and whenever feasible would include vocal modeling. Often times, Croft would model/sing over the ensemble while they played to avoid stopping the music. His vocal modeling was effective mainly because of his conviction in his demonstrations and because his speaking/singing voice carried enough resonance to fill up the rehearsal hall. The conductor avoided drawn-out stories or metaphors in rehearsal. The only instances in which the conductor took extended time for an explanation came in the latter half of the rehearsal process, in which the he read text from *The Mask of Time* for corresponding sections of *Triumph*. Even in these scenarios, Croft was succinct: he simply read the text and then promptly (in the character) and continued with rehearsal, allowing the students to make their own transfers (for younger students, the conductor/teacher would likely have to offer more explanation of simple concepts to allow the transfers to take hold, however Croft was able to afford this lack of explanation given the skill of the group). This pacing strategy can be beneficial for students of all ability levels. On a surface level, it drastically decreases the likelihood of consistent off-task behavior for all age levels. (For school-age children, this will manifest itself through excessive talking/physical behavior. For college/graduate students, this will cause students to mentally disengage from the rehearsal/become passively off-task.)

Assuming that students enjoy playing their instruments, playing in an ensemble functions as positive reinforcement. When students are stopped in a rehearsal, positive reinforcement is stopped. If players are removed from the musical aspect of rehearsal for long enough, they may even feel that they are being punished (often, students are stopped to be given some type of disapproval anyway). Croft opted to adopt his particular pacing style for those particular
reasons, which guarantees players that they will spend most of their rehearsal time playing and reinforcing musical continuity, while making corrections as needed. This unspoken understanding between the students and conductor is a large part of the conceptual aspect of the environment that Croft creates in his rehearsals.

**Limitations:**

This document, when coupled with the discussed rehearsal recordings, should serve as a functional guide for teachers seeking to learn from a master teacher. There are, of course, limitations to discuss when attempting to create an image of James Croft holistically as a conductor. Because age of the subject matter (from 1993), the author must rely only on information and resources that have survived the nineteen years between the transpiration of the discussed rehearsals and the beginning of this project. The resources on Croft that are available to the author and relevant to this project include: the 102 video-recorded rehearsals/concerts of Croft’s ensembles, the video-recorded interview with Dr. Croft, and assorted books/articles which cite interviews with Croft over the course of his career. These resources are the author’s best hope in studying the past, and they are finite. Therefore, it is not possible for the author to have analyzed any rehearsals of Triumph (sectional, or full-ensemble outside of the official calendar) that were not recorded on Dr. Lychner’s registry. The author is additionally limited only to gather reflection on the rehearsal process from Dr. Croft’s recorded interview and from interviews of his colleagues.

Regarding rehearsal observation and analysis, it should be noted that the author was relatively limited in the scope of classroom observation. Because of camera positioning (in both the front and profile views), video recordings of all rehearsals focus on the conductor, with limited view of the ensemble musicians. Therefore, monitoring student engagement and on/off-task behavior in these settings is not practical. The camera placement and film quality also hinders detailed audio analysis; observers are able to hear the general sound of the ensemble and note improvements, however detailed analysis of musical growth is difficult to monitor in this setting without high-quality recording apparatus positioned in front of the ensemble.

**Suggestions for Future Research**

Because of the sheer size of the rehearsal tape collection compiled by John Lychner, the author found it practical to only focus on one small component of Croft’s auspicious career as Director of Bands at The Florida State Univer-
ity. That component was high level artistry, specifically in one of Dr. Croft’s passions: new music for wind ensembles. As the investigation continued and data collected, the author decided to focus a majority of the energy of this project into long-term rehearsal frame structure and time management. Future investigations are recommended to explore the several other ensembles with which Croft was involved in this semester. At the suggestion of Dr. Croft himself, further attention should be paid to the rehearsal tapes with the University Symphonic Band and North Carolina High School Honor Band.

“I think of myself as a teaching personality, with sometimes more ease with the Symphonic Band than I do with the Wind Orchestra. With the Wind Orchestra...you don’t want to go in with the same sense of flexibility. I’m much more concerned [with the Wind Orchestra] with not only being on task but making sure that the preparation that I have [is what] that music requires...you really want to go after it a little different[ly]...you don’t teach in the same sense… We have to look into that North Carolina All State [Rehearsal Tape series]. You do things a little differently with an All State, because you’re not only selling yourself, you’re selling what you represent.”

Given these statements and Dr. Croft’s general affinity for training young students as a veteran school band director, a thorough analysis of his teaching similar to that of this document, but with the subject matter of a younger ensemble, would be a valuable contribution to the research literature. Researchers may also find interest in following the vein of higher-level music making by analyzing rehearsal tapes of the advanced-level Florida State Chamber Winds.

While plentiful resources exist currently documenting James Edwin Croft from a historical perspective, outside of this document there exists no analysis nor investigation of his teaching strategies. It is the intention of this report to present a teaching model for colleagues in the profession; it is furthermore the hope of the author that this thesis will spark further investigation into the techniques and strategies of the late master teacher.
References


Endnotes


4 Henninger, 47-48.


8 Silveira, 83.

9 Silveira, 5-37.


11 Rehearsal 7 was split into three sessions. The first session (duration 4:20) was led by a Conducting Assistant; it was recorded, but its data was not factored in the calculations below. The second and third sessions (23:30 and 28:00 durations respectively) were led by Dr. Croft, and were combined for sake of the calculations below.

12 Crider, 34.

13 Gabriel, Appendix D. [referring to author’s Honors Thesis]

14 Gabriel, Chapter 2 [referring to author’s Honors Thesis].


16 The original Michael Tippett opera, The Mask of Time, served as source material for Triumph.

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IMPLICATIONS OF FAMILY PLANNING ON CHILD LABOR: A GHANAIAN CASE STUDY

Leah Singleton and Taegan Dennis

Abstract

Researchers conducted twenty-two interviews in Ghana in collaboration with a Ghanaian NGO, Patriots Ghana. Interviewers recruited local elite interviewees through snowball sampling. Interviewers asked questions regarding perceived access to contraception and household decision-making on childhood education. All interviews were semi-structured and were conducted in summer 2017 with translators provided by the host NGO. Researchers transcribed interviews from recordings and crosschecked against handwritten notes before developing a coding matrix to run descriptive statistical analysis. Analyses suggest that 75% of respondents believe contraception is highly accessible in Senya-Beraku, Ghana. However, 82% went on to say that community perceptions of contraception are mixed or negative. Further, 81% of respondents identify a relationship between increased family size and the prevalence of child labor. In conclusion, this research delineates the necessity of further education on both family planning and child labor in Central Region, Ghana.
Introduction

“Every family wishes the child attends school, but that’s a lot of money,” explained one Ghanaian community leader during an interview in the Ghanaian fishing village of Senya-Beraku. The interviewee went on to explain that a lack of adequate finances in Ghana means the difference between a child working and attending school. Unfortunately, such “work” is in actuality child labor. Aligning with International Labor Organization (ILO) standards, the Ghanaian Children’s Act prohibits exploitative labor [LS1] (Section 87), defining exploitative as depriving the child of health, education or development. Further, it sets minimum age requirements for work: thirteen for light work, defined as work that is not likely to be harmful to health/development and that does not affect a child’s ability to attend school or capacity to benefit from schoolwork (Section 90); fifteen for employment (section 89); and eighteen for hazardous employment (hazardous work being work that poses dangers to the health, safety, or morals of a child). Despite these legal actions, 30% of children in Ghana, and 27% of children aged twelve to fourteen, work illegally, with 14% engaged in hazardous work.

To address the poverty that drives child labor, both the Ghanaian government and NGO programs promote family planning to reduce family size and ameliorate strain on households’ limited financial resources. The Ghana Shared Growth and Development Agenda for 2014-2017 includes improving the country’s family planning infrastructure and increasing access to affordable contraception and educational resources on childbearing and birth-spacing. While family planning has grown in popularity in urban areas, such as Accra and Kumasi, it remains a developing concept in rural areas. This project seeks to understand the relationship between poverty, family size, and child labor, by exploring how local stakeholders in a midsized fishing village in Central Region, Ghana, understand the role of family planning in reducing poverty and child labor within their community.

Theoretical Approach

The ILO considers children to be engaged in child labor if “they are doing hazardous work, they are less than 12 years and engaged in economic activity, or they are aged 12 to 14 years and are engaged in economic activities that are not defined as light work.” This paper adopts this definition in accordance
with the ILO, the Hazardous Child Labor Activity Framework for Ghana (HAF) and the National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labor. Across the country in 2013, 76.8% of working children were employed in the skilled agriculture/fishery sectors, and 14.9% in sales. However, in rural coastal areas, 65.8% worked in agriculture/fishing industries and 15.9% in sales, and in Central Region, 83.2% were employed in agriculture/fishery and 10.2% in sales. On average, children started work at age nine both overall and in Central Region. This not only poses threats to children’s health, but can also prevent them from going to school. As such, 9.2% of rural Ghanaian children have never attended school, despite the Ghanaian constitutional mandate of free, universal, compulsory basic education.

Often, children work because their families cannot afford the additional costs associated with formal education [LS3]. Ghana Statistical Service reports that 14.8% of children aged 5–17 not in school said they were not enrolled because their families could not afford it; in rural coastal areas, 29.9% cited the same reason. Further, indirect costs associated with education—transportation, uniforms, etc.—or the opportunity cost of losing the child’s potential income are used as justifications for a parent’s decision to send his child to work instead of school. While locals argue that working children offset their cost to the household and receive skills-training for careers, children who work are less likely to go to school, earn less as working adults, and are later more likely to make their children work.

Within Central Region, the Awutu-Senya District where this research was located has the second-highest rate of poverty, with a poverty incidence rate of 33.6%. Larger family size increases the probability that a child will work, and correlates with increased hours that a child will work [LS4]. The cooccurrence between family poverty and child labor is illustrated by children being more likely to work in households that lack basic infrastructure, such as running water, because household chores require more labor.

Although both the Ghanaian government and NGOs promote family planning, Ghana maintains a 30% rate of unmet need for family planning, and increasing [LS6] attitudinal resistance towards contraception use. Community knowledge supersedes formal health outreach, and many women fear the rumored side effects of birth control, such as infertility or permanently irregular menstruation. Further, local religions regard family size as a blessing of virility and health, providing children to care for their parents in old age. This belief transcends religion into a social ideology where families expect children to care for their aging parents; by having more children, parents have a higher chance of being cared for as they age.
Patterns of child labor, unmet need, and poverty are also gendered and affect women’s health and economic status. Girls are more likely to be pulled out of school as family size increases, and they often work domestic labor at earlier ages than boys. Women have a greater disadvantage at breaking cyclical poverty when they are pulled out of school earlier and lack access to family planning resources, as higher education rates are correlated with lower family size and increased use of contraception. In 2014, the Ghana Health Service recorded that in Central Region, 21% of women aged 15-19 have begun childbearing, compared to the national average of 14%. Women in rural areas, with no education, or from the poorest households, experience childbearing earlier than other women of the same age group. Often, women have children because of pressure from their husbands’ extended families and because they fear that their husbands will have children with other women if they are refused.

**Methodological Approach**

This project utilizes formal interviews, informal testimony, and community observations along with existing literature on child labor. Researchers conducted interviews in the medium-sized fishing village of Senya-Beraku, with a population of approximately 19,000, located in Central Region, Ghana. The researchers collaborated with a small Ghanaian NGO called Patriots Ghana whose mission is to promote civic participation through community service and economic empowerment. Through a mixture of snowball sampling and their connections in the community, NGO staff assisted researchers in recruiting local elites from a variety of occupational and educational backgrounds in the fishing village. Examples of interviewees included local government officials, religious leaders, and clinicians. The twenty-two interviews were semi-structured, and all but one was recorded.

Of the twenty-two interviewees, sixteen were male, twelve were married, twelve were educated at the university level, and thirteen were under forty years old. The occupational breakdown of interviewees was: seven NGO workers (32%), six religious leaders (28%), five assemblypeople (23%), two community leaders (9%), and two healthcare professionals (9%). Researchers designed the interviews after an extensive review of literature regarding both child labor and family planning in Ghana in collaboration with community partners and adjusted them after interviews with a sample group from the host NGO. In these interviews, researchers asked questions regarding perceived access to contraception and how families account for limited financial circumstances.
in household decision-making. The interviewers assessed views surrounding local prevalence and conceptions of child labor. All interviews were conducted in-person during summer 2017.

After interview completion, researchers used recordings to transcribe interviews and checked the transcriptions against handwritten notes taken during the interviews. They then developed a coding matrix by which they qualitatively coded the interviews. Although the sample size is limited, the research team examined response frequencies and descriptive statistics. Further, they compared interview responses from NGO staff based in a large neighboring town with interviews of local elites in Senya-Beraku.

Limitations

As foreign researchers, language barriers impeded direct communication with research participants. Despite using local translators, participants were at times hesitant to disclose the challenges their communities faced and would often try to use English to accommodate the researchers, despite not having sufficient fluency to fully answer the interview questions. This barrier was partially mitigated by the presence of translators to assist with interpretation of idioms and vernacular challenges, even for interviews conducted primarily in English. For example, one community leader answered a question about ideal family size by saying that 100 children would be the maximum acceptable size. The translator got the same response after multiple attempts at clarification. This response was removed from descriptive statistical analysis because of its status as an extreme outlier.

Similarly, the snowball sampling strategy was employed by a field assistant for Patriots Ghana, an NGO known to promote reproductive health rights and advocate against child labor. While the perception of this NGO may have influenced the recruited participants, we believe this limitation was curtailed because of the community status of the field assistant: he was a fixture in the community before he began working with Patriots Ghana, so participants knew him as a community member more than as an NGO employee.

Demographically, this project was limited by the gender imbalance of community stakeholders. While the majority of healthcare workers in the sample were women, religious and political leaders in the community were overwhelmingly men. This imbalance biases

“While the majority of healthcare workers in the sample were women, religious and political leaders in the community were overwhelmingly men.
the responses in favor of a masculine perspective, especially for questions about reproductive health. Further, existing data on the fishing village was limited, as the only major health and demographic survey was conducted by the Ghanaian government in 2014. Additionally, researchers found response rates to be much lower when asking about contraception and family planning than when asking about family size and child labor. This could be because of the stigma associated with contraception, particularly given the researchers’ aforementioned outsider and perceived elite status.

Findings

Family Size

Researchers began interviews by inquiring about the current size of the interviewee’s family and the ideal size of a family in the village. The mean number of children for interview respondents was 2.7 children. However, after removing the ten unmarried respondents—only one of whom had children—the mean for the remaining twelve respondents was 4.4 children. The mean ideal number of children for married respondents was only 3.6 children (as compared to mean ideal number of children for unmarried respondents at 3 children). This suggests that project respondents chose to have more children than they said is ideal for a family living in the research village. This could result from some interviewees, specifically those from the host NGO, not living in the research village, as customs and social norms differ substantially between villages or regions, or from the elevated social status of local elite interviewees.

Further, NGO workers had a mean of .14 children as compared to a mean of 3.9 children in their village counterparts. This is likely accounted for when marital status is considered; only one of seven NGO workers was married as compared to eleven of fifteen community members. However, it is interesting that NGO workers, regardless of marital status, held a mean ideal family size at 2.8 children while community members viewed mean ideal family size to be 3.6 children, in comparison to the actual average of 5.2 children per woman at the end of her childbearing years. A statement from a religious leader suggests that social pressures encourage respondents to have more children than they ideally would, as people tell families with only two or three children that their children will be “lonely.”

One reason for large Ghanaian family sizes is elder care. Aging parents expect their children to act as caretakers, reinforcing the idea that large families have a higher chance of children being successful enough to care for their
elderly parents. This perception was reflected in community observations as well as in formal interviews. As explained by one interviewee, “When you’re old, children will take care of you.”

Further, interviewees and extant literature support the idea that patriarchal power dynamics contribute to large family sizes in Ghana. In practice, women keep having children with their husbands to prevent their husbands from having children with other women. A religious leader interviewee exemplified such attitudes through a story he told about a man in his congregation. When the man’s wife only gave birth to one child in five years, the woman was classified as “barren” by his extended family, and the man was encouraged to have children with another woman.

While it may be expected that this power dynamic would contribute to short birth intervals, this does not necessarily seem to be the case. Interviewee responses reflected a mean ideal birth interval of 2.7 years for a family in this village. The relatively small standard deviation of .96 years and variance of .93 years are reflected in the fact that 86% of respondents thought that two or three year intervals were best. Responses were fairly consistent between nonprofit workers’ mean response of 2.6 years and community members’ mean response of 3.0 years.

Given that 76% of respondents mentioned finances as a factor that families should take into consideration before deciding to have another child, it seems paradoxical that family size in this research village is so large when financial resources are so limited. Other factors to consider cited by interviewees included emotional considerations (mentioned by 29%), religious considerations (mentioned by 33%), medical considerations (mentioned by 33%), and educational considerations (mentioned by 29%).

Interviewees reinforced the importance of finances in family decision making when asked about which factors contribute to families choosing if children should go to school or work. Interviewees explained that extenuating circumstances like crippling poverty force parents to make strategic decisions to employ one child so that his siblings can eat or go to school. As such, 85% of respondents cited finances as a factor to consider in this decision. Financial considerations stood far above the rest, as other considerations like child age (15% of respondents), child choice (15%), and child gender (10%) were less representative than expected in our sample.

The prevalence of young children working in Central Region, Ghana, exemplifies the effect of these factors. Interviewees identified the mean age of children beginning work in the village as 8.1 years (SD = 3.6). The most
common types of work done by children in the village outside the home, as reported by respondents, includes selling goods (mentioned by 82% of interviewees), fishing (73%), agricultural work (23%), and fetching water (9%).

Family planning

When asked about the definition of family planning, 55% of respondents spoke about birth spacing (also referred to as birth intervals). Further, 55% referenced a family’s ideal number of children as being a part of family planning. 30% spoke of family planning as a mindset, whereas 20% viewed it as a mechanism. Without being directly asked, 56% of interviewees mentioned the importance of partner communication in family planning.

When asked how community members in this fishing village learn about family planning, interviewees spoke of hospitals (referenced by 50%), education by community nurses (43%), advertising (29%), talks in schools (29%), and word of mouth (7%). While religious leaders interviewed spoke of educating their congregations on issues of family planning, no interviewees mentioned this as a source of community knowledge. Further, general community perception suggests that family planning is rarely addressed in religious settings. This suggests that such education, if present, is highly ineffective.

Data suggest that 75% of respondents believe contraception is highly accessible in the research village. However, 82% went on to say that community perceptions of contraception are mixed or negative.

As such, general community perception was that while contraception may be technically available, it is rarely utilized in marriage. Interviewees cited religious reasons, fear of side effects, perceptions of contraception causing unfaithfulness in marriage, or fear of promiscuity as contributing factors to this stigma. Specifically, when asked about the actual availability of contraception within the village, 64% of respondents mentioned a contraception stigma, 18% mentioned cost, and 27% mentioned lack of knowledge of contraception. It is worth noting that most interviewees who mentioned stigma and lack of knowledge spoke of these factors as barriers to availability, whereas the low cost of contraception was often mentioned by the interviewees who view contraception as accessible.

According to our interviewees, perception and utilization of family planning varies widely between generations. One interviewee explained that older
couples prevent pregnancy through utilization of the rhythm method and abstinence, while younger couples, being more promiscuous, use methods such as chemical birth control and condoms. Another interviewee, a religious leader, spoke of the effect of the contraception stigma on his behavior: as a member of the clergy, he was afraid that purchasing contraception would invalidate his moral standing. Further, this shame is exemplified in our comparatively low response rate to questions regarding contraception. Only 10 of our 22 interviewees responded to our question about reasons for a positive or negative community view of contraception. Of these, 90% identified perceived side effects of contraception as a barrier to utilization. Interviewees spoke of women believing community myths surrounding birth control and fearing irregular menstrual cycles stemming from birth control. One nonprofit interviewee suggested that collectivist culture promotes groupthink by discouraging women to focus on the individuality of health choices. For example, if one woman has negative side effects with birth control, she will tell everyone she knows to avoid it.

Further, both male and female respondents (30%) referenced fear of infidelity as a reason for negative perceptions of birth control. Three interviewees—a nonprofit staff member, a community leader, and a clinician—explained that men believe that their wives will be unfaithful if they are taking long-term birth control. They went on to explain that some women fear that if they refuse sexual advances from their husbands, their husbands will seek women elsewhere.

Men are not only unwilling to allow women to use contraception, but they are also unwilling to use it themselves. Although it did not surface during any of our formal interviews, a Twi phrase often circulated when speaking of condoms roughly translates to, “Why eat the toffee with the wrapper?” Further, one interviewee explained the general Ghanaian male view of contraception:

“Why should I use a condom to protect myself? I’ll use the natural way to protect myself. Because when I’m using a condom to have sexual intercourse with my partner, the way I feel it, it is different from if I do not use a condom to have sexual intercourse with my partner.”

The “natural way” refers to the withdraw (“pull out”) method of contraception. Utilization of this method is particularly dangerous in low-income areas such as Senya, where the financial consequences of unexpected pregnancy can be devastating for already-struggling families.
Child Labor

Perceptions regarding what is considered child labor varied significantly among respondents. When asked about aspects of child labor, respondents pointed to perceived harm to the child (62% of respondents). Further, they referenced child age (57%), child health (29%), and profit gained from work (29%). Many respondents expressed a multifaceted view of what constitutes child labor by referencing more than one contributing factor.

Beyond the definition of child labor, interviewees identified influences that contribute to child labor. Examples of contributing factors include local customs (62% of respondents), religion (29%), peer pressure (24%), and the value of child labor in large families (5%). The value in large families specifically references the aforementioned idea of elder care. Further, 29% of interviewees identified no external community influences on child labor. An example of this is an influential community leader who does not acknowledge the existence of child labor in Senya-Beraku.

Additionally, 81% of respondents identified a relationship between family size and prevalence of child labor. When asked to elaborate on this relationship, 78% referenced financial reasons, 61% emphasized number of children, and 30% made generalized value statements about the types of people who send their children into child labor.

Conclusions/Significance

Community Solutions

Government and NGO public health programs have reduced the shame around family planning by emphasizing the role of child welfare and poverty and the role of birth spacing as parts of the responsible decision-making process for couples. While people can more comfortably discuss the role of family planning, contraception is still associated with promiscuity and is not considered appropriate for genial conversation. Because families do not take advantage of family planning resources, family sizes continue to exceed families’ economic capacities, forcing families to turn to child labor to offset the financial strain of having many children. As long as families lack financial resources to provide for their children, child labor will continue. However, the emphasis on economic solutions may be in part because of the overrepresentation of male interviewees. One of the female NGO workers offered solutions that focused on women’s empowerment and increasing their economic independence, ideas that were not present in responses for more general economic improvements.
This project demonstrates the necessity of further education on both family planning and child labor in the Central Region of Ghana, as well as the importance of increasing scholarly attention to the community perspective on poverty. Of respondents in the current work, 87% referenced education as a potential community solution. Further, 31.3% of respondents referenced economic solutions, and 11.8% of respondents mentioned vocational training. Patriots Ghana has expressed interest in using this research to seek additional funding for programming regarding family planning education from the Ghanaian Ministry of Social Services.

Such education must reach all sectors of the community to maximize its effectiveness. Family planning education is often ineffective because it primarily (or exclusively) reaches women, which is particularly harmful in patriarchal societies in which men hold disproportional power.27 Further, education must reach community leaders. The relationship between religious beliefs and family planning demonstrate the potential impact of educating religious leaders.

A nonprofit interviewee exemplified the impact of such education by speaking of a recent experience with a community member. He explained that the village man refused to use any form of family planning despite pleadings from his wife and peers, but changed his perspective after the staff member encouraged him to think of the future he wanted for his children. Specifically, he chose to use family planning after realizing that he would not be able to afford schooling for his children unless he limited his family size. Peer-to-peer educational methods such as this are emerging, promising practices in the field of family planning education.

Formal education also has a role in this issue. Educated societies promote more accountable and educated governments, have lower rates of poverty, and encourage economic advancement. The education-fertility-reduction hypothesis explains that the more educated parents are, the fewer children they are likely to have.28 Explaining the importance of schooling to village families has the potential to change behavior.

Further, poor infrastructure necessitates vocational training and economic empowerment to enact meaningful change. A nonprofit interviewee summed this up when asked about solutions: “You need to help them have jobs.”
Economic diversification is particularly important to facilitate financial stability in villages like Senya-Beraku, where the economy is primarily dependent on only one industry (e.g., fishing). This could be accomplished through programs such as microloans to female entrepreneurs, a solution suggested by the same nonprofit interviewee.

**Future research**

Future research on this topic could be conducted as a survey with a larger sample size in order to establish statistical correlations between community demographics and perception of family planning and child labor. Further, future research should consider a wider variety of community members instead of limiting itself to community elites, and should consider demographic factors such as gender during the recruitment phase. Future studies should also inquire about interviewees’ religious affiliations in order to allow for statistical comparisons of attitudes toward family planning and child labor between religious traditions. Additionally, future research should continue to focus on Central Region, Ghana to increase local capacity for family planning and prevention of child labor.

**Endnotes**


2 Ibid.

3 Ibid., 79.


7 Ibid., 37.

8 Ibid.

9 Ibid., 35.

10 Ibid., 14.

stable/1049181.


15 Ibid., 632-633.


18 Ibid., 1361.


23 Teye, 703-4.

24 Ghana Statistical Service, *Demographic and Health Survey 2014*.

25 Teye, 701.

26 Ibid., 703-4.

27 Ibid., 707.

28 Ibid., 698.
CASE STUDIES OF
SELECTIVE INCORPORATION

Sarah Warren

Abstract

Selective incorporation played a role in adapting federalist principles to the constitutional standards of post-Reconstruction Era America. This project seeks to determine the extent of that role under Supreme Court Chief Justice Earl Warren by analyzing constitutional jurisprudence before, immediately following, and almost a century after the ratification of the Fourteenth Amendment by focusing on several key cases, including Barron v. Baltimore (1833), Palko v. Connecticut (1937), Robinson v. California (1962), and Griswold v. Connecticut (1965). My analysis indicates that the rulings and chronology of these cases demonstrate the principled, but not flawless, manner in which the Warren Court adapted Federalist ideals into compatibility with the Fourteenth Amendment through selective incorporation.
A topic of lengthy debate about the proper role of the Supreme Court is most often a question of authority, specifically, when is the Supreme Court’s authority legitimate? I find this question most easily addressed using the Warren Court, not because the issue existed exclusively under Chief Justice Earl Warren or ceased immediately following his retirement, but because the Warren Court frequently grappled with this controversy (Marceau 1232). This issue arises when any judiciary exercises or declines to exercise its authority against an act by any other branch of government. The question of the legitimacy and permanency of the Supreme Court’s authority is integral to understanding how America’s federalist origins apply in the twenty-first century. This essay assesses how, when, and why selective incorporation became constitutional jurisprudence as well as incorporation doctrine’s impact on federalism and, ultimately, the way the United States protects the liberties of its citizens.

Selective incorporation holds that the Fourteenth Amendment imposes most of the protections guaranteed by the Bill of Rights equally upon the states (Marceau 1232). Though the idea of applying the Bill of Rights to the states was originally rejected by the Supreme Court\(^1\) as unconstitutional, even after the ratification of the Fourteenth Amendment, eventually the Warren Court\(^2\) incorporated most of the Bill of Rights onto the Fourteenth Amendment through individual cases, or selectively. In doing so, it established a concrete definition for the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment. The Warren Court defined Due Process as the rights enumerated in the Bill of Rights, which set a legal precedent that has carried through *McDonald v. The City of Chicago* (2010).

Even before Chief Justice Warren stepped down in 1969, the Warren Court retreated from its own precedent, straying from the concrete Bill of Rights to the “penumbra” of the document (*Griswold* 484). In doing so, it circumvented the concrete nature of the Bill of Rights and blurred the lines between the expressly stated rights therein—such as the First Amendment right to freedom of speech—and the potential implications of such rights—in *Griswold v. Connecticut* (1965), the right to privacy in the marital bed (“The Bill;” *Griswold* 484). By blurring these lines, the Warren Court increased the power of the Federal Government over the states to a level beyond what is written in the Constitution. If the Bill of Rights is interpreted with its penumbra, this power is entirely within the scope of the Constitution. If, however, one interprets the Bill of Rights in its most literal, explicit sense, this power over the states is extra-constitutional. For example, the literal, explicit interpretation of “due process of law” is a decision by an impartial judiciary after providing reason-
able notice to concerned parties and facilitating an opportunity for them to be heard (Buck 313). With its literal, explicit interpretation of the Bill of Rights, selective incorporation makes Federalist ideals applicable to post-Reconstruction Era America.

To understand why this is true, one must first understand Federalism. According to Justice Antonin Scalia, “[Federalism] is a form of government midway between two extremes. At one extreme, the autonomy, the disunity, the conflict of independent states; at the other, the uniformity, the inflexibility, the monotony of one centralized government. Federalism is meant to be a compromise between the two” (Scalia 19). An extreme Federalist might assert that incorporating any of the Bill of Rights onto the states is unconstitutional. A moderate Federalist might argue that incorporating the penumbra of the Bill of Rights is extra-constitutional. Regardless of the level of radicalism, some level of state sovereignty remains integral to Federalism (Scalia 20; Livingston 81).

The Due Process Clause of the Fourteenth Amendment is the grounds on which specific parts of Amendments One through Eight are incorporated onto the states (Amar 445-446). The Civil War begot the Thirteenth, Fourteenth, and Fifteenth Amendments, which reconstructed the purposes and applications of the constitution. Prior to the ratification of the Fourteenth Amendment, there was no constitutional mandate nor legal precedent for incorporating any federal rights onto the states (Ghosh 95). Nevertheless, the question was brought to the Supreme Court during Barron v. Baltimore (1833), thirty-five years before the ratification of the Fourteenth Amendment. John Barron sued the mayor of Baltimore for depriving him of his property in violation of the Fifth Amendment, which states that no “private property be taken for public use, without just compensation,” (“The Bill”). The State Court ruled in favor of Barron, but the ruling was later reversed by an appellate court. Barron appealed to the Supreme Court, but the Supreme Court sided with the appellate court on the grounds that “[t]he constitution was ordained and established by the people of the United States for themselves, for their own government, and not for the government of the individual states,” (Barron 251). This judgement, delivered by Chief Justice John Marshall, posits that a Federal constitution binds a variety of political bodies in such a way that it predicates the existence of a new body, both distinct and above those which have created it.

The ratification of the Fourteenth Amendment virtually negated Barron v.
because Section One states in part, “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws,” (“The Bill”). The Fourteenth Amendment marked the change from the constitution applying exclusively to the federal government to the constitution applying at a state level, at least in part. This is because the language of the Fourteenth Amendment, which begins, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside,” indicates citizenship at both a state and federal level. The amendment clarifies the relationship between these citizenships by noting the existence of federal rights on which states may not infringe. These federal rights broadly identified in the Fourteenth Amendment are enumerated in the Bill of Rights, specifically in Amendments One through Eight. Therefore, the Fourteenth Amendment demands not only federal protection of those rights, but state protection as well to ensure due process of law.

Still, Justice Marshall’s definition of Federalism was echoed in The Slaughterhouse Cases (1873), a consolidation of three similar cases involving butchers and slaughterhouses. Justice Miller delivered the Court’s opinion on April 14, 1873, just five years after the ratification of the Fourteenth Amendment (“The Bill”):

[The Court’s observation] is, that the distinction between citizenship of the United States and citizenship of a state is clearly recognized and established…. It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a state, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual. We think this distinction and its explicit recognition in [the Fourteenth] Amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several states. (Slaughterhouse 74)

This was the first Supreme Court ruling regarding the Fourteenth Amendment. Just one year later, the Court reiterated this opinion in United States vs. Cruikshank (1867). Chief Justice Waite, who delivered the opinion of the Court, said:
We have in our political system a government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other.” (United States 550)

Under this reasoning, a state could authorize slavery or re-segregate schools because, according to Chief Justice Waite, the rights protected by the states may differ from those protected by the federal government. This directly contrasts with the verbiage of the Fourteenth Amendment. Despite this, Justice Marshall’s original view of state and federal rights held for nearly a century.

Because the Constitution and Bill of Rights were arranged in tandem, the Constitution had only been formally amended twice before the Civil War. The Eleventh Amendment clarified Article Three, Section Two of the Constitution, which gives diversity jurisdiction to the judiciary to hear cases “between a state and citizens of another state.” The Twelfth Amendment replaced the procedures outlined in Article Two, Section One, Clause Three of the Constitution, under which the Electoral College originally functioned (“The Bill;” “The Constitution”). These amendments, though important, focus more on clarifying and improving previously existing procedures than granting rights or prohibiting action. The Reconstruction Amendments following the Civil War, however, made radical changes to not only the function of the Constitution, but to American life. As such, they took much longer to adopt domestically, as evidenced by the Civil Rights Act of 1964, which, in part, reiterated the rights granted to African Americans in the Thirteenth Amendment. Only ten years prior during the Warren Court did the Supreme Court fully recognize American citizens’ Fourteenth Amendment rights, despite the fact that, by 1964, the Constitution had been amended twenty-four times (“The Constitution”).

*Rochin v. California* (1952) began the jurisprudential birth pains of selective incorporation. The case concerned the arrest, stomach pumping, and trial of Richard Antonio Rochin. Police, having “some information that [Rochin] was selling narcotics,” invaded his home, were physically abusive, and forced Rochin to have his stomach pumped against his will to see if he had consumed morphine tablets (*Rochin* 166). The tablets produced were submitted as evidence in a trial without a jury and Rochin was convicted of illegal possession of drugs. Rochin appealed his case on the grounds that his constitutional rights under the Fifth and Fourteenth Amendments of the
United States Constitution were violated and that Article I(1)(13)(19) of the California Constitution rendered forced stomach pumping unconstitutional self-incrimination (People 150). Though the appellate court found that “[the police] were guilty of unlawfully breaking into and entering defendant’s room and were guilty of unlawfully assaulting and battering defendant while in the room,” they upheld Rochin’s conviction and the admissibility of the evidence. As the court wrote, “Illegally obtained evidence is admissible on a criminal charge in this state,” (People 143, 146).

Two years later, in 1952, The Supreme Court voted to reverse the appellate court’s decision. In his concurring opinion, Justice Hugo Black remarked on the violation of Rochin’s constitutional rights—a claim to which appellate court gave no regard:

> The faculties of the Due Process Clause may be indefinite and vague, but the mode of their ascertainment is not self-willed. In each case ‘due process of law’ requires an evaluation based on a disinterested inquiry pursued in the spirit of science, on a balanced order of facts exactly and fairly stated, on the detached consideration of conflicting claims… [In this case,] this is conduct that shocks the conscience.” (Rochin 172)

This statement by Justice Black added “conduct that shocks the conscience” to the definition of violation of the Due Process Clause of the Fourteenth Amendment. By this point in history, the qualifications for a violation of due process stipulated that the right infringed upon must be “of the very essence of a scheme of ordered liberty” and in a manner “that shocks the conscience.” Under this definition, then, “due process” does not require a certain standard of conduct, but rather is a floor beneath which the government may not fall.

As evidenced by nearly a century of jurisprudence, the roots of Federalism were strong in the Supreme Court, despite not only the ratification of the Reconstruction Amendments but also the expansion and centralization of the federal government due mostly to the New Deal (Boone 8). This came to an end, however, during the Warren Court. The Warren Court—or the period between 1953 and 1969 when Chief Justice Earl Warren presided over the Supreme Court—superseded if it did not formally overturn Barron v. Baltimore (1833), United States v. Cruikshank (1876), and Palko v. Connecticut (1952) by consistently ruling that states must preserve the rights enumerated in the Amendments One through Eight by virtue of the Fourteenth Amendment’s Due Process Clause (Kutchel 12).

Alexander Hamilton asserted that the chief function of Justices is to “guard the constitution and the rights of individuals,” as well as preventing “serious oppressions of the minor party in the community” (Hamilton 361–362). Chief
Justice Warren understood that, asserting, “[L]egislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests,” (Reynolds 562). Warren is accordingly remembered as a champion for minority rights in the Supreme Court. Though he was more liberal than his supporters anticipated, under his leadership the Warren Court forged new ground inside an institution that had been dedicated to an outdated interpretation of the Fourteenth Amendment for the last century. It successfully incorporated most of the Bill of Rights onto the states on a case-by-case basis. These included several landmark cases such as Brown v. Board of Education (1954), Miranda v. Arizona (1966), Gideon v. Wainwright (1963), Robinson v. California (1962), and Griswold v. Connecticut (1965).

These were landmark cases not only for their significance in American society, but because they created the first concrete definition of Due Process used by the Court. Rather than relying on vague and subjective criteria as before, the Warren Court defined Due Process as the rights enumerated in the Bill of Rights. This, combined with the Warren Court’s generous manner of incorporating the Bill of Rights onto the states, set a legal precedent that carried until McDonald v. The City of Chicago (2010). In this case, the Court, under Chief Justice John Roberts, held that the Second Amendment right of an individual to “keep and bear arms” is incorporated by the Due Process Clause of the Fourteenth Amendment and applies to the states, clearing up previous confusion (“The Bill”; McDonald 3025).

The Court incorporated most of Amendments One through Eight in a series of decisions such as Brown v. Board of Education (1954), holding that segregation denies equal protection under the law, which incorporated the Fourteenth Amendment’s Equal Protection Clause onto the states (Brown 495). In Miranda v. Arizona (1966), the Court ruled that “the Fifth Amendment privilege…serves to protect persons in all settings in which their freedom of action is curtailed in any significant way from being compelled to incriminate themselves,” (Miranda 467). Not only did this ruling incorporate the Fifth Amendment onto the states through the Due Process Clause, but it demanded the creation of what are now known as “Miranda rights.” The Warren Court’s stance in Gideon v. Wainwright (1963) was that “[t]he] government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts forge new ground inside an institution that had been dedicated to an outdated interpretation of the Fourteenth Amendment for the last century.
are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.” This incorporated the right to a lawyer found in the Sixth Amendment onto the states by virtue of the Due Process Clause (Gideon 344.) In Robinson v. California (1962), the Court struck down a California law that criminalized addiction to narcotics, rather than one “which punishes a person for the use of narcotics, for their purchase, sale or possession, or for antisocial or disorderly behavior resulting from their administration,” (Robinson 666). In more colloquial language, the law forbade the state of being addicted to narcotics, rather than a form of behavior such as possession. Robinson v. California (1962) was the first time the Supreme Court ruled that the Eighth Amendment prohibits criminalization of specific acts or conduct, rather than prohibiting the use of a specific punishment for a crime.

The Warren Court recognized the Fourteenth Amendment’s mandate that the states must protect citizens’ right to “due process of law,” (“The Bill”). The Warren Court also recognized that “the faculties of the Due Process Clause may be indefinite and vague,” so the Court used the rights enumerated in the Bill of Rights to establish a definitive and concrete definition of due process (Rochin 172). Consequently, if a state violated a citizen’s First through Eighth Amendment rights, the state violated that citizen’s Fourteenth Amendment right to due process. Therefore, specific federal rights—those in Amendments One through Eight—must be protected by the state government as well as the federal government.

However, the Warren Court strayed from this concrete precedent in Griswold v. Connecticut (1965). The case involved a Connecticut “Comstock Law”—§§ 53-32 and 54-196 of the General Statutes of Connecticut (1958 rev.)—prohibiting the use of any “drug, medicinal article or instrument for the purpose of preventing conception” (Griswold 480). Appellants Griswold and Buxton provided couples with information and prescriptions for contraceptives in spite of the law (Griswold 480). Though the Court conceded that “[t]he association of people is not mentioned in the Constitution nor in the Bill of Rights,” it echoed its ruling in NAACP v. Alabama (1964) that “governmental purpose to control or prevent activities constitutionally subject to state regulation may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms.” This was determined on the grounds that “specific guarantees in the Bill of Rights have penumbras” (Griswold 484; National 307). In simpler language, the Court ruled that, though neither the Constitution nor the Bill of Rights mention a right to
privacy in the marital bed or a right to personal privacy, because the nature of the Bill of Rights was to protect personal liberties and privacies, the right to contraceptives was protected by the penumbra of the Bill of Rights, specifically the First and Ninth Amendments (Griswold 484).

This undermined concrete principles under which the Warren Court made groundbreaking strides toward the protection of civil liberties. Instead of relying on the Bill of Rights to provide a concrete definition of rights protected by the Fourteenth Amendment, the Court returned to the subjectivity of the previous definitions of due process (Rochin 172). It elected to extend the specifically enumerated rights—such as the right to a lawyer, incorporated in Miranda v. Arizona (1966)—into potentially implied rights—in this case, privacy in the marital bed.

The problem is not that the Constitution does not mention privacy in the marital bed, but that the Constitution does not mention a right to personal privacy at all. It could be argued that the right to privacy falls under the protections of the Ninth Amendment; however, the Court’s opinion asserts that privacy in the marital bed is a right derived from express rights, and the Ninth Amendment contributes little to the reasoning of the Court (Griswold 487). One critic states, “It is unfortunate that Douglas does not explicitly describe the precise manner in which he uses the ninth amendment. In listing the amendments that create this zone of privacy, Douglas articulates substantive rights for each amendment except the ninth,” (Rhoades 155). Then, the question becomes a matter of principle: If one lays claim to an implied, fundamental right that cannot be reasonably inferred from the Bill of Rights, even relying on the Ninth Amendment, how can the Court determine whether the claimed right is fundamental and whether and on what grounds it is protected from abridgment?

A right that is more specific than its justifying amendment—for example, the right to burn a flag, which was held to be protected by the First Amendment right to freedom of speech because flag burning was ruled to be “symbolic speech” in Texas v. Johnson (1989)—is not the same as an implied right. For the purposes of this discussion, an implied right is a right that is not encompassed by any amendment(s), but one that seems to fit within the precedents and patterns set by the Bill of Rights. Perhaps specific implied rights extrapolated from broad amendments—the right to be informed of your rights, for example, as a specific and uniform way to avoid self-incrimination or the right to educate one’s children where they desire by virtue of the First Amendment—can be objectively and reasonably interpreted. The problem with Griswold v.
Connecticut (1965) is that the decision extrapolates a broad right from specific rights.

In the judgement, Justice Douglas asserts, “The association of people is not mentioned in the Constitution nor in the Bill of Rights. The right to educate a child in a school of the parents’ choice—whether public or private or parochial—is also not mentioned. Nor is the right to study any particular subject or any foreign language. Yet the First Amendment has been construed to include certain of those rights,” (Griswold 482). This changes the matter from a question of law to a question of precedent. In short form, must the Court adhere to the precedent it has set, even if that precedent is potentially flawed?

In his reasoning, Justice Douglas references cases such as Pierce v. Society of Sisters (1925), Meyer v. Nebraska (1923), Sweezy v. New Hampshire (1957), Barenblatt v. United States (1959), and Baggett v. Bullitt (1964). The issue herein is the nature of these cases, which extrapolate specific rights from the First and Ninth Amendments. The precedent set by these cases is that the First Amendment right to freedom of speech, press, and assembly also includes the right to acquire the means necessary to fully exercise these rights. The discrepancy here is that while it may be argued that there is a moral right for parents to control how their child is raised under the Ninth Amendment, there are, in the case of Pierce v. Society of Sisters (1925), specific First Amendment grounds for protecting the parents’ right to decide how their children are educated, because for the press to be free and for speech to be free, information must also be free. Though the majority opinion of Griswold v. Connecticut (1965) asserts that, “the First Amendment has a penumbra where privacy is protected from governmental intrusion,” the problem with such reasoning, when it is put in the context of the judgment, is that the Warren Court itself created this penumbra.7

This calls into question the validity of Griswold v. Connecticut (1965). “A legitimate Court must be controlled by principles exterior to the will of Justices,” and we have already raised the question of flawed precedent (Bork 7). The Court asserts that the principle of the case “concerns a relationship lying within the zone of privacy,” (Griswold 485). Assuredly, the Court will not apply this principle neutrally—that is, “exterior to the will of Justices,”—because we can confidently assert that the Court will not provide constitutional protection for the use of illegal substances8 or sexual activity with a consenting minor.9
If, however, we narrow the principle to a married couple’s zone of privacy, we still face the question of neutrality. Does the principle apply to married couples with separate living arrangements? Does it apply to sexual partners living together? If not, why not? If we narrow the principle even further to the use of contraceptives between a married couple, then the question arises why, of all forms of behavior, are contraceptives singled out?

As one source states:

If a neutral judge must demonstrate why principle X applies to cases A and B but not to case C… he must, by the same token, also explain why the principle is defined as X rather than X minus, which would cover A but not cases B and C, or as X plus, which would cover all cases A, B and C. Similarly, he must explain why X is a proper principle of limitation on majority power at all…If he may not choose lawlessly between cases in applying principle X, he may certainly not choose lawlessly in defining X or in choosing X, for principles are after all only organizations of cases into groups. (Bork 7-8)

It is not the ruling of *Griswold v. Connecticut* (1965) that has the potential to shift jurisprudence away from the Federalist roots of American government, but rather the reasoning behind the majority opinion and Justice Goldberg’s concurring opinion. Scholars pose that privacy in the marital bed is the first substantive right recognized under the Ninth Amendment (Rhoades 155). This amendment was written by James Madison, in response to his own and other Federalists’ fears that, if they named specific rights—the right to freedom of speech, to keep and bear arms, etc.—and forgot to name something important—like, perhaps, a right to privacy in the marital bed—that that right would become insecure in the hands of the government (“I Annals” 439). On what grounds, Federalists asked, can we expect the government to protect unlisted rights if we make a point to list several? The ratification of the Ninth Amendment, which reads, “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people,” quelled these fears (“The Bill”). What rights the people may maintain and the grounds on which they maintain them, however, remain a mystery.

The verbiage and usage of this amendment create an opportunity for a heavy-handed handing out of rights by the Court. Though in his concurring opinion to *Griswold v. Connecticut* (1965), Justice Goldberg argues, “I do not see how this [interpretation of the Ninth Amendment] broadens the authority of the Court; rather it serves to support what this Court has been doing in protecting fundamental rights,” he fails to mention what these fundamental rights are and on what grounds they are protected (*Griswold* 493.) While it would be easy to strike down an absurd claim—such as the freedom to only
recognize laws that fit one’s personal agenda as being a fundamental right—the need for a concrete means of determining rights becomes evident when claims become more realistic and therefore nuanced.

In *Griswold v. Connecticut* (1965), Justices Black’s and Stewart’s dissents “look to the longstanding principles of Federalism,” that is, the Bill of Rights, as a concrete means to determine and infer fundamental rights (Rhoades 158). Justice Stewart asserts, “The Ninth Amendment [was] adopted by the States simply to make clear that the adoption of the Bill of Rights did not alter the plan that the Federal Government was to be a government of express and limited powers, and that all rights and powers not delegated to it were retained by the people and the individual States,” (*Griswold* 529-530). Such reasoning is perhaps more concrete than that of the majority opinion, but does not negate the problems that strict Federalism, at its core, poses to twenty-first century America. Perhaps, when there were only thirteen newly united states, these isolated mini-republics could function well together as “social laboratories,” where each state was left to decide matters such as pornography, segregation, and contraception on its own (*Roth* 505). It is, however, unlikely if not impossible that such a system is viable in twenty-first century America. As Justice Antonin Scalia writes, “[Federalism] is a form of government midway between two extremes,” (Scalia 19). Achieving this balance, however, is more easily said than done.

The question, specifically, is which regression—the majority opinion, which returns to a subjective definition of due process, or the dissenting opinions, which return to an outdated application of Federalism—is more harmful to civil liberties? Cases such as *Palko v. Connecticut* (1837) and *Griswold v. California* (1965) demonstrate dangerously subjective definitions of due process, which, if re-adopted in full, supersede the nuance of many of the Warren Court’s decisions. Decisions such as *Barron v. Baltimore* (1833) and *United States v. Cruikshank* (1867), however, demonstrate the dangers of adhering strongly to Federalist interpretations of the Bill of Rights in post-Reconstruction Era America.

The only conclusions that can be drawn, therefore, must be as nuanced as those of the Warren Court. Neither the extreme conservatism of Federalism nor extreme liberalism are conducive to a just and free nation. Though many argue that the Warren Court’s incorporation doctrine decreased the power of the states, I argue that, prior to *Griswold v. Connecticut* (1965), it actually strengthened the rights of the states, the hallmark of Federalism, by protecting more of the rights of the citizens that made up those states. Selective incorporation adapted the states’ rights-centric ideals of Federalism to the realities
of post-Reconstruction Era America. Selective incorporation was a necessary process, not only by virtue of the Fourteenth Amendment, but because it produced a more unified and subsequently more just nation, as evidenced by rulings such as *Rochin v. California* (1952) and *Brown v. The Board of Education* (1954). Incorporation of the penumbra, however, in its current unspecific and subjective state, could undermine the scheme of ordered liberty the Warren Court so thoroughly created by providing the Bill of Rights as a concrete means to define due process. Still, *Griswold v. Connecticut* (1965), though arguably bad law, is a small stain on an otherwise revolutionary legacy. By and large, the Warren Court represented the balance Justice Antonin Scalia said Federalism was meant to be (Scalia 19). By distributing to citizens the rights to which they were already entitled via the Fourteenth Amendment to the Constitution, the Warren Court not only made leaps and bounds for the state of Federalism in twenty-first century America, but for civil liberties and human rights.

Endnotes


2 Refers to the Supreme Court under Chief Justice Earl Warren (1953-1969.)


4 *Rochin v. California*. 342 U.S. 165 (1952)

5 Eisenhower remarked several times that making Warren the Chief Justice was a mistake. These remarks were most likely in regards to Warren’s rulings on criminal cases, not *Brown v. Board of Education* (1954). See David. A. Nichols, *Matter of Justice: Eisenhower and the Beginning of the Civil Rights Revolution* (2007) pp 91-93.

6 *District of Columbia v. Heller* held that the Second Amendment protects an individual’s right to possess a firearm for “traditionally lawful purposes,” such as self-defense within the home. It did not address, however, whether these rights extend beyond Federal enclaves to the states. *McDonald v. Chicago* (2010) clarified this.


8 Though the Court struck down legislation in *Robinson v. California* criminalizing addiction to narcotics, it did so on the grounds that the law extended beyond regulation or possession of narcotics and stated, "All that the People must show is either that the defendant did use a narcotic in Los
Angeles County, or that while in the City of Los Angeles he was addicted to the use of narcotics.”

Some jurisdictions have passed “Romeo and Juliet Laws,” which, while maintaining sex when one partner is under the age of consent as criminal, mitigate the severity of the charges depending on consent, the age difference, and other relevant factors. See the Texas Penal Code, Section 22.011(e).

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THE ECONOMIC IMPACT OF ASYLUM MIGRATION IN SWEDEN

Brian Austin Westergom

Abstract

This paper analyzes the economic impact that migration imposes on Sweden's economy. Previous research calculates various economic impacts of immigration on a country through multiple approaches, therefore a combination of fiscal factors from previous studies will serve as the basic method of research. After reviewing previous work, an analysis of current Swedish migration, including a breakdown of the scale and demography of the incoming immigrants, will serve to indicate relevant factors that could have an effect to total public costs. The 'demographic factors' identified in this population are then attributed to specific government programs that will incur the actual public cost to the Swedish economy. Finally, these factors are analyzed to determine the impact of migration to Sweden's economy in the form of government budgeting, labor status, the effect on GDP, and other macro indicators of Sweden’s overall economic stability.
I. Introduction

Sweden now receives six times the number of asylum applications each year than the total number of immigrants they allowed into the country in all of 1990 (Econ. Unit 2016). Asylum seekers cite war or oppressive government, family reconnection, or human rights violations as reasons for migration. Subsequently, the Swedish government has passed legislation to cease acceptance of asylum seekers. The steady increase in applicants and decline following the drastic halt in 2016 compared to their overall population are illustrated in Table 1.

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<td>9,415,570</td>
<td>29,650</td>
<td>.315</td>
</tr>
<tr>
<td>2012</td>
<td>9,482,855</td>
<td>43,855</td>
<td>.462</td>
</tr>
<tr>
<td>2013</td>
<td>9,555,893</td>
<td>54,270</td>
<td>.568</td>
</tr>
<tr>
<td>2014</td>
<td>9,644,864</td>
<td>81,180</td>
<td>.842</td>
</tr>
<tr>
<td>2015</td>
<td>9,747,355</td>
<td>162,450</td>
<td>1.667</td>
</tr>
<tr>
<td>2016</td>
<td>9,851,017</td>
<td>28,790</td>
<td>.292</td>
</tr>
</tbody>
</table>

(Eurostat 2016a, Asylum and first time asylum applicants—annual aggregated data)

Researchers disagree about the fiscal impacts that large scale asylum migrations have on a country. Low migrant labor force participation rates and government programs, including asylum supports, education, and healthcare, are commonly cited costs of asylum immigration. Other research claims that the aforementioned costs do not outweigh the benefits of asylum migration. Regardless, the public costs of immigration are heavily influenced by the demographics of the population migrating into the country. Asylum seeking migrants are the primary focus of this paper due to the drastic increased influx of these individuals leading up to 2015 and the subsequent political response that Sweden and all of Europe made toward the asylum-seeking system. Additionally, asylum seekers make up the largest influx of migrants entering Sweden; therefore, these individuals have a large economic effect.

Section II summarizes previous studies that determine the economic impact of immigration on a country through multiple approaches. Combined fiscal factors selected from this research will guide the current analysis of migration.
into Sweden. Section III contains trends in migration, including a breakdown of the scale and demography of the incoming asylum-seekers. ‘Demographic factors’ are identified in section IV from this population and are associated with specific government programs that incur public cost to the Swedish economy in section V. Finally, the public costs identified in section V are analyzed to predict a potential effect to Sweden’s overall economic health in section VI.

II. Previous Research

Scholars reach differing opinions regarding the economic effects of immigration. Employers believe immigrants contribute foremost through tax payments and to the economic growth and public revenue sector of Sweden’s economy (Johansson 2014 p.113). This positive relationship between an employer and their outlook of immigrant economic contribution points to a positive relationship where public costs are not increased. However, Economist Jan Ekberg suggests that the net contribution of immigrants entering the Swedish economy is less than 1% of Sweden’s total GDP for the year (Ekberg 2011, p.117). Ekberg’s results come from measuring the often overlooked figure of public expenses versus public revenues after the new population of immigration has been accounted for (Ekberg 2011). This suggests that immigration has a relatively insignificant cost when compared to the overall GDP of Sweden.

Robert Rowthorn, Professor of Economics at the University of Cambridge, developed a method to measure the net impact that large migration will have on a country. Rowthorn detailed one of his most recent versions of his advanced economic analysis in the *Oxford Review of Economic Policy*. The article, titled “The Fiscal Impact of Immigration on the Advanced Economies,” describes the relationship between the labor skill level of a migrant and their final contribution to the GDP of an advanced economy. Rowthorn eventually comes to the same conclusion as Jan Ekberg: immigration only affects a country by less than 1% of GDP (Rowthorn 2008, p.560). Although immigration can affect a country in some economic capacity, this research strongly indicates that the effect of immigration on the countries overall GDP will remain minimal. Kjetil Storesletten’s net present value model has cost predictions that outweigh the approaches of Ekberg and Rowthorn, however, and this highlights that the effect on the Swedish economy could have larger costs associated with incoming migrants of specific demographics. Storesletten’s cost projections indicate greater economic impact than previous research, especially because current data indicates asylum migration is at historic levels (see Table 1) and consists of demographics that are not conducive to positive economic stimulation.
A set of ‘demographic factors’ that have been identified to incur economic effects have been developed and are as follows: age structure, temporal migration, fertility, and emigration. These factors, developed primarily from Rowthorn’s approach, have been attributed to specific government programs to analyze the public costs of immigration on Sweden. Rowthorn’s model is tailored towards data from the UK; therefore, Swedish data will be based on previous researchers Ekberg and Storesletten and external data sources, including OECD, The Official Statistics of Sweden, and the European Statistical System (Eurostat).

III. Migration Trends

Defining an ‘immigrant’

Throughout this paper, the term asylum-seeker, migrant, and immigrant have all been used to describe members comprising the population influx into Sweden. Despite this, the nomenclature of “asylum-seeking” population of immigrants is distinct from refugees, migrants, and traditional immigrants because this group received legislative restriction after a historical number of asylum-seeking applications in 2015. This paper focuses on asylum-seekers, and, as such, it is vital to define the term separately. The Guardian published the distinctions between the variations of migrant as follows:

Migrant: “someone who moves from one place to another in order to live in another country for more than a year”

Refugee: “a person who has fled armed conflict or persecution and who is recognized as needing of international protection because it is too dangerous for them to return home”

Asylum Seeker: a special case of refugee in which “States are under international obligation to consider claims for asylum and not to immediately return asylum seekers to the countries they have fled from. The refugee convention states that they must be given access to fair and efficient asylum procedures and measures to ensure they live in dignity and safety while their claims are processed” (Travis 2015, p.1-3).

Despite past research suggesting that the effect of immigration on the overall country’s GDP is minimal, migration can still affect a country’s economy if it is occurring at an unprecedented pace. As such, it is crucial to determine whether the country is truly undergoing a migration boom. The European Statistical System (Eurostat) uses 2011 census results which suggest a large portion of Sweden’s population consists of immigrants. In fact, Table 2 shows that 1.3 million of Sweden’s 2011 population of 9.4 million are first generation immigrants (Eurostat 2011).
A report predicted the percentage of foreign born Swedish residents to increase from 13% in 2011, which is reflected in the chart above, to 18% by 2050 (Statistics Sweden 2006, p.72). The Nordic Business Report cited studies that poll public discontent with immigration at over fifty percent of the population in response to the increased influx of immigrants (2003). In addition to asylum-seekers, the total number of people immigrating in general to Sweden in the year 2014 was over 120,000, whereas the total number of people emigrating from Sweden was only 51,000 (Eurostat 2015a). This is one example of a way in which Sweden’s population is being influenced by increased immigration, but it is necessary to note the previous numbers only reflect the standard immigration into Sweden—including highly qualified immigrants that have contributed to Sweden’s welfare system for years and account for only < ±1% of an effect on total GDP (Ekberg 2011, Rowthorn 2008).

As previously stated, a new wave of migrants called “asylum-seekers” poses significant public costs to Sweden’s economy due to their aggressive influx pace in relation to the population of Sweden. The Swedish Migration Agency, Migrationsverket, reported that 163,000 people sought asylum in Sweden in 2015 (Migrationsverket 2016a). These figures make Sweden the most demanded European country for asylum-seekers in absolute numbers. A detailed breakdown of the number of asylum applicants over the past 5 years in Sweden is included in Table 1 and demonstrates a drastic increase in asylum applications.

### Table 2: Census Data for Amount of Population That Has Migrated in Periods

<table>
<thead>
<tr>
<th>Period of Arrival</th>
<th>Amount of Population</th>
<th>Percent of Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980 to 1989</td>
<td>205,707</td>
<td>2.461</td>
</tr>
<tr>
<td>1990 to 1999</td>
<td>334,843</td>
<td>3.836</td>
</tr>
<tr>
<td>2000 to 2009</td>
<td>588,596</td>
<td>6.511</td>
</tr>
<tr>
<td>2010 to 2011</td>
<td>186,846</td>
<td>1.984%*</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,315,992</strong></td>
<td><strong>13.976%</strong></td>
</tr>
</tbody>
</table>

*(Eurostat 2011, Census Data on Time of Arrival into Sweden)*
It is important to notice a few demographic factors of the 163,000 seeking asylum to Sweden in 2015. In 2015, 35,250 of these applicants were minors; this is an increase from 7,045 in 2014 (Eurostat 2016b). This is important because it relates to the contribution of the migrant population to the labor market; children are unlikely to contribute to the labor market of a country if they are unaccompanied and carry additional costs, such as access to Sweden’s comprehensive education system. To further compound the problem, a study in Denmark published that 72% of asylum-seekers claiming to be minors were over the age of 18 (Carlqvist 2015). The additional factors accompanying minor asylum provisions are greater than that of a typical asylum seeker, and fraudulent applications that lead to increased incentives causes unforeseen costs. Additionally, 43,000 immigrations stated ‘family reunification’ as their migration reason, making it the most common factor for allowing entry (Migrationsverket 2016a). This means that more than half of migrants cite ‘family reunification’ as their reason of entry (Eurostat 2016b). The concentration of asylum applicants from areas of conflict increased drastically towards the end of 2015. The countries of Syria, Afghanistan, and Iraq had noticeable jumps in the number of asylum applications, as demonstrated in Graphic 1 (Migrationsverket 2016a).

Graphic 1: Amount of Asylum Seekers Entering Sweden in 2015 by Country (Monthly)

(Migrationsverket 2016a, Most common nationalities among asylum-seekers in 2015 by month)

The Swedish Migration Agency (Migrationsverket) published a detailed report of the asylum application process. This report revealed that of the 149,028 applicable asylum applications in 2015, only 34% were rejected (Caritas Sweden 2016). Of the incoming applications, Syria represented the greatest number of applicants by a large margin with 48,276 asylum-seekers; a minimal
6.3% were rejected in 2015 (Caritas Sweden 2016). Although Rowthorn and Ekberg have shown immigration to have a minimal, 1% effect on a country’s GDP, with levels of migration that top Europe and double historical data, the full effect of asylum-seeking migration into Sweden may have a significant economic effect.

Demographic Factors

Robert Rowthorn (2008) details four demographic factors that need to be accounted for when calculating impact of immigration on a country’s economy. These factors are as follows:

i. Age structure
ii. Temporary Migration
iii. Emigration
iv. Fertility

These factors are important because they will affect specific government programs that affect the Swedish economy.

Age Structure

The average age of a population relies on the birth and death rate of the country. This age often indicates how younger populations can contribute positively to the labor force and therefore have more ‘high skill’ workers (Rowthorn 2008, p.561). One factor which needs to be considered when calculating the average age of a population in Sweden is how the wave of 163,000 asylum applications consists of 35,400 unaccompanied minors; this is not including the over 40,000 asylum applicants that came as part of a family (Migrationsverket 2016a). These migrants will be far from ‘high skill’ workers and unless they leave the country prior to using governments assistance, they will negatively affect the fiscal status of Sweden in the short run. Sweden is currently experiencing a labor shortage, with job vacancy per available employee well over 1 for the past year, and as high as 2.5 openings per potential employee in 2015 (Eurostat 2016c). This is partly since the age of the population of Sweden has been increasing steadily and does not appear to be slowing down. Jan Ekberg predicts that the percentage composition of Swedish citizens 65+ to increase from 20.5% in 2015 to 22.4% in 2025 (Ekberg 2011, p.109). Additionally, the Official Statistics of Sweden predicts similar trends, indicated in Graphic 2.
An increase in age of the population indicates increased fiscal responsibility of the Swedish government in the long run. An aging population also suggests a reduction in the labor force participation rate; both of these factors negatively impact the economy of a country experiencing increased levels of migration and a labor shortage (Statistics Sweden 2008, p.9). Eurostat data indicates that 71,890 of the 162,450 asylum applications are under the age of 17 or over the age of 65, with a rate of 44.25% non-labor force composition. Just under 70,000 minors make up the asylum-seeking population. According to this data, it is primarily minors entering Sweden; this will incur a significant cost to the comprehensive education system of Sweden.

**Temporary Migration**

If a migrant returns home or moves out of the country before they begin to draw government assistance greater than their fiscal contribution to the economy, they are not a significant burden to the overall GDP of a country (Rowthorn 2008, p.563). Eurostat data indicates that only 19,161 of the total 51,237 emigrants out of Sweden in 2015 are Swedish Nationals (Eurostat 2015a). This indicates that there are many foreign-born citizens who emigrate out of Sweden after only living there for a specified time. These migrants have far less of an effect on the economy in the long run because they draw on government assistance for a smaller amount of time than traditional immigrants. Although emigration and temporary migration are low in Sweden, they incur costs by eliminating workers who pay into public taxes and stimulate
economic growth. These contributors are typically high-skilled workers who are either educated or specialized. The low number of temporary migrants that are Swedish nationals thereby indicates their tax contributions are low.

**Emigration**

Data indicates that emigration has remained steady in Sweden, around 50,000 since 2010 (Eurostat 2015a). This is alarming, because data indicates that traditional immigration into Sweden has increased from 98,801 in 2010 to over 130,000 in 2015, while emigration only increased by around 2,000 (Eurostat 2015a). The immigration/emigration trends in Sweden from 2005–2015 are plotted in Graphic 3 (Eurostat 2015a).

**Graphic 3: Immigration and Emigration in Sweden from 2005–2015**

![Image](image)

(Eurostat 2015a, Emigration and Immigration Statistics for Sweden)

As the above chart demonstrates, immigration in Sweden has trended upwards, whereas Swedish emigration has remained relatively constant. This supports data indicating that Swedish population is increasing due to immigration; the percentage of population that have migrated during their lifetime support this. Data indicates that of the 55,830 who emigrated out of Sweden, less than 3,000 were over the age of 65; this implies that retired Swedish citizens are a small portion of the citizens leaving the country (Eurostat 2016d). Although emigration out of Sweden may seem like a valve to release the pres-
sure of Asylum-seekers, the population exiting is comprised of a working-aged as opposed to the age group represented by asylum-seekers. These emigrants are desperately needed for the labor force, thereby causing a labor shortage in Sweden.

**Fertility**

Fertility determines whether a country is growing at a rate that it can withstand. The replacement fertility rate (birth rate required to keep a steady population) in Sweden is currently 2.1 children, and the fertility rate was calculated in 2005 to be only 1.77 (Statistics Sweden 2008, p.35). This means that without immigration, the population of Sweden will decrease. The fertility rate is important for understanding how immigration replenishes Sweden's population. Data on the demographics of the immigrant population coming into Sweden from 2013 suggests that of the 120,000+ traditional non-asylum-seeking immigrants, roughly 12% are females from age 20-30 (Eurostat 2015a). Additionally, of the asylum-seekers entering Sweden, only 29.2% are women (Caritas Sweden 2015). The unintended consequences of allowing a large population of asylum-seekers consisting of primarily males, specifically from regions of conflict, are unknown. A shortage of women could amplify problems in the short run if many asylum-seekers who apply under ‘family reunifications’ now intend for their families to join them in Sweden. This is cause for concern because it is supported by the large number of males and unaccompanied minors comprising the asylum-seeker applications.

**V. Public Costs**

The demographic factors developed affect spending on specific governmental programs. The net effect asylum-seeking migration has on these programs will be reflected by the overall Swedish economy.

**Education**

The current policy in Sweden states that asylum-seeking children have full access to education and to ‘great extent’ are integrated into school (Caritas Sweden 2015, p.44). Data indicates that the number of applicants under the age of 14 applying for asylum application increased from just over 15,000 to over 34,000 applicants from 2014 to 2015 (Eurostat 2015c). This is an indication that the public cost of education in Sweden will rise in the short run in response to the rapidly increasing number of asylum-seeking children entering their education systems. A report in 2008 determined that the total number
of students enrolled in compulsory school was 962,349 for a total cost of SEK 74,056 million, or 2.85% of GDP (Sweden Abroad 2008). This does not include preschool, upper secondary school, or adult education, which would bring the total portion of GDP to just under 5%. Additionally, the report states that the cost of placement and education for a student attending compulsory school is around SEK 112,000 (Sweden Abroad 2008). This creates an additional public cost of SEK 3.8 billion for the 34,000 new asylum-seekers that are under the age of 14 and require some amount of compulsory school. Even if they do not require a complete compulsory school experience, this is offset by the higher preschool, adult education, and upper secondary education costs that are available to asylum-seekers but not currently being included in the estimation. The additional public costs associated with providing asylum-seeking children are enormous due to the large influx of asylum-applicants that Sweden experiences. The report also mentions that 68% of funding for Sweden’s education system comes from tax revenue, while another 16% comes from government grants and the rest from fees and other revenues (Sweden Abroad 2008).

**Asylum Accommodations and Compensation**

The Asylum Information database published Sweden’s report for 2015 and included a table to compare the amount of money allocated to asylum-seekers entering the country vs. Swedish nationals on welfare, outside of education costs. The results are reproduced in Graphic 4.

**Graphic 4: Costs of Asylum Seekers in Comparison to Swedish Nationals**

<table>
<thead>
<tr>
<th>Category</th>
<th>Asylum seekers</th>
<th>Swedish nationals on social welfare</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single adult</td>
<td>2,130 kr / €226</td>
<td>3,880 kr / €412</td>
</tr>
<tr>
<td>2 adults</td>
<td>3,660 kr / €388</td>
<td>6,360 kr / €675</td>
</tr>
<tr>
<td>1 adult 1 child (aged 2)</td>
<td>3,240 kr / €344</td>
<td>5,970 kr / €634</td>
</tr>
<tr>
<td>1 adult 2 children (aged 2-5)</td>
<td>4,530 kr / €481</td>
<td>9,080 kr / €964</td>
</tr>
<tr>
<td>2 adults 2 children (aged 5-12)</td>
<td>6,160 kr / €654</td>
<td>11,630 kr / €1,235</td>
</tr>
<tr>
<td>2 adults 3 children (aged 2-5-12)</td>
<td>7,020 kr / €745</td>
<td>13,830 kr / €1,469</td>
</tr>
<tr>
<td>2 adults 4 children (aged 12-14-15-17)</td>
<td>8,160 kr / €867</td>
<td>19,450 kr / €2,066</td>
</tr>
</tbody>
</table>

(Caritas Sweden 2015, Asylum-seeker Government Allowance vs. General Welfare)

It is clear from this data that the number of subsidies that asylum-seekers receive is less than the cost of social welfare for a Swedish National by an estimated 50%. The Swedish Migration Agency has published three direct government costs allocated to asylum-seeker as daily compensation, accommodations, and special allowances (Migrationsverket 2016a). The amount that
Sweden must subsidize incoming asylum-seekers negatively affects the Swedish economy in the short run until that immigrant or their family contributes further through tax revenue or economic stimulus.

The age of the incoming 163,000 asylum applicants has become a controversial issue. As previously stated, of the 163,300 asylum applicants, 34,500 are unaccompanied minors. However, many of these ‘unaccompanied minors’ are actually not the age that they claim to be. In fact, a survey in Denmark found 72% of asylum-seekers claiming to be minors were over the age of 18 (Carlqvist 2015). Similar numbers were reported in Finland and Norway, where an estimated 66% of applicants are claiming to be children, but are actually over 18 years old (Carlqvist 2015). Asylum-seekers are falsifying their applications due to higher levels of government assistance for minors, reduced chance of deportation, and higher rates of application success. Because asylum-seekers are minors, and cannot live in refugee accommodation, their total cost to the Swedish government is estimated around 5000 kr per person per day (Carlqvist 2015). This is significantly higher than the projections released by the Asylum Information Database, which cites the cost of a single non-minors to be only 2130 kr for the entire month. It is important to recognize the true concentration of children in the migrant population when calculating the impact of this immigration to the fiscal burden on the Swedish government as well as when accounting for the full costs these children will have on Swedish asylum support.

VI. Effect on the Swedish Economy

Effect of Immigration on GDP

Jan Ekberg calculated the net impact of immigration to Sweden’s GDP to be -0.9% using a model that accounted for an aging Swedish population. Ekberg calculated the net contribution to the public sector as a percentage of Swedish GDP by subtracting the net contributions that immigrants made to the public sector by the sum of public expenditures and divided by the current GDP (Ekberg 2011, p.116). This is considered a ‘cash-flow’ approach in which the direct costs and contributions of immigrants are accounted for, then compared to GDP.

Kjetil Storesletten of the University of Oslo uses a net present value approach that calculates the expected net gain of an additional average immigrant depending on their potential contribution to the labor force (Storesletten 2000, p.315) Storesletten’s model works on the incremental scale to account for workers as they age and is featured in Graphic 4.
Storesletten accounted for a difference in each immigrant’s potential based on their skill level.

The results reveal dramatic differences in fiscal impact across these groups: the net government gain of new immigrants ranges from (-$94,000) for an infant immigrant, conditional on being low-skilled during her entire life, to ($177,000), or 7.0 times annual GNP per capita, for a 40–44-year-old high-skilled immigrant.

Storesletten’s Net Present Value approach measures the government cost of adding one additional immigrant while considering a full range of skill levels and ages. Storesletten found the most frequent age range for a Swedish immigrant would equate to a sizeable loss of SEK -175,000 (Storesletten 2003, p.500). This cost is significantly higher than calculated cost per immigrant using Ekberg’s data, where the cost of an immigrant is only around SEK -20,000 (Storesletten 2003, p.501). When Storesletten’s used Ekberg’s estimations for per immigrant cost, total immigration equates to a burden of SEK 17 billion. This equates to 1.1% of Gross National Product is consistent with Ekberg and Rowthorn’s previous ‘cash flow’ approach (Storesletten 2003, p.501). However, Storesletten suggest that the cost per immigrant, when measured using the NPV model and given parameterization for age and skill level, is a net loss of SEK -175,000 (USD 20,500) per immigrant. If we were to multiply the cost
of an average immigrant given by Storesletten’s approach by the number of asylum-seekers entering Sweden according to Asylum Information Database (roughly 133,000), we have an estimated total public cost of SEK 23 billion for the asylum-seeking migrants alone (Storesletten 2003, p.501).

This paper is not aimed at detailing the net effect of immigration on Sweden’s GDP, but it should be noted that asylum-seeking applicants could contribute a potential public cost in 2015 that is SEK 6 billion higher than the total cost of immigration in 1995. This demonstrates the scale of asylum-seeking migration in Sweden and highlights potential underestimations by Ekberg and Rowthorn’s previous work. If asylum-seeking migration carries a potential cost (using Storesletten’s NPV approach) that is greater than the entire cost of immigration when Ekberg and Rowthorn calculated it to only affect GDP by <1%, then it can be assumed that the total effect on GDP is greater today than these estimations.

**Labor Status**

Sweden, along with Belgium and Bulgaria, leads progress globally on asylum employment policy, mainly because they currently have no restrictions for asylum-seekers looking to enter the labor market (Caritas Sweden 2015). Kjetil Storesletten and Robert Rowthorn both detailed the importance of labor force participation as a major factor determining immigrant cost. Storesletten’s approach uniquely accounts for accepted asylum applicants labor force participation rate and whether they will reach the breakeven participation rate, or the rate at which the net present value of an immigrant is zero. Another way to define the breakeven participation rate is that it is the required labor force participation rate of the incoming migrant population that yields no cost for the Swedish government (Storesletten 2003, p. 501). Storesletten defines the ‘break-even’ rate of immigrant labor participation to be as low as 61% for an immigrant population aged 20-30. A participation rate of over 100% would be required if the immigrant population is over 50 years of age (Storesletten 2003, p.501). This is graphically detailed by Storesletten in Graph 5.
According to Storesletten’s graphic, if the asylum population entering Sweden is of the optimal age range (20-30), they will need to be employed at roughly 0.6 or 61% based on their skill level; the dashed line represents an aggregate of skill levels that correspond to participation rates that will incur zero cost to Sweden’s economy (Storesletten 2003, p. 501). Graphic 5 shows the relationship among different skill levels of workers at all ages, and allows us to infer that low skill workers will always have a negative impact on the economy after the age of just 40. This age is 50 in comparison for high skilled workers and represents the maximum age at which the population of workers can be employed to achieve a break-even participation rate of 1 and incur a zero net cost.

A report stated that fewer than 500 of the record-high 163,000 asylum-seeking population from 2015 had found a job (Fallenius 2016). This indicates that asylum-seekers have a negative effect on Sweden’s economy due to low labor force participation rates. This effect is most notable when referencing the similar costs among asylum-seekers and Swedish Nationals on welfare. Although their costs are similar, the Swedish National has a much higher likelihood for participating in the labor force in the future. In 2015, the employment rate for native Swedish citizens was over 78% compared to the foreign-born employment rate of only 64.2%, despite both rates’ increase over time (Eurostat 2015b). Additionally, the employment rate of citizens over 50 that have immigrated during their lifetime is only 51.1%, far below the required rate to ‘break-even’ using
the NPV approach of determining immigrant cost. Swedish citizens who have immigrated during their lifetime have a harder time entering the labor market and remaining employed; therefore, they are more likely to have a negative impact on Sweden’s economy.

Policy Changes

Sweden has already begun to feel the effects of this increasing immigration. Asylum-seekers are growing tired of long processing times, and the Swedish government has implemented policies beginning in 2013 that offer as much as SEK 38,000 to individuals who will voluntarily return to their country of origin (England 2016). Additionally, Swedish Immigration will accept fewer asylum-seeking applications moving forward, which, combined with longer processing times and a shortage of accommodations, should serve to decrease the number of immigrants (Migrationsverket 2016b). This indicates that Sweden is feeling the negative effects of large scale immigration and is making policy decisions to counteract the effects. These policy decisions are incredibly significant to the asylum-seeking debate because it is effectively validating all the Swedish citizens who expressed concern of recent immigration by having the government publicly end asylum based entry. Additionally, the Swedish government believes that accepted asylum-seekers will have a negative effect of at least SEK 38,000; this confirms that the impact surrounding asylum-seekers is significant.

The first pushbacks from Sweden’s parliament were felt in July of 2016. Swedish Parliament passed a 3-year law that grants future asylum-seekers temporary residence permits instead of full residence, placing more stringent conditions on family reunification (Migrationsverket 2016c). This is because ‘family reunification,’ as previously stated, is the most commonly cited reason for asylum entry.

VII. Conclusion

The effect that increased asylum-seeking migration has on a country’s economy is determined by a set of demographic factors that define the scale and nature of the public costs associated. The demographic factors that compose the asylum population have been analyzed to determine specific government programs that will impact the Swedish economy. These government programs were then referenced to the overall status of Sweden’s economy to hypothesize the effects.

Previous research claims that the effects of increased immigration to
a country’s GDP are minimal (<1% of GDP). However, Sweden’s unprecedented spike in immigration, specifically asylum-seeking migration, has raised questions about the true effect on Sweden’s economy. The population of migrants is male dominated, with a large portion coming from areas of conflict (Syria, Afghanistan, Iraq). Specific demographic factors identified in the population of incoming migrants, including age structure, temporary migration, fertility, and emigration, were used to analyze the scale and cost associated with the increase in immigration. The sheer scale of the number of asylum-seeking applicants is a contributing factor as it has more than doubled from 2014 to 2015. This has led to a policy change suspending asylum entry acceptance until a legislative decision is made by the Swedish government. The number of unaccompanied minors making up the group has shifted the age structure down, despite rumors that many adults are applying as minors to increase application success. Sweden’s ratio of immigration to emigration has consistently grown larger, with immigration dominating the latter; however, Sweden’s low fertility rate indicates that immigration may be necessary for population stability.

The large wave of unaccompanied minors, coupled with a very young asylum-seeking population, suggests that Sweden’s high education costs are only going to rise. Sweden’s comprehensive educational programs have been tailored towards asylum-seekers and their inclusive nature will increase education costs in the short run by an estimated SEK 3.8 billion per year. The cost of education is in addition to the asylum supports granted – accommodations, compensation, and allowances. These are estimated to have costs around half that of a traditional Swedish national on Welfare. The scale of incoming asylum-seekers points to a large increase in the responsibility of Sweden’s government continuing cost surrounding immigrant welfare despite their clamping down on migrant policy.

An analysis of the overall affect of asylum-seeking migration on the Swedish economy is as follows: While Rowthorn and Ekberg both concluded that the effect immigration can have on GDP is minimal, Kjetil Storesletten’s Net Present Value (NPV) approach yielded individual immigrant cost higher than previous research indicated. If we use the NPV approach, each additional immigrant into Sweden’s economy has a negative contribution of SEK -175,000, for a total public burden of SEK 23 billion in 2014 – this is only for the additional wave of asylum-seeking migrants. This suggests that the effect that the wave of migration that Sweden is experiencing is greater than previous research indicated. This is supported by Sweden’s recent policy decision to end asylum-seeking permits until a more appropriate system can be implemented.
The labor force participation rate for historical immigration in Sweden is below the required amount to break even, and it has been reported that fewer than 1% of the asylum-seekers from 2015 are currently employed. In conclusion, the dismal labor force status of these immigrant’s points to further financial burden to Sweden’s economy.

Overall, demographic factors determine the long term public cost increases to Sweden’s governmental programs, and these costs were then applied to hypothetical effects on Sweden’s overall economy. Previous research makes a strong case for the economic benefits (or neutrality) of increased immigration into a country. Despite this research, however, the massive number of asylum-seeking applicants that have queued at Sweden’s borders have caused enough of an economic impact that this assumption is likely wrong. This is supported by Sweden implementing their restrictive new policy.

References


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CREATIVE WORK
When I set out to take photos, I always keep the affect I’m looking to portray in the front of my mind. Of course, this affect can be inspired by my particular mood that day, the weather outside, an album I just checked out, or anything under the sun. However, I feel like I’m nothing without a good subject, and sometimes it takes serious work to find it and be able to make it transcend the platform your audience is viewing it from. I don’t believe there is any correct way to make art—I would just like to speak my voice (mainly for my own sake), and if others happen to dig it, then I’m happy I was able to make a change in someone’s life.
My Space, photograph, 2018
CREATIVE WORK

Hope This Isn't a Dream, photograph, 2018
Looking ahead, in the literal sense, is a function of daily life, demanded by the tasks we engage in and the responsibilities we hold. It is not frequently enough that we reject this status quo to glance upwards and notice something new: to explore the branches of a tree, to identify the shapes of clouds, to navigate a starry sky. I have found that, when I look up, I am taken from the throes of living into a newfound sense of peace. All our strife exists at eye level—lucky for us, the world is much greater than that. Photography is my primary mode of creation because it affords me the opportunity to challenge the norms of observation, encouraging my viewers to do the same, informing them of a novel perspective with which to view the world. There is an inherent power in the ability to experience ordinary phenomena with new eyes.
CREATIVE WORK

Looking Glass, archival inkjet print, 2015
Contrast, archival inkjet print, 2016
I’m just a kid with a dream, to build his avenues of creativity. I stumbled onto my artistic abilities at a young age as I mimicked the creative mind’s behind the cartoons that I watched growing up. These were the people who helped me find an outlet in the midst of my negative environment. It was from there that I discovered the endless possibilities of art and all the different ways I could create and inspire myself and my community. Using a combination of hand-drawings and digital imaging, I seek to create unique images that capture the general eye. Images that typically tend to be the result of a spur of the moment idea based on the world around or simply something my mind wants to concoct or give light to such as beauty and strength of women or feelings we have about ourselves.
Calla's Lily, digital art, 2017
A Woman's Mind, digital art, 2017
Oh the places you'll go with a SCURC Travel Grant!

The Student Council for Undergraduate Research and Creativity funds travel expenses up to $500 for students presenting research and $200 for those attending a conference within their research area or creative field.

Funding applications must be received *six weeks* prior to the conference date. Review the application and further details at sga.fsu.edu/scurc/grants
HISTORY OF THE OWL

The Florida State Undergraduate Research Journal spotlights the remarkable research and creative works being produced by passionate undergraduate students at Florida State University. Devoted to exhibiting the results of intellectual curiosity at the undergraduate level, The Owl accentuates the capacity of Florida State students from all undergraduate disciplines to acquire the finest education in the country.

Named The Owl, after the original seal employed from 1851 to 1901 by West Florida Seminary, the journal is anchored in the history of our institution, but showcases our beloved university’s brightest minds of today, with a sharp eye to the future. The Owl encompasses the research and creative works of undergraduates from all disciplines.

Since its inception in 2011, The Owl has published research articles and creative projects from over fifty student researchers. Thanks to funding from the FSU Student Government Association, The Owl continues to publish work in print editions in addition to the digital versions of each journal on The Owl’s website. View previous publications, online editions, and access the manuscript submission form at: journals.fcla.edu/owl