John Jay's

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**outstanding writing from across
the undergraduate curriculum**

Jeffrey Heiman
Adam Berlin
Editors

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A Note from the Editors

While retaining its criminal justice focus, John Jay is also a liberal arts college with majors across the Humanities. For thirty-four years, *John Jay's Finest* has been publishing the best student writing from all our disciplines. With each issue, competition for space in the *Finest* becomes keener, and that's how it should be.

This issue of the *Finest* features twenty-three pieces of writing from nine disciplines at the college, a most accurate representation of who we are. We are writers of expository essays and research projects, fiction and poems and dramatic monologues, studies in science and analyses of literary works. This is the life of a vibrant academic institution.

The writers in this issue understand the pleasures of the struggle—with thought, with language, with creativity. The work is notable for rigorous research and analysis as well as close attention to the forms of academic and creative presentation. And as these college writers know well, all this meaningful work doesn't come together in solitude. The professors who sent us the best work from their classes have also helped students refine each piece with suggestions for revision, for extended analysis, and for attention to language. There are many hands on the proverbial keyboard, and we want to commend the team effort in these pages.

The launch of *John Jay's Finest* is a highlight of the academic year. The day would not be possible without the support of many at the college. We thank the President and Provost and all in their offices for supporting the project. For the volume itself, we are indebted to Alex DeLeon and the print shop staff. Thank you also to Christine Baerga for logistical help. And for her perpetual moral support we thank Maribel Perez. Again this year we are indebted to Dalyz Aguilar for designing another fine *Finest* cover. To John Jay College's professors, who inspire, who challenge, and who demand careful, responsible and effective writing, we salute your dedication. And of course, our admiration and congratulations go to all the students in this year's volume. We're proud to publish your fine work.

Jeffrey Heiman and Adam Berlin, Editors, May 2019

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♦ INTERNATIONAL CRIMINAL JUSTICE 101

AUSTRALIA V. JAPAN
WHALING IN THE ANTARCTIC

ELIANA HOFFMAN

ABSTRACT

THIS PAPER ANALYZES THE 2010 CASE brought to the International Court of Justice by Australia against Japan. First, it will highlight the specifics of the case brought against Japan and Japan's counter arguments and discuss the history, makeup, and practices of the International Court of Justice. Then, the paper will talk about the crime of whaling and its various definitions by different international bodies. Finally, it will highlight policy implications stemming from the Australia v. Japan whaling case, including Japan's current ability to whale for scientific purposes with specific permission of the ICJ, as well as differing moralities on whaling in the international community and how these differing norms affected the Australia v. Japan case.

THE CASE

On May 31st, 2010, the Australian government instituted proceedings against Japan in the International Court of Justice (ICJ) to combat the practices of Japan's Whaling Program, JARPAII, in the Antarctic. Australia accused Japan of breaking three rules highlighted by the International Convention for the Regulation of Whaling (ICRW):

The obligation to respect the moratorium setting zero catch limits for the killing of whales from all stocks for commercial purposes…, the obligation not to undertake commercial whaling of fin whales in the Southern Ocean Sanctuary…, and the obligation to observe the moratorium on the taking, killing or treating of whales, except minke whales, by factory ships or whale catchers…attached to factory ships. (International Whaling Commission, 1946, Article VIII).

In addition, Australia accused Japan of incorrectly giving out permits for scientific whaling, saying that "Japan only started to issue special permits authorizing large-scale so-called 'scientific whaling' immediately after the moratorium on whaling for commercial purposes came into effect for Japan's pelagic (deep sea) whaling operations in May 1987." By saying this, Australia was accusing the Japanese of giving out scientific whaling permits to enable JARPA II to continue whaling. Australia called the permits "a ruse to enable the continuation of whaling by Japan" (Australian Office of International Law, 2011, p. 12). Japan responded by saying that its whaling program was solely scientific, and that whaling of this nature was protected under the ICRW, which allows the killing of whales "for purposes of scientific research" (International Convention for the Regulation of Whaling, 1946, Article VIII). In addition to refuting all of Australia's claims by saying that "Japan has at all times complied with its obligations under the ICRW, and continues to do so", Japan argued that "the Court lacks jurisdiction to entertain the present case" (Japan, 2012, p. 14). The ICJ ruled that, by running the Japanese Whale Research Program under Special Permit in the Antarctic (JARPA II), Japan was indeed "in breach of obligations assumed by Japan under the International Convention for the Regulation of Whaling [(ICRW)]" (International Court of Justice, 2014, p. 1). The ICJ decided that JARPA II was not wholly scientific and said that "the question whether the killing, taking and treating of whales pursuant to a requested special permit is for purposes of scientific research cannot depend simply on that State's perception." (International Court of Justice, 2014, p. 3) In so stating, they were saying that Japan did not have the authority, under the ICRW, to determine its own definition of scientific research as it pertains to whaling. As for the contested jurisdiction, the ICJ ruled that it was within Australia's rights to contest Japan's whaling practices, saying that "the nature

and extent of the claimed maritime zones are immaterial to the present dispute" (International Court of Justice, 2014, p. 13).

THE CRIME OF WHALING

This essay will focus on the international laws on whaling used by the ICJ for the purposes of the Australia v. Japan case. The crime discussed in this case is whaling, which is not inherently illegal but becomes a crime when it violates the statutes of certain international conventions. The ICJ mainly references the International Convention for the Regulation of Whaling (1946), but notes that the ICRW was preceded by the Convention for the Regulation of Whaling (1931) and the International Agreement for the Regulation of Whaling (1937), both of which provided the framework for the ICRW. The International Convention for the Regulation of Whaling (ICRW) is a part of the International Whaling Commission (IWC), and states that whaling is illegal, essentially, when it is not scientific and sustainable. Specifically, the ICRW states that whaling is illegal when it's for commercial purposes, when fin whales are killed, and when factory ships are used to hunt whales. These are the rules that the ICJ found Japan guilty of breaking. As a result of this finding, Japan was ordered to stop all commercial whaling. The ICJ also said that Japan could whale for scientific purposes, but was first required to get special permits and prove that their whaling was only occurring for scientific purposes, and that they were killing a reasonable number of whales.

THE INTERNATIONAL COURT OF JUSTICE

The International Court of Justice (ICJ) is located in the Peace Palace in The Hague, in the Netherlands, and is the primary court of the United Nations. Members of the United Nations automatically fall under the court's purview. The ICJ was established in 1945 by a charter of the United Nations to settle international disputes between UN countries, and began doing work in 1946. It has fifteen judges, each serving for nine years, and appointed by the UN general assembly and Security Council. ICJ judges must be elected and win a majority of votes both in the general assembly and the Security Council. Elections are staggered- five judges are elected every three years to ensure that the same fifteen people are not all judges for the same nine year period. Each judge must be from a different country, and must fulfil the requirements to be a judge in their respective country. Generally, it is preferred that judges represent more area geographically, meaning that judges are generally from different regions or continents. Currently, the president of the International Court of Justice is Abdulqawi Ahmed Yusuf from Somalia, and remaining seats are filled by judges from Slovakia, Italy, Uganda, Brazil, the United States, Morocco, France, India, Jamaica, Australia, Russia, Lebanon, and Japan. The ICJ states that a judge may be dismissed if all of the other judges

are in agreement but, to date, no judge has been dismissed. If a judge dies while he or she is serving, a new judge is elected by the other judges in a special election. Only countries that are members of the United Nations may bring cases to the International Court of Justice. When two parties are in court, the issue can be resolved when they reach a settlement, decide to end the case, or when the ICJ makes a decision regarding the case.

POLICY IMPLICATIONS

There were several notable policy implications stemming from the Australia v. Japan whaling case. Japan is now unable to whale commercially in the Antarctic, and is banned from using commercial or factory ships for all other whaling, and has to acquire special permits for scientific whaling. Japan is also required to set strict limits on the number of whales that can be killed for scientific research. Additionally, this case forced the ICJ to reevaluate its practices for dealing with future scientific cases. The ICJ, during this case, established a new procedure for scientific cases in which judges could ask questions to better understand the scientific aspects of the case. This practice is still sometimes used by the ICJ in cases claiming a scientific defense. Also, as a result of the Australia v. Japan case, countries who wish to conduct whale hunts now have to get permits from the ICRW, and must prove that their whaling is for scientific research as defined by both the standards of the ICRW and the standards set by the ICJ in the Australia v. Japan case. The most significant policy implication of the Australia v. Japan whaling case was the setting of clear limitations on whaling in the Antarctic and the subsequent protection of whales stemming therefrom. Despite Japan's ability to acquire special permits to hunt small numbers of whales for scientific research, the whale population of the Antarctic is undoubtedly more protected. Additionally, other countries who are members of the United Nations are now expected to uphold the policies outlined by the ICJ in this case, so if another UN country wants to start whaling, they, too, will have to obtain these special permits and prove that their whaling is completely for scientific, rather than commercial, purposes. Interestingly, although the ICJ established that Japan was in the wrong for its commercial whaling practices, Iceland and Norway, nations who also practice whaling, were not bound by the ICJ's decision. This is significant because Iceland and Norway were both members of the International Convention for the Regulation of Whaling, but since they objected to the decision of the International Court of Justice, they simply did not have to follow the decision reached in the Australia v. Japan case.

CULTURAL DIFFERENCES

It is important to note that though it was decided by the ICJ that whaling for commercial purposes was illegal in the case of Japan, cultural ideas still

differ on the morality of killing whales. Japanese culture still values commercial whaling as a way for many people to make money who otherwise have little to no source of income, whereas the people of Australia, for the most part, value whales as beautiful animals who can aid in the growth of tourism and bring in revenue for Australia. The decision of the ICJ in this case was a definitive statement on international moral standards on whaling, and established standard for international perceptions on commercial whaling.

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◆ HISTORY 144

LANDLESS LABORER: A 1775 SPEECH BY GEORGE ROBERT TWELVES HEWES

KEVIN LU

LADIES AND GENTLEMEN! May I have everyone's undivided attention? What would life be in the absence of a governmental authority? Chaos will ensue, aye? And it will continue to be this way if we are not satisfied. I speak on behalf of the crowd, "We demand true equality!" A government is not merely connected with its people; they are dependent on one another. Anything less than an absolute agreement between the government and its people will result in the deterioration of society itself.

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The Assignment and the Writer: In History 144, students create, emotionally and intellectually, the situation of the New York Provincial Congress in April, 1775, through August, 1776. Acting as particular historic figures, students consider the issues of the colony during the fraught time when Boston, Massachusetts remained under a kind of martial law. The assignment here in a Reacting-to-the-Past game is to write an essay that serves as the basis of a speech delivered in that legislative assembly. Although the majority of the students played elected representatives, like Robert Murray, several others appear as citizens who had not been allowed to vote in the election, being women, slaves, or men who did not own property. As landless laborer George Robert Twelves Hewes, Kevin Lu does a particularly fine job of articulating and contextualizing the resentments of the unrepresented.

– Professor Elizabeth Hovey

My name is George Robert Twelves Hewes and I am a landless laborer. I do not have money. I do not have property. I do not have equality. My father died when I was seven years old. It was not the loss of my father that evokes great sorrow, but the fact that my family has not moved up in social status, generation after generation. My father was a shoemaker. Now I am a shoemaker. I have to endure poverty and hard labor. I live on meager journeyman's wages. I am beaten for the slightest things. Why do I have to respect the elite, having to tip my cap to them? I have to walk in the mud, off the road, so that they can move faster down the street. They even have the audacity to strike at poor children with their canes just so they can move faster. I demand respect and equality. My current life is hell without it.

This New York Provincial Congress has now reopened the courts after the judges appointed by the King's governor fled. This has brought great sorrow to me. Were the courts reopened so you can limit the power of the mob, out of fear for your own safety? If you did nothing wrong, what do you have to fear? It is difficult for me to work, and even more difficult to convince you people to end your devious behaviors and open your eyes to enlightened thinkers who know better than any of you here. Does the great John Locke mean nothing to you? He influenced us philosophically—pointing out that a government serves us as individuals through fairness to the people. Push aside your selfish desires that allow malicious behavior and inhumane control over the people.

Everything the mob has done is completely justifiable. Our actions are in defense of the good of the people because you cannot hear our profound cries. Our words have little impact, so we fight with our fists. We suffer day in and day out with the bright red words of injustice hovering over our heads. Members of the Loyalist faction and the Patriots concealed their true intentions when they voted to reopen the courts. Rather than reopening the courts to purely serve justice, they reopened the courts out of fear that they are powerless to control the mob, because they are disadvantaged in numbers. The elites are completely vulnerable and susceptible to the crowd of laboring colonists' longing for justice.

The courts for these powerful men are a tool for weakening the power of the mob and eradicating its ability to challenge elites. Is anyone here familiar with the Latin phrase: *Salus populi suprema lex*? There is a reason "the good of the people is the supreme law" rather than the good of the politically powerful. A government that cannot follow this rule is prone to crumble. Justice should be in the hands of the oppressed, not in the hands of the oppressor. You have no idea what kind of life we have been living—if we can even call this living at all. We are slowly dying in agony; yet, we fight for reform and equality because we have a right to resistance. We are simply

restoring society back to a state of nature from your wicked state of law. In times like this, the law won't save us; we can only save ourselves.

We cannot follow the circumstances you outline for us, because they come from an unlawful government. Locke permits the people to resist and replace unlawfulness with a more suitable government. Besides, social disorder runs rampant because this tyrannical government fails to provide equal means to every man. Every man in the mob should be no different from every rich merchant or landlord because we were all born free and equal and therefore should have the same opportunities.

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◆ History 144

First Speech by Robert Murray, April 1775. [Excerpt]

Victoria Bryan

...I have been unlucky enough to have been privy to many Patriot musings, and have been repeatedly assaulted with Lockean quotes from every angle. Since it is common knowledge that Patriots love Locke, I shall reference a common frame of knowledge. Locke defines Tyranny as, "the exercise of power beyond right." Now, good men, tell me who in this provincial congress is acting beyond their station? The loyalists who act in favor of the continued prosperity of the British Empire and in favor of the British monarchy who, in fact holds the legal mandate over this colony, or the Patriots who act towards the dissolution of it? Sir John Locke also asserts that, "A new state can only arise when the old one ceases to function for the people," which will be the case if we accede to the demands of the Association and its policies of non-importation and non-consumption, "The first distress will fall on ourselves: I will be more severely felt by us, than by any part of all of his Majesty's dominions..." The Patriots act only out of self-indulgent political motives rather than the best interest of the Colony. The British Crown has been painted as a rampant tyranny, but all we desire is to have a prosperous and content colony.

The Assignment and the Writer: In History 144, students create, emotionally and intellectually, the situation of the New York Provincial Congress in April, 1775, through August, 1776. Acting as particular historic figures, students consider the issues of the colony during the fraught time when Boston, Massachusetts remained under a kind of martial law. The assignment here in a Reacting-to-the-Past game is to write an essay that serves as the basis of a speech delivered in that legislative assembly. Victoria Bryan's plea as elected representative Robert Murray for the rule of law carries the day. Here we see excerpts of her as Murray in the spring of 1775 and the summer of 1776. Victoria's impassioned speech is artful and persuasive; the majority of the legislators in this playing of the game did not go "patriot." This time, New York did not join the Continental cause, even in 1776.

– Professor Elizabeth Hovey

When Parliament passed the infamous Stamp Act, nearly ten years ago, the Crown recognized the growing unpopularity of the act and repealed it promptly. Now, does that sound like a governing body who has stopped acting in the favor of the people? No. However, a group of rebels forcing and coercing the populace of this colony and those surrounding into a policy restricting importations which serves only to prove a patriotic point, while economic distress, inflation and ruin befall the very people they claim care for.

Finally, the Patriots claim to be the beacon of hope delivering the colonies from English tyranny to freedom; however, it is self-evident that their rule is only tyranny of another name. I understand the plight of these men, as I have had a plethora of hardships in my time, however, "Of every empire all subordinate communities are liable to taxation because they all share the benefits of government," and, "as all subjects are born to the subjects of some state or the other, we may be said to have been all born contenting to some system of government." The British Monarchy and Parliament are the ultimate authority over the colonies and, consequently have the responsibility to guard and protect their colonies. Which can be seen through British pursuits in the Seven Years War. Unfortunately, wars cannot pay for themselves, so taxes are a necessary evil. I urge you good meant to take a long look at the slavers promising liberty and question their genuine motives.

AN ARGUMENT TO STAY WITH THE BRITISH, JULY 1776

Ladies and Gentlemen, I come to you with a heavy heart and conscience. We are here today, not on pleasant or amicable terms, but instead we are gathered to discuss the potentially disastrous ramifications of declaring independence from the British Empire. I have read through the musing of Thomas Jefferson and Thomas Paine and I have gathered that the patriots are discontented with the current state of affairs under the British Crown. I, too, am displeased with the current state of affairs within the colony. However, I find it to be of the upmost importance to act in the best interest of the colony.

The Declaration of Independence opens with a general grievance with the British Empire, then devolves into more specific complaints addressed directly to the King. Jefferson's main grievance point is, succinctly stated in the following lines: "Whenever any Form of Government becomes destructive these ends, it is the Right of the People to alter it or abolish it." The Patriots claim that the British Empire has acted tyrannically and, consequently, the only rational solution would be to cut ties from the Crown entirely. This is a childish mentality to bear. There is more at play than, "King George took my toy, so now I will never speak to him again." There are real consequences to becoming independent, "our author surely forgets, that when independent, we cannot trade with Europe, without political connections, and that all treaties made by England or other commercial states are, or ought to be, ultimately subservient

to their commerce…." If the colonies, or presumably new nation at this point, were to successfully secede from England we would lose our most valuable trading partner and main source of revenue. It is a blow that would damage the strongest of nations, let alone a newly arisen state.

Sir Jefferson goes on to complain that King George, "has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving Assent to their Acts of pretended Legislation," that England and the Crown have personally trespassed against him by passing laws that he does not agree with. This again, is an infantile thought process. Kings do not rule to satisfy the wants of the few, kings rule to fulfill the needs of the masses. Furthermore, the Patriots use their lack of vote as justification for their uncivilized and brutish behavior; however, Samuel Johnson argues that by agreeing to and, consequently, immigrating to the colonies the colonists have, "voluntarily resigned the power to vote," meaning that the colonists did have a choice when they chose to come to the colonies.

Now, I would like to take a moment to address the most generous proposal put forth by the English Crown. Ladies and Gentlemen, do not forget for a moment that England is the single strongest nation on God's good earth and while in strategic positioning to attack, has the second in command, the very brother of commanding general William Howe decide to issue a document entitled British Peace Commission Offer of Reconciliation. This document proposes a number of actions beneficial to the colonies as a whole and, most importantly, answers the complaints of the colonists.

Firstly, the Offer of Reconciliation states that His Majesty has agreed to, "offer the people of New York absolute and complete pardons for all actions associated with the rebellion thus far." Forming any sort of rebellion against the British Empire is, by definition, treasonous and punishable by death. The fact that King George is offering pardons for all those involved, displays the leniency that the king holds for the colonies and how valuable we are to the empire as a whole. Moreover, the agreement also has "the authority to remove all trade restrictions imposed upon New York," and, "will grant to a duly and lawfully elected New York Assembly," these passages demonstrate the willingness of English government to compromise. The English are offering us everything that the Patriots have demanded. This makes me question the sincerity of the Patriots' motives; do they truly care about the good of the colonies, or do they care only to make a new nation where they are the leaders? I urge you to vote to stay with the British because the positives far outweigh the negatives and the risk of independence outweighs the possible benefits.

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♦ ENGLISH 101

NODDING BUDDY

KAZANNA SUTHERLAND

THE STREETS WERE QUIET. That morning, there was barely anyone on the sidewalk. It was nice. Wind fluttered through the oak trees as I strolled down a Brooklyn street headed to the B46 bus. That was when I saw him, my nodding buddy.

His skin was the same color as his sweatshirt, midnight black; he had his hands in his pockets, and looked down at the cement. I hate when people stare down at the floor with their hands in their pockets. It makes me anxious. But when he did it, it was like second nature, so it didn't bother me that much.

I reached the checkpoint where we always engaged in a marginal conversation. I was close enough to hear him say hello but far enough away not to smell his odor. He had his back toward the street. We were going to end our encounter with what I liked to call our morning ritual—a nod, a simple gesture of respect and recognition. But it never got fulfilled.

The Assignment and the Writer: The first assignment of the English 101: Authorship & Inquiry course is a creative nonfiction piece where students are asked to compose a 2-3 page essay based on an actual event they have experienced. For weeks before the essay is due, the students are instructed in how and where to employ and deploy descriptions in their prose, how the end of a paragraph especially can be accented with a key detail, and how to convey tension, suspense and conflict by initiating interplay between the narrator's internal monologue and the essay's external setting. Kaz's essay does all of those things beautifully and more beyond them. Masterfully, Kaz conveys a meeting, an event, and an aftermath that occurs over a period of no more than five minutes. The power and grace of this essay is how Kaz explores and demonstrates the long term impact of incidents that come out of nowhere yet end up occupying a permanent places in our lives. **– Professor Victoria Bond**

A black SUV approached. It swayed a little in the left lane. It was foggy that morning, from the previous night's rain. Maybe the driver didn't see nodding buddy. But I'm pretty sure that he had his headlights on. The car cut into nodding buddy's body and lifted him to the height of the oak trees. Like a failed rocket, his body sputtered back to earth. The impact sounded off in a horrible splat. Nodding buddy bled into the pavement. I wanted to cry but couldn't. Shock had dissolved my tears. Out of nowhere, people gathered around the lifeless body. His blood grew dark fast.

A tall man in a gray hoodie and matching sweatpants went over to nodding buddy and gently turned him over, revealing the source of the blood. The fall had split nodding buddy's head into uneven parts. Blood gushed from between the cracks.

I needed to get out of there. I ran and a block or two later, I didn't know where I was. I looked everywhere to give me some sort of direction. Finally, against the backdrop of my thumping heart, I spotted a familiar landmark. I was near one of the last mom-and-pop coffee shops in my neighborhood. I was also on the B46 line. I waited for the bus. I caught my breath.

When the bus finally pulled up, I felt elated, like I was saved. I boarded and locked eyes with a little girl, another grace. She had red and pink balloons in her hand and a tiara on her head. It was her birthday. As I exited the bus a few stops later, she offered me one of her balloons. They were so cute and so pretty. They had glitter and confetti inside of them, and I actually wanted one, but I politely declined. That day, and for days afterward, I couldn't accept, well, anything. Not what had happened that day and certainly not a gift.

◆ ANTHROPOLOGY 208

VARIATIONS OF GENTRIFICATION IN SOUTH WILLIAMSBURG, BROOKLYN

CLINTON ASAY

THROUGHOUT ITS STORIED HISTORY, BROOKLYN has seen a transformation from a rural landscape inhabited by Native Americans, followed by the Dutch and the English, into a sprawling urban center and a destination for many persons of diverse cultural backgrounds. While the social needs of its residents have continually brought changes in demographics as well as changes to the physical features of its neighborhoods, recent times have seen a markedly increased pace of change, often divided along class lines. While the term gentrification is often used in a negative context, due to it being defined by more affluent residents moving into a neighborhood, increasing property values, rents and the prices of goods, it is important to recognize the sometimes a gradual process of gentrification may initially seem like a good thing. Who doesn't want better restaurants, more school funding, less crime and clean public spaces? That would be all well and good if the trade-off did not involve

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The Assignment and the Writer: Clint Asay's essay was written in response to an exercise that my students in Urban anthropology (Ant 208) are asked to do each year: to study their own blocks, to interview some of the people who live there, and to analyze those interviews. The interviews often focus on problems that block residents identify. Increasingly, students from all over New York City are reporting to our class the impact of gentrification on their neighborhoods. Landlords are pushing out long-time residents to make way for newcomers who can pay higher rents. Often the tactics used to displace tenants are marginally illegal. Clint invited one of his most outspoken neighbors to comment on this. The piece is effective both because of her vivid way with words and because she and Clint clearly share an affectionate relationship built over years of living in the same apartment building. Who says city life has to be anonymous and impersonal?   **– Professor Hanna Lessinger**

the displacement of long-time residents who are forced out of their neighborhoods. "Unfortunately, the benefits of these changes are often enjoyed disproportionately by the new arrivals, while the established residents find themselves economically and socially marginalized" (POV, 2003).

In examining the effects of gentrification in Brooklyn, and in particular, my neighborhood in South Williamsburg, it is crucial to highlight the global forces at work, my personal experience in the neighborhood, and the use of physical space. I want to consider the way domestic networks within and outside of the building I live in, in conjunction with city policy, can prevent the displacement of residents, at least temporarily.

It is important to look at these features of my block to illustrate why the change was gradual in my building compared to the neighborhood as a whole. Although New York City has had a long history of immigration, it wasn't until relatively recently that a more global mobility has transpired, or, in other words, the rise of globalization. In 2009, Brooklyn was home to roughly 900,000 foreign-born residents and saw double the number of immigrants in the 1990s in comparison to the 1980s (U.S. Census, 2011). Whether it be the ease of air travel or the open trade between nations, goods and people are moving through the world at an unprecedented pace.

While the influx of new residents is often the focus when discussing gentrification, it is it is crucial to acknowledge globalization as a powerful force in the drastic transformation of entire cities and neighborhoods. In Saskia Sassen's *Cities and Communities in the Global Economy* the author asks a relevant question: "Whose city is it?" This question is directed towards foreign companies who are expanding on a global scale and have "reconstituted strategic spaces of the city in their image. They have profoundly marked the urban landscape, and their claim to the city is not contested, even though the costs and benefits to cities have barely been examined" (Sassen, 2006: 87). In regards to New York City it could be said that large firms, many foreign, are and were buying up and redeveloping land in Manhattan, pushing residents to areas of Brooklyn and Queens. That in turn displaces current residents out further and further and so on. Additionally it is worth mentioning that in recent times there has been renewed interest in city dwelling following the mass exodus to the suburbs in the 1960s and 1970s when the city was deemed a "dirty and sinful" place where "bad" people resided.

Within the study of urban anthropology, a recurrent theme seems to surround the question of "How do cities change?" While it would be impossible and perhaps overwhelming in such a short paper to examine and explore the endless number of factors associated with gentrification and the changing of cities, it is worth observing my immediate surroundings and asking the question of "Why did my building stay the same (initially) when everything

around us was changing?" Although I could just present data, it is also important to tell the story of my life there thus far and a description of who lives in my neighborhood.

Eighteen years ago, a much younger version of myself landed in South Williamsburg, Brooklyn, having never been to the city. I have resided in the same apartment, on the same block, for almost the entirety of my stay here. The building I live in has six floors (I am on the fourth), thirty six units, and was built in 1917. There are two identical buildings next door. As you enter you will see marble steps, impressive but cracked tile work on the floor that has been unkempt, and unwashed until recently. The blare of fluorescent lights and dark painted walls gives the experience of a once- grand and upscale building in disarray. Although rundown and perhaps uninviting to some, it is the culture of the building, the incredible families, the blaring of merengue, and the interactions on the small block that deliver its charm. As a newcomer, I knew that this new culture I was surrounded by was to be respected, which I did. I eagerly engaged with my neighbors and was welcomed with open arms. In fact, some of them began to call me Bruce Willis because of my bald head (and rugged good looks?). I found it endearing.

In discussing how the physical space in and around my building and my block is utilized, it is important to acknowledge the plurality of its uses since thirty six apartments full of people in addition to the multiple other buildings on the block use the space in different ways. One of my first memories of my home is sitting in the kitchen and feeling in awe of the web of clothes lines connecting two adjacent buildings. It wasn't until I witnessed a woman toss a rope with a pulley many feet across the courtyard to a woman on the other side that I understood how the lines were even hung. Although to the common bystander and certainly to myself at the time, it would seem that these clothes lines and this courtyard merely represented a practical use of physical space, I soon realized that it also held a social purpose for conversations, window gardens, and smoking out of the windows. Similarly unfamiliar and unusual to my younger self, I began to witness my neighbors screaming up to the top floors, which prompted the lowering of objects such as keys, or baskets on a rope out of the front windows of the building in order to hand off the items to loved ones without having to walk down six flights of stairs. This, of course, was at a time when the building was not equipped with buzzers to open the front door.

My block is around the corner from the intersection of Borinquen and Keap Streets. Just a few blocks towards Bushwick you will find Graham Avenue, otherwise known as Avenue of Puerto Rico. These streets don't have these names for no reason; my neighborhood is a bustling center filled with Dominican and Puerto Rican families, although over the past couple of decades that has begun to change. According to New York City 2010 Census, out of

the 45,774 residents of the neighborhood, 17,268 or 28.6 percent are of Hispanic origin, 52.4 percent White/non-Hispanic, 3 percent African American, and 4.9 percent Asian/non-Hispanic. While my building houses many of the same families and residents that were here when I moved here in 1999, it is a painful reality that gentrification (which I understand I am a part of) has rapidly changed the demographics of the neighborhood. While examining the census figures from 2000 to 2010, it is disturbing to grasp just how many native residents have left or been forced out. Since 2000, the neighborhood has seen a 24.7% decrease in residents of Hispanic origin and a 74.7% increase in residents of white/non-Hispanic origin. Although I have witnessed the change it is somewhat shocking to see it spelled out statistically. Additionally, the census provides information on age-related data in the neighborhood. The figures from 2010-2014 show a much younger neighborhood than I experienced in 2000. The largest age demographic is currently 25-34 (15,926), second largest is 35-44 (9,049), and the third largest is 45-54 (5,261). This suggests the influx of younger and perhaps more affluent whites.

In regards to the economics of the neighborhood, according to the census the median family income is $49,034 but I would assume that the families in my building make far less than that. In fact, I know that many of my neighbors receive public assistance and according to the census, 21.8% of the residents of the neighborhood have received SNAP benefits in the last year. If I were to describe what I know of my block, I would describe it generally as working class and poor, although to me, poverty is not immediately noticeable since outwardly, everyone seems to make the best of it.

This is partly because both the building and the neighborhood are still full of the sort of domestic networks of cooperation and mutual help that are highlighted in *Domestic Networks: Those You Can Count On* by anthropologist Carol Stack (2005).There is certainly an economic struggle within the lives of the residents of my block, often with no college education, people are left with service and retail jobs that do not provide for the high cost of living in New York. In fact, my neighbor Emma described to me her experience of making twenty dollars too much to be eligible for SNAP benefits as she tries to provide for her family. In spite of these setbacks and struggles, for many years I and my neighbors stayed put. While everything was transforming around us, the families that were here when I arrived remained, and no physical changes to the building were made.

So why did my building hold out against gentrification for so long? What factors were at play that attempted to maintain the culture of the building? Although I am by no means an expert, it seems to me that a combination of domestic networks within the building and in the community at large helped us. New York City housing policy has provided us with rent

stabilization for our apartments. Rent stabilization applies to apartment buildings with six or more units built before 1974. The landlord can implement a small percentage rent increase each time you sign a new lease. Additionally, the landlord must offer you a lease renewal. If it weren't for the law, the age of my building and its number of units, I am sure that most of us would not still be there.

In regards to the domestic networks within the building, where in essence people are helping each other with childcare, the lending of money, and the sharing of resources, it was immediately clear to me that community networks and social resources were involved as well. For example, The Hooper Street market across the street gives credit to long-time residents who are short on cash when they need groceries. For years my deli lady, when I was having a hard time financially, let me have store credit. I'm sure she did it for others too.

There are also community organizations that play a role in attempting to maintain the integrity of the neighborhood such as an organization called Los Sures. Los Sures is a local nonprofit, which advocates for the Hispanic community by providing social services, a food pantry and free legal services. It is important when we talk about how neighborhoods change to also talk about what helps preserve their culture and community. To date, Los Sures has bought and rehabilitated over 5,000 units in over 340 buildings and co-ops, including seven small vacant buildings that were purchased and rehabilitated and later sold to local residents (southsideunitedhdfc.org, 2018)

As Carol Stack explains, "the residence patterns and cooperative organization of people linked in domestic networks demonstrate the stability and collective power of family life" (Stack, 2005:90). In the instance of my neighborhood in South Williamsburg, this stability and collective power is shown through the cooperative organization of not only the residents of my building but additionally, the community organizers who advocate for affordable housing, and local businesses that support the community.

While urban anthropology shines a light upon how urban dwellers survive and how cities change, it also presents other policy questions that involve long-term solutions to skyrocketing rent, displacement, homelessness and loss of community. Rent stabilization, helpful as it is, is a temporary fix, since eventually the yearly or bi-yearly increases reach market value and the rent stabilization evaporates. Much as I hate to be a Debbie Downer, it seems that the strength of domestic networks and community activism are sometimes splintered or silenced under the weight of gentrification, which in and of itself is a form of structural violence. But at least I now have a chandelier in my entryway.

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♦ ENGLISH 255

THE NEED FOR AFFIRMATIVE ACTION

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WENSA PIERRE

EMPLOYMENT AND THE HIGHER EDUCATION PROCESS have been plagued by discrimination for centuries. At one point in American history, it was acceptable and normal to advertise job openings and specifically state that people of a certain color, religion, race, gender, or national origin need not apply. In an effort to rectify the effects of past societal racism and discrimination, the policy of affirmative action was instituted by President John F. Kennedy. In his Executive Order 10925 of 1961, he called for aggressive hiring of minorities by the Federal Government (Chrisman, 2013). The main goal of affirmative action was to increase the representation of historically disadvantaged people in the workplace equal to their proportion in the corresponding community. In the United States, "affirmative action has drawn people to areas of work and study that they may have never considered otherwise. Whether it is women being brought into technological fields, men being brought into nursing, or minorities being brought into Ivy League schools," affirmative action has drawn its beneficiaries from a large pool of backgrounds (Lombardo, 2015). Also in alignment with affirmative action, top

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The Assignment and the Writer: Written for English 255, Argument Writing, Wensa Pierre's paper examines the continuing need for affirmative action as a means to eradicate entrenched institutionalized racism and discrimination. The argument is successful in that Wensa examines several of the opponents' claims that affirmative action is reverse racism and that it uses discrimination to correct past discrimination, refutes those arguments with persuasive evidence, and then develops one positive reason in support of continued affirmative action policies. Wensa argues effectively that affirmative action promotes diversity, sharpens thinking, enhances cross-cultural understanding, and destroys stereotypes. She also acknowledges that affirmative action is a complicated social policy that would not need to exist were we to live in a world devoid of racism, sexism, and ingrained prejudices.

– Professor Livia Katz

universities and colleges have utilized race-sensitive admission policies to increase the number of Blacks, Hispanics, Chicanos, Native Americans, women, and other minorities for the past four decades (Chrisman, 2013). However, as racism and discrimination become less explicitly apparent in today's society, the debate over the need for affirmative action has intensified. Even though this country has made several advancements towards equal opportunity and treatment for all of its constituents, the need for affirmative action is still severely apparent to eradicate institutionalized discrimination.

      Opponents of affirmative action offer several arguments against the program. One main point presented by critics is that affirmative action is reverse racism. A 1979 California Law Review article defines reverse racism as the belief according to which "individual blacks and members of other minority groups [are] given benefits at the expense of whites who, apart from race, who would have had a superior claim to enjoy them" (Newkirk, 2017). Those who hold this stance feel that affirmative action violates the Fourteenth Amendment clause that states "no person shall be denied equal protection of the laws," thus engendering reverse racism. According to a new poll, 57 percent of all white people and 66 percent off the white working class believe that discrimination against white people in America is equally as grave an issue as discrimination against blacks, especially through the use of affirmative action (Newkirk, 2017). Furthermore, those against affirmative action claim that affirmative action utilizes discrimination to correct past discrimination. In the eyes of dissenters, two wrongs don't make a right. They believe that the use of preferential systems based on sex and race only generates discrimination for the majority. While both arguments sound plausible, each claim is misconstrued and misexplained. In regard to reverse racism, though the majority may feel as if their standing were being taken away by minorities, which is certainly not true at all. To say that reverse racism exists is only to qualify its meaning on the individual level and not the institutional level. Racism is the systematic mistreatment of minorities through the perpetuating imbalance of social, economic, and political power, which is exercised on both the individual and institutional level. The impetus behind the reverse racism argument lies a desire to prove that people of color don't have it that bad and that they are not the only ones who are placed at a disadvantage. Though everyone may experience some disadvantages, critics fail to realize that the playing fields for minorities are far from equal, and it is for that reason that reverse racism does not exist. For example, women continue to earn 77 cents for every male dollar (U.S. Bureau of Census, 2010). Also, black people continue to have twice the unemployment rate of white people and just over half the population attends four years or more of college (Bowen & Bok, 2008). In addition, the problem with the second argument, that affirmative action utilizes discrimination to correct past discrimination, is the misuse of the word

discrimination, causing the critics to participate in the false equivocation fallacy. First, "discrimination" in practice is grounded in exclusion and prejudice. On the contrary, affirmative action objectively intends to circumvent prejudicial treatment through inclusion. While several of the arguments against affirmative action seem appealing, a closer analysis of each claim reveals several shortcomings.

Affirmative action should continue to be implemented because it fuels diversity. Jaschik (2008) asserts that eliminating affirmative action would actually reduce the number of black and Hispanic lawyers by 20.5%. The decrease in diversity would result in a group being ignored and unrepresented. A 2017 study found that affirmative action in the United States "increases the black share of employees over time: in 5 years after an establishment is first regulated, the black share of employees increases by an average of 0.8 percentage points" (Miller, 2017). Moreover, the need for diversity is significant because it improves the way people think, bringing a new perspective into view, and contributes to error detection. Findings indicate that by disrupting conformity, racial and ethnic diversity prompts people to scrutinize facts more deeply and develop their own opinions, thus benefiting everyone, minorities and majority alike. In a study testing the correlation between diversity and correct answers, participants were assigned to either a diverse group or a homogeneous group (one lacking diversity). According to the results, after being asked questions, the participants in the diverse group had 58% more accurate answers than those in the homogeneous group. Interacting in more diverse groups improved the performance of everyone in the group. In homogeneous groups, people are more likely to follow others' decisions, something which can lead to wrong paths or even cause harm (Levine & Stark 2015). This study demonstrates the importance of affirmative action as it may produce critical thinking and analytical skills. According to the University of Texas's admission policy, not only does diversity within the classroom and workforce increase sharper thinking, but it also promotes cross-cultural understanding, destroys stereotypes, and prepares students for a diverse workforce and society. As a result, discontinuing affirmative action would deprive workforces and student bodies of diversity, thus hindering the opportunity for critical thinking, among other things.

Affirmative action is a complicated social policy, but its message and existence are far too important for it to be discarded, as some opponents have recommended. Of course affirmative action would be an egregious practice if we lived in a perfect world. It would be unnecessary and ridiculous to give anyone some type of edge if everyone started from the same socio-economic background. However, that does not hold true for the world in which we live. Today, minorities still face racism, sexism, and prejudice at large, thus placing them in far reach of their desired goals. The significance of affirmative action

goes beyond its recipients and its opponents, for the program itself promotes diversity, which then creates a mixed array of individuals who are critical thinkers and are culturally aware.

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⬥ ENGLISH 255

NON-PARTISANSHIP: A BETTER SYSTEM

SAMUEL WIN

LINE-UP, SPRINT, TACKLE: the political landscape of America is home to an increasingly vicious football game between the Democrats and the Republicans. In 2009 alone, President Obama pitched a bill that would inject an economic stimulus package into the economy, a cap-and-trade legislation that would cut greenhouse emissions, and an ambitious health-care act that was welcomed with roaring applause from the Democrats—juxtaposed with silence from the Republicans (Nikola, 2016). In 2016, President Trump, who was then the Republican presidential candidate, hosted a campaign characterized by aggression among American voters; while Democratic protestors vigorously decried President Trump's character and policies, his Republican supporters verbally harassed or assaulted his protestors. Over the past decade, the Democrats and the Republicans have scrambled toward their end goals while impeding the other from reaching their own goals, disrupting the political process and debilitating political institutions with their infighting. The political

competition between modern Democrats and Republicans brands our decade as the reign of partisanship: an ideology that emphasizes bias toward a single political party and an uncompromising attitude against all other parties. However, there are Americans who remember that a successful democratic government requires tolerance toward alternative beliefs and compromise with others which, in turn, offers an opportunity for many minds to work cooperatively toward the improvement of their nation and their lives. These Americans have raised their voices above the political clamor to reject partisanship, including New York's Senator Chuck Schumer, who argued that partisan politics "poison the health [of our political system]" (Schumer, 2014). As an alternative, they offer non-partisanship, an ideology which emphasizes a lack of favoritism toward a political party. Through objective decision-making and cooperation, non-partisanship offers the opportunity for a genuinely democratic, solution-focused political environment.

In spite of this opportunity for reconciliation and progress, partisans cling to an outdated system even as it sunders the American population into halves. They accuse non-partisanship of being a means to degrade the United States government's checks and balances and to encourage a tyranny, simply because non-partisanship discourages contentious political parties. Additionally, they argue, partisanship is the more productive and democratic institution because it improves voter turnout, thereby producing political representatives who accurately reflect the desires of the people. For evidence, a partisan might cite the correlation between the 2018 U.S. midterm election, which reached the highest voter turnout percentage (50.4%) since 1914 (McDonald, 2018), and the 2017 partisan divide, which has more than doubled (15% to 35%) since 1994 (Doherty, 2017). In hindsight, the argument for partisanship is logically sound and promises to support the nation's well-being, while the argument against non-partisanship stems from an understandable fear. However, the critique of non-partisanship is not only poorly rationalized but also distracts partisans from seeing the greater risk of partisanship. Partisanship improves the voter turnout through fear and antagonism, creating socio-political pressures that spur the nation toward disaster.

Partisans fail to realize that in a nation comprised of fifty states, a complex network of relations among national, state, and local governments, a representative electoral system, three branches of the federal government, and an upward of five-hundred politicians with different ideologies and agendas in Congress, the threat of a tyranny is improbable in its realization. If a partisan government were to be dissolved, politicians would not suddenly stop all disagreements on account of no longer being a part of publicly acknowledged and named political parties—despite what partisans contend. Americans with conflicting beliefs would continue to elect politicians with conflicting political agendas. On the other hand, partisanship risks a far more probable and

disastrous consequence: a nation of 325 million that is hatefully and violently divided by ideologies. The history of the United States offers a warning: the American Civil War, what is referred to the costliest war fought on home soil, resulted in the deaths of 620,000 Americans and a twelve year-long reconstruction that was only marginally successful. While no system is perfect, partisanship turns the American population into a powder keg, waiting for the slightest shift in pressure before erupting.

The failure of partisanship begins at home, by dint of the same argument in favor of partisanship. While partisanship does increase voter turnout, it does so at the cost of informed voters. Self-categorization theory explains the development of partisan behavior: the more individuals identify with a group, the more they personalize their group identity and demonstrate group loyalty, group-serving behaviors, and ethnocentrism (Hogg, 2001). However, in the context of politics, the more self-categorized voters are, the more likely they are to engage emotionally in politics (Huddy & Bankert, 2018). While emotional engagement improves voter turnout (Groenendyk & Banks, 2014), it also produces voters who "are less influenced by information" (Huddy & Bankert, 2018). Because educated and informed voters are necessary for a successful democracy (Jefferson, 1787), the United States government as characterized by partisanship fails as a democracy.

Furthermore, studies (Groenendyk & Banks, 2014 and Huddy & Bankert, 2018) suggest that citizens in a partisan environment vote while uninformed because they have become socialized with extreme ideas and impulsive, uncompromising behavior. The same emotional engagement that causes partisanships to increase voter turnout also produces voters who "are less influenced by information, more likely to act, minimize the risk associated with action, take riskier actions, and in general drive politics in an extreme direction" (Huddy & Bankert, 2018). In fact, in 2018, twelve bombs were mailed to prominent Democratic critics of President Trump as a result of the rising enmity between the Democrats and the Republicans (Santhanam, 2018). Because a democracy depends on people expressing their beliefs, an environment that incites to "silence" voters with different beliefs not only compromises the integrity of democratic practice in the United States but also threatens the lives and liberties of American citizens.

The consequences of these effects enter the political stage when partisan voters, emotionally invested in their political party's activities, begin to congest the political process and undermine the functions of political institutions with their competition. For instance, in 2016, President Obama nominated Chief Judge Merrick Garland to fill a vacancy in the Supreme Court. Garland was a long-time prospect for the seat, praised by many Republicans, and served in an admirable capacity as the chief judge of the U.S. Court of Appeals for the District of Columbia Circuit. However, only hours

after the vacancy opened and before President Obama named Chief Judge Merrick Garland, Republican and then-Senate Majority Leader Mitch McConnell declared that any nomination by the President would be repelled, an action he later cited as his "proudest moment." Eleven other Republicans joined this effort. By October, the Supreme Court reconvened with only eight justices, four Democrats and four Republicans, deadlocked on a number of issues. Although McConnell and his allies won their partisan scuffle, their victory came at the cost of the Supreme Court's ability to effectively address its legal duties. Partisanship incites tribal warfare in a nation that should be united, causing Americans to undermine other Americans in a reckless pursuit of false self-accomplishment.

The 2016 nomination incident is one among many regrettable consequences of partisanship, but all are the ramifications of a political narrative which partisanship has suffused with an "Us" versus "Them" mentality. This divisive mentality exacerbates a politically disruptive condition called polarization. According to McCoy et al. (2018), polarization is described as "a process whereby the normal multiplicity of differences in a society increasingly align along a single dimension and people increasingly perceive and describe politics and society in terms of 'Us' versus 'Them.'" To be clear, while Alexander Hamilton (1787), in the Federalist No. 10, discussed how political disagreement will always accompany a democracy and, by consequence, polarization, the shortcoming of partisanship is rooted in the fact that it magnifies the ill-effects of polarization by encouraging party competition. According to a census conducted by the Pew Research Center for 2016 (Fingerhut, 2017), among these ill-effects are an increasingly negative impression of the other party, which only continues to feed into the increasingly hostile relationship between the Democrats and the Republicans. More than half the Democrats (55%) say that Republicans in general make them afraid and an even higher number (70%) are afraid of politically engaged Republicans. Republicans reflect a similar result, and both parties, Democrats and Republicans, show a consistently high percentage of other negative feelings, such as frustration and anger regarding the opposite party. Because the partisan political landscape is rife with fear, anger, and frustration between the Democrats and the Republicans, both parties actively strive to undermine the other party's agenda. The result is an environment wherein political leaders are busied with undermining one another and bogging down the political process for everyone involved, rather than institutionalizing helpful policies and procedures that could benefit the nation.

However, non-partisanship can mend the wounds left by this war. By creating an environment in which not only the public but also politicians are encouraged to work together, the United States government may produce more solutions than drama for the media. A political climate characterized by non-

partisanship facilitates the four conditions of Allport's intergroup contact theory. Allport believed that in an environment characterized by equal status, common goals, no inter-group competition, and authority sanction, prejudice could be reduced through socialization, and overall productivity could be increased between formerly hostile groups. While the equal status between voters and politicians in the current U.S. political climate is already upheld, and both Democrats and Republicans supposedly pursue the shared goal to better the United States and the lives of U.S. citizens, intergroup cooperation and authority sanction are currently two conditions that are not upheld. In a partisan environment, intergroup cooperation, which refers to the nation as the group rather than individual political parties, is not supported because competition between political parties is encouraged. Similarly, authority sanction, which Allport defined as social permission for intergroup cooperation, is ignored in favor of the opposite; in the current U.S. political climate, there is implicit social permission for intergroup competition. Nonpartisanship not only supports intergroup cooperation and provides authority sanction for cooperation, thereby fulfilling Allport's last two conditions and promising a reduction in hostility between Americans, but also promises productivity. In several studies, researchers adapted Allport's conditions into an educational cooperation-focused curriculum, as opposed to the traditional competition-focused curriculum, and found an increase in student performance (Araragi, 1983; Huber, 1995; Walker & Crogan, 1997). While the size of classrooms cannot compare to that of a nation, the results of the studies demonstrate relationships between variables—competitive groups, cooperative groups, and performance—that are shared among both systems. These relationships suggest that Allport's intergroup contact theory may still reduce party prejudice and improve productiveness, even when applied on a national scale. Successfully resocializing the American public and politicians would promote a unified, concentrated intent to improve the well-being of the nation, ourselves, and other Americans, rather than fulfilling partisan agendas.

Partisanship is nearly as old as the Founding Fathers. There is no real application of a nonpartisan government on the scale of the United States, but just as well, democracy was a similar matter; the United States is the first democratic behemoth, burdened with hundred-millions and a breadth stretching from the West Coast to the East Coast of North America. Over the course of this growth, the nation has weathered various revisions, both domestic and foreign, refining what it could and abandoning what it could not. In light of the recent decade, partisanship has done more harm than good. From its inception until today, the United States was forged through the valor of pioneers; it may be time to give up on partisanship and explore a new frontier in nonpartisanship. Otherwise, a population of 325 million torn by partisan politics will cripple the nation.

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⬧ HISTORY 202

DUAL OPPRESSION: WOMEN WORKERS OF THE INDUSTRIAL REVOLUTION

DYLAN KNAPP

THE INDUSTRIAL REVOLUTION HAS BEEN TOUTED as a time of industry, production, growth, technology, wealth, power – in other words: a time of great human achievement. But, as is the case with most history, the story has been told by its victors or, in this case, the profiteers. There is another version of this story though, one of hardship, dehumanization and toil, yet it is also filled with hope, courage and strength. The unlikely voice of this story is that of the underdog, the hero"ine" – (that is, what we nowadays call "sheroes").

The double oppression which the women workers of the Industrial Revolution faced – one: being female, the other: being a worker – forced them to demand twice as hard that their voices be heard. These women were more than just abused, victimized workers: these women were strong activists and advocates who showed strength and courage in the fight against their oppressors. In response to these tens of thousands of workplace deaths, to the ongoing accidents and rampant abuse, many women helped lead the fight for stronger labor laws. Their demands included safer and improved working conditions, better wages, as well as the right to unionize and an end to sexual harassment and sexual violence – a key demand, which they articulated by insisting on being treated with "respect".

Rose Schneiderman, a social worker and a prominent Women's Trade Union League (WTUL) organizer, was one of the many women who made her voice heard about the atrocities workers, especially women workers, were subjected to. Known for her orations, she spoke at a memorial meeting organized, on April 2nd 1911, in response to the Triangle Fire in NYC. The event was held at the NYC Metropolitan Opera House, in a venue spacious enough to accommodate the gathering of a large crowd– a crowd still traumatized by the Triangle Fire tragedy, which had only occurred a couple of weeks prior, and which many New Yorkers witnessed firsthand. Schneiderman had this to say about women workers' plight:

> I would be a traitor to these poor burned bodies if I were to come here to talk good fellowship. We have tried you good people of the public – and we have found you wanting (…) This is not the first time girls have been burned alive in this city. Every week I must learn of the untimely death of one of my sister workers. Every year thousands of us are maimed. The life of men and women is so cheap, and property is so sacred. There are so many of us of one job, it matters little if 140-odd are burned to death (Schneiderman, 1911).

The Triangle Fire tragedy that Schneiderman specifically refers to stands as a representation of the deplorable conditions that workers of the Industrial Revolution were subjected to. One worker describes the "dangerous broken staircases… floors that were swept once a year, no fresh drinking water…. mice and rodents…. seventy and eighty hour work week[s]" (Zinn, 2003) as characteristic of the 500 garment factories existing in New York at the time. A strong competition between factory owners translated into a harsher work environment for workers, including the threat of unfair dismissal and unemployment. The poor safety regulations, crowded working conditions, and locked doors that led a small fire in a rag bin to sweep through the 8, 9 and 10th

floor of the Asch Building, trapping and killing 146 workers (mostly women), were far from rare. As Schneiderman states, these occurrences were even common; official statistics highlight similar trends: in one year alone, New York factories reported 50,000 accidents while, "in 1914, over 35,000 workers were killed and 700,000 were injured" in industrial accidents throughout the US (Zinn, 2003).

Indeed, dangerous working conditions were in no way specific to New York. In Lawrence, Massachusetts, in 1860 a cotton goods factory collapsed, killing 145 and injuring 166 workers; in Minneapolis, Minnesota, in 1878, flour dust exploded in a mill, killing 18 workers; in Brockton, Massachusetts, in 1902, a boiler exploded in a shoe factory, killing 58 and injuring 150 workers…the list continues across time and country (PBS, 2011).

These dangerous and dehumanizing work conditions were not specific to factory environments either. The jobs and work involved in supplying the raw materials that fueled factory work was equally horrendous, if not worse. Again, even in these industries, we see and hear the strong voices of women. Betty Harris, a 23 year old English woman, worked as a drawer in a coal pit. Harris, chained to a coal cart, would drag heavy loads on her hands and knees for 12 hours through narrow dark tunnels. The oppressive heat and stagnant water often had these young women shedding their clothes, leaving them vulnerable to sexual abuse from their male counterparts. Harris had several illegitimate children from rapes that occurred while working. Harris modestly commented on the mining work as "very hard work for a woman" (Bentley, Ziegler, 2015).

The women of color who picked cotton in the South fared no better. After the abolition of slavery, Southern Blacks continued to labor in the cotton and tobacco fields, but for less than meager wages. Often. the whole family picked in the fields, but the women endured many added hardships; stooping down from sun up to sun down in the blazing August heat, dragging a heavy sack filled with cotton. Upwards of 400 pounds could be picked by a worker in a single day (Hine, Hine, Harrold, 2014). It must be noted that some Black women had to accomplish this task (along other hard labor) entirely for free, as when they were sentenced to chain gangs and used as mere pawns in the convict leasing system. Further, as Elaine Ellis wrote in *Women of the Cotton Fields*, "it is a common occurrence for a woman who is pregnant to pick cotton until the labor pangs strike her … sometimes [the baby is] born among the cotton plants" (Ellis, 1938).

Men, women and children all suffered the terrible working conditions of the Industrial Revolution, but in a patriarchal world the brunt of oppression fell mostly on the women. After 12-15 hours of hard work, women were still expected to maintain their "womanly duties and house and home" (a condition which feminist critic denounces as women's "double burden").

Societal and economic conditions forced many women and even children to work, albeit workers could stand only so much abuse. It was women that often initiated strikes and protests against their employers – as had happened in 1909-1910, when most owners of NYC textile factories faced a several-month long strike led by over 20,000 young female shirtwaist makers. In her speech, Schneiderman describes the institutional backlash facing the strikers:

> But every time the workers come out in the only way they know how to protest against conditions which are unbearable, the strong hand of the law is allowed to press heavily upon us. Public officials have only words of warning for us – warning that we must be intensely orderly and must be intensely peaceable… The strong hand of the law beats us back, when we rise – back into the conditions that make life unbearable. (Schneiderman, 1911)

Because of the excess of replacement workers in the labor force and the unjust use of police force, many violent encounters erupted between the strikers and scabs. The police, or even the National Guards at times, often responded to these incidents by taking the side of the factory owners and persecuting the strikers. As in the case of the Haymarket Riot in Chicago, 1886, when police initiated violence against strikers resulting in a battle where seven police officers died and eight innocent protesters were convicted of the deaths (Oxford, 2008). The significance of the Haymarket Riot is the forming of a public and governmental opinion according to which strikes (and the confrontations that may ensue) were the fault of the strikers.

Emma Goldman, a contemporary of Schneiderman and an eloquent orator in her own right, was also a leader of the working class. An anarchist and herself a factory worker, Goldman helped organize strikes and protests across the country. In response to her persistent uproar, "the capitalist press organized a systematic campaign of calumny and misrepresentations against anarchists", while the "police exerted every effort to involve Emma Goldman in crime" (Havel, 1910). Eventually, Goldman would be arrested and sent to prison for inciting a riot. Instead of allowed herself to be slowed her down, Goldman fought ever harder, self-sacrificing for the good of the working class.

The pressure to abstain from strikes came from all sources of power. One female worker commented: "A priest came to our shop and told us girls that if we struck we should go…to hell" (Portanova, 2010). Instead of falling victim to these pressures, protesting women used this pressure to their advantage. For example, during the 1909-1910 garment workers strike in NYC, they placed their rich and prominent supporters on the picket lines,

knowing that these elite women's arrests would make headlines. The point of these strikes was to bring awareness about the "unbearable" working conditions, in hopes of changing them. Because of the oppressive powers at work, of divisions in the labor force and of the willing-and-ready supply of replacement workers, these protests often fell short of the goals. As in the ironic twist of fate at the Triangle Fire factory where, barely two years before the fire occurred, workers had launched the famous "Uprising of the 20,000" and protested for months but – although some concessions were made – "the conditions in the factories did not change much" (Zinn, 2003). Two short years later, 146 innocent victims would lose their lives, as collateral damage in the pursuit of greed.

Perhaps Schneiderman recognized this irony, or saw the futility of organizing only localized strikes. Schneiderman again highlights the need for solidarity:

> I can't talk fellowship to you who are gathered here. Too much blood has been spilled. I know from experience it is up to the working people to save themselves. The only way they can save themselves is through a strong working-class movement (Schneiderman, 1911).

A trade unionist herself, Schneiderman saw the divisions amongst the unions, and the necessity for all workers to unite regardless of gender, age, class, skills or ethnicity. Commenting at a union meeting on managers' divide-and-rule tactics (such as when, trying to inflame racist biases, bosses placed Italians and Jewish workers next to one another), Goldman also remarked that: "A good many girls in this fight have come to know each other's names and to know a sisterly feeling for the first time in their lives" (Portanova, 2010) Perhaps because of the unique social position women were forced into, they possessed a greater foresight than many of their male counterparts. Schneiderman recognized the weakness of division as well as the strength in the solidarity of the people.

While there were exceptions (such the Knights of Labor, or the Industrial Workers of the World, also known as "Wobblies" or IWW), Blacks were often kept out of the male workers unions, like the AFL; even though they were used as replacement workers during strikes. Racist motivations blinded union heads from seeing the strength in unity of race and gender. Women, though, seemed more willing to accept all workers. When a "colored sister asks admission" to the women's union in the Chicago stockyards, the "young Irish woman in the chair answered – admit her, of course, and let all of you give her a hearty welcome!" (Zinn, 2003).

While some viewed a working class movement as resting on strong undivided unions like the IWW, others imagined something bigger. Karl Marx and Friedrich Engels (who unfortunately weren't as forward thinking regarding gender hierarchies) believed that all these issues were a direct result of capitalism. Promoting socialism and aligning themselves with communism, they believed that the working class needed to abolish private property, eliminate the upper class (bourgeoisie) and the working class (proletariat) and form an egalitarian society. This, they believe would curb the systemic problems brought onto society by the Industrial Revolution (Bentley, Ziegler, 2015). Michael Bakunin, a contemporary of Marx and Engels, believed in a working class movement that, in contrast to socialism, would eliminate all forms of centralized government. Anarchism and a "universal system of laissez-faire", Bakunin professed, would eliminate the working class woes. Bakunin warned that "laws grind the poor, and rich men rule the law" and insisted that people ruling the people is the only way the working class will ever get their share (Vizetelly, 1911).

A movement on the scale Marx and Engels envisioned never came to fruition, nor was it necessary to trigger some changes in the labor conditions of the U.S.A. The exposure that unionization, strikes and working class leaders brought to the working conditions of the men, women and children of the working class also brought change. Albeit too slowly, legislation was enacted to protect workers from abuse. Modeled after England's preexisting Factory and Working Legislation, in 1870, Massachusetts, followed by nine other US cities, created Labor Statistics Bureaus. Factory inspections and laws demanded safety regulations, like machinery guards, fire protection, elevator safety and adequate ventilation. Later on, in the aftermath of the Triangle Fire, Frances Perkins would be instrumental in enacting more, and much-needed regulations.

Laws limiting night work, or the number of hours that women and children could work were also implemented (although they were sometimes opposed by poor women, who could not afford to see limitations placed on any opportunity to earn meager wages). Perhaps the photographic evidence of investigative photographer Lewis Hine exposing child labor abuses, or the commonalities of workplace tragedies like the Triangle Fire, were too hard to ignore and prompted the government to act. Unarguably, if it were not for the suffering, sacrifices and courage of working class women, no change would have been achieved.

The period deemed the Industrial Revolution is no doubt over, but the world continues to industrialize. Many underdeveloped nations are in a race to "catch up" with the "West". Unfortunately, as we sit back and watch, we see the same wretched story of our past being played out, but by different characters. In stunning similarity to the Triangle Fire, and almost exactly a 100

years later, in 2012, a fire broke in Dhaka, Bangladesh, in a fashion garment factory. Illegally placed in the top three floors, the same conditions of clutter and locked doors led to a fire to rip through the buildings, killing over 100 (mostly women) workers (Enloe, 2014). Although we have made progress in the U.S.A enforcing stricter labor laws, because of the fact that we consume the products produced by these developing countries, the fight for the rights of women workers is far from over.

Being a country whose past is marked by the abuses and hardships industrialization brought upon its workers, especially women, and knowing the ways to eliminate or at least mitigate these hardships, we should be bound by our human obligations not to allow these horrors to repeat.

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♦ ENGLISH 201

THE DECLINING QUALITY OF THE NEW YORK CITY SUBWAY

NATHAN TANKUS

ABSTRACT

This paper is focused on the most important cause of the recent deterioration of the NYC subway system. I came in thinking that the main issue was gentrification and lack of compensating funding. I was surprised to discover the findings of my most informative source— a *Village Voice* report— pointed to a different direction. It convincingly argues, relying on internal MTA documents and testimony from conductors, that the installation of safety signals without updating the subway system as a whole has been the single biggest factor slowing down the subway. This doesn't mean the subway doesn't need a lot more funding and a major update or contradict the idea that increasing ridership from gentrification has sped up the deterioration of the subway. However, it does suggest that in the short term changing the MTA's approach to safety signals will be an important part of improving the subway. Ultimately, however, there is no replacement for a large renovation program. Professor Kang from John Jay's political science department emphasized that Governor Cuomo has been a major political barrier to advocacy for this funding.

I am curious about the factors that go into how the subway runs and why the subway has declined in quality in the last few years. I've read three articles on the topic, focusing primarily on a major in-depth investigation from the *Village Voice*. I also interviewed John Jay political science professor Susan Kang (susan.l.kang@gmail.com). My suspicion going into this writing was that a combination of underfunding and gentrification were the main causes. That is, the subway has gained a lot more riders since gentrification of large swaths of Brooklyn had exploded. Meanwhile, funding of the subway for upkeep and maintenance hasn't meaningfully increased to compensate. While funding is certainly an issue, what I found surprised me. According to my main source, overcrowding wasn't as important as earlier reporting suggested. Rather, the MTA has been installing safety signals that force conductors to go much slower. This also points to a funding issue, as other countries have subways whose speeds are automatically controlled. New York City would need a massive overhaul to its subway system in order to have automatic speed controls which no one is currently willing to fund.

In the last few years a popular narrative to explain subway delays has been overcrowding. The *New York Times* article "Every New York City Subway Line Is Getting Worse. Here's Why" by Emma G. Fitzsimmons et al. argues that the main cause of rising delays is overcrowding of the subway. It provides MTA statistics and quotes from MTA officials explaining how the large rise in passenger use is the main culprit, not longstanding funding issues for the subway. The mechanism it points to is called "dwell time," meaning the more people there are, the more time it takes to get them on and off the subway and thus the more time the subway spends at each station. This effect is compounded by the initial delays from overcrowding. The subway delay leads to even more people on the platform, which leads to more dwell time and more delays.

The Gordon (2018) *Village Voice* investigation published this year entitled "The Trains Are Slower Because They Slowed the Trains Down" disputes the interpretation presented in the *New York Times* article. It is based on internal MTA documents and argues that the cause for delays is signals installed for safety that don't automatically control the subway train speed. According to the exposé, in order for conductors to avoid the heavy penalties from speeding, they go well below the speed limit. As the article title suggests, this means the trains have slowed down for the straightforward reason that the MTA has chosen to slow them down. Other countries deal with these safety issues by automatically controlling the subway's speed, but the nearly century-old signal system in New York City makes this solution impossible.

Another key piece of evidence the *Village Voice* article points to is that the category of "overcrowding" is nebulous. Even the MTA recognized that this was true when it recently changed the name of the category to

"overcrowding/insufficient capacity/other." In other words, it is misleading to label the rising importance of train delays this way as evidence that "overcrowding" is the cause. This provides a clear path to understanding and assessing the relative merits of each explanation for the subway slowdown. How much of the growth in this "other" category can be explained by overcrowding versus the new installation of manual safety signals? The Gordon (2018) article helps answer this question by providing a critical (but informed) interpretation of MTA official statistics and marshalling previously inaccessible evidence from within the MTA, such as key internal MTA documents and the testimony of subway conductors. The evidence Gordon provided isn't completely convincing because he claims that a full study of all safety signals and dates of installation was never conducted. However, the article provides strong reasons to believe its conclusions over the MTA's official explanations.

I am convinced by the "safety signal" explanation of the recent subway slowdown provided by the article from the *Village Voice*. I was very surprised by its conclusions and learned a lot more about the New York City subway than I thought there was to know. Yet I don't think this necessarily means that the solution is uninstalling these manual safety signals. The larger issue with the subway is how old the subway's signal system is. This in turn means that the main issue remains—the system is underfunded and there is no federal funding for a massive upgrade. I also wonder if there still is no role for gentrification. Perhaps subway crowding isn't causing the immediate subway delays, but doesn't that mean that it isn't speeding up the deterioration of the subway system overall? This issue is crucial to the day-to-day lives of New Yorkers (as anyone at John Jay can attest), and for the sake of all of New York City, it's very important to adequately fund the subway and finally update our aging system. Professor Kang didn't disagree with the *Village Voice,* but she did emphasize that Governor Cuomo was a major barrier to getting the New York City subway more funding and has been so for a long time.

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♦ ENGLISH 216

DO YOU KNOW

SABRINA YAGUAL

"THIS IS WHY I SAID TO COME YESTERDAY." Mom stood behind me while I cut Beso's nails on the kitchen floor. "Instead of fooling around con ese hombre, we would've been on our way already."

I swapped the nail clippers for the file. "You could've cut Beso's nails. Ernesto could've drove you. I could've said forget it and let you deal with it!"

"Esta mona." She dug her knee into my shoulder as if I didn't know the backtalking monkey she referred to.

Beso barked and kicked. He tried to look back at her. I shushed him, readjusted his body, and started filing his snags. Mom walked around me. She placed a hand on the kitchen counter, the other hand out to give me another nugget of ever-flowing wisdom.

"No entiendo como tú puedes ver a él sin vergüenza."

Shrugging, I let Beso off my lap. "What's shameless about being with someone I'm interested in?"

"He could be doing something illegal."

The Assignment and the Writer: One of the challenges for new fiction writers (and old) is to come out from the shadows of generality and get close to the scene. It takes a lot of imagination to see details and find original language, and it takes guts to dwell with complex emotion for as long as the story-telling requires. Written in English 216, the Fiction Workshop, Sabrina Yagual's beautifully quiet story *Do You Know* calls up place and family with a clear eye for meaningful gesture and a writer's rigor for the spare and resonant detail. In the end, a slyly casual admission by the mother to the daughter brings us close to the love and striving that mark this complex relationship.   **– Professor Jeffrey Heiman**

"He works in a building with windows, not a basement. Stop exaggerating."

"Did I exaggerate how borracha you were when your friends dropped you off? At three in the morning with your purse missing?"

"Janessa had it." I tossed Beso's supplies in a drawer. "It's not like you get mad when Ernesto does it."

She leaned forward, squinting to hear better. "Qué, qué?"

My eyes flickered over to her and I told her it was nothing. She gave me a look that tried to make me admit a sin, like she caught me eating after brushing my teeth. She should've been the one confessing to me. I saw the square griddle sticking out of the sink, still with the smell of cooked pork and mozzarella, but she'd hidden the plate of pupusas from me.

Mom cleared her throat and started to make her way out of the house. I wanted to start a more thorough search, but she liked being early and I wouldn't hear the end of it if Beso wasn't the first dog called.

"Sit in the back with Beso," I said. "You know he doesn't like being there alone."

Her face peeked over the roof of the car. "He has to grow up. He's almost ten."

She climbed into the passenger seat. I took a long blink before helping the beagle into a backseat. Beso began to whine once he realized I had no plans to soothe his car anxiety. The door shut, and Mom's muffled voice reached outside. I climbed in.

"You yelling at him isn't going to calm him down."

"Neither is your babying." Mom straightened in her seat. Her frown reappeared. "Mira, are you using protection?"

"Má!" My fingers curled around the wheel so they wouldn't claw my eardrums out. "Can you just be un poco tranquila? Por favor?"

Mom pinched her lashes between her fingers and let the subject fall. Beso filled the silence with whines every time the car stopped or took a turn. I focused on the road. Trees were beginning to grow their leaves, and the clouds in the sky didn't look like they wanted to smite us. I usually counted down the days to spring—any season was better than winter—but this was the spring I was supposed to graduate. If not for a single missed class, I would have and Mom, who had waited too long to see me walk down any kind of aisle, would have been happy. I couldn't even give her a high school diploma, and now I was making her wait longer.

"I think I'm going to be taking an extra semester." To make it easier for her, I added, "I am using protection."

She yanked on her seatbelt and put her face in mine. I thought she was going to rip out my hair, throw me out of the car. She gave me the evil eye, a curse of lifelong nagging.

"You think?" Her voice was sharp. "What do you mean 'I think'? Do you know or don't you know?"

It was better to concentrate on finding a parking spot. There were only a few cars in the lot, but it was small enough to accidentally scratch a bumper trying to inch into a space. My choices were subpar today, the slap on my forearm said so. It demanded an answer.

"I'm missing a class for my major. They're not giving it in the summer."

"Were you not paying attention when you were doing your classes? I told you before you even applied for any colleges—you're there to study, not to fool around."

I turned slowly, gave her time. I asked, "What is Ernesto doing?"

"This isn't about him." Mom looked away, eyes on the dash. "He's not the one that has to carry a baby for nine months."

I shut off the car and closed my eyes, ready to laugh and scream. After Mom told me about her miscarriage, it opened the possibility of it happening to me and she had no idea what she wanted—for me to have a successful career or kids before the chances of my own miscarriage went up. My body made the decision for us, the attempts nothing but disappointment at the time.

"Listen," I said, "let's not get into this. I'm not pregnant, and I'm not graduating until next semester. That's it."

Mom unbuckled her seatbelt with a snap. "You never listen to me. This is exactly why you're stuck now."

"Yeah, yeah. You know everything." I shoved the car keys in my pocket. "That's why Ernesto is out with his friends and not driving you. I woke up early just to take the train over while he was sleeping like a lazy ass down the hall from you."

"Reina, watch your mouth."

A sour taste touched my tongue, and I wondered if I should've listened. "No, 'Thank you, Reina. You've worked so hard.' Siempre estas criticando."

"Where's my thanks?" Her voice rang through the small car. It startled me and sent Beso into whines. She shoved her callused hands in front of me and blocked my attempt to tend to him. "Who's the one working so hard? I gave up all my time, years to work for the two of you." She stabbed those hands

into tied-up hair. "I worked until late into the night, sometimes overnight, and I still had more to do once I got home. Do you know how long I stayed up to make you clothes? How much I had to do alone?" Her hand pulled and stretched her hair tie as if it was a dress with uneven stitches no matter how many times she tore them and tried again. "I was alone with no help."

"What about me, huh?" I dug my hands into my shoulders. "Have I not been working? Have I not been helping? I'm going to school for you! Why isn't what I'm doing enough? Why am I being told off while that baboso you've been spoon-feeding for twenty-one freakin' years is out doing whatever the hell he wants?"

"Because Nelson isn't here!" Her hair tie hit the windshield and landed on the dash, nails fussed over each other. "He isn't here to teach him anything, Reina."

"But you are."

"There isn't anything I can teach him that'll be useful." She looked up at me. "But you, you have this opportunity that you can't waste."

"Graduation? I'm going to graduate! It's just a couple extra months."

"And when are you going to decide whether you want to start a family? You keep pushing everything back and believing you have time. I don't want you to go through what I did when I miscarried."

The car fell into silence. It was the first time she was direct about her feelings, and it was my fault. Mom hid her unease well, either by isolating herself or shifting the uncomfortable conversation. We never had time to talk about our feelings, not when money was on our minds. Now that we could spare a few minutes, neither Mom nor I knew how to talk like normal people.

Beso glanced between me and Mom. He stopped his anxious back-and-forth to see who would speak first. I picked at my palm. There were the phone calls Mom took, a hand glued to her round belly, that always ended with the handset banging against its base. The days she skipped dinner to pack lunch for me and Ernesto. The night she told me stories about Pá and their friend Ernesto spurred by pictures until I picked up an ultrasound and asked who it was, only for her to say she was my little and Ernesto's older sister Angel.

"Do you know I'm happy this way?" I pinched a fold on my jeans, needing to level the field with my own, continuous sacrifices. "I saved everything I had for you and Ernesto. My money went toward the rest of the bills, you know that, and so Ernesto wouldn't feel how much we were actually struggling. I think we both did too good of a job."

Her face eased a bit.

"And you don't even know why I moved in with Liam, but you still bad mouth him like he's forcing me to sell weed. He's clean, seguro." I poked my thigh in an attempt not to smile. "But if you can just trust me a little, I can get you a baggie."

Mom hit my shoulder. I couldn't tell if she laughed or scoffed. "This isn't what we wanted for you," she said.

I grabbed her hand and shook it. "It's not like we had a choice." I felt her thumb sweep the back of my hand. "But I get it, so stop giving me that look. You'll make Beso worry."

Mom snatched her hand back to her hair. She glanced at the backseat. "I'm serious. How could anyone be happy about their daughter dropping out of school?"

"If I stayed, I would've gotten pregnant. Then none of us would've been happy." I raised my hands at Mom baring her teeth. "I'm kidding."

Though, it was a good thing I really didn't get pregnant at seventeen. I had thought having to drop out for being pregnant would have been better than willingly leaving. Imagining a ten-year-old who'd call me Mom kind of freaked me out. He would want to know his shitty father, and I wouldn't want to talk about him.

I scratched my head and watched a woman in scrubs cut through the parking lot to the center. Even though I could never fully understand what Mom had to go through—those angry phone calls, her miscarriage, losing her husband just before the end of her third pregnancy, taking care of two brats now always fighting—I didn't want it to cause fights like this. It would only screw both of us over the second one of us said something we'd regret.

"Promise me that you'll graduate."

I shoved her shoulder. "Come on, I don't have to do that. I am!"

"Then promise."

I leaned forward and kissed her cheek. "Mi reina más bella que haya existido, prometo que me graduaré después del próximo semestre… Anything else? Want me to find you a new man?"

"Cállate, mona."

Mom opened her door to get away from her annoying daughter and helped Beso down. I stepped out and reached her side, my hand around her elbow. The appointment lasted less than twenty minutes, but that was enough time to shake off the tension and start another, more comfortable argument. When we left, I held Beso in the air and cooed at him while Mom rushed me to the car.

"It took Beso a full year to lose the weight." I handed the leash Mom reached for. "I have to celebrate with him."

Mom opened the back and stepped into the car after Beso. "If he didn't eat so much, it wouldn't be a problem."

"You're the one overfeeding him."

She leaned forward, her gathered fingertips in my face. "Así. I put that much meat in his bowl and that's it. That's not a lot."

I pushed Mom's hand away and looked at her through the rearview mirror. "And what about when you're eating breakfast? You don't give him your crust? Or those crackers?"

She scratched under Beso's chin. "I don't like the crust. And it's un poco."

Beso leaned into her attention, his anxiety relieved. There wasn't a reason for Mom to be back there, except maybe to annoy me. But if we really were in a battle to see who could annoy who more, I was the clear winner.

"You made pupusas," I said, reminded by her overfeeding Beso and under-feeding me. "I saw the pan."

"They're for Ernesto." She scratched Beso where he wanted, behind his ears. "He should be home around the same time as us."

"What a coincidence." The dog looked happy. "They're in the micro-wave?"

"No me escuchaste?" Her eyes narrowed. The crow's feet were deeper than I'd thought.

"I heard you. Doesn't mean I'm not going to find them and eat them."

I looked back at them, over my shoulder. Mom's hand cupped Beso's little head. "They're in the oven," she said.

♦ ENGLISH 216

THANK YOU

VICTORIA BRYAN

I CAN'T BRING MYSELF TO FIND ANGER in the blurry flushed face from my memory or even the clear chiseled face that winks at me when I walk into Anthropology 102 fifteen minutes late. So, I deflect my gaze and find a seat with the most desks between us and I try my hardest to focus while Professor Hermon drones on, "Early man evolved from early hominids as early as 300,000 years ago; however, Homo sapiens only developed the capacity for complex language 50,000 years ago." I force myself to, at least, pretend to listen as I pick at the chipping manicure I decided to waste the last twenty bucks on.

"Why do you think that is?" It sounded like a not-so-hypothetical hypothetical question so I look down at the blank page of my notebook, counting the lines on the page until Hermon calls on someone else and I'm allowed to look up again.

You raise your hand, because you always have all the answers, "Because since early humans spent most of their time trying to figure out what they were going to eat and how they were going to survive, they didn't have time to think about anything else. So fast forward, when man discovered fire and agriculture they were able to focus on different things like language." I bit my cuticle and tasted iron.

"Thank you, Tyler. Good to know someone's paying attention." It wasn't only Hermon who liked you, you have a way of making people like you the second they meet you. I don't really get it, but I fell for it too. You're not even that good looking. I mean I guess brown hair, green eyes and acne scars are someone's type, just not particularly mine. I guess it was your smile. You smile with your entire face and your eyes wrinkle just the slightest bit at the corner and it made me melt.

The first time I saw you, I thought you were so different from all the other fuck boy douchebag lacrosse jock types and you seemed perfect. And when you'd see me in the hallway, you always stopped and asked me how I was and how my classes were and if I was happy. "Yeah, everything's great. Just kinda stressed about classes," I'd lie, wanting the interaction to be over so I could exhale. And always, without fail, you'd hug me. Not an awkward side hug that you give the aunts you barely know on Thanksgiving, but a real hug. The type where your big arms and broad shoulders would envelop me in warmth and I'd rest my head on your chest for just a second and, in that moment, we were so close I could smell the musk of your body and it was perfect.

Yeah, I know. I know it's stupid and cliché, but I really wanted to make college work. I mean high school itself wasn't that bad, but I ruined it. I never let myself let loose and be a kid, I guess. So I never went out, never skipped class, never even kissed a boy, nothing. And at the time I was fine with it, content even, but after graduation when everyone had more than their fair share of wild stories from wild nights that they'd never forget, I had nothing. And the only thing that I could even sort of look forward to was college starting in the fall. I was starting over and I didn't want to miss it this time. I wanted everything to be perfect. I wanted to go to the perfect school, in the perfect city and make perfect memories with perfect friends. But, obviously, I didn't get that. Instead, I got you.

You were a glimpse of the type of guy the girl I wanted to be would want. I guess that's why I trusted you when I didn't, and still don't, even know you. If I had to pick a moment where I fucked up, that would be it. Without a doubt.

It couldn't have been the moment I came to Saint Rose and I befriended the type of people I would have never even associated with back home. The type of girls that made a habit of tracking time through the amount of Merlot

Mondays, Tipsy Tuesdays, Wine Wednesday and non-stop parties and darties (day parties, but I think you get the gist) that they survived. It even got so bad at one point in the semester that we'd joke that we wouldn't remember this as the best time of our lives, not because it wasn't, but because we were too fucked up to remember it at all. That's just how it was. "Sam you're coming out with us tonight, right?" Jenna asked. She was a lush, but she was funny so I didn't mind.

"I don't know I kinda just wanna stay in tonight."

"Come on, you always wanna stay in. Can't you just come out and have fun, just this once?"

"Ugh where are you guys even going?" I said with absolutely no intention of leaving bed.

"We're probably gonna pre-game at Steph's and I know for sure there's a party at Lacrosse house and I have a couple other addys if that one's a bust."

"Wait isn't Lax house kinda far? Isn't there a party closer to campus?" Terri asked, who had applied way too much foundation and wore a crop top with what looked like an infected belly button piercing.

"It's only a couple streets down from Steph's house but I guess if we're still really fucked up we can crash there, but we should probably be pretty sober by then," she said casually while her phone illuminated her face. "So, Sam are you in or not?" she asked as she turned off her phone and made unamused eye contact.

Of course, I asked the important question before I just flat-out agreed, "Do I have to throw money for the liquor?"

Jenna laughed an ugly laugh from her stomach, "Does that mean yes?"

"I mean since you're begging. It'd just be rude at this point to say no."

"Bitchhhh," she said, jumping on my bed, "if you don't get your ass up and start getting ready..."

I don't know why I said yes. I guess it was because somewhere not too deep inside of me I resented being alone in the dorm room that I was paying way too much for, and I resented all of the hours wasted doing homework on someone else's desk that had been indelibly marked with someone else's markings. I hated it. I hated the two small fluorescent lights that flickered every five seconds, and I hated the fact that it was always quiet, and my roommate was never home. I hated how I finished my homework and watched all of my shows and still had hours to pace barefoot on the coarse carpet that belonged in some movie theater from hell. Or, maybe, I said yes because I was tired of wasting away while my friends had the time of their lives. Maybe I was afraid of missing that mythical moment that I'd think back to twenty years from now and smile. I don't know, it doesn't matter.

And that was that. So, I put on a low-cut tight-fitting black crop top with a pair of high-waisted leggings with some gold jewelry and we were out.

Albany wasn't exactly what I expected, it wasn't the bright vibrant city with an excess of vast open green spaces with college students frozen in fake laughter that I'd seen on brochures. But that night I didn't care, because I felt sexy as fuck as I walked in the dark trying to avoid the burnt cigarette buds on the floor. And I was still feeling myself even when I almost twisted my ankle on the cracked sidewalk and cursed Albany under my breath. Thinking about it now, that's all there really is to Albany, but if I asked anyone here they'd just say, "there's more, you just gotta know where to look," and I'd agree, but only half believe it. And I was okay with that because I thought damn I really needed this, while we waited under the dim streetlight in the cold as Terri, our only friend with a fake, went in and bought Svedka or Amsterdam or whatever was the cheapest.

She came out with a big black plastic bag and held it by the bottom so it wouldn't make too much noise and we kept walking until we reached a run-down house with a wooden porch that gave me a splinter just by looking at it. To be honest it kinda looked like a crack house, but then again what in downtown Albany doesn't so I entered with no hesitation.

Stephanie opened the door half naked and screamed at us over the music to come in. I went into the house and drank the cheap vodka warm out of a cracked Minnie Mouse mug and I gagged as a sipped, "God, does that ever get easier?" They laughed and continued to gossip and make small talk to fill the room that barely had a proper couch and coffee table, let alone a houseplant or a rug. I didn't feel the buzz, so while my friends were pacing themselves and being decent social beings I drank two more Minnie Mouses.

In retrospect, I guess that was kind of a mistake too because the second I stood up from the bare wooden floor I felt the ground shift. I was definitely feeling it then. I rubbed my eyes, trying to get them to focus on my surroundings. I was drunker than I wanted to get but I was fine with it because I was the happiest I had been since I left home and all I wanted to do was fuck shit up with my girls.

Jenna noticed that I was a little drunker than I usually got, "Sam, are you okay?" She asked as genuinely as drunk Jenna could.

I forced my eyes to focus on her, "Mmm, I'm fine. I'm great, can we just go to the party now?"

I don't remember exactly what she said, but it was something along the lines of, "say less." We left with water bottles filled with, you guessed it, more vodka, and we walked five more blocks to the Lax House.

I know at this point you're probably thinking, "Cool, but what does this have to do with me?" It has everything to do with you because when I walked into the party I saw you, it made my stomach concave on itself. You looked better than ever and I probably looked clammy and disgusting while I sweated

booze. I felt the vibration of the music pulsate through my body and it made me sick. I wanted to turn around and run, I didn't want you to see me like that. I shouldn't have wanted anyone to see me like that. All I was thinking was how stupid I was for allowing myself to get so drunk and sloppy and I wanted to go back to my dorm, I did a quick 360 and I couldn't see Jenna or Terri or Stephanie anywhere so I elbowed my way through the sweaty crowd looking for my friends.

I finally saw two Terris dancing in the middle of the room that was filled wall to wall with screaming people dancing and falling over each other, "I really don't feel sogood," I blurted out. "Canwejust find jenna and go home?" I don't think she understood what I said because she just told me to take another shot and try to enjoy the party. Maybe I was just freaking out, so I took a sip from my water bottle and stumbled to look for Jenna through the thick wall of people who looked like their only purpose in life was to be props at some house party. After that last shot I decided, you know what I came all the way over here I might as well enjoy the party so I let the warmth in my chest take over and I started dancing and trying to shake my ass to whatever trash was playing.

"Damn girl, I didn't know you could move like that." You came out of nowhere and I didn't know what to say. So, I just laughed and took another shot. I had to force my eyes to focus enough to only see one of you. "You tryna dance with me?" It was just a dance so I didn't think twice about it. But, after the dance you hung around and I don't remember what we talked about or what you said but you made me laugh. I could have stayed there forever, but you wanted me to come to the kitchen with you and have a shot.

I couldn't really walk, so you held my arms and helped me through the crowd as randos elbowed their way past us. When we go to the kitchen we took two shots of tequila. I felt warm and ready to take on the world and you looked at me for a long moment and called me pretty.

"You have the most beautiful eyes I think I've ever seen. What are they blue?" I laughed and my nose crinkled, I didn't even bother to tell you they're actually brown. I just went with it.

I felt a wave of nausea and I told you, "Idon't Idon'tfeel toogood. I needto I need to findmyfriend." As my head spun I held onto the unclothed kitchen table to steady myself. I felt weak. I blinked hard and rubbed my eyes, but I couldn't force my body to focus or to be as alert as I should have been. I shouldn't have taken those shots, but I wasn't thinking. It was too loud and I couldn't think.

I looked at you for help, and like an angel you said, "I don't know who your friend is, but if you want you can sleep in my bed 'til you sober up a little."

It sounded so innocent when you said it, that I didn't even question it. I didn't even register to me that I should have questioned it, I just did it. You looped your elbow through mine and guided me up the stairs. I missed a stair and I almost fell, but you caught me. And there I was again, in your arms. I thought I was safe. You made me feel safe.

I stood outside your dirty off-white door as you reached in and turned on the light. It felt like time was going in slow motion and speeding up. You walked into the room first and quickly through a pile of dirty boxers and dingy t-shirts off your bed and you let me lie.

I laid still for a moment, and felt the heat of you staring at me. I perched myself up on my elbow and, for the first time, I didn't want you looking at me. You came and laid next to me, "You really are the most beautiful girl I know," you said through putrid breath and you kissed me. And it wasn't soft like I'd imagine every time I saw you apply Blistex with your finger.

And you weren't the person who would comfort me when I was sad and listen to me rant about how unhappy and discontent I was. You'd listen even when I just complained for the sake of complaining, "Ugh I honestly just want to transfer at this point. I feel like I'm going stir crazy and I just wanna leave. Like I feel like I'm genuinely wasting my time here."

"Stop you know you're not. It's not that bad here, you just haven't found your niche yet."

"Tyler it's more than that. I hate it here. There's nowhere to go, nothing to do, no one to talk to... There's nothing."

"First of all, ouch. What am I then?"

I tried to hide my smile, but I knew you saw it. "You know what I mean. Saint Rose fucking sucks, hate to break it to you."

And you laughed, "Come on, don't be so quick to judge. Hold out for at least one semester, then make a judgment."

I know it was mundane, but those were some of my favorite moments. We'd just sit around in the lounge and talk about nothing and everything. "Maybe I judged you too quickly," I teased.

"Oh really?" The first time I ever saw you sit up straight. "And what's the verdict?"

"Fuckboy Jock type, you know? The usual."

He faked hurt, "Stop, you know I'm not like that," you said almost like a promise. I guess I didn't know after all.

"IthinkimgoodIshould gofind go find my frie-" I tried to get out, but between the vodka and your lips enveloping mine I couldn't get a word out. You took your shirt off and threw it on the floor. The nausea came back and made me half wretch, but my body felt heavy and I couldn't move. "Please."

You half smirked and the corners of your eyes wrinkled and you got on top of me. You kissed my neck until it was damp with your spit and you tried

to take off my shirt, but when you couldn't do it so you settled for my pants. I can still feel your untrimmed nails sliding my leggings off and scratching my thighs, it gave me goose bumps and I wanted to cry. You slipped off my black lace panties. "Please." I said sleepily as I pleaded the best that I could.

"You don't have to beg Sammy." He smirked again and shoved himself inside of me. I guess I didn't know you as well as I thought, and you definitely didn't know me. You didn't know that I have brown eyes, or that I hate being called Sammy, or that I had never done that before. So, I just laid there, as you stabbed me repeatedly and left me bleeding on your Ikea sheets. All you said was, "that was good, we should do this again sometime." And you retreated to the loud music downstairs.

You know the funny thing is I really thought you were different, and that's not your fault. It's mine. I don't really remember what happened after that, but it doesn't really matter because what's done is done. You weren't the person I thought you were, because I thought you were something good, and I thought I deserved someone just as good as I thought I was. I was wrong. And it doesn't sting to admit. I'm not as good as I thought I was either and that's okay. Now, I can see things for what they are and I can see people for who they are and that's a gift. So, Tyler, thank you for that.

♦ ANTHROPOLOGY 325

THE MATRIMONY

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CARLOS RODRIGUEZ

BACKGROUND

MARRIAGE IS SUCH A TRICKY THING. Are you getting married for love? Or is there a business opportunity in the works? Although marriage is much romanticized, as it should be, people also forget the many cultures see marriage as a transaction. However, for this particular analysis, the marriage I attended seemed to be purely for romance. Yes, romance still exists. In the particular church where this event occurred, St. Martin of Tours in Bushwick, Brooklyn, two families celebrated love and unity.

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The Assignment and the Writer: In ANT 325 Ethnographic Research Methods in Anthropology students learn to implement a range of qualitative and quantitative methods anthropologists commonly use in ethnographic fieldwork. These include participant observation, interviews, surveys, focus groups, and ethnographic mapping, among others. This particular assignment required students to combine two or more methods to gather data and to analyze a cultural ritual. A key aspect of cultural systems, rituals may mark changes in identity (rites of passage) or moments of crisis or celebration for a community (rites of intensification). Carlos, an anthropology major, chose to analyze a very common ritual, the wedding ceremony. But he reveals to us through his incisive fieldwork observations and inquiries how a simple wedding combines both types of rites, and incorporates complex cultural functions, symbolism and spatial formations. **- Prof. Edward Snajdr**

Since the year it was founded in 1906, St. Martin of Tours has seen more than roughly 500 marriages. But my information may be wrong, due to the fact that when I asked the church secretary for this specific information, she informed me that they no longer have the records because of a fire in the rectory a few years ago. St. Martin of Tours church is a Roman Catholic Church. Their primary demographic is the large Latino population in Bushwick. With masses mostly covered in Spanish, they employ over 20 staff members, including my grandmother, who is a very devoted Catholic woman.

With rent on the rise in Bushwick, the Church's main source of income is the donations of their many members. St. Martin of Tours church can host over 1,000 members at a time, both sitting and standing. This can be clearly seen on any Easter Sunday. The church has weddings every couple of months, where families can either have a Catholic service or rent out their basement for a service and the party after.

THE MATRIMONY

The wedding I observed began as any "normal" Catholic wedding. The first group of people to officially enter, that is after the guests have taken their seats, were the altar boys and girls. They came in with candles and a cross. As they walked down the aisle, the guests made the sign of the cross. Right after the altar boys and girls got into place, the priest walked in and began preparing his altar. The next people to enter were the bridesmaids and the groomsmen. As they entered, the guests began clapping. Next were the groom with his mother. As they entered the guests also clapped. After the groom was positioned, the song "Bridal Chorus" by Richard Wagner began. Immediately every guest turned to look at the entrance of the church. As the bride walked in with her grandfather, the guests began clapping and some also started to cry, remarking that she looked "stunning and beautiful." As soon as the bride reached the front of the church she kissed her grandfather and thanked him for walking her down the aisle. The grandfather, with tears in his eyes, kissed her and shook the groom's hand. And thus the mass began.

It started as a standard Catholic mass. At first, specific parish members got up and read the "Liturgy of the Word." The first reading was a scripture from the Old Testament. The second reading is usually a scripture from the New Testament that is a response to the first reading. The last reading is the proclamation of the Gospel. After the readings were done, the priest stood up and began talking about various things, such as unity and love. After this, he had the bride and groom read their vows. As the bride and groom said their vows, the families began crying saying that their shared love was "so beautiful." When they were done, the priest stated, "With the powers vested in me, I now pronounce you husband and wife." As the newly-weds walk out of

the church, there are guests who are outside clapping and congratulating them while also throwing lots of uncooked rice on them.

RESEARCH METHODS

In addition to observing the wedding, I also conducted two additional research methods. As I stood in the church and looked around, I immediately noticed the separation between the two families. As I lay out in this map, the seating chart was crucial to the ritual. Although the families were coming together through the union of the couple, the seating was completely separate.

Symbol	Meaning
▲	Bride
■	Groom
Δ	Bride's Nuclear Family
○	Groom's Nuclear Family
☺	Bride's Guests & Family
☼	Groom's Guests & Family

The seating arrangement was crucial to the ritual. As we can see from the map, the bride and the groom's nuclear families sat on each designated side. The bride's immediate family, such as her mother, sister, and brother, sat on her side of the church, whereas the groom's immediate family, such as his father, mother, and brother and sister, sat on his side of the church. However, what was interesting was also where they sat apart from just their designated sides. The nuclear families were also right in the front, closest to their family member. Apart from the nuclear families, the bride and groom's family and guests were also separated by who they were most affiliated with. For example, I was most affiliated with the bride; therefore, I sat on her side of the church. However, I was not as important as her nuclear family; therefore my seat was not as close to hers as theirs was. Also interesting was the fact that these seats were not assigned. As the guests came in, they each migrated to their designated sides. When I asked my father if we were assigned these sides to sit in, he simply told me that was "just the way these things go." This was not much help because I am still confused whether or not that pattern was just a phenomenon that occurs at weddings.

My second research method was a poll that I conducted randomly with a few of the guests at the wedding. I simply had one question: "When you think of marriage, do you think of romance or business opportunity?" I got a lot of weird looks, but I persisted and got some honest answers. I managed to ask my question to 49 people. My results were 42 people answered, "romance" and

just 7 people answered, "business opportunity." 85% of the people that I asked believed that the only reason why someone would get married is love. There were a couple of outliers who proceeded to give me speeches on how it was both. They continued to explain that love and affection can grow over time, but if I were to get married, I should think of it strategically and choose someone who would help me build an empire.

ANALYSIS

To analyze the ritual I observed, it is best to look at what that ritual signifies for both parties. From the moment a little girl grows up, she pictures her perfect wedding. She dreams of meeting the perfect partner and having her dream wedding. To her, that celebration marks the best day of her life. On the other hand, men typically do not dream of their weddings. Well, that is not until they have found "the one" they would want to marry. Looking at both people together, a wedding signifies that they are now and forever a couple. They have certain privileges that benefit each other and their future. For example, they now receive tax benefits allowing them to divide business income within their family. They also will now receive several benefits from the government such as shared Medicare, disability and Social Security benefits. The benefits that a married couple receives are also crucial when it comes to life insurance.

Although the actual wedding has many components that indicate a rite of intensification, the wedding as a whole is essentially a rite of passage. The wedding ceremony celebrates and brings to light the fact that this couple's status in society has officially changed. From the day of the wedding and so forth, the united couple makes decisions together. Although the wedding can be seen as a symbolic ceremony, the lasting symbol of status change is the wedding ring that they both must wear forever. There are other symbols as well, especially during the ceremony: A bride must wear a white dress to signify that she is "pure" and is only going to be touched by her husband. For the husband, though, I did not see any particular symbols other than the wedding ring after the ceremony. During parts of the ceremony itself, we see a continuation of the elements of what Van Gennep (1960) calls a "rite of passage." For example, as soon as the priest was done speaking he began the rite's final part: the *reincorporation*. At this point of the ceremony, the couple reads their vows and the priest changes their *liminal* (or in-between) status from two single people to a married couple. This act symbolically changes a couple's status in society. It also means they are not allowed to look for any other romantic partners, although as we know, that does not stop everyone.

REFERENCE

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♦ HUMANITIES AND JUSTICE STUDIES 310

JUSTICE IN QING CHINA

ASHLEY JOHNSON

THE QING DYNASTY OF ANCIENT CHINA was the last dynasty in power before imperial rule was pushed aside for the embrace of Republican, and then Communist rule. The Qing (1644-1911) was one of China's longest reigning dynasties, and one of its most notable aspects was the development of the Great Qing Code. The Great Qing Code, or the Qing Code for short, was a series of statutes, and sub-statutes based on the legal codes developed by the former Tang (618-907) and Ming (1368-1644) dynasties. It grew over time, with new laws written to address crimes that were not previously addressed by the written codes. These laws were very specific and were often framed according to the Five Confucian Relations, which established hierarchical relations between family members, such as wife and husband, and son and father. Punishments for crimes ranged from exile and being struck with the heavy bamboo, to death penalties like strangulation and decapitation. However, punishments for these crimes could, and would, differ between men and women, parents and children, and most of this can be attributed to the societal

norms and traditional values that defined the era of imperial China. This paper will examine cases involving divorce, filicide, and spousal killing during the Song (960-1126) and Qing dynasties. Divorce is included under criminal law, because divorces were usually only granted if one of the spouses committed a crime or failed to fulfill certain obligations.

Qing China probably holds the *most notable* legal system among the many dynasties, but its foundation was established by the legal codes of earlier eras of the Ming, Tang, and Song. The Ming and Song dynasties had noteworthy legal systems, but they seemed more influenced by traditional Confucian social roles than the Qing's system, which reflected more of the changing social circumstances of the time, such as a greater number of false accusations, with many of them being for murder. According to Huang Liu-hung, a district magistrate who served during the 1670s, "Most homicide cases brought before the magistrates are false; perhaps only ten or twenty percent are genuine homicides. But since homicide cases are important, the magistrate is obliged to accept them all" (Huang 320). The book, *The Enlightened Judgments: Ch'ing-Ming Chi*, translates a series of cases that occurred during the Song dynasty. Published during the Ming dynasty, these Song cases offer a nice juxtaposition to some of the Qing cases, and they show how justice was envisioned similarly and differently between the two dynasties. Two of these cases are found under the section "Husbands and Wives," with one showing what happened when the wife pursued a divorce, while the other showed what happened when the husband was the one trying to pursue it.

The first case, titled "A Wife Who Has Been Disobedient to Her Husband and Perverse to Her Father-In-Law is to be Punished and a Divorce Permitted," describes how a wife was suing for a divorce from her husband. The woman, Chang, had been married to her husband Chu Ssu for eight years. However, she believed he was "idiotic and stupid," and wanted to divorce him on the grounds of his incompetence (McKnight 369). What's notable about this case is that Chang, "slanderously accused her father-in-law of having adulterous intentions towards her," which added more fuel to the fire in her attempt to break away from Chu Ssu (369). In this case, justice was influenced by what was written in the Confucian classic, *The Book of Rites*. According to the *Rites*, "when a son is very compatible with his wife but the parents do not like her, the son will divorce her" (369). Following this logic, Chang was no longer compatible with her husband once she sued him, let alone the fact that she did not like him in the first place. She also involved her father-in law, so Chu Ssu's father would have the incentive to dislike Chang after she levied her accusations against him. By no longer being compatible with her husband and not pleasing her in-laws, Chang was the one in the wrong, despite being the one suing for the separation in the first place. In the end, she may have gotten

the divorce she wanted, but she was still punished by being beaten 60 times with a heavy rod, most likely for unfilial conduct.

The second case, "Husband Wishing to Divorce His Wife on the Slanderous Pretext of Adultery," is the case where the husband is seeking a divorce. In this case, the same quote from *The Book of Rites* that was used for justification in the first divorce case was used here. However, the case also mentions this part of the law: "There are seven specific grounds for divorcing a wife. Among them the most serious is the offense of adultery" (369). According to Pang-Mei Natasha Chang's book, "*Bound Feet & Western Dress: A Memoir,*" the "Seven Outs" that justify a divorce are: "One, if she disobeyed his parents. Two, if she could not bear him sons. Three, if she committed adultery. Four, if she acted jealous and was unwilling to take in a concubine. Five, if she was repulsively sick. Six, if she talked too much. Seven, if she committed theft" (Chang 131).

In the first case, the sixth "Out" could have been used as justification for a divorce due to how much slander Chang was casting at both her husband and father-in-law. In this second case, the wife, Lady Yü, was not only accused of offending her mother-in-law, but she was also accused of committing adultery. After some further investigating, it was found that the charge raised by her husband, Chiang Pin-yü, was "not at all clear and [it] slanders his wife" (370). The law states that, "Adulterers must be caught by the husband," but Chiang Pin-yü never caught his wife in any adulterous act, and due to the lack of this evidence, he could not use the third "Out" to justify the divorce. When his accusation was seen for the farce it truly was, Chiang Pin-yü went as far as to accuse Lady Yü of theft as well, as if it had been his backup plan all along. He lied about that too, so he could not use the seventh "Out" for justification either. In the end, the court allowed the divorce to happen on Lady Yü's behalf, and Chiang Pin-yü was the one sentenced to face punishment. He ended up being beaten 80 strokes and then "then sent to the prefectural school to be examined" (371).

The same quote from *The Book of Rites* was used in both divorce cases, with varying results, and both cases showed how filial piety can be a determining factor in important decisions. In the two cases, it did not matter whether the son was compatible with his wife. If his *parents* did not like her, their son had to divorce her, which shows how much influence the parents held in marital relationships. Filial piety, an important part of Confucian thought, is known as showing the proper respect, care, and obedience not only to one's parents, but to all of one's elders. For a woman, this included her in-laws, as well as her husband's elders, because once she was married into her husband's family, his family became her *primary family*. The influence of filial piety is present in both divorce cases, since both raise the basic question of the wife's not showing the proper respect to her in-laws. However, while Chang was

indeed guilty of disrespecting her father-in-law with her false adultery claims against him, Lady Yü was completely innocent, with her husband trying to frame her for disrespecting his mother. Also, how the punishments were adjudged was quite different. In the first case, Chang was the one that wanted the divorce, and even though she did get what she wanted, she was still punished for her behavior. Chiang Pin-yü got the divorce he wanted, but it was done on his former wife's behalf, and he was punished because he could not prove his accusations.

Both divorce cases happened during the time of the Song, so how exactly would each case would have been decided if it had been pursued during the time of the Qing, especially when the Qing Code was the defining law of the land? A significant aspect of both cases was the false accusations leveled against the parties. False accusations happen to be addressed under Article 336 of the Qing Code. In the first case, Chang falsely accused her husband of being stupid and her father-in-law of having adulterous leanings toward her. If this had been tried under Qing rule, the likeliest section of the article that would apply would be the first one: "In the case of anyone who falsely accuses another of an offence punishable with strokes of the light bamboo, sentence him to the penalty of the offence of which he falsely accused [the other], increased two degrees. If the penalty is exile, penal servitude or strokes of the heavy bamboo (*regardless of whether it has been executed and the accused has gone to the place of punishment or not*), add three degrees to the offense falsely complained of" (Jones 317). Chang's original punishment was 60 strokes with a heavy rod, but under Qing law, not only would the rod be made of bamboo; the number of strokes would have been higher. On the other hand, Chiang Pin-yü falsely accused his wife of being an adulteress and realizing that the charge would not be credible enough, he falsely accused her of being a thief as well. Under the Code, the first section under the "False Accusations" article would also apply. Chiang Pin-yü would have gotten more strokes from the heavy rod due to the increase of degree. However, in both cases, the maximum limit of 100 strokes would still apply.

Also, according to Philip C. C. Huang's article, "Women's Choices under the Law: Marriage, Divorce, and Illicit Sex in the Qing and the Republic," a "wife was expected to remain with her husband. To run away from him was desertion, a criminal offense" (Huang 10). Running away from the marriage would result in the wife's being brought up on criminal charges. The acceptable methods wives could take in leaving their husbands would be either buying their way out if they could, or the more common method of going back to their original families. Going back home was not outlawed by the Code, so it was seen as a good way for women to get away if needed. However, that route was not taken in either case discussed here. Lady Yü was entirely innocent and fully exonerated by law. On the other hand, Lady Chang could

have gone back to her original family to get away from Chu Ssu, but instead, she chose to lie and spread false accusations. If her parents had been willing to take her back, her case might have ended a lot differently.

Derk Bodde and Clarence Morris' book, *Law in Imperial China, Exemplified by 190 Ch'ing Dynasty Cases with Historical, Social, and Juridical Commentaries*, is a collection of cases that occurred during the time of the Qing (Ch'ing) dynasty. The cases cover many crimes, including robbery, murder, and assault, and are highly specific, with some invoking laws that focus on particular social roles, including specific family members, such as parents and children. Section 159, "Premeditated Homicide of Parents or Grandparents,", covers three homicide cases. In Case 159.1, Mrs. Chiao kills her daughter-in-law, the younger Mrs. Chiao, because she feared that she would report her adultery to her husband. She ended up killing the younger Mrs. Chiao with a fire poker after getting into a fight with her, which made the killing not premeditated. This case keeps in mind the addition of a recent sub-statute, due to an earlier case where "an adulterous couple had murdered the woman's son to seal his mouth" (Bodde & Morris 315). This earlier case led to the death penalty now being applied to a "woman" and "only to cases in which a son, daughter, or daughter-in-law [has] been killed with premeditation or intent in order to conceal adultery" (316). It is not supposed to be applied if there was no premeditation, and the lack of premeditation for the killing is what saves Mrs. Chiao from the death penalty, which in her case would have been decapitation after the assizes, as the principal offender. However, she was convicted of beating her relative to death "unreasonably," and she was sentenced one degree higher, as if she had done this with premeditation, (which she had not). She received the punishment of 100 blows with a heavy bamboo rod, and exile at a distance of 2,000 li (316). Because her crime was thought to be "heinous," she was also forbidden from buying her way out of her punishment, which was generally permitted to women.

In Case 159.2, Wu Ta-wen killed his grown son Wu Yen-hua with the assistance of Ch'a Ch'uan-kuei. Wu Ta-wen had been committing adultery with Ch'a Ch'uan-kuei's wife, with Ch'uan-kuei's approval because he was getting paid for it. In other words, he was effectively Pimping out his wife to Wu Ta-wen. Wu Yen-hua eventually found out about his father's infidelity and refused to keep silent about it, so, fearing that the affair would come to an end, Wu Ta-wen lured his son somewhere deserted and cut his throat. As an accomplice to the murder (co-conspirator but not present at the crime), Ch'a Ch'uan-kuei was sentenced to life exile and 100 blows with the heavy bamboo. On the other hand, as the principal offender, Wu Ta-wen had already been sentenced "to penal servitude under the statute on parents who intentionally kill a son" (317). That statute provided 60 blows with the heavy bamboo, along with the one year of penal servitude, which was less than the sentence of the

accomplice. In Case 159.3, Mrs. Kao née P'an killed her nine-year old stepson to prevent him from saying anything about her adulterous relationship, and then she killed her niece simply out of hate for the girl's parents, who threatened to report her to the authorities. Due to her two crimes, she earned herself two different death penalties, but the Court sentenced her to the heavier of the two: decapitation after the assizes.

While the cases above did not involve killing one's own or someone else's grandparents, they all have two common connections: premeditation and murder of a close family member. In the first case, it is the *lack of premeditation* that saves Mrs. Chiao from a worse punishment than the one she received. On the other hand, in the other two cases, it is the evidence of premeditation that results in both Wu Ta-wen and Mrs. Kao facing the worst punishments that could result from their crimes. The difference in punishments is also something to note. If there had been a hint of premeditation apparent in Mrs. Chiao's case, she would have suffered the same decapitation punishment that Mrs. Kao received, since both were the principal offenders in their respective cases. Wu Ta-wen was also the principal offender in his case, and acted with premeditation as well, and one might think that Ta-wen should have also received decapitation after the assizes. However, he did not get that punishment.

Remember, Ch'uan-kuei, the accomplice, got a harsher punishment than Wu Ta-wen, which Bodde and Morris notes, "illustrates the Confucian emphasis upon seniority within the family, under which crimes of parents against offspring are punished much more lightly than are the same crimes when committed outside the family, whereas crimes of offspring against parents are punished with corresponding greater severity" (318). One of the Five Relations of Confucian thought is the relationship between father and son, and since Wu Ta-wen, the father, killed his son, he did have the seniority warranted for the lighter punishment. If this happened outside of the family, and he had killed someone else's son, then he would have gotten a harsher punishment, as was the case with his accomplice. However, if he had killed his father, he would have received the slicing death, which is not even one of the five official punishments, since premeditated parricide is one of the 10 Abominations. As mentioned in the Mrs. Chiao and Mrs. Kao cases, a special sub-statue had been enacted to punish a mother who kills a child or step-child to silence the child regarding adultery, and that sub-statute prescribed decapitation or strangulation after the assizes, for murdering a step-child or child, respectively. If it were not for patriarchal supremacy, Wu Ta-wen would have suffered death, not just bambooing and exile.

The Qing cases under category 160 in Bodde and Morris, "Killing A Wife's Paramour," tackle the concept of paramours being involved with murder. The first case, Case 160.10, details how Wang Fang-chung, the

paramour, killed his rival Yang Ch'ang, the husband of his lover, Mrs. Yang. He did it with premeditation, but the issue that surrounds this case is whether or not the husband truly tolerated the adultery. If he had tolerated it, then Wang Fang-chung would have been sentenced to decapitation after the assizes and Mrs. Yang would have been sentenced to bambooing for her adultery only, as long as she had no idea of Fang-chung's plot, that is. If Yang Ch'ang had not tolerated his wife's adultery. Fang-chung would have been immediately decapitated and Mrs. Yang's sentence would have been strangulation after the assizes, provided she had no knowledge of the plot. In the end, the Provincial Court accepted the lovers' assertions, despite the lack of support for them. Wang Fang-chung was sentenced to decapitation after the assizes (which allowed time for clemency) and Mrs. Yang was sentenced to bambooing for adultery. But this case was reversed by the imperial Board and sent back to the lower court for reconsideration.

In the other case, Case 160.15, Ma T'ung-kuei committed adultery with Mrs. Liu née Yang, and then killed her father-in-law after Mrs. Liu encouraged him to do it. This was also done with premeditation, and T-ung-kuei was sentenced to decapitation after the assizes through the analogy to the statute on "adulterous couples who jointly plan and carry out the killing of the woman's husband" (322). The implication is that Mrs. Liu was a widow, and since the one killed was the father-in-law rather than the husband himself, the analogy is warranted. However, the sentence ended up being raised to immediate decapitation, due to both the seriousness of the crime and because the "adulterous love which drove this criminal into his wrongdoing was a motivating force more powerful than that found in the generality of cases" (323). Since the punishment was given through analogy rather through an actual written law that connects to the crime perfectly, the Board was able to ask for the increase in severity of the sentence.

The two male lovers in the cases above, Wang Fang-chung and Ma T-ung-kuei, were sentenced to decapitation, since both were principally responsible for committing the actual murder of a family member. T-ung-kuei simply faced his punishment quicker than Fang-chung, due to how severe and serious his case was. What makes the cases so different is the women who were involved. In the first case, Mrs. Yang was punished for her adultery only, but that depended on whether or not her deceased husband had tolerated her adulterous acts. However, in the second case, it is not stated if Mrs. Liu was punished for her actions, or even put on trial for that matter. She was the one that originally encouraged Ma T'ung-kuei to commit murder. She may not have done the actual deed, but she is just as responsible for her father-in-law's death as T'ung-kuei is, and yet nothing is really mentioned of what happened to her or if she faced any judicial proceedings. Bodde and Morris mention that "[t]he penalty for Mrs. Liu, although unmentioned, must have been death by

slicing because this is the specified punishment in [the Code] for an adulteress who kills her husband. The heavier punishment for her, as compared with that of her paramour, reflects of course her family relationship to husband or father-in-law, which caused this crime to be placed among the Ten Abominations" (323). She would end up receiving the worst death and not one of the statutory Five Punishments. In other words, due to traditional Confucian family relations, Mrs. Liu would have suffered a worse punishment for her crimes than her paramour did. Despite the fact that she did not do the actual killing, her co-conspiring is enough to warrant such a punishment.

In case 167.5, "Husband Beating to Death a Culpable Wife or Concubine," two men, Su Jung-kuei and Hsü Hsien, were accused of killing their respective wives out of anger. According to the text, Su Jung-kuei, "angry that his wife had contradicted his mother and even pushed her to the ground, inflicted knife cuts on the wife so that she died" (Bodde & Morris 344). Hsü Hsien "did the same to his wife because she too had used foul language against his mother and pushed her to the ground" (344). Both men killed their wives for very similar reasons, and in the end, both were sentenced to 100 blows of the heavy bamboo. However, their claims were not fully substantiated by their mothers, who were crucial in the crime analysis, and the Board implied that the two husbands may actually have deserved the punishment under the Qing Code: "strangulation after the assizes for wanton wife killing" (345).

A second case under this category, Case 167.11, reports that Chang K'ai-p'eng beat and injured his concubine with a stick and then tied her up in her room, hoping she would repent after she had worked herself into a tantrum. Unfortunately, she ended up insulting his parents instead, and this angered him so much that he starved her, which led her to developing another bout of an old illness. She ended up dying from it, and Chang K'ai-p'eng was eventually sentenced to "100 blows of the heavy bamboo, by analogy to the statute . . . concerning a husband who takes it upon himself to kill a wife or concubine because she has reviled or struck his parents" (345).

Both Su Jung-kuei and Hsü Hsien killed their wives because the women had disrespected their respective mothers-in-law, and Chang K'ai-p'eng's actions unintentionally led to his concubine's death. Yet all three men escaped the death penalty. To them, their wives or concubines were acting dishonorably, disgracing them and their family with their unruly behavior. Respecting one's parents and in-laws and showing them filial piety was considered highly important in Chinese society, especially for a woman, which meant that acts like physically hurting elders or speaking against them were considered highly offensive. According to Philip C. C. Huang, "[u]nder the patrilineal principle, a woman who married was seen as leaving one patrilineal family for another" and that "[w]ithin the family, a wife was wholly subordinate to her husband" (12).

China was very much a patrilineal society, and once a woman married, her life became devoted to her husband's family, which included respecting her in-laws. By not showing the proper respect, the two wives and concubine faced retribution at the hands of their husbands. However, the punishment, at least from the Board's perspective, was seen as a bit too lenient for the two husbands. The Board thought that Jung-kuei and Hsien deserved a harsher punishment, and that they may have well deserved the punishment for the "wanton" killing of their wives. The question now is this: Would the Board have thought the same way if the crime was the other way around? If the wives had killed the husbands for showing such disrespect, how would the judicial process been different? Also, in this case, the Board suggested that the mothers were backing their sons, and what they said was not that credible. If the mothers had not been believed, could the case have been different, and since their accounts of what happened were not that credible, should the mothers have been punished as well? What makes the three cases so similar was that all three men that were accused said they did what they did to regain the honor of their respective parents.

On the other hand, what makes Jung-kuei and Hsien's cases different from K'ai-p'eng's case is that while Jung-kuei and Hsien killed their wives, K'ai-p'eng killed his concubine. K'ai-p'eng had beaten his concubine, starved her, and tied her up in a room, but he never actually killed her with his own two hands. She simply died due to being too weak to withstand a recurring illness that had befallen her. As Bodde and Morris note, "[t]he statute is applied analogically rather than directly because, according to the argument given, Chang's treatment of his concubine was a relatively remote cause of her death. In contrast to the preceding case, where the applicability of this same statute hinged upon whether or not the mothers-in-law had personally gone to court to report the unseemly behavior of their daughters-in-law, this factor is completely ignored in the present case" (345-46). In other words, Chang K'ai-p'eng's case had to be decided by an analogy to the wife killing cases because of his actions being such a remote factor in his concubine's eventual death. However, in Jung-kuei and Hsien's cases, the application of the same statute depended on the mothers-in-law's' testimony. The mothers-in-law never did come in to give said testimony, which means the terms of the statute were not totally met, and that is why the cases were sent back for reconsideration.

Finally, there is case 187.1, which is found under "Assault by a Wife or Concubine on her Husband." In this case, Yün Ta-hsiao stabbed and killed his wife after coming back from a long exile. Originally, Yün Ta-hsiao had been deported to Heilungkiang after being convicted for attempted sodomy in 1809. He had been in exile for 11 years, returning in 1820 thanks to an imperial amnesty that gave him a pardon. Unfortunately, no one back home knew about what was happening with him during that time, and since his father had no idea

if he were dead or alive, Yün Ta-hsiao's father decided to arrange a new marriage for his daughter-in-law. Due to a bad harvest and the family's poverty, he did it for the sake of getting more money for the family. Discovering that his wife had remarried, Yün Ta-hsiao tried to get her to come back to him. She refused and berated him about not sending any word during his years in exile, and in his anger, Ta-hsiao stabbed and killed her, and he was eventually sentenced to strangulation after the assizes.

According to Huang's article, "[a]bandonment by a husband for more than three years was one of the two acceptable grounds (the other was injuring her seriously) for a woman to seek to have her marriage dissolved" (Huang 10). Even if the father had not decided to arrange a new marriage for his daughter-in-law, she would have been well within her rights to seek a dissolvement of her marriage on her own, because of how long her husband had been away in exile. If Yün Ta-hsiao had come back within the three-year statutory period, he would have had a strong argument for getting his wife back. However, he was gone for **11 years**, which meant his wife was well within her rights to leave him, since he had no legal ground to keep her with him any longer.

Also, Yün Ta-hsiao's case is a clear example of how familial relationships can impact a case. Due to the fact that Yün Ta-hsiao never sent any word about his life in exile, the rest of his family had no clue of his fate. With no knowledge of his son's wellbeing, the father was free to arrange a new marriage for his daughter-in-law. Thanks to Confucian tradition, once a woman officially marries her husband, she becomes subordinate to his family. That means she has to listen to her husband, but if her husband is unavailable for some unknown reason, then she has to look to her in-laws for guidance. In this case, Yün's father was well within his right to arrange a new marriage for his son's wife, as the text goes on to note, "Once this marriage had been effected, therefore, the bond of affection formerly linking her with Yün Ta-hsiao was thereby severed" (383). Once the wife's new marriage was official, Yün Ta-hsiao no longer had a legal right to her.

Overall, factors, like whether the accused was a man or a woman, as well as the specific details of the case, and social circumstances – such as a husband's exile, a husband's toleration of adultery, and false accusations – determined what kind of punishments the wrongdoer received in Qing China. Whereas in the two Song divorce cases, which cited *The Book of Rites*, and where Confucian family hierarchy was the primary consideration, the Qing case deliberations reflected what was occurring in society at the time, such as the selling of sexual access to one's own wife. Some cases were straightforward in the application of the law due to how well the details corresponded with what was officially written, while others applied the law through analogy because there was no direct statute or sub-statute that

addressed the case. New laws and sub-statutes were often written to handle the future cases that fell along those same lines, as was the case with the sub-statute regarding a mother's killing of a child or stepchild to conceal adultery, which was raised in connection with the cases of Mrs. Chiao and Mrs. Kao. Premeditation was a major factor in determining whether or not the convicted got the harshest punishment for the crime committed, and traditional Confucian beliefs always influenced aspects of the Qing Code. Respect for one's elders was very important, as well as seniority within the family, in determining how bad the crime actually was, and what the resulting punishment would be. In the end, the Qing Code's specific attention to hierarchical social roles was complicated by societal practices and socio-economic realities, such as the selling of a wife's sexual favors and the need to marry off a seemingly widowed daughter-in-law due to bad harvests. Qing justice respected the Five Confucian Relations, while dealing with violations of those relations through divorce, filicide, and spousal murders.

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⬥ LITERATURE 370

DEUS EX MANIA

MARCO GRAZIDE

THE ANCIENT GREEK STAGE PLAYS were works littered with moral conundrums, extreme violence, iconic historical characters and, above all else, a pantheon of petty and meddling gods. No character was safe from the will and whims of a god, no matter the situation. Whether it be Aphrodite's jealousy in *Hippolytus,* or Zeus' relentless wrath in *Prometheus Bound*, Greek playwrights never missed the chance to turn a deity into a plot device. In the latter two plays of Aeschylus' trilogy of tragedy *The Oresteia*, both Athena and Apollo play major roles in Orestes' life. They attempt to guide and save him as they speak to him "directly" both before and after his violent crime; however, when the gods' "voices" begin to invade his inner thoughts, forcing him to act, I can't help but see a connection to something more internal within Orestes. With the voices in his head combining with a more physical manifestation in the shape of the Furies, he seems overcome with madness. In

a cautious effort not to "diagnose" Orestes in this essay I will discuss a recent, loose adaptation of the play that demonstrates through its modern revision of *The Oresteia* the distinct cultural difference in views of madness vs. mental illness. The 2009 Werner Herzog film *My Son, My Son, What Have Ye Done* puts a more negative, clinical spin on the concept of divine intervention by using Aeschylus' *The Oresteia* to explore mental illness through a comparison between Orestes' and the film's main character Brad Macallam's particular motives.

The Libation Bearers, the middle play in Aeschylus' trilogy, puts Orestes in an impossible situation. In order to achieve justice for the murder of his father Agamemnon, he must commit the unspeakable crime of killing his mother. He and his sister Electra know they will have to make this impossible decision, so they call upon the gods for guidance. However, it is at this point in the play, its most pivotal, that we do not hear Apollo's own words in response. We hear Orestes only harken back to what Apollo has answered. Orestes proclaims, "I can still hear the god—a high voice ringing with winters of disaster, piercing the heart within me, warm and strong, unless I hunt my father's murderer, cut them down in their own style—they destroyed my birthright. 'Gore them like a bull!' he called, 'or pay their debt with your own life, one long career of grief" (191). This message, as is stated, comes from within Orestes himself. He feels a voice deep inside his heart telling him to slaughter his own mother. We don't see Apollo tell him this, but Aeschylus' audience would have assumed that the gods were indeed meddling in Orestes' affairs, as they were known to do in a majority of Greek plays. Orestes did not wish to kill his mother, in fact he hesitates before doing the deed, giving us a clear look at the madness wracking his mind. He is then reminded of what Apollo told him and immediately he becomes blood thirsty again (217). While this form of madness serves a purpose in Aeschylus' portrayal of Orestes as a human character with regrets and apprehension, mental illness in Brad's character does not humanize him.

Near the beginning of the film *My Son, My Son, What Have Ye Done* (from here on *My Son*) we follow a detective to a crime scene in which a woman seems to have been killed by her son. The film wants us to know right away that her son Brad is responsible. Eyewitnesses claim that he has been acting very "strange," and we see he isn't an entirely stable person since returning from his trip to Peru where he began to hear the voice of God telling him what to do. We are also led to believe that he got the idea to kill his mother from an amateur adaptation of *The Oresteia* that he is starring in with his fiancé. In a scene, the lead detective on the case questions the play's director. The director recalls Brad saying that he killed his mother, weeks to months before he actually does. There is a moment in the film where he is choosing

the sword he will wield in the play, and he decides on a Japanese-style sword, ill-fitting of the Greek setting. It eventually becomes the murder weapon. This gives audiences a feeling of premeditation to his actions. He was so adamant about having that particular sword, even traveling to have it custom forged. This mirrors the fact that Orestes was "destined" to shed more of his family's blood. While his mother's killing wasn't premeditated in a classical sense, it had the weight of history behind it, and the ancient audience was set up to have an idea how the play would turn out. We get a similar form of transparency as we do in *The Oresteia,* as we are certain that both characters killed their mothers, but what we don't get from *My Son* is a clear representation of Brad's motivation.

Orestes believed he had confirmation from the gods that what he was about to do was justified, and in a sense it was. Death was the appropriate response to murder. Orestes however, had the power to finally end the cycle of violence plaguing his family for generation, but both internal and external forces acted upon him and took away any real choice he had. Because he was able to "speak" to the gods, Orestes was "special." Not everyone had a god's power behind their mortal actions, so Orestes needed to heed their calls. In the end of the final play in the trilogy, *The Eumenides,* he also has Athena on his side. The Furies, powerful creatures tasked to hunt him down in retribution, were transformed by Athena into a less "evil," policing force for Athens. So not only is Orestes' crime justified in the eyes of the gods, it also helps to bring about a new way to seek justice for future crimes. The police officers in *My Son* act as these "Eumenides."

Brad, while special in the sense he is getting tremendous amounts of attention from his neighbors, fiancée, and police, is not portrayed as being one "chosen" by gods. He, like Orestes, thinks he can hear a god, his character is portrayed as bizarre, sick, and evil as opposed to heroic because he broke societal norms to follow voices in his head. Today's audience sees the mental illness in him, while Greek audiences saw something similar in Orestes, but they would have called it "madness." However, the Greek audience got see and feel where Orestes' madness came from. Brad's mental illness is a much more subtle, far scarier reality as it seems to be completely spontaneous. Brad seems just as spontaneous and scary as his illness is. His illness manifests itself in unusual physical ways throughout the film. In a scene, he claims to have a shotgun aimed at hostages (which turn out to be his pet flamingos); in another he is handing his backpack full of personal things to a complete stranger as a "gift." However, the driving inner force for Brad is the "voice of God."

Herzog did establish a mystical reason why Brad is so prone to listening to the voice, which seems odd in the context of the film, but helps to tie it to *The Oresteia* even more. While Brad is in Peru with friends, they decide to go white-water kayaking, but Brad hesitates. He claims that an inner voice told

him not to go, so he stayed behind. All of his friends drowned in that expedition. The film wants to show its audience that Brad had good evidence to always listen to the voice in his head after that incident. Like Orestes and possibly to an even greater degree, Brad has witnessed the power of whatever is speaking to him. This is a perfect metaphor for the hold mental illness could take on a person. The audience takes Brad's word for it that his friends died, but again doesn't see it happen. Given the rest of his actions throughout the film, it would be plausible to think that he made the story up to give his voice the credibility that Orestes' had. This scene also helps to show how mental illness often has a negative connotation in media.

There are definite similarities between these two characters, but their differences become apparent when the audience is taken into consideration. In the end, these are two men responsible for killing their mothers because voices told them to. However, one is portrayed as mentally ill and the other full of "madness." Mental illness doubtlessly existed in Aeschylus' time, but it wasn't known or written about in the same way it is today. Writer/director Werner Herzog took the concept of "divine intervention," and gave it a physical, diagnosable twist that modern audiences could understand.

♦ INTERDISCIPLINARY STUDIES PROGRAM 390

MARGIN OF ERROR

RAVENNE REID

WHEN I WAS IN THE SIXTH GRADE, my teacher announced to the class that he had watched the movie *Precious* about a 16-year-old black girl who was still in the 8th grade. She was twice impregnated by her father, which drove her mother to physically and emotionally abuse her. My teacher, ignorant to the issue of projecting stereotypes onto a class full of minorities, remarked that he understands *our* plight more after seeing Precious's story.

In his attempt to gain a sense of how the "other half" lives, my teacher saw an educationally deprived black girl trapped in a broken home headed by a matriarch who was not given the proper resources to channel her anger in a positive manner. All of these themes—female head-of-household, poor school performance, and economic deprivation—are reflective of the arguments made in "Tangle of Pathology" (1965) by Daniel Moynihan, who contends that the "Negro" American family holds a subpar position in relation to every other race because it deviates from the patriarchy. This value, he admits, was a consequence of slavery and white America's role in manipulating and destroying the black family structure for their own benefit.

Although Moynihan initially seems to be sympathetic to the plight of the African-American family by bringing up the impacts of slavery, he denies the notion of societal accountability almost immediately. He states, "White America broke the will of the Negro people. Although that will has reasserted itself in our time, it is a resurgence doomed to frustration unless the viability of the Negro family is restored" (p. 30). Here, Moynihan alludes to the surreal claim that—at that point in time—black people had recovered from the lasting effects of intergenerational family trauma caused by structural violence, and that the issues that remain within their familial relationships are their fault because they failed to fully adapt to the cards that they have been dealt.

In Moynihan's view, the families that manage to "properly" adjust and develop are those that escaped "the tangle of pathology" that is "solely affiliated" to this group. The term "tangle of pathology" refers to a "subculture" of African-Americans that characterizes them as being inevitably drawn to poverty due to their own self-destructive values. By making poverty seem as if it is a cultural inclination for African-Americans rather than a systemic issue, Moynihan expunges governmental bodies from playing a role in dismantling, deterring, and preventing the progress of the black community.

In Moynihan's thesis, it is ultimately the lack of male involvement as well as the emasculation of men by black women that causes harm to the family, leading to a pervasive cycle of destitution, educational depravity, and delinquency; thus, black people are responsible for their own demise. To make matters worse, Moynihan states, "They need no help from anyone, and ask none" (p. 29). But isn't the assumption that they neither need help nor are willing to ask for it evidence that they have, as a people, been forced to fend for themselves? In other words, they have been ignored by structural systems that fail to provide resources and policies that work in the favor of marginalized groups. While this form of gatekeeping may seem completely intentional, it can also be unintentional.

The tangle of pathology is considered a flawed and problematic theory by many social scientists, but its principle is propagated by political rhetoric and those governmental agencies that fail to relegate resources to the neediest people even as they may be overwhelmingly invested in vulnerable communities when it comes to breaking their families apart. In *Foster Care as Punishment: The New Reality of 'Jane Crow'* (2017) by Stephanie Clifford and Jessica Silver-Greenberg, we hear Maisha Joefield's disturbing account of being falsely accused of endangering her daughter, Deja, who "…was returned to her after four days. Still, the case stayed open for a year… 'They're putting me in this box of bad mothers.'" This story illustrates the ways in which black women are vilified and victimized by the system's propensity to mark them as failed parents and subject their children to the trauma of being taken away from the only home that they have known. The degradation of the family unit that

occurs thereafter is not a cultural phenomenon, but rather a continuous systemic problem that tends to stigmatize and target the most vulnerable individuals.

In her piece "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color" (1994), Kimberlé Williams-Crenshaw makes the claim that gender-based domination, which has been typically regarded as a personal and isolated matter, is rightfully being characterized as a systemic issue. In doing so, this shift in narrative has increased awareness about the effects of this violence on women across all cultural, social, economic, and political boundaries. However, the term "boundaries" is a key word in explaining Crenshaw's main point that although all of these abused women are marginalized, their subjugation exists at the margins. In other words, depending on the groups that they identify with, some women are more predisposed to experiencing harsher consequences of that violence.

Crenshaw argues that the social locations of race, gender, and class are intertwined, and that the hardships faced by an individual depend upon their social location at these intersections. As these social classifications are applied, they can imply a person's level of privilege. For example, those who embody the most privileged aspects of all three categories—white, male, and affluent—would more than likely overlook the importance of intersectionality. Even when an individual can identify with a single oppressed group, they can still be instrumental in limiting the agency of others within that same group. As such, while women may be considered a socially oppressed group in relation to men, some women may enjoy race and class privilege over others (e.g., white women enjoy race privilege over black women). In this sense, all women cannot be protected by non-intersectional political agendas because they do not all share the same lived experience by race and class. Therefore, when the "group" progresses in the economic, social, or political world, the advantages are not equally distributed to all. The most marginalized of people not only need their needs to be addressed, but also in an intersectional manner where their progress is not just reliant on hanging on the coattails of strides made for and by white women.

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♦ LITERATURE 371

VIOLENCE, HONOR AND RESTRAINT IN *THE MABINOGION* AND *NJAL'S SAGA*: PHYSICAL AGGRESSION AGAINST WOMEN AS REESTABLISHMENT OF PATRIARCHAL CONTROL

IVAN TAURISANO

ABSTRACT

In the society represented in *The Mabinogion*, violence against women comes as a consequence of men's behavior and actions, like Branwen's punishment caused by Efnisien's act. In *Njal's Saga*, while episodes of violence primarily involve moral offenses and quarrels when the protagonists are male figures, the same cannot be said about violence against women. In both texts, violence against women is a means exploited by men to reinstate patriarchal control over female figures, and it is caused by a temporary loss of personal control or by direct and indirect societal influence. This is an analysis of the ways in which violence is exerted over women, and it seeks to understand whether its uses are favorable to the society as a whole or only to the individual who exercises the violence.

In the medieval Icelandic literary work known as *Njal's Saga* and in the group of Celtic tales called *The Mabinogion* there are multiple episodes of violence, involving both men and women. However, such episodes play out differently, in terms of dynamics and motives, when the violence is being exerted by a man over a woman. The society depicted in *Njal's Saga* is one based on strict laws that allow the people to protect themselves and receive compensation when they have been victims of a tort. In this society, total control of citizens' emotions and behaviors is unachievable, and the episodes of violence are proof of it. In the society represented in *The Mabinogion*, in which violence against women occurs, this violence comes as a consequence of men's behavior and actions, such as Branwen's punishment resulting from Efnisien's act. In *Njal's Saga*, while episodes of violence primarily involve moral offenses and quarrels when the protagonists are male figures, the same cannot be said about violence against women. In both texts, male characters commit violence against women in order to reinstate patriarchal control, and it is caused by a temporary loss of personal power or by direct and indirect societal influence.

In the Second Branch of *The Mabinogion*, "Branwen Daughter of Llyr," the violence Matholwch unleashes upon Branwen is only a consequence of the offense he receives while in Wales, an offense with which Branwen herself has nothing to do. Although it may be argued that Branwen's victimization occurs because, at the time, she is the only representative in Ireland of the people from Wales, and therefore the only individual upon which the punishment may justly fall, I believe that the punishment would be of a remarkably different nature if the individual being punished were a man. Matholwch's punishment of Branwen is layered and works on different levels that reinstate Matholwch's honor and his patriarchal supremacy not only over Branwen as a woman but also upon the people around him. First, when Matholwch is informed of what has happened to his horses, it is made clear to the reader that it was a personal attack on Matholwch's honor because the man tells him "[an] insult has been brought upon thee" (23). Second, Matholwch's punishment is directly connected to Branwen's womanhood. By forcing Branwen to cook, Mathowlch is assigning her to what he considers her rightful place as a woman. Moreover, the butcher's daily ritual of hurting Branwen by giving her "a box on the ear" is a consequence of Matholwch's sadism inspired by the attack on his honor (27). While in Wales Matholwch was publicly shamed when Efnisien slaughtered his horses, now that he is back home, his siblings and the people who have respect for him emphasize the implications of this shaming in the form of murmurs and uprisings. The fact that the punishment exerted upon Branwen greatly satisfies Matholwch's need for revenge and promotes no good behavior in his community is clear from the word choice of the author, who emphasizes Matholwch's psychological state.

When the author writes, "there was no peace for him unless he avenge the disgrace," there is no mention of the positive effect on the people or the society, but simply the representation of a man whose honor has been attacked and who is being urged to devise a heinous punishment to reclaim his honor as leader and his patriarchal control as a man (27). The fact that he regains the respect of his people is only a secondary consequence and not Matholwch's main goal in imposing the punishment.

Episodes of violence depicted in another medieval text, *Njal's Saga*, show how violence against women in Icelandic society comes as a consequence of men's perception of a potential undermining of their honor and status. One quarrel takes place between the characters Hallgerd and Hallgerd's first husband Thorvald. Hallgerd is described as a troublesome woman who perpetually desires her neighbors' possessions and squanders her own. In this episode, throughout the spring season that has just passed, there has been a shortage of flour and dried fish about which Hallgerd complains to Thorvald, claiming that he has to take the matter into his own hands instead of sitting around the house. Thorvald answers that there has always been enough food and that during the previous season he worked as he always did. Hallgerd responds by attacking and undermining Thorvald's sacrifice and honor, saying that she does not care if he and his father worked and starved themselves in order to accumulate wealth. In the specific case of this disagreement concerning domestic issues, the outcome is violent only because the argument is between a man and a woman. If this disagreement about domestic issues had arisen between two men, I do not believe there would have been a violent outcome whereas in the case of a domestic disagreement between a man and a woman the man does not feel the need to be accountable for his behavior. This claim is supported by the fact that when violence occurs in the domestic environment between opposite genders no compensation is proposed or made. However, in the case of this instance of physical altercation, Hallgerd is the one picking the fight. And Thorvald reacts by striking her so violently in the face that she bleeds. As Rivenbark highlights, "There was a separate and unique code of honor and ethics for women living in Iceland during the Viking Age" (iv). In this instance, Hallgerd launches an explicit attack on Throvald, which is grounded in the idea that a man should provide for his family in spite of the sacrifices. Here, Hallgerd questions Thorvald's most basic duties and his values as a man. She depicts him as a man incapable of providing food for his wife and also as the son of a man who was incapable of providing for his family. When Hallgerd says, "it is none of my business if you and your father starved yourselves to get rich," she is criticizing Thorvald's bloodline, particularly the men and their honor (21). Ultimately, Thorvald's uncontrolled and violent outburst comes as a consequence of her statement.

In a subsequent episode, Hallgerd has a quarrel with her second husband, Glum, concerning a discussion between him and her stepfather Thjostolf. Whereas in the previous instance violence occurs in response to the woman's undermining of her husband's manhood and honor, here, Glum reacts violently to his wife's insubordination and Glum's inability to assert his sexual authority over his wife in response to the suggestion of her flirtation with Thjostolf. When Glum asks Thjostolf to go up to the mountain with his servant to search for their sheep, he refuses, claiming that it does not suit him to go with a slave and that he will only follow after Glum has gone as well. The situation escalates until Hallgerd stands up for Thjolstof and Glum strikes her with his hand. Glum's takes offense at Hallgerd's support of Thjostolfl's claim that his social position and status should be enough for him to avoid having to do the same tasks expected from their servants. He interprets her position as a challenge to his patriarchal and sexual supremacy in the house and therefore to his honor of husband. The physical offense, as in the case of Branwen in *The Mabinogion*, is not a consequence of a thoughtful decision of the husband resulting from the knowledge that there is no other way to deal with the matter; rather, it is caused by the inability of Glum to control himself in response to his wife's defiance. Glum's slap and subsequent retreat from the argument are intended to reinstate his patriarchal power and deprive Hallgerd of the ability to respond. Glum's words, "I am not quarreling with you any longer," are his way of saying that the argument was settled the moment he reinstated his honor by striking her (31).

In another example of violence against women in *Njal's Saga*, we see once again a man's reaction to his inability to control his wife's behavior; however, in this specific case, it is explicitly stated by the man that the woman's behavior seems to affect, by extension, the man's honor and reputation, as well. Therefore, we can infer that in the Icelandic society represented in *Njal's Saga* it is considered the man's duty to make sure his wife behaves honorably. In this instance, Hallgerd is once again a player and a victim of violence. She asks the slave Melkof to go to Kirkjubaer to steal food and then set the shed on fire so as to conceal evidence that a theft had occurred. When Gunnar demands to be told where the food has come from, Hallgerd answers saying that it is not the place of men to concern themselves with the preparation of food. Gunnar, suspecting the origin of the food, has an outburst in which he states that the problem is that he is married to a thief and, in a manner identical to the other husbands, slaps Hallgerd in the face. Gunnar's statement, "It's a bad thing if I'm partner to a thief" points to the societal attitude referred to above, namely the idea that a woman's behavior is not only a measure of the woman's character but also of the man's patriarchal power in his household (82).

Violence against women can be seen as some sort of private and personal resolution of a conflict between husband and wife in the case of *Njal's Saga* and as the resolution of a personal tort in the context of *The Mabinogion*. In his argument, Byock analyzes the uses of conflict resolution in the Icelandic sagas and particularly he seeks to understand their purpose. He states that "generally, the goal of resolutions in the sagas was social stability rather than justice for a victim" (1). While this is certainly true for public and legally binding resolutions that take place in front of officials, the same cannot be claimed about the resolutions of private conflicts between husband and wife. In all of the examples analyzed, it is clear that the purpose of the resolution, embodied by the striking of the face, is not social stability but rather the reinstatement of the man's honor and patriarchal power in the domestic and, consequently, in the social sphere. Although it is mainly directed toward the events depicted in the Icelandic saga, Byock's claim can, reasonably, be applied to the analysis of the episode of violence involving Branwen and Matholwch in the Second Branch of *The Mabinogion*. In this instance, it may be argued that Matholwch's resolution is as favorable to some sort of social stability as it is to himself and his personal honor. While Matholwch is able both to protect his patriarchal power as a man and simultaneously able to reassert his value and role of leader in front of members of his society.

Hallgerd poses the greatest obstacle to the authority of male characters in *Njal's Saga* and *The Mabinogion*. Therefore, it is interesting and useful to dedicate part of this analysis to studying this power. As Rivenbark points out, Hallgerd "exhibits an ability to protect her personal honor in the realm of marriage," an ability that causes her to be in perpetual conflict with her husbands who, apparently, cannot accept women wielding this type of power (45). Hallgerd violently argues with her second husband, Glum, when she protects her own honor by refusing to comply with Glum's authority. Similarly, in the episode with Gunnar, Hallgerd defies the authority of her third husband in an even more dangerous manner, which portrays her as a woman who does not accept any sort of authority upon her own life and who rejects any attack on her honor.

Violence against women in *The Mabinogion* and *Njal's Saga* arises in response to different dynamics. In each text men's violent behavior is represented as justified by women's insubordination, and each violent act fosters the development of future events. As Byock explains, "The animosity that arises from each resolution provides both a rationale for the coming action and an escalating tension that helps to bind the tale together" (87). This is the case in the instance of Hallgerd's revenge on Gunnar after his slap. However, it is clear, that this violence does not lead to a positive outcome for either society. Even in the case of Matholwch's ability to appease his people when his quality of leadership is questioned, society does not benefit in general from

the assertion of this power. Violence exercised by men on their wives always comes as a consequence of their wives' defiance of orders or undermining of the husbands' honor and patriarchal power. In particular in *Njal's Saga*, we see how the needs of characters, especially male characters, to maintain their power and status bring about these episodes of violence. In both texts, women are considered bodies and minds that must be supervised, for example, by a husband exercising control over a wife and a butcher abusing a slave.

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♦ LITERATURE 314

THE FAILURE OF REVENGE IN *HAMLET*

SASHA WHITE

IN *HAMLET*, SHAKESPEARE CREATES A REVENGE TRAGEDY that is modelled after classic tragedies of Greek and Roman theater but also perverts and parodies the genre. In short, *Hamlet* is a story of revenge gone wrong. Hamlet, the young prince of Denmark, spends much of the play ruminating on the philosophical implications of taking revenge, and the delay of his action renders it impotent until a final burst of violence. Even then, his vengeance means the death of not only his target, but practically the whole Danish court, allowing for the Norwegians to come in and seize power, showing the futility of Hamlet's attempt to regain the throne through revenge. There are several mentions throughout the play that Hamlet has the favor of the people of Denmark, and therefore might have used a more democratic means to regain the throne from his stepfather. Instead, Hamlet obsesses over the archaic quest for vengeance of the father, which leads to his own demise, as well as to the slaughter of practically the entire Danish royal court. By depicting Hamlet's failed attempt at revenge while hinting at a more democratic alternative, Shakespeare presents a critique of the use of revenge as a form of justice by aristocrats and royalty who consider themselves above the law.

Although Hamlet remains undecided for most of the play on how and when to get his revenge, he is set on is his plan to use this extra-judicial form of retribution rather than seek a legal alternative. He never seems to consider another course of action, even as clues are planted as to this alternative. In act four, Claudius wants to secure his own power by having Hamlet removed from the picture. When musing on his forthcoming attempt to have Hamlet killed, Claudius says that he will not "put the strong law on [Hamlet]" (4.3.3), a potentially unpopular move as Hamlet is apparently loved by the Danish people. Claudius voices an aristocratic disdain for the opinions of the common people, saying that they judge only "with their eyes" (4.3.5) instead of using reason. From this speech, it is clear that Hamlet could have the masses on his side—or at least the king seems to think this is the case. Claudius' fear that the outcome of a more democratic decision would turn against him shows the potential power that could have backed Hamlet in his mission. Hamlet, perhaps sharing the king's view toward the masses, never appeals to his popularity, nor to the rule of law. Perhaps the scholarly Hamlet also feels disdain for the opinion of the masses and does not think he needs the help of the people. The rejection of a democratic or legal solution to this conflict, which culminates in the demise of those involved, raises the critique that aristocrats consider themselves above the law and instead engage in foolish and doomed revenge plots. Hamlet's stubborn adherence to solitary action eventually leads to his own downfall.

In order to carry out his revenge as a lone agent, Hamlet isolates himself, pushing away even those he seems to care about, namely his former mistress, Ophelia, and his friends by whom he feels betrayed. Without the support or backing of any living person (only his father's ghost urges him on) Hamlet stalls and hesitates before attempting to take his revenge. This hesitation is evident as Hamlet broods about why he has delayed his intent to commit vengeance, comparing himself unfavorably with the Norwegian army marching through Denmark to Poland. Hamlet thinks that if the army has the courage to risk their lives for a small plot of land, he must be a coward to not kill Claudius, when the outcome is so much more important to him.

> How stand I, then,
> That have a father killed, a mother stained,
> Excitements of my reason and my blood,
> And let all sleep… (4.4.59-62).

While disgusted at his own inertia, Hamlet is prone to philosophizing rather than acting. This trait reflects his university education; he voices eloquent speeches on the spiritual issues that arise during the play, but delays

the act of violence. Hamlet's lofty thoughts and speeches lamenting his own inertia almost serve to parody themselves. Perhaps Shakespeare, who never had a university education, is mocking Hamlet's immobility by showing him as a cerebral but not heroic prince. Hamlet's pensive nature doesn't lend him the courage he needs to complete his revenge. Hamlet does not realize is that alone he is vulnerable, unlike the army, which finds its strength in numbers.

Hamlet's inability to achieve any outside support for his quest for vengeance is part of the tragedy's messy culmination. The failure of his eventual revenge lies in the fact that while the villainous Claudius does meet his death, so does most of the rest of the court as well as Hamlet himself. The bloodbath at the end of *Hamlet* shows the futility of the revenge quest because the hoped-for result, regaining power, fails with the demise of the Danish court, which allows the Norwegians to take the throne.

The portrayal of an indiscriminate bloodbath at the end of *Hamlet* reveals Shakespeare's portrayal of a twisted version of the Greek drama that inspired many of his plays. One source Shakespeare may have drawn from to parody the revenge plot is *The Odyssey*. In Homer's epic, the revenge taken by father and son is successful because it destroys the enemy, regains power over the household from outsiders, and reinstates the royal hierarchy. *Hamlet* parallels this story with a few key differences that indicate the parodic tone Shakespeare took toward the revenge genre. In *The Odyssey*, Odysseus' son is initially fatherless, a confused, angry, grieving boy (much like Hamlet) who is unable to vanquish those who have usurped power over his household. Ultimately, Telemachus prevails because his father returns and guides him in the way of the heroic code, the cunning and the tricks of warfare that must be passed from father to son if the lineage is to remain intact. Without this guidance, the son of a king is at a major, perhaps fatal disadvantage. Hamlet is visited by his father's ghost, or at least he so imagines, but because his father is not alive, Hamlet is left alone, unprepared to be a hero. In one instance, Hamlet has an opportunity to kill Claudius, but does not go through with it. After drawing his sword and saying, "now I'll do it" (3.3.79), Hamlet backs out. Because Claudius was just praying, Hamlet believes killing him would only send him to heaven: "[a] villain kills my father, and for that, / I, his sole son, so this same villain send / To heaven" (3.3.81-3). If Hamlet had anyone on his side to guide him, he probably would have been counseled to act in that moment, and would have finished his quest then and there. Even the audience may well be urging Hamlet to act in this suspenseful moment. But alone with his thoughts, Hamlet fails to act.

By Hamlet's birthright, he should have followed his father as ruler, but without his father, Hamlet is alone in the court and has no power behind his title. This feeling of isolation is part of what cripples Hamlet. In *Hamlet,* Shakespeare reflects epic stories of revenge like *The Odyssey* but at the same

time perverts the genre by isolating his hero from the crucial guidance of the father figure who teaches him the courage to fight. This twist on the ancient story points to a critique of the revenge genre by revealing its anachronistic and useless place in Shakespeare's own time.

Shakespeare's culminating critique of the revenge genre's classic plot is revealed in the death of Hamlet himself. For Hamlet to die at the end of what should have been his revenge plot shows the tragic futility of the attempt. By showing the potential of a more democratic kind of support which Hamlet leaves untapped, Shakespeare critiques the concept of the solitary quest for vengeance. The play ends with Hamlet's body being carried "like a soldier to the stage" (5.2.442), where the audience sees his dead body. This image mirrors another Greek tragedy, *Aias* by Sophocles, wherein Ajax, after falling on his sword, has his body left on stage for the rest of the play. The grotesque choice to display dead bodies on stage, amplified in *Hamlet* with many bodies littering the stage, shows how the hero has fallen, and raises the question: for what? Shakespeare intentionally litters the stage with bodies as a final wordless jab at the revenge genre, showing its futility and eventual bloody outcome.

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◆ ENGLISH 389 (INDEPENDENT STUDY)

TWO PROSE POEMS

MISIAN TAYLOR

Ahmed & Cyril

We were best friends in preschool | Our classroom was on the third floor of the technical college | my mom took classes and worked full-time as the preschool's cook | There were oblong cardboard boxes painted to look like bricks and blocks with impossibly smooth edges | Cyril and Ahmed and I were one person | We weren't old enough for identity | When I looked at them I saw myself | Ahmed cried when his mom left, my best tightened| We were brothers or sisters | We played dress-up and fought over the white tennis dress with grass-green piping| Sometimes I was the dad | One day I wore oven mitts, a red firefighter helmet| One day Cyril wore the tennis dress | One day Ahmed wore the tennis dress and was the dad | One day Ahmed was our child so I said *go do your homework* | I served Play-Doh for dinner | We were a part only on weekends and at naptime | On the blue cot I thought *close your eyes at the exact time you yawn and you will fall* | Learning to navigate solitude | On Fridays we put plastic smocks on and took turns playing in a tub of water | Our arms itched near the elbow where soap suds burst and dried | This is what I think about now when I do the dishes | the yogurt sticks to the bowl, the sponge comes apart in my hands

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The Assignment and the Writer: Sometimes professors have the advantage of working with an exceptional student in an independent study that allows for a greater freedom for the student to explore beyond the constraints of a course curriculum and broader possibilities for the mentor to guide a student into unexplored territories. In the Spring 2018 semester, I had the pleasure to work with Misian Taylor whose writing always exceeded my expectations for an undergraduate student, but who further expanded my thinking about student writing and, frankly, blew my mind. In these poems Misian relies on the intimate moments of the everyday to forge a new way of looking at the world…and, perhaps, even changing the way a reader sees, hears, and responds in more capacious and compassionate ways.
                                                        – Professor Mark McBeth

year we were normal

We get a computer; I start wearing sports bras; through the summer of our boredom Kayla and I get dressed up to saunter slow to the gas station; pretend we're in a music video; loiter in the chip aisle soaking in the air conditioning; burning time waiting for anyone cute to come in; ding of AOL instant messenger; my screenname is a pun wrapped in innuendo wrapped in the newly fattening guttural skin of a girlbody high on puberty; mom and I made falafel and ate frozen pizzas, as much as we wanted!; mom had a job with the county and she drove to work; we were normal and spliced our neighbor's cable; I watched Mary-Kate and Ashley sitcoms and Joe died in a damp southern Indiana trailer; we went to the funeral, it was at a rich friend of my aunt's and I remember thinking this is really happy considering how bloated his body was when they found him; I talked to people in chatrooms and I was 11 and brown/ish/white/ish but I said I was 16 and blonde; described myself just beautiful enough for dirty men to keep me company; Kayla and I rode our bikes by the river through the mud by the trailers and small houses; the week Kayla was in Tennessee I rode my bike alone; ran into Shawna smoking cigarettes she said *wanna see something cool* I was like s*ure;* she walked me through some trees and there was a school bus; the seats had been ripped out and replaced with a damp rug; a couple of folding chairs; overturned buckets to sit on; Mason with the watery eyes was sitting there with his girlfriend laid back in his arms; it was a hot summer; it was a scene; Mason was wearing a knit poncho bongs and Mountain Dew bottles and lighters littered; TATU released a song about women loving each other and for a few minutes I questioned nothing; mom wore dress pants from Kohls; had folders of work papers; we had a kitchen table; I binged for the first time in fall; I talked to people in chatrooms and we were all 14 year old boys; I watched the white walls turn yellow, turn gray, turn blue as the sun came and left; mom had a job; the rent was mostly paid; she wasn't sleeping all day; I knew every word to *The Eminem Show;* I locked my mom out of my bedroom; my shoes were always rivermuddy; I masturbated to pictures of women's boobs I found on the internet; I masturbated to what "14 year old boys" said on the Internet; the grass always wet; my body being a thing I didn't want but no one was offering an alternative; it was the last year I gave my mom a birthday present which was:

I stayed up til dawn winding streamers around the kitchen. I hid balloons in every cupboard. I made 10 different birthday cards. In the morning, I woke her roughly. A handful of birthday cards thrust toward her sleeping body. My eyes gray and needing. A field of small flowers   opening.

◆ PHILOSOPHY 400

RAWLS' SACRIFICE OF LIBERTY TO CAPITALISM

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ECONOMICS CAN ILLUMINATE how rhetoric of reform conceals policies that impoverish many expected to be helped, making them more, not less, dependent. In this paper, I offer a critique of John Rawls' defense of economic inequalities in its application to redistributions of wealth. First, I introduce G.A Cohen's incentive case in support of cancelling an elitist tax policy warranted by Rawls' difference principle. Here I identify three weak positions held by society's well-to-do, whose interpersonal delivery of the unequal incentives argument to the worst off undermines their justificatory reach. Second, I digress to shed light on the lesser worth of liberty assigned to society's badly-off that results notwithstanding the difference principle's two restrictions: (1) the principle of fair equality of opportunity and (2) the principle of just savings. Last, I explore how the Pareto optimal redistribution warranted by the difference principle tends to conceive a system of oppression detrimental to the liberties of the badly-off. Economic policies therefore can be used to elucidate problems with distributive justice, in particular with Rawls' defense of economic inequalities and its accompanying sacrifice of liberty.

REDISTRIBUTION, THE INCENTIVES ARGUMENT & THE INTERPERSONAL TEST

To what extent would people from lower income brackets be convinced by an unequal incentive's argument in the absence of purported gains they were to receive? In 2003 the Bush administration enacted a tax policy, the Jobs and Growth Tax Relief Reconciliation Act, which would cut capital-gains and dividend taxes by 15 percent.[1] The administration insisted that the benefits of the tax cut would generate a trickle-down effect and benefit everyone in society.[2] The message they conveyed turned out to be deceptive.[3] The comparatively well-off of the U.S reaped all the benefits. The burden, on the contrary, shifted significantly to the worst off. Rawls' second principle of justice, the difference principle, is a politically effective defense of such trickle-down policies. The difference principle stipulates that resulting economic inequalities are justified because "[they] must be to everyone's advantage, and at the same time, positions of authority and responsibility must be accessible to all" (Rawls 53; sec. 11). Consider here the difference principle juxtaposed with President Bush's tax cut or any similar special money incentives. Both convey similar convictions in that they generate increases in the aggregate wealth of the society by enlarging the incomes of a select group, in particular, the rich and talented. The nature of the difference principle in its application to differential incentive payments (i.e. tax cuts for the well-off) can be illustrated in the form of an incentive's argument:

> When the top tax rate is 40 percent, (a) the talented rich produce more than they do when it is 60 percent, and (b) the worst off are, as a result, materially better off. Therefore, the top tax rate should not be raised from 40 percent to 60 percent (Cohen 34; ch. I).

It is apparent from the first premise (a) that the incentives argument's truth and validity depend on the decisions and intentions of the well-off. In addition, any resulting economic inequalities between the well-off and worst-off are justified because of the truth in the second premise (b). The Bush administration's tax cut in 2003 asserted the same premises above that the badly-off would be better off as a result of the large tax break for the better-off. This was, although, not the case and the badly-off became worse off as a result.[4] In theory, policy arguments compliant with the difference principle seem justified, yet in practice can convey the opposite impression. We are now better positioned to use Cohen's interpersonal test in *Rescuing Justice and Equality* to ascertain whether people who are badly-off would be convinced by the incentives case for endorsing such tax cuts for the better-off.

Objections to the Incentives Argument. The failure of the incentives argument when uttered in variable interpersonal settings reveals how the badly-off have a lesser worth of liberty through the tax cut. According to Cohen, the purpose of the interpersonal test is to assess how "robust a policy argument is by subjecting it to variation with respect to who is speaking and/or who is listening when the argument is presented" (42). In essence, the argument's persuasiveness hinges on its interpersonal delivery, that is, its reception in an audience that a speaker hopes to convince. In the event the policy argument passes the interpersonal test, it is justified at the face of its audience. If the policy argument fails the test, the audience is convinced of its undesirability. The incentives argument is conveyed among two people in a given society: (1) the speaker, an individual who is well-to-do and (2) the audience, an individual who is worse off. My critique of the incentive's argument rests on notion that when well-off individuals utter the argument in first person, they encounter challenges justifying the inequalities at the face of worst off. To demonstrate this, I will give three accounts of inequality justifying cases in different interpersonal settings between Abe, a hedge fund billionaire, and Ana, a custodian earning minimum-wage. First, I will show how the well-to-do are unable to appeal to the considerations of the first two sorts: (1) the special burden case and (2) the bluff case. Then, I will demonstrate how the liberty of the badly-off is minimized through leverage of the well-off to withhold labor that could make the badly-off better off and still be much better off themselves in the (3) the standard case.

In the special burden case, the incentives argument does not justify inequalities but rather denies that incentivizing the well-off through tax breaks produces them. The well-off are, as a result, unable to invoke special burden to justify the incentive's argument at the face of the worse-off. Abe tells Ana that "as hedge fund billionaire, I demand a generous tax break at 40 percent so that I'm incentivized to work harder for the purposes of producing more wealth for the aggregate of society. When further confronting Ana about the incentive's argument, Abe rightly claims, "my existence would be oppressive if I had to exercise the same massive amount of work that I puts in his hedge fund at a higher 60 percent tax rate." Abe has no need to persuade Ana in this case. Ana not only considers Abe's income but also the work he put into achieving it and therefore understands his reasonable demand. In short, she offers no objection to this apparent inequality because none are produced. Higher rewards and remuneration for more arduous work functions as a "counter balancing equalizer" (Cohen 56). Higher rewards are proportional to more arduous work, so it is not the case that inequalities are produced because higher pay preserves the fabric of fairness. Thus, the well-off are unable to use the special burden case as recourse to justify inequalities because claims that inequalities are produced when special burden is invoked are misguided.

The bluff case is an additional interpersonal scenario that fails as a justification for inequality at the face of the worst off. The well-to-do—who are positioned to stimulate aggregate wealth through their contingent talents—do not render the first premise (a) of the incentive's argument true in the bluff case. The incentives argument justifies inequality because when the top tax rate is 40 percent, the talented will work harder than they do when the rate is 60 percent to occasion an increase in the aggregate wealth. In terms of the bluff case, however, the talented "people are bluffing" (Cohen 57) if they actually won't work less hard when the top tax rate is 60 percent. To illustrate, Abe may say, "I will entertain being less productive if the top tax rate rises from 40 percent to 60 percent" while in his thoughts he says, "I will conceal my true intentions and be equally laborious after a tax increase." The first premise of the incentive's argument is therefore false when Abe asserts to Ana that he will work harder when, in truth, he plans on not expending greater labor effort but either the same as he did or less. Ana, in turn, may consent cheerfully to the incentives proposal but since she is unaware of Abe's true intentions, this form of justification becomes invalid for the incentive's argument evaluation. Therefore, the well-to-do are unable to use this sort of justification for inequality either given that the rich fail to render the first premise (a) of the argument true.

Last, the interpersonal dialogue in the standard case between the worst off and talented sounds a lot like oppression, particularly, the oppression of the latter. This case is especially relevant in capitalist societies and is more common than the special burden and bluff cases (Cohen 57). The underlying problem that persists in the standard case is a tension or clash between: (1) pursuits of self-interest and (2) the nature of the difference principle. As I have demonstrated in Abe's first-person presentation of the incentive's argument, he wields the power to be "unwilling to do what [he] can do to make [the worst off] better off and yet still be much better off [himself] (Cohen 59). Abe attracts discredit to his incentive's case in support of the tax cut since he has the authority to withhold labor that could make Ana better off and yet still be much better off himself. In essence, Abe finds himself in a preferential position because he asserts first that, "unless I am given a generous tax break I won't work harder" and second that, "I have the power to place limits on how hard I work however I see fit when the top tax rate is 40 percent." Ana proceeds to berate Abe by questioning why her expectations should rest on his willingness to work harder when rewarded with a comparatively disproportionate top tax rate of 40 percent. She claims, "why should you have all the favorable benefits and leverage and not me?" Abe, in turn, finds himself in a bind. He finds it difficult to reply convincingly to Ana's objections because he does sound like the only person with the arbitrary authority to make the argument true. To an extent, this dialogue is a form of oppression over the badly-off who have no

leverage in the way the argument turns out and no liberty over their own expectations.

A more fundamental issue with this line of defense for economic inequalities can be identified in Abe's motives and commitment to the difference principle. His motives are problematic because he comes to the recognition that he can be "unwilling to work for ordinary rewards as productively as [he] [does] for exceptionally high ones" (Cohen 122) which reveals a "lack of commitment to the difference principle" (Cohen 388). Recall that the purpose of the difference principle is ensure that any economic inequalities produced serve everyone's advantage. That, however, can't occur if Abe choses to exploit his contingent talents for his own selfish convenience by limiting how hard he works in such a way that potentially would have benefited the badly-off and yet still benefiting himself. Ana responds to Abe at this juncture by questioning "why should you be given exceptionally high rewards, notwithstanding the tensions between your self-interested motives and commitment to the difference principle?" Ana finds the proposed incentives argument unconvincing because she realizes the lesser worth liberty assigned to her in the standard case. Abe is alternatively betrayed by his preferential position and lack of commitment to the difference principle. The incentives argument therefore fails the interpersonal test because the speaker, Abe, is unable to provide a reasonable answer or justification when the audience, Ana, demands justification (Cohen 42). The difference principle in its application to tax cut incentives for the well-off is incoherent within a framework of equal liberty.

THE DIFFERENCE PRINCIPLE, DISTRIBUTIVE JUSTICE, & THE ASSIGNMENT OF A LESSER WORTH OF LIBERTY

The difference principle was conceived to ensure justice but yet imposes unjust limitations on the social and political liberty of society's badly off. Rawls, in *A Theory of Justice,* begins by mounting his theory about justice from an initial position of "hypothetical equality" (Rawls 69; sec. 13) that serves as a "benchmark" (Rawls 131; sec. 26) from which contracting parties create an agreement to establish a just society. Equality, for Rawls, is a point of departure into a state of affairs where unequal distributions of wealth, income, and positions of authority are allowed according to the difference principle (131; sec. 26). These permissible inequalities exist only in the basic structure of society, that is, within the large social institutions that distribute rights and obligations among society, as well as determine political, economic, and social arrangements (Rawls 6; sec.2). Examples of social institutions that apply to the basic structure are those that issue taxes such as the Internal Revenue Service and protect rights/laws such as the U.S Supreme Court. The difference principle was formulated to justify the inequalities that occur in the basic

structure so long as they render everyone—including the badly-off—better off relative to the initial benchmark (Rawls 131; sec. 26). In addition, Rawls recognized that the contingencies of natural talent, which place gifted people in an unequal and favorable starting point relative to those less gifted, needed to be addressed. His solution to both protecting individuals in the basic structure and those out-talented was to conceive a more robust difference principle, one that arranges people's talents for the benefit of the least advantaged (Rawls 87; sec. 17). Rawls, nevertheless, comments at one point that basic liberties can be restricted where "a less than equal liberty must be acceptable to those with a lesser liberty" (266). His use of the phrase "lesser liberty" here opens the possibility that he recognizes that his defense of inequalities or difference principle copes with the curtailed liberty of some individuals to an uncertain extent.

The level of uncertainty associated with the difference principle raises significant concerns in its application to the basic structure of society. In its robust form, the difference principle is characterized by two additional restrictions: (1) that social and economic inequalities are to be arranged so that they are accessible to all "under conditions of fair equality of opportunity" (Rawls 266; sec. 46) and (2) be to everyone's advantage "consistent with the just savings principle" (Rawls 266; sec. 46). Rawls claims that the principle of fair equality of opportunity is conducive to a just state of affairs because it limits forms of hierarchy and inequality designed by class barriers (63; sec. 12). My critique, on the contrary, demonstrates that the lexical priority of fair equality of opportunity over other values of justice entails negative consequences for resources that hinder the social liberty of the badly-off. Rawls moreover asserts that the principle of just savings endorses intergenerational justice and ensures that descendants are more advantaged (Rawls 254; sec. 44). I show, however, how it is a detriment to the political liberty of the badly-off because it fails to forestall intergenerational accumulations of wealth that lead to unfair centralized control.

Objections to The Principle of Fair Equality of Opportunity. The principle of fair equality of opportunity can be distinguished by two requirements that undermine the social liberties of the badly off. The first requirement is considered formal equality of opportunity or "careers open to talents" (Rawls 63; sec. 12). It requires that everyone has a fair chance to reach positions of social advantage in society. Under formal equality of opportunity, for instance, a business firm that conducts a search for prospective employees to fill socially advantageous posts must accept applications from everyone interested in applying. However, firms will do so with the foresight that the "position ought to be filled by the most competent and qualified individuals" (Joseph 395). Social inequality is no new thing in capitalist economies, where privately

owned firms accept applications from a large pool of applicants but will only select individuals who can maximize their profits. Regardless of the equal right to choose and pursue a desired occupation, the worst off still occupy a severely disadvantaged position. Perhaps a feasible solution is for state intervention that creates an affirmative action plan, enforcing business firms to equalize the prospects of the badly-off compared to the well-off in the applicant pool. Affirmative action, however, can introduce a range of other issues such as ugly systems of spoil for the discriminated group. If the difference principle had been structured in a way that prevented pervasive inequalities as opposed to coping with them, then this conflict could have been avoided.

Thomas Grey, in "The First Virtue", shares a similar objection to this consideration of the difference principle. He underscores that formal equality of opportunity's "failure to establish any limits of justice on the bargaining power of those with more than average productive abilities" (Grey 322). Notice here that under formal equality of opportunity, the talented segment of the population maintain a preferential position in terms of bargaining power especially in terms of job prospects at the stage of recruitment and appointment. It's not difficult to grasp the detriment on the social liberty of the worst-off given that they have less considerable leverage in transactions, courses of agreement, or policies they pursue with respect to the better-off. The worst off are, therefore, significantly limited in their reach and access to positions of social advantage. Formal equality of opportunity leads to, in effect, the erosion of the employment liberties for the worst off. It does not reasonably attend to the competitive scheme of a free market economy and forces badly-off individuals into demeaning occupations.

The second requirement of the principle of fair equality of opportunity furthermore undermines the social liberty of the worst off. It establishes that people with similar talents and ambitions should be similarly situated for success such that the "school system, whether public or private, should be designed to even out class barriers" (63; sec. 12). The fundamental problem with the principle of fair equality of opportunity is that Rawls assigns it lexical priority over the difference principle itself (266; sec. 44). Improvements by fair equality of opportunity are prioritized over improving the index of basic social goods which include the social liberties of the badly off. Richard Arneson in, "Against Rawlsian Equality of Opportunity", explains a scenario in which two people, one from the richest household and the other from upper middle-class households, are equally talented and share the same ambition (82). Since the individuals from the richest household have better prospects than conceivably anyone else in society, the difference principle eventually leads to the creation of class barriers. Recall that the school system is designed to even out class barriers under the principle of fair equality of opportunity. One feasible way this can be achieved is through the allocation of resources for additional

education and training of those from upper middle-class households. In this way, their prospects of success, relative to the richest households, are marginally improved. By designing the education system to even out class barriers, fair equality of opportunity can generate enormous social costs that may be more appropriate elsewhere. For instance, state resources could have been used to "institute a tax and transfer scheme that would double the income of the (untalented) worst off" (Arneson 83). The lexical priority of the principle of fair equality of opportunity over the difference principle, however, causes social resources that the badly-off desperately need to instead be allocated to cover extra education costs for the upper middle-class households. Therefore, the more robust difference principle introduces the danger of prioritizing the social liberty of a privileged group over that of a marginalized group.

Objections to The Just Savings Principle. The just savings principle fosters pervasive intergenerational inequalities of capital detrimental to the political liberties of the badly-off. Such egregious inequalities occur despite that the purpose of the just savings principle is to secure conditions of justice and equal liberties in the lives of future generations (Rawls 257; sec. 44). The just saving principle conveys two ethical constraints (253; sec. 44). Both constraints are agreed upon in the original position, a place where contracting parties are devoid of information about their place in society, social status, and their natural assets and talents (118; sec. 24). The original position ensures that parties arrive at mutually disinterest terms of savings for each generation. The newly fashioned constraints assert that the contracting "parties represent family lines, say, who care at least about their more immediate descendants" (255; sec. 44) and that the "principle adopted must be such that they wish all earlier generations to have followed it" (255; sec. 44). With this information, we can appreciate how one generation looks out for the next by instituting a schedule of savings within the strains of the difference principle. However, the principle of just savings was not envisioned for the wealth of the worst off be improved such that they end up as equally well off as the talented over time (252; sec 44). Instead, the just savings principle requires setting aside gains merely to improve the situation of the worst off (Rawls 252; sec 44). The talented segment of society, who begin from a preferential position, have a comparably unfair advantage to the badly off in terms of intergenerational capital accumulation.

To extend the current discussion further it is important to re-emphasize the first constraint of the just savings principle in order to appreciate how it fails to forestall accumulations of property and power that lead to centralized control. Recall that the just savings principle assumes parties have a motivational goal to transfer and save capital at least for immediate descendants. A talented family of oil magnates, to illustrate, has the motivation

to successfully pass on their family business and wealth to their children in successive generations. Since this family began from a preferential position, their descendant's expectations and wealth becomes compounded by the transfer of generational capital as required by the just savings principle. Recall that the difference principle does not envision capital accumulation to trickle down to the extent that the worst off is equally as well off as the talented. The oil magnate descendants, in effect, are allowed to save just enough so that the worst off are marginally better off but never approach or arrive at being as well off as themselves. The difference principle appears to favor the well-to-do. As I demonstrated earlier, it fails to establish any limits of justice on the bargaining power of those with more than average productive abilities, and yet it dispenses limits on the amount of savings issued to the badly-off. Rawls admits that it may be the case that certain groups will be excluded and have restricted access to positions (73; sec. 14). This admission suggests that the difference principle is complicit with inequalities that cause the liberty of some to be curtailed. Hence, the principle of just saving is detrimental to political liberty because it creates and reproduces barriers of entry for the worst off.

The principle of just savings functions moreover to curtail liberty because it lacks the concept of reciprocity. The liberty of the first generation that engages in the schedule of savings is undermined because they have the burden of saving for their descendants, while not receiving gains in return. This runs contrary to the criterion of reciprocity and mutual benefit that is key in the difference principle (Rawls 88; sec. 17). The difference principle depicts circumstances that are mutually advantageous to both the talented and the worst off in society. Yet, there is an inconsistency between what the difference principle advertises and the way that inequalities produced by the just savings principle don't improve the situation for all parties. Herzen illustrates this type of infringement of liberty when he claims that "those who live later profit for the labor of their predecessors without paying the same price" (Rawls 254; sec. 44). Rawls attempts to solve intergenerational unfairness with the second constraint of the principle of just savings. Recall that the second constraint stipulates that all generations would have followed a schedule of just savings. But, this solution is unsatisfactory given that no one can ascertain how generations will react to savings. Perhaps some are more selfish than others and are unwilling to sacrifice their hard work for their children. Perhaps others will not have children and have no good reason to give the fruits of their labor to other families. Even if we take it that all generations would have saved, the first generation would still be burdened to surrender immediate gains for the future of their descendants. The badly-off are at even greater risk of having to allocate their scarce resources without receiving any increases in their own index of social goods in return. Consider the added burden of savings the badly off would be forced to give who, as I have shown so far, would already be

dealing with the injustices associated with the top tax cuts, a disfavorable position in the workplace, and the misallocation of social resources. The principle of just savings is to an extent an additional layer of attack upon the social and economic liberties of the badly-off in society.

THE PARETO ARGUMENT & THE THREE FACES OF OPPRESSION

Distributive justice tends to conceive a system of oppression that can be identified within the Pareto optimal state warranted by the difference principle. The principle of Pareto optimality or efficiency holds that an unequal distribution of wealth is efficient when raising the expectations of some does not curtail the expectations of others (Rawls 61; sec. 12). The familiarity between the principle of Pareto and Rawls' difference principle is not unintentional. After all, for Rawls the impetus in moving away from an initial position of equality—hereinafter called D1—to a state of inequality—hereinafter called D2—is to achieve efficiency. So long as the talented are given handsome rewards without simultaneously reducing the situation of the worst off, the Pareto efficient distribution is consistent with Rawls' definition of efficiency and difference principle (61; sec 12). I define the relationship between the principle of Pareto and the difference principle here as Rawls' Pareto optimal state. In D2 both the talented and untalented enjoy higher expectations than in D1 in the form of increased wages. The higher wages are derived from the talented person's surplus productivity (Cohen 100). Although everyone's wages are higher in D2 than in D1, the surplus productivity of the well-off is also the cause for which their own wages become relatively higher to that of the badly-off (Cohen 100). While it may be true that the Pareto configuration of D2 warranted by difference principle is efficient, it sacrifices two important values. First, the Pareto argument enables the badly off to perform at a suboptimal rate than they otherwise could. Second, it produces a dilemma between efficiency and equality where the latter is sacrificed for the sake of the former, introducing oppressive forces against the worst off.

Objections to the Pareto Argument. Rawls' Pareto optimal state generates beaches upon the social liberties of the badly-off in the guise of efficient economic distribution. The Pareto argument is framed in such a way that "you cannot have both (1) equality and (2) Pareto optimality [i.e efficiency] within the normal functioning of an economy" (Cohen 115). It appears that the Pareto argument theorizes about justice in agreement with the behavior of liberal societies that provides economic incentives only to well-placed people (Narveson 265). This form of liberal behavior, however, runs contrary to equal social liberties. To illustrate, the least advantaged are not entitled to the right of the free exercise of their own contingent talents for the benefit of society because the talented are already required and incentivized to do so in a D2

efficient state. The badly off, as a result, are expected to perform worse than they otherwise could especially in terms of employment, education, and contributions to society. Jan Narveson, in "Cohen's Rescue", emphasizes that in a free society it is expected that individuals are "entitled to make the best use they can of their abilities and options—be they rich or poor, brilliantly endowed or miserably so" (266). Rawlsian society on the contrary favors and wields the force of the well-off for the purposes of improving economic welfare on a macro-level.

The Pareto policy's talented-conscious distribution negatively impacts the expectations of the badly-off in two respects. First, the already rich and talented, through their welcomed and unrestricted exercise of their contingent talents, will achieve a more competitive level in the market. I explained earlier how the principle of equal opportunity already perpetuates this problem. By the same token we can appreciate how Rawls' D2 Pareto efficient state curtails the liberty of the worst off to reach positions of social advantage to a further extent. Second, the worst off develop a dependence upon the performance and production of the better-off or talented. Since their natural talents and abilities are left unrealized, the productivity of the worst off becomes gradually disfavored over time by social demand of the natural contingencies of the well-off. Essentially, a D2 efficient state incentivizes the worst off to become free riders and also provides them with a good reason to neglect the development of their own capacities and talents. Therefore, the expectations of the worst off are limited and their liberty is oppressed by the Pareto optimal state in the guise of economic reform. The question that the difference principle, in its application to the Pareto argument, leaves unanswered is why it must propose a state in which equality and efficiency are unable to coexist.

The Pareto Dilemma and the Three Faces of Oppression. The dilemma between equality and efficiency in Rawls' Pareto optimal state generates three faces of oppression that confine the badly-off. The chief conflict of Rawls' Pareto optimal state is, to an extent, derived from the chief conflict that capitalism displays. The dominant ideas associated with capitalism—which here I mean free market economies—tend to produce good and bad truths. With the state's role in regulating economic activity limited, the better off become extremely wealthy while others, the worse off, suffer as a result.[5] Rawls saw his work as a practical contribution to resolving the tension in democratic and economic thought between liberty and equality. Instead of eliminating the dark truths in our democratic capitalist society, Rawls conceived of a theory of justice that embraced them, which is evident in his defense of inequalities through the difference principle. As I have demonstrated, however, the difference principle functions more as a mechanism of coping with inequalities, allowing pervasive inequalities to run

rampant. Iris Marion Young, however, in *Justice and the Politics of Difference* shed light on the underlying problem. Her work is relevant to political philosophy more generally because she was not a proponent of coping with present inequalities as was Rawls. Rather, she pointed out that philosopher's heavy reliance on distributive justice was more problematic than it appeared. I claim that Young's three face of oppression are produced in Rawls' theory of justice because it relies significantly on distributive justice. The three faces can be identified within Rawls' Pareto optimal state: (1) class division, (2) marginalization, and (3) powerlessness.

The first face of oppression is the injustice of class division. Sharp division between various classes in society consists in "some people [having] greater wealth while most people have little" (Young 49) and also that the "social processes by which the results of work are appropriated operate to enact relations of power and inequality" (Young 50). Earlier I identified that the difference principle's restriction of fair equality of opportunity polarizes the better-off from the badly-off in terms of their reach to positions of social advantage. The difference principle, then, is compliant with oppression of the latter group. The second face of oppression involves marginalization. Above I elaborated in detail that the contingent talents of worst off in a Pareto-optimal state are left unrealized. The worst off are considered, as Young points out, "marginals" (53) or the "people the system of labor cannot and will not use" (53). Consider the debilitating effects upon liberty when the entire worst-off segment of society is "expelled from useful participation" (Young 53) and subjected to "severe material deprivation and even extermination" (Young 53). Again, the difference principle is compliant with retarding the performance of the badly off for the sake of efficiency. The final face of oppression in the context of a Pareto-optimal Rawlsian society is powerlessness. Societies dictated as such are reminiscent of capitalist values that designate "social position[s] that allow [the worst off] with little opportunity to develop and exercise skills" (Young 56). Recall that it's the better-off who have the power to make the first premise, (a), of the incentive's argument true. The badly-off, contrarily, don't have control over their own expectations let alone the entitlement to convince policy makers to provide them with exceptional rewards. Thus, the difference principle and its distributive assignment of economic goods in the context of the Pareto-optimal state conceives the oppression of the least advantaged in society.

CONCLUDING REMARKS

I have contended that the benefits set forth by Rawls' difference principle are problematic in its application to redistributions of wealth, in particular to President Bush's 2003 tax cut and Pareto efficient distributions. First, I demonstrated the well-to-do's unconvincing utterance of the incentive's

argument to the least advantaged in a first person, interpersonal form. The interpersonal test was used to ascertain how badly off the worst off would be when the incentives argument is used to defend inequalities in its real political use. Second, I demonstrated how the principle of fair equality of opportunity restricts the badly-off to certain demeaning occupations and trumps their social imperatives over that of the well-off. The principle of just savings, in addition, causes pervasive generational disparities of capital through its placement of unfair limits on the amount of savings issued to the badly-off and its refusal to establish limits on the bargaining power of the well-off. Last, I identified how distributive justice generates various faces of oppression identifiable in Rawls' Pareto efficient configuration, D2, where the badly off are under siege from useful social participation and subjected to severe material deprivation. The difference principle, then, is a defense of the intolerable entrenched inequalities and sacrifices of the economic, social, and political liberties of the badly-off in society. The use of economic analysis can therefore elucidate issues within theories justice, particularly Rawls' defense of economic inequalities or difference principle.

NOTES

1 "Tax Relief." *George W. Bush White House Archives,* The White House, https://georgewbush-whitehouse.archives.gov/infocus/taxes/. Accessed Jan 3 2019.
2 Paul Krugman, "Where's My Trickle", *The New York* Times, September 10, 2007, available at https://www.nytimes.com/2007/09/10/opinion/10krugman.html.
3 Id.
4 Id.

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⬥ BIOLOGY 488

PAR-2 AND TNF-A IN PROGRESSIVE ESOPHAGEAL CANCER

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INTRODUCTION TO ESOPHAGEAL CARCINOMA

Esophageal cancer is not very prevalent yet has one of the highest mortality rates of all the cancers. According to the SEER Database, in 2017, only 16,940 new cases of esophageal cancer emerged, a mere estimated 1% of the total number of cancer cases reported in 2017 (Figure 1). Furthermore, there are only about 45,547 people living with this specific disease in the United States, and of these only 19.2% with a 5-year survival rate (Figure 1). This
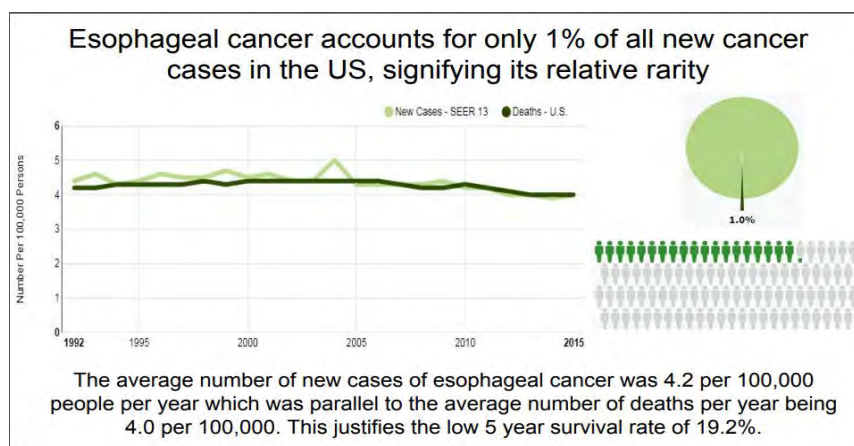

Figure 1. Esophageal cancer statistics in the US (SEER Database)

may be due largely to the difficulty of diagnosis, how early it can be diagnosed and, most important, the lack of effective treatment for the disease. In 2017, an estimated 15,690 people succumbed to the disease (Figure 1). That is a relatively high mortality rate.

Further investigation into the disease demographics reveals that certain groups of people within a population are more prone to esophageal cancer. For example, males are much more likely to get esophageal cancer than females. Also, it is evident that the chance of getting esophageal cancer increases with age. Males age 75+ are the most affected and the incidence rates of other ages follow suit in ascending order, with persons younger than 50 years being far less affected. This is important to note because this trend may be due to differences in the capability of the immune system between older people and their younger counterparts. Another possibility is that, since the esophagus is a part of the digestive system, dietary practices at older ages may play a role. These facts make any research on the development and the progression of esophageal cancer very worthwhile.

PAR-2 AND TNF IN ESOPHAGEAL CARCINOMA

Protease-activated receptor 2 (PAR-2) is a single-chain cell surface receptor belonging to the G protein superfamily that is usually present on epithelial cells (Chen et al, 2017). As such, it is found in many tissues and organs all over the human body. PAR-2 is naturally activated by several trypsin-like serine proteases, termed agonists, such as trypsin, tryptase and coagulation factors; once activated, PAR-2 has been shown to be involved in a number of biological behaviors such as cell growth, proliferation, invasion and metastasis in tumors (Chen et al, 2017). It mediates many intracellular signaling events caused by specific extracellular proteinases. Activated PAR-2 triggers the MAPK cascades in specific cells (Lim et al, 2010). It is suggested based on previous data that the activation of PAR-2 rescues epithelial cells from apoptosis via the activation of the MAPK pathway (Lim et al, 2010).

Previous studies have shown that PAR-2 regulates cell proliferation through the MAPK pathway in esophageal cells and that cyclin D1 and c-fos are involved. Specifically, Quanjun et al (2016) found that PAR-2 regulates the expression of MAPK/ERK1 in its downstream pathway, is able to speed up the cell cycle progression and promotes proliferation of an isolated esophageal cancer cell line. In their experiment, PAR-2 increased the downstream cyclin D1 and c-fos expression in the MAPK pathway. However, they had not yet discovered whether cyclin D1 and c-fos could be regulated by any other pathways in esophageal cancer cells. Furthermore, Chen et al (2015) concluded that PAR-2 can be downregulated in the same EC cell line via RNAi technology. Following this downregulation, the capabilities of the cells to proliferate, invade and metastasize were decreased. However, it was not fully

understood whether PAR-2 played a role in the repression of these capabilities after gene silencing.

There are two main histological types of esophageal cancer: adenocarcinoma and squamous epithelial cell carcinoma. The adenocarcinoma is characterized by an inflammatory process involving a rise in the cytokine tumor necrosis factor - alpha (TNF-a) as the disease progresses (Soletti et al, 2017). TNF-a is thought to be responsible for the increase of epithelial apoptosis in inflammatory bowel diseases (IBD) and has been found to activate PAR-2 in normal epithelial cells (Iablokov et al, 2014). It activates the extrinsic apoptotic pathway by binding the TNF receptor which then recruits and stimulates the cleavage of certain caspases. In the study conducted by Iablokov et al
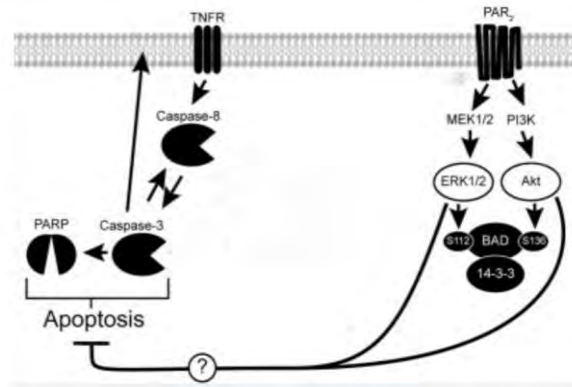
Fig.2| Iablokov, V et al (2014). *The Journal of Biological Chemistry.*

(2014) on colorectal cancer, it was discovered that the activation of PAR-2 had anti-apoptotic effects. It was found through a described mechanism that PAR-2 can inhibit cytokine-induced apoptosis in colonic epithelial cells. In this study, it was hypothesized that PAR-2 inhibited apoptosis through mechanisms that are dependent on MAPK/ERK1 pathways (see *Fig.2*). Furthermore, in a study conducted by Chemnitzer et al (2017), it was stated that TNF-α has been linked to malignancy as it is highly expressed in stromal and cancer cells in a broad range of solid tumors. They express that TNF-a is a pro-inflammatory cytokine that promotes cell growth and metastasis by activating the PI3K/Akt pathways. These pathways are known targets of PAR-2 activation along the MAPK pathway, as seen in the figure below. However, it is not known whether TNF-a activates the PAR-2 protein thus resulting in malignancy in esophageal cancer.

Future experiments can investigate this pathway by inhibiting TNF-α, which in turn might deactivate the PAR-2 receptor, stopping the promotion of malignancy in esophageal adenocarcinoma. These discoveries can aid in decreasing the mortality rate from esophageal cancer in the US population; these discoveries could also be involved in the development of potential therapeutic options.

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⬩ LITERATURE 405

THE SUBLIMELY BEAUTIFUL AND SIANNE NGAI'S STUPLIMITY: FAIRY TALES AND THEIR *UGLY FEELINGS*

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STEPHANIE BORGIA

SINCE THE EARLY 16TH CENTURY, FAIRY TALES have been transcribed and recorded over different eras, deviating from the oral tales but maintaining their foundational motifs and themes. The tales have a moral perspective and produce an interpretation of goodness as beauty. In Plato's philosophy, he claims that beauty is goodness, but classicist Elaine Scarry takes this idea a step further, claiming beauty is goodness and justice—both "fair" looking and fair acting! The relation between beauty and morality is presented through the predictable and repetitive form of fairy tales. During the Romantic era, Edmund Burke elevated the sublime in opposition to beauty, arguing that beauty is a quality that causes love, while the sublime, which causes paralysis

from astonishment and fear, is related to self-preservation (47-48). According to Burke, "there is a wide difference between admiration and love. The sublime, which is the cause of the former, always dwells on great objects and terrible; the latter on small ones, and pleasing; in one case we are forced, in the other we are flattered into compliance" (103). The sublime moves while beauty charms. Burke also implies, through his examples, that beauty is feminine and the sublime is masculine (102-107, 59-65) However, beauty evokes more complex reactions than Burke admits, for the beholder is enchanted and astonished by beauty and the power of the beheld beauty. Elaine Scarry argues:

> The sublime (as aesthetic of power) rejects beauty on the grounds that is diminutive, dismissible, not powerful enough. The political rejects beauty on the grounds that it is too powerful, a power expressed both in its ability to visit harm on objects looked at and also in its capacity to so overwhelm our attention that we cannot free our eyes long enough to look at injustice. Berated for its power, beauty is simultaneously belittled for its powerlessness (85).

In fairy tales, as parallels are drawn between the moral and the beautiful, another relation is possible, as described in Immanuel Kant's idea of the sublime. In Kant, as in Burke, the sublime is what instills fear and awe. But Kant also theorizes that the pleasure of the sublime is a moral one, because when the viewer's fear is transcended, in that disassociation from emotion, apatheia arises, and with it the opportunity for reason to prevail. Reason is the key to Kantian morality. How then does beauty invoke the other "fairness" of morality in the fairy tale versions, which we will examine here—Grimms' 1812 and 1857 editions and Disney's films of "Snow White" and "Sleeping Beauty"?

Scholar Sianne Ngai explains how repetition of language is a dynamic force in contemporary works. However, such repetition often stupefies the reader, for which Ngai coins the term "stuplimity." This term is a paradox in which the sublime, subjected to repetition, creates a tension that drags the reader down into the language of the text instead of lifting the reader up, for repetition allows contrary affects to occur simultaneously, such as boredom and astonishment (Ngai, 280). According to Ngai, stuplimity holds the tension between "boredom and astonishment" (271). While Ngai ties her theories of aesthetics to contemporary literature, she does not discuss fairy tales, nor is her discussion of envy tied to moral issues. I will be using Nagi's asethethic perspective in connection with Scarry's ethical theory of beauty as good and just and Susan Sontag's feminist thinking of beauty as power. I will be applying these theorists, who do not discuss fairy tales, to different versions of

"Snow White" and "Sleeping Beauty" in order to explore the relationship in these fairytales between beauty's two aspects of "fairness."

In the fairy tale genre, Ngai's stuplimity describes how beauty's astonishment is dragged down, while highlighting the so-called "ugly feelings" that define the evil characters. With the repetitive description of the young heroine's beauty, the reader is faced with the repeated arousals of envy and hatred in the antagonist. As the heroines, Snow White and Sleeping Beauty, become the target of the antagonists' ugly feelings, the reader yearns for justice (reason), and initiates a moral inquiry, which weighs contrary affects (responses to beauty and ugliness), as well as contrary moral results. Ngai argues that the "ugly feeling" of envy becomes "ugly" when a person acts upon some perceived inequality. Such actions define Snow White's stepmother as a murderous queen and Maleficent in Disney's *Sleeping Beauty* and live action film, *Maleficent,* as an evil fairy (126). The original bad fairy in the Grimms' versions was unnamed. Ugly feelings in fairy tales, such as "Snow White" and "Sleeping Beauty," open up a moral perspective that goes beyond the dichotomy between good and evil revealed by the lenses of Disney and fairy tale scholar, Jack Zipes. Using Ngai's theory and applying it to the Grimms' translations and the Disney film adaptations titled *Snow White and the Seven Dwarfs* and *Sleeping Beauty*, along with Disney's 2014 live action remake titled *Maleficent,* this paper argues for a more nuanced view of morality, which is tightly connected in fairy tales with affective responses to beauty. In place of Ngai's juxtaposition between "boredom and astonishment," we see the contrast between "ugly" envy and astonishing beauty. Ngai's stuplimity was tied to repeated language, while here the repetition and double meaning of "fairest," as well as the repetitive "mirror, mirror," offer the possibility of ascending to Kant's morality or descending to immoral acts of envy. In "Sleeping Beauty," the suspension of beauty results from the contrary intentions of the good fairies and evil fairy, and the awakening of beauty results from the prince's kiss. These actions juxtapose the ugliness and astonishment provoked by beauty, and show how beauty itself creates an aesthetic-ethical tension between "ugly feelings" and "fair" actions.

This tension is also seen in Grimms' 1812 and 1857 versions of "Snow White," where the repetition of the phrase, "the fairest of them all," stupefies the reader, so he misses the double meaning of fairness and is dragged down to the rivalry between Snow White and her stepmother. The repetitiveness of this phrase puts greater emphasis on beauty than on morality, even though "fairest" contains both the meanings of beauty and goodness. But reason in fairy tales such as "Snow White*"* ties together goodness and fairness, which together defeat the Evil Queen's envy and anxiety materializing as she repeats "mirror, mirror" (Grimm, 96). The Evil Queen's repetition falls into the mud of Ngai's stuplimity, because she is fixated on male approval of her beauty. In

this case, the astonishment associated with beauty gives rise to the obsessiveness and repetition of envy, which can be dragged down into the moral turpitude of the character's experience or be stabilized by Kant's apatheia, reason, and morality, based on the subjectivity of beauty's viewer. Snow White's beauty exposes her to death, but it is also awakens morality in the Evil Queen's huntsman, sent to kill her. While both Kant and Burke disparage beauty, the beauty in fairy tales, as shall be shown here, has the force usually accorded to the sublime—of causing astonishment. As Kant's sublime, then, it can be the route to morality, not only for the characters, but more importantly, in the reader's mind.

Plato's philosophy set the standards for beauty as goodness, claiming beauty is not just any form, for it has a close relationship to the good. Physical beauty is a form that humans want to know, and attaining this knowledge grants a power for manipulation. According to Romantic theorist, Edmund Burke, beauty is "that quality or those qualities in bodies by which they cause love or some passion similar to it" (83). The power in beauty stems from the beholder's desire, when beholding the beauty of another. In the fairy tales, this gaze is present, when the male-rescuer sees the protagonist and, enchanted by her beauty, saves her. The predictable plot of many fairy tales is built on this philosophical foundation that beauty promotes goodness, thus the double meaning of "fair" in "Snow White." But the beauty in fairy tales also leads to the envy that can draw beauty's beholder into the moral morass. In extending Plato, Elaine Scarry argues that beauty is not only goodness but fairness (92). The connection between ethics and aesthetics assumes "beauty is, almost tautologically, an 'aesthetic' category, which puts it, according to many, on a collision course with the ethical. But beauty, even beauty in the amoral mode, is never naked, and the ascription of beauty is never unmixed with moral values" (Sontag, 2005, 212). Beauty as goodness and fairness sets forth the straightforward morality of fairy tales, for the beautiful and good are rewarded while the evil and ugly are typically destroyed (Bettelheim, 214). However, the effects of beauty are both moral-fair and immoral-ugly, and thus, the relation between aesthetics and ethics is not always straightforward, mainly because exceptional beauty can lead to the sublime as well as evoke Ngai's stuplimity.

Kant argues explicitly that beauty is feminine and the sublime is masculine. The sublime forces a person while beauty charms; the sublime is righteous and principled, but beauty is compassionate and good hearted (76-96). Ngai suggests, however, that the "sublime might be thought of as the first 'ugly feeling,' in the sense of being explicitly contrasted with the feelings or qualities associated with the beautiful" (265). The sublime is defined as awesome, painful, and powerful, evoking astonishment that is shocking and paralyzing (Burke and Kant). However, in fairy tales beauty can work similarly to the sublime and make us feel small in relation to an astonishing aspect of

beauty, forcing us to descend to envy, which is expressed in a kind of stuplimity of anxiety, as with the phrase "mirror, mirror." As a patriarchal voice, the mirror makes the queen feel inferior in beauty to Snow White, which leads to envy. Thus, Beauty's astonishment makes us transcend these ugly feelings or drags us down into the boredom and obsessiveness of envy. Thus, when Snow White realizes she cannot stop the huntsman from following orders to kill her, she pleads with him: "spare my life. I promise to run into the woods and never return" (Grimm, 96). This plea is Snow White's first use of her own beauty: "Snow White was so beautiful that the huntsman took pity on her" (Grimm, 96). At this moment, Snow White realizes the power of her beauty over men and finds that her power rivals the Queen's. However, in Disney's film version, Snow White does not say much, but the huntsman takes pity on her because of her beauty and kind nature as he watches her sing with a blue bird (Disney, Cottrell, and Hand, *Snow White and The Seven Dwarfs*).

While Burke and Kant feminize beauty, Scarry argues the relation in beauty of both the charming and terrifying. She argues the aesthetic power of beauty, for the beholder affirms the aliveness of the beautiful object through the gaze (89). The paradoxical view of beauty as powerful and as powerless produces Ngai's two effects of stuplimity. As beauty's power and lack of power are simultaneously being pushed and pulled, their tension stupefies the reader and also proposes a moral dilemma—the affective response to beauty as ethical or not. According to Kant, the sublime has a moral dimension. While the sublime puts the viewer in fear, it also then evokes apatheia. For Burke, apatheia is what allows the viewer to enjoy the sublime because he is removed from the imminent danger from the sublime object. Kant's apatheia, however, allows for the invocation of reason, since no inanimate object, however awesome, can dwarf a rational man. In the fairy tales, the sublime can evoke apatheia in the reader, if not always in the characters, so that the reader is able to make correct moral choices. Ngai points out that Kant shifts the focus away from the overwhelming and intense characteristics of the sublime object to the astonishment and overwhelming emotion in the viewer, because he applies the sublime "only to a quality or state of the subject's mind, and not to the object that excites the mind" (266). This means that for Kant the response to the sublime is first affective, followed by neutrality or apatheia, which opens the way for a moral response. While Kant's sublime is "emotionally disinterested as well as transcendent and universally valid, [it forsakes] the realm of negative emotion from which it initially proceeds" (267). Ngai's analysis shifts the focus back towards affect—boredom and astonishment. According to Ngai, "while the Kantian sublime stages a competition between opposing affects, in which one eventually supersedes and replaces the other…stuplimity is a tension that holds opposing affects together" (Ngai, 271). For Ngai, Kant's two affects are fear and transcendence. The difference is that Ngai's aesthetic

stuplimity does not envision the same ethical final effect as Kant's sublime. In fairy tales, beauty and goodness are in constant tension with ugliness and envy. For instance, the Evil Queen in Grimms' "Snow White" is described as "a beautiful lady, but proud and arrogant and could not bear being second to anyone in beauty" (Grimm, 95). Since the Evil Queen's beauty is tied to her ugly feelings, she uses the power of her beauty to satisfy her ugly feelings by ordering the huntsman to kill Snow White and bring back her heart. The Evil Queen's beauty is not good, nor does it evoke the sweet harmless feelings ascribed to beauty by both Kant and Burke. Her beauty reflects Ngai's downward turning stuplimity, while Snow White's beauty produces Kant's moral transcendence in the reader, the prince, and the huntsman sent to kill her.

Ngai's stumplimity is created by overwhelming repetition in language, which language presses a person down, not allowing for transcendence. Being dragged down to the language of repetition evokes boredom, but if you understand the repetition, it can evoke amazement. As Bernheimer notes, the form of the fairy tales is repetitive, allowing for depth in the response of the reader (Bernheimer, 67). This understanding relies upon the reader's consciousness, so that the words on the page open into vastness, while at the same time trapping the characters in mundane details (217). Thus, in all versions of "Snow White" discussed here, the Evil Queen never gets past the obsessive repetition of "mirror, mirror," but the reader can see the double meaning of "fairest of all." Throughout the Grimm and Disney translations of "Snow White," these themes of ugly and "fair" feelings evoked by the physically beautiful are repeated. With these repetitions, the affective responses elicited by the beautiful become polarized (huntsman and prince versus evil stepmother). The envy evoked by the narcissism of the evil but beautiful Queen and the images of Snow White's beauty in all our versions of "Snow White" distinguish the power and powerlessness, respectively, of beauty. But more importantly, the reader's understanding of the double meaning of "fairness" is key to understanding the moral of the tale. Being both fair and moral displays an inner beauty that will always conquer simply physical, narcissistic beauty. Stuplimity connects the sublime feeling of awe with the feeling of boredom and exhaustion, which is expressed in the ugly repetitions in "Snow White." As Ngai points out, the "stuplimity drags us downward into the realm of words rather than transporting us upward toward an unrepresentable divine" (273). For example, in Grimms' printed versions the phrase "the fairest of them all" is repeated eight times and the word "fair" occurs four more times, so the reader has many chances to grasp the important double connotation of *fairness* and its roping together of beauty and morality.

In Grimms' versions and Disney's film adaptation, the phrase "fairest of them all," both as descending envy and ascending goodness, remains central to the plot of "Snow White." Because of its repetitive accretion, this phrase

opens up the foundation of true beauty as goodness and fairness. Also, the natural beauty of Snow White—"white as snow, as red as blood, and as black as the [ebony] wood of the window frame" (Grimm, 95)—is literally and visually, constantly juxtaposed with the beauty and obsession of the Evil Queen, who repeatedly asks the "mirror, mirror" question. These "aesthetic differences focus attention on repetitions and coherence" (Ngai, 281-9) and, I argue, juxtapose beauty's astonishment with envy's boring degradation. With these differences and similarities in constant tension, the double meaning of "fairness" becomes increasingly evident in the story. Since the plot circles around this idea, establishing the "effect of making everything seem unavoidable, correct," this suggests that a postmodern reinterpretation and analysis can be applied to fairy tales (Bernheimer, 69). The repetition of "fairness" and the focus on beauty in *"Snow White"* open the dimension of ugly feelings and kind actions. Snow White's natural beauty shows her natural goodness and fairness as she works together with the seven dwarfs, cleaning and cooking for them and herself and establishing her independence (Grimm, 97 & Disney, Cottrell, and Hand, *Snow White and the Seven Dwarfs*). Her beauty and goodness are rewarded, for she is married to a prince and the Evil Queen ultimately dies (Disney) or dances in red hot shoes until her death (Grimms'1812 and 1857). The sense of fairness in this violent end for the Evil Queen and rewarding end for Snow White epitomizes the double meaning of the term *fairness*. Not only is the "fair" beautiful but also ethically and morally just, while the "ugly" fairness dissolves into oblivion. In fairy tales, the tension between the two affects of beauty—astonishment and envy—is transcended by goodness.

In more than one fairy tale plot, when ugly feelings of envy in the antagonists are shown, these antagonists are famously female. We see different kinds of envy, for example, (step)mother and daughter rivalries ("Snow White"), peer rivalries ("Sleeping Beauty"), and sibling rivalries ("Cinderella"), which all stem from an inequality between the parties. Ngai notes that culturally envy is "a term describing a *subject* who lacks, rather than the subject's affective *response* to a perceived inequality" (126). The one suffering from the inequality is then typically stigmatized for desiring what she lacks and someone else has. According to Ngai, "perceiving envy as designating a passive condition of the subject rather than the means by which the subject recognizes and responds to an objective relation shifts the other-regarding orientation into an egocentric one" (Ngai, 129). Significantly, Ngai notes the duality of envy. Focused inward, envy is a "reflection of the ego's inner workings," while it can also be a "polemical mode of engagement with the world" (128). The negative connotations of envy are driven by patriarchal values, Ngai argues, but envy can also be a means of social engagement to rectify inequality. Ngai's own analysis goes on to focus on feminist criticism,

but her ideas will be applied here to an analysis of envy in "Snow White." In "Snow White," envy stems from a perceived difference in beauty, as sanctioned by male approval in society. While Snow White and the Evil Queen are both described as beautiful, their beauty is constantly juxtaposed, for the Evil Queen looks for approval from the magic mirror (Grimm, 96 & Disney, Cottrell, and Hand, *Snow White and the Seven Dwarfs*). Taking place in a patriarchal society where the men are not present, the mirror represents the "patriarchal voice of judgment" which rules the Evil Queen as she internalizes patriarchal expectations of beauty (Gilbert & Gubar, 389). Similar to the Romantic distinction between the sublime and beautiful, men are classified as handsome, with masculine power, while women's beauty is submissive to male interpretation (Sontag, 644). Thus, men can demote a woman's beauty, for they hold the power as the beholder to objectify such qualities, as seen in the Evil Queen's constant anxiety for approval. With her repetition of "mirror, mirror," beauty is demoted, for the reader is subjected also to the mirror that stupefies the power of beauty. In this way, beauty becomes a form of female self-oppression (Sontag, 645), for a woman's beauty is deprived of its sublime power by being subjected to male valuation. While Sontag's theory did not mention fairy tales, her ideas about beauty being oppressive or powerful are exemplified between the two beautiful women in "Snow White." The Evil Queen's beauty is oppressive because she relies upon male valuation in order to truly believe she is the "fairest," which is why she constantly needs validation from the mirror. Meanwhile, Snow White learns how her beauty can be used, first with the huntsman, and later as the prince's perception of her beauty impels him to act. Snow White's beauty is a means to her agency, so she can decide to leave the dwarfs and be with the Prince.

In "Snow White," envy stems from the perceived inequality of beauty between the two women in the tale, and prevents them from bonding. Female bonding is difficult in a patriarchy designed to turn women against women, because "the voice of the looking glass sets them against each other" (Gilbert & Gubar, 389). With male expectations and approval setting the standard, women are made to desire the beauty of another. Ngai explains, "Feminization and moralization of envy have suppressed the idea of envy as an emotion responding to social inequalities, "converting it into a reflection of the petty or 'diseased' selfhood" (130). In feminizing envy, "Snow White" queries its own foundation of beauty as *both* goodness and fairness. The Evil Queen's ugly feeling of envy towards Snow White reveals her anxiety about maintaining the supremacy of her own beauty. With the Evil Queen, the reader understands that the beautiful is not always good, for the beautiful can descend into the "diseased selfhood" of narcissism, resulting in the immoral actions of plotting the death of a perceived rival. Stuplimity holds anxious envy in constant tension with beauty's astonishing aspect. As the mirror constantly reminds the

Evil Queen that Snow White is more fair than she, her fixated "beauty encourages narcissism and reinforces dependence and immaturity" (Sontag, 644). The Evil Queen becomes consumed by the need to be "the fairest of them all" and sends the huntsman to kill Snow White in all our versions of the tale. However, the huntsman, moved by Snow White's astonishing beauty and goodness, allows Snow White to escape into the woods. Here, the difference in beauty's two aspects is very clear, as the Evil Queen uses her beauty for malice (manipulating the huntsman) while Snow White's beauty saves her and allows her to gain shelter with the seven dwarfs. When the huntsman fails, the Evil Queen decides to kill Snow White herself. Ngai explains how from a feminist perspective, "femininity entails being naturally or inevitably prone to envy or jealousy, but also never prone to envy or jealousy" (129). Thus, envy is thought to be 'natural' to women, while socially prohibited. This paradox is seen in the contrast between Snow White and the Evil Queen, for the Queen acts on her envy, while Snow White does not express envy or seek revenge, and remains innocent; even after learning the Queen wants her dead (Grimm, 96 & Disney, Cottrell, and Hand, *Snow White and the Seven Dwarfs*).

However, this does not mean that Snow White does not experience any envy. As Gilbert and Gubar suggest, Snow White may envy the power of her stepmother's mature beauty (391). Since they are separated in age as mother and daughter, Snow White's envy is the natural desire of a young girl to come into her own womanhood. In the Grimms' version, when Snow White accepts the Queen's objects (designed to kill her), such as the silk laces, comb, and infamous apple, she exhibits an anxiety over beauty similar to the Evil Queen's, in that it is based in patriarchal values, for the laces and comb offer the means to improve her physical beauty. Desiring to remedy a perceived inequality by being more beautiful is not wrong, because as Ngai argues, one can try to remedy the inequality (128). Using aids to beauty is far different from attempting to kill a more beautiful rival (Sontag, 645). In her actions to become more beautiful, the laces, pulled too tight, cause her to stop breathing and the comb, as it touches her head, causes her to faint. While "the only hint of self-interest displayed by Snow White is in her 'narcissistic' desire for the stay-laces, the comb, and the apple," these objects suggest Snow White's own envy (Gilbert & Gubar, 391). In the Disney film, she is depicted as an innocent victim subjected to the Queen's jealousy as she waits for her prince to come. Disney removes the laces and combs, portraying Snow White as less interested in her beauty, and has the old hag offer her an apple, which she takes to be nice, showing her innocent and naïve nature.

Snow White's envy is the quite natural envy of a young girl wanting to grow up. With her new awareness of beauty as she is a coming of age girl (8 years old in the Grimms' edition and 14 years old in Disney's version), Snow White aspires to a position similar to the Queen's, for she wants the acceptance

of male society and wants to be married. As she ages, Snow White matures into her beauty, bumping the queen off her throne, figuratively and literally. As Benediktsdottir explains: "the child-hero develops and matures, surpasses the need for parental guidance and eventually is no longer a child, perhaps even getting married and having children herself" (6). The naturalness of Snow White's envy is even more apparent in the Grimms' first edition of 1812 where it was Snow White's biological mother who wanted her dead instead of the stepmother that is presented in the 1857 edition and Disney's film adaptation. Since Snow White eventually runs off into the woods alone, one can argue that she is moving towards independence from her parents. Analyzing the tale from this perspective, one can argue that Snow White is envious of the Queen's mature ability to use her beauty as power, for the Queen's beauty added to her authority when commanding the huntsman to do her bidding (Benediktsdottir, 10-15).

Of course, scholars may dispute about whether Snow White acknowledges her own envy at this young age. As she runs into the forest after learning that the Queen ordered her dead. Snow White's "unresolved feelings of jealousy towards her parents can be projected in such a way that the child compensates by turning jealous thoughts into the "wishful thought: 'Mother is jealous of me'"(Bettelheim, 204). This change in attitude in which a child feels superior is evident as the audience hopes for Snow White and despises the Evil Queen's jealousy. However, looking closely at this idea of Snow White's "unresolved feelings of jealousy" towards her stepmother, Snow White's narcissistic desire to be more beautiful leads her to accept what the Queen, disguised as an old hag, offers her: the laces, comb, and apple. As Snow White suffers from the neglect of her stepmother and absent father, she may desire her own power, which in this patriarchal society only comes from marriage to a prince and male ratification of beauty. Singing and wishing by a wishing well, Snow White wants to marry; thus, "receiving the objects of beauty from the Queen, the docile and selfless princess receives the only measure of power available to a woman in a patriarchal culture" (Gilbert & Gubar, 391). While the objects demote and subject true beauty to everyday objects (silk laces, a comb, an apple), her power to gain a prince lies in her true astonishing double "fairness." Snow White does not realize that her natural beauty is enough, for she is tempted by the desire to be more beautiful, exposing a narcissistic side to her innocence (Grimm, 97). According to Sontag, "a woman's power lies in their ability to attract, but this power is not chosen and she still works to be attractive," which is evident as the Queen worries about being attractive and attempts to kill Snow White to remain the "fairest of them all" (649). While Snow White accepts the objects and temporarily "dies," Snow White does not become consumed with beauty as her stepmother was. She does not let her feelings drag her down into immorality, as did her stepmother. Since she

remains good and fair, she remains beautiful. However, with her decision to marry the Prince, "Snow White inevitably becomes the Evil Queen for she is trading in her imprisonment of the glass coffin to that of a castle window" (Gilbert & Gubar, 392). Snow White receives the power and position that she was searching for at the beginning of the tale, which is similar to her stepmother's. She is married and her beauty is ratified, as she herself becomes a queen who is the "fairest of them all," possibly until she has a daughter of her own.

Thus, we see how in "Snow White" Ngai's idea of "stuplimity" supports readings of a doubled beauty *and* a doubled envy—one capable of transcendence, morality, and change, rooted in Kant's sublime and the other, burdened by the repetitive obsession of "ugly feelings." Envy is not necessarily "ugly," but can be an affective mode which allows for growth. As we have seen, both beauty and envy have been feminized. "Associating beauty with women has put beauty even further on the defensive morally" (Sontag, 644). One aspect of that moral defensiveness is beauty's association with envy. Snow White is both innocent in her beauty and motivated by the desire to elevate her beauty. Her "envy," is as natural as her beauty, in the sense that children always supplant parents as time passes, while the Evil Queen's envy is ugly, unfair, and unnatural.

Beauty as goodness—or the doubled meaning of "fair," as exemplified in Kant's upward sublimity and downward pull of Ngai's stuplimity—defines the boundaries of many fairy tales other than "Snow White," because goodness and evil are central to the stories, as Bettelheim has so eloquently shown (230). "Snow White" is an exemplary fairytale that demonstrates how asethetics and ethics are related, through the pairing of beauty with morality, for beauty, fairness, and justice go together, as the good is rewarded and evil is destroyed or punished. A good complement to "Snow White," where we see similar themes but in a different framework, is the Brothers Grimm's and Disney's version of "Sleeping Beauty," for here the polarizing envy is not between a stepmother/mother and daughter as in "Snow White," but among the fairies, who are the beneficiaries of the royal family. Thus, envy among the fairies produces widespread disaster in the whole kingdom. In all versions of "Sleeping Beauty," there is a pervasive stuplimity in which beauty cannot function. Since stupifying envy drags down the reader and the characters into "ugly feelings," the tale of "Sleeping Beauty" illustrates the deep connection between beauty and justice, in Scarry's expansive sense. Beauty is is knocked down into the morass of destructive envy, not only for Aurora but for the whole kingdom, as all fall into a charmed sleep. The transcendence of Aurora's sublime beauty comes about as the prince's kiss awakens Aurora, which resurrects beauty and creates a ripple effect waking the rest of the kingdom (Grimms' 1812 and 1857, & Geronimi *Sleeping Beauty*). This rising up is

dramatic in the tale, and is especially visually arresting in the Disney movie version, where the resurrection of beauty turns all the dark, gloomy settings to bright and colorful ones.

Just as "Snow White" exists in different versions, "Sleeping Beauty" evolved from Giambattista Basile's 1634 tale, titled "Sun, Moon, and Talia," in which the princess is raped by the prince, for "her beauty set him afire" (Zipes, 686). In Charles Perrault's 1679 edition, after the prince sleeps with the princess, the queen wants revenge since she is jealous that she is no longer queen. The Grimms' 1812 and 1857 editions closely resemble the well-known Disney animated film in which the prince kisses a sleeping Aurora to wake up her and her kingdom. As the tale's theme of suspending beauty is repeated, each translator created a new way of understanding the significance of awakening beauty. For "Sleeping Beauty," the repetition over different versions of the tales of an eternal sleep in which beauty is suspended until Aurora awakes allows the readers see how the focus shifts more and more to the princess herself and the power of her beauty to enchant the prince. As the tale is translated, its name changes from Basile's "Sun, Moon, and Talia" to Perrault's "Sleeping Beauty" or "la Belle au bois dormant" to the Grimms' "Brier Rose" or "Dornroschen" to Walt Disney's "Sleeping Beauty." The titles become more centered on the idea of beauty as we move from Basile to Perrault, who first uses the term in his title. Grimm gives the name, "Brier Rose" to the princess, associating beauty with a rose and focusing on her beauty. Disney not only reverts back to Perrault's idea of a stillness of beauty but also provides his beauty with the name Aurora, which refers to the idea of light and dawn, and can be associated with awakening. Also, he provides names for the moral and immoral fairies and distinguishes their characters. As the titles and focus become more female-centric, the feminizing of both beauty and envy is given a very broad context of justice, which is the entire order of a kingdom, so here the feminizing is also allied with female power, but not unconnected to the male ratification of the prince's kiss.

In the Grimms' versions of "Sleeping Beauty" and Disney's film version, beauty is suspended as the princess is cursed to an eternal sleep, only to be awakened by true love's kiss. Though beauty is literally dragged down by envy and rendered inactive, the power of the princess's beauty enchants her male rescuer to save her. In the Grimms' printed versions (1812 & 1857), the male rescuer does not meet the girl before she wakes. His gaze upon her beauty enchants him, forcing him to kiss her, which awakens her and resurrects her beauty (Grimm, 473). Meanwhile, Disney has Prince Philip earlier hear Aurora singing in the woods, where he is amazed by her voice and beauty. After she and her kingdom fall asleep, Prince Philip's kiss breaks the curse, awakens Aurora, and restores her beauty and song throughout the kingdom (Geronimi, *Sleeping Beauty*). Suspending beauty does not ultimately bring down morality

and fairness, for the three good fairies aid in Aurora's rescue, by turning the evil fairy's curse of death into the curse of stilled beauty. However, the power in the powerlessness of beauty is highlighted when the prince is moved even by lifeless beauty. According to Elaine Scarry, "beauty is a contract between the beautiful being and the perceiver" (90). When one is gazing upon an inanimate object, the gaze enlivens the object. The admiring gaze upon a person similarly grants life although they are already "alive" (69-70). The gaze awakens the one beheld as well as one's own self-perception (90). As the prince admires and is enchanted by the princess's beauty, forcing him to kiss her (Disney & Grimms' 1812 and 1857 versions) Sleeping Beauty is awakened, resurrected, and given life again. Even though Burke deemed beauty powerless in contrast to the sublime, there is a power in beauty to capture and astonish the beholder, for good or evil. While the prince, captivated by beauty, leans in to kiss a girl he sang two lines of a song with in Disney's version, the Evil Queen, consumed by envy, turns murderous when the mirror tells her that she is no longer the "fairest of them all."

    Significantly, the envy that drags down beauty in "Sleeping Beauty" is not directly connected to beauty, but to political intrigue among the fairies. Just as the Evil Queen in Grimms' and Disney's versions of "Snow White," the evil fairy in the Grimms' tale and in Disney's animated film *Sleeping Beauty*, is characterized by her envious nature and lack of acceptance in the kingdom. Disney names the fairy, Maleficent, to highlight her immorality as malevolent and causing harm. In the Disney animated film and the multiple literary translations, the evil fairy is defined by her isolation from the kingdom, and the curse she places on the baby of the King and Queen further stigmatizes her. Ngai explains the social implications of envy:

> Envy lacks cultural recognition as a valid mode of publicly recognizing or responding to social disparities, even though it remains the only agonistic emotion defined as having a perceived inequality as its object… once it enters a public domain of signification, a person's envy will always seem unjustified, frustrated and effete--regardless of whether the relation it points to is imaginary or not (128).

In the Disney animated film and Grimms' translations, Maleficent's motive for revenge is envy at not being invited to the princess's christening. Her gift is, therefore, filled with malice: that Aurora will pierce her finger on a spindle of a spinning wheel and die (Grimm, 468 & Geronimi, *Sleeping Beauty*). The evil fairy is depicted in the film as a ruler of beastly hogs and crows, while the other fairies are benevolent godmothers to the newly-born princess. The inequality

between the good fairies' treatment by the royal family and their snub of Maleficent causes her envy. The evil fairy's ugliness is very clear in Disney's animated version (1959). However, with Disney's 2014 live action film, *Maleficent*, we are given a post-modern reading of "Sleeping Beauty" that gives us Maleficent's backstory and opens the way for beauty's astonishing qualities to reform Maleficent and restore her moral sense. Thus, Maleficent's double unfairness will be redeemed by inner fairness, as we shall see.

Disney's separation of goodness from beauty in "Sleeping Beauty," by associating Maleficent's ugliness with goodness is not unheard of in fairy tales. In the fairytale form, where the good and beautiful are usually aligned, notable exceptions exist, such as "Beauty and the Beast," "The Frog Prince," and "The Little Mermaid," all of which associate the good with the ugly and the animal with the human. In Disney's post-modern *Maleficent*, the viewer finds the good in the supposedly ugly and evil. In the Grimms' (1812 & 1857) versions of the tale, the three unnamed moral fairies bestow gifts on Aurora. In Disney's animated version (1959), this scene is personalized, and the fairies are given names that resonate with their gifts and emphasize their goodness. The fairy Flora, meaning "flower," grants Aurora beauty, Fauna, meaning "fertility," grants Aurora song (which is how she first gets Prince Philip's attention), and Merryweather counter attacks Maleficent's curse by replacing death with sleep (Geronimi, *Sleeping Beauty*). These fairies maintain the morality of the tale through their gifts and their assistance in slaying Maleficent and guiding Prince Philip to Aurora. The printed versions leave out the names of the fairies and specifically distinguish them through their actions. The fairies are either extremely moral or immoral, for they are judged on a non-human plane, similar to Satan and the angels. The moral fairies rescue humans, specifically Aurora, because they support the connection between beauty and morality. Meanwhile, the immoral fairy tries to destroy beauty by cursing Aurora to death on her sixteenth birthday. In Disney's 2014 *Maleficent,* a live-action remake of the tale with human actors, Disney challenges the typical fairy tale form and shows how Maleficent's outward evil actions have deep psychological causes that obscured her hidden core of goodness. Although Maleficent is not outwardly beautiful, she has moral fairness that the world warped but Aurora's beauty will restore. While the curse invokes Ngai's stuplimity for the reader, since beauty is literally supine after the curse is activated, despite beauty's astonishing affect, Kant's sublime transcendence remains possible because Maleficent herself offers the antidote she believes is impossible: true love's kiss.

In Disney's 2014 version, we see a Maleficent who is not outwardly beautiful, for she has two curved horns and huge wings, but she has beauty's fairness within, as shown by her falling in love with Stefan, when they were both young. Stefan is now king and Aurora's father. Always an outsider, the

young Maleficent found comfort in a young Stefan, and they became close. The king at that time had offered his daughter to anyone who could bring him the wings of Maleficent because she defeated him in a battle in which he tries to steal the fairy treasures. The dying old King is envious of Maleficent's power and her rule over the mythical world. Stefan, a poor boy loved by Maleficent, betrays her, cutting off her wings to win the King's daughter and crown. Seeking revenge for this betrayal, Maleficent places a curse on Stefan's daughter, Aurora. Although she seeks just retribution, she is expressing the ugly feeling of envy at Stefan's happiness, which casts her as a villain. She also seeks to punish an innocent child. However, Princess Aurora's innocent beauty captivates Maleficent's envious heart, and as the film continues, Maleficent becomes enchanted by Aurora, who transforms Maleficent's hatred and envy into love, so that she tries to save Aurora from her own previously cast curse. How does this happen? In short, King Stefan sends Aurora to live with three fairies in the forest until her sixteenth birthday, and he hides all the kingdom's spinning wheels in a deep dungeon. Maleficent watches Aurora from afar and becomes attached to her. Meanwhile, Aurora meets Prince Philip in the forest, where the two fall in love. After Aurora's return to the castle, the curse puts her in a deep sleep. Maleficent kidnaps Prince Philip, but his kiss fails to awaken Aurora. But when Maleficent, regretting her curse, kisses Aurora, Maleficent's motherly love awakens Aurora. In this film, only Aurora is affected by the sleeping curse. This transformation of the supposedly evil Maleficent plays out Kant's idea of the sublime, where beauty's sublimely astonishing affect leads to moral goodness. As Maleficent changes from villain into a sympathetic anti-hero, the story changes as well, but at the core of this post-modern film remains the repetitive fairy tale motif of the suspension of beauty. The full power of Maleficent's fairness and goodness is restored as Aurora helps her steal her wings back from her own father. Towards the end of the film, Princess Aurora chooses to remain with Maleficent, thus joining together their two separate kingdoms and closing the inequality that led to destructive envy in the first place. Therefore, Maleficent is no longer envious of the human kingdom, since she is no longer excluded, while the human kingdom no longer envies the power of the mythical fairy kingdom, as both are one (Stromberg, *Maleficent*). This is all due to Aurora's power of double beauty and fairness, which exemplifies the power in beauty as enchanting and amazing, so envy is transformed back into its positive and original aspect of secret admiration.

As seen with the live action film *Maleficent,* fairy tales can be reinterpreted, but the themes and motifs that link beauty and morality, as well as the tensions in stuplimity that beauty's affect causes—astonishment and envy's moral morass—remain a constant framework. The parallels between aesthetics and ethics are constantly being pushed and pulled as the tales are

reinvented. In both "Snow White" and "Sleeping Beauty," beauty remains a powerful force, exerting its hold on the characters and enchanting the gaze of the reader-beholder as well.

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♦ INTERNATIONAL CRIMINAL JUSTICE 401

ANTI-SOCIAL MEDIA: CAMBRIDGE ANALYTICA IN THE 2016 U.S. PRESIDENTIAL ELECTION

FAIROOZ HAIDER

ABSTRACT
This paper presents a guided literature review of the Cambridge Analytica scandal regarding the 2016 U.S. presidential election and its profound implications. The implications of this controversial event are broad and range from philosophical, legal, ethical, and political. Similar events to this scandal are also examined such as the 2014 Facebook contagion scandal, revealing that social media have become a common tool to manipulate and analyze their users. Additionally, three criminological theories: anomie theory, routine activities theory, and pluralistic conflict theory, are used to examine the incident. Some existing prevention practices for data abuses on social media are described while emphasizing the need for new ones. And lastly, this paper unearths how the Cambridge Analytica scandal has altered the global techno-political landscape, especially regarding the concept of "democracy."

INTRODUCTION

THE RESULTS OF THE 2016 U.S. PRESIDENTIAL ELECTION left much of the world in shock. Many voters began to wonder just how Donald Trump could have won and started to look to a small company called Cambridge Analytica that assisted him in his campaign. After a former employee from the company, Christopher Wylie, became a whistleblower, it was revealed that the information of millions of Facebook users had been used by the firm without their permission (Granville, 2018). This vast amount of data had been utilized to create microtargeted ads for specific individuals in certain states for the Trump campaign. However, many are skeptical if it is actually possible to influence the electorate using this kind of strategy. This controversial phenomenon came to be known as the Cambridge Analytica scandal by the media and its occurrence raises many alarming concerns regarding privacy and research ethics involving data from social media sites. Not only is this a domestic issue but it is an international issue that raises implications regarding international politics and technology. Incidents such as the Cambridge Analytica scandal will give others the idea in the international community that it is proper to use the information of millions of people without their consent for political purposes such as influencing their own electorate to vote for a certain party. The legitimacy of the core, so-called ideas of "free will" and "democracy" that the US has promoted vehemently since its establishment are threatened.

The rapid advent of technology continues to invade every sector of our lives, even now into the sphere of politics. Political campaigning, especially in the U.S., has mostly been conducted through formal institutions of the media. However, the unconventional use and success of the Trump campaign in utilizing the consulting firm leads to a significant conclusion. This conclusion is that politics is shifting away from being conducted using traditional institutions and into the "cyber world", where the global population spend a large amount of time on. I am particularly interested in the Cambridge Analytica scandal not only because of the various philosophical and ethical concerns it brings to light, but as an event that has transformed the global techno-political landscape.

In this paper, I will give a detailed explanation of the Cambridge Analytica scandal, which parties were involved, and the various implications of the phenomenon. First, my methods for this current analysis are explicitly explained. Next, a brief profile of the company will be given as well as its previous involvement in other matters of politics besides the Trump campaign. Similar cases to the scandal such as the Facebook contagion incident are described to emphasize that incidents involving data abuse are not unique in this technological era. Next, theoretical explanations as to why data scandals occur are given using three criminological theories. These theories include

Durkheim's theory of anomie, Cohen and Felson's routine activities theory, and the pluralistic model in conflict theory. To evaluate the validity of whether microtargeting can be an effective tool used to influence an electorate, a case study is examined to explain the effects of psychometric profiling on voter behavior. Statistics are also provided on how much data were leaked to Cambridge Analytica in the general trends and magnitude of the issue. Additionally, there is a holistic discussion of the scandal and the technological, historical, and political circumstances surrounding it. Lastly, current prevention practices regarding data abuse are examined while future ones are recommended.

METHODS

For the purpose of finding information for this analysis, multi subject databases such as OneSearch, EBSCOhost, Google Scholar, Gale Virtual Reference Library, and ProQuest Dissertations & Theses Global were utilized. All searches in the databases had the scope of only the last two years since the Cambridge Analytica scandal occurred in 2016. The final sources used for this paper are all mostly peer-reviewed articles with the exception of some articles from newspapers like the *New York Times*. Related terminologies to the Cambridge Analytica scandal as well as words related to data were used to search in each database (Box 1). Words related to the incident were searched in the title to make sure the search results were relevant.

Box 1
Words used in the search.

1. Cambridge Analytica
2. Cambridge Analytica scandal
3. US election 2016
4. data collection methods
5. big data
6. data analytics
7. psychometric profiling
8. privacy
9. politics
10. social media
11. voter influence

In the midst of researching, I realized that two journals repeatedly wrote about the Cambridge Analytica scandal such as *Nature*, and the *Journal of Media Ethics*. I specifically went to those two journals to look for more sources regarding the event. *Nature*, which is an international science journal, was accessed freely through the Lloyd Sealy library website. However, I had to

search on my own for the *Journal of Media Ethics* because the library didn't give me full access to the issue I needed. It only gave me access to the abstract of the article written about Cambridge Analytica and its connection to the 2016 US election. Therefore, I ended up making a payment to buy the article, "Social networks, the 2016 US presidential election, and Kantian ethics: applying the categorical imperative to Cambridge Analytica's behavioral microtargeting."

Since the Cambridge Analytica scandal is such a controversial topic, I had to be cautious of the political ideologies expressed by some of the authors of the articles used in my research. Also, while researching, I was challenged with some obstacles while looking for reliable peer-reviewed sources. Much of what is written about the Cambridge Analytica scandal is from sources like newspapers and online blogs. These kinds of sources aren't necessarily scholarly. Plus, I didn't know too much about psychometric profiling, a rather scientific topic, and its particular effects on voter behavior. In order to cover my knowledge gap, I reached out to case studies done regarding psychometric profiling in social media to influence voter behaviors by professionals in that field. I was fortunate enough to find a good number of reliable and scholarly articles that addressed my shortcoming regarding this area of expertise.

GENERAL TRENDS AND MAGNITUDE

Statistical data sources regarding how much data were exactly leaked in the Cambridge Analytica affair are few. According to Granville (2018), the whistleblower for this case, Christopher Wylie, stated that initially 50 million raw profiles were handed to Cambridge Analytica. However, the original app that had collected data for academic purposes in 2014 only obtained permission from 270,000 Facebook users. Another trend with "data scandals" are that even if confidential data are deleted, copies can still remain. The *New York Times* was still able to view some of the raw profiles given to Cambridge Analytica even after all the data were claimed to be deleted by the company (Granville, 2018).

Data leaks are by far a common issue in this global age of the Internet. But the Cambridge Analytica affair brings special attention to the innovative strategy of utilizing psychometric profiling for political purposes. One of most controversial aspects of the scandal is that there is much public doubt about the extent to which psychometric profiling can actually persuade undecided voters (Laterza, 2018). The idea that a single data firm can make someone vote for a certain party on social media in large quantities can easily appear to be bizarre. However, this idea might not be too far-fetched from reality. Martin Goodson, a chief scientist at Evolution Artificial Intelligence, stated that over 340,000 additional individuals showed up to vote in the 2010 congressional elections because of one Election Day Facebook message. Therefore, if a specific group of people are microtargeted with specific ads to make them not vote or vote for

a certain party, the impact on voter turnout would be a great one (Tarran, 2018). Also, a study done by Kristensen et al. (2017) regarding Danish political parties, found that examining Facebook likes of multiple political parties, could predict voting behaviors. The Facebook likes of even a single voter reveal important information such as what party ideologies the person lines up with and their views on certain issues. The researchers were able to predict multiparty choices with an accuracy of up to 35 percent based on examining several Facebook likes of Danish voters (Kristensen et al., 2017). 35 percent in accuracy might seem small, but polls predict voter behavior with about the same accuracy levels. These results indicate how valuable social media data can be, especially regarding politics.

Also, according to Bottcher, Hermann and Gersbach (2018) who have produced a mathematical model to examine political campaign dynamics on social media platforms, found that voters' opinions can be influenced if certain conditions are met. These include a good financial campaign budget and a large number of initial activists. Activists are individuals that are loyal to one party and try to spread their influence using various methods such as social media. Their simulated model included two competing campaigns with variables like budget, cost, and time that were adjusted for the purposes of the study. The researchers have even applied their model to the 2016 U.S. presidential election and indicated that Trump's victory is completely plausible. The 2016 U.S Election was predicted to have about 20 to 25 percent of voters that were undecided. This population could have been persuaded through being psychometrically profiled and approached by initial activists on any kind of platform, social media or not (Bottcher, Hermann & Gersbach, 2018).

While researching about the Cambridge Analytica scandal, I have come across many limitations in obtaining data and the lack of trustworthiness of the information that has been found. The event started to occur less than three years ago and didn't even come to light until after the 2016 U.S. presidential election ended. Because it is an extremely recent incident to be studying on a scholarly level, it was difficult to find reliable and trustworthy sources. Much of the information regarding the scandal has been reported by a whistleblower, Christopher Wylie (Granville, 2018). This individual is someone who has his own motives, whether they be political or not. His motives clearly influenced the way he presented details about Cambridge Analytica to the public. The whole affair is a politically controversial incident in which people, including scholars, are still skeptical about whether the firm's activities impacted the electorate in the 2016 US presidential race (Laterza, 2018).

DESCRIPTION OF THE PROBLEM
Cambridge Analytica was a political data consulting firm that was largely funded by Robert Mercer, an affluent Republican donor, and Stephen K.

Bannon, a former advisor to the current president, Donald Trump (Granville, 2018). According to Ward (2018), its parent company was the Strategic Communication Laboratories (SCL) Group that is based in London and is a well-known behavioral research firm. The SCL group sells analysis products to various governments and organizations. The group stated in its website that its clientele included many important military and intelligence agencies around the world such as the US Department of Defense and UK Ministry of Defence (Ward, 2018, p. 139). Cambridge Analytica was founded in 2013 but garnered media attention in 2015 when it was involved in Ted Cruz's 2016 presidential election campaign (Ward, 2018, p. 139).

Throughout its history, Cambridge Analytica has been notorious for engaging in international political matters and not just domestic ones in the United States. It has been reported that Cambridge Analytica was working with Leave.EU in the 2016 United Kingdom European Union membership referendum in support of Brexit (Ward, 2018, p. 139). According to Laterza (2018), Cambridge Analytica had its involvement in the Kenyan elections in the past. The company has also reportedly been involved with campaign teams in other countries like Australia (Walter & Ghazarian, 2018).

The Cambridge Analytica scandal is a particular occurrence that has been linked to the 2016 U.S. presidential election. The origin of the data that have been used without consent for microtargeting purposes goes back to 2014. In that year, 270,000 individuals used a Facebook app to take a personality test for academic research. At that time, the terms of Facebook allowed that the data of an individual taking the test be collected along with information about their "friends". This function was retracted a year later in 2015. However, in this way, the Russian developer for the personality test app, Aleksandr Kogan, was able to collect large quantities of data about millions of users. Then, he sold this data to Cambridge Analytica, causing a data breach (Tuttle, 2018). Lastly, Cambridge Analytica used Kogan's data and more data it bought from brokers like Acxoim and Nielson to create profiles for microtargeting voters (Ward, 2018).

Donald Trump officially hired Cambridge Analytica in July 2015 paying it almost $6 million by the end of the year (Ward, 2018, p. 139). According to Gonzalez (2017), reports stated that Donald Trump hired the firm in a desperate attempt to battle against Hillary Clinton's massive campaign. The company utilized six PhD data scientists to target 20 million voters in battleground states. The firm relied on tactics of psychometric profiling to "micro-target" advertisements to persuadable voters. According to an interview with Jamie Barlett, the director for the Center for the Analysis of Social Media, she describes online advertising of this kind as a method that strategically targets "people based on a very detailed profile of that person's thoughts, fears, concerns, personality type, and increasingly emotional

drivers…then you craft messages more and more often…using automated technologies to appeal to that specific individual" (Timblin, 2018). These "automated technologies" are related to psychometrics.

Psychometrics is defined to be "any branch of psychology concerned with psychological measurements …via digital media platforms and systems." Information such as an individual's "credit scores, insurance profiles, and social media are calculated and analyzed by machine learning algorithms and other computational tools" (Stark, 2018, p. 207). In simple terms, essentially it is a combination of psychology and data science.

Gonzalez (2017) stated that some described Cambridge Analytica to have used "mind-reading software", "a weaponized artificial intelligence (AI) propaganda machine that 'turned the world upside down' that saturated voters with carefully crafted messages." Implications from these statements entail that the efforts of Cambridge Analytica helped Trump to gain the electoral votes in six states of Michigan, Pennsylvania, Wisconsin, Iowa, Ohio, and Florida that were previously won by Obama (Gonzalez, 2017, p. 9).

According to Ward (2018), Cambridge Analytica tried to influence the behaviors of voters in three steps. The first step was to analyze the personality of individuals through quizzes or in five dimensions. These five dimensions include "*openness* (the enjoyment of new experiences), *agreeableness* (preference for putting the needs of others before their own), *conscientiousness* (propensity for order), *extraversion,* and *neuroticism* (tendency to worry)". All these attributes form the OCEAN test which has successfully been used to describe personalities accurately (Ward, 2018). In the second step, the company matched the users' personality traits to a "mass of known data points" about the person. These points included demographics, race, ethnicity, gender, income, and so forth. The company staff had created so-called psychographic profiles of individuals which are like "personality maps". The last step was that the firm produced and distributed targeted behavioral messages to individuals based on these "personality maps". This method was utilized in 4000 different ad campaigns across various states that supported Donald Trump and got 1.4 billion exposures (Ward, 2018, p. 140).

Cambridge Analytica's ethically dubious methods for obtaining data and its involvement with microtargeting took the media by storm. The actual events of the scandal occurred in late 2015 and early 2016 but reached its zenith of media popularity around March of 2018. The "bad press" eventually led to serious capital losses for Facebook with stocks decreasing by 7 percent, reducing the company's value by $40 billion (Tuttle, 2018). The scandal affected Facebook consumers who began to lose trust in the cybersecurity infrastructures of the site and its creditability. Even till now, Facebook is suffering tremendously from numerous lawsuits, including one filed by the attorney general of the District of Columbia (Romm et al, 2018). After the so-

called Facebook scandal, Cambridge Analytica was shut down on May 2, 2018 (Laterza, 2018).

"Data scandals" such as the Cambridge Analytica scandal aren't so uncommon in recent years. There have been numerous occurrences of data breaches and "hacks" of companies. Especially regarding Facebook, there had been other incidents in which the privacy of numerous users had been compromised and users' data had been manipulated. In 2011, Facebook was under heat for deceptive privacy practices by the Federal Trade Commission (Tuttle, 2018). Another example is the Facebook contagion incident that occurred in 2014. According to Goel (2014), Facebook had stated that it had manipulated the news feeds of over 500,000 people to change the number of positive and negative posts that were viewed. This manipulation was part of a so-called psychological study to examine how emotions could be spread over social media. Although this "test" was used for academic purposes, standardized Institutional Review Board (IRB) rules would have required the researchers and Facebook to get the consent of those who participated. Instead, Facebook claims that the users already gave permission to these kinds of data experiments when they agreed to its terms and services. This incident is strikingly similar to the Cambridge Analytica scandal because data had been collected and altered to psychologically influence users. Goel (2018) emphasizes that not just Facebook, but other tech companies like Google and Yahoo monitor their users and adjust the search results based upon their users' search behaviors. Therefore, the scandal with Cambridge Analytica was not really a surprising event.

The controversial involvement of Cambridge Analytica in the 2016 U.S. presidential election is an important turning point in political history that has many alarming implications. U.S. politics such as campaigning had always been conducted through traditional methods such as television, radio, newspapers, rallies and so forth. However, now it is also being conducted over cyberspace, particularly in social media, a realm that is lacking many regulations unlike the traditional media institutions (Kardas, 2017). The cyber world is a location that does not have any physical, geographic, or spatial boundaries. Whenever something is posted, it can be viewed globally unless the users take precautions to restrict viewings of their posts. Generally, cybercriminal activities conducted over the Internet can be very difficult to trace or sometimes aren't considered to be criminal. From my personal experience working with a lawyer, even if there have been violations, it is hard to prosecute big companies like Facebook for data-related violations without engaging in exhaustive litigation battles in the US court system. Many websites can easily make the obvious claims that their users have consented to data manipulations when they agreed to its terms and services like Facebook has done in the contagion incident in 2014.

Another concerning implication is that the use of psychometric tactics on social media to influence voters without their consent is not only an obvious ethical violation, but it impacts an individual's personal space and autonomy (Ward, 2018, p. 140). If humans ought to be given the freedom to make their own decisions based on rationality (autonomy), then the actions of Cambridge Analytica have clearly infringed on the autonomy of individuals. According to Ward (2018), intentionally exposing Facebook users to "ideologically homogenized content" leads to psychological manipulation of one's rationality. In such a case, the manipulated individuals do not make decisions based on their full, rational capacities. In democratic societies, especially in the West, elections have relied on the foundational idea of voters voting autonomously with "free will". Although many American voters already think that political messages are generally targeted when made, they did not realize the extent of individual manipulation that Cambridge Analytica had done on them (Ward, 2018, p. 141).

THEORETICAL ISSUES
The Cambridge Analytica scandal is not an event that the Western forefathers of criminology would have anticipated to occur at the times they were formulating their theoretical works. Back in the 20th century, technology wasn't so integrated into the daily lives of the public as it is now, although it was rapidly advancing. Many schools of criminology, typically the Chicago School, dealt with urbanization, slum youths, and gang-related activities, which were seen to be main priorities regarding crime in the mid-twentieth century (Lilly et al, 2011). However, this does not mean that Western criminological theories aren't valuable in analyzing recent 21st century phenomena. In fact, I think that Emile Durkheim's anomie theory, Cohen and Felson's routine activities theory, and George Vold's pluralistic conflict theory can shed light on the Cambridge Analytica affair.

Emile Durkheim's theory of anomie is an especially relevant but overlooked theory when it comes to analyzing technological crimes. Dubbed the "father of modern sociology", Durkheim interpreted the concept of anomie to be a negative social and individual force (Marwah, 2008). For Durkheim, the presence of anomie involves a partial state of normlessness (Henson, 2010). Anomie occurs when the "ability of social groups and institutions to effectively regulate behavior and fulfill social needs" is disrupted (Henson, 2010).

In a world that is hyper-polarized and excessively globalized, technology can be utilized to commit crimes in cyberspace influencing real world behaviors and actions. Excessive globalization is the result of there being almost little to no restriction in the interaction amongst numerous sovereign nations. Therefore, when something happens to one country, it greatly impacts

another. An example of this is the 2009 economic recession that occurred in the United States but impacted banks in several European nations.

In this particular case, it would be Cambridge Analytica psychologically manipulating the electorate by using its data without consent. Rapid advances in technology spurred changes so fast on a macrosocial level that social norms and social institutions are unable to regulate these technologically-driven behaviors, creating many opportunities for anomie to occur. Particularly, legal and criminal justice institutions are lacking in their capabilities to tackle these technical crimes. According to Henson (2010), anomie is prevalent in times of abrupt social changes, like the Industrial Revolution, but the advent of technology is not abrupt. It has been a concern even before the start of the millennium. Therefore, it is questionable whether this technological era is merely a time of sudden social change as Durkheim's theory of anomie implies it to be. Problematically, the presence of anomie can be seen both as a cause and an effect of this digital age. This is another pitfall of Durkheim's theory of anomie.

Another theory that is useful in explaining the Cambridge Analytica affair is the well-known routine activities theory. According to Cohen and Felson's routine activities theory, crime occurs when three factors emerge in time and space: a motivated offender, a lack of capable guardianship, and a suitable target (Lilly et al, 2011).

Crimes such as data breaches done by Aleksandr Kogan who sold the data to Cambridge Analytica, happened when a motivated cybercriminal found suitable and vulnerable targets over social media. Most of these targeted individuals do not have the extensive technological knowledge their manipulators have. In the case of Cambridge Analytica, there were financially and politically motivated offenders who utilized advanced technological means to get the desired voting behaviors of the electorate for their clientele. Frequently, big technology giants (e.g. Facebook, Google, Twitter) and other related third parties to those companies like Aleksandr Kogan, in this case, want to profit through illegal and unethical data collection methods. Some of these third parties have staff with intricate, technical expertise, creating perfect opportunities for them to use this skilled labor force to take advantage of others. What is even more unfortunate is that there are very few laws and policies to tackle those who use the data of social media users improperly. Privacy policies on websites are lengthy, cumbersome, and full of technical jargon. They do not reflect or address the actual concerns of consumers. There is also a lack of enforceable ethical research policies governing companies and entities that do use social media data. Many of these institutions do not seek the consent of their participants, which is a basic step in conducting research ethically.

Routine activities theory relies on the idea of opportunism. If the opportunity to commit the crime disappears, so will the crime (Lily et al, 2011). One criticism of this approach is that new opportunities to commit crimes can be created by criminals. Many criminals are knowledgeable and innovative individuals, who will come up creative ways to offend. With cutting-edge technological expertise, it is relatively simple for criminals to find alternative ways to commit crimes. This verges on Merton's strain theory which uses innovation as an explanation for offending. Another criticism to the routine activity framework is that it is very microsocial. It focuses on crime on an individual situational level rather than on a collective scale. Technological crimes, although they do have an individualistic component to them, also have a macrosocial component to them. Theories like Durkheim's anomie theory and George Vold's pluralistic conflict model do a better job in analyzing the collective components of events like the Cambridge Analytica scandal.

The third theory that can be applied to examine the phenomenon with Cambridge Analytica is the pluralistic conflict model formulated by George Vold (Lilly et al, 2011). Societies function based on the political model of pluralism in which two or more parties coexist to rule in a society. In this way, there is no one authoritarian regime or power leading to dictatorship of the state (Akam, 2005). The model emphasizes that many parties are in conflict with each other for power in a state. With the Cambridge Analytica affair, there were multiple parties involved. There were the politician clienteles that wanted to get elected and maintain hegemonic power. There was the consulting firm itself which was a business and driven by profit. And lastly, there were the social media users that wanted information and convenience in their fingertips. All these various parties converged and made this incident blossom into the conflict it became. Incidents such as the Cambridge Analytica scandal are mistaken to be one dimensional and capitalistic in origin by many. However, this is untrue as there are many political and technological dimensions to this event as well. It is also a result of a lack of legal and financial regulations to tackle such sophisticated and controversial issues.

While the pluralistic conflict model is excellent in explaining the underpinnings of this scandalous affair, it does not provide any solution to the complex problems at hand. Legal and financial institutions are controlled by those who are in line with multiple kinds of parties, especially the political ones, which wish to maintain hegemonic status. It's like an endless cycle of power grabbing through whatever means possible.

PREVENTION PRACTICES
The Cambridge Analytica phenomenon brings to light the necessity for better laws and policies regarding data protection, data privacy, and cybersecurity measures than those that are already in place. Since the occurrence of this

controversy, Facebook has suffered massive financial losses and consumers have lost trust in how the company manages its terabytes of data (Tuttle, 2018). The company has taken the obvious step of disabling the "mypersonality" app in April of 2018 (Levin, 2018). Facebook also has further changed its policies so third parties do not have access to the data of your friends in 2015 (Tuttle, 2018). According to Levin (2018), it has conducted extensive audits of over 200 apps to prevent data misuse right after the scandal broke out too. After a viral #DeleteFacebook campaign, Mark Zuckerberg introduced a new feature called "clear history" to erase the browsing data on Facebook. However, the leader claimed that he didn't have the clear answers to these problems, especially the ones lawmakers wanted (Levin, 2018).

When it comes to prevention practices regarding data privacy, many countries do not see it as a priority even though the internet is globally used. The European Union (EU) was worried that unregulated uses of social media would be a concern and implemented the General Privacy Protection Regulations (GDPR) in May of 2018. The GDPR addresses the problems that emerged out of the Cambridge Analytica case like data privacy, except that it has jurisdiction only if any party involved is EU-related. The GDPR requires that companies explain to users in plain language how their data are being used. Then, the users would be asked for consent in order for their data to be utilized. And this consent could be retracted at any time. Therefore, companies would need to find a way to delete confidential data and documents "without delay" if the consent was retracted. The GDPR ensures that not only companies but their connected third parties must comply with all its regulations. In this way, data remain confidential and secure with the consent of consumers. The GDPR has an international dimension because companies like Facebook that are based in other countries like the US, but have users from the EU, must comply with its standards too. Noncompliance with regulations can result in hefty fines (Tuttle, 2018).

Bringing it back home, when it comes to data protection over social media networks in the US, besides the policies implemented by media companies, laws are highly undeveloped. However, a landmark event occurred in 2011 when Facebook signed a consent decree with the Federal Trade Commission (FTC) regarding one of their previous privacy violations. Facebook admitted to the violation and settled with the FTC. The decree forces the company to now make clear "the extent to which Facebook makes or has made covered information accessible to third parties" (Guzdia & Landau, 2018). This is an important policy and if it were properly implemented, it would have helped to prevent the Cambridge Analytica scandal from occurring in the first place. However, since tech businesses run on a short-sighted "privacy by design" model, they failed to see through in actively granting consumers protection at their own expense (Tuttle, 2018).

Prevention practices regarding social media data are lacking, so this leaves room for improvement and further recommendations. For basic prevention practices, according to Berghel (2018), educators should start stressing to elementary school age children and above to not give out personal information unless the other party can be trusted. He emphasizes that many children are already online by elementary school, signaling that children are getting to access the Internet at a much younger age than ever before.

As for legal frameworks, Hanna and Issac (2018), suggest that any kind of legislation involving privacy and data protection in the future should include basic principles from the Personal Privacy, Awareness, and Control" statement formulated by the Institute of Electrical and Electronic Engineers (IEEE-USA). Some of these principles include public transparency of data usage, user notification of their data being used or lost, and users being able to delete any personally identifiable data from any kind of app or cloud service easily (Hanna and Issac, 2018). More legislation should be passed on the state and federal level regarding the protection of data on social media specifically, since that is something the average person uses on a daily basis. It is extremely unethical if someone using the Internet is foiled into being psychologically manipulated by a website, like what occurred in the Cambridge Analytica scandal and Facebook Contagion incident.

In the realm of research, more guidelines regarding social media data usage for academic purposes must be made. The worldwide utilization of social media sites like Facebook provides researchers with many opportunities to study human behaviors (Gross, 2018). The data that were provided the core of the Cambridge Analytica scandal were collected in the guise of research. According to Schneble, Elger, and Shaw (2018), who conducted a review of ethical guidelines for Internet-related research at the top 10 universities in the US, UK, and Switzerland, results indicated that only a small fraction of them have guidelines for data science. If the top universities of the world aren't setting any standards for ethical research practices, this leaves a huge loophole for data manipulators to use research as an excuse to commit data breaches. Research ethic boards of many countries are not required to review social media related research by law. Most research ethic boards are used to dealing with scientific data that is health or medical related. The Cambridge Analytica affair is a huge indicator that people care about other kinds of data besides those types. These other types of data should be subject to protection as well when research is being conducted. There should be a triangle of cooperation and mutual protection amongst researchers, users, and social media companies (Schneble, Elger, & Shaw, 2018) so that data are being ethically handled.

DISCUSSION

When I chose this topic, I wondered why it was so important to be written about. After all, to many, it sounds like a conspiracy theory that was made to downgrade the Trump campaign. However, while researching, despite the various speculations, I realized that the Cambridge Analytica scandal is an extremely important event from multiple perspectives: political, legal, ethical, and technological. The phenomenon brought to attention the profound impacts that technology has on our lives. What interests me the most is that it signifies the transformations that are occurring in the global techno-political landscape. Indeed, the affair involved the US, but it is an issue that has circumstances leading to international consequences, especially about the concept of "democracy". Also, this controversial matter is so complex and new that I suggest more scholars research this event to uncover its full realities.

To deeply understand the impacts of the Cambridge Analytica scandal, you have to look briefly into the current state of the world, its relation to the United States, and the role of social media in it. Presently, the world consists of numerous "modern networked societies" (Tarran, 2018). Nations are interconnected in various ways and these connections are possible due to technological tools like the Internet and social media sites. Because of these tools, communication is easy even if the geographical gap of multiple parties is wide. Social media is seen as an especially useful tool in this era because it is a platform that allows the marginalized "ordinary" users to express themselves freely even against mainstream news media that are viewed to be oppressive (Gerbaudo, 2018). On the other hand, however, due to its extremely unregulated nature, social media sites provide a space for users to form polarized, partisan crowds (Gerbuado, 2018). The dual and raw nature of social media makes it a suitable location for manipulation to occur.

Additionally, the center of attention in various forms of media, including traditional ones, is on the US at many times. For instance, whenever something major happens in the United States, it makes it on world news immediately. Therefore, whatever happens in the US can be quite influential worldwide. The US has also taken an active stance in influencing others whether it be economically, politically, and so forth. An example of this is the Washington Consensus agenda, which has affected economic institutions in countries like South Korea till this day (O' Brien & Williams, 2016).

The United States has also extensively promoted the concept of "democracy." It urges other nations to follow its way by helping to set up elections and encourages them to draft constitutions since the two world wars and the Cold War. The idea of "democracy" heavily relies on the idea of autonomy, free will, rational choice, and equity. A foundational reasoning behind democracy is that citizens of a sovereign nation are not manipulated and have input in political processes. For a very long time, this idea remained

central to many governments especially in the "Western World" that promoted this concept for political dominance. However, with the recent course of events, these ideals have been overturned, and data manipulative strategies have undermined the integrity and purpose of democracy.

The reversal in the equation catalyzes when the agent of social media enters the realm of "democracy" that it was not conventionally a part of. Politicians see it as a device to conduct "mass politics" by trying to influence this "mass web" of individuals to further their political agendas (Gerbaudo, 2018). Social media had become so powerful that it "reconfigures relationships between states and citizens" (Ruppert, Isin, & Bigo, 2017).

This is true for the Cambridge Analytica scandal and it depicted that technology could make possible that the rational capacities of the electorate be manipulated to play on individually, tailored biases and fears. The micro-targeted ads made by the company were exactly that and altered the minds of the US electorate (Ward, 2018). This entails that the political and cyber realm are intertwining, giving mass politics, a relatively enhanced dimension. The success of Cambridge Analytica not only demonstrates a shift in campaigning strategies but shows that individuals do not rely on traditional political and media institutions as they had used to (Persily, 2017). According to Persily (2017), the traditional media outlets played the "gatekeeping" role in setting the campaign agendas of politicians but has been waning in influence even before the Internet emerged. The 2016 U.S. election saw the legacy of traditional media falter even further.

This matter took on an international dimension when Russian intervention in the 2016 presidential election was reported by U.S. intelligence. Now there wasn't simply just a data breach of the information of millions, but another foreign nation became involved in U.S. political matters. This was another blow to core democratic principles of sovereignty that the founding fathers prioritized. According to Persily (2017), an official report by the U.S. intelligence community claims that the Russian government used social media to discredit the US election and manipulate trending stories to be critical about Hillary Clinton. The report draws from an expert journalist who claims that some social media accounts that seem to be linked to Russia's professional trolls began to advocate for Trump as early as December of 2015. Essentially, various agents, including those on social media, whether they were domestic in origin or not, used deceptive tactics to influence the electorate and this does not fit into the idea of "democracy" very well. False information online misled educated political decision making and made it more likely that the voters made electoral decisions based on "lies" (Persily, 2017). It was relatively easy for politicians and other related actors to feed voters with "lies" since the voters spend a significant portion of their daily lives on the Internet anyway.

The nature of the Cambridge Analytica scandal is in fact, indicated to very technological yet political in this section. However, despite all the media hype regarding it, many details about the incident still remains to be missing or aren't acknowledged to be true. The only legitimate media source of information regarding on what was actually internally going on inside Cambridge Analytica is through a whistleblower, Christopher Wylie. There seems to be no other concrete source from the actual firm itself besides Christopher Wylie. The executives of Cambridge Analytica vehemently denied any accusations of being aware of the enormous data breach that occurred, although they boasted of their successes with the Trump campaign in previous statements (Ward, 2018). There are very few official statistics regarding the quantities of data that were handed over to the company, whether these data were completely deleted or not, what additional third parties were involved, and so forth. Most of my research dates back to only two years ago, which is extremely recent.

There are many speculations around this incident as to whether it was as influential on the 2016 U.S. presidential election as traditional media sources claim it to be. When there is an event that many parties are discussing whether it could be taken seriously or not, the question of legitimacy remains. Since the topic is so newfound and sophisticated, I suggest that further research be conducted to unearth more details about the inner workings of Cambridge Analytica, so that the speculation around the incident would not continue. Political ideologies should be kept aside and there should be more testimonies from the previous staff and executives should be arranged, so the public is fully aware of what went on when the firm had access to the information of millions of people. They do deserve the right to know what was specifically done with their information. Also, this scandal has other tremendous implications besides its political ones, especially on privacy and research. These two areas should be examined into as well as they are growing concerns with life-changing impacts.

CONCLUSION

Overall, the Cambridge Analytica scandal is a new and controversial event. Its occurrence raises many broad implications ranging from legal, political, and technological. The event brings concern about some important issues like privacy and research ethics regarding internet-mediated research that need to be tackled. Also, the main interest of this paper is how the global techno-political landscape has transformed due to the Cambridge Analytica scandal. From an era where democratic principles emphasizing free will, autonomy, and rational capacities, there's been a clear reversal to those values. The Cambridge Analytica scandal signifies a shift away from democratic political values to an age of technological practicality. Automated technologies are even being used

for psychoanalyzing and microtargeting social media users without their consent. The influence of traditional forms of media technology and the effects they have on individuals are waning as well.

Three theories of criminology provide a useful framework to examine the Cambridge Analytica scandal. The routine activities theory looks into the scandal as an opportunistic and microsocial event. But Durkheim's theory of anomie and Vold's pluralistic conflict model look at the scandal as a macrosocial issue. Durkheim's theory of anomie implies that rapid technological innovation causes abrupt social changes, creating opportunities for anomie to be present. Vold's pluralistic model takes a more political approach and describes the scandal as an incident with multiple parties in society scrambling for power.

The current policies regarding data abuses on social media are lacking, especially on an international scale. Many countries do not see data abuses on social media as an issue that warrants particular attention. The recent laws, especially regarding information on social media, set in place are country specific such as the GDPR in the European Union. These have a narrow jurisdiction for cases of data abuse and can only be enforced if a user is from the country with the law. There is a clear need for more legislation to be passed on a domestic level in the United States and elsewhere in the world to help protect the information of social media users. The Institute of Electrical and Electronic Engineers (IEEE-USA) have already come with their own basic principles for privacy regulations on social media. More institutions in the technological field should follow the IEEE-USA's initiatives to create their own principles too.

Lastly, more scholarly research and time need to be devoted not just to preventing data breaches in general but finding out what exactly happened in Cambridge Analytica. Much of the public and the scholarly community still do not know the complete story behind the scandal. And also, there still are many individuals that doubt that this enormous data violation had occurred till this day. With the cooperation of various sectors in society such as the technological, political, and legal ones, the world can head to an era of technological ethicality. This is a world in which the integrity of the information of social media users would be protected while they are able to enjoy the multiple advantages that technological growth brings. This is also especially important because technology continues to become more and more integrated into our daily lives.

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♦ Literature 400

Blackness through the Conscious and Unconscious "I"

Asia Boodoo

The first encounter that makes you aware of your race is not back home in Trinidad, where you learned to read and write. Trinidad is not the place you are told you need to bubble in an identity. In Trinidad, English education was about experiencing words and their meaning to life. But you leave Trinidad and come to the U.S. You sit in Mrs. Adnolfi's fourth grade English class. She collects the scantrons. You sit quietly trying to remember the name of the main character of Spinelli's *Milkweed*. You soak up the accents of your classmates and mumble the words to yourself, trying to perfect that accent. Mrs. Adnolfi calls you out to the hall. She asks you why you didn't fill out the "Race" section on your test scantron. You stare at her. She stares right back and asks you with a voice so clear, sharp and cutting: "Where are you from?" You tell her. She stares back at the Scantron. "Where is that located?" she asks with concern. But this concern is not for you. It is for the race problem. Where does this student fit in? You tell her it's a Caribbean island. She shrugs and says, "select American Indian or Pacific Islander." She leaves you in confusion. You scrunch your nose and feel funny, but select "Pacific Islander." You do that for a few more years until you finally ask your black mother and Indian father what a Pacific Islander is. They also do something for a few more years that's different. They laugh.

The Assignment and the Writer: In the Senior Seminar in Literature, students write a thesis that demonstrate the skills and knowledge they have gained as English majors. In my section students had to explain what it means to narrate the self in the modern world based on a minimum of five textual sources. Asia Boodoo's outstanding thesis weaves together a deep understanding of African-American literary tradition, critical theory, and her own experiences of America's race problem. The result is a stunningly beautiful essay that wears its sophistication and learning lightly even as it moves through a series of challenging ideas.   **– Professor Allison Pease**

You have a few more of these encounters. You experience the death of Sean Bell and you cannot hold back your emotions. Sean Bell is a man who looked, to you, like a young man that could have been a friend, a neighbor, or a brother. This also occurs in fourth grade. "But he looked suspicious," someone on T.V. had said. Your fourth grade brain wrestles with this. The word. Over and over, and with more deaths as you age. Suspicious. Suspicious. Suspect. And eerily, you hear: Black. Black. BLACK. Rankine's words sweep into your ear like an ominous lullaby *And you are not the guy and still you fit the description because there is only one guy who is always the guy fitting the description* (Rankine 105). As Rankine beautifully articulates, these black men apparently all look the same. They may not be the target, but they fit the stereotypical image needed to tell a news story. They are targeted. To group all black men as one, to combine and distort identities solely due to race, is itself a description of what a nation does to black men.

Sociology defines race as *a group of people who share the same physical and cultural traits as well as common ancestry. It is a social construction and has no biological basis* (Golash-Boza). Yet, black men view the world through the "veil." W.E.B. DuBois's idea is articulated in *The Souls of Black Folk* that *the Negro is a sort of seventh son, born with a veil, and gifted with second-sight in this American world—a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world.* Who are we? How often difficult it is to see yourself through the eyes of others who refuse to see you for you. Blessed with a gift to see yourself yet to see the hateful ways the world views people who look and dress like you. This is what race does for people of color. The veil lets us understand that no matter who we are on the outside, all the world sees is that veil—that covering which divides the most important parts of yourself and society. You look at yourself some days and see your black brother staring back at you. I hope my brother does not become a dead black man on the T.V.

Should blackness be ignored? Should you come to terms with the social structures that obstruct the acceptance of black people in order to be whole? Blackness has meant so much more to you than social structure. You wish that the social structures in place would see this too. As W.E.B. DuBois has beautifully stated, *He would not bleach his Negro soul in a flood of white Americanism, for he knows that Negro blood has a message for the world. He simply wishes to make it possible for a man to be both a Negro and an American, without being cursed and spit upon by his fellows, without having the doors of Opportunity closed roughly in his face.* To bleach a black soul is to remove its very essence. It ignores the details that very intricately map out part of the *I* narrative we all use when speaking about ourselves. It is necessary

to want to be a black man without having to be two separate entities. It is okay to have multiple, fragmented identities due to various wears and tears on the spirit. And for you, it is okay to be *both:* two races in one person. Whether both means American and Black, or biracial and *still black.* Will I remain whole by remaining equally loyal to both parts of who *I* am*?*

Literature becomes your guide in a world fixated on your color and racial composition. You run to book after book to find comfort and a sense of belonging even if it is just for some time. Who am "I"? The one letter that you use to identify yourself when you speak or refer to yourself. "I" is everything. "I" encompasses your inner thoughts, your feelings and your sense of self. "I" is also that placeholder in which your historical self is narrated. "I" is not just who you are and what you stand for, but "I" is what your race represents. Remember the important quote by James Baldwin: *People are trapped in history and history is trapped in them.*

I feel most colored when I am thrown against a sharp white background (Rankine).

The conscious *I* is aware of how experiences of race have shaped your reality. This *I* is certain that being black is a problem in America. This *I* is aware of the bigotry and racism that you and people who look like you experience. The unconscious *I* works a bit differently. This version of *I* is impacted by race. *I* avoids laughing too loudly so that people don't stare because your laughter may be interpreted to be inappropriate and suspicious. Why would they think you're suspicious for laughing too loudly at a coffee shop? Ask Amadou Diallo: 41 shots aimed at his black body, 19 pierce his black skin. He is someone's son. Someone's street vendor. Someone's neighbor. He's an immigrant. He is in his early twenties. And he is dead. The conscious *I* is aware of how much pain this story causes you. The unconscious *I* is you, scratching at your arms like you have a rash anytime you see a police officer when you are with people who look like you. The unconscious *I* makes this behavior feel quite normal. Blackness is perceived to be something wrong and tainted in the American narrative.

The conscious *I* in Rankine's American Lyric *Citizen* evokes this struggle over and over to you: her narration flows like the water cycle. As Rankine demonstrates through sports stars like Serena Williams, news of police killing citizens, and her own personal stories, blackness represents more than just race. Blackness identifies who is allowed to express their feelings and who is allowed to be free. Blackness is used to justify the wrongful deaths of black men in the hands of white officers. Her frustrations are apparent and real:

history does not lie. Rankine writes and writes until she can find the words to end a story that has not ended. A narrative that continues to bloom and flow and crash and break and cycle…it ends the way it begins. Does a good citizen take the answer of the justice system and move on? A black face in a white world: *What did you say?* (Rankine).

You wish things were simple sometimes. How could people be so cruel and so nasty to others based on something as cheap and man-made as race? So many answers come to mind: social control, racism and Sigmund Freud who reminds you that *men are not gentle creatures who want to be loved...they are creatures* [due to] *instinctual endowments to be reckoned* [with because they naturally have] *a powerful share of aggression.* Racial structures that categorize and box people in is aggression and it is a powerful form of it too. Racism is one of humanity's biggest flaws and your experiences have made these flaws hard to ignore.

Your biraciality does not make your experience easier. Like calling heads and tails at once, the two sides of a coin, you experience both sides. You encounter America's treatment of blackness while you are still rooted in your Indian background. "Yuh go get yuhself shoot by dem police," goes a conversation your parent has with your brother. Experiences like this haunt you. "They [the police] wouldn't care if anything happened to him."

This is what a nation does to men of color. We, you and *I* cannot fit in. We, you and *I* cannot belong. *For not only must the black man be black; he must be black in relation to the white man...His metaphysics, or less pretentiously, his customs and the sources on which they were based, were wiped out because they were in conflict with a civilization that did not know and that imposed itself on him.* (Fanon)

We, you and I. *I has no story of its own that is not also the story of a relation— or set of relations—to a set of norms* in accordance to Judith Butler. *I* tells the story of not just the self in relation to others, but also to a set of standards and societal norms. It is *normal* for Americans to point out racial categorizations and to restrict people to them. It is *normal* to find some Americans, non-whites and unfortunately self-hating people of color, justifying the deaths of black men in a society of you versus *I. I* is that placeholder that identifies not only your intrinsic abilities and thoughts, but the placeholder that also encompasses your race, which for people of color determines more than it should.

The realities you encounter make you wonder often what America would be like if it didn't have a racial dynamic. You look to black literature for an answer

and you stumble across George Schuyler's 1931 novel *Black No More*. Characters in this novel are able to change their race by using a machine. They go from black to white with no hint of their "blackness" ever coming to light: the main character Max is able to enter the white world as a man with no obvious veil. After becoming white, Max finally *felt like an American citizen.* A citizen is one who belongs; he participates and is allowed natural rights. But what does it mean to be a black citizen? According to Schuyler's main character, being white teaches him all he needs to know about belonging in American society. You wonder if whiteness can teach you a bit more about what it means to identify without worrying that choice will cost you.

Claude Mckay, the Jamaican poet who inspired you to keep thinking, also has an encounter with the race problem similar to yours, but in the 1920s. Coming from the islands to America serves as a culture shock because race becomes so important to identity and belonging. In the Caribbean, most of us are minorities. We don't have a "white man" raining down on us because of our skin color. In America, Mckay comes to learn fast that blackness is not accepted and makes him a pariah*: It was the first time I had ever come face to face with such manifest, implacable hate of my race, and my feelings were indescribable. At first I was horrified; my spirit revolted against the ignoble cruelty and blindness of it all.* (Tillery). That indescribable *I.* The *I* that fails to negotiate where it belongs and by whom it wants to be defined. This is the part of you where, in the scramble for words, you find nothing but a part of yourself that needs no explanations—where words can't even assist in the finding of your innermost self. This *I* is your response to the race problem. It is indescribable. And like Mckay writes in his powerful poem "White House," you know and hope this indescribable *I* works in t*ransforming me into a shape of flame, I will come out, back to your world of tears, A stronger soul within a finer frame.*

Look how time has moved forward. From 1920s Claude Mckay to 2014 Claudia Rankine. But the themes of both authors and their works remain the same. It is terrifying to read two experiences written so far apart yet sound so eerily the same. C.W. Mills writes that *the sociological imagination is the most fruitful form of this self-consciousness… It is the awareness of the relationship between personal experience and the wider society.* How is it that so much time can go by and the sociological imagination of society remain so stagnant? Experiences of blackness can be mirrored today. Time has moved forward and new racial barriers have taken place of the old ones. The problem of race is still apparent and real. It is still experienced and harmful.

America has a race problem. *This is a white man's country. And the Negro is nothing but an ex-slave who is now trying to get himself integrated into the slave master's house* (Malcolm X). "I" am scared of what can happen to my brother if he has an encounter with the police. But I know that this reality will never truly be entirely mine. I am a part of two different worlds. But I am reminded more constantly than not, that my blackness is not good. It is something I still struggle with.

Biracial individuals face the problem of belonging to a specific world, because being two races creates two worlds. Usually, they feel the need to "choose" a side. In Nella Larsen's novella *Passing*, the character Clare Kendry is a biracial woman who passes for white, creating a world of problems for the protagonist Irene Renfield. Larsen demonstrates how strongly race plays a role in our identities and conveys that society forces us to abide by the race boundaries it sets up.

While *Passing is a deception that enables a person to adopt certain roles or identities from which he would be barred by prevailing social standards in the absence of his misleading conduct. The classic racial passer in the United States has been the "white Negro": the individual whose physical appearance allows him to present himself as "white" but whose "black" lineage (typically only a very partial black lineage) makes him a Negro according to dominant racial rules*" (Kennedy) allows Clare luxury, it also bars her from a community she wants to get back in touch with. Clare's frustrations pretending to be white become apparent through her nostalgia to get in touch with the black community: *You don't, you can't realize how I want to see Negroes, to be near them again, to talk with them, to hear them laugh* (Larsen). By totally abandoning the black community, passing becomes a difficulty. She cannot let go of the other half of her heritage and begins to take extreme risks going back and forth between both worlds. How long can she keep up the charade of solely "being white" while running to and from Harlem? Clare loses her sense of self because of this. Although she misses the community and this part of her blood, she tries to continue her charade as she is too deep into her lies. She later dies, and through her death, you come to understand that the color line is always drawn. It is not meant to be passed or altered. Biraciality is the experience of living both worlds, and to pick one side is to abandon parts of the ultimate "I". Well if I can't pick a side where do I belong?

Blackness is important to you. It is important to your identity. You are judged and picked apart by the amount of blackness in you. What does it mean to be black? What it means to identify as anything depends on where you are. America, specifically, is a nation built on race and racial inequality. When you

can't identify where a person is from, you may feel a bit uncomfortable. *When people in the United States are unsure of someone's race, many feel compelled to ask: "What are you"* (Golash-Boza). Indian. Black. Race and identity seem to be combined into one being. There is no separation, even when you try. To simply see this demonstrated, type into Google "Black men shot by police." This is America's problem and some days it will be yours. Some days you will remember more keenly than others your brother's father being shot. You will always remember his name. You remember the scantron and the frustration it causes you. What will you bubble in today?

You further feel this same frustration occur as your aunts continue to attack your younger sister with their harsh words and tongues of ugliness. They need to remind her that because she is not Indian looking, she is unattractive. Because her hair is too curly, she is not as pretty as she could be. You hate the way they talk to her. You become angry too. Every time they say her blackness makes her less, you feel like they are talking to you. You become insanely jealous watching your black cousins slather their hair in *Just for Me*, the perm kit your cousins used. You were not allowed to perm your hair, nor was your sister. And you wanted to have the hair your aunts wanted you and your sister so desperately to have. We could not perm our hair, and we were not accepted on either side. We learned to get comfortable being uncomfortable.

I am one person living in two worlds.

Being biracial, which sometimes feels like being two people in one, gets confusing in America. Your black friends think you're Indian and your Indian friends call you black. In the frustrating years of adolescence, you feel like the tragic mulatto Helga Crane in Nella Larsen's *Quicksand*: *why, she demanded in fierce rebellion, should she be yoked to these despised black folk?* Helga Crane, a black and white woman struggling to piece together her identity, reminds you of yourself sometimes. The ugliness of her self-hatred feels so relatable. That feeling of being "boxed" in and told who you are: the anger you felt now knowing yourself and feeling like it was necessary to be boxed in. Like Helga's need to run from place to place and try to find a community, you do the same. Where do you go when people tell you where you belong and you don't agree? Helga tried Denmark. She was exoticized. She is spoken about and at, but never directly spoken *to* in the presence of Danish strangers. Her aunt and uncle do the translations when they believe they are necessary, while *Helga herself felt nothing so much more as some new and strange species of pet dog*. (Larsen) Decisions are made without her consent and feelings. This section reminds you of the first page of Alain Locke's anthology "The New Negro" which explicitly states The Old Negro *had become more of a myth than*

a man (Locke). The Old Negro was a man-made idea either to believe he was real or to laugh at. He is less of a man and more of a shadow. He was constructed and spoken of, while his voice isn't heard. Here, we see Helga treated as an "old negro" in the sense that she is objectified and looked at as more of a black person than as a person. No one seems as interested in her identity—what she wants, and who she is—as in what they think of her and how they view her. This experience causes her to run from whiteness, and she tries Harlem. She feels too involved in the "race problem" and in being broken due to her race. And like Helga, you once felt torn and the need to run from racial identity to racial identity. The end of the novel is almost tragic because Helga dies emotionally. She becomes a shell of herself. The negation of black or white whenever she chooses a side, demolishes her sense of *I*. Helga's constant back and forth of choosing a side causes her to abandon pieces of herself each time she goes from black to white. You are reminded of Langston Hughes poem "Mulatto," as she seems to need to prove that she belongs to the white race too.

A nigger joy,
A little yellow
Bastard boy. Naw, you ain't my brother.
Niggers ain't my brother.
Not ever.
Niggers ain't my brother.
The Southern night is full of stars,
Great big yellow stars.
O, sweet as earth,
Dusk dark bodies
Give sweet birth
To little yellow bastard boys.
Git on back there in the night
You ain't white.

Helga's failure to accept both, to live as an ultimate borderland, causes her to lose herself. She is left broken and miserable. To be biracial is to be *both* at once. It is often so difficult to live in both experiences without slipping up. Helga's slippery slope causes her to lose balance once and for all at the end of the text. Her story reminds you to be careful. Do not choose.

You are reminded of the lost Helga Crane when you hear the counselor say, *Tell me who you are*. You don't know what to say. How can you answer when people have constantly told you who you are based on superficial and flawed logic? As Judith Butler states in "The Psychic Life of Power" [we are]

vulnerable to terms that one never made, one persists always, to some degree, through categories, names, terms, and classifications that make one a primary and inaugurative alienation in society." The first thing that comes to mind is that strange name. Asia Boodoo. A teacher once said to you in middle school, *I can tell that you're half and half. You know how? Because of that name. Asia is usually a black name. Boodoo is like what the heck is that? That's how I can tell.* She further tells you that you can pass for *any* biracial group if it was black and another. To use this to your advantage.

You imagine your grandmother's face when she says that. Your grandmother, frustrated when your edges aren't laid down because *you're starting to take more to your black side.*

And this isn't a compliment. Are you not a *Dougla*? That Trinidadian term used to identify people who are half Black and half "Coolie" (Indian)?

You are vulnerable to terms that one never made. Persisting through names, categories, classifications (Butler). You touch your curls and remember that unfortunately for Grandma, you *are* mixed. This gives you the power to exist in a couple different spheres where coolie, black and dougla seem to hold different places of belonging and acceptance. The "I" changes depending on who you are with. But it remains the same in the sense that people need to remind you where you belong. You fall back and forth from identifying as one or the other. Some scantrons you picked Indian while others you picked Black. And then they introduced the "other" category. You never feel like an "other." But you also didn't feel solely Black or Indian. But some scantrons didn't have a place for "other." Some force your hand to make a choice. Some days I will choose Indian, some days I will choose black. All days, I am both: *Because I... continually walk out of one culture and into another, because I am in all cultures at the same time (*Anzaldua).

Most days society will pick for me.

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