

JOHN JAY'S

FINEST

VOLUME 39

May 2024

**outstanding undergraduate writing
from across the curriculum**

Jeffrey Heiman
Adam Berlin
Editors

A NOTE FROM THE EDITORS

We're as curious about AI as everybody—skeptical, excited, and a little bit afraid. As a lark, we typed into a chatbot, “Write an introduction to *John Jay's Finest*, an anthology of undergraduate writing across the college disciplines.” What came back was a perfumy bouquet of hydrangeas and hyperbole(!). Here are a few sample sentences:

Welcome to the vibrant world of *John Jay's Finest*, where the kaleidoscope of academic disciplines converges into a symphony of prose, poetry, and critical thought.

These pages echo with the footsteps of those who came before – the trailblazers, the rebels, the quiet revolutionaries.

Let these pages be your compass as you navigate the academic seas, guided by the North Star of curiosity.

We recognize that AI can be a helpful facilitator, but it still needs the critical eye of the user.

What you won't find in the *Finest's* pages—of intellectual inquiry, of analysis, of research, of creative work—is easy recourse to flowery obfuscation and generic wisdom. The work here is earnest and original.

And this year's *Finest* is set in the urgent present. It takes on race, gender, identity, political violence, economic injustice. It includes a photographic chronicle of aggression, a self-assessment from an incarcerated writer, and examinations of history that speak to our moment. There's a story, a play, a poem, a gripping court narrative, a very readable report from a toxicology lab, and, as always, several enlightening takes on literary texts. This is the vibrant academic diversity that characterizes our college. As editors and writers who teach creative writing, we're always looking for attention to sentences, for the careful choice writers have to make; each piece in this year's issue has a voice, even in the most formal work.

As always, the day would not be possible without the support of many at John Jay. We thank President Mason and Provost Pease and all in their offices for supporting the project. This year the *Finest* has once again joined forces with Bettina Muenster and the Office for Student Research & Creativity. We thank Bettina for extending the reach of the *Finest*. For their logistical support, we thank Raeanne Davis and Maribel Perez. And this year, we are grateful to Anastasia Parent for her vibrant cover design. And a perpetual thanks to Alex and the print shop folks for the physical volume itself.

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 issue. We are proud to publish your fine work.

Jeffrey Heiman
Adam Berlin
May 2024

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♦ ENGLISH 101

THE HIDDEN COST OF FAST FASHION

 NAILA LAMIEA

ON THE OUTSKIRTS OF DHAKA, BANGLADESH'S CAPITAL was an eight-story high commercial building named Rana Plaza. A place once known for its shops, banks, and garment factories, became a yearly gathering spot where families and enraged activists mourn the lives of 1,134 people. On Wednesday, April 24th, 2013, survivors described what felt like the world rumbling beneath their feet (Manik and Yardley). Sounds of cracking concrete were drowned by the sudden onset of thousands of screams pleading for help, as a building that once stood high crumbled down into a pile of rubble and dust. Tearing through giant blocks of fallen concrete, soldiers, officers, firefighters, and other citizens searched for survivors and bodies.

Mr. Hridoy, a worker at the garment factory, opened his eyes after the collapse. Through the haze of confusion, he assumed that he'd crashed through the ceiling and fell to a lower floor. Under the rubble of concrete and broken pillars, he saw what looked to be the broken skull of his friend Faisal, a sewing machine operator. "“And his brains were spilling out.” He began to cry. ‘I can’t forget how his head exploded in front of me,’” (Thomas). Survivors like Mr. Hridoy continued to suffer long after the event occurred. Shiuli Begum, a 28-year-old sewing machine operator, for example, could barely move due to a

The Assignment and the Writer: In English 101, students embark on a sustained inquiry-based research project for much of the semester, integrating secondary sources into a final culminating essay that explores a single inquiry question in depth. In her approach to the assignment, Naila formulated a sophisticated original inquiry about the harmful implications of fast fashion, both in terms of environmental sustainability and in terms of worker exploitation. Through her research journey, Naila identified the true human cost of negligent and exploitative corporations, and crafted a moving account of these issues with deft and dramatic prose. In its final iteration, her essay offered a chilling account of an often overlooked global phenomenon and a powerful call to action. — **Professor Kim Liao**

crushed spinal cord. Even after she was removed from the rubble 16 hours later, the weight of the concrete on top of her had already pulled at her uterus, and she had to have it medically removed (“Rana Plaza”). She could no longer have kids. Haunted by the memories of the deadliest garment factory accident in modern history, some survivors even committed suicide.

A harrowing fact to note is that locals and workers were not surprised the building had fallen, and that it was never a question of *if*, but *when*. On April 23rd, 2013, a day before the collapse, large cracks in the building were discovered. While some floors heeded the warning and shut down, upper-level garment factories demanded that their employees report to work the following day (“Rana Plaza”). Due to management pressure and stress about payments and making ends meet, workers grudgingly, yet fearfully, reported to work. The power went out at 8:45 (Thomas), and the building crashed just 12 minutes later.

According to the Clean Clothes Campaign and Jemima Elliot at Re/Make, at least 29 global brands that had orders with at least one of the five garment factories in the Rana Plaza building were identified, among them popular brands such as The Children's Place, Mango, Primark, Walmart, JCPenny, etc. (“Rana Plaza”; Elliott). In addition, brands had refused to take accountability and failed to provide relief or compensation to any of the workers and victims. Ms. Begum says, “‘Nothing from the brands... When I come here,’ she said, looking at the void that was Rana Plaza, ‘I feel like I don’t want to live anymore,’” (Thomas). Calculations based on the International Labour Organisation convention showed that upwards of \$30 million should have been compensated to victims, however, they haven’t received a single dime (“Rana Plaza”).

Looking at the Rana Plaza tragedy, it can be wondered how fast fashion brands such as the ones aforementioned have received widespread success even with horrifying roots and practices. How did this fast fashion model come to be? Recent studies suggest that a brand’s drive for mass-producing cheap clothing is due to consumer demands. Why are consumers so reluctant to stop supporting fast fashion, even at the expense of human rights violations?

HISTORY OF FAST FASHION

It wasn’t until the 1830s, in the midst of the Industrial Revolution, that the invention of the sewing machine led to a shift in consumer lifestyles and created an emphasis on individual style. An early invention by Barthélemy Thimonnier mechanized the hand-sewing technique, making a laborious process more efficient. In turn, she revolutionized the garment industry and began mass-producing uniforms for the French army (Britannica). As illustrated, the sewing machine made clothing quicker, easier, and cheaper to

make (Birch). As clothing started to be created in bulk, regular civilians also began wearing clothes for personal style instead of practicality.

The desire for personal style increased demand for more affordable items (Birch), and clothing brand responses followed early stepping stones for a fast fashion framework. The sudden demand for low-priced items led to brands looking to increase clothing outputs to put more items on shelves not only faster but at a cost-effective rate. One solution brands acquired was the growth of textile mills and sweatshops in the 1800s, where “manual workers are employed at low wages for long hours and poor (or downright illegal) working conditions,” (Birch). This form of labor created the basis for the fast fashion model, due to its extremely cheap nature, allowing companies to cut corners within production generate the highest profit, and provide low-cost items to consumers.

Drawing on sweatshops and textile mills in the 1800s, the fast fashion model finally emerged in the 1970s when brands began maximizing profits by sending labor to factories in other countries, due to ill wages and poor labor laws. These factories were particularly concentrated in Asia or the Middle East (Britannica). For example, as the pioneer of the fast fashion industry, Zara’s early 2000s production model allowed for “52 percent of production [to take] place in Spain, Portugal, and Morocco; 18 percent in other European countries; 13 percent in China; and 14 percent in other Asian countries,” (Crofton and Dopico, 46). Zara outsources labor-intensive tasks such as sewing to developing countries. This is advantageous for brands like Zara and others because it allows companies to “pay workers lower wages than in Western countries,” (Britannica). Companies can use these wages and poor regulations to create high volumes of clothes for a cheaper cost (Ross). Therefore, by taking advantage of labor and wage laws and regulations, Zara receives the most cost and labor-effective benefits for production whilst factory employees continue to be exploited.

An example of this exploitation can be seen in 2011 when it was found that 90% of Zara’s Brazilian factories employed trafficked Bolivian and Peruvian migrant workers in sweatshop-like conditions in Sao Paulo. According to an article by the Clean Clothes Campaign, “workers were found to be working 16 to 19 hours a day with little time off and in debt to their traffickers. 14 of the workers were Bolivians and 1 was from Peru. One was 14 years old,” (“Slave-like conditions at Zara supplier”). As seen, companies can go to extreme lengths just to receive “cost benefits” for production, even violating laws to exploit minors. Even more recently during the COVID-19 pandemic, many Zara factory workers in Myanmar and Southeast Asia worked up to 11 hours a day with only one day off, earning \$3.50 to \$4.75 a day (“Fast Fashion at a Human Cost”). Stories like this manage to slip under the radar, but unfortunately, they are not uncommon. Taking advantage of nearly

nonexistent labor laws and low wages exploits workers and puts them in dangerous factory settings where they are being overworked and underpaid. All of this in turn allows brands to unsustainably put products on shelves at a much higher rate than their competitors, successfully meeting consumer demands.

DRIVERS OF CONSUMER BEHAVIOR AND DEMAND

The popularity of fast fashion can be attributed to multiple factors: selection, affordability, and popularity, among many others. As stated by a research article in the *International Journal of Retail & Distribution Management*, “For college students, considering what they get (functional, emotional, and symbolic benefits) and what they give (time, money, and effort in purchasing), fast fashion apparel provides them the best value,” (Jin and Chang, 12). In agreement, Shazmin, an undergrad student who often purchases from fast fashion sites such as Amazon, SheIn, Old Navy, etc., states in an interview, “It’s just so much cheaper. You can get so many things for a fraction of the price and the selection is so large,” (Shahab). While it’s not the most environmentally or socially sustainable option, consumers of fast fashion view this as a trade-off because they believe they are getting good value for the item. Unlike fast fashion, which focuses more on quantity over quality, sustainable clothing is much more expensive and strays away from many consumers, making brands with quicker production, a larger selection, and cheaper items more appealing, and harder to stay away from.

Due to slower production, sustainable clothing does not have as wide of a clothing selection as its fast fashion counterparts. This is an important factor for the fast fashion demographic-- with quicker production, consumers can keep up with trends. McNeill and Moore state, “Given the importance of identity construction to many consumers, drivers to be ‘fashionable’ often outweigh drivers to be ethical or sustainable” (McNeill et al. 1). For example, Shazmin states, “I just want to find and buy new clothes that I like,” (Shahab), even if it comes at the expense of overworked factory workers.

Because of the insatiable desire for newness, fast fashion brands continually release dozens of “seasons” of new clothing lines, versus the traditional 4 explored by sustainable brands. For instance, Zara releases upwards of 20 seasons per year. According to a retail consultant in the *Journal of Fashion Marketing and Management*, “the pressure to deliver on time is immense, so what is a factory going to do if it’s running late? They’re going to work all night, of course they are,” (Barnes, Lea-Greenwood 268). As illustrated, the intense time constraints of releasing dozens of clothing lines, or “seasons”, per year leads to factory workers being overworked, and as evidence has shown, underpaid. However, even with a slight awareness of these problems, consumers continue to shop unethically.

Looking at patterns from society today, it can be remarked that, generally, consumers don't shop with sustainability in mind. When interviewing another undergraduate student, Hana, who frequents Amazon and Temu to purchase clothes, states, "...I feel horrible. Especially when it comes to worker exploitation, but in all honesty, I don't think much about worker exploitation and environmental damage when I'm shopping. I guess you can say out of sight, out of mind," (Bosch). In a study conducted by the *International Journal of Consumer Studies*, most consumers, even with a general notion of sustainability, did not reflect sustainable consumption in their spending patterns. To explain why this phenomenon occurs, they examined multiple obstacles that may play a factor in consumer perspective on ethically made clothes. They state, "Recent research, however, suggests that a number of barriers impact on the development of positive attitudes toward 'eco-conscious apparel acquisition', including a lack of consumer knowledge, availability, economic resources, retail environments, and societal norms," (McNeill et al. 4). Bringing awareness to sustainable clothing production and increasing the availability of this production style would increase sustainable clothing sales, and allow workers to be paid fair wages while also circumventing clothing waste, effectively mitigating its effects on our environment.

DEFINING SUSTAINABILITY & THE ETHICAL CONSUMER

Sustainability in fashion can have many different definitions and can be practiced in a multitude of ways. Having a definition of sustainability in mind can help bridge an understanding of ethical consumption and increase awareness about labor conditions and fashion waste. According to researchers in the *Journal of Fashion Marketing and Management*, "sustainable fashion is predominantly associated with environmental sustainability, such as the use of renewable and eco-friendly raw materials, the reduction of the carbon footprint, durability, and longevity. Social aspects were also mentioned, with issues concerning fair wages, safety measures, and labor rights forming the top three concerns," (Henninger et al., 8). With this in mind, it can be generally denoted that ethical consumers shop with an awareness of the greater impacts of their purchases. In short, "sustainability is understood as 'meeting the needs of the present without compromising the ability of future generations to meet their needs'," (Henninger et al. 4). This means that an ethical consumer would purchase garments that support fair working conditions, and are either upcycled or recycled, or made with eco-friendly materials that don't harm other humans, animals, or the environment at large.

As such, sustainable clothing is part of a slower fashion movement, focusing on transparency within the production process. This means that its focus is primarily on quality rather than quantity, relying on fair labor allowing

employees to work with a well-paying wage in good working conditions. It also aims to minimize environmental damage through the use of renewable and raw organic materials, and upcycling and recycling clothing to be kept out of landfills.

TRANSPARENCY IN A GLOBAL, COMPETITIVE MARKET

In fast fashion, brands are less likely to be transparent about their manufacturing process to remain competitive. They may cut back on sustainable business practices to produce new items on their shelves at a faster pace. Henninger et. al state, "Transparency in a globalized supply chain may not always be feasible. To stay competitive manufacturers are pressured into lowering their prices and at times cut corners" (3). As stated earlier, this is especially true for fast fashion, where low prices come from outsourcing materials and labor from other countries like China, India, Bangladesh, etc, and use low-quality, synthesized material. Thus, concerns about the production process and worker rights arise, with reports of workplace harassment and being paid below a livable wage (Towner). Companies remain obscure about sourcing and labor patterns which allows them to have a competitive edge by beating other brands and producing more items to meet demands. This in turn creates much larger revenues.

Due to this lack of transparency within these markets, little to no consumer awareness of these issues may have led to the major growth in the popularity of fast fashion. Without proper education on the subject, consumers are unable to shop ethically and may be unaware of supporting these harmful practices.

HOW TO SHOP SUSTAINABLY

Shopping from sustainable brands is not feasible for most people, due to economic restraints, lack of awareness, availability, etc. However, shopping sustainably can happen in a variety of ways that don't have to be difficult. For example, lowering consumption and only buying whenever one truly needs something creates less demand and opportunity for factory workers to be exploited. In addition, it helps fight clothing waste by steering away from unnecessary purchases, avoiding clothes piling up in closets and eventually being tossed out when no longer in fashion. Recycling and upcycling old pieces of clothing also helps prevent clothes from ending up in landfills. According to a study by Roundup, "the US generates just over 17 million tons of textile MSW (Municipal Solid Waste) per year, according to the most recent EPA data. That is around 112 lb per person, according to the latest census statistics," (Ruiz). 60% of the clothes in landfills are made from synthetic fibers, which take decades to decompose, adding to global pollution (Ruiz). Buying and selling to second-hand clothing shops and flea markets is another way to save

money while aiding this problem and avoiding worker exploitation at the same time.

Supporting independent businesses can also provide consumers with the opportunity to make ethically conscious purchases since labor and production are local and wages are fair. Sourcing materials or other services by an independent business can also help support other local industries, keeping monetary gains continuously flowing between ethical businesses instead of large, corporate brands that are known to exploit workers and generate tons of waste.

Looking for labels that signify ethically made products is another way to shop sustainably. For instance, in fashion, Fair Trade labels certify that workers are ensured safe and fair working conditions. It can also mean that “all of its contents are certified by Fairtrade International. All of the ingredients or materials in the product are fully traceable - kept separate from non-certified products from field to shelf,” (“A Quick Guide to Fair Trade and Fashion”). This means that the brand is fully transparent about its production and sourcing, ensuring the ethicality of the materials, goods, and or services. Similarly, Organic certifications such as The Soil Association are certified against involuntary and child labor.

Living in an age where fashion is the biggest tool for self-expression and creativity has led to clothing companies generating high volumes of clothes that hit the market as fast as possible. This comes at the expense of factory workers in less developed countries, who handle all the labor-intensive tasks, leading to the garments with the low price tags seen in stores today. This creates a highly competitive fast fashion market, where the lack of transparency in these labor processes allows for brands to exploit unregulated laws in these countries, with factory workers earning less than a livable wage, and working in inhumane conditions with little to no breaks. By increasing awareness about these issues, as well as ways we can shop more sustainably, consumers can be less reluctant to shift over from buying fast fashion. If the pressure of demand is released for these industries, workers could finally begin to be treated fairly--with intensive reform. We owe it to the lives lost during the Rana Plaza tragedy, a tale that even today, echoes the stories of millions of workers worldwide.

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SIMILARITIES OF THE STUDENT NON-VIOLENT MOVEMENT & THE PAN-AFRICAN MOVEMENT

 ASANA SHEHU

THE ORIGINS & HISTORY OF THE PAN-AFRICAN MOVEMENT

When discussing the 'grand scheme' of racial identity of African people, it is imperative that we acknowledge the struggle for empowerment after years of oppression, colonialism, and slavery by European powers. In an effort to unify people of African descent who have been involuntarily displaced across the globe due to the Triangular Slave Trade of the 1600s-1900s, the Pan-Africanist view emerged. Pan-Africanism connected and unified millions of African people from America, the Caribbean, and many parts of Africa. Though Pan-Africanism originally developed amongst African Americans and trickled into other areas of the world (with its own variations), the overall mission of the movement was to establish a unified African nation where all people of the African diaspora could live in harmony. This movement essentially acted as a catalyst for all people of African descent to fight together against not only white exploitation, but also western ideals that keep them divided as a people (e.g., classifying them by race, identity and nationality).

The Assignment and the Writer: Asana Shehu's essay explores influences and contrasts in the work of Edward Blyden, W.E. B. DuBois, Marcus Garvey's UNIA, and Martin Delany's attempts to unify the International concerns of People of African Descent since 1846. The Pan-Africanists wanted respect for their intellect, acknowledgement of their contributions in the world, to set up academic institutions, and freedom for all of its peoples from enslavement and colonialism. One hundred years later, as Asana Shehu writes, represented by the Student Nonviolent Movement and SNCC, Students listened to Pan-African voices and extended their commitment by placing their bodies where their minds were, set on desegregation and social change in America for People of African Descent and Native Americans. Their efforts brought about Constitutional changes, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and desegregation reversals in all local southern communities. Asana Shehu takes a comprehensive view of past and present and writes with great understanding of the fight for social justice.

– Professor Angeline Butler

Early Pan-Africanist views were originally presented in the late 1800s by two African-Americans, Martin Delany and Alexander Crummel, along with Edward Blyden, a West Indian. Martin Delany was the first African American Field Officer in the U.S Army and made it his duty to strive and advocate for black pride: the enforcement of black civil rights, land for the freed people, and for blacks to return to Africa. Delany not only published his own black abolitionist newspaper, *The Mystery* in 1843, but he also joined forces with Frederick Douglass to produce another newspaper titled *The North Star*. Another influential activist that ignited this movement was Alexander Crummel, an American minister and academic who was born to active abolitionists that influenced him to further develop his pro-black views during his studies at Cambridge University from 1849-1853. Crummel strongly believed that in order for the African people to reach their highest potential, the entire African race (regardless of geographic location) should stand in solidarity in order to combat the racial discrimination and violence. In the early stages of the Pan-Africanist Movement, Edward Blyden, a West Indian man of St. Thomas was widely recognized as the "father of Pan-Africanism" because of his active involvement in educating African American people about their empowering history through books, newspapers, and lectures. Blyden established himself as both an ordained minister and educator in Liberia around 1858, then later became Liberia's Secretary of State. During this time, Blyden continued to publish books and newspapers to further challenge the European views of 'black inferiority', while also calling for the migration of Black West Indians and African Americans to Liberia. These original pioneers paved the way for many other Pan-Africanists, such as W.E.B. Du Bois and Marcus Garvey, to later join in the effort to uplift, empower and unite the African people of the world.

PAN-AFRICANISM FROM THE LENS OF W.E.B. DU BOIS & MARCUS GARVEY

When discussing prominent leaders and influential figures that contributed heavily to the efforts of the Pan-Africanist movement, it is important to recognize W.E.B. Du Bois and Marcus Garvey. Both of these Black intellectuals played a significant role in the movement; however they had different experiences as Black men due to being from different parts of the world. William Edward Du Bois was not only an African-American intellectual, a founding member of the NAACP, sociologist, and newspaper editor, but he was also the first African-American to receive a degree from Harvard University. Du Bois strongly promoted the beliefs that: (1) Black Americans should embrace their African heritage, (2) Black Americans should seek education as a means to eradicate prejudice, (3) Black people from all areas of the African Diaspora should establish a "cooperative commonwealth),

and (4) the "Talented tenth", a group of educated black leaders dedicated to social change should work to reorganize black businesses in an effort to eliminate poverty. Du Bois' involvement in the movement went beyond his publications of the Crisis Newspaper that highlighted violence being perpetuated against African Americans. W.E.B. Du Bois also attended the First Pan-African Conference in London in 1900 and continued to represent the better interests of the African people in a series of Pan-African Congress meetings around the world, bringing together intellectuals from Africa, the West Indies, and the United States. Despite the fact that the efforts made by W.E.B. Du Bois toward Black unification and empowerment were encouraged by other Pan Africanists, Marcus Garvey displayed opposition to the thoughts of W.E.B. Du Bois. As a Jamaican-born black nationalist and journalist, Marcus Garvey expressed his views of African unity through his development of the Universal Negro Improvement Association in 1914. UNIA's mission was to achieve black nationalism by emphasizing unity between Africans and the African diaspora, petitioning for an end to European colonial rule across Africa and advocating for the political unification of the continent. Garvey was committed to encouraging Blacks to return to Africa just as W.E.B. Du Bois. However, his push for black separatism and his relationships with racist, white-separatist groups such as the Ku Klux Klan, caused division between him and Du Bois because Du Bois fought for racial integration. Nonetheless, the collective efforts of Pan Africanist activists created the framework for a fight against the exploitation, racial discrimination and destruction of the African people of the African Diaspora, which heavily influenced the Student Non-Violent Movement of the 1960s.

THE ORIGIN & HISTORY OF THE STUDENT NONVIOLENT MOVEMENT

The Student Non-Violent Movement of the early 1960s was a civil rights movement led by young college students, aimed to end the segregation of public spaces (e.g., lunch cafeterias, malls, restaurants) as a result of Jim Crow laws in the South. In February of 1960, four black college students in Greensboro, NC conducted their first sit-in protest at a segregated lunch counter. Shortly after that, hundreds of other students joined their protest, which drew tons of media coverage that sparked the sit-ins by thousands of other students in the South. The idea to establish a locally-based student-run organization was introduced by Ella Baker, a civil rights activist and member of the civil rights organization, SCLC (Southern Christian Leadership Conference). Baker invited students that participated in the sit-ins to a gathering at Shaw University located in Raleigh, NC in April 1960. At this very gathering, the Student Nonviolent Coordinating Committee (SNCC) was developed; This organization was dedicated to dismantling the racial

segregation in the South by influencing legislative change, through the use of non-violent sit-ins, boycotts and other nonviolent direct action protests. The students involved in this organization were taught to exercise nonviolent, direct action tactics taught by Mahatma Ghandhi, Martin Luther King Jr., and Jesus Christ. Majority, if not all, sit-in protests resulted in college students being jailed and refusing bail to force the local courts to change the laws against accepting black patrons. In its growing popularity amongst campuses all across the South, in 1961, SNCC activists joined the campaign against segregation of interstate bus transportation with the Congress of Racial Equality (CORE).

COMPARISON OF THE TWO MOVEMENTS

Although the two movements previously mentioned are about 100 years apart, they share similar sentiments of Black empowerment and racial integration. In terms of black empowerment, the Pan Africanist Movement focused on bringing people of the African Diaspora back to their heritage and reminding them of their potential to become a unified, powerful nation. On the other hand, the Student Non-Violent Movement empowered students to fight for their rights in a way that would not play into the racist agenda of blacks being incapable of being civil. When it comes to the racial integration aspect of the Pan Africanist Movement, many of the prominent leaders such as Martin Delany and Alexander Crummel emphasized separation of the Black race from the whites by migrating back to Africa. However, the emphasis of desegregation with the Student Non-Violent Movement could be compared to the views of W.E.B. Du Bois, who advocated for racial integration. The Pan-Africanist methods of spreading information pertaining to their efforts of black empowerment were more of an "intellectual effort" through newspaper publications, international meetings about the interests of African people, and pushing for the education of blacks. Whereas with the Student Non-Violent Movement, on the other hand, students sacrificed their freedom by being held in jail, in an effort to change legislation around segregation. One aspect in which both movements share similarity is with the involvement of women. In the Pan-Africanist movement, there were at least six female Diaspora Pan-Africanists that attended the Pan African Conference located in London in the year 1900. Among these six women were activists, linguists, educators, women's' club leaders and much more: One of the most influential female Pan-Africanists was Amy Ashwood Garvey, Marcus Garvey's second wife, who was the founder of the internationally circulated newspaper for the Universal Negro Improvement Association (UNIA). In her role as a member of the UNIA and the Pan-Africanist Movement, she contributed to anti-colonial efforts as well as advocating for female empowerment. Although women did play a significant role in the Pan-Africanist Movement, they did not receive the same

recognition as the male leaders. In contrast to the role that women played in the Student Non-Violent Movement, the Student Nonviolent Coordinating Committee (SNCC) was not only established by a black female leader. Ella Baker, but other prominent women such as Diane Nash helped to organize protests and recruit participants. Unlike the women of the Pan Africanist Movement in the 1800s, the women of the Student Nonviolent Movement are widely recognized for their contributions to civil rights and changing the racial trajectory of our nation. All in all, I believe it is evident that the Pan-Africanist Movement was successful in bringing awareness to issues of black exploitation and racial discrimination, but it did not bring about as much change as the Student Nonviolent Movement because even after 100 years, black people were still fighting for equality from the same oppression.

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♦ ENGLISH 101

GENDER BIAS IN HEALTHCARE

KATELYN HOULE

AT THE AGE OF 16, my battle with Polycystic Ovary Syndrome (PCOS) began, leading me through a frustrating journey of medical consultations. My initial gynecologist dismissed my concerns, attributing symptoms such as agonizing period pains, extreme acne, and weight management challenges to the purported normalcy of teenage experiences. Despite tearful pleas and vivid descriptions of my physical distress, I was prescribed birth control, exacerbating my suffering with 24/7 nausea, panic attacks, and mood swings. Only after seeking multiple opinions, did I finally receive the testing and confirmation I desperately sought, validating that my struggles were not mere figments of my imagination. Regrettably, my ordeal mirrors the experiences of countless women who face an uphill battle when advocating for their health.

This systemic dismissal of women's health concerns finds its roots in a broader issue — the historical neglect of women in medical research. Not until 1993 were women in the United States mandated to participate in research trials, resulting in a significant dearth of understanding about women's health issues. The consequences of this oversight are dire, with critical symptoms being overlooked and underexplored. This inquiry paper will delve into the intricacies of gender bias in healthcare, scrutinizing its manifestations and exploring the extensive ramifications it has on the well-being of women. The

The Assignment and the Writer: Katelyn Houle, who was diagnosed as a teen with Polycystic Ovary Syndrome (PCOS), used her personal struggle with the condition, and the ensuing and disappointing dismissal of her concerns by the medical establishment as a springboard to take a deep dive into the current state of women's health care. This successful inquiry paper, a culmination of ENG 101's scaffolded curriculum, resulted into a well-researched and well-written piece that is a clear indictment against the medical establishment regarding women and their health concerns. In her exemplary work in class, and through what is shaping up to be true advocacy, Katelyn Houle is on her way to becoming the change that she wishes to see in the world.

– Professor Heidi Bratt

objective is not only to shed light on the problem, but to advocate for transformative change, seeking solutions that foster an inclusive and equitable healthcare environment. Through this analysis, the aim is to contribute to a broader understanding of gender bias in healthcare, paving the way for meaningful reforms that benefit all members of society.

WHAT IS GENDER BIAS IN HEALTHCARE?

Gender bias in medicine involves systematic neglect, stereotyped preconceptions, or overlooking gender-related issues, impacting patient care across various sectors of medical research, clinical practice, and education (Alcalde-Rubio, *Journal for Equity in Health*). This bias, defined as actions, ideas, and mindsets favoring one gender over another, manifests subtly and visibly, influencing interactions and relationships. Gender, a significant social determinant of health, involves power dynamics in social relationships between males and females (Alcalde-Rubio, *Journal for Equity in Health*). Addressing gender inequality is crucial for comprehensive initiatives to improve gender equity in health globally.

Unconscious gender biases and sexism in healthcare systems affect patient treatment, necessitating regulatory and organizational reforms alongside health professionals' engagement to drive systemic change. Identified gender bias in the clinical management of cardiovascular disease highlights the broader issue's magnitude, as research reveals disparities in health data analysis and diagnostic timing (Alcalde-Rubio, *Journal for Equity in Health*). A Nature Communications study on 7 million individuals in the Danish healthcare system found women were diagnosed later in over 700 disorders, emphasizing the pressing need for improved gender abilities among health workers (Alcalde-Rubio, *Journal for Equity in Health*). Despite the research focus, health systems and providers continue to be primarily gender insensitive (Alcalde-Rubio, *Journal for Equity in Health*).

HOW CAN WE SEE GENDER BIAS IN HEALTHCARE?

Several studies, including those conducted by Lorena Alcalde-Rubio and published in the *Journal for Equity in Health*, have shed light on pervasive gender bias in healthcare, particularly concerning cardiovascular issues. A study revealed that interventions showed minimal impact on cardiovascular events and quality of life for women with cardiovascular disease, indicating limited effectiveness in this group (Alcalde-Rubio, *Journal for Equity in Health*). Another study exposed disparities in the use of a discharge tool for women following acute myocardial infarction compared to men, suggesting gender-based differences in healthcare resource utilization (Alcalde-Rubio, *Journal for Equity in Health*). Additionally, research on heart failure uncovered fewer women receiving discharge instructions and experiencing

longer hospital stays, emphasizing gender-related variations in post-hospital care (Alcalde-Rubio, *Journal for Equity in Health*).

The broader societal context of gender bias is deeply rooted in a 'gender order' where 'normal' is synonymous with male, positioning women as subordinate (Hamberg, *Sage Journals*). This framework extends to the unequal distribution of economic wealth, educational opportunities, and political influence (Hamberg, *Sage Journals*). Gender norms influence patient-doctor interactions, where both patients and doctors align their presentation with culturally accepted gender roles. Research across various medical conditions consistently reveals a pattern of men receiving more extensive investigation and treatment than women, even with similar symptom severity (Hamberg, *Sage Journals*). For example, in psoriasis treatment, male patients incurred significantly higher clinic-based treatment costs than their female counterparts, despite comparable disease severity (Hamberg, *Sage Journals*). In exploring unexplained disparities in pain experiences, attention turns to the influence of gender norms deeply rooted in culture (Samulowitz et al., "*Brave Men*" and "*Emotional Women*"). These norms contribute to societal expectations, potentially fostering gender bias among researchers and clinicians in healthcare. Instances of differing treatment for the same medical conditions without medical justification have been observed across various fields, including psoriasis, neck pain, heart disease, and polypharmacy (Samulowitz et al., "*Brave Men*" and "*Emotional Women*"). Despite growing awareness, there is still a lack of comprehensive understanding regarding the manifestations of gender bias, particularly in the context of pain treatment and the patient-provider interaction (Samulowitz et al., "*Brave Men*" and "*Emotional Women*").

The research by Samulowitz et al. emphasizes the pervasive impact of gender norms on how individuals, particularly women, experience and report chronic pain. While women may be more willing to communicate their pain, this openness paradoxically leads to dismissal or psychosomatic attributions by healthcare providers, perpetuating systemic gender bias in pain treatment (Samulowitz et al., "*Brave Men*" and "*Emotional Women*"). The concept of andronormativity, as revealed in the study, highlights how masculine ideals influence medical norms, contributing to the invisibility of women's pain issues lacking obvious physical symptoms. This bias is exacerbated by the hierarchy favoring somatic over psychological conditions, potentially resulting in suboptimal pain management (Samulowitz et al., "*Brave Men*" and "*Emotional Women*"). The study calls for a significant shift in healthcare practices and research to challenge entrenched gender norms. Recognizing the influence of these norms on pain experiences and treatment is crucial for dismantling gender bias within the healthcare system. This shift can pave the way for a

more equitable approach to pain treatment, prioritizing individuals' unique experiences and needs regardless of gender.

Addressing gender disparities in research participant representation, the National Institutes of Health (NIH) mandated the inclusion of women in clinical research in 1990, with further requirements for gender-based outcome examination since 1994 (Hamberg, *Sage Journals*). However, gender blindness persists, with numerous treatment recommendations originating from male-dominated studies or failing to conduct meaningful sex-based analyses. This persistence underscores the importance of continued efforts to ensure that contemporary knowledge about diseases and risk factors considers the relevance of sex and gender (Hamberg, *Sage Journals*).

HOW DOES GENDER BIAS NEGATIVELY IMPACT WOMEN'S HEALTH OVERALL? WHAT ARE THE LONG-TERM EFFECTS?

Gender bias in medical research and healthcare presents a multifaceted challenge with profound consequences, notably the underrepresentation of women in clinical trials and studies (Laurence, *Outrageous Practices*). This exclusion leads to a dearth of gender-specific data, hampering our understanding of how medical conditions and treatments uniquely affect women. Conditions predominantly impacting women, like endometriosis or certain types of breast cancer, receive insufficient research attention compared to those affecting men. This bias extends to diagnostic and treatment protocols, with women's symptoms often not taken seriously, resulting in misdiagnosis and delayed treatments. For example, atypical heart attack symptoms in women may be overlooked, leading to underdiagnosis and delayed interventions, increasing the risk of fatality.

Historically, the underrepresentation of women in clinical research has created knowledge gaps, as seen with aspirin therapy for heart attacks (Laurence, *Outrageous Practices*, page 4). This lack of comprehensive data on the effects of medical interventions on women perpetuates gender disparities in healthcare, where heart disease remains the leading cause of death in women. The urgency for gender-sensitive, inclusive, and thorough research is evident to ensure equitable and effective medical care for women. Neglect in women's healthcare yields long-term effects, including delayed diagnoses, advanced disease stages, and reduced treatment options, particularly in conditions like breast cancer or heart disease (Laurence, *Outrageous Practices*). The psychological impact from neglect, resulting in frustration and emotional distress, can lead to lasting effects such as anxiety, depression, and a lack of trust in the healthcare system. Maternal health and genetic risks are interconnected, affecting not only the women themselves but also future generations. Addressing these long-term effects requires a comprehensive effort to improve gender equity in healthcare through research, education,

policy changes, and increased awareness among healthcare providers and the public (Laurence, *Outrageous Practices*).

HOW CAN WE ERADICATE GENDER BIAS IN HEALTHCARE?

Proper education and research on women's health are essential to address disparities and gender biases in healthcare. Educating healthcare professionals about women's unique health needs and providing gender-sensitive training can prevent preconceived notions, fostering a culture of inclusivity (Alcalde-Rubio, *Journal for Equity in Health*). This approach encourages healthcare providers to recognize and address gender disparities, ensuring that women receive tailored attention, accurate diagnoses, and appropriate treatments, ultimately reducing gender bias and enhancing outcomes.

Increasing diversity in the healthcare profession is another strategy to mitigate the impact of gender biases (Marcelin et al, *Journal of Infectious Diseases*). The U.S. population's growing diversity is not consistently reflected in healthcare practitioners, leading to inadvertent cognitive biases rooted in cultural stereotypes. Efforts to enhance diversity, inclusion, and equity, especially within specialized training programs, can counter unconscious bias. Recent updates in accreditation requirements emphasize the assessment of initiatives to attract and retain a diverse workforce (Marcelin et al, *Journal of Infectious Diseases*). This sustained, iterative effort involves broad strategies at both organizational and individual levels, such as incorporating self-reflective Implicit Association Tests for committee members and appointing diverse perspectives to admissions committees (Marcelin et al, *Journal of Infectious Diseases*).

Combining education and diversity initiatives serves as a powerful catalyst in mitigating gender biases in healthcare. A deep understanding of diverse patient populations and inclusive representation within the medical field can erode biases, leading to more equitable healthcare practices and improved outcomes for all, regardless of gender. This dual approach, grounded in knowledge and representation, aims to create lasting positive changes in healthcare delivery.

CONCLUSION

Gender bias, unfortunately, continues to manifest in various ways within the healthcare system, and its consequences are particularly pronounced for women. From symptoms being dismissed as psychosomatic to underrepresentation in clinical trials, women often encounter challenges in accessing the care they need. This bias impacts not only immediate healthcare experiences but also engenders long-term effects. Delayed or inaccurate diagnoses can lead to advanced disease stages, diminished quality of life, and

a pervasive sense of mistrust in the healthcare system. The cumulative result is a persisting and profound disparity in health outcomes between men and women. Mitigating the impacts of gender bias necessitates concerted efforts across multiple fronts. It involves raising awareness about the existence and consequences of gender bias in healthcare. This awareness should target both healthcare providers and the public, instigating a collective commitment to change. Comprehensive education and training programs can empower healthcare professionals to recognize their own biases and deliver more equitable care. Furthermore, initiatives that promote diversity and inclusion in the medical field are crucial in fostering a culture where the perspectives and needs of women are fully understood and respected. Policy changes, such as guidelines that mandate gender-sensitive research and practices, can create a framework for equitable healthcare. Equally important are assessments and evaluations that monitor an institution's progress in addressing gender bias and fostering an inclusive environment. By continuously measuring and analyzing survey results, organizations can tailor their approaches to ensure a sustained reduction in gender disparities. Moreover, collaborative efforts between policymakers, healthcare institutions, and advocacy groups can drive systemic change that aligns healthcare practices with the evolving understanding of gender bias. Therefore, mitigating the impacts of gender bias in healthcare requires a multifaceted approach that spans awareness, education, representation, and policy reform. With a collective commitment to equitable care, we can work towards a healthcare system where women receive the respect, attention, and support they need, ultimately improving their health outcomes and the well-being of society.

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♦ PHYSICAL EDUCATION 111

MY AQUATIC REFLECTION

STEPHANIE VAZQUEZ

IN THE WATER, MY FEAR SURRENDERS to the magic of immersion, creating a sanctuary where the self finds tranquility and my spirit discovers a timeless serenity, no matter the depth or expanse of the aquatic canvas. In my vast aquatic experiences, from the crashing waves of Jones Beach to the tranquil embrace of New York City's community pools, and the mysterious depths of Mexican lakes plunging 500 feet below the surface, there exists a universal allure that transcends geographical boundaries. Water, in its myriad forms, becomes the canvas upon which I paint my emotions, transforming each aquatic encounter into a unique masterpiece of sensations. Yet, it is in the midst of these diverse aquatic landscapes that a common thread emerges — the ability of water to nurture an oasis of peacefulness, even in the face of fear.

For someone well-acquainted with the rhythm of swimming and with prior knowledge of how to navigate aquatic realms, it may seem surprising that the mere thought of plunging into deep waters could cause a sense of unease. Yet, such was the paradox that danced within me; a seasoned swimmer haunted by the specter of deep water, my biggest fear and a challenge I was determined

The Assignment and the Writer: In this introduction to fundamental swimming skills course, the assignment required students to keep a journal culminating in a Reflection Paper. This provided an opportunity for participants to develop insight while learning a life skill and understanding the importance of water safety. Stephanie's piece produced a deep dive into her thoughts and feelings throughout the semester. Her paper beautifully captured her physical development and emotional growth while expanding her abilities and how she was able to successfully overcome an adverse childhood aquatic experience. Her writing style flowed as smoothly and gracefully as her front crawl stroke and treading water came to be at the end of the semester. The depth of her writing potential is that of an ocean's.

—Professor Gerard W. Bryant

to conquer. Embarking on the journey of a swimming class became not just an opportunity for skill refinement but a conquest over personal unease. The excitement of this endeavor lay in the belief that, through diligence and guided instruction, the anxiety associated with the deep could be transformed into an empowering sequel of aquatic conquests.

As I stepped onto the poolside for the first session, my goals were crystal clear. To jump into the deep end 13 feet deep without hesitation, to find serenity while navigating the baffling depths, to master the art of treading water, and to control my breathing seamlessly through the freestyle stroke. All due in time. These goals and sense of fear simply did not arise from anywhere. I realized this stems from an embarrassing and terrifying moment I felt while taking classes in the Y in middle school. This event completely marked me and was the reason I feared not accomplishing what I wanted by the end of this class. On this day we also encountered a swimming session where some participants were wheelchair bound and one swimmer was visually impaired despite these hardships and all odds they were still swimming. This inspired me. Like Dr. Bryant said, "It's not a race, it is a marathon."

The initial pool sessions were a fusion of anticipation and nerves, the water's surface reflecting the swirling currents of my own apprehensions. In the hands of a patient instructor, each session became a voyage of self-discovery, a metamorphosis from anxiety to anticipation, from uncertainty to proficiency.

One by one, the goals were met, each conquest celebrated like a triumph over the invisible adversary of fear. We began slowly by getting comfortable with submerging our heads in the water, bobbing and proceeding to various forms of floating. Since the first lane and second had prior experience swimming compared to my colleagues in lanes 3 -5 who were starting from zero, Dr. Bryant was more attentive to them. This caused some feelings of neglect. Eventually Dr. Bryant came over to our lanes and told us "I am not neglecting you..., give me all you got". So I did, gliding into a stroke and then into a back glide to a floating position. I believed impressed him in the early stages of class.

It settled over me as I navigated the deep side with new found confidence. Treading water became an equilibrium achieved through technique and trust. The weeks the lesson days stood suspended I ventured to the pools within the chain of my gym job—an arena that felt both familiar and unfamiliar. I decided to add at least 30 minutes of swimming after my weight training. The pool, usually a shared learning and camaraderie, now seemed to host a display. Members performing the butterfly stroke seemed leagues away from our swimming class curriculum. Intimidation rose, regardless of the displays I anchored myself in the slow lane, a space where the fundamentals of swimming held sway. It was a conscious decision to resist the pull of

intimidation, to embrace the basics again. A reaction to my previous memory of distress. In the slow lane, surrounded by others who, like me, I found my own sense of triumph. Yet, the transformation extended beyond physical prowess. The swimming class became a vessel for the enrichment of water safety knowledge. I imbibed the nuances of currents, the importance of vigilance, and the art of assisting others in distress. The water, once perceived as a challenge, morphed into a realm of mastery and understanding.

In the wake of this aquatic odyssey, I emerged not only as a more adept swimmer but as a connoisseur of my own fears, having transformed the deep water, once a source of anxiety, into a playground of triumph. The lessons learned surpassed the boundaries of the pool, seeping into the fabric of my daily life, as I carried the newfound confidence and wisdom into every metaphorical deep end, ready to navigate and conquer whatever challenges lay ahead.

♦ ENGLISH 101

MY ULTIMATE RECKONING: ADOPTING BLACK IDENTITY

RALPH OSIAS

“BEHOLD!” THE VIEW SEEMED TO SAY TO ME. In my direct line of vision, a white picket fence enclosed a sea of lush, picturesque grass stretching as far as the eye could see. Within it, a domineering green bastille with grandiose windows and doors stood tall, casting a deep shadow that fell upon the SUV I sat in with a tangible bravado.

This larger-than-life sight was the first truly affluent home I had ever seen, and dauntingly, it did not stand alone. Whether I liked it or not, my naive, adolescent self had officially stumbled upon uncharted territory miles away from home without so much as even a map to help guide the way. That afternoon, I entered a fantasy world I could never truly attain nor understand.

“Ralphie, what’s up?!” my white classmate exclaimed as she excitedly skipped from her bright white steps and climbed into the carpool. It was our mutual friend’s birthday, and I, alongside a few other kids, had gone to pick her up to go to his house for the celebration. However, for me, the outcome of the day was anything but.

I attempted to greet her but failed to produce any sound, instead settling for a weak nod of acknowledgment. My bright red Pokémon t-shirt quickly lost appeal as she slid beside me. As I felt her arm brush mine, I immediately became shy and reserved, knowing that I felt naked and self-conscious about what I was wearing, what I looked like, and how I spoke. Sitting to my left, my

The Assignment and the Writer: In English 101, our first assignment is a personal essay in which students reflect on a moment when their worldview was challenge and incorporate external sources into an exploration of the evolution of their own beliefs over time. In his approach to the assignment, Ralph told a compelling and artful story of personal evolution and philosophical epiphany, crafting his narrative with insightful analysis and creative ingenuity to produce a moving portrait of growth. His final piece was a masterful work that merged creative writing with critical analysis with the maturity of a much older author.

—Professor Kim Liao

best friend noted my expression and silence with a smirk, giving me his “knowing look.” But unbeknownst to him, he had mistaken my sudden sense of alienation for infatuation.

Interestingly, Yale sociologist Elijah Anderson makes a compelling case in his journal piece, *The White Space*, that explains the sudden timid feeling I felt at this point. He argues that “overwhelmingly white neighborhoods, schools, workplaces, restaurants, and other public spaces” are considered “white space[s]” to Black people (Anderson 10). He continues to claim that “white spaces” are environments with an “overwhelming presence of white people and [an] absence of Black people” in which Black people “often consider to be informally ‘off limits’ for people like them” (Anderson 10). Naturally, the evident and concurrent class disparity that hung over that “white space” in that moment certainly did not help to mitigate the feelings I felt on that fateful day, but rather, exacerbated them.

With his insightful analysis of racialized spaces, Anderson puts the sudden alienation I felt into context, asserting that because I was in an affluent, predominantly white neighborhood or a “white space” — an entity I was largely unfamiliar with as a Black kid from a humble background — I could not help but feel uneasy, out of place, or non-belonging, which detrimentally impacted my mood and behavior. However, it seemed the opposite for my friend, who, being raised in a comfortable lifestyle, seemed to regard her home as an “unremarkable...normal, taken-for-granted reflection of civil society,” from my day-to-day interactions with her, which is consistent with Anderson’s findings (Anderson 10).

Shortly after arriving home following the humbling incident, I sprinted to my room at a speed that would’ve given the Flash a run for his money, forcing myself to go to bed—much to the concern of my guardians. The following day, my mom—omniscient like mothers are—questioned my strange and uncharacteristic behavior with a string of rapid-fire questions: “Honey, are you okay? What is the matter? You seemed a little off..” she asked. Unable to answer, I responded with a question of my own. “Can I straighten my hair, y’know, like my friends?” Slightly taken aback, she cooed, “No, sweetie, our hair has a different texture than your classmates’, why?.....” I did not answer. Somewhat dissatisfied, I refrained from inquiring, finding tranquility in the stillness.

Walking into school in the coming days was reminiscent of a fever dream. My mind drifted, pondering what it would be like to have smaller lips, a fairer complexion, and blue eyes — just like my friend. Perhaps some way, somehow, I thought, I could replicate the same image and persona as my whiter friends. Maybe then I would not feel the pressure inflicted on me by the overarching presence of social stratification. I thought that the strange feeling in my gut might subside then.

I made up my mind. From then on, I lied to classmates about my heritage, swapping my Haitian ethnicity for its more “European” counterpart—France. I discouraged my friends from hanging out in my neighborhood. I complained to my mother about our house, feeling it was inferior to the ones around my school. I would even get embarrassed by my parents and culture, rejecting my native language, food, music, and tradition because it was too “foreign” and “unorthodox.” I had altered my identity to the point of obscurity. I wanted to fit in—no, I *needed* to, and eventually, I got what I wanted.

Similarly, William L. Jones, the author of a journal piece titled *The Importance of Black Identity to the Black Adolescent* believes that it is a “natural thing for persecuted minority group[s] to [wish to be white]” (Jones 86). He surveyed eighty black youths asking if they ever wished to be white and discovered that seventeen percent of them answered affirmatively (although he suspects many others did not answer truthfully) with one even stating ‘did [not] everyone?’” (Jones 86). Jones’ study ties into a broader narrative in which black adolescents feel the need to “identity with the white majority as much as possible” because they are members of white spaces and feel unconnected with their own culture and traditions (Jones 89).

It was only after spending much time restructuring myself that I began to assimilate with my white friends, but ultimately, at what cost? The haze prolonged. The shadow that hung over the car that day still held me firmly in its grasp. To connect with my mental imagery of my “superior” white friends, I created an accommodating facade. However, the more the “whitewashed” me assimilated, the more uncomfortable I became in my skin. The internalized racism I held in my heart began eating at me slowly.

This phenomenon is best explained by another of Elijah Anderson’s claims from the *White Space*, which contends that “black people are required to navigate the white space as a condition of their existence” (Anderson 11). Consequently, to navigate and survive unfamiliar territory, I attempted to blend in with my surroundings and environment — however, this came at a hefty price: my original identity. Internally, I realized that a seat at the table is useless if you, your true self, are not even the one sitting there.

It was then, weeks later, that I found my internal transformation so unbearable that I had to take a hard look in the mirror — scrutinizing my eyes, hair, and skin. Then, unexpectedly, I unconsciously connected them to positive undertones: my sharp, brown eyes, dark, defined, curly hair, and rich, gleaming brown skin. The warm sensation that washed over me was perplexing; could I resemble beauty? Or—was I mistaken?

Eventually, after much thought, I made up my mind for the second and final time. “Whiteness” no longer needed to be the standard I aspired to align myself with. I began to seek out Blackness. Educating myself on my powerful

Haitian lineage, I began curiously perusing black media. Books, television, art, music, documentaries; I consumed it all. Flipping through doggy-eared pages of Toni Morrison's *The Bluest Eye* on the way to school while practicing Creole on the way back became routine. Embracing my Caribbean cuisine, *kompas*, and tradition felt fulfilling, like a marionette that had just severed its strings.

Jones describes cultural acceptance and the adopt[ion] [of] black dress, afro hair styles, language, and so on" by black youths as a counteractive force to the "fact that they live in a white...society" (Jones 84). He further elaborates that this process is not simply "reactionary" but is part of a broader context sociologists and psychologists deem consistent with a "positive search for identity" (Jones 84). For me, this assessment rang true on both fronts: I was prompted to positively search for my black identity due to an incident that forced me to realize that my identity was not yet solidified. Consequently, I took an introspective journey and eventually found gratification in my actual identity.

Subsequent to my internal storm, I realized that I am not one-dimensional. All my lived experiences shape my character and person, not the misguided perceptions of a few. In my senior year of high school, recognizing the need for increased discourse and awareness about race-related issues, I revived and revamped my predominantly white high school's Diversity, Equity, and Inclusion (DEI) Committee and made great strides toward preserving and celebrating diversity along with several administrators and students. Standing now, in college, as a member of John Jay's own Black Student Union (BSU) and DEI Committee advocating for student equity on behalf of Black students, it is unmistakably clear that my identity is undeniable, my pride is unquestionable, and my internal canvas is mine alone to paint.

However, my story is just one of many. There are still so many more young, impressionable, black children out there who have experienced what I have, and will continue to experience it until racialized and socioeconomic inequalities alleviate. How many more children will have to experience self-hate before they can experience self-love? What must we do about race and class disparities to change current methods of socialization so that marginalized children can feel accepted? How can we create spaces for minorities that emphasize representation and self-empowerment? While those answers remain uncertain, one remains abundantly clear: Institutions will never change unless we do.

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♦ INTERDISCIPLINARY STUDIES PROGRAM 140

BEYOND TERRORISM: EXAMINING THE 2008 MUMBAI ATTACKS THROUGH THE LENS OF MASS MURDER

KLAUDIA GAJEWICZ

INTRODUCTION

A specific act of terrorism is an act of calculated harm, fear, or intimidation that is intended to serve political, ideological, or religious purposes; the following definitions should be considered: (1) actions committed with the aim of causing death, serious bodily injury, or significant damage beyond sheer property destruction, (2) actions designed to create terror or fear in the general public in order to influence governmental or international policies or actions, or (3) aligning with international agreements and conventions to ensure consistency and universal acceptance in dealing with terrorism. On November 26, 2008, Mumbai, a vibrant city with over twenty-million people, the fourth largest city in the world, and home to historic and modern economic, entertainment, cultural, and political focal points, was hit by a series of coordinated terrorist attacks dubbed 26/11 (India's 9/11). Five teams, each with two gunmen from Lashkar-e-Taiba (LeT) took part in the Mumbai assault, following a logistically-demanding attack method: After arriving by sea, at night, using GPS navigation, with a landing point near a major Navy and Army

The Assignment and the Writer: In ISP 140, students think and write about murder. For their final project, they research a specific murder that they believe has had a profound impact on society. The impact could be social, political, legal, forensic, etc., but they have to delineate that impact and make a case for its significance. For Klaudia, the Mumbai terrorist attacks of 2008 were something new, not only in terms of the relationship between terrorism and "mass murder" but also in how they were covered in the media. Klaudia's research for this piece was truly outstanding while her ability to synthesize so much material was deeply impressive. It's a wonderful piece of research, writing, and thinking, and it would be for a senior never mind a first semester freshman.

—Professor Richard Haw and Professor David Green

base, they attacked various targets throughout the city, including the Taj Mahal Palace Hotel, Oberoi Trident Hotel, Chhatrapati Shivaji Maharaj Terminus (formerly Victoria Terminus), Nariman House (a Jewish community center), and Leopold Café. Team members have been carefully selected and trained for months, and their skills were obvious in their disciplined fire control, explosive divisions, and gunfire. The prospect of achieving a high body count influenced the psychological capability to commit mass murder, which is not an instinctive characteristic of most individuals. LeT, which manufactures violent extremists, reminded the world how easy it is for a small group of killers to create widespread (but temporary) terror. The 2008 Mumbai attacks became memorable for their rarity because they removed the illusion of safety.

An analysis of 26/11 shows that local police were ill-equipped and poorly trained to handle such an incident, just as terrorists innovate; they coordinated the Mumbai attacks to do what authorities were not expecting. Within the city, crisis response protocols were never fully implemented, allowing the LeT teams to move freely between locations. In the absence of coordination, the gunmen dictated the pace of attacks, kept the media focused on them, and confused the police. The deadly attack on 26/11, which resulted in over 149 deaths, blurred the distinction between impulsive acts of violence and meticulously planned acts of mass murder. In this paper, I analyze how the Mumbai attacks brought a new dimension to the understanding of terrorism by introducing the term “mass murder” and how the attack was deeply rooted in broader geopolitical struggles and religious extremism. This altered criminal intent and created a catalyst for reconstructing diplomatic relations and partnerships between nations, leading to a renewed sense of international cooperation to combat terrorism.

THE ROLE OF MEDIA COVERAGE IN SHAPING PUBLIC REACTION

When violence is committed with criminal intent, shock and grief are the first reactions; anger and resentment follow. The initial shock over the Mumbai attacks was soon followed by a mass disdain towards the Indian democratic policies. Those who voted for the political class inherited a double jeopardy of unpredictable and randomly targeted terrorist attacks as well as complete disregard to the everyday anxieties they had to face. On the domestic political scene, voters went to the polls in Delhi and Rajasthan for state assemblies and nationally for parliamentary elections in May 2009 (Kolås, 2010, p. 89). Politicians attempted to score leverage on various interpretations of the events, framing security failure as a failure of governance in the Indian news media. As early as November 28, 2008, a large drop of blood against a black background appeared on the front pages of major daily newspapers with the text: “Brutal Terror Strikes at Will. Weak Government, Unwilling and Incapable” and the punch-line “Fight Terror. Vote BJP” (Kolås, 2010, p. 89).

The use of violence can be viewed as a deliberate useful strategy of bargaining for power, as well as a symbolic act conveying cultural meanings, notably about power and justice. In the theater of terrorism, violence has a performative quality: It will leave people dead without a crowd, but it remains socially absurd without it. In an effort to make sure that Ajmal Kasab, the lone survivor of the ten gunmen who coordinated the attacks, was executed publicly, the Bharatiya Janata Party (BJP) promised to hold a public 'hanging ceremony'--public execution. This hanging ceremony was recorded on video (probably by the coordinator) and then posted on YouTube with the following description: "BJP has given chance to common ppl [people] to express their feelings about this Mumbai terror attack and why Kasav [sic] should be hanged till death. Many ppl expressed their feelings. Some expressed their feelings with respect to the court and some could not control their anger so they abused Kasav [sic] and expressed their feelings. The common public who were witnessing this ceremony, was shouting against Pakistan. After hearing the public voice, the respected Judge decided to hang Ajmal Kasav till death. After hanging Kasav, somehow his dead body was stolen by few little children and then they expressed their anger on Kasav's dead body by tearing him into thousands of pieces" (Kolås, 2010, p. 90). Several societal attitudes are reflected in this event, such as how public opinion influences judicial decisions, how nationalistic sincerity affects collective behavior, and the impact of extreme emotions. As a matter of ethics, it is central to arrive at a balance between establishing justice and encouraging human dignity, and while Kasab's execution may have provided closure for some victims of the terror attacks, the desecration of his body by children reflects a disturbing lapse in societal values. The public's emotional response might be viewed as a manifestation of pent-up anger and frustration against terrorism and the loss of innocent lives, but if seen through a different lens, it might be that loyalists, and ongoing tensions between India and Pakistan contributed to the public's intense emotional response. Additionally, this transcript illustrates how violence breeds violence and how unresolved societal grievances foster disturbing behavior.

The 2008 Mumbai attacks can be understood as violence that was not only practiced, but in a very important sense imagined, since they were staged by those who coordinated them, formed by the print and broadcast media, and witnessed by viewers, who participated in online discussions, broadcast audiovisual images on YouTube websites, as well as commented on the events. A live feed of the burning Taj Mahal Hotel and heavily armed commandos in the streets was disrupted by closed-circuit television (CCTV). As terrorists entered Mumbai's central railway station, hostages waved from hotel windows, and gunmen fired into reporters and onlookers from a high-jacked police vehicle (Kolås, 2010, p. 86). Photographic images have a vicinity and a call to

truth because they characterize an unmediated perception of the 'real'. Fiction films based on true stories are also defined by the fabrication of truth, which goes beyond news and fact-making. According to this view, truth is composed by members of a society based on their understanding of what establishes a fair story and who has the right to tell the facts and classify their significance. The process of design and production must remain hidden in order for news stories to be accepted as factual, but this process is surely a part of any news production. Evidence suggests that accuracy can be sacrificed in the rush to publish information. By combining attribution and hyperlinks, journalists were able to present a lot of information quickly and maintain the illusion of journalistic authority without fact-checking every detail individually. Using short snippets, the live text updates page aims to "get information out as quickly as possible" (Bennett, 2013, p. 152). In 2008, the Mumbai attacks drew the third-highest number of unique visitors to the BBC News website. According to the website's statistics, 6.8 million exclusive users visited the site on Thursday, November 27. In both November 27-28, the Mumbai live update page was the most popular page on the BBC website (Bennett, 2013, p. 145). Using attribution, BBC journalism published first and then searched to verify from other sources. According to Herbert Gans, attribution facilitates a journalist to not "have to worry about reliability (and validity), since audiences must decide whether a source is credible once they have 'sourced' the story" (Bennett, 2013, p. 157). Although this is a basic component of live television news, it was developed by bloggers in the digital world, where the public could aid as a participant in a collaborative partnership as the news unfolded, expecting corrections and explanations in the process. As a whole, the public commenters accounted for 6% of the sources cited (Bennett, 2013, p. 160). During the attacks, senior BBC editors were encouraging journalists to add more input from the public and to source information through Twitter and blogs in order to provide a more rounded picture of the event and to determine the mood.

However, the public soon revealed that Twitter was filled with unsupported rumors and accusations. Though it is unclear whether tweets about Mumbai were from eyewitnesses or were simply comments on media reports, Twitter should be recognized as a source of entertainment and mood rather than factual information. An allegation from Twitter about someone else or an act of an authority (eg. Twitter was being shut down) should be checked (Bennett, 2013, p. 163). Additionally, journalists working on the Mumbai page who used live updates in news reported having little experience covering a news event using Twitter. Before Mumbai, one journalist confessed he knew very little about Twitter, while another was told by a colleague that tweets should be integrated into the live updates page even if he had never used the platform before (Bennett, 2013). Major news channels, including CNN,

reported "Westerners were targets of the terrorists" when breaking news of "terror attacks" and hostage situations was broadcast (Kolås, 2010, p. 83). A worrying development urged the BBC not to blur the line between Twittering and serious reporting, especially after citizens admitted to being charmed by the immediacy of BBC updates and confused by the almost utopian partnership of messages and means, which refers to the BBC's use of short updates to report news, as well as its incorporation of tweets on its website (Bennett, 2013, p. 146, p. 162). A goal of the ten LeT attackers and their operators based in Pakistan was to create confusion about the number of Mumbai personnel. The BBC quoted "officials" who said four people had been killed and nine arrested, another article reported there were ten or twelve attackers, and the Press Trust of India reported twenty or twenty five gunmen had arrived in Mumbai (Bennett, 2013, p. 161). Senior editors and managers view a live online contribution as essential to the future of the BBC's news website, and live updates are a more distinguished feature of the BBC's broader online coverage.

A number of issues were analyzed in vivid online commentary among Indian readers and viewers, including who the terrorists were and why they attacked; how to assess Indian counterterrorism strategies and possibilities; and who is to blame for the colossal failure in public security arrangements, whether it is the government, the state police, the national security forces, or the intelligence agencies. A growing number of conspiracy theorists are using stories in the form of captions or messages, photography or imagery or textual writing to brainstorm and make certain realities about the Mumbai attacks. Fiction and the news media generate facts, and these popular expressions confirm them. "True stories" are popular because of fiction's truth-making role. Indian filmmakers have certified several titles about the Mumbai attacks since November 2008, including *Total Ten*, which went into production during the summer of 2009. According to the makers of *Total Ten*, the movie tells the "true story" of Ajmal Amir Kasab's execution. *Total Ten* has, however, faced legal challenges from Kasab's lawyer, Abbas Kazuo, who argues that "any deception of the tracks would jeopardize the legal proceedings" (Kolås, 2010, p. 91). In response to the lawyer's claim that the movie was discriminatory to the trial, *Total Ten's* producer, Sugath Kumar, defended: "We are only showing what was shown to the world by TV channels live" (Kolås, 2010, p. 91). Two sides of this argument raise critical questions about how Ajmal Kasab can be allowed a fair trial when his sentence has already been predetermined, both in the promotion of *Total Ten*, as well as in the public hanging ceremonies mentioned previously. While all ten tapes have been typed and translated into English, the 7 hours of recordings of phone conversations between the gunmen and their operators have never been broadcast as a whole. In spite of this, the complete recordings and transcripts were provided to *Headlines Today* and the makers of the documentary *Terror in Mumbai*. When comparing *Terror in*

Mumbai, an analytical documentary generally for non-Indian audiences, with *Terror Tapes*, an Indian news production made for an Indian audience, it is clear that the design on the takes and the rendering of the Mumbai attacks were different. In contrast to the *Terror Tapes*, *Terror in Mumbai* offers a more intricate story with a vast range of voices. The documentary includes interviews with senior police officers, other witnesses, as well as two Muslim hostages who were spared. The movie also includes restricted footage of Kasab being interrogated by the police soon after he was captured (Kolås, 2010, p. 92). In addition, *Terror in Mumbai* examines the questionable characteristics of the news media's coverage of the attacks, where it is discussed how real-time television was a central source of information for the operators of the attacks in Pakistan while they were guiding their personnel over the phone. The attack was also designed to escalate media coverage, especially by broadcast media. By telling the untold story of the attacks through the voices of the victims and the gunmen, *Terror in Mumbai* undeniably attempts to give a thorough understanding of what occurred. A few excerpts of phone calls uncover the gunmen's fascination with computers with 30-inch screens and a luxury suite with "two kitchens, a bath, and a little shop" (Kolås, 2010, p. 92). Moreover, Kasab's interview provides awareness into how poverty and family needs led him to join LeT, and how he conclusively became a suicide fighter. In contrast to the humanity in *Terror in Mumbai*, the *Terror Tapes* depicted the ten attackers as senseless "robots" who mindlessly executed orders from their operators (Kolås, 2010, p. 92). Dan Reed, the producer of the documentary *Terror in Mumbai* for Channel 4's *Dispatches* programme, reflected on the transcripts, stating, "It dawned on me that the raid on Mumbai was a brilliantly devised piece of horrific terrorist show business" (Kolås, 2010, p. 86). Despite the deep confusion created by the Indian government's investigation, it was exempt from serious embarrassment due to the media's apparent involvement in keeping these crucial pieces of information hidden from the public. This insensitivity to a documentary that detailed how the Mumbai attacks unfolded did not seem clear. It is critical to continuously reflect and explore how the media shapes public perceptions and sensationalizes mainstream news coverage during the attacks in order to understand how they forge public opinion and publicize information.

DIAGNOSING THE ROOT CAUSES AND CONTRIBUTING FACTORS

A supplementary factor contributing to the demand for radical movements is the failure to integrate rival interests of different ethnic groups and the achievements of previous revolutionary movements in building new Indian states. Especially when there is no clear cooperative government structure between state and federal forces in counterinsurgency efforts, which becomes more problematic when protecting government trust over telephone

services rather than security concerns. In order to maintain security in the face of terrorism, it is essential to protect the privacy of its citizens at the same time. When states focus their intelligence appraisals mostly on other states, state terrorism becomes an issue. As neither the Indian nor the U.S. government policies are likely to significantly reduce the threat in the short to medium term, neither has strategic-level effects without a serious risk of a military response by Pakistan. (Rabasa, Blackwill, Chalk, Cragin, Fair, Jackson, Jenkins, Jones, Shestak, Tellis, p. 21). A key goal of terrorism is regional radicalization, and it will continue to pose a significant political and social challenge for India. However, what sets the Mumbai attacks apart are the factors that influenced the extent to which they occurred. Indian intelligence officials were warned in the past both by their own sources and by the United States that major attacks were possible, but the lack of precision and ambiguity about the threat prevented specific responses from occurring (Rabasa, Blackwill, Chalk, Cragin, Fair, Jackson, Jenkins, Jones, Shestak, Tellis, p. 9). Furthermore, little coordination between the central security agencies, the Research and Analysis Wing (RAW), and the Intelligence Bureau (IB) led to rapid circulation of private intelligence for litigious purposes. Online detailed maps of countries, such as those available from Google Earth, have been highlighted as a security threat that can be exploited by terrorists (Reich, 2012, p. 383). As tools like Google Earth are constructed using information already available from commercial and public sources, this statement is not far from the truth. Any individual who purchases imagery from those public sources has access to the same information, and there is evidence that demonstrates how Google Earth was used in coordination and planning before the Mumbai attacks: in 2007, Google Earth images of British military bases were found in the houses of Iraqi revolutionaries (Reich, 2012, p. 384). Following the attacks, three global positioning systems and one satellite phone recovered data showing routes and maps, including one off the coast of Pakistan to Mumbai (Reich, 2012, p. 392). The Indian police are outgunned by the LeT, are ill-trained, lack the skills for collecting, storing, and analyzing evidence in accordance with international standards, and have difficulty transferring intelligence between their central intelligence agencies and state-level correspondents. As a result, many Indian police lacked walkie-talkies or mobile phones for communication with each other, and it was evident that the gunmen's communication skills were many years ahead of India's police force (Reich, 2012, p. 396). Bulletproof vests were unable to defend against AK-47 or AK-56 rounds (two batches failed tests in 2001 and 2004, one of which allowed bullets to pass through police vests) (Rabasa, Blackwill, Chalk, Cragin, Fair, Jackson, Jenkins, Jones, Shestak, Tellis, p. 10). In many cases, officers had only been provided with 5-mm-thick plastic protectors, which were adequate for riot control but not for confronting terrorists. India, a country with a large supply of world-class computer

programmers, has particularly weak security forces in cyber security. Because of how poorly officials handled communications, it is not surprising that a public interest lawsuit was filed against the government, claiming it failed to fulfill its constitutional responsibilities to protect and defend the country's community (Rabasa, Blackwill, Chalk, Cragin, Fair, Jackson, Jenkins, Jones, Shestak, Tellis, p. 11). 26/11 may be attributed to response timing problems, especially by the National Security Guard (NSG), which is noteworthy given it is authorized to serve as the nation's lead quick response team. In case of an emergency, the NSG cannot rely on immediate access to Indian Air Force aircraft because it is headquartered south of Delhi, with no bases elsewhere in the country. According to data, a quick-responding team should be on the scene of a terrorist attack within 30-60 minutes of the event's beginning, but in Mumbai it took nearly 10 hours (Rabasa, Blackwill, Chalk, Cragin, Fair, Jackson, Jenkins, Jones, Shestak, Tellis, p. 10). Once the attacks began, the failure or elimination of one team would not have put the other teams out of action since the attackers had formed separate teams to reduce practical uncertainties. LeT attacks on Indian forces had previously displayed this pattern of operation, such as the 2000 Red Fort attack and the 2006 Mumbai subway attack. A diagnosis of such gaps revealed concrete factors related to the areas of responsibility, communication lines, information sharing, and interoperability within the Indian Navy, Coast Guard, and Coastal Police, not just the corporate layers exposed by the attacks.

While on the subject of analyzing the factors and diagnostics of the 2008 Mumbai attacks, I find it important also to include an analysis of LeT itself. In the aftermath of the Mumbai attacks, a serious increase in warfare between India and Pakistan was observed. Because America and its allies were seen as an allegorical common enemy by LeT and other global Islamist organizations, the organization developed interdependence with Al Qaeda and Taliban in general (Zaidi, 2009, p. 1). Whether or not the growth was sponsored, it was approved by the Pakistani state, which in theory is a big factor in LeT's existence. Throughout LeT's history, all militant groups had at some point been part of the Pakistani army establishment's policy of using them as intermediaries to fill the quantity gap between India and Pakistan. However, Pakistan's support for the American-led war on terror has shifted the official attitude towards these groups (even though clandestine support continues unabated) (Zaidi, 2009, p.2). LeT's beliefs were heavily influenced by propaganda advertising, and former University Professor, Hafiz Saeed was convinced that "killing infidels and destroying the forces of evil and disbelief is the obligation of every pious Muslim" (Zaidi, 2009, p. 3). *Why Are We Waging Jihad* is an emblematic example of how LeT's ideological struggle was affected by the new jihadist intellectualism. With careful and concise writing, the publication covers its jihadist ideals in cerebral terms, and the new-age

propaganda appeals to reason rather than merely to the public's sense of punishment (Zaidi, 2009, p. 10). This type of publication shows a high mental superiority of neo-jihadist scholarly research, polemicist theories, and academic language within LeT. There is the potential to create cognitive discord in an immature mind by its argumentative, almost bookish tone, and its allegedly well-researched jihadist lectures presented in a melancholy, non-didactic language (Zaidi, 2009, p. 10). Because LeT is a patient organization, it holds power in that any attempt to demilitarize and disarm it without Pakistani support is doomed to fail, and this is credited to jihad's fundamental nature with its religious propagandism and prayers, physical training, and weapons drills. Strategies of criminal warfare, survival skills, and rebellion against the use of hand grenades all played a role in LeT's success. The key diagnosis of this organization is simple: they humiliated all levels of the Indian Government, demonstrated that the police and the military could not maintain control, and were able to conduct an operation that was "the equivalent of attacking the Empire State Building, the Statue of Liberty, and Grand Central Station all at once" (Washington, 2013, p. 39). It is evident from this diagnosis that Pakistan sees India as a real or imagined threat to its very existence.

IMPACT OF THE MUMBAI ATTACKS THROUGH MULTIPLE LEVELS

A macro-level analysis focuses on the extensive intrinsic factors that led to (or motivated) the attacks. A study of the response and security measures, along with an examination of strengthening intelligence at the national and international levels, shows how the attacks led to increased inquiries regarding Pakistan's role in combating terrorism, affecting global alliances and counterterrorism efforts. While simultaneously ministering international collaborations in cybercrime investigations, the IT Act (2008) Amendments strengthen cybersecurity, protect reactive data, and administer electronic communications. A macro-level view of the IT Act (2008) Amendments shows a broader approach to addressing security challenges in the digital age. It was announced on June 26, 2009, that India would have the largest electronic program in the world by 2011 with 600 million exemplary identification numbers over the next four years. This will make India the first country to develop an ID system based on biometric data, which is expected to "record every participant's name, address, date of birth, gender, parents' or spouses names, and all 10 fingerprints and both iris scans" (Reich, 2012, p. 382, p. 399). A reworking of the Unlawful Activities (Prevention) Act 1967 (UAPA) defines terrorism as adhering to the recommendations of the special rapporteur of the United Nations on human rights and basic freedoms while countering terrorism, particularly covering acts committed to cause death or serious injury, and complying with international protocols (Human Rights Watch, 2010, p. 3).

Essentially, UAPA served to force Pakistan to deal with terrorists operating on its own soil, while also raising concerns about due process, fair trials, and the sufficiency of legal safeguards for suspects accused of crimes. While counter-terrorism partnerships with India have leveled off since a spike after Mumbai, renewed collaboration serves both U.S. and Indian interests. Additionally, in the last seven years, the United States, India, and the United Kingdom have all accelerated counter-terrorism efforts in Bangladesh, which has led to a decline in LeT populations (Washington, 2013, p. 37). In India, geopolitical tensions, specifically with regards to India-Pakistan Relations, seem to impose a view where it is regarded as a delusion to consider Al-Qaeda as not posing a direct threat to the country. Since both India and Pakistan possess nuclear arsenals, India equates an attack by LeT with an attack by the state.

In order to understand LeT in its operational dynamics, a meso-level analysis of analogy and dependency within the context of the attacks is possible through a concept known as the "Network Theory." In 1980, thousands of volunteers (primarily students from religious institutions) joined the anti-Soviet resistance in Afghanistan, forming Pakistani Jihadist groups (Zaidi, 2009, p. 1). The members of LeT were isolated from each other during most of their training for the Mumbai operation in six private military training camps in Pakistan. Getting involved in LeT was relatively straightforward on a meso level: any jihadist applicant could register for training at one of the hundreds of LeT centers across the country that were openly operating, where volunteers (most of whom were teenagers) were then taken to various training camps for military training. As part of the first level, applicants received three weeks of basic weapons training under a course called the *Dora A'amah* that included studying the Ahle Hadees philosophies (Zaidia, 2009, p. 6). Those who were fully committed to jihad, and were considered good practicing Muslims, could participate in the second stage of training in the *Dora Khasa*, a three-month course in which advanced weapons training was coupled with propaganda on Ahle Hadees (Zaidia, 2009, p. 6). The idea of individualism was suppressed, starting with the sharing of food and drinks with one another, growing a mandatory beard, wearing *shalwars* (loose trousers) that had to be augmented above the ankles, advising the rules that neither listening to music nor watching movies were allowed because they would "spread the Hindu culture of singing and dancing" (Zaidi, 2009, p. 7). In brainwashing, the environment and psychology are used to modify an individual's beliefs, attitudes, and behaviors. A meso-level methodology that focuses on groups rather than individuals or society at large and trains people from Western countries, including Americans, has a long history in the context of LeT. The "learn-by-doing" process involved in this provocation encouraged the focus on urbane attacks (such as suicide attacks) rather than less-polished/more impactful attacks. It is likely that LeT's strategy to circumvent the United States has more to do with

its strategic calculations than with its ideological opinions. While LeT is prepared to attack the United States conceptually, it does not want its position in Pakistan to be threatened, and therefore remains docile with Pakistan's Inter-Services Intelligence (ISI) (Washington, 2013, p. 26). In the event that LeT believed it could overcome retaliation, or if it could withstand the costs that would be outweighed by the benefits, they might conduct an attack against the United States. As ISI trains and prepares LeT for terrorist attacks, it is powerfully governing LeT via its sanctuary and funding. As part of its authority, ISI corroborates individuals and organizations in taking positions in support of the government of Pakistan, and threatens US citizens by granting them visas to Pakistan through intruding domains (Washington, 2013, p. 22).

Taking a micro-level look at the Mumbai attacks prompts review of specific elements such as the attack site. Before the attacks, an exploration team from LeT was sent to Mumbai, and they praised that they had a boat ride across the bay from the airport, which gave them an unparalleled view of the city, and revealed just how unfortified Mumbai's coastline was to a maritime approach (Dew, 2012, p. 23). At the micro level, LeT treated the sea environment as a communication channel rather than bidding to incorporate sea control, and although LeT had not used the maritime environment for its attacks, the group had used the ocean for moving people, supplies, and weapons across the Indian Ocean for years (Dew, 2012, p. 24). A hand-drawn map of all the key locations within the terror plot was crafted by Fahim Ansari and Sabahuddin Sheikh for the ten gunmen. In terms of the Mumbai attack itself, it was consecutive and highly portable. Armed assaults, carjackings, drive-by shootings, prefabricated IEDs, targeted killings (of policemen and foreigners), building takeovers, and hostage situations were all carried out simultaneously by multiple teams. Even though the methods used for 26/11 were a break from suicide bombings linked to jihadist groups, armed assaults have abundant standards in the history of terrorism, which can be etched back to the 1972 Lod Airport attack, in which three members of the Japanese Red Army opened fire on arriving passengers and threw hand grenades (Rabasa, Blackwill, Chalk, Cragin, Fair, Jackson, Jenkins, Jones, Shestak, Tellis, p. 5). The 1972 Lod Airport attack was unique because it involved a complex, hybrid set of tactics. During the 2008 Mumbai attacks, the terrorists created disorientation and the impression of a larger number of attackers. Furthermore, the authorities were unable to advance a comprehensive evaluation of the situation due to multiple attacks at different locations. In media reports, the actual size of the attacking force and the small size of the attack teams (2-4 men) were frequently exaggerated, limiting their effectiveness.

THE MULTI-LAYERED RAMIFICATIONS AND EXTENSIVE IMPACTS

In terms of their ramifications, the Mumbai attacks pose a clear threat to all three values that make up India's foundation: vulnerability, diversity, and patience. Intelligence services are distinguished by judgment and privacy, so to be different would be to oppose their profile and objective. In territory, there is colossal jurisdiction, as the government becomes the eyes and ears of the highest administrative regime, whose actions are based on advice, implementing force without consequence. After 26/11, India suffered a deterioration in investment with their foreign investors as some alleged that a lack of tactical alignment in Indian defense planning would make it difficult for India to productively utilize its resources, limiting India's rise as a global military power. According to some nations, "Indian strategies recognize that India's desire to emerge as a major global player will remain just that, a desire, unless it engages its immediate neighborhoods [Pakistan, Afghanistan, Bangladesh, Nepal, Sri Lanka, and Myanmar] more meaningfully and becomes a net provider of regional security" (Pant, 2010, p. 127). Chinese rise in the region and beyond is one of the main provocations in Indian strategic funding. India and China both have universal ambitions, but some fundamentally opposing interests. In order for India to rise as a major global power, it must confront the threat of China's rise, since India spends only about 2% of its gross domestic product (GDP) on defense while China spends 4.3% (Pant, 2010, p. 127). As a result of this data, I propose the ramifications of India's lower defense costs on its capacity to properly stock and train its intelligence rallies, surveillance, and crisis management organizations. The outcome of the Mumbai attacks might have been different if India invested more heavily in defense before 2008, allowing a more rapid and effective response if military presence and security forces were stronger. With Russia being India's main supplier of defense products, the India-Russia defense partnership encompasses collaborative research, design, development, and co-production. The Indo-Russian joint defense partnership, however, has come under tension in recent years as India adjusts to the dynamic nature of present-day warfare and evolves its defense priorities to investing in smart weaponry, which Russia is poorly equipped to administer (Pant, 2010, p. 129). In the absence of smart weapons, India's defense arrangement may have been prone to technology holes, making it harder to discover, track, and neutralize terrorists. Following the attacks, India purchased a spy satellite from Israel to increase its surveillance capabilities. With this satellite, India was able to monitor events around its perimeter as well as track incoming militant ballistic missiles. Despite accepting the growing ties between Israel and India, the United States has a substantial veto over Israeli defense exports (Pant, 2010, p. 131-132). Recently, the United States has regularly approved Israeli high-tech military exports to India, but it still hesitates to ratify systems involving American

technology or financial data. The Kargil conflict of 1999 revealed Indian vulnerabilities as Pakistan observed that India does not have the ability to enforce quick and effective punishments, which was further financed by India's defense expenses. India's inefficiency to spend due to complex administrative systems involved in the obtaining process has resulted in large portions of the money being displaced by the defense forces every year (Pant, 2010, p. 138).

Political ramifications after 26/11 centered around imposing more executions as a bulwark against terrorism, naturally focusing on the execution of religious minorities as a priority. The eminence of evidence did not have to be recorded to prove guilt: it was only necessary that the eminence of evidence argued for guilt, and Kasab's guilt was seen as such a doctrinal certainty that the Shiv Sena, a political party that believes its order should rule Mumbai, supervised several intersections to prevent him from having a competent legal defense. In response, the BJP promised to set up special courts for "speedy prosecution of those involved with acts of terrorism" ensuring that "their trial shall be fair and justice will be done to the victims swiftly" (Kolås, 2010, p. 90/Muralidharan, 2013, p. 182, p. 187). Furthermore, the National Investigation Agency Act, 2008, (NIAA) bill empowered special courts to "close hearings to the public without defining or limiting the grounds under which they may do so" (Kolås, 2010, p. 93). India appeased the citation to interfaced justice in international relations, and their insistence on the necessity of punishing by all means, legal or illegal, had secured exoneration at the final source of international validity.

The purpose of terrorism is to create public fear and uncertainty, which can spread rapidly, affecting family members of victims and survivors, and people who are exposed to images through the media. Identifying the psychological ramifications of terrorism is crucial for elevating negotiation strategies at the pre-event, event, and post-event phases. An experience of a traumatic event does not necessarily result in serious psychological difficulties, since there are a variety of effects associated with it, ranging from distress ramifications like low-grade anxiety to behavioral changes (e.g., moderate difficulty sleeping) to name a few. As outlined in 26/11, terrorist attacks can result in severe injury, death, and destruction, so there will often be a targeted population that is traumatized. It has also been suggested that terrorist attacks and the threat of terrorism may also unfold more psychologically than other types of traumatic events because of a lack of control. People are more likely to perceive an action or event as not dangerous if they feel they have control over it. The lack of control by the police department and the government in Mumbai, however, damaged perceptions of national security and community, corrupted mental states and congruity; and exposed racial, ethnic, economic, and religious cracks within society, which have been evidenced by the increase in hate crimes in both India and Pakistan. An individual with post-traumatic

stress disorder (PTSD) develops a spectrum of symptoms categorized into four sets: (1) intrusive memories, (2) avoidance, (3) negative mood and thinking changes, and (4) provocation. It is important to analyze the psychological components of PTSD in order to understand it. Traumatic events cause the brain to encode, store, and retrieve memories differently, leading to detailed remembrances and emotional distress. Through the brain's fear response system, fear conditioning consorts unprejudiced stimuli with trauma, overriding elevated agitation and avoidance behaviors. People may develop contradictory beliefs about themselves, others, and the world, affecting their comprehension and reaction to future events.

PUBLIC PERCEPTIONS AND INFLUENCES FOLLOWING THE MUMBAI ATTACKS

The elimination of terrorism can only be accomplished by a continuous global proposal that incorporates the active participation and collaboration of all States, international and regional organizations, as well as strengthened efforts at the national level in accordance with the UN Charter and international law. Under UN Security Council resolution 1456, “there is a serious and growing danger of terrorist access to and use of nuclear, chemical, biological, and other potentially dangerous materials, and therefore a need to strengthen controls on these materials” (Security Council, 2003, p. 2). After the 2008 Mumbai attacks, the UN Security Council sanctioned resolution 1456 to freeze an arms embargo on LeT, limiting its ability to acquire weapons, funding and support, and weakening its operational capabilities. Moreover, resolution 1456 called for increased information sharing and cooperation among states to combat terrorism, influencing the application of resolution 1373 (2001) and the Counter-Terrorism Committee (CTC) to expand targets and arrangements for global actions to fight terrorism (Security Council, 2003, p. 3). Upon analyzing the impact resolution 1373 had post-Mumbai, it can be concluded that India grasped onto the legal framework and criminalized terrorist financing, while also investing in strengthening its counterterrorism infrastructure, leading to more coordinated and effective responses to terrorist threats. According to Chapter VII of the UN Charter, resolution 1390 is a legally binding document that requires all UN member states to abide by its provisions. The resolution calls for a broad range of actions to combat terrorism, and specifically for India to disengage Pakistan internationally, putting pressure on Pakistan to take action against terrorist groups operating there. Considering the 2008 Mumbai attacks through the lens of the UN Security Council, it is imperative to include resolution 1455, which openly condemned the attacks as acts of terrorism. With the help of the United Nations, the Indian government was able to take action against LeT and key leaders. China's vote is politically necessary, even if it may have little impact

on LeT's ability to act, since China is Pakistan's most reliable partner, so its vote may have some impact in Islamabad (Rabasa, Blackwill, Chalk, Cragin, Fair, Jackson, Jenkins, Jones, Shestak, Tellis, p. 18-19).

Influence from the public in political debates may increase intelligence sharing and public preparedness through strategic adjustments and behavioral changes. Research in Motion (RIM), the company that produces Blackberry, has been debating how to provide Indian government agencies involved in security issues with real-time access to encoded data in a coherent manner. Public opinion may change the perception of what the government is trying to accomplish. If RIM fails to comply, the government threatens to shut down the initiative, which would cause the company to lose market share in one of the fastest-growing industries in the world (Reich, 2012, p. 397). India isolating the Blackberry will be barren for New Delhi's aspirations to secure modern technology, even though RIM claims that it cannot untangle the emails at any other stage, and it does not have a "pass" to govern every system in its network. It is predicted that if the government shuts down the system, about one million Indian users would be affected out of 41 million worldwide (Reich, 2012, p. 397). According to the Bharatiya Janata Party (BJP), a "massive exercise" will take place to modernize intelligence agencies, and a "Digital Security Agency" will be formed to deal with cyber warfare, cyber counterterrorism, and cyber security of national digital properties. Despite its scandalous history of capitalizing on public resentment, the BJP strategically manipulated its advocacy for reforms in intelligence agencies in order to gain political gains, claiming to offer state governments "all assistance to modernize their respective police forces and equip them with the latest weaponry and communications technology" so that the police as "first responders to any crisis situation" would be trained and "fully equipped to deal with situations similar to that of Mumbai" (Kolås, 2010, p. 89). It is important to remember that in the context of "mass murder", BJP's push for access to encrypted data, despite mounting it as part of national security, was an acknowledgment of the anticipated threat of future terrorist activities, imitating its underlying goal of preventing mass violence.

THE EVOLVING LEGAL LANDSCAPE IN RESPONSES TO TERROR THREATS

The Mumbai attacks influenced counter-terrorism policies not only in India but also globally, from a legal standpoint. Mass murder and legal policies related to the attacks are related by their nature, the legal defenses they raised, and the upcoming changes in counter-terrorism strategy. Two new anti-terrorism laws were proposed to the parliament by the Indian government on December 15, 2008, three weeks after the Mumbai attacks. After one day of debate, the parliament passed the National Investigation Agency Act (NIAA)

after amending the Unlawful Activities (Prevention) Act 1967 (UAPA). Among the key details of India's new counterterrorism laws are those which seek to expand the indistinct and disproportionate definition of terrorism in Indian law to include all forms of non-violent political activity, including minority and civil society protests, commission the creation of special courts at both the state and federal levels, and strengthen the government's power to impose sanctions on organizations based on limited evidence and with limited judicial review. As stated in Resolution 1456 of the United Nations Security Council, "States must ensure that any measure taken to combat terrorism must comply with all their obligations under international law..in particular international human rights, refugee and humanitarian law" (Human Rights Watch, 2010, p. 1). By increasing the number of crimes associated with terrorist organizations, the amendments extended those powers. In accordance with the 2008 UAPA amendments, "...any officer of a Designated Authority to search any person or property, and seize any property or arrest any person, where they have reason to believe from personal knowledge or information given by any person and taken in writing...or from any document that an offense has been committed under the UAPA" (Human Rights Watch, 2010, p. 11). As a customary rule, the Code of Criminal Procedure stresses that an arrest can be made only if reasonable suspicion under reasonable grounds exists, but UAPA opposes such actions on the basis of the very low standards of "reason to believe" and "personal knowledge" without distinction (Human Rights Watch, 2010, p. 11). The assumption of innocence is rudimentary to the security of human rights as it instructs the prosecution (state) the burden of proving the charge beyond a reasonable doubt. However, the Supreme Court of India has upheld the constitutional right to a fair trial despite the Indian Constitution not explicitly guaranteeing the presumption of innocence.

A new government in India annulled a law against terrorism because it "felt that the law had been grossly misused, especially against Muslims" even if the laws were vital to preventing attacks (Reich, 2012, p. 386). On a criminal justice basis, the negated laws were alleged to have "broadened the scope of the death penalty and gave prosecuting lawyers more scope to detain and interrogate suspects" creating a system based on infringement of basic rights (Reich, 2012, p. 386). In the Indian constitution, a notion of draconian control has been imposed on individuals, threatening their freedoms and fundamental rights. In this belief, the accused must prove their innocence instead of the prosecution of their guilt. Because India's security forces have been absorbed with authoritative Counter-Insurgency administrations since the 1960s, this type of indecision in democracy resulted in various operations that attempted to minimize or eliminate terrorism within its borders. After 2008, the increased focus on preventative actions has changed, focusing on disputing radicalism, improving public involvement, and addressing socio-economic conflicts that

might lead to extremism. Instead of focusing on the primary causes of terrorism, the focus became on the response after the attacks had occurred.

CONCLUSION

In this paper, I examined how the Mumbai attacks in 2008 introduced a new perspective on terrorism by defining it as "mass murder." Through legal policies, media coverage, ramifications, environmental impact, and justice seekers, I examine how these attacks have altered criminal intent and created a catalyst for rebuilding diplomatic relations and partnerships between nations, resulting in renewed efforts to combat terrorism internationally. Learning from this horrific incident continues to influence strategies aimed at preventing such atrocities in the future and fostering a more secure and just society.

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♦ INTERDISCIPLINARY STUDIES PROGRAM 100

EASTERN STATE PENITENTIARY

TATIANA DOMETIZA

EASTERN STATE PENITENTIARY carries a long and complex history with its name, and its legacy is a complicated one. On one hand, it was extremely influential, being the model on which many prisons in America and around the world based their prisons on. Its “separate system” or the “Pennsylvania system” was an intriguing structure for prison life, and inspired many other prisons to adopt this way of handling and treating inmates. On the other hand, its well-meaning intentions gradually devolved into unjust, inhumane ways of treating these human beings who just happened to be incarcerated. The Pennsylvania system slowly but surely became a way not to rehabilitate and “cure” inmates, as the Quakers who developed this idea had wanted it to be initially, but to punish them, humiliate them, and alienate them from the rest of society. On my trip to Eastern State, I was able to see for myself the conditions that inmates had to live in and endure during their incarceration.

The Assignment and the Writer: ISP's First Year Seminar is all about justice. We read about justice, think about justice, try to define it and understand it as an ever-moving social target, subject to different barriers and conditions. As part of this process we take all our freshmen students on a field trip to Eastern State Penitentiary in Philadelphia, where we ask them to think about the relationship between incarceration and justice. The trip is often eye-opening for students and Tatiana captured this wonderfully. Her essay is a great example of the power of experiential learning, how reading about a place and then being there, exploring and reflecting on it, provide a path to real intellectual insight.

—Professor Richard Haw and Professor Silvinia Calderaro



The first thing you notice when you enter Eastern State are the tall stone walls, and the giant watch-towers looming over you. I suppose these structures are built to ensure that no inmate escapes, and to instill fear into a person, whether they are an inmate or not. We first entered one of the long passages of solitary confinement cells that radiate from the central structure. Charles Dickens, in his book American Notes, describes his experience in the interior of the prison in a chapter about Philadelphia: “Standing at the central point, and looking down these dreary passages, the dull repose and quite that prevails, is awful.” When I

stood in one of those passages, I felt the same dread, especially as our tour guide described the quiet we experienced as being the same quiet the inmates would have to maintain when the prison was in use. Inmates were not permitted to interact with each other, much less with any of the prison guards or any person from the outside, otherwise they would be punished—this is why the passages were so spacious and had good acoustics, so the guards could easily hear if any inmates were trying to communicate. They were kept isolated, hence why the Pennsylvania system is also called the separate system. This aspect of the prison is related to the justice keyword *powerlessness*, as well as *marginalization*, which Iris Young defines as the “exposure to disrespectful treatment because of the lowered status” and “relegating or confining a group of people to a lower social standing or outer limit or edge of society,” respectively. These two keywords are central to the way the prison functioned and kept control of the inmates. They both are intertwined with each other regarding the way the prison was structured, physically and operationally.



The specific passage our tour guide guided us through was full of solitary confinement cells, which spanned two floors. When asked what we noticed about the cells, I had said the doors looked very small, as did the rooms. She said that the rooms were indeed small, but the openings were not for doors—solitary confinement cells did not have doors, rather, “doorways” that were boarded up and only had a small slit for food to enter and exit. Additionally, our group noted that within the small cells, the inmates had limited space to do much of anything, and they were subject to only a small



amount of sunlight. The structure of the cells contributes to the idea of *powerlessness* and *marginalization* that the inmates had to experience. They were powerless in the sense that they were forced to obey the prison guards and their rules, otherwise they would have to endure punishments like the iron gag, which was the cause of death for some who were subjected to that punishment. They had all of their power and freedom stripped from them; they were not allowed to communicate with other humans, they were restricted to their cells for the majority of the day, and they had no way of speaking up for themselves or

speaking out about the injustices that they faced in prison. This treatment also contributes to the idea of *marginalization*. As David Rothman describes in a chapter titled “The Invention of the Penitentiary” of his book The Discovery of the Asylum, “Inmates remained in solitary cells for eating, sleeping, and working, and entered private yards for exercise; they saw and spoke with only carefully selected visitors...” He also stated later in the chapter, “The prison at Philadelphia prohibited any relative or friend from visiting the inmate and allowed only a handful of carefully screened persons...to see the convict in his cell. It



banned all exchanges of correspondence and excluded newspapers to insure convicts’ ignorance of external affairs.” This is an extreme case of *marginalization*. Inmates were not allowed to see loved ones, or receive correspondence from them, or even hear about events from the outside world, leaving them completely isolated in their cells. They were marginalized, excluded from normal society based on their status as criminals, and they were

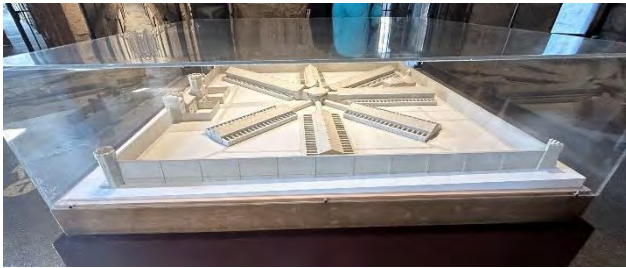
constantly dehumanized. They were not seen as humans, or people deserving of any rights, simply because they were in prison.

Marginalization was even worse for non-white, non-Christian, non-male inmates. Women, people of color, and people who practiced different religions were still subject to the injustices white male inmates faced, but their stay at Eastern State was objectively worse due to the different aspects of their identities. For instance, white prisoners at Eastern State were given more opportunities to learn valuable skills that they could use in the real world upon release, while Black prisoners were often only relegated to work in the kitchen or laundry room. Black prisoners and other people of color were also still subject to segregation in the prison, and Eastern State would only become desegregated during the early 1960s. Women were also incarcerated at Eastern State, although the female population was much smaller than the male population. Still, women were discriminated against, especially regarding medical needs. For instance, abortions were illegal, and women could not safely get abortions inside or outside the prison, so many died from self-inflicted abortions or unprofessional abortions. *Intersectionality*, another justice keyword, was also a part of some prisoners' lives, like an 11-year-old Black girl who was incarcerated for accidentally setting fire to someone's house, and eventually died from tuberculosis in prison. There was also a young Black boy Dickens spoke with in his book, and when he asked the boy, "Is there no refuge for young criminals in Philadelphia, then?" the boy responded, "Yes, but only for white children." If the justice system had little regard for the safety and wellbeing of its white, male, and Christian inmates, it certainly had much less regard for the inmates who did not identify as such.

There were many negative things about Eastern State and the way the prison operated. I saw the inhumane living spaces, read about the cruel treatment against prisoners, heard about the ways prisoners were punished and treated unjustly. However, one negative aspect of the way the prison operated could also be seen as a positive aspect, and a benefit to the prisoners upon their release. The silence and lack of communication that the prisoners had to endure may have benefited them in the future. Dickens describes the process of maintaining anonymity in the prison: "Over the head and face of every prisoner who comes into this melancholy house, a black hood is drawn... His name, and crime, and term of suffering, are unknown, even to the officer who delivers him his daily food." Undoubtedly, this is a dehumanizing practice, and it strips any dignity from the person who must experience this. The prisoner is reduced to a number and their identity is taken away from them, but this may benefit them in the long run, after they have served their time in prison. Our tour guide also mentioned this practice of putting a black hood—sometimes with eye holes, sometimes without—over an inmate's head when they are first taken into the prison, or when they must walk to different areas around Eastern State.

She did say that this practice was not ideal, but it could serve a beneficial purpose for the inmates. With the face obscured and the voice unheard, the anonymity of the prisoner was ensured, from both the guards and their fellow inmates. This made it so that when the inmate was released from prison and reentered the real world, they were free from conviction and could not be further alienated or discriminated against based on their criminal history. In terms of justice and justice keywords, this was an opportunity for a less unjust society to prevail, and for *equity* to be utilized in society. In other words, everyone in society is given whatever support is needed so all people are on a level playing field; without the knowledge of someone's criminal history, there are no preconceived notions or judgements thrust upon them, and they are able to get a job, be accepted into social spaces, and live a life separate from the life they lived in prison. They are given a better chance of returning to some sense of normalcy, instead of becoming reoffenders and winding up in another cell.

My visit to Eastern State Penitentiary was eye-opening and enlightening. Reading and hearing about the history of prisons such as this one was captivating enough, but actually seeing the prison in person and sort of being able to step into the shoes of inmates from not-so long ago (the prison only closed in the 1970s) was very informing and allowed me to picture how the



justice system worked for, but mostly against, those who were incarcerated. It was truly eye-opening to see how those in power, in the justice system and as prison guards, enforced oppression through

powerlessness and *marginalization*, and seeing the conditions that prisoners lived in and had to experience made it abundantly clear that the justice system was, and still very much is, flawed, and there is much more work to be done to remedy these injustices.

♦ ART 233

THE FUNCTION OF PHOTOGRAPHY IN COMMUNIST ALBANIA

CHRYSANTHI MECHILI

PHOTOGRAPHY FLOURISHED IN ALBANIA during the first half of the 20th century. After the second world war, when the communist party came to power, photography changed. Amateur photographers still existed, as Albanian students returned from their studies in the Soviet Union with cameras (de Rapper, 2011), but family photography was not something that was created within the family, which was dependent on the state and photographers that in the late 1940s began to register with state institutions (de Rapper, 2011). The Albanian Telegraphic Agency (*Agjencia telegrafike shqiptare, ATSH*) became the main photographic institution after the second world war and was responsible of recording “the country’s political, cultural, and sporting events and for reporting changes in the economy, education, and lifestyle” (de Rapper, 2021).

The Assignment and the Writer: In this class, students explore photography from its origins in 1839 to the present day. The assignment is an open-ended research project asking students to consider the question “In what ways could a photograph influence justice today?” Prompts ask students to complete research into a photograph and express themselves through academic and creative writing styles. Ms. Mechili presented a distinctive, comprehensive history of Albania from the 1970s and 1980s. She discovered that the two school portraits of her parents were not only family remembrances, but also the products of Communist state propaganda. Through clear, compelling writing, her analysis exemplified how one family’s history can have global resonances. — **Professor Alexandra Nicolaides**

The ATSH had a large photographic archive surrounding all areas and in the late 1980s that monopoly became even stronger. According to de Rapper (2021), this was “for reasons both financial and of ideological control.” Numerous photographic laboratories had shut down by that time and now everyone was required to have their film developed and printed at the ATSH laboratory which kept both prints and negatives of countless pictures (de Rapper, 2021).

Albania underwent several changes during the 20th century. From gaining independence from the Ottoman Empire after the Vlorë Proclamation, through the Balkan and World Wars, there was no shortage of instability during the first half of the century. After the second world war ended Enver Hoxha became the first Prime Minister of Albania after its liberation in 1944 and remained in power until his death in 1985 (Britannica, n.d).

During Hoxha's rule, Albania became a more industrialised country, but in order for him to be able to carry out his radical programme for the country Hoxha resorted to Stalinist tactics. According to the Encyclopaedia Britannica “his government imprisoned, executed, or exiled thousands of landowners, rural clan leaders, Muslim and Christian clerics, peasants who resisted collectivization, and disloyal party officials. Private property was confiscated by the state; all churches, mosques, and other religious institutions were closed; and all cultural and intellectual endeavours were put at the service of socialism and the state” (Britannica, n.d).

As a result of his policies, Albania also became the first officially atheist state in the world. Any public practice of any religion was strictly prohibited and anyone who practised their religion openly was sent to prison.

Hoxha, after aligning himself with first the Soviet Union in the late 1940s and then later on with China, broke off from both countries all together in the late 1970s and declared that Albania would “become a model socialist republic on its own” (Britannica, n.d).

In the 40 years that Enver Hoxha was in power, there was also a lot of propaganda going on. It focused on the idea that all countries outside Albania were the enemies, particularly countries that bordered it. Evidence of that remains today in the cold-war era bunkers, up to 750,000 of which were built to protect citizens from upcoming threats (Wired, 2019). Moreover, there were posters promoting communism everywhere. For the purposes of this paper I interviewed my parents, both of which were children during the last two decades of communism in Albania. According to them, the propaganda posters they saw were not too dissimilar to those of the Soviet Union at the time. They depicted men and women together harvesting the fields and picking oranges in the village.

Furthermore, in schools and universities there was a large photograph of Enver Hoxha in every classroom. This, alongside the propaganda posters, shows us the use of photography at the time, which was completely controlled by the state. There were no private studios or amateur photographers and everything was controlled by the party.

My parents recount the authoritarian views and practices of the party. For further context I would like to present some of their memories from that time. Firstly, anyone who even just talked openly about his dislike of the party was imprisoned. Religion was banned as I mentioned above. Going to the bakery and saying that the bread wasn't fresh was considered propaganda against the party and you'd be imprisoned. Everything was monitored. The books, songs, theatre plays, even ones for children, all had to be approved by the party and had to promote the superiority of communism. There was no contact with the outside world and no one knew what was going on outside of the borders. No one was allowed to have dreams about their future because when they finished university, they were appointed to a job chosen by the state. Dreams and ambitions were outlawed and everyone's future was already determined for them.

I asked my parents about what the world looked like to them and what the future looked like to them as children, before they even knew that immigration and the fall of the party were imminent, and they could not answer. It was because they couldn't create a future of their own and the lack of information about what was going on in other countries, that they couldn't dream of a life that was chosen solely by them. Every choice was made for them and Albania at the time was all they knew. They thought that children all over the world lived like this, that the whole world was like this.

Amateur photography, though, continued to exist up until the 1960s when popular magazine *Ylli* (The Star) held photographic competitions and the daily newspaper *Zëri i Popullit* (The People's voice) sometimes published a column dedicated to amateur photography (de Rapper, 2011). However, even amateur photography was meant to promote communism and the "construction of socialism," therefore attaching the propaganda label to it (de Rapper, 2011).

Beginning in 1966, a new law was passed making it illegal to develop film in one's own house, whether one was a professional photographer or not, and self-censorship became a prevalent issue amongst photographers (de Rapper, 2011). As with before, private ownership of cameras was forbidden and it was only in the capital, Tirana, where some higher-class individuals and families could afford to buy one. One of the reasons was the unavailability of both cameras and the materials needed to take photographs, such as film. After the second world war, travel outside of Albania was a luxury that only few had, and they sometimes brought cameras back with them from the Soviet Union. During that time, stores called *kinkaleri* provided the population with

photographic materials imported from the Soviet Union and later on China (de Rapper, 2011). As de Rapper (2011) reports “members of the ruling class and their children, who were allowed to travel to the West, were the only ones to use western-made cameras.”

The 1960s were a more relaxed time as far as photography is concerned, but in the 1970s the *kinkaleri* disappeared. One hypothesis is that due to the breaking of relations with China in the late 1970s, the stock of photographic materials was dwindling and according to the communist state private photography was “a luxury and a bourgeois practice” (de Rapper, 2011). Despite that, my parents’ photographs existed solely because they were taken by a photographer of the state. Private photography may have been considered a luxury but state photography continued to exist.

The two photographs that I chose are of my parents as children during their primary school years. My father went to primary school in the 70s and my mother in the 80s. They are both wearing their school uniforms, as photographs were taken once a year in school by a state appointed photographer and then were distributed to the children and their families. When I look at these two photographs, I see two children that thought their lives were normal and it makes me think of how lucky I was to be born in a country that wasn’t under such a regime. These two children were quite happy with their lives because they didn’t know how abnormal the political and societal situation was.



The condition of these photographs reveals their age. The edges are damaged, there are spots, and folds all over them. That would indicate that they were not in albums for a long time and were probably kept in a box or in a plastic bag, which wasn’t uncommon at the time since photo albums were

scarce (de Rapper, 2011). The two children are looking directly at the camera. My father is more serious, my mother is slightly smiling. Both are squinting at the sun. The background is primarily mountains and fields, which shows that these children grew up in villages and not urban centres.

Family albums from that time seem to have several similarities. Firstly, there are almost no photographs taken indoors, as photographers were not allowed to enter the private space (de Rapper, 2011). In contrast, we see pictures of young men and women during their military service, of people doing obligatory volunteer service working on “railway or road construction, in agriculture” or resting during their work (de Rapper, 2011). On the other hand, private family photographs were rare, due to the same reason mentioned above, and weddings were the only exception, but again it was a practice reserved for people living in the cities (de Rapper, 2011).

In all communist states during the 20th century photography was seen as a strong tool for the distribution of propaganda, and Albania was no different. The state organisation of photography was split in three ways: propaganda photography, scientific photography, and public photography. As far as the latter is concerned, it was conducted in public studios, mainly in cities, that were called “studio”, “department”, or “cooperative” (de Rapper, 2011). The main reason for this concentration of photography under the umbrella of the state was to prevent the creation of photographs that were considered to go against the regime, and that’s why in a photography studio the same person to take the photograph was not the same person to develop and print it and hand it to the customers. In the 1960s in fact photographers were paid according to the number of photographs they would take in a day, that was again to discourage any “art photography.” Thankfully, that law changed in the 1980s which gave photographers a little more freedom (de Rapper, 2011).

Furthermore, another way photography was used by the state was identity photographs. Every time a new identity document was introduced, photographers were assigned a certain number of villages and cities where they would travel to photograph the people. That way the entire population would be photographed (de Rapper, 2011). The first time this occurred was in 1948 for identity cards where photographers were recruited and sent out to villages around the country tasked with photographing everyone over the age of 16 (de Rapper, 2021). What is common in all these cases of photography can be summed up by a quote from de Rapper (2011) “family photography is clearly dependent on the photographs by the state and for the state.”

The main theme that we see in photography in Albania at the time is how it was used as propaganda and how family photography was no different. From the self-censorship of photographers, which was obligatory if they didn’t want to end up in prison, to the photographs that were on display on family

homes, every single one could be interpreted as propaganda due to political interference. People had to be careful of the pictures they displayed at home, since they had to be “politically correct.” What is interesting is that despite the fact that communism had deemed the country “classless” there is still evidence of a class system through photography. For instance, families living in cities had more pictures than rural families, and those who were members of the ruling class, locally or nationally, had more than anyone as well as sometimes having access to cameras (de Rapper, 2011).

Family photographs taken during that time are a testament to the communist state, and so are my parents' pictures. They are in black and white, which is bizarre considering colour photography already existed at the time. In fact, the only person who had access to colour photographs was Enver Hoxha. His colour picture adorned the wall above the dining room in every person's house, in order to be the first picture one saw when entering (de Rapper, 2011). This practice was not mandatory, but those who did not display this picture stood out, which could potentially be dangerous to them (de Rapper, 2011).

Even though colour photography was not available to anyone but Hoxha, some people got creative. There are accounts of people using colour pencils to make their pictures look more vibrant and some people would sew their photographs when they were ripped. As de Rapper (2011) notices, this is evidence of the personal relationship people had with these artefacts.

Family photography in communist Albania was subject to “political reading” (de Rapper, 2011). A great example of this is presented by de Rapper (2011) where he mentions the case of a family where the son worked as a chauffeur for Chinese experts and engineers visiting Albania. They took countless photographs with him and at the end of their trip they offered them to him. His mother destroyed any photograph where he appeared alongside the Chinese visitors and only kept ones that were considered “politically neutral” (de Rapper, 2011).

When discussing photography in communist Albania it is detrimental that we address the principle of “biography.” This term refers to one's family and usually their political views and standing. Having a “good biography” could mean that your family fought on the “right side of the war” (de Rapper, 2011), or that they stand with the communist party and the creation of an independent socialist society and country. On the other hand, people with “bad biography” were those who might have had family members that were imprisoned for propaganda against the party. The principle of “biography” gives family history and family photography a social and political meaning (de Rapper, 2011). In his article, de Rapper (2011) writes “the political criteria of biography is an instrument of control and repression, while family photography, as we have just seen, exists within or in opposition to the nationalisation of photography as a will to control the production of image.”

Family. Identity. Biography. Self-censorship. These are the main terms that keep coming up again and again while discussing photography during that time. Families cannot produce their own photographs within their homes, which causes the photographs that they do have, taken by state photographers, to lack a certain warmth and familiarity and relationship that family photographs usually have. Earlier I mentioned how photography was initially used by the party to determine people's identities and provide them with identity cards. Despite the convenience of this action for both the party and the people, when we take into consideration the previous state of Albanian politics and the communist party that followed, we could argue that it was a means of asserting control over the country. Biography: Is your family's "good" or "bad"? In other words, "did any member of your family take part in the war and promote the party or were there any relatives that expressed negative reviews against the party?" Both these terms can only exist within this political context and have no relevance otherwise. Lastly, self-censorship had become common practice amongst photographers because they feared imprisonment. This hindered the art of photography and self-expression as it forced the artists – in this case the photographers – to abide by certain rules that made art impossible to create.

Now, let's go back to these children again. My mum and dad. There is no sense of family in their portraits. No feeling of warmth. Identity is something that has been determined for them. Their biographies must have been "good" if they were to have their picture taken. A photographer of the time might have refrained from photographing them if their biographies had been "bad." Last but not least, self-censorship could have occurred here as well. As mentioned above, there were several restrictions regarding the taking of pictures which we see applied here. There is no art here because it wasn't allowed.

What is more, another idea that could tie into the principle of "biography" is "emulation photography." This type of photography occurred in workplaces, schools, and military barracks (de Rapper, 2022). Its function was to distinguish the best workers, students, and soldiers respectively. This practice was present until the late 1980s and these portraits were put on display in public spaces such as factories and schools (de Rapper, 2022). Lastly, some villages would display them in their main square at the "emulation corners" (*këndi i emulacionit*) as an example to the other residents (de Rapper, 2022).

Self-censorship is a term that comes up very often in the context of private photography in communist Albania. Camera owners had to give up their film to be developed by state-employed photographers since no one was allowed to develop film in their homes. There were suspicions that state photographers would report to the police and were surveilled by them, so private photographers were forced to limit themselves and the subject matter

of their practice (de Rapper, 2011). Another phenomenon that ties into self-censorship is the code of conduct for posing. De Rapper (2011) reports “codes were set on physical, moral, or aesthetics aspects: in the seventies it was unwise to photograph a man with long hair or wild pant; unmarried women should not wear make-up, shirts had to be strictly closed, unmarried couples should not touch nor kiss.” These rules also extended to anything that might be considered “art photography,” for instance blurry pictures and techniques such as chiaroscuro and solarisation were disallowed and were thought to be bourgeois (de Rapper, 2011). Communist propaganda is also present here, since studios kept wardrobes with formal clothes that poorer customers could wear when being photographed. The point of this practice was to show that poverty in Albania had been eliminated. This extended to outdoor photography where rural scenes and depictions of poverty were never in frame (de Rapper, 2011).

To conclude, even though family photography is meant to be, by definition, private, in the case of communist Albania it served as a means of propaganda due to all the restrictions that were placed on the use of photography at the time. This is true for my parents’ pictures as well. At first glance they are just two portraits of primary school children, but when we consider not only the political climate of the era, but also the restrictions placed upon the practice of photography, then we can understand their political function and how the state interfered with them. They are part of state propaganda and its invasion into the private sphere.

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♦ ENGLISH 245

SELF TALK

RAMON TONY ACEVEDO

They say to write about your prison experience
I'm much more than that
I tell myself –

Express what you've known since you lost it all
I had nothing
I tell myself –

Put on paper the pain you have felt
That shit so cliché
I tell myself –

I tell myself –

Those eight days I spent naked
In the “why me” cage
Need not make it on any
Kind of page
Or when CPR wasn't enough
And the attention wasn't medical
They came back and said,
“That man was long dead, Acevedo, it was chemical.”

Burning eyes crying from an essence
Made for bears
Face bald lice juice all over
Your pubic hairs?

Face the Wall, faggot motherfucker

Face the Wall
Skull partially rattled
Bone shook just enough to cackle

...write about

Not being able to use the manners
A mother gave
Give way to becoming a refined
Constitutional slave

In this business of bodies and counts,
Barbed wires, nightsticks, hourly rounds

Vegetable by-product eater....dick beater
Phone gangsta...court leader...

From cover to cover bro
A whole book
Show them you wasn't really a crook
You only but a victim
To the mass incarceration system

I tell myself –

I am good, I will write about other things
And I tell them I will write about....about

Numbers and how my legacy can't be legalese
Then they say, "Ay papi please."

But my throat hoarse from yelling
What I think I feel
Iron to iron deficient in ways
To bend steel

Would I ever heal?

"Nah," I tell myself –

I will romanticize fried mack
Reading in the dark

Night vision cataract
 Quarters of loud
 Down to tier matter fact

Harder bladder fat from honey bund
 And chocolate bars
 Scars from shackles
 Elbow scrapes from being tackled

So romantic, candle-lit dinner
 Like mantle top
 State diet giving livers
 Ample spots

My immortality can't be a record kept
 And so my broom has swept
 It all aside – inside I tell myself inside,
 Will stay just there
 Where I left my dignity
 And most of my hair

I tell myself –

But the people gotta know right
 That the dramatic creative
 Juices boil at night

A convict, an inmate, a recluse, a prisoner,
 Institution's last great hope
 I hope you listen up

I tell myself –
 That shit so cliché.

The Assignment and the Writer: In this class, students explored poetry as a creative nonfiction genre. Tony's poem reflects his internal conflict between the visceral and the cerebral, his state of being and nonbeing as he navigates through time while in prison. His desire and hope for Big Dreams, his yearning for the lost while reclaiming what is rightfully his – his creative voice, his imagination, and even the source of his language, which he utilizes in the poem while also denying the reader what they want to hear about his prison experience. Simultaneously Tony reveals the cruelty, the resignation, and the openness to receive whatever possibilities and opportunities he creates for himself. This poem is rich in movement and shows vulnerability because we can see the fight he has within himself about what stories to tell and what stories to leave behind.

—Professor Leah Kogen-Elmeliah

♦ INTERDISCIPLINARY STUDIES PROGRAM 215

COLORISM: MULTI-HUED AMERICAN FAMILY YOU CAN'T TELL ANYONE

RAOUL M. MCCORMACK

THE COLOR OF SOMEONE'S SKIN often plays a prominent role in their lives. Much like the cover of a book, our skin is one of the very first things that someone takes note of. We're taught not to judge a book by its cover, yet some carry preconceived notions about someone based on their features, including the color of their skin. We know this to be true between races, but it is also true within races.

Lori L. Tharps wrote "Same Family, Different Colors" in which she examines how different skin color in families can affect family dynamics, and how each individual's experience impacted them in the long term. Lori writes,

Old and young, dark and light, male and female—colorism has a wide reach and America's families can give us an entrée into understanding this world of color bias, providing a microcosm of the wider society where color politics are seen in full effect. When you think about it, it is indeed the multi-hued American family that is the real expert, living on, in between, the color line (Tharps, L. L. 2016).

The Assignment and the Writer: In our class focusing on colorism, one of the themes we explored was colorism within families. How do families address differences in complexions of siblings and children and what is the impact on the construction of an individual child's identity based on their treatment within the family with regard to their skin color? This theme resonated with many students whose families are of mixed races/ethnicities/cultures. A core reading for this class was Lori Tharps' *Same Family, Different Colors*. The assignment asked students to discuss how the societal construct of colorism is played out within the family dynamic. Raoul McCormack wrote a beautiful, poignant piece that highlights the challenges he has faced and the complexity of this topic. His piece is courageous and gives insight into the struggles with which many of our students silently cope.

— Professor Meghan Duffy

I couldn't help but think of my own "multi-hued American family," being mixed children much like Tharps' kids. I remember the times I had to fight off my brothers when we were kids. It would usually start with my older brother calling me names, riling up my little brother to join in, and then they'd jump me. I'd give it as good as I got, but it was always two against one, "light" versus "dark." I don't remember how or why it started, just that they noticed I was darker than they were. "Brownie" was the nicest of the names I was called, but it was the name that stuck with me cause it identified me as different from them.

We share the same parents, a Black father and a light skin Puerto Rican mother. I don't recall our skin color being a factor in how we were treated or raised, but it was very obvious that my father favored me, and my mother favored my brothers. Maybe my brother being the first born son, yet not favored by our father was enough of an issue for him to want to target me. When speaking to my older brother, Jon, he noticed the same favoritism I did. When asked about how he felt he might have been impacted by colorism, he didn't think it was an issue at home, asides from our fights, but more so when he was in his teens, and now, as an adult. We would make jokes sometimes that if the police were coming after us, they'd go after me, even if they saw him with a smoking gun. Both my brothers are white passing but I never realized how they might not benefit from their skin tones.

Jon told me that he felt he needed to prove or validate his "blackness." The people who know him, know him to be black. However, in new situations at work or making new friends, came the challenge of having to prove himself again. My little brother, Joshua, has similar experiences and recently realized just how much he could pass for white, especially with his shaved head. Their similar stories reminded me of something Tharps had written: "...the essence of wanting to be perceived as Black came from wanting to be an unquestioned member of his tribe" (Tharps, L. L. 2016). Even though we made jokes regarding our differences in skin color, I had no clue they felt they had a barrier to our culture. I definitely look Hispanic, but when I mention that I am half black, it isn't usually questioned, my darker skin making it easier to accept, I'm sure. My brothers don't get that same "pass", instead, they get a pass into a culture that isn't even theirs or that they relate to.

My sister, Cindy, offers a bit of a different perspective. Visually, she's perceived as a light skinned black woman, and says her issues are more toward the Hispanic side. Some assume she's not Hispanic at all because of her skin tone and features, and have tried to talk about her or her kids in Spanish which would lead to her having to put them in their place. Cindy offered a story of how her son, a dark skinned boy at the time, was kicked out of a store for just being in the store "too long", a store that she believes wouldn't do the same to her light skinned daughter. She told me she raised them differently, and wanted

to ensure that when my nephew, Dwayne, spoke that every one of a person's preconceptions vanished. My sister knew that Dwayne would have a harder time growing up and encouraged him to interact with his black side of the family more often because she felt there were things that she was limited in being able to teach him as a mixed light skinned woman.

I'm glad Lori is exploring colorism within families. As an adult, it's had me thinking about my own family, my childhood, and my siblings. It encouraged me to ask about what my siblings experiences were, and how they differed from mine. It also has me wondering if my parents had a copy of a similar book back then, would they have addressed the differences between their kids, like my sister did? Lori mentioned that she "...had a simple goal and clear agenda when I started writing this book. My goal was to jump-start an accessible conversation about colorism in the United States by focusing on the family" (Tharps, L. L. 2016). I would say that she succeeded in her goal. At least for my family, I don't know if I'd ever ask my siblings about their skin color and their experiences without it. It's brought a deeper understanding of my siblings and how they view their own skin. I can only think that if after reading a few chapters of Lori's book brought a whole new conversation, perspective, and understanding into my adult family, it's going to be greatly beneficial for young families and couples thinking about having children. These conversations around colorism in the family should be had. Maybe, slowly but surely, more educated people will be mindful of having certain biases that might make darker or lighter skinned people feel less than.

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♦ ENGLISH 385

THE GREEN CHAIR

CAITLIN BAKER

THE NURSE TELLS ME TO SIT IN THE GREEN CHAIR. I sit. Wait. Ignore the shadows I can feel brushing against my shoulders. I glance up when my name is called. I am led to another room and told to sit in the chair the nurse points to. This chair is red. She takes my background information, my medical history, her fingers tapping to the rhythm of my life story.

She asks me if there is a history of violence in my life. I smile under my skin. I would like to say yes, of course. Yes, there is a history of violence in my life. I know what hands look like when they bruise on skin. I can still remember the way my body would shake when things got bad. There is a history of violence in my life and it is bloody and never ending and there are days where I forget I have escaped it. But she isn't really asking that. She is asking if there are any current issues she needs to deal with, if there are wounds she should look at, if there is an underlying reason for my visit today. I shake my head. No, there is no history of violence in my life. The nurse is relieved, I can tell, and I, too, am relieved by her encouraging smile.

The Assignment and the Writer: Caitlin and two other students were part of my 300-level mentored research course. Along with sharpening their creative work, students learned to research literary magazines, write cover letters and author biographies, all with the eventual goal of pitching their work for publication. In her personal essay "The Green Chair," Caitlin writes of her father's abuse in an oblique and powerful way. It is a raw and rare work infused with deep honesty.

—Professor Sara Whitestone

I have gotten used to lying at the doctor's office when I have to and I wonder, briefly, if my father would be proud of me. I remember sitting in a room with him, me on the examination table, and him in the red chair, and I think of how well I have learned to control my breathing, my reactions to prodding hands. The nurse tells me to sit on the table and when I do I think I can see him sitting in the red chair when I look back. The nurse tells me to relax, and when I glance back at the red chair it is only my jacket resting in a ball on top of the crimson fabric. The nurse tells me to go back to the green chair while she gathers my paperwork. He doesn't follow me there, and I fear I will never be able to tell the truth without his shadow looming over me. I sit in the green chair and I lean my head against the wall and I live in the body of a girl without a history of violence; I breathe deeply and I close my eyes and I try to think of how to bring the green chair into the room next time.

♦ POLITICAL SCIENCE 235

COURT OBSERVATION

BRUNER-McMAHON V. STATON & JAMESON

JAMELLA RICHMOND

Bruner-McMahon v. Staton & Jameson
U.S. District Court for the District of Kansas
Civil Jury Trial
Chief Judge Kathryn H. Vratil, presiding
Plaintiff's Lead Attorney: Mr. Geoffrey Fieger
Defendant's Lead Attorney: Mr. Arthur Chalmers
February 23, 2012 - March 5, 2012

OPENING STATEMENT BY THE PLAINTIFF, DELIVERED BY MR. FIEGER.

Terry Albert Bruner, a 46-year-old American Indian, was arrested and sentenced to approximately 10 months in jail for driving under the influence (DUI) and fleeing the scene of an accident. Mr. Bruner was resultingly incarcerated in Sedgwick County jail, which had a history of significant overcrowding issues.

In November 2007, Mr. Bruner was transported to another jail in Stanton County, where he was housed. Mr. Bruner was kept at Stanton County jail from November 2007 to March 2008, until he became sick from strep pneumonia. Upon Mr. Bruner's illness, Stanton County jail requested his immediate return to Sedgwick County jail.

The Assignment and the Writer: In POL 235 (Judicial Processes and Politics), students write a cogent summary and analysis of a videotaped jury trial available in an online federal-court database. In their observations, students also make meaningful connections to relevant course readings and discussions. Ms. Richmond chose a case, brought under the cruel-and-unusual-punishments prohibition of the U.S. Constitution's Eighth Amendment, where a deceased prisoner's heir sued prison guards for ignoring their inmate's medical condition and making no effort to obtain curative care despite obvious need for it, resulting in death. Ms. Richmond's paper (a condensed version appearing here) is comprehensive, detailed, and nuanced, offering a meticulous report about the litigation. Plus, her linkages to course materials are abundant and on target.

– Professor Dan Pinello

On March 6, 2008, deputies from Sedgwick County jail were sent to collect Mr. Bruner from Stanton County jail. When Mr. Bruner returned to Sedgwick County jail, he received no medical care and was instead placed into maximum security, room 124. Mr. Bruner was only attended to and sent to the hospital on March 10, 2008, after he became comatose. Consequently, doctors ended Mr. Bruner's life support on March 12th, 2008, due to the brain-dead state that he entered.

During his time of imprisonment, Mr. Bruner suffered from pre-existing health conditions – including cirrhosis of the liver and Hepatitis C. Mr. Bruner's pre-existing conditions made him more susceptible to other illnesses. Mr. Bruner's comorbidities placed him in a vulnerable state during his incarceration, especially with the higher risk of colds and bacterial infections in the jail environment. To exacerbate the issue, the absence of antibiotic remedies resulted in his bacterial infections and white blood cells multiplying, as seen in Mr. Bruner's 34,000 white blood cell count at the time of his death.

Mr. Fieger alleged that everyone in both jailhouses was aware of Mr. Bruner's conditions due to his written medical records and physical symptoms (i.e., vomiting, coughing, moaning, refraining from eating, dismal state). Thus, Mr. Fieger claimed that the jails harbored the responsibility of being attentive to Mr. Bruner's wellbeing, especially because it was admitted that Mr. Bruner held a "serious medical need," which the jails ignored and remained deliberately indifferent of.

Mr. Fieger specifically demonstrated that jailers Marque Jameson and Mary Staton were on duty during Mr. Bruner's health flare-up and blatantly "sat and watched" his subpar condition without getting Mr. Bruner the help he needed. Mr. Fieger then revisited March 10 and told jurors that Ms. Staton and Mr. Jameson, the defendants of the case, observed questionable behavior from Mr. Bruner as he walked aimlessly around his cell. In response, the defendants gave Mr. Bruner sheets, which Mr. Bruner ignored.

Later in the day, the defendants found Mr. Bruner curled into a fetal position on the floor in vomit from which Mr. Jameson lifted Mr. Bruner, placed him back on his cot, left, and locked the cell door. At 3:45 p.m. on March 10, 2008, the defendants declared Mr. Bruner's situation as an emergency only when he began to have contractures. In response, Mr. Bruner was transported to the clinic. The disregard of Mr. Bruner's conditions resulted in his brain being separated and herniated as he died a "slow" death while Mr. Staton and Mr. Jameson watched.

Mr. Fieger lastly submitted to the jury that the presented evidence shown throughout the case would sufficiently prove that Terry Bruner's Eighth Amendment right of being protected from "cruel and inhuman" punishment

was violated per the defendants' "deliberate indifference" to an admitted "serious medical need."

OPENING STATEMENT BY THE DEFENDANTS, DELIVERED BY MR. CHALMERS.

Mr. Bruner was diagnosed with cirrhosis of the liver and Hepatitis C since February 9, 2006. On March 5, 2008, Mr. Bruner's liver disease worsened to the point where he had a compromised immune system and became susceptible to various illnesses, including the bacterial infection that took his life.

On the morning of March 10, 2008, Mr. Bruner's well-being declined to the point where he required serious medical attention – the exact cause unknown.

Mr. Chalmers asserted that jailers were generally assigned different pods among the series of pods in a jailhouse. Further, one deputy was assigned the task of supervision for up to 39 inmates at a time, which made it hard to solely focus on one inmate for the entire day, especially in maximum security settings, where the deputies were normally seated in one booth in the middle of the pod. Chalmers submitted that deputies were unaware of inmates' medical history due to HIPAA regulations, contrary to what Mr. Fieger stated prior. Thus, deputies were only made aware of certain situations or circumstances on a day-to-day basis from a "daily activity log" and subsequent reports.

Ms. Staton arrived for her shift at 7:00 a.m. and spent most of her time at the deputy booth where she let inmates in and out of their cells. On this day, however, linen exchange occurred, and every inmate was expected to leave their cells to exchange their worn linen in the gymnasium area.

Mr. Bruner's cell was opened, and he was given the opportunity to collect new linen. Mr. Bruner responded in a disoriented manner and did not take his clothing to the gym for linen exchange. As a result, Ms. Staton called Mr. Jameson and Mr. Murphy, the assigned rovers, to assess Mr. Bruner's disorientation. Upon their assessment, however, Mr. Jameson and Mr. Murphy reported no physical symptoms from Mr. Bruner and concluded that Mr. Bruner "just wasn't with it" from a mental health standpoint, as his situation resembled that of many others that they'd seen. However, an inmate came to Ms. Staton shortly thereafter with concerns about Mr. Bruner not eating.

When Ms. Staton's sergeant arrived in the pod for his rounds, Ms. Staton alerted him to the situation and was advised to contact mental health services. Upon contact with mental health services for further assessment, Ms. Staton was told that they would come down a few hours after their normal rounds. Ms. Staton also monitored Mr. Bruner's eating habits, and she noted and logged in the daily activity log that Mr. Bruner was not eating his meal(s).

With another inmate report of Mr. Bruner on the ground at around 2:00 p.m., Ms. Staton called Mr. Jameson again to do an additional wellness check.

During the wellness check, Mr. Jameson found Mr. Bruner on the ground with no signs of vomit and picked him up to place him back on his cot. Nonetheless, Mr. Jameson expressed to Ms. Staton that Mr. Bruner was not doing well, whether it be due to the flu or a cold.

Mental health services reported to the pod before 3:00 p.m. and assessed the state of Mr. Bruner. Mental health services expressed that Mr. Bruner's state appeared to be a matter of clinical assessment rather than mental assessment. Mr. Bruner was then placed in a wheelchair with some vomit on the ground. Mr. Bruner arrived at the clinic around 3:30 p.m. and after medical evaluation, the trained professionals concluded that he did not need to go to the hospital until around 9:30 that night.

Mr. Chalmers concluded his opening statement with the assertion that jails spend millions of dollars yearly on inmate care. However, it made no difference to Ms. Staton or Mr. Jameson. Further, Mr. Chalmers expressed that Mr. Bruner had access to medical care and resources, which he could have requested, but never did.

PRELIMINARY INSTRUCTIONS TO THE JURY BY JUDGE VRATIL

Before the jury was dismissed for the day, Judge Vratil explained expectations of them. Judge Vratil cautioned jurors not to communicate with anyone regarding the content of the case at hand, even with the courtroom players – as a way to avoid the appearance of impropriety. Thus, Judge Vratil advised that the jurors utilize the jury room as their headquarters and means of discussion.

TESTIMONY BY PLAINTIFF'S ADVERSE WITNESS: MR. MARQUE JAMESON; DIRECT EXAMINATION CONDUCTED BY MR. FIEGER

Marque Jameson, along with the other jailers, were obligated to go through an eleven-week academy to become certified for the job. On Mr. Jameson's 3/10 report, he transcribed that after the linen exchange, Ms. Staton had asked him to put Mr. Bruner back in his cell.

Mr. Jameson had explained that he was unaware of Mr. Bruner's condition upon Ms. Staton's request and oblivious to the respective inmate's symptoms, which correlated with Mr. Martinez's testimony of [Jameson's] lack of revelation about Mr. Bruner's symptoms. After he brought Mr. Bruner back to his cell, Mr. Jameson realized that Mr. Bruner was "in a daze" and "walked slowly," which did not seem extraordinary unless he was observed from a mental-health perspective.

Mr. Jameson additionally explained that the inference of "mental health" was consistently drawn in their assumptions on what was occurring

with Mr. Bruner because it was a recurring theme that was seen in the jail with many of the inmates; repeated patterns in the general inmate population allowed jailers to guess what new cases may have been caused by.

The plaintiff tried to argue that even if it were a mental health issue, then Mr. Jameson's "dismissive attitude" toward Mr. Bruner would have shown his disregard for the inmate as a person. However, Mr. Jameson made the point that he was not aware if the inmate had already received help or been administered certain medications. Further, Mr. Jameson was preoccupied with the task of linen exchange for other inmates and, thus, could not accurately determine whether or not Mr. Bruner's situation was an emergency at that moment.

The fact that over fifty inmates were out at one time during the linen exchange made it even more dangerous and chaotic to focus on one inmate based on their abnormal behavior. Mr. Jameson's judgment call was balanced between the safety of one inmate compared to the safety of the broad inmate population. Thus, Mr. Jameson believed that the best decision was to confine Mr. Bruner to his cell until he was able to efficiently focus on the inmate's need, which not only ensured the safety of Mr. Bruner but also the safety of the facility as a whole.

Although Mr. Jameson alleged that Mr. Bruner did not display a prominent medical need from his observations, he nonetheless contacted the pod deputy about what occurred. Mr. Jameson did fail to provide Mr. Bruner with sufficient help on March 10. However, he claimed that it was not his power to decide what happened to the inmate as he had little responsibility over inmate decisions like the pod deputy (Ms. Staton) did. Unless a situation displayed signs of an immediate emergency, there was not much that Mr. Jameson could do as a rover other than relay his observations to the pod deputy. After he made Ms. Staton aware of what he observed, there was "no reason" for him to stay there as the situation now rested in the hands of Ms. Staton.

When Mr. Jameson reported to Ms. Staton, he explained that Mr. Bruner was not doing well and explained his subsequent observations (unresponsive, on the floor, etc.) While prior testimonies expressed that Mr. Bruner was observed spread on the floor in vomit, Mr. Jameson was not able to recall the sight of vomit when he went to look at the inmate, whether it had occurred after he left or whether he merely forgot.

When Ms. Staton went on break and Mr. Jameson became the pod deputy, however, he still failed to do anything additional for Mr. Bruner because there was "no further need to check on him."

CROSS-EXAMINATION OF MR. JAMESON CONDUCTED BY MR. CHALMERS

Mr. Jameson, a Wichita native, became a detention deputy as an “opportunity to help people” and “do something different.” While Mr. Jameson was an active detention deputy for Sedgwick County jail, he was assigned the task of operating in a rover capacity on March 10, which caused him to constantly rotate among the jail. At March 10’s squad meeting, Mr. Jameson received the job assignment of “rover” and had to simultaneously assist around 4 pods with over 200 inmates.

Mondays were frequently regarded as busy days in the jail, especially for pod 1, due to activities such as linen exchange, court visits, personal linen, court-ordered/education classes, professional visitation, and chapel. Inmates were additionally able to go to the clinic either for routine appointments or any other basis. Rovers hardly communicated with the clinic, as that task was exclusive to the pod deputy.

Rovers were not able to track pod activity through computer usage because they were always engaged with their assigned pods in one way or another. When rovers did alleviate pod deputies from their breaks, it would mostly last for around thirty minutes. Particularly on March 10, Mr. Jameson would have only alleviated two hours of breaks across all four deputies, including Ms. Staton.

As stated previously, inmate movement was common and busy. Those who had medical needs were assigned a med-pass, or medication card, which was distributed to inmates who were actively prescribed medication(s). With med-pass distribution, a clinical staff member would enter the pod with a rover present to offer security, which could vary in time depending on how many inmates required medication on a given day.

While rovers provided security for med-passes, they generally had little medical training with their job tasks. Thus, rovers could not make diagnoses and had to rely on their “common sense” most of the time. When issues of medical care arose, Mr. Jameson normally called a “code one” (medical emergency), which would prompt clinic staff to be dispatched. However, this code would only be used for immediate emergencies.

As stated, nothing prevented the deputies from getting inmates help if there was a perceived issue. As a detention deputy, Mr. Jameson had contacted the clinic for an inmate without being hesitant to do so. If there was ever an instance where an inmate asked for help but did not appear to be in medical need, then the clinic would make the judgment call and see the inmate on a “sick call” the following day.

Further, Mr. Jameson had dealt with occasions of inmates who requested medical help or buzzed him on the intercom. In these instances, Mr.

Jameson never refused to issue a code one or medical care for an inmate (i.e., seizures).

There was no way that a rover or deputy could anticipate medical problems from specific inmates because medical history was not always accessible, other than precautionary data. Further, there was no way that jailers could access clinical records or ask inmates about medical history, which made medical transparency even harder.

CONTINUED CROSS-EXAMINATION OF MR. JAMESON CONDUCTED BY MR. CHALMERS

On March 10, Mr. Jameson entered the cell and noticed Mr. Bruner on the floor in a fetal position surrounded by “trash.” Mr. Jameson picked Mr. Bruner up, placed him on his cell, and laid him on his side, to which Mr. Bruner was unresponsive the entire time.

When Mr. Jameson reported his observations and interactions to Ms. Staton, he was under the impression that something was going to be done quickly as the decision(s) to what happened to Mr. Bruner was no longer under Mr. Jameson’s jurisdiction. From Mr. Jameson’s recollection and report, there was no presence of vomit or soiled linen, which he testified would have been key factors that he’d include in his report had it occurred.

During his respective shift that day, Mr. Jameson was accountable for 39 inmates in pod 1 and 50+ inmates in the 3 other pods. Mr. Jameson’s initial contact with Mr. Bruner would have been around 7:21 a.m. and 7:52 a.m. when he and other deputy instructed Mr. Bruner to go back to his cell.

Records illustrated that Mr. Jameson aided with chow service at 11:51 a.m. and finished chow at 12:06 p.m. Rovers not only helped with chow distribution but also managed crowd control for the surplus of inmates. Once all inmates received a chow tray and the door was secured, rovers were able to be relieved, which made it a challenge to focus on which inmates were or were not eating.

At 2:11 p.m., Mr. Jameson went into Mr. Bruner’s pod to check up on him. At 2:14 p.m., all inmates were “racked” or sent into their cells for shift change. Finally, at 2:24 p.m., Mr. Jameson escorted an inmate for professional visitation. With the busyness of pod racking and professional visitation, Mr. Jameson spent approximately 30 seconds to a minute interacting with Mr. Bruner.

Mr. Jameson’s completion of his responsibility to alert the pod deputy (Ms. Staton) of his observations about Mr. Bruner’s strange behavior indicated that he worked in a manner that followed the expectations of the facility and the wellbeing of Mr. Bruner, as he collaborated with his team (Mr. Martinez and Ms. Staton) to ensure that there was a team linkage of discretion when handling Mr. Bruner’s case.

RE-DIRECT EXAMINATION OF MR. JAMESON CONDUCTED BY MR. FIEGER

With the defense's implication that Mr. Jameson was faultless and did what he had to do, the plaintiff questioned the validity of this argument with the assertion that Mr. Jameson did not have to wait for a "team" to make an overarching judgment.

Yet, Mr. Jameson remained grounded in the fact that Mr. Bruner's situation was not life-threatening and did not require Mr. Jameson's sole judgment to save the inmate's life.

Mr. Jameson acknowledged that inmates expressed their concerns. Yet, he could not actively recall what he said to Mr. Bruner, if anything, when checking up on him.

RE-CROSS EXAMINATION OF MR. JAMESON CONDUCTED BY MR. CHALMERS

The defense attempted to reinforce their argument through the emphasis that Mr. Bruner's condition was not grounds for a life or death situation due to no bleeding, no evident pain, or no difficulty breathing at the time.

In regard to inmate concern, there were only concerns raised after Mr. Jameson already observed what occurred with Mr. Bruner. Had the inmates come to Mr. Jameson at 7:00 a.m., then he would have been more inclined to declare the situation as an emergency.

TESTIMONY BY PLAINTIFF'S ADVERSE WITNESS: MS. MARY STATON; DIRECT EXAMINATION CONDUCTED BY MR. FIEGER

Before Ms. Staton was a jailer, she was a nurse's aide for six years and, thus, had some knowledge of health-based encounters. However, Ms. Staton was not aware of the basis for why Mr. Bruner was transferred back to Sedgwick County along with the subsequent symptoms that catalyzed his death, and could not provide adequate aid to him.

Despite her ignorance of his conditions, Mr. Bruner's dazed state was not alarming to Ms. Staton. It rather signified to her that a lockdown was the most suitable option. Ms. Staton alleged that there was a high chance that Mr. Bruner's condition only became fatal upon his arrival at the hospital, not while he was in the pod. Thus, it was not her responsibility to treat him as such. Nonetheless, she called Sgt. Martinez who she believed would have contacted medical.

However, the plaintiff asserted that Mr. Bruner was under both Ms. Staton and Mr. Jameson's care from 7:00 a.m. to 3:00 p.m., and they could

have contacted medical themselves instead of waiting for Sgt. Martinez, as they constantly tried to shift the responsibility onto their supervisor throughout the trial.

Although Ms. Staton maintained the theme of unawareness of what occurred on the days that led up to Mr. Bruner's death and the extent of his conditions, her written reports contradicted the majority of her oral testimony as she directly wrote his physical symptoms yet continually testified that Mr. Bruner's main symptom was confusion and indicated mental unwellness.

CROSS-EXAMINATION OF MS. STATON CONDUCTED BY MR. CHALMERS

Ms. Staton began to work with the sheriff's department in June 1998. Before her employment at the sheriff's department, she worked as a nurse's aide at St. Francis Hospital. Some of her duties included handling vital signs, temperature, hygiene, changing beds, and helping with day-to-day activities. Although Ms. Staton worked in a "healthcare" capacity, she never diagnosed patients or treated them.

Ms. Staton was additionally in the military for four years, where she worked as a hospital corpsman. The main difference noted between Ms. Staton's time as a nurse's aide and her time in the military was that she could draw blood in the latter occupation. To her knowledge, Ms. Staton never worked with a patient who had meningitis or pneumonia in neither her time as a nurse's aid or hospital corpsman, which provided her with little to no training on how to handle a case that involved these diseases.

As a pod deputy of pod 1, it was difficult to fully view the cell of inmates from the window or hear them, for that matter. Therefore, on March 10, Ms. Staton could not clearly decipher Mr. Bruner's coughs or groans because of the existing restrictions on cell visibility.

From March 7 to March 10, Lisa Perez and around eight subsequent deputies would have been the first few deputies to have contact with Mr. Bruner before Ms. Staton, which indicated that Mr. Bruner had nine chances to receive help before Ms. Staton. Yet, none of the prior deputies observed Mr. Bruner's illness or need for help.

Ms. Staton relied on these observations to indicate to her whether or not to provide an inmate with increased care than usual. However, when Ms. Staton began her shift, she had no indicators that advised her on how to move forward with Mr. Bruner.

While Ms. Staton performed her headcount, she noticed nothing abnormal or emergent about Mr. Bruner's well-being, especially since there were no prior notes.

CONTINUED CROSS-EXAMINATION OF MS. STATON CONDUCTED BY MR. CHALMERS

Particularly, Mondays were one of the busiest days for deputies as Mr. Jameson explained in his prior testimony. After Mr. Bruner went into his cell with the help of the two male deputies, Ms. Staton did not see him again because there was no rover available for a booth replacement due to the demand of the day.

After the linen exchange, another inmate came to Ms. Staton's booth and told her that Mr. Bruner was not eating, which she had included in her report.

Linen exchange and showers took as long as four hours. While there was a rotation of showers, inmates who were waiting stayed in the dayroom, cleaned their cells, or played card games. Inmate phones were turned on at 9 a.m., where they were able to make calls. Around 10:25 a.m., Sgt. Martinez told Ms. Staton to get in contact with mental health for Mr. Bruner.

The witness stated that there was no order for a code one or rush for mental health services because Mr. Bruner simply appeared confused – not in pain, falling, or similar to someone who was having a medical emergency.

At around 2:00 p.m., Ms. Staton was told by inmates that Mr. Bruner was on the floor and not moving. To that point, Ms. Staton was not aware that Mr. Bruner's condition was fatal. However, upon being told, she immediately contacted Mr. Jameson, who told her his observations. From there, Ms. Staton contacted Sgt. Martinez who told her that he would assist with the matter and handle it.

The plaintiff rested her case.

The defendants rested their case.

INSTRUCTIONS TO THE JURY ON THE LAW BY JUDGE VRATIL

The claim of the plaintiff (estate of Terry Bruner through Tera M. Bruner-McMahon as administrator) included that Mary Staton and Marque Jameson violated Mr. Bruner's constitutional right to be free from cruel and unusual punishment while in jail. Particularly, the plaintiff claimed that on March 10, 2008, the defendants ignored Mr. Bruner's serious medical needs. Further, despite his obvious need for immediate medical attention, they made no effort to obtain medical attention. As a result, Mr. Bruner suffered conscious pain, suffering, and mental anguish. Thus, the plaintiff sought to recover \$10,000,000. Additionally, the plaintiff sought to recover punitive damage amounts of \$1,000,000 from each defendant. Each defendant denied the plaintiff's claim.

Judge Vratil clarified that the Eighth and Fourteenth Amendments protect inmates from cruel and unusual punishment, which includes deliberate indifference to an inmate's serious medical need. Supplemental to the constitutional protections, the plaintiff had to prove that: (1) by 7:00 a.m. on March 10, 2008, Terry Bruner had a serious medical need; (2) the defendants knew of a substantial risk that Mr. Bruner had a serious medical need; (3) defendants consciously disregarded that risk by failing to take reasonable measures to address it; and (4) defendant's actions injured Terry Bruner.

In terms of the first burden, a serious medical need was regarded as a situation where denial or delay in medical care created a risk of permanent physical injury, death, or needless pain or suffering. Additionally, a medical need was also characterized as a medical problem that was "so obvious" that non-doctors could easily recognize the need for prompt medical attention.

The jury's verdict of each defendant had to be in alignment with their individual conduct. Judge Vratil told jurors that their considerations of the decision had to be both fair and separate from the claim against both defendants. While intent could not be determined through direct evidence, it was appropriate for jurors to draw questions of intent on circumstantial grounds.

If jurors found in favor of the plaintiff's claims under one or both defendants, they had to determine the amount of the plaintiff's damages. They could award compensatory damages for any conscious pain, suffering, or mental anguish that Mr. Bruner sustained from the defendant's conduct. Through the determination of monetary damages, Judge Vratil advised jurors to rule on "dispassionate common sense" and sound discretion based on reasoning from the evidence. Nonetheless, the burden was on the plaintiff to gain compensation for Mr. Bruner's death.

Furthermore, jurors were allowed, but not obligated, to reward punitive damages that punished the wrongdoer for extraordinary misconduct and served as a warning to others going forward not to reproduce the respective behavior. While punitive damages had to bear a reasonable relationship to Mr. Bruner's actual injuries, no single numerical equation could link punitive damages to actual damages.

Thus, when jurors considered punitive damages they had to assess: (1) the nature of the defendant's conduct under the totality of the circumstances; (2) the frequency of the defendant's conduct; (3) how reprehensible the defendant's conduct was; (4) what amount of punitive damages in addition to the actual damages was needed, considering defendant's financial condition, to punish defendant for his or her wrongful conduct toward Mr. Bruner and to deter defendant and others from similar wrong conduct in the future; and (5) whether the amount of punitive damages held a reasonable relationship to the award of actual damages.

CLOSING STATEMENT BY PLAINTIFF, GIVEN BY MR. FIEGER

The plaintiff's counsel initiated the argument with the assumption that many people saw Mr. Bruner as a "poor, drunk Indian" and turned a blind eye to his situation. In reality, however, Mr. Bruner was a human being who "silently endured" his illness alone in his cell.

Mr. Fieger expressed that the defendant's behavior could easily be replicated if they did not receive some form of punishment.

The rhetoric of "not knowing" was insufficient for two people who wore a badge that signified protection. Mr Fieger told jurors that it was a challenge for Justice to be served if government officials were not kept in check — an obligation reserved for the people.

Further, there was no doubt of the "obvious" nature of Mr. Bruner's conditions because the defendants admittedly saw and heard his behavior in the pod. Yet, they "did nothing."

Mr. Fieger additionally asserted that the defendant's actions were reprehensible because of their ignorance and betrayal toward Mr. Bruner's well-being.

Mr. Fieger suggested that a favorable verdict toward the defendants would allow them to hold licenses to "kill us all," as the case was also imperative to the wellness of other inmates.

In sum, the defendants' deliberate indifference toward Mr. Bruner not only took his life but also risked the security of other people who may have harbored medical needs that were up to the discretion of "unknowledgeable" deputies and authoritative figures.

CLOSING STATEMENT BY DEFENDANTS, GIVEN BY MR. CHALMERS

Mr. Chalmers initiated the argument by dismissing Mr. Fieger's claim of anyone who labeled Mr. Bruner as a "poor, drunk Indian" and governmental figures who acted unjustly. Rather, Mr. Chalmers reminded jurors that the case at hand only dealt with the two defendants.

Mr Chalmers focused his closing statement on the factual stipulations and alleged claims of the plaintiff, rather than persuade the jurors as to why there was an underlying message at hand.

As discussed in the testimonies of expert witnesses and healthcare workers, Mr. Bruner's liver condition was a large catalyst to his death.

The deputies could not have been fully accurate that his behavior was the fault of anything else, because they could only go off the information that they were given. Further, the isolative and dejected nature of Mr. Bruner made deputies suspect that he was dealing with mental health issues.

While Mr. Bruner was sick, he was not sick to the point where it was an “obvious” situation. Expert testimony confirmed that if Mr. Bruner was “violently ill,” then he would have died earlier than he did.

Mr. Jameson was with Mr. Bruner for 30 seconds to a minute on March 10, and Ms. Staton barely saw Mr. Bruner throughout her time in the booth, which questioned how they could have known the extent to which Mr. Bruner was sick.

Both defendants followed a chain of command to assist Mr. Bruner. Since they did not know the exact nature of what was wrong with him, they called mental health services along with their supervisor. Even with the presence of mental health services, a code one was never adopted.

At the clinic, Mr. Bruner’s vitals were similar to someone who had a liver issue, not someone who experienced a fatal life-threatening condition.

In sum, the defendants made a wrong decision. However, it did not reflect their care levels as deputies. Their lack of information stunted their ability to help Mr. Bruner and, thus, caused them to be misguided in their judgments.

THE JURY VERDICT

1. Do you find by a preponderance of the evidence and under instruction #12 that Mary Staton violated Mr. Bruner’s right to be free from cruel and unusual punishment? No.
2. Do you find by a preponderance of the evidence and under instruction #12 that Marque Jameson violated Mr. Bruner’s right to be free from cruel and unusual punishment? No.

JUDGMENT FOR THE DEFENDANTS

COMMENTARY ON THE TRIAL OBSERVATION AND LINKS TO COURSE MATERIAL

Lynn Mather’s “Bringing the Lawyers Back In” touches on the audience whom lawyers have to cater to (pg. 7). Apart from pleasing the judges, attorneys also have to ensure that the jury is on their good side at all times, especially because a juror’s perspective can quickly change based on one unsatisfactory moment.

More particularly, the judge as an arbiter is another key player who determines the success of an attorney’s argument and courtroom presence, mainly when objections are raised. Mather mentions that an experienced lawyer who brings “high-quality and trustworthy information” bolsters the advantage that their client may possess during a trial. Mather’s argument about

litigant expertise was greatly seen in the *Bruner-McMahon* trial. The plaintiff's attorney, Geoffrey Fieger, lowered the reliability of his client throughout various points in the hearing.

Mr. Fieger's tendency to argue with Judge Vratil's rulings while acting in a contentious manner toward both his co-counsel and witnesses made him appear as an unpleasant attorney. Thus, his actions reflected on his client and set an unfavorable tone between the petitioner and her audience. Mr. Fieger's reactions and responses to Judge Vratil were surprising as they diminished my perception of the formality of legal trials. From the media and societal customs, lawyers are portrayed to be hyper-respectful of judges and faithfully abide by their rulings. However, seeing Mr. Fieger contest the judge reduced the legitimacy of the judiciary as an honorable facet of the legal system at large.

In contrast, Mr. Chalmers remained respectful at each point, even when the odds were stacked against him. For example, toward the end of the trial, Judge Vratil constantly overruled his objections and challenged the arguments that he made. Nonetheless, Mr. Chalmers never argued with the judge or showed jurors that he was troubled by the interactions.

The behavior of both attorneys had a substantial impact on how they appeared from a professional standpoint, which additionally shaped how jurors viewed their client(s). For instance, the jury's ultimate ruling in favor of the defendants, despite the viability of the petitioner's claims, illustrated that the etiquette of the defense attorney played a crucial role in how his legal arguments were interpreted.

On page 4 of Chapter 1 ("Foundations of Law in the United States"), *Judicial Process in America* discusses the U.S. Constitution as an essential source of law. This ideology was demonstrated in the *Bruner-McMahon* case as the Constitution was the main legal question at hand. Each key player in the courtroom was working toward a decision of whether a constitutional right was violated. Judicial decisions acted as a source of law in this case as well. Judge Vratil's rulings and decisions on objections, legal stipulations, and relevance of information determined the legal environment that was expected to be upheld in the courtroom. While Judge Vratil's orders did not extend as precedents, they set the foundations for how the trial was expected to ensue. If one were to break the "laws" of the courtroom, then they faced the risk of reprimand.

On page 45 of Chapter 2 ("The Federal Judicial System"), *Judicial Process in America* illustrates the workload that federal district courts have to undergo yearly. In 2019, for example, there were 297,877 cases filed in district courts. This illustration relates to the *Bruner-McMahon* case because it emphasizes the work that goes into a civil trial. As mentioned in the attorney's closing statements, the pre-trial preparation for the respective case took two years before it could materialize in court. The immense workload that goes into

preparing a case and constructing a legible argument is a task that expands across dozens of cases for attorneys, both in a criminal and civil sense. This assertion from the attorneys not only confirmed the statistics seen in the reading but also confirmed the reason why many cases are resolved outside of court since the process is heavily prolonged and costly.

Pages 77-78 of Chapter 3 (“Jurisdiction and Policymaking Boundaries”) additionally bolster the work of the U.S. District Courts by assessing the jurisdiction that U.S. district courts hold over federal cases. This reading emphasized that federal district courts are limited in their jurisdiction to cases that invoke a federal question involving the Constitution or a federal law or treaty. In *Bruner-McMahon*, a federal question was raised as Mr. Bruner’s Eighth and Fourteenth Amendment protections were up for evaluation. If the petitioner did not present this question of constitutionality, then the case would have to be heard by a state court with appropriate jurisdiction. Furthermore, attorneys had to ensure that jurors were aware of this existing jurisdictional boundary because they were not expected to rule on extraneous questions that did not concern the constitutional amendments. For instance, Mr. Fieger’s opening statement clarified that the respective case was not a matter of negligence and, thus, jurors were discouraged from establishing judgments on the assumption that the defendants were negligent in caring for Mr. Bruner, as this logic would misconstrue the jurisdiction of the court.

Chapter 6 of *Judicial Process in America* (“Federal Judges”) shifts the focus toward the demographics of judges selected and determined to hold positions within the federal judiciary. Particularly, pages 138-140 delve into the limitation of diversity detected with the appointment of federal judges. According to the chapter, white males are more likely to be appointed by presidents of both parties with females only gaining consistent appointments in later years. As a white woman appointee, Judge Vratil illustrates the advancement in gender diversity that the federal courts have experienced over the years. However, Judge Vratil also depicts the work that still needs to be done for racial diversification. As the graph on page 138 suggests, while there is a growing climb in the percentage of women appointed to the federal judiciary, there fails to be consistency in the percentage of minorities appointed to the bench. Though gender diversification is beneficial, the need for racial diversity is apparent as the country’s “gavel gap” falters from a racial approach. Nonetheless, Judge Vratil’s role in *Bruner-McMahon* depicts why it is crucial for various demographics to both influence the courts and represent groups who are generally underrepresented in high positions of power.

Lastly, On Pages 223-224 of Chapter 8 (“Lawyers, Litigants, and Interest Groups”), *Judicial Process in America* explains that civil lawsuits can harbor multiple goals – whether it be policy-orientated, compensatory, or both. In *Bruner-McMahon*, Tera M. Bruner’s (plaintiff) goals could have been

intertwined, as she sought both compensation for the emotional damages of the late Terry Bruner and also anticipated policy changes within Stanton County jail and Sedgwick County jail, in the hope that Mr. Bruner's death served as an example for necessary change. Though the plaintiff did not prevail from a compensatory aspect, she nonetheless set a blueprint as to what could occur when jails fail to appropriately handle an inmate's condition. The trial process of *Bruner-McMahon* both warned other jails on deficient policies that they may have in place while simultaneously inspiring other victims of an incarcerated loved one's death to utilize the legal system as a tool for self-advocacy.

♦ ENGLISH 212

FLATLINE OF THE SOUL

DANA RAMIREZ

I HAD COME HOME FROM WORK ready to do nothing but sit in front of the living room tv and rot away on the couch. The bag of chips and six-pack of Angry Orchard that I'd been craving for the whole week burned a hole in my hands. I didn't even take the time to leave my things in my room. My bag, my shoes—it all became a pile on the floor beside the couch as I went straight for the remote. It was supposed to be my time to unwind and be done with the week for a few hours. No thoughts or worries or concerns were meant to play through my head until the sun came up. Mom asked me how work was and I briefly recapped her on all the work drama that she doesn't really care for but dutifully listens to because she's just that kind of woman. Then the conversation was over and I searched for the episode that I was on and pressed play. I opened my beer and my bag of chips and felt the physical release of tension in my muscles as I found some sense of calm. Between school and work and legal issues, it felt like my mind barely had moments in which it could simply go on autopilot.

The Assignment and the Writer: As part of our "Introduction to Creative Writing" class, students completed pieces in various genres, including non-fiction, fiction, and poetry. For each assignment, students practiced the elements of craft: image, voice, character, setting, and story. Dana's fiction eloquently incorporates these elements in an intriguing narrative, woven together through moving details that propel the story forward. Dana deftly uses the five senses to bring readers into the life and mind of the narrator and into the world of the story.

—Professor Edward Fabian Kennedy

I'd heard the back door open in the back of my mind: the turn of the knob and the heavy footsteps. I paid it no mind because I didn't expect anything of it. A part of me knew, but the rest of me didn't want to deal. I should have known and I should have turned off the tv and gone upstairs, but I was stubborn and I was tired and I would be damned if I didn't have my time to unwind and watch some stupid show that makes me laugh. So I ignored it and ignored it until he spoke and I couldn't play dumb anymore. *Hola, mi nina*, he always said. Always for the past ten years. His voice had become a broken record in my memory, scarring my brain with its broken shards. Hello, my girl. As if he could still call me his kid or my mom his wife, as if he still laid any sort of claim over any of us when the only thing he could ever claim from us is the way he infected us like rabies. Once the symptoms are presented, it's too late. Once you realize that you go alert at the jingle of his keys, or that you can immediately spot the changes in the pitch of his voice depending on how drunk he is, or once you realize that your first instinct is to ditch your desire to relax and simply lock yourself in your room all day, then it's too late. He's infected the very essence of your being. Changing me from a normal, already semi-freaking-damaged kid, to a full-fledged, stopped caring about the world and people and feelings and emotions kind of asshole is the only thing he should get credit for. And just like rabies, once you notice the symptoms, the fatality rate is one hundred percent. From the moment we'd met, I was doomed. Tonight was just me living with my disease.

I didn't respond to his goading, because that's what it always felt like. I'd come to realize a long time ago that he was a master at manipulating and gaslighting. It'd gotten to the point where I admired his ability to do it so well. Where I watched and humored him just so I could learn. I'd watch him do it to my mom and my brother and watched them fall for it, too. Dog-eat-dog, right? And once he realized that I wasn't the eleven year old little girl that would cry and beg for him to change, he no longer pretended to hide that side from me. Maybe that's why he always loved me more than my brothers even though I wasn't his real child. I always knew he saw himself in me and he loved me for it. A part of him hated himself, but the sadistic, selfish, piece-of-shit part of him—that part adored me like no one ever had. I saw all those parts as well, and they burned inside me like a shot of single-malt bourbon. It had become a game of his amusement, so he approached and took the bottle of beer from me and examined it. I didn't even look at him because my throat was tight and my hands were in fists and itching to get just one hit in. He put the bottle back at my side and waited for me to look at him. I really tried to hold off and not give in, but he was the master out of the two of us, so I couldn't play the game as skillfully. I met his eyes. His face was sunken and devoid of his usual filled-in cheeks. He'd lost a lot of weight, probably from only consuming liquor for days on end. His hair was dirty and his nails were dark—every part of me

reveled at the sight of his misfortune. Just for a moment. Until, with that look of *gotcha* in the red of his eyes, he told me that shit wasn't good for me. To take it from him that alcohol may feel good and all but it wasn't good for the soul or the body or the family. That I was better than that. He told me this knowing that the only thing I wanted to do in that moment was quite possibly break the bottle over his head because the parts of him we both saw in me included the alcohol and the asshole-ness. But I kept the bottle at my side and looked back at the tv and felt my body go numb everywhere until I could hardly hear him continue his sermon. I felt angry, but for ten years there hasn't been a day where I didn't feel anger, so it didn't count. I was past sadness and pity and sorrow and anything that resembled caring. The tension was back in my shoulders and I didn't even care for the show anymore. My heart beat but I didn't feel alive in any way that mattered. At some point he got up and went back to the kitchen where my mother was and I wanted to give myself credit for not giving him the satisfaction of leaving for my room. I wanted to pat myself on the back, but somehow it didn't feel like I'd won that time.

♦ ENGLISH 216

IN THE CABIN

JORDAN REID

MICAH SWINGS OPEN THE DOOR, the crash of the knob hitting the wall echoes through the house. The cold rushes into the empty foyer and the wind lets out a dying shriek.

“Home,” Micah mumbles.

He sits the clear plastic grocery bag down next to him and stomps off the snow sticking to his faux leather roper boots. He wrings out the wet ends of his ripped Carhartt jeans, getting the grocery bag on the way up. He limps through the living room and to the kitchen. The window on the high ceiling is covered in a thick sheet of snow, shutting off the bright purple sky above. Micah checks his silver Casio watch and reads 6:42 AM. He sets the grocery bag on top of the creaky dining table and hunkers down to the black wooden chair. He takes off his black beanie and stares into his living room. The two large L-shape couches split by a long glass table are untouched beyond the two weathered cushions on opposite sides of both. The fireplace holds piles of ash, the large mounted TV sits above it. Micah takes off his puffer coat and throws it to the ground.

“Breakfast,” Micah says. He looks toward the hallway past the living room in anticipation. “Breakfast!” No response.

He sighs and opens the grocery bag, pulling out a gallon of milk. He limps over to the chipped brown cabinets, reaches in and grabs the box of Cinnamon Toast Crunch. He opens the cabinet to the right and gets 2 small blue plastic bowls from the stack. He takes both back to the table and pours them full of cereal and milk. He sticks plastic spoons in both and pushes one opposite to him, looking into the hallway. After finishing his bowl he looks into the hallway again. There’s no one. He eats the other bowl of cereal too.

The Assignment and the Writer: In English 216, Fiction Writing, students write original, character-driven stories. Jordan Reid’s *In The Cabin* takes place in the woods. The conflict is grounded: the father wants his son to stay close to home; the son is preparing to go off to college. As they talk, and shovel snow, and finally face the real tensions percolating throughout, Jordan skillfully shows the father/son bond without sentimentality. Jordan’s understated dialogue resonates with emotional subtext. His vivid descriptions create mood and point to theme. And he holds true to that beautiful story aesthetic where not much happens but everything happens.

—Professor Adam Berlin

"Yo," Lee says, shaking Micah's arm. Micah snores loudly sprawled on the couch. His watch reads 9:01 AM. "Pops!"

Micah catches his breath and opens his eyes without moving. "Yeah... Yeah," he says.

"You gotta remember to clean your nose. It's gonna get infected." Lee convinced his father to pierce his nostril with him, on his birthday last month. "And it's the 9th. February."

"Yeah. Right. Right, right," Micah says as he stands up, looking at his watch. "I'm ready."

"Right now? You even eat?"

"Cereal. This morning."

"Yeah, alright. You got drool on your beard," Lee says, walking to the fridge and opening it up. Micah runs his fingers through his thick beard and stumbles into the kitchen. He leans on the counter, behind the fridge door. He looks at his son's baggy jeans and white tee shirt.

"You sure don't want no boots?" Micah says.

"I'm sure," Lee says without looking up. Lee grabs a plastic bottle of water from the back of the fridge and slams the door. "You wanna leave soon?"

Lee walks away into the living room. Micah follows.

"I said I'm ready to go. You should really get some boots. And some new pants. A hat too. A jacket maybe."

Lee groans and waits in the foyer. "I said I'm good, Pops."

Micah rubs his bald head and grabs his beanie from the dining room table. He walks to the foyer and takes his keys out of his pocket. He stares at Lee putting on his black Nike's. He sees his son's small fresh tattoos running down his arm. Micah turns to his own left arm, looking at the fading tattoos on his dark bronze skin. He grinds his teeth and opens the door. Lee walks out and carefully takes big steps through the inches of snow and ice swallowing the ground. He makes his way to the old tan pickup truck and waits next to the passenger's side door. Micah closes and locks the front door, slowly stepping in Lee's footprints to the truck. He squints looking at the ground, the snow casting the light of the sun back at him. He unlocks the truck from the driver's side and they get in at the same time. The truck's wide glove box is stained and burned with cigarette marks. Micah starts the truck and waits for it to warm up.

"There's a coat in the back. And a hat," Micah says.

Lee whips around to get the heavy green coat with a cattleman's hat stuck in the hood. He puts on the coat and tries to put the hat on. "Won't fit."

"It'd fit if you cut that hair," Micah grumbles.

"I'm not cutting my hair," Lee says, staring at his father.

Micah opens his mouth to say something but closes it quickly and turns back to looking at the road. The street is clear but every house was covered in

the falling snow. The cold crept through the small crack between the window and the top of the car door.

"It's cold out. For real," Lee says quietly.

"Real cold."

"That Oklahoma weather."

"Well, it ain't much better anywhere else. Even Georgia."

Lee glances at his father again. "I'm still going to Georgia."

"There's good schools in Oklahoma. And Kansas. Missouri, all that shit. You don't gotta go so far is all."

"You know I really- nah, whatever. Whatever. Let's go."

Micah's grip around the steering wheel tightens, he switches gear and they peel off onto the road.

Micah memorized the way to Wyandotte from Tulsa. About an hour and a half, without stops. He and Celine took annual trips to her father's cabin for 19 years. Micah and Celine never married but they lived peacefully, with their baby boy. Micah always kept a picture of her hanging from the rear-view mirror. She wore long locs, had rich brown skin and peaceful eyes like a deer. Their son took after Celine, almost like a clone. Micah finds himself having to look away from Lee after Celine's death 2 years ago. Immediately after the funeral on February 9th, Micah gave the 16 year old Lee \$300 and dropped him off at his maternal Uncle's house. Micah drove straight to Wyandotte and stayed at the cabin for 4 days. He returned with a shaved head and marked every calendar in their home on February 9th until the pages ran out.

"How's the farm?" Lee asks, slumped in his seat, tapping on the window.

Micah clears his throat and grumbles, "Good, I guess. That Peter Hannah is a good hand."

Lee crosses his arms. "I hate Peter Hannah. He too young to be actin' that old. I don't think he ever called me Lee in his whole life. Every time it's 'Mr. Magdalena'. What a weird dude."

Micah chuckles. "I like 'Mr. Magdalena'. And Hannah takes up all the work. Sometimes all I gotta do is herd chickens. Get eggs."

They pass an empty flea market in Chelsea, its tents weighed down by heaps of snow. The thick clouds loom over past the horizon, glimpses of the blue sky shine through.

"I miss the farm a little. We should go sometime." Lee smiles.

"It's all business down there now, nothin' like it used to be. The machines and shit help but they're real ugly."

"It don't have to be how it used to be, pops."

"Yeah. I guess."

The rumbling of the engine filled the silent truck. "I remember picking veggies with Ma," Lee says.

"I- yeah. I know. It was cute."

"We could do that."

"That's a memory for you and your momma. Maybe you and your kids if you take the farm."

"Making more memories don't replace the old ones. We got a lot of space up here." Lee points to his head.

Micah grinds his teeth while staring at the road. Lee sighs deeply and crosses his arms, laying his head on the window. "And I'm not taking that farm. You should give it to Peter Hannah," Lee says with an attitude.

Micah's temples start to throb and his tongue retreats into his throat. He glances at the picture of Celine and forces a quick smile.

Micah parks the truck on the rocky gravel road, a cabin down from their own. The road is cleared up until the start of their property.

"Got some shoveling," Micah says.

"I see. Can we go inside first?"

Micah shuts the car off and hands Lee the keys. He hops out and trudges toward the door of the cabin. It's smaller than their own house but cozy and had everything they needed. Celine would say it was shoddy and looked like it'd fall on top of them at any moment. Its roof was rotted and the wood was thin. It barely kept them warm and the doors would burst open from a strong gust of wind. Micah would say it's perfect and reminded him of his old home.

Micah swings open the truck door and goes directly to the shed at the side of the house. The Dartmann's next door gave him a new silver wide mouthed snow shovel as a gift last year. He thanked them and it sat in the shed unused since then. He reaches past the new shovel and grabs an old plastic one. It has chips at its edge from being used so much but he liked it. His hands had made imprints on the wood of the handle from using it so many times throughout the years. Micah starts shoveling the feet of snow in front of him, his legs and back getting tired very quickly. Lee comes out of the cabin with his locs tied up and goes to the shed. He comes back to the yard with the Dartmann's shovel in hand and helps Micah plow the snow.

"Wanna switch?" Lee says.

Micah slowly straightens his back out and cracks his knuckles, while the shovel lays in his armpit. "I don't need that. I shoulda gave it back to the neighbors a while ago."

"Is it theirs?"

Micah goes back to shoveling. "Yup."

After two hours, they'd finish clearing the front of the yard. The gravel road still had snow between the cracks but the truck could now sit in front of the cabin. The trees across the road tower over the cabins. They were densely

packed and only had a single dark path leading to a small clearing that hunters used to shoot animals through the trees.

Micah stands in the kitchen, boiling water over the rusty gas stove near the front door and Lee rummages through a large brown metal chest in the small living room, shuffling through board games and cards.

"We got Uno," Lee shouts.

"I don't like playin' Uno with you. You keep changin' all the rules up."

"That's just how people play, old man."

"I know it's how people play but why we gotta play like that?"

"Because how you gonna play Uno with anyone else if you don't learn it?" Lee says, shutting the chest.

Micah stops staring at the popping bubbles in the water and looks to his son. "I didn't really plan on playin' Uno with anyone else."

"Maybe *that's* why you don't like Uno." Lee grunts and walks into his room toward the back of the cabin.

Micah exhales and pours the boiling water into two mugs that hold green tea bags.

"Tea done," Micah says before swinging open the front door and stepping out to the yard. The yard is large but only the outside of the cabin has things on it. A big fire pit stood a few feet away from the door, an old worn bench sat directly to the right of the entrance.

Micah walked out further, looking around the site. To his left were more unshoveled roads and empty snowclad cabins. To his right, is the Dartmann's cabin and Tim Dartmann stands outside with his hands in his pockets, in a navy blue Under Armour tracksuit. He stares into the trees, watching the birds fly in and out of sight. Tim looked over, curled his lips inward and took out one of his hands to stick it in the air, waving at him. Tim started walking over.

"Okay..." Micah grumbles as he walks toward Tim.

"Mr. Maggie! Heya, man. Good to see ya!" Tim exclaims. Tim was a mid-sized white guy from the Northeast who moved to the midwest to "escape the hustle and bustle". He lived in Springfield and that's all Micah knew about him. He was jolly in a way Micah didn't like, he couldn't even imagine what Lee would say about him.

"Magdalena... is my name. How you been, Tim?"

Tim taps his chest, "Got a bit of pneumonia last month but I'm still running strong."

Micah backs up two steps. "Good luck with that."

"Sorry about your loss, Maggie. Ya know me and Tilda loved Celine, really we did. She's in a better place now. With her dad," Tim says while making a cross over his heart.

The left side of Micah's top lip raises in disgust but he quickly lowers it and looks down to his boots. He looks back up and says, "Magdalena. And yeah, I guess so." Tim and Micah had this conversation verbatim last year.

"Ya know, when I lost my great grandma back in 2001... maybe it was 2002 but-"

"What about Tilda? And Mary?" Micah interrupts.

"Well, well they're great. Tilda's just doing her thang," He says as he crosses his arms like a stereotypical rapper. Micah doesn't smile. Tim stops and wipes his hands on his chest, "Yeah... well... Her name isn't Mary, it's Anna. I thought you'd know by now, Maggie."

"It's Magdalena. You know it's Magdalena. Call me Micah. Stop with the Maggie. I'm serious," Micah says, staring into Tim's eyes.

Tim freezes and clears his throat. "Well- uh, Anna is doing great. She's moving up to Vermont for college in a few months. I'm real excited to get her out the house."

Micah rubs his fingers together. "Really? Great for her."

"Lee?"

"Uh... Georgia. In a few months. Somewhere in Atlanta. Wants to work with robotics and computers, all that. He's real smart, we're barely payin' a thing. He just liked the city more when we visited."

"Wow, isn't that great," Tim says, putting his hands on his head. Micah could see the purple and blue veins through Tim's pale paper skin. "You've got to be pretty glad you only have one mouth to feed now!"

Tim seems to quickly realize what he said, "Oh Jesus, I'm sorry. I didn't- ya know-"

"Yeah," Micah says, now looking down at his boots. "I'm not all that excited. Won't be fun bein' alone for that long. Havin' to figure things out on my own."

Tim reaches his hand out over the black wire fence, "You've always got me, Mag- uh, Micah!"

Micah looks down at Tim's hand and back up at his rosy cheeks and big red nose. "Yeah," he says and turns around back toward the cabin. "Great."

He walks back into the cabin and lets out a big sigh. He looks to the counter and sees one of the mugs is gone. He puts his hands on his hips and hangs his head for a few seconds. He straightens back up and walks to his room. He gets in the room and turns on the ugly yellow lamp. The room was small and the bed takes up most of it. A white desk and large mirror fill up the rest. Micah sits down on the bed and struggles to slip off his boots. His feet get colder as the boots slide off and he finds clumps of snow stuck to his socks. He looks up to the mirror and sees pictures of his family, stuck in between the mirror and its frame. There's pictures of Celine and Micah holding hands, Celine on the hospital bed after delivering their son, Lee as a child and Micah

and Celine's father, Reginald, shaking hands. Micah looks down toward the crowded desk and sees two eulogies standing above the rest of the junk. *Celine Magdalena-Martins, 1961-2004. Reginald Martins, 1929-2005.*

After Celine's passing, Reginald gave the cabin and his home in Tulsa to Micah. Reginald was a traditional man and didn't like most of his children. Celine's brothers and sisters moved away and integrated with the modern world. Reginald didn't like Micah at first but he saw more of himself in Micah as they grew older.

Micah lifts his head from the pillow and turns to the small window, the sun peeking through the Bald Cypressess, almost below the hills. He snuffles and looks at his Cassio. 4:02 PM. He swings his feet over the bed, still fully dressed. He puts on his cold boots and walks over to the mirror. He picks up the copy of Celine's epitaph and studies the blurry, discolored image in the corner. He breathes a sigh of relief.

"Damn," he says, putting it down.

Micah walks out into the living room and looks around. "Lee?"

He hears nothing. He walks around the corner to Lee's room and no one is there. He walks around the mattress on the floor and checks the closet, pushing through clothes and finds nothing. He leaves the room and yells, "Lee?"

He walks quicker to the kitchen and sees his tea still sitting on the counter. "Lee?!"

"Yo!" Lee shouts from outside.

Micah's fingers twitch and he swings open the door. He looks up into the abyss of deep dark blue with rippling clouds, shadows of the treetops painted along the edges. The pristine white snow reflected the crystalline light of the heaven above, like the sea invaded the sky. Micah stares up until he notices the cloud of breath coming from his nose. He looks down to see Lee stacking dry wood into the fire pit.

"Fire," Lee says, while panting. Tiny elegant snowflakes rested on his light blue sweater.

"I see."

Micah walks back into the kitchen, grabs a large bowie knife and a thick slab of flint sitting on the small wooden table in the middle of the room. He goes up to the fire pit and gets on one knee. He starts scraping the knife on the slab toward the pit, sparks flying to the wood.

"We could use a lighter," Lee says, standing over his father.

"I don't need no lighter."

"It would be a little easier."

Micah keeps scraping, "I don't mind it being harder."

Lee stands quietly, staring at his father's black beanie. The sound of the knife echoed through the quiet forest.

"I'ma miss you, pops," Lee says.

Micah keeps scraping.

"You heard me?" Lee repeats.

"I heard you."

"I said I'ma miss you."

"I just said I heard you," Micah says. The knife scraping gets louder.

"You ain't leave yet."

"I can only tell you I miss you when I leave?"

"Well you ain't leavin' yet. We don't gotta say goodbye right now. We don't really gotta say goodbye at all."

Lee crosses his arms. "Well I will be saying goodbye. You should use the lighter."

"I don't need the lighter. And you sound real happy about leaving. I don't wanna say goodbye yet."

"You're never gonna wanna say goodbye, pops." Lee says, walking to the other side of the firepit. "I still have the lighter."

"I already said I don't want no goddamn lighter. I wanna say goodbye to that hair."

"I'm not cutting my hair."

Micah stops scraping for a second and resumes. "Whatever."

"Don't 'whatever' me. What's wrong with you pops?"

"It's nothing wrong with me, Lee. I just think you need to think about all this Georgia shit."

"I think I'm going exactly where I want to."

"I think you should cut that fucking hair."

"I think you should use this fucking lighter."

Micah looks up at Lee and the hand holding the slab relaxes. His other hand, holding the knife, still tries to scrape the flint and sheers the skin from his palm. Blood quickly fills his fist and drips into the snow. Micah's eyes dart down and see the pulsing muscles in his palm. "Fuck!"

Lee steps over the pit, "You good? You good?!"

Micah backs away with blood spilling from his closed fist, the knife still in his other hand.

"I didn't do enough?! I gave you everything I had and you're just leaving me?!" he yells. Tears fill his eyes and mucus runs from his nose. His chest fills with sharp air and every breath produces a thick cloud from his mouth, blinding Micah from his son, making the tears fall more.

"I'm not leaving to get away from you, I-"

"Everybody moves so fast! So much faster than me! Everybody! But I give it all I have and everyone offers me a lighter. I get left behind and all I get is a lighter! A fucking lighter!"

"You don't even know what you saying no more," Lee says, stomping back into the cabin.

"Fuck!!" Micah says clenching his fist harder, keeling over facing the ground. "Georgia?! Fuck Georgia!" he screams while throwing the knife to the snow. "And cut that fucking hair!" he yells while trudging into the cabin.

Lee slams the door to his room and Micah kicks open the front door. He stomps toward the room and bangs on the door with his bloody fist.

"I don't wanna talk to you." Lee says.

Micah grunts loudly and presses his large body against the thin wooden door, shattering the hinges. Lee exclaims, quickly backs up from the door and stands up against the wall.

"I can't do more, I can't," Micah wails.

"Yo! Can you calm down?! Really! What the fuck!"

"I'm trying, I am. I'm trying." Micah pleads, with more tears falling. His hands reach out to his son as he falls to his knees.

Lee walks past him into the kitchen. The creaking of the cabin gets louder and Micah follows Lee.

"I been trying with you, I have. You got a comment for everything. I wanna make things easy. You're the only one making them hard. Your eyes ain't old enough not to see that." Lee says, standing over the table between him and his father.

"I just don't see why you gotta leave me. You got everything. I got everything for you. It's hard. I-I can't..."

"There's new shit to be seen, pops. Everywhere. For everybody. It's not my job to hold your hand," Lee says, staring at his father. They stood across from each other, waiting for another word. "Maybe you do need that lighter."

Micah's face scrunches up and he throws his hands into the air. He hammers the bloody one back down onto the table, rumbling the entire cabin. A deep dent is left in the table, filled with a puddle of Micah's blood. Micah stares at Lee. Lee slowly walks out of the cabin. Micah's spine shivers and throws his beanie to the floor.

Micah walks to the sink and runs the water over his hand. He winces and hunches over. He stands listening to the sound of the water. He stares at the deep canyons in his hand. The pits of his callouses almost glowed red. His palms pulsate and his fingernails feel like they have thumbtacks underneath them. He wraps his hand up in the towel sitting on the side of the sink and walks outside. The wind stops howling and Lee is squatting next to a lit fire pit. Micah sits down with his entire weight on the other side of the pit.

"I miss your mom," Micah says, without looking up.

A few seconds go by. "That's not an apology."

"I'm sorry."

Micah watches the snowflakes melt before they touch the fire wood. "I am gonna miss you."

"I know," Lee says quickly. "Yeah. I know."

They sit and listen to the crackle of the flame. Micah looks into the woods and sees a young skinny deer and an old buck. The deer prances through the fresh snow, looking back at the slow moving buck. The deer treks deeper into the woods making new marks in the snow, the buck carefully follows in its footsteps until they become hidden by the trees.

"I'm just getting old," Micah says, turning back to the fire.

Lee rubs his hands over his face and they fall to his side. "You're not that old. Your hand?"

"It's my fault."

"That ain't what I asked."

Micah looks down at the now dark red towel. "It's fine."

"Yeah."

"Good fire, you started."

"I used a lighter."

"I bet."

Lee takes the transparent green lighter from his pocket and holds it over the fire, handing it to his father. Micah stares for a bit and reaches out for it. He slips it into the pocket of his coat.

"I'll use the lighter next time," Micah says.

"I hope."

They sit at the fire until Micah stands up and brushes the snow off of himself. He lets out a deep breath and looks back at the blood in the snow, the footsteps on the ground and the now black sky above.

"You look like your momma," Micah says, holding his hands over the fire.

"I know."

"Don't cut your hair. Please."

Lee runs his hand through his hair. "Well now I want to."

Micah laughs with his whole chest. "Yeah. Yeah, I see." he grumbles, staring into the woods, catching a glimpse of the buck's antlers in the clearing. The buck navigates through the dark now alone, carefully taking every step further into the depths of the night-veiled woods.

♦ PUBLIC ADMINISTRATION 343

HISTORY AND CURRENT ISSUES WITH PERSONAL INCOME TAX

SHANE CLARKE

INTRODUCTION

The history and current status of the personal income tax system in the United States is rife with a myriad of problems, made all the more difficult by an increasingly harder to understand, complex structure of rules and regulations. When Americans file for taxes every year, why are middle-class earners paying a higher percentage of their earnings than the majority of the wealthiest earners? Additionally, these salaried employees who make up the lion's share of earners, lack the ability to tap into the many tax loopholes enjoyed by the upper echelon. Obfuscation and often contradictory tax policies contribute to the issue immensely. Content analysis of the official Internal Revenue Service (IRS) tax guidelines reveals over 75,000 pages of Byzantine tax codes. Further analysis of tax history indicates that an enormous amount of millionaires have failed to file for taxes at all, much less pay them (Wyden, 2023). These millionaires are rarely prosecuted, and as of 2023, owe an estimated \$23 billion in back taxes. As United States Senate Committee on Finance Chairman, Ron Wyden put it, bluntly: "Odds are, if you're a wealthy tax cheat that doesn't even bother to file a tax return, you'll get away with it" (Wyden, 2023).

The Assignment and the Writer: Our class studied public budgeting systems at the local, state, and federal levels in the US. Shane wrote his paper on the history of and issues with federal personal income tax. He effectively made the case for IRS reform to create a less burdensome and more equitable tax system for all Americans. Shane offered convincing evidence from history and current events to argue for comprehensive income tax reporting, administration, and collection reform, and he made policy recommendations for improving the income tax system. In clear, concise prose, Shane highlighted the need to reduce the tax burden on ordinary Americans.

—Professor Melissa McShea

Compounding matters, Republicans in Congress have been pushing for cuts to the IRS budget, in the face of an already depleted amount of resources. Further cuts would undoubtedly yield more advantages to these millionaires who have repeatedly shirked their tax-paying responsibilities. In an era when public budgets are becoming increasingly more susceptible to cuts, tax avoidance and evasion should become higher priorities for the IRS. However, achieving that goal through the addition of more regulations, will only perpetuate the existing state of an unacceptable tax culture, which thrives on the very nature of its complexity.

BACKGROUND AND HISTORY OF THE US PERSONAL INCOME TAX SYSTEM

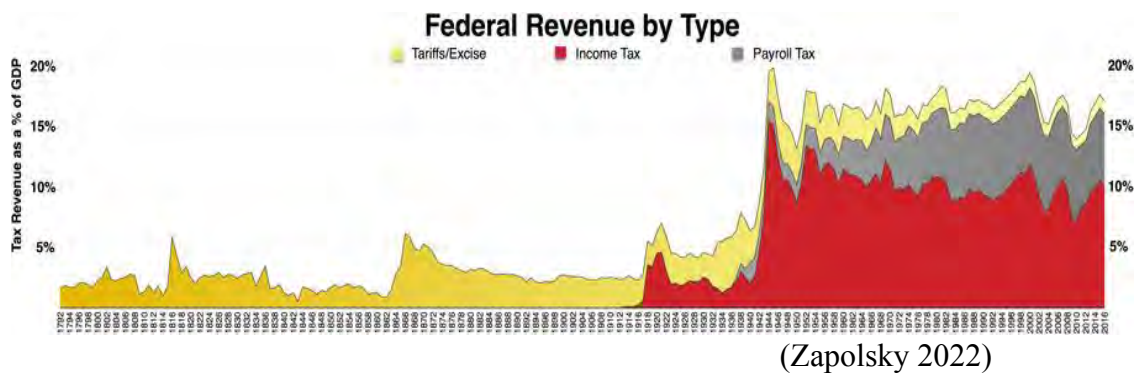
In fiscal year 2022, the US government collected \$5.03 trillion in taxes, of which more than half were individual income taxes (Congressional Budget Office, 2023). This represents the federal government's most important and largest stream of revenue, which allows it to continue running efficiently. Yet, this wasn't always the case. To fully understand how the current income tax came about, one must consider the history behind our current taxation policies, and how they played a key role leading to the American Revolution. Taxes imposed by the British in the 1760's became a flashpoint, around which Americans united in their collective disdain for the British Crown. These were mainly colonial taxes on products such as sugar, tea, coffee, cloth, and paint. Additionally, the British imposed taxes on legal documents, permits, contracts, and newspapers. Through a series of boycotts, this tax, known as the Stamp Act, was eventually repealed under the colonists' rallying cry: *"No Taxation without Representation"*.

While they were not the only cause for revolt against the British empire, taxes imposed on imports and properties undoubtedly sowed widespread contempt, and preceded the Americans' demands for greater liberties and freedom. And so, the argument against taxes is as old as the nation itself. On this point, many of the arguments used by the colonists' are echoed by opponents of tax policies today. As the United States emerged as an independent republic, tariffs on imports remained the main source of government revenue. It wasn't until nearly a century later that income taxes were first introduced, in 1861, during the American Civil War. This was brought about by the Revenue Act of 1861, which imposed a 3-5% income tax to help fund the war effort. This was adjusted a year after its arrival to form a more progressive tax system, in which higher earners would pay a slightly higher percentage of their incomes. While the Revenue Act was repealed a decade later, the framework had been laid for future income tax systems.

Subsequent to these early efforts, the 16th Amendment was ratified in 1913, establishing the basis for our modern day income tax system. The

legislation stated that “Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration” (U.S. Const. amend. XVI 1913). Within five years, the income tax rate increased to as much as 77% for the very highest earners, although the average rate for most of these very high earners was 15%. Through the First World War, the Great Depression, and the Second World War, tax rates fluctuated based on the ever-changing needs of the government. It was during the Second World War that Congress first introduced payroll withholding of taxes, which once again, was done to fund war efforts. This created a whole industry of payroll professionals, who could take the administrative burden of taxes out of the employers’ hands. Payroll tax was a complicated undertaking from the beginning, and required resources beyond the capabilities of most employers.

As shown in the table below, this payroll withholding mechanism had an immediate effect on how much money the federal government was able to collect from income taxes. “In contrast to the 4 million filers in 1939, 50 million individual income tax returns were filed in 1945, and the filers owed more than \$19 billion, nearly 20 times the amount that was paid five years earlier” (Zapolsky, 2022). For the most part, the legislation that put payroll taxes into place was unopposed, as Americans recognized the importance of military funding to fight Nazi Germany and the Axis powers. Payroll tax withholding was here to stay, and brought about a shift in thinking— from dreading Tax Day, to looking forward to it as a time to receive money back from the government.



After World War II, the highest tax rates remained around 90% until 1963, when a steady decline over the next 30 years began, reaching as low as 31% in 1992. Under President Bill Clinton, the highest tax bracket saw an increase to 39.6% the following year. This was lowered in stages to 35% under Clinton’s successor, George W. Bush, in 2001. The lower top marginal rate

was set to expire in 2010, but was effectively reinstated with the Unemployment Insurance Reauthorization and Job Creation Act of 2010, signed into law by President Barack Obama.

In recent years, that top marginal tax rate has inched higher, with the richest individuals (earning > \$539,900), now paying 37%. This increase was part of changes made through the Tax Cuts and Jobs Act of 2018, signed into law by former President Donald Trump. This legislation shook up income tax brackets and ranges across the board, and was widely marketed as a tax cut by Republicans in Congress. Tax experts did not necessarily embrace the changes as a net positive for all. “Economists and tax experts are overwhelmingly skeptical that the bills in the House and Senate can generate meaningful job growth and economic expansion. Many view the legislation not as a product of genuine deliberation, but as a transfer of wealth to corporations and affluent individuals — both generous purveyors of campaign contributions” (Goodman & Cohen, 2017).

IMPLICATIONS

The tax gap, or the estimate provided by the IRS, which puts a dollar amount on the variance between the true tax liability owed and the amount which is actually paid on time for a given year, is not a theoretical problem, and has wide-ranging consequences for government activities and services. The IRS recently announced tax gap projections for 2021, which amounted to a staggering \$688 billion (IRS.gov, 2023). To make matters worse, that upward trend seems to only be intensifying, as the \$688 billion was a jump from \$601 billion in 2020, and \$550 billion in 2019 (Grantham-Philips, 2023). As members of Congress call to cut funding from the IRS budget, these numbers should loom large in the conversations happening around those decisions. To put things in perspective, the IRS’s tax gap estimate comes close to the entire budget of the US Department of Defense in 2020, (\$720 billion), which is nearly triple the US’s closest competitor in this category, China (SIPRI, 2021).

Fortunately, the IRS has taken some steps to mitigate the damage inflicted by the growing tax gap, thanks in large part to money allocated for that purpose in President Biden’s Inflation Reduction Act. IRS Commissioner Danny Werfel stated to reporters recently that the IRS is “adding focus and resources to areas of compliance concern, including high-income and high-wealth individuals, partnerships and corporations. These steps are urgent in many ways, including adding more fairness to the tax system, protecting those who pay their taxes and working to combat the tax gap” (Grantham-Philips, 2023). That top-ranking IRS officials acknowledge the severity of the issue is a positive sign that we can expect the agency to do more in turning the tide of a continually rising tax gap. However, if they are expected to continue to recognize and fulfill this responsibility, adequate funding is critical.

Additional implications of the current income tax system result from a higher effective tax rate for lower and middle class Americans than those in the upper income bracket. While there has been much public focus and attention in recent years on policies that promote equality, income taxes may, in fact, perpetuate the opposite. The relative imbalance on how much of an impact income taxes have on lower class individuals and families has demonstrated a restraint on upward mobility, according to a recent study conducted by the Mercatus Center at George Mason University. The economist presenting the research, Steven Horwitz, concluded “taxes prevent upward mobility by burdening the poor more heavily than those who are better off” (Horwitz, 2015). That policymakers continue to ignore this issue, while simultaneously promoting the need for greater equality, makes a strong case for tax reforms.

CONFUSION AROUND CURRENT TAX LAWS

As Albert Einstein once put it perfectly, “The hardest thing in the world to understand is the Income Tax.” Underlying the complicated language in the US tax code is its sheer vastness of information contained therein. IRS tax guidelines outlining revenue and regulation policies are currently 75,000 pages long. While both sides of the political aisle seem to argue back and forth over where to give tax cuts and to whom higher rates should apply, there is little to no discussion on the enormous size of the US tax code. The fallout from this is twofold: it takes people too long to figure out how to file their taxes, and it consumes a tremendous amount of IRS resources to accurately process those taxes (Lasker, 2022).

Another negative aspect stemming from the complexity, is just how vulnerable this leaves income tax regulations to abuse. While the top marginal tax rate is officially listed at around 37%, the wealthiest Americans are, in reality, paying much less. A study conducted by White House economists in 2021 concluded that the 400 wealthiest American families paid an average income tax rate at around 8.2% from 2010-2018, which is actually lower than what most ordinary, middle-class Americans are paying (Hanlon & Buffie, 2021). The loophole that allows them to pay such a low tax rate is by way of unrealized capital gains. That the ultrawealthy are able to legally evade paying their fair share of taxes only fuels their exponential growth in amassing greater wealth and power.

One other source of confusion around income taxes stems from state versus federal taxes owed. While the federal tax system is progressive, with higher tax rates on higher income brackets, the model for state income taxes varies depending on residency. Some states follow suit with a progressive model, while others impose a flat rate across the board, regardless of income level. Where this begins to get tricky is when income earners have multiple

states in which they are earning, which has become more common with the expansion of remote work. Further complicating matters, some states have a “convenience rule”, which effectively acts as a double tax (Sahadi, 2022). Income earners in five states— Connecticut, Delaware, Nebraska, New York, and Pennsylvania— are susceptible to this double tax, which allows states to charge people taxes for employees working for companies based in those states, regardless of where they are conducting remote work. Adding one more element of confusion into the mix, nine states choose not to levy an income tax— Alaska, Florida, Nevada, New Hampshire, South Dakota, Tennessee, Texas, Washington and Wyoming. The lost revenue in these states is generally made up for through higher property and sales taxes.

RECOMMENDATIONS

Modernize and simplify the current tax code. This will take a lot of work, as the current system is incomprehensible, with a profusion of archaic and outdated material. However, the result would unquestionably make taxes easier for people to fulfill their tax obligations, and easier for the IRS to administer. Congress should make this a priority if they expect greater tax compliance and uninterrupted revenue growth.

Give the IRS additional funding to hire, train, and retain staff. A recent analysis showed that over the past decade, “the IRS’s budget was reduced by more than 15 percent in inflation-adjusted terms, resulting in reduced staffing levels not seen since the 1970s. As staffing declined, so did taxpayer service levels” (Taxpayeradvocate.gov, 2022) Without additional funding and support, the IRS will not be able to continue to fulfill its obligations at a satisfactory level. A dedicated effort must be made to ensure the agency’s long term productivity.

If one accepts that the income tax system in its current form perpetuates inequality, what recommendations support the goal of reversing that trend? Policymakers, in conjunction with the IRS, can take affirmative steps to remedy the problem through a series of options. First, the nonprofit tax policy organization, The Tax Foundation, suggests that income tax adjustments at the state level may be very useful in this regard. “States should consider adopting inflation indexing to avoid unlegislated tax increases; raising filing and withholding thresholds to avoid unduly burdening taxpayers who only spend a few days in a state; repealing convenience rules to eliminate the double taxation of remote workers; and replacing federal deductibility with more competitive rates” (Walczak, 2022).

Provide effective solutions for the inflation issue. On its own, inflation essentially acts as a hidden tax, with direct consequences for cost-of-living. As the American economy is in the midst of a three-decade high in inflation, the need for inflation indexing is of heightened importance. This measure helps

taxpayers avoid “bracket creep”, which effectively pushes people into paying higher tax rates despite their real income and purchasing power remaining the same through inflation changes.

The Tax Foundation goes on to suggest that states should strongly consider raising filing and withholding thresholds “to avoid costly compliance burdens for taxpayers with little or no actual liability in a nonresident state” (Walczak, 2022). Such reforms would likely make states more attractive to prospective residents, thus making states more economically competitive. Modernizing tax codes promotes growth of the individual, just as much as it does on a broader scale for states and regions.

Commit to greater tax law awareness. Currently the IRS dedicates one week a year to educating the public on the particulars of tax laws. More specifically, the awareness program is geared toward helping people keep their sensitive data secured, but this initiative should expand in scope to broader tax topics. Inviting tax preparers, businesses, and human resource departments to partner in this effort would undoubtedly yield greater benefits.

CONCLUSION

This paper seeks to determine the major problems with the current income tax system. To answer that question, we continually returned to the same recurring theme, from which many problems derive—over-complexity. Members of the government may have been justified in their some of their many additions to the tax code over the years and decades, but we have essentially been left with a room that has had so many coats of different paints applied, the colors are beginning to bleed through, and we're not even sure what we're looking at anymore. This complexity inevitably leads to errors in filing, as the IRS recently revealed that one part of the tax code, the earned income tax credit, had an average error and fraud rate of 24% between 2016-2020 (Edwards, 2022). This translates to an average \$16 billion in losses a year. Progress in how the United States processes and administers taxes will only be realized when the system undergoes fundamental modernizing changes and simplification. While the technology to make that modernization a reality has improved, little has been done to fully realize the potential of easing the burden of tax compliance and administration. As society pushes to adopt an ever-increasing amount of progressive policies, so too should that spotlight shine on the many flaws of the income tax system.

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♦ LAW AND SOCIETY 380

“EVERY CITY IS COP CITY”: ATLANTA’S STRUGGLE FOR LAND, LIFE, AND LIBERATION

TASFIYA KASHEM

Land is life—or, at least, land is necessary for life. Thus, contests for land can be—indeed, often are—contests for life.

—Patrick Wolfe (2006), “Settler Colonialism and Elimination of the Native”

THERE IS A STRUGGLE FOR LIFE taking place in the city of Atlanta. On May 15, 2023, Atlantans mobilized to give voice to this struggle; nearly 500 residents of the city and nearby DeKalb County occupied City Hall to sign up for public comment on the City Council’s upcoming legislation to authorize \$31 million of taxpayer money to fund the Atlanta Public Safety Training Center (Pratt, 2023). Of the hundreds who rallied in person, approximately 300 people were given the chance to speak before the City Council, resulting in over seven hours of public comment — remarkably, every single person spoke out against the construction of the training center, now infamously known as “Cop City.”

The fervent opposition to and impassioned mobilization against Cop City is certainly not new terrain for Atlantan organizers and community members. The fight to stop construction of the \$90 million police training center has been nearly two years in the making, since former Council Member Joyce M. Sheperd of District 12 introduced Ordinance 21-O-0367 before the

The Assignment and the Writer: In “Legal Tools of White Supremacy,” we study how legal strategies have been used to reproduce racial inequality. These strategies often appear neutral, and their racist implications become clear only with social and historical context. The main assignment asks students to choose a recent legal proposal and analyze its implications for racial equality. In her clearly written paper, Tasfiya Kashem provides a wide-ranging but tightly argued analysis of a proposal in Atlanta to create a comprehensive police training facility, dubbed “Cop City” by opponents. Kashem’s essay highlights not only the proposal’s vision of policing but also the undemocratic tactics used to secure land for the facility and the alliance of elite interests behind it. Placing “Cop City” in the context of racial capitalism and settler colonialism, Kashem makes visible its historical roots and social implications.

—Professor Michael Yarbrough

Atlanta City Council. On its face, Sheperd's legislation approves the execution of a ground lease between the City of Atlanta and the Atlanta Police Foundation for the construction of a \$90 million training facility for police and firefighters atop City-owned land in the South River Forest. Though the project was passed by the City Council and has the support of former Mayor Keisha Lance Bottoms, current Mayor Andre Dickens, as well as numerous other political and legal actors (including major corporations), it has received intense public backlash from their constituencies, who have employed a variety of tactics in an attempt to #StopCopCity.

Proponents of the Public Safety Training Center, including the Atlanta Police Foundation, assert that the “state-of-the-art” facility would give police officers the necessary training to effectively fight back against a surge of crime in the city. Opponents of the plan, however, argue that its construction would result in environmental destruction of historic greenspace, exacerbate the climate crisis, and lead to greater militarization of local law enforcement. In an attempt to prevent the City of Atlanta from tearing down this precious greenspace, numerous activists (who call themselves “forest defenders”) have set up encampments and physically occupied the forest and its trees since 2021 (Bethea, 2022). Since then, forest defenders have been subjected to numerous raids and mass arrests by Georgia law enforcement. These raids and the public outcry against Cop City came to a head on January 18, 2023, when Georgia State Patrol officers assassinated 26-year-old Manuel “Tortuguita” Terán, a nonbinary and indigenous forest defender (Lennard, 2023). Tortuguita was shot 57 times, and their death marked the first documented police killing of an environmental activist within the United States (Bush & Chow, 2023).

Protests erupted across the United States, sparking widespread (and even international) opposition to Cop City in response to Tortuguita's death. In the following weeks and months, Atlanta has become the battleground for community resistance against policing and state-sanctioned white supremacy. Though proponents of Cop City (including Atlanta's majority Black and Democratic legislators) tout the approved plan as a win for public safety, the proposal itself is one that is rooted in America's legacy of racism and institutionalized white supremacy. The fight to #StopCopCity is a battle against white supremacy, and a struggle for mere survival. What results from this battle will not only determine the future of Atlanta, but set the tone for the rest of the United States as well.

DEFINING WHITE SUPREMACY

In order to understand Cop City's role in advancing white supremacy and racial inequality in Atlanta, it is necessary to first define these concepts. According to scholar Barbara Smith:

White supremacy is not merely the individual delusion of being superior to Black people. Institutionalized white supremacy does not need individual bigotry in order to function, because it is a universal operating system that relies on entrenched patterns and practices to consistently disadvantage people of color and privilege whites. (Smith, 2020)

Therefore, white supremacy manifests itself throughout various institutions and power structures in American society, including but not limited to the institution of policing itself. Though contemporary discourse around American policing in political circles often lends itself to reforming specific policing practices and tactics, understanding white supremacy as an “institutional” and “universal operating system” that must be abolished leads to the conclusion that policing itself is inherently white supremacist. Smith (2020) goes on to describe the origins of our police departments, which currently function as “arm[ies] of occupation in poor communities of color” and evolved from the slave patrols of the Antebellum South.

Given that the institution of policing originated from and remains white supremacist in nature, proposals to expand, fund, and further militarize American police departments can be understood to be advancing white supremacy. And in Atlanta, a predominantly Black city often regarded as the “Black Mecca” of the South, the Atlanta Police Department functions as an occupying white supremacist force.

While institutionalized white supremacy doesn't need individual bigotry to function and thrive, it also no longer needs white people to be the face of it. The battle against white supremacy in Atlanta is particularly insidious because it no longer looks like fighting white segregationist leaders — instead, the Black working class engages in revolutionary struggle against its majority-Black leaders and legislators. This dynamic and the ongoing struggle for racial equality in Atlanta can be difficult to initially grasp, as explained by Wiltz (2022): “In Atlanta, Black folks had the political power. And that meant if white people wanted to get anything done, they had to come correct. At least, that's how we saw the power dynamics in our then-majority-Black city.”

As the Black, working-class residents of Atlanta and nearby DeKalb County (where the Public Safety Training Center is set to be built) occupy the forest, attend vigils, march on the streets, and testify before City Hall, their Black mayor and Black elected officials on City Council align themselves with corporate interests and white economic/political elites to push through Cop City. In the process, the multiracial and working-class coalition that organized to #StopCopCity have been labeled “outside agitators,” criminalized,

surveilled, brutalized in the streets, and even face the threat of being killed at the hands of police.

Although this alliance between Black political officials and white economic/corporate elites has been on full display through the state's attempts to repress the #StopCopCity movement, it is not a new dynamic for Atlanta. Scholars, historians, and organizers in Atlanta have studied and written extensively about this alliance, popularly known as "the Atlanta Way": "the strategic partnership between Black political leadership and white economic elites that work in service of corporations and upper-class white communities and to the detriment of lower-income Black and working-class communities" (Herskind, 2023). According to Edgett and Abdelaziz (2021): "In Atlanta, Black elites — many of whom gained popularity as Civil Rights activists — secured formal political power and economic benefits. They subsequently found themselves upholding the Atlanta Way by suppressing militant rebellion from working-class and low-income Blacks." This dynamic, which has been in play since the mid-20th century, persists in 2023 to advance white supremacy and disadvantage the Black working class.

The proposal to construct the Public Safety Training Center would be a direct and immediate threat to the survival of Black Atlantans — the nickname for the facility popularized by activists, "Cop City," as well as the murder of Tortugueta, underscores this threat. Cop City is being pushed through by the white supremacist Atlanta Police Foundation, City Council, and the mayor despite intense public opposition to the project; its construction can be understood as the state's response to the revolutionary uprisings of 2020, when Atlantans protested the state-sanctioned murders of countless Black Americans, including George Floyd, Breonna Taylor, and Rayshard Brooks. This motivation is delineated further by Micah Herskind, a long-time abolitionist organizer and policy advocate based in Atlanta, who draws on Ruth Wilson Gilmore's definition of "organized abandonment" to explain the state's support of Cop City:

Cop City is the Atlanta ruling class' chosen solution to a set of interrelated crises produced by decades of organized abandonment in the city. As Gilmore explains, crisis means "instability that can be fixed only through radical measures, which include developing new relationships and new or renovated institutions out of what already exists." These crises included the threat and reality of mass uprisings against police violence, extreme and racialized income inequality and displacement, corporate media narratives in the wake of the 2020 uprisings that threatened the image of the city as a safe place for capital investment and development, and a municipal

secession movement that threatened to rob the city of nearly half of its tax revenue following the uprisings. (Herskind, 2023)

Herskind's analysis highlights the threat that Cop City poses to Black and working-class Atlantans, as it seeks to further militarize the Atlanta Police Department with the aim of suppressing protest and other modes of resistance. Opponents of Cop City have criticized the facility for essentially functioning as a "war base where police will learn military-like maneuvers to kill Black people and control [their] bodies and movements" — conceptual simulations and drawn plans for the training center indicate that it will include a mock village/cityscape for police officers, a burn building, shooting ranges, a helicopter pad, as well as sites to test explosives and tear gas deployment (Maxouris, 2023). In the months since Tortugueta's murder, law enforcement agencies in Georgia and Atlanta have already begun a brutal crackdown on #StopCopCity activists, with dozens of peaceful protestors facing domestic terrorism charges after attending vigils and a music festival in the South River Forest — given the level of repression already taking place, it is not difficult to imagine what may come if the Atlanta Police Foundation succeeds in constructing Cop City.

Though Mayor Andre Dickens and the Atlanta Police Foundation contend that the Public Safety Training Center is necessary in order to effectively combat a wave of crime and reform policing practices, scholarly research suggests otherwise. Murakawa (2019) undermines the idea that additional training can effectively reform policing practices to be more humane or racially-sensitive:

In classic terms, *The Iron Fist and the Velvet Glove* identified the rise of "community policing" as complementary to the rise of aggressive paramilitary policing (Cent. Res. Crim. Justice 1975). Indeed, funding for community policing rose with SWAT teams and paramilitary units... Some scholars fear that procedural-justice training, as a stand-alone remedy, risks sustaining saturated police presence in communities of color, essentially teaching police to continue the same patterns but with superficial niceties. Observations of implicit-bias police training paint a disturbing picture of racial criminalization reaffirmed, not deconstructed; one popular training module assures officers that implicit associations between blackness and criminality are partially justified by reality. (pp. 485-486)

Furthermore, research done by Mummolo (2018) suggests that the militarization of local police departments and their tactics does not help

prevent violent crime or reduce crime rates; militarized police forces are also disproportionately concentrated in Black communities and communities of color. These empirical findings not only call into question the false dichotomy presented by proponents of the Public Safety Training Center between the need for public safety and the demands of #StopCopCity protestors, but support the argument that police departments function as occupying forces in communities of color.

COP CITY AS A COLONIAL PROJECT

Understanding the construction of Cop City as a colonial project and an extension of settler-colonialism in the United States is also crucial to comprehending its role in advancing white supremacy. The proposed location of the Public Safety Training Center, at 561 Key Road, has a deep-seated history in colonialism and white supremacy. 561 Key Road and the surrounding forest, known as the Welaunee (or South River) Forest, was originally inhabited by the Muscogee peoples for centuries until they were violently displaced and removed by white settlers up until the 19th century (Atlanta Community Press Collective, 2022). In 1827, the stolen land was won via lottery by George Key, who established a plantation with at least 19 documented slaves (Atlanta Community Press Collective, 2022). After the land was purchased from the Key family by the City of Atlanta, it became the site of the Old Atlanta Prison Farm, where researchers have uncovered horrific details of torture, forced labor, and slave-like conditions (Atlanta Community Press Collective, 2022).

Now, the site of the prison farm and swaths of the forest are being torn down to construct the \$90 million “Cop City” in a predominantly Black neighborhood within unincorporated DeKalb County outside of Atlanta — and where residents directly affected have had virtually zero say in a process decided by Atlanta’s legislators. The struggle currently unfolding at the site of the Welaunee Forest, which has already led to the death of an indigenous forest defender, as well as its violent history, highlight the pervasiveness of coloniality, a concept further defined by Sylvia Tamale (2020):

Coloniality is a concept related to colonialism but goes beyond the mere acquisition and political control of another country. As an ideological system, it explains the long-standing patterns of power that resulted from European colonialism, including knowledge production and the establishment of social orders. It is the “invisible power structure that sustains colonial relations of exploitation and domination long after the end of direct colonialism.” (p. xiii)

Ultimately, the Cop City proposal is rooted in a colonial history of the dehumanization and repression of Black and Indigenous people, and is part of an ongoing process to further strengthen the white supremacist police state and exterminate these communities.

In his piece “This is the Atlanta Way: *A Primer on Cop City*,” Micah Herskind defined the movement to #StopCopCity as “a battle for the future of Atlanta” — I would go even further to say it is a battle for the future of this country. Atlanta is not the only major city fighting back against expansion of the white supremacist carceral and police state; it is not the only city organizing against additional police funding, faux-progressive elected officials, and austerity budgets. Atlanta is not the only city where Black and working-class communities are fighting for survival.

There is a struggle for life taking place all over the country, and our struggles are interconnected. When demonstrations erupted across the nation in response to Tortugueta's murder, protesters in Washington D.C. chanted: “Every city is Cop City! Stop Cop City!” Although Atlantans continue to organize against a \$90 million war base for their police officers, organizers in Chicago spent years fighting back against a \$95 million police training academy with the #NoCopAcademy campaign (Zickgraf, 2023). The City of Chicago eventually succeeded in constructing the facility, but the movement itself has not failed — Chicagoans recently elected a progressive candidate, Brandon Johnson, as their next mayor, defeating aggressively pro-cop and “tough-on-crime” candidate Paul Vallas (as well as the incumbent mayor, Lori Lightfoot, under whose administration Cop Academy was built). While Johnson's win is not an all-resounding win for the struggle against policing (especially as he begins to walk back on his previous commitments to defunding the police), it is a step in a hopeful direction. In New York City, as well, we have our own struggles to fight — including fighting to close Rikers Island, against the construction of new borough-based jails, against rollbacks to bail reform, and against austerity budgets at the municipal and state level.

At the core of all of these movements, is the struggle to preserve and protect life; there is the recognition that we *can* and *must* do more to take care of each other, and that, as Ruth Wilson Gilmore puts it, “where life is precious, life is precious.” In our efforts to #StopCopCity in our own homes, to abolish the police state, and abolish white supremacy in all of its forms, we must begin and end with this basic premise — and we will win because of it.

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♦ LITERATURE 300

CAMP PERFORMANCE AND HUMOR AS A COPING MECHANISM IN LUIS ALFARO'S *ELECTRICIDAD*

JOHN-MICHAEL CORALES

PLAYS UTILIZE PERFORMATIVE ELEMENTS that can heighten the narrative, allowing for a more thorough development of the themes they address. The use of camp performance, with embellished portrayals of the appearance, and behavior of characters, introduces a sense of humor that can put an ironic twist on the actions and themes within a work. In *Electricidad*, Luis Alfaro reimagines the Greek tragedy of *Elektra*, centering the play around a powerful gang family in the Chicanx community of modern-day East Side Los Angeles, in a style that is reminiscent of Mexican telenovelas; campy and exaggerated, but providing a culturally authentic narrative. While it is easy to lose sight of the narrative amid the camp performance, it is important to understand how this performance style is a mirror reflection of the irony of the social systems

The Assignment and the Writer: For Text and Context, John-Michael Corales explored how Luis Alfaro's (2005) play *Electricidad*, an adaptation of Sophocles' (ca. 410 BCE) tragedy *Elektra*, used a camp performance style to comment on the system of justice in the U.S. today. Applying what he learned about critical theory and the ways in which historical context shapes texts and their interpretations, Mr. Corales presented an incisive close reading of Alfaro's work infused with original ideas and grounded in an explanation of the historical traditions of Chicanx and ancient Greek theater. His artful descriptions of *Electricidad's* camp performance style further demonstrated his clear understanding of the tools of queer theory and the ways in which Alfaro uses them in the fight for equal justice.

—Professor Melinda Powers

that directly impact Mexican Americans. The use of camp performance style is integral in Luis Alfaro's *Electricidad*, and functions to provide an ironic commentary on the flaws and failures of the modern justice system and the law, using humor as a coping mechanism against grief, violence, death, and loss.

Combining elements of Mexican and Chicana *teatro*, Alfaro stages *Electricidad* in a theatrical context that brings the audience into the Chicana world, paving the way for his characters to make social commentary, through a proactive theatrical style. The initial description of the setting, within the scene description, highlights the importance of Chicana identity as a focus on stage, explaining, "*En la yarda* is an altar made of stones. Nestled between the stones are objects that live on altars; votive candles, burning incense, fragrant flowers, a Bart Simpson piggy bank from the border, old and faded pictures" (Alfaro 33). Visually, the presence of this altar tells the audience that although they are in Los Angeles (hence the United States), they are in the Chicana world. The addition of the "piggy bank from the border," a recognizable American pop-culture icon, allows the audience to relate to this world. This also adds a subtle element of humor, that softens the presence of the shrouded dead body of Agamenón, for whom the altar was made by *Electricidad*. While the American audience may be caught off guard by such stylistic choices, Alfaro is employing a traditionally Mexican theatrical style wherein these choices are the basis for performative storytelling. Mexican *teatro* historically provides social commentary through the hyper-realistic representation of people and places, addressing provocative themes to make the audience question socio-political conventions. In his doctoral thesis, University of Wisconsin's Administrator of Chicana Studies Peter Haney explores the history of Chicana *teatro* in Mexico, and argues that Mexican theater has a long history of addressing taboo subjects, through uncomfortable means, referring to John Brakow's assertions on the subject when he writes, "In these earlier years, he suggests, theater companies sought to reflect the values of the whole of their audience, while the later Chicana/o groups sought to change their community's values by persuading audiences to support a revolutionary agenda that did not enjoy wide popular appeal" (Haney 22). Haney argues against Brakow's proposed timeline and posits that *teatro* had been serving "to support a revolutionary agenda" for almost a century but agrees with the controversial, and often unpopular, nature of the style. Even though *Electricidad* is performed on American stages, Alfaro does not attempt to "reflect the values" of the American audience because, in relation to his characters, *they* are the *other*. Instead, the audience is invited to learn about the Chicana "community's values," which is foreign to them, regardless of how uncomfortable they may feel. To that end, his agenda with *Electricidad*, is to make the themes of gang violence, self-policing, and justice accessible to the

audience, and help them process these themes through the Chicanx lens, as opposed to their own, possibly biased preconceptions. However, to do so the audience must be reintroduced to the Chicanx people, and Alfaro does so with portrayals which, although the audience may view them as cliché, are not only authentic but necessary.

While they can be seen as stereotypical and campy, the overtly Chicanx costumes, hair, and makeup are meant to ensure that the audience is always aware of the Mexican-ness of the characters in relation to *their* culture and create an authentically Chicanx narrative. Returning to the scene description, Alfaro's introduction of *Electricidad*, who has been holding vigil for her father's corpse in front of their home, unapologetically reflects the *Chola* archetype, when he writes, "But you know what? Her makeup is holding on pretty good... She wears Levi's, a black tank top, and *chancla* flip-flops" (32). This description depicts a very specific archetype that is lovingly recognized within the Chicanx community, and he, therefore, uses self-enhancing, rather than self-deprecating humor in reference to his characters. From the drawn-on eyebrows, and dark lip liner, to the jeans, tank top, and *chanclas*, *Electricidad* is just an example of Alfaro's archetypes, ironically choosing embellished, hyper-realistic portrayals to stress their authenticity. Because this sort of portrayal is more often seen in a manner that is meant to be not only cliché but demeaning, it is easy to misunderstand its intention. In a review of the 2005 production of *Electricidad* at the Mark Taper Forum, in Los Angeles, Joel Hirschhorn provides a bland observation of the costumes, designed by Christopher Acebo, noting that the "costumes, from the grandmother's tight skirt and big turquoise earrings to *Electricidad*'s open, hanging belt and baggy gray pants, accurately reflect the people wearing them." (Variety 2005) Hirschhorn acknowledges that certain clothing and jewelry are clearly associated with Chicanx culture but fails to understand the purpose of that association with respect to the narrative, beyond the fact that they "accurately reflect" it. What he has missed is the way that the visual connection to the culture opens the path for the audience to empathize with the characters' struggles, since they lack the cultural understanding to identify with it. The fact that *Electricidad* is the product of a Chicanx writer, about Chicanx culture, and played by Chicanx actors not only grants authority for this sort of portrayal but requires it. Once the audience can begin to recognize the characters as individuals, beyond the campiness of the cliché, they can then begin to see how their culture has developed in response to their relationship to the systems of justice they are forced to deal with in the US.

Alfaro asserts that the inability of the US systems of justice and law to adequately support Mexican Americans in their communities forces them to create their own system, which, while still flawed, is comprised of laws and rules that reflect their culture. Much like in the Greek tradition, his chorus of

Las Vecinas speaks to the ideals of their people. However, given that the audience may be ignorant of those ideals, the chorus must educate them, sharing the honest and shocking truth of the Chicana experience. They open the play by recounting the history of their neighborhood, particularly how the gangs replaced the police as the arm of their new system of justice, claiming, “**La Carmen**: No place for la *policia* in these *barrios* now. / **La Connie**: We handle our own now./ **La Cuca**: Or we call Father Greg” (Alfaro 36-7). The back and forth of their respective lines evokes the image of gossiping old women, and the infusion of humor softens the sharpness of the truth they are sharing. It is understood that although the police, and the US criminal justice system exist, one should not only avoid them but rely on the gangs in the “*barrios*” for justice. The people may not want gangs in the “*barrios*”, but they are the lesser of two evils, and they acknowledge that the community attempts to handle business within their new system, but when that fails, they turn to “Father Greg.” One can infer that the purpose of the priest is to issue last rights or officiate a funeral, and while death itself is not funny they treat Death more like a guest that has overstayed their welcome. Since death, ergo, is an inevitable and regular part of their lives, it becomes an inside joke that the audience is being let in on, whether they get the joke or not. Mentioning the priest is also purposeful, as it introduces another system that has affected the Mexican community, the Catholic Church. By portraying Ifigenia as a convert, Alfaro plays up the irony of non-Indigenous religions as a moral and social guide for a people whose language, culture, and identity were almost erased by missionaries. The tattooed, cursing, and supposedly ex-*chola* nun is a powerful counterpoint to *Electricidad*, and Clemencia, and another example of Alfaro’s use of humor. When Ifigenia clarifies that she has been in a convent and not in jail, she tells *Electricidad*, “I was doing a different kind of time. Mostly paying back my past” (Alfaro 53). Aside from the quick laugh at the comparison of life in the convent to a prison sentence, her statement is also dripping with irony. Having spent most of her time in the penitentiary, this morally tortured and confused *Chola* now feels the need for *penance*. Ifigenia thus represents an objective narrative that acknowledges that both the US systems and the Chicana systems are flawed while highlighting the struggle to choose one over the idea. On the one hand, the US system of justice has not protected the Chicana community, but has instead made them *other*, and on the *other* hand the Chicana system has perpetuated violence against its own people. So, although the individuals in the community recognize the new system as the rule of law because it is what *they* have, they struggle to reconcile with the failures of that system as well. Throughout this struggle, as with **Las Vecinas**, the brutal honesty that openly acknowledges death, pain, and uncertainty is consistently balanced out by humor. Alfaro employs humor so frequently that it cannot be detached from the narrative, and therefore reflects a critical aspect

of how Chicana people manage to survive the adversity they are confronted with daily.

Humor is an indispensable coping mechanism for the Chicana experience in America, wherein they are surrounded by suffering, grief, violence, death, and loss, and camp performance style is the key to reflecting its importance within the culture. Alfaro's characters rely on this mechanism, as evident in the interaction between *Electricidad* and Abuela, who has an existential realization when reflecting on the death of her children, saying, "Where do *cholos* go in a world that won't have us? This is the *mundo* we know. Good or bad." (75) The placement of the words "world" and "*mundo*" within their respective statements emphasizes that they can either suffer in the systems of American justice and law, or they can suffer within their own system. Luckily their own system has a tool that allows them to cope with the "bad" and make it "Good." Rather than be weighed down by the moment, La Abuela then quips, "Ai, this is getting too *pesado*. Let's smoke a joint." (75-6) This is a clear use of comic relief for a moment that is "*pesado*," or literally heavy. It is not conventional in mainstream culture for someone's grandmother to speak of death and pain and essentially say, "We've reached the point where we should get high." However, La Abuela's response is not only conventional within the system that Alfaro is referencing but it is necessary. It is important to note that humor and irony are not tools of evasion, but of defense, and they allow one to accept a harsh reality without being crippled by it. In an interview about how his works are meant to influence the theatergoer Alfaro admits, "I'm always hoping that the audience is upset, and by upset I meant that we can be upset in a good way, and we can be upset in a bad way . . . but by upset, maybe some catharsis. . . ." (Magic Theater 1:39-1:49). Alfaro's assertion takes on a double meaning, as "we" is both the audience as a group and separately the Chicana community whose story is being told on the stage. But, if they can "be upset in a good way, and . . . in a bad way" then the audience, as *other*, can do the same, and Alfaro demonstrates how the Chicana do so. The only way to successfully maneuver the "good way" is through laughter, because laughter is the ultimate good. Even though laughter is temporary it is the only device that can temporarily alleviate the weight of their oppression. Having understood that the American system and the Chicana system, respectively, both perpetuate the violence that leads to suffering, grief, and death, it is evident that they cannot physically escape their desperation and despair. Thus, humor is equally or more positive than the negativity that surrounds them, and what is perceived as camp represents the shield that they wear to protect themselves and maintain balance. Even with every effort to put forth an authentic representation, there can still exist the idea that the Chicana culture is *other*, so it can be difficult for the audience to reconcile their own identity as *other*, within the performance. But, when the audience learns to laugh along with, as

opposed to at the characters, then the campiness of the performance has successfully pulled off the masks of stereotypes and revealed the humanity of the characters, as people who have been failed by the American systems of justice, having possibly more need of happiness than others.

Within the cholo culture depicted in *Electricidad*, the camp performance style that utilizes humor and irony is not meant to diminish but emphasize the need to find new ways of coping with the failed systems of justice and law in the US. Because those systems are unable to protect and support the Chicana community, the people create and police a new system that is based on laws that reflect their own cultural ideologies. The fact that their system is also flawed requires mechanisms to cope with the emotional stresses of continued violence, grief, death, and loss, employing behaviors, ideals, and speech that, while appearing campy, reflect their socio-cultural conventions, which rely heavily upon humor. This humor is often ironic, in that it seeks to counteract the negativity that is self-perpetuated by following the rules they have themselves created. This begs the question of why it is more important to create these coping mechanisms, as opposed to addressing the seemingly inherent violence. Creating a system as a means of granting autonomy to the community should require that the system serves to protect life, not continue to take it. To that point, Alfaro's heavy use of camp performance, and the laughter that it results in, exposes the modern desensitization to violence, that allows it to be so prevalent.

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♦ INTERDISCIPLINARY STUDIES PROGRAM 334

NEVER GET CAUGHT

KENDALL BRUTUS

*The settings are right outside of a house and in a bedroom in the house.
There is a computer area and a bed in the room.*

The Characters:

Jordan (16) male - High school student who lives in the house

Brandon (15) male - High school student and friend to Jordan

Taissa (15) female - High school student and new girl

Mom (35) female - Mother to Taissa

Dad (43) male - Father to Taissa

JORDAN is pacing in front of a house, constantly checking his phone while looking up and down the road. He is apprehensive, biting his nails, twitching, and constantly rubbing his hands.

JORDAN

C'mon where is he? He was supposed to be here ten minutes ago.

Just then BRANDON comes into the scene out of breath with a bookbag on.

BRANDON

Sorry (*takes a beat to take a deep breath*) I got caught on the subway, almost walked here instead.

JORDAN

Fucking finally, did you bring it, do you have it?

BRANDON

Yeah, you told me to, right? But I mean, I still don't know why we needed this. We already have enough from the others. I mean—

JORDAN

(with a smile on his face, he slaps Brandon's arm playfully) We can never have enough what are you talking about? Come on let's go set everything up.

JORDAN and BRANDON walk into the house.

JORDAN

Go ahead to my room, I'm gonna grab some drinks for us to celebrate.

BRANDON sits on JORDAN'S bed. He looks around while setting his bookbag down softly.

JORDAN

Here *(he hands Brandon a beer)* let me see it.

BRANDON places the beer on the floor and opens his bookbag to pull out a laptop. He's typing.

BRANDON

Look...I don't know how I feel about this anymore. I mean, what if we're caught this time? One of them can speak up and then another and another and then we'll be tied back to each of them and then—

JORDAN

Are you fucking kidding me? Alright get up and come look.

JORDAN leads BRANDON to his computer station with a desk and chair. JORDAN sits while typing on the computer.

JORDAN

I bought this new software that specifically works to block anything being tracked back to us. I mean we're basically invincible when it comes to this.

BRANDON

But what about the texts? I mean I did everything like we always do it—

JORDAN

You threatened her with posting them?

BRANDON

Yes, but—

JORDAN

You threatened her with telling her parents?

BRANDON

Yes, but that—

JORDAN

You deleted every message, and she did the same?

BRANDON

Yes, but she—

JORDAN

Then there is nothing to be worried about at all. You did it just how we always do it. She's no different, just like every other hoe at school, pretending to be a good girl. We do everyone a favor by exposing them for who they really are. Now give me the computer.

BRANDON hands JORDAN the computer and begins pacing behind him.

JORDAN

(whistles) Damn, I can't believe you go her to send these *(he laughs while shaking his head. He connects the computers with a USB cord and begins typing on the computer and using the mouse)*

BRANDON

Jordan, I'm trying to tell you something was different this time. It-it... something was off, I'm telling you.

JORDAN

(still on the computer) Calm down, your nerves are just worked up from the last one. Which *(turns around in the chair to point at BRANDON)* was a freak incident, I mean we couldn't have known she would do all of that. Dramatic as hell for no reason. *(He laughs while BRANDON lays on the bed covering his eyes with his arm. JORDAN sighs while looking at him)* Look, I get it, sometimes this can feel like a job and all jobs come with their ups and downs. But I promise you, it's never that serious. I mean none of the other ones did what she did. *(Jordan goes*

to sit down at the computer again, typing again) Relax, we know what we're doing by now. Pros at this point.

BRANDON sits up, slouches over and looks at JORDAN.

BRANDON

I mean...I'm just not sure I want to do this anymore. Dude, she just got to this school and the last girl—

JORDAN slams a hand into the keyboard and takes a deep breath. BRANDON tenses at his reaction, straightening up.

JORDAN

Okay, fine, I'll be the bad guy so that you can finally get off of this high horse bullshit you have going on right now *(he faces BRANDON with a smile)* did you get a thrill out of asking for them? *(BRANDON opens his mouth to answer and JORDAN raises his hand to him)* No, no I'll answer for you because we both know the answer, no. No, you didn't get a thrill out of asking for them. You know what you did get a thrill from? You got a thrill from *taking* them from her. When she wouldn't give them to you, you showed her screenshots of her little thirst traps, threatened to post them and send them to her parents, and then forced her to send *these* *(he shows BRANDON his laptop screen)*. Stop pretending to be better than me, better than this *(he gestures to the computer)*. We've done this so, so many times and nothing has changed. Nothing will ever change. *Don't* *(he points at BRANDON)* let little miss almost suicide scare you *(he laughs)* I mean she didn't even finish the job so *why* take *her* seriously? *(BRANDON looks at his shoes while JORDAN takes a breath, sits down, and lets them sit in silence for a bit)* Now, are you ready to do this or not?

BRANDON looks up at JORDAN, contemplating. He gets up and looks at the computer for a bit before pressing a key. JORDAN smiles.

BRANDON

This-this is the last one *(JORDAN opens his mouth to start yelling at BRANDON)* No! Listen to me, something changed this time...not with me...it was her...

There's a silence while JORDAN stares at BRANDON.

JORDAN

(he leans towards BRANDON looking concerned for the first time)

Okay, what-I mean what happened Brandon?

BRANDON

I mean *(sighs)* she didn't-she didn't do what we thought she would. I mean...she didn't react like the other ones. She wasn't...afraid and she-and she....

JORDAN

And she what? Fuck, spit it out.

BRANDON swallows.

BRANDON

We're gonna get caught.

The light dims from the boys and TAISSA enters the scene.

TAISSA

You see, I grew up in a healthy, happy home. I have two little sisters who I hold dear, and my parents are still deeply in love with each other. Communication and open honesty is a big part of our family dynamic. *(TAISSA moves to a new spot on the stage)* When we moved to a new state, I was excited to start my sophomore year somewhere new, fresh I always liked moving around and meeting new people. But something was different this time...you see, *(gets giddy, almost childlike)* I was really excited to meet new boys. I mean *(overexaggerated hand gestures)* I don't really know when the shift happened exactly, but boys no longer disgusted me...at least not completely. So, when on the first day the finest most attractive boy comes up to me and asks for my snap, I immediately give it to him. No questions asked. And we're texting for a while, during the day and night. Especially at night *(pause)*. And you see, this is at a point in my life where I'm starting to feel...things. Wants and desires if you catch my drift. I mean I already know how to pleasure myself but sex with another person, I don't think I'm ready for. That's when Brandon texted me and asked "Hey, can I see some more of you". At first, I was confused and then soon caught his drift and immediately shut it down. No way. But then, it got late, into the hoeing hours I call it. So, I sent him a picture of me in my training bra, because I mean my chest wasn't fully developed then. And the compliments he gave me *(smiles big)* I mean I thought I was the most beautiful girl he had ever

seen. Then he asked for more, a video of me touching myself. I hesitated at first, but my urges were so strong I sent him a video of me touching myself under my shorts, he couldn't see anything I made sure of that (*pause*) I shouldn't have done that. He screen-recorded it and I was so confused (*looks confused*) I mean, why would he do that? (*looks up to audience then begins pacing*). Then I quickly found out why. He asked for more, he asked to see more of my (*pauses to hug herself*) body. I refused, I told him I wouldn't, didn't want to. Then (*sighs*) he told me he would post it. (*lightly laughs*) I mean, I told him go ahead I don't care. I honestly didn't, I knew the laws, if he posted it, I would've been embarrassed at most, but I could take him to court. And I would've...but then he threatened to send it to my mom (*pauses*). I wasn't expecting that and didn't believe him at first because how could he when he doesn't have her number or anything. But then he sent proof of her Insta account, and I knew he would (*looks down and speaks quieter*) so I sent it. Whatever he wanted. Whether it was my nude chest, ass, pussy, whatever he wanted. And at the end of it all, I felt so...so *violated* and scared and *ashamed*. As if I had brought this on myself and at that moment it felt like it did (*pauses and breathes deep*) It took three days for my mom to notice something was wrong.

Enter MOM who grabs Taissa's hand.

MOM

Taissa, please open up to me. I know something is going on, just tell me baby you know you can tell me anything. *Nothing will ever* make me love you less.

TAISSA

(*addressing the audience*) That's all it took, and I broke, I broke down crying, the ugly type of crying too with the snot and all. I told her everything, why I couldn't eat, couldn't sleep, why I've been avoidant, quiet. And she listens (*MOM grabs TAISSA and hugs her tight, rocking her back and forth, still addressing the audience*). It didn't take long for my nosey dad to come in and find out everything as well.

Enter DAD who immediately joins the hug.

DAD

You give me the okay and I'll show up to his house with my shotgun, you know I will.

TAISSA

We laughed at him because we knew he was joking...but part of me thinks he was serious too (*they stop embracing, MOM and DAD leave the stage*). I think about this moment often. How fast everything happened, how my sexual curiosity played a role, how it was done all over the phone, how small I felt, and sick and ashamed...It was a lot for what, three pictures? (*laughs and pauses, thinking and begins pacing again*) I can laugh at it now because it seems so insignificant. But every once in a while, I think back to it, those feelings and how my parents handled it. (*stops pacing*) I mean, I don't know how I would've dealt with it if I didn't have them...But I did, and that boy paid for it and his friend too. He wasn't expecting me or my parents to happen, I guess. When we reported him, another girl did, then another and another (*laughs*) I mean it was crazy how many came forward. It helped with the shame and guilt I felt, but then it made me angry and sad and pissed (*becoming visibly upset*) because how dare they? How could they? Who did they think they were? No one. They were no one, to me, to the people they hurt and used. They were no one and nothing. And I continued on with life, continued to grow, exploring life and my body, getting my degrees, making new friends, life kept going for me. (*pauses*) There are times when I wonder what happened with them. If I had taken them to court, would they have been locked up? Did they deserve that? Did I do the wrong thing with just reporting them to my school? But then I remember the feelings I felt and wonder if either one of them ever felt the same. The shame and the guilt, did they feel those?

Blackout

The End.

The Assignment and the Writer: In this class called Seeing Rape (ISP 334), we study rape through social science, law, and the arts with a heavy emphasis on theater and film. The students' final projects are short original plays that need to deal with sexualized violence in some way. Kendall's play *Never Get Caught* examines the topic of non-consensual pornography which is prevalent in youth culture and which has not had enough attention. She deals with this topic in a realistic vision, while somehow maintaining some sympathy toward the perpetrators of violence. This is an exquisitely drawn picture of youth-victimizers and the victimized. — Professor Barbara Cassidy and Professor Shonna Trinch

♦ ANTHROPOLOGY 315

THE POLITICAL ECONOMY OF PIRACY IN SOMALIA: LOOKING FOR EMANCIPATORY SOLUTIONS OUTSIDE THE WEBERIAN IDEAL

JAKOB WAIDHOFER

INTRODUCTION

PIRACY, AS OLD AS SEAFARING ITSELF, still jeopardizes the world's oceans, especially in Somalia, on the Horn of Africa, where it is long-standing tradition. Piracy is a dynamic phenomenon that has shifted in time and space, adapting to the political and socio-economic circumstances around it and thereby impeding efforts to combat it. While the literature on piracy is abundant and often identifies its root causes, several discrepancies exist concerning the measures proposed for its eradication. Piracy itself is defined in The United Nations Convention on the Law of the Sea (UNCLOS) Article 101 as, "any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship

The Assignment and the Writer: In this course, students learned about legal systems and questions of justice and injustice through the lens of human-ocean relationships. Students were asked to develop a research paper on a topic related to legal systems and the governance of oceans. Jakob pursued his interest in piracy and maritime security in Somalia, and the Horn of Africa more broadly, which has received much attention in recent years. Jakob did a remarkable job analyzing competing discourses and policy approaches that have been used to curtail piracy in the region, drawing on literature from anthropology to international relations to articulate original arguments grounded firmly on evidence. He raises questions about how individuals engaged in piracy might understand themselves and their actions. He also critiques the predominant approach to solving the problem of piracy as one rooted in US and European interventionism, which aims to protect the flow of capital in the region without addressing root causes for insecurity and illegality, while also overlooking other possible solutions emerging from within coastal communities.

—Professor Alejandro García Lozano

on the high seas, against another ship ... [and] any act of voluntary participation in the operation of a ship with knowledge of facts making it a pirate ship” (Division for Ocean Affairs and the Law of the Sea, 2010). Further investigation in this paper will illuminate why, according to this definition, Somalis may view the exploitation of their resources by foreign vessels as the “actually existing” piracy, rather than themselves and their defensive activities.

In Somalia, organizations such as the UN, the EU, private security forces, and other sovereign states approach piracy through securitization and development strategies that are often antithetical to its root causes and revolve around notions of Western liberal nation-building, a strong central state, and the rule of law as a one-size-fits-all solution. Critiquing these attitudes and contemporary frameworks by analyzing the political economy of piracy in Somalia, I will explore how these strategies’ aims ignore traditional, community-based solutions as well as Somali pirates’ self-image and are more closely targeted towards primitive accumulation and surplus extraction of capital, rather than addressing the complexities of Somali society. Therefore, this paper also draws on world-systems analysis to explain the crucial expropriation of Somali waters and subsequent coordinated response to its resistance. Critical approaches to contemporary methods exist and reveal the inflexibility of the liberal perspective, which does little more than propose “acceptable” forms of development through the securitized liberal peace framework. Radical claims made by Somali actors either get rejected or ignored, based on foundations of coloniality of power, racism, or class interests. Without dismissing the importance of eliminating piracy and the many other problems it may cause in its wake, I want to analyze this hierarchy of knowledge and highlight some solutions that may be more aligned with the root causes of Somali piracy and could therefore prove to be more effective in combating it.

HISTORICIZING ROOT CAUSES OF PIRACY IN SOMALIA

Somalia sits at the Horn of Africa overseeing the Gulf of Aden. This marine chokepoint connects to the Red Sea and the Suez Canal, one of the busiest shipping routes in the world that sees about 12% of global trade volume pass through it every year (State Information Service, 2022). Furthermore, the waters surrounding the country contain, “some of the most productive fish stocks in the world” (Sumaila & Bawumia, 2014, p. 159). While possessing such a superabundance of marine resources, historical evidence as well as contemporary research reveals that Somalis by and large harbor an aversion towards eating fish, apparent in sayings such as, “one should never trust a man whose mouth smells of fish” (Dua, 2013, p. 362). Nevertheless, the history of fishing in the country dates back more than 1,000 years with settlers from all over the region establishing coastal settlements, and more recently the creation

of cooperatives during the Barre regime in the 70s (Sumaila & Bawumia, 2014). Therefore, dismissing the importance of fishing to Somali society evades the rich history of a seafaring people who have used the ocean in a multitude of ways for centuries.

Gaining access to their rich marine resources has been difficult for Somalis owing to their country's recent history – one of colonialism, dictatorship, and general turmoil. Under British control almost exclusively until 1960, the state experienced a short bout of democracy before a coup 'd'état established Siad Barre as its dictator. In a regime lasting another 31 years, fishery licenses were eventually sold off to foreign companies and even after a UN peacekeeping force came and left in 1995, no effective government was left in place, leaving Somali territorial waters open to relatively uncontrolled foreign expropriation (Weir, 2018). Large vessels practicing IUU fishing not only laid havoc to the marine ecosystem, but also dumped toxic and hazardous waste like nuclear material and lead into the oceans, leading to sickness in humans and thousands of tons of dead fish washed up on Somalia's shores (Sumaila & Bawumia, 2014). Coastal fishing communities which had been reliant on fishing using traditional techniques for generations were bled dry by the cumulative effects of these internal and external disruptions.

DEVELOPMENT OF PIRACY AND INTERNATIONAL RESPONSE

The negative socio-economic consequences of war and conflict are well understood, but adding to this body of knowledge, Hendrix and Glaser (2011) found that their impact is also considerable on fisheries. Furthermore, they state that, "The populations that are most dependent on fish for sustenance are also those at most risk for experiencing civil conflict, which [is empirically linked] to decreased fish catches" (p. 492). Considering the increasing importance of fishing in Somalia due to the Barre regime's establishment of cooperatives along the coast and the succeeding implosion of this industry, many Somali fishermen took matters into their own hands. Subsequently, they started boarding vessels in search for compensation, as well as selling fishing licenses without regulators' consent (Sumaila & Bawumia, 2014; Weir, 2018). In time, rather disorganized activities grew into well-oiled criminal enterprises deeply enmeshed within the complexities of Somali society comprising clans, villages, etc. – operating "the perfect business model" (Dua & Menkhaus, 2012, p. 755). In a system that yielded extensive returns on rather low operational costs, oftentimes the entire support chain involving coastal communities benefited from the ransom money extracted in piracy operations, leading to a high social acceptance in these places – although this has to be understood as a local phenomenon (Oliveira, 2013). Furthermore, the image of piracy often evokes in us one of violence, but – notwithstanding the psychological harm of hostage-taking – victims rarely get physically harmed

in Somalia (Sumaila & Bawumia, 2014). Instead, the business has been much more precarious for the pirates themselves, as evidenced in the fact that, “a minimum of 7% will die every year in confrontations or out on the open sea” (Winn & Lewis, 2017, p. 2118).

The damage to the world economy – while only representing a fraction of the shipping sector’s total profits – has nevertheless been considerable, estimated at US\$18 billion a year (Winn & Lewis, 2017). Weir (2018) furthermore points out the threat to American naval traffic that supplies military forces in Iraq and the Middle East. Accordingly, global responses have been significant. Especially the need of operating closer to the source became a focus for the international community, culminating in the UN’s Security Council Resolution 1816 in 2008 that authorized, “cooperating states to take the same steps with respect to piracy in the Somali territorial sea as the law of piracy permits on the high seas” (Roach, 2010, p. 400). While only meant to be in force for six months, it could be extended in agreement with the Transitional Federated Government (TFG) and allowed the use of all necessary means to combat piracy in a rather dubious approach towards Somali sovereignty (Roach, 2010; Weir, 2018). Concurrently, the EU – through its Common Security and Defense Policy (CSDP) – in 2008 set up Operation Atalanta, aiming to secure shipping lanes but also protect UN World Food Programme (WFP) aid to Somalia. A Counter-Terrorism Action Plan followed in 2012, aiming to, “combat terrorism and organized crime in the Horn of Africa” (Winn & Lewis, 2017, p. 2121). Both programs were conducted in close cooperation with NATO, the UN, the African Union (AU), and the Somali federal government (SFG). Not all responses have had such a heavily militarized focus: the UN Food and Agriculture Organisation (FAO) and the EU, for instance, have developed plans to train Somali coastal communities to avoid overfishing, as well as combat IUU fishing (Alsawalqa & Venter, 2022).

The militarized responses by this multitude of actors seems to have proven successful. Jakobsen and Henningsen (2023) note that there have been only two hijackings since 2013 and relate this sudden decrease in piracy to the “limited use of force” that was produced by a unified international response focusing on naval superiority, prosecution and imprisonment, and self-protection measures on ships. However, there are other, more radical explanations as to why piratic activities have recently declined – or never even existed in the first place. Rather than connecting causality of this phenomenon to the securitization framework of the Global North – with its focus on order and the “failed state” – Hastings and Phillips (2018) explore the discursive practices of Somalilanders, who, “have instead collectively defined – and purposefully articulated – piracy out of their Independence discourse, essentially shaming it out of existence as something that is incongruent with the Somaliland identity” (p. 10). Of course, one could critique this as a rather

simplified explanation and also point to the fact that contrary to Puntland, Somaliland never harbored any significant piratic networks. However, the point is to highlight non-militarized responses that rely rather on identity and discourse – something crucially important in the framing of piracy, as the next section will show.

CONTEMPORARY DISCOURSE ON SOMALI PIRACY

The preceding section contains merely a rough overview of the responses to piracy in the Gulf of Aden; however, it is meant to highlight the plethora of actors involved, both international, regional, and local, as well as the clear focus on security in addressing this threat to a supposedly rules-based global maritime order. In the following few paragraphs I want to point out some of the inconsistencies which have informed the contemporary discourse around piracy and the situation as it has been playing out in Somalia, starting with the issue of the “failed state”.

By all accounts, the country has been plagued by instability, conflict, and insecurity in the past decades. However, descriptions of Somali society after the collapse of the Siad Barre regime painted the picture of one, “disintegrated into a chaotic and lawless rabble of warlords” (Alsawalqa & Venter, 2022, p. 95). Winn and Lewis (2017), refute this argument to be inaccurate as it omits, “quasi-state, non-state, and clan-based systems of justice, moral conduct and self-governance that prevail in the region” (p. 2116). Moreover, talk of “ungoverned spaces” is plenty abound (Dua & Menkhaus, 2012). What this shows is simply an inability to conceptualize structures of governance that deviate from the Western perspective. This sort of colonial and racial gaze has always been blind to many of these arrangements that have informed the socio-political and cultural life of coastal and indigenous communities for centuries. In fact, there are several coastal areas in Somalia where relative stability returned after local anti-piracy committees, Islamic courts, or clan militias have established themselves and even prevented piracy groups from forming in the first place, showcasing just what is possible outside of the liberal, state-centric framework (Oliveira, 2013).

Framing is another problem that obscures many of the complexities inherent to piracy. Pirates are portrayed as an “enemy of all humanity” and extremely dangerous individuals living outside of law and society (Dua & Menkhaus, 2012; Winn & Lewis, 2017). This description is highly problematic as it ignores the intricate relationship between these people and their local communities and the “moral economy” that develops out of this connection. Pirates often counter a narrative focused on their ignominious character by describing themselves as entrepreneurs, protectors, and guards. Furthermore, some, “reject the view that their activities represent a disturbance to peace and

order, because they believe they are merely taking back what is rightfully theirs” (Oliveira, 2013, p. 9; Dua & Menkhaus, 2012; Winn & Lewis, 2017).

This last part is crucial, and Hansen (2009) reiterates that Somali piracy is largely fueled by the impact that IUU fishing has had on the country. While this claim is certainly not ignored in contemporary literature, it is often stated that greed outperforms grievance as a cause, shifting the focus away from the social to the economic (Alsawalqa & Venter, 2022; Dua & Menkhaus, 2012). I do not want to refute the latter position, but rather posit an approach that encompasses both without giving primacy to one or the other. In the case of Somalia, it may just be that each can provide a legitimate explanation for pirates’ motivations. Indeed, the economic side of greed cannot be abandoned, as people removed from their means of subsistence will have to make a living in a world where neo-liberal capitalism stretches out its fingers to even the farthest corners. The inevitable expropriation and exploitation inherent in this racialized capitalist mode of production leads to incredible inequalities especially in the periphery, where primitive accumulation and surplus drain to the core produce social inequalities of immense proportions. Immanuel Wallerstein (2004) has provided invaluable knowledge on these processes in his *magnum opus* “World-Systems Analysis”, stating that this unequal exchange, “is a constant flow of surplus-value from the producers of peripheral products to the producers of core-like products” (p. 28), sometimes amounting to methodical plunder. This is further underlined by Fraser’s (2023) statement that, “even ‘mature’ capitalism relies on regular infusions of commandeered capacities and resources, especially from racialized subjects, in both its periphery and its core” (p. 44).

Contrary to lawless individuals and the ungovernable state, Somali waters are presented to us as “vulnerable” and in need of protection (Alsawalqa & Venter, 2022). However, it is incredibly important to investigate how this term is being instrumentalized, who uses it, and what it is ascribed to. Are Somali waters vulnerable because of the damage to its marine ecosystems caused by pollution or the devastated generations-old local fishing communities expropriated by an armada of foreign fishing vessels? It is more likely that in this case, vulnerability is connected to the exposed flow of capital and wealth that passes through the Gulf of Aden. Using such vague terms mystifies and shrouds causes and effects and posits the sea as a space in need of constant protection from jingoist Somalis. Combined with the aforementioned view of the failed state – which must be proven by meticulously creating fragility data scores based on economic, social, political, and security conditions (Daxecker & Prins, 2013) – these narratives fail to explore the true root causes and are limited in conceptualizing equitable and sustainable solutions. Rather, they warrant intervention, securitization and militarization, as well as state-building based on the Weberian ideal in order to

ensure neo-dependency on foreign institutions and capital. The Weberian ideal, coined by German sociologist Max Weber (2004), posits that the state is, “the form of human community that (successfully) lays claim to the *monopoly of legitimate physical violence* within a particular territory” (p. 33), and has more or less been treated as orthodoxy in contemporary political science. While the independence and state-hood awarded to many African nations in the middle of the 20th century following colonial rule did restore some of their agency, the notions of territory, violence, and legitimacy were recycled in a neo-colonial framework where development or security agreements with the Global South have been utilized to ensure continuing dependency on the capitalist core.

SECURITY AND DEVELOPMENT

Consequently, many – if not all – of the international responses have been focused on the security-development nexus, in which both mutually reinforce each other. Especially the UN has favored this approach, informed by the paradoxical view that, “piracy is at once a cause and an effect of instability in the country” (Oliveira, 2013, p. 4). A solution to this threat to international peace and security can therefore only be envisioned through securitization and development. Even the EU’s approach is, “predicated on a security-first logic” (Winn & Lewis, 2017, p. 2121), despite all its noble presentations of democracy, liberalism, and humanitarianism. Neocleous (2011) states that security projects inherently contain a rationale for some political project and that, “at the heart of the logic of security lies not a vision of freedom or emancipation, but a means of modeling the whole of human society around capital and the state” (2011, p. 195). And while Alsawalqa and Venter (2022) mention human security as a possible solution, the discussion immediately shifts back to marine security mechanisms requiring naval military assistance. To escape this security trap we must ask ourselves: Whose security are we protecting here, and at what cost? Critical approaches like the Beirut School emphasize that, “What is at stake in considering the security trap is how to interpret security-related problems without reproducing the securitisation of the issue one is addressing or compromising the safety of the people who are implicated” (Abboud et al., 2018, p. 281). Furthermore, without ignoring its role, this approach argues to outdo the Weberian ideal of the state as the sole autonomous actor. Even approaches to human security claiming to be more emancipatory can be seen as a reflection of biopower because they revolve around the notions of permanent instability and therefore divide, “between the secure and insecure – those living under effective and ineffective governance; those developed and those deserving of development” (Chandler, 2011, pp. 121–122).

Here, it might be helpful to abandon the liberal perspectives professed by organizations such as the EU or the UN and try to explore the context of

development from a Somali point of view. The economic behaviors we discard as deviant, criminal, and illegal in the country may be seen there as a way for the population to reintegrate itself into the global economy and lay radical claims to the “right to wealth” (Oliveira, 2013). The “actually existing development” produced by piratic activities and its offshoots may not coincide with our “accepted” form of development, but can be seen as a perfect result of neo-liberal globalization, a process which has erased the structural meaning of people, spaces, and activities – in short, their traditional modes of subsistence. Moreover, the security-development nexus informing interventionary practices shows that, “Western states are more concerned with policing developing states and territories to maintain the pre-eminence of their own consumer economies in the global political economy” (Winn & Lewis, 2017, p. 2122).

The immense demand for a security-industrial complex created by these policies, the acts of violence perpetrated on their behalf, and the bending of international law exhibit a continuing project of primitive accumulation defined by, “capitalism’s need to permanently form markets and recreate labour supplies” (Neocleous, 2012, p. 959). International organizations’ commitment to work with the SFG in order to strengthen democracy and the rule of law may seem commendable at first sight, but the reinstatement of a stable central government merely acts as a veil for the interests of the Global North. Alsawalqa and Venter (2022) are quite blunt about these intentions, stating that, “the country could present lucrative opportunities for astute foreign investors” (p. 97), betraying once more the humanist liberal framework and unmasking it as capitalism’s unbound hunger for exponential valorization.

EMANCIPATORY OPPORTUNITIES TO COMBAT PIRACY

As mentioned before, research is generally in agreement about the root causes of piracy in Somalia. However, there seems to exist a significant dissonance between understanding its historical development and the current situation in the country. Dua and Menkhaus (2012) state that Somali local and national governments are so vested with the profits of piracy that they essentially have no interest in eliminating it, though this argument does not hold up for the entire state, evidenced by the existence of, “relatively stable zones achieved through local arrangements of governance”, showing, “the capacity Somalis have to govern themselves at the municipal and community level” (Oliveira, 2013, p. 12). Contrary to the central government, which has not been able to assert control over more than a few districts in Mogadishu and its surroundings, many of these local governance structures have been able to eliminate piracy through anti-piracy committees (where elders, youths, and women play an important role), clan pressure, or Islamic courts (Hansen, 2009; Oliveira, 2013). These are just a few examples of peaceful responses to piracy

that shy away from a further violent securitization of Somali peoples and their resources.

Especially the role of clanism in the social and cultural makeup of Somalia and its connection to piracy is something that could provide an essential key to a sustainable solution, although rarely considered by liberal policy experts. Hansen (2009), conducting interviews with Somali pirates, shines a light on this relationship. One individual mentioned that, “Yes clan is crucial, without it you cannot organize anything” (p. 26). This is echoed by Winn and Lewis (2017), who explore the pirates’ dependence on these non-state structures and the *xeer* – a system of customary law – among other formal and informal local governance systems. The Western approach, heavily focused on building and maintaining a central authority that can uphold the sacrosanct rule of law, negates the pluralistic character of Somali society and the already successful examples of people who can govern themselves outside of our predetermined gamut.

While it must be noted that international organizations have also tried implementing civilian and humanitarian programs, none of them truly address any of the root causes and cannot function as enduring, sustainable solutions. The UN WFP’s aid, for example, “does not lead to the building up of indigenous capacity, as the food is treated as a short-term security issue and not a long-term development issue” (Winn & Lewis, 2017, pp. 2120–2121). Similarly, the UN FAO’s and EU’s attempt to educate and train coastal communities in new fishing techniques to avoid overfishing seems almost preposterous, considering the fact that depletion of stocks has largely happened due to IUU fishing from foreign vessels and not the Somali people who boast a long tradition of small artisanal fisheries providing livelihoods (Alsawalqa & Venter, 2022; Sumaila & Bawumia, 2014). More than anything, the inability of the Global North to effectively grasp the realities of Somali society seems to coincide with its entrapment in what Paulo Freire (2010) described as a “thematic universe”. In the Western universe, reality itself becomes mythicized, treated as static, and robbed of its dynamic character – silencing, “the critical and dynamic view of the world” and inhibiting the, “permanent transformation of reality in favor of the liberation of people” (p. 102).

The evidence brought forward in the preceding sections should highlight that any credible and sustainable solution to Somalia’s contemporary problems cannot be achieved without involving local communities in the decision-making process. The security-development nexus only masks Western strategic interests in the securitization and accumulation of capital, and while military interventions and the institution of imprisonment may have been able to spontaneously curb piracy, its continual resurgence reveals their inefficiency as long-term solutions. Hansen (2009) mentions that, “In the case of Somalia, the frontline against piracy does not necessarily run parallel to a

long-term state building project” (p. 18). Unfortunately, such refreshing perspectives highlighting the potential of existing local and communal frameworks in combating piracy remain scarce in the contemporary literature on the subject. The security dispositif inherent in the Western approach only works to normalize and expand an already immense security apparatus and creates a hierarchical relation, defining, “what might be governed in the name of security” (Oliveira, 2013, p. 14). Furthermore, it reinforces the notion that primitive accumulation cannot take place without violence. “Supporting existing local institutions would not require a large military campaign” (Hansen, 2009, p. 56), but the strengthening of local structures would consequently decrease the ability of external powers to establish a Somali regime of neo-dependency, requiring a central authority in order to facilitate the extraction of resources and the freeing up of labor. As Marx has already said (1976): “capital comes dripping from head to toe, from every pore, with blood and dirt” (p. 926). This violence isn’t spontaneous, but gets normalized as a way of dealing with “crises of security”, displayed by the fact that the authorization for foreign vessels to combat piracy in Somali territorial waters under UNSC Resolution 1816 – which was initially meant to only be valid 6 months – has been extended continually and as recently as 2021, 13 years after its inception (United Nations, 2021). Only in 2022, when the militarized approach to Somali piracy was deemed a success, was this Resolution not extended, as stated by Jakobsen and Henningsen (2023). Crucially, the authors then have to concede that, “the conditions onshore in Somalia did not improve in any major way” (p. 2).

CONCLUSION

Piratic networks in Somalia will likely continue to exist for the foreseeable future because even though militarized approaches focusing on curbing their “criminality” have been a rather successful practice at sea, they simply fail to address piracy’s root causes. Similarly, international organizations that heavily rely on the security-development nexus and liberal state-building remain indifferent to already existing local and community structures that may not only work in theory, but have already proven to be fruitful in practice. At the heart of the issue lies not only the focus on Western strategic thinking that is corrupted by capitalism’s core/periphery dichotomy, but also problems of framing that obscure and inflate the threat that pirates actually pose to international peace and security and ignore their radical claim for a right to wealth. This is not meant to be a defense for piracy, but should illuminate how Somalis reconfigure their socioeconomic frameworks to fit into the global economy. Furthermore, positing Somalia as a lawless and ungovernable place opens up avenues for interventions and discounts spaces where relatively peaceful, stable governance has actually been achieved by

several non-state actors. In order to effectively target piracy in a non-violent manner and allow for development that is centered around community-based decision making, these structures have to be consulted and allowed a seat at the table. Local and community arrangements like clans are an integral part of Somali society and culture that can allow for true bottom-up solutions. If, and when, these communities request aid, it should be provided in a democratic manner and only on account of helping them combat piracy – not to strengthen a central state authority that has practically no legitimacy in the population. That would be true emancipation.

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♦ LITERATURE 305

LIFE RELOCATED: PERSPECTIVES ON RACISM AND THE JAPANESE HERITAGE INTERNMENT

KYMBERLEY SMITH

ON DECEMBER 7, 1941, PEARL HARBOR WAS BOMBED by Imperial Japan, bringing the United States into World War II. Prompted by U.S. involvement in WWII, President Roosevelt issued Executive Order No. 9066 and Congress passed 56 Stat. 173 (1942). As a consequence of the order and statute, around 120,000 Japanese heritage Americans and resident aliens were excluded from their homes on the West Coast, then removed to assembly centers and finally, put into concentration camps. This exclusion without due process was challenged in the Supreme Court case *Korematsu v. United States*, 323 U.S. 214 (1944). Korematsu lost his case, and approximately 120,000 civilians were removed from their homes (Burton et al., intro.), then relocated to Assembly Centers, and finally, to internment camps. The unconstitutional, racist, and shameful imprisonment of mostly U.S. Japanese heritage citizens, who comprised about two-thirds of the 120,000 (Burton et al., chap. 3), was challenged in the case *Ex Parte Endo*, 323 U.S. 282 (1944). Endo won her case,

The Assignment and the Writer: Kymberley Smith's research paper was written for LIT 305 (Foundations of Literature and Law). Students were asked to use one of the political theorists that we studied as a basis to compare the treatment of racism in a literary work from the class readings with a similar work that they read independently, while situating the literary works within a historical-political context. Ms. Smith's paper is remarkable not only for her keen critical analysis of the literary dismantling of racism, but for her impassioned personal voice that does justice to Frantz Fanon's own style.

— Professor Toy-Fung Tung

but both her case and Korematsu's were not decided by the Supreme Court until December 1944, when the war was nearly over, which made no difference and did not benefit the innocent Japanese heritage American citizens and resident aliens who were forced to live in internment camps for more three years. Eventually, ten internment camps were established in remote areas, euphemistically labeled "relocation centers" (Burton et al., intro.) The internees were first processed at assembly centers, such as the Tanforan Racetrack, and then sent to a camp, such as Topaz Camp in the Utah desert. Here, we will examine this dark episode in American history through Frantz Fanon's critical race theory and the perspectives of two works written by Japanese heritage Americans on confinement at Tanforan Assembly Center and Topaz Camp. One is a novel, *When the Emperor Was Divine* by Julie Otsuka, and the other is a graphic journal by Miné Okubo, *Citizen 13660*. Both narratives start with the jarring uprooting from normal life caused by Order No. 9066 and go on to focus on the new realities of life for internees.

But before launching into this topic, we must ask: how could this happen in America, to United States citizens and legal resident aliens? History has judged this episode a terrible mistake and in 1988, nearly half a century after the internment, Congress passed H.R. 442, which extended a formal apology to the Japanese heritage internees and awarded survivors \$20,000 each in restitution. The Commission on Wartime Relocation and Internment of Civilians, appointed by Congress in 1980 under Jimmy Carter's presidency, published its findings in 1983, which led to H.R. 442. The Commission rejected the government's claims of military necessity upon which the internment was authorized, and declared:

This policy of exclusion, removal and detention was carried out without individual review, and prolonged exclusion continued without adequate regard to evacuees' demonstrated loyalty to the United States. . . .

In sum, Executive Order 9066 was not justified by military necessity, and the decisions that followed from it—exclusion, detention, the ending of detention and the ending of exclusion—were not founded upon military considerations. The broad historical causes that shaped these decisions were race prejudice, war hysteria and a failure of political leadership. (*Justice Denied*, pt. 2, 3-5)

The racism which resulted in the internment of Japanese heritage citizens and resident aliens has a long history dating back to the origins of "Yellow Peril" attitudes in the nineteenth-century, following the influx of Chinese laborers

needed to build the West Coast portion of the Transcontinental Railroad. Persistent racism against those of the “yellow race” played a part in the Japanese heritage internment and will be examined from the perspective of Frantz Fanon’s critical race theory on ‘othering’ described in *Black Skin, White Masks*.

When the Emperor Was Divine focuses on a Japanese heritage American family—composed of a father and mother, and their children, a girl of around 10 and a boy of around 7 years old—who are forced to leave their home for Tanforan Assembly Center, and then live in Topaz internment camp. Interestingly, the text refers to the characters not by name. Instead, they are called generically, the “mother,” the “father,” the “boy” and the “girl.” The father was detained in the middle of the night by the FBI and from then on, his citizenship did not matter, he was an “Alien Enemy” (Otsuka, 10). The rest of the family were subsequently forced to evacuate their home, with only what they could carry. The forced evacuation and detainment of the Japanese heritage Americans further racialized the war between Japan and the U.S. During the family’s stay at an internment camp in Topaz, the authorities allowed some men and woman from the camp to help local farm recruiters harvest crops (Otsuka, 66). However, those who went outside discovered that they were not welcome. After seeing all the “NO JAPS ALLOWED” signs, they returned and said “they’d been shot at. Spat on. Refused entrance to the local diner. The movie theater. The dry goods store” (Otsuka, 66-67). They were outcasts from society. Citizen or not, their “Black hair. Slanted eyes. High cheekbones . . . Thin lips. Bad teeth” and yellow skin were all that Americans could see (Otsuka, 49). A yellow, alien enemy of the U.S. Government is what they were reduced to. And this started happening even before the evacuation, when the children were told to say they were “Chinese,” not “Japanese,” since China was our ally in World War II (Otsuka, 75-76).

The Japanese internees were forced out of the lives they worked so hard for, and had to play the part the U.S. Government forced upon them. The role of the enemy. After months and years of being isolated in these internment camps, the boy began to internalize the stereotypes placed on his heritage and culture. His father—the man he once described as a kind man who read the *Examiner*, loved glazed jelly donuts, and knew the answer to everything—was muddled down to the picture that Americans had of his father (Otsuka, 62-63). His father became the yellow man who was arrested by American officers in only his slippers and robe. A father whose letter was stamped “Detained Alien Enemy Mail,” with crossed out sentences that were “censored” (Otsuka, 10). The boy’s image of his father became “Unknowable. Inscrutable. That was him, over there. The little yellow man” (Otsuka, 49).

The rules of the internment camps suffocated the culture of the Japanese heritage internees. Other than no climbing over or going past the

fence, there were also rules on books and religion. “And books: No books in Japanese. There were rules about religion: No Emperor-worshipping Shinto's allowed” (Otsuka, 61). They could not read their own language or practice their culture or religion. They were stripped of their homes, status, and rid of their language and beliefs. They used to live in a white stucco house with a backyard. Now, in their barracks at Topaz “[t]here was no running water and the toilets were half a block away” (Otsuka, 51). Imagine being so restricted that to resist ‘othering’ consisted of small acts of disobeying camp rules. The boy would softly whisper the Emperor’s name “*Hirohito, Hirohito, Hirohito*” (Otsuka, 52) (original italics). The whisper would slip off his tongue as he passed by the guards. A small act of resistance and a small way to regain any sense of religious freedom, or freedom in general. The boy would also trace out “SOS in huge letters . . . but before anyone could read what he had written he wiped the letters away” (Otsuka, 103). Imprisoned behind those fences and guard towers, anyone who would ask for help would have to use words that hid the truth of their reality, for they were told to speak of a residential compound, not an internment camp; they were “*Residents not Evacuees*” who ate in a “*Dining Hall . . . not Mess Hall*” and relied on the “*Safety Council, not Internal Police*” (Otsuka, 61) (original italics).

In truth, they were enemies of the government, even if they spoke perfect English, were born on American soil, and had their favorite American foods. They were not American enough to be able to stay in their own homes. They had to be put in camps, restricted, watched and policed, yet they were to believe that everything was all right. Even after following all the rules and orders imposed on them, they were still required to swear their loyalty. The mother was questioned by Army recruiters who asked, “*Will you swear unqualified allegiance to the United States of America and . . . forswear any form of allegiance or obedience to the Japanese Emperor, or any other foreign government, power or organization*” (Otsuka, 99) (original italics). So even after living in America for almost twenty years and creating a household and family here, that wasn’t enough to prove her loyalty. The mother said what they wanted to hear, the only answer one could say, yes. To her it was just “[w]ords . . . it’s all just words” (Otsuka, 99). Their entire life was in America. Even after being made a racialized enemy and targets of discrimination, this was their home.

The treatment of Japanese heritage citizens and resident aliens during WWII was driven by racism, cultural imposition and war hysteria. Frantz Fanon theorizes “cultural imposition” and acts of racism using the Black-White binary. Fanon’s *Black Skin, White Masks* is an in-depth study and theory about the Black-White binary, and how it affects the Black man. Fanon dives into the trap that binds both the Black man and White man, explaining each side’s obsession with its own “narcissism,” and the Black man’s impossible goal of

being a White man. "The black man wants to be white. The white man is desperately trying to achieve the rank of man" (Fanon, xiii). Fanon bases this complex relationship on what he identifies as a Manichaeian binary, in which Black is bad and White good (Fanon, 160). For example, within this trap the Black man "does not possess a personal value of his own and is always dependent on the presence of 'the Other'" (Fanon, 186). Fanon's model of 'self and other' revolves around the Black man's absorbing the "negrophobia" pushed upon him, and desiring or working to be "the Other," a White man. The negrophobia that the Black man is absorbing tells him "black = ugliness, sin, darkness, and immorality" (Fanon, 169). Black now is no longer just a skin color, but a moral characteristic, an identity of negativity. To be Black is to be immoral, ugly, sinful and dark. If you are a man of morals, beauty, holiness, and light, then you are not a Black man, but rather a White man regardless of your actual color.

Fanon explains that this trap has come about through colonization and furthermore "cultural imposition" (Fanon, 167). Fanon's theories are based upon the colonization of the Antillean by the European. He claims, "[t]he Antillean is a slave to this cultural imposition" (Fanon, 168). Through colonization, Europeans have imposed their beliefs, and racism upon the Antillean people. Because "the Antillean has assimilated all the archetypes of the European," this assimilation to European ways has caused a "distrust" in what is Black in the Antillean people, and essentially a loss of their entire identity (Fanon, 168). The Antillean people are assimilating to "the prejudices, the myths, and the folklore" of the White, French colonizers (Fanon, 168). Fanon gives a perfect example of how "cultural imposition" takes place and how a passive, yet detrimental, example of racism is formed. He takes us to a scene in his childhood home, where his mother sings to him in French, "French love songs where there is never a mention of Black people." However, whenever he was naughty or loud, he is "'told to 'stop acting like a nigger'" (Fanon, 168). To the Whites, what is embodied in the 'n-word' is blackness, along with the characteristics of naughtiness, loudness, evilness, and ugliness. The Antillean is taught that he is all those things, and to avoid being them, he must abandon his own identity. This form of racism is self-hatred. There is not a White man screaming 'n-words' or insults into the face of a Black man, but instead it is your own Black mother, or brother, or your own mind's inner monologue. In many ways this racism is worse, for it is internalized, and the racism becomes you. The Black man becomes the embodiment of self-hatred, and in Fanon's words, "after having been the slave of the white man, he enslaves himself" (Fanon, 168).

Fanon argues that within these systems of racism and colonization, people will slip into "cultural imposition" and actively participate in the binary between the Black and White man. It is an imposed way of thinking. A way of

life passed from generation to generation. In order to break out of the trap, one must assiduously resist the ideas of the system, create a new way of thinking, and actually question the prevalent opinions or expectations that the system teaches. Fanon explains that this change starts with questioning the world's ways, moving away from generational teachings, and trying to discover one another. On the last page of his book, Fanon states: "Both have to move away from the inhuman voices of their respective ancestors so that a genuine communication can be born" (Fanon, 2006). Imagine a White father not teaching or speaking negatively about the Black race. Calling them, hoodlums, criminals or 'monkeys.' Unfortunately, the White father will, and it will be up to the son to choose whether to listen and internalize or question and learn otherwise. The same goes for the Black man. Imagine a Black father not teaching a child to always listen to the White cop, move robotically, speak proper English, or work extra hard in school, because a White man will always be before you. Still, in reality the Black father will teach that, and it will be up to the son to listen and internalize or question and see otherwise. Fanon goes on to say that through "self-consciousness and renunciation, through a permanent tension of his freedom, [any] man can create the ideal conditions of existence for a human world" (Fanon, 2006). Fanon says that we must question "Superiority" and "Inferiority." Why should anyone fall into either category? No one should. He suggests that we instead should "try to touch the other, feel the other, discover each other" (Fanon, 2006). He is calling for the death of the past, the questioning of the present, and advocating a new individual self-consciousness that will create a better human world.

Fanon's theory about racial injustice is not directed to Asians. However, Asians have faced similar binaries, especially during WWII, when Japanese heritage Americans and resident aliens were excluded from their homes and forced into internment camps. In Fanon's new "human world," this 'othering' would not have happened. Let us first go over the essential differences between Black and 'Yellow' racism. The global Black problem is colonization, while the global Asian problem is immigration. Still, although Asians are willingly coming into White lands, while Black lands are being infiltrated by Whites, Asian people also experienced "cultural imposition," prejudice, and racism. Not so different from the stereotypes the Antillean people heard, such as the 'n-word,' or negative behaviors and characteristics being attached to their race. The Japanese heritage people in America, and before them, the Chinese immigrant laborers, faced "Yellow Peril" vilification, propagated in popular media, such as the Fu Manchu films (Tchen and Yeats, 5-11). They experienced being racialized as the enemy and also had to deal with stifling their own culture to fit the mold of a true American.

Miné Okubo's *Citizen 13660* is a graphic journal of her time in the Tanforan Assembly Center and Topaz internment camp. Okubo's journal and

Otsuka's novel both describe experiences of the Japanese heritage people that were subjected to forced evacuation and relocation to the same places, Tanforan and Topaz. But they have very different impacts. Otsuka's novel does not include visuals, but it is told in "stream of consciousness" mode, mainly through the eyes of the two children who must grow up in a harsh, secluded environment that changed how they view themselves, their family, their culture and people. Otsuka's novel advances a narrative that centers around the negation of Japanese culture and values, which is exacerbated by the evacuations and relocations. "The boy" especially, in Otsuka's novel, learns to internalize society's negative stereotypes and racist ideas of Japanese people. He is pained by seeing his father as "Unknowable. Inscrutable. That was him, over there. The little yellow man" (Otsuka, 49). As a defense against his father's human erasure, he imagines his father as a Western outlaw;

Now whenever he thought of his father he saw him at sundown, leaning against a fencepost in Lordsburg, in the camp for dangerous enemy aliens. "My daddy's an outlaw," he whispered.... He pictured his father in cowboy boots and a black Stetson, riding a beautiful horse named White Frost....

He'd be thinking these things, and then the image would suddenly float up before him: his father, in his bathrobe and slippers, being led across the lawn. *Into the car, Papa-san.* (Otsuka, 83)

Although Otsuka and Okubo both wrote about the same historical event, Okubo's work invokes an immediate physical presence, both in her diction and bold illustrations, and this gives the reader a sense of how chaotic, disorienting, and dehumanizing the relocation was to places like Tanforan and Topaz.

Okubo's journal adds two very interesting perspectives to Otsuka's novel. One is a historical timeline of what events, policies or laws led to the evacuation and relocation of Japanese heritage residents and citizens. Otsuka's novel had very few dates or historical context, but Okubo's work is a journal that was written like a logbook and gives a clear perspective of the events as they unfolded in time. After the bombing of Pearl Harbor and the declaration of war against Japan, Okubo provides the dates on which she saw policies and orders issued that would determine the fate of herself and her family. She encounters these policies and orders in the span of three months. "On February 19, 1942, by executive order of the President, the enemy alien problem was transferred . . . to the War Department" (Okubo, 12). Upon this transfer, evacuation of all citizens and resident aliens of Japanese ancestry was ordered (Okubo, 12). "On March 27, 1942, voluntary evacuation was halted, and the

army took over, to bring about a forced and orderly evacuation” (Okubo, 13). Now their choice was eliminated. Evacuation was mandatory and enforced. Finally, “on April 24, 1942, Civilian Exclusion Order No. 19 was issued and posted everywhere in Berkeley” (Okubo, 17). Otsuka adumbrates this timeline by simply calling her first chapter “Evacuation Order No. 19” (Otsuka, 3). Now, citizenship status didn’t matter. Even if you were an American citizen of Japanese descent, you were still an enemy, and therefore to be removed from American society. This clear timeline is not only what led Okubo herself to the internment camps, but others as well. All these faceless internees are represented by the nameless fictional family of Otsuka’s novel. But in Okubo, we see an image of her waiting her turn to be processed, when “[her] family name was reduced to No. 13660” and she and her brother were given “several tags bearing the family number” (Okubo, 19). Before our eyes, we see her transformed from a girl reading the “‘funnies,’” into a non-human number.

Another perspective Okubo offers is strong visual imagery, both in the text and in her black and white line drawings, of how dismal living in the internment camps was. The simple fact that Tanforan was made up of horse stalls, in which the internees were housed, says it all. They were expected to make homes out of small stalls where horses once slept, defecated and urinated. Now, what once plagued the horses, also plagued the men and women of Tanforan. Horseflies, following the scent of horse manure that was well marinated in the floors of each stall, now latched upon the homes and bodies of the internees. Like crows to a corpse, the illustration shows two hunched men, exhausted from the heat and riddled with horseflies (Okubo, 106). Okubo also provided descriptions of the other facilities of the camp. Sometime after arriving at Tanforan, Okubo describes her experience in the mess hall where there were long cluttered lines waiting for food. Okubo writes that “The ground floor served as the mess hall for 5,000 evacuees ... four lines, each a block long waiting outside” (Okubo, 38). The image above the paragraph only solidified the chaos of the scene. People piled up against one another, clutching their children and their coats to shield themselves from the wind. All of them, in lines of thousands of people, waiting to receive food that hardly could be called a meal. Canned sausages, potatoes and bread were waiting at the end of these lines (Okubo, 39). The toilets and showers were much worse. Any claim to privacy had to be relinquished. The stalls of toilets were separated by walls, but still open at the front. Okubo explained that “Many women could not get used to the community toilets. They sought privacy by pinning up curtains and setting up boards” (Okubo, 74). Her illustration shows two women trying to maintain a sense of privacy and essentially their dignity while using the bathroom, by pinning up a cloth and placing boards, while another clutches her nose, most likely not knowing whose stench she's smelling. It's all dehumanizing. These internees had created a good life for themselves, most of

them coming from middle-class homes. Now they were subjected to standing in long lines for terrible meals. They had to shower and use the toilet in front of everyone, and sleep in stalls that smelled of manure and were infested with horseflies. Their sense of dignity was ripped away when they stepped foot into the camp.

Okubo's use of what one scholar has called "spatial construction" and her ability to invoke emotion through her drawings created a mixed media book that was ahead of its time. In Xiaojing Zhou's article about "spatial construction" in Okubo's graphic memoir, she chooses certain drawings to show how Okubo invoked emotions and transformed the space around her, particularly since she drew herself into every frame of the illustrations. Zhou pointed out the scene where Okubo feeds her family and friends dinner in comparison to her eating at the control station. "In the earlier scene, Miné is sitting at the head of the dinner table in her home, treating her many friends, including whites, to a big dinner with a variety of dishes (7). After Miné is forced to leave home, thereby being reduced to a number in a sea of other numbers, her freedom and civil rights are stripped away; her relationship to both the public and private spaces undergoes drastic changes as her identity is reconstructed. She is deprived of a private space and of freedom in the public space" (Zhou, 58). Through Okubo's imagery she was able to invoke the emotion of disdain within the other internees' faces (Okubo, 25). However, there is also a forced surrender as the internees eat their sandwiches, most likely thinking back on the times when they took family meals for granted, without knowing what was to come. Now the space around Okubo and the other internees has changed, as Zhou suggested. In her home, she had the freedom to cook what she craved and feed it to her loved ones in the privacy of her own space. Now, her private space has been denied by the government. Her sandwich meal at the "Civil Control Station" was in a public space, but one of confinement, resembling a jail (Okubo, 25). Katherine Stanutz also writes about the emotions portrayed through Okubo's drawings and how they contrast with her very impersonal journal entries and descriptions. Stanutz explains that the "external trace of emotions in the illustrations, like facial expressions and especially tears, provides a striking contrast to the lack of emotional language" (Stanutz, 50). Stanutz describes how comical yet emotional Okubo's image is on one page (Okubo, 152). In this image, Okubo is wearing an oversized jacket, with bulky boots placed to the side of her after some winter clothing arrives to the camp. Stanutz notes that:

The image seemingly invites a comical reaction due to the absurdity of the huge jacket on a small woman, augmented by the huge boots waiting to fit her oddly disproportionate feet. However, we can also read this drawing as resisting light-

heartedness. Her expression seems to convey dismay as the long-awaited clothing turns out to be a disappointment. By expressing her sadness, she shows the sorrows that make up so much of camp experience. The displeasure shown here opens up the range of emotional expressions available to Japanese Americans, who were mostly expected to accept their circumstances: it demonstrates the way that loss—of personal autonomy, of freedom, etc.—intrudes on everyday life. (Stanutz, 53).

At first look, the image is very comical. Okubo's pouting face, as the jacket consumes her and she looks at the reader, can be seen as a light-hearted break from all the sadness of the historical event. However, when you interpret the sketch within the context of the situation, you can imagine how Okubo and other internees, after braving the cold, were wishing for some appropriate winter clothing. Finally, the clothing comes, but it is completely too big. Her feet will slide around in the boots, causing blisters as the coldness seeps into boot, making her feet stiff. Then when she must walk outside, she will constantly have to pull the sleeves of the jacket up, feeling the uncomfortable bulk of the jacket restricting her arms. This dismal fulfillment of her long-awaited wish for winter clothing serves as another reminder that the internees have no choices in the place that has become their new life.

The issue of the Japanese heritage internment camps is obviously not about the Black and White binary, but Fanon's ideas can be applied to the racism the Japanese heritage internees faced. In both Okubo's and Otsuka's writing, the Japanese heritage internees faced racism and negative stereotypes pushed upon them to the point that these were internalized. In Okubo's journal, she briefly mentioned Americanization classes. She notes, "Americanization classes were organized and were held every night for Issei" (Okubo, 167). Issei were Japanese-born people who were denied naturalization by American law. Those who were seen as not 'American enough' had to take classes to learn how to be more like a true American. This is similar to Fanon's idea of "cultural imposition," which correlates with the Manichaean binary. According to Fanon, "cultural imposition" promotes negative, racist narratives about Black people, which are then internalized by them. Abigail Manzella, in her article about the displacement of Japanese heritage internees, perfectly explains how the Japanese heritage internees faced a form of cultural indoctrination while being "Americanized." Manzella quotes Lisa Lowe who says, "Japanese Americans were forced to internalize the negation of Japanese culture and to assimilate to Anglo-American majority culture" (Manzella, 125). Much like Fanon's Manichaean binary and "cultural imposition," the incarcerated Japanese had to internalize that Japanese meant enemy, and that

their culture and very being were to be shunned, while learning to equate this self-negation to assimilating American culture. Even worse, these effects persisted after internment ended. "In other words, the imposed physical limitations of the camp became their own internalized restrictions on themselves no matter where they were placed" (Manzella, 112). The Japanese internees were targeted *for* their race, and as the Commission on Wartime Relocation and Internment of Civilians noted, the internment camps of WWII were set up for the 'yellow' enemy, but not for White German and Italian heritage citizens and resident aliens (Commission, pt. 2, 3).

Yes, the Black-White binary is completely unique. The colonization of resource-rich lands and violent oppression of the native Black peoples was very different from the Japanese heritage internment. The Japanese came to America willingly, with the intentions to make a life and home for themselves according to the 'American Dream.' Still, much as Fanon's Antilleans, the Japanese internees were forced to see themselves just as the Americans saw them, as the "Yellow Peril" or the "Alien Enemy" (Otsuka, 10). This forced view resembles the Manichaeian binary, where Black people are made to associate being Black with being ugly, evil, criminal, or any other negative characteristic. Thus, for the Japanese internees, to be Japanese was to be both alien and the enemy. As a result, to free themselves of that negative attribution, they accepted "cultural imposition," and rejected their heritage. They were forced to Americanize to be free of being an enemy alien:

Nothing's changed, we said to ourselves. The war had been an interruption, nothing more. . . . We would seek out our old classmates. . . . We would dress just like they did. We would change our names to sound like theirs. And if our mother called out to us on the street by our real names we would turn away and pretend not to know her. We would never be mistaken for the enemy again! (Otsuka, 114)

Both Fanon's colonization of the Antilles and the Japanese heritage internment in the United States happened under racist political pretenses. Colonization, supported by the Black-White binary, happened under the political excuse of civilizing the uncivilized, but really for the purpose of increasing the lands of the European empire. The Japanese internment, fueled by "Yellow Peril" ideology, purportedly happened out of military necessity and for the safety of the American people and government. However, White German and Italian civilians were never treated as similar threats. As these global events show, racism is often the underlying factor in power dynamics that are rationalized with irresistible labels, such as "civilization" and "national security."

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♦ CORRECTIONS 320

RAISE THE AGE: ISSUES WITH CURRENT JUVENILE LAWS

MELANY JIMENEZ

THE CRIMINAL JUSTICE SYSTEM was designed to enforce the law and protect the public from domestic and foreign threats, while also punishing those who commit crimes (Department of Justice, n.d.). When prosecuting individuals, the court must consider many factors such as the severity of the crime and if the crime was premeditated. Aside from this, the age of the offender is also an important deciding factor because of the differences between juvenile and adult laws. The purpose of juvenile laws was to address the belief that teenagers and children are inherently good and that they must be approached with restorative measures, rather than punishment (Spivack, 2019). The main goal of the juvenile system was to decrease crime rates, reduce the likelihood of teenagers re-offending, and deter other minors from committing crimes (Spivack, 2019). Regardless of its original objective, a new category in the Juvenile Offender Act of 1978 was established. This was drafted after a 15-year-old murdered two strangers in the New York City subway. Despite the severity of the offense, the court sentenced Willie Bosket to five years of juvenile detention.

The Assignment and the Writer: In this class we explored the role of Race, Class and Gender in the correctional community. Students researched the Raise the Age movement, which addresses issues with current juvenile laws, and were asked to consider how these laws can enhance restorative measures amongst juvenile delinquents. Melanie incorporated her interest in the juvenile justice system and factors aimed at reducing the recidivist rates of juvenile delinquents. The review of articles, which examined the effects of crime regarding the Raise the Age movement, in addition to decriminalizing juvenile delinquency, provided a basis in the examination of current laws. Additionally, the review of Supreme court cases provided a foundation of evidence to support failed programs. In a clear and concise writing style, Melanie provided extensive evidence and context that highlighted her thorough understanding of issues within the juvenile justice system.

—Professor Shanitra Hood

The public believed that the sentence was too light and that Bosket should have been tried as an adult, resulting in a new category being added to the act. This new section allows individuals between 13 and 15 to be prosecuted in criminal court if the crime is considered serious enough (Spivack, 2019). In connection with this act, the New York Penal Code allows 16 to 18-year-olds to be prosecuted as adults in criminal court and be held criminally responsible. This decision went against the original goal of juvenile laws because it requires the system to increase the punishment for crime and focus on retribution rather than rehabilitation.

Following the drafting of current juvenile laws, the “Raise the Age” movement arose. This movement advocates for the reconsideration of current laws and discusses the reasons why juveniles should not be held to the same standard as adults. One of their main arguments is that there are various developmental differences between adults and teenagers. Studies have shown that adolescents have a higher chance of being influenced by society and their peers (Spivack, 2019). Therefore, their actions are not an accurate representation of their persona, making it unjust to hold them to the same standard as adults. In addition, they argue that because a teenager's brain is not fully developed, it can be difficult for them to make rational choices and understand the consequences of their actions (Spivack, 2019). It is believed that the current laws targeting juveniles can delay brain development because they authorize correctional officers to mix them with adults who can be viewed as dysfunctional and isolate them for punitive purposes (Spivack, 2019).

LITERATURE REVIEW

In the past few years, several states have increased the age of their juvenile laws to include 18-year-olds. These states vary from Connecticut, Mississippi, and Massachusetts to New Hampshire (Loeffler & Grunwald, 2015). This was done under the assumption that by decreasing victimization and criminal records, a decline in crime would be seen. It was also believed that a decrease in crime would occur if juveniles were given treatment options instead of punishment (Loeffler & Grunwald, 2015). To examine the role of the “Raise the Age” movement on juvenile recidivism, Loeffler & Grunwald conducted a study that focused on teenagers from Chicago who had been charged with a misdemeanor (2015). To identify changes in crime, they used data from previous years to compare re-offending patterns before and after the current juvenile laws were established. Loeffler & Grunwald (2015) discovered that there were no significant differences between re-offending before and after the age was expanded. Yet, they believed that the law could have impacted the decision of officers to arrest underaged individuals for minor offenses. Aside from this, Loeffler & Grunwald (2015) argued that by raising the age, the future of juveniles in the system could be positively

impacted because it could result in employment and health benefits as well as life satisfaction.

One of the limitations that Loeffler faced in his previous study was that it only examined juvenile legislation's effects on one city. To further explore the impact that raising the age of majority had on crime, Loeffler & Chalfin (2017) looked into offenses committed by juveniles in Connecticut. In 2012, Connecticut raised the age of majority to 18 with an exception for serious offenses. Using the National Incident-Based Reporting System (NIBRS), they discovered that when comparing the rate of adolescent arrests before and after the change in law, a significant reduction in re-offending was noticed (Loeffler & Chalfin, 2017). In addition, they found that the influence of the new legislation was greatly seen in the decision-making techniques of officers. Similarly to the study in Chicago, officers began to use their discretion to decide whether or not they should arrest minors who committed misdemeanors. Despite a decline in arrests, there was no evidence that the crime rate in Connecticut was positively impacted by the decision to raise the age of juvenile legislation (Loeffler & Chalfin, 2017).

ASSOCIATED COURT CASE

As discussed, there are differences between the brain development of adults and adolescents that can explain why they shouldn't be held to the same standard in court. In *Roper v. Simmons* (2005), Christopher Simmons was given the death penalty for planning and committing a capital murder. However, his case was reconsidered by the United States Supreme Court after he argued that the sentencing he received violated his 8th Amendment rights due to it being cruel and unusual. Simmons also argued that the decision in *Atkins v. Virginia*, which prohibited the execution of mentally disabled individuals, applies to minors as well because their brains aren't fully developed. In this case, the United States Supreme Court had to decide whether or not they should overturn the decision made in *Stanford v. Kentucky*, which held that sentencing underage individuals was not a violation of the 8th Amendment. In a 5-4 decision, delivered by Justice Anthony Kennedy, the U.S. Supreme Court agreed with Simmons and held that because societal norms are evolving, the original belief that sentencing minors to death was not cruel or unusual is no longer applicable. This decision was dissented by Chief Justice Rehnquist, Justice Scalia, Justice O'Connor, and Justice Thomas (Oyez, n.d.). They argued that by prohibiting the execution of juvenile offenders, the Court was wrongfully using its opinion to override previous holdings.

Another significant court case associated with juvenile laws is *Graham v. Florida* (2010). Graham was 16 years old when he and three other teenagers burglarized a restaurant after closing hours (Oyez, n.d.). During the burglary

attempt, one of the three offenders attacked the restaurant manager with a metal bar, resulting in them fleeing the scene. Graham pled guilty and was given a plea agreement by the trial court that sentenced him to 12 months in a local jail and 3 years of probation. After his release from jail, Graham continued to commit violent crimes such as attempted armed robbery and an armed home invasion, which violated his probation. As a result, his plea agreement was revoked and he was sentenced to life in prison without the possibility of parole (Oyez, n.d.). The United States Supreme Court had to determine if the court of Florida violated the 8th Amendment's clause regarding cruel and unusual punishments. In a 6-3 decision, with the majority opinion by Justice Kennedy, the United States Supreme Court held that juvenile offenders cannot be sentenced to life without parole for a non-homicidal crime because of the 8th Amendment. This decision was dissented by Justice Thomas, Justice Scalia, and Justice Alito with one of the arguments being that the majority opinion was using their personal beliefs to substitute a decision that was already made by American citizens (*Graham v. Florida*, 2010).

CONCLUSION

The "Raise the Age" movement stresses the importance of considering the developmental differences between adults and adolescents in legal proceedings. Studies such as the ones conducted by Loeffler & Grunwald (2015) and Loeffler & Chalfin (2017) discuss the impact that raising the age has had on areas in the United States. Despite there being little to no significant changes in crime rates, it was discovered that police discretion has been impacted by the new juvenile legislation. Landmark cases such as *Graham v. Florida* (2010) and *Roper v. Simmons* (2005) have influenced how the criminal justice system views juvenile delinquents. As mentioned in *Roper v. Simmons*, societal norms continue to evolve, and as they do, the standards to which adolescents are held progress as well.

A common misconception is that by asking to raise the age of juvenile laws, adolescents are going to be let off the hook easily. It is important to acknowledge that the goal of the criminal justice system is not to torture individuals but instead to help them rehabilitate. By continuing to advocate for juveniles in the system, we can help decrease the post-incarceration syndrome which stems from trauma gained during an incarceration period.

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♦ PUBLIC ADMINISTRATION 318

COVID-19's IMPACT ON MENTAL HEALTH ON SOCIAL MEDIA IN GENERATION Z

SKYE JOYCE

THE COVID-19 PANDEMIC has exacerbated the mental health issues that social media imposes on Generation Z. Generation Z is classified as those born between 1997 and 2012, and this generation is composed of today's teenagers and young adults. In comparison to Millennials, who are born between 1981 and 1996, the difference in generations is shown in Generation Z's political, economic, and social views. However, a major difference between Generation Z and Millennials is social media usage. Generation Z uses social media 18% more than Millennials. While this may not sound like a large number, those in Generation Z are mostly teenagers and are at an impressionable age. Many of them rely on social media to develop their identities. During the COVID-19 pandemic, Generation Z became reliant on social media to connect and interact with their peers. As social media usage increased, mental health in Generation Z began to deteriorate, and anxiety and depression became more frequent. The

The Assignment and the Writer: The assignment titled "Decision in Crisis – Utilizing Strategic Thinking: Insights Gained Through a Learning Experience" focused on crisis decision-making within higher education, emphasizing strategic thinking. Students analyzed a crisis scenario within this context, delving into decisions and their outcomes, referencing their findings for future discussions. Skye Joyce exemplified excellence by integrating the COVID-19 pandemic, elucidating its exacerbation of mental health issues among Generation Z due to social media. With Gen Z relying heavily on social media for identity development and connection during the pandemic, Skye highlighted how increased usage correlated with deteriorating mental health, using the "Swiss Cheese Model" to illustrate the compounding effect of individual issues on mental health within this framework.

– Professor Elsa-Sofia Morote

Swiss Cheese Model explains how small individual issues correlated with social media usage has created a perfect climate for a mental health crisis (Krogerus & Tschäppeler, 2017).

In the Swiss Cheese Model, failure cannot be linked to a single root cause. Often, crises happen due a combination of issues. The issue with social media stems long before the COVID-19 pandemic occurred. Social psychiatrist Johnathan Haidt explains the differences in generations in his book *The Coddling of the American Mind*. According to Haidt, teenagers are harming themselves up 62% than they were five years prior. Additionally, girls aged 10-14 are harming themselves at a rate 189% higher than 2015 (Haidt & Lukianoff, 2019). Many teenage girls believe that social media is harming their mental health because of their constant need of validation, and the desire for thousands of likes, shares, or retweets on social media. Haidt believes that the desire of validation stems from being coddled as children. Examples of this include participation trophies, being told their opinion is more important than others, and even to the extent of being protected and put into bubbles if they have an allergy, such as a peanut allergy. This coddling has led to self-righteous behavior and is one of the 'holes in a cheese slice' that plays role in this mental health crisis.

A large part of mental health deterioration due to social media is due to the need for validation. Prior to the pandemic, Generation Z users turned to social media for affirmation on their beauty. Likes on social media gives instant validation with little effort by a large group of people. For example, if someone posted a provocative picture on Instagram and they received thousands of likes, they are inclined to think that these people think they are attractive. The problem with online pictures is that filters and editing can be easily used to change an individual's appearance. Insecurities – whether that be a acne, stretch marks, or body fat – can be edited without anyone knowing. This leads to an unhealthy habit of editing pictures that can lead to a skewed sense of self perception. Filters are commonly used to hide insecurities, and many individuals become reliant on them. Additionally, individuals will begin to compare themselves to those who are getting thousands of likes. They will look at their pictures and wonder why they are not getting the same validation. This can lead to body dysmorphia, eating disorders, and other binging behaviors. Negative body images often come from comparing yourself to others and cultural beauty standards. Trends on Tik Tok, such as nose jobs and buccal fat removal, are being shown to individuals who believe that they must follow those trends to be the ideal standard. While these procedures are being done by adults, they are being broadcasted as normal to teenagers.

In addition to these pre-existing issues, the COVID-19 pandemic amplified negative mental health effects due to social media. One hole in the cheese slice is isolation. As a society, we rely on human interaction to develop social skills, cooperative behaviors, and empathy for those around us. Generation Z was stripped from human interaction due to school closures, state mandated lockdowns, and an increase in personal safety, thus, they resorted to interacting with their peers online. Social disconnect can induce negative emotions such as anger and sadness, and it can decrease basic psychological needs and cognitive abilities. If social disconnect prolongs, there is an increased risk of depression, suicidal thoughts, and suicide (Pancani et al., 2021). However, social media usage during isolation is a double-edged sword. This is because there were two uses of social media during the pandemic -- information acquisition and social interaction motives. Information acquisition illustrates the “information-seeking behaviors of those who visit different social media platforms to find the information they need,” while the social interaction motive illustrates communication-related activities that motivate people to maintain and expand their social circle while in lockdown (Longest & Kang, 2022). Due to both motives, it is unrealistic to ask Generation Z to not indulge in social media usage while in lockdown.

Isolation allows for Generation Z to be faceless entities behind a screen, which leads to another hole in the cheese slice – cyberbullying. Cyberbullying has become popular due to “the ease of committing such acts anonymously” (Kee et al., 2022). There is more opportunity to be cyberbullied than there is to be bullied in school, because there are more online users than there are in an individual’s school. During a 2022 study, there was a 71% increase in cyberbullying during the COVID-19 pandemic (Kee et al., 2022). Individuals who are bullied are more likely to experience symptoms of mental health disorders, such as “depression, anxiety, changes in sleep and eating habits, increased feelings of loneliness, and loss of interest in activities they used to enjoy” (Garret et al., 2016).

Isolation has left many Generation Z individuals bored, and they have created trends to occupy their time. These trends circle back to validation, because individuals are more likely to “go viral” if they join a trend in comparison to posting a video with no pop culture craze. During COVID-19, the “blackout challenge” became a popular game that was circulating Tik Tok. Children around the world were choking themselves with household items until they blacked out, filming the adrenaline rush they received when regaining consciousness (Carville, 2022). They then would post these videos on social media to join in on what everyone else was doing. Unfortunately, these trends are reaching children who were too young to grasp understanding of the risks of choking yourself. Twenty children aged 14 or less passed away due to this challenge.

A major problem when analyzing the mental health effects of social media comes down to the autonomy of the consumer. It is difficult to determine a key stakeholder in this predicament because there is no single scapegoat. As stated in the Swiss Cheese Model, singular, small occurrences contribute to a larger problem. However, society at large is to blame for imposing beauty standards and social standards on Generation Z. It is important to note that individuals who work for social media companies are of an age where their brain is fully developed, and they do not understand the teenage need for validation online. A 30-year-old using social media may have a different objective compared to a 15-year-old. Many of these developers working for companies did not grow up with social media being a determining factor for their self-worth. Additionally, many of these developers did not live through a life-changing pandemic such as COVID-19, where they were locked inside for months with nothing else to do than scroll on Tik Tok or Instagram. Thus, when developing these apps, they do not take into consideration how different age groups consume social media, and the damage it may cause to Generation Z.

As someone who was a teenager during the time social media usage sky-rocketed amongst my age group, I personally understand the effect of being a micro-celebrity or influencer. When I was 16 and used Tumblr, I had roughly 15,000 followers – which was considered a lot during 2012 and 2013. I was treated different in high school, and people would come up to me and ask how I got “Tumblr-famous.” I remember I would go to the mall and people would recognize me from online. Students at my school would always talk about how much attention I got online, and how they wish they had as many followers as me. Some students from my school would even get asked on their own social media accounts how they knew me. Sometimes, when my friends would introduce me to someone, they would say “this is Skye, she’s actually Tumblr-famous,” as if that had anything to do with who I was as a person. There was a point in time where if you would google my full name, all my pictures from when I was “Tumblr-famous” would pop up. As I reflect about this era as a current 25-year-old, it was nothing more than ego boost, but it meant so much to me during the time being. In fact, I feel like it did more negative effects for my mental health, because I was constantly posting online to stay relevant. As I searched for jobs in law enforcement when I was in my early 20s, my previous online usage was found, and I had to explain to my investigators my social media popularity. It was an uncomfortable conversation to have as an adult, and I wish I knew what I know now.

There are measures that can be implemented to reduce the harm social media has on Generation Z. Social media websites can encourage hiding the “likes” amount on pages, so individuals are not focused on how many people are interacting with their content. If a picture is posted and an individual does

not get the feedback they desire, they may feel disappointed and invalidated. Additionally, social media websites should discourage or ban the use of face and body altering filters. These filters give a warped perception of reality and can cause low self-esteem. If social media websites are to allow filters, the photo should be labeled as filtered. This would be beneficial because it lets the viewer know that what they are seeing is not reality.

Social media websites should not encourage notifications to be turned on. When downloading an app for the first time, an app will show a pop-up that suggests users should turn on notifications, so they do not miss out on anything. This can be harmful, because users will stare at their phones waiting for likes to pop up in their notifications. Additionally, social media websites should implement screen time limitations to ensure Generation Z is not getting addicted to these websites.

According to Dr. Christine Stabler, social media gives the same effect on the brain as a slot machine. Dr. Stabler states that since an individual does not know the content they will see until they open the app, the “spontaneous results actually cause a feeling of reward by releasing dopamine” (Stabler, 2021). To help limit screen time, social media websites can notify users of when they are on a website or app for too long. To go even further, blocks can be set to limit a user’s screen time.

Tik Tok is one app that is already implementing this – a video will pop up on the users’ screen saying they have been scrolling on the app for a long time and suggests they should take a break. However, these videos are only a suggestion and does not force the app to close. Many users just scroll past these videos. The app force-closing after a set amount of time would be more beneficial in this scenario.

Additionally, social media websites should introduce stronger regulation and monitoring of content designed to harm others. It is unacceptable that challenges such as the “blackout challenge” prolonged enough for children to die. With the amount of money these social media websites make, they should have a big enough team to monitor content that has led to death. They also should post trigger warnings on posts that may upset others. Instagram and Tik Tok are two websites that have started to do this. Before clicking on a post, it will warn the user that the content may be graphic, or it may contain false information. This content should not be available for minors and should automatically be blocked from showing up on their feed.

Generation Z should be empowered to make smart decisions when using social media. However, it is often in the hands of bigger corporations to not capitalize off the insecurities and mental health issues of such an impressionable generation. I sometimes wish I could go back to my teenage years and tell myself that likes and reposts do not matter. Additionally, I wish that it was not as easy as it was to go viral on social media. In hindsight, I was

a child, and I felt as if my ignorance was exploited. I am hopeful that social media companies make smart decisions when developing their platforms, and do not take advantage of the innocent minds of these teenagers.

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♦ LITERATURE 375

SEEDS OF STRUGGLE: EXPLORING RACIAL NARRATIVE IN *PARABLE OF THE SOWER* BY OCTAVIA E. BUTLER

YANIRAH RODRIGUEZ

RACE CASTS ITS SHADOW over the realm of power, privilege, and prejudice. Its significance stems from the recognition that race not only molds our identities and experiences but also plays a pivotal role in shaping power dynamics, influencing access to resources, and determining the allocation of opportunities. In Octavia E. Butler's novel, *Parable of the Sower*, race emerges as a potent and prevailing element, illuminating the intricate facet of identity in a dystopian world. Through a critical analysis of the novel, this essay explores the pervasive influence of race on power dynamics, systemic disparities, and the complexities of racial identity in a futuristic America. By captivating readers in a compelling narrative, Butler's novel serves as both a cautionary tale and a catalyst for meaningful reflection on the enduring realities of race, fostering a sense of urgency for transformative social change.

The Assignment and the Writer: In LIT 375: Topics in 20th Century Literature: Stories of Displacement, students engaged with literary texts to develop an understanding of the historical, political, and cultural contexts of the struggles of peoples who have been displaced from their homelands and communities because of forced cultural assimilation, genocide, the formation of new nation states, and apocalyptic-like climate change and economic and political collapse. In her paper "Seeds of Struggle: Exploring Racial Narrative in *Parable of the Sower* by Octavia E. Butler", Yanirah deftly analyzes intricacies of racial divisions, the challenges faced by interracial relationships, and the remnants of historical slavery in a near-future dystopian United States. Yanirah powerfully argues that although Butler's novel is fiction, "it eerily reflects the systemic biases and inequalities that persist in our society today" and "fosters a sense of urgency for transformative social change."

—Professor Maria Grewe

The racial divide and its significance in terms of survival emerge as a central theme in Octavia E. Butler's *Parable of the Sower*, underscoring the importance of unity among diverse racial groups amidst challenging circumstances. The novel begins with the protagonist Lauren's description of the Robledo community, where racial tensions and prejudices are a pervasive and omnipresent reality that shapes the lives of its inhabitants. During their group's outing to the hills for target practice, Lauren unveils a notable fact about their Robledo community: aside from the Garfields and Balters, the majority of its members are black, shedding light on the racial composition that dominates their daily lives. In the chaotic world beyond the walls of their community, people are expected to fear and hate those outside their own racial group, as Lauren observes, "On the street, people are expected to fear and hate everyone but their own kind" (Butler 36). However, within the confines of Robledo, the collective awareness and vigilance of its residents create a different approach. As Lauren demonstrates, "but with all of us armed and watchful, people stared, but they let us alone. Our neighborhood is too small for us to play those kinds of games" (Butler 36). The statement emphasizes how the close-knit nature of their community leaves them with no other choice but to refrain from engaging in divisive racial conflicts, underscoring the necessity of mutual survival. In Butler's dystopian narrative, the community's sense of racial unity is not voluntary but rather a result of necessity, formed in response to the harsh realities and inevitable fears they confront. Furthermore, this environment of fear and societal disapproval extends to interracial relationships in the novel, highlighting the additional challenges faced by those who dare to defy the racial boundaries set by society.

Interracial relationships in Butler's dystopian narrative are influenced by racial divisions and the imperative for survival, bringing to light the challenges and barriers in the pursuit of acceptance. In the early chapter of the novel, Lauren unmasks the deep-seated racism and prejudice held by Mrs. Sims, who disapproves of Lauren's family because her father married "that Mexican woman Cory-ah-zan" (Butler 23). This reveals the daunting environment where interracial relationships are met with hostility and disdain, reflecting a broader pattern of societal norms that discourage and stigmatize such unions. Although Mrs. Sims is depicted as an elderly bigot, her perception merely scratches the surface of the widespread attitude that interracial relationships face in the novel, exposing the inherent racism severely embedded within society. The prevalence of societal prejudice towards interracial relationships is further elaborated when Lauren observes the ongoing feud between the Ibarra and Iturbe families with the Montoyas over Bianca Montoya's pregnancy. As she remarks, "At least they're both Latino. No interracial feud this time" (Butler 86). The lack of any conflict between the families regarding the teenage pregnancy can be attributed to the fact that

both parties share the same racial background. This shared factor eliminates any potential racial tensions that may have arisen in this particular circumstance. However, in stark contrast, when a member of the caucasian Dunn family was involved with Richard Moss's black daughter, the situation escalated to the point where Lauren “thought someone was going to get killed” (Butler 87). This reflects the underlying prejudices that surface when individuals from different racial backgrounds engage in romantic relationships. The fear and hostility depicted in the quote illustrate the extent to which racial divisions have the potential to escalate to violence. Nonetheless, the entrenched racial divisions and biases witnessed in the community are not limited to the Robledo walls, but rather permeate throughout the expansive dystopian world in Butler’s novel.

In *Parable of the Sower*, Butler efficiently integrates the presence of a powerful corporate entity, illuminating the haunting echoes of historical slavery and its profound influence on racial hierarchies. KSF, an abbreviation for Kagimoto, Stamm, Frampton, is a company that wants to privatize the coastal city of Olivar. The company promises safety, jobs, and clean water in exchange for total control of the city and its residents (Butler 118). In other words, KSF would dominate the area and provide these resources but in return, its residents would be adversely indebted to them. Lauren’s stepmother, Cory, expresses her despair over the family's predicament in a hostile and violent world and hopes the company pursues Robledo as well. Lauren’s father states, “Robledo's too big, too poor, too black, and too Hispanic to be of interest to anyone--and it has no coastline” (Butler 120). His statement highlights the socio-economic marginalization experienced by certain communities, emphasizing how systemic inequalities contribute to their perceived lack of value or significance in the eyes of powerful entities like KSF. The description “too black” and “too Hispanic” indicates the racial dimensions at play, illustrating the intersections of race and power within Butler's narrative. When his wife disregards his comment and insists their family apply to the company, Lauren’s father tells her, “Don't hope for it, Cory. There's nothing safe about slavery” (Butler 120). In this quote, Lauren’s father responds to his wife with skepticism, recognizing the potential dangers of taking enormous risks for uncertain promises. His remark exposes the insidious nature of KSF's control, paralleling the exploitative systems of the past and drawing attention to the instinctive dangers of surrendering autonomy to a powerful corporate entity. This brief examination into the corrupt nature of KSF's control is merely the tip of the iceberg, offering only a glimpse into the harsh realities of slavery and subjugation that exist in Butler's novel.

Butler's powerful storytelling unearths the enduring legacy of slavery and its lasting impact on characters in the dystopian world, exposing the depths of racial oppression and their traumatic experiences. We are first introduced to

the Douglas family, an interracial couple and their baby, whose experiences depict the intersecting narratives of race and slavery in the novel. Travis, described as a “deep-black man” (Butler 204), carries the weight of his mother's servitude as a live-in cook, fundamentally living as a slave. Remaining within the same undesirable circumstances as his mother, we learn that Travis used to be a handyman and gardener. His wife, Natividad, was also fated with the same status, living as a maid for their employer. However, their lives take a drastic turn when Natividad becomes the victim of sexual harassment by their employer, leaving them with a grim choice: either risk the probability of Natividad's rape or embark on a perilous journey away from their oppressor. Lauren believes that Natividad was lucky and thinks, “How many other people were less lucky” and “How far did masters and mistresses go these days toward putting less than submissive servants in their place?” (Butler 219) Lauren's reflections on Natividad's situation, questioning the extent to which masters and mistresses assert dominance over their servants, underscore the ongoing presence of subjugation and the lingering question of how widespread such mistreatment may be. The quote reveals the realities faced by individuals like Natividad, who are caught in a web of racial oppression and struggle against their oppressors to maintain their humanity and freedom. Shortly after the couple joins her group, Lauren encounters another pair of individuals who have also escaped the clutches of slavery. Emery Tanaka Solis, along with her daughter Tori, is an ex-slave and the embodiment of racial diversity. Emery shares the harrowing details of her own experiences as a debt slave, revealing the ways in which individuals like herself and her family were exploited and stripped of their basic rights. She tells Lauren that they were forced to work long hours for essentially nothing, could be beaten if they failed to meet quotas, could be traded or sold to other employers (Butler 288). It is evident Emery's experiences align with the exploitative nature of slavery, as she was trapped in a system where her freedom was abolished. After joining the group, they cross paths with yet another duo: Grayson Mora and his daughter Doe, who, like Emery and Tori, have emerged from the shackles of debt slavery. Despite the futuristic narrative, the characters in *Parable of the Sower* are undeniably affected by the consequences of historical slavery, viewing their experiences through a powerful racial lens that exposes the enduring impact of oppression and discrimination.

To fully grasp the concept of systemic disparities, it is imperative to acknowledge the influential role of race in shaping limited job opportunities, perpetuating ongoing disadvantages and reinforcing injustices. As they venture farther North in search of fertile land and safety, the group questions whether they will be able to find adequate paying jobs when they get there. Specifically, Harry worries about what job opportunities will be available for him if he settles with them. Emery suggests that Harry, being a white man with literacy

skills, may have opportunities for employment as a driver. However, the nature of these jobs involves aiding slave owners in controlling their slaves. Horrified, Harry says, "Are you telling me I'd like a job pushing slaves around and taking away their children?" (Butler 323) Emery's suggestion reveals the ugly truth: that certain job roles, such as being a driver, are more readily available for white individuals. In this dystopian society, the implication is that there exists a racial bias in employment opportunities, favoring white men for positions of authority and control. Nonetheless, Emery informs them that the only available work on this side of the Canadian border might involve engaging in slave labor, possibly in factory jobs. Bankole interjects and says, "The workers are more throwaways than slaves. They breathe toxic fumes or drink contaminated water or get caught in unshielded machinery...It doesn't matter. They're easy to replace--thousands of jobless for every job" (Butler 324). This devaluation and exploitation of workers, along with the abundance of jobless individuals, accentuates the systemic disparities that bolster racial and socioeconomic divisions. Bankole's statement implies that people from marginalized communities, who are disproportionately affected by these disparities, are more likely to be subjected to hazardous and exploitative working conditions, while those in positions of power profit from their vulnerability. Ultimately, Bankole's statement highlights the connection between race, systemic disparities, and the harsh realities of injustices in Butler's dystopian society.

Octavia E. Butler's novel *Parable of the Sower* skillfully explores the complex theme of race and its prevalent influence on power dynamics, systemic disparities, and individual experiences. Through the lens of racially diverse characters, Butler delves into the intricacies of racial divisions, the challenges faced by interracial relationships, and the unforgettable remnants of historical slavery. Although Butler's work is a fictional piece, it eerily reflects the systemic biases and inequalities that persist in our society today. By shedding light on the racial divisions in the novel through a powerful narrative, Butler emphasizes the need for active engagement in dismantling oppressive systems and working towards a future defined by equality and justice.

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♦ HONORS 380

LANGUAGE EDUCATION AND BILINGUALISM IN THE ANGLOPHONE CARIBBEAN

 ALISSA MCCURCHIN

THE CONCEPT OF LANGUAGE is heavily intertwined with culture, ethnicity, history, and the ever-changing story of how a society communicates. Because there are thousands of languages spoken, not all of them can be placed at the top of the “unofficial”, theoretical hierarchy that has been invented and reinforced globally. Depending on who and where a language is spoken, and often, how it came to be; we assign value to it. The research in this paper will examine the phenomena of language in the Anglophone Caribbean. Also known as the Commonwealth Caribbean, these are English-speaking countries and territories, which once constituted the Caribbean portion of the British empire. These include countries such as Jamaica, Trinidad and Tobago, St. Lucia, Dominica, Guyana, Barbados, Belize, and the Bahamas, among many others. Specifically, what will be examined is how the second or non-English Creole language is developed in these areas, how they are perceived on the social and cultural level, and how they have been included or excluded within local educational institutions, and international ones.

The Assignment and the Writer: Students were tasked with investigating a topic related to bilingualism as a complex phenomenon, examining factors influencing language use, critiquing research, and presenting scientific ideas effectively. Alissa’s paper delves impressively into the intricate relationship between language, culture, history, and education in the Anglophone Caribbean. She effectively highlights the societal stigmatization of Creole languages and the challenges they face in educational institutions. Her paper not only acknowledges historical injustices but examines the ongoing efforts to decolonize minds and promote linguistic diversity. The concluding call for multicultural classrooms and teacher training to better serve Caribbean English-speaking students demonstrates the paper’s practical relevance.

—Professor Christina Lozano Argüelles

To understand the perception and development of the languages, we must look at their historical demographic origin stories. Revisiting the concept of the ‘unofficial’ theoretical hierarchy of languages, it also manifests in how countries and territories of the Caribbean are categorized. They are divided into the English, French, and Spanish speaking Caribbean; despite the multitude of languages and dialects that are spoken in those areas before and after colonization. This categorization assumes that the dominant and most noteworthy languages in these countries are the ones that belong to those who once owned them. However, whether under the oppressive control of the colonizers or not, a rich subculture had taken form from the contributions of the indigenous groups already on the islands, the enslaved Africans coming from multiple different tribes and ethnic groups, the Indian, Chinese, and poor European indentured laborers, and the Europeans from the colonizing countries. “Caribbean English is a contact language emanating mainly from the encounter of British colonial masters with the enslaved and later indentured labor force brought to the Caribbean to work on the sugar plantations. Because slavery largely eradicated the ethnic languages of the exploited groups, the Creoles and Creole English that evolved in the Caribbean became the vernacular, but more importantly, became publicly labeled as English, because of the stigmatization of Creoles” (Nero, 2006, p 502). Because of this demographic makeup, and the circumstances under which the Creoles and dialects of the Caribbean had developed, historically, and in many ways still today, it has been intrinsically tied with lower class, the uneducated, and overall backwardness. “Creole is associated with oppression, either historically or in present-day social structures. It is attached to emotionality as opposed to the rationality of languages like French or English. In this line of thought, Creole will not be able to shake off its intrinsic connection with oppression, a symbol it bears, so speaking Creole is equated with succumbing to domination and debasement” (Krämer, 2017, p 118). Also, “Caribbean Creole languages have traditionally been stigmatized due to the fact that they developed in contact situations during plantation slavery. “Especially when they are in continued contact with their lexifier, the Creole is often not seen as a legitimate variety of its own” (Mühleisen, 2022, p 263). Many of the articles cited have described the Creoles developed in these regions as a “contact language” (Mühleisen, 2022; Krämer, 2017; Sand, 2013; Nero, 2006; Hackert, 2016), and its development was unnatural to the usual evolution process of languages (Krämer, 2017).

Since these languages developed in high pressure situations, without any real form of structured guidance or reinforcement in educational or academic institutions, these Creoles were not recognized as actual, distinct languages for generations, and by many today. In the article *From Bush Talk to Nation Language: Language Attitudes in Jamaica Before and After*

Independence by Andrea Sand, she summarizes this ‘unnatural’ language evolution as “Slaves speaking different and often mutually unintelligible African languages had to communicate with each other and with their white overseers, who spoke different varieties of regional English. Naturally, given their living conditions on the plantations, the slaves had very little contact with speakers of English. Hence, a radically restructured form of English emerged over the next generations, a Creole, with a phoneme system altered to accommodate native speakers of West African languages, a lexicon containing mostly English words, and a drastically changed grammatical system, relying on particles rather than inflections” (2013, p 72). In the context of the current social-cultural climate, many of these former colonies are now independent countries with their own distinct identities. Despite this, many have still defined their only language as the one from their colonizing countries, and do not recognize the prospect of a second language, rejecting the notion of speaking “broken English”. Explained in the article, *Standards of English in the Caribbean*, by Stephanie Hackert, “even today, the existence of the creoles is sometimes denied, not just by speakers who claim that they speak nothing but ‘the Queen's English’, but also by institutions, as the following excerpt from a brochure issued in the late 1990s by the Bahamas Ministry of Tourism illustrates. Under the heading of “What Language Is Spoken In The Bahamas”, it is claimed that English is our language - more British than American - and we have our own special way with it” (2016, p 91). However, this mentality may be changing.

In the case of Jamaica specifically, a nationwide shift is happening in the discourse surrounding Jamaican Creole, also known as Patios. The use of a Creole, and its understanding as a second national language, has always been considered unique within the context of the country, whether it was a colony or an independent nation. “Within the world Englishes paradigm, CE (Caribbean English) has been seen as somewhat unique. Braj Kachru, for example, has noted the challenge of placing CE, partly because this variety has evolved in ways quite unlike any of those in the three traditional concentric circles of English. As Kachru (1992) notes, “[countries such as South Africa or Jamaica are difficult to place within the concentric circles. In terms of the English-using populations and the functions of English, their situations are rather complex” (Nero, 2006, p 362). During its time as a colony, this evolution of language was perceived by European ‘elites’ as a threat to their social and cultural control over slaves and even freed Black individuals. It was interpreted as rebellion and a form of resistance to the ‘norm’, instead of what it really was: a form of survival and an adaptation to a new environment with complex circumstances. “Policies for an extended use of Creole are rejected as measures that supposedly perpetuate social inequalities established since colonial times and stabilise the divide between the influential standard-speaking elites and the

underprivileged masses: They want to lower the level of our children in order to be able to 'command' them one day. Patois is the language of mentally enslaved Jamaicans, who have an emotional (pathetic) understanding of the world" (Kramer, 2017, p118). As mentioned earlier, the Creole of Jamaica, like many other countries in the Caribbean developed as a contact language. To reiterate the point made by Andrea Sand in her article, *From Bush Talk to Nation Language: Language Attitudes in Jamaica Before and After Independence*, "Slaves speaking different and often mutually unintelligible African languages had to communicate with each other and with their white overseers, who spoke different varieties of regional English. Naturally, given their living conditions on the plantations, the slaves had very little contact with speakers of English" (2013, p 72). Additionally, the lack of access to formal, structured education, deeply impacted the development of this language. "Colonial education in the main served the purposes of the colonizers rather than those of the colonized. In the eighteenth and early nineteenth centuries, children of the white elite were often educated privately at home or sent to schools and universities in Britain. There was no formal system of instruction for the slaves, as the general education of the colonized was seen to pose a threat to the established colonial order" (Hackert, 2016, p 88). These historical mentalities surrounding Jamaican Creole are still prevalent in Jamaicans today. A comment quoted in the article by Kramer states, "I have always believed that some of those who are advocating the use of Patois instead of standard English are conspirators of evil. They are able to switch from one to another with ease at any given time. If they have to conduct business internationally, they can do it. What they desire is to be able to do it for those [who] have no command of English-to control them, to be their masters and the others their slaves... From then on, everything is linked: Those who want to impose Creole today are in a direct line with those who imposed it back then" (2017, p 117). However, there has been pushback against this mentality. Not only are some looking to remove the stigma that is associated with Patois and its connection to Jamaica's slavery past; it has become a movement that advocates for the use of Jamaican Creole in schools. As argued in the article by Andrea Sand, "the main hypothesis is that Jamaican Creole should be viewed more positively as a marker of national and cultural identity since Jamaica gained political independence in 1962" (2013, 71). This movement has heavily associated the acceptance of Patois with the embrace of Jamaica's cultural roots and decolonizing the mind along with the physical (Gustafson, Guerrero & Jiménez, 2016, p 41).

One of the most overt ways in which we have seen this movement towards the decolonization of the mind and culture is in educational institutions; both locally in Jamaica and abroad in developed, English dominant countries. Starting from a local analysis, "the resurgence and vitality of Creole languages owe much to the anticolonial shift that began in the 1960s,

leading to the revalorization of things Creole across the Caribbean” (Gustafson, Guerrero & Jiménez, 2016, p 41). Again, the informal development of Patios became very well understood as the origins of Jamaican culture, despite its intrinsic connection to slavery. This shift in mentality pushed new generations of Jamaicans and Anglophone Caribbeans; now being born in an independent nation; to not only push back on social narratives about their cultural identity, but institutionalized narratives as well. “A new generation of grassroots actors has established positions in NGOs, universities, research institutes, and grassroots publishing houses. There are widespread technical labors of orthographic standardization, and the writing of grammars and dictionaries. Language revitalization politics range from the personal to the regional” (Gustafson, Guerrero & Jiménez, 2016, p 39). Colonial education served as a tool to benefit the colonizer, and after the collapse of that form of government in these countries, it is recognized that educational institutions still uphold a hierarchy that pedestalizes colonial standards. It is acknowledged that “West Indian children are neither foreign learners of nor native speakers of English, and their Creole languages have phonology, grammatical, lexical, and semantic structures that differ in various degrees from English” (Gonsalves, 2020, p 87). This distinction has also been noted in the performance of Caribbean English speakers on English proficiency tests, which still adhere to United Kingdom standards. “Not only does English proficiency act as a barrier to education when English is the only official medium of instruction, but it also allows CSEC examinations to act as gatekeepers to economic progress and social mobility” (Gonsalves, 2020, p 89). These tests are not an accurate indicator of comprehension, literacy, nor ability to navigate the world; they just adhere to a standard that no longer applies in multiple ways. Especially since Patios and other forms of Caribbean English/Creole now represent the first languages of an overwhelming majority in these countries. “Advocates for this approach to education, claim that an education system that does not account for creole speakers marginalizes a significant proportion of the school population. Opponents of the inclusion of Jamaican Creole, on the other hand, express concern about reducing the quality of education offered to students in the name of linguistic rights” (Gonsalves, 2020, p 86). Therefore, a new approach should be taken towards how language is taught and perceived in academic spaces.

This discourse is also prevalent in international educational institutions, as a disparity exists there that presents a barrier for Caribbean English/Creole speakers that live abroad in developed, English speaking countries. Firstly, “studies have shown, however, that schools and teachers are often unwitting agents in the reproduction of exclusionary Anglocentric linguistic ideologies” (Britton, 2017, p 13). Specifically, “the encounter with CE speakers challenges three fundamental assumptions of many teachers in North America and in the

United Kingdom: (1) the assumption of the so-called “native speaker” as inherently tied to race/ethnicity; (2) the assumption that English is monolithic; (3) the assumption that only standardized English counts as English” (Nero, 2006, p 504). Meaning, because Blackness is often understood as monolithic, the inherent cultural differences of Afro Caribbeans that migrate to these countries are often not understood and not considered initially, if at all. In her analysis of how educators contribute to the societal harm of Caribbean English-speaking youth, Dale Britton finds that this cycle is being perpetuated through a lack of cultural understanding, sensitivity, and awareness. “‘The importance of transnationalism in the lives of the US immigrant students and their families and how public schools educators and researchers have neither adequately recognized nor situated this lifestyle in their work’. Understanding the way transnationalism shapes the lives of immigrant students can help to more meaningfully engage such students in ways that are socially, culturally and academically productive” (Britton, 2017, p 37). Similar to the perception in many Caribbean countries, but much more ingrained, as many of them were the colonizing countries, educational institutions do not consider the linguistic differences of this demographic. “Taking transnational identities into account in high school can open up discussion of issues that are relevant throughout the lives of CCE- speaking youths. Invoking the issues of immigration, language practice, literacy, economics, culture and politics in the educational space serves to deepen students’ understanding of their position in the social, cultural, racial and linguistic hierarchies in their communities, countries, and the wider world” (Britton, 2017, p 38).

The ultimate goal is to create space by transforming educational institutions to create multicultural classrooms and curriculums that would take into consideration the complex language ideologies and literacy practices of CCE-speaking youths in and out of schools. In her article, *Language, Identity, and Education of Caribbean English Speakers*, by Shondel Nero, she concludes, “that CE speakers should be placed in mainstream classes with teachers who have been trained in linguistic diversity, including world Englishes, through ongoing staff development. Such training is particularly needed in metropolitan areas with large populations of Caribbean immigrants like New York City, Miami, Atlanta, Toronto, and London. Training should include becoming familiar with (1) Caribbean culture, beyond what Winer calls the “sun and fun” exotic view of the Caribbean; (2) prototypical features of CE; and (3) speech community discourse norms, including nonverbal communication (e.g., direct eye contact with the teacher or an adult is considered rude in Caribbean schools, which is very different from American schools). The hiring of Caribbean teachers, as has been done in some New York City public schools, is also helpful in this regard. Caribbean teachers can serve as cultural brokers in the classroom, helping to bridge the linguistic and

cultural gap between teachers and students. Their partnership with American teachers can also build cross-cultural understanding” (Nero, 2006, p 508-9). Perfectly summarizing the cultural, linguistic, and social differences of Anglophone, Afro Caribbean students; and how to combat them in academic spaces abroad.

Ultimately, the perception of language in the Anglophone Caribbean has gone through a long transformation that has been insulated through the changing society around it. From slavery to freedom; colonization to independence; shame to pride; Caribbean English/Creole and Patios are becoming a representation of heritage and identity. Because of this, as social perceptions evolve, it should be represented in the formal and governmental institutions in these countries. Beyond this, our culture should be acknowledged internationally, given the fact that this transmigrant population have specialized needs as neither foreign learners of nor native speakers of English (Gonsalves, 2020, p 87).

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♦ LITERATURE 370

DEFYING PATRIARCHY: IN OVID'S *METAMORPHOSES*

ANDREA M. SALAMALAY

IN BOOK IX OF OVID: *NEW METAMORPHOSES*, Ovid explores the psychology of women's defiance of their husbands in a male-dominated society. Telethusa grapples with the patriarchal norms of her society, primarily due to her husband Ligdus's strong preference for a male heir during her pregnancy with Iphis, their daughter. She faces the burden of protecting her child and challenging her husband's wishes. She encounters a transformative dream-vision from the goddess Io, who advises her to defy her spouse and raise her child, regardless of gender: "O Telethusa... Disobey your spouse." (1008). She strategically keeps Iphis's true gender a secret for years, entrusting the secret to a nurse who becomes a symbol of female solidarity and support throughout: "The mother (with intention to deceive) told them to feed the boy." (1020-1021).

Furthermore, when Iphis is set to marry Ianthe as arranged, Telethusa prays to Isis right before Iphis' wedding. The goddess approves of the marriage: "And you who were so recently a girl are now a boy!" (1137-1138). A divine transformation occurs, seemingly changing Iphis from a girl to a boy. Telethusa needs a divine intervention or significant external force that supports her inclinations and encourages her to overcome the patriarchal constraints imposed by her husband and society.

The Assignment and the Writer: This piece responds to a prompt in Literature 370, Ancient Literature, asking students to choose a myth from Ovid's *Metamorphoses* and to explain which psychological dynamic it explores. In concluding, they were to speculate as to what in Ovid's rendering of the myth might have inspired the writer's patron, Caesar Augustus, to banish him to the shores of the Black Sea. Andrea's spirited essay embodies the close reading while making this ancient Roman work accessible to modern readers and placing it in its historical context—all within the confines of a short essay.

—Professor Ann Huse

To successfully deceive her husband and adhere to her inclinations, Telethusa requires a strategy to navigate the social expectations and norms that prioritize male heirs. Telethusa's husband, Ligdus, describes his high hopes for a son and emphasizes the financial burden of raising daughters due to their need for dowries: "There are two things I pray to heaven for on your account: an easy birth and a son. The other fate is much too burdensome." (973-975) In his desperation, Ligdus goes as far as instructing Telethusa to let the child die if it is born a girl: "Pardon for my impiety—But let it die!" (980). In the myth, she receives guidance and encouragement from the goddess Io, who advises her to disobey her spouse and raise the child regardless of gender. This divine intervention serves as a source of empowerment for Telethusa, instilling in her the confidence and determination to deceive her husband and secretly raise her daughter, Iphis: "The father thanked the gods and named the child for its grandfather, Iphis." (1023-1024). The name Iphis is gender-neutral, perfectly encouraging her plan of deception further. Isis, the Egyptian deity, changed Iphis into a young man before the wedding. The dream vision, blessings, transformation from the goddess, and the nurse's supportive role encourage Telethusa's actions, allowing her to follow her inclinations, safeguard her child, and defy her husband in a male-dominated society.

In the Ovidian myth of Iphis and Ianthe, women's defiance of their husbands in a male-dominated society might have offended Caesar Augustus due to its challenges against his moral reforms and the social norms he sought to establish during his reign. Augustus, after becoming the master of the Roman world, initiated a legislative program to restore what he perceived as the traditional Roman family values. His laws included moralistic measures to promote an ordered society with laws in place to abide by. Ovid's portrayal of Telethusa defying her husband's strict gender preferences by deceiving him and raising her daughter Iphis against his desires and eventually having Iphis transformed into a boy could be seen as a subversion of Augustus' moral reforms. The introduction of Ovid *Metamorphoses* suggests that Augustus was keen on returning to the perceived virtues of the early Roman Republic, which emphasizes traditional family structures, marital fidelity, and the importance of raising children. However, Ovid's storytelling speaks to contemporary readers' reality: "Modern holocaust, plague, sexual harassment, rape, incest, seduction, pollution, sex-change, suicide, hetero-and homosexual love..." (6) The myth, which includes themes of defying patriarchal expectations, and gender-bending, could have been perceived as undermining Augustus's efforts to enforce a more conservative and morally strict social order.

♦ TOXICOLOGY 425

EXPLORING INTERSECTION OF BREAST MILK AND TOXICOLOGY: UNDERSTANDING HEALTH IMPLICATIONS BY CONTAMINANT EXPOSURE

MARC LOUIS

THE CONNECTION BETWEEN MOTHER AND CHILD is one that does not first begin with birth, but much earlier. There is a symbiotic relationship that occurs throughout the fold of pregnancy. As nutrients ingested by the mother diffuse to the offspring through the placenta. This bond is even strengthened during the feeding period during neonatal periods. Exposure to xenobiotic compounds, heavy metals and toxicants hold true to the generalized diffusion of compounds between mother and child. These toxins not only pose a threat to the mother but directly onto the developing fetus/infant as it remains susceptible to nearly all toxic exposure. For decades, blood and urine have served as the gold standard matrices for biomonitoring (humans). However, unorthodox matrices such as breast milk have gained popularity and are recognized to provide accessory support regarding health risks and implications.

The Assignment and the Writer: The assignment consisted of a short essay (max. 2 pages) on any topic related to analytical toxicology, from biological matrices to instrumentation. While the essay might focus on one particular question, students were encouraged to combine the different concepts learned during class. Marc does so eloquently and with a dash of humor. His essay starts with a powerful quote and presents a reader with not only sound scientific writing and philosophical inquiry, a difficult endeavor for a scientist. Marc's essay is a breath of fresh air in our very much analytical field.

—Professor Ana Pego

Patient Jane Doe delivered her child on January 17th 2002 at 3:32pm. 5 weeks later she returned to the very same hospital as her child presented uncanny symptoms of respiratory depression, lethargy, and unresponsiveness. After analysis of symptoms ranging from miosis to profuse sweating and tremors, primary clinical toxicologist Dr. Louis assessed the requirement of a general screen (ELISA) for opioid exposure and ordered a heel stick. A positive screen test came back for morphine metabolites both Morphine-6-glucuronide and Morphine-3-glucuronide. A negative result was recorded for 6-mono-acetylmorphine, indicating the parent drug exposed was not Heroin, but rather Morphine or possibly Codeine. Dr. Louis confronted Jane Doe with the results, heartbroken she began to plead for her ignorance as she admitted postpartum had taken a physical and mental toll on her. She confirmed that within the past weeks she had been taking unprescribed Morphine, from her elderly mother to deal with the pain, completely unaware of the consequences. After ordering a confirmatory test to determine the blood concentration of metabolites in Jane Doe and was surprised to find a sub-therapeutic level of metabolites of only 25ng/ml. First indication of the test suggested Jane Doe may possibly be an ultrarapid metabolizer explaining the low concentration of metabolites found. Results of a low blood concentration directed Dr. Louis to look into the direction of a less familiar matrix that might explain the pharmacological effects by Jane Doe's child, breast milk.

Breast milk is a very fairly new biological matrix that is being observed in analytical toxicology; however, it serves a vital role in explaining the diffusion of drugs from mother to infant and the likelihood to develop health implications. The fatty and heavy protein content of breast milk has posed challenges as an ideal matrix of choice. Breast milk is an easy and noninvasive sample retrieval. The ability for an individual to continuously provide a matrix through the action of "pump and dump" provides multiple possibilities for experimental procedures. "The amount of drug excreted from plasma into breast milk depends on the characteristics of the drug, such as plasma protein binding, ionization, degree of lipophilicity and molecular weight." (Friguls) The M/P (milk to plasma ratio) is the relationship to maternal plasma and milk is one that occurs during passive diffusion that can be affected by consumption, dosage and genotype. Drug ingestion via breast milk occurs at an average of 150mL/kg every 24 hours which is then used to calculate estimated infant dose based on concentration of analyte within the breast milk. Taking all this into account Dr. Louis retrieved a breast milk sample and ordered a screen for M6G. After a positive test a confirmatory test was needed and an HPLC-UV assay was utilized to detect slightly elevated levels of M6G metabolites. Previous research has shown that the limit of quantification (LOQ) is approximately 15 ng/mL. The test conducted by Dr. Louis confirmed elevated levels reaching as high as 30ng/mL. These high levels would be indicative of

the pharmacological effects as seen within patients. Breast milk remains an extremely complex matrix that requires more research to be used as a standard while still holding the potential to help many individuals within the sphere of clinical toxicology.

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♦ PSYCHOLOGY 421

THE MISCONCEPTION OF MEMORY

GIANNA REALE

STEVE TITUS IS SIMPLY ANOTHER STATISTIC, an individual unjustly convicted by the criminal justice system and a victim of the frequently distorted view of the cognitive process known as memory. Globally, the Innocence Project revealed that eyewitness identification had been involved in 69% of DNA exonerations –252 out of 367 cases–, making it a significant factor in wrongfully convicted individuals (Agathocleous & Innocence Staff, 2020). Titus was falsely accused of rape by the victim having an elicited false memory of the attacker due to a biased lineup. He was arrested yet not freed until 6 years after losing his career, his family, and any hope he had left in the criminal justice system (Loftus & Ketcham, 2015). The effects of memory altering law and processes in the courts have been extensively examined in the field of psychology. As empirical research and case studies continue to advance psychologists' comprehension of memory cognition, it has become progressively evident that memories can be misinformed, suggested, and implanted.

The Assignment and the Writer: This senior seminar focused on advanced issues within forensic social and experimental psychology. The assignment was to write a literature review on any topic of interest within this broad category and examine it based on recent relevant research and the real-life applications in legal settings. Gianna's paper was an extraordinarily well-written exploration of pivotal issues surrounding memory within the fields of psychology and law. Not only did she thoroughly research the subject, but she integrated her own research experience working with Dr. Margaret Kovera at John Jay, providing a unique perspective on this pivotal legal and psychological issue today.

–Professor Ava B Zwolinski

To begin, researchers have identified a frequent misunderstanding among individuals regarding the function of memory (Loftus, 2017). Psychologists Daniel J. Simons and Christopher F. Chabris carried out a telephone survey of the U.S. population to identify the existing beliefs about the properties of memory for common people. It was determined that 63.0% agreed that “human memory works like a video camera, accurately recording the events we see and hear so that we can review and inspect them later” and 47.6% agreed that “once you have experienced an event and formed a memory of it, that memory does not change” (Simons & Chabris, 2011). These popular beliefs are problematic and contribute to the rising number of wrongfully convicted and misidentified individuals. Given that the jury consists of common individuals from the general public, the credibility, and validity of a person’s memory precision may only be refuted if an expert establishes that eyewitness testimony cannot be accurate and if the jury acknowledges that fact. Consequently, psychologists have increasingly recognized the detrimental effect that arises within the legal system when individuals firmly believe that memory is consistently accurate and exact.

MISINFORMATION

In the first investigations of eyewitness testimony and human memory, psychologists primarily studied the phenomenon of accurate recall in response to the presence of deceptive information (Saunders & Macleod, 2002). The widely known psychologist, Elizabeth Loftus, conducted several empirical studies, which involved gathering data by witnessing and quantifying real-life experiences. In one study, participants were shown films depicting complex and fast-paced events, such as car accidents or disruptions in a classroom. (Loftus & Miller & Burns, 1978). Immediately following the viewing, the participants were prompted multiple questions that had the potential to convey false or misleading information, such as the presence of a certain object in the clips. The results demonstrated that despite the variations in the questions and the information provided to each participant, there was a consistent pattern of participants recalling the presence of an unidentifiable object in the scene. This refers to the phenomena of the misinformation effect, meaning recalling a memory that becomes less accurate because of the information provided after such an event has occurred (Loftus, 2017). This is likely to become a problem if legal processes are not conducted accurately or in a systematic and timely behavior. For example, prioritizing interviewing all eyewitnesses and ensuring the people present during the crime record any information of the acts committed should be the main concern to get the most accurate details of the event. Also, not allowing eyewitnesses to communicate with others before being interviewed can help maintain the reliability of the source. Interactions

between individuals can increase the probability of altering and implanting details into one's memory, leading to the recollection of misinformation.

SUGGESTIVE LANGUAGE AND BEHAVIOR

Moreover, it is frequently observed that the unconscious mind of other people may influence and reconstruct one's memories by suggestive language and behavior. Works of literature authored by Loftus and other psychologists have conducted research studies that address this matter and explore the significance of social influence and social perception concerns associated with the judicial system (Loftus & Palmer, 1974). In a particular study, participants observed an automobile collision and were then questioned about the details of the event, with specific attention on the velocity of the car. The questions asked "About how fast were the cars going when they smashed into each other? Elicited higher estimates of speed than questions that used the verbs "collided, bumped, contacted, or hit in place of smashed" (Loftus & Palmer, 1974). The use of different verbs, when asked the question, resulted in varied speed estimations from participants, leading to imprecise details about the crash. Participants provided greater estimations when the verb "smashed" was used compared to when the verb "collided" replaced it. Each verb prompted the participants to interpret the question differently, proving our understanding that humans interpret and perceive information differently, especially when suggestive words are implemented (Loftus & Palmer, 1974). This poses a challenge in a legal setting because when eyewitnesses are questioned by the investigating unit about a crime, it can indicate that the details are true or suggest that events occurred when they did not, conflicting with the accuracy of the individual's recall. Observing a crime is a distressing experience, and the act of recalling those specific details should ensure the integrity of the events and should be protected of any external interference. Therefore, psychologists like Loftus study these issues in the field, and it is important to apply empirical research findings to modify the judicial system and processes that are implemented in law enforcement.

Additionally, my collaboration with Dr. Margret Kovera, a renowned social psychologist specializing in studies on eyewitness identification. Together, our lab examined several aspects that impact human memory during a mock line-up. For our empirical study, participants were recruited to present a simulated lineup of 8 individuals, one of whom was the criminal, to a second participant after witnessing a crime. We observed that participants who were aware of the identity of the criminal in the line-up displayed more suggestive body language and provided more directive suggestions to the other participants who were trying to identify the criminal.

While performing the study, I explored the potential influence of an authoritative figure on a person's memories. Individuals place a significant

level of confidence in individuals who possess authority and influence in our society. We are educated to be obedient and believe that individuals in professions such as law enforcement are dedicated to protecting and upholding the well-being of our community. Nevertheless, police officers, being human like any other individuals, must be self-aware regarding their questioning techniques and conduct during legal proceedings. Professor Brandon Garrett from Duke University School of Law, who has thoroughly analyzed the cases of the Innocence Project, reports that approximately 80% of the instances involving mistaken identification exhibited indications of police practices that have the potential to result in biased outcomes (Agathocleous & Innocence Staff, 2020). To reduce the probability of wrongful convictions, researchers must investigate how humans respond to specific pressures and environments, as well as understand the phenomenon of memory being reconstructed by external factors.

IMPLANTED MEMORIES

Lastly, significant research has confirmed the capability of manipulating cognition through the implantation of memories. One of the most famous crime cases demonstrating the implantation of memories is the McMartin preschool trial. The allegations emerged in the 1980s when a daycare center was accused of multiple accounts of sexually abusing children. However, the interviewing techniques employed by the Children's Institute International (CII) during investigations were found to be highly suggestive, leading children to engage in pretend or speculation regarding alleged events (Schreiber et al., 2006). Recognizing the age of these children and its impact on the malleability of their memories is important. They are young, naive children who are increasingly more vulnerable to suggestive questions than an adult. The viewing of the transcripts and recordings of the interviews revealed a significant imbalance in the amount of speech between adults and children. Furthermore, they showed that despite the use of highly coercive interviewing techniques, the children initially showed resistance to the interviewers' efforts to extract information (Schreiber et al., 2006). The McMartin case garnered widespread national media attention as it became the lengthiest and most costly series of trials in the history of the United States (Schreiber et al., 2006). The result was primarily due to the inclusion of suggestive evidence presented to children who had been manipulated and coerced by law enforcement and therapeutic professionals (Fukurai, Butler, & Krooth, 1994). The case reached its closure after a lengthy duration of six years and nine weeks of jury deliberation, ultimately resulting in the verdict of not guilty for all individuals involved (Fukurai, Butler, & Krooth, 1994).

To summarize, the memories we retain are not fact, but rather personal interpretations of the world around us. The process of encoding, storing, and

retrieving details of memories can be modified and influenced by external factors. Multiple empirical studies conducted by psychologists in the field have demonstrated that a significant number of individuals have fallen victim to this misunderstood phenomenon. Not acknowledging psychology as a legitimate science is detrimental to the people of the United States, considering the substantial amount of knowledge it has contributed to improving legal processes and the criminal justice system.

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