

“THE GIDDINESS OF THE PERFORMANCE”: AN INVESTIGATION OF DISTURBING, DELIGHTFUL DRAG

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Performance artist John Kelly is that most elusive sort of creator: one who challenges his public and stays true to his principles while managing to sell. His work has garnered both critical and popular acclaim, despite his atypical and potentially disquieting performance style. His longest-running and most famous show (he has dubbed it his “Bolero”) is “Paved Paradise,” an homage to Joni Mitchell performed in a wig, dress, and full makeup (Levy). The act has been a hit since its debut at the inaugural Wigstock festival in 1985, so much so that Kelly has nearly become defined by it (Levy). People continuously pay good money to watch John Kelly “do Joni,” and it’s not only the gay community in the audience: a survey of blogs and comments on Internet sites shows that heterosexuals embrace the idea of the drag show as well, at least when Kelly is the one doing the dragging (Kelly). It’s a little strange that this should be so. After all, many people might be profoundly perturbed if John Kelly entered their homes as Joni Mitchell or bumped into them on the street wearing lipstick and heels. Yet patrons gladly shell out for theater tickets to watch Kelly perform drag on a stage in front of hundreds of people. How can such behavior be so frowned upon in private yet cheered in public? To attempt to understand this conundrum, we must first determine why drag can both disturb and delight.

In feminist theorist Judith Butler’s book *Gender Trouble*, she argues that our society has developed a “radical dependency” on a “very binary frame [of] thinking about gender” (xxx). We create “ostensible categories” through our system of gender norms, a system that is based on a perceived masculine/feminine dichotomy. Our “codes of purity and taboos” establish what “will and will not be intelligibly human, what will and will not be ‘real’”: in other words, what will be “normal” (xxv). Through this process, Butler argues that questions of gender become subjected to a black-and-white discourse on “truth or falsity,” where societal conventions choose who is assigned “legitimacy” (186, xxv).

Drag, then, inhabits a gray area of the gender spectrum, straddling the line between true and false and even threatening to erase it altogether. When we watch a drag show, we encounter a curious challenge: How do we classify the performer based on our binary model of gender? Drag becomes an odd sort of “double inversion,” setting before us two equally plausible yet opposite interpretations of the artist’s gender: The performer could be a man on the outside with a woman inside (a body with an Adam’s apple and testicles is channeling a female spirit), or (s)he could be a woman with a man inside (the feminine exterior in the form of the costume is covering up the masculine body that lies underneath) (Butler 186). These “contradict[ing]” “claims to truth”

subvert the entire notion of “truth and falsity” (186-7). Drag queens blatantly buck the framework of binary gender that society has created (which Butler labels a “preemptive and violent circumscription of reality”) and in doing so they expose “the tenuousness of gender” and the circumvention of actuality “performed by gender norms” (xxv).

Jeffrey Jerome Cohen, an academic who often concerns himself with entities on the outskirts of our societal boundaries, writes in his essay “Monster Culture,” that beings with “ontological liminality” who hang between spheres of perception and appear to “question binary thinking and introduce a crisis” are (or can be called) “monsters” (6). Cohen’s “monsters” are entities that exist as “disturbing hybrids” outside of the “classificatory ‘order of things’” (6). They are “form[s] suspended between forms,” just as drag performers are. Given Butler’s analysis of drag as a force that threatens to subvert cultural boundaries, therefore, we may safely label John Kelly and his ilk “monstrous” in that they are “third term[s] that problematize the clash of extremes” (that is, terms that do not uphold our notion of a dichotomous and exclusive social order); they are “dangerous” beings that “threaten to smash distinctions” (6).

Through this discourse between Cohen and Butler, it becomes evident why drag agitates us so. The drag performer represents a direct refutation of all our preconceived binary assumptions about gender, and so can be viewed as a sort of monster. Both Cohen and Butler recognize that, in Cohen’s words, drag queens demand “a radical rethinking of boundary and normality” (6), what Butler calls “a radical shift in one’s notion of the possible and the real” (xxiv). This realization that a major revision of “truth” is needed to accurately understand the complexities of gender breeds a cognitive “dissonance” in our logical, compartmentalized minds (Butler 187).

Part of what makes us fear “monsters” is their ability to destroy (villages, cultural frameworks), but their “destructiveness” is really a “deconstructiveness” (Cohen 14). The monster dismantles our artificial categorizations, Cohen says, by showing us that “difference originates in process rather than in fact” (14). Butler comes to a similar conclusion regarding gender specifically, writing that the “naturalized knowledge of gender is, in fact, a changeable and revisable reality” (190; see also xxiv). Through the “double inversion” of drag (the ambiguity of the artist’s identity), “drag implicitly reveals the imitative nature of gender itself” (Butler 186-7). If the performer can essentially “play” a woman, or a man, and thereby become a strange hybrid between the two, it suggests not only that our two distinct gender categories can be mixed at will, but also that all gender identity can be arrived at through acting and imitation. A performance like John Kelly’s recognizes the artifice of the common gender structure even when such “configurations . . . are regularly assumed to be natural and necessary” (Butler 187). The “monster” of drag creates a “revolution in the very logic of meaning” (Cohen 7).

This revolutionary aspect of drag goes a long way towards explaining why Kelly refers to his performances as “punk” and also why audiences flock to see him partake

in a “freakish” act (Levy). Our cognitive dissonance, our aversion to the “monster” (what Cohen would call a sort of fear), is no barrier to our enjoyment of the show—and on some level, it may even enhance it. While watching a drag show, our “bored and repressed” minds are treated to a temporary unshackling, and we are “freed to populate the margins” (Cohen 17) of our conceptual landscape with John/Joni. Even if some in Kelly’s audience have no desire to don a dress themselves and start crooning “Big Yellow Taxi,” on some level they appreciate and even admire Kelly’s ability to fearlessly challenge their most basic societal assumptions—as a punk rocker, he is sticking it to the man. Butler lends her support to this interpretation, arguing that “part of the pleasure [of drag] . . . is the recognition of a radical contingency between sex and gender” (Butler 187); that is, our love of the performance stems from Kelly’s demonstration that our assumed male/female dichotomy is *unnatural* and *unnecessary*. “We distrust . . . the monster at the same time we envy its freedom,” Cohen says, and therein lies the core of our attraction to drag. It is not the cross-dressing itself that we “fear and desire,” but the act of liberation that comes with the recognition of gender’s fluidity (Cohen 16). Some may still distrust the practice, or be perturbed by the implications drag holds for our societal codes, yet many are intrigued by the possibility that a performer like John Kelly offers.

Cohen provides one way to reconcile the inherent dilemma of the drag show (i.e., how a behavior can be held suspect in society yet lauded on stage): By keeping Kelly removed in a theatrical setting, we allow him a “clearly delimited” and “permanently liminal” space in which to live, just as we do for other “monsters” in Cohen’s conception (17). In this realm we are temporarily treated to escapist fantasies, but we can rest assured that the show will indeed sometime end. The fun of the performance only stops, Cohen says, when the monster threatens to leave its enclosure and obliterate the “thin walls of category and culture” (17). Thus Butler’s recognition that the “giddiness” of a drag show lies in “*implicitly reveal[ing] the imitative structure of gender itself*,” and exposing our own cultural framework as artifice is only half of the puzzle, because if the same device was used offstage to subvert gender norms, the transvestite would be greeted with a profound wariness (187). The key to the appeal of drag to a mass audience is that such subversive, liberating behavior takes place as a “safe expression” of “monstrosity”: It is relegated to the stage, where we may play and let our minds wander freely while knowing that we are watching a show.

This seems to adequately resolve our curious drag paradox, but our interpretation needs revision when John Kelly puts it to the test. Near the end of “Paved Paradise,” the performer “suddenly sheds his costume,” “stepping out of his role and creating a moment that is strangely profound” (Levy). The audience is “unsettled, affected” by this gesture, yet they often give Kelly a rousing standing ovation (Levy). Why should this moment provoke such an outpouring of approval? After all, every member of the crowd bought a ticket knowing they were going to watch a man do Joni, so why react so overtly when Kelly confirms what they already know? For that matter, what’s

“unsettling” about Kelly revealing he’s not a woman—didn’t everyone come to see a dude in a dress? This moment (including Kelly’s gesture and the audience’s reaction to it) is a crucial key to understanding the drag mystery.

Before addressing the significance of this moment, though, we must acknowledge that John Kelly is extremely good at what he does. The *New York Times*’ Ann Powers captures Kelly’s unique skill in her review of “Paved Paradise,” writing, “There’s drag, and then there’s transformation through spiritual osmosis,” while no less a luminary than Joni Mitchell herself declared that watching John Kelly made her feel like “Huck Finn attending his own funeral . . . I didn’t expect to be so touched” (Kelly). The fact that Kelly can deliver such a profound out-of-body experience to Mitchell shows that Kelly is not simply putting a caricature before his audience, but rather fully embodying his subject so effectively that even the subject herself is moved. This holds its own implications. Butler might point out that because Kelly’s artificial gender is so convincing, it reveals that “the original identity after which gender fashions itself is an imitation” (188). But I would argue that Kelly’s skill in fact de-emphasizes the “drag” aspect of his show. Through his intense “channeling” of Mitchell, Kelly effectively makes us forget, at least for a time, that it is a man singing (Levy). He leads us into the Cohenian realm of “escapist delight” (Butler’s state of “giddiness”) that results from communing with a “monster” in a secure context (17). Kelly becomes an actor, a person bringing life to a role, and if he stays in that mode, the piece is little more than a masculine woman performing. We can let our minds forget for a while that Kelly is a man because he so fully enters his character, and in doing so we take a little of the edge off “Paved Paradise.”

However, when Kelly removes his wig, we are jarred back out of this forgetfulness. The dramatic reveal is Kelly’s punkiest statement—this is drag, and don’t you forget it. Some may argue that by “revealing” he is a man, Kelly effectively restores order to our fragile system by upholding the “reality” of his masculinity, but I hold that the action is more complex than that. The “unsettled” crowd at this crucial moment is not disturbed because logical categories are being upheld—where’s the danger in that? They are unsettled because Kelly has taken his subversion one step further: through the “device” of shedding his costume (Kelly’s words), the performer can really “mess with people” (Levy).

Drag is artifice, a kind of theater. By calling the act of removing this artifice a “device,” Kelly says that even taking his wig off is a staged gesture, that the shedding of the costume and the ostensible restoration of order is just as “put on” as the drag show itself (Levy). The entirety of “Paved Paradise” is “gender performance” (that is, a man acting like a woman), but if becoming a man is part of the performance as well, then how do we know when the acting stops? How do we know when we’re watching something “real?” The answer is that it’s *all* real, and it’s equally all staged: the reveal in Kelly’s act takes us into the labyrinth of gender with no string to follow back home.

Gender becomes, as Butler says, “an imitation without an origin,” “neither true nor false” (188, 193).

This revelation challenges us, it pushes our buttons, yet at the same time its inherent liberation is exhilarating. The audience cheers the heady sense of freedom that comes with stretching the limits we have created for ourselves. In so effectively subverting gender constructs, Kelly takes us all the way to the edge of the cliff, lets our stomach get butterflies as we experience the thrill of looking down. Then he goes one step further by taking off the wig. He shoves us over, yet catches us before we drop, leading to such a rush that we have to cheer. “Paved Paradise” strains our boundaries to their extreme, yet stays *just* safe enough (as a stage show) to keep its audience from becoming too frightened. John Kelly’s drag is exciting because it is somewhat akin to cognitive bungee-jumping, with trust in the fiction of theater as the cord.

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THE DESTINY OF THE MISSING

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As the first images of an airplane crashing into the World Trade Center were broadcast around the world on the morning of September 11, 2001, the citizens of the United States of America—from Hollywood housewives and Iowa potato farmers to stockbrokers and childcare workers on Wall Street—seemed to be instantaneously pricked and paralyzed by the shattering of glass, the collapsing of iconic towers, the surreal unfamiliarity of vulnerability, and the poison of fear. For the first time in a long time, America was relatively silent. In those first few hours following the attacks, before shock and denial yielded to the desire to assuage acute suffering, a few tangible demonstrations of unadulterated emotional rawness and honesty emerged. One of the first and most poignant of such displays was the fleet of missing person posters plastered across the face of Manhattan. Initially intended to aid in the identification of the missing, they offered an unsullied tribute to the missing people's unique personalities and distinguishing attributes.

But in the days and weeks to come, such testaments to the loss of distinctive individuals disappeared from the national landscape. The victims' stories inundated all faces of mass media, monopolizing mainstream and alternative news networks alike. And yet, despite the victims' pervasive presence in the media, the actual individuals killed in the terrorist attacks—the names and faces, the unique and transparent personas revealed in the missing person posters—were strangely missing from their own dialogue. What explains this ironic contradiction? What accounts for the 9/11 victims being center stage while simultaneously reduced to the spotlight's shadow?

In order to understand the mass media's treatment of the 9/11 victims since the attacks, it is necessary to identify what the absence of individual personas from the media's dialogue—from the evidently newsworthy "victim story"—served to accomplish. Prominent authors Joan Didion and Benedict Anderson offer relevant and invaluable insight. In their books *Sentimental Journeys* and *Imagined Communities: The Origins and Spread of Nationalism*, respectively, they analyze the media's role in facilitating certain symbolic ideologies that kindle a sense of social cohesion. In particular, the specific elements of abstraction and idealization, which typify Didion's "sentimental narrative," exemplified the victims' media portrayal (255). Furthermore, these elements were a prerequisite for Anderson's "imagined community of the nation" (22).

The first phase of the 9/11 victims' characterization began with their transformation into "sentimental narrative," Joan Didion's term for the generalization of an event into an emotionally drenched and unsuspectingly politicized fable, or maudlin chronicle, which offers its audience a "lesson" or an "encouraging promise of narrative resolution" (260). In describing the qualities and consequences of such narratives, Didion repeatedly draws on the example of the Central Park jogger, a

woman who was brutally raped and beaten in New York City's Central Park in 1989. The jogger was a high-profile crime story and was eventually fashioned into a characterization of the city itself—its problems, solutions, and even its inimitable essence, what made it “so vibrant and so great” (256–58, 260). As a rape victim, the jogger remained nameless in most mainstream press coverage. Though this convention is typically construed as a show of respect for the victim's privacy, Didion suggests a more utilitarian and self-serving function: the jogger's anonymity gave the media an unfettered license to marginalize her—to strip her of the idiosyncrasies and varied elements of character, which collectively account for any person's individuality, in order to turn her story into a more generalizable “sentimental narrative” (260).

Although no such convention guaranteed the *9/11* victims' anonymity, and the individual victims had been publicly named on various occasions, this tendency to “distort and to flatten,” to generalize beyond recognition, was indeed the crux of the *9/11* narrative (Didion 272). Consequently, it illuminates the motivation for the absence of individuality and distinguishing characteristics from the media's presentation of the victims. While the sheer number of individuals comprising the overarching category of “victims” rendered the logistics of accurate individual media portrayal to some degree unfeasible, rather than simply acknowledging this predicament, the media chose to capitalize upon the *9/11* victims' intrinsic generalization, and fashion them, just like the jogger, into an iconic caricature.

For example, *America Weeps* (Fig. 1), a heavily distorted photographic reproduction of one of the original 90,000 missing person posters, unequivocally illustrates the media's characteristic distortion and flattening of the *9/11* victims. The original poster has been disrobed of all its distinctive elements: the snapshot, intended as a reference point for identification, has been rendered a painterly emblematic abstraction, leaving the soldier's face hopelessly unidentifiable; the soldier's name, written physical description, family contact information, and the original “last seen” statement have been eliminated entirely.



Fig. 1. Jones, Bronston. *America Weeps*. 2001. Photograph. Bronston.com.
Web. 28 October 2009.

Upon the blank slate left by the erasure of an individual victim's identity, the "character" of the 9/11 victims as a group could easily be fabricated. Didion notes that, in fashioning such a character into a sentimental narrative, "crimes are universally understood to be news to the extent that they offer, however erroneously, a story, a lesson, a high concept" (255). In light of this, she attributes the jogger's popularity as a newsworthy story to the situation's dramatic contrasts—to the comparison of the white, upper-middle class, Ivy League jogger with the low-income, minority, and delinquent qualities attributed to her alleged adolescent attackers. The 9/11 victims were similarly portrayed as embodying just such a "superior class" in relation to their attackers, and this superiority provided potent momentum for the sentimental narrative (Didion 271).

The press coverage surrounding *America Weeps*, one of over 400 photographic interpretations of the missing person posters that comprise a traveling exhibit entitled *Missing: Last Seen at the World Trade Center on September 11th 2001*, clearly illustrates the implied preeminence in the victims' characterization. The *Times-Herald Record* claimed that the exhibit posters "still denote hope," and the *Los Angeles Times* proffered that they put a "new face on September 11th," while *The Oklahoma Gazette* noted in one headline that "art evolves from NY tragedy" (Jones). The artist proclaimed that it was, "not a lament for lives lost, as much as a tribute to lives lived. The people in the fliers touched the lives of others. They inspired people who refused to give up hope. They should inspire us to see the affect we have on those whose lives we touch everyday" (Jones). Though the artist also claimed that the exhibit's purpose was to make 9/11 "real" for areas of the country geographically isolated from the intimate pain of New York and to "honor" the lives lost, in reality *America Weeps* and the *Missing* exhibit as a whole did precisely the opposite, both reflecting and promulgating the victims' abstraction.

In fact, all such wildly unspecific and hypothetical commentary evidences that the victims' idealized abstraction connoted "not the actual victim of an actual crime but a fictional character of a slightly earlier period" (Didion 272). The victims were depicted not as average people, but as the best of America—heroes, models of success, philanthropists, leaders, intellectuals, and inspirational icons. They were the epitome of diversity, the supposed realization of the American dream. Furthermore, the victims were not the only subjects of this exaggerated glorification. As the sentimental narrative gained momentum, the citizens of New York City as a whole were similarly characterized, modeled into a Pleasantville-like community. Demonstrations of goodwill and neighborly love—of a quaint camaraderie stemming directly from the common bond of having survived tragedy and sharing immediate suffering—were broadcast internationally. Almost immediately, a "pernicious nostalgia" (Didion 272), or longing for a stronger sense of community, for a sense of common purpose, sprang forth across the country.

Benedict Anderson provides another way of thinking about the generalization and abstraction of the characters in this sentimental narrative, and the nostalgic longing for community that the narrative evoked. At the point when they became abstract objects of "pernicious nostalgia" (32), the 9/11 victims became the "solitary hero" of Anderson's "imagined community of the nation" (22)—that undeniable sense of unity, brotherhood, and nationalistic pride that so often characterizes the citizens of countries across the globe. Anderson's description of the nation as "imagined" (6) reflects the fact that no single member of the community will ever know "more than a handful" of the individuals comprising it, yet "in the minds of each lives the image of their communion" (26).

The introduction of the "pronominal adjective" to the 9/11 narrative—repeated references to "our grief" and "America's loss"—confirms that the 9/11 sentimental

narrative irrevocably crossed into the territory of the imagined community (Anderson 32). Even the title of the photograph *America Weeps* plainly demonstrates this collective generalization of grief, this assumption of “simultaneous” or omnipresent suffering, pain, and loss amongst all citizens of the United States (24). Given that the photographer, Bronston Jones, does not offer any indication that the soldier was a real person with a real family, *America Weeps* seems to imply that the soldier does not “belong” to anyone specifically. Rather, the title and the poster’s distortion, showing the soldier’s face literally melting into and becoming synonymous with the American flag, suggest that the soldier belongs to the United States of America.

As such, the image is “saturated with ghostly *national* imaginings” (Anderson 9). Indeed, the exhibit’s website even compares *America Weeps* to Arlington’s Tomb of the Unknown Soldier, and the photographer remarks that “[t]he man in the flier has come to represent all we lost” (Jones). This statement is even more telling when considered in light of Bronston Jones’s safe emotional and geographic distance from the tragedy: he was at home in California on the morning of September 11, 2001. There is no indication that he was personally acquainted with any of the victims murdered in the terrorist attacks. And yet, he says “all we lost” (Jones). Like Anderson’s example of the Filipino nationalist author José Rizal, Bronston Jones, though not having “the faintest idea” of the “individual identities” of those involved in his artistic and nationalistic production (in Jones’s case, the victims and all U.S. citizens) nevertheless participates in a dialogue that is marked by an “ironical intimacy, as though their relationships with each other are not in the smallest degree problematic” (28).

This generalization of grief, which was made possible by the sentimental narrative’s initial abstraction of the victims, is inseparable from the corresponding revival of the imagined community of the nation. From the concept’s introduction, Benedict Anderson links the imagined community to a corresponding dialogue of fatality, to the inevitable loss and taking of life that has paralleled the rise of the modern nation. He states that this nationalistic bond, this “deep horizontal comradeship,” is precisely what allowed “for so many millions of people, not so much to kill” as to be willing to sacrifice their own lives “for such limited imaginings” (7). In other words, Anderson attributes the human bloodshed of the last two centuries, the “colossal sacrifices” incurred by individuals and nations alike, to the largely sentimental notion of “fraternity” or, alternatively, to the nation itself (7).

In addition, Anderson points out that the decreasing significance of religion in society, and hence the decreasing significance afforded doctrines that emphasize belief in the continuation of life beyond physical death, created the need for a replacement belief system. Anderson comments, “Disintegration of paradise: nothing makes fatality more arbitrary. Absurdity of salvation: nothing makes another style of continuity more necessary” (11). The terrorist attacks of September 11, 2001, were the deadliest attacks on the United States in the country’s history. Taking this into account, the reawakening of the imagined community of the nation immediately following the attacks begins to

make sense. The sentimental narrative of the attacks, which eventually became synonymous with the imagined community of the nation, allowed the victims to be eternalized and provided this other “style of continuity” necessary to ameliorate the country’s collective, real or imagined, grief.

Looking back on the media’s treatment of the 9/11 victims reveals that their initial abstraction and idealization, courtesy of the sentimental narrative, fostered an emotionally seeded, deeply felt, and rigidly defended sense of nationalism—one that utilized its inherent “magic” to “turn chance into destiny,” to make the lives lost in the attacks meaningful (Anderson 12). The victims were no longer “arbitrarily juxtaposed” amongst one another and their simultaneous deaths were not mere coincidence—they were Americans, the “symbolic body and blood” of America, and they died for “our great country” (Didion 270). And, in the end, no greater source of Anderson’s “imagined linkage” exists than the imagined community of the nation, the twentieth and twenty-first century’s most elaborate, resilient, and compelling sentimental narrative.

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IT'S A PREDATOR'S WORLD

KEVIN POWERS

The scene opens with a close shot of polar bear cubs taking their first steps. After a moment, the camera pans out, revealing the vast Arctic in springtime, sparsely covered in thawing ice. It is March 26, 2007, and over five million Americans have tuned into the Discovery Channel to watch the premiere episode, “From Pole to Pole,” of *Planet Earth*. The visual effect is, in a word, awe; it is nature unveiled through fantastic high-definition panoramas with no humans in sight. It is the wild. But how does one define “wild” in a world where humanity’s influence has reached virtually all areas of the globe, whether directly or indirectly? In “Getting Back to the Right Nature,” Donald M. Waller defines “wild” by a habitat’s historical continuity: “For an organism to be considered ‘wild’ . . . it must exist in an ecological context essentially similar to the one its ancestors evolved in” (547). Capturing the wild like never before, *Planet Earth* gave millions of people access to the most remote regions of the world, displaying rare species and never-before-seen animal interactions.

Some suggest this series does a great service in the midst of the largest environmental movement in history. In a review of the series, *The New York Times* columnist Susan Stewart wrote, “It includes serious evidence that the natural world, however wounded by global warming, continues to be red in tooth and claw.” The Discovery Channel, who partnered with the Nature Conservancy on the series, claims on their website that the mission of *Planet Earth* was to “capture rarely seen moments in the lives of some of the world’s rare and endangered species” in order to “show why the planet would never be the same without them.” But what did *Planet Earth* accomplish in terms of protecting the habitats and animals it broadcasted? Despite such claims to the contrary, this documentary, viewed by over one hundred million people (Stewart), serves not to conserve, but to entertain; not to activate, but to comfort. *Planet Earth* creates an illusion that these remote regions are free from humanity’s impact, that they remain utterly wild and pristine. In his essay “The Trouble with Wilderness,” William Cronon explains the underlying paradox: “wilderness embodies a dualistic vision in which the human is entirely outside the natural” (97). Though there exist some conservationist undertones in its narration, *Planet Earth* creates a detachment between civilization and the wilderness, making wilderness seem distant and unaffected by humans.

Why should this detachment be problematic? On the one hand, as the dominating species on Earth, human beings are inherently separate from all other forms of life. On the other hand, with the environment in its current dire state, it seems almost paradoxical to portray the wild as predatory, fierce, and violent. In his essay, Cronon argues for an anthropocentric view of nature: the idea that we conserve and preserve for human benefit. Discussing the transcendental and romantic views of nature,

Cronon emphasizes that viewing nature as sublime makes it a spectacle rather than an intimate part of our lives. Further, he argues that humans view the tree in the wilderness as different from the tree in the backyard simply because the former is so unfamiliar. “Wilderness gets us into trouble only if we imagine that this experience of wonder and otherness is limited to the remote corners of the planet, or that it somehow depends on pristine landscapes we ourselves do not inhabit” (107). Thus, the power of the tree in the wilderness lies in its ability to remind us that both trees share our common world. Cronon argues that this detachment causes us to lose sight of the value of the tree in the backyard—the nature around us. In other words, we need to care about our own environment before we relate to and feel empathy for more distant environments.

In contrast, Waller argues in his essay that there exists a “larger biotic context” in which not all habitats and species are valued equally; some have a higher biotic value than others (564). Waller uses this idea of biotic value to explain the ideology behind protecting endangered species and preserving certain habitats. A species of leopard with only thirty remaining animals has a higher biotic value than a well-populated fish species because the extinction of the leopard may damage that habitat’s ecosystem. *Planet Earth* notably expresses the idea of biotic value, but fails to present the complete picture in the “larger biotic context.” In the episode “Jungles,” the camera crew shows the awesome power of fungi in rainforest and jungle environments feeding on decay and consequently recycling nutrients. When the narrator notes that the rainforest could not survive with these countless fungi species, the rainforest appears to peacefully exist in a natural, cyclical balance. This statement has an oversimplifying effect: while fungi play a vital role in many ecosystems, they can be detrimental when humans unknowingly introduce them to new habitats, as in the case of fungi that destroy American hardwood trees.

In his discussion of biotic value, Waller argues that there has been “a broad shift in moral perspective . . . away from the anthropocentric goals and values Cronon describes so well toward values that are at least ostensibly concerned with the ecological viability of species and biological communities”—the biotic value (555). Indeed, Waller draws a distinction between man’s nature and nature’s nature. *Planet Earth* appears to incorporate facets of both Cronon’s and Waller’s positions, providing entertainment for man while capturing nature in its most natural form. Though *Planet Earth* clearly places a high value on the wildlife it presents, the question remains as to what kind of value resonates with the audience. Is it the anthropocentric value that drives Cronon’s argument for appreciating the tree in the backyard, or is it the biotic value that Waller believes has little to do with humans and everything to do with ecosystem stability and survival?

Since *Planet Earth*’s stated mission was to promote efforts to preserve the rare species of the world, it should undoubtedly follow Waller’s ideology over Cronon’s. Instead, the series offers aesthetic value rather than biotic value; it implies that these

species are important because of their beauty and raw naturalness, and not because of their contribution to an ecosystem. The ultra-slow-motion camera shot of the exotic frog miraculously whipping its tongue to capture a miniscule fly does not leave the viewer wanting to save endangered frog species. On the contrary, the image leaves the viewer in awe of a predator in its most natural state, making the frog seem formidable and resilient when in fact there are only hundreds remaining. The series' countless predatory images—ranging from a wild bee pollinating a stunning flower to a great white shark ferociously feasting on a seal—puts the audience in awe of the sheer mercilessness of the natural world. Our sympathy for the mutilated seal does not evoke a sense of anger or injustice, but rather a feeling of pity for the prey in a predator's world. At the same time, “among this series' many rare feats is that it often encourages you to root for the predator rather than the prey” (Stewart). What *Planet Earth* fails to convey is the idea that human beings are the biggest predators of all, that we can do more harm to that seal than a hundred great white sharks ever could. Indeed, to us, all species, including the monstrous great white shark, are prey.

Though the show's narration oftentimes bemoans the decline of a certain species' population, it fails to overshadow the breathtaking wildlife images. However rare the snow leopard may be, when it attacks an unsuspecting deer, it seems unstoppable. Its rare beauty and raw strength and agility outshine the fact that it is on the brink of extinction. Herein lies the problem with *Planet Earth* as a work of conservationist propaganda: it shows nature at its absolute best. Though captivating, it creates an illusion that these species are immune to humanity's impact on the world, that they can survive and prosper in spite of human influence. That there are no people in any of the shots only serves to amplify this sentiment. The image of animals alone being animalistic is comforting in a world in which global warming has become a tangible threat. To be sure, *Planet Earth* is a far cry from an environmental documentary; it is a product meant to make money by playing on human emotions. As human beings, we inherently prefer the fantastic to the depressing, which is why *Planet Earth* is perhaps more popular than documentaries that show men poaching elephants or seals drowning in an oil slick.

Unlike the TV show *Planet Earth*, William McKibben's book *The End of Nature* doesn't shy away from the depressing truth of the current environmental situation, emphasizing that human beings have an enormous impact on all the world's species. McKibben argues that nature no longer exists because human influence is felt everywhere: “We have deprived nature of its independence, and that is fatal to its meaning.” While Cronon and Waller provide insight into the problem of our detachment from nature, McKibben provides the bridge between humans and the natural world through collective consequences. Using the weather as an example, McKibben explains that pollution changes global weather patterns and climate such that no region of the world is completely free from humanity's impact. In McKibben's view, human beings, despite their dominance, are not separate from all other species;

on the contrary, our actions greatly affect global climate, natural habitats, and species populations. Thus, *The End of Nature* and *Planet Earth* both ask the question, whether implicitly or explicitly: What can we do about our environmental problems? Whereas *Planet Earth* overshadows this question with cinematic splendor, McKibben addresses it head on: “To level off fossil fuel consumption, much less reduce it the 70 percent that is necessary, involves tinkering with virtually every facet of our daily lives” (xxi).

Planet Earth's illusion of detachment between humanity and the animal kingdom provides the audience with a certain guiltless comfort as they watch in awe. But why is *Planet Earth*'s failure to promote conservationism important when it is, perhaps, just another TV show? The power of *Planet Earth* lies in the breadth of its audience. Reaching individuals in record numbers all across the world, the series lost a pivotal opportunity to broadcast the human impact on the natural world. During an environmental movement bogged down by politics and an unenthusiastic majority, *Planet Earth* emphasizes the sheer power of the predator, rather than the dismal reality that nature's predators are humanity's prey.

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IN THE BONES OF GIANTS

GUY TOWER

My middle name, Joseph, is in honor of my paternal grandfather. It is customary among European Jews to name a child after a loved one who is dead. This has given me cause to frequently wonder why a deceased relative is chosen for the honor, while choosing a living relative is, if not proscribed, frowned upon. In unkind moments, I imagine it has to do with not wanting the actual people getting in the way of how we want to remember them. To “dismember” and to “remember” are not clear opposites, as “disassemble” and “reassemble” are. The “member” portions of the words are the same somewhat out of circumstance, though I still suspect a relation, if not a literal one. It is possible to remember people or places while they still exist, but it is more common, and somehow easier to do so after they have passed from the earth.



Fig. 1. Doud, Mike. Album cover. Led Zeppelin. *Physical Graffiti*. Atlantic, 1975. CD.

Walking the stretch of St. Mark’s Place between First and Third Avenues, I suspect that the street is something of a dying relative to certain New Yorkers. We love it, and we dutifully visit it because of what it once meant to us. At the same time, we cannot help notice how infirm it seems, and that, in its dementia, it no longer recognizes us, nor us, it. Perhaps, we think, it might be better once it is simply gone and we could get on with the business of remembering it in whatever idealized fashion we choose—idealizing ourselves along with it. This is a street steeped in rich history to the right kind of people: punks, Yippies, metalheads, anarchists and jazz greats—freaks all. For most of the last century, it remained steadfastly squalid and cheap, regardless of the gentrification around it. Walk along its length and you will pass the former haunts of

Abbie Hoffman, Yoko Ono, Andy Warhol, Keith Haring, G.G. Allin, and Lenny Bruce. In cramped, sweaty bars, the Ramones held court, as did Guns N' Roses, Iggy Pop, Thelonus Monk, The Velvet Underground, and the New York Dolls. If you were too weird or too poor for the rest of New York City, this was home. Normal people didn't bother you here. The stinking derelicts, petty theft fences, and clusters of demonic-looking punks saw to it that your nickel of dirt weed could be smoked in peace on a warm night, sitting on stoops immortalized by the Stones and Led Zeppelin. This wasn't heaven, but it felt like it sometimes.



Fig. 2. Unknown artist. Album art. The New York Dolls.
The New York Dolls. Mercury, 1973. CD.

Now the street is something very different, though still slightly strange if only because of the proliferation of Japanese *izakayas*. The storefronts—once boarded up or filled with music venues, used-record stores, or crust-punk clothing shops—now host a fairly standard array of college bars, jewelry stores, and yogurt peddlers. For a while, there was even a Gap. Cleanly scrubbed students walk the blocks brightly chirping into bedazzled pink cell phones. Tourists dare to waddle about clutching maps and ice cream cones, their exposed fanny packs full of passports and cash, a telling sign of just how safe they feel here.

Indeed, St. Mark's Place has become a museum of itself, down to the snack bars and gift shops. Go into the store Search and Destroy and for a hefty price you can attire yourself in bullet belts and bondage pants like a punk of yore. A guy I know gives rock-and-roll walking tours, so there is even a tour guide and plenty of police acting as guards. In *Present Pasts: Urban Palimpsests and the Politics of Memory*, Andreas Huyssen points out that this is not at all uncommon or unprecedented. Huyssen references Herman Lübbe, who “showed how musealization was no longer bound to the institution of the museum . . . but had come to infiltrate all areas of everyday life” (22).

St. Mark's Place is clearly such a monument, but what kind? Who curates such a museum (mausoleum?) and why? More importantly, can a place still be "alive" and yet function in this self-referential fashion?

In *The Necessity for Ruins*, John Jackson gives us two broad categories into which monuments fall. The first is the "hortatory sort," which functions to "remind us of something important. That is to say, it puts people in mind of some obligation they have incurred" (90–91). Those who spent, or misspent, some of their youth on these streets might agree that it reminds them of something important, certainly, but the societal covenant or standard of behavior Jackson references isn't readily apparent. The second is what Jackson refers to as the "contemporary American celebration," which

suggests that the past is a remote, ill-defined period or environment when a kind of golden age prevailed, when society had an innocence or a simplicity that we have since lost; a period usually referred to as The Old Days, or as (Eliade calls it) *in illo tempore*—in those days—a time without significant events, and a landscape without monuments. (98)

In order to categorize St. Mark's, we have to consider the use of the space by various classes of people. This is complicated by virtue of it being a "living" monument. By this, I mean that it is not specifically a space set aside for remembrance in a prescribed way. In a traditional monument, such as a museum, there is a triangular relationship between the exhibit itself, the curators, and the tourists. In an area where people live, work, and enjoy themselves more or less as they see fit, this triangular relationship is complicated by the denizens of the space and a group I call the "re-creationists."



Fig. 3. Myshyyev, Timur. Untitled. 2009. Photograph.
NYCityWatch. Web. 21 May 2009.

If you go to St. Mark's now, you will see young people of high school and college age dressing and acting like the punks of the 1970s, '80s and '90s. They sit on stoops,

beg for money, ride skateboards, and do their level best to recreate some indeterminate past that they were not actually alive to see. They are mostly middle-class kids chasing a scene that no longer exists. It's as if you built Colonial Williamsburg, and people just started showing up and acting like blacksmiths and town criers for free. I would posit that to them, St. Mark's is a blending of both of Jackson's modes. Jackson describes them—and their hortatory motivation for using the space—when he quotes the orator at a monument dedication from the 1830s: “monuments are lasting incentives, to those who view them, to imitate the virtues they commemorate, and attain, by their life and spirit, glory and honor” (92). Perhaps “glory and honor” are not exactly the right words for whatever constitutes the punk aesthetic, but the general sentiment seems to apply.

To be clear though, the nostalgic draw of St. Mark's shops and punks, this “marketing of memory” (Huyssen 15), is very different from the specific circumstances and needs that gave rise to the memory in the first place. In fact, they can be diametrically opposed. The used-record and clothing stores operated on the principle of artistic poverty: by buying goods from people with nothing left to sell and selling them to people with only slightly more. These types of stores existed because the proprietors could not afford better either. Now, the shopkeepers cater to and have, to a certain extent, participated in the recent wealth of the area.

Even so, by their look and their “spatial acting out of a place” (98), as Michel de Certeau puts it in his book *The Practice of Everyday Life*, the re-creationists and the old shopkeepers of the remaining punk clothing and used-record stores provide a link to the area's past: essentially, they are curating the space as well as being part of the exhibit. Certeau's concept offers a model for understanding a place where the interactions of the participants with the space are paramount. On St. Mark's, the re-creationists and old shopkeepers enunciate their portion of the “language” of the street by being largely static. Both groups confine themselves to the “phrases” given shape by their stores and apartments, the pseudo punks limited by the stoops and sidewalks, moving usually only when roused by the police. By these groups' actions, and the confined nature of their actions, one can easily compare them to a more traditional monument.

Furthermore, the new shopkeepers, with their expensive jewelry and international foods, suggest a new language existing next to, or perhaps on top of, the old. The spaces occupied are the same, but the new content and the new users provide a completely different set of possible “modalities of pedestrian enunciation;” they

include the kinds of relationship this enunciation entertains with particular paths (or “statements”) by according them a truth value (“alethic” modalities of the necessary, the impossible, the possible or the contingent), an epistemological value (“epistemic” modalities of the certain, the excluded the plausible or the questionable), or finally an ethical or legal value (“deontic” modalities of the obligatory, the forbidden, the permitted, or the optional). (Certeau 99)

The spaces are similar to what they used to be, and in one or two cases, the stores are even the same, but the uses according to all three modalities (alethic, epistemic, and deontic) are quite different. Squatting without purpose is no longer encouraged or permitted, nor is illegal activity such as drug use or the resale of “slightly used” home audio gear. The music blaring from venues, homes, and boom boxes is gone. In their place are the polite and brisk enunciations of commerce, tourism, and collegiate binge drinking. The new pedestrian additions to the area redefine the space to encourage movement rather than squatting or confined mobility. Pedestrians tour the area and walk up and down its length. They briefly stop to sit at sidewalk cafes or make purchases. They hop from bar to bar, and then head off to someplace else.

I’m reminded of a scene from the movie *Excalibur* in which Albion is in ruin and Arthur rides one final time to confront Mordred and Morgana le Fay. As he passes, the land is renewed and blooms in his wake. Behind these new walkers in St. Mark’s remain fresh coats of paint, *Ramen-yas*, bubble tea stalls, and Chipotle franchises. Watching this process play out over time, you can see that in a market-driven system, the space is also curated by the users. They choose the bulk of exhibits, how one interacts with them, and even the “suggested donation” by choosing how much they are willing to pay for entrance and interaction with the space. In addition, it is they who make St. Mark’s—no longer predatory and filthy—safe enough for the recreationists, though I do not think the latter group would ever admit to such a thing. The fact of the matter is, that while they complain about how these blocks are no longer punk, it is unlikely that they would have been willing or able to exist there when it truly was.



Fig. 4. Beale, Scott. “St. Marks Place.” 2008.
Photograph. *Flickr*. Web. 11 Dec. 2012.

Like any “living” monument, St. Mark’s place is fluid and shifting, curated by many people in various groups. It takes the form and function of Jackson’s modes of

monumentality, depending in part on whom you might ask. The re-creationist punks and the old shopkeepers curate and use the space, begrudgingly guided and supported by the tourists who spend their time and money there. This is natural, unavoidable, and—might I even suggest—healthy, because “there is no pure space outside of commodity culture, however much we may desire such a space” (Huysen 19). To me and to others of older generations, it is a monument because we have grown conscious that we ourselves are dying. As we feel our mortality, we look to something more permanent, something that lives on, as this space does via the new life given it by the very changes it has undergone. As we lose relevance and fade, the space can carry some little piece of us into the future.

It is this very process that makes something a monument. Something must pass so that there is a will to recall it. The new generations of users of the space, those to whom it is not a monument or whose view of it is radically different from that of the older generation, need us to get out of their way so they can continue to define the space without our interference or insistence that it must mean the same to them as it did to us. This insistence is pure “codgery” and best explained by comparing us to Certeau’s “Ministers of Knowledge,” who “have always assumed that the whole universe was threatened by the very changes that affected their ideologies and their positions. They transmute the misfortune of their theories into theories of misfortune” (95–96). This street is thousands of monuments to thousands of people, and each one of those winks out as those people shuffle off. In the room cleared by our exit, and the quieting of voices insisting that it means this or that, a living space like St. Mark’s Place becomes—to new people for new reasons—a new monument.

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LEGITIMACY OF THE SYSTEM: IMPLICATIONS OF GOVERNMENT-ENDORSED DISLOYALTY

JOSEPH ARTUSO

On April 3, 1996, after nearly eighteen years of bombings that left three dead and twenty-nine injured, federal agents arrested Ted Kaczynski, also known as “The Unabomber,” in his isolated cabin in Lincoln, Montana (Brooke). Despite being the longest and most expensive FBI manhunt to date with a record-setting \$1 million reward, the search for the mysterious Unabomber was brought to a close only after his younger brother, David Kaczynski, came forward with his suspicions that Ted could be the Unabomber (Graham). David had noticed striking similarities between the “Unabomber’s Manifesto,” published in 1995, and letters his older brother had sent him over the years (Graham).

The public was captivated by this modern betrayal-epic, a “benevolent Cain and Abel” (Glaberson). In an interview, David described the agonizing position he and his wife were placed in, forced to choose between his brother’s life and that of his next victim: “We found ourselves in a position where anything we did could lead to somebody’s death. I can’t tell you what that felt like” (Graham). His decision was praised by many. He was hailed for “doing the only honest thing any sane person could have done” and forty-four-year-old West Hills resident Barbara Frank remarked, “I don’t think I could live with myself knowing a relative was responsible for causing misery and destruction to other people” (Shuster). A somewhat surprised David reported that “not only haven’t we gotten a lot of angry or abusive letters, but we’ve really gotten a lot of letters from people who thanked us for having the courage to do what we did” (Graham). To most, the prospect of another dead victim was enough to justify the brotherly betrayal.

Even so, the actions of the younger Kaczynski were not universally hailed. David Letterman dubbed him “The Unasquealer” and on the Tuesday after the story broke, CNN’s “Talk Back Live” debated “whether he was saint or snitch” (Dowd). Others, like mechanic Dave Kubert, remarked that these situations are “still something to be resolved within the family” (Shuster). Explaining this kind of negative reaction to David Kaczynski’s actions, *New York Times* reporter Maureen Dowd wrote: “Many Americans subscribe to the sentiment expressed by E. M. Forster: ‘If I had to choose between betraying my country and betraying my friend, I hope I should have the guts to betray my country.’” This disapproving group placed the value of family loyalty—and their disdain for snitching—above not only the million dollar reward, but also above the potential consequences of remaining silent.

David Kaczynski quickly donated the FBI’s reward to the families of his brother’s victims (Brooke). David likely felt that keeping such a reward would be inappropriate,

as his actions were motivated by concern for potential victims rather than by personal gain. Imagine the public outcry against the younger Kaczynski had he accepted the FBI's proverbial thirty pieces of silver. Yet this purchase of betrayal is exactly the type of transaction that occurs every day within the criminal justice system. Criminal informants regularly "flip" on their associates in return for some type of reward—often consisting of heavily reduced sentences. By rewarding those criminals who provide information, the government is encouraging betrayal and sanctioning disloyalty. Regardless of the individual morality of David Kaczynski and of the more self-interested (and numerous) criminal informants, it is worth considering the implications of the justice system's endorsement of disloyalty and how this endorsement reflects on our societal values and the perceived legitimacy of the legal system.

The negative responses to David Kaczynski's decision to turn in his brother reflect not only the collective value we place on family loyalty, but also the extreme negative sentiment commonly felt for snitches and informants of all sorts. In the *Divine Comedy*, Dante reserves the ninth and lowest circle of hell for traitors and betrayers, who are damned instantly from the moment that "any soul becomes a traitor . . . then a demon takes its body away—and keeps that body in his power until its years have run their course completely" (207). At the center of the ninth circle, Dante describes the three-faced Satan who in each mouth "with gnashing teeth . . . tore to bits a sinner," specifically the infamous traitors Brutus, Cassius, and, worst of all, Judas Iscariot (210). Thus the betrayers of Dante's past and present (for he places many of his treacherous contemporaries in the frozen lake Cocytus, as well) are given a special place in Hell, closest to the Devil himself. This placement expresses a disdain for disloyalty that extends throughout history.

Columbia law professor George Fletcher acknowledges this deep, negative sentiment in his book, *Loyalty: An Essay on the Morality of Relationships*, when he writes: "Some of the strongest moral epithets in the English language are reserved for the weak who cannot meet the threshold of loyalty: They commit adultery, betrayal and treason" (8). Fletcher notes that these epithets for "the sin of betrayal" are "worse than murder, worse than incest" and invite "universal scorn" of the traitor (41). Why such a strong response to disloyalty? Fletcher argues that "loyalty enables individuals to grasp the humanity of their fellow citizens and to treat them as bearers of equal rights" (21). Thus, the heavy condemnation of disloyalty serves as a defense mechanism to protect the trust-based, interpersonal relationships that society is built upon. Any actions taken to jeopardize that trust must be considered carefully.

One such action is "snitching" or, more specifically, acting as a criminal informant. In 1999, Fordham law professor Ian Weinstein estimated that "twenty percent of all defendants ally themselves with the prosecutor (and many more try)" (617). Snitching alone destroys trust, but this type of widespread government endorsement of the practice has amplified and institutionalized its consequences. This practice does not

just undermine the trust of a single relationship; rather, entire communities are suffering the consequences. Loyola law professor and ex-Federal Public Defender Alexandra Natapoff chronicles this phenomenon in her paper, "Snitching: The Institutional and Communal Consequences." She argues that "criminally active informants exacerbate a culture in which crime is commonplace and tolerated" and, in communities where "approximately one in twelve men are active informants," it is no surprise that there is immense damage done to "the fabric of interpersonal trust and psychological security" (687-690). Not only does snitching destroy trust within a community, but its negative consequences also have a severe impact on citizens' views of the legal system and undermine their confidence that the government is acting in their best interest. Society must believe that institutions such as the legal system legitimately reflect their goals and values; otherwise, the only incentive to obey is fear of punishment.

Why is disloyalty encouraged and rewarded among criminals while elsewhere (e.g., playground tattletales or the police "blue wall of silence") it is so heavily condemned? Mostly because society fears the harm criminals pose. Due to heavy caseloads and minimal supplementary evidence, collecting informant testimony is often the only way that law enforcement officials can prosecute offenders (Richman 1). As harmful as snitching is to a community, it would be equally unacceptable to let unknown numbers of offenders go unpunished, which, unhelpfully, would also result in a decreased perception of the legal system's legitimacy.

The practice of using criminal informants clearly reflects the hierarchy of moral values in our society. In his paper, "When Morality Opposes Justice," American psychologist Jonathan Haidt describes his theory that there are "five psychological systems that provide the foundations for the world's many moralities" (1). Haidt believes that these five foundations are based on concerns for harm/care, fairness/reciprocity, in-group/loyalty, authority/respect, and purity/sanctity, and that different cultures and groups develop these virtues (2). If we take the legal system's practice of using criminal informants as an extension of our society's values (admittedly, a substantial assumption), we can uncover a moral hierarchy. Concerns for harm at the hands of criminals exceed the importance placed on loyalty to a community. The sphere of fairness presents a more complicated issue. On the one hand, informing is justified as it brings criminals to justice and makes them pay for their actions. On the other hand, "any system that rewards cooperation . . . can favor the most culpable defendants," a phenomenon known as "inverted sentencing" (Richman 1), which throws the fairness of the practice into question. Judging from these observations about our legal system, it seems that of Haidt's foundations, society's concern for preventing harm takes precedence over the moral spheres of loyalty and fairness.

Why is this so? And do these conclusions reflect society's true values, especially considering that a universal disdain for informants implies that loyalty is of no minor

significance? In his paper, “Coercive Sentencing,” Michigan law professor Steven Nemerson summarizes the utilitarian influences on our justice system and their use as justification for rewarding cooperating defendants. Nemerson argues that, in its simplest terms, “utilitarianism holds that an act is morally acceptable if it maximizes overall social well-being, measured in terms of people’s happiness” and that “the supplying of information and testimony by defendants and their use as active informants serves to detect and prevent crime,” which increases social well-being (684). With this utilitarian calculus in mind, it is easy to see how crime’s explicit immorality and its obvious negative effects on social happiness justify the overriding importance the legal system places on the moral principle of preventing harm, at the expense of personal loyalties.

However, as the controversy in the Unabomber case demonstrates, not all Americans agree with this ordering, and for them, the legal system fails to reflect their moral values, an extremely dangerous prospect to any society. Also, as Professor Natapoff demonstrates, there are less apparent damages that result from the practice of widespread informant use and the normative message that this practice sends by rewarding disloyalty. Not only does it run the risk of undermining Haidt’s core values of fairness and loyalty, but the communities that suffer from the practice also lose their respect for authority and law enforcement, and thus another of Haidt’s principles (authority/respect) is compromised. The practice of rewarding informants with reduced sentences may be a necessity to the prosecution of many criminals, but the dangers of undermining three out of Haidt’s five foundations for all social values cannot be ignored.

The practice of using criminal informants thus presents something of a moral paradox. Experimental psychologist and author Stephen Pinker observes that most people believe that “not only is it allowable to inflict pain on a person who has broken a moral rule; it is wrong not to, to ‘let them get away with it’” (2). Our justice system is designed to punish those guilty of breaking the law (society’s moral rules) and, in doing so, it employs a number of different tactics, including the rewarding of informants. However, in its efforts to “inflict pain” on criminal offenders, the justice system allows cooperators to “get away with it.” This type of self-defeating paradox is exactly what makes the use of informants such a dangerous practice. In attempting to defend communities from harm, the legal system undermines the interpersonal trust that those groups are based on. From a utilitarian view, it is not even clear if the crime prevented through informant testimony outweighs the informant’s own criminal activity that goes overlooked, or the aforementioned community harm. By striking deals with those criminals who are often the most culpable, the legitimacy of the justice system—which may not even reflect its constituents’ own moral values—is called into question.

The legal system is in many ways sensitive to the same forces as the economy; its power is ultimately based on citizens’ confidence that the system works. That

confidence weakens when snitching undermines the essential trust that, as Fletcher said, “enables individuals to grasp the humanity of their fellow citizens” (21). If the use of informants is indeed a necessary evil, it is one that must be handled carefully so that faith in the system does not dwindle.

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MATERNAL INTEGRITY AND THE FETAL IMAGE: ULTRASOUND IN THE ABORTION RIGHTS DEBATE

ELIZABETH MAIER-BALOUGH

“The spectacle cannot be understood either as a deliberate distraction of the visual world or as a product of the technology of the mass dissemination of images. It is far better viewed as a *weltanschauung* that has been actualized, translated into the material realm—a world view transformed into an objective force.”

—Guy Debord

The industrial-flaw detector, a machine mechanics and engineers use to test the quality of a metal without destroying it, acquired a novel role in the 1950s when a Scottish professor of midwifery applied the machine’s probe to a patient’s abdomen and visualized the pelvic mass with objectivity that standard palpation could not muster. After years of experiments with the innovation, the obstetric ultrasound was born, allowing doctors and patients to see through the barrier of the patient’s flesh to unveil “a body within a body . . . a developing fetus within a womb” (Tansey i). The procedure of imaging the fetus has since become standard in modern obstetric care for reasons both medical and cultural (Taylor 17). Part of the ultrasound’s initial broad social appeal had to do with its capacity to “increase a woman’s awareness of the fetus,” which in turn had a positive influence on the pregnant woman’s compliance with prenatal care (Taylor 19; Fletcher 392). More specifically, “since images are apparently thought to make more of an impression upon women’s minds than words (of explanation, advice, or persuasion), it has become possible to understand ‘psychological benefits’ as a medical side effect of obstetrical ultrasound” (Taylor 20). The technology, first used to test the integrity of industrial structures, now makes visible the physical *and maternal* integrity of the pregnant woman.

To consider improved prenatal care a “psychological benefit” of ultrasound implies that a woman is insufficiently aware of the salient qualities of a fetus (specifically, her fetus) without an ultrasound. This assumption has played an important role in the development of informed consent standards for induced abortion. Particularly, the 1992 Supreme Court ruling in *Planned Parenthood v. Casey* permitted a regulatory framework that has deeply influenced standards of consent. In *Casey*, the court upheld several provisions of a Pennsylvania statute that imposed restrictions upon women seeking an abortion. The act specified that a woman must be provided with precise information at least one day before the procedure. If a minor, she must obtain parental consent, and if married, must inform her husband of her choice. Additionally, the law

restricted the situational judgment of abortion providers. The court, while admitting that “our obligation is to define the liberty of all, not mandate our own moral code,” found that most of the provisions were constitutional so long as their burdens upon the pregnant woman were in balance with “the State’s profound interest in potential life” (505 U.S. 833). Consistent with the notion that a woman’s knowledge of the nature of gestation is somehow lacking, the court reasoned that “though the woman has a right to choose to terminate or continue her pregnancy before viability, it does not at all follow that the State is prohibited from taking steps to ensure that this choice is thoughtful and informed” (505 U.S. 833).

The legal and ethical doctrine of informed consent encourages persons undergoing medical procedures to make an “evaluative choice of which of the available courses of actions is better or best” (Savulescu 17). Information about the procedure ought to “enable an understanding of the true nature of the actions in question and their consequences” (17). While informed consent standards for abortion vary by state, the obstetric ultrasound is frequently a consideration. At present, fourteen states regulate ultrasound access in facilities that provide abortions (Guttmacher 1). Of these, Alabama, Mississippi, and Louisiana require that all women seeking an abortion undergo an ultrasound and be offered the opportunity to view the image. Two other states share this provision once the pregnancy has reached the second trimester. The remaining require that the abortion provider offer the woman a chance to see the images only in cases in which an ultrasound is medically indicated, or upon her request (1). As lawyer Charles Trense notes in *Law and Psychology Review*, the requirements are considered “in keeping with the regulatory framework approved of in Casey,” because they provide the woman with information about the nature of the fetus (231). Since the “impact on the fetus is ‘relevant, if not dispositive,’ to the decision,” it is conceivable to Trense that “a pregnant woman would want to view the fetus as it currently existed before deciding the impact of terminating its existence” (237).

What does the inclusion of fetal imaging in the informed consent process mean for those whom the provisions are intended to protect, namely, women seeking abortions? Images have become the criterion of truth in modernity. Accordingly, they have the power to change one’s perception of reality. As author Susan Sontag points out in her essay “Looking at War,” “photographs... are themselves a species of rhetoric. They reiterate. They simplify. They agitate. They create the illusion of consensus” (82). To illustrate, Sontag examines images of “mangled bodies of adults and children” that represent the consequences of armed conflict, reflecting that “they show how war evacuates, shatters, breaks apart, levels the built world” (82). They also persuade. The abortion debate is a social war, and its outcome is a function of the consensus as to when life begins. The images appropriated by those who seek to excoriate abortion via the sonogram do just the opposite of what Sontag’s images do. They show intact bodies of embryos and fetuses. They show that what the physician evacuates from the uterus is whole, continuous, preparing for membership in the “built world.” This

rhetoric effectively changes the way the viewer, particularly the pregnant woman, perceives herself and her status as either an individual or as an incubator of future life. The images attempt to persuade in favor of one “version of reality” or another, in favor of fetal personhood at either conception, or viability, or birth (Hopkins 395). Depending on the reading, the image potentially pits the rights of the mother against the rights of the fetus. Is such a task the domain of an informed consent protocol?

Charles Trense is not alone in his view that the sonogram persuades in favor of fetal rights. For instance, Stuart Cambell, developer of the three- and four- dimensional obstetric ultrasound that has made possible unprecedented views of the maternal body, has admitted an agenda beyond providing expectant families with the opportunity to bond with their future child before birth (Savell 106). Campaigning in England for a narrower timeframe during which a woman may choose to abort, Campbell has declared that the fetal features and behavior he has witnessed through ultrasound have caused him to “believe we have no right to be killing the foetus that is capable of them” (107). If the ultrasound removes a barrier to the pregnant woman’s understanding of the consequences of her actions, it may also influence the intuitions of others who view the images. The ultrasound makes us all privy to the intimate events of gestation. Trense articulates the conclusion of those who believe that the fetal image does confirm fetal personhood when he contends that “those who seek an abortion may be so moved by the deeply personal, revealing experience afforded by sonogram imagery” that not only will they choose to carry the fetus to term, they may also advocate for more widespread access to the technology (240). Indeed, he feels that “a sonogram requirement” (note that he is speaking of the *requirement*, not simply the sonogram) “equips a woman with the tools to make her own decision as to when life begins” (240).

In opposition to the sonogram requirement, the Guttmacher Institute, a research group focused on global reproductive health, notes that “routine ultrasound is not considered medically necessary as a component of first-trimester abortion” (1). As such, “the requirements appear to be a veiled attempt to personify the fetus and dissuade a woman from obtaining an abortion” (1). The kind of information the ultrasound purportedly conveys—evidence of the physical, anthropomorphic features of the fetus—is arguably an appeal to social instincts. Specifically, it is an appeal to the social expectations for maternal behavior—behavior motivated by emotions and instincts—and thus, it actually precludes the opportunity for logical assessment, the very sort of reasoning informed consent is meant to foster.

Scholars have actively considered how ultrasound is used as a social practice as much as it is used a source of medical information. In particular, medical sociologist and professor of psychology Nick Hopkins has carried out extensive research on collective social behavior surrounding pregnancy. Analyzing the use of emotional rhetoric in abortion politics, he proposes that “the categorization of the fetus is dependent upon the significance attributed to the similarities and differences between

fetuses and persons” (402). In other words, the recognition (or lack of recognition) of human features either bolsters or reduces the perceived reality of fetal personhood. Further, studies of ultrasound procedures in planned pregnancies suggest that the ultrasound image is not informative in itself, but rather is imbued with meaning through societal expectations and the social activity of creating a family (Hopkins 396; Savell 106). The image’s meaning “is not straightforward or given, but is a product of the viewing practices through which [it] is consumed” (Hopkins 395). In this way, fetal personhood is, as Valerie Hartouni states, “not a ‘property’ that can or will be ‘discovered’ with greater scientific knowledge or increased technological capabilities, but is produced in and through the very practices that claim merely to ‘reveal’ it” (qtd. in Hopkins 395). Conclusions about personhood may hinge on objective facts that the sonogram makes evident, but the inferences drawn from these facts and the analysis of their significance are inseparable from the emotionally and socially charged context through which the information is read.

Certainly, not everyone views fetal personhood as a matter of social consensus. Those who favor including ultrasound in the informed consent process suggest that the individual woman should “make her own decision as to when life begins” (Trense 240). However, the very suggestion admits that the empirical signal of a life’s commencement is determined ad hoc, or is at least unclear. Anti-abortion rhetoric asserts that authoritative, medical tools prove fetal personhood. Religious and metaphysical arguments, having not achieved the desired prohibition of abortion, are “superseded by the objective claims of science” (Boucher 9). In other words, the strongest claims in this emotional debate will be objective ones, and if there is truth to the privileged ontological status of the fetus, it will have to be proven in scientific terms through medical technology. Proponents of moralizing sonograms attempt to make the authority of science work in collusion with the accessibility of the image to persuade the woman and society that the “baby” the woman hosts has a right to life. Medical imagery buttresses the logic of fetal personhood. After all, “a photograph is supposed not to evoke but to show” (Sontag 90).

The jump from impartial science to the social privileges of the fetus finds articulation in a pro-life pamphlet that accuses physicians of “violating a woman’s right to know what is going on inside her body when they turn the screen away during a scan of her unborn child” (Hopkins 401). Notice the way the biological facts of gestation, “what is going on inside her body,” are neatly juxtaposed with the socialization of the fetus, replaced here with the “unborn child.” The pamphlet concludes that “the mother should be encouraged to face reality” (401). But whose reality? Surely, the one constructed by those members of society already persuaded of the fetus’ personhood.

Parallel to this image-based condemnation of abortion, Sontag considers the arguments exchanged by a pair of anti-war correspondents regarding photographs of wounded soldiers and civilians. The pair have no personal stakes in the conflict the

images portray, and are consequently able to view the images merely as generic violence, not violence for a cause. Like this pair who “dismiss politics” in order to call all armed conflict an “abomination,” proponents of moralizing sonograms too make sweeping, dismissive judgments about the propriety of terminating a pregnancy. Both Sontag’s pair and these anti-abortion activists base their reasoning on similar assumptions about images. While the “grisly photographs” that Sontag’s correspondents study “confirm an opinion already held in common” (82), the grainy images of the sonogram confirm pro-life beliefs in those who already possess them. Confirmation is not argument, and it contributes nothing useful to a woman’s ability to make an informed evaluation of her unplanned pregnancy.

Used to construct “versions of reality” that will provide a basis from which to make informed choices, medical imaging shares features with journalistic photography. Looking at visual documentation of suffering, Sontag questions the impartiality of the image, pointing out that “to photograph is to frame, to frame is to exclude” (90). To this phenomenon, the ultrasound introduces a new layer of complexity. As persuasive “evidence,” the framing of the sonogram goes beyond the content of the image itself, straight into the context in which the image is viewed. Just as photographs bear “witness to the real, since a person had been there to take them” (87), it seems that a crucial step in authenticating the fetal image is the mother’s real-time gaze. Further, as the ultrasound is performed in the medical context, the image is colored with meaning and narrative from the perspective of the ultrasound technician or physician. Beyond these superficial surroundings, the woman considering aborting her fetus is embedded in her own, unique narrative, her own perception of reality.

For informed consent, consideration of one’s own context is pivotal. Sontag notes that to accept photographs of war as an absolute invective against war itself, one would have to conceive of conflict as “generic” and in so doing, blind oneself to the particulars of a given incident (82). Likewise, to focus on the similarity of every fetus to a newborn is to distort the gravity of every woman’s peculiar situation and motivation to obtain an abortion. The unequivocal rendering of the fetus as a fully-fledged member of humankind is complicated by the divisive nature of abortion activism. Martha Nussbaum, in an essay exploring the ethical implications of local as opposed to universal compassion, makes clear the dangers of dismissing details of particular situations or failing to properly imagine the circumstances of others. Even the most admirable ethical agendas can be “not only narrow, failing to include the distant, but also polarizing, dividing the world into an ‘us’ and ‘them’” (Nussbaum 13). The argument against abortion (as constructed around fetal imagery purportedly establishing fetal personhood) makes two such contradictory demands. First, it demands a universal scope in order to defend the contents of every woman’s womb as a member of society. Secondly, it necessitates the adoption of a narrow view that dichotomously categorizes people as either against abortion or for it, as either maternal or murderous. This is analogous to Sontag’s observation that images of war can be

used to rally a combatant nation in cases where the audience is “sure that right is on one side, oppression and injustice on the other, and that the fighting must go on” (82). Only with a blurry and unspecified negotiation of the line between axiomatic and contextual thinking can the fetal image be viewed as relevant to the moral decision the woman must make. Suddenly, there is not information, but right and wrong, victims and perpetrators.

The proponents of ultrasound requirements seem to have anticipated this inconsistency and accounted for it surreptitiously. One must wonder at the use of ultrasound in informed consent when clear, accessible images of fetal development are so ubiquitous. Is there some special magic in seeing, in particular, *your* fetus as opposed to a generic fetus? If seeing the image is meant to impart some objectively verified, metaphysical truth about the life within, why pull out the ultrasound machine for every pregnancy rather than referring to stock images? If the intention behind displaying the sonogram is to allow women to make an informed choice as to “when life begins,” why not distribute biology textbooks? Perhaps the ultrasound sympathizers recognize that generalization of fetal liveliness incurs the problem Nussbaum describes as “watery motivation” in which “the intensity of care” one feels toward her kin “will simply not materialize,” being spread too thin (20). For this reason, it becomes necessary to insist upon revealing the contents of the particular woman’s womb. But this is not an act of providing information as to when life begins. This is constructing war between mother and fetus and taking a side, destroying the woman’s inner world, sense of reality, and sense of self as anything besides the enemy of the other.

Is it possible, then, that viewing the sonogram actually deprives the woman of some deliberative faculty? Then again, is it possible to avoid this deprivation? In some sense, the social pressure to behave appropriately with respect to an emotional stimulus undermines our ability to maintain our own sense of reality. Take, for instance, the case Nussbaum presents in which boys raised in cultures of male dominance and projected invulnerability “don’t have the language to describe their own inner worlds and are by the same token clumsy interpreters of the emotions and inner lives of others” (24). Arguably, women surrender the ability to articulate reasoning following from their “inner lives” when confronted with the expectation to sentimentalize the universal fetus. But to think that a socially conditioned response to an image that brings no relevant information to a decision represents an autonomous choice is to nullify the meaning of informed consent altogether. As Sontag asks, “are we better for seeing these images? Do they actually teach us anything? Don’t they rather just confirm what we already know (or want to know)?” (95). Nussbaum might offer a response, observing that “tragic dramas can’t precisely teach anything new since they will be moving only to people who at some level already understand how bad these predicaments are” (26). If anyone understands the predicament, it is the woman faced with the choice of terminating her pregnancy. Thinking otherwise constitutes a gross act of paternalism.

Sontag entertains the idea that “the vast maw of modernity has chewed up reality and spat the whole mess out as images” (97). Yet she acknowledges that to make such an assessment is to “assume that everyone is a spectator,” a conclusion that removes the stakes, loyalties, and life from any difficult decision (97). According to Sontag, this is a luxury not many can afford, and especially not in the context of informed consent. In his account of what an informed consent process ought to accomplish, philosopher Julian Savulescu emphasizes that “if information is important, so too is a degree of . . . rationality to draw correct inferences from these facts” (17). This kind of invested reflection is impossible for someone reduced to the role of a mere spectator of images. In order to understand and rationalize what her choice means for her, a woman needs a firm, self-determined grasp on the reality of her situation. This grasp is constructed through words and explanations, not tacit messages transmitted by images. The images do not speak for themselves. Rather, the worldviews of disapproving parties speak through them, impinging upon the very right that informed consent aims to protect.

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“WORK DON’T HURT ME”: A STUDY OF PRISON LABOR AND PRISON INDUSTRIES IN AMERICA

GERARD RAMM

“Work don’t hurt me,
Like the early rise,
Well, work don’t hurt me,
But that’s the thing that hurts my pride.”
—“Tamping Ties,” traditional work song

In his essay “Prison Labor, Slavery & Capitalism In Historical Perspective,” Stephen Hartnett cites the testimony of Shaka, an inmate who refuses to participate in prison labor because he equates it with slave labor, stating that “during slavery, work was understood to be a punishment, and became despised as any punishment is despised. Work became hated as does any activity which accomplishes no reward for the doer. . . . I unequivocally refuse to be a slave.” While Shaka’s equation of contemporary American prison labor to slavery may seem hyperbolic, his testimony, nevertheless, raises questions about the meaning and the principles behind contemporary American prison labor programs. Today, there are two dominant perspectives on convict labor. The first states that penal work programs are rehabilitative; they prepare the convict to be a functioning individual in society at large. The second reflects Shaka’s argument: that prison labor is exploitation on the level of slavery.

If Shaka is right, and our prison labor programs really are slavery, American industry does not seem to have a problem with making a profit from them. Presently, individual prisons in America earn millions of dollars from the sale of goods produced by inmates (Wisely). According to an article published by the Center For Research On Globalization:

The federal prison industry produces 100% of all military helmets, ammunition, belts, bullet proof vests, ID tags, shirts, pants, tents, bags, and canteens . . . 98% of the entire market for equipment assembly services; 93% of paints and paintbrushes; 92% of stove assembly; 46% of body armor; 36% of home appliances; 30% of headphones/microphones/speakers; and 21% of office furniture. (Pelaez)

These numbers are striking. Prison labor clearly comprises an important portion of America’s economy, yet prisoners are typically paid either minimum wage or well beneath it. Many state prisons deduct costs of living from these wages so that inmates

may earn only twenty or sixty cents an hour (Pelaez). Is this exploitation? As a nation that supports the fair treatment of all laboring citizens, it is important to ask whether or not America is profiting from a system that is unjust and cruel. Does prison labor exploit or reform the convict? Are contemporary American prisoners working for their own benefit or are they, as Shaka so passionately claims, slaves to the prison system?

American policy has always maintained that prison labor is rehabilitative, that it works to reintegrate the criminal into society through useful work and participation in the economy of the outside world. In 1816 the Auburn Prison was opened in the state of New York, operating under a philosophy of reforming prisoners through precise, communal work environments and solitary confinement rather than capital punishment and torture (“Auburn Prison Model”). Prisons built in the Auburn model began to spring up all over America. For a long period in the nineteenth century, prison labor was the rule at Rhode Island State Prison, which had their inmates craft shoes, “manufacture stained and grained furniture,” and meet quotas (Garman 123). This enforced work environment supposedly was designed for “reordering dysfunctional lives” (120). The inmate was seen as possessing a “dysfunction” and labor programs provided the means of reforming criminals—rewiring their circuitry to be functioning individuals in society.

The U.S. Prison Industries Reorganization Administration’s 1937 study, “The Prison Labor Problem in California,” praised road work as an effective rehabilitative method:

Under these freer surroundings . . . where discipline is maintained on an honor basis and all men are engaged in hard work to maintain themselves and provide something for dependents and their own eventual release, where rest and occasional holidays mean something else than just another dreary day, prisoners are preparing themselves physically, mentally and morally for the responsibilities of normal living on the outside.

This passage lucidly expresses the historical perspective on prison labor as rehabilitation: that labor subverts the punishing quality of prison by releasing inmates from absolute containment. Labor, thus, “prepares” prisoners for “normal living on the outside” by allowing them a rehearsal space to practice certain liberties. In addition, the passage suggests that prison labor affirms the importance of responsibility. If prisoners are to enjoy “rest and occasional holidays,” they must adhere to “an honor basis” and must be “engaged in hard work to maintain themselves.” Prison labor potentially instills in criminals the causality essential to outside living: if you are going to enjoy freedom, you have to do useful work to maintain it.

Many contemporary sociologists would agree with the 1937 study’s claim that prison labor is less like slavery and more like liberty, or at least, like a rehearsal space for free living. Robert D. Atkinson, for example, explains that many prisoners

“volunteer for work, because it is a lot . . . more rewarding than watching TV all day.” Atkinson might respond to Shaka’s assessment of prison labor as slavery by arguing that no one is forcing the prisoners to do anything; prisoners willingly participate in work to escape the monotonous boundaries of the prison system. Convict labor thus resembles work on the outside because it is voluntary and even earns prisoners a salary.

Contemporary proponents of prison work programs also echo the historical perspective that prison labor provides inmates with useful work skills. Atkinson claims that “prison labor looks like normal labor; workers sewing garments, building furniture, recycling computers, answering phones, etc.” Former Supreme Court Justice Warren E. Burger agrees that “if we place these inmates in factories, making ball-point pens, hosiery, cases for watches, parts for automobiles, lawn mowers, computers, or other machinery . . . we will stand a better chance to release from prison persons able to secure gainful employment” (755). Rehabilitating a criminal partly depends on teaching the prisoner skills to be applied in the outside world, and proponents argue that prison labor achieves this objective.

In fact, advocates of prison labor argue that it provides more than just physical work skills. Sociologist Gordon Hawkins supports prison work programs because work is “a major source of status and of a sense of adult independence.” He argues that, without labor in prisons, prisoners become idle and dependent on others (87), hardly behavior that will support them on the outside. Hawkins seems to suggest that labor programs help to mature the criminal mind—to settle a childish “dependence on others” (87), and to instill the pride and self-reliance necessary to life on the outside. Hawkins perceives work as a rite of passage, and a means of achieving important character qualities for free living. So, through prison labor, good qualities are learned as well as useful skills.

All of these rehabilitative qualities of prison labor are said to affect recidivism rates. Furthermore, many prisons contend that work programs help to reintegrate the prisoner into his surrounding environment, even while contained. A *USA Today* article explores a prison work program in Maryland that produces office supplies with strange state pride: “the list . . . reads like a Maryland geography lesson: Silver Spring, Chesapeake, Potomac, New Windsor, etc.” (Dishneau). The fact that the products cannot be sold out of state in part justifies these names, but perhaps these state-pride products also attempt to reintegrate the prisoner into his outside environment. By crafting products specific to the location that they inhabit, prisoners may come to feel as if they have an economic stake in the surrounding communities, a 42.8 million dollar stake in the case of Maryland (Dishneau).

Of course, none of these arguments for rehabilitation would be compelling enough without evidence that prison labor helps inmates re-enter society. The executive director of Maryland Correctional Enterprises claims that “inmates who work in the plants tend to re-offend and return to prison at about half the rate of those who don’t” (Dishneau). Other prisons have claimed a similar recidivism rate due, seemingly, to the

prison labor programs (Atkinson). Once again, it appears, from data at least, that prisoners have been reintegrated successfully into the outside world through the work of labor programs. In summation, the concept of labor as rehabilitation relies on the assumption that labor helps to reintegrate convicts back into society insofar as the labor is voluntary, teaches useful work skills, and constitutes the convicts' presence in the local state economy.

So how can Shaka, as well as others, reasonably claim that prison labor equates to slave labor when the benefits seem so obvious? To begin, they dispute that prison labor is voluntary, and therefore equate it to slave labor. Matthew Parker, a Columbia University graduate and writer who served approximately eleven years in and out of state prisons in Arizona, dispels the notion that work is wholly voluntary: "In a medium security prison, everybody's gonna work. Otherwise they'll just increase security and throw you in 'max.' Everybody works." Parker points to the complex power system at play that "inspires" so-called voluntary labor amongst inmates. In addition to avoiding increased security, there are other incentives for prison labor, including decreased sentences, and better treatment by guards (Erllich). Work is not, under these circumstances, a voluntary act, participated in to obtain a salary. In Parker's assessment, prison labor does not transcend the walls of the penal complex by substituting for the kind of voluntary work available on the outside, but rather remains nested in the complex web of forces that comprise a prison.

So, if not exactly voluntary, does prison labor not redeem itself by giving prisoners "a better chance . . . to secure gainful employment" by teaching them useful skills (Burger 755)? In Reese Erlich's article "Prison Labor: Workin' For 'The Man," an inmate from the California prison system named Dino Navarette speaks out about his experience with prison labor: "They put you on a machine and expect you to put out for them. . . . Nobody wants to do that. These jobs are jokes to most inmates here." This particular inmate considers prison labor menial and unwanted; he claims that the jobs have no value for prisoners besides the possibility of a shorter sentence. From his perspective, the work has no real substance in granting the prisoners useful skills, but is only another force of opposition to be endured by convicts. In fact, many prison labor programs do not even pretend to grant prisoners useful work skills. Matthew Parker describes a specific job assignment in the Arizona State Prison called the "rock crew," which consisted of moving rocks from one side of the yard to the other. This job seems absurd in its misuse of prisoners' time and energy. Moving rocks hardly seems like an activity designed to help employ convicts upon reentry. Indeed, many of the jobs in prison labor programs are simply there to make inmates work.

Even to those prisoners who are actually learning useful skills, the reintegration process can be daunting. An article by David R. Jones in the *Gotham Gazette* claimed that some states uphold policies that bar ex-convicts from obtaining licenses for skills they learned in prison. He cites the story of a New York State prisoner who applied for a barber's license but was denied because "owing to state law, La Cloche could

only practice his trade . . . if he remained behind bars.” The skills La Cloche learned had been confined by policy. This particular policy, practiced by many states in America, renders any skill gained from prison labor useless on the outside, therefore undermining the rehabilitative quality of prison labor.

Moreover, securing a job is no easy task for an ex-con, even without such policies. A report published for the Urban Institute Reentry Roundtable claims that even when ex-convicts possess some job training “most employers are reluctant to hire those with such records” (Holzer et al. 8). This reluctance among employers on the outside may come from legal restrictions in federal law, fear of litigation, and even employer attitudes towards “ex-offender status” (7). In short, employers fear and mistrust ex-convicts—they fear that they may be negligent in their work, that they will steal, but mostly, that they bear a mark of ignominy as a criminal. Even with effective job training attained from labor in prison, reintegration is difficult when you bear the title of convict.

Reentry for any convict is a trying process. Although many prisons boast that work programs decrease the chances of a prisoner reoffending, it seems an oversimplification to claim statistics about decreased recidivism are directly related to prison labor programs. Prison reentry policy is “geared to fail,” says Parker. “They want you to work at McDonalds. That’s why they won’t let you drive. The only way to get to a construction site after you get out of prison is to drive, but on parole you can’t do even that.” Indeed, Parker’s feeling of containment lasted long after he was released from prison. Despite proclaimed reduction in recidivism rates due to prison labor programs, Parker insists that he did not benefit from prison labor once released. Rather, he and others former prisoners are confronted with the same barriers and walls they endured while detained, making any chance at reentry difficult, if not impossible.

So maybe prison labor does not supply inmates with useful work skills that will apply to the outside, but one might still argue that the very function of prison industries support the convict’s reintegration into local economies. Maryland prison systems sell hand-crafted furniture to local businesses and prisoners are paid wages, although limited, for their services. Does not prison labor reflect the work process that normal people go through on the outside? Doesn’t prison labor, as Robert D. Atkinson claims, “look like normal labor?”

To assume that the inmate is an actual participant in the economy at large is rendered absurd by several circumstances. Dino Navarette articulates his frustration with the fact that California has been exporting prison-made goods: “‘You might just as well call this slave labor, then’, says Navarette. ‘If they’re selling it overseas, you know they’re making money. Where’s the money going to? It ain’t going to us’” (Erllich). Navarette’s consternation with low wages and his suspicion of exploitation is shared in prisons where exporting goods is not practiced. We have already heard from Shaka, who “unequivocally refuse[s] to be a slave.” It is difficult for either Navarette or Shaka to imagine that they are participating in the economy of the outside world.

Rather, they both feel shackled by their society rather than associated with it. The minimal wages that they are paid are only a painful reminder that they are being punished and someone else is profiting from their toil.

Professor Gordon Lafer concurs that “prison labor is analogous to slave labor,” but for a different reason. He states that “convict labor not only takes decently paid jobs out of the economy; it also undermines the living standards of those who remain employed by forcing their employers to compete with firms that use prisoners.” Evidence of this competition is everywhere. The same *USA Today* article that discusses Maryland’s Prison Industry ends with a disturbing acknowledgment of how local businesses have to compete unfairly with the cheap cost of prison labor and their high profits (Dishneau). Lafer cites instances in which “a south Georgia recycling plant laid off 50 workers . . . and replaced them with prison laborers,” and “in Eugene, the church-owned Sacred Heart Hospital canceled its contract with a unionized linen service and redirected the work to a prison laundry.” What this competition highlights is the unusual economic nature of prison labor. Prison labor is generally cheaper and more profitable than any kind of legal, regulated industries on the outside. This makes prison work programs a target for opposition from companies, labor unions, and federal overseers. Therefore, prison labor is not typical labor. It incites opposition from the economic world on the outside, because prison labor does not fairly compete, and can do so because it exploits its workers.

Paradoxically, while prison work may be exploitative and not nearly as rehabilitative as its proponents claim, disposing entirely of prison labor might present its own dangers. While criticizing many of the functions of prison labor, Parker claims that prison work programs still serve an important purpose: maintaining sanity. “You’ll go crazy without working for a while. If I didn’t have a job in prison, I would’ve been climbing the [expletive] walls.” Here is a seasoned ex-inmate, well acquainted with the prison labor system, advocating working in prison for its “therapeutic” purposes. Parker points to the basic human desire to work and be useful. Even with jobs as absurd as the “rock crew,” prison labor offers inmates the chance to make use of their bodies in an environment that otherwise supports idleness. Parker may agree, therefore, with the arguments of Hawkins and Atkinson that prisoners labor to resist the paralyzing effects of containment.

Yet Parker claims that the merits of prison labor are utterly confined within the prison. While locked up, many inmates want to work—not to better themselves, not to learn useful skills, not even to participate in their local economy, but simply to work. Parker presents an honest assessment of prison labor. Work stimulates the detained body, but does it improve, reform, or rehabilitate the person inside it?

From what we have examined so far, the answer can hardly be yes. And to assume that labor is rehabilitative is to support a rather disconcerting philosophy. First, return to Former Supreme Court Justice Burger, who writes (as I have partly quoted before):

Most prison inmates, by definition, are maladjusted people. . . . They do not observe the concepts of work and accountability that made this country great. They were not taught . . . the moral values that instill respect and concern for the rights of others and in turn foster self-respect. If we place these inmates in factories, making ballpoint pens, hosiery, cases for watches, parts for automobiles, lawnmowers, computers, or other machinery . . . we will stand a better chance to release from prison persons able to secure gainful employment. These will be persons whose self-esteem has improved enough to afford a better chance of living a normal life. (755)

Justice Berger combines the rhetoric of economically reconditioning the prisoner with the somewhat problematic rhetoric of redefining the character of the prisoner—of rewiring the criminal mind. Of course, it would be best if we had fewer “maladjusted” people in society, but Berger’s rhetoric remains troubling. It seems as if he is diagnosing the general social disease that persists among prisoners and prescribing labor as a means of eradicating that disease. In essence, he claims that prison labor gains authority over the character of individual convicts. Ultimately, the process of “making ballpoint pens, hosiery, cases for watches” etc. becomes a means of molding the human being. Prison labor, when considered rehabilitative, becomes an exercise of power—a means of overriding the inmate’s will.

This is the argument of philosopher Michel Foucault, who, in his assessment of modern punishment, claims that “if one intervenes upon [the body] to imprison it, or to make it work, it is in order to deprive the individual of a liberty that is regarded both as a right and as property. . . . From being an art of unbearable sensations punishment has become an economy of suspended rights” (11). Foucault places prison labor within his “economy of suspended rights,” and claims that this economy’s object is ultimately “a punishment that acts in depth on the heart, the thoughts, the will, the inclinations” (16). What could be more salient to Foucault’s claims than the argument that prison labor is rehabilitative? Does not Burger claim that prison labor comes to have precedence over the values and the character of prisoners? Are not the arguments that work programs “reform” the inmate reliant on the idea that prison labor exercises control over the inmate’s person? Do we not assume that we can convert the prisoner by forcing him to work? By attempting rehabilitation through work, we use force to manipulate the soul.

At its best, prison labor may not hurt the prisoner. It may even provide, as Parker asserts, a therapeutic outlet. But let us not trick ourselves into thinking that prison labor performs a rehabilitative task. Prisoners go through the movements of crafting furniture, manning sewing machines, and printing license plates to satisfy their natural desires. If we assume that the purpose of prison labor is reintegration and reform, we uphold the idea that labor exercises absolute control over the body and the will—a philosophy that strikes at the very heart of the inmate.

Contemporary prison labor is not the black-and-white issue proponents or opponents of it may claim it to be. Prison labor is neither rehabilitation nor clear-cut slavery. If we continue to support prison labor as rehabilitation, we become disingenuous in assuming that such work effectively reforms the character of the prisoner and reintegrates him into society. If we discard the programs entirely, we may deny prisoners the outlet they need to prevent them from “climbing the [expletive] walls.” Instead, we need to examine the idle environment of prisons and reform the conditions that make prison labor a necessary component. Our support should lie with programs that both stimulate the prisoner and rehabilitate him—such as education. For as long as we continue to view prison labor as effective rehabilitation, we ignore the severe policy errors which prevent real, meaningful reintegration, and favor a system that exercises power rather than one that fosters reform.

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ETHICS OF PLACEBO-CONTROLLED TRIALS IN DEVELOPING COUNTRIES: THE SEARCH FOR STANDARDS AND SOLUTIONS

ALEXANDER SIMMONDS

Accelerating globalization over the last half-century has granted developing countries steadily increasing access to the medicines and healthcare practices of the first world. As the market for medications has expanded, however, so too has the pool of prospective subjects for clinical trials—and pharmaceutical researchers have leapt to take advantage of them (Glickman 816). The resulting surge in human-subject trials taking place in developing countries (especially those of Eastern Europe and Africa) has generated considerable concern among ethicists, medical professionals, and social commentators. They warn of the potential of first-world medical researchers to exploit the rights of vulnerable participants given the wide disparities that exist in education and healthcare between these countries and those of the developed world (Killen et al. 214). In particular, controversy has centered on the ethics of using a placebo control-group in which one group of participants receives a placebo (pharmaceutically inert substance) for their illness despite the existence of a medication shown to be therapeutically successful (Lau 192). In other words, researchers deny a group of subjects access to the best known treatment. Recent revisions to the Declaration of Helsinki, published by the World Medical Association and widely regarded as the governing document for research involving human subjects (Angell, “Ethics of Clinical Research” 847), have fueled a debate (that is poorly publicized outside of the medical community) on the role of the placebo in clinical trials in developing countries.

In this debate, as in all debates of medical ethics, we lay people have what Robert M. Veatch, Professor of Medical Ethics at Georgetown University, describes as a “critical role.” It is we who must select and revise “an ethical theory and other components of an evaluative framework” (4) to apply to clinical research. By examining some of the complex issues involved in discussions of globalized clinical trials, we can develop an informed perspective on which to base such important decisions. This essay first outlines the main issues in this particular debate (the use of the placebo, and the concept of the standard of care), and then focuses on one series of clinical trials in particular, which will enable us to draw out the main ethical conflicts around which the debate centers. In that critical role of the lay person, I ultimately argue that placebo use is unethical when alternative trial methods exist that do not breach a harmonized code of ethics for international clinical research.

The placebo, a pharmaceutically inert substance (typically a sugar pill), is the clinical researcher’s analogue to the scientist’s control experiment. To prove a new treatment effective above and beyond the psychological results of a simple belief in the drug’s

ability to cure, a researcher will compare the experimental treatment's results for an illness with those obtained from the placebo. The placebo-controlled trial "is widely regarded as the gold standard for testing the efficacy of new treatments" (Miller 707) and its use is based on the ethical concept of *equipoise*. Equipoise is "a genuine state of uncertainty about which of the two treatments of a clinical trial has a better efficacy" (Lau 194), and is considered a necessary condition if a clinical trial will use placebos. When there is no known effective treatment, a new drug might produce better, worse, or the same results as no treatment (the placebo) and so there is no ethical conflict in trials where this equipoise is present. If, on the other hand, a therapeutic treatment already exists, then equipoise is no longer present and the trial becomes subject to conflicting ethical standpoints. Whilst "regulatory standards and codes of ethics differ in their guidance concerning placebo-controlled trials when standard, effective treatments exist" (Miller 708), the current (2008) revision of the Declaration of Helsinki states in Provision 32 that "effectiveness of a new intervention must be tested against those of the best current proven intervention" (World Medical Association 2008).

The Declaration of Helsinki argues that all research participants should be entitled to a "standard of care," a term which the medical community borrows from tort law, and is defined as the "degree of attentiveness, caution, and prudence that a reasonable person in the circumstances would exercise" (USLegal). In medical practice, achieving the standard of care has come to mean that physicians must prescribe their patients the best available treatment in fulfilling their obligation to provide the best possible care for that patient. As new drugs are proven more effective for any given illness, the standard of care for that illness increases accordingly. When physicians acting as clinical researchers fail to offer the standard of care by offering a placebo instead, they break their commitment to their patients by denying them the right to proven treatment (Miller 709); in deceiving them about what their treatment actually is (or rather, isn't) they fail to uphold their patients' right to be fully informed.

An example of research that has highlighted the ethical tension between the use of the placebo and the standard of care is the series of clinical trials that took place in Africa, predominantly in the later 1990s, that examined interventions designed to prevent perinatal (mother-child) transmission of HIV. These trials occurred after the landmark 1994 publication of the AIDS Clinical Trials Group (ACTG) Study 076, a randomized, controlled trial that showed that the antiretroviral drug zidovudine "reduced mother-to-infant transmission [of HIV] by approximately two-thirds, with minimal short-term toxic effects" (National Institutes of Health). In developed countries, the zidovudine treatment thus became (and remains today) the minimum standard of care for HIV-positive pregnant women (Buckley 250). Crucially, however, the potential of the drug in developing countries and especially in sub-Saharan Africa remains unrealized "primarily because of the drug's exorbitant cost" (Lurie and Wolfe 853). The controversial trials, involving over 17,000 women, were all attempting to

develop an equally efficient and yet cheaper substitute for zidovudine, so that a more universally available treatment might be found. It is not the worthiness of this goal, but rather the method by which these trials determined the relative efficacy of different treatments that has stimulated debate: as placebo-controlled trials, they necessarily incorporated control groups of mothers deliberately given no effective treatment *despite the existence of therapeutically proven treatment*.

Although it may be true that these women would not have received any treatment had they not been involved in the trial, it is equally true that “investigators assume broad responsibility for the welfare of the subjects they enroll in their studies” (Angell, “Investigators’ Responsibilities” 969) and, from a lay person’s perspective, the apparent disregard on the part of the researchers for the best interests of all their human subjects seems unethical. Investigators, however, have upheld the view that research in developing countries should be held to different standards from those which govern research in the developed world. In defending their research, their arguments necessarily center around the problem for which a universal notion of the standard of care presents. Many have asserted that investigators have no obligation to provide better care for human subjects than that which “is generally available in the community from which the subjects are drawn” (Angell, “Investigators’ Responsibilities” 967). This distinction, given that “hospital and clinic infrastructure, treatment choices, and quality of care vary widely from country to country” (Glickman 819) implies that the standard of care is different in every country and legitimizes placebo-controlled trials in developing countries on the grounds that the standard of care in these countries is typically no better than a placebo. In support of this view, Dr. Nicholas Meda, an epidemiologist from Burkina Faso, stated at a conference of European medical ethicists in 2002 that “in communities where there is no access to treatment of any sort, the concept of best available treatment (as defined by rich countries) is meaningless” (Richards 796).

This idea of a varying standard of care is further justified when one takes into account not only the different availability of treatment in the developing world, but also the vastly different interests these regions have in ongoing clinical research. Thus it is argued that “health research in poor countries should be designed and conducted pragmatically, taking into account local health needs and priorities” (Richards 796). This argument follows the same logic as the World Health Organization panel that approved the controversial zidovudine trials, stating “placebo-controlled trials offer the best option for a rapid and scientifically valid assessment of alternative antiretroviral drug regimens” (World Health Organization), and emphasizing the need for a rapid solution for the HIV epidemic. Strict interpretation of the Declaration of Helsinki could potentially make research too expensive to carry out, and thus stifle efforts to improve treatment options for devastating illnesses such as HIV/AIDS or tuberculosis. In the broader interest of society, therefore, placebo control groups are

ethically acceptable, particularly given the huge potential benefits that research may bring for the developing world.

What these rationalizations reveal, as doctors Peter Lurie and Sidney Wolfe of the Public Citizen's Health Research Group (a political lobby group based in Washington) have pointed out, is a "fundamental misunderstanding of the concept of the standard of care" (Lurie and Wolfe 854). The concept of a standard of care is based on the most advanced medicine available to benefit humanity, not on the economic ability or inability of those in developing countries to afford the prices set by drug manufacturers. If the standard of care is accepted to vary between the developed and the developing world, or between one country and another, then why should they not also vary within a country or even a single city? The acceptance of an inconsistent standard of care inevitably leads to inconsistent standards for research. As the regulatory environment surrounding the use of human subjects in clinical trials becomes increasingly bureaucratic and expensive (Glickman 817), the incentive to use as research subjects those with the least access to health care increases. Just as weak labor laws encourage a "race to the bottom" by prompting firms to seek to outsource production to countries with the lowest wages, weak ethical oversight of clinical trials lead to a "race to the bottom" by rewarding drug companies for exploiting human subjects in developing countries with cheap research. What follows is that "the abominable state of health care in [developing] countries can be used to justify studies that could never pass ethical muster" in the developed world (Lurie and Wolfe 855).

Here, the perspective of the lay person—independent of any particular vested interest in medical research—becomes vitally important. The most pressing issue should not be one of medical technicality, but one of Veatch's "ethical frameworks": how valuable does the lay person find an irreducible ethical code for clinical research, and how strongly does the lay person believe in a universal standard of care? If we apply a standard of ethics that is based on the economic circumstances of a region, then we might accept that those in a poor neighborhood are less entitled to treatment than those in a richer neighborhood. An ethical framework that rejects this relativism must also uphold a universal standard of care. Indeed, one of the primary reasons why ethical codes for medicine (such as that which requires physicians to treat their patients to the best of their ability) place such a strong emphasis on the universality of their application is to combat the temptation for medical researchers to subordinate their subjects' welfare to that of medical progress. With the most altruistic of intentions (e.g., reducing the expense of HIV/AIDS medication), researchers might "find themselves slipping across a line that prohibits treating human subjects as a means to an end" (Angell, "Ethics of Clinical Research" 847).

Yet one could ask why the use of human subjects as a means to an end is ethically prohibited. Who gets to define the boundaries of what is (and is not) ethical for clinical research on humans? Currently, ethicists of the developed world in organizations such as the WHO and the WMA have the most influence, leading at least one, Dr. Ruth

Macklin, a professor of bioethics at the Albert Einstein College of Medicine, to use the term “ethical imperialism” (188) to criticize developed countries for imposing their ethical frameworks on developing nations. Whilst first-world nations might be justified in setting guidelines for trials and scientists in their own “developed” world, research originating in, and carried out by, scientists from Africa, Latin America, or Eastern Europe should be guided by the universal “principle of justice that says: “Treat like cases alike and different cases differently”” (210).

The idea here is that those working in the developing world should have greater flexibility to define ethical frameworks relative to their own cultural and healthcare needs. The problem with this method, a problem which undermines the framework insisting on a universal standard of care, is in distinguishing how two cases are alike or different. Proponents of the zidovudine trials believed that they were different from similar trials in developed countries because they were founded on inherently different risk-benefit opportunities (i.e., the potential to stem an epidemic such as HIV) and cultural motives on behalf of the researchers. Opponents believed that regardless of who was carrying out the research, the trials were like any other trial involving human subjects and thus governed by the Declaration of Helsinki’s ethical requirements. Ultimately, we must recognize that “to get beyond relativism is not to embrace ethical imperialism” (Macklin 273). Upholding the sanctity of the human being, as acknowledged in the ethical and medical precepts of the developed world and embodied in the concept of a universal standard of care, means that research should accommodate the cultural and healthcare needs of the developing world.

Finally, those who attempt to skirt around the fundamental ethical quandary of placebo-controlled trials by suggesting that the greater responsibility of researchers is not for their individual human subjects but for the greater needs of society ignore the existence of viable alternatives. Research need not be stifled simply because placebo-controlled groups are deemed unethical in cases where effective treatment exists. Indeed, from a scientific perspective, active-controlled trials (in which a new medication is compared to the existing standard of care)—provided that reasonable doubt exists amongst researchers as to the relative efficacy of the two drugs—avoid the ethical problems of a placebo and enable research that meets the requirements of equipoise. As zidovudine and other drugs with high retail value are “usually made available free of charge by the manufacturer for use in clinical trials” (Lurie and Wolfe 854), excessive cost is not a compelling objection. Active-controlled trials therefore have the advantage of being both ethically acceptable and, for the multi-billion-dollar pharmaceutical industry in which each of the largest twenty companies alone invested over one billion dollars into research in 2007 (Med Ad), economically feasible. Furthermore, there is a growing consensus within the sphere of clinical research that active-controlled trials are “scientifically preferable” (Weijer 306) to placebo-controlled studies. Instead of seeking to determine whether the experimental treatment is “better than nothing,” clinical trials should test whether it is superior to or equivalent

in efficacy to standard treatment which already has been proven effective (Rothman and Michels 849).

The active-controlled trial emerges as a solution compatible with both the need for trials with massive potential benefits for society to be carried out in developing countries, and the ethical framework that we as lay persons must impose on medical research wherever that research might take place. Ultimately the greatest problem is summed up by Dr. Peter Piot, former Executive Director of the Joint United Nations Programme on HIV/AIDS, in a letter to the editor of the *New England Journal of Medicine*: “The real double standard lies not in the way trials are being conducted, but in the inequity in access to medicines in different countries.” Whilst there is little that lay persons can do to solve that particular issue in the immediate future, a continued discussion about implementation and enforcement of an appropriate ethical framework governing clinical trials in developing countries lies entirely within our grasp.

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POLITICAL POETRY AND THE SHAPING OF AUDEN'S CANON

ERICA MARIE WEAVER

From deathbed commands to burn their manuscripts to the reclusive refusal to publish at all, authors have always had conflicted relationships with their work. Perhaps most intriguing, though, is W.H. Auden, who sought not only to publish his poems but to control them. Toward the end of his life, Auden constantly reconsidered his poems in an attempt to impose order and decide for himself which pieces would appear in his ultimate canon. While working on his *Collected Poems* later in life, Auden radically rewrote and even threw away some of his best-known poems, arguing that they were boring and dishonest. As a highly intellectual and methodical poet, Auden clearly thought through each of these exclusions, even revealing his rationale, yet this thought process cannot defuse the controversy of removing published work from the public sphere.

In his early years as a poet, Auden experimented with different political stances and poetic styles—something expected of developing writers. He later revolted against these political agendas, however, attempting to erase such poems from his past and, therefore, his future legacy. According to Auden's hand-picked literary executor, Edward Mendelson, in his essay "Revision and Power: The Example of W. H. Auden," Auden deemed these poems deeply revolting and revised an estimated three quarters of his canon. The current events and the needs of the political climate in which he wrote clearly influenced Auden, but he later expressed anxiety that such politically infused poems did not represent his own voice.

In addition, Auden theorized that the skills required to craft works of art are the same skills that pose danger in politics, leading to campaigns for beautification and sterilization. Thus, Auden felt compelled to revise his political poetry. In "Squares and Oblongs," his essay on revisionism, Auden writes that the "Orpheus who moved stones is the archetype, not of the poet, but of Goebbels," and poets should refrain from exercising control over their readers (180). This explains why he refused to include "Spain" and "September 1, 1939," two of his most famous poems, in his 1965 publication, *Collected Shorter Poems 1927-1957*. According to Mendelson in his aforementioned essay, Auden "did not drop these poems because he disagreed with their politics . . . but because he distrusted their power to convince his readers that he and they were on the right side in the great struggles of the age" (105). He did not want his poems to be "deceptive" or "flattering" and thus refused to include "September 1, 1939" precisely because he refused to leave open the possibility that his poems would be misused as propaganda (106). Thus, he preferred to destroy some of his most highly regarded poems rather than leave them to misinterpretation.

This problem of misinterpretation and misuse becomes especially interesting in light of the critical theories of Roland Barthes. In the 1960s and 70s, literary criticism underwent a radical transformation; until then, writing had been viewed as the output of a definite author, who shaped the text with his personal experiences and theories; however, this perspective disappeared with the so-called “Death of the Author,” Barthes’ essay on how the reader’s interpretation of a text matters most. In order to establish this reader, however, Barthes proclaims that the author must die and explains that society should not aggrandize the importance of the author because “To give a text an Author is to impose a limit on that text, to furnish it with a final signified [meaning], to close the writing” (147). In Barthes’ theories, the author and the work come into being together, and the author does not impose any secret meaning or intent on his text; rather, all meaning lies within the text itself, and “The reader is the space on which all the quotations that make up a writing are inscribed without any of them being lost; a text’s unity lies not in its origin but in its destination” (148). Barthes might argue that Auden’s wishes should stay disconnected from his poetry, and that the ultimate meaning of poems like “September 1, 1939” should be derived from their own content. The reader, whose birth Barthes calls for, presents his own troubles, however, since he too may impose questionable theories on the text.

Barthes seems to argue that a text stands alone, rendering all interpretations valid, yet anyone who has been through a high school English class knows that this cannot possibly be true. For instance, after reading Nathaniel Hawthorne’s *The Scarlet Letter*, a student could argue that Dimmesdale really loves Hester’s daughter, Pearl, or that the scarlet letter itself is a gang sign, or any other number of absurdities. The student could probably even find a few quotations that, taken out of context, support his ridiculous theory. Ultimately, though, any astute reader knows that these interpretations are not and cannot ever be valid. While Auden probably was not thinking about misinterpretations of *The Scarlet Letter*, his fears followed a similar pattern. He refused to include “September 1, 1939” because he feared that politicians would misinterpret it as glorifying their personal goals and use it for propaganda. In fact, as Mendelson notes, President Lyndon B. Johnson used the poem in a 1964 campaign speech, and, in the 1980s, President George H.W. Bush adapted a few lines to one of his “most deceptive speeches” (110). Thus, with the death of the author, Barthes forgets that there remains the equally frustrating problem of the birth of the reader. Without a definite author who can reshape his work, misuse and misinterpretation become an imminent threat.

Yet, poetry is not a commodity to be owned, and, thus, author and owner can never exist together either. According to Barthes, the idea of the author and of writing as ownership emerged after the humanist movement of the Renaissance, yet Barthes urges critics to abandon these notions and view writing as an event that takes place in a “negative where all identity is lost” (142), so that it does not matter who specifically

is speaking. Since a definite distance emerges between text and writer, readers need not seek a final, attempted theme or goal in a work.

In his 1970 essay “What Is an Author?,” Michel Foucault responds to Barthes’ theories and poses his own questions about the idea of the author. Foucault challenges Barthes: “It is not enough, however, to repeat the empty affirmation that the author has disappeared” (105). He demonstrates the importance of the author’s name, which changes in accordance with his work; to explain this, Foucault argues that Shakespeare’s name would take on completely different connotations if historians discovered that he wrote Bacon’s scientific works in addition to his plays and poems. Foucault elaborates, “The author function is therefore characteristic of the mode of existence, circulation, and functioning of certain discourses within a society” (108). Thus, the public’s conception of an author depends on the writings of his that they read. Foucault then addresses the difficulty in defining an author’s “work.” Barthes calls for the death of the author in order to transfer all meaning to the work itself, but Foucault complicates the issue, wondering how to define an author’s “work” and asking “What if, within a workbook filled with aphorisms, one finds a reference, the notation of a meeting or of an address, or a laundry list: Is it a work, or not. . . . How can one define a work amid the millions of traces left by someone after his death?” (103-4). This raises fascinating concerns about Auden’s canon, since, even though he has been dead for thirty-six years, no *Complete Poems* exists—only Auden’s personally arranged *Collected Poems* and the more recent *Selected Poems*.

In the new *Selected Poems*—released for Auden’s would-be centennial last year—Mendelson included many of the poems that Auden tried to erase. Mendelson has also edited Auden’s *Collected Poems*, the controversial publication from which Auden excluded “Spain” and “September 1, 1939.” In his introduction to *Selected Poems*, Mendelson explains:

The present selection . . . [reprints] the texts of Auden’s early editions and [includes] poems that he later rejected. A historical edition of this kind, one that reflects the author’s work as it first appeared in public rather than his final version of it, is not intended as an argument that Auden’s revisions or rejections were arbitrary or misguided; he had strong literary and ethical motives for choosing them. (xv)

Thus, it seems that Auden failed in his quest to permanently reshape his body of work. Currently, his fans and readers may understand his wishes to erase, but they will probably read “September 1, 1939” and “Spain” regardless. If Auden’s very name and reputation depend on the extent of his work, then he would seem to deserve the power that he tries to exert over his poetry. Foucault might argue that “Since literary anonymity is not tolerable,” Barthes’ ideas on the tyranny of the author are invalid, and Auden should be able to claim his own work (109). Foucault seems to support

this notion when he includes St. Jerome's criteria for imposing unity on a number of different works; however, Foucault ultimately concludes his essay by asking "What difference does it make who is speaking?" (120). But if it does not matter who is speaking, it certainly matters that someone is speaking and, consequently, poetry requires a blend between the critical theories of Barthes and Foucault. As Barthes observes, the author should remain distanced from the work, but, as in Foucault, instead of dying completely, the author should remain as a "function." As the coldness of the term suggests, however, the author function should not rely on any personal or autobiographical characteristics of the author; rather, it should depend on the complex division between author and text. Thus, Auden's motivations become irrelevant, but his insistence on revision serves to deepen the tension between crafter and craft. Perhaps William Butler Yeats, an important influence on Auden's work, best captures this relationship when he asks, "How can we know the dancer from the dance?" ("Among School Children," line 64).

Poet and poems clearly remain divided somehow, though. Whereas Auden's *Collected Poems* appeared exactly as he wished during his lifetime, the current status of his canon rests in the hands of his literary executor, who has restored some of Auden's prized poems now that he is dead. Yet, this raises the question of completeness, because exclusion seems to suggest a body of work that has not yet obtained its final shape. One must wonder which is the more complete: Auden's certified *Collected Poems* or the newly expanded *Selected Poems*. This distinction re-engages Barthes and Foucault, because Auden's revisionism surpassed the simple editing of words and line breaks and drastically altered the presentation of his theories to the world.

Barthes and Foucault address the question of whether the text exists as a separate entity from its author and, if so, whether Auden's re-ordering and discarding constitute valid processes. In "What Is an Author?," Foucault challenges the notion of possession, questioning the distinction between author and owner. In this essay, Foucault also details that "Once a system of ownership for texts came into being . . . the possibility of transgression attached to the act of writing took on, more and more, the form of an imperative peculiar to literature . . . thereby restoring danger to a writing which now guaranteed the benefits of ownership" (108-9). As Foucault suggests, the sole ownership of a piece of writing by its writer poses a danger; in Auden's case this danger is evident in the suppression of key poems. If Auden owns his poems, then he possesses the ability to decide when his canon is complete—or, more accurately, what constitutes his complete canon. Adding another level to the question of ownership, however, Barthes cites Stéphane Mallarmé, who, he claims, foresaw "the necessity to substitute language itself for the person who until then had been supposed to be its owner" (143). Thus, Barthes might argue that the poems themselves stand alone, and their language fulfills their purpose, which Auden does not own and cannot alter.

Auden tried to change the intent—or possible uses—of poems such as "September 1, 1939" when he tried to radically change his canon by removing already-published

poems from the public sphere. Barthes and Foucault address this idea of text existing in a space as well. In “The Death of the Author,” Barthes explains that “Writing is that neutral, composite, oblique space where our subject slips away, the negative of all identity is lost” (142). For Barthes, the stanza is a room where the door is locked, and as soon as writing begins, a disconnect emerges between poet and poem. Although Barthes only speaks of an individual reader, this disconnect would logically increase when a text enters the public sphere (i.e., through publication). Once a poem has reached the public, can it be retracted? It certainly cannot be forgotten. In his introduction to Auden’s *Selected Poems*, Mendelson himself suggests a duality:

Probably the best way to experience Auden’s work is to read the early versions first for their greater immediate impact, and the revised versions afterward for their greater subtlety and depth. For most readers this book [*Selected Poems*] will be a First Auden, and the edition of his “Collected Poems” that was published posthumously according to his final intentions may be recommended as a Second. (xv)

Even though the *Collected* appeared far earlier than the *Selected*, Mendelson labels it “a Second.” This would seem to suggest that Auden becomes two authors: the poet who produced the political works of the *Selected* and the poet who compiled the more thematically unified *Collected*. Interestingly, Foucault defines the author as “a particular source of expression that, in more or less completed forms, is manifested equally well, and with similar validity, in works, sketches, letters, fragments, and so on” (111). Since Auden appears very differently in the two editions of his poetry, he seems to obtain two separate but related canons and, therefore, legacies. Foucault goes even further, claiming that the author function “does not refer purely and simply to a real individual, since it can give rise simultaneously to several selves” (113). Thus, the texts can stand without the true identity of the author who wrote them, and instead each can represent a new “self” for the author function. With the emergence of these selves, however, Foucault seems to represent an occurrence more akin to a birth than a death. Yet, even in this new birth of selves, Barthes’ “death” remains as well, because the texts alone represent these identities, allowing for the existence of multiple Audens. There is, of course, Auden the man, who dies within the poems, which themselves represent the Auden of the *Collected* and the Auden of the *Selected*—two very different authors. Thus, Auden’s exclusions failed to alter his canon; they merely forged a new body of work, which remains in conversation with his older poems.

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