INSTITUTIONS

HABITUS

SPRING 2012

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HABITUS

Dear reader,

Welcome to the third issue of HABITUS, Yale's undergraduate social science journal with a primary focus on sociology. After delving deeply into the ebb and flow of social movements in our last issue, we invite you to take a step back and examine the entities that powerfully and pervasively shape our daily lives. With that, we present to you our spring 2012 issue on **Institutions**.

The word "institution" usually evokes the thought of an abstract system, a feeling of something bigger than ourselves. Institutions can be as formal as the International Criminal Tribunal, as fluid as forums for Internet memes, and everything in between. Yet it is precisely this subtle pervasiveness that interests us and prompts us to grapple with the cultural patterns behind these systems. As social scientists, we seek to understand these entities using the ideas of theorists that have come before us as critical lenses while employing our own eyes for observations. Different perspectives and methods of study allow us to understand the new institutions that arise and challenge established understandings of familiar institutions.

The endeavor to understand has not only provided new insight into various social institutions but also a deeper understanding of ourselves. How do the government, intellectuals, or experts work to sustain institutions? What has our own role been in the maintenance or transformation of the institutions around us?

Habitus, our namesake, describes how our personal past and the history of our society are often ingrained into our present choices and situations. Institutions represent one way in which we build history into our society in the present and as a framework for the future. Thus, it is crucial for us to understand the cultural patterns that lead up to the present set of institutions around us in order to make sense of social life might take shape in the future.

With this third issue of HABITUS, we invite you to step outside of the system or to dive deeply into it and join us in taking a fresh and nuanced look at the social world around us.

- HABITUS Editorial Board

The Creation and Meaning of Internet Memes in 4chan: Popular Internet Culture in the Age of Online Digital Reproduction

Carl Chen

From lolcats to memes, Internet gimmicks have become more and more prominent in popular culture, giving rise to interactive communities such as "Yale Memes." As a result, these viral images have become institutionalized as a genre with its own established culture and norms. **Carl Chen (MC '13, Sociology)** *traces this Internet phenomenon back to its roots in the site 4chan and examines the forum using Habermas's idea of public spheres and Macdonald's theory of mass culture while also providing insight on the political culture promoted by these Internet communities. Ultimately, Chen's analysis allows us a new perspective of contemporary Internet culture and the social implications for their worldwide audience participants. Written in SOCY 313: Sociology of Arts & Popular Culture.*

The rise of digital technology and the Internet has unexpectedly fostered a new form of cultural media: the Internet meme. The latter part of this term—meme—was coined by evolutionary biologist Richard Dawkins in 1976 to describe the natural human spreading, replication, and modification of ideas and culture within his Darwinian hypothesis for cultural evolution (192-195). According to this definition, a meme can technically be any transferable form of information, but due to the mechanisms of digital and Internet technology, it is now commonly conceived of as an extremely contagious and often very humorous part of Internet culture that can sometimes generate enough hype to break into mainstream popular culture. These Internet memes—funny quotes, silly captioned pictures (or an image macro), riffs on popular culture, and viral videos—are created, found, and shared by Internet users who usually belong to online communities, the most infamous being the "random /b/" sub-forum of 4chan. org. These forums all differ in culture and membership, and 4chan is particularly interesting because it is kind of like the Id of the Internet, where people are completely free to be creative and open-minded, but also depraved and offensive. To survive, some online communities, such as the above, require significant financial support through direct donations from their members, but other companies have since been able to generate high revenue from selling advertisements on their websites as well as meme-related merchandise to millions of users.

One particular image macro meme that was created from 4chan in 2005 and has since become a mainstay of both Internet and popular culture is a "lolcat" (the combination of LOL, an Internet acronym for "laughing out loud," and cat). In *Figure 1*, the meme is a funny picture of a cat, which is either cute and/or in a silly situation, combined with superimposed text in the form of "lolspeak," or broken English interspersed with Internet terminology (Kim). Millions of people browsing on the web or reading printed magazines have since enjoyed user-created lolcats, which have also inspired many other image macros. By breaking into popular culture, this Internet meme has created its own economic value, as shown by the sale of the meme aggregator website ICanHasCheezburger.com for $2 million (Grossman). Although the specific example of a lolcat for study might seem slightly outlandish, the Internet meme as an online community's cultural artifact actually helps to illuminate how they express values and share interests, which then leads to the fostering of critical judgment in the membership and even creation of political action.

Figure 1. "I Can Has Cheezburger?" is one of the original lolcat memes and is the namesake of the popular "I Can Has Cheezburger" meme-aggregator website. (icanhascheezburger.com)

Using 4chan and its characteristics as the prime example, I will study the cultural and social aspects of the Internet meme to determine the importance and value of popular Internet culture in the age of online digital reproduction. First, by focusing on the liberating social structures of this forum, I will demonstrate how it shares traits with the ideal public spheres in the social theories of Jürgen Habermas. After explaining the mechanisms of 4chan, it will also be evident how it is comparable to the Folk Art and Avant-Garde communities of Dwight Macdonald's theory of mass culture. Consequently, the Internet memes created from 4chan should belong somewhere near these free realms, since the community owns the means of production and is able to exercise autonomous critical judgment on their culture. However, culture industry theorist Theodor Adorno would likely conclude that they are not producers of free forms of culture, but are rather just a chaotic group of users still shackled by the false consciousness imposed by a capitalist economy. On the other hand, Bernard Gendron would strongly argue that Adorno's theory has failed to consider the new role of technology, which transformed the means of production, ownership, and type of Internet culture.

As for their true cultural and artistic creative value, Internet memes—because of the demographic of the users—seem to straddle very fine lines between questionable innovation and ironic kitsch as well as biting wit and profuse vulgarity. But regardless if users are actually producing good culture created for culture's sake, these Internet memes also have the power to significantly influence a community's social values. In the case of 4chan, the sharing of information promoted independence and

autonomous creativity, which transferred over into their collective political conscience, leading to the formation of the loose hacker-activist network known as "Anonymous." Hopefully, by understanding the processes of these structures, people will then be encouraged to participate in this cultural process and push for more freedom on the Internet, so that not only will Internet culture improve by lowering the barrier to entry for creative production, but political activism may also increase from the values developed from producing free culture.

4chan as Habermas's Public Sphere

To understand the characteristics, meaning, and purpose of this Internet culture, it may be helpful to analyze 4chan through the lens of the theoretical public sphere offered by social theorist Jürgen Habermas. In *The Structural Transformation of the Public Sphere – An Inquiry into a Category of Bourgeois Society*, Habermas theorizes how the public sphere developed from private individuals come together for political and communicative purposes in order to foster a public opinion and challenge the previous public authorities (27-30). In studying recent history, he found that during the 18th and 19th centuries, literacy, access to literature, and more liberal critiques greatly increased, which heightened the need for a public sphere for educated individuals to congregate and debate. In Britain, the coffee shop became the public sphere, and in France, it was the salon. Although the more specific spatial or political characteristics of a public sphere—size, location, composition, or political orientation—were insignificant to the institution of a public sphere, they did share a few absolutely essential pre-conditions. According to Habermas, a public sphere must "disregard status altogether," share a "domain of 'common concern' which was the object of public critical attention," and be inclusive—"everyone had to be able to participate." (36-37) With these characteristics, public spheres temporarily liberated the individual from the dominating influence of a capitalist economy and the ruling powers of the church and the state. The public sphere was an ideal evolutionary goal for both culture and politics because it historically utilized discussion and critical opinion to increase the autonomy of the individual, democratize societies, and improve the quality of intellectual thought. Moreover, for the purposes of this analysis, it promoted the autonomous creation of culture for its own sake.

Now with the development of digital technology and the Internet, the creation of forums, such as 4chan, has led to a newer and potentially more permanent public sphere, uninhibited by the material conditions that dogged Habermas. 4chan, one of the most popular manifestations of an Internet public sphere, is an

image-board forum founded by Christopher Poole, also known as his username, 'moot', from his bedroom when he was 15 years old in 2003. The highly user-friendly forum originally centered on the discussion of anime, or Japanese cartoons and has since grown to 7 million unique monthly visitors with 700,000 posts on increasingly diverse and radical topics (Poole). Its simple layout along with real-world factors encouraged the development of a free and liberated community that fulfilled the three requirements for Habermas's public sphere of disregarding status, sharing common interests, and fostering inclusivity. However, 4chan does not seem to have necessarily accomplished these goals with Habermas's ideals in mind, resulting in some interesting complications.

The forum has no barrier to membership such as registration or a fee, other than a computer and an Internet connection, which means as technology becomes cheaper, more and more people attain accessibility. Certainly though, the first component of disregarding status was consciously realized by Poole through eliminating registration on the website. Most forums on the Internet always require a registered username of some kind, which creates a degree of connection or identity between one's Internet persona and one in the real world. However, 4chan has no registration, and therefore no usernames. People then post anonymously, and anyone can assume any username for any post, even one used previously by someone else. Consequently, from post to post, no one can absolutely determine who anyone is—the default name is "Anonymous"—which means no credit or status gained from any post can be attributed to a specific user, nor can any user conclusively claim that a post belongs to him or her. Even in a chain of posts, one cannot be sure that the same person is posting in all of them. This lack of identity has created an extremely free, almost anarchic community, in which no one is afraid to say anything because everything is attributed to Anonymous, the term for the collective hive mind of the users. With complete anonymity, 4chan creates a unique sense of equality by destroying any sense of hierarchy and forbidding any material thing from the outside world except one's knowledge and opinion. Thus, Habermas's public sphere—"made up of private people gathered together as a public and articulating the needs of society within the state"—was formulated by teenagers who enjoyed Japanese animation (176). However, the community did not form to discuss political needs, but to be able to freely address their cultural needs, which was their "domain of 'common concern.'"

But unlike Habermas's public spheres that were historically formed by the bourgeoisie, 4chan is composed of young males obsessed with the Internet like Poole, which significantly changes the quality of participation and how a public opinion is formed. Because the forum has no memory or archive, anything submitted is either

buried under a barrage of new posts or erased within a few days, which means it must be vehemently reposted by a majority of the users in order to stay in the hive mind's consciousness. The value or importance of a subject is determined not necessarily by successful logical argumentation, but by the ability of the majority to relate to it and if they are willing to repost. Once a subject becomes recurring, more users will weigh in to approve, disapprove, or contribute. In this manner, an Internet meme can be created, as one person posted a picture of a lolcat and others quickly jumped on board by reposting it and creating their own. The simple image macro can be created by anyone with a computer and Internet, and the rest of the requirements are just wanting to contribute and having similar taste. Thus, the culture they produce then accurately represents themselves and their interests because it is for their own enjoyment.

Unfortunately, young males are often perceived as rude or immature and probably partake in what is considered already somewhat trashy mass culture, but once their community goes online and becomes unregulated from the state and economic interests, it becomes much more extreme. Since its inception, the website has become increasingly sexualized and filled with hatred for all groups—absolutely no one is spared. As the less open-minded users become bewildered or disgusted and either protest the content or leave for other forums, the community becomes increasingly insular and cultish. The users vehemently defend this perverse sense of culture through promoting Internet freedom and anonymity since they are very aware that their existence is predicated by the free sharing of information. This even led to the creation of its own governing rules, which is shown as "The Rules of the Internet" in Appendix A, in rebellion against the forum's moderators and Poole's orders. These rules, which are sometimes taken seriously and sometimes considered a joke, suggest the desire for power and self-governance and foreshadow the politicization of the members to act out beyond the Internet. These characteristics, along with the imposed extreme freedom and anonymity, will be very influential in 4chan's development and thus are particularly interesting for studying.

Classifying 4chan's Cultural Productions

Now that the forum's structure, mechanisms, and constituency have been extensively explained, it is interesting to consider how mass culture theorist Dwight Macdonald would classify the culture produced from forums like 4chan. In "A Theory of Mass Culture," Macdonald was principally worried about Mass Culture, which was "imposed from above" and "manufactured for mass consumption by technicians employed by the ruling class and is not an expression of either the individual artist or the

common people themselves," effectively exploiting rather than satisfying "the cultural needs of the masses" (59-73). He believed that this takeover of the means of production in Mass Culture also threatened the traditional High Culture by breaking down the boundaries between the classes and creating a homogenized culture that was too efficient and geared entirely towards generating profits. This culture then lacked any value or meaning since he held "as axiomatic that culture can only be produced by and for human beings" (39). The only exceptions were the Folk Art community, which was more composed of people as individuals and not part of a mass, and the Avant-Garde community, which compartmentalized itself on the basis of an intellectual elite. From the previous documentation, 4chan is definitely some form of public sphere, but where does it fit into these categories in the larger context of the cultural world and not just the Internet?

4chan definitely is not traditional High Culture, but it certainly did cut out its own protective public sphere. Moreover, its users are anonymous individuals who use their public opinions to contribute to the greater cultural zeitgeist of Anonymous. Thus, it might be more akin to the Folk Art community or perhaps act as a strange Internet Avant-Garde community in which they co-opt roles as cultural elites. Internet memes should then have a positive effect on Mass Culture, since they were not designed to be sold, but looking at that picture of a lolcat does not feel like it provides much value. Indeed, after less than an hour looking at them online, one might easily become bored. Perhaps the Internet meme never had much value and was only kitsch, which according to Clement Greenberg, is qualified by how it "predigests art for the spectator and spares him effort, provides him with a shortcut to the pleasures of art that detours what is necessarily difficult in genuine art." Most memes are incredibly simple, which is part of their charm, but perhaps it really does destroy any effort needed from the consumer. Macdonald would then apply Gresham's Law to this cultural artifact and say how the "bad stuff drives out the good, since it is more easily understood and enjoyed" (31-32). Consuming the Internet meme has no challenge compared to higher culture, which could be intellectually stimulating and have other rewards. Subsequently, the ease of consumption is potentially dangerous because people are choosing it over High Culture, which may lead to its demise.

Yet the structures of 4chan appeared to have fulfilled the preliminary qualifications of a Folk Art community, so why is their culture then not also valuable beyond their own community? In response, Macdonald suggests that "the only time Mass Culture is good is at the very beginning before the 'formula' has hardened" and "whatever virtues the Folk Artist has… staying power is not one of them" (41-42). Perhaps the lolcat is now an outdated example that was previously fresh for a short time. It has

since been sold on merchandise and featured in magazines, so maybe by breaking into the mainstream, it has become overly standardized even though the instructions seem rather standard and simple already. Moreover, maybe 4chan does not have great staying power in terms of evolving their memes, which results in Mass Culture exploiting their "folk culture."

Adorno on 4chan's Standardization

In his essays on the culture industry, Theodor Adorno would agree with most of these criticisms regarding standardization and would further add that every new type of Internet meme is substitutable with each other because of their common elements. This replication in the cultural artifact not only threatens High Culture, but also has negative social repercussions as mass culture. As a result of his fright from fascist Nazi Germany, Adorno is terrified of what standardization could do to society and believes that "the repetitiveness, the selfsameness, and the ubiquity of modern mass culture tend to make for automatized reactions and to weaken the forces of individual resistance" (216). The cultural role of 4chan could then be disputed because its memes are replicated internally and have also been appropriated by the Internet's meme factories (meme-aggregator websites, such as memegenerator.net), which then reproduce the same cultural product over and over again. The problem for Internet memes might be in their inherent design, which was simple so that people could reproduce them, but this also results in standardization.

  Similar to Macdonald, Adorno believed this standardization to be developed from the production side in the culture industry model, in which "every detail is substitutable; it serves its function only as a cog in a machine" (440). Adorno's critique centers on analyzing the part against the whole, so if the jokes in memes can easily be switched out with others or if any funny picture is a funny picture, then they are virtually all the same as can be seen in *Figure 2*. Furthermore, the details of memes are unable to contain the whole and thus seem similar to popular music in which Adorno believes that "the detail has no bearing on a whole, which appears as an extraneous framework" (442). Users on 4chan then are not creating anything new, even when they fashion a new Internet meme instead of just modifying an old one. They are still They are still subjugated by the chains of popular culture from the real world and the material conditions owned by the capitalist elites who determine their passive false consciousness and influence their amateur attempts at creation. They have not constructed an autonomous new world, but have only temporarily escaped before inevitably being tied down by the cultural industrial process. However, perhaps Adorno was

Figure 2. The Business Cat Meme is an easily replicated and modifiable work-related joke with a pun referring to the cat as the boss (knowyourmeme.com).

overly pessimistic and his theories were written in regard to the threat of fascism and industrial expansion—would his theories still apply in considering the revolutionary role of technology in the online digital reproduction age?

In Defense of 4chan

In "Theodor Adorno Meets the Cadillacs," cultural theorist Bernard Gendron offers an explanation for where Adorno went wrong in analyzing the production of culture as well as the role of technology on culture as tangible artifacts. Using the production of music as an example, Gendron believes that Adorno was mistaken in developing the culture industry theory based off the capitalist manufacturing industry. In considering cultural production within the modern period, Gendron argues that "technology does not put the same constraints on the production of recorded musical sounds. If anything, it greatly expands the possibilities for variation" (26). Unlike for manufacturing in which new technology promoted standardization because it was more efficient and profitable, music became more diverse with the help of technology. For instance, musicians could now add an electric guitar with different sound effect pedals, or producers now had less technical constraints in the recording process. Similarly for Internet culture, technology and the Internet opened up a huge range of material for use, increased the speed of modification and replication and also conquered the difficulties of distributing the meme once it was completed. Meme factory websites are then positively contributing to culture because they offer user-friendly templates

(known as "exploitables" or blank pictures that just need superimposed witty text) and editing programs for people to produce or modify memes.

Additionally, Gendron uses technology to separate cultural forms into texts and functional artifacts, in which "a text is a universal, whereas a functional artifact is a particular" (27). In music, a song would be the text, whereas the functional material artifact might be a vinyl record, a cassette, or a CD, which a person can buy and own. But on the Internet, the functional artifact is just the image, text, or video itself, which can be cheaply replicated since it is only composed of digital data and requires no physical medium. True ownership does not need to exist because the replication or production of the text in a meme only needs to pay for the costs of Internet bandwidth. Because of this low cost, every meme once made is instantly a particular that can be replicated and distributed. The low costs, ease of making one, and the possibility of becoming very popular all greatly encourage people to try and make their own, thus increasing the diversity and improving the content of original Internet memes.

On the other hand, a Marxist rebuttal could suggest that these websites are in fact exploiting the users by stealing and hosting their memes in order to generate traffic and sell advertisements for revenue. They are crowd-sourcing their production of content to the users, who do it for free because they think they are producing culture for themselves, but in actuality, they are creating profits for the owners of these aggregation and distribution websites.

But more modern Internet culture theorists, such as Clay Shirky, would argue that all this concern over who profits and the quality of cultural products is ultimately irrelevant. Instead, Shirky claims that technology and these online public spheres have led humanity to a new golden era. People are now capable of shifting from passive culture consumption to active democratic culture production, which allows them to realize their greatest potential through the act of creation (18-20). Quality or standardization does not matter because it is not the mass culture industry creating it, but the individual users with their computers. Lolcats may be a stupid mediocre joke at best, but it was still creative, required thinking by the individual, and was only made possible by the freely experimenting public spheres. Shirky further optimistically claims that this new period of human creativity and generosity will continue to improve upon its content as more and more people realize they are no longer subjugated as consumers by the culture industry, but can now congregate online to use these new media tools to create their own culture (Shirky, TED). Although the online public spheres certainly unleashed commentary, organized users, and aggregated content, perhaps their most important part was motivating and giving the means for people to break out from passive consumption into active free production.

This free culture production model then offers many values, such as increasing diversity in taste, creating a unified identity, and expressing political agendas. While memes do not belong to High Culture, they are definitely pushing the boundaries of Mass Culture by adding and sharing the new amusing form of memes. Since these straightforward bite-sized pieces of content are made by the common people, they may be able to reveal new traits of consumption within the larger society, such as it becoming increasingly focused on instant gratification. Furthermore, many memes appropriate popular culture and use culture jamming, or twisting the original meaning of the work, to critique how the culture industry is producing worthless content with a lack of social value. This culture has also led to a more unified identity on these forums, especially on 4chan in which everyone belongs to the hive mind known as Anonymous. When the membership of an online forum take on this sort of group identity, they also become cognizant of their abilities and values and may even set up their own sort of structure (again, see Appendix for their "Rules"). In the case of 4chan, they are fiercely protective of their rights to free speech and strongly promote the free sharing of information. Shirky then concludes that though they first assembled to celebrate their Internet culture, they then became more civically active because of their ability to create (Shirky, TED). In 2008, users manifested 4chan's political aspirations into the democratic hacker-activist network, "Anonymous," which takes its name from the forum's membership because it only wields its collective power when there is majority consensus, similar to how a meme only gains strength through numbers and connection. Although it has no sole leader and instead functions like the hive mind in 4chan, it has protested against the Church of Scientology, supported Wikileaks and its founder Julian Assange, and harshly criticized illegal online corporate actions.

In conclusion, most of the value of 4chan no longer resides in its cultural exports, but in its political ethos. However, users first participated in this public sphere because of their common cultural interests and only began to take action to protect its values once they realized their culture could be threatened by government censorship, corporate control, or by the forum's leadership. These Internet forums will continue to evolve and produce culture Internet memes for their own culture's sake like in Folk Art communities, which may even break into the mainstream again. But even though digital technology has created a public sphere and allowed them to own some of the means of production, they may still be exploited or influenced by the culture industry. However, this is not currently a major concern since the most important achievement of these public forums is the widespread increase in creativity that was only brought about by destroying status, fostering anonymity, and allowing autonomy.

Although critics may forever claim that these Internet memes are standard, vulgar, or prejudiced, 4chan's creator, Poole, has insisted that "as awful as /b/ [4chan] can be, its lawless-seeming atmosphere has fostered creativity. Sometimes it's when people are hidden away, unconcerned about their reputation or social identity, that they say and do very interesting things" (Walker).

A. The Rules of the Internet as written in 2006 by the "random /b/" sub-forum of 4chan.org.

Source: http://ohinternet.com/Rules_of_the_Internet

Rules of the internet.

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1. Do not talk about /b/
2. Do NOT talk about /b/
3. We are Anonymous
4. Anonymous is legion
5. Anonymous never forgives
6. Anonymous can be a horrible, senseless, uncaring monster
7. Anonymous is still able to deliver
8. There are no real rules about posting
9. There are no real rules about moderation either - enjoy your ban
10. If you enjoy any rival sites - DON'T
11. All your carefully picked arguments can easily be ignored
12. Anything you say can and will be used against you
13. Anything you say can be turned into something else - fixed
14. Do not argue with trolls - it means that they win
15. The harder you try the harder you will fail
16. If you fail in epic proportions, it may just become a winning failure
17. Every win fails eventually
18. Everything that can be labeled can be hated
19. The more you hate it the stronger it gets
20. Nothing is to be taken seriously
21. Original content is original only for a few seconds before getting old
22. Copypasta is made to ruin every last bit of originality
23. Copypasta is made to ruin every last bit of originality
24. Every repost is always a repost of a repost
25. Relation to the original topic decreases with every single post
26. Any topic can be easily turned into something totally unrelated
27. Always question a person's sexual prefrences without any real reason
28. Always question a person's gender - just in case it's really a man
29. In the internet all girls are men and all kids are undercover FBI agents
30. There are no girls on the internet
31. TITS or GTFO - the choice is yours
32. You must have pictures to prove your statements
33. Lurk more - it's never enough
34. There is porn of it, no exceptions
35. If no porn is found at the moment, it will be made
36. There will always be even more fucked up shit than what you just saw
37. You can not divide by zero (just because the calculator says so)
38. No real limits of any kind apply here - not even the sky
39. CAPSLOCK IS CRUISE CONTROL FOR COOL
40. EVEN WITH CRUISE CONTROL YOU STILL HAVE TO STEER
41. Desu isn't funny. Seriously guys. It's worse than Chuck Norris jokes.
42. Nothing is Sacred
43. The more beautiful and pure a thing is - the more satisfying it is to corrupt it
44. Even one positive comment about Japanese things can make you a weeaboo
45. When one sees a lion, one must get into the car.
46. There is always furry porn of it.
47. The pool is always closed.
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Modernity and Factory Farms

Shebani Rao

Most of us have only experienced or witnessed the Holocaust through a grim chapter in a history book or a heart wrenching footage from a movie. It's usually black and white, a tragedy fading into the past. However, Zygman Bauman argues that the Holocaust was not a singularity of the past but a conceivable occurrence born out of the conditions of modernity, which includes: rationalization, the use and abuse of science and the creation of a "social distance." **Shebani Rao (SM '12, Sociology)** *applies Bauman's theory in her poignant essay and uses it as a critical lens for her analysis of factory farms. As Rao explores the various practices in these institutions that reveal a similar emphasis on ruthless efficiency as did the Nazi concentration camps in WWII, her work opens our eyes and forces us to reevaluate the established agricultural practices and the ethics that drive our actions.*

In *Modernity and the Holocaust*, Zygman Bauman attacks the common sociological view that describes the Holocaust as a historical aberration or as a horrific and unexplainable blip in the development of modern civilization. Instead, he argues, the Holocaust occurred within the structures of civilized society; in fact, the institutions of modernity actually *created* the conditions that allowed for the mass murder of the Jewish people to take place. His argument, then, casts doubt on the idea that modern society is one which protects "conditions of social peace and individual security poorly defended in pre-civilized settings" and highlights the crucial need to understand "the double-sidedness of modern social arrangement" and "the destructive potential of the civilizing process" (28). In this paper, I will show that the ideas that Bauman develops can help us understand the extreme mistreatment of farm animals in our society and explain how it is possible for this mistreatment to continue alongside a seemingly contradictory and ever-growing national obsession with companion animals. My aim is not to argue that our current treatment of farm animals is analogous to the treatment of Jews during the Holocaust, though scholars, animal advocacy groups, and even Holocaust survivors have made this connection in the past (Sztybel, 97-98). Rather, I hope to show that certain features of modern society that Bauman has shown to have had destructive potential during the Holocaust continue to exist and have created a situation in which animal abuse is carried out on a grander and more horrific scale than ever before. Specifically, I will expand on what he identifies as three features of modernity that played a key role in the events of the Holocaust: the use and misuse of science to alter nature in a manner relatively free of ethical considerations, the reliance on rationality as the sole criteria for judging action, and the production of "social distance" through bureaucratization and industrialization.

Throughout his work, Bauman uses the analogy of a carefully pruned and maintained garden to explain how science is viewed as a tool to change nature and perfect society in a modern context. In pre-modern times, he argues, leaders could view the world through the eyes of a "gamekeeper" and let society function without much active interference (57). In contrast, post-Enlightenment society saw science as having a much more involved and active role in the manipulation of nature. As Bauman describes, "science was not to be conducted for its own sake; it was seen as, first and foremost, an instrument of awesome power allowing its holder to improve on reality, to re-shape it according to human plans and designs, and to assist it in its drive to self-perfection" (70). From the Enlightenment onwards, humans have viewed nature as something to be broken down and understood, as "a code which science must crack" (69). Bauman also points out that the use of science and technology in the modern era is no longer necessarily subject to ethical considerations. In fact, he

notes that moral and political evaluation of action is given minimal importance, if it is considered at all; he writes that "action can hardly need any other justification than the recognition that the available technology has made it feasible" (116).

In the context of the Holocaust, this activist, engineering view of the role of science was drawn upon to explain the need to remove of Jews from society, a process which Bauman likens to the removal of societal "weeds" in the pursuit of a more perfect societal order. Before embarking on their campaign of mass extermination, Nazis first began with "mercy killings" of the mentally impaired, and launched a program of organized fertilization with the goal of creating a superior race (72). Eventually, the view of Jews as a parasitic, harmful force in modern society provided the justification for their slaughter. Science was employed to create the most efficient methods of mass sterilization and murder, and scientists made use of the enslavement of Jews in concentration camps to conduct research in the name of scientific scholarship and the advancement of mankind (109). Thus, science played a crucial role in the planning and execution of the Holocaust. The Nazis drew upon the view of science as a tool to alter nature for the betterment of mankind in their attempts to create a superior race and society and used science to create machinery of destruction, the development of which was unhampered by any sort of moral constraints.

The development of the modern factory farm, which consist of "large warehouses where animals are confined in crowded cages or pens or in restrictive stalls" ("Factory Farms"), would not have been possible without the manipulation of farm animals' natural behaviors and lifestyles through advanced science. The use of hormones, antibiotics, and genetic engineering on factory farms has completely altered the lives of farm animals with seemingly minimal concern for how these changes impact the welfare of the animals, the health of humans, or the quality of the surrounding environment. One of the most obvious areas where this sort of alteration has taken place is in the diet of animals, which has been thoroughly restructured to minimize costs and maximize production. Cattle, for instance, are no longer given the opportunity to graze; instead, they are force-fed a diet of corn, bovine meat, chicken, fish, and pig meal. This unnatural diet often leads to a host of health problems, including ulcers, liver disease, and bloat. To address these illnesses, cattle are administered heavy doses of antibiotics that ensure that the animals survive until they are slaughtered, a practice which gives rise to new resistant strains of bacteria. This unnatural diet also results in manure that is filled with toxic waste and is damaging to the environment surrounding the factory farm (Pollan).

In addition to the drastic changes made to the diets of farm animals, they are also genetically modified in order to radically speed up their growth and increase

their body mass. Broiler chickens, for instance, have been modified to grow twice as fast as they did in the 1940s. This extreme growth leads to a variety of skeletal problems and diseases which cause broiler chickens to suffer greatly ("Stories from Behind the Walls"); for example, studies have found that 90% of broiler chickens have trouble walking due to the skeletal problems that result from their abnormal growth (Williams, 375). On the modern factory farm, then, science has been deployed with minimal regulation to maximize efficiency and food production and has succeeded in significantly changing the natural development of farm animals in pursuit of this end. In this way, we can see that agricultural science has approached farming in a manner consistent with Bauman's "gardener" metaphor; instead of allowing animals to be reared naturally for food, as was the case before the development of intensive confinement systems, modern agriculture has attempted to bring every aspect of farm animals' lives under human control with little concern for the effects that such alterations have on the welfare of the animals.

According to Bauman, another key feature of modern society that played a crucial role in the events of the Holocaust is the reliance on rationality as the sole criteria for judging action. He asserts that "the promotion of rationality to the exclusion of alternative criteria of action, and in particular the tendency to subordinate the use of violence to rational calculus, has been long ago acknowledged as a constitutive feature of modern civilization" (28). One way that this focus on rationality manifests itself in modern society is through "the substitution of technical for a moral responsibility" (98) in bureaucracies. In a bureaucratic context, he argues, actions need not be subjected to moral evaluations. Instead, actions "can be judged on unambiguously rational grounds. What matters then is whether the act has been performed according to the best available technological know-how, and whether its output has been cost-effective" (100). This sort of cost-benefit analysis grounded in "rationality" and free from any ethical concerns or government regulations forms the basis of modern farming corporations' farm animal policies. As Guthman describes, "for the factory farm, as in other corporations, the bottom line is profit. Animals' welfare can be traded off when production rates remain high regardless of the animals' poor health and living conditions" (71).

The pursuit of cost-effective strategies provides justification for many of factory farming's most brutal procedures. The egg industry provides numerous examples of these sorts of practices. According to the documentary "Fowl Play," most egg-laying hens are confined in tiny, wire cages known as "battery cages" throughout their lives. These cages are so crowded that the hens are unable to move or even stretch their wings. Under such highly unnatural conditions, hens will engage in potentially

dangerous stress-related behaviors such as pecking at their cage-mates. To address this issue, hens are painfully "de-beaked" early on in life without anesthetics; the procedure is roughly as painful for humans as having the tip of the finger cut off. De-beaking also causes permanent nerve damage for hens and interferes with their ability to eat properly throughout the healing process. Despite the fact that the practice of de-beaking causes hens excruciating pain, it is used regularly by the egg industry since it is the most cost-effective solution to the problems of stress induced by extreme confinement. Given the profit-driven nature of the industry, restructuring farms to provide hens with more room is hardly an option.

Another cruel procedure routinely carried out on factory farms is the partial removal of pigtails, known as "tail docking," which Michael Pollan describes in detail in his book *The Omnivore's Dilemma.* He explains how piglets on factory farms are weaned prematurely from their mothers, leaving them with an unfulfilled desire to constantly suck and chew. In the absence of their mothers, piglets opt for the next best option: the tails of their fellow cage-mates. The pigs whose tails are being chewed on are so demoralized by the entire factory farm experience that they do not even bother to fight off their aggressors and allow the biting to continue, leading to tail infections. Since treating infected animals makes little economic sense, farmers follow the USDA's suggested procedure of tail docking to address the issue. Tail docking is carried out once again without anesthetics and results in the partial removal of the pigtail, leaving just a small stump. This stump is so sensitive that any further attempts at chewing will be met by resistance by its unlucky owner. As Pollan observes, "Horrible as it is to contemplate, it's not hard to see how the road to such a hog hell is smoothly paved with the logic of industrial efficiency" (218).

A third and extremely crucial component of Bauman's argument is that modern society's ability to create social distance allows for the production of "moral invisibility." In situations characterized by moral invisibility, moral issues are never discussed either because they are consciously excluded from public discourse or because the moral consequences of actions are unclear (24). He describes how the Holocaust was able to occur not because the vast majority of Germans were radical anti-Semites who actively supported the slaughter of Jews, but because the plight of the Jews was rendered morally invisible through their systematic exclusion from German life. Jews were depersonalized and created into an "abstract and stereotyped category," making it difficult for Germans to personally identify with them (189). This separation of Jews from the rest of society "made it possible for thousands to kill, and for millions to watch the murder without protesting." Bauman suggests that modern rational

society possesses the capability to create this sort of separation through bureaucratic and technological means (184).

For Bauman, morality does not arise from society; instead, society can either serve to strengthen or impede preexisting moral drives (178). He proposes that the source of morality lies in the proximity of the "other," which gives rise to a sense of responsibility for other people. Bauman asserts that "responsibility is silenced once proximity is eroded; it may eventually be replaced with resentment once the fellow human subject is transformed into an Other" (184). To support his point, Bauman turns to the powerful conclusions of Milgram's experiments. In this series of experiments, subjects were commanded to shock "victims" by scientists as part of a mock study. The experiments found that subjects were more than willing to carry out the cruel tasks of shocking victims when required to do so by an authority figure. One of the experiment's most important findings was that the subjects were much less likely to shock their victims when they could see them; it was far easier for the subjects to harm the victims from a distance. The results of this experiment, then, strongly support Bauman's argument that physical and psychological separation and distance breaks down our innate moral feeling of responsibility towards others. This erosion of moral responsibility in the absence of direct interaction and contact has frightening consequences in modern societies in which violence is removed from sight and is made "inaccessible to ordinary members of society" (97).

These same processes of separation and production of social distance play an important role in rendering the plight of farm animals "morally invisible" to the vast majority of the population. Though Bauman's explanation of the source of morality specifically concerns the feeling of responsibility that humans feel for other humans, I would argue that proximity to animals produces similar feelings of responsibility on the part of humans. As Pollan describes, "Taking a life is momentous, and people have been working to justify the slaughter of animals to themselves for thousands of years, struggling to come to terms with the shame they feel even when the killing is necessary to their survival" (331). In a study conducted in the Netherlands, Aarts et al. describe an interview with the wife of a pig farmer:

> "An interviewed pig farmer, formerly a nurse, told me that when she and her husband started keeping pigs, she could not stand the loading of the pigs on the trucks when they were ready for slaughter. One day, when her husband found her crying in the kitchen again, he said, "This has to be the last time I find you sobbing like this. One more time, and we'll quit pig farming" (Aarts et al, 213).

In this quote, Aarts et al highlight how it is necessary for farmers to overcome their moral feelings towards the animals they raise in order to be successful. Industrial farming does a particularly efficient job of combating this sense of responsibility by creating a distance between animals and farmers at the structural level. Farm animals are viewed by the industry as nothing more than production units; within the industry, phrases such as "protein harvester," "converting machines," "crops," and "biomachines," are used to describe farm animals. Slaughterhouse workers refer to the animals that they kill with words such as "broiler," "layer," and "beef." These euphemisms serve to characterize farm animals as "being-less objects," relegating them to the category of transferable, sellable commodities. This commodification in turn weakens the link between processed meat and the violence and animal suffering that goes into its production (Williams, 379). The meat industry also extends its internal denial of animal suffering to the public by creating an "alternative reality" through misleading advertisements featuring happy, healthy farm animals (Guthman, 72).

Consumers, too, play a role in rendering farm animals morally invisible. As Pollan notes, consumers in modern society, particularly in the United States, are more distanced from the animals they eat than ever before (Pollan, 333). Like corporations, consumers refer to the flesh of pigs, calves, cows and birds using euphemisms, such as *pork, veal, beef,* and *poultry.* (Guthman, 69), which allows them to distance their dinners and grocery store trips from living, breathing creatures. Consumers also contribute to our society-wide denial of the existence of animal suffering by allowing themselves to remain uninformed about the realities of factory farming. As Williams points out, most people choose to avoid seeking out details about how animals are treated on factory farms for fear of having to accept that a moral problem exists. Thus, the existence of separation between humans and farm animals plays an important role in allowing the cruelties of factory farming to continue; as Pollan writes, "were the walls of our meat industry to become transparent, literally or even figuratively, we would not long continue to raise, kill, and eat animals the way we do" (333).

In conclusion, my analysis of modernity and factory farms shows how the features of modernity identified in Zygman Bauman's theory of the Holocaust can be extended to explain other types of morally calamitous situations in contemporary society. Specifically, three of the features of modernity he describes - the use of science to tamper with nature, the sole reliance on rationality to judge actions, and the production of "social distance" through bureaucratization and industrialization – help explain how factory farming can exist in a society that otherwise views itself as advanced and compassionate. While Bauman shows how the machine of modernity can produce disastrous consequences, he brings to light a potentially hopeful point:

that the root causes of modern tragedies are largely structural, not personal. Only by becoming aware of these features of modernity that shut down our sense of moral responsibility can we begin to recognize and combat the ills that contemporary societies perpetuate.

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Paternalism, Control, and Agency: Asylums in British India

Jacqueline Outka

How do social institutions both reflect and reify dominant social relations and the distribution of power? ***Jacqueline Outka (ES '12, History)*** *examines the mental institution in British India, illustrating how the lines between benevolence and paternalism, treatment and social control blur, especially when intersecting with the dynamics of imperial power and race. She illustrates how the British project of constructing insane asylums and the contradictions and struggles that occurred within them embodied the tensions within the larger institution the asylums were part and parcel of: the colonial project itself. Written in HIST 225J: 19th and 20th Century Colonialism.*

The history of insane asylums for Indian patients built under British rule is one that is, unsurprisingly, suffused with the realities of colonial power. However, the narrative is not a simple one of British dominance and cruelty over powerless Indian subjects. Instead, it is a more complex story, where the creation of asylums became, for the British, a sign of their commitment to civilizing and caring for the Indian population. British colonial paternalism found a direction for its concerned condescension in the insane Indian, whose illness the natives so often misunderstood. The British system attempted to reform the Indian "lunatic"[1] through employment in menial tasks in the asylum. Institutionalization also served as a means to control Europeans and Indians alike with problematic political leanings. In addition, it reified the distinction between European and native mental illness, both at the level of race theory and at the level of treatment practices within the asylum. The story of these asylums remained, unfortunately, a largely European story, with the lives of these patients forever filtered through the colonizers' gaze. Nevertheless, at places within the colonial discourse, patients' agency appeared, however briefly; these moments are important ones to note, even if their significance should not be overstated.

1795 marked the first time that the British considered building an insane asylum specifically for Indian patients (Mills 11). However, wishes to do so did not necessarily translate into beneficial care. Charles James Lodge Patch, in his 1930 book *A Critical Review of the Punjab Mental Hospitals from 1840-1930*, was highly critical of the British asylum administrators in the Punjab in the 1840s; he noted that "So long as the wretched creatures who persisted in annoying others were confined in some safe place, they felt their job was done" (7). Patch framed the history of asylums in the Punjab as a narrative of progress, where a few lone individuals were ahead of their time in desiring to care for patients humanely, but the majority of administrators from 1840-1900 placed financial concerns at the forefront (6-17). The first asylum created in the Punjab in 1847 was a stable where patients were housed from 1847-1857 (Patch 8, 16). Some patients were moved to jail hospitals, but Patch sarcastically noted that the administrators' concern remained pragmatic, not humanitarian. Judicial Commissioner Robert Montgomery complained of overcrowding in jail hospital in 1853, "not…on account of the humiliation inflicted on the unfortunate mental patient by herding him with criminals, but… [because] Firstly, the noise made by the lunatics disturbed the convicts; secondly, and more important, the convicts, seeing that the insane were not held responsible for their acts, were tempted to feign insanity" (Patch 9). Patch portrayed Montgomery's complaint as callous, distancing himself from such practices as the far-off critic.

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1. The term most frequently used at the time: note the title of A.W. Overbeck-Wright's book, *Lunacy in India*.

Plans lagged, but in 1857, the year of the Mutiny, an asylum was constructed in Anarkali, which held 218 patients by 1861, including patients from Delhi (Patch 22). Patch was blunt about the effects of the Mutiny on British asylum policy: "After the Mutiny had been quelled, repressive measures were the order of the day. There was little time or inclination on the part of the authorities for considering the requirements of the insane" (18). As usual, Patch took the tone of a critic far removed from the system, and his conclusions about the lackadaisical British administration in the Punjab should not be generalized. Patch exaggerated his claims in order to heighten the contrast between prior conditions in the Punjab asylums and the later, superior conditions in the Lahore Mental Hospital, which he administered in the 1920s and 1930s (Foreword). The regular "India" columns in the British Medical Journal kept numerical tabs on patients in and out of asylums, and two columns in particular revealed the swift changes possible when administrators deemed it important. An October 11, 1913 column mentioned how a new asylum needed to be built for the inhabitants of Bihar and Orissa province, which had been incorporated into the empire in 1912 (963-964). An April 4, 1914 column reported that the asylum had been built at Ranchi, with space for 180 patients (788).

In addition, Patch's supposedly pure-hearted concern for the fate of Indian lunatics masked a deeper paternalism that wanted to save the patients from their families and inculcate British ideas about insanity and its treatment into the Indian population. Firoz Khan, who wrote the preface to Patch's book, described how under Patch's tutelage, patients now ventured into the public sphere by taking walks. This change marked a significant shift, in Khan Noon's view, from "the various scenes of lunatics being tied down with chains and fastened to trees or heavy household furniture…which all of us used to see not so many years ago" (Patch, Foreword). Patch referenced these cages as well, noting that patients were previously seen "tied to a bed… often in chains and fetters…treated for months together at the bottom of a well or deep pit, and this is one of the methods described in the Hindu Vedas…It is perhaps the most brutal and degrading form of mental therapy that has ever been designed" (53). Patch's reference to the Hindu Vedas aimed to show how Hindu religious texts justified backward treatments of mental patients. In this analysis, any British asylum, whether the underfunded ones Patch maligned or his own which he extolled, served as an improvement that would save Indian patients from the past. Patch included both Hindus and Muslims in his condemnation: "The Hindus are intellectually the more enlightened. The Mussalmans are the more backward community" (85-86).

Of course, Patch could not ignore the grimy history of insane asylums in Britain, but he tried to make that reality coexist with his own colonial ideology. His

attempt revealed the contradictions inherent in colonial policy. Europeans had treated the insane badly until about two centuries ago, according to Patch, but "In Europe, the science and general knowledge of psychiatry has progressed enormously during the last hundred, the last ten, years, and is making greater strides each day. In India, it has remained more or less stationary for the last ten or twenty centuries" (55). Patch situated poor treatment of the insane in Europe at a safe temporal distance away to avoid any charges of hypocrisy. Such contradictions in Patch's thinking also cropped up when he described the suicide rate: "In those bad old days" when suttee and other peculiar cultural practices held sway, "India must easily have held the highest suicide rate in the world. To-day it has the lowest" (118). However, on the same page, Patch noted that the Indian is "a fatalist at heart, he is too inert to commit suicide" (118). For Patch, the topic of suicide of India provided a way to simultaneously praise the British for decreasing Indian suicide rates and essentialize Indians as too lazy to even kill themselves properly.

Not only did Patch vow to care for his patients, he also wished to inculcate them with proper notions of the causes of insanity: after all, "Three generations have passed, but many generations will succeed them before the Indian holds the same conceptions with regard to mental disease which are implanted in the minds of every European and American child" (50). Patch appeared to see a place for himself in educating these current generations, but he recognized that the task was a long and grim one that his successors would need to continue. After all, the Indian lunatics were ungrateful: "adequate treatment is provided; but the general public, in its ignorance, shrinks from obtaining such treatment" (52). Patch could conveniently blame the general public for its intransigence; he was doing all he could. Regarding the low percentage of women in the asylum, Patch opined that "fathers and husbands are still filled with their traditional prejudices against modern ways and modern methods of treatment. This is, perhaps, only to be expected in a country in which over ninety percent. of the inhabitants are uneducated and illiterate" (82). Patch managed to construct Indians as perpetually problematic, whether they were avoiding treatment outside the asylum or causing trouble within it. After all, even those in the asylum did not show proper gratitude for Patch's beneficence: "It is a pity that the Indian is so unappreciative of all the efforts which have been made to give him recreation and exercise" (105). At this rate, the task would take centuries.

This paternalism was not Patch's alone, of course; it ran through post-1857 British asylum policy. In his 1921 book Lunacy in India, A.W. Overbeck-Wright, also an asylum superintendent, described the difficulties in winning the population over to Western psychiatry: "The first and most important step is undoubtedly to uproot the

old superstitions and prejudices regarding such cases and asylums. To do this is not the work of months, but of years, but undoubtedly it can be done" (137, emphasis is in original). In the service of such an endeavor, he recommended changing the name to mental hospital to avoid the stigmas associated with asylums (138). Patch did just that two years later, from 1923-1924, in Lahore (Foreword). Overbeck-Wright also affirmed the importance of supposedly immutable and intrinsic religious and social biases that caused patients to shy away from treatment and affected their behavior during their institutionalization: "Custom is, I think, largely responsible for the disgusting way so many insanes in asylums in India besmear themselves, and indeed anything else they can reach, with excrement…The religious beliefs and caste prejudices, too, largely affect not only the symptoms but the whole course of treatment in India" (182). Overbeck-Wright elided the entire history of Indians into one word, "custom," which could be made to cover a multitude of sins, but never a multiplicity of virtues. Overbeck-Wright, like Patch later, also mentioned how Indian families were often reluctant to entrust insane members to the British state's care; this reluctance conveyed their stubbornness and represented an obstacle to be overcome.

With European mental institutions as the model, authors also referred to the need for Indian asylums to catch up to their British counterparts. In the December 1, 1894 British Medical Journal column on "India and the Colonies," the anonymous author touched upon this theme of progress while summarizing a report of conditions in the Rangoon asylum: "Viewed in the light of the modern treatment of the insane, the voluminous report of the Rangoon Lunatic Asylum for 1893 affords an opportunity of observing the difficulties attending the inauguration of a new system, and the ground that must be travelled to bring such a primitive institution abreast with modern ideas" (1281). From their perspective, modern was British, and the goal was to bring Indian asylums up to British standards. In this light, every influx of patients could be construed as a step forward; the August 30, 1913, British Medical Journal column on India referred to the rise in the number of patients in the Punjab asylum from 1912 to 1913 as "a circumstance which the Government regards as indicating a growing confidence in the methods of treatment" (574). The increase represented an accomplishment that the British could be proud of. Similarly, Robert Pringle, in an article on "Indian hemp ('ganja')" mentioned how much conditions in India had improved under British rule and, like Patch, referenced the cages of the past, which for these authors were literal as well as figurative (1).

However, again, it is best not to generalize; not all authors saw the asylums in Britain as a sign of progress that saved Indians from poor treatment at home. In a March 2, 1901 British Medical Journal article on "Lunacy in India," the author said

insanity was not particularly common in India: 5 per 100,000 as of the 1891 census, as opposed to 33 per 100,000 in England (533). Unlike Overbeck-Wright, he did not believe these different rates indicated under-diagnosis (533). When insanity did occur, he stated that patients received treatment at home, "and there is no reason to believe that they are treated otherwise than humanely" (533). He noted that asylums were not as fancy as their English counterparts, but did not necessarily see this discrepancy as problematic; building more large central asylums was the only change he recommended (533-534). While his may be a minority voice, such perspectives did exist alongside the mainstream discourse.

Not only did the British in asylums often claim to know what was best for the Indian insane, they even believed that they knew them better than they knew themselves. Overbeck-Wright described how he could easily distinguish patients who were feigning insanity from the genuine article through four distinguishing features: for example, patients who were actually insane were unable to sleep, so those that were sleeping he believed to be pretenders (39). Not even the insane themselves were immune from his suspicions; in a twist on his argument about feigned insanity, Overbeck-Wright also discussed how some patients would feign insomnia: "one is often inclined to believe [because the patient does not seem tired] that the patient's statement is either willfully or unintentionally false" (192). For this reason, it was necessary to check the veracity of the statement by observing whether the patient actually had difficulty sleeping. Overbeck-Wright extended this presumptuousness most notably to his consultations with patients. In his general guidelines about how to talk to patients, he recommended humoring them: "never contradict or irritate him, and, if possible, avoid any sign of deceiving him" (187). The question of how to treat the patient kindly when the doctor remained internally, if not externally, suspicious of him was one that Overbeck-Wright did not address or attempt to answer.

He gave two examples that showed this method in action. The first was the case of A.B., a 19-year-old Muslim sepoy from the Punjab, who had a fit after believing he had awoken a ghost or bhut by disturbing a grave (123). Overbeck-Wright described his consultation with the patient, who at first would not tell him anything, but later opened up. Overbeck-Wright noted that "It was useless to try to persuade him that there was no such thing as a bhut, as it would have been contrary to beliefs and superstitions imbued from his infancy. These had to be accepted as unquestionable" (123). Overbeck-Wright patronizingly humored his patient in order to gain his trust; he believed this method was the most open and effective way of dealing with patients. Certainly, it was preferable that Overbeck-Wright sought to learn A.B.'s story, rather than to punish him. However, it seemed self-contradictory that he saw him-

self as not deceiving the patient; wasn't he deceiving him by pretending he respected his story when he really respected neither the patient nor his words? Another case showed the limitations of Overbeck-Wright's strategy even more starkly. In Case XXI, a man believed his pre-flu malaise came because he had not sacrificed a bird to his village's goddess: "With the restricted objective interests and associations of primitive races, he had struck upon this explanation for it, and the enhanced suggestibility and imagination found in such people had done the rest…No attempt was made to deny the village goddess and her power" (124). Again, Overbeck-Wright juxtaposed external sympathy for the patient's plight with internal judgment and condescension of his "primitive" beliefs. In this way, the British colonizers' behaviors toward the insane Indian colonized could continually contradict themselves.

Another way in which the British asylum administrators' paternalistic desire for their patients' well-being manifested itself was in the frequent attempts to encourage patients to perform menial tasks. Work would bestow upon them a semblance of self-control, as well as providing a way for jobs to get done that the British had no wish to do themselves. Patch stated that the 1860s marked the beginning of "Occupational Therapy" for Indian asylum residents; he mentioned "gardening, weaving, making baskets….sweeping, cleaning….carrying out sanitary duties….attending to the sick in the hospital" and other jobs as assisting the patients' treatment and cure (28). Whether they did or not was less significant than the fact that they became a cornerstone of treatment policies. A January 1, 1898 British Medical Journal article mentioned how in a Bombay asylum, "The chief occupations of the inmates are gardening and cultivation, and they are indulged in games and amusements suited to their tastes" (59). The same article noted that, at the Rangoon Lunatic Asylum as well, "Employment is a strong point in the asylum. The inmates are engaged in various domestic duties, conservancy among them, in gardening, and manufactures of all sorts…All the clothing for each inmate is made in the asylum, but it is remarked: 'The men employed in this work are all sane'—criminal lunatics no doubt" (60). Encouraging patients to work formed part of the general air of moral suasion characteristic of the colonial asylum: while not overtly coercive, it placed the patients in a safe track where they could be supervised and even the criminal lunatics could become productive members of colonial society.

Overbeck-Wright reaffirmed the theme of self-control when he described one patient as extremely puzzling; the man was very smart, but morally bankrupt and "perpetually endeavouring to commit sodomy" (334). He perplexed Overbeck-Wright because "being so intelligent, it is reasonable to suppose that he would exercise more self-control" (335). This statement, when placed alongside other beliefs about insanity,

represented another fundamental contradiction in colonial thinking about the Indian insane. On the one hand, as William Huggard put in a 1885 British Medical Journal article on "The Standard of Sanity," insanity was "any mental defect that renders a person unable (and not capable of being made able by punishment) to conform to the requirements of society" (1013). From this perspective, any non-conformist was insane, and, as seen below, political opponents in particular were at risk of institutionalization. However, Huggard's definition also sprang from the notion that the insane were somehow unable to control their nonconformity. The policies in place under Overbeck-Wright and others reified the patients' lack of control through their paternalistic concern. Yet these ways of treating patients were also founded in the belief that patients could improve over time through self-discipline and some form of self-control. These contradictions could only find a home within the racial theories that undergirded the colonial system and that posited distinctions between Indian and European lunatics, as well as between Westernized and non-Westernized Indians.

While all lunatics, European or non-European, were apt to receive the condescending tag of "creature,"[2] Huggard made the racial element clear when he discussed how "The Damara or the Prairie Indian is allowed to do a number of things from which an Englishman must refrain" (1013). For Huggard, different societies had differing levels of insanity based on the racial superiority or inferiority of the society. Huggard's comments about Europeans here are reminiscent of the Biblical dictum "to whom much has been given, much will be required": Europeans thus had a greater duty to control themselves than non-Europeans did, and their threshold of insanity was correspondingly higher (Luke 12:48, The HarperCollins Study Bible). Overbeck-Wright agreed with this thesis: "there are of necessity wide differences in what would be considered insanity in different races" (8).

Within this framework, Overbeck-Wright's comment about how the intelligent patient should have known to exercise more self-control is now more intelligible; his intelligence made him appear more European to Overbeck-Wright and thus more deserving of sympathy, as well as more capable of self-control. An anecdote of C.J.R. Milne's that Overbeck-Wright quoted made this connection more explicit. Milne described the case of a manic man that he found to be exceptionally sad (245). The man was a high-caste, well-educated Hindu, whose episodes, in the course of which he was

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2. This term appeared in the December 22, 1894 BMJ article; in John Lobb, "Pauper idiots and imbeciles: verbatim report of a lecture ..., delivered before the United Wards Club of the City of London on ... November 20, 1895 : C. J. Cuthbertson, Esq., C.C., presiding," LSE Selected Pamphlets 1895: 6, 7, 12; in James Palmer, "A treatise on the modern system of governing gaols, penitentiaries and houses of correction, with a view to moral improvement and reformation of character: also, a detail of the duties of each department of a prison, together with some observations on the state of prison discipline at home and abroad, and on the management of lunatic asylums," Hume Tracts 1832: 74, 77; in Patch and Overbeck-Wright throughout.

"extremely filthy, obscene," Milne believed to be triggered by studying too much (245). This man's mental breakdown appeared more tragic to Milne and to Overbeck-Wright in light of his high social status and colonial education. Other, less educated and thus presumably less Westernized patients received more damning bylines: of one Eurasian, Overbeck-Wright reported that "His three aims in life are to eat, to sleep, and to masturbate" (263). In the case of one man Milne described, the very fact that he enjoyed wearing turbans confirmed his insanity: "He has become very fond, when he gets the opportunity, of attiring himself in a fantastic manner, being particularly keen on pagris of grotesque designs" (269). The turbans this man wore not only marked him as an Other, but as an insane Indian Other of an insidious kind.

There were also two mental disorders that Overbeck-Wright saw only Indians and/or Asians as susceptible to. One was "running amok," a concept which used a Malay word (47). It referred to those who killed indiscriminately and without warning: "In India it is usually associated with the delirious intoxication of Indian hemp, and is most prevalent among Muhammadans…In India, the law permits, or rather orders, that they be killed 'at sight' owing to the extreme danger to the rest of the community" (Overbeck-Wright, 47). Europeans, apparently, did not run amok. Similarly, the word "latah" referred very broadly to suggestible Malays (Ibid, 48). Patch also believed that Indians were distinctively impressionable: "The Indian insane is singularly suggestible, and the spirit of imitation is very strong in Indian asylums" as regards escapes and suicides (66). In this reading, Indians had little agency, and could only blithely follow their fellow escapees instead of originating escape plans themselves.

Regarding other apparently specifically Indian forms of lunacy, Overbeck-Wright believed religious delusions were more prevalent in India because of the religiosity of the population. He also argued that the high child marriage rates contributed to higher levels of insanity because of "the evil effects of premature sexual congress"—a clear case of a confusion of empirical and normative categories (117). Patch believed that "the Indian normally is far less emotional than the European. Judged by European standards, he is naturally indifferent and apathetic. So, in his abnormal mental state….he does not reach the emotional heights which are attained…in a European Mental Hospital" (72). In Patch's reading, this lethargy appeared close to callousness. Overbeck-Wright also referred to this supposed Indian apathy when he described why no padded rooms were needed in Indian asylums. The Indian patients ignored their screaming fellows, while such disruptions disturbed the British insane (Overbeck Wright, 367-368).

These racial distinctions also showed up in the concerns that patients be separated, both by race and by gender. The August 30, 1913 British Medical Journal

column on "India" anxiously noted that "There has naturally been special difficulty with male European inmates [in the Punjab asylum] in the absence of a European attendant, and it is satisfactory to learn that the Government has sanctioned the employment of one European…" (575). The anonymous writer did not blame European male patients for their bad behavior, but saw it as the inevitable result of their not having an attendant of their own race to see to their needs. Their sigh of relief seemed almost palpable in a column two years later when they remarked that "A European warder has also been appointed primarily to look after European patients" (624).

Finally, the rules regarding the institutionalization of patients also made clear the racial distinctions between them. Most significantly, English patients simply did not have to stay in Indian asylums for long. In an 1899 article on "Comparative Lunacy Law," A. Wood Renton described The Lunatics' Removal (India) Act of 1851, which "provides for the removal to a criminal lunatic asylum in this country [England] of persons found guilty of crimes and offences in India, and acquitted on the ground of insanity" (259). There was also an 1899 law mandating that "civil English lunatics are dispatched to England in June each year" (Overbeck-Wright, 27). Not only did European patients have the option to return home, they were legally required to do so. Indian patients, in contrast, were stuck within the system whether they liked it or not.

Institutionalization also served as a form of social control for patients, Indian and European alike, with problematic political tendencies. However, the stories of these patients are interesting not just for the patterns of control that they reveal, but for the way in which individual agency pops out at the reader, albeit filtered through the colonial lens. As early as 1824, James Buckingham Silk referenced the possibility that Europeans in India who spoke against the dominant discourse faced the risk of institutionalization. In the context of talking about the censorship of the press in India, he noted, "if a Native or European journalist were to blow the trumpet of sedition, and summon the Blacks to rise against the Whites, the European editor, if he escaped the lunatic asylum, would have very little chance of escaping from the furious hands of the Whites" (39). Almost a century later, Patch described the case of an Irish man, who, while paranoid and claiming to be several different people, appeared non-threatening (41). The authorities, and Patch as well, did not consider this man dangerous until he converted to Islam and threatened to go to Afghanistan and fight against the British during the Anglo-Afghan War (41-42). They then institutionalized him (42). As intriguing as the Irish man's threat and the British response was the response from the Muslims in the community: "His Mussalman friends, indignant at being thus deprived of their convert, memorialised Government on the injustice of an individual being regarded as insane merely because he had changed his religion" (42).

These Muslims asserted their agency by recognizing the inconsistency in the British position, while the Irishman did so through his conversion and political protest.

The Irish patient and his Muslim friends were not the only one to display agency through an act of political subversion. Patch also mentioned a man whom he viewed sympathetically: "The only patient who derived any benefit from the original library was a litigious paranoic who discovered an article criticising the English asylum administration of the sixties, and drew therefrom several not inappropriate analogies to the Punjab Mental Hospital of the present day" (105). As with the Muslim protestors, this man criticized the system through an analysis of its hypocrisies: his investigation into the past of English asylums simultaneously took on the British for pretending their asylums were always superior and for not endeavoring to bring Indian asylums to the same standard. Patch referred to this man without any apparent self-awareness of how his investigation might also have highlighted the inconsistencies in Patch's own position.

Overbeck-Wright described another case in which a patient was institutionalized for overt political reasons. One man with apparent delusions of grandeur was brought in because it was reported secondhand that he had said "'the British Raj is no longer paramount in India'" (Overbeck-Wright 307). The authorities construed such a statement as abnormal simply because it undercut British power. While the man's exact words remained filtered through two levels of reporting, his decision to speak out, for whatever reason, marked his agency.

Another example of a patient exhibiting agency, though unrelated to politics, was the case of a man who simply would not talk. As Overbeck-Wright described, "He absolutely refused to speak, and has never yet done so since admission (some three months)…on several occasions when being asked kindly about his condition has suddenly sprung up without any warning and attempted to run out to the main gate" (236). This man responded boldly by not responding at all. These examples of agency should not necessarily be constructed as active resistance or generalized, since they all are reported second- or even third-hand. In addition, these patients had to struggle against a system in which the British Medical Journal back in the metropolis coolly noted the deaths of those in asylums thousands of miles away: "the total number of deaths was only 73, as compared with 87 in 1884" (438). However, these anecdotes nevertheless revealed that Indian patients in asylums were not victims passively imbibing colonial treatment.

Indian insane asylums under British rule were part and parcel of the colonial system, but in complicated and sometimes unexpected ways, as Indian patients asserted their agency and British administrators like Patch and Overbeck-Wright

espoused paternalism in all its contradictions. This paternalism justified patients' in-stitutionalization and their re-fashioning as productive citizens. It also lurked behind the institutionalization of politically problematic Europeans and Indians, and reified racial distinctions that viewed the Indian insane both as distasteful and as needing British care. The story of Indian asylums was thus much more than a tale of British ag-gressors and Indian victims.

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The Militarization of Everyday Life

Amanda Shadiack

The history and might of the American military is well-known throughout the world, but here at home, how do we Americans live with the consequences of being at war? Perhaps in the present day, the toil and squalor of war is no longer felt in every corner of society, but that does not mean everyone has been shielded from it. Indeed, beyond simply engorging itself on material resources, the military has also invaded our common culture and psyche.

*In her essay, **Amanda Shadiack (DC '14, Sociology)** explores the deep cultural stakes the military-industrial complex has planted in our society. Through multiple examples, she further highlights the popular formation of American identity and how things seemingly as benign as the Boy Scouts are in fact deeply entangled with the military. Using this lens, a rather imposing interpretation of society is formulated, but it is a crucial and necessary contribution to improving our awareness and engagement with both ourselves and others. Written in WGSS 236: Masculinity & Militirization.*

What we think of as the American way of life has become part of "the American way of war," a quote taken from Eugene Jarecki's film "Why We Fight." According to authors Roberto González (*Militarizing Culture: Essays on the Warfare State*), Cristina Jarvis (*The American Body at War: American Masculinity during World War II*), and Nick Turse (*The Complex: How the Military Invades Our Everyday Lives*), the process of militarization has intensified since the end of World War II, despite President Dwight Eisenhower's warnings. Today, each American life, whether aware of it or not, is deeply touched and affected by the military, even in its seemingly most innocuous and "natural" acts. The militarization of everyday life is now evident not only in our consumption habits or our actions, but also in our identities, and is presented as natural.

In his 1961 Farewell Address, the outgoing President Eisenhower warned Americans against the temptation to see every war as the war to end all wars, pushed for diplomatic solutions over "the agony of the battlefield," and, in the defining theme of the speech, highlighted the growing influence of the military-industrial-academic complex. The concerned President counseled citizens to remain ever vigilant against a new but universal effect that could (and did) have long-term consequences for the very structure of society. Even Eisenhower, though, did not fully condemn this militarization – the restructuring of American socioeconomic life to always be prepared for modern warfare – stating that he hoped that it would act as a deterrent to prevent other nations from beginning wars with the United States (Eisenhower 3, lines 7-9). This presents a dilemma for the citizenry: if the only way to prevent war is to prepare for war, how can we justify limiting the complex? To answer this question, we must first examine how pervasive the complex is into the daily life of 2012 and the institutions that structure it. As Jarvis provides historical background for the constructions of gender roles and patriotic masculinity, Gonzalez and Turse delve into the impact of the complex on every part of life for the modern American.

In *Militarizing Culture*, Roberto Gonzalez examines how toys, pop culture, books, and even food, especially those marketed towards children, help to normalize the infiltration of the military-industrial complex and the ideas of gender and bodies it holds superior into all human connections (Gonzalez 15). From even before their birth, in fact, many Americans come into contact with the consequences of 20th century military developments. Inspired by the sonar systems used in World War I, ultrasound technologies have become a staple of prenatal care to check on the health of the child. As they become toddlers, many will expand their imaginations and cognitive abilities by playing with toys that have been ascribed to certain genders. Girls play with dolls and tend the home, acting out scenarios involving traditional families

and preparing them for roles as homemakers; in contrast, boys build toy fighter jets and battle the enemies of America with their GI Joe action figures that feature the tagline "A Real American Hero," enforcing the idea that for someone to be a veritable "hero," he must be a soldier fighting for country and cause, protecting the women at home and the family, the "fountainhead of national spirit." (Mosse, *Nationalism and Sexuality*, 20, quoting Friedrich Jahn)

While some do realize that these factors in the lives of young people can help shape their identities, many are not aware of the importance of developing and normalizing these identities is to the military. In public schools, activities like mandatory physical fitness testing (as outlined by Jarvis in "Classified Bodies"), opportunities to join the Boy Scouts or Girl Scouts, and the daily recitation of the Pledge of Allegiance help craft the appropriate identity: a physically controlled body, a "proper" idea of gender roles and skills they deem appropriate (Girl Scouts can receive badges for applying make-up, while their male counterparts are rewarded for learning to tie different types of knots), and a memorized and internalized mantra of the meaning behind the American flag. With the exception of scouting, which is a privately organized activity sometimes run through schools, these experiences can cut across race and class lines due to their near-universality in public schools.

However, these are not experiences that are outgrown; they are only reinforced with age. A male high school student may be encouraged to play football to "counter the 'feminizing effect of the American educational system'" (Jarvis 67) and keep his physical body well-disciplined and ready to act in the service of the state, while a female high school student might be pushed towards a home economics class to teach her the necessary skills of homemaking, so that she can hold down the home front and raise her children to be "good citizens." High school students of both genders may especially be lured into the military for a variety of reasons: perhaps the career options appeal to them, or a relative was a veteran, or the promise of funding for four years of higher education is too good to pass up, which is especially true for children of low-income families, considering the extremely high cost of college today.

As for college, Turse recounts the role of the military in providing contracts to universities for research ("The Military-Academic Complex"), and Gonzalez details a number of scholarships and contracts into which students can enter with the United States government, some of which actually bind students to work for the state or the military in return for tuition payments or loans (Gonzalez 40). Many of these programs specifically target minority students that "look like [the American military's] targets" (Gonzalez 36) for work in intelligence agencies. Additionally, the military has promoted and cooperated with the development of departments in many

universities (which are primarily African-American or Latino colleges) that train students to do intelligence work in the future (Gonzalez 36). This is especially attractive because it presents minority students with a field of employment in which they are not discriminated against in the hiring process because they are actually wanted for being a marked, non-white category. This process is, however, inherently racist in that it makes minority people (and oftentimes, women [Gonzalez 36]) into disposable assets for the gathering of intelligence at the discretion of their bosses, who continue to be white, male, Ivy League graduates.

This process does not stop when a student transitions to the workforce. Even for those who do not work directly for the military, many are employed by companies contracted by the Department of Defense. Even more will use or consume products in their daily lives that come from these companies, many of which are some of the biggest corporate names in America, from Campbell Soup to AT&T to Apple (Turse 7, 73, 64). The vast majority of individuals, regardless of gender, race, or class (with the exclusion of the very poor and homeless), also buy into Turse's military-petroleum complex (40), considering that Americans have limited access to renewable energy sources that can heat their homes or power their cars.

Evidently, the military-industrial complex is deeply engrained in American society and it has ramifications for our culture at large, but does that mean it is inescapable? Are there parts of modern American life that have not been touched or shaped by the military? Can its influence be subverted and can we recreate a nation-state that is not entirely militarized? Perhaps the first step is to think deeply and critically in what role we wish for armed forces to play in our identities, our lives, and our world.

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The International Criminal Tribunal for Rwanda: A Case Study on the Purpose of International Criminal Courts

Talya Lockman-Fine

Law in its creation, judgment, and enforcement, is one of the fundamental institutions that make the backbone of society. It is supposed to represent and uphold our values, primarily that of an objective justice, but we must remember that laws are created by man, sometimes for reasons beyond justice. This is especially noticeable when we as a world are moving closer and closer together. The role of international bodies and their subsequent courts may seem distant in a country with a long judicial tradition such as America, but they have become dominant institutions in developing and conflicted countries.

*In a detailed case study, **Talya Lockman-Fine (PC '15)** reveals the motivations and ideology behind the creation of the International Criminal Court (ICC) and the International Criminal Tribunal for Rwanda (ICTR). In the wake of the Rwandan genocide, she presents how Rwanda's history has been influenced by the ICTR, which played an integral role in re-uniting the nation as well as expressing the remorse of the global community. But at the same time, in evaluating the success of the Tribunal, there are critics and defenders, leaving us with an insightful account of international justice and implications for its future. Written in SOCY 141: Sociology of Crime & Deviance.*

Recent decades have witnessed the emergence of a "new vocabulary" around human rights and the increasing codification of the safeguards on these rights in the form of international humanitarian law (Savelsberg & King, xxiii). Hand in hand with the development of international law and new focus on transitional justice has come the creation of new international institutions. These institutions include the International Criminal Court (ICC), established in 1998 to serve as the world's first permanent court dedicated to the prosecution of individuals for violations of international law, and the International Criminal Tribunal for Rwanda (ICTR), established in 1994 to prosecute those responsible for the Rwandan genocide. These courts, along with other similar institutions, raise questions of why these institutions are established, what they are expected to achieve, what the results of their efforts are, and what implications these actions have for broader understandings of criminal justice, international relations, and other relevant disciplines.

In an article on the deterrent purpose of the ICC, Robert Mennecke highlights the need for greater clarity of these questions, arguing that the growth of new institutions was "characterized by an overwhelming focus on questions of institution building and the challenges of applying the dormant definitions of war crimes, crimes against humanity, and genocide in court," while "little attention…focused on what the objectives underlying these unprecedented efforts were or should be" (321). In this context, this paper aims to present an overview of the ideology surrounding the existence and operation of international criminal courts through a case study on the ICTR. I argue that while the ICTR first and foremost serves a penological purpose, the tribunal was also seen as aiding in the process of national reconciliation, as serving as an expression of the remorse of the international community, and as remedying the failings of Rwanda's domestic court system.

Historical Background

The Rwandan genocide was the result of antagonism between two ethnic groups, the Tutsis, constituting a minority of the Rwandan population, and the Hutus, the majority. Though there was minimal differentiation between the Hutus and the Tutsis before the colonial period, the policies of colonial rule resulted in the Tutsis "gaining greater economic and social status over the Hutu," "despite their minority status" (Alvarez 388). In 1990, a group of Tutsi refugees called the Rwandan Patriotic Front (RPF) invaded Rwanda, setting off a three-year civil war. Though the 1993 Arusha Accords gave reason to hope for a peaceful end to the conflict, the assassination of then Rwandan president Juvénal Habyarimana in 1994 set off a wave of violence, with the period

from April to July of 1994 witnessing the deaths of between 500,000 and 800,00 Tutsis at the hands of Hutu military groups and Hutu civilians (Alvarez 391).

The ICTR was established by United Nations Security Council (UNSC) Resolution 955 (passed December 18, 1994) and was granted "jurisdiction over crimes of genocide, other crimes against humanity, and actions in violation of Article III of the 1949 Geneva Convention" (Ball 174). Consisting of chambers, a prosecutor's office, and a registry, procedure entailed the Tribunal's prosecutor "investigating charges and drawing up indictments that were presented to the chambers for approval by a judge" (Ball 174). Verdicts were made by the majority of the three-judge panel, and penalties, in contrast to those imposed in domestic courts, were "limited to imprisonment" (Ball 174).

The ICTR's Penological Role

Due simply to the fact that it is a tribunal, the ICTR's primary role is a penological one. In this context, the ICTR, and by extension international criminal tribunals in general, should be seen as executioners of international law. In an interview in April of 1998, ICTR Judge Lennart Aspergen characterized the following as the sole role of the ICTR: "The entire staff is there solely to assist the judges in the trials and not with the judgments. And not for any other reason. Not for peace. Not so that Hutus and Tutsis get along. Not for any of that; it is a tribunal" (Cruvellier 168). Within the broad characterization of the ICTR as executing international law, tribunals serve a number of specific purposes related to criminal justice: they hold perpetrators of violence accountable for their actions, they send a message of general deterrence, and they lead to the creation of new international criminal and humanitarian law and the strengthening of existing law.

Holding Perpetrators Accountable

Highlighting the ICTR's role in holding perpetrators accountable for their actions, the preambulatory clauses of UNSC Resolution 955 emphasize the ICTR's job of taking "effective measures to bring to justice the persons who are responsible" (Security Council Resolution 955). In this vein, the ICTR, and international criminal tribunals more generally, wield tremendous communicative power, sending the message that "heads of states and government policy are not immune and cannot avoid responsibility for their conduct…there will be no more genocide and crimes against humanity without punishment" (Mafwenga 16). Tied to immunity is the idea that placing

blame on specific individuals is significant in and of itself. Speaking to the need for an international criminal tribunal in Rwanda, Jurist Antonio Cassese articulated: "trials establish individual responsibility over collective assignation of guilt, i.e. they establish that not all Germans were responsible for the Holocaust...nor all...Hutus" (Stover & Weinstein 3).

The ICTR as a Deterrent

International criminal tribunals are also seen as deterring further violations of international humanitarian law. In one of the ICTR's most famous cases, the 1998 case prosecuting Former Prime Minister of Rwanda Jean Kambanda *Prosecutor v. Jean Kambanda*, the tribunal framed deterrence as among the main aims of punishment: "It is clear that the penalties imposed on accused persons found guilty by the Tribunal must be directed, on the one hand, at retribution, and, over and above that, on the other hand, at deterrence" (Mennecke 321). More specifically, many hoped that the ICTR would deter the continued attacks on Tutsis by Hutu guerilla groups in the aftermath of the genocide.

In this context, it is important to note that the International Criminal Tribunal for the former Yugoslavia (ICTY) similarly emphasized the role of international tribunals as deterrents. Established in 1993, with the final indictments announced in 2004, the ICTY was formed in order "to punish the perpetrators of atrocities that were still being committed, in the belief that prosecution and punishment would halt violations of international humanitarian law" (Mafwenga 11). Like in *Prosecutor v. Kambanda*, the judgment in the ICTY case against Dražen Erdemović, who was sentenced for his participation in the 1995 Srebenica massacre (*Prosecutor v. Erdemovic*, November 29, 1996), emphasized the role of the ICTY as a "powerful means to deter the parties to the conflict in the Former Yugoslavia from perpetrating further crimes" (Mennecke 332).

Finally, criminal tribunals have the potential to advance existing international criminal and humanitarian law. Speaking of this role of international criminal tribunals, one scholar commented that "international law scholars, prosecutors, and judges within these tribunals…see these new tribunals…as significant steps towards effective international law enforcement" (Alvarez 372). Furthermore, "international tribunals may be vital to achieve the goals commonly articulated to support criminal accountability, including the affirmation of the rule of law" (Alvarez 369).

To return to a discussion of the ICTR, the case *Prosecutor v. Jean Paul Akayesu* showcases the role international tribunals play in terms of criminal justice. In 1996, Akayesu, who served as *bourgmestre* of the Taba commune in Rwanda from 1993 to 1994, was charged by ICTR prosecutor Richard Goldstone with "twelve counts of genocide, crimes against humanity, and violations of the 1949 Geneva Conventions" (Ball 178). Akayesu pleaded not guilty to all counts of the indictment, with the defense insisting that he was "outnumbered and overpowered" and therefore "helpless" to "prevent" the atrocities (United Nations 16). The prosecution, however, provided ample evidence of Akayesu's "exclusive control over the communal police" – *bourgmestre*s enjoyed substantial "de facto authority in the area" – and the tribunal ultimately found Akayesu "individually responsible for the crimes alleged in this indictment." "Although he had the authority and responsibility to do so," the judges articulated, "Jean Paul Akayesu never attempted to prevent the killing of Tutsis in the commune in any way or called for assistance from regional or national authorities to quell the violence" (United Nations).

To begin with, the fact that Akayesu was prosecuted at all demonstrates the vulnerability of even high-ranking officials: in finding Akayesu "individually responsible for his actions and for his failure to act," the tribunal sent a powerful message about the lack of immunity of all government officials (Ball 181). The ruling in the Akayesu case also emphasized the role of the international criminal tribunals as deterrents: the judgment argued that finding Akayesu guilty would have the effect of "dissuading for good those who will be tempted in the future to perpetrate such atrocities by showing them that the international community was no longer ready to tolerate serious violations of international humanitarian law and human rights" (United Nations). In even stronger terms, the prosecution pronounced that the Tribunal had "a duty to tell the world that this should never happen again" (Ball 180). Finally, the Akayesu trial speaks to the contribution of international criminal tribunals to international criminal law: remedying what had previously been shortcomings of international humanitarian law, the judgment in *Prosecutor v. Akayesu* provided a definition of genocide and established rape as an international crime (Mose 91).

The ICTR's Broader Ideology

However, to see the ICTR solely through the lens of criminal justice would be to ignore much of the ideology behind the Tribunal's existence as well as its broader

societal significance. To begin with, the ICTR's existence and operation were tied to the goal of reconciliation in Rwanda, with the Tribunal seen as uniquely contributing to the reconciliation process. The preamble to UNSC Resolution 955, alongside highlighting the role of the ICTR in terms of criminal justice, characterizes the ICTR as intended to contribute to national peace and security: "Convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law…would contribute to the process of national reconciliation and to the restoration and maintenance of peace" (Security Council Resolution 955). Along similar lines, one scholar characterized reconciliation as the reason for the tribunal's creation: "[The] ICTR was established at the end of a bitter year of genocide in the conviction that this would contribute to the process of reconciliation among the people of the country" (Mafwenga 11). Tied to reconciliation, "healing" in Rwanda was also seen as contingent on the Tribunal's efforts: "Reconciliation and healing through the judicial process in Rwanda very much depends on the success of the ICTR in delivering speedy justice to the Rwandan community" (Mafwenga 12). Finally, the ICTR was seen as furthering reconciliation indirectly, by generating needed information about the atrocities: in prosecuting individuals responsible for genocide and crimes against humanity, international criminal tribunals enable "the establishment of the 'truth about wartime atrocities,'" (Savelsberg 7) and contribute to "establishing a historical memory of what happened," thus advancing the process of "peace and reconciliation" (Cruvellier 168).

The International Community's Guilt

Alongside the ICTR's role in the national reconciliation process, the formation of the ICTR should also be seen as the product of a pervasive sentiment of remorse in the international community. The international community failed to intervene in the Rwandan genocide: after the death of ten peacekeepers in April 1994, the UN withdrew its troops from Rwanda; subsequent agreements to send new troops were "delayed over debates on who would pay for the expense;" and both the United States and the European Union furthermore failed to take action (Alvarez 390). Thus, at the end of the genocide, the Rwandan Patriotic Front (RPF) emerged as the "one military and political victor," with the UN, Belgium, France, and the U.S. all "completely discredited" for their failure to take action. Put even more dramatically, "the international community emerged covered in shame due to its refusal to intervene and stop the extermination of Tutsis, a failure that produced a rare and obsessive feeling of guilt" (Cruvellier 165-166).

This "guilt," then, prompted the international community to take action, leading to the formation of the ICTR. Scholar Dominic McGoldrick suggests that the "establishment of the ICTR was partly due to embarrassment at the failure of the international community to intervene to stop the atrocities" (McGoldrick 36). Similarly, Thierry Cruvellier frames the ICTR as a "court of remorse," "created by powers that failed, on the moral level if nothing else" (Cruvellier 167). In other words, the ICTR represented the international community's attempt to "make-up" for its mistakes. These powers "had to render a justice in their image," and the ICTR, "in trial after trial, rendered an unexpected form of justice to a community of nations seeking to regain its lost honor – justice out of remorse" (Cruvellier 8).

The role of the sentiment of the international community in propelling the creation of the ICTR is further reflected in the international community's instrumental role in the Tribunal's formation. Though it was the Rwandan government that initially called for the creation of an international criminal tribunal in Rwanda – hoping "to secure universal condemnation of the 1994 genocide, to buttress the political legitimacy of its regime, and to obtain the assistance of international authorities with respect to the arrests of suspects and the gathering of evidence" (Alvarez 463) – the majority of UN Security Council Resolution 955 was drafted by the United States (which felt particularly guilty for having failed to label the violence as genocide) and New Zealand. In fact, Rwanda ultimately constituted the sole vote against the resolution in the UN Security Council (McGoldrick 39), criticizing its timeframe for being too short, limited staffing, lack of the death penalty as punishment, and underdeveloped strategy in terms of determining which cases would be tried by the ICTR as opposed to domestic courts (Ball 171). Even after the tribunal's founding, the U.S. continued to play an active role. On a trip to Arusha in 1997, then first lady Hilary Clinton emphasized the ongoing involvement of the United States with the ICTR:

> President Clinton and Secretary of State Albright are firmly committed to the Tribunal's goals and to these critically important reform efforts. The United States is the Tribunal's largest contributor. Our financial support totals more than $12 million. We have provided computers and other necessities. Ten Americans currently serve in the Office of the Prosecutor" (Clinton).

Upholding Justice

Finally, the ICTR served another "non-penological" purpose in that it was seen as upholding values of impartiality and procedural justice, in contrast to Rwanda's domestic trials. Rwanda's domestic policy for prosecuting criminals was based on the Organic Law on the Organizations of Prosecutions for Offenses Constituting the Crime of

Genocide or Crimes against Humanity Committed since October 1, 1990, passed in September of 1996 (Ball 184). Among other provisions, the law "created a plea bargaining arrangement" Though previously unheard of in Rwanda, plea-bargaining was seen as "the only strategy that could be used to reduce the number of trials in a stressed-out judiciary" (Ball 185). Alongside plea-bargaining came the development of a system of "*Gacaca* justice," in which a number of special so-called *Gacaca* courts were given definitive timelines "to determine the fate of approximately 100,000 accused in prison" (Cruvellier 170). These courts were plagued by accusations of violations of human rights, with numerous international human rights organizations criticizing their use of the death penalty and lamenting the lack of procedural justice, evidenced by the fact that "defendants did not have adequate counsel" and were often convicted with "no certainly of guilt" (Ball 185). A 1997 report by Amnesty International cited the insufficient length of trials, the failure to summon witnesses, and the short timeline for appeal, among other shortcomings, in terms of these courts' lack of respect for human rights and procedural justice.

The ICTR was thus seen in contrast to Rwanda's domestic mechanisms for trying the individuals who perpetrated the Rwandan genocide. To begin with, purely by virtue of being an international tribunal, the ICTR was seen as "free from the constraints of national policies and prejudices" (Magwenga 15). The fact that the ICTR is located not in Rwanda but in Arusha, Tanzania strengthens the image of the its impartiality (while perhaps also problematically distancing it from those it affects) and also bolsters its symbolic power in terms of the reconciliation process, as Arusha was the site of the 1993 peace agreement between Hutus and Tutsis (Cruvellier 7). Unlike domestic courts, the ICTR could be seen "as doing justice to both parties" (Mafwenga 15), "avoiding the appearance of 'victors' justice' by the new Tutsi-led Rwandan government" (Ball 171), and instead giving the "appearance of justice and fairness, in particular complete impartiality and objectivity" (Mose 79) (though the ICTR has also been accused of practicing victor's justice). Finally, in restricting punishment to imprisonment, the ICTR satisfied human rights activists, as well as the United States and the European Union, both of which had voiced strong criticisms of Rwanda's handling of genocide trials (Ball 185).

Evaluating the ICT

Ultimately, then, the ideology behind the ICTR should be seen as broader than falling within the confines of criminal justice ideology. However, the ideologies that influence the formation of an international criminal tribunal can have little to do with the

extent to which these ideologies are carried out, prompting the need for an evaluation of the ICTR, which declared an official end to its work in December of 2008 (though a last round of trials began in 2009 and though some of the individuals who have been indicted have entirely evaded capture) (Mose 96).

Unfortunately, such an evaluation is exceedingly difficult, due primarily to a lack of empirical evidence on the success of international courts in fulfilling their stated objectives:

> Many other astute writers and political leaders have extolled the virtues of criminal trials but seldom are such assertions grounded in empirical data. Indeed, a primary weakness of writings on justice in the aftermath of war and political violence is the paucity of objective evidence to substantiate claims about how well criminal trials or other accountability mechanisms achieve the goals ascribed to them (Stover 4).

This leaves room for strikingly contrasting analyses. On one hand, proponents of the ICTR have highlighted the tribunal's success across a number of areas: "Among its main achievements are the arrest and prosecution of over 70 persons…the creation of important judicial precedents, the building up of experience, the contribution to reconciliation and the establishment of a historical record of the genocide" (Mose 99). Others have specifically emphasized ICTR's role in the reconciliation process, arguing that it sent the powerful message that the "world recognizes the pain and trauma" of the families of victims and played a crucial role in "restoring a moral order" that had "broken down" (Mafwenga 17). More generally, an empirical study executed by political scientist Kathryn Sikkink found that "legal intervention is most commonly associated with improved human rights and democracy records," data "in support of criminal trials against perpetrators of humanitarian and human rights crimes" (Savelsberg 6).

The ICTR, however, has certainly not been immune to criticism. Among a slew of problems, the ICTR has been plagued by difficulties both in terms of financing and personnel, with its "poor funding and a perennial lack of staff" meaning "it took the ICTR over two years before the first indictments received from the prosecutor were approved by the judges" (Ball 176). Others have undermined the view of its success in the reconciliation process. In a statement in 2002, G Gahima, the Procurer-General of Rwanda, argued that the "budget of ICTR would be better spent on wider efforts towards national reconciliation, good governance and national justice" (McGoldrick). Cruvellier argued that the tribunal failed both its reconciliation and deterrence purposes: "The tribunal in no way brought peace to the Great Lakes region in Africa. It also lacked the credibility to make various armed groups curb their

systematic violence against civilian populations" (172). Adding to the criticisms of the implementation of the aforementioned ideologies, Scholar José P. Alvarez argues that it "is arguably not even clear today whether the resulting tribunal enjoys the needed 'culture of respect' for fairness and impartiality" (Alvarez 460).

Finally, addressing the role of international criminal courts more broadly, Judge Kama undermines their power to effect real change: "The illusion is that conviction will bring instant reconciliation. In all societies of the world, people expect too much from justice" (Cruvellier 173).

IMPLICATIONS FOR THE ICC

Ultimately, in addressing only a small set of variables, this analysis simplifies the ideology behind the ICTR's formation, and more work needs to be done in order to fully evaluate to what extent the Tribunal has met its professed goals. That said, an understanding, albeit a limited one, of the various ideologies surrounding the ICTR has profound implications, most notably for the present-day ICC.

To begin with, the ICC was in many ways the outgrowth of the ICTR and the ICTY, with its creation prompted by calls for a more permanent international criminal justice system. Because of this, the ICC reflects a number of similar aspects of criminal law, though the principles seen in Rwanda have been further defined and solidified in the case of the ICC. For example, like the ICTR, ICC cases send the message that even high-ranking government officials are accountable for their actions:

> [This statute] shall apply equally to all persons without distinction based on official capacity. In particular official capacity as Head of State or Government, a member of Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statue, nor shall it, in and of itself, constitute a ground for reduction of sentence…Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the court from exercising its jurisdiction over such a person" (Simbeye 1).

The ICC also is seen as serving as a deterrent: the Office of the Legal Affairs at the United Nations, the UN body ultimately responsible for the codification of the Rome Statue, characterized "effective deterrence" as a "primary objective of those working to establish the international criminal court" (Mennecke). And, like the ICTR, ICC cases continually play a role in strengthening international criminal law.

The lessons from the ICTR are that one must also see the ICC's role more broadly, with a range of "non-penological" ideologies likely play in the ICC's day-to-

day operations. This analysis is not to suggest that international criminal law should be structured to facilitate these "non-penological purposes," nor is it to suggest that it should be structured to minimize them, but rather that these factors are inevitable and have both theoretical applications, raising questions for further study, and practical ones, in terms of determining who will be prosecuted and in what matter. In this way, an understanding that broader forces influence the international criminal justice system, and that the international criminal justice system, in turn, influences a broader spectrum of society than criminal justice, enables us to answer positive questions, about what is happening now, and normative questions, about what the future of international criminal law should be.

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Event Analysis:
Sexual Pleasure 101 with Oh Megan!

Anonymous

Sex Week at Yale received an incredible amount of attention this year from several spectacles, including challenges from the administration and the concurrently-run "True Love Week" which aimed to offer an alternative perspective on sex, love, and intimacy, concepts that Sex Week also tackles. With massive publicity, well-attended and provocative events, and the entire campus abuzz, it is certainly an institution for many of Yale's undergraduates.

In this stream-of-consciousness-like paper, an anonymous Yale undergraduate attends a Sex Week event entitled "Sexual Pleasure 101 with Oh Megan!" and observes and records the action as it goes on around her. In the midst of sex toys, graphic Powerpoint slides, and thrusting demonstrations, the author analyzes the demographics of the audience and gender dynamics and speculates on the wider social message the presenter is trying to communicate. Though she faithfully reports on her surroundings from an anthropological participant-observer standpoint, her unique voice shines through in personal, parenthetical observations that reflect her inner monologue during the presentation. Written in ANTH 303: Field Methods: Cultural Antrhopology.

The last time I had been in Sudler Hall was in the early afternoon, when I sat through an hour and fifteen minutes of Intermediate Microeconomics. Now, on the evening of the day before Valentine's Day, I walk towards the auditorium again, this time greeted by two female students at the double doors. They smile and one of them hands me a business card of the presenter, Megan Andelloux, a sticker that says "I HAD SEX… education" from ohmegan.com with "sex" in giant, red letters, and education in much smaller, more rigid, blue letters directly underneath. The second girl passes me a neon green index card. I see that she is holding a stack containing neon green, orange, and pink cards and silently wish that it wouldn't be a tool for audience participation where everyone holding a green card has to do one thing while orange index card holders do something else.

  As I walk in with my friends at 6:53pm and take a seat near the back of the front section, I count twenty-one people already scattered among the rows in the dimly lit auditorium. Residues from a day of classes in Sudler Hall remained on the chalkboard through phrases such as "Vikings! No laptops! No smartphones!" and "lump sum tax." In between the boards, the projection screen is pulled down and the mantel beneath it is lined with sex toys such as red and blue dildos and little bottles. Next to the projection screen stand two small rolling suitcases. My friend Regina comes to sit next to me and greets the guy in front us, expressing her surprise at seeing him at this event. (This is definitely the type of event you judge people for attending.)

  Before she starts, Megan says that "We're all about intimacy at Sex Week. Would everyone mind scooching forward? You'll be closer to the sex toys this way." She has a head of messy red hair that's splayed across her shoulders. She's wearing bright red lipstick, which contrasts with her black glasses. (She looks a little like Tina Fey, actually.) Wielding a Powerpoint remote in hand and dressed in a white blouse that was tucked into her light grey pencil skirt, she leans on the speaking podium against the background of the first slide "Fornication 101," and resembles a professor. On the screen, one of the images above the title of the presentation was a cartoon depiction of a male and a female with 1920s crimped hair. The caption above the male says "I love cuddling and kisses," while that above the woman says "REALLY? I like blowjobs and anal." (I sense this to be sex education but with a feminist emphasis and advocacy for reversing typical gender roles.)

  After a director of Sex Week introduces her as a certified sexologist and the director of the Center for Sexual Pleasure and Health, Megan begins her "infamous Fornication 101" lecture by giving us her background, including her jobs doing youth sex education where she was limited in the words she was allowed to use and other jobs such as being a "first response vagina," which entails her being a test subject

for medical students or nurses and giving feedback on how to properly treat female sex organs. "I teach them skills like 'Your thumb is on my clitoris and that is super creepy,'" she says in a snarky tone, demonstrating her level of comfort with her role. There's a brief silence before a laugh breaks out in the crowd.

In the "rules of the game" slide, she reminds people to turn off their phones. "Put it on vibrate and stick it in between your legs so you get a little jiggle out of it," she adds. She says that she uses the word "partner" a lot to not make assumptions about people's choices in partners and phrases such as clitoris owners instead of females. She considers the words "female" and "males" to be sociological terms (confirming my suspicion that there are social messages about sexual openness in this presentation).

She then asks the audience to write questions on the neon index cards or write "I don't have questions," three times so that everyone is writing and no one is busy judging others for having questions. There's a murmur in the audience and some people reach down into their bags in search of a writing utensil. When Megan asks the Sex Week volunteers to collect the index cards, they stand up from their seats in the front row. The rest of the rows were filled with mostly undergrad students across different classes, races with a relatively even distribution across genders (some more girls, if anything). (I'm trying to think about other ways that there might be a social hierarchy among the audience but the only thing I can think of are distinctions in people's purpose for attending the event and their level of expertise with sex. The latter is easier to judge through people's reactions to questions but still ambiguous.) Now that a large stream of people has flowed in as Megan started, the auditorium is about 60% full (I even see two other people from our class). As I look to the front, several people have their laptops open, two are on Facebook (of course). Next to me, my friend Regina is working on her financial theory problem set while still wearing her backpack on her back. There's also a woman in front of me who is straining her head to look all around the auditorium and typing rapidly on her MacBook without even looking at her keyboard. (I wonder if she's doing the same thing I am.)

After defining fornication to be sex before marriage, Megan shows a slide with a flow chart of the sequence for "Goal-focused sex." From kissing to male orgasm, each step is accompanied by an illustration that includes combinations of man with woman, two females, and a threesome. (I note the variety of groupings.) The last male orgasm picture depicts multicolored toy versions of the male sex organs arranged in a circle with a pool of white liquid in the middle to convey the message that the societal norms surrounding sex limits us and doesn't allow for any other kind of orgasm except for male. Megan also discussed statistics such as the U.S being the

country with the second lowest sex rate followed by China. I noticed that almost all of her slides that have data are cited with sources. (Taking sex seriously.)

The next slide is "What Makes For Good Sex?" and uses the metaphor of the board game Candyland. Instead of starting with kissing, it starts off with toys and there's snack time, she adds. Someone in the row in front of me snaps as if in a poetry cafe. "Even though I'm fucking…" says Megan, and I note the evenness of her tone and the fluidity of her speech. (As she goes through the boxes on the board game and associated sex act, I think about how much of my feelings and instantaneous reactions should be incorporated into this ethnography.) I look around the audience and catch sight of a balding, middle aged man with glasses approach the door. He stands at the open set of double doors with one hand on the doorframe as he looks in. He lingers a few seconds before turning away.

On top of her slides, Megan also demonstrates sex toys such as balls for kegel exercises. She asks the audience who knows what they are and why kegel exercises were important. The majority of the audience raises their hands and some contribute answers such as orgasm. "For vagina owners, these are fantastic," Megan says, sounding like a sales lady. She proceeds to explain that there are balls rumbling within this sex toy that resembles two balls (like the male sex organs) with a string like the tail of a tampon for removal. She says that they will create a party in your pants that no one can hear and adds that they are great over speed bumps. However, she also warns for people to be weary when they are sold in the anal section of a sex toy shop because the material may be hazardous. (That's actually a really important point.)

Getting to social issues surrounding sex in America, Megan cites communication as problem and provides a solution to help people communicate without using words. She asks for a volunteer and a hand in the third row shoots up instantly. The skinny male wearing a New York cap over his afro of dirty blond curls walks up to the stage. (Let's call him Julian.) She instructs him to kneel behind the stage with her.

"So I'm writing a story about Sex Week for New York Times" says the lady in front of me who has yet to stop typing. She talks to the male undergrad sitting next to her and asks to get his general impression. He was reluctant to respond at first, but agreed in the end.

While Julian is still kneeling behind the podium, Megan brings out a Ziploc baggie of paper stripes with provocative statements written on them. "Can I have volunteers?" One of the male undergrads in the row in front of me raises his hand excitedly but the Sex Week volunteers stand up to claim the job. He instantly puts his hand down, realizing that it was not actually an open invitation. As the volunteers distribute

the slips, Megan instructs the audience to leave them somewhere on campus for other people to find.

She asks Julian to come to center stage. She explains that in situations where people find difficulties with verbal communication, writing one's desire on his/her own body, in lipstick, is one alternative solution. Julian lifts his grey hoodie to reveal the sentence "Put a finger in my butt," scrawled across his stomach in sparkly red lip gloss. He takes a bow as the audience claps and is awarded a prize. (I wonder if she picked a male because lipstick writings are typically associated with girls.)

For the next section, Megan brings out a puppet vulva with satin inner lips and deep red velvet outer lips. (I wonder where she gets these things.) "That's Veronica," Megan says. The penis model that she had used to demonstrate another sex toy earlier was named Fred. Before she inserted the sex toy, she noted that it gave consent beforehand.

As the sex toys are getting passed around, the kegel exercise toy finds its way to me. I shake it around in my hand and indeed feel the little balls rolling around or rumbling in it. Just like the speculum that was came around earlier, the sex toy feels slightly warm from having passed through so many hands before mine.

After talking about ejaculation, Megan asks for another volunteer, "someone with pants on," and picks a girl who is sitting two seats away from Julian. The skinny girl, who I shall name Anna, walks to the stage. Megan asks if she would be okay with pictures taken of her in this activity. "…Um, sure?" she answers. But Megan emphasizes that even though she usually does not mind pictures on Facebook, this is an exception and she does not want to be tagged in any pictures from this activity. She then straps a sex toy penis onto Anna. At first, Anna stands poised with her hands on her hips. After she puts the sex belt on, she holds the plastic penis in one hand in such a way that looks as if she were riding a toy horse. "Woot! Anna!" There are cheers and claps from the audience. Turning Anna to face the chalkboard, Megan points out a pocket in the back of the sex toy belt for a condom and a butt plug. As Anna turns back around, one of her hands remains on the plastic penis while her other free hand never stops moving, first holding the plastic penis, then tracing her other arm around to the back of her neck and then lingering at her ear, betraying her nervousness. Megan announces that she's going to demonstrate putting a condom on a lover with one's mouth and asks Anna if she's okay with it.

As Anna consents, everyone claps and someone shouts "I love you, Anna!" Pulling out a black condom, Megan explains that color condoms have concrete benefits because they are fun and it's easy to tell when they break. She emphasizes that condoms, when properly worn, should look like sombreros and not wet caps.

After putting the condom in her mouth with the rim rolled around her lips, Megan kneels down in front of the girl, and asks for a final consent with a tilt of her head. She makes a kissing sound as she rolls the condom on in one quick and smooth motion.

Megan adds that semen comes at a rate of 35 miles per hour, which is faster than driving in a school zone. Anna fiddles with her ring on stage. Megan asks the audience to give "them" a round of applause (Them? Does she mean Anna and the sex toy?) Anna walks off the stage as soon as the strap is off, but Megan brings her back to present her with the prize of a sparkly, crystal butt plug or a vibrator. She thinks for a second and chooses the vibrator. (I make a mental note to myself to write this up in my room later as opposed to going to the library because of a strong fear that someone walking behind me will catch a glimpse of what I'm writing.)

As the plush neon green prostate gland, another toy, makes its away across the rows to a male undergrad, he excitedly turns to his friend and says "This is inside me!"

Moving on to sexual positions, Megan outlines four factors to consider when choosing the best position: energy level, penis size, flexibility, and height. She asks for three volunteers who "do not identify [themselves] as penis owners." Several girls thrust their arms into the air and Megan picks volunteers from various areas of the auditorium. There is a long-haired Asian girl in a brown cardigan, another brunette with short hair in a YPMB sweatshirt, and a tall blond who is rearranging her scarf. Megan instructs them to get into missionary position and pretend that they are having sex with the floor. They pause and get down as if they were doing push ups but stop and laugh as they look at each other to see if anyone has a better idea of how to do this. People clap as they thrust per Megan's instruction (it looks like a boot camp). (I wonder where the etymology of position names like "missionary" came from.) After a minute, Megan allows them to get up and asks them about how they feel to demonstrate that it's important to consider energy level. The blond extends her hand towards the girl in the YPMB shirt for a high five, but she didn't see it at first because she was turned away.

For the final part the presentation, Megan flips through questions from the audience. "What's the most pleasurable position for girls?" Megan reads and answers that even though most people think it's being on the bottom, it's actually being on top. She adds that it may be emotionally less pleasurable for girls because they are more self-conscious of their body images when they are on top. The second question is about finding a gynecologist that would not be awkward and Megan recommends nurses for sexual assault victims, especially because of their skills with pelvic exams. (Her answer makes sense to me, but I'm taken aback by how serious that was.)

Lastly, Megan asks for three things that people learned from the two-hour lecture. After a brief silence, someone says "Up to one once of alcohol increases your sex drive," which is followed by not using KY yeast and that color condoms are safer.

Participant Observation Ethnography- The Rosary at St. Mary's Catholic Church

Nikki Endsley

Written in a similar format as the previous paper, this participant observation ethnography takes a very different direction. Though intending to witness a Mass at a Catholic Church not her own, the author finds the pre-Mass atmosphere in St. Mary's Church ripe for examination as the congregation goes about reciting the Rosary.

***Nikki Endsley (MC '13, Religious Studies)** is a queen of description; she elegantly recounts the scene as she observes it, focusing greatly on the other worshippers as they engage in group prayer despite the fact that they have physically isolated themselves from one another. Though initially Endsley is surprised to see so many people so early before mass, by the end of the experience she has drawn new conclusions about the ceremony and ritual that surrounds her. Written in ANTH 303: Fields Methods: Cultural Anthropology.*

At 4:34pm Friday, February 3rd, I ascend the steep stone steps leading up to the doors of St. Mary's Church. As I enter the narthex, the radical change in light momentarily dazzles me, and my hands must grope blindly for the knob on the second set of doors leading into the main sanctuary. I step into the nave, surprised that there are people already in the pews. It is nearly 25 minutes before mass is set to begin and weekday masses are rarely well attended (and never attended early, or so I had presumed). My eyes feast upon the scene before me, my right hand running along the edge of the large door, an edge worn with years of the touch of the faithful, and guiding it to a silent close. The scent of aged wood and incense rises to greet me, filling my nostrils with a ferocity that causes me to sneeze. I scowl that my attempt at a stealthy entrance has failed. However, a quick glance around the cathedral-like interior reveals that no has reacted to the sneeze. Taking my first steps inside, I dip my right middle and index fingers into one of the familiar holy water founts (which resemble a tiny glass bowl cut in half and attached to the wall) located on either side of the doors. (It is customary when entering a Catholic church to bless oneself with the holy water by making the sign of the cross). I mindlessly cross myself and mumble "In the name of the Father, and of the Son, and of the Holy Spirit. Amen"-my fingers touch my forehead as I utter the word "Father," my chest as I say "Son," my left shoulder as I say "Holy," and my right shoulder as I pronounce "Spirit." The last word leaves my lips as I bring my hand to my mouth and lightly kiss it-"Amen." Muscle memory has worked its magic, and the whole affair is conducted with very little self-awareness.

  I concentrate on the monumental architecture around me as I proceed forward: the space for lay worshippers is divided into three regions, each demarcated by columns and encompassing a set of mahogany pews and a center aisle. (I've never been one with an eye for guessing carrying capacity, but I suppose that the place could very easily fit at least 300 people). Images of biblical scenes and Catholic saints line the turquoise and rose-colored walls of the church. Wall length stained glass panels line the northern and southern areas. Large lanterns, electronically lit, hang from the arches above. The lanterns guide my sight towards the ribbed vaults above (I never cease to be inspired when I look at these ceilings). Gold plaques, perhaps 2x5 inches each and engraved with the names of church benefactors, a year, and a seal, adorn the ends of the pews. As for the floors, they appear to be made of rosewood, their boards laid in intricate diamond patterns. On either side of the main altar lie two shrines with statues at their centers. One possesses a statue of Saint Joseph and the other a statue of Mary, the Mother of God. The statues are elevated and poinsettias surround their feet (Poinsettias in January? Surplus from Christmas I suppose). A cascade of candles on staggered racks adorn the area below the statue and flowers. Many of the candles

are lit, creating a warm glow amidst the darkness that encapsulates the front of the church.

The further I move down the center aisle, the louder the chorus of previously imperceptible voices becomes. It appears that the eight kneeling people are saying the Rosary together in preparation for mass, "the Second Mystery …Our Father, who art in heaven," a practice fairly common in Catholic communities. I recognize the prayers before I see the characteristic beads of the Rosary chaplet. I strategically choose a seat near the middle of the church, my pew bereft of human bodies beside my own. I strip my coat, extremely conscious of the loud crumbling it and my backpack make as they hit the wooden seat (I ponder whether it would be appropriate for me to use my computer to jot notes. It takes little reflection to persuade me that besides the fact that it would be entirely too awkward to stand and type during mass, to do so might also seem disrespectful and voyeuristic. I make this assumption based upon the church etiquette I've experienced in Catholic communities throughout my life. I'm not sure how I'd feel if someone came and "observed" me, typing furiously away on their computer while I was attempting to worship my God and enter into a state of peace). I condemn myself to the bane of illegible, handwritten notes.

A quick survey of the sacred space reveals that I was not the only one seeking solitary seating-no one is sitting together. The bodies are scattered across the center aisles of the church and the right and left areas near the altar, everyone with a pew to themselves (For such a communal act as group prayer, I find it curious that they would all choose, unconsciously or not, to remain physically distant from one another). All of the practitioners appear to be at least above the age of forty, or so the abundance of white hair and receding hairlines would tell me (is it safe to assume that it is mostly older men and woman that arrive early to mass?). Color is in short supply and most are donning black, or some variety of dark navy or grey, coats (I myself am dressed in black, and with reverence I admire the aesthetic contrast of the practitioners' dark clothing and the church's colorful décor). It seems that wool is the most popular coat material of choice, though a few of the men have opted for windbreakers. The gender distribution is fairly equal: 5 men and 4 women including myself. The ethnic/racial distribution is varied: several Caucasians, two Asian women, a black man, and a Latino man are present.

Approximately fifteen feet from me, across the center aisle, a man kneels. He will henceforth be referred to as Kenneth (for no other reason than I like the name, and 30 Rock). Kenneth is perhaps in his 70s, and his shoulders slump over the weight of his body as he prays. His cheeks are sunken, his wrinkles imperceptible in the dim light. Yet his silver hair betrays the age the lighting conceals. He wears beige pants,

which are peculiarly ironed (peculiarly ironed in that they are actually ironed. Ironing pants is a lost art), and a red/black striped button down (somewhat in the style of a lumberjack). His jacket, like the others around me, is still on, despite the fact that it is fairly warm inside the church. I watch him for a few moments: he shifts his weight on his knees and grimaces before returning to his former position-hands folded and pointed towards the heavens, rosary intertwined in his thin fingers, his knees directly below his body, his shoulders bent over the pew before him. His lips move, ever so subtly, but I cannot distinguish his voice from the chorus of others, "Holy Mary, Mother of God, pray for us sinners, now and at the hour of our death..." Kenneth rarely raises his eyes, in fact he doesn't do so once during the few minutes I watch him (he may have felt me watching him and simply didn't want to make awkward eye contact). Besides the occasional shift of the knees and the accompanying frown, Kenneth remains remarkably stoic.

I now seek the source of the voice leading the Rosary prayers (leading the Rosary entails proclaiming the Mysteries and saying the first half of each prayer, the second half of which the rest of the congregation joins in on). My eyes discover the leader kneeling in a middle left pew. It is a man dressed in a beige sweater, though his black coat subsumes the majority of his body. His voice isn't particularly loud or determined, but his calm (relaxed shoulders and arms) demeanor and closed eyes betray a deep familiarity and comfort with the Rosary prayers. In fact, none of the faithful reciting the Rosary seem to possess a prayer book and all must be reciting from memory (impressive considering the 60 or so prayers that this entails. This must be a ritual they partake in frequently).

The main doors squeak open, then slam shut, their reverberations followed by the sound of a peculiar footstep. I listen to the symphony of sound without turning, and soon enough a woman emerges limping on her right leg. She slides into a pew a few rows in front of me, verbally joining the chorus of voices reciting the Rosary before she even takes her seat. Her vocal tone rises and falls with her motions, and though she occasionally falters upon the words, she continues to recite as she removes her multicolored sweater layers. She is heavyset and appears to be in her 60s, her short gray hair thinning from behind. She unhooks her black fanny pack, her eyes scanning the crowd in the church, her voice becoming breathless, almost a whisper for a moment. Watching her entrance has reminded me that I am not saying the prayers, and I begin uttering them along with the congregation as I scribble furiously in my notebook (my notebook which I've been attempting to conceal in the hook of my arm). It's been years since I've said the Rosary, but it surprises me how quickly the prayers return, especially the ones I didn't even know I had committed to memory.

The woman who has just entered, hereafter known as "Sadie" (for no other reason than I recently watched an episode of Gilmore Girls), suddenly takes over the leading of the prayers. In a fluid motion, the former leader in beige ceases to lead the group and the Sadie's words dominate (the smooth transfer of power indicates that this must be a rehearsed practice). Sadie's voice is clear, and she enunciates the words with a confidence the man in beige seemed to lack, "Glory be to the Father, and to the Son, and to the Holy Spirit." I close my eyes for a moment, the sound of rosary beads turning in fingers echoes around me. A few seconds later, I return to my notes and turn the page, the sound of which causes Sadie to turn (I'm becoming increasingly more self conscious that my note-taking is bordering on insolence, though no one has really seemed to notice. That's probably due more to the enclosed nature of the pews than any action on my part). I squeeze myself further into the corner of my pew. I realize that I have stopped participating in the prayers, and despite the absence of a Rosary beads' aid, I attempt once again to join the recital as I write.

The sound of the doors opening and closing heralds the entrance of others filing into the church. I turn to gaze at the newcomers: most of them are in keeping with the existing company in terms of seating pattern -nearly everyone is sitting in the rows enclosing the center aisle, though the front right area has a few men scattered in the wings. All are seated alone in their own pews, excepting a few couples (not necessarily romantic couples, but groups of two people who entered together). I consider moving back so I can observe the others, but decide against it. The Rosary continues despite the presence of the new practitioners, who all sit in silence or silent prayer rather than joining in.

Once more, as if by choreography, Sadie has stopped leading the prayers and the man in beige has taken over again. This time his voice is noticeably lower, bordering upon a mumble (probably a result of the long and strenuous nature of this prayer ritual). A mumble or not, the other practitioners seem unfazed and continue to recite their parts, though their chorus is conspicuously less cohesive, "Holy Father Pope Benedict XVI pray for us..." A priest, slightly balding, rather tan, and conceivably in his 50s, emerges from an archway behind the altar. His white vestments trail him as he adjusts the microphone on the altar table, sets a book on a stand, and disappears behind the same arch. His motions are swift (habitual no doubt) and he never looks at the congregation forming in the church.

The Rosary finally concludes and the space is momentarily greeted by a ringing silence. A man behind me leaves, genuflecting (making the sign of the cross while on one knee) as he leaves his pew. Sadie quits her pew as well, dragging her slightly limp right foot behind her, and approaches the center of the altar. She bows at the

waist, then mounts the steps of the altar and disappears behind the same archway the priest had exited from earlier. A few moments later, Sadie re-emerges from the archway and commences to light candles around the altar using a long wax stick, covering the flame with her hand as she travels around the altar. Ten or so people are sitting before me, their heads slightly bowed, and their expressions impossible to detect from my angle. Behind me a whisper of a woman's voice "I forgot my prayers…" (sorry bro) After her confession comes the sound of what I could only assume is a hard candy/ something of the like revolving in someone's mouth (saliva swishing, the sound of gentle scraping against the back of the teeth). The sound of the sucking "candy" amplifies (this is grossing me out a bit. I can't imagine anyone's mouth having *that* much saliva). A loud lip-smacking now accompanies the symphony of chewing and sucking noises (must force self to think of other things besides the image of a candy dissolving in someone's mouth. The suckler's breathing seems to be labored and heavier than most, and I wonder whether or not the suckler person is ill and perhaps sucking on a Halls/cough drop). The sound of the sucking candy has now become insufferable-I turn over my shoulder to get a look at the culprit and see that it's a middle-aged man sitting besides his wife. We make awkward eye contact and I quickly return facing forward.

 I attempt to block the sounds from my mind and turn to observing others- Kenneth now appears to be asleep, his eyes are closed and his head bobbing like he's experiencing hypnotic jerks. The sound of creaking floorboards and the clanking of the heater echo throughout the space. A young woman in a red coat enters with a backpack and a red and black daisy bag on her arm. She enters the pew in front of me, then kneels and unzips her jacket simultaneously. The overhead lights in the vaulted ceilings abruptly alight, the lanterns all extinguishing in unison in exchange. Several people look upwards, blinking their eyes to adjust to the new atmosphere. Portions of stained glass reflect the brighter golden light from within, though the images on the glass surfaces remain indistinguishable. I survey the scene around me in this new lighting: Kenneth is fishing in his right pants pocket, and a young woman in white fur rimmed jacket, kneeling a few pews behind me on the right, begins to take a rosary of silver beads from her pocket. The young woman in the red coat buries her head in her hands and sighs deeply (a very touching and captivating moment).

 From behind, the clatter of a set of heels. Three women, probably in their seventies, emerge in a horizontal line. Their coats form a pattern of colors and styles: beige overcoat, black petticoat, beige overcoat. They are all of the same stature and are sporting the same hairstyle, short and full, billowing at their necks, though their hair color differs. The woman on the far right is carrying a tiny black purse, her arm

curved to sustain its weight. She also has a multi-colored knit hat on which she doesn't remove (the fact she doesn't remove the hat is particularly strange, considering that hats are usually removed inside a church as a sign of respect). The trio's woman in black waves to another elderly man walking down the center aisle, who returns her gesture with a smile and a less vehement wave. A phone goes off briefly from somewhere on the right hand side of the space, but it is quickly turned off. Ringtone is one of the generic melodies found already loaded onto a phone (I am slightly disappointed it's not an obnoxious and strange ringer). On a pleasant (pleasant for me, and I would venture, for others) note, the slobbering "candy" sucking has ceased.

  Sadie is now seated on one of the pews on the raised altar area (this area is reserved for those assisting in the mass). Bells above the church begin to ring and their echoes are heard throughout the chapel interior. They continue for one minute (to no particular tune it would seem), then cease, their arrival marking that mass is to begin soon. A small bell rings from inside the church, at relatively the same speed as the exterior bell had yet for a much shorter duration. As the bell finishes its last ring, the priest from before emerges from behind the archway on the altar. He is now dressed in deep purple vestments with white and gold strips of fabric hanging across his neck and draping to his knees. He bows at the altar from behind, and like clockwork, everyone in the narthex rises. Most have their hands folded before them and are looking towards the altar, while a few are looking down and have their hands in their pockets. The priest proclaims, "In the name of the Father, and the Son, and the Holy Spirit. Amen." All cross themselves as he utters these words. Most of the hands finish in a "praying" position, hands pushed together, palm to palm, fingers to fingers, the fingers directed upward. The mass has begun (end time 5:00pm).

The Dramatization of Morality in the Artistic Representation of an Institution: Examining the Portrayal of Violence, Legitimacy, and Judicial Interpretation in *The Good Wife*

Malvina H. Kefalas

Malvina H. Kefalas, Barnard College, Columbia University, Class of 2014, takes pop culture to task in a paper for "Law and Society," offered in the fall of 2011. In her own words: "Artistic representations of an institution, particularly the law, often dramatize its moral dimensions. I trace how, in bureaucratic organizations, the heightened stakes of capital punishment impact legal actors as they manage their legitimacy (Weber, 1978). In the Season 2 episode, 'Nine Hours' of the CBS hit drama, The Good Wife, *judicial interpretation is does not necessarily confer a simplistic moral imperative, but rather confers violence (Cover, 1985)."*

In the second season episode of *The Good Wife*, "Nine Hours," a death row inmate, Carter Wright, awaits lethal injection. His lawyers at Lockhart, Gardner, & Bond have filed an appeal, hoping a stay of execution will be granted, and that Wright will be given a new trial. With a matter of hours remaining before Wright's execution, second-year associate Alicia Florrick receives a mysterious call from Jason Kerrigan, a clerk at the circuit court, who asks whether or not she and her team will be filing an addendum to the brief. Florrick and her superiors take this call as a signal that there's something they've missed in Wright's appeal, and work furiously to find out what it is. The suspense mounts until Wright is carried to receive his legal injection, and Judge Glendon, with minutes remaining, grants the appeal. Ultimately, what is at issue in this episode is legitimacy. Legal legitimacy is the ability to uphold and defend practices through the conformity of legal actors, namely judges who interpret the law, and those who carry it out. "Nine Hours" is a dramatized representation of how legitimacy is conferred through violence, as it looks at the roles of legal actors that interpret, carry out, and feel violence.

  "Nine Hours" represents the law at large, to its viewers, as implicitly and explicitly guided by morality. This representation is problematic, because it suggests that a legal system can be navigated by appeals to a simplistic logic of what is moral being done over what is immoral. This is in line with an idealized, romanticized notion of law, but not necessarily reflective of a system of law that finds its legitimacy through an infliction of violence. If it is true that law is always moral, it would seem contradictory for it to uphold authority through violence. This conflict between the morality and violence of law is what dramatizes much of the action surrounding this case. In the final moments of the show, Judge Glendon grants Wright his appeal, but not before he speaks to Alicia Florrick, who says, "So much of what he we do is uncertain, your honor. So much of my day is working between right and wrong, but this has to be right. To do this to a man, it has to be right." This scene is an exaggerated display of notions of law that are founded in morality. As she speaks, Florrick chokes up, her eyes well with tears, and the tension is thick. The scene's tone has implications for legal consciousness, suggesting that violence must only be carried out in moments of absolute certainty, or it loses its legitimacy. In practice, however, a moral appeal does not always mitigate the legitimacy of violence.

  Robert M. Cover, in "Violence and the Word," describes how law legitimates violence as a normative means to create order (1985). For Cover, violence is legitimated in law by judicial interpretation and an "institutional structure- the system of roles – [which] gives the judge's understanding its effect" (1985:1619). In "Nine Hours," if Wright's execution is to be carried out, there are actors who must adhere to protocol

to ensure the function of the process. Cover states, "judicial word and punitive deed are connected only by the cooperation of many others, who in their role as lawyers, police, jailers, wardens, and magistrates perform the deeds which judicial words authorize" (1985:1620). When Warden Barkin runs out of sodium thiopental, the barbiturate in the lethal injection cocktail, he cannot carry out the judicial interpretation of the judge. The legitimacy of violence is almost compromised by this, although he does acquire the drug. He is, all the while, aware of his position within this normative legal order, telling attorney Diane Lockhart, "Ma'am, I live in a world of rules." As Cover states,

> It is crucial to note here that if the warden should cease paying relatively automatic heed to the pieces of paper which flow in from the judges according to these arbitrary and sometimes rigid hierarchical rules and principles, the judges would lose their capacity to do violence (1985:1626).

Legal interpretation is thus a projected future of what will be enforced, because it necessitates that a chain of command be followed.

What is especially important is that the legitimacy of violence as law has a profound impact upon the person to whom violence is being done: the defendant. In "Nine Hours" Carter Wright stands at the mercy of the coordinated apparatus that will inflict violence upon him. Dramatized by cinematic conventions, "Nine Hours" shows Wright as he awaits the judge's order: his face is solemn, his voice is sober, and he is calm. This reifies the notion that legitimacy is underscored by conformity. Knowing of the violence to come, Wright feels powerless. As Cover states, Wright is displaying an "autonomous recognition of the overwhelming array of violence raged against him, and of the hopelessness of resistance or outcry" (1985:1607). Prison guards take Wright from his holding cell, and "Nine Hours" dramatizes the tension of violence as legitimacy in a case of capital punishment. The music swells, and the viewer watches Wright make a singular jerking motion against his chains; he soon surrenders, recognizing his subjection to a legal authority. As Max Weber, in "The Types of Legitimate Domination," might argue, the violence being done to the person in the jail cell is built upon a bureaucracy (1978). Because this system is ever present, there is a belief in legitimacy.

In cases of capital punishment, the issues of violence and legitimacy are heightened in judicial interpretation. Cover states, "while the grammar of the capital sentence may appear to be similar to that of any other criminal sentence, the capital sentence as interpretive act is unique" (1985:1622). Legitimacy through violence is thus held to a different standard when that violence is capital punishment. This is

particularly evident in the dramatization of judicial interpretation in "Nine Hours." Cover goes on to state that this is because "in capital punishment the action or *deed* is extreme and irrevocable, there is pressure placed on the world – the interpretation that establishes the legal justification for the act" (1985:1622). While the judge may not have to deal with the execution because he is at the top of the hierarchical order, he is left to deal with the morality and constitutionality of the execution. This is a dramatization of the ideal of law; the public sphere often dehumanizes judges, but *The Good Wife* makes a concerted effort to portray Judge Glendon as a moral actor within the law. Although Judge Glendon grants the appeal, he is working to make this justification in a "field of pain and death," which is the source of "justifications of violence" (1985:1601). Judge Glendon's process of interpretation is dramatized in "Nine Hours" by time constraint – this artistic representation of law serves to further heighten the tension experienced as legitimacy of violence is examined. While the infliction of violence falls to other legal actors, the interpretation of law that leads to this infliction comes through judges, whose words we expect to "serve as visual triggers for action" (1985:1613). Thus, judicial interpretation is a source of legitimacy of violence, especially in the heightened tension of capital punishment cases.

Violence is legitimated in law by interpretation, and is maintained by those that are expected to enforce judicial opinion. This often dramatized in artistic representations of the law, especially in The Good Wife's episode, "Nine Hours," wherein it is perhaps most important to note that violence is not only inflicted; it is also felt by those whose lives are on the line.

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