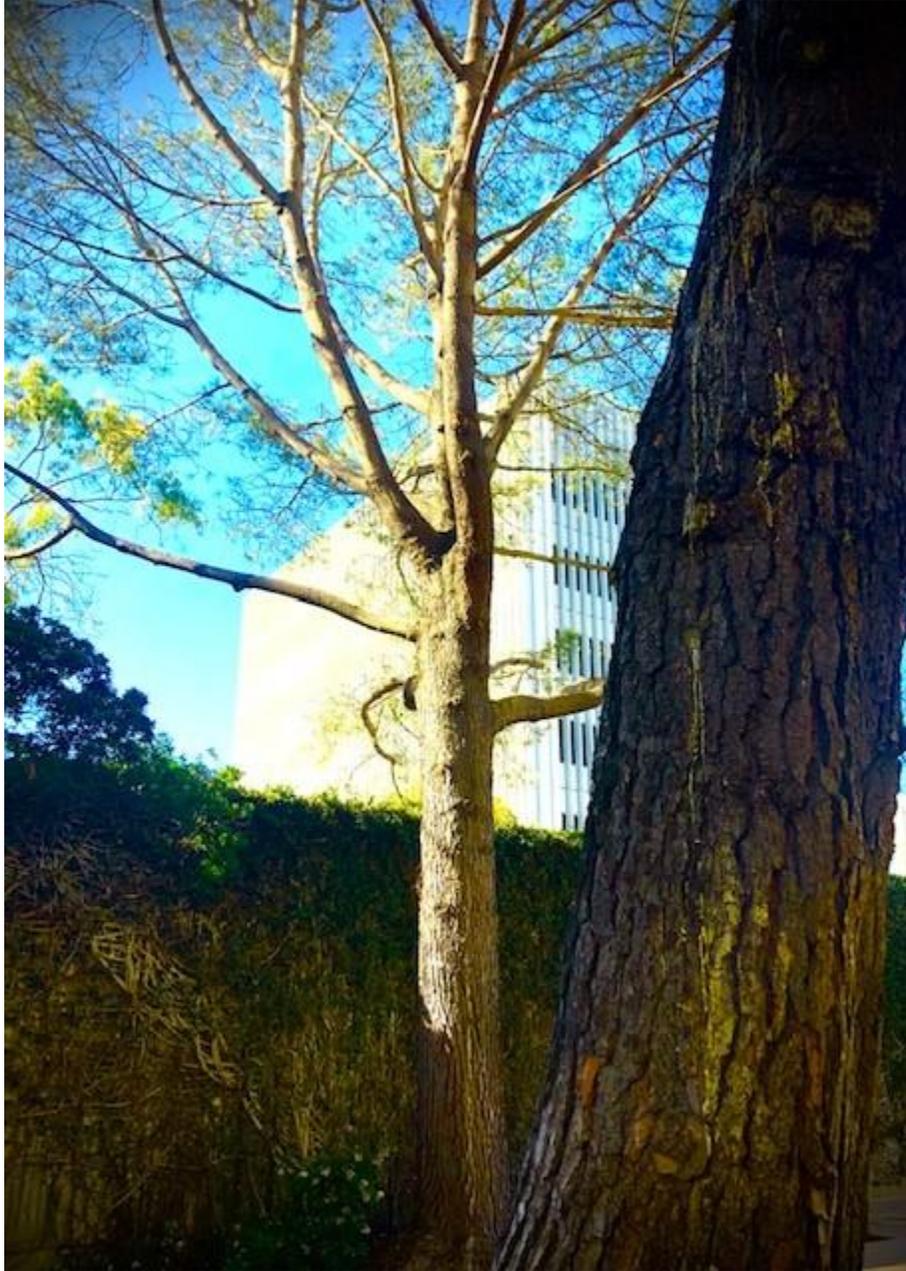# Among the Pines

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# Among the Pines

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Dr. Carrie Wastal, Director

Edited by Marion E. Wilson, Ph.D.

Assistant Director, Muir College Writing Program

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"Between every two pines there is a doorway to a new world"

—John Muir

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MCWP 40

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<center>America Divided</center>

In the Qur'an 49:13, Allah proclaims to mankind that "we...made you into nations and tribes so that you may know each other, not that you may despise each other" (McGhee 251). In the increasingly divided America we live in today, knowing each other is a task complicated by the politics of racial resentment and economic greed. Author Heather McGhee analyzes the rationales underlying American divisiveness in her 2021 book *The Sum of Us*. Her research leads her to conclude that racial resentment arises when white people buy into a zero-sum paradigm, the idea that white people suffer directly from the gains of people of color. When individuals reject the zero-sum paradigm and unite across racial lines towards a common goal, they experience a Solidarity Dividend, a gain that benefits all people. Black Lives Matter cofounder and author Patrisse Cullors builds off McGhee's conclusions in her 2019 article "Abolition and Reparations." Acknowledging the importance of human interconnectedness to achieving social progress, Cullors suggests a theory of racial justice oriented around implementing abolitionist principles such as transformative justice into everyday life and American culture. The divisiveness of racism, meaning its tendency to divide people along racial lines, fundamentally shapes how we perceive others, but also how we see ourselves. Our best approach to mending the divided America we live in today is to bolster government programs that provide public services and are informed by a transformative justice model.

Throughout American history, white supremacy has provided justification for dividing racial groups, while shaping the identities of both white colonizers and marginalized racial

groups. European colonization of the American continent saw the institution of chattel slavery and the loss of some fifty-six million Indigenous lives (McGhee 7). In order to subject Indigenous and Black people to centuries of genocide and merciless enslavement, white colonizers needed to create the myth of race, then strip these newly-formed racial groups of their humanity, as dehumanization is the first step to dominating a group of people. White supremacy, an understanding of the world where white is the norm, provided an underlying justification to do so. McGhee describes this process: "In order to exploit others for your own gain, you have to first sever the tie between yourself and them in your mind—and racist stereotypes are an ever-ready tool for such a task" (97). To justify stealing Indigenous land, white colonizers created racist stereotypes that Indigenous people were uncivilized heathens who "wasted their land, so it would be better off if cultivated by productive settlers" (7). By no means was white supremacy confined to the South; it infiltrated the North in less explicit but nonetheless fundamental ways. Slave labor laid the very foundation of many Northern economies, whether as cotton exports from the South supporting Northern textile mills or enslaved Black bodies acting as collateral for loans to make Wall Street banks wealthy (9). White supremacy therefore influenced the entire white power structure—regardless of the Mason-Dixon Line.

Historically and in the present-day, white supremacy creates a racial hierarchy that divides people by race. At the same time, people have looked to the myth of race to understand themselves and racialized "others." That the hierarchy created in early colonial America was dictated primarily by race rather than class allowed even the poorest of whites to elevate themselves above enslaved Africans. Heather McGhee described the racial hierarchy created by the slave trade as providing "a new caste that even the poorest white-skinned person could over above and define himself against" (11). In this way, racial divisions elevated poor white servants

who were afforded increased freedom and property protections, without which, they'd be at the bottom of the social hierarchy (10).

Similar racial dynamics persisted once slavery was abolished and Black laborers worked alongside whites for a wage. With the dawn of Reconstruction, racial hierarchy shifted from chattel slavery to the labor, where white workers used the racial divisions created by white supremacy to orient themselves above their fellow Black workers. Author W.E.B. Du Bois explained this social dynamic in his 1935 work *Black Reconstruction in America: 1860-1880,* stating "The white group of laborers, while they received a low wage, were compensated in part by a sort of public and psychological wage. They were given public deference and titles of courtesy because they were white" (121). White people were satisfied with their social status by comparing their standing to that of Black laborers. Parallel hierarchies can be seen in the workplace today, as anti-union sentiment among white workers at a Nissan plant in Canton, Ohio, lead McGhee to conclude that "[workers] could be satisfied with a slightly better job that set them just above the Black guys on the line, more satisfied by a taste of status than they were hungry or a real pension, better healthcare, or better wages for everyone" (120). That anti-union sentiment is so fervent among some Nissan workers despite the fact that not unionizing leaves workers decidedly worse off—without a retirement fund, bargaining power, and job security— shows how strongly workers buy into the myth of racial hierarchy. Ultimately, racism was both justified by and helped create white supremacy, which dictated the hierarchy people have defined themselves and others against.

Perhaps the most evident manifestation of racial divisiveness in our country after Jim Crow segregation can be seen in redlining, particularly its lasting impediment to Black prosperity. The U.S. government attempted to expand homeownership during the Great

Depression by creating the Home Owners' Loan Corporation, which refinanced mortgages in

foreclosure. While the agency was created with the intent of making homeownership possible for

all Americans, as so often happened with New Deal programs, racism infiltrated the agency's

practices, leading to unequal application of the organization's seemingly egalitarian services.

The agency created residential security maps that communicated the perceived level of

investment risk for a particular neighborhood, using the race of residents as the primary

determining factor (80). Areas deemed high financial risk were colored in red ink to warn lenders

not to invest in such neighborhoods. From there, the Federal Housing Administration subsidized

the purchase of suburban housing for the white working class but not for people of color.

The process of redlining has been banned since 1968 with the Fair Housing Act. Yet,

redlining has fundamentally shaped urban housing landscapes today, as McGhee describes the

New Deal era as "a period in which the federal government cemented residential segregation

through both practice and regulation" (79). Since homeownership is often the foundation of

wealth, homeownership and economic prosperity are inextricably linked, explaining why the

average Black household has a mere one-tenth of the assets that the average white household

does (277). Despite metrics that show gains in income and education of Black Americans, the

lasting impact of redlining on intergenerational wealth continues to prevent Black prosperity. In

this way, redlining exposes the myth of social progress in America. Segregation has detrimental

effects on the way people interact with and perceive each other, but McGhee emphasizes its

particular impact on white people, explaining that "for all the ways segregation is aimed at

limiting the choices of people of color, it's white people who are ultimately isolated" (174).

When twenty percent of Americans "seldom or never" come into contact with people of color

and the majority of white Americans only interact with a few Black people regularly, this white isolation makes white people view other racial groups with greater prejudice (175).

Residential segregation leads directly to school segregation because in the public education system, one's home address dictates the school one attends, so segregated neighborhoods create segregated schools. Outside of limited federal funding, local and state taxes primarily finance schools, meaning that the socioeconomic status of a neighborhood largely determines the resources schools receive. As a result, wealthy white neighborhoods tend to have well-resourced schools whereas low income neighborhoods, where Black and Brown people predominate due in large part to a lack of intergenerational wealth, are left with underfunded, overcrowded schools (277). In this way, residential segregation and school segregation often combine to subject Black and Brown youth to segregation both at home and at school.

Whereas we see residential segregation mostly shaping white people's understanding of other races, segregated schools inform both Black and white students' perception of themselves. In the landmark decision *Brown v. Board of Education*, social scientists testified that school segregation relays a message of racial hierarchy to Black students that damages their self-esteem (182). The very existence of racial divisiveness in education tells Black students that they are inferior, and so they see themselves accordingly. At the same time, school segregation communicated to white students a "mind-warping" feeling of innate superiority divorced from their actual skills or achievements, leaving white students with identities riddled with confusion and self-guilt (183). At a fundamental level, the harm that racism inflicts comes down to its divisive nature. Rather than inadequate school resources, it is the divisiveness of school

segregation that shapes both Black and white people's understanding of themselves and subsequently, others.

Once people are divided according to race, racial division becomes a powerful tool that people in positions of power can harness to advance agendas that oppose the public interest. For example, white people in positions of power often use pre-existing racial tension to help push climate denialism on the public. McGhee explains how "climate change opposition is sold by an organized, self-interested white elite to a broader base of white constituents already racially primed to distrust government action" (205). Figures can achieve this by creating a rhetoric of race. For example, conservative politicians managed to thwart white support for climate change action under the Obama Administration by using imagery depicting a Black president threatening the job market in predominantly white areas (199). Politicians often create divisiveness through rhetoric known as "dog-whistle politics," racist but cryptic language intended to garner voter support. President Reagan told white Americans to fear the government "because it favored Black and brown people over them—but [conservatives'] real agenda was to blunt government's ability to challenge concentrated wealth and corporate power" (34). Said, a Somalian business owner in Lewiston, Maine, explains how the former governor used racially-divisive rhetoric to thwart public support for welfare, "'Oh, because of the Somalis, we are going to cut the welfare. Because these people, they're coming here only for welfare...The politicians will try to separate us" (265). We see here how white elites use racial division as a vehicle to bolster support for causes that hurt low income minority groups the greatest, but ultimately, harm all people.

Not only do individuals exploit racial divisiveness, but we also see the white people who control entire corporations tapping into the reservoir of racial divisiveness to further their agendas. Richmond activists claimed that lobbyists for the Chevron oil refinery in Richmond,

Virginia, pitted "community groups against each other" in "racially divisive" ways. Chevron strategically used existing racial divisions to set local community groups at odds with each other as a means to drive down opposition to the company's polluting refineries. A Richmond resident named Torm explained this tactic more broadly, stating that "if you think about imperialism, capitalism, conquering and dividing people around the world...most of the white folks who control corporations still think these methods are still useful, and it still can work" (214). Torm is speaking to the extent to which divisiveness has historically been used as political strategy. That racial divisiveness is capable of garnering the support of working and middle-class Americans for policies that detrimentally harm them demonstrates just how real racial division is as a political tool.

Strengthening government programs that provide public services under a model of transformative justice is our best approach to achieving racial justice and mending divisiveness in America. Patrisse Cullors defines transformative justice as principles such as human connection, communication, and resourcing that can be used to restore communities that have been harmed, but which also must be implemented at the individual level. Instead of defaulting to divisiveness as a response to harm, we must seek to shift to a culture where communities are met with support, resources, and understanding (Cullors 1692). Facilitating a cultural shift is never easy, but expanding and strengthening the government is a good first step towards actualizing transformative principles, as social programs promote human equality and provide resources that serve as a social safety net. For example, the income level for government benefits over the past fifty years has declined along with trust in government (McGhee 274). Implementing public policy that raises the income level for government services would allow more of the middle class to feel the egalitarian benefits of a robust government. Some might

argue that conservative America won't accept such progressive policies. While right-wing resistance certainly poses a barrier, progressive policies have bipartisan support, rather it is racial resentment that is hindering liberal issues from advancing. "White voters are less hostile to government policies that promote economic equality than the party they most often vote into power," McGhee explains, "But vote for them they do. Racial allegiance trumps" (36). As long as we focus on mitigating racial divisiveness, there is great promise that progressive policies will succeed. We are already seeing this in action, as in Maine, the whitest state in the U.S., voters expanded Medicaid by ballot initiative over the governor's refusal (269).

In terms of education, a policy that transfers public education funding to the federal rather than state and local government would encourage school desegregation and consequently, equality and connectedness of students across races. Such a policy would furnish the federal government with the power to impose quotas on the size of public school districts, so that the resources of low income schools aren't stretched thin by the common issue of overcrowding. A sentiment among white parents is that integrated schools are "bad schools" with low test scores, so white students shouldn't enroll in diverse schools, but the research tells a much different story. Racial division through school segregation is actually counterproductive to academic achievement as we see that students who attend diverse schools earn higher test scores than students who attend predominantly white schools. This can be attributed to the fact that exposure to people of different backgrounds and viewpoints contributes to greater critical thinking and problem-solving skills (181).

In the immediate, implementing robust public policies contributes to the transformative justice principle of human equality and interconnectedness by decreasing income inequality and integrating schools, but equally as important, it also shows people that equality truly does benefit

everyone, a belief that can translate to supporting social equality and fighting the myth of racial hierarchy. In this way, strengthening government can address Cullor's twofold theory of abolition: that abolitionist principles such as transformative justice must alter policy and institutions as well as our relationships and understandings of others. For example, desegregating schools goes beyond the immediate benefit of increasing equality and connectedness. Ali Takata, a parent of two elementary school-aged daughters shared her experience of transferring her children from a "white supremacy institution" to a diverse Austin, Texas, school, stating that "it has been an eye-opening experience for [my girls], I think. And it has brought up really healthy [family] discussions...about wealth and class" (187). Another parent, Tracy Wright-Maue, decided to send her daughter Fiona to a racially-diverse high school where Fiona was the only white kid in her second-grade class. Reflecting on her racially integrated education experience, Fiona felt lucky "to not be surprised when I'm in a diverse group of people, and just be like, 'This is normal. This is how it's supposed to be'" (191). In other words, combating racial divisiveness by integrating schools not only provides students with equal opportunities, but with an understanding that human equality is mutually beneficial.

Racism in America operates by dividing people along racial lines through ideologies such as white supremacy and manifesting in patterns such as redlining and school segregation. In the process, personal identities and perceptions of others are shaped. Altering people's deep-rooted attitudes and beliefs is far different from making structural changes and must not be treated as such, but changing personal ideologies can, and should, be facilitated by structural interventions such as strengthening government assistance programs. I agree with Dr. Martin Luther King Jr. when he said that the arc of the moral universe is long, but it bends toward justice. I also agree with McGhee when she qualified his statement with the reality that progress is never guaranteed

(McGhee 288). Although racial justice is an ideal rather than an attainable state, strengthening

public services that facilitate a shift toward a transformative culture will get us closer faster.

Putting in the work to bend the arc will reveal the truth of our condition: that we truly do prosper

together.

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Alexander Berryhill-Williams

MCWP 50

Dr. Vince Pham

Space Photography and Environmentalism in the Apollo Era

The Apollo 11 moon landing was one of the most influential events in the history of the

United States. Apart from ending the Space Race with an American victory, it also demonstrated

the technological progress of humanity and presented space as a new frontier for the United

States and the world. While the impact of the Apollo program is well known, the importance of

the photos taken during these missions is not often discussed. These photographs played a very

important role in the modern environmentalist movement. In this paper, I set out to answer the

question of how exactly space photography during the Apollo era influenced cultural perceptions

about nature and environmentalism in the United States. This question is significant because of

the relevance of this topic to current events. The recently-landed Perseverance rover has been

sending back photographs of the Martian surface, and NASA is currently working on plans to

send astronauts back to the Moon for the first time since Apollo. The impact of the Apollo

photos can help us understand why these current and upcoming missions are so important, as

well as how they could affect American culture. Additionally, understanding the history of

environmentalism is more important than ever because of current issues such as climate change.

Although there are many factors that have contributed to environmentalist ideals

throughout history, the photographs taken from space during the Apollo era are one of the most

prevalent and lasting influences on modern environmentalism in the United States. To

demonstrate the reason for this, I will first show how the influence of these photos was spread by

environmental activists such as Stewart Brand. I will then analyze the cultural influence of

*Earthrise* and *The Blue Marble*, the two most famous photos from space during this period, and explore how they influenced environmentalism by revealing the beauty of the Earth, recontextualizing the globe, and spreading the overview effect. I will also explain the importance of photos taken by astronauts over photos taken by unmanned satellites.

In order to understand how the Apollo photos became such an important influence over the environmentalist movement, it is best to start with Stewart Brand, who was responsible for one of the most important contributions to the influence of space photography on early environmentalism. Brand was not an astronaut or a scientist, but was instead a member of the American counterculture movement of the 1960s. Environmentalist ideas were an important part of this movement, having arisen from the success of the book *Silent Spring* by Rachel Carson in 1962, which exposed the negative impact that pesticides had on the environment (Arnould 44). During an LSD trip in 1966, Brand came to the realization that a photo of the entire Earth could help spread environmentalism by radically changing public perceptions of the planet (Maher 529). Since no such photograph existed at the time, Brand decided to start a campaign demanding that NASA take a photo featuring the whole Earth. He produced buttons featuring a slogan to create interest in the idea and distributed them to college students, congressmen, and both American and Soviet scientists (Maher 529).

Brand's campaign was ultimately a success, starting with the Lunar Orbiter 1 satellite turning its camera around and taking an unscheduled photo of the Earth just a few months after he started distributing his buttons (Arnould 45). While this photo technically did not feature the whole Earth, as it was half covered in shadow, it was the first of a series of similar photographs taken during various missions that did eventually show the entire unobscured Earth. It cannot be certain whether this unplanned photo was a direct result of Brand's campaign, but the intended

outcome was nonetheless achieved. However, this campaign served an even more important role by spreading public interest in such a photo throughout the United States. Brand understood that in order for his campaign to be successful, it had to reach as many people as possible. When he decided to craft buttons to encourage a photo of the whole Earth, he intentionally chose to phrase the request as a question: "No, we have to come up with a question that will speak to America's tremendous paranoia: 'Why haven't we seen a photograph of the whole Earth yet?'" (qtd. in Arnould 45). The paranoia that this slogan evoked led to demand, which helped make the idea go viral and got a lot of people invested in seeing a photo of the entire Earth. In addition to spreading Brand's campaign, this new widespread interest meant that once these photos were released, people across the United States were already invested in seeing them. By creating public interest in these photographs of the whole Earth, the environmental message that these photos carried was also spread, just as Brand had imagined.

Stewart Brand's influence did not stop with the success of his campaign. In 1967, the ATS-3 satellite took one of the first color photos to truly depict the entire Earth, and Brand decided to use this image as the cover of his new *Whole Earth Catalog* (Burton 262). The *Whole Earth Catalog* was a magazine that would feature photographs of the entire Earth, along with environmentalist messages and other helpful tools (Jasanoff 23). By prominently featuring the Apollo photos, this magazine helped to spread these photos and the ideas they carried with them. *Whole Earth Catalog* became an incredibly influential magazine, reaching a wide audience all across the United States. The extent of the magazine's influence becomes clear through the many people it affected, including Apple co-founder Steve Jobs. Years after the publishing of the last issue, Jobs described fondly his experience reading the catalog when he was young, referring to it as being "like a bible for my generation" (qtd. in Arnould 46). Brand's buttons had played an

important part in getting people interested in seeing photos of the Earth from above, and with *Whole Earth Catalog*, he was finally able to distribute the photos themselves. Brand had once again used the appeal of space photography to spread even further the message of environmentalism that he saw expressed in these images.

It is clear that Stewart Brand played a major role in spreading environmentalism through these photos of the Earth from space. However, it is still not apparent what the environmental message communicated by these photos actually was, or how it could be carried by the photos themselves. In fact, it would initially appear that photographs from space convey a technological message that is in conflict with environmentalist ideals. Prior to Apollo 8, German philosopher Martin Heidegger believed that an image of Earth would create a separation between humanity and nature. He thought that Earth would become seen as just another planet rather than humanity's home (Lazier 611-612). In this sense, photographs taken from space would not strengthen environmentalism, but weaken it. Despite these fears, for many people the first photos of Earth from space in fact reinforced their connection with the planet. The reason for this first became apparent through the differing messages portrayed by the photograph *Earthrise* taken during Apollo 8.

Apollo 8 became the first manned spacecraft to enter orbit around the Moon in 1968. One of the main goals of the mission was to survey potential locations for future Apollo missions to land, and to this end, photography was an important part of the mission. The onboard cameras were primarily dedicated to this goal of mapping the lunar surface, with only 60 of the 335 possible photos being allocated for the use of non-scientific observations (Cosgrove 274). During the mission, the photograph later titled *Earthrise* was taken, depicting the cloudy blue sphere of Earth rising above the horizon of the grey, sloping lunar surface (Image 1). Despite not being

part of the mission plan, the *Earthrise* photograph became one of the most famous and influential images ever taken from space (Cosgrove 275). There are two main interpretations of the impact of this photo, one focused on political meaning and the other focused on a connection between humanity and nature.

In the first interpretation, *Earthrise* carried with it an important political message for the United States. Political and environmental historian Neil Maher claims that the image symbolized the advancement of the American frontier. He argues that the depiction of the lunar surface in *Earthrise* presented the Moon as the next step in American Manifest Destiny, as president John F. Kennedy had promised years prior (528). This new frontier represented technological progress rather than nature, and Maher claims that by symbolizing this frontier, *Earthrise* "proclaimed to the world that the United States had already won the space race" (528-529). By presenting the Moon as the focus of the image, this interpretation presents *Earthrise* as having defined the success of the Apollo 8 mission. The United States had successfully sent humans into lunar orbit, and soon they would send them to the lunar surface, representing America's victory in the space race and a massive technological leap forward. This would seem to validate Martin Heidegger's worst fears: humanity had seen the view of Earth from space, and it had trivialized the planet. In this interpretation, *Earthrise* had turned Earth from humanity's home into simply a starting point from which the new frontier would expand, both to the Moon and to the other planets. Just as Heidegger had predicted, humanity had moved on from nature and towards a new age of technological progress.

This political message is not the only way that *Earthrise* was interpreted, however. The image did not depict only the lunar surface, but also the Earth hanging above it in the sky. Philosopher Hans Blumenberg claimed that seeing the Earth in this context for the first time

presented it as unexpectedly beautiful, creating a deep connection between humanity and the Earth (Lazier 620). *Earthrise* represented for many people not a move away from the Earth, but a pull even further towards it. In fact, contrary to Heidegger's fears, Blumenberg believed that the image of Earth from space only strengthened the idea that Earth was the only true home that humanity could ever have (Lazier 621). Rather than simply portraying a political message of the American frontier, *Earthrise* showed for the first time the uniqueness of the Earth. This idea is strengthened by the photo's depiction of the contrast between the barren grey landscape of the Moon and the bright blue sphere of the Earth in the distance. As geographer Denis Cosgrove puts it, the composition of the image "suggests the complete isolation of terrestrial life in a black, sepulchral universe" (275). *Earthrise* proved Heidegger wrong, showing that photos of the Earth from space had not cheapened the planet, but instead recontextualized it in a way that could not have been predicted. By showing the Earth as the only home for humanity, *Earthrise* conveyed one of the central messages of modern environmentalism. If the environment is not protected, then the beauty of Earth will be lost to humanity forever, and there is nowhere else for humanity to go.

Apollo 17 in 1972 was the last mission of the Apollo program, and the last time that any astronaut has left Earth orbit to this date. Just as with Apollo 8, Earth photography was a low priority for this mission. During the mission, a series of photographs of the Earth were taken from far enough away to contain the entire Earth (Cosgrove 275-276). The clearest of these photos has been referred to by a number of different names, including its numerical designation *22727* (Cosgrove 270) or simply *Whole Earth* (Maher 529), but it is best known as *The Blue Marble* (Arnould 45; Lazier 606). Once again, this photo was not part of the mission plan, yet it has become arguably the most famous photo ever taken from space. *The Blue Marble* shows a

full, unobscured view of a blue and brown Earth covered in white clouds and centered within the black space surrounding it (fig. 1, right). As one of the first photos to depict the whole Earth, *The Blue Marble* became an incredibly important environmental symbol, both through the message it conveyed of a unified globe and through its use in advertising.

While *Earthwise* had somewhat conflicting political and environmental messages, *The Blue Marble* carried an almost universal meaning. Maher states that *The Blue Marble* frees itself of the political significance that *Earthrise* had by removing the lunar surface (529). As it was taken during the end of the Apollo program, *The Blue Marble* did not represent a technological frontier as *Earthwise* did. By removing this political meaning, the impact of *The Blue Marble* instead fully focuses on the beauty of the Earth. Denis Cosgrove argues that part of what made this photo so culturally important was its specific composition. Because the photo centrally features Africa and the Southern Hemisphere, it challenges the American conception of North America being the center of the world, while also visually exaggerating the scale of Africa and Antarctica and not conforming to geographic preconceptions (Cosgrove 278). This unique composition shows the Earth in its natural state as a singular entity, not divided by borders and countries. Through this, *The Blue Marble* gave people a new perspective on the Earth and on nature in a way that they might have imagined but had never physically seen before. Because of the recontextualization of the Earth that it offered, this photo became a symbol for environmentalism, adopted by activists, scientists, and politicians (Launius 196). As an environmental symbol, *The Blue Marble* offered a beautiful, unified, and natural Earth, free of any visible human action. It called for humanity to return to nature, to unite and protect the environment to preserve this beautiful image of the Earth.

In addition to being a symbol for environmentalism, *The Blue Marble* has also become a widely used symbol in advertising. The photo has been adopted because of its symbolic and literal depiction of the Earth, used in countless logos to represent the global reach of a company (Jasanoff 2-3). Though this use in advertising may seem to cheapen the photo as an environmental symbol, it actually only strengthens it. Sheila Jasanoff argues that because the image is so widely used, it becomes even more useful as a shared aspect of culture, strengthening the meaning of the original image (25). The meaning of *The Blue Marble* is stretched by advertisers for different purposes, but no matter how it's used, the original photo is still present. Because *The Blue Marble* carries such an important message of environmentalism when taken on its own, it is able to retain this underlying message regardless of the meaning intended by the advertiser using it. The image still represents an environmental symbol at its core, so the more it's used and the more its purpose is stretched, the further it is able to spread as a symbol of environmentalism.

One of the most important aspects of the environmental message portrayed by these Apollo photos comes from a shared experience of everyone who sees the Earth from above for the first time. Once the whole planet is able to be taken in at once, the Earth begins to appear fragile and small, calling for a need to protect it. This is commonly known as the overview effect, and is responsible for perhaps the most important impact space photography has had on environmentalism. The overview effect is typically experienced by astronauts when they fly above the Earth for the first time, as they look down and discover the beauty and the fragility of the planet (Arnould 46-47). This experience has been described by American astronauts and Soviet cosmonauts alike, appearing as a universal truth offered by this new perspective (Launius 195). Though the effect is strongest when seen in person, it is still present when seen through

photographs. The perspective offered by the photos themselves, in combination with the accounts of this effect offered by the astronauts who took the photos, is able to convey this experience to people who have never actually flown into space. By showing the fragility of the planet, the overview effect brings with it a need to protect the Earth, reinforcing the core aspects of environmentalism. It is through this effect that photos such as *Earthrise* and *The Blue Marble* had their biggest impact, spreading a message across the United States that the Earth must be protected, and that humanity must preserve the environment so that the fragile Earth will not be broken and lost forever.

Photos taken by hand in space have traditionally had a much greater impact on people than those taken by unmanned satellites. *Earthrise* and *The Blue Marble*, both taken by astronauts aboard the Apollo missions, became incredibly famous and influential despite similar photos having been taken earlier during unmanned missions. *Earthrise* was preceded by a black and white photo taken by the unmanned Lunar Orbiter 1 satellite in 1966 (Image 2). Historian Benjamin Lazier describes this photo as "stark and austere," and explains that the orientation of the bodies in the photo makes the composition feel wrong to the viewer (610). This image predates *Earthrise* by two years, yet it received much less public attention upon its release, and is often forgotten in favor of the far more popular *Earthrise*. Similarly, there were at least two other color full-disk images of the Earth taken before *The Blue Marble*, by the DODGE satellite (Cosgrove 275) and ATS-3 (Burton 257), both in 1967. The DODGE photo was described by *LIFE* magazine upon its release as depicting an "Angry Earth" ("First Color Portrait" 109), with its scan lines and poor color quality creating a harsh appearance in contrast with the beauty expressed in the later photos taken by hand. Some of the key features of the ATS-3 photo in comparison with *The Blue Marble* can be seen in fig. 1. Despite both of these photos from five

years earlier, *The Blue Marble* is often falsely described as the first photo to depict the whole Earth. These unmanned photographs were all neglected upon their release, and they are often neglected even in discussions now. Though they each appear much harsher and more unappealing than the later photos taken by astronauts, it is not simply the quality of the cameras that led to these photos being ignored in the public eye.

The main reason that these unmanned photos were less successful is due to the lack of a human behind the camera. The presence of a human astronaut to take the photos has two main benefits for photos like *Earthrise* and *The Blue Marble*. The first is that photographs taken by hand allow for a deliberate composition to be selected by the photographer. Astronauts are able to identify targets far better than machines are because they can use their own judgement, and NASA has even used this as an argument in favor of manned space missions (Cosgrove 291). Because unmanned photography is automated, the composition of these photos is arbitrary, determined simply by when and how the satellite is told to take a photo. This allows photographs taken by astronauts to have a greater visual appeal, as there is a greater control over the composition and quality of the image. This visual factor could account for why photos taken by unmanned satellites often appear harsh and uninviting. The other benefit of manned photography comes not from the photos, but from the words of the astronauts themselves. Denis Cosgrove claims that the difference between manned and unmanned space photography is the presence of a human "eyewitness" to substantiate the photos (278-279). Jacques Arnould builds on this, claiming that it is the written and spoken accounts of the astronauts who took the photo that gives it meaning in people's eyes (47-48). This seems to show that the photos themselves are not enough, and that it is the photos in combination with the human stories that come with them that creates an impact on people. As astronauts describe their experiences, they are able to spread

environmental ideas such as the overview effect, allowing people to experience for themselves the meaning behind these photos in a way they could not with the earlier unmanned images. Because of these factors, astronaut photos such as *Earthrise* and *The Blue Marble* had a much greater influence on environmentalism than the other automated photos that predated them.

In closing, it is clear that *Earthrise*, *The Blue Marble*, and other photographs of the Earth from space had a huge impact on the environmentalist movement in the Apollo era and on modern environmentalism. With the help of activists such as Stewart Brand and the stories told by the astronauts behind the camera, these photos were able to spread throughout the United States with a message of the beauty, wholeness, and fragility of Earth. And the impact of space photography did not stop with the Apollo era. In 1990, seventeen years after *The Blue Marble* and the end of the Apollo program, the unmanned probe Voyager 1 turned its camera around and took a photo of Earth from 3.7 billion miles away. The photo, which has come to be known as *Pale Blue Dot*, depicts exactly that: the Earth as a tiny blue dot, surrounded by the void of space (Voyager 1). Though it was taken by an unmanned probe, we can see that it represents the ultimate realization of the overview effect: looking down at the tiny, fragile dot of Earth, unique in the vast cosmos as the only planet that humanity could consider a home. Like the Apollo photos before it, *Pale Blue Dot* spreads the environmental message that the Earth is irreplaceable and must be preserved. Photographs from space continue to spread and impact American culture even now. In February of this year, the Perseverance rover started taking photos of the surface of Mars, along with the Ingenuity helicopter one month later. These widely publicized and discussed photos depict the beautiful yet harsh and barren Martian landscape, showing people why protecting the Earth's environment is important in the same way *Earthrise* did in 1968. Perhaps the reason we tend to look for signs of life in photos from Mars is to prove ourselves

wrong about what we see again and again in these photos: that Earth is our only home, that it will be for a long time, and that we must do everything we can to protect it. Someday we will spread out into the cosmos, but until then, the Apollo photos are there to remind us to take care of our planet.



Fig. 1. Comparison of the ATS-3 whole Earth photo (ATS-3) and *The Blue Marble* (Schmitt, et al.). Exploring the difference between these photos is important to understanding why the latter had a much greater cultural impact. The ATS-3 photo was the cover of the first issue of *Whole Earth Catalog* (Burton 262), and *The Blue Marble* was the cover of a later issue (Launius 196). The ATS-3 photo predominantly depicts South America, while *The Blue Marble* depicts Africa and Antarctica larger than they would on most maps, challenging American geographic preconceptions (Cosgrove 278). The ATS-3 photo was taken by an unmanned satellite and did not carry a human story (Burton 261), while *The Blue Marble* was taken by hand and carried the overview effect experienced by the astronauts (Arnould 46-48).

Image 1. Anders, William. *Earthrise*. 1968. *NASA*,
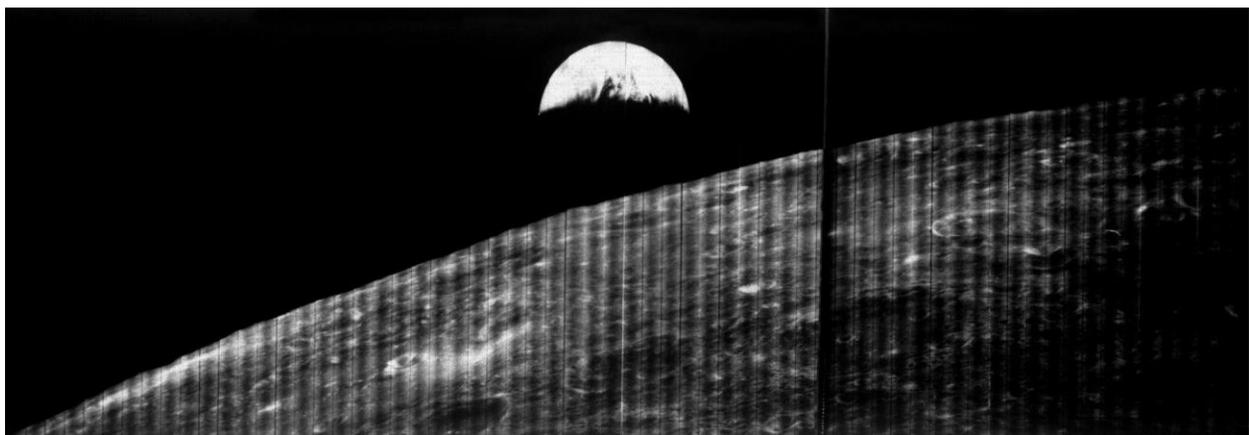https://www.hq.nasa.gov/office/pao/History/alsj/a410/AS8-14-2383HR.jpg.



Image 2. Lunar Orbiter 1. First photo of Earth taken from lunar orbit. 1966. *NASA*,
https://www.nasa.gov/image-feature/langley/50th-anniversary-of-lunar-orbiter-1-mission.

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Seth McLaughlin

MCWP 50

Kathleen Bryan

<div align="center">Reform in Contemporary Animal Testing:</div>

<div align="center">The Detrimental Impacts of the Abandonment of Russell and Burch's "3 R's"</div>

In 1960, British scientists W. M. S. Russell and R. L. Burch published their most well-known work: *The Principles of Humane Experimental Technique*. In this book, Russell and Burch comprehensively addressed the subject of animal testing for research purposes. Significantly, they also proposed a set of three guiding principles for ensuring the ethical and responsible use of animals in research testing: Replacement, Reduction, and Refinement (Russell and Burch). Sixty years after its publication, Russell and Burch's "3 R's" have maintained their status as the defining guidelines for the proper conduct of humane animal research, a practice which now involves the expenditure of over 115 million animal subjects each year and plays a role in a huge variety of relevant biomedical practices, from vaccine manufacturing to pain research to drug development (Taylor 585).

Upon further investigation into the modern state of animal testing, however, one point becomes clear: the 3 R's have been abandoned, in part or wholly, by significant portions of the scientific community. Across the globe, examples can be found of fields in which inertia and unscientific bias have retarded the implementation of non-animal alternatives, failures in communication which have led to redundant excesses of animal death, and sloppy research involving animals which produce either insignificant or unscientific results. Although many of the efforts which utilize animal testing are life-saving and quality-of-life-improving endeavors, it is equally true that a clear overreliance on animal models is entrenching itself in the biomedical

community, a process which has and will continue to harm humans as well as animals. This overreliance on inhumane animal testing has led to vast levels of pain and suffering, as Russell and Burch feared, along with degraded scientific integrity, unnecessary wastefulness, and moral compromise of the scientific community.

The third "R," Refinement, mandates the optimization of testing procedures with the goal of decreasing the pain and suffering of the animals involved. This step, the lowest in emphasis under Replacement and Reduction, is admittedly the most difficult to gauge due to the wide range of practices for which animal testing is utilized. In one lab, for example, an animal may be force-fed lethal amounts of a normally harmless substance for a routine toxicity test, while in another lab an animal may simply be subject to invasive neuroimaging. Who is to say whether a given practice is justifiable or not? At a certain point, the necessity of pain induction upon test subjects becomes a purely philosophical one, subject to the whims of the researchers involved and notoriously difficult to debate.

The data is present, however, when considering a secondary, but interrelated, context for the term "refinement:" the optimization of proper scientific technique. As in any other field, research involving animal testing is subject to pre-established standards regarding collection, interpretation, and dispersion of experimental data. According to meta-analyses of published studies, however, large portions of research labs that implement animal testing fail to properly refine their methods according to scientific expectations. Even researchers in support of animal research are quick to point this out. In a paper arguing the necessity of animal models for the development of pre-clinical pharmaceuticals, authors Silvio Garattini and Giuliano Grignaschi cited a meta-analysis which found that among 76 animal-human efficacy studies conducted between 1980 and 2000, only 49% were rated "as having good methodological quality." These

shocking and unacceptable statistics show an obvious disparity in quality and robustness when compared to publications in other fields, reflecting poorly upon all levels of the academic hierarchy; not only did the scientists involved perform poor research, but the process of approval and publication, generally organized so as to only approve the highest-quality papers, also shows clear signs of bias and ineffectiveness.

Other examples of failed refinement present themselves as products of the logistical challenges associated with performing animal testing. Animals must be fed, housed, transported, and ultimately disposed of. In the presence of temporal or monetary restraints, it is all too easy for bias to slip its way into scientific processes. The age, sex, and biological strain of the animal subject involved in a given test are oftentimes significant in the obtaining of results, with multiple papers supporting that conclusions from animal studies can be "utterly dependent" on these choices (Mogil). Despite this, the final choice as to which subjects to use is often heavily influenced by extra-scientific factors. In one such case, female lab rats are more commonly used for the research of tuberculosis, despite evidence of implicitly higher TB infection rates among males in both human and rat populations. The reasoning behind this decision is that females are less likely to "display aggression" towards their living mates than males, which eases the caretaking processes (biomed21.org). Interestingly, examples can also be found of the opposite situation: male subjects being chosen for testing when females would be better suited. Internationally-recognized pain researcher Jeffery S. Mogil notes that although the majority of humans suffering from chronic pain are middle-aged or elderly females, the vast majority of pain research continues to be performed on young, male lab rats for reasons of "convenience… inertia, and… (empirically false) expectations" (Mogil). In the context of the classical experimental process, in which experiments are designed so as to carefully control variance and

external influence, these two examples elucidate a much larger problem: when proper scientific practice is set aside in favor of ease or convenience, all parties suffer. More animals are needlessly put to death, and human researchers take on further risk of obtaining data which is skewed or incorrect, limiting their ability to translate them into effective and utilizable biomedical products and practices.

The second "R," Replacement, promotes the minimization of the number of animals used—a study on 50 mice should not be conducted if the same results could be derived from 10 mice. Again, a multitude of infractions and the causes behind them can be found, but one is worthy of special consideration: the research, development, and distribution of vaccines, for which an estimated 15% of all animal test subjects worldwide are utilized (Acosta). Given the large (and growing) variety of vaccines and the crucial role that they play in global health, the large number of animals used may appear necessary and justifiable; in truth, however, the number is magnified beyond necessity by certain complex but preventable factors. The first reason behind this large percentage is the current method by which vaccines are tested. Quality control standards for a range of vaccines (including rabies, pertussis, diphtheria, tetanus, and others) dictate that, due to sufficient variance among different production cycles, e*ach batch produced* must be tested on animal subjects before dispersion to humans or, in the case of veterinary vaccines, other animals; this practice consumes about 80% of the animals used for vaccine-related purposes (De Mattia, Acosta). Although this method of batch testing has proven to be mostly effective in quality assurance, it is not without its drawbacks. For one, it makes the approval process expensive and time-consuming; the batch testing slows production, reallocates resources that could otherwise be used to produce more vaccinations, and delays dispersal to vulnerable communities most in need of the vaccine. The actual scientific relevance of animal

models is also under scrutiny; critics of batch testing cite "questionable correlation" of current animal-human efficacy with regards to immune response (de Mattia). A deeper problem is that the practice's necessity derives from the fact that researchers and manufacturers simply lack a full understanding of the manufacturing process of a given vaccine and the nature of the disease that it is intended to prevent.

By continuing this practice of batch testing without searching for effective alternatives, researchers are complacent in their own ignorance and allow the death of millions of animals annually. A potential alternative is the implementation of a system such as the "consistency approach," a reimagining of vaccine production and distribution that focuses intensely on strict quality control during the manufacturing phase in order to ensure homogeneity of different batches of vaccines (ibid.). Although some animals would likely still be required for the purpose of establishing a "benchmark" to base future batches off of, the practice of reduction would be effectively realized. The implementation of such a method would save not only animal lives, but also costs, time, and resources, while also allowing for deeper understanding of the nature of the targeted diseases.

A secondary failure of Russell and Burch's second "R" is caused by a lack of international standardization regarding the approval of vaccines. Although vaccine development and distribution is an increasingly global practice, the world is still lacking for a single regulatory agency through which the entirety of quality testing can be authorized. Taking the place of this singular entity is a number of smaller (although still considerable in size) groups, including Europe's EDQM, committees within the WHO, FDA, and USDA, and the World Organisation for Animal Health for veterinary vaccines (de Mattia). Other nations, which may lack the scientific infrastructure necessary to perform their own tests, establish their own individual

regulations and work with manufacturers to perform tests according to these unique standards (ibid.). This plurality is significant because the lack of an international agency for the approval, handling, and dispersal of vaccinations can lead to manufacturing organizations being required to redundantly perform multiple tests on the same batch of product "for release through different regulatory agencies," killing an unnecessary number of animals (ibid.). The creation of a more internationally-recognized regulatory agency would effectively reduce the use of animal testing for vaccine purposes, while performing auxiliary duties such as carrying out approval, garnering political motivation and providing funding for the research of animal testing alternatives (Taylor). In general, the improvement of regulation, enforcement, and communication will save countless animals from unnecessary suffering and decrease expended costs and materials, while maintaining high standards of safety and quality control.

The most egregious abandonment by the scientific community is that of Russell and Burch's third "R": Replacement, the practice of replacing animal subjects with non-animal tests whenever possible. Surprisingly, the problem does not stem from a lack of alternatives, as many already exist. For example, rather than carrying out potentially-flawed tuberculosis research on rats, researchers have begun using the power of computation to carry out "epidemiological modelling" of a contagion's movement through a population, to design, alter, and test drugs, and to discover viable vaccines (biomed21.org). Recent toxicology research has been performed for the purpose of developing Adverse Outcome Pathways, or AOPs, which serve to "[provide] the biological explanation for a single toxic event" which was previously less-than-fully understood, encouraging a shift away from "black box animal models" for toxicity testing that focus more on animal fatalities rates than the factors behind the fatalities for a given substance (Taylor 593). Other developments in bioengineering center around the increased sophistication of *in vitro*

"organ-on-a-chip" technology which has already begun replacing simpler *in vivo* tests (Taylor, de Mattia). In light of the invention and improvement of these and other cutting-edge alternative technologies, the prospects of replacement grow by the day. Although many of these methods are not yet developed enough to fully supplant animal testing, further development will eventually make them viable candidates for the full replacement of the animal model.

Where the deficiency lies, rather, is in the political and scientific will to promote these alternatives. The main roadblock against proper replacement is the sparsity of support for, and even inertial resistance against, the implementation of effective alternative methods to animal testing. Admittedly, the situation is complex; researchers in academia rarely have the funding, political influence, or motivation to implement their alternatives outside of their own labs, and private researchers in industry are understandably hesitant to share their innovations with competitors, especially if doing so would lead to potential revenue losses (Taylor). More generally, the long history of animal testing, when compared to the novelty of many alternative approaches, tends to generate a bias in favor of the pre-established techniques, leaving their experimental conclusions as the "gold standard" to which all alternative methods must be compared in the search of complementary results, even when, as previously discussed, the results of the animal tests themselves may be biased and skewed (de Mattia). This compounds upon the lack of regulatory agents for the approval of such methods, making the approval process longer and more expensive. Successful application of the tenet of Replacement necessitates the expediation of the process for approval and application of animal testing alternatives.

With all aspects of the issue considered—logistical, bureaucratic, scientific, ethical—the most logical path forward, and the one advocated for by scientists both in favor of and against animal testing, is the establishment of a centralized, robust, and all-inclusive international agency

dedicated to upholding the 3 R's: Replacement, by enforcing ethical and scientifically legitimate practice by researchers conducting animal tests in order to minimize wastefulness and bias; Reduction, by overseeing international collaboration to ensure consistent production of biomedical substances without redundancy; and Replacement, by providing funding, political advocacy, and expediated implementation of new non-animal alternatives in order to usher in a future of decreased (or optimally, completely eliminated) use of animal testing for biomedical purposes.

In truth, though, it is unlikely that animal testing will be fully replaced within a single lifetime, nor should it be. Even given its variety of associated problems, the utility of the practice is still too great to deny. Animal testing continues to play a significant role in contemporary research, especially in select fields whose work is highly relevant to the wellbeing of the public. In general, animals serve as the backbone for the testing of products and processes that are unable to be tested by other means for technological, ethical, monetary, or other reasons. While the aforementioned practices and replacement technologies are exciting and deserving of further development, it is unrealistic to fight for their full replacement of all animal testing. The research and production of vaccines, once again, is a strong example. Their invention and worldwide dispersion have saved countless human and animal lives, albeit at the expense of the lives of many animal subjects. This is likely to continue to be the case for many years; although methods such as the consistency approach have potential to transform the vaccine industry, there are still massive limitations on their implementation. The tuberculosis vaccine is one that requires the utilization of animal subjects to synthesize and evaluate and that, according to researchers, will be unfit for production via the consistency approach. A variety of unique complications, namely the bacterium's mutation tendency, the long-time requirements for testing (half a year or more),

necessity for special facilities and faculty, and more make the use of animal subjects a necessity; the role of animals in the vaccination development process, ensuring that the vaccine stimulates the proper immune response, is still "impossible to reproduce in vitro" (Acosta).

Additionally, there are many fields for which there are simply no alternative methods by which to make scientific headway, at least according to certain researchers. Pre-clinical drug trials, for example, are an area of research in which animal tests can sometimes be the only feasible method of ensuring a substance's viability for medical application. Early in the stages of drug development, the process is described as little more than "trail-and-error," and, lacking any other sufficiently sophisticated process by which to test the "absorption, transport, distribution, metabolism and excretion" of a substance, at least without posing serious risk to human life, animal subjects must be used. In many cases, animals are simply injected without a clear idea of the drug's effect (Garattini). This "guess and check" process may seem rudimentary, and indeed, the successful translation of animal-tested drugs to human use, referred to as the drug's "efficacy" of the drug, does not always occur; regardless, the evidence in favor of the process is apparent in the existence of a variety of life-saving and life-improving drugs that spent parts of their developments in animal subjects: antihistamines, insulin, and agents treating hypertension, asthma, and depression are among them (ibid.).

The logistical benefits of animal test subjects are not to be understated, either. The relatively low cost of raising, housing, and studying animals is often preferable to the expensive use of human subjects and frees up lab budgets which can be dedicated to other research; the high level of genetic standardization among lab species provides researchers with less ambiguity as to the effects of their treatments on the subjects' bodies; the abundant supply of test subjects frees scientists from potential time restraints; and of course, the lower ethical standards for

animal treatment, study, and disposal allow researchers more freedom in both their expenses and the scope of their research. Each of these circumstances make animal testing an attractive and reasonable option.

These arguments are, of course, accompanied by an unspoken warrant that is a crucial component of the continued practice of animal testing: the implicit superiority of the human race to non-humans. This point's recognition is important because although it is widely-held, it is certainly not universal, especially given the growth of animal rights advocacy in recent years. The concept of "speciesism," unfair differential treatment on the basis of species, is a relatively new concept, but has nonetheless been present in philosophical debate since the 1970s, where it was popularized in part by Peter Singer, renowned utilitarian philosopher and an influential figure in the modern animal rights movement. It is wider society's continued support of this belief that allows for the utilization of animal testing on the level seen today; "if this bias were eliminated," Singer writes, the amount of experiments performed on animals would be a "minute fraction" of the contemporary level. In his 1974 paper "All Animals Are Equal," Singer challenges this notion of superiority which has been so evident in the other authors' arguments; does an intelligent pig, rabbit, or monkey not demonstrate equal or higher levels of sentience and capacity to suffer than, say, a day-old human child, or an adult in an irreversible coma (202)? Evidently, they do; this is reason enough for Singer to present his main argument against the execution of animal tests whose expected utility would not justify the animals' replacement with a *human* subject "at an equal or lower level of sentience" (202).
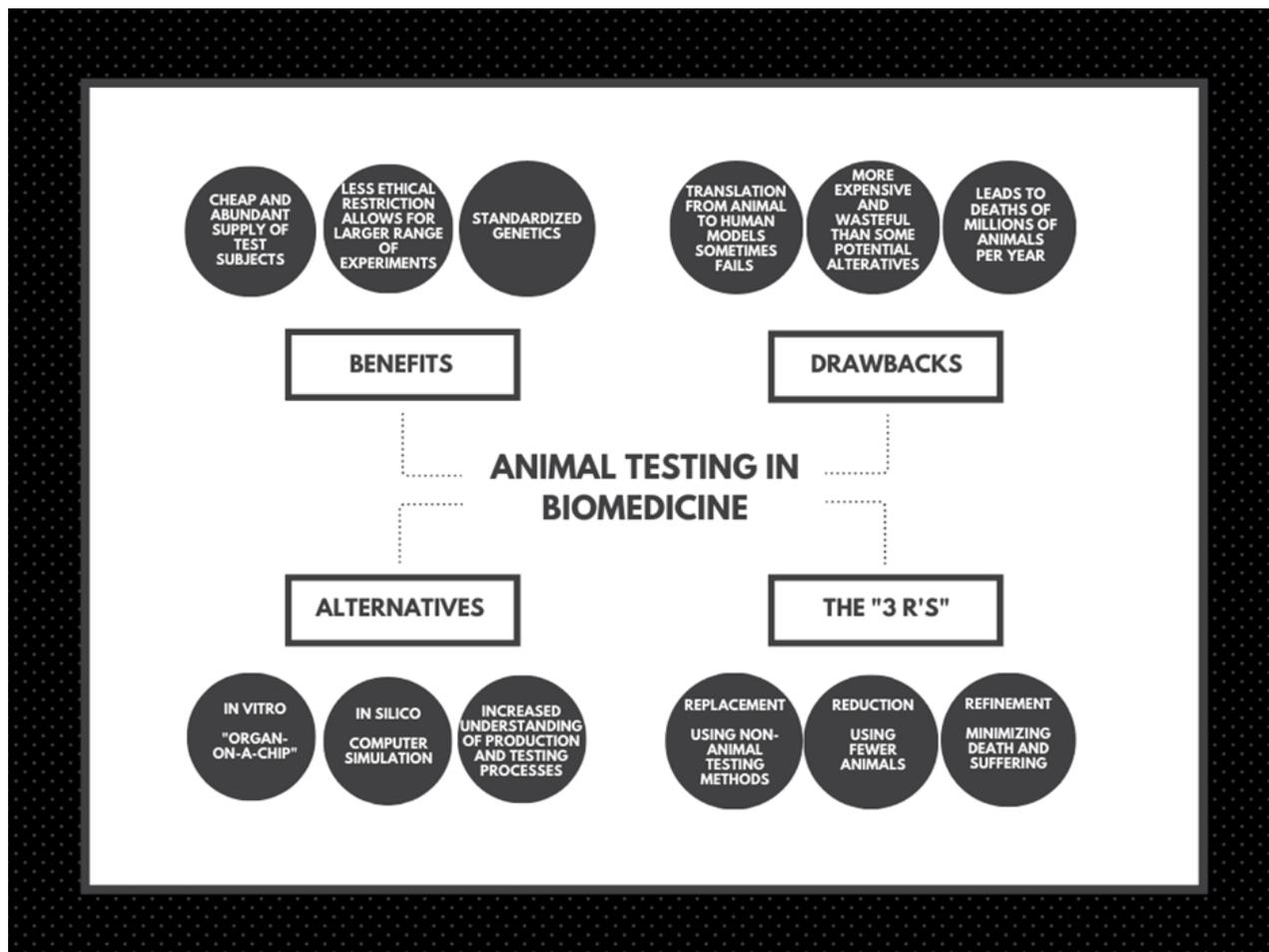
Though its claims are radical and their implementation unrealistic, Singer's argument nevertheless reveals the necessity for a complementary transformation within the scientific community, one which is more challenging to regulate than the others. If one thing is made clear

by the aforementioned data, it is the severe lack of compassion harbored toward the animal community by the scientific community. Singer's contrary views are a bold dichotomy against the clinical and technical justifications of the scientific community, serving as, if nothing else, a worthy thought experiment: their implementation may be unrealistic, but perhaps if more researchers took his beliefs into consideration, the scientific community could experience a shift away from the current state of apathy and wastefulness, and towards increased levels of compassion and awareness, saving time, money, and lives. Even without these benefits present, a transformation of this kind would still be desirable—how individuals treat animals, after all, is often indicative of how they will treat other humans. In this sense, growing compassion within the laboratory could eventually translate to growing compassion within society as a whole, which is as desirable a goal as any.

Animal testing has played a role in biomedical research for thousands of years, and in many cases, its utilization has had massive impacts on humans' ability to understand and manipulate biological processes in order to extend and improve the quality of the lives of both themselves and other non-human animals. The ethical debate surrounding the use of animals, however, maintains a long and storied history as well. When considering the continued practice of animal testing, it is important to take into consideration not only its negative ethical impacts, but also the associated drawbacks related to time, finances, and scientific truthfulness and relevancy. For the entirety of its formal existence, scientific procedure has been defined by a continual emphasis on progress, understanding, and improvement upon what came before it. Why, then, should these ideals not be applied to the actual methods by which scientific progress is made? With these considerations in mind, a concentrated effort by the scientific community is warranted to return to the foundations of humane practice proposed by Russell and Burch:

Refinement, through the enforcement of unbiased and wasteful procedure; Reduction, through

the enhancement of communication between international scientific and regulatory bodies; and

Replacement, through the embracement of alternative testing methods which decrease or

eliminate the need for animal subjects. Although animals will likely continue to have a place in

laboratories for many years to come, it is through a return to the guidelines set forth by Russell

and Burch that the field of biomedical research can be reformed in order to better serve both

humans and animals.

Appendix



*"The consistency approach for quality control of vaccines – A strategy to improve quality control and implement 3Rs" (de Mattia); "For Finding Better Treatments for TB, the Computer Is Mightier than the Mouse" (BioMed21.Org); "The Principles of Humane Experimental Technique" (Russel and Burch); "Recent Developments in Alternatives to Animal Testing" (Taylor)*

**Figure 1**

This figure provides an overview of the positive and negative aspects of the utilization of animal models for biomedical purposes. It also clarifies the important definitions of Russell and Burch's 3 Rs and summarizes the most promising proposed alternatives that have the potential to alleviate or eliminate the need for animal testing in the future.

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Hannah Nagakura

MCWP 50

Andrea Carter

<p style="text-align:center">Medical Repatriation</p>

Hospitals embody a place of safety for patients in their most vulnerable state, who trust in the ethical duties and beneficence of hospitals to unwaveringly provide care for them. However, due to American healthcare laws and programs excluding undocumented immigrants, this group lacks these rights and remain vulnerable to medical repatriation. Medical repatriation allows hospitals to send undocumented immigrants back to their native country for long-term care instead of expending resources themselves, and this denial of treatment, as well as transportation and transfer, often jeopardizes the patient's health. Most significantly, this practice undermines healthcare's core values and establishes a dangerous precedent: that one's right to care and compassion is not fundamental. Although current infrastructure authorizes medical repatriation, this practice compromises fundamental values of healthcare and must be reformed to protect and prioritize undocumented immigrants' health and their community's relationship with medical institutions as well as dismantle the stigma surrounding their humanity and perceived worthiness of social services in the US.

Medical repatriation remains authorized through federal programs and legislation as an avenue through which hospitals can discharge immigrant patients. On the individual level with the administration of public insurance, the Affordable Care Act as well as federal insurance programs like Medicare exclude undocumented immigrants (Kuczewski 1). This leaves them often unable to pay for treatment, as they must use out-of-pocket expenses, and disincentivizes hospitals from accepting them as patients. Meanwhile, on the health provider and medical

institutions' side, the government has been reducing the amount of federal funding for the

Disproportionate Share Hospital (DSH) program, which supports public hospitals who provide

uncompensated care for uninsured patients and immigrants (Kline 288). This lack of funding

impacts available resources and quality of treatment at these facilities as well as the future of

their operations, harming the vulnerable communities who rely on them. Furthermore, the

ramifications are heightened when considering circumstances of long-term care. Due to current

infrastructure limiting protection for indigent patients and disincentivizing beneficence by

reducing hospital funding, it makes medical repatriation appear more appealing.

As a medical practice, medical repatriation's most egregious and controversial facet is its

obstruction of the primary goal of healthcare: to care for the patient's wellbeing. It often risks

patient health, acting as a disruption through its transportation and transfer to often under-

equipped facilities. A famous case of medical repatriation (see Figure 1) is of Mexican

undocumented immigrant, Quelino Jimenez, who came to the US for work and suffered injury on

this job which resulted in quadriplegia, or paralysis. Although initially treated in a Chicago

hospital, still in need of sustaining medical technology to recover and without insurance, he was

transported, without consent, to an inadequate hospital in Mexico where he suffered multiple

cardiac arrests and passed away (Young et al. 669). Although just one case, Jimenez's journey

illustrates the dangers of repatriation protocols, from allowing financial interests motivating an

unloading of uncompensated care to interfere with health administration to authorizing local

medical providers to deny necessary long-term treatment and life-sustaining technology, and

finally, approving destinations without proper capabilities, personnel, or resources. While he was

deemed "stable," medical repatriation targets patients in need of acute, or long-term care,

meaning individuals with weak and vulnerable conditions. Therefore, repatriation, through its

transfer and transport process, inherently invites more risk with patients' health as well as potential for suboptimal treatment, which compromises long-term conditions, because there is an undeniable need for continuous treatment. And yet repatriation offers a counteractive measure; it appears to act upon and prioritize non-health or non-medical reasoning.

From a physician's standpoint, Jimenez's case further appears antithetical to healthcare's primary mission of health, as physicians are ethically disinclined to let external factors, such as financial capability, interfere with their service toward their patients. As a medical professional Dr. Wiener emphasizes, it is his professional duty to consider the implications of his decisions when referring patients to outside providers due to financial hardships, including the availability of resources or future treatment fees at other facilities (Weiner 415). Because changes in circumstance impact patients' health, his primary focus, he promotes a personal and individualized approach for each patient's needs. In an attempt to discharge patients, medical repatriation may skip this needed due diligence of maintaining consistent levels of care across different circumstances. This becomes dangerous as there is a vast gap in the capabilities, expertise, and resources of different countries and their medical facilities that puts health at risk. Understanding a physician's duty to their patients, often having to work creatively in reviewing outside local options, exposes medical repatriation's reckless ignorance for patient safety and humanity as well as a lack of urgency in ensuring and enforcing adequate standards of care and safe transfer destinations.

What makes situations of medical repatriation more concerning is that it disproportionately targets a population already suffering from wide health disparities in America. Undocumented immigrants often struggle from the health ramifications due to lower socioeconomic status, occupations which don't provide health plans, and the physical labor and

risks associated with these jobs. Lack of welfare support is associated with higher risks of chronic diseases within this population, and specifically, immigrant women lack or face poor prenatal care, which poses a higher risk for adverse effects or complications for their children (Beck et al.). With inadequate health support, such as a lack of prenatal care, affecting immigrant youth's susceptibility to diseases and complications, this further perpetuates this health disparity for future generations. More immigrants facing higher risks of serious health consequences fuels greater risks of long-term injury or complication that requires treatment, and potentially requiring medical repatriation. In essence, the health implications of being an undocumented immigrant only amplifies the disadvantaged individuals that repatriation impacts. Most importantly, immigrants often come to the US, as Young et al. describe, to seek asylum to escape sexual violence, poverty, or racial discrimination (671). Considering the health ramifications of physical and emotional distressing environments, immigrants' native homes may be more unsafe. Repatriation, as an act of deportation, therefore, may further endanger or reintroduce physically and emotionally harmful stimulation to its patients.

Beyond individual patients, medical repatriation's reputation as a deportation practice spreads fear and mistrust within immigrant communities, keeping them from seeking necessary treatment for illnesses and potentially compromising the general public's health. As bioethicist Kuczewski states, hospitals' actions must consistently represent their ethical duties, as "caring institutions," to maintain the public's goodwill and trust (2). Only when they preserve this trust can they continue to successfully perform and administer their duties to a willing population and protect the general public's health. However, public trust is fostered through a humane and compassionate relationship between these institutions and their local communities and must be actively fostered through effort and communication.

Medical repatriation violates this dynamic by instilling skepticism in these communities that decisions are actually made in their best interests, rather than due to political or racial motives. As multiple undocumented patients within the large Latino immigrant community in Atlanta, Georgia, have stated, Central Atlanta Emergency Hospital threatened deportation or immigration agencies to deny them care (Kline 287-288). Their perspectives reveal how discriminatory policies inherently embolden discriminatory actions, as medical practices like medical repatriation, which explicitly apply to the immigrant community, further justify and empower the use of immigrant status as grounds to deny any treatment. This association between immigrant discrimination and medical institutions can stimulate fear and mistrust, distorting the perception of valid medical practices or necessary last alternatives, like medical repatriation, as a racially-motivated punishment. This reflects itself in greater reported emotional distress, as research has shown that encounters with immigration enforcement reflect themselves in and mental health diseases such as depression and anxiety amongst undocumented immigrants (Perreira and Pedroza). In hospitals perpetuating these fears and associating themselves with immigrant policing rather than medical needs, repatriation presents itself as an intimidation mechanism, a forced deportation, to criminalize immigrants for needing necessary care. Furthermore, at its most basic level, in participating in behaviors that cause emotional health consequences, hospitals are actively counteracting their core mission.

Compounded upon this fearful and distrustful relationship is a lack of infrastructural support to fulfill the unique needs of these immigrants to help sustain and strengthen it. As physician Weiner states, ideally, responsibilities within patient-physician dynamics are shared where patient decisions are both informed and consented to with proper guidance from the physician (Weiner 416). This becomes especially significant, and yet more difficult, with the

immigrant community, which is culturally diverse and often lacks literacy of the complex

American health care protocols or systems. Ten Deferred Action for Childhood Arrivals

(DACA) youth, in a DACA research examination, admitted that they, and their community, lack

knowledge of the healthcare structure, struggling to navigate application and documentation

processes for medical services as well as understanding how their undocumented status is

ambiguously recognized in different clinics (Gomez and Castaneda 501). These communities,

starting from youth, are already placed in a fractured dynamic with these structures as different

facilities accept or handle their immigrant status differently. This, compounded with language

barriers or unfamiliarity with the healthcare system, blocks effective communication, decision

making, and dissemination of information within this community. Because there is a lack of

appropriate resources to close this knowledge gap and understand the complexities of their rights

or the mechanisms of different medical practices, they can be potentially exploited through

practices such as medical repatriation by more powerful institutions which disregard their

worries, insights, and perspectives and further alienate them.

The ultimate result of this mistrust and medical illiteracy can snowball into larger

tangible repercussions beyond just the immigrant community. As a systemic review of

undocumented immigrant documents revealed, Latino immigrants, specifically, were found to

seek HIV treatment later after the diagnosis due to anti-immigrant hostility and discriminatory

policies (Martinez et al.). If individuals fear seeking help and avoid necessary treatment or

cannot easily access it, this risks their illnesses developing and requiring further money, time,

and resources in the future, with other contagious illnesses potentially placing the public's health

at risk. Ramifications are heightened for higher-risk cases, like HIV, which can, as historically

seen, produce widespread unchecked when ignored and stigmatized. Therefore, it becomes even

more important to examine the undocumented immigrant population not as a monolith, but as a diverse group of individuals who experience specific challenges, like the LGBTQ community, and execute appropriately. Public health remains a shared duty and further developed high-risk cases and symptoms only reduce the efficacy of these medical institutions in protecting this health. While the law authorizes medical repatriation, hospitals, uniquely governed by unwritten ethical values, have a moral duty not to abuse this option as they remain conscientious of their role in our communities.

Beyond these physical health concerns of the individual as well as the community, medical repatriation attacks undocumented immigrants' humanity and perceived worthiness of basic rights in the US. In mandating different standards of care for undocumented immigrants relative to ordinary insured patients, it encompasses a larger ideological concern surrounding undocumented immigrants' worth and inherent rights on two fronts, first as a patient and then more broadly as a human being. Regarding fundamental patient rights such as informed consent, researcher Donelson reveals that previous legal cases have established precedents that validate an obstruction of informed consent. *Cruz v. Central Iowa Hospital Corporation,* for example, deemed that an immigrant patient's lack of adamant protest to medical repatriation fulfilled the requirements of informed consent (Donelson 363). As seen in similar judicial rulings as well as the lack of informed consent in Jimenez's case, immigrants lack systemic protection to ensure proper execution of standard informed consent qualifications. This breeds a lack of accountability for hospitals, as there are no repercussions to deter them from exploiting repatriation protocols, which in their loose and ambiguous nature, assume that hospitals will work in a morally conscientious manner and hand them unmitigated control to arbitrate and execute these guidelines. When legal systems do not hold institutions accountable, these actions

only continue, setting a precedent that public institutions are greater than the individuals they serve and validating repatriation's obstruction of equitable treatment.

Young et al. attribute a flawed implementation of a key medical tenet of informed consent to the fundamental execution of medical repatriation. Because of its selective treatment, repatriation determines that the right of informed consent is contingent on social factors rather than being a fundamental value (Young et al. 671). This circumstantial application of informed consent harms the ethical nature of our medical institutions, as it determines that autonomy, a basic right to represent ourselves, is a privilege. Medical repatriation presents implications that define certain individuals, undocumented immigrants, as incapable of making decisions for themselves. This denial of autonomy encourages a lopsided patient-physician power dynamic, where hospitals can unilaterally make decisions that exploit and undermine the best interests of the patient. However, without any objection or accountability, there is no legal reinforcement to do the right thing, other than a morally conscientious obligation.

On a broader scale, medical repatriation, while in principle a medical practice, becomes an ideological barometer that assesses immigrants' deservingness to basic human rights in America. As researcher Kline describes, legislations that distribute social benefits are founded on a concept of deservingness, which is a "moral articulation of belonging" that is circumstantial and therefore inconsistent in how it is integrated into policies (282). Many federal healthcare programs, such as Medicare, that administer insurance coverage and protocols, are, in essence, selectively distributing a specific right, protection, or privilege. In excluding undocumented immigrants, they are determining this subset of the population as less deserving of these social services and medical beneficence. With these judgements a manifestation of their social and political climate, it allows politicized morality judgements stereotyping undocumented

immigrants as criminals, to negatively distort their perceived identity and unfairly adjudicate their deservingness. Therefore, medical repatriation, a concrete and physical medical practice, becomes symbolically painted with these arbitrary and subjective standards of immigrants' value.

Furthermore, the mere concept of exclusion creates a distorted narrative that a safe, healthy, and stable livelihood and adequate healthcare to maintain it is a privilege to be gatekept. In hospitals selectively mandating treatment through repatriation, it causes immigrants to be punished for seeking care for their needs. As the DACA participants stated, they felt unsafe and more notably, "undeserving," of accessing medical care due to the anti-immigrant environment of Arizona, especially after the enactment of SB1070 in 2010 which was the strongest anti-immigrant measure enacted in the US (Gomez and Castaneda 502). Thus, their experiences convey the power of these laws, in their ultimate authority, which shape public perceptions, narratives, and social norms of their surroundings in Arizona. Anti-immigrant values, when reflected in these authoritative laws and practices, like medical repatriation, become powerfully and symbolically legitimized and normalized with each application of them in daily life. Medical repatriation, therefore at its core, in deciding who receives better treatment for long-term life-threatening conditions, demonstrates how external agendas of policymakers, who don't suffer from the consequences of their own policies, determine whose livelihoods are valuable in our societies. As repatriation's basis of validation ties one's humanity and deservingness of equitable conditions on external, and often uncontrollable, factors such as one's native country or ability to pay, it adheres to a static, and dehumanizing, devaluation of immigrant lives. Rather than accommodating and adjusting to each individual's unique circumstance and identity, including

their background, family situation in the US, or financial struggles that need to be accounted for in equity considerations, their lives are transactional and expendable vessels for economic gain.

While previous bioethicists have called for reforms to tighten the medical repatriation protocols, Oakley and Sorell accept and acknowledge that while flawed, medical repatriation is an inevitable product of our healthcare system. America's highly privatized healthcare system incentivizes economic competition as private hospitals can accept financially capable patients over others and public hospitals must rely on often unforthcoming federal funding, a structural contrast to many European countries' tax-funded systems (Oakley and Sorell 8-9). Due to this, beneficence is regulated by a fixed quota as uncompensated care is financially harmful to a hospital's future operations. These researchers, while fundamentally opposed to repatriation, understand that medical repatriation is just a logical manifestation of this environment, where prioritized financial interests may interfere with one's health. Because these values trickle down from policymakers, to the court system, to everyday physicians, rather than inefficiently tweaking medical repatriation, reforms must attack its underlying financial motivations and legislative infrastructure that incentivize it.

Understanding that repatriation targets uninsured individuals, in tandem with medical repatriation reforms such as tightening protocols for valid informed consent and adequate due diligence, we can examine sanctuary cities like San Francisco for effective inclusive healthcare reforms. Marrow and Joseph describe Healthy San Francisco (HSF), a measure which provided a smaller-scale universal primary health care, or safety-net structure, for residents whose incomes were under the national poverty line, effectively covering almost 60 percent of SF's uninsured population by 2011 (2261). Because it included any resident of San Francisco, instead of specially authorized individuals, it redefined who was deserving of these state benefits. More

importantly, there was a high satisfaction and approval amongst the physicians themselves who appreciated their city's effort to mobilize resources in alignment with their ethical values (Marrow and Joseph 2262). With the support of healthcare professionals, measures such as HSF hold more weight and leverage in reform campaigns as a legitimate medical improvement. Using sanctuary cities as an effective model in promoting greater community health and safety, we can identify and advocate for these social and physical health advancements.

Furthermore, with a national comprehensive Medicare infrastructure already intact, we can restructure its framework which strips immigrants of the autonomy to make their own financial and medical decisions. Expanding healthcare programs for immigrants, such as federal insurance programs like Medicare, creating specific subsidies for immigrants, or lowering the qualifications will allow them to financially contribute to this system (Kuczewski 226). These reforms reframe the subjugated position of immigrants in healthcare, allowing more autonomy in choosing the appropriate insurance program for themselves and prepaying for medical services, similar to regularly insured individuals, rather than rendering them financially incapable from the start. Reducing the pool of uninsured immigrants reduces the number of possible victims of medical repatriation as more local long-term care facilities will be inclined to accept them. Furthermore, with an existing Medicare infrastructure, its versatility can accommodate each state dividing their budgets proportionally and appropriately for their own residents, as seen in 2016 when the California legislature opened Medi-Cal eligibility to all low-income children, regardless of undocumented status (Jacobs and Lucia 1380). Because of preexisting provider structures, California could tweak their qualification requirements and address a vulnerable demographic. With these reforms actualized in various states, it is logical to suggest that increasing the number of contributors to a healthcare system can alleviate the burden upon

hospitals having to absorb and take on the costs of uncompensated care, therefore reducing situations where they must repatriate patients.

However, due to the expensive nature of the current healthcare industry nationwide and its permanence for the foreseeable future, a subset of the population will continue without insurance. This pushes the obligation of funding and support for beneficent healthcare upon the federal and local governments, as expecting unlimited ethical care without financial support is overidealistic and illogical. Research from 2010 has shown that 96 US large public hospitals such as Grady, who rely on DSH funding and who offer emergency capabilities for uninsured patients, had an average emergency visit rate that was triple the rate of other hospitals (Kline 289). With patient visits distributed in this manner where public hospitals face a larger influx of needs, and accept patients denied by private facilities, there is a logical need to reinvigorate Disproportionate Share Hospital (DSH) program funds. This is further underscored by the fact that a lack of funding disproportionately hinders these public institutions while private hospitals remain relatively unaffected.

Furthermore, many public hospitals often provide the only access to necessary services for special medical needs. Dr. Williams, who has worked for 20 years at Grady Hospital, which offers the Atlanta area's only Level-I trauma center, has witnessed how previous lack of funding caused them to close their outpatient dialysis center, leading to some undocumented kidney-failure patients being medically repatriated (Kline 289). Therefore, institutions such as Grady sit in a precarious situation, offering crucial and scarce resources like the trauma center in a safe and accessible manner. However, despite their efforts, continued lack of funding or resources will inevitably lead to lower quality care and longer wait times as well as downgrading of important services, and more frequently, medical repatriation. Federal programs such as the DSH program

allow these institutions to function without certain financial restrictions, expanding the efficacy

of their ethical duties. Logistically, enacting budget changes appropriately for local and federal

legislatures will require important collaboration between immigration bureaucracies and

healthcare policymakers, especially as different states have different policies and relationships

with immigrants. While difficult, laws are the mechanisms through which authorities signify

their priorities, and reinvesting in these programs demonstrates our nation's dedication to its

constituents.

Regarding the long-term future, it is paramount to support higher education access for

undocumented immigrants to allow them to pursue careers in the medical field. Including

immigrants in these spaces can offer cultural and social diversity in representation and ideas

within the healthcare field. As Kline notes, actions such as Loyola University Chicago Stritch

School of Medicine explicitly writing their eligibility of DREAMers into the admission process,

which was groundbreaking in 2012 as the first American medical school to do so, have a large

impact in normalizing immigrant acceptance and representation (227). Currently, the largest

challenge for immigrants is their fractured relationship with the healthcare system. Having

healthcare professionals who come from these communities, who can utilize their cultural

background or bilingualism to break down these barriers of communication or medical illiteracy,

will improve connection to their patients and cultivate this trust. Therefore, direct actions such as

Loyola University's are an important start in establishing demographic shifts in academia, in

uplifting and motivating the upcoming generations of immigrants.

As practices such as medical repatriation demonstrate, the implications of exclusion

reverberate beyond each individual immigrant. They are symbolic as much as they are physical

practices. Especially with the complex identity of undocumented immigrants within the US, the

nature of medical repatriation must be redefined and the infrastructural support must be restructured to separate prejudicial agendas from the livelihoods of immigrants as well as to protect healthcare's execution of its core values. Public health is upheld for and by the public, whomever that public is defined as. If such an important social construct relies on the compassion and ethical values of our healthcare institutions, promoting this is in our best interests.

Figure 1: Phases of Quelino Jimenez's Medical Repatriation
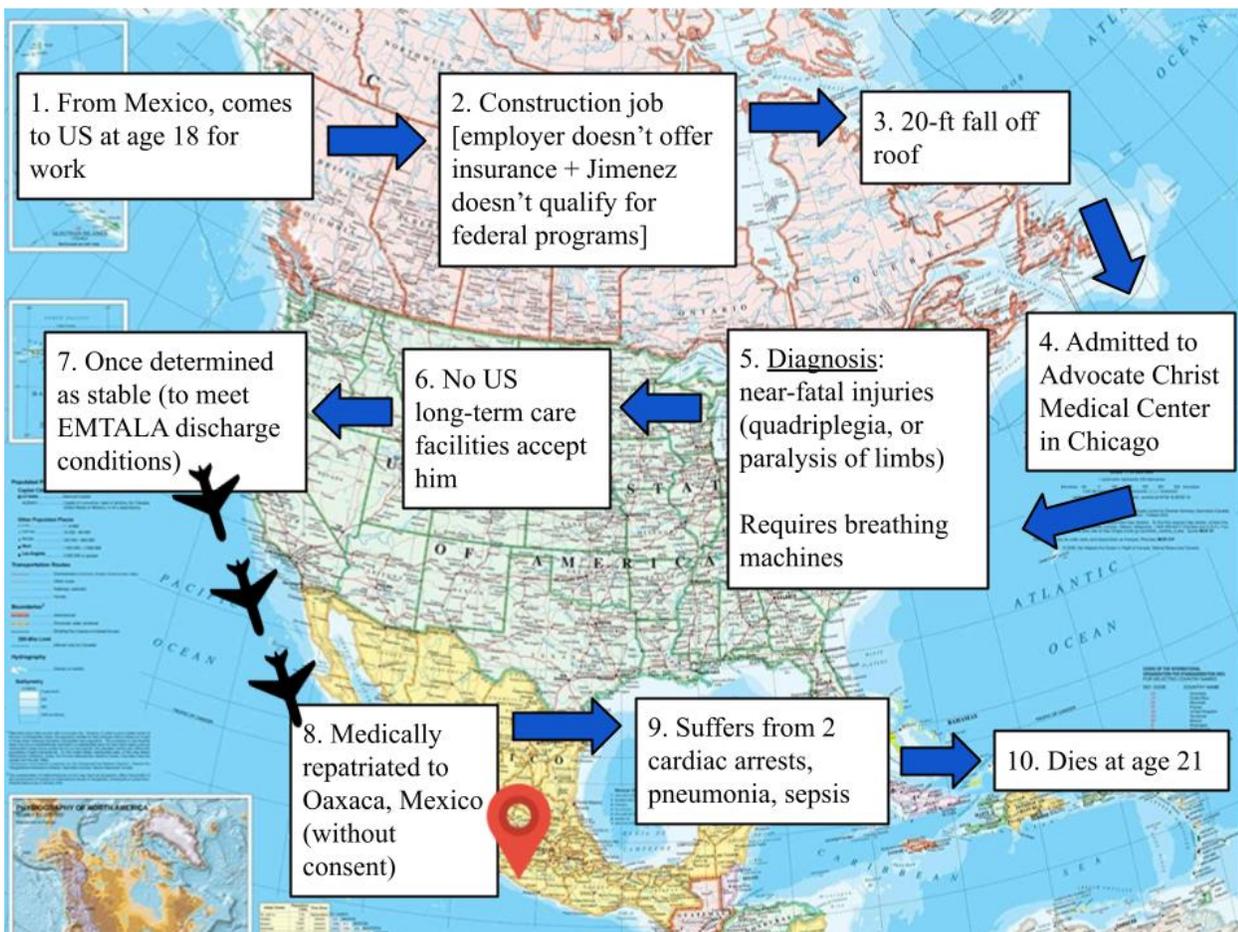


Fig. 1: This figure depicts a real-life example of Jimenez's medical repatriation, documenting the barriers of insurance, hospital denial, and travel that compromised his health, all due to his undocumented status (Young, Kuczewski).

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Natalie Novella

MCWP 50

Dr. Jenni Marchisotto

Be Afraid, Be Very Afraid: Inventing Monstrous Black Bodies Through the White Gaze

In 2014, Michael Brown was shot six times and killed by the white police officer Darren Wilson, who felt threatened by the eighteen-year old's "incredibly strong, scary self" (Blue). Brown, in the last few seconds before his death, was scrutinized and deemed too dangerous by Wilson's white gaze, which traps Black bodies within white imaginations. This shooting was just one amidst a series of police officers killing Black individuals that transpired within the last couple decades. The police officers' white gaze assessed their victims not by their human characteristics, but by their menacing, threatening Black bodies. I argue that the white gaze and early scientific studies of Black bodies carved an edifice of racial profiling into the heart of American culture. The formative scientific studies of evolution in the late nineteenth century offered an avenue for racist ideological beliefs to be validated by scholarly research, and by which Black bodies were considered to be representative of a less developed, ugly, primitive brute. This foundational scientific understanding lent authority to the visual mythopoetic construction of Black bodies as dangerous, belligerent monsters.

At the turn of the twentieth century, Black bodies were upheld as representative of primitive evolutionary predecessors in scholarly and theoretical frameworks, a concept that was further reinforced by pop culture fervor. In 1906, hundreds of thousands of people flooded into the Bronx Zoo to behold their primate ancestors by peering into the monkey exhibit, laden with cages of apes, chimpanzees, and a man from the Pygmy people of Congo, Ota Benga. The white audience gazed towards the cages in swirled masses of fascination and pity; to them, Ota

Benga's body was neither human nor monkey. The *New York Times*, capitalizing on the sensational and tantalizing exhibit, published a poem that described his journey "From his native land of darkness, / To the country of the free, / In the interest of science," and then his physique, "Scarcely more than ape or monkey, / Yet a man the while" (Kidd 408). This description of Benga disregards his personal agency, instead impressing upon American readers that his Black body is more worthy of consideration than his human characteristics. The spectators with their thirsty gazes fixated on Benga's body, Ota Benga huddled behind the caged bars of the monkey exhibit, and the acclaimed institutions touting his captivity as a great scientific experience all represent the tumbling momentum at which scientific racism, popular culture, and the white gaze merged.

Towards the end of the nineteenth century, academic curiosity in the burgeoning fields of Darwinism and socioanthropology inspired displays of ethnographic difference between white spectators and the Black bodies they gazed upon, by which Americans were able to separate the shared humanity of Black and white bodies. *The New York Times* reassured any citizens concerned with Ota's iron-caged captivity and public display that, though it appeared to be a "human being in a monkey cage," scientists classified him as a creature in wait of white guardians to mold him into a civilized savage (Buckner 132). The display of Ota Benga's body for the educational and voyeuristic benefit of his white audience emphasizes the social implications of the public and scholarly grasp on evolution and race. Scientific studies of evolution and Black bodies influenced U.S. culture by assigning Black physiques to primitive characteristics. These newspaper articles, the Bronx Zoo, and that white audience all warranted their behavior on their accepted, supposedly-scientific theory that Benga's Black body was not quite human, and therefore worth the spectacle.

Ota Benga arrived in the United States amidst this popular scientific consensus that Black bodies, particularly indigenous tribes people from Africa, were representative of a white person's evolutionary brutish prototype, further reinforcing racist ideology through science. The assumption of this theory, overwhelmingly aided by preeminent scholarly research of the time from the highest echelons of academia, is that humanity once looked the same, but that as humans evolved, white people developed lighter skin color as a testament to their advanced and elevated status. H. Merivale, a politician and historian in the nineteenth century pompously said, "[Black populations] are of great use to political philosophers; their condition serves as a sort of zero in the thermometer of civilization—a point from which there is a gradual rise towards perfection" (Kidd 396). Such was the widely accepted racist ideology that fueled early scholarly studies. This biological invention of race and body as an indicator character came at a time when U.S. popular culture trusted science and scholars as a source of objective truth. However, preceding Ota Benga's arrival at the beginning of the twentieth century, scholars contaminated the objective nature of scientific research by using it to validate their political and racist ideology, thereby invoking their scientific authority to distort the dominant rationale and social reality.

The Scientific Truth?

The political function of science in justifying racist ideology is clearest in 1859, when Charles Darwin published *On the Origins of Species* and galvanized the historical sedimentation of scientific research sustained on the belief that people of African descent were biologically inferior to their white counterparts. Despite the fact that Darwin's idea offered no commentary on the issue of race or culture in his present social dimension, scholars instantly transferred his work into a racial and cultural context. For example, in his review of *Origins of Species*,

Professor Fleeming Jenkins explicitly used natural selection in racial terms, posing a hypothetical situation in which if Black and white people were left isolated on an island, their ancestors would naturally develop lighter skin because of its superior implications (Jackson 66). This biased interpretation of Darwin's research, the blatant perversion of science for ideological justification, and the discursive studies that ensued, confirm the tendentious power scientific authority has to name, classify, and shape reality. Here science operates in an inherently political function by using supposed scholarly objective truth to rationalize a U.S. culture of racial profiling sustained on prominent scientific frameworks. A short time after Darwin's famous study, during the tensions of the US Civil War period, sociologist William Sumner used natural selection to justify the racial categorizations of white slaveholders and Black slaves on the basis that external appearance indicates internal characteristics. Sumner founded a social scientific offshoot of Darwinism called Social Darwinism, that allowed for, even celebrated, racial and cultural discrimination on basis of physique (Dennis). These principle scientific studies form the heritage site to racial profiling and perpetuate a racist historical continuity of an American imago that assumes Black bodies represent separate, different, Other. It is clear that, though originally unrelated, Darwin's study of evolution gave biological justification to the racist ideologies held by scientific and political thinkers, which grew into a prominent field of study that pervaded popular culture in the late nineteenth and early twentieth centuries.

As this political apparatus of scientific racism stretched into the end of the nineteenth century, the concept of Social Darwinism attracted popularity both in academia and in popular culture as studies linked Black bodies to internal immoral character. Namely, philosopher Herbert Spencer continued to research and develop the implications of Social Darwinism, justifying racial profiling as an adequate indicator for one's personal character and ability.

Spencer believed Darwin's theory of evolution could apply to social consequences, whereby humans, as with all species, operate on a natural selection of superior skin color and culture. He coined the term "survival of the fittest" and argued for evolution in terms of a struggle between races for supremacy (Jackson). In this theory, Black populations not only deserve their inferior status but revel in it because of their failure to evolve at the rate of their white counterparts. This allowed for the justification of the disproportionate poverty and crime in Black communities to be of their own doing because of their supposedly immoral, animalistic characteristics. Likely, the New Yorkers that gaped and gawked at Ota Benga's body in the Bronx Zoo thought of Darwin and Sumner and Spencer and marveled at their opportunity to witness such a display of science and evolutionary truth. This scientific authority gave permission for white gaze to look upon Black bodies and see not just their external appearance, but "know" the person to be darker and therefore different and dangerous. Spencer's theory used scientific justification to firmly link external appearance with behavior and ability, contributing to the pattern of racialist thinking in which people are assessed by their bodies rather than their human characteristics.

In 1899, Professor William Ripley published his work "The Races of Europe" which became a formative treatise on the division of people based on body appearance and the evolutionary developments that encouraged classifications of race up into today. Ripley argued that racial physiques are a product of their environment, and in following a timeline of physical evolution, populations with darker skin color are less developed prototypes to their superior light skinned counterparts. This is cemented by his collection of "head-forms," the visual appearance and cranial measurements of heads, as the single most important indicator of race (Ripley). Ripley used the pictures of the African heads to highlight racial differences but also to expose evolutionary distinctions. In doing so, he suggested their Black physiques were evidence to the

supposition that humans evolve and progress to naturally develop lighter skin color and more civilized culture. Ripley's work was widely acclaimed and regarded as an exceptional scientific and socio-anthropological study of evolution, giving cause and justification for scholars and the public to codify and assess people on the basis of skin color and physique that continues into the present. Ripley's study gave a scientific license for Americans to gaze at Ota Benga a decade after—and a precedent for officer Wilson to size up Michael Brown a century later—and see not the person, but a wily, primitive, dangerous creature. This formative scientific research functioned in a subjective, political manner. Darwin used science to discover truth and reality; however, Ripley, Jenkins, Sumner, and Spencer used science to invent reality into the form of their white gaze. This false scientific truth and discriminatory misrepresentation of Black bodies hooked into popular culture and by invading U.S. visual media.

Black Bodies in The White Gaze

In stream with this tradition of studies and display of Black bodies, scientific sketches that depicted similarities between Black bodies to monkeys became an accepted form of scientific validity, going on to lend visual authority to representations in popular culture. Black bodies were measured in their physical difference to white bodies and ranked closer to wild animals on the evolutionary scale. The white gaze found that Black bodies shared more physical characteristics with creatures than with humans. One scientific study of evolution sketched the progression of ape into a Black man, and drew body comparisons meant to prove that Black physiques were hardly different from primates (Jackson 68). The perceived scientific validity of these visual representations of Black bodies lent imagery to popular media, which featured caricatures of Black women and men with animalistic characteristics that reinforced the aspect of Other and dangerous. Sociologist Kelly Welch, in her article about Black criminality and racial

profiling, asserts that visual media is powerful element in forming public perception of race by offering a national site for "ideas [to be] articulated, worked on, transformed, and elaborated" (282). Imagery imprints on the minds of viewers and perpetuates typifications and associations, between Black bodies and uncontrollable, wild animals.

Modern racism, then, can be understood through this historical racist sedimentation of the visual corruption of Black bodies. As seen in figure 1, the manner of visual representation, taken first from prominent scientific sketches and then splashed across popular media, signals to the white gaze that Black bodies share more similarities with uncontrollable, menacing, wild animals than with humans. Scientific racism gripped its talons into popular culture and, through visual and body displays, invited Americans to become complicit in the false racial narrative. This is not merely innocent visual misrepresentation, but reflective of the cultural and racial prejudices that welcomed racist depictions as a form of further separating white Americans from their racial others.

This is why by the twentieth century, the scientific racism in which Black bodies were studied, codified, and categorized into creature-status contributed to a social tradition in which Black populations were both reviled and feared on the mere basis of their physiques that continues into the present. For example, on Ota Benga's initial arrival into the United States for the 1904 St. Louis World's Fair, the *St. Louis Post-Dispatch* released an article that listed 93 "facts" about Pygmy tribes people that dehumanized and equated them to scary, wild animals. They were described by their bodies and monstrous characteristics, including how "members…[were] so hairy they seem[ed] to be covered with a sort of felt, or fur," and other depictions, such as how they appear to have snouts, "little red eyes," and that they all "eat the flesh of animals" ("African Pygmies" 5). This representation of Black bodies and character by

popular media used scientific justification and the white gaze to morph and distort Black bodies into threatening, dangerous monsters. The perception of Black bodies at the turn of the century tumbled into a tradition that lends authority and justification all the way into the present. James Baldwin wrote, "the great force of history comes from the fact that we carry it with us, are unconsciously controlled by it in many ways, and history is literally present in all that we do!" (410). Our social and racial reality are products of historical legacy. The formative early scientific racism, then, merged with the white gaze and visual representation in popular media, contributes directly to contemporary racial issues. Racial profiling, a form of white gaze which assesses a Black person by their body instead of their human characteristics, is an American tradition that operates into the present through historical continuity.

Racial profiling is rooted in this menacing visual representation, by which the white gaze recurrently takes Black bodies in social spaces to signify the uncontrollably dangerous presence of monster. The imagery of monsters, specifically their bodies, reveals culturally specific fears and anxieties—and the American experience has recurrently defined monsters as racial Others (Weinstock). The scientific continuity and the historical stratification of visual associations has created a false mythos construction of Black bodies as a signal of danger and threat. Critical race theorist Sara Ahmed outlined this process in her article about the affective economy of hate association, whereby a "rippling effect of emotions" transfers emotional attachment to various levels of signification all the way into the present (120). When Americans read the *New York Times* in 1906 and saw the image of Ota Benga's body closely resemble a wild animal, when acclaimed scholars released studies in prominent journals that depicted sketches of Black heads cross analyzed with primates—those visuals, evoked emotions, and these body associations were never forgotten. It was ingrained into the very heart of the American spirit. Images and the

emotional attachments they evoke have the power to transcend time and reason. Here lies the crux of the issue: the formative scientific studies that compared Black bodies with primitive creatures gave license for a false historicity that links the mere image of the Black physique to a scary, dangerous monster. The white gaze, trained through over a century of racist tradition, sustains this culture of villainizing Black populations for fear of their terrifying, uncontrollable, threatening bodies.

The historical continuity that encourages the white gaze to imagine Black bodies as monsters was slowly and deeply embedded into the collective American psyche through this formidable legacy of imagery and visual representation. As any critics to the power of historical legacy would argue, when the white audience gazed through the cage bars at Ota Benga and when police officers squared up against Black bodies on the street, they didn't actually see monsters. However, they experienced a visual-myth flutter through their imagination that suggested a dark, dangerous, threatening body. This is the product of a normalized American culture of racial profiling. Formative scientific studies and the accepted popular culture representation assures them that it is possible to determine a person's character and intent through the image of their body. This effect is a slow accumulating inheritance of body representation through trusted American institutions. For example, in 1896 Stephen Crane, a reporter who was renowned for his sober realism and liberalizing naturalism, wrote about the Black inhabitants he saw on his walk through the most dangerous and densely populated district in New York, asserting they appeared content amongst the rampant "poverty and sin," with "broad grin[s] on the face of the devil" (Cleman 123). This piece invites the reader to imagine ominous, Black bodies lurking in streets, satisfied to revel in the danger and crime they create. This form of imagery impacted more than just a couple newspaper readers, it normalized the

white imagination of the Black population contained in their urban jungles, with their monstrous Black bodies comfortable amongst evil and instability. In 1969, after releasing his report on the dreadful and still spiraling state of poverty and crime in Black communities, President Nixon's advisor allegedly urged a policy of "benign neglect," in assumption with this concept that Black populations are contained and predisposed to function in this type of lifestyle (Dennis 248). The historical continuity of Black bodies as monsters has impacted not just popular culture, but political policy. In the late nineteenth century some scholars used their scientific authority as a tool to shape scientific truth to resemble the racist image their white gaze portrays, in the twentieth century visual media perpetuated this false historicity to the highest institutions, and in the twenty-first century this legacy forms social reality. In the present, this framework takes the form of racial profiling encouraged by representation in visual media.

The American tradition of racial profiling, rooted in discriminatory visual representation and monster associations of Black bodies, has maintained a robust place for itself. Popular media perpetuates a narrative that links external appearance with internal immoral characteristics, reinforced by formative studies of scientific racism and the integration of this fiction into public life. According to one recent media study from Chicago, news outlets are more likely to depict accused Black criminals as especially menacing by specifically displaying scowling, threatening mugshots and broadcasting videos of belligerent arrests (Welch 281). In the present, when a white audience gazes upon a Black body in a cage, they no longer see an interesting science project like Ota Benga, but a dangerous, criminal, monster. Due to the historical continuity of racial profiling, this visual representation, though encompassing only a few people, is assimilated and typified into the larger undifferentiated Black community. Therefore, when police officer Darren Wilson pulled his gun on the unarmed Michael Brown and shot him six times because,

according to Wilson, the teenager looked and acted like a "demon," it is representative of not just one man's racism, but over a century of historical legacy and build up (Yancy 5). Historian George Yancy calls this "racist episteme," the long tradition of white gaze and racial profiling that allows for "'knowing' in advance. Black bodies are shot in exchange not necessarily for what they do, but for what they will do" (5). Michael Brown's body was assessed, judged, and deemed too threatening—and he was killed for it. The formative scientific racism, the visual representation of Black bodies, and the monstrous associations, all intertwine and layer atop each other to create modern day racial profiling.

Racial profiling in present day America can be traced back to the formative scientific racism that used a false white imaginary to distort and morph Black bodies into monsters. In 2014, Eric Garner was put in a choke hold and died of the injuries inflicted by police officer Daniel Pantaleo, who felt threatened by the Black man's 6'3 and 350lbs body (Khasan). Garner, with his last few breaths, urgently gasped "I can't breathe!" "I can't breathe!" eleven times to the disregard of the police officers pressing him to the pavement (Yancy 1). The reality of Garner's complete powerlessness is juxtaposed against the police officers' image of him as a dangerous, threatening body that needed to be contained at all costs. Racial profiling has a heritage rooted into the heart of American culture. Ota Benga's caged display at the Bronx Zoo over a century ago is a clear signal to the historical legacy of the white gaze which seeks to trap and contain wily, dangerous Black bodies. Through the formative political-scientific studies of Black bodies that served as a mechanism to justify racist ideology and shape it into reality, white gaze morphed and demonized the Black population and their bodies into belligerent, threatening monsters. Now, six years after the deaths of Michael Brown and Eric Garner, on May 25, 2020, George Floyd frantically choked his last words, "I can't breathe," as his body was forced into the

ground by a white police officer. With a century of formative scientific racism that rationalizes

their biological status as a creature and the suffocating legacy of millions of eyes gazing upon

their Black bodies thinking—"savage," "dangerous," "threat," "menacing," "*monster,*"—how

can any Black person breathe?

**Figure 1**. The Influence of Scientific Authority on Perpetuating Visual Representation in Popular Culture



Fig 1. This flowchart illustrates how the visual representation of Black bodies, inspired and encouraged by scientific credibility, proliferated their depiction as menacing or wild animals in popular culture and media. The Scientific Sketch is from zoologist Ernst Haeckel's book *The Evolution of Man* where he discusses the evolutionary concept of the "great chain of being." The monstrous body sketches are by Charles White's book of evolution, *An Account of the Regular Gradation in Man.* The caricatures of Pygmy Tribes people are from a *St, Louis Dispatch-Post* Article during the St. Louis World's Fair in 1904 ("Money!").

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Carlos M. Pondevida

Muir 50

Dr. Kelly Silva

<center>Exploring the Colonial Narrative Behind the Coastal GasLink Pipeline</center>

Of the many contemporary conflicts that characterize Indigenous-settler state relations, few are as complicated as the concept of land rights. With colonial history consisting of Indigenous people having their territories forcibly taken, and with the unequal power modern settler states wield, the degree of sovereignty Indigenous groups have over their land is often contested. Such an issue is at the heart of the conflict surrounding the construction of the Coastal GasLink Pipeline in the settler state of Canada. The pipeline is part of the bigger LNG Canada project which has the goal of exporting natural gas from Canada to the international market. As a whole, the pipeline is located in British Columbia and would start in Dawson Creek and end at Kitimat, covering a total ground of 670 kilometers. Economically, the project is an investment worth billions of dollars and has been approved by the Canadian government (Bellrichard and Barrera). The issue however is that its proposed route crosses around 200 kilometers of Wet'suwet'en territory and, as a result, some Indigenous groups have started protests against the pipeline. Specifically, in response to the ongoing construction, Indigenous groups in the area have enacted protest movements, claiming the government does not have the authority to build on land that is chiefly theirs. The Canadian government is currently ignoring such protests, claiming they have proper permission to proceed with the Coastal GasLink Pipeline. The conflict seen with the pipeline highlights the settler state's disregard for Indigenous sovereignty, along with the inherent inequality that exists between the two groups as the settler state criminalizes peaceful Indigenous protests and perpetuates colonialism, thereby preventing Indigenous communities fighting back against that inequality.

The Coastal GasLink pipeline is an invasive project that inherently subverts Indigenous sovereignty. "Invasive project" refers to how it is a project by an external entity that is infringing on the territory and resources of the Indigenous communities in the area. Indigenous scholar Anne Spice states how in general, settler state infrastructure projects such as transport and pipelines negatively impact Indigenous life for capitalist expansion of the settler state (Spice 41). As an example in this case, Spice notes how the Coastal GasLink pipeline would trample over important Indigenous farming plots in the territory (Spice 40). From Spice's account one can see a clear conflict of interest between the two groups at the heart of this struggle. The economic interests of the state are at odds with the frugal, living-off-the-land lifestyle of Indigenous groups for whom the natural resources of the area might be impacted by the pipeline.

Importantly though, the setting of the conflict is not in any contested territory, but rather, the pipeline is being built on land that is strictly Indigenous and thus it is land Indigenous people should have sovereignty over. Hence, the actions of Canada to push forward with the pipeline shows not only physical repercussions that the pipeline brings, but also a spiritual and mental one as well. Jeff Corntassel, an Indigenous expert on community resurgence, explains how "challenging the colonial narrative of extractive industries" is a means to protect "place-based relationships," which in turn is an act of decolonization (Corntassel 351). On a deeper, more societal level, the act of Canada waving away Indigenous concerns and making use of their land as they see fit is, as Corntassel notes, a "colonial narrative." For Indigenous communities, a key factor to their growth is being able to claim independence, being able to move past colonization and being able to be a sovereign state. Invasive projects inherently disrespect their hard-earned authority and are a step back from Indigenous resurgence. Thus, it is clear for some Indigenous groups in the area that the construction of the Coastal GasLink Pipeline can be harmful for them

on multiple levels. This fuels their protests which they have full rights to on the basis of their sovereignty over their land.

The Wet'suwet'en territory that the Coastal GasLink Pipeline would cross is considered to be unceded and sovereign Indigenous land, but the Canadian government does not properly recognize Indigenous rights to it. The significance of unceded land is that it means that it has never come under settler state control. Freda Huson, chief of the Unist'ot'en, one of the Indigenous groups residing on the disputed land, explains this, stating that the land is not owned by Canada, instead "It's Wet'suwet'en' land, and it's unceded. Unceded means that we've never given it up, we've never surrendered it to anybody" (Huson 217). From Huson's words it is clear that to her community, they hold complete sovereignty over land that the project will cross and thus should have a say on whether or not it should happen. Importantly, this leads to the idea that the Indigenous community should for all intents and purposes be considered its own nation. Along with their unceded land, they have their own laws and their own systems separate from the settler state of Canada.

Notedly, such an unceded status of the Wet'suwet'en territory is not only a claim by Huson, but actually something that is recognized by the settler state at a legal level. Legal expert, Charlie Powell, writing for the legal organization *Socialist Lawyer* describes how "The governance system and land law of the Wet'suwet'en is an unbroken tradition and had legal recognition even under British law during the original colonisation of British Columbia. It exists as a matter of Canadian Law today, is recognised as predating colonisation, and is part of the Constitution Act, the highest law of Canada" (Powell 37). Powell shows how Indigenous sovereignty over the land is recognized by Canadian law itself. It would make sense then that the Canadian government acknowledges the protests being made by Huson and other Indigenous

peoples against the Coastal GasLink pipeline. After all, under the doctrine of the rule of law, the Canadian government is not exempt from what their laws say and thus must respect the claim that the Indigenous protests have on the land. Unfortunately, that is not what is happening and it shows that rather than Indigenous sovereignty not existing, the settler state is simply choosing not to acknowledge it.

In addition to not acknowledging peaceful Indigenous protests to the Coastal GasLink Pipeline, the Canadian government actually criminalizes such actions in a manner illustrating the inherent inequalities in Indigenous-settler relations. Examples of such criminalization can be seen in the response to protest camps, which refers to when Indigenous peoples occupy the disputed territory as a means to speak out against the settler state. Figure 1 visualizes this, showing an example of a peaceful camp along with the armed forces sent to such locations. In addition, Charlie Powell specifically reports a string of police raids against Indigenous protest camps that rose in response to the Coastal GasLink Pipeline. He details one particular incident from February 10, 2020, wherein, "a convoy of armed Royal Canadian Mounted Police (RCMP) invaded Unist'ot'en land, battered through the gates of the camp, and arrested three Unist'ot'en matriarchs during a ceremony to call on Wet'suwet'en ancestors and honour missing and murdered indigenous women, girls and two-spirit people" (Powell 38). From this account, it is clear that the Canadian government is playing an active role in pushing down their disagreement. Importantly, the RCMP that participated in the Unist'ot'en camp raid are the national federal law enforcement of Canada, which means the attitude of the government towards Indigenous protests is clear: they refuse to acknowledge them and wish to put them down swiftly.

This is not a coincidence. Adam Barker, a professor studying Indigenous decolonization, details a history of police violence against peaceful Indigenous protests in Canada, including

how in 1995 alone, police raided two Indigenous protest camps near unceded land in both Ipperwash Provincial Park and Gustafsen Lake (Barker 200). As Barker shows us, this type of behavior in Canada is not isolated nor unique; it is a trend. Going further, it is not something isolated to any one settler state either. The fact that Canada has such a history with Indigenous groups is in itself something that would surprise people. Compared to the United States, Canada has a more muted reputation for conflicts with Indigenous groups. Yet, if one delves into the actual history, it can be seen that the conflicts so well-known in the United States are not the exception and are also present in the Canadian settler state. There is a systemic inequality at play in how settler states interact with Indigenous peoples. Earlier it was mentioned that with their own land, customs and laws, Indigenous communities operate for all intents and purposes as their own nations. The issue though is that settler states do not see them as such and treat them as lower entities. Think about it this way: if the land conflict were between Canada and the United States rather than either of them against an Indigenous community, how easily would armed forces get involved. The answer is likely not easily at all and instead diplomacy and communication would be turned to in order to resolve the conflict. This would be the case between two entities with equal authority or status and its stark contrast to how the Coastal GasLink protests are being handled show the unequal relationship at play.

Criminalization of Indigenous people also serves as a tool for settler states to push their colonial narrative, thereby perpetuating the inequality between the two groups. In this context, colonial narrative does not refer to the formation of a physical colony, but rather continuation of the tenet behind colonialism: that is that act of undermining Indigenous authority and furthering the interests of the settler state. In the past, wars and forced relocation were the main tools by which settler states pushed their agenda. Today, the method is more subtle: rather than being the

clear aggressors, settler states try to paint Indigenous groups as the ones in the wrong.

Indigenous scholar Heidi Kiiwetinepinesiik Stark explains the rationale behind this tactic,

wherein by portraying Indigenous people as savages and their lands as lawless allows settler

states to "expand the boundaries of both settler law and the nation itself by judicially proclaiming

their own criminal behaviors as lawful" (Stark). Stark brings to table the power of perspective to

a given situation. If settler states such as the US and Canada were to try and forcefully impose

their will upon Indigenous peoples, then they would be perceived as invaders by the rest of the

world. However, by portraying Indigenous culture as criminal and unruly, then actions against

their community shift from invasion to intervention. The colonial narrative is spun such that

settler states are helping the Indigenous people that cannot help themselves, when in truth, they

only further their own interests. A clear example of this is seen in the aforementioned police

response to the Coastal GasLink Pipeline. In another Indigenous camp police raid that happened

in 2019, "Royal Canadian Mounted Police invaded the Gidumt'en checkpoint and arrested

fourteen land defenders" (Corntassel 351). In this case, while the protests were peaceful, the act

of arresting the protestors weaves the narrative that their actions were overtly dangerous or

harmful. Charges of unruly behavior or civil disorder were used as pretext to clear the camp and

further construction of the Coastal GasLink Pipeline, thus furthering the interests of the settler

state. Such justifications form the basis of many Indigenous-settler state interactions over the

years and that is entirely by design. One previous US Indian Commissioner even went so far as

to say that the power of Western law would "save [Indigenous people] from falling hopelessly

into the condition of pauperism and petty crime" (Stark). The inequality is again clear:

Indigeneous people are considered savage by settler states and incapable of helping themselves.

By criminalizing Indigenous resistance, the settler states normalize this perception of Indigenous

people and perpetuates the inequality between the two groups which stems from the very beginning of colonial times.

The inequality between Indigenous nations and settler states shows the long-term and pervasive effects of colonialism. In particular, the way that settler states disregard Indigenous perspectives is an attitude that originates from colonial times. This is explained in a historical context by Yale professor Tisa Wenger who notes that upon European discovery of the Americas, the then pope, Pope Alexander VI gave the Christian nations a holy right to overthrow "barbarous nations" and occupy the so-called New World (Wenger 109). From this account, Wenger hones in on an essential root that continues to shape Indigenous-settler state relations today: a difference in religion and more generally, a difference in culture. Canada has roots as a British colony, and Britain was one of the Christian countries with that doctrine of discovery granted by the pope. Essentially, the Indigenous peoples of the Americas were labeled as the outgroup from the start. More so, they were considered barbarians for not being Christians and thus were not seen as equal nations. This attitude helped form the basis of an inherently unequal relationship that is still seen today.

In a similar way to the doctrine of discovery, the aforementioned criminalization of Indigenous people as perpetuated by settler states serves the same purpose: painting them as dangerous elements that would benefit from settler state authority. Wenger also notes the parallels between racial stratification in colonial times to how it is seen today through the reaction of settler states to Indigenous protests. Wenger notes how military force was used to suppress protests against the Dakota Access Pipeline at Standing Rock in the United States which is of similar fashion to how the Coastal GasLink Pipeline protests proceeded (Wenger 109). Notedly, these uses of violence can be compared to the forceful relocation of Indigenous

peoples during colonial times. Back then, settler states did so relying on the doctrine of discovery to assert their authority over a race labeled as an outgroup. In modern times, Indigenous people have codified rights and yet they still are faced with violence that forces them to comply. This is because by design, the settler state has still singled them out as that outgroup. Media portrayals, the history taught in schools, and the criminalization of Indigenous groups all perpetuate that difference. All of these parallels serve to show that while the institutions of colonies are no longer present, the sentiments of that colonial period are still very much active. There is clear inherent bias in modern day settler states with regards to how they act towards Indigenous groups and the means considered acceptable to deal with them.

Ultimately, the suppression of protests and the unchanged perpetuation of colonialism act as a ceiling that prevents Indigenous communities from overcoming inequality and being on the same playing field as the settler state. The two go hand in hand, as the former feeds the colonial narrative. As Adam Barker, professor and expert on Indigenous decolonization, explains it, the purpose of protest revolves around the "individuality and diversity of Indigenous cultures, national identities and struggles for decolonisation" (Barker 201). In essence, Indigenous protests are not necessarily meant to undermine or challenge the authority of the settler state. Rather, the purpose is more inward as Indigenous communities attempt to assert themselves amongst the external pressure of the settler state. However, as mentioned earlier, these protests are often criminalized and suppressed, perpetuating the unequal Indigenous-settler state relationship. More so, this also denies Indigenous people their means of resisting colonialism.

This is compounded by how often the setting for these protests involves Indigenous land that communities are fighting for, such as in the case of the Coastal GasLink Pipeline. Indigenous tribe member Jeff Corntassel frames the special significance land holds for

Indigenous people, explaining how community and nationhood are connected to their "place-based relationships" (Corntassel 352). For a culture that has deep connections with the land and whose practices involve living off of it, having their land sovereignty challenged by the settler state is a challenge to their way of life. It further perpetuates settler colonialism as the state can use their authority to impact such a vital facet of Indigenous communities, widening that power gap between the two. Looking at the now complete picture of colonialism in the modern age, it has already been noted that criminalization and suppression of Indigenous resistance perpetuates inequality and drives colonialism. However, such actions also have the effect of taking away the only means by which Indigenous people can fight back against colonialism. After all, if even peaceful protest can be criminalized by the settler state, then any other method could only have more violence. Thus, any such actions would also be used to justify the colonial agenda and paint Indigenous people in a bad light.

On the other side of the argument, the settler state and proponents of the Coastal GasLink Pipeline state they have respected Indigenous sovereignty and gone through the channels to get approval for the project. To explore this, an important distinction must be made that in the case of the Coastal GasLink Pipeline, not all Indigenous groups are against its construction, with some First Peoples actually giving their approval for the project. As CBC reporters Bellrichard and Barrera note, "20 First Nations band councils have signed agreements in support of the project, including five of the six band councils in the Wet'suwet'en nation" (Bellrichard and Barrera). Hence, it can be seen that the Indigenous protests against the pipeline are not uniform and that even if the protests are not being acknowledged, the Canadian government has considered the Indigenous opinion. However, they have only considered it from the manner most convenient to them. Those agreements only consider a government entity that was set up after

colonialism, as band camps were forced onto Indigenous peoples by the Indian Act of 1876.

From the Indigenous point of view, consent was never given by the heads of their traditional

government. Further, these heads are also the ones directly living in the land the pipeline would

cross.  Evidence for this is offered up again by CBC reporters Bellrichard and Barrera, who also

report the opposing side which states, "the Wet'suwet'en hereditary chiefs say those band

councils are only responsible for the territory within their individual reserves because their

authority comes only from the Indian Act." (Bellrichard and Barrera). Charlie Powell also

chimes in on the legal background of the dispute, mentioning that, "Some consent was granted

by elected chiefs, a system of governance imposed on First Nations by the Indian Act 1876, but

consent has not been granted by the five Wet'suwet'en hereditary chiefs who hold Aboriginal

Title over the land through which the Coastal GasLink pipeline intends to build" (Powell 37).

Therefore, while consent for the pipeline may have been given by the Indigenous government

that Canada set up and acknowledges, consent was not given by the original Indigenous

government. It can be understood then that the protests are being led by these hereditary chiefs

who traditionally hold authority over the disputed Wet'suwet'en land. Hence, the protests are

still valid and should be acknowledged by the Canadian government. Even if hereditary chiefs

are not the form of government that Canada imposed and acknowledges, they are still the entity

that many Indigenous people choose to follow. Further, going back to this idea of sovereignty,

Indigenous people have the right to assert their own government on their own land and there is

no need for settler state approval to legitimize that authority.

     In all, the continuation of the Coastal GasLink Pipeline in the face of Indigenous protests

represents the general attitude of settler states to disrespect Indigenous sovereignty, underlying

the unequal Indigenous-settler state relationship that dates back to colonial times and is

continued today by the criminalization of said protests. In particular, Indigenous chiefs and peoples in the Wet'suwet'en land have repeatedly exercised their sovereign rights to form protest camps against the project that could harm their communities only to be met with violent suppression. Such acts serve to try and criminalize the protests and undermine their legitimacy. Furthermore, this criminalization paints Indigenous people in a negative light and paints a false perception of them being aggressors. This manner of labeling Indigenous people as unruly to justify forced protest suppression starkly mirrors the labeling of Indigenous people as savages to justify forced relocation and land seizure from colonial times. Hence, this similarity shows how the colonial agenda of undermining Indigenous people and furthering the settler state interests is still very much alive in the modern era. To further compound the dilemma for Indigenous people, the act of protesting is their sole means of decolonization and trying to bridge the inequality between their nation and the settler state. Thus, they have little to no options to effectively assert themselves in settler state society.  As a counterpoint to the Coastal GasLink Pipeline protests, the Canadian government cites the agreement of Indigenous band councils as a universal acceptance of the pipeline. However, this does not acknowledge the disagreement by the traditional hereditary chiefs of the land, who are the government units that many Indigenous communities follow. In order to resolve the matter and to be in accordance with the doctrines of their own law, the Canadian government must acknowledge the sovereign rights of Indigenous people to their protests and be willing to negotiate as equals.

Figure 1: Typical excessive armed response (above) sent to Indigenous protests such as the camp seen below (Toleando "RCMP," Toleando "Gidimt'en").

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Nicole Wong

MWCP 50

Sophie Staschus

Supporting the Introduction of a Soft Opt-Out System in the United States

Organ transplantation continues to be one of the most groundbreaking medical practices as it improves the quality of life for patients, and in many cases, gifts an entirely new lease on life. The law governing organ donation in the United States–the Uniform Anatomical Gift Act–embodies how most people correlate donating organs as an act of altruistic gifting (Rubenstein 35). Organs can be acquired from living and deceased individuals, but the scope of this research paper focuses solely on deceased or cadaveric donors. Organ shortage is a growing concern with a huge disparity between supply and demand. According to the U.S. Government Information on Organ Donation and Transplantation, around seventeen people die each day on the waitlist with a person added on the waiting list every nine minutes. Although increasing the organ supply can be regarded as an uncontested aim, the proposals to achieve it bring up ethical considerations, namely whether it upholds the principle of patient autonomy. In order to increase organ donation to tackle the organ shortage in the United States, the government should support a change in the legislation to a soft opt-out system which acts on deemed consent while taking into consideration family refusal all under the grounds that patient autonomy is not infringed upon.

The United States' current legislation is based on a system of explicit consent where individuals must opt-in as a registered donor. Explicit consent occurs when an individual actively performs some sort of action such as signing up at a motor vehicle department or physically writing their decision on a piece of paper. In the United States, the most common and straightforward method to register is when applying for or renewing a driver's license. On the

other hand, in an opt-out system, individuals are automatically considered organ donors and must actively object to organ procurement. Legally, under the current system in the United States doctors can proceed with donations if an individual has registered, but many will acquiesce to the wishes of the family (Zambrano, "Patient" 181). A specific form of opt-out system allows families to overrule the donation decision by opposing the removal of the individual's organs, known as a soft opt-out system (Simillis 88).

Proponents of the opt-out organ donation system argue that this legislative decision would undermine the existing framework which the United States is justified upon–that organ donation is a form of gift-giving. However, the denotation of this description is flawed, rendering their argument inapplicable. In fact, the current opt-in system has a flaw in treating the human body as ordinary property because the action of gift-giving implies the individual has full possession (Rubenstein 40). Considering organs as ordinary property is another controversial issue surrounding organ donation, but here we take the legal definition of classifying property rights over organs as "quasi-property" rights. This means that the next of kin has ownership of the deceased body, but not full possession (Rubenstein 44). Ethicist Alexander Zambrano argues against misleading associations such as gift-giving, gift-offering, and promising, declaring that a more appropriate classification would be the "Authorization Account" ("Patient" 183). It would be inappropriate to take back a gift given to others, but by clarifying that we are only giving our authorization, whether or not the organ is removed in the end is not guaranteed. Therefore, switching to an opt-out system does not uproot the values of the current system since individuals are given legal authorization and the meaning of the action behind donating organs can still be retained as one done out of altruistic intentions.

Ethical aspects of organ transplantation laws are constantly debated, but these debates must respect patient autonomy. Individual autonomy has always been a central principle in the field of biomedical ethics and law. It is an especially fundamental value in Western societies that emphasize the importance of prioritizing the needs of the individual over the needs of the society. This is why arguments to ensure meeting the rights of patients on the waiting list to live a healthy life at the expense of an individual's autonomy remain largely unsuccessful. There has always been controversy over not only how much weight should be given to patient autonomy, but also what the exact meaning entails. Here, the warrant is that to retain autonomous nature, three necessary conditions must be satisfied: 1) no outside pressure or influence, 2) have sufficient understanding, and 3) be intentional in his or her actions. This is all under the assumption that the individual making the decision is competent (MacKay 833). Many people assume that acquiring explicit consent is necessary to respect patient autonomy. However, explicit consent is just a means in which all conditions are satisfied, and thus is the simplest method to ensure physicians abide by the principle of individual autonomy. It is ethically valid to support a change in the legislation to an opt-out model because the form of consent secured is not morally objectionable and thus does not violate patient autonomy.

Shifting to an opt-out scheme for organ procurement provides a means of increasing the organ supply without morally violating patient autonomy. Ethicist Alexander Zambrano first establishes that the form of consent acquired in an opt-in procurement system like the United States can only be classified as mere consent ("Should" 425). Mere consent is consent given without full understanding which is evidence that the current system fails to garner true understanding. The absence of full understanding in both systems is addressed later. Zambrano then offers a novel argument in his proposed "No Mere Consent Claim," where he states that

obtaining mere consent before organ procurement is "neither necessary nor sufficient to respect patient autonomy" ("Should" 421). He gives two hypothetical situations to support his claim: 1) when a patient expresses deep desire to donate but fails to give actual consent and 2) when a patient registers to become an organ donor, but no longer wishes to do so (Zambrano, "Should" 425). In the first case, known as death before consent, following through with the patient's wish in the absence of explicit consent would sufficiently respect patient autonomy, highlighting how mere consent is not necessary. In the second case, because human beings are capricious it is important to respect wishes that go against their original decision, making mere consent insufficient. It is important to address these clear preferences as ignoring them would mean undermining autonomy rights. However, wishing cannot replace consenting in situations where an individual has made clear or established their decision to donate or not donate without second thoughts (Zambrano 425).

It follows that since obtaining consent is not an unyielding requirement to respect patient autonomy, it is unsuccessful to argue that an opt-out organ donation model infringes on individual autonomy. According to the U.S. Government Information on Organ Donation and Transplantation, around 90% of U.S. adults support organ donation but only 60% actually sign-up. According to Ethicist Michael B. Gill, since the majority wish to be organ donors, adhering to an opt-out model would result in fewer mistakes and thus retain a higher form of respect towards patient autonomy (as cited in MacKay 833). Therefore, to uphold patient autonomy we must act in accordance with the wishes of those 30%. It is safe to correlate a lack of dissent as expressing a desire or wish to donate. In cases where an individual wished to opt-out but failed to do so because of circumstances such as lack of understanding, doctors should consult family members to ensure the final decision is not morally objectionable (Simillis 92). This brings to

light the role of the family veto as an extra measure to ensure doctors uphold ethical conduct and why introducing a soft opt-out system would be more acceptable in the United States.

An opt-out system does not violate patient autonomy when implemented appropriately because consent is not a direct requirement when discussing human rights. According to T. M. Wilkinson, as long as the decision for organ procurement was made according to the patient's wishes, consent is not required to respect patient autonomy as "[he] accepts that there can be wanting without consent" (450). This means that if a person expressed desire to donate they can be said to have wanted their organs to be used which means their rights permit the physician to proceed with the procurement. However, higher priority is placed on expressed dissent or want not to be used which makes it a violation of human rights to proceed with the organ procurement. This is also why only the family veto is allowed because it is largely undisputed that it is morally and legally wrong for family members to allow physicians to use the organs of an individual that has dissented or expressed a desire against organ donation. For instance, during emergency treatments patients are usually temporarily incompetent, thus unable to provide their consent for treatment. It is assumed that these situations are unanticipated so consent could not have been previously acquired. By utilizing this scenario as comparison, Wilkinson provides evidence that there are grounds to believe the use of a person's body after death without consent, given that expressed desire was present, is not required to respect patient autonomy (452). Since treatment is permissible and desired without direct consent by the patient, the person's right is not infringed upon. If the right were to be infringed upon, then it would have been stringently upheld that treatment regardless of situation is impermissible.

People in the science and medical field tend to interchange "opt-out" with presumed consent which is a flawed idea because under an opt-out system a person's decision to donate is

in no way being assumed. The notion of "presumed consent" is problematic because "this approach suggests that consent is simply a mental attitude–something like approval–rather than an act" (Saunders, "Opt-out" 70). The denotation of the term "presume" means to suppose something is true without any form of confirmation. Presumed consent is unethical because under this definition the individual has not given any form of consent, thus failing to respect patient autonomy. Physicians cannot assume a patient's mental inclination towards or against donating and require an action of some sort to substantiate the final decision. Therefore, switching to an opt-out model does not mean accepting presumed consent because this form of consent is not secured in the first place.

In a social context, consent does not need to be explicitly given because human behavior instinctively correlates the absence of objection as assent. Since consent, whether explicit or implied, is a form of action, "it can be given tacitly, but it must actually be given" ("Opt-Out" 71). For instance, when a teacher asks the students if they have any questions before she moves on to the next section in the curriculum, it is acceptable for her to conclude that all the students have consented tacitly to continue if silence is given. Similarly, in an opt-out system, people who choose not to voice their dissent to donate can be said to have made an action based on implicit consent without needing to presume anything about their attitude (Saunders, "Opt-Out" 72). If a person dissented before their death, then it is impermissible to use their organs for transplantation. Just like in an opt-in system, a competent individual has full control over their bodies and can act on their own conception of good; they can either choose inaction or choose to "opt-out." In both cases, the individual is actively making a choice without outside oppression or coercion. Therefore, it is reasonable to introduce an opt-out system to the United States given that people can easily and efficiently opt-out without additional costs.

It would be more appropriate to state that an opt-out procurement policy derives deemed consent. Under a deemed consent system, a person who wishes to donate their organ does not have to explicitly register their intention to do so. On the contrary, if a person no longer wishes to donate, the individual can easily opt-out and refute the consent that was originally deemed. Compared to presumed consent which proves inflexible in definition, deemed consent respects the right of citizens to veto the procurement of their organs because it is acknowledged that the current decision stands unless overturned.

Truly informed consent is not necessary to respect patient autonomy, thus making the key characteristic of understanding necessary for valid consent only to a certain degree. Ethicist Douglas MacKay acknowledges that the consent acquired by an opt-out model can be considered actual consent, but responds it is not informed consent due to the absence of understanding (834). In his perspective, mere consent is not sufficient to respect patient autonomy rights since it would be ethically flawed to assume silence equates to consent. Individuals cannot be assumed to truly understand what failing to opt-out of organ donation entails due to human fallibility to understand knowledge outside of our areas of specialization, creating misunderstanding (MacKay 834). In his perspective, it would be an ethical obligation of the state to secure explicit consent and avoid assuming everyone understands how the system works. However, ethicist Gopal Sreenivasan argues that understanding is not necessary for valid consent, "[because] consent is 'perfectly valid' provided that patients are otherwise competent, agreed voluntarily and received standard disclosure" (as cited in Saunders, "Understanding" 204). Therefore, as long as there is sufficient understanding, the opt-out model satisfies the condition in acquiring autonomous action.

Securing full understanding is nearly an impossible feat especially in a nation that is as populated and diverse as the United States. In fact, achieving truly informed consent is a naive ideology since a lack of understanding is present even in our current system due to mere consent. Cadaveric organ transplantation should be subject to less stringent requirements, making it permissible to retrieve organs without explicit consent as long as the public is made aware of the interpretation of inaction. The warrant here is that understanding is present to some degree in both systems as physicians are required to provide standard disclosure while citizens have the responsibility to be receptive to the law. Therefore, as long as the government under an opt-out system publicizes how to use the right to veto, a shift to an opt-out organ donation scheme will acquire no less understanding than from our current opt-in system.

Allowing the practice of considering the family veto, contrary to popular belief, is not a violation of patient autonomy. A number of bioethicists assert that failing to honor the decision of the deceased violates the individual's autonomy, thus the family should have no right to block the individual's decision. Zambrano argues for his "Nonremoval Thesis" in which he states that "a person [who] autonomously agrees to donate her organs fails to ground any autonomy-based moral objection to not removing and using them after the person's death" ("Should" 182). Because consent on the individual's part does not correlate to a guarantee of organ removal, a family's conflicting decision to reverse the individual's wishes does not morally violate any obligation. Zambrano is able to show that the family veto does not undermine individual autonomy, but his argument is limited in that it makes the case for anyone to veto (as cited in Albertsen 275).

However, only immediate family should be endowed with the privilege. This is because, as claimed by ethicist Johnston, that there exists a unique relationship between the family and the

deceased individual, thus giving "enduring, relational claims" to the family on the body (as cited in Albertsen 275). Of course, assuming that all households maintain cordial family relationships is too simplistic, so in situations of genuine conflict, the family must provide evidence that the individual was against having their organs removed. Family members should be prevented from single-handedly deciding to reject organ donation for deceased relatives since it is expected that the family respect the individual's decision made in life. Proponents against the family veto argue that body parts are an individual's property and therefore other people, including family members, have no right to interfere with the decision (Zambrano, "Patient" 196). By definition of property, a person has full control. However, Rubenstein refers to the body of Hector in the *Iliad* as evidence of how bodies retain symbolic meaning even after death, thus becoming morally objectionable to treat organs as mere objects on the market (36). The human body cannot be treated as a mere instrument or ordinary property. The majority of people would become horrified at improper handling of a dead body because it is a reflection of our own bodies. Therefore, ignoring the requests of family members by removing organs from a deceased individual is morally wrong because it is important to take into account the distress placed on the deceased's family.

Public perception and acceptance are important if the United States is to change to a soft opt-out system, thus adhering to family decisions to veto is integral in maintaining trust in the organ donation system. There is a common misconception that opt-out organ donation systems take advantage of citizens who fail to opt-out, but the reality is that countries operating under such a system usually give families the power to veto organ retrieval. The public would be more willing to accept a system that takes into consideration the stance of a family before proceeding with organ procurement. Without the family veto, the public would view the system as one that

exploits its citizens all for the sake of acquiring more organs without regard for human relationship, a factor that influences what we believe is morally acceptable. It would lead to mistrust and possibly lower donation rates due to fear that there is no protection against the organ donation system (Albertsen 277). However, proponents against the family veto argue that this practice is what is hindering the ability to remove usable organs, thus failing to account for the immediate needs of those on the waiting list (Zambrano, "Patient" 200). Because the family veto does not violate patient autonomy, the United States should still retain the practice of taking into consideration family refusal, but introduce efforts to limit family involvement. In this situation, the family can present evidence that the deceased had changed their mind. Completely removing the practice of the family veto would result in public backlash, so the United States should continue consulting the family but focus on educational campaigns to clarify that the role of the family is to support the decision made in life by their relative.

Spain, which operates under an opt-out system, has the highest rate of deceased organ donors. They have been lauded for their successful organ donation model with other countries emulating their structure. The increase in donation rates cannot be entirely attributed to a change in legislation because "it took around 10 years following introduction of a soft opt-out system and further reorganization to achieve 80% consent rates and increased donor numbers" (Noyes 7). However, shifting to an opt-out scheme is the first step for the United States to increase the number of donors registered by either deemed or explicit consent. Back in 2008, the Organ Donation Taskforce (ODTF) recommended the United Kingdom to shift to an opt-out system with Wales fully implementing it in 2015, England in 2020, and finally Scotland in 2021 (see fig. 1). In fact, a before and after study done on Wales after introducing a soft opt-out organ donation system in 2015 found that it reversed the donation decline and saw a 12.5% improvement since

2014 (Noyes 8). Although studies have shown that deceased organ donation rates have not changed significantly in Wales since the introduction of the legislation in 2015, consent in the United Kingdom is highest in Wales, reaching a target high of 80% family consent rate (Arshard 1458). To tackle the obstacle of family overrule, the government should focus on public awareness and develop a systematic approach to the system. Contact with the public should be facilitated through various media platforms for widespread understanding and acknowledgment of the system. Just as the public in Spain supports organ donation and trusts the existing system, the United States should seek to amass public support and alleviate any doubts.

Increasing the organ supply is crucial because a lack of a reliable and consistent organ supply would result in increasing deaths of patients on the waiting list. A proposed solution that the United States should undertake to increase the rate of organ donations is to shift to a legislation of opt-out or deemed consent. This decision has come under heavy criticism and scrutiny due to the belief that it undermines the American core value of individual rights. However, the opt-out system in no way infringes upon patient autonomy. Explicit consent in the form of a clear affirmative action is not required to respect patient autonomy. More specifically, the United States should adopt a soft opt-out system because it retains the opportunity for family discussion. Although the family veto has a history of also contributing to the organ shortage due to family members preventing doctors from acquiring organs from registered organ donors, it is necessary in order to gain public support. Switching to a soft opt-out policy has the potential to increase organ donation, saving thousands of lives.
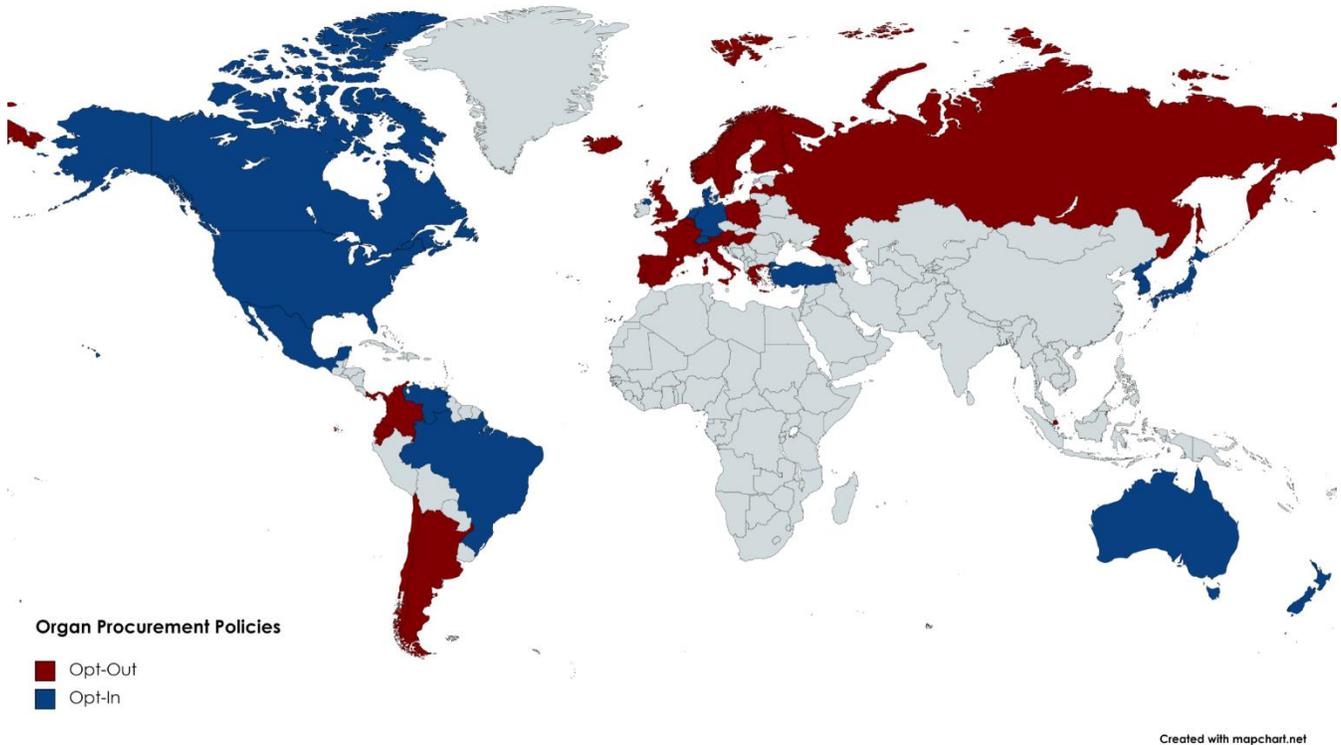
**Fig. 1.** A map of countries that implement opt-out versus opt-in organ procurement policies. As of 2021, all of the UK (England, Scotland, and Wales) with the exception of Northern Ireland have switched to a legislation of a deemed consent system (Noyes 3). In 2016, there were 35 countries registered in the Organization for Economic Co-operation and Development (OECD) where 17 were classified as opt-out and 18 classified as opt-in (Arshard 1455).

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Yufan Zhang

MCWP 50

Jennifer Carter

Model Minority Trap: How the Urban Myth Hurts Asian Americans and Us All

There is not any other country that has been seizing the center of attention on the issue of racial tension and inequities as firmly as the United States of America. As ethnic and racial diversity continues to spiral and a wave of becoming majority-minority sweeps across states and counties, it is easy to believe that we are making great strides on the path to racial solidarity and guaranteed equity. However, the catastrophic COVID-19 pandemic amid the once-in-a-decade economic recession accompanied by stubbornly high unemployment rate not only failed to bring Americans together to confront the unprecedented hardships that require collective efforts, but also vividly exposed the existing systemic racism against Asian Americans permeated in American society. Spit on, yelled at, viciously attacked for their identity, Asian Americans were treated as the scapegoat for thousands of lost lives including their own. The traditional model minority became so insignificant in front of the rising number of COVID cases and fearful Americans, revealing the vulnerability and shallowness of a seemingly flattering title crown upon an equally hurt group of Americans.

During this difficult time, Asian Americans are not the only ethnic minority forcibly evicted to the corner of society. Under the vehicle of systemic racism, African Americans struggled with a disproportionately high death rate due in part to lack of affordable health, housing and food insecurities, police brutality, and criminal injustice. Both as victims of an unparalleled crisis, Asian and African Americans indisputably share similar experiences with social injustice and institutional racism, yet the model minority stereotype has been undermining

the camaraderie and cohesion of both groups by suggesting Asian Americans as the winner of the American Dream and African Americans as the contrasting underdog notwithstanding a more established root in contemporary American society. While the above is only a brief discussion of how the model minority stereotype could potentially imperil the nation's future, a close examination of stereotyping Asian Americans easily uncovers many more problematic assumptions and damaging implications that remain imperative to be noticed and addressed. The model minority stereotype of Asian Americans, although experimentally proved to have certain positive psychological effects, not only adversely impacts different Asian groups disproportionately by ignoring their ethnic diversity, promoting segmented assimilation, and overwhelming their young people with immense mental pressure from expectations, but it is also weaponized by the mainstream media to pit Asian and African Americans against each other, fueling white supremacy and jeopardizing avenues for solidarity. By rejecting the model minority stereotype perpetuated in popular culture and acknowledging its anti-Blackness root and the diverse nature of Asian American community, we can fight back against systemic racism and the weaponization of this urban myth.

The most overlooked, also the most problematic aspect of a model minority narrative lays eyes on the postulation of the very people it describes, that is, the model minority argument prioritizes generalizations of Asian Americans as a monolithic group based on superficial inspection over a more nuanced and comprehensive analysis of their variance and distinctive composition, which often comes at the cost of marginalizing disadvantaged members and obliterating racial and cultural diversity. As noted by Chinese American sociologist Min Zhou, while those who historically settled down as legal immigrants such as Japanese enjoyed large-scale economic success and high attainment relative to non-Hispanic whites, those with refugee

origins from Southeast Asia, including Vietnamese, Hmong, Cambodians, faced widespread poverty with rates sometimes almost three times as high as non-Hispanic whites (241-242). Such a shrewd observation indicates the enormous socioeconomic discrepancies between different subgroups of Asian Americans, overthrowing the surface-level interpretation of the model minority stereotype. By uniformly hailing all Asian Americans as becoming white, the model minority stereotype takes no notice of their sociocultural diversity and sustains to exclude many from resources, opportunities, and rights.

As a result, if popular culture carried on propagating a stereotypical image of Asian Americans and disregarding the heterogeneity of a population of 20 million, the income gap would naturally be expected to expand at a rapid pace, virtually worsening economic inequality within this group. This trend of widening income gap among Asian Americans has already been recorded by the Pew Research Center, an impartial nonprofit organization dedicated to informing and educating the general public on pressing issues shaping the country. A 2018 report by the Pew Research Center unveils that although Asian consistently rank as the highest-earning ethnic group in America, income differences among this group also reported the steepest steady growth over 46 years, reaching a startling point where those in the 90th percentile makes 10.7 times as much as those in 10th percentile, higher than any other race (Kochhar 4, see figure 1). Such a sharp discovery highly contradicts the glowing image constructed by the model minority narrative which exclusively emphasizes a single number representing the highest median household income of any race, again turning a blind eye to deepening economic disparity within Asian Americans. Subsequently, low-income Asian Americans are anticipated to receive curtailed economic opportunities and have increasingly diminished political influence, which would further aggravate the staggering income gap. The resulting implications, including

stagnated economic mobility and unequal investment in education, are likely to stick around and create a vicious circle that traps disadvantaged Asian Americans at the bottom of the socioeconomic ladder and intensifies severe economic inequality already prevalent among the Asian American community, all of which are stimulated by the model minority stereotype.

This upsetting obliviousness of Asian American diversity not only exists concerning socioeconomic status but can be seen when it comes to differences in cultural values and immigration backstories. The Pulitzer Prize-winning author, Viet Thanh Nguyen who has written extensively on immigration and race, points out that in the aftermath of George Floyd's tragic death in which Tou Thao, the police officer of Hmong descent was found complicit, many Hmong Americans, despite voicing their support for Black Lives Matter movement, shared their frustration of having to share the collective guilt of model minority and outrage at the fact their pain and sufferings as refugee immigrants were never acknowledged by their so-called brother and sister Asians (par. 11). It is easy to only notice the glamorous side of the model minority image, that is, great success across academic, economic, and sociocultural domains as well as the privileges that come with it. However, when one group member has to apologize for abusing this hard-won privilege, the others quickly turn their back on him and keep on enjoying basking in the shared glories all the while brushing aside his cry for help. This cruel reality exhibits that the model minority narrative fails to recognize the struggle and plight of many Asian Americans who are the protagonist of the narrative itself, hence testifying to its superficiality in picturing a diversified ethnic group whose immigration origins and cultural roots differ drastically. With that being said, stereotyping Asian Americans ruthlessly trivializes difficulties and ordeals experienced by many of them such as from being forced out of their homelands, losing homes,

and being threatened for deportation as is in the case of Hmong Americans, which are all not shared by the more stereotypical successful Asian Americans.

Furthermore, if we only look at Asian Americans' stories of assimilation into the American mainstream, it would not be difficult to mark that the model minority stereotype hinders integration and consolidation of various subgroups by promoting segmented assimilation based on their respective cultural backgrounds. Take language as an example. Even though Filipino immigrants are inherently proficient in English, their language advantage does not necessarily lead to a comparably high level of achievement and success (Zhou 1148). In other words, even though English is one of the official languages of their homeland, the Philippines, which readily renders them the ability to participate in socio-economic activities upon arrival in the US, their education attainment still trails behind that of other Asian immigrants such as Chinese and Koreans whose mother tongues gives them no upper hand at the start line. This finding indicates that language proficiency is not the necessary condition for distinguishing between successful assimilation and mediocre acculturation but rather, it is the intrinsic differences in family socio-economic status and ethnic community support that lead to diverse and organized outcomes. Obscuring the division of these outcomes among Asian immigrants who come from cultures with divergent focuses on family values, the model minority stereotype underestimates the struggling of underprivileged Asian Americans and devalues the need for strong family ties, ethnic community support, and other crucial resources. Eventually, this would exacerbate the multifaceted outcomes of assimilation or encourage segmented assimilation, further broadening the cultural differences and gap among Asian Americans who should have shared common values going by the same identity, Asian American.

The ubiquity of the model minority stereotype also creates unrealistic expectations many Asian Americans struggle to meet at the expense of healthy personal development and mental health. Having dedicated herself to the find out the answer to what the negative consequences are of positive stereotypes, social psychologist Sapna Cheryan contends that experimental data has shown a significant decrease in performance on a test due to the high expectations set by the model minority stereotype and fear of failing to validate it (401). Restrictive stereotyping leads to restrictive outcomes. Such an unsurprising discovery strongly alludes to the statement that the model minority stereotype puts substantial mental pressure on Asian Americans to live up to the expectations and even evolves into an unnecessary burden hanging overhead at every minute, blocking any possibility to take a breath and perform at their best. Serving as the associate vice chancellor of UCLA Office of Diversity, Equity and Inclusion, social psychologist Margaret Shih made a telling conclusion addressing the confining conditions stereotyping Asian Americans is subject to in terms of producing positive outcomes—only subtle activations of social constructs related to Asian Americans lead to enhanced performances while flagrant activations overemphasizing superior intelligence result in no boost in performance and by contrast, reverse results were found in a similarly designed study conducted with non-targets, i.e. non-Asian Americans (644-645).

The positive model minority stereotype, when utilized as an aggressive stimulus, spontaneously adds up to a tremendous and nearly unbearable amount of mental stress pressurizing Asian Americans to excel no matter what. The excessive flattering and lavish praise are precisely how mainstream media has been portraying, or rather pigeonholing this fragile minority group for more than half a century. As a result, these days, Asian Americans are highly expected at anytime and anywhere from their surrounding social environment to be intelligent,

perseverant, wealthy, and successful. This contorted cognitive concept inhibits them from being able to retreat to a safe place where few would judge them for inevitable downfalls and failures. Looking back at Shih's study, we can comfortably interpret the results as a correlation between the amount of mental pressure from the model minority stereotype and the likelihood to succeed. To put it another way, blatant triggering solely based on a stereotypical image not only feels like a hurtful and offensive attack, but it also exerts an intolerable weight of mental pressure on Asian Americans to be at pains to meet their baseline expectations at the cost of personal and mental health. The non-target groups' contrary results obtained from interactions with other ethnic groups further certify that this is a racially specific phenomenon associated with the model minority stereotype.

More refined studies have indicated that the model minority stereotype is indeed strongly linked to the widespread mental health issues especially among today's Asian American adolescents and even excludes them from a robust support system. Recognized for her research on health disparities among Asian Americans, Dr. Sunmin Lee found from her focus group study and in-depth discussions that many young adult Asian Americans attribute their stress, depression, and anxiety to the model minority myth; while family expectations from Asian parents exert pressure on these young adults to achieve academic success, cultural values and stigmatization associated with stereotyping prevent them from seeking mental health treatment (Lee 150-151). Such a finding suggests that the model minority stereotype not only proves to be of little effect at facilitating stronger personal development or promoting the chance of success but instead has damaging effects on the mental health of young Asian Americans and their social relationships with others as well. While one side of the balance scale is fully loaded with dense rocks, the other side is empty and possesses no comparable weight to match its opposing side,

determinedly rejecting the possibility of reaching equilibrium. This interplay between pressure to thrive as a member of the model minority and a poor support network to assist in dealing with obstacles along the way is heavily skewed towards the former, often causing young Asian Americans to find themselves in a hopeless and helpless place scared of seeking help from professional resources. It is not hard to believe, as fellow human beings, that depression and suicidal thoughts would multiply in such a high-pressure environment without proper channels to vent.

Similarly, as observed by licensed psychologist Dr. Taylor Thompson whose research interest has been focused on psychoeducational experiences from Asian American adolescents, bias-ridden American education systems often wrongfully downplay Asian American youth's demand for sufficient social and educational resources and exclude them from the broader discussions of disadvantaged adolescents although it is for a known fact that many struggle in schools (126). A stereotype is after all, by its definition, overgeneralization. It offers an easy and quick way to approach an incredibly diverse and complicated ethnic group and has been reasonably integrated into society's perceptions of Asian Americans. When the model minority stereotype penetrates deep into the American educational systems, it brings out the devastating impacts by forcing this group into a specific social identity, the star students with the highest academic standing and class rank who would universally go on pursuing medicine and law. Despite us adhering to the principle of not pointing fingers, some teachers and counselors can hardly absolve themselves of denying their students of Asian descent of equal access to educational and psychological services and irresponsibly treating every one of them as child prodigy in some extreme cases. This neglectful act puts Asian American adolescents at further risk of developing mental health issues, giving rise to a variety of unhealthy interactions with

interactions such as being seen as weird and awkward, least likely to be approached by other students of different races to make friends, verbal abuse, and bullying. The loophole in young Asian Americans' support network renders a solid backing unfeasible and without it, these emotionally immature teenagers are likely to grapple even more with mental health issues and exhaust themselves trying to alleviate anxiety and depression.

On a different note, the model minority stereotype deploys a hostile wedge between Asian and African Americans and inflames anti-Black racism in American society in a way in which Asian Americans affiliate themselves with the white dominant group. Asian Americans are often given the impression by the model minority stereotype that between the Black-white racial divide, they have to make an option and choose the white side to climb up the ladder of their American Dream (Nguyen par. 22). As if the title of the model minority is a medal granted by the whites to welcome them and applaud their spectacular economic success, this stereotype has its political implications rooted in white supremacy and anti-Blackness. The model minority would always be a minority and inferior to the dominant group, the white. In addition, the act of recruiting Asian Americans to join the white camp using the bait of flattery accolades aids in the oppression of the country's African Americans and reinforcement of white dominance. In other words, the model minority stereotype takes advantage of the hard-earned success of Asian Americans as a weapon in the perpetuating racial war, further undermining hopes of racial solidarity.

A journey up the history lane could also allow us to dissect the racially charged nature of the model minority stereotype from its birth. Wake Forest University professor of psychology Lisa Kiang points out that during a time when the civil rights movement were taking over the fearful white mainstream, Asian Americans were cast as a successful exemplar as an attempt to

challenge the validity of existing racial inequality as a counterexample and thus disregard the efforts of seeking equal opportunities as grumbling and overdramatic (2-3). This vision behind the model minority image powerfully reveals that the title of being the successful minority group was never to celebrate the miraculous attainment and accomplishments obtained by Asian Americans but instead discount the double amount of effort—often much more—they had to invest to establish a root in this unfamiliar foreign land and to compete in a race towards American Dream owing to extensive systemic racism. As a consequence, the model minority stereotype is often seen at occasions where both Asian and African Americans are present and maliciously employed to pit them against each other in every social discourse although both ethnic minorities experience oppression from systemic racism which should have brought them closer to fight along with each other against inequality.

This stark comparison of the model minority represented by Asian Americans and implied complaining and failing minority represented by African Americans among others does nothing but raise tensions and compromise interracial friendship. The model minority image bestowed upon Asian Americans is also indicative of the drastically different levels of systemic racism Asians and African Americans suffer from as Black heritage and contributions are not properly celebrated despite being an integral part of contemporary American society. Developmental and educational psychologist Belle Liang, whose research aims to explore youth development and relational health in adolescence, contends that faculty favoritism and relatively positive perceptions and attitudes prevalent in schools heavily contribute to aggression towards and bullying of Asian Americans inflicted by their African and Latin American peers (199). Such a phenomenon verifies the racial tension and division predicted above and suggests that while positive images of the model minority myth advanced Asian Americans into one of the

privileged groups in education as displayed explicitly by teacher favoritism, it also comes at a

cost of receiving heightened negative discriminations and pervasive hostility that is coming from

peers of other ethnic minorities shut out of the door of equal quality education. In other words,

stereotyping Asian Americans itself is just going to distance them farther and farther from

African Americans among other underprivileged minorities and stir misunderstandings and

negative views towards each other, promoting interracial antagonism and jeopardizing the slim

chance of Black-Asian solidarity and unity.

On the other hand, however, the model minority narrative is not unanimously criticized

as having not a single redeeming feature; psychologists have repeatedly described the positive

psychological effects of this positive stereotype at least from the surface level. From an

outsider's perspective, it is not difficult to notice the stark contrast the model minority image

forms with the traditional discriminatory stereotype specific to Asians, especially yellow peril,

which indicates that positive stereotyping might even have the potential in shielding Asian

Americans from being traumatized by negative discriminations. Known in academia for her

contribution to understanding protective influences in development, psychologist Lisa Kiang

asserts that while perceptions of negative discriminations stayed stable over time, perceptions of

the model minority stereotype increased and this phenomenon can be explained by its role in

enhancing better academic performance, positive adjustments in self-identity and valuing and

prospective function of counteracting more blatant racism and discrimination (1376-1377). Asian

Americans, especially younger ones who are still in the developing phase, have been

experimentally proven to become increasingly attached to the model minority stereotype, which

can be seen as an effective adaptation and defense mechanism from systemic racism. However,

Dr. Kiang also repeatedly claims that her research project is in no way serving to promote

stereotypes or deeming the model minority stereotype as acceptable (1376-1377). The special disclaimer implies that the alleged benefits of stereotyping Asian Americans do not override its widespread harmful effects. Specialized in understanding racism and multiculturalism, sociologist Yuko Kawai states that it is essential for Asian Americans to view the model minority stereotype and yellow peril stereotype as an inseparable entity to understand the ill-intentioned political implications that aimed to create an ambivalent image in the first place; otherwise, they would fall for the malicious hoax arranged by the dominant white to control American society (126). This sharp and unambiguous statement fundamentally reveals the imperialist essence of Asian American stereotypes and their same derogatory nature. Whether it is model minority or yellow peril, one cannot be viewed without recognizing the other, and depending on occasions, the dominant group could easily coerce Asian Americans into consent and deny their access to the cultural and political sphere of the society. Without the yellow peril stereotype, Asian Americans could have also never internalized the model minority stereotype so thoroughly. That being said, stereotyping is always wrong and in the case of model minority stereotypes, its positive psychological effects are of little remediation for the cultural, mental, and racial detriments already in place.

For those who do not take time to dig deeper, the Asian American experience is a uniform fossil guarded by its outstanding feature of being the model minority. Upon meticulous polishing, one would discover the varying stripes and veins underneath the surface of the fossil. The model minority stereotype not only ignores and heightens socioeconomic disparities and intercultural misunderstandings, fosters segmented assimilation, and wreaks havoc on Asian American adolescents' mental health, but it is also racially charged in popular culture to alienate Asian and African Americans from each other with a dangerous objective of white supremacy

and anti-Blackness. In contemporary American society, we need to move forward beyond this

shallow model minority image not just for the sake of 20 million Asian Americans, but for 332

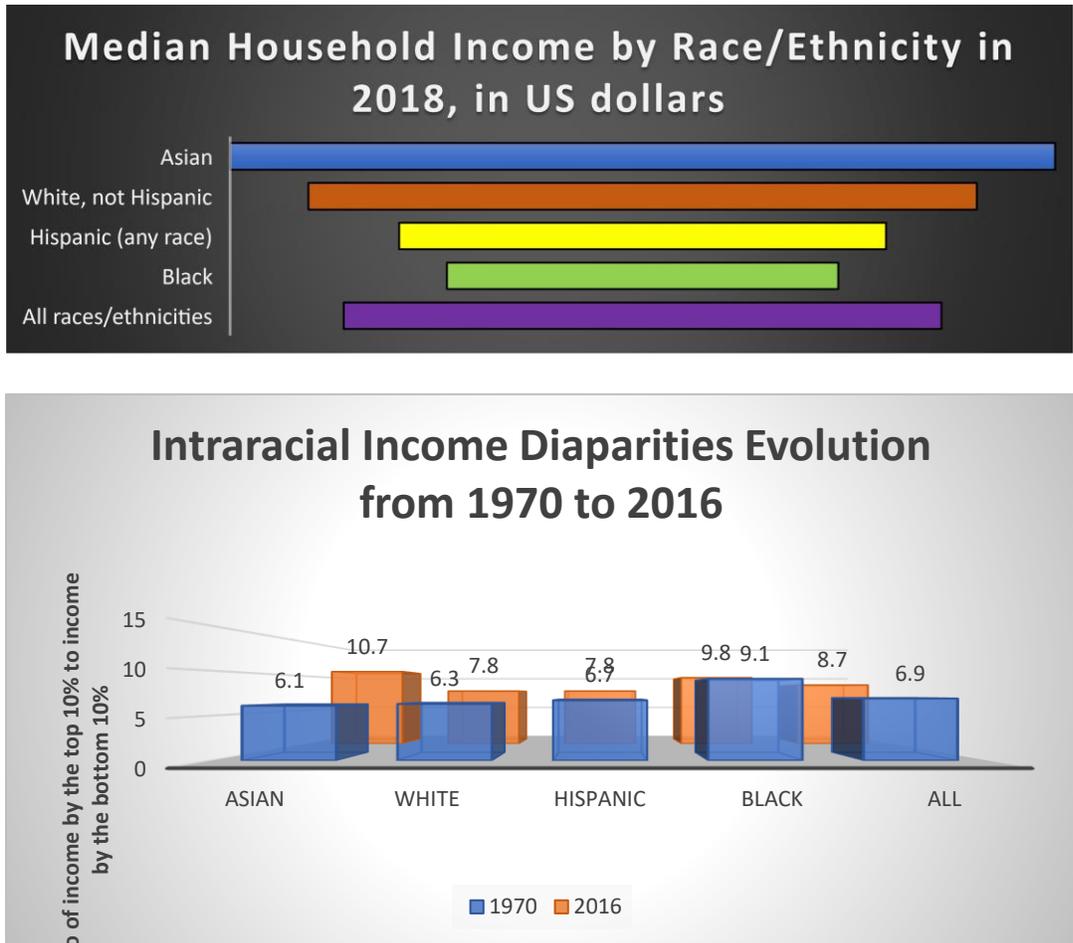million U.S. citizens and many more to come.





Figure 1. This depicts the economic success Asian Americans have achieved over the years

(Bonilla-Silva 948), which is the very fact the model minority stereotype captures. However, the

progression graph also displays the sharp increase in income inequality among Asian Americans

compared to other major ethnic groups in the US between the years 1970 and 2016. The

substantial growth in the income gap within Asian American community suggests the inaccurate

assumption of the model minority narrative which monolithically portrays them as wealthy and

successful (Kochhar 4) although many struggle with poverty.

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Thomas Fischer

MCWP 125

Amy Forrest

<center>Inequality in No Child Left Behind</center>

"No Child Left Behind," the title of the U.S. education law enacted in 2001, speaks to both ends of the political spectrum, appealing to those on the Left by promising to provide quality education for all children regardless of background on one hand, while echoing the forceful language of accountability on the other. Despite initial praise, the No Child Left Behind Act of 2001 drew criticism from members of both parties shortly after its implementation. The law failed to fulfill the promises it made to both sides, widening the education achievement gap and excluding underprivileged and minority students, while permanently expanding federal influence over public education in the states. Analyses of the law's failures have criticized the law's focus on testing as well as its lackluster funding for schools that were already failing to meet Adequate Yearly Progress. Linda Darling-Hammond, a professor of education at Stanford, calls out the drawbacks of No Child Left Behind's name-and-shame policy, explaining its counterproductive tendency to label some schools as failing "even when they are succeeding with the very students the law wants to help" (250). She continues with a criticism of the paradoxical mandates in No Child Left Behind; the law's use of "norm-referenced tests" to measure proficiency levels makes the goal of 100% proficiency a catch-22, because by definition these tests must always score some students below 50% (Darling-Hammond 249). She concludes that it creates a scenario where it is impossible for schools to meet Adequate Yearly Progress (Darling-Hammond 249). In their article exploring the consequences of federal pressure over state education, Jennifer L. Jennings and Douglas Lee Lauen provide evidence of the poor

efficacy of the "teaching to the test" style of education adopted under the law, showing that while state test scores increased under pressure from local education agencies, national test scores decreased, demonstrating that the knowledge acquired by students failed to generalize to situations that they were not specifically prepared for in class (238). Collectively, prior research suggests that the law suffered from a basic misunderstanding of the issues surrounding inequality in education. The question remains: how did such an unpopular, unsuccessful law pass both houses of Congress with bipartisan support in the first place?

Many factors influence the legislative process, including the economy, political platforms, and, most significantly at the time, the 9/11 attacks and the subsequent War on Terror. This essay focuses on writing in the legislative process, as a reflection of the presidential administration's political platform, and as a tool to "sell" legislation to constituents while obfuscating and repackaging inequality. Fundamentally, the No Child Left Behind Act of 2001 exemplifies a political trend of publicity over public policy. The legal writing in the legislation allows existing inequality in education to hide behind bipartisan rhetoric, the dense legal jargon typical of legislation controls the discussion and limits the direct audience of the law, and the relationship between Congress and the Executive branch causes legislation to amplify both the ideology and the misconceptions of the presidency. Although bipartisanship is almost unheard of in today's Congress, understanding the role of writing in No Child Left Behind may offer insight into the effects on inequality of the increased publicity afforded to politicians by social media and internet access.

In order to understand how writing functions in No Child Left Behind, it is necessary to discuss the ways that the content of the law serves to obscure its impact: the legal English in No Child Left Behind allows inequality to hide behind deceptive jargon, forests of details, and

cobwebs of cross-references, all of which discourage potential readers from understanding the impact of the law. Legal English, as defined by communications researcher Brenda Danet, differs from standard writing in its use of lexical and syntactic features, such as "technical terms," "Latin, French, and Old English" words, "over-precision" and "vagueness," "formality," "unusual prepositional phrases," and extreme "sentence length and complexity" (476). Format, word choice, and sentence structure give legal documents their decidedly opaque appearance. Sociolinguistics professor Britt-Louise Gunnarsson generalizes this definition and adds that "abstractness and implicitness" are equally important semantic features of legal English (90). Gunnarsson describes the fundamental problem that readers face while attempting to understand legislation: "so little is actually said in the text and … what is said is presented in such a way as to suit the needs of the courts, not other groups of readers" (90). The writing in No Child Left Behind displays all of the above characteristics, lexical and semantic, in addition to several structural and organizational choices that further obfuscate the law's meaning.

Focusing on one section of the law concretely illustrates the problems that legal writing poses to comprehensibility. Section 202 of No Child Left Behind, in particular, captures the essence of legal writing, along with the problems associated with its use in legislation:

Notwithstanding any other provision of this Act or the Elementary and Secondary Education Act of 1965, in the case of—

(1) a person or entity that, prior to the date of enactment of this Act, was awarded funds appropriated under the Department of Education Appropriations Act, 2001 for new teacher recruitment initiatives; or

(2) a person or agency that, prior to the date of enactment of this Act, was

awarded a grant or contract under part K of title X of the Elementary and

Secondary Education Act of 1965 (20 U.S.C. 8331 et seq.),

the Secretary of Education shall continue to provide funds in accordance with the terms

of such award until the date on which the award period terminates. (1688)

This section means, simply, that the Secretary of Education should pay any awards that were

granted under the DEAA or title X part K of the ESEA, until those awards expire. But, in line

with Gunnarsson's complaint, the section's meaning is meticulously obscured. The section

consists of only a sentence, but the content is stretched across 14 lines on the page. The

numbered list, spliced into the middle, interrupts the flow of the sentence. The repeated phrase,

"prior to the date of enactment of this Act," is both over-precise and redundant. But the worst

offender is the prepositional phrase at the start, "Notwithstanding any other provision of [law],"

which occurs over 80 times throughout the text of No Child Left Behind. A Congressional

Research Service report, released in 2006, defined what the phrase means: "Congress sometimes

seeks to underscore the primacy of a statutory directive by stating that it is to apply

'notwithstanding' the provisions of another, specified statute or class of statutes" (U.S.

Congressional Research Service). In legislation, the phrase means that a section overrules any

other law that contradicts it. To the uninitiated reader, however, the first word,

"[n]otwithstanding," presents an immediate obstacle to understanding the rest of the section. The

word *notwithstanding* is uncommon in English parlance, and its usage in the phrase is

counterintuitive: the suffix, *ing,* coupled with the word's placement before a noun, gives the

preposition the appearance of a verb whose object is "any other provision." By combining the

related verb, *to withstand*, or *to endure*, with the prefix, *not*, a reader might deduce the meaning

of **not**withstanding to be **not** enduring—which is antonymous to its actual definition, in spite of. The intuitive yet incorrect definition yields the following understanding of the phrase as a whole: except when this section contradicts another law. It is worth addressing the unlikelihood of the situation where a reader knows the meaning of *withstanding*, but not *notwithstanding*. More likely is that a reader knows neither definition. But for this reader, the task of reading the legislation requires a dictionary and even more time. It is also worth acknowledging that, in this specific case, the consequences of such a misunderstanding would be negligible, because only the Secretary of Education needs to know precisely what section 202 of the law means. Nonetheless, archaic words and unusual prepositional phrases add unnecessary challenges to the process of understanding the law.

Not only is the phrase problematic in regard to its capacity to convolute the reading process, but it also burdens the reader with the responsibility of finding "any other provision[s]" that the section overrules. This ties into the other problem demonstrated by the section. Following the prepositional phrase, the jarringly inserted bulleted list further obfuscates the sentence by referring to other pieces of legislation without any clue about their contents. No Child Left Behind consists of numerous sections, subsections, and paragraphs, each marked by a letter, a number, or a Roman numeral. In other places in No Child Left Behind a reference to part of another law is usually formed by appending each identifier in order, such as the "section 1111(b)(1)(D)(ii)" (1463). Perhaps in the interest of reducing the burden on the Congressional staff, references are dropped into the law without any context. The problem with this form cross-referencing becomes apparent in the context of the perfunctory table of contents at the start of No Child Left Behind, which only lists the top-level sections without page numbers. In order to find a cross reference, a reader must search through the whole document for the desired section,

subsection, paragraph, and so on. By neglecting to add context, the writing also forces the reader to keep track of multiple ideas, spanning across multiple legislative texts, in order to attempt to understand the paragraph. The heart of the issue is that it is impossible to acquire a practical understanding of No Child Left Behind and its consequences by only reading the law itself. Essentially, the complex web of cross-references substantially adds to the time required to read and understand the law, and consequently increases the time it takes for critics to find flaws in the legislation. As a result, the legal writing repels discourse, pushing public review as far as it can into the future. The herculean task of reading the law serves to limit the audience to professionals and agencies, who have both familiarity with the idioms of legal writing, and the workforce and resources necessary to follow the paper trail of references. Altogether, the linguistic and structural characteristics of No Child Left Behind consolidate the audience of the legislation to experts and agencies, delaying the course of the democratic processes that expose inequality.

Painting over the murky details contained within, No Child Left Behind, and the policymakers behind it, employed bipartisan rhetoric to distract constituents from the law's potential problems. Elected officials use a variety of strategies to secure reelection and extend their party platform; many of these strategies rely on rhetorical writing. In his analysis of the sociocultural functions of writing, Charles Bazerman explains, "Through participation writers gain voice and identities within forums" (13). By drafting legislation and signing laws, Congress and the president attempt to garner support within the global "forum" of voters, corporations, and foreign countries. But during the presidency of George W. Bush, Congress had a slight Democratic majority in the Senate, which threatened to block this desired participation. With a small majority, Congress cannot pass legislation without the president's support to sign bills into

law. In turn, the opposing majority party can refuse to draft legislation that the president recommends: the two branches of government are at an impasse. The 107th Congress chose bipartisanship, and the drawbacks that come with it, in lieu of stagnation. Compared to the uncooperative, polarized Congress of today, bipartisan rhetoric may seem favorable. This essay does not argue that polarization in the federal government is beneficial, but in some cases, bipartisan cooperation produces ineffective legislation. In their book about the modern role of Congress, Benjamin Ginsberg and Kathryn Wagner Hill suggest the warrant to explain this phenomenon, "When Congress addresses broad and complex issues, it typically has less difficulty reaching agreement on broad principles than on details" (246). The more specific a proposal is, the more likely it is to disagree with the goals of another state. As such, bipartisan laws often lack the force and specificity that are necessary to address the root causes of social issues.

In the case of No Child Left Behind, Congress tossed aside any meaningful public reform proposals in exchange for publicity. For example, Darling-Hammond condemns the law for its ineffective allocation of funds to public schools in need: "The first problem—one that NCLB does not acknowledge or address—is the enormous inequality in the provision of education in the United States" (247). She supports this criticism with statistical data and vivid anecdotes of schools left in destitute conditions (Darling-Hammond 248). While bipartisan laws tend to lack the unified focus that drives effective reform, these laws still accomplish the task of making Congress appear to be functional: they provide the "identity" that Bazerman mentioned as a motivation for writing. In their essay on the variety of rhetorical strategies used by the president to propose legislation, José Villalobos et al. offer "shared credit" as the main incentive for Congress members to approve a bipartisan draft, in addition to the opportunity for politicians to

appear friendly and cooperative to the opposing party "on behalf of the public good" (554). If bipartisan legislation fails, legislators save face by taking the moral high ground, claiming they supported the legislation at the time only to give their fellow members of Congress the benefit of the doubt. If legislation succeeds, however, then both parties celebrate their collaboration and give constituents the sense that their representatives put policy before partisan politics. In effect, bipartisan legislation functions as a low-risk legislative strategy. Despite enacting legislation that does little to actually improve the status quo, Congress deftly staves off public demands for action and passes the buck to the next group of lawmakers.

In concert with the bipartisan rhetoric used by Congress and the presidency, the public-facing components of No Child Left Behind aim to appeal to as many voters as possible by creating systems to praise the benefits created by elected officials. The law encourages misguided support from constituents, before experts have a chance to expose the consequences. As discussed earlier in this essay, the title of the law speaks out to a broad audience. By stating that children are the intended beneficiary of the law, No Child Left Behind attempts to add moral necessity to its purpose. But the law's true motivation reveals itself in the sections that implement policies related to public disclosure. For example, in notable contrast to section 202 discussed earlier, the language of section 101 part E of No Child Left Behind is tellingly less affected by the opaque style of legal writing: "The local educational agency shall … publicly disseminate the information described in this paragraph to all schools in the school district ... and to all parents of students attending those schools in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand" (1460). Gone are the cross-references and tricky phrases: the ironic insistence to present the information in a way that is "understand[able]" to parents reveals a surprising self-awareness, while the increased clarity of

this section demonstrates the higher priority that publicity held during the drafting process of No Child Left Behind. Perhaps because Congress did not want to risk any misinterpretation on the part of the local education agencies who needed to follow this section of the law, the language received more attention to clarity and intent. The "information" to be distributed included report cards, test scores, and a list of schools that were marked by the agency as failing (No Child Left Behind 1460). Section 101 enthusiastically continues, requesting that the agencies "make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies" (1460). Harking back to Bazerman's concept of accruing status in social forums, section 101 constructs an advertising agency for the purpose of repeatedly reminding constituents of the apparent progress that schools have made under the law.

Comparing section 101 to other parts of the law also reveals the consequences of the law's focus on public perception. In their essay reviewing the history and impact of the Elementary and Secondary Education Act, Gamson et al. suggest, "ESEA's low profile stems, in part, from the contemporary fashion of giving legislation catchy titles. Indeed, when ESEA came due for reauthorization in 2001, Congress renamed it the No Child Left Behind Act (NCLB)—a legislative title that has far greater brand recognition" (1). Despite being touted as a groundbreaking reform to end the problems facing education, in reality No Child Left Behind mostly consisted of small changes to the Elementary and Secondary Education Act. So while the original parts of the law were narrowly focused on improving public recognition of the government's deeds, the law largely accepted the status quo when it came to inequality. Instead of actually reforming education policy and addressing the root causes of inequality in education,

No Child Left Behind relied on the foundations that were laid down by the laws that came before it, repackaging inequality and proliferating it forward into the 21st century.

The No Child Left Behind Act of 2001 reflects the strengths, weaknesses, and ideology of the presidency that signed it into law. Without the two-thirds majority necessary for a Congressional override, the president enjoys the sole power and responsibility to approve legislation. As a result, the president claims authorship and implicitly contributes their voice to any legislation that becomes the law. Bazerman explains how voice relates to the writer of a text: "Voice can also be reflexively understood by the writer as a characterization of one's self and one's commitments" (13). Any bills that the president signs into law are likely to reflect some aspect of the president's ideology or "voice". In the case of No Child Left Behind, Republican President Bush negotiated with the Democratic senators to vote to pass the law, because it aligned with his campaign promises. When attempting to propose legislation to a Congress run by the opposing party, the content should be presented in a palatable way. In a chapter reviewing the structure and function of social movements, Paul Almeida introduces the concept of *framing*, where, "movement leaders actively convey grievances to larger audiences in order to draw in more support for the movement and maintain commitments from movement participants" (11). Leaders craft emotional messages in an attempt to draw sympathy from bystanders and to recruit new activists to the movement. In her comparison of the rhetorical strategies utilized by President Reagan and President Bush, Rebecca Kuehl extends Almeida's concept of framing to the presidency: "George W. Bush adhered to an ideology based in individualism, which became evident in education reform rhetoric through the frame of accountability" (332). Using the concept of accountability, Bush persuaded voters from both sides of the political spectrum to accept his education plan. In turn, Congress reacted to constituent pressure and created

legislation in line with Bush's goals. When this happened, Bush claimed the legislation as a bipartisan victory. Staton and Peeples provide an example of this behavior, from one of Bush's speeches: "'*I* am particularly gratified that segments of *my* America 2000 strategy are part of this *legislation*'" (311). In this speech, Bush wants credit for the legislation because it aligns with "[*his*]" America 2000 plan, the foundation of his election campaign. By praising the legislation, instead of the Republican party alone, Bush extends an olive branch to the Democrats in Congress. This action is an example of the "Bipartisan Appeals" described by Villalobos et al. (554). He explains that the general strategy is to construct the appearance of rapport with Congress (Villalobos et al. 554). Bush seizes an opportunity to create an implied narrative of past bipartisan cooperation, which he can then use to encourage the members of the opposing party to support his legislation proposals in the future.

This strategy of using legislation to improve public image was also utilized by Bush's advisors. To capture the unorthodox policy views of Bush's team of policy advisors, which mostly consisted of past campaign staff, William Mayer offers a notable example from an interview with John Dilulio, an ex-White House official, who was once told to "Get a faith bill, any faith bill" (86). To Mayer, this is surprising to say the least because it shows a casual disregard for the "complexities and nuances of the issue" (86). Overall, the Bush administration viewed legislation as a tool to raise their approval ratings, instead of an obligation to solve the problems in education. This ideology crept into parts of the law like section 101, shifting the focus away from real issues.

Writing in the No Child Left Behind Act of 2001 reflects the complexity of the many forces that compete for influence over public policy. The writing itself consists of obscure language which dresses vacuous mandates in formal legal writing, to give the appearance of

important, constructive reform. The mask of bipartisan cooperation further camouflages the consequences hidden within the law. No Child Left Behind sidestepped the actual issues in education and instead implemented policies to increase public awareness of the apparent work being performed by policymakers, in an effort to expand party influence. The Bush administration's political motivations resonated throughout both the writing and the implementation of No Child Left Behind. It is impossible to determine the exact motivations that each responsible entity responded to when creating No Child Left Behind, so it would be irresponsible to argue that Congress purposefully drafted the law with corrupt intentions. However, based on the reasons above, the harmful consequences of the law cannot be dismissed as coincidental, regardless of the intent behind its enactment. Rather, No Child Left Behind fits into a pattern of governmental behavior that foregoes action in return for job security. Perhaps the recent explosion of social media use by politicians can be viewed as a modern step in this direction. In order to actually address inequality, Congress needs to leave this governmental pattern behind.

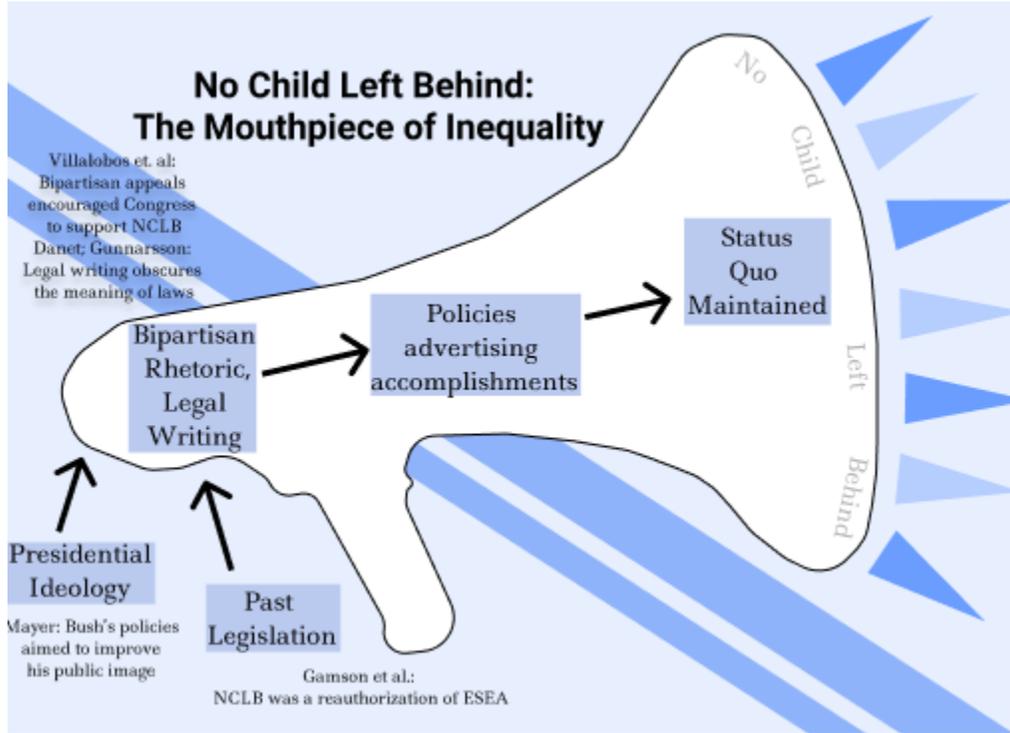Fig 1. No Child Left Behind: The Mouthpiece of Inequality



Fig. 1. This visualization describes the role of NCLB in proliferating inequality. It shows how past legislation and ideology entered the government. They flowed through the federal government, became dressed up in grandiose legal writing and bipartisan rhetoric, and finally built on top of ESEA with policies to advertise the supposed achievements of Congress. The combined result was NCLB. (Danet; Gamson et al.; Gunnarsson; Mayer; Villalobos et al.)

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