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of You and I.

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The Progression of You and I.

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Editors' Note

Interesting Journal is compiled of 24 essays from the Faculty of Arts at the University of Auckland. The essays are independent academic works that have been written by undergraduate students in Summer School or Semester One 2016. As editors, we have decided to present the material to you in the form of a story. We will take you on a journey through our four chapters: National Identity and Political Culture, Media and Modern Issues, Race and Changing Attitudes, and Gender Identity. Each chapter will be begin with a summary page introducing the essays in that category.

The Progression of You and I.

Progression: the act of moving forward; transcending to a more advanced state; improving. As a society, we can only hope that we are always progressing. Our attitudes and understanding of each other are in constant progression. Minority rights movements demonstrate that at the end of the day, as the human race, we want progression.

Country by country, societies combat inequalities in different ways. The mix of core values within a nation are factors determining how a culture will use the instruments of the law to right any perceived wrongs. As New Zealanders, we ought to understand our own mix of core values to best discover how we can progress to a more advanced state.

The digital revolution has introduced technologies and ways of communication that we are still striving to properly understand. Modern media tools undeniably enhance our state of being, however we must explore the consequences of their use. Here, we discover the fragility of our identities. How might we protect them in the digital world?

Attitudes change as time goes on. These changes are reflected to us in literature such as novels, plays, and films. This allows us to understand who we are now, and the times from which we have come.

It's 2016. A social progression we are experiencing firsthand is that of gender identity. It started with the discussion of the imbalance between men and women, an issue which still has a long way to go.

National Identity and Political Culture

Our world is riddled with injustices and inequalities that academics and members of the wider public relentlessly endeavour to remedy. Nation by nation, humanity pursue these issues in different ways. This is due to countries having their own distinct political cultures, built by common core values held by members of the nation. The essays in this chapter discuss inequalities and injustices in our world and explore how a New Zealand perspective can assist our understanding of these issues.

Edition Three opens with *Facts, Figures, and Fieldwork: Blurring the Lines between Anthropology and Economics*. This piece transcends the boundaries between the sciences and the arts. You'll learn that economics requires a quantitative and qualitative understanding. The author shows us that the anthropological lens draws qualitative understandings and conclusions about wealth distribution and economic structures. This piece demonstrates what our journal is all about: valuing the humanities perspectives. The theme of inequalities and injustices sets the tone for this chapter on how national identity affects political progressions and culture.

It is apparent that a deeper understanding of people within a nation will allow the political system to more effectively serve a jurisdiction's needs. Our next piece looks at our founding document Te Tiriti O Waitangi and the treaty settlement process coming to completion in 2018. Through this lens, we explore whether a certain group of Maori benefits from the process more than others. *Treaty of Waitangi settlements - Who Really Benefits?* suggests we should balance commercial and social imperatives rather than the focus of profit-based thinking that Western culture has ingrained into the New Zealand political system.

Our next piece draws attention to injustices within the New Zealand schooling system. Drawing on data from the Ministry of Education, we learn that our schooling system looks after some groups of children better than others, with Maori being marginalised from onset. Surely honouring the mutual obligation we have to other members within our society is a part of our nation's core values. If this is so, *Why Racism in the Education System is Successful* points out to us that our efforts are not yet sufficient to ensure our schooling system equally educates the children of our nation.

New Zealand has a complex and unique legal system with an uncoded constitution. The implementation of Te Tiriti o Waitangi is a contentious subject, and so far we've learned that the settlement process has further barriers to overcome. We also have the New Zealand Bill of Rights Act (NZBORA), which is the statute protecting human rights. *Supreme Rights: The Case For Reform* suggests that making the NZBORA supreme law

would strengthen our democracy by protecting minority rights and limiting parliamentary power to the Act.

Political culture can be slow changing. Sometimes it might take two or three generations to make a legal change that matches cultural and social progression. *Getting away with Ecocide: The Faulty Legal System* reminds us that as a society we are not doing enough to combat the detrimental environmental effects that capital ventures bear on our planet. This essay suggests the answer comes in form of strict criminal punishment for environmental damage. Furthermore, the need for comprehensive international standards is addressed. When reading this piece, we challenge you to consider how various political cultures within different nations could make the implementation of global guidelines so difficult.

Perhaps to better understand the idea of ecocide, we should reflect on ourselves and the history of this nation in order to discover our own environmental understandings. *A Responsibility to Protect: Maori Attitudes Toward the Environment* points out that humans are a central player in the natural environment as told by Maori folklore. You'll learn that Maori environmental interactions are historically defined by respect and balance. If the understanding within Maori folklore could influence the political culture of all of New Zealand, we could be a role model and driving force in developing international guidelines to combat environmental misconduct.

To finish this chapter, we present you *Rugby, Religion, Richie, and Redemption*. New Zealand has no established church, and freedom of religion allows our diverse population to express various religious identities. However, have you ever considered rugby as an unofficial religion? Fulton explores the parallels between the stories of the Christian bible and New Zealand's rugby culture. In this essay you will meet Richie McCaw the Messiah and John Kirwan the prophet.

Anthropology 321
Equality and Inequality

Alika Wells

Facts, Figures and Fieldwork: Blurring the Lines between Anthropology and Economics

*In his book *Capital in the Twenty-First Century*, Thomas Piketty argues that our understanding of “the wealth distribution and the structure of social classes” cannot depend on economics alone (page 33). He writes, “I see economics as a subdiscipline of the social sciences, alongside history, sociology, anthropology, and political science” (page 573). What can anthropology add to our understanding of inequality?*

“It is illusory, I believe, to think that the scholar and the citizen live in separate moral universes, the former concerned with means and the latter with ends. Although comprehensible, this view ultimately strikes me as dangerous.”

Thomas Piketty, *Capital in the Twenty-First Century* (2014: 574)

Thomas Piketty argues in order to understand inequality, we must consider economics as a social science, and include money as a focus within other fields of the social sciences (2014: 577). Anthropology not only offers a different perspective to aid our understanding of inequality, but it provides a complex history of reformation and reflexivity which has shaped our field of study. It allows for a holistic approach that not only considers the facts and figures of inequality, but cares about the experience of those who encounter inequality as part of their daily lives. Moreover, anthropology not only encourages us to compare different experiences of inequality, either in a geographic or historic sense, but to compare different aspects within the experience of inequality. As anthropologists, we are forced to recognise that we are both “the scholar and the citizen”. Therefore we must recognise our biases, and write from perspectives that reflexivity takes as both its means and its ends. It is through these traits of our field that we can continue to add different perspectives and considerations on what it is to experience inequality; and contribute to society’s overall understanding of the subject.

Geertz, Polanyi, and Methodological Discussion

From my own experience as an undergraduate in 2015, I feel it fair to argue that there is still an outdated idea of what social anthropology is. Anthropology appears to be an academic field shrouded in a mist of colonial history, connoting notions of scholars spending years of fieldwork in distant lands, writing ‘from the native’s point of view’. However, while we have spent decades being continually more critical and reflexive of some of Malinowski’s methods and beliefs (Marcus 2002), we still focus on trying to understand how other people experience the world. We know that we may not be able to completely ‘unlearn our privileges’, (Miller 1990: 65-66), nor can we act as if we (as authors, or ethnographers) do not exist behind the pieces of work we create. Nevertheless, we can come to realise that our experience as the anthropologist does not have to be the focal point of study: instead, we can act as a lens through which our audience can observe, and possibly even

experience, the world as someone else does. To quote Geertz: “The trick is not to achieve some inner correspondence of spirit with your informants... The trick is to figure out what the devil they think they are up to.” (1974: 29).

Geertz explains the difference in “experience-near” and “experience-distant” concepts regarding their relationship with how we study a subject and come to an anthropological understanding of it (1974: 28). An experience-near idea exists within the mind of our informant: it is unique to their experience of the world, and is something that is constantly interacting and shaping their understanding. On the other hand, an experience-distant concept is often what we, as the anthropologist (or specialist, as Geertz may argue), are required to observe, analyse, and publish (ibid). This is important when considering what Piketty is concerned with (2014: 33), as wealth and social class have traditionally been analysed from an experience-distant perspective. However, as Piketty argues, if we want to understand such topics, we need to look outside the explanations presented by economists, and employ the skill sets of social scientists. By considering the subject matter from a holistic perspective, we can work within the field of the experience-near encounters of our informants, as well as analysing experience-distant observations and data.

Of course, not all individuals or societies experience inequality the same. While they may experience the same type of inequality, or inequality stemming from similar root causes or historical contexts, each society's interaction with inequality is unique. We can see this idea in the foundations discussions led by economic anthropologist, Karl Polanyi. Polanyi argued that a method was required to ensure we did not assume all societies operate on the same economic principles (Block and Somers 1984: 69). He advocated a holistic approach to analysis as it would allow for the removal of “conscious or unconscious... theories of motivation that could lead the analyst to findings that simply confirmed his or her biases” (in Block and Somers: 70). Instead of creating and reproducing Eurocentric discourses through the works of ethnocentric scholars, Polanyi advocated for an approach that involved fieldwork, informants, and not jumping to conclusions to establish a valid understanding of a society's social organisation.

Anthropology also spends a large amount of attention on comparison, particularly cross-culture comparison. As argued by Beattie, this is most useful when comparing “institutions which have similar backgrounds or contexts...”, specifically “...in respects of qualities which are socially important [or] intrinsic to the systematic complexes being compared” (2013: 47). The anthropologist is required to have an understanding of each society within its own holistic context, in order to ensure the comparison of cultural or

social institutions is both valid and useful (48). This can help us decide where to research, and where to look in order to produce the most comprehensive understanding. For example, we might not gain a detailed understanding of social classes from comparing the economic systems of two politically opposing countries. Whereas we may get better results if we compare the experiences of two middle class families from different ethnic backgrounds living in the Auckland suburb of Papakura. It is this style of small-scale, controlled comparison that Eggan argues is the most useful, as it can be used “as a convenient instrument for its exploration, utilizing covariation and correlation, and avoiding too great a degree of abstraction” (1954: 747).

Anthropology in Action

We can use these different skill sets and methodological approaches in considering the two key ways high inequality is achieved (as outlined by Piketty). It is argued that high inequality is a consequence of “hyperpatrimonial” societies, and “hypermeritocratic” societies (2014: 264-5). A hyperpatrimonial society includes a system of wealth created through extreme amounts of inherited wealth, along with a significant concentration of that wealth. Piketty uses the example of the Ancien Rgime, in France, due to the pattern of income hierarchy being dominated by aristocratic families with large amounts of inherited income. This in turn gave such families a large amount of power, which even persisted within a system of absolute monarchy. However, we might also want to consider the early colonial economies of Africa when considering the hyperpatrimonial model. For example, Kuper’s study of traditional economic power in Swaziland also alludes to an economic system based on stores of inherited wealth (1965, Picard 1984: 291-2). However, in saying this we must be critical of such works in order to expose any eurocentric discourses that may exist. One of the skills we must utilise as critical modern anthropologists is the ability to recognise bias and the influence of historical discourses on our work, and work to remedy any harm it may cause (Lazarus 1993: 82). This is particularly crucial when making comparisons, as it helps prevent essentialism in our work. As a result this allows us to recognise the spectrums within different experiences, and aids our understanding of larger topics, including inequality.

Piketty goes on to describe “hypermeritocratic” societies as including a class of “supermanagers” (2014: 256). He explains this system of high inequality as a modern phenomenon, and can be attributed to a culture of extraordinary high incomes earned through labour, rather than inherited wealth. This in turn creates supermanagers: “top executives of large firms who have managed to obtain extremely high, historically unprecedented compensation packages for their labor [sic].” (302). Supermanagers not only hold a large amount of wealth,

but also a large amount of power - however in comparison to their “superstar” counterparts (athletes, actors and artists) who earn a similar amount for their labour, supermanagers remain reasonably underpublicised. This gives us an interesting point of comparison: within the top 0.1% of incomes from 2000-2010, superstars made up less than 5% of this group, whereas supermanagers made up 60-70% (Ho 2015: 482). Yet, despite this, we (as a collective, global community) exist in an era that thrives on engagement with celebrity culture (Shipley 2015: 403). It is no secret that the public and media have had a consistent and historic relationship with sensationalising the wealthy and powerful. I do not mean to negate or belittle this focus, or the power it has as an inclusion in everyday life. However as anthropologists we must ask why superstar-obsession is a normalised part of twenty-first century culture, yet “supermanager-obsession” is not.

It has been argued that celebrity culture is a “cult of distraction” designed to distract us from such threats as economic collapses and a general sense of disempowerment (Rieber and Kelly 2014: 109). Therefore, the combination of tabloid gossip, reality television, and “junk politics” (Demott 2003: 36) not only becomes normalised, but accepted and embraced. Fuelled by rapid advances in communication technology and social media, it becomes a new form of escapism, and allows for instant gratification - all while maintaining and reproducing a sense of community through this shared experience. More importantly, this is a shared experience felt by those experiencing inequality (Reiber and Kelly 2014: 109): who are seeking escape from economic burdens due to unequal wealth distributions, or perhaps feel trapped due to their social class. Through anthropology, we can analyse how someone’s experience of inequality can be largely determined by how that individual tries to seek escape from their reality.

Conclusion

To quote Piketty: “social scientists (...) should not leave the study of economic facts to economists and must not flee in horror the minute a number rears its head, or content themselves with saying that every statistic is a social construct” (2014: 575). By treating economics as a social science, we allow for inter-disciplinary improvement: a balance between the figures and the fieldwork. While statistical standards, such as the Gini coefficient, create clear cut measures, the inclusion of anthropological understanding allows us to look at the “flesh-and-blood aspects of inequality” (270).

Anthropology has not ignored economics - in fact, quite the contrary. Not only are you guaranteed to find work on exchange systems, monetary constructs, and means of production in most ethnographies, but anthropology has made a concerted effort into deriving a subfield of “economic anthropology”.

Hann and Hart tell us that this has been in motion since the 1870s, however the neoliberal turn of the 1970s brought about a new wave of economic anthropologists who were interested in “expand[ing] their inquiries to address the full range of human economic organization [...] from a variety of perspectives” (2011: 3). This may not be the same as Piketty’s concept of treating economics as a social science, but it does show that a foundation laid for such inquiry exists. Much like Piketty, anthropologists Hann and Hart examine the history of inequality, and its relationship with capitalism and both world wars (104, 119, 114-162). They argue the financial crisis of 2008 has “opened up a new space for an economic anthropology” (164), given anthropologists’ holistic approach and interest in the role of economics in the overall organisation of a society (164-167). We can use this to add to our understanding of how economics effects inequality, and how inequality also fits into everyday social organisation. However, more importantly, we can use anthropology to see how this effects people’s daily existence, when inequality is a positive thing, and what types of inequality need to be addressed.

In conclusion, Piketty encourages us to use social anthropology to approach both the ‘means and the ends’ of a topic; and draw upon being both scholar and citizen. Social anthropology promotes a different methodological skill set, and provides a lens of understanding to overarching subjects such as inequality. A strong history of reflexivity encourages anthropologists to be constantly critical and mindful of our place, and of our power as observers and authors. We can apply the ideals, aims and concepts of thinkers like Geertz and Polanyi to topics often monopolised by economists and business analysts, such as wealth distribution and economic organisation. We can use these frames to generate new perspectives, add detail to ongoing theories, or break the fourth-wall surrounding everyday assumptions. Moreover, we can study how economics shapes and interacts with everyday culture, and examine how this manifests within everyday life. Anthropology provides the opportunity to embrace the figures, but also look beyond numbers and towards the qualitative experience of human inequality. Through aiming to understand how others quantify, categorise, and comprehend their experiences, we can begin to compile a broader, more detailed and inclusive understanding of inequality.

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Maori 330
Te Ao Hou: Contemporary Maori Issues

John Kingi

Treaty of Waitangi Settlements - Who Really Benefits?

Aotearoa, New Zealand is a nation with a rich and varied history. Since the signing of Te Tiriti o Waitangi in 1840, the history of this nation has been a chequered one. A proud people saw their lands, culture and beliefs stripped from them under the weight of the colonising might that was the British Empire. New Zealand has grappled with the effects of this sad legacy, attempting to address past wrongs that have dominated race relations since the 1970's. This essay will explore the controversial treaty settlement process as it progresses through to conclusion in 2018. This discussion will focus on whether this Crown determined process has advantaged a certain group of elite Maori, while disadvantaging urban Maori disconnected from their papakainga.

Through analysis of major iwi, Waikato-Tainui, tensions between western values and tikanga Maori will be explored with the socio-economic status of Maori people also being analysed. It will then be argued that the settlement process has yet to translate into improved outcomes for Waikato-Tainui Maori across a range of social indicators and that moving forward Maori must better utilise traditional tikanga frameworks to ensure that the colonised do not perpetuate the injustices of the coloniser.

The Treaty Settlement process was formed as a Crown instituted policy that sought to address the political and societal concerns of Maori in the latter parts of the 20th century. The 1970's marked a significant shift in Maori engagement with the state as the emergence of Nga Tamatoa challenged the conservative approach pioneered by Sir Apirana Ngata and the Young Maori Party (Spoonley, 1991). Nga Tamatoa was founded largely by the university educated, urban Maori who came from a range of different iwi. They sought to address Maori grievances common to all iwi groups and drew specific attention to Crown acts being in breach of the Treaty of Waitangi (Lashley, 1998). This newer and more radical approach was sparked largely by the Maori Affairs Amendment Act 1967 which was seen as the, "last major land grab" (Harris, 2004, p.24) and culminated in the now famous 1975 Land March led by Dame Whina Cooper. In direct response to this heightened activism by Maori, the Labour Government and influential Maori Member of Parliament Matiu Rata passed the Treaty of Waitangi Act 1975. The act acknowledged the Treaty of Waitangi as the founding document of New Zealand and created a tribunal to hear contemporary claims of breaches of the treaty, with reference to both the English and Maori texts (Lashley, 1998). In 1985 the Tribunal was given the power to investigate historic claims dating back to 1840 and this enabled Maori to further seek redress for past injustice with government now being, "pressured to examine social policy areas from a treaty perspective" (Durie, 1998, p.82). This movement had created mechanisms through which the Treaty and legislative and judicial processes could be used to seek redress for past injustices perpetrated by the state.

In August 1992, the National Government began secret negotiations to come to a set of agreed principles with which to address Maori claims for redress under the Treaty of Waitangi (Graham, 1996). The Waitangi Tribunal had already been investigating a number of claimed breaches of the Treaty but the Government sought another avenue by which iwi could directly negotiate with the Crown. By doing this they ensured that the issue shifted to a political arena where the Crown could exert greater control over the process (Mutu, 2011, p. 19). According to Lashley this was further motivated by a weariness at the economic cost that the tribunal process could lead to and in 1994 Prime Minister Jim Bolger proposed the 'Fiscal Envelope Policy' which would settle all claims up to a cap of one billion dollars (Lashley, 1998, p. 13). This process enabled iwi based claims and also claims affecting Maori at large and was overseen by the Office of Treaty Settlements and the Ministry of Maori Development, Te Puni Kokiri. Rather than submitting claims to the tribunal, claimant groups would seek a mandate from tribal members to begin direct negotiations with the Crown to address their claims. Once the Crown recognised a claimant group as receiving a mandate, negotiations would begin between representatives of the Crown and representatives of the claimant group. Following negotiations, a deed of settlement was signed and legislation would be passed through Parliament. Each deed stated that the settlement was final, removing any right to seek further claims (Mutu, 2011, p. 19).

It is here that a substantial issue arises in regards to Treaty settlements. In determining who constituted a claimant group, the Crown adopted a unilateral approach to the process with the Office of Treaty Settlements. A statement was issued; "The Crown also prefers to negotiate with large natural groups. A large natural group is usually an iwi, or a cluster of hapu with a significant population and a large distinctive claim area" (Office of Treaty Settlements). While this statement was reasonable from a Crown perspective, the effect on Maori was significant as whanau with links to multiple whakapapa were forced to choose which grouping they belong to. This also had the effect of alienating smaller hapu or iwi uncomfortable with being forced into a larger grouping, whilst also completely ignoring urban Maori who have perhaps been the most alienated by this process. During consultation hui in the 1990's, Harawira Gardiner wrote of the unique issues that were raised by urban Maori disconnected from their ancestral papakainga, as they had little or no links remaining to their roots. John Tamihere of the Waipareira Trust, spoke of how urban Maori could not expect to be serviced by their tribal iwi. He argued that given 85% of Maori live in the cities, they were essentially being forgotten with the settlement process benefitting a Maori aristocracy representing only 9% of the Maori population. June Jackson also spoke of this sense of being wholly disenfranchised, and said that Maori in Auckland were being side lined not only by the Crown but also by other Maori (Gardiner, 1996). Urban Maori also

raised concerns around the fact that while they may not be able to point to specific land loss as a basis for claims, they too had suffered the effects of colonisation, assimilation and discrimination. Despite these concerns and the continued advocacy of urban Maori authorities such as the Waipareira Trust, urban Maori continued to be disadvantaged as a group in the settlement process.

As a requirement of settlement, a post settlement governance entity (PSGE) must be created, usually in the form of a trust, to manage any tribal assets returned through the settlement (Wells, 2012). These entities are responsible for maintaining a register of iwi ancestry and membership, with access to settlement resources administered primarily through this registered membership and through individual marae based programs in the tribal area (Lashley, 1998). This process has come under criticism from some, with Mutu stating that settlements have been imposed on Maori, “desperate to rise above the poverty and deprivation they have suffered over a century” (2011, p.6). It is clear that there are a number of controversial aspects surrounding the Treaty process, and as a result, some iwi and hapu still refuse to take part. Given the large number of iwi who have chosen to settle their grievances through the settlement process, questions arise as to how these settlements have been utilised to benefit Maori whanau, iwi and hapu. This is explored through a case study of Waikato-Tainui.

In 1995, Waikato-Tainui were the first iwi to sign a treaty settlement following direct negotiations with the Crown. The settlement gave reparations of \$170 million dollars in land and money. It also sought to acknowledge that the Crown had acted in breach of the Treaty of Waitangi in its dealings with Waikato iwi and in the confiscation of land (Deed of Settlement, 1995). According to the 2015 annual report, Waikato-Tainui now have assets totalling \$1.2 billion dollars, with distributions of \$22.3 million and net profit of \$83.3 million (Waikato Tainui, 2015). This represents a nearly 700% increase in base assets over twenty years. The iwi maintains a unique governance and representation structure to oversee its post settlement affairs, with the head of the Kingitanga Movement Kiingi Tuheitia Pahi as the official head of Waikato Tainui. Te Arataura, is the official governing board of the iwi and acts as the decision making body which works alongside an elected tribal parliament, known as Te Kauhanganui, with elected representatives from each marae. The King does not sit on any of these bodies but appoints one member to the governing body.

The previously discussed Crown imposed PSGE has raised important issues for considering the treaty settlement process and its application to a Maori context. In the case of Waikato-Tainui, the governance and representation bodies, alongside the somewhat undefined scope of the role of the Kingitanga, has resulted in tensions between western democratic values and the mana of the unelected but traditional aristocracy that is the Kingitanga. As a crown determined process, Maori have been required to compulsorily adopt largely Pakeha structures in the management of their post settlement affairs, establishing trusts and corporate asset holding companies which are staffed primarily by Pakeha (Hawke, 2015).

At the heart of these tensions is the question of tribal spending of settlement funds and how those outside of the upper echelon of Waikato-Tainui can challenge the status quo. These issues have created a discourse around who benefits from settlement resources. While the structure within Tainui may be portrayed as one that incorporates tikanga Maori values, it is questionable whether this is the case. The structure while attempting to be representative of individual Marae, still gives significant influence to the King and the governing board, and this influence has been used inappropriately at times. While a tikanga Maori framework utilises consensus decision making, current structures rely on 51% majority voting and oppositional forms of confrontation. Tribal members seek to 'win' election to determine tribal policy. This western approach is anathema to tikanga Maori but is the accepted form of management to supposedly ensure resources are responsibly managed with accountability.

These tensions were explored recently in the internal struggle surrounding Tania Martin, who took legal action against King Tuheitia for not following proper processes. In 2010, Martin was removed as Chairwoman of the tribal parliament by King Tuheitia as paramount chief, following criticism and infighting with Te Arataura (NZ Herald, 2010). Martin challenged this in court and was reinstated, and in 2011 she commissioned a report criticising the spending of the governing body as excessive (Stuff, 2012). Of particular concern was the lack of oversight and adherence to policy and procedures, alongside seemingly ad hoc spending and over budget expenditures for directors and consultancy fees as opposed to contributions to registered tribal members. Following an election battle, Martin maintained her position as Chairwoman, only to be later removed following a letter from King Tuheitia to all marae asking that they vote for her removal. (NZ Herald, 2012). These tensions between a democratically elected official and the traditional Maori aristocracy in the form of the King, highlight how an imposed structure such as PSGE can conflict with tikanga Maori.

Aside from these internal tensions created by the process, census information provides us with analysis of the socio-economic standing of Waikato-Tainui people, both immediately after the settlement in 1995 and also today. In the 1996 census a range of measures were taken to assess the position of Maori in Waikato-Tainui. Unemployment stood at 19.9% and the median income was \$12,083, with 30% of the population having no formal qualification and 50% living in housing they did not own.

Comparatively, in 2013 unemployment stood at 34% while median incomes have risen to \$20,900, with home ownership decreasing to only 24%. Somewhat surprisingly however, formal education still remains an issue for Tainui as 26% still have no formal qualification (Statistics NZ, 1996, 2013). It would seem then that despite twenty years of tribal policy, the settlement has had little impact on the socio-economic profile of Maori in the Waikato region and the trickle down has not yet taken place. While grants and disbursements are not insubstantial at \$22.3 million in 2015, so far, these measures have not had the long term positive impact that some Maori argue they should.

According to Lashley, despite the Treaty settlement process, we still have failed to address the ongoing disparities and effects of marginalization and detribalization (1998). In 2015 these words seem to ring true, as the indicators suggest that despite reparative Treaty settlements and a growing Maori economy totalling \$42.3 billion (Treasury, 2013) the position of most Maori remains largely unchanged. If Tainui and indeed Maori are to achieve a self stated aim to, empower all Maori people, not only those who are positioned to oversee and benefit from treaty settlements, then these social indicators should inform and guide our work moving forward. The focus needs to shift from a profit based view dominated by Western thinking, to an approach that incorporates tikanga Maori values and seeks to more finely balance commercial and social imperatives. Crucial within this shift in thinking will be a reassessment of the place of urban Maori within future discussions to ensure that we accommodate all Maori within this reparative framework. This challenge remains, as Ranginui Walker wrote, a struggle without end.

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Maori terms:

Tikanga - (noun) correct procedure, custom, habit, lore, method, manner, rule, way, code, meaning, plan, practice, convention, protocol - the customary system of values and practices that have developed over time and are deeply embedded in the social context .

Whānau – (noun) extended family, family group, a familiar term of address to a number of people - the primary economic unit of traditional Māori society. In the modern context the term is sometimes used to include friends who may not have any kinship ties to other members.

Iwi – (noun) extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor and associated with a distinct territory.

Hapū - (noun) kinship group, clan, tribe, subtribe - section of a large kinship group and the primary political unit in traditional Māori society. It consisted of a number of whānau sharing descent from a common ancestor, usually being named after the ancestor, but sometimes from an important event in the group's history. A number of related hapū usually shared adjacent territories forming a looser tribal federation (iwi).

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Te Ao Maori/ The Maori World

Kimai Babbington

Why Racism in the Education System is Successful

When looking at a page in a child's colouring book, we often observe it to be blank with spaces that need to be coloured in. But we fail to consider that it is already coloured in with white; the unseen colour, always in the background, masked with lines and boundaries that tell you where you are allowed to put and detain any colours you choose to add. Schools are white spaces - part of wider society's white spaces. The white is there as the colourless set of rules that dictate whose knowledge is important, what success is, what achievement is important, how the space is structured and who has the power (Milne, 2009) That is institutional racism. This essay will outline the effects institutional racism has on academic disparities, racial profiling and internalized racism.

Jay Wade (1993) defines institutional racism as being either a conscious manipulation by institutions to achieve racist objectives, or as the by-product of institutional policies affecting and restricting "choices, mobility and access to goods and services of certain groups" (Wade, 1993, p. 537). The New Zealand education system, based on mono-cultural and arrogant assumptions of white privilege (Kwate & Goodman, 2014) which dominates what counts as knowledge and achievement and what does not, is no different. The Ministry of Education's pitch for "equality of educational opportunity for all New Zealanders, by identifying and removing barriers to achievement" (Ministry of Education, 2015), seems almost mediocre. In 2012, NCEA statistics showed that 66% of Maori gained NCEA level 1 compared to 86% of New Zealand European students (NZQA, 2013). Yet in contrary to the National Education Goals expressed in 2004 (Ministry of Education, 2015), the cause of these disparities were attributed to failures believed to be based on internal deficits rather than to systemic and racial inequalities. The failure to recognize racial barriers within the system itself is not an example of ignorance, but of racism. Academic results in Maori Medium Education systems combat deficit theories where the success rates of Maori are substantially higher, highlighting the academic potential for Maori as well as the racial biases that exist within mainstream schools (Wang & Harkess, 2007). Victim blaming stands to ignore the structural factors within systems that give rise to racial inequalities; it holds that it is the individual that must change and not the system, despite it being the system which in many ways will shape an individual (Human Rights Commission, 2012).

Relative to institutional racism is the racial profiling and cultural capital that is created, maintained and punished in schools. Racial profiling is defined as the practice of targeting individuals based on race or ethnicity, in the belief that certain minority groups are more likely to engage in unlawful behaviour (Muffler, 2006), whereas cultural capital is attributed to assets that promote social mobility (Macmillan, 2004). Antwi Akom (2001) described

racial profiling as being the prime vessel that furthers inequalities within the education system. The broader social inequalities that exist mean that Maori are overrepresented in low socioeconomic status, and therefore restrict Maori from acquiring the cultural capital needed to develop assumptions of academic success (Goldenberg, 2014) rather than of delinquency. The examples of cultural capital, such as general education, intellect, style of speech, dress or physical appearance, cause confrontation with school executives, where final punishment is almost expected, and to a point, accepted (Akomo, 2001). Despite research (Michelle Fine, 1991; as cited in Akomo, 2001) concluding that students who are suspended or expelled are more likely to drop out of school. In 2006, the stand-down rate for Maori was 2.7 times higher than European students (Ministry of Education, 2015). Steady with tradition then, deficit theories maintain that Maori don't want to be at school in the first place, with truancy levels for Maori being significantly higher than Pakeha (Ministry of Education, 2013). The argument reflects institutional bias and fails to ask why Maori, who are continually victimized by schooling institutions through accusations of aggressive behaviour, would resist an institution that labels them as juvenile delinquents on the basis of their cultural capital in the first place. Disciplinary policies target Maori and are used as tools to restrict academic achievement. It is not Maori who fail to connect to the system, but it is the system that fails to connect with Maori.

More significant than the racism inflicted directly by those in power is the racism inflicted indirectly. Internalised racism can be defined as either the conscious or unconscious acceptance of a racial hierarchy (Johnson, 2008). As unfortunate as it is, many young Maori are compelled to believe and accept the stereotypes that portray Maori as being the pitfall of society. Misconceptions that associate ethnicity with academic potential impacts views of the self, disseminating the view that academic failure is inevitable. Internalised racism embeds unconscious predicaments to either accept the racial stereotypes that marginalize Maori to accept the terms of racial inferiority, or to work against institutional barriers in the attempt to prevent being classed as a "failure". Accepting racial stereotypes that sell Maori as academic failures, perpetuate, encourage and reinforce Maori as incompetent; resisting ethnic identity to detach from discrimination has the effect of separating Maori from culture and heritage. An argument central to internalized racism is that stereotypes are more than just stereotypes, and are instead a representation of reality. Again, this is victim blaming and fails to account for the sources which preserve these stereotypes. Although these generalizations do tell some truth, generalizations made through the lenses of white superior groups act as marginalizing and oppressive unwritten policies. Thus, the true origins of stereotypical beliefs are not derived from the actions of Maori, but are a reflection of the effects colonisation and oppression has had on systems of racial hierarchy.

Being born white in itself is a scholarship for academic excellence. It is not a privilege, as privilege is defined as a “special right”, something which is earned. Nothing in the institution of education that permits failure for Maori and success for Pakeha is earned. It is the product of racism. Many will argue that education system in New Zealand is failing, but it’s not. It is doing exactly what it set out to do; to marginalize. And in this regard, the system is successful.

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Democracy in Theory and Practice

Aaron Kirkpatrick

Supreme Rights: The Case For Reform

“Should New Zealand adopt a form of judicial review wherein the courts could disallow law by reference to a constitutional instrument (e.g. the Bill of Rights)? Why or why not?”

New Zealand needs to change the way it approaches the New Zealand Bill of Rights Act 1990 (NZBORA). Despite the reasonable level of human rights protection in New Zealand and the effective majoritarian nature of Parliamentary sovereignty, we should make the NZBORA supreme law, thereby granting judges the jurisdiction to decline to apply legislation¹. This change would lead to enhanced human rights laws, and greater democracy through increased accountability. I am concentrating solely on the NZBORA rather than the possibilities of a codified constitution or the Treaty of Waitangi. This is because any major constitutional change will be a pragmatic evolution² and the Treaty of Waitangi’s implications are very unclear and constantly contested³. Thus expanding on the NZBORA is the least radical and most acceptable proposal for New Zealanders. In this essay, I shall outline the arguments against and for having the NZBORA as supreme law on the grounds of human rights protection and greater democracy. Then I shall assess them together in my own view, ultimately deciding on the balance in favour of change. But first, I turn my attention to the arguments against change.

Against change

Current human rights protections in New Zealand are satisfactory because court judges have incredible flexibility in their decision making and the current NZBORA has sound avenues for accountability. The argument that there is a weak level of human rights protections in New Zealand and that significant societal reform will follow by imparting judges with the power to invalidate legislation has received criticism from Professor Janet McLean, contending these claims are exaggerated.⁴ The fundamental values expressed in the NZBORA enables judges, where possible, to creatively interpret and apply legislation consistently with the NZBORA by reading in exceptions to the legislation.⁵ An example would be *R v Poumako* which concerned criminal legislation retrospectively imposing tougher penalties. The Court of Appeal interpreted the legislation, despite being clearly worded and intended to be inconsistent, quite narrowly and consistent with the NZBORA so that it did not apply to Poumako’s situation.⁶ Often our judges act exactly the same as judges from supreme law jurisdictions, such as the United States, who read statutes consistently with a Bill of Rights, usually to avoid striking down legislation altogether.⁷ In addition, the NZBORA has a real behind-the-scenes impact on policy development through section 7, which grants the Attorney General the wauthority to report on a Bill’s inconsistency with the NZBORA.⁸ This, theoretically, encourages Parliament to restrain itself from introducing a Bill inconsistent with the NZBORA to avoid the reputational damage and

¹ Jeremy Waldron, “The Core of the Case against Judicial Review,” *Yale Law Journal* 115 (2006): 1354.

² Mai Chen, *Public Law Toolbox*, 2nd ed. (Wellington: LexisNexis NZ Ltd, 2014), 1100.

³ *ibid.*, 1096.

⁴ Janet McLean, “Legislative Invalidation, Human Rights Protection and s4 of the New Zealand Bill of Rights Act,” *NZ Law Review* 4 (2001): 447

⁵ Grant Huscroft and Paul Rishworth, *Rights and Freedoms: The New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993*

⁶ Chen, *Public Law Toolbox*, 61.

⁷ McLean, “Legislative Invalidation,” 428.

⁸ Chen, *Public Law Toolbox*, 299.

political controversy of a section 7 report. Thus because the NZBORA has been working well for over 20 years as an ordinary statute, this has, in effect, discouraged the discussion about having supreme law in New Zealand.⁹

Protecting rights is important, but so is protecting Parliamentary sovereignty. Because our democracy is majoritarian due to Parliamentary sovereignty, giving judges the power to strike down legislation is fundamentally undemocratic and possibly dangerous. The argument of many opponents to supreme law is that judicial review of legislation would lead to judicial supremacy over the legislature.¹⁰ Parliamentary sovereignty by contrast is the idea that because the people are sovereign, their elected representatives are unrestricted in what they can legislate on if they have a majority in the House.¹¹ Constituting the NZBORA as New Zealand's supreme law is opposed because judicial review of legislation violates the democratic right to participation.¹² This is because restricting Parliament's ability to legislate as it sees fit by giving unelected judges the power to strike down legislation is blocking the will of the people, since Members of Parliament supposedly implement that will. However, this argument is weak. This is because, firstly, a supreme law NZBORA would not restrict Parliament's ability to legislate, but rather give the courts a way to invalidate legislation already enacted. Secondly, the legitimacy of majoritarianism depends on whether the will of the people actually exists in a coherent, knowable form, since the ability of representatives to enact the will of the people is what gives majority decisions legitimacy. Albert Weale argues that if we accept that a distinct will of the people does not exist because defining the common good is highly contested, then our system of democracy should institute constitutional restrictions to limit the power of majority rule over individuals.¹³ Thus, majoritarian arguments suffer from at least the vagueness of the will of the people and its difficulty of implementation. However, the argument in favour of Parliamentary sovereignty still has some standing in that because the last word is left to Parliament rather than the courts, a positive dialogue between the two institutions is possible as each of them responds to the actions of the other.¹⁴

For change

Human rights protection in New Zealand needs to be made stronger by making the NZBORA supreme law so that judges have more means available to them to enforce rights. The only real sanction currently on Parliament is political: the test of Election Day.¹⁵ But this is insufficient because the public rarely ousts a government on a single issue and an ousting should be the last resort for the public, not the only resort. The remedy of judicial review of legislation is needed because Parliament is cable of outrageous abuses of rights. For example, in 1880, the Maori Prisoners Act was passed which

⁹ Caroline Morris, Jonathan Boston, and Petra Butler, *Reconstituting the Constitution* (London: Springer, 2011), 130.

¹⁰ Jonathan Crowe, "What's so Bad About Judicial Review?" *Policy* 24, no. 4 (2008): 34.

¹¹ Chen, *Public Law Toolbox*, 330.

¹² Alon Harel, "Rights-Based Judicial Review: A Democratic Justification," *Law and Philosophy* 22, no. 3/4 (2003): 248.

¹³ Albert Weale, *Democracy*, 2nd ed. (New York: Palgrave Macmillan, 2007), 157-158.

¹⁴ Colin James, ed., *Building the Constitution* (Wellington: Brebner Print, 2000), 4.

¹⁵ Chen, *Public Law Toolbox*, 333.

enabled the unreviewable and indefinite detention without trial of peaceful, innocent Maori protesters because the Crown knew that it would not be able to convict them of anything.¹⁶ Another example is the Video Camera Surveillance Act 2011, which suspended the legitimate decision of *Hamed v R* that the government had acted illegally by trespassing and that its evidence was inadmissible.¹⁷ Both of these examples show a paternalistic government determined to get its way regardless of individual rights. Currently, the NZBORA under section 4 is inferior to all other pieces of New Zealand legislation.¹⁸ The inability of the judiciary to give the NZBORA teeth might contribute to the undermining of rights if they are constantly, symbolically overridden by Parliamentary legislation.¹⁹ Thus, it is very important that judges have the power to drastically intervene for citizens when necessary.

The protection of minority rights is a fundamental aspect of democracy, and consequently, Parliament's power should be limited by the NZBORA as supreme law for greater accountability. Judicial review is compatible with democracy, because rights are necessary for democracy and if rights are dependent upon the majority, then minority rights cannot be guaranteed.²⁰ If minority rights are not sufficiently protected, then political equality, which is essential to any democracy, is lessened because not everyone's rights are equally protected. It would privilege the majority's rights and interests over those of the minority. Alexis de Tocqueville, a respected nineteenth century political theorist, attacked this concept of the tyranny of the majority, arguing that the will of the majority needs to be restrained by the requirements of justice because majority rule can abuse absolute power as easily as an individual.²¹ Jeremy Waldron criticises this point, arguing that it does not matter that an individual's preference is not followed by the majority decision, provided that the preference is adequately taken into account.²² However this does not mean that majoritarian tyranny is not possible or that democratic societies do not subsequently require institutional checks and balances. American Founding Father James Madison, echoing Montesquieu, advocated that when all legislative, executive and judicial power are exercised by the same person or group, there is complete tyranny.²³ In the same way as we have separation of powers to protect citizens from abusive government branches, so too should the legislature's majoritarian power not be absolute but rather subject to the check of judicial review through NZBORA as supreme law. The act of making the NZBORA superior to ordinary legislation is also a check in itself because it confirms the rule of law over Parliament's will.

Integration

On the issue of human rights protection, change towards judicial review is justified because supreme law is not unprecedented in New Zealand and

¹⁶ Geoffrey Palmer, *New Zealand's Constitution in Crisis: Reforming our Political System* (Dunedin: John McIndoe Limited, 1992), 65.

¹⁷ Chen, *Public Law Toolbox*, 880.

¹⁸ Huscroft and Rishworth, *Rights and Freedoms*, 2.

¹⁹ Huscroft and Rishworth, *Rights and Freedoms*, 77.

²⁰ James, *Building the Constitution*, 375.

²¹ Michael Kammen, ed., *Democracy in America* (New York: Bedford/St. Martin's, 2009), 73.

²² Waldron, "Core of the Case", 1398.

²³ Roy Fairfield, ed., *The Federalist Papers* (New York: Anchor Books, 1966), 139.

there will be better compliance with international standards. It is beyond dispute that most of the time, our human rights protection is great. The question is what weight we should give to the small number of instances in which there is a significant abuse of rights. Certainly, there are a number of avenues for redress. The ruling of the 1999 Moonen case established that declarations of inconsistency with the NZBORA was a potential remedy the courts could grant.²⁴ However there are limitations. Despite there being a significant number of cases seeking a declaration of inconsistency, our first such declaration has only just occurred recently in October, 2015.²⁵ Also, the Attorney General's non-binding section 7 report can be circumvented by radically amending a bill after its initial introduction.²⁶ On the other hand, supreme law is not as big a jump as previously thought. The Human Rights Act 1993 (NZ) expressly provides that provisions in other acts passed which are inconsistent with its anti-discrimination measures can be ignored and not applied by the courts, which is "virtually indistinguishable" from a judicial strike down.²⁷ In this sense, having NZBORA as supreme law would merely be an incremental development to further enforce our current protections. Another reason to change is that the current NZBORA has received criticism from the United Nations Human Rights Commission for its vulnerability to changes by a basic Parliamentary majority.²⁸ Judicial review will help ensure that the international human rights treaties we agree to are enforceable in substance. The question ultimately turns on where you see the burden of proof falling: on proponents to prove objective benefits or on opponents to show why they oppose greater protection measures. My view goes to the proponents of change on this point, but not by much.

On the issue of whether judicial review helps or hinders democracy, it is clearly positive in nature because it is able to greater enforce rights while still being democratic. The assertion that judicial review is dangerous because it is anti-majoritarian and thus undemocratic is suspect. Firstly, judicial review is beneficial for democracy since it protects rights essential to it, such as political equality. Alternatively, the courts could potentially be a different form of democratic participation, especially considering that the legislature does not perfectly mirror public opinion.²⁹ Assuming that democracy is participatory because its decisions reflect societal values, and accepting that judges are responsive to these same values, then citizens can be said to be democratically participating, albeit indirectly, through judicial review.³⁰ This is because the normative judgements of citizens inform the decisions that courts make concerning the boundaries of rights. Waldron admits this could be alternative participation but maintains that it is not organized along the lines of political equality like legislative institutions.³¹ Then again, judicial review might be democratic because the striking of legislation inconsistent with supreme law is merely enforcing the declared will of the people against

²⁴ James, *Building the Constitution*, 394.

²⁵ Claire Trevett, "Prisoners Should Be Allowed to Vote: High Court," *New Zealand Herald*, accessed October 1, 2015, http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11486392.

²⁶ Huscroft and Rishworth, *Rights and Freedoms*, 137.

²⁷ *Ibid.*, 72.

²⁸ Morris, Boston and Butler, *Reconstituting the Constitution*, 165.

²⁹ Harel, "Rights Based Judicial Review," 247 and 260.

³⁰ *Ibid.*, 256-257.

³¹ Waldron, "Core of the Case", 1395.

³² Fairfield, *Federalist Papers*, 229.

the inferior will of the legislature.³² Consequently, judicial review is less dangerous to a democratic society than it is often portrayed. This is because judges would only experience a moderate increase in authority as they would apply the law very similarly to now, only being able to rule on a specific issue when a case comes before them concerning it.³³ Also, the legislature is always more powerful than the judiciary in any democratic system, since a majority allows the legislature to pass whatever it likes, whenever it likes, thus highlighting that an activist legislature is potentially far more dangerous than an activist judge.³⁴ In addition, the “striking down” of legislation does not have to invalidate the whole statute. Judges, in the context of a court case, could simply refuse to apply certain provisions of specific acts which they deem to be inconsistent with the NZBORA. Thus, a system of judicial review can be compatible with democracy.

In conclusion, the NZBORA should be made supreme law in New Zealand because, on the balance, there would be greater human rights protections and enhanced democracy, infusing a higher degree of accountability into our political system. Human rights protection in New Zealand needs to be made stronger by making the NZBORA supreme law because judges require more means available to them by which they can enforce rights. Judicial review is democratic because it enforces the rights essential to democracy as well as embodying a potential alternative means of participation. Ultimately, our rights cannot be subordinate to the wishes of the majority or the dictates of Parliament. Otherwise, in the words of John Locke, the Father of Classical Liberalism, “...by supposing they have given up themselves to the absolute arbitrary power and will of the legislator, they have disarmed themselves, and armed him, to make a prey of them when he pleases.”³⁵

³³ Palmer, *New Zealand's Constitution in Crisis*, 70.

³⁴ Crowe, “*Whats So Bad*,” 33-34.

³⁵ Mark Goldie, ed., *Two Treatises of Government* (London: Orion Publishing Group, 1993), 185.

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Sociology 216
Sociology and Crime: An Introduction

Claudia Cairns

Getting Away with Ecocide: The Faulty Legal System

Among the various types of criminal offences, ecocide can be considered the most unique. In fact, until the 1970s, it was considered a normalised behaviour. Society has recently experienced a shift towards environmental awareness and sustainable thinking. Though this helped highlight the importance of environmental laws, it is continuously difficult to detract from traditional beliefs, resulting in lenient legal frameworks towards environmental crimes (White & Kramer, 2015 and Higgins, Short, & South, 2013). Ecocide is an ambiguous term which includes but is not limited to activities that inflict harm on non-human life, such as waste disposal, air pollution, oil spills, illegal logging, and overfishing (Higgins et al., 2013). Thus ecocide considers the extensive damage, destruction or loss of an ecosystem that has caused diminished pleasure to the inhabitants within the territory. This is often a human induced damage (Higgins, 2012). Using critical, green criminological perspectives and environmental justice, the importance of preserving the environment through international law is highlighted. However the problematic nature of 21st century capitalist society proves the most significant barrier to effectively preventing and providing punishment for ecocide crimes. This has resulted in current laws only addressing the problem to a minimum extent with a focus on reduction rather than prevention. These theories show that while operating under capitalist morals, it is impossible to prevent ecocide. Therefore new solutions should be directed towards reforming rather than amending legislation, focusing on restorative justice as a form of punishment and maintaining consistency amongst approaches to ecocide in different jurisdictions. These types of solutions will achieve more effective results towards ecocide prevention.

Lynch and Stretesky take a critical criminological perspective in arguing that criminal acts are commonly considered to be those that inflict harm on humans, most commonly violent crimes (2014). This understanding poses an issue for ecocide as it extends to plants, animals and the external environment. It is not always clear how these acts harm humans as the effects are not immediate and often only become apparent in a long term context. This demands the need for green criminology as a voice for all non-human life within law. In criminalizing environmental law, it still fails to acknowledge the distinct difference between ecocide and violent crimes (Lynch & Stretesky, 2014 and Dimento, 1993). Applying traditional criminal law to environmental cases disregards the fact that violent crimes blame an individual while environmental crimes are usually the result of a corporation's collective decision (Dimento, 1993). This has proven to result in low incarceration rates, despite the increase in environmental cases within the courts. Dimento discussed how between 1970-1980 there was a rapid increase in environmental cases within the US courts yet prosecutions only made up 25 cases within the entire decade of the 1970s (1993). This

remains both a global and modern issue. In New Zealand, the 1991 Resource Management Act recognized environmental offenders as criminals with punishments of fines and two year imprisonment terms. However by 2005, no one had yet been incarcerated under the Act (Verry, Heffernan, & Fisherman, 2005). Both of these cases illustrate the failure for environmental law to properly address ecocide. Environmental justice perspectives complement this by arguing that laws are written by the wealthy and powerful, therefore fulfilling economic driven purposes (Vincenzo & South, 2010). Ironically, it is often those with power and wealth committing environmental crimes. Therefore it makes it difficult to form an effective system for environmental protection (Shrader- Frechette, 2002). Environmental injustices are linked to social injustices within society and highlight how the marginalized populations have continuously experienced the consequences of inconsiderate environmental practices. This was the case in 1982 in North Carolina. Here, African Americans in Warren Town were forced to house thousands of tons of waste that wealthier neighbourhoods had refused (Shrader-Frechette, 2002). Ultimately, this allowed the wealthy to minimize the appearance of environmental damage through passing the problem to those lacking influential voices. When applying these theories, the flaws in the current legal treatment of ecocide are apparent. Ecocide needs to be viewed in a wider political and social context in order to achieve effective crime prevention.

It is important to understand that even with the recent recognition of environmental offenders as criminals, there has been a failure to provide punishment and deterrence from environmental crimes. Current laws are written and enforced by the wealthy minority, thus influenced by private interests. This is ironic when degradation of the environment is a public issue with global consequences. Unfortunately, this issue is ignored by different countries approaching ecocide in various ways, giving the false impression that it is an isolated issue (Higgins, 2010). Under the Rome Statute, The International Criminal Court neglected to recognize ecocide as an international crime. Instead, it is legally referred to as a crime only within a context of war (Gauger et al., 2012). Ten countries choose to enact it as a crime under their own legislation yet only refer to punishing an individual, therefore making it difficult to provide for corporate punishment resulting from ecocide (Higgins et al., 2013). Furthermore, since environmental protection is a new phenomenon, many industrial activities that result in environmental pollution are still considered normal. This allows large businesses to simply adopt 'business as usual' approaches to justify their practices (White & Kramer, 2015). Hence Lynch and Stretesky point to the fact that large corporations are legally allowed to emit certain amounts of environmental pollution in their practices despite the obvious fact that this is harmful (2014). The current legal means of approaching ecocide have limited potential and

are likely to only reduce environmental pollution on a small scale. Existing ecocide laws have done little but place limits on the amount of environmental harm. Weak legislation permits corporate companies to manipulate the rules in order to suit their interests (Higgins, 2010). In order to effectively prevent ecocide, the focus needs to be shifted from simply amending certain policies to actually reforming the criminal justice system in considering who is responsible for writing laws (White & Kramer, 2015). Higgins states that the current legal system enforces human dominance over nature and prioritises the economy, placing the environment second (2013). As long as environmental law continues to operate within a capitalist context, ecocide can, at most, be merely reduced. Higgins and Waugh provide viable solutions. Higgins discusses the importance of considering ecocide on a global level. This would involve implementing ecocide within the Rome Statute as an international crime against peace, under which offenders can be prosecuted in the International Criminal courts (2010). Since ecocide is already enacted as a war crime, Higgins argues that existing guidelines could be used to measure the severity of the crime and determine responsibility. In addition, Waugh addresses the fact that in order to properly prevent ecocide, social equalities must be addressed within society (2010). Therefore it is important to include communities in environmental decisions to ensure public interests are reflected over private. Restorative justice is an ideal punishment. The current measures of using fines and prison terms are suited to marginalized groups most commonly convicted under violent crimes (Lynch & Stretesky, 2014). These are easy for those with money to avoid. Rather, restorative justice would hold corporations liable for the harm they cause by enforcing compulsory restoration to the area harmed (Verry et al., 2005). For example, Barnette discusses the USA 1980 Superfund Act which targeted over 1200 hazardous waste sites for environmental clean ups. These were funded by the corporations held liable through petrochemical taxes and compulsory clean up expenditures (1993). It would be beneficial to use similar projects to make restorative justice an international legal requirement for corporations participating in potentially harmful environmental activities. Therefore the key three elements of preventing ecocide are: enforcing laws on an international level; having a monitoring system in place to help determine liability and enforce appropriate punishment; and using restorative justice as a primary punishment.

Ecocide is more complicated and problematic than other crimes. Due to the restraints from capitalism, many of the current laws fail to prosecute environmental offenders. Existing legislation tends to focus on minimising environmental effects and many countries still do not define ecocide as a criminal offence. Therefore the only way to prevent ecocide is through reforming the current criminal justice system with new laws that reflect all

interests within the public and where restorative justice is a compulsory requirement for business activities. Higgins' idea to coherently implement ecocide on an international level should bring attention to the importance of addressing ecocide. Furthermore, Waugh's arguments shows that social and environmental inequalities cannot be achieved in isolation, which provides another set of challenges beyond the nature of capitalist culture. The current social structures prove the largest obstacles and make the prevention of ecocide very difficult. Bringing about a full scale environmental change will be a long, gradual process prolonged by economic priorities. However, the proposed solution will reduce ecocide at a larger and faster rate. Restorative justice and international monitoring and recognition will provide more severe consequences and increase intolerance towards environmental offences.

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Geography 102
Geography of the Human Environment

Nadia Schroder

A Responsibility to Protect: Maori Attitudes Towards the Environment

Myths, legends, folklore and proverbs reveal Maoridom's anthropocentric attitude of environmental guardianship. For Maori, nature has physical and spiritual dimensions, so humanity's entitled use of resources must always be respectful of the life force mana, spiritual force mauri and ecological balance utu, of the environment. Maoridom's ingrained attitudes of sustainability and environmentalism are built through practices of manaakitanga, environmental respect, such as the dedication and consecration of a sacred tapu on natural resources. This is based on the recognition that humanity depends on nature to survive, and the paradigm that humans and nature share genealogical links of whanaungatangata, meaning nature must be respected and protected just like a family member. Maoridom's consequent promotion of environmental awareness serves to emphasize the finiteness of resources and their interconnected place in the biosphere. This explores Maoridom's view of the environment as a dynamic system that must be respected and protected.

Maoridom sees humanity as a dominant force of the natural environment. Legends such as Maui's taming of the sun establish humanity as having both the ability and entitlement to use natural resources for their own advantage (Patterson, 2004, pp. 398-399) such as lengthening daylight hours by injuring the sun (Mills, A. 2006, pp. 380). For Mills (1996, pp.380) Maui is a symbol of mankind's resourcefulness and deviousness that allows humans to naturally dominate over environmental factors. In folklore this is illustrated through Maui's shaping of day by taming the sun or Maui's fishing up the North Island, both of which shape environmental factors and spaces to suit human needs of longer days and more living space. This places humanity in a dominant position to use and alter natural resources for their advantage: for example by hunting game and changing landscape for the cultivation of crops. However, Klein (2000, pp.111-112) points to Maoridom's sustainable resource management, such as taboos of tapu preventing overfishing, to argue Maori recognize humans will always remain dependent on nature to survive. Thus humanity's inherent dominance over the environment is coupled with inherent ideas of conservation, sustainability and environmental respect (Patterson, 1994, p.399). This builds the ideology that humanity's power is coupled with a responsibility of guardianship over nature.

Maori environmental attitudes link nature and humanity with strong familial ties, meaning every person holds responsibility towards the environment as they do to their family: to promote its welfare and good. Humans share direct genealogical linkage to natural assets called whakapapa through their legendary descent from the earth mother Papatuanuku and the sky father Ranginui (Klein, 2000, p.105). This means that despite humanity's dominant position in the natural environment, nature is not simply a resource to be exploited but an extended family linked through ties of kinship that demand

respect through tapu (sacristy) and karakia (consecratory prayer). An inherent recognition of nature as whanaungatangata, family, means that respectful treatment of nature is a virtue akin to respecting elders in an iwi. Maori oral traditions ensure new generations retain this environmental consciousness of nature as family. This is seen in common folkloric elements like the proverb Papatuanuku te matua i te tangata, earth is the parent of humanity (Napflin, 2014, p.58), and the ritualistic recitation of a travelling party's genealogy all the way from Ranginui and Papatuanuku. Practically for the Maori environmental consciousness, this means humans must use resources respectfully and only take a fraction that can regenerate. This way, both human activity and the wellbeing of their whanaungatangata can be sustained in the future.

Maoridom's environmental attitude recognizes human subordination to natural power and order through the concept of wehi, which is fear and awe of the mana (spiritual power), ihi (psychic power) and tapu (sacristy) of nature and the gods (Klein, 2000, p.110-112). This ingrained wehi lead to practices of tapu and karakia to appease and respect Maori deities (Patterson, 1994, p.398-399), which are direct manifestations of natural forces themselves: Ranginui of the sky, Papatuanuku of the earth and Tangaroa of the ocean (Keane, 2014, p.1). The existence of wehi demonstrates that Maori recognize the unpredictable power of nature as ultimately dominant over humankind. For example, wehi affected Maoridom's everyday dealings with the environment. Oral history records a tapu placed on the coastline between Cape Campbell and the Wairau River in the Marlborough sounds due to a powerful taniwha (water spirit) that attacked travelling parties (Goff, King and Skipper, 2007, pp.65-66). A tapu placed on dangerous geographical areas is recognition of nature's dominant power in that particular location. Furthermore, wehi of tapu served as a practical mechanism to warn people of natural dangers, like avoiding the flood prone Wairau delta (Best cited in Goff, King and Skipper, 2007, p.66). Yet above this, wehi demonstrates Maoridom's profound recognition of nature as the ultimate dominant force that humans may appease through karakia or trick like Maui and the sun, but to whose power we are ultimately subordinate.

In Maoridom, the concept of utu (balance) is a key factor of environmental attitude. Proverbs such as Te toto o te tangata, he kai; te oranga o te tangata, he whenua; the blood of man (is supplied by) food; the sustenance of man (is supplied by) land (Royal Society of New Zealand, 1879, p.118), reveal the Maori attitude that maintaining a sustainable ecological balance in the environment is essential for human survival in the future. Aspects of Utu extend to recognizing scarcity of resources and how exploiting one aspect of nature's whanaungatangata will affect the abundance and welfare of another.

For example, before using natural assets Maori have to examine how their activity affects the mauri and mana of environmental elements (Patterson, 1994, p.399). While fishing, this means the first catch must always be returned to the sea (Meredith, 2012). Furthermore, failure to recite appropriate karakia and take appropriate considerations risk the wrath of kaitiaki, spirits acting as guardians of nature (Roberts et al, 1995, p.11). This mechanism ensures humans remain conscious of the impact their actions have on the environment. This illustrates concepts of manaakitanga (respect of nature) to ensure life force is always respected and balanced in the environment (Klein, 2000, pp.111-112). Thus utu in Maoridom ensures nature is seen as dynamic and vulnerable to human exploitation, not a bottomless resource as in common western discourses.

Environmentalism is ingrained as a virtue in Maoridom through the concept and practice of tapu. The imposition of sacristy, the tapu, made environmental respect morally righteous in Maori society (Patterson, 1994, p.398-399). For instance, when one does not respect tapu placed on resources, like a legendary Maori chieftain who forgot to return the first catch to the sea and say the appropriate karakia, the perpetrator incurs the anger of natural guardians called kaitiaki (Geoff, King and Skipper, 2007, p.64). Angry sea spirits sank the canoe of the chieftain, so he and his companions drowned due to a lack of respect for nature as their whanaungatangata and life source (p.64). Thus proprietary rites of tapu like the need karakia and fear of provoking kaitiaki ensure that natural resources are not treated wantonly but with consideration and respect (Walker cited in Patterson, 1994, p.399) because nature responds to the good or bad conduct of human beings. Thus if natural resources were abused, Maoridom recognized this would have adverse effects in the future. Goff, King and Skipper (2007, p.70) use this to argue that tapu was used to deter practically bad decisions about the environment for both human inhabitants and the environment itself because tapu ensures environmental consideration. As a cultural value this demonstrates Maoridom's inherent recognition of nature as their life source and family member, that must be respected as human survival is tied to the welfare of its whanaungatangata.

Maori folklore, traditions and rites place humans as a central player in the natural environment. Humanity's inherent right to use the land and its resources is counterbalanced by a duty of guardianship. Concepts of wehi, mana, mauri and ihi emphasize deep respect for the environment while tapu and karakia promote environmentalism and sustainable management of resources. Maori environmental attitudes recognize natural forces as ultimately dominant, whether in the form of deities, kaitiaki guardians or mythical figures like the taniwha. Thus while humans may use, appease or trick nature to suit their own needs, humanity is tied to the health of the environment. Maori environmental attitudes are defined by respect, awareness of utu and practices of manaakitanga.

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FTVMS 328
Video games: Theory and Culture

Ben Fulton

Rugby, Religion, Richie and Redemption

Imagine a world where Richie McCaw is The Messiah, delivering us from evil. A cosmos where John Kirwan, iron tablet and staff under each arm, is an active visionary who selflessly relives his own dark experiences for the benefit of other sufferers. An environment where we pray to our idols, congregate at the Cloud¹, and worship together in behemoth stadiums. Only this world isn't so imaginary after all. This is the world we, as New Zealanders, live in. It is often stated loosely that rugby is our nation's religion. But can this claim be validated, in an academic sense? Can a sport truly be spiritual, all-encompassing and faith-invoking enough to function as a religion? Through examining the similitude between rugby and more traditional world religions, investigating the tenets of religion itself and exploring both Richie McCaw and John Kirwan as case studies of modern day Messiahs and prophets respectively in popular culture, this essay will answer these core questions and realise the fundamental place that rugby has in our society.

The links between rugby and religion are innumerable. The contemporaneously relevant Rugby World Cup is referred to daily as the Holy Grail. 'Rugby Heaven' is a website owned by Fairfax Media, "covering every aspect of the game."² Eden Park can be viewed as a place of worship³, where people unify as a community to express exaltation, and the regular Biblical references to the stadium as the "Garden of Eden"⁴ cannot be denied. Yet within the Holy Land, people trespass. As Jesus proclaims in Mark 11:17, "My house should be called a house of prayer for all the nations...but you have made it a den of robbers," whereby the temple of Jerusalem has been tarnished by those sinning within its walls. We could extend this analogy in considering the ticket scalpers outside the turnstiles at Eden Park, turning what should be a place for exaltation and ardour to a money-laundering, corruption-rife means of making a quick dollar. Yet the similarities between sport and religion do not end here. Just as religion brings nations together the world over, rugby binds people to one another in New Zealand, as evidenced by the title of Rugby World Cup 2011 CEO Martin Snedden's book where New Zealand is described as a "Stadium of Four Million."⁵ Mike Grimshaw, an Associate Professor of Sociology at the University of Canterbury describes rugby as "the fervour, the passion, the excitement occupying the space in people's lives"⁶ which is analogous only to religion in the social milieu of New Zealand today. Furthermore, the esteemed rugby writer Gregor Paul affirms that rugby possesses similar traits to religion when he states that rugby is "a means to show who you are and what you can do...a commitment to play with style, an unshakeable belief that fear and imagination will conquer all. To consider playing any other way is sacrilege."⁷ Hence there is remarkable resemblance between rugby and religion, and the innumerable links between the two cannot be understated.

¹ Valintine, Mike, prod. "Close Up." Rugby as Religion. TV ONE. 30 Sept. 2011. Television.

² "Fairfax Media to Launch Rugby Heaven." Scoop. N.p., 5 June 2007. Web. 24 Sept. 2015.

³ Howie, Cherie. "Meet the AB's Loyal Super Fans." The New Zealand Herald[Auckland] 23 Aug. 2015. Web. 24 Sept. 2015.

⁴ Johnstone, Duncan. "10 Reasons Why the All Blacks Don't Lose at Eden Park." Stuff.co.nz. N.p., 13 Aug. 2015. Web. 24 Sept. 2014.

⁵ Snedden, Martin. A Stadium of Four Million. Auckland, N.Z.: Hodder Moa, 2012. Print.

⁶ Grimshaw, Mike. "What If...Rugby Were New Zealand's Religion?" University of Canterbury, Christchurch. 28 Sept. 2015. Lecture.

⁷ Paul, Gregor. Black Obsession: The All Black's Quest for World Cup Success. Auckland, N.Z.: Exisle Pub., 2009. 164. Print.

Sam Kellerman, brother of ESPN boxing commentator Max, described sport as a world where the result is neither life nor death but considered as if it were so, and a spiritual universe where one has to constantly grapple with life and death, yet the latter is inevitable regardless.⁸ However, perhaps religion and sport are not opposing forces, but instead interlocking circles. Religion has been stipulated by Clifford Geertz to mean “an organised collection of beliefs, cultural systems and worldviews...[from which] people derive ethics or a preferred lifestyle.”⁹ Rugby, aside from being a sport, is a way of life here in New Zealand - from the Saturday morning pilgrimage to play/support the Under 12s, to being the most hotly contested water cooler conversation at work, to the All Blacks as the pillar in which many thousands of New Zealanders invest much of their time and faith. Oscar Fernandez and Roberto Cachan-Cruz argue that sporting rites “arouse in the group [participants and spectators of sport] a feeling of belonging, of *communitas*,¹⁰ an analysis which is certainly applicable to rugby in New Zealand. Amateur rugby clubs, bars and the stadiums themselves are all communities where people are bounded together by their ‘love of the game.’ And thus we see the resemblance between sport and religion itself, many of which are founded on the key attributes of love, faith and salvation. Jesus himself in John 6:47 proclaims “Very truly, I tell you, whoever believes has eternal life,” which goes to show the power of faith, a central tenet of followers of both rugby and Christianity. If, as Paul Tillich believes, “Religion is the substance of culture and culture the form of religion”¹¹ and rugby can be considered culture in New Zealand (for it certainly is ingrained in our popular culture psyche), then rugby has reason to be labelled a form of religion in our rugby-mad nation.

Central to many religions is the role of a saviour figure who brings redemption to his (or her) people through their extraordinary powers, and rugby is no exception. While other nations will inevitably wax lyrical about their own Messiahs - Jonny Wilkinson for the English, Brian O'Driscoll for the Irish - in New Zealand there is one Messiah who stands peerless as captain for a decade, a stoic fighter and a humble leader: Richie McCaw. The American Monomyth often describes modern day Messiahs in popular culture as having a selfless zeal for justice, unbelievable abilities, their violence purified and the ability to both withstand temptation and remain calm under pressure.¹² Richie McCaw undeniably ticks these boxes. Commentator Sandy Abbot describes McCaw as “articulate, polite, responsible...[always full of] great dignity and humility,”¹³ hence he is a man of unquestionable character. His playing a full match during the 2011 Rugby World Cup Final with a broken foot speaks volumes of his unrivalled ability and perseverance. Despite playing a brutal contact sport, his vengeance on the rugby field is purified and justified (largely due to his irreproachable character and the nature of the game). Furthermore, his autobiography *The Open Side* describes his uncanny ability to remain calm

⁸ Baker, William J. “Introduction.” *Playing with God: Religion and Modern Sport*. Cambridge, MA: Harvard UP, 2007. Academic International [ebrary]. Web. 28 Sept. 2015.

⁹ Geertz, Clifford, and Michael Banton. *Religion as a Cultural System*. London: Tavistock, 1966. Print.

¹⁰ Fernandez, Oscar, and Roberto Cachan-Cruz. “An Assessment of the Dynamic of Religious Ritualism in Sporting Environments.” *Springer Science + Business* (2013): 1-9. 2 July 2013. Web. 22 Sept. 2015.

¹¹ Tillich, Paul. *On the Boundary: an Autobiographical Sketch*. New York: Scribner, 1966. Print.

¹² Lawrence, John Shelton, and Robert Jewett. *The Myth of the American Superhero*. Grand Rapids, MI: W.B. Eerdmans, 2002. Sept. 2015.

¹³ Abbot, Sandy. “Richie McCaw - A Hero.” *NZ News UK*. N.p., 27 Mar. 2013. Web. 29 Sept. 2015.

under pressure when he speaks of the ‘blue zone,’ a state of focus and clarity to counteract ‘the red zone’ where things are not going to plan, leaving lesser mortals in distress.¹⁴ Finally, he has resisted temptation, keeping his scandal-free private life far removed from the public All Blacks Captain we see in the media, and has no vices or bad habits that would invalidate his claim to be a Messiah figure in New Zealand. As if we need further proof of this, he is often referred to simply by first name (drawing parallels with a certain Biblical character) and radio station The Rock have produced an image with the caption “Richie McCaw died..But he’s alright now.”¹⁵ Richie McCaw saved us from despair against the French in the 2011 World Cup Final and continues to bring hope and joy to New Zealanders today, hence the claim that he can be labelled as a Messiah figure is well justified.

If Richie McCaw is New Zealand’s saviour, then there is no one better placed to be portrayed as an inspired teacher¹⁶ than Sir John Kirwan. Kirwan has spoken openly about his mental health issues (namely depression and an anxiety disorder) and broken the mould of All Blacks as phlegmatic and hard men, empowering a generation to speak up when in similar circumstances. He certainly meets Marcus J. Borg’s requirements of a modern-day prophet.¹⁷ He has disturbed a sense of normalcy in giving a very real, human insight to his struggles, something that no rugby player (or major sports star in New Zealand) has ever done before. His prophetic words, for example “Yesterday is gone from my control, so I don’t worry about it...I can make decisions that will feed my soul and give me the life that I can feel good about”¹⁸ is certainly accompanied by corresponding action, as evidenced by his very prominent role with Depression NZ and his regular public speaking at schools and functions around the country.¹⁹ Kirwan has clearly emerged from a state of (psychological) oppression to a new world, full of hope and the benevolent desire to assist others in transitioning to a happier state. Very powerfully, he has preached “Greatness is the ability to feel good in your own skin. Greatness is the ability to be happy. Greatness is my Dad. Greatness is simpler than we think.”²⁰ This is testament to his ability to motivate others, fuelling the optimism that those struggling need. His vision, courage and drive to improve both his own quality of life, and later that of others, has been remarkable. Therefore there are grounds for the parallels drawn between Kirwan and Biblical prophets, and he should hence be recognised as a central member of the New Zealand Diocese of the Church of Rugby, as it were.

Having all of the hallmarks of a religion, one sees that rugby can be considered akin to a religious movement in New Zealand. It fosters a sense of community for the masses, has some definite overlap in terms of language with religion, and contains prominent theological characters such as prophets and Messiahs. The role of rugby as a religion cannot be understated, for it is

¹⁴ McCaw, Richie, and Greg McGee. *Richie McCaw: The Open Side*. Auckland, N.Z.: Hodder Moa, 2012.

¹⁵ “I Heard Richie McCaw Died” Jono and Ben. The Rock Radio Station, 16 Sept. 2015. Web. 04 Oct. 2015.

¹⁶ “Prophet.” Dictionary.com, n.d. Web. 30 Sept. 2015.

¹⁷ Borg, Marcus J. *Reading the Bible Again for the First Time: Taking the Bible Seriously but Not Literally*. San Francisco, 2001.

¹⁸ Kirwan, John, and Margie Thomson. *All Blacks Don’t Cry: A Story of Hope*. North Shore, N.Z.: Penguin, 2010. Print.

¹⁹ Kelly, Rachael. “Sir John Kirwan Opens up about Depression to Gore Pupils.” *The Southland Times*, 27 July 2015. Web. 1 Oct. 2015.

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our national pastime, but also a well of faith and a binding agent for its people. Perhaps rugby should not be laughed off as “only a game.” Perhaps it should not be considered sacrilegious to compare the sport to spirituality. Perhaps both rugby and religion can be “the lights of [our] world” (Matthew 5:14). Because if it takes two to tango, both religion and rugby can together put on a vibrant show.

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Who am I? What do I believe in? The study of ethnography is vital to the concept of identity. It explains the shared values, behaviours, and issues of modern society that formulate our outlook. By utilizing a part of the human body which inherently expresses the will of the self, *Feet First: An Ethnography of the Foot* is a rich analysis exploring our literal point of contact with the material world.

This world, where our cultural networks are becoming intertwined, brings its own range of complexities. Cyber-security is becoming a key concern as the online world's supremacy grows. *Cybercrime: Issues challenging contemporary police and/or policing* reflects the need for nations to join together to fight online crime. This piece explores how the globalization of information is changing the face of New Zealand security organizations and their relationship with modern technology.

Through another mode of analysis, *Unsubscribing to the New Zealand Herald* discusses how this digital revolution has created an increasingly fragmented media environment, affecting the construction of the 'New Zealand' identity. The Herald's attempts to conceptualise who we are and who we should be echoes the confusion and anxiety over what it means to be a 'New Zealander' in our present society.

Having previously illustrated the media as a macro-environmental factor influencing how we view ourselves, *Inauthentic Identities: A Virtual Phenomenon* shows that the media can also facilitate the ultimate expression of identity from within. Through the medium of video games, many of the normative conventions that influence our actions are removed. This gives us the ability to re-formulate who we are in a unique and anonymous space.

Furthering this idea of a space for self-expression, *Kampung Boy: Navigating Postcolonial Malaysian Identity* examines how the autobiographical comic genre visually brings to life the struggles which have formulated the postcolonial Malaysian identity and the tensions between past and present. The analysis of diversity and multi-racialism presents an intriguing portrait of a highly salient issue: the ongoing impact of colonization in many parts of the developing world.

English 354
Writing Selves

Rachel Burnett

Feet First: An Ethnography of the Foot

Ethnographies are ordinarily written in situations where the author is immersed in a culture they were not born into, forced to be both observer and participant in order to authoritatively describe the application of beliefs within a culture that was previously alien to readers. How, then, can an ethnography of a foot be written? Every reader and author, including those without feet of their own or prosthetic replacements, has experienced human feet and each human foot is surely implicated in the overall culture of that person, rather than in practices and habits of its own. Although cultural practices around feet and shoes are varied and interesting, the foot itself cannot have an ethnography since the writer cannot be one year entirely outside of the experience of feet and the next year immersed in the culture of feet.

In Snapchat ‘conversations’, photographs of a person’s feet are often sent as “throwaway” images;¹ a mere background to what is communicated in the caption. To explore whether or not these “throwaway” feet images communicate more than intended about their subject, I undertook the task of photographing my feet on every surface that they touched. A much richer subject matter was revealed than the reductive substitution for my movements and surroundings in a 24-hour period. As “the part of the physical self most necessarily interacting with one’s surroundings,”² feet have the vantage point of being the interface between self and place. Writing about this collection of photographs exposed just how much of the self is revealed at this interface: the cultural codes surrounding the spaces that I inhabited in these photographs, as well as the interactions between self and other, were presented through this minimalistic frame. The obvious revelations in this collection of photographs were the shared and coded spaces that they captured: an image of closed footwear on a University lab floor would communicate a particular atmosphere and activity to those familiar with such spaces, as would a photograph of sports shoes on a treadmill. Additionally, my culture was communicated in photographs of me with my feet on tables, on top of another person’s legs and covered indoors. I also observed that if I were to fully document every interaction of my feet and surfaces, many other feet would enter the frame, communicating not only the places but also the people I was interacting with. The footwear of these people, the number of feet in the frame, and the proximity of our feet would communicate more about a space and my relationship with these people than could possibly be contained in a truly “throwaway” image.³

As well as the communication of culture, relationships, occupation and location, photographs of feet allow for a greater substitution of an observer for a subject; an empathy which Paul de Man describes as creating a greater “autobiographical moment”: when two subjects align so that the ‘I’ of the writer becomes that of the reader and vice versa.

¹ Kenneth Goldsmith, “The Inventory and the Ambient,” in *Uncreative Writing: Managing Language in the Digital Age* (New York: Columbia University Press, 2011), 191.
Rachel Burnett, Writing Assignment One. Unpublished.

² Goldsmith, “The Inventory and the Ambient,” 191.

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At the end of the commentary on this photograph collection, I alluded to the symbolic power of feet “because of the illustration of potential and progression of one’s self” that the photographs offer.⁴ It would seem that this illustrative capacity holds a lot more potential for exposing age-old human concerns when the interaction of human feet, fetishism, cultural belonging, animalism, the passage of history and the impact of humans on surroundings is considered.

As I will explain, feet appear to be the locus of self-importance and therefore must logically follow the will of the self. However, because the location of feet is the furthest away from one’s brain, feet occupy the interface between humans and all that they interact with. Considering this vantage point as well as the symbolic power that humans attribute to feet, they are both telling of and influence human culture in and of themselves. This makes feet the ideal candidate for ethnographic focus, whether or not they meet the criteria of traditional ethnography.

As defined by Clifford (1986), ethnography sits on the boundary between concepts, such as different cultures and systems of thought.⁵ By definition, an object with no edges or a concept with no limitations cannot have substance within itself. Such an object would, in fact, cease to be an object, but instead would leak into other objects and become indistinguishable as an entity. Putting metaphysics aside, the socially constructed boundary of self is the foot and the impression left by a self is historically and symbolically attributed to the footprint. Therefore, the foot is the ultimate boundary, and thus source of human identity.

Feet differentiate us from the non-human, especially considering that feet were the human structure offering most resemblance to simian ancestry.⁶ Conversely, feet are also responsible for the two features most characteristic of the human species: bipedalism allowed early human hands to make tools and to give birth to offspring with large skulls.⁷ After this observation was made in the late 19th century, “the foot became one of the period’s most oft-cited examples of a paradoxical kinship with and divergence from “animals, savages, children, and members of the working classes.”⁸ If any single human structure were to define the borders between human and animal and illustrate the egotistical self-identified hierarchies implicated in human culture, the foot would ultimately serve this function.

In a similar paradox, the lack of shoes and thus closeness to the earth is associated with primitiveness, but in many cultures a grounding to the land through the feet is an important aspect of human self-identity. For example, the Maori concept of tarangawaewae translates into ‘standing place for

⁴ Burnett, Writing Assignment One.

⁵ James Clifford and George E. Marcus, *Writing Culture: The Poetics and Politics of Ethnography* (Berkeley: University of California Press, 1986), 2-3.

⁶ Christine Ferguson, “Footnotes on Trilby: The Human Foot as Evolutionary Icon in Late Victorian Culture,” *Nineteenth-Century Contexts* 28 (2006): 127-144, accessed August 17, 2015, doi:10.1080/08905490600849550.

⁷ *Ibid.*, 130.

⁸ *Ibid.*, 127.

⁹ “Tūrangawaewae – a Place to Stand,” Te Ara, the Encyclopedia of New Zealand, accessed October 4, 2015, <http://www.teara.govt.nz/en/papatuanuku-the-land/page-5>.

feet', used to describe a place of empowerment and belonging.⁹ The term 'waewae tapu' translates into 'sacred feet' and is used to identify guests on their first visit to a sacred place.¹⁰ Instead of an indication of savagery, the border between feet and natural earth is bound into a sense of human identity in Maori belief systems; "the external world is a reflection of an inner sense of security and foundation."¹¹

The paradox of feet aligning humans with and differentiating humans from animals (as well as the contradiction of feet's interaction with environment indicating both primitiveness and self-identity) indicates that feet could be used to fuel a sense of self for humans; a sense of self that would include evolutionary history and environment. However, such a possibility is quashed by the covering of feet for centuries upon centuries. Considered from the viewpoint that feet are the interface between humanity and savagery, covering them seems a strategic repression to distance the human self from the animal and the earth in order to maintain a staunch ecocentrism and anthropocentrism. This resolute repression offers a counter-reasoning to Freud's fetishisation of the foot as a phallus substitute.¹² Perhaps foot fetishes and phobias are related to a more far-reaching frame: that of repressed evolutionary lineage and the denial of an environment that expands far beyond human life.

Another aspect of the ethnography of feet, opposing Freud's theories, is that of the feet being the most distal part of self from the brain and, therefore, the furthest from subconscious motivations or cognitive control. Given this distance and considering that feet are the boundary between the physical self and the end of bodily control, calls into question who (or what) is truly in control of them. Not only are feet as much in contact with another surface as they are in contact with the rest of the physical self, the symbolic weight we give to feet suggests that they make progress before humans can consciously decide what is best. For example, the acts of putting your 'best foot forward', getting your 'foot in the door' and putting 'one foot in front of the other' (similarly, taking 'one step at a time') seem to precede cognitive reasoning; the feet act before the brain can comprehend which option is best to take, how to truly progress in a new venture or how best to proceed in times of turmoil. Perhaps the feet come into play before the head in a reversal of the correct order in which humans should enter the world; a breech birth breaching false assumptions of 'higher thought'.

Models of feet are commonly found artefacts across the world. In the Gumelnitan culture of the 5th millennium BC, the importance of the foot in human relations was especially acknowledged. The foot "allows vicinity, permits contacts, suppresses distances" and feet are "organs capable in

¹⁰ Joan Metge, *Rautahi: The Maoris of New Zealand* (London: Routledge, 2013), accessed October 4, 2015.

¹¹ "Tarangawaewae – a Place to Stand"

¹² Christopher M Gemberchak, *Everyday Extraordinary: Encountering Fetishism with Marx, Freud and Lacan* (Belgium: Leuven University Press, 2004), accessed October 4, 2015

¹³ Cristian-Eduard Stefan, "New Data Concerning the Representation of Human Foot in the Gumelnița Culture," *Studii de Preistorie* 7 (2010): 125-135, accessed August 17, 2015. Ibid., 127.

their own turn to do and undo worlds” by reconfiguring the proximity of groups of people to other groups of people and other areas of land.¹³ As such, figurines resembling feet found in Gumelnita settlements are hypothesised to have been displayed as a guarantee of agreements between villagers, such as the impending marriage between members of two different settlements.¹⁴ The feet, symbolically and literally, facilitate and predict passages into the future, long before the brain can comprehend what the feet will find or before a relationship can be formed. Therefore, the token of a foot given to a bride- or groom-to-be arguably holds much more importance than a portrait.

Perhaps the most cherished aspect of a foot, however, is not that it precedes cognition, but rather that it establishes the past. The most celebrated and studied characteristic of feet is not within the bounds of the foot itself but that of a lifeless impression; the footprint. Although a bare foot is often disapproved of or sexualised, the separation of such a foot and its footprint allows the latter to be cherished as a marker of history, showing the extent of human journey and impact on the earth. This could be because a footprint allows us to transcend temporality and thus our own mortality. Werner Herzog, a renowned filmmaking pioneer of New German Cinema describes the most awe-inspiring features of the ancient Chaveux cave, observing that “[i]n a forbidden recess of the cave, there’s a footprint of an eight-year-old boy next to the footprint of a wolf. Did a hungry wolf stalk the boy? Or did they walk together as friends? Or were their tracks made thousands of years apart?”¹⁵ Footprints and the imagination we lend them define our experience of the passage of time and human development. Furthermore, the accumulation of footprints (and carbon footprints) results in a ‘desire path’ being established, often characterised by diverging from formalised footpaths, driven only by human instinct. ‘Desire paths’ are created by human feet when formalised structures do not fulfil the needs of humans. Often ‘desire paths’ become more established than the path designed by city planners through the use of these paths by others. Thus, feet also affect landscape by way of their physical impressions and act against formalised systems of future construction.¹⁶ As ethnographer Peter Wynn Kirby observes, the movement of humans through time and space does not “unfurl in a vacuum”: ‘desire paths’ are followed by future humans and thus past feet influence future feet. Our ideas of history, the boundary of self and outside the self and structuring the future as implicated by considerations of feet influence how we choose to move and experience.¹⁷

Feet, then, are a rich ethnographic focus with their own practices, histories, futures and possibly autonomy. Situated on the boundary between human culture and animal evolution, spiritual habitats and the earth itself, feet carve out their own significant ethnography. The location of feet in a teetering

¹⁴ Ibid., 127.

¹⁵ Cave of Forgotten Dreams, dir. by Werner Herzog (2010; Rialto Distribution, 2011 DVD)

¹⁶ Laura Nichols, “Social Desire Paths: A New Theoretical Concept to Increase the Usability of Social Science Research in Society,” *Theory and Society* 43 (2014): 647-665, accessed October 4, 2015, doi: 10.1007/s11186-014-9234-3.

¹⁷ Peter Wynn Kirby, “Onward Bound: Ethnographic Perspectives on Space, Movement, and Context,” in *Boundless Worlds: An Anthropological Approach to Movement* (New York: Berghahn Books, 2009), 211.

¹⁸ Kathleen Stewart, “Precarity’s Forms,” *Cultural Anthropology* 27 (2012): 518-525, accessed August 15, 2015.

system of human ego and the natural forces of space and time lend thoughts to the insight of ethnography as a whole. Kathleen Stewart, a cultural anthropologist, asserts that “writing the culture of precarity’s forms is one exercise in re-attuning.”¹⁸ Stewart suggests that by turning an ethnographic gaze to objects that do not have a self-identified culture, but instead exist along tightropes between other established cultures, the study of culture can become more accurately focused on the cumulative effects of every event and the complex web of human, other being and environment interactions. One such tightrope is the insight that feet can give us as cultural structures in and of themselves. Feet have a precarious existence as repressed, fetishized, potentially autonomous and interface-establishing. Therefore, a focus on feet allows us to “re-attune” our thoughts about the human species.

Stewart’s examination of “regular scenes of precarity, and therefore intimacy, of people in place” includes the formation of roads.¹⁹ Roads are real structures but are situated precariously in that they also inhabit a symbolic existence as an index for the desires, movements and micro-situations occurring in any given area. This concept of the precarity of the road is perfectly aligned with that of the role of footprints and our interpretation of desire paths. The concept of desire paths (and the development they represent from individual to collective to habit and eventually to formalisation) “call on us to think about determinism, but without the straightforward directives of teleology.”²⁰

Another cultural anthropologist, Kim Fortun is concerned by ethnographic practices aiming to determine the future by using analytical mechanisms that are inadequate to consider overwhelming numbers of interactions, which have influence on the current condition of humanity. Although historical conditions must be examined, Fortun promotes the emphasising of ‘discursive gaps’ arising between sets of cultures and conditions, while remaining “mindful of how very hard it is to think outside and beyond what we know presently.”²¹ The scope of what an ethnography of feet illuminates about human culture and its interaction with forces outside of human selves encapsulates this mode of thinking: it draws on particular cultural and historical ideas of feet but takes the autonomy of feet outside of the human subject. The exploration of this particular discursive gap between human and foot exposes various relations. For example, the relations between self and environment, self and history (both evolutionary and human), groupings of humans and location, the human experience of time and space and the impact of this experience on the predicting the future.

¹⁹ Ibid., 519.

²⁰ Kim Fortun, “Ethnography in Late Industrialism,” *Cultural Anthropology* 27 (2012): 446-464, accessed August 15, 2015, doi:10.1111/j.1548-1360.2012.01153.x

²¹ Ibid., 459.

²² Ibid., 450.

²³ Burnett, Writing Assignment One.

The border-thinking provided by an ethnography of feet fulfils the purpose of ethnography itself: “to challenge and change existing order, provoking new orders of subjectivity, society and culture.”²² By originally presenting feet as a means of cataloguing my experience of a 24-hour period, and then as preceding cognition, human relations, aspects of sexuality, history, and future paths, I have challenged the presumed autonomy of a human self over its feet and, therefore, over its interaction with surroundings. The precariousness of the self in relation to place as well as the discursive gap offered by “the part of the physical self most necessarily interacting with one’s surroundings” have been exposed and now invite further ethnographic thought.²³

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Criminology 204
Critical Studies in Policing

Rebecca Voorwinden

Cybercrime: Issues Challenging Contemporary Police and/or Policing

Crime has always been a global phenomenon. In the modern world with such ease of access to the internet, crime is now happening via many mediums. As a result, law enforcers face the challenge of having to continually come up with creative and innovative methods to tackle crime. This essay will analyse two of these challenges, firstly, the relationship between police and technology are complex which creates the idea that criminals are 'ahead of the game.' In order to find a solution to gain cyber security, to ensure the safety and protection of networks, the Police must forge alliances with other network securities. And secondly, the under-reporting of internet offending to the police which raises questions on the idea that the public simply do not expect the police as an institution to resolve internet related crimes or the idea that people are not aware that they are victims of cybercrime.

Security in many countries such as the UK and New Zealand are networked. This means that cyber securities have been created to fight internet virus threats such as 'Flame, Zeus, Spy-Eye and Stuxnet' which are professionally written software that attacks top secret industrial computers and seeks to expose personal and financial information. In order for the police to have a role in policing cyberspace they will need to forge alliances with other internet securities. In New Zealand, the Government Communications Security Bureau (GCSB) Act 2003, which was amended in 2013, joined forces with the United Kingdom cyber-security. This legislation meant that New Zealand and the United Kingdom combined forces to "confront the growing threats we face to our cyber-security" (GCSB, 2013).

In saying this, the relationship between the police and technologies are complex indicating that criminals are always ahead of the game. David S. Wall (2007) argues that there have been numerous complaints in the police force itself on police technology disadvantages. The New Zealand Police do not have the appropriate facilities to keep up with cyber criminals which poses problems for the police to policing the internet. Police lack the resources to acquire the latest technologies that would be beneficial in policing the internet to track down cyber criminals. So creating alliances with other countries and network securities can help protect and enhance New Zealand's security well-being.

Effective cyber security requires the latest technologies to catch cyber criminals. One might argue that the lack of Police access to the latest resources is due to expenses. The cost of surveillance and resources become a major challenge for the police because they simply do not have the budget for it. Not only is the internet changing continuously but the expenses that go into trying to keep up with it are considerable. The estimated cost to New Zealand in dealing with cybercrime is estimated to be \$625 million in

2011/2012 (Hails, 2013). This number could double as the years pass and as the internet and technologies changes. In saying this, one may argue that the police as an institution do not respond rapidly to change. One way that police officers often respond to new forms of criminal behaviour is through the formation of specialists. The reality is that not every police officer is trained to deal with cyber criminals. Specific Officers through the organisation are chosen to specialize in cybercrimes. In addition, this reflects on the idea that specialist knowledge are in 'short supply' and partnering up with other networks can assist police officers to enhance their skills and knowledge to prosecute internet offenders. Furthermore, new forms of cybercrime "are markedly different to the daily public police crime portfolio" (Wall, 2007, pg. 191). This again, asserts that forging alliance would be a much more efficient way for the police to have some form of control in policing the internet. By producing alliance with other networks will mean that the police will have some advantage on prosecuting internet offenders.

One of the most revealing challenges is the under-reporting of cybercrime to the police. This could be because the police officers prioritise some offending over others or the idea that cyber related crimes are simply ignored by the police force. For instance, in New Zealand, cyber-stalking is an increasing problem. This is because New Zealand has no universal legal protection against cyber-stalking. The 'New Zealand Harassment Act 1997' seemed to protect cyber-stalking (Maxwell, 2001) however, it has not been tested. Another issue that arises from this is how there have been no studies in New Zealand about cyber-stalking. This asserts the idea that, the internet is providing security for the offenders (stalker) which is becoming a problem. One might argue that New Zealand is becoming increasingly defenceless to internet offending such as cyber-stalking.

Furthermore, it is important to address cybercrimes such as cyber-stalking occurs not only in New Zealand but globally. One of the major problems in why there are low prosecution rates in internet offending is because people are not aware that they are victims themselves or that they are aware but simply ignore it because they do not expect the police to resolve internet related crimes. Not only do the public need to gain trust in the police who could potentially address the issues, but also educate themselves about how they could be victims of cybercrime without even knowing. One might argue that in order for the police to deal with internet offending reports, they are require additional training, so they become better equipped in using unapplied laws and procedures relating to cybercrime reports. However, this is another issue as the relationship between the police and technology is complex.

Another example in regards to cyber-stalking and surveillance is the Auckland Transport HOP cards. These micro chipped cards are increasingly becoming popular in New Zealand as a 'cheaper and easier way' to get around Auckland. However, people are not aware that this is another way that people can become victims of cyber-stalking. This is because commuters using the cards are under surveillance by Auckland Transport and the government. As an AT HOP card holder, you are required to "tag on" and "tag off" where you get on and off public transport. What people are not aware of is that one's information is recorded online and they are kept by those who are in power. In addition, ticket inspectors on the train have access to see whether or not that you have tagged on or tagged off, which is 'part of their job' so that people are following procedures. The public are not aware that they are constantly observed and their every movement are surveillance. Since the 9/11 attacks, surveillance laws have increased security, but one might argue that it has also become a way for those in power to manipulate the public. In New Zealand, laws are used to control and further political interests, such as the Hop card example. In saying this, another similar example is drawn from the Australia's 'Metadata law' which involves mass surveillance to help Australia "fight domestic terrorism" (Main, 2015). These laws that are supposed to help track down offenders and defend national security against threats has become a way of stalking the public and invading privacy. One might argue that by keeping the public under surveillance is another form of stalking but the argument is simply ignored because those in power have the final say. The public may not be aware that they are victims, which could be an explanation as to why there have been an under-reporting of internet related crimes to the police force. Another possibility is that cyber offending has been reported but simply ignored by the police as they work for the government and part of their role as police officers are enforcing laws and not questioning the law.

In addition, under-reporting of cybercrime could be not only because the police are ignoring and not recording reports, but also of the shame that associates with the crime that they have been victims of. Depending on the type of crime the victim has been subject to, there could be a sense of uncomfortableness sharing the experience with family or reporting to the police. For example, pornography. This is an existing problem that lacks universal protections especially in cybercrime world (Maxwell, 2001). Shame associates with pornography especially with Maori and Pacific Islander families in New Zealand. There is the idea that reporting that reporting these incidents that one has been a victim of could bring shame to the family. Victims of pornography are highly recorded to be females while the highest percentages of offenders are males. This has become a norm in society which associates with the labelling theory. Females come to associate with the labelling theory when it comes to pornography which comes with shame

not only to the victim but to their loved ones. There are many arguments that revolve around pornography as a 'hybrid' cybercrime. This means that pornography will still exist whether you take away the internet. In saying this, we see that the under reporting of crimes is influenced by the idea of shame which co-exists with the notion that it lacks universal protection against cybercrime.

A study that was taken out in 2002 (Wall, 2005a) found that only a very few internet offences were reported to the police first hand. For instance, credit card fraud complaints were reported back to banks. We see here that the under-reporting is influenced by the idea that the public have low expectations of the police to solving internet relating offending. Evidence of under reporting of cybercrimes is seen through the dark grey figure of crime which offences are not reported to or recorded by the police. In addition, the grey figure of crime which is a problem that is present in the police force is the idea that offences are incorrectly recorded by the police, miscoded or given the wrong classification. In saying this, internet offences fall under the dark and grey figure of crime because it is globalized, meaning that internet offending that happens in America will not be recorded in New Zealand. One might argue that this is why there is an under-reporting of crime. The police are incorrectly recording data in regards to internet offending which is one of the most revealing problems in New Zealand.

Crime is a globalised occurrence, that what New Zealand defines as a criminal offence is not in the United Kingdom. This has made defining cybercrime somewhat difficult to grasp on. I have analysed the challenges that the police face day to day with policing the internet and before doing this they first have to have a knowledge base about the internet and how internet criminals think. In order to monitor the internet, the police must also be ahead the game and keep up to date with technologies. In saying this, we see that New Zealand have joined other networks around the globe to minimize cybercrimes. However, by doing this there have been arguments that the police are constantly watching the public, therefore have led to many debates on invasion of personal rights or human rights of individuals.

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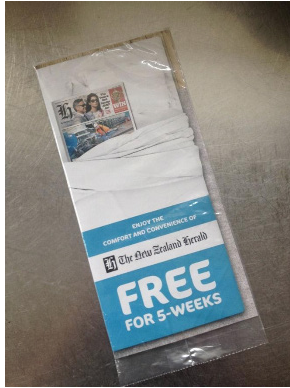
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English 364
Writing Technologies

James Cammell

Unsubscribing to the New Zealand Herald

I awoke this morning to a letter from *The New Zealand Herald*. It would appear that someone, or something, at headquarters had gotten wind of what I have been writing and thought to interpellate me, bring me back into the fold of the paper and its readership.



It is an unlikely, albeit flattering, thought that a cigar-chomping, large, sweaty man in a pinstripe suit deemed my antiprogrammatic activity enough of a threat that he needed to immediately dispatch an offer of re-subscription my way. Indeed, there seems to be a larger feeling of panic lurking beneath this sleekly designed pamphlet; a wider anxiety felt by a 'New Zealand Institution' who feels it must hurry to re-subscribe the formally inscribed with offers of "FREE", "NO-OBLIGATION" "COMFORT" and "CONVENIENCE".

The New Zealand Herald is sounding a little desperate. Which is understandable I suppose. Since its inception in 1863 The Herald has been New Zealand's longest lived and, for the most part, the only nationally circulated mainstream print media. This freedom of isolation has afforded The Herald an opportunity to affect social evolution unique to small and (originally) homogenously discursive nations such as our own. To borrow Paul Carter's weaving metaphor, The Herald, through the creation of physical material thinking (paper-work), has gained some agency over this country's story line. Over the time it (as the shuttle) has advanced, "creeping progressively crosswise along the warp", it has woven a tapestry of national identity (2004, 11). Perhaps because this largely unchallenged hegemony has lasted for over 150 years The Herald has gradually conscripted a textual abode, embodied most in paper-work of the Front Page, of a typified 'New Zealand Self', an identity constructed around either our shared experience of living in this space we call 'New Zealand, or simply the lowest cultural or

social common denominator it can find. Examples of the former could be the Christchurch earthquake or rising Auckland house prices, while a drearily omnipresent example of the latter would have to be the All Blacks. Sometimes the two areas of conscription cross over, which can make for destabilizing and potentially de-inscripting (and therefore un-subscribing) results, such as the anti-apartheid protests against the 1981 South African rugby union tour of New Zealand.

Aside from questions of growing tension and anxiety surrounding the twin issues of editorial and national identity, which I will return to, the arrival of *The Herald's* over eager missive raised the matter of sub-scription. It seems to me that there is a large amount of –*scription* going on beneath the mainstreaming surface of the Front Page, Script-work which, when considered alongside Madeleine Akrich and Bruno Latour's summary of semiotic vocabulary (1992, 261), begins to clarify the opaque forces at work within the paper.

Pre/Pro-scription: What does *The Herald* allow, or forbid, of its subscribed? Perhaps it affords the reader an opportunity to engage with what he or she perceives as a description of New Zealand which agrees with their own perception of the nation? However, through majoritarian logic the paper presupposes and pre-inscribes its audience before anybody even picks up a copy. Therefore, we could say that the 'average New Zealander', whom *The Herald* claims as its reader-base, is in fact a complete illusion – it has effectively engineered a means through which it may control the means of identity production. 'The average reader' does not exist outside of the text which claims to describe him or her; far from describing, *The Herald* subtly formats. Michel Callon writes that "writing devices..mediate between different actors on the one hand and the collective (the organization and its customers or partners) on the other" (2002, 199). The Herald, in its own capacity as a type of writing device, inhabits this process in that it mediates between its actual readers and a collective identity, or pre-inscribed readership, which it itself has manufactured.

Sub-scription: If, so far, I have represented *The New Zealand Herald* as a blunt instrument I apologise; nothing could be further from the truth. The success of The Herald in gaining such a wide subscription base within New Zealand is testament to the subtlety and care with which it pre-inscribes the actor/reader. The paper's Front Page is so apt in its formatted creation of a centre-right mainstream point of view that there is almost no disconnect or de-scription between it and its physical readers. As Akrich and Latour state: "if everything runs smoothly, even the very distinction between pre-scription and what the actor subscribes to is invisible because there is no gap, hence no

crisis and no possible description (1992, 261).

Re-inscription: In order to maintain its subscribed The Herald must be able to cope with anti-programmatic crisis arising from “a complication – [or pleasingly] a folding – or a sophistication of the [New Zealand] setting” (262). That is to say, the paper must engage in a dynamic feedback mechanism whereby it participates in its own reconfiguration in order to ensure its inscribed format marries as closely as possible to its subscribed actor/readers. In performing this rewriting it actively reconfigures not only itself but the subscribing actors, the ‘Average New Zealanders’, themselves (Callon. 2002, 204). Re-inscription also raises the question of authorship. Who writes The New Zealand Herald? Certainly there have been numerous editors and journalists who have contributed to the paper. However, it is the paper itself that “grants autonomy and efficacy” to these actors (207).

Circum-scription: The New Zealand Herald can only pre-inscribe so far in that eventually it must circumscribe a more tangible setting in which to situate itself. The Front Page, the face of the paper, is perhaps the most easily seized upon example of this – a space of encoded page work. Actors are conscripted, not just in terms of editorial and printing staff, but also in terms of figures of celebrity, infamy and sporting idolatry: All are aligned as symbols of The Herald’s formatted ‘New Zealand Identity’ designed to keep others from “invading... and interrupting its existence” (Akrich et. al. 1992, 261).

Ironically it is within this strictly circumscribed Front Page that we find a focal point for the increasing tension and strain The Herald faces in an age of rapid digital technification. From its inception until the early years of the millennium the Front Page consistently maintained a certain level of textual density



(Figure 1). Even the advent of photo-journalism failed to have any real impact upon the dominance of word over image; this is illustrated by the relative similarity in design between a front page from 1975 and one from 2005 (Figures 2 and 3).

However, looking back over the last ten years in particular we can see that the dominance of thick discursive text has come to an end (Figure 4). The Front Page has now been thoroughly destabilized, morphed into a highly visual diagrammatic medium in which text now illustrates picture, reminiscent of Vilém Flusser's techno-image (2012, 195).

What are the imperatives behind this new drive to visualize the newspaper? The advent of digital (news) media certainly must be viewed as the root cause of this. In an age where our scarcest personal resource has become attention, in the face of an ever-growing onslaught of digital information, N. Katherine Hayles suggests that we now exhibit a form of hyper-attention, one with a low boredom threshold. This allows us to alternate between different information streams quickly and smoothly. We now hyper-read, "which includes skimming, scanning, fragmenting and juxtaposing texts", and is a direct "strategic response to an information-intensive environment" (2012, 12). This mode of cognition is perfectly suited to reading the Front Page of 2015 but stands in contrast to the deep close reading needed to engage with an example from 1915.

And here lies the rub, in Dennis Baron's words: "Provenance... is everything. We have learned to trust writing that leaves a paper trail" (2002, 16). If *The New Zealand Herald*, in its current printed format, faces an imminent demise



in the face of the digital revolution it is understandable that it now finds its identity, and the New Zealand identity it pre-inscribes, suddenly in jeopardy. This same crisis is reflected in our wider shared cultural identity. Recent debates of Flags, Free Trade Agreements and Global Conflict have brought to light the question of what it means to be a 'New Zealander', if there is even such a thing, in our current atomised, digitised and decentred world. Perhaps *The Herald's* recent pamphlet appeal to gain new subscribers is an attempt to tap into humanity's learnt trust of all things paper, one which I feel can only, at best, postpone the inevitable. Already *The Herald* exists online in the form of its dark digital para-self, www.nzherald.co.nz, but still it stubbornly clings to its physical incarnation. Walter J. Ong noted that in some societies of limited literacy, writing is regarded as "dangerous to the unwary reader, demanding a guru-like figure to mediate between reader and text" (1982, 93). Possibly *The Herald* seeks to don this mantel and maintain its print-form in a manner which mediates between the actor/reader and the new and overwhelming wave of digital texts which confront us every day? In this way it may still be able to inscribe its readers and shape an identity for those who still wish to subscribe to its narrative. All this is possible, I suppose, as long as we cling to the notion that a physical text is in some way more authoritative than its digital counterpart. But, if I can end by plagiarising Paul Carter, can we not read – and write – our identity in a way that does not mummify its dynamic character within the printed confines of a Front Page (2009, 5); what possibilities for new bio-technical collective selves, identities, cultures and communities lie outside of print media, and outside of *The New Zealand Herald*?

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FTVMS 328
Videogames; Theory and Culture

Chiara Gasteiger

Inauthentic Identities: A Virtual Phenomenon

Video games are depicted to be a sphere for identity formation and exploration; however, they often also lead players to form virtual identities that form an inconsistent representation of their everyday self. Therefore, it will be argued that individuals form an inauthentic representation of their identity through the combination of anonymity and communication, emphasizing factors that will benefit their virtual reputation and by rejecting common societal expectations regarding gender and race. This essay will discuss the implications for the individual such as identity fragmentation, a saturated self and cycling through numerous identities. It will also discuss the implications to society as supported by a brief explanation of how one can break the cycle of an imbalance of gender and race within video game narrative.

Through video games allowing players to navigate virtual worlds and act in ways that would be socially unacceptable in the real world, games have been condensed to a mere form of play. However, gaming is a routine activity that is integrated into everyday life, so unsuspecting players are often exposed to interactions and decisions that shape their identity both in reality and within the game (Pargman and Jakobsson 232). When creating an authentic identity within a game, the implications caused by interactions and actions within video games often blur the lines between the real and virtual worlds (Waggoner 8). Authenticity is difficult to judge due to its subjectivity, and therefore for the purpose of this essay it will be utilized to define the actual identity of players. Therefore differences between real and virtual identities would be considered to be inauthentic.

Anonymity is a common factor in video games that allows identity formation, but also has a role in players creating an inauthentic version of their actual identity. Essentially, multi-player and role-playing video games such as World of Warcraft offer anonymity; through allowing the gamer to formulate and play their own character it ensures that gamers create an online identity through this process. This identity is formed through unintentional or intentional communication with other players, which occurs from the impression that is left behind. It is also enhanced by language, avatar body expression, behaviour, an online presence and privacy settings (Aspling 34). Furthermore, Turkle states that through anonymity, a player has the choice to hide their actual identity and to further explore certain aspects of their identity within the game (643). Therefore, games are a platform for experimentation and players must negotiate the boundaries between private and public spheres in order to create a virtual persona. Aspling argues that this can lead to either discomfort or the player seeking to fully explore their identity (2). This is because anonymity ensures that the player has autonomy over the creation of their character, rather than playing a set agent within a game.

Thus, the player becomes the creator of the character through the agency that the game allows, whilst investing certain aspects of their self into forming

the identity. This is usually a subconscious process, in which gamers utilize aspects of their ideal actual self and inject it into their virtual persona as a form of experimentation (Martin 391). Similarly, players create identities specific to the social context and the types of interaction within the game, which leads to the further creation of an inauthentic identity (Martin 384). For example, World of Warcraft gamers have illustrated their desire for independence by purposefully shaping their identities and utilizing anonymity to escape from other players that may recognize their avatar name (Martin 191). Consequently, gamers explore numerous identities by utilizing anonymity and create a persona through interactions with other players, but this is commonly an inauthentic representation of their true identity.

In a similar manner, reputation also contributes to the creation of an inauthentic virtual identity. Reputation ensures that the gamer has a high status amongst other players, which is especially important to gain trust in multi-player games and is vital when completing team quests. This is also common in reality, in which people act in a socially acceptable manner to sustain a good reputation and necessary for life events such as obtaining work. Aspling explains that individuals adapt their behaviour to create an idealized image, thus hiding aspects that they believe is socially undesired (2). In video games, the virtual persona becomes an extension of the individuals' offline identity, as games provide a sphere for exploration without the consequences of the real world (Turkle 645; Waggoner 13). This creates a barrier between the public and private spheres of the individual, but also means that the person is not acting in a manner that is authentic.

Self-presentation within games is often created to optimise reputation, as the player has the ability to edit and reflect upon the identity that they believe will most benefit them (Turkle 643). This is visible in most multiplayer games in which success relies heavily on the acceptance and teamwork of other players. In World of Warcraft for example, players often choose avatars for their capabilities and will act in a manner online that will ensure their reputation is withheld, such as by helping struggling players complete quests (Jenson et al. 872). Consequently, reputation is intimately linked with hedonism, in which players gain a sense of gratification when reaping the benefits of a good reputation. Male gamers for example, often choose to play female avatars to indulge in the pleasure of the social aspect of the game, by gaining interactive benefits through the reputation that is associated with female avatars (Jenson et al. 873; Mortensen 107). As a result, gamers create an inauthentic identity that is often idealized and make conscious identity-related decisions to benefit their reputation within the game. This leads to hedonism when obtaining benefits, thus reinforcing their inauthentic identity.

In a similar manner, players reject society's expectations regarding their gender and race, creating inauthentic virtual identities that can be extrapolated into the offline world. This is essentially a result of video games such as *Grand Theft Auto V* not catering to a diverse racial audience, and not providing agency for the players to create an identity that is authentic to their actual self. *Grand Theft Auto V* for example employs dark skinned secondary characters to either add ethnic variety or as a recurrent theme (Higgin 3; Williams et al. 825). These secondary characters therefore are simply motifs or targets, or in the case of *Grand Theft Auto V*, are commonly used to push along the narrative. As a result of this, players who repeatedly face these stereotypes may make negative associations with dark skinned racial groups, incorporate these into their beliefs and thus change their offline identity (Williams et al. 824).

On the other hand, players from minority groups are unlikely to see primary characters that are representative of their real identity, and so are forced to have a different virtual identity. This also means that video games such as *Grand Theft Auto V* and *World of Warcraft* that lack a range in ethnic representation implicitly reinforce prejudice from reality. Williams and colleagues explain that minority groups playing video games in which they are not represented may begin to internalize this prejudice, utilizing the game platform to create an idealized identity (820, 828). This concept of creating an idealized or stereotypically different identity can also be generalized to other players. Jenson and colleagues found that female players in particular create an idealized physical identity but both male and female players are known to gender-swap for different reasons (871). Male players in *World of Warcraft* for example gender-swap to reap benefits such as other players being nice or gift-giving, whereas women swap genders to avoid harassment (Jenson et al. 871-873). Therefore, video game narratives and the agency that is provided can reaffirm self-identity by confirming stereotypes, but doing so affirms white male privilege (Cole 1; Leonard 86). Consequently, players from minority groups are seemingly forced to create inauthentic identities as a result of a lack of agency in the game narrative. However, some players also choose to create an idealized identity to escape from societal stereotypes as depicted in women gender-swapping to avoid harassment.

Forming an identity within a video game has implications for the individual. This is because of the repercussions that virtual identity formation can have when taken out of context into the actual world. One implication is identity fragmentation, in which individuals cannot establish the difference between reality and game realms. Hemminger and Schott argue that is a result of individuals injecting too much of their real selves into their virtual character, and thus begin to act in a similar manner offline as their game performance

(403). Kenneth Gergen coined a similar implication called the saturated self, in which the individual's exposure to numerous technologies leads to a vast development of relationships and thus also corresponding norms, roles and codes (Hemminger and Schott 397). This creates a challenge for the player who must learn to balance these interactions and their corresponding rules. On the other hand if players begin to rely too heavily on these spaces, they can feel alienated when they face the real world. This can be identified in minority groups utilizing video game communities to gain acceptance, but feeling lonely in reality (Jenson et al. 861). These implications are intimately related with the concept of cycling through identities, as coined by Sherry Turkle, who explains that players often explore different identities simultaneously (643). This means that players act out and try on identities that are similar, as a way of exploration. However, this can create an issue if the player cannot establish a desired identity or if they become trapped in the idea that they can have numerous offline identities (Jenson et al. 860). Consequently, even though games allow players to explore identity in a fluid manner and offers an escape to reality, implications for the individual should also be acknowledged.

Likewise, forming an identity within the game can create implications for society when unsuspecting players assimilate and extrapolate implicit messages of the game narrative into reality. This is a result of video games being able to both teach and inform players through narrative, thus affecting the individual who engages with the game. For example, the players' beliefs of certain social groups may be affected as a result of primary video game characters being predominantly white middle-aged men (Williams et al. 818). Furthermore, as a result of the lack of ability to play a minority group's avatar, the game subtly implies racist ideologies whilst further excluding minority groups from society, as characters that reflect minorities are commonly secondary characters (Higgin 16). This leads to further prejudice for minority groups who already face discrimination in the real world. Williams and colleagues argue that highlighting inequitable identity formation opportunities is vital to also distinguish the unfair power structures in reality (819). Therefore, the narratives of video games can be identified as a barrier to identity formation for minority groups, as they are often disregarded. Williams and colleagues also state that in order to fix unfair narratives, game designers need to gain input from minority groups (829). This is because when games only feature males, they predominantly attract male players, who are increasingly likely to work as game designers, creating an on-going cycle. Consequently, by identifying the implications of creating a virtual identity in a community that does not provide equal opportunities for each individual, we can identify the imbalances within our daily lives and establish ways to reverse these imbalances.

To conclude, players of multiplayer and role playing games inevitably create inconsistent identities in contrast to their actual identity. This is an ongoing process influenced by the narrative and the agency that the game provides and interactions with other players. It has been argued that inauthentic identities rely heavily on utilising anonymity as a blank slate for identity formation, which is intimately linked with communication. This is because gamers shape their own identity through the information that they present the other players through actions, presence and use of language. Furthermore, gamers create idealised identities to increase their reputation and therefore gain benefits within the game. This creates a sense of hedonism, which stimulates the player to increase their reputation and thus also confirms their inauthentic identity. Lastly, players are argued to deny stereotypes by gender swapping or creating an idealised identity to escape societal pressures. Implications regarding the individual player were analysed and concepts such as identity fragmentation, the saturated self and cycling through identities were utilised to conclude that although games lead to exploration, they are much more complex. Similarly, implications for society included players extrapolating ideologies from within the game narrative into society and the game narrative providing further prejudice for minority players. It has been concluded that game narratives need to be more equitable to break the cycle of gender and racial imbalances within video games. Therefore, identity formation within video games is a complex process, and so video games should not be condensed to a basic form of play, but rather an intricate sphere for identity exploration and formation.

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FTVMS 222
Comics and Visual Narratives

Freya Kulasegram

Kampung Boy: Navigating Postcolonial Malaysian Identity

Datuk Mohammad Nor Khalid, more commonly known by his moniker 'Lat', is a highly celebrated Malaysian comic artist. His comics and cartoons have long been considered iconic in the country, where he is contemporarily thought of as an institution in his own right (Lat, 143). *Kampung Boy* (KB) was Lat's first autobiographical comic, published originally in 1979, which details his early childhood life in his Kampung (Malay village) in the years immediately before and after Malaysia gained independence. This essay will examine how Lat's *Kampung Boy* utilises conventions of the autobiographical comic genre to navigate Malaysian identity and the impact of colonisation. Lat uses the tensions of autobiographical self-representation, characteristic cartooning stereotypes, multilingualism and hermeneutic visual metaphors to create a graphic narrative that critically engages with postcolonial discourse and brings to life the foundations of postcolonial Malaysian identity.

One of the most notable aspects in graphic memoir is the tension that exists when mixing 'the factual and the fictive'; autobiographical works situate themselves within a context of reality when the nature of storytelling requires a mode of construction and creative freedom (Hatfield 112). By representing himself as the character 'Mat', Lat uses his postcolonial understanding to construct a graphic critique of the impact of colonisation on Malaysian identity. Hatfield also suggests that the 'objectification of the self, through visual representation, may actually enable the autobiographer to articulate and uphold his or her own sense of identity' and that 'the form may allow the artist to break free from historically imposed images and to fashion an alternate self'. Thus it can be argued that Lat's representation of himself leads to the ownership of an identity which is tied to a time and place that no longer exist in postcolonial Malaysia; an identity that contemporary Malaysian identity is built upon, and yet is perhaps no longer experienced except in memoirs. Rahman and Bahfen further this argument by suggesting that through such historic representation Lat is 'one of the main reasons for Malaysians sharing an identity regardless of their country or city origins and irrespective of the ethnicity they belong to' (68). Chaney explains that by representing oneself pictorially one also has the power to trigger a vast range of emotions that validate the narrative (7). This suggests that the critique found in KB is not only relatable but valid through its emotional truthfulness, by successfully navigating the autobiographical tension between fact and fiction.

A Malaysian identity that is united through multiculturalism and diversity is introduced in KB, a key aspect of postcolonial Malaysia which is explored extensively in Lat's subsequent autobiographical comic *Town Boy*. Rahman and Bahfen note that Lat has a legacy of depicting minority ethnicities and their related routines and practices in his work and that "while these sub-

groups have not vanished from Malaysian society and still practice their discrete customs and dialects... on an official level today images of their cultural practices and norms are non-existent, or subsumed into the meta-narrative of modern and multi-racial Malaysia” (66). KB is no exception to Lat’s pretention to making the contemporarily invisible, visible. Despite the narrative being set in an isolated Malay village, Lat goes out of his way to represent interactions with the other ethnicities that make up the Malaysian identity of today. In an early panel Mat and his father cycle through a rubber plantation on the way to town, passing by an Indian woman distinguished by her pottu and saree that demarcate her specifically as Tamil. They later visit a shop run by a Chinese man and his family, who are distinguished by racial markings such as small eyes and an abacus (Lat 34, 42; Rajendra and Taib). Such exaggerated racialized markings can be seen as Lat using stereotypes to differentiate the unique ethnic identities that form national Malaysia. However, these are not meant to be seen as offensive. Hatfield explains that ‘stereotypes are the raw material of cartooning... and even relatively realistic comic art draws on representational and cultural codes that depend on typing’ (115). Thus the use of stereotypical markers in Lat’s work is a natural part of comic art. Blackburn explains that Lat attempts to make a point about the unique relationship Malaysia has with its diversity:

“Unlike in a Western context, where culturally specific physical markers are often studiously ignored so as to maintain an image of undifferentiated democracy, difference in Malaysia is widely discussed... This is not to say that racist stereotyping does not exist in Malaysia, but Lat’s exaggerated depictions... are non-offensive to his audience. Such culturally specific demarcations are natural, familiar and the most productive and accessible means for understanding the intricate social interactions within each scene”(3-4).

The difference and diversity depicted in KB is meant to be an introduction to creating ‘a unified whole’ by acknowledging ‘the realities of difference’ (4). However, despite the representations of other ethnicities, Mat’s interactions with them are limited. Lat makes a point of isolating Mat, an aspect of rural identity that is inseparable from colonisation and British colonial rule. This introduced the diversity of Malaysia through encouraging immigration and then created a divisive and paradoxically united hierarchical system that placed all races beneath the British, with Malay Muslims - like Mat and his family - on top (Blackburn 4-5). After independence one of the key struggles for Malaysia was to create a unified National identity that was inclusive of its diversity. Through the use of the cartooning nature of comic art, Lat explores the early stages of this process of multiculturalism and diversity in KB.

This idea is further explored by the multilingualism employed in KB; it was originally written and published in English, and later translated to Malay and several other languages (Lat 144). Blackburn argues that the choice of English meant Lat was attempting to not privilege any of the ethnicities of Malaysia above another, and instead ‘uses colonial structures to his advantage... in order to build national cohesion’ (7). In addition to this, throughout the narrative Lat intermittently uses Malay words which forms a textual hybridity of languages. For example, the start of the story shows Mat’s father cradling him situated in the middle of the text next to the word ‘anjung’, which is translated in parentheses to ‘lounge’. Furthermore, the word ‘kampung’ is never explicitly translated as it is a very specific kind of village, the cultural significance of which Lat is attempting to depict visually. This hybridity of language can be seen to reflect the hybridity found in Malaysian identity that continues today.

Another key way Lat explores identity is by portraying the tensions that existed between encroaching urban life on the Kampung. Throughout KB, Mat’s father travels between urban life and rural Malay life; narratively we are told he works as a government clerk and later we discover that he also owns his own rubber plantation (Lat 24, 124). His governmental profession connects him to urban and colonial power structures, because such work is tied to the cultural hierarchies set up by British rule (Blackburn 21). Conversely, his involvement in the rubber industry can be seen as distinctly rural Malay, and this facet of his dual life is the legacy he wishes to pass on to Mat (Lat 125). Such duality is visually explored and displayed through the clothes Mat’s father wears; at home in the Kampung he wears the traditional sarong but when going to work he wears westernised clothes - a shirt and pants - which he takes off and thus escapes, in our first introduction to his government profession (Lat 24).

While visual and narrative markers describe the older generation as leading a dual life, the real tension between urban and rural identity is explored metaphorically through Mat, the tin dredge, and the rubber plantation. Mat’s first interaction with the tin dredge can be seen as his first encounter with urbanisation and the inherently linked colonial past. The centrality of the tin dredge situates KB’s narrative in a highly realistic political and historical discourse; tin mining and the dredge were associated with colonisation in Mat’s birthplace Perak as ‘the British had gained control of the tin-mining industry’ (Blackburn 23). Thus when Mat (and the reader) first encounters the dredge - an enormous destructive machine - it is depicted on a small scale between the trees of the rubber plantation (Lat 20). However the accompanying text explains that “it had to be huge, for even at a distance it looked very big” and that the key to understanding what the tin dredge is

meant to represent can be found in the fact that Mat thinks that it is 'like a monster' (21). The next encounter depicts the dredge up close with big eyes and monstrous teeth in contrast with Mat and his friends, who are laughing at Mat thinking it was a monster when he was younger (65). As Mat and his friends have their backs towards the dredge in this moment, its monstrous face acts as a hermeneutic image, which is used to suggest to the reader that despite the dredge not visually being a monster in Mat's reality it still metaphorically represents the monstrous aspects of colonialism.

Blackburn explains that despite Lat's usually realistic style of drawing, this seeming departure 'is not a rupture of realism... it is a heightened depiction of reality'; a reality in which the dredge is a metaphor for colonialism and urbanisation destroying the Kampung (25). The final encounter with the dredge and the end of KB's narrative suggests that the identity associated with Kampung life is about to be erased. Mat travels to his father's plantation which is drawn in its entirety, and they sit in one corner while small dredge-monsters appear above them at the edges of the plantation with their mouths open waiting to eat it (Lat 128). We later find out that the tin company is negotiating with Mat's father about buying the plantation - Mat's inheritance and his sole link to the Kampung; Mat's mother explains if the land is bought then the family can use the money to move to Ipoh, an urban city (134). When Mat leaves the Kampung for his new school in Ipoh, he and his father are dressed in western clothes and riding a bus, metaphorically trading in their rural roots for a new life. Thus we see that for the younger generation, their rural identity is not situated in duality or even hybridity, but rather forsaken for the urban, and thus steeped in nostalgia.

Lat utilises the tensions of self-representation in autobiographical comics to construct a visual narrative that engages with critiques of the colonial impact on developing Malaysian identity. Through the characterisation of Mat, Lat claims ownership of a Malaysian lifestyle and identity that forms the foundations of the postcolonial nation. The natural use of stereotype and caricature in comic art allows Lat to explore how unity in a nation must acknowledge diversity, while multilingualism in the text demonstrates a functioning version of racial hybridity. Through the use of visual metaphor Lat ties colonial power and urbanisation in the anthropomorphised tin dredge and explores the resulting tensions between it and Mat's Kampung identity, critiquing the impact such forces had on the loss of rural Malaysian identity.

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Race and Changing Attitudes

Race relations is a concept affecting each and every country. One of the most important and well known historical race relations is that of White and African Americans. Films are a medium whereby people can either escape reality or have themselves and their societal reality scrutinized. *Hollywood's America: Race in 20th Century Feature Films* discusses the scope of portrayals of the race relation between White and African Americans and its evolution through films in the 20th Century. The extent to which these portrayals have reflected and impacted on realities in America is also examined, providing us with an insight to the blurred lines between connective media and race relations.

Convention. Norms. Expectation. In a theatrical setting, these concepts are very existent but perhaps not challenged often enough. *Contrasting Convention: Analysing Approaches to Theatre* illustrates how playwrights have attempted to challenge theatre norms and make their works distinct. Methods by which they have achieved this include character construction and depth, realism and directness. We gain insights into the minds of playwrights in their attempts to challenge theatrical norms and simultaneously present a creative work, allowing its audience not only to be entertained, but to also appreciate new creative portrayals.

It is broadly accepted that under patriarchy the institution of marriage was, and perhaps is, one that reflects gendered power imbalances. Coupled with the analysis of Orientalist discourse *Conditions of Constraint: The Discursive Constructions of Vulnerability in the Mail Order Bride Industry* explores the gendered and racialised violence in migrant marriages between Western white men and Asian women, discussing the power dynamics within such relationships situated in the wider context of white supremacist patriarchy. We are made to question the institution of law and are encouraged to ponder the way conditions of vulnerability are reproduced.”

Love – what exactly is it? How does it function in times of political conflict and war turmoil? *Love: The Division between Life and Death in Times of War* is a piece suggesting answers to these questions. The essay illustrates to us that love can exist literally and figuratively. The discussed ideas of love include it being a bridge between the past and present, a symbol of marriage, a metaphorical imprisonment, and moral sacrifice. Has this understanding of love been lost over time?

Are peripherals such as societal and status achievements a true reflection of self? For a true and higher understanding of one's loved ones, should we look no further than photographs and rely on memories? Or should we strive to grasp magical moments which make something come into its true existence? *Self and Place: A Case Study of My Grandma* analyses one's relationship with their grandma and how specific instances create an aura of pureness and true identification. We are taken on a reflective journey and posed with many critiquing questions. One being - Although we may know a person, do we know who they actually are, or were?

The extent to which a simple food item could be so embedded into a country's existence and history is perhaps a question overlooked nowadays. *Leaf it to Me: How the Sweet Potato Grew to be Integral in Alleviating Strife in Early Twentieth Century China* sheds light on this question and discusses and discusses the impacts of the sweet potato on various institutions and classes, whilst also exploring its symbolic importance in twentieth century China

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Hollywood's America: Race in 20th Century Feature Films

Melissa Sare

Hollywood's America: Race in 20th Century Feature Films

For more than a century Hollywood motion pictures have been a powerful medium through which ideas are spread, repeated and often assumed as reality. Race relations in America have had a turbulent history and are well-documented in Hollywood feature films. These provide viewers with a visual reflection of the mainstream attitudes towards African-Americans and their civil rights gains over the 20th century.¹ Movies are “at least partially responsible for teaching blacks and whites that Africans were savages and that their Afro-American descendants were lazy, happy-go-lucky, thieving, sexually promiscuous and mentally inferior”.² Several films, *It* (1927), *Public Enemy* (1931), *Bataan* (1941), *Mildred Peirce* (1945), *Bonnie and Clyde* (1967) and *Rocky* (1976) show the tumultuous relationship between White-Americans and African-Americans. Early films portray direct racism through the use of demeaning representations, while later films have focused on the gains of African-Americans during the 1960s and 1970s. Thus from the overt racism in the 1920s to the political changes of the 1970s, Hollywood has reflected the changing nature of African-Americans role in American society.

At the beginning of the 20th century the issue of race permeated American society; African-Americans were ostracised, excluded and demonised by white America and Hollywood.³ After the film *Birth of a Nation* (1915) African-Americans were largely confined to playing minor, stupid and selfish characters until the outbreak of World War Two.⁴ Hollywood's mistrust of using African-Americans in films meant they were only included in fleeting and menial roles as servants and waiters.⁵ By presenting African-Americans as simple, backward and uncivilised Hollywood denied African-Americans the agency to enact change and prevented progress in the early 20th century.⁶ In 1927 the Motion Picture Producers and Distributors issued “The Don'ts and Be Carefuls” in order to formalise social morals in Hollywood films.⁷ The film *It* (1927) reflects these moral codes in its characters, skirting around miscegenation by whitening the love interest Cyrus who was played by the Spanish-American actor Antonio Moreno. The film also adhered to the requirement that no wilful offence be given to any race or creed.⁸ Including African-Americans in only stereotypic and menial roles of waiters and porters meant no offence could be taken by any American because during the 1920s these depictions reflected reality.⁹

African-American women were entirely absent from the film reflecting their reality in American society. For African-American women, it was impossible to acquire any job that involved public interaction. Department stores, such as the “Waltham's Department Store” in *It*, refused to hire African-Americans because white employees were opposed to working with them. The reality of African-Americans is further reflected in the film by their absence as patrons at The Ritz restaurant and hotel as well as at Coney Island. Many public

¹ Mary Ellison, “Blacks in American Film,”

² Steven J. Ross, “Introduction,” in *Movies in American Society* (2nd ed.)

³ Eric Foner, *Give me Liberty! An American History* (3rd ed.), New York, NY, 2012, pp. 593-595;

⁴ Paula J. Massood, “African-Americans and Silent Films,”

⁵ Terry Christensen, *Reel Politics: American Political Movies from Birth of a Nation to Platoon*

⁶ Massood, “African-Americans and Silent Films,” p. 2.

⁷ Gerald Mast, ed., *The Movies in our Midst: Documents in the Cultural History of Film in America*

⁸ Fain, *Black Hollywood*, pp. xiv-30.

⁹ David J. Goldberg, *Discontented America: The United States in the 1920s*

accommodations refused to serve them or reluctantly allowed them access in separate sections or on special 'Jim Crow' days.¹⁰ Therefore the ways in which It depicted some African-Americans, along with the complete absence of others, reflected and reinforced the common belief that whites were far superior to the ethnic minority.¹¹

Hollywood in the 1930s made few changes to the ways in which African-Americans were represented in films. The industry suffered greatly in the depression and with audience attendance plummeting. The gangster film, first introduced in the 1920s, became increasingly popular.¹² *The Public Enemy* (1931) continued to cast African-Americans in familiar waiter or porter roles. These minor roles meant they appeared for only a short time, reflecting their invisible reality during a time of high unemployment and urban migration as well as the newly introduced Production Code.¹³ However, the inclusion of an African-American band playing in the restaurant scene perhaps reflects the Harlem Renaissance period where African-American culture became very popular with White-Americans during the 1920s and 1930s.¹⁴ *The Public Enemy* also reflects the political situation of African-Americans in the 1930s as they had doubts about how the American government worked for their economic protection. The premise of the movie, while casting very few African-Americans, questioned the ability of the current political system to save all Americans, including ethnic minorities, from another economic crisis.¹⁵ The uniqueness of the gangster came from their ability to shift the moral standpoint of the audience. One understood that the gangster was forced into crime in order to survive and profit in society ruled by a corrupt system. By the end of *The Public Enemy*, they felt that the crook had met his end because of a corrupt and immoral system.¹⁶ Their rebellion against such a system was caused by the discrimination and exploitation faced by many as the depression set in. The New Deal policies were shaped and enforced so that White-Americans enjoyed the benefits whilst African-Americans were confined to the fringes of the new welfare state.¹⁷ As a result of poverty and an unjust society African-Americans, much like Tom Powers in *The Public Enemy*, exploited consumer goods to ensure their economic survival in depression America.¹⁸ Therefore the wider themes and questions posed by this film reflected African-American concerns about their role in American society.

Only a decade later the dominant opinion of African-Americans was reflected in films while their lived reality was inaccurately portrayed as Hollywood was charged with maintaining and boosting morale as America entered World War Two.¹⁹ The 1943 film *Bataan* intended to represent the various racial groups that made up America in order to characterise the unity of the melting pot nation.²⁰ However, the unity in the film was very different to real American society where segregation was rife and African-Americans were excluded at

¹¹ Fain, *Black Hollywood*, pp. 33-34.

¹² Steven Mintz and Randy Roberts, "Introduction", in *Hollywood's America*

¹³ Mast, *Movies in our Midst*, pp. 321-333

¹⁴ Christiansen, *Reel politics*, p. 29

¹⁵ Phillip French, "King of the Underworld

¹⁶ Foner, *Give me Liberty!*, pp. 664-667.

¹⁷ Kingsley Canham and Sally Hibbin, "Keeping up Morale," in *Movies of the Forties*

¹⁸ Richard Slotkin, "Unit Pride: Ethnic Platoons and the Myths of American Nationality

¹⁹ Foner, *Give Me Liberty!*, p. 697

home and abroad.²¹ Hostility towards the African-American was normal and many of the new army recruits experienced racist prejudice as they moved from their ethnic communities into army training facilities. African-Americans served in racially segregated units under the command of white officers. Often on army transports African-Americans had to give up their seats for Nazi prisoners of war.²² Thus the roll call with which *Bataan* begins represents a military unit, and by extension a community, that did not exist in America.²³ However, it does establish the unit as a smaller version of American society with a variety of class and racial backgrounds represented, who were allowed to exist together because of the emergency situation of war.²⁴

There are six white career soldiers and six ethnic minorities including an African-American (Eps), a Hispanic (Ramirez) and two Filipinos (the savage warrior Salazar and the noble savage Katigbak).²⁵ The ethnic minority characters, while presented favourably in the film with Eps sharing water with the white-Americans or his being a trained engineer, are portrayed as different from the white soldiers through subtle stereotypes. Eps whilst brave, dignified and integral to the unit conforms to pre-war stereotypes by singing the blues, training to become a minister and performing the role of gravedigger.²⁶ The white characters on the other hand all have positions of command and die in more dignified ways than the ethnic characters. Eps dies after being decapitated, Katigbak is found in a mist with a samurai sword piercing his body, and Salazar sets out in his native wear after being warned by the Sargent to "get civilised again" only to be found later hanging. The fact that the minority characters suffer the most brutal deaths appears to reflect the idea that whites remain superior to these savage races because the fittest race survives the longest.²⁷ Therefore while *Bataan* reflects the dominant social opinion concerning African-Americans during WWII, it also portrays an ideal unified community that was needed to ensure ongoing economic and ideological support on the Home Front. Perhaps by including so many minority characters Hollywood foreshadowed the integration of the coming decades as African-Americans continued to make social gains and criticise discriminatory policies.²⁸

Nevertheless, as the war drew to a close, African-Americans returned to their former position in Hollywood films playing roles that were characterised by patronising and derogatory stereotypes.²⁹ For African-American actors that wanted work the only roles that were open to them were that of servants or black slaves.³⁰ This reflected the racial barriers that continued to exist in American life after the apparent unity of WWII, especially in the South where segregation was the norm. These roles buttressed arguments against the African-American Civil Rights Movement by justifying their subservience and discriminatory treatment.³¹ As a consequence the most stereotyped

²² Doherty, *Projections of War*, p. 205; Foner, *Give me Liberty!*, p. 697

²³ Slotkin, "Unit Pride", pp. 478-479.

²⁴ Doherty, *Projections of War*, p. 139

²⁵ Slotkin, "Unit Pride", p. 80; Jeanine Basinger, "Emergence of the Basic Definition: The Calendar Year

²⁶ Christensen, *Reel Politics*, p. 121; Quart and Auster, *American Film and Society*, p. 70

²⁷ Ellison, "Blacks in American Film" p. 179. 48

²⁸ Fain, *Black Hollywood*, p. 188

²⁹ *ibid.*, p. 49

character in *Mildred Peirce* (1945) was Lottie, the African-American maid who through her tone of voice and character portrays African-Americans to be lazy, dim-witted and distinctly lower-class in several scenes she appears to be inept at simple tasks such as how to operate a telephone receiver or how to announce guests in a polite manner. She makes the comment "I don't know how you keep it up Mrs Peirce, honest I don't. Now I sleep all morning but you go down to that restaurant and work and work just like you've been sleepin' all night... only you ain't" which reflects the laziness White-Americans believed to be characteristic of African-Americans. Despite her visible character, Butterfly McQueen was uncredited for her role and most African-Americans considered the mid-1940s a step back in terms of race relations in Hollywood. However, by the close of the 1940s Americans had lost interest in the traditional stereotypes; it appeared that America was ready for African-American stars but not their accompanying activism.³²

The 1960s and 1970s were the most fervent times of African-American activism as there were many social and political changes across these decades which were tackled by Hollywood films. *Bonnie and Clyde* (1967) reflected aspects of American society at a time when cultures clashed, including African-American characters on the same footing as White-Americans, and by critiquing various institutions and authorities.³³ The film was encouraged to be read not as a gangster story, but more as a document of the turbulent 60s, during which 1967 saw an escalation of civil rights marches, protests, calls for Black Power, white backlash, and rioting.³⁴ Director Arthur Penn associated the violence in *Bonnie and Clyde* with the political struggle that African-Americans had faced for many decades. The film reflected a nothing-to-lose attitude that African-Americans had adopted over the 60s and according to Penn they were "now at the point of revolution".³⁵ There are several instances in the film where African-Americans are present, as they lounge in the street, enter banks that Bonnie and Clyde have just robbed, and arrive in a chicken truck to watch the very famous ending. They feature most prominently in the scene where Bonnie and Clyde stay in an abandoned farm house.³⁶ In the morning they wake to find a family, who inform the pair that they previously owned the house until the bank foreclosed and evicted them. Clyde, holding the gun he had been using to teach Bonnie how to shoot, hands it to the farmer who takes a few shots at the foreclosure sign and house and then passes it on to his African-American farm hand to do the same.³⁷ While there is no verbal communication from the African-American there is a powerful visual equality afforded to him; at that moment the white family and the African-American share the fate of being pushed out. Thus despite the lack of representation of African-Americans

³² *Ibid.*, p. 64.

³³ Lester D. Friedman, ed., *Bonnie and Clyde*, London, 2000, p. 8.

³⁴ Steven Alan Carr, "From Fucking Cops to Fucking Media: *Bonnie and Clyde* for a Sixties America,"

³⁵ Carr, "From Fucking Cops to Fucking Media," p. 84;

³⁶ Carr, "From Fucking Cops to Fucking Media," p. 171.

³⁷ Murray Pomerance, "Movies and the Spectre of Rebellion"

³⁸ Quart and Auster, *American Film and Society*, p. 82.

³⁹ Ellison, "Blacks in American Film," p. 186; Anderson, *The Sixties*, p.185

in Hollywood films of the 1960s, the motion picture industry attempted to show this minority in a positive light and reflect some the social issues facing American society as a consequence of the visible Civil Rights Movement.³⁸

As the 1960s blended into the 1970s Hollywood films further attempted to show the full extent of African-American life and render traditional black stereotypes neutral.³⁹ However, African-Americans had more gains in Hollywood representations than in real life where actual advances were small and token practices became a substitute for true equality. As a consequence of the civil rights gains of the 1960s African-Americans had the agency to challenge the dominance of white men in American society by seeking law changes, organising protests and rioting in the streets. However, they did not have the power to enact meaningful change.⁴⁰ This change in agency is evident in the greatest box office hit of 1976 *Rocky*, as world heavyweight champion Apollo Creed presents a dignified and atypical African-American character.⁴¹ In a film characterisation of Muhammad Ali, Creed extends a chance at the title to a down-and-out club fighter the "Italian Stallion" Rocky Balboa. The film was based on an actual historical event where an unknown fighter Chuck Wepner nearly went the distance with Muhammad Ali. For many Americans who resented the affirmative action policies and African-American sporting achievements of the 1960s, *Rocky* represents the 'Great White Hope' of restoring white dominance.

The reversal of social status between Creed and Balboa is implied by the wealth and fame of the African-American while the White-American is lower class and disenfranchised. This is indicated in many instances in the film but particularly when Rocky is forced to give up his locker to an up-and-coming young African-American boxer. This reflected the fear of many Americans who thought they would lose their jobs to an African-American.⁴² However, Rocky also admires the African-American boxer and defends him when a bartender calls him a "jig clown". This implies that Rocky believes Creed has earned his position at the top, representing the racial uplift experienced by some African-Americans after the social changes of the Sixties.⁴³ Finally the symbolism of the boxing ring, as a level playing field for a formalised battle, reflects the political gains African-Americans made across the 20th century. Previously Hollywood portrayed African-Americans as subordinate and lacking the agency to challenge White-America, which reflected dominant cultural opinions. However, the combination of a legalised boxing match and white anxiety about racial politics reflected in *Rocky* suggests that African-Americans gained extra political agency to promote change over the 1960s and 1970s.⁴⁴

⁴⁰ Gregory T. Carter, "From Blaxploitation to Mexploitation: Male leads and changing mixed race identities"

⁴¹ Fain, *Black Hollywood*, p. 97; Frank P. Tomasulo, "Movies and Cultural Contradictions"

⁴² Tomasulo, "Movies and Cultural Contradictions," pp. 161-164

⁴³ Elmwood, "Just Some Bum From the Neighborhood," p. 54.

⁴⁴ *ibid.*, pp. 55-58

⁴⁵ Ellison, "Blacks in American Film," p. 190.

⁴⁶ Fain, *Black Hollywood*, p. 53; Benshoff and Griffin, *America on Film*, p. 52

⁴⁷ Ellison, "Blacks in American Film," pp. 176-177

According to some, Hollywood established the stereotypes of African-American inferiority and has been the most pervasive influence on anti-African-American attitudes during the 20th century.⁴⁵ The African-American image has long been distorted by the public imagination. As Americans are familiar with these dominant white perceptions they are reproduced time and again in Hollywood films.⁴⁶ Often this has stalled political and social progress by repeating racist stereotypes until they are believed to be true. I.C. Jarvie convincingly states "Films not only reflect society in its own image, they can cause society to create itself in the image of films."⁴⁷ The dominant cultural attitude towards African-Americans has been well documented the roles that they have essayed in cinema. From the negative representations of the 1920s and 1930s, playing subordinate roles to the more positive roles after Sixties in which they were afforded the combat genre, their image has resonated with the audiences from being invisible and simplistic to significant and necessary. Their portrayal in the most popular Hollywood films of the 20th century thus has reflected upon their role in American society itself.⁴⁸

⁴⁸ Fain, *Black Hollywood*, p.xiii; Benshoff and Griffin, *America on Film*, p. 75

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European 207
European Drama: Greatest Hits

Darian Foulcher

Contrasting Convention: Analysing Approaches to Theatre

The dramatic arts have consistently been a place for creative innovation to occur. Playwrights have used their work as a medium to express social, political, economical and cultural concerns. It is a space that challenges the way audiences perceive and interact with the world presented before them on the stage. Conventions are used to differentiate dramatic works from one another, whilst also providing familiar identification of the construction of plays to the audience. However, not all plays conform to conventional marker. We often see that in order for a playwright to create a bold statement or to highlight their view of society, they ignore common conventions and challenge the boundaries. Both Anton Chekhov and Peter Handke have presented theatrical work that stood in opposition to the conventional theatre at the time of their works, presenting a subjective perspective of their realities. Chekhov writing *Uncle Vanya* in 1897 and Handke writing *Offending the Audience* almost a century later in 1966 both explore interesting concepts that have presented challenges towards traditional conventions of late 19th and 20th Century theatre. This essay will examine the use of theatrical realism that Chekhov incorporates into his work and how this is posed in contrast to Handke's modernist view of deconstructing theatre itself.

Focusing first on Anton Chekhov, who is widely regarded as one of the most influential playwrights to contribute works towards modern theatre. Chekhov is seen as responsible for the emergence of theatrical realism. His works became the shifting moment from a "millennial convention of traditional and the emergence of modern theatre" (Esslin, 135). In opposition to conventional theatre during the 19th century, Chekhov believed that plays did not require emphasis to be placed on plots. As Mark Swift highlight's in his Chekov lecture, "there are no plots in life". Instead, Chekov believed to capture the actuality of life, his work relied on characters to be well-developed individuals that showcased depth in both personality and thought. Alongside the alteration of theatrical characters, Chekhov also felt it necessary to portray life on stage in the same way as it would appear in reality. Thus with the arrival of realism in theatre Chekhov communicates the importance of character personality in comparison to specific dramatic action or events taking place within his work.

Up until this point in theatre, most plays stuck to the dramatic formula of 19th Century and Aristotelian style plays, assuming the audience required explicit knowledge from a character to understand their state of mind throughout the entire play (Esslin, 135). However Chekov's fascination with the environment surrounding characters and refusal to include moral standpoints was also a step away from traditional theatrical convention as it required audiences to form their own judgments and opinions of characters (Styan, 109). Chekhov dismissed the possibility of placing his characters into categories of either

‘good’ or ‘bad’, seeing this as a far too simplistic measure that overlooked the true complexity of human personality (110). Chekov’s work stood apart from anything else created during the late 19th century as previous playwrights had not explored this conceptual working view when constructing characters. Chekhov believed that the world of the theatre should highlight both the complicated yet simplistic aspects of life itself (137). As Chekhov delved deep into the psychological makeup of the human psyche his characters had a depth of construction that had been absent in the works of his contemporaries. Possibly his greatest theatrical tool was the way in which he cast aside traditional perception and replaced it with conscious thought generated by a challenging normalized reality portrayed on stage.

The play ‘Uncle Vanya’ demonstrated Chekov’s methods of presenting a play in his style of theatrical reality. Uncle Vanya’s themes of wasted potential, failed expectations, unobtainable love and unresolved ending showcased Chekhov’s interest in diversion away from overtly dramatic plotlines as he drew away attention from the drama which he felt to be an inaccurate depiction of reality. Although Uncle Vanya can possibly be read as a mundane theatrical piece that lacks excitement, this is the style of theatrical realism that Chekhov strived to identify. The play begins in the countryside of Serebryakov’s estate with Astrov mentioning how life in the country is “dreary, stupid and filthy” (4), with Marina commenting “what a way to live” in response to Vanya’s explanation of spending his days eating and sleeping without work (5). From these small opening moments we are already given insight to characters mindsets of their lives and thoughts of the situations they find themselves in. Throughout the play, the audience has constant insights into Astrov’s feelings that he has wasted his life on unachieved desires, combined with the general feelings of tension and unhappiness within the house. In Act II dialogues such as “that my life has been wasted irretrievably... My feelings are fading away to no purpose, like a ray of sunlight shining into a pit, and I’m fading away too.” (19). This again highlights the realism that Chekhov is constructing, as Astrov’s state of mind is expressed through his personality and thoughts so that the audience is able to understand his character in depth. In addition to this, by placing emphasis on details of life beyond years of fine health, youth and good looks we experience several miseries each character faces, as they grow old into a world they no longer enjoy.

Insight into Vanya and Astrov’s internal thoughts amongst the others throughout the play provide a well rounded understand of the personality of the characters. During the scene in Act II in which the previous quote was mentioned, Yelena points out prior to Astrov’s confession of misery that they are stuck in a house full of anguish. Stating “your mother hates everything... Sonya’s angry with her father... I’ve been on the verge of tears twenty times

today.” (18-19). By devising a play that combines several characters thoughts of melancholia we gain an understanding of those present in society who oppose the artificial and generically positive expressions. This proves to be useful as *Uncle Vanya* ends in classic Chekhovian style, with an anticlimactic conclusion, offering no resolution or positive outlook. The play concludes with the characters left to live through the hardships of life and simply wait for death, as they view this to be the only true access to a happier life than their current one. The final lines of the play, “You’ve known no joy in your life, but wait...We shall rest! We shall rest” (52) leave the play ambiguously open-ended. Through constructing in ‘open’ form piece of theatre, it requires the audience to actively engage and draw individual conclusions to the meaning of the play based on the extensive characters knowledge provided from the outset (Esslin, 142). Chekhov is able to challenge conventional theatrical style by raising questions of representation through his perception of the world. The play calls attention to aspects of life that assimilate realistic human experience of positive and negative life events. This is challenging as it confronts to the audience by becoming a mirror of their own existence. Realism is portrayed on stage as untouched by social niceties and moral perception laid bare on stage.

In stark contrast to Chekhov’s work on theatrical realism, Peter Handke’s *Offending the Audience* uses a different method to present a challenge to theatrical convention. Handke’s style breaks down signifiers of meaning in theatre by directly addressing representations of theatre itself. In contrast to Chekhov who prompted audience participation through his ambiguous play endings and vague plot development, Handke encourages audience participation in a far more direct manner. He uses a direct confronting standpoint by forcing the audience to recognise that they are a part of a real event. *Offending the Audience* is often referred to as the ‘anti-play’, it contains no storyline, no characters and all words and gestures convey nothing beyond their intended literal meaning (Taeni, 317). Several lines of the play draw audience attention towards the artificial nature of the play and theatrical world itself to be simulated. From the beginning of the play there are lines stating to the audience “You will see no play... you expected a different world... you are sitting in rows... you are an audience”(6-7), all of which cause a level of self awareness to the situation they are in as spectators. By directly addressing the audience with a selection of factual statements interwoven with orders and criticisms further contributes to the reflexive position the audiences are confronted with (Taeni, 317). Statements such as “You are sitting in rows... you are hearing (6-7) creates an awareness that the audience are not only observing, but throughout this play also become the subject matter as opposed to simply having the content being played towards them in a traditional manner of an audience (Taeni, 317). This moment

arises when the audience is spoken to directly, as actors reveal, "You are the subject matter. The focus is on you. You are in the crossfire of our words." (9). As a result the conventional 'fourth wall' barrier of theatre is broken and spectators' attention is drawn towards the construction of the production as opposed to objectively looking in on an isolated reality presented on stage. The awareness of construction is also apparent through the underlying ironic references made to traditional convention of time within theatre. Mentioning that time "signifies the unity of action" (19) parodies the traditional convention of Aristotelian style drama. This convention outlines that dramatic content should adhere to fundamentalist requirements that there is to be a unity of time, action and place throughout a drama. Through this subtle mockery of convention we again see the tools of construction identified and then immediately dismissed within Handke's work. *Offending the Audience* recognizes the difficulty associated with attempting to realistically represent time on stage. Taeni acknowledges that time within *Offending the Audience* is unplayable; as time is real it is impossible to accurately depict it unfolding in a logical manner.

Traditionally the audience comes to the theatre expecting to see and hear something that is somewhat separate from their everyday life as they admire something relatable but distant on stage. It provides them with an escape from the mundane reality of life through theatrical portrayals of a better existence. Handke completely rejects this by turning the gaze of reality back onto the audience in conjunction with challenging theatrical convention itself. This trivializes the common signifiers of theatre, witnessing the deconstruction of the surface meaning behind symbols, characters, meaning, gestures, costume, and speech. Handke dismantles these established markers of theatrical work through satire to deliberately leave the audience uncomfortable and uncertain about how to react to something that dissects theatre within a theatrical space. Taeni highlights this point as Handke attempts to relate words to life, yet proceeds to strip all social and theatrical convention from them, rendering them as hollow markers of a meaningless structural guidelines (319). Handke's renouncing of dramaturgy poses a challenging question towards convention for the audience, leaving them with the conundrum of how what remains is to be understood. This forces spectators to look beyond the familiar nature of drama, as emphasis is placed on the ability to fabricate artificial reality. Handke presents the epitome of deconstructive theatre through the removal of all known conventions, including a plot or strong storyline, to propel the audience into a conscious consideration of the presented non-reality being performed (Taeni, 320).

It is clear that both Chekhov and Handke are able to present significant challenges towards theatre in contrasting ways. Each playwright offers insightful perspective to how we perceive conventional aspects of theatre in conjunction with portrayals of the world around us. Chekhov provides analysis towards the presentation of authentic human existence by calling attention to the seemingly mundane experiences that cannot be overlooked in order to understand all facets of life. Similarly Handke makes observation to the established perceptions of theatrical convention, confronting the audience with unsettling interrogation of their beliefs surrounding the theatrical nature of dramatic art. Handke also extends the idea of surface representation, highlighting that nothing is signified, nothing is metaphorical, nothing is poetic; it is there to simply exist. Both the playwrights explore life beyond the confinements of plot and storylines, extending out further into the context of life itself and how human interaction can alter situations. Each play successfully provokes entrenched conventions in order to comment on the world they are immersed in. Chekhov comments on the social constructs of late 19th Century and Handke identifies the manufactured world of modern theatre. It is necessary to consider challenging concepts within art of dramatic theatre; otherwise we are left with no room for progression and creative innovation to continue to transpire. Without commentary of our existence it becomes impossible to gaze into human evolution reflexively.

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Psychology 310
Introduction to Clinical Psychology

Rachel Cho

Conditions of Constraint: The Discursive Constructions of Vulnerability in the Mail Order Bride Industry

Capital and human flows across Asia and the West have taken place for decades in the form of mail order brides. Through online platforms, white men from Western countries spend money in their pursuits of finding an Asian wife to migrate to their home countries. The specificity with which these white consumer husbands seek Asian brides is ideologically informed by Orientalist, racist and sexist discourses which constitute Asian women as the ideal objects of the industry. Such discourses produce subject positions in which the Asian women who enter these marriages are rendered vulnerable in the nexus of domination, power disparities and violence. Legal action has been taken to monitor the commercialised marriage and migration sector, yet such initiatives have only served to perpetuate existing power structures through which Asian women are cornered into multiple axes of vulnerability. The Asian immigrant wives are ultimately subjected to continued violence, tarred by Orientalist discourses that operate at the social and legal level.

Since the 1960s, the matchmaking industry has spread across borders facilitated by advanced and digitised communication (Kojima, 2001). With improved international mobility, commercialised marriage mediation is growing in industrialised countries in the form of a mail-order bride industry (del Rosario, 1994). The demand-supply patterns are largely made up of men from Australia, North America and industrialised countries in Western Europe and women from Asia, respectively (Kojima, 2001). Improvement of economic conditions and refuge from hard work and family pressures were common reasons for women leaving the Philippines (Kojima, 2001). Korean women have pointed to the social stigma of a woman who has not yet married as motivation for becoming a mail order bride (Kojima, 2001). In this way, women see the matchmaking system as a coping strategy for navigating or indeed altogether exiting difficult social and financial situations (Kojima, 2001). The majority of online correspondence between Western men and Asian mail-order brides is facilitated by firms collectively known as International Marriage Brokers (Kusel, 2014). IMBs make their money through fees which are typically paid by the purchaser husbands rather than the potential brides (Kusel, 2014). In the interests of the for-profit businesses that make up the IMB, the commodification of women to pique the interests of the Western male consumer is rife (Kusel, 2014). Potential brides are typically portrayed in adherence to heterosexual male fantasies of sexual availability and submission, speaking to the discourse of the submissive Asian woman (Kusel, 2014).

In order to understand the construction of subjectivities in the mail order bride practice, the industry and its narratives must be situated in the wider context of Orientalist discourse. Orientalism denotes a Western discourse constituting the 'Orient' as a unified cultural and geographical entity, coming

to terms with it by making statements and authorising views of it (Said, 1979). Orientalist discourse gives meaning to 'Asian', by which Asians are dominantly represented as exotic, backward and inferior creatures subjected to Western superiority (Said 1979). This construction and Othering of the East has provided justification for Western colonialism and for the West to juxtapose itself, and thus to define itself positively in contrast with the 'backwards' Orient (Said, 1979). The story of the Occident's colonisation of the Orient, which entails a relationship of power and domination, is akin to that of the woman of the Orient and the man of the Occident. A foreign and distant land of deviant cultural practices is discovered and dominated, in much the same way as the woman of the Orient who is deemed different, inferior, and subject to domination and definition by the Western man (Uchida, 1998). Directly descending from sexism, racism, and the historical context of the United States, the racist discourses surrounding Asian women are formed; a common one being the Oriental Woman discourse (Uchida, 1998). Its origins can be understood when situated within the broader racially oppressive histories entailing American military involvement in Asia and camptown prostitution (Chang, 2015). The Oriental Woman discourse entails the system of beliefs that Asian women are exotic, submissive, and more sexually available than her white counterparts (Uchida, 1998). Her existence is assumed to be defined by her desire and ability to serve men in both the public and private sphere as an obedient wife and sexual servant (Uchida, 1998). This construction of Asian women is central to the underpinnings of the racial objectification necessitated by the mail order bride industry.

The marginalising discourses which facilitate mail order bride practices are maintained by the interlocking systems of racism and sexism. Moreover, the patriarchal discourses of women as men's property (Petchesky, 1995) paint women as objects to be owned and controlled, which is evident in the language of the mail order bride practices; "new women added weekly" (Kusel, 2014, p.171) though there existed an inventory of which women were the product. Through regular payment of fees for membership and uncovering further information about potential brides, the men's sense of ownership and entitlement over these women begins to heighten (Kusel, 2014). The East is routinely regarded as a source of traditional family values, characterising and orientalisising Asian women as the embodiment of 'true' femininity; consumer husbands of the West see the promise of a stable marriage, family life and domestic servitude (Robinson, 1996). The sexist notion of women as men's property is embellished with racist discourses of the Oriental Woman, intersecting in its discursive production of Asian women as the ideal commodities of the industry. Saroca (1997) discusses the discursive positioning of Filipina women as the embodiment of submissive femininity, familial obligation and obedience which young white women are seen to lack.

The white man then sees the Filipina woman as an alternative or solution to the difficulty of marrying a white woman who is 'corrupted' by Western individualism, career orientation and feminism (Saroca, 1997). In this way, the Asian woman's body becomes a site onto which the white man places Orientalist projections and desires (Saroca, 1997).

These discourses produce subjectivities for Asian women which render them particularly more vulnerable to violence. Power dynamics, abuse and isolation are harmful factors often present in the reality of the women who enter these marriages (Kusel, 2014). Mainstream psychology has traditionally sought to explain gender based violence by ontogenic factors of personality disorders and psychological development of the perpetrator (Heise, 1998). However key factors to consider in the etiology of gendered violence are the socioeconomic and cultural contexts surrounding the structure of women's relationships (Merali, 2008). The transactional nature of the marriage ultimately positions women as objects of exchange, heightening the man's sense of ownership over her (Kusel, 2014). Unsurprisingly, a relationship dynamic by which the man experiences a sense of entitlement and ownership over the woman is strongly linked to a high incidence of domestic violence (Schechter, 1982). Typically from poorer developing countries, the woman is often unfamiliar with Western culture and the English language, furthering her dependency on her husband and his sense of power (Kusel, 2014). For the first three years, the wife has no access to resources or eligibility for Social Security, disconnected from immigration agencies and social support apart from her husband (Merali, 2008).

The expectation is that, with the husband's support she would develop self-supporting skills and integrate with North American ways, placing her integration in the responsibility of her husband (Merali, 2008). A conditional permanent residency (CPR) status was enforced by Congress, mandating a minimum marriage period of two years before jointly petitioning for a status transition from conditional to permanent (Chang, 2015). These policies heighten the power disparity as the woman's dependence on her husband is already at the financial and cultural level; her legal status is then also being placed in the husband's control (Chang, 2015). In this way, relationships of socially constructed temporary inequality make women particularly vulnerable to relationship abuse and violence (Baker-Miller, 1986). Her legal status being contingent upon her husband means that she is governed by his needs and desires, any refutation meeting the dangerous possibility of becoming an illegal resident. A relationship underpinned by constructed temporary inequality engenders a greater fear in the woman that her assertion of personal rights will result in abuse in the form of social isolation or physical violence (Baker-Miller, 1986). As a result, there has been a high

incidence of domestic violence within these marriages (O'Rourke, 2002). The temporary inequality in the woman's CPR status results in many unreported cases of cruel spousal abuse, and in some cases have led to eventual death at the hands of their consumer husbands (Meng, 1994). This constructed inequality inextricably facilitates a subject position of intensified vulnerability in the face of violence.

The Oriental Woman discourse is premised on the overarching notion that submissive femininity is inherent to Asian women. By linking together notions of culture and women's subservience, Asian women are seen as victims of their culture, rather than a heavily power disparate relationship upheld by white male superiority and its supporting legislation (Chang, 2015). This is an expression of cultural essentialism; women in the 'Third World' are portrayed as victims of their own culture, reinforcing racist discourses and representations of that culture whilst privileging and maintaining the supposed cultural superiority of the West (Kapur, 2002). Submissive femininity does not reflect an Asian woman's character, but reflects what is desired of her. The Asian wife is imagined to be racially and culturally predisposed to such a notion of femininity (Chang, 2015). When dominant discourses of what is 'natural' and 'common sense' are perpetuated, it supports and reproduces existing power relations, constituting the subjectivity of people by making up their ways of being (Gavey, 1989). Locating submissiveness and tolerance of violence within a woman's culture discursively positions the Asian woman and her vulnerability to abuse as culturally inherent, treating her precipitating situation to violence as natural. Culturalist discourse uses culture as an explanation for the disadvantages of migrants, effectively obscuring structural power relations in the host country (Saroca, 1997). It de-contextualizes acts of violence by locating the cause within the presumed culture or personal traits of the Asian woman (Saroca, 1997). In this way, culture as an explanatory device determines a relationship between the Asian woman and her selection for violence, normalising and naturalising that violence and exploitation (Saroca, 1997). The discourse of the Oriental Woman is punctuated by culturalist assumptions that this subservience to violence is of one's own choosing. Culturalist discourses thereby reconstruct violence as a fault located within the Asian woman, moving away from the discussion of male responsibility for violence (Saroca, 1997).

The dismissal of male responsibility for violence is evident in the policy reforms of Congress that wrested victimhood away from the Asian woman and onto the white husband. Initially there was little legal initiative to address the rampant violence experienced by the Asian immigrant wives, as the perceived incidence of sham marriages for immigrant benefits came to the forefront of the social and legal landscape (Chang, 2015). The conditional

permanent residency status created by the Immigration Marriage Fraud Amendments (IMFA) in 1986 was in fact a legal response to this perceived threat, by which Asian women were problematized as morally deviant transgressors partaking in a new type of prostitution for immigration benefits (Chang, 2015). In this way, legal language is constitutive in that the reform policies position white men as the victims who require protection from the conniving backwardness of the Oriental other (Chang, 2015). The CPR status essentially serves to protect the consumer husband by granting him a two year guarantee of receiving what he has rightfully paid for (Meng, 1994). Enshrined in the law is the construction of victimhood attributed to the white husbands, rather than their abused wives, furthering the discursive positioning of Asian women at multiple axes of vulnerability. In this manner, Asian women's vulnerable subject positions are produced and maintained at the legal level, as targeting social action towards the protection of the white husband derails the initiatives that need to be taken to protect the exploited wife.

Noting the high incidence of domestic violence within these marriages, Congress eventually passed a subsequent amendment in 1990 that allowed the wife to petition for permanent residence status on her own if she could sufficiently and legitimately prove her suffering of battery and cruelty in the marriage (O'Rourke, 2002). However, the Immigration and Naturalization Service hold impossibly high standards of proof, refusing to accept personal affidavits as adequate evidence, and instead seeking the statements of psychologists, social workers, lawyers and police (Anderson, 1993). These are unreasonably high standards of adequate proof given the Asian women's limited financial independence and access to legal services to navigate the cultural and legal landscape (O'Rourke, 2002). These excessively stringent expectations mean that immigrant women continue to be at the mercy of their husbands despite legal amendments (Anderson, 1993). The most recent legislation is the 2005 International Marriage Broker Regulation Act, necessitating the man's disclosure of criminal history and the provision of information about immigration laws, rights, and domestic violence to the woman (Kusel, 2014). This has failed to see a reduction in domestic violence (Kusel, 2014); the power disparity between the husband and wife remaining salient while her dependency is still maintained. It is this dependency that precipitates violence which is not directly addressed. Ultimately, even the legal action that purports to help Asian women only reproduces and sustains their vulnerability, constituting subjectivities of continued susceptibility in the face of violence and subordination.

The mail order bride industry has faced vast expansion and efforts of legal regulation. A critical analysis of the industry reveals a salience of Orientalist, sexist and racist discourses which facilitate its practices, making Asian women its ideal commodities. Such discourses also constitute subject positions for Asian women by which they are rendered helpless against domination and violence. Recognised as problematic opportunists, then as subjects culturally accustomed to violence, legal initiatives have largely been inadequate in addressing the violence experienced by Asian immigrant women. They ultimately wind up in constrained circumstances as the dominant discourses that serve to subordinate them continue in conjunction with the reproduction of vulnerabilities. Orientalist discourses and the language of the law ultimately serve to discursively position Asian marriage migrant women as continually vulnerable to violence.

Appendix

It is evident that legislation thus far has failed to protect Asian women from violence in migrant marriages. Central to the maintenance of the Asian woman's vulnerable subject position is the socially constructed power disparity that exists between her and her white husband. As long as this power differential is upheld, the Asian marriage migrant woman is continually vulnerable to violence.

The ultimate aim of social change is to dismantle the power differential by lessening the husband's power. This involves changes to legislation whereby the conditional permanent residence status is removed, and the Asian women are immediately connected to immigration agencies and social support services with bilingual speakers who can communicate in their native language. This way, the woman's legal status, safety and social support are not contingent upon her husband, ridding him of the sense of power and subsequent accessibility to violent behaviour. The ultimate outcome should be change in legislation which cannot be achieved overnight, thus I propose a praxis in which the starting point should be the subversion of discourse through campaigns that aim for political change. The objectives of this should be the disruption of dominant discourses by presenting alternative subjectivities and narratives.

The campaigns should feature survivors of battery in immigrant marriages speaking out about their own experiences in documentaries made by women of colour, television shows, symposiums, conferences and lectures. This ultimately gives voice to Asian women who have largely been silenced in the discussion of commercialised marriage and violence regulation. Their vocalisation of their experiences and verbalised protest constitutes an alternative subjectivity that serves to disrupt the Oriental Woman discourse

which paints Asian women as inherently submissive to domination. In a space where Asian women have been silenced and continually subjected to violence, it is crucial to privilege the voices of Asian women themselves in the active contestation of such a space.

Secondly, the campaigns should also feature efforts to subvert culturalist discourse by disseminating the message that tolerance of violence is not culturally inherent to these women, and that the possibilities for violence reside outside of her. This may involve art exhibitions highlighting the existence of violence supported by the culture and legal system of the host Western countries. Art is the vehicle of choice here as it can reach out to more people. Mass recognition that the potential for violence can reside in the white husband and the legislation that protects him, attention can be directed to the fact that the white husband needs to be more harshly scrutinised.

Difficulties in implementing these campaigns are expected, as dominant ideologies are maintained to serve the dominant group. In this case, culturalist and Orientalist discourse operate in a way that serves the white consumer husband whose responsibility for violence is dismissed. In the context of Western patriarchy, the white man holds economic, political and institutional power, making any protests against this power a difficult task. A major factor that may play into the resistance to change is the commercial interests of the International Marriage Brokers which capitalise on the white consumer husband's preferences. Efforts to subvert Orientalist discourse may appear futile in relation to the IMB's blatant exercise in drawing on that discourse as it promotes the submissiveness and obedience of the Asian wives they have on offer. This instils a greater urgency to sufficiently disrupt Orientalist discourses of Asian women to a point that forces white consumer husbands to examine their own preferences which they may take for granted.

Subversion of Orientalist and culturalist discourses can then bring attention to the way in which Asian immigrant brides' vulnerabilities are socially constructed, and that legislature has been central to that construction. The dissemination of these messages in campaigns featuring documentaries, public talks and art, can make demands on the call for legal change that removes the immigrant bride's dependency on her husband.

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Spanish 345
Peripheral Cultures and Literatures

Tiahli Martyn

Love: The Division Between Life and Death in Times of War

The justification of war has long been challenged as the viable method for reaching an agreement. Freud posited that we have an inbuilt inclination towards aggression and a capacity to hate, war being the manifestation of this (15). However, the thousands of letters written to and from soldiers in times of war reveal that people get through extraordinary circumstances by clinging to the polar opposite of hate: love (Kirkby, 10). A moving illustration of how love operates in times of war is the novel *El lápiz del carpintero* by Manuel Rivas (originally published in 1998). This story entails the undying love between Marisa Mallo and Daniel Da Barca throughout the Spanish Civil War, during Franco's dictatorship, and beyond. Set against the tense backdrop of Franco's Spain, the novel depicts the repression of political prisoner Daniel Da Barca and Marisa Mallo's love, and yet it is that very emotion that helps them to endure. Furthermore, love is what will keep future generations from forgetting those who suffered. Therefore, it creates a bridge between today's Life, and yesterday's Death.

It is important to note firstly that Rivas did not experience this epoch – he has reconstructed the novel's setting by accessing this moment through stories (Nichols 158) inspired by first-hand accounts of the true love between Chonchiña and Paco Comesaña (Rivas 9). *El lápiz* revitalises and personalises a historic event by paying homage to the Republicans' experience, demonstrating the importance of "la memoria vivida" – that is, a lived memory. This is opposed to the institutionalised depiction of these events, "la memoria aprendida" (Nichols 157). Writing has given a voice to what Armengou and Belis have termed "Las fosas del silencio" (2006) – the masses silenced and subjected to a communal grave, symbolic of political oppression. Rivas' work demonstrates how putting pen to paper reopens the past for discussion, imbuing life into what was otherwise dead (Nichols 157). His novel consists of a series of "memorias personales", Herbal's experiences dialogically related to Maria da Visitação in a brothel. This marriage of oral and written communication stresses the importance of preserving la memoria vivida, threatened by collective, uniform accounts of the past (157).

Evidence in the novel of what threatens la memoria personal is Sousa, the 1990's journalist from whose point of view the opening chapter unfolds (Nichols, 159). The multiple temporalities within the novel are illustrative of a shift in post-war priorities. As Jünke mentions, despite the Civil War being a key collective experience from the 20th century, it is continuously disappearing from "la memoria comunicativa" (103), in this case because of a journalist's indifference. Despite his disinterest in politics (Rivas 15) and his belief that a modern audience is indifferent to la Guerra Civil – "Eso hoy a quién podría importarle?" (12) – Sousa visits Da Barca to interview him.

The story comes full circle when, as Herbal finishes recounting the tale, there enters into the brothel a young, depressed journalist. He reportedly has grown attached to the prostitute Maria. While we do not learn the depressed journalist's name, the most viable option is that this is Sousa. Rivas has included this feature in the novel's denouement to demonstrate that a life without love for those lost is depressing. Life leads us to seek love – and in Sousa's case his sole option, apparently, is the brothel (170).

Da Barca is imprisoned throughout most of the novel due to la represión franquista, but what is figuratively imprisoned is his love for Marisa. Herbal, a fascist guard, is the manifestation of Francoist repression, taking it upon himself to ensure the couple do not get too close during prison visits (99). Herbal has a sickness of the heart (165), which is elucidative of war's effect on love; he is incapable of loving purely due to his politically charged role. One might state that Herbal's heart is both literally and metaphorically faulty; his love for Marisa is tainted in its exhibition due to his personal prejudices and jealousy of Da Barca.

As the core chapters demonstrate however, the love of Da Barca and Marisa is pedagogic, exemplifying the strength of compassion to overcome hardship. Continuing his work as doctor while imprisoned, Da Barca is exposed to a myriad of tribulations including contagious tuberculosis (132), yet he survives, demonstrating outstanding mental and physical strength (Tronsgard 232). His virility is particularly of note when he and Marisa consummate their marriage “tres veces” (Rivas 163). Da Barca incarnates the perfect man (Jünke 115). Additionally, Marisa is utopian in nature, never ceasing to support Da Barca despite his long-lasting imprisonment – and Rivas paints the fuel behind this fire as love: when her loyalty is derided by her grandfather, she responds: “El amor, abuelo, existe” (Rivas 119).

Herbal's affection for Marisa also facilitates Da Barca's evasion of death. This comes into play with encouragement from the dead painter, whose spirit remains on this earth to look for his son (83) and communicates with Herbal via “el lápiz carpintero” – the carpenter's pencil. Love for his son motivates the painter, who never reproaches Herbal, the one who murdered him. Instead he persuades Herbal to exhibit his own love by protecting Da Barca from death so that he might maintain his relationship with Marisa (162). The contradiction to the painter, and representation of the brutality of the times (Felices 80) is the dead guard, pressuring Herbal to commit atrocities when he feels particularly melancholic (86). The use of this image is associable with that of the shoulder angel and devil, a common trope in popular culture representing the conscience, one side stimulated by love and the other by hate.

Another symbol which encompasses this notion is the recurrent parable of the Life and Death sisters – Vida y Muerte (32). Vida and Muerte were beautiful and inseparable sisters until Vida fell in love, and fled, fearing Muerte's reaction. Muerte consequentially spends the rest of her days searching for Vida and her beloved. In a sense Herbal symbolises Muerte's spirit; by pursuing the lovers and being jealous of their undying passion, he forever remains with them in spirit. Conversely, da Barca's consistent virility suggests his symbolism of Vida, sustained by his love for Marisa.

Love is the essence of life, the reason for which we exist. Throughout Plato's Symposium, he professes that we are destined to spend life searching for our other half, ripped away from us in the Gods' wrath. Thus, we are driven by an innate love for what we have lost. This relates to the psychological phenomenon explored in the novel, "el dolor fantasma" (104), a condition experienced by amputees of intense pain at the site of their lost limb. Phantom pain is beautifully emblematic of the characters' grief over lost loved ones. Muerte's existence is dedicated to finding her sister Vida. While it is suggested her spiteful actions connote humanity's eventual fate of demise (Harney 39), they might be construed as fuelled by the pain of losing her sister, with whom she was once inseparable. Life was the true love of Death, and they were separated by love.

Herbal uses the carpenter's pencil as a weapon against Muerte, shocking her into disappearing. This is interpretable through the proverb, "the pen is mightier than the sword" – the pencil transforms into a tool defending memories from extinction (Nichols 172). It represents the possibility of seeing the world through different eyes (Felices 80); an appreciation of this time transforms la memoria vivida into la memoria comunicada – the distinction between its transmission to future generations, and its eradication. Herbal's recounting of the tale to young Maria prevents the lovers' story from dying – "un acto de justicia histórica" (Carrillo 21). The notion of continuity is reflected at the novel's denouement when Herbal gifts this weapon against destruction to Maria, after using it to draw a cross on Da Barca's obituary in homage to "lo mejor que la vida [le] ha dado" (167). Finally, Herbal reencounters Muerte, expecting to die given his current life's hollowness – but she passes him by. He murmurs, "El dolor fantasma" (170): conceivably, his memory of those departed, or his own phantom pain, prolongs his life and saves him from Death.

Life gave Herbal love, albeit in an unconventional form. This love propels him, Da Barca and Marisa through the era, as a phantom pain for that which is lost spurs on others. Through the development of these characters, Rivas has succeeded in communicating a vital message to readers that love can be the difference between life and death when facing warlike situations. Indeed for them, it is their *raison d'être*. We can learn from *El lápiz del carpintero* to use our own love and compassion to prevent la memoria vivida from suffering its own metaphorical death.

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English 354
Writing Selves

Demi Cox

Self and Place: A Case Study of My Grandma

Every country has its killer. In Australia, Germany, and France, coronary heart disease takes first place, Alzheimer's at second, with lung cancer and cerebrovascular disease being the third ranked. Granted, these diseases are usually a reflection of lifestyle – whether one ate poorly, smoked, or drank alcohol. At times, there appears to be no reason other than the place in which one lives. This crafts an image that perhaps diseases are metaphorically tied to national identity; a 'kiss of death' that is passed on like a heirloom in the genetic system.

Of course, each of us could carry a 'genetic defect' of a kind that activates the diseases, which in effect is a 'parasite' to use. Antti Salminen, associate professor at the University of Tampere, compares this to a "life size rupture in the mutilated existence, which causes matter and energy to circulate and breathe."¹ In New Zealand the major causes of death are breast cancer, prostate cancer, heart disease, and diabetes. Imagine an anomaly in your system, a kind of parasite which is not necessarily aware of you or you aware of "it", as Salminen asserts.² The parasite has the potential to 'become' something, and undergoes a process of 'Bildung' (formation, edification, cultivation). How, we might ask? The parasite, like the genetic defect, metamorphoses by absorbing the kinds of things that the host body absorbs.

But, is this merely an analogy that what you eat, drink, and do, is what you become? Perhaps this is the case. However, I would like to suggest that the relationship between parasite and host body is a matter of spatiality. The parasite becomes a product of a space and time, whereby the body houses its 'creation'. Yet, the parasite develops alongside restricted sources, or what Salminen calls a "restricted economy."³ Similarly, our identities, like that of the parasite, are inscribed into a template. Does this mean, therefore, that these diseases do nothing but reinforce identity? The French philosopher, Catherine Malabou, writes: "In time, one eventually becomes who one is; one becomes only who one is."⁴ In New Zealand we have a list of possible causes of death, something that in time we will encounter as a 'logical process of fulfillment'.⁵ While death is ultimately a natural process of life, life as a form of construction is counterbalanced by destruction; the ways in which we die are undesirable. Death by cancer, stroke, heart disease, diabetes, are often unforeseen conditions. When these conditions appear, they make their presence felt and consume and replace what Malabou calls a "former self":

"As a result of serious trauma or sometimes for no reason at all, the path splits and a new, unprecedented persona comes to live with the former person, and eventually takes up all the room".⁶

¹ Salminen, Antti. Parasites – Fragments of the Non-Human. *Theory Beyond The Codes*. Eds. Arthur and Marilouise Kroger. 18 December 2012 <http://www.ctheory.net/articles.aspx?id=716>, p. 2

² *ibid*, p. 3

³ *ibid*

⁴ Malabou, Catherine. *The Ontology of The Accident: An Essay on Destructive Plasticity*. Trans. Carolyn Shread. Polity Press. 2012. p. 1

⁵ *ibid*

⁶ *ibid*

National health campaigns, such as the New Zealand Breast Cancer Foundation or Men's Health New Zealand, as well as any other health campaign, seek to 'remove' or reduce the possibility of these unprecedented personas. And for good reason.

Ten years ago my grandmother, at the age of 59, died of bowel cancer. Post diagnoses and a three month treatment in Mexico, she was 'prescribed' with less than a year to live. During that year we can all remember how active and utterly normal she seemed. She would say, "I don't feel a thing." In a correspondence between two doctors who assisted her, they commented on how she never complained of the slightest 'niggle', pain, or discomfort. But, that is cancer, right? The kind of parasite that "houses beneath an apparently smooth surface." (Malabou, *ibid*)

In some ways, an unforeseen persona emerged out of her illness, one that is responsible for a large number of deaths in New Zealand. In fact, over the last decade, bowel cancer has become one of New Zealand's major causes of death. Yet, no campaigns have been implemented to reduce the number of diagnoses or cure the disease itself. What I remember, however, were the kinds of slippages and utterances she made during her final days – ramblings of a language I could hardly decipher – a repressed, lost, and forgotten former self.

My grandmother, 'born' Katalin Borbala Margit Varga, was a Hungarian refugee. She arrived in Wellington with her family during the Hungarian uprising against the Soviet Union in the 1950s. The revolt, however, failed and resulted in mass emigration, with only a few hundred, or perhaps even less, arriving in Wellington or Dunedin. The year 1956 is the only 'real' starting point I can locate, a kind of 'stunde-null' or 'hour-zero', which marks the beginning of my late grandmother or the 'grandmother' I knew. Who spoke only English, who was known as 'Katie Fitton', who carried a New Zealand passport and had citizenship. Simply a New Zealander, right? Like me.

Since her death I have had an increased desire to know exactly who she was. Why not settle for the person I knew, people ask. Yet, like the photograph, which Derrida calls a 'prosthesis of the inside' or a 'domestic outside', the person I knew was a prosthetic self, one who replaced someone else.⁷ Of course, I have plenty of photographs – of her in Hungary as a child, of her family, letters and postcards. The problem, however, is that they do not remind me of anything other than how much I cannot possibly know.

On photography, Marianne Hirsch writes that the family album is an instrument of self-knowledge as well as repression.⁸ For me, the photographs function as a facade, which present a different kind of self and place. In the photos, I

⁷ Derrida, Jacques. *Archive Fever: A Freudian Impression*. Trans. Eric Prenowitz. The University of Chicago Press. 1996. p. 19

⁸ Hirsch, Marianne. *Family Frames: Photography, Narrative, and Postmemory*. Harvard University Press. 1997. pp. 6-7

see a happier version of my grandmother, who is surrounded by her family. Yet, the place in which she lived was involved in constant political upheavals with German forces on one side and Soviets on the other. How is it that the photograph manages to remove the atmosphere of the time? While her photographs and letters shed light on another person, another time and place, like artifacts that are passed onto another generation, they do not bring me any closer to unmasking who she was. They only reinforce the distance between her and I, like living on other ends of the world.

Days before her death I tried to get her attention. Instead of calling her 'grandma' I called her 'Katie'. Hearing, I came to learn, is one of the last senses to 'leave'. Yet, I could not get a response from her. Perhaps she could hear but could not physically respond or shift her eyes in my direction. However, when I called her by her Hungarian name, I did get a response, evoking a feeling of shock in me.

Not until I called her by her Hungarian name, however, did I get a response, which completely shocked me. Though she could not say anything, for she had lost all the ability to speak, she snapped her head towards me. She responded to a name that had been unused for more than thirty decades, a name that only a few immediate family members knew but never uttered. Something resurfaced that day; something came into existence, as Kathleen Stewart says on 'atmospheric attunement':

"... processes of what Heidegger (1962) called worlding - intimate, compositional process of dwelling in spaces that bears, gestures, gestates, worlds."⁹

Stewart asks how we can possibly grasp or explain these kinds of moments, which could allude to something; something just within reach but only makes sense during its latency. In writing on my grandmother, I am trying to tease out moments of this kind, the lived memories, which when they accrue, answer some of the questions I have about my grandmother and even myself. In the works of W.G. Sebald, for example, the author teases out potential connections, such as shared birth dates. In his novel, *The Emigrants* (1996), the narrator feels a deep sense of connection when he reads on a Jewish person's gravestone that they share the same birthdate:

"A shock of recognition shot through me at the grave of Maier Stern, who died on the 18 of May, my own birthday; and I was touched, in a way I knew I could never quite fathom, by the symbol of the writer's quill on the stone of Friederike Halbleib..."¹⁰

⁹ Stewart, Kathleen. *Atmospheric attunements*. *Environment and Planning D: society and Space*. Vol. 29. 2011. p. 445
¹⁰ Sebald, W.G. *The Emigrants*. Trans. Michael Hulse. Vintage Books. 1996. p. 224

The surname, 'Halbleib', which literally translates to 'half-stay', reminds me of the almost indescribable effect of 'postmemory', which refers to the type of relationship second and third generations have to often traumatic experiences, which preceded their birth.¹¹ What they experience is a sense of 'living connectedness', which I believe explains the kind of relationship I have to my grandmother, and perhaps many New Zealanders. Since my grandmother's life has been a compilation of creative and prosthetic endeavours, which ultimately replaced someone else, the lack of knowledge continues to govern my entire biography, which Eva Hoffmann calls the threat of post memory:

"The paradoxes of indirect knowledge haunt many of us who came after. The formative events of the twentieth century have crucially informed our biographies, threatening sometimes to overshadow and overwhelm our own lives."¹²

My grandmother became a New Zealand citizen when I was two years old. She had been living in New Zealand for more than thirty years, could barely count more than five numbers in Hungarian, and had never been back to Hungary. I ask myself: why did she take so long? Had she considered going back? Would she have died the way she did if she had never immigrated to New Zealand? Of course, these are somewhat naive questions, but valid in their own right, nonetheless.

While she underwent treatment, the last of which was only a small dosage of chemotherapy, every surgeon, doctor, and nutritionist would say "Many New Zealanders die of bowel cancer." The medical experts would say the cancer is hereditary, in that, one of 'us' could die of cancer too. In the midst of all this, as a perhaps naive nine year old, I remember thinking that she is not even a New Zealander. Her New Zealand passport, driving license, and citizenship are the only things I have to conform the person I knew, not the person she actually was. And yet, I am constantly reminded of how much of an 'emigrant' I am.

In concluding this essay, which is admittedly 'inconclusive' and experimental, I realize my grandmother's past or former self is like the parasite, which 'hides in the corners of the centre.' By the corners of the centre, I suggest in each of us – my mother, my auntie, sister, brother and myself. Sometimes, whether I am waiting for my bus, sitting in a lecture, at the supermarket, or simply at work, something in connection to my grandmother will resurface, something, which defies all narrative structure. And most interestingly, the place in which I am, if ever something does arise, does not make any sense.

¹¹ Hirsch, Marianne. *The Generation of Postmemory*. Columbia University. *Poetics Today*. Porter Institute for Poetics and Semiotics, Vol. 29.1 (Spring 2008) p. 103
¹² Hoffmann, Eva. *After Such Knowledge: Memory, History, and the Legacy of the Holocaust*. New York: Public Affairs. 2002. p. 25

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History 213
Mao Zedong, Revolution and China

Mia Petrovic

Leaf it to Me: How the Sweet Potato Grew to be Integral in Alleviating Strife in Early Twentieth Century China

In order to survive, the human species need air, water, shelter and food – this is undisputed. Food satisfies the stomachs of contemporary peoples, but also provides a focal element within human culture that historical narratives can harness in order to understand wider social contexts. In the earlier half of the twentieth century, China was undergoing a period of vast and significant political reform. The impacts of the changing political landscape transgressed into the depths of Chinese society, affecting the daily decisions of all people and informed the question – what will we put on our plates?¹ Through the case study of the sweet potato, one can navigate the realities that warlord governments and accompanying famines fostered in the everyday experiences of Chinese people. The seed of the sweet potato story will be sewn through an analysis of food culture, as ‘food is a great social facilitator,’ followed by an overview of state action in the early decades of 1990s China.² In order to appreciate the atmosphere of famine and strife that the sweet potato reflects, these grounding discussions are vital. It will be identified that a heightened priority arises out of the seed planted in an intense political and socio-economic climate – a heightened priority for cheap and sustainable food. The basic survival of Chinese people continues to navigate the story of the sweet potato and the surface is broken when the crop is utilised in famine relief. Leaves of the story appear once countless relief organisations and Chinese families emphasise and readopt the sweet potato. This process has worked to revive a crop present in China since the sixteenth century – the story of the sweet potato is encompassed within food history.³ Initially food scarcity is exemplified through famine but, as a response to this, the manner by which the sweet potato is embraced and employed to relieve struggle is significantly telling of early twentieth century China. The sweet potato, by this nature, communicates the extensive and real experiences of Chinese people plagued by famine.

Food culture is manifestly important because it is infinitely variable; the basic need for food is always sustained, however, the manner in which a person or community chooses what to eat, or is limited in food options, changes.⁴ As David Y. H. Wu advocates, food is ‘alive’ and has a ‘social history that need[s] to be better documented’.⁵ Food is a necessity to human life whilst its use and scarcities communicate historical narratives.⁶ The introduction of the sweet potato by Chin Hsueh-tseng in 1594 exemplifies just this. In a famine stricken time, Fukien needed a new crop to feed the people.⁷ Tracing the presence of the sweet potato through Chinese history since then correlates with a continuous ‘minimax game’;⁸ socio-economic and political conditions required people to actively negotiate this basic necessity of food. Minimal land use competed with the need to maximise the amount of mouths fed by

¹ E. N. Anderson, Jr. and Marja L. Anderson, “Modern China: South,”

² Ruixue Jia, “Weather Shocks, Sweet Potatoes and Peasant Revolts in Historical China,”

³ Ruixue Jia, “Sweet Potatoes and Peasant Revolts,” 95.

⁴ K. C. Chang, “Introduction,” in *Food in Chinese Culture: Anthropological and Historical Perspectives*

⁵ David Y. H. Wu, “Improving Chinese Cuisine Overseas,”

⁶ Chang, “Introduction,” 3.

each plot of crops.⁹ For such reasons a way into understanding the routine of Chinese people during the twentieth century is ‘through their stomachs,’ as will be done in this essay.¹⁰

To be able to delve into the stomachs of grass-root Chinese people, one must first have grounding in the institutional regimes that existed at the time. What brought on such desperate conditions and how the struggling Chinese people were supported by their government and local authorities are questions that, when answered, develop a clear context from which the seed of the 1900s sweet potato story grows from. At the close of the nineteenth century, the Qing dynasty was nearing the end of its dynastic cycle. The overturn of traditional power in 1911 replaced the system with the People’s Republic of China but this did little to fabricate reliable governments and rather intensified political anxieties. For the preceding decades the battling conquest of China’s rule persisted. Yuan Shikai pronounced himself emperor in 1915 but died only a year later, cascading ripples through an already indefinite leadership. Following Yuan, China did not gain a central leader but militarist leaders (warlords) split the country into ‘rival regions.’ Each region fought to control Beijing, which was the ‘financial as well as symbolic prize,’ of the time.¹¹ The Chinese people were not necessarily neglected whilst the authorities battled for leadership. Instead their basic needs did not occupy a position in the immediate agendas of the warlord governments.¹² Lower level authorities took measures to address what was in many cases a humanitarian crisis. An emergency fund which amounted to over half a million yen was accessed early on in the struggle to try reduce the increasing famine that sadly only continued to escalate as contending armies continued to fight during the warlord era. Pierre Fuller writes that between the years of 1920 and 1921, ‘China [experienced its] most severe food crisis [of the century thus far]’.¹³ Further evidence discusses how additional droughts and unsuccessful crops continuously amplified the struggles of Chinese people.¹⁴ The famine had morbid consequences as Liu Rentuan’s study shows. His estimates are that in Shanxi there was a 44.2% population loss due to famine – dropping from 17.2 million to 9.6 million people.¹⁵ Famine was not a new phenomena but the reality of the Chinese state was that it was ‘on the brink of fiscal collapse’ due to the financial appetites of government, which itself was devastated from rebellions. As a result there was decreased governmental funding for relief efforts aimed at famine stricken areas.¹⁶

The link between famine and sweet potatoes is evident in primary sources that project concern over food scarcity. One dimension, one leaf of the sweet potato story, relates to non-government agencies and smaller local authorities involved in famine relief who sought measures to harness the sweet potato. Sweet potatoes are painted as an alternative source from traditional staple foods – an alternative that is economically and

⁹ Anderson and Anderson, “Modern China: South,” 362.

¹⁰ Chang, “Introduction,” 4.

¹¹ Rana Mitter, *Modern China: A Very Short Introduction* (New York: Oxford University Press, 2008), 31.

¹² Pierre Fuller, “North China Famine Revisited: Unsung Native Relief in the Warlord Era, 1920-1921,”

¹³ “The Present Situation; Famine in China” in *China: Trade, Politics & Culture 1793-1980*, September 12, 2015,

¹⁴ Kathryn Edgerton-Tarpley, *Tears from Iron: Cultural Responses to Famine in Nineteenth-Century China*

¹⁵ Edgerton-Tarpley, *Tears from Iron*, 31.

¹⁶ “The Famine,” *The North China Herald Online*, assessed September 13, 2015

environmentally beneficial. In the North China Herald's article about the emergency fund discussed above, considerable reserves were separately allocated for the purchase of sweet potatoes. Over 337,000 pounds of dried sweet potato were bought with the money to feed those who could not afford more expensive foods or any food at all.¹⁷ As another example, 'a special land regulation' scheme was introduced to engage labour power of the unemployed in order to assist food-production of foods including the sweet potato.¹⁸ The Central News directly links the sweet potato as a substitute for rice and identified the food as mitigating to reduce the famine.¹⁹ Sweet potato could grow in agricultural land not previously accessed and this is where the push for the special regulations focuses – they aim to acquire then develop land to plant sweet potatoes as the vegetable is considered vital if the enormous food shortage was to be reduced.²⁰ An abundance of assisting organisations and projects had existed, each with a common goal to reduce the scarcity of the basic necessity of food. Unfortunately the struggle had stretched far beyond the resources available to aid groups. In 1920, a year of arguably the worst famine, a conference was held in Peking on December 6th that saw eight representatives from different relief societies congregate to discuss their available funds and supplies. It was found that the 'relief funds in sight... must be multiplied something like thirty times to meet the need'.²¹ The conference concludes that famine relief could not wait 'on [the] uncertain possibility' of the Chinese Government, who at the time had neither the 'machinery adequate,' or realised their responsibilities to Chinese people.²² From this economic strain the seed of the sweet potato breaks the ground's surface and forms its first leaf; organised famine relief values the sweet potato during this time of strife as the necessary option when monetary means are themselves strained. The sweet potato supports such groups to purchase greater crops for the least amount of money in order to provide as much food as possible for those struggling to survive day in and day out. Such groups also expressed the view that 'unless the people use more substitutes for rice such as sweet potatoes it is difficult' to see the famine reduced and controlled.²³ Low estimates of the 1920s drought famine approximate 20 million victims of which only 7 million were helped through external aid.²⁴ Organisations claimed that in combination with their planned efforts, Chinese farmers and families needed to individually embrace the sweet potato in order to survive the gruelling conditions of the early decades in twentieth century China.

The second leaf of the sweet potato story therefore grows from the root of the 1920s famine – the Chinese people. In the context of the time where the government had minimised attention to famine and other relief resources are also minimal, many communities were left to fend for themselves. During the 1920s, a survey of rural village farms was conducted and showed that

¹⁸ "Kwangtung's Food Programme; Emergency Regulations are Pushed into Force,"

²⁰ "Kwangtung's Food Programme," in The North China Herald Online, 206

²¹ "Missionary News; Securing Adequate Famine Relief Measures," in China:

²² Kwangtung's Food Programme," in The North China Herald Online, 206.

²⁴ Fuller, "North China Famine Revisited," 822.

²⁵ Ruixue Jia, "Sweet Potatoes and Peasant Revolts," 102.

²⁶ "Decennial reports on the trade, industries etc of the ports open to foreign commerce..."

84 per cent of 16,786 farms mention the sweet potato as a useful and durable crop.²⁵ This is among the earliest quantitative data on the sweet potato and shows that it came to widespread use for both economic and practical reasons. In missionary memoirs, it was repeatedly written that 'sweet potatoes are largely used by the poor'.²⁶ People of poorer classes embraced the sweet potato as the staple starch in their daily diets.²⁷ Sidney Gamble and some co-workers looked at Ting Hsien in the Hopei province where sweet potatoes were indeed considered an important staple food.²⁸ It was not limited to poorer homes either and instead, the crop gives the ever-growing population some food 'insurance' and 'productivity' more generally. One article in the Chinese Recorder from the North Anhui and North Kiangsu region identified 'a typical famine case' where Mr Chang and his family harvest sweet potato in order 'for the whole family to exist on for three months or more'.²⁹ As already alluded, the sweet potato could be cultivated in areas previously untouched by traditional agriculture. Decennial reports from 1912-1921 discuss how mountainous areas and 'to a great extent on the hills,' the sweet potato was planted in large quantities.³⁰ The land does not necessarily have to be of high quality in order for a successful harvest. It is the properties of the sweet potato specifically that increases the likelihood of fruitful yields whilst lessening risk of crop failure.³¹ During a famine this is understandably of central importance; a farmer cannot afford to risk a season of failed harvest as the survival of themselves and their families were at question. The sweet potato, in this manner, is directly bound to the daily endurance of the Chinese people who had been living through and experiencing a grave famine.

Although sweet potatoes were able to grow in diverse climates and terrain, the story of the sweet potato during the early 1900s in China is multi-faceted; another vital aspect was the relation with other important staple starch foods such as rice and millet. During the time of famine the consumption of these other foods remained high, however, nutritional elements as well as increased price of rice, for example, meant that the sweet potato was progressively grown.³² Vitamin A is essential for the development and growth of various bodily functions and grains available during the early 1900s famine were inadequate sources of this. The sweet potato however has higher carotene levels that the body converts to vitamin A.³³ It is also high in calories and studies in "Modern China: South" show that from 1929 through to 1933 sweet potatoes held a significant percentage in the total calories of provincial people's diets.³⁴ In double cropping rice regions sweet potatoes were 8.2 per cent of the average daily calorie intake.³⁵ Aside from nutritional advantages, the sweet potato more importantly offered a cheaper food alternative for Chinese people. Starting in 1919, a rice shortage saw the cost for this staple food increase by over 150 per cent.³⁶ Chinese people who for generations solely relied on rice for their diets could no longer do so.³⁷

²⁵ Vera Y. N. Hsu and Francis L. K. Hsu, "Modern China: North,"

²⁶ W.M. F. Junkin, "Famine Conditions in North Anhui and North Kiangsu,"

²⁷ "Decennial reports on the trade 1912-1921," in China: Trade, Politics & Culture 1793-1980, 144.

²⁸ Ruixue Jia, "Sweet Potatoes and Peasant Revolts," 95.

²⁹ Anderson and Anderson, "Modern China: South," 325.

³⁰ "Decennial reports on the trade 1912-1921," in China: Trade, Politics & Culture 1793-1980, 240.

³¹ Hsu and Hsu, "Modern China: North," 303.

Imports from Shanghai and other major cities proved costly and as sources state, 'when rice is dear the [sweet] potato often takes its place'.³⁸ A century earlier approximately half of rural China consumed sweet potato but the circumstances of the 1920s famine that prolonged through the first half of the twentieth century saw this drastically increase as other foods became scarce and expensive.³⁹ The sweet potato story in this respect is a story of collaboration and diets adapted, due to desperate circumstances, in a way 'that was unknown and undreamed of by previous generations'.⁴⁰

The story of the sweet potato would be incomplete without the final chapter on how this food source interacted within trade. By 1920, over a quarter of the world's sweet potatoes were being produced in China and evidently this fostered trade internally.⁴¹ Exchanges relating to the sweet potato can be grouped into two main types: the first is the trade of sweet potatoes for other more lucrative items and secondly the trade of the sweet potato itself in different forms. Farmers who grew sweet potato in conjunction with other foods regularly ate the sweet potatoes and exchanged rice or wheat for cash as there was obvious financial gains in this process.⁴² The low cost of the sweet potato also meant that some people depended on the sweet potato as their food source in order to save money for other pressing matters. A spiritual campaign in Mienchi had all 500 members eat nothing but the cheap potato twice a week so that money could be saved for the soldiers' winter clothing.⁴³ According to the account cited, this saved 'forty dollars on the regular weekly meal budget'.⁴⁴ The sweet potato was clearly inexpensive in contrast to other foods and due to the high success rate of sweet potato crops, farmers were also known to grow 'buffer stock[s]' of sweet potato to sell.⁴⁵ Hsu writes that in Peking and Tienstin hawkers sold baked sweet potatoes, which heated up the winter months.⁴⁶ Their carts had portable charcoal fired ovens that enabled them to cook the food as they sold it to customers on the streets.⁴⁷ Archives also discuss alcohol crafted from sweet potatoes beginning during this era.⁴⁸ This business has continued since the 1920s and now, the largest alcohol plant is located close to Jinan in the Shandong Province.⁴⁹ Unquestionably, the economic advantages of sweet potatoes stretched from cheaply feeding the mouths of famine stricken communities to a source of potential revenue. In a time of famine this would have contributed to an invaluable monetary source that could further address the primary focus of feeding the Chinese people.

The story of the sweet potato is sewn into the Chinese history of the early twentieth century through the lens of food culture. Food is such an essential aspect of human existence and therefore the way in which it is mediated within a society reflects political, social and cultural dynamics of the certain time period. In the early decades of the twentieth century China exemplified just this as the warlord governments detracted their attention from the

⁴¹ Ruixue Jia, "Sweet Potatoes and Peasant Revolts," 95.

⁴² Hsu and Hsu, "Modern China: North," 302.

⁴³ George V. H. Elliott, "Spiritual Mobilization Campaign at Mienchi,"

⁴⁴ George V. H. Elliott, "Spiritual Mobilization Campaign at Mienchi," 95.

⁴⁵ Ruixue Jia, "Sweet Potatoes and Peasant Revolts," 96.

⁴⁶ Jennifer A. Woolfe, *Sweet Potato: An Untapped Food Resource*

⁴⁷ Jennifer A. Woolfe, *Untapped Food Resources*, 496

immediate livelihoods of the Chinese people. Famine penetrated far into the land reaching rural communities whose location made any sort of external relief virtually non-existent. The first leaf discussed, the first chapter of the sweet potato story, represents such famine relief organisations who themselves valued and persisted the use of the sweet potato for obvious economic benefits; it was a cheap crop that was adaptable to wider agricultural conditions. Unfortunately resources were themselves scarce within these groups and for many Chinese people their survival through the famine depended on their own cultivation efforts. For the same reasons that organisations turned to the sweet potato for famine relief, so did individuals and families. Sweet potato crops possessed an element of security in contrast to other foods that were becoming more expensive and harder to come by.⁵⁰ Leaf by leaf the story of the sweet potato continued, each leaf illustrating various means by which the sweet potato rose to attention during the famine. There were numerous forms of internal trade, as reviewed, but these were always secondary priorities under the backdrop of severe famine. Arguably, the full story of the sweet potato from 1910 onwards epitomises the struggle famine presented in China. It rose to symbolic status – even missionaries compared its revival to religion.⁵¹ One Belgian Father argued that in order for the Catholic Church Mission to prosper in China it needed to be harnessed by the Chinese people themselves, replicating the sweet potato story; the sweet potato, as a dietary option, was not pressed onto Chinese society and rather the people reached for it as required by their own unique circumstances.⁵² The famine crisis '[was] the opportunity' for the sweet potato story to sprout from the seed sown with its introduction to China in the sixteenth century. The plant flourished in China during early decades of twentieth century and the sweet potato story would have not persisted later in the manner it did, such as the industrial developments, had it not grown the diverse leaves that the years of famine watered.⁵³

⁵⁰ Anderson and Anderson, "Modern China: South," 367

⁵¹ "The Indigenous Church," in *China: Trade, Politics & Culture 1793-1980*

⁵² "The Indigenous Church," in *China: Trade, Politics & Culture 1793-1980*, 49

⁵³ Jennifer A. Woolfe, *Untapped Food Resources*, 486.

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Gender Identity

Identity. An integral part of ourselves. Without our identity we have no meaning in our lives. But what is our identity made up of? Our name? Our personality? Our gender? Gender. What does this word mean any more? For years the word has been constructed as a binary; male and female. This social construction of gender has shaped our thinking, our customs, our norms, our institutions, our roles in society. The idea is so deeply entrenched in our minds that it is very difficult for most of us to simply accept that gender in fact is a continuum, with many possible variations.

The demand for equal gender treatment has been debated throughout history. Gender is an essential part of our identity but is it the sole defining aspect? Should we, or our work, be judged on the basis of our gender?

The essay *Challenging Masculinity: The Notion of Gender in Abstract Expressionist Art* explores the resistance against gender profiling in art. The essays examines works of various artists and their struggle against gender based assumptions. The author argues when objective art itself is neutral, why is it that it is discussed in gendered terms? This compels us to rethink our approach and consider the effect our reception of work has upon the artistic product and the creator.

This gendering is present not only in arts but also sports. *Breaking the Muscle Monopoly: How Female Bodybuilders Challenge Masculinity from the Margins in the Work of Rachel Rampleman* explores how the body is associated with firm ideals of masculinity and femininity. The author critically evaluates the issues that arise when women take on the attributes associated with traditional masculinity, and challenge the gender roles that society has imposed on us. It explores the notion of the 'other' as the extreme, the unnatural and the exceptional. This challenging of society's norms and customs is significant move in the quest for identity that argues for the right not to be judged on the basis of gender or appearance.

The quest for identity is not limited to the creative fields only, but also extends to the formal institutions of power such as our justice system. *Is the Judicial System a 'Boys Only' Club?* explores the role of women in the judicial system. The essay explores how female judges make a difference to the legal system and the challenges that they face whilst doing so. Although we may think that men and women are now equal, the reality is far from being true. For the most part, women are still judged first on their gender and then on their capability. Upon reading this piece, you will challenge the sexist and stereotypical roles of womanhood and its impact upon the patriarchal society.

In a supposedly equal world, patriarchy still holds control over the way womanhood is viewed. The prostitution industry is one that has always challenged the stereotypical roles of women. *Prostitution: Pain, Pleasure and Patriarchy* draws upon Debra Satz's framework of noxiousness to analyse the industry. The essay explores how the market commodifies sex and gender, the implications of gender inequalities and how the sex industry maintains a patriarchal power.

This problem of legitimacy is not limited to women only. It also affects marginalized groups such as homosexuals. *Is Being Gay innate? The Biological Roots of and Environmental Influences on Homosexuality in Men* explores the widely controversial debate of nature or nurture. The author analyses various studies exploring the issue of sexual orientation and how that affects our attitudes towards homosexuality.

When examining gender, we must consider those who do not identify with that which society assigned them at birth. The transgender community is a marginalized group which is seeing very small steps of progress as society slowly opens its mind to the idea of gender fluidity. *Prisoners of Body and Mind: Transgender and Incarcerated* explores the plight of transgender prisoners and their treatment in prison.

As we have seen throughout this journal, it is apparent that we all must broaden our thinking and learn to accept differences. Whilst we have seen a number of significant developments recently, this is not enough. In order to progress forward, it is essential that we continue to look at ourselves critically and find areas to improve on. We are lucky to be academics and citizens of New Zealand. Our country has been acclaimed as one of the safest and least corrupt, however this does not mean we are perfect. The more we deliberate and challenge the core values held within our nation, the closer we will progress to an inclusive society that empowers the needs of all of our people and our environment.

ArtHist 331
Framing the Viewer: 20th Century Art

Hannah Burgoyne

Challenging Masculinity: The Notion of Gender in Abstract Expressionist Art

Abstract Expressionism in the 1950s and 60s was a movement which was structured around the concepts of gender in the wake of post-war masculinity. Conversely however, the artists of this movement often showed resistance to strong gender profiling of both their art and themselves. Jackson Pollock, David Smith, Helen Frankenthaler and Lee Krasner will be primarily examined as examples of artists who struggled with the gendered assumptions which developed around their art.

In a post-war climate masculinity persisted as a favourable archetype, and consequently the traditionally 'effeminate' depiction of the artist was remodelled into a heroic figure; male artists almost appeared to use hyper-masculinity to compensate for being in a traditionally 'effeminate' artistic role.¹ Critical reception supported the laudation of masculinity, and thus created further pressure for artists; Clement Greenburg spoke of masculine works by artists like Jackson Pollock as 'major' artworks, while he considered the softer, more feminine works of artists such as Mark Tobey to be 'minor'.² Pollock's fame at the forefront of Abstract Expressionism saw him lauded as a heroic figure, and articles written on the artist constructed a mythical depiction of him as a troubled yet instinctively talented painter, stressing the concept of an inner artistic 'genius'.³ His paintings were frequently described in light of the myth; spontaneity, strength, and the "explosive" quality perceived in his abstract works fuelled the conventional notion of Abstract Expressionism as a masculine, anti-intellectual, action-fuelled movement.⁴

The concept of the aggressive masculine hero had already been established in the film industry by stars such as Gary Cooper and Humphrey Bogart, and Jackson Pollock could thus be seen as a conglomeration of the heroes seen in American films; physically strong, aggressive and anti-intellectual.⁵ In order to preserve this anti-intellectual, 'action hero' model, critics went as far as to suppress aspects of Pollock's true character; although well-known works such as Number 1A (fig. one) were interpreted as violent and uncontrollable, Pollock's actual method of creation was less fitful and more contemplative.⁶ He often left canvases for days at a time to consider his next application of paint, and sometimes went as far as to plan out the initial layers of his works with charcoal drawn onto the canvas.⁷ He disapproved of Time Magazine's assertions that his work was 'chaotic', and stressed the planned and controlled nature of his drip paintings as a result.⁸ Pollock was also unreceptive to the characterisation of the 'misunderstood heroic genius' myth which was applied to him; his alcoholism prompted some writers to assume that his paintings were the result of drunken rages, despite the fact that he never drank while he worked in his studio.⁹ His reluctance to speak extensively on his paintings, due to his belief that doing so would destroy them, also led to his characterisation as a stubbornly silent man who didn't need to justify

¹ Ann Eden Gibson, *Abstract Expressionism: Other Politics* (New Haven; London: Yale University Press, 1997), 10-1.

² *Ibid.*, 10.

³ *Ibid.*, 1-2.

⁴ *Ibid.*, 1-3; Anna C. Chave, "Pollock and Krasner: Script and Postscript", in *Pollock and After: The Critical Debate*, ed. Francis Francina

⁵ Gibson, *Abstract Expressionism*, 5.

⁶ *Ibid.*, 4-5.

⁷ *Ibid.*, 5.

his artistic actions, feeding into the concept of the anti-intellectual artist.¹⁰ His passive silence on the subject of his art has also been characterised as feminine, reflecting an inner vulnerability which counteracted the heroic concepts applied to him as a public figure.¹¹ In light of the reality of his rather passive character, the lack of subjectivity, boundaries and perceived order in his work can be extended to include a lack of gender; despite the efforts of publications such as Time Magazine to apply masculinity to the creation of his paintings, the paintings themselves offer no explicit traces of gender.¹² However, the assumed character applied to Pollock's art and Pollock himself went on to define Abstract Expressionism in terms of the concept of the heroic masculine artist, both aggressively forceful and rebellious in the creation of his art.¹³

The concept of the hero also became not only a representation of the artist, but a reflective theme of art itself. David Smith's sculpture *The Hero* (fig. two) explicitly proclaims masculinity as its key concept; the work is made from steel assembled into angular shapes, and represents the artist himself as a heroic figure.¹⁴ Although the sculpture is based on the idea of the hero as a visionary for others, the sculpture's singular eye is blind and thus devoid of such a function. It is therefore implied that the sculpture can only receive the objectifying gaze of the viewer, and is thus passive.¹⁵ The spindly, linear quality of the sculpture also contributes to a sense of vulnerability contradictory to its title, and thus confronts the myth of the hero placed on the artist and subsequently the art. This reveals Smith's conflict over having the mythical heroic archetype applied to him.¹⁶ Smith's uncertainty over the heroic myth is thus similar to the heroic myths which Pollock also struggled with during his artistic career.

As the concept of the artist as a heroic male figure persisted, the passive nature of the artwork led it to become associated with the female body; in this artistic context femininity became a by-product.¹⁷ The concept of a 'feminine' painting was described as one which was stereotypically gentle, lightly painted, demure and tepid in colour, without any harsh angles; yet a 'feminine' painting did not always equate to a female artist.¹⁸ Traits typically considered 'feminine', such as intuition, irrationality and unbalanced emotions were instead considered to be the traits of successful male artists.¹⁹ On the flipside, the female Abstract Expressionist artist faced conflict if she arrived at this point; female artists faced pressure to shun femininity and adopt a masculine quality in their work in order to avoid being viewed as trivial in comparison with their male counterparts.²⁰ The prominent masculinity of the 1950s art climate, and the focus upon the male artist therefore created a difficult environment for a female artist to express her identity as a woman; women artists were placed in the category of 'other', a perspective encouraged by the traditional role of the female in art as the model and/or muse for the traditionally male artist.²¹

⁸ Ines Janet Engelmann, *Jackson Pollock and Lee Krasner* (London; New York: Prestel Verlag, 2007)

⁹ Engelmann, *Jackson Pollock and Lee Krasner*, 54; Chave, "Pollock and Krasner", 336.

¹⁰ Gibson, *Abstract Expressionism*, 5; Chave, "Pollock and Krasner", 331.

¹² *Ibid.*, 332; *Ibid.*, 340.

¹⁴ Gibson, *Abstract Expressionism*, 15.

¹⁵ *Ibid.*, 16.

²⁰ Gibson, *Abstract Expressionism*, 9-10.

²¹ Bett Schumacher, "The Woman Problem: Gender Displacement in the Art of Helen Frankenthaler",

Within this environment, Helen Frankenthaler was one of the female artists who dissuaded implications of gender defining her art.²² To avoid being placed into a category of ‘otherness’ Frankenthaler felt the need to “displace femininity” which could inherently come through in her art; although she accepted that she could not avoid her gender, at the same time she avoided actively channelling her gender identity into her art.²³ Critics during the 1950s and 1960s often used gendered terminology to describe her works and interpreted her soak and stain technique as heavily emotional and poetic, thus assigning qualities regarded as ‘feminine’; the word ‘feminine’ itself was also used frequently to describe her work.²⁴ Jackson Pollock’s art became a “point of departure” for Frankenthaler after she began visiting exhibitions of his work during the 1950s, primarily because the loose, free nature of his paint application and the channelled movement of the artist was an inspiring concept for her own work.²⁵ Through comparing Frankenthaler’s painting *The Bay* (fig. three) to Jackson Pollock’s earlier work *Number 8* (fig. four), a distinct contrast between the two artists’ methods can be observed. Pollock’s process of painting appears forceful and energetic on the canvas, a frenzy of colour which reflects the assertive flinging of paint onto the flat surface; Frankenthaler’s painting appears calm in comparison, featuring a minimal colour palette and large, biomorphic forms which fill the canvas. When directly comparing their works in this way, it would be easy to attach gendered interpretations to each painting; Griselda Pollock used photographs taken by Ernest Haas to assert that Frankenthaler’s method of kneeling by the canvas, pushing and smoothing layers of paint and allowing them to slowly bleed into the fabric, was a more passive and therefore feminine method of creation than Jackson Pollock’s dominant stance standing above the canvas, flinging paint onto it and walking upon it.²⁶

By stating that Frankenthaler’s method was passive, she further interpreted the method as expressing a greater consideration for the canvas itself; by establishing the canvas as a representation of the female model and muse, traditionally acted upon by male artists, she viewed Frankenthaler as having a greater connection to the ‘feminine’ canvas.²⁷ Her view was that Frankenthaler related to the work by transferring her femininity onto the canvas.²⁸ Bett Schumacher points out, however, that Frankenthaler’s method of painting was more physical than Pollock asserted it to be; another photograph in the Haas collection exemplifies Frankenthaler’s use of physical strength as she stretches across the canvas to apply paint, suspending herself above the canvas.²⁹ Following on from this she argues that Frankenthaler’s relation to her work was less defined, and that her body of work shows a variety which cannot be specified as a projection of femininity within each painting.³⁰ While it is certainly possible to describe works including *The Bay* in feminine terms, if femininity is understood to be equal to softness and nature, the strong, vibrant

²² Schumacher, “The Woman Problem”, 12.

²³ *Ibid.*, 13.

²⁵ Alison Rowley, *Helen Frankenthaler: Painting History, Writing Painting* 145-6.

²⁶ Schumacher, “The Woman Problem”, 14; Griselda Pollock, 247.

³⁰ *Ibid.*, 14-5.

use of blue appears to dominate the canvas and stretches out towards the boundaries of the work; the colour is forceful and assertive in its scale and vibrancy, yet also retains a sense of calm in its cool tones.³¹ The large scale of the work was also typically associated with notions of authority and dominance.³² In this sense it could equally be interpreted in stereotypically masculine terms. Frankenthaler herself was adamant that her work should not be interpreted under the shadow of her gender; she asserted that being a female was irrelevant to her work, and to interpret her paintings in a gendered context was a “superficial” perspective.³³

The exploration of a ‘gendered’ abstraction is also possible when the influence of male and female artists upon each other’s works is examined. It has been argued that the misty, dispersed effect observed in paintings like *Lavender Mist* by Jackson Pollock was inspired by Lee Krasner’s works, such as *Noon* (fig. five).³⁴ Despite initially being categorised as a ‘lesser’ artist in comparison to her famous husband, her influence on his artistic career was prominent; contemporary art critic Clement Greenburg alleged that she was a crucial factor in the creation of his art.³⁵ The artistic interplay between the pair continued when in 1953 Krasner began a series of ‘cannibalised’ works; paintings which were assembled from cut-up previous works, specifically works created by Jackson Pollock.³⁶ By creating collages from Pollock’s works Krasner reconceptualised them, deconstructing the ‘heroic, virile’ concepts applied to the paintings in order to validate her position as an artist; creating such collages allegedly allowed her to reclaim a sense of artistic control in light of the ‘heroic’ status of her husband in the art world.³⁷ The confronting, aggressive temperament of her collages, demonstrated in the torn slashes, jarring contrasts and spatters of red paint in *The City* (fig. six), reflect the anger with which she confronted herself concerning Pollock’s artistic influence over her work, and her desire to move away from that.³⁸ The visual inclusion of emotion could be viewed in feminine terms, yet the torn shards of the image detract from any of the traditional, soft and delicate notions of femininity; it has been suggested that Krasner “painted like a man”.³⁹ It is possible that the perceived masculine quality of her work reflects the difficulties of identifying as a ‘woman artist’ during this period; her adoption of the androgynous name ‘Lee’ and the lack of an explicit ‘self’ in her works testifies to this.⁴⁰

There was also a noticeable shift in artist Robert Motherwell’s work following his marriage to Frankenthaler, demonstrating a greater fluidity and impulsive quality, while Frankenthaler in turn began to explore the use of opaque forms characteristic of Motherwell’s paintings in her own work.⁴¹ This variety of examples of artistic interplay demonstrates how easily male and female artists could use each other’s abstract techniques to influence and create

³¹ E.C. Goossen, *Helen Frankenthaler* (New York; London: Frederick A. Praeger, 1969), 13.
³² Ann Eden Gibson, “Abstract Expressionism: Other Politics”, in *Pollock and After: The Critical Debate*, 310.
³³ Henry Geldzahler, “An Interview with Helen Frankenthaler”, *Artforum* 4, no.2 (1965): 38.
³⁴ Chave, “Pollock and Krasner”, 329.
³⁵ Gibson, “Lee Krasner and Women’s Innovations in American Abstract Painting”, 14.
³⁷ Ellen G. Landau, “Channeling Desire: Lee Krasner’s Collages of the Early 1950s”, *Women’s Art Journal*
³⁸ Robert Hobbs, *Lee Krasner* (New York: Abbeville Press, 1993), 56.
³⁹ Leja, “Reframing Abstract Expressionism”, 357.
⁴⁰ Gibson, “Lee Krasner and Women’s Innovations in American Abstract Painting”, 17.

their own work; such interplay, it can be argued, disproves the notion of a 'gendered' abstraction in regards to the works of these artists. Although abstract expressionism was primarily structured around the concept of the masculine, 'heroic' artist figure, these examples arguably challenge the existence of that structure and refigure abstract expressionism into a more gender-neutral movement of painting; at the initial level of creating art, most abstract painters did not aim to create specifically gendered works.⁴²

Critics and writers analysing Abstract Expressionist art during the 1950s and 60s were prone to defining art through the artist's gender, and the concept of gender was used to heavily limit the number of female artists who were lauded this point in their careers. However, the virile 'hero' figure applied to the works of artists like Pollock and Smith was challenged, thus demonstrating that the strong gendered concepts applied to the art movement were not welcomed by the actual creators of the art. Krasner and Frankenthaler's resistance to the feminising of their art demonstrates a very similar struggle against the words of the critics and writers, as they tried to find their places in a movement which was being defined in terms of men. The overall neutrality of the objective art of these artists suggests that while it is possible to discuss abstract art using gendered terms, doing so detracts from the essential nature of the work itself.

⁴² Ibid., 11.

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ArtHist 246
The Body in Contemporary Art

Marco de Jong

Breaking the Muscle Monopoly: How Female Bodybuilders Challenge Masculinity from the Margins in the Work of Rachel Rampleman

“A lot of people love what I look like, a lot of people don’t... but again what I would tell you is, I mean, I don’t like what long distance runners look like, but I will never try to hurt their feelings and go ohh god, you’re so skinny, so people that do say ugly things [to] female bodybuilders, shame on you, shame on you, thank god we’re all different...” – Tazzie Colomb, IFBB Europa Supershow Heavyweight Champion 2007, and veteran competitor.

One could be forgiven for thinking that the issue of “manly” bodies in female bodybuilding is a tabooed or hushed subject within the bodybuilding community. In fact, the opposite has been true in recent years. In 2012, the sport’s governing body, the International Federation of Bodybuilding and Fitness (IFBB), explicitly turned away from the massive musculatures that had dominated the sport previously, reformatting the premier women’s division and repackaging it as a ‘physique’ contest. ‘Physique’ they claimed, ‘is aimed at women who prefer to develop a less muscular, yet athletic and aesthetically pleasing physique, unlike former women’s bodybuilders’.¹ Resultantly, in 2014 the last Ms. Olympia competition took place, perhaps tolling the death knell of professional female bodybuilding in the style of its male counterpart. Rachel Rampleman’s work is situated in the immediate years leading up to this ruling, and addresses the issues that arise when women take on attributes associated with, and display themselves publicly in the style of, the traditionally masculine. This essay proposes that women bodybuilders, and Rampleman’s treatments of them, challenge fundamentally the male ownership over muscles, the gender order as guaranteed by signifiers of visual difference, as well as the terms by which men view women and create art. Massive women challenge men on their own terms, and unsettle the idea that men are biologically, and therefore, inherently, superior. They exhibit agency over their own bodies and visual representations of them, by forging muscle through athletic pursuits. However, it is important to note that this challenge is not entirely successful. In their appearance, builders assume a state of ‘becoming-other’, which is far from ideal. Muscular women exist in the social margins, even within their own sport. The margin, as it exists as a line, is defined in regards to excess, with there being a ‘normal’ and an ‘exceptional’ set of criteria. To be ‘exceptional’ is to be ‘other’. However, even from this removed position, female bodybuilders are able to effectively challenge ideals of beauty, and obfuscate the cookie-cutter identities society habitually promotes.

The IFBB exists as an arbiter of idealism, and couched within the opening statement of this essay is an attack on those women who do not fit the mould of ideal femininity. That is, those who are not ‘aesthetically pleasing’ in the way society might expect. This is of course, due to their huge, muscular physiques, which are products of rigorous training and strict dieting. Feminist

¹ www.ifbb.com/ifbbcomold/wp.../Womens_Physique_Rules_2014.pdf

psychologist Precilla Choi argues that muscle mass is a signifier of difference between the sexes, and thus ‘the muscular woman must be resisted in order to maintain the patriarchal gender order’.² Greg Minnisale echoes this sentiment in regards to the power relations inherent in gendered segregation, stating that ‘patriarchal systems of power are organised around tacit understandings of masculinity as a natural and superior possession of heterosexual males’.³ Thus, when a woman sculpts her body for size, she presses into this territory, challenging the assumed male monopoly over muscle. Rampleman takes this challenge further, as well as unpicking the attack on the bodybuilding aesthetic in her video *Bodybuilder Study (Pose, Stroke, Lift, Carry)* 2010 (Figure 1), through unveiling the romantic lives of female builders.



The women, who dwarf their spouses, flex and pose sensuously to soft music while their partners stroke their muscles. Next, the women take control over their men by hoisting them over their shoulders, squatting them or carrying them like babies. The result is a complete role reversal, wherein the men are emasculated socially, deviated sexually, and through their romantic interactions, castrated. As art, Rampleman’s work disrupts the usual voyeuristic experience a powerful man would enjoy through viewing subordinate women, repelling the viewer twofold, through the aberrant and supreme appearance of the builders, and through the action they perform over the men, who stand in as substitutes for the now-castrated viewer.

Rampleman’s challenge belongs within feminist, trans and queer art histories, whose similar assaults on the conventions of patriarchal image-making are explored in the work of Gregory Minnisale. Heterosexual masculinity, he believes, has been established as the ‘fount of creativity and action’, typified by the ejaculatory hero figure of Jackson Pollock, and enforced socially by advertisements, which repeat sex and gender binaries.⁴ However, non-male and queer artists have subsequently eroded this association, by challenging the singular male identity and the processes by which he creates. Crucial to note, is that female bodybuilding is in itself a form of image-making - one that

² Precilla Y.L. Choi, ‘Muscle matters: maintaining visible differences between women and men’, *Sexualities, Evolution & Gender*, 5, 2, 2003, p.71

Gregory Minnisale, ‘The Invisible Within’, *Angelaki*, 20, 1, 2015, p.71

³ *ibid.*, p.80

⁴

subverts the artistic agency of an entire society in creating ideal standards of male and female beauty. Moreover, by showing women with agency over their own bodies and the power to control the terms on which they are viewed by men, Rampleman challenges the ascendancy of heterosexual masculine artists.

Closely connected with Minnisale's ideas on image-making, are those relating to identity, and the associated theories of philosophers Deleuze and Guattari, especially that of 'becoming'. The concept of 'becoming', or rather the unbounded ontological state of becoming, is particularly important in regards to female bodybuilders. Contrary to what one might surmise, they are not in the process of 'becoming-man' by challenging the muscle monopoly and imposing themselves on their partners. Deleuze and Guattari explain that 'there is no becoming-man because man is the molar entity par excellence, whereas becomings are molecular'.⁵ That is to say that the minority 'becomings' are defined apart from the majority, which is of course, based on the man. In the same way that a bearded lady in a carnival sideshow is not growing any closer to being in the majority by way of her follicles, a female bodybuilder does not assume a masculine mantle through working out. Instead, she is 'becoming-other'. Alex Young, in his treatment of Rampleman's bodybuilder studies, explores the 'otherness' in question, stating that in this case becoming-other is the 'inherited characteristic of nature worked to an extreme'.⁶ No stranger to extremes, Tazzie Colomb, who has competed professionally for almost 30 years, knows all about occupying the spotlight on stage, and the margins off of it. In Rampleman's *Bodybuilder Portrait* (tazzie



⁵ Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, Minneapolis, University of Minnesota Press, 1993, p.322

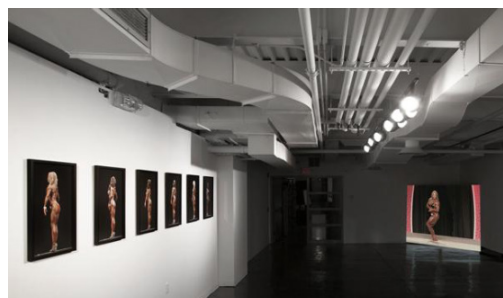
⁶ Alex Young, 'States of Grace: The Body 'Studies' of Rachel Rampleman', www.drainmag.com.

⁷ Tazzie Colomb, (bodybuilder), interview by artist Rachel Rampleman, 2011

colomb), 2011 (Figure 2), she talks openly about otherness, attention and excess.

This gives a fascinating insight into life lived hyper-muscular, as well as a performance of her body, which Rampleman shows alongside the videoed interview. Colomb explains that 'it's always attention, whether it be positive or negative, it's all the time... the negative part, gets to you after a while... when I go out in public I try to cover my arms... I don't need attention... I get enough attention', adding, 'and there's certain situations you get... being this size... it's like ohh my god, what is that?'⁷ The other, the unnatural, the deviant is perfectly encapsulated by the snide 'that', and the pain is clear on Colomb's face. It is worth restating that while female bodybuilders challenge men on their own physical and artistic terms, emasculating them and seizing back artistic agency in the representations of their own bodies, they do not become men in the eyes of society, but apish caricatures of men.

However, to only examine the negative responses engendered by hyper muscular women would be extremely narrow, and not all look on with revulsion, or are so insensitive. Muscle is a concrete record of exertion, a testament to dedication, and performed muscle evokes what Victoria Wynne-Jones calls 'grand narratives of discipline, perfection and success'.⁸ Athleticism, displayed through rehearsed movements, has a vocabulary of achievement, wherein there is the normal and the exceptional. An 'exceptional' example would be Arnold Schwarzenegger, who in the golden age of bodybuilding was exceptional, in the positive sense of the word. In female bodybuilding



⁸ Wynne-Jones, Victoria, 'I would rather be the worst at something than the best: Athleticism and Masculinity in Contemporary New Zealand Art', www.drainmag.com.

Ruth A. Chananie-Hill, Shelly A. McGrath and Justin Stoll, 'Deviant or Normal? Female Bodybuilders' Accounts of Social Reactions', *Deviant Behavior*, 33, 2012, p.826

⁹

however, this criteria is bastardised and within the performance an audience must decide what constitutes a 'normal' or "socially acceptable" iteration of body, and what is exceptional i.e. "freakishly massive". Chananie-Hill et al., in their study of audience responses to female bodybuilders state that 'mainstream audiences, including family, friends, and romantic partners supported or even admired bodybuilders' efforts at dieting, working out, and toning up their bodies, but many drew the line when they perceived that these activities became too extreme or when they took them too far'.⁹ Too far, as we have seen, is when women invade the territory of the masculine; when they challenge men on their own terms. Rampleman is aware of this process of judgement, and she deliberately exhibits two related series, one on each side of the divide, in the gallery space, forcing the viewer to make this same distinction and establish their own bounds of normativity. Bodybuilder Studies (IFBB/NY Metropolitan Competition), 2010 and Bodybuilder Studies (Ms. Olympia Competition), 2014 (Figure 3) show women on stage posing in competition. One group is conventionally beautiful to a point, the other not.

In the latter, hyper-athletic women, projected to be larger than life, hold their poses indefinitely, stuck on a loop track, eternally grinning and staring directly back at the viewer, subverting his gaze and challenging his ascendancy.

Extremes, excess and narcissism are as much a part of sport as they are of art, a theme touched on by Wynne-Jones as well as Amelia Jones, whose *Body Art* has become a seminal text for understanding performance and the body. In bodybuilding, excess is celebrated to a point, while narcissism arguably forms the sport's central premise. Wynne-Jones states 'the excessive is often attributed to the feminine', however in bodybuilding, it is unquestionably universal and more permissible for men to become excessively large. In a sport where body image is paramount, narcissism abounds amongst both genders. Yet in regards to female bodybuilders, Amelia Jones' work on narcissism is especially relevant and poses a further challenge to the masculine. Typically, the woman who presents herself is accused of being narcissistic, as she must after all believe she is beautiful to want to present herself. However, Jones states that the 'obsessive use' of one's body 'produces a narcissistic relation that is far from conventional or passively 'feminine', turning this conventional, regressive connection of women with narcissistic immanence inside out'.¹⁰ Rampleman and female bodybuilders, through excessive use of the body, again challenge the viewing conventions of the patriarchy and the standard retorts levelled at female image-makers.

¹⁰ Amelia Jones, *Body Art/Performing the Subject*, Minneapolis, University of Minnesota Press, 1998, p.175

Rampleman's studies exhibit a full spectrum of issues relating to female muscularity and what it means for society, art and the women themselves. Central is the challenge that men have a monopoly over muscle, and that this visual signifier of difference implies they are superior biologically. As art, the appearance of builders and their size relative to the average male viewer distorts traditional viewing relationships and repels male voyeurism. As image-makers in their own right, bodybuilders challenge the primacy heterosexual males have enjoyed as the primordial artistic geniuses within art historical discourses. However, as these women press into conventionally male territories and become marginalised, they occupy uneasy ontological ground by 'becoming-other'. 'Other' is the extreme, the excessive, the unnatural and exceptional. Female bodybuilders are themselves subject to verbal abuse and stigma, and Rampleman captures all of this in her complex and multi-faceted studies. In 2016, we might now say the challenge has been lost - female bodybuilding in the classic sense, and the breaking of the muscle monopoly, have an uncertain future in light of the position taken by the sport's governing body. It will be interesting to see where Rampleman takes her studies, given this atrophy.

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Criminology 303
Gender, Crime and Justice

Jasmin Minderjit Singh

Is the Judicial System a 'Boys Only' Club?

The judiciary has historically been a male dominated patriarchal system. With men still adopting a majority of judicial positions. Women's initial entry into the judicial system was met with resistance as women were considered too delicate to be part of an adversarial profession like law. With the influx of women into the legal profession there have been questions raised about the impact women have on the legal system. Women's involvement in the system it is argued will lead to a less adversarial and individualistic and cause the criminal justice system to become a much more nurturing and community oriented institution. A multitude of research has looked at the question of whether women have a different voice in the judicial system and has concluded that although women do not make a difference in every case they do in cases where gender is a concern such as sexual harassment, sexual assault and divorce rights cases. Women's inclusion others have argued has been as tokens. Tokens are included in institutions to present the facade of equality. Tokens are subjected to stereotypical behaviour and due to this are more likely to align with the male norms of the institution. However, this was not the case as women judges were more likely to be 'outsiders' in the judicial system, rejecting the male norms of the institution and adopting their own unique and independent viewpoint to correct gender imbalances present in the judicial system. The whole notion of women having a different voice however seems to be based on sexist and stereotypical notions of womanhood extended to be applied to women. The biases of the judicial system and the laws will be more apparent to people that have historically been marginalised from the system. As such the inclusion of minority groups like women in the judicial system may increase the perceptions of fairness and legitimacy of the judicial system.

The question of whether women make a difference to the judicial system is an important one. As the law has historically been seen as a neutral, objective and rational system however this neutrality ignores the white, middle class patriarchal perspective of the law (Martin, Reynolds & Keith, 2002). Women are becoming incorporated into the judicial system to a larger degree today than in the past but there is still a long way to go for many countries. For example women in the UK made up 24.5% of the judiciary (Courts and Tribunals Judiciary, 2014). In contrast, women in New Zealand made up 27.7% of the judiciary (New Zealand Human Rights Commission, 2012). The US had the best representation of all the countries with women making 35% of judges at the federal level and 32% at the district or circuit court level (National Women's Law Center, 2015). These numbers are a clear indication that the courts are not representative of women. This lack of representation may lead to lack of confidence in the judicial system and a belief that the system will not work in women's interests (Silvestri & Crowther-Dowey, 2008). Therefore it is important to understand how women are being incorporated into the

judicial system: if they align with the historically patriarchal views of the judicial system or if they have a different voice and are forging a new path in the judicial system.

Women's involvement it is suggested will counter the individualistic and adversarial nature of law and bring about more responsive legal profession focusing on attributes that come naturally to women such as caring, a contextual understanding and community building goals (Martin et al., 2002; McCormick & Job, 1993). Feminine jurisprudence in this sense allows women to bring with them their different experiences, perspective, interpretations and knowledge to draw on in their judicial decisions (Martin et al., 2002). This viewpoint referred to as the difference hypothesis has been greatly informed by the work of Carol Gilligan. Gilligan (1982) suggests that men and women solve the problems they face differently (Palmer, 2001). Men she suggested solve problems impersonally, rationally and objectively, whereas the female voice takes a more personal approach looking at the subjectivities of each case (Palmer, 2001). The different voice used by women in solving problems is applied in the judiciary by women drawing on their different experiences (Martin et al., 2002), giving women a view and understanding of the law that is different from the dominant narrative (Silvestri & Crowther-Dowey, 2008).

Research looking at the differences between women and men judges to evaluate if women have a different voice show mixed results (Silvestri & Crowther-Dowey, 2008). Some studies have shown that women's judges do not make a difference in every case that comes before them, but particularly in cases where gender is involved for example domestic violence, rape and property rights of wives after divorce women tend to show a different viewpoint from men (Palmer, 2001; Martin et al., 2002; Grossman, 2011). Other research has also suggested that the mere presence of a woman on the bench affects the rulings on sex discrimination cases especially, suggesting that if a woman is present the rulings are more likely to be in the favour of women (Martin, 1990; Palmer, 2001; McCormick & Job, 1993). Men in these cases may be wary of expressing sexist opinions and ideology in the presence of women judges and women may show greater understanding and compassion in these cases as they may have drawn on their own experiences.

Some scholars have suggested that women judges tend to be harsher towards women offenders as a way to prove their worth in a male institution so their decisions are not seen as favouring their own sex (Silvestri & Crowther-Dowey, 2008). In a study comparing female and male judge's likelihood of sending women offenders to prison it was found that women judges were twice as likely to send them to prison as men (Gruhl, Spohn, & Welch, 1981). Although this suggests a harsher stance of women towards female offenders,

the study concluded that this could have occurred due to paternalistic attitudes of male judges (Gruhl, Spohn, & Welch, 1981; Palmer, 2001).

There have been some assertions by scholars that have suggested that the inclusion of women in the judiciary initially and currently has been as tokens (MacCorquodale & Jensen, 1993; Allen & Wall, 1987). That is, women have been included to provide a shallow level of diversity and this inclusion has only served to present a facade of equality and diversity (MacCorquodale & Jensen, 1993). As such it is suggested that due to the small number of women judges and their rareness in the judicial system and their high level of visibility, along with the pressure to perform and not let down their gender leads them to over or under-performing (MacCorquodale & Jensen, 1993). The behaviour of tokens therefore has been assumed to align with the dominant ideology of the institution they are in, therefore women judges may not have a different voice and may conform to the patriarchal norms of the judicial system. Allen and Wall (1987) investigated this question to find out if women supreme court justices acted in tokenistic ways and aligned their behaviour to patriarchal norms or as 'outsiders' who rejected male norms and adopted an independent and unique way in their positions in court. It was found that they were more likely to be outsiders in their behaviour and reject the norms of the patriarchal judicial institution.

Allen and Wall (1993) conducted further research on tokenism and outsider behaviour, extending their methodology to include four different typologies that women judges may fall into based on individual surveys and state court decisions: the representative, the token, the outsider and the different voice. Their research showed that in cases concerning women, the female judges were more likely to adopt a representative role. This means that they were more likely to adopt a stance that benefits women or is pro-women in cases like sexual assault and sexual harassment. However, the women in the survey generally adopted the role of outsider confirming their previous research that women judges were more likely to reject the patriarchal norms of the institutions (whereas token's would have accepted and acted in line with the norms) and forge a new path through the system. They found that a smaller number of the women judges also adopted the different voice role which suggests that women judges were more relational in their judicial leanings (Allen and Wall 1993). Therefore it seems as if a large majority of judges adopt a role where they dissent and try to correct the gender inequality they are presented with.

Women judges also seem to have feminist views of issues presented to them (Martin et al., 2002) and try to use their position to counter the gender imbalances they have encountered through their profession (Allen &

Wall, 1987). In the Allen and Wall (1987) study mentioned earlier they also surveyed judges on their viewpoints on feminist issues, it was found that they viewed many of the issues as one overarching issue of gender equality that needed to be addressed to solve the gender imbalances present in society. This again suggests that women judges have a different viewpoint to the seemingly objective system they work in and see and try to correct the gender imbalances they are aware of that male judges may remain oblivious to.

Feminist scholars have suggested that the view of women judges making a difference to the judicial system is problematic in a multitude of ways (Anleu, 1992). It ignores the subjectivities between women and presents a very unitary view of how women judges make decisions. It also builds on biological and social stereotypes of women as nurturing, caring and being community oriented (Anleu, 1992; Silvestri & Crowther-Dowey, 2008). Therefore, although Gilligan's research illuminates different methods of problem solving between men and women her research may disadvantage women by reinforcing the dominance of stereotypically male attributes such as impartiality, rationality and objectivity (Anleu, 1992). This can in turn create a 'maternal metaphor of management, which builds on stereotypical ideas of women to further justify the subordination and exclusion of women in various organisations and institutions (Silvestri & Crowther-Dowey, 2008). It essentialises the differences between men and women instead of acknowledging the varied views and subjectivities between them and fortifies sexist justifications for the exclusion of women (Silvestri & Crowther-Dowey, 2008). It can also be argued that in the judicial arena men's decisions and voices are asexual and gender neutral in the sense that their gender is never attached to their decisions in the same way that women and their judicial decisions are consistently defined and identified by their gender (Silvestri & Crowther-Dowey). Gender as such is something that can only be attached to women in the judicial arena whereas the gender of men is ignored in the patriarchal and male centred organisation they are a part of.

Due to their oppressed status women also more clearly see the inherent gender biases that the creators and enforcers of the laws did not see as these laws were not prejudiced against them. As such the inclusion and presence of minorities who have been underrepresented or ignored increases the legitimacy of the courts and the decisions made by the courts (Silvestri & Crowther-Dowey, 2008). To people that have consistently been marginalised by the judicial system like women, the unfairness or biases of the judicial system may be apparent and having someone that is representing them and their viewpoints may increase the perception of fairness felt by these marginalised minorities (Grossman, 2011; Sherry, 1996). Inclusion of women on the bench therefore would battle the idea of sexism and bias in the

judicial system (Grossman, 2011; Sherry, 1996). This may even extend to the inclusion of other marginalised minorities so that there is a better informed judicial system that accounts for the intersection between gender, race and sexuality, thereby creating a fairer system of law in which all communities are represented (Grossman, 2011). This aligns with Sandra Harding's (1991) view of multiple subjectivities making up a better and more accurate objectivity as it represents all groups (Martin et al., 2002). This view suggests that having a diverse judiciary may be beneficial as it allows insight into how power structures in the institution operate and which groups benefit from this, ultimately allowing the creation of a fairer justice system that accounts for the different experiences of all the people it encounters (Martin et al., 2002).

It is also important to note that in the jurisdictions considered in this essay diversity in terms of gender is much more apparent at lower levels of the judicial system at the state and trial court level, however research focuses on higher levels of the system such as the appellate court where there are fewer women. This suggests that there are still gender barriers to be broken in the judicial system and future research may show different patterns of results or stronger or weaker support for the idea that women have a different voice.

Women judges therefore do have a different approach to the judicial system than the historic dominators of the institution. Research has shown that women judges tend to make a difference in cases where gender is concerned such as sexual assault and divorce rights cases but not in every case that comes before them suggesting that they notice and may be correcting the gender imbalances visible to them. Some scholars have argued that women are included in the judicial system as tokens to provide the guise of diversity and as such women in the judicial system are more likely to adopt the male norms of the institution. However, women are more likely forge their own path presenting unique and independent views adopting the role of outsiders and rejecting the male norms of the judicial system. Sexist and stereotypical notions are used to assert the fact that women have a different voice in the judicial system that may undermine women's advancement through the judicial system. These are an extension of previous methods of oppressing women and suggesting that due to this difference they pose they may be a threat to the judicial system. In light of this it is essential to include minorities as professionals in the judicial system as they have experienced the biases that those in power may believe are absent for the system. The inclusion of minorities will increase the perceptions of fairness and legitimacy of the system accounting for and leading to a more just system that takes into account the multiple backgrounds and experiences of those that come through the criminal justice system.

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Sociology 324
Special Issues in Gender

Norina Gasteiger

Prostitution: Pain, Pleasure and Patriarchy

Within the heterosexual market of sex work, hegemonic masculinity is reinforced through non-consensual entrance into the market, objectification of women and constant demand which reflects the wider patriarchal power structures within society. Although Debra Satz's criteria of assessing a market's noxiousness are valuable in application to the sex work industry, additional factors and limitations must be considered in support of her criteria. By applying the radical abolitionist feminist perspective to both female brothels (indoor) and streetwalker (outdoor) sex workers, I argue that all sex work is noxious.

This written piece will exemplify how the sex industry works through processes of commodification of sex and its effect on gender, and will recommend contributing factors to Satz's criteria by arguing against the contestable ideas that sex work is a free choice, the benefit of commodification and the notion of prostitution promoting equality through sexual liberation. The essay will also explore additional factors that contribute to Satz's criteria and argue against the common ideas of prostitution. I argue that every market can be deemed noxious within a capitalist society as everyone is coerced into working, no market is inherently noxious as it is the interactions that make it so and lastly, Satz should take into account the wider societal power structures that influence demand. This written piece will also highlight the implications and limitations of applying the radical abolitionist framework to assess the noxiousness of the sex industry.

In order to determine the destructiveness of sex work, it is important to establish how the market works through identification of its unique characteristics. As this written piece will focus on heterosexual sex workers within both brothels and outdoor streetwalkers, the workers analysed are strictly women. Prostitution is a service exchange between the buyer (client) and seller (prostitute) by which females engage with males in a sexual manner for compensation (MacKinnon, 2005; Pateman, 1999). Nussbaum (1998) highlighted that prostitution should not be viewed as a singular entity, as environments and contexts alter the workers' experiences, as evident within differences between the brothel worker and streetwalker. The streetwalker is generally paid less (sometimes \$20 per client) but negotiates her own conditions, but by working outdoors such as in cars she faces more harm and discomfort, often spending around 15 minutes per client for a quick sexual release or "street-side blowjob". The brothel worker is employed by a club or brothel, where her conditions and payment are decided for her and she generally has longer exchanges (up to an hour) requiring a range of sexual activity with the client although she is paid more (Bernstein, 2001; Monto, 2010; Prasad, 1999). However, sex work is unique to other service work as sex workers are generally young (15-30 years), the work places women in danger

of sexual and physical assault and requires pretentious emotion to provide a perceived authentic sexual experience (Bernstein, 1999; Birch, 2015; Church et al., 2001). The heterosexual streetwalker and brothel worker are therefore different, despite the fact that both mostly have male clientele, thus enforce gender and sex to be constructed in similar ways.

Although Debra Satz's criteria to assess the noxiousness of a market is valuable in evaluating the issues within the market of sex work, her framework does not account for the construction of the market. According to Satz (2010b), a market is rendered noxious if it meets any one of the following criteria: harm to the individual, harm to society, weak or asymmetric knowledge or impaired agency and extreme vulnerability of one of the transacting parties. The first criteria, harm to the individual, includes producing destitution or impairing the welfare of the individual involved, whilst harm to society includes influencing the independence or ability of the individual to act as an equal (Satz, 2010b). The third criteria of asymmetric knowledge includes a lack of understanding of consequences or unequal knowledge of the nature of the market, whilst extreme vulnerability refers to desperation of the weaker individual which ensures a greater need and compliance to participate (Satz, 2010b). This criterion is valuable in determining issues within the market of sex work, where underlying vulnerabilities such as poverty or drug addiction might influence a woman to work in the sex industry and also harm to society, as it reinforces patriarchy, as women are objectified and treated as "sex objects". Satz (2010a) dedicates a chapter of her book to highlight the wrongness of prostitution, concluding that this is explainable by an economic approach in which the act of sex to generate an income is wrong and also the essentialist approach in which sex as labour is alienating through its damage by degradation objection (degradation of status to an object) and therefore contributes to gender inequality within wider society. Furthermore, the extent of the issue with prostitution is essentially the desperation behind the exchange, where individuals would choose any alternative other than sex work (Bernstein, 1999). Whilst this theoretical framework adequately highlights the issues of the sex work market, it does not analyse the contexts in which they are situated and may also influence the impracticality of banning prostitution entirely. Limitations of Satz's framework allow for the introduction of a supporting perspective, to recommend factors that will further support the argument that the market of sex work is noxious, regardless of the various ways it works.

The radical abolitionist theory offers a supporting perspective in which the sex industry can be considered noxious whilst also highlighting additional recommendations that should be considered within Satz's criteria. The radical feminist perspective originated within the first wave, in the late 19th century, which focussed on the connections between gender, sex and power,

essentially attributing gender inequality to power relations such as patriarchy and male supremacy (Birch, 2015; Sullivan, 1992). In accordance to Satz's criteria for noxiousness, radical abolitionist feminists strongly agree that the sex market is harmful to not only the worker but also to society as a whole. Radical abolitionist feminists essentially advocate for the end of all sex work due to it sustaining patriarchal male privilege and also reinforcing subordinate female status as a mere object which consequently leads to sexism, misogyny and general discrimination against women (Birch, 2015; Dempsey, 2010; Scoular, 2004). Feminist Mackinnon attributes sex as a fundamental means for men to reinforce their dominant status, in which prostitution is a form of male power within which the demand for sex has resulted in an industry where women are sexually submissive to this demand; thus shifting sex from a natural state to one for survival (MacKinnon, 2005; Schotten, 2005). Radical feminists consider prostitution as a human rights issue and do not believe that sex work is consensual or consider it work at all, therefore comparing men who buy sex to those who commit rape and intimate partner violence and workers as victims of sexual abuse (Levy & Jakobsson, 2013; Sutherland, 2004). The process of the commodification of sex within prostitution is achieved through non-consensual object degradation within a patriarchal society, in order to reinforce and sustain hegemonic masculinity. This perspective supports Satz's position of sex work as noxious, and thus can be utilised to argue against contested ideas revolving around the market of prostitution.

Three common ideas exist which support the legality of prostitution, including the freedom of sex workers to choose to work in the profession, the benefits of commodification to workers and that sex work promotes gender equality by offering sexual agency and liberation to women (Monto, 2004). However, through application of the radical abolitionist framework, it can be argued that sex workers do not enter the sex market by choice, which also highlights an issue with Satz's framework, as women along with every other individual would not choose to work unless it is necessary in order to survive. Secondly, commodification allows for objectification by men and thus reinforces hegemonic masculinity within other aspects of life, including violence against women outside of the sex industry. Thus the factor of interaction must be included within Satz's framework, where the market is noxious not through sex, but the way it interacts within wider social power structures such as by reinforcing patriarchy. Lastly, sex work does not promote gender equality through sexual liberation, but is constrained through gender, as men create the demand for sex workers, thus ensuring their dominance through economic advantage. This highlights the factor that Satz's criteria are limited to the market and its noxiousness, not the wider society that constructs the demand for its existence.

The misconceived idea that sex work is a free choice by many women exemplifies one of the limitations of Satz's criteria, in which the criteria disregards the fact that working is never a free choice within a capitalist society. Radical abolitionist feminists argue that choosing to work in the sex industry is never a free, consenting choice under patriarchy as prostitutes are forced into sex work by a socially, sexually and economically male-dominated society that offers no alternative choice (Birch, 2015; Schotten, 2005; Sutherland, 2004). Carter and Giobbe (2006) support this argument, highlighting that the deprivation of resources from women by male-dominated structures allows for a constant cycle of sex workers that have no means of other employment or economic support. Therefore, the social construction of women as the subordinate gender is reinforced by coercion into working in the sex industry, allowing men to reinforce their dominance and retain hegemonic masculinity. MacKinnon (2005) draws on a study within Toronto streetwalkers, which discovered that 90% of the workers wanted to leave their work, but could not, thus she proposes the question as to why the women who engage in sex work are actually those who have the least choice. This idea of entering the industry without consent was echoed by many who had studied female sex workers. Studies concluded that the motives behind working in the sex industry were mostly a means for economic empowerment but also included poverty, addiction, mental illness, the inability to find alternative work and the unsuitable nature of other jobs (such as hours), thus labelling it as the best-paid work for poor women (Monto, 2010; Pateman, 1999; Vanwesenbeeck, 2013). Likewise, prostitutes themselves reinforce that they did not make a free decision to work in the sex industry. Brothel workers in Bangkok in the film *"Whores' Glory"* stated they only worked as prostitutes for economic gain, independence and their inability to find alternative work, whereas the outdoor workers in Bangladesh had to work to survive and mothers often encouraged their young daughters to sell sex in order to support the family (Wirthensohn, Lackner & Glawogger, 2011). Bernstein (1999) also highlights lack of choice between both indoor and outdoor workers, where especially streetwalkers are young, runaways, mothers and come from low-income families thus are desperate for work. Due to a lack of free choice to enter the industry by coercion of patriarchy that limits resources and opportunities to women, men non-consensually objectify women and their lower status as the inferior gender is therefore maintained. Radical abolitionist perspective therefore establishes that no sex worker actively chooses to work as such, and within a capitalist society it is unlikely that anyone would freely choose to work, unless they had to. Therefore, this limitation needs to be factored into Satz's criteria, where like prostitutes within a patriarchal society she would consider any market noxious given that all workers have been coerced into working to survive within capitalism.

The argument that the commodification of sex workers is beneficial due to their ability to make an income is contestable. As commodification is achieved through objectification of women, this is not restricted to sex work but manifests as discrimination of women outside of the industry. Sex work simply normalises objectification by reinforcing hegemonic masculinity and the male sense of entitlement to the female body by creating a market out of something that already occurs. The social construction of women as the subordinate gender through degradation and objectification of their breasts and vagina that can be sold to men and also related gendered violence highlights that the noxiousness of the market is determined through its interactions. Gendered interactions within the marketplace are therefore a recommended factor for Satz's criteria of noxiousness. Radical feminists view the objectification of women as a violation of human rights that consequently dehumanises women, as women are literally selling themselves, or rather, their womanhood (Birch, 2015; Schotten, 2005). Within sex work, male clients degrade women to reinforce their masculinity, as evident not only through objectification but also within the abuse sex workers face. Accordingly, 23% of all female sex workers have been abused through knife and head injuries, loss of consciousness and broken bones (Carter & Giobbe, 2006). Streetwalkers are more likely to be abused, as they work in dangerous isolated locations, as evident within 50% of streetwalkers reporting abuse from clients within the last 6 months (Bernstein, 1999; Church et al., 2001). Brothel workers are somewhat safer, due to security within brothels, but even-so 25% of indoor workers reported assault by clients and were more likely to report rape (Church et al., 2001; Monto, 2010; Wirthensohn et al., 2011). This violence translates into wider society, where a woman is assaulted every nine seconds within the United States and one-fifth of women are raped within their lifetimes (National Coalition Against Domestic Violence, 2015). Therefore, just as gender is a social construction, so it is also an interaction, where prostitution reinforces normative gender by positioning women as inferior to men through processes of commodification such as objectification and violence (Lorber, 1994). The commodification of women within the sex industry is the epitome of male dominance, where objectification is so gendered that men feel entitled to the female body, even outside of the sex industry and often respond violently when refused. Therefore, the social construction of gender results in the commodification of women through objectification, in which the violent interaction between male clients and sex workers renders the market as noxious, which influences discrimination against women within wider society.

It is often believed that sex work promotes gender equality through sexual liberation, however this misconception is inaccurate due to the demand of female sex workers being controlled by men, thus reinforcing hegemonic masculinity. The third factor that should be added to Satz's criteria is limited to the market itself as it is the construction of the sex market, through analysis of gendered power structures such as hegemonic masculinity that creates a demand. Brothel and streetwalkers in the sex market, like any other market rely on the demand of clients that wish to buy sex, however this demand appears to be disregarded when assessing the noxiousness of the industry. The extent of demand for sex results in \$40 million spent daily on sex workers within the United States (Pateman, 1999). Various studies on male clients discovered that their demand for sex was motivated through feelings of emotional and physical dissatisfaction and loneliness even-though 42% of the men interviewed were married (Bernstein, 2001; Monto, 2010). This sense of perceived entitlement or "Playboy philosophy" reinforces hegemonic masculinity, where men buy sex in order to re-establish or express their masculine traits such as dominance in a time of discontentment (Bernstein, 1999; Donaldson & Poynting, 2007; McCann, 2014; Nussbaum, 1998). An outrageous scene within the "Whores' Glory" film showed men exemplifying their sense of entitlement and superior status, where they believed that without the Faridpur (sex work) district women would be unable to go outside without being molested (Wirthensohn, Lackner & Glawogger, 2011). Discourses of agency or empowerment through sexual liberation conceal the noxiousness of the gendered inequality and interactions between men and women within society. Furthermore, the construction of the sex industry, according to male demand for sex is evident within the social construction of gender, where women are constantly objectified and men feel entitled to sex based purely on will or desire, thus have created a market for this purpose. The construction of the sex market is therefore the factor that defines it as noxious, in which prostitution is a product of hegemonic masculinity and the economic advantage of men creates and sustains a demand for female sex workers, who have had their income opportunities limited.

Although the radical abolitionist feminist perspective has been valuable in highlighting faults within Satz's criteria, there are many limitations in applying it to the sex market. As radical feminists view prostitution as illegitimate work, they deny agency and sexual pleasure to the sex worker (Sutherland, 2004). Likewise, by only applying frameworks such as Satz's to the market of sex work in general, we silence the voices of brothel and streetwalkers and disregard their experiences and diverse needs, thus also limiting their agency. Although only focussing on women in the sex industry limits the ability to end the sex market in general, it defines female sex workers as the problem, where men are disregarded as victims of gender oppression, thus refusing

to understand demand (Pateman, 1999; Schotten, 2005; Scoular, 2004) The abolition of sex work will consequently leave former prostitutes unemployed, thus forcing them to find work in other potentially noxious markets. Instead, the solution of reducing the noxiousness of the sex market is to focus on the construction of the market through wider social structures and power relations, not only to understand and address the demand for sex work, but also to provide resources such as employment help, education and welfare to low-income workers (regardless of gender) that are in need of work (Nussbaum, 1998). Essentially, education and employment requires changing unequal gendered power relations to provide women with equal opportunities that begin in childhood, as many sex workers enter the industry during adolescence. Therefore, the abolition of prostitution, or reduction of the noxiousness of the sex market must begin through the analysis of patriarchy and wider inequalities that render women in dire need of work and force them to work in noxious markets like prostitution.

To summarise, although the radical abolitionist feminist perspective is valuable in highlighting a perspective of how sex is commodified within the sex industry and in supplying additional factors to Satz's framework on noxiousness, its use is limited and integrated perspectives are advised. Through the analysis of three contested ideas on prostitution, I have highlighted ways in which brothel (indoor) work is slightly different to streetwalkers (outdoor sex work) and how they are both noxious, regardless of these differences. Consequently, the idea of free choice of workers entering the sex industry also drew on a limitation within Satz's framework, in which female prostitutes, like other workers would not choose to work, but are coerced to in a patriarchal and capitalist society. The idea of commodification being beneficial was argued against through the fact that objectifying womanhood leads into other areas of life where men abuse women to sustain male supremacy. Therefore also highlights a factor Satz should consider-that the interaction of a market defines its noxiousness. Lastly, the idea that sex work promotes gender equality through sexual liberation introduced the factor that men create a demand for sex work; therefore sustain their control over the market and sex workers. This limitation is evident in Satz's criteria, as she limits her criteria to markets, not the social structures that create a demand and construct them. The process of commodification of sex within both brothel and streetwalker prostitutes is therefore one of non-consensual objectification into a literal "sex object" due to patriarchal control over resources that limit employment opportunity. The objectification of the woman into a commodity, male demand for sex and related violence within the sex industry therefore also maintains patriarchal power structures that position the gender of women as subordinate to men. The social construction of gender-hegemonic masculinity within the sex market therefore reinforces wider social structures that restrict resources for women, such as education and alternative employment opportunity, thus contributing to its noxiousness. Consequently, gender inequalities must be addressed to prevent object degradation and discrimination against women in wider society.

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Psych 202
Biopsychology

Terese Girvan

Is Being Gay Innate? The Biological Roots of and Environmental Influences on Homosexuality in Men

According to the Oxford dictionary, the word “gay” is used to describe “a person (typically a male) who is homosexual”, emphasizing same-sex attraction in males, rather than females. Additionally, a majority of the research surrounding this subject has a greater focus on male homosexuals, thus it makes sense to place predominant attention on them. As a result, the evaluation of homosexuality in males, rather than females, is the primary focus in this paper.

The Merriam-Webster dictionary defines the term “innate” as being something natural, intrinsic and part of one’s character. According to the philosopher of science, Philip Kitcher, innate qualities are those determined by genes and acquired ones are those learned through interaction with the environment (Kitcher, 2001). I therefore interpret “innate” to mean something that is genetically rooted in this instance. While certain aspects, traits and elements of a person can be classified into one of these two categories, such separation cannot be universally applied. The research referred to in the body of this paper suggests that attempting to dichotomize homosexuality as being either “innate” or “not innate” is extremely difficult. Applying the “nature or nurture” debate to sexual orientation brings about challenges within the argument when we try to separate the two concepts into completely different, mutually exclusive categories.

As Professor John Pinel explains, we cannot measure exactly how much of an influence either genetics or environment have on a human aspect, such as sexual orientation. In reality, a tendency such as this is not actually formed through so many parts of genetic influence and so many parts environmental (Pinel, 2011); it’s actually the nature of the interaction itself between these two parts that determine the outcome of the human capacity in question. The research referred to in this paper indicates that it’s neither exclusively nature nor exclusively nurture that affects a person’s sexual orientation, but rather the type and amount of interaction between the two that influences the expression of a particular sexual preference. A “twin study” is a research method used to investigate and determine the relative predominance of genetic and environmental factors in the growth and development of individuals. Monozygotic twins already share the same DNA, so through this research method, we can find out just how influential environment can be, from person to person. Bailey and Pillard’s 1991 study on homosexuality in related males is a classic example of a twin study, which tend to be one of the most widely-used sources of evidence regarding the “nature vs. nurture” debate surrounding same-sex attraction. This particular analysis found that in monozygotic twins, where 100% of the DNA is shared, only 52% of cases resulted in both twins being homosexual (Bailey & Pillard, 1991), leaving 48% of the pairs in the sample with either one homosexual and one heterosexual brother, or both being heterosexual. If a person’s sexual orientation were

completely genetic, we'd expect to see a 100% concordance rate in these types of twins. Thus these findings discount this idea and support the notion that there must be another influence.

In the same way, only 22% of dizygotic twins (who share 50% of the same DNA) were found to be homosexual, along with 9% of non-twin brothers (Bailey and Pillard, 1991), both of which should have sat around the 50% concordance rate, as fraternal twins and non-twin brothers share approximately 50% of the same DNA. Their 1993 study on homosexual females resulted in similar outcomes, with the actual concordance rates being much lower than the expected ones (Bailey and Pillard, 1993), providing evidence overall that there must be a secondary, non-genetic influence on sexual orientation in both males and females – homosexuality is due to more than just the genes. However, their study has faced some criticism since publication over 20 years ago that has the potential to affect the validity of their findings. Criticism includes their samples being relatively small, with the males having 171 participants and females having 147 as well as being obtained through outreach in gay publications such as newspapers and magazines (Bell, 1994), resulting in a sampling bias. This is unlike Bailey's study in 2000, where the sample was collected from a group of 4910 Australian teenagers, who answered an anonymous sexuality questionnaire (Bailey et al., 2000). Another critique of this publication is the fact that there was no data for monozygotic twins that were reared apart; these kinds of twins are often the most useful in giving insight to the different proportions of genetic and environmental influence on individuals; identical twins in the same household/environment tend to be treated and raised in a similar way, thus their environments (as well as their genes) tend to be very much alike.

In the same year that Bailey and Pillard's twin study was released, Simon LeVay published an article on hypothalamic structural differences, namely involving the third interstitial nucleus of the anterior hypothalamus (INAH3). It's found within the sexually-dimorphic nucleus, which is a tightly-packed group of cells, thought to be influential in determining sexual orientation, as one of the functions of the anterior hypothalamus relates to the contributing to and regulating of male-typical sexual behaviour (LeVay, 1991). LeVay obtained brain tissue from the cadavers of 19 homosexual males, 16 (presumed) heterosexual males and 6 (presumed) heterosexual females, and found that although there were no significant differences found in the volumes of INAH 1, 2 or 4, INAH3 was twice as large in heterosexual males as it was in the homosexual males and heterosexual females. His findings caused him to draw the conclusion that INAH3 volumes vary depending on a person's sexual orientation, initiating his suggestion that homosexuality and heterosexuality have a physiological root.

Like many other theories surrounding the topic of homosexuality, LeVay was no exception to criticisms, including a lack of study replication, an overly small sample size and his results being correlation-based only. In this case, while the INAH3 volume did provide potential for causation, an actual cause and effect was never established, due to the above issues. The overall differences he found between volumes in heterosexual male brains and homosexual male brains may not have necessarily been due to overly-significant discrepancies in data sets. While there is an acknowledged difference between mean values, the actual ranges themselves overlap (LeVay, 1991) suggesting that the “significant differences” may not have been so significant at all. Another major critique of his theory revolves around the fact that he grouped the one bisexual man with the other homosexual men, suggesting an overly simplified view of sexual orientation. In this particular study, LeVay did not seem to acknowledge the fact that sexuality is not necessarily black and white or that sexual orientation cannot be sorted into two completely separate, mutually-exclusive categories, “gay” or “straight”.

In 1993 Dean Hamer conducted a study on the genetic information of 40 pairs of homosexual brothers in the United States, the findings of which gave rise to the idea of the existence of a “gay gene”. A section of DNA on the X chromosome was brought under investigation; region Xq28, and the exploration found that this particular section was the same in appearance in 33 of the 40 pairs of brothers. Though this DNA section did not actually constitute a “gene” so much as a marker, Hamer did claim that he had found evidence that “some male homosexuality was passed through female members of a family” (Hamer et al., 1993) and that this linkage could be interpreted with near certainty (99.5%) that there is “an area of this X chromosome that predisposes a male to become a heterosexual” (Hamer et al., 1993).

Though this theory seemed promising at the time, it was criticized for numerous reasons, with some of the significant ones including the fact that seven of the forty pairs of brothers did not share the same marker appearance, suggesting the presence of other influences on the men’s sexual orientation. The experiment wasn’t considered to be truly unbiased, as only homosexual men had their genomes investigated; no heterosexual brothers took place in the study thus their Xq28 markers were not looked at or compared with those of the other pairs. There was also no actual gene identified as being the one responsible for homosexuality; a genetic marker is not the same as a gene or an allele and as there was not a 100% concordance between the expected and actual results of the mapping. As a result, Hamer and his colleagues couldn’t be totally sure that this particular area of Xq28 was responsible for the development of sexual orientation. Lastly (and perhaps most importantly), this 1993 study couldn’t be replicated with statistically significant results; while Stella Hu was able to produce similar

results in that same year (with both heterosexual and homosexual pairs), her sample sizes were too small to produce, significant results, representative of the overall population (Hu et al., 1995). Future studies have been unable to replicate the study at all, with George Rice's 1999 investigation, involving 52 pairs of gay men, being unable to produce results consistent with the claim that an X-linked gene/marker underlay male homosexuality (Rice et al., 1999).

The theory of fraternal birth order is attributed to Ray Blanchard, who wrote a paper in 2001, identifying the correlation between said order and male sexual orientation. The concept states that male homosexuality increases by approximately 33% with every biological older brother he has, but only for people who are right handed (Blanchard, 2001). Blanchard postulated that the correlational effect reflected the potential "immunization" of some mothers to H-Y antigens – substances that are specific to males, thought to be involved in the formation of the testes, similar to Mullerian-inhibiting protein (Mueller, 1996). According to his ideas, these antigens move through the placenta, affecting elements of sexual differentiation in the brain of the baby. While Blanchard's study has been labeled as one of "the most consistent biodemographic correlate of sexual orientation in men" (Bogaert, 2006), it's not totally unmarred by contrary evidence. The experiment has been criticized for it's non-representative sample and "indirect reports on sibling's sexual orientation" (Bearman, 2008) which points to a lack of successful replication; Bearman's 2008 study did not result in an association between same sex attraction and any number of older siblings, male or female. In the same year, Andrew Francis conducted a similar study but was only able to produce a very weak, insignificant correlation with male homosexuality and having multiple older brothers (Francis, 2008). Blanchard's investigation, as a result of the lack of replication, is correlational only – causation cannot be implied as similar results in further studies haven't been able to be produced.

Michael Bailey proposed maternal stress theory in 1991, branching off from Ellis's neurohormonal theory of sexual orientation (Ellis, 1987). Bailey originally claimed that this theory contributed to the suggestion that homosexuality in males can arise as a result of prenatal stress during the time of sexual differentiation in the fetus's brain (Bailey et al., 1991). Retroactive reports of stress during pregnancy were obtained from mothers of babies (both male and female) with any sexual orientation, with every mother also rating pregnancy-related stress for a heterosexual sibling of the subject. His investigation still had issues relating to the grounds of self-report bias, sampling bias and actual sample size. Data collected retrospectively is dependent on recall and therefore inherently unreliable, as is relying on anecdotal, self-submitted feedback. Data gathering in this way makes for an unrepresentative sample population, affecting the overall validity of his work.

He did some recruiting through several university LGBTQ communities and groups, as well as an “alternative” campus newspaper (Bailey et al., 1991) – respondents would have been coming from very specific backgrounds and areas, contributing to a significant sampling bias, further affecting the representativeness of his findings. He also had two conditions to his study; participants must be under the age of 30 and have completed at least one year of study, though he ultimately waived at least one of these conditions (several times) to increase his sample size. Bailey inadvertently ended up supporting both sides of the homosexuality conflict. While his actual analyses produced negative results for prenatal stress as a cause of either sexual orientation or gender nonconformity as a child, Bailey actually found evidence of familial workings, suggesting a reconsideration of genetic influence on orientation (Bailey et al., 1991). While his original hypothesis ended up differing from the outcome of his findings, Bailey still claimed that “determinants of sexual orientation are multifactorial” though a more promising route to explaining homosexuality would be through resolving of the causes of it’s familial links.

The various investigations that have been examined, while producing results, do not have enough strength to back up their claims, with this lack of cogency generally stemming from either small, non-representative samples or a lack of study replication. Many of these studies ended up being “one offs” in terms of their results, thus the validity of the claims are not robust. With so much conflicting research and findings making different assertions, we are unable to claim that homosexuality is either genetically or environmentally caused, or that one predominates over the other. Research that hypothesizes dichotomization of the roots of sexual orientation introduces even more complexity to the investigation. Philip Kitcher sums it up well in saying that “countless aspects of the environment are necessary at each stage of an organism’ growth to keep development on its normal course” (Kitcher, 2001), guaranteeing that the right genes are expressed in the proper cells at the exact time needed. All in all, there has not been enough definitive research conducted regarding the causes of homosexuality to be able to make an ultimate claim that sexual orientation has either predominantly genetic or environmental roots.

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Sociology 214
Sociology of Gender
Starsha Samarasinghe

Prisoners of Body and Mind: Transgender and Incarcerated

Those who identify as transgender are on a journey towards societal acceptance and defiance of cultural constraints that hinder their happiness. The likes of Caitlyn Jenner taking social media by storm seemed to call attention to the transgender community and reiterate the need for this community to be recognised, integrated into society, and be able to undergo transitions to become the people they knew they were all along. As with anything on the internet, debate arose. Many were call Jenner a 'hero' for coming out and having the courage to embark on her journey of transition and gender reassignment whilst in the public eye. This was indeed heroic and admirable, I think. After all, not all heroes wear capes or rescue children from burning buildings. If Jenner empowered at least one lost, lonely and confused transgender youth then I will gladly endorse this label of hero that has been thrust upon her. But I am sceptical. Jenner was able to adopt the status of 'hero' because she had access and money – essentially means. The majority of transgender individuals cannot afford to undergo these grossly expensive procedures – or at least not as rapidly or with such ready availability as Jenner did. For many transgender individuals, this indeed is an extensive and difficult process – not just in terms of undergoing a surgery (some transgender individuals elect not to undergo this procedure) but also the acquirement of hormone replacement therapy as well, both of which are expensive treatments. In essence, Jenner was fortunate enough to become Caitlyn to the fullest extent because she had the resources and freedom to do so. I'm by no means saying Jenner didn't face her fair share of obstacles and hindrances (because society being what it is, of course she did) – her choices before her transition may not have felt very free at all. However, the issue I would like to address here is what happens to a transgender person when freedom is unequivocally removed from the situation – more plainly, what about the transgender prisoners?

As Travis Cox states, there are many different terminologies surrounding the transgender identity that one must familiarize themselves with in order to better understand and be able consider the position of being transgender whilst incarcerated (Cox 2009). We must break down the constructs of gender and identity as we know it and expose ourselves to the notion that one's biological sex and their gender identity can exist separately from the other. Transgender individuals experience a disparity between their biological sex and their 'felt' gender. Gender dysphoria is this sensation too - that one feels instinctively that they are not truly the gender that they physically appear to be and have been assigned to since birth. Not only transgender individuals therefore can experience gender dysphoria, instead it is even considered a psychological disorder in some U.S prisons. While labelling gender dysphoria (or gender identity disorder/GID) a psychological consider, it may seem perhaps as something that might further marginalize

a community already subjected to societal discrimination. However, it in fact has the potential to benefit transgender prisoners as the categorization of GID as a psychological disorder allows for a heightened eligibility of receiving healthcare associated with GID (such as hormones) whilst incarcerated (Cox 2009). Often transgender persons primarily seek hormonal therapy or cosmetic surgery above a gender reassignment surgery. These hormones can be difficult to obtain, expensive, and take ample time to garner a noticeable change (Brown and McDuffie 2009). This stresses the notion that once an individual has begun this treatment and therefore, their transition, it is not only an emotionally grievous experience to be suddenly deprived of them, but is detrimental physically too.

A discussion of transgender prisoners cannot be deemed complete without an honourable mention of Sophia Burset of *Orange Is the New Black* (sadly one of the few current television shows to portray a central transgender character). Sophia's character in one particularly poignant episode demonstrates this very experience of the deprivation of oestrogen, the harmful effects this can bring about and her life as a transgender woman in a women's correctional facility. In the episode we see Sophia being told she is no longer eligible to receive the hormones she has been taking religiously for years. Of course, being the award-winning fictional, dramatized, television show that this is Burset proceeded to swallow a bobble head figure in order to be hospitalised and receive her treatment there – but the point remains that Burset was desperate. A system failed to provide her with the hormones she needed to feel herself and human – arguably denying a person of this is a breach of their human rights. This however, does not solely exist in the world of the television screen (perhaps the bobble-head swallowing). A transgender woman, Anna Connolly, an ex-prisoner of Florida Department of Corrections, talks of suddenly being denied oestrogen and medical treatment associated with her transition. She talks of how she was placed in solitary confinement and “her breasts hurt, her skin crawled, she felt nauseous and distinctly, wrong” (Cruel and Unusual, 2006). She talked of how she was placed in a men's prison because she was pre-gender reassignment surgery and she was placed there “because of (her) genitals, not (her) identity.” (Cruel and Unusual 2006).

Cruel and Unusual (2006) and Sexton et al describe inmate experiences while transgender and incarcerated. The documentary centres around 5 transgender women and forces the viewer to consider why a disproportionately large numbers of transgender individuals are imprisoned. There aren't any exact statistics but from a recent survey it was discerned that there are approximately 700,000 transgender adults in the U.S. of which 3000 are imprisoned (Cruel and Unusual 2006). The reason Baus et al cite

for this is that with the prejudice transgender individuals endure in society, entering into the workforce can be difficult, money is therefore scarce, and medical treatment can cost anything upwards of \$100 a month. In fact, according to the Transgender Law Centre, surgery could cost anywhere between \$5000-\$50,000 with some phalloplasties costing around \$100,000 (Transgenderlaw.org, 2015) and so crime is turned to as a means of affording this essential treatment.

The distribution and access to medical treatments is heavily monitored. While some states in the United States allow for the access to these hormones, (a blanket-rule of no hormones allowed to be administered to inmates was eradicated in 2015), the nature of the new laws regarding transgender rights to treatment in prison vary greatly. The state of Georgia ruled the deprivation of treatment as “unconstitutional” and that the rule stating that previously taken hormones must be proven should be abolished. The Department of Justice said that: “Prisoners with gender dysphoria should not be forced to suffer needlessly during their incarceration simply because they were not receiving care, or could not prove that they were receiving care, in the community. Policies have serious consequences to the health and wellbeing of transgender prisoners, who are among the most vulnerable populations incarcerated in our nation’s prisons and jails.” Inmate recounts in documentaries and surveys (Sexton et al, 2010) recall the denial of medication and even on the occasion that an inmate be granted the hormones, it is often that this inmate is kept in solitary confinement for their ‘protection.’ Examining the effects of solitary confinement, there is the possibility that any given inmate will suffer from hallucinations and will develop susceptibility to the early stages anxiety, panic attacks and depression after a mere hours 48 hours of solitude (Smith 2006). Keeping this in mind, placing a transgender prisoner – already vulnerable from withdrawal symptoms and bodily changes – in such position is only further debilitating to their mental and physical health.

It is no wonder then the overly-dramatized Sophia Burset’s swallowing of a bobblehead seem overly-dramatized at all as transgender prisoners have recalled that the worst prison of all was the one in which their body felt trapped in another that wasn’t their own.

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