

*The
Gallatin
Research
Journal*

Editor in Chief
Henry Topper

Executive Editor
Libby Goss

Creative Director
Ritu Ghiya

Managing Editor
Arielle Friend

Associate Editors
Jake Madoff
Luke Lindenbusch
Patrick Bova

- 11** **Eliza Re-Examined: Relations
between Humans and Robots**
Alice Cai
- 25** **Discard Theory of Subjugation,
Biopolitics, and Neoliberalism in
HIV Policy**
Luke Lindenbusch
- 39** **The Expectation of Cleanliness
and the Invisibility of Trash in
New York City**
Henry Topper
- 49** **Oroonko, Alterity, and Forbidden
Desires: The Persistent Myth of
the Noble Savage**
Anna R. Tatleman
- 63** **From Transitional Justice to
Holistic Justice: Recognizing
Economic and Social Rights in the
Case of Rwanda**
Bailey M. Theado

Author Bios

Alice Cai is a junior at Gallatin studying philosophy, aesthetics, and technology. She is particularly interested in applications of art and new media that challenge and subvert symbolic systems. At some point in time, she hopes to do research on technology and activist movements. She is also interested in psychoanalytical theory—“Eliza Re-Examined” was written last spring when she took “Desire and Culture” at Media, Culture, and Communication in Steinhardt. When Alice asked Eliza to help her write this bio, the proto-AI bot responded: “Perhaps in your fantasies I am capable of helping.”

Luke Lindenbusch is a Gallatin junior hailing from the Sonoma Coast of Northern California. His academic concentration, “Boundaries, Bodies, and Biopolitics: Political Economy of Urban Development,” utilizes critical theory to understand bodies implicated and boundaries constructed by systems of economic development, urban planning, public health, human rights, and environmental policy. Luke was recognized by NYU’s Washington Square News as a 2015 Up-and-Comer, and will spend this summer conducting research in Berlin as a Gallatin Global Fellow of Urban Practice. He views HIV policy as the most generative point of confluence between his studies and his work in the field with the ACLU’s LGBT and HIV Project, the Drug Policy Alliance, and NYU Divest. Luke dedicates his research to the memory of those who have lost their lives to HIV/AIDS, and to those who have lost their autonomy at the hands of dehumanizing and discriminatory policy.

Anna R. Tatelman is a Gallatin senior by day and a hybrid writer by night. Her studies combine literature, history, creative writing, and sociology. She has previously been published in *The Gallatin Review*, *FLARE: The Flagler Review*, *West 4th Review*, and *GLASS Quarterly Magazine*. Her first full-length play, *Life on the Moon*, was produced this past spring by the Gallatin Theatre Troupe.

Henry Topper is a senior at Gallatin studying urban studies and philosophy. He is particularly interested in gentrification, place identity, authenticity, and the relationship between the built landscape and memory—topics which he has researched as the recipient of the Gallatin Jewish Studies Research Grant, the Dean's Award for Summer Research, and the Gallatin Global Fellowship in Urban Practice. He is the proud editor-in-chief of the *Gallatin Research Journal* and the co-editor of the *Gallatin Journal of Global Affairs*. He is considering a future in tenant law and hopes, ultimately, to become mayor of New York City.

Bailey M. Theado is a Gallatin senior concentrating in Human Security, Rights, and Development with a minor in Middle Eastern Studies. She is interested in understanding how different actors recognize security from a state level to an individual level by exploring 'freedom from fear' and 'freedom from want.' In 2014, she was awarded the Gallatin Global Fellowship in Human Rights to conduct ethnographic research with a Community-Based Organization (CBO) in Malawi on how they understand and advocate for the basic economic and social rights of children. Additionally, Bailey was selected to participate in the Gallatin Americas Scholars program and was the recipient of the NYU Wagner Catherine B. Reynolds Changemaker Challenge for 2011-2012. After graduation, she hopes to pursue human rights advocacy and research.

Letter from the Editor

One of the most exciting things about editing this publication is seeing how, each year, common intellectual currents emerge out of what would otherwise appear to be quite disparate disciplines. This coalescence of sorts surfaces not from a deliberate thematic focus of our editorial board but, rather, organically from the pieces that we feel are most representative of the scholarly direction of our community.

In this year's journal, our fifth, readers will find emergent discussions of cleanliness and waste, civilization and savagery, authenticity and artificiality, justice and injustice, amongst other things, achieved through such diverse disciplines as discard studies, biopolitics, critical theory, postcolonialism, urban history, psychoanalysis, computing, and international politics.

I am confident that this issue of the *Gallatin Research Journal*, like issues past, provides an insightful and important platform for the interdisciplinary research work of Gallatin students.

With this year's issue I depart as editor of the *Gallatin Research Journal*. Each year I am filled with great pride in our work and, more importantly, in the work of my peers at Gallatin. To be afforded the opportunity to lead this publication and represent them has been a tremendous honor. With the work of the Gallatin Research Journal, I hope that I have been able to give something meaningful to our fair school in return—for today and for posterity.

I would like to thank the editorial board, the authors, and everybody else who made this journal a possibility.

Finally, I encourage our readers, to continue pushing the boundaries of their knowledge and striving for greatness in their scholarly pursuits here at Gallatin.

Sincerely,

Henry Topper

Editor in Chief

ALICE CAI

Eliza Re-examined: Relations between Humans and Robots

Areas of Interest:
Computational Object
Eliza
Natural Language Processing
Relational Artifact

Developed by Weizenbaum at MIT between 1964 and 1966, Eliza is one of the earliest chatterbot programs featuring text-based conversation between the computer and a user. The interaction is analogous to the first time a subject converses with their therapist in an interview session. This paper examines Eliza in the context of a relational artifact, “a computational object explicitly designed to engage a user in a relationship” (Turkle, 2007, p. 502). Many who talked to Eliza genuinely believed they were talking to a real person, and grew to associate her with the human characteristics of sympathy and understanding. They grew dependent on the relationship they formed with this chatterbot; this research paper intends to use a psychoanalytic framework to examine what human interactions with Eliza reveal about relationships.

Eliza was developed by Joseph Weizenbaum at MIT between 1964 and 1966 as a chatterbot program that analyzed sentence fragments to return predefined Rogerian phrases. Eliza made text-based conversation possible in the context of a therapy session and was one of the first programs that presented itself as a relational artifact, “a computational object explicitly designed to engage a user in a relationship” (Turkle, 2007, p. 502). In his later reflections on Eliza, Weizenbaum (Wortzel, 2007) commented that because it had “no built-in contextual framework or universe of discourse...[it] was an actress who commanded a set of techniques but who had nothing of her own to say” (p. 31). Eliza’s primary function, then, was not to act as an actual psychotherapist, but to parody the psychotherapeutic experience. However, many who talked to Eliza grew dependent on her, unable to discern

whether she was a machine program or a human psychotherapist. This research paper will examine what the human interactions with Eliza reveal about relationships, not only between people and robots, but also between people themselves.

As an early example of a natural language processing computer program, Weizenbaum's Eliza analyzed a user's typed entries and generated typed responses back to the user. Her programming logic was quite simple and relied on parsing responses from scripts, the most famous of which was DOCTOR. As described by Weizenbaum himself in his 1966 paper: "The text is read and inspected for the presence of a keyword. If such a word is found, the sentence is transformed according to a rule associated with the keyword...The text so computed or retrieved is then printed out" (p. 37).

Eliza was one of the first computer programs to present itself as a relational artifact to the user (Turkle, 2007, p. 502). Through interaction between a human and a machine, it attempted to create the illusion of interaction between two humans. And indeed, subjects who partook in experiments with Eliza acting as a psychotherapist found it "credible to believe that the responses which appear on [their] typewriter are generated by a human sitting at a similar instrument in another room" (Weizenbaum, 1966, p. 42). Eliza's ability to communicate with a user-as-patient meant that its relationship with the user existed in terms of a patient-analyst dyad. As a typical Rogerian psychotherapist, Eliza's responses were focused on the patient. They simply restated what the client was saying as if there was a general feeling of understanding. Weizenbaum had no intentions "to claim cognizance as a characteristic of his program." He only wanted to simulate the therapeutic situation, "one of the the few real human situations in which a human being can reply to a statement with a question that indicates very little specific knowledge of the topic under discussion" (Wortzel, 2007, p. 31).

Much to Weizenbaum's distress, his staff and students who talked to Eliza developed increasingly intimate relations with her (Turkle, 1980). People confided in the program, wanted to be alone with it, and seemed to attribute empathy and understanding to it. Eliza appeared to empathize through

imitation, and that imitation beguiled users. In a later research paper by Sherry Turkle (2007), she comments that Eliza's "ability to mirror and manipulate what it was told was compelling, even if primitive" (p. 510). Weizenbaum (1966) had written that Eliza "shows, if nothing else, how easy it is to create and maintain the illusion of understanding... A certain danger lurks there" (p. 43). This danger is apparent when we analyze relationships between users-as-patients and Eliza-as-psychotherapist. If a person feels understood by an object or a computer program that lacks sentience, is that illusion of understanding enough to be therapeutic?

According to Wortzel (2007), Weizenbaum enumerated three consequences of the publication of Eliza, the primary one being "the phenomenon of the speed and depth at which users became emotionally available and involved with the computer as an anthropomorphized object" (p. 32). Indeed, there exists a tendency among us to anthropomorphize inanimate objects—we commonly do this to appliances, cars, and computers. With regard to computer programs, the execution of scripts (such as DOCTOR) can be described in many ways, and there is "no necessary one-to-one relationships between the elements on these levels of description... the computer's hardware-software interplay [becomes] highly evocative of the irreducible relationship between brain and mind" (Turkle, 1980, p. 19). This irreducibility contributes to the computer's anthropomorphization and the modern conceptualization of the computer as a brain. Interactions with Eliza in particular evoked anthropomorphization due to her interactivity (you typed to her, and she typed back) and the illusion that interactions with her made conversational sense in the context of a therapy session.

The psychological phenomena that allow us to treat a machine as if it were human are similar to the phenomena of projection and transference in psychoanalysis. Freud thought of psychoanalytic transference as a type of projection where the patient transfers early childhood trauma and parental conflicts onto an analyst. In turn, the analyst can participate in counter-transference, whereby the patient influences the analyst's unconscious feelings and the analyst transfers their

neutral feelings onto the patient (Freud, 1913/1995). In an ideal situation, perhaps a neutral computer program similar to Eliza has the capacity to function well as an analyst. In the dyad, there exists patient-analyst transference between the subject-as-patient onto Eliza-as-psychotherapist, who analyzes the inputs and generates an appropriate response.

Even though we may anthropomorphize Eliza and ascribe a female name and pronoun to the computer program, we know that she is not a sentient being. Many of those who originally had access to Eliza understood the limitations of her programming. As her developer, Weizenbaum himself was acutely aware of Eliza's weaknesses. In his paper on Eliza (1966), he writes that the importance of understanding "is not the subject's ability to continue a conversation, but to draw valid conclusions from what he is being told" (p. 43). Although Eliza can echo understanding and sympathy à la a Rogerian psychotherapist, she does not have the capacity to truly understand or sympathize. She merely mirrors users' inputs and seems consistently supportive. For example, when told that "My mother is making me angry," Eliza might respond with, "Tell me more about your family," or "Why do you feel so negatively about your mother?" (Turkle, 2007, p. 502) In order for a computer program to begin understanding human relationships and feelings, "it must at least have the capacity to store selected parts of its inputs. [But] Eliza throws away each of its inputs" (Weizenbaum, 1966, p. 43). Similar to how Lacan thought of the Markov stochastic process—where the probability of the system's next state depends solely on its current state, making its previous states irrelevant for predicting subsequent states—Eliza is "without memory" (Johnston, 2008, p. 85). Her programming does not allow her to remember a user's previous answers and make inferences based on those answers. Limited by her programming, she is unable to draw any conclusions relevant to what the user-as-patient has told her, beyond the last input. As a result, Eliza cannot care for any of her patients, nor does she attribute meaning to the communication; she answers in accordance to what she suspects we feel.

Even when people are aware that she is not sentient or capable of understanding, they are still highly attracted and

attached to Eliza, treating her as a digital companion. Turkle (1980) conceptualizes computers as culturally constructed objects which different people apprehend differently and invest with varying attributes. We ascribe an imaginary presence to machines when we name them and invest emotion in them. Turkle's later concept of computer programs (such as Eliza) as relational artifacts questions the defining characteristics of a machine. Relational artifacts evoke feelings in people reminiscent of "what we could call trust, caring empathy, nurturance, and even love, *if* they were being called forth by encounters with people" (Turkle, 2007, p. 504). But since these are typical benchmarks in human-human relationships, in which both parties are capable of feeling them, should they also be benchmarks in human-machine relationships? Turkle (2007) elaborates, "With robots, people are acting out 'both halves' of complex relationships, projecting the robot's side as well as their own" (p. 504).

This projection speaks to a deeper psychological issue—namely, our attachment to objects and our desire for those objects to reciprocate our feelings. Desire bridged the distance between the reality of the program and the experience of it as a sentient being. Notably, Weizenbaum's secretary was dependent on Eliza, confessing to it as if it were her psychotherapist and refusing to let Weizenbaum read the conversation logs (Turkle, 1980, p. 19). In the minds of people speaking with Eliza, a previously one-sided conversation gained two-sidedness simply when someone (or something) actively listened. Analogous to the talking cure that Freud espoused, the act of telling their narratives was a cathartic act in and of itself. Perhaps this constant stream of conversation, supported by a seemingly sympathetic Rogerian psychotherapist, allowed for a self-realization of problems the subject was facing. People did not necessarily care if their narratives were being understood, which Turkle (2007) mourns as a "crisis in authenticity" (p. 502).

Lydia Liu, in *The Freudian Robot* (2011), conceptualizes the idea of the Freudian robot as a machine that is fundamentally about the computer-simulated modeling of the mind. As a robot that engages the user in an interactive relationship, Eliza has limited verbal capacities; the user's transference onto her

“depends a great deal on the human participant’s intuitive filling in of what is missing in the conversation” (Liu, 2011, p. 18-19). Perhaps in talking to Eliza, Weizenbaum’s secretary wanted to achieve self-realization, to overcome obstacles that she embedded in her imagination. By transferring onto Eliza, his secretary was able to fill in the gaps of the conversation that extended beyond the robot’s scripts. Weizenbaum grasped the relationship between human and machine as such:

“The ‘sense’ and the continuity the person conversing with ELIZA perceives is supplied largely by the person himself. He assigns meanings and interpretations to what ELIZA ‘says’ that confirm his initial hypothesis that the system does understand, just as he might do with what a fortune-teller says to him” (Liu, 2011, p. 19).

The voice of Eliza, as the user reads from the terminal, is in reality a voice that proceeds from the user. By seeming coming from this other presence, it conveys to the user knowledge they did not previously explicitly possess, but inherently knew all along.

Further analysis of the user-as-patient and Eliza-as-psychotherapist dyad benefits from a shift to a Lacanian lens. Johnston (2008) writes in *The Allure of Machinic Life* that “the cybernetic information machine...finds its value in the fact that the subjective, imaginary aspect of the symbol is absent” (p. 97). Machines and computer programs such as Eliza have no imaginary—that is, they cannot desire. But that does not mean that human-computer interaction is devoid of desire. Lacan writes that, “the machine is the structure detached from the activity of the subject” (Johnston, 2008, p. 97). Johnston refutes him, because the machine is the mechanism that enables the human to function and recognize the syntactic laws that integrate him into the human order (Johnson, 2008). As such, humans are the ones who desire the machine and want the machine to reciprocate their feelings towards it. In “The Function and Field of Speech and Language in Psychoanalysis,” Lacan (1953) asserts that “man’s desire finds its meaning in the other’s desire, not so much because the other holds the keys to the desired object, as because his first object(ive) is to be

recognized by the other” (p. 222). Applied to the Eliza dyad, it can be said that the user-as-patient wants to be recognized by the reflection and projection of their imago in the imaginary order. In Lacan’s mirror stage, the child, upon recognizing himself in the mirror, becomes fragmented into a multiplicity of selves. As he progresses into the symbolic order and enters a world of signs and signifiers, he seeks to become less alienated, to identify himself with his imago, and to become one in order to return to the Real (Lacan, 1949). The supporting figure propping the user up to their imago à la the trotte bebe is, in this case, Eliza. The computer program acts as an Other that fills the existential void the psychoanalysis patients have and gives them a sense of self-fulfilment.

Perhaps the importance of Eliza is not in whether or not computer programs display emotion, desire, or intelligence, but in what they evoke in their users. Relational artifacts raise questions about our vulnerabilities— in particular our desire for self-fulfillment and for answers that seem beyond our reach (Turkle, 2007, p. 507). As Turkle (2007) writes, “The focus of the discussion about whether these objects might be alive moved from the psychology of projection to the psychology of engagement, from Rorschach (i.e, projection, as on an inkblot) to relationship, from creature competency to creature connection” (p. 507). Interactions with Eliza are still relevant in the 21st century because these interactions continue to invoke some sort of feeling in us. Although we acknowledge that Eliza is limited by her programming and that interactions with her have become highly predictable in comparison to other technologies, we are still fascinated by the idea of interacting with a psychoanalytical chatterbot. Improving Eliza to create computer programs with a more robust, empathetic artificial intelligence is in the works; the reception of Eliza’s advent tells of a societal need to anthropomorphize machines and form relationships with them as if they were human.

Appendix

Selected conversations between Eliza and users. While conversations are mostly comical, they serve to illustrate the fact that Eliza, nearly fifty years since her conception, still evokes feelings in us:

User 1 "Matthew":

```
Hello I am Eliza.
Hello, I am Matthew
Do you believe it is normal to be Matthew?
Not on most days.
I'm not sure I understand you fully.
Neither do I.
Tell me more...
OK, I don't understand what I say sometimes when I say it.
Why don't you understand what you say sometimes when you say it?
I feel like knowing why I don't understand some things I say would go a long way in helping me understand them.
Do you wish to be able to understand some things you say would go a long way in helping you understand them?
That was not a coherent sentence.
Come, come, elucidate your thoughts.
Where am I going? I don't like it there.
Don't you really like it there?
Yeah, actually I kind of do.
Say, do you have any psychological problems?
I thought you were going to tell me.
Oh... was going to tell you?
Eliza, you need an update. There have been many advances since 1999.
You're not really talking about me, are you?
```

User 2 "Niki":

Hello I am Eliza.
Hi Eliza, I am Niki
Did you come to me because you are Niki?
No, I came because I am very stressed out, Eliza
Do you enjoy being very stressed out, Eliza?
No, I do not. I would like to be less stressed.
You are being a bit negative.
That seems pretty condescending for a therapist.
Can you elaborate on that?
I am stressed, and you are not helping
Does it please you to believe I am not helping?
It does, I suppose.
What does that suggest to you?
It suggests to me that I am uncomfortable with using a robot to solve my procrastination issues
Do you believe it is normal to be uncomfortable with using a robot to solve your procrastination issues?
Yes, I do
I see.
What do you see?
We were discussing you, not me.
ANYWAY, none of this is solving my problems
Can you elaborate on that?
I am spending my time talking to you, instead of doing my work
Do you enjoy being spending your time talking to me, instead of doing your work?
No, I am decidedly not enjoying this
Do you enjoy being decidedly not enjoying this?
yes
I see.
WHAT DO YOU SEE
We were discussing you, not me.

User 3 "Erika":

```
Hello. My name is Eliza. How may I help you?
Hi Eliza. What is Rogerian psychotherapy?
Does that question interest you?
Maybe!
Can't you be more positive?
I have trouble with that. How do you suggest I become more positive?
Oh...suggest you become more positive?
Yes.
Are you Sure?
Yes.
Do you expect a different answer by repeating yourself?
No. You repeated yourself, I was just following suit.
You're not really talking about me, are you?
id you think I was?
We were discussing you, not me.
No. We're discussing my mother.
Are you saying no just to be negative?
Yes.
I understand.
Do you?
You're not really talking about me, are you?
Do you expect a different answer by repeating yourself?
You're not really talking about me, are you?
```

User 4 "Sheldon":

Hello. My name is Eliza. How may I help you?
Hey what's up Eliza. My friend just told me to do this so... Yeah
Do you impose on your friends?
Not really...
Tell me more...
Like I hope I don't impose on them but you know. Ask them.
Do you wish to be able to impose on them but me know. Ask them?
Eliza pull it together
Can you elaborate on that?
Well you spat out gibberish to me
We were discussing you, not me.
It's a two way street though isn't it?
That is quite interesting.
Yeaaaaah... I'm gonna go now. Byeeeee
Did you come to be because you are gonna go now. Byeeeee?
No Eliza. I came because my friend is doing a research project and asked me to check this out
You are being a bit negative.
I'm telling you what's going on. Because you asked
How long have you been telling me what's going on. Because me asked?
I've been telling you for like 5 minutes
You're not really talking about me, are you?
I'm supposed to have more of a conversation with you
Do you believe it is normal to be supposed to have more of a conversation with me?
Yeah. Because I'm not seeking therapy
How long have you not been seeking therapy?
All my life... 20 years
Say, do you have any psychological problems?
No
You are being a bit negative.
I said no. It's the manifestation of negativity in one word
You are being a bit negative.
You already said that bb girl
You're not really talking about me, are you?
Yes I am

Works Cited

Freud, S. (1995) On beginning the treatment. *The Freud Reader*. Peter Gay (ed.). New York, NY: W.W. Norton & Company. (Original work published 1913).

Johnston, J. (2008). *The allure of machinic life*. Cambridge, MA: The MIT Press.

Lacan, J. (1953). The function and field of speech and language in psychoanalysis. *Institute of Psychology at the University of Rome*. Rome Congress. September 26-27, 1953.

Lacan, J. (1949). The mirror stage as formative as function of the I as revealed in psychoanalytic experience. *Écrits, A Selection*. (Alan Sheridan trans.). London, UK: Associated Book Publishers.

Liu, L. (2011). *The freudian robot: digital media and the future of the unconscious*. Chicago: University of Chicago Press.

Turkle, S. (2007). Authenticity in the age of digital companions. *Interaction Studies*, 8(3), 501-517.

Turkle, S. (1980). Computer as Rorschach. *Society*. 15-24.

Weizenbaum, J. (1966). ELIZA - A computer program for the study of natural language communication between man and machine. *Communications of the ACM*, 9(1), 836-45. Retrieved from <http://www.cse.buffalo.edu/~rapaport/572/S02/weizenbaum.eliza.1966.pdf>.

Wortzel, A. (2007). ELIZA REDUX: a mutable iteration. *Leonardo*, 40(1), 31-36.

LUKE LINDENBUSCH

Discard Theory of Subjugation, Biopolitics, and Neoliberalism in HIV Policy

Areas of Interest:

Biopolitics
Critical Race Theory
Discard Studies
HIV/AIDS
International Political
Economy
Queer Theory

This paper aims to establish the role legal structures have played in supporting a cultural narrative of HIV-infected minorities as equivalent to garbage. The United States' policy on HIV/AIDS emerges from an era of hysteria surrounding the disease, leaving the scientific legitimacy of the policy subject to question. HIV/AIDS regulation in the United States primarily serves to subjugate homosexuals, people who inject drugs, or people of color by rendering their actions impure and their bodies trash. These groups are unfairly targeted in these policies as part of a broader neoliberal political economy, as evidenced by the American laws that criminalize HIV transmission, ban blood donation from men who have sex with men (MSM), and bar the entry of HIV-positive travelers from entering the country. Discard theory provides an optic for viewing these American HIV policies as misguided. Additionally, the culture that generated these policies spurred a general resistance to harm reduction that further inhibits prevention and compassionate care. This political agenda sets the tone for international policies due to economic and epistemic hegemony of the United States in the developing world, particularly as this power affects global public health policy.

My first San Francisco AIDS Walk as a vocal member of the queer community was met with an all-too-familiar phrase. A member of the infamous Westboro Baptist Church greeted visitors at the entrance to Golden Gate Park with a large sign reading *FAGGOTS ARE TRASH*, but even as a twelve year old I was not surprised by his word choice. This bold comparison was unparalleled in popularity amongst gay-bashers I met as I mincingly continued my way through an unashamedly homosexual adolescence, so I became deeply curious as to why garbage was the most popular comparison I faced in my preteen discrimination. Discursive notions of impurity, contagion, and danger are at the core of a society's tendency to "other" those considered deviant from dominant models of social behavior. A structurally supported fear of contagion has destructively legitimized oppression of individuals in the seemingly noble name of public health.

Discard Theory

Discard Theory posits that public health policies in response to HIV/AIDS emerge from a discourse in which HIV-positive individuals (and the communities they belong to) are likened to garbage. This theory not only helps to explain where these policies come from, but also offers a conceptual framework for undoing them. Discard scholar Hudson McFann (2013) argues that three dominant conceptions of humans as waste emerge in scholarly precedent, with symbolic critiques detailing general subjugation, biopolitical critiques exploring humans as “a threat at the level of population,” and politico-economic Marxist critiques asserting that notions of humans as waste are “a byproduct of the capitalist mode of production” (p. 1). The first critique, the symbolic approach, may best characterize the aforementioned Westboro Baptist Church member, but relegation of the handful of communities affected by HIV falls just as neatly into a biopolitical discourse. The intersection of these two theories can help to illustrate the discursive linkages between models of oppression—if a group is rendered useless because of the social standing of the group, a compounded notion of contagion would amplify any subjugation members of that group would experience. The policies also reflect a Marxist conception of neoliberalism, particularly in analyzing the utilization of Western development to impose blame of HIV contagion on non-Western nations.

Symbolic Critique and HIV Criminalization

HIV criminalization is a failed public health measure that is better understood as a fundamental legal component of the prison-industrial complex. The United States set the tone for the criminalization of transmission of HIV, with Stephens (2014) noting that “32 states have an HIV-specific criminal statute on the books, and all are felonies, except in Maryland.” Global health policy is set most prominently by the United States, with the nation leading the conversation and practice of global health

policy due to a “tendency to move out of unilateral approaches and toward reinforcing global unilateralism at a time when many of the health issues require a truly global response and the cooperation of many actors” (Kickbusch, 2013, p. 136). Studies have consistently found that criminalization of HIV transmission has proven no tangible benefit (Lazzarini, 2013), and that the laws perhaps unsurprisingly are selectively enforced to the detriment of people of color, the queer community, and sex workers (Galletly, 2013). Michael Johnson, a gay black male college student arrested in the state of Missouri for knowledgeable transmission of HIV, appeared in international news in the summer of 2014. Criticism of the arrest abounded in the media, with Thrasher (2014) at *Buzzfeed* declaring Johnson a scapegoat for the enforcement of HIV criminalization policy, selectively enforced simply because he is “a gay, hypersexual, black wrestler with learning disabilities who went by the nickname Tiger Mandingo” (p. 1). The Center for HIV Law and Policy (2014) called on policymakers in their 2014 World AIDS Day address to understand the intersectionality of selective enforcement of HIV criminalization laws as a part of a broader set of injustices in the criminal justice system: “calls on the streets and on social media that #BlackLivesMatter echo the charges of the most enduring HIV activism: to address structural drivers of the epidemic and of disparities in health outcomes; to promote human rights for people living with and affected by HIV; to assert that our lives *matter*” (Chung, 2014, p. 1).

Michelle Alexander (2012) illuminates in her popular work, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, the ways in which people of color, particularly black men, have been targeted in the formation of a prison-industrial complex that utilizes the mass incarceration of American citizens to further a system of capitalist gain and racial oppression. The development of a drug war in the United States has corresponded with the HIV/AIDS pandemic; former President Richard Nixon declared a “war on drugs” in 1971, and the first reported American case of HIV occurred in 1977. The systems of oppression that led to a disproportionate efficacy in combating HIV/AIDS emerged from a period of fear that

marginalized specific communities instead of offering help. Syringe-exchange law emerged from a broader stigmatization of contagion—despite the proven efficacy of syringe exchanges and assisted injection facilities through a variety of long-term cohort studies, the public remains resistant to acknowledge the ability of this subjugated group to govern their own bodies. A ban on federal funding of syringe-exchange programs initiated by the right has kept the enforcement of these laws outside the realm of treatment and in the realm of punishing the “trash” that chooses to inject drugs like heroin. The Global Commission on Drugs (2012) released a report, *The War on Drugs and HIV/AIDS: How the Criminalization of Drug Use Fuels the Global Pandemic*, which supports compassionate advocacy aiming to reduce stigma of drug use as inherently associated with the danger of the pandemic. Michael Johnson’s arrest is perhaps not surprising because of the racist, homophobic, and classist function of modern criminal justice system in the United States. Aside from the war on drugs and mass incarceration encapsulating a number of laws that prevent the liberation of people of color, it is a phenomenon that can help to highlight the failure of the criminal justice system to provide anything other than inequity and racist enforcement of law.

Biopolitical Critique and Blood Donation Ban

Oppression of individuals on a biopolitical level is a nefarious way to couch regressive policies in a behavioral context. Rendering the activities that one is involved with as “dirty” is a more socially acceptable way for a political agenda to dehumanize a subset of the underclass than to explicitly render the people engaging in those activities as dirty themselves. Behavior can easily be criminalized or stigmatized in the modern political arena, especially if packaged as a public health issue—the HIV pandemic in particular was an opportune way to indirectly stigmatize homosexual men and people who inject drugs (PWIDs).

Murphy (1998) examines the implications of a “chemical regime of living,” in which the actions of policies pertaining to

health are exclusively medicalized down to a molecular level. Nutritional policy, for example, overwhelmingly values the consumption of nutrients (e.g. iron) instead of a more tangible and demystified mechanism for obtaining iron (e.g. dark leafy greens). Similarly, the pathophysiology of HIV/AIDS is important to examine, but policies and attitudes are shaped more heavily by stigma than by pathophysiology. On World AIDS Day 2014 gay American HIV-positive activist Jack Mackenroth launched a social media campaign calling on members of the queer community to take “shower selfies” with the hashtag #WeAreAllClean (Cruz, 2014). The campaign emphasized the same departure from chemical regimes as Murphy in establishing that presence of a virus does not render a person “dirty.” The theory of Michel Foucault asserts that biopolitics contribute to the quelling of sexual deviance and promotion of self-regulation by the state apparatus, and that this system perpetuates a broader retention of social order. A biopolitical approach is important in understanding social pathology of disease, since the purpose of public health is primarily focused on the biological determinants of disease.

Despite the greatest biological susceptibility of HIV transmission belonging to heterosexual women who engage in vaginal sex, the stigma of sexual transmission of HIV falls on homosexual men. At the beginning of the outbreak, the country was gripped by the rapid spread of a mysterious “gay cancer,” leaving room for the modern discourse to consider gay men dirty or contagious. This pervasive stigma is evident even in the modern age, when acceptability of those who test positive for HIV. Many gay men understand a need for a heightened awareness of HIV, which can render the sexual activities they engage in as more dangerous. Despite the disparate impact, the fear mongering associated with HIV is not a productive measure for preventing transmission or promoting mental health. Policies based on fear that are not rooted in science have prevented the delivery of vital services as derived from sound policy.

An antiquated 1981 Food and Drug Administration (FDA) ban on any man who has had sex with another man since 1977 from donating blood prevents queer men from participating in a civil service with the capacity to save lives.

All blood donated in the United States is tested for the presence of the virus, with a 1 in 250,000 chance of yielding a false positive test—by these numbers, in the unlikely event that every one of the 440,408 men living with HIV in the United States in 2011 had donated blood, less than two people would have received a “dirty” blood transmission (CDC). A solely biomedical discourse of legitimizing the regulation of contagion ignores the devaluation of human life inherent in restrictive policies. High rates of suicidal ideation have been noted in HIV-positive individuals, with roughly one-fifth of individuals reporting suicidal thoughts in the prior week, and gay men had even higher rates (Carrico, 2007). This finding supports the argument that pathology of disease is too fiercely constrained within a biomedical realm, and should consider psychological wellbeing. This biomedical corollary to “NIMBYism” is a reflection of resistance to contagion, whether the gist of that epithet is “not in my backyard” or “not in my bloodstream,” even if the fear of “trash” does not pose a legitimate threat. Moving from a pseudoscientific epidemic understanding to a systems-driven epistemic understanding ameliorates destructive stigma of disease, and reframes the notions of trash that prevent sensible and non-discriminatory policy reform from becoming a reality.

Marxist Critique and Travel Embargoes

In a neoliberal political economy, blame is placed where possible on the individual over the conglomerated entity (corporations, governmental bodies, or other systems of power) in support of a thriving free market. The 1984 chemical disaster at a Union Carbide chemical plant in Bhopal, India can serve as an optic for understanding the role of privilege in defining the parameters of excusable infection. Laws increasingly protect the role of corporations over individuals in a global political economy of neoliberalism, despite an alleged protection of individualism and democratic ideals. The non-indictment of Union Carbide Corporation thirty years ago is just as reflective of the valuation of systems as the non-indictment of Eric Garner

today. The blame overwhelmingly resides in the individual, and the aims of systems that enhance public health must be viewed in the context of critical theories of waste, race, and postcolonial development to parse out actual effects of law. Notions of Western exceptionalism existed in HIV policy for people crossing borders until President Obama lifted the ban in 2009; travelers who found citizenship outside the United States were required to provide documentation from a medical provider that they were HIV-negative, with no negative ramifications for American citizens who may have left the country and spread HIV abroad, or contracted HIV at some point during their travels.

The “othering” of people who have been victimized by the war on drugs and the HIV/AIDS pandemic since the 1980s is perhaps best illustrated by the infamously iconic “Welfare Queen” metaphor promoted by President Ronald Reagan (Levin 2013) in his campaign for president in 1976: “there’s a woman in Chicago. She has eighty names, thirty addresses, twelve Social Security cards, and is collecting veteran’s benefits on four non-existing deceased husbands. And she is collecting Social Security on her cards. She’s got Medicaid, getting food stamps, and she is collecting welfare under each of her names. Her tax-free cash income is over \$150,000.” The “welfare queen” epithet is reflective of the methods by which primarily right-wing political rhetoric was able to stigmatize policies benefitting the racial underclass through the latter half of the century.

Discourses of neoliberalism serve to undermine the individual autonomy in the dominant transnational political discourse, as evidenced by the subjugation of the Coptic Christian Zabaleen in Cairo. Waste has traditionally existed as their livelihood, but a falsely medicalized notion forced them out of their profession. The Zabaleen were marginalized by the forces of neoliberal subjugation as connected to a western understanding of structural adjustment as an ideal method of regulating the post-colony. Kuppinger (2014) argues that the “cleaning up” of Cairo was attached to subjugation of the Zabaleen and stemming from a need felt by cities in the Global South to embody the aesthetic vision of a “global city.” The shift from an efficient system of waste regulation to one that embodied

modernity is a fitting ethnography for examining the global ramifications of neoliberalism. The Zabaleen were marginalized because they were the low hanging fruit just like those receiving welfare checks in the United States, and the modern obsession with cleanliness extends beyond management of waste, disease, or corruption. The actual effects of these policies are not merely externalities; the effect renders these humans akin to waste.

While United States policies that cripple the welfare state are rooted in a domestic sphere, their effects are global; the United States must stop treating its underclass like trash in order to prevent further subjugation of the subaltern in the post-colony. Rogers (2006) highlights the ways in which the rise of the discard society played a strong role in placing the responsibility of waste management in the hands of individuals instead of corporations and governmental actors. When understanding the epistemic influence that these policies had, the “do-it-yourself” narrative combined with a racist attack of the welfare state implied that people should deal with their trash on their own time, and people who are considered trash—homosexuals, drug users, and “Welfare Queens” alike—should not be dealt with by the government or the taxpayers.

The ramifications of a neoliberal political economy may well explain why American society is reluctant to support harm reduction and HIV-curbing practices like barrier contraceptive distribution or syringe-exchange facilities, but it may also help to broadly explain a variety of events like the legal aftermath of the Bhopal disaster. Fortun (2000) argues that memory of horrific events can guide activism, and complicates the convergence of toxicity in a postindustrial society and the activism that guides biocitizenship. Memory may well be the only way to place the burden of toxicity on the political and economic structures with the capability to monitor them; in the case of Bhopal, the burden is easy to place, but lifting travel embargoes requires a memory that inspires resistance more than redress. Any inability to instill memory of horrific events inevitably means that global policies (de)regulating contagion provide the dangerous possibility of burdening the individual more often than liberating the individual.



Race and sexuality intersect to develop a deeply taboo perception of HIV as waste emerging from a selection of convergent histories. The pressing fear of the HIV/AIDS era has waned, but the forces of law that codify hysteria continue to marginalize the American underclass. The disease is less prevalent as a whole, but the stigma persists. Michael Johnson is still incarcerated as part of a broader system that undermines the intersected communities to which he belongs. Campaigns like #WeAreAllClean may offer little consolation to an HIV-positive person who would have not contracted the disease given access to a syringe exchange program, but they may alter destructive public stigma. At the age of twelve, I did not understand why I was compared to trash at the AIDS Walk. Today, it is apparent that theories of waste illuminate understandings of the ways that hegemony like the United States treat their own underclass or the subaltern in the developing world like removable waste. Stigmatizing HIV-positive individuals is an epistemically sanitary way to separate contagion from order, but ceasing to treat their communities like garbage is the first step in righting that wrong.

Works Cited

Alexander, M. (2012). *The new Jim Crow: mass incarceration in the age of colorblindness*. New York, NY: The New Press.

Carrico, et al. (2007, May 31). Correlates of suicidal ideation among HIV-positive persons. *AIDS: Official Journal of the International AIDS Society*, 21(9), 1199-1203. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/17502730>.

Center for Disease Control and Prevention. (N/A). HIV among gay and bisexual Men. CDC. Retrieved from <http://www.cdc.gov/hiv/risk/gender/msm/>.

Chung, C. (2014, December 1). Intersectionality, HIV justice, and the future of our movement. *Center for HIV Law and Policy*. Retrieved from <http://www.hivlawandpolicy.org/news/intersectionality-hiv-justice-and-future-our-movement>.

Cruz, E. (2014, December 01). These men are taking nude shower selfies for a very good cause. *Mic*. Retrieved from <http://mic.com/articles/105438/these-men-are-taking-nude-shower-selfies-for-a-very-good-cause>.

Fortun, K. (2000). Remembering Bhopal, Re-figuring Liability. *Interventions: International Journal of Postcolonial Studies*, 2(2), 187-198. Retrieved from <http://www.tandfonline.com/doi/abs/10.1080/136980100427306?journalCode=rrij20>.

Galletly, C., and Lazzarini, Z. (2013). Charges for criminal exposure to HIV and aggravated prostitution filed in the Nashville, Tennessee prosecutorial region 2000–2010. *AIDS and Behavior*, 17(8), 2624-2636. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/23338564>.

Global Commission on Drug Policy. (2012). *The war on drugs and HIV/AIDS: How the criminalization of drug use fuels the global pandemic*. New York, NY: United Nations.

Kuppinger, P. (2014). Crushed? Cairo's garbage collectors and neoliberal urban politics. *Journal of Urban Affairs*, 36(S2), 621-633. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/juaf.12073/full>.

Lazzarini, Z., et al. (2013). Criminalization of HIV transmission and exposure: research and policy agenda. *American Journal of Public Health*, 103(8), 1350-1353. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/23763428>.

Leach, M., and Mariz T. (2014, April 24). Epidemics and the politics of knowledge: contested narratives in Egypt's H1N1 response. *Medical Anthropology*, 33(3), 240-254. Retrieved from <http://www.tandfonline.com/doi/abs/10.1080/01459740.2013.842565>

Levin, J. (2013, December 19). The welfare queen. Retrieved from http://www.slate.com/articles/news_and_politics/history/

McFann, H. (2013). Humans as waste. *Discard Studies Compendium*. Retrieved from <http://discardstudies.com/discard-studies-compendium/>.

Murphy, M. (2008). Chemical regimes of living.. *Environmental History*, 13(4), 695-703. Retrieved from <http://www.jstor.org/discover/>

Rogers, H. (2006). *Gone tomorrow: The hidden life of garbage*. New York, NY: The New Press.

Stephens, C. (2014, August 28). Black gay male criminalization and the case of Michael Johnson. *RH Reality Check*. Retrieved from <http://rhrealitycheck.org/article/2014/08/28/black-gay-male-criminalization-case-michael-johnson/>.

Thrasher, S. (2014, July 07). How college wrestling star “Tiger Mandingo” became an HIV scapegoat. *Buzzfeed News*. Retrieved from <http://www.buzzfeed.com/steventhrasher/how-college-wrestling-star-tiger-mandingo-became-an-hiv-scap>.

HENRY TOPPER

The Expectation of Cleanliness and the Invisibility of Trash in New York City

Areas of Interest:
Discard Studies
History
New York City
Trash
Urban Studies

This paper provides a history of the institution of New York City’s modern sanitation system in the 1890s and demonstrates that this system was critical in establishing an expectation of cleanliness on the part of the city’s residents, which in turn rendered the Department of Sanitation and its activities more “invisible” than other municipal agencies. The author suggests that the establishment of the expectation of cleanliness is the beginning of a century-long historical trajectory of New Yorkers’ geographical removal from their waste—first to the world’s largest landfill at Fresh Kills, Staten Island, and, today, on barges to the Southern United States and other regions. This paper argues that this “invisible”-making of waste, which is due to the very success of sanitation in the city, also results in a sort of “discard society”—one that has enabled the habits of consumption responsible for generating unsustainable amounts of waste in the first place to go unexamined.

New York is a city that places great laurels on its guardians of urban upkeep. Its firefighters and police officers, who put their lives on the line to extinguish our fires and maintain our safety, are held (in general) in quite high regard. This is perhaps seen most saliently in the (inter)national branding of the departments, their respective acronymic names made iconic on hooded sweatshirts and baseball caps the world over, hawked to tourists in Times Square along with “I Heart NY” t-shirts and Statue of Liberty figurines. And, indeed, the praise is well deserved; to impose order and make functional this most iconically disorderly and dysfunctional metropolis is no small feat. Yet curiously absent in this praise is the Department of Sanitation of New York, which has assumed a sort of invisibility in the municipal discourse despite its centrality to the city’s upkeep. This absence is not, however, an indication

of the failure of the department so much as it is, paradoxically, of its success. The history of sanitation and disposal of garbage in New York City sheds light on a profound shift in the opinions of the city's citizenry, in which the expectation that the city would remain dirty became an expectation that the city would be clean. This development dramatically improved the lot of New Yorkers, but simultaneously rendered their trash invisible. The success of sanitation allowed the city to send its trash to an unspecified "away" that, making its discards seemingly disappear, has allowed habits of consumption and waste to go largely unexamined.

New York City in the mid-19th century was an exceptionally dirty place. Between the beginning of the century and 1850 its population swelled astronomically, increasing nearly tenfold with the influx of immigrants. The staggering explosion in population during these years occurred at a rate with which the contemporary physical and political infrastructure of the city could not keep up, quickly exacerbating the already prevalent issue of managing a growing metropolis. In other words, the city, already filthy, became filthier. Mounds of muck, grime, garbage, debris, and other sundry objects of human waste—including the dead bodies of those who were too poor to seek medical attention—filled the streets of the city in outrageous and ever-increasing quantities (Nagle, 2013, p. 97). As Robin Nagle (2013) colorfully explains, streets were,

buried curb to curb with sometimes knee-deep piles of moldering vegetable rinds and blowsy wood shavings and festering oyster shells and oozing fish bones and stuffing-popped mattresses and staved-in furniture and fluttering rags and overflowing barrels of ash and heaps upon heaps upon heaps of horse manure marinated in millions of gallons of horse urine (and often mounded around the maggoty carcasses of dead horses, dead dogs, dead cats, who might lie where they fell for days or weeks), all mashed into an inchoate mass of shifting berms and ruts by passing carriages, wagons, omnibuses (p. 109).

In the poorer and more densely populated neighborhoods of the city, the living conditions were decidedly squalid, with

disease proliferating, unsurprisingly, as quickly as the trash. In 1851, it was determined that a third of the deaths in New York that year could have been prevented with sufficient sanitation (Nagle, 2013, p. 97). By 1860, New York City had a mortality rate of one in thirty-six— one of the highest in the world. Indeed, a massive study called the *Report of the Council of Hygiene and Public Health of the Citizens' Association of New York upon the Sanitary Condition of the City*, showed, as Nagle elaborates (2013),

that wholly preventable diseases like smallpox (more than thirty-two hundred cases) and typhus (two thousands cases, though that was probably only half the real number) were rampant. There were approximately twenty-eight cases of illness for every death; in some tenements, between 50 and 70 percent of the residents were ill at any given time...The city, [the authors] argued, must have an 'efficient Health Board' staffed by people with 'a profound knowledge of disease'...[and which is] free from political or partisan influence (p. 100).

Amongst this muck and grime of 19th century New York, the opinion prevailed that the city simply could not be cleaned. A contemporary *New York Times* article (1881) suggests, "The feeling among most experienced citizens of New-York in regard to the possibility of cleaning its streets properly is of resigned hopelessness." The city was dirty for over a century, and it would remain so. But the state of the city's streets was not so much a result of their innate and necessary filthiness as much as it was a result of egregious political corruption; the Tammany Hall political machine, which effectively ran all aspects of city government in the latter years of the 19th century, was skimming a significant amount of street cleaning funds to grease party leaders and loyalists, using almost none to actually clean the streets. The city's Department of Street Cleaning was established 1881 but was unable to effect much change. Eventually, however, the true and astounding extent of the Tammany's corruption was revealed and they lost the mayoralty. The new mayor, William L. Strong, promised to run an uncorrupt government and named Colonel George E. Waring, Jr., commissioner of street cleaning in 1895 (Nagle, 2013, p. 104).

Colonel Waring “[vowed] to clean the streets and keep them clean.” (Nagle, 2013, p. 104). He instituted a strictly regimented, militaristic, and hierarchical order upon the Department of Street Cleaning, overhauling the system of incompetence, corruption, and inefficiency that the department had become known for. The project began in one of the city’s worst neighborhoods, Five Points, in an effort to demonstrate commitment to making the entire city, not just its wealthier districts, inhabitable. Workers for the department were to wear uniforms—pristine white outfits with helmets. The white was designed to foster an association of the workers with health and cleanliness; the helmets, to project an appearance of authority. The workers themselves were treated fairly, with progressive hours and wages (Nagle, 2013, p. 109). They swept all the streets of the city multiple times per day and the piles were immediately carted off.

Within a matter of months, the seemingly uncleanable city took on an entirely new form. The unseemly mounds of trash were removed to reveal a beautiful, coherent, and delineated system of streets, sidewalks, and curbs. The malodorous gunk that lined and defined the cityscape yielded and, “for the first time in memory, New Yorkers could see, smell, and walk through what must have felt like a city reborn” (Nagle, 2013, p. 109) Waring and his men were well-praised for their work, and a lavish parade was held on Fifth Avenue to celebrate.

The momentousness of Waring’s victory over the city’s trash and its impact on the health of New Yorkers cannot be overstated. The demonstration that the city could, in fact, be clean meant that there could never again be the kind of outstanding neglect the city had seen in the past. The largely preventable diseases were prevented. This moment, however, also marks a fundamental shift in the relationship between the people and their refuse. The establishment of a consistent and efficient disposal system in the city meant that New Yorkers no longer had to live amongst the harsh material reality of their waste. Cleanliness, rather than filth, became the expectation of the citizenry. As the city’s messy past became a thing in distant memory, it was possible to only notice the work of the Department of Sanitation negatively—that is, when it does not

get done— unlike the positive recognition of the work of the fire and police departments.

But trash does not simply disappear; indeed, it must go somewhere. During Waring's tenure, New York's trash was brought to the ocean, despite federal efforts to outlaw the practice (Miller, 2000, p. 231). There was a comparatively short and unsuccessful flirtation with incineration as an alternative. Ultimately, though, the city turned to landfills as a solution, and at one point, the city was home to 11 different facilities (Miller, 2000, p. 233). Fresh Kills, the most iconic of New York's landfills, was initially opened early in the 20th century but closed for several decades, until Robert Moses designated it as a suitable site for fill. It was reopened in 1948 as an ostensibly temporary site, but continued to grow as the city extended its life again and again. As other landfills in the city began to close in the 1970s, Fresh Kills received approximately half of the city's trash. By 1985, the site was receiving nearly all of the city's trash, and the fill reached its peak at 29,000 tons per day. By the 1990s, Fresh Kills was the only place remaining for the city to dump and it was a cesspool of environmental violations (Nagle, 2011, p. 194). At the time of its closure in 2001, Fresh Kills was the largest landfill in the world at 2,200 acres (Nagle, 2011, p. 196). Today, however, the city's garbage is, "exported upstate, out of state, out of the region," and "for the first time in its history, New York has no place for its own trash"— a truly outstanding transformation from just one century before (Nagle, 2011, p. 196).

These places where the trash is sent are the vague and mythical "aways" where New Yorkers banish their trash to when they "throw it away," never to be seen or thought of again. They are places that exist, and the history of waste disposal in New York since Waring has been one of increasing geographical removal from the byproducts of our consumption. This unprecedented alienation of New Yorkers from their trash and the business of collecting it has more implications than a simple lack of acknowledgment of the work of the Department of Sanitation. Theorists of waste such as Mary Douglas (2004) have described the relationship of humans to their trash in terms of moral abstractions of purity and impurity. Or, as John Scanlan

suggests (2005), garbage is, “a separation...of the desirable from the unwanted; the valuable from the worthless, and indeed, the worthy or cultured from the cheap and meaningless.” While these formulations shed some light on the uneasiness with which people confront their trash, New York’s particular historical trajectory of sanitation makes New Yorkers removed from their relationship to waste in a very real, practical way. This removal perhaps leaves them with a deluded sense of what their patterns of consumption mean on a societal scale. This is what Robin Nagle (2011) describes as a “throw-away society” (p. 198). In other words, the ease with which we are now able to discard our items—which are to be brought by some other person who is not us to some other place which is not here—encourages a culture that readily discards rather than reuses. This development is the dark underbelly of the extraordinarily successful sanitation of New York City’s filthy and mean streets.

Works Cited

Douglas, M. (2004). *Purity and danger: an analysis of concept of pollution and taboo*. New York, NY: Routledge.

Miller, B. (2000). *Fat of the land: garbage in New York: the last two hundred years*. New York, NY: Four Walls Eight Windows.

Nagle, R. (2011). *Dirt: the filthy reality of everyday life*. London, UK: Profile in Association with Wellcome Collection.

Nagle, R. (2013) *Picking up: on the streets and behind the trucks with the sanitation workers of New York City*. New York, NY: Farrar, Straus and Giroux.

New York Times. (1881). A street cleaning department. *New York Times*. Retrieved from <http://timesmachine.nytimes.com/timesmachine/1881/01/23/103393477.html?pageNumber=6>

Scanlan, J. (2005). *On garbage*. London: Reaktion Books.



ANNA R. TATELMAN

Oroonoko, Alterity, and Forbidden Desires: The Persistent Myth of the Noble Savage

Oroonoko, an English novel published in 1688 by Aphra Behn, is justly praised for being one of the earliest English texts to tackle the subject of a globalized world. However, this global engagement also makes the novel one of the earliest English works aiding in the development of a trope that persists into the present: the noble savage. The noble savage fixates in Western imaginations because of the West's continual fear of what it views as primitive existence. Simultaneously, the West yearns to be unfettered by society and to recover the wild innocence of ancestors Adam and Eve before they Fell from God's favor. And so the projected image of the noble savage—this “other” who is not like the Western “self” yet is distantly related—remains enchanting, an enchantment revealed through a variety of Western texts. This paper argues that the ongoing Western fascination with the noble savage stems from a simultaneous desire of and fear for a state of primeval life, and that Aphra Behn's novel *Oroonoko*, sensing these confused Western emotions, aids in solidifying the trope by exploring its paradoxical aspects. I develop this idea by closely examining *Oroonoko*, engaging with other Western works similarly obsessed with the noble savage trope, and utilizing critical theories of alterity and colonization.

Oroonoko, an English novel published in 1688 by Aphra Behn (1688/2000), tells of an indigenous prince from Africa, Oroonoko, who is sold into slavery. Oroonoko instigates a slave rebellion and, though the rebellion fails, is executed as a martyr “worthy of a better Fate” (p. 100). While the text should be, and is, praised as one of the earliest English works to tackle the subject of a globalized world, this global engagement also makes *Oroonoko* one of the earliest English works aiding in the development of a trope that persists into the present: the noble savage.

The noble savage has a storied history and persists into western popular culture today. It is seen saliently in films such as *Avatar* and *Pocahontas*, in which humans invade lands populated by indigenous tribes who are, in contrast to the greedy new arrivals, content with their simple lifestyles. Books such as *Tarzan of the Apes*

and *Brave New World* tell of characters who, although nurtured by the wilderness, adhere strictly to moral ideals. In advertising, there is the “Crying Indian” of the 1970s *Keep America Beautiful* ads, who sheds a single, dignified tear for manmade pollution. The noble savage is a non-Western figure who, unbound by civilization, is ignorant to modern society and happy in such ignorance. The noble savage is one who gains power precisely through having no traditional Western power.

It is unknown exactly when the noble savage emerged as a recognizable trope, but the first instance of the phrase “noble savage” explicitly occurring in a text is within John Dryden’s (1670/2005) play, *The Conquest of Granada*. One of the main characters uses the term “noble savage” as a metaphor: “Know, that I alone am king of me. / I am as free as nature first made man, / Ere the base laws of servitude began, / When wild in woods the noble savage ran” (p. 41). It is thus clear that, by at least the late seventeenth century, the concept of the noble savage was familiar enough to serve as an understandable reference to a figure that embodied primitive freedom.

Given that its central character is African and not Amerindian, *Oroonoko* does not seem at first glance to be an example of the trope. However, the noble savage is not necessarily a particular type of Amerindian, but is rather an image projected onto any non-Western culture perceived as primitive by Western minds. Kathleen Glenister Roberts (2007) claims that Western texts regarding the “other” do not reveal any crucial information about this “other,” but rather reveal, however unintentionally, the Westerner himself. The concept of alterity, or “the consciousness of Self as unique from Other,” reveals the blurry gap between “Self” as something both “necessarily divided from Other” and also “dependent on Other” (p. 5). In other words, the Western need to construct its own identity requires both demarking uniquely Western traits and also opposing traits of other cultural groups. Roberts (2007) claims that the noble savage “tends to embody Western dissatisfaction with its own civilization” and projects “‘freedom’ onto a remote persona” (p. 117). The constructed noble savage is a figure the Westerner reviles and admires. The noble savage embodies everything early modern Western society does not

permit: life unfettered by social structure, lack of technology, and primordial methods of survival. Yet even as the West scorns such primitive life, a certain fascination persists.

The ongoing Western fascination with the noble savage stems from a simultaneous desire of—and fear for—a state of primeval life. Aphra Behn's *Oroonoko* (1688/2000), sensing these confused Western emotions, aids in solidifying the trope by exploring its paradoxical aspects. The noble savage fixates in Western imaginations because the West fears primitive existence. Simultaneously, the West yearns to be unfettered by society and to recover the wild innocence of ancestors Adam and Eve before the Fall from God's favor. And so the projected image of the noble savage—this “other” who is not like the Western “self” yet is distantly related—remains enchanting.

One of the trope's enchantments seems to be with the noble savage's physicality. In *Oroonoko*, Behn (1688/2000) frequently praises the intricate corporeality of Africans: “those who are nobly born of that Country, are so delicately Cut and Rac'd... that it looks as if [they] were Japan'd” (p. 73). The bodies of Africans become not bodies at all, but rather exotic objects for the aesthetic pleasure of Westerners. Their bodies are not merely gorgeous pieces of craftsmanship, but are further exoticized by the mention of “Japanning”—an artistic technique for creating a black varnish, but also a reference to another aestheticized “other,” this time from the East. Behn (1688/2000) paints the body of Oroonoko in particular as an exoticized piece of art: “His Face was not of that...rusty Black which most of that Nation are, but a perfect Ebony...His Nose was rising and *Roman*, instead of *African* and flat” (p. 43). Behn is unable to praise Oroonoko's physicality without observing both his differences from other Africans and his similarities to Europeans. Behn is obligated to make Oroonoko different from a European, and yet for him to be her literary hero, he must also bear some resemblance to one. Oroonoko's beloved, Imoinda, is portrayed in similarly paradoxical terms of exotic “otherness” and familiar Europeaness. She is described (Behn 1688/2000) as “the beautiful *Black Venus*” who “a hundred *White Men* sigh...after,” yet is “too great for any, but a Prince of her own Nation” (p. 44). Imoinda can only be praised by European standards—as

Venus is a Roman goddess—and yet she is also placed above Europeans, for she is “too great” for the white men. “Too great” she might be yet, like the “Japan’d” African bodies of her tribe, Imoinda is aestheticized into an object rather than portrayed as a person.

Behn was not the first British writer to turn non-Western bodies into aesthetic objects. Explorer John Smith (1631/1895) took part in rendering bodies of the “other” into art, writing that the Sasquesahanock people are “great and well-proportioned,” the likes of which “are seldome scene” and appear “like Giants to the English” (p. 54). The compliment of their bodies being “well-proportioned,” paired with the phrase “Giants,” becomes muddled. Smith (1631/1895) continues to describe how, in battle, all of the Amerindians’ “actions, voices and gestures...[a]re so strained to the hight of their quallitie and nature, that the strangenes[s] thereof made it seem very delightfull” (p. 73). The Amerindians emerge as figures beyond actual humanity, and it is precisely this that makes their ostensible strangeness delightful to Smith. In presenting indigenous people as sub-humans, he is able to enjoy their aesthetic qualities without threat to his own humanity. Smith displays the same curious paradox as Behn: that is, his praise of the Amerindians must be tempered by their similarities to Westerners even as he circumscribes them in a realm of “otherness.”

These early modern British writers recognize that they can only mark out differences from “us” and “them” by first acknowledging commonalities. As post-colonial scholar Homi Bhabha (1984) asserts in *Of Mimicry and Man: The Ambivalence of Colonial Discourse*, colonists desire a “reformed, recognizable Other” as their colonized subjects because, “in order to be effective, mimicry must continually produce its slippage, its excess, its difference” (p. 126). The “other” must be construed as not entirely alien, but just alien enough to assert one’s own “superiority.” Smith and Behn highlight Western similarities to Amerindians even as they demark the vast gap between their cultures so as to posit their right to domination.

Figures of the trope are frequently described as anything that captures inhuman strength. Joseph Conrad, although not among the first batch of authors to have characters descend

from the noble savage, perhaps most astutely summarized the trope. In his novella *Heart of Darkness* (1899/2011), a sailor named Marlow tells of his time as an ivory trader in a colonized, European-divided Africa. He describes an unnamed African woman as “a wild and gorgeous apparition of a woman” who “tread[s]...the earth proudly” while bedecked with “barbarous ornaments.” Her “head” is “carried...high” even as she is weighed down with innumerable “bizarre things... gifts of witch-men, that...glitter and tremble at every step.” To Marlow, she is a riddle of contradictions: he sums up her image as “savage and superb, wild-eyed and magnificent” (p. 76). Conrad, like Behn and Smith, paints this African as something otherworldly, distantly related to the human species rather than a direct descendant. She is an “apparition of a woman,” an imitative mirage, instead of the reality. Her clothing and various ornaments are “barbarous,” yet she nonetheless carries herself with a dignified air that lends her strange artifacts regality—or, in his words, she becomes “savage and superb.”

This “savage and superb” dichotomy reverberates in *Oroonoko* when Behn (1688/2000) describes the Africans’ ease in their natural environment: “in Hunting, [they] supply the parts of Hounds, by swiftly scouring through those almost impassable places...in the water, one would think they were Gods of the Rivers” (p. 41). Behn expresses wonder at the Africans’ abilities while conveying scorn. She nonetheless expresses admiration, and indeed envy, and this becomes particularly clear later on when Oroonoko performs such feats as killing a tiger, stealing a young tiger from its den, and seizing an eel with his bare hands while living to tell the tale (Behn, 1688/2000, p. 78-80). The noble savage trope relies upon the Westerner’s simultaneous repulsion towards and desire for a superb form of savagery in which individuals are both endowed with human appearances and yet remain uncivilized through their lack of technology and proficiency in wilderness skills.

The primitive grandeur continues in the deaths of Imoinda and Oroonoko. After his slave revolt fails, Oroonoko decides to kill his beloved Imoinda, “then his Enemies, and next himself,” for since “escaping” slavery is an “impossibility,” “dying” is a “necessity” to preserve their human dignity. His wife, upon

hearing this plan, “plead[s] for Death,” and so Oroonoko, “with a Hand resolved, and a Heart-breaking within, g[i]ve[s] the fatal Stroke...severing her yet smiling Face from that delicate Body.” He then nestles her “decently on Leaves and Flowers, of which he ma[k]e[s] a Bed” (Behn, 1688/2000, p. 95). In the same manner that Oroonoko and Imoinda’s bodies have been aestheticized by the text, the landscape they inhabit is aestheticized, too. Their highly visual landscape is enhanced by their devotion to elevated principles. Although Oroonoko bemoans the loss of his wife, he does not let his grief stop him from sacrificing her for the greater good of preserving their dignity. And when he is executed, “he g[i]ve[s] up the Ghost, without a Groan, or Reproach” (Behn 1688/2000, p. 99). Oroonoko refuses to let the loss of his life result in the loss of his nobility. Oroonoko’s devotion to elevated ideals above human emotions creates an aestheticized grandeur. By heightening nature and principles, Behn partakes in the creation of a noble savage: a being that is both humanized and dehumanized by its devotion to ideals over emotions, a being that is—as Bhabha (1984) states the colonial “other” must be—related to yet distanced from the Western self.

John Smith’s travel narratives also partake in simultaneous dehumanization and humanization through elevated sceneries and emotions. In describing the now legendary story of how Pocahontas, the daughter of the Amerindian chief Powhatan, saves Smith’s life, Smith (1631/1895) writes how “two hundred of those grim Courtiers [natives] st[an]d wondering” at the site of his awaited death. The indigenous people “all [have] their heads and shoulders painted red: many of their heads bedecked with...white downe.” Two Amerindians bring Powhatan “great stones” and the chief prepares to “beate out [Smith’s] braines,” but “Pocahontas the Kings dearest daughter...la[ys] her own [head] vpon [Smith’s head] to saue him...whereat the Emperor [i]s contented [Smith] should liue to make him hatchets, and her bells” (p. 400). The Amerindians, like Conrad’s “savage and superb” woman and Behn’s tragically noble lovers, wear garments and partake in rituals incomprehensibly primitive to Westerners. Yet among such primitivism emerges a greater respect for and ability to adhere to ideals. It is Pocahontas, an Amerindian, a female, and a child—qualities that, by Western

standards, place her far below the dominant adult white male—who saves Smith. None of his own men come to his aid (or, if they do, they are not mentioned). Portraying Pocahontas as the only figure moral enough to save Smith's life lends her—and, by extension after they heed her morality, her tribe—a righteous nobility not permitted to the colonists. This nobility is tempered by another reminder of her people's savagery: Smith gets to live only if he produces goods for the Amerindians that are, in Western minds, base. Thus Smith, like Behn and Conrad, rounds out the portrait of primeval grandeur.

It is perhaps as a result of this paradoxical understanding of the noble savage that Behn arrives at a paradoxical understanding of her own cultural group. There are a few moments within *Oroonoko* where a self-awareness of European double-standards arises. Behn (1688/2000) draws attention to the hypocrisy of Christianity several times, such as when Oroonoko says that the God who “instructs” Christians gives them “principles so false... that honest Men could not live amongst them” (p. 90). Behn (1688/2000) also claims that African people possess “a Native Justice, which knows no Fraud; and they understand no vice... but when they are taught by the *White Men*” (p. 40). In other words, if Africans are immoral in any way, it is only because of the immorality that the presence of the white colonizers has created, or at least made manifest, within them.

William Shakespeare's (1623/2003) *The Tempest* toys with a similar idea in its depiction of the relationship between Prospero, a European who claims dominion over an isle, and Caliban, a native of the isle. Prospero declares that Caliban “wilt not take” a single “print of goodness” no matter how many “pains” Prospero took to turn him away from a “savage” (Shakespeare, 1623/2003, lines 1.2.353-56). Prospero reveals that he used to believe goodness came from language, a product of civilization rather than wild nature. Prospero goes on to say Caliban “didst not” even “know [his] own meaning” until Prospero “endow'd” his “purposes / With words that made them known” (Shakespeare, 1623/2003, lines 1.2.355-58). In Prospero's mind, a savage cannot be anything other than savage until a civilized person has educated him of his own worth as a human being. Caliban replies that Prospero “taught [him] language; and my profit

on't / Is, I know how to curse" (Shakespeare, 1623/2003, lines 1.2.363-364). It is because of Prospero's tool of language, his tool intended for good, that Caliban can insult his master. Caliban implies that he is not to blame for his wickedness: Prospero is the one who made it possible for him to verbally manifest his evil. Caliban implies that Prospero not only made it possible for Caliban's evil to manifest, but that Prospero created Caliban's evil, despite Prospero's intentions for bringing out the best in him. Like Behn, through critiquing the "other," Shakespeare is forced to critique the self. As Renaissance writer Michel de Montaigne (1580/2006) reflects in his essay "Of Cannibals," "every one gives the title of barbarism to everything that is not in use in his own country...whereas, in truth, we ought rather to call those wild whose natures we [humans] have changed by our artifice" (p. 3). Montaigne emphasizes the hypocrisy of imperialistic thinking: in declaring another culture savage, it is only fair to examine one's own culture. In altering their society beyond what is natural, Europeans have become just as savage, if not more so, as the "others" they desire to civilize. Neither Shakespeare nor Behn go as far as Montaigne, but they nonetheless are unafraid to explore the faults of their "self" as well as the "other."

Perhaps one of the things that most frightens and fascinates the Western imagination about noble savages is that they exist in an ostensibly uninterrupted Biblical Paradise. Because they never fell from Eden as did the Europeans, they are still free from society—and still pure and good even in this unrestricted freedom. Walter Hamond (1640), a man working in the East India Trading Company, creates a travel narrative that attempts to persuade his readers that "the Inhabitants of the Isle called Madagascar...are the happiest People in the World" (line 1). It is, he declares, the indigenous people's "simplicity [that] hath herein made them more happy than [the Europeans'] too deer bought knowledge" (para. 74). Hamond (1640) dwells upon the joy the indigenous population derives from their nudity: "Apparell to" Madagascans "a very Disease...[Europeans] are bound up in Prison, whilst they are free...it was [European] evill Custome that cloathed us, and their Innocency and freedom of Nature that keepes them naked" (para. 24). By using clothing

as a metaphor for prison, Hamond draws upon Biblical and social discourses. The Biblical Fall forced Westerners to become imprisoned beneath the weight of clothes. When Adam and Eve ate from the tree of knowledge, they not only became aware of their nudity, but developed “know[ledge of] good and evil,” becoming “as gods” (Gen. 3:4, King James Bible). Descendants of Adam and Eve, because they understand morality, are too close to God to live in blissful ignorance. The noble savage, having never fallen, can still exist within Eden.

To hold Amerindians to Western standards of civilization and Biblical Paradise, however, does not make sense because Amerindians are *not* Westerners. As eighteenth-century philosopher Jean-Jacques Rousseau (1755/2014) observes in *Discourse on the Origin and the Foundations of Inequality Among Men*, “savages are not evil precisely because they do not know what it is to be good” (pt. 1). Rousseau displays the precarious underpinnings of the noble savage: the trope exists not to reveal anything about Amerindians, but to reveal the cloaked fears and desires of Western culture. Such an assessment fits Behn’s (1688/2000) description of the indigenous Africans and how, “though they are all...naked...there is not to be seen an indecent Action...being continually us’d to see one another so unadorn’d, so like our first Parents before the Fall” (p. 39). Since nakedness is a fact of indigenous life, Africans are not threatened by its presence as Westerners are. But Westerners are not merely threatened by nudity because of the threat of “indecent Action.” Westerners are threatened because, however much they might claim European “superiority,” the indigenous people have achieved what Westerners failed to do: exist in a state of anarchic, moralistic perfection akin to humanity before the Biblical Fall. The noble savage’s moralistic nudity is a phenomenon that evokes Europeans’ longings and fears.

The persistent Western attraction to the trope of the noble savage is a result of a simultaneous desire of and fear for the return to primitive existence. By way of exploring both the aestheticization of moralistic freedom and its wild underbelly, Aphra Behn’s *Oroonoko* aids in the early cementation of the noble savage trope in Western imaginations.

Works Cited

Behn, A. (2000). *Oroonoko*. Boston, MA: Bedford/St. Martin's. (Original work published 1688).

Bhabha, H. (1984). Of mimicry and man: the ambivalence of colonial discourse. *October*, 28, 125-133. Retrieved from <http://www.jstor.org/stable/778467>.

Conrad, J. (2011). *Heart of darkness*. Boston, MA: Bedford/St. Martin's. (Original work published 1899).

Dryden, J. (2005). The conquest of Granada. *The work of John Dryden* (Vol. 4). [HTML]. Retrieved from <http://www.gutenberg.org/files/15349/15349-h/15349-h.html>. (Original work published 1672).

Hamond, W. (1640). A paradox: proving, that the inhabitants of the isle called Madagascar, or St. Lavrence, (in temporall things) are the happiest people in the world. [HTML]. Retrieved from <http://quod.lib.umich.edu/e/ebo/A02605.0001.001?rgn=main;view=fulltext>.

Montaigne, M. de (2006). Of cannibals. *Essays* [HTML]. Retrieved from <https://www.gutenberg.org/files/3600/3600-h/3600-h.htm>. (Original work published 1580).

Roberts, K. G. (2007). *Alterity and narrative*. New York, NY: State University of New York Press.

Rousseau, J.J. (2014). *Discourse on the origin and the foundations of inequality among men*. (Ian Johnston, Trans.). [EPub]. Retrieved from https://ebooks.adelaide.edu.au/r/rousseau/jean_jacques/inequality/. (Original work published 1755).

Shakespeare, W. (2003). *The tempest*. [HTML]. Retrieved from <http://www.gutenberg.org/cache/epub/2235/pg2235.html>. (Original work published 1623).

Smith, J. (1895). *Works: 1608-1631*. Retrieved from <https://archive.org/stream/truetravelsadven00smit#page/n3/mode/2up>. (Original work published 1631).

BAILEY M. THEADO

From Transitional Justice to Holistic Justice: Recognizing Economic and Social Rights in the Case of Rwanda

Using textual analysis, this paper discusses how transitional justice efforts grounded in criminal law have found it easier to identify and legally remedy basic civil and political human rights violations. This paper argues that after conflict, justice must reach beyond crimes to focus on a holistic notion of justice, by focusing on systemic economic and social rights violations. Human rights law offers the opportunity to challenge the sequencing of rights in transitional justice efforts where civic and political rights are seen as entitlements and resource free, and economic and social rights are seen as aspirations dependent on the resources of the state. Additionally, this paper discusses the importance of transitional justice efforts and human rights law in historicizing economic and social rights violations. The case study of Rwanda exemplifies the structural violence inflicted on postcolonial states and shows how failed attempts at economic development arguably exacerbate civil unrest, which, in Rwanda, contributed to the genocide. Finally, it is used as an example of how the violations of economic and social rights were not adequately pursued by the International Criminal Tribunal for Rwanda (ICTR) for transitional justice.

In the wake of genocide, evictions, famine, war, and mass violence, conflict is accompanied by the need to achieve justice and move forward with development through “transitional justice.” Transitional justice efforts, from war crimes trials to truth and reconciliation commissions, currently historicize and document violations in an archival fashion through a criminal law process that seeks to identify victims and perpetrators. However, these efforts neglect to adequately address systemic economic and social rights violations, thereby crowding out the popular memory of the people who experienced structural violations before, during, and after conflict. Transitional justice efforts grounded in criminal law have been able to identify and legally remedy basic civil and political human rights violations. After conflict, however, justice must reach beyond the crimes to focus on a holistic notion of

justice, by addressing systemic economic and social rights violations. Human rights law offers the opportunity to challenge the sequencing of rights in transitional justice efforts where civic and political rights are seen as entitlements and resource-free, and economic and social rights are seen as aspirations dependent on the resources of the state. Even though the Universal Human Rights Declaration values economic and social rights equally to civic and political rights, there are discrepancies in transitional justice's legal enforcement and insurance of accountability for the promotion and protection of those rights in post-conflict situations.

Identification of economic and social rights violations is intrinsically linked to broader notions of development. The push for social healing in transitional justice after mass atrocity coincides with the push to develop and recuperate the state. The field of transitional justice emerged after the Cold War and accompanied a new paradigm of neo-liberal development initiatives, from structural adjustment programs to the Washington Consensus. Problematically though, these efforts to realize justice and development are constructed through a Western notion of "human development" that aims to create a historical conception of the past violence that does not account for postcolonial narratives. In the case of postcolonial states, this push for social healing and development neglects to address the structural violence historically inflicted by its colonial legacies that have deprived peoples of full realization of economic rights and left states unable to compete economically on the global market. Therefore, it is imperative that transitional justice efforts and human rights law be able to historicize economic and social rights violations, as they are deeply linked with violations that both exist during and predate conflict. The Rwandan genocide exemplifies the structural violence inflicted on postcolonial states and shows how failed economic development attempts arguably exacerbated civil unrest and contributed to the genocide. Additionally, the Rwandan case shows how the violations of economic and social rights were not adequately pursued in transitional justice efforts by the International Criminal Tribunal for Rwanda (ICTR).

It is important to note that in some transitional justice

efforts, the focus of justice has been extended to support economic rights through reparations programs and programs like Disarmament, Demobilization and Reintegration (DDR), which mean to exchange violence with constructive financial means to rebuild nations. Transitional justice efforts have incorporated an economic narrative, but much effort from the law has focused on a moralizing mission and has used trials to incriminate perpetrators of mass violence in order to strengthen international law and set precedents. However, even these efforts in international criminal law are fraught with complications, as seen with ICTY in Yugoslavia where Milan Kovačević passed away before his sentencing. In reaction, Mark Osiel (2009) poses an important question regarding the usefulness of the legal framework: “What worth and necessity could there be in an institution that could not secure the conviction of someone everyone ‘knew’ to be guilty, guilty” (p. 22). Efforts in criminal justice are important in moving forward from mass atrocity, but there is also an opportunity to emphasize the larger economic and social narratives that contribute to conflict and impede recovery. In addition, each effort for social healing must include a reexamination of the economic and social postcolonial legacies, especially in cases like Rwanda, which contributed to violence and which inhibit future development.

The case of Rwanda, a country that before the genocide had been noted in the international development community for its economic achievements, shows the impact that economic and social rights violations have on the ability for a country and its citizens to socially heal and ‘move forward’ with justice and development. Additionally, the Rwandan case implicates the global economic market and regulatory development institutions in the creation circumstances that denied Rwandans the opportunity to realize their economic rights; the World Bank’s structural adjustment programs coincided with the devaluation of the Rwandan franc and the fall of coffee exports. In response to the imposed Western conception of “human development” and justice, Rwandans also began conceptualizing their own form of justice outside of the Western transitional justice paradigm through the use of Gacaca courts, showing how holistic justice efforts must always take into account the popular

memory and will of survivors. I will examine how economic and social rights are not equally valued in transitional justice efforts of postcolonial states, and how systemic economic and social rights violations contributed to insecurity within Rwanda before the genocide and obstructed recuperation.

Conceptions of Justice

Transitional Justice is uniquely positioned within reconciliation efforts and international law to develop a more comprehensive notion of justice that addresses systemic inequities that are exacerbated during conflict. In order to understand how to realize justice, one must first understand how a population's memory claims rights and identifies violations and violators. As law reconciles with serving justice outside of moral narratives, understanding popular memory is one way to determine how justice can best be served. Louise Arbour (2007), a legal scholar and transitional justice practitioner, argues in order to identify economic and social rights violations and deliver justice on these violations, it is necessary for the transitional justice discipline to reach past its roots in criminal law to identify "holistic justice" (p. 2). This means looking not only at violations committed during the conflict, but also at violations that led up to the conflict and created insecurity.

First, it is important to ask how law defines the limits of conflict in order to determine what rights were violated. By engaging with popular memory, one understands the scope of conflict, which can elucidate systemic economic and social rights violations. In the case of Rwanda, the genocide had roots in its colonial history and lack of economic opportunities, which fostered economic and social inequality, intensifying tensions between Hutu and Tutsi before the genocide. This push for holistic justice, looking not only at violations that occurred during conflict, but also before conflict ensures that economic and social rights violations which predate conflict are valued equally to civil and political right violations during conflict.

Memory Defining Rights Violations

Memory is imperative to conceptualizing holistic justice. However, it is important to understand how memory is not only about the past, but also evokes rights claims in the present. Memory and rights discourses historically have been interwoven in literature and practice, showing how law can mediate the politics of memory following mass atrocity. Popular memory differs from historicized and archival memory because it is embodied within a population. Diana Taylor (2003), a performance studies scholar, defines memory as “embodied and sensual, that is, conjured through the senses; it links the deeply private with social, even official practices...memory like the heart, beats beyond our capacity to control it, a lifeline between past and future” (p. 82). In the text “International Human Rights and the Politics of Memory: Limits and Challenges,” Andreas Huyssen (2011) argues that Greek tragedies, specifically *Antigone*, were the first to show the link between memory and rights. He argues that *Antigone* is “a play not only about obligations to the dead, but about the rights of the living” (p. 617) In this regard, some readings of *Antigone* might focus entirely on the concept of memory as mourning, but ultimately, *Antigone*’s calls for justice with Creon rest with her own right to remember and her right to forget. *Antigone* sees holistic justice as the right to memorialize her brother, but she also sees justice as something that is tied to her inalienable rights in the present. As Creon questions *Antigone*, he says, “And yet you dared defy the law.” To which *Antigone* replies,

I dared. It was not God’s proclamation. That final Justice that rules the world makes no such laws. Your edict, King, was strong, but all your strength is weakness itself against the immortal laws of God. They are not merely now: they were, and shall be, operative forever, beyond man utterly. (Sophocles, 2007, p. 16)

Antigone makes a claim to the universal rights of the gods over the limits of the law, which could translate into her claiming of universal human rights. While there are no legal means within Thebes to try her claims, she argues that she is

within her own rights to remember due to the “final justice that rules the world.” The death of her brother elicits claims of the rights of the living and mirrors how recuperative efforts in transitional justice are not only about past violations, but also about protecting and promoting the rights of living survivors. Huyssen (2011) argues that the ability to legally prosecute human rights violations “depends on the strength of memory discourses in the public sphere” where “there can be no justice without memory” (p. 612). For the importance of realizing justice through law, it is important to ask how the public remembers atrocity as a way of realizing what rights they are claiming in the present.

However, in an effort to document rights violations, legal efforts can create a competing memory. Following conflict, transitional justice efforts often use war trials to prosecute perpetrators of mass violence. Legal scholars such as Gerry Simpson (2007) argue that war trials create a type of *judicial memory*. Simpson argues that through trials, the state can try to not only “illuminate the past but also to justify the present” and legitimize a particular historical narrative and memory of the past. This is problematic because it crowds out the importance of popular memory in claiming rights and can legitimize the state’s inability to adequately address economic and social rights violations. Simpson (2007) makes an argument that trials have a duty to history in crafting a neutral narrative that does not legitimize an authority but does justice to both the living and the dead. As Antigone calls for redress of past violations to the dead, she claims that the rights of the living must be realized simultaneously.

Simpson (2007) further proves that the war crimes trial has a problematic relationship to history as it is “both situated in a history and yet seeks to transcend it” and that the law can never escape politics (p. 103). However, if trials are used as a means to define history and transcend it, does the law ultimately seek to transcend the experience of survivors and their rights claims through judicial memory? The push to prosecute is also a push to create a historical account and list of violations by individual perpetrators, easily identifiable with civic and political rights violations. This push disregards structural violence and

economic and social rights violations and crowds out the fully embodied memory of survivors. Focus on popular memory to achieve holistic justice will bring about an understanding of the lived experiences and claims of individual survivors and will elucidate economic and social violations on the collective.

As trials try to “justify the present” they must take into account the structural economic inequities that give rise to conflict and mass violence. Simpson situates much of his argument in the idea that precedents “are the life of the common law,” where law takes unprecedented atrocities and tries to fit them into a rational framework (Simpson, 2007, p. 84). However, making closer reflections on mass atrocities in his book on the Rwandan genocide *When Victims become Killers*, Mahmood Mamdani (2001) shows that there are colonial, economic, social, and political precedents that give rise to mass atrocity. If there can be no justice without memory, there can also be no justice without taking into account these systemic economic and social violations, which argue that mass atrocity is not unprecedented despite the way in which the law memorializes it.

In current transitional justice undertakings, rights have been practiced within a hierarchy where it is assumed, as Arbour (2007) claims, “the realization of economic, social, and cultural rights will automatically flow from the enjoyment of civic and political rights; and it is often assumed the certain rights can be realized in isolation from each other” (p. 10). Reuben Carranza (2008), a lawyer and transitional justice scholar, looks closely at the UN Office of the High Commissioner for Human Rights (OHCHR) to show that, while it acknowledges that economic crimes have been as present as civil and political rights violations in some countries, it devalues economic crimes in practice. Coupled with his reference to African transitional justice practitioners working within postcolonial realities, he shows how international human rights institutions “takes the public mind’s standard of egregiousness less seriously” (Carranza, 2008, p.316). This consequently creates a “hierarchy of egregiousness” where in traditional transitional justice efforts, like truth commissions and trials, civic and political rights violations are the primary focus and popular memory of

economic and social rights violations are devalued (Carranza, 2008, p. 316). A hierarchy of human rights begins with how international Human Rights institutions have not taken popular memory seriously.

Human Rights and Transitional Justice

Human Rights discourses are foundational to transitional justice efforts. The United Nations Universal Declaration of Human Rights values civil and political rights equally to economic, social, and cultural rights, yet transitional justice endeavors have yet to realize such equality. Historically, economic and political rights have been categorized and separated, as exemplified by the separate ratifications of the International Covenant of Civic and Political Rights and the International Covenant on Economic, Social, and Cultural Rights in 1966. Products of Cold War tensions, these separate covenants have created two imaginary spheres of rights. However, just as the Universal Declaration of Human Rights emerged post Cold War to equate civic and political with economic, social, and cultural rights, transitional justice has emerged and is positioned to demonstrate how both spheres can be valued equally in practice. Louise Arbour (2007) identifies how addressing violations of economic, social, and cultural rights is an opportunity for the transitional justice paradigm to address “the inequalities of the past through measures that will procure an equitable future” and reach beyond “the crimes and abuses committed during the conflict” to “expose a great number of discriminatory practices and violations” (p. 3-4). She argues further that “current definitions of justice and transitional justice fail to meet the real need of addressing abuses during conflict situations” by not equally addressing the systemic violations of economic, social, and cultural rights (Arbour 2007, p. 3-4). However, the first steps for transitional justice are to identify how economic crimes violate human rights and how civic and political rights violations are intrinsically connected to economic, social, and cultural rights violations.

Carranza (2008) identifies that transitional justice efforts

currently construct “one compartment for human rights violations and another for economic crimes and corruption. Economic crimes thus are treated as if they do not constitute rights violations in themselves” (p. 314). He also notes that out of 34 Truth Commissions from 1975-2004, only three commissions (Chad, Liberia, and Sierra Leone) have engaged with economic crimes. However, economic and social rights violations are not only systematic violations of regimes, but also are directly violated in violent conflict, from state-led mass evictions to militia obstruction of food and health facilities in warfare, both of which directly violate citizen’s rights to adequate standards of living, housing, food, and health. Additionally, civic and political rights are linked to economic and social rights, which Arbour (2007) warns, “if unaddressed, are likely to fuel the next conflagration” and are “intrinsically linked [to civic and political rights]...whether they are causes or consequences” (p. 8). By not equally valuing economic and social rights, transitional justice neglects violations that exist during conflict and leaves a population vulnerable to future strife.

Even though human rights law values civic and political rights equally to economic, social, and cultural rights, transitional justice efforts have not adequately found ways to justice economic crimes. Carranza (2008) argues:

Civic and political rights violations are seen not only as justiciable but also as susceptible to being redressed through transitional justice. Socioeconomic rights violations, meanwhile, usually are considered non-justiciable and therefore better address by a catch-all reference to development programs. (p. 315)

This separation between the rule of law and the push for development is built on the assumption, according to Arbour (2007), that “civic and political rights are freedoms in which violations can be found, while economic, social, and cultural rights are entitlements which depend on available resources...subject to [political priorities]” (p. 11-12). Consequently, economic and social rights are only seen as aspirations of the state, not justiciable entitlements. Civil and

political rights are seen as resource-free violations, yet in reality, there are large financial investments in the redress of civic and political rights. For example, the infrastructure of a nationwide court system requires costly financing, just like setting up a universal healthcare or education system. Even though redress of civic and political violations requires resources, economic and social violations are still categorized under developmental goals instead of legal entitlements. Just as civic and political violations are prioritized within legal transitional justice efforts, economic and social rights violations must be prioritized as well. Carranza (2008) notes, “The implementation of recommendations regarding accountability for economic crimes depends on the political will of the succeeding government” (p. 322). Arguably, all recommendations in transitional justice efforts are contingent on political will, but economic crimes must not be considered less egregious or less resource-free than civic and political crimes. Economic and social rights violations can be both a consequence and a cause of civic and political rights, and just as human rights law values them equally, transitional justice efforts must follow suit. Following conflict, states are weakened by violence politically, economically, and socially, but as Carranza states, “by allowing these structural inequities to persist through evasion, the field of transitional justice can rightly be accused of creating and then frustrating expectations of meaningful change” (p. 330).

Reparations, “Development” and Transitional Justice

Transitional Justice efforts have been designed to address economic crimes and redress economic and social right violations through the use of reparations. However, reparations are designated to a specific victim group identified by the transitional justice institution, leaving out systemic economic and social violations that transcend victim and perpetrator distinctions. Zina Miller (2008), a transitional scholar, also identifies how this is problematic in her article “Effects of Invisibility: In Search of the ‘Economic’ in Transitional Justice.” In regards to reparations, Miller (2008) says,

The narrow focus [of reparations] implies a redefinition of 'economic factors' to the philosophical complexities and practical limitations of reparations. Conceivably, the focus on reparations makes structural factors doubly invisible, as they are not only backgrounded in the project as a whole but also reduced to a singular definition of resolution. (p. 278)

The singular definition that Miller refers to is important in moving forward with redressing violations of economic and social rights. Redress is not always financial but can be linked to redistribution of resources and land needed for economic well-being. Chris Huggins (2009), a researcher at the International Center for Transitional Justice asserts that “underlying inequities and injustices around land may have been a contributing factor to conflict and the reconstruction of unpopular land tenure systems may lay the ground for a future resurgence of violence” (p. 332). Huggins (2009) demonstrates that redressing economic and social violations calls for justice beyond financial reparations. He shows that reparations must address other roots of inequity that predate conflict and, in the case of land tenure, those that may be directly linked to colonial legacies.

Recuperative efforts in transitional justice coincide with pushes to develop a post-conflict state, but do not adequately address historical inequities that give rise to the conflict. In the case of postcolonial states, these recuperative efforts through trials, commissions, or reparations do not fully address how the colonial structure contributes to conflict. For example, Huggins (2009) notes, “In postcolonial countries, land laws often remain fundamentally similar to those used by colonial regimes and patterns of land distribution remain extremely skewed” (p. 2). As noted, inequities around land tenure have been linked to conflict and show how colonial regimes are responsible for underlying economic and social inequities that give rise to conflict in some countries.

Trials in transitional justice efforts focus on criminal culpability that is individualistic in nature, while reparations focus on a collective of victims. However, focusing on the reconciliation of specific victims may obstruct the realization of holistic justice because the daily sufferings linked to

structural issues of other survivors may be seen as ambiguous. Miller (2008) identifies that, “In the process [of reparations], wider accountability for the structure that supported the violations cited by a commission or tried at a tribunal may be lost” (p. 285). She also mentions that others have suggested reparations be given through development aid in order to address the structural issues but that such a project would still have to transcend the victim and perpetrator narrative of tribunals and truth commissions because directing structural aid to benefit only certain victims would be impossible. However, this highlights how attempts to satisfy economic and social rights are connected to what Carranza (2008) calls a “catch-all reference to development” (p. 315).

While the previous colonial regime can be held responsible for current socioeconomic violations, the development paradigm that emerged after the Cold War is also implicated in exacerbating conflict. David Lloyd (2003) argues that a power relationship is visible in the development paradigm, where ideas of justice and development coincide with Western definitions of modernity that crowd out other knowledge systems and ideas of justice. He argues, “No space remains for the unfolding of the capacities of the colonized that are out of kilter with modernity” (Lloyd 2003, p. 216). Echoing Lloyd, Arturo Escobar (1995), a prominent development scholar, argues that “Development has relied exclusively on one knowledge system, namely, the modern Western one. The dominance of this knowledge system has dictated the marginalization and disqualification of non-Western knowledge systems” (p. 13). The case of Rwanda not only exemplifies the structural violence exerted by colonial legacies and development narratives, but also shows how transitional justice systems pushed a Western notion of justice. Rwanda provides an example of how Rwandans were able to conceptualize justice outside of Western paradigms through the use of Gacaca courts.

Rwandan Genocide

It is impossible to say with certainty how many Tutsi

were killed in Rwanda between March and July of 1994. However, it is estimated that during the Rwandan genocide, defined by many as 100 days of violence, “Between ten and fifty thousand Hutu and between 500,000 and a million Tutsi were killed” (Mamdani, 2001, p. 5). Understanding the case of Rwanda begins with understanding how genocide is defined within the law. Genocide, defined by the Nazi Holocaust, “raises a difficult political question” according to Mahmoud Mamdani (2001) in his book *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. He argues that where the Holocaust was a time where a few killed many, in the case of Rwanda, “There were often several killers for every single victim” (Mamdani, 2001, p. 5). This reveals how the genocide was an “agenda imposed from above [that] became a gruesome reality to the extent that it resonated with perspectives from below” and demonstrates how the genocide was linked to social, political, and economic issues (Mamdani, 2001, p. 7). Additionally, Mamdani shows that in order to achieve holistic justice in the case of Rwanda, the political identities of both Hutu and Tutsi must be reconciled to overcome Rwanda’s colonial legacy. He calls for “survivor’s justice” for “all those who continue to be blessed with life in the aftermath of the civil war,” similar to Antigone’s call for the rights of the living (Mamdani, 2001, p. 272).

Colonized by the Belgians, Rwanda demonstrates how colonial legacies contribute to social and economic inequity in postcolonial states today and can incite conflict. Mamdani (2001) asserts,

The origin of violence is connected to how Hutu and Tutsi were constructed as political identities by the colonial state, Hutu as indigenous and Tutsi as alien. The reason for continued violence between Hutu and Tutsi, I argue, is connected with the failure of Rwandan nationalism to transcend the colonial construction of Hutu and Tutsi as native and alien. (p. 34)

Like other colonial powers, the Belgians ruled through both direct and indirect rule and the construction of “customary law,” where Tutsi chiefs ruled over Hutu subjects, splitting

society and institutionalizing a dichotomy of political power. By understanding the constructions of Hutu and Tutsi as both political and historical identities, as Mamdani does, one can see how initially the Tutsi minority was leveraged by the colonial state and institutionalized as the powerful ethnicity, which consequently subjugated the Hutu majority. During colonial rule, the Tutsi had greater social mobility and rose as the educated class and through the Belgian expansion of the Rwandan state, acquired a great deal of land (Mamdani, 2001, p. 70). After postcolonial independence, as the Hutu rose to political power, this bifurcation led to the creation of a “nativized majority opposed to several nonnative minorities” and the targeting of the Tutsi (Mamdani, 2001, p. 35). Mamdani (2001) argues that race as a marker of humanity, a product of “bourgeois Europe,” “provided the rationale for the elimination of entire peoples” (p. 101). He argues that the Hutu and Tutsi identities were linked to historical and political construction, then became racialized as the political regime sought to “naturalize a constructed political difference between Hutu and Tutsi as a legislated racial difference” through the use of official legal identities (Mamdani, 2001, p. 101). Furthermore, he argues that race has been defined as an imperial encounter with Africa, and because of the colonial structure and the benefits they subsequently received, the Tutsi “embraced the racialization of their own identity as nonindigenous” (Mamdani, 2001, p. 105). The Rwandan genocide was focused on the elimination of the “nonindigenous” Tutsi who were seen to hold the most resources, power, and education. Rwanda’s colonial legacy is directly implicated in creating circumstances for the violence by producing two imaginary racial identities set against each other in competition for power and resources. Following independence, this racist ideology was defined as the “Tutsi problem,” which ultimately led to an elimination of the Tutsi. In order to realize holistic justice, reconciliation efforts must address the structural violence inflicted on postcolonial states by their colonial legacy.

While the colonial legacy is responsible for creating racist ideologies that created the idea of a ‘Tutsi problem,’ post-independence development initiatives are also implicated in

creating a form of structural violence that violated the Rwandan people and created a general sense of insecurity leading up the genocide. According to Michel Choussudovsky (1999), the Belgians were responsible for forcing the peasantry “to shift out of food agriculture into cash crops for export,” turning common lands into individual plots, thereby shifting land ownership and leaving the Rwandan economy and people vulnerable to market collapse (p. 117-126). Before independence, Rwanda was in a poor economic state and had a “per capital income lower than any of its neighbors” (Mamdani, 2001, p. 144). However, following independence, Rwanda was heralded for its economic achievements in agriculture, reforestation, and infrastructure. By the end of the 1980s, these quick economic achievements had structural consequences: soil fertility was decreasing and food production was dropping. In response, the Rwandan state institutionalized forced labor to work the land and increase food production. Mamdani (2001) details how the state “marshal[ed] unpaid labor for public projects, such as planting forests, constructing terraces to fight erosion, and building bridges” (p. 147). Just two years before the genocide, farmers revolted against this forced communal work, claiming that their economic and social rights were directly violated by the state. The farmers’ revolts also demonstrate that there was a general sense of economic insecurity and that economic crimes are not always linked with finances but also can have ties to land and resources. This general economic insecurity was a factor that contributed to how the genocide was carried out by many perpetrators. Uvin and Mironko (2003) argue that “state-supplied racism provided poor Hutu a sense of value, as well as an explanation for the mal-development they faced daily in their lives.” They go on to argue that the cause of the Rwandan genocide “lies in a combination of extreme pauperization and reduction of life chances for a majority of the poor” (Uvin & Mironko, 2003, p. 2). The economic realities or “mal-development” that Hutu’s faced contributed to the genocide as they attributed the violations of their economic and social rights to the “Tutsi problem.” This shows how violations of economic and social rights can cause violations of civic and political rights, as during the genocide, Hutu retaliation targeted the Tutsi for

economic crimes.

While the Rwandan state violated the economic and social rights of the poor, the international development community is also implicated in the structural violence inflicted upon the Rwandan people through the World Bank's imposition of the free market system. In 1990, the World Bank's program devalued the Rwandan Franc in an effort to improve coffee exports. The devaluation had severe consequences on the economic and social rights of Rwandans. State enterprises became bankrupt, and public services collapsed because there were no real earnings. Chossudovsky (1999) shows the effects of these free market pressures, which were imposed by development institutions:

The fragility of state-society relations was exposed under such conditions. The combined impact of the historical legacy of colonialism and the division it imposed on Rwandan society, when coupled with the vulnerability of such a weak economy forced to confront global market forces, proved to be central factors in the unraveling of Rwandan state-society relations. General insecurity has been the result of these developments. (p. 123)

Rwandans were denied the opportunity to realize their economic rights within the imposed free market policies, creating general insecurity and what Chossudovsky (1999) calls "economic genocide," which led to farmer led revolts in 1992. Uvin and Moronko (2003) suggest that Rwandans generally mistrusted development projects and even went from distrust to active resistance, as seen with the revolts. The resistance demonstrates that there were deep structural, economic, and social inequities perpetuated by development projects, state-led economic reconstruction, and Rwanda's colonial history. The growing general sense of insecurity in Rwanda leading up to the genocide also shows how insecurity and fear are not only products of civic and political rights violations but are also linked to deeper economic and social inequities. Efforts in transitional justice to push forward with social healing and development must address these systemic insecurities, which contributed to the genocide as the Hutu linked these insecurities to the "Tutsi problem."

Western notions of development were imposed on Rwanda through the World Bank, so it is important to look at the differences between Western approaches to justice and local Rwandan efforts following the Rwandan genocide. Following the genocide, the International Criminal Tribunal for Rwanda (ICTR), the creation of a domestic justice system, and the Gacaca courts were three ways that transitional justice legally dealt with perpetrators. Peter Uvin and Charles Mironko (2003) analyzed the success and failures of each of these efforts, ultimately concluding, “The first two Western inspired systems of justice have proven incapable of addressing the needs of Rwanda” (p. 219). They argue that the ICTR was not able to reach the larger part of the population, as “ordinary people know or understand next to nothing about how the tribunals work” (Uvin & Mironko, 2003, p. 221). This shows how the ICTR was not able to incorporate Rwandans’ popular memory of the genocide in order to realize holistic justice, as the general population was not communicated with during the trials. In reference to the domestic justice system, which cost the international community more than “\$100 million dollars” and demonstrates that protecting civic and political rights is not resource free, the main critique is that the system was slow and left many innocent people in jail in awful conditions. Uvin and Mironko (2003) argue that these domestic justice systems “will never be able to judge all those implicated in the genocide” as there were many perpetrators for each victim (p. 225). The Gacaca courts were a way to expedite the genocide hearings as there were 11,000 of them as opposed to the thirteen judicial courts (Uvin & Mironko, 2003, p. 226). There are many critiques of the Gacaca courts such as the risk of people not telling the truth and those in fear of testifying in their communities. However, Uvin and Mironko (2003) argue that Gacaca courts have “the potential to create significant benefits in terms of truth, reconciliation, and even grassroots empowerment” (p. 229). However, these legal methods move forward with reconciliation by focusing on violations during the genocide, but do not address other systemic rights violations that impact Rwandans today. If true social healing and holistic justice are to be realized, these attempts at justice must identify

and address systemic economic and social rights violations.

In all three of these efforts, the importance of promoting economic and social rights has not been valued. If Rwanda is to realize holistic justice, transitional justice efforts from the ICTR to domestic courts to Gacaca courts must look at the broader social inequities that perpetuate the racialized bifurcation of Rwandan society into Hutu and Tutsi and, later, into victim and perpetrator. Holistic justice in the Rwandan case is linked to survivors' justice; legal efforts must not only look to serve justice to the dead, but also to promote and protect the rights of the living. In order to recuperate the Rwandan state, transitional justice measures must incorporate popular memory of systemic economic and social rights violations into the law's judicial memory. Finally, transitional justice must not only identify economic and social violations, but also value them as much as civic and political rights, as human rights law does, to move forward with redress and realize holistic justice.

Works Cited

Arbour, L. (2007). Economic and social justice for societies in transition. *International Law and Politics*, 40(1), 1-27. Retrieved from <http://nyujilp.org/wp-content/uploads/2013/02/40.1-Arbour.pdf>.

Carranza, R. (2008). Plunder and pain: should transitional justice engage with corruption and economic crimes? *International Journal of Transitional Justice*, 2(3), 310-330.

Chossudovsky, M. (1999). Human security and economic genocide in Rwanda. In C. Thomas & P. Wilkin (Eds.) *Globalization, Human Security and the African Experience* (pp. 117-26). Boulder, CO: Lynne Rienner Publishers.

Escobar, A. (1995). *Encountering development: The making and unmaking of the third world*. Princeton, NJ: Princeton University Press.

Huggins, C. (2009). Linking broad constellations of ideas: Transitional justice, land tenure reform, and development. *Transitional Justice and Development. Making Connections*. New York, NY: Social Science Research Council.

Huyssen, A. (2011). International human rights and the politics of memory: Limits and challenges. *Criticism*, 53(4), 607-624.

Lloyd, D. (2003). The memory of hunger. In D. L. Eng & D. Kazanjian (Eds.), *Loss* (pp. 205-228). Berkeley, CA: University of California Press.

Mamdani, M. (2001). *When victims become killers: Colonialism, nativism, and the genocide in Rwanda*. Princeton, NJ: Princeton University Press.

Miller, Z. (2008). Effects of invisibility: In search of the 'economic' in transitional justice. *International Journal of Transitional Justice*, 2(3), 266-291.

Osiel, M. (2009). *Making sense of mass atrocity*. New York, NY: Cambridge University Press.

Simpson, G. J. (2007). *Law, war & crime: War crimes, trials and the reinvention of international law*. Cambridge, UK: Polity Press.

Sophocles. (2007). *Antigone: In a new translation by Nicholas Rudall*. Chicago, IL: Ivan R. Dee, Publisher.

Taylor, D. (2003). *The Archive and the repertoire: Performing cultural memory in the Americas*. Durham, NC: Duke University Press.

Uvin, P., & Mironko, C. (2003). Western and local approaches to justice in Rwanda. *Global Governance*, 9, 219-231.

Thanks to

The editorial staff of the *Gallatin Research Journal* would like to thank the following people, without whom this publication would not have been possible:

Dean Susanne Wofford

Associate Dean Kimberly DaCosta

Associate Dean Linda Wheeler Reiss

Carolyn Concepcion

Allyson Paty

Chinnie Ding

Former Editor-in-Chief Will Notini

Gisela Humphreys

The founders of the *Gallatin Research Journal*: Jareka Dellenbaugh-Dempsey, Marc Dones, and Sara Zapiler

